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RULE ADOPTIONS

**AGRICULTURE
DIVISION OF MARKETING AND DEVELOPMENT**

48 N.J.R. 2241(a)

Readoption with Amendments: N.J.A.C. 2:68

Commercial Feeding Stuffs

Proposed: May 2, 2016, at 48 N.J.R. 675(a).

Adopted: September 28, 2016, by the State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Filed: September 28, 2016, as R.2016 d.145, **without change**.

Authority: N.J.S.A. 4:1-11.1 and 4:4-20.10.

Effective Dates: September 28, 2016, Readoption;

November 7, 2016, Amendments.

Expiration Date: September 28, 2023.

Summary of Public Comment and Agency Response:

The Department of Agriculture (Department) received comments from a Jean Public in response to the notice of rules proposed for readoption with amendments.

COMMENT: The commenter stated she would like labeling to be "mandated rigorously for every producer of food in nj (sic)." The commenter stated this is a social and economic impact on the public because the public has gotten sick

from farm products that are now on the recall list on the Federal food site.

RESPONSE: As noted in the both the Social Impact and Economic Impact statements, testing and labeling of commercial feeds affects the public. All feed must be labeled in accordance with Association of American Feed Control Officials (AAFCO) standards and Food and Drug Administration (FDA) regulations and N.J.S.A. 4:4-20.5. The commenter also refers to food and farm products that are beyond the scope of this rulemaking which governs commercial feeding stuffs.

N.J.A.C. 2:68-1.8

COMMENT: The commenter expressed concern about the accessibility of the AAFCO Standards in Trenton and believes that the Department should post these standards on its website.

RESPONSE: The Department realizes that a citizen may have difficulty coming to the Trenton office of the Department of Agriculture. Unfortunately, the State does not own this publication and, therefore, cannot publish it on its website. Copies may be obtained by writing to Jennifer Roland, AAFCO, 1800 South Oak Street, Suite 100, Champaign, IL 61820 or by ordering on-line at www.aafco.org.

COMMENT: The commenter also is concerned about N.J.A.C. 2:68-18b (sic), demanding that this section be taken out as to chemicals in feed and stating that there are too many chemicals fed to farm animals which are unhealthful.

RESPONSE: There is no N.J.A.C. 2:68-18b and, therefore, the comment is believed to be directed to N.J.A.C. 2:68-1.8(b), which cites the location of the Department's copy of the Association of Analytical Chemists (AOAC) publication and the means of purchasing a copy of the publication. This publication provides the methodologies used to test feed elements and does not refer to the use of chemicals.

COMMENT: The commenter stated that she is concerned with what animals are being fed today. She said that drugs that are being fed to animals to make them grow at a faster rate is negatively affecting farm animals so that they represent a health danger to the public.

RESPONSE: The Department has adopted the 2015 edition of the Official Publication of the Association of American Feed Control Officials, Inc., (AAFCO). Under these standards, substances are deemed safe if they conform to requirements of applicable regulations in the Code of Federal Regulations, Title 21, which governs the Food and Drug Administration. Substances are deemed adulterated if they bear or contain substances that are unsafe within the meaning of applicable sections of the Federal Food, Drug and Cosmetic Act. FDA validates the methods drug companies use to test for drug trace amounts in foods from animals. The sponsor of a drug to be used in a food animal must complete required testing that establishes the drug's tolerance (a measure of safety), and develop a method to show whether the trace amount in the animal food product is within that tolerance.

GENERAL COMMENTS

COMMENT: The commenter stated concern over the relationship between profiteers and the State government in terms of the humane and healthful treatment of animals.

RESPONSE: Standards for the humane treatment of domestic livestock are not part of this rulemaking. Standards incorporated for commercial feed stuffs are required to meet Federal regulatory and other nationally accepted standards.

COMMENT: The commenter would like to see all of the comments that come in on proposed rules be made public on the Department website.

RESPONSE: Pursuant to the rulemaking procedures contained in the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and the Rules for Agency Rulemaking, N.J.A.C. 1:30, each agency must provide a summary of

comments received and agency responses.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-23 (P.L. 1995, c. 65) require administrative agencies which adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law.

The rules readopted with amendments do not exceed any Federal standards. Therefore, no Federal standards analysis is required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. **2:68**.

Full text of the adopted amendments follows:

SUBCHAPTER 1. ASSOCIATION STANDARDS

2:68-1.1 General rules and regulations

(a) The Department of Agriculture adopts and incorporates by reference the general rules and regulations set forth in the 2015 edition of the official publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

1.-2. (No change.)

3. Label information.

4. (No change.)

5. Substantiation of Nutritional Suitability.

6. (No change in text.)

7. Directions for Use and Precautionary Statements.

Recodify existing 7.-10. as 8.-11. (No change in text.)

12. Certain Mammalian Proteins Prohibited in Ruminant Feed.

2:68-1.2 Uniform interpretation and policy

The Department of Agriculture adopts and incorporates by reference the uniform interpretation and policy as set forth in the 2015 edition of the official publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.3 Glossary; official feed terms

The Department of Agriculture adopts and incorporates by reference the glossary of official feed terms as set forth in the 2015 edition of the Official Publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.4 Medicated feeds

The Department of Agriculture adopts and incorporates by reference the standards for medicated feeds as set forth in the 2015 edition of the official publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

[page=2242] **2:68-1.5** Definitions of feed ingredients

The Department of Agriculture adopts and incorporates by reference the definitions of feed ingredients as set forth in the 2015 edition of the official publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.6 Sampling and analysis

Sampling and analysis shall be conducted in accordance with methods published in the 18th edition (2015) of the official methods of analysis of the Association of Official Analytical Chemists, which is incorporated herein by reference, as amended and supplemented, or in accordance with other recognized official methods.

2:68-1.7 Other rules and regulations

In addition to the definitions of feed ingredients and feed terms previously adopted, the Department of Agriculture adopts and incorporates by reference the official pet food regulations, the statement of uniform interpretation and policy, and lists of new animal drugs, certifiable antibiotics, and warning statements associated therewith, the permitted analytical variations and the pet food protocols and affidavits as contained in the 2015 edition of the official publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.8 Obtaining copies of rules incorporated by reference

(a) A copy of the 2015 edition of the official publication of the American Feed Control Officials is on file in the Director's Office, Division of Marketing and Development, New Jersey Department of Agriculture, Health & Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by writing to Jennifer Roland, AAFCO, 1800 South Oak Street, Suite 100, Champaign, IL 61820, or by ordering on line at www.aafco.org.

(b) A copy of the 18th edition of the official methods of the Association of Official Analytical Chemists (AOAC) is on file in the State Chemists Office, NJPHEAL, 3 Schwarzkopf Drive, Ewing, New Jersey 08628. Copies may be procured by contacting AOAC Customer Service at (301) 924-7077 Ext. 170, or by ordering online at www.aoac.org.