



## **NOTICE OF PUBLIC RULEMAKING HEARING**

### **FOR AMENDMENTS TO**

### **“Rules for Pet Food Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.” 8 CCR 1202-7, Parts 2, 6, 14, and 18.7**

Notice is hereby given pursuant to § 24-4-103 C.R.S. that the Department of Agriculture will hold a public rulemaking hearing:

DATE: October 1, 2020  
TIME: 10:30 am  
LOCATION: This hearing will be held by telephone.  
CALL INFORMATION: 11-617-675-4444 PIN: 433 812 868 5986#

In order to maintain a proper hearing record you are encouraged to pre-register by completing this [Google form](#). If you do not have access to Google you may send your name and telephone number to [Jenifer.Gurr@state.co.us](mailto:Jenifer.Gurr@state.co.us)  
Pre-registration is not required to participate in the hearing.

The purpose of this rulemaking is to update the language to properly incorporate the Association of American Feed Control Officials Official Publication, effective January 1, 2017, by reference.

The statutory authority for these rules is § 35-60-109(1) C.R.S.

Any interested party may file written comment with the Commissioner's office prior to the hearing, or present at the aforementioned hearing written data, views or arguments. Emailed comments should be sent to the hearing officer at [Jenifer.Gurr@state.co.us](mailto:Jenifer.Gurr@state.co.us). A copy of the proposed rule is available on the Department of Agriculture's website at [www.colorado.gov/ag](http://www.colorado.gov/ag) or may be obtained by calling 303-869-9004. The proposed rule shall be available for public inspection at the Colorado Department of Agriculture at 305 Interlocken Parkway, Broomfield, Colorado during regular business hours.



*Editing comments: Changes to this rule are indicated in strikethrough for removal and underline for additions. If you are able to view this document in color the changes are also indicated in red.*

## **COLORADO DEPARTMENT OF AGRICULTURE**

### **Inspection and Consumer Services Division**

#### **Rules for Pet Food Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.**

#### **8 CCR 1202-7**

### **Part 2. Definitions and Terms**

- 2.1. The Official Publication of the Association of American Feed Control Officials, Inc. shall mean the 2017 Official Publication of the Association of American Feed Control Officials, Inc. ("AAFCO"), effective January 1, 2017. This rule incorporates by reference the AAFCO standards and guidelines. This rule does not adopt any later amendments to, or editions of, the AAFCO standards and guidelines. ~~Additionally, anyone seeking to review a copy of the referenced material may contact the Inspection and Consumer Services Division of the Department of Agriculture, located at 2331 West 31st Avenue, Denver, Colorado 80211 to learn how this information may be obtained or reviewed.~~ A copy of the official publication of the Association of American feed Control Officials, Inc. shall be kept in the Department of Agriculture, located at 305 Interlocken Parkway, Broomfield Colorado 80021, and shall be open to public inspection, and available for copying, during normal business hours. A copy of the official publication shall also be kept at the AAFCO Headquarters office, located at 1800 S. Oak Street, Suite 100 Champaign, IL 61820-6974, and is available online at: <http://www.aafco.org/publications>. This, and any other material that is incorporated by reference, may be examined at any state publications depository library.
- 2.2. These Rules incorporate the Official Feed Terms as published in the 2017 Official Publication of AAFCO, ~~incorporated herein by reference (later amendments not included),~~ except as the Commissioner designates otherwise in specific cases.
- 2.3. The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 35-60-102(2), C.R.S. of the Colorado Feed Law, when unground and when not mixed or intermixed with other materials: raw meat, bone and antler, individual chemical compounds, hay, loose salt, straw, stover, silage, cobs, husks, and hulls; provided that these commodities are not adulterated within the meaning of Section 35-60-107, C.R.S., of the Colorado Feed Law. The exemption from the definition of commercial feed is removed for an exempted commodity that bears a label listing nutritional claims or guarantees.

The definitions in the Colorado Feed Law shall apply in addition to the following:

- 2.4. "AAFCO" means the Association of American Feed Control Officials, Inc.
- 2.5. "AAFCO Cat Food Nutrient Profiles" means the lists of nutrients required for cat foods as published in the 2017 Official Publication of AAFCO, incorporated herein by reference (later amendments not included.)
- 2.6. "AAFCO Dog Food Nutrient Profiles" means the lists of nutrients required for dog foods as published in the 2017 Official Publication of AAFCO, incorporated herein by reference (later amendments not included.)
- 2.7. "AAFCO Family Guidelines" means the procedures for establishing pet food product families as published in the 2017 Official Publication of AAFCO, incorporated herein by reference (later amendments not included).

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- 2.8. "AAFCO-Recognized Animal Feeding Protocols" means the AAFCO Dog and Cat Food Feeding Protocols as published in the 2017 Official Publication of AAFCO, incorporated herein by reference (later amendments not included.)
- 2.9. "AAFCO-Recognized Authority" means the nutritional authority for a given species of animal as published in the 2017 Official Publication of AAFCO, incorporated herein by reference (later amendments not included.)
- 2.10. "AAFCO-Recognized Nutrient Profile" means the list of nutrients required for specialty pet foods for specific species of specialty pets as published in the 2017 Official Publication of AAFCO, incorporated herein by reference (later amendments not included.)
- 2.11. "All Life Stages" means gestation/lactation, growth, and adult maintenance life stages.
- 2.12. "Immediate Container" means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.
- 2.13. "Ingredient Statement" means a collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed.
- 2.14. "Pet" means dog or cat.
- 2.15. "Pet Food" means any commercial feed distributed or intended to be distributed for consumption by pets.
- 2.16. "Principal Display Panel" means the part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.
- 2.17. "Specialty Pet" means any domesticated pet animal normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, finches, parrots, other cage birds, tropical fish, goldfish, snakes, turtles, and iguanas.
- 2.18. "Specialty Pet Food" means any commercial feed distributed or intended to be distributed for consumption by specialty pets.
- 2.19. "Family" means a group of products which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product which has been successfully test-fed according to an AAFCO-Recognized Animal Feeding Protocol(s).

## **Part 6. Ingredients**

- 6.1. Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows:
  - 6.1.1. The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size and color;
  - 6.1.2. The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms;
  - 6.1.3. Ingredients shall be listed and identified by the name and definition published in the ~~2015~~2017 Official Publication of AAFCO; and

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- 6.1.4. Any ingredient for which no name and definition have been so established shall be identified by the common or usual name of the ingredient.
- 6.2. The ingredients “meat” or “meat by-products” shall be qualified to designate the animal from which the meat or meat by-products are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof. For example, ingredients derived from horses shall be listed as “horsemeat” or “horsemeat by-products”.
- 6.3. Brand or trade names shall not be used in the ingredient statement.
- 6.4. A reference to the quality, nature, form, or other attribute of an ingredient shall be allowed when the reference meets all of the following:
  - 6.4.1. The designation is not false or misleading;
  - 6.4.2. The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and
  - 6.4.3. A reference to quality or grade of the ingredient does not appear in the ingredient statement.

## **Part 14. Material Incorporated by Reference**

~~All materials incorporated by reference into these Rules may be examined at any state publications depository library. For further information on how the incorporated materials may be obtained or examined, please contact the Technical Services Section Chief at the Division of Inspection and Consumer Services, Department of Agriculture, 2331 West 31<sup>st</sup> Avenue, Denver, Colorado 80244. These rules herein incorporate by reference the Official Publication of the Association of American Feed Control Officials, Inc. (“AAFCO”), effective January 1, 2017. This rule incorporates by reference the 2017 AAFCO standards and guidelines. This rule does not adopt any later amendments to, or editions of, the AAFCO standards and guidelines. A copy of the Official Publication of the Association of American Feed Control Officials, Inc. shall be kept on file at the Department of Agriculture, located at 305 Interlocken Parkway, Broomfield Colorado 80021, and shall be open to public inspection, and available for copying, during normal business hours. A copy of the official publication shall also be kept at the AAFCO Headquarters Office, located at 1800 S. Oak Street, Suite 100, Champaign, IL 61820-6974, and is available online at: <https://www.aafco.org/Publications> This, and any other material that is incorporated by reference, may be examined at any state publications depository library.~~

## **Part 18 . Statements of Basis, Specific Statutory Authority and Purpose**

### **18.7. Adopted October 14, 2020 – Effective December 15, 2020**

#### Statutory Authority

~~The Commissioner’s authority for the adoption of this permanent Rule amendment is set forth in §35-60-109(1) C.R.S.~~

#### Purpose

~~The purpose of this rulemaking is to update the language required by §24-4-103(12.5), C.R.S., to~~

~~Properly incorporate the AAFCO Official Publication, effective January 1, 2017, by reference, update the location where materials incorporated by reference are stored and may be viewed.~~

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#### Factual and Policy Issues

Section 24-4-103 (12.5), C.R.S., requires specific language to properly incorporate a publication by reference. This rulemaking ensures the rules meet those statutory requirements, and updates the current address for the Inspection and Consumer Services Division within the Department of Agriculture, which changed in October 2018. The Division of Inspection and Consumer Services relocated during October of 2018. The current version of this rule lists the previous division address as the location where materials incorporated by reference are located and may be viewed. The purpose of this rulemaking is to update the rule to include the new address where these materials will be stored and may be viewed.