



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

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Concise Explanatory Statement
for amendments to
Chapter 16-250 WAC, Commercial Feed Rules and
Chapter 16-252 WAC, Commercial Feed Rules-Pet Food and Specialty
Pet Food

On May 27, 2025, the Washington State Department of Agriculture held a hearing virtually to accept testimony on its proposal to make the following amendments to chapters 16-250 and 16-252 WAC:

Chapter 16-250 WAC, Commercial Rules:

1. Adopting the 2025 version of the Association of American Control Officials (AAFCO) Official Publication (OP), clarifying areas of the rule regarding livestock feed and including additional categories of product types that were previously absent;
2. Adopting the January 1, 2025 version of regulations under the Food, Drug and Cosmetic Act and 21 U.S.C 301;
3. Adding a definition and clarification for bona fide experimental feed.
4. Clarifying information about submitting tonnage reports, including using forms prescribed by the Department to submit the reports, establishing that reports without fees may be submitted electronically, and providing a link to where the forms can be found on the Department's website; and
5. Adding a section that establishes the process to request refunds and the timeframe that the Department will issue the refund once the request has been approved.

Chapter 16-252 WAC, Commercial Feed Rules-Pet Food and Specialty Pet Food:

1. Adopting the 2025 version of the AAFCO OP, which includes language regarding Pet Food Label Modernization (PFLM) including but not limited to:
 - a. The requirements and formatting of pet and specialty pet food labels to be more familiar to consumers by mirroring human food labels to increase quick and consistent consumer understanding and transparency of the label;
 - b. Adding definitions for "Daily Food," "Familial Household Unit," "Food Mixer," "Food Supplement," "Pet Nutrition Facts," "Specialty Pet Nutrition Facts," and "Veterinary Diet;" and
 - c. Allowing for a discretionary enforcement period to implement the labeling changes required by the amended rule.
2. Adopting the January 1, 2025 version of regulations under the Food, Drug and Cosmetic Act and 21 U.S.C 301;

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3. Clarifying information about submitting tonnage reports, including using forms prescribed by the Department to submit the reports, establishing that reports without fees may be submitted electronically, and providing a link to where the forms can be found on the Department's website; and
4. Adding a section that establishes the process to request refunds and the timeframe that the Department will issue the refund once the request has been approved.

Reasons for Adopting the Rule

WSDA and all states that have animal feed regulatory authority adopt some level of the AAFCO OP which contains model bill and regulations and approved ingredients. All updates to the model bill and regulations go through a thorough, multi-disciplinary deliberation process and ultimately get approved or denied by AAFCO membership which includes animal feed regulatory and laboratory officials, as well as industry, consumer and academic advisors. All are involved in the process by providing their perspective, suggestions and voting at the workgroup level. Once approved, it is important for states, including Washington, to stay up to date in the adoption of the model bill and regulations to increase consistency of regulations nationwide and better facilitate interstate commerce.

The changes proposed in chapter 16-250 WAC will clarify some guarantees for various types of livestock feeds. Industry has initiated some of these minor changes already. Predominately it is a low burden to update a livestock feed label as most print in house separate tags that they sew onto bags. Slightly higher burden for smaller packages since they sometimes have to outsource label printing.

The changes proposed in chapter 16-252 WAC were prompted by federal and state regulators, industry, academia, and consumers for a need to modernize pet and specialty pet food labels. The nutrition information on the label will be more closely aligned with human food labels. To provide more transparency and consumer understanding of pet and specialty pet food. These regulations will require consistent locations for product information on the label.

This project was initiated by AAFCO in 2015. It involved several years of multi-disciplinary workgroups, consumer focus groups, periods of public comment and inclusion, and press releases. If the rules are not amended, Washington regulations fall behind nationwide adoption of updated regulations and labels will remain inconsistent and will cause hardship for any firms distributing pet food and specialty pet food in Washington State.

The department plans to have a healthy enforcement discretion period, consistent with a majority of states throughout the country, by policy statement to allow companies to come into compliance with the new label changes. AAFCO will also be continuing evaluation periods of the enforcement discretion period to ensure practicality and resolve issues such as high demand of label printing companies, etc. Industry will need to invest more time in educating themselves on the changes, planning for changes and implementing. Since some companies have hundreds of pet food products, it can be a lengthy and burdensome process. Again, as a result, the enforcement discretion will be in place and reevaluated regularly.

Summary of Comments and the Department's Response

The public comment period ran from April 7, 2025, until the close of business on May 27, 2025. During that time, zero written or oral comments were received regarding the proposed amendments.

Differences Between the Proposed and Adopted Rule

There are no differences to the language filed with the CR-102 and language being adopted.