OSHA Hazard Communication Standard Compliance Guide Update

By Jess McCluer, Director of Safety and Regulatory Affairs

NGFA is working with American Feed Industry Association (AFIA), Corn Refiners Association (CRA) and the North American Millers Association (NAMA) to complete an industry guidance document and generic Safety Data Sheets (SDS) for both grain and feed.

The documents will help prepare companies to comply with the recently updated Occupational Safety and Health Administration’s (OSHA) hazard communication standard (HCS) requirement, which takes effect June 1. For additional information, see March 6 article in the NGFA Newsletter.

The guidance document and generic SDS are approximately 90 percent complete. However, OSHA did not provide clear direction to address SDS requirements for mixtures of feed and pre-mix ingredients (including trace minerals and other additives).

NGFA, AFIA and NAMA will meet with OSHA on April 9 to obtain a more specific interpretation of the rule as it pertains to feed and ingredient mixtures. Following the meeting, NGFA will provide an update and a definite date when the guidance documents and generic SDS will be available.

Direct questions to NGFA Director of Safety and Regulatory Affairs Jess McCluer at imccluer@ngfa.org or 202-289-0873.
FDA Announces Future Strategy for Establishing Ingredient Definitions and Standards for Animal Feed, Pet Food

By Dave Fairfield, Vice President of Feed Services

The U.S. Food and Drug Administration (FDA) on March 27 announced a strategy to establish ingredient definitions and standards for animal feed and pet food to meet requirements of the Food and Drug Administration Amendments Act (FDAAA) of 2007 and other federal laws and regulations.

As part of the strategy, FDA will review the list of ingredient definitions historically used by industry and state feed regulators, which is maintained by the Association of American Feed Control Officials (AAFCO) within its Official Publication.

AAFCO is the professional organization of federal and state feed regulatory officials, with which the NGFA interacts extensively. For example, NGFA feed industry members and NGFA staff serve as non-voting advisers to key AAFCO committees – including its Ingredient Definitions Committee – and participate actively in AAFCO meetings. AAFCO provides a forum for feed regulatory officials, industry and other parties to discuss feed safety and consumer issues, and enhance uniformity among state feed laws and regulations.

The AAFCO Official Publication includes FDA-approved additives and ingredients that are generally recognized as safe (GRAS) for animal feed and pet food, as well as AAFCO-established definitions for other ingredients. FDA’s strategy is to align the AAFCO ingredient listings with the agency’s regulatory process and requirements. To do so, FDA has identified the following steps to be taken for ingredients:

- FDA will publish a proposed rule establishing as the agency’s standards and definitions for ingredients the existing AAFCO definitions that are recognized as GRAS or approved by the agency as food additives. This proposed rule will be open for public comment, and the agency will consider those comments before issuing a final rule.

- FDA will evaluate the remaining ingredients listed in the AAFCO Official Publication that currently are not FDA-approved food additives or recognized as GRAS.

  - In cases where scientific literature supports a GRAS
determination, FDA will publish the supporting information in the Federal Register for public comment before affirming an ingredient as GRAS.

- In cases where the data and information support a finding that the ingredient meets the food additive approval standard, FDA intends to approve the ingredient as a food additive.

- In cases where FDA does not currently have data to make a GRAS determination or to approve the ingredient as a food additive, the agency will require manufacturers of these ingredients to submit a food additive petition to allow continued legal use of the product in animal feed and/or pet food.

Significantly, within the FDA announcement, the agency also reiterates that the existing ingredient definitions and standards for animal feed and pet food generally do not vary widely across the industry, and that consumers can be confident in the accuracy of these existing AAFCO definitions. An FDA review of the safety and efficacy of ingredients is part of the AAFCO ingredient-definition process.

**AAFCO and FDA Extend Agreement to Cooperate on Evaluating Feed and Pet Food Ingredients:** In a related development, AAFCO and FDA also announced on March 27 the renewal of a memorandum of understanding agreement to cooperate on evaluating ingredients suitable for use in animal feed and pet food.

The renewed MOU extends the existing cooperation agreement until Oct. 1, 2017, and outlines FDA’s participatory role within the existing AAFCO ingredient-definition process. The current MOU was set to expire on Sept. 1, 2015, unless mutually extended by AAFCO and FDA. The AAFCO ingredient-definition process provides a means to identify and ensure the suitability of ingredients, and to establish and list the ingredient’s common or usual name within the AAFCO Official Publication. The Official Publication listing is important because state feed laws reference AAFCO-defined ingredients as being legally authorized for use in animal feed and pet food.

Direct questions to NGFA Vice President for Feed Services David Fairfield at dfairfield@ngfa.org or 202-888-1097.
OSHA Compliance Safety Seminar Slated May 19 in Harrisonburg

By Heather McElrath, Director of Communications

The PennAg Feed, Grain and Allied Industry Council and NGFA have teamed up to provide members with a regional seminar focused on Occupational Safety & Health Administration (OSHA) compliance safety.

The day-long seminar is scheduled for May 19 at the Harrisburg/Hershey Sheraton in Harrisburg, Pa. For NGFA or PennAg members, the cost is $190; non-members are $120. Fees cover educational materials, as well as breaks and lunch.

The seminar covers:

- Preparing for an OSHA inspection;
- Guidance on safe operation of sweep augers;
- Entering boot pits and permit-required confined spaces;
- Fall protection from rolling stock;
- New requirements for revised hazard communication standard (see related story page 1);
- An update on how the proposed Food Safety modernization Act may affect grain elevators; and
- Guidance on issues before, during and after an OSHA inspection.

To participate, register by May 14. For additional information, see the flyer and registration form.

FDA to Hold FSMA Implementation Meeting

By Dave Fairfield, Vice President of Feed Services

The Food and Drug Administration (FDA) recently provided additional information about a public meeting scheduled to discuss the agency’s ongoing efforts to implement the Food Safety Modernization Act (FSMA).

The day-and-a-half event, "FDA Food Safety Modernization Act: Focus on Implementation Strategy for Prevention-Oriented Food Safety Standards," will be held April 23-24, at the Washington Marriott Hotel at Metro Center, 775 12th Street, N.W., Washington, D.C. 20005.
Attendance is available in person or via a live webcast. However, public seating and website capacity are limited; register early.

Background

On May 2, 2014, FDA released its “Operational Strategy for Implementing FSMA.” The strategy broadly outlines FDA’s approach to food safety and the operational strategy for its food safety program and implementation of FSMA after rulemakings are completed. The guiding principles within FDA’s strategy include:

- Expanding inspection and surveillance;
- Administering new administrative enforcement tools;
- Developing guidance, education, and technical assistance tools; and
- Building a prevention-oriented import system.

The April 23-24 public meeting allows interested stakeholders to share views concerning how FDA should address the operational aspects of FSMA implementation as outlined by its guiding principles, and to suggest new ideas on operational issues for FDA to consider.

Meeting Format

During the meeting, FDA will share its current thinking on implementing the new FSMA-related rules that will affect food and feed facilities, importers, transporters and others who supply the nations’ food and feed. While there is no formal public comment session planned, it is anticipated that stakeholders will have an opportunity to provide comments and opinions through their participation in their choice of breakout sessions on the topics discussed at the meeting and to engage in an open comment and question/answer session.

During these sessions, stakeholders can provide information, share experiences, and raise issues on various topics, including: increasing awareness/reaching the regulated community, potential partners on outreach and implementation, state of readiness, barriers to implementation, training and education for industry and regulators, guidance needs, promotion of best practices, technical assistance, data needs, inspection changes/approaches, compliance and enforcement issues, and long-term implementation success.

FDA will make a final agenda and other relevant documents accessible on its FSMA website before the meeting. In addition, a FDA pre-publication meeting notice provides further event details.
NGFA Commends Introduction of Common-Sense Biotech Labeling Bill

By Randy Gordon, President

NGFA recently commended the introduction of what the association called much-needed, common-sense legislation that would provide a national framework to govern labeling of food and feed containing biotech-enhanced ingredients. The legislation would preempt state or local legislative or ballot initiatives that, if adopted, would create a patchwork of conflicting and non-science-based labeling standards that would disrupt interstate commerce of food and feed.

The bill (H.R. 1599), introduced on March 25 by Reps. Mike Pompeo, R-Kan., and G.K. Butterfield, D-N.C., and 16 other cosponsors, would create a mandatory premarket notification process under which the Food and Drug Administration (FDA) would review the safety of biotech-enhanced traits before commercialization to ensure they are as safe or safer than their conventional counterparts for use in food and animal feed. This concept builds upon and formalizes the current voluntary FDA safety consultation process to which biotechnology companies currently adhere before introducing new traits into the marketplace.

Further, and importantly for NGFA-member companies, the bill includes language that would require FDA’s assessment to include an analysis of functional, compositional and nutritional properties of industrial or other biotech-enhanced traits whose presence in the general commodity stream at certain levels may be inappropriate for food and feed. The bill also would create a voluntary certification process companies could use to label and market food or feed as not containing biotech-enhanced ingredients, thereby providing for a standardized approach for providing consumer choice. In addition, the bill would require FDA within one year after enactment to issue proposed regulations that would govern food and feed that manufacturers wish to label with claims of being “natural.”

In its statement, NGFA commended “Congressmen Pompeo, Butterfield and their cosponsors for their strong leadership in building upon and further improving similar legislation they introduced in the last Congress to address what otherwise would be serious and extremely costly inefficiencies and disruptions to interstate commerce that would result if state or local governments adopt a patchwork of mandatory biotech-labeling schemes.”

During the past two years, more than 30 states have introduced as many as
175 state and local laws and ballot initiatives. Some economic analyses have found that the additional costs of mandatory biotech labeling on a state-by-state basis could range from $500 to $1,500 per family per year.

The NGFA statement continued, “Importantly, this bill also provides for consumer choice and certainty for those who prefer to purchase products that do not contain biotech-enhanced ingredients, while at the same time not encumbering other consumers with the significant costs that have been shown to be inherent in a state-by-state mandatory biotech-labeling approach.

“The NGFA supports agricultural biotechnology and other scientific and technological innovations that contribute to increased, sustainable production of an abundant, safe and high-quality food and feed supply for U.S. and world consumers. But consistent with its Mission Statement, the NGFA also supports the right of buyers and customers to exercise choice and preferences when purchasing agricultural commodities and products.”

NGFA concluded its statement by saying it looked forward to working with the congressmen and their colleagues to address the issue comprehensively and secure “enactment of such common-sense legislation in this session of Congress.”

**FDA Announces Pending Withdrawal of Nitarsone for Use in Turkeys, Chicken**

The Food and Drug Administration (FDA) on April 1 issued a notice stating that it has received a letter of commitment from Zoetis Animal Health that the company will suspend the sale of Histostat (nitarsone) and formally request that FDA withdraw approval for the drug by the end of 2015.

Nitarsone is the last organic arsenic-based animal drug currently approved for use in food-producing animals. It currently is approved for prevention of blackhead disease (histomoniasis), a parasitic disease that occurs primarily in the summer and early fall in certain regions, and afflicts primarily turkeys, as well as chickens.

In a communication to NGFA, FDA officials noted that in 2011, Alpharma, then the sponsor of 3-Nitro (roxarsone), suspended marketing of that drug after an FDA study measured higher levels of the presence of inorganic arsenic in the livers of chickens fed the drug, compared to those of untreated control chickens. In February 2013, the FDA formally withdrew approval of roxarsone and two other arsenic-based animal drugs, arsanilic acid and carbasone, in
response to requests from the sponsors of those drugs. FDA said it recently completed further studies to address questions raised about its 2011 study, and believes the new studies’ findings affirm conclusions from the original 2011 study, which showed organic arsenic (the less toxic form of arsenic present in the arsenic-based animal drugs) can transform into inorganic arsenic – a known carcinogen.

Nitarsone currently is the only approved animal drug product for preventing blackhead disease – a significant cause of mortality in turkeys in some regions of the country. FDA said a phase out of the drug later this year will “maintain product availability for the upcoming blackhead season and allow affected producers “the opportunity to consider alternatives for managing this disease in the future.”

Zoetis holds three approved animal drug applications for nitarsone: Histostate-50 (approved for use in chickens and turkeys for prevention of blackhead disease); and two combination-use approvals (BMD/Histostat and Albac/Histostat (approved for use in turkeys for prevention of blackhead). Under Zoetis’ action, all three uses will cease to be marketed upon withdrawal of the nitarsone approval.

NGFA Declares the Mid-Mississippi River Open as of March 26

By Charlie Delacruz, Vice President, General Counsel and Secretary

Pursuant to NGFA Barge Freight Trading Rule 18(J), NGFA declared that the mid-Mississippi River opened for navigation as of 7 a.m. on March 26, 2015.

NGFA Barge Freight Trading Rule 18(J) provides:

“The Dubuque and South (Mid-Mississippi) opening commences the first 07:00 hours of the first business day after the first empty dry cargo covered barge suitable for loading, originating at or below Winfield, Mo., reaches Dubuque, Iowa. The Mid-Miss opening shall be determined by a majority vote of a three person committee appointed by the NGFA Chairman and shall be announced by publishing the committee’s confirmation of the opening on the NGFA website.”
As set forth in the rule, the three-person committee appointed by the NGFA chairman determined that the Mid-Mississippi River was open as of 7 a.m. on March 26, after the MV Cindy L Erickson had reached Dubuque at 6:30 p.m. on March 25.

Serving on the NGFA committee are: Laurie Hiler, chairperson, Southbound Barge Freight Manager, CGB Enterprises, St. Louis, Mo.; John Trampas, Manager of Grain Freight Sales, Ingram Barge Co., Nashville, Tenn.; and Jeff Webb, Barge Freight Trading Manager, Cargill Inc., Minneapolis, Minn.

**Tips for Navigating NGFA Website**

**By Heather McElrath, Director of Communications**

As you are probably aware, NGFA has enhanced its website ngfa.org. Some of the changes may be obvious, but others may not be. So, we have compiled a few tips to let you know more about what’s available, and to help you navigate the site more efficiently.

**Directory**

One of the most recent changes has been the addition of the online directory – available to members only. It replaces the printed version that formerly was published every two years. The new version is updated every hour, and can be reached under the Membership tab from ngfa.org, or directly by going to ngfa.org/directory.

**Quick Links**

In addition, we know time is valuable, even the few seconds it takes to go to a website and find exactly what you are looking for. That is why we created easy-to-remember URLs that take you directly to what you need. For example:

**About NGFA**

- NGFA Overview: ngfa.org/about
- Foundation: ngfa.org/foundation
- List of Members: ngfa.org/members
- Committees: ngfa.org/committees
- Committee Apprentice Program: ngfa.org/cap
- NextGen: ngfa.org/nextgen
Trade Rules and Arbitration

- Trade Rules: ngfa.org/traderules
- Arbitration System: ngfa.org/arbitration
- Decisions: ngfa.org/decisions

Industry News

- Newsletter: ngfa.org/newsletter (member only, requires login)
- News: ngfa.org/news

Events

- List of events: ngfa.org/events
- Trade Rules Seminar: ngfa.org/rulesseminar
- Ag Transportation Summit: ngfa.org/agtrans
- Elevator Design Conference: ngfa.org/EDC
- Joint Feed and Pet Food Conference: ngfa.org/feedandpetfood
- Country Elevator Conference: ngfa.org/cec
- Annual Convention: ngfa.org/annualconvention

Training

- Feed Quality Assurance Training: ngfa.org/FQAtraining

Please note, NGFA training courses are hosted by an external source. We are in the process of streamlining the login process, but currently it requires a separate account, which can be accessed by going to ngfa.org/classlogin.

Register for full Access

Most elements of the NGFA website are accessible without logging in. However, as noted above, two key member benefits are protected: the directory and the newsletter.

If you do not have an account, you can create one going directly to the Register page. You also will find a link to log into the site in the upper right corner of ngfa.org, and at the bottom of the page, you will find links to:

- Log in to an existing account,
- Register for a new account, or
- Reset an existing account if you’ve lost your password.

Please note, once you create an account, you will be informed that NGFA must manually approve the account. This extra step is to ensure only
members receive benefits. If you need immediate access to the website, contact Director of Communications Heather McElrath at mcelrath@ngfa.org or (202) 289-0873.

Distribution Lists

In addition to improvements on the website, we are working to improve our email distribution. You will find a link to update your email preferences on the NGFA Newsletter page – look for the blue button “Manage Your Subscriptions.” Once you click on the link, you will be taken to a page that will allow you to select from the following focused lists for articles and issues:

- Biotechnology
- Conferences and Events
- Feed
- Foundation
- Hill Updates
- Issue Advisories
- Member Advisories
- Newsletter
- Next Gen
- Risk Management
- Safety, Health & Environment
- Trade
- Training and Education
- Transportation

We will not implement these changes immediately, but your input is highly valuable so that we can streamline emails in the near future.

Additional Support

At the heart of our communications efforts is our intent to serve you better. To achieve that, we always welcome hearing from you – what’s working and what’s not. If you have comments, questions, concerns or need help, contact Director of Communications Heather McElrath at mcelrath@ngfa.org or (202) 289-0873.