

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. ~~These Rules incorporate the Official Definitions of Feed Ingredients as published in the 2015 Official Publication of the Association of American Feed Control Officials, Inc. ("AAFCO"), incorporated herein by reference (later amendments not included), except as the Commissioner of Agriculture ("Commissioner") designates otherwise in specific cases.~~ **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. 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 201**57** 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 201**57** 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 201**57** Official Publication of AAFCO, incorporated herein by reference (later amendments not included.)

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- 2.7. "AAFCO Family Guidelines" means the procedures for establishing pet food product families as published in the 201~~57~~**57** Official Publication of AAFCO, incorporated herein by reference (later amendments not included).
- 2.8. "AAFCO-Recognized Animal Feeding Protocols" means the AAFCO Dog and Cat Food Feeding Protocols as published in the 201~~57~~**57** 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 201~~57~~**57** 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 201~~57~~**57** 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 3. Label Format and Labeling

- 3.1. Pet food and specialty pet food shall be labeled with the following information prescribed in this Part:
 - 3.1.1. Product name and brand name, if any, on the principal display panel as stipulated in Part 4;

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- 3.1.2. The species of pet or specialty pet for which the food is intended conspicuously designated on the principal display panel;
- 3.1.3. Quantity statement, ~~as defined in Section 35-60-102(18), C.R.S., of the Colorado Feed Law~~, on the principal display panel; **WHICH MUST INCLUDE NET QUANTITY IN TERMS OF WEIGHT, LIQUID MEASURE OR COUNT. THE NET QUANTITY MUST BE LABELED IN TERMS OF WEIGHT BOTH IN POUNDS, WITH ANY REMAINDER IN TERMS OF OUNCES OR COMMON OR DECIMAL FRACTIONS OF THE POUND AND IN APPROPRIATE SI METRIC SYSTEM UNITS; OR IN THE CASE OF LIQUID MEASURE, BOTH IN THE LARGEST WHOLE UNIT (QUARTS, QUARTS AND PINTS, OR PINTS, AS APPROPRIATE) WITH ANY REMAINDER IN TERMS OF FLUID OUNCES OR COMMON OR DECIMAL FRACTIONS OF THE PINT OR WHOLE QUART AND IN THE APPROPRIATE SI METRIC SYSTEM UNITS.**
 - 3.1.3.1. NET QUANTITY SHALL BE DECLARED IN TERMS OF WEIGHT, LIQUID MEASURE OR COUNT.**
 - 3.1.3.2. NET QUANTITY LABELED IN TERMS OF WEIGHT SHALL BE EXPRESSED BOTH IN POUNDS, WITH ANY REMAINDER IN TERMS OF OUNCES OR COMMON OR DECIMAL FRACTIONS OF THE POUND AND IN APPROPRIATE SI METRIC SYSTEM UNITS; OR IN THE CASE OF LIQUID MEASURE, BOTH IN THE LARGEST WHOLE UNIT (QUARTS, QUARTS AND PINTS, OR PINTS, AS APPROPRIATE) WITH ANY REMAINDER IN TERMS OF FLUID OUNCES OR COMMON OR DECIMAL FRACTIONS OF THE PINT OR WHOLE QUART AND IN THE APPROPRIATE SI METRIC SYSTEM UNITS.**
 - 3.1.3.3. WHEN THE DECLARATION OF QUANTITY OF CONTENTS BY COUNT DOES NOT GIVE THE ADEQUATE INFORMATION AS TO THE QUANTITY OF FEED IN THE CONTAINER, IT SHALL BE COMBINED WITH SUCH STATEMENT OF WEIGHT, LIQUID MEASURE, OR SIZE OF THE INDIVIDUAL UNITS AS WILL PROVIDE SUCH INFORMATION.**
- 3.1.4. Guaranteed analysis as stipulated in Part 5;
- 3.1.5. Ingredient statement as stipulated in Part 6.1;
- 3.1.6. A statement of nutritional adequacy or purpose if required under Part 8;
- 3.1.7. Feeding directions if required under Part 9;
- 3.1.8. Name and address of the manufacturer or distributor as stipulated in Part 12; and
- 3.1.9. The date of manufacture, processing, packaging, or repackaging or a code that permits the determination of the date.
- 3.2. When a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.
- 3.3. A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.
- 3.4. The use of the word “proven” in connection with a label claim for a pet food or specialty pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence.
- 3.5. No statement shall appear upon the label or labeling of a pet food or specialty pet food which makes false or misleading comparisons between that product and any other product.

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- 3.6. A personal or commercial endorsement is permitted on a pet food or specialty pet food label provided the endorsement is not false or misleading.
- 3.7. A statement on a pet food or specialty pet food label stating “Improved”, “New”, or similar designation shall be substantiated and limited to six- (6) months production.
- 3.8. A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.
- 3.9. Storage and handling information statements
 - 3.9.1. Products containing raw frozen meat and/or poultry for animal consumption must bear a statement, “Keep Frozen”, displayed in a prominent manner on the principal display panel.
 - 3.9.2. Products containing raw frozen meat and/or poultry for animal consumption must conspicuously bear the following statement under a heading “Handling guidelines for safe use” on the outside of the immediate container:

Some raw food products may contain bacteria that could cause illness if mishandled. Follow these instructions for safest use.

 - 1. Keep frozen until ready to use.
 - 2. Thaw in refrigerator or microwave.
 - 3. Keep raw meat and poultry separate from other foods. Wash working surfaces, utensils (including cutting boards, preparation and feeding bowls), hands, and any other items that touch or contact raw meat or poultry with hot soapy water.
 - 4. Refrigerate leftovers immediately or discard.

Part 8. Nutritional Adequacy

- 8.1. The label of a pet food or specialty pet food which is intended for all life stages of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as “complete and balanced”, “perfect”, “scientific”, or “100% nutritious” if at least one of the following apply:
 - 8.1.1. The product meets the nutrient requirements for all life stages established by an AAFCO-Recognized Nutrient Profile; or
 - 8.1.2. The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-Recognized Animal Feeding Protocol(s); or
 - 8.1.3. The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that:
 - 8.1.3.1. The nutritional similarity of the family product can be substantiated according to the appropriate AAFCO Family Guidelines, and

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- 8.1.3.2. The family product meets the criteria for all life stages; and
- 8.1.3.3. Under circumstances of reasonable doubt, the Commissioner may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.
- 8.2. The label of a pet food or specialty pet food which is intended for a limited purpose or a specific life stage, but not for all life stages, may include a qualified claim such as “complete and balanced”, “perfect”, “scientific”, or “100% nutritious” when the product and claim meets all of the following:
 - 8.2.1. The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, “complete and balanced for puppies (or kittens)”. The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style and color print; and
 - 8.2.2. The product meets at least one of the following:
 - 8.2.2.1. The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-Recognized Nutrient Profile; or
 - 8.2.2.2. The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-Recognized Animal Feeding Protocol(s); or
 - 8.2.2.3. The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:
 - 8.2.2.3.1. The nutritional similarity of the family product can be substantiated according to the appropriate AAFCO Family Guidelines; and
 - 8.2.2.3.2. The family product meets the criteria for such limited purpose; and
 - 8.2.2.3.3. Under circumstances of reasonable doubt, the Commissioner may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.
- 8.3. Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a “snack” or “treat”. The statement shall consist of one of the following:
 - 8.3.1. A claim that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. The claim shall be stated verbatim as one of the following:
 - 8.3.1.1. “(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for ____.”
(Blank is to be completed by using the stage or stages of the pet's life,

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such as, gestation/lactation, growth, maintenance or the words “All Life Stages”); ~~or~~ **FOR A DOG FOOD, WHEN THE BLANK INCLUDES THE WORDS “GROWTH” OR “ALL LIFE STAGES.” ONE OF THE FOLLOWING PHRASES MUST BE ADDED VERBATIM TO THE END OF THE CLAIM:**

8.3.1.1.1. “INCLUDING GROWTH OF LARGE SIZE DOGS (70 LB. OR MORE AS AN ADULT)” IF THE PRODUCT HAS BEEN FORMULATED TO MEET THE LEVELS OF NUTRIENTS SPECIFICALLY REFERENCED IN THE DOG FOOD NUTRIENT PROFILES AS BEING APPLICABLE TO LARGE SIZE GROWING DOGS.

8.3.1.1.2. “EXCEPT FOR GROWTH OF LARGE SIZE DOGS (70 LB. OR MORE AS AN ADULT)” IF THE PRODUCT HAS NOT BEEN FORMULATED TO MEET THE LEVELS OF NUTRIENTS SPECIFICALLY REFERENCED IN THE DOG FOOD NUTRIENT PROFILES AS BEING APPLICABLE TO LARGE SIZE GROWING DOGS; OR

8.3.1.2. “Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for ____.” (Blank is to be completed by using the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance or the words “All Life Stages”); or

8.3.1.3. “(Name of Product) provides complete and balanced nutrition for ____ (Blank is to be completed by using the stage or stages of the pet's life, such as gestation, lactation, growth, maintenance or the words “All Life Stages”) and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests.”

- 8.3.2. A nutritional or dietary claim for purposes other than those listed in Part 8.1 or 8.2 if the claim is scientifically substantiated; or
- 8.3.3. The statement: “This product is intended for intermittent or supplemental feeding only”, if a product does not meet the requirements of Part 8.1 or 8.2 or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.
- 8.4. A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with Part 8.3.1 or 8.3.3.
- 8.5. A signed affidavit attesting that the product meets the requirements of Part 8.1 or 8.2 shall be submitted to the Commissioner upon request.
- 8.6. If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-Recognized Nutrient Profile, or if no requirement has been established by an AAFCO-Recognized Nutritional Authority for the life stage(s) of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated.
- 8.7. The following shall be acceptable as the basis for a claim of nutritional adequacy:
- 8.7.1. An AAFCO-Recognized Nutrient Profile or Nutritional Authority:
- 8.7.1.1. For dogs, the AAFCO Dog Food Nutrient Profiles;

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8.7.1.2. For cats, the AAFCO Cat Food Nutrient Profiles;

8.7.1.3. For specialty pets, a nutrient recommendation approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that such nutrient recommendation is recognized only for the specific species of specialty pet for which the profile is intended.

8.7.2. An AAFCO-Recognized Animal Feeding Protocol(s):

8.7.2.1. The AAFCO Dog Food Feeding Protocols; or

8.7.2.2. The AAFCO Cat Food Feeding Protocols.

Part 10. Statements of Calorie Content

10.1. Except as required in Part 11, the label of a dog or cat food may bear a statement of calorie content when the label meets all of the following:

10.1.1. The statement shall be separate and distinct from the "Guaranteed Analysis" and shall appear under the heading "Calorie Content";

10.1.2. The statement shall be measured in terms of metabolizable energy (ME) on an "as fed" basis and shall be expressed as "kilocalories per kilogram" ("kcal/kg") of product, and may also be expressed as kilocalories per familiar household measure (e.g., cans, cups, pounds); and

10.1.3. The calorie content is determined by one of the following methods:

10.1.3.1. By calculation using the following "Modified Atwater" formula:

$$\text{ME (kcal/kg)} = 10[(3.5 \times \text{CP}) + (8.5 \times \text{CF}) + (3.5 \times \text{NFE})]$$

Where: ME = Metabolizable Energy

CP = % crude protein "as fed"

CF = % crude fat "as fed"

NFE = % nitrogen-free extract (carbohydrate) "as fed"

and the percentages of CP and CF are the arithmetic averages from proximate analyses of at least four production batches of the product, and the NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or

10.1.3.2. In accordance with a testing procedure established by AAFCO.

10.1.4. An affidavit shall be provided upon request to the Commissioner, substantiating that the calorie content was determined by:

10.1.4.1. Part 10.1.3.1 in which case the results of all the analyses used in the calculation shall accompany the affidavit; or

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10.1.4.2. Part 10.1.3.2 in which case the summary data used in the determination of calorie content shall accompany the affidavit.

10.1.5. The calorie content statement shall appear as one of the following:

10.1.5.1. The ~~claim~~ **HEADING "CALORIE CONTENT"** on the label or other labeling shall be followed parenthetically by the word "calculated" when the calorie content is determined in accordance with Part 10.1.3.1; or

10.1.5.2. The **HEADING "CALORIE CONTENT" ON THE LABEL OR OTHER LABELING SHALL BE FOLLOWED PARENTHETICALLY BY THE WORD "FED" WHEN THE CALORIE CONTENT IS DETERMINED IN ACCORDANCE WITH PART 10.1.3.2.value of calorie content stated on the label which is determined in accordance with Part 10.1.3.2 shall not exceed or understate the value determined in accordance with Part 10.1.3.1 by more than 15%.**

10.2. Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared.

Part 13. Adulterants

13.1. For the purpose of Section 35-60-107(2)(a), C.R.S., of the Colorado Feed Law, the terms "poisonous or deleterious substances" include but are not limited to the following:

13.1.1. Pathogenic bacteria, including but not limited to Salmonella sp., **LISTERIA MONOCYTOGENES, OR ESCHERICHIA COLI O157:H7 FOUND IN ANY DETECTABLE AMOUNTS.**

13.1.2. Aflatoxin B1, B2, G1, G2 above 20 parts per billion (ppb).

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

18.1. Adopted April 10, 2001 – Effective May 30, 2001

STATUTORY AUTHORITY:

The Commissioner of Agriculture, Colorado Department of Agriculture, adopts these permanent rules pursuant to the provisions and requirements of the Colorado Commercial Feed Law, § 35-60- 109(1), C.R.S. (2000).

PURPOSE:

The purpose of these rules is to comply with the requirements of the Colorado Commercial Feed to provide specific guidelines for the manufacture, labeling and distribution of commercial feed.

These rules are designed to:

- Set standards for the correct labeling of livestock and pet food.
- Set standards for good manufacturing practices for medicated livestock feed.

FACTUAL AND POLICY ISSUES:

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The factual and policy issues encountered in the proposal of these permanent rules are as follows:

1. The Colorado Commercial Feed Law was repealed and reenacted effective January 1, 2000. That statute requires the Commissioner to adopt the Official Definitions of Feed Ingredients and Official Feed Terms adopted by the Association of American Feed Control Officials, Inc. AAFCO), as published in the official publication of such association.
2. These new, revised rules are based upon national standard (model) regulations developed by AAFCO, a nation-wide group of regulatory officials. They are specifically for the purpose of promoting standardization between states for the animal feed industry.
3. Over 30% of the states have adopted the AAFCO model regulations. These rules are widely accepted by Colorado and national feed companies. Adoption of these rules would help to ensure uniform labeling requirements.
4. The Department met with the Colorado Grain and Feed Association's (CGFA) Feed Committee throughout the rule drafting process. The CGFA supports these new rules and regulations.
5. Two sets of rules are needed, one for livestock feed, the other for pet food. Livestock feed rules are specific to matters regarding production, animal growth and weight gain, and use of medications in feed. Pet food rules employ separate criteria for complete and balanced nutrition and provide regulatory guidance for advertising and claims frequently found on pet food labels.

18.2. Adopted November 1, 2007 – Effective December 30, 2007

STATUTORY AUTHORITY

These amendments are proposed for adoption by the Commissioner pursuant to his authority in section 35-60-109(1), C.R.S.

PURPOSE

The purposes of these amendments are as follows:

- (a) To amend the name of the Act used in the Rules to correspond with the new name adopted under Senate Bill 07-207.
- (b) To amend the listing of guarantees from an "as fed" basis to an "as is" basis.
- (c) Modify the definition of "pet."
- (d) Update the references to the official publications of the Association of American Feed Control Officials (AAFCO) incorporated by reference to the 2007 version.
- (e) To add section 14 to contain the Statements of Basis, Specific Statutory Authority and Purpose.
- (f) To correct typographical errors.

FACTUAL BASIS

- (a) On May 22, 2007, the Colorado Commercial Feed Law was amended by Senate Bill 07-207. The title of the law was amended to the Colorado Feed Law.

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- (b) The current rules require the guaranteed analysis to be listed on an “as fed” basis. The AAFCO national standard requires it to be listed on an “as is” basis.
- (c) The AAFCO national standard definition of “pet” means dog or cat.

18.3. Adopted February 11, 2015 – Effective March 30, 2015

The Commissioner's authority for the adoption of these permanent Rule amendments is set forth in Section 35-60-109(1), C.R.S.

The Purpose of this rulemaking is to:

1. Edit Part 1 Legal Authority to include all rulemaking authority in 35-60, C.R.S.
2. Update the references throughout the Rules to the official publication of the Association of American Feed Control Officials (AAFCO) incorporated by reference to the 2015 version.
3. Add Part 2.3 to specify the commodities that are exempted from the definition of “commercial feed”, and to define when that exemption does not apply.
4. Edit Part 2.15 and 2.18 for clarity.
5. Add Part 3.9 to specify raw pet food labeling requirements to include safe handling directions on the label.
6. Amend Part 4.2.1 product name requirements for pet foods to give manufacturers more flexibility when using the “95% rule.”
7. Amend Part 4.2.2 for clarity and uniformity.
8. Add Part 5.10 to specify labeling exemptions for pet food items made from animal skin and/or cartilage to allow these products to be distributed without a guaranteed analysis statement.
9. Add Part 13 (adulterants), Part 15 (false or incomplete information), Part 16 (commercial feed registration), and Part 17 (distribution fees-reports).
10. Correct typographical errors.
11. Reformat Rules to meet new rulemaking guidelines.

Factual and Policy Basis

The factual and policy issues pertaining to the adoption of these permanent Rule amendments are as follows:

1. The previous version of these Rules did not include the rulemaking authority under Section 35-60-102(2), C.R.S.
2. Numerous changes to the AAFCO publication have occurred since the printing of the 2007 version which is referenced in the Rules. This change will make our Rules more consistent with other states' feed Rules.
3. This Rule needed to be added to make the Pet Food Rules a stand-alone set of Rules.

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4. Raw pet food safe handling labeling requirements are needed to ensure the safe use of these type products.
5. When the Rule was originally drafted, manufacturers typically only used meat ingredients in the product name. Current pet food products incorporate many ingredients that, under the current Rule, cannot be used as part of the product name. This change will allow manufacturers more flexibility with naming products.
6. The industry standard for labeling of rawhide pet treats does not include a guaranteed analysis statement. This eliminates the need for national distributors to re-label their products.
7. Parts 13, 15, 16 and 17 were previously sub-Rules under 1202-6 (Rules for Commercial Feed). Parts 13, 15, 16, and 17 have been copied from 8 CCR 1202-6 and duplicated in 8 CCR 1202-7 (Rules for Pet Food) in order to make the Pet Food Rules a stand-alone set of rules.
8. These amendments incorporate changes as a result of the Department's Regulatory Efficiency Review Process.

18.4. Adopted February 10, 2016- Effective March 30, 2016

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

The Purpose of this rulemaking is to:

1. Add Part 3.1.9 to include the requirement of the date of manufacture, processing, packaging, or repackaging or a code that permits the determination of the date to be included in the label.

Factual and Policy Basis

The factual and policy issue pertaining to the adoption of this permanent Rule amendment is as follows:

1. The date of manufacture, processing, packaging, or repackaging or a code that permits the determination of the date as required in Section 35-60-106(1)(g), C.R.S., is being added to the Rule so that the Rule will contain the complete requirements for labeling a pet food product.

18.5. Adopted November 9, 2016- Effective December 30, 2016

The Commissioner's authority for the adoption of this permanent Rule amendment is set forth in § 35-60-103(1), § 35-60-105(3)(a), and § 35-60-105(4), C.R.S.

The Purpose of this rulemaking is to:

Change the date in Part 16 and Parts 17.2 for registrations and the due date for small package distribution reports and fees to January 31st.

The factual and policy issue pertaining to the adoption of this permanent Rule amendment is as follows:

1. Currently, feed registrants have to log into the Department's licensing system at separate times of the year to complete the registration and reporting process. This can be burdensome to registrants and be prone to mistakes.

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2. After consulting with industry stakeholders, the Department has proposed to synchronize all deadlines associated with the larger registration process to make the process more efficient for registrants.

18.6. ADOPTED SEPTEMBER 20, 2017 – EFFECTIVE OCTOBER 30, 2017

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 REFERENCES THROUGHOUT THE RULES TO THE OFFICIAL PUBLICATION OF THE ASSOCIATION OF AMERICAN FEED CONTROL OFFICIALS (AAFCO) INCORPORATED BY REFERENCE TO THE 2017 VERSION; CLARIFY NET QUANTITY LABELING REQUIREMENTS; UPDATE NUTRITIONAL ADEQUACY REQUIREMENT LABELING FOR DOGS; UPDATE CALORIE CONTENT LABELING REQUIREMENTS; AND CLARIFY THE QUANTITY OF CERTAIN PATHOGENIC ORGANISMS THAT ARE ADULTERANTS IN PET FOOD AND HARMFUL TO HUMAN HEALTH.

FACTUAL POLICY AND ISSUES

- 1. NUMEROUS CHANGES TO THE AAFCO PUBLICATION HAVE OCCURRED SINCE THE PRINTING OF THE 2015 VERSION WHICH IS REFERENCED IN THE RULES. THE CHANGE TO THE 2017 VERSION IS REFLECTED THROUGHOUT THE RULE. UPDATING THE RULE TO FOLLOW THE 2017 AAFCO MODEL REGULATIONS WILL MAKE OUR RULES MORE CONSISTENT WITH OTHER STATES' FEED RULES. THIS IS REFLECTED BY THE CHANGES TO PART 3.1.3. QUANTITY STATEMENT, PART 8.3. NUTRITIONAL ADEQUACY STATEMENTS, AND PART 10.1.5. CALORIE CONTENT STATEMENTS.**
- 2. DUE TO THE SAFETY CONCERNS RELATED TO HUMANS HANDLING PET FOODS CONTAINING SALMONELLA, LISTERIA MONOCYTOGENES AND E. COLI O157:H7, THIS CHANGE TO PART 13.1.1. CLARIFIES THAT THESE PATHOGENS ARE ADULTERANTS IN ANY DETECTABLE AMOUNT.**
- 3. THESE AMENDMENTS INCORPORATE CHANGES AS A RESULT OF THE DEPARTMENT'S REGULATORY EFFICIENCY REVIEW PROCESS.**