May 6, 2015

The Honorable Robin L. Titus
Chairman, Assembly Committee on Natural Resources, Agriculture, and Mining
401 South Carson Street
Room 3158
Carson City, NV 89701-4747

Re: Support S.B. 495 with Amendments

Dear Chair Titus:

The Pet Food Institute (PFI), which represents the companies that make 98% of U.S. pet food, has a long history of working collaboratively with state and federal regulators to ensure a fair regulatory framework within which the industry operates. PFI is an advisor to the Association of American Feed Control Officials (AAFCO), an organization in which the State of Nevada has been a longtime member and where state and federal regulators develop consensus on public policy related to pet food and other animal feed, with industry input. AAFCO has developed model legislation (i.e., Model Bill) and model regulations for animal feed and pet food to promote harmonization among state feed laws nationwide.

While there are some differences between S.B. 495 and the AAFCO Model Bill, those differences will be substantially reduced by an amendment PFI understands will be offered by the Department of Agriculture. That amendment will make three important changes to S.B. 495 (strike-through indicates deleted text and underline indicates new text).

First, the change to Section 37 line 39 will correct a typographical error in the language that was submitted to the Senate. “And” will be changed to “or” as indicated:

(e) The name and principal mailing address of the manufacturer and or the distributor of the commercial feed.

If the word “and” remains, the addresses of both manufacturers and distributors would have to appear on feed and pet food products sold in Nevada. Nevada would be the only state to require an address to appear on the label for both the manufacturer and distributor. As a result, feed and pet food companies would have to print special packaging for Nevada sales. The production and logistical costs associated with producing a Nevada-specific label and ensuring that label is distributed to appropriate destinations would severely curtail the sales of animal feed and pet food products in Nevada.
Second, the change to Section 32 line 27 will protect confidential information for manufacturers:

27 5. A report submitted pursuant to subsection 1 is a public record confidential.

It is important to industry competitiveness that sensitive, business confidential production and distribution data be protected. PFI believes that reports submitted to the Department of Agriculture showing the production or distribution volume for individual companies should not be released to the public.

Third, the change to Section 41 line 5 would make the bill conform to the AAFCO model bill and return S.B. 495 to the language that was adopted in the Senate. “Is” will be changed to “may be” as indicated:

1. A person who violates the provisions of sections 14 to 44, inclusive, of this act, or any regulation adopted pursuant thereto, is may be subject to a civil penalty not to exceed:

PFI believes this language should be revised so it is consistent with the AAFCO language and so that it provides the Department of Agriculture flexibility as to when it may impose civil penalties.

We appreciate the willingness of the Department of Agriculture to engage stakeholders to address these industry concerns. With the changes proposed in the Department’s amendment, outlined above, PFI lends it support to S.B. 495.

Thank you for your consideration.

Sincerely,

Kurt Gallagher
Director, Communications and Export Development

CC: The Honorable Jim Wheeler, Vice Chair
The Honorable Vicki Dooling
The Honorable Chris Edwards
The Honorable John Ellison
The Honorable David Gardner
The Honorable Ira Hansen
The Honorable James Oscarson
The Honorable Nelson Araujo
The Honorable Maggie Carlton
The Honorable Richard Carrillo
The Honorable Heidi Swank