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The Regulation of Commercial Feed

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The United States Food and Drug Administration (FDA), authorized by the Federal Food, Drug, and Cosmetic Act (FDCA), is primarily responsible for ensuring that both human and animal food is safe, properly manufactured, and adequately labeled. The FDCA defines food as "articles used for food or drink for man or other animals . . . and articles used for components of any such article." 21 USC § 321(f). FDA fulfills its mission for animal food, also called feed, through its sub-agency the Center for Veterinary Medicine (CVM). Among other things, CVM reviews pre-market animal food ingredient submissions, reviews animal food labels with certain claims, and manages FDA's inspection and risk-based compliance programs. However, all but one of the US states administers their own scheme to govern the manufacture, distribution, and sale of animal feed within their state borders. This factsheet will give an overview of the federal government's role in the regulation of animal feed. Further, it will explain how state law fits into the equation by providing explainers for its accompanying state commercial feed law compilation.

Animal Food Ingredients

Like with human food, the FDCA authorizes FDA to regulate the ingredients and additives used in animal feed. Specifically, it requires that substances either directly or indirectly added to animal feed must be "used in accordance with a food additive regulation, unless it is generally recognized as safe (GRAS) for an intended use." Here, "food additive" and "GRAS" refer to two separate pathways under which an ingredient may be used in animal feed.

A food additive will have to undergo the Food Additive Petition process. This process requires an ingredient to obtain pre-market approval from the FDA and be published in the Federal Register before it can be introduced into the market. The FAP itself will require information that confirms the ingredient's safety and effectiveness at achieving its "intended use" in food. For example, if an ingredient is being included as flavor enhancer, then it must have information that confirms it will enhance

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the flavor of animal food. Once FDA confirms both the safety and effectiveness information, it will issue a regulation that authorizes the use of the ingredient. An ingredient's regulation will include specifications, such as what types of animal food can use it, the amount of the ingredient that may be used, or the labeling rules for its use. For more information, click here.

On the other hand, GRAS is a pathway for ingredients to be introduced into the market without either FDA approval or notification, if the ingredient is "generally recognized as safe" by qualified experts for its intended use. Currently, FDA operates a voluntary GRAS notification process where an animal feed manufacturer might submit notice to the agency of its safety conclusions regarding those ingredients. However, as of October 2026, FDA has proposed reforms to the GRAS pathway. If finalized, the reforms would require mandatory GRAS notification for all human and animal food ingredients seeking to utilize the GRAS pathway. For more information on the proposed rulemaking, click here to read NALC article "HHS Proposes Reforms to the 'Generally Recognized As Safe' Pathway."

Historical Approval by AAFCO

Prior to October 1, 2024, FDA permitted an additional pathway for ingredient approval. That approval pathway was administered by a non-governmental actor, the Association of American Feed Control Officials (AAFCO). AAFCO is a membership organization composed of state, federal, and foreign feed officials that develops standards, definitions, and enforcement policies for animal feed. Specifically, AAFCO creates model laws and regulations that nearly all US states have adopted. Along with the models, AAFCO also publishes a yearly update to its document titled the "AAFCO Official Publication." Notably, this publication includes a list of animal food ingredients with definitions that have primarily been established through AAFCO's ingredient definition request process. Though FDA historically provided both scientific and technical expertise to this process, the definitions established through it are not federal regulations and do not carry the weight of the law.

Additionally, the definition listed in the AAFCO Official Publication would also typically include the common or usual ingredient names. This is notable because federal and state regulations require an ingredient to be listed by its common or usual name on a feed's product label. According to FDA guidance, "a common or usual name is the name by which an article is known to the American public." The common or usual name used in the AAFCO definition was either selected by AAFCO for use or because the name has come into common usage over time.

Previously, FDA and AAFCO maintained a Memorandum of Understanding (MOU) which described the roles both AAFCO and FDA would play in the ingredient definition process. To begin this process, a requester would draft a proposed definition and send it to their assigned AAFCO Investigator. The definition would contain information such as a proposed ingredient name, a safety assessment, and the

intended use of the ingredients. An AAFCO Investigator would review the proposed definition and consult with FDA scientific and technical experts before presenting a report on the proposed definition to AAFCO's Ingredient Definitions Committee. This Committee acts as a review panel for the investigator's report and will check that the definition is appropriate and consistent with AAFCO policies. If approved by the Committee, the proposed definition is then recommended to the AAFCO Board for inclusion in the next year's Official Publication. The Board votes to include it or not. After an ingredient definition was published in AAFCO's Official Publication, the ingredient could be used in animal food at the levels and for the uses clarified in the definition.

This MOU expired in October 2024, and now, the AAFCO Official Publication route is no longer an option for feed manufacturers to introduce a new ingredient into the marketplace. However, in published Draft Guidance for Industry #293 (October 2024), titled "FDA Enforcement Policy for AAFCO-Defined Animal Feed Ingredients," FDA clarifies that it does not intend to initiate enforcement action against 1) feed products containing ingredients listed in AAFCO's 2024 Official Publication with no safety questions or 2) feed that uses common or usual names which are not in common usage, but are defined in AAFCO. The agency does clarify that the use of those names cannot cause the label to be false or misleading.

Animal Food Ingredient Consultation

Following the expiration of the MOU, FDA entered a period of evaluation for its animal Food Additive Petition and GRAS Notification programs. In the interim, FDA offered the Animal Food Ingredient Consultation (AFIC) process as an alternative for firms developing new animal food ingredients. AFIC required the submission of materials, such as the proposed ingredient name and definition, manufacturing information, and ingredient safety assessment, from firms interested in participating in the process. FDA maintained and published an inventory of pending and completed AFICs. The process also allowed interested parties to provide input regarding the safety of ingredients in the public inventory. Once the AFIC process was complete, the ingredient was published on the "AFIC completed inventory" webpage with the following information – the substance name, its intended use, the species the ingredient is intended for, the submitter, and the letter from FDA citing the consultation process's completion. A food ingredient introduced into the food supply through this process would technically be considered an "unapproved food additive" because it was not approved through the animal food additive petition process nor through the GRAS pathway. However, FDA has clarified that it will not initiate enforcement action against these ingredients unless the agency becomes aware of any safety concerns related to the ingredient. For more information, click here to read "Animal Food Ingredient Consolation (AFIC): Guidance for Industry."

Evaluation Results

On September 22, 2026, FDA announced that it had completed the Food Additive Petition (FAP) and GRAS evaluation process. The evaluation was conducted through external engagement sessions, a public comment period, internal CVM staff interviews, and analysis of program-wide feedback. The full evaluation summary can be accessed here.
After the review, FDA has published the following "program improvement initiatives"

- Provide clarity on disclosure and confidentiality requirements through plain-language communications in submitter meetings.
- Update internal best practices to improve consistency and reduce reviewer burden.
- Implement earlier internal review timelines, allowing faster engagement with submitters.
- Create a second amendment opportunity within the GRAS Notice evaluation process
- Publish the GRAS Notice Evaluation Timeline as a formal Program Policy and Procedures Manual (PPM). Linked here.
- Expand data flexibility to reduce submitter burden without compromising safety.
- Advance international harmonization through collaboration with ICCF.

Though FDA's evaluation of FAP and GRAS is complete, the agency has not made an indication that it is eliminating the interim process, AFIC. Additionally, other than the publication of the "GRAS Notice Evaluation Timeline" (linked above), no further actions have yet been taken by the agency in response to this evaluation. For more information on the results of FDA's evaluation, click here to read NALC article "FDA Concludes the Evaluation of its Animal Food Ingredient Processes."

Labeling

The FDCA requires that FDA maintains labeling requirements for animal food. These regulations can be found at 21 CFR Part 501, and they include requirements such as the proper identification of the product, net quantity statement, name and place of the manufacturer or distributor, and listing of all ingredients. As mentioned previously, federal law also requires ingredients to be listed by their common or usual name on a product label.

Similar to human food, general animal food labels do not need to be approved by the FDA prior to being used in the marketplace. However, if an animal food label contains either a "drug claim" or "specific claim" it will need to be reviewed by the agency. A drug claim is an express or implied claim which establishes that "the intended use of a product is to cure, treat, prevent, or mitigate disease, or affect the structure or function of the body in a manner other than for food purposes." These claims would need to be approved through the new animal drug process before they are permitted on a label. Specifically, a new animal drug application is required to

include a representative, or sample, label that can be used on feed which contains that new animal drug. CVM calls these labels "Blue Bird" labels, and more information about them can be accessed here.

Other specific claims, such as "maintains urinary tract health" or "hairball control," are also required to undergo FDA review. These types of claims are required to be substantiated, or justified through evidence, by the agency, but will undergo a less stringent level of review than a drug claim. The agency does not provide robust clarity on what that review process looks like.

Additionally, forty-nine US states have their own labeling rules for animal feed sold in their state. These state laws might include pre-market approval requirements for certain labeling claims. General information about state labeling laws can be found below and specific state rules are detailed in the state feed law compilation.

Inspection, Registration and Recall Authority

Inspection

Similar to its authority for labeling and ingredient regulation, FDA derives its authority to inspect animal food facilities from the FDCA. Specifically, it authorizes the agency "to enter, at reasonable times, any factory, warehouse, or establishment in which" food for man or animals is manufactured "for introduction into interstate commerce." 21 USC § 374(a)(1). In 2011, the food safety scheme of the United States got a major shakeup when Congress enacted the Food Safety Modernization Act (FSMA). Among other things, FSMA established a risk-based mandated inspection frequency for food facilities. According to the FDA, "animal food inspections are driven by [FSMA's] inspection frequency mandate that requires high-risk facilities to be inspected every three years and non-high-risk facilities are inspected every five years." For more information on the difference between a high-risk and non-high-risk facility, click here.

There are several types of FDA inspections, including:

- Surveillance inspections – periodic inspections to ensure continued compliance with regulatory requirements. Typically, these are routine inspections that occur every 3 or 5 years depending on the facilities status as high or non-high risk, but there might also be a targeted inspection directed by the agency following a specific incident. Additionally, there is a separate standard for facilities that produce medicated feed. These must be inspected every two years.
- For-cause inspections – in response to a specific issue such as a foodborne illness outbreak, a consumer complaint, or a product recall. Though similar to a targeted surveillance inspection, these are usually more narrow in scope and typically focus on a specific regulatory violation.

- Application-based inspections – part of the application review process for a new animal drug.
- Follow-up inspections – an inspection that verifies compliance and corrective actions following a violation.

Preventative Controls

Along with inspection requirements, FSMA also required that FDA establish mandatory written preventative controls for human and animal food manufacturing facilities. To adhere to that directive, FDA published the Preventative Controls for Animal Food Rule in 2015. This rule requires covered animal food production facilities to follow Current Good Manufacturing Practices (CGMP), analyze and identify food safety hazards in their facilities, and create "preventative controls" for identified hazard risks. CGMP requirements are "baseline safety and sanitation requirements," while written preventative controls will be based on the analyzed hazard risks and include the establishment of procedures and processes to reduce its risk. For more information on the final rule, click here.

Compliance with these standards depends on the type of "food business" that a manufacturer is operating. Though the FDA requires facilities that manufacture, process, package, or store animal food in the United States to register with the agency as a "food facility," there are some exemptions from registration for certain food businesses. The language of FSMA itself exempts some businesses from federal oversight. For example, the exemption for "qualified facilities" excludes very small businesses, including those producing animal feed, from FDA regulation. Note, however, that even qualified facilities are required to register as a food facility before submitting an attestation proving its exempt status. They are also required to follow the CGMP. For more information on qualified facilities, click here. FSMA regulations provide further clarification on businesses that are exempt from oversight. For example, "farms" that manufacture and process food- including animal food- are exempt from registration as long as the food that is used is consumed on that farm or another under the same management. 21 CFR § 1.226 – 227. This exempts businesses such as feed mills that are part of a vertically integrated farming operation. In contrast to the "qualified facilities" described above, a business falling under the "farm" definition is not required to follow CGMP or register with FDA.

Medicated Feed

There are also specific licensing rules for facilities that produce medicated feed. This license certifies that the facility will comply with required recordkeeping, permit access to those records by FDA, comply with new animal drug rules for manufacturing and labeling, and follow the current Good Manufacturing Practices. Medicated feed facilities are also required to be inspected every two years. FDA contracts with states to share the inspection load for medicated feed facilities. To learn more about their contract programs with states, click here.

Recall & Seizure

Additionally, FSMA mandates that any animal food facility with hazard requiring a preventative control must have a recall plan. 21 CFR § 507.38. This means a food facility, under the FSMA preventative controls rule, that identifies a food safety hazard requiring a written preventative control to mitigate its risk must also have a recall plan in place. While only certain food facilities are required under FSMA to have a recall plan, FDA's recall authority is not limited to those facilities.

Generally, there are three types of recalls that a feed manufacturer may conduct – 1) on their own initiative; 2) by formal FDA request; or 3) by FDA order under FDA's mandatory recall authority. FDA's mandatory recall authority is established at 21 USC § 3501. The agency is authorized to issue a mandatory recall if there is a "reasonable probability" that animal food is adulterated or misbranded and if exposure to that food will cause "serious adverse health consequences to humans or animals." This process requires the agency to provide notice to the manufacturer, give it an opportunity to voluntarily recall its product, and must offer an opportunity for a hearing before determining if a mandatory recall is necessary.

Additionally, the FDCA grants FDA the authority to direct a seizure of any FDA-regulated product that is adulterated or misbranded. A product seizure is distinguished from a mandatory recall because it works through the court system. Specifically, FDA describes product seizure as the process of "remov[ing] products from commerce and plac[ing] them under custody of a court, until a court can decide whether they are violative." However, the FDCA clarifies that FDA may not seize animal food that is misbranded because of its advertising or is being sold to the ultimate consumer at an establishment not owned by the manufacturer, packer, or distributor of food. 21 USC § 334(a)(3)(A). Here, the FDCA is stating that the agency cannot seize an animal food product because its advertising, distinguished from the package's labels, is false or misleading. Further, it is clarifying that animal food being sold at a feed store or retail establishment not owned by the person or company that manufactured, packed, or distributed the food cannot be seized. For more information on FDA's enforcement authority, click here to read Congressional Research Service Report "Enforcement of the Food, Drug, and Cosmetic Act: Select Legal Issues."

State Laws

Forty-nine of the 50 states in America have their own individual state feed laws. These state laws tend to be stricter and more specific – covering areas of regulation that the federal government does not reach. For example, 49 states have laws that require feed manufacturers and distributors to obtain a license or register before they can do business in their borders. Further, many state laws will go above the federal requirement in an area. For instance, several states require animal food product

labels to receive pre-market approval from the state actor. As discussed previously, general animal food products, precluding medicated feed and those with specific claims, do not need FDA label approval. The remainder of this factsheet will give a board overview of some key state law provisions. For specific state law language and citations, visit NALC's State Commercial Feed Law Compilation.

Separate Pet Statute/Regulation – State count 30

In its commercial feed statues, several states differentiate between pets and animals and include a separate set of provisions to regulate pets and specialty pet food. Pets are usually defined as dogs or cats, or domesticated animals normally maintained in or near the household of the pet's owner. Some states further differentiate between pets and specialty pets – providing that specialty pets are domesticated animals other than a dog or cat. Of the 30 states that have separate provisions for pet feed, 28 of the separate provisions are regulations while only 5 states have codified statutes governing pet feed.

Labeling Standards – State count 49

Every state with commercial feed laws includes a section covering the labeling requirements a feed manufacturer must include on the feed's packaging. The requirements usually include information such as a quantity statement, the product and brand name, a guaranteed analysis, ingredient names, the name and mailing address of the manufacturer, directions for use of the feed, and a precautionary statement for safe and effective use of the product. Additionally, most labeling provisions will also include a section detailing the requirements for labeling on customer-formula feed. This is a category of commercial feed that is typically a mixture of commercial feeds or other feed ingredients and is mixed according to the specifications of the final purchaser. Labeling requirements for these types of feed mixes are similar to their counterparts; however, they will typically also require a disclosure that they are custom-mixed and must contain adequate directions if they contain any form of drugs.

Licensing or Registration – State count 49

Similar to labeling standards, every state with commercial feed laws includes a provision for licensing or registration of the feed product. These provisions provide a mechanism for states to require feed manufacturers and distributors to receive authorization from the state before selling or manufacturing feed products. The states each distinguish the authorization mechanism as either Licensing, Registration, or Licensing and Registration. Licensing requires manufacturers, distributors, or persons whose name appears on the label of a commercial feed as guarantor to have a license for each manufacturing or distributing facility. Generally, this requirement does not extend to a person who only makes retail sales of commercial feed if they are guaranteed by another. Registration generally requires the manufacturer or

distributor to file forms with specific information, such as the business name and place of business, with a certain state agency. A Licensing and Registration provision requires the manufacturer or distributor of feed to obtain a license from and register with the governing state authority. The breakdown of state programs is as follows: Licensing 17, Registration 22, and Both 9.

Misbranding – State count 49

All states with commercial feed laws include a provision that protects consumers from feed products that are misbranded. Generally, a misbranded product is one labeled accidentally or intentionally with incorrect information. Misbranding provisions usually consider a feed product to be misbranded if one of the following occurs, if the label is misleading, if the feed is distributed under the name of another commercial feed, if the feed product is not labeled in compliance with labeling provisions, if the feed product is represented as containing a commercial feed or commercial feed ingredient but the commercial feed or ingredient does not conform to the official definition prescribed by regulation, etc. In most states, if a commercial feed product is found to be misbranded, a recall will likely be placed on the product and its manufacturer might face penalties.

Adulteration – State count 49

All states with commercial feed laws include a provision related to adulteration. Similar to misbranding, adulteration provisions are established to protect consumers from feed products that are adulterated. Adulteration typically occurs when there is a substance in a feed product that would render the feed injurious to health. Generally, a feed product would be adulterated one of the following scenarios occurred 1) it contains an added substance that is poisonous, 2) it contains a food additive or color additive that is unsafe under federal law, 3) it has been intentionally subjected to radiation, or 4) it is made from a diseased animal. Under most state commercial feed laws, the adulteration or distribution of adulterated feed is a prohibited act and would subject a violator to penalties.

Inspection, Sampling, Analysis – State count 48

This section of the commercial feed laws addresses the ability of the state governing authority, such as the state's Department of Agriculture, to determine compliance with commercial feed laws through inspecting a feed manufacturing facility and sampling and analyzing the feed product. These provisions typically authorize the governing authority to enter any factory, warehouse, or establishment which manufactures, processes, packages, or holds for distribution commercial feeds. Additionally, the provisions provide direction to state governing authorities when samples indicate a commercial feed has been adulterated or misbranded.

Prohibited Acts – State count 38

This provision typically includes a list of actions that a manufacturer or distributor of commercial feed products is prohibited from doing or causing to happen within the state. The prohibited acts typically include, but are not limited to the following, the manufacture or distribution of misbranded or adulterated commercial feed, the distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls which are adulterated, and the failure or refusal to register and/or obtain a license in accordance with the commercial feed laws.

Penalties – State count 48

All but one of the state commercial feed laws outline the penalties that could result from a manufacturer, processor, or distributor of animal feed acting in violation of the provisions. The penalties kick in if a stated prohibited act is violated, or if the animal feed is misbranded or adulterated. Provisions include both civil and criminal penalties. The criminal penalties are typically a misdemeanor and attach a fine for perpetrators to pay.

Recall authority – State count 48

Though many of the states term their recall process differently, all of the states with commercial feed laws possess a mechanism for stopping the sale of animal feed if it is found to be out of compliance with its laws. For most states, the commercial feed laws grant recall abilities to the government agency with authority over animal feed and authorizes that agency to order the withdrawal of the feed from commerce for noncompliance. After giving the manufacturer or distributor a period of time to comply, the government actor may issue proceedings for condemnation if the feed is still out of compliance. The government agency is authorized to write a complaint to a court of competent jurisdiction in the area in which the commercial feed is located. If the court finds the feed to be in violation of the provisions, then the noncompliant batch of feed will be disposed.