



July 19, 2019

Commissioner Nicole Fried
Florida Department of Agriculture and Consumer Services
Plaza Level 10, The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0800

Via email to Cannabis@FreshFromFlorida.com

Re: Proposed Rule 5B-57.014 – State Hemp Program

The American Feed Industry Association (AFIA) appreciates the opportunity to submit comments on the proposed rule that would allow hemp extract to be used in pet food in Florida. Found in 1909, AFIA is the world's largest organization devoted exclusively to representing the business, legislative and regulatory interests of the U.S. animal food industry and its suppliers.

At this time, there are currently no hemp-based products approved for use in animal food through the federal regulatory process at the U.S. Food and Drug Administration or the review process at the Association of American Feed Control Officials (AAFCO). While the commissioner has the authority to allow the use of hemp-based ingredients in the state, AFIA wants to make sure the department is aware of the status of these ingredients and issues raised by the FDA.

We draw your attention to the hemp guidelines available on the AAFCO website, which state, in part:

“In 2015, AAFCO asked the hemp industry to come forward and present information for the scientific review to establish definitions for animal foods made from the industrial hemp plant. We expected information on hemp seed oil, hemp seed meal, and whole hemp seeds. Although there are private companies and organizations working on applications, to date, the industry has not submitted any data showing that ingredients derived from the hemp plant are safe and useful in animal food. AAFCO is encouraging the industry to submit their data promptly.”

https://www.aafco.org/Portals/0/SiteContent/Announcements/Guidelines_on_Hemp_in_Animal_Food_May_1_2019.pdf

The FDA has also stated:

For example, by statute, any substance intentionally added to food* is a food additive, and therefore subject to premarket review and approval by FDA, unless the substance is generally recognized as safe (GRAS) by qualified experts under the conditions of its intended use, or the use of the substance is otherwise excepted from the definition of a food additive (sections 201(s) and 409 of the FD&C Act [21 U.S.C. §§ 321(s) and 348]). Aside from the three hemp seed ingredients mentioned in Question #12, no other cannabis or cannabis-derived ingredients have been the subject of a food additive

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petition, an evaluated GRAS notification, or have otherwise been approved for use in food by FDA. Food companies that wish to use cannabis or cannabis-derived ingredients in their foods are subject to the relevant laws and regulations that govern all food products, including those that relate to the food additive and GRAS processes.

<https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-questions-and-answers#food> (Question #10)

* “food” includes animal food (i.e., feed or pet food)

AFIA has major concerns with feeding livestock or pets industrial hemp as an unapproved food animal product, which could be considered an “adulterant” to animal food. If considered an adulterant, the products could not be sold across state lines, causing a patchwork of state laws on its use.

We hope the department will encourage companies that want to utilize these hemp-based ingredients to go through the proper ingredient review processes through AAFCO or the FDA.

Sincerely,

A handwritten signature in black ink that reads "Leah Wilkinson". The signature is written in a cursive, flowing style.

Leah Wilkinson
Vice President, Public Policy and Education