

**Congress of the United States**  
**Washington, DC 20515**

May 9, 2014

The Honorable Margaret A. Hamburg, M.D.  
Commissioner  
Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002

Dear Commissioner Hamburg:

We are writing in support of an exemption for byproduct used in animal feed from the Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals (Docket No. FDA-2011-N-0922), a rule proposed by the FDA as part of its implementation of the Food Safety Modernization Act (FSMA). We greatly appreciate your willingness to reexamine the proposed rule, and we are confident that it is possible to address the FDA's concerns regarding animal food safety without unnecessarily burdening participants across the whole livestock feed industry.

As drafted, the proposed rule would require facilities that manufacture, process, pack, or hold "animal food" to establish one size fits all mandates that would likely do more harm than good. By applying the animal food rule to byproducts of breweries, distilleries, human food manufacturers, and ethanol plants that are donated or sold as a cost-effective and nutritious source of livestock feed, the proposed rule subjects these facilities to onerous and costly regulations.

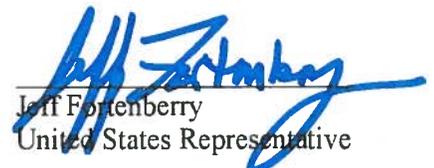
We believe such a result is unnecessary to achieve the stated objective of the proposed rule and an exemption should be issued. Without such an exemption, the high cost of compliance with the proposed rule could force breweries, distilleries, human food manufacturers, and ethanol plants to stop selling or donating byproducts as livestock feed. This will not only eliminate an economical source of livestock feed to the detriment of farmers and ranchers, it will destroy an environmentally sustainable process that eliminates waste, clogging landfills with usable material.

Food safety regulations must be narrowly tailored to achieve food safety goals without imposing costs that far outweigh the perceived benefits. We look forward to working with you to ensure an exemption for byproduct grains produced by breweries, food manufacturers, distilleries and ethanol plants.

Sincerely,

  
Leo Terry  
United States Representative

  
Adrian Smith  
United States Representative

  
Jeff Fortenberry  
United States Representative

  
Mike Johanns  
United States Senator

  
Deb Fischer  
United States Senator