

In the Matter of Proposed Repeal and Replacement Of 21.18.3 NMAC- Commercial Feeds

Background and Statement of Reasons for Proposed Amendments to 21.18.3 NMAC Commercial Feeds

The New Mexico Department of Agriculture administers and enforces the New Mexico Feed Act and associated regulations governing the manufacture, distribution, labeling, and sale of commercial feed products within the state. The purpose of these regulations is to ensure that commercial feed and pet food products are safe, properly labeled, nutritionally appropriate for their intended use, and not misbranded or adulterated.

The current version of 21.18.3 NMAC was developed under earlier industry standards and no longer fully reflects the structure, terminology, labeling practices, and product categories presently used within the commercial feed and companion animal food industries. Since adoption of the current rule, the pet food marketplace has evolved substantially, with increased availability of specialty nutritional products, veterinary diets, raw and refrigerated pet foods, supplements, food mixers, and products marketed using detailed nutritional and ingredient claims.

At the same time, the Association of American Feed Control Officials (AAFCO) has continued to revise and modernize its model regulations and labeling standards to address evolving nutritional science, product marketing practices, and consumer expectations. States have subsequently updated their commercial feed regulations to maintain consistency with these nationally recognized model standards.

The proposed amendments to 21.18.3 NMAC are intended to modernize New Mexico's commercial feed regulations and align the rule more closely with current industry practices, contemporary nutritional science, and updated AAFCO model regulations.

A principal reason for the proposed amendments is the substantial evolution of the companion animal food marketplace. The amendments create standardized regulatory definitions and labeling requirements for modern product categories, including veterinary diets, food supplements, food mixers, raw pet food products, specialty nutritional products, and other products not clearly addressed under the existing rule structure.

The amendments also replace or supplement several outdated labeling concepts with more modern nutritional disclosure standards. In particular, the proposed "Pet Nutrition Facts" and "Specialty Pet Nutrition Facts" systems are intended to provide consumers with clearer and more standardized nutritional information regarding pet food products, including calorie content, nutrient composition, feeding suitability, and intended use.

Additional amendments modernize nutritional adequacy requirements and clarify the standards under which products may be represented as "complete," "balanced," or otherwise nutritionally adequate. The revisions establish more detailed requirements for life-stage claims, specialty pet products, and products intended only for intermittent or supplemental feeding.

The amendments further modernize ingredient declaration standards and product naming requirements. The revised provisions governing ingredient claims, flavor claims, carbohydrate claims, and other marketing terminology are intended to reduce misleading or inconsistent labeling practices and improve uniformity with national labeling standards.

Several amendments are intended to address public health and product safety concerns. New labeling, handling, and warning requirements applicable to raw milk pet food products and raw pet food products are intended to improve consumer awareness and reduce the likelihood of accidental human consumption.

The livestock feed provisions are also updated to reflect current feeding practices and modern nutritional analysis methods. The amendments incorporate newer fiber measurements, revise species classifications, update guaranteed analysis requirements, and improve clarity regarding nutritional disclosures and feeding directions.

In addition to substantive regulatory updates, many amendments improve organization, readability, consistency, and enforceability throughout the rule. Terminology is standardized, duplicative provisions are reduced, and formatting requirements are clarified to assist both regulated entities and enforcement personnel.

Overall, the proposed amendments are intended to:

- modernize New Mexico’s commercial feed regulations;
- align the rule with current AAFCO model standards and industry practices;
- improve consumer transparency and understanding;
- strengthen labeling consistency and nutritional disclosure requirements;
- address emerging pet food product categories and marketing practices;
- enhance public health and product safety protections; and
- improve the department’s ability to administer and enforce the rule consistently and effectively.

Technical and Scientific Basis Supporting Proposed Amendments to 21.18.3 NMAC

The proposed amendments to 21.18.3 NMAC are supported by current scientific research, modern nutritional standards, national regulatory guidance, and ongoing pet food labeling modernization efforts led by the Association of American Feed Control Officials and the U.S. Food and Drug Administration.

A primary basis for the proposed amendments is the national effort to modernize pet food labeling standards through AAFCO’s Pet Food Label Modernization (PFLM) initiative. AAFCO states that the project was initiated in 2015 to modernize pet food labels and provide labeling information that is “transparent, easy to understand, and in a format more familiar to

consumers.” AAFCO further explains that the modernization process included extensive consumer research, regulator workgroups, industry advisors, and public comment participation. ¹

The proposed amendments establishing “Pet Nutrition Facts” and “Specialty Pet Nutrition Facts” panels are directly consistent with these modernization efforts and are intended to improve consumer understanding of nutritional adequacy, calorie content, feeding suitability, and product purpose.

The amendments revising nutritional adequacy statements and life-stage claims are further supported by FDA guidance regarding “complete and balanced” pet foods. FDA explains that nutritional adequacy statements are critical for determining whether a product is suitable as a pet’s sole diet and recognizes AAFCO nutrient profiles and feeding trials as accepted methods for substantiating nutritional adequacy claims ². FDA also recognizes the importance of distinguishing products intended for growth, reproduction, and adult maintenance life stages.

The proposed revisions governing ingredient claims, flavor claims, carbohydrate claims, and other marketing representations are supported by longstanding FDA principles prohibiting false or misleading labeling. FDA states that animal food products must be truthfully labeled and contain labeling necessary for safe and appropriate use.³

The amendments addressing calorie disclosures, household-unit feeding instructions, and expanded nutritional transparency are also consistent with broader nutrition-labeling principles intended to improve consumer comprehension and informed purchasing decisions. AAFCO specifically identified improved readability, transparency, and consumer usability as core objectives of the Pet Food Label Modernization initiative. ⁴

Several amendments are additionally supported by documented public health and food safety concerns associated with raw pet food and raw milk pet food products. The Centers for Disease Control and Prevention states that raw pet food products may contain harmful pathogens including Salmonella and Listeria and expressly advises that CDC “does not recommend feeding raw pet food or treats to dogs and cats.” CDC further explains that raw pet foods can create contamination risks for both animals and humans through direct handling and environmental cross-contamination. ⁵

Recent contamination events further support enhanced warning, handling, and storage requirements for raw pet food products. Multiple recent recalls involving pet food contaminated

¹ AAFCO introduction of model pet food and specialty pet food regulations: <https://www.aafco.org/pflm>

² FDA “Complete and Balanced” Pet Food: <https://www.fda.gov/animal-veterinary/animal-health-literacy/complete-and-balanced-pet-food>

³ FDA- Pet Food: <https://www.fda.gov/animal-veterinary/animal-foods-feeds/pet-food>

⁴ AAFCO introduction of model pet food and specialty pet food regulations: <https://www.aafco.org/pflm>

⁵ CDC – About Pet Food Safety: <https://www.cdc.gov/healthy-pets/about/pet-food-safety.html>

with Salmonella, Listeria, and H5N1 avian influenza have resulted in FDA advisories and product recalls nationwide.⁶

Requiring enhanced labeling, warning statements, handling instructions, and storage disclosures for pet food products is supported by current scientific literature and public health guidance regarding contamination risks associated with raw animal products. A recent scientific review *Comprehensive reviews in food science and food safety* vol. 23,6 (2024)⁷ documented repeated detection of pathogenic bacteria, including *Salmonella*, *E. coli*, and *Listeria*, in commercially available pet food products and identified labeling and handling practices as important risk mitigation measures.

Industry and regulatory support also exists for the broader modernization effort reflected in the proposed amendments. AAFCO has described the Pet Food Label Modernization project as a collaborative effort involving regulators, veterinarians, consumers, and pet food industry advisors.⁸

Overall, the proposed amendments are supported by current nutritional science, modern pet food labeling practices, public health guidance, and nationally recognized regulatory standards intended to improve transparency, nutritional disclosure, consumer understanding, and product safety within the commercial feed and pet food industries.

⁶ Raaw Energy Expands Recall of Dog Food Because of Listeria Monocytogenes Health Risk: <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/raaw-energy-expands-recall-dog-food-because-listeria-monocytogenes-health-risk>. Voluntary Recall of Wild Coast Raw Boneless Free Range Chicken Formula Raw Pet Food Because of Possible Bird Flu Health Risk: <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/voluntary-recall-wild-coast-raw-boneless-free-range-chicken-formula-raw-pet-food-because-possible>

⁷ Salmonella Presence and Risk Mitigation in Pet Foods: A Growing Challenge with Implications for Human Health: <https://pmc.ncbi.nlm.nih.gov/articles/PMC11605167/>.

⁸ AAFCO introduction of model pet food and specialty pet food regulations: <https://www.aafco.org/pflm>

Substantive Changes Proposed to 21.18.3 NMAC Commercial Feeds

21.18.3.7 NMAC — Definitions

The amendments expand the definitions section to support the revised pet food and specialty pet food regulatory framework.

New definitions are added for “Daily Food,” “Familiar Household Unit,” “Food Mixer,” “Food Supplement,” “Pet Nutrition Facts,” “Specialty Pet Nutrition Facts,” “Veterinary Diet,” “Raw Milk,” and “Prescription Diet.”

The amendments expand the definition of “All Life Stages” to specifically include dogs, cats, other mammals, and non-mammalian species. The revised definition more clearly distinguishes between growth, maintenance, juvenile, and adult life stages.

Collectively, these amendments modernize the terminology used throughout the rule and provide the legal and regulatory framework necessary to support the revised pet food labeling system.

21.18.3.8 NMAC — Label Format

Section not amended

21.18.3.9 NMAC — Labeling

The amendments revise commercial feed labeling requirements.

The revised section creates new purpose statement requirements for single ingredient feeds. Single ingredient products must now identify themselves as either “single ingredient feed” or “feed ingredient.” The amendment distinguishes ingredient products from complete feeds and supplements and improves product identification for consumers.

The amendments also establish entirely new labeling requirements for livestock treats and snacks. Products intended to function as treats or snacks must identify themselves as such and must clearly identify the intended species on the principal display panel.

The guaranteed analysis provisions are modernized through the addition of newer fiber measurements, including Neutral Detergent Fiber (NDF) and additional Acid Detergent Fiber (ADF) references. These revisions recognize modern forage quality and digestibility evaluation methods.

The amendments revise multiple species-specific nutrient guarantee requirements. For swine feed, the mandatory zinc guarantee requirement is removed. Dairy cattle classifications are modernized and reorganized to replace older production terminology with current industry classifications such as replacement dairy heifers, dairy calves, lactating dairy cows, and dry dairy cows.

Equine feed provisions are revised. Older classifications such as “foal,” “mare,” and “breeding” are replaced with broader production-based categories including “growing,” “broodmare,” “performance,” and “maintenance.” Additional fiber guarantees are required for equine feeds.

The amendments create a completely new guaranteed analysis category for livestock treats. Required guarantees now include crude protein, crude fat, crude fiber, and any additional guarantees necessary to support label claims.

Overall, the amendments modernize livestock feed labeling standards and improve clarity, consistency, and nutritional disclosure requirements.

21.18.3.10 NMAC — Expression of Guarantees

The revisions broaden the rule’s treatment of fiber guarantees by replacing narrow references to crude fiber and acid detergent fiber with broader references to “other fiber indicators.” This amendment accommodates newer analytical methodologies used in modern feed analysis.

The revised section permits mineral and vitamin guarantees to be expressed on a per-unit basis for products such as tablets, capsules, granules, liquids, and other unit-dose products. This amendment is particularly significant for companion animal supplements and specialty nutritional products that are not traditionally sold or administered by weight.

These changes modernize nutrient disclosure standards and improve compatibility with contemporary supplement and specialty nutritional product markets.

21.18.3.11 NMAC — Substantiation of Nutritional Suitability

Section not amended.

21.18.3.12 NMAC — Ingredients

Section not amended.

21.18.3.13 NMAC — Directions for Use and Precautionary Statements

The amendments expand requirements for directions for use and precautionary statements for raw milk distributed as commercial feed.

Raw milk products must bear the statement:

“WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA.”

The amendments prescribe mandatory minimum font sizes for the warning statement based on label panel size.

Additional requirements mandate that raw milk distributed as commercial feed be decharacterized with approved coloring agents and prohibit the display or storage of raw milk commercial feed in locations where food is sold or prepared for human consumption unless specified conditions are met.

These amendments significantly expand product safety and public health protections relating to raw milk commercial feed products.

21.18.3.14 NMAC — Non-Protein Nitrogen

The revised section retains the substantive limitations governing use of non-protein nitrogen in ruminant feeds while expanding feeding guidance recommendations for products where substantial protein content is derived from non-protein nitrogen sources.

These revisions primarily improve readability and administrative clarity while maintaining existing safety standards.

21.18.3.15 NMAC — Drug and Feed Additives

Section not amended.

21.18.3.16 NMAC — Adulterants

The amendments retain the existing adulteration framework, while reorganize and clarify provisions relating to adulteration. No major substantive changes are made within this section. The amendments primarily update formatting and readability.

21.18.3.17 NMAC — Good Manufacturing Practices

Section not amended.

21.18.3.18 NMAC — Certain Mammalian Proteins Prohibited in Ruminant Feed

Section not amended.

21.18.3.19 NMAC — Pet Food and Specialty Pet Food Label Format and Labeling

The amendments to Section 21.18.3.19 constitute one of the most significant substantive revisions in the proposed rule. The revised section completely restructures pet food and specialty pet food labeling requirements and substantially expands mandatory disclosures.

The amendments create a new “Pet Nutrition Facts” and “Specialty Pet Nutrition Facts” labeling framework modeled after human food nutrition facts labeling concepts.

The revised section establishes detailed formatting requirements governing:

- principal display panels;
- nutrition facts panels;
- purpose statements;
- species identification;
- feeding directions;
- handling instructions;
- manufacturer information;
- warning statements; and
- specialty product disclosures.

The amendments substantially expand the information required on pet food labels and prescribe formatting standards for type size, placement, line spacing, indentation, and conspicuousness.

The revised section also creates labeling requirements for raw milk pet food products, including mandatory warning statements and source-species identification.

The amendments broaden the scope of regulated pet food products to include:

- food supplements;
- food mixers;
- veterinary diets;
- treats;
- snacks;
- specialty nutritional products; and
- specialty pet foods.

Compared to the current rule, Section 21.18.3.19 establishes a more detailed and prescriptive pet food labeling framework.

21.18.3.20 NMAC — Pet Food and Specialty Pet Food Brand and Product Names

No major substantive changes are made within this section. The amendments primarily update formatting, readability and eliminate duplication created by amendments made in other sections.

21.18.3.21 NMAC — Pet Food and Specialty Pet Food Purpose Statements and Nutritional Adequacy

The amendments comprehensively revise the nutritional adequacy framework for pet food and specialty pet food products. The revised section creates detailed purpose statement requirements for numerous newly recognized product categories, including:

- complete foods;

- complementary foods;
- daily foods;
- food supplements;
- food mixers;
- treats;
- snacks;
- veterinary diets; and
- specialty pet foods.

The amendments establish substantially more detailed requirements governing when products may represent themselves as “complete and balanced,” “100% nutritious,” or otherwise nutritionally adequate.

The revised section expands life-stage classifications and creates specialized standards for large breed puppy foods.

The amendments clarify acceptable methods for substantiating nutritional adequacy claims, including:

- nutrient profile formulation;
- feeding protocols;
- and family-product substantiation.

Products intended only for intermittent or supplemental feeding must now bear specific disclosure statements.

The amendments create an entirely new regulatory category for “daily food” products intended for specialty pet species lacking recognized nutritional authorities.

The revised section also establishes formal labeling requirements for veterinary diets and strengthens restrictions on misleading nutritional adequacy claims.

Compared to the current rule, Section 21.18.3.21 establishes a substantially more detailed and structured nutritional adequacy framework.

21.18.3.22 NMAC — Pet and Specialty Pet Nutrition Facts

The amendments create an entirely new nutrition disclosure framework for pet food and specialty pet food products.

The current rule relies primarily on traditional guaranteed analysis statements. The revised section instead creates mandatory “Pet Nutrition Facts” and “Specialty Pet Nutrition Facts” panels that resemble human food nutrition facts labels.

The revised section establishes detailed requirements governing:

- caloric disclosures;
- nutrient guarantees;

- nutrient order;
- carbohydrate calculations;
- dietary fiber disclosures;
- moisture disclosures;
- familiar household units;
- formatting;
- line spacing;
- indentation;
- and presentation.

The amendments require disclosure of calories per familiar household unit and caloric contributions from protein, fat, and carbohydrates.

The revised section establishes separate formatting requirements for:

- standard packages;
- small packages; and
- very small packages.

The amendments also create separate nutritional disclosure requirements for food supplements, veterinary diets, food mixers, and specialty pet products.

This section represents one of the largest substantive changes in the proposed rule and fundamentally transforms pet food nutritional disclosure requirements

21.18.3.23 NMAC — Pet Food and Specialty Pet Food Ingredients

The amendments significantly expand ingredient declaration requirements for pet food and specialty pet food products.

The revised section updates ingredient naming standards to incorporate current AAFCO ingredient definitions and FDA naming standards.

The amendments establish detailed rules governing:

- vitamin and mineral premixes;
- microorganism naming;
- fish ingredient naming;
- species identification for meat ingredients;
- codified ingredient standards; and
- grouped ingredient declarations.

The revised section permits ingredient declarations using grouped vitamin and mineral terminology while preserving disclosure of constituent ingredients.

The amendments create substantially more detailed ingredient disclosure requirements than currently exist under the rule.

21.18.3.24 NMAC — Pet Food and Specialty Pet Food Drugs and Additives

The amendments retain the current regulatory framework governing pet food additives and drugs while modernizing formatting and terminology. Revisions are limited and primarily organizational.

21.18.3.25 NMAC — Pet Food and Specialty Pet Food Feeding Directions

The amendments substantially expand feeding direction requirements for pet food and specialty pet food products.

The revised section establishes separate feeding instruction requirements for:

- complete foods;
- supplements;
- treats;
- food mixers;
- veterinary diets; and
- specialty pet foods.

Feeding directions must now use familiar household units such as cups, cans, treats, tablets, or pieces.

Additional requirements govern feeding frequency, serving size, and directions for specialized nutritional products.

These amendments create significantly more detailed feeding direction standards than presently exist under the rule.

21.18.3.26 NMAC — Determination of Calorie Content for Pet Foods

The amendments create detailed calorie content disclosure requirements for pet food and specialty pet food products.

The revised section establishes methods for calculating calorie content through either modified Atwater calculations or feeding trials.

The amendments require disclosure of calories per familiar household unit and create standardized terminology for calorie disclosure statements.

The revised section also establishes methods for calculating calories contributed by protein, fat, and carbohydrates.

This section supports the broader transition from traditional guaranteed analysis labeling toward nutrition-facts-style pet food disclosures.

21.18.3.27 NMAC — Pet Food and Specialty Pet Food Descriptive Terms:

The amendments primarily consist of organizational revisions, formatting modernization, terminology updates, and conforming edits necessary to support the revised pet food labeling and nutritional disclosure framework. No major independent substantive changes are created within the sections beyond harmonization with the revised pet food and labeling provisions.

21.18.3.28 NMAC — Pet Food and Specialty Pet Food Manufacture or Distributor; Name and Address:

The amendment consists of adding a distributed by/ for business name and address requirement when the pet food is not distributed by the manufacture.

21.18.3.29 NMAC - Handling and Storage Instructions

The proposed amendments expand handling and storage instruction requirements for pet food and specialty pet food products.

Under the current rule, handling and storage requirements are limited and generally implied through general labeling standards. The amended rule creates more explicit obligations requiring manufacturers to provide handling and storage instructions whenever necessary to ensure product safety, maintain product integrity, or prevent contamination or spoilage.

The revised provisions allow for the use of storage and handling graphics specified in the proposed amendments relating to:

- separation,
- sanitation,
- refrigeration,
- storage,
- freezing,
- and disposal

Overall, the amendments create a more comprehensive product safety framework by formally incorporating handling and storage disclosures into the pet food labeling requirements, which were previously addressed only minimally or indirectly under the current rule.

21.18.3.30 through 21.18.3.32 NMAC

Revisions are limited and consist of alignment with statutory changes, and removal of redundant language.

Overall Effect of the Proposed Amendments

The proposed amendments to 21.18.3 NMAC comprehensively modernize New Mexico's commercial feed regulations and align the rule more closely with current AAFCO model regulations and contemporary feed industry practices.

The amendments create a substantially more detailed and prescriptive regulatory framework for pet food and specialty pet food labeling. The most significant changes include:

- creation of Pet Nutrition Facts and Specialty Pet Nutrition Facts labeling systems;
- expanded nutritional adequacy requirements;
- establishment of new product categories such as food mixers, supplements, veterinary diets, and daily foods;
- modernization of ingredient disclosure standards;
- expanded raw milk labeling and warning requirements;
- revised feeding direction standards;
- and expanded nutritional and caloric disclosure obligations.

The amendments also modernize livestock feed labeling, nutrient guarantees, and animal classifications while improving administrative clarity and consistency throughout the rule.

Overall, the proposed amendments are intended to improve consumer transparency, modernize nutritional disclosures, align New Mexico regulations with national standards, and address contemporary commercial feed and pet food marketing practices.