



# ATPF

advocating for pet food consumers.

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Mr. Bowers,

I am in receipt of your letter dated November 3, 2017 (the "Letter").

The Letter is inherently flawed since it incorrectly applies AAFCO's "Operating Procedures" to matters that are beyond the scope of "Committee business". TruthaboutPetFood.com ("TAPF.com") is a website that I personally operate under the freedom of the First Amendment of the U.S. Constitution to provide pet food consumers with factual information regarding the lack of enforcement of law in pet food. Any and all speech and opinion recited therein, including but not limited to results of FOIA requests and Mars Petcare is not for AAFCO to restrict. AAFCO's retaliatory actions through the Letter to silence me is based on false pretenses. Your actions perpetuate an already significant distrust consumers have of AAFCO and the entire regulatory system. For years I have actively worked to build a bridge between regulatory and consumers, AAFCO's action to rid AAFCO of any consumer representation has just destroyed that bridge.

The Letter states "In the opinion of the AAFCO Board, your public comments are not in the nature of "respectful, professional discussion" and constitute behavior "in a manner disruptive to committee business."



My “public comments” are outside the scope of AAFCO’s authority. My “public comments” on TruthaboutPetFood.com are not “committee business”. If the Mars Petcare manufacturing plant located in Joplin, MO – the one with a six foot hole in the roof directly over the mixer to which every single Missouri Department of Agriculture authority ignored (in violation of CGMPs) – was indeed “committee business” – please provide the “Minutes” of that “committee business” to me. Otherwise the actions set forth in the “Letter” constitutes an overreaching authority and serves only to restrict free speech.

Please provide “Operating Procedure” which permits AAFCO to remove Committee Advisors on the basis of personal employment, affiliation or otherwise.

AAFCO has repeatedly attempted to silence me and prevent me from conveying information to consumers.

For years, AAFCO refused to allow Susan Thixton of TAPF.com to hold advisory positions. It was only in January 2011 that AAFCO finally granted permission to allow me (Susan Thixton of TruthaboutPetFood.com) to sit as advisor to the Ingredient Definitions Committee and the Pet Food Committee. This was only after AAFCO members provided me with a personal etiquette lesson on how to behave at ‘the table’. Before the January 2011 meeting Mr. Tim Darden of New Mexico Department of Agriculture informed me that “industry complained” that I was being provided with an advisory position. Taking action on industry’s complaint, AAFCO demoted me to “Guest” pending my submission to AAFCO significant evidence proving my role as a consumer advocate. I promptly provided said evidence to Mr. Darden.

In August 2011 I was contacted by then current AAFCO President Mr. Robert Waltz. Mr. Waltz confirmed that I - Susan Thixton of TruthaboutPetFood.com was officially accepted as advisor. However, after I reported the activities of the meeting to pet food consumers on TruthaboutPetFood.com Mr. Waltz promptly removed my advisor position. Mr. Waltz told Dr. Jean Hofve that “TAPF.com did not meet the requirements to have a position on an AAFCO committee”. This was AAFCO’s first documented attempt to silence me AND prevent consumers access to the pet food regulatory system.

Despite this disrespectful behavior from AAFCO, I continued to attend meetings on behalf of pet food consumers. At the January 2013 meeting, a former President of AAFCO shared with me some honest feedback. He stated to me: “I’m off the Board now – so I can tell you. AAFCO can’t allow a blogger to be an advisor to committees. You have to be a stakeholder.”

In February 2013 I complied with AAFCO’s requirements and formed a separate consumer association. I obtained a separate business license, a separate website, and a separate bank account. I also created the AssociationforTruthinPetFood.com website. Then AAFCO President Mr. Tim Darden required that I provide proof ATPF was a real Association and stated, “this will have to go to AAFCO attorneys”.

While AAFCO accepted Susan Thixton of AssociationforTruthinPetFood.com as an advisor, AAFCO refused to accept Susan Thixton of TruthaboutPetFood.com as advisor. To date, there is not a single AAFCO document, rule or regulation requiring that advisors relinquish control of unrelated websites or limit their public opinions.

AAFCO has criticized my personal opinions and “public comments” as disrespectful and unprofessional, and mistakenly taken action on it in an effort to silence me/prevent the representation of consumers at AAFCO. I will remind AAFCO of permissive unprofessional and disrespectful behavior it has recently permitted:

1. I was called “combative” by Mr. Stan Cook in reference to the Pet Food Label Modernization Working Group when I published information previously made public by Mars Petcare through PetFoodIndustry.com website. Mr. Cook demanded that I remove my post (I complied), yet Mars Petcare and PetFoodIndustry.com were not required to remove their post. Mr. Cook held a consumer representative and industry representative to two very different standards. I brought this to the attention of the AAFCO Board in August 2016. I have never received a response, in violation of the professionalism and respect required by AAFCO.

2. In October 2016, I provided the AAFCO Board of Directors with a letter requesting modification of multiple pet food ingredient definitions. The current and previous definitions of these pet food ingredients violate federal law, and state law specific to animal feed/food in 14 states supported by Supreme Court Justice J. Stevens decision (Chevron U.S.A. v. Natural Resources Defense Council). To date, I have not received a response to my letter, in violation of the professionalism and respect required by AAFCO. AAFCO continues to allow ingredient definitions to violate federal and state law, enabling industry to profit from selling illegal pet products to unknowing consumers.

It is significant to this discussion to note that six of the nine Board of Directors (Kansas – Mr. Ken Bowers, Missouri – Mr. Stan Cook, Indiana – Mr. Robert Geiger, Kentucky – Ms. Kristen Green, North Dakota – Mr. Dave Phillips, and Montana – Mr. Robert Church) are



required by their position as state regulatory authority to enforce state law specific to animal feed/food that prohibits the use of a non-slaughtered/diseased animal material into pet food. It is significant to note that not one of these six states enforce their own state laws. Quoting President-elect Stan Cook of Missouri state law: **“Adulterated feed, what constitutes. 266.180** A commercial feed shall be deemed to be adulterated: (i) If it is, in whole or in part, the product of a diseased animal or of an animal which dies other than by slaughter which is unsafe within the meaning of section 402(a)(5) of the Federal Food, Drug, and Cosmetic Act;”.

It is concerning that each of these states— these AAFCO Board of Director states - openly allow pet food to profit selling adulterated pet foods to unknowing consumers; adulterated per state and federal law based on the specific ingredient definitions written by and solely owned by AAFCO.

3. During the AAFCO 2015 summer meeting in Denver, CO. Dr. Cathy Alinovi was loudly booed when she opinioned against a feed ingredient. AAFCO did not reprimand the room or call order. Instead, AAFCO allowed the disrespectful, unprofessional outbursts to continue. This is well documented on TAPF yet AAFCO has not taken any action against it.

4. At the summer 2014 AAFCO meeting, immediately after the Ingredient Definitions Committee meeting, advisor Jon Nelson approached me while I was still sitting at the front table in full view of AAFCO members. Mr. Nelson loudly disrespected and berated me in front of the entire panel after I voiced opinion (during the meeting) against ‘Zinc hydroxychloride’. The conduct was completely “un-professional and disrespectful” by AAFCO standards, yet not a single AAFCO member who stood and watched took any action. As a professional, I turned and walked away. Mr. Nelson followed me into the audience and again openly raised his voice and criticized me and Dr. Cathy Alinovi. Mr. Nelson was never reprimanded by anyone at AAFCO despite the verbal abuse. This is also well documented on TAPF and was available for AAFCO to read and take action. In fact, AAFCO failed to uphold the very section it states in the Letter, AAFCO’s “Operating Procedures” for committees (2017 Official Publication, page 90) “Any member or advisor who behaves in a manner disruptive to committee business may be subject to removal as a member or advisor of the committee” and Mr. Jon Nelson remains an advisor to the Ingredient Definitions Committee today.

5. During the 2014 AAFCO meeting in Sacramento, CA in a discussion with Mr. Richard TenEyck, Oregon Department of Agriculture, Mr. TenEyck promised me with opportunity to schedule a session during each AAFCO meeting for consumers to meet with AAFCO members. Mr. TenEyck specifically stated that this was a good idea. To date, this promise remains unkept, consumers are forced to pay \$500.00 (meeting admission) in order to personally access an AAFCO representative.

6. At the winter 2014 AAFCO meeting I arranged a meeting with FDA for myself and numerous other consumer advocates in attendance. AAFCO member Ms. Jan Jarmon Minnesota Department of Agriculture invited herself to this meeting. Emphasis – invited herself; Ms Jarmon was was not invited, I arranged the meeting strictly for consumer advocates and FDA. During this meeting Ms. Jarmon interrupted our conversations numerous times including blurting out “Will you shut up?” - directed at me - in front of everyone in attendance. This entire encounter is well documented on TruthaboutPetFood.com and is available for AAFCO to read and take action. Yet AAFCO has never taken any action for this extreme disrespectful behavior.

7. At the August 2013 AAFCO meeting, per the AAFCO Board of Directors instructions, Ms. Jennifer Roland confirmed that AAFCO gave free meeting space to the Pet Food Institute and the American Feed Industry Association. Ms. Roland told me and Mollie Morrisette, “The (AAFCO) Board of Directors instructed me to contact three of the groups and offer them our extra meeting space.” Quoting the original agenda (I retained a copy for my records)...

“Sunday August 11th 8:30 am – 4:30 pm PFI RAC Meeting”  
(AAFCO BOD provided 8 hours free meeting space to Pet Food Institute)

“Sunday August 11th 1:30 pm – 7:30 pm AFIA Feed Regulatory Committee”  
(AAFCO BOD provided 6 hours free meeting space to AFIA)

“Tuesday August 13th 8:00 am – 12:00 pm AFIA Ingredient Approval and Definitions Committee”  
(AAFCO BOD provided 4 hours free meeting space to AFIA)

“Wednesday August 14th 1:00 pm – 5 pm PFI Working Group”  
(AAFCO BOD provided 4 hours free meeting space to PFI)

Gifting free meeting space to trade associations calls into question conflict of interest by AAFCO Board of Directors.



8. In January 2013 at the Albuquerque, NM meeting AAFCO provided trade associations AFIA and PFI forty-five minutes to pitch their beliefs of the benefits of genetically modified ingredients. Immediately after this presentation I asked Mr. Ali Kashani of Washington State Department of Agriculture (AAFCO member) for equal time at a future meeting to counter this belief. Mr. Kashani agreed to provide me with this opportunity. To date, this remains an unkept promise against the professionalism and respect that supposedly AAFCO requires.

There are countless other unprofessional behaviors that have taken place during AAFCO meetings including, but not limited to an incident whereby a case of Corona beer was pulled out from under the table by a former AAFCO President. The case of alcohol was stored under the drape of the table in the front of the room during the entire meeting and just minutes after the meeting ended, the now former AAFCO President called over Leah Wilkinson of AFIA and declared that it was "Time to party" - before the meeting room was cleared.

Unlike the social relationship AAFCO holds with industry, it has always been my personal stance to NOT socialize or build a friendship with AAFCO members. This is business, not social hour. At almost every meeting I have attended, I have witnessed AAFCO members going to bars and openly socializing with industry – a clear conflict of interest. From my first meeting, I have held myself to a professional stance and have willingly refused offers of a drink or dinner by AAFCO members or any industry representative. I personally have never offered to buy an AAFCO member (or any regulatory authority) or industry representative a drink or dinner; the same is not true of industry.

The record shows that AAFCO has not only permitted but endorsed disruptive, unprofessional and disrespectful behavior, including but not limited to open criticism of others in the form of booing, and insults, has refused to edit ingredient definitions within the requirements of federal and state law, and endorsed hiding cases of alcohol under the meeting table. In contrast, the actions upon which AAFCO now seeks to remove me as an advisor are limited to personal opinion and the freedom of free speech in an arena not controlled or under the purview of AAFCO.

I hereby appeal the decision reached in the Letter and demand immediate reinstatement as advisor to the Pet Food Committee and Ingredient Definitions Committee. I request a full apology from AAFCO for this unfounded dismissal not only to myself, but to all pet food consumers.

Please be advised that this letter is not intended as a complete statement of my factual and legal positions and nothing herein is intended as a waiver or relinquishment of my rights, remedies, or defenses all of which are hereby expressly reserved.

Please feel free to contact me at if you have any questions. I look forward to your compliance in this matter.

Respectfully,

*Susan Thixton*

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