

## Agreement Regarding Testing of Pet Food

Pursuant to Section VI.A of the Settlement Agreement, certain defendants that manufactured Recalled Pet Food Product(s) have agreed as follows:

WHEREAS, Defendants that manufacture pet food products that are the subject of the Pet Food Recall Litigation and contained wheat gluten or rice protein concentrate and were recalled between March 16, 2007 and the present represent that they have Quality Assurance Programs ("QAPs") that focus on the quality and safety of pet food products;

WHEREAS, Defendants that manufacture pet food products that were subject to the recall represent that these QAPs define processes and specifications in areas related to the quality and safety of pet food products, including raw materials, production processes, and regulatory compliance;

In recognition of the foregoing, Defendants that manufacture pet food products containing wheat gluten that was subject to the recall now regularly test any such shipment of raw wheat gluten imported from China for use in such pet food products for the presence of melamine and cyanuric acid, and agree to test or continue to test for such compounds for a period of one year following the date of Preliminary Approval of this Settlement Agreement by the MDL Court. In addition, Defendants that manufacture pet food products containing rice protein concentrate that was subject to the recall now regularly test any such shipment of raw rice protein concentrate imported from China for use in such pet food products for the presence of melamine and cyanuric acid, and agree to test or continue to test for such compounds for a period of one year following the date of Preliminary Approval of the Parties' Settlement Agreement by the MDL Court. This provision does not apply to Defendants for whom the recalled pet food products are exclusively co-packed or private labeled.