

August 4, 2003

COURIER

Dockets Management Branch
Food and Drug Administration
5630 Fishers Lane
Rm. 1061, (HFA-305)
Rockville, MD 20852

Re: Comments to Program Priorities in the Center for Food Safety and Applied Nutrition; Request for Comments (Docket No. 98N-0359)

Dear Sir or Madam:

Thank you for the opportunity to submit these comments on behalf of the National Yogurt Association ("NYA"). NYA is the national nonprofit trade association representing the manufacturers and marketers of live and active culture yogurt products as well as suppliers to the yogurt industry. NYA sponsors scientific research regarding the health benefits associated with the consumption of live and active culture yogurt and serves as an information resource for the American public about these attributes.

NYA is pleased to respond to the request for comments regarding the establishment of program priorities for the Center for Food Safety and Applied Nutrition ("CFSAN") for fiscal year 2004 ("FY 2004").¹ The notice states that the FY 2004 work plan will be similar to last year's work plan in that the Food and Drug Administration ("FDA" or the "Agency") expects there will be considerable continuity and follow-through between 2003 and 2004 work plans.

¹ 68 Fed. Reg. 33727 (June 5, 2003).

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NYA agrees with the Agency that continuity is important and activities begun in 2003 should be completed in 2004. Specifically, on July 3, 2003, FDA issued an Advanced Notice of Proposed Rulemaking for Milk and Cream Products and Yogurt Products; Petition to Revoke Standards for Lowfat Yogurt and Nonfat Yogurt and to Amend Standards for Yogurt and Cultured Milk (hereinafter referred to as the "ANPR") announcing the Citizen Petition filed by NYA on February 18, 2000 (Docket No. 00P-0685) and requesting comments.²

NYA believes that the completion of a proposed rule based on data and comments received from the ANPR should be included on CFSAN's "A" List priorities for FY 2004. Making the publication of a proposed rule a priority allows the Agency to follow-through with activities it began in 2003. Also, FDA would avoid disrupting the continuity of the project and would prevent further delay in resolving the issues associated with the yogurt standards that have existed for over twenty (20) years.

Therefore, NYA respectfully requests that CFSAN include on its "A" List priorities for FY 2004 the publication of a proposed rule based on the ANPR. If we may be of assistance or if additional information is required, please do not hesitate to contact us.

Respectfully submitted,



Leslie Sarasin
President
National Yogurt Association

² 68 Fed. Re. 39873 (July 3, 2003).