



International Dairy Foods Association
Milk Industry Foundation
National Cheese Institute
International Ice Cream Association

July 12, 2004

By Electronic Mail

Dockets Management Branch
U.S. Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852

Re: Docket No. 02N-0278 – Comments On Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002

The International Dairy Foods Association (IDFA) is the Washington, D.C.-based organization representing the nation's dairy processing and manufacturing industries and their suppliers. IDFA is composed of three constituent organizations: the Milk Industry Foundation (MIF), the National Cheese Institute (NCI) and the International Ice Cream Association (IICA). Its 500-plus members range from large multinational corporations to single-plant operations, and represent more than 85% of the total volume of milk, cultured products, cheese, and ice cream and frozen desserts produced and marketed in the United States - an estimated \$70 billion a year industry.

IDFA would like to take this opportunity to commend FDA for its efforts in promulgating the prior notice interim final rule and recognize that the agency has worked especially hard in its outreach and educational efforts. Generally we are pleased with the rule, but we do believe there are a few improvements that can be made without comprising the safety or integrity of the food supply. The changes we would like to advocate and support are those that were expressed by National Coalition of Food Importing Associations (NCFIA) in the comments they filed with FDA on or about May 12, 2004.

Specifically NCFIA requested the following changes which IDFA supports and which we would like to see implemented in the final prior notice rule:

- ?? An exemption for research and trade samples imported for research development purposes and laboratory and/or organoleptic analysis;

- ?? Resolution of PN/ABI system problems so that CBP entry and prior notice need not be made at the same time. Resolution of this timing problem is especially critical because for many foods, prior notice must be submitted before entry can be made (e.g., for quota class merchandise subject to CBP “live entry” requirements) and current system configurations can make it impossible to comply with both CBP and prior notice requirements.
- ?? Resolution of PN/ABI system problems so that CBP entry can be made for articles of food that are already in the United States;
- ?? Provision for FDA to communicate refusals and rejections to the importer, and to the ultimate consignee, if different, and to the electronic filer, if different, as well as the carrier;
- ?? Establishment of a system for swift resolution of technical and operational problems;
- ?? Establishment of a system that validates data and resolves conflicts between CBP and FDA databases;
- ?? Resolution of the problem of duplicate prior notice filings;
- ?? Provision for correction of errors in prior notice submissions, so long as corrections are made prior to passage of the 2, 4 or 8-hour deadline;
- ?? Improvement of the capacity of the FDA Prior Notice Internet System Interface; and
- ?? Better FDA communication to, and involvement with, the importing community.

Rather than to have IDFA discuss each of these issues in turn, in the interests of efficiency for FDA and IDFA, IDFA shall refer FDA to the written comments submitted by NCFIA. IDFA believes that those comments adequately discussed the issues, identified the problems and proposed solutions that can be implemented in the forthcoming final rule. We thank FDA for this opportunity to provide comment on this important rule.

Sincerely,

Clay Detlefsen
Vice President & Counsel