



DEC 13 2000

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Ms. Sarah E. Taylor
Covington & Burling
1201 Pennsylvania Avenue NW
Washington, DC 20004-2401

Re: Docket No. 00P-0586/CP2

Dear Ms. Taylor:

This letter is in response to your citizen petition, dated and filed June 13, 2000, requesting that the Food and Drug Administration (FDA) amend 21 CFR §133.3 to recognize formally that filtered milk is a form of milk encompassed by the terms "milk" and "nonfat milk" under the standards of identity for cheese and cheese products (21 CFR §133).

In accordance with 21 CFR §10.30(e)(2), this letter is to advise you that we have not been able to reach a decision on your petition within the first 180 days of its receipt because of other Agency priorities and the limited availability of resources. Additionally, FDA will not likely take any action on your petition until ongoing related standards modernization and Congressional activities that would impact your petition progress further.

FDA recognizes the importance of reinventing food standards in a manner that both protects the interest of consumers and provides manufacturers reasonable flexibility in using innovative techniques to produce foods governed by a standard of identity. Consequently, the Agency is currently working with the Food Safety and Inspection Service of the United States Department of Agriculture to propose a set of guiding principles by which existing federal food standards of identity may be revised or eliminated, or new ones established. We encourage you and the food manufacturers you represent to provide comments on these guiding principles when the proposed rule is published in the Federal Register. As we continue to develop our policy on the modernization of food standards, we will consider how to most appropriately address your petition within FDA's overall strategy to reinvent food standards.

Additionally, as you may be aware, there is Congressional interest in this issue and the FDA appropriations bill from the Senate requested the Comptroller General to conduct an importation study to determine the quantity and end use of UF milk that is imported annually

00P-0586

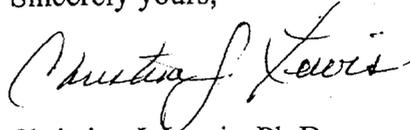
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Page 2 – Ms. Sarah E. Taylor

into the United States and to submit a report describing the results of the study to Congress. The results of the General Accounting Office's review as specified by Congress are not available yet.

Should you have additional questions, do not hesitate to contact us.

Sincerely yours,

A handwritten signature in cursive script that reads "Christine J. Lewis". The signature is written in black ink and is positioned above the printed name.

Christine J. Lewis, Ph.D.
Director
Office of Nutritional Products, Labeling
and Dietary Supplements
Center for Food Safety
and Applied Nutrition