



Food and Drug Administration
Rockville MD 20857

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November 19, 2001

Mr. David J. Frederickson
President
Minnesota Farmers Union
600 County Road D West
Suite 14
St. Paul, Minnesota 55112-3521

Dear Mr. Frederickson:

This is in response to your letter of October 22, on behalf of the Minnesota Farmers Union addressed to Dr. Schwetz, Acting Principal Deputy Commissioner, opposing changes in the definition of milk and nonfat milk under the standards of identity for cheese and cheese products.

Your letter specifically mentioned two pending citizen petitions: a petition filed by the American Dairy Product Institute (docket #99P-5198) and a petition filed jointly by the National Cheese Institute, the Grocery Manufacturer of America, Inc., and the National Food Processors Association (docket # 00P-0586). Both petitions ask the Food and Drug Administration (FDA) to amend the definition of "Milk" in 21CFR 133.3.

The Agency would like to thank you and the members of the Minnesota Farmers Union for your comments. Your letter will be added to both dockets as a comment on the petitions. Please feel free to share a copy of this response with your co-signers.

Sincerely,

Kristy Moran
Policy Analyst
Office of the Executive Secretariat

cc: Dockets Management Branch

99P-5198

ANSZ



October 22, 2001

Dr. Bernard A. Schwetz
Acting Principle Deputy Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 28057

Dear Dr. Schwetz:

We the undersigned wish to voice our strong opposition to changing the definition of milk and nonfat milk under the standards of identity for cheese and cheese products in 21 CFR 133.3. We are specifically opposed to two pending petitions, one filed by the American Dairy Product Institute (ADPI), and a second by the National Cheese Institute (NCI), which are seeking the changes.

We are opposed to the changes for the following reasons:

1. Use of filtered milk changes the end product. Filtered milk is not the same as milk. The process of filtration removes minerals such as calcium and reduces the lactose that is required to achieve the lactic acid levels necessary in the cheese-making process to give cheese the fullness of flavors.
2. Dairy farmers have invested hundreds of thousands of dollars both for production of high quality milk and for product promotion. This investment must not be jeopardized by changing the definition.
3. Consumers are not asking for a new definition of milk.
4. Other countries are dumping surplus dairy production into the United States in the form of dry filtered milk, i.e. milk protein concentrate (MPC), thereby avoiding trade limitations on the volume of dairy imports allowed under international trade agreements. Although there is pending legislation that addresses the trade loophole by including MPC on the dairy tariff-rate quota schedules, no action has been finalized and the loophole continues.
5. Displacement of U.S. milk by imported MPC in cheese vats results in costs to remove U.S. surplus product from the market.
6. Using a cheese ingredient that is produced outside of the United States—dry or liquid ultra-filtered milk—will subject dairy products to increased vulnerability to contamination and compromise the sanitation, hydosanitary, and phytosanitary standards that the U.S. has worked to develop.
7. Some MPC imports come from countries that are experiencing problems with foot and mouth disease, which is highly contagious. While the risk may seem small, the potential loss to any dairy farmer whose herd becomes infected is tremendous.

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The National Milk Producers Federation has strongly opposed allowing the use of dry filtered milk, MPC, but supports changing the definition to allow the use of liquid filtered milk. We believe that changing the definition to allow the use of liquid filtered milk would ultimately result in the use of dry filtered MPC as well, with the attendant problems.

Even if the U.S. could allow liquid filtered milk, while disallowing dry MPC, we would still be concerned about product quality degradation. In addition, while liquid filtered milk is produced domestically, changing the definition could also result in filtered milk coming in from Canada, displacing U.S. milk and resulting in a surplus.

Those processors who want to use filtered milk can already do so, by producing and using the filtered milk in the same plant, under the alternative make procedures. Further, if processors are concerned about transporting milk for cheese production, they can condense the milk to reduce volume. Unlike filtration, condensing the milk does not result in the loss of minerals and lactose.

In summary, we object to both petitions, and strongly urge the FDA to maintain the current definition of milk (21 CFR 133.3).

Sincerely,

Eunice Biel
Minnesota Farmers Union Advisory Board



Delbert Mandelko
Minnesota Milk Producers President



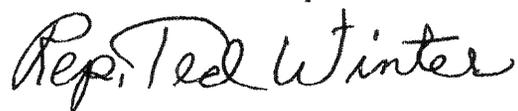
Dennis Sjodin
Minnesota Farmers Union Vice President



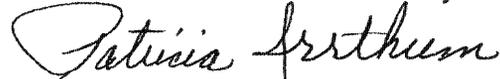
David J. Frederickson
Minnesota Farmers Union President



Rep. Ted Winter
Minnesota House of Representatives



Patricia Irrthum
Minnesota Milk Producers Secretary



James A. Holst
Minnesota Milk Power

