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

7043 '02 JAN 25 A9:24

September 20, 2001

Dr. Christine J. Lewis  
Director, Office of Nutritional Products, Labeling, and Dietary Supplements  
Food and Drug Administration  
Room 1832  
HFS-800  
200 C Street, SW  
Washington, DC 20204

Dear Dr. Lewis:

This letter is submitted on behalf of the National Cheese Institute (NCI). NCI is affiliated with the International Dairy Foods Association and represents manufacturers, marketers, processors, and distributors of approximately 85% of the cheese and cheese products consumed in the United States.

NCI joins the National Milk Producers Federation (NMPF) and the American Dairy Products Institute (ADPI) in urging your swift action to allow use of filtered milk in standardized cheeses.

As you are aware, NCI currently has a petition in FDA's docket (no. 00P-0586) requesting a change in the Standards of Identity to allow use of filtered milk in standardized cheeses. NMPF recently filed a letter with the FDA supporting a separate petition on this subject, filed by ADPI. Also last week, ADPI filed a letter urging FDA to act on its petition "without further delay." Our purpose today is to urge expeditious resolution of this issue also, by supporting the language of the ADPI petition. Indeed, we feel – and have long felt – that the ADPI and NCI petitions are equivalent in their effect. Each would allow use of liquid filtered milk, but not dried filtered milk. We feel that FDA can appropriately adopt the ADPI definition, and use the detailed documentation of the NCI petition for further reference and support.

We are willing to support ADPI's suggested language for CFR 21 133.3 definition (a) with one minor modification taken from the NCI petition. NCI requests that the words "ultrafiltration" and "ultrafiltered" be changed to "filtration" and "filtered." In addition of course, 21 CFR 133.3 (b) will need to include a definition for filtered skim milk that parallels that for milk in (a). We also assume that if granted, the petition would allow for filtered milk to be labeled as "milk" on the ingredient label of the product in which it is used.

We are hopeful that by IDFA supporting the definitional language of the ADPI petition, the FDA can move this matter forward. Settling this issue by promptly changing the cheese standards is extremely important to our industry. The dairy industry is poised to make the capital investments

**00P-0586**

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necessary to fully use filtration technology, but these amendments to the cheese standards need to be made. As evidenced by the industry's unified support for FDA's quick action, resolution of this issue will be greeted favorably by all parties, as it will legitimize use of a technology that is widely accepted and used by producers and processors across the country.

Please let us know if there is any assistance we can provide.

Respectfully,

A handwritten signature in cursive script, reading "C. Gordon Brown". The signature is fluid and extends to the right with a long, sweeping tail.

C. Gordon Brown  
Senior Vice President, Regulatory & Scientific Affairs

78257



# National Milk Producers Federation

7044 '02 JAN 25 09:24

National Milk Producers Federation · 2101 Wilson Blvd., Arlington, VA 22201 · 703-243-6111 FAX 703-841-9328

September 6, 2001

Christine J. Lewis, Ph.D.  
Director, Office of Nutritional Products, Labeling, and Dietary Supplements  
Food and Drug Administration  
Room 1832  
HFS-800  
200 C Street, SW  
Washington, DC 20204

Dear Dr. Lewis: *Satchell*

This letter is submitted on behalf of the National Milk Producers Federation (NMPF). The National Milk Producers Federation, headquartered in Arlington, VA, develops and carries out policies that advance the well-being of U.S. dairy producers and the cooperatives they collectively own. The members of NMPF's 31 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of 60,000 dairy producers on Capitol Hill and with government agencies. NMPF represents a large segment of the dairy producers and processors who would be impacted by any change to the standards of identity for dairy products.

The purpose of this letter is to unconditionally endorse a Citizen Petition, dated December 2, 1999 and submitted to FDA by the American Dairy Products Institute (hereafter, "ADPI petition"). The ADPI petition seeks to allow for the use of liquid ultrafiltered (UF) milk in cheese making. NMPF is also aware that the National Cheese Institute (NCI) submitted a Citizen Petition pertaining to the same general subject on February 10, 2000. This petition was rescinded by NCI in favor of a revised petition on June 9, 2000 (hereafter, "NCI petition"). NMPF fully endorses the ADPI petition to allow only liquid UF milk to be used in cheese making and strongly opposes the NCI petition.

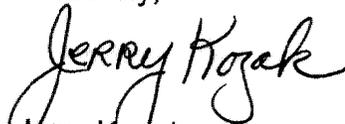
The ADPI petition seeks to allow milk to be subjected to an ultrafiltration process for use in cheese making, whereas the NCI petition seeks to include filtered milk as a product which is synonymous to milk for use in cheese making. While this difference may seem to be trivial, the impact of the difference is substantial. NMPF does not support any change to the definition of milk under 21 CFR 133.3 (a) that changes which products are currently defined as "milk" under the definition.

**Jerome J. Kozak**, Chief Executive Officer **James P. (Tom) Camerlo, Jr.**, President **Elwood Kirkpatrick**, First Vice President  
**Charles Beckendorf**, Second Vice President **Robert Dever**, Third Vice President  
**Donald Storhoff**, Secretary/Treasurer **Clyde Rutherford**, Assistant Secretary/Treasurer

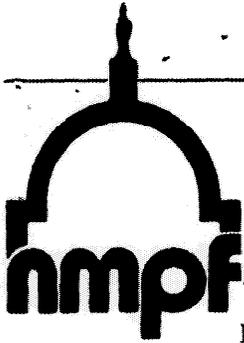
Both the ADPI petition and the NCI petition will allow for liquid forms of UF milk to be used as an ingredient in cheese making. We believe that the language in the NCI petition, however, is sufficiently vague that it may be subject to interpretation such that it subsequently allows for dried forms of UF milk to be used, as well. This allowance for dried forms of UF milk has created much controversy in the dairy industry over the past few years. In fact, legislation has been introduced in Congress to specifically prohibit dried UF milk from being used in cheese making. A petition to allow for only liquid forms of UF milk has general widespread support and appears to be the most pragmatic solution.

In conclusion, NMPF vehemently opposes the NCI petition and fully endorses the ADPI petition. Thank you for the opportunity to provide these comments. We would be pleased to answer any questions or provide additional information, upon request.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Kozak". The signature is written in black ink and is positioned above the printed name and title.

Jerry Kozak  
Chief Executive Officer



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# National Milk Producers Federation

7045 02 JAN 25 19 24

National Milk Producers Federation • 2101 Wilson Blvd., Arlington, VA 22201 • 703-243-6111 FAX 703-841-9328

- Agri-Mark, Inc.
- Associated Milk Producers, Inc.
- Black Hills Milk Producers
- Cass-Clay Creamery, Inc.
- Continental Dairy Products, Inc.
- Cooperative Milk Producers Assn.
- Country Classic Dairies, Inc.
- Dairy Farmers of America, Inc.
- Dairyies Cooperative Inc.
- Elite Milk Producers, Inc.
- Ellsworth Cooperative Creamery
- Farmers Cooperative Creamery
- First District Association
- Foremost Farms USA
- Land O'Lakes, Inc.
- Manitowoc Milk Producers Coop.
- MD & VA Milk Producers Cooperative Association, Inc.
- Michigan Milk Producers Assn.
- Mid-West Dairymen's Company
- Milwaukee Cooperative Milk Producers
- Niagara Milk Cooperative, Inc.
- Northwest Dairy Association
- Prairie Farms Dairy, Inc.
- St. Albans Cooperative Creamery, Inc.
- Scioto County Co-op Milk Producers' Assn.
- Select Milk Producers, Inc.
- Southeast Milk, Inc.
- Swiss Valley Farms, Co.
- Tillamook County Creamery Assn.
- United Dairymen of Arizona
- Uplstate Farms Cooperative Inc.

October 19, 2001

Christine J. Lewis, Ph.D.  
 Director, Office of Nutritional Products, Labeling, and Dietary Supplements  
 Food and Drug Administration  
 Room 1832  
 HFS-800  
 200 C Street, SW  
 Washington, DC 20204

Dear Dr. Lewis:

This letter is submitted on behalf of the National Milk Producers Federation (NMPF). The National Milk Producers Federation, headquartered in Arlington, VA, develops and carries out policies that advance the well-being of U.S. dairy producers and the cooperatives they collectively own. The members of NMPF's 30 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of 60,000 dairy producers on Capitol Hill and with government agencies. NMPF represents a large segment of the dairy producers and processors who would be impacted by any change to the standards of identity for dairy products.

On September 6, 2001, NMPF sent a letter to FDA to endorse a Citizen Petition, dated December 2, 1999 and submitted to FDA by the American Dairy Products Institute (ADPI). In this petition, ADPI seeks to allow for the use of liquid ultrafiltered (UF) milk in cheese making. Since that time, the National Cheese Institute (NCI) has also sent a letter to FDA indicating their support for the ADPI petition to only allow the use of liquid UF milk for cheese making.

While NMPF fully endorses the ADPI petition to allow only liquid UF milk to be used in cheese making, we believe it is essential that a definition of "liquid" be established as a reference point. NMPF requests that a limitation of 45% total solids be included in any change that will allow for liquid UF milk to be used for cheese making. This value of 45% total solids will allow for ultrafiltration technologies to be used to concentrate milk, thus preserving the liquid state of the product. A product with greater than 45% total solids has more than likely undergone a subsequent treatment for concentration beyond ultrafiltration.

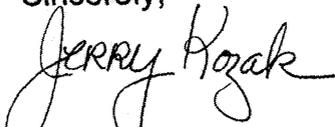
Jerry Kozak, President/Chief Executive Officer

James P. (Tom) Camerlo, Chairman

NMPF believes that this value is necessary to explicitly define what "liquid" means in liquid UF milk for cheese making. Setting a demarcation point will serve to mitigate potential misinterpretations and provide clarity for enforcement. We believe that agreement by NMPF, ADPI, and NCI on the ADPI petition with a 45% total solids definition for liquid would provide substantial industry consensus toward resolving this issue.

In conclusion, NMPF fully endorses the ADPI petition and feels a limitation of total solids is necessary. Thank you for the opportunity to provide these comments. We would be pleased to answer any questions or provide additional information, upon request.

Sincerely,

A handwritten signature in black ink that reads "Jerry Kezak". The signature is written in a cursive style with a large, looping initial "J".

Jerry Kezak  
President and CEO