



August 18, 2005

FSIS Docket Clerk
Cotton Annex Building, Room 102
300 12th St. SW
Washington, DC 20250-3700

Food and Drug Administration
Division of Dockets Management
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

RE: Docket No. 95-051P (FSIS) or Docket No. 1995N-0294 (FDA)

Dear Sirs:

On behalf of the farming and ranching members of the California Farmers Union, I am pleased to respond to the Federal Register (Volume 70, Number 97, pages 29214-29235) notice and request for comments on the proposed rule regarding food standards and general principles and food standards modernization. Our organization strongly supports food standards as it gives stability to agricultural markets and instills consumer confidence in purchasing those products.

Our organization was alarmed in reviewing the Federal Register notice to find that the proposed action will allow the usage of milk protein concentrate (MPC) and other inferior products to be included in the standards that dairy processors have to comply with. When milk is processed into MPC the basic nature and essential characteristics are changed, which are evident in microscopic photos of cheese made from ultra filtered (UF) cow's milk. The photos demonstrate that the quality problems associated with UF milk are structural, not chemical. The use of MPC, UF milk, casein and caseinates in cheese deteriorates the quality and functionality of standardized cheeses. We are greatly concerned by the emphasis placed on permitting the use of new technology in the production of standardized products. The new technologies used to produce MPC, UF Milk, casein and caseinates alter the basic characteristics of standardized dairy products and should be prohibited. This country produces some of the best dairy products in the world and to allow the quality of those products to be cheapened by excusing the use of low standard ingredients will be harmful to U.S. producers.

If food processors seek to incorporate new technologies or ingredients that are not currently allowed in standardized products, they should instead label their products using non-standardized names. We believe that upholding our high standards of identity is essential to maintain consumer confidence in standardized food products.

We are concerned that the Food Safety and Inspection Service (FSIS) and Food and Drug Administration (FDA) are relying upon comments received from an Advance Notice of Proposed Rulemaking that are ten years old. The comments received ten years ago are now outdated and do not reflect today's level of priority that producers and consumer place on food safety and standards today. Consumers today are increasingly concerned with the process by which their food was produced and are interested in more, not less information about the formulation and composition of food products.

Finally, we are concerned with language that appears to shift a great deal of power and oversight to the industry sector, in dealing with food quality and standards issues, which don't always have the economic interests of producers and consumers in mind. By allowing the industry to file petitions and use self-

commissioned research studies as evidence to support their claims with no independent agency to check their information is a risky action to take. The notice does not include guarantees that FSIS or FDA will regulate or expend any resources on conducting independent investigations into petitions, which is unacceptable. With no balance being added to a petition for food quality standard changes, we are undermining consumers and trading partners that buy U.S. products with confidence. This could potentially begin a chain of events with the outcome being detrimental to small producers as the industry gains more and more clout making it impossible for family farmers' voices to be heard.

As a general farm organization dedicated to protecting and enhancing the economic well-being and quality of life of family farmers and ranchers and their rural communities, we strongly urge FSIS and FDA to resist making changes that don't benefit all parties involved, including producers and consumers. We ask that the tradition of setting the benchmark of food quality throughout the world continue so that small producers in this country remain competitive.

Sincerely,

A handwritten signature in black ink that reads "Joaquin Contente". The signature is written in a cursive style with a large initial "J" and a distinct "Contente" at the end.

Joaquin Contente
President, California Farmers Union