



NATIONAL FARMERS UNION

September 28, 2001

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

Dear Dr. Schwetz:

I am writing on behalf of the 300,000 members of the National Farmers Union to again 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.

There are many reasons we oppose the changes.

1. Use of filtered milk changes the end product. Filtered milk is not 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, hydrosanitary 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. Even though the MPC is pasteurized, the whole process of collecting milk from farms that may have infected animals, producing the MPC in plants that serve those farmers, and then shipping the MPC to the same processing plants in the United States that send trucks to U.S. farms, increases the possibility of spreading the contamination. 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 the dry filtered MPC as well, with all 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 FDA to maintain the current definition of milk (21 CFR 133.3).

Sincerely,



Leland Swenson
President