



**NATIONAL
FARMERS
UNION**

July 2, 2003

The Honorable Lester M. Crawford, D.V.M., Ph.D.
Deputy Commissioner
Food and Drug Administration
Department of Health and Human Services
Rockville, MD 20857

Dear Mr. Crawford:

Thank you for your May 23rd response to our inquiry relative to the position of the Food and Drug Administration on issues related to milk protein concentrate.

On behalf of the 300,000 members of the National Farmers Union, we are writing to express our continued opposition to changing the definition of milk and to make you aware of petitions to the Food and Drug Administration (FDA) that would seriously jeopardize the quality standards important to the cheese makers that understand and value the ultimate user, the consumer. The petitions have been filed with the U.S. Food and Drug Administration on behalf of the National Cheese Institute, the Grocery Manufacturers of America, Inc., the National Food Processors Association, and a comment (converted from a petition) from the American Dairy Products Institute requesting the amendment of 21CFR 133.3, to permit the use of fluid filtered milk as an ingredient in standardized cheeses and related cheese products.

We are vehemently opposed to allowing fluid ultra-filtered milk to be used as an ingredient in natural cheese and cheese products. The change would seriously compromise decades of work and investment by the nation's dairy farmers and quality cheese makers and be a serious deception to our nation's consumers who depend on FDA to assure the quality and safety of the food supply.

We object to the petitions for the following reasons:

1. Dairy farmers have worked to develop an identity of milk and dairy products made from milk as pure and wholesome in the eye of their ultimate user – the American consumer. The change of definition will allow the use of fluid ultra-filtered (UF) milk to be used in the manufacture of cheese and other dairy products. The over 70 different cheeses covered by the FDA's standard of identity regulations (21CFR, PART 133 SUBPART B) do not allow fluid ultra-filtered milk as an approved ingredient. Therefore, these cheeses are expected by the consumers to be of uncompromised quality. Changing the standard by yielding to "special interest" consumed with hollow values of integrity and efficiencies would betray consumers and their trust in nature's most perfect food! According to the March 6, 2001 GAO report on Ultra-Filtered Milk, the separation by filtration results in a highly concentrated ultra-filtered milk that is not nutritionally equivalent to fluid milk. The study cites that in the filtration process most of the vitamins, minerals, enzymes, and lactose are removed. Another study conducted by the University of Illinois at Urbana-Champaign reports the main minerals, calcium and phosphorous that are found in milk, are soluble and therefore some would be removed during the ultra-filtration process.

2. By allowing the use of fluid ultra-filtered milk, but not dried ultra-filtered milk, would result in a breach of World Trade Organization commitments according to Allan Burton, president of New Zealand Milk Products USA. Also as noted by the Irish Dairy Board's estimate, "a change in U.S. regulation aimed at allowing liquid milk protein concentrates but not dried milk proteins would result in injury claims under Uruguay Round trade rules that would cost the U.S. \$447 million."
3. The definition of milk means *the lacteal secretion, free from colostrum, obtained by the complete milking of one or more healthy cows*. We cannot allow one of the most wholesome and basic foods to be adulterated. Dairy products made from fluid ultra filtered milk that is changed in composition should be labeled to distinguish them from products made with unadulterated milk. When the "Real Seal" is used, it means "real" domestic milk. Changing this standard violates "Real Seal" integrity.
4. Regardless if milk is used for fluid consumption or as an ingredient in standardized cheeses and related cheese products, the definition of milk is in fact the same. Consumers deserve this assurance.

We urge you to deny all petitions.

Sincerely yours,

Dave Frederickson
President, National Farmers Union

Sue Beitlich
President, Wisconsin Farmers Union

Joaquin Contente
President, California Farmers Union

Doug Peterson
President, Minnesota Farmers Union

Dennis Wiese
President, South Dakota Farmers Union

Jim Davis
President, Washington Farmers Union

Larry Breech
President, Pennsylvania Farmers Union

Joe Logan
President, Ohio Farmers Union

Wes Sims
President, Texas Farmers Union

Douglas Arthur
President, Utah Farmers Union

John Hansen
President, Nebraska Farmers Union