



NATIONAL MILK
PRODUCERS FEDERATION

James Mulhern, *President & Chief Executive Officer* | Randy Mooney, *Chairman*

Agri-Mark, Inc.
Arkansas Dairy
Cooperative
Association
Associated Milk
Producers Inc.
Continental Dairy
Products, Inc.
Cooperative
Milk Producers
Association
Dairy Farmers of
America, Inc.
Dairymen's Marketing
Cooperative, Inc.
Ellsworth
Cooperative
Creamery
Farmers
Cooperative
Creamery
FarmFirst Dairy
Cooperative
First District
Association
Foremost
Farms USA
Land O'Lakes, Inc.
Lone Star Milk
Producers
Maryland & Virginia
Milk Producers
Cooperative
Association
Michigan Milk
Producers
Association
Mid-West
Dairymen's
Company
Northwest Dairy
Association
Prairie Farms
Dairy, Inc.
Premier Milk Inc.
Scioto County
Cooperative
Milk Producers'
Association
Select Milk
Producers, Inc.
Southeast Milk, Inc.
St. Albans
Cooperative
Creamery, Inc.
Swiss Valley Farms
Company
Tillamook County
Creamery
Association
United Dairymen
of Arizona
Upstate Niagara
Cooperative, Inc.
Zia Milk
Producers, Inc.

July 30, 2014

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: FSMA-Sanitary Transportation of Human and Animal Food Proposed Rule; Docket No. FDA-2013-N-0013.

Dear Sir or Madam:

The National Milk Producers Federation welcomes the opportunity to provide comments to the Food and Drug Administration (FDA) on the proposed rule to address sanitary transportation of human and animal food. The National Milk Producers Federation (NMPF), based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 32,000 dairy producers on Capitol Hill and with government agencies. Visit www.nmpf.org for more information.

NMPF appreciates the efforts of FDA to work with all stakeholders to improve the safety of the food supply during the implementation phase of the various provisions of the Food Safety Modernization Act (FSMA). NMPF submitted comments jointly with the International Dairy Foods Association with respect to the impact of the proposed rule on the dairy industry in general; additionally, NMPF offers the following comments specific to the issue of animal feed on dairy farms.

NMPF seeks clarification from FDA about the application of the proposed regulations to a dairy farmer that is transporting bulk animal feed in their own vehicle from a facility to their own farm. In this scenario, the dairy farmer is operating as both the receiver and the carrier, and has assumed possession of the animal feed upon loading. Therefore, it is reasonable for the dairy farmer to maintain records as a receiver but, as the animal feed is no longer in commerce, transport of the shipment to the dairy farm should be exempt from the carrier's requirements for sanitary transportation and recordkeeping. Any risk for contamination or adulteration during transport to the farm has been accepted by and will be managed by the dairy farmer as the owner of the feed.

NMPF agrees that, should a third party or a feed mill serve as the carrier of the animal feed to the farm, the sanitary transportation requirements would be applicable to

ensure the safety of the animal feed being transported. However, when the end-user of the animal feed is also the carrier – as in the scenario of a dairy farmer transporting feed to their own farm – the shipment is no longer in commerce and would seem to be outside the scope of the current proposal.

NMPF welcomes the opportunity to further engage in productive dialogue and collaborate with FDA on the issue of food safety and to determine how to best achieve our common goal of assuring a safe and wholesome supply of milk and dairy foods.

Please contact us if you have additional questions.

Sincerely,

A handwritten signature in black ink that reads "Beth Panko Briczinski". The signature is written in a cursive, flowing style.

Beth Panko Briczinski, PhD
Vice President, Dairy Foods & Nutrition