NATIONAL MILK PRODUCERS FEDERATION

Regulatory Register

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Nutrition

NMPF Comments on Proposed Changes to "Nutrition Facts" and Serving Sizes

On August 1, 2014, NMPF submitted comments on FDA's proposed changes to update the Nutrition Facts label for packaged foods. Key points addressed in NMPF's comments included the proposed definition of "added sugars" on food labels, *trans* fats, and dual-column labeling.

While NMPF did not directly oppose FDA's intention to require added sugars on nutrition labels, the organization did cite various reasons for excluding lactose-containing dairy ingredients from the definition of added sugars:

1) Unlike typical added sugars, dairy ingredients containing lactose are not used primarily to sweeten foods, but for other functional purposes.
2) The federal definitions of many standard dairy products allow them to include lactose-containing dairy ingredients, like nonfat milk powder, while still allowing the product to be called "unsweetened." (for example, unsweetened yogurt and no-sugar-added ice cream; and
3) Under FDA's proposed definition, confusion would likely be created, since otherwise-identical dairy products would list or not list added sugars, depending on what ingredient was used. For example, a yogurt made with nonfat dry milk would be required to list added sugars, while the same yogurt made solely from skim milk would not list any added sugar.

NMPF also used its comments on the proposed revisions to the nutrition facts panel to remind the FDA that it is allowing manufacturers of imitation dairy products, including soy "milk" and rice "yogurt,"

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NMPF

NMPF Welcomes New Staff

Clay A. Detlefsen, a 25-year veteran of the International Dairy Foods Association, joined NMPF as senior vice president for regulatory and environmental affairs in mid-August. An attorney and long-time specialist in dairy regulation and policy issues, Detlefsen will also serve as NMPF's staff counsel.

NMPF President and Chief Executive Officer Jim Mulhern praised Detlefsen's knowledge of issues including FDA inspections, food safety and defense, workplace safety and, in particular, sustainability and the environment.

"Clay is a trusted voice on many issues facing our industry," Mulhern said. "He will enhance our resources on many fronts but most importantly his addition will increase our focus on the environmental challenges and opportunities that dairy farmers and their cooperatives are facing."

Also joining the NMPF staff is Economic Analyst Dustin Baker, who earned a master's degree in agricultural economics from Cornell University earlier this year. Baker grew up on a small family farm in central Michigan and has a bachelor's degree in agribusiness management from Michigan State. His master's research project examined welfare impacts of dairy policy.

"We're glad to have Dustin on board to augment our analytic capabilities, and help farmers make sense of the many sources of data that affect dairy production and marketing," Mulhern added.

Food Safety

2014 Food Facility Biennial Registration Renewal

Section 415 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) requires food facilities that are required to register with FDA to renew such registrations during the period beginning on October 1 and ending on December 31 of each even-numbered year.

Please note that "updating" your registration is a different function than "renewing" your registration. During the renewal period, you will not see the "Update" button listed on the Food Facility Registration Module main menu, until the registration is renewed.

Note that "food facilities" that are required to register are those domestic and foreign facilities that manufacture, process, pack or hold food for human or animal consumption. This does not include most dairy farms (unless the farm is a "mixed-type facility", which is also involved in on-farm processing).

If a registration is not renewed by 11:59 PM on December 31, 2014, the registration is considered expired and will be removed from your account and food can no longer be shipped from that facility.

The scope of facilities that are required to register with FDA and renew such registrations has not changed. Dairy producers should be wary of solicitations to register their farm under FSMA as dairy farms that have not had to register in the past do not need to register their facility in the future.

FDA's Food Facility Registration system can be accessed here Food Facility Registration.

Contact: Clay Detlefsen, Beth Briczinski

Environment

Landmark MOU to Increase Collaboration On Watershed Improvement Projects

On September 9, 2014, the National Association of Clean Water Agencies (NACWA) and the National Milk Producers Federation (NMPF) signed a Memorandum of Understanding (MOU) to promote increased cooperation and communication between the two organizations in their efforts to make watershed-level water quality improvements. This MOU marks an important milestone in efforts to strengthen ties between urban and rural sectors on conservation activities to improve local water quality and the environment. The goal of the agreement is to encourage clean water agencies and nearby dairy farms to work together to improve both water quality and environmental benefits produced on dairy farms. Potential projects include cooperation on building anaerobic digesters, which can use manure to generate electricity and reduce methane emissions, and increasing production of water quality benefits through the use of nutrient separation technologies and land management practices such as planting grass buffers near streams and using no-till planting in fields.

Contact: Jamie Jonker

Food Safety

FDA Issues Supplemental FSMA Rules

On September 29, 2014, the Food and Drug Administration (FDA) published four supplemental rules relating to the Food Safety Modernization Act (FSMA). The four rules being modified are: the proposed rule for Produce Safety, the proposed rule for Preventive Controls for Human Food, the proposed rule for Preventive Controls for Animal Food and the proposed rule for Foreign Supplier Verification Programs (FSVP). FDA will accept comments for 77 days that are germane to the supplemental proposals and will continue to review previously submitted comments that address issues that are not covered by the supplemental proposals.

In general, NMPF is pleased with the supplemental proposals. For example, FDA will no longer require a food processing facility subject to the Preventive Controls Rule for Human Food to be subject to the Preventive Controls Rule for Animal Feed if food by-products are diverted to animal feeding operations, including off-specification or dated food products as well as spent brewers grains from the manufacture of alcohol.

Most importantly, FDA will not mandate finished product pathogen testing, which could have been very troubling for the dairy industry. NMPF and IDFA filed multiple comments in the docket expressing serious concerns about such a mandate. NMPF is very pleased FDA grasped our concerns and appropriately addressed them.

Under the supplier verification requirement for domestic and foreign suppliers, FDA is now providing flexibility in the methodologies that will be used to assess whether suppliers are conforming to FDA food safety requirements. NMPF welcomes the additional flexibility but has concerns over FDA's strong desire for customers to visit their suppliers on an annual basis.

In response to NMPF comments about the inclusion of milk sales to determine regulatory thresholds for the application of the proposed FSMA Produce Safety Rule, the revised rule will now include only sales of produce, providing regulatory relief for up to 2,000 dairy farms which have ancillary or incidental sales of fresh produce such as through a farm stand.

In conjunction with our Regulatory Committee, NMPF will thoroughly review the proposals and will file comments by the December 15, 2014 deadline to address industry's concerns and to support the changes that reflect prior comments.

Contact: Clay Detlefsen, Beth Briczinski

FDA FOOD SAFETY MODERNIZATION ACT

Animal Health

International Regulatory Update

Argentina Patagonia FMD and Rinderpest Free

USDA APHIS has added the Patagonia Region of Argentina to the lists of regions that are considered free of foot-and-mouth disease (FMD) and rinderpest. Based on the assessment, APHIS determined that FMD is not present in the Patagonia Region of Argentina, and that the surveillance, prevention and control measures implemented by Argentina in that particular region were sufficient to minimize the likelihood of introducing FMD into the United States through the importation of susceptible ruminants and ruminant commodities. This is a final rule based on an earlier proposed risk analysis.

USDA Proposal for Importation of Fresh Meat from Argentina

USDA APHIS has proposed to amend the regulations to allow the importation of fresh (chilled or frozen) beef from northern Argentina, a region located north of Patagonia South and Patagonia North. A USDA risk assessment, conducted at the request of the government of Argentina, indicates that fresh (chilled or frozen) beef can be safely imported, provided certain conditions are met to ensure beef exported to the United States will not harbor FMD. As this is a proposed rule based upon a risk analysis, USDA has provided a 60-day comment period which ends October 28, 2014.

Contact: Jamie Jonker

Food Safety

NMPF Comments on FSMA Transportation Rule

On July 30, 2014, NMPF submitted two sets of comments on the 7th and final major regulation proposed under the Food Safety Modernization Act (FSMA) is the "Sanitary Transportation of Human and Animal Food".

One set of comments, addressing the impact of the proposed rule on the dairy industry in general, was submitted jointly with the International Dairy Foods Association (IDFA). The comments were basically in support of the proposal, while calling attention to a few areas where the proposed regulations could be clarified. In particular, NMPF and IDFA urged expanding the waiver from the regulation for dairy products if a shipper is licensed under the Grade "A" milk program, including outbound shipments of finished products (yogurt, cottage cheese, sour cream) as well as inbound shipments of unpasteurized milk.

The two groups also sought clarification on language regarding the short or intra-company food shipments and the transportation of frozen dairy desserts. On the latter, the organizations said the final regulations should specify that ice cream and other frozen dairy desserts should not be included under the proposed regulations because when ice cream is temperature-abused it doesn't present a food safety risk. Instead, it melts.

NMPF also submitted a second set of comments, specific to the issue of transporting animal feed to dairy farms.

Contact: Clay Detlefsen, Beth Briczinski

NMPF

NMPF Sponsors ADSA Awards

Eduardo de Souza Ribeiro was presented the 2014 NMPF Richard M. Hoyt Award on July 22, 2014, during the awards ceremony at the American Dairy Science Association (ADSA) Annual Meeting in Kansas City, Missouri.

The NMPF Richard M. Hoyt Award was created to recognize research efforts with direct application to problems of the US dairy industry.

A native of São Joaquim, Brazil, Ribeiro has done extensive research in reproductive physiology and management of dairy cows. He earned a master's degree from the University of Florida in 2011 and is currently in the animal molecular and cellular biology program there completing a PhD under the direction of Jose Santos. His research has resulted in 24 publications, of which he was the lead author on eight.

NMPF also presented awards to Marlene Paibomesai and Sarah Burczynski Potts for the NMPF Graduate Student Paper Presentation Contest in Dairy Production, PhD and MS Divisions, respectively.

Paibomesai is a graduate student at the University of Guelph. Her presentation was entitled "Epigenetic differences of cows classified with biased antibody and cell mediated immune response traits". Burczynski Potts is a graduate student at Michigan State University. Her presentation was entitled "Relationship between digestibility and residual feed intake in lactating Holstein cows fed high and low starch diets".

Contact: Beth Briczinski

Environment

Biogas Opportunities Roadmap Will Foster Innovation, Revenue for Dairies

On August 1, 2014, The White House released a Biogas Opportunities Roadmap highlighting the economic and environmental benefits and potential for biogas systems in the U.S. According to the Roadmap, biogas systems offer a wide range of potential revenue streams, growing jobs and boosting economic development for communities, businesses and dairy farms. The systems work by recycling organic material — including cow manure and food waste — into valuable co-products such as renewable energy, fertilizer, separated nutrients and cow bedding. Biogas initiatives completed by the Innovation Center for U.S. Dairy (which brings together leaders of dairy farmer organizations, including NMPF) helped inform the Roadmap, including 2013 research that identifies a $2.9 billion market potential for anaerobic digester systems that co-digest dairy cow manure and food waste.

Contact: Jamie Jonker

Nutrition

NMPF Comments on Proposed Changes to "Nutrition Facts" and Serving Sizes

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to trick consumers into thinking their products are nutritionally equivalent to real-milk products, a clear violation of FDA's own food standards and labeling regulations.

NMPF also submitted separate comments on FDA's proposal to update serving size requirements. As proposed, the serving size for yogurt would decrease from 8 ounces to 6 ounces, while the serving size for ice cream would increase from one-half cup to one cup. NMPF argued against the increase for ice cream, citing consumption data that strongly suggests an increase in the frozen dessert serving size was not warranted.

Contact: Beth Briczinski

Nutrition Facts

Serving Size 2/3 cup (55g)
Servings Per Container About 8

Amount Per Serving

Calories 230	Calories from Fat 72
	% Daily Value*
Total Fat 8g	**12%**
Saturated Fat 1g	**5%**
Trans Fat 0g	
Cholesterol 0mg	**0%**
Sodium 160mg	**7%**
Total Carbohydrate 37g	**12%**
Dietary Fiber 4g	**16%**
Sugars 1g	
Protein 3g	
Vitamin A	10%
Vitamin C	8%
Calcium	20%
Iron	45%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily value may be higher or lower depending on your calorie needs.

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Animal Health

USDA Approach on Disease Regionalization

On July 14, 2014, the National Milk Producers Federation endorsed the draft Framework for Implementing and Maintaining the Arrangement between the CFIA and the USDA for the Recognition of Foreign Animal Disease Control and Eradication Zones which will allow the U.S. and Canada to cope with an outbreak of a serious foreign animal contagion, such as foot-and-mouth disease. NMPF also suggested the framework is a template for similar plans involving other important dairy export markets. The plan, drafted by the U.S. Agriculture Department's Animal and Plant Health Inspection Service, calls for the United States and Canada to recognize each other's efforts to control an outbreak, while regionalizing how the outbreak is handled, so as to allow continued trade with disease-free areas of the country. NMPF's comments noted that Canada is an important market for U.S. dairy products, and that an outbreak of a highly contagious animal disease such as FMD in either country could be catastrophic for the U.S. dairy industry.

Contact: Jamie Jonker

Labeling

Pomona Grange Supports "Real Milk"

At a recent meeting of the Bradford-Sullivan Pomona Grange #23, a resolution was passed regarding use of the term "milk". The resolution regarding plant-based imitators read, in part:

"…whereas the advertising is a "slap in the face" to the dairy farmers of American who are strictly regulated as to know their products are made available to consumers.

Therefore be it resolved to support the National Milk Producers Federation for their efforts and ask that the Food and Drug Administration require all manufacturers of "fake" milk products be required to remove the word milk from all advertisements and packaging that are released for public consumption."

NMPF greatly appreciates the vocal support of the Pomona Grange for our long-standing campaign to call attention to FDA's lack of enforcement of labeling regulations for imitation dairy products and hope others will lend their voice to uphold federal standards of identity as well.

Contact: Beth Briczinski

NMPF

Upcoming Events

- November 12-14, 2014, NIAA Antibiotic Use and Resistance: Moving Forward Through Stewardship, Atlanta, GA, http://www.animalagriculture.org/2014AntibioticsSymposium
- January 18-21, 2015, National Ice Cream Mix Association Annual Meeting, Fort Lauderdale, FL. http://www.icecreammix.org/annual-meeting
- February 1-3, 2015, National Mastitis Council Annual Meeting, Memphis, TN. http://www.nmconline.org/meetings.html
- March 23-26, 2015, NIAA Annual Conference, Indianapolis, IN. http://www.animalagriculture.org/Events-2014AnnualConference

About NMPF

The National Milk Producers Federation, 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 US milk supply, making NMPF the voice of more than 32,000 dairy producers on Capitol Hill and with government agencies.

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