



September 6, 2001

Christine J. Lewis, Ph.D.
Director, Office of Nutritional Products, Labeling, and Dietary Supplements
Food and Drug Administration
Room 1832
HFS-800
200 C Street, SW
Washington, DC 20204

Dear Dr. Lewis:

This letter is submitted on behalf of the National Milk Producers Federation (NMPF). The National Milk Producers Federation, headquartered in Arlington, VA, develops and carries out policies that advance the well-being of U.S. dairy producers and the cooperatives they collectively own. The members of NMPF's 31 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of 60,000 dairy producers on Capitol Hill and with government agencies. NMPF represents a large segment of the dairy producers and processors who would be impacted by any change to the standards of identity for dairy products.

The purpose of this letter is to unconditionally endorse a Citizen Petition, dated December 2, 1999 and submitted to FDA by the American Dairy Products Institute (hereafter, "ADPI petition"). The ADPI petition seeks to allow for the use of liquid ultrafiltered (UF) milk in cheese making. NMPF is also aware that the National Cheese Institute (NCI) submitted a Citizen Petition pertaining to the same general subject on February 10, 2000. This petition was rescinded by NCI in favor of a revised petition on June 9, 2000 (hereafter, "NCI petition"). NMPF fully endorses the ADPI petition to allow only liquid UF milk to be used in cheese making and strongly opposes the NCI petition.

The ADPI petition seeks to allow milk to be subjected to an ultrafiltration process for use in cheese making, whereas the NCI petition seeks to include filtered milk as a product which is synonymous to milk for use in cheese making. While this difference may seem to be trivial, the impact of the difference is substantial. NMPF does not support any change to the definition of milk under 21 CFR 133.3 (a) that changes which products are currently defined as "milk" under the definition.

Both the ADPI petition and the NCI petition will allow for liquid forms of UF milk to be used as an ingredient in cheese making. We believe that the language in the NCI petition, however, is sufficiently vague that it may be subject to interpretation such that it subsequently allows for dried forms of UF milk to be used, as well. This allowance for dried forms of UF milk has created much controversy in the dairy industry over the past few years. In fact, legislation has been introduced in Congress to specifically prohibit dried UF milk from being used in cheese making. A petition to allow for only liquid forms of UF milk has general widespread support and appears to be the most pragmatic solution.

In conclusion, NMPF vehemently opposes the NCI petition and fully endorses the ADPI petition. Thank you for the opportunity to provide these comments. We would be pleased to answer any questions or provide additional information, upon request.

Sincerely,

Jerry Kozak
Chief Executive Officer