



**FOR IMMEDIATE RELEASE**

Tuesday, May 29, 2018

**CONTACTS:**

Christopher Galen, NMPF: (703) 243-6111

John Dutcher, USDEC: (515) 334-3464

**U.S. Dairy Groups Ask FDA Not to Use Same Imported Food Safety Oversight for Dairy as Being Applied to Foreign Shellfish**

ARLINGTON, VA – U.S. dairy producers and manufacturers offered to collaborate today with the U.S. Food and Drug Administration (FDA) to continue fostering dairy food safety and job growth, as the agency develops procedures for regulating imported foods, including shellfish and dairy.

The National Milk Producers Federation (NMPF) and the U.S. Dairy Export Council (USDEC) today asked for further engagement with FDA on ways to facilitate U.S. dairy exports, while expressing concerns that the manner in which the U.S. government is handling shellfish trade would pose a deep concern if that same process were applied to the trade of dairy foods.

At issue is FDA's determination of whether a foreign country has "equivalent" food safety parameters as the United States. Equivalence is a process by which FDA can recognize other countries' food safety measures as meeting an equivalent level of protection as provided by U.S. food safety measures, such as those mandated by the [Interstate Shellfish Sanitation Conference](#) or [the National Conference on Interstate Milk Shipments](#).

[In a letter sent today](#) to FDA Commissioner Scott Gottlieb, NMPF and USDEC praised the commissioner's commitment to "unlock economic opportunity...by creating new market access" and outlined the various ways in which the agency's actions on dairy equivalence would need to differ dramatically from the process followed for establishing bilateral shellfish equivalency to safeguard U.S. consumers while addressing job-constraining foreign barriers to U.S. dairy products.

This spring, FDA published a notice in the *Federal Register* soliciting comments on its proposed finding that the EU's food safety system for certain raw shellfish is equivalent to that in the United States. The notice represented the first time the agency has issued an equivalence determination. NMPF and USDEC filed [detailed comments](#) analyzing the notice's potential implications for America's dairy industry as FDA continues its ongoing Grade "A" dairy equivalence assessments of New Zealand, the European Union and Canada.

"While we recognize that the U.S. government has international obligations to be responsive to trading partners' equivalency requests while still upholding high U.S. food safety standards, our

trading partners likewise have their own obligations to not impose unduly burdensome or trade-distorting measures on U.S. exports,” said NMPF President and CEO Jim Mulhern.

“As part of the administration’s efforts to expand the U.S. economy and grow American jobs, FDA has a responsibility to safeguard our consumers while also working in tandem with our trade agencies to tear down foreign barriers to U.S. products,” Mulhern continued. “FDA’s scarce resources are best spent pursuing these goals in concert with one another by working with their inter-agency partners to make the best use of the agency’s skilled staff and taxpayer funds. Trade needs to be a two-way street; some of our trading partners understand that better than others.”

USDEC’s Chief Operating Officer, Matt McKnight, noted another area of the Notice that would be problematic were it applied to dairy trade: “American dairy producers in every state are governed by a uniform dairy food safety program which is overseen by FDA and provides consistently high food safety results for U.S. products exported all around the world, regardless of where in this country they were made.”

McKnight continued: “A dairy export deal that allowed only two states to access a foreign market, as is the case under this shellfish proposal, would create unacceptable commercial inequities in our industry. Our exporters face a lot of roadblocks around the world, particularly in the EU market. We look forward to working with FDA to fully address those barriers and ensure that all U.S. dairy products from all U.S. states have an equal opportunity to benefit from the agency’s work to tackle countries’ unjustified or overly burdensome requirements on American-made products.”

In the letter, NMPF and USDEC reiterated that their joint comments did not scrutinize the technical merits of FDA’s decision on the safety of EU shellfish, but rather focused on the process employed with the goal of ensuring it is not replicated with respect to dairy trade. The two organizations seek to work in partnership with FDA to pursue a dairy model that will successfully uphold U.S. food safety standards while facilitating the resolution of barriers to U.S. exports that limit job growth in the dairy sector.

###

The National Milk Producers Federation (NMPF), based 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 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of dairy producers on Capitol Hill and with government agencies. For more on NMPF’s activities, visit [www.nmpf.org](http://www.nmpf.org).

The U.S. Dairy Export Council (USDEC) is a non-profit, independent membership organization that represents the global trade interests of U.S. dairy producers, proprietary processors and cooperatives, ingredient suppliers and export traders. Its mission is to enhance U.S. global competitiveness and assist the U.S. industry to increase its global dairy ingredient sales and exports of U.S. dairy products. USDEC accomplishes this through programs in market development that build global demand for U.S. dairy products, resolve market access barriers and advance industry trade policy goals. USDEC is supported by staff across the United States and overseas in Mexico, South America, Asia, Middle East and Europe.