



Food Labeling

NMPF Begins Next Phase of Fake-Milk Fight, Filing Citizen Petition 'Road Map' on Dairy Labeling to FDA

The National Milk Producers Federation opened the next phase of the battle against fake milk on Feb. 21, submitting a citizen petition to the U.S. Food and Drug Administration outlining a road map for the agency as it considers more than 14,000 comments on what to do about milk imposters flooding the marketplace.

The petition argues that the use of standardized dairy terms such as "milk," "yogurt," "cheese," "ice cream" and "butter" in the statements of identity for non-dairy plant-based substitutes "falsely implies that the non-dairy substitutes are equivalent to and interchangeable with standardized dairy foods." They also fail "to disclose the material facts concerning how these non-dairy substitutes differ from standardized dairy foods or adequately distinguish non-dairy substitutes derived from different plant sources," according to the petition.

"This petition lays out a constructive solution to the false and misleading labeling practices existing in the marketplace today, and provides clear, truthful and understandable labeling options for marketers of plant-based imitation dairy products," said National Milk Producers Federation Executive Vice President Tom Balmer.

The NMPF petition notes that any manufacturer not wishing to use modifiers such as "imitation," "substitute" or "alternative" may simply eschew the use of dairy terms altogether – an approach that's already common in the rest of the world and practiced by some companies in the U.S. including Chobani, Trader Joe's and Quaker.

NMPF also addresses First Amendment arguments that have been raised by opponents, via a thorough discussion of relevant case law on commercial speech rights. Beginning with the landmark *Central Hudson Gas & Electric Corp. v. Public Service Commission* and running through more recent decisions such as *Zauderer* and *American Meat Institute vs. USDA*, the petition explains how NMPF's proposed solutions focus on disclosure requirements narrowly tailored to



improving labeling transparency and promoting informed consumer choice – and are emphatically not a "ban" on the use of dairy terms by plant-based products.

"Our approach does not advocate for any so-called 'bans,' Balmer said. "It simply relies on proper disclosures that allow for appropriate, truthful, non-misleading messaging. In the end, products that are 'milk-like' or 'yogurt-like' are not actual milk or yogurt – and the nutritional distinctions are critical to informed consumer decision-making."

The NMPF petition was filed in the wake of the agency's request for public comment on related issues that closed Jan. 28. The comments filed by the dairy industry and others were substantive and clearly showed that consumers are confused about the nutritional inferiority of plant-based substitutes and that there is ongoing public health harm as a result.

In response to the NMPF petition, FDA will have opened a docket, FDA-2019-P-0777, to accept feedback from the regulated community and interested stakeholders. The docket can be found at: <https://www.regulations.gov/docket?D=FDA-2019-P-0777>. NMPF urges stakeholders to comment on the docket, ensuring that the agency continues to pay attention to this crucial consumer issue.

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Inside

Page 2

U.S. dairy leads in reducing greenhouse gas emissions

Page 3

USDA Foot-and-Mouth preparedness needs to improve

Page 5

FARM releases human resource materials

Page 7

NMPF readies for NCIMS meeting

...and more!

Climate Change

New UNFAO, Global Dairy Platform Report Demonstrates U.S. Dairy's Continued Leadership in Reducing Its Greenhouse Gas Emissions

The Food and Agriculture Organization of the United Nations and the Global Dairy Platform in February released a new report, "Climate change and the global dairy cattle sector: the role of the dairy sector in a low-carbon future."

The report showed that the global dairy sector has reduced GHG emissions per unit of production, a measure of intensity, by 11 percent while total emissions have increased 18 percent due to growth in global dairy production.

Significantly, the North American dairy sector, dominated by U.S. production, has not only reduced greenhouse gas emissions per unit of production but has also reduced total emissions by five percent – the only region in the world to do so.

The FARM Environmental Stewardship module estimates

greenhouse gas emissions and providing tools and resources for farmers to measure and improve their performance. The tool is based on a life-cycle assessment (LCA) of fluid milk conducted by the Applied Sustainability Center at the University of Arkansas published in 2013, which incorporates data from more than



The FARM Environmental Stewardship module asks a set of questions to assess a farm's carbon and energy footprint – reducing the burden on farmers while still providing reliable, statistically robust estimates that explain 98% of the variability in total carbon footprint.

Nutrition

NMPF, National Dairy Council Participate in Initial Public Meetings of Dietary Guidelines Advisory Committee Hosted by USDA, HHS

The U.S. Department of Agriculture and the U.S. Department of Health and Human Services hosted public meetings March 28-29 of the 2020 Dietary Guidelines Advisory Committee chaired by Barbara Schneeman, Ph.D., and Ron Kleinman, M.D. as vice chair.

The Advisory Committee is reviewing the scientific evidence on topics and questions from the Departments and will provide a report to the Secretaries that, along with public and agency comments, that will help inform USDA and HHS's development of the 2020-2025 Dietary Guidelines for Americans that will be issued at the end of 2020.

Details on the systematic reviews being conducted by the Committee that evaluate scientific evidence can be found at www.nesr.usda.gov. The overall process for the development of the Dietary Guidelines is available at DietaryGuidelines.gov.

A public comment period opened on March 12 and will remain open throughout the Committee's deliberations, ensuring the public can provide comments to the Committee.

NMPF and the National Dairy Council participated in the meetings and will continue to collaborate throughout the process.

The 2020 DGAC is the largest in history, with 20 members. Most members have a positive perception of dairy – and importantly, environmental sustainability, which has been used as a stalking horse for anti-animal agriculture positions, is not on the agenda. The presence of more doctors and dietitians than ever before may benefit dairy because of its nutritional strengths.

NMPF and NDC's goals are to:

- Maintain the recommendation for three servings of dairy daily;
- Gain recognition for more recent science that shows health benefits of dairy at all fat levels;
- Position dairy positively in new recommendations for maternal and early childhood nutrition;
- Strengthen evidence for dairy foods' role in reducing chronic disease risk (CVD, T2D, etc.).

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Dietary Guidelines for Americans

USDA's Foot-and-Mouth Disease Preparedness Could Improve: GAO

The U.S. Government Accountability Office on March 12 released a report on the U.S. Department of Agriculture's planned approach for responding to an outbreak of foot-and-mouth disease that found the department would face significant challenges should such an incident occur.

The GAO began conducting the review in 2017 at the request of Congress. NMPF participated in it via interviews and surveys that discussed the potential impact of an outbreak on U.S. dairy, showing the need for continued preparedness through the Secure Milk Supply, which provides businesses with opportunities to voluntarily prepare before an outbreak, as well as a need to modernize the FMD vaccine bank.

The GAO review found that USDA would face significant challenges in pursuing response goals of detecting, controlling, and containing FMD quickly; eradicating FMD while seeking to stabilize industry and the economy; and facilitating continuity of commerce in uninfected animals. GAO identified challenges in 11 areas—including allocating a limited supply of FMD vaccine. USDA has identified dozens of corrective actions to mitigate the challenges of responding to an FMD outbreak, as called for in USDA procedures. But it also has not prioritized these corrective actions or monitored their



completion, which also is part of its procedures, the GAO said.

In response to the report recommendations, starting in the second quarter of fiscal year 2019, USDA will implement its Standard Operating Procedures, which the GAO said weren't being followed, and prioritize corrective actions to be tracked in its corrective actions database. Starting in the third quarter of fiscal year 2019, USDA will assess and update the items related to FMD in its corrective actions database. In addition, USDA will track accomplishments it makes under a related provision of the Agriculture Improvement Act of 2018.

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NMPF Animal Health and Wellbeing Committee Works in Key Areas



The NMPF Animal Health and Wellbeing Committee chaired by Karen Jordan, DVM, a dairy farmer with Dairy Farmers of America, remains active in numerous areas of animal health.

The committee met in January to review proposed changes to the National Dairy FARM Program Animal Care standards, which are revised every three years to reflect new animal care research and practices.

The committee approved draft FARM Animal Care Version 4.0 standards which subsequently were made available for public comment through the end of March. The Committee will review the comments and finalize the FARM Animal Care Version 4.0 standards for approval by the NMPF Board of Directors in June, to take effect Jan. 1. The Committee also continues its work with USDA to modernize the bovine tuberculosis eradication program.

The Committee held a webinar in February with Drs. Alecia Naugle and Michael Carter from USDA-APHIS Cattle Health Programs to discuss the bovine tuberculosis eradication program, looking at the state of the 2015 proposed rule; TB surveillance; recent TB cases; biosecurity; and indemnity. NMPF staff continues to advance dairy industry priorities through dialogue with USDA.

Contact: [Jamie Jonkner](#)

NMPF, Grocery Manufacturers and Other Trade Associations Request Extension for the FSMA Intentional Adulteration Rule

NMPF, the Grocery Manufacturers Association and 16 other trade associations on March 12 requested a one-year extension of the compliance dates for the Intentional Adulteration rule, the seventh and last of the major Food Safety Modernization Act (FSMA) rules. It's scheduled to go into effect July 26.

The purpose of this rule is to protect food from intentional acts of adulteration meant to cause widespread public-health harm. This rule applies to both domestic and foreign facilities required to register under section 415 of the Food Drug & Cosmetic Act. The rule requires food facilities to:

- Prepare and implement a written food defense plan that includes a vulnerability assessment to identify significant vulnerabilities and actionable process steps, mitigation strategies, and procedures for food defense monitoring, corrective actions, and verification;
- Identify any significant vulnerabilities and actionable process steps by conducting a vulnerability assessment for each type of food manufactured, processed, packed, or held at the facility using appropriate methods to evaluate each point, step, or procedure in a food operation;
- Identify and implement mitigation strategies at each actionable process step to provide assurances that significant vulnerabilities at each step will be significantly minimized or prevented and that the food manufactured, processed, packed, or held by the facility won't be adulterated. Each strategy implemented at each actionable process step will include a written explanation of how it sufficiently minimizes or prevents the significant vulnerability associated with the step;
- Establish and implement mitigation strategies management components as appropriate to ensure the proper implementation of each such mitigation strategy, accounting for the nature of the mitigation strategy and its role in the facility's food defense system;

- Establish and implement food defense monitoring procedures, for monitoring the mitigation strategies, as appropriate to the nature of the mitigation strategy and its role in the facility's food defense system;
- Establish and implement food defense corrective action procedures that must be taken if mitigation strategies are not properly implemented, as appropriate to the nature of the actionable process step and the nature of the mitigation strategy;
- Establish and implement specified food defense verification activities, as appropriate to the nature of the mitigation strategy and its role in the facility's food defense system;
- Conduct a reanalysis of the food defense plan;
- Ensure that all individuals who perform required food-defense activities are qualified to perform their assigned duties;
- Establish and maintain certain records, including the written food defense plan (vulnerability assessment, mitigation strategies and procedures for food defense monitoring, corrective actions, and verification) and documentation related to training of personnel. All records are subject to certain general recordkeeping and record retention requirements.

NMPF and others felt strongly that a great deal of missing information in the form of guidance and training materials mandates the need for an extension. NMPF is optimistic the request will be granted. In addition, NMPF hosted FDA and representatives of the broader food industry in its Arlington office for the piloting of version 2.0 of FDA's Food Defense Plan Builder software on April 4th and 5th. That software tool is critical for creating food defense plans and we look forward to FDA acting upon the feedback that was given at the pilots and finalizing the tool.

Contact: [Clay Detlefsen](#)



NMPF Environmental Issues Committee Meets with Top EPA Officials to Discuss WOTUS, CERCLA/EPCRA, Water Quality

The NMPF Environmental Issues Committee met with top U.S. Environmental Protection Agency officials as part of its March 5 meeting, including Tate Bennett, the Agriculture Advisor to the Administrator and Associate Administrator for Public Engagement and Environmental Education; Hema Subramanian, Senior Advisor for the Agriculture Advisor; and Thomas Mills, Deputy Director for Agricultural Outreach, to discuss environmental challenges and opportunities facing dairy farmers.

Mike McCloskey, co-founder and CEO of Select Milk Producers, chairman of the NMPF Environmental Issues Committee, led discussions that covered current environmental challenges and opportunities, including the Waters of the United States (WOTUS) rule, CERCLA and EPCRA reporting, and water quality trading.

The EPA officials acknowledged dairy's efforts to seek an

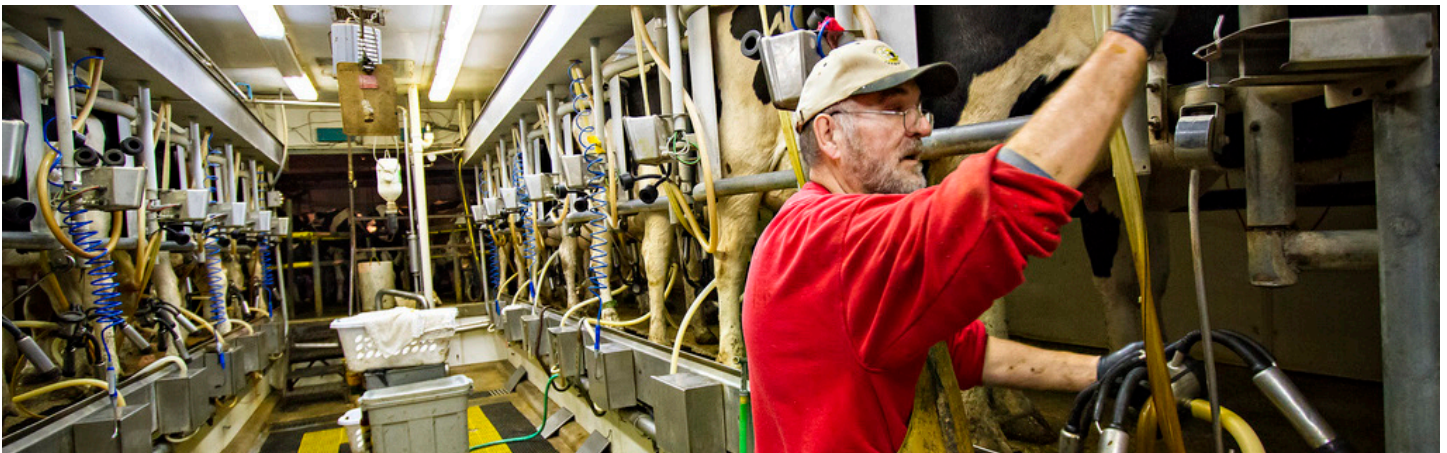
agricultural exemption for CERCLA and EPCRA reporting. They also discussed the proposed WOTUS revisions and the importance of public comment to assure that finalized regulations meet necessary legislative and judicial requirements and respect property rights while assuring protection of our water resources.

The EPA officials also discussed the potential of water-quality trading for the dairy industry and recent actions that help develop water-quality trading markets.

Contact: [Jamie Jonker](#)



FARM PROGRAM



FARM Releases Human Resource Materials for Dairy Producers

The National Dairy Farmers Assuring Responsible Management (FARM) Program in April released additional materials as part of its new Workforce Development initiative.

FARM Workforce Development focuses on the people who work year-round to provide excellent cow care and produce wholesome milk: dairy farm families and their employees. The program's resources offer guidance and best management practices around human resources and health and safety.

The new FARM Human Resources (HR) Reference Manual is designed to assist dairy farm owners, managers and other relevant staff with developing a consistent and

compliant human resources program on their farm. It guides farm owners and managers in handling a variety of human resources activities. The manual also helps address employee-related challenges that owners and managers might face in their day-to-day farming operations.

A set of HR templates and a sample Employee Handbook accompany the FARM HR Manual. These resources can be downloaded and tailored by owners and managers to fit the needs of their operation.

Spanish-language versions of the manual and templates will be available in the coming weeks.

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NMPF Meets With USDA on Farm Bill Animal-Health Implementation

NMPF meetings with USDA officials about farm-bill dairy implementation have included a robust discussion of animal-health priorities. NMPF staff have met with Under Secretary Greg Ibach of the Marketing and Regulatory Programs division and Deputy Under Secretary Scott Hutchins of the Research, Education, and Economics agency, among others.

During the meeting with Ibach, NMPF emphasized the need to fully use 2018 Farm Bill funding for the National Animal Vaccine and Veterinary Countermeasures Bank to maintain enough vaccine and keep other countermeasures in place to help address an outbreak of foot-and-mouth disease or

other high-consequence foreign animal diseases. During the meeting with Deputy Undersecretary Hutchins, NMPF emphasized the importance of USDA-funded dairy research and the need for continued USDA leadership in developing international food safety standards, such as Codex standards, to minimize antimicrobial resistance through the food chain.

NMPF will continue to engage USDA on animal-health program implementation.

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Environment

NMPF Applauds Wisconsin Effort to Improve Water-Quality Trading

The National Milk Producers Federation has put its weight behind a Wisconsin legislative effort to improve its water-quality trading, applauding a market-based approach to solving environmental challenges.

Senator Robert Cowles, a Green Bay Republican, announced in February new legislation intended to boost Wisconsin's three water-quality trading programs, leading to more transactions, better use of public and private dollars and noticeable water quality improvements.

The bill provides certainty for Wisconsin's currently under-used water quality programs and improves access to them, a necessary step to help farms, industry and wastewater treatment plants to work together toward shared water-quality goals at a lower cost.

"NMPF has long supported market-based approaches to

solving environmental challenges, backing efforts in Maryland to create a water quality trading program and legislation in Pennsylvania to create a competitively-bid clean water procurement program," said Jim Mulhern, president and CEO of the National Milk Producers Federation.

"The Wisconsin approach is a proactive attempt to tackle crucial environmental issues of great importance to dairy."

The legislation is consistent the Environmental Protection Agency's recent update of its water quality trading policy that's designed to promote market-based mechanisms for improving water quality. The updated policy reiterates EPA's strong support for water-quality trading and other market-based programs to maximize pollution reduction effort.

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Animal Health

FDA Updates Draft Revised Guidance on Veterinary Feed Directive

The U.S. Food and Drug Administration issued draft revised guidance March 27 for industry (GFI) #120, "Veterinary Feed Directive Regulation Questions and Answers."

The guidance aids industry in complying with the requirements of the Veterinary Feed Directive (VFD) final rule published in June 2015. Extra-label use of VFD drugs is illegal, and there are no VFD drugs approved for use in lactating dairy cattle. There are several VFD drugs approved to treat certain bacterial infections in growing dairy cattle.

This updated version of the draft revised guidance expands upon the previous version released in September 2015 by

adding 53 new Questions and Answers and revising 14 Q&As on topics related to the VFD final rule. The document is organized to help address the needs of all parties involved with a VFD order – veterinarians, VFD feed distributors (e.g., feed mills) and clients (i.e., owners or other animal caretakers). These changes were made in response to stakeholder feedback and comments submitted to FDA's Center for Veterinary Medicine (CVM) since the VFD final rule went into effect.

NMPF will review the draft revised guidance to see if additional comment to FDA is necessary.

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NCIMS

NMPF Readies for 2019 Conference on Interstate Milk Shipments



NMPF and its NCIMS Committee continue planning their participation in the 2019 National Conference on Interstate Milk Shipments (NCIMS) in St. Louis later this month.

The conference is a collaboration among states, industry and the federal government to determine how to best regulate the production of Grade "A" milk and milk products. NMPF has played a key role in the bi-annual conference since it began in 1950. NMPF and members met in person April 3 to review 74 proposals for changes to the Pasteurized Milk Ordinance. Proposals were due Feb. 1 – NMPF submitted four. In past conferences, more than 100 proposals have been considered

for deliberation.

NMPF is also meeting with IDFA and FDA before the conference to try to secure common positions on most proposals.

The conference will take place in St. Louis from April 26-May 1 at the Hyatt Regency St Louis at the Arch. For more information about this year's conference or NCIMS in general, visit the NCIMS website.

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Animal Health

Kate Lott Appointed to AVMA Animal Agriculture Liaison Committee

Kate Lott, DVM, has been appointed for a three-year term to represent the U.S. dairy industry as an Alternate Delegate to the American Veterinary Medical Association's Animal Agriculture Liaison Committee (AVMA AALC).

The AVMA AALC identifies present and future issues of mutual concern to the veterinary profession and the producers of food products derived from animals. Dr. Lott is the Director of Farm

Engagement at Tillamook County Creamery Association and is a member of the NMPF Animal Health and Wellbeing Committee. Brandon Treichler, DVM, Quality Control Veterinarian with Select Milk Producers, currently serves as the U.S. dairy industry Delegate to the AVMA AALC and is also a member of the NMPF Animal Health and Wellbeing Committee.

Contact: [Jamie Jonker](#)



Upcoming Dates

NCIMS St. Louis, Missouri	April 26-May 1
ADPI/ABI Annual Meeting Chicago, Illinois	May 5-7
Animal Agriculture Alliance Stakeholder Summit Kansas City, Missouri	May 8-9
NMPF Board Meeting Arlington, Virginia	June 3-5
ADSA Annual Meeting Cincinnati, Ohio	June 23-26



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The National Milk Producers Federation, based in Arlington, Va., develops and carries out policies that advance dairy producers and the cooperatives they own. NMPF’s member cooperatives produce the majority of U.S. milk, making NMPF the voice of dairy producers in Washington. For more, visit www.nmpf.org.

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