DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Food and Drug Administration
5100 Paint Branch Parkway
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August 29, 2011

Mr. John Miller, Chair
National Conference on Interstate
Milk Shipments
Florida Department of Agriculture
and Consumer Services
Division of Food Safety
Bureau of Dairy Industry
3125 Conner Blvd.
Tallahassee, Florida 32399-1650

Dear Mr. Miller:

I am very pleased to have heard from several sources that this year's conference continued the successful consensus building process that was begun at the 2001 conference. I extend my appreciation for the important role that the National Conference on Interstate Milk Shipments (NCIMS) plays in that process.

In accordance with the *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments,* we have evaluated each of the proposals passed at the 2011 NCIMS. The Food and Drug Administration (FDA) concurs with all of the passed proposals with the exception of Proposal 209, I would like to point out that having only one non-concurrence, which is addressed in this letter, is evidence of our continuing success at collaboration and mutual professional trust.

The proposal which FDA does not concur with is as follows:

> **NOTE:** The text that is ~~struck through~~ was to be deleted from the current text in the 2009 Pasteurized Milk Ordinance (PMO) as indicated in Proposal 209 as passed at the conference.
>
> **Proposal: 209**
> **Document: 2009 PMO (Section 6)**
> **Pages: 25**
>
> Make the following changes to SECTION 6. THE EXAMINATION OF MILK AND MILK PRODUCTS on Page 25:

Examinations and tests to detect adulterants, including pesticides, shall be conducted, as the Regulatory Agency requires. When the Commissioner of the FDA determines that a potential problem exists with animal drug residues or other contaminants in the milk supply, samples shall be analyzed for the contaminant by a method(s) determined by FDA to be effective in determining compliance with actionable levels or established tolerances. This testing will continue until such time that the Commissioner of the FDA is reasonably assured that the problem has been corrected. The determination of a problem is to be based upon: .

1. Sample survey results;
2. USDA tissue residue data from cull ~~and veal~~ dairy animals;
3. Animal drug disappearance and sales data;
4. State feed back; and
5. Other relevant information. ....

FDA maintains that the FDA Commissioner will make the final decision of which information and data will be used to determine if a potential problem exists with animal drug residues or other contaminants in the nation's milk supply.

If you think that it would be helpful, the Center for Food Safety and Applied Nutrition (CFSAN) personnel are available to review the contents of this letter with you in advance of the October NCIMS Executive Board meeting. If you would like to arrange for such discussions, please contact CAPT Robert Hennes, Dairy and Egg Branch, at (240) 402-2175 or Robert.Hennes@fda.hhs.gov. FDA representatives look forward to meeting with the full Executive Board on October 4-5, 2011 and I join them in looking forward to continuing a cooperative and productive process.

Sincerely yours,

Donald W. Kraemer
Acting Deputy Director
for Operations
Center for Food Safety
And Applied Nutrition