

H.R. 4167 Will Not Impact States' Milk Safety Laws

Dear Colleague:

Recently, you may have heard erroneous assertions that H.R. 4167 would impact your state's milk safety laws and the safety of your state's milk supply. Unfortunately, the bill's opponents continue to make inaccurate statements regarding the legislation and chose to attack the safety of a product that plays a unique role in American diets and the health of our children and families. As Chairman and Ranking Minority Member of the House Agriculture Committee, and Chairman of the House Agriculture Subcommittee with jurisdiction over dairy policies, we would like to set the record straight.

H.R. 4167 would not preempt state laws on milk safety. H.R. 4167 provides for federal preemption only with regard to specific requirements of the Federal Food, Drug, and Cosmetic Act. If a federal requirement is not referenced in H.R. 4167, then states are free to enact laws that are not identical to the federal requirement. The adulteration provisions relating to poor sanitation (specifically, sections 402(a)(3), (a)(4), and (a)(5) of the Act) are not referenced in H.R. 4167. The author of H.R. 4167 recognized that states have often been at the forefront of regulating food sanitation and therefore deliberately chose not to preempt state food sanitation standards.

In the case of milk sanitation, there is no federal law or regulation with which the state laws conflict. There are the adulteration provisions and the general good manufacturing practice regulations applicable to all foods, and there are the FDA definitions of "pasteurized" and "ultra pasteurized" milk, but nothing more. The states in cooperation with FDA and the dairy industry are on the frontlines of milk sanitation and this bill recognizes that fact. The ability of states to undertake inspections and the standards to enforce them would not be affected by H.R. 4167.

Dairy farmers and dairy food manufacturers are full partners in ensuring that our children and families receive a healthy and wholesome supply of milk and dairy products. H.R. 4167 will not change the responsibility and obligation of state regulators to ensure milk safety.

Sincerely,

Bob Goodlatte

Collin C. Peterson

Gil Gutknecht