

Congress of the United States

Washington, DC 20515

June 7, 2018

The Honorable Scott Gottlieb, M.D.
Commissioner
U.S. Food & Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Gottlieb,

We respectfully request the U.S. Food and Drug Administration (FDA) use enforcement discretion before the agency prosecutes raw milk producers for the interstate transportation or sale of raw milk. We strongly support the interstate transportation and sale of unpasteurized milk across the United States.

On April 26, 2017, the Real Food Consumer Coalition filed a citizen petition titled, the "Citizen Petition to Except from 21 C.F.R. § 1240.61(a) Certain Unpasteurized Milk and Milk Products if Properly Labeled" that was later assigned docket number FDA-2017-P-2626. On October 17, 2017 the FDA responded to the petition stating that due to limited availability of resources, it "hoped" to be able to complete the review and respond in the near future. As Members of Congress that recognize the importance of consumer choice, we are supportive of this petition and believe the agency should prioritize resources to investigate this matter as soon as possible.

There is an overwhelming demand from constituents in our congressional districts to legalize the transportation and sale of unpasteurized milk. Despite the FDA's 1987 mandate that required the pasteurization of all milk for human consumption, more than 29 states across the U.S. allow some form of raw milk sales. Raw milk consumption began approximately 7,500 years ago and is still an important part of millions of Americans' diets today. Moreover, raw milk consumption is an important cultural component for religious and ethnic groups such as the Mennonites and Amish. While we are not opposed to pasteurization, we believe that Americans should have the freedom of choice to drink raw milk.

As you may know, all raw foods are susceptible to pathogenic contamination. However, raw milk is the only form of food that the FDA requires cooking or pasteurization of before the food product is sold or transported across state lines. The FDA should ensure parity for all raw foods and give American consumers the choice to consume raw products including unpasteurized milk. Furthermore, many states that allow raw milk sales have mandatory raw milk licensing schemes that include robust inspection and testing.

Therefore, we strongly encourage the FDA to approve the citizen petition by exempting raw milk farmers from regulatory enforcement. Ruling in favor of this petition would serve to reduce burdensome regulations, which is a top priority of this administration. Moreover, a favorable rule on this petition would be in compliance with Executive Order 13771 enacted on January 30, 2017, which directs agencies to repeal two existing regulations for every new regulation.

We appreciate your attention to this important matter, and look forward to your response.

Sincerely,



Lloyd Smucker
Member of Congress



Chellie Pingree
Member of Congress

Lou Barletta

Lou Barletta
Member of Congress

Jared Polis

Jared Polis
Member of Congress

Paul A. Gosar, D.D.S.

Paul A. Gosar, D.D.S.
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Daniel Webster

Daniel Webster
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