IDFA
International
Dairy Foods Association

IDFA Regulatory Advocacy Update

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International Dairy Foods Association

- IDFA represents dairy processors & their business partners (ingredient & packaging suppliers, retailers, laboratories, etc.)
  - ***~300 members, small, medium & large businesses, representing most of the milk, cheese, ice cream, yogurt & cultured products,dairy ingredients produced/marketed in the U.S. & sold throughout the world***

- Governance: Executive Committee & Segment Boards
  - ***5 Segment Boards: Fluid Milk, Cheese, Yogurt & Cultured Products, Ice Cream, Ingredients***

- IDFA Staff (26 full-time employees)
  - Legislative, Regulatory Affairs, Public Affairs and Communications & Membership and Events Teams
  - ***Regulatory Affairs Team of (5): VP (Microbiologist, vacant); Danielle Quist (Counsel & VP); Michelle Matto (Labeling and Nutrition); Michael Aquino (Sustainability)***

H5N1/Avian Influenza Impact on Dairy

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- **IDFA HPAI in Dairy Cattle Resource Page**
  - One stop shop for relevant information on H5N1 and dairy cattle
  - ***July 11th - Ecolab SMEs shared latest biosecurity best practices for managing risks presented by H5N1 in dairy farm/processing operations; webinar recording available***
  - Information on the page emphasizes milk & dairy products are safe, pasteurization inactivates HPAI, only milk from healthy cows enters food supply as per the PMO
- Participate on weekly cross sector NASDA calls
- Work with FDA & NCIMS on sampling initiatives
- Member communications and meetings
- Presented at GW's Milken Institute and School of Public Health One Health Conference

www.idfa.org/resources/hpai-in-dairy-cattle

IDFA's Food Safety and Standards of Identity Related Advocacy

FDA Human Foods Program Modernization

Food Chemical Safety Initiatives

Microbiological Safety Initiatives

Food Traceability Rule

Update - Standard of Identity for Yogurt

IDFA/Consumer Reports FDA Foods Coalition

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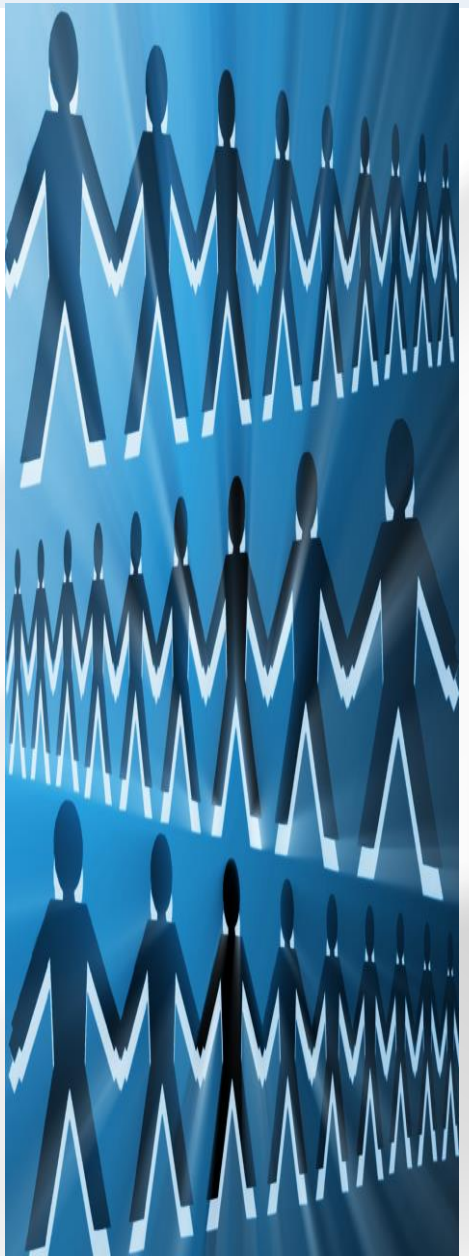
- IDFA & Consumer Reports Co-Lead FDA Foods Coalition
  - Comprised of 30 environmental, consumer, industry advocacy groups & state public health associations
- Quarterly Meetings of Coalition with FDA's Deputy Commissioner, Human Foods Program
  - January 29, first quarterly meeting
  - April 22, second quarterly meeting
  - Mid-May, FY2025 & FY2026 budget briefing
- Coalition Workstreams
  - January 2024, completed/shared with FDA document titled ***FDA Foods Program: Proposed Benchmarks to Assess Progress on Transformation***
  - Developing recommendations for better integrating FDA policymakers/SMEs with the inspection force
  - Documenting suggestions on the design of a prevention-oriented inspection model



IDFA Food Chemical Safety Advocacy

- FDA's post market reassessments of approved food substances* is reactionary, driven by citizen petitions and sampling/testing studies by NGOs
  - States stepping in to fill void; state patchwork legislation makes it difficult for companies to operate
  - Companies need regulatory certainty to innovate, grow & thrive
- FDA signaling overhaul of its food chemical safety work
  - Deputy Commissioner Jones shared vision of dedicated staff/programs for premarket safety reviews & post market reassessments
- IDFA Actions in Response:
  - Formed Food Chemical Safety Working Group
  - IDFA/CBA led industry effort to provide recommendations to FDA for a proactive post-market reassessment program
  - IDFA supported asks for additional FDA funding for a post-market reassessment program
- ***Food substances*** *includes approved food & color additives and GRAS substances*

IDFA Food Chemical Safety Advocacy Recommendations: Post-market Reassessments

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Process

- Feedback on draft white paper obtained through IDFA's food chemical safety working group & others
- White paper with recommendations shared with FDA in early April
- Meeting with FDA Deputy Commissioner Jones and other agency experts to discuss recommendations, May 3

Key Recommendations

- FDA, establish a nomination process to create a “Priority List"
  - Nominations by stakeholders & FDA
  - Nominations reviewed & prioritized by experts based on established criteria
- FDA, establish active monitoring program to identify new science/risk assessments to inform its nominations
- FDA, establish a public facing workplan for post market reassessments

Listeria monocytogenes (Lm) Policy Modernization

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- IDFA continues to collaborate on a new policy approach for ready-to-eat (RTE) food products that do not support the growth of Lm
  - Advocating for a return to a non-zero tolerance Lm policy (<100 cfu/gm) for no growth RTE foods
- As part of this effort, American Frozen Food Institute hosted a Lm Summit to further socialize this policy approach
  - Invitees: AFFI, CBA, IDFA, FMI, NFI, ABA; NASDA, AFDO; STOP Foodborne Illness, Consumer Reports, CSPI, Consumer Federation of America, academics, and former US/Canadian government officials and food policy experts
- Purpose of Summit
  - Educate and socialize need for policy change and how it can be more protective of consumers then current policy
  - Enlist additional champions for policy change including consumer advocacy groups
  - Identify potential next steps

IDFA and FDA *Lm* Policy Reform

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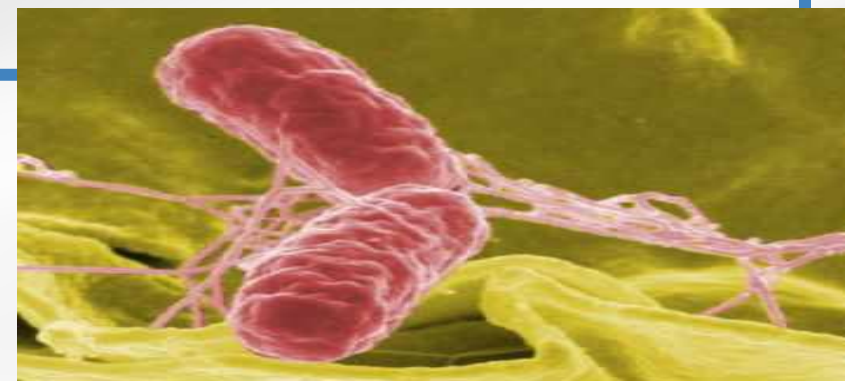
Issue:

- FDA has a zero-tolerance policy for Lm in all RTE foods; but all foods do not pose the same risk
- Policy discourages implementation of robust seek & destroy verification sampling including food contact surface sampling, putting companies at risk of not identifying harborage, recalls & worse.
- Adequate hygienic design, preventive controls and GMPs with robust environmental monitoring as verification the controls are working is needed

Expert Panel Key Finding:

- Risk based regulatory policy needed for Lm in no growth RTE foods: a non-zero tolerance policy with aggressive environmental monitoring & elimination of pathogen on food contact surfaces – is more protective of public health
- Robust food contact surface sampling to determine presence/absence of Lm that triggers product sampling & enumeration of Lm when found to determine amount present.



Next Steps for Lm Policy Advocacy

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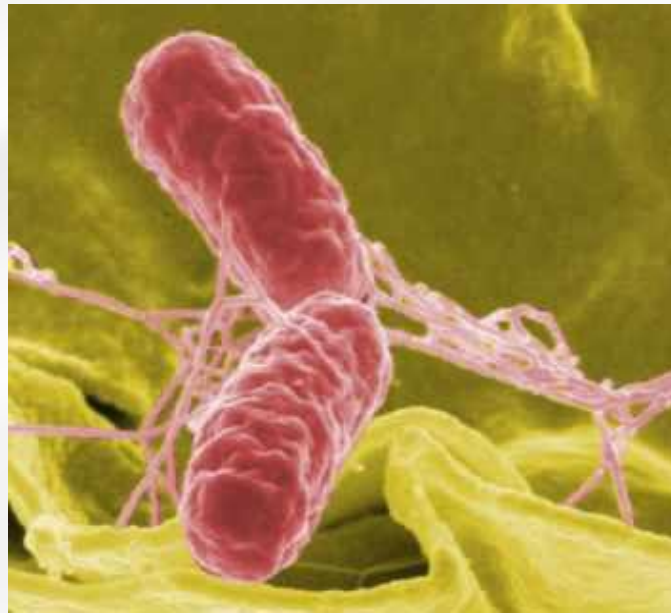
- Industry pilot to share data to prove a policy change – to a non-zero tolerance policy - with enhanced verification sampling protocols will improve public health by averting outbreaks & reducing cases of listeriosis
  - Working group has been formed to design the pilot
  - Will need small, medium and large company participation
  - **Consumer advocacy groups are supportive of a pilot**



- Meeting with FDA to share pilot design and discuss enforcement discretion for those participating
  - Will require transparency through aggregate data sharing with the agency

IDFA Cronobacter Control Initiative

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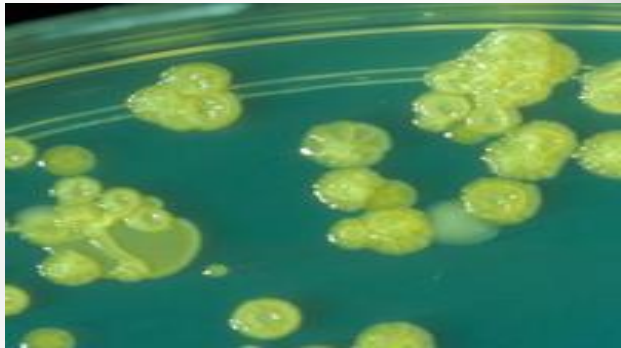
Drivers for Action

- Dairy powder manufacturers will likely be held to higher standards (by FDA and customers) if supplying infant formula (IF) manufacturers, especially if dry-blended
- If producing dairy powders for IF manufacturers and those that make other lower risk products (e.g., whey powders, supplements), without good hygienic separation, higher standards for Cronobacter control could apply to the manufacturing of those lower risk products
- If the higher standards cannot be met by dairy powder manufacturers, there is the potential that supplies to IF manufacturers may be reduced

Goals

- IDFA formed a working group to:
  - Identify/fill research gaps
  - Clarify and inform FDA's expectations/future policies/guidance for dairy powder companies regarding Cronobacter controls
  - Educate, train, assist industry meet any added expectations



IDFA Cronobacter Control Working Group

IDFA International Dairy Foods Association

Actions to Date

- Draft document identifying current practices, potential research gaps, questions/clarification needed from FDA in part, in the following areas:
  - Use of wet sanitation in dry product production
  - Use of dry sanitation w/ acceptable validation
  - Appropriate indicator/role of indicator testing (EB) in Cronobacter control
  - Acceptable alternatives to WGS to identify/track Cronobacter in plants
  - Clarification on expectations for root cause analysis
- Scopes out training/education opportunities

Next Steps

- Document shared w/ INCA, meeting to gain feedback and finalize document
- IDFA - INCA meet with FDA to share industry perspectives, provide recommendations, seek clarity
- IDFA advocates on behalf of dairy powder manufacturers for smart policies
- Innovation Center for U.S. Dairy/Food Safety Operating Committee develops/ provides training on Cronobacter controls & root cause analysis

IDFA and the FDA Food Traceability Rule

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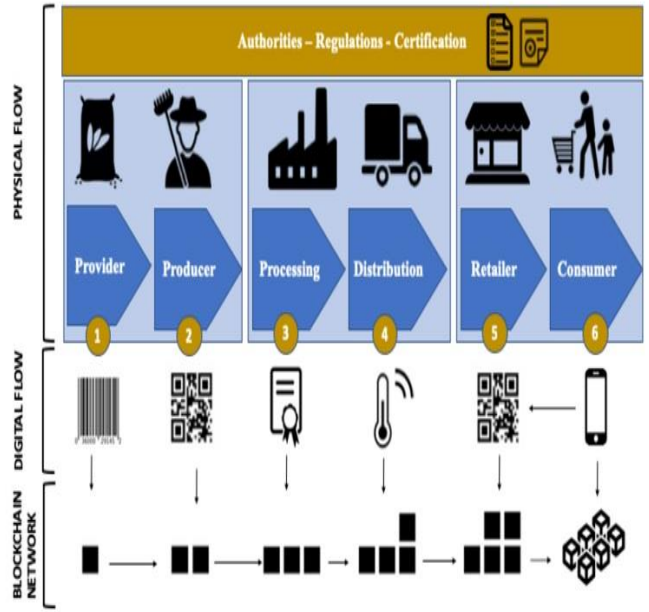
- Requires additional recordkeeping for high-risk foods on the Food Traceability List (FTL)
  - ***For Dairy – semi soft & soft cheeses; tree nut/peanut butter inclusions in yogurts/ice cream***
  - Compliance Date: January 1, 2026



- Participating in Roundtable Discussions hosted by the Regan Udall Foundation this summer for FDA focused on identifying challenges for the industry & identification of solutions; report will be provided to FDA
  - Transfer of Traceability Lot Code to all supply chain nodes
  - Compliance challenges for DCs/Warehouses and Retailers

- **Potential Challenge for Dairy Processors**: Retailers may have no option but to apply the traceability requirements to all foods, not just FTL-listed foods, others applying to all foods

FDA Food Traceability Rule and Cheese

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Issue

- Broad cheese categories are on the FTL;
  - **FTL presently includes all cheeses that are > 39% moisture, with a few exceptions**
- A review of the risks of specific cheese varieties is needed to justify the exclusion of certain cheese types from the FTL

IDFA Action to Address

- Funding University of Wisconsin to conduct a literature review/analysis to gather/aggregate published and unpublished data on:
  - Factors that impact pathogen survival/growth in standardized cheeses (pH, aw, NaCl, organic acids, cultures, etc.) ***to inform FDA's Food Traceability List***
  - Sodium reduction potential in standardized cheese + use of salt substitutes ***to inform FDA & USDA sodium reduction initiatives***
- Final reports due Spring 2025

Update on Yogurt Standard of Identity

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- **Outstanding Issue**
  - FDA's interpretation in the preamble to the final rule, based on the available science it reviewed, that adding pasteurized cream after culturing for strained yogurts is not permissible (e.g., Greek, Skyr)

- **The Good News**
  - FDA wrote the yogurt SOI final rule to be flexible; we do not believe the codified text itself restricts this practice; Hogan Lovells concurs

- **Recent Meeting with FDA**
  - IDFA suggested that FDA could modify its "interpretation" of the SOI based on additional science that was provided to the agency by University of Wisconsin SME, Dr. Daniel Wilbanks
  - FDA is reviewing the science & visiting at least one manufacturer of Greek yogurt

Update to the Yogurt Standard of Identity

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- **Ultrafiltered Milk** as a “basic dairy ingredient”
  - Currently not permitted, except to increase MSNF above 8.25%
  - Chobani Citizen Petition to FDA requesting an amendment to the SOI following its 2023 Temporary Market Permit to allow for the use of UFM more widely in yogurt production
  - IDFA to comment and provide support for th petition

Labeling & Nutrition Advocacy

Dietary Guidelines for Americans

Front of Pack Nutritional Labeling

Sodium and Added Sugar Reduction

Feeding Program (School Meals, SNAP, WIC) Advocacy

2025-2030 Dietary Guidelines for Americans

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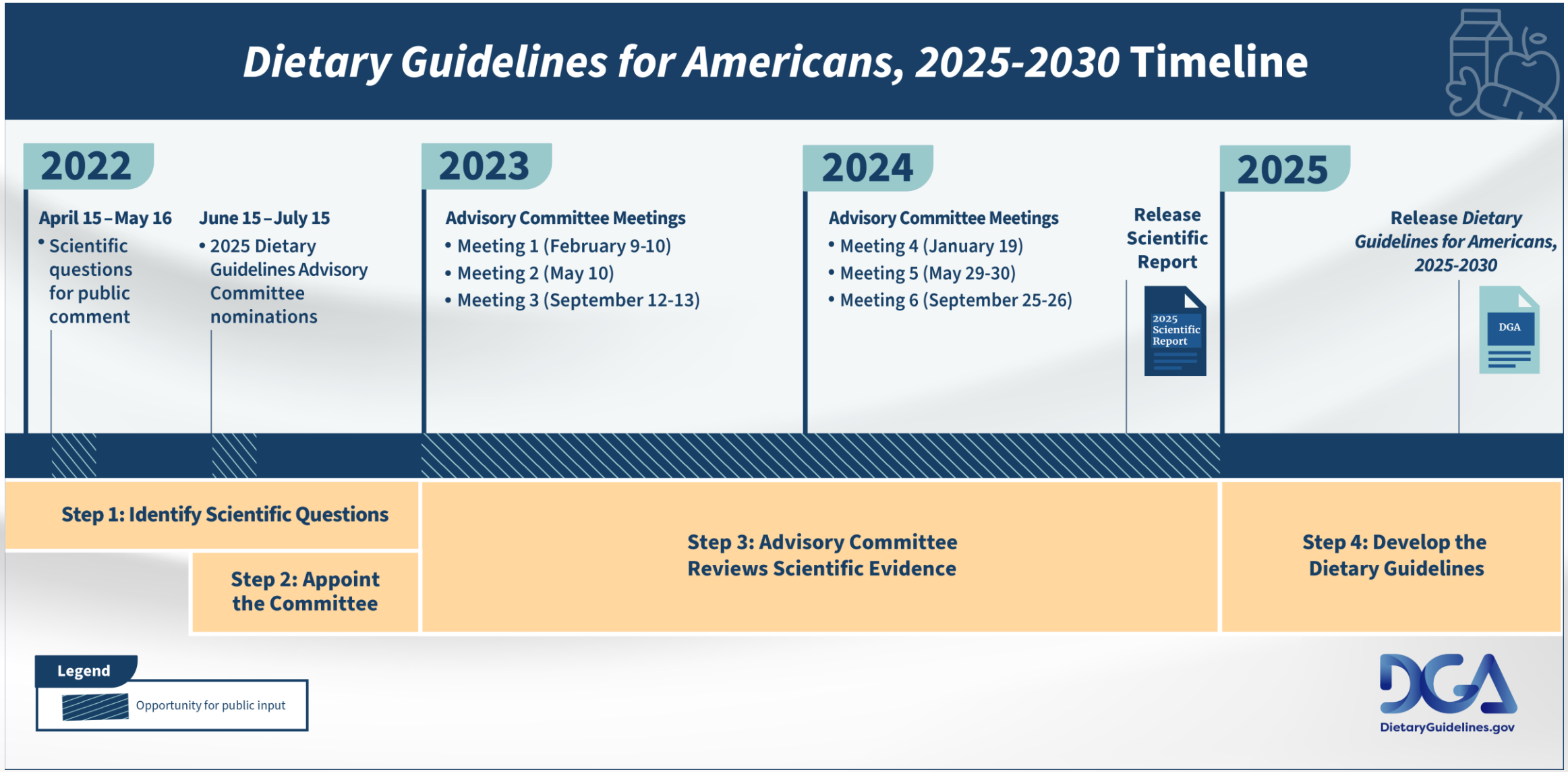

IDFA Goals for DGAs

IDFA Goals
Maintain Dairy as a Food Group
Maintain Three Servings A Day **
Maintain Dairy in Recommended Eating Patterns **
Recommend Dairy at all Fat Levels **
Keep 2020-2025 DGA Recommendation of no more than 10% of calories from Added Sugar

Advocacy on Front of Pack Nutrition Labeling

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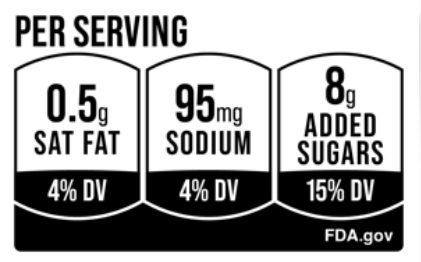
- FDA has conducted consumer testing on a number of FOPNL schemes
- Focus: interpretative scheme, emphasis on sodium, saturated fat and added sugars
- IDFA Concerns: may not reflect full nutrient profile or benefits of foods/beverages, what is outcome of FDA's consumer research, will these changes have any effect on public health?
- Proposed Rule expected in 2024



FDA Voluntary Sodium Reduction Targets

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- FDA's 2021 voluntary **short term** sodium reduction targets/guidance expired in April 2024

- Next iteration of FDA's voluntary short term sodium reduction targets/guidance are at OMB, to issue as draft guidance soon

- FDA understands/has accounted for challenges with reducing salt in cheese in next iteration of short-term targets; ***due to the high consumption rates of cheese in the U.S., small reductions in sodium in cheese equals large public health impact***

- FY 2024 (and proposed 2025) Ag Appropriations: "None of the funds appropriated… may be used…to develop, issue, promote or advance any final guidelines/regulations applicable to food manufacturers for long-term population-wide sodium reduction actions until an assessment is completed on the impact of the short-term sodium reduction targets."

FDA Added Sugar Reduction Initiative

- FDA hosted public meeting last year to collect input on strategies to reduce added sugar in foods and beverages
  - IDFA provided oral comments during FDA's public meeting, followed by written comments on added sugar reduction in January
- IDFA Healthy School Milk Commitment as an added sugar reduction strategy
- IDFA considering whether there is something similar that could be done in the yogurt category

IDFA Advocacy on Federal Feeding Programs

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Ongoing Advocacy Priorities:

- Reverse harmful cuts to **WIC dairy benefits**
- Maintain flavored milk in **school meals** in all grades
- Expand milk consumption by **SNAP** participants
- Affirm & expand dairy's position in **Dietary Guidelines**
- Protect cheese from detrimental USDA sodium reduction in **school meals**

Workforce – An IDFA Strategic Priority

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IDFA Provides Support through Advocacy

- Immigration reform lobbying
- Garnering federal support for addressing visa problems
- Championing dairy as a welcoming, equal opportunity sector through public communication campaigns

Members Services/Programs

- **Women in Dairy Network **Open to All**
- Women in Dairy Leadership Summit
- State of Women in Dairy Report
- HR Leaders in Dairy - Exchange
- NextGen Leadership Program
- IDFA & University of Wisconsin-Madison Annual IDFA Leadership Symposium
- And much more!

People are Dairy's #1 Resource

Questions?

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Thank you for your attention!

Contact Information

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