



U.S. DAIRY
EXPORT COUNCIL



August 5, 2024

The Honorable Dr. Donald Prater
Acting Director of the Center for Food Safety and Applied Nutrition
United States Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dear Dr. Prater,

On behalf of the U.S. dairy industry, we would like to thank you and your team for the ongoing engagement and dialogue around several issues that will impact the industry and the dairy farmers and workers who we represent. We appreciate the critical role that FDA plays in not only ensuring food safety here in the United States, but also with trading partners abroad, and value our working relationship.

As FDA conducts its systems recognition process with the European Union, we urge FDA to ensure that this process results in mutual and meaningful benefits for U.S. exporters, in addition to our trading partners.

Despite the United States' tremendous growth as a major dairy exporter, the U.S. dairy trade deficit with the European Union was a shocking \$2.62 billion in 2023. While EU member countries are some of the leading dairy producers and exporters, this mammoth deficit is largely a policy choice. With very limited exceptions, EU companies enjoy fairly open and reliable access to the American market, while U.S. exporters are handcuffed by a wide range of both tariff and constantly shifting nontariff barriers, which make accessing the European market remarkably more complicated and costly.

To confirm that U.S. dairy exporters are in compliance with EU regulations, they must secure a highly detailed and extensive dairy certificate. Unfortunately, the EU changes its regulations every few years, continuously impacting the certification process and negatively impacting U.S. companies' ability to develop a larger customer base in the region due to the commercial unpredictability this introduces.

Unless and until the European Union takes substantive measures to lighten the regulatory burden on U.S. exporters, we implore FDA to use its authority to make import scrutiny more equitable between the two markets, rather than relaxing requirements on EU imports.

To that end, we ask that FDA push for the European Union to recognize the U.S. food safety system, and therefore either eliminate the need for certificates, or accept a streamlined certificate process for U.S. dairy exports, comparable to the USDA Agricultural Marketing Service standard certification.

Additional steps that would notably reduce the burden on U.S. exporters include:

- An agreement that U.S. certificates do not need to be dated prior to shipment in recognition of the fact that the U.S. operates a regulatory oversight system.

- A lower frequency of testing – including for Maximum Residue Limits – on U.S. dairy imports, to match the frequency that the U.S. would test EU dairy imports under any new protocol with the European Union.
- A reduction in the frequency of EU audits of the U.S. dairy system, to mirror the frequency that the United States would audits the EU dairy system under any new protocol.

We appreciate FDA's collaboration on these issues and support FDA's efforts to best economize its regulatory oversight actions. However, it is critical that any progress made in the United States is echoed in the European Union where regulatory burdens for dairy imports are presently considerably greater.

Please do not hesitate to reach out with any questions. Thank you in advance for your consideration.

Sincerely,



Krysta Harden
President and CEO
U.S. Dairy Export Council



Gregg Doud
President and CEO
National Milk Producers Federation