

**Congress of the United States**  
**Washington, DC 20515**

September 15, 2016

The Honorable Stephen Ostroff, M.D.  
Deputy Commissioner for Foods and Veterinary Medicine  
Food and Drug Administration  
U.S. Department of Health and Human Services

Dear Deputy Commissioner Ostroff:

Congratulations on your recent appointment as Deputy Commissioner for Foods and Veterinary Medicine at the Food and Drug Administration (FDA). We had a productive and positive working relationship with your predecessor, Mike Taylor, and look forward to continuing that relationship with you.

We write to you today concerning two issues: the FDA's nontoxigenic *E.coli* standard, and the 60 day aging threshold for raw milk cheeses.

Members of Congress have previously written to FDA expressing concern that the nontoxigenic *E.coli* standards for raw milk cheese contained in the latest edition of the *FDA Compliance Program Guidance Manual and Compliance Policy Guide* could have a detrimental impact on cheese producers in our districts despite a lack of evidence that these cheeses present a public health risk (*December 3, 2015*).

While we recognize FDA is still reviewing this matter, we thank the Administration for its willingness to reexamine its initial approach. We have found FDA to be an engaged partner on resolving this matter, and appreciate the Administration's openness to meeting with stakeholders and listening to their concerns. We were pleased by FDA's decision to temporarily pause enforcement of its nontoxigenic *E.coli* standard while these discussions continue. This pause will provide an opportunity to develop a science-based regulatory approach that promotes food safety and protects consumers while providing artisan cheese producers with the regulatory clarity and consistency they need to continue producing healthy and safe raw milk cheeses.

However, we remain concerned that FDA's previously proposed standard to limit the presence of non-toxigenic *E.coli* in cheeses to 10 most probable number (MPN)/gram could halt the growth of the raw milk cheese industry despite a lack of evidence that doing so would improve public health outcomes. We are encouraged by recent efforts underway within the artisan cheese industry to develop alternative, consensus-driven food safety guidelines, and would encourage the FDA to continue their engagement with those discussions.

We would also like to bring to your attention concerns with FDA's current 60 day aging threshold for raw milk cheese. While we appreciate FDA's efforts to review the appropriateness of this threshold, we have heard from industry and food safety experts that the 60 day standard may be inappropriate for soft raw milk cheeses, and extending the aging requirement beyond 60 days may actually increase food safety risks. Additionally, any increase in the aging requirement could increase costs to producers and would only be justified if it were proven to improve food safety, which to date we have not seen evidence of. We ask that FDA provide an update on the current state of these considerations.

Lastly, it is fair to say that the dairy industry is at a point of crisis in many parts of the country, and that many rural communities across the nation are continuing to struggle to promote economic development. The creation of new markets for value-added products such as raw milk cheese is not the sole method for addressing these issues, but it is part of the solution. While always being mindful of the need to protect public health, we hope the FDA will also continue to consider the importance of supporting these innovative new markets that are providing some bright spots in what is otherwise an extremely challenging economic environment for many rural communities and the entire dairy supply chain.

We stand ready to assist in this endeavor and appreciate your time and attention to this matter.

Sincerely,



PETER WELCH  
Member of Congress



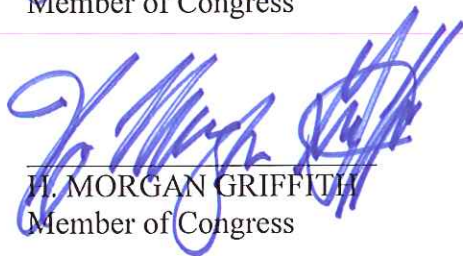
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