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A Cheesy Dilemma: FDA Regulations Melting Foreign Cheese Manufacturers (/full-blog/gonzales)

By: Alexis Gonzales

The Food and Drug Administration recently placed harsher restrictions on the importation of cheese.^[i] The restrictions are targeted at non-toxigenic *E. coli* present in the cheese.^[ii] More specifically, the permitted amount of non-toxigenic *E. coli* was lowered from 100 MPN (most probable number) to 10 MPN.^[iii]

The new restriction is placing a particularly large strain on foreign raw milk cheese manufacturers.^[iv] Cheeses, such as the popular Roquefort, that use age-old recipes are not likely to be altered to comply with regulations.

^[v] The recent crackdown by the FDA can be traced back to 2010 and the Food Safety Modernization Act.^[vi] The act granted broader powers to the FDA to better manage food safety, including in the area of smaller cheese manufacturers.^[vii]

Cheese fans are largely opposed to the stricter guidelines and fear that foreign cheese manufacturers will simply discontinue sending any raw milk cheeses to the United States as a result.^[viii] However, the FDA stands by its decision to reduce the permitted amount of non-toxigenic *E. coli*.^[ix] The FDA argues that the presence of a large amount of non-toxigenic bacteria must mean the facility producing the cheese is unclean.^[x] The FDA likely fears the risk of foodborne illnesses that can arise from the use of raw, or unpasteurized, milk.

This is also not the first occurrence of the FDA placing stricter regulations on the cheese manufacturing community this year. Many artisan cheese makers took the statements of an FDA branch chief claiming the use of wood aging boards for cheese could lead to the spread of pathogens.^[xi] After the outcry from the cheese community, the FDA released a clarifying statement, and emphasized that they did not plan to ban the use of wood aging boards.^[xii]



(<http://images.huffingtonpost.com/2014-06-10-mitchmaitretrucklesagingwood600x450.jpg>)

The FDA is exercising its regulatory power of cheese manufacturers in an increasingly controversial manner. While the intentions of the FDA to avoid the spread of foodborne illness and promote healthy manufacturing processes may be legitimate, they also pose the risk of chilling the work of artisan cheese makers. Inconsistencies and rapid changes in regulation may lead to a decrease in availability of some of the world's best cheeses.

[i] Janet Fletcher, *FDA restrictions keeping some great cheeses out of stores*, Los Angeles Times, (Sept. 3, 2014), <http://www.latimes.com/food/dailydish/la-dl-new-fda-regulations-cheeses-20140903-story.html>.

[ii] *Id.*

[iii] *Id.*

[iv] *Id.*

[v] Sean Kennedy, *Foodies beware: The FDA is coming for your French cheese*, CNN, (Sept. 8, 2014), <http://www.cnn.com/2014/09/05/politics/fda-cheese-rules/>.

[vi] *Id.*

[vii] *Id.*

[viii] *Id.*

[ix] Fletcher, *supra* note i.

[x] *Id.*

[xi] Gregory S. McNeal, *FDA Backs Down in Fight Over Aged Cheese*, Forbes, (June 10, 2014), <http://www.forbes.com/sites/gregorymcneal/2014/06/10/fda-backs-down-in-fight-over-aged-cheese/>.

[xii] *Id.*

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