

**METRIC**

**A-A-20338A**

**July 3, 2018**

**SUPERSEDING**

**A-A-20338**

**October 31, 2001**

## **COMMERCIAL ITEM DESCRIPTION**

### **FLUID MILK AND MILK PRODUCTS**

**The U.S. Department of Agriculture (USDA) has authorized the use of this Commercial Item Description (CID).**

**1. SCOPE.** This CID covers fluid milk and milk products packed in commercially acceptable containers, suitable for use by Federal, State, local governments, other interested parties, and as a component of operational rations. **Please note: This document does not guarantee purchase of this item by USDA.**<sup>1</sup>

#### **2. PURCHASER NOTES.**

##### **2.1. Purchasers *must specify* the following:**

- Group(s), type(s), flavor(s), packaging size(s), and agricultural practice(s) of fluid milk and milk products desired (Sec. 3).
- Manufacturer's Quality Assurance and Plant Survey (Sec. 10.1), Manufacturer's/Distributor's Certification (Sec. 10.2), or USDA Certification (Sec. 10.3).

##### **2.2 Purchasers *may specify* the following:**

- Packaging requirements other than commercial (Sec. 11).

**3. CLASSIFICATION.** The fluid milk and milk products must conform to the following list which must be specified in the solicitation, contract, or purchase order.

#### **Groups, types, flavors, packaging sizes, and agricultural practices.**<sup>2</sup>

**Group I** - Pasteurized

**Group II** - Ultra-pasteurized (Extended Shelf Life under Refrigeration (ESL))

**Group III** - Aseptically processed and packaged

---

<sup>1</sup> USDA purchase specifications are available at: <https://www.ams.usda.gov/selling-food/product-specs>.

<sup>2</sup> Not all options are available from every manufacturer. Check with the manufacturer/distributor for availability.

**A-A-20338A**

- Type A** - Milk
- Type B** - Reduced fat milk
- Type C** - Low fat milk
- Type D** - Nonfat/skim/fat free milk
- Type E** - 100 percent lactose free milk
- Type F** - 100 percent lactose free reduced fat milk
- Type G** - 100 percent lactose free low fat milk
- Type H** - 100 percent lactose free nonfat/skim/fat free milk
- Type I** - Acidified buttermilk<sup>3</sup>
- Type J** - Acidified reduced fat buttermilk<sup>3</sup>
- Type K** - Acidified low fat buttermilk<sup>3</sup>
- Type L** - Acidified nonfat/skim/fat free buttermilk<sup>3</sup>
- Type M** - Cultured buttermilk<sup>3</sup>
- Type N** - Cultured reduced fat buttermilk<sup>3</sup>
- Type O** - Cultured low fat buttermilk<sup>3</sup>
- Type P** - Cultured nonfat/skim/fat free buttermilk<sup>3</sup>

- Flavor 1** - Banana<sup>4</sup>
- Flavor 2** - Chocolate<sup>4</sup>
- Flavor 3** - Strawberry<sup>4</sup>
- Flavor 4** - Vanilla<sup>4</sup>
- Flavor 5** - Other (*as specified by the purchaser*)

- Packaging size a** - 184 milliliter (ml) (6.5 fluid ounce (fl oz)) aseptic package
- Packaging size b** - 199.6 ml (6.75 fl oz) aseptic package
- Packaging size c** - 236.6 ml (8 fl oz) aseptic package
- Packaging size d** - 236.6 ml (8 fl oz) plastic bottle
- Packaging size e** - 258.8 ml (8.75 fl oz) aseptic package
- Packaging size f** - 473.2 ml (16 fl oz)
- Packaging size g** - 0.95 Liter (L) (1 quart (qt))
- Packaging size h** - 1.89 L (2 qt)
- Packaging size i** - 3.79 L (1 gallon)
- Packaging size j** - Other (*as specified by the purchaser*)

- Agricultural practice (1)** - Conventional
- Agricultural practice (2)** - Organic

**4. MANUFACTURER'S/DISTRIBUTOR'S NOTES. Manufacturer's/distributor's products must meet the requirements of the:**

---

<sup>3</sup> Not available in aseptically processed and packaged fluid milks.

<sup>4</sup> Available in Types A through H.

- Processing guidelines (Sec. 5).
- Salient characteristics (Sec. 6).
- Manufacturer's/distributor's product assurance (Sec. 8).
- Regulatory requirements (Sec. 9).
- Quality assurance provisions: *as specified by the purchaser* (Sec. 10).
- Packaging requirements other than commercial: *as specified by the purchaser* (Sec.11).

## 5. PROCESSING GUIDELINES.

**5.1 Processing.** The fluid milk and milk products must be processed in accordance with the Food and Drug Administration's (FDA's) standard of identity in 21 Code of Federal Regulations (CFR) Part 131. They must also be processed in accordance with the *Current Good Manufacturing Practice (CGMP)* (21 CFR Part 110) or the *Current Good Manufacturing Practice, Hazard Analysis and Risk-Based Preventive Controls for Human Food* (21 CFR Part 117) in effect on the date of the solicitation, contract, or purchase order, and as applicable to the production facility.

**5.2 Food defense.** The fluid milk and milk products must be processed and transported in accordance with the FDA's *Guidance for Industry: Food Producers, Processors, and Transporters: Food Security Preventive Measures Guidance*.<sup>5</sup> This guidance document identifies the kinds of preventive measures food manufacturers, processors, or handlers may take to minimize the risk that food under their control will be subject to tampering or other malicious, criminal, or terrorist actions. The implementation of enhanced food defense preventive measures provides for the security of a plant's production processes and includes the storage and transportation of pre-production raw materials, other ingredients, and post-production finished product.

**5.3 Organic ingredients.** When organic fluid milk and milk products are specified in the solicitation, contract, or purchase order, the organic fluid milk and milk products must be produced, handled, and labeled in accordance with the USDA organic regulations by an operation that is certified organic in accordance with the requirements of the National Organic Program (7 CFR Part 205). A Certificate of Organic Production or Handling must be provided to verify that the product was processed and handled in accordance with the USDA organic regulations.

**5.4 Shelf life and age requirement.** All fluid milk and milk products must comply with State and local laws, regulations, or requirements.

---

<sup>5</sup> <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/FoodDefense/ucm083075.htm>.

## 6. SALIENT CHARACTERISTICS.

### 6.1. Definitions.

**6.1.1 Pasteurized.** When used to describe a dairy product (pasteurized) means that every particle of such product shall have been heated in properly operated equipment to a temperature specified in the table (in 21 CFR§131.3(b)) and held continuously at or above that temperature for the specified time (or other time/temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction).

**6.1.2 Ultra-pasteurized.** When used to describe a dairy product (ultra-pasteurized) means that such product shall have been thermally processed at or above 280°F for at least 2 seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions (21 CFR§131.3(c)).

**6.1.3 Aseptically processed and packaged.** When used to describe a fluid milk and/or milk product, means that the fluid milk and/or milk product has been subjected to sufficient heat processing and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 CFR Parts 108, 113, and 117 to maintain the commercial sterility of the fluid milk and/or milk product under normal non-refrigerated conditions.

**6.1.4 Milk.** Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultra-pasteurized, and shall contain not less than 8.25 percent milk solids not fat and not less than 3.25 percent milkfat (21 CFR§131.110(a)). Milk must comply with all criteria of the definition and standard of identity in 21 CFR§131.110.

**6.1.5 Acidified milk.** Acidified milk is the food produced by souring one or more of the optional dairy ingredients specified in paragraph 21 CFR§131.111 (c), with one or more of the acidifying ingredients specified in paragraph 21 CFR§131.111(d), with or without the addition of characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs (b) and (e) may also be added. Acidified milk contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the microbial culture, and when applicable, the addition of flakes or granules of butterfat or milkfat. Acidified milk must comply with all criteria of the definition and standard of identity in 21 CFR§131.111.

**6.1.6 Cultured milk.** Cultured milk is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph 21 CFR§131.112(c), with characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs 21 CFR§131.112(b) and (d) may also be added. The food may be homogenized and shall be

pasteurized or ultra-pasteurized prior to the addition of the microbial culture, and when applicable, the addition of flakes or granules of butterfat or milkfat.” Cultured milk must comply with all criteria of the definition and standard of identity in 21 CFR§131.112.

**6.1.7 Reduced fat.** Food must have at least 25 percent less fat per Reference Amount Customarily Consumed (RACC) as compared to an appropriate reference food in accordance with 21 CFR§101.62.

**6.1.8 Low fat.** Food must have 3 g or less fat per RACC in accordance with 21 CFR§101.62 as compared to an appropriate reference food.

**6.1.9 Nonfat/skim/fat free.** Food must have less than 0.5 g of fat per RACC in accordance with 21 CFR§101.62 as compared to an appropriate reference food.

**6.2 Labeling.** All fluid milk and milk products must comply with the labeling requirements in 21 CFR Parts 101 and 131, and 21 CFR§130.10. All ingredients must be declared by their common or usual name in descending order of predominance by weight (21 CFR§101.4(a)) unless exempted by 21 CFR§101.100.

### **6.3 Finished product.**

**6.3.1 Fluid milk and milk products with modified fat content.** Fluid milk and milk products with modified fat content must comply with 21 CFR§101.62 for food nutrient content claims for fat and 21 CFR§130.10 requirements for food named by use of a nutrient content claim and a standardized term.

**6.3.2 Fortification.** The fluid milk and milk products must be fortified with vitamins A and D in accordance with 21 CFR Part 131.

**6.3.3 Additional processing ingredients.** When used, all additional ingredients must be permitted by the applicable standard of identity for the fluid milk or milk products, or specifically provided for under 21 CFR§130.10(b), (c), or (d). When used, all additional ingredients must meet the standards specified in the Food Chemicals Codex (FCC) or, in the absence of FCC specification at a minimum, meet the specifications for quality set by the U.S. Pharmacopeia (USP)-National Formulary quality. The additional ingredients must be approved for those particular uses by FDA’s regulations on food additives (21 CFR Part 170) or Direct Food Substances Affirmed as Generally Recognized as Safe (GRAS) requirements (21 CFR Part 184) or have been self-determined to be GRAS by a panel of scientific experts. Milk and milk products that will be used as ingredients in Grade “A” milk or milk products must meet the

## A-A-20338A

requirements of the Pasteurized Milk Ordinance (PMO)<sup>6</sup> and be from an Interstate Milk Shippers (IMS) listed raw milk source and must be processed and packaged in an IMS listed facility.

**6.3.4 Flavor and odor.** All fluid milk and milk products must be free from all undesirable and objectionable flavors and odors, and have a pleasingly sweet distinctive individual characteristic flavor. Fluid milk and milk products Types I through P, acidified and cultured buttermilks, must be free from undesirable flavors and odors; such as, putrid, bitter, metallic, and excessive acid.

**6.3.4.1 Chocolate flavoring.** The chocolate flavoring used in chocolate flavored milks and milk products must be derived from cacao products meeting the standard of identity for Cacao Products, 21 CFR Part 163.

**6.3.4.2 Other flavoring.** The banana, strawberry, and vanilla flavoring used in fluid milks and milk products must have a pleasingly distinct flavor of the characterizing flavoring used.

**6.3.5 Color.** The fluid milk and milk products must be uniformly colored throughout and characterized by the type and/or flavor it represents.

**6.3.6 Body.** The body of the fluid milk and milk products Types A through H must be smooth with an acceptable mouth feel. The Types A through H fluid milk and milk products must not be slimy, ropy, show evidence of wheying-off, or floating fat particles. The body of the fluid milk and milk products Types I through P must be smooth, uniform, and of medium consistency. The Types I through P fluid milk and milk products must be free from undesirable gas formation, wheying-off, and practically free from entrapped air.

**6.4 Foreign material.** Fluid milk and milk products must be clean, sound, wholesome, and free from foreign material, such as, but not limited to, dirt, plastic, insect parts, hair, wood, glass, paper, paperboard, or metal.

## 7. ANALYTICAL REQUIREMENTS. NOT APPLICABLE.

**8. MANUFACTURER'S/DISTRIBUTOR'S PRODUCT ASSURANCE.** The manufacturer/distributor must certify that the fluid milk and milk products provided meet the salient characteristics of this CID, conform to their own specifications, standards, and quality assurance practices, and be the same fluid milk and milk products offered for sale in the commercial market. The purchaser reserves the right to require proof of conformance.

**9. REGULATORY REQUIREMENTS.** The delivered fluid milk and milk products must comply with the current edition of the *Grade "A" PMO*<sup>6</sup> and with all applicable Federal, State, and local mandatory requirements and regulations relating to the preparation, packaging,

---

<sup>6</sup> The PMO is available at:

<https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM513508.pdf>

labeling, storage, distribution, and sale of the fluid milk and milk products in the commercial marketplace. Delivered fluid milk and milk products must comply with all applicable provisions of the Federal Food, Drug, and Cosmetic (FD&C) Act, the Fair Packaging and Labeling Act, and regulations promulgated thereunder. Since fluid milk and milk products are a known allergen, the fluid milk and milk products must comply with the allergen labeling requirements of the FD&C Act. Major allergens identified in the FD&C Act include: wheat, fish, milk, soy, tree nuts, eggs, peanuts, and shellfish or those in effect on the date of the solicitation, contract, or purchase order.

**10. QUALITY ASSURANCE PROVISIONS.** *Purchaser must specify 10.1, 10.2, or 10.3.*

**10.1 Manufacturer’s quality assurance and plant survey.** When required in the solicitation, contract, or purchase order, the manufacturer will be required to have their facilities inspected by USDA, Agricultural Marketing Service (AMS), Dairy Programs (DP), Dairy Grading Division (DGD), and be eligible for listing in Section I of the AMS publication *Dairy Plants Surveyed and Approved for USDA Grading Service*.<sup>7</sup> (An AMS DP plant survey audit verifies that, at the time of the survey, the manufacturer produces products in a clean, sanitary environment in accordance with CGMP (21 CFR Part 110) or the *Current Good Manufacturing Practice, Hazard Analysis and Risk-Based Preventive Controls for Human Food* (21 CFR Part 117) in effect on the date of the solicitation, contract, or purchase order, and as applicable to the production facility, and the requirements contained in 7 CFR Part 58 *General Specification for Dairy Plants Approved for USDA inspection and Grading Service*).<sup>8</sup>

**10.2 Manufacturer’s/distributor’s certification.** When required in the solicitation, contract, or purchase order, the manufacturer/distributor must certify that the fluid milk and milk products delivered meets or exceeds the requirements of this CID.

**10.2.1 Grade “A” milk plants.** All Grade “A” milk plants producing fluid milk and milk products under this CID must comply with all applicable requirements of the current edition of the *Grade “A” PMO*. The production, transportation, processing, handling, sampling, analysis, labeling, and sale of fluid milk and milk products must also comply with said regulation.

**10.2.2 FDA’s Interstate Milk Shippers (IMS) List.** Fluid milk and milk products must be obtained from a dairy firm listed in the FDA’s IMS List (*Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers*)<sup>9</sup> and that has an Enforcement Rating of 90 or better. The Enforcement Rating indicates the level of the regulatory agency’s application of the requirements of the PMO to the listed dairy firm.

**10.2.3 Hazard Analysis and Critical Control Points (HACCP).** Alternatively, a milk plant may have a dairy HACCP listing in place of a conventional sanitation compliance rating and

<sup>7</sup> The *Dairy Plants Surveyed and Approved for USDA Grading Service* is available at: <https://apps.ams.usda.gov/dairy/ApprovedPlantList/>.

<sup>8</sup> 7 CFR Part 58 is available at: <https://www.gpo.gov/fdsys/granule/CFR-2011-title7-vol3/CFR-2011-title7-vol3-part58>.

<sup>9</sup> <https://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2007965.htm>.

## A-A-20338A

enforcement rating. The ratings of milk plants and their respective regulatory agency's enforcement rating, and/or HACCP listing for milk plants must be found in the IMS List.

**10.2.4 Testing.** Any testing conducted on fluid milk and milk products must be in compliance with the current edition of the *Grade "A" PMO*, the most current edition of *Standard Methods for the Examination of Dairy Products* of the American Public Health Association, and the most current edition of the Official Methods of Analysis of the AOAC International. In addition, all testing must be conducted by milk laboratories that are listed in the IMS List.

**10.3 USDA Certification.** When required in the solicitation, contract, or purchase order that product quality and acceptability or both be determined, the USDA, AMS, DP, DGD inspectors, must be the certifying program. DGD inspectors must certify the quality and acceptability of the fluid milk and milk products in accordance with DGD procedures, which include selecting random samples of the fluid milk and milk products, evaluating the samples for conformance with the salient characteristics of this CID and other contractual requirements, and documenting the findings on official DGD score sheets and/or certificates. In addition, when required in the solicitation, contract, or purchase order, DGD inspectors will examine the fluid milk and milk products for conformance to the U.S. Standards for Condition of Food Containers (7 CFR Part 42) in effect on the date of the solicitation. To qualify for this option the plant must be listed in *Dairy Plants Surveyed and Approved for USDA Grading Service* (Sec. 10.1).<sup>10</sup>

**11. PACKAGING.** Preservation, packaging, packing, labeling, and case marking must be commercial unless otherwise specified in the solicitation, contract, or purchase order.

**12. USDA INSPECTION NOTES.** When Sec. 10.3 is specified in the solicitation, contract, or purchase order, USDA certification must include evaluation of the quality and condition of samples of fluid milks and milk products and compliance with requirements in the following areas:

- Processing guidelines (Sec. 5).
- Salient characteristics (Sec. 6).
- Packaging requirements (Sec. 11 or *as specified in the solicitation, contract, or purchase order*).

---

<sup>10</sup> See footnote 8 on page 7.



### 13. REFERENCE NOTES.

**13.1 USDA plant surveys and certification.** For USDA plant surveys and certification contact: **William Francis, Acting Director, Grading and Standards Division, DP, AMS, USDA, Room 2758 South Building, STOP 0230, 1400 Independence Avenue, SW, Washington, DC 20250-0230, telephone (202) 690-0530 or via E-mail: [william.francis@ams.usd.gov](mailto:william.francis@ams.usd.gov).**

#### 13.2 Sources of documents.

##### 13.2.1 Sources of information for nongovernmental documents are as follows:

Copies of the AOAC International OMA may be obtained from: **AOAC International, 2275 Research Boulevard, Suite 300, Rockville, MD 20850-3250, telephone (301) 924-7077.** Internet address: <http://www.aoac.org> for nonmembers and <http://www.eoma.aoac.org> for members and AOAC OMA subscribers.

Copies of the Food Chemicals Codex and U.S. Pharmacopeia may be purchased from: **United States Pharmacopeia Convention, 12601 Twinbrook Parkway, Rockville, MD 20877, telephone (800) 227-8772 or (301) 881-0666, Fax (301) 816-8148 or on the Internet at: <http://www.usp.org>.**

Copies of the *Standard Methods for the Examination of Dairy Products* may be purchased from: **American Public Health Association, 800 I Street, NW, Washington, DC 20001 by contacting the Publication Services, telephone (888) 320-2742 or on the Internet at: [https://secure.apha.org/imis/APHA/Store/Search\\_Bookstore.aspx?InitialText=BK](https://secure.apha.org/imis/APHA/Store/Search_Bookstore.aspx?InitialText=BK).**

##### 13.2.2 Sources of information for governmental documents are as follows:

Applicable provisions of the U.S. Standards for Condition of Food Containers are contained in 7 CFR Part 42, the Dairy Plants Surveyed and Approved for USDA Grading Services are contained in 7 CFR 58, the National Organic Program are contained in 7 CFR Part 205, the Fair Packaging and Labeling Act are contained in 16 CFR Parts 500 to 503, and the Federal Food, Drug, and Cosmetic Act are contained in 21 CFR Parts 1 to 199. These documents may be purchased from: **Superintendent of Documents, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. Credit card (Visa, MasterCard, Discover/ NOVUS, and American Express) purchases may be made by calling the Superintendent of Documents on (866) 512-1800, (202) 512-1800. These documents may also be obtained free of charge on the Internet at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.**

Copies of Guidance for Industry: Food Producers, Processors, and Transporters: Food Security Preventive Measures Guidance are available online from: **FDA, Center for Food Safety and**

A-A-20338A

**Applied Nutrition (CFSAN) on the Internet at:**

**<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/FoodDefense/ucm083075.htm>**.

Copies of the PMO are available online from: **FDA, CFSAN on the Internet at:**

**<https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM513508.pdf>**.

Copies of the IMS List are available online from: **FDA, CFSAN on the Internet at:**

**<https://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2007965.htm>**.

Copies of this CID are available online at: **ASSIST Online (<https://assist.dla.mil>)** or **ASSIST Quick Search (<http://quicksearch.dla.mil>)**.

Copies of this CID and the U. S. Standards for Condition of Food Containers (7 CFR Part 42) are available from: **Director, SCI Division, SCP, AMS, USDA, Room 1536 South Building, STOP 0240, 1400 Independence Avenue, SW, Washington, D.C. 20250-0240, via E-mail: [CIDS@ams.usda.gov](mailto:CIDS@ams.usda.gov) or on the Internet at: <http://www.ams.usda.gov/grades-standards/cids> and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title7-vol2/pdf/CFR-2015-title7-vol2-part42.pdf>**.

**MILITARY INTERESTS:**

**Military Coordination Activity**

Army - GL

**Custodians**

Army - GL

Navy - SA

Air Force - 35

DLA - SS

**Review Activities**

Army - MD, QM

Navy - MC

**CIVIL AGENCY COORDINATING ACTIVITY:**

DOJ - BOP

HHS - FDA

USDA - SCP

VA - OSS

**PREPARING ACTIVITY:**

USDA - SCP

**Non-Discrimination Policy:** In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.