



December 23, 2020

School Programs Branch, Policy and Program Development Division
Food and Nutrition Service
P.O. Box 2885
Fairfax VA 22031-0885

Re: FNS-2020-0038 Restoration of Milk, Whole Grains, and Sodium Flexibilities

Dear Sir or Madam:

We appreciate the opportunity to provide comments in support of the proposed rule "Restoration of Milk, Whole Grains, and Sodium Flexibilities," as published in the *Federal Register* on November 25, 2020.

The International Dairy Foods Association (IDFA), Washington, D.C., represents the nation's dairy manufacturing and marketing industry, which supports more than 3 million jobs that generate \$159 billion in wages and \$620 billion in overall economic impact. IDFA members range from multinational organizations to single-plant companies. Together they represent approximately 90 percent of the milk, cultured products, cheese, ice cream and frozen desserts produced and marketed in the United States and sold throughout the world. The diverse membership includes numerous food retailers, suppliers, cooperatives and companies that offer a wide variety of nutritional dairy products and dairy-derived ingredients. Visit IDFA at www.idfa.org.

The National Milk Producers Federation (NMPF), established in 1916 and based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of dairy producers on Capitol Hill and with government agencies. NMPF provides a forum through which dairy farmers and their cooperatives formulate policy on national issues that affect milk production and marketing.

This proposed rule will provide an additional option for the nation's schools to provide a wider variety of milk as part of school meals, while still maintaining high nutrition standards. Allowing schools the flexibility to offer low-fat flavored milk supports key nutritional requirements specified in the 2012 regulation, including the calorie and fat upper limits. The restoration of the option of low-fat flavored milk in school meals can provide milk varieties that students will want to consume, helping to turn

around the concerning reduction in school milk consumption.¹ We also support the proposed allowances for lactose reduced and lactose free milk in the Child and Adult Care Food Program (CACFP). The flexibility for sodium requirements in school meal programs will permit schools to serve a wide variety of products that students enjoy while still lowering sodium content of the meals.

Low-fat Flavored Milk Provides Important Nutrients to School Meals

Milk has been a core element of school meals and other federal child nutrition programs since their inception. Milk provides eleven essential nutrients, including three of the four nutrients identified as nutrients of public health concern in the 2015 Dietary Guidelines for Americans (DGA)—calcium, vitamin D and potassium.¹ It is the number one source of these three nutrients of concern for Americans.

Flavored milks provide the same micronutrients as white milk, but with a flavor that many children prefer. Flavored milks, like all cow's milk, are a source of 11 essential nutrients, including calcium, vitamin D and potassium. In a position paper from the American Academy of Pediatrics (AAP) about foods and beverages in schools, the AAP's Council on School Health and Committee on Nutrition declared that "consideration of a beverage such as flavored milk provides a good example of the balance needed to limit added sugars and yet promote nutrient-rich foods."²

Milk processors have significantly reduced the calorie and added sugar contents of flavored milk. Between the 2006-2007 and 2019-2020 school years, average added sugar levels declined by 57 percent, going from 16.7 grams to 7.1 grams in an 8-ounce serving of flavored school milk.³ In fact, flavored milk consumption has been found, in or out of schools, to only make up 4% of the added sugars in children's diets.⁴

In addition to reducing the added sugars in flavored school milk, processors have also reduced the average number of calories. The average calorie content of flavored school milk declined significantly by 40 calories on average between school years 2006-2007 and 2019-2020.⁵ A similar survey also demonstrated that flavored school milk is just 25 calories more than the white milk served in schools.⁶

With these formulation changes, the nutritional benefits of low-fat flavored milk are available with slightly higher calories than white milk and the same or slightly higher calories than fat-free flavored milk. As FNS pointed out in the preamble to the 2017 interim final rule, an 8-ounce serving of low-fat flavored milk has only 20-40 more calories than the same serving of fat-free flavored milk.⁷ Some milk

¹ Quann EE, Adams D. Impact on Milk Consumption and Nutrient Intakes from Eliminating Flavored Milk in Elementary Schools. *Nutr Today*. 2013;48(3):127Y134.

² Council on School Health and Committee on Nutrition. Snacks, Sweetened Beverages, Added Sugars, and Schools Pediatrics 2015; 135: 575; originally published online February 23, 2015.

³ Prime Consulting. All Channel Tracking: The Projection of Milk Volume by Sales Channel, 2019 Edition, August 2020.

⁴ Dairy Research Institute®, NHANES 2007-2010. (Nutrition Impact, LLC analysis. Ages 2+ years). Data Source: U.S. Department of Agriculture, Agricultural Research Service. 2013

⁵ Prime Consulting. All Channel Tracking: The Projection of Milk Volume by Sales Channel, 2019 Edition, August 2020.

⁶ Prime Consulting. August 2016.

⁷ The preamble to the interim final rule notes that low-fat flavored milk contains 20-40 more calories per cup than fat-free flavored milk. However, the USDA-ARS National Nutrient Database for Standard Reference (Release 28 slightly revised May 2016) reports low-fat and fat-free unflavored milks contain 102 and 83 calories, respectively,

processors have been able to formulate low-fat flavored milk and fat-free flavored milk with the same calorie content. In fact, the USDA nutrient database shows the calorie content of 8 fluid ounces of low-fat chocolate milk is lower than that of fat-free chocolate milk.⁸ The USDA data also shows that the difference in fat and saturated fat content is relatively small: 1 g of total fat and 0.6 g of saturated fat per cup of low-fat chocolate milk and 0 g of total fat and 0 g of saturated fat per cup of fat-free chocolate milk.⁹ Switching from fat-free to low-fat flavored milk may represent a small increase in calories if any and a small increase in fat, without compromising on the excellent nutrient properties of milk.

Children consuming flavored milk in their diets had superior nutrient intakes compared to children that consumed only plain milk with no differences in body mass index.¹⁰ Another more recent study demonstrated that flavored milk consumption is associated with improvements in nutrient intake, but not associated with increased body weight of normal weight children.¹¹ As a result, any concerns with an increase in calories contributed by flavored, low-fat milk can be balanced with appropriate meal planning.

Declining School Milk Consumption Has Significant Nutritional Implications

Both the 2015 DGAs and the 2020 DGAC report have identified dairy as a food group that Americans, including many children, do not adequately consume.^{12,13} Increased consumption of dairy foods, including milk, has been identified as an important change that Americans can make to improve the healthfulness of their eating patterns. According to the 2015-2020 DGA, healthy eating patterns, which include low-fat and fat-free dairy foods, are associated with reduced risk for several chronic diseases, including cardiovascular disease (strong evidence) and type 2 diabetes (moderate evidence). Dairy consumption is also linked to improved bone health, especially in children and adolescents.

The 2015 DGA recommended three daily servings of milk or other dairy foods for adolescents and most children, but the DGA also shows that nearly all age groups, including all school-age groups, of both males and females consume significantly less than the recommended amounts. While the 2020-2025

which is only a 19-calorie difference. As the rule's preamble states, the calorie difference between low-fat and fat-free flavored milks is "almost entirely due to a difference in fat content", therefore we would expect a difference in calories closer to the lower end of the range presented in the interim final rule.

⁸ Chocolate milk, ready to drink, fat free, Food code 11511300, 166 kcal per 248 g

Chocolate milk, ready to drink, low fat, Food code 11511400, 159 kcal per 248 g

⁹ Chocolate milk, ready to drink, fat free, Food code 11511300, 0 g total fat and 0 g saturated fat per 248 g
Chocolate milk, ready to drink, low fat, Food code 11511400, 1.11 g total fat and 0.616 g saturated fat per 248 g

¹⁰ Murphy MM, Douglas JS, Johnson RK, Spence LA. Drinking flavored or plain milk is positively associated with nutrient intake and is not associated with adverse effect on weight status in US children and adolescents. *J Am Diet Assoc* 2008. 108:631-639.

¹¹ Fayet-Moore F. Effects of flavored milk vs plain milk on total milk intake and nutrient provision in children. *Nutrition Reviews*, 2016. 74(1):1-17.

¹² U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015–2020 Dietary Guidelines for Americans. 8th Edition. December 2015. Available at <http://health.gov/dietaryguidelines/2015/guidelines/>.

¹³ Dietary Guidelines Advisory Committee. 2020. *Scientific Report of the 2020 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Agriculture and the Secretary of Health and Human Services*. U.S. Department of Agriculture, Agricultural Research Service, Washington, DC.

DGA have not yet been released, the 2020 DGAC scientific report included similar messages regarding the importance of dairy in a healthy diet, recommending 3 servings of dairy for most Americans.

If schools implement changes to their meal programs that would have the effect of reducing milk consumption, students are missing out on the 11 essential nutrients provided by milk. As the AAP paper on school foods highlights, schools that eliminated flavored milk found that less milk was consumed.¹⁴

An overall decline in school milk consumption has been identified, with reductions in both average daily participation (ADP) in school lunch programs and school milk consumption. Annual school and processor surveys conducted by the Milk Processor Education Program (MilkPEP), which is overseen by the Department of Agriculture, regularly found declines in milk consumption – specifically, a decline of 9 percent in total volume between the 2011-12 and 2015-16 school years. The percentage of reduction is even higher for flavored milk (12.5 percent),¹⁵ indicating that children are not pleased with the fat-free versions of flavored milk. This decline coincided with the 2012 regulations which, among other things, prohibited low-fat flavored milk in school lunches, breakfasts and (through a subsequent regulation) foods sold in competition with school meals. Until the 2011-2012 school year, low-fat (1 percent) flavored milk had been the most widely purchased variety of milk by schools.¹⁶

With the permitted reintroduction of low-fat flavored milk, 15 million gallons of low-fat flavored milk were sold in schools during the 2017-2018 school year.¹⁷ Data from schools in Texas and Oklahoma that reintroduced low-fat flavored milk in 2018 showed that this change resulted in an 8% increase in flavored milk consumption in schools, with a 2% increase in total school milk consumption.¹⁸

The School Nutrition and Meal Cost Study found that low-fat flavored milk was less likely to be wasted than unflavored fat-free or low-fat milk.¹⁹ If there is less waste with low-fat flavored milk, more milk and more essential nutrients are being consumed when low-fat flavored milk is a part of school meals.

It is important to restore with urgency the flexibility to allow low-fat flavored milk, as non-fat flavored milk is the only flavored milk available where COVID waivers do not apply.

School Meal Programs Should Adopt Policies that Encourage Increased Milk Consumption

The school meal programs are required to align with the goals of the Dietary Guidelines for Americans. As indicated above, the 2015 DGA and the 2020 DGAC scientific report indicate that dairy is an under-consumed food group and the Americans should consume more dairy, including milk. The 2015 DGA

¹⁴ Council on School Health and Committee on Nutrition. Snacks, Sweetened Beverages, Added Sugars, and Schools Pediatrics 2015; 135: 575; originally published online February 23, 2015.

¹⁵ Prime Consulting. School Milk Information: From Milk Processor Education Program Data. 2015 Edition. August 2016.

¹⁶ Prime Consulting. School Milk Information: From Milk Processor Education Program Data. 2015 Edition. August 2016.

¹⁷ Prime Consulting. September 2018.

¹⁸ Prime Consulting for DairyMax. VOLUME IMPACT FROM REINTRODUCTION OF 1% FLAVORED MILK IN SCHOOLS. Spring 2019.

¹⁹ U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, School Nutrition and Meal Cost Study, Final Report Volume 4: Student Participation, Satisfaction, Plate Waste, and Dietary Intakes by Mary Kay Fox, Elizabeth Gearan, Charlotte Cabili, Dallas Dotter, Katherine Niland, Liana Washburn, Nora Paxton, Lauren Olsho, Lindsay LeClair, and Vinh Tran. Project Officer: John Endahl. Alexandria, VA: April 2019.

recommends low-fat or fat-free milk and acknowledges the potentially positive role of moderate amounts of sweeteners in making foods like milk and yogurt more palatable.

Therefore, policies that uphold the intent of the Dietary Guidelines, by increasing dairy consumption, should be a goal of the school meal and child nutrition programs and as demonstrated above, policies that eliminated low-fat flavored milk reduced milk consumption in school meals.

In the court decision vacating the final rule that had originally allowed for low-fat flavored milk, the court did not object to the inclusion of low-fat flavored milk as an option in school meals. In fact, that decision, as quoted by this Proposed Rule, confirmed that the 2018 Final Rule was consistent with the goals of the Dietary Guidelines.

With the current pandemic and economic situation in the United States, school meals are even more important sources of healthy foods and essential nutrition for American children. Continuing to allow low-fat flavored milk as an option in school meals will drive participation in school meals and increase consumption of milk and other nutritious foods.

Therefore, it is imperative that the regulations of the school meal programs include measures that will encourage consumption of milk. These policies would appropriately include low-fat flavored milk as an option in school meals for students who prefer this type of milk. Providing low-fat flavored milk as an option in schools also aligns with the preferences of American adults. A survey conducted for IDFA shows that more than half of American adults surveyed believe it is important to offer low-fat flavored milk with school meals.²⁰

As previously stated, the allowance would not add calories or fat to school meals overall. While low-fat flavored milk may have slightly more calories and saturated fat than fat-free flavored milk, FNS's regulations for the calories and saturated fat upper limits remain in effect. Allowing low-fat flavored milk to be offered would be balanced by reasonable menu modifications that would comply with the current Child Nutrition Program requirements. Schools have demonstrated that they are able to make these menu modifications through the implementation of the 2018 final rule and reintroduction of low-fat flavored milk to schools.

Lactose Free Milk in the Child and Adult Care Food Program

We support the proposed change to clarify that lactose free and reduced lactose milk is an acceptable option in Child and Adult Care Food Program (CACFP) meals and snacks. Milk with lower lactose provides the same important package of nutrients as convention milk, meaning that it is an important nutrient-dense beverage for those with lactose intolerance. If people avoid dairy completely due to concerns about lactose intolerance, this can adversely affect their intake of calcium, potassium and vitamin D --

²⁰ Morning Consult-IDFA. National Tracking Poll on Fluid Milk Preferences. Survey conducted online between August 16-18, 2019.

Of 2200 American adults surveyed, response to the survey question "How important or unimportant is it to your child that public schools offer then the option of having low-fat flavored milk with school meals (i.e. chocolate or strawberry milk)?" was as follows: 22% very important, 28% somewhat important, 11% somewhat unimportant, 11% very unimportant, 29% don't know.

nutrients already lacking in the American diet.^{21,22} Since lactose free and reduced lactose milk will provide these same essential nutrients, the inclusion of lower lactose options in CACP is consistent with other federal nutrition programs and with both the 2015-2020 DGA and 2020 DGAC report.

Sodium Provisions

We also support the proposal to permit additional time for schools to meet the Target 2 levels for sodium and keep those sodium targets on a permanent basis. This would be helpful to the many schools that have found it challenging to obtain food items with lower sodium that are also acceptable to students, especially for school districts that are not set up for from-scratch cooking. The additional time would be particularly useful as school food authorities are currently undergoing significant changes to the school meal programs to adapt to restrictions resulting from COVID-19. Expecting a swift change to sodium levels would be unrealistic as this has not been one of the changes for which they had been preparing.

While there continues to be efforts from food companies to develop lower sodium products, there are some foods such as cheese for which salt and hence sodium serves a functional and food safety role that makes it particularly difficult to formulate new options. In cheese, salt promotes food safety by affecting fermentation, which can influence pH and water activity, while also preventing the growth of pathogens.²³ Salt is not added to cheese beyond levels necessary for functionality and for food safety parameters. There are multiple hurdles to reducing sodium levels in many types of cheese, including technological feasibility, efficacy of salt substitutes and regulatory requirements. While some reductions may be technically feasible, the final product may not be acceptable due to flavor. In some cases, reducing sodium could result in product that would present a significant food safety risk, increased food waste and decreased shelf-life.

The regulatory requirements for meat alternates can also make sodium reductions more difficult. When cheese is used as a meat alternate in school meals, either on its own or as part of an entrée, 2 ounces of cheese must be served to satisfy the meat alternate requirement for school lunch. When cheese is used as part of an entrée and combined with other components of that entrée, such as sauce and crust in a pizza, the meal pattern requirements and functionality of salt in each component add further challenges to sodium reductions.

Conclusion

IDFA's and NMPF's members are proud of the nutritious milk and dairy products provided through USDA's federal nutrition programs. We agree that the flexibilities proposed by USDA, particularly those related to milk and sodium, would continue to allow schools to provide healthy and appealing meals and beverages to students, while maintaining the key nutritional requirements of the Child Nutrition Programs.

Please feel free to contact us with any questions.

²¹ U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015-2020 Dietary Guidelines for Americans 8th Edition

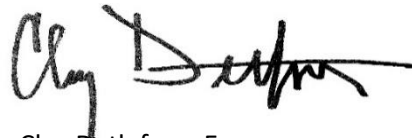
²² Savaiano DA, Boushey CJ, McCabe GP. Lactose intolerance symptoms assessed by meta-analysis: a grain of truth that leads to exaggeration. *J Nutr.* Apr 2006;136(4):1107-1113

²³ National Dairy Council. NDC Response to Voluntary Sodium Goals. 2016.

Sincerely,



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¹ U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015–2020 Dietary Guidelines for Americans. 8th Edition. December 2015. Available at <http://health.gov/dietaryguidelines/2015/guidelines/>.