

Congress of the United States
Washington, DC 20515

June 7, 2023

The Honorable Thomas J. Vilsack
Secretary
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Re: Child Nutrition Programs (Docket No. FNS-2022-0043)

Dear Secretary Vilsack:

We write today to urge the United States Department of Agriculture (USDA) to continue the allowance of non-fat and low-fat flavored milk at all grade levels (K-12) in its final rule, “Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans.” School nutrition programs provide students across the country with critical access to healthy meals, including nutritious flavored and unflavored milk options. Research has repeatedly proven that flavored milk in schools is an indispensably important tool for successfully delivering milk’s nutrients to school aged children, and USDA must work to ensure this access continues.

Dairy products deliver nutrients crucial for children’s health and development. Milk products provide nearly 73 percent of the calcium available in the food supply,¹ and milk is the number one source of protein for kids ages 2-11.² Milk is also the top source of calcium, potassium, phosphorus, and vitamin D for children ages 2-18.³ Dairy provides nutrients vital for immune health, including high-quality protein, zinc, selenium, and vitamins D, B12, and A,^{4,5} as well as bone growth and development during a child’s school-aged years.^{6,7,8,9} Dairy also delivers 7 of

¹ Institute of Medicine. Dietary Reference Intakes for Calcium and Vitamin D. Washington, DC: The National Academies Press; 2011.

² Rafferty K, Heaney RP. Nutrient effects on the calcium economy: Emphasizing the potassium controversy. *Am J Clin Nutr* 2008; 138: 166S-171S.

³ Keast, Fulgoni, Nicklas, O’Neil. Food Sources of Energy and Nutrients among Children in the United States: National Health and Nutrition Examination Survey 2003-2006. *Nutrients* 2013, 5, 283-301, doi: 10.3390/nu5010283.

⁴ FoodData Central. <https://fdc.nal.usda.gov/>.

⁵ Calder PC, Carr AC, Gombart AF, Eggersdorfer M. Optimal nutritional status for a well-functioning immune system is an important factor to protect against viral infections. *Nutrients*. 2020;12(4):1181. doi:10.3390/NU12041181.

⁶ U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary guidelines for Americans, 2020-2025. 9th Edition. <https://www.dietaryguidelines.gov/>.

⁷ FoodData Central. <https://fdc.nal.usda.gov/>.

⁸ de Lamas C, de Castro MJ, Gil-Campos M, Gil A, Couce ML, Leis R. Effects of Dairy Product Consumption on Height and Bone Mineral Content in Children: A Systematic Review of Controlled Trials. *Adv Nutr*. 2019;10(suppl_2):S88-S96.

⁹ Clark DC, Cifelli CJ, Pikosky MA. Growth and Development of Preschool Children (12-60 Months): A Review of the Effect of Dairy Intake. *Nutrients*. 2020;12(11):3556. <https://doi.org/10.3390/nu12113556>.

the 14 nutrients the American Academy of Pediatrics recommends for optimal brain development: protein, zinc, selenium, iodine, choline, vitamin B12, and vitamin A.¹⁰

Unfortunately, children are not consuming the amount of dairy recommended by the Dietary Guidelines for Americans (DGA) as is.¹¹ In 2020, the Dietary Guidelines Advisory Committee reported that between 68% and 76.2% of school age males and between 77.4% and 94.3% of school age females do not meet recommended levels of dairy consumption.¹² Removing flavored milk from schools has demonstrated lower milk consumption, with studies showing average daily participation falling when flavored milk is removed.^{13,14}

USDA must continue the allowance of non-fat and low-fat flavored milk at all grade levels in its forthcoming final rule, and must finalize “Alternative B,” the proposed standard in “Section 3: Milk.” Alternative B would continue the allowance at all grade levels (K-12) of non-fat and low-fat flavored and unflavored milk that meets the newly proposed, product-specific added sugars limit for flavored milk.

The proposed rule would limit flavored milk to no more than 10 grams of added sugars per eight fluid ounces, limit yogurt to no more than 12 grams of added sugars per six ounces, and implement a regulation limiting added sugars to less than 10 percent of calories per week in the school lunch and breakfast programs.¹⁵ Since the proposed rule was published, school milk processors have publicly committed to voluntarily meet USDA’s proposed product-specific added sugars limit for flavored milk served in schools.¹⁶ Although we are encouraged that school milk processors will be able to provide school milk that adheres to this new regulation, we remain concerned with how the weekly added sugars limit will affect schools’ ability to provide flavored milk for children. We urge USDA to exclude milk and yogurt options that meet the quantitative, product-based sugar limits from the 10 percent weekly added sugars limit. Including flavored milk’s added sugars in the weekly limit will likely create unintended incentives for its overall removal to meet the new weekly average added sugars limit.

¹⁰ Schwarzenberg SJ, Georgieff MK; Committee on Nutrition. Advocacy for Improving Nutrition in the First 1000 Days to Support Childhood Development and Adult Health. *Pediatrics*. 2018;141(2):e20173716.

¹¹ Dietary Guidelines for Americans, 2020-2025. https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf.

¹² 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. *Online Materials, Table 1.15*. U.S. Department of Agriculture, Agricultural Research Service, Washington, DC. <https://doi.org/10.52570/DGAC2020>.

¹³ Quann, Erin E. PhD, RD; Adams, Doug MBA. Impact on Milk Consumption and Nutrient Intakes From Eliminating Flavored Milk in Elementary Schools. *Nutrition Today* 48(3):p 127-134, May/June 2013. | DOI: 10.1097/NT.0b013e3182941d6a.

¹⁴ Hanks, A., Just, D., & Wansink, B. (2012). A source of contention or nutrition: an assessment of removing flavored milk from school lunchrooms. *Journal of Nutrition Education and Behavior*, 44(4), S21.

¹⁵ <https://www.federalregister.gov/d/2023-02102/p-141>


¹⁶ Dykes, Michael. International Dairy Foods Association. April 2023. <https://www.idfa.org/news/idfa-announces-healthy-school-milk-commitment-to-provide-nutritious-milk-with-less-added-sugar-for-students-in-public-schools-surpassing-usda-standards>.

School meals provide 77% of total daily milk consumption and 70% of total dairy consumption for low-income children ages 5 to 18.¹⁷ We urge USDA in its final rule to protect kids' unparalleled access to the uniquely dense and complex nutrient package milk provides. Currently, children do not consume the recommended levels of dairy. USDA must not exacerbate this concerning deficiency by placing further restrictions on dairy in schools. We implore USDA to continue to fully allow non-fat and low-fat flavored milk in grades K-12 and exclude flavored milk from the weekly added sugars limit in order to ensure our children have access to the nutrients they need.

Sincerely,



Elise M. Stefanik
Member of Congress



Josh Harder
Member of Congress



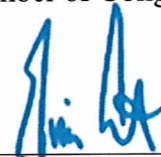
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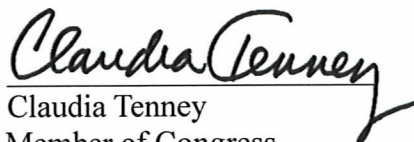
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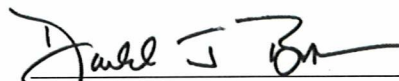
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¹⁷ Cullen KW, Chen TA. The contribution of the USDA school breakfast and lunch program meals to student daily dietary intake. *Prev Med Rep.* 2016 Nov 28;5:82-85. doi: 10.1016/j.pmedr.2016.11.016. PMID: 27957411; PMCID: PMC5149064.

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