



Comment to the Department of Health and Human Services (HHS) Stakeholder Listening Session in Preparation for the 71st World Health Assembly (WHA)
Submitted May 11, 2018

The National Milk Producers Federation (NMPF), the U.S. Dairy Export Council (USDEC), and the International Dairy Foods Association (IDFA) thank the Department of Health and Human Services (HHS) for the opportunity to provide written comments and participate in the May 6 listening session in preparation for the 71st World Health Assembly (WHA).

NMPF 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. NMPF's contribution to this policy is aimed at improving the economic interests of dairy farmers, thus assuring the nation's consumers an adequate supply of pure, wholesome, and nutritious milk and dairy products.

USDEC is a non-profit, independent membership organization that represents the global trade interests of U.S. dairy producers, proprietary processors and cooperatives, ingredient suppliers and export traders. Dairy Management Inc. founded USDEC in 1995 and, through the dairy checkoff program, is the organization's primary funder.

The International Dairy Foods Association, Washington, D.C., represents the nation's dairy manufacturing and marketing industry, which supports nearly 3 million jobs, generates more than \$39 billion in direct wages and has an overall economic impact of more than \$200 billion. IDFA is the umbrella organization for the Milk Industry Foundation (MIF), the National Cheese Institute (NCI) and the International Ice Cream Association (IICA).

Our members range from large multinational organizations to single-plant companies. Together they represent more than 85 percent of the milk, cultured products, cheese, ice cream and frozen desserts produced and marketed in the United States and sold throughout the world. Our diverse membership includes numerous food retailers, suppliers and companies that offer infant formula and a wide variety of milk-derived ingredients. IDFA can be found at www.idfa.org.

General Comments

The WHA will address a number of agenda items of concern to NMPF, USDEC, and IDFA, particularly regarding the WHO's toolkit for "Safeguarding against possible conflicts of interest in nutrition programmes," as well as specific items related to maternal, infant, and young child nutrition and non-communicable diseases. We respectfully request the U.S. government consider these comments in developing U.S. positions for the WHA. It is also critically important that the United States seek to inform other WHO Member States of these concerns in the lead-up to the WHA to build allies against these damaging policy initiatives.

By supporting programs that assure an adequate supply of milk products for Americans and exporting nutritious milk products, the U.S. dairy industry has long championed science-based nutrition policy. As research continues to demonstrate the valuable contribution to nutritious diets of milk, cheese, yogurt and other dairy products, our sector works hard to educate policy makers about the importance of daily consumption of dairy foods.

For example, in the United States, milk, cheese, and yogurt are the top sources of nine essential nutrients in children's diets: protein, calcium, phosphorus, magnesium, potassium, vitamins A, B12, D and riboflavin. Dairy foods are included in the U.S. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and are recommended by the U.S. dietary guidelines because these products are nutrient dense and accessible.

We urge the United States to ensure that the WHO broadly recognizes the nutritional value of dairy products, especially for growing children.

WHA Agenda Item 12.6: Maternal, infant and young child nutrition

WHO Guidance on Ending Inappropriate Promotion of Foods for Infants and Children

NMPF, USDEC, and IDFA, along with other stakeholders and several WHO member states, have repeatedly raised concerns about the lack of evidence to support the 2016 WHO Guidance and its potential to negatively impact child nutrition. Despite these serious concerns, the WHO has continued to press for national and international implementation of the Guidance, without evidence it will improve child nutrition outcomes.

We fully support the American Academy of Pediatrics' recommendation that children breastfeed at least to age one. For children over age one, however, milk and other dairy products play a very important role in ensuring that children are getting adequate nutrition and the best start in life. In fact, the Guidance contradicts long-standing dietary guidance issued by the WHO, the UN Food and Agriculture Organization (FAO), and national governments recommending that milk, yogurt, cheese, formula milks, and other dairy products can contribute to a healthy, balanced diet for young children, as well as the U.S. Dietary Guidelines, which also stress the importance of dairy consumption for young children.

In 2016, the WHA did not endorse the Guidance and rightfully reaffirmed the importance of these nutritional recommendations, yet this important reminder of dairy's essential role as a complementary food for young children is frequently left out of WHO's work to aggressively promote national-level regulation on this topic.

National regulations on this issue must take into account the real-world impacts that overly-restrictive regulations are likely to have on child nutrition, not a theoretical scenario that does not take into account family work dynamics, cultural traditions, or even differences in water sanitation conditions around the world. The Guidance redefines all milk products for children up to age three as "breastmilk substitutes," showing a limited appreciation for the realities of feeding young children and the challenges facing mothers around the world.

It is essential that international policy recommendations, international standards, and national regulations continue to encourage the consumption of milk and other dairy products for young children in light of the critical nutritional benefits these products provide. NMPF and IDFA urge

the U.S. government to ensure the WHA does not endorse the Guidance or call on member states to implement the Guidance, as it risks undermining young child nutrition.

WHO Toolkit on “Safeguarding against possible conflicts of interest in nutrition programs”

NMPF, USDEC, and IDFA support the U.S. comments submitted on the draft toolkit in September 2017, as well as comments made by the United States and several other WHO member states at the January 2018 WHO Executive Board. These comments highlight serious concerns with the process and content of this “conflict of interest” toolkit. The toolkit is not consistent with the WHO’s own approach in the Framework for Engagement with Non-State Actors (FENSA), nor does it sufficiently recognize the requirements for and benefits of transparent stakeholder consultation and well-governed partnerships. The exclusionary criteria contained in the toolkit would directly or indirectly encourage governments to exclude the dairy industry from many stages of policy development and partnership, contrary to international law and best practice.

At a time when governments, international institutions, the private sector, and civil society are increasingly aware of the critical need to work together in innovative and mutually-beneficial ways, the WHO risks isolating members and damaging their own credibility and functioning by moving in the opposite direction to close off partnership opportunities. Many governments have made advances in transparent and inclusive rulemaking, inviting views from all that may be impacted, emphasizing freedom of speech and the right to inform the policy debate. The WHO should both apply and recommend similar good governance practices in working with stakeholders. Due to the exceedingly short time allowed for member state and public consultation on the toolkit and the significant foundational concerns raised by the United States and other member states, the United States should insist the WHO reconvene a transparent, inclusive platform for discussion of appropriate member state approaches to engaging non-state actors.

We encourage the United States to ensure that any future recommendations from WHO explicitly recognize the benefit of engaging with the food and beverage industry as an important opportunity to align evidence-based efforts that leverage each stakeholder’s strengths and resources to accelerate progress and help people everywhere achieve and maintain healthy diets. If implemented by member state governments, the proposed toolkit would deprive member states of resources and expertise necessary to improve public health.

Conclusion

Thank you again for the opportunity to provide our thoughts on these vitally important matters. We thank HHS for continuing its practice of seeking public input on issues related to the World Health Organization, and we look forward to continued dialogue.

Submitted by:

Shawna Morris
Vice President, Trade Policy
NMPF, USDEC
smorris@nmpf.org

John Allan
Vice President, Regulatory Affairs & International Standards
IDFA
jallan@idfa.org