



February 21, 2023

WIC Administration, Benefits, and Certification Branch
Policy Division
Food and Nutrition Service
P.O. Box 2885
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RE: Docket No. FNS-2022-007: Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages, Proposed Rule

To Whom It May Concern:

We appreciate the opportunity to provide comments to the United States Department of Agriculture (USDA) regarding the proposed changes to the food packages available to participants of the Special Supplemental Program for Women, Infants and Children (WIC). WIC is a program vital to supporting the nutrition and overall health of women, infants, and children in the United States. IDFA members support the WIC program and want to ensure that changes made to the food packages will strengthen the program and improve the nutritional status of its more than 6 million participants.

The International Dairy Foods Association (IDFA), Washington, D.C., represents the nation's dairy manufacturing and marketing industry, which supports more than 3.3 million jobs that generate \$41.6 billion in direct wages and \$753 billion in overall economic impact. IDFA's diverse members make 90 percent of the milk, cheese, ice cream, yogurt and cultured products, and dairy ingredients produced and marketed in the United States and sold throughout the world. Safe, nutritious, affordable, and sustainable, dairy foods offer unparalleled health and consumer benefits to people of all ages.

Executive Summary

- The milk and dairy maximum monthly allotment should not be reduced, including the complete elimination of the specific cheese allotment for fully breastfeeding women. The additive nature of USDA's proposed cuts to dairy means the elimination of several gallons of milk per month for some WIC families. For example, a pregnant woman with two children under 5 years of age could lose the equivalent of up to 3 gallons of milk per month, depending on the age of the children. This proposed reduction does not align with the DGA recommendation to increase intake of this nutrient-rich food group, which provides three of the nutrients of public health concern that are under-consumed, including calcium, vitamin D and potassium.

- Dairy provides 13 essential nutrients and is under-consumed by 90% of Americans, including children and women, pregnant women, and breastfeeding women. The 2020-2025 Dietary Guidelines for Americans (DGA), echoing earlier versions, recommended increased dairy intake.
- Flexibilities within dairy products will be helpful to WIC participants who want to select their preferred dairy option, but these flexibilities cannot make up for the overall reduction in dairy products in the WIC food packages.
- Requiring lactose free dairy options and flexibility in container sizes will ensure that WIC participants can access more dairy products.
- Reduced fat (2% milkfat) milk, drinkable yogurt, cottage cheese and additional cheese varieties should all be authorized for inclusion in the WIC food packages, which would also increase redemption levels and consumed nutrients within the overall milk food category.
- Swapping fluid milk for other dairy products, such as yogurt, is made more difficult by the overall dairy category reduction.
- Any non-dairy alternate that is swapped for dairy should have similar levels of nutrients as the appropriate dairy product.

Importance of WIC Food Packages

WIC provides vital nutrition and nutritional education to more than six million low-income and nutritionally at-risk women, infants, and children each year. WIC participation is associated with better birth outcomes, higher diet quality in children, and increased intake of vitamin D as a result of the nutrient-rich foods provided through the defined food packages.¹

Part of the positive nutrition and health outcomes from the WIC program is tied to the dairy products that are a key component of the WIC food packages, as studies have shown that adequate dairy consumption is associated with better bone health, reduced risk of hypertension, diabetes, metabolic syndrome and colorectal cancer.²

¹ Caulfield LE, Bennett WL, Gross SM, Hurley KM, Ogunwole SM, Venkataramani M, Lerman JL, Zhang A, Sharma R, Bass EB. (2022 April). *Maternal and Child Outcomes Associated with the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Comparative Effectiveness Review No. 253.* (Prepared by the Johns Hopkins University Evidence-based Practice Center under Contract No. 75Q80120D00003.) AHRQ Publication No. 22-EHC019. Agency for Healthcare Research and Quality. DOI: <https://doi.org/10.23970/AHRQEPCCER253>.

Carlson S & Neuberger Z. (2021, January 27) *WIC Works: Addressing the nutrition and health needs of low-income families for more than four decades.* Center on Budget and Policy Priorities. <https://www.cbpp.org/research/food-assistance/wic-works-addressing-the-nutrition-and-health-needs-of-low-income-families>

² Bhavadharini B, Dehghan M, Mente A et al. (2020). Association of dairy consumption with metabolic syndrome, hypertension and diabetes in 147812 individuals from 21 countries. *BMJ Open Diab Res Care* (8)e000826. doi: 10.1136/bmjdr-2019-00826.

Giosue A et al. (2022). Consumption of different animal-based foods and risk of type 2 diabetes: An umbrella review of meta-analyses of prospective studies. *Diabetes Res Clin Pract* (191),110071. doi: 10.1016/j.diabres.2022.110071.

de Lamas C, de Castro MJ, Gil-Campos M, Gil Á, Couce ML, Leis R. (2019). Effects of Dairy Product Consumption on Height and Bone Mineral Content in Children: A Systematic Review of Controlled Trials. *Adv Nutr.* [1], S88-S96. doi: 10.1093/advances/nmy096. PMID: 31089738; PMCID: PMC6518138.

IDFA supports USDA’s efforts to improve the nutritional benefits of the WIC program and believes this will increase participation and strengthen the WIC program. The proposed changes to the food packages that increase the monetary value of the foods and beverages provided to WIC participants is an important step to ensuring that the women and children in the program can increase their intake of nutrient-dense foods. Additionally, the overall value of the food package plays an important role in encouraging WIC eligible participants to sign up for the program and to maintain current participants enrolled. Participation in WIC has fallen by approximately 600,000 participants between 2018 and 2022, or nearly 9% of total participation.³ Unfortunately since WIC eligibility figures have not been updated since 2019, it is difficult to understand how WIC is currently meeting the needs of the eligible population.⁴

In order to improve the nutritional status of WIC participants and help them meet the recommendations of the Dietary Guidelines for Americans (DGA), a key goal of the food packages should be to help WIC participants increase their intake of under-consumed food groups, including dairy, fruits and vegetables. Each of these groups have increased levels in the proposed food packages, except for dairy foods. Therefore, to align with the recommendations of the DGA and to improve nutritional status, it is critical that the levels of dairy provided through the WIC food packages are maintained and not reduced.

Dairy is a Key Contributor to the WIC Food Package

Dairy is a key component of nutritious eating patterns for consumers in general, but particularly for the nutritionally at-risk participants of the WIC program. Dairy foods provide 13 essential nutrients, with three of those identified by the 2020-2025 DGA as being nutrients of public health concern that are under-consumed (calcium, potassium, vitamin D).⁵ These beneficial health and nutrition effects are the reason that the 2020-2025 DGA affirmed earlier versions of DGA and included dairy as part of all three recommended eating patterns.

Milk and Dairy Allotments Should Not Be Reduced in the WIC Food Packages

The 2020-2025 DGA highlighted dairy as an under-consumed food group, with nearly 90% of consumers not meeting their recommended levels of dairy products. This population-wide under-consumption is also true of the adult women that are eligible for or currently participating in WIC, with the 2020-2025 Dietary Guidelines Advisory Committee (DGAC) finding that 97.2% of females over 19, including 89.7% of pregnant and 95.1% of lactating women, are falling short of the recommended daily dairy intake. Even children between two and three years of age are not fully meeting the recommended amount of dairy, with approximately one-half consuming less than recommended amounts of dairy (45.2% of males and

Alegria-Lertxundi I, Bujanda L, Arroyo-Izaga M. (2022). Role of Dairy Foods, Fish, White Meat, and Eggs in the Prevention of Colorectal Cancer: A Systematic Review of Observational Studies in 2018-2022. *Nutrients*. [21], 3430. doi: 10.3390/nu14163430. PMID: 36014940; PMCID: PMC9412852.

³ Food and Nutrition Service, United States Department of Agriculture. (2023, February 10). *WIC Program: Total Participation*. <https://fns-prod.azureedge.us/sites/default/files/resource-files/26wifypart-2.pdf>

⁴Food and Nutrition Service, United States Department of Agriculture. (2022, April 22). *WIC 2019 Eligibility and Coverage Rates*. <https://www.fns.usda.gov/wic/2019-eligibility-coverage-rates#2>

⁵ U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*. 9th Edition. December 2020. Available at: [DietaryGuidelines.gov](https://www.dietaryguidelines.gov)

52.3% of females under-consume dairy).⁶ In research that examined the dietary intake of WIC participants specifically, both African American WIC participants and Hispanic WIC participants did not meet the recommendations for dairy consumption.⁷

While nearly all consumers are under-consuming dairy products, the amount of under-consumption is even higher among non-Hispanic Black and Hispanic consumers. While the average consumption of dairy for non-Hispanic whites is 1.72 servings per day, the average consumption for non-Hispanic Blacks is 1.16 servings and Hispanics is 1.60 servings.⁸ Consumption levels are similar with young children in these demographics.

With these facts regarding underconsumption of dairy, reducing the amount of dairy in the WIC food packages is inconsistent with the messages, recommendations, and goals of the DGA and diminish the nutritional value of the WIC program. Milk should be provided at the current level, which is close to the recommended amounts for dairy intake and additional efforts should be taken to increase dairy consumption to address the underconsumption in the non-Hispanic Blacks and Hispanics.

The proposed dairy reduction is magnified for households with multiple WIC-eligible participants. For example, for a pregnant WIC mother with two children under 5 years of age, the proposal would remove the equivalent of up to 3 gallons or more of milk per month, depending on the ages of the participants. The additive nature of the cut for many low-income mothers and children is both alarming and severe.

There is no other DGA-defined food group in the WIC program that has been reduced in the proposed rule, which is especially concerning since dairy is repeatedly recommended by the DGAs (both before and after the 2017 National Academies of Science, Engineering and Medicine report) for increased intake, including among WIC populations. In keeping with the intent of aligning with the DGA and increasing under-consumed food groups, dairy should not be reduced in the WIC food packages. This is particularly true since the intake of vegetables and fruits have increased between 1970 and 2018, while dairy intake continued to decrease.⁹

Maintaining the milk and dairy allotment is nutritionally important for all participants. WIC regulations that promote the dietary habit of dairy consumption as part of healthy diets is critical early in childhood, and maternal consumption habits have been found to strongly influence the foods and beverages

⁶ 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. Available at: <https://doi.org/10.52570/DGAC2020>

⁷ Kong A, Odoms-Young AM, Schiffer LA, Berbaum ML, Porter SJ, Blumstein L, Fitzgibbon ML. (2013). Racial/ethnic differences in dietary intake among WIC families prior to food package revisions. *J Nutr Ed Behav*. [45], 39.

⁸ U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*. 9th Edition. December 2020. Available at: [DietaryGuidelines.gov](https://www.dietaryguidelines.gov)

Data Source: What We Eat in America, NHANES 2015-2016, individuals 2 years and over (excluding breast-fed children), day 1 dietary intake data, weighted. Food Patterns Equivalents Databased (FPED) 2015-2016.

⁹ Food and Nutrition Service, United States Department of Agriculture. (2021, April 20). *U.S. diets are out of balance with Federal recommendations*. <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58334>

consumed by their children.¹⁰ Dairy consumption, specifically cheese and yogurt, has been shown to be inversely associated with postpartum weight retention and risk of obesity.¹¹

In addition to the monthly milk allotment provided for all WIC participants, the specific cheese allotment for fully breastfeeding women should not be eliminated. One of the reasons to provide this additional cheese allotment was to help increase the attractiveness of this food package to help encourage breastfeeding among WIC mothers. By eliminating this specific cheese allotment, the food package is unlikely to be more attractive to mothers. The nutritional loss of eliminating this specific allotment will also reduce the calcium, protein, and other essential nutrients that the food package is providing to breastfeeding women.

By reducing the amount of milk/dairy by up to a gallon and a half per month for certain food packages as well as the additive nature of the cuts across multiple food packages, the WIC proposal is reducing participants' benefits. WIC participants clearly see a value in these foods when cheese, milk and yogurt are some of the most highly redeemed products in the WIC food packages, ranked second, fourth and fifth among WIC foods.¹² Indeed, a recent consumer trend study showed that per capita consumption of milk has risen for WIC participants in recent years while decreasing for SNAP participants and for the total population.¹³

According to a recent survey of more than 500 WIC participants, 20% of them would not re-enroll in WIC if the milk/dairy benefits were cut. A further 34% were unsure if they would stay in the WIC program if milk and dairy products were reduced in the food packages. Three-fourths of WIC participants (76%) are concerned with USDA's recent proposal to reduce the WIC benefit used to purchase milk and dairy products.¹⁴ If current or potential WIC participants see less value in the food packages, they will be less likely participate in the program.

In addition, in the Explanatory Statement for the enacted Consolidated Appropriations Act, Fiscal Year 2023, (P.L. 117-328), Congress formally stated its position that the WIC food package's quantities of milk and other dairy products should follow the DGA.

Explanatory Statement Regarding H.R. 2617, Consolidated Appropriations Act, 2023
Repeated Dietary Guidelines for Americans (DGAs) have identified dairy products as nutrient-dense, while also identifying a high percentage of the U.S. population, including WIC's at-risk population, as not consuming the recommended level of dairy. As the Secretary considers an update to the WIC Supplemental Food Package, the Committee urges the Department to

¹⁰ Fisk, C. M., Crozier, S. R., Inskip, H. M., Godfrey, K. M., Cooper, C., Robinson, S. M., & Southampton Women's Survey Study Group (2011). Influences on the quality of young children's diets: the importance of maternal food choices. *The British Journal of Nutrition*, 105(2), 287–296. <https://doi.org/10.1017/S0007114510003302>

¹¹ Yuan M, Hu FB, Li Y, Cabral HJ, Das SK, Deeney JT, Moore LL. (2022). Dairy Food Intakes, Postpartum Weight Retention, and Risk of Obesity. *Nutrients*. [15], 120. doi: 10.3390/nu15010120..

¹² Gleason, S., Wroblewska, K., Trippe, C., Kline, N., Meyers Mathieu, K., Breck, A., Marr, J., Bellows, D. (2022). WIC Food Cost-Containment Practices Study. Prepared by Insight Policy Research, Contract No. AG-3198-C-15-0022. Alexandria, VA: U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, Project Officer: Ruth Morgan. Available online at: www.fns.usda.gov/research-and-analysis.

¹³ The NPD Group/National Eating Trends®, YE Oct'22 vs YE Oct'20

¹⁴ Morning Consult and International Dairy Foods Association. (2022 December) USDA's Proposed Reduction of WIC Benefits. Available at: https://www.idfa.org/wordpress/wp-content/uploads/2022/12/IDFA_WIC_USDA_Benefits_December_2022_ANALYSIS.pdf

ensure that quantities of milk and other dairy foods provided to WIC participants are aligned with the DGAs.¹⁵

Supplemental Levels

One of the concepts that was included in the 2017 NASEM report¹⁶ is that the WIC program is intended to provide supplemental amounts of key nutrient-rich foods for women, infants, and children. Using this concept, the proposed rule provides 80-96% of the dairy recommendation for children 12 to 24 months, 75-93% of the recommended amount of dairy for two to four year old children and just 71% of recommended dairy levels for adult women.¹⁷ While this still seems like a significant amount of dairy, this does not align with the idea that the WIC food package is intended to help nutritionally at-risk women and children access more of the nutrient-rich foods of which they need to increase consumption.

This concept of supplemental levels should apply to the entire diet, rather than to each specific food group. The food packages could provide supplements to a healthy diet while focusing on under-consumed nutrient-rich foods by providing the full recommended amounts of these foods that are most in need of increased consumption and that provide significant levels of nutrition to the diets of women, infants and children. In order to supplement the overall diets of WIC program participants, it is appropriate for the food packages to provide the current levels of dairy products to encourage increased intake of these under-consumed products and the nutrition they provide.

This approach of providing all dairy recommended needs through the WIC food packages would align with USDA's proposed approach for other foods in the WIC food package. In the proposed rule, the food packages for children and pregnant women provide more than 100% of the DGA recommended amounts of fruit, peanut butter and legumes.¹⁸ Therefore, it would be appropriate to maintain milk and dairy at current levels, aligning with the approach for these other foods and to help increase intake of under-consumed dairy products.

Increased Spending for WIC

USDA estimates that WIC food package costs would increase by roughly \$771 million in FY 2024 (\$913.8 M in increased costs for fruit and vegetable vouchers minus \$142.3 in decreased costs for milk, cheese, juice, infant foods and breakfast cereal). The proposal is not budget neutral and the dairy reductions are unjustified from a policy and nutrition perspective for women, infants, and children most in need.

¹⁵ Explanatory Statement Submitted By Mr. Leahy, Chair Of The Senate Committee On Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023, Congressional Record, Senate, S7829, December 20, 2022. <https://www.congress.gov/117/crec/2022/12/20/168/198/CREC-2022-12-20-pt1-PgS7819-2.pdf>

¹⁶ National Academies of Sciences, Engineering, and Medicine. (2017). *Review of WIC Food Packages: Improving Balance and Choice: Final Report*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/23655>.

¹⁷ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages Proposed Rule, 87 FR 71090 (November 21, 2022).

¹⁸ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages Proposed Rule, 87 FR 71090 (November 21, 2022).

While increasing the value of the food package overall is important for the nutritional health of WIC participants, it is also important that all nutrient-rich foods and beverages that are identified as under-consumed by the DGA should be part of the increase in the food package expenditures. With an increase in value of the food package, dairy's allotment should be maintained at current levels, rather than reduced. Reducing dairy products provided in the package is not justified nutritionally and unnecessary to offset the costs of additional foods in other categories.

Flexibility in Dairy Products Improves Choice and Nutrition

IDFA appreciates the flexibilities provided within the dairy category and urges USDA to allow for additional dairy products, so that WIC participants are permitted to choose the nutrient-rich dairy option that best fits the nutritional, taste and convenience needs of themselves and their children. However, the flexibility that was included in the proposed rule cannot replace the overall reductions to the dairy allotment, particularly if participation in the program would decrease with a reduction of dairy in the food packages.

In one study that examined the experiences of WIC participants during the COVID-19 pandemic in Washington state, expanded eligibility of food products within the dairy category was very popular with WIC families. One WIC participant quoted in the study stated: "...[W]e have more and more of an option of how to get cheese and yogurt because that's what [my son] likes..."¹⁹ One of the lessons learned from adaptations during COVID-19 is that flexibility of dairy products within the WIC food packages will help WIC families find the products they most enjoy and will consume, and significantly improves their nutrition.

Lactose Free Dairy Products Should be an Option in the Food Packages

We agree with USDA's proposal to require states to offer lactose free dairy products as an option in all WIC food packages. Lactose free varieties of milk, along with dairy products that are naturally low in lactose, such as yogurt and natural cheese, are important options for consumers that need to avoid lactose in their diet, while also providing the same essential nutrients as their conventional dairy counterparts.

Lactose free dairy can be particularly important for helping to reduce the underconsumption gap for populations that may have concerns regarding lactose intolerance or maldigestion. In many cases, people who are lactose intolerant or believe they are lactose intolerant mistakenly believe that they cannot consume dairy products.

A review points to the link between low intake of dairy due to concerns over lactose intolerance and decreased bone density. This review recommends that consumers with lactose intolerance consume the recommended three servings of lactose-free dairy to avoid nutrient shortfalls and ensure healthy bones.²⁰ Avoiding dairy can impact getting enough calcium, potassium, and vitamin D - nutrients already

¹⁹ Morris EJ et al. (2022). Insights from Washington State's COVID-19 Response: A Mixed-Methods Evaluation of WIC Remote Service and Expanded Food Options Using the RE-AIM Framework. *J Acad Nutr Diet* [122], 2228. doi: 10.1016/j.jand.2022.03.013

²⁰ Hodges JK et al. Lactose Intolerance and Bone Health: The Challenge of Ensuring Adequate Calcium Intake. *Nutrients*. 2019, 11, 718.

lacking in the American diet.^{21,22} For WIC participants that are lactose intolerant, lactose-free dairy options should be made available as the first option.

Variety of Container Sizes Will Help WIC Participants Find Their Preferred Option

We agree with the proposed rule's flexibility to permit states to authorize a variety of container sizes, including those that don't add up exactly to the maximum allotted amount for that product. The example given in the proposed rule is that states could permit 5.3-ounce yogurt containers, even though these won't add up exactly to the 24 ounces currently permitted. This is an important step to expand consumer choice and increase consumption among WIC families when they are given the option to select the yogurt products in the container sizes they prefer and are most likely to consume. Recent research from USDA showed that container size restrictions on yogurt, namely requiring only quart containers, was significantly associated with lower redemption rates for yogurt.²³ This points toward WIC participants' desire for expanded choice and flexible container sizes.

Almost 80% of yogurt category sales are in single serve containers or in a larger container which holds multiple single serve packages (e.g., multipacks).²⁴ These containers are available in a far greater variety of flavors, so women and children are able to purchase the flavor that they prefer and are more likely to consume. These smaller containers are also much more convenient, and they are more likely to be consumed in a single sitting. Additionally, smaller tubes or pouches of yogurt will be particularly convenient for parents to provide younger children as a nutrient-rich snack.

Expanded container size flexibility is also important for providing options in other products, including cheese. There are containers of cheese varieties permitted in the WIC packages that will also not add up exactly to the 1-pound (16 ounces) amount permitted each month. Allowing these different size containers will allow additional cheese options, such as 12 ounce containers of part skim mozzarella cheese sticks, often known as string cheese. These individually wrapped sticks provide many of the same convenience as smaller packages of yogurt, including working well as a nutrient-rich snack.

In addition to the allowance for states to provide flexibility for these containers, we ask USDA to strongly encourage states to allow these packages. The more states that allow a variety of containers, the market will respond by offering more of these convenient and nutritious dairy options.

Reduced Fat (2%) Milk Should be Allowed for all WIC Participants

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 Gleason, S., Wroblewska, K., Trippe, C., Kline, N., Meyers Mathieu, K., Breck, A., Marr, J., Bellows, D. (2022). WIC Food Cost-Containment Practices Study. Prepared by Insight Policy Research, Contract No. AG-3198-C-15-0022. Alexandria, VA: U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, Project Officer: Ruth Morgan. Available online at: www.fns.usda.gov/research-and-analysis.

²⁴ ACNielsen Dollar Sales, 52 weeks ending 3/12/22.

Reduced fat milk, often known as 2% milk, is the second most purchased variety of milk in the United States, behind whole milk, but far out-selling low-fat or fat-free milk.²⁵ Due to the popularity of reduced-fat milk, it is more likely to be stocked in stores than low-fat or fat-free, particularly in small stores with limited refrigerator space. Due to the requirements for WIC-approved retailers, participating stores must stock low-fat and fat free milk that is required for the WIC food packages, in addition to the reduced fat and whole milk that they would stock due to customer demand. Again, the burden of stocking multiple varieties of milk will fall disproportionately on smaller, less equipped retail outlets.

WIC participants should be able to choose their preferred variety of milk like other consumers. In order to encourage increased consumption of milk, WIC-allowed milk must be available at the grocery stores and corner stores where WIC families shop and must be the type of milk that WIC mothers and children prefer to drink.

According to the recent survey of more than 500 WIC participants, one-third of them prefer whole milk (34%) while one-quarter prefer 2% milk (28%)—meaning 62% prefer a product not offered in the program.²⁶

Additionally, concerns over the saturated fat content of reduced fat milk or full fat dairy products may not be necessary. A significant and growing body of nutrition science demonstrates the health effects of milkfat and full fat dairy products, including less risk of obesity or body fat, while not increasing the risk of cardiovascular disease.²⁷ The dairy matrix, meaning the components and nutrients that are core to dairy products, may have a significant influence on the health outcomes seen when consuming dairy at all fat levels. One article, referring to studies of full fat dairy products, indicated that “the concept that the food matrix may influence the cardiometabolic impacts of nutrients such as SFAs is both intriguing and challenging.”²⁸

One recent study specifically examined the health effects of dairy-derived saturated fat in women, with women that consumed the most milkfat having lower BMIs, lower percent fat mass and larger LDL particle size.²⁹

Drinkable Yogurt Should Be Permitted as a Yogurt Option

Yogurt is an important option within the WIC food packages and is a format of dairy nutrition preferred by many WIC participants. As stated above, it is important for the products in the WIC food package to

²⁵ Agricultural Marketing Service, United States Department of Agriculture. (2023 January 12) *Estimated Fluid Milk Products Sales Report, November 2022*.

<https://www.ams.usda.gov/sites/default/files/media/EstimatedFluidProductsMilkSales.pdf>

²⁶ Morning Consult and International Dairy Foods Association. (2022 December) *USDA’s Proposed Reduction of WIC Benefits*. Available at: https://www.idfa.org/wordpress/wp-content/uploads/2022/12/IDFA_WIC_USDA_Benefits_December_2022_ANALYSIS.pdf

²⁷ Givens DI. Saturated fats, dairy foods and cardiovascular health: No longer a curious paradox? *Nutr Bull*. 2022 Dec;47(4):407-422. doi: 10.1111/nbu.12585. Epub 2022 Oct 26. PMID: 36285545.

²⁸ Lamarche B. (2022). Yet another study stirring the debate on saturated fat, *The American Journal of Clinical Nutrition*. [116], 1466–1467, <https://doi.org/10.1093/ajcn/nqac270>

²⁹ Yuan M, Singer MR, Pickering RT, Moore LL. (2022). Saturated fat from dairy sources is associated with lower cardiometabolic risk in the Framingham Offspring Study. *Am J Clin Nutr*. [116], 1682-1692. doi: 10.1093/ajcn/nqac224. PMID: 36307959; PMCID: PMC9761752.

contribute toward meeting the recommendations of the DGA, while also being in a variety of formats and packages to ensure that WIC consumers can find and purchase WIC foods that they will eat and that will therefore contribute to improved nutrition. Another option within yogurt products that would provide flexibility to help increase yogurt and dairy consumption would be the inclusion of drinkable yogurts.

There are a variety of drinkable forms of cultured dairy, some of which meet the yogurt standard of identity and others that have similar nutrient profiles to spoonable yogurt that is currently permitted in the WIC program. These products would count toward a serving of dairy and will provide important nutrients that are commonly provided by dairy products, such as calcium, and vitamin A.

These products, which are often available in single serve containers and in a variety of flavors, are particularly attractive to those consumers looking for a nutrient rich snack for their children or looking for a convenient dairy option.

Additional Varieties of Cheese, Including Cottage Cheese Should Be Included

Cheese is an important component of the WIC food packages, providing additional options for accessing dairy nutrition. Cheeses are excellent sources of high-quality protein and are popular options as part of main dishes in a meal, especially for vegetarian dishes. Additionally, many natural cheeses are also low in lactose, and are an excellent option for WIC participants that need to avoid lactose when consuming dairy products.

Currently, a limited number of cheese varieties are included as options in the WIC food package. Only nine varieties of cheeses are currently authorized for WIC food packages, when compared to the 72 standards of identity for cheeses in the United States, and the hundreds of varieties that exist in the market. Including additional varieties of cheeses as options within the food packages will expand choice for WIC families and permit them to find the types of cheese that they and their families will be most likely to consume, including Hispanic cheese options, hard cheeses or snacking cheeses.

One particular variety of cheese that would be important to make available through the WIC food packages is cottage cheese. Cottage cheese is a convenient snack or part of a meal and can be combined with other nutrient-rich foods, such as fruits or vegetables. It is widely available in low-fat and fat free varieties as well as reduced sodium versions.

Substitutions Within the Dairy Allotment are Made More Difficult by Proposed Dairy Reductions

The proposed rule adds flexibilities for the dairy substitution options with the intent to meet personal, cultural and/or dietary needs. These substitution options such as cheese and yogurt can make the WIC food package appealing and encourage redemption of the dairy benefit. However, with the proposed reduction in the fluid milk benefit, a participant will not only be getting less milk overall, but should the participant swap out some of the fluid milk for yogurt and/or cheese, this will further reduce the amount of fluid milk received. This in turn could make the value of the package less appealing.

As an example, a pregnant woman under the proposed rule could receive 16 quarts of milk per month and could swap 5 quarts of milk for 2 quarts of yogurt and 1 pound of cheese. This would result in this pregnant woman receiving about 1.5 cups of fluid milk and, with yogurt and cheese, roughly 2 cup

equivalents of dairy per day. If the current amount of milk in the WIC food package was maintained, the same participant could make the same substitutions for yogurt and cheese and receive about 2 ¼ cups of milk and about 2.8 cup equivalents of dairy per day. Therefore, maintaining the fluid milk amount would get her closer to the DGA recommendations and it doesn't require her to lose out on even more fluid milk as would be the case with the reduction in the overall dairy benefit.

The flexibility of the dairy options in the WIC food packages should maintain the ability of WIC participants to select dairy options without feeling as though they are giving up other dairy products they would also consume. Under this proposal that reduces the dairy allotment, participants will already be getting less milk. If a participant chooses to swap milk for other dairy options such as yogurt and cheese that will be beneficial to herself and her children, that swap further reduces the amount of milk received and forces her to make a trade off to get these other options.

Yogurt Requirements

The recent changes to the Reference Amounts Customarily Consumed (RACC) changed the RACC for yogurt to 170 g, about 6 ounces of yogurt.³⁰ Since the RACC typically serves as the basis for the serving size, and the nutrition information displayed on many packaged yogurts, it would be reasonable to identify the nutrient level requirements on the RACC basis. This will be easier for state agencies to identify the products that will meet the WIC program requirements, since they will only need the information presented on the Nutrition Facts panel for many products.

Standard of Identity for Yogurt

FDA has recently updated the yogurt standard of identity, with the new requirements found in 21 CFR 131.200. As with the standard of identity for milk, this updated standard lays out requirements for a full fat version, with the allowance for reduced fat, low-fat and fat-free varieties in keeping with the regulations for the appropriate claim as well as 21 CFR 130.10. We would ask USDA to clarify that yogurts approved for WIC would align with these other fat varieties, as appropriate, in line with the current language for cow's milk in Table 4 in the existing regulations for WIC food packages.³¹

Since the publication of the yogurt standard of identity final rule in 2021,³² there have been updates and changes to that standard, including modifications published in December 2022.³³ In order to ensure that the yogurt requirements for the WIC program align with the FDA's yogurt standard, we ask that the compliance date the WIC regulations related to the standard of identity for yogurt be set at either 18 months after the WIC final rule is published, or at the compliance date for the relevant provision in the

³⁰ 21 CFR 101.12 Reference amounts customarily consumed per eating occasion. [Updated May 27, 2016]

³¹ 7 CFR 246.10(e)(12) Table 4. Excerpt from entry for "Cow's milk": "Must conform to FDA standard of identity for whole, reduced-fat, low-fat, or nonfat milks (21 CFR 131.110)."

³² Milk and Cream Products and Yogurt Products; Final Rule to Revoke the Standards for Lowfat Yogurt and Nonfat Yogurt and To Amend the Standard for Yogurt, 86 Federal Register 31117 (June 11, 2021) (to be codified at 21 CFR 131.200)

³³ International Dairy Foods Association and Chobani, Inc: Response to the Objections and Requests for a Public Hearing on the Final Rule to Revoke the Standards for Lowfat Yogurt and Nonfat Yogurt and To Amend the Standard for Yogurt, 87 Federal Register 76559 (December 15, 2022) (to be codified at 21 CFR 131.200)

final yogurt SOI, whichever is later. This will ensure that the final WIC regulations are clear that yogurt products that align with the standard of identity that applies at the time of sale will be eligible for WIC.

Vitamin D Requirements for Yogurt Should Align with Standard of Identity

In the proposed rule, two different levels are provided for vitamin D fortification requirements for yogurt. In table 4 (p.71123), the required level of vitamin D is given as 100 IU (2.5 mcg) of vitamin D per 8 ounces of yogurt. In Table 1: Current Food Package Requirements and Key Revisions under Proposed Rule (page 71132), the vitamin D requirement is given as 160 IU (4 mcg) per cup of yogurt.

We agree with USDA's requirement that yogurt contain a specified amount of vitamin D to help supply this under-consumed nutrient but would encourage USDA to adopt the level set in the updated yogurt standard of identity,³⁴ which requires yogurt, when vitamin D is added, to contain at least 10% of the Daily Value per RACC. With the current Daily Value of vitamin D at 20 mcg, this would be equivalent to at least 2 mcg of vitamin D per RACC of 6 ounces of yogurt.

For companies that choose to reformulate their yogurts to align with WIC requirements, we ask for additional time for compliance for this particular requirement. With the recent updates to formulations and particularly labeling changes that yogurt manufacturers have recently had to undertake to comply with the updated standard of identity, the additional change to formulation and labeling that would be required to comply with updated WIC regulations would take more than 18 months permitted for WIC food package compliance. We request an additional 12 months (for a total of 30 months) for companies to comply with the vitamin D requirement for yogurt in the WIC food packages.

Sugar Limits for Yogurt

We support the proposed rule's requirement of less than 30 grams of total sugar per cup of yogurt, which would be equivalent to less than 22.5 grams of total sugar per 6-ounce RACC. While this limit would be a step toward lower added sugar in yogurt products, the basis for total sugar would permit additional flexibility to lower the overall sugar content in the yogurt.

Non-dairy Alternates

Non-dairy alternates are important options for people who cannot consume dairy products due to allergy or other health needs. There are also cultural reasons for consumers, including WIC participants, to choose other alternates. However, it is important that these choices not have a negative impact on their overall nutrition.

An important requirement for alternate products is that these provide similar levels of nutrients to the dairy products they would substitute for in the food packages. This would ensure that similar nutrition is being provided into the overall diet.

³⁴ International Dairy Foods Association and Chobani, Inc: Response to the Objections and Requests for a Public Hearing on the Final Rule to Revoke the Standards for Lowfat Yogurt and Nonfat Yogurt and To Amend the Standard for Yogurt, 87 Federal Register 76559 (December 15, 2022) (to be codified at 21 CFR 131.200)

Summary

We urge USDA to restore the milk and dairy category in WIC to the levels currently provided in the food packages for women and children or even expand the milk and dairy category to encourage consumption consistent with the DGAs. Reducing the amounts of dairy products available to nutritionally at-risk consumers will reduce the essential nutrients and health benefits provided by dairy and is in direct opposition to the recommendations of the Dietary Guidelines for Americans.

Flexibilities to expand choice for WIC participants to select their preferred dairy product, such as a variety of container sizes, lactose free options, and adding popular dairy products such as cottage cheese, 2% milk and drinkable yogurt will encourage dairy consumption within WIC that aligns with the DGAs. Reducing the dairy benefits in the WIC program will render these flexibilities ineffective.

IDFA's members are proud of the nutrient-rich dairy products that they provide, especially to nutritionally at-risk WIC participants. We urge USDA to maintain or expand the dairy benefits in the WIC program so WIC families can continue to benefit from the essential nutrients provided by milk, yogurt and cheese.

Sincerely,

A handwritten signature in black ink that reads "Joseph Scimeca". The signature is written in a cursive, flowing style with a prominent loop at the end of the last name.

Joseph Scimeca, PhD
Senior Vice President,
Regulatory and Scientific Affairs