Dr. Jewel Bronaugh
Arturo S. Rodriguez
Co-Chairs of the USDA Equity Commission
1400 Independence Ave., S.W.
Washington, DC 20250

Via email: EquityCommission@usda.gov

Dear Co-Chairs Bronaugh and Rodriguez,

We write to you to bring to the Equity Commission's attention the U.S. Department of Agriculture's ongoing participation in an inherently inequitable and socially unjust program: the routine delivery of cow's milk to tens of millions of kids and the failure to provide a practical alternative for them even though large percentages of these young people are lactose-intolerant or have allergies to the product.

This circumstance is having an adverse impact on millions of school children, particular kids of color. In short, USDA is implementing a National School Lunch Program that forces cow's milk on children throughout the public school system. It is the critical role of your Commission to "provid[e] recommendations to the Secretary on policies, programs, and actions needed to address racial equity issues within the Department of Agriculture and its programs." We ask that you fulfill your duty and provide recommendations to the Secretary that will remedy this problem and bring nutritionally equivalent alternatives to kids that they can access at schools without hardship.

While thirty to fifty million Americans suffer from LI,[1] it is least common among those white Americans of Northern European descent. It is prevalent in Asian Americans, African Americans, Mexican Americans, and Native Americans.[2] Eighty percent of African Americans and Native Americans are lactose intolerant. Among Asian Americans that rate rises to over 90 percent.[3]

LI is a condition that prevents people from being able to fully digest the sugar (lactose) found in milk and other dairy products.[4] This inability to break down lactose into simpler sugars for absorption into the bloodstream in LI people results in undigested lactose sitting in the lower intestinal tract, where bacteria works to break it down.[5] This bacterial action causes varying degrees of intestinal discomfort in LI inflicted people and often gives rise to diarrhea, nausea, cramps, bloating and, in severe cases, vomiting. There is no cure for LI; instead people diagnosed with the disease are cautioned to reduce or eliminate dairy from their diets.[6]

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[1] https://www.childrenshospital.org/conditions-and-treatments/conditions/l/lactose-intolerance

[2] https://www.hopkinsmedicine.org/health/conditions-and-diseases/lactose-intolerance

[3] https://www.childrenshospital.org/conditions-and-treatments/conditions/l/lactose-intolerance

[4] https://www.mayoclinic.org/diseases-conditions/lactose-intolerance/symptoms-causes/syc-20374232

[5] https://kidshealth.org/en/teens/lactose-intolerance.html

[6] https://www.hopkinsmedicine.org/health/conditions-and-diseases/lactose-intolerance

Our public schools are diverse, with up 26 million non-white children enrolled across the country. While USDA does not maintain statistics related to the ethnicity of participants in the NSLP, we do know that over thirty million children in over one hundred thousand schools take part in the program. Studies indicate that children of color have historically been overrepresented in the NSLP.[7]

Under regulatory requirements, USDA mandates that dairy milk be included with every meal that is served to students who participate in the NSLP in order for financially-challenged schools to get reimbursed by federal dollars for the meals they serve. While the law does allow for nutritionally equivalent milk substitutes, a "written statement from a licensed physician that identifies the disability that restricts the student's diet and that specifies the substitute for fluid milk" is required. Given the lack of medical access in many underserved communities and the cost/burden of seeking medical treatment for dietary needs, many families with LI children are unable to provide the documentation necessary to meet the written statement requirement.

It is patently discriminatory to require a doctor's note for a nearly ubiquitous condition. In short, black, Native American, Asian and Latino kids are being punished for their race and heritage. You get a note if you have an unusual condition – not when you and 8 or 10 kids with the same skin color also have the same adverse health reaction to the food product.

These USDA requirements mean that every school day across the county, millions of LI children of color are being forced to accept milk on their lunch trays and are being denied much-needed nutritional beverages with their meals. These children are left with only two unjust options: either drink the milk they are given and suffer intestinal discomfort as they struggle to learn in classrooms following their lunch period or go without a nutritionally significant portion of their meal. The kids are put in a terrible condition: take something that makes them ill or deny themselves a food product that helps them meet their minimum daily requirements. It's clear that both things are happening. Kids are getting sick by the millions, with untold effects on learning and well-being. And they are tossing unopened containers of milk in the garbage where they contribute to massive amounts of food and fiscal waste each year. A recent study found that as much as 45 million gallons of milk are thrown out each year in our nation's schools at a taxpayer cost of $138 million.[8]

The Congress's statutory prescriptions have contributed to USDA's dangerous policies that hurt kids of color, but USDA has discretion that it can and must exercise to remedy this circumstance. Indeed, under USDA's own regulatory mandate:

> No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or gender identity, exclude from participation in, deny the benefits of, or subject to

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[7] https://www.ers.usda.gov/webdocs/publications/44110/48589_eib17.pdf?v=0

[8] https://hoards.com/article-26929-schools-are-pouring-milk-down-the-drain.html

discrimination any person in the United States under any program or activity conducted by the USDA.[9]

Yet with the NSLP and the milk requirement, USDA is engaged in the very exclusionary and discriminatory actions prohibited by its own legally binding regulations.

The federal government has already formally recognized that soy milk is nutritionally equivalent to dairy milk. USDA must take steps to mitigate the significant harm visited upon children of color under the current NSLP and the milk promotion system by finding ways to make soy milk more readily and easily available.[10] We recommend a proportional reimbursement by USDA of soy milk purchases; new costs to the federal government would largely be offset by decreased spending for cow's milk purchases. Surely, we won't quarrel as a nation over a very small expenditure in exchange for preventing the onset of illness and the mass discarding of products that kids do not want.

The Biden administration has made addressing diversity, equity and inclusion issues a priority across the federal government, including at the Department of Agriculture. Under your joint leadership the Equity Commission "is charged with advancing equity at a time when it is clearly needed and long overdue." It is hard to imagine a more inequitable and socially unjust USDA practice than the force feeding of milk to LI children in our schools. Until children of color are properly provided for in the USDA-funded NSLP, the "And Justice for All" posters that the agency requires participating public schools to display in their lunch rooms is simply empty rhetoric as injustices are visited on millions of underserved children each day.

Signed,

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Dr. Milton Mills, CEO
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[9] 7 CFR Part 15d.3

[10] Submitters also wish to note that approximately 0.4 percent of children are allergic to soy and some undetermined percentage of those will also suffer from lactose intolerance. In addition to providing soy milk to LI children, USDA should provide nutritious beverage options for school children who suffer from both soy allergies and lactose intolerance.

Animal Wellness Action
https://animalwellnessaction.org

Animal Wellness Foundation
https://www.animalwellnessfoundation.org/

Health Care Awareness Month
https://morethanmysle.com/

Coalition for Healthy School Food
https://healthyschoolfood.org/wp/

Institute of Plant Based Medicine
https://iopbm.com

Kids for Peace Global
https://kidsforpeaceglobal.org/

Farm Animal Rights Movement USA
https://farmusa.org/

Hip Hop is Green
https://www.hiphopisgreen.com/

Black Vegan Experience
https://theblackveganexperience.net/

Afro Vegan Society
https://www.afroveganssociety.org/

Women of Color for Equal Justice
https://woc4equaljustice.org/

Progressive Democrats of America
https://pdamerica.org/

Agriculture Fairness Alliance
https://agriculturefairnessalliance.org

Latino Political Avenue
http://latinopoliticalavenue.com/

22 Days Nutrition
www.22daysnutrition.com

Indraloka Sanctuary Children's Programs
https://indraloka.org

Soul Fire Farm
https://www.soulfirefarm.org/

The Animal Save Movement
https://thesavemovement.org/

Black Veg Fest
https://blackvegfest.org/

Thrive Baltimore
https://thrivebaltimore.org/

Jewish Veg
https://www.jewishveg.org/

The Oceanic Preservation Society
https://www.opsociety.org