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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Waiver to Technical Bulletin – Medical (TB MED) 530, Tri-Service Food Code, for Storage and Management of Breastmilk during Field Training and Mobility Exercises

1. Reference abstract, Breastfeeding and Pumping Policy and Guidance Update Request (Enclosure 1), 807th Medical Command (Deployment Support).
2. The abstract requests updates to various policies and guidance regarding breastfeeding and pumping to ensure full support of lactating Soldiers. Many times during field training and mobility exercises, the only location available to store expressed breastmilk is in a food establishment refrigerator. Current guidance within TB MED 530 does not specifically address this issue, but implies the practice is prohibited based on provisions 6-305.11(B) and 3-307.11, which require a separate location for storing personal items away from food preparation and storage areas. Food service personnel often refuse to store expressed breastmilk; citing that it is not permitted under the provisions for storage of medicines and personal items.
3. Enclosure 2 provides the approved waiver to TB MED 530, as it relates to field food operations. The waiver allows for storage and management of breastmilk in field food establishment refrigerators similar to existing guidance for medications as specified in TB MED 530, provisions 7-207.11 and 7-207.12. The approved waiver supports Army Directive (AD) 2015-43, paragraph 6. This waiver will be submitted for consideration and adoption by all services in the next revision of this publication.
4. The point of contact for this issue is Mr. David Mattson, (210) 808-2874 or e-mail david.w.mattson.civ@mail.mil, Deputy Chief of Staff for Public Health.

FOR THE COMMANDER:

2 Encls


RICHARD R. BEAUCHEMIN
Chief of Staff

MCPH-PHD

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Breastfeeding and Pumping Policy and Guidance Update Request
MAJ Kelly Bell, AN, USAR
Clinical Operations
807th Medical Command (Deployment Support)

Project Abstract: Update policies regarding breastfeeding and pumping so lactating Soldiers are fully supported.

- 1) Increase the deferment of duty away from home station from four (4) to six (6) months
- 2) Reinforce the Soldier's right to breastfeed or pump anywhere on federal property
- 3) Develop additional guidelines to assist commanders with supporting lactating Soldiers with pumping and storing breastmilk during field training exercises
- 4) **Update TB MED 530 to allow for storage of expressed milk**

Regulatory Guidance:

- 1) DODI 1315.18 authorizes a four (4) month deferment of duty away from station following the birth of a child.
- 2) Federal law 41 CFR § 102-74.426 states that "a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location." This includes military bases, so women, in or out of uniform, are authorized to breastfeed anywhere on Army installations.
- 3) AD 2015-43, paragraph 6 states that "During field training and mobility exercises, commanders will provide private space for Soldiers to express milk. If the Soldier (or designated personnel) cannot transport expressed milk to garrison, the Soldier's commander will permit her the same time and space to express and discard her breast milk with the intent to maintain physiological capability for lactation. Commanders should work with the supporting medical officer to determine whether milk storage and/or transportation will be feasible during the exercise. Commanders will counsel Soldiers to discuss the potential risks/benefits of storing milk during field training and mobility exercises with their medical provider."

Issues:

- 1) The American Academy of Pediatrics, National Institutes of Health, and the World Health Organization all concur that newborns should be exclusively breastfed for the first **6 months** and should continue to be breastfed until *at least* one year of age. They also recommend that breastfeeding continue beyond one year if possible. The Army lags behind the other services as having the shortest deferment period. Both the Navy and Air Force have 12-month deferments, the Marine Corps is 6 months minimum up to 12 months, and the Coast Guard is 6-months.

- 2) The authorization that women may breastfeed their child anywhere on federal property is not being upheld at all times and Soldiers breastfeeding their children in public places are being told that they cannot do so.
- 3) There is a lack of guidance available to lactating Soldiers on proper pumping and storage techniques that can be used during field training and mobility exercises. Additionally, despite the fact that AD 2015-43 (which is pending incorporation into the revision of AR 600-20) states that commanders should work to determine if storage is feasible, this is not happening on a consistent basis and Soldiers are often not afforded the opportunity to store expressed breast milk during field training or mobility exercises. Having to discard expressed milk can affect the Soldier's morale and milk supply and therefore *every effort should be made by commanders at all levels to assist lactating Soldiers with storing their milk.* While the term "field" encompasses a wide range of environments, there are often times where electricity and refrigeration are available during part or all of the field or mobility exercise.
- 4) **TB MED 530 does not state that expressed breastmilk cannot be stored in a food establishment refrigerator.**

Funding/Cost:

Initially, there will be no additional cost to the government as Soldiers will be required to supply necessary equipment needed to pump and store milk. This includes, but is not limited to: breast pumps, storage containers, labeling supplies, and coolers for transport. If the Public Health Center decides to publish a Soldier handout with these guidelines, then there would be a cost incurred in its production and publication.

Program Plan:

- 1) Request that the deferment away from the Soldier's primary duty station (TDY, training, etc.) be extended to a minimum of six months with the ability to request up to 12 months and the overseas deferment be increased to 12 months. These deferments would be waivable by the Soldier.
- 2) Encourage leaders at all levels to support lactating Soldiers and reinforce their right to breastfeed wherever they need to.
- 3) Develop official guidance for lactating Soldiers on how to pump and store breastmilk based on the guidance that is already available through several federal organizations. This guidance would be published on the Army Public Health Center's Breastfeeding Resources page and will include guidance for commanders. See attached example based on published guidelines already available to general public.
- 4) **Request the additional paragraph in TB MED 530 stating that breastmilk is**

authorized to be stored in food establishment refrigerators. The CDC, USDA, OSHA, FDA, and several subject matter experts state that expressed human breastmilk DOES NOT pose of health or safety issue when properly stored in a refrigerator with other food in a food establishment/dining facility or in a field environment where refrigeration is available. Some personnel were concerned about space but it is predicted that this will only affect a few Soldiers so storage space would by no means be excessive. The following is a draft of the proposed paragraph:

Refrigerated breast milk, storage*

Expressed human breast milk belonging to Service members or DOD Civilians shall be allowed in a FOOD ESTABLISHMENT. Expressed human breast milk is a sanitary food item that requires refrigeration. During field training or mobility exercises, Service members and DOD Civilians will be permitted to store expressed human breast milk in food establishment refrigerators and freezers when present. Expressed human breast milk stored in a FOOD refrigerator or freezer shall be—

- (A) Stored in a package or container and kept inside a covered, leak-proof container* that is identified as a container for the storage of breast milk; and
- (B) Labeled with the individual's name, unit, contact information, and date of expression.

After 8 days of refrigeration, if the milk has not already been picked up by the Soldier or the unit, the milk will be discarded. After 365 days of freezing, abandoned milk will be discarded. During a refrigerator/freezer failure, the milk will be handled according to the local policy for other food items during this situation.

*The Service member or DOD Civilian is responsible for supplying all equipment needed to express the milk and the storage containers (milk storage bags/bottles) and covered, leak-proof container.

*Federal Guidance Concerning Breast Milk: The Food and Drug Administration (FDA), Centers for Disease Control (CDC), U. S. Department of Agriculture (USDA), and the Occupational Health and Safety Administration (OSHA) all concur that human breast milk is a food item that does not pose any sanitary or health risks and can be stored alongside other foods in any refrigerator appropriate for food storage. It does not require any special handling or storage in a separate container. (CDC, 2015)

The CDC specifically states the following: Expressed breast milk is a food and may be stored alongside other foods in any refrigerator that is appropriate for food storage. Employers, coworkers, cleaning staff, other family members, and childcare providers should not consider or treat breast milk as a biohazard. Storing breast milk in a shared refrigerator and washing pump parts in community break rooms are unlikely to pose health risks (sanitary or safety issues).

<https://www.cdc.gov/breastfeeding/recommendations/faq.html>

CONTRIBUTORS:

Primary POC:

MAJ Kelly M. Bell, AN, MSN, CEN
Clinical Operations
807th Medical Command, Deployment Support
kelly.m.bell.mil@mail.mil
(414) 943-9932

Technical advisors:

807th Medical Command, Deployment Support:
LTC Lara Brown
Entomologist
lara.n.brown3.mil@mail.mil

LTC Richard Milam
Environmental Engineer
richard.w.milam.mil@mail.mil

LTC Anthony Pittelkau
Environmental Science Officer
anthony.l.pittelkau.mil@mail.mil

LTC Patricia Rasmussen
Veterinarian
patricia.j.rasmussen2.mil@mail.mil

Additional technical advisors:

COL Catherine Kimball-Eayrs, MD, FAAP, IBCLC
Commandant, School of Medicine
Uniformed Services University of the Health Sciences
Staff Pediatrician
Walter Reed National Military Medical Center
catherine.kimball-eayrs@usuhs.edu

Amy Smolinski, MA, ALC, CLC
Executive Director, Mom2Mom Global
DBA Breastfeeding in Combat Boots
amy.smolinski@mom2momglobal.org

Approved Waiver to Technical Bulletin – Medical (TB MED) 530, Tri-Service Food Code, for Storage and Management of Breastmilk during Field Training and Mobility Exercises

This document identifies the approved waiver to TB MED 530, Tri-Service Food Code. The waiver identified in this document is only applicable to field food operations. The approved waiver will be submitted for formal consideration and adoption by all services in the next revision of TB MED 530/NAVMED P-5010-1/AFMAN 48-147_IP.

APPROVED WAIVER - added to TB MED 530 through the following modifications.

Subpart 7-209 (Other personal care items) modified to include the exception for storing breast milk in a field settings.

7-209.11 Storage

Except as specified under §§ 7-207.12, 7-208.11, and 9-602.11, EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under ¶ 6-305.11(B).

Insert a new Subpart 9-602 in chapter 9, Field and Deployment Food Operations, to address non-standard food situations.

9-602 Non-standard food situations

9-602.11 Refrigerated breastmilk, storage

(A) During field training or mobility exercises, expressed human breastmilk belonging to Service members or DOD Civilians shall be allowed in FOOD ESTABLISHMENT refrigerators and freezers when present. *Expressed human breastmilk is a sanitary food item requiring refrigeration.*

(B) Expressed human breastmilk stored in a FOOD refrigerator or freezer shall be-

(1) Stored in a package or container and kept inside a clean and covered, leak-proof container identified as a container for the storage of breastmilk. *(The lactating Service member or DOD Civilian is responsible for supplying all equipment and containers needed to express and properly store the milk);*

(2) Labeled with the individual's name, unit, contact information, and date of expression; and

(3) Located within the refrigeration unit so that it does not present a contamination risk for FOOD and FOOD EQUIPMENT.

(C) Expressed human breastmilk that has not been picked up by the Soldier or the unit after 8 days of refrigeration shall be discarded.

(D) Expressed human breastmilk that has not been picked up by the Soldier or the unit after 365 days of freezing will be considered abandoned, and shall be discarded.

(E) *During a refrigerator/freezer failure, expressed human breastmilk should be handled according to the local policy for other food items during this situation.*