

February 22, 2011

Montaniel Navarro, FLSA Branch Chief
Wage and Hour Division
U.S. Department of Labor
200 Constitution Ave, NW
Room S-3502
Washington, DC 20210

RE: Comments RIN 1235-ZA00 Reasonable Break Time for Nursing Mothers

Dear Ms. Navarro:

The undersigned organizations appreciate the opportunity to comment on the Department of Labor Wage and Hour Division request for information from the public about the new reasonable break time for nursing mothers law. We strongly support the provision in the Affordable Care Act amending the Labor Standards Act of 1938 to require that employers provide a reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth and provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public.

Numerous studies point to the cost benefit of breastfeeding. Total medical costs are lower for fully breastfed infants than never-breastfed infants since breastfed infants typically need fewer sick care visits, prescriptions and hospitalizations. Recently studies show that babies who are not exclusively breastfed for six months are more likely to develop a wide range of health problems including ear infections, diarrhea, and respiratory illnesses. Infants who are breastfed have better outcomes later in life including lower rates of obesity and asthma.

According to a study on the effects of maternal employment, during the early postpartum period as many as 40 to 50 percent of mothers return to work full time within six months of their infant's birth. Maternal employment is one of the most cited obstacles to initiation and continuation of breastfeeding. During this period of separation between a breastfeeding mother and her infant the mother needs to express breast milk to ensure supply continuation.

We applaud the Department of Labor for issuing guidance to employers about the provisions of the law rooted in scientific recommendations issued by the Centers for Disease Control and Prevention, the Health Resources and Services Administration and the US Breastfeeding Committee. Moreover, we are particularly pleased that the Department does not believe that breaks afforded to nursing mothers can properly be considered to be designated as Family Medical Leave Act (FMLA) or counted against employers FMLA. This is especially important because many new mothers may have exhausted their FMLA prior to returning to work as a condition of caring for their new infant.

As the Department of Labor continues to develop guidance documents for employers we strongly urge the Department of Labor to consider the following recommendations:

- Encourage employers to include as part of their employee manuals a section articulating the benefits of breastfeeding and provisions to inform employees about the availability of break times and locations for nursing mothers.
- Maintain flexibility and continue to welcome innovative thinking to implement the reasonable break time provision to ensure maximum participation by employers and employees.
- As you address the issue of providing a space for breast feeding women to pump, we strongly encourage you to specify that employers should maintain a clean, insulated and temperature regulated space. We also encourage employers to consider the frequency of foot traffic to that space and whether that will impede on a woman's ability to pump breast milk. Additionally, we urge the Department to specify that the space include access to appropriate storage for breast milk.
- If an employer makes a room, office space, managers' office or other areas available to a nursing woman it is imperative that specifics of the arrangement are documented in a written format. This will alleviate any confusion and potential uncomfortable circumstances in the future.

Thank you for your time and consideration of our request.

Sincerely,

American Academy of Nursing
American Academy of Pediatrics
American Nurses Association
Association of Maternal and Child Health Programs
Association of Women's Health, Obstetric and Neonatal Nurses
National Assembly on School-Based Health Care
National Association of Pediatric Nurse Practitioners
ZERO TO THREE