



# USDA Nursing Mothers Support Program Handbook



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# Nursing Mothers Support Program Handbook

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# Nursing Mothers Support Program Handbook

## Introduction

Research shows that breast milk is the optimal source of nutrition for babies. Pediatric experts recommend exclusive breastfeeding for about 6 months and continued breastfeeding thereafter along with complementary foods for 1 year or as long as mutually desired by a mother and her baby<sup>i</sup>. The United States Department of Agriculture (USDA) promotes and supports breastfeeding for pregnant and new mothers through its nutrition assistance programs and also fully supports USDA employees who choose to continue breastfeeding and provide optimal nourishment for their babies when they return to the workplace.

Overwhelming evidence indicates the numerous health advantages breastfeeding provides for both a mother and her baby. Breastfed infants have a reduced risk of significant acute and chronic diseases such as gastrointestinal diseases, respiratory diseases, otitis media (ear infections) and obesity throughout the life span. Women who breastfeed also have a reduced risk of breast cancer, ovarian cancer, type 2 diabetes, postpartum depression, and cardiovascular disease<sup>ii</sup>.



Mothers make up a large proportion of the American workforce and workplace accommodations for lactation support (enabling employees to be able to express/pump and store their breast milk at

work, to take home to their infants at the end of the workday) play a key role in how women decide to continue to breastfeed, once they return to work. Many new mothers who return to work after the birth of a baby discontinue breastfeeding within the first month back<sup>iii</sup>. Consequently, worksite lactation support programs are a critical factor in the ability for many new mothers to reach their breastfeeding goals. Although mothers and their babies greatly benefit from the breastfeeding relationship, there are also numerous benefits that employers gain from supporting lactation programs for breastfeeding mothers in the workplace. New mothers who breastfeed miss work less often, have lower health costs and demonstrate higher productivity, job satisfaction and morale.

Managers and supervisors at all levels throughout the Department are required to support breastfeeding mothers in the workplace as the Federal Government strives to be a leader in the promotion of health and wellness programs and progressive work/life policies. In support of Section 4207 of the Patient Protection and Affordable Care Act (ACA), requiring an employer to provide employees with reasonable break time to express breast milk for her breastfeeding child for one year after birth, the United States Office of Personnel Management (OPM) has published guidance on workplace accommodations for breastfeeding employees<sup>iv</sup>. The OPM memo stipulates that the rationale and spirit of the policy applies to all Federal employees (See Appendix 1). This handbook draws upon guidance from OPM as well as from examples laid out in the Health, Resources and Services Administration's, "The Business Case for Breastfeeding" and the Centers for Disease Control Toolkit for lactation support programs (See Resources). This

handbook is designed to provide practical strategies for providing effective support to breastfeeding employees by implementing a comprehensive lactation support program across USDA. USDA strives to be a leader across the Federal Government in changing the culture of the workplace to better support breastfeeding employees.

## Steps to Developing a Comprehensive Lactation Support Program

Essential evidence-based components of a successful worksite lactation support program include:

- 1) Time;
- 2) Private Space;
- 3) Education; and
- 4) Support.<sup>iii,iv</sup>

Before these components are addressed a needs assessment should be conducted to gain staff input to accurately determine the needs of the staff as well as the expectations of managers (See Appendix 2). It is equally important to include all bargaining unit representatives throughout all stages of this process.

Agencies should also develop guidelines that officially establishes the program and outlines procedures for utilizing the program for managers and staff. The guidance should be based on current workforce flexibilities and consistent with applicable USDA regulations, policies and collective bargaining agreements (See Appendix 1). Find examples of lactation support policies in Appendix 3.

## Time

The Act requires an employer to provide employees with “a reasonable break time to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express milk.” During lactation, a woman constantly produces breast milk. After a mother feeds her baby, her body produces more breast milk. When a mother and her baby are separated for more than a few hours, the woman must express milk or she can become uncomfortable and eventually infected, if the milk is not expressed. Expressing breast milk helps a mother maintain milk production and ensures her own health and comfort.



The frequency and duration for milk expression varies based on the needs of the individual mother. However, women usually need to express milk every 2 to 3 hours for about 15 to 30 minutes (i.e. three times during a typical 8-hour work day)<sup>iii</sup>. Time for mothers to get to and from the lactation room should also be taken into consideration. Normal paid break times are usually sufficient for women to express milk but if extra time is needed in special situations an option may be for time to be made up before or after work through Telework arrangements or other work schedule flexibilities<sup>iii</sup>. Supervisors should allow for break times, as needed, to allow

employees to express milk throughout the duty day.

## Private Space

Being able to express milk in a comfortable, private space, is important to successful lactation. Arrangements should be made to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, for employees to express breast milk<sup>iv</sup>. This private room should be sanitary and have the required elements for successful milk expression.

- A room as small as 4'x 5' or larger based on staff needs
    - This room should have a lockable door ensuring privacy. \*Please note that a bathroom is unacceptable as it is not suitable for the preparation and storage of food.
  - Work space (counter or table) and comfortable chair
    - The work space should be approximately desk height for a breast pump to rest on and an area should be available for mothers to work (i.e. place milk in storage bottles, assemble breast pump, etc.)
  - A small sink
    - Access to hot and cold water is needed for washing hands, pump attachments, and milk collection containers.
  - Accessible electrical outlets
    - Electrical outlets are needed to operate multi-user or single user breast pumps.
- Breast pump equipment
    - Agencies can rent or purchase a multi-user hospital-grade breast pump, designed for several women to use safely and sanitarly with their own milk collection kit. This kit includes tubing that connects to the breast pump and containers to collect the milk.
    - Employees may choose to use their own personal portable breast pump.
  - Storage for Expressed Milk
    - A midsize or compact refrigerator can be provided for milk storage.
    - Employees may choose to provide their own personal insulated cooler.
  - Optional Room Amenities
    - Bulletin board for baby pictures and notes of support
    - Lending library of informative books on working and breastfeeding
    - Soft lighting for a relaxing atmosphere
    - Cleaning supplies with adequate storage
    - Computer and/or telephone



## Lactation Room Options

Basic Model	Even Better	State of the Art
Electrical Outlet (standard 110V)	Same as "Basic" model	Same as "Basic" model
Room locks from the inside	Same as "Basic" model	Same as "Basic" model
Comfortable chair	Footstool is included	Recliner
Table or flat surface to hold the breast pump	Same as "Basic" model	Same as "Basic" model
Disinfectant wipes	Same as "Basic" model	Same as "Basic" model
Room is located near a source of running water	Room has a sink with running water in it	Same as "Even Better" model
Employee brings her own breast pump	Employer provides rental of a breast pump, or provides a hospital-grade multi-user electric breast pump that is purchased or rented	Employer subsidizes or provides a portable electric breast pump, or provides a hospital-grade multi-user electric breast pump  Breast pumps are also provided for partners of male employees
Employee brings her own attachment kit if hospital-grade pump is used	Employer subsidizes the cost of attachment kits for hospital-grade pump	Employer provides the attachment kit for employees
Employee stores milk in a public area refrigerator or personal cooler	Employer provides personal coolers for storing milk	Employer provides a small refrigerator within the room for storing milk
Room is clean	Attractive wall hangings, floral arrangements, etc.  Bulletin board for posting baby photos and notes of support  Educational resources are available  Desk or table top space is provided	Soft lighting  Same as "Even Better" model  Same as "Even Better" model  Telephone available for employee to check voicemail messages  Computer terminal with VS PC/ internet access is available

## Education

Creating educational opportunities regarding breastfeeding questions and concerns for employees is important. Options vary from having educational print materials available for prenatal women and postpartum women to pick up, classes or brown-bag "lunch and learns" taught by a health professional such as a nurse, an International Board Certified Lactation Consultant (IBCLC), or by providing lactation counseling for breastfeeding mothers. Agencies should also promote information available about lactation support resources in the community such as IBCLCs, hospital services, La Leche League, 24-hour breastfeeding hotlines, and support groups for mothers. The Work/Life and Wellness community page located on USDA Connect also provides USDA employees with valuable information, resources and connections with other employees across the Department.

## Support

Workplace support from supervisors and co-workers is highly valued by breastfeeding employees and enhances the overall perception of USDA's lactation support program. USDA recognizes the needs of breastfeeding employees and permits employees to use current workforce flexibilities to help ensure supportive practices from supervisors. For workforce flexibilities to consider, please see the OPM policy, Appendix 1.

Additional support for employees includes the following:

- Incorporate information about the USDA Nursing Mothers Program in new employee orientation sessions and emphasize the importance of supporting the needs of breastfeeding employees within established training programs for managers and

supervisors.

- Encourage supervisors to offer employees the flexibility to adjust work requirements around their scheduled pumping sessions, and to provide positive feedback on their choice to participate in the USDA Nursing Mothers Program.
- Disseminate information about the designated lactation room, or any other aspects of the lactation support program including any prenatal classes, support groups, etc.<sup>iii</sup>.

Mothers also value the support of mothers who are experiencing similar challenges with breastfeeding. Through mother-to-mother support groups, employees are able to share successful strategies in breastfeeding management, especially managing breastfeeding and work responsibilities. Employees can create and join mother-to-mother support opportunities by connecting with the USDA Work/Life and Wellness community webpage on USDA connect. Monthly meetings during lunch or referrals from other mothers to support groups in the community are important resources in the workplace.

The Work/Life and Wellness staff at USDA are committed to supporting employees who are devoted to their families- including breastfeeding mothers who wish to continue lactation when they return to the office. The Nursing Mothers Program community located on the Work/Life and Wellness webpage from USDA Connect, offers employees an opportunity to share their experiences and locate key support services and resources. Agency level Work/Life and Wellness coordinators can help identify additional resources and programs to support breastfeeding mothers within the agency. Employees may

also choose to provide feedback about the USDA Nursing Mothers Program by sending an email to: [worklife@dm.usda.gov](mailto:worklife@dm.usda.gov).

## Guidelines for Staff Usage of Lactation Room

Guidelines should be in place to ensure proper operation and maintenance of the room by employees. Common guidelines put into place for successful lactation support programs include the following:

### Proper Use of USDA Breast Pumps

If a hospital-grade pump is available for employee use, Agencies may choose to provide or subsidize the cost of the milk collection kits for each staff person or require mothers to provide their own. Each individual user is responsible for cleaning the breast pump after each pumping session. There should be a designated contact person employees can call if they have any questions about using the agency-provided breast pump or in the event it malfunctions.

### Use of Refrigerator for Proper Storage

If there are several mothers using the lactation room with a common refrigerator, care should be taken to ensure the safe storage of breast milk.

- Breast milk in storage bags or bottles must be labeled with name, date of collection, and telephone extension
- Expressed milk must be taken home each evening
- The refrigerator should be cleaned out each week.
- If there is one staff person using the room, she is responsible for cleaning. If several mothers are utilizing the room, a cleaning schedule should be developed.

- The lactation room refrigerator should be used to store only expressed breast milk.

### Scheduling Room Usage

If there are several employees participating in the lactation support program, various methods can be used to schedule usage of the lactation room.

- Electronic sign-in - a computerized room schedule that allows employees to log in their preferred pumping times daily or weekly
- Schedule sign-in sheet or dry-erase board kept in the room (Appendix 4)
- E-mail notices sent to employees who are using the room
- First-come, first-served basis, with an "Occupied" sign outside the door (this is effective if there are only a few women needing the room)

### Cleaning/Maintenance of Room

Lactation room users should be responsible for the general cleaning and maintenance of the room. After each use, women should sanitize their work space, wipe the sink area, and clean the breast pump (if it is provided by the agency). Cleaning supplies and disinfectant products may or may not be provided but the lactation room should be included with the responsibilities of building maintenance staff to remove trash and vacuum as necessary.

### Lactation Support Room Management

If there are many employees utilizing the lactation room, it is best to assign a point of contact to manage the day-to-day activities of the room. This person can be a breastfeeding mother who uses the room or another dedicated employee. They should help facilitate communication between the mothers and facilities to help keep up maintenance and scheduling.

### Evaluation

Over the course of operating a lactation support program, an evaluation should take place to ensure the continued success of the program and identify areas for

improvement. For points to consider when evaluating your lactation support program, review the Evaluation component of the Centers for Disease Control and Prevention's Lactation Support Program Toolkit - <http://www.cdc.gov/nccdp/hwi/toolkits/lactation/evaluating.htm>.

### Helpful Tips for Moms

<http://www.womenshealth.gov/breastfeeding/government-in-action/business-case-for-breastfeeding/employee's-guide-to-breastfeeding-and-working.pdf>.

### Examples of Successful Lactation Programs in USDA

#### Shared Lactation Room

In large offices where several women may need to express milk at the same time it is helpful to establish a shared lactation room. Using this option, a room is divided into several private stations for milk expression and there is a shared space for cleanup. Often there is a refrigerator for storage as well as a sink and microwave for cleanup and sterilization.

The South Building at USDA headquarters has a centralized lactation room located close to (but separate from) the health unit. The room has several lactation stations separated by curtains. Each station is outfitted with a comfortable chair, a table, and access to an electrical outlet. Mothers can buy an attachment to the hospital grade pumps which are provided, or they can use their own personal pump. The room has a coded lock which mothers receive when they sign up for the program. The room has a sink and microwave for cleaning and sterilizing supplies as well as a refrigerator for storage. Mothers alternate bringing in disinfectant wipes and dish detergent. Mothers are responsible for wiping down the pumps after use and cleaning any spills. Janitorial staff regularly vacuum and remove trash but do not clean the pumps or personal lactation equipment. There are hooks to store pumping supplies and a bulletin board for moms to

display pictures of their children. There is also a small library of books mothers can borrow about general parenting and breastfeeding.

Here at APHIS – the lactation room has been great. It has been a great experience – the nursing room is stocked with a refrigerator, sink, hot water, and cabinets for storage. Being able to work and pump ensured that my son had my healthy milk, and saved me a lot of time and money since I didn't have to buy formula. Having the lactation room also allowed me to meet other moms that could help me to resolve breastfeeding and pumping issues. The other moms were able to provide a lot of information on products, pumps, and how to store your milk. I didn't have to choose between feeding my children and working – I could do both.  
**Tonya, Animal and Plant Health Inspection Service**

#### Single-User Lactation Room

Smaller offices that have just a few women needing to express milk can benefit from a single-user lactation room used by one mother at a time. This room should have a door that locks and a posted schedule to prevent one mother from interrupting another while the room is in use.

The NIFA Building Headquarters has a room designated for expressing breast milk. There is a comfortable chair and table. Moms must bring their own personal use breast pump. There is a locking door that also has a sign outside that designates when the the room is "in use" or "vacant". Inside the room is a schedule to sign up for pumping times to prevent overlap. There is a small refrigerator for storage. There is no sink in the room, however a restroom is nearby if equipment needs to be cleaned. The mothers also alternate bringing in disinfectant wipes to clean the room. There is a full length mirror so moms can check their appearance before returning to work.

Mothers with private offices often use them to express milk. This is easy for the mother in that it allows her greater flexibility when scheduling and the ability to continue working if she desires while she is pumping. Mothers who plan to express milk in a private office should be sure to have a locking door. They may want to put a do not disturb sign on the door to prevent interruptions. If they use a shared refrigerator for storage they should be sure to have their milk well labeled to prevent misuse. They will likely need to use a nearby kitchen or bathroom to clean supplies.

#### Part-Time Lactation Room

Smaller offices may not have enough space or demand to dedicate an entire full time lactation room. In these instances they may designate a space to be used by the mother to express milk that is used for other purposes during the rest of the day. This space must not be a bathroom, as that is not a sanitary place to prepare food. Some offices have used conference rooms, break rooms, and the health unit. This space must have a way of creating privacy, a locking door, privacy sign, etc. to prevent interruptions and intrusions during pumping. Ideally the mother would be scheduled to use the room at certain times and this should not overlap with other times when the room is in use. It must be noted that mothers may need flexibility in scheduling, especially when they first return to work and are trying to get on a pumping schedule. If they use a shared refrigerator for storage they should be sure to have their milk well labeled to prevent misuse. They will likely need to use a nearby kitchen or bathroom to clean supplies.

My supervisors have been very supportive, which I know has been one of the biggest factors in my ability to keep pumping. I generally keep my office door open, so when it is closed, most people assume that I am pumping. If I felt like I could not keep the bottles cold enough on a given day, I use our office mini-fridge. I use a pump designed for everyday use and I have been able to use the same one for both my children so far. I think the best thing ever invented is the hands-free pumping bra that allows you to pump while doing other things. With the bra, I can continue to work, answer e-mails, and even talk on the phone while pumping, which makes me feel like I do not interrupt the flow of my work day. I know that there may be several health benefits to breastfeeding and I definitely considered that in my choice to breastfeed, but I also greatly enjoy the convenience and cost-effectiveness. Finally, I feel that breastfeeding has been a great way for me to feel connected to my children while I am at work, which has made my working mother experience awesome as a whole.  
**Joanne,**  
**Office of the Inspector General.**

#### Field Workers

Some women returning to work who desire to express milk at work have no home office or facility at all, and must explore creative options with their supervisors. Some women use their personal or government vehicle to express milk. Providing shields for the car windows can help give the woman more privacy. Women should bring a personal cooler for storage and cleaning supplies. It is not ideal for a woman who works in an office to travel to her car to pump as the transit time to and from her car can be long. In addition,

extreme heat or cold can make it very uncomfortable to pump in a vehicle and this should be used as a method of last resort.

I had my children while working as a permanent seasonal on a fire engine. I would actually pump milk when I had a spare moment while on off district fires. I would keep it on ice during the day and then the food unit folks back in camp would freeze and store it for me until we were released sometimes 3 weeks later. This enabled me to continue nursing when I got home. The guys on the engine would go find something to do away from the vehicle in order to give me privacy to "pump." Everyone was very supportive.  
**- Donna, Forest Service**

#### Conclusion

In conclusion, developing a comprehensive lactation support program goes a long way to support USDA mothers returning to the workforce. It helps improve the health of both the woman and her new baby. In addition, breastfeeding employees miss work less often, have lower health costs and demonstrate higher productivity, job satisfaction and morale.

For more information about the USDA Lactation Program, visit the Work/Life and Wellness community page on the USDA Connect website or send an email to: [worklife@dm.usda.gov](mailto:worklife@dm.usda.gov).

## Resources

1. U.S. Department of Health and Human Services, Health Resources and Services Administration. The business case for breastfeeding: steps for creating a breastfeeding friendly worksite. 2008.  
[http://www.ask.hrsa.gov/detail\\_materials.cfm?ProdID=4135&ReferringID=4121](http://www.ask.hrsa.gov/detail_materials.cfm?ProdID=4135&ReferringID=4121)
2. U.S. Office of Personnel Management. Memorandum for Heads of Executive Departments and Agencies: Nursing Mothers in Federal Employment. 2010.  
<https://www.dol.gov/whd/nursingmothers/NMothersFederalEmplymnt.pdf>
3. U.S. Department of Labor  
WHD Fact Sheet #73, Break Time for Nursing Mothers under the FLSA  
Break Time for Nursing Mothers FAQs  
Break Time for Nursing Mothers under the FLSA (Microsoft® PowerPoint®)  
<http://www.dol.gov/whd/nursingmothers/>
4. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. Healthier Worksite Initiative: Lactation Support Program Toolkit  
<http://www.cdc.gov/nccdphp/dnpao/hwi/toolkits/lactation/index.htm>
5. Shealy KR, Li R, Benton-Davis S, Grummer-Strawn LM. The CDC Guide to Breastfeeding Interventions. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2005. (Support for Breastfeeding in the Workplace) <http://www.cdc.gov/breastfeeding/resources/guide.htm>

## References

<sup>i</sup>Section on Breastfeeding. Breastfeeding and the Use of Human Milk. Pediatrics 2012; 129:e827-e841.

<sup>ii</sup>Ip S, Chung M, Raman G, Chew P, Magula N, DeVine D, et al. Breastfeeding and maternal and infant health outcomes in developed countries: evidence report/technology assessment no. 153. Rockville, MD: Agency for Healthcare Research and Quality; 2007. AHRQ Publication No. 07 E007.

<sup>iii</sup>US Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau, The Business Case for Breastfeeding, 2008

<sup>iv</sup>Office of Personnel Management Guidance, Nursing Mothers in Federal Employment.  
<https://www.dol.gov/whd/nursingmothers/NMothersFederalEmplymnt.pdf>

<sup>v</sup>Centers for Disease Control and Prevention. Healthier Worksite Initiative Lactation Support Program Toolkit.  
<http://www.cdc.gov/nccdphp/dnpao/hwi/toolkits/lactation/index.htm>





UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

December 22, 2010

The Director

**MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

**FROM:**

**JOHN BERRY  
DIRECTOR**

A handwritten signature in blue ink that reads "John Berry".

**Subject:**

**Nursing Mothers in Federal Employment**

As the Nation's largest employer, the Federal Government strives to be a leader in the promotion of wellness programs and progressive workforce policies. On December 20, 2010, President Obama delegated authority to the U.S. Office of Personnel Management (OPM) to provide guidance to executive branch civilian employees on workplace accommodations for employees who are nursing mothers. This delegation is in support of Section 4207 of the Patient Protection and Affordable Care Act (Act), Pub. L. 111-148, which added a new subsection (r) to section 7 of the Fair Labor Standards Act of 1938 (FLSA) (codified as amended at 29 U.S.C. 207). This new section requires an employer to provide employees with (1) a reasonable break time to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express milk; and (2) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public which may be used by the employee to express breast milk.

While subsection (r) applies only to employees who are subject to section 7, which sets forth the FLSA overtime pay provisions, the rationale for the policy contained in that section applies to all executive branch employees. In accordance with the authority delegated to OPM by the President on December 20, 2010, and in order to ensure consistent treatment of nursing mothers within the Federal workforce, agencies should also apply the requirements of subsection 7(r) of the FLSA to Executive branch civilian employees who are exempt from section 7 of the FLSA. I am providing guidance to agencies to assist them with implementation.

**Reasonable Amount of Break Time to Express Milk**

Consistent with the requirements of section 4207 of the Act, Federal agencies should provide a reasonable break time for a civilian employee, in the executive branch, to express breast milk for her nursing child for 1 year after the child's birth each time the employee has a need to express milk. Section 7(r) does not require agencies to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, many agencies already provide compensated breaks (e.g., 15 minutes in morning and 15 minutes in the afternoon) that employees can use for any purpose. Where agencies already provide such compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for such break time.

Agencies should provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks to express milk as well as the duration of each break will likely vary, according to the needs of the individual mother. Federal agencies

are also instructed to develop an agency policy to use current workforce flexibilities to provide reasonable breaks for this purpose. Agencies should review any applicable regulations or policies and collective bargaining agreements before making determinations on these matters. Workforce flexibilities include adjustments to the employee's work schedule and use of accumulated credit hours under flexible work schedules. In addition, an employee may also be granted annual leave, leave without pay (LWOP), or compensatory time off to express milk. For additional information, please see attached [fact sheet on break times for nursing mothers](#).

### **Place for Mothers to Express Milk**

Federal agencies should take immediate action to make arrangements to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, for employees to express breast milk. Agencies are instructed to consult with the General Services Administration and internal collective bargaining agreements for establishing procedures for implementing this portion of the law.

### **Additional Information**

In addition to the fact sheet referenced above, we are issuing frequently asked questions to assist agencies in the implementation of this new law. See [Frequently Asked Questions: Break Time for Nursing Mothers](#).

For additional information, agency Chief Human Capital Officers and/or Human Resources Directors should contact their assigned OPM Human Capital Officer. Employees should contact their agency human resources offices for assistance.

cc: Chief Human Capital Officers  
Human Resources Directors

Attachments

## **Frequently Asked Questions: Break Time and Space for Nursing Mothers**

### **Q. Who is entitled to reasonable break time and a space for expressing breast milk at work?**

A. Section 4207 of the Patient Protection and Affordable Care Act, Pub. L. 111-148, added a new subsection (r) in section 7 of the Fair Labor Standards Act (FLSA) (codified at 29 U.S.C. 207(r)). Section 7(r) provides nursing mothers who are not exempt from the requirements of section 7 of the FLSA, which sets forth the FLSA's overtime pay requirements, with entitlement to reasonable break time and a space for expressing breast milk at work. In accordance with the authority delegated to the U.S. Office of Personnel Management (OPM) by the President on December 20, 2010, and in order to ensure consistent treatment of all civilian employees who are nursing mothers within the Federal workforce, agencies should apply the same benefits to all executive branch civilian employees who are exempt from section 7 of the FLSA, so that all nursing mothers who are civilian employees working in executive branch agencies receive these benefits.

### **Q. What must an agency provide to employees who want to express breast milk in the workplace?**

A. Consistent with the requirements of section 7(r) of the FLSA, Federal agencies should provide a reasonable amount of break time and a space to express milk as frequently as needed by the nursing mother, for up to 1 year following the birth of the employee's child. The frequency of breaks needed to express breast milk as well as the duration of each break will likely vary. The space provided by the agency cannot be a bathroom, and it must be shielded from view and free from intrusion by coworkers or the public.

### **Q. How long must an agency allow a nursing mother to be granted break times for expressing milk?**

A. An agency should provide a nursing mother employee reasonable break time and a space to express milk for 1 year following the birth of the employee's child. An agency can also extend the time beyond 1 year based on internal agency policy and collective bargaining agreements, or in accordance with relevant state laws that provide the right for greater than 1 year after the child's birth.

### **Q. How often can a mother be permitted to express milk?**

A. Agencies should provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary depending on the individual mother's needs. Managers will be required to use their best judgment on what is considered reasonable.

### **Q. Is the break time for nursing mothers paid or unpaid time?**

A. Section 7(r) of the FLSA (29 U.S.C. 207(r)) and OPM guidance does not require agencies to compensate employees who are granted reasonable break time for expressing milk. However, many agencies already provide employees with compensated breaks (for example, 15 minutes in the morning and 15 minutes in the afternoon) that may be used for any purpose. If an agency already provides such compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time.

**Q. What workplace flexibilities are available for Federal employees?**

A. Federal agencies should provide a reasonable break time for a civilian employee to express breast milk for her nursing child for 1 year after the child’s birth each time the employee has a need to express the milk. Section 7(r) of the FLSA (29 U.S.C. 207(r)) does not require agencies to compensate the employee who is granted the reasonable break time for the specific reason of expressing milk. As a result, Federal agencies are encouraged to develop policies for the use of current workplace flexibilities to provide reasonable breaks. Agencies should review any applicable regulations or policies and collective bargaining agreements before making determinations on these matters. The following workplace flexibilities should be considered when developing your agency’s policy: Alternative Work Schedule (AWS) flexibilities, annual leave, leave without pay, compensatory time off, and credit hours.

**Q. Do agencies need to create a permanent, dedicated space for use by nursing mother employees?**

A. No. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient, provided that the space is shielded from view and free from any intrusion from co-workers and the public. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother’s use, it must be available when needed in order to meet the requirement in the law and OPM guidance. Of course, agencies may choose to create permanent, dedicated space if they determine that is the best way to meet this requirement.

**Q. Do agencies have to provide a lactation space even if they don’t have any nursing mother employees?**

A. No. The statute requires agencies to provide a space for a nursing employee “each time such employee has a need to express the milk.” If there is no employee with a need to express breast milk, then the agency would not have an obligation to provide a space.

**Q. If the only space available at a work site is a bathroom, can agencies require employees to express breast milk there?**

A. No. A bathroom, even if private, is not permissible under the section 7(r) of the FLSA (29 U.S.C. 207(r)).

## **Fact Sheet: Break Time for Nursing Mothers**

### **Description**

Consistent with the requirements of section 4207 of the Patient Protection and Affordable Care Act, Pub. L. 111-148, which added a new subsection (r) in section 7 of the Fair Labor Standards Act (FLSA) (codified in 29 U.S.C. 207(r)), Federal agencies are required to (1) provide a reasonable break time for a civilian employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and (2) make arrangements to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, for a civilian employee to express breast milk. This provision is an entitlement for employees who are not exempt from the requirements of section 7 of the FLSA which includes the FLSA's overtime pay requirements.

### **Coverage**

The entitlement to nursing mother breaks was established in section 7(r) of the FLSA. Section 7(r) applies only to employees who are not exempt from the requirements of section 7 of the FLSA which includes the FLSA's overtime pay requirements. In accordance with the authority delegated to the U.S. Office of Personnel Management (OPM) by the President on December 20, 2010, and in order to ensure consistent treatment of all civilian employees who are nursing mothers within the Federal workforce, agencies should apply the same benefits to executive branch employees who are exempt from the requirements of section 7 of the FLSA.

### **Reasonable Amount of Time Off**

Although employing agencies are not required to compensate civilian employees who are nursing mothers for breaks taken for the purpose of expressing milk, agencies may already provide compensated breaks (for example, 15 minutes in the morning and 15 minutes in the afternoon) that employees can use for any purpose. Where agencies already provide such compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time.

Consistent with the requirements of section 7(r) of the FLSA, Federal agencies should provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary according to the needs of the individual mother.

### **Available Workforce Flexibilities**

In addition to permitting the use of existing compensated breaks as discussed above, Federal agencies should develop an agency policy which permits employees to use current workforce flexibilities. To the extent possible, agencies are encouraged to permit nursing mothers to choose from among the workforce flexibilities listed below. Agencies should review any applicable regulations or policies and collective bargaining agreements and revise their policies, as appropriate. The following workforce flexibilities should be considered when developing your agency's policy.

**Alternative Work Schedules (AWS)** -- Flexible or compressed work schedules may be established for a nursing mother who needs time off to express milk during normal working hours. Agencies should review their internal AWS policies and practices and collective bargaining agreements to determine how additional AWS flexibilities may be implemented for this purpose. Departments and agencies should also consult subchapter II of chapter 61 of title 5 United States Code; the regulations in 5 CFR, part 610, subpart D, Flexible and Compressed Work Schedules; and the Handbook on Alternative Work Schedules (<http://www.opm.gov/oca/aws/index.htm>) and OPM's Labor-Management Relations Guidance Bulletin: Negotiating Flexible and Compressed Work Schedules (<http://www.opm.gov/cplmr/html/flexible.asp>).

**Leave and Other Paid Time Off** -- An employee may also be allowed to use annual leave, leave without pay, compensatory time off, or credit hours, as discussed below.

- **Annual Leave** -- When an employee requests annual leave to express milk, agencies should be as accommodating as possible in reviewing and approving such requests, consistent with the regulations in 5 CFR part 630, subpart C, Annual Leave, and applicable collective bargaining agreements.
- **Leave Without Pay** -- At the discretion of the agency, leave without pay (LWOP) may be granted to an employee who requests breaks to express milk during normal working hours. As with annual leave, OPM encourages agencies, whenever possible, to act favorably upon requests by employees for LWOP to express milk. Agencies should review their internal policies on LWOP and applicable collective bargaining agreements.
- **Compensatory Time Off** -- Agencies may approve requests to use compensatory time off that an employee has earned in exchange for performing an equal amount of time in irregular or occasional overtime work. For employees under flexible work schedules, agencies may approve employee requests to earn compensatory time off for both regularly scheduled and irregular or occasional overtime work.
- **Credit Hours** -- Credit hours are those hours within a flexible work schedule that an employee elects to work in excess of his or her basic work requirement (e.g., 80 hours in a pay period for a full-time employee) so as to vary the length of a workweek or workday. A nursing mother may be allowed to use accumulated credit hours to fulfill her basic work requirement, thereby gaining time off from work to express milk. If an agency authorizes credit hours under its flexible work schedules program, the maximum amount of credit hours that may be carried over from one pay period to another is 24 hours.

### **Place for Mothers to Express Milk**

Consistent with the requirements of section 7(r) of the FLSA, Federal agencies should make arrangements to provide a place, other than a bathroom, that is shielded from view and free from

intrusion from coworkers and the public, for mothers to express breast milk. Agencies are instructed to consult with the General Services Administration and internal collective bargaining agreements for establishing procedures for this portion of the law.

#### **References**

29 U.S.C. 207 (amended by P.L.111-148)

[Questions and Answers on Break time for Nursing Mothers](#)

# Lactation Program Assessment Form

<b>Human Resources</b>	
Number of employed women of childbearing age (16-44)	
Percent of female employees employed full-time	
Number of male employees ages 16-44	
Number of pregnancies among employees annually	
Breastfeeding rates of employees (if known)	
Current turnover rate among women who take maternity leave	
Current rates of absenteeism among new mothers and fathers	
<b>Company Policies</b>	
What existing policies provide support services for breastfeeding employees?	
What is the company's maternity leave policy? Does the company provide FMLA or Disability Insurance for maternity leave?	
What policies allow for a gradual return to work following maternity leave? <ul style="list-style-type: none"> <li><input type="checkbox"/> Part-time employment</li> <li><input type="checkbox"/> Job-sharing</li> <li><input type="checkbox"/> Telecommuting</li> <li><input type="checkbox"/> Flextime</li> <li><input type="checkbox"/> Other _____</li> </ul>	

What break policies could be adapted to allow for milk expression breaks?	
What new policies would need to be developed to provide for lactation support?	
<b>Program Components</b>	
What department could likely serve as the administrative home for the lactation support program?	<input type="checkbox"/> Wellness division <input type="checkbox"/> Employee health unit <input type="checkbox"/> Human Resources <input type="checkbox"/> Personnel <input type="checkbox"/> Other _____
What funding is available to support a lactation support program?	
What realistic options do women currently have for expressing milk during the work period in privacy (other than a toilet stall)?	<input type="checkbox"/> Personal office <input type="checkbox"/> Office of another employee <input type="checkbox"/> Designated lactation room <input type="checkbox"/> Other space
If no designated lactation room exists, what options might be available for a space with an electrical outlet that can be locked?	<input type="checkbox"/> Unused office space <input type="checkbox"/> Closet or other small space <input type="checkbox"/> A room created within another space <input type="checkbox"/> Other _____
What type of breast pump equipment do breastfeeding employees currently receive?	<input type="checkbox"/> None - employees use their own breast pump equipment <input type="checkbox"/> Company purchases hospital-grade electric breast pumps <input type="checkbox"/> Company rents hospital-grade electric breast pumps <input type="checkbox"/> Company provides/subsidizes portable personal use pumps

<p>Where do employees currently store breast milk that they express during the work hours?</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Employee provided cooler pack</li> <li><input type="checkbox"/> Company provided cooler pack</li> <li><input type="checkbox"/> Small refrigerator designated for breast milk storage</li> <li><input type="checkbox"/> Public shared refrigerator</li> <li><input type="checkbox"/> Unknown</li> </ul>
<p>What educational materials are currently available for pregnant and breastfeeding employees?</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Prenatal/postpartum classes</li> <li><input type="checkbox"/> Pamphlets</li> <li><input type="checkbox"/> Books</li> <li><input type="checkbox"/> Videos</li> <li><input type="checkbox"/> Company Web site</li> <li><input type="checkbox"/> Information about community resources</li> <li><input type="checkbox"/> Other_____</li> </ul>
<p>What community resources are available to assist in developing a lactation support program and/or to provide direct services to breastfeeding employees?</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Hospital or private clinic nurses</li> <li><input type="checkbox"/> Lactation consultants at the hospital or in private practice</li> <li><input type="checkbox"/> WIC program</li> <li><input type="checkbox"/> La Leche League group</li> <li><input type="checkbox"/> Local breastfeeding coalition</li> <li><input type="checkbox"/> Other groups</li> </ul>
<p>What in-house promotion options are available?</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Company newsletter</li> <li><input type="checkbox"/> Memos/emails</li> <li><input type="checkbox"/> Company Web site</li> <li><input type="checkbox"/> Employee health fair</li> <li><input type="checkbox"/> Other_____</li> </ul>

# Policy for Supporting Breastfeeding Employees

In recognition of the well documented health advantages of breastfeeding for infants and mothers, *[name of company]* provides a supportive environment to enable breastfeeding employees to express their milk during work hours. This includes a company-wide lactation support program administered by *[name of department]*.

*[Name of company]* subscribes to the following worksite support policy. This policy shall be communicated to all current employees and included in new employee orientation training.

## Company Responsibilities

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

### ■ Milk Expression Breaks

Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors.

### ■ A Place to Express Milk

A private room (not a toilet stall or restroom) shall be available for employees to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee's supervisor. Expressed milk can be stored *[in general company refrigerators/in designated refrigerators provided in the lactation room or other location/in employee's personal cooler]*.

### ■ Breastfeeding Equipment

*[Name of company]* *[provides/subsidizes/rents]* electric breast pumps to assist breastfeeding employees with milk expression during work hours. The company provides *[hospital grade pump that can be used by more than one employee/or portable personal use electric breast pump that the employee retains]* throughout the course of breastfeeding for the employee. *[If using a standard hospital-grade pump, indicate whether the company provides/subsidizes personal attachment kit or where the employee can purchase the kit.]* *[Indicate whether breast pumps are also available for partners of male employees.]*

- **Education**

Prenatal and postpartum breastfeeding classes and informational materials are available for all mothers and fathers, as well as their partners.

- **Staff Support**

Supervisors are responsible for alerting pregnant and breastfeeding employees about the company's worksite lactation support program, and for negotiating policies and practices that will help facilitate each employee's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

*[List other components specific to your company's program]*

## **Employee Responsibilities**

- **Communication with Supervisors**

Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the company.

- **Maintenance of Milk Expression Areas**

Breastfeeding employees are responsible for keeping milk expression areas clean, using anti-microbial wipes to clean the pump and area around it. Employees are also responsible for keeping the general lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

- **Milk Storage**

Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk using *[company provided refrigerator/personal storage coolers]*.

- **Use of Break Times to Express Milk**

When more than one breastfeeding employee needs to use the designated lactation room, employees can use the sign-in log provided in the room to negotiate milk expression times that are most convenient or best meet their needs.

## Lactation Support Room Sign-Up Sheet

Sign-up to schedule a time to use the room.  
 This allows each staff person to have privacy and a scheduled time.

Month/Week of:					
Hours	Monday	Tuesday	Wednesday	Thursday	Friday
8:00 - 8:30					
8:30-9:00					
9:00-9:30					
9:30-10:00					
10:00-10:30					
10:30-11:00					
11:00-11:30					
11:30-12:00					
12:00-12:30					
12:30-1:00					
1:00-1:30					
1:30-2:00					
2:00-2:30					
2:30-3:00					
3:00-3:30					
3:30-4:00					
4:00-4:30					
4:30-5:00					

## Work/Life and Wellness Nursing Mothers Program Coordinators

Departmental Management		
Contact Name	Office Phone	Email
Mika Cross	(202) 603-5540	<a href="mailto:Mika.Cross@dm.usda.gov">Mika.Cross@dm.usda.gov</a>
Debra Arnold	(202) 494-4991	<a href="mailto:Debra.Arnold@dm.usda.gov">Debra.Arnold@dm.usda.gov</a>
Staff Offices		
Nichole Sharp	(202) 720-9117	<a href="mailto:Nichole.Sharp@usda.gov">Nichole.Sharp@usda.gov</a>
Agricultural Marketing Service		
Tara Coker	(301) 734-3819	<a href="mailto:Tara.l.coker@aphis.usda.gov">Tara.l.coker@aphis.usda.gov</a>
Assistant Secretary for Civil Rights		
Sequana Janifer	(202) 720-8544	<a href="mailto:Sequana.janifer@ascr.usda.gov">Sequana.janifer@ascr.usda.gov</a>
Farm and Foreign Agricultural Services		
Juliet McBride (FSA)	(202) 401-0683	<a href="mailto:juliet.mcbride@wdc.usda.gov">juliet.mcbride@wdc.usda.gov</a>
Food, Nutrition and Consumer Services		
Julia Dinkins	(703) 305-4271	<a href="mailto:Julia.dinkins@cnpp.usda.gov">Julia.dinkins@cnpp.usda.gov</a>
Food Safety and Inspection Service		
Jodi Hallstrom	(612) 659-8597	<a href="mailto:jodi.hallstrom@fsis.usda.gov">jodi.hallstrom@fsis.usda.gov</a>
Foreign Agricultural Service		
Michael Murphy	(202) 720-8544	<a href="mailto:Michael.murphy@wdc.usda.gov">Michael.murphy@wdc.usda.gov</a>
Forest Service		
Wendy V. Veney	(703) 605-0884	<a href="mailto:wveney@fs.fed.us">wveney@fs.fed.us</a>
Marketing and Regulatory Programs		
Crystal Sutherlin	(202) 720-2939	<a href="mailto:crystal.sutherlin@ams.usda.gov">crystal.sutherlin@ams.usda.gov</a>
Tara L. Coker	(301) 734-3819	<a href="mailto:tara.l.coker@aphis.usda.gov">tara.l.coker@aphis.usda.gov</a>
National Agricultural Statistics Service		
Mary Denardo	(202) 720-4971	<a href="mailto:Mary_denardo@nass.usda.gov">Mary_denardo@nass.usda.gov</a>
Natural Resources Conservation Service		
Carla Holt	(202) 720-6607	<a href="mailto:carla.holt@usda.gov">carla.holt@usda.gov</a>
Office of Budget and Program Analysis		
Wendy Dotson	(202) 720-8626	<a href="mailto:Wendy.dotson@usda.gov">Wendy.dotson@usda.gov</a>
Office of General Counsel		
Robyn Davis	(202) 720-4861	<a href="mailto:Robyn.davis@ogc.usda.gov">Robyn.davis@ogc.usda.gov</a>
Research, Education and Economics		
Lia Parker	(301) 504-1387	<a href="mailto:liz.parker@ars.usda.gov">liz.parker@ars.usda.gov</a>

For more information and community support, visit our USDA Connect Work/Life and Wellness Community webpage at <https://connections.usda.gov/communities/service/html/communityview?communityUuid=2eda746f-7d3f-4528-b36a-7428bc359dc0&ftHelpTip=true>, and learn more about our programs and resources that support nursing mothers, and other programs that help our employees balance work/life and maintain wellness.

You may also contact our Work/Life and Wellness staff at [worklife@dm.usda.gov](mailto:worklife@dm.usda.gov), [wellness@dm.usda.gov](mailto:wellness@dm.usda.gov), or contact your respective agency Work/Life Coordinator using the information below for agency policies and initiatives on the USDA Lactation Program.

## Resources for Breastfeeding Education, Management and Support

The following organizations can provide additional information on breastfeeding.

### **American Academy of Pediatrics (AAP)**

The AAP supports breastfeeding through its employee lactation program, the activities of the Work Group on Breastfeeding, the network of State Chapter Breastfeeding Coordinators, the federally-funded Breastfeeding Promotion in Pediatric Office Practices program, and a variety of national efforts. Information about AAP breastfeeding initiatives and the policy statement “Breastfeeding and the Use of Human Milk” are available on the Internet.

141 Northwest Point Blvd.  
Elk Grove Village, IL 60007  
Contact: Betty L. Crase  
Phone: (847) 981-4779  
Email: [bcrase@aap.org](mailto:bcrase@aap.org)  
website: [www.aap.org](http://www.aap.org)

### **LAMAZE International**

This Society supports breast-feeding as a part of its educational curriculum for LAMAZE International-certified child-birth educators. Through its toll-free line, it serves as a resource to parents on child-birth classes, pregnancy and parenting.

1200 19th Street, NW.  
Suite 300  
Washington, DC 20036-2422  
Hotline: (800) 368-4404

### **International Board of Lactation Consultant Examiners**

This organization maintains a registry of current board-certified lactation consultants.

7309 Arlington Boulevard Suite 300  
Falls Church, VA 22042-3215  
Contact: JoAnne W. Scott,  
Executive Director  
Phone: (703) 560-7330 Fax: (703) 560-7332  
Email: [iblce@erols.com](mailto:iblce@erols.com)  
website: [www.iblce.org](http://www.iblce.org)

### **International Lactation Consultant Association**

This Association is an international organization representing lactation consultants.

201 Brown Avenue  
Evanston, IL 60202  
Contact: Jan Barger  
Phone: (708) 260-8874

### **La Leche League International**

This organization is an international organization recognized as an authority on breast-feeding. It offers a toll-free help line, professional and lay publications and mother-to-mother support groups in many communities.

9616 Minneapolis Avenue  
Franklin Park, IL 60131  
Hot Line: (800) 525-3243

### **National Center for Education in Maternal and Child Health**

This organization is a national resource which provides information and educational sources as well as technical assistance to organizations, agencies, and individuals with maternal/child health interests.

2000 15th Street North, Suite 701  
Arlington, VA 22201  
website: [www.ncemch.org](http://www.ncemch.org)

### **National Healthy Mothers, Healthy Babies Coalition**

The HMHB is a recognized leader and resource in maternal and child health composed of more than 130 national, professional, voluntary and government organizations with a common interest in growing healthy families. The HMHB provides an innovative forum for collaborative partnership of public and private organizations, employers, policymakers and consumers to promote and improve culturally and linguistically appropriate, community-based services that foster healthy mothers, healthy babies and healthy families. Its purpose is to encourage culturally and linguistically appropriate services for pregnant women, new mothers and their families through educational activities and through sharing of information and resources.

121 North Washington Street, Suite 300  
Alexandria, VA 22314  
Contact: Leslie Dunne,  
Director of Member Services  
Phone: (703) 836-6110 Fax: (703) 836-3470  
Email: [ldunne@hmhb.org](mailto:ldunne@hmhb.org)  
website: [www.hmhb.org](http://www.hmhb.org)

### **Washington Business Group on Health (WBGH)/ National Business Partnership to Improve Family Health**

The WBGH is an organization of Fortune 500 employers working to improve health care financing and delivery. National Business Partnership to Improve Family Health is a major five-year initiative of WBGH funded by the Maternal and Child Health Bureau, DHHS, and the private sector to improve maternal and child health status, benefits, policies and programs.

777 N. Capitol Street, NE., Suite 800  
Washington, DC 20002  
Contact: Julie Gonen, Director  
Phone: (202) 408-9320

### **Wellstart International**

Wellstart International is a private, non-profit educational organization that emphasizes the promotion of breastfeeding as an integral part of maternal health, infant nutrition, health and development, and family planning and reproductive health. Wellstart is an internationally renowned resource for education and technical support, including on-site training for health professionals in lactation management.

4062 First Avenue  
San Diego, CA 92108  
Phone: (619) 295-5192 Fax: (619) 574-8159  
Email: [inquiry@wellstart.org](mailto:inquiry@wellstart.org)

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