

# Animal Welfare Groups Say Congress Should Not Pass Whole Milk Bill Unless Amended to Offer Plant-Based Options

*With up to 15 million lactose intolerant kids in the National School Lunch Program, doubling down on the milk mandate will translate into more illness and waste*

WASHINGTON, DC, UNITED STATES, April 2, 2025 /EINPresswire.com/ -- After the U.S. Senate Agriculture Committee assembled a set of boosters of S. 222, the Whole Milk for Healthy Kids Act — to expand cows' milk offerings to include whole milk for kids participating in the National School Lunch Program (NSLP) — Animal Wellness Action, Switch4Good, and the Center for a Humane Economy called on lawmakers to back legislation to provide more choices of nutritious beverages for kids.



The FISCAL Act, S. 1236 and H.R. 2539, requires public schools to reimburse local school districts for a plant-based milk offering that is nutritionally equivalent to cows' milk.

Senators John Fetterman, D-Pa., John Kennedy, R-La., and Cory Booker, D-N.J., and Representatives Troy Carter, D-La., and Nancy Mace, R-S.C., yesterday introduced a companion measure, entitled the Freedom in School Cafeterias and Lunches (FISCAL) Act, to make a nutritionally sound plant-based milk option available to participating kids.

The FISCAL Act, S. 1236 and H.R. 2539, requires public schools to reimburse local school districts for a plant-based milk offering that is nutritionally equivalent to cows' milk. The USDA already reimburses schools for 1% and non-fat cows' milk, which are mandated by law to be served to kids even though millions of kids are lactose intolerant and cannot safely consume milk.

Based on documented rates of lactose intolerance among different ethnic groups, perhaps 15 million of the 30 million kids may have some degree of lactose intolerance, with especially high rates among people who are Black (75%), Hispanic (65%), Asian American (90%), and Native American (95%). In fact, the National Institutes of Health [reports the majority](#) of all people have a reduced ability to digest lactose after infancy, and lactose intolerance "is also very common in people of West African, Arab, Jewish, Greek and Italian descent."



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*Wayne Pacelle, president of  
Animal Wellness Action*

Last month, a 6-year-old Black girl in Louisiana was provided cows' milk at school despite her mother providing medical documentation at the beginning of the school year that the child should not be served that product because of her lactose intolerance. The girl became extremely ill and eventually defecated in her pants, and she was then told to clean up the mess as a punishment. The mother and her daughter are coming to the U.S. Capitol next week to lobby lawmakers in favor of S. 1236 and H.R. 2539.

"Our nation's 'milk mandate' isn't fair for 10 to 15 million kids in the school lunch program who are lactose

intolerant," said Wayne Pacelle, president of Animal Wellness Action. "Giving kids options for more cows' milk, as the Whole Milk bill prescribes, does nothing to address the drivers of food waste and food illness in the classroom. Kids need a healthy beverage choice."

Whole milk does not meet the standards established in the latest iteration of the Dietary Guidelines for Americans (DGA), while the FISCAL Act calls only for plant-based milks that meet DGA standards. But nutritional equivalency and cafeteria availability are not the same thing, and schools have failed to make any plant-based milks available in the schools, even though they are universally available in supermarkets, coffee houses, and other food retail businesses. The FISCAL Act would also support many Midwest farmers, given that there are more than 500,000 soybean producers.

"We must end the 80-year-old cows' milk mandate in our nation's school system and offer free and fair choice for the millions of children who are made sick by only having milk from cows," said Dotsie Bausch, president of Switch4Good and an Olympic silver medalist in cycling (London 2012). "It's no longer 1945, and we are a multicultural nation and need individual free choice to reign. We don't offer kids only one food to eat, and we must stop offering them only one drink, as studies by the USDA show they throw away nearly a third of cow milk cartons, unopened, and that is a grotesque amount of waste we should not let continue."

The USDA now provides a reimbursement of \$1 billion for cows' milk to public schools across the country, denying the millions of kids who are lactose intolerant a nutritious fluid beverage option. According to the USDA's findings, 29% of the cartons of milk served in our schools are thrown unopened into the garbage. A [2017 study](#) focused on 60 schools in a medium-sized urban district concluded that "of the total milk offered to School Breakfast Program participants, 45% was wasted." All of this milk wastage translates into squandering as much as \$400 million in taxpayer dollars a year — or \$4 billion over a decade.

"It is abundantly clear that the current milk substitute system that USDA employs is delivering

detrimental impacts on students,” said Congressman Troy A. Carter Sr. (LA-02). Too many children who cannot safely or comfortably consume dairy are being forced to accept containers of cow’s milk on their lunch trays. My wife and children are all lactose intolerant, so I know just how uncomfortable consuming dairy milk can be for someone who cannot process it.”

“The recent incident at Rollins Place Elementary School in Zachary is unacceptable and a glaring example of why we need immediate reforms in our schools to ensure all children have safe and appropriate dietary options,” added Rep. Carter. “My bill ensures the health and nutritional needs of all our nation’s students are met. America needs to embrace its diversity at the lunch counter.”

“The federal government is wasting \$400 million of our tax dollars a year by mandating that every school kid getting nutrition assistance has a carton of cows’ milk on the tray even though millions of them don’t want it and get sick from it,” said Rep. Mace (SC-01). “Thirty percent of kids throw the milk away in unopened cartons, and hundreds of millions of tax dollars wasted is not spilled milk. Kids should have a healthy choice in lunchrooms.”

“Most of this nation’s children of color are lactose intolerant, and yet our school lunch program policy makes it difficult for these kids to access a nutritious fluid beverage that doesn’t make them sick,” said Sen. Booker. “This bipartisan and bicameral legislation will bring greater equity to the lunchroom, by giving students the option to choose a nutritious milk substitute that meets their dietary needs.”

The Women, Infants and Children program (WIC) provides non-dairy options for recipients of this nutrition-assistance program, but the NSLP does not. That’s an unacceptable inconsistency in our federal nutrition-assistance programs, according to backers of the FISCAL Act.

“The government is overreaching by subsidizing and promoting milk beyond its natural appeal to consumers,” added Pacelle. “We are excited to work with Senators Fetterman, Kennedy, and Booker, and Representatives Carter and Mace to deliver nutritional choice in the lunchroom.”

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