

LABOR AND PUBLIC EMPLOYEES Committee  
TUESDAY, FEBRUARY 15, 2011

H.B. N 5461 (COMM) AN ACT CONCERNING PROTECTION FOR EMPLOYEES WHO BREASTFEED  
OR EXPRESS BREAST MILK IN THE WORKPLACE

Testimony by:

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In the 2000-2001 Legislative year, I was intimately involved with the CT Chapter of the American Academy of Pediatrics (CT AAP) and Connecticut Children's Medical Center (CCMC) in the drafting and unanimous passage in both the House and the Senate of **Public Act No. 01-182 AN ACT CONCERNING BREASTFEEDING IN THE WORKPLACE**. At the time, we were among the first states in the Union to pass such a law, protecting a woman's right to not only express her milk in the workplace, but if feasible, to breastfeed her baby in the workplace, during a meal or break period, in a room or other location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in private. It also provided that an employer shall not discriminate against, discipline or take any adverse employment action against any employee because such employee has elected to exercise her rights under this law. There are no penalties for not following the law.

A huge proportion of mothers in CT return to work shortly after the birth of their infants (some as soon as 2-4 weeks) and those who want to continue to breastfeed as the AAP recommends face tremendous barriers. 75% of CT women choose to breastfeed their infants at birth. However, by 3 months that has dropped to 34% and by 6 months only 13% of infants in CT are breastfed exclusively. These rates are well below the target objectives of the DHHS. These rates reflect many barriers, but perhaps most relevant is that mothers return to work before their children reach the recommended age of weaning, some before breastfeeding is even well established. So they give up.

The Federal Government is supporting breastfeeding as a major public health issue. The Patient Protection and Affordable Care Act (PPACA) or the "Health Care Reform Law" signed by President Obama in March 2010. The federal law included specific provisions for breastfeeding mothers in the workplace:  
<http://www.dol.gov/whd/regs/compliance/whdfs73.htm>. The breastfeeding provisions of the PPACA were largely modeled from Oregon's state statute, which is held to be the standard to which other states should aspire to protect breastfeeding in the workplace. It was widely celebrated in the maternal child health community as the first state breastfeeding law to have "teeth." Specific minimum time and space requirements are placed on employers to accommodate nursing mothers. More information can be found here including text of the OR statute. <http://www.breastfeedingor.org/legislation/worksites-rest-breaks-for-breast-milk-expression-oregon-2007>

In addition to the PPACA mentioned above, the support of breastfeeding mothers in the workplace has also recently gained national attention with the following:

- This month the Surgeon General released A Call to Action to Support Breastfeeding that specifically targets employers : <http://www.surgeongeneral.gov/topics/breastfeeding/factsheet.html>
- Healthy People 2020 objectives; MICH-22: <http://www.healthypeople.gov/2020/topicsobjectives2020/objectiveslist.aspx?topicid=26>
- The Business Case for Breastfeeding: <http://www.womenshealth.gov/breastfeeding/government-programs/business-case-for-breastfeeding/index.cfm>
- The IRS just yesterday announced that nursing mothers would be allowed tax deductions for breastfeeding equipment and allowed to use flexible spending account dollars to pay for breastfeeding equipment. : <http://merkle.senate.gov/newsroom/press/release/?id=CB8E53F7-8DFA-47A6-9DDB-8FEDCC8F25C2>

CT needs to be on top of this important Public Health issue. Michele Obama has breastfeeding in her "Let's Move" obesity prevention program. A recent landmark study published in Pediatrics showed if 90% of US families could comply with medical recommendations to breastfeed exclusively for 6 months, the United States would save \$13 billion per year and prevent an excess 911 deaths, nearly all of which would be in infants (\$10.5 billion and 741 deaths at 80% compliance). *Pediatrics* 2010;125:e1048–e1056 With women returning to work before the recommended age of weaning, we must have strong support for breastfeeding in the workplace.