



February 21, 2023

Allison Post,  
Chief, WIC Administration  
Benefits, and Certification Branch  
Policy Division  
Food and Nutrition Service  
U.S. Department of Agriculture  
1320 Braddock Place, 3rd Floor  
Alexandria, Virginia 22314

**RE: Proposed Rulemaking-- Special Supplemental Nutrition Program for Women, Infants, and Children: Revisions in the Women, Infants, and Children Food Packages (Docket No: FNS-2022-0007)**

**Comment on FR Doc # 2022-24705**

Dear Ms. Post,

The Alaska Seafood Marketing Institute (ASMI) submits these comments regarding the above Docket No. FNS-2022-0007) on behalf of the Alaska Seafood industry.

We understand the purpose of the proposed rulemaking is to revise regulations governing the food packages in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) program to "align with the current *Dietary Guidelines for Americans* [DGA, 2020-2025] and reflect recommendations made by the National Academies of Sciences, Engineering and Medicine (NASEM) in its 2017 report, *Review of WIC Food Packages: Improving Balance and Choice*, while promoting nutrition security and equity and taking into account program administration considerations."

The Alaska Seafood industry recognizes the significant work involved in this once in a decade effort to update the rule for the WIC food packages. The proposed rule provides updated packages more in line with modern nutrition guidelines including, the increase in fruit and vegetables and the adjustments in whole grains, dairy and seafood that offer a greatly enhanced and more equitable nutrition profile. In these comments, we offer recommendations for how USDA could enhance the proposed rule to align with the latest evidence and nutrition guidance even better, by expanding seafood access and options.

## **Summary of our comments and recommendations:**

- We particularly support the evidence-based expansion of canned fish into all women's food packages and appreciate the addition of low methylmercury canned fish to the package for children two years and older.
- We further urge USDA to add canned salmon and other low methylmercury seafood to the package for children 12-23 months of age and as an alternative to infant meats in the packages for children from 1 year of age and consider adding it at 6 months.
- We support USDA's recommendation to provide educational materials to WIC participants, so they can take advantage of the food package updates. ASMI has a variety of nutrition and health information and educational materials about canned Salmon as well as other Alaska seafood species and seafood more generally. We also have a digital library of recipes that we would be happy to provide and/or adapt to the WIC program and participants' needs.
- We support the proposed container and package size flexibility authorizing smaller package sizes than the maximum allowance (except for infant formula) as this would help State WIC agencies across all categories including offering seafood for the younger age children.
- We also request USDA to provide flexibility to add additional types of healthy, sustainable seafood over time such as frozen and even fresh seafood, to create a pathway that will encourage industry innovation in product forms and packaging. There are frozen (and fresh) options such as wild Alaska Pollock and Salmon portions available today in grocery stores nationwide that would provide lower sodium seafood options at an affordable price point. This would provide a process of continuous improvement without waiting ten years or more for the next WIC food package update. Nutrition science and food technology move much faster than that.

## **Rationale for our comments to the proposed rule**

The update is designed to align with the latest Dietary Guidelines for Americans (DGA-2020-2025) and a 2017 National Academies of Science, Engineering & Medicine (NASEM) promoting seafood consumption from 6 months of age and with more recent FDA recommendations (2022) that cite the safety of low methylmercury fish consumed during pregnancy and breastfeeding.

The current rule has seafood (canned fish) in only one basket – the one for fully-breastfeeding women – as an incentive to balance out the packages that include infant formula. We are pleased to see that current offerings of canned fish (salmon, sardines, mackerel and light tuna) have been maintained and extended into all of the women's packages and that low methylmercury canned fish (salmon and sardines but not light tuna) has been added to the

package for children 2 through 4 years of age (Package III-B). These evidence-based changes are long awaited improvements to the accessibility of health-promoting low methylmercury seafood for the WIC population.

Specifically, the proposed rule adds canned fish to women's food packages in the amounts of 10 oz. for pregnant, 10 oz. for postpartum, 15 oz. for partially and 20 oz. for fully breastfeeding women, a reduction for the latter category which is more in line with a "supplemental" value. A goal of WIC is to provide supplemental amounts of key foods needed by the WIC target groups.

Seafood is popular among participants who get it (breastfeeding women), with 69% redemption (between 2013 and 2016; from the NASEM report) so we expect that all WIC women participants will take advantage of the newly added BC seafood available to them. Adding seafood is responsive to WIC participants' requests (according to National WIC Association listening sessions with participants in 2022).

#### IMPROVING SEAFOOD CONSUMPTION AMONG CHILDREN:

Almost 90% of people (age 1 and older) have seafood intakes below recommended amounts and seafood is rarely consumed by children, according to the DGA. It recommends consuming sources of healthy fats, such as those present in seafood, at all ages, starting with first foods (from 6 months). Providing a nutrient-dense, lean source of protein will help shift lifelong consumption to lower-sat fat protein options. Salmon (canned and other forms) is an excellent source of healthy protein. Adding variety and value to the food packages provides greater incentive for WIC participation.

The proposed rule also adds 5 oz. of certain low methylmercury canned fish to the package for children 2-4 years of age. The rule specifies which species are and are not approved for the children, and we are relieved to see that canned salmon is approved.

We note that NO canned fish is included for children 6-11 months or 12-23 months of age, in spite of the compelling evidence and the DGA and NASEM recommendations. The update, however, did not find the evidence for safe consumption of seafood among children under 2 years of age strong enough to include it in the food packages for children under 2.

DGA recommends seafood intake during pregnancy, which is associated with healthy cognitive development in young children. So this proposed rule is a huge update which brings the WIC food packages more in line with the science and evidence provided in the DGA and the

recommendations of the NASEM 2017 report. More recent guidance from the Food and Drug Administration (FDA, 2022) reinforces the safety of consuming two servings a week of lowmethylmercury fish like salmon - and other species of wild Alaska seafood that should be considered for addition to the WIC packages for pregnant and breastfeeding women.

ASMI and the Alaska Seafood industry urge the USDA to include low methylmercury seafood for children from 1 year of age and as an alternative to infant meats for those 6 months and older, and not wait until the next update in ten years. The evidence is there. We support USDA's efforts to establish package and container size flexibility across food categories and for seafood in particular. Authorizing smaller package sizes than the maximum monthly allowances (across all food categories except for infant formula), would make seafood in smaller amounts an option for children under two years of age. This step will not only expand options and introduce more convenient package sizes, but it also empowers WIC shoppers to assume greater responsibility in maximizing their redemptions. Combined with tailored and individualized nutrition education and the emerging support of digital tools like shopping apps, package size flexibility could both reduce barriers in the shopping experience and further invigorate WIC's nutrition education programming.

The new seafood benefit in so many food packages should be accompanied by education about the benefits of seafood consumption to millions of women. ASMI has a range of digital tools about the health and nutritional benefits of canned Salmon and other forms and species of health promoting, sustainable Alaska seafood that would be of use to WIC participants and staff. These materials would go a long way to helping convey the importance of seafood consumption in healthy life-long eating patterns and healthy, affordable seafood choices. ASMI also has a digital library of safe handling and preparation information and recipes that could be provided to USDA/FNS and WIC State offices nationwide.

Now that USDA has institutionalized the availability and variety of fruit and vegetables in all the packages and extended canned fish options for women and older children, the time is right to turn attention to expanding the availability of healthy seafood protein options beyond canned fish for all WIC participants over 6 months of age. When the WIC program added seafood many years ago, the only options added were canned fish. Today, there are many other lower sodium seafood options in frozen and fresh cases in grocery stores across America. We urge USDA to continue modernizing its food offerings.

We urge USDA seriously consider our comments and recommendations to add seafood options to the packages for ALL children from 6 months of age, consider packaging and size flexibility and consider modernizing the seafood offerings to include cost effective low sodium

frozen and fresh forms such as wild Alaska Pollock and Salmon among its products. ASMI staff are ready to work with USDA to tailor educational materials directly to the program's needs with easy recipes and the benefits of healthy seafood.

ASMI and the Alaska Seafood industry thank USDA for its tireless work to provide food and nutrition security to American families. We look forward to seeing the next iteration of the proposed rule and to continued partnership with USDA/ FNS and its dedicated staff.

Sincerely,

Jeremy Woodrow  
Executive Director,  
Alaska Seafood Marketing Institute



February 16, 2023

Submitted electronically via [www.regulations.gov](http://www.regulations.gov)

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Rm. 1061  
Rockville, MD 20852

**Re: Proposed Rule: the definition of the nutrient content claim “healthy”; Docket No. FDA-2016-D-2335 (September 29, 2022)**

Dear Sir or Madam,

The Alaska Seafood Marketing Institute (ASMI), on behalf of the Alaska seafood industry, appreciates the opportunity to comment on the Food and Drug Administration’s (FDA’s) “Proposed Rule: the definition of the nutrient content claim “healthy” (Proposed Rule). ASMI commends the FDA’s effort to convey accurate information regarding potential dietary health benefits to consumers with exacting standards for label claims, and the larger effort to enable Americans to make informed and health-based food purchasing decisions. We provide our comments to help inform the conversion of these intentions into practical policy allowing easy discernment for consumers, while not preventing provably nutritive foods from being accurately labeled according to their qualities.

ASMI is a partnership between the State of Alaska and the Alaska seafood industry representing over 60,000 Alaskan harvesters, processors and businesses that take pride in providing nutritious, wild, natural, and sustainable seafood to consumers worldwide. Alaska naturally produces more seafood than any other part of the United States, and for decades has sustainably managed this renewable resource with rigorous science to maintain healthy ecosystems. The Alaska seafood industry provides a diverse portfolio of whitefish, salmon, and shellfish for consumption by the American public, which vary widely in the nutrients and benefits offered by their dietary inclusion. While we expect the overwhelming majority of these seafood products to maintain their status as ‘healthy’ foods, discrepancies exist in the Proposed Rule that would categorically prevent some types of demonstratively health-benefitting foods from carrying a ‘healthy’ label.

Seafood products, while accurately described as a source of high-quality protein, often possess a high nutrient density, featuring comparatively rare dietary compounds such as the readily bioavailable polyunsaturated omega-3 fatty acids eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA). Fats present in seafood tend to be overwhelmingly categorized as unsaturated fatty acids, which have been associated with a variety of net health benefits, a fact reflected in the majority of the Proposed Rule as written. While some species do possess levels of saturated fat, it is most often dwarfed in the total lipid percentage by the amount of unsaturated fats.

Prior to 2016, when the FDA provided [interim guidance on the use of ‘healthy’ and like terms](#), less consideration was made for ‘good’ fats such as mono and polyunsaturated fatty acids, as demonstrated in exclusion of foods possessing a total fat amount over 5g from making a ‘healthy’ claim. The FDA noted

in the interim guidance in 2016 that considerations for healthy fats should indeed be made, which was implemented in the exception for foods featuring unsaturated fats in excess of their saturated amounts, allowing them to label as 'healthy'. This mentality was supported by the United States Department of Agriculture's (USDA) Dietary Guidelines for Americans 2020-2025, as well as the FDA's own ['Advice about Eating Fish'](#), both of which recommend fish consumption for pregnant women, children, and infants largely due to the potential neurocognitive benefits offered by seafood's healthy fats such as EPA and DHA.

However, in the Proposed Rule, seafood products have an upper limit of 2 grams of unsaturated fat if labeled as 'healthy,' representing a regression of standard to pre-2016 interim guidance and a contradiction of the stated objectives of the Proposed Rule of helping consumers maintain healthy dietary patterns and make food choices that contribute to such patterns. It may be confusing to Americans to encounter advice encouraging consumption of oily fish for their health benefits, only to have many such fish unable to carry a 'healthy' label. This is made additionally unclear by a saturated fat exception in the Proposed Rule for nut and seeds, which possess high fat levels but are considered healthy so long as the unsaturated fats (mono and poly) taken together exceed the amount of saturated fats. This exemption, which is due to the understanding that the benefits and presence of unsaturated fats in sufficient amounts supersede potential negatives from modestly elevated saturated fats, should also be applied to seafood, which has a similar composition of fats.

EPA, DHA, and other marine-derived fatty acids are among some of the most studied nutritional compounds due to their acknowledged benefits to heart, brain, eye, and neurocognitive function, and it is notable that the non-marine omega-3 polyunsaturated fat, alpha-linoleic acid (ALA), must be converted into EPA and DHA at unfavorable and inefficient ratios prior to utilization. Direct consumption of EPA and especially DHA through regular seafood intake remains the best way to derive benefits from these important compounds. To ensure that beneficial high oil fish remain healthy in name as well as in practice, ASMI would request that a similar exemption to nuts/seeds be made for seafood, or seafood be allowed to adhere to interim guidance, which has been operating since 2016.

If not amended, prominent species in Alaska like king salmon (an image of which is even featured on the [FDA's Proposed Rule webpage](#) as an example of a healthy food) and sablefish would not be able to carry a 'healthy' label. These are species often directly sought due to their high levels of beneficial fats, and are considered by industry and consumers alike to be among the best choices for health-conscious eaters due in no small part to the high levels of healthy fats, complete proteins, beneficial vitamins and minerals, and antioxidants. We thank the FDA for their willingness to open the Proposed Rule to public comment, and we look forward to continued collaboration in provision of high quality and healthy foods to the American public.

Sincerely,



John Burrows

Seafood Technical Director

Alaska Seafood Marketing Institute