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Chief, School Programs Branch
Policy and Program Development Division
Food and Nutrition Service
U.S. Department of Agriculture

RE: Docket No. FNS-2019-0007

To Ms. Namian:
On behalf of the Food Research & Action Center (FRAC), please accept these comments on the proposed rule, "Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs" 85 Fed. Reg. 16273 (March 23, 2020).

This rule would roll back important aspects of the current school meal nutrition standards and significantly unravel the progress made under the Healthy, Hunger-Free Kids Act of 2010. The improved nutrition standards for school meals have ensured the nearly 30 million children who eat school lunch and the 14.4 million who eat school breakfast have the nutrition they need for their health and learning. About two-thirds of the children who eat school lunch live in low-income households and rely on free or reduced-price school meals.

There is considerable evidence of the effective role that participation in these programs plays in alleviating food insecurity and poverty, and in providing the nutrients students need for growth, development, learning, and overall health, especially for the nation's most vulnerable children and adolescents.

An analysis by FRAC in 2016 found that the revised nutrition standards have had a positive impact on the school nutrition environment as well as student food selection and consumption, especially for fruits and vegetables.[1] Research published since then supports these conclusions.[2,3,4,5] Perhaps most notably, the U.S. Department of Agriculture (USDA) recently issued the first national, comprehensive assessment of school meal programs since the implementation of the updated school meal nutrition standards.[6] The nutritional quality of school lunches increased by 41 percent, and by 44 percent for school breakfasts, after the implementation of the nutrition standards. The assessment also found that serving lunches of higher nutritional quality was associated with higher school lunch participation rates, but not with higher costs per lunch.

The proposed rule would weaken nutrition standards, eliminate the guarantee that all children will receive a balanced and healthy school meal regardless of

school setting, and diminish the nutritional value of other foods sold in the cafeteria. A recent Robert Wood Johnson Foundation-funded Health Impact Assessment of the rule found it will have a negative impact on the health and learning for children from low-income families, those attending schools that have a majority of Black or Hispanic students, and those who live in rural areas are most likely to be impacted.[7] Rolling back the rules will erase some of the positive power of school meals and instead will exacerbate health and educational disparities.

FRAC strongly supports maintaining the current, evidence-based school nutrition standards to assure that all children have access to foods that support their health, well-being, and learning, irrespective of the school they attend.

Our comments and recommendations below are organized into three categories:

I. School Nutrition Standards,
II. Program Administration and Oversight, and
III. Child and Adult Care Food Program.

I. School Nutrition Standards

FRAC's Recommendations Regarding the Proposed School Nutrition Rules

- **All children eating a school breakfast should continue to receive the current required one cup of fruit regardless of the setting.** Do not reduce the amount of fruit required in breakfast from one cup to one-half cup in settings outside the cafeteria. One cup of fruit is an evidence-based standard consistent with the Dietary Guidelines for Americans. Children's dietary requirements remain the same regardless of the location of the breakfast program.

- **Continue to guarantee that children receive a school meal with the variety of vegetables designed to provide a full array of much-needed nutrients.** Do not reduce the amount of vegetables that must be served from the important and often under-consumed red and orange vegetables (such as, tomatoes, carrots, and squash) and the other vegetables category (which includes cucumbers, cauliflower, and avocados). Maintain the current regulatory requirements for the red/orange and other vegetable sub-categories. Reducing the requirement only paves the way for less variety, and potentially, more french fries.

- **Maintain current regulations requiring schools to offer meals that meet the nutritional requirements for the age/grade group of each student.** The final rule should not allow "small" schools to have the

option to only use one (or two) meal patterns for all the students in the school, regardless of grade range of the students. The three grade groups, (kindergarten–5th grade), (6th–8th grade), and (9th–12th grade), are science-based categories that are designed to meet the specific nutrition needs of the age range for that grade group. Under the proposed regulations, a school with students ranging from elementary to high school could serve all the students' meals based on the meal pattern for elementary students (kindergarten–5th grade), leaving the middle and high school students hungry and under-fed.

- **Protect the controls over the nutritional value of other food sold in the cafeteria including a la carte entrees.** The smart snack nutrition rules protect the nutritional value of food sold separately from the federal school meals. The proposed regulation would create loopholes in the current nutrition standards to allow for more pizza, hamburgers, and other foods that are high in calories and saturated fat or sodium to be sold a la carte. Do not extend any smart snack exemptions.

- **Integrate nutrition safeguards into the proposed option to allow schools to offer a meat/meat alternate or a grain product at breakfast.** For this to be successful, USDA should reinstate the requirement for all grain products to be whole-grain rich, and institute controls on the calories and sodium in the meat/meat alternates served at breakfast.

- **Allow potable water to be flavored with fruit or vegetables, and allow schools to sell calorie-free, "naturally flavored" (without non-caloric sweeteners) water.** Flavoring potable water with fruit, such as lemons or strawberries, or vegetables, such as cucumbers, makes the free water option more attractive and appealing. This can be an important component of successfully implementing the requirement to make free water available. In the final rule, the definition of calorie-free "naturally flavored" water that can be sold by schools should specify that non-caloric sweeteners are prohibited.

FRAC's Response to USDA's Request for Information on Key Questions Regarding School Nutrition Standards

- **Do not weaken the smart snack nutrition standards by exempting all food including "side dishes" sold separately in the cafeteria and/or weakening the whole-grain rich requirements.** The smart snack nutrition rules have been successful in improving the nutrition quality of foods offered a la carte in the cafeteria. This is vitally important to protecting the health of students.

- **Do not drop the variety requirements for serving vegetables at breakfast.** USDA should continue to require schools offering a vegetable in place of a fruit at breakfast to ensure that at least two cups per week are from the dark green, red/orange, legumes, or "other vegetables" subgroups.

II. Program Administration and Oversight

FRAC's Recommendations Regarding the Proposed Administrative and Oversight Rules

- **Integrate program access considerations into the framework to provide incentives through an integrity-focused process.** The framework for waiving or bypassing certain administrative review requirements for State and/or local agencies that implement USDA-specified process improvements must take into account the impact on program access. For example, the adoption of an online application system that meets USDA-specified integrity standards should not generate expenses for households trying to submit applications, such as transaction fees. In addition, the system should include an option for households to easily submit paper applications.

- **Allow State agencies to omit the on-site School Breakfast Program review in extenuating circumstances.** The proposal to allow State agencies facing extenuating travel circumstances the option to assess school's breakfast operation using other existing measures will support the effective use of resources.

- **Fiscal action should be taken for repeated violations of school nutrition standards for milk type and vegetable subgroup.** USDA should maintain the current rules requiring State agencies to impose fiscal action for repeated meal pattern violations. Milk types and vegetable subgroups are important components of the meal pattern.

III. Child and Adult Care Food Program

FRAC's Recommendations Regarding the Proposed Child and Adult Care Food Program Rules

- **Implement the proposed regulations on meal modifications for disability or non-disability (vegetarian or religious) reasons, including milk substitutions.** FRAC commends USDA for the comprehensive update of the regulations to reflect the Americans with Disabilities Act. The improvements will help to facilitate the efforts of CACFP program operators and parents to serve a range of dietary, cultural, and religious needs. The final rule should include the proposed expanded definition of disability, and replacement of "medical or other special dietary needs" with 1) "reasonable modifications for disability requests" and 2) "variations for non-disability requests" with variations for cultural, ethical, Tribal, and religious preferences. The clarification that a medical statement is only required for accommodations that fall outside the meal patterns will streamline the process. USDA should maintain the proposed nutrition standards for fluid milk substitutions.

FRAC's Response to USDA's Request for Information Regarding Grain-Based Desserts in CACFP

- **Do not allow grain-based desserts (e.g., cakes, cookies, and donuts) to be creditable in CACFP.** The current regulations prohibiting the crediting of grain-based desserts in CACFP have been a resounding success. Program operators are serving healthier meals and snacks through CACFP. The 4.5 million children participating in CACFP have benefited from the improvements in child care centers, homes and afterschool programs across the country. The rule is simple, practical, and understandable for all levels of the program from a volunteer in an afterschool program, to a busy family child care provider, to a savvy nutritionist in charge of Head Start menus. Rolling back the rule now would undermine the success of the healthier meal pattern, increasing the empty calories, fat, and sodium in CACFP meals and snacks.

  As was made clear in the original rule-making, any new requirement that counts across the week will create confusion and auditing difficulties. CACFP program monitoring and auditing is done on a daily basis. This administrative technical detail dictated a significant portion of the CACFP meal pattern design. There is nothing to be gained from implementing an across-the-week allowance for grain-based desserts. In addition, a two-ounce equivalent per week limit would allow grain-based desserts to be served to preschool children four times a week. (For children ages 1–5 the grain serving size is one half-of an ounce equivalent.)

It is important to maintain the prohibition on crediting grain-based desserts in CACFP. Grain-based desserts are not a necessary dietary component because there are many other foods available that can be used to meet grain recommendations. Limiting grain-based dessert consumption in child care and afterschool programs is an effective targeted intervention aimed at reducing overall consumption of added sugar, saturated fat, and sodium. The consumption of grain-based desserts (cakes, pies, cookies, and/or pastries) is already widespread among young children: sweet bakery items (27 percent of 12–17.9-month-olds and 36 percent of 18–23.9-month-olds).[8] Grain-based desserts are one of the top sources of added sugar in the diets of children 2–8 years of age.[9] Bakery products (grain-based desserts) were one of the top contributors of energy, added sugar, saturated fat, and sodium in the diets of American adolescents.[10]

As noted in this rule, a majority of commenters supported excluding grain-based desserts in the previous proposed rule, based on scientific evidence. Nor did the CACFP community ask for a change to the grain-based desserts regulations in response to USDA's request for information on crediting. Good nutrition is critically important for all children, particularly for children ages 0–5 as their taste preferences are being developed. It is best to stay the course, keep the current successful regulations prohibiting the crediting of grain-based desserts.

Conclusion

In summary, FRAC is concerned about the proposed and potential revisions rolling back the nutrition standards for school meals and CACFP. Healthy meals provided at schools and through CACFP help combat childhood obesity and improve overall health, particularly for low-income children. The standards are working. For this reason, we respectfully submit that USDA abandon this proposed plan to roll back the standards, given the absence of compelling evidence of insurmountable problems with the standards. Thank you for this opportunity to provide comments.

Sincerely,

Geraldine Henchy
Director of Nutrition Policy
Food Research and Action Center

Endnotes

[1] Hartline-Grafton, H. (2016). Research Shows that the School Nutrition Standards Improve the School Nutrition Environment and Student Outcomes. Washington, DC: Food Research & Action Center.
[2] Cohen, J., & Schwartz, M., (2020). Documented Success and Future Potential of the Healthy, Hunger-Free Kids Act. *Journal of the Academy of Nutrition and Dietetics*, 120(3), 359-362.
[3] Lin, B. H., Guthrie, J. F., & Smith, T. A. (2019). Dietary guidance and new school meal standards: schoolchildren's whole grain consumption over 1994–2014. *American Journal of Preventive Medicine*, 57(1), 57–67.
[4] Cohen, J., Gorski Findling, M. T., Rosenfeld, L., Smith, L., Rimm, E. B., & Hoffman, J. A. (2018). The impact of 1 Year of healthier school food policies on students' diets during and outside of the school day. *Journal of the Academy of Nutrition and Dietetics*, 118(12), 2296–2301.
[5] Mozer, L., Johnson, D. B., Podrabsky, M., & Rocha, A. (2019). School lunch entrées before and after implementation of the Healthy, Hunger-Free Kids Act of 2010*. Journal of the Academy of Nutrition and Dietetics*, 119(3), 490–499.
[6] Fox, M. K., & Gearan, E. (2019). School Nutrition and Meal Cost Study: Summary of Findings. Alexandria, VA: U.S. Department of Agriculture, Food and Nutrition Service.
[7] Lott, M., Miller, L., Arm, K., & Story, M., (2020) Rapid Health Impact Assessment on USDA Proposed Changes to School Nutrition Standards. Durham, NC: Healthy Eating Research.
[8] Roess, A. A., Jacquier, E. F., Catellier, D. J., Carvalho, R., Lutes, A. C., Anater, A. S., & Dietz, W. H. (2018). Food Consumption Patterns of Infants and Toddlers: Findings from the Feeding Infants and Toddlers Study (FITS) 2016, *The Journal of Nutrition*, 148(3), 1525S–1535S.
[9] Reedy, J., & Krebs-Smith, S. M. (2020). Dietary sources of energy, solid fats, and added sugars among children and adolescents in the United States. *Journal of the American Dietetic Association*, 110(10), 1477-1484.
[10] Leme, A., Baranowski, T., Thompson, D., Philippi, S., O'Neil, C., Fulgoni, V., & Nicklas, T. (2019). Top food sources of percentage of energy, nutrients to limit and total gram amount consumed among US adolescents: National Health and Nutrition Examination Survey 2011–2014. *Public Health Nutrition*, 22(4), 661-671. doi:10.1017/S1368980018002884