

March 18, 2022

Ms. Tina Namian, Chief
School Programs Branch
Policy and Program Development Division
Food and Nutrition Service
1320 Braddock Place
Alexandria, VA 22314

Dear Ms. Namian,

The Urban School Food Alliance, a membership organization representing 18 of the largest school districts in the country, appreciates the unique opportunity to submit comments pertaining to Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium, as published in the Federal Register on February 7, 2022. The large, urban populations that we serve includes very diverse populations with very diverse needs, including a majority of brown and black communities living in poverty. These meals are essential not only to the health and well-being of these children, but also to their ability to have a fair and equitable chance to succeed in their educational opportunities.

As our members each oversee a school nutrition program in very large, complex urban school systems, they come to these positions with a wide range of experiences in school food service, business practice, restaurant operations, and nutrition training. They have both the advanced education and the work experience to run robust, well-organized programs. The main goal for every one of our members and the vision of the Urban School Food Alliance is that "All students have access to no cost, high quality, healthy meals". With that in mind, we would like to submit the following comments about the transition rule as well as ideas for the final rule that will impact the program operations in 2025.

Transitional Standards for Milk, Whole Grains, and Sodium for school years 2022-2023 and 2023-2024.

We appreciate the reset given to school nutrition program operators with the 80% whole grain rich, Target 1 sodium, (moving to 10% reduction in lunch only in 2023-2024, and flavored lo-fat milk. The supply chain disruptions, challenging meal delivery models that keep changing, and up to 30% of staff positions unfilled have caused the school nutrition programs to operate not on a day-to-day basis but an hour-to-hour basis. We have clear communications from a variety of sources that the supply chain disruptions will not ease up for at least 18 months or longer, and some are getting out of servicing the child nutrition program all together. This is not only a result of the challenges from the pandemic, but this is directly related to the over-prescriptive federal procurement rules that are not necessarily written with the purchase of food in mind and the individual state rules when it comes to the USDA Foods.

Steps for progress during transition:

- a. Ensure that state agencies overseeing the review of these programs have clear and consistent communication dealing with what is allowable, so these programs truly have time to reset. SFA's should also receive the same communication so they know what has been shared with the state agency.
- b. Require state agencies to conduct technical assistance prior to any negative documentation or considering financial implications to the program.
- c. Conduct a comprehensive review of any and all flexibilities within the parameters of rulemaking, that FNS could implement, easing the burden of lost waivers that allowed school nutrition programs to feed all children to the best of their ability with the numerous challenges they continue to face.
- d. The Urban School Food Alliance highly recommends that the requirement for a fruit or vegetable be removed from the regulation. This requirement had good intentions but is not a practical practice for a variety of reasons. First – it complicates offer vs. serve. We would like to go back to the original offer vs. serve where a student takes 3 out of the 5 offered components. Second – districts are under fire from school communities about the amounts of fruits and vegetables thrown in the trash. They have engaged with share tables, donations when possible, etc. but they are consistently criticized for waste of fruits and vegetables. At a time when food waste has been identified as one of the biggest issues in climate change, it seems unreasonable to force food onto a tray if the child has no intentions of eating it.
- e. Finally, the need to reevaluate the reimbursement rate is over- due. The thrifty food plan review showed clearly how the cost of food increases did not keep up with the value given to needy families. The same holds true in school nutrition programs. Our costs are sky rocketing now but even before the pandemic, the federal reimbursement rate for a free meal does not cover the cost of the production and service of that meal – particularly if that meal consists of the highest quality food, procured locally if possible, and prepared and served by trained professionals.

Moving Forward to a Permanent Rule

The Urban School Food Alliance applauds USDA's efforts to engage with stakeholders to gather ideas and thoughts about the permanent rule for child nutrition programs. During this process it is critical to remember that although very important, the nutritional quality of the meal is not the only factor that should be considered. We must also consider the following concerns to ensure the success of these programs:

1. **Student Palate Acceptability.** Students today live in a commercial world, and we have a program based on a per meal reimbursement. That means we have to get children to participate, or we have not done our due diligence in providing food security as well as improving the nutritional content of what students consume because we will not have a program at all. They have developed a palate that has been exposed to high sodium, high fat, and high sugar foods. While this is not what we agree to be in the best interest of children and their health, we also don't believe that the school nutrition program should shoulder the entire burden of reversing this. We believe in strong, consistent nutrition standards, that are reasonable for today's food environment, moving children along the continuum to better choices.
Our recommendation: Gradual changes – looking 4-5 years in the future. An incentive program as districts achieve milestones, including nutrition education in the classroom. It is important to look at added sodium and added sugars but in a gradual manner. Look at different funding models – is a per meal reimbursement the best way to operate high quality programs and make changes to children's eating habits? Now is a time to reset the way these programs operate.

2. **Removing the Prescriptive Process in the Administrative Review.** We support aligning the school meal program with the latest Dietary Guidelines for Americans but we should learn from the way the DGA's work to educate the general public. Instead of over emphasizing milligrams of sodium or the exact portion size in the review process it would be more beneficial to look at the overall program - how are they doing at serving a variety of foods, how are they doing at displaying healthier foods such as fruits and vegetables and salad bars so they look appealing to the customer. Are they achieving the meal pattern based on the "My Plate" icon. Using color categories of vegetables makes it easy to understand but being overly prescriptive on the exact quantity of a specific nutrient has complicated this meal service. We are concentrating more on the size of the serving scoop in the product rather than the quality of the product being served. When an over-fortified, cellophane wrapped product, loaded with ingredients of concern meets standards yet we are getting negative comments on a review about a tablespoon of salad dressing on a freshly made salad, we have not achieved our goals.
Our recommendation: Set a gold standard for nutrients but revise the administrative review to emphasize the quality standard of the meals, the eye appeal, the way it is marketed to children. Use the DGA's as the standard in how we try to move people along the continuum for healthier eating. Increase hands on technical assistance. Online training works for some but it is not the best way to make long term change, particularity when it comes to culinary training. Invest in the Land Grant colleges and their Extension offices to have comprehensive training in each state. They are in the best position to work with individual districts and the equipment available in their kitchens, to develop best practices. The exit interview for the Administrative Review should include a discussion on the equipment available to the school nutrition program. In many cases, they are expected to meet very prescriptive requirements without the necessary equipment. We also highly encourage USDA to meet with the people doing the work on the ground to review any new requirements prior to putting them into regulations, this should include the administrative burden to collect the required documentation for compliance.

- 3. Consider ethnic food acceptability in new regulations.** All of our districts and many tribal organizations work very hard to incorporate foods acceptable to the populations that they serve. Now is the time to start conversations as to how to incorporate these ethnic foods into our meal pattern and requirements. It is difficult enough to find large quantities of these food items but if districts have to ask for them to be specifically made to meet prescriptive requirements, the cost goes up considerably. There are also many tribal communities that would like to use culturally historical foods in their school meal programs but are effectively prohibited by the meal pattern requirements. This is a very important part of providing an equitable school meal program that serves ALL children.

Our recommendation: Meet with urban and tribal school nutrition menu planners and begin to consider how the ethnic foods they are using can fit into a meal pattern that is reimbursable.

- 4. Conduct a thorough review of the portion sizes and components of all meal patterns under the Child Nutrition Program.** The Urban School Food Alliance has taken the initiative to hire a contractor in the field of child nutrition to outline all the available child nutrition programs and the meal pattern requirements. It is inefficient and costly to both program operators and industry members to have different requirements and portion sizes in the various programs. This also is very complicated for school nutrition employees as well as an administrative burden on program operators.

Our recommendation: Conduct a comprehensive review of all programs, the meal pattern, portion size and meal component requirements side by side and develop a single meal pattern that can be used across all child nutrition programs. Our report will be forthcoming within a few weeks of these comments.

In closing, these programs provide a vital source of both food and nutrition security to millions of children throughout the country but over the last few decades we have continued to use bubble gum and bandaids to make changes. It is imperative that for the continued success and sustainability of these programs that we have open conversations about the goals of the program and the meshing of the business side of the program to achieve those goals. The Urban School Food Alliance looks forward to continuing our work with the Department and are willing to assist in any way. Please feel free to contact us when needed. Thank you for your willingness to be open to comments and your willingness to listen to stakeholders as together, we build a strong, resilient program.

Most Sincerely,

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