

March 23, 2020

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Re: Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs (FNS-2019-0007)

Dear Ms. Naiman:

The Academy of Nutrition and Dietetics (the “Academy”) appreciates the opportunity to submit comments to the Food and Nutrition Service at the U.S. Department of Agriculture, in response to the January 23, 2020 proposed rule, “Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs.” Representing more than 107,000 registered dietitian nutritionists (RDNs), nutrition and dietetic technicians, registered (NDTRs) and advanced degree nutritionists, the Academy is the largest association of food and nutrition professionals in the world and is committed to improving the nation's health through food and nutrition. The Academy is dedicated to ensuring America's children are fed safe, nutritious and appealing meals in school.

In a position paper published in coordination with School Nutrition Association and Society for Nutrition Education and Behavior, the Academy states “that comprehensive, integrated nutrition programs in preschool through high school are essential to improve the health, nutritional status, and academic performance of our nation’s children. Updated nutrition standards are providing students with a wider variety of fruits, vegetables, and whole grains, while limiting sodium, calories, and saturated fat. Millions of students enjoy school meals every day in the United States, with the majority of these served to children who are eligible for free and reduced-priced meals.”<sup>1</sup>

The Academy is uniquely positioned to help USDA determine how best to deliver the school nutrition programs in an efficient and effective manner while focusing on what is best for the health of our nation’s students. In order to develop these comments, the Academy issued a survey to targeted members in our practice groups asking for feedback on the proposed rule changes. Targets included the School Nutrition Services, Public Health Nutrition and Pediatric Nutrition Dietetic Practice Groups. The School Nutrition Services DPG represents more than 1,000 Academy members who are on the frontlines of school nutrition each day, and have the

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<sup>1</sup>Position of the Academy of Nutrition and Dietetics, Society for Nutrition Education and Behavior, and School Nutrition Association: Comprehensive Nutrition Programs and Services in Schools. *Journal Academy of Nutrition and Dietetics*. 2018;118(5):913-919.

skills and passion needed to deliver healthful, appealing meals to kids. The more than 4,000 members of the Pediatric and Public Health Nutrition DPGs work tirelessly every day to ensure that our nation’s children are eating nutritious foods to achieve the best possible start in life.

The following comments summarize the Academy’s overall position to the proposed rule changes, including specific feedback from members working in school nutrition, public health and pediatrics. We begin by discussing our shared concern about the overarching premise of the proposed changes – to reduce food waste – and offer alternative, evidence-based strategies to increasing consumption of healthy foods while reducing waste. We then explain our concern about continued changes to the nutrition standards coupled with lowered standards for school nutrition professionals. Lastly, we detail the pros and cons of each proposed rule change, indicate our support or opposition and offer suggestions for improvements that will help address program efficiencies and maintain strong nutrition standards.

### **A. Food Waste**

The Academy agrees that food waste is “one of the most pressing challenges of our time and one that is solvable.”<sup>2</sup> A recent report suggests that school food waste weighs an estimated 530,000 tons annually and costs \$1.7 billion.<sup>3</sup> Undoubtedly, this is an important and urgent issue to address. In the background document released by USDA to accompany this docket, food waste was listed as a reason for the proposed nutrition changes, as well as the rationale for the final December 2018 rule that allowed for fewer whole grains, low-fat, flavored milk and lowered sodium standards. However, according to USDA’s own School Nutrition Meal Cost Study, food waste has not increased since the implementation of the Healthy, Hunger-Free Kids Act (HHFKA); rather it has been a problem well before the meal pattern changes.<sup>4</sup> This rule change is misdirected and efforts to address school food waste should focus on proven strategies such as increased seat time, nutrition education and provider technical assistance, utilization of offer versus serve and innovative equipment use rather than further changing nutrition standards.<sup>5</sup>

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<sup>2</sup> Academy of Nutrition and Dietetics. “Academy Applauds New Legislation to Prevent Food Waste in Schools” January 2020. <https://www.eatrightpro.org/news-center/on-the-pulse-of-public-policy/from-the-hill/academy-applauds-new-legislation-to-prevent-food-waste-in-schools>. Accessed on February 16, 2020.

<sup>3</sup>World Wildlife Fund. Food Waste Warriors: A Deep Dive into food waste in US Foods. [https://c402277.ssl.cf1.rackcdn.com/publications/1271/files/original/FoodWasteWarriorR\\_CS\\_121819.pdf?1576689275](https://c402277.ssl.cf1.rackcdn.com/publications/1271/files/original/FoodWasteWarriorR_CS_121819.pdf?1576689275). Accessed on February 16, 2020.

<sup>4</sup> U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, School Nutrition and Meal Cost Study, Final Report Volume 4: Student Participation, Satisfaction, Plate Waste, and Dietary Intakes by Mary Kay Fox, Elizabeth Gearan, Charlotte Cabili, Dallas Dotter, Katherine Niland, Liana Washburn, Nora Paxton, Lauren Olsho, Lindsay LeClair, and Vinh Tran. Project Officer: John Endahl. Alexandria, VA: April 2019.

<sup>5</sup> World Wildlife Fund. Food Waste Warriors: A Deep Dive into food waste in US Foods. [https://c402277.ssl.cf1.rackcdn.com/publications/1271/files/original/FoodWasteWarriorR\\_CS\\_121819.pdf?1576689275](https://c402277.ssl.cf1.rackcdn.com/publications/1271/files/original/FoodWasteWarriorR_CS_121819.pdf?1576689275). Accessed on February 16, 2020.

### *Increased Seat Time*

Allowing proper seat time for students reduces food waste. Studies show that students need at least twenty minutes in their seats to eat lunch.<sup>6</sup> According to the Centers for Disease Control and Prevention,<sup>7</sup> schools should allow for 30-minute lunch periods to account for time to stand in line and acquire a meal, as well as schedule lunch after recess. School nutrition programs can train staff to efficiently move children through the meal line, offer kiosks and grab-n-go style service throughout the school building, prepare fruits and vegetables that are easier to consume, and most importantly take advantage of universal school meal options like the Community Eligible Provision to help reduce waste.<sup>8</sup> The Academy calls for the USDA, CDC and the Department of Education to work together to promote and incentivize best practices around seat time.

### *Nutrition Education for Students*

As stated in a joint position paper between the Academy of Nutrition and Dietetics, the School Nutrition Association, and the Society of Nutrition Education and Behavior:

“Nutrition education is a crucial component of comprehensive school nutrition programs. It contributes to healthful eating in and out of school and to a reduced risk of childhood obesity. Nutrition education is defined as all of the educational activities that engage students, not only through direct classroom education but also through other venues throughout the school campus during the school day that are designed to motivate students and facilitate adoption of healthful food choices accompanied by a supportive school environment. The literature shows that simply knowing what to eat is not enough to change behavior.”<sup>9</sup>

Programs that employ experiential learning and use the cafeteria as a classroom help promote healthy eating habits and reduce food waste.

“Nutrition education involves indirect methods such as posters or displays in cafeterias, classrooms, or hallways. These nutrition education activities should be more closely linked with participatory activities such as nutrition promotions, food demonstrations and taste testing in the cafeteria, school gardening, culinary education, and farm-to-school activities. In addition, it is important to engage families through school-sponsored family wellness activities, newsletters, workshops, or website postings to help families reinforce the nutrition education messages at home. Direct and indirect nutrition education needs to be integrated with high quality food provided to children through school meals, healthful food

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<sup>6</sup> SDSU Extension. “Food Waste in School and Strategies to Reduce it.” <https://extension.sdstate.edu/food-waste-schools-and-strategies-reduce-it>. Accessed on February 16, 2020.

<sup>7</sup> Centers for Disease Control and Prevention. “Making Time for School Lunch.” [https://www.cdc.gov/healthyschools/nutrition/school\\_lunch.htm](https://www.cdc.gov/healthyschools/nutrition/school_lunch.htm). Accessed on February 16, 2020.

<sup>8</sup> Ibid

<sup>9</sup> Position of the Academy of Nutrition and Dietetics, Society for Nutrition Education and Behavior, and School Nutrition Association: Comprehensive Nutrition Programs and Services in Schools. *Journal Academy of Nutrition and Dietetics*. 2018;118(5):913-919. (internal citations omitted)

choices available throughout the school campus, well-implemented wellness policies, other food and nutrition related activities in the school, and reinforcement in the home and community to have lasting impact. The USDA’s Team Nutrition as well as other effective initiatives can provide frameworks for coordinated efforts by school foodservice personnel, teachers, parents, and other community members to work together to accomplish the goal of healthy children in healthful environments.

Nutrition promotion can enhance participation in school meal programs and decrease food waste by using tools and strategies to make the healthful foods more attractive and convenient and help children develop a respect for food, including appreciation of the farmers who grow it and those who prepare and serve it. Adequate funding and technical assistance can help schools use innovative strategies to create a health-promoting school.”<sup>10</sup>

### *Technical Assistance*

In addition to nutrition education, a real investment in technical assistance for school nutrition professionals is imperative to not only help them meet and exceed nutrition standards but to prepare, present and serve the food in a way that promotes consumption and will reduce waste. Simple strategies such as the introduction of spices and placing food items at certain points on the service line can help promote healthy food choices. Feedback from the School Nutrition and Meal Cost Study found that operators experience significant challenges in training staff, reaffirming the position that the National School Lunch Program requires an investment in critical support to make a lasting change.<sup>11</sup> The solution is not to roll back effective initiatives when there are some reports of challenges, but to double down and provide the assistance necessary to support efforts that have been proven to significantly improve the nutrition quality of food offered to children at school.<sup>12</sup>

### *Full Utilization of Offer versus. Serve (OVS)*

Offer versus serve is an effective tool available to school nutrition professionals to manage costs and reduce waste. “The goal of OVS is to reduce food waste while allowing students to choose the foods they want to eat. When students and cafeteria staff understand OVS, breakfast lines move smoothly, allowing students to make the most of mealtime and enjoy the wholesome and appealing foods they are served. It also helps reduce overall food costs.”<sup>13</sup> Currently, OVS is mandated only for high school students. With proper guidelines and education, schools can use

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<sup>10</sup> Ibid

<sup>11</sup> U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, School Nutrition and Meal Cost Study, Final Report Volume 1: School Meal Program Operations and School Nutrition Environments by Mary Kay Fox, Elizabeth Gearan, Charlotte Cabili, Dallas Dotter, Katherine Niland, Liana Washburn, Nora Paxton, Lauren Olsho, Lindsay LeClair, and Vinh Tran. Project Officer: John Endahl. Alexandria, VA: April 2019

<sup>12</sup> Ibid

<sup>13</sup> USDA. Offer vs. Serve Tip Sheet. <https://fns-prod.azureedge.net/sites/default/files/resource-files/OVS%20Breakfast%20tip%20sheet.pdf>. Accessed on February 16, 2020.

OVS in elementary and middle schools, achieve reimbursement requirements,<sup>14</sup> and maintain strong nutrition standards.

### *Need for Equipment and Infrastructure Investment*

Schools are responsible for providing high-quality meals that are both appealing to students while meeting all federal regulations and evidence-based nutrition standards.<sup>15</sup> A challenge for child nutrition in schools is outdated infrastructure. The Academy applauds that since 2009, USDA has provided more than \$160 million in kitchen equipment funding to states and schools who abide by the nutrition standards promoting nutritious meals with whole grains, fruits, vegetables, lean protein and low-fat dairy. Grants are provided by the USDA and appropriated annually through Congress.<sup>16</sup> While there have been positive effects of these USDA grants, three out of five school districts still report needing new equipment.<sup>17</sup> In a study released by the World Wildlife Fund, schools report using equipment to mitigate food waste, including the purchase of bulk milk machines, which has promising results in some school districts to increase milk consumption and reduce waste.<sup>18</sup> An investment in school kitchen equipment is an investment in healthy children and the future of America's health.

### **B. Professional Standards**

The Academy supports efforts to align school nutrition standards with the most up-to-date Dietary Guidelines for Americans and understands that changing dietary behaviors and supporting consumption of healthy foods entails much more than merely establishing strong nutrition standards. Today, you can walk into any district in the country and see vast differences between school nutrition programs, all of which are meeting the current meal pattern standards. A successful school nutrition program that offers healthy meals, encourages student participation, connects to local farmers, provides nutrition education and experiential learning, and is financially viable is the result of hard-working, well-equipped, and well-trained school nutrition professionals. Strong nutrition standards and strong professional standards for district leadership help set the stage for student success. That is why the Academy is particularly concerned about another set of changes to the nutrition standards, coupled with the February 2019 rule issued by USDA that weakened hiring standards in small school districts. In a statement issued by the then President of the Academy of Nutrition and Dietetics Mary Russell said:

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<sup>14</sup> World Wildlife Fund. Food Waste Warriors: A Deep Dive into food waste in US Foods. [https://c402277.ssl.cf1.rackcdn.com/publications/1271/files/original/FoodWasteWarriorR\\_CS\\_121819.pdf?1576689275](https://c402277.ssl.cf1.rackcdn.com/publications/1271/files/original/FoodWasteWarriorR_CS_121819.pdf?1576689275). Accessed on February 16, 2020.

<sup>15</sup> Position of the Academy of Nutrition and Dietetics, Society for Nutrition Education and Behavior, and School Nutrition Association: Comprehensive Nutrition Programs and Services in Schools. *Journal Academy of Nutrition and Dietetics*. 2018;118(5):913-919.

<sup>16</sup> Ibid

<sup>17</sup> USDA operations study. <https://fns-prod.azureedge.net/sites/default/files/resource-files/CNOPS-II-SY%202015-16.pdf>. Accessed on February 20, 2020.

<sup>18</sup> World Wildlife Fund. Food Waste Warriors: A Deep Dive into food waste in US Foods. [https://c402277.ssl.cf1.rackcdn.com/publications/1271/files/original/FoodWasteWarriorR\\_CS\\_121819.pdf?1576689275](https://c402277.ssl.cf1.rackcdn.com/publications/1271/files/original/FoodWasteWarriorR_CS_121819.pdf?1576689275). Accessed on February 16, 2020.

“The Academy is troubled by the collective impact the USDA’s action will have on children, especially since the diets of too many children continue to fall far short of recommendations for good health.”<sup>19</sup>

The Academy urges USDA to think about the collective impact of these continued proposed changes to the integrity of the program and quality of meals available to students. The Academy also suggests that USDA provide additional training and support for school nutrition professionals enabling them to operate programs that meet and exceed expectations rather than promulgating rules that weaken nutrition standards.

### C. Proposed Changes to Simplify Monitoring

#### 1. Establish Five-Year Administrative Review Cycle and Targeted, Follow-Up Reviews of High-Risk School Food Authorities

**The Academy supports the establishment of a five-year administrative review.** Policies and practices that will foster a collaborative relationship between state agencies and school food authorities (SFAs) is important. Members across the country report that state agencies are over extended. Moving to a five-year annual review process should allow the time for state agency employees to provide specific and targeted technical assistance to SFAs that are struggling rather than reviewing well-established programs. In order for this proposed rule change to be implemented as intended, it will be critical to closely examine how USDA defines ‘high risk’ SFAs. While reviewing this definition, the Academy recommends that the following be considered:

- Any program that has a new director should have an annual review within the first three years of the new director’s start date, regardless of that district’s current annual review cycle;
- Determine the number of ‘significant’ findings from previous annual reviews that would trigger a high-risk designation;
- Define which findings would qualify as ‘significant’; and
- Determine a specific amount of required technical assistance to ensure that the time ‘freed up’ from this rule change will result in additional support for high-risk programs rather than be redirected to another priority area.

#### 2. Consistency in Fiscal Action

**The Academy could support the proposed rule change to create consistency in required fiscal action if a ‘must take-action’ threshold was established.** Establishing policies and practices that will foster a collaborative relationship between state agencies and SFAs is important. SFAs should look to state entities as partners to deliver healthy meals to children while maintaining program integrity. To that end, a proposed rule change that would increase flexibility and allow a state the flexibility to decide the best course of action when addressing a meal pattern violation would allow for opportunities to provide helpful technical assistance when an innocent mistake has been made. However, we caution that this could become a slippery slope and suggest that a definitive ‘must

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<sup>19</sup> Academy of Nutrition and Dietetics. “Academy Opposes USDA Rollback of Professional Standards for School Nutrition.” February 2019. <https://www.eatrightpro.org/media/press-releases/public-policy/usda-rollback-school>. Accessed February 29, 2020.

take-action' threshold be established. There must be a real perceived threat of a consequence when there are repeated violations. It is important to maintain the integrity of the nutrition standards.

### 3. Additional Proposals to Simplify Monitoring

In regards to the Buy American, Incentives, Third Party Audits, Breakfast On-Site Review, and the Resource Management Process proposed rule changes, **the Academy agrees that these small administrative and monitoring changes could help make the program less complex and difficult to administer and are worth implementing as long as these provisions do not jeopardize the nutritional integrity of the program.**

#### D. Proposed Changes to Simplify Meal Service

##### 1. Facilitate the Service of Vegetable Subgroups in the NSLP

- i. Allow all five subgroups in the same minimum weekly amount for all age/grade groups

**The Academy opposes this proposed change as written.** The Academy supports efforts towards alignment with the Dietary Guidelines for Americans (DGAs)<sup>20</sup>, which includes specific recommendations for vegetable subgroups: dark green, red/orange, legumes, starchy and other. The DGAs cite that a healthy eating pattern includes a variety of vegetables from all five groups. The current vegetable standard within the NSLP mirrors this recommendation. Although the Academy appreciates the efforts to make the administration of the program less burdensome, our recommendations must always result in what is best for the health of students. The Academy is concerned that without clear and prescriptive vegetable standards and properly skilled menu planners, the effort to standardize the minimum servings category could potentially increase the amount of starchy vegetables served and reduce the variety of vegetables offered to students. Although this would not always be the case, it does open the door to this possibility. To minimize the burden of administration and offer a variety of vegetables, the Academy would insist that, at the very least, this proposed rule must put a limit on the number of offerings of starchy vegetables.

- ii. Allow legumes offered as a meat alternate to count toward weekly legume vegetable requirement

**The Academy supports this change as it aligns with the DGAs' recommendation of increasing legume consumption.**<sup>21</sup> According to the USDA School Nutrition and Meal Cost Study<sup>22</sup>, program operators have challenges meeting the legume subgroup requirement. Often the legume serving is offered as a meat alternate (and in combination with another vegetable

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<sup>20</sup> Academy of Nutrition and Dietetics. "2019 Child Nutrition Reauthorization Priorities" June 2019.

<https://www.eatrightpro.org/-/media/eatrightpro-files/advocacy/legislation/academycnrrecommendations2019.pdf?la=en&hash=2ED58585C7C2565D281EC45C272759F11B8E230F> Accessed on February 29, 2020.

<sup>21</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015 – 2020 Dietary Guidelines for Americans. 8th Edition

<sup>22</sup> U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, School Nutrition and Meal Cost Study, Final Report Volume 2: Nutritional Characteristics of School Meals by Mary Kay Fox, Elizabeth Gearan, Charlotte Cabili, Dallas Dotter, Katherine Niland, Liana Washburn, Nora Paxton, Lauren Olsho, Lindsay LeClair, and Vinh Tran. Project Officer: John Endahl. Alexandria, VA: April 2019.

subgroup) and is not allowed to count towards the vegetable legume subgroup requirement. By allowing this flexibility children will still be exposed to legumes and menu planners may be encouraged to offer as a meat alternate more often knowing it will also be counted as the weekly vegetable legume subgroup requirement.

- iii. Allowing vegetable flour-based pasta to credit as a vegetable without requiring an additional vegetable

**The Academy does not support allowing vegetable flour-based pasta to credit as a vegetable without requiring an additional vegetable to be served alongside.** This change wouldn't align with the newly proposed legume requirement and could create more confusion for school nutrition staff.

## 2. Add Flexibility to Established Age/Grade Group

**The Academy supports allowing schools with certain grade configurations (e.g., 7-9) that are only slightly misaligned with meal pattern grade groups (e.g., 6-8, 9-12) to use the same meal pattern to all students, given the closeness of the age ranges.** While the Academy appreciates the intention of allowing K-12 or similarly configured schools to use the same one or two meal patterns for all students, we are concerned that creating meal patterns intended to cover such a broad age range could be problematic resulting in scenarios of potential over or under feeding of students.

## 3. Increase Flexibility to Offer Meats/Meat Alternates at Breakfast

**The Academy supports the increased flexibility to offer meats/meat alternates at breakfast.** Current rules require schools to offer a grain with every breakfast, but without a cap on sugar and the changes to the whole-grain rich requirement, healthy breakfast options are limited. With constrained budgets, many SFAs cannot afford to offer protein rich foods in addition to the required grain. Academy members working in schools indicate that the change in this proposed rule could allow for more affordable, protein-rich options, such as vegetable omelets, and current weekly fat and sodium restrictions would limit the amount of processed meat items.

## 4. Flexibility in School Breakfast Program Fruit

**The Academy does not support this proposed change that, as written, would decrease the amount of fruit offered to children.** A report using National Health and Nutrition Examination Survey (NHANES) data from 2007 to 2012 confirmed that children and adolescents participating in the NSLP and School Breakfast Program (SBP) obtained 58 percent of their total fruit intake, 41 percent of their total vegetables, 52.4 percent of their total grains and 70 percent of their total milk or milk products per day from school meals.<sup>23</sup> Decreasing the amount of fruit offered at breakfast would negatively impact children's overall access to fruit.

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<sup>23</sup> Position of the Academy of Nutrition and Dietetics: Child and Adolescent Federally Funded Nutrition Assistance Programs. *J Acad Nutr Diet.* 2018;118(8):1490-1497.

Currently, all schools may choose to use the OVS provision, including schools that serve breakfast outside of the cafeteria and therefore already have an effective tool available to mitigate food waste while keeping a one cup offering available to children. There is no need to enact this rule. If this rule is enacted, it must include a requirement that the half-cup serving of fruit come from whole fruit and not juice.

5. Expand Potable Water Requirement to Include Calorie-Free, Noncarbonated Naturally Flavored Water

**The Academy supports allowing schools to sell calorie-free, “naturally flavored” waters in portions up to 20 ounces, to students in all age/grade groups.** This proposed change may support greater water consumption. The Academy cautions USDA that allowing a greater variety of flavored waters could result in heightened stigma and raises equity concerns that regular tap water at the drinking fountain is not as desirable and relegated to only students who do not have the means to purchase flavored water. It is important to note that many schools do not have safe drinking water and need to improve basic water access.<sup>24</sup> USDA should provide additional guidance, particularly with an eye to maintaining equitable access to safe and appealing drinking water for students.

Allowing potable water to be naturally flavored with fruit or vegetables may also increase consumption of water. The fruit or vegetables used to flavor the potable water must not count toward the fruit or vegetable requirements in the meal pattern.

## **E. Proposed Changes to Simplify Competitive Foods**

1. Extend the Entrée Exemption Timeframe

**The Academy opposes extending the entrée exemption timeframe from one to two days post service.** In the background and rationale for this proposed rule it states, “Program operators are also concerned about food waste. Local program operators appreciated the current flexibility and suggested that exempting SBP and NSLP entrées from competitive food standards for an additional school day would further reduce waste by allowing additional time to sell leftovers.” However, according to the school nutrition industry leading experts, “Over production of food is common, particularly in schools that offer choices. The answer to this problem is not discontinuing food choices but instead cooking just-in-time and using the production records for better forecasting. It is important for the menu planner to check the numbers served on previous menus before ordering. Over production results in leftovers, which often become food waste. Some leftovers can be frozen or served the next day.”<sup>25</sup> School nutrition directors report that it is the result of poor forecasting and planning to have leftovers two days after service. Instead of encouraging poor operational practices that result in overproduction, it would be more effective to invest in additional technical assistance for meal planning and procurement.

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<sup>24</sup> Patel AI, Hecht CE, Cradock A, et al. Drinking Water in the United States: Implications of Water Safety, Access and Consumption. *Am J Public Health.* 2017;107:1354-56.

<sup>25</sup> Pannell-Marten, Dorothy. School Food and Nutrition Service Management. Aiken, South Carolina, Bookmaster, 2014.

The HHFKA required the USDA to develop standards for all foods and beverages that are served during the school day to students, including those served in the à la carte line. School nutrition industry partners have done an excellent job creating a la carte entrée items that meet the Smart Snack nutrition standards, including some of the most popular school meal items such as pizza and hamburgers. Keeping in mind that these standards were developed with the best interests of children in mind, USDA should stay the course and leave the standards alone and encourage school nutrition directors to purchase entrée items that meet the Smart Snack benchmarks in order to standardize their procurement and meal quality.

Moreover, school nutrition and public health advocates can agree that the goal is to encourage children to participate in the reimbursable meal programs where they are offered varied and well-balanced meals. Schools do not always need to rely on à la carte sales to stay financially viable; in fact removing à la carte foods has been shown to increase NSLP participation, replacing those à la carte foods with a complete nutritionally balanced school lunch.<sup>26</sup> Long and colleagues demonstrated the positive impact Connecticut legislative incentives provided for schools eliminating unhealthy competitive foods, resulting in increased school lunch participation.<sup>27</sup>

## F. Specific Public Input Requested

### 1. Substituting Vegetables for Fruits in the SBP

Like our position on standardizing vegetable subgroups, **the Academy opposes the substitution of vegetables for fruits in the SBP**. The Academy appreciates efforts to allow for a variety of vegetables to be served at breakfast, however, this position could lead to a reduction in fruit offerings and an excessive offering of starchy vegetables. In order to align with the dietary guidelines, a variety of fruits and vegetables should be encouraged while providing flexibility for school districts. In doing what is best for kids, a starchy vegetable limit must be included if this rule were to be enacted.

### 2. Definition of Entrée and Expanding Entrée Exemption to All SBP/NSLP Foods

**The Academy opposes any actions that would further reduce access to whole-grain rich entrees and undermine the Smart Snack nutrition standards.** The DGAs recommend that at least half of grains should be whole.<sup>28</sup> Eating more whole grains is associated with reduced risk of heart disease, stroke, and diabetes; they provide more nutrients and are a healthful source of fiber.<sup>29</sup> If the whole grain-rich requirement is removed for entrées offered à la carte, it would

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<sup>26</sup> Bhatia R, Jones P, Reicker Z. Competitive foods, discrimination, and participation in the National School Lunch Program. *Am J Public Health*. 2011;101(8): 1380-1386.

<sup>27</sup> Long M, Luedicke J, Dorsey M, Fiore S, Henderson K. Impact of Connecticut legislation incentivizing elimination of unhealthy competitive foods on National School Lunch Program participation. *J Public Health*. 2013;103(7):59-66.

<sup>28</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015 – 2020 Dietary Guidelines for Americans. 8th Edition

<sup>29</sup> U.S. Department of Agriculture. *Why is it Important to Eat Grains, Especially Whole Grains?* <https://www.choosemyplate.gov/eathealthy/grains/grains-nutrients-health>. Published June 2015. Accessed February 2020.

be possible that children who purchase à la carte entrées daily would never get whole grains at school.

Schools are already offering whole grain-rich entrées regularly, so it should not be a challenge for them to maintain their à la carte entrées as whole-grain rich. According to USDA's *School Nutrition and Meal Cost Study*, whole grain-rich versions of all types of combination entrées were offered in all grade configurations more frequently on daily lunch menus than non-whole-grain-rich versions except for mixtures with meats/meat alternates and vegetables, such as pasta with broccoli.<sup>30</sup> Allowing non-whole grain rich entrées to be sold à la carte would disincentivize schools from offering whole grain-rich entrées in the reimbursable meal.

Rather than moving school foods further from the clear recommendations in the Dietary Guidelines for whole grains, schools should provide whole-grain rich foods to support children's health and the development of healthy eating patterns. Successful strategies to encourage students to eat more whole grains include student surveys, sampling and taste testing new products and recipes, and peer-to-peer sharing of food preparation techniques between school food professionals.

### 3. Grain-Based Desserts

The current regulations prohibiting the crediting of grain-based desserts in the Child and Adult Care Food Programs (CACFP) have been successful. Program operators are serving healthier meals and snacks through CACFP. The 4.5 million children participating in CACFP have benefitted from the improvements in child care centers, homes and afterschool programs across the country. Rolling back the rule now would undermine the success of the healthier meal pattern, increasing empty calories, saturated fat and refined grains in CACFP meals and snacks.

Implementing an across-the-week allowance for grain-based desserts is likely to complicate program administration as well as harm child nutrition and health. CACFP program monitoring and auditing is done on a daily basis; this administrative approach determines a significant portion of the CACFP meal pattern design. As was made clear in the original rulemaking, any new requirement that counts across the week would create confusion for program operators and auditing difficulties. A two-ounce equivalent per week limit would allow grain-based desserts to be served to preschool children four times a week. (For children aged one to five the grain serving size is 0.5 of an ounce equivalent.)

Grain-based desserts are not a necessary dietary component; there are many other foods available that can be used to meet grain recommendations. The consumption of grain-based desserts (cakes, snack cakes, cookies, or pastries) is already widespread among young children: 27 percent of 12- to 17.9-month-olds and 36 percent of 18- to 23.9-month-olds consume sweet

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<sup>30</sup> U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, *School Nutrition and Meal Cost Study, Final Report Volume 2: Nutritional Characteristics of School Meals* by Mary Kay Fox, Elizabeth Gearan, Charlotte Cabili, Dallas Dotter, Katherine Niland, Liana Washburn, Nora Paxton, Lauren Olsho, Lindsay LeClair, and Vinh Tran. Project Officer: John Endahl. Alexandria, VA: April 2019.

bakery items on a typical day.<sup>31</sup> Grain-based desserts are one of the top sources of added sugars in the diets of children two to eight years of age.<sup>32</sup> Limiting grain-based dessert consumption in child care and after school programs is an effective and targeted approach for reducing consumption of added sugars, saturated fat, and refined grains.

As noted in the proposed rule, a majority of commenters supported excluding grain-based desserts in the previous 2015 proposed rule based on scientific evidence. The CACFP community did not 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 from birth to five as their taste preferences are being developed. It is best to stay the course and keep the current successful regulations prohibiting the crediting of grain-based desserts.

#### 4. Proposed Definition of State Licensed Health Care Professional

**The Academy appreciates efforts to reduce the burden on families to receive special meal accommodations when medically necessary.** In some cases, it may be challenging for families and students to access a licensed healthcare professional. Given that FNS “aims to ensure that meal pattern exceptions are based on bona fide medical reasons,” the Academy suggests that only health care professionals – including licensed dietitians – who are trained to identify and treat patients with disabilities resulting in the need for meal modifications, should be able to write a note to request meal modifications that do not meet the meal pattern requirements.

#### G. Conclusion

The Academy appreciates the opportunity to comment on FNS's proposed rule for: “Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs” and urges USDA to consider each of the proposed changes impact on the health of our nation's students. The current nutrition standards are working! We must address the growing problem of food waste but continued adjustments to the effective nutrition standards is not the solution. The Academy calls on Congress and USDA to adequately support school nutrition program infrastructure, employee training and technical assistance, student nutrition and food waste education and sufficient seat time.

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Sincerely,

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<sup>31</sup> Roess AA, Jacquier EF, Catellier DJ, et al. Food Consumption Patterns of Infants and Toddlers: Findings from the Feeding Infants and Toddlers Study (FITS) 2016. *J Nutr.* 2018;148:1525S-1535S.

<sup>32</sup> Reedy J and Krebs-Smith, SM. Dietary sources of energy, solid fats, and added sugars among children and adolescents in the United States. *J Am Diet Assoc.* 2010;110:1477-84.

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