

May 10, 2023

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Re: Docket No FNS-2022-0043, Child Nutrition Programs: Revisions to meal patterns consistent with the 2020 Dietary Guidelines for Americans

Dear Ms. Namian,

The Academy of Nutrition and Dietetics appreciates the opportunity to submit comments to the United States Department of Agriculture in response to its request for information and comments on the proposed rule, “Child Nutrition Programs: Revisions to meal patterns consistent with the 2020 Dietary Guidelines for Americans,” originally published in the Federal Register on February 7, 2023 (FNS-2022-0043). The Academy supports efforts to improve the nutrition quality of school meals and appreciates that USDA built in time for planning, phasing in the requirements, and offering training and technical assistance.

Representing more than 112,000 registered dietitian nutritionists¹, nutrition and dietetic technicians, registered, and advanced-degree nutritionists, the Academy is the largest association of food and nutrition professionals in the United States. We are committed to accelerating improvements in the nation’s health and well-being through food and nutrition. The Academy’s vision is “A world where all people thrive through the transformative power of food and nutrition.” Increasing access to healthful school meals for all children through changes proposed in this comment opportunity will help reduce and eliminate nutrition and health disparities while increasing nutrition security for the over 29 million school-age children receiving school lunches², and the 15 million children receiving school breakfasts³.

Academy members are in a unique position to respond to these proposed rule changes as credentialed nutrition professionals who implement child nutrition programs, working to serve healthful food every day in a complex and ever-changing environment. During the COVID-19 pandemic, Academy members were on the frontlines to ensure their communities had healthful, nutritious food during an uncertain time. Academy member-implementers working in school foodservice will be charged to carry through any proposed changes. Every Academy member participating in the development of this submission desires to improve the nutritional quality of meals and snacks served to children. The Academy respects

¹ The Academy has approved the optional use of the credential “registered dietitian nutritionist (RDN)” by “registered dietitians (RDs)” to more accurately convey who they are and what they do as the nation’s food and nutrition experts. The RD and RDN credentials have identical meanings and legal trademark definitions.

² U.S. Department of Agriculture. National School Lunch - Participation and Meals Served (as of February 10, 2023), accessed at <https://fns-prod.azureedge.us/sites/default/files/resource-files/slsummar-2.pdf>

³ U.S. Department of Agriculture. School Breakfast - Participation and Meals Served (as of February 10, 2023), accessed at <https://fns-prod.azureedge.us/sites/default/files/resource-files/sbsummar-2.pdf>.

and shares their valuable feedback: for any proposed changes to be successfully implemented, they must be realistic for the current environment and supported with resources, training, and technical assistance for school foodservice operators with nutrition education for students and their families.

Increased costs projected by USDA of between \$220 and \$274 million annually to implement the proposed changes are not insignificant. It is not specified in the proposal where these costs will be borne: covered by parents, school food authorities, federal rates of reimbursement approved by Congress, or a combination of all three revenue sources. The additional costs pose a barrier to implementation if revenue sources are not determined.

The Academy is committed to strengthening nutrition standards in accordance with the *Dietary Guidelines for Americans* and recommends additional time before moving forward with changes to nutrition standards. As the Public Health Emergency will expire on May 11, school food authorities will move from service under Transitional Standards to resume traditional school meal service as set forth in the Healthy Hunger Free Kids Act. While this change will move standards back to pre-COVID-19 pandemic standards, school kitchens across the country are still grappling with daily stressors impacting operations as the United States continues to navigate out of the pandemic. Challenges school kitchens face include weekly and daily food and dry goods product outages, staffing shortages, and food inflation, with many kitchens experiencing more than one of these challenges all at once.

The COVID-19 pandemic set in motion changes and disruptions in the food supply chains across the country and the entire globe. In 2022, the USDA issued Transitional Standards⁴, which provided flexibility to school food authorities (SFAs) through school year 2023-2024 as schools respond to and recover from the COVID-19 pandemic. While changes and disruptions are not as numerous as in the years 2019-2021, challenges remain. One-third of schools report at least one of these challenges in running meal programs: convincing parents to submit applications for free or reduced-price meals (34%); school food service staffing shortages (32%); and increased program costs (29%).⁵ Labor challenges exist across all food chain sectors – from growing food to serving it, in food product transportation and delivery, in food processing, in food preparation and clean-up.

As of October 2022, 55% of schools responding to surveys reported having experienced procurement challenges that appeared to be the result of supply chain disruptions during the 2022-23 school year. Schools have responded to supply chain issues in a variety of ways, such as: include reducing options available to staff and students through fewer menu items (48%); purchasing products that were alternatives to those originally intended (47%); and identifying alternate vendors for the same products (40%).⁶

The HHFKA resulted in positive outcomes due to the dedication of school foodservice personnel, students and parents, USDA guidance, teaching and training opportunities, advocates and advocacy organizations, food producers, food manufacturers, supported with resources. With time, attention and

⁴ U.S. Department of Agriculture. Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium. 87 FR 6984.

⁵ US Department of Education, Institute of Education Sciences, National Center for Education Statistics, December, 2022. Accessed at: https://nces.ed.gov/whatsnew/press_releases/12_6_2022.asp

⁶ US Department of Education, Institute of Education Sciences, National Center for Education Statistics, December, 2022. Accessed at: https://nces.ed.gov/whatsnew/press_releases/12_6_2022.asp

work, school meals are one of the healthiest sources of foods for school-age children – an especially significant point as some children receive up to half of their daily calories at school.⁷ Moreover, since the implementation of the HHFKA, researchers have not found significant disparities in the nutrition quality of school meals.⁸ Academy member-implementers urge the rest of society to dedicate resources and efforts to improving food items, environments, and systems for children and youth outside of the school environment. The Academy urges continued and increased nutrition education for school-aged children in all states and for USDA to consider working with the U.S. Department of Education to coordinate and integrate nutrition education.

Healthful school meals are important to help address the high rates of child overweight and obesity that were exacerbated by the COVID-19 pandemic.⁹ Healthful school meals can help reduce the risk of the development of chronic diseases such as type 2 diabetes.¹⁰ In addition, school meals can be a time for socialization, which can help students' emotional well-being, development, and behavior.¹¹ To obtain full benefits of the potential of school meals in support of the consumption of healthful foods and socialization time, **the Academy recommends that the Department include guidelines¹² for a minimum amount of 20 minutes of seat time to eat meals in future technical assistance or regulation promulgation.**

During the COVID-19 pandemic, the United States proved that we can serve healthful school meals to all students at no charge. Providing meals at no charge to all students can reduce or eliminate stigma associated with eligibility for free and/or reduced priced meals and provide many other benefits. The Academy joins many other groups, partners, parents and students across the nation aspiring to return to that status. The Academy applauds the efforts and dedication of advocates and policymakers in states who are finding a way to provide meals at no cost to students. **The Academy encourages the Department, the education system, organizations and advocates to continue to work toward the vision that students in every state will be able to access food at no charge as part of the school day.**

Whole Grains

The Academy recommends the following to increase whole grain consumption:

⁷ Liu J, Micha R, Li Y, Mozaffarian D. Trends in Food Sources and Diet Quality Among US Children and Adults, 2003–2018. *JAMA Netw Open*. 2021;4(4):e215262. Epub 20210401. doi: 10.1001/jamanetworkopen.2021.5262

⁸ Story M, Miller L, Lott M. The School Nutrition and Meal Cost Study-I: Overview of Findings Related to Improving Diet Quality, Weight, and Disparities in US Children and Policy Implications. *Nutrients*. 2021; 13(4):1357. <https://doi.org/10.3390/nu13041357>

⁹ Lange SJ, Kompaniyets L, Freedman DS, et al. Longitudinal Trends in Body Mass Index Before and During the COVID-19 Pandemic Among Persons Aged 2–19 Years — United States, 2018–2020. *MMWR Morb Mortal Wkly Rep* 2021;70:1278–1283. DOI: <http://dx.doi.org/10.15585/mmwr.mm7037a3>

¹⁰ National Academies of Sciences, Engineering, and Medicine. 2023. Addressing the Long-Term Effects of the COVID-19 Pandemic on Children and Families. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26809>. Accessed at <https://nap.nationalacademies.org/catalog/26809/addressing-the-long-term-effects-of-the-covid-19-pandemic-on-children-and-families>

¹¹ US Centers for Disease Control and Prevention. School Nutrition Policies and Practices Can Support the Social and Emotional Climate and Learning. Accessed at https://www.cdc.gov/healthyschools/nutrition/pdf/321123-A_FS_SchoolNutrition.pdf

¹² US Centers for Disease Control and Prevention. Making Time for School Lunch. Accessed at: https://www.cdc.gov/healthyschools/nutrition/pdf/310518-A_FS_SchoolLunchUpdate_508.pdf

- Provide nutrition education about the importance of choosing and eating whole grain foods that includes: taste tasting opportunities; student input in menu planning; and sharing information to parents and caregivers.
- School foodservice personnel along with USDA continue to work with industry to provide incentives for development and improvement of 100% whole grain-rich foods and the expansion of supply of products that help meet the standards.
- Provide ongoing and increased technical assistance and training to schools that includes mentoring from school district directors who are meeting nutrition standards.
- Maintain the current requirement that at least 80% of the weekly grains offered are whole grain-rich.
- Maintain the whole grain-rich requirement in the definition of an entrée under Smart Snacks to maintain consistency with the recommendations of the *Dietary Guidelines* to ensure students not choosing a full reimbursable meal, but purchasing entrees a la carte, are still receiving whole grains.

Whole grain consumption is associated with reduced risk of cardiovascular disease, type 2 diabetes, and other chronic illnesses.¹³ Yet, the majority of U.S. children ages 5 to 18 do not meet the recommended intake for whole grains and exceed the recommended limit for refined grains.¹⁴ It is important to keep working toward the recommendations in the *Dietary Guidelines for Americans*.

The 2020 *guidelines* recommend that at least half of grains consumed be whole.¹⁵ The current whole grain-rich criteria under the Transitional Standards for the National School Lunch and School Breakfast Program are: “Whole grain-rich foods are those that contain 100% whole grain or at least 50% whole grain meal and/or flour. Any remaining meal/flour must be enriched, bran, or germ.”¹⁶ Member-implementers note that some school districts already are very close to serving 100% whole grain-rich foods; it is recommended that these schools offer mentoring to others in how they are achieving the goal as part of ongoing and increased technical assistance.

There are differences in product availability in different regions; not all 100% or 80% whole grain-rich foods are available in all regions of the country. Even when there is access to ordering certain products in the smallest and most rural school districts, the excess costs of distribution of small product amounts to rural areas get added to product prices, putting some products out of reach due to budgetary constraints.

It is appreciated that two different options were presented for schools continuing to offer whole grain food products. Nearly three-quarters of the Academy’s member-implementers prefer the option to maintain the current requirement that at least 80% of the weekly grains offered are whole grain-rich. Rationale provided for support of this option included that this option would allow flexibility in the

¹³ Seal CJ, Brownlee IA (2015) Whole-grain foods and chronic disease: evidence from epidemiological and intervention studies. *Proc Nutr Soc.* 2015 Aug;74(3):313-9. <https://doi.org/10.1017/S0029665115002104>

¹⁴ U.S. Department of Health and Human Services and U.S. Department of Agriculture. *Dietary Guidelines for Americans*, 2020–2025. 9th Edition. December 2020

¹⁵ U.S. Department of Health and Human Services and U.S. Department of Agriculture. *Dietary Guidelines for Americans*, 2020–2025. 9th Edition. December 2020.

¹⁶ U.S. Department of Agriculture. Questions and Answers for Program Operators Updated to Support the Transitional Standards 1320 for Milk, Whole Grains, and Sodium Effective July 1, 2022. Accessed at <https://fns-prod.azureedge.us/sites/default/files/resource-files/SP05-2022os.pdf>

current unreliable food supply situation, and that achieving the current standard of 80% whole-grain rich is challenging enough to achieve and retain student meal participation. One member added, “Due to supply chain issues, planning for 100% whole grain but meeting 80% whole grain is the most realistic because of the out-of-stock substitutions that need to occur.” Other members note that allowing 20% of grains as enriched allows the flexibility to include regional or cultural enriched grain favorites like biscuits, grits, and tortillas. Additional flexibility is needed to honor cultural food choices, such as sushi.

Most schools offer more than one menu option with multiple serving lines and multiple menu choices each day; offering enriched grains one day a week, as it described in the second option, would most likely result in schools having to carry both whole grain and enriched grain versions of the same foods. Academy members shared that consistent messages sent through menu offerings with whole grain-rich foods offered and consumed daily illustrate consistent messages.

Reducing Sodium – Overall Levels

The Academy acknowledges the importance of reducing salt/sodium for improving health and preventing chronic illnesses and urges a societal shift in the amount of salt/sodium available in the food supply. **To further reduce sodium in school meals, the Academy recommends:**

- An “all of government” approach to reducing sodium including the U.S. Food and Drug Administration’s voluntary targets for reducing sodium.
- The food industry must continue to work to decrease the amount of sodium in all foods sold to all people, including children, in retail and foodservice markets.
- School foodservice personnel along with the USDA continue to work with industry to provide incentives for and feedback on development and improvement of foods with lower sodium levels.
- USDA continue to provide resources, support and technical assistance and training for school foodservice operators to reduce sodium to include student participation in taste-testing and meal planning.
- Provide nutrition education about the importance of choosing and eating foods lower in salt that includes taste tasting opportunities, student input in menu planning, and sharing information to parents and caregivers.
- Consider 10% sodium reductions for both breakfast and lunch for 2026 and 2028, then assess compliance, costs, palatability and program participation prior to 2030 to determine further reductions.

It has been shown that excess sodium consumption puts children at increased risk of developing elevated blood pressure at an early age. Children with high sodium diets are approximately 36% more likely to have elevated blood pressure than children with lower sodium diets.¹⁷ Approximately one in seven youth between the ages of 12-19 years already have elevated blood pressure or hypertension.¹⁸

¹⁷ Rosner, et al. Childhood blood pressure trends and risk factors for high blood pressure: The NHANES experience 1998-2008. *Hypertension* 2013; 62:247-254.

¹⁸ Jackson SL, et al. Hypertension Among Youths — United States, 2001–2016. *MMWR Morb Mortal Wkly Rep* 2018;67:758–762. DOI: <http://dx.doi.org/10.15585/mmwr.mm6727a2>

The *Dietary Guidelines for Americans* recommend that children ages 4-8 years limit sodium intake to <1,500 mg a day, <1,800 mg for children ages 9-13, and <2,300 mg for children ages 14-18. These limits are based on the 2019 National Academies of Sciences, Engineering, and Medicine (NASEM) Dietary Reference Intake report for sodium, which found that exceeding these limits, known as Chronic Disease Risk Reduction Intakes, “increase the risk of chronic disease in the population.” Unfortunately, 9 of 10 children consume sodium at levels far above the recommended limits. According to the NASEM report, children 4-8 years consume, on average, between 2,525mg-2,785 mg of sodium per day. Those numbers increase to 3,030 mg-3,451 mg for children 9-13 years and 2,875 mg-3,888 mg for children 14-18 years – all substantially higher than the CDRR amount.¹⁹ It is important to keep working toward the recommendations in the *Dietary Guidelines for Americans*.

The HHFKA has resulted in positive outcomes in the reduction of sodium in schools. A March 2023 analysis of dietary quality in the United States from the USDA Economic Research Service found that the amount of sodium in foods served in schools has declined significantly since 2012 to 1,343 mg in 2017–2018. School meals have become the least sodium-dense among food sources analyzed.²⁰

The rule proposes a multi-year approach including two sodium reduction steps for breakfasts (10% each in Fall 2025 and Fall 2027) and three sodium reduction steps for lunch (10% each in Fall 2025, Fall 2027, and Fall 2029). Academy member-implementers express concerns about the proposed sodium reductions: due to staff shortages, many foods/menu items served in schools are processed by the food industry to heat and serve, and that proposed timelines will be a challenge for the food manufacturers to meet.

Member-implementers express concern at being able to maintain participation in school nutrition programs when sodium levels in school food products are noticeably different than those consumed outside schools. There are ubiquitous high amounts of salt/sodium in the foods consumed by children outside of school, and further sodium reductions will increase the differences in flavor between foods outside of school and those served in schools. Sodium reductions need to also occur in foods prepared and consumed outside of schools. Member-implementers also expressed concerns about phased reductions that could lead to a variety of formulations of food products needed to meet various levels of sodium.

Member-implementers encourage consideration of the role of sodium in foods to provide structure and inhibition of microbial growth, in addition to flavor. Members expressed concern that they have no control over sodium levels in foods including bread and milk that are daily required components in meal patterns. With high baseline sodium amounts in these foods, it is very difficult to reduce overall sodium amounts in meals.

The Academy encourages the Department to continue to provide resources, support and technical assistance to school districts for more scratch cooking including recipes with lower sodium levels that provide flavor with herbs, spices and aromatic foods, such as citrus. The Academy continues to advocate

¹⁹ National Academies of Sciences, Engineering, and Medicine 2019. Dietary Reference Intakes for Sodium and Potassium. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25353>.

²⁰ Lin BH, Guthrie J, and Smith, T. Dietary Quality by Food Source and Demographics in the United States, 1977–2018. USDA Economic Research Service Bulletin 249. March 2023. Accessed at: <https://www.ers.usda.gov/webdocs/publications/105956/eib-249.pdf?v=3266.4>

for additional funding through congressional appropriations for foodservice equipment grants and loans to enable more scratch cooking. Along with additional foodservice equipment, member-implementers stress that adequate labor compensated with adequate wages is also necessary to implement healthier food preparation in schools.

Reducing Added Sugars

There are health consequences to the large amounts of sugar in the food supply, and the amount of sugar served to children through school meals programs needs to be reduced. **To further decrease the amount of sugar served to children through school meals programs, the Academy recommends:**

- The food industry must work to decrease the amount of sugar in all foods sold to all people, including and especially children, in retail and foodservice markets.
- USDA and school foodservice personnel should continue to work with industry to provide feedback on and incentives for development and improvement of foods and beverages with lower sugar levels, including student participation in taste-testing and meal planning.
- USDA and school personnel should provide additional nutrition education about the importance of choosing and eating foods lower in sugar that includes taste tasting opportunities, student input in menu planning, and sharing information to parents and caregivers.
- USDA should continue to provide resources, support and technical assistance and training for school foodservice operators to reduce added sugars, including developing recipes with lower sugar content.
- USDA should update software requirements for nutrient analysis program vendors.
- USDA should clarify the definition of and criteria used to define “grain-based desserts.”
- Establish an overall limit on added sugars served to children in school meals over the course of a week.

There is extensive research directly linking the consumption of added sugars to many health issues, including cardiometabolic diseases such as type 2 diabetes, increased weight gain/adiposity, certain cancers, and dental caries.²¹ Leading sources of added sugar consumed by schoolchildren are flavored milk, cake, sweetened cereals, and condiments.²² It is important to keep working toward the recommendations in the *Dietary Guidelines for Americans*.

Some Academy member-implementers are concerned that manufacturers will try to replace sugar with sugar substitutes and sugar alcohols, which may result in unintended consequences. The US Food and Drug Administration has concluded that six high-intensity sweeteners approved by FDA are safe for the general population under certain conditions of use.²³ Research has linked excessive added sugar

²¹ Prada M et al. Perceived Associations between Excessive Sugar Intake and Health Conditions. *Nutrients*. 2022; 14(3):640. Accessed at: <https://doi.org/10.3390/nu14030640>

²² Forrestal S, Potamites E, Guthrie J, Paxton N. Associations among Food Security, School Meal Participation, and Students' Diet Quality in the First School Nutrition and Meal Cost Study. *Nutrients*. 2021;13(2):307. doi:10.3390/nu13020307

²³ US Food and Drug Administration. High-Intensity Sweeteners. 2014. Accessed at <https://www.fda.gov/food/food-additives-petitions/high-intensity-sweeteners>

consumption to the detriment of child cognition.²⁴ However, in limited short and long-term studies that have occurred in mammals, it has been shown that the use of non-nutritive sweeteners (NNS) may negatively impact the gut microbiome and metabolism and can lead to a stronger preference for sweetness.²⁵ There has not been research conducted on the long-term effects of NNS on children, a period of critical development. Until more data is available, it is prudent that school meals minimize the use of added sugars without substituting NNS.

The rule, through a phased approach, proposes limiting added sugars in certain products beginning in Fall 2025, targeting the most common sources: breakfast cereals; flavored milks; grain-based desserts; and yogurt. Then, in Fall 2027, the rule proposes limiting overall added sugars across the weekly menu to less than 10% of calories per meal, on average, to better align meals with the *Dietary Guidelines*.

The majority of Academy member-implementers do not agree that the proposed implementation timeframes provide adequate lead time for food manufacturers and schools to successfully implement the new added sugars standards.

Academy member-implementers express concerns that limiting amounts of added sugars in cereal products will limit the options of cereals available to serve, leading to monotonous weekly menu options and a risk of declining participation in school breakfast programs.

Monitoring total added sugars in meals served over the course of a week may help to reduce the time and effort that might be spent to categorize foods based on added sugar content, allowing for broad efforts on sugar reduction in many types of foods. The Academy believes the foundation of a healthful lifestyle is a pattern of eating nutrient-rich foods in appropriate portion sizes, combined with regular physical activity.²⁶

Academy member-implementers seek clarification in “grain-based desserts” (GBD). Member-implementers ask that the Department clarify criteria used and the decision-making process used to define GBD. During the listening sessions the Academy held to gather feedback from members for the preparation of these comments, it was pointed out that muffins are not considered GBD, but they may be very high in sugar. Another member shared an example of Texas-style toast, typically served in lunch meals, that contains more sugar than honey buns, which might be served as dessert or at breakfast. It was observed that manufacturers may create and name products in a way so that they are not counted as GBD.

In addition to product changes, software programs that are used for nutrient analysis will also need to be changed. At present, nutrient analysis software programs do not allow differentiation between added and naturally occurring sugars. Neither does the Smart Snacks Calculator differentiate between these sugar sources. The Department will need to change the software requirements for nutrient analysis program vendors, as was done after the release of the most recent version of the *Dietary Guidelines*, to be able to account for added sugars in addition to total sugars.

²⁴ Cohen JFW et al. Associations of Prenatal and Child Sugar Intake With Child Cognition. *Am J Prev Med*. 2018;54(6):727-735. doi:10.1016/j.amepre.2018.02.020

²⁵ Richardson IL, Frese SA. Non-nutritive sweeteners and their impacts on the gut microbiome and host physiology. *Front Nutr*. 2022 Aug 25;9:988144. doi: 10.3389/fnut.2022.988144. Accessed at:

²⁶ Academy of Nutrition and Dietetics Policy Initiatives and Advocacy Office. Healthful Eating Stance. April 2020.

The Academy continues to advocate for additional funding for foodservice equipment grants and loans to enable the preparation of foods made from scratch with lower sugar content. Along with additional foodservice equipment, member-implementers stress that adequate labor compensated with adequate wages is also necessary to implement healthier food preparation in schools.

Flavored Milks and Sugar Content

The Academy recommends that the Department continue with “Option B” to offer fat-free and low-fat milk, flavored and unflavored, at school lunch and breakfast. Nearly three-quarters of Academy member-implementers who provided input to these comments were in favor of this option. Still other Academy members support eliminating flavored milks in school programs.

The Academy supports the recent commitment of milk processors to provide school milk options with no more than 10 grams of added sugar per 8-fluid-ounce serving. Academy members expressed concerns that eliminating flavored milk options will lead to a decline in milk consumption and intake of the nutrients that are contained in milk. Members point out that each school foodservice authority can choose to discontinue serving flavored milk to be responsive to the parents and families in their districts.

Professional Standards, School Nutrition Directors

In the context of the current environment, the Academy recognizes that staffing shortages exist, and that there are some districts unable to find and hire directors with the required qualifications. However, the Academy does not support the proposed change as written to provide state agencies discretion to determine what counts as “equivalent educational experience” for the position of new/entry-level school foodservice director in medium and large districts.

The Academy recommends that at a minimum, school foodservice directors without the education background required for medium to large districts achieve the School Nutrition Association’s School Nutrition Specialist Credential. Successfully passing the SNS examination is recognized for continuing professional education credits as by the Commission on Dietetic Registration.

With the issues of staffing shortages and financial stresses to programs it is more important than ever to place qualified professionals who can take on these challenges in these crucial positions. As school nutrition program rules and regulations have become increasingly complex and challenging, school foodservice directors need the educational experience with critical thinking skills that are enhanced through formal education to plan meals that meet nutrition standards, oversee special diets, manage large budgets, supervise a large number of employees and more. Achieving educational requirements acknowledges the importance of education when employed in an education setting.

Academy members who contributed to these comments noted that education and experience in school nutrition make for the strongest candidates for the demanding position of school foodservice director. Those members providing feedback suggest that while all foodservice experience can contribute to a director’s success, school foodservice remains a specialized field, and so school

foodservice experience is most valuable. The Academy also recommends that currently employed School Nutrition Directors in medium and large districts, who may or may not have the educational experience that is required by USDA standards, to be able to continue in their current position, and apply for future director positions. The Academy urges the Department, along with state agencies, to continue and increase technical assistance and training for directors and those working in all levels of school nutrition services.

Menu Planning Options for American Indian/Alaska Native Students and Traditional Foods

The Commission on Dietetic Registration Code of Ethics for the Nutrition and Dietetics Profession emphasizes “social responsibility for local, regional, national, global nutrition and well-being” by “collaborat[ing] with others to reduce health disparities and protect human rights.”²⁷ In carrying through these principals, the Academy supports the following proposed changes:

- The Academy supports allowing changes proposed to add tribally operated schools, schools operated by the Bureau of Indian Education, and schools serving primarily American Indian or Alaska Native children, as well as schools in Guam and Hawaii, to the list of schools that may serve vegetables to meet the grains requirement including the substitution of traditional vegetables such as tumpsila, or prairie turnips, in the NSLP, CACFP and SFSP. The Academy encourages USDA to continue to work to honor cultural, traditional, and religious preferences for Indigenous students anywhere they attend school.
- The Academy supports the proposal to explicitly state in regulation that traditional foods may be served in reimbursable school meals. The Academy encourages the USDA to continue to work to promote tribal sovereignty and self-determination. These Department actions are promising practices and strategies suggested to improve social determinants of health and increase access to healthier foods for Indigenous peoples of the United States: improve existing food programs and increase access to traditional foods.²⁸

Academy member-implementers are also eager to be able to meet the cultural, traditional and religious preferences for students of other cultural backgrounds in addition to those named in these proposed changes, such as Asian, Hispanic, Indian, and African America food cultures. Increased flexibility to substitute vegetables for grains can open the door for serving other cultural foods, like sweet potatoes, yams, or plantains.

Federal nutrition programs are key locations to improve disparities experienced by people whose lives have been marginalized and/or have lived as people with low socioeconomic status. Federal nutrition programs have the potential to shape food environments across the nation, improve nutrition security, and achieve nutrition policy goals. The changes proposed can empower school district foodservice operations to help participants meet identified nutrition needs with foods that also meet their cultural and personal preferences.

²⁷ Code of Ethics for the Nutrition and Dietetics Profession. Effective date: June 1, 2018. Accessed at: <https://www.eatrightpro.org/practice/code-of-ethics/code-of-ethics-for-the-nutrition-and-dietetics-profession>

²⁸ Warne D, Wescott S. Social Determinants of American Indian Nutritional Health. *Curr Dev Nutr*. 2019 May 23;3(Suppl 2):12-18. doi: 10.1093/cdn/nzz054. Accessed at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6700461/>

Geographic Preference and Food Production/Local

The Academy supports the USDA's proposal to expand geographic preference to allow locally grown, raised, or caught as procurement specifications for unprocessed or minimally processed food items. Under current procurement rules, smaller food producers have a harder time competing against larger food distributors. With the "local" provision, school districts will have the option in the bid specification to designate and/or require that food items, such as fruits, vegetables, yogurt and meats be produced locally. This will give local producers more opportunity to be considered in the bid process. Local food systems benefit local economies, as well; smaller producers keep more of the food dollar when selling directly to markets, and are more likely to purchase supplies locally, continuing to stimulate local economies.

Increasing the supply of foods grown locally may gradually help the U.S. food supply to meet the recommendations of the *Dietary Guidelines*. Research over the past 40 years has shown that the U.S. supply of foods is not adequate for providing dietary choices consistent with nutrition recommendations.²⁹ For example, it has been estimated that the supply of fruit would need to more than double and the supply of vegetables would need to increase by 70% for all to achieve recommendations of the *Dietary Guidelines*.³⁰

Buy American

The Academy supports the purchase of domestic foods for preparation and service to children who participate in the USDA school meals programs. The Academy believes it is important to maintain these circumstances which can lead to exceptions: "the product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product." Foods of concern in these categories include spices, bananas, and pineapples, for example. It was also shared by Academy member-implementers that fruit juices processed with foods grown in the United States are often of significantly higher costs than those produced with foods grown outside the country.

Academy members express concern that a 5% ceiling on the non-domestic commercial foods a school food authority may purchase per school year may be too low. One school foodservice director in the southern U.S. calculated that 1% of the school's annual foodservice budget is used solely for one food item: bananas. Many member-implementers are concerned about the large amount of recordkeeping in child nutrition programs, in general. Academy members implore the Department to keep documentation as simple and easy as possible. It is suggested that manufacturers and distributors assist with the recordkeeping requirements for this section of the proposed rule changes.

²⁹ Miller, PE, et al. Journal of the Academy of Nutrition and Dietetics. The United States Food Supply Is Not Consistent with Dietary Guidance: Evidence from an Evaluation Using the Healthy Eating Index-2010. 2015. Accessed at: [https://www.jandonline.org/article/S2212-2672\(14\)01363-X/fulltext](https://www.jandonline.org/article/S2212-2672(14)01363-X/fulltext)

³⁰ Krebs-Smith SM, Reedy J, Bosire C. Healthfulness of the U.S. food supply: little improvement despite decades of dietary guidance. Am J Prev Med. 2010 May;38(5):472-7. doi: 10.1016/j.amepre.2010.01.016. Accessed at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2858769/>

It is instructive to repeat text here from a previous section. Research over the past 40 years has shown that the U.S. supply of foods is not adequate for providing dietary choices consistent with nutrition recommendations.³¹ For example, it has been estimated that the supply of fruit would need to more than double and the supply of vegetables would need to increase by 70% for all to achieve recommendations of the *Dietary Guidelines*.³²

Nuts, Seeds, Beans, Peas, and Lentils

There is growing interest in serving meals that meet student preference, including vegetarian/vegan meals.³³ Equitable access to vegetarian and vegan school meals is an important step in meeting the cultural, customary, health, religious and sustainability preferences of children and young adults.³⁴ The Academy supports several changes that will increase access to more plant-based foods including nuts, seeds, beans, peas and lentils including:

- Changes to allow nuts and seeds to credit for full M/MA (or protein source) component in all child nutrition programs and meals.
- The change to allow hummus as a “Smart Snack”.
- The change in language from “legumes (beans and peas)” to “beans, peas, and lentils” which brings the school nutrition language into alignment with the language used in the *Dietary Guidelines*.

Regulatory Impact Analysis - Increased Costs

Academy members believe that the health of our children and future generations is a meaningful and necessary investment. We also recognize that the increased costs for the implementation of the proposed changes have been estimated by the Department to be between \$0.03 and \$0.04 per breakfast and lunch served, respectively, or between \$220 and \$274 million annually including both the SBP and NSLP, starting in school year 2024-2025. Those cost increases will need to be covered by parents, school food authorities, the federal rates of reimbursement approved by Congress, or a combination of all three revenue sources for school meals. These projected cost increases are coming on top of a 14.2% increase in the cost of “finished consumer foods” as measured by the Producer Price Index for 2022, compared to a 3.2% increase in the 20-year historical average.³⁵ These increased costs are not

³¹ Miller, PE, et al. Journal of the Academy of Nutrition and Dietetics. The United States Food Supply Is Not Consistent with Dietary Guidance: Evidence from an Evaluation Using the Healthy Eating Index-2010. 2015. Accessed at: [https://www.jandonline.org/article/S2212-2672\(14\)01363-X/fulltext](https://www.jandonline.org/article/S2212-2672(14)01363-X/fulltext)

³² Krebs-Smith SM, Reedy J, Bosire C. Healthfulness of the U.S. food supply: little improvement despite decades of dietary guidance. Am J Prev Med. 2010 May;38(5):472-7. doi: 10.1016/j.amepre.2010.01.016. Accessed at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2858769/>

³³ School Nutrition Association. School Nutrition Trends Report. 2017. Accessed at: <https://schoolnutrition.org/resource/2017-school-nutrition-trends-report/>

³⁴ Academy of Nutrition and Dietetics. Increasing Access to Vegetarian and Vegan Meals in School Meal Programs. February 2023.

³⁵ USDA Economic Research Service. Food Price Outlook. Accessed at <https://www.ers.usda.gov/data-products/food-price-outlook/>

insignificant, and need to be considered in order to implement proposed changes. The additional costs pose a barrier to implementation if revenue sources are not determined.

The Academy of Nutrition and Dietetics appreciates the opportunity to submit comments and applauds the USDA for these efforts to more closely align school meals with the 2020-2025 *Dietary Guidelines for Americans*. We wish to state our support for changes that are realistic.

Please contact either Jeanne Blankenship at jblankenship@eatright.org or Karen Ehrens kehrens@eatright.org with any questions or requests for additional information.

Thank you for the opportunity to provide comments on the proposed rule changes.

Sincerely,

A handwritten signature in blue ink that reads "Jeanne Blankenship, MS, RDN".

Jeanne Blankenship, MS, RDN
Vice President
Policy Initiatives and Advocacy

A handwritten signature in blue ink that reads "Karen K. Ehrens".

Karen K. Ehrens, RD, LRD
Director
Legislative and Government Affairs