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School Programs Branch
Policy and Program Development Division
Food and Nutrition Service
1320 Braddock Place, 4th Floor
Alexandria, Virginia 22314

Re: Docket No. FNS-2019-0007; Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs

First Focus on Children submits these comments in strong opposition to the U.S. Department of Agriculture's (USDA) "Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs" proposed rule (85 FR 4094), which would weaken school nutrition standards.

First Focus on Children is a national, bipartisan advocacy organization dedicated to making children and families the priority in federal budget and policy decisions. As an organization working to support the healthy development of America's children, we remain concerned that the rollbacks of current standards would have negative consequences for children's health and future success.

These rollbacks fail to put children's health first, which is the clear goal of school nutrition programs under statute. If finalized, this rule would jeopardize the progress schools are making to provide healthier food to vulnerable children and decrease the overall healthfulness of school meals.

The importance of healthy school meals has taken on new urgency during the ongoing coronavirus outbreak. With more than 72,000 school closures in the U.S. affecting at least 37 million children, ensuring students continue to have access to healthy school meals is more critical than ever. This outbreak and the resulting economic crisis are falling hardest on the most vulnerable among us, including our nation's children. It is disrupting every facet of children's lives and we cannot yet know all of the negative and long-lasting implications it will have on children's healthy development and future success.

Currently, 29.6 million children participate in the National School Lunch Program (NSLP) and 14.7 million participate in the National School Breakfast Program (SBP).¹ School meals are critical supports that ensure children have access to enough nutritious food during the school day so that they can learn and develop. We know children with healthier diets do better in school² and have

¹ "Child Nutrition Tables: National Level Annual Summary Tables: FY 1969-2018," United States Department of Agriculture, Last Updated April 20, 2020. <https://www.fns.usda.gov/pd/child-nutrition-tables> . Accessed April 20, 2019.

² "Making the Connection: Dietary Behaviors and Academic Grades," National Youth Risk Behavior Survey, Centers for Disease Control and Prevention, 2015, https://www.cdc.gov/healthyschools/health_and_academics/pdf/factsheetDietaryBehaviors.pdf.

healthier outcomes as adults.³ A large majority of students participating in these programs receive free or reduced-price meals due to living in households struggling to make ends meet. Children in these households often have limited access to healthy food outside of school and so these meals are critical for their healthy development.

Proposed Changes Would Jeopardize Children's Health

The changes would decrease school meal participation by encouraging *a la carte* purchases, which is both a fiscal risk to school meal programs and an equity concern. Moreover, the proposal would allow less fruit and less variety of vegetables, which likely would result in replacing them with starchy vegetables, such as potatoes, which children already overconsume. For example, the combined changes would allow children to consume foods that are higher in sodium, saturated fat, and refined grains, and consume an additional eight cups of hash browns, tater tots, French fries or other potatoes in place of fruit in breakfast and other vegetables in lunch per child per week. These changes reduce the potential for key nutrient intake from school meals and have long-term effects on the healthy physical and mental health of children.

The 2012 school nutrition standards are based on sound science and reflect the 2010-2015 Dietary Guidelines for Americans (DGA),⁴ which are further confirmed by the 2015-2020 DGA and the National Academies of Science, Engineering, and Medicine (formerly, Institute of Medicine) 2009 report *School Meals: Building Blocks for Healthy Children*.⁵ The Harvard University T.H. Chan School of Public Health concluded that the 2012 update to school meal standards and the 2013 update to competitive foods is, “one of the most important national obesity prevention policy achievements in recent decades.”⁶ A 2014 study from the Robert Wood Johnson Foundation’s former Bridging the Gap research program found that among high school students, having fruits and vegetables available wherever foods were sold in school, and also not having access to whole or 2% milks in school, lowered the odds of being overweight or obese. Attending a school that met at least three of the five USDA standards also lowered the odds of high school students being overweight or obesity by 3 percentage points.⁷

Researchers estimate that these improvements could prevent more than two million cases of childhood obesity and save up to \$792 million in health-care related costs over ten years. Improved school nutrition is critical given that one out of three children and adolescents aged 2 to 19 years is overweight or obese^{8,9} and children consume one-third to one-half of daily calories during the school

³ “Position of the Academy of Nutrition and Dietetics: The Role of Nutrition in Health Promotion and Chronic Disease Prevention,” *Journal of the Academy of Nutrition and Dietetics*, Volume 113, No. 7, July 2013, [https://jandonline.org/article/S2212-2672\(13\)00528-5/pdf](https://jandonline.org/article/S2212-2672(13)00528-5/pdf).

⁴ U.S. Department of Health and Human Services and U.S. Department of Agriculture. *2015-2020 Dietary Guidelines for Americans*, 8th Edition. Washington, DC: U.S. Government Printing Office, 2015.

⁵ Institute of Medicine. *School Meals: Building Blocks for Healthy Children*. Washington, DC: The National Academies Press; 2010.

⁶ Gortmaker SL, Wang YC, Long MW, et al. Three Interventions that Reduce Childhood Obesity Are Projected to Save More Than They Cost to Implement. *Health Aff.* 2015;34:1932-9.

⁷ “Will the USDA’s School Food Standards Make a Difference in Childhood Obesity?” Robert Wood Johnson Foundation’s Bridging the Gap program, Research Brief, December 2014, http://www.bridgingthegapresearch.org/asset/ck8dzq/BTG_USDA_school_food_standards_brief_Dec2014_FINAL.pdf.

⁸ Ogden CL, Carroll MD, Fryar CD, Flegal KM. Prevalence of Obesity Among Adults and Youth: United States, 2011-2014. *NCHS Data Brief.* 2015;219:1-8.

⁹ Ogden CL, Carroll MD, Kit BK, Flegal KM. Prevalence of Childhood and Adult Obesity in the United States, 2011-2012. *JAMA.* 2014;311:806-14.

day.¹⁰ Nutritious meals are not only important to maintain a healthy weight but also fuel children’s minds to succeed in school academically. Denying nutritious options to students who rely on subsidized school meal plans is discrimination that may lead to poor academic and social outcomes.

Virtually all schools (99 percent) participating in the NSLP and SBP have made and are making great progress toward serving healthier meals for participating children with less sodium; more whole grains, fruits, and vegetables; and fewer sugary drinks and unhealthy snacks.¹¹ USDA’s 2019 *School Nutrition and Meal Cost Study*, which gathered data from more than 1,200 schools nationwide – the most comprehensive study on the updated standards to date – found that the nutritional quality of school lunches and breakfasts, measured by the HEI-2010 [Healthy Eating Index] scores, increased by 41 percent and 44 percent, respectively, between school years 2009-10 and 2014-15.^{12,13} A study by the Rudd Center for Food Policy & Obesity examined 12 middle schools in an urban, low-income school district and found that more students chose fruit after the healthier standards went into effect and students ate more of their vegetables and lunch entrées.¹⁴

We know getting children to eat healthy takes patience and creativity. Studies from the beginning of the updated nutrition standards found that, at first, students may complain of new food items, but over time, they do not. Specifically, a study from the Bridging the Gap research program¹⁵ found that while some children complained initially when healthy food was introduced in school, those complaints were not as often heard as the school year went on, according to school officials. These studies provide evidence against claims that healthy food options are thrown away and go to waste. Citing food waste is not an appropriate reason to deny students the opportunity to try new healthy foods in school. For many of these students, meals provided at school are the only source of freshly prepared food available to them. Increased nutrition education is a better long-term solution to improving the health of students and educating them to make healthier lifestyle choices. Students may be throwing away food simply because they are not sure what they are receiving, if they are not familiar with certain fruits and vegetables. There is an opportunity here to support the America First goals and include local vendors in nutrition education to reduce the amount of food waste produced, if waste is the primary concern. When children face challenges in reading or math, teachers and parents don’t give up, they find new and creative ways for kids to learn and further their education. Kids learning healthy eating habits in school should be no different.

This rule is not USDA’s first weakening of school nutrition. In 2018, USDA implemented a final rule (Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements, 83 Fed. Reg. 63775 [Dec. 12, 2018]) that delayed the next levels of sodium reduction by seven years and eliminated sodium-reduction Target 3, cut the whole grain-rich standard in half from 100 to 50 percent, and allowed flavored low-fat (1 percent) milk to be sold without a calorie (and/or added sugar) limit. Despite 99 percent of public comments submitted opposed these rollbacks, USDA

¹⁰ U.S. Department of Agriculture. *School Nutrition Dietary Assessment Study-III*. Washington, DC: USDA; 2007.

¹¹ U.S. Department of Agriculture. *School Meal Certification Data* (as of September 2016). Washington, DC: USDA; 2017.

¹² U.S. Department of Agriculture. *School Nutrition and Meal Cost Study*. Washington, DC: USDA; 2019.

¹³ Total HEI-2010 scores provide an overall measure of nutritional quality. A higher score reflects better conformance with Dietary Guidelines for Americans recommendations and higher nutritional quality.

¹⁴ Schwartz MB, Henderson KE, Read M, et al. New School Meal Regulations Increase Fruit Consumption and Do Not Increase Total Plate Waste. *Child Obes*. 2015;11:242-7.

¹⁵ “Student Reactions During the First Year of Updated School Lunch Nutrition Standards,” Bridging the Gap, Research Brief, July 2014, http://www.bridgingthegapresearch.org/asset/h61bl9/BTG_student_opinions_school_lunch_Jul_14.pdf.

finalized a rule that went further in harming child nutrition and health than what was proposed in the interim final rule.

USDA purports that the proposed changes are “customer-focused;” however, the data show that parents and students are in favor of the healthier standards. More than 70 percent of parents with school-age children support the updated school meal nutrition standards, according to a nationally representative poll.¹⁶ Continually weakening the standards does not provide more stability and consistency for schools or industry. On the contrary, it continuously changes the goalposts for school efforts and industry reformulation. The re-evaluation of standards means that schools must adjust and renegotiate contracts with food vendors, costing more time and money. This goes against the goal of making cuts and making the system more efficient.

Proponents of the rollbacks cite decreasing participation as justification for weakening child nutrition; however, the data show that any declining participation is not a result of the 2012 standards. USDA’s *School Nutrition and Meal Cost Study* found that participation is highest in schools with the healthiest meals.¹⁷ Participation among students receiving free meals has dramatically increased (from 15.4 million children in 2008 to 20 million children in 2019) and remains the largest category (about two-thirds of participating students in 2019).¹⁸ Overall participation remains high with about 30 million students participating in 2019. The dramatic increase in participation predicts that there are more students in need and they deserve healthy food options that their peers may be able to buy elsewhere. Maintaining healthy meal options in school also sets a precedent for the type of food students will choose to eat outside of school. By reducing standards, the government would be condoning poor eating habits and demonstrating to students that nutrition is not important to long-term health and wellbeing. The goal of the school nutrition program isn’t simply to feed individuals but to fill a critical need and set them up for future success.

The proposed changes in this rule, combined with the 2018 rollbacks, will further undermine the school meal programs. We should be raising the bar, not lowering the floor, when it comes to providing children healthy foods.

In short, we urge the Department to:

- Remove the *a la carte* entrée exemption entirely. Do not allow an *a la carte* side exemption and maintain the whole grain-rich entrée requirement. These proposed *a la carte* changes would widen the existing junk food loophole to allow students with the economic means to purchase unbalanced meals like pizza, French fries, and cookies for lunch every day of the week, further widening the equity gap and decreasing participation in the school meals program.
- Maintain the existing variety of vegetable subgroups. Weakening this requirement would allow an additional three cups of French fries in lunch per week, reducing a healthful variety of vegetables.

¹⁶ Hart Research Associates and Ferguson Research. Nationwide Polling Regarding Parents’ Views of School Meal and Smart Snacks Standards telephone poll among 1,112 parents. 2014.

¹⁷ U.S. Department of Agriculture, 2019.

¹⁸ U.S. Department of Agriculture. *Child Nutrition Tables: National Level Annual Summary Tables: FY 1969-2019*. Washington, DC: USDA; 2019.

- Maintain the fruit requirement in breakfast outside of the cafeteria to maintain children’s access to fruit. Halving this requirement will reduce whole fruit for students and could lead to only juice being served.
- Do not make permanent the potato appropriations rider allowing schools to substitute starchy vegetables for fruit in breakfast which would decrease fruit and the healthful variety of vegetables. When taken in the aggregate with the change to the vegetable subgroup requirement in lunch, students could potentially have up to eight additional cups of French fries, tater tots, and hash browns every week in school (five cups of starchy vegetables at breakfast and an additional three cups at lunch in high school).
- Ensure that removing the grain requirement in breakfast does not increase the amount of processed meat served. The nutritional quality of school breakfast has already been weakened by halving the whole grain-rich requirement and there is no existing added sugar limit. Rather than further diminishing the grain requirement and potentially exposing children to more processed meat, which poses a risk to health, the Department should add a limit for added sugars in school meals, restore the whole grain-rich requirement, and limit processed meat in school meals.

Children Need Access to Nutritious Food Now More Than Ever

This pandemic will do more than expose the disparities existing in our society — it will compound those disparities. Child food insecurity remained high in the United States before COVID-19, with 1 in 7 children (11.2 million) living in a household that struggled to put food on the table. Now with school closures leading to limited access to school meals and low-income household budgets being stretched even thinner, more children are experiencing, or are at-risk of experiencing, hunger and food insecurity.

School nutrition staff around the country are working tirelessly to deliver nutritious meals to children who are out of school. Access to healthy school meals is now more important than ever, for it may be the only nourishing food that children are able to receive. A healthy childhood with access to nutritious food is just as important for children as it is for kids to learn to read and write. We must do better by our children in these scary and urgent times as well as in the future.

Children are a quarter of our population but our entire future. Yet we fail to prioritize them time and again. Let’s take a step in reversing this trend by maintaining school meal nutrition standards that ensure that all children can access the nutritious food they need to grow and thrive.

Sincerely,



Bruce Lesley
President