

March 24, 2022

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

Submitted via www.regulations.gov

Re: Docket No. FNS-2020-0038; Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium

First Focus on Children submits these comments in response to the U.S. Department of Agriculture’s (USDA) “Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium” final rule (87 FR 6984), which will provide necessary flexibility to schools for SY 2022-2023 and SY 2023-2024 as they respond to and recover from the COVID-19 pandemic.

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 appreciate USDA’s ongoing commitment to ensuring the nutritional quality of school meals is aligned with current recommendations from the 2020-2025 Dietary Guidelines for Americans (DGA). As schools continue to recover from the COVID-19 pandemic, these transitional guidelines will give schools the flexibility they need over the next two school years to improve the nutritional quality of school meals as they continue to grapple with the pandemic.

This final rule provides immediate relief to schools as they return to traditional school meal service following extended use of COVID-19 meal pattern flexibilities, which are set to expire in the summer of 2022. This rule will allow schools and child care providers to offer flavored, low-fat milk (1%) in addition to unflavored, low-fat milk and flavored or unflavored nonfat milk. This final rule also requires at least 80 percent of the weekly grains in the school lunch and breakfast menus to be whole grain-rich and will modify the proposed sodium standards and establish Sodium Target 1 as the sodium limit for school lunch and breakfast in SY 2022-2023 as proposed, but implement a Sodium Interim Target 1A effective for school lunch beginning in SY 2023-2024.

The last major update to school nutrition standards was in 2012, so this rulemaking is timely and necessary to ensure school meals are meeting current dietary guidelines. As we learned from the 2012 school nutrition standards, improving nutritional quality of school meals can have incredibly positive impacts on child health. 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.”¹ A 2014 study from the Robert Wood Johnson

¹ 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

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.² 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.³

However, we still have steps to take to ensure that school meals continue to be the healthiest source of food for children,⁴ given that one out of three children and adolescents aged 2 to 19 years is overweight or obese and children consume one-third to one-half of daily calories during the school.⁵ The pandemic has increased rates of childhood hunger and obesity, especially among Black and Latino children. School meals are therefore an important tool for addressing disparities in hunger and health. Nutritious meals are not only important to maintain a healthy weight but also fuel children's minds to succeed in school academically.

In 2020, 22.4 million children participated in the National School Lunch Program (NSLP) and 12.3 million participated in the National School Breakfast Program (SBP).⁶ 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 school⁷ and have healthier outcomes as adults.⁸ 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.

USDA has made clear that this final rule is a bridge to rulemaking in the fall of 2022 that will further strengthen the nutritional quality of school meals in line with the 2020 Dietary Guidelines for Americans for school year 2024-2025 and beyond. Therefore, we urge USDA to include further guidance on sugar, sodium, whole grains, and fat, and provide technical assistance on important strategies to increase access to meals, as detailed below.

Establish a new added sugars standard for school meals consistent with the quantitative recommendation for limiting added sugars in the 2020 DGA.

Intake of added sugars among children can detrimentally impact health, such as weight gain, dental decay, and increased risk of cardiovascular disease.⁹ The current school nutrition standards do not have an added sugar recommendation, as the 2010 DGA did not include it. The 2015 and 2020 DGA have since recommended that no more than 10 percent of daily calories come from added sugars. However, at current levels, a typical school breakfast can easily exceed an entire day's worth of added sugars for a child. Therefore, we urge USDA to establish an added sugars standard for the NSLP, SBP, and competitive foods.

² "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.

³ Ibid, 3.

⁴ 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. doi:10.1001/jamanetworkopen.2021.5262

⁵ 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.

⁶ "Child Nutrition Tables: National Level Annual Summary Tables: FY 1969-2021," United States Department of Agriculture, Last Updated March 11, 2022. <https://www.fns.usda.gov/pd/child-nutrition-tables>

⁷ "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

⁸ "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)

⁹ Vos MB, et al. Added Sugars and Cardiovascular Disease Risk in Children: A Scientific Statement From the American Heart Association. *Circulation*. 2017 May 9; 135(19):e1017-e1034.

Establish sodium reduction targets that are aligned with the 2020 DGA.

Nine out of ten children consume too much sodium, increasing their risk of high blood pressure, heart disease, and stroke over time.¹⁰ The 2020 DGA recommends that no more than 2,300 mg sodium is safe for ages 14 years and up and reduced the amount of sodium considered safe for children to $\leq 1,500$ mg/day for children ages 4-8 years and to $\leq 1,800$ mg/day for children ages 9-13 years. However, the final rule establishes an interim target which only brings down the targeted amount of sodium to 1,280 mg, or over half a day's worth. Effectively getting rid of sodium reduction targets 2 and 3. Therefore, we urge USDA in future rulemaking to establish new sodium reduction targets and timeline that are aligned with the current recommendations of the 2020 DGA. The USDA could re-establish Targets 2 and 3, along with a further sodium reduction target for younger children, with an updated timeline that would continue to follow a 10-percent and 25-percent reduction in sodium between each target for breakfast and lunch, respectively, or alternatively consider new targets.

Establish a whole grain requirement consistent with the 2020 DGA.

The DGA recommends that at least half of grains consumed be whole grains. Eating more whole grains is associated with reduced risk of heart disease, stroke, and diabetes, provides more nutrients, and is a healthful source of fiber.¹¹ However, children aged 4 to 18 do not meet the recommended intake for whole grains.¹² The final rule requires 80 percent of the weekly grains in the school lunch and breakfast menus to be whole grain-rich, instead of the 100 percent that was required before the pandemic (all grains be at least 50-percent whole grain). Given the challenges school nutrition programs have faced over the last two school years due to COVID-19 - closures, supply chain and labor disruptions, etc. - this transitional rule is needed to help schools get back on track to serving grains consistent with the DGA. However, in future rulemaking we urge USDA to set a standard that ensures at least half of all grains served at school are whole.

Addressing additional challenges schools face through rulemaking.

Ensuring children have access to school meals, and that schools are equipped and able to provide them, is incredibly important. USDA should consider providing technical assistance to schools, including innovative school breakfast programs (such as breakfast in the classroom), giving children at least 30 minutes for lunch, having recess before lunch, and community eligibility and other options that allow schools to offer access to school meals through an extension of the current waivers and permanent Healthy School Meals to for All students at no charge. In addition, a meaningful investment in technical assistance for school nutrition professionals is imperative to help schools meet nutrition standards. With proper technical assistance, school nutrition professionals can also learn to prepare, present, and serve meals in ways that encourage meal participation and consumption and reduce waste.

Conclusion

Children need access to healthy food now more than ever. The pandemic has shown a light on existing disparities in this country - and further compounded them. Child food insecurity remains stubbornly high, and schools may be the only place where children have consistent access to nourishing food. Therefore, we must continue to take steps that ensure children are fed - and the food they have access to is the healthiest it

¹⁰ Appel LJ, Lichtenstein AH, Callahan EA, Sinaiko A, Van Horn L, Whitsel L. Reducing Sodium Intake in Children: A Public Health Investment. *J Clin Hypertens*. 2015;17:657-62. doi:10.1111/jch.12615.

¹¹ U.S. Department of Agriculture. All about the Grains Group. <https://www.choosemyplate.gov/eathealthy/grains>. Accessed December 2020.

¹² U.S. Department of Agriculture and U.S. Department of Health and Human Services. *What We Eat in America, NHANES 2007-2010*. Beltsville, MD: USDA, 2010.

can be. 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.

Thank you for the opportunity to comment on this final rule. Please reach out to Olivia Gomez, Director of Health and Nutrition Policy (OliviaG@firstfocus.org) with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Lesley". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Bruce Lesley
President