

# Highlights of the *Child Nutrition Programs: Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans* Proposed Rule

Research shows that school meals are *the* most nutritious food source for American children—thanks in large part to the work of school nutrition professionals, parents, school meal partners, the food industry, and USDA to make school meals healthier over the past decade.

This proposed rule - [Child Nutrition Programs: Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans](#) - is the next step in continuing the science-based improvement of school meals and advancing USDA’s commitment to nutrition security. The proposed changes are based on the latest *Dietary Guidelines for Americans*, extensive stakeholder engagement, and lessons learned from prior rulemakings. The provisions of the proposed rule are highlighted below.

**How to comment:** USDA will consider public input when developing the final rule. Individuals and organizations may submit public comments through the Federal Register on Regulations.gov. For more information, visit: <https://www.fns.usda.gov/cn/fr-020723>

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## ADDED SUGARS

### What are the current requirements for added sugars in school meals?

Currently, there is no added sugars limit in the school meal programs. Under the current regulations, schools may choose to serve some menu items and meals that are high in added sugars, provided they meet weekly calorie limits [[7 CFR 210.10\(f\)\(1\)](#) and [220.8\(f\)\(1\)](#)].

### What are the proposals for added sugars in school meals?

This rule proposes two approaches that will work together to limit added sugars in the school lunch and breakfast programs. The rule proposes to phase in these limits over time:

- **Product-based limits:** Beginning in school year (SY) 2025-2026, this rule proposes to implement quantitative limits for leading sources of added sugars in school meals, including grain-based desserts, breakfast cereals, yogurts, and flavored milks. For consistency, the rule proposes to apply the product-based added sugars limits for cereals and yogurts to the Child and Adult Care Food Program (CACFP); the proposed added sugars limit would replace the current total sugars limits for these products in CACFP. Under the proposed rule:
  - **Grain-based desserts**, which include cereal bars, doughnuts, sweet rolls, toaster pastries, coffee cakes, and fruit turnovers, would be limited to no more than 2 ounce equivalents per week in school breakfast, consistent with the current limit for school lunch.
  - **Breakfast cereals** would be limited to no more than 6 grams of added sugars per dry ounce.
  - **Yogurts** would be limited to no more than 12 grams of added sugars per 6 ounces.
  - **Flavored milks** would be limited to no more than 10 grams of added sugars per 8 fluid ounces or, for flavored milk sold as a competitive food for middle and high schools, 15 grams of added sugars per 12 fluid ounces.
- **Weekly dietary limit:** Beginning in SY 2027-2028, this rule proposes to implement a dietary specification limiting school breakfasts and lunches to an average of less than 10 percent of calories per meal from added sugars. This weekly limit would be in addition to the product-based limits described above.

### Why is USDA proposing these specific changes?

The *Dietary Guidelines for Americans* recommend limiting added sugars to less than 10 percent of calories daily, yet school breakfasts currently provide about 17 percent of calories from added sugar and school lunches currently provide 11 percent ([Added Sugars in School Meals and Competitive Foods Report to Congress](#)). Further, the *Dietary Guidelines* indicate that about 70-80 percent of school-aged children currently exceed the recommended limit for added sugars. Product-based limits are based on leading contributors to added sugars in school meals that are also popular with children and have room to reduce added sugars while maintaining palatability. USDA expects that the product-based limits in this proposed rule would incentivize the school food industry to develop products with less added sugars. USDA also expects that the product-based limits will help with initial added sugars reductions in school meals by targeting leading sources of added sugars; the subsequent weekly limit will further support USDA's efforts to help school children meet dietary recommendations.

### **Question(s) for public comment:**

Specifically, for added sugars, USDA invites public input on these proposals in general, and requests specific input on the following questions.

- USDA is proposing product-specific limits on the following foods to improve the nutritional quality of meals served to children: grain-based desserts, breakfast cereals, yogurt, and flavored milk. Do stakeholders have input on the products and specific limits included in this proposal?
- Do the proposed implementation timeframes provide adequate lead time for food manufacturers and schools to successfully implement the new added sugars standards? Why or why not?
- What impact will the proposed added sugars standards have on school meal menu planning and the foods schools serve at breakfast and lunch, including the overall nutrition of meals served to children?

## MILK

### **What are the current requirements for milk in school meals?**

Current Program regulations allow schools to offer fat-free and low-fat (1 percent fat) milk, flavored and unflavored, in reimbursable school lunches and breakfasts [[7 CFR 210.10\(d\)\(1\)\(i\)](#) and [220.8\(d\)](#)], and for sale as a competitive beverage [[7 CFR 210.11\(m\)](#)]. Unflavored milk must be offered at each school meal service.

Fat-free and low-fat milk, flavored and unflavored, may also be offered to participants ages 6 and older in the Special Milk Program (SMP) [[7 CFR 215.7a\(a\)](#)] and the Child and Adult Care Food Program (CACFP) [[7 CFR 226.20\(a\)\(1\)\(iii\)](#)].

### **What is the proposal for milk in school meals?**

This rule proposes two alternatives for the milk standard:

- *Alternative A:* Proposes to allow flavored milk (fat-free and low-fat) at school lunch and breakfast for high school children (grades 9-12) only, effective SY 2025-2026. Under this alternative, elementary and middle school children (grades K-8) would be limited to a variety of unflavored milk. USDA is requesting public comment on whether to allow flavored milk for children in grades 6-8 as well as high school children (grades 9-12). Children in grades K-5 would again be limited to a variety of unflavored milk. Under both Alternative A scenarios, flavored milk would be subject to the new proposed added sugars limit.
- *Alternative B:* Proposes to maintain the current standard allowing all schools to offer fat-free and low-fat milk, flavored and unflavored, at school lunch and breakfast, with the new proposed added sugars limit for flavored milk.

### **Why is USDA proposing these specific changes?**

USDA is offering two alternatives for the milk proposal in order to solicit public input on both approaches. A [recent analysis](#) of USDA's School Nutrition and Meal Cost Study data found that flavored milk is the leading source of added sugars in both the school lunch and breakfast programs, contributing almost half of the added sugars in lunches and about 30 percent of the added sugars in breakfasts. USDA included Alternative A as an additional measure to reduce young schoolchildren's exposure to added

sugars, which is also an important stage when children’s taste preferences are developing. USDA included Alternative B in recognition that flavored milk is a nutrient-dense beverage that many children enjoy. USDA will consider public input when determining which alternative to finalize.

**Question(s) for public comment:**

Specifically, for milk, USDA invites public input on these proposals in general, and requests specific input on the following questions.

- The *Dietary Guidelines for Americans* state that “consuming beverages with no added sugars is particularly important for young children.” As discussed above, one of the two proposals USDA is considering would limit milk choices in elementary and middle schools (grades K-8) to unflavored milk varieties only at school lunch and breakfast. To reduce young children’s exposure to added sugars and promote the more nutrient-dense choice of unflavored milk, should USDA finalize this proposal? Why or why not?
  - Respondents that support Alternative A are encouraged to provide specific input on whether USDA should limit flavored milk to high schools only (grades 9-12) or to middle schools and high schools only (grades 6-12).
- If Alternative A is finalized with restrictions on flavored milk for grades K-8 or K-5 in the National School Lunch Program (NSLP) and School Breakfast Program (SBP), should USDA also pursue a similar change in the Special Milk Program (SMP) and the Child and Adult Care Food Program (CACFP)? Are there any special considerations USDA should keep in mind for SMP and CACFP operators, given the differences in these programs compared to school meal program operators?
- While this rule does not propose changes to the fluid milk substitute requirements, USDA has received stakeholder feedback on the fluid milk substitute process on behalf of children who cannot consume, or have difficulty consuming, cow’s milk. USDA seeks public comment on the following question: What feedback do stakeholders have about the current fluid milk substitute process? USDA is especially interested in feedback from parents and guardians and program operators with firsthand experience requesting and processing a fluid milk substitute request.

## WHOLE GRAINS

**What are the current requirements for grains in school meals?**

Current Program regulations at [7 CFR 210.10\(c\)\(2\)\(iv\)](#) and [220.8\(c\)\(2\)\(iv\)](#) require at least 80 percent of the weekly grains offered in the school lunch and breakfast programs to be whole grain-rich. The remaining grain items offered must be enriched. To meet USDA's whole grain-rich criteria, a product must contain at least 50 percent whole grains; any grain ingredients that are not whole grain must be enriched, bran, or germ.

**What is the proposal for whole grains in school meals?**

For the whole grains requirement in the school lunch and breakfast programs, USDA is considering two different options and invites comments on both. This rule:

- Proposes to maintain the current requirement that at least 80 percent of the weekly grains offered are whole grain-rich, based on ounce equivalents of grains served in the school lunch and breakfast programs.

- Requests public input on an alternative option which would require that all grains offered in the school lunch and breakfast programs must meet the whole grain-rich requirement, except that one day each school week, schools may offer enriched grains. For most school weeks, this would result in four days of whole grain-rich grains, with enriched grains allowed on one day.

USDA is also proposing to add a regulatory definition of “whole grain-rich” to clarify that: *Whole grain-rich is the term designated by FNS to indicate that the grain content of a product is between 50 and 100 percent whole grain with any remaining grains being enriched.* Previously, this was included only in guidance.

**Why is USDA proposing these specific changes?**

USDA recognizes the importance of encouraging increased consumption of whole grain-rich foods while allowing menu planners some flexibility to provide regional and cultural favorites that are not whole grain-rich. USDA expects both standards detailed above would be achievable for schools, allowing schools to maintain success with offering whole grain-rich foods, while still allowing for some enriched products to be included in school meals.

**Question(s) for public comment:**

Specifically, for grains, USDA invites comment on whether to maintain the current requirement that at least 80 percent of the weekly grains offered are whole grain-rich, based on ounce equivalents of grains offered; or require that all grains offered must meet the whole grain-rich requirement, except that one day each school week, schools may offer enriched grains. USDA invites public input on the grain proposal and alternative in general, and requests specific input on the following questions.

- Which option would be simplest for menu planners to implement, and why?
- Which option would be simplest to monitor, and why?

**SODIUM**

**What are the current requirements for sodium in school meals?**

Current regulations at [7 CFR 210.10\(f\)\(3\)](#) and [220.8\(f\)\(3\)](#) require schools to meet Sodium Target 1 for school lunch and breakfast, effective school year (SY) 2022-2023. For school lunch only, schools are required to meet Sodium Target 1A beginning in SY 2023-2024. These standards are shown in the tables below:

**National School Lunch Program Transitional Sodium Limits:**

Age/Grade Group	Target 1: Effective July 1, 2022	Interim Target 1A: Effective July 1, 2023
Grades K-5	≤ 1,230 mg	≤ 1,110 mg
Grades 6-8	≤ 1,360 mg	≤ 1,225 mg
Grades 9-12	≤ 1,420 mg	≤ 1,280 mg

**School Breakfast Program Transitional Sodium Limits:**

Age/Grade Group	Target 1: Effective July 1, 2022
Grades K-5	≤ 540 mg
Grades 6-8	≤ 600 mg
Grades 9-12	≤ 640 mg

The sodium limits apply to the average lunch and breakfast offered during the school week; they do not apply per day, per meal, or per menu item. This means that specific products are not held to specific sodium limits, but rather, meals must fit into the overall weekly limit. Menu planners may occasionally offer meals, menu items, or products with higher sodium content if they are balanced out with meals, menu items, or products with lower sodium content throughout the school week.

**What are the proposals for sodium in school meals?**

USDA proposes to establish weekly sodium limits, informed by the [U.S. Food and Drug Administration’s voluntary sodium reduction goals](#), with further reductions to support closer alignment with the goals of the *Dietary Guidelines for Americans*. For school lunch, this proposed rule would set forth three reductions, to be phased in as follows and as shown in the chart below:

- SY 2025-2026: Schools would implement a 10 percent reduction from SY 2024-2025 school lunch sodium limits.
- SY 2027-2028: Schools would implement a 10 percent reduction from SY 2026-2027 school lunch sodium limits.
- SY 2029-2030: Schools would implement a 10 percent reduction from SY 2028-2029 school lunch sodium limits.

**Proposed National School Lunch Program Sodium Limits:**

Age/Grade Group	Sodium Limit: Effective July 1, 2025	Sodium Limit: Effective July 1, 2027	Sodium Limit: Effective July 1, 2029
Grades K-5	≤ 1000 mg	≤ 900 mg	≤ 810 mg
Grades 6-8	≤ 1105 mg	≤ 990 mg	≤ 895 mg
Grades 9-12	≤ 1150 mg	≤ 1035 mg	≤ 935 mg

Because school breakfasts are closer to meeting dietary recommendations for sodium, this proposed rule would set forth two reductions, to be phased in as follows and as shown in the chart below:

- SY 2025-2026: Schools would implement a 10 percent reduction from SY 2024-2025 school breakfast sodium limits.
- SY 2027-2028: Schools would implement a 10 percent reduction from SY 2026-2027 school breakfast sodium limits.

**Proposed School Breakfast Program Sodium Limits:**

Age/Grade Group	Sodium Limit: Effective July 1, 2025	Sodium Limit: Effective July 1, 2027
Grades K-5	≤ 485 mg	≤ 435 mg
Grades 6-8	≤ 540 mg	≤ 485 mg
Grades 9-12	≤ 575 mg	≤ 520 mg

USDA expects that the implementation timeframes outlined above would support manufacturers' efforts to develop and reformulate food products, making implementation more achievable for schools. The gradual, phased-in approach would also give schools time to plan menus that gradually reduce sodium and maintain palatability. USDA will evaluate progress towards reducing sodium in school meals, as well as in the broader marketplace, on an ongoing basis. USDA is also committed to providing technical assistance and support to schools working to implement the sodium reductions proposed in this rule.

### **Why is USDA proposing these specific changes?**

According to the American Heart Association, excess sodium intake is associated with [higher blood pressure in children](#), and about [one in six children ages 8-17 years has raised blood pressure](#). Further, high blood pressure in childhood is linked to early development of heart disease. Conversely, lowering sodium intake during childhood can reduce the risk for high blood pressure in adulthood. The Dietary Guidelines recommend [limiting foods and beverages that are high in sodium](#), noting that "there is very little room for food choices that are high in sodium" for most age groups. Overall, average U.S. sodium intake is 3,400 mg per day. For comparison, the Dietary Guidelines recommend adults limit sodium intake to less than 2,300 mg per day; the recommendations for children are even lower. When comparing the average American's sodium intake to recommendations, daily intake is about 48 percent higher than the recommended level. As noted in [a study published in 2015](#), "available data are sufficiently strong to recommend a lower sodium intake beginning early in life," including through sodium reductions in school meals. This study also noted that eating patterns, including preferences for foods higher in sodium, are developed at a young age, concluding that "the most appropriate approach to halt [the hypertension] epidemic should include prevention strategies that target children."

Given the potential long-term impact on children's health, as demonstrated through numerous scientific studies, it is critical to reduce sodium levels in school meals. USDA has incorporated lessons learned from prior rulemakings and stakeholder input by proposing ambitious changes that occur over time and in clear and predictable increments. USDA's proposed approach also reflects an understanding that changes in school meals, including sodium reductions, must occur in the context of broader efforts to achieve improvements in diet quality for all Americans.

### **Question(s) for public comment:**

Specifically, for sodium, USDA invites public input on these proposals in general, and requests specific input on the following questions.

- USDA plans to recommend (but not require) sodium limits for certain products, such as condiments and sandwiches, to further support schools' efforts to procure lower sodium products and meet the weekly limits.
  - For which products should USDA develop best practice sodium limits?
  - What limits would be achievable for schools and industry, while still supporting lower-sodium meals for children?
- Does the proposed implementation timeframe provide appropriate lead time for manufacturers and schools to successfully implement the new sodium limits?
- Do commenters agree with USDA's proposed schedule for incremental sodium reductions, including both the number and level of sodium reductions and the timeline, or suggest an alternative? Why?

## MENU PLANNING OPTIONS FOR AMERICAN INDIAN AND ALASKA NATIVE STUDENTS

### **What are the current requirements for menu planning in school meals?**

Current regulations at [7 CFR 210.10\(m\)\(3\)](#) encourage schools to “consider ethnic and religious preferences when planning and preparing meals.” The meal pattern standards allow a wide variety of foods to be served to meet the meal component requirements, including foods traditional to American Indian and Alaska Native communities. However, these variations must still follow the meal pattern standards outlined in regulation. At the same time, USDA currently allows schools in American Samoa, Puerto Rico, and the U.S. Virgin Islands to serve vegetables to meet the grains component. The option is intended to accommodate cultural food preferences and to address product availability and cost concerns in these areas.

### **What is the proposal for menu planning in school meals?**

USDA proposes to add tribally operated schools, schools operated by the Bureau of Indian Education, and schools serving primarily American Indian or Alaska Native children to the list of schools that may serve vegetables to meet the grains requirement. The rule also proposes to explicitly state in regulation that this provision allows the substitution of traditional vegetables such as prairie turnips. USDA also requests public input on additional menu planning options that would improve the child nutrition programs for American Indian and Alaska Native children, particularly from members of American Indian or Alaska Native communities.

### **Why is USDA proposing these specific changes?**

This action builds on the commitment USDA made in its [Equity Action Plan](#) to adapt its programs to include Tribal values and indigenous perspectives, including supporting traditional food ways. This proposal was developed based on feedback gathered during listening sessions with Tribal stakeholders, in which participants suggested that USDA provide some latitude so that schools can offer meals that better align with students’ food traditions.

### **Question(s) for Public Comment:**

USDA encourages stakeholder input on all aspects of this proposed rule, including the proposal for menu planning options for American Indian and Alaska Native students. In the final rule, USDA may consider additional menu planning options for schools that are tribally operated, are operated by the Bureau of Indian Education, or serve primarily American Indian or Alaska Native children. Specifically, for this section, USDA invites public input on this proposal in general, and requests specific input on the following question.

- USDA requests public input on additional menu planning options that would improve the school meal programs for American Indian and Alaska Native children. Are there other specific areas of the school meal pattern that present challenges to serving culturally appropriate meals for American Indian and Alaska Native children, specifically regarding any regulatory requirements in 7 CFR 210.10 and 220.8?

## TRADITIONAL FOODS

### **What are the current requirements for traditional foods in school meals?**



Traditional foods may be served in reimbursable school meals in accordance with USDA food crediting guidance. USDA [policy guidance issued in 2015](#) provides specific information about serving traditional foods in the Child Nutrition Programs. While program operators are encouraged to consider the personal, cultural, and traditional food preferences of students in accordance with USDA serving and crediting guidance; however, current guidance has not been codified in regulations.

#### **What is the proposal for traditional foods in school meals?**

USDA proposes to explicitly state in regulation that traditional foods may be served in reimbursable school meals to support efforts to incorporate traditional foods into school meals. This rule proposes to refer to the definition of traditional food included in the Agriculture Improvement Act of 2014, as amended, which defines traditional food as “food that has traditionally been prepared and consumed by an [American] Indian tribe.” This includes wild game meat, fish, seafood, marine animals, plants, and berries. USDA intends for this term to be used broadly, to cover the diversity of food traditions among American Indian and Alaska Native communities.

#### **Why is USDA proposing these specific changes?**

Because food crediting information is primarily communicated in guidance, the intent of this proposed change is to communicate USDA’s support for traditional foods. USDA expects that this change would address the perception that some traditional foods are not creditable, draw attention to the option to serve traditional foods, and support local efforts to incorporate traditional foods into school meals. USDA also expects that public input submitted in response to this proposal would help USDA to better understand and address barriers schools currently face serving traditional foods to fully realize the intent of this change.

#### **Question(s) for Public Comment:**

USDA encourages stakeholder input on all aspects of this proposed rule, including the traditional foods proposal. Specifically, for traditional foods, USDA invites public input on this proposal in general, and requests specific input on the following questions.

- USDA has provided [guidance on crediting certain traditional foods](#). Are there any other traditional foods that schools would like to serve, but are having difficulty serving? If so, what specific challenges are preventing schools from serving these foods?
- Which traditional foods should USDA provide yield information for and incorporate into the [Food Buying Guide](#)?
- Is “traditional foods,” as described in the Agriculture Improvement Act of 2014, as amended (25 U.S.C. 1685(b)(5)), an appropriate term to use, or do stakeholders recommend a different term?

## AFTERSCHOOL SNACKS

#### **What are the current requirements for afterschool snacks served under the NSLP?**

National School Lunch Program (NSLP) afterschool snacks for children in grades kindergarten through 12 must contain two of the following four components: fluid milk, meat/meat alternate, a serving of vegetable or fruit, or a serving of whole-grain or enriched bread or equivalent product. Afterschool snacks for preschoolers ages 1 through 4 must include the food components and quantities required in the snack meal pattern established for the Child and Adult Care Food Program (CACFP), under [7 CFR 226.20\(c\)\(3\)](#).

**What is the proposal for afterschool snacks served under the NSLP?**

The rule proposes to align NSLP afterschool snack standards for school-aged children with CACFP snack standards, which require snacks to include two of the following five components: milk, vegetables, fruits, grains, or meats/meat alternates.

**Why is USDA proposing these specific changes?**

This change would update the NSLP afterschool snack nutrition standard regulations to align with the CACFP snack regulations, consistent with statutory requirements under the National School Lunch Act, 42 U.S.C. 1766a(d)).

**Question(s) for Public Comment:**

USDA invites public input on this proposal in general but is not including any specific questions for commenter consideration.

## SUBSTITUTING VEGETABLES FOR FRUITS AT BREAKFAST

**What are the current requirements for substituting vegetables for fruits in school breakfasts?**

Current regulations at [7 CFR 220.8\(c\)](#) and [\(c\)\(2\)\(ii\)](#) allow schools to substitute vegetables for fruits at breakfast, provided that the first two cups per week are from the dark green, red/orange, beans and peas (legumes), or other vegetable subgroups. However, in recent years, through Federal appropriations, Congress has provided school food authorities the option to substitute any vegetable—including starchy vegetables—for fruits at breakfast, with no vegetable subgroup requirements.

**What is the proposal for substituting vegetables for fruits in school breakfasts?**

This rule proposes to continue to allow schools to substitute vegetables for fruits at breakfast but changes the vegetable variety requirement. Under this proposal, schools that substitute vegetables for fruits at breakfast more than one day per school week would be required to offer a variety of vegetable subgroups. In other words, schools that substitute vegetables more than one day per school week would be required to offer vegetables from at least two subgroups.

**Why is USDA proposing these specific changes?**

The *Dietary Guidelines for Americans* note that for most individuals, following a healthy eating pattern will require an increase in total vegetable intake and an increase from all vegetable subgroups. The Dietary Guidelines state that starchy vegetables are more frequently consumed by children and adolescents than the red and orange; dark green; or beans, peas, and lentils vegetable subgroups, underscoring the importance of encouraging variety. This proposal continues to encourage schools opting to serve vegetables at breakfast to offer a variety of subgroups, but in a way that is less restrictive compared to the current regulatory standard.

**Question(s) for Public Comment**

USDA encourages stakeholder input on all aspects of this proposed rule, including the substituting vegetables for fruits at breakfast proposal. USDA invites public input on this proposal in general but is not including any specific questions for commenter consideration.

## NUTS & SEEDS

### **What are the current requirements nuts and seeds in the child nutrition programs?**

Current regulations at [7 CFR 210.10\(c\)\(2\)\(i\)\(B\)](#), [220.8\(c\)\(2\)\(i\)\(B\)](#), [225.16\(e\)\(5\)](#), and [226.20\(a\)\(5\)\(ii\)](#) allow nut and seed butters to be served as a meat/meat alternate in the child nutrition programs, where they may credit for the full meat/meat alternate requirement. However, there is some variation for crediting of actual or whole nuts and seeds in the programs. In some cases, the regulations limit nut and seed crediting to 50 percent of the meat/meat alternate component. When nut and seed crediting is limited to 50 percent of the meat/meat alternate component, program operators choosing to serve whole nuts and seeds must serve them alongside another meat/meat alternate to meet the component requirement.

### **What is the proposal for nuts and seeds in school meals?**

USDA proposes to allow whole nuts and seeds to credit for the full meat/meat alternate component in all child nutrition programs and meals, not just nut and seed butters. This proposal would remove the 50 percent crediting limit for nuts and seeds at school breakfast and lunch. The crediting change would also apply to the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) at breakfast, lunch, and supper.

### **Why is USDA proposing these specific changes?**

This proposed change aligns regulations for all child nutrition programs for consistency and removes the discrepancy between nut and seed crediting and nut and seed butter crediting. USDA expects this proposal to expand options for program operators that are interested in serving more nuts and seeds in meals, including in plant-based meals.

### **Question(s) for Public Comment**

USDA encourages stakeholder input on all aspects of this proposed rule, including the nuts and seeds proposal. USDA invites public input on this proposal in general but is not including any specific questions for commenter consideration.

## COMPETITIVE FOODS – HUMMUS EXCEPTION

### **What are the current requirements for competitive foods?**

Competitive foods, also known as “Smart Snacks,” are foods sold outside of school meals on the school campus during the school day. To qualify as a Smart Snack, foods must meet nutrient standards for calories, sodium, fats, and total sugars. The standards for total fat and saturated fat are included at [7 CFR 210.11\(f\)](#). The total fat content of a competitive food must not exceed 35 percent of total calories from fat per item as packaged or served. The saturated fat content of a competitive food must be less than 10 percent of total calories per item as packaged or served. The regulations also include a list of foods that are exempt from the total fat and saturated fat standards.

### **What is the proposal for competitive foods?**

USDA proposes to add hummus to the list of foods exempt from the total fat standard in the competitive food, or Smart Snack, regulations. Hummus would continue to be subject to the saturated fat standard for Smart Snacks.

**Why is USDA proposing these specific changes?**

Exemptions to the total fat and saturated fat standards exist for other wholesome foods, including reduced-fat cheese and part-skim mozzarella cheese, nuts and seeds and nut and seed butters, products that consist only of dried fruit with nuts and/or seeds with no added nutritive sweeteners, and whole eggs with no added fat. Exempting hummus from the total fat standard would allow schools to provide hummus, a nutrient-dense food option, for sale to children while still maintaining the overall Smart Snack standards intended to support healthy eating. Hummus is primarily made with wholesome ingredients recommended in the Dietary Guidelines, helps to promote the consumption of other nutrient dense foods, like vegetables and whole grains, and expands schools' ability to provide vegetarian and culturally appropriate foods to children.

**Question(s) for Public Comment**

USDA encourages stakeholder input on all aspects of this proposed rule, including the hummus exception proposal. USDA invites public input on this proposal in general but is not including any specific questions for commenter consideration.

## PROFESSIONAL STANDARDS

**What are the current hiring requirements for professional standards in school meals?**

The professional standards hiring requirements [[7 CFR 210.30](#)] are intended to ensure that school nutrition professionals who manage and operate the school meal programs have adequate knowledge and experience to meet program requirements. The current education requirements, which vary based on the size of the local educational agency (LEA), are one important way of ensuring school nutrition program directors are prepared to manage the programs. Specifically, in relation to this proposed rule, school nutrition directors in medium LEAs are currently required to have a bachelor's or associate's degree, and directors in large LEAs are required to have a bachelor's degree.

**What is the proposal for professional standards in school meals?**

The rule proposes to allow State agencies to approve the hiring of an individual to serve as a school nutrition program director in a medium or large LEA for individuals who have 10 years of school nutrition program experience but who do not hold a bachelor's or associate's degree.

**Why is USDA proposing these specific changes?**

USDA is aware of hiring challenges facing certain LEAs, specifically related to the education requirement for school nutrition program directors. Many individuals have devoted their careers to child nutrition but do not possess an associate's or bachelor's degree. USDA recognizes that the current education standards may limit certain school nutrition professional's ability to advance their careers as a result, despite their years of valuable program experience. This proposed change would allow for State agencies to allow qualified professionals to advance their careers in school nutrition.

**Question(s) for public comment:**

USDA encourages stakeholder input on all aspects of this proposed rule, including the professional standards proposal. Specifically, for professional standards, USDA invites public input on this proposal in general, and requests specific input on the following questions.

- Is it reasonable to allow medium and large local educational agencies to substitute 10 years of school nutrition program experience for a bachelor's or associate's degree when hiring a school nutrition program director? USDA requests that commenters explain their response. Based on

public input, USDA may adjust the number of years of school nutrition program experience required to substitute for a degree.

- Should USDA also consider allowing medium and large local educational agencies to substitute other types of experience, such as experience in other food service sectors, for a bachelor's or associate's degree when hiring a school nutrition program director? USDA requests that commenters explain their response. Based on public input, USDA may adjust the type of experience allowed to substitute for a degree.
- How often do State agencies and schools anticipate using the hiring flexibility proposed in this rule?
- What strategies do local educational agencies currently use to recruit qualified school nutrition program directors? USDA requests input on successes and challenges local educational agencies of any size have experienced in their recruitment efforts.

## BUY AMERICAN

### **What are the current requirements for Buy American in school meals?**

Current regulations at [7 CFR 210.21\(d\)](#) and [7 CFR 220.16\(d\)](#) require school food authorities to purchase domestic commodities or products to the maximum extent practicable. Currently, there are limited exceptions to this provision that school food authorities can use and are provided for in USDA guidance related to product availability and cost.

### **What is the proposal for Buy American in school meals?**

This rule proposes to set a 5 percent limit on non-domestic food purchases when a school food authority utilizes an exception. The rule proposes to include in Federal regulations the exceptions regarding availability and costs that are currently only provided for in guidance related to product availability and cost. School food authorities would need to maintain documentation showing that no more than 5 percent of their total annual commercial food's costs were for non-domestic foods.

Additionally, the rule would require school food authorities to include the Buy American provision in all applicable procurement procedures, solicitations, and contracts.

The rule also proposes to codify the existing statutory phrase, "*substantially using agriculture commodities that are produced in the United States*" means *over 51 percent of a food product must consist of agricultural commodities that were grown domestically*. Lastly, this rule proposes to add language to the regulations to explain how Buy American applies to fish and fish products in school meals programs.

### **Why is USDA proposing these specific changes?**

The proposed 5 percent cap would balance the intent of the Buy American provision to support American farmers and ranchers while also recognizing that there are times when purchasing domestic foods is not practicable for schools. The rule also helps strengthen and clarify aspects of Buy America policy that are currently provided for only in guidance.

### **Question(s) for Public Comment:**

Specifically, for Buy American, USDA invites public input on the proposals in general, and requests specific input on the following questions.

- Is the proposed 5 percent ceiling on the non-domestic commercial foods a school food authority may purchase per school year a reasonable ceiling, or should a different percentage be used? Would the 5 percent cap encourage those school food authorities using exceptions to reduce the amount of non-domestic products they purchase? USDA requests that respondents include justification and reasons behind their response.
- How feasible would tracking and documenting the total amount of non-domestic food purchases be? Would purchasing and record keeping processes need to be altered? Does the documentation of total non-domestic purchases alleviate burden associated with documenting each limited exception that is used? And any additional information about how school food authorities would document the total amount of non-domestic food purchases versus total annual food purchases.
- Is the proposal to require school food authorities to maintain documentation showing that no more than 5 percent of their total annual commercial food costs were for non-domestic foods feasible and is the regulatory language clear enough for school food authorities and States to implement and follow?
- For oversight purposes, USDA is considering requiring school food authorities maintain an attestation statement to attest that any nondomestic food item purchased under the 5 percent cap met one of the two limited exceptions. Would this approach assist school food authorities with the burden associated with documentation requirements? Does it help ensure that any non-domestic food purchase under the 5 percent cap was only a result of utilizing one of the current limited exceptions that USDA proposes to codify through this rulemaking? Does the proposed definition of “substantially using agriculture commodities that are produced in the United States” meet the intent of the Buy American requirements? If not, what other suggestions do stakeholders have for the definition?

## GEOGRAPHIC PREFERENCE

### **What are the current requirements for geographic preference in school meals?**

Since 2011, child nutrition regulations have allowed geographic preference but do not allow the preference for local to be used as a bid specification (a written description of the product or service that the vendor must meet to be considered responsive and responsible). Currently, bidders located in a specified geographic area can be provided additional points or credit calculated during the evaluation of the proposals or bids received in response to a solicitation.

### **What is the proposal for geographic preference in school meals?**

This rule proposes to expand geographic preference options by allowing locally grown, raised, or caught as procurement specifications for unprocessed or minimally processed food items in the child nutrition programs. This change aims to increase the procurement of local foods for use in program meals and ease a local food procurement challenge commonly reported by program operators.

### **Why is USDA proposing these specific changes?**

Expanding the geographic preference option to allow local as a specification will broaden opportunities for child nutrition program operators to purchase directly from local farmers, reinforce local food systems, and ease procurement challenges for operators interested in sourcing food from local producers.

**Question(s) for Public Comment:**

USDA encourages stakeholder input on all aspects of this proposed rule, including the geographic preference proposal. Specifically, for geographic preference, USDA invites public input on the proposal in general, and requests specific input on the following questions.

- Do respondents agree that this approach would ease procurement challenges for child nutrition program operators interested in sourcing food from local producers?
- Do respondents agree that this approach would encourage smaller-scale producers to submit bids to sell local foods to child nutrition programs?

## MISCELLANEOUS CHANGES

**What are the proposed miscellaneous changes?**

In addition to the major provisions of this rule, USDA is proposing a variety of miscellaneous changes to the child nutrition program regulations. The proposals for miscellaneous changes update language used in the regulations, remove outdated information, and correct regulatory cross references. These changes are reflected in the proposed amendatory language. Regarding the proposed language changes, one proposal would change the “meat/meat alternates” component to the “protein sources” component in National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Child and Adult Care Food Program (CACFP) regulations. This change would better reflect the variety of foods that can be offered within this meal component, which include cheese, yogurt, eggs, tofu and soy products, nuts and seeds, and beans, peas, and lentils, in addition to meat products. A second proposal would change the “legumes (beans and peas)” vegetable subgroup to the “beans, peas, and lentils” vegetable subgroup in NSLP, SBP, and CACFP regulations for consistency with terminology used in the *Dietary Guidelines*.

**Question(s) for Public Comment:**

USDA encourages stakeholder input on all aspects of this proposed rule, including the proposed terminology changes for NSLP, SBP, and CACFP.