

April 21, 2020

The Honorable Sonny Perdue  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Secretary Perdue:

We write 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). 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 rule would jeopardize the progress schools are making to provide healthier food to vulnerable children and decrease the overall healthfulness of school meals. 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 (five cups at breakfast and three additional cups at lunch in high school).

This is not USDA's first weakening of school nutrition. In 2018, USDA implemented the now-invalidated 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; weakened the whole grain-rich standard from 100 to 50 percent; and allowed flavored 1 percent milk to be sold without a calorie (and/or added sugar) limit. Despite 99 percent of public comments submitted opposing these rollbacks, USDA moved forward and finalized a rule even more devastating to child health than what was proposed in the interim final rule. A federal court struck down this rule this month.

These proposed changes would jeopardize children's health. The 2012 school nutrition standards are based on sound science and reflect the 2010-2015 Dietary Guidelines for Americans (DGA),<sup>1</sup> 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*

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<sup>1</sup> 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.

*Blocks for Healthy Children.*<sup>2</sup> 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.”<sup>3</sup> 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<sup>4,5</sup> and children consume one-third to one-half of daily calories during the school day.<sup>6</sup>

Absent a review by USDA, a recent Health Impact Assessment (HIA) conducted by the Robert Wood Johnson Foundation’s Healthy Eating Research program found that the proposed changes would adversely affect student’s health and academic performance, and that students from low-income families attending schools that are majority black or hispanic and in rural neighborhoods are most likely to be impacted by the proposed changes.<sup>7</sup> The HIA recommends USDA reverse course and maintain strong nutrition standards and supporting schools via enhanced training, technical assistance, and investments in school kitchen equipment and infrastructure. Weakening school nutrition standards would be the wrong move at any time, but to pursue these changes during a moment like this—when healthy meals at school and at home are at a premium for millions of children and families—is especially problematic. The HIA estimates that these changes are likely to impact the overall dietary quality of school meals as measured by Healthy Eating Index (HEI) scores, and result in fewer school meals being aligned with the DGA.

Virtually all schools (99 percent) participating in the National School Lunch Program and School Breakfast Program 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.<sup>8</sup> 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 HEI scores, increased by 41 percent and 44 percent, respectively, between school years 2009-10 and 2014-15.<sup>9,10</sup> Additional studies have documented the efficacy of the updated nutrition standards. A Healthy Eating Research study examining 1.7 million meals served in six schools in an urban Washington school district found that the overall nutritional

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<sup>2</sup> Institute of Medicine. *School Meals: Building Blocks for Healthy Children*. Washington, DC: The National Academies Press; 2010.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> U.S. Department of Agriculture. *School Nutrition Dietary Assessment Study-III*. Washington, DC: USDA; 2007.

<sup>7</sup> Lott M, Miller L, Arm K, Story M. Rapid Health Impact Assessment on USDA Proposed Changes to School Nutrition Standards. Durham, NC: Healthy Eating Research; 2020. Available at <https://healthyeatingresearch.org/>.

<sup>8</sup> U.S. Department of Agriculture. *School Meal Certification Data* (as of September 2016). Washington, DC: USDA; 2017.

<sup>9</sup> U.S. Department of Agriculture. *School Nutrition and Meal Cost Study*. Washington, DC: USDA; 2019.

<sup>10</sup> 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.

quality of meals increased by 29 percent under the healthier 2012 standards.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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. Further, it shades the optics of school meals – which continue to struggle with poor reputations – as getting less healthy and adding back in junk food.

USDA also claims that some program operators have experienced an increase in food waste, yet USDA’s own research shows that plate waste has not increased with implementation of the healthier school nutrition standards.<sup>14</sup> Any challenges schools face should be addressed through additional technical assistance, such as: time of day and length of time to eat; involving students in taste tests and meal planning; renaming and presenting the food in kid-friendly and appealing ways; providing adequate kitchen equipment; improving nutrition education; and scheduling recess before lunch. Weakening the standards will not decrease food waste. USDA should be focusing on solutions that effectively address the problem.

**The proposed changes in this rule will further undermine the school meal programs. 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 in high school, reducing a healthful variety of vegetables.
- 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.

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<sup>11</sup> Johnson DB, Podrabsky M, Rocha A, et al. Effect of the Healthy Hunger-Free Kids Act on the Nutritional Quality of Meals Selected by Students and School Lunch Participation Rates. *JAMA Pediatr.* 2016;170:e153918.

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> U.S. Department of Agriculture, 2019.

- 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.
- 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.
- Do not allow grain-based desserts in the Child and Adult Care Food Program (CACFP).
- Ensure schools are providing age-appropriate meals and portion sizes by not allowing K-12 or similarly configured schools use one or two meal patterns for all students. If allowed, this change should be limited to smaller schools with fewer than 500 students.
- Ensure school tap water safety and equitable access to appealing water options.

In summary, we strongly oppose this proposed rule which undermines efforts to improve the quality and nutritional value of foods served in schools and could disproportionately impact lower-resourced schools and communities. These rollbacks contradict the clear goal of school nutrition programs under statute. This rule would thwart the progress schools are making to provide healthier food, decrease school meal participation, and increase stigma toward children who rely on free and reduced-price meals. We should be raising the bar, not lowering the floor, when it comes to providing children healthy foods.

Sincerely,

Alliance for a Healthier Generation  
 American Cancer Society Cancer Action Network  
 American Diabetes Association  
 American Heart Association  
 American Institute for Cancer Research  
 American Public Health Association  
 American University  
 Association of SNAP Nutrition Education Administrators  
 Association of State Public Health Nutritionists  
 California Conference of Local Health Department Nutritionists  
 California WIC Association  
 Center for Biological Diversity  
 Center for Science in the Public Interest  
 ChangeLab Solutions  
 Childhood Obesity Prevention Coalition (WA State)  
 Children's Hospital Los Angeles  
 Colorado Children's Campaign  
 Dana Investment Advisors  
 Daughters of Charity, Province of St. Louise  
 Earthjustice  
 First Focus on Children  
 Health Care Without Harm  
 Healthy Schools Campaign  
 Illinois Public Health Institute

Interfaith Center on Corporate Responsibility  
Jump IN for Healthy Kids  
Kreig Triggs Fitness  
Laurie M. Tisch Center for Food, Education, and Policy  
LiveWell Colorado  
Mercy Investment Services, Inc.  
National Association for Health and Fitness  
National Association of County and City Health Officials  
National Association of Pediatric Nurse Practitioners  
National WIC Association  
NC Public Health Association  
New York State Public Health Association  
Northwest Coalition for Responsible Investment  
Nutrition Policy Institute, University of California Division of Agriculture and Natural Resources  
Piatigorsky Foundation  
Psychology of Eating and Consumer Health Lab  
Racine Dominicans  
Redstone Global Center for Prevention and Wellness  
RI Healthy Schools Coalition  
School Sisters of Notre Dame Cooperative Investment Fund  
Seventh Generation Interfaith, Inc.  
Sisters of Charity, Halifax  
Sisters of Mary Reparatrix  
Sisters of St. Dominic of Blauvelt, New York  
Socially Responsible Investment Coalition  
Society for Nutrition Education and Behavior  
Society of State Leaders of Health and Physical Education  
The Los Angeles Trust for Children's Health  
The Praxis Project  
UConn Rudd Center for Food Policy & Obesity  
United Way of New York City