



December 17, 2020

School Programs Branch,
Policy and Program Development Division,
Food and Nutrition Service
P.O. Box 2885,
Fairfax, VA 22031-0885

Re: Restoration of Milk, Whole Grains, and Sodium Flexibilities Docket ID: FNS-2020-0038

Dear Namian,

Nourish California is writing to express opposition to the United States Department of Agriculture's proposed rule, [Restoration of Milk, Whole Grains, and Sodium Flexibilities](#). If enacted in its current state, the rule would jeopardize access to the health and academic benefits of nutritious school meals. In California, more than 3.5 million children rely on free and reduced-price school meals. These same school children would be disproportionately harmed by the changes proposed in the rule. We also write with significant concerns regarding closing the public comment process with a short 30-day comment period during the COVID-19 crisis.

We urge USDA to extend the comment period

It is not productive to push this damaging rule through a short, 30-day comment period while COVID-19 continues to dramatically disrupt the personal and professional lives of all Californians. Our state, and the rest of the nation, continue to record an unprecedented surge in the level of community spread of COVID-19. On December 12, there were 30,334 newly recorded confirmed cases in California alone ([CDPH, 2020](#)). Individuals with the organizational, institutional, and individual expertise necessary to offer sufficient, meaningful public comment on the issues raised through the proposed rule, are likely not going to be able to provide comment. Researchers, policy experts, school nutrition program operators, state agencies, and other stakeholders are responding to the immediate threats of the COVID-19 crisis. Under these extraordinary circumstances, it is not possible to give the comment period adequate attention and uphold the integrity of the administrative process. California's children deserve the best meal options we can offer them. Their development and future depends on it. We appreciate the department's desire to ease administration of school meal programs, but during this time of unprecedented food

insecurity, our children need strong, evidence-based nutrition standards and thoughtful, well-informed policy making. The comment period should be extended by 60 days.

School Meals Should Be Consistent With The Dietary Guidelines For Americans

To ensure the health and well-being of children, federal law requires that school meals are consistent with the Dietary Guidelines for Americans ([42 U.S.C. 1758](#)). The Healthy, Hunger-Free Kids Act of 2010 ([Pub. L. 111-296](#)) also required USDA to update nutrition standards for school lunches and breakfasts based on the recommendations issued by the Institute of Medicine. The new nutrition standards were put in place because we know that healthier school meals are associated with healthier dietary intakes for children ([Au et. al., 2018](#)). Healthy school meals also help combat the detrimental impacts of poverty, food insecurity, and poor nutrition on our most vulnerable children and help children establish a foundation for a lifetime of healthy eating behaviors ([FRAC, 2017](#)). Weakening the quality of school meals made available through school meals, would hurt student's access to the most basic tool they need for academic success - nutritious food.

Recent research shows that the updated nutrition standards for school meals are working. As of 2016, ninety-nine percent of all school districts nationwide certified that they have implemented the new standards ([FRAC, 2020](#)). A study by Gearan and Fox found that the new standards significantly improved the nutritional quality of school meals and their consistency with the Dietary Guidelines for Americans (DGAs) ([Gearan & Fox, 2020](#)). The proposed rule would unravel this success and would allow nutrition programs to serve milk with more added sugars, meals with less whole grain rich foods, and meals with higher sodium levels.

During this time of unprecedented food insecurity rates and health disparities, our nation's children need strong, evidence-based nutrition standards that support their learning, health, and well-being. School meals should be consistent with the Dietary Guidelines for Americans and informed by the Institute of Medicine's recommendation, including serving more whole-grain, limiting sodium and limiting added sugars.

Sincerely,



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