



March 22, 2023

Tina Namian, Director
School Meals Policy Division
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1320 Braddock Place
Alexandria, VA 22314

Dear Ms. Namian,

Thank you for the opportunity to provide feedback and insight on the USDA Request for Comment on Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans: FNS-2022-0043-0001. We appreciate USDA Food and Nutrition Service asking for public comments to gather feedback regarding the proposed rules outlining changes in the meal pattern, which would affect the USDA Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP).

The National CACFP Sponsors Association (NCA) is a national platform for the Child and Adult Care Food Program (CACFP) and our community of CACFP and SFSP stakeholders includes sponsoring agencies, child care centers, family home providers, schools and afterschool programs, Head Start, tribal nations and state agencies. We conducted a multi-pronged outreach effort that included a member survey, various focus group meetings and conversations with nonprofit group leaders to inform our comments.

NCA recognizes the science-based nutrition recommendations and the desire to further align the CACFP with the 2020-2025 Dietary Guidelines for Americans (DGA). However, we are concerned with the exorbitant cost and administrative burden that some of these proposed rules will place on CACFP/ SFSP administrators, sponsors, and providers. As pandemic financial support and flexibilities end, many sponsoring organizations predict they will lose up to 30% of their providers, which will impact them drastically. At a time when the number of sponsoring organizations and CACFP providers are in decline, we ask you to consider whether changes for an already fragile infrastructure are necessary right now. Any final rule for the CACFP must be accompanied by a significant funding increase at every level.

Furthermore, many proposed changes do not include the SFSP. USDA did hint that the SFSP meal pattern might be reviewed in the future. Many sponsors and providers operate both the CACFP and SFSP, so we recommend USDA consider this important point when considering changes in one or both programs.

NCA supports a CACFP meal pattern that is based on a food component meal pattern. Additionally, many CACFP operators are first and foremost caregivers who also fulfill the purpose of feeding nutritious meals and snacks to the children and/or adults in their care. Therefore, special consideration should be given to their unique circumstances. We urge USDA to focus on simplifying and streamlining the CACFP to encourage current providers to stay on the program and help new providers join the CACFP, not add administrative barriers and cost to the program.

NCA *SUPPORTS* the following proposed rules which support equitable practices in both the CACFP and SFSP.

- Allowing institutions and facilities, or sponsors, as applicable, that serve primarily American Indian or Alaska Native children to substitute vegetables for grains or breads
- Explicitly stating in regulations that traditional foods may be served in reimbursable school meals
- Expanding geographic preference options by allowing locally grown, raised, or caught as procurement specifications for unprocessed or minimally processed food items

NCA also *SUPPORTS* the following proposed rules.

- Allowing nuts and seeds to credit for the full meat/meat alternate component
- Adding the regulatory definition for whole grain-rich
- Terminology change: “legumes (beans and peas)” vegetable subgroup to “beans, peas and lentils”
- Aligning NSLP snack standards for school-aged children with the CACFP snack requirements

NCA *will SUPPORT*:

- Replacing the current total sugar limits with added sugar limits for breakfast cereal and yogurt and limiting breakfast cereals to no more than 6 grams of added sugars per dry ounce and limiting yogurt to no more than 12 grams of added sugars per 6 ounces *only if* CACFP sponsors and providers can continue to use the WIC list for creditable cereals and grains

NCA does *NOT SUPPORT* the following proposed rules.

- Making any of the following terminology changes:
 - “meat/ meat alternate” to “protein sources”
 - “food components” to “meal components”
 - “grains” to “grain items”
- Aligning CACFP in any future rulemaking with school meals should Alternative A be finalized with sugar limits and/or restrictions on flavored milk for grades K–8 or K–5 in NSLP and SBP.

Section 2: Added Sugars: Product Specific Limits (Cereal and Yogurt)

Proposed Rule: Breakfast cereals would be limited to no more than 6 grams of added sugars per dry ounce. Yogurt would be limited to no more than 12 grams of added sugars per 6 ounces. The added sugars limits would replace the current total sugar limits for breakfast cereal and yogurt in CACFP.

USDA Asks: Do stakeholders have input on the products and specific limits included in this proposal?

NCA supports the science-based recommendations made by the DGAs and will support changing the calculation for sugar limits for cereal and yogurt from total sugar to added sugar, if USDA continues to allow all ready-to-eat and hot cereals listed on any State WIC list to be credited in the CACFP (CACFP 09-2018). Over 50% of providers shop retail (grocery and big box stores) and use the WIC lists to easily identify cereals that meet the existing meal pattern sugar limit requirements in the CACFP.

USDA Asks: Do the proposed implementation timeframes provide appropriate lead time for food manufacturers and schools to successfully implement the new added sugars standards? Why or why not?

No, the proposed implementation timeframes do not provide an appropriate lead time.

USDA should consider whether eligible products that meet the newly proposed added sugar limit are readily and widely available through both retail and foodservice channels, as family home child care providers and smaller centers often do not have access to foodservice products where reformulation mostly occurs. Furthermore, while there may be some products that meet this new added sugar limit, USDA should examine if eligible products are also available at an affordable price.

CACFP sponsoring organizations need ample time to retrain providers. USDA should not assume that it is simply a matter of looking at a different line on the food label. In addition, USDA should not underestimate the impact this proposed rule will have on revisions that will be required for training and technical assistance materials and should provide additional funding for organizations, sponsors and providers to support the nutrition education training and material revision necessary for implementation at the local level.

Section 3: Milk

Proposed Rule: Alternative A: Proposes to allow flavored milk (fat-free and low-fat) at school lunch and breakfast for high school children only, effective SY 2025– 2026. Under this alternative, USDA is proposing that children in grades K–8 would be limited to a variety of unflavored milk.

If Alternative A is finalized with restrictions on flavored milk for grades K–8 or K–5 in NSLP and SBP, USDA also requests public input on whether to pursue a similar change in SMP and CACFP.

NCA does not support aligning CACFP in any future rulemaking with school meals should Alternative A be finalized with sugar limits and/or restrictions on flavored milk for grades K–8 or K–5 in NSLP and SBP.

Section 4: Whole Grain

Proposed Rule: USDA also proposes to add a regulatory definition of “whole grain-rich” for clarity. The definition would read as follows: 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. This proposed definition would not change the meaning of whole grain-rich, which has previously been communicated in USDA guidance; USDA is instead proposing to define the term in regulation for clarity. This definition would be included in NSLP, SBP, and CACFP regulations.

USDA seeks comment on the regulatory definition.

NCA supports adding the regulatory definition for whole grain-rich as outlined by USDA.

Section 6: Menu Planning Options for American Indian and Alaska Native Students

Proposed Rule: USDA proposes to allow institutions and facilities, or sponsors, as applicable, that serve primarily American Indian or Alaska Native children to substitute vegetables for grains or breads. For the CACFP and SFSP, the institution, facility, or sponsor would also be required to maintain documentation demonstrating that the site qualifies for this menu planning option.

USDA invites public input on this proposal.

NCA supports the meal pattern flexibility allowing institutions and facilities, or sponsors, that serve primarily American Indian and Alaskan Native children and adults to substitute vegetables for grains or breads, but requests clarification from USDA as to whether the intention is to allow all vegetables to be used as substitutes or just those that are considered traditional foods/starchy vegetables.

NCA is concerned at the potential for additional administrative burden for enrolled sites. Enrolled sites rely on self-reporting, which means program operators are often reliant on parents/guardians to return correctly completed paperwork. Qualification might be hindered by incomplete paperwork. NCA disagrees with USDA’s 1 hour per site annual estimate for collecting and maintaining this documentation and feels this is grossly underestimated.

NCA also asks USDA to consider allowing this flexibility for all providers in an effort to be more inclusive to other cultures and eliminate the qualification administrative burden completely.

NCA believes serving culturally responsive meals and snacks is an equitable practice and leads to greater meal consumption as well as strengthening relationships between providers, families and those they serve.

Section 7: Traditional Foods

Proposed Rule: USDA proposes to explicitly state in regulation that traditional foods may be served in reimbursable school meals.

USDA Asks: Which traditional foods should USDA provide yield information for and incorporate into the Food Buying Guide?

This is a list of traditional foods suggested by our stakeholders.

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|---------------------------------------|-----------------|--------------------|
| • Bacalao (Cod Fish) | • Dragon fruit | • Reindeer Sausage |
| • Bitter Melon/ Bitter
Gourd | • Elk | • Rye Berries |
| • Braunschwieger | • Green Bananas | • Smoked Eel |
| • Broccoflower/
Romanesco Broccoli | • Huckleberries | • Spoonbread |
| • Chorizo | • Labenh | • Taro Root |
| • Crowder peas | • Matzo/Matzah | • Ulu/ Breadfruit |
| | • Moose meat | • Walleye |
| | • Naan | |

USDA Asks: 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?

While NCA recognizes that the inclusion of meal pattern flexibilities and American Indian traditional foods is a small step in improving the nutrition programs for American Indian and Alaskan Native children and adults, NCA encourages USDA to expand on the definition of traditional foods (“food that has traditionally been prepared and consumed by an [American] Indian tribe”) and include the following foods in its definition: wild game meat; fish; seafood; marine mammals; plants; and berries.

The American food landscape includes a large variety of “traditional foods” from many different cultures and NCA believes traditional foods should not be limited to those consumed by an American Indian Tribe but be inclusive of other diverse cultures as well.

Section 8: Afterschool Snacks

Proposed Rule: USDA proposes to align NSLP snack standards for school-aged children with the CACFP snack requirements, as required by statute. Under the proposed NSLP snack requirements for school-aged children, reimbursable snacks would include two of the following five components, as is currently required for CACFP snacks: Milk, Vegetables, Fruits, Grains, Meats/Meat Alternates.

USDA also proposes applying the following CACFP snack requirements to NSLP snacks served to school-aged children:

- Only one of the two components served at snack may be a beverage.
- Milk must be unflavored or flavored fat-free (skim) or low-fat (1 percent fat or less) milk for children 6 years old and older.
- At least one serving of grains per day, across all eating occasions, must be whole grain-rich.
- Grain-based desserts do not count towards meeting the grains requirement.

USDA seeks comment on this proposed change, found in 7 CFR 210.10(o) of the proposed regulatory text.

NCA supports the alignment of NSLP snack standards for school-aged children with the CACFP snack requirements. The CACFP snack meal pattern is nutritious and NCA hopes that this will encourage schools to implement the supper program and narrow the gap of the number of children who are eligible to receive supper but do not. According to the Food Research and Action Center's report *Afterschool Suppers: A Snapshot of Participation Afterschool Nutrition Report October 2021*, only 1 in 12 students who participated in school lunch in 2021 received supper even though this was a time of heightened food insecurity.

Section 10: Nuts and Seeds

Proposed Rule: USDA proposes to allow nuts and seeds to credit for the full meat/meat alternate (or protein sources) component in all child nutrition programs and meals. This proposal would remove the 50 percent crediting limit for nuts and seeds at breakfast, lunch, and supper.

USDA seeks comment on this proposed change, found in 7 CFR 210.10(c)(2)(i)(B), 220.8(c)(2)(i)(B), 225.16(d)(2), 225.16(e)(5), 226.20(a)(5)(ii), and 226.20(c)(2) of the proposed regulatory text.

NCA supports allowing nuts and seeds to credit for the full meat/ meat alternate component in all child nutrition programs (includes CACFP and SFSP). We agree that this change reduces complexity by making the requirements consistent across programs. We also agree that this change will provide more menu planning flexibility for program operators in At-Risk Afterschool and Summer Food programs that serve shelf-stable meals and include plant-based options. Providers of young children will likely not serve nuts and seeds due to potential choking hazards and allergies.

Section 14: Geographic Preference Expansion

Proposed Rule: USDA is proposing a change in this rulemaking to expand geographic preference options by allowing locally grown, raised, or caught as procurement specifications (a written description of the product or service that the vendor must meet to be considered responsive and responsible) for unprocessed or minimally processed food items in the child nutrition programs, in order to increase the procurement of local foods and ease procurement challenges for operators interested in sourcing food from local producers.

USDA Asks: Do respondents agree that this approach would ease procurement challenges for child nutrition program operators interested in sourcing food from local producers?

Yes, NCA supports the rulemaking to expand geographic preference options by allowing locally grown, raised, or caught as procurement specifications for unprocessed or minimally processed food items and agrees that including this language specification of “locally grown, raised, or caught” will streamline local purchasing for sites in the CACFP and SFSP that participate in the bidding process.

USDA Asks: Do respondents agree that this approach would encourage smaller scale producers to submit bids to sell local foods to child nutrition programs?

Yes, NCA agrees that this approach would encourage smaller scale producers to submit bids.

Section 15: Miscellaneous Changes

Proposed Rule: USDA proposes to change the name of the meat/meat alternate meal component in the NSLP, SBP, and CACFP regulations to “protein sources.” USDA proposes to change the name of the “legumes (beans and peas)” vegetable subgroup in the school meal pattern regulations to align with the Dietary Guidelines. USDA also proposes several changes to the child nutrition program meal pattern tables: change references to “food components” to “meal components,” and change references from “grains” to “grain items” in footnotes to meal pattern tables.

USDA invites public input on this terminology change for NSLP, SBP, and CACFP.

NCA supports the following terminology change:

- “legumes (beans and peas)” vegetable subgroup to “beans, peas, and lentils”

NCA does **NOT** support the following terminology changes.

- “meat/meat alternate” to “protein sources”
- “food components” to “meal components”
- “grains” to “grain items”

NCA understands USDA’s desire to further align the CACFP meal pattern with the DGAs by changing Meat/Meat Alternate to Protein Sources but is concerned with the difficulties that will result from this change.

As one NCA member pointed out, “Many packaged foods have the nutrition claim, ‘good source of protein’ and I feel this will cause confusion.” Providers report that parents are already making requests for items such as protein shakes, protein mushroom nuggets and other protein labeled items. Therefore, NCA feels that making this change will significantly increase the technical assistance needed to ensure providers are claiming creditable foods. Furthermore, making this change in the CACFP and not in the SFSP will create an unnecessary burden for sponsors and operators who operate both programs.



NCA, and our members, believe the financial burden of making the above three terminology changes, especially the meat/meat alternate change, for retraining providers and developing new documents and materials for the CACFP far outweighs the benefits. Furthermore, we feel the enormous amount of funding likely needed for these recommended changes would be better spent supporting the program elsewhere.

We thank all the staff at the USDA Food and Nutrition Service for their work and dedication to Child Nutrition Programs and their efforts strengthening the program for all. We appreciate the opportunity to share the impact of these proposed changes and welcome meeting in person to clarify and further explain our position to this proposed rule.

We remain available, at your service and convenience, to provide feedback, insight, and impact of any USDA action.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lisa Mack". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lisa Mack
President & CEO
National CACFP Sponsors Association

A handwritten signature in black ink, appearing to read "Blake Stanford". The signature is cursive and somewhat stylized, with the first letters being larger and more prominent.

Blake Stanford
Board Chair
National CACFP Sponsors Association