



National Milk Producers Federation

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Agri-Mark, Inc.
Associated Milk Producers Inc.
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California Dairies, Inc.
Cayuga Marketing
Cooperative Milk Producers Association
Dairy Farmers of America, Inc.
Ellsworth Cooperative Creamery
FarmFirst Dairy Cooperative
First District Association
Foremost Farms USA
Land O'Lakes, Inc.
Lone Star Milk Producers
Maryland & Virginia Milk Producers Cooperative Association
Michigan Milk Producers Association
Mid-West Dairywomen's Company
Mount Joy Farmers Cooperative Association
Northwest Dairy Association
Oneida-Madison Milk Producers Cooperative Association
Prairie Farms Dairy, Inc.
Premier Milk Inc.
Scioto Cooperative Milk Producers' Association
Select Milk Producers, Inc.
Southeast Milk, Inc.
Tillamook County Creamery Association
United Dairywomen of Arizona
Upstate Niagara Cooperative, Inc.

April 15, 2020

School Programs Branch
Policy and Program Development Division
Food and Nutrition Service, USDA
1320 Braddock Place, 4th Floor
Alexandria, Virginia 22031

Re: Docket No. FNS-2019-0007

Dear Sir or Madam:

The National Milk Producers Federation (NMPF) is pleased to submit these comments to the Food and Nutrition Service (FNS) on the proposed rule entitled "Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs," published in the January 23, 2020, *Federal Register*. NMPF, established in 1916 and based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of dairy producers on Capitol Hill and with government agencies.

NMPF strongly supports the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program (CACFP) and USDA's other child nutrition initiatives. Milk, the top source of nine essential nutrients in children's and adolescents' diets (1), is an integral part of these programs. NMPF believes that one of the best ways to improve student diets and reduce food insecurity is to encourage greater participation in the school meal programs. The recent School Nutrition and Meal Cost Study (SNMCS) showed clearly that the meals provided in these programs are nutritionally superior to the same meals consumed by non-participants in the programs (2). Yet sadly, only a little over half and only about 30 percent of students participate in the NSLP and SBP, respectively (3).

Meats and Meat Alternates at Breakfast

NMPF supports the proposal to allow a meat or meat alternate at breakfast to credit as a grain, removing the current requirement that a grain must be offered first before the crediting is allowed. NMPF would also support making a meat or meat alternate mandatory at breakfast, as was recommended by the Institute of Medicine in its comprehensive review and recommendations for school meal programs a decade ago.

There is no doubt about the multiple benefits of school breakfasts. While the nutritional benefits are evident, research has also linked SBP availability to improved performance on standardized tests among elementary school students (4). A high-protein breakfast, compared to one with normal levels of protein, has been shown to assist in preventing

body fat gain, voluntarily reducing caloric intake and reduction in hunger feelings among adolescents who are overweight and obese (5).

Under the proposed rule, with meats and meat alternates fully interchangeable with grains, schools may realize cost savings relative to the current regulation when they offer protein foods. At present, to serve a protein food, a school must also purchase a grain because the protein credits as a grain only when at least one grain is also offered. Administrative burdens may also be less.

Additional Flexibility to Offer Entrées for a la Carte Sale

NMPF supports the proposal to allow a NSLP entrée to be offered a la carte on the following two days, rather than only one as under current regulations. By encouraging consumption of all food that is prepared, the proposal has the potential to reduce food waste. Allowing for food to be offered a la carte for two days could boost revenues, and would contribute to the viability of nutrition programs in individual school districts.

Changes to Provisions for Potable Water and a la Carte Sales of Water

NMPF believes that regulations implementing the NSLP and SBP should encourage fluid milk consumption. As previously noted, milk is the number one source of many important nutrients, and this includes three of the four nutrients of concern for underconsumption identified by the Dietary Guidelines for Americans (vitamin D, calcium and potassium). Congress has repeatedly legislated that milk be offered with school meals- the only individual food singled out.

Thus, we would be concerned with any changes that would discourage milk consumption in schools, whether intentionally or inadvertently. For example, we certainly do not object to the mandate in law to provide plain water in school cafeterias. But we have been made aware, anecdotally, that some schools have implemented this requirement in such a way as to encourage students to decline milk and take water instead. FNS evidently shared our concern, because the agency issued a policy memorandum last year clarifying that the requirement to make water available in no way changes the obligation to offer milk with each reimbursable meal.

In this context, two items in the proposed rule are potentially troubling. The law requires “potable water” but says nothing about water enhanced with various non-caloric flavorings, as permitted by the proposed rule. We urge FNS not to adopt this proposal as final without conducting pilot tests to ascertain whether the change would discourage milk consumption. If that is the case, making the change would be ill-advised, since when students substitute water for milk, they are choosing simple hydration instead of the nutrition that milk provides.

Similarly, we are concerned by the proposal to expand the sale of calorie-free flavored water, including carbonated varieties, to students as young as kindergarteners. We believe that one purpose of the NSLP and SBP is to model good nutritional behavior. Encouraging the development of lifelong milk consumption is an important component of modeling this good behavior.

The SNMCS has shown that non-participants in the meal programs are substantially less likely to drink milk than are participants (6). From this standpoint, FNS should be looking for ways to encourage a la carte milk sales to students outside the reimbursable lunch and breakfast programs, not enhancing the suite of products that compete with milk among young children. Once again, we urge the agency to gather objective data on the impact of this change on milk consumption before implementing it.

Substitutions

Finally, we note FNS's request for comments on whether meal modifications should require a note from a licensed healthcare professional. We are aware that this question is not posed directly with respect to milk, where the statute already permits a non-professional to make the request. Frankly, we think Congress erred in enacting this provision. We would encourage FNS not to compound the error with respect to other parts of the school menu. Healthcare professionals – which include not just doctors but dietitians, nurses and others – are in the best position to assess the modifications that may be needed in the menu in order to accommodate a disability or other need but not adversely affect the student's nutritional intake. If a genuine need for a substitution exists, we support modifying the meal, but the healthcare professional's involvement helps ensure that the substitution is made for genuine reasons.

NMPF appreciates the opportunity to submit comments on programs that are vital to our children's future health and well-being.

Sincerely,

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

Clay Detlefsen, Esq.
Senior Vice President and Staff Counsel

References

1. Keast DR, Fulgoni VL, Nicklas TA, O'Neil CE. Food Sources of Energy and Nutrients among Children in the United States: National Health and Nutrition Examination Survey 2003-2006. *Nutrients* 2013, 5, 283-301.
2. U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support. School Nutrition and Meal Cost Study, Final Report Volume 2: Nutritional Characteristics of School Meals. Alexandria, VA: April 2019.
3. U.S. Department of Agriculture, Food and Nutrition Service. Program Information Report (Keydata). U.S. Summary, FY 2019-FY 2020. April 10, 2020.
4. Frisvold DE. Nutrition and Cognitive Achievement: An Evaluation of the School Breakfast Program. *J Public Econ* 2015 April 1;124:91-104.
5. Leidy HJ et al. A high-protein breakfast prevents body fat gain, through reductions in daily intake and hunger, in "breakfast skipping" adolescents. *Obesity* 23:9 (September 2015);1761-1764.
6. U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support. School Nutrition and Meal Cost Study, Final Report Volume 4: Student Participation, Satisfaction, Plate Waste, and Dietary Intakes. Alexandria, VA: April 2019.