

March 23, 2022

Tina Namian
Chief, School Programs Branch, Policy and Development Division
4th Floor Food and Nutrition Service
1320 Braddock Place
Alexandria, VA, 22312

RE: Child Nutrition Programs: Transitional Standards for Milk, Whole Grain and Sodium (Final Rule), Docket No. FNS-2020-0038

Dear Ms. Namian,

On behalf of AASA, The School Superintendents Association, representing more than 13,000 public school superintendents, and The Association of School Business Officials International (ASBO), representing more than 30,000 school business professionals—we write to offer comments in response to the Child Nutrition Programs: Transitional Standards for Milk, Whole Grain and Sodium (Final Rule). It is our view that these transitional standards were set with good intentions by USDA and with the understanding that these standards would be reasonable and achievable for districts to meet. However, in light of the impending expiration of the COVID-19 waivers, these transitional standards will continue to prove problematic and onerous to meet as districts face significant supply chain challenges.

We are appreciative of the Department's willingness to engage stakeholders and understand the impact these standards have on school nutrition programs. By issuing these standards, the USDA continues to acknowledge the great work happening in schools to make meals more nutritious while listening to school leaders' call for some common-sense flexibilities. Burdensome nutritional provisions contribute to excess food waste, increased program costs, and reduced student participation that hamper schools' operational capacity. These flexibilities allow schools to provide healthy, well-balanced meals that are aligned with students' taste preferences.

The transitional standards for milk and sodium are reasonable and we appreciate the maintenance of the flexibilities for SY 2022-23 and 2023-24. Permitting the sale and offering of flavored 1% milk allows operators to provide students with an option that they are accustomed to and enjoy.

However, we cannot support the whole-grain requirement set at 80% of weekly grains served. We continue to recommend the requirement of 50% whole-grains which allows schools to provide healthy meals to students that they will actually eat. While we recognize that this standard provides more flexibility than the previous 100% requirement, we remain concerned that some districts will struggle to meet it. Some whole-grain products are not as appealing to students which leads to unnecessary food waste and reduced participation in the program.

Reduced meal participation coupled with increased costs reduces the fiscal impact of federal meal reimbursements that districts rely on and make these programs less financially sustainable. Most school districts are not allowed to operate their food service programs at a

loss and must ensure their budgets balance. When a district's food service program exceeds its revenues, they are left with the difficult choice of either scaling back feeding programs, cutting staff (since labor is a significant cost), or reallocating funds meant for other education programs and services to continue feeding children.

The decision by Congress not to extend the COVID-19 waivers makes these reasonable transitional standards problematic as school districts face numerous challenges caused by the pandemic. Given the significant supply chain and labor challenges facing most districts as a result of the COVID-19 pandemic, and that food service programs are still recovering financially after having experienced reduced participation during COVID-related school closures, districts need more flexibility with navigating these challenges. Unprecedented nationwide supply chain disruptions and labor shortages—circumstances that are outside of the district's control—are further complicating efforts to procure the menu items necessary to comply with USDA's nutritional standards and hire and train sufficient staff to ensure ongoing compliance.

We have heard from our members a multitude of reports about food delivery trucks being severely delayed or not showing up at all, trucks showing up only half-full with incomplete orders, and delivering products that were not ordered or substituted at the last minute. In addition, readjusting to stricter meal pattern requirements will take time as school food service departments are understaffed and overwhelmed because of labor shortages. School districts are using every strategy and resource at their disposal to recruit, hire, train, and retain quality staff with hiring bonuses and other pay incentives—however they are not exempt from broader labor market conditions and trends. Districts have also been impacted by nationwide staffing shortages, especially concerning hourly wage positions. Supply chain and labor challenges have been wreaking havoc on food service operations throughout the pandemic, and there is no certainty that these issues will be resolved anytime soon, yet alone by June 30, 2022, when the USDA's COVID-19 meal waivers expire, including for meal pattern requirements.

We are deeply concerned that schools, through no fault of their own, will be unable to comply with the transitional requirements outlined in this final rule and will be held accountable and financially penalized for violations caused by factors outside their control. We encourage the USDA to use the full scope of its authority to ensure that school districts are not penalized for being unable to meet these nutritional standards and are able to continue to receive federal reimbursements for the meals they serve. It would be a disservice to schools to place additional burdens and penalties on them at a time when they are doing everything they can to feed, care for, and educate students during these difficult times.

Thank you for the opportunity to provide comment on these important transitional standards. We look forward to continuing collaboration with USDA and in finding opportunities to work together to improve the federal school meals programs.

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