UNIVERSITY OF CALIFORNIA
Agriculture and Natural Resources
Nutrition Policy Institute

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School Programs Branch
Policy and Program Development Division
Food and Nutrition Service
1320 Braddock Place, 4th Floor
Alexandria, Virginia 22314

Re: Docket No. FNS-2019-0007; Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs

University of California's Nutrition Policy Institute submits these comments 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).

For nearly twenty years, researchers at the Nutrition Policy Institute (NPI) and its predecessor organization have engaged in research and evaluation to improve nutrition policy in California and the nation, with special emphasis on the challenges for low-income children in accessing a healthy diet. Today, in the midst of the COVID-19 pandemic, these challenges have been greatly magnified: the numbers of unemployed low-income families whose children need nutrition assistance has grown exponentially at the very time when schools, the operating site for most child nutrition programs, are closed. Fortunately, Congress and USDA have acted quickly to expand and ease access to the essential food programs. Unfortunately, the proposed rules to which these comments are addressed seem largely counterproductive to children's health and wellbeing and unresponsive to the pandemic.

Taking a public-health approach, NPI focuses much of its work on low-income families, for whom evidence-based, disease-prevention interventions have been shown to improve health and wellbeing and to decrease health disparities and healthcare costs. Seeking to improve nutrition and health for the largest number of low-income children, NPI studies have documented the benefits of federal child nutrition programs in enhancing nutrition and reducing food insecurity. Because low-income children are at the heart of so much that NPI does, NPI has deep interest and expertise in the National School Lunch Program (NSLP), School Breakfast Program, and Child and Adult Care Food Program (CACFP), and in these proposed modifications to the program.

NPI opposes virtually all of the proposed changes in the rule. The changes walk back the strides made since 2010 to improve nutrition in these important child nutrition programs. Two recent NPI studies demonstrate the nutritional benefits derived from school meals,[1, 2] and another recent

NPI study shows the success with which schools across the country have met the new, higher nutritional standards.[3] With both students and schools doing well with the new standards, there is no reason to roll them back now when, given the COVID-19 influx of children reliant on school meals, they are more important than ever.

Numerous earlier commenters have carefully laid out objections to various portions of the proposed rule, and, while NPI embraces those submissions, it does not seem particularly useful to use the present comment simply to rehearse that reasoning. Rather, NPI would like to draw attention to the following issues on which NPI can contribute science-based information from its own studies.

Do not allow grain-based desserts (e.g. cakes, cookies, and donuts) to be creditable in the Child and Adult Care Food Program.

The current regulations prohibiting the crediting of grain-based desserts in CACFP have been a resounding success. Program operators are serving healthier meals and snacks through CACFP, as research conducted by the University of California, Nutrition Policy Institute has shown.[4,5,6] The 4.5 million children participating in CACFP have benefitted from the improvements in child care centers, homes, and afterschool programs across the country. The rule is simple, practical, and understandable for all levels of program staff from a volunteer in an afterschool program, to a busy family child care provider, to a nutritionist in charge of Head Start menus. Rolling back the rule now would undermine the success of the healthier meal pattern, increasing empty calories, saturated fat, and refined grains in CACFP meals and snacks.

Implementing an across-the-week allowance for grain-based desserts is likely to complicate program administration as well as harm child nutrition and health. CACFP program monitoring and auditing is done on a daily basis. This administrative approach determines a significant portion of the CACFP meal pattern design. As was made clear in the original rulemaking, any new requirement that counts across the week would create confusion for program operators and auditing difficulties. A two-ounce equivalent per week limit would allow grain-based desserts to be served to preschool children four times a week. (For children aged one to five the grain serving size is 0.5 of an ounce equivalent.)

Grain-based desserts are not a necessary dietary component; there are many other foods available that can be used to meet grain recommendations. The consumption of grain-based desserts (cakes, snack cakes, cookies, or pastries) is already widespread among young children: 32.9% of infants 6- to 11-months-old,[7] 27 percent of 12- to 17.9-month-olds and 36 percent of 18- to 23.9-month-olds consume sweet bakery items on a typical day.[8] Grain-based desserts are one of the top sources of added sugars in the diets of children two to eight years of age.[9] Similarly, the top

sources of added sugars in the diets of infants aged 0 to 11 months were baby food snacks/sweets and sweet bakery products; sugars/sweets and sweet bakery products were the top sources for toddlers aged 12-23 months.[10] Limiting grain-based dessert consumption in child care and after school programs is an effective and targeted approach for reducing consumption of added sugars, saturated fat, and refined grains. In NPI studies, we have previously shown that CACFP-participating child care sites provide less sweet- and snack-type foods than those not participating in the program. It is noteworthy that we documented this before 2017,[4,5,6] suggesting that sites can and will comply with the updated CACFP nutrition standards.

As noted in the proposed rule, a majority of commenters supported excluding grain-based desserts in the previous 2015 proposed rule based on scientific evidence. The CACFP community did not ask for a change to the grain-based desserts regulations in response to USDA's request for information on crediting. Good nutrition is critically important for all children, particularly for children from birth to five as their taste preferences are being developed. It is best to stay the course and keep the current successful regulations prohibiting the crediting of grain-based deserts.

USDA's reliance upon assertions that the proposed changes to school meals are supported by concerns of heightened food waste is misplaced.

USDA 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.[11] In an NPI publication, we talk about the magnitude of the problem of food waste and that it is important to reduce it. However, as the paper mentions, school food waste does not appear to have grown worse from the 2010 nutrition policy changes.[12]

On the other hand, there are evidence-based strategies to reduce food waste by promoting students' increased consumption of school meals. Findings from another NPI study, for example, showed that the more time students had to eat the school lunch and the more involvement of students in food service activities, the better the fruit and vegetable consumption during school lunch.[13]

An additional means of reducing food waste is by improving school kitchen equipment to enable schools to do more scratch cooking and to be able to use more effectively a greater variety of foods. In 2014, The Pew Charitable Trusts reported that schools in California and other states lacked adequate capacity for food storage, preparation and consumption to provide healthy meals with minimal waste.[14] Shortly thereafter, NPI was engaged to undertake an examination for Pew of certain school kitchens in California and a handful of other states.[15] NPI's examination of schools that had received USDA school kitchen equipment grants showed that these schools were able to increase the amount of scratch cooking they could do, avoiding the food waste

inherent in processed foods as well as the transportation and storage of products assembled and shipped from thousands of miles away. [16,17]

Expanding water options is a step in the right direction to increase water consumption, but must be done in the safest way possible and not permit "naturally flavored" sweeteners.

It has been our national policy for more than a decade to promote drinking water as an essential substitute for sugar sweetened beverages (SSB). Key elements of this policy appear in the 2010 and 2015 Dietary Guidelines for Americans and in Healthy, Hunger-Free Kids Act of 2010, which requires provision of free, potable water in CACFP-participating settings and in K-12 schools. The drinking water policy manifests the nation's recognition of unacceptable levels of obesity and overweight among our children – ranging from 26.0% in children 2-5 years old to 41.5% in those 16-19 years old[18] – and of the uniquely large contribution that SSB consumption makes in driving the rapid rise of obesity among our children.

Now COVID-19 imparts added urgency to promoting consumption of drinking water in place of SSBs in order to ameliorate obesity. Current, preliminary observations see an association between individuals' COVID-19 severity and a number of diet related conditions, including diabetes, obesity, and heart disease.[19] As COVID-19 affects a disproportionately high number of low-income people, strengthening access to drinking water in the NSLP, about two-thirds of whose participants qualify for free and reduced-price meals, is well targeted.

NPI therefore agrees with efforts to expand access to drinking water in schools. For reasons of equity, however, we urge USDA to put a strong emphasis on tap water: children ought not be expected to purchase water; nor should the water that is available free of charge be inferior to paid water. The highest priority, then, should go to ensuring that the schools' free tap-water supply be safe and readily available and no less appealing than water for sale. This may require investment in the schools' basic plumbing as well as installation of additional, conveniently located, water sources, including water bottle filling stations and water jet, given their ability to supply greater quantities of water for children to drink and effectiveness in increasing water consumption. [20]It is important to note that many schools do not have safe drinking water and need to improve basic water access.[21,22] USDA should provide additional guidance particularly with an eye to maintaining equitable access to safe and appealing drinking water for students.

Although we agree that addition of fruits, herbs or vegetables can help make plain tap water more appealing, the fruit or vegetables used to flavor the potable water must not count toward the fruit or vegetable requirements in the meal pattern and furthermore must be prepared according to food handling safety requirements.

We oppose permitting certain sweeteners in water by including them under the definition of "naturally flavored." For instance, stevia leaf extract (steviol glycosides) and monk fruit extract are two low-calorie sweeteners (LCS) that are considered "natural flavors" and are commonly

found in flavored waters. A 2018 American Heart Association science advisory noted the dearth of evidence on the potential adverse effects of beverages with LCS relative to potential benefits and concluded that on the basis of the available evidence, "at this time, it is prudent to advise against prolonged consumption of LCS beverages by children."[23] In addition, the 2015 Dietary Guidelines Advisory Committee report recommended that, "added sugars should be reduced in the diet and not replaced with LCS, but rather with healthy options, such as water in place of sugar-sweetened beverages."[24] Other experts, such as Robert Wood Johnson Foundation's Healthy Eating Research program, recommend that children and youth aged 5 to 13 drink, "water with no added sweeteners, unflavored, low-fat and nonfat milk, and 100% fruit juice. All beverages are recommended to be free of additives such as electrolytes and artificial flavors."[25] Thus we recommend defining a narrower list of flavoring agents, for example only fresh fruits, herbs or vegetables, that may be used to "infuse" water in school cafeterias.

We support allowing schools to sell calorie-free, "naturally flavored" waters (with or without carbonation), in portions up to 20 ounces, to students in all age/grade groups, as long as the agency clarifies that those flavors do not include non-caloric sweeteners. This proposed change may support greater water consumption, especially in place of diet beverages in high school and flavored milks that are high in added sugars and calories now permitted by USDA. On the other hand, we note that allowing the sale of flavored waters could exacerbate equity concerns that regular tap water at the drinking fountain is not as desirable and relegated to only students who do not have means to purchase flavored water.

Thank you for this opportunity to register NPI's opposition to the proposed rule and also to convey some positive alternative actions USDA might consider, principally with enhancement of drinking water access and with demonstrated methods to curtail food waste while improving the nutrition and appeal of school meals and continuing not to allow grain-based desserts into CACFP meals and snacks. Now is the time to do more to improve child nutrition – not make it easier for them to consume nutritional inferior diets.

Respectfully submitted,

Lorrene Ritchie

Lorrene Ritchie, PhD, RD
Director, Nutrition Policy Institute,
Cooperative Extension Specialist, Division of Agriculture and Natural Resources
University of California

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