April 22, 2020

Ms. Tina Naiman
Chief, School Programs Branch
United States Department of Agriculture
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

Dear Ms. Naiman:

On behalf of United Fresh Produce Association, thank you for the opportunity to provide comments to the United States Department of Agriculture (USDA) proposed rule entitled “Simplifying Meal Service and Monitoring Requirements in the National School Lunch and Breakfast Programs” (85 FR 4094). United Fresh Produce Association represents the full fresh produce supply chain, including growers, shippers, fresh-cut processors, wholesalers, distributors, retailers, industry suppliers, allied associations, and foodservice operators (including K-12).

United Fresh members are committed to providing schools with safe and healthy fresh fruits and vegetables as our country works to make the Dietary Guidelines for Americans’ (DGA) recommendations on fruits and vegetables a reality. Federal feeding programs, including school meals, play a critical role in ensuring students are meeting dietary intake recommendations for their growing bodies. There is no greater reality check than the COVID-19 crisis to show the value of school meals and the supply chain that serves them. And with the potential for more children to qualify for free and reduced price meals as a result of economic challenges from COVID-19, it is more important than ever to remain focused on ensuring kids have access to nutrient-dense meals consistent with DGA recommendations.

The stakes are high; one-third of youth are overweight and obese. Without a targeted strategy and investment, our nation’s schoolchildren could be headed on the same path as the more than two-thirds of adults in America who are obese or overweight.1 The good news is school meals are working to improve student health outcomes. A recent study found that two million cases of childhood obesity can be prevented over the next 10 years through the updated school meals, saving nearly $800 million in healthcare costs.2 Today, school meals enjoy a Healthy Eating Index (HEI) score of 82 out of a possible

100 – a significant increase from 58 out of 100 less than a decade ago. A hallmark achievement of modernizing school meals has been the increased amount and variety of fruits and vegetables in schools. For example, the HEI score for green vegetables increased from 21 out of 100 to 72 out of 100, and students are eating more vegetables now that the standards have been updated. With 30 million lunches served daily, and another 13 million breakfasts, these meals are highly effective at changing American dietary patterns, both for current student nutritional needs and establishing long-term behavioral change.

With this in mind, please find below specific comments in the order in which they appear in the proposed rule:

**Set Consistent Fiscal Action for Repeated Meal Pattern Violations**

United Fresh opposes the proposal to eliminate mandatory fiscal penalties for repeat violations of vegetable subgroups over concerns that it could reduce access to a wide variety of produce for students. USDA data shows that milk (97 percent), fruit (92 percent) and vegetable (79 percent) components enjoy the highest weekly meal pattern compliance rates within the reimbursable meal. As compared to grain (49 percent) – which allows the state’s discretion on administering fiscal penalties for repeated violations. The proposed rule states that “students would still receive vegetables and milk when there are administrative review findings related to milk type and vegetable subgroups requirements, just not the correct type specified in meal pattern requirements.” While we appreciate the desire from schools or state agencies to have consistent guidance, given this data and proposed rule’s stated outcome, we are concerned that removing the mandatory fiscal penalty for repeated cases of non-compliance would cause undue harm to students’ ability to access to a wide variety of vegetables.

**Add Buy American to the General Areas of the Administrative Review**

United Fresh shares the goal of ensuring that schools purchase domestically when feasible. We recognize that the proposed rule’s inclusion of Buy American in the general area of the administrative review is largely a technical correction and consistent with current practice. We encourage USDA to use this as an opportunity to provide clear and distinct guidance to school foodservice providers, without excessive or duplicative paperwork, around Buy American provisions so that they can feel empowered to make purchasing decisions that ensure year-round access to fresh produce for students.

**Facilitate the Service of Vegetables Subgroups in NSLP**

United Fresh opposes the proposal to change the current subgroup serving requirements and amounts. The DGA recommends that Americans consume a wide variety of vegetables from each of the five subgroups: dark green; red and orange; legumes; starchy; and other, because of their distinct makeup of nutrients.

In particular, red and orange vegetables contain significant amounts of nutrients that Americans consume below adequate levels (“nutrients of public health concern”), including potassium, Vitamin A,
Vitamin D, and Vitamin K. The DGA recommends children eat higher amounts of vegetables from the red and orange subgroup because they contain these critical nutrients of public health concern. Even now, with the red and orange subgroup having the highest minimum serving amount of any subgroup, red and orange vegetables are not served most frequently in school meals according to data from the 2017 USDA School Meals Cost Study. Consequently, reducing the serving amount as included in the proposed rule could put children at risk of further under-consuming these essential nutrients.

The “other” subgroup encompasses a wide variety of options that do not fit squarely in the other subgroups, but provide a range of important nutrients. Vegetables like beets, rainbow carrots, cucumbers, eggplants, celery, mushrooms, snow peas, turnips, avocados, and many more, provide children with a multitude of options. Given the many varieties within the subgroup, keeping the ¾ cup requirement provides adequate opportunities to serve from this diverse subgroup.

Maintaining the current subgroup serving amounts still provides operators with flexibility to serve 1.5 cups from any category throughout the week. What’s more - utilizing salad bars or offering a number of options through other serving methods - are effective approaches that ensure students are exposed to vegetables from all the subgroups, while still preserving individual choice and preferences.

Preserving Progress

Prior to the school meal modernization updates in 2012, there were no subgroup requirements for vegetable servings. At that time, only two percent of high schoolers were meeting DGA vegetable recommendations. Statistically comparable consumption data is not yet available post-update, but commodity data indicates that students are eating a significantly wider variety of vegetables in school, and are eating more vegetables overall than before the updates went into effect in 2012.

Addressing Food Waste

The USDA’s 2017 School Meal Costs Study report shows that students are eating 70 percent of the vegetables on their trays. We too share the Department’s goal of reducing food waste, and encourage multiple strategies to achieve this objective. To be clear, food waste levels are not higher in school meals than other settings in America, and food waste did not increase after the nutrition standards update went into effect in 2012. There is no evidence to support that reducing the serving amounts of vegetable subgroups will reduce food waste. Strategies the Department should explore or further support to address food waste include: encouraging schools to provide a range of options so kids can pick and choose from the vegetables they would enjoy while still ensuring exposure to each subgroup; continue to fund the USDA School Kitchen Equipment Grants so that schools have access to equipment like salad bars and fresh-cut processing equipment that can help increase consumption of fresh fruits

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and vegetables; and ensure children have adequate time to eat meals at lunch, otherwise known as “seat time”.

The American Academy of Pediatrics recommends children have at least twenty minutes, in their seat, to consume meals. According to the Centers for Disease Control (CDC), longer lunch periods allow for increased consumption of healthy foods and decreased plate waste. USDA, CDC, and the Department of Education should work together to provide technical assistance and best practices to states and schools to increase seat time for students.

**Pasta made of Vegetable Flour**

United Fresh opposes crediting vegetable flour as a vegetable in the NSLP. We previously provided comment to USDA’s crediting rule (*Crediting School Meals, 2018*). We are disappointed that USDA is allowing vegetable flour to credit as a vegetable component and codifying it through this proposed rule. Without the inclusion of whole or fresh-cut vegetables, vegetable pasta lacks in-tact dietary fiber, is not consistent with DGA recommendations to eat whole produce, and sends confusing nutrition education messages to students.

**Salad Bars After the Point of Service**

United Fresh supports the proposed rule of allowing salad bars to be located after the point-of-sale (POS). Salad bars are a highly effective tool in ensuring student access and consumption of a wide variety of fresh fruits and vegetables. Infrastructure and space challenges can prevent schools from utilizing salad bars, and this proposal provides flexibility to schools to take advantage of this important tool for student health and vegetable component compliance. Additionally, placing the salad bar after the POS could make it more accessible to students in schools that provide unlimited additional servings of fresh fruits and vegetables.

**Flexibility in the School Breakfast Program Fruit Component**

United Fresh supports maintaining a one cup fruit or vegetable requirement at breakfast, and opposes the proposal to reduce the offering outside the cafeteria to a ½ cup. Servings should be consistent regardless of the setting of the meal. Current Offer Versus Serve USDA guidance does allow students to only take ½ cup fruit or vegetable serving in grab and go and breakfast in the classroom settings, if there are additional ½ cup servings available (i.e. a shared fruit basket). United Fresh supports maintaining this rule for both consistency and student health.

**Preserving Progress**

Consistent with the DGA, children should consume five to nine servings of fruits and vegetables daily; the one cup serving at breakfast ensures this alignment. National Health and Nutrition Examination Survey (NHANES) data confirm that school meals provide more than half of a student’s fruit servings a day. If USDA cuts the serving at breakfast in half, it will likely not be made up elsewhere and could lead

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to shortfalls in dietary fiber, vitamins C and B6, magnesium, and potassium – deficiencies which were prevalent before the nutrition standards went in place in 2012.  

Looking Forward

Given the prevalence of school breakfasts that exceed adolescent dietary recommendations for added sugar, both fruits and vegetables play integral roles in helping schools reduce added sugar levels. Fruits can help make meals less reliant on added sugars, and vegetables, when paired with a protein component like eggs, provides an excellent nutrient-dense low-sugar entrée option.

Additionally, the DGA directs that fruit and vegetables should be consumed mostly whole (including fresh-cut). The NSBP and NSLP partly recognized this when it set parameters around the amount of fruit juice that could be credited towards the fruit component to half of weekly fruit servings. However, USDA data shows that fruit juice is served on 90 percent of daily breakfast menus when the meal pattern requirements allow for juice to make up half of fruit servings on a weekly menu. By contrast, whole fresh fruit is served on 66 percent of menus. USDA should make every effort to support schools in ensuring that students are receiving at least half of their fruit servings from whole or fresh-cut, consistent with the DGA.

United Fresh recognizes that school breakfast reimbursements have been chronically under-funded. In the absence of an increased reimbursement rate, USDA should identify ways to increase commodity assistance for breakfast to allow for better access to whole and fresh-cut fruits and vegetables.

Expand Potable Water Requirement to Include Calorie-free, Noncarbonated, Naturally Flavored Water

United Fresh supports the inclusion of fresh produce to enhance the appeal and therefore the consumption of potable water. Because most fresh produce is grown in the natural environment without the opportunity to apply a pathogen reduction step, and because school-age children are generally viewed as being more susceptible to foodborne illness, we encourage USDA to remind schools to follow the requirements of their state Food Code pertaining to time/temperature requirements, cleaning and sanitation, and other applicable measures. We also urge USDA to consider developing guidance that will identify appropriate measures schools can take to reduce the possibility of a food safety issue occurring, and be well positioned to respond in the unlikely event that an issue occurs. For example, guidance could include suggestions regarding:

- Identification of suppliers/vendors for the produce and, as practical, lot numbers or other identifiers in the event that traceability records are needed
- Proper handling and preparation of fresh produce before addition of water
- Frequency of changing water
- Frequency of discarding and replenishing fresh produce in water
- Frequency and technique for cleaning and sanitizing vessels holding water

We believe that guidance in these food safety areas will be useful to ensure that students benefit from increased exposure to fresh produce and don’t experience avoidable unintended consequences.

In closing, United Fresh appreciates the opportunity to provide comment around these critically important programs. We are proud to be a partner in making fresh produce available year-round to the hard-working school nutrition professionals and deserving students. We stand ready and willing to assist as we continue to make healthy school meals a reality for all students.

Sincerely,

Mollie Van Lieu

Senior Director, Nutrition Policy
United Fresh Produce Association