



Feeding Bodies. Fueling Minds.™

November 14, 2017

Mr. Michael Poe
Office of Budget and Program Analysis
U.S. Department of Agriculture
Jamie L. Whitten Building, Room 101–A
1400 Independence Avenue, SW
Washington, DC 20250

RE: Identifying Regulatory Reform Initiatives

Dear Mr. Poe:

On behalf of the 57,000 members of the School Nutrition Association (SNA), we are submitting these comments in response to the Federal Register Notice of July 17, 2017, *Identifying Regulatory Reform Initiative*. We appreciate that the United States Department of Agriculture (USDA) is requesting ideas ‘from the public on how we can provide better customer service and remove unintended barriers to participation in our programs in ways that least interfere with our customers and allow us to accomplish our mission.’ Our membership has direct experience with the Department’s regulations and barriers to operating efficiently and with integrity. We continue to receive comments through a web-based system we designed for our members to report program concerns related to your effort to identify regulatory reform opportunities. This letter outlines additional areas where reforms should be considered.

Complexity in Reporting and Redundancy

Since the enactment of the National School Lunch Act, decades of amendments to the law and subsequent regulations have significantly added to program reporting requirements. Rather than utilizing existing data collections and reporting requirements to avoid duplication, new directives have, in most cases, required the creation of additional reports. In addition, burdensome reporting requirements are on-going throughout the school and calendar year, which disrupts the ability to effectively manage the program. For example, the attached document outlines the multiple and varied reports expected to be submitted by State Agencies. School nutrition professionals on the local district level are required to complete:

- monthly report for the student enrollment (7 CFR 210.8 and 210.9),
- monthly report for meals served [7 CFR 210.9, 210.10(a)(2), and 210.15 (a) (8)],
- annual report for food safety [7 CFR 210.13 (b) and 210.15 (a)],
- annual report for income verification process that might be revisited more frequently (7 CFR 245.6),
- report on free and reduced student eligibility [7CFR 210.9 (b)(18) and (19), 210.15 (a)(9) and 7 CFR 245),
- reports for Community Eligibility Provision eligibility [7 CFR 245.9 (f) and (h)],
- monthly and annual financial reporting on program funds [7 CFR 210.8, 210.9 (a), 210.14 (b) (6) and 210.14 (b) (7)],
- financial reporting on non-program funds [7 CFR 210.11, 210.14, 210.19 (a), 210.19 (c) and 210.19 (f)],
- quarterly equipment reports (if grant recipient),



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- quarterly certification report on meal pattern (process completed several years ago) [7 CFR 210.10 (h), 210.10 (i)(3), 210.10(j), 210.7(d)(2) and 210.15 (b)(2)],
- and others maintained at the district level including:
 - monthly menus,
 - production records,
 - invoices and related documentation,
 - additional certification information that has been added to the production record,
 - and non-program information [7 CFR 210.10(2), 210.11(a)(6) and (b) 1-4, 210.10(a)(3)].
- USDA also conducts quick surveys that collect program status information that has no schedule or formal parameters (OMB CONTROL NUMBER: 0584-0613).

Overly burdensome, duplicative reporting requirements divert school nutrition professionals' attention from their mission of nourishing students. The extensive list above should undergo a full review and consolidation of reporting. Many forms are duplicative with a different title that would benefit from a single form or consolidated reporting process. Perhaps USDA could consider a provision that would require a review of current reporting prior to adding any additional burdens on the implementation staff.

Impact of Smart Snacks on Fiscal Sustainability (Repeat Issue)

Smart Snacks regulations continue to be a concern to our members and the school districts in which they serve. As stated in the September 15, 2017 submittal, 'Our members continue to express to us the difficulties with some of the provisions of the Smart Snack rule (7 CFR 210.11). For many years, members have been concerned about the various entities in a school selling competitive foods on the school campus. The National School Lunch Meal Pattern (7 CFR 210.10) supports providing nutritious food items as part of the reimbursable meal. The Smart Snack rule, while designed with good intentions, had some unintended conditions that have negatively impacted school nutrition programs. They include minute details that, for instance, prevent items from being offered in the a la carte meal program that are being offered alongside as part of the reimbursable meal program (7 CFR 210.11 (c) (3)). Industry has worked diligently to develop items that are in compliance with the Smart Snack rule (7 CFR 210.11), however, the roll out and acceptability of these food items has affected the fiscal sustainability of some school nutrition programs. A small revision to eliminate the restriction on the frequency food items may be offered a la carte should assist in providing students acceptable nutritious snacks and support the financial stability of programs without placing a burden on districts appropriations.'

On behalf of our members, thank you again for this opportunity to provide recommendations. As members submit additional ideas, we will share them based on the schedule the Department has outlined.

Sincerely,

Dr. Lynn Harvey, RDN, LDN, FAND, SNS
President

Patricia Montague, CAE
Chief Executive Officer

cc: Attachment