



**Feeding Bodies. Fueling Minds.™**

December 18, 2020

Ms. Tina Namian, Chief  
School Programs Branch  
Policy and Program Development Division  
Food and Nutrition Service  
1320 Braddock Place, 4th floor  
Alexandria, Virginia 22314

Dear Ms. Namian:

On behalf of school nutrition professionals nationwide who serve healthy meals to fuel student success, the School Nutrition Association (SNA) appreciates the opportunity to provide comments in support of the proposed rule, *Restoration of Milk, Whole Grains, and Sodium Flexibilities*, published in the Federal Register on November 25, 2020.

This proposed rule would restore critical school meal flexibilities following the federal district court decision (*U.S. District Court for the District of Maryland; April 13, 2020*) vacating the 2018 final rule Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements. The court ruling found that the final rule was “not inconsistent” with federal statutes; the only fault was in the rulemaking process. SNA strongly agrees with the court’s assessment that “USDA used its expertise to balance the nutrition science in the Dietary Guidelines with the practical considerations of implementation...USDA did not improperly consider student taste preferences, operational flexibilities, and the role of product innovation at the expense of student health and nutritional science, but instead balanced these considerations against each other.”

SNA supports maintaining robust federal nutrition standards to ensure all students receive healthy, well-balanced meals at school, and the flexibility provided under this proposed rule does not compromise this goal. This proposed rule preserves strong standards, including Target 1 sodium reductions and limits on calories and fat, which ensure school meals do not contribute to obesity. School meals would continue to provide students access to a wide variety of fruits, vegetables, and whole grains.

School nutrition professionals rely on regulatory flexibility to help them plan nutritious school meals that appeal to students in their communities. Schools struggled to meet the 2012 mandate that all grains must be whole grain rich due to regional and cultural preferences for a few specific items like white rice, tortillas, or pasta. Schools also reported widespread concerns about the availability of foods that will meet future sodium limits and are accepted by students. Even the [Institute of Medicine’s](#) 2010 report warned that meeting later sodium targets in a way that is well accepted by students may not be possible.

These flexibilities provide balance and will be especially important in School Year 2021/22 as COVID-19 related supply chain and economic disruptions will make it even more difficult to order and secure foods

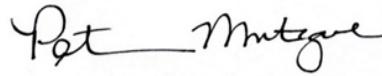
that meet highly specialized school nutrition standards. Smaller school districts and those in rural areas with limited purchasing power or access to distribution channels already have few options when selecting menu items. Meanwhile, school meal programs nationwide face crippling financial losses due to extended school closures – a further impediment to menu planning and purchases in the coming school year.

SNA appreciates USDA's ongoing efforts to address these challenges and streamline regulations while maintaining sound nutrition standards to benefit students. We express our strong support for the proposed rule and respectfully submit SNA's September 2019 [amicus curiae brief](#) detailing the challenges addressed by these school meal flexibilities. Thank you for your consideration.

Sincerely,



Reginald Ross, SNS  
SNA President



Patricia Montague, CAE  
Chief Executive Officer

Attachment