



United States
Department of
Agriculture

Food and
Nutrition
Service

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DATE: April 14, 2011

MEMO CODE: SP_29 - 2011

SUBJECT: Child Nutrition Reauthorization 2010:
Nutrition Requirements for Fluid Milk

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modifies requirements for fluid milk in the National School Lunch Program and School Breakfast Program. The purpose of this memorandum is to provide guidance on the implementation of these modifications.

Section 202 of the Act amends section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) by requiring that a variety of fluid milk be served consistent with the most recent Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that persons over two years of age consume fat-free or low-fat (1%) fluid milk. To offer milk variety consistent with this recommendation, school food authorities must offer at least two choices from the following: fat-free milk, low-fat (1%) milk, fat-free or low-fat lactose reduced milk, fat-free or low-fat lactose-free milk, fat-free or low-fat buttermilk, and fat-free or low-fat acidified milk. Such products must be pasteurized fluid milk that meets State and local standards, as currently required in 7 CFR 210.10(m)(1)(ii).

The proposed rule, *Nutrition Standards in the National School Lunch and School Breakfast Programs*, published in the Federal Register on January 13, 2011, includes a similar provision that addresses the allowable fat content of milk and also addresses flavored milk. Until an implementing rule goes into effect, plain or flavored low-fat and fat-free milk may be offered to meet the variety requirements described above.

We understand that many contracts are in place and would need to be altered to comply with this requirement. School food authorities should work to comply with this requirement as soon as possible, but not later than the beginning of School Year 2011-2012.

Regional Directors
State Directors
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State agencies should direct any questions concerning this guidance to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

Original Signed

Cynthia Long
Director
Child Nutrition Division

Date: June 21, 2011

To: Authorized Representatives and Food Service Directors of School Food Authorities (SFAs) Participating in Child Nutrition Programs

From: June Paul, Director
School Nutrition Team

Subject: Water Availability during National School Lunch Program Meal Service and Nutrition Requirements for Fluid Milk

PLEASE forward this important information to all persons with Child Nutrition Program responsibilities.

The Healthy Hunger-Free Kids Act of 2010 has made modifications to the fluid milk requirement in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and introduced a new provision regarding water availability during lunch meal service. Each of these changes is outlined below and must be implemented by the designated effective date highlighted within each section.

Water Availability

On April 12, 2011, the USDA issued memo *SP 28-2011: Water Availability During National School Lunch Program Meal Service*, requiring schools participating in the National School Lunch Program (NSLP) to make potable water available to children, without restriction and at no charge, in the place where lunch meals are served or immediately adjacent to the meal service area. **Schools are required to comply with this requirement no later than the beginning of School Year 2011-2012.** Suggested options for schools to implement this requirement include:

- Water pitchers and cups on lunch tables;
- A water fountain in the cafeteria or immediately adjacent to the cafeteria; or
- A faucet that allows students to fill their own bottles or cups with drinking water.

Potable water availability is a requirement but it is not considered part of a reimbursable meal and students are not required to take it. However, reasonable costs associated with providing potable water would be an allowable cost to the non-profit food service account. Reasonable costs would not include capital expenditures for building upgrades to plumbing and other similar construction expenses.

The USDA is planning to publish a *Questions and Answers (Q&A)* document to assist with interpretation of this new policy, but at this time, it has not yet been released. In the meantime, you may access *SP 28-2011* on the Department of Public Instruction's (DPI) School Nutrition Team's Child Nutrition Reauthorization (CNR) webpage at <http://dpi.wi.gov/fns/cnrsnp.html>, under the

“Water Availability” heading. Once released, the Q&A will be added to this section on the CNR webpage.

Lastly, FNS plans to issue the proposed rule regarding water availability in conjunction with the proposed nutrition standards for all foods sold in schools, with an expected release date of December 2011 or January 2012.

Nutrition Requirements for Fluid Milk

In addition to the new provision on water availability, the USDA has published updated nutritional requirements for milk served as part of the NSLP and SBP. USDA Memo *SP 29-2011: Nutrition Requirements for Fluid Milk*, issued on April 14, 2011, requires that a variety of fluid milk be served, consistent with the most recent Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that persons over age two should consume fat-free or low-fat (1%) fluid milk. School Food Authorities (SFAs) must offer at least two choices from the following list:

- Fat-free milk,
- Low-fat (1%) milk,
- Fat-free or low-fat lactose reduced milk,
- Fat-free or low-fat lactose-free milk,
- Fat-free or low-fat buttermilk, or
- Fat-free or low-fat acidified milk.

All products above must be pasteurized fluid milk that meets State and local standards.

Until an implementation rule is in effect for the Nutrition Standards in the National School Lunch and School Breakfast Programs (which will address fat content and flavored milk), SFAs must offer plain or flavored low-fat and fat-free milk to meet the variety requirements listed above. For example, offering a choice of chocolate skim and white skim milk would meet the variety requirement. *SP 29-2011* is also available on the Department of Public Instruction’s School Nutrition Team’s Child Nutrition Reauthorization webpage at <http://dpi.wi.gov/fns/cnrsnp.html>, under the “Milk” heading.

We understand that many milk contracts are already in place for School Year 2011-12. However, **the USDA is requiring School Food Authorities to alter their current vendor agreements to comply with this requirement beginning in School Year 2011-12.**

Proposed Rule to Update School Lunches and Breakfasts
HHFKA Roundtable – August 18, 2011

Focus:

- Nutrient Dense Meals as recommended by 2010 Dietary Guidelines for Americans
 - Targets 24 nutrients
 - Improve levels of protein; vitamins A, C, riboflavin, B6 and B12; magnesium, zinc, calcium; phosphorus; potassium; fiber

Menu Planning Changes:

- One food-based menu planning approach
 - Age/Grade groups for NSLP and SBP
 - K-5
 - 6-8
 - 9-12
- Fruits
 - Fresh, frozen, canned allowed
 - Juice can be no more than ½ of fruit offerings
 - 100% juice only
 - ¼ cup of dried fruit = ½ cup of fruit
 - At breakfast, non-starchy vegetables may be offered in place of fruits
- Vegetables
 - Daily serving at lunch reflects variety over the week
 - Weekly requirements for vegetable subgroups
 - ½ cup each
 - Dark green vegetables (e.g. broccoli, spinach)
 - Orange vegetables (e.g. carrots, sweet potatoes, winter squash)
 - Legumes (e.g. kidney beans, lentils, chickpeas)
 - 1 cup maximum
 - Starchy vegetables (e.g. corn, green peas, white potatoes, lima beans)
 - 1¼-2½ cups
 - Other vegetables (e.g. tomatoes, onions, green beans)
- Whole Grains
 - At least ½ of grains offered during the week must be whole grain-rich
 - 2 years post implementation, all grains offered must be whole grain-rich
 - “Whole grain-rich” foods may contain less than 100% whole grains but must contain at least 51% whole grains
 - Criterion for Whole Grain-Rich Foods
 - Element #1
 - Meet the serving size requirements in the Grains/Bread Instruction, **and**
 - Element #2
 - Meet at least one of the following:
 - Whole grains per serving must be ≥ 8 grams

- Product includes FSA’s whole grain health claim on its packaging
 - Product ingredient listing lists whole grain first (HUSSC criteria)
- Milk
 - Fluid milk:
 - Fat-free (unflavored or flavored)
 - Low-fat (unflavored)
 - At least two choices within these types
- Daily Minimums
 - All components in the lunch and breakfast meal patterns must be offered daily
 - 1/5 of the weekly requirement for fruits, total vegetables, and milk
 - At least 1 oz equivalent of grains – 2 oz eq for grades 9-12
 - At least 1 oz equivalent of meat/meat alternate – 2 oz eq for grades 9-12
- Offer versus Serve
 - For a reimbursable meal:
 - A student would have to select the fruit component or the vegetable component
 - A student would be able to decline:
 - 2 food components at lunch
 - 1 food component at breakfast
 - Same as current OVS in food-based menu planning

Four Dietary Specifications

- Four Dietary Specification
 - Sodium Reduction
 - Intermediate targets (timeline & amount) to help schools reach final targets
 - Procurement specifications and recipes have to be modified
 - Technical assistance and training resources will be available
 - USDA Foods reducing sodium in foods available to schools
 - Calorie Ranges
 - Minimum and Maximum calorie (kcal) levels

Grades	Lunch (kcal)	Breakfast (kcal)
K-5	550-650	350-500
6-8	600-700	400-550
9-12	750-850	450-600
 - Saturated fat
 - Limited to less than 10% of total calories (same as current standard)
 - Trans fat
 - Nutrition label or manufacturer’s specifications must specify zero grams of trans fat per serving
 - Less than 0.5 gram per serving
 - Naturally-occurring trans fat excluded

Miscellaneous Proposed Changes

- Identify content of reimbursable lunch and breakfast
- 100% snack-type fruits or vegetables not allowed
 - e.g. fruit strips and fruit drops
- Tomato paste and puree credited based on volume served
- Formulated Grain-Fruit Products not allowed

Proposed Monitoring Changes

- State agencies would monitor compliance with meal pattern and 4 dietary specifications
 - Nutrient analysis as part of CRE
 - SMI review discontinued
- CRE would monitor lunches and breakfasts every 3 years
- CRE would review records for a 2-week meal period

Compliance Enforcement

- Focus: Technical assistance and corrective action
- Immediate fiscal action if a food component is missing (as currently done)
- Fiscal action also required when technical assistance and corrective action have not resolved repeat violations of:
 - Vegetable subgroup requirement
 - Milk type requirement
- Discretion to take fiscal action when technical assistance and corrective action have not resolved repeat violations of:
 - Calorie, saturated fat, sodium, and trans fat specifications
 - Whole grain requirement
 - Food quantity requirements

Implementation

- Projected date: SY 2012-2013
- Many schools have been working toward the new requirements
 - Whole-grain foods
 - Dark green and orange vegetables
 - Dry beans and peas
 - Low-fat and fat-free milk and milk products

	Proposed Breakfast Meal Pattern*			Proposed Lunch Meal Pattern*		
	Grades K-5	Grades 6-8	Grades 9-12	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)					
Fruits (cups)	5 (1)	5 (1)	5 (1)	2.5 (0.5)	2.5 (0.5)	5 (1)
Vegetables (cups)	0	0	0	3.75 (0.75)	3.75 (0.75)	5 (1)
Dark green	0	0	0	0.5	0.5	0.5
Orange	0	0	0	0.5	0.5	0.5
Legumes	0	0	0	0.5	0.5	0.5
Starchy	0	0	0	1	1	1
Other	0	0	0	1.25	1.25	2.5
Grains (oz eq)	7-10 (1)	8-10 (1)	9-10 (1)	9-10 (1)	9-10 (1)	12-13 (2)
Meats/Meat Alternates (oz eq)	5 (1)	5 (1)	7-10 (1)	8-10 (1)	9-10 (1)	10-12 (2)
Fluid milk (cups)	5 (1)	5 (1)	5 (1)	5 (1)	5 (1)	5 (1)
Other Specifications: Daily Amount Based on the Average for a 5-Day Week						
Min-max calories (kcal)	350-500	400-550	450-600	550-650	600-700	750-850
Saturated fat (% of total calories)	< 10	< 10	< 10	< 10	< 10	< 10
Sodium (mg)	≤ 430	≤ 470	≤ 500	≤ 640	≤ 710	≤ 740
<i>Trans</i> fat	Nutrition label or manufacturer specifications must indicate zero grams of <i>trans</i> fat per serving.					

*see footnotes in proposed rule (76 CFR 2498)

Proposed Sodium Reduction: Timeline & Amount

Age/Grade Group	<u>Baseline:</u> Current Average Sodium Levels As Offered (mg)	Target 1: 2 years from implementation of final rule (mg)	Target 2: 4 years from implementation of final rule (mg)	<u>Final Target:</u> 10 years from implementation of final rule (mg)
School Breakfast Program				
K-5	573 (elementary)	≤ 540	≤ 485	≤ 430
6-8	629 (middle)	≤ 600	≤ 535	≤ 470
9-12	686 (high)	≤ 640	≤ 570	≤ 500
School Lunch Program				
K-5	1,377 (elementary)	≤ 1,230	≤ 935	≤ 640
6-8	1,520 (middle)	≤ 1,360	≤ 1,035	≤ 710
9-12	1,588 (high)	≤ 1,420	≤ 1,080	≤ 740