

May 10, 2023

Secretary Tom Vilsack  
U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250

Director Tina Namian  
School Meals Policy Division  
Food and Nutrition Service  
P.O. Box 9233  
Reston, VA 20195

**Re: FNS-2022-0043, Proposed Rule: Child Nutrition Programs – Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans**

Submitted online at <https://www.regulations.gov>

Dear Secretary Vilsack and Director Namian,

On behalf of Climate Parents of Prince George's County, we commend the U.S. Department of Agriculture Food and Nutrition Service for its efforts to improve the nourishment school meals provide and thus to support our nation's children both today and – given the vital role food and nutrition plays in our health, wellbeing, and environment – into the future.

**I. About Climate Parents of Prince George's County**

Climate Parents of Prince George's County is a volunteer-run organization of parents in Prince George's County, Maryland working to reduce climate change-causing pollution in our public schools. Prince George's County Public Schools (PGCPS) is one of the nation's 20 largest school districts with 198 schools and centers, more than 131,000 students, and nearly 20,000 employees. Located in Maryland just outside of Washington, DC, the school system serves a diverse student population from urban, suburban, and rural communities in the DC suburbs.

Our organization worked to support PGCPS in adopting a nationally recognized Climate Change Action Plan (CCAP) for our school system. Our CCAP includes commitments around serving more plant-based options and plant-forward menus, reducing food waste, and pursuing values-aligned food procurement.

In alignment with and in service of our mission, vision, and core values, enclosed are Climate Parents of Prince George's comments on the USDA Food and Nutrition Service (FNS) Proposed Rule: Child Nutrition Programs (CNPs) – Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans (DGA), published in the Federal Register on February 7, 2023 under the agency/docket number FNS-2022-0043.

**II. Recommendations**

**a. Maintain in the Final Rule**

We express our advanced appreciation for maintaining these changes in the Final Rule:

### ***Section 2. Added Sugars***

- **Maintain the proposed added sugars product-based limits and weekly dietary limits.**

We support USDA's proposal to limit added sugars in school meals, including the product-based limits and the weekly dietary limits. Since 2015, the DGA have recommended limiting added sugar to less than 10 percent of total daily caloric intake, yet children and adults of all ages exceed this daily limit. There is extensive research linking consumption of added sugars to myriad diet-related chronic diseases, including obesity, metabolic diseases including type 2 diabetes and fatty liver disease, cardiovascular disease, and dental decay.

### ***Section 4. Whole Grains***

- **Require at least 80 percent of the weekly grains in the school lunch and breakfast menus to be whole grain-rich.**

We support the proposed requirement that at least 80 percent of the weekly grains in the school lunch and breakfast menus be whole grain-rich. This is a marked improvement on the rolled-back standard that preceded it (that 50 percent of grains be whole-grain rich).

- **Do not provide the option that all grains offered meet the whole grain-rich requirement, except that one day each school week, schools may offer enriched grains.**

We do not, however, support the alternative option proposed by USDA, in which all grains offered must meet the whole grain-rich requirement, except that one day each school week, schools may offer enriched grains. It is imperative that the Final Rule streamline and simplify wherever possible, for the best interest of operators, children, and vendors alike and to maximize the success of the programs. Should school be unexpectedly canceled, the four-day-per-week option would become unnecessarily complicated to manage.

### ***Section 5. Sodium***

- ***Maintain the sodium limits – and the timeline for implementation – as proposed.***

We applaud USDA's commitment to reducing sodium in school meals and support the proposal – including the timeline for implementation of the limits – as written in the Proposed Rule. Excess sodium consumption places children at increased risk of developing elevated blood pressure at an early age. Children with high sodium diets are approximately 36% more likely to have elevated blood pressure than children with lower sodium diets. Having elevated blood pressure increases the risk of developing high blood pressure and carrying that into adulthood, and increases the risk for heart attack, stroke, kidney disease, and premature death. According to a 2018 report from the Centers for Disease Control and Prevention, approximately one in seven youth between the ages of 12-19 years already have elevated blood pressure or hypertension. Thus, we look forward to seeing this proposal maintained in the Final Rule.

### ***Section 10. Nuts and Seeds***

- **Allow nuts and seeds to credit for 100 percent of the meat/meat alternate component in all child nutrition programs and meals.**

Under current federal regulations, nut and seed *butters* can be served as a meat/meat alternate (M/MA) and can credit for 100 percent of the M/MA component. Nuts and seeds can also be served as a M/MA, however, unlike their *butters* and regardless of serving size, they can only credit for 50 percent of the component at breakfast, lunch, and supper and must be served alongside another M/MA in order to achieve the standard two ounce equivalent. The Proposed Rule would allow nuts and seeds to credit for 100 percent of the M/MA component. Implementation of this change will not only be straightforward but also advantageous by providing more flexibility to serve a nutritious, under-consumed, shelf-stable option that accommodates vegetarian students.

### ***Section 11. Competitive Foods – Hummus Exemption***

- **Add hummus to the list of foods exempt from the total fat standard in the regulations, which will allow hummus to be sold as a Smart Snack.**

Allowing hummus to be sold as a Smart Snack will give program operators more flexibility to serve a nutritious, fiber-rich option that accommodates vegetarian students. With ongoing supply chain challenges, it is a no-brainer to enable operators to offer a new option that is available from a wide variety of mainline distributors in a pre-packaged form.

### ***Section 15: Miscellaneous Changes***

- **Change the name of the meat/meat alternate component to “protein sources.”**

We support this change. The term “Meat/Meat Alternate,” which does not appear in the DGA, creates a negative perception of plant-based sources of protein and is confusing to CNP professionals, parents, and students.

### ***Section 17. Proposals from Prior USDA Rulemaking***

- **Allow legumes offered as a meat alternate to count toward the weekly legume vegetable requirement.**

We support USDA’s proposal to allow legumes offered as a MA to count toward the weekly legume vegetable requirement. Doing so will allow menu planners who offer at least 1/2 cup of legumes as a MA to also count the same 1/2 cup of legumes toward the weekly vegetable legume subgroup requirement. USDA rightly points out in the proposed rule that “even though the legumes would be included on the menu as a [MA], children would still be exposed to legumes and the nutrients they provide.” This flexibility will help to incentivize beans, peas, and lentils to be served as MAs and to better align with DGA recommended intakes of legumes and animal proteins.

#### ***b. Update in the Final Rule***

Our comments also include provisions to strengthen the Final Rule:

### ***Section 3: Milk***

- **Modify the Serve model for middle and elementary schools such that milk is always an optional meal component.**

In the Final Rule, USDA should modify the Serve model for middle and elementary schools such that students are required to take all four food components of the meal, but milk is always an optional component. This will allow students who cannot digest milk to receive a reimbursable meal. It will also address milk waste and help elementary and middle school students with philosophical or religious

objections to cow's milk live in alignment with their values.

- **Clarify that SFAs are authorized and encouraged to provide a non-dairy beverage that meets the USDA standards to any student with a special medical or dietary need whose parent or guardian makes a request.**

The current laws and regulations for providing non-dairy milk substitutes can be confusing. USDA should clarify that SFAs *are* authorized to provide non-dairy beverages to any student with a special medical or dietary need whose parent or guardian makes a request and that a doctor's note is only required in the case of mandatory substitutions on the basis of a disability.

- **Provide a model parental notice and form for milk substitution requests that SFAs can use on their websites and mail to families.**

Given the confusing regulations around milk substitutions, it would be helpful to have a standardized model notice and form we can use.

- **Allow additional healthcare professionals to write a note to support meal modifications that do not meet the meal pattern requirements.**

Clarifying USDA's guidance to more directly allow additional healthcare professionals to write notes supporting disability-related substitutions will lower the financial and logistical barriers families face to obtaining disability-related substitutes to fluid milk. Licensed dietitians, nutritionists, nurse practitioners, and nurses are capable of identifying reasonable meal modifications for individuals with disabilities.

### ***Section 10. Nuts and Seeds***

- **Align the nutritional equivalency FNS has set for nuts and seeds – as well as nut and seed butters – with the DGA.**

The Final Rule should align the nutritional equivalency FNS has set for nuts and seeds – as well as nut and seed butters – with the DGA. NSLP requires 1 ounce of nuts/seeds for a 1 ounce equivalent serving, however, according to the DGA, the requirement should be that 1/2 ounce of nuts/seeds = 1 ounce. Along these lines, NSLP requires 2 tablespoons of nut/seed butter for a 1 ounce equivalent serving, however, according to the DGA, the requirement should be that 1 tablespoon nut/seed butter = 1 ounce and 2 tablespoons nut/seed butter = 2 ounces. Making this correct is within the purview of FNS and needs to be addressed in the Final Rule.

Under the current NSLP equivalency for nuts and seeds (and their butters), a 1 ounce equivalent in the M/MA component for peanut butter is 2 tablespoons, which is approximately 7 grams of protein. Requiring 4 tablespoons of nut/seed butters to meet 2 M/MA components is unnecessary and can deter operators from serving nuts, seeds, and their butters due to the expense and unpalatability of such large serving sizes. Such high serving sizes are simply unappealing (for example, nut butter sandwiches filled with four tablespoons of nut butter are difficult to chew and swallow).

### ***Section 15: Miscellaneous Changes***

- **Include quinoa and other grains high in protein in the new “protein sources” meal component.**

If USDA is creating a novel meal component distinct from the Protein Foods Group in the DGA by including cheese and yogurt in the “protein sources” category, then USDA should include quinoa and other complete grains high in protein in the “protein sources” component. Insofar as FNS allows for other foods that are not within the Protein Foods Group in the DGA, such as cheese, to be used to

meet all or part of the protein sources component, the Agency should also allow foods from other food groups, including certain grains with complete protein, such as quinoa, amaranth, and buckwheat.

This flexibility will enable school chefs and menu planners to be more creative while still ensuring students receive a sufficient amount of protein.

- **Encourage and provide support to schools to offer a variety of daily plant-based options.**

In the Final Rule and guidance, USDA can *encourage* operators to provide a variety of daily plant-based options to meet student demand and reduce our GHG emissions. USDA could provide technical assistance and support to achieve this goal, including by:

- Hosting webinars and creating fact sheets;
- Publishing more plant-based recipes;
- Publishing a template meal substitutions request form
- Working with USDA's Agricultural Marketing Service to add more plant-based ingredients and products (e.g., lentils, tofu, a black bean burger, soy nuggets) to the USDA Foods Available List; and
- Leveraging its Healthy Meals Incentive Initiative to support SFAs and food companies to expand nutritious plant-based offerings.

- **Allow beans, peas, and lentils – as well as tofu and soy products – to qualify as a meat alternate even if they are not visually recognizable.**

Current FNS regulations requiring plant-based protein foods to be “visually recognizable” to qualify as a meat alternate (M/MA) create barriers for program operators to serve nutritious, plant-based sources of protein.

Children can learn that nutritious food comes in various forms. In fact, we want to teach kids that plant-based sources of protein are highly versatile and come in many forms. If a student does not like the texture of whole black beans in a taco, they may still love a black bean dip. A student might not care for a lentil salad but would love a lentil bolognese sauce that reminds them of the beef bolognese they have tried before. Exposing students to more plant-based options in school will foster them walking away with knowledge on how to incorporate a greater variety of nutritious foods into their diets in delicious and appealing ways.

USDA can offer program operators more flexibility to credit plant-based sources of protein in different forms while still achieving its goals around nutrition education by doing any of the following:

- Allowing whole foods to be served in forms that are not visually recognizable.
- Requiring that menu items – including foods that are not visually recognizable – be labeled to include the name of the food that is not visually recognizable. For example, the chickpeas in USDA's tasty tots recipe could credit toward a MA if the dish is labeled “sweet potato and chickpea tots.”
- Allowing schools to serve foods that are not visually recognizable if the food is likely to be found in that form outside of the cafeteria. For example, students are likely to encounter pureed bean soups and dips outside the cafeteria.
- Allowing foods to credit when served in forms that are not visually recognizable only when the dish does not contain more than a de minimis amount of added sugar and saturated fat. This would prevent “hiding” nutritious foods in desserts, where the benefits of increasing consumption of whole plant-based foods could be outweighed by the cost of increasing consumption of foods that negatively impact health, like sugar and saturated fats.

- **Allow pulse-based pasta to credit as a meat alternate regardless of whether it is served alongside a visually recognizable meat/meat alternate, and allow beans, peas, and lentils to credit as a meat alternate in smoothies.**

We are grateful that FNS has already relaxed guidance to permit pureed beans, peas, and lentils added to smoothies and pulse-based pasta to credit as vegetables towards the weekly 1/2 cup legumes requirement to increase options for operators to meet this vegetable subgroup requirement. Beans, peas, and lentils must be extended the same flexibility to be served as a MA in smoothies and pulse-based pasta. To illustrate this point, it is illogical that a red lentil pasta served with broccoli *would not* be creditable as MA and a vegetable, but a red lentil pasta served with beef *would* be creditable as a MA and a vegetable.

- **Clarify that beans, peas, and lentils can credit as both a vegetable and meat alternate on the same day if served in sufficient quantities.**

Current USDA guidance is confusing as to whether and when it is permissible to offer beans, peas, and lentils to satisfy both the M/MA and the vegetable component if served in a sufficient quantity such that the beans, peas, and lentils are not “double counted.” Beans, peas, and lentils – when served in quantities to provide sufficient calories and nutrients and so that double-counting does not occur – should be allowed to credit as an M/MA and a vegetable in the same meal, regardless of whether the pulses are contained in a single dish or two dishes. For example, a chili that includes 1/4 cup of black beans, 1/4 cup of lentils, and 1/4 cup of tomatoes should fulfill both the M/MA and vegetable requirements. If 1/2 cup of refried pinto beans and a salad containing 1/4 cup of black beans are both taken by a student, that should fulfill both the M/MA and vegetable requirements. We urge FNS to ensure this is clearly allowable.

- **Allow a single legume dish to credit as a vegetable or meat alternate on the same day.**

Under current guidance, a CNP operator must choose in advance whether a dish featuring beans, peas, and lentils will credit as a vegetable or M/MA on a given day. In the Final Rule, we urge USDA to include guidance that allows the same dish containing legumes to credit as a vegetable or M/MA on the same day. Providing this flexibility will help accommodate students who follow plant-based, dairy-free, and vegetarian diets in creating reimbursable meals out of the few components on the menu on any given day that they may be able to eat.

### III. Looking Ahead

Climate Parents of Prince George’s County again would like to express appreciation to USDA for its efforts to update child nutrition program meal patterns to best align with the Dietary Guidelines for Americans. We urge USDA to facilitate plant-forward menus and plant-based options that will maximize the impact of the updated regulations on alignment with the DGA, child nutrition, our environment, our economy, and equity and inclusion. To ensure successful implementation, we urge USDA to provide comprehensive training and technical assistance to CNP operators and to ease their burden by streamlining regulations across programs wherever possible.

With gratitude and in partnership,

Rajni Sood Laurent and Chloe Waterman  
 Food Systems Volunteers  
 Climate Parents of Prince George’s