

Tell the Trump USDA to Maintain Science-Based School Nutrition Standards

A Public Comment Guide for Proposed Changes to School Meal Programs

The bipartisan Healthy Hunger-Free Kids Act of 2010 (HHFKA) took a giant step toward improving the quality of meals served through the National School Lunch Program, School Breakfast Program, and other federally funded school meal programs. The US Department of Agriculture (USDA) began implementing the law in 2012, requiring schools to serve more fruits and vegetables, more whole grains, less sugary foods and beverages, and less sodium and saturated fat. In the years since then, the healthfulness of school meals has improved demonstrably. In fact, a [study published by the USDA](#) showed that school breakfasts were 44 percent healthier and lunches were 41 percent healthier as a result of the changes—all without increasing food waste or reducing participation.

But since 2017, the USDA's science-based nutrition standards have been under attack by the Trump administration, apparently in response to pressure from food industry lobby groups. Early on, the administration successfully [rolled back standards](#) governing whole grain content, sodium, and availability of sugar-sweetened flavored milk. More recently, in January 2020, the USDA's Food and Nutrition Service [proposed additional changes](#) that would redefine what counts as a "fruit" or "vegetable," allowing potatoes to qualify as fruit and pasta to count as a vegetable in certain cases. If this new rule is finalized, some 30 million US children could be served less fruit and fewer vegetable varieties at school every day.

The USDA is accepting comments on this rule from stakeholders and the general public until March 23, 2020, providing an opportunity to use your expertise and communicate your concern for children's health. The USDA is legally required to consider and respond to every unique comment received, and public comments often form a basis for subsequent public interest lawsuits.

This guide provides tips and tools for developing effective expert public comments on this rule.

What is the Trump administration proposing?

The proposed rule contains a number of changes both to the nutrition standards and administrative requirements associated with school meals, including:

- Requiring less fruit at breakfast. Under the proposed rule, schools can choose to substitute one cup of any type of vegetable—such as tater tots—for one cup of fruit. Additionally, schools serving breakfast in the classroom can choose to offer a half cup, rather than one cup, of fruit.
- Allowing meat (or a meat alternate) to be served at breakfast instead of grains.
- Requiring less of certain vegetable varieties, including red and orange vegetables, and allowing some schools to serve the same amount of food across all age groups, regardless of nutrient and calorie needs.
- Allowing pasta made with vegetable-based flour to count as a vegetable.
- Allowing foods such as pizza and hamburgers to be sold more frequently as "a la carte" lunch options that are exempt from meeting separate nutrition standards for foods not served as part of a school meal.

- Reducing accountability for adhering to nutrition standards by relaxing monitoring requirements and allowing state agencies to take no action when schools fail to meet certain standards.

How to Submit a Comment

Go to the [public comment page](#) on Regulations.gov to find the proposed rule (docket FNS-2019-0007, Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs) and click on the “Comment Now!” button. While a submission can be typed directly into the website, uploading a separate document may be easier for you to edit, save, and submit. Make sure all documents contain your name and contact information. After submitting, be sure to check your email for a receipt confirmation.

Once you have submitted your comment, let us know by filling out this [report-back form](#). Consider including a copy of your comments and please let us know if this guide has been useful.

Tips for Writing an Effective Comment

Remember that the most effective comments are thorough, unique, and specific. The public comment process allows experts and the general public to help agencies understand the importance and full range of consequences of a proposed policy or recommendation.

- Write concisely but provide all details you think may be relevant.
- It is not enough to simply agree or disagree with research or policy decisions made by the USDA. Explain your reasoning.
- Speak from your experience to describe the impacts of child nutrition programs. That could include stories or anecdotes about how such programs impact your family, community, clients, or profession.
- Address potential negative impacts, overlooked impacts, and intended or unintended consequences of ill-considered nutrition standards. When available, include statistics about the populations impacted and attach key studies and research so they are on the record.
- While you can use model talking points (see below) to make your case, **it is essential that your comment contains unique elements**. If your comment is too much like others submitted, it may not be considered.

School Nutrition Talking Points

More than 30 million children nationwide rely on school meals each day to fuel their health, development, and learning. The nutrition standards implemented through the HHFKA were designed to support good health and curb childhood obesity by closely aligning with the [Dietary Guidelines for Americans](#).

General talking points

- [Childhood obesity rates](#) tripled between the early 1970s and 2005, prompting public health researchers to predict that, for the first time in centuries, children may have [shorter life expectancies](#) than their parents. Childhood obesity rates have since plateaued at around 17 percent—progress that has [undoubtedly been propelled](#) by nutrition and physical activity policies like the HHFKA—but backsliding on this progress is a real risk.
- Children consume as much as [half of their daily calories](#) at school; children from [food-insecure households](#), in particular, get a larger proportion of their daily food and nutrition intake from school meals than other children.

- The foods kids eat at school [influence their lifelong eating habits](#) and their future health. Today, more than [60 percent of all adults](#) in the United States live with one or more chronic diseases, including diabetes, cancer, and cardiovascular disease.¹ These diseases are the leading cause of our annual [\\$3.5 trillion](#) in healthcare expenditures, and many are caused in part by poor diets.²
- People of color and low-income populations are [disproportionately impacted](#) by chronic diseases, due in part to structural inequalities and systemic racism.³ School nutrition standards can help address diet-related health disparities by providing all children with access to healthier meals.
- **I strongly urge the USDA to prioritize the health of children, particularly the most vulnerable children, by maintaining science-based nutrition standards for school meals.**

Importance of strong science-based nutrition standards

- A 2019 USDA study showed that the school nutrition standards implemented under the HHFKA [made school meals much healthier](#), increasing the healthfulness of breakfast by 44 percent and of lunch by 41 percent, as measured by the [Healthy Eating Index](#).
- The [same study found](#) that the greatest improvements in school breakfast healthfulness were attributable to more servings of fruits and whole grains—both of which could be removed from school breakfasts under the proposed rule.
- Eating a variety of nutrient-dense foods is a cornerstone of [current nutrition advice](#), yet children and adults alike fall short of recommendations for dark green vegetables, red and orange vegetables, and other vegetable varieties. The new rule would relax current requirements for vegetable varieties—despite [USDA research](#) showing that between 92 and 95 percent of weekly lunch menus were already meeting these requirements.
- **I strongly urge USDA to reject changes to school nutrition standards that would make it harder for kids to eat enough of the fruits, vegetables, whole grains, and other foods they need to stay healthy.**

Protecting science and supporting schools, not agribusiness

- In its justification for the proposed rule, the USDA cites a need for flexibility to help nutrition program operators overcome operational challenges. However, as early as 2016, the USDA reported that more than [99 percent of schools](#) were already meeting the HHFKA nutrition standards.
- The Trump administration has proven particularly receptive to industry interests, while displaying an unprecedented pattern of [sidelining scientists and science advice](#).⁴ With the future health of children and many thousands of lives and billions in future health care costs hanging in the balance, the stakes are too high to compromise strong school nutrition standards.
- **I strongly urge the USDA to protect the scientific integrity of child nutrition standards and resist pressure from food industry interests to weaken these standards.**

Impacts of previous Trump administration school nutrition rule changes

- The January 2020 proposal comes on the heels of other school nutrition rollbacks the administration has already finalized:
 - Changes allowing more sugar-sweetened flavored milk with higher fat content. Previous rules had allowed only unflavored fat-free or low-fat milk or flavored fat-free milk to limit children's intake of added sugar and saturated fat.

- Whole grain flexibility that requires only half of all the weekly grains served on school lunch and breakfast menus be whole grain-rich, replacing the previous requirement that all grains served be whole grain-rich unless exempted by a waiver.
- A freeze on sodium reduction targets that would have gradually required lower levels of sodium in school meals.
- **I strongly urge the USDA to consider the cumulative impact of nutrition standard rollbacks, which have effectively dismantled science-based standards developed through bipartisan policymaking.**

Additional Resources

- [The Best School Lunch News You Never Heard](#) (Union of Concerned Scientists blog, 2019)
- [Sonny Perdue’s School Lunch Bait-and-Switch](#) (Union of Concerned Scientists blog, 2018)
- [School Nutrition and Meal Cost Study: Summary of Findings](#) (USDA, 2019)
- [School Meals Are Essential for Student Health and Learning](#) (Food Research and Action Center, 2019)
- [Betrayal at the USDA: How the Trump Administration is Sidelining Science and Favoring Industry Over Farmers and the Public](#) (Union of Concerned Scientists report, 2018)
- [Lessons from the Lunchroom: Childhood Obesity, School Lunch, and the Way to a Healthier Future](#) (Union of Concerned Scientists report, 2015)
- [Delivering on the Dietary Guidelines: How Stronger Nutrition Policy Can Cut Healthcare Costs and Save Lives](#) (Union of Concerned Scientists report, 2019)
- [The First 1,000 Days: Nourishing America’s Future \(1,000 Days\)](#)
- [Hooked for Life: How Weak Policies on Added Sugars Are Putting a Generation of Children at Risk](#) (Union of Concerned Scientists report, 2016)

About This Guide

This public comment guide was produced by the Union of Concerned Scientists. Updated March 3, 2020. Available online at <http://act.ucsusa.org/school-lunch-rule>.

¹ Centers for Disease Control and Prevention. 2019. Chronic Diseases in America. Online at <https://www.cdc.gov/chronicdisease/resources/infographic/chronic-diseases.htm>.

² Centers for Medicare and Medicaid Services. 2018. *National Health Expenditures 2017 Highlights*. Online at www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Downloads/highlights.pdf.

³ National Academies of Sciences, Engineering, and Medicine; Baciu A, Negussie Y, Geller A, et al., editors. 2017. *Communities in Action: Pathways to Health Equity*. Washington, DC: *National Academies Press (US)*. Online at www.ncbi.nlm.nih.gov/books/NBK425844/.

⁴ UCS. 2018.