Dear Mr. Secretary:

On behalf of the Robert Wood Johnson Foundation (RWJF), thank you for the opportunity to comment on the U.S. Department of Agriculture’s (USDA) Notice of Proposed Rulemaking on Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs (85 FR 4094). The proposed rule would significantly undermine the school meal nutrition standards that have benefitted millions of children for the better part of a decade, the vast majority of whom come from families with low incomes and lack consistent access to other sources of nutritious food. On grounds of equity, education, and health, the proposed rule should be withdrawn.

RWJF is the nation’s largest philanthropy dedicated to improving health and health care in the United States. Since 1972, we have worked with public- and private-sector partners to advance the science of disease prevention and health promotion; train the next generation of health leaders; and support the development and implementation of policies and programs to foster better health across the country, including high-quality health care coverage for all. We are working alongside others to build a national Culture of Health that provides everyone in America a fair and just opportunity to live the healthiest life possible. This means working to remove barriers to good health including poverty, discrimination, and powerlessness.

Each day, more than 30 million children rely on meals served via the National School Lunch Program and School Breakfast Program. These meals are more than simply a convenience; they are a lifeline. Nearly three-quarters of students who participate in these programs qualify for free or reduced-price meals based on their families’ income levels. With one out of three children and adolescents ages 2 to 19 having obesity or being overweight, and children consuming up to 50 percent of their daily calories at school, the quality of school meals can go a long way toward children’s overall well-being.

The importance of school meals has taken on new urgency during the ongoing coronavirus outbreak. At the time of this writing, school closures due to the outbreak have been multiplying rapidly, with multiple states applying for and receiving waivers from USDA to continue serving meals to students even when schools are closed. We applaud USDA for providing schools with the necessary flexibility and resources to ensure children maintain access to this critical source of nutrition, but we question USDA’s intent to
make these meals less healthy over the long term. As these difficult circumstances illustrate, the proposed rule is the exact opposite of what our children need and deserve.

**Updated school nutrition standards are effective**

Following passage of the Healthy, Hunger-Free Kids Act (HHFKA) in 2010, USDA updated nutrition standards for school meals for the first time in 15 years and established nutrition standards for items sold outside of the school meal programs, such as those in a la carte lines and vending machines. Since beginning to take effect in 2012, school meals have included more fruit; more servings and varieties of vegetables; more whole grains; less saturated fat and sodium; and limits on calories in meals based on age/grade groups.

Over the next several years, research funded by RWJF examining the impact and efficacy of the updated standards consistently demonstrated that the standards were working as intended to make school meals more nutritious, and that the changes were supported by students, parents, and school officials:

- **A Healthy Eating Research study** examining 1.7 million meals served in six schools in an urban Washington state school district found that the meals’ overall nutritional quality increased by 29 percent under the 2012 standards.
- **Bridging the Gap surveys** of school leaders nationwide revealed widespread student acceptance of the updated standards. Seventy percent of elementary school leaders reported that students generally like the healthier school lunches. School leaders reported similar results from 70 percent of middle school students and 63 percent of high school students.
- **A Rudd Center for Food Policy & Obesity study** examining 12 middle schools in an urban, low-income school district study found that more students chose fruit after the 2012 standards went into effect (66%, up from 54%) and that students ate more of their vegetables (64%, up from 46%) and lunch entrees (84%, up from 71%).
- **A study** examining low-income, predominantly minority public schools in four New Jersey cities before and after implementation of the 2012 standards found that school lunch participation between 2008 and 2015 rose slightly from 70 percent to 72 percent, while school breakfast participation held steady before rising between 2013 and 2015 from 52 percent to 59 percent. Researchers concluded that the updated nutrition standards have not affected school meal participation rates and over time, students are likely to accept healthier options.
- **A poll** released by the Pew Charitable Trusts, RWJF, and the American Heart Association found that among registered voter parents with school-age children, more than 70 percent of those surveyed support the 2012 nutrition standards.

In fact, the clearest evidence of the success of the healthier standards comes from USDA itself. USDA’s own data shows that **99 percent** of all schools have implemented the updated standards successfully. Further, the Department’s **School Nutrition and Meal Cost Study**, released in 2019, analyzed data from more than 1,200 schools across the country and found that the nutritional quality of school lunches and breakfasts rose by over 40 percent under the updated standards, with student participation in meal programs highest in schools that served the healthiest meals. These improvements have significant short- and long-term benefits for not only children’s health but also their ability to thrive in school—for instance, studies show that eating regular breakfast, including breakfast at school, has cognitive benefits, including a mainly positive effect on on-task behavior in the classroom and children’s academic performance.
Impact of Proposed Changes

Over the past few years, USDA has issued a series of rules that have taken aim at school meal programs and the nutrition standards that guide their implementation.

In 2018, USDA finalized a series of changes rolling back school nutrition standards related to milk, whole grain, and sodium requirements. Under this rule, low-fat flavored milk was reintroduced; the percentage of grains offered in school meals that were required to be whole-grain rich was lowered from 100 percent to 50 percent; and the deadline for schools to meet stricter sodium reduction targets was pushed back by several years.

In 2019, USDA proposed a rule to eliminate the Supplemental Nutrition Assistance Program (SNAP) Broad-Based Categorical Eligibility, under which households with higher gross incomes, more countable resources (such as money in a bank account), or both, can qualify for SNAP benefits. A USDA analysis reveals that nearly 1 million children would no longer be directly certified for free school meals based on SNAP participation under that proposal, with 40,000 children losing eligibility for free or reduced-price meals entirely; 445,000 being forced to apply to maintain access for free school meals; and 497,000 only qualifying for reduced-price meals. Research from the Urban Institute further reveals how this rule could impact schools that currently qualify for the Community Eligibility Provision (CEP), which allows schools in high-poverty areas to serve free meals to all students. More than 1 million students could see their schools lose full reimbursement for serving free school meals, potentially putting their CEP status at risk. This could cost those schools more than $167 million in school lunch funding. Moreover, an additional 142,000 students could see their schools lose eligibility for CEP entirely.

In 2020, USDA proposed a new rule—the subject of these comments—that would further weaken school nutrition standards. Under this proposal, schools participating in school meals programs would be allowed to serve less fruit, fewer whole grains, fewer varieties of vegetables, and more starchy vegetables such as French fries. In addition, the proposed changes would allow entrees currently served as part of the lunch or breakfast to be served more often without being required to meet nutrition standards. Currently, nutrition standards for meals apply to the meal as a whole, which allows schools to occasionally serve foods that would not meet nutrition standards on their own—such as a cheeseburger or pizza—alongside a salad, fruit, and milk to create a balanced meal. Under USDA’s proposed changes, however, schools could make items like cheeseburgers or pizza available for purchase on their own, via the a la carte line, almost any day of the week.

RWJF funded Healthy Eating Research (HER), a national program office, to conduct a health impact assessment (HIA) that analyzes the potential impact of these changes on students’ health and wellbeing as well as academic performance. A research team from HER—alongside an expert advisory committee consisting of individuals with expertise in school nutrition policy and research from around the country—conducted an expedited literature review using systematic methodologies to minimize bias and identify studies to answer each of the identified research questions. In total, 16 systematic reviews, meta-analyses, or reviews, and over 60 original articles published between January 2012 and February 2020 were included and reviewed.
According to the HIA:

- The proposed changes could increase food insecurity and have a detrimental impact on kids’ health and academic performance.
- Students from low-income families attending schools in majority black or Hispanic and in rural neighborhoods are most likely to be affected.
- There is strong evidence showing that consumption of foods and beverages at school impacts children’s total daily food and beverage intake, meaning that the proposed changes are likely to reduce the total diet quality of students consuming school foods.
- There is strong evidence showing that nutrition standards improve the nutritional quality of school meals, increase student participation in school meal programs, and improve students’ diet quality.
- There is strong evidence showing that participation in school meal programs increases food security among children.
- There is moderate evidence showing that nutrition standards and consumption of healthful school meals is associated with more positive weight outcomes, such as decreased body mass index (BMI).

The researchers’ conclusion based on their examination of the evidence is simple: “USDA should maintain strong nutrition standards for all foods served and sold in schools.” They go on to state:

- “The available research indicates that implementation of strong nutrition standards following passage of the HHFKA resulted in healthier, well-balanced meals and that these improvements have significant short- and long-term positive implications for child health and cognitive performance.”
- “Strong nutrition standards improve the healthfulness of meals available and consumed by children—both at school and throughout the day—increase participation in the school meal programs, increase food security, and improve cognitive functioning without a negative financial effect on schools.”
- “Changes to school meal and Smart Snack nutrition standards as proposed by USDA could shift children’s diets in the opposite direction and likely have adverse impacts on their overall health, food security, and academic performance.”

We echo those conclusions. There are any number of positive steps USDA could take to help schools continue to serve healthy meals, such as encouraging schools to give students more time to eat and more influence with respect to meal planning; helping schools market nutritious items more prominently and effectively; providing schools with additional funding to purchase upgraded kitchen equipment; and improving nutrition education. The decision to instead make yet another attempt to lower the bar on nutrition standards—particularly on the heels of the aforementioned changes to school meals and SNAP that USDA has pursued in recent years—is simply the wrong approach both tactically and morally.

RWJF urges the Department to:

- Remove the a la carte entrée exemption entirely. Do not allow an a la carte side exemption and maintain the whole grain-rich entrée requirement. These proposed a la carte changes would widen the existing junk food loophole to allow students with the economic means to purchase
unbalanced meals like pizza, French fries, and cookies for lunch every day of the week, further widening the equity gap and decreasing participation in the school meals program.

- Maintain the existing variety of vegetable subgroups. Weakening this requirement would allow an additional three cups of French fries in lunch per week, reducing a healthful variety of vegetables.
- Maintain the fruit requirement in breakfast outside of the cafeteria to maintain children’s access to fruit. Halving this requirement will reduce whole fruit for students and could lead to only juice being served.
- Do not make permanent the potato appropriations rider allowing schools to substitute starchy vegetables for fruit in breakfast which would decrease fruit and the healthful variety of vegetables. When taken in the aggregate with the change to the vegetable subgroup requirement in lunch, students could potentially have up to eight additional cups of French fries, tater tots, and hash browns every week in school (five cups of starchy vegetables at breakfast and an additional three cups at lunch in high school).
- Ensure that removing the grain requirement in breakfast does not increase the amount of processed meat served. The nutritional quality of school breakfast has already been weakened by halving the whole grain-rich requirement and there is no existing added sugar limit. Rather than further diminishing the grain requirement and potentially exposing children to more processed meat, which poses a risk to health, the Department should add a limit for added sugars in school meals, restore the whole grain-rich requirement, and limit processed meat in school meals.
- Do not allow grain-based desserts in the Child and Adult Care Food Program (CACFP).
- Ensure schools are providing age-appropriate meals and portion sizes by not allowing K–12 or similarly configured schools to use one or two meal patterns for all students. If allowed, this change should be limited to smaller schools with fewer than 500 students.
- Expand water options in the safest way possible.
- Develop an administrative review process that is less burdensome, but maintain the 3-year frequency.

**Conclusion**

The United States is currently facing an extraordinary and perhaps unprecedented threat. While the coronavirus outbreak has the potential to affect any one of us, it is also clear that the risk of exposure and the ability to protect oneself can vary greatly according to various socioeconomic factors, and that a fair and just opportunity for health and well-being eludes too many of us. Indeed, among the many disconcerting questions facing our society during this immense challenge is this: What happens to the millions of children who get breakfast and lunch through programs at school if we close them? Again, we are fortunate that schools across the country and USDA have responded to this question with compassion, empathy, understanding, and decisive action.

A similar question faces us that gets to the heart of this proposed rule: What happens, after this crisis is over, to the millions of children who get breakfast and lunch through programs at school if we make them less healthy? There are no good answers to that question because there are no positive outcomes under that circumstance.
And that begs one more question: How can we find a better way? We sincerely hope USDA takes that final question to heart and reconsiders its approach to this misguided rule.

Sincerely,

Richard E. Besser, MD
President and CEO
Robert Wood Johnson Foundation