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Agriculture and Natural Resources

Nutrition Policy Institute

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School Programs Branch
Policy and Program Development Division
Food and Nutrition Service
P.O. Box 2885
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**Re: Restoration of Milk, Whole Grains, and Sodium Flexibilities; Request for Comments,
Docket No. FNS-2020-0038**

University of California’s Nutrition Policy Institute (NPI) respectfully submits this comment in strong opposition to the U.S. Department of Agriculture’s (USDA) proposed rule entitled: “Restoration of Milk, Whole Grains, and Sodium Flexibilities” (85 FR 75241). The proposed rule seeks to institute the changes to the School Breakfast Program (SBP) and National School Lunch Program (NSLP) sodium, whole grains, and flavored milk requirements put forward in 83 FR 63775 (December 12, 2018).

For over 20 years, NPI and its predecessor Center for Weight and Health have engaged in nutrition research to strengthen public policy in order to improve people’s diets, health and opportunity to lead a productive life. NPI follows the science in recognizing the efficacy of prevention rather than treatment, and in focusing on infants and children as the most promising age group to benefit from improved nutrition. Realizing that determinants of health already adversely target low-income children and children of color to experience poorer nutrition outcomes, NPI directs much of its work to strengthening the federal child nutrition programs upon which these same children depend for much of their daily intake. Importantly, excessive weight in childhood has been shown to be difficult to reverse as the life cycle continues. And if current trends continue, nearly half of all US adults age 18 and over is expected to have obesity by 2030 with nearly a quarter, 24.2 percent, severely obese.¹ This trend must be countered with every available strategy. Because the National School Lunch

¹ Ward ZJ, Bleich SN, Cradock AL et al. Projected U.S. State-Level Prevalence of Adult Obesity and Severe Obesity. *N Engl J Med* 2019;381:2440-2450.

Program (NSLP) and School Breakfast Program (SBP) serve as many as 30 million children each school day, and low-income children are the predominant participants in these two programs, NPI focuses much of its research on and has gained most familiarity with the school-age nutrition assistance programs.

In addition, this current COVID-19 period with its concomitant economic fallout increases still more the critical importance of the NSLP and SBP. The programs are serving a growing number of children whose families' likely unemployment may put them at nutritional risk. In addition, due to school closures, many children have fewer opportunities for physical activity and may be gaining excessive weight, as characteristically happens when school is not in session. Because the school meal programs are aligned with the Dietary Guidelines for Americans, they have been shown to be effective in protecting children from both food insecurity and excessive weight gain.

NPI is pleased to adopt the reasoning and outcome described in Center for Science in the Public Interest's comment opposing this proposed rule. In this comment, we hone in on the portion of the proposed rule regarding flavored milk, as that is the area in which NPI has extensive expertise. Regarding the desirability of USDA's proposal to permit flavoring of low-fat as well as nonfat milk, CSPI said:

Allowing schools to serve flavored low-fat milk would be inconsistent with expert nutrition recommendations based on the National Academy of Medicine's 2009 report² and the 2015 DGA.³ Similarly, the Robert Wood Johnson Foundation's Healthier Beverage Guidelines recommend only plain fat-free and low-fat milk for children and adolescents.⁴

NPI researchers, together with colleagues from the University of California, Berkeley, School of Public Health, have published a very recent study on the impact of removing chocolate milk from the school lunch program.⁵ The study examined the effects of removing chocolate milk as part of efforts to reduce added sugar from the lunch program at middle and high schools in the San Francisco Unified School District during the 2017-18 school year. The study assessed the effect of chocolate milk removal policy on student milk selection, waste, and overall consumption and to estimate attendant changes in calcium, protein, vitamin D, and added sugar intake among racially/ethnically and socioeconomically diverse secondary school students.

The study found that, despite a slight decrease in student milk consumption after the policy was passed, student intake of milk's key nutrients -- calcium, protein, and vitamin D -- were not

² Institute of Medicine. *School Meals: Building Blocks for Healthy Children*. Washington, DC: The National Academies Press; 2010.

³ U.S. Department of Health and Human Services and U.S. Department of Agriculture. *2015-2020 Dietary Guidelines for Americans*, 8th Edition. Washington, DC: U.S. Government Printing Office, 2015.

⁴ Healthy Eating Research. *Recommendations for Healthier Beverages*. Durham, NC: Robert Wood Johnson Foundation, 2013. <http://healthyeatingresearch.org/wp-content/uploads/2013/12/HER-Healthier-Bev-Rec-FINAL-3-25-13.pdf>.

⁵ Thompson HR, Ritchie L, Park E, Madsen KA, Gosliner W. Effect of Removing Chocolate Milk on Milk and Nutrient Intake Among Urban Secondary School Students. *Prev Chronic Dis* 2020;17:200033

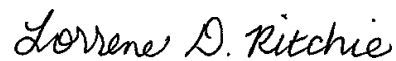
reduced, nor was there any increase in milk waste. Furthermore, students' consumption of added sugar from milk declined significantly, thus achieving the district's purpose in removing chocolate milk. USDA's proposed rule thus would defeat the policy goal of reducing added sugars in children's diets by decreasing availability of flavored milk and other sugar-sweetened beverages. Sugar-sweetened beverages are the largest single source of added sugars in children's diets and are causally linked to type 2 diabetes, obesity, cardiovascular disease, and dental caries.

UC Nutrition Policy Institute opposes USDA's proposed rule to return flavored milk to school cafeterias. To re-introduce chocolate milk when its absence has worked so well to lower consumption of added sugars is contrary to science. Further, the rule's timing would deprive policy makers of the benefits of the imminent 2020-25 Dietary Guidelines, require COVID-impacted schools to make an operational change when they are most beleaguered, and needlessly expose children again to additional calories from added sugars consumption. For the health of US children, it is critical to do more to improve nutrition, not less.

Sincerely,



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