

Congress of the United States

Washington, DC 20515

March 3, 2023

The Honorable Thomas Vilsack
Secretary
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Dear Secretary Vilsack:

We write to you today regarding the proposed rule, “Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans,” published in the Federal Register on February 7, 2023. Because the administration’s proposed rule has considerable national implications, Congress and the public need additional time to consider and provide feedback on these changes. For this reason, we request an extension of the public comment period by an additional 30 days, from 60 days to 90 days.

Schools shuttered by the COVID-19 pandemic three years ago are still struggling to return to a sense of normalcy. Many school officials are primarily focused on making up for lost face-to-face instruction and addressing other issues exacerbated by the pandemic. It is estimated that students experienced learning deficits of approximately one-third of an entire school year.¹ Schools are working to catch students up while teaching them the content they need to perform at or above grade level. Implementing substantial changes to school meal requirements will force district leaders to focus less on students’ academic progress and more on securing funding and workers to meet the demands of these regulations. This shift in attention could prove detrimental to overall student achievement.

The proposed revisions to meal patterns are complex and far-reaching, including the addition of new sugar standards, reduced sodium limits, and modified milk and whole grain standards. While dictating policy on paper is easy, school districts will need adequate time to assess the extensive practical implications of these revisions. For this reason, schools and stakeholders should be afforded additional time to review and comment on the proposed rule.

Beginning in school year 2024-2025, it is estimated that this rulemaking will cost schools between \$0.03 and \$0.04 per meal served, in both the School Breakfast Program and the National School Lunch Program.² This will result in additional expenditures between \$220 and \$274 million annually, which equates to \$1.4 billion over six school years.³ This cost will have to be absorbed by schools, meaning schools will undoubtedly have to revise their budgets and

¹ Betthäuser, B.A., Bach-Mortensen, A.M. & Engzell, P. A systematic review and meta-analysis of the evidence on learning during the COVID-19 pandemic. *Nat Hum Behav* (2023). <https://doi.org/10.1038/s41562-022-01506-4>

² <https://www.govinfo.gov/content/pkg/FR-2023-02-07/pdf/2023-02102.pdf>

³ <https://www.federalregister.gov/documents/2023/02/07/2023-02102/child-nutrition-programs-revisions-to-meal-patterns-consistent-with-the-2020-dietary-guidelines-for>

make cuts in other areas to comply with these new regulations. This could directly undermine the quality of education being made available to students.

Since this regulation will unquestionably have a significant impact on child nutrition, child education, and taxpayers, we request an additional 30 days for the public to review and offer input.

Sincerely,



Virginia Foxx
Chairwoman
U.S. House Committee on Education
and the Workforce



John Boozman
Ranking Member
U.S. Senate Committee on
Agriculture, Nutrition, and Forestry

cc: Stacy Dean, Deputy Under Secretary for Food, Nutrition, and Consumer Services