

# Future Uncertain for USDA Proposed Rule to Revise School Lunch Nutrition Quality Standards

November 22, 2011

On November 18, 2011, President Obama signed into law [H.R. 2112](#), the Consolidated and Further Continuing Appropriations Act (Pub. L. 112-055), which, among other things, provides funding for the U.S. Department of Agriculture (“USDA”) for Fiscal Year 2012. The law includes policy “riders” blocking funding for key provisions of a rule proposed by USDA that is intended to improve the dietary habits of school children. Published in January 2011, the USDA’s proposed rule would enact more stringent nutrition quality standards for the National School Lunch Program (“NSLP”) and the School Breakfast Program (“SBP”), which applies to school children in grades K-12. Specifically, the rule would adopt recommendations from the Institute of Medicine (“IOM”) that call for increased servings of fruits, vegetables, and whole grain-rich foods, establish new minimum and maximum calories levels for meals, minimize consumption of trans fats, and substantially reduce the amount of sodium in kids’ meals over the next 10 years.

The law prohibits USDA from implementing several prominent provisions from the proposed rule, including the proposed limits on servings of starchy vegetables such as potatoes, the long-term sodium reduction requirements, the increase in servings of whole grain foods for breakfast and lunch, and certain proposed vegetable serving requirements.

The USDA proposal would represent a substantial shift in the nutritional composition and quantity of a number of food items and would have far-reaching implications for companies that make or market food products for use in school breakfast or lunch programs. Please see Kelley Drye’s [February 2, 2011 Client Advisory](#) for more information on the USDA proposal.