

DATE: April 14, 2011

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SUBJECT: Child Nutrition Reauthorization 2010:  
Nutrition Requirements for Fluid Milk

TO: Child Nutrition Programs

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modifies requirements for fluid milk in the National School Lunch Program and School Breakfast Program. The purpose of this memorandum is to provide guidance on the implementation of these modifications.

Section 202 of the Act amends section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) by requiring that a variety of fluid milk be served consistent with the most recent Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that persons over two years of age consume fat-free or low-fat (1%) fluid milk. To offer milk variety consistent with this recommendation, school food authorities must offer at least two choices from the following: fat-free milk, low-fat (1%) milk, fat-free or low-fat lactose reduced milk, fat-free or low-fat lactose-free milk, fat-free or low-fat buttermilk, and fat-free or low-fat acidified milk. Such products must be pasteurized fluid milk that meets State and local standards, as currently required in 7 CFR 210.10(m)(1)(ii).

The proposed rule, *Nutrition Standards in the National School Lunch and School Breakfast Programs*, published in the Federal Register on January 13, 2011, includes a similar provision that addresses the allowable fat content of milk and also addresses flavored milk. Until an implementing rule goes into effect, plain or flavored low-fat and fat-free milk may be offered to meet the variety requirements described above.

We understand that many contracts are in place and would need to be altered to comply with this requirement. School food authorities should work to comply with this requirement as soon as possible, but not later than the beginning of School Year 2011-2012.