

June 4, 2026

The Honorable Patrick A. Penn
Acting Administrator
School Meals Policy Division, Food and Nutrition Service
1320 Braddock Place
Alexandria, VA 22314

RE: Expanding Fluid Milk Options in Child Nutrition Programs (FNS-2026-0067)

Dear Administrator Penn,

Thank you for the opportunity to provide comments on the Expanding Fluid Milk Options in Child Nutrition Programs Final Rule as USDA considers future guidance and policy for the expansion of fluid milk options in Child Nutrition Programs (CNPs).

The National CACFP Association (NCA) is a national platform for the Child and Adult Care Food Program (CACFP) and our community of CACFP and SFSP stakeholders includes sponsoring organizations, child care centers, family home providers, schools and afterschool programs, Head Start, tribal nations and state agencies. We conducted a multi-pronged outreach effort that included a listening session and meetings with community leaders to inform our comments.

NCA and our community are excited to see more flexibility within the CACFP and believe the expansion of fluid milk options will positively impact program operators. The ability for operators to serve whole and reduced-fat (2%) milk to all participants ages two and up in the CACFP allows more flexibility for operators. This expansion could potentially reduce waste, decrease administrative burden and increase fluid milk consumption. NCA is also glad to see that the Expanding Fluid Milk Options in Child Nutrition Programs Final Rule provides flexibilities to serve additional milk types, expanding the variety of milks operators can serve, rather than requiring any changes to operators' current meal service. This flexibility allows operators to respond to the particular needs of those they serve and make purchases based on the milk options available in their local markets.

While this update does not make any required changes to meal service, more guidance is needed for State agencies and program operators.

State Agency Implementation

Although State agencies must administer the CACFP based on the federal guidelines, they are able to implement stricter requirements than those outlined in federal regulations. Therefore, some States may select to continue to limit the fluid milk options to fat-free and low-fat milk (1%) for participants ages two and up or delay the implementation date past the June 8, 2026, date set by USDA. NCA recommends that USDA encourage State agencies to implement the flexibilities outlined in the Expanding Fluid Milk Options in Child Nutrition Programs Final Rule beginning June 8, 2026, unless otherwise restricted by State law. In addition, NCA recommends that USDA remind State agencies that they cannot disallow meals based on State-level requirements that exceed the federal requirements (CACFP 09-2013, updated March 19, 2026).

NCA also recommends that USDA encourage State agencies to remove any requirement to document the type of milk being served on operators' posted menus. Some States have enforced this type of documentation in order to identify whether the correct milk is being served to each age group. However, now that all participants ages two and up may be served the same type of milk, as well as one-year olds if the operator selects to provide whole milk to all participants ages one and up, then this additional documentation requirement is no longer necessary.

Similarly, many States have implemented additional monitoring requirements for sponsoring organizations that they refer to as "Milk Audits." During a Milk Audit, sponsoring organizations have not only been required to confirm that participants are served the correct amount of milk, but also the correct type of milk. Now that participants ages two and up can be served the same type of milk, the review of milk types is no longer necessary, unless milk substitutes are being used. Therefore, NCA recommends that USDA encourage State agencies to remove the review of milk types as a monitoring requirement for sponsoring organizations and remove the inclusion of milk types from production records, as it adds unnecessary time and burden on sponsoring organizations.

USDA Guidance

With the Expanding Fluid Milk Options in Child Nutrition Programs Final Rule, operators can now serve participants ages two and up whole milk or reduced-fat (2%) milk, as well as low-fat (1%) or fat-free milk. As a result, operators can select to continue serving whole milk to those in their care past the age of one. In this instance, operators would not have to transition children from whole milk to low-fat milk, as was previously required. However, some providers may choose to continue serving low-fat or fat-free milk to children ages two and up in their care, which may still necessitate a transition period for children aged 24-25 months. Therefore, NCA recommends that USDA create a CACFP best practice for how operators should transition children to lower-fat milk during the 24–25-month age range.

Prior to the implementation of the Expanding Fluid Milk Options in Child Nutrition Programs Final Rule, parents/guardians were required to provide a medical statement signed by a State licensed healthcare professional or registered dietitian if whole or reduced-fat (2%) milk needed to be served their child(ren) for disability reasons. Now that whole and reduced-fat milk are allowable for participants ages two and up, this medical statement is no longer necessary. However, further clarification is needed regarding what documentation is needed when the CACFP operators selects to serve a creditable milk type that does not align with parent/guardian preference (for instance if an operator serves whole milk to all participants, but the parent/guardian would prefer their child be served low-fat milk). Therefore, NCA recommends that USDA provide additional guidance on parent/guardian preference and medical statement requirements in relation to creditable milk types.

NCA also seeks additional information on the timeline for the update of USDA materials. Operators constantly reference USDA materials to ensure they are meeting the meal pattern requirements for CACFP, and outdated materials could prevent them from implementing the fluid milk flexibilities outlined in the Expanding Fluid Milk Options in Child Nutrition Programs Final Rule.

Materials

- Crediting Handbook for the Child and Adult Care Food Program
- Serving Milk in the CACFP
- Crediting Fluid Milk in Child Nutrition Programs Tipsheet
- Serving Adult Participants in the USDA Child and Adult Care Food Program
- Serving School Meals to Preschoolers

Materials Continued

- Serving Snacks in the Child and Adult Care Food Program
- It's Breakfast Time Planner
- Let's Make a Snack Planner
- Family Style Meal Service with Children in the Child and Adult Care Food Program
- Serve Tasty and Healthy Foods in the Child and Adult Care Food Program (CACFP)
- Serving Milk Bingo

Trainings

- Thirty on Thursdays: Serving Milk in the CACFP

Guidance

- CACFP 01-2025: Nutrition Requirements for Fluid Milk and Fluid Milk Substitutions in the Child and Adult Care Food Program, Questions and Answers

In closing, NCA appreciates the opportunity to provide comments on the expansion of fluid milk options in CNPs. We welcome the opportunity to work together to further explore improvements in the CACFP.

On behalf of the entire board and members of the National CACFP Association, thank you for your support of the CACFP community.

Sincerely,



Alexia Thex
President
National CACFP Association



Alix Pasillas
Board Chair
National CACFP Association