

Milk, Whole Grains, and Sodium Nutrition Standards in School Meals: A Recent History

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) required the U.S. Department of Agriculture (USDA) to update the meal pattern and nutrition standards of the National School Lunch Program (NSLP) and School Breakfast Program (SBP).¹ By law, school nutrition standards must align with the Dietary Guidelines for Americans (DGA), which are updated at least every five years. The school nutrition standards updated under the HHFKA were finalized in 2012 and aligned school meals with the 2010-2015 DGA.² Among the many changes were new requirements for milk, whole grains, and sodium. Unfortunately, these standards have been repeatedly undermined in the years since they were established. The following document outlines the implementation, delay, rollback, and adjustments made to the milk, whole grain, and sodium standards from pre-HHFKA (2010) to the present (2025).

Summary

Milk – Prior to the HHFKA, there were no fat or flavor requirements for milk.³ Under the HHFKA, beginning in School Year (SY) 2012-13, whole milk, reduced-fat milk, and low-fat *flavored* milk were no longer permitted; only fat-free plain and flavored milk and low-fat plain milk were allowed.⁴ A FY 2017 appropriations rider weakened this requirement by allowing schools to apply for a waiver to serve low-fat flavored milk, but schools had to demonstrate a need for serving the milk based on reduced student consumption or increased milk waste of permitted milks.⁵ In 2017, the Trump administration further weakened this standard through an interim final rule (IFR), which allowed schools to offer low-fat flavored milk without having to apply for a waiver.⁶ The Trump-era rule was vacated in April 2020 when a federal court ruled in favor of CSPI in a lawsuit against the USDA,⁷ but the COVID-19 waivers established in March 2020 that allowed schools to waive the nutrition standards prevented the stronger milk standard from going back into effect.⁸ A recent 2022 school meals rule—which is called a “bridge” rule that establishes transitional standards for SY 2022-23 and SY 2023-24 in anticipation of long-term updates through a future “durable” rule—allows schools to offer low-fat flavored milk.⁹ A 2024 rule titled *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans* maintains the allowance to provide fat-free and low-fat milk, flavored and unflavored, to grades K-12.¹⁰ By SY 2025-2026, all flavored milk must contain no more than 10 grams of added sugars per 8 fluid ounces, or for flavored milk sold à la carte in middle and high schools, 15 grams of added sugars per 12 fluid ounces.¹¹

Whole Grains – Prior to the HHFKA, there was no whole grain-rich requirement.¹² In 2012, the USDA phased in a new whole grain-rich standard, which required that at least 50-percent of grains offered by schools be whole grain-rich (containing at least 51-percent whole grains) in SY 2012-13 and SY 2013-14 and then 100-percent of grains be whole grain-rich starting in SY 2014-

15.¹³ A FY 2015 appropriations rider, however, allowed schools to offer only 50-percent whole grain-rich products if they applied for a waiver and demonstrated hardship, such as difficulty procuring products.¹⁴ This exemption was extended every year^{15,16} until a 2018 Trump-era rule weakened the standard for all schools, eliminating the need for waivers.¹⁷ The Trump administration's rollback was vacated in 2020 as a result of CSPI's court victory,¹⁸ but the COVID-19 waivers prevented the 100-percent whole grain-rich requirement from going back into effect.¹⁹ The 2022 bridge rule set a transitional standard of at least 80-percent whole grain-rich products beginning SY 2022-23.²⁰ The 2024 rule maintains the 80-percent whole grain-rich requirement.²¹

Sodium – Prior to the HHFKA, there were no quantitative sodium-reduction standards.²² Under the HHFKA, schools were required to meet a series of targets by grade group for breakfast and lunch over ten years to reduce sodium levels to meet DGA recommendations. The first targets (Target 1) went into effect in SY 2014-15; subsequent targets were set but never enforced.²³ Appropriations riders^{24,25,26} and the 2017 IFR²⁷ prevented Target 2 from going into effect (originally set for SY 2017-18); then the Trump administration set a new timeline for implementation (SY 2024-25) and eliminated Target 3 (originally set for SY 2022-23) altogether.²⁸ CSPI's court victory vacated this rollback,²⁹ but Target 2 which was then in effect was not enforced on account of the COVID-19 waivers.³⁰ The Biden administration's 2022 bridge rule retained Target 1 through SY 2022-23 and replaced the other stronger targets with an interim 10-percent reduction target for SY 2023-24 for lunch only, and the administration stated they would develop new targets in subsequent rulemaking.³¹ The 2024 rule maintains current sodium limits (Sodium Target 1A for lunch and Sodium Target 1 for breakfast) for three school years and establishes new limits to be in effect by school year 2027-28, which represent an approximate 15 percent sodium reduction for lunch and an approximate 10 percent sodium reduction for breakfast from current sodium limits.³² These limits are equivalent to Target 2 from the 2012 rule, but with an implementation date 10 years later.³³

Table 1: Milk, Whole Grains, and Sodium Requirements for the NSLP and SBP, 1995-present (2025)

	<i>Milk</i>	<i>Whole Grains</i>	<i>Sodium</i>
<i>1995 National School Lunch Program and School Breakfast Program: School Meals Initiative for Healthy Children, Final Rule³⁴</i>	All milk varieties (including 2-percent reduced-fat and whole milk) were permitted, and milk at all fat levels could be flavored.	All grains had to be enriched or whole grain. There was no whole grain-rich requirement.	N/A

<i>2012 Nutrition Standards in the National School Lunch and School Breakfast Programs, Final Rule</i> ³⁵	By SY 2012-13, only fat-free and low-fat (1-percent milk fat or less) milk were allowed, and flavored milk had to be fat-free.	At least half of grains offered had to be whole grain-rich in the NSLP beginning SY 2012-13 and in the SBP beginning SY 2013-14. By SY 2014-15, all grains had to be whole grain-rich. Whole grain-rich was defined as containing at least 51-percent whole grains.	The USDA established a ten-year sodium-reduction schedule with three targets. Target 1 went into effect on July 1, 2014. See Table 2 below.
<i>FY 2015</i> ³⁶ & <i>2016</i> ³⁷ <i>Appropriations Riders</i>	N/A	Allowed states to grant an exemption to the whole grain-rich requirement to schools that could demonstrate hardship in procuring palatable or compliant products through SY 2015-16 and then SY 2016-17.	Prevented the USDA from implementing sodium-reductions targets beyond Target 1.
<i>FY 2017 Appropriations Riders</i> ³⁸	Allowed states to grant exemptions so that schools could offer low-fat flavored milk if they could demonstrate a decrease in milk consumption or an increase in milk waste through SY 2017-18.	Maintained the whole grain-rich exemption through SY 2017-18.	Retained Target 1 through SY 2017-18.
<i>2017 Flexibilities for Milk, Whole Grains, and Sodium Requirements, Interim Final Rule (IFR)</i> ³⁹	Allowed schools to offer low-fat flavored milk without having to demonstrate a decrease in milk consumption or	Maintained the whole grain-rich exemption through SY 2018-19.	Retained Target 1 through SY 2018-19.

	an increase in milk waste.		
2018 Flexibilities for Milk, Whole Grains, and Sodium Requirements, Final Rule ^{*40}	Allowed schools to continue offering low-fat flavored milk but required that unflavored milk also be offered.	Reduced the whole grain-rich requirement from 100-percent of grains to 50-percent of grains.	Retained Target 1 through SY 2023-2024, delayed compliance for Target 2 from SY 2017-18 to SY 2024-25, and eliminated Target 3.
	<i>* In 2019, CSPI filed a lawsuit contending that the final rule was unlawful.⁴¹ In April 2020, CSPI won that lawsuit, and as a result, the final rule was vacated.⁴² The USDA attempted to restore the rule by publishing a new proposed rule, but the Trump administration did not finalize it before leaving office.⁴³ The Biden administration adjusted and finalized the proposed rule in 2022 (see “Bridge Rule” below).</i>		
2020 Families First Coronavirus Response Act (FFCRA)⁴⁴ and the resulting COVID-19 Meal Pattern Waivers⁴⁵	In March 2020, the FFCRA established a meal pattern waiver for the NSLP and SBP during the COVID-19 pandemic. The waiver allowed local school food operators to waive specific aspects of the meal pattern—including the milk, whole grains, and sodium requirements.		
FY 2021 Appropriations Rider⁴⁶	Prevented the USDA from restricting schools from serving low-fat flavored milk.	N/A	N/A
2022 Transitional Standards for Milk, Whole Grains, and Sodium, Final Rule (aka, “Bridge Rule”) ^{47**}	Continues to allow schools to offer low-fat flavored milk while still requiring that unflavored milk also be offered.	Requires that at least 80-percent of grains be whole grain-rich.	Eliminates Targets 2 and 3, sets an Interim Target 1A (for lunch only), and commits to addressing long-term sodium reduction in future rulemaking. See Table 2 below.
	<i>** As required by Section 2202(d) of the FFCRA⁴⁸ and extended by the Keep Kids Fed Act of 2022,⁴⁹ schools can continue to waive the standards if they are experiencing supply chain disruptions due to COVID-19 through SY 2022-23 (June 30, 2023).</i>		

2024 Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans, Final Rule⁵⁰	Continues to allow schools to offer low-fat flavored milk while still requiring that unflavored milk also be offered. Requires limiting added sugars for flavored milk beginning SY 2025-2026.	Maintains the requirement that at least 80-percent of grains be whole grain-rich.	Maintains Sodium Target 1A for lunch and Sodium Target 1 for breakfast) for three school years and established new limits to be in effect by school year 2027-28. See Table 2 below.
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Table 2: Quantitative Sodium Reduction Targets^{51,52,53}

Grade Group	Target 1 Effective July 1, 2014	Target 2 <i>No longer required, originally set for SY 2017-18</i>	Target 3 <i>No longer required, originally set for SY 2022-23</i>	Interim Target 1A Effective July 1, 2023	Sodium Limit: Effective July 1, 2027
Breakfast					
K-5	≤ 540 mg	≤ 485 mg	≤ 430 mg	N/A	< 485 mg
6-8	≤ 600 mg	≤ 535 mg	≤ 470 mg	N/A	< 535 mg
9-12	≤ 640 mg	≤ 570 mg	≤ 500 mg	N/A	< 570 mg
Lunch					
K-5	≤ 1,230 mg	≤ 935 mg	≤ 640 mg	< 1,110 mg	< 935 mg
6-8	≤ 1,360 mg	≤ 1,035 mg	≤ 710 mg	< 1,225 mg	< 1,035 mg
9-12	≤ 1,420 mg	≤ 1,080 mg	≤ 740 mg	< 1,280 mg	< 1,080 mg

For more information, please contact the Center for Science in the Public Interest at policy@cspinet.org.

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¹ Healthy, Hunger-Free Kids Act of 2010. P.L. 111-296.

² 77 Fed Reg. 4087. Nutrition Standards in the National School Lunch and School Breakfast Programs.

³ 60 Fed Reg. 31188. National School Lunch Program and School Breakfast Program: School Meals Initiative for Healthy Children.

⁴ 77 Fed Reg. 4087. Nutrition Standards in the National School Lunch and School Breakfast Programs.

⁵ Consolidated Appropriations Act, 2017. P.L. 115-31.

⁶ 82 Fed Reg. 56703. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements.

⁷ *CSPI v. Perdue*, 438 F. Supp. 3d 546 (D. Md. 2020).

⁸ United States Department of Agriculture. *COVID-19 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*. 2020. <https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-4>. Accessed June 13, 2022.

⁹ 87 Fed Reg. 6984. Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium.

¹⁰ 89 Fed Reg. 31962. Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans.

¹¹ 89 Fed Reg. 31962. Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans.

¹² 60 Fed Reg. 31188. National School Lunch Program and School Breakfast Program: School Meals Initiative for Healthy Children.

¹³ 77 Fed Reg. 4087. Nutrition Standards in the National School Lunch and School Breakfast Programs.

¹⁴ Consolidated and Further Continuing Appropriations Act, 2015. P.L. 113-235.

¹⁵ Consolidated Appropriations Act, 2016. P.L. 114-113.

¹⁶ Consolidated Appropriations Act, 2017. P.L. 115-31.

¹⁷ 83 Fed Reg. 63775. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements.

¹⁸ *CSPI v. Perdue*, 438 F. Supp. 3d 546 (D. Md. 2020).

¹⁹ United States Department of Agriculture. *COVID-19 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*. 2020. <https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-4>. Accessed June 13, 2022.

²⁰ 87 Fed Reg. 6984. Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium.

²¹ 89 Fed Reg. 31962. Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans.

²² 60 Fed Reg. 31188. National School Lunch Program and School Breakfast Program: School Meals Initiative for Healthy Children.

²³ 77 Fed Reg. 4087. Nutrition Standards in the National School Lunch and School Breakfast Programs.

²⁴ Consolidated and Further Continuing Appropriations Act, 2015. P.L. 113-235.

²⁵ Consolidated Appropriations Act, 2016. P.L. 114-113.

²⁶ Consolidated Appropriations Act, 2017. P.L. 115-31.

²⁷ 82 Fed Reg. 56703. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements.

²⁸ 83 Fed Reg. 63775. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements.

²⁹ *CSPI v. Perdue*, 438 F. Supp. 3d 546 (D. Md. 2020).

³⁰ United States Department of Agriculture. *COVID-19 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*. 2020. <https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-4>. Accessed June 13, 2022.

³¹ 87 Fed Reg. 6984. Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium.

³² 89 Fed Reg. 31962. Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans.

³³ 77 Fed Reg. 4087. Nutrition Standards in the National School Lunch and School Breakfast Programs.

³⁴ 60 Fed Reg. 31188. National School Lunch Program and School Breakfast Program: School Meals Initiative for Healthy Children.

³⁵ 77 Fed Reg. 4087. Nutrition Standards in the National School Lunch and School Breakfast Programs.

³⁶ Consolidated and Further Continuing Appropriations Act, 2015. P.L. 113-235.

³⁷ Consolidated Appropriations Act, 2016. P.L. 114-113.

³⁸ Consolidated Appropriations Act, 2017. P.L. 115-31.

³⁹ 82 Fed Reg. 56703. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements.

⁴⁰ 83 Fed Reg. 63775. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements.

⁴¹ *CSPI v. Perdue*, 438 F. Supp. 3d 546 (D. Md. 2020).

⁴² 85 Fed Reg. 74847. Child Nutrition Programs: Rescission of Milk, Whole Grains, and Sodium Flexibilities: Notice of Vacatur.

⁴³ 85 Fed Reg. 75241. Restoration of Milk, Whole Grains, and Sodium Flexibilities.

⁴⁴ Families First Coronavirus Response Act. P.L. 116-127.

⁴⁵ United States Department of Agriculture. *COVID-19 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*. 2020. <https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-4>. Accessed June 13, 2022.

⁴⁶ Consolidated Appropriations Act, 2021. P.L. 116-260.

⁴⁷ 87 Fed Reg. 6984. Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium.

⁴⁸ Families First Coronavirus Response Act. P.L. 116-127.

⁴⁹ Keep Kids Fed Act of 2022. P.L. 117-158.

⁵⁰ 89 Fed Reg. 31962. Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans.

⁵¹ 77 Fed Reg. 4087. Nutrition Standards in the National School Lunch and School Breakfast Programs.

⁵² 87 Fed Reg. 6984. Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium.

⁵³ 89 Fed Reg. 31962. Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans.