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The Center for Law and Social Policy

The Center for Law and Social Policy (CLASP) is grateful for the opportunity to comment on the recent proposed rule of “Child Nutrition Programs: Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans” CLASP is a national, non-partisan, anti-poverty organization that has advocated for policy solutions that support the needs of people with low incomes for over 50 years. We develop practical yet visionary strategies for reducing poverty, promoting economic security, and advancing racial equity. CLASP works at the federal, state, and local levels and has deep expertise in child care and early education, food assistance programs and child nutrition, and job quality policies, including those that impact the early childhood education workforce. CLASP commends the United States Department of Agriculture (USDA) for their attention to the importance of nutrition for positive child development and for the many positive improvements included in the proposed rule. This set of comments will focus specifically on the Child and Adult Food Care Program (CAFCEP) provisions given our work at the intersection of child care and nutrition. CAFCEP is an essential program that ensures meals that support the healthy development of children in participating child care programs, and CLASP commends the Food and Nutrition Service for looking into this important support.

Based on our work and expertise, we would offer the following considerations for this proposed rule:

1. The proposed implementation timeframes do not provide adequate lead time for child care providers to successfully implement the new added sugars standards—especially family child care providers. Currently, there are over 100,000 family child care homes throughout the country. Family child care providers often run small programs, with limited or no additional staff, where they take on multiple roles including owner, caregiver, meal preparer, and more. With these demands, the 2025-2026 timeline does not provide an adequate timeframe to transition to these new standards and successfully implement the required changes. While current timeline may seem like ample time to comply with these new standards, policy changes like these require time, training, money, and technical assistance for child care providers and their CAFCEP sponsors to ensure understanding and compliance with the updated standard.
2. With these adjustments to the timeline, the USDA and states should extensively work with manufacturers and retailers across regions and the state to ensure that they would be able to meet the supply required to match the updated demand of food that meets the updated nutritional guidelines. Additionally, this extended timeline would give USDA more time to meaningfully engage with family child care providers as well as account for the disparity between the low earnings providers receive and the additional grocery costs associated with these new guidelines.
3. It is essential that the USDA aligns their policy across the two-tier reimbursements and the additional grocery costs due to this new shift in guidelines to ensure that family child care providers are getting an adequate reimbursement rate regardless of their tier. Across the board, the child care workforce is paid too little to be able to take on additional grocery costs because of these updates. For example, the Food Research and Action Center found that a third of providers already experience food insecurity themselves. This is especially important to note for family child care providers as they face additional burdens in providing meals through CAFCEP. This is because, unless there is Congressional action, the two-tier reimbursement structure of CAFCEP for family child care programs will be reinstated, and the consequences will be severe. Homes in lower-income areas receive higher “tier I” reimbursement while those in other areas receive a lower “tier II” reimbursement. Even with all family child care providers currently receiving tier I reimbursements in response to the pandemic, they are struggling to make ends meet. Tier II reimbursements can be around fifty percent less than tier I, which means that some providers are soon facing a reality where they cannot afford to provide meals at all. For more information on this, please see <https://www.clasp.org/blog/keeping-kids-equitably-fed-through-child-care/>.

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4. Lastly, there was no specific engagement on the impact of this rule with family child care providers, which serve the majority of children in the child care system nationally. This means that these providers do not know how these changes will truly impact them which could also have far-reaching consequences for the children and families that they serve. It is crucial for FNS and USDA to hear directly from family child care providers about their day-to-day operations, challenges, and more to understand how this proposed rule could harm them. In creating equitable policy, there should be community engagement efforts with all populations that will be directly impacted by it. For more information on this, please see <https://www.clasp.org/publications/report/brief/shaping-equitable-early-childhood-policy-incorporating-inclusive-community/>.

Thank you for your consideration and integration of these comments into the decision-making for this proposed rule. We are glad to offer additional thoughts and engage further with you on these comments. Please contact Alyssa Fortner at afortner@clasp.org for any questions or follow-up.