



Food and Nutrition Service

DATE: October 25, 2023

MEMO CODE: SP01-2024, CACFP01-2024, SFSP01-2024

Braddock Metro Center

SUBJECT: Clarification of Allowable Flexibilities for Child Nutrition Programs Experiencing Milk Supply Shortages

1320 Braddock Place Alexandria VA 22314

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	Food and Nutrition Service/Child Nutrition Programs
Title of Document:	Clarification of Allowable Flexibilities for Child Nutrition Programs Experiencing Milk Supply Shortages
Document ID:	
Z-RIN:	
Date of Issuance:	October 25, 2023
Replaces:	N/A
Summary:	(1) This guidance applies to State agencies and school food authorities administering the Child Nutrition Programs. (2) This guidance provides clarification on allowable flexibilities for States experiencing milk supply chain challenges.

USDA's Food and Nutrition Service (FNS) is aware that schools in multiple States are experiencing milk supply chain challenges related to packaging issues. This memorandum provides State agencies with information about existing authority related to schools and other Child Nutrition Program (Program) operators experiencing inadequate milk supply. FNS encourages State agencies to use this authority when needed to support Program operators impacted by the current milk packaging challenges.

Under current Program regulations found at [7 CFR 210.10\(d\)\(2\)](#), [220.8\(d\)](#), [225.16\(f\)\(6\)](#), and [226.20\(e\)\(1\)](#), State agencies may allow Program operators experiencing milk supply shortages to serve meals during an emergency period with an alternate form of fluid milk or without fluid milk. Although Program operators are expected to meet the fluid milk requirements to the greatest extent possible, supply chain disruptions, including disruptions that limit milk variety or affect serving size, would be considered a temporary emergency condition for purposes of this flexibility. Because this is an existing regulatory flexibility, a waiver is not required for State agencies to exercise this authority. Additionally, State agencies are reminded that administrative

Regional Directors and State Directors

2

reviews should take into account any waivers or flexibilities that have been provided to Program operators.

FNS appreciates the exceptional efforts of State agencies and Program operators working to meet the nutritional needs of children during this time. State agencies are reminded to distribute this memorandum to Program operators. State agencies with additional questions about this authority or reviews of Program operators using this regulatory flexibility should contact the appropriate FNS Regional Office.

Tina Namian
Director
School Meals Policy Division

Dear Program Operator:

The California Department of Education (CDE) Nutrition Services Division (NSD) is aware that school nutrition program operators are experiencing milk supply chain challenges related to packaging issues. The CDE NSD recognizes that unanticipated emergency conditions, including supply chain disruptions, may temporarily prevent program operators from offering fluid milk as required by the program's meal pattern. This Listserv provides operators with information about existing flexibilities related to inadequate milk supply issues, strategies for navigating the disruption, and a method of notifying the CDE of your need to utilize the fluid milk flexibilities.

Existing Fluid Milk Supply Flexibilities

On October 25, 2023, the U.S. Department of Agriculture (USDA) issued Policy Memorandum SP 01–2024, CACFP 01–2024, SFSP 01–2024: Clarification of Allowable Flexibilities for Child Nutrition Programs Experiencing Milk Supply Shortages.

This policy memo reminds program operators that State agencies may allow program operators experiencing milk supply shortages to serve meals during an emergency period with an alternate form of fluid milk or without fluid milk.

Although program operators are expected to meet the fluid milk requirements to the greatest extent possible, supply chain disruptions, including disruptions that limit milk variety or affect serving size, would be considered a temporary emergency condition for purposes of this flexibility.

Strategies for Navigating Fluid Milk Supply Disruption

- Utilize procurement strategies and/or alternate fluid milk vendors. See the USDA's [School Meal Supply Chain Issues During School Year 2022-23](#) resource and the CDE's [Procurement in School Nutrition Programs](#) web page for more information.
- Provide fluid milk via bulk milk dispensers. See The LunchBox's [Bulk Milk](#) web page for information and benefits of bulk milk service.
- Request less variety and streamline your product list. Ensure a minimum of two milk types are available to all students at each meal. One milk type must be unflavored at each meal.
- Provide fluid milk via lesser used forms such as ultra-high temperature shelf-stable milk.
- Submit a waiver to the CDE online at <https://surveys3.cde.ca.gov/s.asp?k=169057099551> if you are experiencing a shortage of fluid milk due to supply chain disruptions and require the use of the allowable flexibilities to serve reimbursable meals with an alternate form of fluid milk or without fluid milk

Contact Information

If you have questions regarding this subject, please contact the School Nutrition Programs inbox at SNPinfo@cde.ca.gov for assistance.

Thank you.

Nutrition Services Division

California Department of Education

NSD Customer Service Survey | www.cde.ca.gov/ls/nu/nsdcs.asp

Web | www.cde.ca.gov/ls/nu/

Twitter | [@CDENutrition](https://twitter.com/CDENutrition)

Course Catalog | www.cde.ca.gov/ls/nu/ed/cnpcoursecatalog.asp