



# Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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## MEMORANDUM

**Subject:** Nutrition Requirements for Fluid Milk and Fluid Milk Substitutions in the Child and Adult Care Food Program, Questions and Answers

**Date:** July 7, 2022 (v.4)

**Legal Authority:** USDA Policy Memorandum CACFP 17-2016; Question and Answer Guidance on the Final Rule Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium Effective July 1, 2022

**Applies To:** All Institutions Participating in the Child and Adult Care Food Program (CACFP)

**Purpose:** The purpose of this memorandum is to explain the nutrition requirements for fluid milk and fluid milk substitutes in the Child and Adult Care Food Program (CACFP) and includes questions and answers.

**Definitions:** N/A

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This memorandum explains the nutrition requirements for fluid milk and fluid milk substitutes in the Child and Adult Care Food Program (CACFP). The memorandum has been reissued to include policy changes since the publication of the [Question and Answer Guidance on the Final Rule Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium Effective July 1, 2022](#) which would allow the serving of flavored low-fat (1%) milk to children ages six and older and adults. This memorandum also includes 2016 guidance, past guidance which remains relevant, and questions and answers.

This memorandum also supersedes the following:

- USDA Policy Memorandum, CACFP 21-2011-REVISED Child Nutrition Reauthorization 2010: Nutrition Requirements for Fluid Milk and Fluid Milk Substitutions in the Child and Adult Care Food Program, Questions and Answers, September 15, 2011
- DECAL Policy Memorandum, Nutrition Requirements for Fluid Milk and Fluid Milk Substitutions in the Child and Adult Care Food Program, Questions and Answers, August 16, 2016

- DECAL Policy Memorandum, Nutrition Requirements for Fluid Milk and Milk Substitutions in the CACFP, Questions and Answers, June 26, 2012
- DECAL Policy Memorandum, Child Nutrition Reauthorization - Nutrition Requirements for Fluid Milk and Milk Substitutions for CACFP, May 24, 2011

## Background

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, amended section 17(g) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1766(g), to require that fluid milk served in the CACFP be consistent with the most recent version of the Dietary Guidelines for Americans. The 2015-2020 Dietary Guidelines for Americans (Dietary Guidelines) recommend that persons over two years of age consume low-fat (1%) or fat-free (skim) fluid milk. In addition, the Act provided the flexibility to substitute fluid milk with non-dairy beverages that are nutritionally equivalent to fluid milk for children or adults with special dietary needs. Subsequently, on September 15, 2011, the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) issued the memorandum CACFP 21-2011-REVISED *Child Nutrition Reauthorization 2010: Nutrition Requirements for Fluid Milk and Fluid Milk Substitutions in the Child and Adult Care Food Program, Questions and Answers*. That memorandum required that fluid milk served to children two years old and older and adults be low-fat or fat-free and allowed the substitution of non-dairy beverages that are nutritionally equivalent to fluid milk for children or adults with special dietary needs.

The Act further amended section 17 of the NSLA to require the USDA to update the CACFP meal pattern requirements to make them consistent with (a) the most recent version of the Dietary Guidelines for Americans, (b) the most recent relevant nutrition science, and (c) appropriate authoritative scientific agency and organization recommendations. On April 25, 2016, USDA published the final rule "Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act" (81 FR 24348). This final rule added the fluid milk requirements and allowance of non-dairy beverages outlined in memorandum CACFP 21-2011-REVISED to the CACFP regulations under 7 CFR 226.20(a)(1) and 226.20(g)(3), respectively. The final rule also established additional nutrition requirements and flexibilities for fluid milk served in the CACFP.

This memorandum explains all the nutrition requirements for fluid milk and non-dairy milk substitutes in the CACFP and provides guidance on implementation. Milk is a critical component of the CACFP meal patterns because it provides nutrients that are vital for health and maintenance of the body. These nutrients include calcium, potassium, vitamin D, and protein. Consuming dairy products, such as milk, is especially important to bone health during childhood and adolescence when bone mass is built.

## Fluid Milk Types and CACFP Participant Age Groups

Milk Type	CACFP Participant Age Group
Unflavored Whole Milk	One year olds only
Reduced Fat (2%) Milk	Not allowed for any age in the CACFP
Unflavored Low-fat (1%) and Fat-Free (skim)	Two years of age and older
Flavored Low-fat (1%) and Fat-Free (skim)	Six years of age and older
Unflavored Low-fat (1%) and Fat-Free (skim)	Adults
Flavored Low-fat (1%) and Fat-Free (skim)	Adults

## One-Year-Old Children

One-year-old children must be served unflavored whole milk (7 CFR 226.20(a)(1)(i)). This is consistent with recommendations from the National Academy of Medicine. There may be some cases when a one-year-old child's physician recommends low-fat milk if the child's growth and weight gain is appropriate, or for other medical reasons. If it is medically and nutritionally appropriate for a one-year-old child to consume low-fat milk, or any type of milk other than whole milk, a meal accommodation may be made by following the substitution requirements outlined in 7 CFR 226.20(g). Additionally, breastmilk is considered an allowable fluid milk substitute for children of any age if a mother chooses to breastfeed her child past 1 year of age.

## Children Two-Years-Old and Older

Milk served to children two years old and older must be low-fat or fat-free. Whole milk and reduced-fat (2%) milk may not be served to participants two years of age and older. This has been in effect since September 15, 2011. Milk must be pasteurized fluid milk that meets State and local standards.

FNS recognizes that switching immediately from whole milk to low-fat or fat-free milk when a child turns two years old may be challenging. Therefore, FNS is granting a one-month transition period. This means that meals served to children 24 months to 25 months old that contain whole milk or reduced-fat milk (2%) may be claimed for reimbursement.

Reimbursable milks for children two years old and older include:

- low-fat or fat-free milk,
- low-fat or fat-free lactose reduced milk,
- low-fat or fat-free lactose free milk,
- low-fat or fat-free buttermilk, or
- low-fat or fat-free acidified milk (7 CFR 226.20(a)(1)).

## Adults

Milk served to adults must be low-fat or fat-free. Whole milk and reduced-fat (2%) milk may not be served to adult participants. This has been in effect since September 15, 2011. Milk must be pasteurized fluid milk that meets State and local standards.

Reimbursable milks for adults include:

- low-fat or fat-free milk,
- low-fat or fat-free lactose reduced milk,
- low-fat or fat-free lactose free milk,
- low-fat or fat-free buttermilk, or

- low-fat or fat-free acidified milk (7 CFR 226.20(a)(1)).

As of October 1, 2017, yogurt (6 ounces by weight or  $\frac{3}{4}$  cup by volume) may meet the fluid milk requirement once per day for adults, only (7 CFR 226.20(a)(1)(iv)).

Allowing yogurt to substitute fluid milk once per day for adults offers greater flexibility to the menu planner and will help encourage consumption of a calcium rich food among adult participants. Yogurt may not be substituted for fluid milk for children of any age. This is because milk provides a wealth of nutrients growing children need, such as vitamin A and D, and comparable quantities of these nutrients are not currently found in commercially available yogurts.

## Flavored Milk

Flavored milk contains all the major nutrients found in unflavored milk. Flavored milk (commercially prepared and plain milk that is flavored with syrup or straws) also contains added sugars and the Dietary Guidelines recommends that all Americans reduce their consumption of added sugars. To better align with the Dietary Guidelines' recommendation and help children develop healthy eating practices early, FNS established new requirements for flavored milk and CACFP centers and day care homes were required to comply with these flavored milk requirements effective October 1, 2017. Flavored milk requirements were also further defined in [Question and Answer Guidance on the Final Rule Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium Effective July 1, 2022](#) :

- Children 1 through 5 years old: Meals served to children 1 through 5 years old that contain flavored fluid milk and flavored non-dairy beverages cannot be claimed for reimbursement.
- Children 6 years old and older: Flavored low-fat (1%) or fat-free (skim) milk may be served to children 6 years old and older. This is consistent with the National School Lunch and School Breakfast Programs.
- Adults: Flavored low-fat (1%) or fat-free (skim) milk may be served to adults.

## Fluid Milk Substitutes

### Non-Dairy Beverages

For children or adults who cannot consume fluid milk due to non-disability medical or other special dietary needs, non-dairy beverages may be served in place of fluid milk. This has been in effect since September 15, 2011 and allows the CACFP to better serve the dietary needs of its participants.

Non-dairy beverages must be nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk; and as stated above, nondairy beverages served to children 1 through 5 years old must be unflavored due to the higher sugar content of flavored varieties. The nutrient standards for non-dairy beverages are outlined in the CACFP regulations at 7 CFR 226.20(g)(3) and are provided in the table below:

<b>Nutrient</b>	<b>Per cup (8 fl oz)</b>
Calcium	276 mg.
Protein	8 g.
Vitamin A	500 IU.
Vitamin D	100 IU.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg.
Vitamin B-12	1.1 mcg.

CACFP State agencies have the discretion to identify appropriate substitutions that meet these requirements. FNS encourages CACFP State agencies to coordinate with the State agency operating the National School Lunch Program to ensure that the identified locally available substitutions are consistent among the Child Nutrition Programs.

### **Required Documentation for Nutritionally Equivalent Non-Dairy Substitutes**

Parents, guardians, adult participants, or a person on-behalf of the adult participant, must provide a written request for the non-dairy milk substitution that is nutritionally equivalent to milk. The written request must identify the medical or other special dietary need that restricts the diet of the child or adult. A medical statement is not required if the substitution requested meets the nutritional standards for non-dairy beverages provided in the table above and in the CACFP regulations at 7 CFR 226.20(g)(3). Non-dairy beverage substitutions are served at the option and the expense of the center or day care home.

For example, if a parent has a child who follows a vegan diet and does not consume cow's milk, the parent must submit a written request to the child's center or day care home asking that soy milk be served in place of cow's milk as the child follows a vegan diet.

### **Required Documentation for Non-Dairy Substitutes that are not Nutritionally Equivalent to Milk**

A medical statement is required for non-dairy substitutions due to a disability that do not meet the nutritional standards of cow's milk provided in the table above and in the CACFP regulations at 7 CFR 226.20(g)(3). Requiring non-dairy beverages to be nutritionally equivalent to cow's milk ensures children receive vital nutrients needed for growth and development. A medical statement for non-dairy beverages that are not nutritionally equivalent to cow's milk provides the assurance that the beverage substitute is meeting the nutritional needs of the child or adult participant. The requirements related to milk or food substitutions for a participant who has a disability and who submits a medical statement signed by a licensed physician or a licensed health care professional who is authorized by State law to write medical prescriptions remain unchanged.

The medical statement should include a description of the participant's physical or mental impairment that is sufficient to allow the center or day care home to understand how it restricts the participant's diet.

It should also include an explanation of what must be done to accommodate the disability. In the case of food allergies, this means identifying the food or foods that need to be omitted and recommending alternatives. In other cases, more information may be required. For example, if a one-year old requires the substitution of almond milk in place of whole milk to accommodate a disability, this information must be included in the statement.

When centers or day care homes believe the medical statement is unclear, or lacks sufficient detail, they must obtain appropriate clarification so that a proper and safe meal can be provided. Centers or day care homes may consider using the services of a Registered Dietitian, when available, to assist in implementing meal modifications, as appropriate and may also contact their State administering agency for guidance.

For additional guidance on meal modification compliance, please refer to DECAL Policy Memorandum, *Modifications to Accommodate Disabilities in the CACFP and SFSP*, July 24, 2017.

## Compliance

### Summary of Milk Requirements

- Milk served to one year old children must be unflavored whole milk.
- Milk served to children two years old and older and adults must be low-fat or fat-free.
- Flavored milk, including flavored non-dairy beverages, cannot be served to children 1 through 5 years old.
- Flavored low-fat (1%) and fat-free (skim) milk may be served to children 6 years old and older and adults.
- Non-dairy beverages that are nutritionally equivalent to cow's milk may be served in place of fluid milk for children or adults with special dietary needs if supported by a written request from a parent, guardian, adult, or a person on-behalf of the adult participant.
- Non-dairy substitutions that are not nutritionally equivalent to cow's milk require a medical statement.
- Yogurt may be served in place of fluid milk for only adults once per day.

### Resources

- Milk Calculation Chart, <http://www.dec.al.ga.gov/BftS/FormList.aspx?cat=CACFP>
- For Administrative Sponsors - CACFP Policy Memorandum, *Policy and Procedures for Reclaiming Meals due to a Milk Shortage*, <http://www.dec.al.ga.gov/documents/attachments/ReclaimingMealsdueMilkShortage.pdf>

For questions concerning this memorandum, please contact the Policy Administrator at 404-651-8193.

## Questions and Answers

### **I. FLAVORED MILK**

**1. Can a center or day care home add chocolate or strawberry syrup to unflavored milk and serve it to children 1 through 5 years old?**

No, adding syrup to unflavored milk adds sugar to the unflavored milk and turns the beverage into flavored milk. As of October 1, 2017, flavored milk is not allowed as part of a reimbursable meal for children 1 through 5 years old. Added sugars are currently consumed in excessive amounts and contribute a substantial portion of calories consumed by Americans without contributing importantly to the overall nutritional adequacy of the diet.

Additionally, zero calorie and sugar-free syrups are not allowed to be added to unflavored milk served to children 1 through 5 years old. Research indicates that flavor and food preferences are shaped early in life and that the sweeter foods children consume, the more they prefer sweet foods. It is important to establish in young children the habit of drinking unflavored milk as taste preferences are developed at a young age.

Syrup (including zero calorie and sugar-free syrups) may be added to low-fat (1%) and fat-free (skim) milk for children ages 6 years old and older and adults.

**2. Can flavored milk powder be added to unflavored (plain) milk?**

For children 1 through 5 years old, flavored milk powder may not be added to unflavored milk. Similar to syrup, adding flavored milk powder to unflavored milk turns the unflavored milk into flavored milk. Flavored milk cannot be part of a reimbursable meal for children ages 1 through 5 years old.

For children 6 years old and older and adults, flavored milk powder may be added to low-fat (1%) and fat-free (skim) unflavored milk.

### **II. Non-Dairy Milk Substitutions**

**1. Is a center or day care home required to provide a non-dairy milk substitute if it is not related to a disability?**

No. It is at the center's or day care home's discretion to provide a non-dairy milk substitute if it is not related to a disability. However, FNS strongly encourages centers and day care homes to make meal modifications to accommodate participants' non-disability special dietary needs.

**2. Must non-dairy beverages served to children 1 through 5 years of age be unflavored?**

Yes, as of October 1, 2017, fluid milk and non-dairy beverages that are served to children 1 through 5 years of age must be unflavored.

**3. Must non-dairy beverages meet the fat content requirements of fluid milk?**

No. Non-dairy beverages are not required to be low-fat or fat-free when served to children 2 years old and older and adults. In order for a non-dairy beverage to meet the nutrient requirements for milk substitutes, they must be fortified and some fat is needed to help mask the flavor of the nutrient packet added. Therefore, setting a fat standard for non-dairy



beverages would severely restrict the number of available non-dairy beverage options that are nutritionally equivalent to cow's milk. This would consequently limit centers' and day care homes' ability to meet the special dietary needs of children or adults requesting a substitute.

**4. Will centers and day care homes receive additional meal reimbursements if they provide a non-dairy milk substitution?**

No. Modified meals that are due to a disability or non-disability, including meals with non-dairy milk substitutions, are reimbursed at the same rate as regular meals. Centers and day care homes cannot require a parent or guardian to pay the difference between the fluid milk and the non-dairy milk substitute if the non-dairy milk substitute costs more than the fluid milk.

**5. If a parent provides a creditable non-dairy milk beverage, can the center or day care home serve it and still receive reimbursement?**

Yes. If a parent provides a non-dairy milk beverage that meets the nutritional standards outlined in 7 CFR 226.20(g)(3), the center or day care home may serve the non-dairy milk substitute and claim reimbursement for the meal.

**6. If a parent or adult participant request a non-dairy milk substitute that is equivalent to cow's milk, can the parent or adult participant also request that their child or themselves be served whole or reduced-fat (2%) milk?**

No. Milk served to children two years old and older and adult must be low-fat or fat-free in order to be reimbursable (7 CFR 226.20(a)(1)). Therefore, any request for higher fat milk must be made through a medical statement, related to a disability, and prescribed by a licensed physician or a licensed health care professional who is authorized by State law to write medical prescriptions in order to be reimbursable.

Likewise, any requests for a lower fat milk for one year old children must be supported by a medical statement, related to a disability, and prescribed by a licensed physician or a licensed health care professional who is authorized by State law to write medical prescriptions in order to be reimbursable as whole milk is required for this age group (7 CFR 226.20(a)(1)).

**7. What are acceptable non-dairy or cow's milk substitutions?**

1. Low fat or fat free lactose-reduced, buttermilk and acidified milk
2. Goat milk, Sheep milk, Buffalo milk (must be pasteurized)
3. Soy milk (calcium and vitamin D fortified)

**Note:** Any requests for these items must be made through a written request by a parent, guardian, adult participant, or a person on-behalf of the adult participant.

**8. What are unacceptable non-dairy substitutions? (These examples are and do not represent a comprehensive list)**



- Juice
- Almond milk (inadequate protein)
- Rice milk (inadequate protein)
- Almond milk "plus"  
(inadequate calcium and protein)
- Cashew milk (inadequate protein)
- Coconut milk (inadequate calcium and protein)
- Water
- Hemp milk (inadequate protein)
- Oat milk (inadequate protein)
- Whole grain drink (inadequate protein)
- Flax milk (inadequate protein)
- Calcium-fortified orange juice (inadequate protein)

Note: Any request for these items must be made through a medical statement, related to a medical disability, and prescribed by a licensed physician or a licensed health care professional who is authorized by State law to write medical prescriptions.

### III. Compliance

#### 1. When submitting menus for review, do centers and day care homes need to document the type of milk that they serve?

Yes, as of October 1, 2017, centers and day care homes must document the type of milk served on their menus. The menu must indicate the fat content of the milk and if it is flavored. In addition, it is the responsibility of the State or sponsor, as applicable, to further ensure that the correct type of milk is being served when conducting reviews.

#### 2. If one year old and two year old children sit together for the same meal, must they be served different types of milk?

Yes, as of October 1, 2017, children two years old and older must be served unflavored low-fat or unflavored fat-free milk and children one year of age must be served unflavored whole milk. The fluid milk requirements are based on age to ensure that children are receiving the nutrients they need for growth and development. Centers and day care homes must ensure that children of various ages seated together receive the appropriate type of milk.

#### 3. What if the parent agrees to provide the non-dairy substitute, but brings in one that does not meet the USDA's nutritional standards; can the center or day care home serve it and still receive reimbursement?

Centers and day care homes should inform parents, guardians, and adult participants about the types of creditable non-dairy milk substitutes. If a non-dairy milk substitute is served that does not meet the nutritional standards outlined in 7 CFR 226.20(g)(3), then the meal is not reimbursable.

#### 4. Will the amount of milk needed for the meals that are claimed be calculated and reconciled to milk receipts?

Yes. The amounts of milk needed for the meals served will be reconciled to milk purchased. For example, if 2% milk is purchased with CACFP funds, the cost of the 2% milk purchased would be required to be refunded to the food service account and meals that require milk as part of the meal pattern will be disallowed unless documentation is also available showing that the required types of milk were purchased and served.