



**Georgia Dept
of Early Care
and Learning**

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Area Memo: Meals/
Food Service
Programs CACFP, SFSP

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

Purpose

This guidance provides clarification on allowable flexibilities for States experiencing milk supply chain challenges.

Legal Authority

CACFP 01-2024 and SFSP 01-2024

Program Requirements

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

Comments

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