



October 27, 2021

Jessica Saracino  
Branch Chief  
School Meals Monitoring Branch  
Program Monitoring and Operational Support Division  
Child Nutrition Programs  
USDA Food and Nutrition Service  
Braddock Metro Center II  
1320 Braddock Place  
Alexandria, VA 22314

**Submitted via regulations.gov Attention Docket No.: 2021-16479**

Dear Ms. Saracino:

We appreciate this opportunity to submit comments in response to the Federal Register August 4, 2021, Request for Information: Buy American in the National School Lunch Program and School Breakfast Program.

The Apple Processors Association (APA) was founded on July 20, 1987 and is a national association of companies that manufacture quality apple products from whole apples. The APA was founded to meet a unique need: serving those firms that produce quality food products, mainly from fresh apples, and the suppliers that provide goods and services to this important market. The Apple Processors Association represents the companies that make processed apple products and the suppliers who support their efforts. From orchard to table, APA members are committed to quality production and appealing apple products. APA members produce most of the nation's applesauce and are major producers of apple juice and specialty products. Members are apple grower/processor cooperatives and companies and suppliers to the industry. Processor members each grow a portion of the apples that they process. APA is actively involved in monitoring, educating, and advocating on regulatory and legislative issues that affect our membership, the food industry, and the public.

Congress passed the Buy American provision for school food purchases 30 years ago and yet for decades we have seen majority of the apple juice purchased by schools coming from outside of our country. In fact, today we estimate almost 80% percent of the apple juice purchased by schools comes from China. While we are encouraged by President Biden's Executive Order on this topic, APA strongly believes that the USDA's Buy American guidance needs to be strengthened and a uniform waiver procedure developed for food products not produced or manufactured in the U.S. in sufficient quantity and quality to meet school demands.



More specifically, we have addressed the following questions posed in the Request for Information:

***FNS allows two limited exceptions to the Buy American provision: costs of a United States product that are significantly higher than the non-domestic product, and insufficient domestic quality or quantity. List the food and/or food products that most often require an exception.***

***a.) Exceptions due to quantity or quality***

***b.) Exceptions due to a significantly higher cost***

APA believes school food authorities and food distributors need simple guidance from USDA around Buy American. If given, they will better understand Agency expectations and anticipate its enforcement. A uniform waiver procedure for food products not produced in the US or not available in sufficient quantities, would reduce unnecessary regulatory burdens and paperwork for school food authorities.

***Do you think FNS should define what is considered a significantly higher cost? If so, how should FNS define “significant”? Please be as specific as possible.***

APA recommends that the Agency eliminate the “significant cost differential” exception to Buy American. This standard appears to be inconsistent among school food authorities and its distributors. We worry many may take advantage of this, particularly at a time when the supply chain is challenged as a result of COVID-19 impacts.

We believe purchasing foreign sourced food, particularly apple products like apple juice and apple sauce, is inconsistent with the Congressional intent of the Buy American provision and the President’s Executive Order. APA members are committed to providing apple products to US schools and would appreciate opportunities to do so. The impact of this change could positively impact jobs across the apple processing industry and our country.

If you were ever in need of further information, the Apple Processors Association would appreciate any opportunity to be a resource.

Thank you,

A handwritten signature in blue ink, appearing to read 'Andrea Ball', is written over a light blue circular stamp.

Andrea Ball  
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