

December 14, 1999

Effective Date for Implementation of Interim Regulation Amending the Infant Meal Patterns for the National School Lunch Program, School Breakfast Program and Child and Adult Care Food Program

**Regional Director
Special Nutrition Programs
All Regions**

**State Director
School Nutrition Programs
Child and Adult Care Food Program
All States**

On November 15, 1999, we published the subject [interim regulation](#), and established the effective date as December 15, 1999, because (1) the customary effective date for regulations is 30 days after publication and (2) given the health and reimbursement implications, we wished to implement the regulation as soon as possible. We recognize, however, that the normal 30 day time frame may not be appropriate in some cases because notification was not received by providers or children's eating patterns have already been established. Therefore, to provide flexibility for State agencies and local providers and to ensure that the rule is implemented as equitably as possible, we are authorizing the following schedule of effective dates:

Elimination of Cow's Milk for Older Infants - We do not wish to disrupt meal contents that children may have become accustomed to. We are also aware that, in some instances, providers have entered into milk contracts predicated on serving cow's milk to older infants. To alleviate any potential problems in these areas, we are authorizing providers to continue serving whole cow's milk in lieu of breast milk or iron-fortified infant formula to any child between 8 months of age and one year of age who is already receiving cow's milk on or before December 14, 1999. Also, no child between 8 months of age and one year of age may be served cow's milk in lieu of breast milk or iron-fortified infant formula after April 14, 2000.

Reimbursement for Meals Containing Only Breast Milk - This provision becomes effective on December 15, 1999. However, because there may be delays in informing providers of this benefit, State agencies are authorized to permit providers to claim such meals retroactively to December 15, 1999. This authority will expire on March 31, 2000.

Meals Containing Less Than the Minimum Regulatory Amount of Breast Milk - To ensure prompt implementation, this provision becomes effective on December 15, 1999. As with "breast milk only" meals, State agencies are authorized to permit retroactive reimbursement until March 31, 2000.

We are interested in seeing this rule fully implemented as soon as possible. Therefore, schools, child care institutions and sponsors must be made aware of these benefits as soon as possible.

Also, it has come to our attention that there is a minor technical error in the Child Care Infant Meal Pattern Chart in section 226.20 (b)(4) found on page 61776 of the November 15, 1999, interim rule. The breakfast pattern for children 8 through 11 months requires breakfasts to include 2-4 tablespoons of infant cereal. However, this line on the chart has a footnote 4, which indicates that this component is optional. The addition of this footnote was inadvertent. Please note that the regulatory text that establishes the required components was not amended, and there was no intent to do so. We are including a corrected chart in a regulation making technical amendments to the Child and Adult Care Food Program regulations. We anticipate that this regulation will be published in late December 1999 or early January 2000.

STANLEY C. GARNETT
Director
Child Nutrition Division

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.