



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Child and Adult Care Food Program (CACFP) Sponsors

FROM: Cheryl Resha, Education Manager
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: November 30, 2009

**SUBJECT: Operational Memorandum #03C-10 and #03H-10
Geographic Preference for the Procurement of Unprocessed Agricultural
Products in the Child Nutrition Programs**

The purpose of this memorandum is to update the definition of the term “unprocessed” as it pertains to applying the optional geographic preference for procurement in the Child Nutrition Programs.

Section 4302 of Public Law 110-246, The Food, Conservation and Energy Act of 2008 amended section 9(j) of the Richard B. Russell National School Lunch Act to allow institutions receiving funds through the Child Nutrition Programs to apply an optional geographic preference in the procurement of unprocessed locally grown or locally raised agricultural products. This provision applies to operators of all of the Child Nutrition Programs, including the National School Lunch Program, School Breakfast Program, Fresh Fruit and Vegetable Program, Special Milk Program, **Child and Adult Care Food Program** and Summer Food Service Program, as well as to purchases made for these programs by the Department of Defense Fresh Program. The law also applies to State agencies making purchases on behalf of local agencies under any of the aforementioned Child Nutrition Programs.

This statutory provision was previously implemented by CACFP Operational Memorandum #12C-08 and #12H-08, titled *Applying Geographic Preferences in Procurements for the Child Nutrition Programs* and dated July 31, 2008. The initial guidance specified that the geographic procurement preference option may only be applied to the procurement of unprocessed agricultural products which are locally grown and locally raised and that have not been cooked, seasoned, frozen, canned or combined with any other products, or have not been chopped, cut, diced or sliced.

The United States Department of Agriculture’s Food and Nutrition Service (FNS) has subsequently determined that the initial guidance regarding the term “unprocessed” was unnecessarily restrictive and had the potential to prevent participating Child Nutrition Program operators from receiving locally grown or raised products in a usable form. As a result, FNS has updated its initial guidance to add that unprocessed agricultural products that have been chopped, cut, sliced, diced or shucked do meet the meaning of the term “unprocessed” as intended by the statute.

Whenever a geographic procurement preference in the Child Nutrition Programs is applied, the term “unprocessed agricultural products” means only those agricultural products that retain their inherent character. The effects of the following handling and preservation techniques shall **not** be considered as changing an agricultural product into a product of a different inherent character: cooling, refrigerating, freezing; size adjustment through size reduction made by peeling, slicing, dicing, cutting, chopping, shucking and grinding; drying/dehydration; washing; the application of high water pressure or “cold pasteurization”; packaging (such as placing eggs in cartons) and vacuum packing and bagging (such as placing vegetables in bags); butchering livestock, fish and poultry; and the pasteurization of milk.

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FNS is drafting a proposed rule to address the geographic preference provision. The definition set forth in this memorandum will remain in effect until a final rule becomes effective.

If there are any questions about this information, contacts are as follows:

Day Care Center Sponsors: Susan Boyle at 860-807-2074, Celia Cordero at 860-807-2076 or Benedict Onye at 860-807-2080. Day Care Home Sponsors: Susan Bohuslaw at 860-807-2073.

CR:shb

Important: This is a numbered Operational Memorandum that contains important program information. Please read carefully and retain in a binder for your future reference. Operational Memoranda are also posted on the Child Nutrition website at:
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=321576>