



**United States
Department of
Agriculture**

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
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DATE: December 16, 2004

SUBJECT: School Food Safety Inspections – Reauthorization 2004:
Implementation Memo – SP 10

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(h) of the Richard B. Russell National School Lunch Act regarding food safety inspections required in schools participating in the National School Lunch or School Breakfast Programs.

Previously, participating schools were required to obtain a minimum of one food safety inspection per school year or comply with the frequency required by local standards. Beginning July 1, 2005 each school must now obtain at least two food safety inspections each school year. The inspections must be conducted by a State or local governmental agency responsible for food safety inspections. More frequent inspections may still be required by State or local governments. In addition, schools must post, in a publicly visible location, a report on the most recent food safety inspection, and provide a copy of the food safety inspection report to a member of the public upon request.

The Reauthorization Act also requires State agencies to annually submit a report on food safety inspections to the Secretary. To meet this requirement, we are planning to require State agencies to annually collect and submit to FNS the number of schools within their State that meet the requirement for two food safety inspections; the number of schools that have only obtained one inspection; the number of schools that have not been able to obtain any inspections; and the number of schools that exceed the required number of inspections. The required reporting elements are subject to change as they move through the clearance process. We hope to have them finalized in advance of July 1, 2005, and envision the first report will be due at the end of calendar year 2006.

State agencies should inform their school food authorities of the new requirements for food safety inspections as soon as possible. In addition, we encourage State agencies to contact their State and/or local agencies responsible for food safety inspections to help facilitate schools' compliance with the new requirements. At the Federal level, FNS will be sending letters to the associations representing State and local food safety

regulators and inspectors to inform them about the new requirement and to seek their cooperation.

Please contact Marisol Benesch, School Programs Section, if you have any questions on the food safety inspection provision. You may reach her via e-mail, marisol.benesch@fns.usda.gov, or by phone at 703-305-2971.

A handwritten signature in black ink that reads "Stanley C. Garnett". The signature is written in a cursive style with a large, stylized initial 'S'.

STANLEY C. GARNETT
Director
Child Nutrition Division