



Food and Nutrition Service

Food Safety in the National School Lunch Program

SY 2009-2010

Inspection Requirement – Background

Schools that serve meals under the National School Lunch Program (NSLP) and School Breakfast Program (SBP) are required to maintain proper sanitation and health standards in conformance with all applicable State and local laws and regulations. In addition, schools are required to obtain two school food safety inspections per school year, which are to be conducted by a State or local governmental agency responsible for food safety inspections (see 7 CFR 210.13 for the NSLP regulations and 7 CFR 220.7 for the SBP regulations at www.fns.usda.gov/cnd). The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) increased the inspection requirement from one to two per school year, beginning in school year (SY) 2005 – 2006 and requires schools to post the latest inspection report in a visible location and to make it available to the public upon request.

This law also required State Agencies that administer the school meal programs to report to USDA's Food and Nutrition Service (FNS) the number of inspections obtained by their schools in each of fiscal years 2006 through 2009. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80) extended this reporting requirement through fiscal year 2010. The Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, extends current State food safety reporting requirements through fiscal year 2015. State Agency reports are due to FNS by November 15 following each school year.

The final rule on food safety inspections was published in the Federal Register (74 FR 45305) on September 2, 2009. Please note that, due to timing differences, this final rule does not include the reporting extension stipulated under P.L. 111-296.

Inspection Compliance

Data collection results for SY 2009-2010 show an increase in the percentage of schools that have met or exceeded the two health inspections requirement. The reports for SY 2008-2009 indicated that 72 percent of schools met or exceeded this requirement. In **SY 2009-2010, approximately 77 percent of schools met or exceeded the two inspections requirement**, resulting in a 6.9 percent increase from the previous year.

In SY 2008-2009, 90 percent of all NSLP schools received at least one health inspection during the school year. **In SY 2009-2010, approximately 91 percent of all NSLP schools received at least one health inspection during the school year, resulting in a 1 percent increase between the two school years.**

In SY 2008-2009, around 2 percent of the NSLP schools failed to report any inspection data to their State Agency. **In SY 2009-2010, 0.9 percent of schools participating in the NSLP failed to report any inspection data to their respective State Agency.**

Summary of data results:

- 78,261 (77%) schools met or exceeded the requirement
- 14,519 (14%) reported one inspection
- 7,437 (7%) reported zero inspections
- 959 (0.9%) did not report any inspection data to their State Agency

A number of schools continue to experience difficulty obtaining two inspections. Some of the reasons cited by State Agencies for schools not meeting the requirement are the following:

- Insufficient funds/staff at State and local public health agencies to handle increased inspection load,
- The public health agencies prioritize inspections according to risk; schools are a low priority, and
- Lack of local public health inspectors in small towns and rural settings.

FNS will continue to work with State Agencies, inspectors, and other stakeholders to ensure that schools make progress in meeting the inspection requirement. At the same time, State Agencies will continue to assist their school food authorities through technical assistance, administrative reviews, and other means.