



## **For Immediate Release**

### **Media Contact:**

Tom Tjerandsen, Managing Director  
North America for the Chilean Fresh  
Fruit Association  
(707) 938-8400  
tomtj@ix.netcom.com

## **Chilean Fresh Fruit Association Gets Clarification on the USDA “Buy American” School Foodservice Provision**

SONOMA, Calif. (February 9, 2010)—As the winter progresses and U.S. supplies of such well-liked and nutritious fruits as blueberries, peaches and grapes wane or are unavailable, many school foodservice operations are keeping fresh fruits on the lunch menu with ample supplies from Chile.

“Yet some school districts unwittingly are hesitant to fill the seasonal gaps with fruit from Chile because of a misunderstanding regarding the Buy American provision in the USDA’s governance of the National School Lunch and School Breakfast Programs,” said Tom Tjerandsen, Managing Director North America for the Chilean Fresh Fruit Association.

Because of this confusion, the CFFA has reviewed the guidance issued by USDA on this question. That guidance makes it clear that schools can purchase summer fruits from Chile in the winter when U.S. supplies are not adequate to meet the need.

The USDA’s document states, “The Department shall require that a school food authority purchase, *to the maximum extent practicable*, domestic commodities or products.” But sometimes it is not possible, much less practicable, to buy domestic

commodities, especially in winter time. There is simply not enough fresh fruit to go around from domestic sources, or the cost of domestic fruit is too high.

To address the issue, the USDA periodically issues clarification memos. The Q&A section of one of those memos specifically addresses those two situations:

*Question: Are there any exceptions to the requirements of the Buy American provision?*

*Answer: Yes. While rare, two situations which may warrant a waiver to permit purchases of foreign food products include: 1) **the product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality;** and 2) **competitive bids reveal the costs of a U.S. product is significantly higher than the foreign product.***

“Many school districts already have that understanding, and their students are enjoying a wide range of healthful fresh fruits,” Tjerandsen said. “We hope that the school officials who have, up to now, misunderstood the provision and its exceptions can and will rest assured and begin to bring the fruits back onto the lunch menu.”

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