



Staying on Track: Questions & Answers

Answers to the questions asked in HNS' **August 2025 Staying on Track** webinar.

Please note, operators are responsible for remaining up-to-date on program guidance/regulations. The following answers reflect the information available at the time of the live webinar and may be subject to change.

AUGUST 2025 QUESTIONS & ANSWERS

Q: Is the Fresh Fruit and Vegetable Program (FFVP) subject to the Buy American provision?

A: The "Buy American" requirement in the National School Lunch Program (as provided in 7 CFR 210.21(d)) applies to purchases made with FFVP funds. Produce such as bananas, which are generally not available as a domestic product, may be purchased even though they are not domestic. These items fall under the limited exceptions to the Buy American provision. Limited exceptions include:

- The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
- Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.

If an SFA is using one of the above exceptions, there is no requirement to request a waiver from the state agency or FNS in order to purchase a non-domestic product. SFAs must, however, **keep documentation** justifying their use of exception(s). The documentation of these purchases should follow requirements set forth in the Buy American regulations. Because the 10% Buy American threshold (cap) on non-domestic purchases for SY 25-26 only applies to the School Breakfast Program and National School Lunch Program, SFAs do not need to **track** purchases used outside of these programs or include them in the non-domestic and total commercial food purchase calculations.

Q: Does the spices/condiments/etc. category get included as counting towards the 10% non-domestic threshold (cap) if these items are listed on the Federal Acquisitions Regulation (FAR) list? Should items listed on the FAR list be documented?

A: Items purchased from the FAR list fall under the limited exceptions to the Buy American provision. This means SFAs are not required to keep documentation justifying their use of the products on this list. However, the cost of the use of these products do count towards the non-domestic purchase total. SFAs must apply for a temporary accommodation should non-domestic purchases exceed more than 10% of total commercial purchases in SY 25-26.

Q: Will viewers receive a copy of the presentation?

A: Yes. A copy of the slides and recording of all HNS webinars are emailed to attendees after the live event.