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MEMORANDUM

T0: School Nutrition Directors/Purchasing Officers

FROM: Lynn Davis, Ph.D., Education and Training Specialist
School and Community Nutrition

SUBJECT: Buy American Requirement

We are receiving calls about the receipt of food products manufactured or produced in foreign countries. The "Buy American" requirement states, "When purchasing food products with Federal funds, *whenever possible*, recipient agencies shall purchase only food products that are produced in the United States."

The regulations (7 CFR 250.23(a)) define food products produced in the U.S. as:

1. an unmanufactured food product produced in the U. S.; or
2. a food product that is manufactured in the U.S.

The regulation also describes *exceptions*. "The purchase requirements described in paragraph (a) of this section shall not apply in instances when the recipient agency determines:

1. recipients have unusual or ethnic food preference which can only be met through purchases of products not produced in the U.S.;
2. the product is not produced or manufactured in the U.S. *in sufficient and reasonably available quantities of a satisfactory quality*;
3. the cost of the U.S. produced food products is *significantly higher* than foreign products;"

In other words, you decide when there is a significant price difference based on your budget constraints. You also should evaluate when quality and/or quantities available influence your decision. Product evaluation of foreign foods should be done as you would domestic products. Below are a couple of examples to help illustrate the exceptions noted above.

- You may be receiving peaches from Greece, even though we grow peaches in Georgia. Are canned domestic (U.S.) peaches *available* at a price significantly higher than the Greek peaches? Is the quality acceptable? These are questions you answer because the USDA regulations allow for exceptions due to costs and quality/quantity. Most domestic (U.S.) peaches are canned outside Georgia, and certain times of the year they may come from other countries.
- A distributor told a Georgia School Nutrition Director that he was sending foreign juices because there were no domestic juices available. A call to the Georgia Department of Agriculture reassured us that most juices were readily available domestically (U.S.) with the exception of papaya and mango.

Sources to check for domestic availability of most food products include The Georgia Department of Agriculture and the Agriculture Marketing Service (www.ams.usda.gov).

If you have any questions regarding this information, please contact your area consultant or me at (404) 651-6608.

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