

OSPI School Meal Programs Reference Sheet

Limited Exceptions to the Buy American Provision

The Buy American provision requires School Food Authorities (SFAs) to purchase, to the maximum extent practicable, domestic commodities or products for use in the United States Department of Agriculture (USDA) School Meal Programs. Regulations outline two limited exceptions when non-domestic foods may be purchased by SFAs:

1. The product is listed on the Federal Acquisitions Regulations (FAR) Non-Available Articles List in 48 CFR 25.104. and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality;
2. Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.

SFAs must maintain documentation to demonstrate the use of exceptions, unless the item is found on the FAR Non-Available Articles List. Buy American Provision requirements are further outlined on the [Buy American Provision Reference Sheet](#).

FAR Non-Available Articles List

The following food items can be found on the FAR Non-Available Articles List and are exempt from Buy American Provision requirements:

- Agar, bulk.
- Anise.
- Bamboo shoots.
- Bananas.
- Beef, corned, canned.
- Beef extract.
- Brazil nuts, unroasted
- Capers.
- Cashew nuts.
- Chestnuts.
- Cocoa beans.
- Coconut and coconut meat, unsweetened, in shredded, desiccated, or similarly prepared form.
- Goat and kidskins.
- Grapefruit sections, canned.
- Olive oil.
- Olives (green), pitted or unpitted, or stuffed, in bulk.
- Oranges, mandarin, canned.
- Pineapple, canned.
- Spices and herbs, in bulk.
- Sugars, raw.
- Tapioca flour and cassava.
- Tartar, crude; tartaric acid and cream of tartar in bulk.
- Vanilla beans.
- Water chestnuts.
- Yeast, active dry and instant active dry.



References:

- [SP 23-2024: Buy American Provisions Related to the Final Rule](#)
- [48 CFR 25.104](#)

Resources:

- [Buy American Provision Reference Sheet](#)
- [Buy American Exceptions Tracking Form Template](#)

Acronym Reference:

- CFR – Code of Federal Regulations
- FAR – Federal Acquisition Regulations
- OSPI – Office of Superintendent of Public Instruction
- SFA – School Food Authority
- USDA – United States Department of Agriculture