

THE U.S. DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICES

Nutrition Standards in the National
School Lunch Program and School
Breakfast Program Proposed Rule

Docket No. FNS-2007-0038-0001

COMMENTS OF THE
CENTER FOR SCIENCE IN THE PUBLIC INTEREST

Margo G. Wootan, D.Sc.
Director, Nutrition Policy
Arianne M. Corbett, R.D.
Senior Nutrition Policy Associate
1220 L St., N.W.
Suite 300
Washington, D.C. 20005
(202) 777-8352

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Julie Brewer

Chief, Policy and Program Development Branch, Child Nutrition Division
Food and Nutrition Service, Department of Agriculture
3101 Park Center Drive, Room 640
Alexandria, Virginia 22302-1594

Docket ID: FNS-2007-0038-0001

Re: Nutrition Standards in the National School Lunch and School Breakfast Program

Dear Ms. Brewer:

The Center for Science in the Public Interest (CSPI) strongly supports the Food and Nutrition Service proposed rule for nutrition standards for the school meal programs. CSPI is a nonprofit consumer organization supported by approximately 800,000 members and subscribers to its *Nutrition Action Healthletter*. Since 1971, we have worked to improve health policies and conduct education programs in the areas of food safety and nutrition, with a strong focus on improving school foods.

We commend USDA for its school meal proposal, which represents the strongest school meal standards to date and reflects the evidence-based analysis put forth by the Institute of Medicine Committee on Nutrition Standards for National School Lunch and Breakfast Programs in their report: *School Meals: Building Blocks for Healthy Children*.

Given the high obesity rates among children and the important role school meals play in children's diet, once implemented, these updated standards will make an important contribution to improving the dietary intake and long-term health of millions of children across the country. We applaud USDA for these important efforts and urge full implementation within the USDA proposed time line to ensure children have greater access to nutritious meals and school food service staff benefit from the training and technical assistance needed to implement the changes.

CSPI strongly supports the following components and respectfully offers supporting comments as the agency proceeds toward developing final regulations:

1. Utilize a food-based menu planning approach, while keeping total calories within acceptable ranges.
2. Increase the number of servings of fruits and vegetables; increase the variety of fruits and vegetables; and limit starchy vegetables, especially French fries.
3. Require half of the grain products be whole grain-rich upon implementation and require all grains be whole grain-rich within two years of the implementation date.

4. Serve only fat-free (flavored and unflavored) and low fat (unflavored) milks.
5. Phase in reductions in sodium content of meals.
6. Limit added sugars.
7. Eliminate trans fat, advise schools not to replace trans fats with saturated fats, and encourage them to choose foods and ingredients without partially hydrogenated fats.
8. Provide extensive training and technical assistance, as well as nutrition education and promotion efforts.
9. Implement School Breakfast changes.
10. Implement the proposed school meal standards by the start of the 2012 school year.
11. Strengthen monitoring and enforcement efforts to ensure compliance with new nutrition standards.

Standards for Menu Planning, Calorie Ranges, Nutrient Limits: Pages 2496, 2499, 2501

Position: CSPI supports USDA’s proposal for a food-based approach to menu planning with three consistent age-grade groups for breakfast and lunch. We also support the requirement that those meal patterns be augmented by limits on calories, saturated fat, trans fat, and sodium—each of which is readily available on Nutrition Facts panels or from manufacturers.

Rationale: The USDA proposed regulations offer a simplified approach to menu planning, which is consistent with the basic premise of the *Dietary Guidelines*: that nutrient needs be met primarily by consuming nutrient-dense foods. Food-based menu planning also facilitates coordination and consistency with other child nutrition programs that use food-based menu planning, such as the Child and Adult Care Food Program.

Fruits and Vegetables and Standards for Meals Selected by the Student (Offer vs. Serve): Pages 2500, 2504

Position: CSPI applauds USDA for recognizing the need to include more fruits and vegetables in the school meal programs. We strongly support USDA’s proposal to increase the number of servings of fruits and vegetables, to increase the variety of fruits and vegetables, and to limit starchy vegetables. We also support USDA’s proposal to promote the selection of fruits and vegetables in school meals under IOM’s preferred option for Offer versus Serve (OVS).

Rationale: Children and adolescents do not consume the recommended amounts or variety of fruits and vegetables. They consume more fruit juice and less whole fruit and more starchy vegetables and less dark green and orange vegetables and legumes than recommended.¹

Students who participate in the school meal programs consume more fruits and vegetables than nonparticipants. However, they still fall well short of recommended levels. In addition,

¹ U.S. Department of Agriculture and U.S. Department of Health and Human Services. December 2010. *Dietary Guidelines for Americans, 2010*. 7th Edition, Washington, DC: U.S. Government Printing Office.

starchy vegetables, such as French fries, corn, and other white potatoes, are the most frequently offered vegetables at all school levels.² When other vegetables are forced to compete against starchy vegetables, no more than 6% of participants and 4% of nonparticipants consume vegetables from each of the other subgroups (lettuce salads, orange/dark green, other vegetables, or legumes) during the school lunch period.³

Potatoes, specifically, are a popular food in the school meal programs due to their affordability and acceptability by children. They also are a good source of fiber and potassium, two nutrients of concern in children. However, other vegetables can provide similar amounts of potassium and fiber in an affordable manner. Increasing the variety of vegetables offered can help ensure children consume adequate amounts of potassium and fiber in addition to other nutrients that are underconsumed, such as folate, magnesium, and Vitamins A, C and K.⁴

Comparison of Commonly Served Foods in the National School Lunch Program

	Oven Fry Potatoes	Fat-free Wedge Potatoes	Canned Black Turtle Beans	Fresh Sweet Potato	Frozen Sliced Carrots	Frozen Green Beans	Low-Sodium Canned Tomato Sauce	Canned Spinach
Serving	½ cup	½ cup	½ cup	½ cup	½ cup	½ cup	½ cup	½ cup
Cost	\$0.05	\$0.07	\$0.17	\$0.06	\$0.06	\$0.07	\$0.08	\$0.21
Calories (kcal)	73	68	109	90	27	19	40	25
Fiber (g)	1.0	1.5	8.3	3.3	2.4	2.0	2.0	2.6
Potassium (mg)	245	418	370	475	140	85	454	370

Sources: USDA National Nutrient Database⁵, USDA Foods Fact Sheets⁶, USDA Foods Material File Reports⁷

² Condon EM, Crepinsek MK, Fox MK. School Meals: Types of Foods Offered to and Consumed by Children at Lunch and Breakfast. *J Am Diet Assoc.* 2009; 109(suppl 1):S67-S78.

³ *ibid*

⁴ U.S. Department of Agriculture and U.S. Department of Health and Human Services. December 2010. *Dietary Guidelines for Americans, 2010.* 7th Edition, Washington, DC: U.S. Government Printing Office.

⁵ "National Nutrition Database for Standard Reference." Agricultural Research Service, United States Department of Agriculture. Web. Accessed April 6, 2011.

⁶ "National School Lunch Program USDA Foods Fact Sheets." Food Distribution Division, United States Department of Agriculture. Web. Accessed April 6, 2011.

⁷ "USDA Foods Material File Reports." Food Distribution Division, United States Department of Agriculture. Web. Accessed April 6, 2011.

Unhealthy preparations of potatoes, such as French fries, are also associated with a higher risk of obesity. Elementary students in schools where French fries were offered more than once per week were more likely to be obese than children in schools where French fries were never offered or were offered once per week.⁸ This is a concern as almost 50% of high school lunch menus and 21% of elementary menus included French fries or similar potato products (22% high school menus include deep-fried French fries).⁹ When other vegetables are adequately promoted and presented in healthy, appealing preparations, such as black beans in a burrito, baby carrots with reduced-fat dressing, oven-roasted sweet potatoes, spaghetti with tomato sauce, or spinach on a slice of pizza, they can be well accepted by children.

Increasing fruit and vegetable servings and variety offered in school meals could positively impact children's overall diet. Given the current intake patterns of school children, the proposal to require minimum and/or maximum servings of certain vegetable subgroups will improve the variety of vegetables offered and consumed. In addition, allowing fruit juice to only provide up to one-half of the daily fruit requirement will increase the variety of fruits served and help to address expert recommendations to reduce fruit juice intake by children.¹⁰

Additional Considerations: We acknowledge that this proposal may impact cost, menu planning, student acceptability and participation, and plate waste. However, we strongly recommend USDA move forward in accordance with its proposal. We urge USDA to consider the following in implementation of the new fruit and vegetable requirements in school meals:

- Add red vegetables to the orange subgroup to better align the meal pattern recommendations with the 2010 *Dietary Guidelines* and to provide SFAs with more flexibility in menu planning.
- Do not allow schools to deep-fry any foods, including vegetables.
- Apply the 1 cup limit on starchy vegetables to just white potatoes to allow other starchy vegetables -- corn, peas, and lima beans -- to continue to have a place on school lunch menus. This provides school food service staff greater flexibility in planning menus with popular and appealing options, while still recognizing the need to promote a greater variety of vegetable options.
- Modify the rule to allow vegetable combinations that contain starchy vegetables, as long as the other vegetable subgroup requirements (legumes, dark green, and orange) have been met.

⁸ Fox MK, Dodd AH, Wilson A, Gleason PM. Association between School Food Environment and Practices and Body Mass Index of US Public School Children. *J Am Diet Assoc.* 2009; 109(suppl 1):S108-S117.

⁹ Crepinsek MK, Gordon AR, McKinney PM, Condon EM, Wilson A. Meals Offered and Served in US Public Schools: Do They Meet Nutrient Standards? *J Am Diet Assoc.* 2009; 109(suppl 1):S31-S43.

¹⁰ American Academy of Pediatrics, Committee on Nutrition. The Use and Misuse of Fruit Juice in Pediatrics. *Pediatrics.* 2001;107(5):1210-1213

- As part of ongoing program evaluation, assess the outcome of increased fruit and vegetable serving amounts and the new OVS requirements on student fruit and vegetable consumption, overall nutritional integrity of the school meal, cost of implementation, and plate waste.
- Provide guidance to help schools implement the new offer versus serve requirement and clarify that the selection of a fruit or vegetable serving must be for the full fruit or vegetable amount required to be served as part of the meal. For example, if a high school offers the required one cup of vegetable as half a cup of tomato sauce in a mixed dish and a half-cup side of broccoli the student should have to take both options for the OVS requirement to be met.
- Provide training and technical assistance on cost control, menu planning, marketing and promotion, cultural preferences, and student acceptability (see general comments on training and technical assistance below).

Whole Grains, Page 2500

Position: CSPI supports the proposal to increase the requirement for whole grains in the school lunch and breakfast programs and the staged implementation approach to reduce barriers to implementation and to coordinate with the phased-in sodium reductions.

Rationale: Consumption of whole grains by children is significantly lower than current recommendations, with children aged 4 to 18 years consuming, on average, less than one serving per day.¹¹ The proposed increase in whole grains could more than double children's whole grain consumption.

Additional Considerations: We have concerns regarding the IOM definition of whole grain rich foods. In order to align the standards with the *Dietary Guidelines for Americans*, at least half of the total grains offered should be whole grain. Therefore, upon full implementation, the criteria used to identify whole-grain rich foods served should ensure that whole grain rich products contain at least 50% whole grain.

The IOM recommended definition requires grain servings to meet USDA Food Buying Guide serving sizes and offers three options to show that the grain product is whole grain rich. CSPI opposes USDA using the IOM recommended option that a serving of whole grains contain at least 8 grams of whole grain as a standard, because it does not ensure that grain products contain 50% whole grain. For example, according to the USDA Food Buying Guide, a serving of pasta from Group H must be at least 25 grams. Using the 8 gram definition, this pasta serving might provide only 32% whole grain. Post Select Blueberry Morning cereal contains 11 grams of whole grain and 16 grams of sugars per 55 gram serving. That leaves up to 28 grams of

¹¹ National Cancer Institute, Applied Research Program. Usual Intake of Whole Grains. Risk Factor Monitoring and Methods Branch Web site: http://riskfactor.cancer.gov/diet/usualintakes/pop/grains_whl.html. Updated August 25, 2010. Accessed March 8, 2011.

refined grain per serving (assuming other ingredients are minor). Thus a child would get more than twice the quantity of refined grain as whole grain from this “whole grain rich” cereal. The IOM recommended 8 gram definition is inconsistent with the *Dietary Guidelines* and should not be included in FNS final rule.

We recommend USDA require whole grain rich foods to meet at least one the following criteria:

- Product ingredient listing lists a whole grain as the first ingredient or lists a whole grain as the first of all the grain ingredients. Where the first listed grain ingredient is not identified clearly as a whole grain (for example, the first ingredient is “corn”), confirmation must be obtained from the manufacturer that the first listed grain ingredient is whole grain. This method is consistent the HealthierUS School Challenge Criteria and with the WIC food package criteria.
- The product label carries a FDA whole grain health claim (“diets rich in whole grain foods and other plant foods and low in total fat, saturated fat, and cholesterol may help reduce the risk of heart disease and certain cancers”). FDA sets a minimum amount of whole grain (51%) for products which can make a whole-grain claim.

FDA labeling of whole grain content of food products would significantly reduce the burden of proper identification of whole grains by school food service operators. We support IOM’s recommendation that FDA take action to require whole grain labeling. USDA should work with FDA to implement this labeling recommendation. USDA also should work with industry and stakeholders to ensure that program operators can identify and procure whole grain rich foods.

We commend USDA for its work to improve USDA Food offerings and the selection of whole grain products available to schools. We encourage USDA to continue this effort and work with State Agencies to ensure that SFAs have full access to all whole grain products available.

Sodium, Page 2501

Position: We support USDA’s goal to gradually reduce sodium in the SBP by 25% and in the NSLP by more than 50%, as recommended by the IOM. We also agree with the intermediate targets proposed and their supporting rationale. We agree that a targeted reduction from baseline of 5-10% through menu planning, 15-30% through in product reformulation, and additional time to meet the final goal of 25-50% is a reasonable approach to implement sodium reduction goals, while reducing impact on participation levels, cost, and ensuring product availability in the marketplace. We also commend USDA’s work to reduce sodium levels in USDA Foods available to schools. USDA Foods will be a critical component to successful implementation of the proposed regulations and increased availability of lower-sodium USDA Foods will facilitate better compliance with sodium reduction targets.

Rationale: CSPI applauds USDA for identifying sodium reduction in school meals as a key objective and supports USDA’s plan to significantly reduce sodium in the school meal. While the *Dietary Guidelines* have long recommended reducing sodium in the diet, and the 2005 Dietary Guidelines recommended less than 2,300 mg per day, estimated intake for all

Americans ages 2 years and older is 3,400 mg. (Though that is probably about 15% lower than actual intake since dietary recall interviews are widely recognized to underestimate consumption.)

It has been estimated that a national public health strategy to reduce daily salt intake by 1,200 mg of sodium, (to near DGA recommended levels) could reduce the annual number of deaths from heart disease, stroke, and heart attack by 150,000 and reduce health care costs by \$1.5 trillion over 20 years.¹² With the average sodium content of a school lunch more than 1,400 mg and high school meals at nearly 1,600 mg, the school meal programs are a critical component of a national sodium reduction effort.¹³

Annual projected benefits, costs, and cost-savings from sodium reduction

Benefit	Sodium reduction of 400 mg/day	Sodium reduction 1,200 mg/day
Heart attacks prevented	20,000 - 32,000	58,000 - 92,000
Strokes prevented	13,000 - 20,000	37,000 - 59,000
Deaths prevented	17,000 - 28,000	51,000 - 81,000
Costs (billions)	\$0.3	\$0.3
Savings (billions)	\$4.1 - \$7.0	\$12.1 - \$20.4
Dollars saved/dollars spent	\$15.4-\$26.1 saved per \$1 spent	\$45.2 - \$76 saved per \$1 spent

Source: Adapted from Bibbins-Domingo, 2010.

Although USDA has encouraged schools to reduce sodium since implementation of SMI in 1995, school meal participation continues to be associated with increased prevalence of excessive sodium intake. High-school aged NSLP participants and SBP participants were significantly more likely to have usual sodium intakes that exceeded the UL for sodium than nonparticipants.¹⁴

At an early age, children are becoming accustomed to high levels of sodium in processed and restaurant foods. Developing this high salt preference may result in a lifetime of difficulty adjusting to foods with healthier levels of sodium. However, the preference for salty taste can be changed. Evidence shows that a decrease in sodium can be accomplished successfully without affecting consumer satisfaction of food products, if it is done in a stepwise manner that

¹² Bibbins-Domingo K, Chertow GM, Coxson PG, Moran A, Lightwood JM, Pletcher M, Goldman L. Projected Effect of Dietary Salt Reductions on Future Cardiovascular Disease. *N Engl J Med.* 2010; 362:590-599

¹³ Anne Gordon, et al. Project Officer: Patricia McKinney. U.S. Department of Agriculture, Food and Nutrition Service, Office of Research, Nutrition and Analysis. 2007. *School Nutrition Dietary Assessment Study-III, Vol. I: School Foodservice, School Food Environment, and Meals Offered and Served.* Alexandria, VA: USDA.

¹⁴ Clark MA, Fox MK. Nutritional Quality of the Diets of US Public School Children and the Role of the School Meal Programs. *J Am Diet Assoc.* 2009; 109(suppl 1):S44-S56

systematically and gradually lowers sodium levels.¹⁵ USDA's proposal for sodium reduction follows such an approach.

Additional Considerations: We point out that the sodium AIs for school-aged children are lower: 1,200 mg/day for children ages 4 to 8 years and 1,500 mg per day for ages 9 to 18 years. Although a lower sodium standard would be better for children's health, it would be more difficult to achieve given today's taste preferences and product availability. The ultimate goal should be for SFAs to further reduce sodium. We urge USDA to monitor progress in meeting the proposed tiered sodium implementation standards and if possible, move the implementation timeline forward, as well as further reduce sodium limits, if progress exceeds the recommended benchmarks.

We recognize the challenges ahead for schools and the food industry to meet the proposed sodium targets and urge USDA to consider the following approaches to help reduce sodium in school meals.

- Provide SFAs with practical guidance and technical assistance resources on menu planning, recipe development, and purchasing.
- Work with State Agencies to ensure schools in every state have full access to the lower-sodium USDA Foods on the foods available list.
- Work with food industry to reduce sodium in foods commonly served on school menus.
- Closely monitor SFA progress at each implementation benchmark and encourage schools to reduce sodium in advance of required implementation dates and below target levels, when feasible.

Added Sugars

Position: CSPI urges USDA to address added sugars in the school meal programs by focusing on the foods that are the largest contributors to added sugar intake and that are common components of school meals: grain-based desserts, dairy-based desserts, ready-to-eat cereals, and flavored milk.

Rationale: As the *Dietary Guidelines* have since 1980, the 2010 *Guidelines* recommends that children and adults reduce their intake of added sugars. Added sugars provide additional calories with few nutrients and contribute to overweight and obesity. Specifically, the DGAs recommend Americans “consume fewer and smaller portions of foods and beverages that contain solid fats and/or added sugars, such as grain-based desserts, sodas, and other sugar sweetened beverages” (page 29). Recommended strategies to achieve this goal are identified as less consumption of cakes, cookies, ice cream and other desserts, choosing breakfast cereals with less sugars, and reducing intake of drinks with added sugars.

¹⁵ Institute of Medicine. 2010. *Strategies to Reduce Sodium Intake in the United States*. Washington, DC: National Academies Press.

Given the large contribution of school meals to many children's diets, limiting added sugars in school meals is essential. Yet, added sugars limits are not required in the proposed rule. We are aware of the potential difficulty school food service providers would face in implementing a quantitative limit on added sugars for school meals, given the fact that added sugars are not listed separately from total sugars on food labels. We recommend that USDA work with the FDA and urge them to list added sugars on Nutrition Facts labels.

Grain-based desserts provide one of the largest sources of calories in the diets of children 2-18, an average 138 calories per day.¹⁶ In addition, the added sugars in reduced-fat milk disproportionately impact school meal participants, as 50% of NSLP participants and 22% of SBP participants consume flavored milk, compared to 9% and 3% of nonparticipants, respectively.¹⁷

Added Sugars in Children’s Diets

	Percent of SBP participants consuming the food group at breakfast	Percent of NSLP participants consuming the food group at lunch	Rank in source of calories in the diets of children 2-18	Rank in source of added sugars in the diets of children 2-18	Percentage of added sugars in children’s diets
Grain-based desserts	6%	18%	1st	3rd	10.9%
Dairy-Based desserts	N/A	7%	8th	4th	7.9%
Ready-to-eat cereals	34%	N/A	10th	6th	6.4%
Flavored milk	22%	50%	12th	12 th (reduced	1.3%

Source: National Cancer Institute¹⁸ and Condon, 2009.¹⁹

Recognizing the significant impact these food groups have on added sugars consumption in children’s diets, it is important for USDA to address these major sources to ensure school meals do not contain excessive amounts of added sugar.

Additional Considerations: We urge USDA to implement the following approaches to limit added sugars in school meals:

- Address grain-based and dairy-based desserts by:
 - Limiting the number of grain-based and dairy-based desserts served over the course of the week to no more than two servings a week.

¹⁶ *ibid*

¹⁷ *ibid*

¹⁸ National Cancer Institute, Applied Research Program. Sources of Calories from Added Sugars among the US Population, 2005–06. Risk Factor Monitoring and Methods Branch Web site: http://riskfactor.cancer.gov/diet/foodsources/added_sugars/. Updated December 21, 2010. Accessed March 3, 2011.

¹⁹ *ibid*

- Limit portion sizes of grain-based and dairy-based desserts.
 - One ounce for cookies
 - Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts and other bakery items
 - Four fluid ounces for dairy-based desserts
- Because cereal is a frequent entrée item in school breakfast programs, apply the WIC food package standard for breakfast cereal, which limits sugars content to no more than 6 grams of sugars per 1 ounce dry cereal.
- Maintain the proposed milk requirement to only allow fat-free flavored milk. USDA should, at some point after the meal regulations are implemented, assess SFA selection of flavored milks and if necessary, provide additional advice about procuring flavored milk with lower amounts of added sugars.

Fluid Milk, Page 2501

Position: CSPI supports the proposed requirement that only low-fat unflavored and fat-free unflavored and flavored milk be allowed with school meals.

Rationale: This standard is consistent with the recommendations of the Institute of Medicine and the 2010 *Dietary Guidelines for Americans*, which recommend that school-aged children, adolescents, and adults consume fat-free or low-fat milk or milk products.

Additional Considerations: Available fat-free flavored milks vary widely in terms of the amount of added sugars that they contain. USDA should provide technical assistance to schools to select from the available suppliers to procure flavored milk that contains low amounts of added sugars. USDA also should identify and highlight industry best practices for reducing added sugars in flavored milk and urge industry to adopt best practices.

Calories, Page 2501 and Menu Planning Approach and Age/Grade Groups, Page 2499

Position: CSPI agrees with USDA's proposal for calorie minimum and maximum levels in the school meal programs. We support the new age/grade groupings, which better align with current school grade levels.

Rationale: The calorie ranges proposed are consistent with the updated Dietary Reference Intakes (DRI's) and are appropriate for the proposed age/grade groupings. The ranges support the need to balance between providing good nutrition, addressing concerns about childhood obesity, and addressing food insecurity. They also will support the school meal programs in modeling appropriate portion sizes and calorie levels.

Saturated Fat, Page 2501

Position: CSPI supports the proposal to continue the current standard of less than 10% of calories from saturated fat for both the NSLP and SBP.

Rationale: This standard is recommended by the Institute of Medicine and the 2010 *Dietary Guidelines for Americans*.

Additional Considerations: The majority of schools provide access to lunches with recommended amounts of saturated fat, however less than one-third of schools meet the 10% saturated fat standard, suggesting children are choosing the high-saturated fat options available.²⁰ USDA should continue to provide technical assistance to schools to help them reduce saturated fat in all foods offered and served.

Trans Fat, Page 2504

Position: CSPI supports the proposed requirement to eliminate artificial trans fat in the NSLP and SBP.

Rationale: Focusing on purchasing foods and ingredients with zero grams trans fat per serving is a practical method for food service operators to limit trans fat in school meals. This proposed requirement is consistent with the Institute of Medicine recommendations and the 2010 *Dietary Guidelines for Americans*.

Additional Considerations: In minimizing artificial trans fats, schools should be advised not to replace trans fats with saturated fats, which also should be limited. USDA should provide technical assistance to schools to help them replace trans fat without increasing saturated fat and encourage schools to choose foods and ingredients without partially hydrogenated oils.

Meat/Meat Alternates, Page 2501

Position: CSPI supports the emphasis on lower sodium lean meats and meat alternates as a way to help schools reduce saturated fats and sodium.

Rationale: The *Dietary Guidelines* recommend selecting and preparing lean meat and poultry, or low-fat and fat-free meat alternates and limiting intake of saturated fat, trans fat and cholesterol.

Additional Considerations: We are concerned that the proposed standards require schools to meet daily and weekly requirements for meats/meat alternates. A daily meat requirement, particularly for breakfast, may increase consumption of saturated fat and sodium, as a one-

²⁰ *ibid*

ounce daily minimum would often have to be augmented with additional meat/meat alternate to make a reasonable portion. At lunch, applying a weekly requirement, without daily minimums, may help to decrease costs and increase menu planning flexibility.

We urge USDA to consider the following approaches to facilitate schools offering a greater proportion of their meat/meat alternates as lean meats and meat alternates that are lower in sodium and provide school food service staff greater flexibility in planning menus.

- Provide training and technical assistance to help schools substitute lean and extra lean meats and non-meat alternates for higher fat and sodium options, including providing lists of commonly-served types of meat and meat products that should be limited (such as processed meats) and those to encourage.
- Provide guidance on purchasing and preparing lean and extra lean meats and non-meat alternates, as well as sample recipes and menus.
- Adopt a weekly meat/meat alternate requirement, without the daily minimums, for breakfast, and consider a weekly meat/meat alternate requirement, without daily minimums, for lunch.
- Do not allow schools to deep-fry any foods, including meats.
- Use the CN labeling approach to credit meat/meat alternate equivalents for soyfoods based on 5 grams protein content per serving size and the nutrient analysis provided by the manufacturer. For tofu, the protein content ranges from 3 grams protein per ounce for extra firm to 2 grams of protein for soft tofu. A 3 ounce serving size of tofu of any type would supply at least 5 grams protein per serving size.

School Breakfast Program

Position: CSPI strongly supports the proposed changes to the School Breakfast Program (SBP). The modifications included in the proposed rule are required to align meal patterns with the *Dietary Guidelines*. Given the importance of breakfast on children's diets, academic success, and healthy weight, we encourage USDA to move forward with its proposed SBP meal patterns.

Rationale: Studies conclude that students who eat school breakfast perform better on standardized tests than those who skip breakfast. Evidence has grown that children who eat breakfast are less likely to be overweight and have improved nutrition - they eat more fruit, drink more milk, and consume a wider variety of foods than those who don't eat breakfast.

Additional Considerations: We acknowledge that the proposed breakfast pattern may impact cost and participation. USDA may wish to consider additional options to help schools implement the proposed rule, including providing them with flexibility and cost containment strategies through training and technical assistance. Adopting a weekly meat/meat alternate requirement for menu planning without daily minimum amounts can provide school food service staff with greater flexibility and reduce costs. In addition, adopting IOM's alternative option for OVS may offer additional flexibility within the new system and allow students more choice and better control of the amount of food on their plate. This may help reduce calories,

and in some cases, intake of fat and sodium from breakfast meats. The alternative OVS option also may provide more room for children to choose foods consistent with their cultural food preferences, religious requirements, allergies and vegetarian diets.

Crediting, Page 2506

Position: CSPI supports USDA's proposal to disallow the crediting of snack-type fruit or vegetable products (such as fruit strips or fruit drops, etc.), regardless of their nutrient content, toward meeting the fruit and/or vegetable component of the meal. CSPI also supports the requirement that fruits and vegetables, other than dried fruit and leafy greens, be credited based on volume.

Rationale: The *Dietary Guidelines* emphasizes increasing fruit and vegetable consumption by eating whole fruits and vegetables. Foods served as part of the school meals programs should be easily recognized by children as a fruit or a vegetable. A wide variety of fruits and vegetables are readily available in the U.S. and schools should have no problem finding real fruits and vegetables to serve in meals.

No fruit or vegetable should be credited based on whole-food equivalency, other than dried fruit and leafy greens. Crediting should be based on actual serving sizes as recommended by the *Dietary Guidelines*.

Fortification, Page 2506

Position: CSPI supports the proposed change to disallow fortified grain-fruit products from being credited as a fruit serving.

Rationale: A basic tenant of the *Dietary Guidelines* is that nutrients should come primarily from consumption of whole foods that are not highly processed or heavily fortified. Fruits and vegetables are nutrient- dense foods and are often excellent and/or good sources of dietary fiber, potassium, and Vitamins A and C. The nutrient-density of fruits and vegetables can not be duplicated by a processed grain-fruit product. Fortified grain-fruit products are often high in sugars and fat. Such products do not support the *Dietary Guidelines* recommendation to consume fruit as a separate and important food group.

Identification of a Reimbursable Meal, Page 2505

Position: CSPI supports the proposal to require schools to identify the foods composing a reimbursable meal at or near the beginning of the serving line.

Rationale: This will support the goals of the nutrition programs and promote nutrition education by helping children identify healthy, balanced meals with appropriate portion sizes and representation from all food groups. It also may help reduce crediting problems for school meals by encouraging children to select a full meal that can be reimbursed by USDA.

Synthetic Food Dyes

Position: CSPI urges USDA to disallow the use of synthetic food dyes in the school meal programs.

Rationale: Food dyes, such as Red 40, Yellow 5, and Yellow 6, are used in foods that might be served to children in the national school lunch and breakfast programs. Foods that might contain dyes include breakfast cereals, frozen pancakes and waffles, gelatin desserts, pickles, and numerous other foods. The dyes are typically used in conjunction with artificial flavors and other ingredients to simulate the presence of more valuable ingredients, such as fruit. Dyes impair children's behavior and also increase the risk of cancer.

Dyes affect children's behavior

Over the past 30 years, numerous placebo-controlled clinical studies on children have demonstrated that some children are adversely affected by dyes, causing symptoms such as inattention, tantrums, irritability, and others. A 2004 meta-analysis combined the results of many of those studies and concluded that there is, indeed, an adverse effect of dyes.²¹ The researchers estimated that the magnitude of the effect of dyes is about half the deterioration in behavior that would occur if medications were withdrawn from children being treated for ADHD.

Several years after the meta-analysis was published, the British government sponsored the two largest studies ever done to assess the effect of dyes on children's behavior.^{22,23} Unlike most of the previous studies, the subjects in which were generally children who had been diagnosed for ADHD or who had exhibited behavioral problems, the two British studies tested a cross-section of children. The researchers concluded that mixtures of dyes did, indeed, adversely affect children.

As a result of the two studies it sponsored, and against a backdrop of three decades of other research, the British Food Standards Agency urged the food industry not to use the offending dyes (which included the three dyes most widely used in the United States: Red 40, Yellow 5,

²¹ Schab D, Trinh N. Do Artificial Food Colors Promote Hyperactivity in Children with Hyperactive Syndromes? A Meta-Analysis of Double-Blind Placebo-Controlled Trials. *J Dev Behav Pediatr.* 2004;25:423-34.

²² Bateman B, Warner JO, Hutchinson E, et al. The effects of a double blind, placebo controlled, artificial food colourings and benzoate preservative challenge on hyperactivity in a general population sample of preschool children. *Archives of Disease in Childhood.* 2004;89:506-11.

²³ McCann D, Barrett A, Cooper A et al. Food additives and hyperactive behaviour in 3-year-old and 8/9-year-old children in the community: a randomized, double-blinded, placebo-controlled trial. *Lancet.* 2007(Nov 3);370:1560-7.

Yellow 6).²⁴ Subsequent to that, to protect children, the European Union passed a law that requires a warning notice, “may have an adverse effect on activity and attention in children,” on most dyed foods. Many observers believe that that requirement is the death knell for food dyes in Europe.

In light of the substantial body of evidence demonstrating that dyes adversely affect children’s behavior, in 2008, the Center for Science in the Public Interest, with support from several independent scientists, petitioned the U.S. Food and Drug Administration (FDA) to ban most food dyes.²⁵ In response to CSPI’s petition, the FDA held a meeting (March 30–31, 2011) of its Food Advisory Committee to provide an outside opinion on dyes and behavior.²⁶ In an important change in its public position, the FDA staff report provided to that committee acknowledged that food dyes, among other food ingredients, do, in fact, adversely affect some children with behavior problems. The FDA committee concurred with the FDA that studies have not yet proven that dyes impair children in the general population, but acknowledged that the two British studies certainly provide at least suggestive evidence that that is the case. There was significant support on the FDA committee for endorsing warning labels for foods colored with synthetic dyes, but the committee narrowly voted (8 to 6) against labels. Considering the clear evidence that dyes affect some children, it is clearly inappropriate to allow foods containing synthetic dyes to be available in school meals and other venues.

Cancer risk posed by dyes

Dyes are synthetic, petroleum-based compounds. Over the years numerous dyes have been banned because they caused cancer in animal studies.²⁷ In 2010, CSPI published a report, *Food Dyes: A Rainbow of Risks*, which summarizes the evidence that several dyes pose a cancer risk.

One dye of special concern is Red 3, which accounts for only 1.4 percent of all dyes used. In 1984, FDA’s Acting Commissioner, Mark Novitch, said that Red 3 was “of greatest public health concern...The agency should not knowingly allow continued exposure (at high levels in the case of FD&C Red No. 3) of the public to a provisionally listed color additive that has clearly been

²⁴ Food Standards Authority. *Board discusses colours advice*, 2008. Accessed at <www.food.gov.uk/news/newsarchive/2008/apr/coloursadvice>.

²⁵ Center for Science in the Public Interest (CSPI). *Petition to Ban the Use of Yellow 5 and Other Food Dyes, in the Interim to Require a Warning on Foods Containing These Dyes, to Correct the Information the Food and Drug Administration Gives to Consumers On the Impact of These Dyes on the Behavior of Some Children, and to Require Neurotoxicity Testing of New Food Additives and Food Colors*, 2008. Accessed at <<http://www.cspinet.org/new/pdf/petition-food-dyes.pdf>>.

²⁶ Food and Drug Administration (FDA). 2011 *Food Advisory Committee Meeting Materials*. Washington, D.C.: FDA, March 2011. Accessed at <www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/FoodAdvisoryCommittee/ucm149740.htm>.

²⁷ Center for Science in the Public Interest (CSPI). *Chemical Cuisine: Banned Additives*. Accessed at <http://cspinet.org/reports/chemcuisine.htm#banned_additives>.

shown to induce cancer while questions of mechanism are explored.”²⁸ However, around the same time, Secretary of Agriculture John R. Block was pressing his counterpart at the Department of Health and Human Services not to ban the dye.²⁹ He wrote, “Some segments of the agricultural community are quite dependent on Red Dye #3 in the processing and marketing of certain commodities, especially canned fruits. I have assured the affected industry that their concerns would be made known to you, as well as my own concern...” And in 1989, Congress, at the behest of growers and packers, temporarily prohibited the FDA from banning the dye.³⁰ Twenty-six years later, the FDA still has not acted.

Tests by the FDA and Health Canada found that Yellow 5 and Yellow 6 contain cancer-causing contaminants, including Benzidine, 4-amino-biphenyl, and *p*-cresidine. Those tests were done 20 years ago and used a technique that is not routinely used when the FDA measures contamination levels in dyes. However, if the same levels of dyes are used are still present in those dyes, the cancer risk would exceed the level that the FDA considers acceptable for contaminants, namely causing one cancer over the lifetimes of one million people. FDA chemists test each batch of dye to confirm that those tolerances are not exceeded. Unfortunately, the FDA’s process is riddled with problems:

- For one thing, those tolerances were based on 1990 dye usage, but per-capita usage has increased by about 50 percent since then (based on FDA dye-certification data).
- The FDA did not consider the increased risk that dyes pose to children, who are both more sensitive to carcinogens and consume more dyes per unit of body weight than adults³¹.
- Most importantly, FDA and Canadian government scientists showed that levels of bound benzidine, a carcinogenic contaminant in at least Yellow 5 and Yellow 6 dyes, far exceeded levels of free dyes.^{32, 33} (Bound carcinogens have also been found in Allura

²⁸ Burros M. (February 13, 1985). The saga of a food regulation: after 25 years, still no decision. *The New York Times*.

²⁹ Food Chemical News May 28, 1984.

³⁰ *Washington Post* (July 19, 1989). “House agrees to let FDA keep cherry dye on market.” Page19

³¹ Hattis D R, Goble, *et al.* (2005). “Age related differences in susceptibility to carcinogenesis. II. Approaches for application and uncertainty analysis for individual genetically acting carcinogens.” *Environmental Health Perspectives* 113: 509-516.

³² Peiperl MD, Prival MJ, *et al.* (1995). “Determination of combined benzidine in FD&C yellow no. 6 (Sunset Yellow FCF).” *Food and Chemical Toxicology* 10: 829-839.

³³ Lancaster F E and Lawrence J F (1999). “Determination of benzidine in the food colours Tartrazine and Sunset Yellow FCF, by reduction and derivitization followed by high-performance liquid chromatography.” *Food Additives and Contaminants* 16: 381-390.

Red AC, the uncertified form of Red 40.³⁴) Indeed, the Canadians found several bound carcinogens in soft drinks and hard candies.³⁵ Bound benzidine is largely converted to the free form in the large intestine. Large amounts of other carcinogenic contaminants might also be present in the bound form. However, the FDA generally only measures “free” contaminants and, hence, is blind to those (except possibly aniline) bound up in other molecules.³⁶

- The FDA should consider the cumulative risk of all dyes, rather than of each dye independently. Indeed, the Food, Drug, and Cosmetic Act requires the FDA to consider “the cumulative effect, if any, of such additive...taking into account the same or any chemically or pharmacologically related substance...”³⁷ If the FDA considered those four factors in evaluating risks, the risks posed by the two yellow dyes—which comprise 49 percent of all dyes used—let alone all dyes taken together, would exceed the one-in-a-million standard.

The evidence warrants protecting children from synthetic food dyes

Dyes provide no nutritional benefit and no preservative effect in the food. They are used solely for cosmetic purposes. Considering such frivolous uses, no risk whatsoever should be considered acceptable. However, dyes clearly impair some children’s behavior and pose a small cancer risk to all children. Barring synthetic dyes from school meals should not even adversely affect manufacturers (or schools) significantly, because in some instances dyes could simply be omitted, while in other instances dyes could be replaced by natural colorants (though some, like cochineal extract and carmine, can cause rare, but severe, allergic reactions). It is worth noting that Starbucks, Whole Foods, and Trader Joe’s do not make or sell foods with dyes, and Frito-Lay is eliminating dyes from all its snack foods.

Meal Times and Scheduling

Position: Students should have at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch and schools should schedule meal periods at appropriate times, *e.g.*, lunch should be scheduled between 11 a.m. and 1 p.m.

³⁴ Lancaster FE, and Lawrence JF (1991). “Determination of total non-sulphonated aromatic amines in Tartrazine, Sunset Yellow FCF and allura red by reduction and derivatization followed by high-performance liquid chromatography.” *Food Additives and Contaminants* 1991 May-Jun;8(3):249-63.

³⁵ Lancaster FE and Lawrence JF (1992). “Determination of total non-sulphonated aromatic amines in soft drinks and hard candies by reduction and derivitization followed by high-performance liquid chromatography.” *Food Additives and Contaminants* 9(2): 171-182.

³⁶ FDA (February 26, 2010). Personal communication between the FDA (N. Richfield) and M.F. Jacobson (see also contaminant limits in 21 CFR 74.340, 21 CFR 74.705, 21 CFR 74.706).

³⁷ 21 USC 379e((b)(5)(A)(ii).

Rationale: Studies show that students who have adequate time for meals and reasonable meal times consume more nutrients and have less plate waste.³⁸ However, more than one fifth of schools do not give students 20 minutes or more to eat lunch, and about one fourth of schools start serving lunch before 11:00 AM.³⁹ USDA should evaluate current practices and issue guidance to schools on appropriate meal times and scheduling.

Implementation of Proposed Changes, Page 2506

Position: CSPI supports the proposed implementation schedule to begin full implementation of the new meal standard in the school year 2012-2013, with the whole grain requirements and sodium reduction targets phased in over time.

Rationale: Updating school meals to align with the *Dietary Guidelines* is long overdue. Current meal standards are not consistent with dietary guidance for increasing fruits, vegetables, whole grains, and reducing sodium and trans fat.

Since January of 2005, USDA has strongly encouraged schools to serve more fruits, vegetables and whole grains as recommended by the *Dietary Guidelines*. USDA also has provided technical assistance and guidance to help schools offer meals that reflect the recommendations of the *Dietary Guidelines*.⁴⁰ To motivate schools to make these important changes, USDA launched the HealthierUS Schools Challenge (HUSC) several years ago. The HUSC focuses on incentivizing schools to serve more fruits, vegetables, whole grains, etc. and recognizes schools that meet the HUSC criteria. More recently, HUSC was incorporated as a key priority of the Let's Move initiative. In October of 2009, the Institute of Medicine published recommendations for aligning school meals with the *Dietary Guidelines* in its report "School Meals: Building Blocks for Healthy Children." The IOM's recommendations were widely discussed and disseminated to school food officials.

Schools have had ample notice and encouragement to implement the principles in the *Dietary Guidelines*. Thus, requiring schools to implement the new standards beginning in the 2012-2013 school year should be feasible. It is time for all school children to have access to healthier school meals every day.

³⁸ Bergman E, Buerge N, Englund T, Femrite A. The Relationship between the Length of the Lunch Period and Nutrient Consumption in the Elementary School Lunch Setting. *Journal of Child Nutrition and Management*, 2004; 28(2).

³⁹ O'Toole TP, Anderson S, Miller C, Guthrie J. Nutrition services and foods and beverages available at school: results from the School Health Policies and Programs Study 2006. *J Sch Health*. 2007; 77: 500-521.

⁴⁰ U.S. Department of Agriculture, Food and Nutrition Service. December 17, 2007. *Policy Memo SP 04-2008: Incorporating the 2005 Dietary Guidelines for Americans into School Meals*. Alexandria, VA: USDA.

Additional Considerations: To help schools implement the new meal standards beginning in the 2012–2013 school year, we recommend that USDA help school districts to develop and adopt stronger wellness policy provisions regarding school meals. Specifically, we recommend that local wellness policies require schools to: (1) implement guidelines for school meals that are consistent with new USDA meal regulations; (2) provide nutrition-related training for food service staff; (3) provide nutrition information to students and parents for school meals; and (4) promote healthy eating, particularly healthier school meals, to students.

Proposed Changes in Monitoring Procedures, Page 2505

Position: CSPI applauds the inclusion of the unified accountability system, as required by the Healthy, Hunger-Free Kids Act, in the proposed regulations. We support the proposed changes to implement a three-year review cycle and add breakfast to the reviews. We also support the reinstatement of weighted nutrition analysis for compliance reviews and the proposal to take fiscal action for repeated compliance violations not resolved through technical assistance and corrective action.

Rationale: USDA’s SMI review process currently evaluates the NSLP in one school per district every five years. This approach is inadequate to assess compliance and provide necessary technical support for the more than 100,000 schools participating in the program. In addition, the use of simple averages (as allowed by current law) can yield inaccurate assessments of the nutrition delivered by school meals. An emphasis on more frequent monitoring of school meal programs, continuous quality improvement, and training and technical assistance is critical to the successful implementation of the proposed meal regulations (see training and technical assistance section below). Weighted analysis would give more appropriate weight to foods selected more often by students and provide a more accurate analysis of compliance with updated meal standards.

This package of proposed changes, including more frequent reviews of lunch, reviews of breakfast, weighted analysis, and fines for repeated violations should result in increased accountability and improved compliance and meal quality.

Additional Considerations: CSPI has concerns about the current review process overall. USDA’s current method for evaluating compliance for nutrition quality takes an in-depth look at a very small proportion of schools. While this approach offers a comprehensive look at nutrition quality in a few schools, it does not provide a representative assessment of compliance with nutrition standards across the country, or even across the SFA. We recommend a system which assesses a broader sampling of schools with a less intensive review process. A simplified review process should focus on key compliance issues, such as providing the recommended amounts of fruits and vegetables, meeting whole grain requirements, and reducing sodium and saturated fat, and eliminating artificial trans fats. State agencies could then use review results to better focus limited resources to SFAs with the highest levels of noncompliance.

We also are concerned about the implementation of food-based meal patterns with nutrient-based evaluations. While we support the proposal for both food-based menu planning and the specific nutrient targets for saturated fat, trans fat, calories, and sodium, we are concerned that SFAs will not be able to maintain compliance with nutrient targets without conducting a nutrient analysis. We also are concerned about the increased burden on state agencies to conduct a full nutrient analysis for all districts, as opposed to simply reviewing the districts' analyses.

During the 2004–2005 school year, two-thirds of schools were in a district that conducted a nutrient analysis of their menus, regardless of menu planning approach.⁴¹ With the technological advancements made in the last five years, it seems likely that many more schools have the capacity to conduct a nutrient analysis today. We urge USDA to require SFAs to conduct their own nutrient analysis and for USDA and state child nutrition programs to provide the tools and technical assistance to help SFAs conduct those analyses.

In addition, we urge USDA to consider the following approaches to further strengthen accountability, meal quality, and compliance in the school meal programs:

- Add criteria on school selection to the proposed regulations, giving more frequent reviews to schools with prior non-compliance.
- Review multiple schools per school district during each review cycle and include at a minimum one elementary, one middle, and one high school. For large school districts, more schools should be reviewed as needed, to ensure that the full breadth of menus offered throughout the district is reviewed.
- Develop a more simplified assessment approach to decrease the burden on LEAs and state agencies and allow more schools to be assessed during each review.
- Develop guidance, technical assistance and an assessment tool to assist LEAs, advocates, and parents to conduct self-assessments that could be conducted in addition to formal compliance evaluations. Such a self-assessment approach could be conducted as part of a local wellness policy assessment and evaluation process or by other interested parties in the school community.
- Rather than relying solely on on-site evaluations, have schools report on compliance to the district, have districts report to their state agency, then state agencies report to USDA. Use compliance reports to target visits by state agencies with a focus on the schools with non-compliance issues.
- Improve transparency by establishing and implementing a process for informing parents and other interested community members about the results of compliance reviews and any corrective actions taken, as required by the HHFKA.

⁴¹ U.S. Department of Agriculture, Food and Nutrition Service, Office of Research. November 2007. *Nutrition and Analysis, School Nutrition Dietary Assessment Study-III: Summary of Findings*. Alexandria, VA: USDA.

While we understand certification criteria to determine compliance to receive the additional six-cent reimbursement per lunch will be addressed in subsequent rulemaking, we urge USDA to provide guidance and a proposed rule quickly, as specified in the USDA Healthy, Hunger-Free Kids Act Implementation Plan. LEAs that are struggling with increased costs and other barriers to implementation need to receive the additional reimbursements as quickly as possible. We also ask USDA to develop a simplified process for initial certification which ensures LEAs have additional monies as soon as possible to ease financial pressure.

In addition to the specific comments above, we urge USDA to consider the following general comments regarding the proposed rule.

Implementation Framework

CSPI applauds FNS for recognizing the importance of ensuring that school food service staff receive training and technical assistance to help them make the proposed changes and improvements to school meals.

We support the technical assistance topics proposed in the rule, such as updating USDA menu planning resources, providing guidance materials on fruits, vegetables, and whole grain foods, updating the Child Nutrition Database, and participation in public forums. Starting now, USDA should begin intensive training and technical assistance efforts to help schools implement the updated school meal standards as soon as possible. USDA should especially target resources and assistance to schools with previous compliance issues and those most likely to have the most difficulty with implementation.

In addition, we urge the agency to consider a more comprehensive and proactive approach to training and technical assistance. The implementation framework should not only target food service staff, but should include engagement with other agencies, both within and outside of USDA, as well as industry partners and nonprofit organizations, to ensure full implementation. We offer the following suggestions to help ensure that implementation of the updated school meal standards is successful and far reaching.

Collaboration

CSPI urges FNS to proactively work with partners within USDA, other agencies, such as the Centers for Disease Control and Prevention, the Department of Education, and the Department of Defense, and non-profit organizations to extend USDA's reach and engage other important stakeholders in promoting and supporting healthy school nutrition environments. Such collaboration would complement other community-based efforts and approaches already underway to address childhood obesity and food security.

HealthierUS Schools Challenge (HUSSC) and Team Nutrition: We are pleased that FNS plans to link the proposed meal standards with the HUSSC and Team Nutrition programs to expedite implementation. The 1,139 HealthierUS Schools have already successfully implemented much

of this proposed rule and hundreds more schools working towards certification have begun implementation. We urge USDA, through HUSSC, to identify successful programs to serve as models of effective strategies that can help other schools with implementation.

In addition, we strongly support the Team Nutrition program and have been pleased that Team Nutrition funding has been used to support healthier school meals, as well as wellness policies and other approaches to improve school nutrition environments. We urge FNS to continue to link Team Nutrition to implementation of the updated meal standards.

SNAP-Ed: The Supplemental Nutrition Assistance Program (SNAP) Nutrition Education program supports many nutrition education and promotion efforts, including in low-income schools. We urge FNS to ensure that SNAP-Ed funding used for school-based initiatives continue to complement USDA's training and technical assistance to help school nutrition staff improve school meals and enhance students' acceptance of healthy meals. Providing strong, relevant nutrition education, social marketing campaigns, and policy, systems, and environmental change creates environments that support healthy eating at school and in the wider community.

Know Your Farmer Know Your Food initiative: We encourage USDA to continue to expand access to local, nutritious foods by connecting schools with local and regional producers through the Know Your Farmer Know Your Food initiative. We urge USDA to encourage local food service agencies to offer seasonal varieties of fruits and vegetables as well as encourage regional procurement for other food items in school meals whenever possible.

Centers for Disease Control and Prevention: CDC funds states and communities, many of which use funds for school-based programs. FNS should collaborate and coordinate with CDC to strengthen and extend school-based initiatives that promote healthy school meals and healthy school nutrition environments.

Department of Education: We encourage USDA to collaborate with the U.S. Department of Education to align DOE and USDA programs, such as the HealthierUS School Challenge, Office of Safe and Drug Free Schools, and local wellness policy recommendations. USDA and DOE should partner to inform educators and school administrators about the updated school meal standards and encourage implementation at the district and school level. We also encourage USDA and DOE to support collaboration at the state level for data and resource sharing so schools and districts can share information about nutrition and healthy school environments and receive similar tools and resources. This recommendation is especially important for states that have their child nutrition programs in departments other than education.

Non-Governmental Organizations: We encourage USDA to collaborate with organizations currently working to improve school nutrition environments, such as the Alliance for a Healthier Generation and Action for Healthy Kids. The Alliance for a Healthier Generation's Healthy Schools Program supports 11,000 schools in their efforts to improve physical activity and serve healthier school foods. USDA and Alliance efforts should compliment each other, avoiding duplication and extending the reach of technical assistance to a maximum number of schools.

The Alliance also can provide examples from the more than 1,200 schools which have successfully improved meal offerings through the Healthy Schools Program to serve as models for other schools to support implementation. We urge USDA to link to and encourage schools to use tools and resources created by credible organizations to support and build healthy school environments.

Department of Defense: Given concerns about obesity in the military and the negative impact that obesity rates have on military recruitment, we urge FNS to work with DOD to identify ways to support implementation of the updated school meal standards.

State and City Agencies: We urge FNS to actively engage with state and city agencies. Many states and localities are focused on improving school foods. Others are working on initiatives that could compliment and support school meal efforts. For example, the New York City Department of Health and Mental Hygiene has launched the *National Salt Reduction Initiative* and is working through a coalition of cities, states and health organizations to encourage food manufacturers and restaurants to voluntarily reduce the amount of salt in their products.

Industry Engagement

Given the reliance on prepared foods by school food service programs and the significant improvements to the food supply that will be needed to implement this proposal, CSPI urges FNS to work with the food and beverage industry to reformulate and introduce new, healthier food service products that comply with the updated meal standards. This is especially critical for sodium reduction and increasing whole grains. Leadership from the agency can help to ensure that innovations in the food supply continue to occur – and are ramped up in the next two years.

For example, the Alliance for a Healthier Generation brokered an agreement with leading food manufacturers, group purchasing organizations, and technology companies to help schools serve healthier meals at more affordable prices.

- Food manufacturers including AdvancePierre Foods, Domino’s Pizza, JTM Food Group, McCain Foods USA, Rich Products Corporation, Schwan’s Food Service, and Trident Seafoods have pledged to price healthier items at rates no higher than comparable “classic” items and aggressively promote products that meet high nutrition standards. Participating manufacturers also have pledged to increase the sales of healthy products to least 50 percent of their entire school sales within five years.
- Group purchasing organizations, including HPS, Premier, and Summa, will use their buying power to make healthier products more affordable and to shift the purchasing behaviors of participating school districts to increase the purchase of healthier products by 50 percent over the next five year period.
- The technology firm Interflex will create a free online tool that streamlines the procurement process and assists schools with planning, bidding, and purchasing healthier products.

- Dole and the National Turkey Federation have pledged to leverage their tools and resources to support schools in improving the nutrition quality of school meals.

We urge FNS to identify and highlight best practices in industry. For example, the dairy industry has worked to reduce the added sugar in flavored milk to support the Institute of Medicine's recommendations to offer milk containing no more than 22g of total sugars per 8 oz portion.⁴² As dairies continue to improve the taste, quality and pricing of flavored milk with lower amounts of added sugars, these products will become the new industry standard and the technology and supplies needed to produce flavored milk with lower amounts of added sugar will become more mainstream.

We urge FNS to offer technical assistance and guidance to schools on purchasing, procurement, and processing. We commend USDA for actively working to implement Section 242 of the Healthy, Hunger-Free Kids Act which requires USDA to identify healthier model product specifications. Model specifications will allow schools to more easily identify and procure healthier products and support implementation of the proposed rule.

Community Engagement

Schools play an important role in teaching students healthy eating habits by offering more fruits, vegetables, whole grain rich foods, and lean proteins. However, children are exposed to foods in numerous places outside of school. As school districts implement the new meal patterns, it will be important to educate children and parents about the changes and to engage community partners to build on the school-based efforts.

Nutrition Promotion

In addition to the training and technical assistance outlined in the rule, it will be critical for FNS to ensure that effective promotion and marketing strategies are integrated into its and schools' efforts. For example, it is not enough to update materials and databases for menu planning and procurement for school food service staff. Marketing and promotion are critical to ensuring that menus are developed and meals are prepared and promoted in ways that engage and appeal to students. We urge FNS to include a strong marketing and promotion component in training and technical assistance efforts.

Studies show and companies and parents know that food marketing affects children's food preferences, diets and health.⁴³ Schools should implement social marketing campaigns to increase the appeal of healthy school meals to students. USDA also should support these

⁴² Institute of Medicine. 2007. *Nutrition Standards for Foods in Schools: Leading the Way Toward Healthier Youth*. Washington, DC: National Academies Press.

⁴³ Institute of Medicine. 2006. *Food Marketing to Children and Youth: Threat or Opportunity?* Washington, DC: National Academies Press.

efforts through other USDA nutrition programs, such as SNAP-Ed and Team Nutrition. Creating synergy between USDA programs, and other federal government and non-government programs, focused on nutrition promotion and food marketing, will increase their effectiveness and maximize federal nutrition resources.

Cultural preferences: We commend USDA for acknowledging cultural preferences as a cardinal element in helping children to eat more fruits, vegetables, whole grains, and leaner protein foods. Schools offering more healthy options to students is the first step; getting students to select and consume healthier school meals is the second. It will be essential for USDA to assist schools in identifying and using culturally appropriate fruits, vegetables, and other foods in school menus. The proposed rule encourages schools to consider the cultural food preferences of students, which could be one effective strategy to help ensure students find tasty, attractive and acceptable options that they will select and eat.

Cafeteria/classroom link: The cafeteria is often viewed as the place where lessons learned in the classroom can be applied. Marketing and promotion efforts should include collaboration and coordination with classroom-based learning to ensure that students recognize and can actively apply the information they gain in their academic lessons to the food and beverage options available in the cafeteria. Schools need model materials, curricula, and encouragement to implement this approach.

Regional Procurement: Several studies have shown that implementing regional procurement programs can increase student participation, consumption of fruits and vegetables, student acceptance of meals, and may even save money for local school districts.⁴⁴ We recommend that USDA provide LEAs with training and technical assistance on how to purchase locally grown products as a strategy to help promote fruit and vegetable intake and encourage students to accept and eat them. We also encourage USDA to conduct a review of best practices for seasonal procurement to help school food service operations offer healthier school meals and improve student acceptance. For example, Portland Public Schools' Farm-to-School *Harvest of the Month* program has had success with students, staff, and families by introducing students to farm fresh produce or locally preserved foods, such as cauliflower, Brussels sprouts, blueberries, salad greens, and sugar snap peas. The *Harvest of the Month* program has allowed Portland nutrition services to include more fruits and vegetables in meals and inspire children to try new foods. Portland nutrition services also provides nutrition education resources for teachers and families that coordinate to each month's selection.

Resources: FNS and NFSMI have a multitude of excellent resources, such as "Fruits and Vegetables Galore," which include detailed information on how to promote and serve fruits and vegetables in schools. FNS must ensure that existing materials are accessible and that greater

⁴⁴ Joshi A and Azuma AM. 2009. Bearing Fruit: Farm to School Program Evaluation Resources and Recommendations. National Farm to School Network. Center for Food and Justice Urban and Environmental Policy Institute, Occidental College.

emphasis is placed on the marketing and promotion components (as discussed above). FNS and NFSMI should lay out a timeline and strategy to help schools address all major changes and challenge areas in the new meal patterns including whole grains, sodium, fruits and vegetables, offer versus serve, and trans fat.

Participation and Acceptance

We recognize that there will be challenges to implementation of a number of the provisions in the proposed rule, including the requirement to include a fruit or vegetable in offer versus serve, reductions in sodium, increases in whole grain rich foods, and the limits on starchy vegetables, and that such changes have the potential to affect student participation. To this end, we encourage FNS to work with states and districts to closely monitor student participation and acceptance of meals. Participation and acceptance go hand-in-hand with effective menu planning and marketing and promotion, as described above. While some have expressed concerns that the proposed changes to the school meal standards may negatively impact participation, having healthy, appealing meals may actually increase participation.

Student acceptability: To enhance student acceptance, USDA should provide technical assistance to help schools engage students in menu selection, promote healthy choices, and explain what constitutes a reimbursable meal. Studies have shown that something as simple as verbal prompt appears to have a significant impact on the likelihood that children will take, and subsequently consume, a fruit serving as part of their purchased school lunch.⁴⁵ USDA should provide schools with similar examples of successful strategies to interact with and engage students, such as student advisory councils, student taste tests, voting for menu options, and ideas for marketing, promotion and contests.

Use and Promotion of USDA Foods

CSPI commends USDA for its work to provide schools with healthy USDA Foods (commodities) and to better promote the program. The changes made to align the USDA Foods with the *Dietary Guidelines* have resulted in products with improved quality and student appeal and less sodium, sugars, saturated fat, and trans fat. Continued work to offer more fruits, vegetables, and whole grain products and lower sodium, sugars, and fats in options is critical to successful implementation of the proposed rule. We urge USDA to work with state agencies to ensure the nutritionally improved products are available to all SFAs and to help schools align procurement schedules with the time line for implementation of the proposed rule. Efficient and effective use of healthy USDA Foods in the school meal programs will help address cost concerns and free up resources to purchase other required food items.

⁴⁵ Schwartz M. The Influence of a Verbal Prompt on School Lunch Fruit Consumption: A Pilot Study. *International Journal of Behavioral Nutrition and Physical Activity*. 2007; 4:6.

Equipment and Infrastructure Needs

CSPI is pleased that Congress and USDA have provided resources for school food service equipment for the first time in over two decades. The \$100 million provided through the 2009 American Recovery and Reinvestment Act equipment grants and the \$25 million provided through the CNR extension have been important resources to schools as they work to improve the nutrition quality of school meals. As you know, application requests for funding totaled \$600 million, which provides a clear indication of unmet need among SFAs that are eager to replace unhealthy preparation tools and methods with steamers, ovens, and salad bars.

Contrary to the proposed rule's assertion that much of SFA's demand is related to routine replacement of old equipment, the Institute of Medicine concluded that schools will need to purchase equipment specifically to implement the new meal requirements.⁴⁶ The IOM also found that improving the quality of school meals--by adding fruits and vegetables, as well as decreasing saturated fat and sodium—may require additional equipment for many food service operations.⁴⁷ The IOM pointed out that schools may need assistance to replace deep fat fryers with steamers, microwave ovens, and combi ovens, as well as add items such as fruit and vegetable preparation sinks, refrigeration units, and utensils to prepare ready-to-eat portions of fruits and vegetables.

As the proposed regulations are implemented, we urge FNS to engage with other agencies, organizations, and Congress to secure additional equipment funding to help schools meet the new meal pattern requirements.

Cost

Schools nutrition programs continually work to meet nutrition standards and produce high quality school meals under tight budgets with pressure to maintain financial solvency. In addition, federal reimbursements are stretched thin by charges from the school district (ex., electricity, janitorial services), the costs to sell and produce foods sold outside of the school meal program (ex., vending machine and a la carte items) and to subsidize meals for middle- and upper-income children when paid meal prices are set artificially low. These financial strains coupled with the increased cost of serving more fruits, vegetables and whole grains, as outlined in the proposed rule, present challenges for school districts.

However, efforts such as HUSSC and the Alliance for a Healthier Generation Healthy Schools Program have resulted in more schools making significant strides in improving the quality of

⁴⁶ Institute of Medicine. 2009. *School Meals: Building Blocks for Healthy Children*. Washington, DC: National Academies Press.

⁴⁷ *ibid*

school meals at current reimbursement rates. Many schools have made changes that are consistent with the provisions in USDA's proposed rule with little or no additional funding.

In addition, the Healthy, Hunger-Free Kids Act (HHFKA) includes a strong package of provisions designed to reduce financial barriers to providing high-quality school meals. The HHFKA:

- Provides a 6-cent performance-based increase in reimbursement rates for school lunches, adding up to \$3.3 billion over 10 years to improve school meal quality.
- Requires the prices charged for foods sold in vending machines, a la carte lines, and school stores to cover the costs to produce and sell them.
- Requires USDA to study and provide guidance on the types of expenses ("indirect costs") a local school can charge school food service.
- Requires school districts to gradually begin closing the gap between paid meal revenues and free meal revenues to keep funds meant for providing healthy foods for low-income children from being diverted to other purposes. School districts must increase per meal revenue from paid lunches to equal the per meal revenue provided by the federal government for free lunches. States and localities have flexibility to increase revenue through any nonfederal source or by gradually raising paid meal prices, with a maximum required annual price increase of no more than 10 cents. USDA estimates that closing this gap would raise \$2.7 billion for school meals programs over the next 10 years.

Timely implementation of these provisions will help increase revenue to school food service programs, free up a larger percentage of existing funding for improvements to meal quality, and ease financial concerns related to implementation of USDA's proposed school meal standards. We urge USDA to move forward, as planned, with implementation of these provisions and to include financial planning and cost containment strategies in training and technical assistance related to the new school meal standards.

In closing, CSPI commends USDA for developing this strong proposed rule to update the nutrition standards for school meals to align them with the current *Dietary Guidelines for Americans*. We urge USDA to quickly issue a final rule to allow schools to prepare for full implementation in SY 2012-2013.

Sincerely,



Margo G. Wootan, D.Sc.
Director, Nutrition Policy



Arianne M. Corbett, R.D.
Senior Nutrition Policy Associate

Appendix: School Nutrition Success Stories

Many schools have made changes that are consistent with the provisions in USDA's proposed rule with little or no additional funding.

Eau Claire Area School District in Wisconsin is purchasing whole grain products in bulk, which makes them more affordable and easier to prepare. They also are piloting a "Grab and Go" healthy breakfast program that has nearly doubled participation in the school's NSBP.

Taos School District in Taos, New Mexico is working to eliminate high-energy drinks, high sugar teas, and juices and snacks that are high in calories and low in nutrition. Additionally, the New Mexico School Nutrition Cooperative is a group of 14 schools that organized to purchase food at more competitive prices. This collaboration with other schools across New Mexico has allowed the Taos Food Service Program the ability to serve healthier items to students at lower costs.

West New York School District in New Jersey hosted a "Healthier Food Fair" to bring vendors together to demonstrate their healthier school food options to the broader school community. The event attracted school wellness council members and food service directors from New Jersey, New York, Connecticut, and Pennsylvania. It served as a forum to spread the word about healthier options provided by vendors and to create a networking opportunity for schools and districts. Food service directors were able to use the event to determine which products to purchase for school vending machines, a la carte lines, and to round out school meals.

Norwood City School District in Ohio has removed all vending machines available to students and provided a grab 'n' go area where students can choose from healthy options. A salad bar also has been added to the cafeteria, and an a la carte system that allows either individual item purchase or selection of multiple items that comprise a free or reduced lunch offer multiple ways for kids to grab a lunch that qualifies for reimbursement, without stigma. These decisions are being made with input from a 20 member student "culinary council."

Sweetwater County School District in Green River, Wyoming has implemented a new pricing strategy at school athletic events in which a 20-ounce bottle of water costs the same as a 12 ounce serving of soda. The school board also has offered \$10,000 to offset potential lost revenue in converting concession stands to only sell healthy snacks.

School City of Mishawaka in Indiana is one of twenty-eight school districts in the region that is enrolled in a cooperative dairy services agreement, processed by the Northern Indiana Education Service Center, to improve bargaining power through volume purchasing. The cooperative worked together to request a low-fat, low-sugar chocolate milk from a local dairy. The dairy agreed to reformulate their chocolate milk to reduce added sugars from 16 grams per serving to 8 grams and lowered the calories to less than 150. The bid was accepted by the cooperative and more than 56,000 students across 28 districts now have access to the healthier milk product.

Escambia County School District in Pensacola, Florida collaborated with the Alliance for a Healthier Generation, the Dole Food Company, and McCain Foods USA to kick off a new training initiative with a two-day training event of over 125 food service staff. Staff learned about topics such as new food preparation techniques, portion control, and recipe modification. The result has been fresher menu items, with less salt and more spices. Food service staffs are engaged in improving the quality of meals and the district now conducts monthly trainings.