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Mr. Chairman and Members, thank you for this opportunity to appear before the subcommittee. My name is Ken Hecht and I am the executive director of California Food Policy Advocates. CFPA is a statewide food policy and advocacy organization devoted to improving the health and well-being of low-income Californians by increasing their access to nutritious, affordable food. We focus our work on strengthening the federal food programs – given their size and scope, they have proved to be strong resources in preventing hunger and food insecurity, as well as obesity and overweight, among our low-income families and communities. We give high priority to the role the school meal programs play in enabling our children to live healthy, productive lives. We do this work in proud partnership with the California Department of Education and with many school districts throughout California.

National School Lunch Program

The National School Lunch Program (NSLP) is one of our country's public policy treasures. Since its establishment in 1946 it has earned and enjoyed bipartisan support of its mission: ensuring that our children are well nourished and ready to learn. We know that the program works – decades of studies show that NSLP improves our students' nutrition and health, enabling them to concentrate during instruction, as well as contributing to higher academic performance and better career opportunities. NSLP not only strengthens our workforce, but it also saves billions a year in health care costs associated with a long list of chronic, diet-related diseases including diabetes, heart disease and cardio-vascular illness, among others.

Today the school lunch and breakfast programs, with a federal investment of about \$12 billion annually, serve in excess of 31 million students daily. Many of these participants are from low-income families, and for them the programs may provide most of their intake for the day – and virtually all of their healthy food and beverages. The continuing importance of the school meal programs to families struggling to put food on their table was borne out once again by the sharp uptake of participation over the past several years as the nation experienced the recent great recession. But it is not only low-income people who benefit from the school meal programs. Families where every adult is working, perhaps working two jobs, often lack the time to serve breakfast or to pack a lunch. For these families, too, the school meal programs reassure parents that their children are in good hands nutritionally when they are away from home. School lunch eaters retain very positive memories of their years in the cafeteria: poll after poll attests to the country’s loyalty to the school meal programs

NSLP originally was developed to strengthen the nutrition and therefore the academic performance of children who were unable to get enough to eat and came to school hungry and unable to learn. While some schools provided meals prior to 1946, the federal funding and structure for the program materialized with the discovery by World War II selective service boards that a significant number of draftees were unfit for military service because of nutritional deficiencies, so that establishment of NSLP was seen as a “matter of national security.”

While NSLP has achieved an impressive record of achievement in stanching what we now call food insecurity, the country – and the school meal programs-- has been overtaken by a more recently recognized threat to our children’s health – the childhood obesity epidemic. Today, after decades of escalating obesity rates, nearly one-third of our school-aged children are obese or overweight. This statistic takes on additional gravity as studies tell us that childhood obesity is rarely reversed as adulthood is attained. The price of this affliction is immense for individuals in terms of their health and academic, social and career

opportunities, and the price is immense for all our communities that are called on to pay for these chronic diet-related conditions. Recent estimates put the annual cost of diet-related health care and lost economic productivity at \$147 billion.

Unfortunately, food insecurity persists, with the most recent government estimate showing 17 million American children in jeopardy of food shortages, and S. 3307, the Healthy, Hunger-Free Kids Act of 2010, improves the school meal programs in ways specifically relevant to them. However, the far greater problem today is overweight and obesity, and it is mainly this urgent problem that Congress has addressed in S. 3307, which was passed on unanimous consent in the Senate, as had several previous renewals of the child nutrition programs. And, to close the circle, fitness for military service has been raised again in support of improving the school meal programs, this time because of our children's obesity and overweight. Former generals, through organization called Mission Readiness, joined the extraordinary coalition of industry, health and education partners that supported passage of S. 3307 in December, 2010.

Updated Meal Patterns and Nutritional Standards

There is an important concurrent development that bears directly on today's hearing. In 2004, at this committee's behest, Congress directed USDA to align school meal patterns and nutrition standards with the Dietary Guidelines for Americans, our country's most definitive statement on what we should be eating and drinking. Prior to this legislation, the meal patterns and nutrition standards had not been updated since the early 1990s, a long time in terms of new nutritional knowledge and in terms of the emergence of the obesity epidemic. USDA's School Nutrition Dietary Assessment Study-III (2007) confirmed that despite many improvements in nutritional quality, most meals served failed to satisfy even the obsolescent standards for school meals, much less the recommendations contained in the 2005 Dietary Guidelines for Americans, and that the deficiencies were obesity related – too much saturated fat, added sugars, too little fruit, vegetables and whole grains.

In 2008, USDA commissioned the Institute of Medicine to undertake an appropriate investigation of the best information available to provide science-based recommendations. This is not the first time that USDA has followed this protocol: the WIC Program was revised in a similar manner, with IOM assistance helping to align its food package and education programs with the Dietary Guidelines for Americans; a transformation initiated by legislation sponsored by this committee in 2004. The WIC changes are completed now and by all accounts they can be deemed a great success. Recent evidence in California indicates significant and positive behavior changes were noted among participants since the WIC food package was updated. In a way, the revisions to meal patterns and nutritional standards for K-12 students can be seen as an effort to continue on with the healthy food preferences and practices with which the updated WIC program gives children a start.

The IOM's school nutrition panel was composed of eminent academics, researchers and school food services administrators. In hearings and in written documents, the panel heard the advice of countless stakeholders – primarily school food directors and food industry representatives, in addition to scholars and scientists whose careers have been focused on the elements and consequences of good nutrition. One striking theme that emerged in testimony before the IOM panel was the many remarkable improvements in school nutrition that states and school districts already have undertaken. Healthier school food has been brought into districts across the country by school food directors, parents and children unwilling to wait for federal leadership. A few examples of innovation underway in California schools:

- Los Angeles Unified School District won the Whole Grains Challenge, bestowed by the Whole Grains Council in 2008 for the district's menus that incorporate whole wheat breads, cereals and serving brown rice. LAUSD also increased its produce purchases from \$3 million in 2006 to \$14 million in 2009.
- Ventura Unified School District offers salad bars with fresh vegetables and fruit – much of it locally sourced, when in season - daily at all schools.

- San Diego Unified offers California's most extensive breakfast in the classroom program and provides students an extraordinary variety of produce and vegetarian items on its menus daily.
- Compton Unified School District eliminated flavored milk from its breakfast program; participation increased.
- Newark Unified (just outside Oakland) offers free, chilled filtered water in paper cups to all its NSLP participants.
- Escondido Union High School District (just north of San Diego) prepares fresh-cooked breakfasts daily, with eggs, fresh fruit and posts carbohydrate counts to educate students about consuming fewer added sugars.
- Long Beach Unified School District has reduced sodium to 1100mg per lunch meal, as averaged over the week. This already meets USDA's proposed guideline for the first phase of sodium reduction.

Improvements can be made and can be sustained financially.

The IOM panel's recommendations were delivered to USDA in October 2009. USDA then studied the recommendations, aided by advice from a variety of stakeholders, for 15 months before issuing a proposed rule to update menu patterns and nutrition standards in January 2011. Well over 130,000 comments on the proposed updates have been submitted (including our own, which are posted at www.cfpa.net). USDA will be combing through these suggestions in order to develop an interim rule and, eventually, a final rule. To understate the obvious, the development of these updated meal patterns and nutrition standards has been an exceedingly slow, painstaking and comprehensive process, and we can expect that same deliberative process to continue going forward. Development of the standards has taken years to date, and will not be complete until USDA carefully considers the feedback submitted by key stakeholders.

It is worth noting that USDA Foods (formerly commodities) will contribute heavily to schools' ability to meet higher nutritional standards. USDA contributes over \$1 billion per year of commodity foods that are estimated to

represent one-fifth the cost of the food school districts acquire. Over the years USDA has steadily improved the nutrition profile of these items – leaner meats, low-fat cheese, no shortening or trans fats, more whole grain products, more fresh fruit and canned fruit without added sugar. Because USDA Foods are critical to school districts’ bottom line, they provide a natural path to support better menus and recipes in the schools.

S. 3307 The Healthy, Hunger-Free Kids Act

S. 3307 contains a broad range of improvements to the school meal programs. Some aim to improve participation in the programs, particularly by the neediest children. For example, borrowing from good business practice, the new law simplifies what districts must do to qualify low-income children for free and reduced-price meals. By relying more upon pre-existing data, schools are relieved from processing redundant paper forms and can be confident of the previously verified data upon which they rely, and students’ nutrition will not depend upon the vagaries of an exceedingly cumbersome procedure.

Updated Meal Patterns and Nutritional Standards. S. 3307 affects the USDA process initiated here in 2004 only by imposing a schedule upon the meal patterns and nutritional standards’ consideration and implementation and by revising two technical provisions with milk and meal components. As pointed out above, USDA’s school meal nutritional standards have not been updated for 15 years. During this period, the science of nutrition has changed, and school children have changed – they have been afflicted by the childhood obesity epidemic. Revised standards are long overdue. As also has been mentioned above, virtually all the improvements have been implemented and found to be financially feasible in many schools and appealing for students. In the large majority of schools in which healthier menus have been adopted, participation either has stayed even or increased.

Similarly, industry has shown a remarkable capacity to embrace and incorporate healthier nutrition in a myriad of products designed for students and available to school food services. For example, Alliance for a Healthier Generation has

supported the development of healthier school food products, reaching an agreement with 13 major school food manufacturers and suppliers. Further, to incentivize adoption of healthier food items and a healthier food environment generally, USDA organized HealthierUS School Challenge in 2004, a program that requires schools to meet a wide range of nutrition and physical activity goals. The HealthierUS nutrition goals are virtually identical to those in the proposed rule. Over 1,000 schools throughout the country are meeting those standards and have been awarded prestigious medals. (And, thousands of other schools already have met the nutrition standards but do not yet qualify for awards because of deficiencies in physical education or fundraising practices). There is untold skill and commitment among the key players – school food directors, industry, parents and students – to make the schools a laboratory in which our children can start the right nutritional practices to last a lifetime.

While the HealthierUS award schools, as well as many others, have met the proposed standards within their customary reimbursement, the new law contains a 6-cent increase in the lunch reimbursement rate, the first such increase in over thirty years, which will help to pay for these improvements. The reimbursement increase, plus other financial changes in S. 3307, should enable the remaining districts to meet the higher nutritional requirements our children deserve. The most recent national study of the cost of preparing federally reimbursed breakfast and lunch meals, released in 2007, indicated that the median meal is prepared for between \$0.15 and \$0.35 below the free reimbursement rate.

Competitive Foods.

S. 3307 directs the Secretary of Agriculture to establish nutrition standards for all the food and beverages sold on school campus in competition with the USDA reimbursable meal. Improved nutrition standards may make competitive foods less appealing, but this is good policy. For one thing, the snack foods and sweetened drinks are less nutritious than the meals served in the cafeteria. For another, as many schools have witnessed, diminished competitive food sales

have caused reimbursable meal sales to climb, increasing revenue for the cafeteria department and improving students' diets. And as reimbursable meals become the norm, the danger that only low-income students will patronize the USDA meal, and thus be identifiable, diminishes. Since California enacted state standards for foods and beverages sold outside the cafeteria in 2005, participation in NSLP has risen an average of 6% annually.

The ease with which tighter standards for competitive foods have been established and implemented in over twenty states demonstrates the feasibility of improving the nutritional quality on school campuses. In addition, the consistency of national standards should simplify business for the food manufacturers and encourage them to formulate healthier foods for a national market. Finally, many food service directors will be pleased that, once national competitive food and beverage standards are implemented, these sales poses less of a threat to the higher reimbursement they can achieve with increased sales of reimbursable meals.

How can the nutritional improvements be paid for?

A theme of this statement has been the story of remarkable achievements in school districts across the country in improving the nutritional quality of their meals, making their cafeterias exemplars of healthy eating from which students and their families can learn – and having it be financially sustainable. These districts will not need more funding to get started: they are there. For them the additional reimbursement will facilitate further purchases of healthier foods. The proposed updates to the meal patterns and nutrition standards bring up the districts that have not yet started. For them the 6-cent increase in meal reimbursement will be the first increase (beyond USDA's annual cost of living adjustment) in thirty years. In addition, S.3307 appropriates \$50 million for technical assistance so that USDA and the state can help and support the improvements the new standards call for.

But for many local school districts, the most valuable monetary assistance Congress provided two policy changes to protect school food finances, and in

particular, to ensure free and reduced rate reimbursements are available for schools to invest in the NSLP and SBP meals that students and their parents deserve.

- Assurance that cash-strapped school districts do not overcharge the cafeteria fund for indirect costs.
- Assurance that a la carte entrees and competitive foods provided by school food services are adequately priced to ensure they don't draw from the free and reduced price program to pay for labor and indirect costs.

How does S.3307 support local leadership?

The Healthy, Hunger-Free Kids Act of 2010 strengthens local administration and management of the child nutrition programs by providing numerous state options for local communities to draw down new grants to test out new and innovative strategies for enrolling students. The legislation affirms and strengthens the local school wellness policy provision enacted by Congress in 2004, through which local teams at school sites design locally appropriate strategies for fundraisers, parent engagement and integrate physical education into the school's health and wellness efforts.

And, the bill leaves entirely intact the long tradition of locally developed menus that ought to be designed as close to the customers as possible. Local interest in purchasing local produce, i.e., Farm-to-School, is supported in S.3307, but not mandated. Numerous other local school board decisions are left unchanged, such as whether to offer breakfast at school, when to schedule meals, how much of the food services budget is to be spent on food vs. labor vs. equipment, etc. S.3307 provides an important mix of new resources, expectations and opportunities for child nutrition programs, while respecting the program's greatest asset: the 55,000 food services professionals that prepare and serve 31 million students daily.