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October 18, 2012

The Honorable Tom Vilsack
Secretary
U. S. Department of Agriculture
12th Street, S.W. and Jefferson Drive
Washington, D.C. 20250

Dear Secretary Vilsack:

Over the last month, state and local food service personnel, teachers, parents, and students have expressed concern about the recent meal pattern and nutrition requirements for the National School Lunch and School Breakfast programs proposed by the U.S. Department of Agriculture (USDA). According to recent reports, high school students, especially athletes, are going hungry a few hours after lunch because of the 850 calorie maximum; school cafeterias are seeing increased levels of food waste as many students throw away the fruit and vegetables they are required to take; and many state and school officials are experiencing dramatic increases in the cost of administering school lunch and breakfast programs.

We are disappointed USDA has refused to address these concerns and instead continues to push a one-size-fits-all policy that ties the hands of local school lunch providers. We urge you to provide state and local food service personnel with the flexibility to adjust the nutrition requirements, including changes to the calorie maximum, to ensure they are providing school meals that meet the needs of their diverse student body. Until such a decision is made, we request USDA staff provide regular updates to our staff, including participating in meetings and conference calls, to enable us to monitor implementation of the department's actions.

The Institute of Medicine (IOM)'s Committee on Nutrition Standards for National School Lunch and Breakfast Programs found, "The recommended calorie levels are either lower or comparable to the existing **minimum** calorie standard. The meals offer adequate amounts of nutrients, and the level of calories is appropriate for the level of physical activity of most children."¹ The

¹ Institute of Medicine, Committee on Nutrition Standards for National School Lunch and Breakfast Programs, *School Meals: Building Blocks for Healthy Children*, page 6, ed. Virginia A. Stallings, Carol West Suitor, and Christine L. Taylor (Washington, DC: The National Academies Press, 2010).

committee clearly understood that a typical female freshman does not have the same calorie needs as a senior football player; however, USDA's rule ignores this distinction by setting the same 850 calorie maximum for both students. While we appreciate that USDA has attempted to provide leeway to school officials wishing to calculate the calorie maximum as an average over the week, these minor adjustments are poor substitutes to the major changes needed to meet the diverse needs of students.

In addition, there remains great concern with the amount of food waste generated at school cafeterias, much of it brought on by requiring students to take fruits and vegetables rather than simply offer them. This is a waste of federal, state, and local funds and is contrary to the law's goal of feeding as many low-income and hungry children as possible. Once again, we are aware USDA has attempted to address this situation by allowing greater choice in reimbursable meals, but students should not have to take additional food if they have no intention of eating it.

Finally, while the final rule reduced the estimated compliance costs to \$3.2 billion², the issue of how states and local school schools pay for these new regulations continues to be a major concern, especially in this challenging budgetary environment. The department's decision to delay implementation of some requirements was a welcome start, but it does not reduce the rule's exorbitant costs. As food prices continue to rise and stricter requirements take effect, local school lunch and breakfast programs will have difficulty maintaining current services.

To better understand how the department is addressing these issues, please provide the following information to the committee by November 2, 2012:

1. Besides sharing information on how schools can better publicize the new requirements to students and parents, what formal and informal guidance and technical assistance is the department providing to states and elementary and secondary schools so they can adequately meet the needs of their diverse student body, especially those students in grades 9 – 12?
2. Is USDA conducting or planning to conduct any studies or surveys of school food personnel to evaluate how the rule affects food waste?
3. Other than delaying the implementation of key requirements in the rule, what is the department doing to assist schools in reducing the cost of implementing the meal pattern rule and reducing the cost of school lunch and breakfast programs in general?
4. Is the department conducting or planning to conduct a comprehensive evaluation of the meal pattern rule to study its effect on school lunch and breakfast programs, including its effect on student nutrition?

As we celebrate National School Lunch Week, it is important to remember the national school lunch and breakfast programs help children in need succeed in school and beyond. We urge you to revisit USDA's school meal pattern rule, which is resulting in dramatic reductions in the number of students eating school lunches and breakfasts, and instead help local communities

² 77 Fed. Reg. 4088 (January 26, 2010).

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meet the needs of a diverse student body. Please have your staff contact Mandy Schaumburg (202-225-6558 or mandy.schaumburg@mail.house.gov) with committee staff to schedule the requested briefings and address any questions.

Sincerely,



JOHN KLINE
Chairman
Committee on Education and the Workforce



KRISTI NOEM
Member of Congress



DAVID "PHIL" ROE
Member of Congress