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April 13, 2011

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

Dear Secretary Vilsack:

Last year, Congress passed the Healthy, Hunger-Free Kids Act of 2010 to reauthorize the Child Nutrition Act and the Richard B. Russell National School Lunch Act. One key provision included in the law requires the U.S. Department of Agriculture (USDA) to update the meal pattern and nutrition requirements of the National School Lunch Program and the School Breakfast Program. I am concerned the proposed rule on "Nutrition Standards in the National School Lunch and School Breakfast Programs," 76 Fed. Reg. 2494 (Jan. 14, 2011), released to implement this directive, will impose unwarranted costs and unmanageable requirements on school districts.

According to data released by the Food and Nutrition Service (FNS), the total cost of complying with the proposed rule (including implementation costs as well as higher food and administrative costs) will reach \$6.8 billion over the next five years. This equates to an increase of 14 cents per lunch and 50 cents per breakfast per student. These increased costs will be absorbed by local school districts already facing severe budgetary challenges. There is widespread agreement that school districts should strive to serve healthy, nutritious meals to our nation's students. However, the federal government should not create unduly restrictive and burdensome regulations adversely affecting school districts. To do so would be irresponsible.

Furthermore, I am concerned about the feasibility of the proposed nutrition standards. For example, in complying with the new requirements for low-fat milk, vegetables, and whole grains, schools would be left with very few entrée options that meet the new sodium limit for the meal. The goal of exposing students to different types of vegetables is admirable; however, it is equally important that students not be restricted from eating vegetables that are nutritious, palatable, and more affordable and accessible to schools. Additionally, the rush to implement

The Honorable Tom Vilsack
April 13, 2011
Page 2

these proposed changes leaves no time for planning, product development, and testing to ensure students will consume the meals.

Finally, the proposed "Offer Versus Served" (OVS) requirement is disconcerting, as it could lead to substantial waste. Under current law, a student's decision to decline food items or accept smaller portions does not affect the charge for the lunch. Under the proposed rule, schools may not be reimbursed for school breakfasts and school lunches if the student does not take the appropriate amount of food. Federal policy should support the provision of healthy food options and access to a well-balanced menu; however, it must also provide flexibility for schools and choices to students without encouraging waste.

I support state and local efforts to increase the availability of healthy meals to students. This endeavor is thwarted, however, by costly and constrictive mandates imposed by Washington bureaucrats on schools and school districts. The increased cost of complying with the proposed rule will be overly burdensome and difficult to manage. I strongly encourage you to withdraw the current NPRM and work with interested parties to craft a responsible regulation that promotes well-balanced nutritious choices for all students.

Sincerely,



JOHN KLINE
Chairman