

Presentation to the Office of Management and Budget

Beth Wallace, SNS

Director of Food and Nutrition Services for Cherry Creek School District

December 9, 2011

Thank you for your leadership on nutrition and allowing me time to provide you the practitioner's perspective from Cherry Creek School District. Cherry Creek Schools are located in the Denver, Colorado metro-plex area. We serve 51,000 students and 28% of our students are economically disadvantaged. Our department serves 4.2 million lunch meals and 720,000 breakfast meals annually. We currently meet the proposed nutrition guidelines regarding whole grains, saturated fat, and trans-fat. Our students are offered at least five different fruits and vegetables at elementary schools and at least seven different fruits and vegetables at secondary schools. We incorporate the "offer versus serve" concept in our cafeterias, and educate our students regarding choices. Our department is a self-supporting entity within the Cherry Creek School District (CCSD).

I start my comments by saying that Cherry Creek is committed to First Lady Michelle Obama and the entire Obama Administration's efforts in the fight against obesity. Our goal in Cherry Creek is to implement the final regulations as soon as is practicable given our current resources.

We support the overall intent of the proposed rule, but at the same time have some concern on the ability to meet the requirements proposed. The following are specific comments regarding proposed rules revising the meal patterns and nutrition requirements for the National School Lunch Program and the School Breakfast Program.

Fruit and Vegetables

As a district, we have consistently supported the consumption of a variety of fruits and vegetables in the school breakfast and lunch programs. Further, we support the outlined and proposed further regulations recognizing the importance of providing and utilizing fruits and vegetables in all forms. In addition to supporting these requirements, we currently meet the proposed regulations in a broad sense. Our concerns regarding fruit and vegetable offerings in the proposed regulations include:

1. **Time constraints** – The majority of our elementary school students have 20 minutes from the moment they enter the cafeteria to leaving in which to select and eat their meal.
2. **Waste** – These proposed regulations will potentially increase waste due to requiring students to take fruits and veggies that they will not consume. This will have a direct financial impact on CCSD's meal program due to increased garbage fees charged to the program.

3. **Offer versus Serve/Portion Size** – CCSD supports the provision requiring a cup of fruit or vegetable be offered to each student, but recommend that ¼ cup serving sizes be available to students. In addition, the current offer versus serve method should remain in place to reduce cost and waste.
4. **Fruit and Vegetable Component Separation** - We do not support separating the fruit and vegetable components. Providing a variety of both components each day is important; however, requiring students to choose one of each limits students who would like to select two vegetable choices. Students should be able to choose from a combination of both to meet the required serving. We support that USDA specifies a minimum number of items offered rather than limiting the variety that districts are able to provide including limiting starchy vegetables. As a district, we don't support limiting vegetable choices of any kind.

Sodium

We appreciate the positive benefits a lower sodium diet and endorse reducing the sodium level in school meals. However, we suggest reducing only to the second target level of 935-1080 mg, omitting the final target. This proposed final level is not a realistic recommendation based on the fact that Cherry Creek students have a choice of where to eat. Our meals must be palatable and enticing to encourage participation.

Whole Grains

We endorse increased requirements of whole grains, but to require **all** bread products to be whole grain will be challenging to our manufacturers in a two-year time period. The product quality is of concern due to the fact whole grain breading will be grainy and dark; therefore, not appealing to our customers.

Cost Concerns

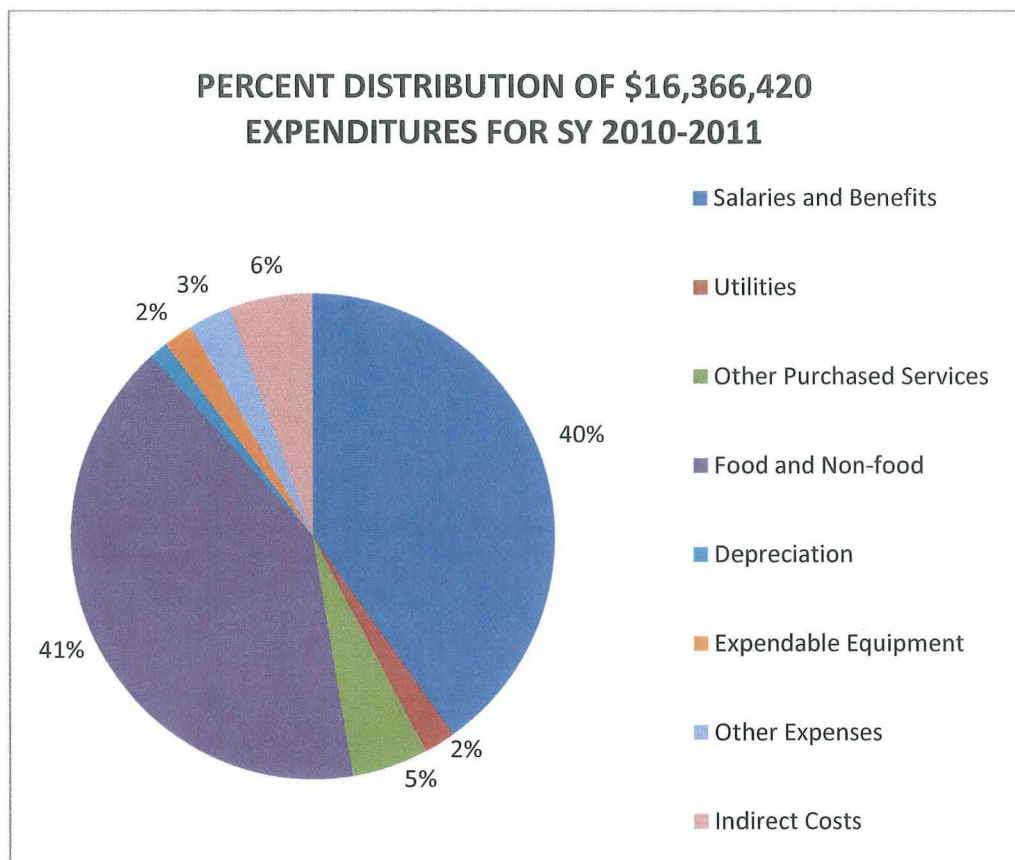
State governments are facing significant financial challenges and as a result are looking to SFAs to fill in gaps by charging increased direct and indirect costs (for those who are self-supporting entities). This limits our ability to absorb increased costs.

Other than direct food cost increases there are significant logistical challenges that would increase our operating costs as well.

1. Additional storage space and serving line modification or replaced will be needed to meet the increased volume of food offered. ***Estimated cost for Cherry Creek Schools to remodel eight of our school's kitchens most in need of equipment modifications is \$6,754,507.***
2. Trays and packaging are not currently designed to accommodate proposed portion sizes. *Manufacturers may need to design new serving tray.*
3. New meal patterns will add additional labor costs to appropriately staff our kitchens.

- Fruit prices vary greatly by region. Those who operate in regions that incur these higher costs will be at a disadvantage.

Cherry Creek School District Food and Nutrition Services' annual expenditures for school year (SY) 2010-11 were \$16,366, 420. The following chart exhibits the distribution of our expenditures. For school year 2011-12, we have a \$1.30 to spend on food for lunch meals and \$0.74 for breakfast meals.



Due to the uncertainty of additional costs listed above and the fact that our commodity selections are due in January for school year 2012-13, we recommend the Office of Management and Budget strongly consider the following:

- Issuing an “Interim” Regulation, not a Final rule, so that additional information and comments can be provided regarding the impact of the new regulations;**
- Implementing the new meal pattern regulation as a voluntary measure for school year 2012-13.** Schools should be encouraged to implement the lunch regulation and, if they are able to comply, they should be rewarded with the 6 cents

increase to the federal reimbursement for school lunches provided under the Healthy, Hunger-Free Kids Act. However, the regulation should not be mandatory, and schools should not be sanctioned or penalized if they can't comply;

3. A phased-in implementation to give manufacturers sufficient time to develop the products needed. There is, for example, broad concern about the ability to meet the final target for sodium reductions;
4. Separating the lunch and breakfast regulation until sufficient financial resources are identified to implement the breakfast improvements;
5. Implementing the new rules too quickly may result in declining participation by students and by schools, resulting in fewer students receiving the benefits of the National School Breakfast and Lunch Programs.

Office of Management and Budget Meeting

12/09/2011

Karen Castaneda MBA, RD, LDN
Director of Nutritional Services
Lower Merion School District

It is an honor to speak with you today on the most important subject to date for School Nutrition Directors nationwide. I applaud the efforts and the focus of the Healthy, Hunger-Free Kids Act of 2010. The health and well-being of our nation's children is to all a number one priority. School Nutrition Professionals serve healthy meals to 32 million children daily and for many it may be the most nutritious meal of the day.

When considering the impact of the changes contained in the revised meal standards, it is vital to understand that children's food preferences do not change instantaneously. In order for children to successfully change their eating habits commitment is required from parents, the community, the restaurant industry and the food manufacturing industry. When change occurs simultaneously at all levels success can be forthcoming. However under the proposed rule, school meals would become so restrictive they would be unpalatable to many students. This fact alone will make it very difficult. Balancing the need for healthier food choices with students' preferred eating habits is indeed a challenge. We are requesting that an Interim Rule with delayed implementation be considered for the following reasons.

There are specific concerns with the increase in fruit and vegetable servings and the requirement for meal credit. Currently in the traditional meal pattern following the "offer versus serve" method, five meal components are offered and three must be selected to complete a meal. The five components include: Meat/Meat Alternative, Milk, Grains/Breads, and two servings of Fruits and/ or Vegetables. In the proposed rule, in order for a meal to be complete the student must take a serving of a fruit or vegetable. The serving size of the fruit and vegetable combined will increase from 3/4 cup to 1 1/4 cup at the elementary level and from 1 cup to 2 cups at the secondary level. Schools will probably sell fewer meals or need to take away the choice of "offer versus serve" because not all students will select fruits and vegetables. Moreover, increasing the fruit and vegetable serving size will result in more waste as students would not be able to consume the full portion. The proposed rule is looking to increase the consumption of fruits and vegetables; however, by limiting students' favorite vegetable choices, corn and potatoes to a 1 cup combined serving per week, there is a mixed message.

There are major concerns with the sodium restrictions. While the sodium levels of 1230mg – 1420mg are achievable, Target 2 and 3 are much more restrictive. The implementation of those targets will depend on the products that manufacturers can offer or that districts can make from scratch. We are looking at levels of sodium that have truly never been tested for acceptability and the only arena where these restrictive levels have been prescribed before is in the diet plan for patients with particular diseases. Sodium is a naturally occurring nutrient and therefore these restrictive levels will be more difficult to adhere to.

There are great concerns when considering the breakfast meal under the proposed rule. The serving size of fruit and/or vegetable doubles and the serving of the entrée will increase to include up to 2 bread/grain and 2 meat/meat alternative at the high school level. The new pattern results in the students being offered substantially more food for breakfast. In many cases the student will not be able to finish what is offered, and food will be wasted. The increased costs associated with the new meal pattern will affect breakfast programs, as school food authorities may determine it is too expensive to provide the breakfast meal. Therefore all of the efforts over the last few years to expand breakfast programs nationwide will have been futile as the proposed rule will lead to contraction of the school breakfast meal.

When considering the food cost in general with the proposed rule, the impact of my own operation would be as follows:

Annual Breakfast Meals Served - 37,460

Annual Lunch Meals Served – 401,440

Estimated increase in cost of food per Breakfast Meal – \$0.50

Estimated increase in cost of food per Lunch Meal – \$0.14

$37,459 @ \$0.50 = \$18,730$ increase in food costs.

$401,440 @ \$0.14 = \$56,202$ increase in food costs

Federal Reimbursement for Lunch - \$0.06 per meal = \$24,086

$\$74,932 - \$24,086 = \$50,846$ adjusted increase in food costs

This increase in costs will now leave my efficient department with a lower level of profit. I would need to cut costs in other areas to make up for this loss.

When I apply this formula to the state of Pennsylvania; considering 191,808,207 lunches and 55,522,035 breakfasts, the adjusted increase in food costs is $\$54,614,166 - \$11,508,492 = \$43,105,674$

The cost data above is from the USDA and is very conservative in nature. This simple formula does not even begin to uncover the lost revenue that will occur as paying customers decide they no longer want to participate in the program. In the proposed rule, the type of food that would be served is considerably more expensive and requires additional labor to prepare.

Although school self-operated food service programs are non-profit in nature, it is expected that they at least break-even. In many cases food service operations are paying more expenses than before as state budgets have tightened and there is less money in the school budgets. Therefore revenue-generating programs must at least break even or they will become unsustainable in today's economic environment. The impact of the proposed rule will at a minimum be \$50,846 for my department and \$43,105,674 for the state of Pennsylvania.

Today school food authorities not only service their own district, many provide meal service to private and charter schools in order to better serve the community and maintain financial stability within their program. Therefore, if sales decrease and financial losses accrue in school nutrition programs, consideration may be given to contracting services or dropping out of the national school lunch and breakfast program. There are many options to consider in analyzing the right course of action. There are schools today that have elected to withdraw their high school from the program due to the issue of loss of revenue. The proposed rule will push schools in this direction to find financial sustainability. Therefore it is vital that there is an Interim Regulation not a Final rule as well as a delayed implementation. We do not want to sacrifice the very good programs in place today in search of the perfect until all the research is done and the facts are known. Today there are too many unknowns with this regulation including: cost, participation, product availability, certification, etc. We need a plan that is sustainable to all which encompasses the best interest of our nation's children.

I have been involved with multiple initiatives regarding the proposed rule at the state and national level. I have sent letters to the USDA, presented educational programs for the state highlighting the changes and financial implications and testified before the Subcommittee on Early Childhood, Elementary, and Secondary Education and presented at The National Press Club event, "USDA's Proposed Rules Make No Sense".

In conclusion it is imperative to address childhood obesity and support schools as they move in the direction of serving healthier foods. The proposed rule is essentially an unfunded mandate, which will harm my program. I do understand that the creation of the Healthy, Hunger-Free Kids Act was based on improving the health of our children. Unfortunately every school food authority regardless of the economic status, whether a self-operated or contracted operation will experience financial loss. Now is the time to work toward a resolution which will address the health of our children and allow our school nutrition department's financial viability. Thank you for your time and consideration of the impact of the Healthy, Hunger-Free Kids Act of 2010.



Pennsylvania Association of School Business Officials

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April 8, 2011

Ms. 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

Dear Ms. Brewer:

Subject: Nutrition Standards in the National School Lunch and School Breakfast Programs

The Pennsylvania Association of School Business Officials (PASBO), which includes among its membership Food Service Directors, wishes to express that it concurs with the School Nutrition Association's (SNA) public comments dated March 29, 2011, regarding the proposed regulations issued by the Department of Agriculture (USDA) and published in the Federal Register for January 13, 2011. The proposed regulations would further improve food choices available to the Commonwealth of Pennsylvania's school children and, thereby, contribute to better behavior and increased academic achievement.

Although, as discussed in SNA's public comments, there are several aspects of the proposed rule with which PASBO's Food Service Committee is concerned. For example, with regard to fruits and vegetables, schools will probably sell fewer meals or need to take away the choice of "offer versus serve" because not all students will select fruits and vegetables. Moreover, increasing the fruits and vegetable serving size will most likely result in more waste. Like SNA, our Food Service Directors also agree that limiting starchy vegetables, such as corn and peas, is unacceptable. Corn, peas and potatoes, like other vegetables, offer vitamins and minerals and are among the most commonly offered commodities that we receive from the USDA. These vegetables should not be restricted.

Regarding the increased fruit and vegetable portion size, the PASBO Food Service Committee believes that the proposed amounts to be served are too high, particularly for elementary students. The students will simply not be able to consume a cup of fruits and vegetables. As it is now, students have a difficult time consuming a ½ cup. Some students will likely decline what is offered, but SFAs (School Food Authorities) will still be required to prepare the item at a cost to the SFA.

We also request that the current "Orange" subcategory be changed to "Red and Orange," making it consistent with the new 2010 Dietary Guidelines for Americans. Also, we propose maintaining the current practice of crediting tomato paste so that tomato based products can continue to count as a vegetable in easy to consume ¼ cup serving sizes.

PASBO's Food Service Committee is supportive of offering flavored non-fat milk and unflavored low-fat milk. However, the availability of fat-free flavored milk is of concern. At this time, it is our understanding that dairies do not produce a chocolate flavored skim milk, making implementation of this provision difficult. More important than restricting the type of fluid milk available is increasing students' intake of calcium. It should not matter if students' milk consumption is in the form of skim milk or low-fat milk.

As for the four dietary specifications, we are supportive of the timeline, providing industry time to adapt and make products available that meet the new specifications, especially for sodium. Moreover, Target 1 is achievable, and manufacturers should have lower sodium products available. However, Targets 2 and 3 are much more restrictive, and implementation of those targets will depend on the products that manufacturers can offer or that districts can make from scratch.

We also believe the calorie restrictions are too low, particularly for high school students, and do not take into consideration students' individual physical activity levels. A high school student that is 6' and weighs 190 lbs would likely remain hungry after eating only 850 calories. Instead of restricting calories, we propose it would be beneficial to have nutritional information displayed, and allowing parents and students to decide how much food should be consumed.

Another concern which the PASBO Food Service Committee has expressed relates to the proposed monitoring changes. According to one Food Service Director, schools will still need to do a nutrient analysis to determine compliance before the review. Therefore, we agree with SNA that a waiver allowing SFAs to utilize nutrient standard menu planning be permitted. Also, because of the tremendous burden a 3-year review schedule would impose on Pennsylvania's Department of Education, we also agree with SNA that a 5-year review schedule be maintained. We also concur with the recommendation that the 1-week menu analysis for the CRE review be continued.

Concerning the compliance enforcement provisions, the PASBO Food Service Committee urges that there be more emphasis on State agencies providing technical assistance, not fiscal action. The proposed enforcement provisions will most likely create an adversarial relationship between State agencies and SFAs. That being said, State agencies should have greater latitude in determining when fiscal action is necessary.

Finally, while we are generally supportive of the proposed rule to update school lunches and breakfasts, the additional 6-cents for meal reimbursement provided for under the Healthy, Hunger-Free Kids Act of 2010 is insufficient to meet increased meal costs associated with implementing the proposed rule. Moreover, implementation of the proposed rule essentially equates to an unfunded mandate. This is very troublesome considering state funding is being cut and schools are trying to reduce expenses across district operations. If a school district's food service operation is not self-sufficient, contracting services will be considered. This would undeniably affect food service budgets negatively. Equally problematic for food service budgets would be the increased potential of students packing and bringing lunches. This would not only reduce meal participation rates but also negate any efforts to improve the nutrition of school lunches and breakfasts, as the foods brought from home could be less nutritious than what is offered as a reimbursable meal.

As the regulations advance through the regulatory process, PASBO will of course continue dialogue with Food Service Directors and will, as appropriate, seek meetings with its Food Service Committee to discuss the refinement of the regulations and provide assistance to ensure the successful implementation of the proposed rule.

We appreciate the opportunity to comment on the proposed regulations revising the meal patterns and nutrition requirements for the National School Lunch Program and the School Breakfast Program and are able to respond to any questions the USDA may have.

Sincerely,



Karen Castaneda, RD
Chair, PASBO Food Service Committee



Jennifer Hoover-Vogel
Legislative & Research Coordinator, PASBO
Staff Liaison, PASBO Food Service Committee



**SCHOOL
NUTRITION
ASSOCIATION**

Making the right food choices, together.

August 29, 2011

The Honorable Tom Vilsack
Secretary
Department of Agriculture
1400 Independence Ave, SW
Washington, D.C. 20250

Dear Mr. Secretary:

The School Nutrition Association (SNA) strongly supports the application of sound science, as embodied by the current edition of the Dietary Guidelines for Americans, to the National School Lunch and Breakfast Programs and all other foods and beverages sold throughout the school. We appreciate your leadership on nutrition and the deep commitment of First Lady Michelle Obama and the entire Obama Administration in the fight against obesity.

Mr. Secretary, since SNA filed its comments to the proposed rule on Nutrition Standards in the National School Lunch and School Breakfast Programs on March 29, our membership has continued to discuss the proposed meal pattern. We had a number of education sessions at SNA's Annual National Conference in July to focus on the proposed regulations. Over 8,000 people attended the Conference. We were delighted that 28 representatives from USDA were at the Conference, including the Deputy Secretary and the Deputy Under Secretary for Food, Nutrition, and Consumer Services.

Our goal is to implement the regulations and the updated Dietary Guidelines for Americans as soon as is practicable given our current resources and the ability to secure products consistent with the regulations. It is our best judgment, however, as we stated in our testimony last week before the Senate Agriculture Committee, that the proposed nutrition regulation:

1. Should be voluntary for the 2012-13 school year. Schools should be encouraged to implement the lunch regulation and, if they are able to comply, they should be rewarded with the 6 cents increase to the federal reimbursement for school lunches provided under the Healthy, Hunger-Free Kids Act. But the regulation should not be mandatory, and schools should not be sanctioned or penalized if they can't comply;

2. Should be issued as an "Interim" Regulation, not a Final rule, so that additional comments can be provided;
3. Should be phased-in to give manufacturers sufficient time to develop the products needed. There is, for example, broad concern about the ability to meet the final target for sodium reductions;
4. Should separate the lunch and breakfast regulation until sufficient financial resources are identified to implement the breakfast improvements; and that
5. USDA should establish a special, ad hoc, training and support program to assist states and local food service personnel in making the transition.

Mr. Secretary, we genuinely share your desire to follow the most up to date nutrition recommendations and want to proceed as soon as practicable. But we must recognize the financial challenge faced by the federal government is shared at the local level and some school nutrition programs are ill-equipped to take on new costs.

We disagree with those who suggest that Sections 205 (paid meal equity) and 206 (revenue from nonprogram foods sold in schools) will provide a windfall of billions of dollars and solve this problem. To the contrary, parents are also feeling the squeeze, and many who are unable to pay higher prices for school meals may drop out of the program.

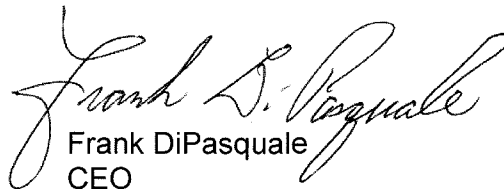
We are concerned that if we try to implement the new rules too quickly, it may result in declining participation by students and by schools. Some schools are considering dropping the breakfast program, which could impact the decision of whether to continue participation in the lunch program. Clearly, none of us want that to be the outcome of this important effort to improve school meals.

We stand ready to work with USDA at the State and local level to improve the health and well-being of our nation's children. We must provide the best possible nutrition to prepare children to learn and compete in a world economy. We commend and thank you for your leadership.

Sincerely,



Helen Phillips
President
School Nutrition Association



Frank DiPasquale
CEO
School Nutrition Association



CALIFORNIA SCHOOL NUTRITION ASSOCIATION

April 1, 2011

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

Re: California School Nutrition Association / Reauthorization Comments

The Healthy Hunger-Free Kids Act which reauthorized school meals is reality. We are looking forward to many positive changes to improve the health of our children and commend USDA for developing this proposed rule attempting to update school meal standards to align with the 2005 Dietary Guidelines for Americans. California School Nutrition Association (CSNA) is proud of the fact that California leads the nation with state laws and regulations that are aimed at creating a healthy school environment for all students while combating childhood obesity. Our focus in this correspondence is to provide insight and solutions to make all changes positive for children.

We share your concerns that the six cents extra funding will not cover the cost of many changes. By your USDA estimate the cost to implement the changes to our guidelines is 14 cents for lunch and 58 cents for breakfast.

Recommendations for modifications to supply solutions to this funding shortfall while maintaining nutritional integrity are included in this correspondence.

- CSNA supports the following proposed rule as written. Milk; low fat (unflavored only) and fat free (flavored and unflavored).
- Proposal / Increased portions to Breakfast Meal Pattern to include 1 cup fruit/vegetable; 1.4—2 grains; 1—2 meat—meat alternate. These proposed changes will increase costs to school districts and eliminate the students' ability to choose. Anticipated results will be the closure of many breakfast programs in California and elimination of many choice bars that offer fresh fruit and vegetables daily. **CSNA requests that this rule not be moved forward. Delay implementation of increased fruit and vegetable requirement until additional funding and cost controls are piloted to insure student satisfaction. Give school districts operating the school breakfast program a commodity allowance. Maintain Offer vs. Serve in its current form.**
- Proposal / Limit starchy vegetables to 1 cup per week. The nutrient profiles of these vegetables (corn, peas, lima beans, and potatoes) are not equivalent and this rule sends the message that starchy vegetables are unhealthy. Keeping this rule will cause menu planners to menu potatoes only and not offer lima beans, peas, or corn because potatoes have greater student acceptability. This will eliminate choice and consumption of the other nutrient-rich

vegetables. The real problem is in the method of cooking (i.e. frying potatoes to make French fries) not the number of times they are available. California has been successful in offering students baked potatoes, lima beans, peas and corn thus increasing student choice and acceptability. **We request that this rule not be moved forward in its current form. We further suggest changing it to eliminating (or reducing) the times/quantities that fried vegetables are offered.**

- Proposal / Standards for meals selected by the student (Offer versus Serve). Offer versus Serve was created to allow students the choice of what items he/she wanted when building his/her meal. It was implemented decades ago out of public outcry for students forced to take foods they would not consume as offered and the subsequent increase in food waste. **We request that the current Offer versus Serve guidelines be retained. Do not mandate students take the fruit/vegetable servings in order for the meal to be reimbursable. Ensure school districts with existing salad bars and those wanting to implement them retain the ability to do so in a manner that permits students to make their own choices.**
- Proposal / Food Based Menu Planning only and Weighted Nutrient Analysis. Many districts in California utilize Nutrient Standard Menu Planning or SHAPE—Nutrient Standard Menu Planning. These menu plans allow ease of implementing salad bars and farm-to-school products. Allowing smaller portions appeals to younger students or those trying something for the first time and has increased participation and student consumption. Menu planning options have allowed districts to offer more variety each day with students selecting from four to five fruit/vegetable choices. **We recommend expansion of the proposed rule to permit the use of any reasonable approach including SHAPE and Nutrient Standard Menu Planning options. We further recommend allowing Simple Averaging Nutrient Analysis.**
- Proposal / Sodium Reductions Amount and Timelines. California districts have great concern regarding the amount of sodium restricted in the final targets. These targets are not supported by scientific data or related pediatric studies. The final phase is lower than the therapeutic levels recommended in hospitals. The proposed sodium levels make it very difficult to maximize commodities with naturally occurring sodium (i.e. cheese, milk, pork, etc). Sodium has specific purposes and functions in cooking. Reducing the sodium content will change the property of food or will result in more additives and new chemicals being developed to compensate. **We recommend naturally occurring sodium not count as part of the menu target and further recommend a study be conducted to determine science based target levels for children before this change is implemented.**
- Proposal / 50% of grains be whole grain-rich and in two years 100% of grains be whole grain-rich. Crediting grains in the school meal programs is standardized to permit 14.75 grams of grain per serving. The proposed rule recommendation is increasing this to 16 grams per serving. Whole grain products are more expensive and many have been poorly accepted by students. Since many students are not consuming whole grains at home and are not accustomed to the different flavor and texture profile menu planners will need more time to gradually introduce whole grain items and manufacturers need time to develop products that students will consume. **We request that 100% of grains offered be whole grain-rich be extended to five years post implementation of the final rule.**

- Proposal / Grade Groups. This is of great concern to California districts with K-6 or K-8 schools. K-6/K-8 schools will be required to provide a lunch with min-max of 600-650 calories and cannot exceed 640 mg. of sodium (in final implementation stage). This will prove to be an impossible task. It calls for the menu to include all higher portion amounts of components but the lower amounts of calories and sodium. Districts that use manufactured products do not have the ability to modify recipes. This rule causes schools to over-feed younger students and under-feed older students. **We request that school districts continue to be allowed to utilize just one menu plan when the school differs by only one grade (i.e. use the K-5 grade group for a K-6 school). We request that USDA consider alternative options for K-8 requirements (i.e. increased time to meet mandates). To avoid over consumption we request waivers be allowed for school districts wanting to serve age appropriate meals to K-3 students.**
- Proposal / Elimination of Fruit Strips/Drops. Many California school districts use fruit strips or drops as “treats” instead of cookies or desserts. These items are 100% fruit and increase student participation and consumption. They are also very practical for emergency menus (delivery problems, power outages, etc.), field trips as fresh fruit gets damaged in student backpacks and fruit cups break or leak and after extended holiday breaks when fresh fruit is not available for timely delivery. **We request that this rule not be moved forward or that USDA simply limit the frequency these items are offered.**

Another key issue for California schools is Section 307, the requirement for a study to have USDA provide guidance on allowable indirect costs. The House version added direct costs to the study. The Senate version doesn't include direct costs. CSNA urges USDA to include both indirect and direct charges and provide stronger guidance for both. With the diversity in our economic levels we further request that California school districts be part of the study that USDA will conduct to determine and identify the types of costs that are reasonable and necessary to provide school meals.

Overall, these impacts to our programs have not been piloted or studied in “real world” School Food Authorities. Moreover, we are concerned about the timeline of implementation. School food operators will have less time to *prepare for these significant changes. CSNA believes that mandatory implementation be delayed until the school year 2013-14.* USDA could encourage that revised meal patterns be voluntarily implemented prior to this date.

Finally, CSNA does not support states imposing more restrictive meal components and nutritional requirements, and strongly urges the Department to assist us in ensuring consistent national meal standards. State standards that exceed federal standards are often not based on science, increase school meal costs without compensation, complicate administration of this national program, and make it more difficult for industry to provide acceptable products at reasonable prices.

Respectfully submitted,

Andrew R. Soliz, MBA, SNS
President

SCHOOL FOODSERVICE CONCERNS FOR CN MENU PLANNING REGULATIONS

Presentation to the Office of Management and
Budget
December 9, 2011

WHO WE ARE

We are here as individuals, but having spoken with our peers, we believe what we have to share represents the views of thousand of school foodservice professionals across the country.

Our concerns mirror those expressed by the School Nutrition Association in its submitted comments and public statements.

Karen Castaneda
Director of Nutrition Services
Lower Merion School District
Ardmore, PA

Denise Ohm
President, California SNA
Food Service Director
Enterprise Elementary School District
Redding, CA

Beth Wallace
Food Service Director
Cherry Creek Schools
Food & Nutrition Services
Centennial, CO

SCHOOL MEALS ARE HEALTHY

- ✘ Childhood obesity is a national problem not caused by school meal programs
- ✘ According to USDA data, Children who eat school meals consume more fruits and vegetables, low fat dairy and whole grain foods than children who do not

SCHOOL MEALS DIDN'T CAUSE THE CHILDHOOD OBESITY EPIDEMIC

- ✘ If a child ate lunch in school every day, they only take 16% of their annual meals in school.
- ✘ CDC reports that 20% of children under the age of 5 are overweight or obese. These children are not eating in school cafeterias.

SCHOOL MEALS ARE PART OF THE SOLUTION

- ✘ School foodservice programs are continuously improving without prescriptive regulations.
- ✘ School cafeterias are responsible for offering meals that meet dietary guidelines. The proposed rule would mandate that children take certain foods in certain quantities. We can't mandate what children actually eat

TWO KEY CONCERNS

- The revised regulations must be issued as an interim final rule.
- The mandatory implementation date must be no sooner than July 1, 2013

INTERIM RULE

- ✘ The proposed regulation identifies a number of uncertainties.
 - + Costs estimates were for changes from the rule and do not reflect changes in the baseline.
 - + Impact on student participation reflects a range of possibilities
 - + There is no estimate of schools that may reduce services to contain costs
 - + Waste will increase due to mandated servings

INTERIM RULE

- ✘ The IOM report and recommendations strongly recommend testing their assumptions and monitoring for adverse effects prior to full implementation
- ✘ The last time USDA changed menu planning requirements, they piloted their proposal for three years

COSTS

- ✘ Unsustainable unfunded costs
- ✘ Potential loss of jobs as programs contract
- ✘ Increasing onsite cooking, as proposed, will require significant investments in equipment, facilities and staff not addressed in the proposed rule

SCHOOL FOODSERVICE AS A BUSINESS

- ✘ The school meal business model depends on participation
- ✘ Increasing paid meal prices may exacerbate a decline in participation, at the same time it creates barriers for children in low income households
- ✘ High cost communities, like most of California, have less of Federal reimbursements to cover the cost of food

CONTRADICTIONS WITH OTHER INITIATIVES

- ✘ Buying local produce will be a challenge with portion size requirements
- ✘ USDA Foods mission of supporting agriculture may be compromised as some markets may not fit within menu planning restrictions
- ✘ HUSSC was initiated in 2004, yet only 2% of schools are meeting these standards.
Proposed rule exceeds HUSSC standards

DELAYED IMPLEMENTATION

- ✘ USDA has and should continue to recommend schools begin transition
- ✘ Many schools have already planned next year's menus and started their procurement process
- ✘ USDA Foods orders will be due in January
- ✘ Processors are finalizing product changes and introductions for 2012-13 without knowing what the schools will be requiring

