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Subject: Nutrition Standards for All Foods Sold in School as required by the Healthy, Hunger-Free Kids Act of 2010

I currently work in the school food service field at Kiski Arca in Pennsylvania; and I wish to express my concerns regarding the proposed rule to amend the nutrition standards of competitive foods. In 2010, the standards of the Healthy Hunger Free Kids Act were implemented and school food service programs in Pennsylvania were impacted significantly with the changes during the 2012-2013 school year. Currently, the meal participation rate has decreased 15% state wide, and schools that were complying with the Nutritional Standards for Competitive Foods set forth in Pennsylvania, had funding slashed for the 2012-2013 school year from the state. Along with decreased funding due to meal participation rate decline, school districts also lost funding from the Pennsylvania state budget. The following table illustrates the proposal from USDA, impact on programs and the recommendations I am requesting:

Proposed USDA Standards	Impact on Programs	Recommendations
School Day is to be defined, for the purpose of competitive food standards implementation, as the period from the midnight before, to 30 minutes after the end of the official school day.	Would not be able to monitor what goes on from the midnight before; and schools offer after school programs for students participating in after school activities-limits sales of healthy foods until students get home possible until 8:00 pm in the evening. <u>Hungry students, decreased revenues.</u>	School day would officially start at the school bell.
School Campus is defined as all areas of the property under the jurisdiction of the school that are accessible to students during the school day.	Cannot monitor what goes on the buses prior to student's arrival to school grounds.	Define as actual school ground.
1) meet all of the proposed competitive food nutrient standards; and (2) be a grain product that contains 50% or more whole grains by weight or have whole grains as the first ingredient or be one of the non-grain main food groups: a fruit, vegetable, dairy product, protein food (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.), or (3) contain 10% of the Daily Value (DV) of a naturally occurring nutrient of public health concern (i.e., calcium, potassium, vitamin D or dietary fiber) or (4) be a combination food that contains at least 1/4 cup of fruit or vegetable. If water is the first ingredient, the second ingredient must be one of the above.	Will have a significant impact on school districts that depend on ala carte sales to meet costs such as labor and benefits. Significant financial impact on manufacturers and PA agriculture including but not limited to: Dairy industry; milk, ice cream Single Serve Healthy Snack items; pretzels, baked chips, and other items: Lance, Herr's, Snyder's, J and J Snacks and Frito Lay.	Eliminate the whole grain requirement, and the 10% of daily value requirement. The majority of snacks are already reduced fat and baked.
Acceptable grain products must include 50% or more whole grains by weight or have whole grains as the first ingredient.	Excludes: 2 nd Entrees, especially protein items such as Chicken Tenders, Hot Dogs, Pizza, and other Healthy Option Entrees	Eliminate the 50% or more of whole grain as the first ingredient.
Dietary fat per portion as packaged: $\leq 35\%$ of total calories from fat per portion as packaged. Allows for reduced fat cheese, nuts, seeds and nut/seed butters	Excludes: Ice cream, Cookies, Bagged Snacks, Soups, Second entrees, Healthy Option Entrees	There are healthy ice creams, bagged snacks, and entrees available.
< 10% of total calories per portion as packaged; allows for reduced fat cheese		
Zero grams of trans fat per portion as packaged.		School Food Service programs have already eliminated Trans Fat in most products. Manufacturers have complied and reformulated many products.
Snack and side items: ≤ 200 mg sodium per portion as packaged for non NSLP/SBP snack items; Entree items: ≤ 480 mg sodium per portion for non-NSLP/SBP entree items.	Too restrictive; excludes: Bagged Snacks, Soups, Second Entrees, Healthy Option Entrees HUSC standards are 480/600 mg. Huge financial impact on manufacturers including; beef, chicken and other protein based entrees. Increased financial burden to manufacturers which is then passed onto schools.	Option 1: Follow HUSC standards for snack foods and entrees. Option 2: Follow HUSC standards for snacks, and then reduce sodium gradually, with school lunch regulations.
Alternative C1: $\leq 35\%$ of calories from total sugars in foods; or Alternative C2: $\leq 35\%$ of weight from total sugars in foods.	Limiting sugar by % of calories would be difficult.	Alternative C2: suggest $\leq 35\%$ by weight.
≤ 200 calories per portion as packaged including any added accompaniments such as butter, cream cheese, salad dressing etc. for non NSLP/SBP snack items and side dishes sold a la carte;	Too restrictive; excludes: Ice cream, Cookies Bagged Snacks, Soups, Second Entrees, Healthy Option Entrees	Increase calories for accompaniments to ≤ 300 calories per portion as packaged including any added accompaniments such as butter, cream cheese, salad dressing etc. for non NSLP/SBP snack items and side dishes sold a la carte;

350 calories for non NSLP/SBP entree items sold ala carte.		450 calories for non NSLP/SBP entree items sold ala carte
Use of accompaniments should be limited when food is sold to students in school. All accompaniments shall be pre-portioned and must be included in the nutrient profile as a part of the item served and meet all proposed standards.	Adding accompaniments to the nutritional analysis will eliminate numerous items, including: <ul style="list-style-type: none"> • Cream cheese • Salad dressings • Cheese Sauce 	Keep the proportioned accompaniment, but increase total amount of calories for accompaniment when sold as an entrée from NSLP/SBP
Elementary and Middle School Foods and beverages must be caffeine-free, with the exception of trace amounts of naturally-occurring caffeine substances. No caffeine restriction for high school students.	Need to define naturally occurring. Does this eliminate diet teas?	Eliminate any restriction for secondary schools (gr. 6-12), can be sold during meal service.
Elementary School No caffeinated beverages; Plain water (no size limit); Low fat milk, plain (≤8 oz); Non fat milk, plain or flavored (≤8 oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements; and 100% fruit/vegetable juice (≤8 oz). Middle School No caffeinated beverages; Plain water (no size limit); Low fat milk, plain (≤12 oz); Non fat milk, plain or flavored (≤12 oz) including nutritionally equivalent milk alternatives as permitted by the school meal requirements; and 100% fruit/vegetable juice (≤12 oz). High School Plain water (no size limit); Low fat milk/plain (≤12 fl. oz.); Non fat milk, plain or flavored (≤12 fl. oz.), including nutritionally equivalent milk alternatives as permitted by the school meal requirements; 100% fruit/vegetable juice (≤12 fl. oz.); Calorie-free, flavored and/or unflavored, caffeinated or non-caffeinated carbonated water allowed (≤20fl. oz), but <i>not</i> during the meal service periods; Other calorie free caffeinated or non-caffeinated beverages that comply with the FDA standard of less than 5 kcals/serving. (≤20 fl. oz.), allowed, but <i>not</i> during the meal service periods; and Alternative D1 : Other caffeinated or non-caffeinated beverages (≤40 calories/8 oz serving or ≤60 calories/ 12 oz serving) in ≤12 oz servings allowed, but not during the meal service periods; or Alternative D2 : Other caffeinated or non-caffeinated beverages (≤50 calories/8 oz or ≤75 calories/12 oz. serving) in ≤12 oz servings, but not during the meal service periods.	USDA needs to define non-nutritive sweeteners. Huge impact on manufacturers such as PepsiCo, Coca-Cola, 4u2u Brand, and Nestle. It costs between \$90,000-\$120,000.00 each time a manufacturer has to reformulate and distribute a product, will pass on costs to school foodservice. Middle schools and high schools should be combined to = secondary schools (grades 7-12). Excludes: Flavored Water Gatorades Ice Teas Lemonades Packaged Hot Chocolate Alternative D1 and D2 do not allow for sales during the lunch periods. This would be a financial loss of revenue for school food service programs.	Keep restrictions for elementary schools. Allow use of non-nutritive sweeteners in waters, and sports drinks, for middle and secondary schools. Allow sales during meal service for middle and secondary schools.
Alternative A1 : NSLP/SBP entrees and side dishes sold a la carte exempt from all standards except the fat and sugar standards (≤35% of total calories from fat or ≤35% of calories or weight from total sugar (See Alternative C1 and C2) ; or Alternative A2 : NSLP/SBP entrees and side dishes (except grain based dessert products) sold a la carte exempt from all standards. Alternatives B1 and B2 describe two approaches to the timing of service associated with this exemption.		Alternative A2 option- exempt NSLP/SBP entrees & side dishes from all standards if sold during menu cycles. Alternative B2 option -would be the preferred option- sell within four operating days of the day they were served. Align this standard with NSLP standards minus restrictions on total fat, sugar and sodium.
The sale of food items that meet the proposed nutrition requirements (as well as the sale of non-food items) at fundraisers would not be limited in any way under the proposed rule. Further, the proposed standards would not apply to food or beverages sold on school grounds, during school hours at a "limited number" of school fund raisers. The determination of what constitutes a "limited number" will be decided by the state agencies under one of two alternative approaches. It is expected that state agencies will ensure that the frequency of such fundraiser on school grounds, during school hours does not reach a level to impair the effectiveness of nutrition requirements described in this rule. With respect to the other non-exempted fundraising activities during the school day (including fundraisings through	Decreased revenues for food service if fundraising available, could occur before meals or after meals. Students would save funds for fundraisers and not purchase nutritious meals that are planned and approved by state agencies.	Do not allow fund raisers to have a numbered amount of exemptions, and they must follow the standards for competitive foods.

<p>vending machines, school stores, snack bars, ala carte sales and other similar activities as determined by the secretary), the food and beverage items sold must meet the proposed nutrition standards for competitive foods. First alternative: Allow state agencies the discretion to establish limitation on the number of exempt fundraisers that may be held during the school year.</p> <p>Second alternative: allow state agencies to set exempt fundraising frequency standard, subject to USDA approval.</p>		
<p>It is the responsibility of the school food authorities to ensure and document that foods sold by the school food service to students during meal service periods in meal service areas meet the proposed competitive standards. The competitive food standards applies to foods throughout all of the venues available in the schools (other than reimbursable meals), the responsibility for demonstrating compliance with competitive food requirements must also include the local educational agency. The proposed rule provides LEA's requires at a minimum: receipts, nutrition labels or product specifications be maintained by those designated as responsible for competitive food service at various venues in the school in order to ensure and document compliance with competitive food requirements.</p>	<p>Increased staff and storage will be needed for LEA's to monitor all documentation from fundraisers. Increased costs for the food service departments.</p>	<p>It is not the LEA's responsibility to maintain the paperwork for other entities that have fundraising events in the schools.</p>

I appreciate the opportunity to comment on the proposed regulations to establish nutrition standards for foods sold in schools other than those foods provided under the Child Nutrition Act of 1966 (CNA), and the Richard B. Russell National School Lunch Act (NSLA).

Sincerely,

Kathy Falry