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Public Comment

On February 8, 2013, USDA proposed a rule entitled "*Nutrition Standards for All Foods Sold in Schools as Required by the Healthy Hunger-Free Kids Act of 2010*".

This proposed rule has critical financial implications on school food service operations in Pennsylvania. It has the potential to negatively affect jobs, industry and the financial solvency of school food service operations.

The proposed rule primarily uses the Healthier US School Challenge (HUSC) standards. While these standards may be acceptable for elementary schools (K-5; or as defined by the LEA), they are overly restrictive for secondary schools (6-12; or as defined by the LEA). Given the difficulty with NSLP grade designations, a la carte regulations should be simplified to elementary and secondary as defined by the LEA. Moreover, the HUSC standards are voluntary with a financial award for compliance. Only 5% of schools in the entire United States have voluntarily committed to the HUSC standards since 2004. Of the 3000+ schools in Pennsylvania, there are 30 HUSC. Only 1 of the 30 HUSC schools serves high schools students and this is a residential school with only 40 students.

School Nutrition professionals across Pennsylvania are committed to improving the overall well-being of students, but not at the risk of sacrificing student choice and a solvent food service operation. In this difficult financial climate, SFS professionals are facing significant financial challenges including, (1) increased retirement costs, (2) increased health benefit costs, and (3) increased food costs related to the HHFKA meal patterns. The additional burden of this proposed rule will further impact our program making it unsustainable and unrealistic to administer. Furthermore, we believe there is disparity in the proposed standards because districts with low free/reduced eligibility will have the greatest financial impact. This may force districts to opt out of the NSLP and have a detrimental nutritional impact on these schools.

The Healthy Hunger Free Kids Act stringent standards have caused a decrease in meal participation across the nation, especially at the high school level. Therefore, having reasonable a la carte options for these students who do not feel NSLP meets their needs is important. In addition, the profits from a la carte sales help support and enhance quality programs. Program losses will result in lower quality lunches and may well result in schools dropping breakfast programs or out of NSLP altogether. While we support healthy ala carte options for our students, revenues from these sales enable us to maintain program integrity while serving high quality foods.

We suggest piloting the standards at elementary schools (as defined by the LEA) and reevaluating the standards as part of reauthorization in 2015. This will allow for successful implementation and reasonable compliance.

- Allowing fortification can increase the variety of items that can be sold. Fortification has long been recognized as a good way to help people get access to important nutrients.
- NSLP recognizes 1/8th cup as creditable components; keeping that a consistent standard makes sense.
- Align the ala carte entrée standard with NSLP standards. Any food that that can be served on the NSLP should be exempt.
- While the total fat and saturated fat restrictions work for NSLP, they will not work for ala carte entrees served without fruits and salad (that lower fat).
- USDA should exempt allowable entrees from this restriction.
- Total grain offerings should be consistent with the Dietary Guidelines for Americans at 50% of grains should be whole grain. This includes ala carte entrees and all other snacks.
- Limiting sugar by % of calories would be difficult. It is suggested that sugar be measured by % of weight at all levels.
- Delay sodium targets until USDA conducts research regarding the current sodium levels for school meals. (Target 1)
- Calorie levels are too restrictive.
- Pre-portioning condiments would be expensive and restrict students from accessing condiments intended for NSLP.
- SFS professionals are already motivated to provide low fat, low sodium condiments in order to meet NSLP regulations.
- Eliminate any caffeine restriction for secondary schools (gr. 6-12).
- Beverage standards are too restrictive: Alternative D1 and D2 do not allow for sales during the lunch periods. This drives alternate beverage sales to other areas in the school building possibly benefitting other entities and to the detriment of the School Nutrition program.
- The proposed standard states some beverages cannot be sold in the food service area during the meal period.....these beverages would still be able to be sold in spaces outside of the cafeteria during lunch. If they can be sold in the vending machines outside the cafe doors, they should also be available in the cafeteria.

Further, Pennsylvania School Food Service professionals are concerned about the rulemaking in regards to compliance, monitoring and penalties. Compliance and monitoring will obviously increase paperwork and costs to both SFA and the State agency. In addition, the rule proposed the LEA is responsible for maintaining records that ensure compliance (on sales outside of the SFA's

jurisdiction). Since LEA's have an entirely different agenda, compliance is unlikely. Additionally, without a financial incentive, it is unlikely SFA's will get the necessary LEA support for compliance.

Finally, School Food Service professionals in Pennsylvania feel it is necessary for USDA to publish the revised "*Nutrition Standards for All Foods Sold in Schools as Required by the Healthy Hunger-Free Kids Act of 2010*" for public comment. This will give key stakeholders another opportunity to comment especially regarding the "alternative" items suggested in the first proposed rule.

Thank you in advance for the opportunity to provide public comment.

Sincerely,

Massie Dwyer