

CQ NEWS

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Aderholt Plans to Give Schools Flexibility on Snack Standards

By Ellyn Ferguson, CQ Roll Call

Robert B. Aderholt, chairman of the House Appropriations Agriculture Subcommittee, says he will be active in the school nutrition debate although authorizing committees in the House and Senate are expected to review, revise and reauthorize the 2010 child nutrition law (PL 111-296) that sets policy for school lunches and breakfasts.

Aderholt, R-Ala., told Agriculture Secretary Tom Vilsack at a Wednesday hearing that he will turn his attention to gaining flexibility for school districts in meeting nutrition standards for snack foods sold in campus vending machines or in à la carte lines.

Aderholt wants to revisit the whole-grain standards, having unsuccessfully tried to include a financial hardship waiver for school districts that could show they were losing money complying with school nutrition standards. The fiscal 2015 omnibus (PL 113-235) allows a limited waiver for school districts struggling with the 100-percent whole grain requirement and potentially delays further reductions in school meal sodium levels scheduled for 2017.

Aderholt asked Vilsack to help get more leeway for schools.

"I think USDA has always been willing to provide flexibility where that is warranted and also to work with anyone and anybody," Vilsack replied, adding that flexibility can't become a tool to undo healthy food standards.

Local Food Gets Push. Much interest in the child nutrition law centers on the expected battle on school meal nutrition standards. But four lawmakers and supporters focused Wednesday on a grant program that encourages schools to buy and put local farm products on their menus. The National Sustainable Agriculture Coalition credits the program for generating local markets for small farmers and ranchers.

Sens. Patrick J. Leahy, D-Vt., and Thad Cochran, R-Miss., and Reps. Jeff Fortenberry, R-Neb., and Marcia L. Fudge, D-Ohio, filed identical bills that would expand the Farm to School program and triple the mandatory funding from \$5 million to \$15 million a year and increase the maximum grant a school can receive to \$200,000.

Pre-schools and after-school programs that serve food would become eligible for funding. The legislation also would make tribal foods and farmed fish among the agriculture products schools can buy. Grant money also can be used for training, supporting operations, planning, buying equipment and starting school gardens.

The lawmakers are well-positioned to shepherd the proposal through the

child nutrition reauthorization process. Leahy and Cochran are senior members of the Senate Agriculture, Nutrition and Forestry Committee, and Fudge is the ranking Democrat on the House Education and the Workforce subcommittee with jurisdiction over school lunch and child nutrition programs. The Education Committee has responsibility for reauthorizing the child nutrition law in the House.

Tenderized Meat Labeling. Rep. Rosa DeLauro, D-Conn., got a promise from Vilsack that the Agriculture department will exempt the mechanically tenderized beef labeling proposal from the Food Safety and Inspection Services' uniform labeling compliance regulation. This would allow the agency to move ahead with labeling in 2016 once the regulation is finalized. Without the waiver, a labeling rule finalized this year could not take effect until 2018.

She did not get an answer on why the Office of Management and Budget has not completed its months-long review of the proposal and returned it to the USDA for final action.

Beef tenderized with needles or blades is more susceptible to pathogens and requires additional cooking. DeLauro and advocacy groups say consumers would be unaware of that requirement without the label. The meat industry had asked the agency to withdraw the proposed rule, arguing that the risk for illness was low and that labels alarm consumers. The Agriculture Department estimates that 50 million pounds of mechanically tenderized beef is sold each month and has estimated that as many as 4,700 E. coli illnesses are linked to mechanically tenderized beef each year.

Nothing Special for Sage Grouse. Interior Secretary Sally Jewell indicated Wednesday that the department would not tailor its Endangered Species Act listing decision for the greater sage grouse to regions or states within the Western sagebrush habitat where it lives.

"I think it's fair to say that we will rise and fall together on this one, based on the nature of the bird's range," she said during a House Interior-Environment Appropriations panel hearing.

The issue, raised by former subcommittee chairman Mike Simpson, R-Idaho, dates from the end of the George W. Bush administration when the Fish and Wildlife Service tried to remove the gray wolf from the endangered species list in northern Rocky Mountain states in 2008. After a Montana court vacated that decision, the Obama administration tried to narrow the delisting to wolf populations in Montana and Idaho based on state recovery plans implemented largely deemed successful.

The same court, the U.S. District Court of Montana, rejected that approach in 2010. Congress then slipped a policy rider into a fiscal 2011 spending

deal (PL 112-8) requiring the agency to reissue the rule tailored to Montana and Idaho. This marked the first time lawmakers had ever acted to remove a species from the endangered species list.

Interior is working to meet the Sept. 30 court-ordered deadline to make a listing decision on the bird and has not asked the judge for more time, Jewell said.

Lauren Gardner contributed to this report.

USDA May Move Up Timeline for Labeling Mechanically Tenderized Beef

By Lydia Zuraw | February 27, 2015

While appearing before the House Agriculture Appropriations Subcommittee Wednesday, Agriculture Secretary Tom Vilsack said USDA will work to introduce labels for mechanically tenderized beef within the next two years.

New labeling laws are implemented in two-year increments so that new label rules made in 2013 or 2014 will be implemented on Jan. 1, 2016. When the mechanically tenderized beef label wasn't finalized before the end of 2014, advocates were disappointed by the prospect that it wouldn't make it onto beef packages until 2018.

At the appropriations hearing, Vilsack told Rep. Rosa DeLauro (D-CT) that this might not turn out to be the case.

"The way it's currently structured, we probably couldn't implement this until 2018," Vilsack told reporters after the appropriations hearing. "We're going to try to move that up. I think we're going to move it up to 2016." Mechanical tenderization of beef poses health risks because it can transfer pathogens from the surface of the meat into the center. If these cuts are then not cooked thoroughly enough, the pathogens can sicken the consumer.

Patricia Buck, executive director of the Center for Foodborne Illness Research & Prevention, told **Food Safety News** that she is very happy

with what Vilsack said, but that the Office of Management and Budget (OMB) still has to finish with labeling rule.

"The ball is now in OMB's court, and it is extremely important that they finalize the rule and send it back to USDA," she said, adding, "The sooner the better."

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USDA to speed up new labeling rule for tenderized meat

By Philip Brasher

WASHINGTON, Feb. 25, 2015 - Special safety labels for mechanically tenderized meat are likely to take effect as soon as 2016, two years earlier than expected, Agriculture Secretary Tom Vilsack told lawmakers.

At a hearing with the House Agriculture Appropriations Subcommittee, Vilsack said his department would suspend a regulation that would otherwise prevent the labeling for mechanically tenderized meat to take effect until 2018, because the administration failed to finalize the labeling rule before the end of last year.

"We're going to move the timeline up," Vilsack told Rep. Rosa DeLauro, D-Conn.

Vilsack also reiterated to the subcommittee that Congress will need to revise the country-of-origin law for meat unless the administration wins its appeal of a World Trade Organization ruling.

"We either win the appeal or Congress has to change the law," he told the panel. He suggested Congress would have to rewrite the law to implement some kind of "generic" label that wouldn't require segregation of livestock.

The chairman of the subcommittee, Robert Aderholt, R-Ala., pressed Vilsack to deliver recommendations for changing the COOL law. The omnibus spending bill for fiscal 2015 directed Vilsack to have the recommendations ready by May 1.

USDA's Food Safety and Inspection Service first proposed the labeling for mechanically tenderized meat in June 2013 out of concern that consumers aren't cooking the meat properly to eliminate pathogens. The meat is tenderized with knives and needles that can drive bacteria inside the product.

USDA officials did not send the final rule to the White House Office of Management and Budget for review until Nov. 21. The regulation remains pending at OMB. Under FSIS

labeling regulations, the labeling rule could have taken effect as soon as 2016 only if it had been cleared by OMB and approved by USDA by Dec. 31.

Canada, which was the source of an E. coli outbreak in 2012 that was linked to mechanically tenderized beef, implemented a similar labeling requirement last year.

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