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*Protect, Prevent, Live Well*

April 12, 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, VA 22302-1594

RE: Docket ID FNS-2007-0038

Dear Ms. Brewer:

Thank you for the opportunity to provide comments on the U.S. Department of Agriculture's (USDA) proposed rule for "Nutrition Standards in the National School Lunch and School Breakfast Programs" (7 CFR Parts 210 and 220 - Thursday, January 13, 2011).

The American Public Health Association (APHA) commends USDA for updating the school meal rules. APHA is the oldest and most diverse organization of public health professionals and advocates in the world dedicated to promoting and protecting the health of the public and our communities. Healthier school meals are important to our members' efforts to promote good health and reduce chronic disease related to poor nutrition, overweight, obesity and food insecurity.

Improving school meals is especially important for low-income children who are vulnerable to obesity and poor nutrition because of risk factors associated with poverty, including limited resources, limited access to healthy and affordable foods, fewer opportunities for physical activity, high levels of stress, greater exposure to obesity-related marketing, and limited access to health care. Given all of these challenges, school meal programs play an important role in improving the health of low-income children.

APHA agrees with USDA's decision to use the USDA-commissioned Institute of Medicine (IOM) report, *School Meals: Building Blocks for Healthy Children*, as the basis for the proposed new rules. We support USDA's proposal to fully implement the new rules in the 2012/2013 school year. We strongly endorse the need for revisions to the school meal standards, and offer several suggestions on improving and strengthening the proposed regulations. Overall, we want the best nutrition for children, especially for the low-income children who are the core target beneficiaries of the school meals programs, by providing school meals that are 1) consistent with

the *Dietary Guidelines for Americans*, 2) in compliance with the new standards, 3) acceptable and appealing to students, 4) cost-effective, 5) maximize efforts to use local and sustainable foods, and 6) consistent with efforts to reach the largest possible number of low-income students with the benefits of healthy school breakfasts.

APHA comments and recommendations below are organized into two categories:

- I. School Meal Pattern and Nutrition Standards, and
- II. Program Oversight, Administrative, and Implementation Improvements.

## **I. SCHOOL MEAL PATTERN AND NUTRITION STANDARDS**

APHA comments and recommendations on the school meal pattern and nutrition standards are organized into two sections below: A. Nutrition Improvements We Support, and B. Further Nutrition Improvements We Recommend.

### ***A. Nutrition Improvements We Support***

APHA strongly endorses the following improvements to school meals which will further strengthen these critical programs and align them with the *Dietary Guidelines for Americans*.

- **Increasing the amount of fruits and vegetables served, creating a separate requirement for vegetables at lunch, and requiring a wider variety of vegetables.** APHA agrees with USDA that such changes will increase the nutrient density of school meals and nutrient intake of participating students. We also agree with the USDA proposal to add the option of serving vegetables for breakfast in the place of IOM's fruit-only recommendation.
- **Limiting added sugars in fruits.** APHA agrees with limiting the added sugar in fruits – a source of discretionary calories. This is consistent with the *Dietary Guidelines for Americans*. It also allows students to enjoy and develop a taste for the real taste of fruit.
- **Emphasizing whole grain foods.** American children do not get enough fiber and whole grain in their diets. Therefore APHA supports USDA's introducing these foods into school meals.
- **Offering only fat-free or low-fat (1 percent) fluid milk.** APHA agrees with USDA and the IOM committee that this change will reduce the saturated fat and calorie content of school meals while still offering milk options to students.
- **Limiting saturated fat and sodium, and minimizing trans fat.** APHA supports USDA's proposed rule that follows the IOM-recommended standards for these nutrients often over-consumed by children.
- **Establishing new age/grade group categories for menu planning.** APHA agrees with USDA that the categories in the proposed rule are consistent with the Dietary Reference

Intakes and would enable schools to provide age-appropriate meals while avoiding excessive caloric intake.

- **Establishing a range with a limit on the amount of calories that can be served for meals within specific age/grade groups.** The proposed calorie ranges -- establishing both a minimum and maximum amount of calories -- will address concerns about both food insecurity and obesity while still allowing schools to offer the best nutrition possible for students.
- **Following a food-based menu planning (FBMP) approach.** USDA's FBMP approach will help 1) ensure that all students participating in school meals have access to healthy foods in key food groups; 2) give schools a practical and easy tool for planning nutritious meals; and 3) simplify program management, training, and monitoring by state agencies.

### ***B. Further Nutrition Improvements We Recommend***

In response to USDA's request for comments in the proposed rule: "*USDA recognizes that these proposed changes are significant and may pose a particular challenge to implement. We solicit comments on how these changes may affect take-up and participation rates*" APHA offers the following recommendations to ensure that the school meal rule maximizes the nutritional value for children, increases choice and flexibility, and increases the attractiveness of the program.

#### **1. Strengthen Proposed Fruit and Vegetable Standards:**

- APHA applauds USDA for recognizing the need and urgency to include more fruits and vegetables in the school meal programs. As stated in the Dietary Guidelines Advisory Committee report, children and adolescents do not consume the recommended amounts or variety of fruits and vegetables. They consume more fruit juice and less whole fruit, more starchy vegetables and less dark green and orange vegetables and legumes than recommended. Students who participate in the school meal programs consume more fruits and vegetables than nonparticipants; however, they still fall short of recommended levels. The proposal to require minimum servings of certain vegetable subgroups will significantly improve the variety of vegetables offered and consumed; and limiting fruit juice to one-half of the daily fruit requirement will also increase the variety of fruits served and help to address recommendations to reduce fruit juice intake by children.
- APHA supports the value of establishing vegetable sub-categories to promote the increased consumption of dark green, red and orange vegetables through the school lunch program. Children, especially low-income children, rarely consume enough of these key vegetable subgroups. We believe it is possible to both encourage consumption of the subgroups while also offering more flexibility in the starchy vegetable category. Limiting starchy vegetables has the potential to make it more difficult to use fresh, local produce in season, such as corn on the cob and roasted potatoes, and restriction of these foods may inadvertently teach children that they are not part of a healthy diet. The 2010 *Dietary Guidelines for Americans* do not limit starchy vegetables overall, and the problem of overconsumption seems to be confined to fried potatoes.

- The most recent School Nutrition Dietary Assessment study (SNDA-III) data shows that the most frequently served vegetable in school meals are fried potatoes, with almost half of all high school lunch menus and 21% of elementary school menus including French fries or similar potato products<sup>1</sup>. Limits placed on starchy vegetables should include a focus on eliminating those that are fried or par-fried. While many schools have been working to eliminate the use of deep-fat fryers in meal preparation, they continue to use items that are par-fried and then baked for service. Restricting the use of fried or par-fried starchy vegetables will encourage the service of starchy vegetables in their more natural, nutritious state.
- APHA recommends that USDA consider the following standards for keeping vegetables healthy, updating the IOM recommendation to reflect the 2010 *Dietary Guidelines for Americans*, improving the consumption of a variety of vegetables, and increasing the use of local and seasonal produce:
  - Eliminate all deep-fried and par-fried vegetables including French fries.
  - Allow starchy vegetables (defined only as white potatoes) two days a week, and served in combination with dark-green, red and orange vegetables to increase variety throughout the week. (A two day a week limit for breakfast and a two day a week limit for lunch.)
  - Allow healthy versions of starchy vegetables peas, corn and lima beans.
  - Allow flexibility to maximize local and seasonal availability of all vegetables.
  - Maintain the proposed minimum servings of the other vegetable sub-groups.
  - Update the orange vegetable category by including red vegetables as per the 2010 *Dietary Guidelines for Americans*.
- APHA approves of the proposal to create both a fruit and a separate vegetable requirement in school lunch to ensure students can choose from a variety of fruits and vegetables. Schools should offer fruit that is fresh, frozen without sugar, dried, or canned in fruit juice, water or light syrup because students should experience a wide assortment of fruits. Schools should be able to choose the combination of creditable fruits they can afford.
- APHA supports the proposed change to disallow the crediting of snack-type fruit and vegetable products, such as fruit strips and fruit drops, toward meeting the fruit and/or vegetable component of a meal. The proposed change is consistent with the *Dietary Guidelines for Americans* emphasis on increasing fruit and vegetable consumption.

## 2. Breakfast Fruit and Vegetables:

- **Allow students the flexibility to choose the fruits and vegetables they want.** We agree with USDA that students at breakfast should be offered the opportunity to take 2 servings of fruits and vegetables and be required to take at least 1 serving<sup>1</sup>. This provides an opportunity for students to try something new, which along with encouragement to create new habits, should lead to increased fruit and vegetable consumption. This is consistent with the IOM recommendation for school cafeterias that offer students a choice of several

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<sup>1</sup>Serving size is defined in the proposed rule 220.8(c) *Meal patterns for school breakfasts*, footnote b.

meal components rather than serving a pre-plated meal (offer versus serve<sup>2</sup> cafeterias.) We also recommend that USDA allow potatoes as a breakfast vegetable twice a week, and served in combination with dark-green, red and orange vegetables to increase variety throughout the week.

- **Allow students to choose to take their breakfast fruit or vegetable with them.** The new rules should adopt USDA's Summer Food Service Program's successful option of the "walking apple," which allows students to take their fruit or vegetables with them for consumption later in the morning. Given some students' inability to eat a full breakfast early in the morning, given the paramount importance of getting children to eat fruits and vegetables, and given the sometimes considerable length of time between school meals, it could be very helpful to allow a student to eat less than all of breakfast but have a healthy snack in hand later.

### 3. Maximize the Value of Fruit and Vegetable Increases:

- The proposed changes to the meal patterns increase the amount of fruits and vegetables that students are required to put on their plates at meal times. These changes were suggested as a way to increase the rate of fruit and vegetable intake among children, an essential and worthy goal in the effort to improve child nutrition and access to healthy food at school. However, without addressing the current reality of significant "plate waste," these improvements stand to represent a major added cost with less than optimal added benefit to students' nutrition. ("Plate waste" is a term for the amount of food on student's plate that is thrown out.) Without choice and flexibility the cost of failure could be high: potential losses to plate waste of up to a billion dollars. APHA recommends that USDA encourage evidence-based strategies to improve the consumption of fruit and vegetables in the school meals programs:
  - **Improve the quality and selection of fruit and vegetables offered.** Higher quality food is likely to be more attractive to students, especially with fresh fruits and vegetables, which may have more variability in product quality. In addition, research has shown that children offered a choice of different types of fruits and vegetable are much more likely to be happy with their choice and to consume it.
  - **Promote fruit and vegetable consumption through creative marketing.** In order to increase consumption, fruits and vegetables must be marketed to students. Schools need technical assistance and resources from USDA so that they can use effective techniques, such as giving fruit and vegetable options creative names, involving students in taste testing and menu planning, offering

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<sup>2</sup> Using "offer versus serve," cafeterias offer students a choice of several meal components rather than serving a set configuration and amount of food. By allowing students to select meal components to which they are most attracted, schools can help foster student independence and self-awareness, demonstrate respect for student choices, and reduce "plate waste" (the amount of food a student throws away). Similarly, allowing students to self-serve gives them an opportunity to moderate their portions.

culturally appropriate selections and preparation, ensuring appetizing presentation, and making fruit and vegetables a convenient food option.

The cafeteria is often viewed as the place where lessons learned in the classroom can be applied. Marketing and promotion efforts should include collaboration and coordination with classroom-based learning to ensure that students recognize and can actively apply the information they gain in their academic “world” to the food and beverage options available in the cafeteria.

- **Provide successful education and positive messages through Farm to School programs.** Farm to School programs facilitate education about nutrition, food and agriculture in and out of the classroom and promote local products in the cafeteria. Case studies of several programs have shown that children respond positively to messages about where their food comes from, especially if the farm is local. For example, two schools in Washington reported a 16% (Lincoln Elementary) and 13% (Pioneer Elementary) increase in school meal participation when they implemented a Farm to School salad bar.<sup>2</sup>
- **Let’s Move Salad Bars to Schools.** This is an effective strategy to increase student’s consumption of a wide variety of fruits and vegetables every day at lunch. *Let’s Move Salad Bars to Schools*, launched to support First Lady Michelle Obama’s *Let’s Move* initiative, is designed to significantly increase the number of salad bars in schools in order to increase student’s access and choices of a wide variety of fresh fruits and vegetables and increase their consumption.
- **Improve scheduling.** Allowing school children to have recess before lunch and allowing them enough time to eat are both important evidence-based strategies that can support a significant increase in healthy food consumption. Research by the National Food Service Management Institute found that children ate significantly more of their lunch if allowed at least 30 minutes for lunch time.
- **Provide choice through "offer versus serve".** The current "offer versus serve" options reduce plate waste. The current system has been used effectively by innovative schools to promote fruit and vegetable consumption through state funded healthy meals or fresh fruit and vegetable projects. For example, the California Department of Education's successful California Fresh Start Program.

#### **4. Harmonize the Rule with Federal Health and Sustainability Guidelines:**

- As practicable, harmonize the rule with the sustainable and local recommendations in the “Health and Sustainability Guidelines for Federal Concessions and Vending Operations”<sup>3</sup> proposed by the U.S. General Services Administration in partnership with the Department of Health and Human Services, and encourage industry and schools to refer

to these guidelines as they implement improvements in school meals. The primary relevant guidelines are:

- Encouraging the purchase and availability of seasonal fruits and vegetables; and
- Offering food that is organically, locally or sustainably grown and labeled accordingly.

Encouraging schools to purchase local and seasonal food items as part of this rule, and to label them accordingly, would not only be in alignment with the Department-wide commitment to support local and regional food systems, but also would have a significantly positive impact on the incorporation of local products into school meals.

#### **5. Offer Flexibility for Schools to Meet the Nutrition Needs of a Broad Range of Students:**

- APHA recommends that USDA include both of IOM's proposed breakfast offer versus serve alternatives in order to allow schools the flexibility to best meet the needs of their students. In cafeterias using IOM's first alternative, students would be offered a full set of meal components and could decline only one item. In the second alternative, students could decline two options. USDA should consider offering IOM's second alternative as an option for schools to request through their state agencies.

The second alternative provides a practical, cost effective way to increase the attractiveness of the school breakfast program for children and reduce plate waste. Because the new proposed rule requires additional servings of both grains and meat/meat alternates at breakfast, this second alternative maintains nutritional integrity *and* student choice by adjusting the number of food components that can be declined to accommodate the increased number of servings that must be offered. Both alternatives require the selection of fruits and vegetables.

Providing schools the flexibility to choose the best breakfast option will help to meet the range of nutritional and calorie needs within each age/grade group. This allows students the ability to moderate their own portions and to choose foods consistent with their cultural preferences, religious requirements, food allergies, and vegetarian diets.

#### **6. Provide the Flexibility Needed for Healthy Menu Planning by Eliminating the Proposed Daily Meat (or Meat Alternate) Requirement and Keeping the Weekly Requirement:**

- APHA recommends that USDA adopt the weekly meat/meat alternate requirements without the daily minimum for breakfast and lunch. This will increase menu flexibility while reducing the consumption of fat and sodium caused by the need to serve a meat/meat alternate each day. For example, for breakfast the one ounce daily minimum for children in grades K-8 would often have to be augmented with an additional meat/meat alternate to make a reasonable portion size, unless the rule includes this recommendation.

#### **7. Allow Tofu to Qualify as a Meat Alternate in School Meals:**

- In response to USDA’s request for comments on a process for including tofu in school meals without a standard of identity, APHA recommends allowing a common serving size to guarantee a comparable amount of protein (5 grams of protein): 3 ounces of tofu equal 1 ounce equivalent for meat/meat alternate.

**8. Follow IOM Recommendation to Evaluate and Upgrade the “Temporary Whole Grain Rich Standard”:**

- APHA agrees with USDA’s plan to accelerate the timeline for implementation of the “temporary whole grain rich standard” and to apply the standard to all grains, breads, and cereals served in school meals. We recommend that USDA include a plan to implement the IOM recommendation that the “temporary whole grain rich standard” be evaluated and upgraded after the first two years of implementation. A process which the IOM expected to be facilitated by the FDA issuing new labeling rules that require the whole grain to be noted. APHA recommends that the goal should be to have standards that are consistent with the Dietary Guidelines for Americans: half of grains should be whole grains.

**9. Adopt a Sugar Limit for Breakfast Cereals:**

- APHA recommends that USDA adopt the 6 gram per ounce sugar limit for breakfast cereals established by the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). A recent experimental study shows that children enjoy low-sugar cereal (1-4g sugar) as much as high-sugar cereal, and will consume low-sugar cereal when offered. On average, children served low-sugar cereal consumed a full serving of low-sugar cereal, indicating that serving low-sugar cereals will not lead to plate waste. In addition, the study shows that even though children will add table sugar to cereal when provided at breakfast, children will add less sugar than found in high sugar cereals.<sup>4</sup>

**10. Meeting Students’ Cultural Food Preferences:**

- America’s children have diverse dietary preferences and APHA applauds USDA’s willingness to be responsive to school requests related to meeting cultural food preferences. By encouraging schools to consider the cultural preferences of students, USDA is helping to ensure students find the foods they are offered tasty, attractive, and, thus acceptable.

**II. PROGRAM OVERSIGHT, ADMINISTRATIVE AND IMPLEMENTATION IMPROVEMENTS**

PHA comments and recommendations on program oversight and administrative improvement are organized into two sections below:

- A. Program Oversight, Administrative, and Implementation Improvements We Support, and
- B. Further Oversight, Administrative, and Implementation Improvements We Recommend.

### *A. Program Oversight, Administrative, and Implementation Improvements We Support*

APHA applauds USDA for and strongly endorses the improved monitoring system and increased enforcement in school nutrition administration, and we urge USDA to implement a thorough, consistent system of certification to enforce the new standards as required by the Healthy, Hunger-Free Kids Act. We strongly support the following administrative improvements:

- **Implementing a three-year school review cycle and including the School Breakfast Program in the reviews.** Increasing the frequency from once every five years to once every three years will allow states to provide a higher level of technical assistance, reduce non-compliance with the new standards, and help ensure successful implementation of the new meal regulations.
- **Allowing states to take fiscal action against a school for failing to abide by the saturated fat, trans fat, and sodium limits, as well as the whole grain, vegetable, and milk requirements** after technical assistance and corrective action have taken place.
- **Providing flexibility for schools offering “grab and go breakfasts” from kiosks** to work with the State agency to find a feasible solution that ensures basic elements of the meal requirements are maintained. The rule should extend flexibility to breakfast in the classroom as well.
- **Encouraging schools to inform students, parents, and the public about efforts they are making to meet the meal requirements for school meals.** We agree with USDA that increased collaboration with parents and students will help make the school meal programs more responsive to community needs, which may improve nutrition and increase participation and satisfaction.

### *B. Further Oversight, Administrative, and Implementation Improvements We Recommend*

#### **1. Oversight, Administration, and Implementation:**

- **Revise the rules to require that school lunch be served at a reasonable time, and require that lunch periods be at least 40 minutes long.** APHA thanks USDA for acknowledging in the rule preamble the need for schools to provide sufficient lunch periods that are long enough to give all students adequate time to be served and to eat their lunches. Children are being offered lunch at any time between the very early for lunchtime of 10:00 and the very late lunchtime of 2:00. We suggest USDA put forth stronger language urging schools to find adequate time, especially as the rules are encouraging students to take more foods, especially fruits and vegetables. To make the meal times respond better to children’s needs, the final rule should narrow the allowable times that lunch can be offered and allow at least a 40 minute lunch period.
- **Ensure a fair, thorough, and consistent system of certification to enforce the new standards as required by the Healthy, Hunger-Free Kids Act.** Schools must be certified as meeting the new standards before the six cents per lunch incentive funds are given, as required by the Healthy, Hunger-Free Kids Act. Schools at risk of failing to secure a certificate should be identified early and provided intensive assistance. The

Congressional Budget Office cost estimates assumed that seven percent of the schools would not be certified.

- **Provide extensive support to enable food service operators to adapt to the many changes required by new meal rules.** As per IOM's recommendation, we urge USDA to direct that some of the state implementation funding be used to provide continuous training and mentoring support for food service workers to assist in performance improvement and adaptation to the new requirements.
- **Protect the safety of the food served in school meals.** APHA urges USDA to redouble efforts to train school food service in safe food handling. The introduction of more fresh and "from scratch" preparation and cooking raises concerns about food safety in schools. Schools have served tainted food, even food that has been recalled. The Food and Drug Administration (FDA) and USDA must coordinate education and outreach on food safety and inform schools about recalled food. Uninformed, schools may serve contaminated food to young children who face an increased risk of complications from food-borne sicknesses.<sup>5</sup> USDA needs to work with FDA to establish proper communication methods and protocols regarding tainted food and recalls. Also, the majority of school districts had not implemented Hazard Analysis and Critical Control Point (HACCP) programs prior to the Child Nutrition Reauthorization Act of 2004.<sup>6</sup> In addition to proper and efficient notification of tainted food, periodic inspections of school cafeteria kitchens and implementation of HACCP programs are important in helping to ensure the foods children are consuming are safe.
- **Provide the cafeteria equipment necessary to support the success of the new rule.** APHA urges USDA or other collaborating agencies, such as Department of Education, Department of Defense, or Department of Health and Human Services and Centers for Disease Control and Prevention to allocate funds for equipment. Schools will need support for suitable equipment to implement "from scratch" food preparation and service for healthier meals. New and updated equipment will also be necessary in many school systems to prepare fruits and vegetables in all forms without frying and to serve them on salad bars. Some foodservice operations may require fruit and vegetable preparation sinks and special utensils to cut, dice, or chop fruits and vegetables for ready-to-eat portions. To handle additional menu items, serving lines may need more refrigerated units, hot wells, and utility carts. Additional small serving and portioning equipment may be needed. Fryers commonly found in school cafeteria kitchens will need to be replaced by equipment that will allow school foodservice employees to bake, roast, grill and steam more often than fry. Steamers, microwave ovens and combination ovens will be necessary in many cases. Additional refrigeration or freezer units may also be required to properly store food.

There is a demonstrated need for more school food service equipment. The \$125 million in funds for cafeteria equipment provided under the 2009 American Recovery and Reinvestment Act and the FY 2010 Agriculture Appropriations funds were quickly requested by schools and thus exhausted by demand, since these funds were the first federal investments for cafeteria equipment in 25 years. Schools made more than \$600 million in requests for stimulus school cafeteria equipment funds, clearly demonstrating an unmet demand for equipment needed to produce healthful school meals.

- **Collaborate with the Department of Defense (DOD) to advance the new standards for school meals.** Since national security is compromised by our nation's high obesity rates and schools are an important place to foster healthy eating habits, there is a natural synergy in the mission and efforts of both USDA and DOD to increase schools' capacities to serve nutritious meals. APHA recommends that USDA work with the DOD to determine how the military might supply local schools with surplus or additional cafeteria equipment at no cost. DOD and USDA's proven successful partnership through the DOD Fresh Fruit and Vegetable Program serves as an example for future expansion and collaboration. This program has been successful in helping schools receive a wider variety of fresh produce. As this program expands, distribution methods should be re-evaluated to ensure urban, rural, small, and large school districts are able to participate.
- **Link to USDA goals for regional foods.** APHA supports the Department's efforts to expand access to local, nutritious foods through connecting consumers with local producers and supporting local and regional food systems. Based on USDA's department-wide commitment, best illustrated through USDA's *Know Your Farmer Know Your Food initiative*, we recommend USDA consider adding the following to the proposed rule, implementation plan, and interagency coordination:
  - Encourage schools to offer seasonal varieties of fruits and vegetables as well as to encourage local procurement in school meals when possible and practical;
  - Provide training and technical assistance to schools on how to purchase locally grown products; and
  - Conduct a review and analysis of best practices for seasonal procurement, including how it can help school food service operations improve the quality of school meals.
- **Ensure cost-effectiveness and consistency with efforts to reach the largest possible number of students with the benefits of healthy school breakfasts.** APHA believes that an outcome which supports the continued success of a healthy school breakfast program must be a key priority in deliberations on the final school meals rule. Studies conclude that students who eat school breakfast perform better on standardized tests than those who skip breakfast or eat breakfast at home. Evidence has grown that children who eat school breakfast are less likely to be overweight, and have improved nutrition - they eat more fruits, drink more milk, and consume a wider variety of foods than those who don't eat breakfast or have breakfast at home.

APHA is deeply concerned about the impact of the cost of the proposed rules on participation in the breakfast program. Some have suggested the costs are going to create a fiscal crisis for breakfast and a drop-off in school participation, which would increase both hunger and obesity. For this reason, we believe that in the rule USDA must make every effort to assure that the new standards do not lead to a reduction in breakfast programs and access.

In addition to making the necessary changes in the rule, APHA also recommends that USDA maximize the value of the recent Healthy Hunger-Free Kids Act school meal access provisions. As the IOM recognized, more participation in breakfast means more school meal reimbursement money and increased economies of scale to help solve this

cost problem, to implement nutrition improvements and to develop more stakeholder support. This underscores the need to implement participation increase provisions of the new law and hold schools/districts accountable for access. Among key steps are:

- maximizing new direct certification, community eligibility, and income application streamlining options;
- limiting indirect costs; and
- promoting access through universal breakfast programs and breakfast in the classroom.

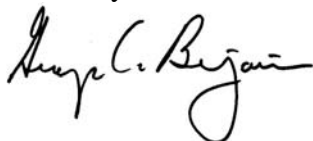
## 2. Reviews and Evaluations:

- **Make reviews, inspections, and monitoring reports at all levels of the system, including States and USDA, available on-line to the public.** The final rule should include steps to assure that these are available on-line to the public. This is in keeping with President Obama's Memo on Regulatory Compliance (January 18, 2011) which requires agencies to make public information concerning regulatory compliance and enforcement activities accessible, downloadable and searchable online, including on data.gov. Parents, public health advocates, anti-hunger advocates and other stakeholders need and want access to this crucial information. As the President said: "Greater disclosure of regulatory compliance information fosters fair and consistent enforcement of important regulatory obligations. Such disclosure is a critical step in encouraging the public to hold the Government and regulated entities accountable." This is consistent as well with the intent of the reauthorization law to engage parents and the public in the process.
- **Fund USDA studies to evaluate the impact of the new meal requirements.** USDA should conduct the IOM-recommended studies to better understand how the new meal requirements change children's total and school meal dietary intakes, student participation, food service operations, plate waste, and cost. This rule should be implemented as an interim final rule to allow the results of these studies to inform the content of a fully finalized rule promulgated several years after implementation. (This is the process being used for the WIC food package rule.)

## Conclusion

APHA strongly endorses the need to revise the school meal standards and urges USDA to make the necessary changes to these standards after analyzing the comments. By doing so, USDA can ensure that millions of low-income children receive high quality meals that support learning, health, and general well-being. Thank you for this opportunity to share the public health community's support for revising the school meal standards as well as our recommendations to make the proposed rule even stronger.

Sincerely,



Georges C. Benjamin, MD, FACP, FACEP (E)  
Executive Director

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<sup>1</sup> The Third School Nutrition Dietary Assessment Study: Summary and Implications. Gordon AR, Crepinsek MK, Briefel R, Clark M, Fox MK. *Journal of the American Dietetic Association*. 2009; 109(2): S129-S135.

<sup>2</sup> A Salad Bar Featuring Organic Choices: Revitalizing the School Lunch Program. Flock P et al. 2003, available at <http://agr.wa.gov/marketing/smallfarm/saladbarorganicchoices.pdf>.

<sup>3</sup> U.S. General Services Administration. Health and Sustainability Guidelines for Federal Concessions and Vending Operations. <http://www.gsa.gov/portal/content/104429>.

<sup>4</sup> [http://yaleruddcenter.org/resources/upload/docs/what/advertising/CerealsChildren\\_Pediatrics\\_1.11.pdf](http://yaleruddcenter.org/resources/upload/docs/what/advertising/CerealsChildren_Pediatrics_1.11.pdf)

<sup>5</sup> US Government Accountability Office. "School Meal Programs: Changes to Federal Agencies' Procedures Could Reduce Risk of School Children Consuming Recalled Food." <http://www.gao.gov/products/GAO-09-649> (accessed Feb 21, 2011).

<sup>6</sup> Iowa State University, University Extension. "Implementation of HACCP in Schools." <http://www.extension.iastate.edu/HRIM/HACCP/haccpinschools.htm> (accessed Feb 21, 2011).