

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CENTER FOR SCIENCE IN THE
PUBLIC INTEREST *et al.*,

Plaintiffs,

v.

SONNY PERDUE, Secretary of the U.S.
Department of Agriculture, in his
Official Capacity *et al.*

Defendants.

Case No. 8:19-cv-01004-GJH

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE AMERICAN HEART
ASSOCIATION, AMERICAN PUBLIC HEALTH ASSOCIATION, FOODCORPS, INC.,
MOMSRISING EDUCATION FUND, AND NATIONAL EDUCATION ASSOCIATION**

American Heart Association (“AHA”), American Public Health Association (“APHA”), FoodCorps, Inc. (“FoodCorps”), MomsRising Education Fund (“MomsRising”), and National Education Association (“NEA”) (collectively, “*Amici*”)—public interest organizations that, together, represent a broad coalition of advocates, scientists, parents, caregivers, and education professionals, all dedicated to promoting children’s health and well-being—respectfully request leave to file the attached *amicus* brief in support of Plaintiffs Center for Science in the Public Interest and Healthy School Food Maryland. All parties to this litigation have consented to the filing of this *amicus* brief. No party’s counsel authored any part of the brief, nor have any parties or their counsel contributed money intended to fund the preparation or submission of the brief. No person other than *Amici*, their members, and their counsel contributed any money intended to fund the preparation or submission of the brief.

I. MOVANTS' INTEREST

Amici AHA, APHA, FoodCorps, MomsRising, and NEA are public-interest organizations that work closely with students, parents, school administrators, and decision-makers across the country to promote children's health and well-being by, among other things, advocating for high-quality and nutritious school meals.

Amicus American Heart Association is the nation's oldest and largest voluntary organization dedicated to fighting heart disease and stroke, the two leading causes of death worldwide. In partnership with millions of volunteers and supporters, AHA funds innovative scientific research, fights for stronger public health policies, and provides lifesaving tools and information to prevent and treat disease. AHA recognizes that strong nutrition policies are critical to children's health. Accordingly, AHA works with policy-makers at all levels to ensure that every child has access to nutritious school meals that include appropriate amounts of sodium and whole grains. Through these efforts, AHA seeks to help kids develop life-long healthy eating habits and reduce their risk of diet-related illnesses, including heart disease and stroke.

Amicus American Public Health Association champions the health of all people and all communities, strengthens the public health profession, shares the latest research and information, promotes best practices, and advocates for evidence-based public health policies. APHA represents over 25,000 individual members, including individuals working in every discipline of public health, in every U.S. state and in countries across the globe. APHA is the only organization that combines a nearly 150-year perspective, a broad-based member community, and the ability to influence federal policy to improve the public's health. APHA recognizes that access to healthy meals—including nutritious school breakfasts and lunches—is critical for individuals to reach their full health potential. Accordingly, APHA supports policies and programs that enable and promote positive food choices, beginning at the earliest stages of life.

Amicus FoodCorps, Inc. connects kids to healthy foods in schools, so they have the nourishment they need to thrive in the classroom and beyond. FoodCorps serves small rural schools, large urban school districts, and many schools in between, partnering with local leaders to provide hands-on lessons that help kids grow, cook, and taste healthy food. To build on the impact of its service in schools, FoodCorps forges networks to advance non-partisan, evidence-based policy solutions that, over time, have the potential to improve access to healthy food for all 100,000 schools in the United States.

Amicus MomsRising Education Fund is a grassroots multicultural organization with more than one million members, working to achieve economic security for all moms, women, and families in the United States. MomRising and its members organize and speak out to improve public policy and change the national dialogue on critically important issues. MomsRising recognizes that children consume a significant portion of their daily calories at school, and children thrive when schools serve healthy foods. Accordingly, MomsRising educates and mobilizes parents and caregivers across the country in support of healthy school food. In particular, MomsRising has long fought—and continues to advocate—for adequate nutrition standards for school meals.

Amicus National Education Association is the nation's largest professional association representing approximately three million members, the vast majority of whom serve as educators, counselors, and education support professionals in our nation's public schools. NEA's members interact with students throughout their school days—from the bus stop to after-school programs and everything in between—and many of NEA's members prepare and serve meals to students in our schools. NEA has long advocated for publicly funded school meals that are nutritionally sound, appealing, and affordable, because NEA and its members understand that

nutritionally sound school meals are vital in fighting childhood hunger, promoting lifelong health and wellness, and preparing our students to learn. For too many of our students, school meals are the only meals they can count on, and a hungry or unhealthy child cannot learn up to his or her potential. Thus, it is critical that school meal programs be based on sound nutrition science.

II. DESIRABILITY OF *AMICUS* BRIEF AND RELEVANCE OF MATTERS TO DISPOSITION OF THE CASE

Through a series of statutes and amendments enacted over decades, Congress consistently and unambiguously has required the U.S. Department of Agriculture (“USDA”) to ensure that school meals reflect up-to-date and reliable nutrition science. This case asks, in part, whether USDA’s recent decision to offer nutrition “flexibilities,” allowing schools to serve meals with more sodium and fewer whole grains, accords with nutrition science and federal law. The attached *amicus* brief is desirable and relevant to the disposition of this case because it presents and explains nutrition science pertaining to the consumption of sodium and whole-grains. In particular, *Amici* draw on their extensive experience and expertise to analyze relevant scientific conclusions and explain precisely how children are harmed as a result of excessive sodium intake and helped by adequate consumption of whole grains. Thus, the brief highlights and clarifies the specific, pertinent scientific authorities that federal law requires USDA to take into account.

Amici have relevant expertise and experience. AHA has long worked to increase awareness about scientifically established links between poor diet and damage to cardiovascular health. AHA’s dietary recommendations are widely accepted, including by USDA itself.¹ APHA has significant experience applying its scientific expertise to advocate for access to healthy meals, including nutritious school breakfasts and lunches, and to promote sensible nutrition

¹ See USDA, *Dietary Guidelines for Americans 2015-2020*, 34 (2015), https://health.gov/dietary-guidelines/2015/resources/2015-2020_Dietary_Guidelines.pdf.

policies. FoodCorps has critical, hands-on experience in schools, helping kids learn to appreciate healthy food. MomsRising is guided by parents' and caregivers' special knowledge about the importance of nutrition to children's health and well-being. And, on behalf of school nutrition professionals and its other members, NEA brings a deep understanding of the importance of nutritious, appealing, and affordable school meals in fighting childhood hunger, promoting lifelong health and wellness, and preparing students to learn.

The attached *amicus* brief presents this Court with relevant scientific and legal authorities and arguments that are not included in other briefing materials. *Amici* respectfully submit this brief to assist the Court in arriving at a just and accurate resolution.

September 6, 2019

Respectfully submitted,

/s/ Susan Stevens Miller
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