



## **Testimony of Nancy Huehnergath, Director, New York State Healthy Eating and Physical Activity Alliance (NYSHEPA)**

Chairman Harkin, Ranking Member Chambliss, and members of the Senate Committee on Agriculture, Nutrition and Forestry, thank you for the opportunity to testify today about the need for reforming nutrition for children in school. As a concerned mother and director of the New York State Healthy Eating and Physical Activity Alliance (NYSHEPA), I've been working to improve standards on both the local and state level since March 2002 – that's when my then 10-year-old daughter came home from school and excitedly announced that she'd won a fitness contest in gym class. Her prize? A candy bar.

NYSHEPA, a coalition of over 100 public health, consumer and education organizations, has been lobbying for passage of school nutrition standards in Albany since 2006. We also support evidence-based, national standards for foods sold and served outside the National School Lunch Program (NSLP). The good news is that there is strong public support for standards and it is no longer the controversial issue that it was a few years back. The bad news is that two-thirds of states, including New York, continue to have weak or no policies addressing the nutritional quality of school foods and beverages. And only twelve states have comprehensive school food and beverage standards that apply to the whole campus for the entire school day and at all grade levels. That's precisely what we need to help halt the childhood obesity epidemic.

Some forward-looking states like Kentucky, Oregon, California, Rhode Island, Mississippi and Connecticut have set admirably high standards for their school food that can be used as a national model. NYSHEPA urges you to propose strong national standards but please do not pre-empt the states' ability to enact even stronger measures in the future. Our children will be healthier and live longer if both state and federal governments have the power to improve on school nutrition standards in the years and decades ahead.

To date, New York has been unable to enact updated school nutrition standards. It's not due to a lack of interest –at least nine bills promoting school nutrition standards have been introduced into the New York State Legislature since 2006. It's not due to lack of support – a broad coalition of 41 prominent organizations led by NYSHEPA support standards. The media is on our side -- newspaper editorial boards across the state including the *New York Times*, *Buffalo News* and *Poughkeepsie Journal* have publicly supported the passage of standards. And the public is on board, writing letters and making calls to legislators in support of various school nutrition bills.

But still, we have no legislation in New York, even though two neighboring states, Connecticut and New Jersey, have enacted strong standards to protect the health of their children. As a mother, I find this distressing. Are children in Connecticut and New Jersey more deserving of healthy fare at school than kids in New York?

NYSHEPA has come up against a number of impediments as we've advocated for state nutrition standards. We've encountered powerful, deep-pocketed food and beverage

industry opponents who apparently are going to resist changes until they are literally forced, by you, to “get healthy.” We have state legislators who refuse to educate themselves -- like the sweet-loving Assembly member who introduced the “Cupcake Law,” -- a measure that would have made the cupcake our official state children’s snack and that would have also provided that parents could bring any food into school that is legal. We have opposition from some school leaders whose districts have entered into “pouring rights” contracts, or who fear healthy standards will hurt school finances.

Let me get right to debunking the myth that schools will automatically lose money if they implement healthy nutrition standards. It’s just not true. A survey of 17 schools and school districts that improved school food was conducted by the U.S. Department of Agriculture and the Centers for Disease Control and Prevention. The results? 12 schools increased revenue and four reported no change.(1)

Also, in two pilot studies that evaluated the financial impact of switching to healthier school food, revenues increased at the majority of schools because losses from a la carte fare were offset by an increase in NSLP meal participation and reimbursements.(2) In New York, NYSHEPA has been conducting its own best practices interviews with schools that have voluntarily switched to healthier food. Most of these school food directors have told us the same thing – when the non-nutritious a la carte fare is removed, more kids purchase the NSLP reimbursable school meals. Because of increased participation in the meal program, the district offsets losses from a la carte offerings with

increased reimbursements. Let me state this another way -- when the junk is gone, kids buy the healthier NSLP lunch and districts can still run in the black.

Interestingly, a 2005-2006 study sponsored by the USDA's Food and Nutrition Service, found that a la carte foods are not even especially profitable for school food services. Instead, the study suggests that financial solvency is likely to be gained via – yes, you guessed it – the most profitable component, the NSLP meals themselves.(3)

NYSHEPA has also learned that school vending contracts are not that profitable for schools. That's good news to me. When a very young child I know walked into our middle school cafeteria, and saw row after row of vending machines with chips, cookies, candy, soda and six different kinds of candy coated ice cream – she asked if she was at an amusement park. Fortunately, by the time my children had entered middle school, clearer heads (and aggravated mothers) had prevailed and the worst of the junk food was gone. So was the superintendent who had complained that district nutrition advocates were “trying to take away my Twinkies.”

One national study found that school vending contracts raise only an average of \$18 per student per year for schools and/or school districts.(4) Another study found that soft drink sales in schools raise a median of 70 cents per student per year in middle schools and \$6.38 per student per year in high schools.(5) Also, please keep in mind that it is money from the pockets of children that is funneled back into school districts via pouring rights contracts. And typically, school districts get to keep only 33% or less of the

profits.(6) The overarching question is, should we really be financing schools at the expense of our children's health?

One quick aside. While some school leaders do oppose school nutrition standards, there are others who actively seek out nutrition guidelines to implement. NYSHEPA convened a policy team last year which created voluntary nutrition guidelines for licensed after-school programs. We've been pleasantly surprised to learn that a number of schools are using those nutrition guidelines to improve their school food.(7)

We all know that obesity rates in our nation are sky high – in New York State, 25% of children under the age of 18, are obese, putting them at increased risk for preventable diseases like Type 2 diabetes, heart disease and cancer. But obesity is no longer just a health matter. It's a financial catastrophe as well. According to New York State's comptroller, an estimated annual \$242 million in medical costs in New York can be attributed to obese children. This is putting even greater strain on the state, which has a \$13.7 billion deficit this year.(8) And New York's adult obesity-related medical costs are astronomical. In 2003, New York spent \$6.1 billion in adult obesity-related medical expenditures, the second highest such expenditure in the nation.(9) 81 percent of those costs were publicly funded by Medicaid and Medicare, a percentage far exceeding the national average of 52 percent.(10)

With our nation's obesity rate through the roof and economic woes affecting every state, NYSHEPA believes that national school nutrition standards must be addressed this year as part of the Child Nutrition Reauthorization. We can't afford to wait any longer.

On a related note, it has been reported that our new Secretary of Agriculture, Tom Vilsack, hopes to devote more resources to child nutrition programs like school breakfast and lunch. We can't think of a more cost effective use of taxpayer money! Even though schools can and do produce nutritious NSLP meals on their current budgets, more resources would likely mean higher quality ingredients, more variety, and the ability to bring in more fresh produce and local foods. In turn, better quality NSLP meals will attract more students and, as we have learned, increased participation in the meal program is key to keeping school food programs running in the black when they enact healthier nutrition standards across the board.

The more we invest now in our children's nutritional health, the greater the payback in the future -- namely a lower rate of obesity and obesity-related medical expenditures, lower rates for health insurance, an adequate number of healthy adults to staff our military and workforce, and longer, healthier lives for more Americans.

School nutrition standards are too important and too tough a battle to fight one state at a time. We need to enact national standards as a floor. And we need them now.

## References

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For more information on NYSHEPA, please go to [www.nyshepa.org](http://www.nyshepa.org)

[Nancy.huehnergath@nyshepa.org](mailto:Nancy.huehnergath@nyshepa.org) 914-262-9568