

STATEMENT
OF THE
SCHOOL NUTRITION ASSOCIATION
BEFORE THE
COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY
UNITED STATES SENATE

MARCH 6, 2007

Chairman Harkin, Senator Chambliss, members of the Committee thank you very much for this hearing on Child Nutrition and for continuing the unique tradition of hosting this hearing during our Legislative Action Conference. I am Janey Thornton, President of the School Nutrition Association (SNA) from Hardin County, Kentucky. With me today is Mary Hill, from Jackson, Mississippi, who is our President-elect; Danny Seymour, from Pittsburgh, Pennsylvania who is the Chair of our Public Policy and Legislation Committee; Teresa Nece, from Des Moines, Iowa who is the Midwest Representative on our Board; several hundred of our dedicated colleagues; and our Counsel, Marshall Matz.

Mr. Chairman, as this is a farm bill year, allow me to also thank our farmers and ranchers for producing a safe, ubiquitous, and inexpensive food supply. American consumers spend less than 10% of their disposable income on food, the lowest in the world. Many Americans have come to take the food supply for granted, but as one of the nation's largest consumers, SNA would like to say "thank you."

NUTRITION STANDARDS

Chairman Harkin, let me start by expressing our appreciation to you, in particular, for your leadership on expanding the fruit and vegetable program and for the introduction of the Child Nutrition Promotion and School Lunch Protection Act. These proposals are important in the fight against obesity and SNA is pleased to support them both. The national concern about obesity seems to be growing as fast as our national waistline.

I am pleased to report this morning, if our SNA membership and our Industry Advisory Board are any judge, support for your legislation is increasing. SNA believes strongly the Secretary of Agriculture should have the authority to regulate the sale of food and beverages throughout the entire school, throughout the school day. We cannot have one set of ala carte standards in the cafeteria and another set of standards, or no standards, down the hall.

We need consistent standards in the school for two reasons: to promote wellness, but also to send a consistent nutrition education message to students. As every parent knows, if we tell our

children one thing but they see us do something else, they're going to follow our actions and ignore our words. Schools must also practice what they preach with the foods they sell. Therefore, we hope the Congress will move forward with this important legislation.

If the Congress is going to move forward in this area, however, it is our hope and our suggestion that nutrition guidelines within the cafeteria also be standardized. Current law requires that meals served be consistent with the Dietary Guidelines for Americans. However, in recent years different States, and some local districts, have come to interpret the Dietary Guidelines differently. Some states are more concerned about sodium, some about fat, some average nutrients over a week and some over a day. Some states consider the USDA Guidelines a minimum standard that they can "exceed" while others consider the USDA Guidelines to be THE standard that must be followed precisely. (See Attachment 1).

The ever-increasing range of nutrition standards is creating a significant problem for our schools and our industry partners who market foods nation-wide. The variety and disparity of standards throughout the country are forcing an increase in our food costs which we cannot accommodate given the current Federal reimbursement levels. In short, the current federal reimbursement cannot accommodate a variety of different nutrition standards. We have even seen a few schools drop out of the national program because of the difficulty of following state standards and purchasing foods that are consistent with the local or state guideline. (See attachment 2).

Mr. Chairman, whatever nutrients a child needs for optimal health in Iowa, are the same nutrients a child needs in Georgia and in every other state. States that have adopted nutrition standards are to be commended for their leadership. It is time for the federal government to catch up, take a look at the different state and local standards and establish national standards for reimbursable school meals and standards for all other foods sold in school. These standards can then be applied throughout the school throughout the entire day.

PROGRAM ACCESS FOR LOW INCOME CHILDREN

As we focus on improving the quality of school meals, we must not forget about those low-income students who qualify for the program but cannot afford to participate. I am referring, of course, to reduced price school meals. Students from families with incomes between 130% and 185% of the poverty line are charged a maximum of 40 cents per meal for lunch and a maximum of 30 cents for breakfast. While that may not sound like a lot of money, it is keeping children out of the program. SNA believes if a family qualifies for free WIC benefits, that family should also qualify for free school meals.

Every day our SNA members are confronted with children who cannot afford the fee. Sometimes our members reach into their own pockets to pay the fee. Some schools hold up the last report card until all fees are paid. This problem is real. There are families in America who cannot afford 40 cents per child for a nutritious school lunch and 30 cents per child for breakfast. (See attachment 3).

In Salt Lake City, as an experiment, they eliminated the reduced price fee. Lunch participation

rose 50% and breakfast participation increased 300%. It appears that eliminating the reduced price fee has a much greater impact on breakfast participation than lunch participation.

We are not here today, however, urging the Congress to expand the free meal program and eliminate the reduced price program. We are urging the Congress to finally fund the reduced price pilot program to determine once and for all whether it is the fee, as opposed to some other variable, that is keeping these low-income children from the program. According to USDA, a valid test can be implemented for approximately \$23 million over three years.

The major feature of the Farm Bill reauthorization is the Food Stamp Program. The Food Stamp Program is the backbone in the fight against hunger in America and we support the agenda recently outlined by the national anti-hunger organizations before the Committee. We are hoping, however, that as a part of a multi-billion dollar farm bill you can identify \$23 million for child nutrition and allow the reduced price pilot to go forward!

BREAKFAST COMMODITIES

Finally, as we celebrate National School Breakfast Week, we are asking the Committee to provide USDA commodities for the School Breakfast Program. As you know, USDA currently provides approximately 18 cents in commodities for each lunch served to the almost 30 million children in the program. By comparison, no commodity support is provided to the School Breakfast Program and the 9 million children who participate, even though all available research indicates that it is the most important meal of the day. School breakfast commodity support would help us expand the program and would at the same time support American agriculture. We are suggesting that 10 cents per meal be provided in USDA commodities for each breakfast served.

Mr. Chairman, members of the Committee, that concludes our formal statement. We would be pleased to answer any questions. Again, thank you very much for the opportunity to appear here today.

Attachment 1

State/District Fat Sat/Trans Fat Sugar Other Calories Sodium
Arizona (Elm. - a la carte/vending) 35% or less of total calories from fat
10% or less of total calories from saturated and trans fatty acids (combined)
No more than 35% total sugar by weight
Must contain at least 1 gram of fiber

Exceptions (cheese, nuts and seeds, others)

Limitations on fried/deep fried items

Serving size limits

Maximum 400 calories per serving for entrée items sold as a la carte

Maximum 300 calories per serving for all other items Maximum 800 mg of sodium for entrée

items sold as a la carte

Maximum 600 mg of sodium for all other snack items

California (Elm. - outside of NSLP/SBP - As of 7/1/07) Nuts, Nut Butters, and Seeds; Eggs; Cheese packaged for individual sale;

Fruit; Vegetables (deep fried vegetables are not allowed); Legumes; Dairy or whole grain items that contain no more than the following in each individually-sold food item:

35% of calories from fat;

10% of calories from saturated fat;

35% of total weight from sugar (naturally occurring and added sugar); and 175 Cal.

Los Angeles Limit entrée to 35 g fat Limit added sugars to less than 7g/oz cereal Limit prepared foods and pastries 1500 mg sodium/meal averaged over week

Connecticut (voluntary a la carte entrée standards - not part of NSLP - K-12 - \$.10/NSLP meal incentive) No more than 18 grams per entree. No more than 5 grams per entree.

No more than 15 grams added sugar per entree.

Increase choices of entrees with whole grains and foods containing fiber.

Portion size: No larger than the serving size that would normally be planned and served as part of the reimbursable meal for the appropriate age/grade group under

Separate standards for soups, NSLP sides, cooked grains, fruits and vegetables, snacks and deserts.

Not yet defined.

Illinois (Elm. - individual food sales - al a carte, vending, school stores, fundraising) 35% or less fat calories per serving OR 8 grams or less fat per serving

10% or less saturated fat per serving Total amount of sugar by weight does not exceed 35 percent (includes both added and naturally occurring sugar) Not allowed for grades Pre-K thru 5. Separate standards for nutrient dense foods and a la carte entrée items. Not to exceed 200 calories per serving.

Kentucky 30% fat calories

32% sugar by weight & 14 grams sugar (some specific exceptions)

Cal from fats excludes reduced fat (two (1) percent milk-fat or less), cheese, nuts, seeds, and nut butters.

Portion size limits are specific to particular food items. Beverages no more than 10g/serving.

No sales outside NSLP/NSBP until 30 min after last lunch 300 600-mg sodium depending on item. Specific portion sizes also given

Maryland (Elm. And Middle) No more than 9 grams total fat per food item No more than 2 grams sat. fat per food item No more than 15 grams of sugar per food item

Detroit, MI 25% sugar by weight (nuts/fruits/veg exempt) nutritious, fresh, locally grown food (USDA approved) that reflects Detroit's cultural diversity

New Jersey No more than 8 grams total fat per food item No more than 2 grams sat. fat per food item Schools required to reduce the purchase of all products containing trans-fats by September 2006. No FMNVs anywhere on campus during school day.

New Mexico (A la Carte) No more than 16 grams of fat per food item No more than 30 grams

of sugar per food item No more than 400 calories per food item
North Carolina ??35% total calories from fat, excluding nuts and seeds

??10% total calories from saturated
fat

??35% added sugar by weight

Fruit (some fresh) or vegetables
(not fried)

Yogurt

The same portion size of any food
item served that day in the NSLP or

SBP that meets

Requirements.

New York City Max 38% total calories from fat Artificial coloring, flavoring and sweeteners
and MSG are not permitted. 350 mg serving

Philadelphia Total fat content must be less than or equal to 7 grams per serving. Saturated fat
content must be less than or equal to 2 grams per serving. Sodium content must be less than or
equal to 360 milligrams per serving. Sugar content must be less than or equal to 15 grams per
serving. Candy will not be sold or served during the school day.

Rhode Island No more than thirty percent (30%) of its total calories shall be from fat. Not more
than ten percent (10%) of its total calories shall be from saturated fat. Not more than seven (7)
grams of total sugar (includes both naturally occurring and added sugars) per ounce.
Individually sold enriched or fortified grain or grain product; or whole grain food items.

Individually sold portions of low fat yogurt with not more than four (4) grams of total
carbohydrates (including both naturally occurring and added sugars) per ounce and reduced fat
or low fat cheese packaged for individual sale.

Individually sold portions of nuts, nut butters, seeds, eggs, and cheese packaged for individual
sale, fruit, vegetables that have not been deep fried, and legumes.

Tennessee (K-8 - food items sold individually) Calories from total fat must be at or below
35%, excluding nuts, seeds, and nut butters. Calories from saturated fat must be at or below
10%.

Calories from sugar must be at or below 35% by weight.

Fruits and Non-Fried Vegetables that can be sold individually include the following: 1. Fruits
and vegetables may be fresh, frozen, canned or dried, and they must be found in the Food
Buying Guide for Child Nutrition Programs. Examples of products that cannot be sold as a
fruit or vegetable include: (i) Snack-type foods made from vegetables or fruits, such as potato
chips and banana chips; (ii) Pickle relish, jam, and jelly; and (iii) Tomato catsup and chili sauce.
3. Fruits and non-fried vegetables are exempt from portion-size limits. Chips, cereals, crackers,
French fries, baked goods, and other snack items may contain no more than 230 mg. of sodium
per serving; pastas, meats, and soups may contain no more than 480 mg. of sodium per

serving; and pizza, sandwiches, and main dishes may contain no more than 600 mg. of sodium.

Texas (Elementary through grade 6 - as of 2007-2008 school year) Individual food items must not contain more than 23 grams of fat with an exception of one individual food item per week. No food items can exceed 28 grams of fat at any time. (See the full policy for peanut butter exemption.) Trans fat information must be requested in all product specifications and the purchase of products containing trans fats must be reduced. Deep-frying must be eliminated as a method of on-site preparation. Deep fried processed (manufactured) foods that have been pre-fried, flash-fried or par-fried by the manufacturer may be served but must be baked or heated by another method. French fried potatoes must be baked for on-site preparation. Portions may not exceed 3 oz., may only be served once a week, and may only be purchased by students one serving at a time. Fruits and Vegetables must be offered daily on all points of service, preferably fresh. Frozen and canned fruits should be packed in natural juice, water or light syrup whenever possible. Portion size limits exist for certain items (ie chips etc) West Virginia Less than 40 percent added sugar by weight NOTE: Beverage standards vary as much as food standards and were not listed in this chart. Middle school and high school nutrition standards differ from the above elementary level in some states and were not included. Limitations on time of day and location of sale of certain items vary from state to state.

Attachment 2

The Dallas Morning News

Rich schools reject junk food rules

And reap profits

09:37 AM CDT on Friday, October 13, 2006

By KIM BREEN / The Dallas Morning News

PLANO - Soda flows freely in the newly remodeled Plano Senior High School cafeteria. Big Grab chip bags are again up for grabs. The same goes for Skittles and plus-size pastries. It's enough to make most junk-food-deprived Texas schoolchildren drool.

State rules cut portion sizes, fat and sugary snacks in schools to curb skyrocketing child obesity rates two years ago. Schools that violated those restrictions forked over \$54,000 last year in lost funding and face higher penalties this year.

But a handful of wealthy school districts have rejected the rules altogether in some high schools, saying student choice and healthier cafeteria budgets outweigh efforts to force teenagers to eat right.

Allen, Frisco, Carroll, Coppell and, most recently, Plano are among the districts that give up government money for high school cafeterias for freedom from the food police.

They offer what they say older kids demand - the good and the bad - to make ends meet.

And in response, business is booming.

At Plano Senior High, which abandoned the federal meals program and state restrictions this year, entree sales have tripled. Students and staff spend \$750 a day at the new 7-Eleven-style convenience store, which is next to the lunch lines.

The staff scrambled to add a third cash register to meet demand in a cafeteria that could barely compete with nearby fast-food restaurants last year.

"I was nervous the first day," said Cynthia Lee, director of food and nutritional services for Plano schools. But students lined up at the pastry counter and made-to-order stir-fry line during a recent lunch show her fears were unfounded.

"We were overwhelmed," she said. "It was packed." She attributes the success to better presentation and flexibility in what the schools can offer.

"It is amazing. I hope the revenues reflect that, too."

LeAnn Kridelbaugh, a physician nutrition specialist at Children's Medical Center Dallas, said schools should not compromise student health to stay afloat financially.

"I'm sure they could make a lot of money selling cigarettes in the schools, too," she said. Obesity rates for adolescents have tripled since 1980 and doubled for younger children. Even older students need to be protected from themselves sometimes, Dr. Kridelbaugh said. "Kids traditionally are not good at delaying gratification," she said.

Most schools comply

The vast majority of schools are following state rules, and kids are healthier because of them, said officials from the state Department of Agriculture.

"What we've seen a lot of is districts that have actually gone above and beyond what our policy is," said Nicole Notarianni, lead compliance monitor for the department's child nutrition programs. "Some [schools] choose not to be on our program to do what they want to do. Of course, that's their decision."

Nutrition rules in schools have restricted everything from pizza parties to sprinkles on snack cakes in Texas schools since August 2004. The rules are tightest in elementary schools and grow less restrictive in middle and high schools.

Schools caught violating rules are docked funds doled out through the federal child nutrition program, which reimburses districts for meals that meet certain dietary requirements.

Reimbursements are highest for poorer students who qualify for free or reduced cost lunch. The government generally pays \$2.40 for each free lunch, \$2 for reduced price lunch, and 23 cents for a paid lunch.

That means schools that enroll poorer students earn the highest reimbursements. Most districts are sticking with the federal program in elementary and middle schools because a higher proportion of free and reduced meals are served at lower grade levels. Food service leaders also said more restrictive diets make better sense for young students.

High schools generally sell the fewest reimbursable meals because older students are more likely to find the money they need to buy what they like, in or outside of the cafeteria.

So wealthier districts forfeit much smaller checks than districts like Dallas, which rely heavily on reimbursements. In those districts, cafeteria managers have found they can easily make up the money lost by offering meals and snacks that don't meet state restrictions.

In the Frisco district, the decision was a no-brainer, said Child Nutrition Director Lena Wilson. "We looked at the cost," she said. "We would lose more money by adopting those restrictions than we would get in reimbursements."

The nutrition department made a \$109,000 profit in 2003-04 from selling just four items: candy bars, sports drinks, extra-large cookies and large muffins.

It forfeited \$81,000 in federal reimbursements that year.

None of the district's high schools have participated in the reimbursement system at lunch since the state nutrition rules went into effect.

Money collected from the teenagers is helping some districts make up for funds they lose at the elementary and middle schools, which follow state food restrictions.

Most districts strive for self-sufficient food service programs, which must keep up with rising labor and other costs, Ms. Wilson said.

"I just think it was so extreme that it really tied some of our hands," she said.

"The whole point of the [food services] program is not to make a ton of money. It's to break even and operate soundly."

Frisco high schools haven't turned to a "free-for-all" in the cafeteria, Ms. Wilson said. Soda is not served. But foods in larger portion sizes than the state allows, such as big cookies, are sold at lunch.

"At the high school age, the kids are pretty much set in their eating habits," Ms. Wilson said. "We're trying to cater to who our customers are. The kids have a certain expectation. They're very verbal about it. ... By prohibiting more products, it only makes them want it more."

Their choice to make

At Plano Senior High, where the revamped cafeteria is considered a pilot program, the convenience store is outfitted with the typical fare. Glistening hot dogs perpetually turn on a silver display, a giant tub of pickles sits on the counter, and \$2 Starbucks drinks chill in a cooler.

During a recent lunch, baklava, banana bread and other baked goods protected by cake domes and in a display case elicited "oohs and aahs." Candy bars, chips and packaged cookies also abound. But healthier fare, such as frozen yogurt, fresh fruit and salads are also popular.

Competition is fierce in Plano high schools because students can leave campus at lunch.

The school plans to offer made-to-order waffles and a panini grill soon.

"You want to have the freedom and flexibility," Ms. Lee said. "Kids will pay a little more if you have the things they like. ... I think it's my job to give them variety."

During a recent lunch, Plano juniors Kristen Hernandez and Savannah Deegan, both 16, said they're fans of the new choices in the cafeteria. Among Savannah's favorites is the made-to-order stir-fry, made with fresh vegetables.

Her stepfather, Rudy Escobar, said he would prefer that cafeterias offer only healthy fare and leave out the junk food. "When I went to school, they didn't offer us any cakes," he said. "Parents had control."

He trusts Savannah's food choices and said that even if she eats junk at school, she's active enough to burn off the extra calories. At home, he said, Savannah eats fruits and vegetables. "We monitor what she eats," he said.

This generation of students is well informed about healthy choices, Kristen said.

"They've been drilling that into our brains since elementary school," she said. That doesn't mean they want only health food. "We're just stubborn people."

Senior Teresa Rodriguez said more students this year are staying at school for lunch, rather than going off campus for cheap, fat-laden food on dollar menus.

She buys large fruit cups or bottled water at the school's convenience store, but she's noticed students grabbing quick donuts for breakfast.

"Well, let's face it," she said. "We're all going to be living on our own in a year or two. If we can't decide now [to choose healthy meals], it's pretty much a lost cause."

Balancing act

School nutrition directors constantly walk the line between running a sound business and doing what's right for kids, said Dorothy Thompson, director of student nutrition for the Allen school district.

In a perfect world, Allen would stop selling soda to its high school students and shut down the snack bar, she said. But by high school age, some students would rather go without eating if they don't see items they want.

"I really feel that they need to have some self-responsibility at this age," Ms. Thompson said. "At the same time, I need to model as best I can and keep putting in front of them what is the best for them.

"Some of the restrictions have been good," she said. "There's got to be some balance ... to not make them so strict that it's almost difficult to make a business run."

Dr. Kridelbaugh said the state may have to find ways to take the financial pressure off school food service departments.

"We may have to put some money behind some of their food service efforts for the health of our children."

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SOME VIOLATORS OF SCHOOL FOOD POLICY

Nearly 45 Texas school districts lost about \$54,000 in meal reimbursements during the 2005-06 school year because of violations of the state's nutrition policy. The following is a sampling of funding losses:

DISTRICT AMOUNT VIOLATION/COMMENTS

Abilene \$1,305 High school machines in courtyard where students can take meals; beverage size violation
Cedar Hill \$557 Portion size over limits in vending machines
Comanche \$465 Lollipops given out during a class presentation
Como-Pickton \$1,407 Candy and baked goods in vending machines; portion size violation
Dallas \$3,966 Cookies too large; sales of Skittles
Edinburg \$1,222 Food with minimal nutritional value/lollipops during school day.
Elkhart \$1,031 French fries violate 3-ounce portion limit and were served over allowable times per week
Florence \$292 Pizza party held in cafeteria during lunch
Grand Prairie \$2,677 Over 28 grams of fat twice per week
H-E-B \$1,670 Vending machine violation; too much sugar in drink; portion size violation
Houston \$15,073 Violations involved candy, sharing and food with minimal nutritional value
Lindale \$577 Elementary teacher gave students fruit drinks for lunch
Lubbock-Cooper \$1,191 Candy led to several violations at one elementary school
Mesquite \$2,429 Candy over 1.5 ounces
Northwest \$926 Vending machine violations
Pilot Point \$305 Candy in vending machines over 1.5 ounces
Plano \$1,067 Carbonated beverage violation; Gummi Bears shared by student
Prosper \$1,064 Vending machine turned on and french fries served over allowable times per week; portion size violation
Richardson \$28 Cupcakes and cookies in cafeteria
San Antonio \$6,358 Cookies too large; food competing with approved school lunch
Scurry-Rosser \$166 Cookies too large; beverage size and vending machine violations
Yantis \$1,507 French fries more than one time per week for elementary

NOTE: Fines rounded to nearest dollar. SOURCE: Texas Department of Agriculture

Attachment 3

(MISA Letter)
Attachment 4

HEALTHY CHANGES IN SCHOOLS

- ? Foods baked rather than fried
- ? More fresh fruits and vegetables served
- ? More whole grain products served
- ? Nutritional analysis of menus on district website
- ? Nutrition information available for teachers, students and parents
- ? More fat-free products being utilized
- ? Low-fat milk is now standard
- ? Fat being replaced with healthy substitute in many baked products (i.e. Part applesauce used instead of fat in cookies and cakes)
- ? Products from manufacturers processed to contain lower fat, sodium, and sugars while still meeting the "student acceptance" test
- ? Elimination of trans fats
- ? Nutrition standards for ala carte addressing fats, sodium, added sugars, and portion sizes
- ? More nutrition education taking place in the classroom
- ? Foods seasoned with herbs and spices rather than salt
- ? More frozen vegetables used than canned (eliminating sodium)
- ? More training for employees on healthy food preparation techniques
- ? Low fat cheese utilized in recipes
- ? Recipes standardized to ensure accurate nutritional analysis