

New York State Council on Food Policy

December 2009

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STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

DAVID A. PATERSON
GOVERNOR

May 4, 2009

The Honorable Barack H. Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

We share a common goal in addressing what is perhaps the biggest challenge to the well-being of our children today: the obesity epidemic. As Governor of the State of New York, one of my highest priorities is to find ways to help both adults and children fight obesity and its associated illnesses. This fight is a family affair - my wife and I are working together here in New York on proposed legislation and programs to reduce the consumption of high calorie, low nutritional food (i.e. junk food) and increase physical activity. One of the issues we have focused upon is the need to improve the nutritional quality of food sold in schools. We share your commitment to preventing childhood obesity and need your help. We are asking you to direct the United States Department of Agriculture (USDA), via regulation, to strengthen federal nutritional standards governing school meals offered through the federal National School Lunch Program and the National School Breakfast Program and to impose stricter federal standards for competitive foods sold in schools.

As you know, good nutrition is central to children’s health, and to their capacity to learn. In general, children consume an estimated 35 to 50 percent of their total calories at school. Low income children, who are most at risk of obesity and its health consequences, consume even greater percentages of their total calories at school. For some children, breakfast and lunch at school may be their only meals and it is critical that these meals are healthier and enhance their ability to focus and excel in class.

Currently school meals can include foods that are high in sugar and fat, like doughnuts, sweet rolls, and toaster pastries for breakfast. These products are not included as “foods with minimal value” because they are enriched or fortified to the minimum requirements for targeted vitamins and minerals. Further, these grains and breads high in sugar and fat can be credited as a daily grain or bread item, replacing much healthier options such as whole grain bread or rolls. Additionally, there is no maximum limit on added sugar in cereals offered as part of the school breakfast, so high sugar, fortified cereals can be served, rather than cereals low in sugar and higher in fiber, such as toasted oats. Specific recommendations for improvements to school meals, consistent with the *Dietary Guidelines for Americans* issued jointly by the USDA and the Department of Health and Human Services in 2005, are included in an attachment to this letter.

Equally critical to improving the nutritional content of school meals, is improving the nutritional content of other foods available in schools. I'm sure you agree that schools should be settings that model healthy lifestyles, promote good nutrition, and restrict access to unhealthy foods. Instead, most schools offer "competitive foods" – foods which are sold separately from school meals through vending machines, a la carte offerings in cafeterias, and school stores, which are subject to little regulation. USDA regulations place some restrictions on the sale of certain "foods with limited nutritional value" – essentially candy and soda – but do not completely prohibit them. Existing regulations place no restrictions at all on the most common foods sold outside of school meals, including high sugar and sugar-added drinks (including soda, juice and sports drinks), chips, cookies, and snack cakes.

While states and schools themselves may impose limits on competitive foods, to date only 30 percent of school districts nationwide prohibit the sale of junk foods in school vending machines through local legislation, executive orders, regulations or rules that are more restrictive than the current USDA rules. In the absence of stronger federal standards, last year and again this year, I have proposed the *Healthy Schools Act* which will require the establishment of nutritional standards for competitive foods and school meals.

The imposition of stronger federal standards for competitive foods will ensure consistency across school districts and states and establish maximum demand for healthier foods, thereby encouraging food manufacturers and processors to make those foods available in appropriate portion sizes. I would also like to work with you on a national campaign to limit the aggressive marketing and advertising of high calorie, low-nutritional food and beverages to America's children. We need a comprehensive plan to discourage consumption of junk food and increase demand for healthier foods.

Current scientific and medical research now clearly identifies contributors to obesity such as excess calories, fat, sugar and salt, and links obesity to a number of serious chronic diseases like diabetes, cancer, and heart disease. The cost of these chronic health conditions is currently estimated at \$123 billion per year in the United States, with half of those costs paid by Medicare and Medicaid.

Improving nutrition standards for school meals and competitive foods will help children establish healthy eating behaviors, improve their academic performance, avoid obesity and obesity-related illness and lead to long-term savings for both private and public health care systems. I look forward to partnering with you and your Administration in making school environments healthier for children.

Warmest regards.

Sincerely,



David A. Paterson
Governor, State of New York

cc: United States Secretary of Agriculture Tom Vilsack
United States Secretary of Health and Human Services Kathleen Sebelius
United State Secretary of Education Arne Duncan

Attachment: Recommendations to Improve School Meals

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New York State Recommendations to Improve School Meals

Specific recommendations for improvements to school meals, consistent with the *Dietary Guidelines for Americans* issued jointly by the USDA and the Department of Health and Human Services

- **Increase Whole Grains.** At least half of the grain products served in school meals should be whole grains.
- **Increase Fruits and Vegetables.** At a minimum, two servings of fruits or vegetables per breakfast and three servings of fruits or vegetables should be served per lunch. (Serving sizes will vary with children's' ages and grade levels). Schools should offer, at a minimum, five different fruits and five different non-fried vegetables over the course of a week to help ensure variety. Only one serving of fruits or vegetables per day should be juice.
- **Sodium.** In order to help students stay within the 2,300 mg per day tolerable upper intake level for sodium recommended in the *Dietary Guidelines*, school lunches contain no more than 770 mg of sodium (one-third of the daily limit of sodium) and school breakfasts should contain no more than 575 mg of sodium (one-quarter of the daily limit).
- **Fats.** The regulations related to the fat content of school meals should be updated to reflect the *Dietary Guidelines*. Total fat should contribute 20 to 35 percent of the total calories in school meals. Saturated plus trans fat combined should provide no more than 10 percent of total calories.
- **Calories.** School meal programs are nutrition promotion programs and, as such, should model appropriate portion sizes, calorie levels, and healthy choices from the food groups. The calorie levels for "moderately active" children set forth in the *Dietary Guidelines for Americans* and *Dietary Reference Intakes* should apply to school meals to reflect the current activity levels of the majority of American children.
- **Added Sugars.** By the beginning of the 2009-2010 school year, the USDA should establish a quantitative limit on added sugars for the school lunches and breakfasts.
- **Milk.** All fluid milk served with school meals should be low-fat (one percent) or fat-free.
- **Commodities.** Efforts to improve the nutritional quality of surplus government commodities offered to schools should continue. In addition, funding for the Department of Defense (DoD) Fresh Program which delivers fresh produce to schools, should be increased and other programs that connect locally grown produce to schools should be supported.



New York State Council on Food Policy

Commissioner Patrick Hooker, Chairman

CHILD NUTRITION AND WIC REAUTHORIZATION ACT PRIORITIES

July 2009

Ensuring that all New Yorkers, especially children, have access to safe, affordable, nutritious and fresh food is a top priority of the New York State Council on Food Policy (NYS CFP). Therefore, the NYS CFP asks that Congress support the following recommendations for strong Child Nutrition and WIC Reauthorization legislation.

Enacting these recommendations will provide nutrition professionals with the tools and funding necessary to provide healthier meals and food options for our children, promote economic security, and improve nutrition for pregnant women, new mothers and children.

WE RECOMMEND that Congress enact legislation that will:

School Breakfast and National School Lunch Programs

1. Apply consistent nutrition standards based on the most recent US Dietary Guidelines to all foods and beverages sold, served or offered in schools.
2. Include additional funding for school meal programs and expand the USDA Fresh Fruit and Vegetable Program.
3. Expand efforts that aim to maximize participation in the National School Lunch Program and the School Breakfast Program.

Summer Food Service Program

4. Expand efforts that aim to maximize participation in the Summer Food Service Program.

Child and Adult Care Food Program

5. Increase funding and resources for CACFP to enhance nutritional quality of meals served and increase program participation.
6. Provide funding for nutrition education.
7. Expand the implementation of the at-risk supper program.

WIC and Farmers Market Nutrition Programs

8. Maintain the nutritional integrity of the new food packages by requiring that the food packages be reviewed and revised at least every 10 years.
9. Strengthen the nutrition education components of the WIC Program and increase funding for these services.
10. Continue authorization for the WIC Farmers Market Nutrition Program (FMNP) and expand the current level of funding.



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SCHOOL BREAKFAST AND NATIONAL SCHOOL LUNCH PROGRAMS

Aside from providing nutritious meals for our children, school meal programs are increasingly being asked to meet the daily food security needs of low income children while pro-actively combating the current childhood obesity epidemic.

- 1. Apply consistent nutrition standards based on the most recent US Dietary Guidelines to all foods and beverages sold, served or offered in schools.** The existing national nutrition requirements and food policies at many schools are inconsistent with current nutrition science and public health priorities.

To accomplish this, the USDA Secretary of Agriculture needs to be granted the authority to update, regulate and enforce nutrition standards of competitive foods and beverages sold in schools.

- 2. Include additional funding for school meal programs and continue to expand the USDA Fresh Fruit and Vegetable Program.** The NYS CFP recommends that school meal programs serve more fruits, vegetables, whole grains and low-fat dairy. The cost of improving the nutritional quality of meals, strengthening the connection between locally grown produce and schools, and personnel costs for preparing fresh whole foods far exceeds current reimbursement rates.

To accomplish this, school meal reimbursement rates need to increase by at least 70 cents per meal in the first year. In subsequent years, reimbursement rates should reflect food and labor costs. We further recommend that Congress direct USDA to interpret the Farm Bill ruling on geographical preference and encourage 10 cents of this increase to be designated to be spent on State specific grown or produced food products which conform to the US Dietary Guidelines.

- 3. Expand efforts that aim to maximize participation in the National School Lunch Program and the School Breakfast Program.** Current research indicates a clear link between food insecurity and health and the impact that nutrition has on child development, readiness for learning and academic achievement. Children receive a significant portion of their daily calories and nutrient intake at school.

To accomplish this, the “free” meal category should be expanded from 130 percent of poverty to 185 percent, consistent with the Women, Infant and Children (WIC) income eligibility guidelines (eliminating the “reduced” price meal category).

We further recommend that alternative free meal eligibility criteria be established. Based on census tract data, school districts with consistently large low-income populations should automatically qualify for low-income nutrition programs.

Together measures will increase the number of children receiving nutritious meals each day, will ease administrative burdens and streamline meal services.

SUMMER FOOD SERVICE PROGRAM

Almost 3 million children in low-income areas nationwide depend on Summer Food Service Programs for free, nutritious meals and snacks during the summer.

- 4. Expand efforts that aim to maximize participation in the Summer Food Service Program, especially in rural areas.** Hungry or food insecure children in rural areas are historically difficult to reach and under-served. Lowering the eligibility threshold will allow programs and providers to serve more children in low-income areas free, nutritious meals and snacks.

To accomplish this, lowering the open-site eligibility threshold from areas where 50 percent of the children are eligible for free or reduced meals to a threshold of where 40 percent are eligible will simplify the program for large city sponsors while allowing rural sponsors to serve more areas. We further recommend that a pilot program be established that encourages innovative approaches to increasing access to rural areas.

CHILD AND ADULT CARE FOOD PROGRAM

Like children in the school environment, younger children being cared for through child care centers and family day care home providers should also have access to safe, affordable, nutritious and fresh food. The CACFP provides reimbursement for nutritious meals and snacks served to more than 300,000 New Yorkers enrolled in day care programs.

- 5. Increase funding and resources for CACFP to enhance nutritional quality of meals served and increase program participation.** Incorporating foods high in nutritional quality, such as fresh vegetables and fruits, whole grains, and low-fat dairy products into child care center menus is essential to establishing healthy dietary patterns in young children. Current reimbursement rates are not sufficient to cover the costs associated with providing healthy meals to children in day care centers, family day care homes and after-school programs.

To accomplish this, reimbursement for CACFP meals and snacks need to be increased and “at-risk” and Tier 1 eligibility definitions need to be redefined to increase program participation. Area eligibility for the at-risk snack and supper program and family day care home providers (Tier 1) is currently defined as low-income schools (50% or more of children live in households that are eligible for free or reduced price meals) or census block groups (50% of children 12 and younger live in households at or below 185% of federal poverty level). In order to increase access to CACFP, this standard should be lowered from 50 percent to 40 percent. Lowering the area eligibility cut-off will bring more programs and providers that serve low-income children into CACFP.

We further recommend that all meals served through the child nutrition programs receive the commodities currently provided for school lunch. Breakfasts served in CACFP-participating child care centers and schools do not receive the support from the commodities program that programs participating in the National School Lunch Program receive. Expanding the commodities program to include CACFP breakfasts would increase the resources available to plan and serve nutritious breakfasts.

- 6. Provide funding for nutrition education.** In 2004, Congress authorized USDA’s Team Nutrition Network with funding based on the number of child nutrition meals served. However, funds to carry out this provision have never been appropriated. Obesity prevention is currently of utmost importance. Funding these provisions previously established in law would allow for nutrition education efforts to be coupled with federal nutrition programs and target young children to work to prevent obesity.

To accomplish this, funding for provisions in Public Law 108-265 Section 205 Team Nutrition Network should be appropriated to each child nutrition program based on the number of meals they serve. This measure will help ensure that all child nutrition programs receive funds to initiate appropriate nutrition education activities.

- 7. Expand the implementation of the at-risk supper program.** This program reaches low-income children by providing a nutritious meal after the school day has ended and keep teens engaged in positive after-school programs. New York CACFP is one of the six states originally selected for implementation of the at-risk supper program beginning in 2001. This program, which now serves more than 100,000 low-income youth per day in New York State, has been hugely successful.

To accomplish this, we recommend that this program be implemented nationwide.

WIC AND FARMERS MARKET NUTRITION PROGRAMS

For over 30 years, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) has improved children’s health, growth, development, and readiness to learn. Evaluation studies of WIC have proven it to be a cost effective program. Congress should continue to invest in and strengthen the WIC Program.

- 8. Maintain the nutritional integrity of the new food packages by requiring that the food packages be reviewed and revised at least every 10 years.** The recent revisions to the WIC food packages (the first in 30 years) were implemented in alignment with the research-based recommendations of the Institute of Medicine, and support the U.S. Dietary Guidelines for Americans.

To accomplish this, we recommend that the WIC food packages be reviewed and updated, as necessary, every 10 years or whenever there is a significant change in national nutrition recommendations.

- 9. Strengthen the nutrition education components of the WIC Program and increase funding for these services.** Nutrition education is a key factor in achieving improved health outcomes in WIC participating women and children.

To accomplish this, the Child Nutrition and WIC Reauthorization Act should assure that the definition for nutrition education includes breastfeeding support, peer counseling, and technology-based contacts. Funding for “special nutrition education such as breastfeeding peer counselors and other related activities” should be increased from \$20 million to \$40 million per year.

- 10. Continue authorization for the WIC Farmers Market Nutrition Program (FMNP) and expand the current level of funding.** WIC FMNP is a key connection between low income WIC families and farmers as it provides a one time per season benefit to WIC families, to be spent on fresh, locally grown fruits and vegetables at farmers markets. The benefits of encouraging a healthy diet are far-reaching, including reduced obesity and chronic disease, as well as increased academic achievement. The WIC FMNP is often a WIC family’s first introduction to a farmers market and fresh, locally grown foods.

Many of the farmers markets operating in low-income communities have begun to accept SNAP benefits and will be able to adopt the WIC Vegetable and Fruit Check Program. These programs cannot replace the WIC FMNP as they are not tied to fresh, local foods nor are they tied directly to farmers. Only the WIC FMNP has a direct connection between the beneficiary and local farmers. Over 975 farmers in New York State participate in this program.

To accomplish this, it is imperative that the WIC FMNP continues to be supported and that funding be expanded from \$19.8 million to \$25 million in the first year with increases in funding that keep pace with the increasing WIC caseload and increasing number of farmers’ markets participating in the program.

The NYS Council on Food Policy believes that these measures will go a long way to ensure a healthy and prosperous future for our children and our communities.

Respectfully submitted to New York State Governor Paterson by:

Patrick Hooker, Commissioner, NYS Department of Agriculture & Markets; Chair, NYS Council on Food Policy
Darrel Aubertine, NYS Senator, 48th District
Mindy Bockstein, Chairperson and Executive Director, NYS Consumer Protection Board
Linda Bopp, Executive Director, Nutrition Consortium of NYS
Bruce Both, President, United Food and Commercial Workers Union; Local 1500
Michael Burgess, Director, NYS Office for the Aging
Mary Warr Cowans, RD, CDN, Associate Director Division of Nutrition, NYS Department of Health
Dr. Richard Daines, Commissioner, NYS Department of Health
Raymond Denniston, Broome-Tioga BOCES; Co-Chair, NYS Farm to School Coordinating Committee
Diane Eggert, Executive Director, Farmers Market Federation of New York
John Evers, Executive Director, Food Bank Association of NYS
Dennis Mullen, Commissioner and President, Empire State Development Corporation
Acting Commissioner, NYS Office of Temporary and Disability Assistance
Dr. Susan Henry, Dean, NYS College of Agriculture and Life Sciences at Cornell University
Cathryn Mizbani, Senior Extension Administrator; WIC Program Coordinator, Cornell University Cooperative Extension of Schenectady County
Liz Neumark, Chief Executive Officer, Great Performances; Sylvia Center
Frances O’Donnell, Coordinator Child Nutrition Program Administration, NYS Education Department
William Rapfogel, Executive Director and Chief Executive Officer, Metropolitan Council on Jewish Poverty
Irwin Simon, Founder, Chairperson, President and Chief Executive Officer, Hain Celestial Group, Inc
Julie Suarez, Director of Public Policy, New York Farm Bureau
Eleanor Wilson, MS, RD, CDN, Senior Dietitian, Price Chopper Supermarkets, Inc
Catharine Young, NYS Senator, 57th District

New York State Farm to School Coordinating Committee

Department of Defense Fresh - The Next Generation

The USDA recently launched a “Know Your Farmer, Know Your Food” campaign. One of its initiatives is to target DoD dollars towards the purchase of locally produced fruits and vegetables. Below are some ideas and strategies for USDA and DoD to consider in achieving this goal:

- USDA will consider applying a voucher system to DoD Fresh (similar to the operation of the Farmers' Market Nutrition Program) to provide funds directly to school districts to procure fresh fruits and vegetables.
- The Department of Defense Fresh program should facilitate the purchasing of locally grown produce using geographic preference metrics (such as mileage or county, state or region) as defined by individual states.
- A percentage of DoD Fresh funds should be allocated specifically to locally-grown produce (30-40% where practicable). Vendors should be required to meet this objective as a contractual obligation.
- USDA should work to improve the overall quality and efficiency of the Department of Defense Fresh program by enabling shorter distribution chains from farm to school.
- USDA should engage with state agencies to determine the best distribution options for products available through the DoD Fresh Program. Privatization has created additional links in the distribution chain from farm to table, decreasing quality in general and presenting a barrier to local procurement.
- USDA and DoD will work to ensure that requests for local produce from states and school districts are fulfilled. Private versus public (DoD) distribution strategies will be reconsidered to ensure produce quality and local procurement objectives.
- USDA will advocate to increase DoD Fresh funds to \$100M.

Related Ideas:

- 10 percent of food products purchased for school meals will be locally produced, including fresh, frozen, dried or canned items that conform to the US Dietary Guidelines.
- Apply geographic preference language to all USDA programs that serve schools such as the USDA AMS Apple Slice Program and other programs created to promote specific commodity items to schools.

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