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P.O. Box 66874  
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Docket ID: FNS-2011-0019


Dear Ms. Brewer:

The American Cancer Society Cancer Action Network (ACS CAN) strongly supports the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) proposed rule for nutrition standards for all foods sold in school and respectfully submits the following comments for your consideration. ACS CAN is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society (ACS), dedicated to eliminating cancer as a major health problem. ACS CAN works to encourage lawmakers and candidates to support laws and policies that will make cancer a top national priority.

Summary of Our Position

ACS CAN strongly supports establishing minimum national nutrition standards for all foods sold in schools outside of the federal meal programs, otherwise known as “competitive foods”, including those sold in the cafeteria a la carte, in vending machines, and through school stores. Science-based nutrition standards for competitive foods are needed to complement the nutrition standards for school meals, support nutrition education, promote a healthy diet, and reduce overweight and obesity. Overall, we support USDA’s proposed rule, and make the following key recommendations:

• The standards should apply to all competitive foods and beverages sold in schools, across the school campus, and throughout the school day (until at least 30 minutes after the last class ends).
• The standards should be applied to foods and beverages as they are packaged and sold to children.
• There should be no exemptions for a la carte items that are also included as part of reimbursable school meals.
• Foods sold in schools should meet strong standards for calories, fats, sugars, and salt, as well as provide to students a positive nutritional benefit. All competitive foods should be a fruit, vegetable, whole grain, low or non-fat dairy product or healthy protein or naturally contain meaningful amounts of a nutrient of public health concern (i.e., calcium, potassium, vitamin D, or dietary fiber). Fortified junk food without naturally occurring nutrients should not be allowed to be sold.
• Sugars should be limited based on percent of calories rather than weight (Alternative C1), with a total sugars limit of no more than 35 percent of calories, as recommended by the Institute of Medicine.
• Sugary drinks, like full-calorie sodas, should not be sold in schools. We also urge USDA to disallow the sale of full-calorie sports drinks, which also get all of their calories from sugars, and other sugar-sweetened beverages with more than 40 calories per container.
• Calorie limits should be tiered by grade level, similar to the reimbursable meal programs. A kindergartner needs fewer calories than a high school student.
• Schools should make potable water readily accessible to children at no charge during the school lunch and breakfast meal service.

The sections that follow describe ACS CAN’s interest in ensuring that children only have access to healthy foods and beverages in schools and provide more detailed comments on USDA’s proposed nutrition standards for competitive foods.

The Relationship Between School Nutrition and Cancer Risk

For the majority of Americans who do not use tobacco products, weight control, dietary choices, and physical activity levels are the most important modifiable determinants of cancer risk. In fact, approximately one in three cancers are caused by nutrition and physical activity factors, including overweight and obesity.\(^1\) The *American Cancer Society Guidelines on Nutrition and Physical Activity for Cancer Prevention* (ACS Guidelines) recommend that in order to reduce cancer risk, individuals should achieve and maintain a healthy weight throughout life; consume a healthy diet with an emphasis on plant foods; adopt a physically active lifestyle; and (for adults only) limit consumption of alcoholic beverages. More specifically, dietary recommendations are to increase consumption of fruits and vegetables, whole grains, and other low-calorie, nutrient-dense foods, and decrease consumption of red and processed meats, refined grain products, and other low-nutrient, calorie-dense foods and beverages.\(^2\) Given that dietary preferences are established at a young age; one in three children and adolescents are overweight or obese; and children who are overweight or obese are more likely to be overweight or obese adults, it is important to intervene early to put children on a path of good nutrition, healthy weight, and lifelong health.

Since social, economic, and cultural factors strongly influence individual dietary choices, ACS guidelines include recommendations for communities as well as individuals. More specifically, the guidelines recommend implementing policy and environmental changes that increase access to healthy and affordable foods and decrease access to and marketing of foods and beverages of low nutritional value in a number of settings, including schools.\(^3\)

The Need for Science-Based Nutrition Standards for All Foods Sold in Schools

Overall, ACS CAN supported the passage of the Healthy, Hunger-Free Kids Act of 2010, PL 111-296 (HHFKA), Section 203 and 208 of which the proposed regulations are intended to implement. We are pleased that USDA’s proposal to set nutrition standards for all foods sold in schools outside of school meal programs reflects the evidence base in the 2010 *Dietary Guidelines for Americans* (DGA),\(^4\) as well

\(^2\) Kushi et al, 2012.
\(^3\) Kushi et al, 2012.
as in the Institute of Medicine’s (IOM) 2007 report *Nutrition Standards for Foods in Schools: Leading the Way Toward Healthier Youth*. It is clear that in developing this proposed rule, USDA carefully considered existing state and local standards, voluntary industry standards, and the practical application of existing standards, as required by the HHFKA.

Science-based nutrition standards for all foods and beverage sold in schools are gravely needed to address the current high levels of childhood overweight and obesity, which as noted previously, increase the risk for adult overweight and obesity. Overweight and obesity in adulthood increase the risk for a number of non-communicable diseases that are the leading causes of death, including cancer, diabetes, and heart disease. Over the last four decades, the obesity rate has more than quadrupled in children ages 6-11 and more than tripled among adolescents ages 12-19. While numerous factors have contributed to the obesity epidemic, many children consume more calories than they expend, with a significant amount of those calories consumed during the school day. Specifically, research shows that students consume 35-50 percent of their daily calories at school, and that unhealthy foods and beverages sold outside of school meals have a negative effect on students’ diets and weight.

For example, secondary school students who consume sugar-sweetened beverages at school consume 230 more calories on average over the course of a day than students who do not drink sugary beverages at school. The availability of snack foods and beverages in both elementary and secondary schools has remained steady in recent years, and the availability of snack foods and beverages progressively increases from the elementary to the high school level. Given the importance of foods consumed in schools to children’s overall diet and weight, it is essential that strong policies to improve

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nutrition and calorie balance be put in place, especially in schools, where youth spend a large portion of their time.

Nutrition science has evolved since the current national standards for competitive foods were implemented in 1979. The only existing national standard is to disallow “foods of minimal nutritional value” (FMNV), which include soda water, popsicles, and certain non-chocolate candies, from being sold in the cafeteria during mealtimes.\(^\text{20}\) The FMNV standard is no longer consistent with current science, dietary patterns, and public health concerns related to child nutrition and obesity. Current national nutrition criteria for foods sold outside of meals do not address calories, saturated fat, trans fat, sodium, or other key nutrients and do not apply to foods sold outside of the cafeteria and outside of mealtimes.

The updated competitive foods standards should result in a significant improvement to children's diets and health. A recent report from the Pew Charitable Trusts and the Robert Wood Johnson Foundation found that the implementation of strong nutrition standards for snack and a la carte foods and beverages would not only decrease students’ access to, purchase of, and consumption of unhealthy foods and beverages, but would also increase their access to, purchase of, and consumption of healthier options.\(^\text{21}\) With the clear link between poor diet and overweight and obesity, which increase the risk for cancer and other chronic diseases, improving the nutritional quality of all foods sold at school should be expected to produce long-term improvements in health status and health care savings for the nation.

A recent analysis of state competitive foods policies by the Centers for Disease Control and Prevention (CDC) found that as of October 2010, 39 states had nutrition standards for competitive foods, and none of them fully met the standards recommended by the IOM.\(^\text{22}\) In fact, the majority of the state competitive foods standards were only weakly aligned with IOM recommendations, and 11 states had no statewide standards at all.\(^\text{23}\) The variation among state and local requirements for competitive foods poses challenges for schools to obtain healthier products that meet the specifics of their standards and to food and beverage manufacturers as they formulate healthier products for sale in the school setting. Additionally, progress at the state and local levels to limit the availability of less healthy snack foods has stalled in recent years.\(^\text{24}\)

While many states and localities have made some progress in adopting stronger competitive food and beverage standards over the years, nutritionally-poor foods are still widely available in the majority of schools. More unhealthy foods and beverages are available in middle and high schools than in elementary schools. According to the recently released School Nutrition Dietary Assessment Study – IV (SNDA IV), a nationally representative school survey conducted during the 2009-10 school year, 90


\(^{23}\) CDC, 2013.

percent of high schools, 95 percent of middle schools, and 82 percent of elementary schools had competitive foods available. Of schools with competitive foods or beverages available for a la carte purchase at lunch, 15 percent of elementary schools, 50 percent of middle schools, and 58 percent of high schools offered beverages beyond milk, water, and juice, healthy beverages recommended by experts for youth consumption. These additional beverages for sale included energy drinks, sugar-sweetened juice drinks, sodas, sports drinks, hot chocolate, and diet sodas. Many schools also had desserts and snack foods available for a la carte purchase at lunch. More specifically, 24 percent of elementary schools, 57 percent of middle schools, and 63 percent of high schools had baked goods, such as cookies, cupcakes, or doughnuts, for sale; and 34 percent of elementary schools, 68 percent of middle schools, and 71 percent of high schools had snacks, such as chips, granola bars, or popcorn, available for purchase. While some of these items may meet USDA’s proposed nutrition standards for competitive foods, many of them likely would not.

Updating national school nutrition standards for competitive foods and beverages is critical to ensuring that all children have access to only healthy foods and beverages at school. The role of schools is to prepare children to be successful adults, and ensuring that students only have access to healthy foods and beverages during the school day will help to put them on that path.

Cost to Schools

Some entities opposed to national nutrition standards for competitive foods have voiced concern that switching to healthier competitive foods and beverages would result in a loss of revenue for schools. However, school districts across the country are finding that students will purchase and eat healthier competitive foods and beverages. Recent studies show that school districts are not likely to see a decline in overall revenue and in some cases may collect more money when implementing strong nutrition standards for competitive foods, as more students purchase reimbursable school meals. Some school districts have experienced an initial decline in revenue when strengthening their nutrition standards; however, over time this initial decline often reversed, as schools determined which healthier products students like and students adjusted to a new mix of products. A growing body of evidence from schools that have successfully made the transition to healthier competitive foods suggests that schools can have strong competitive food standards while maintaining financial stability.

It is a common misconception that schools need to sell competitive foods in order to fund their meal programs. In reality, when considering the full cost of procuring, preparing, and selling competitive foods, many of these entities will likely find that the benefits of implementing strong nutrition standards for competitive foods outweigh the costs.
foods, money from reimbursable school meals often funds a la carte foods, not the other way around. A 2008 national meal-cost study conducted by USDA showed that revenues from competitive foods fell short of the cost of producing those foods by 29 percent. As a result, the average school uses revenues from their federally-subsidized reimbursable meals to offset the cost of producing and selling a la carte and other often less healthy non-reimbursable food items. Implementation of Section 206 of the HHFKA will assist in correcting this issue and is estimated to bring an additional $7.2 billion in revenue to school food service accounts over the next five years and to result in more than 900,000 more children participating in the school meal programs.

Additionally, vending revenue is generally not new money coming into the schools, but rather is largely a shift in funds from school food service to the vending account. In effect, the money that students spend on vending machine snacks is money that they would likely have otherwise spent on school lunch. The same is true for cafeteria a la carte sales. Indeed, a recent national survey conducted by USDA found that a la carte sales were lower in schools where meal participation was higher, and vice versa. For example, the study found that schools with less than 40 percent of students participating in the National School Lunch Program (NSLP) made an average of $1.50 per student on a la carte sales each week, whereas schools with at least 80 percent of students participating in the NSLP made an average of only 47 cents per student per week. This difference in a la carte revenue per student would be more than made up by the additional revenue or federal reimbursement from school meal sales.

**Technical Assistance**

USDA should provide technical assistance to school districts and to school food authorities to assist them with the implementation of the final nutrition standards for competitive foods. Such assistance could include:

- Partnering with other entities, such as the U.S. and state Departments of Education, the CDC, and nongovernmental organizations that have expertise in this area;
- Sharing lessons learned from districts that have successfully made the transition to offering healthier competitive foods;
- Researching and distributing best practices for addressing common implementation issues, such as educating students, promoting new food and beverage items, revising purchasing and/or vendor contracts, and improving student acceptance of new items;
- Offering lists of foods and beverages meeting the final standards that could be offered for sale at each school level;
- Sharing ideas for nonfood fundraisers that have successfully been used by student groups and school districts to generate revenue; and
- Providing recommendations for developing alternative revenue streams during the transition to healthier products for schools and school districts to consider.

Additionally, as research has shown that any potential revenue losses from competitive food sales can be offset by increased participation in the school meal programs, USDA should continue to work with schools to increase enrollment and participation in the NSLP and the School Breakfast Program (SBP).

35 USDA, SNDA IV, 2012.
Definition of “Competitive Food”, §210.11(a)(1)

Position
We support USDA’s proposed definition of “competitive food” as all foods and beverages outside of the reimbursable school meal programs available for sale to students on the school campus during the school day. We agree with USDA’s interpretation that Congress intended for the standards to apply to foods and beverages.

Rationale
Section 208 of the HHFKA required USDA to establish science-based nutrition standards for all foods sold outside of the school meal programs, on the school campus, and at any time during the school day. USDA’s proposed definition of competitive food is consistent with these requirements.

Nutrition standards for competitive foods should clearly include standards for beverages. The Food and Drug Administration (FDA) defines a “food” as “a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption...”. In addition, there is precedent for USDA to establish nutrition standards for beverages, including standards for beverages in school meals and in the Special Supplemental Nutritional Program for Women, Infants, and Children (WIC). Also, Section 208 of the HHFKA specifically directs the Secretary of USDA to consider existing school nutrition standards for beverages and snack foods in establishing the nutrition standards for competitive foods.

Definition of “School Day”, §210.11(a)(2)

Position
We support USDA’s proposed definition for “school day” as the period from the midnight before to at least 30 minutes after the end of the official school day.

Rationale
As required by the HHFKA, the national school nutrition standards must apply to the whole school day. Due to variation in school start and end times, it is appropriate and necessary for USDA to define the school day in this manner and for the definition to extend beyond classroom instruction time. Students are often in the school building before class begins and after the end of the last instructional period, even if just to walk to their locker, get their backpack, and wait for the bus.

Breakfast times are particularly variable, so having the competitive foods nutrition standards take effect at midnight provides a simple and straightforward criterion to ensure that foods not meeting the standards are not sold to students on the school campus during the breakfast service. Establishing the end of the school day as at least 30 minutes after the end of instructional time is straightforward and more practical than a requirement that the standards apply until after the last bus leaves or the children have gone to their lockers. It also helps to ensure that students are not able to purchase unhealthy foods and beverages at school that they would not be able to purchase at other times before heading to sports, clubs, or other school-based activities or leaving school for the day. The proposed definition is also consistent with current policies in several states.

We recommend that USDA encourage states and districts to apply the standards to time during which afterschool events and activities take place in order to protect afterschool snack and supper programs and ensure that students do not have ready access to unhealthy foods just after the school day ends. USDA should also provide guidance and model policies to cover afterschool time. Many schools across the country have already implemented nutrition standards for foods and beverages that apply to the extended school day through the Alliance for a Healthier Generation’s Healthy Schools Program. Those standards apply to the extended school day when events are primarily under the control of the school or third parties on behalf of the school, such as when clubs, bands, sports practices, and afterschool programs occur.\(^{37}\)

**Definition of “School Campus”, §210.11(a)(3)**

*Position*

We support USDA’s proposed definition for “school campus” as all areas of the school property that are accessible to students during the school day.

*Rationale*

It is important for the nutrition standards to apply to foods sold at all locations on the school property. Vending machines are often located throughout the school campus and school stores may or may not operate near the school cafeteria. The statute clearly intended the standards to apply to the full school setting and to include venues serving foods and beverages outside of the main food service area.

The majority of foods and beverages purchased by students during the school day are purchased on campus. As of the 2009-2010 school year, over 98 percent of elementary and middle schools and 81 percent of high schools across the United States had a closed-campus policy, meaning that they did not allow students to leave the school campus during the school day.\(^{38}\) However, 36 percent of high schools allowed students to leave the lunch area during lunch,\(^{39}\) allowing them to purchase foods and beverages in other locations besides the cafeteria.

**General Nutrition Standards for Competitive Foods §210.11(c)**

We strongly recommend that all competitive foods sold to students during the school day on the school campus meet the nutrition standards for competitive foods.

**Positive Nutritional Value of School Foods, §210.11(c)(2)**

We strongly support USDA’s proposal to primarily use a food-based approach to ensure that the foods sold to children in schools help them to achieve a healthful diet. By emphasizing foods that make a meaningful contribution to a healthful diet, the proposed regulations stay true to the basic premise of the DGA: that nutrient needs should be met primarily by consuming nutrient-dense foods. The ACS guidelines also recommend consuming whole foods following an overall healthy dietary pattern.\(^{40}\)


\(^{38}\) USDA, SNDA IV, 2012.

\(^{39}\) USDA, SNDA IV, 2012.

\(^{40}\) Kushi et al, 2012.
addition, this approach is consistent with the new school meal patterns and other evidence-based recommendations for foods in schools, including those of the IOM. 41

Position
We strongly support the proposal to include, as one of the “general nutrition standards for competitive foods” that foods sold must provide a positive nutritional benefit to students. We support 210.11(c)(2)(iv) that requires foods to contain at least 10 percent of the Daily Value of a naturally occurring nutrient of public health concern (i.e., calcium, potassium, vitamin D, or dietary fiber). We do not support allowing foods and beverages with nutrients added during processing, or with naturally occurring nutrients that are not the ones of public health concern, to count as meeting this criteria.

Rationale
Limiting the nutrients to those naturally occurring will promote the intake of foods closer to their whole, natural state, which is recommended by the DGA, the ACS Guidelines, and the IOM. 42, 43, 44 The DGA specifically states that “ideally, nutrient-dense foods are in forms that retain naturally occurring components such as dietary fiber.” The DGA consistently emphasizes the importance of consuming a diet rich in a variety of fruits and vegetables, as well as whole grains and low-fat dairy products. In addition, the IOM’s 2007 report included fruits, vegetables, whole grains, and low-fat dairy as the centerpieces of Tier 1 foods, foods to be encouraged in schools. USDA’s proposal, which focuses on naturally occurring nutrients, is consistent with and reflects the DGA, IOM, and ACS recommendations.

The nutrient-density of fruits, vegetables, and low-fat dairy products cannot be duplicated by simply adding vitamins or minerals to nutrition-poor snack foods. As the ACS Guidelines note, “it is likely that foods and nutrients have additive or synergistic effects on health and interact in complex ways that are difficult to study and are poorly understood.” 45 There are several examples of nutrients and antioxidants thought to play a role in cancer prevention because epidemiological research has shown that individuals consuming large amounts of them through foods, such as fruits and vegetables, have lower rates of cancer. However, when taken in isolation as supplements, these nutrients do not provide the same health benefits, and may even increase cancer risk. 46

There is no need, nor any basis, to expand the list of nutrients to include ones that are not of public health concern. Doing so would dilute the focus on food groups and nutrients to encourage as identified in the DGA and would be inconsistent with current nutrition recommendations. While the FDA has recognized that fortification “can be an effective way of maintaining and improving the overall nutritional quality of the food supply,” 47 the agency also recognizes that fortification could “result in over- or under-fortification in consumer diets and create imbalances in the food supply”. 48 Specifically, FDA’s fortification policy states:

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42 USDA and HHS, 2011.
48 21 CFR 104.20 (a).
The Food and Drug Administration does not encourage indiscriminate addition of nutrients to foods, nor does it consider it appropriate to fortify fresh produce; meat, poultry, or fish products; sugars; or snack foods such as candies and carbonated beverages. To preserve a balance of nutrients in the diet, manufacturers who elect to fortify foods are urged to utilize these principles when adding nutrients to food.

The FDA policy includes close to two dozen components for manufacturers to consider and/or adhere to with respect to fortification. Given the various factors to be considered for responsible fortification, as outlined by the FDA, it would be overly burdensome to expect school food service operators, principals, school club advisors, and others to determine which snack foods are appropriately fortified and which are not. USDA’s proposed policy to count only naturally occurring nutrients is a more straightforward and science-based approach.

Crediting nutrients added through fortification could lead food manufacturers to add nutrients to foods that would not usually be sources of a nutrient and could lead to nutrient imbalances. For example, if USDA credited foods containing added vitamin D as a healthy competitive food, companies might start adding vitamin D to many snack foods, which could lead to overconsumption of this fat soluble vitamin. As stated in the competitive foods proposed rule, the purpose of limiting nutrients to those naturally occurring in the food is to reduce the consumption of products for which nutrients of concern have been added at some point during the processing or packaging of the product and to increase consumption of products with naturally-occurring nutrients that are typically under consumed.

Encouraging schools to sell competitive foods that contain important food groups and naturally occurring key nutrients is also financially feasible. While there is a general perception that healthy foods cost more than less healthy options, analysis by USDA’s Economic Research Service found that, when the price of edible weight or price per portion were used to determine costs, healthy foods like toasted oat cereal (a grain), vegetables, fruits, and low-fat milk and low-fat yogurt (dairy) were more affordable than most protein foods (lean roast beef, chicken breast, or canned tuna) and less healthful foods (that were higher in saturated fat, added sugars, and/or sodium). These findings also are supported by research from the Produce Marketing Association.

Additional Recommendation
We recommend that USDA specify in the final rule that the nutrients of concern be based on the most recent DGA. The rule should list the current nutrients of concern as examples, but the agency should be able to update the nutrient list as the DGA is updated.

If future versions of the DGA include different nutrients of concern in place of or beyond calcium, potassium, vitamin D, and fiber, USDA should have the authority to update the nutrients of concern that could be counted under this provision.

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Implementation
While there will be some challenges associated with implementation of this provision, training and technical assistance efforts should provide school food service operators with strategies on how to determine whether a product provides naturally occurring nutrients of public health concern.

Guidance could include how to determine whether a nutrient has been added by reviewing the ingredient list. USDA should provide examples of products that are naturally good sources of calcium, potassium and fiber. It also can point out that few foods contain naturally occurring vitamin D. USDA should provide information about key words to look for in the ingredient list that are likely sources of added nutrients. For example, added fiber might be listed as maltodextrin, inulin, polydextrose, oat fiber, or soy fiber.

In addition, food manufacturers should be encouraged to provide information about their products that meet, or do not meet, this provision. Finally, USDA should work with the FDA as it revises the Nutrition Facts label to ensure that all nutrients of public health concern are listed on the Nutrition Facts label, including potassium, which is not currently required to be listed.

Recommendation for Positive Nutritional Value for Entree Items
USDA should require a proportionate increase in, and/or recommended amounts of, food group contributions for entree-type items. Such a recommendation would help to ensure that entree-type products contribute to healthy eating patterns and include more of the foods that children typically under-consume, such as fruits, vegetables, and whole grains.

We recommend that entree items, which are primarily combination foods that often include several food groups, be required to meet all of the competitive food nutrient standards as outlined in this section, and include at least two different food groups (except in the case of meats or meat alternates). A new subsection, (c)(3) could be added as follows:

(c) General nutrition standards for competitive foods.

(3) To be allowable, an entree-type item must:
   (i) Meet all of the competitive food nutrient standards as outlined in this section; and
   (ii) Either:
      (a) Contain two of the following:
          (1) fifty percent or more whole grain by weight or have as the first ingredient a whole grain; or
          (2) a half cup of fruit; or
          (3) a half a cup of vegetable; or
          (4) a half cup of milk or yogurt or one ounce of reduced-fat cheese; or
          (5) one ounce of a meat, poultry, or seafood, 0.3 cups of cooked dry beans, 0.7 ounces nuts or seeds; or one egg or egg equivalent.
      (b) Be at least a 2 ounce serving of meat or meat alternate alone, with the exception of yogurt, low-fat or reduced-fat cheese, nuts, seeds or nut butters, or a meat snack food (such as a dried beef stick).

Rationale
The proposed rule allows entree items to contain nearly twice as many calories as side or snack items; therefore, they should contribute more to positive dietary needs. Entree items that are combination
foods should be required to contain multiple food groups. Entree items are expected to be the main component of a meal, so it makes sense that they would provide multiple nutritional benefits. However, since entree items that are protein foods alone are comprised of only one food group, they should not be required to contain additional food groups. Protein foods that are sold as entrees should contain more protein and nutrients than protein foods that are sold as snacks or side dishes.

**Technical Correction**

(c)(2)(vi) should just apply to (c)(2)(ii), (c)(2)(iii) and (c)(2)(v), and not to (c)(2)(i) and (c)(2)(iv). While the language regarding water as the first ingredient applies to the standards that include food groups, it is not appropriate for it to apply to the standard related to 10 percent of naturally occurring nutrients of public health concern; there is no need to consider the first ingredient to determine nutrient content.

**Whole Grain Requirements, §210.11(c)(2)(ii)**

**Position**

We support USDA's proposed requirement for whole grains, which would require all grain products to contain at least 50 percent whole grains by weight or have a whole grain as the first ingredient.

**Rationale**

Consumption of whole grains by children is significantly lower than current recommendations, with children ages 4 to 18 years consuming, on average, less than one serving per day.\(^{51}\)

The proposed requirement for whole grains aligns with the DGA, which recommends that children and adults consume at least half of total grains as whole grains. It is also consistent with the ACS Guidelines, which recommends choosing whole grains over refined grain products;\(^{52}\) the recently updated nutrition standards for school meals; and WIC Food Package requirements for breakfast cereals, bread, and grains.\(^{53}\) We would oppose USDA allowing products that contain at least 8g of whole grains per serving, the amount required by the Whole Grains Council trade association for products to receive the “whole grain stamp”,\(^{54}\) to count as meeting the whole grain requirement in the competitive foods nutrition standards. Such an approach would not ensure that grain products contain at least 50 percent whole grain and is inconsistent with the DGA. For example, 8 grams of whole grain in a 25 gram serving of pasta would be only 32 percent whole grain. As another example, a popular children's cereal that notes it is “made with whole grain” has 10 grams of whole grain per 29 gram serving. However, the product contains more sugar (12 grams) than whole grains and 7 grams of refined grain per serving, assuming other ingredients are minor. Thus, a child would get more sugar and refined grain than whole grain from this “whole grain rich” cereal.

We urge USDA to work with the FDA to require whole grain labeling. Labeling of whole grain content of food products would significantly reduce the burden of proper identification of whole grains by school

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\(^{52}\) Kushi et al, 2012.


food service operators. USDA also should work with industry and stakeholders to ensure that program operators can identify and procure whole grain rich foods.

**Calories, §210.11(j)-(k)**

**Position**

We support USDA’s proposed calorie limits for snacks and side dishes (<200 calories) in middle and high schools as well as the proposed calorie limits for entrees (<350 calories) in middle and high schools. However, given that younger students have lower calorie needs, we recommend that USDA set calorie maximums for snacks and side dishes sold as competitive foods in elementary schools at 150 calories and limits for entrees at 260 calories.

**Rationale**

We strongly support the need for calorie limits on competitive foods sold in schools. Consuming foods and beverages in appropriate amounts to achieve and maintain a healthy weight is one of the key strategies in the ACS guidelines for reducing cancer risk related to overweight and obesity. With one in three children in the United States currently overweight or obese, it is important that children not be sold excess calories during the school day. Excessive caloric intake leads to weight gain and obesity, putting children at increased risk for health problems, including increased risk of overweight and obesity later in life, which raise their risk of cancer and other chronic diseases. As little as an extra 110 to 165 calories per day may have been responsible for the increase in childhood obesity between 1988 and 2002. According to a recent research brief and evidence review by the Healthy Eating Research and Bridging the Gap programs funded by the Robert Wood Johnson Foundation, competitive foods policies that limit portion size and calorie content are effective at reducing children’s caloric intake. In addition, states with strong nutrition standards, including calorie limits, for competitive foods have experienced a reduction in student weight gain.

Since children’s calorie needs increase as they grow, calorie limits should be tiered based on age/grade level, as they are for school meals. For low-activity students, the DGA estimates daily calorie needs range from 1,200 calories at the elementary school level to 2,400 calories for high-school-aged boys. Because of this variation, USDA issued calorie ranges for the NSLP that increase by school level (550-650 calories in elementary school lunches, 600-700 calories in middle school lunches, and 750-850 in high school lunches). Two hundred calories is a greater proportion of daily caloric needs for an elementary school student than it would be for a high school student.

Schools across the country have already successfully implemented tiered calorie maximums for snack foods as part of the Alliance for a Healthier Generation’s Healthy Schools Program, which calls for a calorie limit for snack foods of 150 calories in elementary schools, 180 calories in middle schools, and

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200 calories in high schools. A report from the Pew Charitable Trusts Health Group has recommended setting calorie maximums for school-based snack foods at 100 calories in elementary schools, 140 calories in middle schools, and 180 calories in high schools, lower than USDA’s proposed limits.

We recommend that USDA set the competitive food calorie maximum for snack items and side dishes at 150 calories for elementary schools. Entrees served as competitive foods in elementary schools also should have a lower calorie standard than the limit for middle and high schools. Using the same proportion of calories between snacks and entrees as for middle and high schools or the same proportion for the entree calorie maximum for high school to the mid-point of the school lunch calorie standard for high school lunches, we recommend that competitive foods entrees be limited to 260 calories at the elementary school level. We do not recommend any changes to the proposed calorie limits for snacks and side items or for entrée items for middle and high schools.

**Total Fat, Saturated Fat, and Trans Fat, §210.11(f)-(h)**

**Position**

We support the proposed rule’s provisions specifying total fat, saturated fat, and trans fat limits as part of comprehensive nutrition standards for competitive foods. The proposed limits are consistent with recommendations in the DGA and the ACS Guidelines, which are associated with reduced risk of chronic diseases while still providing for adequate intake of essential nutrients.

**Rationale**

**Total Fat**

We support the proposed rule’s requirement that “no more than 35 percent of the total calories per portion as packaged shall be derived from fat.” The DGA notes that the IOM established acceptable range for total fat intake for children and adolescents ages 4-18 years is 25 to 35 percent of calories. The ACS Guidelines also recommend limiting foods high in fat as a strategy for reducing caloric intake to achieve a healthy body weight. By limiting total fats, students can increase intakes of nutrient-dense foods without exceeding overall calorie needs. The DGA indicates that dietary patterns with low caloric density (the amount of calories provided per unit of food weight) may help reduce caloric intake and improve body weight outcomes. Limiting the amount of fat and sugars in competitive food items will decrease caloric density and encourage dietary patterns consistent with the DGA.

**Saturated Fat**

The DGA is clear that both children and adults “have no dietary requirement for saturated fatty acids” and notes that higher intake of most dietary saturated fatty acids is associated with risk factors for...

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60 Number based on the proportion of snack calories to entree calories between elementary and secondary schools. Snack cal/Entrée cal: 200/350 = 150/x, x=262 cal for entrees at elementary level.

61 350 calories is proposed as the calorie standard for entrees in high schools. The standard for high school lunches is 750-850 calories (for an average of 800 calories). The calorie standard for elementary school lunches is 550-650 calories (for an average of 600 calories). 350/800 = x/600, x=262 calories.
cardiovascular disease. The DGA indicates that consuming fewer than 10 percent of calories from saturated fatty acids is correlated with low blood cholesterol levels and a lower risk of cardiovascular disease. Therefore, to promote overall health, we support the proposed limitation that fewer than 10 percent of the total calories per portion of food be derived from saturated fats.

**Trans Fat**
The DGA recognizes that multiple studies have identified an association between increased trans fatty acid intake and increased risk of cardiovascular disease. Given that natural trans fatty acids are present in meat and milk products from grazing animals, a complete elimination of trans fat would have undesirable unintended consequences for nutrient adequacy. Thus, again to promote overall health, we support the proposed trans fat limit of no more than 0.5 grams trans fat per portion as packaged.

**Exemptions**
The proposed exemptions to the total fat, saturated fat, and trans fat limits are largely appropriate; we suggest minor clarifications. The exemption from the total fat and saturated fat limitations for reduced-fat cheeses is consistent with the DGA, and is likely to limit consumption of full-fat cheeses, which the DGA notes are the highest contributor of saturated fat to the American diet at nine percent of total saturated fat intake. We urge USDA to not extend the fat exemptions for reduced-fat cheeses to combination products that include reduced-fat cheese (such as cheese and crackers), similar to USDA’s proposed fat exemptions for nuts.

We support the proposed exemptions from the total fat limits for nuts and nut butters and encourage USDA to consider a similar exemption for nuts and nut butters from the saturated fat limits, given the healthy fat profile and positive nutritional benefits of these products, provided they meet other applicable requirements, such as limits for sodium, sugars, and calories. Lower-fat peanut butters, as an example, often contain higher amounts of added sugars and may not be more nutritious overall. In addition, we support the proposed exemptions from the fat limits for dried fruit and nut combination products that contain no added nutritive sweeteners or fats and for seafood, provided these items are still subject to the other proposed standards.

**Total Sugars, §210.11(i)**

**Position**
We support Alternative C1, allowing no more than 35 percent of calories from total sugars in foods, as the limit for total sugars. This is the limit for total sugars in competitive foods recommended by the IOM.62

We also support the proposed exemptions from the sugars standard for fresh, frozen, and canned fruits and vegetables with no added sweeteners, dried fruits and vegetables with no added nutritive sweeteners, canned fruits packed in 100 percent juice and extra light syrup, and low- and nonfat yogurt with fewer than 30 grams total sugars per eight ounces. We support exemptions from the sugars standard for these items because they are nutrient-rich foods with mostly naturally occurring, rather than added, sugars. We recommend that the 30 grams per eight ounce limit for total sugars in yogurt be scaled proportionately by serving size. For example, a six ounce yogurt, a serving size commonly found in schools, would be required to have no more than 22 grams total sugars.

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We also recommend that USDA provide an exemption from the total sugars standard for fruit packed in light syrup. There is little difference in total calories and sugars between fruits packed in light syrup versus those packed in 100 percent fruit juice, and in some cases, 100 percent fruit juice adds more sugars and calories than light syrup. For example, Del Monte’s diced peaches fruit cup in light syrup contains 70 calories and 16 grams of sugars, while Dole’s diced peaches fruit cup in 100 percent juice contains 80 calories and 18 grams of sugars.

In addition, there are few products available on the market with extra-light syrup listed on the food label. We found only a handful of products that use the term extra-light syrup in their product descriptions, and those were in small font on the product package. Because FDA definitions of extra-light and light syrups are based on the total density of sweeteners in the packing solutions and food labels do not currently distinguish between added and naturally occurring sugars, it is difficult to determine which products use light syrup and which use extra light syrup. Providing an exemption for fruits packed in light syrup would make it easier for schools and companies to offer a wider range of fruit options that students would eat and enjoy.

We do not, however, support exemptions for dried fruits, such as cranberries, that are processed with added caloric sweeteners. These products should be required to meet standard (c)(2)(iii), (c)(2)(iv), or (c)(2)(v) and all of the nutrient standards in order to be allowed to be sold in schools.

We do recommend an exemption to the sugars standard for certain canned vegetables for which a small amount of sugars has been added to maintain the structural integrity of the vegetable, consistent with USDA guidance for WIC food packages.

Rationale

Consumption of excess sugars increases the risk for obesity, diabetes, and associated chronic diseases, including heart disease and cancer. In particular, the DGA recommends reducing consumption of added sugars, which provide additional calories but no nutrients. In contrast, naturally occurring sugars are part of foods that are often rich in nutrients, such as fruits and dairy products.

A recent meta-analysis found consistent evidence that increasing or decreasing intake of dietary sugars is associated with corresponding changes in body weight for adults. Youth with the highest sugars intakes also had a higher body weight or greater adiposity than youth with the lowest intake. The majority of sugars consumed by study participants were added sugars.

The major sources of added sugars in the diets of youth ages 2-18 include soda and fruit drinks (36.8 percent), grain-based desserts (10.9 percent), dairy-based desserts (7.9 percent), and candy (6.8 percent).

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percent). On average, youth consume 433 calories from added sugars each day, which is more than 25 percent of the total recommended caloric intake for a sedentary 9-10 year old boy or 11-13 year old girl. The ACS Guidelines specifically recommend limiting consumption of foods high in added sugars, such as cakes, candy, cookies, sweetened cereals, and sugar-sweetened beverages such as soda and sports drinks, which promote obesity and indirectly increase cancer risk. The American Heart Association also recommends that most children and adolescent girls consume no more than 20 grams of added sugars per day and that adolescent boys consume no more than 33 grams of added sugars per day.

We support a limit for total sugars of no more than 35 percent of calories from sugars because a limit based on calories is more consistent with the science about the health risks of excess sugar consumption than a limit based on weight. Concerns about sugars consumption relate in large part to the excess calories that sugars provide and their contribution to obesity. In addition, a total sugars limit of 35 percent of calories is a more protective standard than a limit of 35 percent of the weight of the product, especially for foods with high water content. A limit on sugars by weight would allow a number of sugary foods to be sold that would be excluded by a limit based on percent of calories, including some ice pops, fruit snacks, ice creams, puddings, granola bars, and snack cakes. For example, a 70 gram ice cream sandwich made with light ice cream that has 130 calories would be allowed to have 24 grams of total sugars under a 35 percent by weight sugars standard. However, the limit for total sugars would be less than half the amount – only 11 grams – under a 35 percent of calories sugars standard. As another example, a 110 gram strawberry-flavored frozen fruit and ice bar that has 100 calories and 25 grams of sugars would meet the 35 percent of sugars by weight standard (with 23 percent of sugars by weight) but would not meet the 35 percent of calories standard (with 100 percent of calories from sugars). Just because a food has more water, and therefore a higher weight, it should not be allowed to have more sugars.

**A Further Consideration**

Ideally, USDA should set the sugars standard based on added sugars, rather than total sugars. Added sugars are what science shows should be limited in children’s diets. However, since added sugars content is not included on the Nutrition Facts label, it would be difficult for school nutrition directors and other school staff to determine the added sugars content of some foods, particularly foods that contain both naturally occurring and added sugars. We urge USDA to work with FDA to ensure that added sugars content will be listed on the revised Nutrition Facts label. If the FDA moves quickly in releasing proposed and final regulations updating the Nutrition Facts panel, USDA should implement a sugars standard that limits added sugars, rather than total sugars, in the final competitive foods rule. If added sugars are added to the Nutrition Facts label after a final rule is released, USDA should consider changing the sugars limit to one based on added sugars next time revisions to the nutrition standards are made.

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71 USDA and HHS, Appendix 6, 2011.


for competitive foods are considered. Under an added sugars standard, exemptions for fruits and yogurts with naturally occurring sugars would not be needed.

Sodium, §210.11(j)-(k)

Position
We support the proposed sodium limits for snack items (<200 mg) and for entrees (<480 mg). These new standards should contribute significantly to sodium reduction in schools and complement the gradual reduction required for the school meal programs.

Rationale
A growing prevalence of high blood pressure in American children’s diets has been linked to increasing obesity rates, high sodium intake levels, and high calorie diets. According to the DGA, children are consuming salt in amounts that far exceed the recommended daily limits. The DGA has long recommended reducing sodium in the diet, including a limit of 2,300 milligrams per day for many Americans in the 2010 guidelines (1,500 milligrams for people who are 51 and older, or anyone who is African American, or has hypertension, diabetes, or chronic kidney disease). The estimated average intake for all Americans ages 2 years and older is 3,400-3,600 milligrams of sodium per day, about one and a half times the recommended limit.

It has been estimated that a national public health strategy to reduce daily salt intake to close to the limit recommended by the DGA could save 150,000-500,000 lives per year, primarily from reduced heart disease, stroke, and heart attack deaths, and save $1.5 trillion in health care costs over 20 years. USDA’s proposed sodium limits will help to reduce the high levels of sodium children consume.

At an early age, children are becoming accustomed to high levels of sodium in processed and restaurant foods. However, the preference for salty taste can be successfully changed, if sodium reduction is done in a stepwise manner that systematically and gradually lowers sodium levels. USDA’s gradual sodium reduction in the school meal programs combined with the proposed sodium limits for competitive food items follows such an approach.

We recognize in some instances it may be challenging for schools and the food industry to meet the proposed sodium targets right away. However, many companies and schools are already working towards reducing sodium in popular meal items, many of which also are served through a la carte. In addition, a number of popular vending items already meet the proposed sodium limits or could easily meet the limits with only slight reformulation.

References

78 Coxson et al, 2013.
Red and Processed Meats

Position
We recommend that USDA recommend in the final competitive foods regulations that schools reduce the amount of red and processed meats available for purchase by students as competitive foods. USDA should also provide schools with training and technical assistance on ways to offer other types of lean meat and non-meat protein sources instead of red and processed meats as competitive foods and as part of the school meal programs, since many a la carte items are also part of reimbursable school meals.

Rationale
Many epidemiologic studies have examined the association between cancer and the consumption of red meat (beef, pork, and lamb) and processed meats (such as cold cuts, bacon, and hot dogs, etc.) that are nitrite- or nitrate-cured. Current evidence supports an increased risk of colon, rectum, and possibly prostate cancer associated with long-term, regular consumption of these two types of meat products. The IOM recommends that meats sold or served in schools be low in fat and further notes that less frequent use of even low-fat versions of meats preserved by smoking, curing, salting, or adding preservatives may be advisable due to their high salt content and the association between consumption of these types of meats and increased risk of colorectal cancer in adults.

While we do not believe that there is enough evidence at this time to recommend a maximum level of consumption for red and processed meats for children and adolescents, lean unprocessed meats, including poultry and fish, and meat alternates, including plant-based protein sources such as soy, tofu, beans, and nuts, should be offered instead of red and processed meats as much as possible. Given that students are likely to purchase more red and processed meat products or combination foods containing red and processed meats when they are more widely available, we recommend that schools offer as few red and processed meats as possible and increase the availability of items containing unprocessed poultry, fish, soy, tofu, beans, and nuts as competitive foods. This recommendation particularly applies to entrée items, as many of the most popular a la carte meat and mixed dish entrees sold a la carte, including burgers, hot dogs, cold cut sandwiches, unbreaded and breaded meat sandwiches, unbreaded and breaded meat nuggets and patties, chili, pizza with meat, spaghetti with meat sauce, chef’s salads, burritos and other Mexican food, and soup with meat, and meat snacks, may contain red or processed meats. All of these food items were available for sale a la carte in more than 10 percent of high

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89 USDA, SNDA IV, 2012.
schools, as of the 2009-2010 school year.\textsuperscript{90} We also recommend that schools replace red and processed meats in reimbursable school meals with other forms of unprocessed meats and meat alternates.

In order to facilitate schools offering unprocessed meats and meat alternates in place of red and processed meats, we recommend that USDA provide education, training, and technical assistance to school nutrition directors and other school staff managing the sale of competitive foods on the potential health risks of red and processed meats and ways to replace these unhealthy meats with healthier unprocessed lean meat and non-meat alternatives. At a minimum, this education, training, and technical assistance should include:

- Information on the health risks associated with the consumption of various types of red and processed meat products and the health benefits associated with the consumption of unprocessed lean meats and meat alternates, based on current science;
- Lists of commonly-served types of red and processed meat products that should be limited;
- Lists of types of unprocessed lean meat and non-meat alternatives that meet the competitive foods nutrition standards that schools may want to offer in place of red and processed meats;
- Options for purchasing and preparing unprocessed lean meat and non-meat alternatives so that they meet the competitive foods nutrition standards and students will want to purchase and consume them;
- Additional technical assistance as needed.

**Importance of Standards Being Met for Items as They Are Sold and Packaged**

**Position**

We strongly support the proposed requirement that the competitive food standards apply to foods and beverages as they are packaged and sold to students.

**Rationale**

The standards for calories, fats, sugars, and sodium are important nutritional provisions in the proposed rule. However, they could be easily undermined if items are packaged with more than one serving per container and only the individual serving meets the standards, while the package does not. Nutrition standards per serving rather than per package also could be confusing to students as they select food or beverage items and learn about healthy eating and portion sizes.

Studies show that people eat more when they are served larger portion sizes.\textsuperscript{91} People are also less able to assess the nutritional content of foods when a product intended to be consumed in a single sitting contains multiple servings.\textsuperscript{92} Children should be learning at school how to eat healthfully and what appropriate serving sizes look like. It is important that when an item is sold to a child that the serving size is for the entire package and that standards are met for the package, as most students will eat the entire package.

\textsuperscript{90} USDA, SNDA IV, 2012.
Exemption for NSLP and SBP Entrees and Side Dishes, §210.11(c)(3)-(4)

Position
We do not support exemptions from the national competitive foods nutrition standards for any a la carte items, including items that are also part of reimbursable school meals.

Rationale
Allowing sales of any foods that are inconsistent with the standards undermines the nutrition standards and is not allowed by the HHFKA. According to the preamble of the proposed rule, the nutrition standards are “intended to improve the health and well-being of the Nation’s children, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits”. Serving individual items that do not meet nutrition standards works in opposition to these key goals because it allows children to continue to purchase unhealthy snack foods or entrée items a la carte instead of nutritious snack foods or more balanced reimbursable meals. It also undermines nutrition education and parents’ efforts to provide healthy options for their children.

The vast majority of students have access to a la carte options. In fact, a la carte options are available in more than three-quarters of elementary schools and 90 percent or more of middle and high schools. By exempting some meal items sold a la carte from having to meet the standards, millions of students would have access to foods high in fats, calories, sugars, and sodium every day. In addition, USDA estimated in the proposed rule that the overwhelming majority – 93 percent – of competitive food sales are through a la carte. Many of these items are also sold as a part of the meal programs. The top a la carte entree-type items served in schools are pizza, burgers, and breaded chicken patties (USDA, 2007). Entree items provide an estimated one-third of the total energy and at least 40 percent of the saturated fat and sodium in a typical lunch. To exempt these foods from having to meet the nutrition standards would be a huge loophole in the regulations, undermining children’s diets and the goals of the rule and the HHFKA.

School meals are carefully designed by school nutrition service professionals to contain items that when served together create a balanced meal that includes key nutrients while controlling for calories, fats, sugars, and sodium. When planning meals, school food professionals balance the nutritional components of all food items in a lunch or breakfast and across all meals over the week. This allows foods that may exceed individual limits for calories, fats, sugars, and sodium to be included in a reimbursable meal when balanced with healthier sides. However, when such items are sold individually, students get the negative nutrients from the individual item, such as sodium or sugars, without getting the positive nutrients from the rest of the components that balance the meal. Compounding this problem, when purchasing lunch from a la carte options, students can buy more than one of these less healthful items. For example, instead of purchasing a reimbursable meal that contains a slice of pizza, salad, fruit, and milk, a student may purchase three slices of pizza in the a la carte line.

While we recognize the importance of consistency between the foods served in meals and in a la carte, there can be consistency without exempting a significant number of a la carte items from the competitive food standards. Meal items sold individually as a la carte options should meet the competitive food nutrition standards. If individual items meet the competitive foods standards, they

93 USDA, SNDA IV, 2012.
should have no problem fitting into healthful NSLP and SBP menus, allowing for consistency and flexibility, while also safeguarding children's health.

Importantly, the language in the HHFKA clearly states that all foods sold outside of meals must meet the national nutrition standards. A legal analysis by ChangeLab Solutions' National Policy and Legal Analysis Network (NPLAN) concluded that the HHFKA expressly requires USDA to set nutrition standards for all foods sold on school campuses at any time during the day. Accordingly, USDA must apply the nutrition standards to all a la carte foods, including those individual items that also happen to be sold as a part of the NSLP and SBP.

Additional Recommendations

We strongly recommend that no exemptions be given to meal entrees or side items sold as a la carte options. However, should USDA decide to go forward with an exemption, we recommend it be a modified version of alternatives A1 and B1. Such an exemption should include only entree items (not side items) and require that all items meet the competitive foods standards for fats, sugars, and sodium, with sodium limits phased in over time similar to the phase-in for sodium limits in the school meal standards. In addition, the exemption should only be allowed on the day the item is served in the meal and the following day. This compromise would still help to maintain some of the integrity of the nutrition standards and provide flexibility for school food service, allowing service of leftover entrees.

We strongly oppose alternative B2 as it would allow items that do not meet the standards to be served almost every day. Alternative B2 would allow an item to be exempt within four days of an item being sold as a part of the meal. If a school has a two-week rotating menu that includes “Pizza Friday,” pizza that does not meet nutrition standards could be sold a la carte virtually every day. However, even with alternative B1 and the proposed compromise we are suggesting, items that do not meet the nutrition standards could be offered every single day. Most schools, and middle and high schools in particular, offer multiple entrée options as part of a reimbursable meal each day, with 45 percent of high schools offering at least six entrees on a given day. In particular, pizza is available more than half the time, breaded poultry/meat sandwiches are available on 42 percent of days, and beef burgers are available on 35 percent of days in high schools. Even if entrée items not meeting all of the nutrition standards for competitive foods were allowed to be sold a la carte only on the day they are part of the reimbursable meal and the next day, these items would still be available to students nearly every single day. While any exemption to the nutrition standards for competitive foods reduces progress toward the long-term goals of improving children’s nutrition and lifelong health, the narrower the exemptions, the more significant impact the nutrition standards are likely to have.

If USDA includes an exemption in the final rule, we recommend the following:

(3) Exemptions.

(i) **Entree-type** menu items provided as part of the NSLP or SBP reimbursable meal are exempt from these competitive food standards with the exception of the standards established for total fat, and sugars, and sodium, as specified, on the same day that they are offered as part of the

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95 USDA, SNDA IV, 2012.
reimbursable school meal and on the day immediately following their service as part of the reimbursable school meal. Grain based dessert products must meet all standards in order to be served. Such menu items shall be served in the same or smaller portion sizes as in the NSLP or SBP to be allowable.

**Definition of Entree Items:**
We recommend that USDA amend the definition of entree items to exclude meat snack items as entrees. We support defining main dish meat items as entrees; however, USDA should clarify that this does not include meat snack foods, such as beef jerky, which are not entree-type foods. We suggest the following changes to the proposed rule:

§210.11(k)(1) An entrée item is defined as an item that is either:

(iii) A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters, or meat snacks (such as a dried beef stick).

**Accompaniments, §210.11(n)**

**Position**
We support USDA’s proposal that accompaniments should be included in the nutrient profile of the food item sold and should be required to meet all the nutritional standards for competitive foods.

**Rationale**
We agree that the use of accompaniments with competitive foods should count toward limits for calories, sodium, fats, and sugars. Many common accompaniments contain meaningful amounts of calories, fats, and sugars, with little to no positive nutritional value. For example, ranch salad dressing, a popular accompaniment among children and adolescents, contains about 140-150 calories per serving, with more than 90 percent of those calories from fat. Even light or fat-free alternatives can add more than 250 milligrams of sodium, which exceeds the proposed sodium limit for snack items and side dishes and provides more than half of the proposed sodium limit for entree items. On the other hand, accompaniments like dips and salad dressings can help make healthy options, such as fruits and vegetables, more palatable and appealing for children, increasing their likelihood of eating and enjoying these items. In addition, some accompaniments, like ketchup, mustard, and relish, contain only minimal amounts of calories, sodium, and sugars. Thus, the final competitive foods rule should not make it overly burdensome for schools to provide accompaniments.

Regardless of whether the final rule requires accompaniments to be pre-portioned or not, schools should be required to include an average serving size of the appropriate accompaniments when

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completing the nutritional analysis for an item. For example, if students, on average, use about two tablespoons of ketchup with french fries, then that amount of ketchup should be included in the nutritional analysis for a serving of fries.

We also urge USDA to offer technical assistance to schools on strategies to limit accompaniments that are high in calories, fats, sugars, and sodium, such as salad dressings, mayonnaise, and cream cheese. For example, schools could use smaller scoops for self-serve salad dressings, provide educational and marketing materials that teach students appropriate serving sizes, and switch to nutritionally improved versions of common accompaniments, like low-fat mayonnaise or lower-sodium salad dressing.

**Beverages: Water, Juice, and Milk**

**Position**

We generally support the proposed requirements for water, juice, and milk and the proposed portion sizes. However, we encourage USDA to:

- Change “plain water” to “water with no additives.”
- Allow carbonated water without additives in elementary and middle schools with no portion size limit.
- Change “plain milk” to “unflavored milk.”
- Allow juice diluted with water in high schools.

**Rationale**

We support allowing water without additives in any serving size at all grade levels. However, we urge USDA to replace the term “plain water” with “water with no additives”. Plain water does not have a standard of identity, and using the adjective "plain" may create a negative connotation among students. We ask USDA to clarify that water could include added fluoride.

We support USDA’s proposal to allow water with no additives in unlimited portions to be sold in all grade levels, in addition to free water that must be provided to students at meal times. As the later section on water access explains in more detail, individual water fountains and other single/small-serving water dispensers are insufficient to meet the requirement for providing sufficient potable water in the location where food is sold and consumed.

We support the proposed milk standards and portion sizes for elementary, middle, and high schools. However, we urge USDA to replace the term “plain milk” with “unflavored milk”. Plain milk does not have a legal definition, may create a negative connotation among students, and is inconsistent with state and local policies that use the term unflavored milk.

We encourage USDA to revise the proposed standards to allow certain additional juices and carbonated water to be available in some schools:

- We support allowing both 1) 100 percent juice and 2) 100 percent juice plus water or carbonated water in portion sizes of no more than 12 ounces for high schools.
- We support allowing carbonated water, without additives and with no portion size limit, to be sold in elementary and middle schools. Adding carbonation to water does not reduce its nutritional value and should be allowed at all grade levels. This change would be consistent with
USDA’s proposal to eliminate the regulations regarding foods of minimal nutritional value and the encouragement to provide water to all students.

Additional Considerations
We understand that some companies are asking for an exemption to the 100 percent juice standard. We oppose an exemption for any juices with added sweeteners, such as cranberry juice cocktail. Most children consume four to six times more added sugars than the maximum recommended daily amount. With many 100 percent juices available on the market, including cranberry juice blends, we see no need to exempt cranberry juice cocktail or other fruit drinks with added sugars when children are already consuming too much added sugar. In addition, providing an exemption for one type of juice would likely lead other companies and commodity groups to ask for exemptions as well. It would create an undue burden on USDA to evaluate the health claims of such products.

Sugary Drinks

Position
We strongly support the elimination of all sugar-sweetened beverages from elementary schools and middle schools. We also support the elimination of full-calorie sodas and most other sugary drinks from high schools. We support allowing some low and mid calorie drinks in high schools, but recommend the following revisions:

(vi) Calorie-free, flavored and/or carbonated water (no more than 20 fluid ounces), except that such beverages shall not be available or served to students in the food service area during the meal service period;
(vii) No more than 20 fluid ounce servings of other beverages that comply with the Food and Drug Administration requirement for bearing a “calorie free” claim of less than 5 kcals/serving, except that such beverages shall not be available or served to students in the food service area during the meal service period; and
(viii) Alternative D1: No more than 12 fluid ounce servings of other beverages that contain no more than 40 calories per container. 8 fluid ounce serving or 60 calories per 12 fluid ounce serving, except that such beverages shall not be available or served to students in the food service area during the meal service period; or
(ix) Alternative D2: No more than 12 fluid ounce servings of other beverages that contain no more than 50 calories per 8 fluid ounce serving or 75 calories per 12 ounce serving, except that such beverages shall not be available or served to students in the food service area during the meal service period.

Rationale
Sugary drinks are a top source of calories in Americans’ diets. The 2010 DGA recommends that all Americans reduce their consumption of foods and beverages with added sugars and the ACS Guidelines specifically recommends reducing consumption of sugar-sweetened beverages. Sugar-sweetened beverages account for 10-15 percent of children and adolescents’ daily energy intake, with youth ages 12-19 consuming more sugar-sweetened beverages than any other age group. Regular consumption

of sugar-sweetened beverages is associated with excess weight gain, poor nutrition, displacement of healthful beverages, and a higher risk for obesity and diabetes.\textsuperscript{102, 103}

As one of its recommendations for community action, the ACS Guidelines recommends policy and environmental changes that decrease access to and the marketing of foods and beverages of low nutritional value, particularly to youth. Sugar-sweetened beverages contain excess calories with no or very few nutrients. Other public health organizations also recommend reducing consumption of sugar-sweetened beverages. The American Heart Association recommends that most children and adolescent girls consume no more than 20 grams of added sugars per day and adolescent boys consume no more than 33 grams of added sugars per day.\textsuperscript{104} This translates to no more than 80 to 132 calories from added sugars, respectively, which is less than the amount contained in a 12-ounce full-calorie soda. A 12-ounce sports drink, with its 21 grams of added sugars, exceeds daily recommended amounts of added sugars for most children and adolescent girls and is two-thirds of a teen boy’s recommended intake. The American Academy of Pediatrics also recommends the elimination of sweetened drinks in schools.\textsuperscript{105}

Research has found that replacing one 12-ounce sugar-sweetened beverage in students’ diets with water daily could reduce their energy gap (the difference between energy intake and expenditure) by 150 calories per day.\textsuperscript{106} This amount is significant considering that an excess of 110 to 165 calories per day may be responsible for the rising rates of childhood obesity.\textsuperscript{107} Youth consume even more than the number of calories creating the energy gap in sugar-sweetened beverages each day, with teen boys consuming an average of 273 calories and teen girls consuming an average of 171 calories of sugar-sweetened beverages daily.\textsuperscript{108} In addition, research has demonstrated that calories from beverages do not contribute to feelings of fullness and thus often do not replace calories from food.\textsuperscript{109} Therefore, we recommend that USDA set calorie limits for beverages as close to zero as is practical to reduce the likelihood of excess calorie consumption by students.

There is widespread support for the elimination of full-calorie sodas in all schools as evidenced by the commitment made by beverage industry leaders to eliminate sales of such beverages in schools in 2006,\textsuperscript{110} and the many state and local policies that eliminate full-calorie soft drinks.\textsuperscript{111} However, many sports drinks and other mid-calorie drinks can still be sold in schools. As a result, more children are drinking sports drinks, and in greater volumes than in years past. From 1989–2008, the percentage of American children ages 6 to 11 consuming sports drinks increased significantly, from two percent to 12

\begin{thebibliography}{99}
\bibitem{103} HHS and USDA, 2011.
\bibitem{104} Johnson et al, 2009.
\bibitem{106} Wang et al, 2006.
\bibitem{107} Wang et al, 2006.
\bibitem{108} Ogden et al, 2011.
\bibitem{111} CDC, 2013.
\end{thebibliography}
percent. The amount of sports drinks consumed by these children also increased by 13 percent during the same timeframe.

While sports drinks contain fewer calories than full-calorie sodas, they can still be a significant contributor to added calories and they are not generally necessary for hydration. The DGA recommends consuming water and other fluids with few or no calories for adequate hydration. The ACS Guidelines also recommend reducing consumption of sports drinks as a weight management strategy. The IOM, American Academy of Pediatrics, Academy of Nutrition and Dietetics, and the American College of Sports Medicine also note that sports drinks do not provide additional benefits over plain water for short bouts of physical activity, and these organizations do not recommend them for routine consumption by students. Even so, sports drinks are marketed heavily to non-athletes, for whom the beverages confer no nutritional or performance advantages.

Given the enormous challenge that would be associated with removing all beverages with added caloric sweeteners from high schools, and given that high school students may have some discretionary calories available and are more mature decision makers, we do support allowing some low- and mid-calorie beverage choices in high schools. However, these choices should not be so high in sugars as to make it likely adolescents will exceed their recommended sugars limit for the day. The FDA defines low-calorie beverages as those with fewer than or equal to 40 calories per Reference Amount Customarily Consumed (RACC). Since any serving available in an a la carte line, vending machine, or school store would be intended to be a single serving, we support allowing beverages with no more than 40 calories per container, rather than per eight ounces. This would allow for lower calorie drinks to be sold in 20 ounce portion sizes, while keeping total calorie levels to the moderate 40 calorie maximum regardless of portion size.

**Caffeine/Energy Drinks**

**Position**
We support USDA’s proposal to not allow caffeine in beverages in elementary and middle schools with the exception of trace amounts of naturally-occurring caffeine substances. With respect to high schools, we defer to USDA in setting a science-based standard that promotes good nutrition and general health.

**Rationale**
There is currently no evidence of a relationship between consumption of coffee or caffeine and cancer risk. Given this fact, we do not recommend a specific limit on caffeine for beverages sold in high schools.

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113 Lasater et al, 2011.
However, USDA should note that the IOM and other experts recommend that foods and beverages offered in schools, including after the school day ends, and consumed by adolescents be caffeine-free, with the exception of trace amounts of naturally-occurring caffeine-related substances. Energy drinks raise particular concerns because they are often high in caffeine and other stimulants, are frequently consumed by teens and young adults, and have been associated with adverse effects in young people. Given that the FDA is currently studying energy drinks and their health implications, USDA should reconsider limits on caffeine when that study and additional research results become available, if there is not enough scientific evidence available to justify restricting caffeine currently. USDA should also work with FDA to require labeling of caffeine content on foods and beverages to facilitate monitoring individuals’ caffeine consumption and studying the relationship between certain levels of caffeine consumption and health risks.

**Availability of Water, §210.10(a)(i) and (a)(ii)**

**Position**

We support the requirement that schools make potable water available to children at no charge during the meal service. However, we urge USDA to strengthen the water requirements in the rule to:

- Address the need for water to be “readily accessible without restriction” in addition to being “available,”
- Expand the water requirement to include breakfast,
- Make the water requirements in the final rule effective immediately, and
- Include compliance with the water requirements in the general areas of the State agency administrative review responsibilities.

We recommend USDA make the following changes to the proposed rule:

§ 210.10 Nutrition standards and menu planning approaches for lunches and requirements for afterschool snacks.

(a) * * *

(1) * * *

(i) * * * Schools shall make potable water available and readily accessible without restriction to children at no charge in the place where lunches are served during the meal service.

1. In the place where breakfasts are served, schools shall make potable water available to children at no charge during the breakfast meal service.

(ii) * * * Schools shall make potable water available and readily accessible without restriction to children at no charge in the place where afterschool snacks are served during the afterschool snack service.

§ 210.18 Administrative reviews.

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(h) * * *

(8) Compliance with water requirements. The State agency shall ensure that the local educational agency complies with the water requirements outlined in § 210.10(a)(1).

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120 IOM, 2007.

121 Healthy Eating Research, 2013.

Rationale
Water is essential to good health, and according to IOM recommendations, should be consumed with meals in order to meet daily needs.123 This requirement is a simple, yet effective, obesity prevention strategy also recommended by the Surgeon General.124 Water provides zero calories and is a healthy alternative to sugary drinks.

According to the DGA, adequate water intake can be achieved when healthy individuals have regular access to drinking water and other beverages. The combination of thirst and typical behaviors, such as drinking beverages with meals, provides sufficient total water intake. Thus, free drinking water should be readily accessible in schools at meal times, and water should be available in adequate quantities. A report examining school-based water facilities in one state found that water fountains in its schools are often inoperable, poorly maintained, and unhygienic, and overall consumption of water from fountains is often inadequate.125 This situation is likely the case in schools across the country.

Address the need for water to be “readily accessible without restriction” in addition to being “available”
The final regulation should not only require that water be available during the meal service, but also address the need to have water accessible without restriction. The rule preamble notes the need for water to be available “without restriction,” which reflects the USDA guidance on water.126 The rule preamble states, “Whatever method is chosen, the water must be available without restriction in the location where meals are served.” That view should be reflected in the final regulatory language.

Many schools currently implementing the “available” water standard are meeting only basic requirements and are providing water in ways that do not adequately facilitate students’ water consumption. According to one analysis by the nonprofit Food Research and Action Center, nearly half of surveyed schools (47 percent) did not provide cups.127 A water source without cups limits children to a few sips of water at a time. In addition, in many cases the facilities were only adequate to accommodate the very low number of students currently using the water source, with the average ratio being approximately 100 students per water source per lunch period.128 An increase in the number of students seeking to access water would quickly overwhelm the schools’ limited free water capacity.

The water requirement was originally implemented through USDA guidance outlined in “Child Nutrition Reauthorization 2010: Water Availability During National School Lunch Program Meal Service,” SP 28–2011, on April 14, 2011; and revised as of July 12, 2011 SP 28–2011 to provide more detailed guidance in the form of a series of questions and answers regarding the implementation of the water requirement. This process of revising and strengthening the guidance should continue and be informed by the feedback and findings from the implementation of this new requirement. The guidance should be updated to support the new regulations as included in the final rule and address issues related to water

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128 FRAC, 2013.
access as described in this section. Training and technical assistance should encourage a range of best practices to suit the needs of a wide variety of school situations.

**Expand the water requirement to include breakfast:**
Section 203 of the HHFKA requires “schools participating in the NSLP make potable water available to children at no charge in the place where lunches are served during the meal service.” While the statute does not specifically require that potable water be available during the SBP, USDA encourages the availability of water during all meal services in the proposed rule. Because the emphasis of this provision is on providing water “in the place where meals are served,” we propose that USDA expand the proposed rule to require that potable water be made available and readily accessible to students during all school meals, not just lunch. Making water available during the breakfast service should be fairly easy to implement in the majority of schools where breakfast and lunch are both served in the cafeteria.

**Make the water requirements in the final rule effective immediately:**
As the water requirements were mandated to go into effect no later than School Year 2011-2012, USDA should require these updates be implemented immediately upon release of a final or interim final rule.

**Include compliance with the water requirements in the general areas of the State agency administrative review responsibilities:**
State agencies should be responsible for monitoring compliance with the water requirements as part of the administrative review process. This can be accomplished by the addition of a new review requirement, “The State agency shall ensure that the local educational agency complies with the water requirements outlined in § 210.10(a)(1)” as 7 CFR 210.18(h)(8) in the general areas of State agency administrative review responsibilities. As with other program violations, if a State agency determines during an administrative review that violations of the water requirements have occurred, corrective action plans would be required to be submitted to the State agency by the school food authority.

**Time and Place Restrictions**

One of the key goals of the HHFKA was to remove the time and place restrictions on USDA’s ability to address the nutritional quality of school foods. It aimed to create a level playing field throughout school campuses and the school day for healthier school foods. School children can purchase and consume food throughout the campus, especially in high schools, where students often are not required to be in the cafeteria during meal times. Thus, we do not support the distinction between beverages allowed to be sold during meal times in meal service areas and those available outside of meal times and service areas. The nutrition standards governing which beverages can be sold to students should be consistent throughout the school campus and throughout the school day.

**Foods of Minimal Nutritional Value (FMNV)**

We support eliminating the FMNV restriction as it is no longer relevant in light of the updated competitive foods nutrition standards.

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129 USDA, SNDA IV, 2012.
**Fundraisers, §210.11(b)(5)**

**Position**
The HHFKA allows some special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school. We would not oppose allowing the frequency of specially exempted fundraisers to be specified by the State agency (Alternative E1), if the provision is revised as follows.

§210.11(b)(5) Fundraiser restrictions. Food and beverage items sold during the school day shall meet the nutrition standards for competitive food as required in this part. A special exemption shall be allowed for the sale of food and/or beverages that do not meet the competitive food nutrient standards as required in this section for the purpose of conducting a school-sponsored fundraiser. Such specially exempted fundraisers shall **be infrequent**, not taking place more than:

(i) **Alternative E1**: The frequency specified by the State agency during such over the periods that schools are in session. **If a state does not specify the frequency, it will be implied that no exemptions are granted.**

No specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area anywhere on the school campus during the meal service, with meal service for the purpose of this section being defined as 30 minutes before breakfast service begins through 30 minutes after the last lunch service ends.

This approach would provide states flexibility in defining the frequency of exemptions, while preserving the intent of the statute to exempt only infrequent fundraisers. As reflected in the suggested revisions to the proposed rule, we urge USDA to take the following into consideration when crafting a final rule:

- Allow state agencies to set the number of exemptions, without requiring USDA approval (Alternative E1).
- We urge USDA to clarify that if a state does not establish a policy on the number of exemptions, then the default is that the state does not grant any exemptions. Additionally, we encourage USDA to clarify that states are not required to allocate a number of exemptions; zero exemptions is a permissible option.
- We understand that existing state competitive food policies – particularly as they relate to fundraisers – are varied, so we ask that USDA issue guidance documents after the final rule on healthy fundraising to assist states and schools with crafting a healthy fundraising policy and identifying profitable, healthy food and beverage fundraising options and non-food fundraising options.
- We urge USDA to extend the restriction on exemptions to not only the food service area but to the **entire school campus** during the meal service, as students (particularly in high school) are often permitted to eat outside of the food service area. Extending this restriction to the entire campus is essential to ensuring that exempted fundraisers do not compete with school meals.
  - We urge USDA to define meal service, for the purpose of this section, as 30 minutes before breakfast service begins through 30 minutes after the last lunch service ends. A key goal of the HHFKA was to prevent competitive foods from competing with and undermining the school meal programs. Since many schools have early lunch periods and most students are in class during the early morning, allowing fundraising between...
breakfast and lunch would leave open only a short window in the morning between meal services.

Rationale

We commend USDA for addressing all foods sold in school in accordance with the DGA, which encourages Americans to account for all foods and beverages consumed, regardless of when and where they eat or drink them. Continued work, including through fundraising activities, to offer more fruits, vegetables, and whole grains and less sodium, sugars, and fats is critical to a healthier school food environment. Given the prevalence of low-nutrition fundraisers at schools and the fact that students consume up to half of their daily calories while in school, addressing school fundraisers is critically important. Regular access to unhealthy foods sold through fundraising undermines both children’s health and parents’ ability to guide what their children consume during the school day. As schools continue to improve the school food environment, unhealthy fundraising stands to compromise this progress.

Competitive foods and beverages, including those sold through on-campus fundraisers, are widely available in schools. As of 2007-2008, 70 percent of public elementary school students attended a school with no nutrition guidelines for fundraisers.\textsuperscript{130} Even in 2010-2011, 71 percent of middle school students and 63 percent of high school students attended a school without nutrition standards that applied to fundraisers.\textsuperscript{131} Many of these schools had nutrition standards that applied to other competitive foods, such as those sold a la carte or through vending machines. While there is limited research on the impact of fundraising policies on competitive food and beverage availability, consumption, or children’s body mass index (BMI),\textsuperscript{132} unhealthy school-based food-related practices in general, such as the sale of low-nutrition foods through school fundraisers, are associated with increases in children’s BMI. One study found that every separate food-related practice that promotes low-nutrition foods in a school is associated with a 10 percent increase in students’ BMI.\textsuperscript{133}

The nutritional quality of fundraisers plays an even larger role in schools that allow students to consume meals anywhere on the school campus. Fundraisers like donut sales in the morning, pizza sold outside the cafeteria at lunch time, and candy bar sales not only impact student health, but also compete with federally-reimbursed meals and the sale of other competitive foods and beverages that are required to meet nutrition standards. As schools continue to provide healthier choices in the lunch and breakfast lines, vending machines, and school stores, unhealthy fundraisers weaken the ability of schools to promote and provide healthy options throughout the school day and over the whole campus.

We are acutely aware that many schools around the country rely on fundraising to raise revenue for important school resources and student activities. In recent years – as schools have seen their budgets shrink – students and schools have been responsible for raising vital funds that ensure continued access to supplies and extracurricular activities.


\textsuperscript{131} Bridging the Gap, 2013.

\textsuperscript{132} Healthy Eating Research and Bridging the Gap, 2012.

\textsuperscript{133} Kubik MY, Lytle LA, Story M. Schoolwide Food Practices Are Associated with Body Mass Index in Middle School Students. \textit{Archives of Pediatric and Adolescent Medicine} 2005; 159: 1111-1114.
Despite those challenges, many schools are reconsidering whether selling low-nutrition foods is an appropriate way to raise money. According to the National Association of State Boards of Education (NASBE) State School Healthy Policy Database, state-level policies setting nutrition standards for school-based fundraisers existed in a number of states as of 2008, including Alabama, Arizona, Connecticut, Hawaii, Iowa, Kentucky, Michigan, Mississippi, New Mexico, Pennsylvania, Texas, and West Virginia.\(^\text{134}\) In addition, many school districts are setting standards through local wellness policies to ensure that schools conduct only healthy fundraisers. Numerous practical and profitable healthy fundraising alternatives, including walk-a-thons, “no bake” bake sales, fruit sales, and school logo clothing sales, have been practical and successful in schools across the country.

**Preemption**

**Position**

We support the conclusion that the HHFKA expressly authorizes states and school districts to place additional or stronger standards on competitive foods, as long as such standards are not in conflict with the minimum federal standards. We strongly support proposed regulation 7 C.F.R. 210.11(b)(1), which provides:

> State agencies and/or local educational agencies shall establish such policies and procedures as are necessary to ensure compliance with this section. State agencies and/or local educational agencies may impose additional restrictions on competitive foods, provided that they are not inconsistent with the requirements of this part.

**Rationale**

Currently, 39 states\(^\text{135}\) and many localities have laws regulating the sale of competitive foods in schools. In addition, through their federally-mandated local wellness policies, school districts have and will continue to set nutrition guidelines for competitive foods available on their school campuses. If these state regulations and local policies are consistent with or exceed minimum federal standards, they should remain in place. States and schools districts should also maintain the future ability to strengthen and close any loopholes in the final federal nutrition standards for competitive foods, as well as apply them to foods and beverages sold beyond the end of the school day. States and localities will also have the opportunity to set nutrition standards or guidelines for school-sponsored fundraisers, if federal requirements are not established in the final rule. The federal regulations will ensure that all competitive foods sold on campuses nationwide meet minimum nutrition standards, while respecting the traditional autonomy of states and local school districts to exceed those minimum standards to further reduce childhood obesity and improve student health.

**Conclusion**

In conclusion, we strongly support USDA establishing science-based nutrition standards for all foods and beverages sold to students in schools in order to improve the nutrition and long-term health of school-age children. USDA’s proposed rule makes significant progress toward achieving these goals, and with

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\(^{135}\) CDC, 2013.
our recommendations will better help to ensure that children only have access to healthy foods and beverages at school.

Thank you for your consideration of our comments. If you have any questions or we can provide any additional details, please contact Melissa Maitin-Shepard at Melissa.maitin-shepard@cancer.org or 202-585-3205.

Sincerely,

Christopher W. Hansen
President
American Cancer Society Cancer Action Network