



Maryland HB 1545

Ways and Means – Nutrition Standards for Public School Food

Karen Olsen RDN LD SNS, Maryland School Nutrition Association Committee Member

Position: **Oppose**

Good afternoon, Chairwoman Kaiser and members of the committee. My name is Karen Olsen. I am a Registered Dietitian Nutritionist, Licensed Dietitian and credentialed School Nutrition Specialist. I am here today representing the Maryland School Nutrition Association on behalf of our membership consisting of Directors, Supervisors, Cafeteria Managers and Food Service Staff across the State of Maryland.

The Maryland School Nutrition Association opposes House Bill 1545.

All Maryland School Nutrition Association members want to ensure all students have access to healthy, well balanced meals at school. The *Healthy, Hunger Free Kids Act of 2010* and USDA Rules and Regulations 7 CFR 210, provide regulatory guidance for meals and snacks served to students as well as foods and beverages offered to students outside of the meals program throughout the school day. On November 30 2017, USDA published in the Federal Register the *Interim Final Rule: Child Nutrition Program Flexibilities for Milk, Whole Grains and Sodium Requirements* providing flexibility specifically to address the challenges programs are experiencing. These challenges include planning menus that are acceptable to students while reaching more stringent nutrient limitations, procuring foods to meet further restrictions, and meeting student taste expectations while balancing budgets and retaining student participation. After review of the public comments, the final rule is expected to be published in fall 2018 and implemented in school year 2019-2020. Additionally, the Dietary Guidelines for Americans, which form the basis for USDA food program regulations, are reviewed and updated every five years; they are being reviewed for the 2020 update.

National guidelines provide a consistent standard manufacturers use to develop products, some of which are unique to the school market. Development and changes to food formulations often take several years to perfect. The Government Accountability Office warned that cost and product availability for sodium Targets 2 and 3 foods would remain problematic nationally. Like much of the country, in Maryland struggle to find acceptable quality whole grain rich pastas, noodles, grits, tortillas and biscuits; acceptable 100% whole grain products are even more challenging to locate. If Maryland develops unique standards, manufacturers will not develop products just for Maryland and program operators here will experience even more challenges in accessing products.

USDA guidelines are evidenced based and provide the variety of quality nutrients needed to support student academic success. Maryland School Nutrition Association members whole heartedly use these standards to provide Maryland students with tasty, affordable, well balanced meals every day – food that students look forward to eating. We know from experience that no matter how wonderful an idea or guideline looks on paper, if the student doesn't choose a meal or throws the food in the trash it provides no nutrition at all.

Thank you for your time and attention.

Attachments:

SNA Federal Nutrition Standards flexibility fact sheet

Maryland Nutrition Standards for All Foods Sold in School

Federal Register url for Interim Final Rule cited above

<https://www.federalregister.gov/documents/2017/11/30/2017-25799/child-nutrition-programs-flexibilities-for-milk-whole-grains-and-sodium-requirements>

# Federal Nutrition Standards

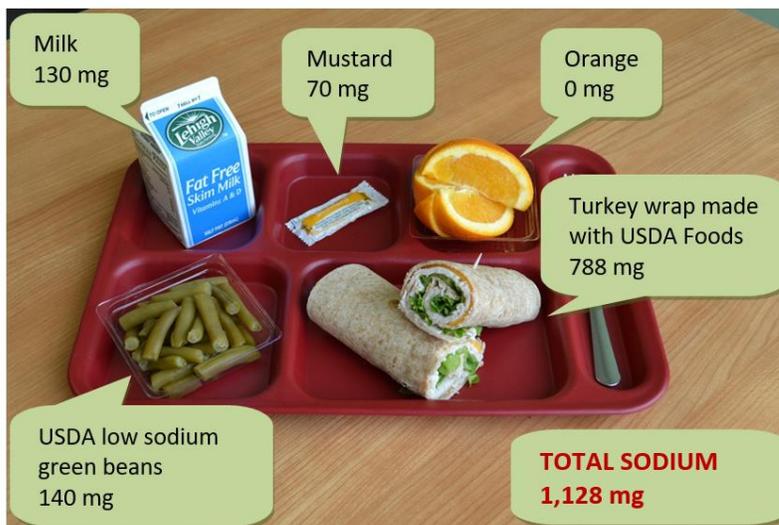
## *Provide Schools Practical Flexibility for Healthy Menu Planning*

### Background:

SNA supports maintaining robust federal nutrition standards to ensure all students receive healthy, well-balanced meals at school. However, some overly prescriptive rules have resulted in unintended consequences, including reduced student lunch participation, higher costs and food waste.

USDA is modifying federal nutrition regulations to help school menu planners manage these challenges and prepare nutritious meals that appeal to diverse student tastes. An interim final rule on school meal program flexibility was published in November; the final rule will be published in fall 2018. Congress should monitor the rulemaking process. The final rule should:

**This healthy lunch exceeds Target 2 sodium limits.**



### Maintain the Target 1 sodium levels and eliminate future targets:

Schools made significant sodium reductions to meet Target 1, effective July 2014. The Institute of Medicine warned that **“reducing the sodium content of school meals as specified and in a way that is well accepted by students will present major challenges and may not be possible.”** (*School Meals: Building Blocks for Healthy Children, 2010*)

A recent School Nutrition Association (SNA) [survey](#) found that 92% of responding school districts are concerned about the availability of foods that will meet future sodium limits and are well accepted by students. Naturally occurring sodium present in meat, milk and other low-fat dairy foods will force schools to take nutritious choices off the menu, including many soups, entrée salads and low-fat deli sandwiches.

The [Government Accountability Office](#) warned that forthcoming limits on sodium would remain problematic with cost and product availability making sodium targets difficult for many schools to implement.

## Restore the initial requirement that at least half of grains offered with school meals be whole grain rich:

The current mandate that *all* grains must be whole grain rich has increased waste and costs, while contributing to the decline in student lunch participation. A recent SNA [survey](#) found that despite widespread efforts to increase student acceptance of whole grain foods, 65% of responding school nutrition directors reported continued challenges with the current whole grain mandates. A majority of school meal programs struggle with students' regional and cultural preferences for specific refined grains. Schools should be permitted to serve white rice, pasta, grits or tortillas on occasion, just like most families do.

USDA established a whole grain waiver allowing struggling schools to serve select foods that do not meet the standard, but the waiver process is inconsistent across states. Several states do not readily offer the waiver to struggling schools, or have made the application process so cumbersome that schools overwhelmed by administrative duties are discouraged from applying. Overly burdensome mandates, including required documentation that some schools have no means to collect, have severely limited the availability of this much-needed regulatory relief. In addition, the waiver process consumes limited State Agency resources that would be better spent providing technical assistance to school districts. ***The most effective solution is to restore the 2012 requirement that at least half of grains offered with school meals be whole grain rich.***



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## Maryland Nutrition Standards for All Foods Sold in School

### I. Purpose and Scope

The purpose of this policy is to promote a healthy school environment by defining the scope of authority of the Local Educational Agency (LEA) regarding foods and beverages available to students during the school day and to outline the federal and State regulations which apply to serving these foods and beverages in schools and facilities that participate in the School Breakfast Program (SBP) and the National School Lunch Program (NSLP). The policy and procedures establish minimum requirements and provide guidance for LEAs electing to set policies which go beyond those contained in this memorandum.

In 2010, Congress passed the Healthy, Hunger-Free Kids Act (Sec. 204 of Public Law 111-296), based on recommendations from the Institute of Medicine. The Act defined nutrition standards to ensure quality meals served in all LEAs participating in the NSLP and SBP. The Act also directed U.S. Department of Agriculture (USDA) to establish broader guidelines for all foods and beverages available during the school day, now adopted as the Final Rule on Nutrition Standards for all Foods Sold in School, commonly known as “Smart Snacks” (Federal Register, Vol. 81, No. 146, July 29, 2016). These standards detail criteria for allowable foods and beverages, such as nutrient content and portion size, and replace the term, *Foods of Minimal Nutritional Value*.

Schools play a powerful role in preparing students for a successful future. The updated School Lunch and Breakfast Programs contribute to student learning and the development of lifelong health habits. Schools must continue to strengthen this foundation by providing healthy foods and beverages, while limiting less healthy options throughout the school environment.

### II. Procedures

The policy is effective as of July 1, 2014\*, and applies to all foods and beverages sold to students on the school campus, including cafeteria a la carte items, vending machines, school stores, and fundraising activities, from 12:01 am until thirty minutes after the end of the official school day. The Maryland State Department of Education supports and adopts the aforementioned efforts from USDA to promote healthy choices for students, with minimal changes to the beverage standards. The following page outlines the combined federal and state standards. This policy was unanimously adopted by the Maryland State Board of Education on June 27, 2014.

Maryland LEA school wellness committees and schools may decide to implement policies that go beyond these Federal and State policies.

Questions may be sent to Sara Booker, RD, MPH, Nutrition Education and Training Specialist in the Office of School and Community Nutrition Programs, [Sara.Booker@Maryland.Gov](mailto:Sara.Booker@Maryland.Gov), or 410-767-0204.

*\* Revised 12/1/17 to correct error in “Other Flavored and/or Carbonated Beverages.”*

*Previous versions allowed  $\leq 5$  calories/8 oz.*

# Maryland Nutrition Standards for All Foods Sold in School

from 12:01am through 30 minutes after the end of the school day

Other than foods offered as part of the National School Lunch Program & School Breakfast Program

Effective July 1, 2014

## #1: Foods must fall into one of these categories:

- Be whole grain-rich (*at least 50% whole grain by weight, or listed as first ingredient*)
- First ingredient must be: fruit, vegetable, dairy product or protein food
- Be a combination of food that consists of at least ¼ cup of fruit and/or vegetable

## #2: If the food qualifies as one of the above, it must also meet all of these standards:

Calories		Sodium		Fats			Sugar
Snack / Side Dish	Entrees	Snack / Side Dish	Entrees	Total Fat	Saturated Fat	Trans Fat	<i>weight sugar ÷ total weight</i>
≤ 200 cal	≤ 350 cal	≤ 200mg	≤ 480mg	≤ 35% of calories	< 10% of calories	Zero grams	≤ 35% of total weight from sugar

## Beverages must meet these standards:

	Elementary	Middle	High School
<b>Plain Water or Plain Carbonated Water</b>	Any Size	Any Size	Any Size
<b>Low-fat Milk, Unflavored</b> <b>Non-fat Milk, Flavored or Unflavored</b>	≤ 8 fl oz	≤ 12 fl oz	≤ 12 fl oz
<b>100% Fruit/Vegetable Juice</b>	≤ 8 fl oz	≤ 12 fl oz	≤ 12 fl oz
<b>100% Fruit/Vegetable Juice</b> - diluted with water, with or without carbonation - with no added sweeteners	≤ 8 fl oz	≤ 12 fl oz	≤ 12 fl oz
<b>Other Flavored and/or Carbonated Beverages</b> - soda is not allowed	Not Allowed	Not Allowed	If ≤ 12 oz must meet: ≤ 40 calories/8 oz ≤ 60 calories/12 oz  If ≤ 20 oz must meet: <b>&lt;5 calories/8oz*</b> ≤ 10 calories/20 oz
<b>Caffeine</b> , beyond naturally-occurring trace amounts	Not Allowed	Not Allowed	Not Allowed

\* Revised 12/1/17 to correct error in "Other Flavored and/or Carbonated Beverages."

Previous versions allowed ≤ 5 calories/8 oz.