



**United States Department of Agriculture**

Office of the Secretary  
Washington, D.C. 20250

DEC 07 2012

The Honorable Pat Roberts  
Ranking Member  
Committee on Agriculture, Nutrition and Forestry  
United States Senate  
328A Russell Senate Office Building  
Washington, D.C. 20510-6000

Dear Senator Roberts:

Thank you for your letter of October 3, 2012, regarding the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) and the updated nutrition requirements in the National School Lunch Program. Your ongoing support of our goal to facilitate the health of American youth is greatly appreciated.

Please know that the Department of Agriculture (USDA) is carefully monitoring the implementation of the new requirements to ensure that the updated standards are workable and contain enough flexibility for local schools and school districts.

The HHFKA and new standards are essential to ensure young people get the nourishment they need to support their academic performance and overall well-being. Additionally, these standards are just one part of a comprehensive effort taking place across the Federal government to address childhood obesity—a national epidemic with significant health and economic consequences for our country. Nearly one in three children are at increased risk for preventable diseases like diabetes and heart disease due to being overweight or obese. The costs for treating these preventable diseases have been estimated at roughly \$190 billion per year. If left unaddressed, health experts tell us that our current generation of children may well have a shorter lifespan than their parents. These are not mere statistics; they are real people that we know and see every day.

To be sure, childhood obesity cannot be addressed by changes to school meals alone. The primary responsibility for instilling healthy eating habits in America's kids will always lie with parents, communities, and children themselves. But when spending taxpayer dollars on school meals, we have a responsibility to ensure we are supporting those efforts. And we know that these meals are an important part of the solution, not just because they reach so many children every school day, but also because we know they can work. In fact, recent research by the esteemed Cochrane Collaboration has shown that school-based nutrition reforms—including improvements to school food—can help reduce levels of obesity.

As directed by Congress under the HHFKA, USDA relied on the recommendations of experts like the Institute of Medicine—a gold standard for scientific analysis—as the basis for our standards. The result was updated, science-based standards, in which the portions of school meals are “right-sized” to reflect the age and dietary needs of the students served and the appropriate balance between food groups. These new school meals offer twice as many fruits and vegetables as the previous ones, and servings of whole grains have been increased substantially. The meals are designed to ensure that children have the energy they need to learn in class and be physically active, while reducing their risk for serious chronic diseases.

Certainly, these reforms will take time to yield results and require collaboration if they are to be successful. As a part of our ongoing implementation plan, USDA has been listening to parents, schools, State agencies, and other interested parties. We always anticipated that some modifications and other allowances would be required for changes of this size and scope. USDA has asked for, and States and schools have provided us with, valuable feedback. As a result, you should be pleased to know that we have recently moved to allow for additional flexibility in meeting some of the new standards.

For example, the top operational challenge that States and schools have reported is in serving meals that fit within the weekly minimum and maximum serving ranges for the grains and meat/meat alternate portions of the standards. To help schools make a successful transition to the new requirements, we have provided additional flexibility in meeting the requirements for these components. If a school is meeting just the minimum serving requirements for these two food groups, they will be considered in compliance with that portion of the standards, regardless of whether they have exceeded the maximum. This flexibility is being provided to allow more time for the development of products that fit within the new standards, while granting schools additional weekly menu planning options to help ensure that children receive a wholesome, nutritious meal every day of the week.

These actions are by no means exhaustive. Implementation is a process that takes time, and as the school year progresses we will continue listening and providing education, technical assistance, and flexibilities where appropriate. Fortunately, there are a number of options currently available to deal with potential additional challenges, such as feeding very active students. Parents, individual students and/or sports teams can supplement the taxpayer-subsidized meals with items provided from home or other sources. And students are always permitted to purchase as much additional food a la carte as they want. Schools can also make larger portions of fruits and vegetables (or even milk) available at lunch and structure afterschool snack and supper programs to provide additional foods for those who need them. Many schools have previously found success with parent or school-run booster clubs providing afterschool snacks and may opt to continue or even expand this practice.

Additionally, it is important to note that the new school meals are designed to meet only a portion of a child’s nutritional needs over the course of the school day. School breakfasts and lunches are designed to meet roughly one-fourth and one-third, respectively, of the daily calorie needs of school children.

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Throughout the implementation process, USDA will remain focused on minimizing additional costs. USDA is acutely aware of the financial challenges that many schools face in putting together healthy school meals on a budget. That is why more than \$3 billion in new resources was provided through the HHFKA to support an additional 6-cent per lunch reimbursement. In addition, \$50 million was also provided by the HHFKA for each of fiscal years 2012 and 2013 for USDA and States to offer technical assistance in support of the new requirements. Finally, the HHFKA sets commonsense business standards that complement the Federal resources included in the Act in order to ensure that enough revenue is being brought in to cover the cost of producing healthy school meals. When taken together, these additional resources should provide enough revenue for schools to meet the new meal requirements.

I am enclosing a document with responses to the specific questions posed in your letter.

Again, thank you again for your interest in USDA's efforts to improve the school meal programs. For more information on the updated standards and the work USDA is doing to help States, schools, parents and children, I encourage you to visit our website on the new standards at <http://www.fns.usda.gov/cnd/Healthierschoolday/default.htm>.

We appreciate you taking the time to share your concerns with us. Please have your staff contact Brian Baenig, Assistant Secretary for Congressional Relations, at (202) 720-7095 if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Tom J. Vilsack". The signature is fluid and cursive, with the first name "Tom" and last name "Vilsack" clearly legible.

Thomas J. Vilsack  
Secretary

Enclosure

**Enclosure**  
**Response to Honorable Pat Roberts**  
**Letter of October 3, 2012**

**1. What is the cost estimate, in total and for each food group, for plate waste due to school children not wanting to eat the new meals?**

Plate waste occurs to some degree in all foodservice operations. The evidence available to us indicates that plate waste in schools is not substantially different than in other consumer settings.

Existing data are not sufficient to support an estimate of the cost of plate waste under the new standards. To help fill that gap, the Department of Agriculture (USDA) will address plate waste in a new study of school meal quality and cost that will collect data in school year (SY) 2014-2015.

**2. What is the cost comparison of an average meal under the new rule versus an average meal under the previous rule?**

USDA estimated the total and average per meal cost of the new rule in an impact analysis published along with the rule in January 2012 (77 FR 4088). In that analysis, USDA estimated that the new meal patterns will increase the cost of lunches served by an average of 5 cents in fiscal year (FY) 2013, rising to 11 cents by FY 2016. For breakfast, our analysis estimated that the cost increase would be minimal through FY 2014, and that the cost would increase by 28 cents per breakfast by FY 2016. All of these estimates include the cost of food as well as a proportionate increase in the cost of labor.

<b>Estimated Change in the Per-Meal Cost of School Lunches and Breakfasts due to the New Meal Patterns<sup>1</sup></b>					
	<b>Fiscal Year</b>				
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Lunch</b>	\$0.05	\$0.05	\$0.06	\$0.10	\$0.11
<b>Breakfast</b>	0.00 <sup>2</sup>	0.00 <sup>2</sup>	0.00 <sup>2</sup>	0.27	0.28
<b>Average Meal Served<sup>3</sup></b>	0.03	0.04	0.05	0.15	0.16

<sup>1</sup> Includes cost of food, labor, and SFA-level administration. Some of the provisions of the new rule are phased in over time. These price estimates reflect the set of provisions in effect during the fiscal year specified in the table. Source: Regulatory Impact Analysis, Table 10. Federal Register vol. 77, no. 17, p. 4122.

<sup>2</sup> Minimal change.

<sup>3</sup> Because schools serve more lunches than breakfasts, the cost increase per average meal served is closer to the estimated increase for lunches than for breakfasts.

USDA estimates that the combined effect of the revenue raising provisions in HHHKA sections 201, 205, and 206 more than offsets the cost of compliance with the new reimbursable meal standards. USDA estimates that these provisions will increase school revenue on a

per-reimbursable meal basis by about 31 cents by FY 2016, well above the average 16 cents per meal necessary to comply with the new meal standards.

**3. How many calories were served in an average meal under the previous rules?**

The USDA’s School Nutrition Dietary Assessment Study IV estimated that an average lunch served to students in SY 2009-2010 contained 679 calories. The average breakfast served contained 461 calories. The following table provides additional detail by grade level.

<b>Number of Calories Served in an Average Meal Prior to School Year 2012-2013</b>				
	<b>Elementary Schools</b>	<b>Middle Schools</b>	<b>High Schools</b>	<b>All Schools</b>
<b>School Year 2009-2010<sup>1</sup></b>				
Lunch	661	683	730	679
Breakfast	434	503	504	461

<sup>1</sup> School Nutrition Dietary Assessment IV, USDA 2012 (forthcoming).

It is important to distinguish what schools *offer* students from what the students actually select—the meals *served* to students. The meals students actually choose tend to have notably fewer calories than what is offered. In SY 2009-2010 the average breakfast offered to students contained 480 calories; the average lunch offered to students contained 761 calories.

**4. According to guidance developed for young athletes by the University of Illinois Extension Service, while an average student may require 3000 calories daily, “an athletic teenage boy may need 5,000 calories a day.” What concessions were made in the rule to accommodate student athletes and students involved in other extracurricular activities who require a substantially greater number of calories during an average school week? What flexibilities can you offer schools to enable SFAs to meet the caloric needs of students who are significantly more active than the average student?**

The calories ranges established for school lunches were developed by the Institute of Medicine based on data pertaining to children’s healthy weight and height, physical activity level, and overall intake of meals and snack. School lunches consist of five food components that in total supply adequate nutrients and calories to meet a portion of a child’s nutritional needs over the course of the day. Today’s school lunches are nutrient-dense meals with more fruits and vegetables (roughly double the amount compared to the previous meal standards) and more whole grains. Students that select all the food components offered in the reimbursable meal receive the nutrients and calories recommended for their age-grade group.

Under the new requirements, schools have flexibility to plan daily meals that supply the energy children need to learn and be physically active, while reducing their risk for obesity and other

serious chronic diseases. The weekly calorie ranges do not apply to individual meals or menus. Only the calories of the lunches offered on average over the course of the week must fall within the National School Lunch Program (NSLP) weekly calorie range. For students participating in the NSLP who wish to consume more food or have higher calorie needs, a school can:

- Offer additional helpings of fruits and vegetables, or milk at no charge.
- Sell second servings of specific food components or other food items a la carte.
- Provide NSLP afterschool snack service or snack and supper programs under the Child and Adult Care Food Program.

In addition, students continue to have the flexibility to buy additional food items a la carte or bring food from home.

The Web site <http://www.usda.gov/healthierschoolday> has several resources for schools to help during this transition year. The Best Practice Sharing Center allows schools to exchange ideas to implement the new meal requirements successfully. The Department is also working with the National Food Service Management Institute to offer training and technical assistance resources for schools. Schools are encouraged to use these free resources to facilitate implementation of the new meal requirements.

**5. What is your estimate for how many schools will drop out of the National School Lunch and Breakfast Programs, and what impact will less participation will have on the programs?**

USDA does not anticipate that improving school meals will result in a reduction in school participation in the National School Lunch Program and School Breakfast Program. The success of the HealthierUS School Challenge has demonstrated that schools can offer better meals and continue participating in these meal programs. Early evidence indicates that schools are not dropping out of the National School Lunch and School Breakfast Programs in response to the new meal standards that took effect at the start of this school year.

Federal financial support of school foodservice programs, in the form of meal reimbursements and commodity assistance, accounted for just over half of all operating revenue of the average school food authority (SFA) in SY 2005-2006. Given the importance of Federal support to SFA operations, USDA expects that few schools will drop out of the program even if the cost of serving program-reimbursable meals increases in response to new standards.

**6. How will the SFAs be economically impacted by each of the three target [sodium] reductions over the 10 year period?**

Schools must meet the rule's first sodium targets by the start of SY 2014-2015. Those initial targets represent reductions of less than 5 percent for breakfast, and 12-14 percent for lunch relative to the average sodium content of lunches served in SY 2009-2010, the most recent year for which USDA estimated the average sodium content of school meals.

The impact analysis prepared by USDA for the new school meal rule does not isolate the cost of meeting the rule's sodium targets from the overall estimated cost of compliance. By FY 2016, USDA estimates that the total cost of compliance with the rule will be about 16 cents per meal. That includes both the food and labor costs necessary to satisfy the rule's food group requirements, its saturated fat and trans-fat standards, and its initial sodium target. The impact analysis estimates the cost of compliance with the rule over a 5-year period; it does not estimate the cost at implementation of the rule's second or final sodium targets.

USDA expects that schools will meet the rule's initial sodium target with menu and recipe modifications using foods already available in the marketplace and through the USDA's commodity food program (USDA Foods).

USDA set implementation dates for the rule's second and final sodium targets 5 and 10 years into the future in order to allow time for student acceptance of lower sodium meals, and, importantly, to give time for industry to reformulate existing products. That additional time is intended to ensure that the food industry will be able to meet the schools' need for lower sodium products at reasonable cost. USDA is encouraging that process by working with industry to further expand the line of low sodium commodities eligible for distribution to schools through the USDA Foods program.

**7. What is the remaining estimated cost of compliance for State agencies and SFAs? What will be the economic impact for schools that do not offer nonprogram foods, and for schools with a low percentage of paid meal reimbursements?**

Because we do not have an estimate of costs incurred to date to implement the new standards, we do not have an estimate of the remaining costs to achieve full implementation and compliance. Schools that do not offer non-program foods, or those with a low percentage of paid meal reimbursements, are not incurring the kind of net losses of revenue that sections 205 and 206 of the Healthy-Hunger Free Kids Act are designed to address. Therefore, these schools should be in a better position than other schools to invest the resources needed to improve school meals. And like other schools, they will earn an additional 6 cents per meal once they achieve compliance.

That said, cost could continue to be a challenge for some schools. There are many options to help schools meet these costs, including making use of popular, less-expensive menu choices, working with neighboring jurisdictions to purchase larger food quantities at lower prices, and examining labor and production costs. USDA will continue to provide the necessary training and technical assistance to help schools meet the new standards with the resources that they have available.