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Commentary: Is Congress About to Undercut Progress Against Childhood Obesity?

By Zoë Neuberger

The Senate this week will consider the annual Agriculture Department funding bill, which covers the child nutrition programs. The bill includes measures promoted by industry lobbyists that would undercut reforms designed to improve children's nutrition and combat childhood obesity. It's critical that senators reject any amendments that would further weaken reforms.

Meanwhile, the Agriculture Department funding bill that the House Appropriations Committee approved May 29 and the full House began considering last week includes even more damaging measures. When the House resumes its consideration of the bill, members will have an opportunity to improve it. Representative Sam Farr (D-CA), ranking member of the Agriculture Appropriations Subcommittee, has offered an amendment to remove a provision creating sweeping waivers that could do away with new meal standards in vast numbers of school districts across the country. President Obama has threatened to veto the bill, in large part because of the waiver provision.

Child obesity has more than doubled in the past 30 years and poses a serious health threat. Obese youth are more likely to have pre-diabetes or risk factors for cardiovascular disease. In addition, children who are obese are likely to be obese as adults, which increases their risk of heart disease, diabetes, stroke, and several types of cancer.¹ A statement issued by the United Nations Human Rights Commission asserted that "Unhealthy diets are now a greater threat to global health than tobacco."²

¹ See "Childhood Obesity Facts," Centers for Disease Control and Prevention, <http://www.cdc.gov/healthyouth/obesity/facts.htm>.

² See United Nations Human Rights Office of the High Commissioner, news release, "Unhealthy diets greater threat to health than tobacco; UN expert calls for global regulation," May 19, 2014, http://www.srfood.org/images/stories/pdf/press_releases/20140519_diets_en.pdf.

Recently, some progress has been made. The rise in child obesity rates has halted, and obesity may even be falling among preschoolers.³ A multi-pronged response to child obesity by the federal government and health professionals appears to be playing an important role in these developments.⁴ The Centers for Disease Control and Prevention have stated that federal policy reforms in child nutrition programs — such as the 2009 revisions to the WIC food package — may have contributed to improved diets and the halt in the rise in obesity rates among low-income preschool children.⁵ Moreover, a Harvard study found that children’s consumption of fruit increased by 23 percent and vegetable consumption increased by 16 percent after the new school meal standards were implemented.⁶

But these reforms are now in jeopardy. In three areas where, at the direction of Congress, the U.S. Department of Agriculture (USDA) has implemented policies to improve children’s diets based on recommendations from the National Academy of Sciences’ Institute of Medicine — school meals, school snacks, and foods offered by the WIC program — affected industries are seeking to reverse those science-based policies in the agriculture appropriations bills.

School Meals

At Congress’ direction in the Healthy, Hunger-Free Kids Act of 2010, USDA strengthened nutrition standards for school meals, based on Institute of Medicine recommendations.⁷ For example, school lunches must include more whole grains and vegetables. The lunch standards have been in place for two years, and 93 percent of lunches served meet them. The school breakfast standards are now phasing in. The Healthy, Hunger-Free Kids Act of 2010 also included a number of changes to strengthen financial support for school meal programs and thereby help offset increased costs, including an extra 6 cents per lunch in federal funds for school districts that meet the standards.⁸ The new meal standards are especially important for the 28 million low-income children who rely on schools meals for a substantial share of their daily nutrition.

The fiscal year 2015 agriculture appropriations bill adopted by the House Appropriations Committee, which the full House began considering last week, includes a provision that creates

³ See Asheley Cockrell Skinner and Joseph A. Skelton, “Prevalence and Trends in Obesity and Severe Obesity Among Children in the United States, 1999-2012,” *JAMA Pediatrics*, April 7, 2014, <http://archpedi.jamanetwork.com/article.aspx?articleid=1856480> and “Vital Signs: Obesity Among Low-Income, Preschool-Aged Children — United States, 2008–2011,” *Morbidity and Mortality Weekly Report*, August 9, 2013, <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6231a4.htm>.

⁴ See Ezekiel J. Emanuel and Andrew P. Steinmetz, “Finally, Some Optimism About Obesity,” *New York Times*, May 4, 2014, http://www.nytimes.com/2014/05/05/opinion/finally-some-optimism-about-obesity.html?_r=4.

⁵ See “Vital Signs: Obesity Among Low-Income, Pre-school-Aged Children — United States, 2008-2011,” 2013.

⁶ See Juliana F.W. Cohen *et al.*, “Impact of the New U.S. Department of Agriculture School Meal Standards on Food Selection, Consumption, and Waste,” *American Journal of Preventive Medicine*, Volume 46, Issue 4, pages 388–394, April 2014, [http://www.ajpmonline.org/article/S0749-3797\(13\)00635-1/abstract](http://www.ajpmonline.org/article/S0749-3797(13)00635-1/abstract).

⁷ The Healthy, Hunger-Free Kids Act of 2010 is available at <http://www.fns.usda.gov/sites/default/files/HealthyHungerFreeKidsActof2010.pdf>.

⁸ See 42 U.S.C. 1753(b)(3) and Zoë Neuberger, “Using School Lunch Subsidies for Low-Income Students as Intended,” *Off the Charts* blog, June 13, 2011, <http://www.offthechartsblog.org/using-school-lunch-subsidies-for-low-income-students-as-intended/>.

sweeping waivers from the new meal standards.⁹ Under these waivers, any school district that shows a net loss in its food service program for a six-month period could be approved for a waiver of *all* the new breakfast and lunch standards. Representative Sam Farr offered an amendment on June 11 to remove the waiver provision.¹⁰

Proponents of waivers sometimes say that they seek flexibility with regard to specific requirements, such as those related to sodium and whole grains, with which a small number of districts have had difficulty complying.¹¹ But there is no need for statutory waivers to address such concerns; USDA provides extensive technical assistance to school districts that are having difficulty meeting the new standards, and USDA has demonstrated willingness to offer flexibility administratively.¹² If there are additional areas where flexibility is warranted, USDA can provide it without congressional intervention.

Moreover, as drafted, these waivers could do away with the new standards *entirely in vast numbers of school districts across the country*, jeopardizing progress in combatting obesity and improving children's nutrition and health. Many school food programs routinely operate at a loss that is filled in with school-district funds or in-kind contributions, such as payroll or procurement services for which the school food program is not charged. Districts may or may not report those in-kind contributions as part of the school food account.¹³ To qualify for a waiver, a district could simply stop reporting its in-kind contributions. Even districts already complying with the new standards could apply for a waiver. Allowing sweeping waivers doesn't address specific concerns regarding to the new rules but instead rolls back significant progress that the nation is making in improving children's diets.

In contrast to the House bill, the agriculture appropriations bill adopted by the Senate Appropriations Committee includes a few modest revisions to the meal standards aimed at maintaining a science-based approach to nutrition policy and helping school districts comply.¹⁴ As the full Senate considers the agriculture appropriations bill this week, senators can support the

⁹ See Section 739 of the House Appropriations Committee-passed fiscal year 2015 agriculture appropriations bill, available at <http://beta.congress.gov/bill/113th-congress/house-bill/4800/text>.

¹⁰ See Committee on Education & the Workforce Democrats press release, "Reps. Farr, DeLauro and Miller fight Republican attempts to weaken school lunch nutrition standards," June 11, 2014, <http://democrats.edworkforce.house.gov/press-release/rebs-farr-de-lauro-and-miller-fight-republican-attempts-weaken-school-lunch-nutrition>.

¹¹ See "House GOP bill would roll back school lunch rules," *Washington Post*, May 19, 2014, http://www.washingtonpost.com/politics/congress/house-gop-bill-would-roll-back-school-lunch-rules/2014/05/19/365e7ba8-df69-11e3-9442-54189bf1a809_story.html.

¹² See, for example, USDA, Food and Nutrition Service Memorandum, "Extending Flexibility in the Meat/Meat Alternate and Grains Maximums for School Year 2013-14," February 25, 2013, <http://www.fns.usda.gov/sites/default/files/SP26-2013os.pdf>.

¹³ Zoë Neuberger and Tina Fritz Namian, "Who Benefits From Federal Subsidies for Free and Reduced Price School Meals?" Center on Budget and Policy Priorities, January 9, 2010, p. 5, <http://www.cbpp.org/cms/index.cfm?fa=view&id=3071>.

¹⁴ The Senate bill requires the current sodium limits to remain in place until scientific research supports a reduction, requires USDA to assess whether there is an acceptable range of whole grain products available and, if not, identify alternatives, and requires USDA to develop a training and technical assistance plan to help school districts comply with meal standards and maintain participation. See Section 747 of the Senate Appropriations Committee-passed fiscal year 2015 agriculture appropriations bill, available at <http://beta.congress.gov/113/bills/s2389/BILLS-113s2389pcs.pdf>.

progress made in improving children’s diets and halting the rise in child obesity by rejecting any amendments that weaken the meal standards or allow waivers from them.

School Snacks

Under the Healthy, Hunger-Free Kids Act of 2010, USDA has also established new rules for foods sold in schools that are not part of the school lunch or breakfast programs, which are known as “competitive” foods.¹⁵ The rules cover *a la carte* sales in school cafeterias and vending machine sales. Scheduled to take effect for the 2014-2015 school year, they aim to reduce the sales of foods high in fat, sugar, or sodium, like candy and soda.

A non-binding directive that accompanied last year’s appropriations law sought to create a waiver process for school districts that expect these new competitive food standards to reduce their revenues, enabling schools to ignore these rules, as well. The National School Lunch Act prohibits such waivers, so USDA could not implement them.

It’s true that if students purchase fewer unhealthy items in vending machines and *a la carte* and do not fully replace such purchases with other food purchases, then schools’ revenue from competitive foods would fall. But so would schools’ costs in providing those foods, so a decline in competitive food sales wouldn’t necessarily leave schools worse off financially.¹⁶ And it would leave children better off nutritionally if they opt instead for school meals, which provide more balanced nutrition, or if they simply consume less of foods like soda and candy.

Nonetheless, manufacturers of less healthy competitive foods could see their sales and profits decline. It is important that members of Congress reject any effort to establish waivers to the competitive food standards in the 2015 agriculture appropriation bill.

WIC Foods

White potatoes have never been part of the limited list of foods that WIC provides, and for a sound reason.¹⁷ WIC provides what is known as a “prescription food package,” consisting of foods needed but lacking in adequate quantities in the diets of low-income pregnant women, infants, and young children. The food consumption data on which the WIC food packages are based indicate that the low-income women and young children whom WIC serves already consume enough starchy vegetables — the most popular of which is the white potato — while *under*-consuming other vegetables. Accordingly, a 2009 overhaul of the WIC food package, based on Institute of Medicine recommendations, added a modest \$8 to \$10 monthly voucher for the purchase of fresh vegetables and fruits other than white potatoes.

Potato industry lobbyists have tried ever since to get Congress to take the unprecedented step of dictating changes in the WIC food package by overriding the scientific recommendations and ordering WIC to offer white potatoes. They are now close to achieving their goal in the 2015

¹⁵ See 42 U.S.C. 1779. A summary of the snack rules is available at http://www.fns.usda.gov/sites/default/files/allfoods_summarychart.pdf.

¹⁶ Neuberger and Namian, 2010.

¹⁷ Zoë Neuberger, “Rampell’s Right: ‘You Say Potato, I Say Precedent,’” *Off the Charts* blog, May 9, 2014, <http://www.offthechartsblog.org/rampells-right-you-say-potato-i-say-precedent/>.

agriculture appropriations bill. The bill adopted by the House Appropriations Committee includes a provision dictating that WIC must allow the purchase of white potatoes.¹⁸ The bill being considered in the Senate also interferes with WIC's science-based process by requiring WIC to offer white potatoes. But the Senate's approach is preferable to the House's because, under it, the next science-based review of WIC foods would determine whether WIC would *continue* to offer white potatoes.¹⁹

Forcing WIC to add white potatoes would be a serious mistake, for two principal reasons. First, USDA has already engaged the Institute of Medicine to embark on a new review of the latest nutrition recommendations and food consumption data. Until a science-based recommendation has been made, WIC participants' limited fruit and vegetable vouchers should be reserved for items we know are lacking in their diets. Every dollar that participants would use from their small WIC fruit and vegetable vouchers to buy white potatoes would be one *less* dollar available to buy foods that they do *not* eat enough of, like dark green leafy vegetables.

Second, it would set a dangerous precedent. Congress has never required WIC to include (or exclude) any particular food, wisely leaving that to experts in nutrition science and child and maternal health. Abandoning that commitment could open the floodgates for food industry lobbyists to pressure Congress to add any number of other products produced in key senators' and members' states and districts, with that pressure greased by campaign contributions, irrespective of the food products' nutritional value for the women, infants, and young children whom WIC serves. That could jeopardize WIC's success at improving participants' nutrition and health.

Conclusion

If senators want to continue the recent progress in improving children's diets and halting the spread of child obesity, they must reject changes to the agriculture appropriations bill that would weaken the new school food standards or further override the science-based process for determining WIC foods when they consider the bill on the Senate floor this week. Members of the House will have a chance to improve their bill by amending it to eliminate the sweeping waivers of the new school meal nutrition standards that are likely contributing to improved nutrition and health, especially for low-income children.

¹⁸ See Section 738 of the House Appropriations Committee-passed fiscal year 2015 agriculture appropriations bill, available at <http://beta.congress.gov/bill/113th-congress/house-bill/4800/text>.

¹⁹ See Section 745 of the Senate Appropriations Committee-passed fiscal year 2015 agriculture appropriations bill, available at <http://beta.congress.gov/113/bills/s2389/BILLS-113s2389pcs.pdf>.