



# **Society for Nutrition Education Public Policy Legislative & Regulatory Bulletin November 2003**

This newsletter highlights key legislative and regulatory news about nutrition education issues in Washington, D.C. This report is prepared by SNE's Public Policy Consultant, Waterman & Associates in consultation with SNE's Advisory Committee on Public Policy.

## **Legislative Front**

### **Child Nutrition Reauthorization Still in the Works on Capitol Hill**

Child Nutrition Reauthorization (CNR), SNE's number one public policy priority, remains a hot topic for nutrition educators as the issue remains on the congressional agenda. Originally, the House and Senate were slated to introduce and pass CNR bills by November 2003; however, this timeline has been extended to allow congressional committees more time to look at the current child nutrition programs and suggest improvements for reauthorizing the Child Nutrition Act and the Richard B. Russell National School Lunch Act.

While the School Lunch Program, the School Breakfast Program, the Child and Adult Care Food Program, the Special Milk Program, and the Food Service Management Institute are permanently authorized and have mandatory funding, several discretionary programs, like pilot projects and time-limited programs would have expired without specific legislative action. In addition to those special and pilot projects, other discretionary programs include: the Summer Food Service Program, assistance for State Administrative Expenses, Commodity Support, Child and Adult Care Food Program, School Lunch and Breakfast Programs [military personnel in privatizing housing], WIC Program, WIC Farmers' Market Nutrition Program, and the coordinated review effort. In late September, Congress passed a one-month continuing resolution (CR) to keep most programs operating past their September 30<sup>th</sup> expiration date.

Because of the CR's abbreviated timeframe, the House approved on October 28<sup>th</sup>, legislation (H.R. 3232) that would extend certain expiring provisions of child nutrition programs for six months. The measure, introduced by Education Reform Subcommittee Chair Rep. Mike Castle (R-DE), is designed to give the House Education and Workforce Committee additional time to prepare a long-term reauthorization package. The committee's goals for reauthorization are to consider improvements to the child nutrition programs, taking into account a number of factors, including efficiency, nutrition, and cost-effectiveness while ensuring that all eligible children are served and school revenue is protected.

"I have been pleased with the progress made in preparing a bill for introduction," said Rep. Castle. "Despite our progress, Committee Members do not want to draft such important legislation in haste."

Across Capitol Hill, the Senate Agriculture, Nutrition and Forestry Committee has jurisdiction over CNR reauthorization. According to committee staff, the panel is currently working with the House Education and Workforce Committee in an effort to draft appropriate language and introduce a CNR bill within the next several months. The Senate Ag Committee was expected to introduce CNR legislation before the end of the year, but committee staff indicated that the Senate decided to hold off on introducing a CNR bill after the House introduced and passed H.R. 3232.

The child nutrition programs include among others the National School Lunch and Breakfast Programs, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the Child and Adult Care Food Program, the After School Snack Program, and the Summer Food Service Program.

The stage is set for both the House and Senate to pass a multi-year reauthorization bill early next year when lawmakers return for the second session of the 108<sup>th</sup> Congress. For more information on SNE's actions on CNR, go to the Web site at [www.sne.org](http://www.sne.org). SNE's CNR position paper, as well as support letters to Members of Congress, can be found under the public policy section of the Web site.

### **Child Nutrition Bill Targeting Competitive Foods Introduced in the House**

On October 30, 2003, Reps. George Miller (D-CA) and Lynn Woolsey (D-CA) introduced "The Healthy Children Through Better Nutrition Act of 2003" (H.R. 3416), a bill related to Child Nutrition Reauthorization (CNR). Reps. Miller and Woolsey serve as the senior Democrats on the House Education and Workforce Committee and the Education Reform Subcommittee, respectively. The panels have primary jurisdiction over CNR in the House.

Among other things, the legislation would address the substantial increase in childhood obesity by establishing nutritional standards for foods sold in school cafeterias that are not part of the regular school meal program. H.R. 3416 also would improve the access of low-income children to meal programs that meet basic dietary guidelines. Additionally, the measure would require that competitive foods meet nutritional standards that would be established by the Institute of Medicine (IOM). As of the first of November, the bill had yet to receive bipartisan support with 25 Democratic cosponsors.

As Congress continues to work on CNR, various lawmakers have introduced a number of CNR-related bills. Members of Congress often sponsor these measures to provide their positions on a particular portion of an issue, with the goal of including their language in broader legislation that is moving through the House and Senate.

For more information on this important piece of child nutrition legislation, go to Rep. Woolsey's Web site at <http://woolsey.house.gov/newsarticle.asp?RecordID=243>.

### **Improved Nutrition and Physical Activity Bill Moving Forward in the Senate**

After many months of idling in Congress, the Improved Nutrition and Physical Activity Act (IMPACT) was finally considered by the Senate Health, Education, Labor and Pensions (HELP) Committee. The legislation (S. 1172), designed to address the growing obesity epidemic in America, was approved by the committee on October 29<sup>th</sup> with one small technical amendment. According to congressional staff, the panel is currently working to complete the committee report and key members of Congress "hope to keep this bill moving."

By way of background, S. 1172 was first introduced back on June 3, 2003 by Senate Majority Leader Bill Frist (R-TN), along with Sens. Jeff Bingaman (D-NM), and Christopher Dodd (D-CT). As of the first of November, the Senate IMPACT measure had 20 bipartisan cosponsors. At the bill's introduction, Sen. Frist stated that the obesity epidemic "has steadily increased to a level twice what it was thirty years ago. Obesity now affects over sixty percent of adults and thirteen percent of children and adolescents. This bill will help Americans make healthy decisions about nutrition and physical activity. It emphasizes youth education so that healthy habits can begin early. It funds demonstration projects to find innovative ways of improving eating and exercise habits."

It should be noted that S. 1172 differs considerably from the House version of the IMPACT bill (H.R. 716). For example, the Senate measure would expand existing grant programs to allow health professionals to treat individuals with eating disorders. The current House measure would limit the use of grant funds for the treatment of overweight and obese individuals. The House measure (H.R. 716), which was introduced by Rep. Mary Bono (R-CA) in February 2003, currently has 61 bipartisan cosponsors.

According to Rep. Bono's office, work on the IMPACT legislation in the House is stalled until after Congress completes action on the massive Medicare prescription drug bill. Bono's staff indicated that they are possibly looking to model the House bill after the Senate's in an effort to facilitate passage of the bill once the legislation is considered in a House-Senate conference committee. However, before IMPACT is even considered for markup, Energy and Commerce Committee staff is expected to spend time reworking the legislation significantly, which will take place during the second session of the 108<sup>th</sup> Congress in early 2004. Committee staff said they are entertaining the possibility of going back to square one and assessing the core federal government principles for programs being offered in IMPACT.

Although IMPACT did not see much action for some time until the recent Senate markup, SNE acted fast to address this priority issue. In May of 2003, the ACPP responded to the introduction of the Senate IMPACT bill by sending a support letter to Frist, Bingaman and Dodd's offices. The letter supported and identified the key provisions of the bill. SNE's correspondence can be found on the organization's Web site under the public policy link at [www.sne.org](http://www.sne.org).

The ACPP's Improved Nutrition and Physical Activity Subcommittee is currently working on addressing the various pieces of legislation that fall within this broad area, with the subcommittee aiming to complete work on a position paper by the first of 2004. To volunteer for this subcommittee and help SNE with this important nutrition education issue, please contact the subcommittee co-chairs Robin Orr, [raorr@uiuc.edu](mailto:raorr@uiuc.edu) or Paulette Thompson, [pthompson@giantofmaryland.com](mailto:pthompson@giantofmaryland.com).

### **Call to Action - Contact Your Members of Congress on IMPACT NOW!**

If your Senators or Representative sit on either the Senate HELP Committee or the House Energy and Commerce Committee, contact them now to support IMPACT. As a constituent of a key congressional member, you can make a difference for SNE.

To find out your Members of Congress and their contact information by using your zip code, go to [www.congress.org](http://www.congress.org). The Senate HELP Committee member list can be found at [http://health.senate.gov/committee\\_members.html](http://health.senate.gov/committee_members.html), and the House Energy and Commerce at <http://energycommerce.house.gov/108/members/members.htm>. If your Member sits on either of the committees, call, fax or write a letter today to support the IMPACT language.

Your voice can make a difference! For more information on SNE's Grassroots efforts, go to the Public Policy section of SNE's Web site at [www.sne.org](http://www.sne.org), and click on the "How to Get Involved/Grassroots Efforts" link.

## **Regulatory Front**

### **SNE Submits Comments to USDA on Food Guide Pyramid Revisions**

The ACPP and the ACPP Food Guide Pyramid Subcommittee have worked tirelessly over the past few months to finalize comments on the Food Guide Pyramid, one of SNE's public policy priority issues. The Food Guide Pyramid Subcommittee, which was led by Jennifer Weber and Ann Macpherson, obtained input from SNE members, SNE divisions, and the ACPP prior to preparing the final SNE Food Guide Pyramid comments. These comments were in response to a *Federal Register* notice issued on September 11<sup>th</sup>, 2003 in which the U.S. Department of Agriculture's (USDA) Center for Nutrition Policy and Promotion (CNPP) called for public comments on proposed revisions to the daily food intake patterns that serve as the technical basis for the Food Guide Pyramid.

The SNE Board of Directors approved the Food Guide Pyramid comments on Oct. 23<sup>rd</sup>, 2003. As a summary of the five pages of comments, SNE provided CNPP with nine recommendations:

1. Using various specific caloric levels for sedentary individuals at different ages is not deemed the most appropriate way to communicate what an individual should do. Instead, SNE recommends that one or

- three calorie levels be chosen--to provide the RDA's and Adequate Intake's (AI's). The selection of 2,000 kcals as the reference pattern would make the food guide more compatible with the food labels.
2. SNE recommends that CNPP give very careful consideration to the various arguments relating to sugar intake recommendations with the goal of providing clear recommendations that can form a solid basis for the work of nutrition educators to assist consumers to choose healthful diets.
  3. The criteria established by CNPP to develop food groups should include making the food groups simple and easy to manage by the general public. SNE has concerns about the ability of the public to be able to apply the sub-groups of vegetables as currently conceptualized.
  4. SNE suggests that CNPP consider potatoes and other similar starchy vegetables be grouped with rice, pastas, cereals and breads. This would require a change in how the servings of foods from this group are expressed. CNPP could use the data at hand regarding consumer patterns and nutrient composition to confirm or disconfirm this suggestion.
  5. SNE urges CNPP to do choice studies to determine what people consider to be natural groupings for legumes; i.e. give the general public the option of placing legumes with meats, vegetables or grains to see what they select.
  6. SNE supports a greater emphasis on legumes and fruits and vegetables in future revisions of the food guide pyramid.
  7. SNE recommends that additional excellent sources of vitamin E and EFAs be included in the Food Guide Pyramid.
  8. SNE recommends that CNPP consider the IOM's impending report on water intake so that a basis for adequate hydration can be included in the Food Guide Pyramid.
  9. In conjunction with #1 above, if a reference pattern of 2000 kcals is adopted for the Food Guide Pyramid, SNE suggests the basic serving sizes and/or daily intakes for this pattern to be:
    - Whole grains, potatoes and other starches: 1 cup or two slices of bread (4 per day)
    - Vegetables: 1/2 cup cooked, 1 cup raw (4 per day)
    - Fruits: 1/2 cup (3 per day)
    - Milk and milk products: 16 fluid ounces or 2 cups (more added for growing children)
    - Meats, poultry, fish, and eggs: 5 or 6 ounces (SNE recommends use of a whole number, rather than a fraction).

The Food Guide Pyramid was originally developed in 1992 to help individuals implement the Dietary Guidelines for Americans. USDA is reassessing the pyramid to ensure that it continues to be based on the most current, sound, and comprehensive science to help Americans make better food choices.

Proposed changes to the food patterns are evolutionary, building on the solid framework of the existing pyramid and bringing it up-to-date with the latest national nutrition standards. The proposed daily food intake patterns have been updated to meet new nutritional standards, including the National Academy of Sciences' Institute of Medicine Dietary Reference Intakes for vitamins, minerals and macronutrients released between 1997 and 2002. The update of the pyramid is being coordinated with the 2005 Dietary Guidelines Advisory Committee as they currently review the Dietary Guidelines for Americans and recommend revisions to USDA and the Department of Health and Human Services.

SNE's recent submission of comments was in response to the second phase of the Food Guide Pyramid reassessment and updating process. The reassessment has three phases: (1) gathering information through technical research, professional and public input, and consumer research; (2) updating of the pyramid's daily food intake patterns to meet current nutritional standards; and (3) developing new graphic and educational materials that communicate pyramid messages in ways consumers can more easily understand and put into practice. Pyramid graphic and consumer materials will be initiated, and a second *Federal Register* notice to solicit comments on the graphic design will be issued sometime in 2004. The Food Guide Pyramid final release and related consumer materials is scheduled for early 2005.

SNE's Food Guide Pyramid recommendations on the daily food intake patterns can be found on the organization's Web site under the public policy section, [www.sne.org](http://www.sne.org). For more information on the Pyramid and the *Federal Register* notice, go to <http://www.usda.gov/cnpp/pyramid.html>. CNPP is posting on the

Internet the comments it has received to date on the second phase of the Pyramid. Those comments can be found at <http://www.usda.gov/cnpp/pyramid-update/Comments/index.html>.

### **FDA Holds Obesity Meeting**

The Food and Drug Administration (FDA) recently held a public meeting to address the growing obesity problem in the United States. The Oct. 23<sup>rd</sup> meeting was sponsored by the FDA Obesity Working Group, a group established in August 2003 to confront the obesity epidemic and develop new and innovative ways for consumers to lead healthier lives through better nutrition. The group is chaired by FDA Deputy Commissioner Lester Crawford and vice-chaired by the Director of FDA's Center for Food Safety and Applied Nutrition Joseph Levitt.

The meeting offered dialogue between numerous stakeholders, including consumers, academia, medical professionals and the food and restaurant industry. These stakeholders encouraged the working group to develop partnerships with government agencies, industry, academia and consumers to develop and promote a consistent and accurate nutrition message.

The Obesity Working Group will prepare a report by February 2004 that will include an action plan for developing a clear, coherent and effective message to address obesity. Components of this plan will include a program outline for educating Americans about obesity, developing approaches to supporting the message through food labeling and working with the restaurant industry, and providing an active dialogue with outside invested stakeholders.

FDA is accepting public comments on obesity issues until Nov. 21, 2003. Comments can be sent electronically through FDA's Web site,

[http://www.accessdata.fda.gov/scripts/oc/dockets/comments/commentsmain.cfm?EC\\_MAIN\\_ID=24236&EC\\_DOCUMENT\\_ID=741192&DOCKETNUMBER=&SUBTYP=NEXT&CID=](http://www.accessdata.fda.gov/scripts/oc/dockets/comments/commentsmain.cfm?EC_MAIN_ID=24236&EC_DOCUMENT_ID=741192&DOCKETNUMBER=&SUBTYP=NEXT&CID=)

## **Other Public Policy News & Announcements:**

### **Robert Wood Johnson Health Policy Fellowships Call for 2004 Applications**

The Robert Wood Johnson Health Policy Fellowships Program provides an outstanding opportunity for exceptional mid-career health professionals and behavioral and social scientists with an interest in health to take part in and better understand the health policy processes at the federal level. Fellows actively contribute to the formulation of national health policies and accelerate their careers as leaders in health policy. Initiated in 1973, the program is funded by The Robert Wood Johnson Foundation (RWJF) and conducted by the Institute of Medicine (IOM) of the National Academy of Sciences. The deadline for the 2004 Fellowships is November 21, 2003.

For more information on the Robert Wood Johnson Health Policy fellowship opportunity, including application materials, go to: <http://www.iom.edu/file.asp?id=5788>.

