



Society for Nutrition Education Public Policy Legislative & Regulatory Bulletin October 2002

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.

SNE Selects Legislative / Governmental Priorities for 2003

In October, SNE's Board approved a slate of six issues that establishes the society's Legislative and Governmental Priorities. The issues are based on a survey recently completed by the SNE membership and conducted by the Advisory Committee on Public Policy (ACPP).

Based on the results of the survey, the top six priorities adopted by the Board for 2003 are:

1. **Federal Child Nutrition Reauthorization** – Child nutrition programs will be considered for reauthorization by Congress in 2003. Eight specific programs fall under the broad reauthorization of the Child Nutrition Act of 1996 and Richard Russell National School Lunch Act. Other critical items that SNE will address include: Team Nutrition / Nutrition Education and Training, as well as Competitive Foods.
2. **The Improved Nutrition and Physical Activity Act (IMPACT)** – Legislation is pending in Congress that focuses on improving the quality and availability of nutrition education, increasing opportunities for physical activity and advocating additional research. Expanding the Centers for Disease Control's State-Based Nutrition and Physical Activity Program are also important components of this legislation. This measure will likely be re-introduced in the 108th Congress.
3. **Food Stamp Program, Expanded Food and Nutrition Education Program (EFNEP) Women, Infant and Children (WIC)** – These are critical programs and each one has a nutrition education component. The goal is to work to ensure that funding for nutrition education is not cut or directed to other areas.
4. **Dietary Guidelines** – These guidelines are the cornerstone of federal nutrition policy. The National Nutrition Monitoring and Related Research Act of 1990 require USDA and HHS to jointly publish the Dietary Guidelines every five years.
5. **Food Guide Pyramid** - The U.S. Department of Agriculture (USDA) has announced that it is reviewing the pyramid guide as part of an update of the science behind the graphic, first issued in 1992. USDA's Center for Nutrition Policy and Promotion is currently accepting comments.
6. **Food Assistance and Nutrition Research Program [FANRP]** – FANRP addresses research issues involving the nation's food and nutrition assistance policies and programs. The research is designed to meet the critical information needs of the Administration, Congress, program managers, policy officials, clients, the research community and the public.

Over the next several months, the ACPD will be developing position papers, in conjunction with the appropriate SNE Divisions, on these top priority issues. In turn, each position paper will be reviewed by the Board. In the months ahead, ACPD will be posting these position papers on the SNE Web site.

Congressional Outlook – What to Expect For The Remainder of the Session

The 107th Congress, the most closely divided in history, has given up trying to resolve impasses on a wide range of bills until after the Nov. 5 elections. Both chambers adjourned last week and will return to Washington for a Nov. 12-14 lame-duck session. However, if compromise on some of the remaining legislation is not reached in mid-Nov., lawmakers may have to return in early December.

The results of the mid-term election may also influence what lawmakers can achieve during the lame-duck session. Assuming the election results do not complicate House and Senate leaders' efforts to hold a productive lame-duck session, Congress' first order of business next month will be trying to finish the 11 remaining fiscal year (FY) 2003 appropriations bills that fund the various federal agencies. Lawmakers are looking for a creative way to bridge the spending gap and reach a compromise.

With some give-and-take, appropriators in both chambers believe they can reach a spending level that is higher than the House and lower than the Senate, allowing them to complete work on the remaining appropriations bills. However, given the differences over funding levels for priorities such as education, highway construction and health care, resolving the big-dollar measures including Labor, Health and Human Services and Education (HR 5320), may be impossible. For a more in depth look at the FY 03 appropriations bill, go to <http://thomas.loc.gov/home/approp/app03.html>.

It is not clear whether House and Senate leaders will resort to a long-term continuing resolution that pushes off the tough decisions to the 108th Congress or if they will attempt to clear the agenda with an omnibus fiscal 2003 appropriations measure wrapping up all the unfinished bills.

In addition to tackling unfinished business, both chambers will use the Nov. 12-14 period to conduct organizational activities for the 108th Congress. Democrats and Republicans will choose their leaders and provide orientation to their newest members. Party leaders have slated their leadership elections for Nov. 13-14 and will choose their new committee chairmen in January. Changes in party leadership and chairmanships will likely influence nutrition education policy. Look for continuing updates in the next few months on these important congressional changes.

National 4-H Council Offers Grants to Fight Obesity

The National 4-H Council recently announced the availability of grants for youth-led programs to promote healthy lifestyles and fight hunger. The grants will help communities create educational programs and public awareness that will confront the climbing trends of obesity. The funding will be provided from Kraft Foods, Inc. and will offer local grants up to \$8,000 to develop or expand innovative programs that partner youth ages 5-12 with adults to reverse these trends. Applicants must demonstrate interest and experience in dealing with the issues of obesity, fitness, nutrition and healthy lifestyles. Grant applications are due by Nov. 4, 2002.

To access the 2003 grant application, visit <http://www.doc.n4h.org/programsinfo/HealthyLifestyles2003App.doc>.

For more information about the grant, contact Diana Friedman at the National 4-H Council at dfriedman@fourhcouncil.edu.

Mark McClellan Confirmed As FDA Commissioner

Late on Oct. 17 before the Senate adjourned, the chamber confirmed Mark McClellan as President Bush's choice for Food and Drug Administration (FDA) Commissioner. McClellan, a physician who serves on President Bush's Council of Economic Advisers and advises Bush on health policy, gained the approval of the Senate Health, Education, Labor and Pensions Committee in early October.

McClellan was expected to get quick congressional approval, but his nomination was held up in the Senate by a small group of Senators led by Sen. Jeff Bingaman (D-NM). These senators were angry over the fact that the Department of Health and Human Services Secretary Tommy Thompson withdrew his support for a bill allowing for pregnant women to be eligible for the State Children's Health Insurance Program (SCHIP). Bingaman said he would not support the FDA nominee until the secretary explained his reversal on the insurance issue. However, Bingaman released the hold on Oct. 17, pointing to assurances that a Senate Health Committee will hold a hearing on expanding child health program coverage to pregnant women.

Foods Must Meet New Standards In Order to Carry USDA 'Organic' Seal

Food products labeled as organically grown must conform to U.S. Department of Agriculture (USDA) standards that became effective Oct. 21 after a 12-year regulation-writing process. The labeling requirements, part of the federal National Organic Program authorized by the Organic Food Production Act of 1990, permit products to carry a USDA national organic seal if they contain at least 95 percent organically produced ingredients.

In announcing the new standards, USDA Secretary Ann Veneman stated at an Oct. 21 press conference that "Organic agriculture is increasing and organic farmers across the country have been looking forward to the release of these regulations with anticipation they will create consumer confidence in their products."

Products with 70 to 95 percent organic ingredients may be labeled as containing organic ingredients but may not display the seal, and foods with fewer organic ingredients may not be labeled as "organic." The organic foods must be produced by growers certified by USDA-designated entities who ascertain that production meets requirements regarding matters such as seeds used, pesticides applied or, in the case of livestock, medications employed. A National Organic Standards Board develops the requirements on a continuing basis.

Senate Committee Approves Compromise on Food Labeling Bill

At the end of September, the Senate Health and Education Committee approved legislation that would require labeling of food products whose ingredients include any of eight known allergens -- milk, egg, fish, shellfish, tree nuts, wheat, peanuts and soybeans.

Senate Health Committee Chairman, Ted Kennedy (D-MA), sponsor of the bill (S 2499), won over ranking Republican Judd Gregg (NH), as a cosponsor after the pair agreed on a substitute amendment that made the measure easier for the food industry to accept. The legislation would require that labels clearly list ingredients that may cause allergic reactions for as many as seven million consumers. The bill would impose mandatory labeling standards for the eight major foods (listed above) that cause 90 percent of allergic reactions. On October 17, the bill was placed on the Senate legislative calendar where it awaits full Senate voting. Full text of the Senate bill can be found on the Internet at <http://thomas.loc.gov/cgi-bin/query/D?c107:1:./temp/~c1079Nxzyb::>

There is a similar bill pending in the House of Representatives, H.R. 4704 that was introduced in May by Rep. Nita Lowey (D-NY). The measure was referred to the House Energy and Commerce's Subcommittee on Health and has 24 cosponsors. No action has taken place on this bill. To review a copy of the House legislation, visit the Web site <http://thomas.loc.gov/cgi-bin/query>.

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