



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE

September 16, 2015

The Honorable Bob Casey
United States Senate
393 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Casey:

Every five years, Congress has the opportunity to review the laws governing programs such as the National School Lunch Program, the School Breakfast Program, the Child and Adult Care Food Program, the Summer Food Service Program, the WIC Farmers Market Nutrition Program, and more. The opportunity for reauthorization provides a way to improve and strengthen such programs to better meet the needs of children. These programs have an impact on millions of children each day – improving educational achievement, nutrition and health.

As Congress begins the process of considering the Child Nutrition and WIC Reauthorization Act, the Pennsylvania Department of Agriculture, Department of Health, Department of Education, and the Department of Human Services offers the following 11 suggestions for consideration. It is our hope that these recommendations will be included in the reauthorization.

1. Improved ability to reach low-income kids during the summer months

In Pennsylvania, only 19.9% of low-income children who receive lunch assistance during the school year also receive food assistance through a summer feeding site. Communities need to be given the tools to establish summer feeding sites in underserved areas, as well as the flexibility to reach kids in other ways. Two pieces of legislation would accomplish this goal and should be included in the child nutrition reauthorization language:

- a) *Summer Meals Act of 2015 (S. 613 and H.R. 1728)* – This bill improves the area eligibility test to allow community-based organizations to participate if 40% (rather than the current 50% threshold) of the children in the area are eligible for free or reduced-price meals. This threshold would align the summer feeding programs with the threshold for federally funded summer education programs. The bill would also allow local government agencies and private nonprofit organizations to feed children year-round through the Summer Food Service Program, and provide funding for transportation grants to fund innovative approaches and mobile meal trucks.
- b) *Stop Child Summer Hunger Act of 2015 (S. 1539 and H.R. 2715)* – This bill provides a Summer EBT Card (\$150 per summer per eligible child) to families with children who qualify for free and reduced price school meals, allowing the purchase of food at retail stores.

2. *Allow flexibility to better reach kids outside of school hours*

Many low-income children struggle with hunger outside of school hours, yet communities have limited ability to support them because of rigid program requirements that require kids to consume meals on-site. The arbitrary on-site requirement should be waived to allow communities to innovate more effective ways to serve kids.

3. *Increase access to healthy food for children in child care settings*

The Child and Adult Care Food Program (CACFP) provides nutritious meals and snacks to children and adults receiving child care, ensuring that young children receive a nutritious diet and learn good eating habits through nutrition education. *The Access to Healthy Food for Young Children Act of 2015 (S. 1833)* increases access to food for children in child care settings, and should be included in the child nutrition reauthorization. Among other things, the bill improves the area eligibility test by allowing child care providers to receive the higher Tier I reimbursement if 40% of the children in the neighborhood are eligible for free or reduced-price meals, and allows the option of a third meal service to serve children who are in care for more than eight hours per day.

4. *Expand access to farm to school programs*

Farm to school programs empower children and their families to make informed food choices and undergo education related to agriculture and nutrition. *The Farm to School Act of 2015 (S. 569 and H.R. 1061)* continues and expands upon the existing USDA Farm to School Grant Program by fully including preschools, summer food service program sites, and after school programs in the program; increasing annual mandatory funding from \$5 million to \$15 million; and improving program participation from beginning, veteran, and socially disadvantaged farmers. We strongly encourage Congress to include The Farm to School Act of 2015 in the child nutrition reauthorization language.

5. *Provide schools with needed tools to provide healthy meals*

Language should be included that would expand schools' access to modern kitchen equipment and infrastructure and strengthen workforce training. A loan assistance and grant program should be established within USDA to help schools acquire new equipment, and to strengthen training and provide technical assistance to school food service personnel, many of whom need additional skills and expertise to prepare healthier meals.

6. *Preserve and reaffirm milk's role in child feeding programs*

Milk at all levels of fat content must be promoted as a healthy, nutritious product with all school-aged children and play a larger role in child feeding programs. Most Americans are falling short of consuming the recommended number of servings of milk. As a result, both children and adults are under-consuming a number of the essential nutrients that milk provides, including calcium, potassium, and vitamin D. The Department supports the re-inclusion of all milk into child feeding programs – fat-free, low-fat (1%), flavored milk, lactose-free milk, and whole milk.

At the very least, including *The School Milk Nutrition Act of 2015 (H.R. 2407)* in child nutrition reauthorization will help to address these issues and ensure that all school children are provided access to a variety of milk options. In addition to ensuring that school children have access to fluid milk in school meal programs, this legislation will also establish a pilot program to test and demonstrate effective, affordable, and sustainable strategies for increasing school milk consumption.

7. *Amend the state administrative expense funding formula*

Currently, the state administrative expense (SAE) funding formula for the child nutrition programs is predicated on the number of meals served per year at the state level. However, the formula does not take into consideration the number of local entities operating the programs that are serving the meals. Administrative expenses at the state level are incurred to pay for staff, and administrative activities of the program, such as oversight, training and technical assistance, to name a few. The resources necessary to carry out those activities are quantified by the number of entities administering the programs. For example, Pennsylvania, with 853 local education agencies administering the National School Lunch Program, manages many more relationships (training, technical assistance and oversight) than Maryland, with 30 county-based local education agencies; and therefore receives a disproportionate amount of funding to administer the child nutrition programs.

8. *Maintain sodium restrictions at current levels*

With the implementation of the new meal patterns required through the Healthy Hunger Free Kids Act of 2010, a maximum amount of daily sodium was established for the School Breakfast and Lunch Programs. Originally, the sodium requirements were to be rolled out in three stages. Schools are currently in phase one, with phase two and three further reducing the maximum daily amount of sodium permitted. Implementation of phase two and three of the sodium requirements should be delayed to allow additional time for manufacturers to respond with products that are widely accepted and palatable, additional research to be gathered and reviewed regarding the benefits of sodium reduction, and acceptance by the public at large of lower sodium foods.

9. *Provide leniency in the whole grain requirements*

The current meal patterns established under the Healthy Hunger Free Kids Act of 2010 require that 100% of the grains served in School Breakfast and Lunch Programs be whole grain rich. We encourage establishing a lower threshold, perhaps 75%, to allow for a small amount of grains that do not meet the whole grain rich definition.

10. *Administrative review cycle for Local Education Agency's (LEAs) participating in the National School Lunch Program*

The Healthy Hunger Free Kids Act of 2010 established an Administrative Review cycle of every three years for LEA's participating in the National School Lunch Program. Previously it was five year cycle. While a three year cycle provides more frequent oversight, which is a benefit, it increases the quantity of reviews to be completed each year by 67%. Additional funding was not provided to support this requirement. We request that flexibility be provided to

allow for a review cycle not to exceed every 5 years. The state agency would make the determination based on success of the most recent Administrative Review, as well as other risk factors.

11. Women, Infant and Children (WIC) program modifications

- a) Extending WIC participation through age 6 would assist in bridging the current gap in the safety net for children who have birthdays late in the year and do not enter school until they are 6 years of age. It would not be particularly burdensome to the program, and it may help to maintain participation.
- b) Removing the specific caloric requirement of “approximately 20 kcal/oz.” from the USDA definition of infant formula would reduce the need for at least 9,000 Pennsylvania participants to complete a Formula Authorization Form to utilize the Alternate Contract Formulas. Utilization of these products continues to grow and the current definition creates a barrier to WIC participants who wish to use these products. Non-WIC participants are able to freely select these products at any retail store for their babies. It shouldn’t be more difficult for mothers participating in WIC to obtain what is available to others.
- c) More consideration should be given to modifying the typical 75-25 split between food dollars and Nutritional Services and Administration grant, or administrative funding. As the premier public health nutrition program in our country, it is critical that a level of professionalism in the nutrition staff hired to work in our clinics be maintained. The pay scale for WIC nutritionists is considerably less than the average salary for a Registered Dietitian, which is why non-RDs are routinely employed as WIC professionals. At the very least, the qualifications for WIC professional staff should not be compromised.
- d) Pennsylvania needs leeway from USDA and/or Congress in implementing the 2020 mandate that requires all states to fully implement Electronic Benefits Transfer (EBT). The original mandate did not acknowledge the need for states to improve or replace their MIS systems in order to accommodate this new technology. The current demand for limited contractors in a highly competitive market will result in state agencies having to pay higher costs for the required MIS and EBT services. The industry for EBT/MIS services needs the opportunity to grow in order to foster a more competitive environment. It would be helpful to see a more tiered approach in meeting the mandate, perhaps imposing separate deadlines for the seven different USDA regions.
- e) Clarification is needed on state sharing intentions with respect to systems created via federal funding. All states are required to implement EBT, and federal guidance includes language for systems created using federal funds to be shared to reduce overall costs of development, etc. Universal language requiring systems developed using federal funds be shared upon the request of other state agencies would help reduce obstacles surrounding licensing and sharing agreements required from state to state.

Thank you for taking these recommendations into consideration as Congress moves forward with the Child Nutrition and WIC Reauthorization Act. Please contact us for any additional information you may need.

Sincerely,



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