

Move over Ketchup: Pepperoni Pizza is Now a Vegetable Too

11.18.2011

The FY2012 USDA budget agreement between House and Senate Appropriations Committee members provides increased funding for a variety of important nutrition programs to enable the safety net to respond to increased need. These funding levels also reflect prioritization of domestic nutrition assistance programs during the recession. Of particular note is the \$6.6 billion provided for WIC, which erases the serious threat that 110,000 California WIC participants faced just a few weeks ago.

In addition to setting funding levels for USDA programs and services, the Appropriations Committees made numerous policy changes. The Food Research and Action Center provided this helpful summary of the Conference Report Language Sections 743 and 746:

The bill has unusual provisions limiting USDA's authority in developing the final rule on school meal improvement – rulemaking under development by USDA since 2004 and the subject of a major Institute of Medicine review in 2008 and 2009. This rule was also required by last year's Healthy, Hunger-Free Kids Act (child nutrition reauthorization). As a result of the Appropriations Committee's agreement, USDA's final rule cannot contain the Institute of Medicine's recommendations to limit potatoes and other starchy vegetables, or change the crediting requirements for tomato paste which were aimed at eliminating the ability to count pizza as a vegetable. USDA will also need to abide by certain conditions in setting policy to reduce sodium and increase whole grains.

Unlike the original House language passed earlier in the year, this conference report language does not direct USDA to completely stop the rulemaking process and start again from the beginning. USDA can continue to move forward with a rule for healthier school meals but they will be hampered in some respects by the restrictions imposed by Congress. USDA still expects to publish the final rule to update breakfast and lunch nutrient standards and meal patterns by the end of 2011.

California Food Policy Advocates objects to this Congressional interference in USDA's science-based rulemaking process for three reasons:

First, the complex, technical changes included in the conference committee report are explicitly intended to preserve pizza's and tater tots/French fries' ubiquitous presence on school lunch trays. CFPA recognizes that many foods can be part of a healthy diet, but significant evidence indicates that a handful of these fast foods that dominate students' diets at home and in restaurants effectively crowd out the wider variety of nutritious foods that are beginning to appear on many California school cafeteria

menus. Several California districts eliminated chicken nuggets from their cafeterias this year, reflecting increased attention to the lessons that menus teach students. Congress to the contrary notwithstanding, numerous well managed school cafeterias across California are taking steps to improve both nutritional quality and student appeal without sacrificing participation or revenue.

Second, the language in the conference report was developed by and inserted by food industry representatives and their partners to maintain their share of school food sales, not to improve student health. USDA has led an inclusive, science-based process for seven years, making numerous compromises to accommodate industry concerns. Congressional intervention was inappropriate and unnecessary to achieving a balanced, workable outcome within available school meal reimbursements. CFPA is aware that the cost of making changes is an important consideration for program administrators; USDA heard that and has taken numerous steps and will take additional steps to mitigate the cost impact of menu improvements.

Third, this interference may set a dangerous precedent for industries to undo any rules that might threaten their profitability; this legislative language was developed without any student or parent input. As USDA begins to embark on rulemaking to set competitive foods rules, define water accessibility and update the Child and Adult Care Food Program nutrition standards, industries should not be allowed to use eleventh-hour lobbying maneuvers to thwart regulations they don't like.

A Few Related Resources

CFPA provided one of 125,000 [comments](#) to USDA in April to identify ways to strengthen and improve the rule.

CFPA's Ken Hecht was invited to provide testimony to the House Education and the Workforce Committee. Ken's [testimony](#) focused on the integrity of the rulemaking process.

And, perhaps, most usefully, the exasperation described in these media stories reflects the views of every parent that's reached out to CFPA about these developments:

National Public Radio, *School Lunch Potato Fight Gets the Colbert Treatment*, [link](#)

The Daily Show, [link](#)

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