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Research Informing Policies & Practices
for Healthy Youth

To what extent do state competitive food and beverage standards align with the USDA's interim final rule?

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Session 5108.0 School Food Programs and Policies
American Public Health Association Annual Meeting
Boston, MA
November 6, 2013

Presenter Disclosures: Jamie Chriqui

The following personal financial relationships with commercial interests relevant to this presentation existed during the past 12 months:

- No relationships to disclose.

Presentation Overview

- Rationale for the USDA Interim Final Rule
- Summary of USDA Interim Final Rule
- Describe how state laws align with the USDA Interim Final Rule
- Discuss opportunities that exist to facilitate implementation and compliance with the rule



FEDERAL REGISTER

Vol. 78 Friday,
No. 125 June 28, 2013

Part II

Department of Agriculture

Food and Nutrition Service
7 CFR Parts 210 and 220
National School Lunch Program and School Breakfast Program: Nutrition
Standards for All Foods Sold in School as Required by the Healthy,
Hunger-Free Kids Act of 2010; Interim Final Rule

Rationale for the USDA Rule

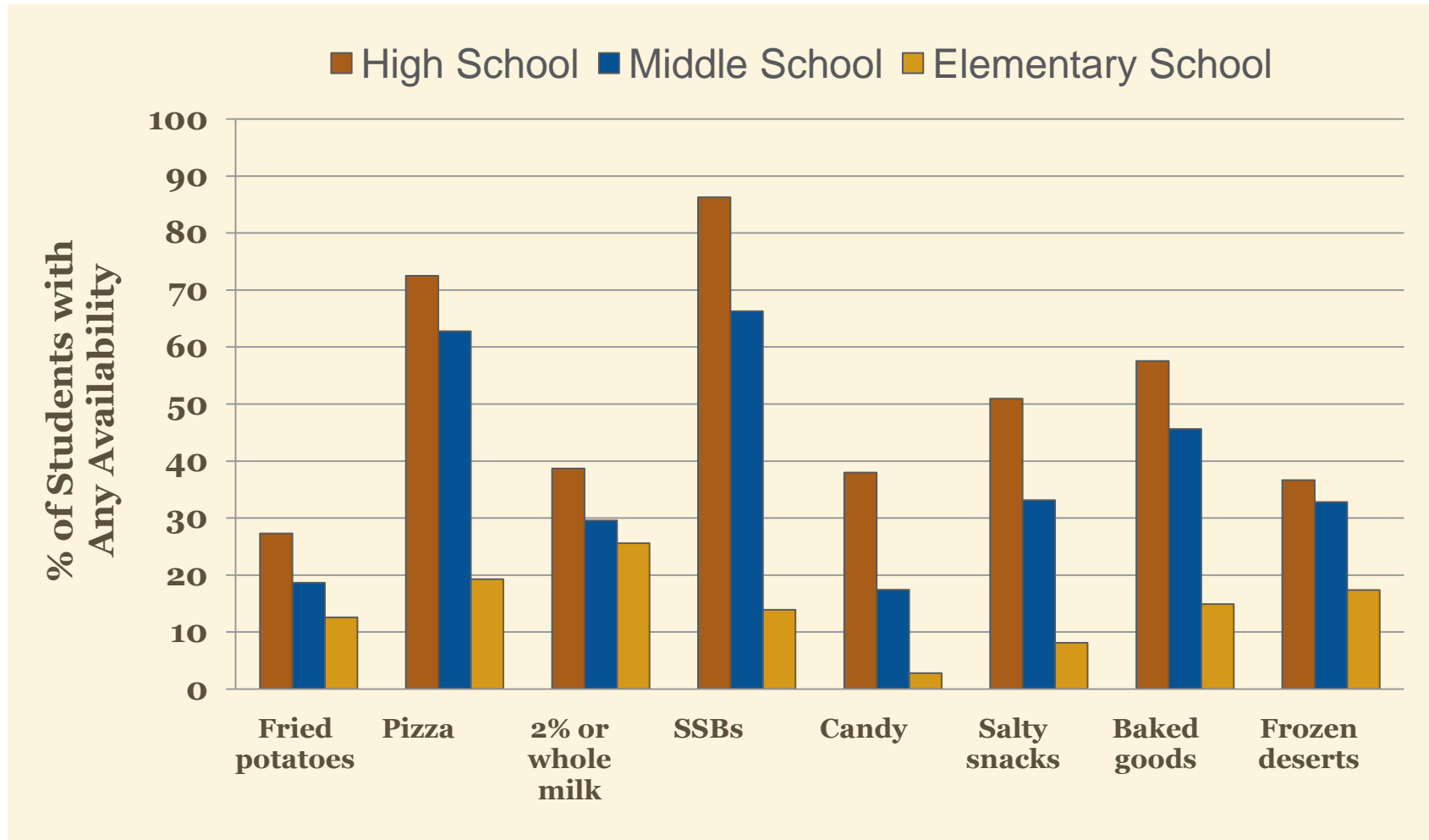
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Understanding the policy landscape leading up to the USDA rule

- Federal Foods of Minimal Nutritional Value (FMNV) rule
- Child Nutrition and WIC Reauthorization Act of 2004
 - School district wellness policies
- Healthy, Hunger-Free Kids Act of 2010
- State Laws



Less Healthy Competitive Foods are Ubiquitous in US Schools, SY 2011-12



Overview of Key Provisions in USDA Interim Final Rule

Issued on June 28, 2013

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USDA Snack Item Guidelines

- **Grain product** containing $\geq 50\%$ whole grains by weight or have as 1st ingredient a **whole grain**
OR
- Have as **1st ingredient** one of the non-grain major food groups: **fruits, vegetables, dairy or protein foods** (including meat, beans, poultry, seafood, eggs, nuts, etc.)
OR
- Be a **combination food** containing 1/4 cup of fruit and/or vegetable OR
- Contain **10% RDA of a nutrient of public health concern** based on the most recent DGR (potassium, calcium, fiber, or Vitamin D)



USDA Nutrient Guidelines

• Total Sugars

- $\leq 35\%$ of total weight

• Fats

- $\leq 35\%$ of total calories
- $< 10\%$ total calories from saturated fat
- Trans fat-free

*Exceptions for both nutrients

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USDA Nutrient Guidelines

•Sodium-Snacks

- ≤ 230 mg from July 1, 2014-June 30, 2016
- ≤ 200 mg after July 1, 2016

•Sodium-Entrees

- ≤ 480 mg

•Calories

- ≤ 200 calories per portion as packaged or served



USDA Beverage Guidelines



•Plain water

- Carbonated or uncarbonated

•Milk

- 1% (unflavored) or
- Skim milk (including flavored)

•Juice

- 100% fruit or vegetable juices
- OR
- 100% fruit or vegetable juices diluted with water or carbonated water

•Caffeine

- Elementary/Middle Schools: Caffeine-free
- High School: Allowed



USDA Other Beverage Guidelines

- **High School only:** Calorie-free, flavored and/or carbonated water and other calorie-free beverages
 - <5 calories/8 oz serving (or ≤ 10 calories/20 oz)
 - Maximum of 20 oz
- **Portion Sizes (except water)**
 - Elementary schools: 8 oz
 - Middle schools: 12 oz
 - High Schools: 12 oz (milk, juices)



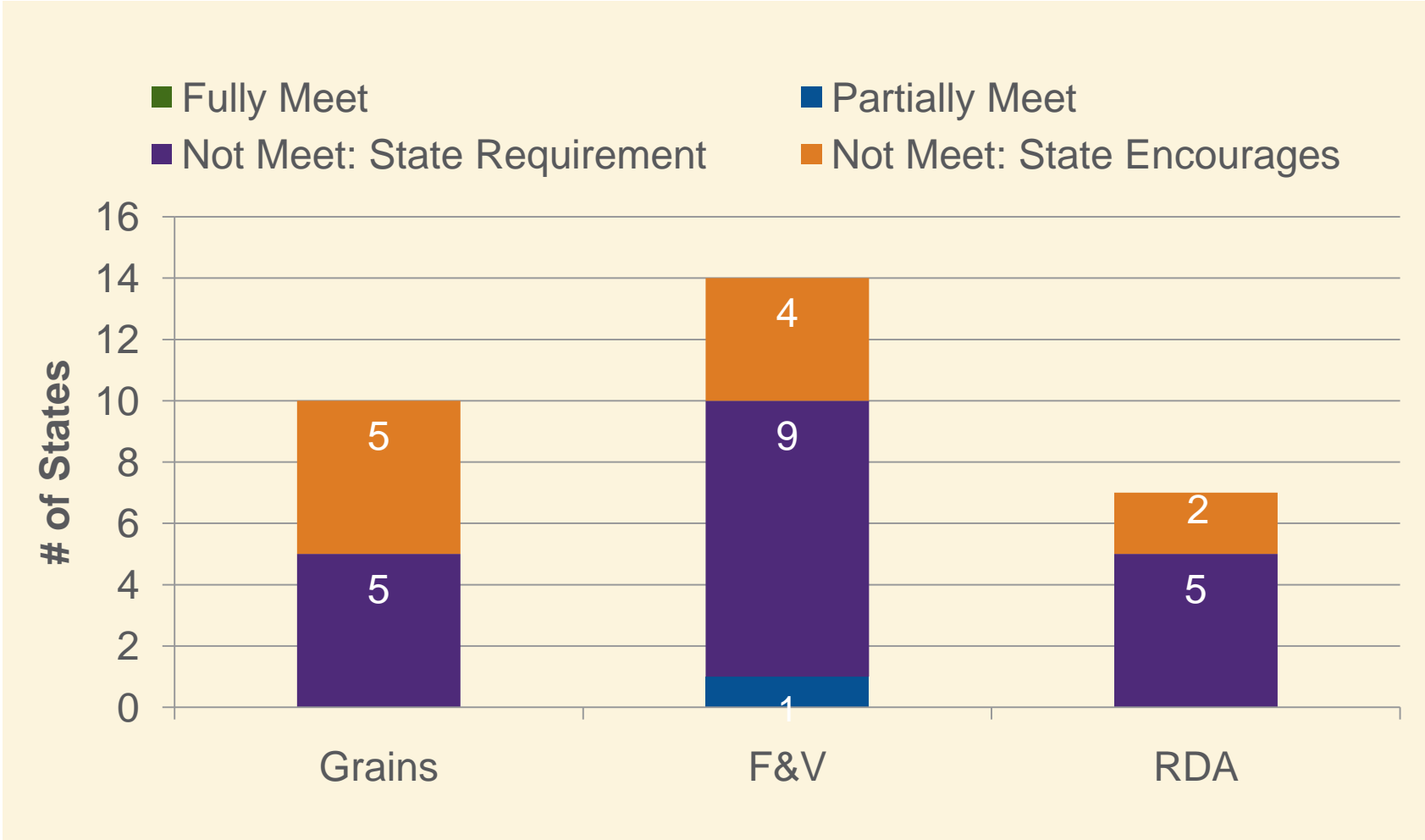
How Do Existing State Laws Align with the USDA Standards?

Laws effective as of School Year 2012-2013

State Law Data Source and Coding

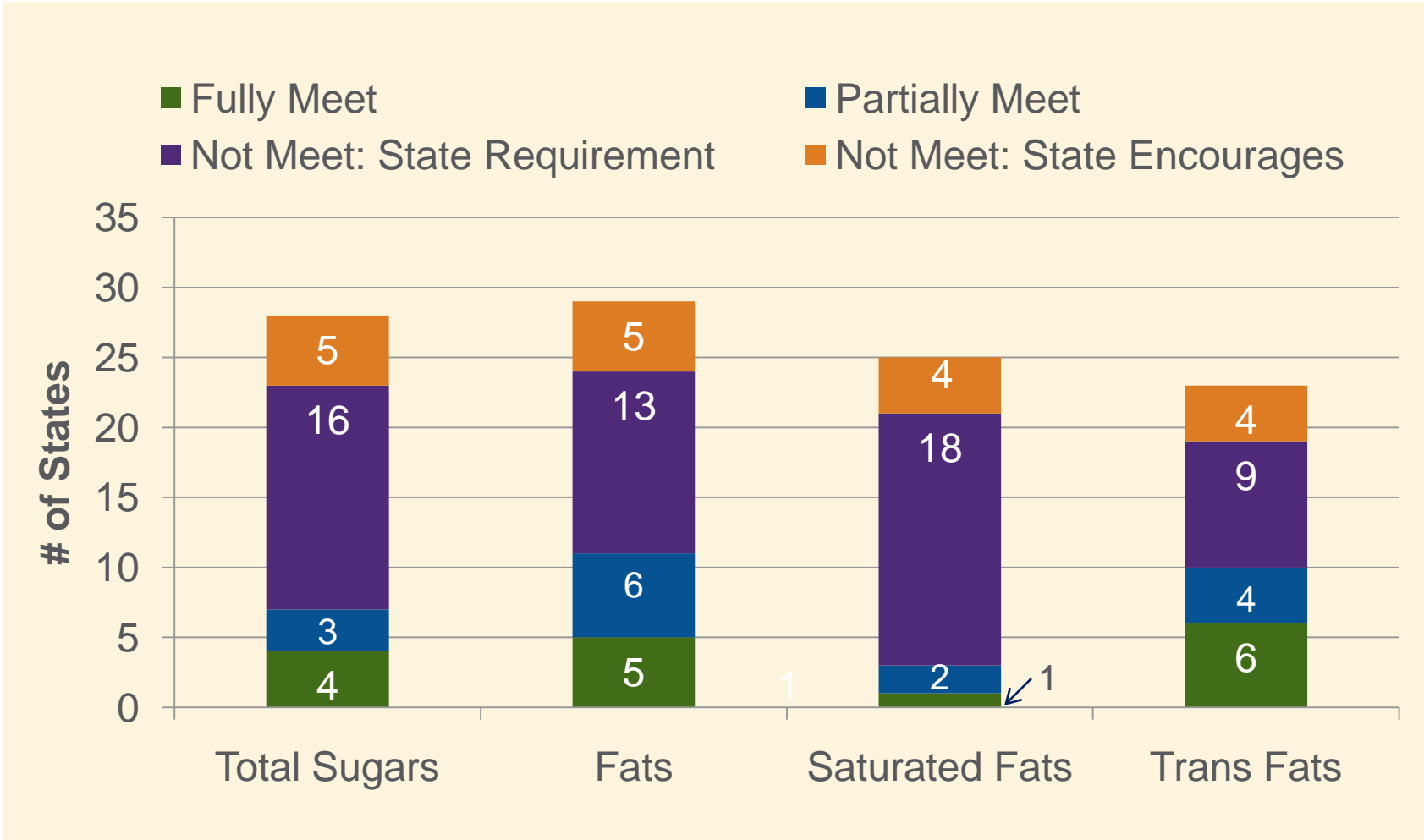
- Primary legal research using Westlaw and Lexis-Nexis
- Codified statutory and administrative (regulatory) laws, including board policies embedded by reference (e.g., Connecticut)
- Laws effective as of the beginning of school year 2012-13
- Reviewed for “alignment” with each USDA provision as follows:
 - **Fully meet**
 - **Partially meet**
 - Grade/location exemptions
 - **Not meet**
 - Not meet BUT other required state standard
 - Not meet BUT encouraged/suggested state standard

State Law: Grains, F&V, and/or RDA



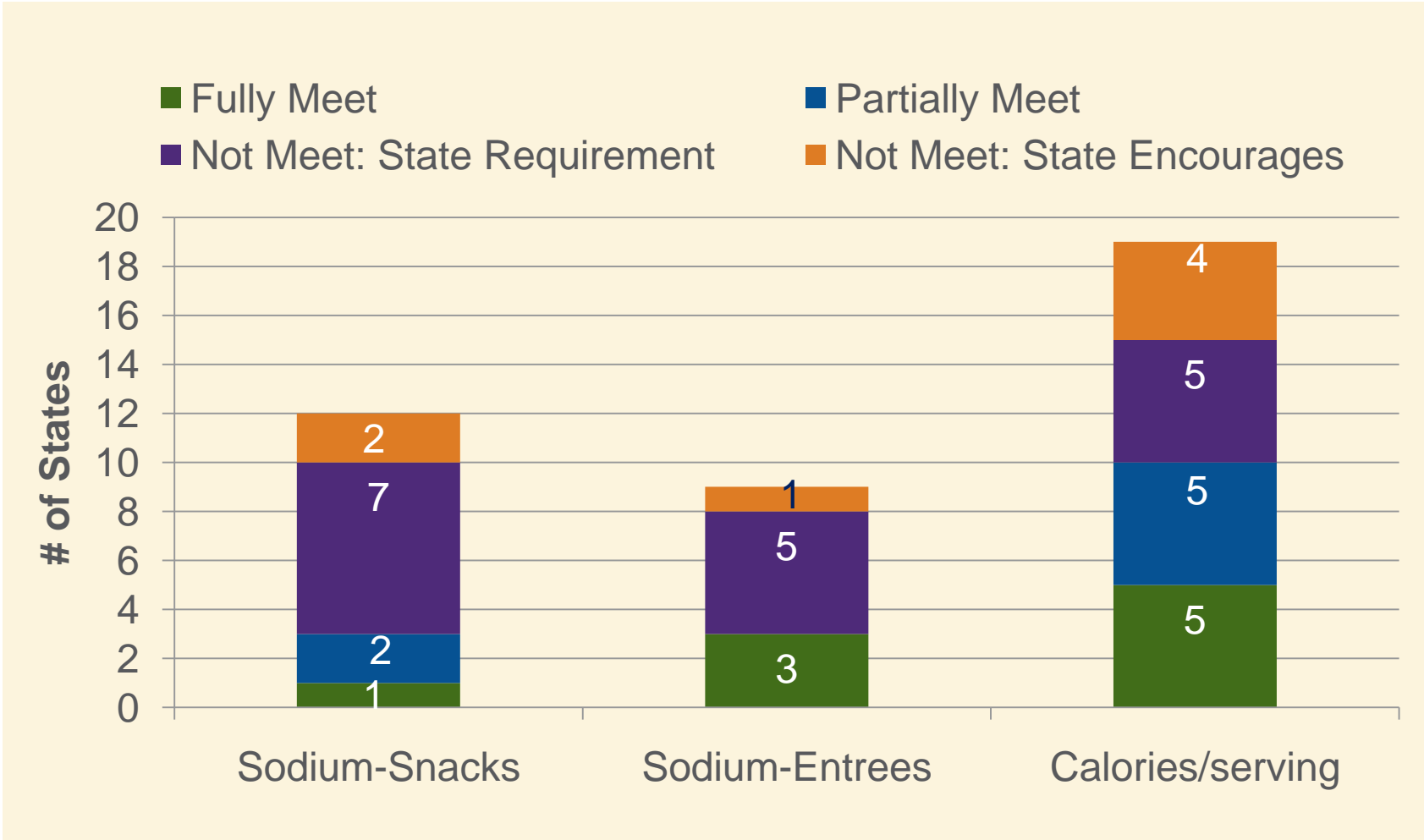
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State Law: Sugar and Fat Standards-Foods



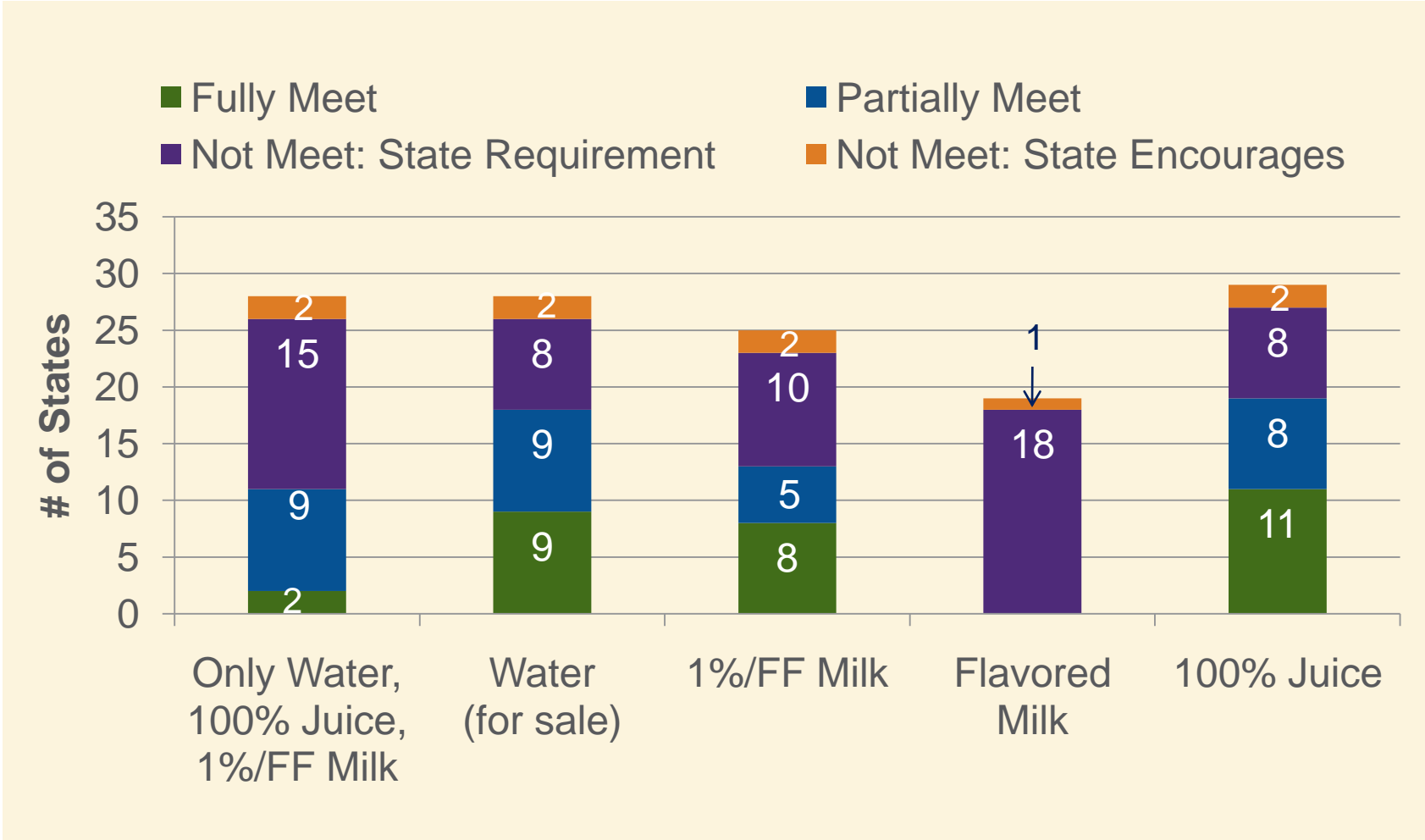
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State Law: Sodium and Calories--Foods



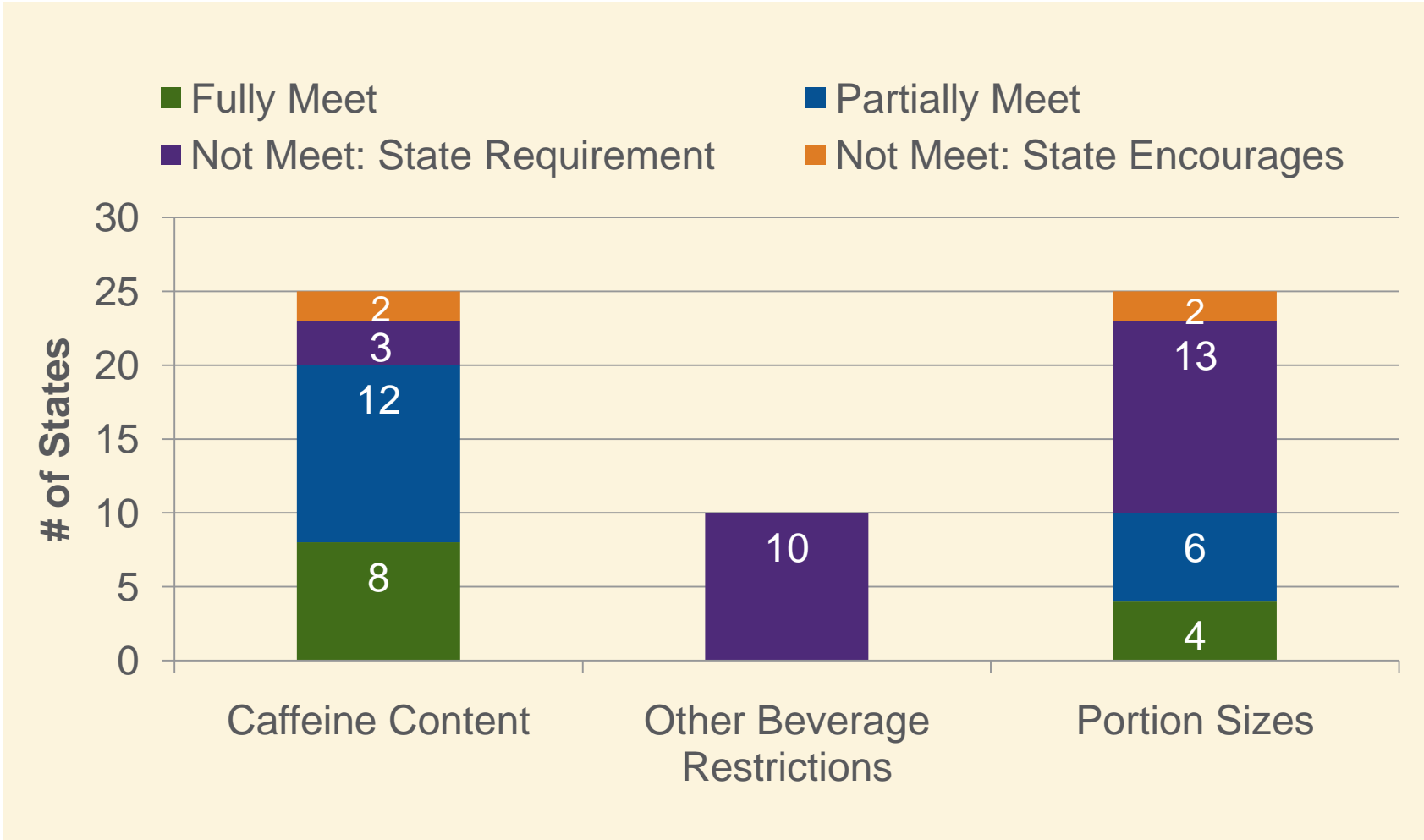
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State Law: Beverages



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State Law: Other Beverage Restrictions



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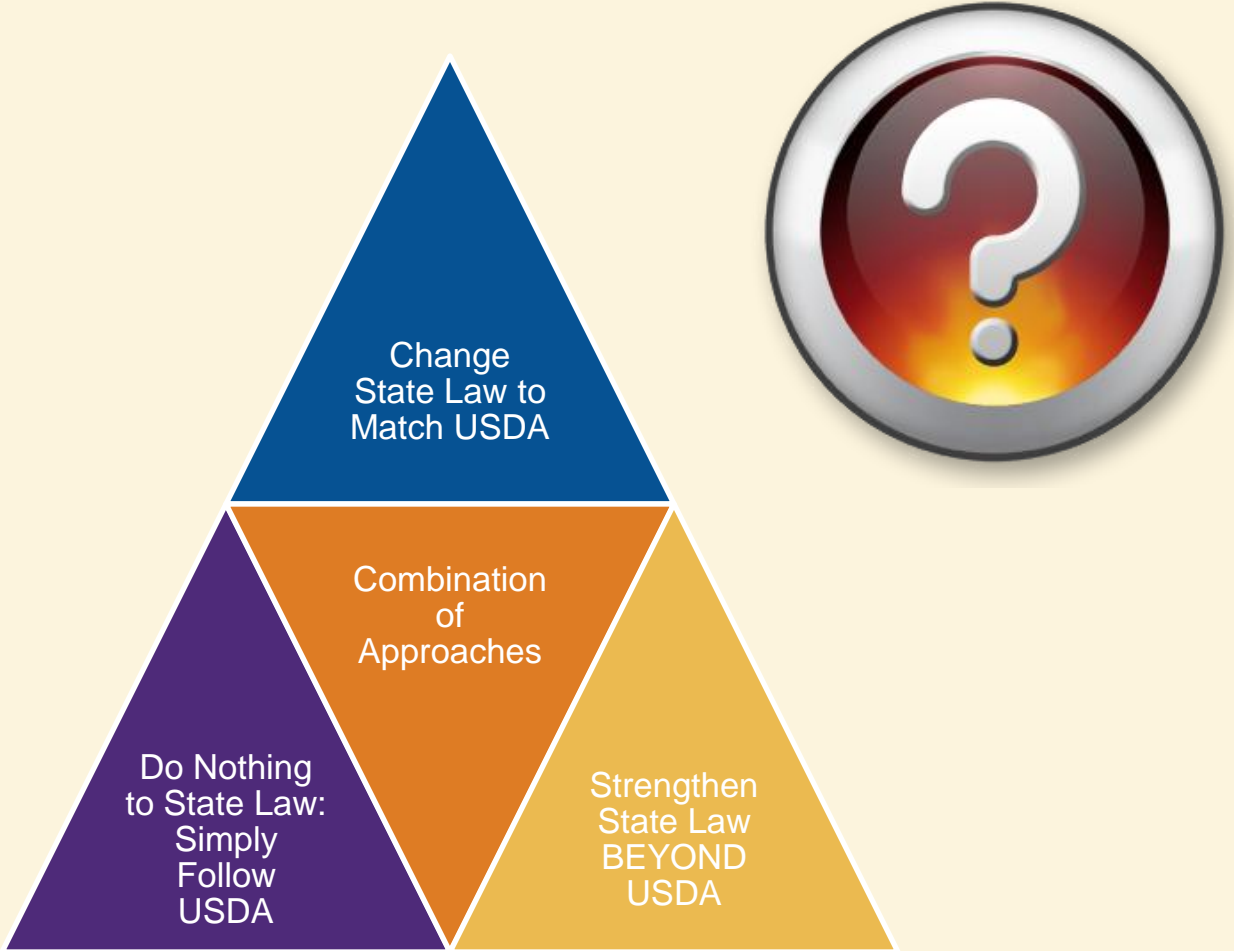
Implications for USDA Implementation

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USDA Implementation Challenges

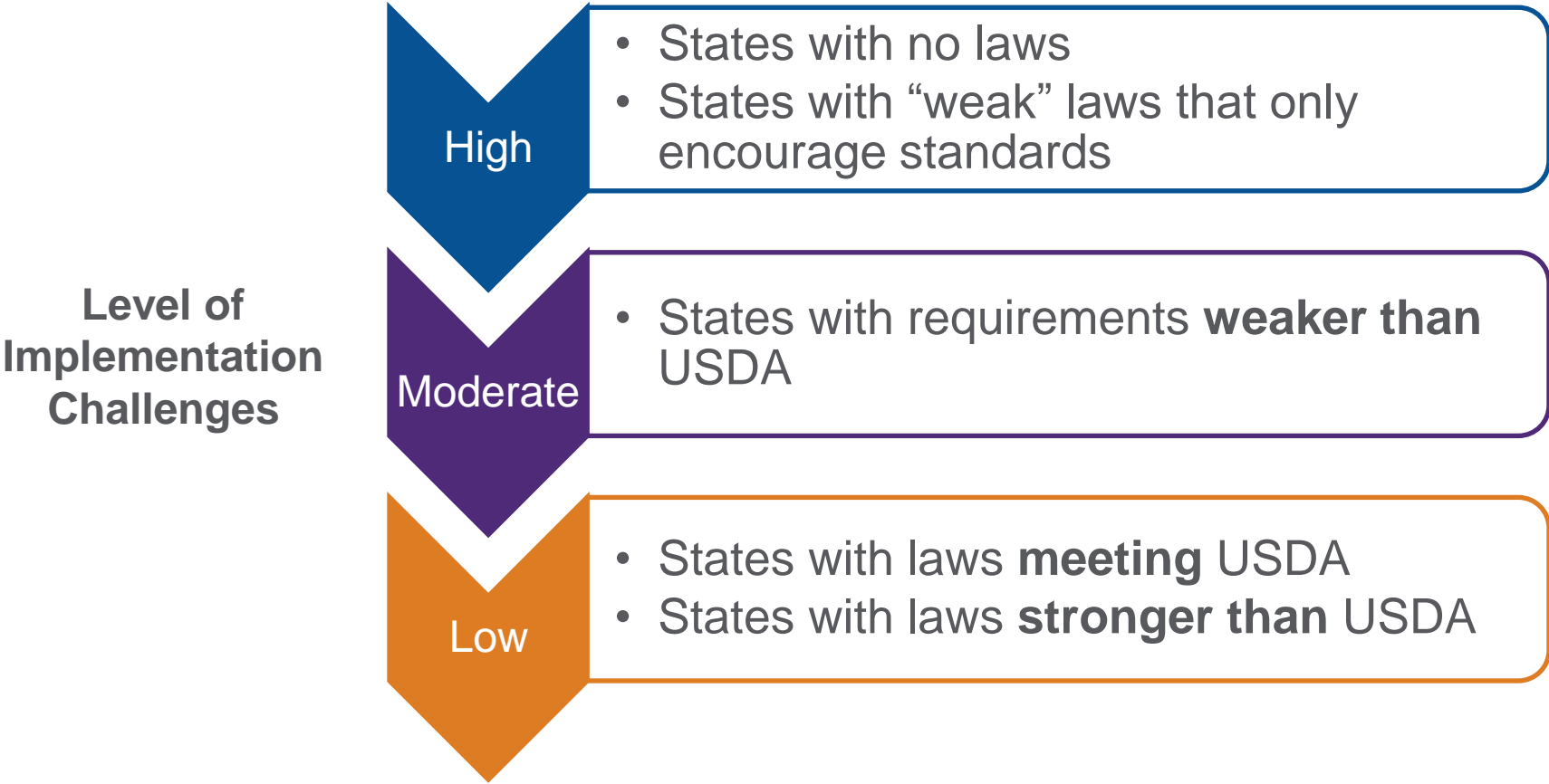
- Public comments submitted in response to the USDA's proposed rule were **specifically concerned about implementation and compliance** challenges
 - **Good News: Some states are already meeting USDA** standards for fats and sugars and beverages
 - **Okay News: Other states have their own standards which are not terribly far afield** from the USDA standard which may help to facilitate compliance
 - **Not So Good News: No state law currently meets all of the USDA** standards and many vary by grade level of applicability

So What Direction Will States Head?



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Level of Implementation Challenges based on Existing State Laws



To Be Continued...

- The USDA standards are scheduled to begin implementation in SY 2014-15
- Opportunities exist for advocates looking to build on the USDA standards or to align existing state laws with USDA
- Only time will tell how the standards are implemented and whether they are easier to implement in states with strong laws
- **Stay Tuned!!!**

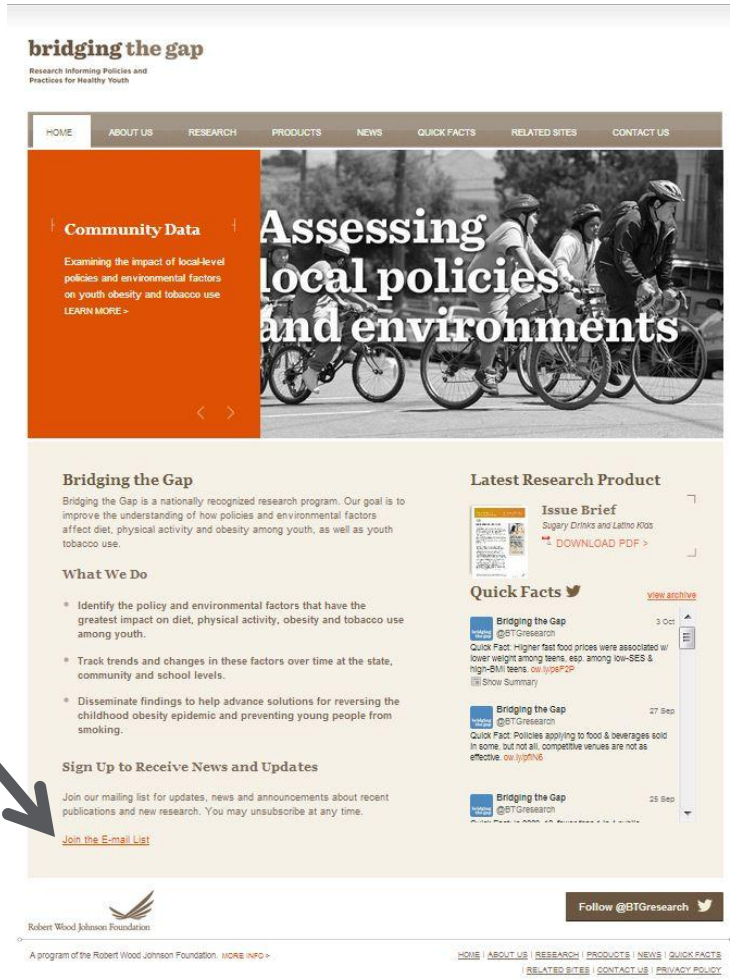


Acknowledgements

- I would like to gratefully acknowledge my coauthors:
 - Elizabeth Piekarz, JD
 - Frank J. Chaloupka, PhD
- Support for this study was provided by the Robert Wood Johnson Foundation to the Bridging the Gap Program at the University of Illinois at Chicago (PI: Frank Chaloupka)

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