



# Congressman Jared Polis

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## H.R. 4870 -- The Healthy School Meals Act

### Frequently Asked Questions

What is the purpose of the Healthy School Meals Act? Will it require schools to serve plant-based school lunches?

- The Healthy School Meals Act will help schools to offer healthful plant-based vegetarian options if they choose to do so, but it does not require schools to serve particular foods. The Act directs USDA to conduct a pilot program (modeled after its successful whole grains pilot) to determine what healthful plant-based protein products children like and are easy to prepare for school breakfasts and lunches. Based on the findings of this pilot, USDA is directed to then add such products (like vegetable burgers or soy chicken nuggets) to the commodities list, thus reducing significantly their cost (currently, schools have to purchase these products at market rates, unlike other products on the commodities list).
- In addition to making healthful foods more affordable, the legislation provides an incentive of additional financial assistance for those school districts that choose to offer a majority of students a healthful plant-based entrée among the several options available in the lunch line. Schools can use the supplemental commodity assistance to buy more fruits, vegetables, whole grains, and other healthful plant-based foods. This bill is about helping those schools that want to provide the healthiest options for our children but cannot afford to do so.

Why plant-based meal options for students?

- Today, 1 in 3 children are overweight and 1 in 5 struggle with obesity. Children are increasingly affected by obesity and related conditions like type 2 diabetes, hypertension, and heart disease, which were previously considered adult diseases. Children consume too much saturated fat and sodium and don't get enough fiber, whole grains, fruits or vegetables. Most schools are struggling to meet the USDA guidelines: more than 70% of schools can't meet the maximum saturated fat requirement. According to the latest research, children who eat school-purchased lunches are more likely to be overweight and obese, and less likely to eat fruits and vegetables.
- Plant-based vegetarian foods are cholesterol free, generally low in fat and saturated fat, lower in calories, and higher in fiber. Plant-based school lunch options are not just healthier—they are some of the healthiest options schools can provide and have the potential to make the biggest impact on improving children's health. Millions of children get more than half of their daily calories at school, and with each plant-based entrée that a child chooses, he or she is more likely to receive the health benefits of plant-based diets—lower risk for becoming overweight or obese and developing diabetes, heart disease, and certain cancers.
- Offering plant-based menu options also helps schools to meet and exceed existing nutritional standards for the school lunch program: rather than simply reducing saturated fat and cholesterol, they can eliminate it almost entirely from some menu items with this approach. By

providing schools with entirely plant-based foods that are affordable, we are ensuring that our federal dollars are spent on food that will directly improve student's nutrient intake. In addition, offering plant-based meal options allows all children—those who are lactose-intolerant, or avoid animal products for religious, ethical, or health reasons—to find healthful options in the lunch line.

- In schools across the country where healthful plant-based options are offered regularly (including Broward County, FL, Boulder, CO, and San Diego, CA), they are very well accepted by children and have made it easier for the school districts to meet existing USDA nutritional standards.

*What will it cost to provide healthful plant-based options for school lunches?*

- The Healthy School Meals Act introduces a pilot program at a cost of \$4 million. The pilot program will provide plant-based alternate protein products (like vegetable burgers and soy nuggets) and nondairy milk free to schools, with the goal of evaluating which products are most favorable. Subsequently, the best products will be added to the USDA commodities program, so schools can purchase them at low cost. Many schools that currently do not offer these healthier options say they would do so if these types of products were more affordable.
- The Act will also offer 25 percent supplemental commodity assistance to school districts that offer a plant-based entrée option to a majority of their students each day. Currently, only about 20 percent of school districts are offering vegan (plant-based) options in at least one school some of the time, according to the School Nutrition Association's 2009 Operations Report, but far fewer schools are offering this type of healthful option regularly to a majority of their students. If 20 percent of school districts offered daily plant-based options under the Healthy School Meals Act, the cost in supplemental commodity assistance would be \$46.6 million. The supplemental assistance provided would directly assist schools in serving the healthiest foods by allowing them to purchase more fruits, vegetables, whole grains, legumes, and plant-based proteins through the commodities program.
- Obesity-related conditions cost an estimated \$147 billion in medical costs each year. Improving children's health and helping them develop lifelong healthy habits can help prevent obesity and significantly reduce medical costs in our nation.

*Why require schools to offer nondairy milk alternatives? Aren't schools currently required to provide nondairy milk alternatives for students who are lactose intolerant?*

- Schools are only required to provide an alternative to dairy milk for students who have a disability, such as an allergy, upon receipt of a written statement from a licensed physician. 42 U.S.C. §1758(a)(1)(B)(iii).
- Any reason other than a disability (including lactose intolerance, religious, or ethical preference) requires a note signed by a doctor or parent, but even then schools are not required to provide a substitute beverage that is nutritionally equivalent to dairy milk. If a school district decides to provide a substitute, it must first notify the State educational agency, which is a significant burden. Currently, schools that provide a dairy milk substitute must incur the additional expense of purchasing the substitute, which is often significant compared to the low cost of dairy milk available to schools. 42 U.S.C. §1758(a)(2)(B).

- Also, most schools are unable to provide a nutritionally-equivalent substitute for fluid milk, because most of the readily available dairy milk alternatives do not meet the nutritional requirement for protein (for example, most soy milk products on the market have only about 6-7 grams of protein, while the minimum requirement for protein set by USDA is 8 grams, although these alternatives are fortified to be equivalent to dairy milk in every other nutrient category). Previously, many schools were offering an alternative beverage that was not equivalent to dairy milk (e.g. juice or water), but USDA clarified its interpretation of the statute in 2008 regulations, directing that schools may only provide a substitute that is nutritionally equivalent. As a result, many children who are lactose intolerant or who do not drink milk for other reasons are provided no beverage at all with their reimbursable meal.
- The Healthy School Meals Act would make a dairy milk alternative available to students who request one for any reason, including lactose intolerance, religious or ethical reasons, or other dietary preference. The Act would remove the requirement that students provide a note from a doctor or parent to request a dairy milk alternative, and it would also remove the burden on school districts to report to the State when they provide alternatives. By changing the nutritional requirement to make currently available nondairy milks eligible for reimbursement, the Act would allow schools to purchase substitutes more easily. And by directing USDA to offer a nondairy milk through the commodities program, the bill significantly lowers the cost for schools providing such a substitute.
- Schools would also be permitted to offer nondairy substitutes to all students as part of the reimbursable meals, if they chose to do so, in the same way that they may provide flavored dairy milk as an option on the lunch line.

### **Section-by-Section Analysis**

#### *Section 3. Definitions*

Provides definitions of “plant-based alternative protein product,” “plant-based meat alternate,” and “plant-based entrée” that comport with the definitions in USDA regulations for “alternative protein product,” “meat alternate,” and “entrée,” which set nutrition standards for these categories. “Plant-based” means that the items contain no animal-based foods, products, or byproducts.

“Substitute for fluid milk” is defined as a nondairy fluid milk that meets nutritional standards established in USDA regulations, except that the definition lowers the current minimum protein standard from 8 grams to 5 grams. This allows nondairy milk products currently on the market, which meet USDA requirements in all other nutritional categories, including calcium and vitamin D, to be offered as a substitute for fluid milk in the National School Lunch and School Breakfast programs.

#### *Section 4. Healthy School Meals Pilot Program*

Directs USDA to establish a pilot program to evaluate plant-based alternate protein products and milk substitutes. The Secretary is directed to select a representative sample of school food authorities (SFAs) and provide them with a selection of plant-based protein products and milk substitutes at no cost, to be served in the school lunch and breakfast programs. With input from schools and SFAs, USDA will evaluate which products are superior with regard to cost-effectiveness, marketability to schools, ease of preparation, and acceptance by children. USDA will be provided \$4 million to carry out the pilot program.

#### *Section 5. Plant-Based Commodities*

Following the completion of the pilot program authorized in Section 4, the Secretary is directed to purchase and offer to SFAs through the commodities purchase program plant-based alternative protein products and nondairy milk selected through the pilot program. The Secretary will also provide training materials to schools regarding the nutritional benefits and preparation of these new products.

#### *Section 6. Commodity Assistance for Plant-Based Options*

Within 24 months after enactment of the Act, the Secretary shall promulgate regulations to reflect recommendations based on the most recent federal dietary guidelines to increase consumption of plant-based foods in federal child nutrition programs, including the National School Lunch Program.

The regulations shall also provide for supplemental commodity assistance of 25 percent to school food authorities in which at least two-thirds of the students are offered a plant-based entrée on each daily school lunch menu. The supplemental commodity assistance shall be used by the SFAs to purchase plant-based commodity products, including fruits and vegetables, whole grains, legumes, and plant-based protein products and fluid milk substitutes.

In States where at least one SFA receives the supplemental commodity assistance provided under this section, the State educational agency will receive as a set aside not more than 5 percent of the total supplemental assistance funds to cover administrative costs.

#### *Section 7. Substitute for Fluid Milk.*

Amends current statute to provide that schools may offer a nondairy substitute for fluid milk as part of the National School Lunch and School Breakfast programs, in the same way that they may provide flavored dairy milk as an option on the lunch line.

Amends current statute to direct schools to provide a substitute for fluid milk to students who request a substitute because of disability (like a dairy milk allergy), lactose intolerance, religious or ethical reasons, or other dietary preference. This section would remove the requirement that students provide a note from a doctor or parent to obtain a dairy milk alternative. It would also remove the requirement that school food authorities report to the State when they provide a student with a dairy milk substitute. Finally, the provision would direct the Secretary to amend the nutritional requirements for fluid milk, to reduce the protein requirement from 8 grams to 5 grams per serving (while mandating that the substitute be equivalent to dairy milk in other nutritional categories, including calcium, vitamin A, and vitamin D), to ensure that schools can purchase currently available substitutes.