

**Summary of Public Comments**  
**on the**  
**United States Department of Agriculture**  
**Food and Nutrition Services**  
**February 26, 2014**  
**Local School Wellness Policy Implementation Under the**  
**Healthy, Hunger-Free Kids Act of 2010 Proposed Rule**

**Docket Number FNS-2014-0010**

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## Introduction

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On February 26, 2014, the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) published the Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010 proposed rule (Local School Wellness Policy Proposed Rule) (79 FR 10693). This proposed rule would add to the scope of existing wellness policies and create a framework and guidelines for written wellness policies developed by local educational agencies (LEAs). Specifically, this proposed rule would establish minimum content requirements of the local school wellness policies, ensure stakeholder participation in the development of such policies, and require periodic assessment of compliance and reporting on the progress toward achieving the goals of the local school wellness policy.

Between February 26, 2014 and April 28, 2014, approximately 57,838 public comments were posted to the Federal Docket Management System (FDMS) in docket number FNS-2014-0010. To complete the analysis of these public comments, electronic copies of the comments from FDMS were imported into Texifter LLC's DiscoverText software. DiscoverText was used to identify form comments, form-plus substantive comments, and unique comments. Approximately 57,285 of the 57,838 comments were submitted as part of several different form letter campaigns, approximately 546 were unique submissions, and 7 were duplicate submissions. A detailed discussion of the form letter campaigns is presented in Appendix A. After sorting the comments into category types, analysts reviewed each form master, form-plus substantive and unique comment and coded excerpts of 288 each submission by issue area as outlined in the coding structure, and then summarized the key issues contained in each issue category. The coding structure is presented in Appendix B.

Appendix C contains two tables: Table 1 provides a list of all comments reviewed, sorted by commenter name; and Table 2 provides a list of all comments reviewed, sorted by comment number. Appendix D provides a count of commenters by commenter type. In addition to this document, we have provided a separate document containing excerpts of verbatim text of the comments, sorted by issue area.

Section II of this report contains summaries of the public comments FNS received in response to the Local School Wellness Policy Proposed Rule. The summaries provide a detailed discussion of the key issues raised by commenters organized by issue area as outlined in the coding structure, and the approximate number of comments reviewed that addressed each issue. To the extent an organization commented on a particular issue, the name and comment number of that organization is noted in a footnote. It should be noted, however, that because the names and comment numbers of comments submitted by individuals (including those individuals who submitted comments as part of form letter campaigns) are not included in those footnotes, the

number of total commenters who commented on a particular issue will not match the number of commenters mentioned in the correlating footnote.

As noted above, the vast majority of the comments were form letters, which were generally supportive of all or parts of the proposed rule. Opposition to the proposed rule came primarily from the National School Boards Association, which represents state school boards associations and their more than 90,000 local school board members, the American Association of School Administrators, which represents over 10,000 school superintendents, and several school districts, and numerous individuals who identified themselves as parents, teachers, school principals and other school administrators, and school food services department employees – most of whom would ultimately be charged with paying for and implementing the requirements of the proposed rule. Significant issues raised by those commenters include the following:

1. The potential cost at the local level to develop, implement, and assess local school wellness policies with no additional Federal funding.
2. The legal authority of FNS to regulate nutrition standards for all foods available on school campuses during the school day, to restrict food and beverage marketing on school campuses during the school day, and to require local school wellness polices, with a scope that extends beyond child nutrition programs.
3. The cost to comply with the proposed requirements may be higher than the benefits of the reduced priced meals for some schools.
4. The proposed requirements will redirect resources from the core mission of schools.

The table below contains a list of acronyms used in this report:

FNS	Food and Nutrition Service
HHFKA	Healthy, Hunger-Free Kids Act of 2010
LEA	Local Education Agency
NSLA	National School Lunch Act
RCCI	Residential Child Care Institutions
RFA	Regulatory Flexibility Act
SFA	School Food Authority
SNAP-Ed	Supplemental Nutrition Program Education
USDA	United States Department of Agriculture

## Comment Summaries

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### **1. Commenters Expressly Stated they Supported or Opposed the Local School Wellness Policy Proposed Rule**

#### **1.1 Commenters Generally Supported the Local School Wellness Policy Proposed Rule**

Approximately 57,420 commenters expressed general support for the Local School Wellness Policy Proposed Rule. Most of those comments were submitted as part of several form letter campaigns. Reasons commenters provided for supporting the proposed rule include:

- These increased standards for school wellness policies are consistent with the Whole School, Whole Community, Whole Child model of student health that was released by the Centers for Disease Control and Prevention.
- The proposed rule strengthens the existing guidelines around local wellness policies by assuring that schools have goals for nutrition promotion and education, physical activity, food marketing and advertising, as well as other school-based activities that promote student wellness.
- The proposed rule improves accountability and public reporting to provide transparency with parents, students and the community on implementation, progress and regular review of the wellness policy.
- The proposed rule supports learning environments free from unhealthy commercial influences.
- Strong, comprehensive school wellness policies are especially important to low-income children who often have unmet needs for healthy nutrition and physical activity and rely heavily on their schools and afterschool programs to fill these gaps.
- Schools play a powerful role in preparing students for a successful future, and the guidance outlined in this proposed rule will further support efforts to create a school environment that teaches, supports and encourages students to develop lifelong healthy habits.
- The enhanced standards for local school wellness policies and the newly-delineated marketing restrictions on unhealthy foods, under the proposed rules, will help advance the broader goals of the Healthy, Hunger-Free Kids Act of 2010.
- The proposed rule will strengthen the existing regulation and lead to more effective leadership, implementation, stakeholder involvement, accountability, assessment, and transparency.
- The proposed rule will provide more children access to free breakfasts and lunches.

#### **1.2 Commenters Generally Opposed the Local School Wellness Policy Proposed Rule**

Approximately 130 commenters generally opposed the Local School Wellness Policy Proposed Rule. Two of those commenters, however, are education-related associations that represent state school boards associations and their more than 90,000 local school board members, and over

10,000 school superintendents. The rest of the commenters include three school districts, a public interest law firm and policy center, an association of school nutrition professionals, and numerous individuals. The individuals include parents, teachers, principals and other school administrators, school food services directors and employees, school wellness committee members, and school nutrition program specialists. Many of the commenters opposed to the proposed rule are from groups who would bear the financial and administrative burden of implementing the proposed requirements.

Two education-related associations,<sup>1</sup> an association of school nutrition professionals, a coalition of school districts,<sup>2</sup> and numerous individuals discussed the financial and administrative burden the proposed rule would impose on school districts, noting that the rule would impose many new requirements without providing additional Federal funding and resources. Both education-related associations, the coalition of school districts, and several individuals specifically noted the cumulative burden to schools of implementing all of the requirements of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), which the commenters further noted is placing an ever-increasing strain on school district budgets. A number of the individuals also noted that revenue from school meals programs is already down due to students choosing not to purchase school meals as a result of new food standards. These commenters also noted the significant amount of food that is wasted by students who do buy school meals, but then choose not to eat much of what they have purchased. Several commenters stated that some schools may have to drop out of Federal meals programs because of the financial burden of implementing and complying with the proposed rule. Other commenters stated that schools will have to pull resources from classroom instruction to comply with the proposed rule. An association of school nutrition professionals<sup>3</sup> argued that the proposed rule may negatively affect jobs, industry and the financial solvency of school food services operations. The association requested that FNS address the financial and human challenges inherent in the proposed rule. To combat the financial burden of implementing the proposed rule, one individual recommended that each LEA receive, at a minimum, an extra \$0.65 on each meal reimbursement. One of the education-related associations<sup>4</sup> and several individuals stated that some provisions of the proposed rule may also reduce revenue to school districts from non-Federal sources (discussed below in Sections 7 and 9).

Both education-related associations and many of the individuals also opposed the proposed rule on the basis that it represents significant overreach by the Federal government. Those commenters stated that the proposed rule impermissibly infringes on both the parents' right to choose how to raise their children and on the State/local governments and school districts' right to choose how to educate their students. One of the education-related associations<sup>5</sup> noted the

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<sup>1</sup> National School Boards Association – 0685 and AASA, The School Superintendents Association – 0710.

<sup>2</sup> Council of the Great City Schools – 0678.

<sup>3</sup> School Nutrition Association of Pennsylvania – 0606.

<sup>4</sup> National School Boards Association – 0685.

<sup>5</sup> AASA, The School Superintendents Association – 0710.

irony of issuing Federal regulations around something so explicitly local. A number of individuals also stated that it is the responsibility of parents, not schools, to ensure that children exercise and eat healthy foods. Many of those commenters further stated that the cause of childhood obesity is a lack of physical activity and poor food choices at home, not school meals. Most of these commenters also stated that the focus should be on teaching children to make good choices when it comes to their health and wellness, and that restricting what children eat and drink at school will not help them learn to make life-long healthy food choices.

Two individuals stated that school districts should be given time to implement the first year of the Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010 (hereinafter referred to as Smart Snacks), as well other requirements of HHFKA, before the Federal government imposes new regulations for them to implement. Two other individuals, including a child nutrition program director, stated that schools need a break from additional regulations and restrictions, otherwise staff and students will reject the policies. Three other individuals stated that any rule regarding wellness policies should be under the purview of the U.S. Department of Education, not USDA. One of those commenters, a school administrator, noted that the proposed rule addresses much more than child nutrition programs. The other two individuals, a school food services director and a school food services employee, noted that the burden of implementing the proposed rule should be on educators, not food services departments.

A school district<sup>6</sup> stated that it has learned that a one-size-fits-all approach does not enable schools to meet the varied health and wellness needs of their students. The school district also noted that implementing and demonstrating compliance with the requirements of the proposed rule will not directly or indirectly affect the health and wellness of the students but, instead, will take time and money away from other important programs. Another school district<sup>7</sup> stated that school districts are already following USDA standards for the foods they serve to students, as well as following required standards for providing physical and health education and physical activity to their students. The school district asserted that requiring districts to create policies simply to document their compliance with those standards is an inefficient use of time and resources, particularly given the lack of additional funding that would accompany the final rule. Four individuals similarly stated that the proposed rule is unnecessary because school districts already have wellness policies in place. Another school district<sup>8</sup> asked FNS to reconsider the proposed rule, noting that it is still working to implement a wellness policy according to its State law, and that imposing more regulations will not help this effort. A school food services employee claimed that health is too difficult to define because the definition changes between

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<sup>6</sup> Sioux Falls School District – 0398.

<sup>7</sup> Lake Washington School District – 0672.

<sup>8</sup> Dubuque Community School District – 0712.

ethnicities, communities, and generations. The commenter went on to assert that widespread community involvement will lead to biased, uneducated wellness policies.

A public interest law firm and policy center<sup>9</sup> contended that the speech restrictions in the proposed rule are unconstitutional. The law firm expressed concern over the means FNS proposed to advance the interest of “promoting student health and reducing childhood obesity,” stating that the proposed rule dictates that LEAs meet certain goals through promoting nutritious foods and beverages while prohibiting marketing of “disfavored” products. The law firm’s comments are discussed in greater detail below in Section 9.10.

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<sup>9</sup> The Washington Legal Foundation – 0677.

## 2. Comments Related to Legal Issues

### 2.1 Statutory authority/legal foundation for regulating wellness policies (§ 204 of the Healthy, Hunger-free Kids Act of 2010 – 9A)

An individual stated that the Healthy, Hunger-Free Kids Act of 2010 explicitly authorizes FNS to regulate school wellness policies to promote child nutrition. Additionally, the commenter stated FNS’s decision to regulate food marketing to children during school time is within its discretionary power as a reasonable interpretation of its mandate to promote child nutrition. The commenter relied on *Chevron, U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 842-44 (1984), which afforded deference to a delegated agency’s reasonable interpretations that “fill gaps” in congressional silence or ambiguity in a statute.

A health food advocacy organization<sup>10</sup> stated that the Healthy, Hunger-Free Kids Act of 2010 authorizes FNS to set nutrition standards “for any food sold in schools at any time during the school day.” The commenter asserted that while this authority applies to regulating fundraisers, vending machines, snack bars, and a la carte offerings during meals, it does not extend to regulating advertising and promotions.

A coalition of schools districts<sup>11</sup> stated that FNS substantially exceeded its statutory authority by proposing school-by-school annual progress reporting. The coalition noted that, other than traditional school-level compliance responsibilities for the required districtwide local school wellness policies, there are no separate school-level requirements under § 204 of the Healthy, Hunger-Free Kids Act of 2010. As such, the coalition asserted there should be no separate school-level requirements in the final rule.

### 2.2 Other comments on legal issues

As noted above in Section 1.2, a public interest law firm and policy center<sup>12</sup> asserted that the proposed food and beverage marketing and advertising restrictions are unconstitutional violations of First Amendment protections. This comment is discussed below in Section 9.10.

No other comments addressed legal issues related to the proposed rule.

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<sup>10</sup> Food & Water Watch – 0290.

<sup>11</sup> Council of the Great City Schools – 0678.

<sup>12</sup> The Washington Legal Foundation – 0677.

### 3. Comments Related to the Need for Rulemaking

#### 3.1 Health concerns affecting children and adolescents

Approximately 50,250 commenters cited health concerns affecting children and adolescents as a reason this rulemaking is necessary. Most of those commenters were submitted as part of several form letter campaigns and highlighted the prevalence of and the rate at which childhood obesity has increased over the past 30 years. Commenters,<sup>13</sup> stated that childhood obesity rates have tripled, and that most children fail to meet not only the Dietary Guidelines but also the recommendations for daily physical activity. These commenters include associations for health education professionals, a healthy food advocacy organization, a public health philanthropy, a farm-to-school education and advocacy organization, a coalition of advocacy organizations, and a department of health. A healthy food advocacy organization added the rapid increase indicates there are multiple causes throughout the population and referenced a report from the Centers for Disease Control and Prevention<sup>14</sup> supporting the assertion that unhealthy food marketing is an important factor. The public health philanthropy<sup>15</sup> recognized that some States and cities have recently reported reductions in childhood obesity rates, but it noted that rates remain too high overall and disparities continue to persist. Additionally, the associations for health education professionals and several individuals suggested that many schools do not provide adequate physical education or health education. As a result of the high childhood obesity rates, nearly all of the commenters to this section supported local wellness policies that promote healthy eating and physical activities. A health advocacy organization,<sup>16</sup> a civil rights organization,<sup>17</sup> and several individuals, however, all noted that focusing on one group of children is detrimental to their health and well-being, and stated that the focus of wellness policies needs to be on health, not on weight. Those commenters also stated that school wellness programs should avoid classifying foods as good/bad, weighing students and issuing Body Mass Index report cards, and should include a component that focuses on emotional well-being and mental health.<sup>18</sup> Similarly, an individual stated that every effort should be made in the final rule to avoid using language that might support or encourage weight bias or stigma – i.e., that all language about improving

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<sup>13</sup> Commenters include: SHAPE America – 0307 and 0390; Society for Public Education – 0458; Keenan & Associates – 0623; Robert Wood Johnson Foundation – 0360; National Farm to School Network – 0497; Food & Water Watch – 0290; The Praxis Project – 0650; Public Health: Seattle & King County – 0648; Care2, preventobesity.org, and Momsrising.org form letter campaign – 0715 and 0716; and Center for Science in the Public Interest form letter campaign – 0574 and 0668.

<sup>14</sup> Centers for Disease Control and Prevention. “Childhood Obesity: A Growing Problem.” 2011 at 1. Available at <http://www.cdc.gov/obesity/childhood/problem.html>. Accessed April 26, 2011.

<sup>15</sup> Robert Wood Johnson Foundation – 0360.

<sup>16</sup> The Association for Size Diversity and Health – 0298.

<sup>17</sup> National Association to Advance Fat Acceptance – 0626

<sup>18</sup> Several of the commenters also included the following links: <http://aedweb.org/web/index.php/23-get-involved/position-statements/90-aed-statement-on-body-shaming-and-weight-prejudice-in-public-endeavors-to-reduce-obesity-4>; <http://aedweb.org/web/index.php/23-get-involved/position-statements/87-aed-statement-on-body-shaming-and-weight-prejudice-in-public-endeavors-to-reduce-obesity>; [http://issuu.com/naafa/docs/naafa\\_childadvocacy2011combined\\_v04?e=2877530/2670810](http://issuu.com/naafa/docs/naafa_childadvocacy2011combined_v04?e=2877530/2670810); <http://bodyimagehealth.org/>

nutrition and physical activity should clearly state that the goal is to enhance healthy behaviors for all children, regardless of size, not for the purpose of preventing or promoting a particular size. Pointing to studies that examined the possible association between school-based childhood obesity prevention programs and an increase in eating disorders among young children and adolescents, another individual noted that if the purpose of the proposed rule is “to establish a school environment that promotes students’ health, well-being, and ability to learn by supporting healthy eating and physical activity,” focusing on the weight or body size of a child will do the opposite.<sup>19</sup>

A food bank<sup>20</sup> stated that the Centers for Disease Control reported that nationwide, 36 % of adolescents consume fruits less than once a day and 37.7% consume vegetables less than once a day. The food bank suggested that food insecurity and poor nutrition for children results in poor health and lower levels of achievement in school, and that better access to fruits and vegetables will help the overall well-being of children.

A health advocacy organization<sup>21</sup> stated that targeting youth to modify poor nutrition behavior and physical inactivity will help reduce the nearly one-third of cancer deaths attributable to poor diet, physical inactivity, overweight, and obesity. The health advocacy organization, a coalition of advocacy organizations,<sup>22</sup> and an association of healthcare professionals<sup>23</sup> highlighted the benefits and importance of reaching children in schools. The health advocacy organization noted nearly all youths can be reached through schools because they spend half their time, and consume over one-third of their daily calories, at school, and there is a correlation between healthy school environments and students’ academic achievement. The association of health care professionals emphasized the scope of potential impact, asserting that nearly 55 million U.S. students attend school each day, which presents a unique opportunity to end childhood obesity. Lastly, the health advocacy organization stated that local wellness policies provide an opportunity for schools to help children and adolescents establish positive eating and physical activity habits that will reduce their risk for cancer and improve their overall health.

Several commenters mentioned health concerns about specific populations. A health advocacy organization<sup>24</sup> noted that nearly one in five adolescents in Illinois is obese. A coalition of advocacy organizations<sup>25</sup> stated that childhood obesity disproportionately affects children of color and children from low income communities. A children’s advocacy organization<sup>26</sup> asserted

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<sup>19</sup> The commenter cited to Trading Health for a Healthy Weight: The Uncharted Side of Healthy Weights Initiatives and a 2012 report from the C.S. Mott Children’s Hospital National Poll on Children’s Health.

<sup>20</sup> Greater Cleveland Food Bank – 0461.

<sup>21</sup> American Cancer Society Cancer Action Network – 0671.

<sup>22</sup> The Praxis Project – 0650.

<sup>23</sup> American Academy of Pediatrics – 0485.

<sup>24</sup> Illinois Alliance to Prevent Obesity – 0663.

<sup>25</sup> The Praxis Project – 0650.

<sup>26</sup> Mission Readiness, Military Leaders for Kids – 0608.

that childhood obesity has become a matter of national security because approximately one quarter of Americans between the ages of 17 and 24 are too overweight to join the military. Another health advocacy organization<sup>27</sup> referenced the Centers for Disease Control and Prevention, stating that one in three American adults, one in two for minority populations, will have diabetes by the year 2050. The organization stated its belief that promoting healthy lifestyles in children will help prevent both childhood obesity and future incidents of type 2 diabetes.

### **3.2 Current status of local wellness policies in schools**

Approximately 40 commenters addressed the current status of wellness policies in schools. These commenters include health advocacy organizations, a public health philanthropy, an association of school food service professionals, an association of health officials, a food policy organization, a children's health research program, a school district, a department of health, and numerous individuals. Many of these commenters<sup>28</sup> discussed either the inconsistent content or the inconsistent implementation of wellness policies. Three commenters provided reasons for the inconsistencies. The healthy food advocacy organization and the association of school food service professionals suggested the inconsistencies resulted from inadequate accountability and enforcement, and the health advocacy organization suggested that they resulted from the absence of strong guidelines and best practices. Additionally, four commenters provided examples of inconsistencies in the content of local school wellness policies. These commenters noted that current policies varied in how they address the availability of junk foods at classroom parties, special events and afterschool programs; waivers and exemptions for physical education participation; daily recess requirements or other physical activity opportunities; and public notifications, which are not included in many policies. The children's health research program commented more broadly and asserted that its research reveals substantial variation in the content, strength and enforcement of school wellness policies. The commenter and the public health philanthropy also noted that only 46% of students attend schools where district policies contain all of the required elements, even though nearly all students attend schools covered by district wellness policies. The research program also noted that evidence suggests schools with lower socioeconomic status are less likely to have established wellness policies. In addition, the commenter stated that even though implementation is inconsistent, wellness policies often include nutrition education and physical activity goals, physical education provisions, and school meal guidelines, and that implementation is improved when wellness policies include goals, guidelines, implementation processes and authorities, and broad stakeholder participation. Finally, the commenter stated that most schools do not sufficiently encourage students to drink

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<sup>27</sup> American Diabetes Association – 0547.

<sup>28</sup> Commenters include: Robert Wood Johnson Foundation – 0360; School Food FOCUS – 0482; The Food Trust – 0690; American Diabetes Association – 0547; National Association of County and City Health Officials – 0486; California Food Policy Advocates – 0647; Bridging the Gap – 0543; and Public Health: Seattle & King County – 0648.

water in schools because they satisfy their free drinking water requirements only through drinking fountains.

A children's health advocacy organization<sup>29</sup> and 28 of its individual members commented on observations from interactions with their LEA. The commenters raised three concerns from those interactions: first, their LEA lacks sufficient transparency regarding food ingredients because it does not publish the ingredients of any foods served in the cafeterias in an easy-to-access manner; second, their LEA lacks sufficient transparency regarding a la carte sales because the school menus do not include the a la carte items served in the cafeteria that have minimal nutritional value; and, third, their LEA disbanded the wellness committee until the issuance of the final rule. The commenter suggested that FNS require LEAs to publish complete ingredient lists on their websites, to include on school menus all items for sale in cafeterias, and to maintain standing wellness committees that meet quarterly.

An association of food and nutrition professionals<sup>30</sup> stated that implementing wellness policies has already resulted in significant changes to school environments. The association cited a study that found only 11.9% of districts have policies that address food as a reward and that having a district level policy addressing this issue was effective in reducing the use of food as a reward.<sup>31</sup>

A school district<sup>32</sup> stated that a one-size-fits-all approach to school wellness policies would not meet the health and wellness needs of its students, so it has qualified staff members in each school who determine the specific needs of that school's students, and how best to meet those needs through a variety of district and community partnerships programs, as well as through physical education and health classes. The school district further noted that it has required nutrition practices that include providing healthy snacks in classes and vending machines, and not using snack food/candy as rewards.

A public health professional noted that the main problem is that schools and school districts lack the necessary funding, understanding, and capacity to properly implement wellness policies, which will not be remedied by the proposed rule. The commenter also noted that states lack the capacity to provide support to schools.

### **3.3 Whether existing local wellness policies are sufficient**

No commenters specifically addressed whether existing local school wellness policies are sufficient.

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<sup>29</sup> Real Food for Kids-Montgomery form letter campaign – 0545.

<sup>30</sup> Academy of Nutrition and Dietetics – 0688.

<sup>31</sup> Turner L, Chriqui JF, Chaloupka FJ. Food as a reward in the classroom: school district policies are associated with practices in US public elementary schools. *J Acad Nutr Diet.* 2012;112(9):1436-42.

<sup>32</sup> Sioux Falls School District – 0398.

### **3.4 Alternatives to requirements**

No commenters addressed alternatives to requirements.

### **3.5 Need for additional research/studies or to conduct a pilot project to test requirements**

Approximately 50 commenters addressed the need for additional research or a pilot project to test the requirements of the proposed rule. These commenters include 28 individuals who submitted comments as part of a form letter campaign, a consumer advocacy group, associations of education professionals, health-related associations, associations of food or nutrition professionals, health advocacy organizations, a civil rights advocacy organization, an institutional investment center, and a university research and education program. Nearly all of these commenters<sup>33</sup> stated that FNS should incorporate food marketing into future School Nutrition and Dietary Assessment studies to assess the implementation and impact of the final rule on the food marketing environment in schools. Most of these commenters also suggested that FNS use the data from these studies to help formulate future resources and guidance for schools as they update their policies, and to incorporate food marketing policies into all levels of the HealthierUS School Challenge.

A health advocacy organization<sup>34</sup> suggested that FNS incorporate school marketing into current school-level observations to obtain data to support FNS in determining the resources schools need to develop and implement these programs. The health advocacy organization also suggested FNS conduct additional research on the current and ongoing impact of marketing in schools. Lastly, the commenter suggested that food marketing policies should be integrated into gold level recognition in the Alliance for a Healthier Generation's Healthy Schools Program.

A local department of education<sup>35</sup> recommended that before issuing new rules FNS should conduct a pilot program in a large, urban school district. The commenter stated that such a pilot program would enable FNS to gain a more complete understanding of the challenges involved and the level of support required to comply with the proposed requirements.

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<sup>33</sup> Commenters include: Center for Science in the Public Interest – 0474; National Education Association – 0610; First Focus – 0669; National Association of State Boards of Education – 0241; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; Association of State and Territorial Health Officials – 0638; Berkeley Media Studies Group – 0495; National Council of La Raza – 0631; Interfaith Center on Corporate Responsibility – 0499; American Cancer Society Cancer Action Network – 0671; Healthy Schools Campaign – 0464; Upstream Public Health – 0703; Illinois Alliance to Prevent Obesity – 0663; California Project LEAN – 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Academy of Nutrition and Dietetics – 0688; National Education Association Health Information Network – 0721; and University of Minnesota Extension – 0492.

<sup>34</sup> American Heart Association – 0266.

<sup>35</sup> New York City Department of Education – 0666.

### **3.6 Other issues related to the need for more comprehensive local school wellness policy regulations**

Two commenters addressed other issues related to the need for more comprehensive local school wellness policy regulations. An association of health officers<sup>36</sup> stated that children have an increasing amount of influence in determining household purchases, suggesting that marketing of unhealthy foods towards children makes it difficult for parents to maintain healthy eating environments at home. A public health philanthropy<sup>37</sup> discussed the importance of physical activity and physical education on academic performance, emphasizing that in 2012 only one in four kids between ages 12 and 15 met the daily recommendations of 60 minutes per day of moderate-to-vigorous physical activity.

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<sup>36</sup> National Association of County and City Health Officials – 0486.

<sup>37</sup> Robert Wood Johnson Foundation – 0360.

#### 4. Comments Related to Timeline for Implementation

The Local School Wellness Policy Proposed Rule did not propose a date by which LEAs would need to comply with the proposed requirements. Approximately 54,990 commenters addressed the timeline for implementing the proposed requirements. The majority of those comments were submitted as part of several large form letter campaigns.<sup>38</sup> Most of the commenters<sup>39</sup> urged FNS to finalize the rule quickly and to work with schools to ensure full implementation.

Several commenters, including two associations of health education professionals and a coalition of school districts, recommended that FNS require implementation within one year to provide schools adequate preparation time and also ensure that children benefit quickly.<sup>40</sup> Many commenters<sup>41</sup> recommended that FNS require implementation between one and two years after the rule is finalized, but preferably by the 2015-2016 school year. These commenters include several education-related associations, health-related associations, food and nutrition-related associations, health advocacy organizations, a public health philanthropy, two farm-to-school education and advocacy organizations, an institutional investment center, an agriculture advocacy organization, a university research and education program, a children's health research program, a department of education, a department of health, and numerous individuals. Many of these commenters also urged FNS to quickly finalize the rule to facilitate school compliance.

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<sup>38</sup> Food & Water Watch, Care2, MomsRising.org, and preventobesity.org (version 1) form letter campaign – 0693, 0715, and 0716; Center for Science in the Public Interest form letter campaign – 0574 and 0668; and preventobesity.org (version 2) form letter campaign – 0716.

<sup>39</sup> Food & Water Watch, Care2, MomsRising.org, and preventobesity.org (version 1) form letter campaign – 0693, 0715, and 0716 and Safe Routes to School National Partnership – 0695.

<sup>40</sup> SHAPE America – 0307 and 0390; Society for Public Health Education – 0458; Keenan & Associates – 06231; Center for Science in the Public Interest form letter campaign – 0574 and 0668; and Council of the Great City Schools – 0678.

<sup>41</sup> Commenters include: National PTA – 0523; National Association of State Boards of Education – 0241; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; National Association of County and City Health Officials – 0486; American Diabetes Association – 0547; Center for Science in the Public Interest – 0474; National Education Association – 0610; First Focus – 0669; Robert Wood Johnson Foundation – 0360; Kids' Safe Healthful Foods Project – 0535; National Farm To School Network – 0497; Healthy Schools Campaign – 0464; The Food Trust – 0690; American Heart Association - 0266; American Cancer Society Cancer Action Network – 0671; School Food FOCUS – 0482; Interfaith Center on Corporate Responsibility – 0499; Academy of Nutrition and Dietetics – 0688; National Education Association Health Information Network – 0721; California Project LEAN – 0585; The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado-0589; Illinois Alliance to Prevent Obesity – 0663; Upstream Public Health – 0703; Oregon Public Health Institute – 0503; Oregon School-Based Health Alliance – 0625 and 0571; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; Lane Coalition for Healthy Active Youth – 0350; Oregon Farm to School and School Garden Network – 0687; Real Food for Kids-Montgomery form letter campaign – 0545; Consortium to Lower Obesity in Chicago Children – 0642; Farm to Table – 0723; University of Minnesota Extension – 0492; Bridging the Gap – 0543; California Department of Education, Nutrition Services Division – 0700; Public Health: Seattle & King County – 0648; Dubuque Community School District – 0636; School Nutrition Association – 0563 and 0616; and preventobesity.org (version 2) form letter campaign – 0716.

The department of education<sup>42</sup> explained that the one to two year requirement would provide LEAs with one year of planning time, which would be needed to develop the new infrastructure required to meet the proposed requirements, and additional time for implementation. For example, the commenter explained that if the final rule were released in July 2014, then LEAs should develop infrastructure during the 2015-2016 school year and be prepared for full implementation by the 2016-2017 school year. An association of local health officials<sup>43</sup> suggested the 2015-2016 school year because it would most effectively protect children's health, and a coalition of advocacy organizations<sup>44</sup> suggested this school year because it would provide schools with sufficient time to implement the standards and provide FNS with sufficient time to prepare and provide guidance. Lastly, a health advocacy organization<sup>45</sup> stated that FNS should specify the date FNS will release the model policies and best practices and include a deadline for LEAs to publicize their wellness policies.

To avoid delays in implementation, two health advocacy organizations<sup>46</sup> recommended that the final rule require LEAs to designate leadership 60 days prior to the beginning of each academic year.

A children's health research program,<sup>47</sup> an association of food industry professionals,<sup>48</sup> and a business association<sup>49</sup> recommended that the implementation timeline be flexible, allowing LEAs and schools sufficient time to adjust to required changes and to account for the variability in existing wellness policies. A school district<sup>50</sup> stated that school districts will need multiple years to develop and transition to the proposed assessment system, especially if no new funding is available.

Six individuals suggested that FNS require LEAs to implement the policies within one to three years following the date the rule is finalized. A food and nutrition manager and a child nutrition program director both expressed concern over the amount of recent regulations and, as a result, suggested an extended period for implementation. The manager urged FNS to wait until schools have had sufficient time to implement Smart Snacks nutrition standards, and the program director suggested waiting two or more years prior to implementation.

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<sup>42</sup> California Department of Education – 0700.

<sup>43</sup> National Association of County and City Health Officials – 0486.

<sup>44</sup> The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado – 0589.

<sup>45</sup> American Diabetes Association – 0547.

<sup>46</sup> Live Healthy DeKalb Coalition – 0655 and Live Healthy DeKalb Coalition – 0720.

<sup>47</sup> Bridging the Gap – 0543.

<sup>48</sup> Grocery Manufacturers Association – 0567.

<sup>49</sup> Children's Food and Beverage Advertising Initiative – 0698.

<sup>50</sup> Lake Washington School District – 0672.

Three commenters,<sup>51</sup> a trade association, an association of food industry professionals and a school board association, addressed potential timelines for implementing the proposed marketing requirements. The trade association requested that FNS provide significant time for schools to comply with marketing standards, while the school board association recommended that FNS make the marketing standards effective prospectively so that current marketing contracts are not impacted. The association of food industry professionals suggested a three-year timeline because it will be a challenge for schools to implement this proposed rule concurrently with National School Lunch Program/School Breakfast Program and Smart Snacks requirements.

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<sup>51</sup> American Beverage Association – 0554; Texas Association of School Boards – 0565; and Grocery Manufacturers Association – 0567.

## **5. Comments on the Proposed Requirements for Establishing a Local School Wellness Policy**

The Local School Wellness Policy Proposed Rule proposes to require LEAs to establish local school wellness policy leadership. The purpose of the local school wellness policy leadership is to facilitate the development of and updates to the local school wellness policy, and to ensure each school complies with the policy. The proposed rule also proposes to require LEAs to establish a diverse team of school and community stakeholders to develop a local school wellness policy to meet the needs of the community.

### **5.1 General support**

Many commenters expressed support for the proposed policy leadership and the public involvement requirements of the local school wellness policies. These comments are discussed in Sections 5.3.1 and 5.4.1, below.

### **5.2 General opposition**

Two commenters expressed opposition to the proposed policy leadership or the public involvement requirements of the proposed rule. These comments are discussed in Sections 5.3.2 and 5.4.2, below.

Two individuals and a coalition of school districts requested clarification as to whether wellness policies are required at the school level or at the district level. One of the individuals stated that developing individual policies for each school in a district would be cumbersome. The coalition of school districts stated that FNS should underscore in the final rule the singular nature of the Healthy, Hunger-Free Kid Act of 2010's requirement that the LEA establish a local school wellness policy. Specifically, the commenter recommended FNS: (1) revise the heading in 7 CFR 210.30 to read "District-wide local school wellness policy;" and (2) insert the language "by the local educational agency" after the words "written plan" in 7 CFR 210.30(a).

### **5.3 Comments on local school wellness policy leadership**

Under the proposed rule, § 210.30(e)(1) would require LEAs to designate one or more official(s) to ensure schools comply with the local wellness policy, and § 210.30(c)(3) would require LEAs to identify the official(s) in the written local school wellness policy.

### 5.3.1 General support

Approximately 54,790 commenters stated general support for the proposed requirements related to local school wellness policy leadership.<sup>52</sup> The majority of these commenters submitted comments as part of several large form letter campaigns and expressed support for designating at least one district-level school official who would not only have the authority and responsibility to ensure that participating schools comply, but would also serve as the designated point of contact for the local wellness policy. Some of the commenters also supported requiring the designated LEA or school official to oversee implementation, convey progress, and ensure regular reviews and policy updates.

### 5.3.2 General opposition

An association of school nutrition professionals<sup>53</sup> and two individuals opposed the proposed local school wellness policy leadership requirements, stating that those requirements would be unfunded and an unnecessary administrative burden. The two individuals noted the likelihood that already over-burdened school nutrition directors will be the school officials designated to ensure compliance with the wellness policies. The association explained that districts are focused on meeting the requirements of No Child Left Behind, testing, and academic achievement and do not have the time or resources to address these peripheral issues. Additionally, according to the association, school food services directors lack the necessary budgets and staff to implement and maintain this proposed requirement. Lastly, the association noted that school food services directors have limited access to PTA's and other school-based organizations, making communication difficult.

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<sup>52</sup> Commenters include: SHAPE America – 0307 and 0390; Society for Public Health Education – 0458; Keenan & Associates; Upstream Public Health – 0423, 0627 and 0703; Oregon Public Health Institute – 0503; Oregon School-Based Health Alliance–0571 and 0625; Oregon's Healthy Kids Learn Better Coalition– 0611; Oregon's Wellness in School Environments – 0682; Lane Coalition for Healthy Active Youth – 0350; Oregon Farm to School and School Garden Network – 0687; Farm to Table – 0723; National PTA – 0523; National Association of State Boards of Education – 0241; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; Healthy Schools Campaign – 0464; The Food Trust – 0690; American Heart Association - 0266; American Cancer Society Cancer Action Network – 0671; School Food FOCUS – 0482; Interfaith Center on Corporate Responsibility – 0499; Safe Routes to School National Partnership Program – 0695; Center for Science in the Public Interest – 0474; National Education Association – 0610; First Focus – 0669; Kids' Safe Healthful Foods Project – 0535; Illinois Alliance to Prevent Obesity – 0663; California Food Policy Advocates – 0647; California Project LEAN – 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; University of Minnesota Extension – 0492; National Education Association Health Information Network – 0721; Academy of Nutrition and Dietetics – 0688; Public Health: Seattle & King County – 0648; The Praxis Project – 0650; Mission: Readiness, Military Leaders for Kids – 0608;. Center for Science in the Public Interest form letter campaign– 0574 and 0668; Food & Water Watch form letter campaign – 0693; and Care2, preventobesity.org, and momsrising.org form letter campaign –0715 and 0716.

<sup>53</sup> School Nutrition Association of Pennsylvania – 0606.

### 5.3.3 Other Comments

Approximately 90 commenters submitted other comments about the proposed requirements related to local school wellness policy leadership. These commenters' concerns include: the publication of the designated official's information; that school food authorities are not designated by default; and that the designated official be someone with administrative or leadership authority. A State department of education<sup>54</sup> specifically recommended adding a requirement that the designated official have authority for all areas covered by a policy, including physical activities and other school-based activities. Many commenters<sup>55</sup> suggested that LEAs make the name, position title, and contact information for the designated official available on the district and school websites, in communications to parents, in school newsletters, and in other school communications. These commenters include a healthy foods consumer advocacy group, education-related associations, an association of healthcare professionals, food and nutrition-related associations, health advocacy organizations, an institutional investment center, a university research and education program, and a local department of health. The local department of health<sup>56</sup> recommended that FNS include language in the final rule requiring LEAs to publicize the designated official's contact information. A food policy organization<sup>57</sup> and a coalition of advocacy organizations<sup>58</sup> stated that parents and students should be able to easily access the designated official to provide suggestions and for accountability purposes. A children's health advocacy group<sup>59</sup> suggested that the designated official's private contact information remain confidential, and that LEAs assign the designated official a school-based phone and email address instead.

Several commenters<sup>60</sup> discussed who should be designated to assume responsibility of overseeing the wellness policies. These commenters include health advocacy organizations, a

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<sup>54</sup> Minnesota Department of Education – 0354.

<sup>55</sup> Commenters include: Center for Science in the Public Interest – 0474; National Education Association – 0610; First Focus – 0669; National PTA – 0523; National Association of State Boards of Education – 0241; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; Action for Healthy Kids – 0662; Healthy Schools Campaign – 0464; The Food Trust – 0690; American Heart Association – 0721; American Cancer Society and Cancer Action Network – 0671; Interfaith Center on Corporate Responsibility – 0499; Safe Routes to School National Partnership – 0695; Academy of Nutrition and Dietetics – 0688; National Education Association Health Information Network – 0721; Illinois Alliance to Prevent Obesity – 0663; Oregon Healthy Kids Learn Better Coalition – 0611; Kids' Safe Healthful Foods Project – 0535; California Project LEAN – 0585; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; University of Minnesota Extension – 0492; Real Food for Kids – Montgomery – 0545 (and 28 individual members who submitted the same form letter); Public Health: Seattle & King County – 0648; and Trust for America's Health – 0493..

<sup>56</sup> Oregon Public Health Division – 0645.

<sup>57</sup> The Prince George's County Food Equity Council – 0630.

<sup>58</sup> The Praxis Project – 0650.

<sup>59</sup> Consortium to Lower Obesity in Chicago Children – 0642

<sup>60</sup> Commenters include: Upstream Public Health – 0703; California Food Policy Advocates – 0647; Oregon's Healthy Kids Learn Better Coalition – 0611; Illinois Alliance to Prevent Obesity – 0663; Hunger Free Vermont – 0593; Oregon's Wellness in School Environments – 0682; American Cancer Society Cancer Action Network – 0671; School Food FOCUS – 0482; Healthy Schools Campaign – 0464; The Food Trust – 0690; Interfaith Center on Corporate Responsibility – 0499; Association of State Public Health Nutritionists – 0501; National PTA – 0523;

food policy organization, several food and nutrition-related associations, an institutional investment center, health-related associations, education-related associations, a healthy foods consumer advocacy group, a State department of education, a university research and education program, and numerous individuals. Commenters stated that school food professionals, staff, and representatives should be involved in the development and maintenance of wellness policies, but should not necessarily be the designated official because school foods are only a fraction of the entire wellness policy. Many of these commenters stated that the designated official should be in a position of administrative leadership, preferably the superintendent or the principal. Nearly all of the commenters suggesting that the superintendent or principal be the designated official also suggested that more than one person should be appointed to assist the designated official. A health advocacy organization<sup>61</sup> added that leadership assistance is even more important in areas where school leaders do not already support current local wellness policies. Four commenters,<sup>62</sup> including two children's health advocacy organizations, an individual and a State department of education, emphasized the importance of not making school nutrition representatives responsible for areas in which they have no authority. A State department of education noted it would merely be reviewing unexecuted policies if the designated official does not have the authority necessary to implement them. The commenter also stated that many LEAs have indicated their intent to designate the food services director, a nurse, or some other non-administrative school personnel. A food policy organization<sup>63</sup> recommended that the designated official be someone at the district leadership level because most of the proposed changes require district leadership authority to ensure school compliance. Additionally, the commenter further recommended that the final rule require superintendent participation and that superintendents sign the local wellness policy. A children's health advocacy organization<sup>64</sup> and several individuals stated that FNS should prohibit school food services directors from being appointed as the designated official. According to these commenters, the designated official should have authority over school food services directors to ensure independence and authority to implement the rule. Additionally, a State department of education<sup>65</sup> suggested that FNS include language in the final rule clarifying that the designated official must have the authority to make decisions and recommendations. The commenter noted that school food services directors are often given this responsibility because accountability for wellness policies is most evident in the current Administrative Review process for School Meals programs.

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National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; Association of State and Territorial Health Officials – 0638; National Association of County and City Health Officials – 0486; School Nutrition Association – 0563 and 0616; Center for Science in the Public Interest – 0474; National Education Association – 0610; First Focus – 0669; National Education Association Health Information Network – 0721; Real Food for Kids-Montgomery form letter campaign – 0545; Oregon Public Health Division – 0645; The New York State Education Department – 0679; and University of Minnesota Extension – 0492.

<sup>61</sup> Illinois Alliance to Prevent Obesity – 0663.

<sup>62</sup> Commenters include: Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon's Wellness in School Environments – 0682; and The New York State Education Department – 0679.

<sup>63</sup> California Food Policy Advocates – 0647.

<sup>64</sup> Real Food For Kids-Montgomery form letter campaign – 0545.

<sup>65</sup> Maryland State Department of Education – 0605.

A health advocacy organization, a children’s health foundation,<sup>66</sup> and an individual recommended that LEAs designate officials at both the district and school levels, suggesting that officials at both levels would help accelerate full implementation of the wellness policies.

Two health advocacy organizations<sup>67</sup> suggested the following criteria for the designated official: the official must have a strong understanding of and motivation to support all aspects of local wellness policies and the official must have the proper authority to hold schools accountable. An individual recommended that the official be non-partisan, objective, at the professional level, and able to highlight parent concerns.

A healthy food advocacy organization<sup>68</sup> recommended that FNS provide training and technical assistance to the LEA and local wellness policy leadership.

A children’s health advocacy organization<sup>69</sup> suggested that FNS work with the Department of Education to ensure that local school wellness policy leadership is recognized as an official board committee with authority over health and wellness initiatives.

An association of school nutrition professionals<sup>70</sup> sought clarification on what is meant by “compliance,” and on the responsibilities districts and schools will have in the development and implementation of local wellness policies. The commenter stated that school food authorities are often required to enforce policies that are outside of their authority, and suggested that local wellness policy leadership should be made up of a committee of district administrators instead of an individual. Additionally, an anti-hunger advocacy organization<sup>71</sup> urged FNS to clarify in the final rule that school food authorities should never be responsible for violations of wellness policies or for failing to monitor compliance because those actions are outside of their authority. According to the commenter, individuals with the highest levels of authority within LEAs must be involved in the creation, implementation, and fulfillment of the wellness policies for the policies to be effective.

An individual expressed concern that local school districts will designate their child nutrition directors, who are already overburdened with the other requirements under the Healthy, Hunger-Free Kids Act 2010, as the official charged with ensuring the schools comply with the local wellness policy, but without any additional pay or other incentives.

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<sup>66</sup> American Cancer Society Cancer Action Network – 067 and Nemours National Office of Policy and Prevention – 0264.

<sup>67</sup> Consortium to Lower Obesity in Chicago Children – 0642 and American Cancer Society Cancer Action Network – 0671.

<sup>68</sup> The Food Trust – 0690.

<sup>69</sup> Action for Healthy Kids – 0662.

<sup>70</sup> School Nutrition Association – 0563 and 0616.

<sup>71</sup> Hunger Free Vermont – 0593.

An individual sought clarification regarding whether wellness policies need to be submitted to school food authorities or if they would only be reviewed as part of the annual review. The commenter also stated that there would be more administrative support for wellness policies if the designated leader has authority and responsibility to ensure compliance.

#### **5.4 Comments on community/public involvement in local school wellness policy development**

Under the proposed rule, § 210.30(d)(1) would require LEAs to allow certain enumerated stakeholders to participate in the development, implementation, and periodic review and updating of the local school wellness policy, and § 210.30(c)(4) would require LEAs to include in the written policy a plan for involving those enumerated stakeholders.

##### **5.4.1 General support**

Approximately 54,840 commenters,<sup>72</sup> stated support for the proposed rule's requirements related to community and public involvement in local school wellness policy development. The majority of these commenters submitted comments as part of several large form letter campaigns. Other commenters include two school districts, food research and policy organizations, education-related associations, health advocacy organizations, a State department of public health, a farm-to-school education and advocacy organization, a State department of education, a public health philanthropy, associations of food or nutrition professionals, an institutional investment center, a civil rights advocacy organization, a university research and education program, numerous

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<sup>72</sup> Commenters include: Cherry Creek School District Food and Nutrition Services – 0546; Laurie M. Tisch Center for Food, Education and Policy – 0632; SHAPE America – 0307 and 0390; Society for Public Health Education – 0458; Keenan & Associates – 0623; Upstream Public Health – 0423 and 0627; Oregon Public Health Institute – 0503; Oregon School-Based Health Alliance – 0571 and 0625; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; Lane Coalition for Healthy Active Youth – 0350; Oregon Farm to School and School Garden Network – 0687; Farm to Table – 0723; California Department of Education, Nutrition Services Division – 0700; Center for Science in the Public Interest – 0474; National Education Association – 0610; First Focus – 0669; Robert Wood Johnson Foundation – 0360; Kids' Safe Healthful Foods Project – 0535; National PTA – 0523; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; National Association of County and City Health Officials – 0486; School Nutrition Association – 0563 and 0616; Association of State Public Health Nutritionists – 0501; Healthy Schools Campaign – 0464; The Food Trust – 0690; Interfaith Center on Corporate Responsibility – 0499; American Heart Association – 0266; Safe Routes to School National Partnership – 0695; American Cancer Society Cancer Action Network – 0671; School Food FOCUS – 0482; National Council of La Raza – 0631; Academy of Nutrition and Dietetics – 0688; National Education Association Health Information Network – 0721; California Project LEAN – 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids Montgomery – 0545 (and 28 individual members who submitted the same form letter); Illinois Alliance to Prevent Obesity – 0663; Upstream Public Health -0703; California Food Policy Advocates – 0647; University of Minnesota Extension – 0492; Bridging the Gap – 0543; Nemours National Office of Policy and Prevention – 0264; Oregon Public Health Division – 0645; California School Nutrition Association – 0718; Public Health: Seattle & King County – 0648; Torrance Unified School District, Nutrition Services-0133; Mission: Readiness, Military Leaders for Kids – 0608; County of Los Angeles Public Health – 0641; Care2, preventobesity.org, and momsrising.org form letter campaign– 0715 and 0716; Food & Water Watch form letter campaign– 0693; Center for Science in the Public Interest form letter campaign – 0574 and 0668; and Trust for America's Health – 493.

individuals, and two local departments of health. Commenters provided the following reasons for supporting the community and public involvement requirements:

- Broad stakeholder involvement would ensure coordination across the school environment and throughout the community.
- Many LEAs already engage their communities to develop wellness plans.
- Transparency and inclusion are important aspects of the implementation process.
- No single department or group has all of the information necessary to develop comprehensive policies.
- Parents spend the most time with their children and best understand their children's food habits and choices.

#### **5.4.2 General opposition**

Nine commenters expressed their opposition to the proposed community and public involvement requirements because the requirements would be overly burdensome. An association of school nutrition professionals<sup>73</sup> contended that recruiting volunteers to serve on the committee would be a challenge and an administrative burden for most school districts. An individual stated that school employees are already overburdened and the proposed requirement will demand more time of them away from the core mission. Similarly, a State department of education<sup>74</sup> asserted that the broad group of individuals identified in the proposed rule will require an enormous amount of coordination, commitment and oversight to ensure the resulting policy accurately and realistically reflects the specific needs of students. The commenter and a school district<sup>75</sup> both expressed concern that committee participants may only promote their own interests, which would impede successful policy development. An individual similarly expressed concern that large stakeholder committees will not be able to agree on appropriate measures. Another individual stated that inviting district parents to be on wellness committees is not feasible, and will only make it more difficult to meet, create sub-committees, and resolve outstanding issues. Two individuals asserted that districts and schools lack the necessary resources to organize the proposed committees. A school food service employee emphasized the additional burden this proposed requirement would create for districts that already struggle recruiting volunteers for their programs.

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<sup>73</sup> School Nutrition Association of Pennsylvania – 0606.

<sup>74</sup> The New York State Education Department – 0679.

<sup>75</sup> Dubuque Community School District – 0712.

### 5.4.3 Other comments

Approximately 80 commenters made other comments about the proposed requirements for community and public involvement in the development of the local school wellness policy. Most of these commenters<sup>76</sup> recommended that FNS require, rather than encourage, LEAs to make wellness committee member's names, position titles, and relationship to the school available to the public, but not their contact information. These commenters include 28 individuals who submitted comments as part of a form letter campaign, education-related associations, nutrition-related associations, health-related associations, health advocacy organizations, an international investment center, a university research and education program, a food policy organization, a State department of public health, a civil rights advocacy organization, a farm-to-school education and advocacy organization, and a children's health research program.

Several commenters suggested that FNS require, rather than permit, involvement from specific categories of stakeholders on local school wellness policy committees. Most of those commenters,<sup>77</sup> including a food policy organization, an education-related association, a children's health advocacy organization, a coalition of advocacy organizations and various individuals, also suggested that FNS require parent involvement on the committees. The education-related association and an individual expressed concern regarding the current language of the proposed rule and the preamble's explanation of the community involvement requirement. These commenters stated that the proposed rule provides too much discretion to LEAs in selecting committee members and the current language could lead to the exclusion of parents and families. The association recommended that school staff members should not be allowed to satisfy the parent member requirement, explaining that a physical education teacher, who is also a parent, serving on the committee should not qualify as the parent representative, but only as a physical education representative. The children's health advocacy organization also expressed concern with the language of the proposed rule, asserting it is vague enough to allow LEAs and schools to hand select parent participants, or to reduce parent participation such that their input would be easily overruled or ignored. To prevent this situation, the commenter with support from an individual recommended that the final rule require that 50% of the wellness committee be parent members, and that FNS clarify that "participate in" means parents and other members are responsible for the development of the policy. An individual suggested that committees include

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<sup>76</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; The Food Trust – 0690; American Heart Association – 0266; Illinois Alliance to Prevent Obesity – 0663; Upstream Public Health – 0703; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Safe Routes to School National Partnership – 0695; Association of State and Territorial Health Officials – 0638; California Food Policy Advocates – 0647; Action for Healthy Kids – 0662; National Education Association – 0610; California Project LEAN – 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Kids' Safe Healthful Foods Project – 0535; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; National Council of La Raza – 0631; and Bridging the Gap – 0543.

<sup>77</sup> Commenters include: The Prince George's County Food Equity Council – 0630; National PTA – 0523; Real Food for Kids-Montgomery form letter campaign – 0545; and The Praxis Project – 0650.

three seats with “voting authority” that are reserved for community members or non-profits. The food policy organization, the coalition of advocacy organizations, and an individual recommended that FNS mandate that committees include at least two parent, two student and two teacher participants. Two other individuals also stated that the rule should mandate committee involvement from students, parents, and teachers. Four commenters,<sup>78</sup> a food policy organization, a civil rights advocacy organization and two individuals, suggested that FNS require LEAs to include SNAP-Ed coordinators on committees to facilitate more collaboration among local, State, and Federal initiatives to provide greater assistance to low-income school districts. A State department of education<sup>79</sup> recommended FNS require the inclusion of at least one participant from each of the following stakeholder categories: school food authority, teachers of physical education, school administration or officials at the site level, and school health professionals. The commenter stated that requiring representatives from these categories would help ensure collaboration throughout the entire LEA.

Ten commenters provided additional categories of stakeholders that they wanted FNS to either specifically identify in the final rule or encourage LEAs and schools to consider. An education-related association<sup>80</sup> and a children’s health advocacy organization<sup>81</sup> suggested that FNS add student representatives to the list of stakeholders because student participation will help facilitate student buy-in. The association added that FNS should encourage schools to consider including Title I Coordinators or Family Engagement Coordinators on the local school wellness committee because these individuals can help implement family engagement. An individual suggested FNS include Family and Consumer Science Educators in the stakeholder list to further enhance individual and family health. Two associations of education professionals<sup>82</sup> recommended that the final rule include other education employees, including support staff, in the list of stakeholders. An association of education professionals stated that all teachers, not just physical education teachers, should be permitted to participate on the committee to help integrate the policies across the entire school setting. Additionally, a food research and policy center<sup>83</sup> suggested that the final rule identify teachers of any subject in the stakeholder list because the wellness policies hinge on teacher involvement and the policies will impact them in their classrooms. An association of health officials<sup>84</sup> suggested instead that the final rule include local health departments in the stakeholder list because they can provide data and evidence-based resources, and assist with strategic planning and policy development. A State department of education<sup>85</sup> recommended including after school representatives to the list of stakeholders because they contribute to nutrition education, physical activity programs, and foods served to students after school. A farm-to-school education and advocacy organization<sup>86</sup> noted that

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<sup>78</sup> Commenters include: California Food Policy Advocates – 0647 and National Council of La Raza – 0631.

<sup>79</sup> California Department of Education, Nutrition Services Division – 0700.

<sup>80</sup> National PTA – 0523.

<sup>81</sup> Kids’ Safe Healthful Foods Project – 0535.

<sup>82</sup> National Education Association Health Information Network – 0721 and National Education Association – 0610.

<sup>83</sup> Laurie M. Tisch Center for Food, Education & Policy – 0632.

<sup>84</sup> The National Association of County and City Health Officials – 0486.

<sup>85</sup> California Department of Education, Nutrition Services Division – 0700.

<sup>86</sup> Hawai’i Island School Garden Network – 0513.

including public health nurses, administration, teachers and interested community members was helpful to existing wellness committees. Two individuals recommended that FNS require, or at least recommend, involvement from Registered Dietitian Nutritionists and Dietetic Technicians. Another individual asked FNS to specifically mention weight stigma prevention stakeholders in the proposed rule's stakeholder list. Another individual recommended that committees include members who can determine whether proposed actions will be supportive or stigmatizing. A health advocacy organization<sup>87</sup> stated that individuals familiar with guidance for managing food allergies at school<sup>88</sup> should be included in local school wellness policy development.

Five commenters,<sup>89</sup> including a food policy organization, a coalition of advocacy organizations, an individual, an individual and a civil rights advocacy organization, recommended that FNS prohibit representatives that would benefit monetarily from policy decisions or who engage, in any capacity, in selling or marketing unhealthy products to youth from serving on school wellness policy teams.

Eight commenters,<sup>90</sup> including a food policy organization, a civil rights advocacy organization, a coalition of advocacy organizations, four individuals and a children's health foundation, discussed the importance of ensuring that parents and community members participating with the local school wellness policy team are culturally and ethnically representative of the school community. The food policy organization, the coalition of advocacy organizations, and three individuals added that FNS should ensure that LEAs translate materials, have interpreters available for non-English speaking participants, and hold meetings at locations compliant with the Americans with Disability Act.

An individual expressed concern for low-income schools, stating that these schools experience higher turnover rates from teachers and staff, which may present problems for the wellness policy committee participants.

A food and nutrition manager recommended providing opportunities for the general public to submit suggestions to the wellness policy team. Additionally, the manager stated that parents do not need to be specifically mentioned in the rule because the other stakeholder categories will most likely include parents already.

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<sup>87</sup> The Asthma and Allergy Foundation of America – 0489.

<sup>88</sup> Commenter mentioned the USDA Accommodating Students with Special Dietary Needs in the School Nutrition Program guidance document and the CDC Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs.

<sup>89</sup> The Prince George's County Food Equity Council – 0630; The Praxis Project – 0650; and National Council of La Raza – 0631.

<sup>90</sup> The Prince George's County Food Equity Council – 0630; The Praxis Project – 0650; and National Council of La Raza – 0631; Nemours – 0264.

An individual recommended requiring standing wellness committees that meet quarterly to maintain an open forum for community members to discuss wellness concerns.

An individual urged FNS to provide exceptions in the rule for Residential Child Care Institutions (RCCIs), because community involvement with RCCIs, especially those that are correctional facilities, could create legal liability. The commenter stated that RCCIs should be allowed to deny involvement from people deemed to be detrimental.

Lastly, a food policy organization<sup>91</sup> urged FNS to require, instead of encourage, an LEA-level wellness team, to avoid inconsistent implementation at the school level.

### **5.5 Commenters suggested issues FNS should address in model policies/agency guidance/supporting materials related to local school wellness policy leadership and public involvement in local school wellness policy development**

Approximately 60 commenters suggested issues FNS should address in the model policies, agency guidance, and supporting materials related to local school wellness policy leadership and public involvement in local school wellness policy development. Nearly all of these commenters<sup>92</sup> requested that FNS provide additional guidance to LEAs on what “authority” means. These commenters include 28 individuals who submitted comments as part of a form letter campaign, a healthy food consumer, advocacy group, two education-related associations, associations of nutrition-related professionals, health-related associations, health advocacy organizations, an international investment center, and a university research and education program. A children’s health advocacy organization stated this guidance on authority was necessary to ensure school nutrition directors do not become the default local wellness policy leadership without the authority to enforce the entire wellness policy.

Commenters also stated that FNS should include pertinent resources and information about programs of other State and local health, education, and transportation departments in its guidance to LEAs.<sup>93</sup> Sources of other information commenters suggested should be incorporated

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<sup>91</sup> California Food Policy Advocates – 0674.

<sup>92</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; First Focus – 0669; Action for Healthy Kids – 0662; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; Illinois Alliance to Prevent Obesity – 0663; American Heart Association - 0266; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; Safe Routes to School National Partnership – 0695; National Education Association – 0610; California Project LEAN – 0585; Real Food for Kids-Montgomery form letter campaign – 0545; and Kids’ Safe Healthful Foods Project – 0535.

<sup>93</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; First Focus – 0669; Action for Healthy Kids – 0662; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Association of State Public Health Nutritionists -0501; Society for Nutrition

in the guidance materials include: SNAP-Ed's Cooperative Extension System; health departments that received funding under the *State Public Health Actions to Prevent and Control Diabetes, Heart Disease, Obesity, and Associated Risk Factors and Promote School Health* grant program; departments that have received other Centers for Disease Control grants.

An association of health officials<sup>94</sup> recommended that FNS guidance documents include methods of delegating among school staff the new roles and responsibilities arising from the proposed rule.

A children's health foundation<sup>95</sup> recommended that FNS guidance documents urge LEAs to include parents from multicultural and bilingual homes to help understand cultural dietary choices and prevent language barriers from impeding policy implementation.

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Education and Behavior – 0394; Illinois Alliance to Prevent Obesity – 0663; American Heart Association – 0266; Upstream Public Health – 0703; American Cancer Society Cancer Action Network – 0671; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; Safe Routes to School National Partnership – 0695; School Food FOCUS – 0482; The Food Trust – 0690; National Education Association – 0610; California Project LEAN – 0585; Real Food for Kids-Montgomery form letter campaign – 0545; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon's Wellness in School Environments – 0682; Bridging the Gap – 0543; Consortium to Lower Obesity in Chicago Children – 0642; and Trust for America's Health – 0493.

<sup>94</sup> National Association of County & City Health Officials – 0486.

<sup>95</sup> Nemours – 0264.

## 6. Comments on the Proposed Content of Local School Wellness Policy

Under the proposed rule, § 210.30(c)(1) contains two requirements. First, local school wellness policies would be required to include goals for nutrition promotion and education, physical activity, and other school-based activities to promote wellness. Second, LEAs would be required to review and consider evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity, and other school-based activities.

### 6.1 General support

Approximately 54,750 commenters, the majority of whom submitted comments as part of several large form letter campaigns, stated support for the proposed requirements related to the content of the local school wellness policy.<sup>96</sup> Two health advocacy organizations<sup>97</sup> and three individuals additionally recommended that wellness plans should also address sleep. The commenters stated that sleep is one of the more influential factors in health, which is vital to healthy brain function and emotional well-being, and impacts children's ability to make healthy food choices and engage in physical activity. The commenters supported their positions by citing several references to sleep research.<sup>98</sup>

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<sup>96</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; First Focus – 0669; The Food Trust – 0690; American Heart Association – 0266; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Illinois Alliance to Prevent Obesity – 0663; Robert Wood Johnson Foundation – 0360; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Upstream Public Health – 0703; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; The National Association of County and City Health Officials – 0486; The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado – 0589; School Food FOCUS – 0482; California School Nutrition Association – 0718; Cherry Creek School District Food and Nutrition Services – 0546; Laurie M. Tisch Center for Food, Education and Policy – 0632; SHAPE America – 0307 and 0390; Society for Public Health Education – 0458; Keenan & Associates – 0623; National Education Association – 0610; California Project LEAN – 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Bridging the Gap – 0543; Public Health: Seattle & King County – 0648; Kids' Safe Healthful Foods Project – 0535; National Council of La Raza – 0631; National Farm to School Network – 0497; Torrance Unified School District, Nutrition Services – 0133; Trust for America's Health – 0493; Center for Science in the Public Interest form letter campaign – 0574 and 0668; Care2, preventobesity.org, and momsrising.org form letter campaign – 0715 and 0716.

<sup>97</sup> Ohio Adolescent Health Partnership's Sleep Committee-0195; and Trust for America's Health.

<sup>98</sup> <http://iom.edu/Reports/2006/Sleep-Disorders-and-Sleep-Deprivation-an-Unmet-Public-Health-Problem.aspx>; <http://www.healthypeople.gov/2020/topicsobjectives2020/overview.aspx?topicid=38>; <http://schoolstarttime.org/>; <https://www.nhlbi.nih.gov/health/health-topics/topics/sdd/>; <https://www.nhlbi.nih.gov/health/health-topics/topics/sdd/why.html#>; [http://www.vasleepmedicine.com/pdf/SLEEP\\_IS\\_IMPORTANT\\_TO\\_YOUR\\_CHILD.pdf](http://www.vasleepmedicine.com/pdf/SLEEP_IS_IMPORTANT_TO_YOUR_CHILD.pdf); and <http://tippingthescales.typepad.com/blog/>.

## 6.2 General opposition

An individual stated that these requirements are redundant because they are already being addressed through other venues. A coalition of school districts noted potential areas of confusion in the preamble and proposed rule. Specifically, the commenter stated that the varying references to the LEA district, and school in the proposed rule may make it difficult to discern what is a district requirement versus what is an individual school requirement. In addition, the commenter noted that FNS includes in the preamble some 20 actions that are “encouraged” and dozens of examples of activities that schools “should,” “may,” “might,” or “can” implement. While the coalition stated that it supports the dissemination of best practices, it nevertheless contended that the proposed rule is not the proper forum for promoting such best practices.

## 6.3 Comments on the structure of effective policies that include strong, clear goals with specific and measurable objectives and benchmarks stating *who* will make *what* change, by *how much*, *where*, and by *when*, with attention to both long- and short-term goals

Approximately 2,250 commenters addressed the structure of effective policies that include strong, clear goals with specific and measurable objectives and benchmarks stating who will make what change, by how much, where, and by when, with attention to both long- and short-term goals, generally stating support for the inclusion of such goals in local school wellness policies. The majority of these comments were submitted as part of a form letter campaign.<sup>99</sup> An individual stated that local school wellness policies should include goals, objectives and annual benchmarks for physical education and physical activity that exceed state mandates and existing LEA policies and procedures. Five commenters,<sup>100</sup> including an association of food and nutrition professionals, three health advocacy organizations, and an association of healthcare professionals, also recommended that the goals apply to all aspects of the rule, not just the content of the policies. A food policy organization<sup>101</sup> suggested a specific resource<sup>102</sup> to help measure steps in meeting goals. A health advocacy organization<sup>103</sup> recommended that policies also include processes for modifying policies to help meet goals. A local department of health<sup>104</sup> recommended that FNS hold schools accountable to implement and enforce their goals. That commenter and a public health philanthropy<sup>105</sup> also expressed support for FNS’s commitment to provide guidance and best practices on how to create strong, clear goals. Lastly, a children’s

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<sup>99</sup> Center for Science in the Public Interest form letter campaign – 0574 and 0668.

<sup>100</sup> Academy of Nutrition and Dietetics – 0688; American Heart Association – 0266; Upstream Public Health – 0703; Association of State and Territorial Health Officials – 0638; and Action for Healthy Kids – 0662.

<sup>101</sup> California Food Policy Advocates – 0647.

<sup>102</sup> Project Lean. Developing Your Implementation Plan Worksheet.  
<http://www.californiaprojectlean.org/docuserfiles/WorksheetC.doc>.

<sup>103</sup> American Cancer Society Cancer Action Network – 0671.

<sup>104</sup> Public Health: Seattle & King County – 0648.

<sup>105</sup> Robert Wood Johnson Foundation – 0360.

health advocacy organization<sup>106</sup> encouraged FNS to require that goals be “‘SMART’: Specific, Measurable, Attainable, Relevant and Time bound.”

In contrast, an individual stated that local school wellness policies are the wrong place for specific goals for nutrition promotion, education, physical activity, and other school-based activities that promote student wellness. The commenter noted that goals change more frequently than policies do, so the policies should direct the who, what, where and when, but not include specific goals. Another commenter, a state agency, similarly recommended that local school wellness policies identify only broad goals, and that separate implementation/evaluation plans be used to identify more detailed and measurable objectives for schools to meet those broad goals.

## **6.4 Comments on the nutrition promotion component**

### **6.4.1 General support**

Approximately 200 commenters stated support for the inclusion of nutrition promotion and education components in local school wellness policies.<sup>107</sup> Most of these comments were submitted as part of two form letter campaigns.<sup>108</sup>

### **6.4.2 General opposition**

No commenters stated opposition to the inclusion of a nutrition promotion component in local school wellness policies.

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<sup>106</sup> Kids’ Safe Healthful Foods Project – 0535.

<sup>107</sup> Commenters include: ChangeLab Solutions – 0697; Upstream Public Health – 0423 and 0627; Oregon Public Health Institute - 0503; Lane Coalition for Healthy Active Youth - 0350; Farm to Table – 0723; Oregon School-Based Health Alliance – 0571 and 0625; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon’s Wellness in School Environments – 0682; County of Los Angeles Public Health – 0641; Oregon Farm to School and School Garden Network – 0687; Minnesota Department of Education-0354; preventobesity.org form letter campaign (version 2)– 0716; Academy of Nutrition and Dietetics – 0688; Action for Health Kids – 0662; American Cancer Society Cancer Action Network – 671; American Heart Association – 0266; Association of State and Territorial Health Officials – 0638; Association of State Public Health Nutritionists – 501; California Food Policy Advocates – 0647; California Project LEAN – 0585; Center for Science in the Public Interest – 0474; Consortium to Lower Obesity in Chicago Children – 0642; First Focus – 0669; Health Schools Campaign – 0464; Illinois Alliance to Prevent Obesity – 0663, Interfaith Center on Corporate Responsibility – 0499, Kids’ Safe Healthful Foods Project – 0156; National Association of County and City Health Officials – 0486; National Association of State Boards of Education – 0241; National Education Association – 0610; National Education Association Health Information Network – 0721; National PTA – 0523; Public Health: Seattle & King County – 0648; Real Food for Kids-Montgomery form letter campaign – 0545; Robert Wood Johnson Foundation – 0360; School Food FOCUS – 0482; Society for Nutrition Education and Behavior – 0394; The Food Trust – 0690; University of Minnesota Extension – 0492; and Trust for America’s Health – 0493.

<sup>108</sup> preventobesity.org form letter campaign (version 2)– 0716 and Real Food for Kids-Montgomery form letter campaign – 0545.

### 6.4.3 Other comments

Two commenters submitted other comments related to the inclusion of the nutrition promotion and education components in local school wellness policies.

An association of food and nutrition professionals<sup>109</sup> asserted that to be effective, nutrition education and promotion must: 1) focus on specific behaviors; 2) address the interests and motivations of the intended audience; 3) allow enough time and intensity to achieve positive results; 4) deliver sequential curricula in an organized manner; 5) involve several aspects of the child's environment; and 6) provide professional staff development. The association stated that 50 hours of educational instruction, combined with family involvement, is needed to impact behavior change; however, elementary schools devoted only 3.4 hours in 2006.<sup>110</sup> Additionally, the association listed indicators of effective nutrition education integration: 1) food production (school farms) integrated into curricula; 2) available food item nutrition information; 3) staff nutrition development; 4) nutrition integrated into all subjects; 5) nutrition curricula is sequential and comprehensive, leading to behavioral change; 6) messages target specific behaviors; 7) innovative and appealing strategies; 8) cafeteria used as a learning laboratory; and 9) active involvement of school nutrition personnel.

A food research and policy center<sup>111</sup> stated that promotional nutrition messages and comprehensive standards for curriculum with participatory activities are essential for effective nutrition promotion and education. The commenter also provided an example of an integrated approach to nutrition promotion and education to achieve the goal of having students eat more vegetables. Pursuant to the example, promotional messages (e.g., “eat vegetables to stay alert all day long”) should be posted in classrooms and throughout the campus, classroom discussions should focus on the health and ecological benefits of vegetables and proper portion sizes, cafeterias should have signs (e.g., “create a salad with at least three different color vegetables”) to teach behavioral skills, and students should participate in school gardens and preparing the meals. Additionally, the commenter expressed concern that the proposed rule fails to recommend an optimal amount of nutrition education. According to the commenter, 30-50 hours are required to motivate students to make healthy choices, but they receive only 10-13.<sup>112</sup> The commenter recommended that FNS encourage LEAs to work towards 30-50 hours. Lastly, the commenter suggested the following activities for nutrition education that were not included in the proposal: cooking with kids, social marketing for members of the school community, and educating students about food systems and the relationship between personal health and ecological sustainability.

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<sup>109</sup> Academy of Nutrition and Dietetics – 0688.

<sup>110</sup> Society for Nutrition Education. State of Nutrition Education & Promotion for Children & Adolescents. [http://www.sneb.org/documents/SNENENPreport630\\_Final\\_000.pdf](http://www.sneb.org/documents/SNENENPreport630_Final_000.pdf). Accessed April 23, 2014.

<sup>111</sup> Laurie M. Tisch Center for Food, Education & Policy – 0632.

<sup>112</sup> Celebuski & Farris, 2000 & Connell, Turner, & Mason, 1985.

## **6.5 Comments on the nutrition education component**

### **6.5.1 General support**

As noted above in Section 6.4.1, approximately 200 commenters stated support for the inclusion of nutrition promotion and education components in local school wellness policies. Eleven additional commenters specifically stated support for the inclusion of a nutrition education component in local school wellness policies.

### **6.5.2 General opposition**

A local department of education<sup>113</sup> opposed the inclusion of a nutrition education component in local school wellness policies, stating that integrating nutrition education into classroom curricula will require State and Federal support, and will be challenging and not well supported in many States where the emphasis is on core subjects.

### **6.5.3 Other comments**

In addition to the two commenters who submitted other comments related to the nutrition promotion and education components in local schools wellness policies (discussed above in Section 6.4.3), approximately 65 commenters submitted comments specifically related to the inclusion of a nutrition education component in local school wellness policies. The majority of these commenters submitted comments as part of a form letter campaign and, along with other commenters, emphasized the importance of engaging with families through school-sponsored family wellness activities, providing students and parents with nutrition education and information, informing parents about how the school is addressing nutrition, nutrition education and physical activity, and providing parents with ideas and resources to reinforce the school's lessons.<sup>114</sup> Other commenters include two education-related associations, associations of food or nutrition professionals, health advocacy organizations, an institutional investment center, a food research and policy center, a university research and education program, and several individuals. An education-related association<sup>115</sup> suggested that schools should invite parents to participate in physical activity opportunities and school meals as another way to extend nutrition education to

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<sup>113</sup> The New York State Education Department – 0679.

<sup>114</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; First Focus – 0669; Action for Healthy Kids – 0662; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Society for Nutrition Education and Behavior – 0394; The Food Trust – 0690; American Heart Association – 0266; Upstream Public Health – 0703; American Cancer Society Cancer Action Network – 0671; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; National Education Association – 0610; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon's Wellness in School Environments – 0682; and Trust for America's Health – 0493.

<sup>115</sup> National PTA – 0523.

families. A health advocacy organization<sup>116</sup> explained how schools in New York, New Jersey, and California increased student acceptance of healthier menu items by explaining to students and parents the changes to the school menu and why those changes occurred. A children's health advocacy organization<sup>117</sup> encouraged FNS to use resources from other organizations<sup>118</sup> to engage parents. To facilitate family participation by non-English speaking families, a civil rights advocacy organization<sup>119</sup> recommended that FNS encourage LEAs to translate all materials provided to families and not rely on students to translate wellness policy materials. An individual stated that the recommended caloric intake for students of each age-range should be publicly displayed in schools and sent home to parents.

A food research and policy center<sup>120</sup> was happy to see school gardens recommended as a possible avenue for nutrition education, and noted that involvement in school gardens is shown to increase preference for fruits and vegetables, and to increase children's physical activity. A children's health advocacy organization<sup>121</sup> also recommended that schools utilize school gardens and farm-to-school programs as vehicles for nutrition education.

An association of local health officials<sup>122</sup> stated that local health departments can provide evidence-based methods for effective nutrition messaging and up to date research for nutrition education materials to support wellness policies. Two individuals noted the importance of registered dietitians in teaching students about eating, and enjoying, healthy food. Another individual stated that health and nutrition education need to be included in the Common Core. Two other individuals stated that nutrition education should be expanded to assess the surrounding food environment. Another individual stated that school wellness program should include "learn and do" education (i.e., learn the basics and put the ideas into practice) and formal nutrition courses. A food policy organization<sup>123</sup> stated that behavior change correlates with the amount of nutrition instruction received and that nutrition promotion and education reinforces consistent health messages and provides multiple opportunities to practice healthy habits. Additionally, the organization suggested integrating nutrition into health education classes and throughout various other subjects. The commenter also suggested that schools use the cafeteria as a laboratory for learning by coordinating school food services programs with classroom lessons, and recommended that FNS require national standards for nutrition education.

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<sup>116</sup> American Heart Association – 0266.

<sup>117</sup> Action for Healthy Kids – 0662.

<sup>118</sup> Action for Healthy Kids' *Parents for Healthy Kids* resources.

<sup>119</sup> National Council of La Raza – 0631.

<sup>120</sup> Laurie M. Tisch Center for Food, Education and Policy – 0632.

<sup>121</sup> Consortium to Lower Obesity in Chicago Children – 0642.

<sup>122</sup> The National Association of County & City Health Officials – 0486.

<sup>123</sup> California Food Policy Advocates – 0647.

A local department of health<sup>124</sup> recommended that FNS require age-appropriate, sequential nutrition education in grades K-12 as part of the already required health education curriculum and that FNS consider including home economics in the nutrition curriculum.

A local food policy organization<sup>125</sup> recommended that FNS encourage LEAs to provide nutrition education and engagement opportunities for food services staff so that they understand the rationale behind the new meal program and are equipped to promote healthier choices to students. Additionally, the organization supported FNS's recommendation that schools promote wellness through example, from staff to students, suggesting that increased buy-in from all staff will help increase implementation. However, the organization stated that food services staff may resist changes to the food environment, and the organization provided examples of measures schools have provided to food services staff, including motivational workshops, yoga, strength training, and healthy chef training.

A State department of education<sup>126</sup> suggested that SNAP-Education providers may be able to help with nutrition education and health promotion initiatives but requested that FNS provide further guidance on allowable nutrition-related activities for National School Lunch Program and SNAP-Education. An individual stated that all schools located in districts where childhood obesity is above the national average should be provided with a SNAP-Education coordinator or education who is available at the school for students and their families. The commenter also stated that schools should serve as SNAP enrollment sites.

## **6.6 Comments on the physical activity component**

### **6.6.1 General support**

Approximately 2,700 commenters mentioned they were in favor of including a physical activity component in school wellness policies. Most of these comments were submitted as part of two form letter campaigns.<sup>127</sup>

### **6.6.2 General opposition**

No commenters stated opposition to including a physical activity component in school wellness policies.

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<sup>124</sup> County of Los Angeles Public Health – 0641.

<sup>125</sup> Washtenaw Food Policy Council, Food Access and Nutrition Policy Action Team – 0586.

<sup>126</sup> California Department of Education, Nutrition Services Division – 0700.  
form letter campaign – 0716.

### 6.6.3 Other comments

Approximately 80 commenters submitted other comments related to the inclusion of a physical activity component in school wellness policies. Many of these commenters<sup>128</sup> stated that shared use is an important way to foster physical activity opportunities. These commenters include 28 individuals who submitted comments as part of a form letter campaign, associations of health professionals, a public health philanthropy, a youth-development organization, education-related associations, nutrition-related associations, health advocacy organizations, a civil rights advocacy organization, an institutional investment center, a university research and education program, and a local department of health. The youth-development organization further discussed the current difficulty that after school programs have developing shared use agreements with schools and requested that FNS encourage such shared use agreements. The organization recognized the importance of extending wellness policies to cover after-school activities, but it stated that most after-school providers will not be able to satisfy the requirements in the policies without shared use agreements by local education agencies with out-of-school time providers.

Some commenters,<sup>129</sup> including an association of school nutrition professionals, a local department of health, a children's health advocacy organization, an association of school food services professionals and an individual, addressed the proposal that LEAs provide opportunities for students to receive a minimum of 60 minutes per day of physical activity outside of physical education class. Most of these commenters recommended that FNS make 60 minutes of physical activity per day a requirement. To support this recommendation, a civil rights advocacy organization<sup>130</sup> cited a study that showed Latino students receive less physical activity opportunities compared to white children, especially if the school has a majority Latino

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<sup>128</sup> Commenters include: Association of State Public Health Nutritionists – 0501; American Academy of Pediatrics – 0485; Robert Wood Johnson Foundation – 0360; Safe Routes to School National Partnership – 0695; YMCA of the USA – 0691; Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; Action for Healthy Kids – 0662; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Society for Nutrition Education and Behavior – 0394; American Heart Association – 0266; American Cancer Society Cancer Action Network – 0671; Illinois Alliance to prevent Obesity – 0663; National Coalition for Promoting Physical Activity – 0502; Upstream Public Health – 0703; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; National Education Association – 0610; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Kids' Safe Healthful Foods Project – 0535; California Project LEAN – 0585; National Council of La Raza – 0631; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; County of Los Angeles Public Health – 0641; The City Project - 0701.

<sup>129</sup> Commenters include: School Nutrition Association – 0563 and 0616; Safe Routes to School National Partnership – 0695; School Food FOCUS – 0482; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; County of Los Angeles Public Health – 0641; The City Project – 0701.

<sup>130</sup> National Council of La Raza – 0631.

population.<sup>131</sup> An association of school nutrition professionals,<sup>132</sup> however, expressed concern about requiring at least 60 minutes of physical activity per day in addition to physical education classes because it would be difficult to add this to the current mandated school curriculum. One individual stated that 50 minutes of physical activity or recess should be mandated, while another individual stated that students should be given physical activity breaks that include no less than 30 minutes of sustained activity such as running, walking, jumping rope, etc. Another individual stated that schools should be required to provide daily time for students to engage in exercise and free play for at least 15 minutes for every 1.5 hours of classroom instruction.<sup>133</sup>

The association of school nutrition professionals and an individual suggested that physical activity be incorporated into the school curriculum, but stated that enforcement should not be delegated to school food authority employees, noting that school food services employees lack authority to alter the structure of the school day to incorporate more physical activity. Two individuals also noted that many schools do not have the funds or staff to teach/monitor additional physical education and physical activity requirements. Another individual stated that physical educators, not classroom teachers, should be implementing physical activity requirements.

A children's health advocacy organization<sup>134</sup> recommended that FNS encourage improving additional physical roadway elements, including sidewalks, paths, curb ramps, accessible pedestrian signals, signs, and paint. The commenter also suggested that FNS change the language of the preamble from "safe, active routes to school" to "safe routes to school" to create better continuity with existing programs.

Four commenters,<sup>135</sup> an association of healthcare professionals, a local department of health, a children's health advocacy organization and a school district nutrition services department, asked FNS to clearly state that withholding recess and physical activity should not be used as punishment. Additionally, the local department of health, the children's health advocacy organization, and an individual recommended that FNS require recess as a component of physical activity.

A health advocacy organization<sup>136</sup> recommended that FNS list physical activity and physical education separately in § 210.30(c)(1) policy content list to clarify that physical activity and

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<sup>131</sup> Swanson, Ramirez, & Gallion, 2013.

<sup>132</sup> School Nutrition Association – 0563 and 0616.

<sup>133</sup> The commenter recommended FNS read and incorporate the research and conclusions included in the following documents, which were published in the UK: "Nature, Childhood, Health and Life Pathways", and "Natural Childhood."

<sup>134</sup> Safe Routes to School National Partnership – 0695.

<sup>135</sup> American Academy of Pediatrics – 0485; County of Los Angeles Public Health – 0641; The City Project – 0701; and Dubuque Community School District – 0636.

<sup>136</sup> American Diabetes Association – 0547.

physical education cannot replace or substitute each other but that both are individually necessary to develop healthy children. A school district nutrition services department<sup>137</sup> recommended that FNS include physical activity in the rule, encourage physical activity breaks in classrooms, and require, at least, a minimum amount of physical activity for elementary schools.

A local department of health<sup>138</sup> recommended that FNS require LEAs to incorporate the Centers for Disease Control and Prevention's *Comprehensive School Physical Activity Program*<sup>139</sup> into the physical activity component of their wellness policies.

A children's health advocacy organization<sup>140</sup> asserted that the proposed rule does not adequately require LEAs to adopt physical activity policies and stated that the rule needs to provide additional content. The commenter also recommended that FNS require moderate to vigorous physical activity (MVPA) during 50% or more of physical education class time, and to include examples of MVPA in the final rule.

A coalition of advocacy organizations<sup>141</sup> and an individual recommended that FNS provide grants to improve gyms and recreation facilities so they are adequate for the recommended physical activity time.

A civil rights advocacy organization<sup>142</sup> stated that all programs developed under the proposed rule need to encourage children to develop movement habits without placing undue stresses because of a child's weight or body size. A health advocacy organization<sup>143</sup> and an individual recommended that local school wellness policies ensure physical activities are available to students of all sizes, using activities that allow all kinds of bodies to excel and providing gear for bodies of all sizes.

## **6.7 Comments on the physical education component**

### **6.7.1 General support**

Approximately 20 commenters specifically mentioned they were in favor of including a physical education component in local school wellness policies.

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<sup>137</sup> Dubuque Community School District – 0636.

<sup>138</sup> County of Los Angeles Public Health – 0641.

<sup>139</sup> Centers for Disease Control and Prevention, *Comprehensive School Physical Activity Program*: <http://www.cdc.gov/healthyyouth/physicalactivity/cspap.htm>.

<sup>140</sup> The City Project – 0701.

<sup>141</sup> The Praxis Project – 0650.

<sup>142</sup> National Association to Advance Fat Acceptance – 0626.

<sup>143</sup> The Association for Size Diversity and Health – 0298.

## 6.7.2 General opposition

Although the proposed rule does not propose to add new graduation requirements, two individuals expressed frustration with mandating additional nutrition and physical education classes as a graduation requirement and wondered how much time would need to be added to the school day to provide for the extended physical education requirements.

## 6.7.3 Other comments

Approximately 120 commenters submitted other comments related to including a physical education component in local school wellness policies. Most of the comments were submitted as part of several form letter campaigns. Many of the commenters<sup>144</sup> recommended that FNS include definitions for physical activity and physical education in the final rule, provided examples of physical activity before, during and after school, and reiterated the importance of physical education as the cornerstone of physical activity. These commenters include numerous individuals, several education-related associations, nutrition-related associations, health advocacy organizations, an institutional investment center, a university research and education program, a children's health research program, and associations of health officers.

A children's health research program<sup>145</sup> recommended that resources be allocated to maintain adequate physical education staff because its research shows that physical education staffing and continuing education practices at schools are associated with better physical education practices and more opportunities for physical activity after school.<sup>146</sup> An individual stated that physical education classes taught by certified physical education and health teachers should not be replaced by classroom teachers providing students with short, in-class breaks. Another individual stated that physical education classes should be mandatory at least 3 days per week and preferably every day of the week. A health advocacy organization,<sup>147</sup> a local department of health,<sup>148</sup> and an individual recommended that elementary schools provide 150 minutes of physical education each week and that middle and high schools provide 225 minutes per week.

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<sup>144</sup> Commenters include: National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; Action for Healthy Kids – 0662; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Society for Nutrition Education and Behavior – 0394; The Food Trust – 0690; American Heart Association - 0266; American Cancer Society Cancer Action Network - 0671; Illinois Alliance to Prevent Obesity - 0663; Upstream Public Health - 0703; National Coalition for Promoting Physical Activity – 0502; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; National Association of County & City Health Officials – 0486; National Education Association – 0610; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; California Project LEAN – 0585; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; and Bridging the Gap – 0543.

<sup>145</sup> Bridging the Gap – 0543.

<sup>146</sup> Turner L, Johnson TG, Slater SJ, Chaloupka FJ. Physical activity practices in elementary schools and associations with physical education staffing and training. *The Research Quarterly for Exercise and Sport*. In press.

<sup>147</sup> American Diabetes Association – 0547.

<sup>148</sup> County of Los Angeles Public Health – 0641.

The health advocacy organization explained that quality physical education provides students physical activity for at least half the class period and teaches the skills necessary to foster a lifelong commitment to physical activity. Another individual stated that schools should have procedures in place for students who cannot participate in regular physical education classes.

An association of healthcare professionals<sup>149</sup> asked FNS to distinguish between recess and physical education in wellness policies, stating that recess complements physical education and provides creative, social, and emotional benefits.

A children's health advocacy organization<sup>150</sup> stated that the rule should reflect recommendations from the Institute of Medicine, and recommended that the final rule specifically include the following requirements regarding physical education: 1) moderate to vigorous physical activity during 50% of physical education class time; 2) LEAs provide activity-based physical education training to teachers and establish stronger qualifications for teachers; 3) physical education class sizes be comparable to academic classes; 4) LEAs recognize and address disparities in physical education opportunities for students of color and low-income students; and 5) LEAs explicitly commit to comply with Title VI of the Civil Rights Act of 1964, the Affordable Care Act, and parallel State laws in their wellness policies and that FNS's model policy include example language of this commitment. The commenter discussed examples of disparate impact and intentional discrimination and requested that FNS remind LEAs that Federally-funded agencies have a legal obligation to address discriminatory disparities and may lose their funding if the agency fails to comply with Federal anti-discrimination laws. The commenter further recommended that FNS require LEAs to include in their wellness policies instructions for filing administrative complaints.

Several commenters, including an association of health and physical education professionals<sup>151</sup> and several individuals, discussed the benefits of physical education. According to these commenters, the benefits are increased physical competence, physical activity participation, health-related fitness, social responsibility, enjoyment of physical activity, and increased test scores. Nearly all of these commenters urged FNS to include physical education as a required wellness policy goal. Two individuals recommended FNS focus on the quality of physical education, with one of the individuals suggesting FNS use the following language in the final rule: "quality, daily physical education programs and other physical activity opportunities." The other individual further stated that consideration should be given to physical education class sizes and to the qualifications of the staff charged with monitoring progress toward achieving wellness policy goals.

An individual stated that wellness policies should incorporate guidelines that target obese adolescents with BMI for age above the 80th percentile, by addressing the issue with student and

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<sup>149</sup> American Academy of Pediatrics – 0485.

<sup>150</sup> The City Project – 0701.

<sup>151</sup> SHAPE America – 0307 and 0390.

family and provide referrals to a registered dietitian, and/or a mental health counselor, psychologist, etc., as appropriate.

## **6.8 Comments on the other school-based activities component**

### **6.8.1 General support**

Approximately 150 commenters stated their support for including a component related to school-based activities other than nutrition education and promotion, and physical activity in local school wellness policies. Most of these comments were submitted as part of a form letter campaign.<sup>152</sup> Other school-based activities may include activities such as offering staff wellness activities and professional development opportunities related to health and nutrition, and sponsoring health fairs, TV turnoff week and family wellness activities. An education-related association<sup>153</sup> that recommended making staff wellness a requirement of local school wellness policies suggested FNS amend the second sentence in § 210.30(a) to read as follows:

The local school wellness policy is a written plan that includes methods to promote student and staff wellness, and reduce childhood obesity, and provide assurance that school meals and other food and beverages sold on school campus during the school day meet the minimum Federal Standards.

The commenter also suggested ways that LEAs can promote staff wellness, including by offering incentives for healthy behaviors and providing training and professional development for staff on the policy, on good nutrition, and on ways to incorporate nutrition education into core subjects.

### **6.8.2 General opposition**

No commenters stated opposition to the proposal to include a component related to other school-based activities in local school wellness policies.

### **6.8.3 Other comments**

Fourteen commenters submitted other comments about including a component related to other school-based activities in local school wellness policies. Three of these commenters,<sup>154</sup> a health advocacy organization, a local department of health and a farm-to-school education and advocacy organization, suggested that FNS include examples of other school-based activities and programs that promote a healthy school environment in the final rule. The local department of health also suggested FNS include the following examples of other school-based activities: Smarter Lunchrooms, Farm to School, recess before lunch, Safe Routes to School, HealthierUS

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<sup>152</sup> Preventobesity.org (version 2) form letter campaign – 0716.

<sup>153</sup> American Federation of Teachers – 0624.

<sup>154</sup> American Heart Association – 0266; National Farm to School Network – 0497; Public Health: Seattle & King County – 0648.

School Challenge, integrating physical activity into classroom activities, nutrition education in health classes, school gardens, healthy fundraisers, non-food rewards, and joint use agreements. The farm-to-school education and advocacy organization asked FNS to continue to specifically mention “school gardens,” “farm to school,” and “farm to cafeteria” as other school-based activities. Other commenters also recommended the inclusion of taste tests and farm and farmers market visits as additional examples of other school-based activities. Other commenters recommended that wellness policies reference the importance of sleep, hand hygiene prior to eating, safe drinking water, the physical environment of schools (e.g., cleaning policies, chemical management, indoor air quality), environmental sustainability, and emotional health.

A food policy organization<sup>155</sup> recommended that FNS require goals ensuring adequate time to eat and ensuring low-income student access to nutritious meals. The commenter suggested that students receive 20 minutes to eat after being served. Additionally, the commenter suggested expanding participation in the National School Lunch Program and School Breakfast Program by implementing breakfast in the classroom, after bell breakfast, after school, weekend and summer meals, and increased participation in school meals by eliminating a la carte sales and improving meal presentation and promotion.

## **6.9 Comments on the requirement for considering evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness**

### **6.9.1 General support**

Five commenters<sup>156</sup> stated support for the proposed requirement that LEAs consider evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness.

### **6.9.2 General opposition**

A State department of education<sup>157</sup> expressed opposition to the requirement that LEAs consider evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness. The commenter stated LEAs do not have the resources or capacity to review evidence-based strategies in establishing goals.

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<sup>155</sup> California Food Policy Advocates – 0647.

<sup>156</sup> These commenters include: Colorado Department of Education, Office of School Nutrition – 0644, Maryland State Department of Education – 0605, California Food Policy Advocates – 0647, Minnesota Department of Education – 0354.

<sup>157</sup> The New York State Education Department – 0679.

### **6.9.3 Other comments**

FNS did not receive other comments related to the requirement that LEAs consider evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness.

### **6.10 Comments on Smarter Lunchroom tools and strategies**

The Smarter Lunchrooms effort seeks to provide school lunchrooms with evidence-based tools to improve child eating behaviors. Two commenters,<sup>158</sup> a food policy organization and a department of health, encouraged FNS to require LEAs to review Smarter Lunchroom tools and strategies to incorporate some of the low- and no-cost strategies in the wellness policies. The food policy organization also recommended that FNS require State agencies to actively promote Smarter Lunchroom strategies through trainings and Administrative Review documents. The department of health suggested that FNS provide technical assistance and funding to help LEAs implement Smarter Lunchroom strategies.

A trade association,<sup>159</sup> responding to the Smarter Lunchroom strategy of placing unflavored milk before other beverage choices, urged FNS not to discount the nutritional value of flavored milk and stated that eliminating flavored milk reduces student's consumption of milk and school meals overall.

### **6.11 Commenters suggested issues FNS should address in model policies/agency guidance/supporting materials related to the content of local school wellness policies**

#### **6.11.1 Model policies/guidance on nutrition promotion and education**

FNS received approximately 60 comments related to model policies/guidance on nutrition promotion and education. Nearly all of these commenters<sup>160</sup> recommended that, in its guidance to LEAs, FNS use the resources developed by the Institute of Medicine on how to include food and nutrition education as a core component of health education classes, as well as integrate food and nutrition education throughout the curriculum. These commenters include 28 individuals

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<sup>158</sup> California Food Policy Advocates – 0647; Public Health: Seattle & King County – 0648.

<sup>159</sup> International Dairy Foods Association – 0506.

<sup>160</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; First Focus – 0669; Action for Healthy Kids – 0662; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; The Food Trust – 0690; American Cancer Society Cancer Action Network – 0671; Upstream Public Health – 0703; American Heart Association – 0266; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; National Education Association – 0610.

who submitted comments as part of a form letter campaign, education-related associations, associations of food or nutrition professionals, health-related associations, health advocacy associations, an institutional investment center, and a university research and education program. These commenters, as well as a health advocacy organization,<sup>161</sup> an association of school food service professionals,<sup>162</sup> a public health philanthropy<sup>163</sup> and an individual, stated that FNS should provide strong guidance and resources to LEAs to accompany its recommendations in the preamble as to how schools might implement nutrition education and promotion activities.

A health advocacy organization<sup>164</sup> recommended that FNS mention school gardens and farm-to-school programs as a tool for nutrition education and that lessons should empower youth, especially in “low healthy food access” communities, to make healthy decisions.

Another health advocacy organization<sup>165</sup> suggested that materials used for nutrition promotion and education should support the new food and beverage marketing standards.

A school district nutrition services department<sup>166</sup> requested that FNS provide guidance and examples of how to implement nutrition education into the curriculum, other subjects, and the school environment. An education-related association,<sup>167</sup> on the other hand, encouraged FNS to clarify in guidance to LEAs that there is no endorsed curriculum from FNS.

An association of food and nutrition professionals<sup>168</sup> and a food research and policy center<sup>169</sup> suggested additional materials for FNS to use in its guidance to LEAs. The food research and policy center discussed its *Food, Health & Choices* curriculum, which was designed to integrate nutrition education into other fifth grade standard subjects. The association of food and nutrition professionals provided its *Guide for Effective Nutrition Interventions and Education*,<sup>170</sup> which is an online checklist for nutrition education program planners.

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<sup>161</sup> Illinois Alliance to Prevent Obesity – 0663.

<sup>162</sup> School Food FOCUS – 0482 (stated that nutrition education should be integrated throughout the curriculum, but did not reference the Institute of Medicine).

<sup>163</sup> Robert Wood Johnson Foundation – 0360.

<sup>164</sup> Illinois Alliance to Prevent Obesity – 0663.

<sup>165</sup> American Cancer Society Cancer Action Network – 0671.

<sup>166</sup> Dubuque Community School District – 0636.

<sup>167</sup> National PTA – 0523.

<sup>168</sup> Academy of Nutrition and Dietetics – 0688.

<sup>169</sup> Laurie M. Tisch Center for Food, Education and Policy – 0632.

<sup>170</sup> Accessed at [sm.eatright.org/GENIE](http://sm.eatright.org/GENIE).

**6.11.2 Model policies/guidance on physical education and physical activity in schools (e.g., school-age children should accumulate at least 60 minutes per day of physical activity, limit screen time and long periods of sedentary behavior, recess before lunch, no waivers and substitutions for physical activity)**

FNS received approximately 80 comments related to model policies/guidance on physical education and physical activity in schools. Many of these commenters<sup>171</sup> recommended that FNS, in guidance to LEAs and model policies, mention that students should accumulate at least 60 minutes per day of physical activity and avoid prolonged periods of inactivity. These commenters include 28 individuals who submitted comments as part of a form letter campaign, health advocacy organizations, education-related associations, nutrition-related associations, health-related associations, a children’s health research program, an institutional investment center, and a university research and education program. Most of these commenters suggested providing guidance on opportunities for physical activity before, during, and after the school day to help achieve the 60 minute recommendation. An individual suggested FNS recommend stretching programs at the beginning and end of each school day. A coalition of advocacy organizations<sup>172</sup> recommended that LEAs establish measurable goals to achieve 60 minutes per day of physical activity. However, an education-related association,<sup>173</sup> while supportive of including 60 minutes of physical activity in guidance, also suggested that FNS include in the final guidance potential financial and scheduling implications of the 60 minute goal.

Commenters,<sup>174</sup> including an association of school food service professionals, health advocacy organizations, an agriculture advocacy organization and several individuals, encouraged FNS to incorporate recess before lunch into the model local wellness policy. An education-related association<sup>175</sup> suggested that FNS’s model policy include unstructured outdoor play for recess and unstructured indoor play during inclement weather. Three commenters,<sup>176</sup> including two

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<sup>171</sup> Commenters include: The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado-0589; Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; Action for Healthy Kids – 0662; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; The Food Trust – 0690; American Heart Association – 0266; American Cancer Society Cancer Action Network – 0671; Illinois Alliance to Prevent Obesity – 0663; Upstream Public Health – 0703; National Coalition for Promoting Physical Activity – 0502; Interfaith Center on Corporate Responsibility – 0499; Association of State and Territorial Health Officials – 0638; National Education Association – 0610; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Bridging the Gap – 0543; and Trust for America’s Health – 0493.

<sup>172</sup> The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado – 0589.

<sup>173</sup> National PTA – 0523.

<sup>174</sup> Commenters include: School Food FOCUS – 0482; Lane Coalition for Healthy Active Youth – 0350; Farm to Table – 0723; Upstream Public Health – 0703; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon’s Wellness in School Environments – 0682; Oregon Farm to School and School Garden Network – 0687.

<sup>175</sup> National PTA – 0523.

<sup>176</sup> Oregon’s Healthy Kids Learn Better Coalition – 0611 and Oregon’s Wellness in School Environments – 0682.

children's health advocacy organizations and an individual, suggested that FNS recommend Playworks' model for recess and physical education curricula.

Many commenters encouraged FNS to provide guidance on the Presidential Youth Fitness Program and encourage wellness policies to require schools to participate in all aspects of the program. Additionally, these commenters suggested that LEAs should report their results from this program or other fitness assessment programs in an aggregate manner to the community and relevant agency, which will strengthen physical fitness data tracking.<sup>177</sup> A health advocacy organization<sup>178</sup> cautioned FNS, however, to ensure that students are not graded on their physical fitness scores.

Most commenters also discussed waivers and exemptions from physical activity and physical education requirements. Several of these commenters<sup>179</sup> recommended that FNS include language in the model policy that prohibits waivers and substitutions for physical education, using or withholding physical activity as punishment, waivers for students with disabilities (suggesting instead to provide modifications), and allowing students to opt out of physical education to participate in other classes or prepare for standardized tests. These commenters include education-related associations, nutrition-related associations, health advocacy organizations, an institutional investment center, a university research and education program, a children's health research program, and an association of health officers. Four commenters,<sup>180</sup> including three health advocacy organizations and an individual, while agreeing that waivers should be prohibited, suggested instead that waivers for students with disabilities should be

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<sup>177</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; American Heart Association – 0266; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0721; Illinois Alliance to Prevent Obesity – 0663; National Coalition for Promoting Physical Activity – 0502; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Upstream Public Health – 0703; Association of State and Territorial Health Officials – 0638; National Education Association – 0610; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; and California Project LEAN – 0585.

<sup>178</sup> Illinois Alliance to Prevent Obesity-0663.

<sup>179</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; Action for Healthy Kids – 0662; National Association of State Boards of Education – 0241; National Education Association Health Information Network – 0721; Society for Nutrition Education and Behavior – 0394; American Heart Association – 0266; American Cancer Society Cancer Action Network – 0671; Illinois Alliance to Prevent Obesity – 0663; National Coalition for Promoting Physical Activity – 0502; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; National Education Association – 0610; California Project LEAN – 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Bridging the Gap – 0543; Oregon Public Health Division – 0645. The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado-0589; Robert Wood Johnson Foundation-0360; Lane Coalition for Healthy Active Youth-0350; Farm to Table-0723; Oregon Farm to School and School Garden Network-0687; and Trust for America's Health – 0493.

<sup>180</sup> Upstream Public Health – 0703; Oregon's Healthy Kids Learn Better Coalition – 0611; and Oregon's Wellness in School Environments – 0682.

avoided when modifications or adaptations are available. Another health advocacy organization<sup>181</sup> also stated that the current preamble language regarding waivers and substitutions appears to encourage them rather than restrict them and, in response, recommended that FNS edit the preamble language to clearly prohibit such waivers. Similarly, a local department of health<sup>182</sup> recommended that FNS include a standardized waiver policy and suggested using the Washington State Office of Superintendent of Instruction Health and Fitness Program's *Recommendations for Waivers in High School Physical Education/Fitness Education*. This commenter recommended the model waiver policy address automatic waivers, assigning or withholding physical activity as punishment, and providing modifications for students with disabilities. An association of healthcare professionals<sup>183</sup> stated that requiring or denying physical activity should not be used as punishment.

Most of the commenters also encouraged FNS to recommend in its guidance and model policies physical education curricula, increasing the number of classes offered, improving teacher training, and coordinating with additional educational and home-based components.<sup>184</sup> In addition, a healthy foods consumer advocacy group and two health advocacy organizations<sup>185</sup> suggested including recommendations for time per week in physical education; physical activity opportunities before, during and after school; offering physical education teachers regular professional development opportunities; appropriate equipment and adequate facilities; and program and student assessment reporting requirements. The health advocacy organizations also suggested several resources for FNS to use for developing the model policies.<sup>186</sup> One of the

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<sup>181</sup> National Coalition for Promoting Physical Activity – 0502

<sup>182</sup> Public Health: Seattle & King County – 0648.

<sup>183</sup> Association of State Public Health Nutritionists – 0501.

<sup>184</sup> Commenters include: Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association Health Information Network – 0721; National Coalition for Promoting Physical Activity – 0502; Robert Wood Johnson Foundation – 0360; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Upstream Public Health – 0703; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; American Heart Association – 0226; Association of State Public Health Nutritionists – 0501; National Education Association – 0610; California Project LEAN – 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Oregon Public Health Division – 0645; Bridging the Gap – 0543; Public Health: Seattle & King County – 0648, Lane Coalition for Healthy Active Youth – 0350; Farm to Table – 0723; and Oregon Farm to School and School Garden Network – 0687.

<sup>185</sup> Center for Science in the Public Interest – 0474; American Cancer Society Cancer Action Network – 0671; and American Heart Association – 0266.

<sup>186</sup> The suggested resources include: American Cancer Society Cancer Action Network (ACS CAN), American Diabetes Association (ADA), and American Heart Association (AHA). Physical Education in Schools – Both Quality and Quantity Are Important. A Statement on Physical Education from ACS CAN, ADA, and AHA. 2013. Available at <http://www.acscan.org/content/wp-content/uploads/2013/08/PE-in-Schools-Policy-Statement.pdf>. Accessed April 25, 2014; American Cancer Society Cancer Action Network, American Diabetes Association, and American Heart Association. Fact Sheet: Physical Education in Schools – Both Quality and Quantity Are Important. 2013. Available at <http://www.acscan.org/content/wp-content/uploads/2013/08/PE-in-Schools-Fact-Sheet-from-ACS-ADA-AHA.pdf>. Accessed April 25, 2014; American Cancer Society Cancer Action Network, American Diabetes Association, and American Heart Association. Physical Education in Schools – Both Quality and Quantity Are Important. 2013. Available at

health advocacy organizations<sup>187</sup> recommended, in addition, that LEAs require physical education credits for high school graduation, physical activity for at least 50% of physical education class time, hiring State and district level physical education coordinators, and that physical education class size be consistent with other subjects. A health advocacy organization<sup>188</sup> added that schools should adopt physical education specific policies within the wellness policies and suggested that FNS use the National Association of Sport and Physical Education's resources for physical education curricula.

Regarding the recommendation that FNS's model policy include a time per week of physical education requirement, two commenters,<sup>189</sup> including a health advocacy organization and a children's health research program, suggested that FNS recommend 150 minutes per week for elementary students and 225 minutes per week for middle and high school students. A health research and policy organization<sup>190</sup> suggested that FNS encourage LEAs to include language in the physical activity section that protects students from weight-based bullying and victimization.

A public health philanthropy<sup>191</sup> suggested that FNS provide access to The National Policy and Legal Analysis Network to Prevent Childhood Obesity's resources, which include a series of model joint use agreements. A health advocacy organization recommended that FNS continue to include shared use and safe routes to school, and the organization suggested related resources.<sup>192</sup>

A food research and policy center<sup>193</sup> suggested that FNS provide additional resources to help teachers lead physical activity breaks in classrooms. The commenter developed "Dance Breaks," which are 10 minute interactive videos designed to facilitate dance breaks in classroom settings.

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Summary-Statement-from-ACS-ADA-AHA.pdf. Accessed April 25, 2014; Kriemler S, Zahner L, Schindler C, Meyer U, Hartmann T, Hebestreit H, Brunner-La Rocca HP, van Mechelen W, Puder JJ. Effect of school based physical activity programme (KISS) on fitness and adiposity in primary schoolchildren: cluster randomised controlled trial. *BMJ*. 2010;340:c785; Harris KC, Kuramoto LK, Schulzer M, Retallack JE. Effect of school-based physical activity interventions on body mass index in children: a meta-analysis. *CMAJ : Canadian Medical Association Journal (Journal de l'Association Medicale Canadienne)*. 2009;180:719-726; Jago R, McMurray RG, Bassin S, Pyle L, Bruecker S, Jakicic JM, Moe E, Murray T, Volpe SL. Modifying physical education: piloting strategies to increase physical activity. *Pediatric Exercise Science*. 2009;21:171-185; Jansen W, Borsboom G, Meima A, Zwanenburg EJ, Mackenbach JP, Raat H, Brug J. Effectiveness of a primary school-based intervention to reduce overweight. *International Journal of Pediatric Obesity*. 2011;6:e70-77; McKenzie TL, Sallis JF, Rosengard P. Beyond the stucco tower: Design, development, and dissemination of the SPARK physical education programs. *Quest*. 2009;61:114-127.

<sup>187</sup> American Heart Association – 0266.

<sup>188</sup> Illinois Alliance to Prevent Obesity – 0663.

<sup>189</sup> American Heart Association -0266; Bridging the Gap – 0543.

<sup>190</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>191</sup> Robert Wood Johnson Foundation – 0360.

<sup>192</sup> <http://changelabsolutions.org/childhood-obesity/joint-use>; <http://changelabsolutions.org/childhood-obesity/safe-routes-schools>.

<sup>193</sup> Laurie M. Tisch Center for Food, Education and Policy – 0632.

A coalition of advocacy organizations<sup>194</sup> and an individual recommended that FNS encourage LEAs to address conditions outside of the school facility and in the surrounding environment to provide physical activity outside of physical education classes.

A children's health advocacy organization<sup>195</sup> recommended that the framework for local wellness policies incorporate the Institute of Medicine's recommendations from its six areas of coverage: ensuring physical education minutes, monitoring compliance, addressing disparities, improving teacher education, making physical education a core subject, and addressing physical activity in the whole school environment.

### **6.11.3 Model policies/guidance on other school-based activities**

Approximately 70 commenters submitted comments related to model policies/guidance on other school-based activities. Most of those commenters<sup>196</sup> stated that the examples of other school-based activities FNS provided in the Local School Wellness Policy Proposed Rule's preamble should be included in FNS's final guidance and model local wellness policies. These commenters include 28 individuals who submitted comments as part of a form letter campaign, health advocacy organizations, associations of food or nutrition professionals, an education-related association, an institutional investment center, a university research and education program, and an association of health officers. Most of these commenters also suggested that FNS encourage LEAs to assess their progress using CDC's *School Health Index* or the Alliance for a Healthier Generation's *Healthy Schools Program Inventory*. Many of these commenters<sup>197</sup> also suggested that FNS partner with CDC to offer regular trainings to schools on how to complete the assessment tools. A children's health advocacy organization<sup>198</sup> also suggested that FNS should encourage LEAs to use tools developed by national or local organizations and offer trainings to schools on how to use existing resources or engage local organizations to provide such training.

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<sup>194</sup> The Praxis Project – 0650.

<sup>195</sup> The City Project-0701.

<sup>196</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials -0638; Action for Healthy Kids – 0662; The Food Trust – 0690; School Food FOCUS – 0482; Upstream Public Health – 0703; American Heart Association – 0266; National Education Association - 0610; California Project LEAN - 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Oregon's Healthy Kids Learn Better Coalition – 0611; Kids' Safe Healthful Foods Project – 0535; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; and Trust for America's Health – 0493.

<sup>197</sup> See *supra* note 191, except for Center for Science in the Public Interest – 0474; The Food Trust – 0690; School Food FOCUS – 0482; and Upstream Public Health – 0703.

<sup>198</sup> Consortium to Lower Obesity in Chicago Children – 0642.

A farm-to-school education and advocacy organization<sup>199</sup> and a health advocacy organization<sup>200</sup> recommended two resources regarding farm to school programs for FNS to include in its guidance to LEAs.<sup>201</sup> One of these commenters also requested FNS to promote its research on farm to school;<sup>202</sup> recommended that FNS provide guidance and technical assistance on incorporating each element of farm to school procurement, education, and school gardens; and urged FNS to specifically mention procurement in school meals, farm field trips, farmer visits to the classroom, taste tests, and other farm to school activities as examples in the model local school wellness policy. Another health advocacy organization<sup>203</sup> recommended a resource for FNS to include in its guidance regarding farm to schools.<sup>204</sup>

A farm-to-school education and advocacy organization, a children's health advocacy organization, an agriculture advocacy organization,<sup>205</sup> and a number of individuals recommended that FNS include in the other school-based wellness activities section of the model policy extensive examples of those activities, such as school garden programs, farm-to-cafeteria programs,<sup>206</sup> employee wellness programs, and healthy school fundraising ideas. A trade association<sup>207</sup> stated that FNS's guidance and model policy need to be flexible to allow LEAs to develop policies that meet the unique needs of their schools. Additionally, the trade association recommended that FNS promptly update the HealthierUS School Challenge criteria to reflect FNS's new competitive food and beverage standards.

An association of health officials<sup>208</sup> recommended that FNS encourage schools to actively reach out to community partners, specifically local health departments, for support with additional school-based wellness events. Additionally, the commenter encouraged FNS to include activities that engage families, such as health fairs, TV turn off week and school races, in its guidance to LEAs.

Two health advocacy organizations<sup>209</sup> recommended that FNS urge LEAs to encourage proper elimination through improved school restrooms in the other school-based activities section of

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<sup>199</sup> National Farm to School Network – 0497.

<sup>200</sup> Upstream Public Health – 0703.

<sup>201</sup> <http://www.fns.usda.gov/farmtoschool/farm-school>; <http://www.farmtoschool.org/resources>.

<sup>202</sup> <http://www.farmtoschool.org/resources-main/the-benefits-of-farm-to-school>.

<sup>203</sup> American Heart Association – 0266.

<sup>204</sup> [http://www.heart.org/HEARTORG/GettingHealthy/HealthierKids/TeachingGardens/Teaching-Gardens\\_UCM\\_436602\\_SubHomePage.jsp](http://www.heart.org/HEARTORG/GettingHealthy/HealthierKids/TeachingGardens/Teaching-Gardens_UCM_436602_SubHomePage.jsp).

<sup>205</sup> Lane Coalition for Healthy Active Youth – 0350; Farm to Table – 0723; Oregon Farm to School and School Garden Network – 0687.

<sup>206</sup> One individual encouraged FNS to promote NFSN's compilation of research on farm to school, summarized in the fact sheet "Benefits of Farm to School" fact sheet, available at <http://www.farmtoschool.org/resources-main/the-benefits-of-farm-toschool>

<sup>207</sup> American Beverage Association – 0554.

<sup>208</sup> National Association of County & City Health Officials – 0486.

<sup>209</sup> Live Healthy DeKalb Coalition – 0655 and 0720.

their local school wellness policies. The organizations provided model language to this effect: “Schools shall provide safe, clean and hygienic bathrooms to foster personal responsibility.”

A coalition of advocacy organizations<sup>210</sup> and an individual recommended that FNS encourage LEAs to document the link between student health with disciplinary action and academic performance. The commenters further recommended that FNS encourage LEAs to reduce suspension rates among students of color and to adopt additional restorative justice policies to help improve wellness among all students.

#### **6.11.4 Prohibition against using food as a reward or incentive for performance or behavior**

Approximately 50 commenters<sup>211</sup> recommended that local wellness policies clearly state that food should not be used as a reward or incentive for performance or behavior. These commenters include 28 individuals who submitted comments as part of a form letter campaign, a consumer advocacy group, health-related associations, health advocacy organizations, associations of education professionals, nutrition-related associations, an institutional investment center, a university research and education program, health research and policy organizations, and a school district nutrition services department.

#### **6.11.5 Other suggestions for model policies/guidance**

Approximately 60 commenters made other suggestions for issues to be addressed in model policies/guidance. Most of these commenters<sup>212</sup> recommended that FNS incorporate resources of

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<sup>210</sup> The Praxis Project – 0650.

<sup>211</sup> Commenters include: Center for Science in the Public Interest – 0474; Association of State Public Health Nutritionists – 0501; The Food Trust – 0690; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; Rudd Center for Food Policy and Obesity, Yale University – 0694; School Food FOCUS – 0482; National Education Association – 0610; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Bridging the Gap – 0543; Dubuque Community School District – 0636.

<sup>212</sup> Commenters include: ChangeLab Solutions – 0697; Academy of Nutrition and Dietetics – 0688; Robert Wood Johnson Foundation – 0360; American Heart Association – 0266; California Food Policy Advocates – 0647; Rudd Center for Food Policy and Obesity, Yale University – 0694; Action for Healthy Kids – 0662; Association of State and Territorial Health Officials – 0638; Upstream Public Health – 0703; Association of State Public Health Nutritionists – 0501; University of Minnesota Extension – 0492; Interfaith Center on Corporate Responsibility – 0499; American Cancer Society Cancer Action Network – 0671; National Education Association Health Information Network – 0721; The Food Trust – 0690; First Focus – 0669; Society for Nutrition Education and Behavior – 0394; National Association of State Boards of Education – 0241; Healthy Schools Campaign – 0464; National PTA – 0523; Center for Science in the Public Interest – 0474; National Coalition for Promoting Physical Activity – 0502; YMCA of the USA – 0691; National Education Association – 0610; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; California Project LEAN – 0585; and Kids’ Safe Healthful Foods Project – 0535.

other organizations into the guidance and model policies and provide access to outside resources in supporting materials. These commenters include 28 individuals who submitted comments as part of a form letter campaign, a national youth-development organization, health advocacy organizations, education-related associations, nutrition-related associations, an institutional investment center, a university research and education program, an association of health officers, a health research and policy organization, a food policy organization, a public health philanthropy, and several individuals. Several commenters recommended specific resources for FNS to incorporate, including: YMCA of the USA's *Healthier Communities Initiative Guide*,<sup>213</sup> which illustrates specific strategies to achieve short- and long-term goals, and *Community Healthy Living Index*,<sup>214</sup> a healthy living assessment tool for communities; the member list of the National Coalition for Promoting Physical Activity,<sup>215</sup> to help schools develop physical activity opportunities; Yale Rudd Center's *WellsAT*,<sup>216</sup> which provides personalized guidance to help schools improve their wellness policies; the Alliance for a Healthier Generation's *Smart Snacks Calculator*; Yale Rudd Center's *Rudd Roots Parents*,<sup>217</sup> a resource to help improve food marketing, school food, and weight-based bullying; *The Water Works Guide*, which provides model language to improve students' water consumption;<sup>218</sup> the Center for Disease Control's *School Health Index*; the Academy of Nutrition and Dietetics' *Kids Eat Right*,<sup>219</sup> and ChangeLab Solutions' *Model Marketing Policies*.<sup>220</sup> An individual recommended the inclusion of information from the Student Body project from the Family Career Community Leaders of America and the American Association of Family and Consumer Sciences. Another individual recommended FNS provide access to resources for weight stigma reduction, such as the Implementation Guidelines for Weight Bias and Weight Stigma Reduction.<sup>221</sup> Another individual recommended including resources from the Ellyn Satter Institute.

To facilitate the development of local school wellness policies, a health advocacy organization<sup>222</sup> suggested that FNS provide LEAs with a complete model local school wellness policy template. The commenter recommended the template include multiple options of components that LEAs could choose to include or adapt to address local needs. The commenter also stated that the model template should be made available with enough time to enable LEAs to send to stakeholders for input and complete their policies by the implementation deadline.

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<sup>213</sup> <http://www.ymca.net/healthier-communities-guide/>.

<sup>214</sup> <http://www.ymca.net/communityhealthylivingindex>.

<sup>215</sup> <http://www.ncppa.org/membership>.

<sup>216</sup> <http://www.wellsat.org/default.aspx>.

<sup>217</sup> <http://www.ruddrootsparents.org/>.

<sup>218</sup> <http://waterinschools.org/pdfs/waterworksguide2014.pdf>

<sup>219</sup> <http://www.eatright.org/programs/kidseatright/activities/content.aspx?id=6442459464&terms=wellness%20policy>.

<sup>220</sup> <http://changelabsolutions.org/publications/district-policy-school-food-ads>.

<sup>221</sup> [www.bodyimagehealth.org](http://www.bodyimagehealth.org).

<sup>222</sup> American Diabetes Association – 0547.

A department of health<sup>223</sup> recommended that FNS provide financial and technical support with its tool kits and guidance materials, and that FNS conduct a survey to assess schools' financial needs.

A civil rights advocacy organization<sup>224</sup> recommended that FNS provide examples of evidence-based strategies to promote wellness among specific racial and ethnic groups.

An anti-hunger advocacy organization<sup>225</sup> suggested that FNS encourage LEAs to expand access to school meals as an essential part of school wellness policies.

A food policy organization<sup>226</sup> recommended that FNS provide guidance not only to LEAs but also to board members, school leaders, teachers, and parents. Similarly, a healthy food advocacy organization<sup>227</sup> suggested providing guidance to individual schools. The food policy organization further recommended that FNS provide a self-assessment tool and a "how to get started" guide. Lastly, commenters suggested that FNS coordinate with State agencies to provide training, assistance, and guidance to school food authorities, which will be especially helpful for districts with students from low-income households and that are new to developing wellness policies.

A national youth-development organization<sup>228</sup> emphasized the importance of providing guidance on how to assess and improve wellness policies. The commenter also recommended the guidance include specific environmental changes that have been successful and what LEAs should expect from those changes. The commenter suggested that FNS include *Healthy Eating and Physical Activity Standards*<sup>229</sup> if the school wellness policies extend into before and after school activities.

Approximately 50 commenters<sup>230</sup> recommended that FNS incorporate the guidance and details in the proposed rule's preamble into the toolkits and resources it provides to LEAs. These commenters include several education-related associations, health advocacy organizations, associations of food or nutrition professionals, an institutional investment center, a university

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<sup>223</sup> Public Health: Seattle & King County – 0648.

<sup>224</sup> National Council of La Raza – 0631.

<sup>225</sup> Hunger Free Vermont – 0593.

<sup>226</sup> Washtenaw Food Policy Council, Food Access and Nutrition Policy Action Team – 0586.

<sup>227</sup> The Food Trust – 0690.

<sup>228</sup> YMCA of the USA – 0691.

<sup>229</sup> [www.niost.org/standards-and-guidelines](http://www.niost.org/standards-and-guidelines).

<sup>230</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; First Focus – 0669; American Heart Association – 0266; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Illinois Alliance to Prevent Obesity – 0663; School Food FOCUS – 0482; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; National Education Association – 0610; California Project LEAN – 0585; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Bridging the Gap – 0543; and Public Citizen – 0500.

research and education program, a children's health research program, and an association of health officers.

## 7. Comments on the Proposed Nutrition Guidelines for All Foods

The Local School Wellness Policy Proposed Rule would require local school wellness policies to include nutrition guidelines for all foods available on each participating school campus under the LEA's jurisdiction during the school day. This includes school meals and all other foods available on campus, defined as "competitive foods." FNS explained that these "competitive foods" include food and beverages that are sold to students (which are subject to the Smart Snacks in Schools interim rule), as well as any other foods and beverages that are available on the school campus during the school day (e.g., classroom snacks brought by parents, food given as incentives). The nutrition guidelines must be consistent with the regulations governing the meal pattern requirements for reimbursable meals under the National School Lunch Program (7 CFR 210.10), the School Breakfast Program (7 CFR 210.8), and the regulations governing competitive foods (7 CFR 210.1021).

### 7.1 General support

Approximately 54,830 commenters expressly stated support for the inclusion of nutrition guidelines for all foods in local food wellness policies. The majority of those comments were submitted as part of several large form letter campaigns.<sup>231</sup> Other commenters include numerous national associations and health advocacy organizations, food policy organizations, a local department of health, a civil rights advocacy organization, school district nutrition services departments, a public health philanthropy, a food manufacturer, a university research and education program, an institutional investment center, and many individuals. A number of the comments that were not submitted as part of those form letter campaigns also expressly agreed that LEAs should be encouraged to describe whether and how their food and beverage offerings comply with the new meal and Smart Snack nutrition standards.<sup>232</sup> A children's health advocacy

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<sup>231</sup> Center for Science in the Public Interest form letter campaign – 0574 and 0668; Food & Water Watch form letter campaign-0693; and Care2, preventobesity.org (version 1) and MomsRising.org form letter campaign – 0715 and 0716. Also, Society for Public Health Education – 0458 and Keenan & Associates – 0623.

<sup>232</sup> These commenters include: Center for Science in the Public Interest – 0474; National PTA-0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; First Focus – 0669; The Food Trust – 0690; American Heart Association – 0266; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; American Academy of Pediatrics – 0485; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Bridging the Gap – 0543; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; The Association of State Public Health Nutritionists – 0501; California Project LEAN – 0585; School Food FOCUS – 0482; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; the National Council of La Raza – 0631; Upstream Public Health – 0703; the National Association of County and City Health Officials – 0486; the Robert Wood Johnson Foundation – 0360; and Trust for America's Health – 0493. Other non-form commenters who expressed general support for the inclusion of nutrition guidelines for all foods include: California Food Policy Advocates – 0647; California School Nutrition Association – 0718; Laurie M. Tisch

organization<sup>233</sup> added that it should be made clear that LEAs can opt to go beyond the school meal and Smart Snacks nutrition standards, for example by prohibiting sports drinks or sweetened milk products. A local department of public health<sup>234</sup> recommended including in the final rule a requirement that LEAs include information describing how their school district will ensure compliance with school meal and Smart Snacks nutrition standards.

## **7.2 General opposition**

Four individuals generally opposed the requirement that all foods available on school campuses during the school day be consistent with competitive food standards. One individual noted that by restricting foods available to students, the government is eliminating the opportunity for students to learn to make healthy food choices. For the same reason, another individual stated that restrictions on available foods are fine for elementary and middle schools, but not for high schools. Another individual noted that it is redundant for wellness policies to set guidelines for all foods and beverages available on the school campus during the school day because the Smart Snacks rule already sets those guidelines. Another individual opposed the proposed rule because it requires schools to be compliant with Smart Snacks nutrition standards even if they are not receiving Federal funding for reimbursable meals. The commenter stated that requiring schools to be Smart Snack compliant would be a financial nightmare for schools with less than 10% free and reduced students.

Approximately 20 individuals specifically opposed the requirement that food sold during school fundraisers be consistent with competitive food standards, pointing out that fundraisers are important sources of funds for many school programs. Several of those individuals specifically asserted that the Federal government's authority should be limited to the meals served during Federally-funded programs. Most of the approximately 20 commenters, plus an additional approximately 30 commenters, also specifically opposed the requirement that food served during classroom parties be consistent with competitive food standards. The comments on food served during classroom parties are addressed below in Section 7.4.2.

## **7.3 Comments on nutrition guidelines for school meals**

Four individuals expressed general support for making school meals healthier. One of the individuals further recommended posting nutrition guidelines for those meals. A coalition of advocacy organizations<sup>235</sup> and an individual recommended that FNS provide grants for school facility improvement so that kitchens can be equipped to prepare and serve food that meets the

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Center for Food, Education and Policy – 0632; Oregon's Public Health Institute – 0503; Society for Public Health Education – 0458; Upstream Public Health – 0423 and 0627; Lane Coalition for Healthy Active Youth – 0350; and Farm to Table – 0723.

<sup>233</sup> California Project LEAN – 0585.

<sup>234</sup> Public Health: Seattle & King County – 0648.

<sup>235</sup> The Praxis Project – 0650.

nutrition guidelines and to ensure sufficient placement of water fountains. The commenters further recommended that LEAs source ingredients for meals from school gardens and local farmers to increase revenue. Where possible, the commenters recommended substituting national food service contracts with local providers.

#### **7.4 Comments on nutrition guidelines for other foods available to students**

Approximately 60 commenters generally addressed the requirement that local wellness policies include nutrition guidelines for foods that are *available* but *not sold* on school campuses during the school day. Most of those commenters expressed general support for the requirement that all foods available but not sold in schools be consistent with competitive food standards, specifically mentioning foods available during classroom parties and school celebrations, snacks served at school that are not part of Federally reimbursed snack programs, and food rewards and incentives. Those commenters include numerous associations and health advocacy organizations, a State department of health, a civil rights advocacy organization, an agricultural advocacy organization, a university research and education program, a health research and policy organization, and an institutional investment center.<sup>236</sup> Most of those commenters further suggested that FNS encourage schools to use Smart Snacks nutrition standards for those foods available but not sold on school campuses. An individual sought clarification about whether each LEA would have flexibility to determine policies for foods used during celebrations and as rewards since there are no Federal guidelines for those foods.

Five commenters generally opposed the requirement that all foods available but not sold in schools be consistent with competitive food standards. These commenters include an education-related association, a trade association, a school district nutrition services department, and two individuals.

The education-related association<sup>237</sup> recommended elimination of the requirement that all foods available in school meet nutrition guidelines consistent with competitive food standards because the statutory language of the Healthy Hunger-Free Kids Act of 2010 does not grant USDA such authority. Specifically, the association asserted that Congress has stated that the nutrition

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<sup>236</sup> Commenters include: Center for Science in the Public Interest – 0474; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; The Food Trust – 0690; National Education Association Health Information Network – 0721; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; American Academy of Pediatrics – 0485; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Bridging the Gap – 0543; The Association of State Public Health Nutritionists – 0501; the National Council of La Raza – 0631; Rudd Center for Food Policy and Obesity, Yale University – 0694; National Association of County and City Health Officials – 0486; Association of State and Territorial Health Officials – 0638; School Food FOCUS – 0482; American Cancer Society Cancer Action Network – 0671; National PTA – 0523; Oregon Public Health Division – 0645; Upstream Public Health – 0703; Action for Healthy Kids – 0662; Academy of Nutrition and Dietetics – 06881; Trust for America’s Health – 0493; and the Laurie M. Tisch Center for Food, Education and Policy – 0632.

<sup>237</sup> National School Boards Association – 0685.

standards are to apply only to foods sold outside the school meal programs on the school campus during the school day. Thus, the association went on, any foods that are brought onto campus that are not sold would be outside USDA's jurisdiction to regulate. The association also noted that such foods do not meet the regulatory definition of "competitive food" under 7 CFR 210.11.

The trade association<sup>238</sup> and school district nutrition services department<sup>239</sup> stated that FNS should clarify in the final rule that it did not intend to require schools to apply USDA's competitive food standards to foods and beverages that are simply available but not sold in school during the school day, and that policies governing those foods are made at the district or school level. An individual stated that Smart Snacks nutrition standards should not impact after-school activities.

#### **7.4.1 "Smart Snacks" or competitive foods sold in schools (a la carte sales, vending machines, school stores)**

Thirteen commenters addressed policies governing Smart Snacks or competitive foods sold in schools. These commenters include an association of food and nutrition professionals, a State department of education, a children's health foundation, a local department of health, and a number of individuals. Several individuals stated that vending machines should sell healthier foods or be eliminated entirely. Another individual noted that three school districts that the commenter works with have already eliminated vending machines from schools and there have been no complaints from students, although school staff had trouble adjusting. Another individual, a teacher, stated that food available in vending machines in teachers' lounges should not be regulated.

The association of food and nutrition professionals<sup>240</sup> stated that FNS should provide greater guidance on the applicability of the proposed rule to vending machines in schools. The State department of education<sup>241</sup> noted that some school districts lease space to independent sports clubs that have snack bars and advertisements for fast food and local food establishments that do not meet nutritional standards. The commenter further noted that these clubs may sell food on the school campus during the school day (e.g., high school players on middle school campus playing baseball when the middle school or summer school is still in session), and that LEAs will find it difficult to enforce the proposed rule if it results in a significant loss of revenue to the sports clubs. A food manufacturer<sup>242</sup> stated that if the Smart Snacks nutrition standards are applied then a healthful vegetable-based snack (referring to hummus) that encourages consumption of additional vegetables will be excluded from school sales. The children's health foundation<sup>243</sup>

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<sup>238</sup> American Beverage Association – 0554.

<sup>239</sup> Cherry Creek School District Food and Nutrition Services – 0546.

<sup>240</sup> Academy of Nutrition and Dietetics – 0688.

<sup>241</sup> The New York State Education Department – 0679.

<sup>242</sup> Sabra Dipping Company – 0595.

<sup>243</sup> Nemours – 0264.

welcomed the proposed rule, which would no longer allow schools to sell foods at fundraisers and other school-based activities that do not meet the Smart Snacks nutrition standards. The commenter noted that this proposed rule would ensure that only healthy food is available to students during the school day (during which students consume up to half of their daily caloric intake), and encourage schools to use non-food fundraising strategies such as car washes, walk-a-thons, and gift card sales. The local department of health<sup>244</sup> recommended that the final rule require that all fundraisers during the school day comply with the Smart Snacks nutrition standards.

#### **7.4.2 Policies governing classroom parties or school celebrations that involve food**

In addition to the approximately 60 commenters who expressed general support for, or opposition to, the requirement that all foods available but not sold in schools be consistent with competitive food standards (discussed above in Section 7.4), approximately 60 other commenters specifically addressed the requirement as it relates to classroom parties and school celebrations that involve food. Three commenters, a school district nutrition services department and two individuals,<sup>245</sup> expressed support for the proposed requirement that food served during classroom parties be consistent with competitive food standards. The school district stated that it would be beneficial for both parents and students because requiring parents to provide healthy food for events will give them the knowledge to provide healthy food at home for their families as well. One individual advocated a “no snacks” policy for classroom parties. The remaining commenters opposed the requirement that food served during classroom parties and school celebrations be consistent with competitive food standards. Those commenters include a school nutrition association, a school district nutrition services department, a State department of education, an education-related association, and numerous individuals.

The school nutrition association,<sup>246</sup> one of the school district nutrition services departments,<sup>247</sup> and numerous individuals stated that telling parents what they can and cannot bring to school for classroom parties is overreach by the Federal government. A number of individual noted that since celebrations are infrequent, having a “treat” on such occasions will not harm a child’s overall health. Several of the individuals also pointed out that it is lack of physical activity, not the occasional “treat” at school that leads to childhood obesity. Commenters also questioned who will “police” the nutrition content of food brought to school for classroom parties and school celebrations.

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<sup>244</sup> Public Health: Seattle & King County – 0648.

<sup>245</sup> Torrance Unified School District, Nutrition Services Division – 0133.

<sup>246</sup> California School Nutrition Association – 0718.

<sup>247</sup> Torrance Unified School District, Nutrition Services Division – 0133.

The State department of education<sup>248</sup> stated that not all foods offered during celebrations need to be consistent with either the meal pattern or Smart Snacks interim rule because they are occasional offerings and the nutrient content of foods from home would be difficult to monitor. That commenter, the education-related association,<sup>249</sup> and several individuals also stated that LEAs should have discretion to restrict foods available but not sold at school based on individual school needs. To that end, the State department of education recommended FNS amend § 210.30(c)(2)(ii) to read: “Are consistent with the nutrition standards set forth under § 210.11 as applicable.”

### **7.4.3 Policies governing food-related rewards and incentives**

In addition to the 62 commenters who expressed general support for, or opposition to, the requirement that local food wellness policies include nutrition guidelines for foods that are available but not sold on the school campus during the school day (discussed above in Section 7.4), 16 other commenters specifically addressed policies governing food-related rewards and incentives. Five individuals opposed the proposed requirement that foods used as rewards and incentives would have to meet competitive food guidelines. The remaining commenters stated that “treats” should not be used as incentives or rewards, some noting that providing food based on performance or behavior connects food to mood and can instill lifetime habits of using food to reward or comfort. Those commenters include four health advocacy organizations, a State department of health, an association of school nutrition professionals, a food and nutrition-related association, a health foods consumer advocacy group, and two individuals.<sup>250</sup>

### **7.5 Commenters suggested issues FNS should address in model policies/guidance/supporting materials related to nutrition guidelines for all foods**

Approximately 70 commenters suggested issues FNS should address in model policies/guidance related to nutrition guidelines for all foods. Many of those commenters,<sup>251</sup> including 28

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<sup>248</sup> California Department of Education, Nutrition Services Division – 0700.

<sup>249</sup> School Nutrition Association – 0563 and 0616.

<sup>250</sup> These commenters include: Center for Science in the Public Interest – 0474; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon’s Wellness in School Environments – 0682; Upstream Public Health – 0703; Action for Healthy Kids – 0662; California School Nutrition Association – 0718; and the Academy of Nutrition and Dietetics – 0688.

<sup>251</sup> These commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; The Food Trust – 0690; American Heart Association – 0266; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Bridging the Gap – 0543; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; California Project LEAN – 0585; the National Council of La Raza – 0631; Upstream Public Health – 0703; Rudd Center for Food Policy and Obesity, Yale University – 0694; the Association of State Public Health Nutritionists – 0501; Illinois Alliance to Prevent

individuals who submitted comments as part of a form letter campaign, numerous national associations and health advocacy organizations, an institutional investment center, a food research and policy center and a civil rights advocacy organization, stated that FNS should encourage schools to consider using their local wellness policies to extend the USDA nutrition standards beyond the school day to cover after-school activities. Those commenters, as well as a number of others,<sup>252</sup> also urged USDA to issue guidance documents that include ideas and examples for healthy fundraisers, alternatives to serving unhealthy foods during classroom parties, and alternatives to using food as a reward or and incentive. Those commenters also stated that FNS should provide model local wellness policy language and guidance on the promotion of information such as: school menus on school websites, school meal program participation and compliance data, meal timing and duration (including recess before lunch and adequate seat time), and the availability of free drinking water throughout the school day and during school meals.

A health advocacy organization<sup>253</sup> referred FNS to a product calendar that was recently developed by the Alliance for Healthier Generation to help schools implement Smart Snacks nutrition standards, and suggested FNS include it in resources and toolkits.<sup>254</sup> Another health advocacy organization<sup>255</sup> stated that FNS should recommend that LEAs develop policies regarding “competitive foods” and “other foods available on campus” that are consistent with USDA’s Accommodating Students with Special Dietary Needs in the School Nutrition Program guidance, and the Centers for Disease Control’s Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs.<sup>256</sup> A local food policy organization<sup>257</sup> encouraged FNS to mention the implementation of the National School Lunch Program’s offer versus serve as a viable option for adding meal variety to school wellness policies related to the operation of school meals. An individual stated that school wellness policies should be designed in accordance with the principles of Health at Every Size and the Satter Eating Competence Model. The commenter also recommended that the people involved in writing the rule be familiar with Ancel Key’s Minnesota Starvation Experiment. Another individual stated that school districts should be encouraged to draft guidelines for the

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Obesity – 0663; Kids Safe Healthful Foods Project – 0535; Trust for America’s Health – 0493; and Laurie M. Tisch Center for Food, Education and Policy – 0632.

<sup>252</sup> Additional commenters include: First Focus – 0669; the National Association of County and City Health Officials – 0486; School Food FOCUS – 0482; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon’s Wellness in School Environments – 0682; School Food FOCUS – 0482; The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado – 0589; Kid’s Safe Healthful Foods Project – 0535; and The Robert Wood Johnson Foundation – 0360.

<sup>253</sup> American Heart Association – 0266.

<sup>254</sup> That product calculator is available at:

[https://schools.healthiergeneration.org/focus\\_areas/snacks\\_and\\_beverages/smart\\_snacks/product\\_calculator/](https://schools.healthiergeneration.org/focus_areas/snacks_and_beverages/smart_snacks/product_calculator/).

<sup>255</sup> The Asthma and Allergy Foundation of America-0489.

<sup>256</sup> Available at : [http://www.cdc.gov/healthyyouth/foodallergies/pdf/13\\_243135\\_A\\_Food\\_Allergy\\_Web\\_508.pdf](http://www.cdc.gov/healthyyouth/foodallergies/pdf/13_243135_A_Food_Allergy_Web_508.pdf).

<sup>257</sup> Washtenaw Food Policy Council – 0586.

management of children with food allergies, and referred FNS to the Centers for Disease Control and Prevention guidelines on how to do so.<sup>258</sup>

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<sup>258</sup> [http://www.cdc.gov/healthyyouth/foodallergies/pdf/13\\_243135\\_A\\_Food\\_Allergy\\_Web\\_508.pdf](http://www.cdc.gov/healthyyouth/foodallergies/pdf/13_243135_A_Food_Allergy_Web_508.pdf)

## **8. Comments on Definitions in the Local School Wellness Policy Proposed Rule**

The Local School Wellness Policy Proposed Rule proposes definitions for the terms “school campus” and “school day” at § 210.30(b). These terms would be defined in the same manner they are defined for the purpose of competitive foods at § 210.11(a). More specifically, “school campus” means all areas of the property under the jurisdiction of the school that are accessible to students during the school day. Meanwhile, “school day” means the period from the midnight before to 30 minutes after the end of the official school day.

### **8.1 Definition of “school campus”**

#### **8.1.1 General support**

A health research and policy organization<sup>259</sup> expressed support for the proposed definition of “school campus,” stating that the definition should include all school-owned or leased property, including transportation vehicles and buildings, as well as athletic fields, parking lots, and all school facilities used by students at any time during the school day.

#### **8.1.2 General opposition**

No commenters expressed opposition to the proposed definition of “school campus.”

#### **8.1.3 Other comments**

A State department of education<sup>260</sup> provided other comments on the proposed definition of “school campus,” recommending that the definitions for “school campus” and “school day” be included in the rule rather than cross-referencing § 210.11.

An individual argued that the definition of “school campus” should not be as expansive but rather, for purposes of the proposed rule, limited to the areas where breakfast and lunch are served.

### **8.2 Definition of “school day”**

#### **8.2.1 General support**

No commenters stated general support for the proposed definition of “school day.”

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<sup>259</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>260</sup> Maryland State Department of Education – 0605.

### **8.2.2 General opposition**

An individual expressed opposition to the proposed definition of “school day.” According to the individual, the proposed definition would force his school’s weekend meal program to terminate because the provided meals do not meet Smart Snack restrictions, and the school would not make students wait 30 minutes every Friday to receive their meals so that the meals would be distributed after the school day.

### **8.2.3 Other comments**

Five commenters provided other comments on the proposed definition of “school day.” All of these commenters recommended that the definition of school day be broadened to ensure that it applies to extracurricular activities. A health research and policy organization<sup>261</sup> stated that the definition of “school day” should be expanded to include the period from the midnight before to 30 minutes after the last school-sponsored activity, including athletic events and student performances, since sponsorship of athletic events and equipment is one of the most frequent forms of food marketing in high schools. An individual suggested extending the time period from 30 minutes to 3 hours after the end of the official school day to ensure that athletes are provided healthy options during practice. Three commenters,<sup>262</sup> a children’s health advocacy organization, a farm-to-school education and advocacy organization and an agriculture advocacy organization, recommended an expanded time period covered by all other aspects of the rule to ensure coverage of the majority of after-school sports practices and extracurricular student activities.

### **8.3 Commenters stated that other terms should be defined in the final rule**

Approximately 2,420 commenters stated that other terms should be defined in the final rule. Most of these comments were submitted as part of several form letter campaigns. A prevalent theme among these comments was to encourage FNS to include specific definitions of local school wellness policy, nutrition promotion and education, physical activity, and physical education, and food and beverage marketing in § 210.30 (b). Commenters expressing this view include a children’s health research program, an insurance broker, health-related associations, health advocacy organizations, a State department of public health, a farm-to-school education and advocacy organization, an agriculture advocacy organization, and several individuals.<sup>263</sup>

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<sup>261</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>262</sup> Lane Coalition for Healthy Active Youth – 0350; Oregon Farm to School and School Garden Network – 0687; and Farm to Table – 0723.

<sup>263</sup> These commenters include: Kids’ Safe Healthful Foods Project – 0535; Bridging the Gap – 0543; Center for Science in the Public Interest form letter campaign – 0574 and-0668; Keenan & Associates – 0623, SHAPE America – 0307 and 0390, Society for Public Health Education – 0458; Keenan & Associates – 0623; preventobesity.org form letter campaign (version 2) – 0716; Upstream Public Health – 0423 and 0627; Oregon School-Based Health Alliance – 0571 and 0625; Oregon Public Health Institute – 0503; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon’s Wellness in School Environments

Another view expressed by some commenters,<sup>264</sup> was that the proposed rule, as written, fails to direct schools to include efforts to expand participation in the healthy school meals programs, as part of the local wellness policy. The commenters suggested that this issue could be addressed by including definitions of “student wellness” and “other school based activities to promote wellness.” This group of commenters includes an advocacy organization for afterschool programs, a healthcare organization, an agricultural school, a local food policy organization, food banks, anti-hunger advocacy organizations, an association of school nutrition professionals, and individuals.

### **8.3.1 Local school wellness policy**

Approximately 80 commenters<sup>265</sup> stated that “local school wellness policy” should be defined in the final rule and provided the following model language:

“Local school wellness policy” includes both a school board-approved local wellness policy as well as any superintendent regulations, rules, and/or procedures that accompany the school board-approved wellness policy, where applicable.

This group of commenters was comprised of 28 individuals who submitted comments as part of a form letter campaign, a several education-related associations, nutrition-related associations, health advocacy organizations, an institutional investment center, a university research and education program, a children’s health research organization, an association of health officers, an advocacy organization for afterschool programs, an agricultural school, a healthcare organization, a local food policy organization, and a food bank.

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– 0682; Lane Coalition for Healthy Active Youth – 0350; Oregon Farm to School and School Garden Network – 0687; Farm to Table – 0723.

<sup>264</sup> Afterschool Alliance – 0498; ProMedica – 0548; 21 Acres – 0578; Hunger Free Vermont – 0593; The Prince George’s County Food Equity Council – 0630; The Open Door – 0676; Food Research and Action Center – 0686; Health Promotion Council – 0568; Greater Cleveland Food Bank – 0461; Mission and School Meals Work – 0407 and 0431; Illinois Hunger Coalition – 0613; and School Nutrition Association of Vermont – 0646.

<sup>265</sup> These commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; First Focus – 0669; American Heart Association – 0266; National Education Association Health Information Network – 0721; California Project LEAN – 0585; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign– 0545; The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado – 0589; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Bridging the Gap – 0543; Upstream Public Health – 0703; Association of State and Territorial Health Officials – 0638; Action for Healthy Kids – 0662; Food Research and Action Center – 0686; Health Promotion Council – 0568; Afterschool Alliance – 0498; ProMedica – 0548; 21 Acres – 0578; The Prince George’s County Food Equity Council – 0630; The Open Door – 0676; Mission and School Meals Work – 0407 and 0431; Illinois Hunger Coalition – 0613; and Trust for America’s Health – 0493.

### 8.3.2 Nutrition education and/or promotion

Approximately 50 commenters<sup>266</sup> stated that “nutrition education and promotion” should be defined in the final rule and suggested the following model language:

“Nutrition education and promotion” refers to all activities that engage students or indirectly in classroom settings, foodservice venues, or throughout the school campus, during the school day, that are designed to facilitate adoption of healthy food and beverage choices, in addition to enhancing and encouraging participation in school meal programs, and other food- and nutrition-related behaviors consistent with the most recent *Dietary Guidelines for Americans*.

This group of commenters included 28 individuals who submitted comments as part of a form letter campaign, a healthy foods consumer advocacy group, education-related associations, nutrition-related associations, health advocacy organizations, an institutional investment center, and an association of health officers.

### 8.3.3 Physical education

Approximately 50 commenters stated that physical education should be defined in the final rule. Most of those commenters<sup>267</sup> suggested the following model language:

“Physical education” teaches students the basics of physical literacy and how to integrate physical activity into their lives in order to establish a lifetime of healthy living. A quality physical education program provides learning opportunities, appropriate instruction, meaningful and challenging content for all children, as well as student and program assessment. Physical education should be the cornerstone of increasing the overall quantity of physical activity in school.

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<sup>266</sup> These commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; First Focus – 0669; American Heart Association – 0266; National Education Association Health Information Network – 0721; California Project LEAN – 0585; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids- Montgomery – 0545 (and 28 individual members who submitted the same form letter); The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado – 0589; Interfaith Center on Corporate Responsibility – 0499; Upstream Public Health – 0703; Association of State and Territorial Officials – 0638; Trust for America’s Health – 0493; and Action for Healthy Kids – 0662.

<sup>267</sup> These commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; American Heart Association – 0266; National Education Association Health Information Network – 0721; California Project LEAN – 0585; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado – 0589; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Upstream Public Health – 0703; Association of State and Territorial Health Officials – 0638; Trust for America’s Health; and Action for Healthy Kids – 0662.

This group of commenters included 28 individuals who submitted comments as part of a form letter campaign, a healthy foods consumer advocacy group, several education-related associations, food and nutrition-related associations, health advocacy organizations, an institutional investment center, a university research and education program, and an association of health officers.

A local department of public health<sup>268</sup> recommended that FNS provide a definition of “quality” physical education in the final rule.

A children’s health foundation<sup>269</sup> suggested the following model language for physical education:

Physical education, as defined by the National Association for Sports and Physical Education, is a class period in which students are developed into ‘physically literate individuals who have the knowledge, skills and confidence to enjoy a lifetime of healthful physical activity.’

Lastly, a children’s health advocacy organization<sup>270</sup> provided the following model language:

Physical education teaches students skills for life-long, health-enhancing physical activity. A quality physical education program provides developmentally appropriate experiences led by trained physical education specialists, meaningful content, and student assessment. Physical education should be the foundation for increasing the amount and quality of physical activity in the whole school setting.

### **8.3.4 Physical activity**

Approximately 50 commenters stated that physical activity should be defined in the final rule. Most of those commenters<sup>271</sup> suggested the following model language:

“Physical activity” is bodily movement of any type and may include recreational, fitness, and sport activities, such as jumping rope, playing soccer, lifting weights, as well as daily

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<sup>268</sup> Public Health: Seattle & King County – 0648.

<sup>269</sup> Nemours – 0264.

<sup>270</sup> The City Project – 0701.

<sup>271</sup> Commenters include: Center for Science in the Public Interest – 0474; National PTA – 0523; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; American Heart Association – 0266; National Education Association Health Information Network – 0721; California Project LEAN – 0585; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado – 0589; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Upstream Public Health – 0703; Association of State and Territorial Health Officials – 0638; Trust for America’s Health – 0493; and Action for Healthy Kids – 0662.

activities, such as walking or taking the stairs, and reducing sedentary time. Opportunities to accumulate physical activity during the school day include time spent in physical education class, classroom-based movement, recess, walking or biking to school, and recreational sport and play that occurs before, during, and after school.

This group of commenters included 28 individuals who submitted comments as part of a form letter campaign, of a healthy foods consumer advocacy group, education-related associations, food and nutrition-related associations, health advocacy organizations, an institutional investment center, a university research and education program, and a national association of state health officers.

One additional commenter,<sup>272</sup> a children’s health foundation, suggested the following model language:

Physical activity includes bodily movements of any type that involve the muscular and skeletal system and can be incorporated in classes throughout the school day as well as recess, and in before and after school programs. According to the CDC, a comprehensive school physical activity program separates the activity that occurs in physical education from the activity throughout the school day.

### **8.3.5 Other school-based activities**

Approximately 40 commenters provided model language to define “other school-based activities to promote wellness.” Most of those commenters<sup>273</sup> suggested the following model language:

“Other school based activities to promote wellness” – these activities can include promoting participation in the school breakfast program by incorporating alternative service models; providing meals afterschool, on weekends, and during the summer through the Federal afterschool and summer nutrition programs; developing afterschool and summer programs that provide an additional time for physical activity and nutrition education; creating school staff wellness programs; sponsoring health fairs and other family wellness activities; incorporating school gardens, farm to school or chefs in schools activities; and utilizing initiatives that promote physical activity and healthy eating.

This group of commenters included an institutional investment center, an association of school nutrition professionals, a healthcare organization, an agricultural school, a food policy organization, food banks, anti-hunger advocacy organizations, and individuals.

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<sup>272</sup> Nemours – 0264.

<sup>273</sup> These commenters include: Interfaith Center on Corporate Responsibility – 0499; Afterschool Alliance – 0498; ProMedica – 0548; 21 Acres – 0578; Hunger Free Vermont – 0593; The Prince George’s County Food Equity Council – 0630; The Open Door – 0676; Food Research and Action Center – 0686; Health Promotion Council – 0568; Greater Cleveland Food Bank – 0461; School Nutrition Association of Vermont – 0646; Mission and School Meals Work – 0407 and 0431; and Illinois Hunger Coalition – 0613.

An advocacy organization for afterschool programs<sup>274</sup> offered slightly different model language:

### **8.3.6 Brand/Brand Name, Company/Brand Logo, and/or Product Mascot/Character**

A health advocacy organization<sup>275</sup> stated that “brand” should be defined in the final rule and suggested the following model language:

“Brand” means a corporate or product name, a business image, or a mark, regardless of whether it may legally qualify as a trademark used by a seller or manufacturer to identify goods or services and to distinguish them from competitors’ goods.

### **8.3.7 Product packaging**

No commenters indicated that “product packaging” should be defined in the final rule.

### **8.3.8 Copycat snacks**

One comment was received regarding copycat snacks. A health advocacy organization<sup>276</sup> recommended that “copycat products” should be defined in the final rule, stating that “copycat products” are products which are Smart Snacks compliant but feature marketing that is also used on non-Smart Snacks compliant products sold outside of schools.

### **8.3.9 Other terms**

Forty commenters recommended that other terms be defined in the final rule and provided suggested model language to define those terms. The recommended terms are:

- Designated Local Education or School Official(s)
- Family Engagement
- Commercial Entity
- Defining All Foods Served At School During the School Day as Competitive Foods
- Student Wellness
- Healthy Eating

A healthy foods consumer advocacy group and a health advocacy organization<sup>277</sup> recommended that the term “designated local education or school official(s)” should be defined as:

. . . the official designated by the LEA to oversee the local wellness policy for a district or school. The official should fully understand the local school wellness policy requirements

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<sup>274</sup> Afterschool Alliance – 0498.

<sup>275</sup> ChangeLab Solutions – 0697.

<sup>276</sup> Berkeley Media Studies Group – 0495.

<sup>277</sup> Center for Science in the Public Interest – 0474 and American Cancer Society Cancer Action Network – 0671.

as delineated by the National School Lunch Act and its implementing regulations, facilitate the development and updates of the local school wellness policy, and have the authority and responsibility to ensure that each school complies with the policy.

An education-related association<sup>278</sup> suggested the following model language for the term “family engagement:”

Family engagement in the education setting means a shared responsibility of families and schools for student success in which schools and community-based organizations are committed to reaching out to engage families in meaningful ways and families are committed to actively supporting their children’s learning and development. Family engagement is continuous from birth through young adulthood and reinforces learning that takes place in the home, school, and community.

An individual recommended that the term “commercial entity” should be defined in the final rule as “any business, corporation, for-profit organization, or other organization or individual whose primary purpose is selling goods or services.”

Another individual requested that FNS define all foods served at school during the school day, including food served in the classroom and sold at school fundraisers, as competitive foods.

Approximately 40 commenters<sup>279</sup> offered the following model language to define student wellness:

“Student wellness” means a state of physical, emotional, and social well-being that is supported by the policies and procedures of the school. This includes, but is not limited to, providing access to sufficient, safe, and nutritious food to meet students’ dietary needs, access to the knowledge and resources to maintain physical and emotional health, and safe opportunities to develop socially.

This commenter group included an advocacy organization for afterschool programs, a healthcare organization, an agricultural school, a food policy organization, food banks, anti-hunger advocacy organizations, an association of school nutrition professionals, an institutional investment center, and individuals.

An individual recommended that FNS define “healthy eating” in the final rule because everyone has different opinions of what healthy eating entails; however, the commenter did not provide model language.

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<sup>278</sup> National PTA-0523.

<sup>279</sup> Afterschool Alliance – 0498; ProMedica – 0548; 21 Acres – 0578; Hunger Free Vermont – 0593; The Prince George’s County Food Equity Council – 0630; The Open Door – 0676; Food Research and Action Center – 0686; Health Promotion Council – 0568; Greater Cleveland Food Bank – 0461; Interfaith Center on Corporate Responsibility – 0499; School Nutrition Association of Vermont – 0646; Mission and School Meals Work – 0407 and 0431; and Illinois Hunger Coalition – 0613..

## **9. Comments on the Local School Wellness Policy’s Proposed Policies for Food and Beverage Marketing**

The Local School Wellness Policy Proposed Rule would require that LEAs include in their local school wellness plans policies that permit marketing on the school campus during the school day of only those foods and beverages that meet the requirements set forth in the Smart Snacks in Schools interim rule. FNS pointed out in the preamble to the proposed rule that these policies would apply to the marketing of products on the exterior of vending machines and other food service equipment, as well as cups used for beverage dispensing, but it would not apply to marketing that occurs at events outside of school hours, such as after school sporting or other events (although they could at the LEA’s discretion). The preamble also noted that the proposal is not intended to apply to materials used for educational purposes in the classroom or to establish limits on personal expression; nor is it intended to imply that schools must allow food or beverage marketing on campus.

FNS specifically sought public comment on:

- The definition of food marketing, which the Department said “commonly includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller, or any other entity with a commercial interest in the product.”
- Research findings and other descriptive data related to food and beverage advertising or marketing on the school campus during the school day via product sales, direct advertising, indirect advertising, and market research.
- Information on the current food and beverage marketing environment in schools, as well as information on the fiscal implications for LEAs or schools that have implemented policies regulating the marketing of foods and beverages in schools; the effects of food and beverage marketing on student health, behavior, and academic performance; as well as data on actual and anticipated impacts of limiting school-based food marketing to foods permitted to be sold on the school campus during the school day.

### **9.1 General Support**

Approximately 57,295 commenters expressed support for the proposed requirement that local school wellness policies restrict food and beverage marketing in schools. Most of those comments were submitted as part of several large form letter campaigns.<sup>280</sup> The commenters who did not submit comments as part of the form letter campaigns include numerous individuals, national

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<sup>280</sup> Center for Science in the Public Interest form letter campaign – 0574 and 0668; Care2, preventobesity.org (version 1) and MomsRising.org form letter campaign – 0715 and 0716; preventobesity.org form letter campaign (version 2) – 0716; Food & Water Watch form letter campaign – 0693; and American Heart Association form letter campaign – 0717. Also, Upstream Public Health – 0423 and 0627; Oregon Public Health Institute – 0503; Oregon School-Based Health Alliance – 0571 and 0625; SHAPE America – 0307 and 0390; Society for Public Health Education – 0458; and Keenan & Associates – 0623.

associations and advocacy organizations, a public health philanthropy, a health research and policy organization, a food research and policy center, departments of health, a State department of education, school district nutrition services departments, a food manufacturer, and a trade association.<sup>281</sup>

As further support for the proposed marketing restrictions, the health research and policy organization<sup>282</sup> referred to a 2012 survey that assessed parents' attitudes about food marketing to children.<sup>283</sup> The commenter noted that the survey revealed two-thirds of parents support regulations to limit advertising and sponsorship of unhealthy foods and beverages in schools, with broad support across all demographic groups. A healthy foods consumer advocacy group<sup>284</sup> also stated that, according to an on-line poll it recently commissioned, 80% of U.S. adults do not think it is acceptable for companies to market unhealthy foods and beverages in schools. One of the individuals who supported the proposed marketing restrictions also requested additional federal funding and assistance for schools districts to replace lost revenue and support for student activities.

## 9.2 General Opposition

Eight commenters generally opposed the requirement that local school wellness policies include a component restricting food and beverage marketing. These commenters include an education-

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<sup>281</sup> These commenters include: Berkeley Media Studies Group – 0495; Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy School's Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; First Focus – 0669; The Food Trust – 0690; American Heart Association – 0266; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Dubuque Community School District – 0636; Torrance Unified School District, Nutrition Services – 0133; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; University Minnesota Extension – 0492; Bridging the Gap – 0543; California Project LEAN – 0585; Public Citizen – 0500; American Diabetes Association – 0547; Association of State Public Health Nutritionists – 0501; American Academy of Pediatrics – 0485; National Council of La Raza – 0631; Kid's Safe Healthful Foods Project – 0535; Robert Wood Johnson Foundation – 0360; Rudd Center for Food Policy and Obesity, Yale University – 0694; Nemours – 0264; National Association of County and City Health Officials – 0486; Upstream Public Health – 0703; Public Health: Seattle & King County – 0648; California School Nutrition Association – 0718; Cherry Creek School District Food and Nutrition Services – 0546; ChangeLab Solutions – 0697; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; Lane Coalition for Healthy Active Youth – 0350; Oregon Farm to School and School Garden Network – 0687; Farm to Table – 0723; Mars, Incorporated – 0598; American Beverage Association – 0554; School Nutrition Association – 0563 and 0616; The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado – 0589; School Food FOCUS – 0482; Food & Water Watch – 0290; the Colorado Department of Education Office of School Nutrition – 0644; Trust for America's Health – 0493; and the Laurie M. Tisch Center for Food, Education and Policy – 0632.

<sup>282</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>283</sup> Harris JL, Fleming Milici F, Sarda V, Schwartz MB. Rudd Report: Food Marketing to Children and Adolescents: What Do Parents Think? Available at: [http://www.yaleruddcenter.org/resources/upload/docs/what/reports/Rudd\\_Report\\_Parents\\_Survey\\_Food\\_Marketing\\_2012.pdf](http://www.yaleruddcenter.org/resources/upload/docs/what/reports/Rudd_Report_Parents_Survey_Food_Marketing_2012.pdf).

<sup>284</sup> Center for Science in the Public Interest – 0474.

related association, a public interest law firm and policy center, a corporate watchdog organization, a school district nutrition services department, and four individuals.

The education-related association<sup>285</sup> stated that there should be a separate rule with a separate comment period for the marketing of foods and beverages because the Healthy Hunger-Free Kids Act of 2010 does not specifically direct or permit USDA to regulate broadly on the issue of marketing food in schools. The association went on to say that Congress has not given USDA the authority to regulate the marketing of foods that are not part of the National School Lunch Program or the School Breakfast Program.

The public interest law firm and policy center,<sup>286</sup> whose comments discussed in greater detail below in Section 9.10, pointed out that USDA is under an obligation to regulate in a manner consistent with the U.S. Constitution, and urged FNS to withdraw that portion of the proposed rule which limits marketing in public schools to government-approved Smart Snacks food and beverage products. The law firm noted that it has successfully taken action against other Federal agencies that it characterized as acting “as if they were exempt from the First Amendment because their governmental mission was protecting public health.” The law firm also noted that it will monitor FNS’s consideration of the firm’s comments and the finalization of the proposed rule, with similar concern and interest.

The corporate watchdog organization<sup>287</sup> stated that the current proposed limitations on food and beverage marketing do not go far enough. The organization noted that, to its knowledge, this is the first time a Federal agency has essentially given the green light to any form of marketing in schools. The organization further stated that the proposal sets a dangerous precedent that opens the door for increased commercialism and marketing in schools far beyond food marketing – i.e., that by attempting to set a ceiling that prohibits advertising for unhealthy foods, USDA will inadvertently set a floor which opens the floodgates for many other types of marketing in schools.

The school district nutrition services department<sup>288</sup> and an individual stated that the marketing restrictions will be a burden to schools, affecting school revenue and the ability to fundraise on school campuses. By way of example, the individual pointed out that many athletic programs are funded or subsidized by vendor marketing and sponsorship, and that the proposed marketing restrictions would mean those programs would either be terminated or the cost of running them would be passed on to students/parents.

Another individual stated that the marketing restrictions are censorship – i.e., that the Federal government has determined a specific nutrition “message” that would be tolerated in public

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<sup>285</sup> National School Board Association – 0685.

<sup>286</sup> The Washington Legal Foundation – 0677.

<sup>287</sup> Corporate Accountability International – 0494.

<sup>288</sup> Torrance Unified School District, Nutrition Services – 0133.

schools and would prohibit any contrary message. The final individual stated that the companies marketing the foods should be responsible for restricting marketing to children, not the schools.

Another individual stated that the marketing restrictions are counterproductive because they limit a school's ability to promote reimbursable meals and otherwise healthy foods that do not meet Smart Snack nutrition standards because they have high calorie counts or sodium content, which will encourage students to leave school to buy fast food instead of healthier options available at school.

### **9.3 Comments related to how “food marketing” should be defined (i.e. which types of marketing should be prohibited and which types should be permitted)**

#### **9.3.1 Commenters provided model language for the definition of food marketing**

Approximately 200 commenters provided model language for the definition of food marketing. Most of those comments were submitted as part of two form letter campaigns.<sup>289</sup> Approximately 50 of those commenters,<sup>290</sup> including numerous national associations and health advocacy groups, an institutional investment center, a coalition of advocacy organizations, a university research and education program, and a healthy foods consumer advocacy group, proposed the following definition for the term “Food and Beverage Marketing and Advertising” to be used in the final rule:

Food and Beverage Marketing and Advertising means an oral, written, or graphic statement or representation, including a company logo or trademark, made for the purpose of promoting the use or sale of a product by the producer, manufacturer, distributor, seller, or any other entity with a commercial interest in the product. This covers any property or facility owned or leased by the school district or school (such as school buildings, athletic fields, transportation vehicles, parking lots, or other facilities) and used at any time during the school day.

A health advocacy organization<sup>291</sup> proposed the same definition, except it replaced the last phrase “at any time during the school day,” with “at any other time for school-related activities.”

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<sup>289</sup> Real Food for Kids-Montgomery form letter campaign – 0545 and preventobesity.org (version 2) form letter campaign – 0716.

<sup>290</sup> These commenters include: Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy School's Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; First Focus – 0669; The Food Trust – 0690; American Heart Association – 0266; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado – 0589; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Public Citizen – 0500; Upstream Public Health – 0703; Association of State and Territorial Health Officials – 0638; Action for Health Kids – 0662; Berkeley Media Studies Group – 0495; and Trust for America's Health – 0493.

<sup>291</sup> American Diabetes Association – 0547.

Another health advocacy organization<sup>292</sup> encouraged FNS to include product packaging in the final definition of food and beverage marketing and advertising, and proposed that the definition read as follows:

210.30(b)(1) Food and Beverage Marketing and Advertising: Food and Beverage Marketing and Advertising means an oral, written, or graphic statement or representation, including a company logo or trademark, made for the purpose of promoting the use or sale of a product by the producer, manufacturer, distributor, seller, or any other entity with a commercial interest in the product. This covers such representations made on product packaging, school controlled- traditional and digital media, and on any property or facility owned or leased by the school district or school (such as school buildings, athletic fields, transportation vehicles, parking lots, or other facilities).

Another health advocacy organization<sup>293</sup> proposed the following language for the definition:

"Food and Beverage Marketing" means an oral, written, or graphic statement or representation, including the company logo or trademark, made for the purpose of promoting the use or sale of a product by the producer, manufacturer, distributor, seller, or any other entity with a commercial interest in the product. This term includes, but is not limited to, the following:

- Displays, such as on vending machine exteriors.
- Corporate brand, logo, name, or trademark on school equipment, such as marquees, message boards, scoreboards, backboards, or uniforms.
- Corporate brand, logo, name, or trademark on cups, posters, book covers, pupil assignment books, school supplies, or educational materials.
- Advertisements placed in media produced or controlled by the local education agency, school, faculty, or its students, including, but not limited to, school publications or school mailings, school radio stations, in- school television, computer screensavers, school-operated or sponsored Web sites or servers, or the school public announcement system.
- Free product samples, taste tests, or coupons of a product, or free samples displaying advertising of a product.
- Educational incentive programs such as contests that use food as a reward or programs that provide schools with supplies or funds when families purchase specific food products.
- Sponsorship of school activities, fundraisers, sports teams, or market research.

The commenter further stated that if FNS does not wish to include this level of detail in the final rule, then it should include the part of the definition that appears as a bullet-pointed list in its guidance and in its model wellness policies.

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<sup>292</sup> Public Health Advocacy Institute – 0481.

<sup>293</sup> ChangeLab Solutions – 0697.

A State department of education<sup>294</sup> supported the definition for food and beverage marketing that FNS included in the preamble to the proposed rule, while a health research and policy organization<sup>295</sup> suggested that FNS's definition be modified by adding the phrase "including a company logo or trademark" in the first sentence.

A children's health advocacy organization<sup>296</sup> and a public health philanthropy<sup>297</sup> both urged FNS to more clearly define marketing to help schools understand and address the full range of food marketing in schools, such as vending machine displays, scoreboards and uniforms, branded fundraisers, corporate sponsored programs, and education materials. A number of other commenters, including several health advocacy organizations and in excess of 100 individuals, urged FNS to clearly and broadly define food and beverage marketing to include all the ways that corporations use public schools to cultivate customers and build brand loyalty,<sup>298</sup> and to include brands and product advertising and marketing on anything owned by the school or associated with its programs and property.<sup>299</sup> A local food policy organization<sup>300</sup> stated that LEA committees should be encouraged to develop customized definitions of food marketing.

### **9.3.2 Comments on the marketing of products on items/locations such as on the exterior of vending machines, through posters, menu boards, coolers, trash cans, and other food service equipment, cups used for beverage dispensing, and scoreboards in gymnasiums or athletic fields**

Sixteen commenters addressed the issue of marketing of products on items/locations such as on the exterior of vending machines, through posters, menu boards, coolers, trash cans, and other food service equipment, cups used for beverage dispensing, and scoreboards in gymnasiums or athletic fields. Five individuals supported the idea that schools will have to remove advertisements for soft drinks and other unhealthy foods and beverages from locations such as vending machines, billboards, scoreboards, athletic venues, and posters found in schools. In contrast, one individual stated removing advertisements from those locations is unnecessary. Several commenters, including three associations of school nutrition professionals<sup>301</sup> and an association of school food service professionals,<sup>302</sup> noted the financial burden to replace such equipment, and suggested that existing equipment be exempt from the marketing ban. A State department of agriculture<sup>303</sup> and a trade association<sup>304</sup> suggested a phased-in approach to

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<sup>294</sup> California Department of Education, Nutrition Services Division – 0700.

<sup>295</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>296</sup> Kids' Safe Healthful Foods Project – 0535.

<sup>297</sup> Robert Wood Johnson Foundation – 0360.

<sup>298</sup> Preventobesity.org form letter campaign (version 2) – 0716; Upstream Public Health – 0423 and 0627; Oregon School-Based Health Alliance – 0571 and 0625; and Oregon Public Health Institute – 0503.

<sup>299</sup> Public Citizen – 0500.

<sup>300</sup> The Prince George's County Food Equity Council – 0630.

<sup>301</sup> School Nutrition Association – 0563 and 0616; School Nutrition Association of Pennsylvania – 0606; and School Nutrition Association of Vermont – 0646.

<sup>302</sup> School Food FOCUS – 0482.

<sup>303</sup> Texas Department of Agriculture – 0609.

<sup>304</sup> American Beverage Association – 0554.

replacing non-compliant equipment. The State department of agriculture suggested that the non-compliant equipment be replaced “in a reasonable time frame,” while the trade association suggested that non-compliant equipment be replaced “in the normal course of business.” An association of school boards<sup>305</sup> and a State education department<sup>306</sup> pointed out that many schools partner with local businesses who display advertisements on scoreboards and banners on fields that may be used by local teams after school hours but are seen by students during the school day. The commenters urged FNS to carefully consider the impact of restricting such forms of marketing, which provide funding streams for extracurricular activities.

### **9.3.3 Comments related to the use of “Smart Snacks” nutrition standards in food and beverage marketing policies**

Approximately 80 commenters<sup>307</sup> who were generally supportive of the proposed food and beverage marketing restrictions stated that the Smart Snacks nutrition standards should be the *minimum* standard for food and beverage marketing policies. These commenters include 28 individuals who submitted comments as part of a form letter campaign, national associations and health advocacy groups, a coalition of advocacy organizations, a public health philanthropy, a local department of health, an institutional investment center, a university research and education program, and a civil rights advocacy organization. Most of those commenters further stated that LEAs should be assured that they are free to implement stronger standards for marketing, including extending the marketing standards beyond the school day, using local or State competitive foods standards if those standards go beyond the Smart Snacks nutrition standards, and restricting all marketing of food and beverages in schools.

Two school nutrition associations,<sup>308</sup> an association of food industry professionals,<sup>309</sup> a school district nutrition services department,<sup>310</sup> a food manufacturer,<sup>311</sup> and two individual said that

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<sup>305</sup> Texas Association of School Boards – 0565.

<sup>306</sup> Utah State Office of Education – 0651.

<sup>307</sup> These commenters include: The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado – 0589; Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy School’s Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; First Focus – 0669; The Food Trust – 0690; American Heart Association – 0266; National Education Association Health Information Network-0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; University Minnesota Extension – 0492; Bridging the Gap – 0543; American Academy of Pediatrics – 0485; Public Citizen – 0500; Public Health: Seattle & King County – 0648; Kid’s Safe Healthful Foods Project – 0535; National Council of La Raza – 0631; Robert Wood Johnson Foundation – 0360; Rudd Center for Food Policy and Obesity, Yale University – 0694; Association of State and Territorial Health Officials – 0638; Food & Water Watch – 0290; Berkeley Media Studies Group – 0495; Association of State Public Health Nutritionists – 0501; Trust for America’s Health – 0493; and California Project LEAN – 0585.

<sup>308</sup> School Nutrition Association – 0563 and 0616 and California School Nutrition Association – 0718.

<sup>309</sup> Grocery Manufacturers Association – 0567.

<sup>310</sup> Torrance Unified School District, Nutrition Services – 0133.

<sup>311</sup> Mars, Incorporated – 0598.

FNS should allow in-school marketing of food and beverage items that fit within the National School Lunch Program and the School Breakfast Program nutrition standards.

A health advocacy organization<sup>312</sup> pointed out the importance of limiting marketing to products that meet the Smart Snacks nutrition standards and do not co-market unhealthy products, which it asserted is necessary to address the issue of copycat products.

Finally, a corporate watchdog organization<sup>313</sup> stated that the Smart Snacks nutrition standards do not go far enough to protect children's health. The organization acknowledged that schools will have the option to adopt standards that are more stringent than the Smart Snacks standards, but asserted that most schools will choose to comply with the minimum Smart Snacks standards. The organization also stated that it has grave concerns about endorsing the marketing of foods that meet the Smart Snacks nutrition standards, which it characterized as being reformulated junk foods.

**9.3.4 Commenters stated that there should be a prohibition against brand marketing unless every food and beverage product manufactured, sold, or distributed under the brand name meets the “Smart Snacks” nutrition standards or the school’s more stringent competitive food standards**

Approximately 200 commenters<sup>314</sup> stated that if a brand is marketed rather than a specific product, then all of the products within that brand or product line should meet the Smart Snacks nutrition standards. Most of those comments were submitted as part of two form letter campaigns.<sup>315</sup> The remaining commenters include numerous national associations and health advocacy groups, an institutional investment center, a health research and policy organization, a university research and education program, a civil rights advocacy organization, a State department of health and individuals.

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<sup>312</sup> Public Health Advocacy Institute – 0481.

<sup>313</sup> Corporate Accountability International – 0494.

<sup>314</sup> These commenters include: Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy School’s Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; University Minnesota Extension – 0492; Bridging the Gap – 0543; Association of State and Territorial Health Officials – 0638; California Project LEAN – 0585; Public Citizen – 0500; American Diabetes Association – 0547; Association of State Public Health Nutritionists – 0501; American Academy of Pediatrics – 0485; National Council of La Raza – 0631; School Food FOCUS – 0482; Food & Water Watch – 0290; Berkeley Media Studies Group – 0495; American Heart Association – 0266; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon’s Wellness in School Environments – 0682; Upstream Public Health – 0423, 0627 and 0703; Rudd Center for Food Policy and Obesity, Yale University – 0694; Oregon School-Based Health Alliance – 0571 and 0625; Oregon Public Health Institute – 0503; ChangeLab Solutions – 0697; and Public Health Advocacy Institute – 0481.

<sup>315</sup> Preventobesity.org (version 2) form letter campaign – 0716 and Real Food for Kids-Montgomery form letter campaign – 0545.

One of the health advocacy organizations<sup>316</sup> further recommended FNS amend § 210.30(c)(2)(iii) of the proposed rule to read as follows:

Permit Food and Beverage Marketing on the school campus during the school day of only those foods and beverages that meet the requirements under § 210.00. The marketing of a corporate brand may only be permitted if every food and beverage product manufactured, sold, or distributed under the corporate brand name or by any of the corporate brand's subsidiaries and affiliated corporations meet the requirements under § 210.00.

Another health advocacy organization<sup>317</sup> also stated that LEAs should be free and encouraged to limit all brand advertising, since products associated with brands quickly and constantly change and schools are not likely to be able to monitor whether all advertised brands' product lines meet Smart Snack nutrition standards. An individual similarly stated that FNS should encourage schools to eliminate advertising of all brands that market unhealthy foods.

Two commenters also addressed the issue of copycat products, stating that the marketing of such products should be explicitly prohibited by local school wellness policies because they undermine school nutrition education efforts and overall healthy eating. A health research and advocacy organization<sup>318</sup> described the use of copycat products, whereby a company reformulates one product in a brand's otherwise unhealthy product portfolio to meet school nutrition standards. The organization noted that the reformulated products are not, however, sold to consumers in supermarkets. The organization further noted that by allowing companies to market these reformulated products in schools, the original unhealthy versions of those products will benefit from a false perception that all of their products are more healthful. A health advocacy organization<sup>319</sup> noted that copycat products build brand loyalty that drives out-of-school purchase and consumption of products that do not meet the Smart Snacks nutrition standards.

### **9.3.5 Commenters provided examples of other types of food and beverage marketing that should be prohibited or otherwise restricted by the final rule**

Approximately 200 commenters provided examples of the types of food and beverage marketing they believe should be prohibited in the final rule. Most of those commenters were part of a form letter campaign<sup>320</sup> who, along with other commenters, urged FNS to clarify that materials developed for academic settings, such as curricula, textbooks, websites, and radio and television content sponsored by companies, should all be covered by the policy. Other commenters include numerous national associations and health advocacy groups, an institutional investment center, a civil rights advocacy organization, a State department of public health a university research and

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<sup>316</sup> ChangeLab Solutions – 0697.

<sup>317</sup> Public Citizen – 0500.

<sup>318</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>319</sup> Public Health Advocacy Institute – 0481.

<sup>320</sup> preventobesity.org form letter campaign (version 2)– 0716.

education program, a health research and policy organization, and individuals.<sup>321</sup> Eight commenters,<sup>322</sup> including four health advocacy organizations, a food policy organization, an association of health officials, a coalition of advocacy organizations, a corporate watchdog organization and an individual, said that the following other types of marketing should be prohibited by the final rule: incentive programs and other corporate-sponsored programs (e.g., Box Tops for Education, McTeacher’s Night, Labels for Education, Pizza Hut Book-It, SunnyD Book Spree); advertisements on buildings, buses, sports fields, vending machines, equipment, school supplies, etc. that are school-owned, operated, or used primarily by school students for school-based events; market research activities; free samples; and corporate-sponsored scholarships. Three individuals stated that schools should not be permitted to advertise “unhealthy” beverages, such as diet sodas, high calorie sports drinks and caffeinated energy drinks

### **9.3.6 Commenters provided examples of other types of food and beverage marketing that should not be prohibited or otherwise restricted by the final rule**

Approximately 200 commenters provided examples of the types of food and beverage marketing they believe should *not* be prohibited in the final rule. A large number of those commenters<sup>323</sup> said that materials used for education purposes, with incidental marketing (e.g., magazines used in a civics or art class), should not be prohibited. Most of the commenters were part of a form

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<sup>321</sup> These commenters include: Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy School’s Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; National Education Association Health Information Network – 0721; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; University Minnesota Extension – 0492; Bridging the Gap – 0543; Association of State and Territorial Health Officials – 0638; School Food FOCUS – 0482; National Council of La Raza – 0631; Rudd Center for Food Policy and Obesity, Yale University – 0694; Berkeley Media Studies Group – 0495; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon’s Wellness in School Environments – 0682; American Heart Association – 0266; Upstream Public Health – 0423, 0627, and 0703; Public Citizen – 0500 (more than 3,800 people signed their names to this submission; 237 of whom included additional comments supporting the position stated in the letter); Oregon School-Based Health Alliance – 0571 and 0625; Oregon Public Health Institute – 0503; and American Diabetes Association – 0547.

<sup>322</sup> The Prince George’s County Food Equity Counsel – 0630; Corporate Accountability International – 0494; American Heart Association – 0547; American Diabetes Association – 0266; National Association of County and City Health Officials – 0486; Public Citizen – 0500; The Praxis Project – 0650; and Upstream Public Health – 0703.

<sup>323</sup> These commenters include: Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy School’s Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; National Education Association Health Information Network – 0721; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; University Minnesota Extension – 0492; Bridging the Gap – 0543; Association of State and Territorial Health Officials – 0638; School Food FOCUS – 0482; National Council of La Raza – 0631; Rudd Center for Food Policy and Obesity, Yale University – 0694; Berkeley Media Studies Group – 0495; California Project LEAN – 0585; preventobesity.org form letter campaign-(version 2) – 0716; Upstream Public Health – 0423 and 0627; Oregon School-Based Health Alliance – 0571 and 0625; Oregon Public Health Institute – 0503; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; and Oregon’s Wellness in School Environments – 0682.

letter campaign.<sup>324</sup> Other commenters include numerous national associations and health advocacy organizations, an institutional investment center, a civil rights advocacy organization, a State department of public health, a university research and education program, a health research and policy organization, and individuals. One such commenter, a food manufacturer,<sup>325</sup> specifically recommended language for the final rule, which would allow for “food and beverage marketing in connection with educational programs anywhere on the school campus, as long as any branding or sponsorship of such programs does not overwhelm the public service message of those programs.” Another group of commenters,<sup>326</sup> including numerous individuals and three health advocacy organizations, said that packaged foods brought to campus by students, faculty and staff, as well as the clothing and personal effects of students faculty and staff, should be exempt from any marketing restrictions.

A business association<sup>327</sup> and an association of food industry professionals<sup>328</sup> encouraged FNS to exempt beneficial corporate-sponsored activities where there is at most an incidental advertising impact. The business association also suggested FNS consider adopting provisions or model policies or guidance that restrict undue commercialism (as opposed to nominal or incidental sponsorship identifications for transparency’s sake) in conjunction with those beneficial corporate-sponsored activities. In addition, the business association suggested FNS clarify that the regulation is intended to address only communications intentionally directed to the school environment as opposed to communications that may incidentally reach the school environment (e.g., advertising that may be seen by students on computers or mobile devices), and that parent-directed communications related to beneficial corporate-sponsored activities, which sometimes are carried home by students, would not be prohibited by the rule.

A trade association<sup>329</sup> said that materials distributed at school for fundraisers in which the food sold is clearly not for consumption on the school campus during the school day should not be prohibited. The trade association offered the following language for the final rule:

The promotion of fundraisers that are occurring after school and off school grounds may occur during the school day. The materials used for promoting the fundraiser should not include the product being sold but should emphasize the fundraiser itself, and may include pictures or vignettes of participation incentives. Associated forms can be distributed to and received from participating students during the school day.

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<sup>324</sup> preventobesity.org form letter campaign-(version 2) – 0716.

<sup>325</sup> Mars, Incorporated – 0598.

<sup>326</sup> These commenters include: preventobesity.org form letter campaign (version 2) – 0716; Upstream Public Health – 0423 and 0627; Oregon School-Based Health Alliance – 0571 and 0625; Oregon Public Health Institute – 0503; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; and Oregon’s Wellness in School Environments – 0682.

<sup>327</sup> Children’s Food and Beverage Advertising Initiative – 0698.

<sup>328</sup> Grocery Manufacturers Association – 0567.

<sup>329</sup> National Confectioners Association – 0692.

An association of food and nutrition professionals<sup>330</sup> pointed out that many schools raise funds from promotions, such as Box Tops for education, and encouraged FNS to ensure in the final rule that such partnerships with food manufacturers could continue if, for example, redeemable foods are limited to healthy designated food.

A school district food and nutrition service<sup>331</sup> sought clarification as to whether partnerships with community restaurants who sponsor fundraising nights where a portion of the restaurant's profits that night go to the school would be considered food and beverage marketing, and therefore prohibited by the rule. An individual expressed concern for the impact that the marketing restrictions could have on the marketing of "spirit nights," which the commenter stated raise money to fill school budget short falls.

A school district nutrition services department<sup>332</sup> agreed that the marketing standards should not apply to after school events or in staff lounges.

An individual sought clarification as to whether sponsorship contracts with local vendors in exchange for financial assistance or coupons for free meals would be prohibited by the proposed rule.

#### **9.4 Comments responsive to the Local School Wellness Policy Proposed Rule's request for research findings and other descriptive data relating to food and beverage advertising and marketing on school campuses during the school day.**

Nine commenters responded to FNS's request for research findings and other descriptive data relating to food and beverage advertising and marketing on school campuses during the school day.

A children's health research program<sup>333</sup> referred FNS to a recently-published paper providing estimates of students' exposure to food and beverage advertising or marketing via the following: product sales (e.g., exclusive contracts, corporate food vending and associated incentives and profits); direct advertising (in school facilities, school buses, food coupons as incentives); and indirect advertising (via corporate-sponsored education materials or sponsorship).<sup>334</sup> The research program also noted a clear association between vending machine food sales profits for schools and company supplier involvement in vending food availability and increased low-nutrient, energy-dense food availability and decreased fruit and vegetable availability.<sup>335</sup>

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<sup>330</sup> Academy of Nutrition and Dietetics – 0688.

<sup>331</sup> Cherry Creek School District Food and Nutrition Services – 0546.

<sup>332</sup> Dubuque Community School District – 0636.

<sup>333</sup> Bridging the Gap – 0543.

<sup>334</sup> Terry-McElrath YM, Turner L, Sandoval A, Johnston LD, Chaloupka FJ. Commercialism in US elementary and secondary school nutrition environments: Trends from 2007 to 2012. *JAMA Pediatrics*. 2014;168(3):234-242.

<sup>335</sup> Terry-McElrath YM, Hood NE, Colabianchi N, O'Malley, PM, Johnston LD. Profits, commercial food supplier involvement, and school vending machine snack food availability: Implications for implementing the new competitive foods rule. *Journal of School Health*. Published July 2014.

Two health advocacy organizations<sup>336</sup> and a health research and policy organization<sup>337</sup> identified the following common marketing strategies that are used in schools: using school spaces for marketing messages (e.g., through television, radio, posters, and print advertising); branded food sales; exclusive marketing agreements to sell only products from a particular manufacturer; digital marketing; offering fundraising promotions; sponsoring school programs and activities; offering incentives to buy products or services; product- or brand-related supplementary education materials; and free samples and coupon giveaways. One of the health advocacy organizations also cited to a 2012 report from the Centers for Disease Control and Prevention (cited by FNS in the preamble to the proposed rule), which found that one-third of districts surveyed allowed soft drink companies to advertise on schools grounds, and more than one-fourth allowed those companies to advertise in schools buildings.<sup>338</sup> The organization further noted that at least half of schools surveyed allowed the distribution of products – such as t-shirts, hats or book covers – promoting junk food, fast food restaurants or soft drinks to students, and half of schools allowed the use of food or food coupons as rewards for good behavior or academic performances.

A business association<sup>339</sup> and an association of food industry professionals<sup>340</sup> provided information about the following specific marketing programs that are popular in schools:

- *General Mills' Box Tops for Education* – over 90,000 K-8 schools participate in this program which, during the 2012-2013 year delivered \$80 million to schools and since its inception in 1996 has delivered more than \$600 million to schools nationwide.
- *Campbell's Labels for Education* – since the inception of this popular redemption-based fundraising program in 1973, 92% of elementary schools have participated in the program, which has distributed more than \$114 million in computers, software, sports and art equipment, musical instruments, library books, and other merchandise.
- *Fuel Up to Play 60* – this program, in which USDA participates, is one of the nation's largest in-school wellness programs. A recent video contest co-sponsored by *Quaker* awarded \$125,000 to schools to use toward wellness goals.
- *Hershey's Track and Field Games* – makes available lesson plans about track and field skills, provides free equipment to qualified organizers such as coaches, community or parent volunteers, and helps organize regional and national track meets across the country.

A trade association<sup>341</sup> stated that candy fundraisers have helped schools raise almost half a billion dollars, with some schools raising \$2,000 and others raising \$200,000.

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<sup>336</sup> Public Citizen – 0500 and ChangeLab Solutions – 0697.

<sup>337</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>338</sup> CDC, Results from the School Health Policies and Practices Study 2012. Available at: [www.cdc.gov/HealthYouth/shpps/index.htm](http://www.cdc.gov/HealthYouth/shpps/index.htm).

<sup>339</sup> Children's Food and Beverage Advertising Initiative – 0698.

<sup>340</sup> Grocery Manufacturers Association – 0567.

<sup>341</sup> National Confectioners Association – 0692.

Another trade association<sup>342</sup> found fault with the statement in the preamble to the proposed rule that “[i]n 2009, industry spent approximately \$149 million on marketing in schools, with 93% of the funds spent on the marketing of beverages.” The trade association stated that this statement misrepresents the level of beverage marketing *to students* in schools. The trade association further stated that, according to the Federal Trade Commission Report cited in the preamble, the majority of the \$149 million consisted of payments made (or items provided) to schools under contracts for competitive foods and beverages – i.e., foods sold outside the school meals programs. The commenter went on to say that marketing activities reportedly “consisted primarily of vending machine commissions, front displays on vending machines, and contracts for exclusive availability within the schools and school districts.” Accordingly, said the trade association, the amount of marketing to students (as opposed to the adult procurement officials who determine which food and beverage companies to contract with on a district-wide basis) is much less than \$149 million and, in the beverage context, consists primarily of vending machine front displays – many of which already comply with the proposed rule by showing only those beverages that are allowed to be sold on the school campus during the school day.

Citing to the same Federal Trade Commission Report, a health advocacy organization<sup>343</sup> stated that food and beverage companies spend \$1.8 billion a year targeting children and youth with marketing that primarily promotes unhealthy products. The organization went on to state that the majority of foods and beverages marketed to children are nutritionally poor and proven to actually impede their learning.

## **9.5 Comments responsive to the Local School Wellness Policy Proposed Rule’s request for information on the current food and beverage marketing environment in schools, as well as information on the fiscal implications for LEAs or schools that have implemented policies regulating the marketing of foods and beverages in school**

### **9.5.1 The extent to which food and beverage marketing practices in schools differ by school level (i.e., elementary, middle, and high school)**

Six commenters provided information related to the extent to which food and beverage marketing practices in schools differ by school level.

A public health philanthropy<sup>344</sup> noted generally that companies: advertise to younger students in order to establish brand loyalty early in life and to reach their parents; use more direct tactics to target older students; and market more in schools that have a high percentage of students from lower-income families.

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<sup>342</sup> American Beverage Association – 0554.

<sup>343</sup> Berkley Media Studies Group – 0495.

<sup>344</sup> Robert Wood Johnson Foundation – 0360.

Several commenters stated that marketing in elementary and middle schools generally takes the form of incentive programs and fundraiser, while marketing in high schools tends to be through vending contracts. A health advocacy organization<sup>345</sup> noted that in a study of elementary and middle schools in the United States, almost 38% of primary schools reported participating in a fundraising program with a corporation that sells foods high in fat or sugar, or foods with minimal nutritional value.<sup>346</sup> A food research and policy center<sup>347</sup> and a children's health research program<sup>348</sup> pointed to academic research that shows that almost two-thirds of elementary schools take part in food incentive programs offering coupons for food to children, while one-half of middle schools and seven out of ten high schools have exclusive vending contracts that allow companies to sell and promote sodas, sports drinks, and other beverages to students.<sup>349</sup> The food research and policy center also noted that one-third of high schools serve branded foods in their cafeterias at least once per week, and almost 20% serve them every day.

A business association<sup>350</sup> noted that it requires its participants to not advertise branded foods to children in pre-K through 6<sup>th</sup> grade, including through the use of food samples or through student-directed items such as posters or tray liners advertising branded foods. The commenter further noted that it is generally recognized that adolescents are better able to understand and appreciate the persuasive nature of advertising and that as early as age 12 adolescents' knowledge about advertiser tactics develops in the direction of adult understanding. The commenter also took issue with the statement in the preamble to the proposed rule that "the majority of foods and beverages marketed to children are low in nutritional value and high in sugar and fat." The commenter stated that it is unclear whether this statement refers to foods marketed in schools or foods advertised to children generally. The commenter further noted that the two studies cited as the basis for this statement were conducted between 2003-2005 and therefore do not reflect changes that may have occurred because of either the association's policies, the Alliance for a Healthy Generation, or later-adopted school wellness policies. Moreover, the commenter asserted, these studies are not useful for the purpose of considering practices in elementary schools, because the first study is of high schools in California and the second study contains results of surveys of elementary, middle and high school officials, and therefore does not include a large enough sample size of elementary school responses.

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<sup>345</sup> ChangeLab Solutions – 0697.

<sup>346</sup> Molnar A, Boninger F, Wilkinson G, Fogarty J, and Geary S. *Effectively Embedded: Schools and the Machinery of Modern Marketing - The Thirteenth Annual Report on Schoolhouse Commercializing Trends: 2009-2010*. Commercialism in Education Research Unit, National Education Policy Center, 2010. P. 2-6. Available at: <http://nepc.colorado.edu/publication/Schoolhouse-commercialism-2010>.

<sup>347</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>348</sup> Bridging the Gap – 0543.

<sup>349</sup> Terry-McElrath YM, Turner L, Sandoval A, Johnston LD, Chaloupka FJ. School-based commercialism higher in schools with economically disadvantaged student populations. *JAMA Pediatr.* 2014; 168 (3): 234-242.

<sup>350</sup> Children's Food and Beverage Advertising Initiative – 0698.

### **9.5.2 The number and/or percentage of schools that currently allow (and/or that currently prohibit, or otherwise restrict) food and beverage marketing in the school and on the school campus: (1) during the school day, and/or (2) at all times**

An individual cited a 2013 study that showed roughly 78% of public school districts nationwide continue to have no restrictions on the marketing of unhealthy snacks and beverages to school children.<sup>351</sup> The commenter further stated that since the implementation of the school wellness policy requirement, only 1% of school districts have elected to enact strong policies limiting marketing of unhealthy snacks and beverages.

Another individual noted that 63% of high schools in Arizona prohibit advertisements of unhealthy foods. A health advocacy organization<sup>352</sup> provided examples of other State and local school board prohibitions on food and beverage marketing in schools:

- Maine State law prohibits the brand-specific advertising of food or beverages in school buildings or on school grounds for foods of minimal nutritional value.
- Tennessee State law permits advertising on school buses, subject to some restrictions. The law prohibits commercial advertising on school buses for “individual food items that ... cannot be sold or offered for sale to pupils in pre-kindergarten through grade eight (pre-K-8) through vending machines.”
- In Washington, D.C., the law provides that food and beverages that do not meet the nutritional requirements of the USDA's HealthierUS School Challenge program at the Gold Award Level for competitive foods, “shall not be: (1) Used as incentives, prizes, or awards in public schools or public charter schools; or (2) Advertised or marketed in public schools and public charter schools through posters, signs, book covers, scoreboards, supplies, equipment, or other means.”
- The Alabama State Board of Education has adopted a nutrition policy that provides: “No vending machine display front may display any product that is not water or 100% fruit juice with no added sweeteners.”
- The West Virginia State Board of Education has adopted a nutrition policy that provides: “County Boards of Education should minimize marketing other foods and beverages in the high school setting by locating their distribution in low student traffic areas and by ensuring that the exterior of the vending machines does not depict commercial logos of products or suggest that the consumption of vended items convey a health or social benefit.”
- In the Madison, Wisconsin Metropolitan School District, when considering whether to accept a paid advertisement, the Superintendent or his designee must consider whether the paid advertisement promotes the consumption of unhealthy food choices.
- In the Miami/Dade County School District: “All advertising of food products must be consistent with the guidelines of the District's Wellness Policy (Policy 8510). Food products that are prohibited from being sold to students on school campuses by Board policy shall not be advertised on Board property.”

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<sup>351</sup> Jamie F. Chirqui et al., Brief Report: School District Wellness Policies 24, tbl.2 (2013), available at [http://www.bridgingthegapresearch.org/\\_asset/13s2jm/WP\\_2013\\_report.pdf](http://www.bridgingthegapresearch.org/_asset/13s2jm/WP_2013_report.pdf).

<sup>352</sup> ChangeLab Solutions – 0697.

- In the North Penn, Pennsylvania School District: “Food products that are prohibited from being sold to students on school campuses by Board policy shall not be advertised on Board property.”
- In the Pasadena, California School District: “The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.”
- The Seattle, Washington School District prohibits advertising for foods or beverages inconsistent with the District competitive foods policy.
- The Washoe County, Nevada School District prohibits the marketing, advertising, logos, signage, or promotion of foods prohibited in the schools wellness policy.

### **9.5.3 The types of food and beverages currently being marketed in school and the extent to which they meet or do not meet the “Smart Snacks in School” nutrition standards**

A public health philanthropy<sup>353</sup> and a health research and policy organization<sup>354</sup> pointed to the Federal Trade Commission report cited in the preamble to the proposed rule, which showed that food and beverage companies spent \$149 million on in-school marketing in 2009, \$82.3 million of which was directed to promoting carbonated beverages. The health research and policy organization further noted that sugary drinks account for more than 90% of school-based marketing expenditures, but marketing for products such as fast food, snacks, candy, and baked goods also commonly appear in schools.<sup>355</sup> The commenter pointed out that most of these products are inconsistent with the USDA’s Dietary Guidelines for American because they contain high amounts of sugar, sodium, calories, and fat.

A business association<sup>356</sup> and an association of food industry professionals<sup>357</sup> noted that, over the last several years, their members have reduced the calories, sugars, sodium or fat and increased the nutritional density of foods they advertise to children. The business association further noted that the percentage of foods advertised to children containing at least a half-serving of fruits, vegetable, dairy, or whole grain increased 56% from 2010 to 2013. The business association went on to state that, as of December 31, 2013, its participants may advertise to children only foods that meet its category-specific uniform nutrient criteria, which are significantly stronger than the previously used company-specific criteria.

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<sup>353</sup> Robert Wood Johnson Foundation – 0360.

<sup>354</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>355</sup> Harris JL, Fox T. (2014). Food and Beverage Marketing in Schools, Putting Student Health at the Head of the Class. *JAMA Pediatrics*, E1.

<sup>356</sup> Children’s Food and Beverage Advertising Initiative – 0698. According to its website, the organization currently has 17 participants that represent about 80% of child-directed TV food advertising.

<sup>357</sup> Grocery Manufacturers Association – 0567

#### 9.5.4 The impact of food and beverage marketing on student health, behavior, food choices, food consumption patterns, and academic performance

Nine commenters provided information about the impact of food and beverage marketing on student health, behavior, food choices, food consumption patterns, and academic performance. Three health advocacy organizations,<sup>358</sup> a local department of health,<sup>359</sup> and an individual pointed to a study from the Institute of Medicine (cited by FNS in the preamble to the proposed rule), which concluded that food marketing to children is a “likely contributor to less healthful diets, and may contribute to negative diet-related health outcomes and risks.”<sup>360</sup> One of the health advocacy organizations pointed out that the study specifically found that there is strong evidence that: (1) food advertising influences the short-term food consumption of children 2 to 11 years of age; and (2) food advertising exposure is associated with adiposity in children 2 to 11 years and teens 12 to 18 years of age. An individual also noted that children are particularly vulnerable to advertisements in schools because the time they spend at school constitutes a long period of the day and is one in which they lack direct parental oversight. Citing to a different study, a children’s health advocacy organization<sup>361</sup> also stated that the types of foods and beverages sold and marketed in the school environment affect children’s eating behaviors.<sup>362</sup>

A health advocacy organization<sup>363</sup> stated that research suggests that advertising poses a threat to children’s psychological health, in addition to threats to physical health. Specifically, the commenter stated that children exposed to advertising suffer displacement of values and heightened insecurity about themselves and their place in the social world.<sup>364</sup> The commenter also stated that in teenagers, materialistic values encouraged by commercialism correlate with increased smoking, drinking, drug use, weapon carrying, vandalism, and truancy.<sup>365</sup>

A corporate watchdog organization<sup>366</sup> stated that the commercialization of childhood is linked to such problems as eating disorders, youth violence, sexualization, the erosion of children’s

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<sup>358</sup> Berkeley Media Studies Group – 0495; ChangeLab Solutions – 0697; and Public Health Advocacy Institute – 0481.

<sup>359</sup> Public Health: Seattle & King County – 0648.

<sup>360</sup> Institute of Medicine, Committee on Food Marketing and the Diets of Children and Youth. *Food Marketing to Children and Youth: Threat or Opportunity?* Washington, DC: National Academies Press; 2006. Available at: <http://www.iom.edu/Reports/2005/Food-Marketing-to-Children-and-Youth-Threat-or-Opportunity.aspx>. Accessed April 15, 2012.

<sup>361</sup> Kid’s Safe Healthful Foods Campaign – 0535.

<sup>362</sup> The Pew Charitable Trusts and the Robert Wood Johnson Foundation, Kids’ Safe and Healthful Foods and Health Impact Projects, *Health Impact Assessment: National Nutrition Standards for Snack and a la Carte Foods and Beverages Sold in Schools* (2012), [http://www.pewhealth.org/uploadedFiles/PHG/Content\\_Level\\_Pages/Reports/KS\\_HIA\\_revised%20WEB%20FINAL%2073112.pdf](http://www.pewhealth.org/uploadedFiles/PHG/Content_Level_Pages/Reports/KS_HIA_revised%20WEB%20FINAL%2073112.pdf).

<sup>363</sup> Public Citizen – 0500.

<sup>364</sup> Molnar A., Boninger, F. Libby, Fogarty, J. *Schoolhouse Commercialism Leaves Policymakers Behind*, Boulder, CO: National Education Policy Center. Retrieved April 11, 2014 from <http://nepc.colorado.edu/files/trends-2013.pdf>.

<sup>365</sup> *Id.* (citing Kasser, T. (2002). *The High Price of Materialism*. Cambridge, MA: MIT Press.)

<sup>366</sup> Corporate Accountability International – 0494.

creative play, and an increase in materialism. The organization noted that marketing to children in schools is particularly powerful because schools carry great authority in the lives of children and because students are a captive audience. The organization further noted that marketing undermines both education's vital mission to promote critical thinking skills and parents who want to shield their children from commercial influences.

#### **9.5.5 The role of food and beverage marketing on school finances, including its contribution to school food service revenue and overall school revenues**

Four commenters, including two health advocacy organizations, a corporate watchdog organization and an individual, addressed the role of food and beverage marketing on school finances. All four commenters stated that food and beverage marketing generates little revenue for schools. A health advocacy organization<sup>367</sup> noted that little data exists on how much revenue schools reap from marketing of food and beverage products. The organization and an individual pointed to a recent report (cited by FNS in the preamble to the proposed rule) that reviewed data from the 2010-2011 and 2011-2012 academic years for five large school districts. That report found that in comparison with the districts' total budgets, revenues from all commercial advertising were trivial, with average revenues as a percentage of the total budget ranging from 0.002 % to 0.03 %.<sup>368</sup> Citing specific examples from four States and the District of Columbia, and from local school districts in six other States, the health advocacy organization also noted that the fact that some States and local school districts restrict at least some types of marketing of non-nutritious foods suggests that schools can function without income from the marketing of those products.

#### **9.5.6 The reliance of students, parents, teachers, school staff, and other school-affiliated groups on revenue or donations from product sales, direct advertising, indirect advertising, and market research**

There were no comments addressing this issue.

#### **9.5.7 The extent to which such food and beverage marketing policies could apply to broadcast media conducted by or used in schools, including media used by schools for education purposes that may be provided by outside entities**

Comments addressing this issue are discussed in Sections 9.3.5 and 9.11

#### **9.5.8 The use of in-kind rewards, such as coupons from restaurants for children reading a certain number of books, or other donations for student rewards, and the wellness impacts of these in-kind rewards**

Comments addressing this issue are discussed in Sections 9.3.5, 9.3.6, and 9.11.

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<sup>367</sup> ChangeLab Solutions – 0697.

<sup>368</sup> Ben-Ishai E. "School Commercialism: High Costs, Low Revenues," Public Citizen, 2012, p. 12. Available at [www.commercialalert.org/PDFs/SchoolCommercialismReport\\_PC.pdf](http://www.commercialalert.org/PDFs/SchoolCommercialismReport_PC.pdf).

**9.5.9 The economic or other impacts of existing State, local, and voluntary policies on allowing marketing only of foods and beverages permitted to be sold on the school campus (per the “Smart Snacks” standards, or more stringent competitive food standards adopted by the school) on the private sector, including, but not limited to, food producers/manufacturers, distributors, and vendors**

An individual noted that restrictions on food and beverage advertising in Maine have been implemented with little to no impact on local fundraising efforts. The commenter further noted that once the State law restricting food and beverage advertising in schools was passed, beverage vendors were quick to change out soda advertisements on scoreboards and vending machines to water and other healthier products and messages with little impact to overall sales.

**9.5.10 Recently enacted or updated State or local level policies on allowing marketing of food and beverages permitted to be sold on the school campus, their immediate effects on student demand for competitive foods and reimbursable meals and the anticipated long-term effects on school revenue and revenue raised by school-affiliated groups**

There were no comments addressing this issue.

**9.5.11 Strategies that have been utilized to implement existing State, local, and voluntary policies that restrict food and beverage marketing**

There were no comments addressing this issue.

**9.5.12 Community and consumer understanding of the impact of the role of food and beverage marketing in schools on children’s diet and health**

There were no comments addressing this issue.

**9.5.13 Issues associated with compliance and monitoring of existing, State and local polices regarding the marketing of food and beverages permitted to be sold on the school campus (as per the “Smart Snacks” standards)**

There were no comments addressing this issue.

**9.6 Commenter stated there should be a separate rule with a separate comment period for the marketing of foods and beverages**

This comment is addressed in Section 9.2.

**9.7 Commenters agreed that “Smart Snack” standards should be the minimum, but that LEAs should be encouraged to build on the “Smart Snack” standards**

These comments are addressed in Section 9.3.3.

## **9.8 Commenters stated that LEAs should be assured that they are free to implement stronger food and beverage marketing standards**

These comments are addressed in Section 9.3.3.

## **9.9 Commenters stated that the USDA should refrain from encouraging any type of food and beverage marketing in schools**

Four commenters, including two health advocacy organizations,<sup>369</sup> a health research and policy organization<sup>370</sup> and a corporate watchdog organization,<sup>371</sup> stated that FNS should refrain from encouraging any type of food and beverage marketing in schools. One of the health advocacy organizations said FNS should refrain from encouraging marketing of even healthy foods because in attempting to set a ceiling, FNS will inadvertently set a floor which opens the floodgates for many other types of in-school commercialism. The other health advocacy organization stated that advertising in schools affects behavior in and out of school and undermines child health, to some degree. The health research and policy organization noted that encouraging students to prefer one brand over another, no matter how nutritious the product, undermines parents' decision-making authority over what their children should eat. The corporate watchdog organization stated that FNS still does not know the impact of the new Smart Snacks interim rule on the types of competitive foods that will be sold in school, and that FNS should therefore wait and see the impact before going forward with the proposed marketing policy.

## **9.10 Commenters discussed the constitutionality of governmental regulation of commercial speech in the proposed rule**

### **9.10.1 The proposed rule does not raise First Amendment concerns**

A health advocacy organization<sup>372</sup> stated that, although the First Amendment limits how government can restrict advertising in public places, a well-crafted policy prohibiting the marketing at schools of foods and beverages that do not meet certain nutrition standards should survive a First Amendment challenge.<sup>373</sup> This is so, the commenter stated, because the First Amendment leaves a great deal of leeway for the Federal government to regulate the types of commercial messages that are allowed on school grounds, and because the wellness policy guidelines provide sound justifications that support the policy.

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<sup>369</sup> Public Citizen – 0500 and Campaign for a Commercial-Free Childhood – 0612.

<sup>370</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>371</sup> Corporate Accountability International – 0494.

<sup>372</sup> ChangeLab Solutions – 0697.

<sup>373</sup> The commenter cited to *Lehman v. City of Shaker Heights*, 418 U.S. 298 (1974) (holding that city transit system was not a public forum under the First Amendment and that refusal to accept political advertising did not violate the First or Fourteenth Amendments). The commenter also referred FNS to S. Graff, “The Annals of the American Academy of Political and Social Science,” 615:157-177 (2008), for a more in-depth discussion of the First Amendment.

### **9.10.2 The proposed rule unconstitutionally imposes speaker- or content- based regulation on truthful speech**

A public interest law firm and policy center<sup>374</sup> stated that the proposed rule unconstitutionally imposes speaker- or content-based regulation on truthful speech. Specifically, the commenter stated that while FNS may lawfully make choices between foods and beverages of different nutritional value when deciding how local schools expend Federal funds, it may not discriminate against certain speech and speakers in favor of preferred messages and messengers. Citing to the U.S. Supreme Court’s holding in *Sorrell v. IMS Health, Inc.*, 131 S. Ct. 2653 (2011), the commenter pointed out that such speaker- or content-based speech restrictions are subjected to “heightened scrutiny” and can only survive if the government can offer a persuasive “neutral justification.” The commenter further pointed out that the only acceptable justifications recognized by the Supreme Court in *Sorrell* are the prevention of fraud and the correction of false or misleading speech – neither of which the commenter believes FNS has, or can, claim as the justification for the proposed rule’s marketing restrictions.

### **9.10.3 The proposed rule fails to directly and materially advance a governmental interest and impacts more speech than necessary**

The public interest law firm and policy center further stated that the marketing restrictions in the proposed rule would not survive First Amendment scrutiny under even a lower standard of review because, although FNS is arguably addressing a “substantial” governmental interest, the proposal fails to directly and materially advance that interest and impacts more speech than necessary. The commenter pointed out that under the lower standard of review, set forth in *Central Hudson Gas & Electric Corp. v. Public Service Comm’n*, 447 U.S. 557 (1980), courts must first assess whether the targeted speech proposes an unlawful transaction or is misleading, and whether the restriction on that speech advances a “substantial” governmental interest. The commenter went on to point out that if the speech is found lawful and not misleading, and if the interest being advanced is substantial, the government must then establish that the regulation “directly” advances that interest, and that there is a reasonable fit between the government’s ends and the means chosen to pursue those ends. While the commenter did not dispute that FNS is pursuing a substantial interest, it did argue that FNS is not advancing that interest in a constitutional manner.

### **9.10.4 The proposed rule violates the rights of Local Education Agencies by requiring them to accept the government’s viewpoint as a condition of receiving Federal funds**

The public interest law firm and policy center also stated that the proposed rule violates the rights of LEAs by unconstitutionally requiring them to accept the government’s viewpoint as a condition of receiving Federal funds. Quoting the U.S. Supreme Court’s holding in *Nat’l Fed. of*

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<sup>374</sup> Washington Legal Foundation – 0677.

*Indep. Business v. Sebelius*, 132 S.Ct. 2566 (2012), the commenter pointed out that while “Congress may use its spending power to create incentives for States to act in accordance with federal policies,” when “pressure turns into compulsion” the congressional action “undermine[s] the status of States as independent sovereigns in our federal system.” The commenter went on to state that the dictates of FNS’s proposal go beyond pressure into compulsion because local school officials need Federal funds to operate school lunch programs, so they are unlikely to oppose the Federal government’s viewpoint or refuse to implement the speech ban.

### **9.11 Commenters suggested issues FNS should address in model policies/agency guidance/supporting materials related to food and beverage marketing in schools**

Approximately 80 commenters suggested issues FNS should address in model policies/agency guidance related to food and beverage marketing in schools. Most of those commenters,<sup>375</sup> including 28 individuals who were part of a form letter campaign, numerous national associations and health advocacy organizations, an institutional investment center, a university research and education program, a local department of health, a civil rights advocacy organization and a health research and advocacy organization, stated that through guidance and model policies FNS should help schools identify and address the full range of food marketing in schools, including marketing and advertising through the following:

- Signs, scoreboards, or posters.
- Curricula, textbooks, or other educational materials.
- Vending machine exteriors, food or beverage cups or containers, food display racks, or coolers.
- Equipment, uniforms, or school supplies (e.g., pencils, notebooks, textbook covers).
- Advertisements in school publications, during announcements on the public announcement (PA) system, on school radio stations, in-school television (such as Channel One), computer screen savers, and/or school-sponsored Internet sites or websites promoted for educational purposes (e.g., coolmath-games.com).
- Branded fundraisers and corporate-sponsored programs that encourage students and/or their families to sell, purchase, or consume products, and/or provide funds to schools in

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<sup>375</sup> Commenters include: Nemours – 0264; Public Health: Seattle & King County – 0648; First Focus – 0669; The Food Trust – 0690; Association of State Public Health Nutritionists – 0501; ChangeLab Solutions – 0697; Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Health Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign– 0545; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility-0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; California Project LEAN – 0585; National Council of La Raza – 0631; Public Citizen – 0500; Food & Water Watch – 0290; Berkley Media Studies Group – 0495; Rudd Center for Food Policy and Obesity, Yale University – 0694; and National Association of County and City Health Officials – 0638.

exchange for consumer purchases of those products (e.g., McTeacher’s night, Labels for Education, Box Tops for Education).

- Corporate incentive programs that reward or provide children with free or discounted foods or beverages (e.g., Pizza Hut Book It! Program).
- Sponsorship of materials, programs, events, or teams.
- Market research activities.
- Corporate-sponsored scholarships.
- Free samples, taste-tests, or coupons.

Most of that same group of commenters also suggested: (1) that FNS give guidance to schools on how to address advertising for products that have been reformulated to meet Smart Snacks nutrition standards for sales in schools but that are also available in less healthy versions outside of schools; and (2) that resources should include data and materials regarding revenue from school marketing to assist schools that are concerned about possible financial ramifications.<sup>376</sup>

An association of school nutrition professionals<sup>377</sup> sought guidance on marketing on equipment and items that can be used both during and after school hours, and requested that guidance and model policies related to this issue include studies, toolkits, webinars, and other similar mechanisms.

Several commenters suggested FNS clarify through guidance or model policies what types of marketing would not be prohibited by the rule. A business association<sup>378</sup> and an association of food industry professionals<sup>379</sup> suggested FNS clarify that “marketing” does not include corporate-sponsored public service messages or curricular support that include no or only nominal sponsorship identification. A large group of commenters,<sup>380</sup> including numerous individuals, national associations and health advocacy groups, an institutional investment center and a university research and education program, recommended that FNS clarify in guidance that the following types of marketing would not be prohibited: marketing or brand images on clothing worn on schools grounds and marketing on product packaging for products not sold by the schools, and marketing that students view incidentally through media that are used for educational purposes and are not produced or controlled by the LEA, school, faculty, or students.

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<sup>376</sup> The American Health Association – 0266 also made this suggestion.

<sup>377</sup> School Nutrition Association – 0563 and 0616.

<sup>378</sup> Children’s Food and Beverage Advertising Initiative – 0698.

<sup>379</sup> Grocery Manufacturers Association – 0567.

<sup>380</sup> These commenters include: Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Health Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; First Focus – 0669; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids- Montgomery – 0545 (and 28 comments from individual members); Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; University of Minnesota Extension – 0492; Association of State and Territorial Health Officials – 0638; California Project LEAN – 0585; Berkley Media Studies Group – 0495; Trust for America’s Health – 0493; and National Association of County and City Health Officials – 0638.

Three commenters made recommendations related to brand advertising. A food research and policy center<sup>381</sup> stated that LEAs would benefit from guidance on specific policies toward advertising solely with brand logos since, in most cases, not all products from a single brand meet nutrition guidelines. A health advocacy organization<sup>382</sup> stated that FNS should provide guidance to schools that brand logos of companies who have any products that do not meet Smart Snacks nutrition standards are not acceptable, since they can promote the consumption of the entire product line. Another health advocacy organization<sup>383</sup> recommended that FNS provide examples of brand limitation, such as the following:

Example: A school may allow marketing of specific products that meet the requirements under § 210.00. So, a school could permit the advertising of the bottled water manufactured by a soft drink company that also manufactures beverages that do not meet nutrition standards under § 210.00. But the school may not permit the advertising of the manufacturer's corporate brand alone.

A corporate watchdog organization<sup>384</sup> stated that it is important that FNS acknowledge that commercial-free school environments are preferable to those that allow marketing. That organization and a children's health advocacy organization<sup>385</sup> both recommended that FNS include the following language in its guidance to schools:

From a "whole-child" perspective – one that supports students' cognitive, social and emotional development, as well as their physical wellbeing – schools should be commercial-free zones.

A State department of education<sup>386</sup> suggested that FNS provide guidance for State agencies on how to effectively monitor marketing during administrative reviews.

A local department of health<sup>387</sup> stated that FNS should use its guidance and model policies to help schools identify healthy, practical, and profitable ways to raise funds. Similarly, several individuals stated FNS should provides resources and model policies to schools seeking to eliminate all marketing which, for example, would identify healthy, practical, and profitable ways to raise funds. A national association of food and nutrition professionals<sup>388</sup> encouraged FNS to provide guidance as to how presently compliant LEAs have been able to make up lost revenue when they ended certain fundraisers.

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<sup>381</sup> Laurie M. Tisch Center for Food, Education and Policy – 0632.

<sup>382</sup> California Project LEAN – 0585.

<sup>383</sup> ChangeLab Solutions – 0697.

<sup>384</sup> Corporate Accountability International – 0494.

<sup>385</sup> Campaign for a Commercial-Free Childhood – 0612.

<sup>386</sup> Colorado Department of Education, Office of School Nutrition – 0644.

<sup>387</sup> Public Health: Seattle & King County – 0648.

<sup>388</sup> Academy of Nutrition and Dietetics – 0688.

## 9.12 Other comments related to food and beverage marketing

Approximately 150 commenters made other comments related to food and beverage marketing in schools. Most of those commenters were part of a form letter campaign. Those commenters, along with several health advocacy organizations and a State department of health, urged FNS to strengthen the marketing section to expand the time period that is covered by the rule to incorporate the majority of after-school sports practices and extracurricular student activities.<sup>389</sup> In contrast, a coalition of school districts<sup>390</sup> stated that marketing outside of school hours should be at the discretion of the LEA.

A health research and policy organization<sup>391</sup> urged FNS to establish a mechanism to support additional research on food and beverage marketing in schools and suggested adding measures of food and beverage marketing to ongoing School Nutrition Dietary Assessment studies conducted by USDA.

An education-related association<sup>392</sup> stated its belief that FNS's intention to prohibit the advertising of non-school-based foods and beverages improperly interferes with a school district's State law-governed ability to contract with vendors. The commenter sought clarification from FNS that the proposed food marketing rules, if implemented unchanged, will not require school districts to breach existing contracts with their vendors, potentially subjecting them to litigation. The commenter also pointed out that the proposed prohibition on food marketing could cut off an important tie between schools and the community by prohibiting students participating in yearbooks and school newspapers from engaging members of the community by soliciting advertisements for restaurants and other food services. The coalition of school districts similarly stated that the final rule should include an exception to the marketing restrictions that would not require changes to existing contracts that were entered into prior to the publication of the proposed rule. The coalition also recommended the final rule make clear that the marketing restrictions will not require schools to alter or remove fixtures or make infrastructure changes.

A children's health advocacy organization<sup>393</sup> acknowledged that, while school is not an appropriate place for marketing, schools and LEAs accept fees and materials from commercial sources because of chronic underfunding of school programs, including school meal programs. The organization stated that a strategy to provide schools with increased funds needs to be developed and implemented.

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<sup>389</sup> Oregon School-Based Health Alliance – 0571 and 0625; Oregon Public Health Institute – 0503; Upstream Public Health – 0423 and 0627; preventobesity.org form letter campaign (version 2) – 0716; Oregon's Healthy Kids Learn Better Coalition – 0611; Oregon Public Health Division – 0645; Oregon's Wellness in School Environments – 0682; and Upstream Public Health – 0703..

<sup>390</sup> Council of the Great City Schools – 0678.

<sup>391</sup> Rudd Center for Food Policy and Obesity, Yale University – 0694.

<sup>392</sup> National School Boards Association – 0685.

<sup>393</sup> School Food FOCUS – 0482.

Another children’s health advocacy organization<sup>394</sup> strongly recommended that FNS prohibit marketing of all foods, except for fresh produce. The organization stated that fresh produce is the only recommended food group currently being consumed far below recommended levels. The organization also asserted that marketing fresh fruits and vegetables will not contribute to childhood obesity or poor health nor violate family religious or dietary standards.

A school board association<sup>395</sup> noted that there are differences in “brand” marketing versus “product” marketing, and requested that FNS consider appropriate revisions to the final rule.

A civil rights advocacy organization<sup>396</sup> recommended that LEAs be encouraged to identify and support efforts that address and minimize targeted marketing to youth and youth of color. The organization further recommended that FNS assist schools in identifying strategies used by industry to target youth of color.

An association of school nutrition professionals<sup>397</sup> noted concern that the proposed rule would prohibit schools from working with community partners that provide or market non-compliant food items that are not sold on campus. Specifically, the commenter pointed out that many national food companies provide assistance to schools in the form of summer feeding grants and scholarships that use the companies’ logos on promotional materials, but also help meet critical school needs. The commenter requested further clarification on the issue of these community partners that help foster support for a wide variety of programs in schools.

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<sup>394</sup> California Project LEAN – 0585.

<sup>395</sup> Texas Association of School Boards – 0565.

<sup>396</sup> National Council of La Raza – 0631.

<sup>397</sup> School Nutrition Association – 0563 and 0616.

## **10. Comments on the Proposed Requirement that LEAs Inform and Update the Public about the Content and Implementation of the Local School Wellness Policy**

Under the proposed rule, LEAs would be required to inform the public about the content of the local school wellness policy and make the local school wellness policy and any updates to the policy available to the public on an annual basis. In addition, the proposed rule requires LEAs to make readily available to the public the annual school progress reports and triennial assessments of the local school wellness policy. As FNS explained in the preamble to the proposed rule, LEAs or schools would also be required to actively notify households of the availability of the local school wellness policy information, the Web site address for the information, or other information that would enable interested households to obtain additional information.

FNS also noted in the preamble to the proposed rule that Section 209 of the Healthy, Hunger-Free Kids Act of 2010 amended the National School Lunch Act to require USDA to establish requirements for LEAs to report information on the school nutrition environment to the public on a periodic basis, including information pertaining to food safety inspections, meal program participation, and nutritional quality of school meals, and other information. FNS stated that it will address § 209 through a separate proposed rulemaking in the future.

### **10.1 General support**

Approximately 57,170 commenters stated general support for the proposed requirement that LEAs inform and update the public about the content and implementation of local school wellness policies. These commenters include numerous national associations and advocacy organizations, a food policy organization, a local department of health, a school district nutrition services department, an institutional investment center and numerous individuals. Most of those comments were submitted as parts of several large form letter campaigns.<sup>398</sup> Most of the non-form commenters also urged USDA to move quickly to propose the transparency requirements under § 209 of the Healthy, Hunger-Free Kids Act of 2010.<sup>399</sup>

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<sup>398</sup> Center for Science in the Public Interest form letter campaign – 0574 and 0668; Food & Water Watch form letter campaign – 0693; Care2, preventobesity.org (version 1) and MomsRising.org form letter campaign – 0715 and 0716; and American Heart Association form letter campaign – 0717. Also, SHAPE America – 0307 and 0390; the Society for Public Health Education – 0458; and Keenan & Associates – 0623.

<sup>399</sup> These commenters include: Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; Bridging the Gap – 0543; Association of State and Territorial Health Officials – 0638; Action for Health Kids – 0662; California Project LEAN – 0585; Upstream Public Health – 0703; California Food Policy Advocates – 0647; Association of State Public Health Nutritionists – 0501; Food Research and Action Center – 0686; Health Promotion Council – 0568; Afterschool Alliance – 0498; the Prince George’s County Food Equity Council – 0630; Mission and School Meals

## **10.2 General opposition**

An association of school nutrition professionals<sup>400</sup> opposed the requirement that each LEA make information about local school wellness policy implementation for all participating schools available to the public on a periodic basis, stating that it will be an administrative burden on school districts. The commenter also pointed out that “periodic basis” can be interpreted differently from one LEA to another.

A State department of education<sup>401</sup> supported the concept of creating a system of communication between schools and parents to share local school wellness policies and information about school-based activities, but expressed concern that the process of collecting and reporting such information would impose a considerable burden on school administrators and/or wellness teams, especially within larger LEAs.

## **10.3 Comments related to making the local school wellness policy and any updates to the policy available to the public on an annual basis, at a minimum**

Two commenters addressed the requirement that local school wellness policies, and any updates thereto, be made available to the public on an annual basis, at a minimum. An association of school nutrition professionals<sup>402</sup> agreed that the public should be informed of wellness-related activities on campus, but pointed out that annual reporting will increase the need for staff working on the wellness policy. A food policy organization<sup>403</sup> stated that, in addition to annual reports on progress, there should be an audit of the personnel who are responsible for student health and a report on these findings, which would examine such things as staffing resources and wraparound health services. The commenter further stated that the results of the audit, and all other data collected, should be made publicly available.

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Work – 0407 and 0431; Illinois Hunger Coalition – 0613; ProMedica – 0548; 21 Acres – 0578; The Open Door – 0676; and Trust for America’s Health – 0493. Other key stakeholders who expressed general support for the requirement that LEAs inform and update the public about the content and implementation of local school wellness policies include: American Heart Association – 0266; Public Health: Seattle & King County – 0648; and Cherry Creek School District Food and Nutrition Services – 0546.

<sup>400</sup> School Nutrition Association of Pennsylvania – 0606.

<sup>401</sup> Maryland State Department of Education – 0605.

<sup>402</sup> California School Nutrition Association – 0718.

<sup>403</sup> The Prince George’s County Food Equity Council – 0630.

#### **10.4 Comments related to LEAs/schools being required to actively notify households of the availability of the local school wellness policy information, the Web site address for the information, or other information that would enable interested households to obtain additional information**

Approximately 80 of the commenters who expressed general support for the proposed requirement that LEAs inform and update the public about the content and implementation of the local school wellness policy (mentioned above in Section 10.1), including numerous national associations and advocacy organizations, numerous individuals (including 28 participants in a form letter campaign), and an institutional investment center, specifically expressed support for the proposed requirement that LEAs actively notify households regarding local school wellness policies.<sup>404</sup> A coalition of advocacy organizations<sup>405</sup> also expressed support for the proposed requirement, but urged FNS to provide additional information to stakeholders on what the minimum requirements are for notification. The commenters further urged FNS to consider ways in which to hold LEAs accountable for making this information as broadly accessible as possible.

#### **10.5 Specific comments on how LEAs/schools can publicize the information and provide as much information as possible to their communicants about the school nutrition environment**

Nine commenters provided suggestions as to how LEAs/schools can publicize information and provide as much information as possible to their communicants about the school nutrition environment. A children's health advocacy organization<sup>406</sup> stated that the final rule should require school-level reporting by LEAs, which would allow LEAs and their community partners to highlight successes seen across the district and best match resources that meet the needs of schools. A State department of education<sup>407</sup> suggested that technical assistance and sample formats will be useful in finding a mode of reporting that is practical to maintain. A food policy organization<sup>408</sup> encouraged FNS to require that local school wellness policies and subsequent

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<sup>404</sup> These commenters include: Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; National Association of State Boards of Education – 0241; Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; National Education Association Health Information Network – 0721; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids-Montgomery form letter campaign – 0545; Illinois Alliance to Prevent Obesity – 0663; Interfaith Center on Corporate Responsibility – 0499; Bridging the Gap – 0543; Association of State and Territorial Health Officials – 0638; Action for Health Kids – 0662; California Project LEAN – 0585; Upstream Public Health – 0703; National Council of La Raza – 0631; California Food Policy Advocates – 0647; Association of State Public Health Nutritionists – 0647; Food Research and Action Center – 0686; Afterschool Alliance – 0498; Hunger Free Vermont – 0593; the Prince George's County Food Equity Council – 0630; Mission and School Meals Work – 0407 and 0431; ProMedica – 0548; Health Promotion Council – 0568; 21 Acres – 0578; Illinois Humber Coalition – 0613; and The Open Door – 0676.

<sup>405</sup> Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado – 0589.

<sup>406</sup> Action for Healthy Kids – 0662.

<sup>407</sup> Maryland State Department of Education – 0605.

<sup>408</sup> California Food Policy Advocates – 0647.

progress reports be posted at the school site (e.g., front office or main entrance). An education-related association<sup>409</sup> suggested that LEAs be required to post local school wellness policies directly on the parent or family pages of the LEA or the school's website, where and when such pages exist. The food policy organization and a civil rights advocacy organization<sup>410</sup> also encouraged FNS to require LEAs to ensure that the local wellness policy, and any public announcement related to the policy, is available in the languages that represent the school community. A coalition of advocacy organizations<sup>411</sup> and an individual suggested that LEAs regularly collect data on students most at risk to ensure they are benefitting, audit personnel responsible for student health to examine staffing resources and health services, and publicize the information received. Another individual suggested that LEAs be required to post complete, searchable ingredient lists on their website, which should include all items for sale, especially a la carte items, on school menus.

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<sup>409</sup> National PTA – 0523.

<sup>410</sup> National Council of La Raza – 0631.

<sup>411</sup> The Praxis Project – 0650.

## 11. Comments on the Proposed Requirements Related to Implementation, Assessment, and Updates

The Local School Wellness Policy Proposed Rule would add to existing wellness policy reporting requirements to require LEAs to annually report on each school under its jurisdiction the school's progress toward meeting the local school wellness policy's goals over the previous school year, to assess compliance with local school wellness policies at least once every three years, and to make appropriate updates or modifications to the local school wellness policies based on the triennial assessments and annual reports.

FNS specifically sought comment on:

- Whether the annual frequency of the progress reporting would serve to ensure local school wellness policies and school-based activities are communicated to parents and the community without being overly burdensome to LEAs.
- Whether the 3-year frequency of the assessment would serve to ensure local school wellness policies are kept up-to-date without being overly burdensome to LEAs.
- Specific areas that should be included in the components of an effective assessment.

### 11.1 General support

Approximately 54,740 commenters stated general support for the proposed requirements related to implementation, assessment, and updates. Most of those commenters submitted comments as part of several large form letter campaigns.<sup>412</sup> Other commenters include health advocacy organizations,<sup>413</sup> associations representing food and nutrition professionals,<sup>414</sup> education-related organizations,<sup>415</sup> other trade associations,<sup>416</sup> food policy organizations,<sup>417</sup> research programs,<sup>418</sup> a public health philanthropy organization,<sup>419</sup> a coalition of advocacy organizations,<sup>420</sup> an

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<sup>412</sup> Center for Science and the Public Interest form letter campaign– 0574 and 0668; Food and Water Watch form letter campaign –0693; Real Food for Kids-Montgomery form letter campaign – 0545; and Care 2, momsrising.org, and preventobesity.org form letter campaign (version 1)– 0715 and 0716.

<sup>413</sup> Trust for America's Health – 0493; American Diabetes Association – 0547; National Coalition for Promoting Physical Activity – 0502; Center for Science and the Public Interest – 0474; Healthy Schools Campaign – 0464; First Focus – 0669; The Food Trust – 0690; American Cancer Society – 0671; Upstream Public Health – 0703; Action for Healthy Kids – 0662; and Food and Water Watch – 0290.

<sup>414</sup> Academy of Nutrition and Dietetics – 0688; Association of State Public Health Nutritionists – 0501; Society for Nutrition Education and Behavior – 0394; School Food FOCUS – 0482; California School Nutrition Association – 0718.

<sup>415</sup> National PTA – 0523; National Association of State Boards of Education – 0241; National Education Association – 0610; and National Education Association Health Information Network – 0721.

<sup>416</sup> SHAPE America – 0307 and 0390; Society for Public Health Education – 0458; National Association of County and City Health Officials – 0486; and Association of State and Territorial Health Officials-0638.

<sup>417</sup> California Food Policy Advocates – 0647 and Washtenaw Food Policy Council Nutrition and Food Access Policy Action Team – 0586.

<sup>418</sup> Bridging the Gap – 0543 and University of Minnesota Extension – 0492.

<sup>419</sup> Robert Wood Johnson Foundation – 0360.

institutional investment organization,<sup>421</sup> a local department of health,<sup>422</sup> a children’s advocacy organization,<sup>423</sup> and many individuals. Commenters noted the proposed reporting, assessment and update requirements would improve compliance, and will hold schools accountable to the community.

## **11.2 General opposition**

Twelve commenters, including three State departments of education, a city department of education, a school district, two school district nutrition services departments, an association of school nutrition professionals, a coalition of school districts and three individuals, stated opposition to the proposed requirements related to implementation, assessment, and updates.

The association of school nutrition professionals<sup>424</sup> and a school district nutrition services department<sup>425</sup> stated the annual report and the triennial assessment seem redundant. These commenters noted the Healthy, Hunger-Free Kids Act of 2010 already requires LEAs to assess implementation, describe progress, and report on compliance with the wellness policy.

The other school district nutrition services department<sup>426</sup> and an individual expressed concern about the significant burden the proposed reporting requirements would add to the current work load. The school district nutrition services department specifically noted the burden the proposed requirements would place on small schools. The commenter further noted that students spend only 20% of the year in school, so schools cannot effectively bear responsibility for student wellness.

The coalition of school districts stated that FNS inconsistently interpreted the “periodically” requirement of 9(A)(b)(5) of the National School Lunch Act to require LEAs to report on each school’s progress annually, on the one hand, and to assess compliance with local school wellness policies only once every three years, on the other hand. The coalition recommended FNS revise 7 CFR 210.30(e)(2) to read: “Not less than every three years, report progress toward meeting the local school wellness policy’s goals and include,” and strike subparagraphs (ii) and (iii). The coalition also recommended FNS strike the word “annual” from 7 CFR 210.30(d)(3) and 7 CFR 210.30(f)(2) and (4). The coalition further recommended FNS strike the phrase “for each school under its jurisdiction” from 7 CFR 210.30(f)(3) and (4).

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<sup>420</sup> The Colorado Health Foundation, Colorado Children’s Campaign and LiveWell Colorado – 0589.

<sup>421</sup> Interfaith Center on Corporate Responsibility – 0499.

<sup>422</sup> County of Los Angeles Public Health – 0641.

<sup>423</sup> Mission: Readiness, Military Leaders for Kids – 0608.

<sup>424</sup> California School Nutrition Association – 0718.

<sup>425</sup> Torrance Unified School District, Nutrition Services – 0133.

<sup>426</sup> Dubuque Community School District – 0636.

A State department of education<sup>427</sup> asserted the responsibility and accountability for wellness policies should be more evenly shared among the school food authority and school administration within each LEA. The commenter noted that the perception is that responsibility and leadership for wellness policies is disproportionately assigned to the school food authority and not the LEA. The commenter also requested that FNS provide additional explanation regarding how to assess implementation. To facilitate assessing the implementation of local school wellness policies, the commenter recommended LEAs create an implementation plan, which would include goals for each of the required areas of the local school wellness policy, objectives, action steps, a list of person responsible, and a timeline.

Two other State departments of education,<sup>428</sup> a city department of education,<sup>429</sup> and an individual expressed concern about the significant monitoring and reporting burden the proposed rule would place on large school districts. Noting the administrative burden to districts of requiring each individual school to report on their wellness policies, the individual stated that all reporting should be done at the district level. To reduce the burden on LEAs, a State department of education<sup>430</sup> recommended FNS amend appropriate sections to require LEAs to: (1) triennially assess and annually report progress for the LEA and a representative sample of schools under its jurisdiction; and (2) notify the public and keep records for local school wellness policies at the LEA level and for a sample of schools under its jurisdiction.

An individual questioned how to assess and report on the progress of a policy that has no quantitative data and no measurable goals. Also pointing out that there is no definitive way to measure and evaluate progress, a school district<sup>431</sup> requested that the assessment and evaluation component of the proposed rule be eliminated, or that additional funding be provided and decision-making in this area be left at the local level.

### **11.3 Annual progress reports**

To promote public transparency and ensure parents have easy access to information about the wellness environment of the school their child attends, FNS proposed in § 210.30(e)(2) that LEAs inform the parents and the public each school year of basic information about the local school wellness policy, the progress of each school toward meeting the goals of the policy, and any activities related to the policy that the school conducts.

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<sup>427</sup> Maryland State Department of Education – 0605.

<sup>428</sup> California Department of Education, Nutrition Services Division – 0700, and Utah State Office of Education – 0651.

<sup>429</sup> NYC Department of Education – 0666.

<sup>430</sup> California Department of Education, Nutrition Services Division – 0700.

<sup>431</sup> Lake Washington School District – 0672.

### **11.3.1 Comments on the contents of annual progress reports**

FNS also proposed minimum content requirements for the annual progress reports in § 210.30(e)(2). FNS received four comments about the contents of annual progress reports. An education organization<sup>432</sup> recommended FNS require that a list of representatives of the wellness community be included in the annual progress reports. A health advocacy organization<sup>433</sup> recommended FNS consider how implementation will be tracked and measured across all schools in each State, and how successful implementation will be defined. The commenter stated assessment of implementation should be linked to outcome measures, such as student health and academic indicators. A local department of public health<sup>434</sup> specified LEAs should collect Body Mass Index (BMI) data of students to measure outcomes of local school wellness policies. A coalition of advocacy organizations<sup>435</sup> suggested FNS identify specific data elements that should be included in these reports, and provide additional information on how the annual progress report differs from the triennial assessment.

### **11.3.2 Comments on the format of annual reports (e.g., School Wellness Report Card format, or folding the information into other annual school/district/LEA report card-type ratings that are available to the public)**

FNS did not propose a specific format for the annual progress reports and noted the report can be in any format as long as it is written in an easily understood manner and contains all the required elements. Four commenters addressed the format of annual reports. Three commenters, including a State department of education,<sup>436</sup> a children's health advocacy organization<sup>437</sup> and an association of school food service professionals,<sup>438</sup> stated the school wellness report card format would be useful for the annual reports. The children's health advocacy organization further recommended FNS require in the final rule that LEAs create an annual school wellness report card, and specify the contents of the report card. The commenter also suggested FNS establish a centralized reporting requirement at the school level and that the Federal government set up a database where all school wellness data can be accessed. Two individuals stated that the frequency, scope, and level of detail of the annual progress reports are too burdensome. To reduce the burden of preparing the annual reports, a school district nutrition services department<sup>439</sup> recommended FNS provide flexibility to allow districts to use data they currently collect as part of the annual reports.

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<sup>432</sup> National PTA – 0523.

<sup>433</sup> Illinois Alliance to Prevent Obesity – 0663.

<sup>434</sup> Public Health: Seattle & King County – 0648.

<sup>435</sup> The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado – 0589.

<sup>436</sup> Colorado Department of Education, Office of School Nutrition – 0644.

<sup>437</sup> Action for Healthy Kids – 0662.

<sup>438</sup> School Food FOCUS – 0482.

<sup>439</sup> Cherry Creek School District Food and Nutrition Services – 0546.

### **11.3.3 Comments responsive to the proposed rule’s inquiry as to whether the annual frequency of the progress reporting would serve to ensure local school wellness policies and school-based activities are communicated to parents and the community without being overly burdensome to LEAs**

Nine commenters responded to FNS’s inquiry as to whether the annual frequency of the progress reporting would serve to ensure local school wellness policies and school-based activities are communicated to parents and the community without being overly burdensome to LEAs.

A coalition of school districts<sup>440</sup> stated that the proposed rule far exceeds the requirements of the Healthy, Hunger-Free Kids Act of 2010 by mandating an annual progress report for each school under the jurisdiction of the LEA. The coalition pointed out that the Act requires the LEA to “periodically” measure and assess wellness policy implementation and compliance, including a description of the progress made in attaining the goals of the wellness policy. Noting that the Act contains nearly two dozen references to requirements that are “annual,” the coalition stated that if Congress had wanted annual progress reports, it would not have used the term “periodically” when discussing the requirement that LEAs measure and assess wellness policy implementation and progress. The coalition further pointed out that the Act requires the LEA – not the school – to periodically measure, assess, and describe implementation, compliance, and progress in attaining the goals, whereas the proposed rule requires a school-by-school annual progress report. The coalition stated that this requirement will impose a massive burden on large school districts unless additional resources are provided for school districts to build the necessary data systems to track and report the information

A food research and policy center<sup>441</sup> noted LEAs need for funding in addition to assistance in the form of model policies and best practices, and urged FNS to consider a source of funding to enable the successful development, implementation and assessment of school wellness policies. Two State departments of education,<sup>442</sup> a city department of education,<sup>443</sup> and an individual believe the annual frequency of progress reporting would be overly burdensome. As an example, a State department of education<sup>444</sup> and an individual noted the requirement in § 210.30(e)(2)(iii), to include “a summary of each school’s events or activities related to local school wellness policy implementation could be very time consuming and difficult for small programs with limited staff or a large district with numerous sites and activities to record.” The city department of education also noted monitoring, reporting, preparing, and publishing progress reports annually in a large district would require significant resources that the commenter believes could be used more effectively elsewhere. A school district nutrition services department,<sup>445</sup> while

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<sup>440</sup> Council of the Great City Schools – 0678.

<sup>441</sup> Laurie M. Tisch Center for Food, Education and Policy – 0632.

<sup>442</sup> Utah State Office of Education – 0651 and Maryland State Department of Education – 0605.

<sup>443</sup> NYC Department of Education – 0666.

<sup>444</sup> Utah State Office of Education – 0651.

<sup>445</sup> Torrance Unified School District, Nutrition Services – 0133.

agreeing that the public should be informed, recognized that annual reporting will increase staffing needs. In contrast, a children’s health foundation<sup>446</sup> and an individual recommended the frequency of progress reports should be at least twice per school year as a means to hold schools accountable for implementing their local school wellness policies. The individual added that the first update should be a brief, initial progress report to avoid overburdening LEAs.

#### **11.4 Triennial assessments**

The Local School Wellness Policy Proposed Rule in § 210.30(e)(3) proposes to require LEAs to conduct an assessment of the local school wellness policy at least every 3 years and that the results of the assessment be made available to the public.

##### **11.4.1 General support**

Approximately 150 commenters expressed general support for the triennial assessments. Most of these commenters submitted comments as part of a form letter campaign. Commenters include health advocacy organizations,<sup>447</sup> a State department of public health,<sup>448</sup> a State department of education,<sup>449</sup> a farm-to-school education and advocacy organization,<sup>450</sup> a local department of health,<sup>451</sup> an agriculture advocacy organization,<sup>452</sup> and many individuals.

##### **11.4.2 General opposition**

An individual expressed opposition to the triennial assessments, stating there are no additional resources provided to meet these proposed requirements. The commenter noted the commenter’s district is already facing significant challenges due to limited resources and it is not realistic to expect such districts to add new programs and meet new requirements each year.

##### **11.4.3 Comments on the contents of triennial assessments**

Section 210.30(e)(3) proposes minimum content requirements of the triennial assessment. At a minimum, the triennial assessment would measure the implementation of the local school wellness policy and include: the extent to which the schools under the LEA’s jurisdiction are in compliance with their local school wellness policy; the extent to which the LEA’s local school wellness policy compares to model local school wellness policies; and a description of the

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<sup>446</sup> Nemours – 0264.

<sup>447</sup> preventobesity.org form letter campaign (version 2) – 0716; Upstream Public Health – 0423 and 0627; Oregon School-Based Health Alliance – 0571 and 0625; Oregon Public Health Institute – 0503; Oregon’s Healthy Kids Learn Better Coalition – 0611; Oregon’s Wellness in School Environments – 0682; and Lane Coalition for Healthy Active Youth – 0350.

<sup>448</sup> Oregon Public Health Division – 0645.

<sup>449</sup> Utah State Office of Education – 0651.

<sup>450</sup> Oregon Farm to School and School Garden Network – 0687.

<sup>451</sup> County of Los Angeles Public Health – 0641.

<sup>452</sup> Farm to Table – 0723.

progress made in attaining the goals of the local school wellness policy. FNS received four comments about the contents of triennial assessments. A State department of education<sup>453</sup> noted that some LEAs in the State have more than 50 schools under their jurisdiction and expressed concern that requiring an LEA to assess each school under its jurisdiction triennially will be overly burdensome. To reduce the burden, the commenter recommended that FNS require the LEA to assess a representative sample of schools under its jurisdiction triennially, rather than each school under its jurisdiction.

Two commenters noted that the triennial assessment would compare the LEA's to model local school wellness policies; however, no standard model local school wellness policy has been established. One commenter<sup>454</sup> suggested establishing a single standard State-determined model local school wellness policy that all LEAs in the State measure against to ensure consistency within a State. A State department of agriculture<sup>455</sup> recommended FNS issue guidance that provides examples of acceptable model wellness policies. Noting that that "triennial assessment" and "triennial review" are listed as separate requirements, an individual stated that they should be combined as one function, and that FNS should specify the responsibilities of the LEA versus the responsibilities of the State agency.

#### **11.4.4 Comments on the format of triennial assessments**

No commenters addressed the issue of the format of triennial assessments.

#### **11.4.5 Comments responsive to the proposed rule's inquiry as to whether the 3-year frequency of the assessment would serve to ensure local school wellness policies are kept up-to-date without being overly burdensome to LEAs**

Five commenters addressed whether the proposed frequency of the triennial assessment is appropriate. A State department of education<sup>456</sup> and a school district nutrition services department<sup>457</sup> indicated that the 3-year assessment frequency may be too burdensome for small districts and may not allow sufficient time to make progress towards the identified goals. However, another State department of education<sup>458</sup> agreed the 3-year frequency is an appropriate timeframe, but recommended FNS provide examples of model local school wellness policies and a rubric for schools to use in conducting the assessments. In contrast, a third State department of education<sup>459</sup> stated that 3 years is too long to wait for feedback, so the triennial assessment requirement should be incorporated into the annual progress reports. Similarly, an individual

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<sup>453</sup> California Department of Education, Nutrition Services Division – 0700.

<sup>454</sup> California Department of Education, Nutrition Services Division – 0700.

<sup>455</sup> Texas Department of Agriculture – 0609.

<sup>456</sup> Maryland State Department of Education – 0605.

<sup>457</sup> Cherry Creek School District Food and Nutrition Services – 0546.

<sup>458</sup> Colorado Department of Education, Office of School Nutrition – 0644.

<sup>459</sup> Minnesota Department of Education – 0354.

stated that three years for every official compliance check may not be enough to ensure schools are on target with their goals.

### **11.5 Comments relating to the proposed requirements to update and modify local school wellness policies**

Section 210.30(e)(4) proposes to require LEAs to update or modify the local school wellness policy periodically, as appropriate, based on information from the triennial assessment and annual progress reports. FNS did not specify how frequently the updates should occur.

#### **11.5.1 General support**

Approximately 50 commenters stated their support for the proposed requirements to periodically update and modify local school wellness policies. These commenters include individuals (including 28 participants in a form letter campaign),<sup>460</sup> health advocacy organizations,<sup>461</sup> educational organizations,<sup>462</sup> associations of nutrition or health professionals,<sup>463</sup> a State department of education,<sup>464</sup> a health research organization,<sup>465</sup> a university research and education program,<sup>466</sup> a civil rights advocacy organization,<sup>467</sup> and an institutional investment center.<sup>468</sup> The commenters generally agreed that LEAs should have flexibility to determine when to update their wellness policies, but that FNS should encourage LEAs to update their policies at least every three years to coincide with the triennial assessment.

#### **11.5.2 General opposition**

No commenters expressed general opposition to the proposed requirements to update and modify local school wellness policies.

#### **11.5.3 Other comments**

FNS did not receive other comments related to the proposed requirements to update and modify local school wellness policies.

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<sup>460</sup> Real Food for Kids Montgomery form letter campaign – 0545.

<sup>461</sup> American Heart Association – 0266; First Focus – 0699; California Project LEAN – 0585; American Cancer Society Action Network – 0671; Real Food for Kids Montgomery – 0545; Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; Action for Healthy Kids – 0662; Consortium to Lower Obesity in Chicago Children – 0642; Upstream Public Health – 0703.

<sup>462</sup> National PTA – 0523; National Association of State Boards of Education – 0241; National Education Association – 0610; National Education Association Health Information Network – 0721.

<sup>463</sup> Society for Nutrition Education and Behavior – 0394; and Association of State and Territorial Health Officials – 0638.

<sup>464</sup> Colorado Department of Education, Office of School Nutrition – 0644.

<sup>465</sup> Bridging the Gap – 0543.

<sup>466</sup> University of Minnesota Extension – 0492.

<sup>467</sup> National Council of La Raza – 0631.

<sup>468</sup> Interfaith Center on Corporate Responsibility – 0499.

## **11.6 Comments relating to the proposed recordkeeping requirements**

Section 210.30(f) proposes to require LEAs to retain records to document compliance with the local school wellness requirements. These records would include: the written school wellness policy; documentation demonstrating compliance with the community involvement requirements; documentation of the triennial assessment of the local school wellness policy; annual local school wellness policy progress reports for each school under the LEA's jurisdiction; and documentation to demonstrate compliance with the public notification requirements.

### **11.6.1 General support**

Approximately 50 commenters expressed general support for the proposed recordkeeping requirements. These commenters include individuals (including 28 participants in a form letter campaign),<sup>469</sup> health advocacy organizations,<sup>470</sup> educational organizations,<sup>471</sup> associations of nutrition or health professionals,<sup>472</sup> a health research organization,<sup>473</sup> a university research and education program,<sup>474</sup> and an institutional investment center.<sup>475</sup> To avoid additional burden on schools, commenters recommended FNS clarify that the annual progress reports and the triennial assessments may be used to meet the recordkeeping requirements.

### **11.6.2 General opposition**

Two individuals stated that the documentation and recordkeeping requirements of the proposed rule are beyond what is necessary to ensure that each school district has an effective wellness policy.

### **11.6.3 Other comments**

A State department of education<sup>476</sup> asserted the proposed recordkeeping requirements would impose a significant burden on LEAs. The commenter expressed concern that as a result of the additional administrative burden, some LEAs with low free and reduced-price meal participation

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<sup>469</sup> Real Food for Kids Montgomery form letter campaign – 0545.

<sup>470</sup> Trust for America's Health – 0493; American Heart Association – 0266; First Focus – 0699; California Project LEAN – 0585; American Cancer Society Action Network – 0671; Real Food for Kids- Montgomery – 0545; Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; Action for Healthy Kids – 0662; Consortium to Lower Obesity in Chicago Children – 0642; Upstream Public Health – 0703; Kids' Safe and Healthful Foods Project – 0535; The Food Trust – 0690.

<sup>471</sup> National PTA – 0523; National Association of State Boards of Education – 0241; National Education Association – 0610; National Education Association Health Information Network – 0721.

<sup>472</sup> Society for Nutrition Education and Behavior – 0394 and Association of State and Territorial Health Officials – 0638.

<sup>473</sup> Bridging the Gap – 0543.

<sup>474</sup> University of Minnesota Extension – 0492.

<sup>475</sup> Interfaith Center on Corporate Responsibility – 0499.

<sup>476</sup> California Department of Education, Nutrition Services Division – 0700.

may withdraw from the National School Lunch Program and School Breakfast Program. To reduce the burden to LEAs, the commenter recommended that FNS amend §§ 210.30(f)(3) and (4) to require the appropriate documentation for a representative sample of schools under the jurisdiction of the LEA instead of for each school under the jurisdiction of the LEA.

A school district nutrition services department<sup>477</sup> suggested that FNS place responsibility for assessments and recordkeeping on LEAs (either the designated official or the wellness policy team) because nutrition services departments do not have the authority to ensure compliance in all the covered areas. An individual asserted that LEA-level child nutrition departments will be responsible for meeting the proposed monitoring, recordkeeping, and reporting requirements.

### **11.7 Comments on the proposed requirement for State agencies to conduct monitoring and oversight of LEAs' compliance with local school wellness policy requirements**

State agencies currently conduct administrative reviews of LEAs at least once every three years. To ensure compliance with the local school wellness policy, proposed § 210.18(h)(6) would require State agencies to include compliance with the local school wellness policy requirements as part of their administrative reviews.

#### **11.7.1 General support**

Approximately 50 commenters, including individuals (including 28 participants in a form letter campaign),<sup>478</sup> health advocacy organizations,<sup>479</sup> educational organizations,<sup>480</sup> associations of nutrition or health professionals,<sup>481</sup> a local department of health,<sup>482</sup> a health research organization,<sup>483</sup> a university research and education program<sup>484</sup> and an institutional investment center,<sup>485</sup> supported the proposed requirement for State agencies to conduct monitoring and oversight of LEA compliance with local school wellness policy requirements. Commenters stated that incorporating compliance with local school wellness policies into the administrative review will promote more effective implementation of the policies. The commenters also suggested the compliance review should include the official designated by the LEA responsible

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<sup>477</sup> Dubuque Community School District – 0636.

<sup>478</sup> Real Food for Kids Montgomery form letter campaign – 0545.

<sup>479</sup> Trust for America's Health – 0493; American Heart Association – 0266; First Focus – 0699; California Project LEAN – 0585; American Cancer Society Action Network – 0671; Real Food for Kids- Montgomery – 0545; Center for Science in the Public Interest – 0474; Academy of Nutrition and Dietetics – 0688; Healthy Schools Campaign – 0464; Action for Healthy Kids – 0662; Consortium to Lower Obesity in Chicago Children – 0642; Upstream Public Health – 703.

<sup>480</sup> National PTA – 0523; National Association of State Boards of Education – 0241; National Education Association – 0610; National Education Association Health Information Network – 0721.

<sup>481</sup> Society for Nutrition Education and Behavior – 0394, and Association of State and Territorial Health Officials – 0638.

<sup>482</sup> Public Health: Seattle & King County – 0648.

<sup>483</sup> Bridging the Gap – 0543.

<sup>484</sup> University of Minnesota Extension – 0492.

<sup>485</sup> Interfaith Center on Corporate Responsibility – 0499.

for the local school wellness policy in addition to the food service professional involved in implementing the school meal and Smart Snack nutrition standards.

### **11.7.2 General opposition**

Ten commenters expressed their opposition to the proposed monitoring and oversight requirements. Two associations of school nutrition professionals,<sup>486</sup> an advocacy organization,<sup>487</sup> and two individuals contend increasing the elements of the administrative review places an undue burden on State nutrition program staff. The advocacy organization added these new requirements will reduce the ability of the staff to provide much-needed technical assistance to schools, and, together with one of the associations of school nutrition professionals, requested that FNS provide additional administrative funds to small States so that additional staff can be hired to comply with the proposed requirements. A State department of education<sup>488</sup> suggested that both LEAs and School Food Authorities (SFAs) be held accountable for assessing local school wellness policies and their implementation because the current assessment process places an undue operational and financial burden on SFAs. Five individuals stated the proposed rule places responsibility for compliance with the school wellness policy on the district food service department, although the food service department does not have the authority to control all of the elements of the wellness policies, such as curriculum or physical activity. Similarly, a coalition of school districts<sup>489</sup> pointed out that § 210.18(h)(7) of the proposed rule says the State agency shall ensure the “school food authority” complies with the local school wellness requirements. Noting that local school wellness policy compliance should be the responsibility of the LEA, not the school food authority, the coalition recommended FNS strike the reference to “school food authority” in § 210.18(h)(7), and replace it with “local education agency.”

### **11.7.3 Other comments**

Commenters raised other concerns about the proposed monitoring and oversight requirements. An association of health officials, a children’s health foundation, a State education department,<sup>490</sup> and two individuals suggested FNS develop enforcement mechanisms to address non-compliance revealed during administrative reviews. One commenter<sup>491</sup> added that consequences of non-compliance could include placing a school on a watch list for annual review. Two associations of school nutrition professionals<sup>492</sup> requested that FNS clarify how penalties will be assessed if a school district is not in compliance with the requirements, and noted an SFA should not be held accountable if a group outside the SFA authority violates the

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<sup>486</sup> School Nutrition Association of Vermont-0646 and School Nutrition Association of Pennsylvania – 0606.

<sup>487</sup> Hunger Free Vermont – 0593.

<sup>488</sup> Colorado Department of Education, Office of School Nutrition – 0644.

<sup>489</sup> Council of the Great City Schools – 0678.

<sup>490</sup> National Association of County and City Health Officials – 0486; Nemours – 0264; and New York State Education Department – 0679.

<sup>491</sup> Nemours – 0264.

<sup>492</sup> School Nutrition Association – 0563 (0616 Supplement) and School Nutrition Association of Vermont – 0646.

local wellness policy. An individual stated that fiscal penalties should be given for non-compliance and checked yearly by a state auditor. A school district nutrition services department<sup>493</sup> asked why the wellness policy would be included in the Administrative Review for Nutrition Services instead of the District's Annual Audit, and stated that Nutrition Services should not be penalized for noncompliance.

An individual recommended the State agency responsible for reviewing each district's wellness policy implementation display the information used to determine compliance on its website, with links to the district's wellness policy and assessments. The commenter believes making this information easily accessible would encourage districts to comply with its policy.

### **11.8 Commenters suggested issues FNS should address in model policies/agency guidance/supporting materials related to implementation, assessment, and updates**

Approximately 60 commenters suggested issues FNS should address in model policies, agency guidance, or supporting materials related to local school wellness policy implementation, assessment, and updates. Most of these commenters requested FNS clarify the difference between the content and purpose of the annual report and the triennial assessment. These commenters include individuals (including 28 participants in a form letter campaign),<sup>494</sup> health advocacy organizations,<sup>495</sup> associations of nutrition or health professionals,<sup>496</sup> education organizations,<sup>497</sup> a university research and education program,<sup>498</sup> a civil rights advocacy organization,<sup>499</sup> an institutional investment center,<sup>500</sup> and an individual. Commenters also requested that FNS provide details about what constitutes acceptable reporting and what would be ideal, and encouraged FNS to provide strategies and instruments to simplify reporting. Commenters recommended that FNS use a Bridging the Gap Report on local school wellness policies<sup>501</sup> as a resource for developing the reporting requirements. One commenter<sup>502</sup> requested

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<sup>493</sup> Torrance Unified School District, Nutrition Services – 0133.

<sup>494</sup> Real Food for Kids Montgomery form letter campaign – 0545.

<sup>495</sup> Trust for America's Health – 0493; Center for Science in the Public Interest – 0474; Healthy Schools Campaign – 0464; First Focus – 0669; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children – 0642; Real Food for Kids -Montgomery – 0545; Bridging the Gap – 0543; California Project LEAN – 0585; American Heart Association – 0266; Upstream Public Health – 0638; and Action for Healthy Kids – 0662.

<sup>496</sup> Academy of Nutrition and Dietetics – 0688; Society for Nutrition Education and Behavior – 0394; Association of State Public Health Nutritionists – 0501; School Nutrition Association – 0563 (0616 supplement); Association of State and Territorial Health Officials – 0638.

<sup>497</sup> National PTA – 0523; National Association of State Boards of Education – 0241; National Education Association – 0610; and National Education Association Health Information Network – 0721.

<sup>498</sup> University of Minnesota Extension – 0492.

<sup>499</sup> National Council of La Raza – 0631.

<sup>500</sup> Interfaith Center on Corporate Responsibility – 0499.

<sup>501</sup> Bridging the Gap. *Local School Wellness Policies*. 2013.

[http://www.bridgingthegapresearch.org/\\_asset/13s2jm/WP\\_2013\\_report.pdf](http://www.bridgingthegapresearch.org/_asset/13s2jm/WP_2013_report.pdf).

<sup>502</sup> Consortium to Lower Obesity in Chicago Children – 0642.

that FNS provide examples of schools that have successful accountability and enforcement mechanisms.

Nine commenters<sup>503</sup> recommended that FNS use the USDA Special Nutrition Program Operations Study (SN-OPS) as a source of information for identifying resource needs and developing toolkits and other materials to support the development and implementation of local school wellness policies.

Two commenters<sup>504</sup> requested that FNS encourage LEAs to incorporate their wellness policy implementation into the school district and school level strategic plans to further enhance implementation, impact and accountability.

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<sup>503</sup> Commenters include: Society for Nutrition Education and Behavior – 0394; National Education Association – 0610; First Focus – 0669; American Cancer Society Cancer Action Network – 0671; Consortium to Lower Obesity in Chicago Children-0642; Real Food for Kids- Montgomery – 0545 (and 28 individual members who submitted the same form letter); Interfaith Center on Corporate Responsibility – 0499; and University of Minnesota Extension – 0492.

<sup>504</sup> Association of State Public Health Nutritionists – 0501 and American Cancer Society Cancer Action Network – 0671.

## **12. Comments on the NSLA’s Requirement that USDA, in Consultation with the Department of Education and the Centers for Disease Control and Prevention, Provide Technical Assistance to LEAs, School Food Authorities and State Agencies to Support Local School Wellness Policies**

Section 9A of the NSLA requires USDA, in consultation with the Department of Education and the Centers for Disease Control and Prevention of the Department of Health and Human Services, to provide information and technical assistance to LEAs, school food authorities, and State agencies to support local school wellness policies. In April 2011, FNS, Department of Education, and Centers for Disease Control convened an interagency workgroup to determine the training and technical needs of LEAs. The workgroup has identified and made available best practices and other technical assistance resources to support LEAs in developing and implementing their wellness policies. In the preamble of the proposed rule, FNS noted it will continue to identify, develop, and make available model local school wellness policies, best practices, and other technical assistance resources to support the development, implementation and assessment of local school wellness policies. Three commenters addressed the NSLA’s requirements that USDA provide information and technical assistance.

A children’s health foundation<sup>505</sup> and a national youth-development organization<sup>506</sup> noted that technical assistance is critical to ensure that schools have the necessary resources to successfully develop and implement their wellness policies. The children’s health foundation recommended that schools be provided training and technical assistance. The commenter also recommended specific tool kits<sup>507</sup> that may be used to assist schools.

A State department of education<sup>508</sup> recommended that FNS provide State agencies with guidance and training on evidence-based initiatives and methods of measuring success to ensure consistency in the evaluation of wellness policies.

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<sup>505</sup> Nemours – 0685.

<sup>506</sup> YMCA of the USA – 0691.

<sup>507</sup> Wellsat tool kit is available at: <http://www.wellsat.org/>; Information about CDC’s School Health Index resource is available at <http://www.cdc.gov/healthyyouth/shi/>.

<sup>508</sup> New York Department of Education – 0679.

### **13. Comments on the Regulatory Flexibility Analysis (RFA)/ Impact on Small Entities**

The Regulatory Flexibility Act (RFA) requires agencies to consider the impact of their rules on small entities and to evaluate alternatives that would accomplish the same objectives without undue burden when the rules impose a significant economic impact on a substantial number of small entities. FNS determined the proposed rule would have a significant impact on a substantial number of small entities. FNS estimates that the administrative cost for schools to comply with the proposed requirements would be on average \$48 per school per year. Eight commenters addressed the potential impact of this proposed rule on small SFAs and schools.

#### **13.1 Agree with RFA**

No commenters stated that they agree with the RFA analysis.

#### **13.2 Disagree with RFA**

An association of school nutrition professionals,<sup>509</sup> a school district,<sup>510</sup> a school district nutrition services department,<sup>511</sup> and five individuals stated that FNS significantly underestimated the annual cost to schools to comply with the proposed increased public outreach, assessment and reporting requirements. Several of these commenters contend the time spent on reading, understanding and educating the district on the proposed rule alone will exceed the estimated \$48 per school per year. Three of the individuals also contended that this administrative cost does not include the manpower to monitor, develop and regulate the local wellness policy. The association of school nutrition professionals noted that the school district nutrition services department reported spending more than 220 hours and \$8,400 on updating its wellness policy. One of the individuals, a high school principal, noted that in addition to regular staff members who work on wellness policy tasks, his school also has a grant funded staff member who works on school wellness policy tasks for 20 hours a week at \$30 per hour. The school district estimated the cost for public participation and communications, website updates, and committee work, among other tasks, to be at least \$50,000. The school district also estimated that the business services and food services directors would each spend 10% of their time implementing the new requirements, and they may have to hire outside help to complete that task.

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<sup>509</sup> California School Nutrition Association – 0718.

<sup>510</sup> Lake Washington School District – 0672.

<sup>511</sup> Torrance Unified School District, Nutrition Services – 0133.

### **13.3 Impact on small SFAs/schools**

A State department of education, a State agency, and four individuals commented on the impact of the proposed rule on small SFAs/schools. The State department of education<sup>512</sup> expressed concern that some small private schools, jails, residential child care institutions (RCCIs) and schools with low percentages of needy students may decide the cost to comply with the proposed requirements far exceeds the Federal and State reimbursement provided in return. The commenter noted these specialized SFAs depend on these Federal and State funds, and will also have a difficult time complying with the proposed requirements due to a lack of resources. If they cannot comply with the regulations, the commenter stated, they may be forced to stop participating in the programs, which would result in denying needy children access to nutritious foods. The commenter and another individual both specifically recommended FNS consider exempting RCCI because their structure would make it difficult for them to comply with the proposed requirements. Another individual recommended that FNS provide for waivers on provisions that would be problematic for RCCIs. The State agency and another individual both noted that RCCIs will be unable to comply with all the requirements of the proposed rule (e.g., parents may not be available to participate, the general public may not be allowed on school grounds, requirements of the proposed rule may conflict with requirements imposed by governing organization (i.e., Department of Juvenile Corrections)). The State agency sought guidance from FNS on whether RCCIs will be expected to meet all the requirements of the proposed rule and how to deal with them if they do not.

Another individual pointed out the excessive burden of the proposed regulation on small charter schools, and wondered if there is a way to lessen that burden on small schools that may not have the financial resources to hire more administrative personnel to handle the extra burden of the proposed regulation.

### **13.4 Other comments on impact on small entities**

An individual, who recommended increasing the frequency of reporting requirements and clearly delineating stakeholder outreach expectations, stated that if the prior recommendations are implemented then the estimated cost will increase. The commenter therefore asked FNS to provide an accurate updated cost estimate. The commenter added that a more detailed administrative analysis will help with staff concerns.

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<sup>512</sup> New York State Education Department – 0679.

#### **14. Comments on the Cost/Administrative Impact of Developing and Implementing Local School Wellness Policies (Regulatory Impact Analysis)**

FNS estimates that the proposed requirements would have no quantifiable economic impact beyond the new public disclosure and recordkeeping requirements for LEAs, which includes the cost to establish and implement wellness policies, conduct annual and triennial assessment of wellness policies, track policy implementation, and retain documentation of the assessments. FNS estimates the cost of the new public disclosure and recordkeeping requirements would be approximately \$5 million per year across the entire United States.

Fourteen commenters addressed the cost/administrative impact of developing and implementing the proposed local school wellness policies. Two education-related associations<sup>513</sup> expressed concern about the cumulative impact on school districts of regulations and other policies issued by FNS as a result of the Healthy, Hunger-Free Kids Act of 2010, and recommended FNS conduct and make available a cumulative analysis of the financial and operational impact of these policies on school districts. The commenters cited the cumulative impact of expanded recordkeeping and reporting requirements as an example, noting cumulatively the total estimated burden of four provisions (national nutrition standards, competitive food standards, professional standards, and local wellness policy requirements) for SFAs and LEAs is more than 730,000 hours. The commenters stated FNS should implement new requirements so that they are cost neutral to school districts by: 1) providing sufficient Federal support; and/or 2) modifying requirements so that LEAs and SFAs can comply without redirecting resources from school instruction. One of the commenters<sup>514</sup> recommended that the agency implement a waiver process so that LEAs that cannot comply with local school wellness policy requirements without incurring additional cost will have other options.

Seven commenters expressed concern about the costs associated with the proposed requirements. A youth development organization<sup>515</sup> noted implementing wellness policies will require substantial resources and expressed concern that under-resourced communities may not be able to meet the objectives. An association of food and nutrition professionals<sup>516</sup> expressed concern about the impact of the significant implementation, monitoring and maintenance requirements on LEA budgets. A local department of health<sup>517</sup> cited a local wellness policy assessment,<sup>518</sup> which identified challenges school districts experienced when trying to implement policies in response to the Child Nutrition and WIC Reauthorization Act. The assessment revealed nutrition education and physical education requirements are difficult to meet because the priority is

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<sup>513</sup> National School Boards Association – 0685 and School Superintendents Association – 0710.

<sup>514</sup> National School Boards Association – 0685.

<sup>515</sup> YMCA of the USA – 0691.

<sup>516</sup> Academy of Nutrition and Dietetics – 0688.

<sup>517</sup> Public Health: Seattle & King County – 0648.

<sup>518</sup> King County's School District's Wellness Policy Assessment and policy brief. Report available at [http://courses.washington.edu/nutr531/BOH2008/Compiled\\_Report\\_3\\_16.pdf](http://courses.washington.edu/nutr531/BOH2008/Compiled_Report_3_16.pdf).

meeting academic requirements, and evaluation of implementation was not completed due to a lack of funding. Two individuals stated that school employees are already overburdened, and the proposed rule establishes even more duties. One of the individuals said that already several times per week the school district has to respond to wellness policy inquiries. Three other individuals, including a high school principal and a middle school principal, disagreed with FNS's statement in the preamble to the proposed rule that it estimates that "there is no quantifiable economic impact beyond the new public disclosure and recordkeeping requirements for LEAs established as a result of this rule." The commenters pointed out that they will likely have to cancel their breakfast programs and lose valuable partnerships with local businesses, such as fast food restaurants and grocery stores.

A State department of education<sup>519</sup> emphasized the importance of allocating costs appropriately between the SFA and LEA, and noted the costs should not become the sole obligation of the SFA. The commenter recommended FNS clarify that LEA compliance with the expanded local school wellness requirements must mirror the general cost principles as set forth in 2 CFR § 200, Subpart E, Cost Principles so that the cost reflects the relative benefits received by the SFAs. The commenter also recommended FNS issue specific, detailed guidance on allowable and unallowable costs to the nonprofit school food services account, and how to allocate any shared costs between the SFA and the LEA.

An individual stated that an independent third-party analysis and a bi-partisan review should be conducted to determine the true cost of the proposed rule.

Two other individuals asserted FNS failed to consider a number of costs associated with the proposed requirements. One commenter stated FNS did not consider the cost to gather interested parties and the time required for planning and implementation. Another commenter noted the proposed requirements could increase the workload of teachers or require schools to increase staff for program implementation.

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<sup>519</sup> California Department of Education, Nutrition Services Division – 0700.

## **15. Other Issues Related to the Rule**

### **15.1 Other comments on the regulatory text (issue not addressed above)**

There were no other comments on the regulatory text that were not addressed in other sections of this report.

### **15.2 Implementation timeline/effective date**

Comments on this issue are addressed in Section 4.

### **15.3 Request to hold public meeting(s)**

No commenters requested a public meeting be held.

### **15.4 Suggestions for collaboration**

A State department of education<sup>520</sup> recommended FNS collaborate with others to provide additional support for implementing the wellness policy requirements. The commenter recommended that FNS partner with the U.S. Department of Education, health and wellness agencies, professional associations and industry to support further development of the proposed rule. The commenter contended implementation would be more successful if the LEA were required to comply through the Department of Education because most of the proposed rule affects programs outside the school meal programs, and that Department of Education involvement may provide additional encouragement for staff to meet the requirements.

### **15.5 Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. FNS determined the Local School Wellness Policy proposed rule would not contain Federal mandates for State, local and tribal governments or the private sector of \$100 million or more in any one year. A school district<sup>521</sup> and six individuals asserted the proposed rule represents an unfunded mandate. The school district stated FNS is estimating State implementation costs to be quite low so that the Unfunded Mandates Reform Act does not apply. However, the commenter estimates the cost for her school district to comply with all of the proposed requirements to be at least \$50,000, which is significantly higher than FNS's estimate of \$48 per school year.

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<sup>520</sup> Utah State Office of Education – 0651.

<sup>521</sup> Lake Washington School District – 0672.

### **15.6 Federalism impacts (e.g., consultation with State/local governments)**

There were no comments addressing Federalism impacts.

### **15.7 Consultation/coordination with Indian Tribal Governments**

There were no comments addressing consultation/coordination with Indian Tribal governments.

### **15.8 Paperwork Reduction Act (e.g., comments relating to recordkeeping burden)**

FNS determined this proposed rule would increase the recordkeeping and public disclosure burden for LEAs, estimating a total added burden of 11 hours per year for each school under the jurisdiction of the LEA and 1.25 hours per LEA. A State department of education<sup>522</sup> agreed that the proposed revisions would increase the recordkeeping and public disclosure burden on LEAs, but at a much higher level than FNS estimates. The commenter stated FNS based its estimate on an LEA with five schools under its jurisdiction, and noted the estimates do not account for larger school districts. The commenter recommended FNS modify its estimates for the workload burden based on estimates provided by a sample of LEAs of various sizes. Also noting the significant amount of paperwork the proposed rule would add to the already heavy paperwork load under the Healthy, Hunger-Free Kids Act of 2010, and the lack of funds for hiring additional staff to deal with the added burden, an individual stated that this issue needs to be addressed before the final rule is implemented.

Proposed § 210.18(h)(7) would require State agencies to ensure the LEA complies with the local school wellness requirements proposed in § 210.30 by incorporating local school wellness policy compliance in their existing administrative review process. As noted in the Paperwork Reduction Act impact statement in the preamble to the Local School Wellness Policy Proposed Rule, FNS does not anticipate this provision will result in an increase to the workload burden on State agencies because State agencies currently conduct administrative reviews of LEAs once every three years. Therefore, FNS determined the burden associated with local school wellness policy implementation is captured as a part of the existing administrative review process. A State department of education<sup>523</sup> disagreed with this assessment and estimates its State agency local school wellness policy-related workload in the administrative review process will increase at least 700 hours per year as a result of the proposed requirements. The commenter recommended FNS modify its estimates for the workload burden based on the number of LEAs and schools being reviewed by the State agency.

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<sup>522</sup> California Department of Education, Nutrition Services Division – 0700.

<sup>523</sup> California Department of Education, Nutrition Services Division – 0700.

## 15.9 Other

Two commenters raised other issues related to the proposed rule. A State department of education<sup>524</sup> noted the proposal did not mention training school staff on the content of the wellness policy, and encouraged FNS to include requirements for documenting training school staff on the local school wellness policy.

An individual stated that the proposed regulations would work well for small or medium-sized districts, but would be problematic for large, urban districts. The commenter noted it would be difficult for individual schools in a large district to have equal say in what the district proposes and that low income schools would need extra support to achieve the objectives of the proposed rule.

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<sup>524</sup> Maryland State Department of Education – 0605.

## **16. Comments that are Outside the Scope of this Rulemaking**

### **16.1 Comments on nutrition standards or meal pattern requirements in the National School Lunch and School Breakfast Programs (Jan 26, 2012 final rule)**

Fifteen commenters addressed the nutrition standards or meal pattern requirements in the National School Lunch and School Breakfast Programs. An individual, a food services manager in an elementary school, acknowledged that the inclusion of more fruits and vegetables in school meals has been positive, but noted that it has been a struggle to find whole grain alternatives that children will want to eat. Another individual pointed to a news story about a school district in Wisconsin and one in Illinois that have both concluded that they can make more money by opting out of the National School Lunch Program. Specifically, the story noted that one district claims that pulling out of the program at the high school means \$42,000 less in Federal reimbursement but a projected net savings of \$60,000 because the school will not longer need to meet Federal nutrition guidelines. Other individuals recommended specific changes to the school breakfast and lunch menus.

### **16.2 Comments on Nutrition Standards for All Foods Sold in Schools Rule (June 28, 2013)**

Twelve commenters addressed the Nutrition Standards for All Foods Sold in Schools Rule. An individual questioned several of the nutrition guidelines under the rule, including the decision to prohibit the sale of flavored water, zero calorie PowerAde, Pop-Tarts, and gum during the school day. The commenter further noted that students do not purchase the expensive fruits, vegetable, and various dairy items that satisfy the Smart Snacks nutrition standards.

Another individual agreed with the fat and sugar restrictions imposed by the Smart Snack nutrition guidelines, but disagreed with allowing diet soft drinks containing aspartame to be served in schools. Other individuals recommended products that should not be allowed in foods sold in schools, such as genetically modified organisms (GMO), azobicyclic, artificial coloring, artificial sweeteners, and nitrates.

### **16.3 Comments on other Healthy, Hunger-Free Kids Act of 2010 requirements**

There were no comments on other Healthy, Hunger-Free Kids Act of 2010 requirements.

### **16.4 Other out-of-scope comments**

Twenty-seven commenters raised issues that are outside the scope of this rulemaking. Issues are out of scope if they cannot be addressed or changed in this rulemaking, though they may be

related in some way to local school wellness policies. A graduate school of public health<sup>525</sup> recommended that FNS revise its nutrition guidelines to be consistent with the latest scientific research,<sup>526</sup> on potatoes and red meat. The commenter stated potatoes should not be counted as a vegetable because they have the same effect on blood sugar as refined grains and sweets, and red meat should be excluded from the protein list because regular consumption of red meat increases the risk of heart disease, diabetes, colon cancer and weight gain. A food policy organization<sup>527</sup> and a coalition of advocacy organizations<sup>528</sup> suggested that all schools in districts where childhood obesity is above the national average should be provided with an on-site Supplemental Nutrition Program Education (SNAP-Ed) coordinator or educator, and that schools should serve as SNAP enrollment sites.

Five individuals argued that FNS should regulate what foods can be purchased with food stamps instead of foods sold in schools, claiming it would be a better method to combat obesity rates in America. Another individual stated that the government should require food stamp recipients to take classes about healthy food choices. Another individual suggested that the government eliminate school lunch programs and use the money saved to increase food stamps or provide vouchers to farmers markets, and to support school programs that promote physical activity. An association of food and nutrition professionals<sup>529</sup> noted that while the proposed rule does not apply to private or parochial schools, FNS should encourage these schools to adopt wellness policies consistent with the proposed requirements. A food manufacturer<sup>530</sup> discussed the nutritional content of its food, arguing that it satisfies nutrition standards for foods sold in schools and should be included as a potential school meal or snack. An individual stated that if FNS is trying to improve healthy eating in schools then vending machines should be eliminated and school lunches should taste better and incorporate foods that students actually want to eat. Similarly, another individual acknowledged that the food nutrition program is vital in schools, but that the food must still taste good so that students will eat it. Another individual stated that if FNS is concerned with feeding hungry children, then the free lunch program should be free, regardless of what foods are served to the children. The commenter also stated that the Federal government should allow schools to reduce waste by donating uneaten food from school meals programs to non-profit organizations.

Other individuals recommended the scope of the proposed rule be expanded. Commenters suggestions included expanding the proposal to address: home wellness; feeding children during the summer months; and identifying and documenting the health insurance status of every child enrolled in school.

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<sup>525</sup> Harvard School of Public Health – 0475.

<sup>526</sup> Harvard's Healthy Eating Plate at <http://www.hsph.harvard.edu/nutritionsource/healthy-eating-plate/>.

<sup>527</sup> Prince George's County Food Equity Council – 0630.

<sup>528</sup> The Praxis Project – 0650.

<sup>529</sup> Academy of Nutrition and Dietetics – 0688.

<sup>530</sup> Sabra Dipping Company – 0595.

## Appendix A: Form Letter Campaign Report

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The response to the *Local School Wellness Proposed Rule* request for comments included four bulk form letter campaigns. The table below shows those four bulk form letter campaigns, along with the Comment Number and approximate number of individual letters submitted by each organization.

Comment Number	Name of Organization	Approximate Number of Form Letters Submitted
1. FNS-2014-0010-0574 FNS-2014-0010-0668	Center for Science in the Public Interest (CSPI)	2,164 <sup>531</sup>
2. FNS-2014-0010-0693  FNS-2014-0010-0715  FNS-2014-0010-0716	Food & Water Watch  preventobesity.org  Care2  MomsRising.org  preventobesity.org	4,420  19,500  28,105  1 (6,737 member signatures)  409 (version 1)
3. FNS-2014-0010- 0716	preventobesity.org	112 <sup>532</sup> (version 2)
4. FNS-2014-0010-0717	American Heart Association	2,413

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<sup>531</sup> In addition to the 2,164 form letters submitted by the Center for Science in the Public Interest, 2 organizations separately submitted a comment using the same form letter (Keenan & Associates (0623) and Society for Public Health Education (0458)), 1 individual submitted a comment using part of the same form letter, and 2 organizations (SHAPE America (0307 and 0390)) and 58 individuals separately submitted comments using form-plus letters, in which they added form language about the physical education and physical activity components of the proposed rule.

<sup>532</sup> In addition to the 112 form letters submitted by preventobesity.org (version 2), 5 organizations and 20 individuals separately submitted comments using the same (or similar) form letter. Seven individuals also submitted form-plus letters, in which they added an identical second section that is not contained in the preventobesity.org (version 2) form letter. The five organizations who submitted the same or similar form letter are: Upstream Public Health (0423), Oregon Public Health Institute (0503), Oregon School-Based Health Alliance (0571), Oregon School-Based Health Alliance (0625), and Upstream Public Health (0627).

All of the letters submitted by Care2 (0716), a letter from MomsRising.org that was signed by 6,737 members of the organization (0716), and approximately 19,909 of the letters submitted by preventobesity.org (0715 and 0716 (version 1)) are identical. Other than a different introductory paragraph, the letters submitted by Food & Water Watch (0693) are also identical and can therefore be considered part of the same form letter campaign.

All but four of the approximately 57,124 bulk submission form letters expressed general support for the Local School Wellness Policy Proposed Rule. The four form letters expressing opposition to the Local School Wellness Proposed Rule are discussed below.

Approximately 2,093 of the 57,124 bulk submission form letters were identified as form-plus comments. A review of the unique text within the 2,093 form-plus comments revealed one substantive comment requesting that FNS expand the definition of the term “competitive food” to include all foods served at school during the school day. Four of the 2,093 form-plus comments expressed opposition to the rule because they felt the government should not tell people what they can eat or what children hear or see.

In addition to the four bulk form letters campaigns discussed above, a number of commenters also submitted individual comments that were part of one of the following, smaller form letter campaigns:

- **Real Food for Kids-Montgomery (RFKM) form letter campaign** – Twenty-eight individual members of the organization submitted comments that were identical or nearly identical to the comment submitted by the RFKM’s co-directors (FNS-2014-0010-0545).
- **Food and Research and Action Center (FRAC) form letter campaign-** Twenty-six commenters (8 organizations and 18 individuals) submitted comments that were identical or nearly identical to the comment submitted by FRAC (FNS-2014-00101-0686).<sup>533</sup>
- **“Marketing-Plus” form letter campaign** – Seven individuals submitted identical comments in which they focused on the marketing restrictions in the proposed rule, urging FNS to strengthen those restrictions in the final rule.
- **Registered Dietitian Nutritionist (RDN) form letter campaign** – Twelve individuals identifying themselves as registered dietitian nutritionists submitted comments using the same form letter.

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<sup>533</sup> The eight organizations who submitted comments that were identical or nearly identical to the comment submitted by FRAC are: Mission and School Meals Work (0407 and 0431); Afterschool Alliance (0498); ProMedica (0548); Health Promotion Council (0568); 21 Acres (0578); Illinois Hunger Coalition (0613); and 0676 (The Open Door).

## Appendix B: Coding Structure

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1. Commenters Expressly Stated they Supported or Opposed the Local School Wellness Policy Proposed Rule
  - 1.1 Commenters Generally Supported the Local School Wellness Policy Proposed Rule
  - 1.2 Commenters Generally Opposed the Local School Wellness Policy Proposed Rule
2. Comments Related to Legal Issues
  - 2.1 Statutory authority/legal foundation for regulating wellness policies (§ 204 of the Healthy, Hunger-free Kids Act of 2010 – 9A)
  - 2.2 Other comments on legal issues
3. Comments Related to the Need for Rulemaking
  - 3.1 Health concerns affecting children and adolescents
  - 3.2 Current status of local wellness policies in schools
  - 3.3 Whether existing local wellness policies are sufficient
  - 3.4 Alternatives to requirements
  - 3.5 Need for additional research/studies or to conduct a pilot project to test requirements
  - 3.6 Other issues related to the need for more comprehensive local school wellness policy regulations
4. Comments Related to Timeline for Implementation
5. Comments on the Proposed Requirements for Establishing a Local School Wellness Policy
  - 5.1 General support
  - 5.2 General opposition
  - 5.3 Comments on local school wellness policy leadership
    - 5.3.1 General support
    - 5.3.2 General opposition

5.3.3 Other Comments

5.4 Comments on community/public involvement in local school wellness policy development

5.4.1 General support

5.4.2 General opposition

5.4.3 Other comments

5.5 Commenters suggested issues FNS should address in model policies/agency guidance/supporting materials related to local school wellness policy leadership and public involvement in local school wellness policy development

6. Comments on the Proposed Content of Local School Wellness Policy

6.1 General support

6.2 General opposition

6.3 Comments on the structure of effective policies that include strong, clear goals with specific and measurable objectives and benchmarks stating *who* will make *what* change, by *how much*, *where*, and *by when*, with attention to both long- and short-term goals

6.4 Comments on the nutrition promotion component

6.4.1 General support

6.4.2 General opposition

6.4.3 Other comments

6.5 Comments on the nutrition education component

6.5.1 General support

6.5.2 General opposition

6.5.3 Other comments

6.6 Comments on the physical activity component

6.6.1 General support

6.6.2 General opposition

6.6.3 Other comments

6.7 Comments on the physical education component

6.7.1 General support

6.7.2 General opposition

6.7.3 Other comments

6.8 Comments on the other school-based activities component

6.8.1 General support

6.8.2 General opposition

6.8.3 Other comments

6.9 Comments on the requirement for considering evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness

6.9.1 General support

6.9.2 General opposition

6.9.3 Other comments

6.10 Comments on Smarter Lunchroom tools and strategies

6.11 Commenters suggested issues FNS should address in model policies/agency guidance/supporting materials related to the content of local school wellness policies

6.11.1 Model policies/guidance on nutrition promotion and education

6.11.2 Model policies/guidance on physical education and physical activity in schools

- E.g., school-age children should accumulate at least 60 minutes per day of physical activity, limit screen time and long periods of sedentary behavior, recess before lunch, no waivers and substitutions for physical activity

6.11.3 Model policies/guidance on other school-based activities

- E.g., after-school activities, alternative healthy fundraisers

6.11.4 Prohibition against using food as a reward or incentive for performance or behavior

6.11.5 Other suggestions for model policies/guidance

7. Comments on the Proposed Nutrition Guidelines for All Foods

7.1 General support

7.2 General opposition

7.3 Comments on nutrition guidelines for school meals

7.4 Comments on nutrition guidelines for other foods available to students

7.4.1 “Smart Snacks” or competitive foods sold in schools (a la carte sales, vending Machines, school stores)

7.4.2 Policies governing classroom parties or school celebrations that involve food

7.4.3 Policies governing food-related rewards and incentives

7.5 Commenters suggested issues FNS should address in model policies/guidance/supporting materials related to nutrition guidelines for all foods

8. Comments on Definitions in the Local School Wellness Policy Proposed Rule

8.1 Definition of “school campus”

8.1.1 General support

8.1.2 General opposition

8.1.3 Other comments

8.2 Definition of “school day”

8.2.1 General support

8.2.2 General opposition

8.2.2 Other comments

8.3 Commenters stated that other terms should be defined in the final rule

8.3.1 Local school wellness policy

8.3.2 Nutrition education and/or promotion

- 8.3.3 Physical education
  - 8.3.4 Physical activity
  - 8.3.5 Other school-based activities
  - 8.3.6 Brand/Brand Name, Company/Brand Logo, and/or Product Mascot/Character
  - 8.3.7 Product packaging
  - 8.3.8 Copycat snacks
  - 8.3.9 Other terms
9. Comments on the Local School Wellness Policy Proposed Rule’s Proposed Policies for Food and Beverage Marketing
- 9.1 General support
  - 9.2 General opposition
  - 9.3 Comments related to how “food marketing” should be defined (i.e., which types of marketing should be prohibited and which types should be permitted)
    - 9.3.1 Commenters provided model language for the definition of food marketing
    - 9.3.2 Comments on the marketing of products on items/locations such as on the exterior of vending machines, through posters, menu boards, coolers, trash cans, and other food service equipment, cups used for beverage dispensing, and scoreboards in gymnasiums or athletic fields.
    - 9.3.3 Comments related to the use of “Smart Snack” nutrition standards in food and beverage marketing policies
    - 9.3.4 Commenters stated that that there should be a prohibition against brand marketing unless every food and beverage product manufactured, sold, or distributed under the brand name meets the “Smart Snacks” nutrition standards or the school’s more stringent competitive food standards
    - 9.3.5 Commenters provided examples of other types of food and beverage marketing that should be prohibited or otherwise restricted by the final rule, including:
      - marketing placed in education materials and on anything owned by the school or associated with school programs, and on advertisements in school publications, on school radio stations, on in-school television channels, on

computer-screen savers and school-sponsored internet sites, and on school public announcement systems

- marketing through corporate incentive programs that provide children with free or discounted foods or beverages (e.g., Pizza Hut Book It! Program)
- marketing of “copycat” products
- marketing through branded fundraisers and corporate-sponsored programs that encourage students and their families to sell, purchase, or consume products and/or provide funds to schools in exchange for consumer purchases of those products (e.g., Box Tops for Education)
- corporate-sponsored redemption programs (e.g., Box Tops for Education, Campbell’s Labels for Education)

9.3.6 Commenter provided examples of types of food and beverage marketing that should not be prohibited or otherwise restricted by the final rule, including:

- promotion of after-school or off-campus fundraisers, with an explicit allowance for fundraising materials circulated during school hours, including adult-directed communications
- activities and programs that support and enrich school (through, for example, donations, grants or gifts) where there is at most an incidental “advertising” impact
- marketing that students view only incidentally through media that is used for education purposes and is not produced specifically for schools
- marketing or brand images on clothing worn on school grounds
- marketing on product packaging for products not sold by the school
- non-branded corporate sponsored curriculum materials and materials that identify corporate sponsors in a non-promotional manner
- marketing, brand images, logos, and mascots appearing at corporate-sponsored events

9.4 Comments responsive to the Local School Wellness Policy Proposed Rule’s request for research findings and other descriptive data relating to food and beverage advertising and marketing on school campuses during the school day, related to:

- Product sales (via exclusive contracts, corporate food vending, and associated incentives and profits, cash and rebate programs, and fundraising)
- Direct advertising (in school facilities, school buses, school publications, media-based advertising on in-school televisions, food coupons as incentives)
- Indirect advertising (via corporate sponsored education materials, teacher training, contests and incentives, grants, gifts, or event sponsorships)
- Market research (via surveys, internet panels, or internet tracking)

9.5 Comments responsive to the Local School Wellness Policy Proposed Rule’s request for information on the current food and beverage marketing environment in schools, as well as information on the fiscal implications for LEAs or schools that have implemented policies regulating the marketing of foods and beverages in school

- 9.5.1 The extent to which food and beverage marketing practices in schools differ by school level (i.e., elementary, middle, and high school)
- 9.5.2 The number and/or percentage of schools that currently allow (and/or that currently prohibit, or otherwise restrict) food and beverage marketing in the school and on the school campus: (1) during the school day, and/or (2) at all times
- 9.5.3 The types of food and beverages currently being marketed in school and the extent to which they meet or do not meet the “Smart Snacks” nutrition standards
- 9.5.4 The impact of food and beverage marketing on student health, behavior, food choices, food consumption patterns, and academic performance
- 9.5.5 The role of food and beverage marketing on school finances, including its contribution to school food service revenue and overall school revenues
- 9.5.6 The reliance of students, parents, teachers, school staff, and other school-affiliated groups on revenue or donations from product sales, direct advertising, indirect advertising, and market research
- 9.5.7 The extent to which such food and beverage marketing policies could apply to broadcast media conducted by or used in schools, including media used by schools for educational purposes that may be provided by outside entities
- 9.5.8 The use of in-kind rewards, such as coupons from restaurants for children reading a certain number of books, or other donations for student rewards, and the wellness impacts of these in-kind rewards
- 9.5.9 The economic and other impacts of existing State, local, and voluntary policies on allowing marketing only of foods and beverages permitted to be sold on the school campus (as per the “Smart Snacks” standards, or more stringent competitive foods standards adopted by the school) on the private sector, including, but not limited to, food producers/manufacturers, distributors, and vendors
- 9.5.10 Recently enacted or updated State or local level policies on allowing marketing of food and beverages permitted to be sold on the school campus, their immediate effects on student demand for competitive foods and reimbursable meals and the anticipated long-term effects on school revenue and revenue raised by school-affiliated groups
- 9.5.11 Strategies that have been utilized to implement existing State, local, and voluntary policies that restrict food and beverage marketing, including:
  - Strategies for mitigating potential adverse financial impacts
  - Strategies for handling prohibited or restricted marketing and exclusive contracts that already exist in schools (e.g., what schools have done about

existing scoreboards, signage, or vending machines advertising foods not allowed to be sold on the school campus)

- Strategies for marketing or displaying company brands, names, logos, or mascots that have some products that meet “Smart Snacks” standards and some products that do not
- Details on the specific locations within the school campus where food marketing is present (e.g. in the school building, exterior of school building, areas adjacent to school building, school buses or other vehicles that transport students, athletic fields and stadiums, and parking lots)

9.5.12 Community and consumer understanding of the impact of the role of food and beverage marketing in schools on children’s diet and health

9.5.13 Issues associated with compliance and monitoring of existing State and local policies regarding the marketing of food and beverages permitted to be sold on the school campus (as per the “Smart Snacks” standards)

9.6 Commenter stated there should be a separate rule with a separate comment period for the marketing of foods and beverages

9.7 Commenters agreed that “Smart Snack” standards should be the minimum, but that LEAs should be encouraged to build on the “Smart Snack” standards

9.8 Commenters stated that LEAs should be assured that they are free to implement stronger food and beverage marketing standards

9.9 Commenters stated that the USDA should refrain from encouraging any type of food and beverage marketing in schools

9.10 Commenters discussed the constitutionality of governmental regulation of commercial speech in the proposed rule

9.10.1 The proposed rule does not raise First Amendment concerns

9.10.2 The proposed rule unconstitutionally imposes speaker- or content- based regulation on truthful speech

9.10.3 The proposed rule fails to directly and materially advance a governmental interest and impacts more speech than necessary

9.10.4 The proposed rule violates the rights of Local Education Agencies by requiring them to accept the Federal government’s viewpoint as a condition of receiving Federal funds

9.11 Commenters suggested issues FNS should address in model policies/agency guidance/supporting materials related to food and beverage marketing in schools

9.12 Other comments related to food and beverage marketing

10. Comments on the Proposed Requirement that LEAs Inform and Update the Public about the Content and Implementation of the Local School Wellness Policy

10.1 General support

10.2 General opposition

10.3 Comments related to making the local school wellness policy and any updates to the policy available to the public on an annual basis, at a minimum

10.4 Comments related to LEAs/schools being required to actively notify households of the availability of the local school wellness policy information, the Web site address for the information, or other information that would enable interested households to obtain additional information

10.5 Specific comments on how LEAs/schools can publicize the information and provide as much information as possible to their communicants about the school nutrition environment

11. Comments on the Proposed Requirements Related to Implementation, Assessment, and Updates

11.1 General support

11.2 General opposition

11.3 Annual progress reports

11.3.1 Comments on the contents of annual progress reports

11.3.2 Comments on the format of annual reports (e.g., School Wellness Report Card format, or folding the information into other annual school/district/LEA report card-type ratings that are available to the public)

11.3.3 Comments responsive to the Local School Wellness Policy Proposed Rule's inquiry as to whether the annual frequency of the progress reporting would serve to ensure local school wellness policies and school-based activities are communicated to parents and the community without being overly burdensome to LEAs

11.4 Triennial assessments

11.4.1 General support

- 11.4.2 General opposition
  - 11.4.3 Comments on the contents of triennial assessments
  - 11.4.4 Comments on the format of triennial assessments
  - 11.4.5 Comments responsive to the Local School Wellness Policy Proposed Rule's inquiry as to whether the 3-year frequency of the assessment would serve to ensure local school wellness policies are kept up-to-date without being overly burdensome to LEAs
- 11.5 Comments relating to the proposed requirements to update and modify local school wellness policies
- 11.5.1 General support
  - 11.5.2 General opposition
  - 11.5.3 Other comments
- 11.6 Comments relating to the proposed recordkeeping requirements
- 11.6.1 General support
  - 11.6.2 General opposition
  - 11.6.3 Other comments
- 11.7 Comments on the proposed requirement for State agencies to conduct monitoring and oversight of LEAs' compliance with local school wellness policy requirements
- 11.7.1 General support
  - 11.7.2 General opposition
  - 11.7.3 Other comments
- 11.8 Commenters suggested issues FNS should address in model policies/agency guidance/supporting materials related to implementation, assessment, and updates
12. Comments on the National School Lunch Act's Requirement that USDA, in Consultation with the Department of Education and the Centers for Disease Control and Prevention, Provide Technical Assistance to LEAs, School Food Authorities and State Agencies to Support Local School Wellness Policies

13. Comments on the Regulatory Flexibility Analysis (RFA)/ Impact on Small Entities

13.1 Agree with RFA

13.2 Disagree with RFA

13.3 Impact on small SFAs/schools

13.4 Other comments on impact on small entities

14. Comments on the Cost/Administrative Impact of Developing and Implementing Local School Wellness Policies (Regulatory Impact Analysis)

15. Other Issues Related to the Rule

15.1 Other comments on the regulatory text (issue not addressed above)

15.2 Implementation timeline/effective date

15.3 Request to hold public meeting(s)

15.4 Suggestions for collaboration

15.5 Unfunded Mandates Reform Act

15.6 Federalism impacts (e.g., consultation with State/local governments)

15.7 Consultation/coordination with Indian Tribal Governments

15.8 Paperwork Reduction Act (e.g., comments relating to recordkeeping burden)

15.9 Other

16. Comments that are Outside the Scope of this Rulemaking

16.1 Comments on nutrition standards or meal pattern requirements in the National School Lunch and School Breakfast Programs (Jan 26, 2012 final rule)

16.2 Comments on Nutrition Standards for All Foods Sold in Schools Rule (June 28, 2013)

16.3 Comments on other Healthy, Hunger-Free Kids Act of 2010 requirements

16.4 Other out-of-scope comments

## Appendix C: Index of Comments Reviewed

**Table 1. Comments Reviewed, Sorted by Commenter Name**

Comment Number	Name of Organization	Commenter Type
FNS-2014-0010-0578	21 Acres (part of FRAC form letter campaign)	Nonprofit Agricultural School
FNS-2014-0010-0710	AASA, the School Superintendents Association	National Association of Education Professionals
FNS-2014-0010-0688	Academy of Nutrition and Dietetics	National Association of Food and Nutrition Professionals
FNS-2014-0010-0662	Action for Healthy Kids	Children's Health Advocacy Organization
FNS-2014-0010-0498	Afterschool Alliance (part of FRAC form letter campaign)	Advocacy Organization for Afterschool Programs
FNS-2014-0010-0485	American Academy of Pediatrics	National Association of Healthcare Professionals
FNS-2014-0010-0554	American Beverage Association	Trade Association
FNS-2014-0010-0671	American Cancer Society Cancer Action Network	Health Advocacy Organization
FNS-2014-0010-0581	American Dental Association	National Association of Healthcare Professionals
FNS-2014-0010-0547	American Diabetes Association	Health Advocacy Organization
FNS-2014-0010-0624	American Federation of Teachers	National Association of Education Professionals
FNS-2014-0010-0266	American Heart Association	Health Advocacy Organization
FNS-2014-0010-0717 <sup>534</sup>	American Heart Association	Health Advocacy Organization
FNS-2014-0010-0298	Association for Size Diversity and Health	Health Advocacy Organization
FNS-2014-0010-0638	Association of State and Territorial Health Officers	National Association of State Health Officers

<sup>534</sup> This submission contains the approximately 2,413 form letters submitted by the American Heart Association on behalf of its individual members.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0501	Association of State Public Health Nutritionists	Nation National Association of Healthcare Professionals
FNS-2014-0010-0489	Asthma and Allergy Foundation of America, The/ Kids with Allergies	Health Advocacy Organization
FNS-2014-0010-0495	Berkley Media Studies Group	Health Advocacy Organization
FNS-2014-0010-0543	Bridging the Gap	Children's Health Research Program
FNS-2014-0010-0700	California Department of Education	State Department of Education
FNS-2014-0010-0647	California Food Policy Advocates	State Food Policy Organization
FNS-2014-0010-0585	California Project LEAN	Children's Health Advocacy Organization
FNS-2014-0010-0718	California School Nutrition Association	State Association of School Nutrition Professionals
FNS-2014-0010-0612 <sup>535</sup>	Campaign for a Commercial-Free Childhood	Children's Health Advocacy Organization
FNS-2014-0010-0716 <sup>536</sup>	Care2	Nonprofit Petition Site
FNS-2014-0010-0574 <sup>537</sup>	Center for Science in the Public Interest	Healthy Foods Consumer Advocacy Group
FNS-2014-0010-0668 <sup>538</sup>	Center for Science in the Public Interest	Healthy Foods Consumer Advocacy Group
FNS-2014-0010-0474	Center for Science in the Public Interest	Healthy Foods Consumer Advocacy Group
FNS-2014-0010-0697	ChangeLab Solutions	Health Advocacy Organization

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<sup>535</sup> This submission contains a letter signed by approximately 1,010 individuals. Of these, 50 people included additional comments supporting the position stated in the letter. This submission is counted as one comment.

<sup>536</sup> This submission contains, in part, the approximately 28,105 form letters that Care2 submitted on behalf of its members. Also parts of submission 0716 are multiple form letters submitted by preventobesity.org and two form letter submitted by MomsRising.org, which were signed by 6,737 members of the organization.

<sup>537</sup> This submission contains approximately 988 form letters submitted by the Center for Science in the Public Interest on behalf of its individual members.

<sup>538</sup> This submission contains another approximately 1,176 form letters submitted by the Center for Science in the Public Interest on behalf of its individual members.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0719 <sup>539</sup>	ChangeLab Solutions	Health Advocacy Organization
FNS-2014-0010-0546	Cherry Creek School	School District Nutrition Services Department
FNS-2014-0010-0698	Children's Food and Beverage Advertising Initiative, Council of Better Business Bureaus	Business Association
FNS-2014-0010-0701	City Project, The	Health Advocacy Organization
FNS-2014-0010-0644	Colorado Department of Education, Office of School Nutrition	State Department of Education
FNS-2014-0010-0589 <sup>540</sup>	Colorado Health Foundation; Colorado Children's Campaign; LiveWell Colorado	Coalition of Advocacy Organizations
FNS-2014-0010-0642	Consortium to Lower Obesity in Chicago Children	Children's Health Advocacy Organization
FNS-2014-0010-0494	Corporate Accountability International	Corporate Watchdog Organization
FNS-2014-0010-0678	Council of the Great City Schools	Coalition of School Districts
FNS-2014-0010-0641	County of Los Angeles Public Health	Local Public Health Department
FNS-2014-0010-0636	Dubuque Community School District	School District
FNS-2014-0010-0712	Dubuque Community School District	School District
FNS-2014-0010-0723	Farm to Table	State Agriculture Advocacy Organization
FNS-2014-0010-0669	First Focus	Children's Health Advocacy Organization
FNS-2014-0010-0290	Food & Water Watch	Healthy Food Advocacy Organization
FNS-2014-0010-0693 <sup>541</sup>	Food & Water Watch	Healthy Food Advocacy Organization
FNS-2014-0010-0686	Food and Research and Action Center	Anti-Hunger Advocacy Organization

<sup>539</sup> This comment number is a duplicate of comment number 0697.

<sup>540</sup> This is a joint submission by The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado.

<sup>541</sup> This submission contains the approximately 4,420 form letters that Food & Water Watch submitted on behalf of its individual members.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0690	Food Trust, The	Healthy Food Advocacy Organization
FNS-2014-0010-0461	Greater Cleveland Food Bank	Food Bank
FNS-2014-0010-0567	Grocery Manufacturers Association	National Association of Food, Beverage and Consumer Products Companies
FNS-2014-0010-0475	Harvard School of Public Health, Department of Nutrition	Graduate School of Public Health
FNS-2014-0010-0513	Hawai'i Island School Garden Network	Farm-to-School Education and Advocacy Organization
FNS-2014-0010-0568	Health Promotion Council (part of FRAC form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0464	Healthy Schools Campaign	Children's Health Advocacy Organization
FNS-2014-0010-0604	Healthy Youth Programs, Linus Pauling Institute	Children's Health Advocacy Organization
FNS-2014-0010-0593	Hunger Free Vermont	Anti-Hunger Advocacy Organization
FNS-2014-0010-0663	Illinois Alliance to Prevent Obesity	Health Advocacy Organization
FNS-2014-0010-0613	Illinois Hunger Coalition (part of FRAC form letter campaign)	Anti-Hunger Advocacy Organization
FNS-2014-0010-0499	Interfaith Center on Corporate Responsibility	Institutional Investment Center
FNS-2014-0010-0506	International Dairy Foods Association	Trade Association
FNS-2014-0010-0623	Keenan & Associates (part of CSPI form letter campaign)	Insurance Broker
FNS-2014-0010-0640 <sup>542</sup>	Keenan & Associates	Insurance Broker
FNS-2014-0010-0699 <sup>543</sup>	Keenan & Associates	Insurance Broker
FNS-2014-0010-0535	Kids' Safe and Healthful Foods Campaign	Children's Health Advocacy Organization
FNS-2014-0010-0538 <sup>544</sup>	Kids' Safe Healthful Foods Campaign	Children's Health Advocacy Organization
FNS-2014-0010-0672	Lake Washington School District	School District

<sup>542</sup> This comment is a duplicate of comment number 0623.

<sup>543</sup> This comment is a duplicate of comment number 0623.

<sup>544</sup> This comment is a duplicate of comment number 0535.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0350	Lane Coalition for Healthy Active Youth	Children's Health Advocacy Organization
FNS-2014-0010-0632	Laurie M. Tisch Center for Food, Education & Policy	Food Research and Policy Center
FNS-2014-0010-0655	Live Healthy DeKalb Coalition	Health Advocacy Organization
FNS-2014-0010-0720	Live Healthy DeKalb Coalition	Health Advocacy Organization
FNS-2014-0010-0598	Mars, Incorporated	Food Manufacturer
FNS-2014-0010-0605	Maryland State Department of Education	State Department of Education
FNS-2014-0010-0354	Minnesota Department of Education	State Department of Education
FNS-2014-0010-0407	Mission and School Meals Work (part of FRAC form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0431	Mission and School Meals Work (part of FRAC form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0608	Mission: Readiness, Military Leaders for Kids	National Youth-Development Organization
FNS-2014-0010-0716 <sup>545</sup>	MomsRising.org	Family Advocacy Organization
FNS-2014-0010-0134	N/A	State Agency
FNS-2014-0010-0486	National Association of County & City Health Officials	National Association of Local Health Officials
FNS-2014-0010-0241	National Association of State Boards of Education	National Association of Education Professionals
FNS-2014-0010-0626	National Association to Advance Fat Acceptance	Civil Rights Advocacy Organization
FNS-2014-0010-0502	National Coalition for Promoting Physical Activity	Health Advocacy Organization
FNS-2014-0010-0692	National Confectioners Association	Trade Association
FNS-2014-0010-0631	National Council of La Raza	Civil Rights Advocacy Organization
FNS-2014-0010-0610	National Education Association	National Association of Education Professionals
FNS-2014-0010-0721	National Education Association Health Information Network	National Association of Education Professionals
FNS-2014-0010-0497	National Farm to School Network	Farm-to-School Education and Advocacy Organization

<sup>545</sup> This submission contains, in part, two identical form letters submitted by MomsRising.org that are signed by approximately 6,737 individuals. These two form letters are counted as one comment. Also parts of submission 0716 are form letters submitted by Care2 and preventobesity.org.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0523	National PTA	National Association of Parent Teacher Associations
FNS-2014-0010-0685	National School Boards Association	National Association of School Boards
FNS-2014-0010-0264	Nemours	Children's Health Foundation
FNS-2014-0010-0666	New York City Department of Education	Local Department of Education
FNS-2014-0010-0679	New York State Education Department	State Department of Education
FNS-2014-0010-0195	Ohio Adolescent Health Partnership's Sleep Committee	Children's Health Advocacy Organization
FNS-2014-0010-0676	Open Door, The (part of FRAC form letter campaign)	Food Bank
FNS-2014-0010-0687	Oregon Farm to School and School Garden Network	Farm-to-School Education and Advocacy Organization
FNS-2014-0010-0645	Oregon Public Health Division	State Department of Public Health
FNS-2014-0010-0503	Oregon Public Health Institute (part of preventobesity.org (version 2) form letter campaign)	State Public Health Advocacy Organization
FNS-2014-0010-0571	Oregon School-Based Health Alliance (part of preventobesity.org (version 2) form letter campaign)	Children's Health Advocacy Organization
FNS-2014-0010-0625	Oregon School-Based Health Alliance (part of preventobesity.org (version 2) form letter campaign)	Children's Health Advocacy Organization
FNS-2014-0010-0682	Oregon Wellness in School Environments	Children's Health Advocacy Organization
FNS-2014-0010-0611	Oregon's Healthy Kids Learn Better Coalition	Children's Health Advocacy Organization
FNS-2014-0010-0684 <sup>546</sup>	Oregon's Healthy Kids Learn Better Coalition	Children's Health Advocacy Organization
FNS-2014-0010-0702	Pima County Juvenile Justice Task Force of Racial and Ethnic Disparities	Civil Rights Advocacy Organization

<sup>546</sup> This comment is a duplicate of comment number 0611.

Comment Number	Name of Organization	Commenter Type
FNS-2014-0010-0650	Praxis Project, The <sup>547</sup>	Coalition of Advocacy Organizations
FNS-2014-0010-0715 <sup>548</sup>	Preventobesity.org	Children's Health Advocacy Organization
FNS-2014-0010-0716 <sup>549</sup>	Preventobesity.org	Children's Health Advocacy Organization
FNS-2014-0010-0630	Prince George's County Food Equity Council, The	Local Food Policy Organization
FNS-2014-0010-0548	ProMedica (part of FRAC form letter campaign)	Nonprofit Healthcare Organization
FNS-2014-0010-0500 <sup>550</sup>	Public Citizen	Health Advocacy Organization
FNS-2014-0010-0481	Public Health Advocacy Institute, The	Health Advocacy Organization
FNS-2014-0010-0648	Public Health: Seattle and King County	Local Department of Health
FNS-2014-0010-0545	Real Food For Kids – Montgomery <sup>551</sup>	Children's Health Advocacy Organization
FNS-2014-0010-0360	Robert Wood Johnson Foundation	Public Health Philanthropy
FNS-2014-0010-0694	Rudd Center for Food Policy and Obesity, Yale University	Health Research and Policy Organization
FNS-2014-0010-0595	Sabra Dipping Company	Food Manufacturer

<sup>547</sup> This submission contains the signatures of 40 individuals. In addition to The Praxis Project, some of those individuals associated themselves with the following organizations: IBT 2010, Alliance for a Just Society, National Latino Farmers & Ranchers Trade Association, Racial Justice Now, KC Food Justice, American Indian Mothers, Inc., Teachers for Social Justice, MINED Arts, Chicago Task Force on Racial and Ethnic Disparities, Independent Progressive Politics Network, Springfield (MA) Food Policy Council, Food Chain Workers Alliance, Restaurant Opportunities Center, Center for Digital Democracy, Alliance for Educational Justice, Center for Global Policy Solutions, Interfaith Center on Corporate Responsibility, Santa Cruz Task Force on Justice and Public Safety, Skrappy's Youth Collective, Community Justice Network for Youth, Women Rise Up, Women of God's Design, Massachusetts Juvenile Task Force on Racial Disparities, Community Justice Network for Youth, Louis D. Brown Peace Institute.

<sup>548</sup> This submission contains approximately 19,500 form letters that preventobesity.org submitted on behalf of its members.

<sup>549</sup> This submission contains, in part, another approximately 521 form letters that preventobesity.org submitted on behalf of its members. Also parts of submission 0716 are multiple form letters submitted by preventobesity.org and two form letters submitted by MomsRising.org, which were signed by 6,737 members of the organization.

<sup>550</sup> This submission contains two letters: one letter contains the organizations full comments and the other letter contains signatures of over 3, 800 individuals. Of these, 237 people included additional comments supporting the position stated in the letter. This submission is counted as one comment.

<sup>551</sup> In addition to this comment submitted by the organization's Co-Directors, an additional 28 individuals members of Real Food for Kids – Montgomery submitted comments using the same form letter.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0695	Safe Routes to School National Partnership	National Association of Organizations Promoting Safe Routes to Schools
FNS-2014-0010-0482 <sup>552</sup>	School Food FOCUS	National Association of School Food Service Professionals
FNS-2014-0010-0563	School Nutrition Association	National Association of School Nutrition Professionals
FNS-2014-0010-0616 <sup>553</sup>	School Nutrition Association	National Association of School Nutrition Professionals
FNS-2014-0010-0606	School Nutrition Association of Pennsylvania	State Association of School Nutrition Professionals
FNS-2014-0010-0646	School Nutrition Association of Vermont	State Association of School Nutrition Professionals
FNS-2014-0010-0390	SHAPE America (part of CSPI form-plus letter campaign)	National Association of Health and Physical Education Professionals
FNS-2014-0010-0307	SHAPE America (part of CSPI form-plus letter campaign)	National Association of Health and Physical Education Professionals
FNS-2014-0010-0398	Sioux Falls School District	School District
FNS-2014-0010-0394	Society for Nutrition Education and Behavior	National Association of Nutrition Professionals
FNS-2014-0010-0458	Society for Public Health Education (part of CSPI form letter campaign)	National Association of Public Health Professionals and Students
FNS-2014-0010-0565	Texas Association of School Boards	State School Board Association
FNS-2014-0010-0609	Texas Department of Agriculture	State Department of Agriculture
FNS-2014-0010-0133	Torrance Unified School District-Nutrition Services	School District Nutrition Services Department
FNS-2014-0010-0493	Trust for America's Health	Health Advocacy Organization
FNS-2014-0010-0492	University of Minnesota Extension	University Research and Education Program
FNS-2014-0010-0423	Upstream Public Health (part of preventobesity.org (version 2) form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0627	Upstream Public Health (part of preventobesity.org (version 2) form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0703	Upstream Public Health	Health Advocacy Organization
FNS-2014-0010-0651	Utah State Office of Education	State Department of Education

<sup>552</sup> Two individuals (0620 and 0711) expressly stated support for the comments submitted by School Food FOCUS.

<sup>553</sup> This submission was filed as an addendum to the comment previously submitted by the organization-0563.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0677	Washington Legal Foundation	Public Interest Law Firm and Policy Center
FNS-2014-0010-0586	Washtenaw Food Policy Council	Local Food Policy Organization
FNS-2014-0010-0691	YMCA of the USA	National Youth-Development Organization
FNS-2014-0010-0499	Interfaith Center on Corporate Responsibility	Institutional Investment Center
FNS-2014-0010-0506	International Dairy Foods Association	Trade Association
FNS-2014-0010-0399	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0400	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0403	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0404	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0409	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0411	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0421	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0422	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0424	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0426	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0432	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0442	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0445	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0472	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0511	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0514	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0551	Individual (part of FRAC form letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Committer Type</b>
FNS-2014-0010-0722	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0552	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0555	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0556	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0559	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0560	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0561	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0562	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0572	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0575	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0576	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0583	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0587	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0588	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0590	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0594	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0600	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0603	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0629	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0633	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0637	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0643	Individual (part of RFKM form letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0652	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0658	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0667	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0673	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0683	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0696	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0713	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0288	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0296	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0304	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0305	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0308	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0310	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0311	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0312	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0313	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0314	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0315	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0318	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0320	Individual (part of CSPI form-plus letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0322	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0324	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0325	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0326	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0328	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0329	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0330	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0333	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0335	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0336	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0338	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0339	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0340	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0342	Individual (part of CSPI form-plus letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0345	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0349	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0353	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0355	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0356	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0358	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0363	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0366	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0368	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0369	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0370	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0371	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0376	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0378	Individual (part of CSPI form-plus letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0380	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0382	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0391	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0392	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0410	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0412	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0416	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0444	Individual (part of CSPI form letter campaign)	Individual
FNS-2014-0010-0446	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0455	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0465	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0505	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0509	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0512	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0522	Individual (part of CSPI form-plus letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0526	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0539	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0681	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0196	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0197	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0198	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0199	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0200	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0201	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0207	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0209	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0211	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0212	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0214	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0245	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0300	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0317	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0319	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0357	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0393	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0466	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0467	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0488	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0504	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0528	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0549	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0579	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0617	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0619	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0714	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0323	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0367	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0377	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0389	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0415	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0434	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0443	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0469	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0470	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0471	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0476	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0525	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0462	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0507	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0508	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0596	Individual (part of Marketing-Plus form letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0601	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0622	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0664	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-1014-0010-0004	Individual	Individual
FNS-2014-0010-0005	Individual	Individual
FNS-2014-0010-0006	Individual	Individual
FNS-2014-0010-0007	Individual	Individual
FNS-2014-0010-0008	Individual	Individual
FNS-2014-0010-0009	Individual	Individual
FNS-2014-0010-0010	Individual	Individual
FNS-2014-0010-0011	Individual	Individual
FNS-2014-0010-0012	Individual	Individual
FNS-2014-0010-0013	Individual	Individual
FNS-2014-0010-0014	Individual	Individual
FNS-2014-0010-0015	Individual	Individual
FNS-2014-0010-0016	Individual	Individual
FNS-2014-0010-0017	Individual	Individual
FNS-2014-0010-0018	Individual	Individual
FNS-2014-0010-0019	Individual	Individual
FNS-2014-0010-0020	Individual	Individual
FNS-2014-0010-0021	Individual	Individual
FNS-2014-0010-0022	Individual	Individual
FNS-2014-0010-0023	Individual	Individual
FNS-2014-0010-0024	Individual	Individual
FNS-2014-0010-0025	Individual	Individual
FNS-2014-0010-0026	Individual	Individual
FNS-2014-0010-0027	Individual	Individual
FNS-2014-0010-0028	Individual	Individual
FNS-2014-0010-0029	Individual	Individual
FNS-2014-0010-0030	Individual	Individual
FNS-2014-0010-0031	Individual	Individual
FNS-2014-0010-0032	Individual	Individual
FNS-2014-0010-0033	Individual	Individual
FNS-2014-0010-0034	Individual	Individual
FNS-2014-0010-0035	Individual	Individual
FNS-2014-0010-0036	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0037	Individual	Individual
FNS-2014-0010-0038	Individual	Individual
FNS-2014-0010-0039	Individual	Individual
FNS-2014-0010-0040	Individual	Individual
FNS-2014-0010-0041	Individual	Individual
FNS-2014-0010-0042	Individual	Individual
FNS-2014-0010-0043	Individual	Individual
FNS-2014-0010-0044	Individual	Individual
FNS-2014-0010-0045	Individual	Individual
FNS-2014-0010-0046	Individual	Individual
FNS-2014-0010-0047	Individual	Individual
FNS-2014-0010-0048	Individual	Individual
FNS-2014-0010-0049	Individual	Individual
FNS-2014-0010-0050	Individual	Individual
FNS-2014-0010-0051	Individual	Individual
FNS-2014-0010-0052	Individual	Individual
FNS-2014-0010-0053	Individual	Individual
FNS-2014-0010-0054	Individual	Individual
FNS-2014-0010-0055	Individual	Individual
FNS-2014-0010-0056	Individual	Individual
FNS-2014-0010-0057	Individual	Individual
FNS-2014-0010-0058	Individual	Individual
FNS-2014-0010-0059	Individual	Individual
FNS-2014-0010-0060	Individual	Individual
FNS-2014-0010-0061	Individual	Individual
FNS-2014-0010-0062	Individual	Individual
FNS-2014-0010-0063	Individual	Individual
FNS-2014-0010-0064	Individual	Individual
FNS-2014-0010-0065	Individual	Individual
FNS-2014-0010-0066	Individual	Individual
FNS-2014-0010-0067	Individual	Individual
FNS-2014-0010-0068	Individual	Individual
FNS-2014-0010-0069	Individual	Individual
FNS-2014-0010-0070 <sup>554</sup>	Individual	Individual
FNS-2014-0010-0071	Individual	Individual
FNS-2014-0010-0072	Individual	Individual
FNS-2014-0010-0073	Individual	Individual

<sup>554</sup> This comment is a duplicate of comment number 0054.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0074	Individual	Individual
FNS-2014-0010-0075	Individual	Individual
FNS-2014-0010-0076	Individual	Individual
FNS-2014-0010-0077	Individual	Individual
FNS-2014-0010-0078	Individual	Individual
FNS-2014-0010-0079	Individual	Individual
FNS-2014-0010-0080	Individual	Individual
FNS-2014-0010-0081	Individual	Individual
FNS-2014-0010-0082	Individual	Individual
FNS-2014-0010-0083	Individual	Individual
FNS-2014-0010-0084	Individual	Individual
FNS-2014-0010-0085	Individual	Individual
FNS-2014-0010-0086	Individual	Individual
FNS-2014-0010-0087	Individual	Individual
FNS-2014-0010-0088	Individual	Individual
FNS-2014-0010-0089	Individual	Individual
FNS-2014-0010-0090	Individual	Individual
FNS-2014-0010-0091	Individual	Individual
FNS-2014-0010-0092	Individual	Individual
FNS-2014-0010-0093	Individual	Individual
FNS-2014-0010-0094	Individual	Individual
FNS-2014-0010-0095	Individual	Individual
FNS-2014-0010-0096	Individual	Individual
FNS-2014-0010-0097	Individual	Individual
FNS-2014-0010-0098	Individual	Individual
FNS-2014-0010-0099	Individual	Individual
FNS-2014-0010-0100	Individual	Individual
FNS-2014-0010-0101	Individual	Individual
FNS-2014-0010-0102	Individual	Individual
FNS-2014-0010-0103	Individual	Individual
FNS-2014-0010-0104	Individual	Individual
FNS-2014-0010-0105	Individual	Individual
FNS-2014-0010-0106	Individual	Individual
FNS-2014-0010-0107	Individual	Individual
FNS-2014-0010-0108	Individual	Individual
FNS-2014-0010-0109	Individual	Individual
FNS-2014-0010-0110	Individual	Individual
FNS-2014-0010-0111	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0112	Individual	Individual
FNS-2014-0010-0113	Individual	Individual
FNS-2014-0010-0114	Individual	Individual
FNS-2014-0010-0115	Individual	Individual
FNS-2014-0010-0116	Individual	Individual
FNS-2014-0010-0117	Individual	Individual
FNS-2014-0010-0118	Individual	Individual
FNS-2014-0010-0119	Individual	Individual
FNS-2014-0010-0120	Individual	Individual
FNS-2014-0010-0121	Individual	Individual
FNS-2014-0010-0122	Individual	Individual
FNS-2014-0010-0123	Individual	Individual
FNS-2014-0010-0124	Individual	Individual
FNS-2014-0010-0125	Individual	Individual
FNS-2014-0010-0126	Individual	Individual
FNS-2014-0010-0127	Individual	Individual
FNS-2014-0010-0128	Individual	Individual
FNS-2014-0010-0129	Individual	Individual
FNS-2014-0010-0130	Individual	Individual
FNS-2014-0010-0131	Individual	Individual
FNS-2014-0010-0132	Individual	Individual
FNS-2014-0010-0135	Individual	Individual
FNS-2014-0010-0136	Individual	Individual
FNS-2014-0010-0137	Individual	Individual
FNS-2014-0010-0138	Individual	Individual
FNS-2014-0010-0139	Individual	Individual
FNS-2014-0010-0140	Individual	Individual
FNS-2014-0010-0141	Individual	Individual
FNS-2014-0010-0142	Individual	Individual
FNS-2014-0010-0143	Individual	Individual
FNS-2014-0010-0144	Individual	Individual
FNS-2014-0010-0145	Individual	Individual
FNS-2014-0010-0146	Individual	Individual
FNS-2014-0010-0147	Individual	Individual
FNS-2014-0010-0148	Individual	Individual
FNS-2014-0010-0149	Individual	Individual
FNS-2014-0010-0150	Individual	Individual
FNS-2014-0010-0151	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0152	Individual	Individual
FNS-2014-0010-0153	Individual	Individual
FNS-2014-0010-0154	Individual	Individual
FNS-2014-0010-0155	Individual	Individual
FNS-2014-0010-0156	Individual	Individual
FNS-2014-0010-0157	Individual	Individual
FNS-2014-0010-0158	Individual	Individual
FNS-2014-0010-0159	Individual	Individual
FNS-2014-0010-0160	Individual	Individual
FNS-2014-0010-0161	Individual	Individual
FNS-2014-0010-0162	Individual	Individual
FNS-2014-0010-0163	Individual	Individual
FNS-2014-0010-0164	Individual	Individual
FNS-2014-0010-0165	Individual	Individual
FNS-2014-0010-0166	Individual	Individual
FNS-2014-0010-0167	Individual	Individual
FNS-2014-0010-0168	Individual	Individual
FNS-2014-0010-0169	Individual	Individual
FNS-2014-0010-0170	Individual	Individual
FNS-2014-0010-0171	Individual	Individual
FNS-2014-0010-0172	Individual	Individual
FNS-2014-0010-0173	Individual	Individual
FNS-2014-0010-0174	Individual	Individual
FNS-2014-0010-0175	Individual	Individual
FNS-2014-0010-0176	Individual	Individual
FNS-2014-0010-0177	Individual	Individual
FNS-2014-0010-0178	Individual	Individual
FNS-2014-0010-0179	Individual	Individual
FNS-2014-0010-0180	Individual	Individual
FNS-2014-0010-0181	Individual	Individual
FNS-2014-0010-0182	Individual	Individual
FNS-2014-0010-0183	Individual	Individual
FNS-2014-0010-0184	Individual	Individual
FNS-2014-0010-0185	Individual	Individual
FNS-2014-0010-0186	Individual	Individual
FNS-2014-0010-0187	Individual	Individual
FNS-2014-0010-0188	Individual	Individual
FNS-2014-0010-0189	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Committer Type</b>
FNS-2014-0010-0190	Individual	Individual
FNS-2014-0010-0191	Individual	Individual
FNS-2014-0010-0192	Individual	Individual
FNS-2014-0010-0193	Individual	Individual
FNS-2014-0010-0194	Individual	Individual
FNS-2014-0010-0202	Individual	Individual
FNS-2014-0010-0203	Individual	Individual
FNS-2014-0010-0204	Individual	Individual
FNS-2014-0010-0205	Individual	Individual
FNS-2014-0010-0206	Individual	Individual
FNS-2014-0010-0208	Individual	Individual
FNS-2014-0010-0210	Individual	Individual
FNS-2014-0010-0213	Individual	Individual
FNS-2014-0010-0215	Individual	Individual
FNS-2014-0010-0216	Individual	Individual
FNS-2014-0010-0217	Individual	Individual
FNS-2014-0010-0218	Individual	Individual
FNS-2014-0010-0219	Individual	Individual
FNS-2014-0010-0220	Individual	Individual
FNS-2014-0010-0221	Individual	Individual
FNS-2014-0010-0222	Individual	Individual
FNS-2014-0010-0223	Individual	Individual
FNS-2014-0010-0224	Individual	Individual
FNS-2014-0010-0225	Individual	Individual
FNS-2014-0010-0226	Individual	Individual
FNS-2014-0010-0227	Individual	Individual
FNS-2014-0010-0228	Individual	Individual
FNS-2014-0010-0229	Individual	Individual
FNS-2014-0010-0230	Individual	Individual
FNS-2014-0010-0231	Individual	Individual
FNS-2014-0010-0232	Individual	Individual
FNS-2014-0010-0233	Individual	Individual
FNS-2014-0010-0234	Individual	Individual
FNS-2014-0010-0235	Individual	Individual
FNS-2014-0010-0236	Individual	Individual
FNS-2014-0010-0237	Individual	Individual
FNS-2014-0010-0238	Individual	Individual
FNS-2014-0010-0239	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0240	Individual	Individual
FNS-2014-0010-0242	Individual	Individual
FNS-2014-0010-0243	Individual	Individual
FNS-2014-0010-0244	Individual	Individual
FNS-2014-0010-0246	Individual	Individual
FNS-2014-0010-0247	Individual	Individual
FNS-2014-0010-0248	Individual	Individual
FNS-2014-0010-0249	Individual	Individual
FNS-2014-0010-0250	Individual	Individual
FNS-2014-0010-0251	Individual	Individual
FNS-2014-0010-0252	Individual	Individual
FNS-2014-0010-0253	Individual	Individual
FNS-2014-0010-0254	Individual	Individual
FNS-2014-0010-0255	Individual	Individual
FNS-2014-0010-0256	Individual	Individual
FNS-2014-0010-0257	Individual	Individual
FNS-2014-0010-0258	Individual	Individual
FNS-2014-0010-0259	Individual	Individual
FNS-2014-0010-0260	Individual	Individual
FNS-2014-0010-0261	Individual	Individual
FNS-2014-0010-0262	Individual	Individual
FNS-2014-0010-0263	Individual	Individual
FNS-2014-0010-0265	Individual	Individual
FNS-2014-0010-0267	Individual	Individual
FNS-2014-0010-0268	Individual	Individual
FNS-2014-0010-0269	Individual	Individual
FNS-2014-0010-0270	Individual	Individual
FNS-2014-0010-0271	Individual	Individual
FNS-2014-0010-0272	Individual	Individual
FNS-2014-0010-0273	Individual	Individual
FNS-2014-0010-0274	Individual	Individual
FNS-2014-0010-0275	Individual	Individual
FNS-2014-0010-0276	Individual	Individual
FNS-2014-0010-0277	Individual	Individual
FNS-2014-0010-0278	Individual	Individual
FNS-2014-0010-0279	Individual	Individual
FNS-2014-0010-0280	Individual	Individual
FNS-2014-0010-0281	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0282	Individual	Individual
FNS-2014-0010-0283	Individual	Individual
FNS-2014-0010-0284	Individual	Individual
FNS-2014-0010-0285	Individual	Individual
FNS-2014-0010-0286	Individual	Individual
FNS-2014-0010-0287	Individual	Individual
FNS-2014-0010-0289	Individual	Individual
FNS-2014-0010-0291	Individual	Individual
FNS-2014-0010-0292	Individual	Individual
FNS-2014-0010-0293	Individual	Individual
FNS-2014-0010-0294	Individual	Individual
FNS-2014-0010-0295	Individual	Individual
FNS-2014-0010-0297	Individual	Individual
FNS-2014-0010-0299	Individual	Individual
FNS-2014-0010-0301	Individual	Individual
FNS-2014-0010-0302	Individual	Individual
FNS-2014-0010-0303	Individual	Individual
FNS-2014-0010-0306	Individual	Individual
FNS-2014-0010-0309	Individual	Individual
FNS-2014-0010-0316	Individual	Individual
FNS-2014-0010-0321	Individual	Individual
FNS-2014-0010-0327	Individual	Individual
FNS-2014-0010-0331	Individual	Individual
FNS-2014-0010-0332	Individual	Individual
FNS-2014-0010-0334	Individual	Individual
FNS-2014-0010-0337	Individual	Individual
FNS-2014-0010-0341	Individual	Individual
FNS-2014-0010-0343	Individual	Individual
FNS-2014-0010-0344	Individual	Individual
FNS-2014-0010-0346	Individual	Individual
FNS-2014-0010-0347	Individual	Individual
FNS-2014-0010-0348	Individual	Individual
FNS-2014-0010-0351	Individual	Individual
FNS-2014-0010-0352	Individual	Individual
FNS-2014-0010-0359	Individual	Individual
FNS-2014-0010-0361	Individual	Individual
FNS-2014-0010-0362	Individual	Individual
FNS-2014-0010-0364	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0365	Individual	Individual
FNS-2014-0010-0372	Individual	Individual
FNS-2014-0010-0373	Individual	Individual
FNS-2014-0010-0374	Individual	Individual
FNS-2014-0010-0375	Individual	Individual
FNS-2014-0010-0379	Individual	Individual
FNS-2014-0010-0381	Individual	Individual
FNS-2014-0010-0383	Individual	Individual
FNS-2014-0010-0384	Individual	Individual
FNS-2014-0010-0385	Individual	Individual
FNS-2014-0010-0386	Individual	Individual
FNS-2014-0010-0387	Individual	Individual
FNS-2014-0010-0388	Individual	Individual
FNS-2014-0010-0395	Individual	Individual
FNS-2014-0010-0396	Individual	Individual
FNS-2014-0010-0397	Individual	Individual
FNS-2014-0010-0401	Individual	Individual
FNS-2014-0010-0402	Individual	Individual
FNS-2014-0010-0405	Individual	Individual
FNS-2014-0010-0406	Individual	Individual
FNS-2014-0010-0408	Individual	Individual
FNS-2014-0010-0413	Individual	Individual
FNS-2014-0010-0414	Individual	Individual
FNS-2014-0010-0417	Individual	Individual
FNS-2014-0010-0418	Individual	Individual
FNS-2014-0010-0419	Individual	Individual
FNS-2014-0010-0420	Individual	Individual
FNS-2014-0010-0425	Individual	Individual
FNS-2014-0010-0427	Individual	Individual
FNS-2014-0010-0428	Individual	Individual
FNS-2014-0010-0429	Individual	Individual
FNS-2014-0010-0430	Individual	Individual
FNS-2014-0010-0433	Individual	Individual
FNS-2014-0010-0435	Individual	Individual
FNS-2014-0010-0436	Individual	Individual
FNS-2014-0010-0437	Individual	Individual
FNS-2014-0010-0438	Individual	Individual
FNS-2014-0010-0439	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0440	Individual	Individual
FNS-2014-0010-0441	Individual	Individual
FNS-2014-0010-0447	Individual	Individual
FNS-2014-0010-0448	Individual	Individual
FNS-2014-0010-0449	Individual	Individual
FNS-2014-0010-0450	Individual	Individual
FNS-2014-0010-0451	Individual	Individual
FNS-2014-0010-0452	Individual	Individual
FNS-2014-0010-0453	Individual	Individual
FNS-2014-0010-0454	Individual	Individual
FNS-2014-0010-0456	Individual	Individual
FNS-2014-0010-0457	Individual	Individual
FNS-2014-0010-0459	Individual	Individual
FNS-2014-0010-0460	Individual	Individual
FNS-2014-0010-0463	Individual	Individual
FNS-2014-0010-0468	Individual	Individual
FNS-2014-0010-0473	Individual	Individual
FNS-2014-0010-0477	Individual	Individual
FNS-2014-0010-0478	Individual	Individual
FNS-2014-0010-0479	Individual	Individual
FNS-2014-0010-0480	Individual	Individual
FNS-2014-0010-0483	Individual	Individual
FNS-2014-0010-0484	Individual	Individual
FNS-2014-0010-0487	Individual	Individual
FNS-2014-0010-0490	Individual	Individual
FNS-2014-0010-0491	Individual	Individual
FNS-2014-0010-0496	Individual	Individual
FNS-2014-0010-0510	Individual	Individual
FNS-2014-0010-0515	Individual	Individual
FNS-2014-0010-0516	Individual	Individual
FNS-2014-0010-0517	Individual	Individual
FNS-2014-0010-0518	Individual	Individual
FNS-2014-0010-0519	Individual	Individual
FNS-2014-0010-0520	Individual	Individual
FNS-2014-0010-0521	Individual	Individual
FNS-2014-0010-0524	Individual	Individual
FNS-2014-0010-0527	Individual	Individual
FNS-2014-0010-0529	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0530	Individual	Individual
FNS-2014-0010-0531	Individual	Individual
FNS-2014-0010-0532	Individual	Individual
FNS-2014-0010-0533	Individual	Individual
FNS-2014-0010-0534	Individual	Individual
FNS-2014-0010-0536	Individual	Individual
FNS-2014-0010-0537	Individual	Individual
FNS-2014-0010-0540	Individual	Individual
FNS-2014-0010-0541	Individual	Individual
FNS-2014-0010-0542	Individual	Individual
FNS-2014-0010-0544	Individual	Individual
FNS-2014-0010-0550	Individual	Individual
FNS-2014-0010-0553	Individual	Individual
FNS-2014-0010-0557	Individual	Individual
FNS-2014-0010-0558	Individual	Individual
FNS-2014-0010-0564	Individual	Individual
FNS-2014-0010-0566	Individual	Individual
FNS-2014-0010-0569	Individual	Individual
FNS-2014-0010-0570	Individual	Individual
FNS-2014-0010-0573	Individual	Individual
FNS-2014-0010-0577	Individual	Individual
FNS-2014-0010-0580	Individual	Individual
FNS-2014-0010-0582	Individual	Individual
FNS-2014-0010-0584	Individual	Individual
FNS-2014-0010-0591	Individual	Individual
FNS-2014-0010-0592	Individual	Individual
FNS-2014-0010-0597	Individual	Individual
FNS-2014-0010-0599	Individual	Individual
FNS-2014-0010-0602	Individual	Individual
FNS-2014-0010-0607	Individual	Individual
FNS-2014-0010-0614	Individual	Individual
FNS-2014-0010-0615	Individual	Individual
FNS-2014-0010-0618	Individual	Individual
FNS-2014-0010-0620	Individual	Individual
FNS-2014-0010-0621	Individual	Individual
FNS-2014-0010-0628	Individual	Individual
FNS-2014-0010-0634	Individual	Individual
FNS-2014-0010-0635	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0639	Individual	Individual
FNS-2014-0010-0649	Individual	Individual
FNS-2014-0010-0653	Individual	Individual
FNS-2014-0010-0654	Individual	Individual
FNS-2014-0010-0656 <sup>555</sup>	Individual	Individual
FNS-2014-0010-0657	Individual	Individual
FNS-2014-0010-0659	Individual	Individual
FNS-2014-0010-0660	Individual	Individual
FNS-2014-0010-0661	Individual	Individual
FNS-2014-0010-0665	Individual	Individual
FNS-2014-0010-0670	Individual	Individual
FNS-2014-0010-0674	Individual	Individual
FNS-2014-0010-0675	Individual	Individual
FNS-2014-0010-0680	Individual	Individual
FNS-2014-0010-0689	Individual	Individual
FNS-2014-0010-0704	Individual	Individual
FNS-2014-0010-0705	Individual	Individual
FNS-2014-0010-0706	Individual	Individual
FNS-2014-0010-0707	Individual	Individual
FNS-2014-0010-0708	Individual	Individual
FNS-2014-0010-0709	Individual	Individual
FNS-2014-0010-0711	Individual	Individual

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<sup>555</sup> This comment is a duplicate of comment number 0618.

**Table 2. Comments Reviewed, Sorted by Comment Number**

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-1014-0010-0004	Individual	Individual
FNS-2014-0010-0005	Individual	Individual
FNS-2014-0010-0006	Individual	Individual
FNS-2014-0010-0007	Individual	Individual
FNS-2014-0010-0008	Individual	Individual
FNS-2014-0010-0009	Individual	Individual
FNS-2014-0010-0010	Individual	Individual
FNS-2014-0010-0011	Individual	Individual
FNS-2014-0010-0012	Individual	Individual
FNS-2014-0010-0013	Individual	Individual
FNS-2014-0010-0014	Individual	Individual
FNS-2014-0010-0015	Individual	Individual
FNS-2014-0010-0016	Individual	Individual
FNS-2014-0010-0017	Individual	Individual
FNS-2014-0010-0018	Individual	Individual
FNS-2014-0010-0019	Individual	Individual
FNS-2014-0010-0020	Individual	Individual
FNS-2014-0010-0021	Individual	Individual
FNS-2014-0010-0022	Individual	Individual
FNS-2014-0010-0023	Individual	Individual
FNS-2014-0010-0024	Individual	Individual
FNS-2014-0010-0025	Individual	Individual
FNS-2014-0010-0026	Individual	Individual
FNS-2014-0010-0027	Individual	Individual
FNS-2014-0010-0028	Individual	Individual
FNS-2014-0010-0029	Individual	Individual
FNS-2014-0010-0030	Individual	Individual
FNS-2014-0010-0031	Individual	Individual
FNS-2014-0010-0032	Individual	Individual
FNS-2014-0010-0033	Individual	Individual
FNS-2014-0010-0034	Individual	Individual
FNS-2014-0010-0035	Individual	Individual
FNS-2014-0010-0036	Individual	Individual
FNS-2014-0010-0037	Individual	Individual
FNS-2014-0010-0038	Individual	Individual
FNS-2014-0010-0039	Individual	Individual
FNS-2014-0010-0040	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0041	Individual	Individual
FNS-2014-0010-0042	Individual	Individual
FNS-2014-0010-0043	Individual	Individual
FNS-2014-0010-0044	Individual	Individual
FNS-2014-0010-0045	Individual	Individual
FNS-2014-0010-0046	Individual	Individual
FNS-2014-0010-0047	Individual	Individual
FNS-2014-0010-0048	Individual	Individual
FNS-2014-0010-0049	Individual	Individual
FNS-2014-0010-0050	Individual	Individual
FNS-2014-0010-0051	Individual	Individual
FNS-2014-0010-0052	Individual	Individual
FNS-2014-0010-0053	Individual	Individual
FNS-2014-0010-0054	Individual	Individual
FNS-2014-0010-0055	Individual	Individual
FNS-2014-0010-0056	Individual	Individual
FNS-2014-0010-0057	Individual	Individual
FNS-2014-0010-0058	Individual	Individual
FNS-2014-0010-0059	Individual	Individual
FNS-2014-0010-0060	Individual	Individual
FNS-2014-0010-0061	Individual	Individual
FNS-2014-0010-0062	Individual	Individual
FNS-2014-0010-0063	Individual	Individual
FNS-2014-0010-0064	Individual	Individual
FNS-2014-0010-0065	Individual	Individual
FNS-2014-0010-0066	Individual	Individual
FNS-2014-0010-0067	Individual	Individual
FNS-2014-0010-0068	Individual	Individual
FNS-2014-0010-0069	Individual	Individual
FNS-2014-0010-0070 <sup>556</sup>	Individual	Individual
FNS-2014-0010-0071	Individual	Individual
FNS-2014-0010-0072	Individual	Individual
FNS-2014-0010-0073	Individual	Individual
FNS-2014-0010-0074	Individual	Individual
FNS-2014-0010-0075	Individual	Individual
FNS-2014-0010-0076	Individual	Individual
FNS-2014-0010-0077	Individual	Individual

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<sup>556</sup> This comment is a duplicate of comment number 0054.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0078	Individual	Individual
FNS-2014-0010-0079	Individual	Individual
FNS-2014-0010-0080	Individual	Individual
FNS-2014-0010-0081	Individual	Individual
FNS-2014-0010-0082	Individual	Individual
FNS-2014-0010-0083	Individual	Individual
FNS-2014-0010-0084	Individual	Individual
FNS-2014-0010-0085	Individual	Individual
FNS-2014-0010-0086	Individual	Individual
FNS-2014-0010-0087	Individual	Individual
FNS-2014-0010-0088	Individual	Individual
FNS-2014-0010-0089	Individual	Individual
FNS-2014-0010-0090	Individual	Individual
FNS-2014-0010-0091	Individual	Individual
FNS-2014-0010-0092	Individual	Individual
FNS-2014-0010-0093	Individual	Individual
FNS-2014-0010-0094	Individual	Individual
FNS-2014-0010-0095	Individual	Individual
FNS-2014-0010-0096	Individual	Individual
FNS-2014-0010-0097	Individual	Individual
FNS-2014-0010-0098	Individual	Individual
FNS-2014-0010-0099	Individual	Individual
FNS-2014-0010-0100	Individual	Individual
FNS-2014-0010-0101	Individual	Individual
FNS-2014-0010-0102	Individual	Individual
FNS-2014-0010-0103	Individual	Individual
FNS-2014-0010-0104	Individual	Individual
FNS-2014-0010-0105	Individual	Individual
FNS-2014-0010-0106	Individual	Individual
FNS-2014-0010-0107	Individual	Individual
FNS-2014-0010-0108	Individual	Individual
FNS-2014-0010-0109	Individual	Individual
FNS-2014-0010-0110	Individual	Individual
FNS-2014-0010-0111	Individual	Individual
FNS-2014-0010-0112	Individual	Individual
FNS-2014-0010-0113	Individual	Individual
FNS-2014-0010-0114	Individual	Individual
FNS-2014-0010-0115	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0116	Individual	Individual
FNS-2014-0010-0117	Individual	Individual
FNS-2014-0010-0118	Individual	Individual
FNS-2014-0010-0119	Individual	Individual
FNS-2014-0010-0120	Individual	Individual
FNS-2014-0010-0121	Individual	Individual
FNS-2014-0010-0122	Individual	Individual
FNS-2014-0010-0123	Individual	Individual
FNS-2014-0010-0124	Individual	Individual
FNS-2014-0010-0125	Individual	Individual
FNS-2014-0010-0126	Individual	Individual
FNS-2014-0010-0127	Individual	Individual
FNS-2014-0010-0128	Individual	Individual
FNS-2014-0010-0129	Individual	Individual
FNS-2014-0010-0130	Individual	Individual
FNS-2014-0010-0131	Individual	Individual
FNS-2014-0010-0132	Individual	Individual
FNS-2014-0010-0133	Torrance Unified School District-Nutrition Services	School District Nutrition Services Department
FNS-2014-0010-0134	NA	State Agency
FNS-2014-0010-0135	Individual	Individual
FNS-2014-0010-0136	Individual	Individual
FNS-2014-0010-0137	Individual	Individual
FNS-2014-0010-0138	Individual	Individual
FNS-2014-0010-0139	Individual	Individual
FNS-2014-0010-0140	Individual	Individual
FNS-2014-0010-0141	Individual	Individual
FNS-2014-0010-0142	Individual	Individual
FNS-2014-0010-0143	Individual	Individual
FNS-2014-0010-0144	Individual	Individual
FNS-2014-0010-0145	Individual	Individual
FNS-2014-0010-0146	Individual	Individual
FNS-2014-0010-0147	Individual	Individual
FNS-2014-0010-0148	Individual	Individual
FNS-2014-0010-0149	Individual	Individual
FNS-2014-0010-0150	Individual	Individual
FNS-2014-0010-0151	Individual	Individual
FNS-2014-0010-0152	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0153	Individual	Individual
FNS-2014-0010-0154	Individual	Individual
FNS-2014-0010-0155	Individual	Individual
FNS-2014-0010-0156	Individual	Individual
FNS-2014-0010-0157	Individual	Individual
FNS-2014-0010-0158	Individual	Individual
FNS-2014-0010-0159	Individual	Individual
FNS-2014-0010-0160	Individual	Individual
FNS-2014-0010-0161	Individual	Individual
FNS-2014-0010-0162	Individual	Individual
FNS-2014-0010-0163	Individual	Individual
FNS-2014-0010-0164	Individual	Individual
FNS-2014-0010-0165	Individual	Individual
FNS-2014-0010-0166	Individual	Individual
FNS-2014-0010-0167	Individual	Individual
FNS-2014-0010-0168	Individual	Individual
FNS-2014-0010-0169	Individual	Individual
FNS-2014-0010-0170	Individual	Individual
FNS-2014-0010-0171	Individual	Individual
FNS-2014-0010-0172	Individual	Individual
FNS-2014-0010-0173	Individual	Individual
FNS-2014-0010-0174	Individual	Individual
FNS-2014-0010-0175	Individual	Individual
FNS-2014-0010-0176	Individual	Individual
FNS-2014-0010-0177	Individual	Individual
FNS-2014-0010-0178	Individual	Individual
FNS-2014-0010-0179	Individual	Individual
FNS-2014-0010-0180	Individual	Individual
FNS-2014-0010-0181	Individual	Individual
FNS-2014-0010-0182	Individual	Individual
FNS-2014-0010-0183	Individual	Individual
FNS-2014-0010-0184	Individual	Individual
FNS-2014-0010-0185	Individual	Individual
FNS-2014-0010-0186	Individual	Individual
FNS-2014-0010-0187	Individual	Individual
FNS-2014-0010-0188	Individual	Individual
FNS-2014-0010-0189	Individual	Individual
FNS-2014-0010-0190	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0191	Individual	Individual
FNS-2014-0010-0192	Individual	Individual
FNS-2014-0010-0193	Individual	Individual
FNS-2014-0010-0194	Individual	Individual
FNS-2014-0010-0195	Ohio Adolescent Health Partnership's Sleep Committee	Children's Health Advocacy Organization
FNS-2014-0010-0196	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0197	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0198	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0199	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0200	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0201	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0202	Individual	Individual
FNS-2014-0010-0203	Individual	Individual
FNS-2014-0010-0204	Individual	Individual
FNS-2014-0010-0205	Individual	Individual
FNS-2014-0010-0206	Individual	Individual
FNS-2014-0010-0207	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0208	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0209	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0210	Individual	Individual
FNS-2014-0010-0211	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0212	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0213	Individual	Individual
FNS-2014-0010-0214	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0215	Individual	Individual
FNS-2014-0010-0216	Individual	Individual
FNS-2014-0010-0217	Individual	Individual
FNS-2014-0010-0218	Individual	Individual
FNS-2014-0010-0219	Individual	Individual
FNS-2014-0010-0220	Individual	Individual
FNS-2014-0010-0221	Individual	Individual
FNS-2014-0010-0222	Individual	Individual
FNS-2014-0010-0223	Individual	Individual
FNS-2014-0010-0224	Individual	Individual
FNS-2014-0010-0225	Individual	Individual
FNS-2014-0010-0226	Individual	Individual
FNS-2014-0010-0227	Individual	Individual
FNS-2014-0010-0228	Individual	Individual
FNS-2014-0010-0229	Individual	Individual
FNS-2014-0010-0230	Individual	Individual
FNS-2014-0010-0231	Individual	Individual
FNS-2014-0010-0232	Individual	Individual
FNS-2014-0010-0233	Individual	Individual
FNS-2014-0010-0234	Individual	Individual
FNS-2014-0010-0235	Individual	Individual
FNS-2014-0010-0236	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0237	Individual	Individual
FNS-2014-0010-0238	Individual	Individual
FNS-2014-0010-0239	Individual	Individual
FNS-2014-0010-0240	Individual	Individual
FNS-2014-0010-0241	National Association of State Boards of Education	National Association of Education Professionals
FNS-2014-0010-0242	Individual	Individual
FNS-2014-0010-0243	Individual	Individual
FNS-2014-0010-0244	Individual	Individual
FNS-2014-0010-0245	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0246	Individual	Individual
FNS-2014-0010-0247	Individual	Individual
FNS-2014-0010-0248	Individual	Individual
FNS-2014-0010-0249	Individual	Individual
FNS-2014-0010-0250	Individual	Individual
FNS-2014-0010-0251	Individual	Individual
FNS-2014-0010-0252	Individual	Individual
FNS-2014-0010-0253	Individual	Individual
FNS-2014-0010-0254	Individual	Individual
FNS-2014-0010-0255	Individual	Individual
FNS-2014-0010-0256	Individual	Individual
FNS-2014-0010-0257	Individual	Individual
FNS-2014-0010-0258	Individual	Individual
FNS-2014-0010-0259	Individual	Individual
FNS-2014-0010-0260	Individual	Individual
FNS-2014-0010-0261	Individual	Individual
FNS-2014-0010-0262	Individual	Individual
FNS-2014-0010-0263	Individual	Individual
FNS-2014-0010-0264	Nemours	Children's Health Foundation
FNS-2014-0010-0265	Individual	Individual
FNS-2014-0010-0266	American Heart Association	Health Advocacy Organization
FNS-2014-0010-0267	Individual	Individual
FNS-2014-0010-0268	Individual	Individual
FNS-2014-0010-0269	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0270	Individual	Individual
FNS-2014-0010-0271	Individual	Individual
FNS-2014-0010-0272	Individual	Individual
FNS-2014-0010-0273	Individual	Individual
FNS-2014-0010-0274	Individual	Individual
FNS-2014-0010-0275	Individual	Individual
FNS-2014-0010-0276	Individual	Individual
FNS-2014-0010-0277	Individual	Individual
FNS-2014-0010-0278	Individual	Individual
FNS-2014-0010-0279	Individual	Individual
FNS-2014-0010-0280	Individual	Individual
FNS-2014-0010-0281	Individual	Individual
FNS-2014-0010-0282	Individual	Individual
FNS-2014-0010-0283	Individual	Individual
FNS-2014-0010-0284	Individual	Individual
FNS-2014-0010-0285	Individual	Individual
FNS-2014-0010-0286	Individual	Individual
FNS-2014-0010-0287	Individual	Individual
FNS-2014-0010-0288	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0289	Individual	Individual
FNS-2014-0010-0290	Food & Water Watch	Healthy Food Advocacy Organization
FNS-2014-0010-0291	Individual	Individual
FNS-2014-0010-0292	Individual	Individual
FNS-2014-0010-0293	Individual	Individual
FNS-2014-0010-0294	Individual	Individual
FNS-2014-0010-0295	Individual	Individual
FNS-2014-0010-0296	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0297	Individual	Individual
FNS-2014-0010-0298	Association for Size Diversity and Health	Health Advocacy Organization
FNS-2014-0010-0299	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0300	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0301	Individual	Individual
FNS-2014-0010-0302	Individual	Individual
FNS-2014-0010-0303	Individual	Individual
FNS-2014-0010-0304	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0305	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0306	Individual	Individual
FNS-2014-0010-0307	SHAPE America (part of CSPI form-plus letter campaign)	National Association of Health and Physical Education Professionals
FNS-2014-0010-0308	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0309	Individual	Individual
FNS-2014-0010-0310	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0311	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0312	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0313	Individual (part of CSPI form-plus letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0314	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0315	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0316	Individual	Individual
FNS-2014-0010-0317	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0318	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0319	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0320	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0321	Individual	Individual
FNS-2014-0010-0322	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0323	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0324	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0325	Individual (part of CSPI form-plus letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0326	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0327	Individual	Individual
FNS-2014-0010-0328	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0329	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0330	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0331	Individual	Individual
FNS-2014-0010-0332	Individual	Individual
FNS-2014-0010-0333	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0334	Individual	Individual
FNS-2014-0010-0335	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0336	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0337	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0338	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0339	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0340	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0341	Individual	Individual
FNS-2014-0010-0342	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0343	Individual	Individual
FNS-2014-0010-0344	Individual	Individual
FNS-2014-0010-0345	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0346	Individual	Individual
FNS-2014-0010-0347	Individual	Individual
FNS-2014-0010-0348	Individual	Individual
FNS-2014-0010-0349	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0350	Lane Coalition for Healthy Active Youth	Children's Health Advocacy Organization
FNS-2014-0010-0351	Individual	Individual
FNS-2014-0010-0352	Individual	Individual
FNS-2014-0010-0353	Individual (part of CSPI form-plus letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0354	Minnesota Department of Education	State Department of Education
FNS-2014-0010-0355	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0356	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0357	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0358	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0359	Individual	Individual
FNS-2014-0010-0360	Robert Wood Johnson Foundation	Public Health Philanthropy
FNS-2014-0010-0361	Individual	Individual
FNS-2014-0010-0362	Individual	Individual
FNS-2014-0010-0363	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0364	Individual	Individual
FNS-2014-0010-0365	Individual	Individual
FNS-2014-0010-0366	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0367	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0368	Individual (part of CSPI form-plus letter campaign)	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0369	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0370	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0371	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0372	Individual	Individual
FNS-2014-0010-0373	Individual	Individual
FNS-2014-0010-0374	Individual	Individual
FNS-2014-0010-0375	Individual	Individual
FNS-2014-0010-0376	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0377	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0378	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0379	Individual	Individual
FNS-2014-0010-0380	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0381	Individual	Individual
FNS-2014-0010-0382	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0383	Individual	Individual
FNS-2014-0010-0384	Individual	Individual
FNS-2014-0010-0385	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0386	Individual	Individual
FNS-2014-0010-0387	Individual	Individual
FNS-2014-0010-0388	Individual	Individual
FNS-2014-0010-0389	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0390	SHAPE America (part of CSPI form-plus letter campaign)	National Association of Health and Physical Education Professionals
FNS-2014-0010-0391	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0392	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0393	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0394	Society for Nutrition Education and Behavior	National Association of Nutrition Professionals
FNS-2014-0010-0395	Individual	Individual
FNS-2014-0010-0396	Individual	Individual
FNS-2014-0010-0397	Individual	Individual
FNS-2014-0010-0398	Sioux Falls School District	School District
FNS-2014-0010-0399	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0400	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0401	Individual	Individual
FNS-2014-0010-0402	Individual	Individual
FNS-2014-0010-0403	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0404	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0405	Individual	Individual
FNS-2014-0010-0406	Individual	Individual
FNS-2014-0010-0407	Mission and School Meals Work (part of FRAC form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0408	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0409	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0410	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0411	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0412	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0413	Individual	Individual
FNS-2014-0010-0414	Individual	Individual
FNS-2014-0010-0415	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0416	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0417	Individual	Individual
FNS-2014-0010-0418	Individual	Individual
FNS-2014-0010-0419	Individual	Individual
FNS-2014-0010-0420	Individual	Individual
FNS-2014-0010-0421	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0422	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0423	Upstream Public Health (part of preventobesity.org (version 2) form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0424	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0425	Individual	Individual
FNS-2014-0010-0426	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0427	Individual	Individual
FNS-2014-0010-0428	Individual	Individual
FNS-2014-0010-0429	Individual	Individual
FNS-2014-0010-0430	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0431	Mission and School Meals Work (part of FRAC form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0432	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0433	Individual	Individual
FNS-2014-0010-0434	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0435	Individual	Individual
FNS-2014-0010-0436	Individual	Individual
FNS-2014-0010-0437	Individual	Individual
FNS-2014-0010-0438	Individual	Individual
FNS-2014-0010-0439	Individual	Individual
FNS-2014-0010-0440	Individual	Individual
FNS-2014-0010-0441	Individual	Individual
FNS-2014-0010-0442	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0443	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0444	Individual (part of CSPI form letter campaign)	Individual
FNS-2014-0010-0445	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0446	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0447	Individual	Individual
FNS-2014-0010-0448	Individual	Individual
FNS-2014-0010-0449	Individual	Individual
FNS-2014-0010-0450	Individual	Individual
FNS-2014-0010-0451	Individual	Individual
FNS-2014-0010-0452	Individual	Individual
FNS-2014-0010-0453	Individual	Individual
FNS-2014-0010-0454	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0455	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0456	Individual	Individual
FNS-2014-0010-0457	Individual	Individual
FNS-2014-0010-0458	Society for Public Health Education (part of CSPI form letter campaign)	National Association of Public Health Professionals and Students
FNS-2014-0010-0459	Individual	Individual
FNS-2014-0010-0460	Individual	Individual
FNS-2014-0010-0461	Greater Cleveland Food Bank	Food Bank
FNS-2014-0010-0462	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0463	Individual	Individual
FNS-2014-0010-0464	Healthy Schools Campaign	Children's Health Advocacy Organization
FNS-2014-0010-0465	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0466	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0467	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0468	Individual	Individual
FNS-2014-0010-0469	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0470	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0471	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0472	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0473	Individual	Individual
FNS-2014-0010-0474	Center for Science in the Public Interest	Healthy Foods Consumer Advocacy Group

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0475	Harvard School of Public Health, Department of Nutrition	Graduate School of Public Health
FNS-2014-0010-0476	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0477	Individual	Individual
FNS-2014-0010-0478	Individual	Individual
FNS-2014-0010-0479	Individual	Individual
FNS-2014-0010-0480	Individual	Individual
FNS-2014-0010-0481	Public Health Advocacy Institute, The	Health Advocacy Organization
FNS-2014-0010-0482 <sup>557</sup>	School Food FOCUS	National Association of School Food Service Professionals
FNS-2014-0010-0483	Individual	Individual
FNS-2014-0010-0484	Individual	Individual
FNS-2014-0010-0485	American Academy of Pediatrics	National Association of Healthcare Professionals
FNS-2014-0010-0486	National Association of County & City Health Officials	National Association of Local Health Officials
FNS-2014-0010-0487	Individual	Individual
FNS-2014-0010-0488	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0489	Asthma and Allergy Foundation of America, The/ Kids with Allergies	Health Advocacy Organization
FNS-2014-0010-0490	Individual	Individual
FNS-2014-0010-0491	Individual	Individual
FNS-2014-0010-0492	University of Minnesota Extension	University Research and Education Program
FNS-2014-0010-0493	Trust for America's Health	Health Advocacy Organization
FNS-2014-0010-0494	Corporate Accountability International	Corporate Watchdog Organization
FNS-2014-0010-0495	Berkley Media Studies Group	Health Advocacy Organization

<sup>557</sup> Two individuals (0620 and 0711) expressly stated support for the comments submitted by School Food FOCUS.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0496	Individual	Individual
FNS-2014-0010-0497	National Farm to School Network	Farm-to-School Education and Advocacy Organization
FNS-2014-0010-0498	Afterschool Alliance (part of FRAC form letter campaign)	Advocacy Organization for Afterschool Programs
FNS-2014-0010-0499	Interfaith Center on Corporate Responsibility	Institutional Investment Center
FNS-2014-0010-0500 <sup>558</sup>	Public Citizen	Health Advocacy Organization
FNS-2014-0010-0501	Association of State Public Health Nutritionists	Nation National Association of Healthcare Professionals
FNS-2014-0010-0502	National Coalition for Promoting Physical Activity	Health Advocacy Organization
FNS-2014-0010-0503	Oregon Public Health Institute (part of preventobesity.org (version 2) form letter campaign)	State Public Health Advocacy Organization
FNS-2014-0010-0504	Individual (part of preventobesity.org (version 2) form-plus letter campaign)	Individual
FNS-2014-0010-0505	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0506	International Dairy Foods Association	Trade Association
FNS-2014-0010-0507	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0508	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0509	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0510	Individual	Individual
FNS-2014-0010-0511	Individual (part of FRAC form letter campaign)	Individual

<sup>558</sup> This submission contains two letters: one letter contains the organizations full comments and the other letter contains signatures of over 3, 800 individuals. Of these, 237 people included additional comments supporting the position stated in the letter. This submission is counted as one comment.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0512	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0513	Hawai'i Island School Garden Network	Farm-to-School Education and Advocacy Organization
FNS-2014-0010-0514	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0515	Individual	Individual
FNS-2014-0010-0516	Individual	Individual
FNS-2014-0010-0517	Individual	Individual
FNS-2014-0010-0518	Individual	Individual
FNS-2014-0010-0519	Individual	Individual
FNS-2014-0010-0520	Individual	Individual
FNS-2014-0010-0521	Individual	Individual
FNS-2014-0010-0522	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0523	National PTA	National Association of Parent Teacher Associations
FNS-2014-0010-0524	Individual	Individual
FNS-2014-0010-0525	Individual (part of RDN form letter campaign)	Individual
FNS-2014-0010-0526	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0527	Individual	Individual
FNS-2014-0010-0528	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0529	Individual	Individual
FNS-2014-0010-0530	Individual	Individual
FNS-2014-0010-0531	Individual	Individual
FNS-2014-0010-0532	Individual	Individual
FNS-2014-0010-0533	Individual	Individual

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0534	Individual	Individual
FNS-2014-0010-0535	Kids' Safe and Healthful Foods Campaign	Children's Health Advocacy Organization
FNS-2014-0010-0536	Individual	Individual
FNS-2014-0010-0537	Individual	Individual
FNS-2014-0010-0538 <sup>559</sup>	Kids' Safe Healthful Foods Campaign	Children's Health Advocacy Organization
FNS-2014-0010-0539	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0540	Individual	Individual
FNS-2014-0010-0541	Individual	Individual
FNS-2014-0010-0542	Individual	Individual
FNS-2014-0010-0543	Bridging the Gap	Children's Health Research Program
FNS-2014-0010-0544	Individual	Individual
FNS-2014-0010-0545	Real Food For Kids – Montgomery <sup>560</sup>	Children's Health Advocacy Organization
FNS-2014-0010-0546	Cherry Creek School	School District Nutrition Services Department
FNS-2014-0010-0547	American Diabetes Association	Health Advocacy Organization
FNS-2014-0010-0548	ProMedica (part of FRAC form letter campaign)	Nonprofit Healthcare Organization
FNS-2014-0010-0549	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0550	Individual	Individual
FNS-2014-0010-0551	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0552	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0553	Individual	Individual

<sup>559</sup> This comment number is a duplicate of comment number 0535.

<sup>560</sup> In addition to this comment submitted by the organization's Co-Directors, an additional 28 individuals members of Real Food for Kids – Montgomery submitted comments using the same form letter.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0554	American Beverage Association	Trade Association
FNS-2014-0010-0555	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0556	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0557	Individual	Individual
FNS-2014-0010-0558	Individual	Individual
FNS-2014-0010-0559	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0560	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0561	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0562	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0563	School Nutrition Association	National Association of School Nutrition Professionals
FNS-2014-0010-0564	Individual	Individual
FNS-2014-0010-0565	Texas Association of School Boards	State School Board Association
FNS-2014-0010-0566	Individual	Individual
FNS-2014-0010-0567	Grocery Manufacturers Association	National Association of Food, Beverage and Consumer Products Companies

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0568	Health Promotion Council (part of FRAC form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0569	Individual	Individual
FNS-2014-0010-0570	Individual	Individual
FNS-2014-0010-0571	Oregon School-Based Health Alliance (part of preventobesity.org (version 2) form letter campaign)	Children's Health Advocacy Organization
FNS-2014-0010-0572	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0573	Individual	Individual
FNS-2014-0010-0574 <sup>561</sup>	Center for Science in the Public Interest	Healthy Foods Consumer Advocacy Group
FNS-2014-0010-0575	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0576	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0577	Individual	Individual
FNS-2014-0010-0578	21 Acres (part of FRAC form letter campaign)	Nonprofit Agricultural School
FNS-2014-0010-0579	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0580	Individual	Individual
FNS-2014-0010-0581	American Dental Association	National Association of Healthcare Professionals
FNS-2014-0010-0582	Individual	Individual

<sup>561</sup> This submission contains approximately 988 form letters submitted by the Center for Science in the Public Interest on behalf of its individual members.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0583	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0584	Individual	Individual
FNS-2014-0010-0585	California Project LEAN	Children's Health Advocacy Organization
FNS-2014-0010-0586	Washtenaw Food Policy Council	Local Food Policy Organization
FNS-2014-0010-0587	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0588	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0589 <sup>562</sup>	Colorado Health Foundation; Colorado Children's Campaign; LiveWell Colorado	Coalition of Advocacy Organizations
FNS-2014-0010-0590	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0591	Individual	Individual
FNS-2014-0010-0592	Individual	Individual
FNS-2014-0010-0593	Hunger Free Vermont	Anti-Hunger Advocacy Organization
FNS-2014-0010-0594	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0595	Sabra Dipping Company	Food Manufacturer
FNS-2014-0010-0596	Individual (part of Marketing-plus form letter campaign)	Individual
FNS-2014-0010-0597	Individual	Individual

<sup>562</sup> This is a joint submission by The Colorado Health Foundation, Colorado Children's Campaign and LiveWell Colorado.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0598	Mars, Incorporated	Food Manufacturer
FNS-2014-0010-0599	Individual	Individual
FNS-2014-0010-0600	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0601	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0602	Individual	Individual
FNS-2014-0010-0603	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0604	Healthy Youth Programs, Linus Pauling Institute	Children's Health Advocacy Organization
FNS-2014-0010-0605	Maryland State Department of Education	State Department of Education
FNS-2014-0010-0606	School Nutrition Association of Pennsylvania	State Association of School Nutrition Professionals
FNS-2014-0010-0607	Individual	Individual
FNS-2014-0010-0608	Mission: Readiness, Military Leaders for Kids	National Youth-Development Organization
FNS-2014-0010-0609	Texas Department of Agriculture	State Department of Agriculture
FNS-2014-0010-0610	National Education Association	National Association of Education Professionals
FNS-2014-0010-0611	Oregon's Healthy Kids Learn Better Coalition	Children's Health Advocacy Organization
FNS-2014-0010-0612 <sup>563</sup>	Campaign for a Commercial-Free Childhood	Children's Health Advocacy Organization
FNS-2014-0010-0613	Illinois Hunger Coalition (part of FRAC form letter campaign)	Anti-Hunger Advocacy Organization
FNS-2014-0010-0614	Individual	Individual
FNS-2014-0010-0615	Individual	Individual

<sup>563</sup> This submission contains a letter signed by approximately 1,010 individuals. Of these, 50 people included additional comments supporting the position stated in the letter. This submission is counted as one comment.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0616 <sup>564</sup>	School Nutrition Association	National Association of School Nutrition Professionals
FNS-2014-0010-0617	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0618	Individual	Individual
FNS-2014-0010-0619	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual
FNS-2014-0010-0620	Individual	Individual
FNS-2014-0010-0621	Individual	Individual
FNS-2014-0010-0622	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0623	Keenan and Associates (part of CSPI form letter campaign)	Insurance Broker
FNS-2014-0010-0624	American Federation of Teachers	National Association of Education Professionals
FNS-2014-0010-0625	Oregon School-Based Health Alliance (part of preventobesity.org (version 2) form letter campaign)	Children's Health Advocacy Organization
FNS-2014-0010-0626	National Association to Advance Fat Acceptance	Civil Rights Advocacy Organization
FNS-2014-0010-0627	Upstream Public Health (part of preventobesity.org (version 2) form letter campaign)	Health Advocacy Organization
FNS-2014-0010-0628	Individual	Individual
FNS-2014-0010-0629	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0630	Prince George's County Food Equity Council, The	Local Food Policy Organization
FNS-2014-0010-0631	National Council of La Raza	Civil Rights Advocacy Organization

<sup>564</sup> This submission was filed as an addendum to the comment previously submitted by the organization, 0563.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0632	Laurie M. Tisch Center for Food, Education & Policy	Food Research and Policy Center
FNS-2014-0010-0633	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0634	Individual	Individual
FNS-2014-0010-0635	Individual	Individual
FNS-2014-0010-0636	Dubuque Community School District	School District
FNS-2014-0010-0637	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0638	Association of State and Territorial Health Officers	National Association of State Health Officers
FNS-2014-0010-0639	Individual	Individual
FNS-2014-0010-0640 <sup>565</sup>	Keenan and Associates	Insurance Broker
FNS-2014-0010-0641	County of Los Angeles Public Health	Local Public Health Department
FNS-2014-0010-0642	Consortium to Lower Obesity in Chicago Children	Children's Health Advocacy Organization
FNS-2014-0010-0643	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0644	Colorado Department of Education, Office of School Nutrition	State Department of Education
FNS-2014-0010-0645	Oregon Public Health Division	State Department of Public Health
FNS-2014-0010-0646	School Nutrition Association of Vermont	State Association of School Nutrition Professionals
FNS-2014-0010-0647	California Food Policy Advocates	State Food Policy Organization
FNS-2014-0010-0648	Public Health: Seattle and King County	Local Department of Health
FNS-2014-0010-0649	Individual	Individual

<sup>565</sup> This comment is a duplicate of comment number 0623.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0650	Praxis Project, The <sup>566</sup>	Coalition of Advocacy Organizations
FNS-2014-0010-0651	Utah State Office of Education	State Department of Education
FNS-2014-0010-0652	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0653	Individual	Individual
FNS-2014-0010-0654	Individual	Individual
FNS-2014-0010-0655	Live Healthy DeKalb Coalition	Health Advocacy Organization
FNS-2014-0010-0656 <sup>567</sup>	Individual	Individual
FNS-2014-0010-0657	Individual	Individual
FNS-2014-0010-0658	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0659	Individual	Individual
FNS-2014-0010-0660	Individual	Individual
FNS-2014-0010-0661	Individual	Individual
FNS-2014-0010-0662	Action for Healthy Kids	Children's Health Advocacy Organization
FNS-2014-0010-0663	Illinois Alliance to Prevent Obesity	Health Advocacy Organization
FNS-2014-0010-0664	Individual (part of Marketing-Plus form letter campaign)	Individual
FNS-2014-0010-0665	Individual	Individual
FNS-2014-0010-0666	New York City Department of Education	Local Department of Education

<sup>566</sup> This submission contains the signatures of 40 individuals. In addition to The Praxis Project, some of those individuals association themselves with the following organizations: IBT 2010, Alliance for a Just Society, National Latino Farmers & Ranchers Trade Association, Racial Justice Now, KC Food Justice, American Indian Mothers, Inc., Teachers for Social Justice, MINED Arts, Chicago Task Force on Racial and Ethnic Disparities, Independent Progressive Politics Network, Springfield (MA) Food Policy Council, Food Chain Workers Alliance, Restaurant Opportunities Center, Center for Digital Democracy, Alliance for Educational Justice, Center for Global Policy Solutions, Interfaith Center on Corporate Responsibility, Santa Cruz Task Force on Justice and Public Safety, Skrappy's Youth Collective, Community Justice Network for Youth, Women Rise Up, Women of God's Design, Massachusetts Juvenile Task Force on Racial Disparities, Community Justice Network for Youth, Louis D. Brown Peace Institute.

<sup>567</sup> This is a duplicate of comment number 0618.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0667	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0668 <sup>568</sup>	Center for Science in the Public Interest	Healthy Foods Consumer Advocacy Group
FNS-2014-0010-0669	First Focus	Children's Health Advocacy Organization
FNS-2014-0010-0670	Individual	Individual
FNS-2014-0010-0671	American Cancer Society Cancer Action Network	Health Advocacy Organization
FNS-2014-0010-0672	Lake Washington School District	School District
FNS-2014-0010-0673	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0674	Individual	Individual
FNS-2014-0010-0675	Individual	Individual
FNS-2014-0010-0676	Open Door, The (part of FRAC form letter campaign)	Food Bank
FNS-2014-0010-0677	Washington Legal Foundation	Public Interest Law Firm and Policy Center
FNS-2014-0010-0678	Council of the Great City Schools	Coalition of School Districts
FNS-2014-0010-0679	New York State Education Department	State Department of Education
FNS-2014-0010-0680	Individual	Individual
FNS-2014-0010-0681	Individual (part of CSPI form-plus letter campaign)	Individual
FNS-2014-0010-0682	Oregon Wellness in School Environments	Children's Health Advocacy Organization

<sup>568</sup> This submission contains another approximately 1,176 form letters submitted by the Center for Science in the Public Interest on behalf of its individual members.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0683	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0684 <sup>569</sup>	Oregon's Healthy Kids Learn Better Coalition	Children's Health Advocacy Organization
FNS-2014-0010-0685	National School Boards Association	National Association of School Boards
FNS-2014-0010-0686	Food and Research and Action Center	Anti-Hunger Advocacy Organization
FNS-2014-0010-0687	Oregon Farm to School and School Garden Network	Farm-to-School Education and Advocacy Organization
FNS-2014-0010-0688	Academy of Nutrition and Dietetics	National Association of Food and Nutrition Professionals
FNS-2014-0010-0689	Individual	Individual
FNS-2014-0010-0690	Food Trust, The	Healthy Food Advocacy Organization
FNS-2014-0010-0691	YMCA of the USA	National Youth-Development Organization
FNS-2014-0010-0692	National Confectioners Association	Trade Association
FNS-2014-0010-0693 <sup>570</sup>	Food & Water Watch	Healthy Food Advocacy Organization
FNS-2014-0010-0694	Rudd Center for Food Policy and Obesity, Yale University	Health Research and Policy Organization
FNS-2014-0010-0695	Safe Routes to School National Partnership	National Association of Organizations Promoting Safe Routes to Schools
FNS-2014-0010-0696	Individual (part of RFKM form letter campaign)	Individual

<sup>569</sup> This comment is a duplicate of comment number 0611.

<sup>570</sup> This submission contains the approximately 4, 420 form letters that Food & Water Watch submitted on behalf of its individual members.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0697	ChangeLab Solutions	Health Advocacy Organization
FNS-2014-0010-0698	Children's Food and Beverage Advertising Initiative, Council of Better Business Bureaus	Business Association
FNS-2014-0010-0699 <sup>571</sup>	Keenan and Associates	Insurance Broker
FNS-2014-0010-0700	California Department of Education	State Department of Education
FNS-2014-0010-0701	City Project, The	Health Advocacy Organization
FNS-2014-0010-0702	Pima County Juvenile Justice Task Force of Racial and Ethnic Disparities	Civil Rights Advocacy Organization
FNS-2014-0010-0703	Upstream Public Health	Health Advocacy Organization
FNS-2014-0010-0704	Individual	Individual
FNS-2014-0010-0705	Individual	Individual
FNS-2014-0010-0706	Individual	Individual
FNS-2014-0010-0707	Individual	Individual
FNS-2014-0010-0708	Individual	Individual
FNS-2014-0010-0709	Individual	Individual
FNS-2014-0010-0710	AASA, the School Superintendents Association	National Association of Education Professionals
FNS-2014-0010-0711	Individual	Individual
FNS-2014-0010-0712	Dubuque Community School District	School District
FNS-2014-0010-0713	Individual (part of RFKM form letter campaign)	Individual
FNS-2014-0010-0714	Individual (part of preventobesity.org (version 2) form letter campaign)	Individual

<sup>571</sup> This comment is a duplicate of comment number 0623.

<b>Comment Number</b>	<b>Name of Organization</b>	<b>Commenter Type</b>
FNS-2014-0010-0715 <sup>572</sup>	Preventobesity.org	Children's Health Advocacy Organization
FNS-2014-0010-0716 <sup>573</sup>	MomsRising.org	Family Advocacy Organization
FNS-2014-0010-0716 <sup>574</sup>	Preventobesity.org	Children's Health Advocacy Organization
FNS-2014-0010-0716 <sup>575</sup>	Care2	Nonprofit Petition Site
FNS-2014-0010-0717 <sup>576</sup>	American Heart Association	Health Advocacy Organization
FNS-2014-0010-0718	California School Nutrition Association	State Association of School Nutrition Professionals
FNS-2014-0010-0719 <sup>577</sup>	ChangeLab Solutions	Health Advocacy Organization
FNS-2014-0010-0720	Live Healthy DeKalb Coalition	Health Advocacy Organization
FNS-2014-0010-0721	National Education Association Health Information Network	National Association of Education Professionals
FNS-2014-0010-0722	Individual (part of FRAC form letter campaign)	Individual
FNS-2014-0010-0723	Farm to Table	State Agriculture Advocacy Organization

<sup>572</sup> This submission contains approximately 19,500 form letters that preventobesity.org submitted on behalf of its members.

<sup>573</sup> This submission contains, in part, two identical form letters submitted by MomsRising.org that are signed by approximately 6,737 individuals. These two form letters are counted as one comment. Also parts of submission 0716 are form letters submitted by Care2 and preventobesity.org.

<sup>574</sup> This submission contains, in part, another approximately 521 form letters that preventobesity.org submitted on behalf of its members. Also parts of submission 0716 are multiple form letters submitted by preventobesity.org and two form letters submitted by MomsRising.org, which were signed by 6,737 members of the organization.

<sup>575</sup> This submission contains, in part, the approximately 28,105 form letters that Care2 submitted on behalf of its members. Also parts of submission 0716 are multiple form letters submitted by preventobesity.org and two form letter submitted by MomsRising.org, which were signed by 6,737 members of the organization.

<sup>576</sup> This submission contains the approximately 2,413 form letters submitted by the American Heart Association on behalf of its individual members.

<sup>577</sup> This comment is a duplicate of comment number 0697.

**Appendix D: Counts of the Type of Commenters Who Submitted a Comment  
in Response to the Local School Wellness Policy Proposed Rule**

<b>Commenter Type</b>	<b>Count</b>
Academic	2
Anti-Hunger Advocacy Program	3
Association of Healthcare Professionals	3
Association of Education Professionals	5
Association of Nutrition Professionals	7
Association of Health Professionals	5
Association of School Boards	2
Business Association	1
Children's Health Advocacy Organization	17
Children's Health Foundation	1
Children's Health Research Organization	1
Coalition of Advocacy Organizations	2
Corporate Watchdog Organization	1
Department of Education (State or Local)	7
Department of Health (State or Local)	3
Department of Agriculture (State)	1
Farm-to-School Education and Advocacy Organization	3
Food Bank	2
Food Manufacturer	2
Food Policy Organization	4
Health Advocacy Organization	21
Health Research and Policy Organization	2
Healthy Food Advocacy Organization	3
Individual	57,710
Institutional Investment Center	1
Insurance Broker	1
Other Advocacy Groups	6
Other Associations	4
Other Nonprofit Organizations	4
Public Health Philanthropy	1
Public Interest Law Firm and Policy Center	1
School Districts/Coalition of School Districts	7
Trade Association	3
Youth Development Organization	2