



March 8, 2021

Secretary Tom Vilsack  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Secretary Vilsack,

The Center for Science in the Public Interest<sup>1</sup> would like to offer our heartfelt congratulations on your confirmation as our next Secretary of Agriculture. Under the Obama Administration, we worked closely with the U.S. Department of Agriculture (USDA) and with you on critical improvements to public health. We are most proud of the work on the creation and implementation of the updated nutrition standards for school meals under the Healthy, Hunger-Free Kids Act of 2010.

We look forward to working with your Department once again to support a food system and food environment that is equitable, safe, and transparent, and that prioritizes nutritious food for all. Your second tour of duty as head of the USDA comes at a time of layered challenges—including an ongoing pandemic, record levels of food and nutrition insecurity, deep racial and socioeconomic inequities, and climate change.

We appreciate your willingness to grapple forthrightly with these challenges, as you so clearly demonstrated at the Senate Agriculture Committee hearing on February 2, 2020. We appreciated your remarks highlighting the “nutrition insecurity that causes millions—especially people of color—to cope with obesity, diabetes, and other chronic diseases.” Your testimony identified the importance of creating “a food system that makes healthy and nutritious food more available, convenient and affordable to all Americans.”

As we have seen, the ravages of the COVID-19 pandemic are most cruelly felt by people of color and people living in poverty and have been exacerbated by diet-related disease. We wholeheartedly support this vision and these goals to address both food and nutrition insecurity.

The creation of a food system that supports health, rather than undermines it, is an ambition worthy of the new administration and Secretary. We very much look forward to working with you and your capable team in the coming months and years.

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<sup>1</sup> The Center for Science in the Public Interest, an independent food and health watchdog, envisions a healthy population with reduced impact and burden of preventable diseases and an equitable food system that makes healthy, sustainable food accessible to all. CSPI is one of the nation’s oldest independent, science-based consumer advocacy organizations.

The items we highlight below would allow major aspects of the USDA's portfolio—from school foods to food safety—to progress substantially beyond the failures of the recent past, and to build on your own prior work towards a more innovative future, focused on concrete and measurable improvements to population health.

Specifically, we ask that you prioritize the following:

*Create systems and structures at the USDA that foster Department leadership and research*

- **Make the Food, Nutrition, and Consumer Services (FNCS) a public health agency.** Appoint public health experts to lead FNCS, including the Under Secretary and FNS Administrator.
- **Consolidate the USDA's authority over the agency's nutrition standards and nutrition education efforts.** The merger of the Food and Nutrition Services (FNS) and the USDA Center for Nutrition Policy and Promotion (CNPP) is an ideal opportunity to consolidate responsibility for overseeing the FNS's nutrition and public health missions through a new FNS Deputy Administrator/ CNPP Director.
- **Reinstate the USDA Chief Medical Officer.**
- **Create an office of SNAP-Ed that reports to the SNAP Administrator,** following the model of SNAP Employment and Training, to assist states.
- **Re-establish and advance the scientific capacity of the Economic Research Service and National Institute for Food and Agriculture by restoring funding levels, location, and organization.**
- **Prioritize appointing an Under Secretary for Food Safety.** Avoiding delays in bringing in new leadership at the Food Safety and Inspection Service (FSIS) will help prioritize reforms to reduce foodborne illness while addressing the health and needs of workers, consumers, and producers.

*Bolster the school meals programs to provide healthy school meals for all*

As the Secretary of Agriculture under President Obama, you championed healthier school meals which have been a resounding success story for kids' health—more fruits, vegetables, whole grains, and less fat and salt on the lunch tray.<sup>1</sup> Thirty million children rely on the school meals program, the vast majority of whom are low-income. The number of children who qualify is growing due to the economic downturn.

Last year, after a lawsuit brought by CSPI, Healthy School Food Maryland, and Democracy Forward, a federal court struck down the Trump administration's rollback on salt, whole grains, and flavored milk leaving a void for the USDA to fix. We urge you to move quickly to protect and strengthen the nutrition standards for school meals, particularly on salt, whole grains, and added sugars, and to extend the school meal waivers that allow schools to provide meals to all students at no cost.

**Restore science-based nutrition standards.** Given that the pandemic has worsened the childhood obesity crisis, school meal nutrition standards need to be strong and evidence-based now more than ever. Schools are currently required to meet the original nutrition standards rule

from 2012 (77 FR 4088, January 26, 2012); however, that rule is now outdated. The USDA must initiate a rulemaking to: update the timeline for meeting the sodium-reduction targets and craft a fourth reduction target to align with the latest Dietary Guidelines for Americans and the National Academies of Sciences, Engineering, and Medicine's sodium recommendations which were lowered for children; restore the 100 percent whole-grain-rich requirement; and restore the limit on flavored 1 percent (low-fat) milk or implement a calorie limit consistent with expert recommendations. The USDA must also establish an added sugars standard for school meals and replace the total sugar standard for competitive foods with an added sugars standard consistent with the Dietary Guidelines for Americans.

**Provide healthy school meals for all.** School meals reduce childhood hunger, decrease childhood overweight and obesity, improve child nutrition and wellness, enhance child development and school readiness, and support learning, attendance, and behavior. Many struggling families do not qualify for free school meals, and school meal fees create a barrier to participation.

Offering free meals to all students eliminates the cost barrier for children whose families' income is near the cutoff line to receive free school meals. And having meals available to every student for free eliminates the stigma of being singled out for receiving school meal assistance. We urge you to extend the nationwide waivers currently set to expire June 30, 2021, for as long as health and economic factors indicate that there is need. Within the waivers, schools should be encouraged to provide free meals through the National School Lunch Program's Seamless Summer Option, which has stronger nutrition standards, than through the Summer Food Service Program.

**Restore transparency on schools meeting nutrition standards.** The Trump administration stopped publishing data on schools' compliance with the nutrition standards. Beginning as soon as possible, the Department should publish, on a quarterly basis, on the USDA's Web site, the most recent data on compliance which should include the number and the percentage of school food authorities in compliance with the requirements by state.

**Commit to serving nutritious meals during the COVID-19 pandemic.** In the Families First Coronavirus Response Act, Congress provided the USDA the authority to waive nutrition standards as appropriate to accommodate supply chain disruptions related to COVID-19. However, the USDA released a memo in August 2020 that notified schools that they no longer need document food system disruptions, which is inconsistent with federal law. According to CSPI's 2020 survey of state agency implementation of these waivers, nearly all state agencies (94 percent) required schools to demonstrate hardship, or provide a reason or justification, to waive all or most meal components.

While this is welcome news, it is unclear if this trend will continue in the long term given that our survey began only two months after the USDA removed this requirement. Further, the USDA is only able to provide technical assistance to schools if the reasons for the waivers are known. It should be easy for the USDA to continue requiring that schools demonstrate hardship given that a vast majority of state agencies currently require this. We must ensure that school

meals remain nutritious, particularly through the pandemic and economic downturn, as they may be the only healthy meals children receive each day.

**Recommit to providing robust technical assistance, with focus on sodium, whole grains, and added sugars, especially for procurement challenges related to COVID.** During enactment of the Healthy, Hunger-Free Kids Act, the USDA provided robust technical assistance to schools in meeting the 2012 updated nutrition standards for meals and the 2016 updated nutrition standards for competitive foods. In particular, the USDA created Team Up for Nutrition Success, a peer-to-peer mentoring program and the What's Shaking initiative, which focused specifically on sodium reduction. The USDA should re-commit to this key program, and work to include training and initiatives that focus on whole grains and added sugars.

**Work with the Department of Education to provide guidance on mealtime and length of meal.** Providing adequate time to eat healthy school meals and scheduling mealtime at an appropriate hour increases the consumption of fruits and vegetables and minimizes food waste. Experts recommend giving students at least 20 minutes in their seats to eat and socialize. This time does not include transition to the cafeteria, waiting in line, paying, getting water (if applicable), throwing away trash, or transitioning back to the classroom. The USDA should work in collaboration with the U.S. Department of Education to develop best practices to help schools schedule mealtimes at appropriate hours and give students adequate time to eat healthy school meals, even at home or in other settings during distance learning.

**Promulgate a new rule strengthening Summer Food Service Program (SFSP) nutrition standards.** Unlike the school meals program, the SFSP meal pattern does not have requirements for whole grains, vegetable subgroups, and calorie ranges, or limits on sodium or saturated fat intake. Yet, the Dietary Guidelines for Americans reports that children in the U.S. do not consume enough whole grains and vegetables and consume too much saturated fat and sodium.<sup>2</sup>

Furthermore, there is very limited data on the nutritional adequacy of SFSP meals on the diet quality and health of participants, who are the among the most vulnerable of all children. The USDA should update the SFSP nutrition guidelines to align with the current Dietary Guidelines. This will allow children to keep healthy eating habits year-round and will send a consistent message on the importance of nutrition.

**Support Pandemic EBT (P-EBT).** The P-EBT program has provided families with resources to purchase food to replace meals that children would ordinarily have received through the child nutrition programs. There has been a significant delay in benefits for this school year. We fully support the recent guidance to increase P-EBT benefits to include an additional snack.

Further, we ask the USDA to work with states to ensure that they fully use the simplified benefits that are available through the 2021 Consolidated Appropriations Act and ensure that all states submit a Pandemic EBT plan for the 2020-2021 school year, including providing benefits to young children. The program is set to expire on September 30, 2021, and benefits cannot be provided during summer vacation, on weekends, or school holidays. The American Rescue Plan Act of 2021 (H.R. 1319) that passed the House February 27 allows P-EBT to operate any school year and through the summer as we face COVID. While this is welcome news for the short-term,

the administration should work with Congress to extend and strengthen an EBT program for children whenever schools are closed unexpectedly, on weekends, and over the summer.

**Work with Congress and include in your upcoming budget additional funding relief for school meals and the Child and Adult Care Food Program to cover costs incurred during the pandemic response.** School nutrition and childcare programs rely on federal reimbursement to pay for expenses. Many school districts and childcare sites across the country maintained or incurred more expenses than normal (*e.g.*, labor, transportation) while seeing a significant decrease in revenues from reduced meal participation.

We appreciate that the last COVID relief package provided funding for school foodservice authorities and childcare institutions to help cover COVID-related emergency operational costs from March-June 2020 to make up for budget shortfalls due to low child nutrition program participation. However, more is needed to sustain these essential feeding programs by extending the relief funding through at least June 2021.

***Address both food and nutrition insecurity through the Supplemental Nutrition Assistance Program (SNAP)***

As the nation's largest federal nutrition assistance program, with more than 240,000 participating retailers, SNAP is well-positioned to help tens of millions of people in need access nutritious food and leverage the food environment to support healthy eating for all.

There is compelling evidence that SNAP alleviates food insecurity, especially when participants are provided adequate benefits.<sup>3</sup> We urge you to move quickly to reduce barriers to accessing the program and increase benefits to reflect the time and resources needed to purchase and prepare food.

Consistent with your Senate testimony on the need to address both “food and nutrition insecurity,” we urge you to think beyond basic food security for SNAP. SNAP can make it easier for low-income families to attain nutritious diets that support health. Low-income individuals – most of whom will participate in SNAP at some point – are less likely to meet the national Dietary Guidelines and more likely to suffer from diet-related chronic diseases, compared to higher income individuals.<sup>4,5</sup> People with marginalized racial backgrounds are overrepresented in this group, due to systemic racism and socioeconomic inequities that make it harder to access healthy foods.

Individuals that rely on public benefits like SNAP also face targeted food industry marketing. For example, one study found that sugary drink marketing spiked in New York during the time of the month that SNAP benefits were issued.<sup>6</sup> SNAP can play a role in addressing these nutrition disparities and countering targeted marketing, but current evidence of SNAP's impact on diet quality is mixed. Strategies to strengthen the public health impact of SNAP in this area are worth exploring.<sup>7,8</sup> There is growing consensus among SNAP participants and public health professionals to explore the dietary impact of combining fruit and vegetable incentives with a disincentive for sugar-sweetened beverages.

**Make diet quality a core SNAP objective.** Via an executive order or voluntary internal policy, the USDA should supplement SNAP's current core objectives (food security and fiscal integrity) with an additional, mission-driven focus on diet quality and nutrition.

**Lay the groundwork for improving nutrition and diet quality.**

- **Include in the 2021 Food and Nutrition Service Study and Evaluation Plan (the research agenda for FNS that is submitted to Congress for approval) proposals that examine different healthy eating pilots in SNAP that do not increase stigma or decrease access.** Previously, in its 2017 research agenda, the FNS included plans to design a pilot to measure the impact of limiting certain SNAP purchases, but this was never completed. FNS should proceed with its 2017 proposed study, "Designing a Pilot to Measure the Impact of Restricting SNAP Purchases."
- **Conduct a range of evidence-based pilots to improve SNAP participants' diets.** Research could test promising strategies, such as expanding and strengthening fruit and vegetable incentives, removing sugary beverages from the list of SNAP-eligible products, allowing prepared food, and strengthening SNAP retailer marketing and/or stocking standards. The USDA should study the feasibility of including evidence-based product-placement strategies and restrictions on the marketing of unhealthy products in SNAP retailer standards.
- **Provide updated data on all products typically purchased with SNAP funds.** The last time that the USDA did a study on foods typically purchased by SNAP households was from 2011 data from one leading grocery retailer. This study should be repeated every five years and differentiate between online and in-store purchases.

**Increase SNAP benefit levels.** SNAP benefits have long been vastly inadequate, averaging \$1.40 per person per meal in 2020. Benefit levels are based on flawed assumptions of what is needed to afford a nutritionally adequate diet. The Thrifty Food Plan assumes participants have the time and resources to buy and prepare cheap, raw ingredients and cook healthy meals from scratch, a reality that is not the case for many.<sup>9</sup>

The USDA should extend the SNAP 15 percent maximum benefit boost and increase minimum benefits from \$16 to \$30 for the length of the economic downturn (the American Rescue Plan Act of 2021 only extends the SNAP maximum benefit boost by three months). Even better, the USDA should permanently replace the "Thrifty Food Plan" with the "Low-Cost Food Plan," which better reflects the time and resources needed to purchase and prepare nutritious food.

**Strengthen SNAP Online Purchasing.** Encourage state and territories to participate in SNAP Online Purchasing and provide ongoing, robust technical assistance. Encourage large retailer participation and work with medium and small retailers on solutions that are economically and technologically feasible. Develop healthy online retail and privacy policies.

**Enhance the value and nutritional quality of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) food packages.** WIC is an effective program that enhances children's diet quality, improves pregnancy and birth outcomes, and closes racial disparities for maternal health, breastfeeding, and child nutrition. By the end of fiscal year 2021, the USDA should review the 2017 National Academies report (which was cost-neutral), the

latest iteration of the Dietary Guidelines for Americans, and additional stakeholder input (e.g., conduct participant listening sessions, tribal consultations, reconvene the National Advisory Council on Maternal, Infant, and Fetal Nutrition, commission a Food and Nutrition Board of the National Academies of Science, Engineering, and Medicine roundtable, etc.) to inform a formal rulemaking process to expand the value, increase the variety, and strengthen the nutritional quality of WIC-approved foods.

### ***Improve our food safety system***

Contaminated food continues to sicken an estimated 48 million Americans each year. The USDA has a powerful role to play as the Department charged with ensuring the safety of much of our nation's food supply. The Department must work with industry and consumers toward systematic improvements that will bring these numbers down. That includes creating policies to support effective, science-based interventions from farm to fork to prevent pathogens, and contaminants from making their way into food.

**Overhaul Salmonella food safety programs.** The USDA should implement Salmonella performance standards in pork and beef and overhaul the USDA's standards in poultry, targeting regulations to reduce and aim to eliminate the most harmful types of Salmonella from poultry. CSPI recently filed a petition worthy of your urgent consideration to this effect.

**Commit to modernization of the U.S. food safety system.** The USDA should issue a public statement committing to the adoption of technology and procedures that allow for better and faster data collection and analysis within the food system, improved interventions, and the quick traceability of contaminated foods and consumer notification. These changes should include real-time dissemination of pathogen data from regulatory and investigatory pathogen sampling and exploration of new end-product pathogen sampling techniques and standards. The USDA should also re-evaluate prior efforts to modernize that have not helped, and may actually threaten, food safety, including a rule implemented under the Trump Administration that privatized and deregulated swine slaughter inspection.

**Commit to address food safety from farm to fork.** The USDA should require slaughter establishments to implement supply chain controls to limit the amounts of dangerous organisms on animals before they arrive at slaughter. Moreover, the USDA should support legislation which may be needed to facilitate this integration such as bills which enhance the authority of the Department to conduct on-farm monitoring and investigations for public health purposes.

**Allow the Food Safety and Inspection Service to conduct regulatory science.** The USDA should remove the current firewall between the regulatory and research arms of the USDA that currently makes FSIS dependent on independent decisions by other agencies, branches of government and the private sector to conduct research needed to inform science-based regulatory decisions. Moreover, the USDA leadership should ensure that the FSIS is expressly authorized to direct regulatory science research priorities and should request an initial budget of \$10 million for this program.

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We know that you and your team have a lot of critically important work ahead. We would like to be a resource and partner in this work in the service of public health and safety, and we are very much looking forward to working with your administration to advance our important and shared goals.

Sincerely,

Peter Lurie, M.D., M.P.H.  
President and Executive Director

Laura MacCleery, J.D.  
Director of Strategy and Program

Colin Schwartz, M.P.P.  
Deputy Director, Federal Affairs

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<sup>1</sup> U.S. Department of Agriculture. *School Nutrition and Meal Cost Study*. Washington, DC. USDA; 2019.

<sup>2</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. *2020-2025 Dietary Guidelines for Americans*, 9th Edition. Washington, DC: U.S. Government Printing Office, 2020.

<sup>3</sup> Keith-Jennings et al. Links of the Supplemental Nutrition Assistance Program with Food Insecurity, Poverty, and Health: Evidence and Potential. *American Journal of Public Health*. 2019;109:1636-1640.

<sup>4</sup> French et al. Nutrition quality of food purchases varies by household income: the SHoPPER study. *BMC Public Health*. 2019;19(1):231.

<sup>5</sup> Beckman et al. Trends in Cardiovascular Health of US Adults by Income, 2005-2014. *JAMA Cardiology*. 2017;2(7):814-816.

<sup>6</sup> Moran et al. Increases in Sugary Drink Marketing During Supplemental Nutrition Assistance Program Benefit Issuance in New York. *American Journal of Preventive Medicine*. 2018;55(1): 55-62.

<sup>7</sup> Nguyen et al. The Supplemental Nutrition Assistance Program, Food Insecurity, Dietary Quality, and Obesity Among US Adults. *American Journal of Public Health*. 2015;105(7): 1453-1459.

<sup>8</sup> Andreyeva et al. Dietary Quality of Americans by Supplemental Nutrition Assistance Program Participation Status: A Systemic Review. *American Journal of Public Health*. 2015;49(4):549-604.

<sup>9</sup> Steven Carlson. More Adequate SNAP Benefits Would Help Millions of Participants Better Afford Food. Center on Budget and Policy Priorities. 2019.