



June 21, 2021

The Honorable Patrick Leahy
Chairman
U.S. Senate Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Richard Shelby
Vice Chairman
U.S. Senate Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Tammy Baldwin
Chair
U.S. Senate Committee on Appropriations
Subcommittee on Agriculture, Rural
Development, Food and Drug
Administration, and Related Agencies
United States Senate
Washington, DC 20510

The Honorable John Hoeven
Ranking Member
U.S. Senate Committee on Appropriations
Subcommittee on Agriculture, Rural
Development, Food and Drug
Administration, and Related Agencies
United States Senate
Washington, DC 20510

The Honorable Rosa DeLauro
Chair
House Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Kay Granger
Ranking Member
House Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Sanford Bishop Jr.
Chairman
House Committee on Appropriations
Subcommittee on Agriculture, Rural
Development, Food and Drug
Administration, and Related Agencies
United States House of Representatives
Washington, DC 20515

The Honorable Jeff Fortenberry
Ranking Member
House Committee on Appropriations
Subcommittee on Agriculture, Rural
Development, Food and Drug
Administration, and Related Agencies
United States House of Representatives
Washington, DC 20515

Dear Chairs Leahy, Baldwin, DeLauro, and Bishop, Vice Chairman Shelby, and Ranking Members Hoeven, Granger, and Fortenberry:

We were pleased to see that President Biden's fiscal year (FY) 2022 budget provides increases to critical food and nutrition programs. As you craft the FY 2022 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies spending bill, the Center for Science in the Public Interest urges you to adopt some key budget proposals related to nutrition and food safety as well as other funding provisions not included in the budget:

Child nutrition programs under Food, Nutrition, and Consumer Services (FNS)

- \$3 million increase to Team Nutrition (\$18,004,000 enacted in FY 2021) for training and technical assistance on school meals. This will help schools get back on track to meeting

the evidence-based nutrition standards set by the Dietary Guidelines for Americans. Many schools received waivers from these standards during the pandemic and are no longer providing whole grain-rich foods or working toward sodium reduction. As a result of CSPI's lawsuit against the 2018 school meal rollbacks, schools are now required to meet the original 2012 nutrition standards, such as providing 51 percent whole grain products (whole-grain-rich) and meeting lower sodium levels. USDA must require robust technical assistance so that as schools transition out of pandemic operations and these waivers expire, schools are best positioned to meet the current standards. \$1 million was provided in the FY2021 House agriculture appropriations bill.

- Further, we ask that Congress require a report on the USDA's technical assistance efforts on sodium, whole grain-rich, and added sugars. This should include progress by schools to meet the standards and efforts by the USDA to work with industry to provide products that meet the standards. Similar language was included in the FY2021 House agriculture appropriations bill.
- Congress must also require greater transparency from the USDA for nutrition standards compliance such as requiring the USDA to annually post the percentage of schools meeting the standards (through certification for receiving the performance-based reimbursement). The USDA last publicly posted these data in 2016, after years of updating these figures quarterly.
- \$1 billion for school nutrition over ten years, as part of the American Families Plan, to build on progress made during the Obama Administration, to improve the nutrition standards of school meals. In particular, we urge that this funding provide an enhanced reimbursement for schools that exceed the current school meal standards, particularly for schools meeting Target 2 or Target 3 sodium levels and limiting added sugars.
 - While not included in the budget, we are calling for Congress to increase the performance-based reimbursement that schools receive for meeting the updated nutrition standards from the additional seven cents per reimbursable lunch to ten cents.
- \$3 million increase for Summer EBT Demonstration Program (\$42,000,000 enacted in FY 2021) which will allow FNS to continue to expand the summer EBT demonstration projects to new states or new areas within currently participating States.
 - We strongly support the American Families Plan proposal for making Summer EBT permanent for all eligible children nationwide (\$25.8 billion over 10 years). Families of eligible children would receive a summer benefit of \$150 (or \$75 monthly) per eligible child to use to purchase foods on their EBT card.
- \$5 million increase for school meals equipment grants (\$30,000,000 enacted in FY 2021) which will help schools recover from pandemic operations and prepare for any changes in meal patterns that result from changes in the 2020 Dietary Guidelines for Americans.
 - We firmly support the proposal to significantly increase school kitchen equipment in the American Jobs Plan.
- Make healthy school meals for all permanent, for example by including the Universal School Meals Program Act (S. 1530/H.R. 3115). The budget proposes, as part of the American Families Plan, to expand free meals in high poverty schools, with a particular focus on elementary schools, by expanding the Community Eligibility Provision (CEP) (\$17.3 billion over 10 years). While we support expanding CEP, the true need is providing healthy school meals for all.

- While not included in the budget, Congress must also provide funding relief for school nutrition and the Child and Adult Care Food program operators to cover costs incurred during the pandemic response. School nutrition and childcare programs rely on reimbursement from meal service to pay for expenses. We appreciate that Congress provided funding for school food service authorities and childcare providers to help cover COVID-related emergency operational costs from March-June 2020, making up for budget shortfalls due to pandemic-related declines in child nutrition program participation. However, more is needed to sustain these essential feeding programs, including extending the relief funding through at least June 2021.

Supplemental Nutrition Assistance Program (SNAP)

- 2 percent increase to SNAP Nutrition Education (SNAP-Ed) to support technical assistance and pilot projects.

Nutrition Programs Administration (Center of Nutrition Policy and Promotion)

- \$10.3 million increase for supporting staff at the Center of Nutrition Policy and Promotion (CNPP) to execute core priorities such as re-evaluation of the SNAP Thrifty Food Plan and conducting more expansive communications and implementation of the 2020-2025 Dietary Guidelines for Americans and MyPlate.

Food and Drug Administration

- *Food Safety.* The President’s FY 2022 Budget provides \$1.6 billion in budget authority for food safety, an increase of \$134.3 million from FY 2021. This funding supports critical food safety initiatives, including an increase of \$44.8 million for the New Era for Smarter Food Safety. But the budget fails to specifically address some key priorities, including essential work to protect consumers from high-risk imports, support technology for state inspections, and ensure judicious use of antibiotics in the food system. We ask that Congress specifically include the following food safety items in appropriations for the agency to:
 - Protect Consumers from High-Risk Imports: \$30 million in additional funding to the Food and Drug Administration for use by the Center for Food Safety and Applied Nutrition and Office of Regulatory Affairs to ensure the safety of poppy seeds and other high-risk imports.
 - Increase Local Regulatory System Technological Capability: \$35 million in additional funding to the FDA to create a new platform to support regulatory inspections by the states. Many of the state regulators charged with implementing inspections under the Food Safety Modernization Act (FSMA) have been relying on two obsolete technology platforms (USAFoodSafety and USDAPlants) to manage food safety inspections carried out under federal contract. The vendor supporting these platforms left the business in October 2019, leaving the states without a means for ongoing updates or technical support. A new platform will ensure more uniform regulatory programs between states, provide continuity of IT support, and generate economies of scale for FSMA implementation, supporting continued efforts in line with FDA’s New Era for Smarter Food Safety.
 - Prevent Antibiotic Resistance: \$20 million in funding to combat antibiotic resistance in food animal settings. This additional funding will allow the FDA to accelerate its

plan to require animal drug sponsors to update old or outdated label indications to reflect best-use standards and provide veterinarians with fixed, evidence-based time limits (“duration limits”) for each use of medically important antibiotics fed to animal herds.

- *Dietary Supplements/Additives.* Of the money devoted to food safety in the Presidents’ FY 2022 Budget, an increase of \$18 million is provided for Maternal and Infant Health and Nutrition and \$19.7 million is provided for Emerging Chemical and Toxicology Issues. While this funding will allow the agency to increase staffing in these areas, the budget fails to specifically address how the agency will approach and solve longstanding challenges related to additives and chemical contaminants in our food supply. To address these problems, we ask that Congress specifically include the following items in appropriations related to food safety and dietary supplements:
 - \$50,000,000 for the creation of capacity to routinely assess the safety and cumulative effect of the thousands of added chemicals in our foods;
 - \$1,000,000 for the National Academies of Sciences, Engineering, and Medicine (NASEM) to conduct a study that reviews the FDA’s current scientific guidelines on evaluation of direct and indirect food additives and “generally recognized as safe” substances in food;
 - \$1,000,000 for NASEM to conduct a study that examines changes in exposure to specific low-calorie sweeteners (LCS) among children and adults, reviews the scientific evidence regarding safety for children of LCS, and develops recommendations to protect children and other consumers;
 - \$3,000,000 for the FDA to develop a marketplace monitoring program and a report to Congress on marketplace trends concerning sweeteners, including but not limited to substitution effects from sugar reductions;
 - Funding for the US Government Accountability Office (GAO) to issue a report on gaps in FDA’s oversight and consumer hazards related to dietary supplements, particularly in regards to novel and high-risk substances—such as cannabinoids and opioids—and categories—such as weight-loss and sexual enhancement products.
 - \$300,000 to create a Dietary Supplement Task Force within FDA’s Office of Regulatory Affairs (ORA) to develop clear enforcement pathways against adulterated and misbranded dietary supplements that are regulated under multiple offices within the FDA and the US Drug Enforcement Agency (DEA);
 - \$3,000,000 in additional funds for the Office of Dietary Supplement and Programs (ODSP) to improve its oversight and enforcement of the dietary supplement marketplace; and
 - \$5,000,000 to regulate the cannabinoid and hemp in dietary supplements, foods, and drugs.

We also support the budget’s request for removing the following riders:

- *Dietary Guidelines Rider.* This rider provides \$1 million to the National Academy of Sciences, Engineering, and Medicine to determine ways in which the development of the Dietary Guidelines for Americans didn’t follow certain studies or processes – paving the way for more industry input into the Guidelines. There is no need for this rider and it should be removed.
- *School Milk Rider.* This rider is a handout to the dairy industry in place of science-based

nutrition standards to serve low-fat flavored milk in schools.

- *Stocking Standards Rider*. This rider backed by the convenience store trade association stops USDA from strengthening standards for all SNAP retailers that would increase access to healthier food options. USDA promulgated a proposed rule in response to this rider—the “Cheez Whiz” rule which among other things classifies canned spray cheese as “staple foods” in SNAP. The rider should be removed.

While not included in the budget, we also call for removing these riders:

- *School Breakfast Potato Rider*. This rider is a handout to the potato industry in place of science-based nutrition standards to serve more potatoes (hash browns, home fries, etc.) in the School Breakfast Program for low-income children.
- *FTC Interagency Working Group Rider* (Financial Services and Government Appropriations). This decades-long industry-backed rider blocks FTC from finalizing voluntary industry recommendations to limit junk food marketing to children through the now defunct 2011 interagency working group on food marketed to children.

The items we highlight would allow major aspects of the federal government’s food portfolio—from school foods to food safety—to progress substantially beyond the failures of the recent past, and to build a more innovative future focused on concrete and measurable improvements to population health. These increases are necessary to ensure our food and nutrition programs are better supported.

If you have any questions, please contact us at policy@cspinet.org.

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.