



D.C. Hunger Solutions

Ending hunger in the nation's capital

August 24, 2010

Kerri L. Briggs, PhD
State Superintendent of Education
810 First Street, NE
9th Floor
Washington, DC 20002

Re: Proposed Regulations to Amend Chapter 3 (Child Development Facilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations

Dear Dr. Briggs:

D.C. Hunger Solutions appreciates this opportunity to submit comments regarding the proposed regulations to amend the Child Development Facilities regulations set forth in Chapter 3 of Title 29 of the District of Columbia Municipal Regulations. *See* Vol. 7/31 D.C. Reg. Notice ID: 461931 (July 30, 2010). Our comments focus on the nutrition standards of Sec. 373 Menus, Meals, and Service.

Since 2002, D.C. Hunger Solutions, an initiative of the Food Research and Action Center, has worked to create a hunger-free community and improve the nutrition, health, well-being, and economic security of low-income District residents. To that end, D.C. Hunger Solutions has worked closely with the Office of the State Superintendent of Education (OSSE), Wellness and Nutrition Services, to increase participation in the child nutrition programs and improve the nutritional quality of the foods served through those programs.

Over the years, our work with OSSE's Child and Adult Food Program (CACFP) team has included developing outreach materials and trainings to connect more child care providers to the benefits of CACFP, improving the application process for CACFP, and convening meetings of key early childcare stakeholders to discuss opportunities for enhanced nutrition and participation in CACFP. We have worked with your talented CACFP team, led by Norma Birkhead, to develop new nutrition policies for centers participating in CACFP and lay the groundwork for a broader child care wellness policy.

D.C. Hunger Solutions applauds the spirit of these regulations which seek to improve the quality of meals provided at child care centers across throughout the District. To further strengthen the nutritional impact of these regulations, D.C. Hunger Solutions, offers the following comments pertaining to food and nutrition in child care centers.

Sections 372.1 and 373.1

Wisely, these two regulations reference CACFP as a way to help all centers – not just those participating in CACFP – meet nutritional guidelines. Research has shown that the meals and snacks that children receive through CACFP make a significant contribution to their daily nutritional needs.^{i,ii,iii,iv,v,vi} In addition, participation in CACFP and other child nutrition programs has been associated with lower Body Mass Index (BMI) among low-income children.^{vii} The Institute of Medicine (IOM), the health arm of the Academy of Science, has recognized increasing participation in CACFP as a strategy to address childhood overweight.^{viii}

However, D.C. Hunger Solutions recommends changing Sec. 373.1. The proposed language states: *[e]ach child development facility shall ensure that its daily menus conform to the current United of States Department of Agriculture Child and Adult Care Food Program dietary recommendations for sugar, salt, and fat intake.* This language is problematic because CACFP does not have any recommendations for specific nutrients; rather CACFP contains meal pattern requirements.

To correct this problem, D.C. Hunger Solutions recommends: 1) changing 373.1 to read:

[e]ach child development facility shall ensure that its daily menus conform to the current United of States Department of Agriculture Child and Adult Care Food Program meal pattern requirements; and 2) maintaining in 372.1 the proposed language (which is

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similar to that in the current regulations), which states: *[e]ach child development facility shall assure that its daily menus conform to the current meal pattern, food, and nutrition requirements specified by the United States Department of Agriculture's Child and Adult Care Food Program.*

This change (and the requirement as stated in section 372.1 of the proposed new regulations), has the following advantages:

- The CACFP meal pattern requirements pertain to the whole meal/snack – not just selected ingredients or nutrients. The regulation that requires facilities to follow the CACFP meal pattern ensures that children get a complete, well-balanced, nutritious meal or snack.
- Presumably, facilities are aware of it and District agencies are aware of the need to enforce it, since it has been the requirement since 2007.
- By requiring all facilities to comply with CACFP meal pattern requirements, the regulation would continue to create consistency in the quality of the meals served throughout the city in child care facilities.
- By referencing the CACFP meal pattern, food, and nutrition requirements, this regulation would be able to evolve as CACFP evolves at the federal level.

Sections 373.4 and 373.5

By specifying nutrition requirements that exceed those of the CACFP program, the proposed regulations in Sections 373.4 and 373.5 take critical steps to address the interrelated problems of childhood obesity and food insecurity. These forward-thinking regulations address the recognized need – backed both by research and the IOM—to strengthen the nutritional guidelines for CACFP. These new regulations do just that. By applying to all centers, these proposed regulations build on the promising work of OSSE's CACFP team which has already required most of these enhanced nutrition requirements for CACFP-participating centers.

To help guide OSSE in assessing and developing new wellness standards, in the summer of 2009, D.C. Hunger Solutions partnered with Altarum Institute to assess the nutrition- and physical activity-related environments at 26 local child development centers. D.C. Hunger Solutions' *Environmental Scan of Nutritional Practices in Child Development Centers and Opportunities to Promote Wellness*¹ focuses on the nutrition-related findings of the assessment at 25 centers (one center was not included in this report because it did not serve meals.). A companion report by Altarum Institute reports on and analyzes the physical activity finding. The findings of our report that pertain to these proposed nutrition regulations are summarized in the tables in Attachment A.

Based on this work, D.C. Hunger Solutions endorses these regulations but cautions the District on several points:

- 1) Effective implementation of these regulations will require education for and outreach to child care providers. (OSSE should ensure that nutrition-related trainings count toward fulfilling the professional development and in-service training requirements set forth in Sec. 339.1)
- 2) A component of effective implementation should include targeting qualifying child care centers to participate in CACFP to help offset the costs of serving healthy foods and receive nutrition training from OSSE's CACFP team.
- 3) Implementation of some of the nutrition regulations likely will not be cost neutral and sites will require additional funding to fully comply with the regulations. (See Attachment A "comments" column for details.)
- 4) Implementation of the enhanced nutrition requirements will require substantial changes for some facilities – especially those not participating in CACFP. OSSE should develop a reasonable timeline for implementation and provide the necessary support for facilities to make these changes.

¹ A copy of this report is available at http://www.dchunger.org/pdf/envscan_nutrition_childdevcenters_promotewellness.pdf.

These proposed nutrition-related regulations represent a concerted effort on the part of the District to help reduce the high rates of overweight and obesity among District children and increase access to nutritious food.

Respectfully submitted,



Alexandra Ashbrook, Director

Attachment A – Tables of Environmental Scan Nutrition Findings

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- ⁱ Glantz, F. & O'Neill-Fox, M.K. (1982). *Evaluation of the Child Care Food Program: Final report on the Congressionally mandated studies. Volume I*. Cambridge, MA: Abt Associates Inc. As reported in Glantz, F. (2004). Child and Adult Care Food Program. In Fox, M.K., W. Hamilton, & B. Lin (Eds.), *Effects of food assistance and nutrition programs on nutrition and health: Volume 3, literature review* (Food Assistance and Nutrition Research Report No. FANRR19-3) (pp. 235-249). Washington, DC: U.S. Department of Agriculture, Economic Research Service. Available online at: <http://www.ers.usda.gov/publications/fanrr19-3/>. Accessed February 2, 2010.
- ⁱⁱ Fox, M.K., Glanz, F.B., Geitz, L., & Burstein, N. (1997). *Early Childhood and Child Care Study: Nutritional assessment of the CACFP. Volume II. Final Report*. Cambridge, MA: Abt Associates Inc. Prepared for the U.S. Department of Agriculture, Food and Consumer Service, Office of Analysis and Evaluation.
- ⁱⁱⁱ Bollella, M.C., Spark, A., Boccia, L.A., Nicklas, T.A., Pittman, B.P., & Williams, C.L. (1999). Nutrient intake of Head Start children: Home vs. school. *J Am Coll Nutr*, 18, 108-114.
- ^{iv} Bruening, K.S., Gilbride, J.A., Passannate, M.R., & McClowry, S. (1999). Dietary intake and health outcomes among young children attending 2 urban day-care centers. *J Am Diet Assoc*, 99, 1529-1535.
- ^v Wu, Y., Hertzler, A., & Miller, S. (2001). Vitamin A, vitamin C, calcium and iron content of federally funded preschool lunches in Virginia. *J Am Diet Assoc*, 101, 348-351.
- ^{vi} Crepinsek, M.K., & Burstein, N.R. (2004). Maternal employment and children's nutrition: Volume I, diet quality and the role of the CACFP (Electronic Publications of the Food Assistance & Nutrition Research Program, E-FAN-04-006-1). Washington, DC: U.S. Department of Agriculture, Economic Research Service.
- ^{vii} Kimbro, R.T. & Rigby, E. (2010). *Federal food policy and childhood obesity: A solution or part of the problem?* *Health Affairs*, 29(3), 411-418.
- ^{viii} Institute of Medicine. (2009). *Local government actions to prevent childhood obesity*. Washington, DC: The National Academies Press.