

NOPREN Monthly Call – May 8, 2017

Presenters: Tracy Fox, MPH, RD

Presentation: Current State of Federal Nutrition and Obesity Prevention Policies – Threats and Opportunities

Bio: Tracy Fox has over 25 years of experience working at the federal, state and local/community levels and with the private sector, with extensive experience in nutrition policy, legislative and regulatory processes and advocacy. Past and current clients include the Department of Agriculture, Centers for Disease Control and Prevention, Robert Wood Johnson Foundation, American Heart Association, American Cancer Society, Partnership for a Healthier America, National Head Start, Nemours, grocery stores and public relations firms. Areas of specialty include child nutrition and health, nutrition education, food insecurity, early care and education, food labeling and marketing. She has presented and spoken at national, state and local venues across the country and is quoted and appears regularly in media outlets. Ms. Fox is past President of the Society for Nutrition Education and Behavior and has served on the National Academy of Medicine School Foods, Childhood Obesity Prevention Actions for Local Governments, and Front-of-Pack Labeling Committees; Feeding America Nutrition Advisory Board; Hannaford Scientific Advisory Board; Montgomery County School Health Council and PTA, Boys and Girls Club of Culver, Max's Playhouse Daycare, Co-Manager of the Culver Farmers' Market, and Wellness Consultant, Culver Academies. Ms. Fox a retired Commander in the US Navy.

Context:

- Six months ago, the presentation would have focused more on the great work that has been accomplished in the past decade, but not the times are very different.
- We are in day 108 currently, and many of us often panic, but it is also important to focus on our work and on what we have accomplished.

Successes:

- There have been a number of successes over the last decade:
 - Healthy Hunger Free Kids Act
 - Bipartisan bill passed in 2010
 - Many millions of children continue to benefit, and research on the impacts of the bill continue
 - School meal standards
 - Child and adult care center feeding standards, which will hopefully be in place in 2017-18
 - Smart Snacks standards
 - Community eligibility, which allows a greater number of kids to participate in school meals
 - Affordable Care Act
 - 2010
 - Brought in Prevention and Public Health Fund
 - National menu labeling
 - Every Student Succeeds Act
 - Recognizing that schools cannot focus only on academics and core subjects, but need to take a more holistic view of students' daily lives
 - Emphasis on wraparound efforts such as nutrition and physical activity
 - Head Start
 - Updated performance standards and regulatory process, which highlighted nutrition and link with CFCAP
 - Farm Bill, 2014
 - Many funding opportunities for local food systems
 - SNAP incentives for healthy purchases through FINI grants
 - Community food systems projects
 - Nutrition facts labeling

Threats:

- Increased threats to nutrition programs and funding
 - Erosions in some of the provisions in Healthy Hunger Free Kids Act
 - Current budget negotiations
 - New Secretary of Agriculture announcing rollback to some of school meal standards
- Plans to repeal and replace Affordable Care Act, with House already passing their version of bill
- Farm Bill programs – impact uncertain, but there are threats
 - Potential for block granting SNAP – need to ramp up research on why block granting would be detrimental
 - Nutrition facts – FDA may delay implementation another year, although we are starting to see updated nutrition labels on packaging
- Facing these threats, we will need to go back to playbook as to why we fought for these programs and why they are essential.

Budget process itself is a huge threat:

- Appropriations and flow of money determines how well a piece of legislation can be implemented
 - Government had been running on continuous resolution, which was fortunately resolved during last week of April, when president signed Omnibus/Continuing Resolution bill. A number of the provisions in the bill were put in place during last administration, so it is a more bipartisan bill, with funding for discretionary programs intact. The bill will remain in place until September 30, 2017, which is rapidly approaching. It is necessary to pay attention to upcoming appropriations discussions in Congress over next few weeks.
- Regulatory rollbacks
- Preemption – preemption at federal and state level with prevents localities from instituting stronger standards
 - Can block efforts to implement healthy eating programs

Direct Hits So Far:

- FDA has announced year delay of menu labeling, largely due to lobbying by food chains
 - During the year delay, much need for advocacy around importance and previous successes of menu labeling
- USDA announced rollback of sodium and whole grain school meal standards, and will allow flavored 1% (rather than nonfat) milk
 - Will reopen opportunities for groups to weigh in on regulatory standards
 - Not considered lobbying
 - Opportunity to advocate and highlight research
- Continuing Resolution – president recently signed
 - SNAP retail standards for retailers rolled back –
 - Initially substantial regulations, but scaled back significantly, largely due to push back from pizza chains and National Association of Convenience Stores. However, there were still some regulations regarding what variety of products SNAP vendors had to have in their inventory.
 - New Omnibus has language directing the agency not to implement these updated standards, and instead to reopen rule-making process. This will take the standards back to their pre-2014 levels, which were even less stringent than they are currently.
 - SNAP and WIC funding slightly reduced, but this was mostly to reflect decreased enrollment in these programs, rather than a direct statement on the value of the programs
 - Head Start and CCDBG received appropriate funding amount
 - Prevention Fund is stable for the moment, but this may change in the next round of appropriations

Regulatory Roll-Backs:

- *“Since February, Republicans have used a once-obscure 1996 law to quash 13 “midnight” regulations on topics such as coal mining pollution, gun rights, internet privacy, Planned Parenthood funding, retirement savings and even bear hunting in Alaska. A 14th rule-blocking resolution is heading toward Trump’s desk, and GOP lawmakers hope to kill at least one more rule, on methane pollution, before the clock runs out Thursday.” -Politico, May 5, 2017*
 - These efforts are occurring behind the scenes, and are not on the radar of many of us.
 - We will be seeing unraveling of many regulations without warning, particularly due to the high volume of revelations, hearings, and other news events occurring in the US and globally

AHCA:

- House Bill to replace ACA, which may not pass Senate as written
 - Cut Medicaid funding by \$880 billion which would reduce enrollment by 14 million (estimated, as bill passed House before Congressional Budget Office was able to evaluate the bill)
 - Eliminate ACA taxes on wealthy and insurers
 - Eliminate individual mandate
 - Decimate mental health care
 - Decrease CDC funding
 - Defund Planned Parenthood

2018 Budget Proposals:

- Initial budget released already, but now further details are trickling out
 - Would cut 95% of funding for Office of National drug Control Policy, which would essentially end the office’s role in leading efforts to tackle opioid crisis and other drug epidemics
- Budget blueprint expected May 22, 2017

Defend, Protect, Implement: Research → Advocacy → Policy:

- Place for researchers from NOPREN and other groups to build knowledge base and disseminate the work in ways that resonate with the public
 - Will need to supplement usual peer-reviewed journal articles with mechanisms that can reach public and policy makers
 - Research effective messaging, which will need to neutralize anti-government/nanny state arguments
 - Reverse analysis: focusing on what would happen if programs such as SNAP and HRFKA were not in place
 - SNAP/SNAP-Ed: ROI/Impact/Outcomes/State Models
 - Need more data on this and need to make financial argument for the value of increasing food security
 - Collaboration between public health and anti-hunger efforts
 - Regulatory actions – are not considered lobbying, so therefore offer a unique space in which to advocate
 - Research has had significant impact on regulations, and will often be written into the language of regulations, which cite research and favor evidence-based arguments
 - Focus on upstream issues, such as impact of raising minimum wage, implementing family leave, making it easier for rural communities to rise out of poverty. As issues that were highlighted in this president’s campaign, they are more likely to resonate with this administration

Advocacy Strategies:

- Highlight successes – ex. 99% of schools have already implemented updated school meal standards, so why would we want to unravel this? Many food companies have reformulated their products to meet the standards, so why would we backtrack on this?

- Build the evidence base
- Story telling through data, rather than the usual long papers
 - Face-to-face interactions with policy makers are key
 - Make yourself known to policy makers and cite relevant research
- Identify areas where we can align with the administration – job growth results of SNAP, child care influences on graduation rate, infrastructure projects

Local-level Strategies:

- More than ever, there is a great opportunity at state and local levels to move policy and programs forward
- Much of our efforts at federal level will be simply to defend and protect existing programs, but state and local levels are area for innovation
 - Current: SSB taxes, kids' meal standards, procurement policies for government agencies, healthy food financing, farmers' market subsidies, nutrition standards for schools and childcare centers
 - In progress: warning labels on soda, SNAP subsidies and incentives, marketing restrictions in schools, portion size regulation
- Many federal policies have started at local level (e.g. menu labeling, which started in piecemeal efforts across localities and which Restaurant Association eventually adopted)

State/Local Level Wins:

- 30 wins in 7 months, including:
- Nutrition standards for government procured food
- Codifying federal "SmartSnacks" into state law
 - In states where these policies are codified, federal policy weakening will be less likely to weaken policies within the state
- Expanding access to healthy food in SNAP
- Making healthy drinks default in kids' meals
- SSB taxes
- Increased funding for biking and walking – a very bipartisan topic

Issue Fatigue:

- It is challenging to juggle the numerous issues and threats that continue to arise
- Act locally; think globally
 - In these different times, it is important to keep the focus on our issues of concern but not to have tunnel vision
 - Look at broader impacts of the policies and changes taking place
- Think of creative ways to get our message out
- Continue to move forward with the work we do

Contact information:

tracy@foodnutritionpolicy.com
@TracyFoxRD

Question and answer:

- **QUESTION:** A lot of us are familiar with how legislation happens and how we might be impactful there, but many of us are less familiar with how regulatory change happens and how we might be impactful in that area. Can you give us a brief summary of that?

ANSWER: For example, take menu labeling, which was included in the Affordable Care Act in 2010. The next step after a bill is passed is for an agency to implement the provisions of the bill. They often do that through the regulatory process, which is usually required by law. In this case, the FDA would take the

language in the bill and create an advanced notice of proposed rulemaking, which puts out a call for input before they write the regulations. They do not have to, but will often put out a notice of intent before writing the proposed regulations. But they cannot come out with a final regulation before allowing public input. Then they will consider the feedback and go to work putting together the regulations. The regulations have to be announced through the federal register, which is at regulations.gov. I urge all of you to do this. You can set up alerts for various types of policies. Agencies usually have a period of 30 to 90 days where they will accept comment. That proposed regulation is their initial thought regarding how they intend to implement the law. But they allow feedback and questions and are often not sure if what they have proposed really makes sense. That is the opportunity for all of us to weigh in, either individually or collectively. You can provide an attachment of your research and can discuss specific provisions that you agree with or would like to see revised. Often coalitions will get together and send in model comments, which are useful because they show consistency. The agency then considers all of these comments. Unlike the legislative process, in which we are not asked to help draft the policy, the regulatory process allows our feedback. Additionally, it is not considered lobbying, as it is considered in the legislative process.

- **QUESTION:** Do you have any information on tightening who is SNAP eligibility, such as changing the definition of public charge?

ANSWER: While there is not a lot of information on this yet, it is definitely an area of concern, specifically changes that would decrease SNAP enrollment. Where we may see tightening of eligibility criteria is in the Farm Bill, which is the legislation that authorizes SNAP. We could also see it in appropriations, such as tightening the work requirements; they have already done this and it has decreased enrollment, but there could be even further restrictions put into place.

Presenter: Deirdra Chester - Division of Nutrition, Institute of Food Safety and Nutrition at the National Institute of Food and Agriculture (NIFA) at the USDA. Deirdra is giving a brief update on their active funding opportunity focused on childhood obesity.

AFRI Childhood Obesity Prevention Program RFA

- Released 4/25/17
- Due 6/28/17
- Highlights of RFA
- Must focus on children 2-19 years old or any subset of this age range
- Must include research, education, and extension
- Change: previously could request up to \$5 million over five years, but now can request \$2.5 million over five years; cap of \$500,000 per year
- Press release announcing the RFA. Funded projects for FY 2016 have not yet been released, but will hopefully be released in June. The press release on this will give an idea of the projects that were funded last year.
- 3 large awards (\$2.5 million), with possibility of funding for one additional project.

AFRI Education and Literacy Initiative

- Portion of AFRI portfolio that supports undergraduate, pre-doctoral, and post-doctoral education
- For those looking for post-doctoral opportunities and to support for education costs
- Released April 21, 2017
- Pre-doctoral and post-doctoral applicants – due June 21, 2017
 - Not accepting letters of intent
- Undergraduate applicants – incorporated into same RFA
 - Research and extension experience for undergraduate students, in addition to opportunities for which professors can apply
 - Due June 28, 2017
- Looking at programs that prevent childhood obesity