

Senate Select Committee on Obesity and Diabetes
Informational Hearing on
The Governor's Obesity Prevention Plan: Status of Implementation
February 20, 2008

Excerpts from Testimony by
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On September 15, 2005 many of us here today gathered at the Cal Expo for the Governor's Obesity Prevention Summit - a celebration of what was billed by the Administration as the Nutrition Revolution. This hearing today makes it clear that the Legislature does not intend to see the revolution end in silent surrender.

In 2005, California Food Policy Advocates, along with many other advocacy organizations and the umbrella organization Strategic Alliance for Healthy Food and Activity Environments, was deeply involved in the development of what became the Governor's Obesity Prevention Plan. CFPA made many recommendations, two of which ended up enacted into California law. Let me identify them and describe what has happened to them since.

- **SB 281 (Maldonado, 2005).** One of three bills signed into law by the Governor at the Summit, SB 281 precisely embodies point 4 of the Governor's Vision for a Healthy California: *Schools will offer only healthy foods and beverages to students.*

SB 281 established the California Fresh Start Pilot Program (CFS). With \$18.2 million of Proposition 98 funding, CFS promoted consumption of fresh fruit, the food that appears on the top of every list of healthy-eating, obesity-prevention foods and toward the top of the list of foods that California's children most commonly ignore.

CFS offered a supplemental 10-cent reimbursement to school districts serving an additional portion of fresh fruit in the School Breakfast Program. This was a simple way to address a conspicuous nutrition deficiency, to use the schools as a site for this experiential nutrition education and to give a welcomed burnish to a notoriously underutilized, federally funded nutrition program serving mainly low-income children who otherwise often lack access to fresh fruit and vegetables.

As a pilot program, CFS was subject to intensive evaluation, conducted by UC Berkeley's Center for Weight and Health. Close to final now, the evaluation shows CFS to have exceeded every goal: doubling fresh fruit

offered in SBP, more than doubling servings taken by students, in many cases replacing juice (a source of much sugar and little nutrition), purchasing crops from California farmers and increasing (though not statistically significantly) SBP participation. In fact CFS has been so popular that, even without the reimbursement, which has been exhausted, virtually all the school districts that introduced CFS have chosen to continue it – at their own expense.

Despite this extraordinary reception, CFS has been eliminated. The Governor included a request for CFS funding in his January 2007 budget and in his May 2007 Revise, but it was trapped in a Department of Finance “mistake” amounting to an approximately \$364 million overestimate of Prop. 98 funds. In the face of this overestimate, neither the Governor nor the Legislature pursued refunding (and making permanent) CFS, and all available funds were depleted early in the fall of 2007. At this point, CFS is moribund.

- **AB 2384 (Leno, 2006).** AB 2384 is a tailor-made response to point 6 of the Governor’s Vision for a Healthy California: *Produce and other fresh, healthy food items will be affordable and available in all neighborhoods* and was trumpeted (and then proudly paraded after its enactment) in prominent gubernatorial speeches.

AB 2384, signed at the end of the 2006 legislative session, established the Healthy Purchase Pilot Program. Healthy Purchase has two parts, each responding to a major barrier preventing low-income families from buying healthy foods. First, fresh produce is all too unavailable in low-income neighborhoods: AB 2384 proposes to bring state assistance to corner stores to support their introduction of fresh fruit and vegetables. Second, AB 2384 deals with the equally important problem of affordability by proposing to test out the feasibility of financial incentives – in this case, a rebate to food stamp participants -- when they purchase healthy foods. This proposal has drawn attention from legislators, advocates and scholars across the country, acknowledging the severity of the health deficit it seeks to erase.

Unaccountably, the Governor, has failed to make any effort to fund the Healthy Purchase Pilot, and it remains stillborn.

Where do we go from here? The state’s daily deepening budget deficit clearly hampers efforts to apply cables to reignite the nutrition revolution, but the budget squeeze presents a challenge only if those efforts require significant state funding. Fortunately, there are a plethora of no-cost or very-low-cost steps that can and, given the grave personal and fiscal consequences otherwise, should be taken immediately:

- **We must not lose more ground.** The Governor proposes cuts to the California Food Assistance Program (CFAP), the state's food stamp program for documented nonresidents who are eligible for federal benefits but for their period of residence here. And cuts have been proposed to state food stamp administrative funds. These cuts would yield little in budget savings but wreak unnecessary deprivation in households literally certified to be most at risk of malnutrition and obesity.

Similarly, we should defeat the proposed 2-cent cut to school meal reimbursement for low-income students. The 6-cent funding increase, enacted only a few months ago, came little and late and provides a modest supplement to federal reimbursement, that barely allows California districts to cope with the state's high operating costs. A reduction at this time will risk loss of the meals' essential nutrition purposes.

Perhaps even larger in scope are the proposed COLA delays for CalWORKs and SSI. Cuts to these programs will translate directly into loss of food for families' tables. Without adequate resources, households are forced to buy cheaper, calorie-dense foods that contribute to obesity. These cuts target the very people at most vulnerability to obesity, those with the fewest resources to help deal with its consequences.

- **We must not leave federal nutrition funds on the table while we take food off families' tables.** Over 2 million fully eligible low-income Californians do not participate in the Food Stamp Program, missing essential nutrition while the state loses more than \$2 billion annually in federal funds, most needed at times, like these, of economic slowdown. There are numerous ways to prime this vast federal pump at little or no state cost:

AB 2844 (Laird) will extend food stamp participants' reporting period from 3 months to 6 months, preventing people from inadvertently falling off the program and saving state and county administrative costs as well.

AB 433 (Laird) will take advantage of families' rigorous screening for Medi-CAL to enroll Medi-CAL households for food stamp benefits. An added dividend is that food stamp participation will automatically entitle the children in those households for free school meals, further stretching household budgets.

AB 2300 (Laird) will automatically certify and verify children of Medi-CAL families for free school breakfast and lunch.

AB 2726 (Leno) will permit other-than-state funds, such as private or federal resources, to be used to support the launch of the Healthy Purchase Pilot.

The School Breakfast Program is similarly underutilized, harming children's nutrition, health and academic achievement. Small state expenditures will do much good - and bring federal funds streaming into the state at a 10 to 1, federal to state, ratio:

AB 1966 (Garcia) will bring more than 500 "severe need" schools, so called because they have high concentrations of low-income students, into the breakfast program. These schools receive more generous federal reimbursement to acknowledge the special need that low-income children have for school breakfast.

AB 2704 (Leno) will remove barriers impeding schools from providing free water, in addition to milk, in their cafeterias. Water is recognized to be the drink of choice for obesity prevention, and it ought to be available to every child without charge.

Child and Adult Care Food Program. The Governor has proposed a 4-cent state reimbursement increase, similar to last year's increase for school meals, for the Child Care Food Program. Again, the proposal comes little and late. If linked to nutrition quality improvements, the increase could strengthen nutrition for children who are at the optimal age for building healthy eating habits.

School Meals Standards. Other than the trans fat ban and on-site deep-frying prohibitions scheduled to take effect in July 2008, there are no other state nutrition standards to which school meals need to adhere. (The junk food standards embodied in SB12 apply only to foods sold *outside* the school meals program). School lunch and breakfast meals follow outdated USDA meal patterns, which provide local school food services authorities wide latitude in offering a variety of foods, including most fast food-like entrees. While additional resources are absolutely essential to strengthening school meals, regulatory guidance is also needed to ensure that school breakfast and lunch foods model the long-term dietary habits that students must develop to avoid excess weight gain and chronic disease. The fast food-lite menus in some schools largely reflect administrators' belief that students will not select different, plant-based foods, and that consequently participation will suffer. Participation is critical as it generates the funds needed for the meal program.

Policymakers have several options. The state could require adherence to a more nutritious menu-planning scheme that might eliminate or reduce the

availability of certain foods, such as the ubiquitous nachos and pepperoni pizza. Similar policy proposals in recent years have stalled over lack of funding to purchase more nutritious meals and because they are seen to risk a dip in participation. Nationally, Congress and the Institutes of Medicine are reviewing school meals to bring requirements in line with the 2005 Dietary Guidelines for Americans – but that has proved to be an exceedingly slow and unpredictable process. Another option for the state would be to urge Congress to seek the strongest possible nutrition standards – and new resources – as part of reauthorization on the child nutrition programs in 2009.

- **The Governor and the Legislature should use their bully pulpits to give visibility and urgency to the campaign to prevent childhood obesity.** This was the promise of the Summit – the state’s muscle focused on changing the environment so that children and their families could make healthy choices in their diet – but the promise is largely unfulfilled. This hearing is a start in bringing the spotlight back on California’s number #1 public health epidemic.