

Congress of the United States
Washington, DC 20515

October 25, 2013

Tom Vilsack
Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Vilsack:

As the United States Department of Agriculture (USDA) further implements the Healthy Hunger Free Kids Act of 2010 (P.L. 111-296), we respectfully request that exemptions are made in the final rules for instruction and programs pertaining to the culinary arts. This is particularly relevant as culinary arts remain one of the highest attended areas of study within career and technical education programming.

As you know, the "Smart Snacks in School" standards require any food sold in schools to meet rigorous criteria, including limits on calories, sodium, and fat, and use of whole grains, fruits, vegetables, dairy, or protein as their primary ingredient. The Interim Final Rule notes a potential conflict between provisions of the Healthy Hunger Free Kids Act of 2010 and Section 12(c) of the National School Lunch Act (NSLA) (42 U.S.C. 1760(c)), pertaining to the nutrition standards for competitive food, that could limit the skill development necessary for careers in the food industry.

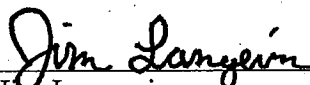
Though we understand the complexities of the rulemaking process and appreciate the care USDA has taken, we believe the NSLA grants you clear authority to exempt programs with respect to "teaching personnel, curriculum, instructions, methods of instruction and materials for instruction for any school," including food made and sold by students as part of an academic course of study. Section 12(c) of the NSLA states that "in carrying out the provisions of this Act, the Secretary shall not impose any requirements on" the aforementioned personnel, curriculum, instructions, methods and materials. It is also important to note that this section was not amended in the Healthy Hunger Free Kids Act.

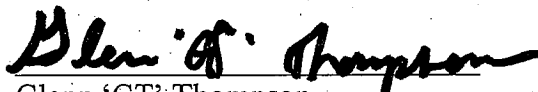
Secondary school students who elect to study the culinary arts are taking part in an active job-training program. In order to secure gainful employment following graduation, students must be trained in all aspects of food preparation and service, including safe preparation guidelines, local health department requirements, and the technical skills associated with the culinary arts, along with every part of working in a commercial kitchen. Recognizing these programs as a unique category and granting them a very limited exception would in no way undermine the intent of the Healthy Hunger Free Kids act of 2010 or the National School Lunch Act.

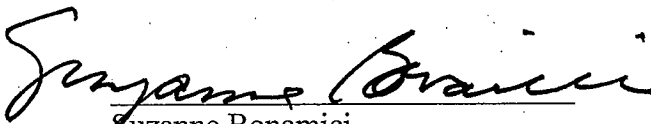
Many culinary arts programs retail the foods crafted by students within their schools, for purchase by other students and faculty, generating revenue that is used to offset operating costs. In a recent survey from ProStart, one of the nation's leading food service training programs, over 70% of participating schools relied upon fundraising to fill budget shortfalls in their culinary arts programs, and over a quarter of the schools surveyed relied upon this type of fundraising for more than half of the operating budgets of their culinary programs. If sales of student-crafted products are curtailed by new nutrition standards, the availability of slots in these programs of study could be severely limited due to budget constraints, and schools may be forced to terminate their culinary arts programs.


For these reasons, we respectfully request that you use the authority provided under the National School Lunch Act to exempt from the "Smart Snacks in School" standards the sale of foods crafted by students as part of their academic programs. We believe this common sense approach will both uphold the congressional intent behind the Healthy Hunger Free Kids Act of 2010 and avoid diminishing future career opportunities for young learners.


Sincerely,


Jim Langevin


Glenn 'GT' Thompson


Suzanne Bonamici

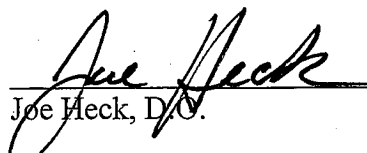

David N. Cicilline

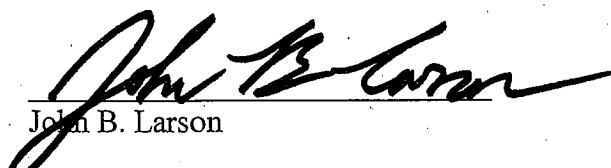

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