Date: 02/01/2008

Committee: House Education

Department:

Education

Person Testifying:

Patricia Hamamoto, Superintendent of Education

Title of Bill:

HB 2993 RELATING TO SCHOOL NUTRITION.

Purpose of Bill:

Establishes nutrition standards for food and beverages sold in public schools. Requires DOE to develop nutrition education training requirements for food service managers in the public schools. Requires DOE to encourage schools to provide culturally-appropriate and standards-based nutrition education and farm-to-table nutrition education.

Department's Position:

The Department of Education (Department) does not support HB 2993.

The DOE School Food Authority participates in the National School

Breakfast and Lunch Program. Nutrition standards for meals served by
the cafeterias are set by USDA (United States Department of Agriculture).

Meals must meet meal pattern requirements for protein, grains, fruits,
vegetables, and milk specific to age/grade and portion size.

The Department has developed a four-year comprehensive Wellness

Plan. Core components focus on nutrition, nutrition and health education,

physical activity and professional development.

The Department currently provides a rigor of study in nutrition education that is culturally and developmentally appropriate in scope and sequence for all students grades K through 12 through the Hawaii Content and Performance Standards for Health Education. The opportunity for food service managers to receive nutrition education is currently being provided by the School Food Services Branch in partnership with the Department of Health through the Healthy Hawaii Initiative. The Department has also

already adopted stringent nutrition standards that go beyond those mentioned in this Bill, for food and beverages sold on school campuses through the Department's Wellness Plan, which is currently being implemented. Objectives of the plan will be measured from a mandatory annual survey; results will be posted on the DOE Trend Report.

Thank you for the opportunity to testify.

CHIYOME LEINAALA FUKINO, M.D.

LINDA LINGLE GOVERNOR OF HAWAII



In reply, please refer to:

# HOUSE COMMITTEE ON EDUCATION

# **HB2993, RELATING TO SCHOOL NUTRITION**

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health
February 1, 2008

- 1 **Department's Position:** Oppose
- 2 Fiscal Implications: None
- 3 **Purpose and Justification:** The Department respectfully opposes this measure, although we appreciate
- 4 the over-all concept of this bill because it seeks to improve nutrition in schools for children and youth.
- 5 This bill proposes standards that already exist and some are inconsistent with and weaker than policies
- 6 that were adopted by the United States Department of Agriculture and the Hawaii State Board of
- 7 Education. The policies already in place are through:
- United States Department of Agriculture (USDA) National School Lunch Program regulations
   for all meals served in Hawaii's public schools,
- 2. The Department of Education Local Wellness Policy and Guidelines which set nutrition requirements for all foods, snacks, beverages and fundraisers sold or provided on campus; the policy also covers nutrition/health education, physical education, physical activity, professional development and establishes school health teams at every public school
- Additionally, the DOH and DOE continue to collaborate to provide professional development in
- nutrition education for all school food service workers, health education and physical education

- teachers, and general classroom teachers. Evaluations of all activities suggest that these school
- 2 professionals are using the information learned and are willing to continue their professional
- 3 development.
- Thank you for the opportunity to present testimony on the measure.



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> Roger K. Takabayashi President Wil Okabe Vice President Karolyn Mossman

# TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION

Secretary-Treasurer
Mike McCartney
Executive Director

RE: HB 2993 – RELATING TO SCHOOL NUTRITION.

February 1, 2008

ROGER TAKABAYASHI, PRESIDENT HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association support HB 2993.

Research indicates obesity is becoming a major health issue, affecting many of our own students. We appreciate the Legislature's recognition of this problem and the effort to rectify the situation. This bill provides a solution that ensures our children are provided with healthy food choices by establishing nutrition standards for the food and beverages sold in our public schools.

We urge the committee to pass this bill.

Thank you for the opportunity to testify.

#### The American Heart Association mission is:

To reduce disability and death from cardiovascular diseases and stroke.



Serving Hawaii

## Testimony for HB 2993, "Relating to School Nutrition"

The American Heart Association (AHA) supports the intent of HB 2993, but offers suggestions to improve the effectiveness of the intended program.

The provisions of the bill that deal with beverages are considerably less stringent than the AHA's guidelines as they don't address portion size and they allow for higher calorie juice-based drinks. The snack food provisions meet some of the AHA's guidelines, but they are not as comprehensive in that they don't address total calories, zero trans-fat, sodium, etc.

The standards for beverages should be strengthened –the bill's current language would allow drinks that are sweetened with pear juice concentrate, etc.--and the reference in the bill to milk needs to specify low-fat or non-fat milk. The AHA recommends that the bill be amended to use the AHA's standards for snacks, and use the USDA definitions for meals (which are currently being determined in a study by the Institute Of Medicine). The bill calls for limiting carbohydrates to 25 percent by weight, lower than the AHA's recommended 35 percent. Twenty-five percent is quite low.

Finally, in the introductory paragraphs the AHA would encourage the use of the more newly-accepted language of "overweight and obesity" for children in place of "at-risk of overweight and overweight."

I am attaching the AHA's recently amended model legislation for healthy food and beverages in schools, as well as a copy of the Institute of Medicine's Nutrition Standards for Foods in Schools: Leading the Way Toward Healthier Youth document. The AHA recommends that the language of these documents be used as a basis to amend and strengthen the language of HB 2993.

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For information on the AHA's educational or research programs, contact your nearest AHA office, or visit our web site at www.americanheart.org or e-mail us at hawaii@heart.org

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Donald B. Weisman

Respectfully submitted,

Hawaii Communications and Marketing/Government Affairs Director

nald B. Weismon

Please remember the American Heart Association in your will.



#### AN ACT CONCERNING HEALTHY FOOD AND BEVERAGES IN SCHOOLS.

Section 1. (NEW) (Effective July 1, 2008) Beverage Standards

- (1) Each local and regional board of education and the governing authority for each state charter school, interdistrict magnet school and endowed academy shall permit at elementary schools under its jurisdiction the sale of only the following beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias, and any fund-raising activities on school premises, whether or not school sponsored:
  - a. 100% water
  - b. 8 ounces, or less, of fat-free or low fat regular and flavored milk that contains no more that 150 kcal/ 8 ounces. This includes nutritionally equivalent milk alternatives as defined by USDA such as soy milk.
  - c. 8 ounces, or less, of 100% juice, which contains no added sweeteners and at least 10% of the recommended daily value for three or more vitamins and minerals, that contains no more than 120 kcal/ 8 ounces
- (2) Each local and regional board of education and the governing authority for each state charter school, interdistrict magnet school and endowed academy shall permit at middle schools under its jurisdiction the sale of only the following beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias, and any fund-raising activities on school premises, whether or not school sponsored:
  - a. 100% water
  - b. 10 ounces, or less, of fat-free or low fat regular and flavored milk that contains no more that 150 kcal / 8 ounces. This includes nutritionally equivalent milk alternatives as defined by USDA such as soy milk.
  - c. 10 ounces, or less, of 100% juice, which contains no added sweeteners and at least 10% of the recommended daily value for three or more vitamins and minerals, that contains no more than 120 kcal/ 8 ounces
- (3) Each local and regional board of education and the governing authority for each state charter school, interdistrict magnet school and endowed academy shall permit at high schools under its jurisdiction the sale of only the following beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias, and any fund-raising activities on school premises, whether or not school sponsored:
  - a. 100% water
  - b. 12 ounces, or less, of fat-free or low fat regular and flavored milk that contains no more that 150 kcal/ 8 ounces. This includes nutritionally equivalent milk alternatives as defined by USDA such as soy milk.
  - c. 12 ounces, or less, of 100% juice, which contains no added sweeteners and at least 10% of the recommended daily value for three or more vitamins and minerals, that contains no more than 120 kcal/ 8 ounces
  - d. No- or low-calorie beverages that contain no more than 10 kcal/8 ounces
  - e. 12 ounces, or less, of other drinks that contain no more than 66 kcal/ 8 ounces
- (4) If middle school and high school students have shared access to areas on a common campus or in common buildings, then the school community has the option to adopt the high school standard.

# Sec. 2. (NEW) (Effective July 1, 2008): Competitive Food Standards

- (1) As used in this section:
  - a. "Entree" means a food that is generally regarded as being the primary food in a meal and includes, but is not limited to, sandwiches, burritos, pasta and pizza.
  - b. "Snack" means a food that is generally regarded as supplementing a meal and includes, but is not limited to, fruits, vegetables, yogurts (including drinkable yogurt and yogurt smoothies), puddings, soups, cheeses, snack chips, pretzels, crackers, popcorn, nuts, seeds, french fries, onion rings, pastries, dried meat snacks, granola bars, energy bars, breakfast bars, cookies, brownies, snack cakes, candy, doughnuts, cookies, ice cream frozen yogurt, frozen fruit bars, and other similar foods.
- (2) Within one year of implementation, the Department of Education shall publish a set of nutrition standards for food items that would be considered entrees if sold in the reimbursable meal program, but are sold a la carte as competitive foods.
- (3) All snacks, side items, treats, and desserts offered for sale as competitive foods in a public kindergarten through grade 12 school, shall, at a minimum, meet one of the following standards:
  - a. Fruits with no added sweeteners or vegetables which are non-fried. Fresh fruits and vegetables will have no calorie limits. If fruits and vegetables are packaged in their own juice or dried they must be less than 150 kcal/serving in elementary school, ≤180 kcal/serving in middle school, and less than 200 kcal/serving in high school.
  - b. Any reduced fat or part-skim cheese  $\leq 1.5$  oz.
  - c. Any one egg with no added fat or equal amount of egg equivalent with no added fat.
  - d. Any other food that meets all of the following criteria:
    - (1) ≤35% of total calories from fat
      - 1. nuts, seeds and nut butters are exempt from this limitation and are permitted.
    - (2)  $\leq 10\%$  of total calories from saturated fat or  $\leq 1$  gram of saturated fat.
    - (3) 0 grams trans fat as labeled
    - (4) ≤35% sugar by weight
    - (5) ≤230 mg sodium
      - 1. Low-fat and fat-free dairy products can have ≤480 mg sodium
      - 2. Vegetables with sauce, and soups can have ≤480 mg sodium if they contain one or more of the following: ≥2g fiber; or ≥5 g protein; or ≥10% DV of Vitamin A, C, D, folate, calcium, magnesium, potassium, or iron; or ≥1/2 serving (1/4 cup) of fruit or vegetables.
    - (6) If products are dairy, they must be non-fat or low-fat dairy.
    - (7) Meet 1 of the following calorie requirements:
      - 1. ≤100 kcal
      - 2. Vegetables with sauce and soups meeting (2) above can have 150 kcal if they contain two or more of the following: ≥2 g fiber; or ≥5 g protein; or ≥10% DV of Vitamin A, C, E, folate, calcium, magnesium, potassium, or iron; or ≥1/2 serving (1/4 cup) of fruit or vegetables:
        - a. ≤150 kcal for elementary schools
        - b. ≤180 kcal for middle school
        - c. ≤200 kcal for high school
    - (8) For individual serving packages, these nutritional guidelines are defined for a whole package as labeled on the package's Nutrition Facts panel. In the event that the food is bought in bulk but served individually, such as on an a la carte line, then the criteria apply to the label serving.

### Sec. 3 (Effective July 1, 2008) Time of Day:

- (1) Food and beverage guidelines shall apply to items sold on school grounds or at school activities during the regular and extended school day when events are primarily under the control of the school or third parties on behalf of the school. The extended school day is defined as the time before or after the official school day that includes activities such as clubs, yearbook, band, and choir practice, student government, drama, sports practices, intramural sports, and childcare/latchkey programs. These guidelines shall also apply to food and beverages supplied by schools during official transportation to and from school and school sponsored activities, including but not limited to field trips and interscholastic sporting events.
- (2) These guidelines do not apply to school sponsored or school related bona fide fundraising activities that take place off of school grounds and not in transit to and from school. Nor do they apply to booster sales at school related events where parents and other adults are a significant part of an audience or are selling food as boosters either during intermission or immediately before or after such events. These school related events frequently occur during evenings and weekends. Examples of these events include but are not limited to interscholastic sporting events, school plays, and band concerts.

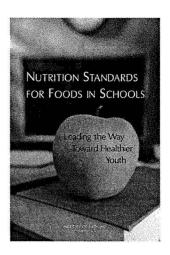
### Section 4. Review of Standards:

(1) The Department of Education shall review the standards at least every 5 years in conjunction with the revision of the Dietary Guidelines for Americans, and/or IOM revisions to Daily Reference Intakes or any other necessary revisions according to developing science. The Secretary may establish an advisory committee to advise the Department on updating the Nutrition Standards for Foods and Beverages for Schools. The members of the Advisory Committee shall be appointed by the Secretary and shall include individuals representing food and nutrition professionals, school officials such as school food service directors, principals or school board members, public health professionals, parents,, and other individuals with relevant expertise in child health and nutrition. In reviewing or revising the nutrition standards and requirements under this section, the Secretary and the Advisory Committee shall take into consideration the positive and negative contributions of nutrients, ingredients, and foods (including calories, portion size, saturated fat, trans fat, sodium, and added sugars) to the diets of children and adolescents, evidence concerning the relationship between consumption of certain nutrients, ingredients, and foods with respect to the prevention of overweight, obesity, and other chronic illnesses, and recommendations made by authoritative scientific organizations concerning appropriate nutrition standards for foods sold outside the reimbursable meal programs in schools, the most effective manner in which to teach children and adolescents how to improve their dietary habits and the practicality and feasibility of implementation of potential modifications to the provisions regarding applicable foods and beverages.

#### Section 5. Contracts:

(1) Sections 1 and 2 of this Act apply upon enactment to contracts entered into or extended on or after enactment of this Act. If a school district is operating under a contract entered into before the enactment of this Act, the local or regional board of education or governing authority for each state charter school, interdistrict magnet school or endowed academy shall comply with the requirements of sections 1 and 2 of this 2007 Act upon expiration of the contract or on September 1, 2009, whichever is first.

# Nutrition Standards for Foods in Schools: Leading the Way Toward Healthier Youth



### **Committee on Nutrition Standards for Foods in Schools**

### Statement of Task

A multidisciplinary committee of the Institute of Medicine (IOM) will be convened to review and make recommendations regarding appropriate nutrition standards for the availability, sale, content, and consumption of foods and beverages at school, with attention given to foods and beverages offered in competition with federally-reimbursable meals and snacks. Specifically, the committee will:

- Draw on literature regarding the availability, nutritional profile, and risks (including substitution) of school foods and beverages, including recent work by the General Accountability Office, as appropriate;
- Synthesize lessons learned from relevant research, development of federal
  nutrition standards for the National School Lunch and Breakfast Programs, and
  experience from the development of state- and local-based standards for foods
  and beverages offered outside federally-reimbursable meals and snacks;
- Consider whether a single set of nutrition standards is appropriate for elementary, middle, and high schools, or if more than one set is needed;
- Develop nutrition standards, based on nutritional science, for foods and beverages
  offered in school, with a focus on foods and beverages offered outside federallyreimbursable meals and snacks;
- Consider how to assure that foods and beverages offered in schools contribute to an overall healthful eating environment; and
- Develop benchmarks to guide future evaluation studies of the application of the standards.

#### **BOX 1 Guiding Principles**

To initiate the study process, the committee developed a set of principles to guide their deliberations.

The committee recognizes that:

- 1. The present and future health and well-being of school-age children are profoundly affected by dietary intake and the maintenance of a healthy weight.
- Schools contribute to current and life-long health and dietary patterns and are uniquely positioned to model and reinforce healthful eating behaviors in partnership with parents, teachers, and the broader community.
- 3. Because foods and beverages available on the school campus represent significant caloric intake they should be designed to meet nutritional standards.
- Foods and beverages have health effects beyond those known to be related to vitamins, minerals, and other known individual components.
- 5. Implementation of nutrition standards for foods and beverages offered in schools will likely require clear policies; technical and financial support; a monitoring, enforcement, and evaluation program; and new food and beverage products.

The committee intends that:

- 6. The federally reimbursable school nutrition programs will be the primary source of foods and beverages offered at school.
- 7. All foods and beverages offered on the school campus will contribute to an overall healthful eating environment.
- Nutrition standards will be established for foods and beverages offered outside the federally reimbursable school nutrition programs.
- 9. The recommended nutrition standards will be based on the Dietary Guidelines for Americans, with consideration given to other relevant science-based resources.
- 10. The nutrition standards will apply to foods and beverages offered to all school-age children (generally ages 4 through 18 years) with consideration given to the developmental differences between children in elementary, middle, and high schools.

## **Recommended Standards**

## **Standards for Nutritive Food Components**

**Standard 1:** Snacks, foods, and beverages meet the following criteria for dietary fat per portion as packaged:

- No more than 35 percent of total calories from fat;
- Less than 10 percent of total calories from saturated fats; and
- Zero trans fat.

Standard 2: Snacks, foods, and beverages provide no more than 35 percent of calories from total sugars per portion as packaged.

Exceptions include:

- o 100-percent fruits and fruit juices in all forms without added sugars;
- o 100-percent vegetables and vegetable juices without added sugars; and
- Unflavored nonfat and low-fat milk and yogurt; flavored nonfat and low-fat milk with no more than 22 grams of total sugars per 8-ounce serving; and flavored nonfat and low-fat yogurt with no more than 30 grams of total sugars per 8-ounce serving.
- Standard 3: Snack items are 200 calories or less per portion as packaged and á la carte entrée items do not exceed calorie limits on comparable NSLP items.
- Standard 4: Snack items meet a sodium content limit of 200 mg or less per portion as packaged or 480 mg or less per entrée portion as served for á la carte.

### **Standards for Nonnutritive Food Components**

- **Standard 5:** Beverages containing nonnutritive sweeteners are only allowed in high schools after the end of the school day.
- **Standard 6:** Foods and beverages are caffeine free, with the exception of trace amounts of naturally occurring caffeine-related substances.

# Standards for the School Day

- **Standard 7:** Foods and beverages offered during the school day are limited to those in Tier 1.
- Standard 8: Plain, potable water is available throughout the school day at no cost to students.

**Standard 9:** Sports drinks are not available in the school setting except when provided by the school for student athletes participating in sport programs involving vigorous activity of more than 1 hour's duration.

Standard 10: Foods and beverages are not used as rewards or discipline for academic performance or behavior.

**Standard 11:** Minimize marketing of Tier 2 foods and beverages in the high school setting by:

- Locating Tier 2 food and beverage distribution in low student traffic areas; and
- Ensuring that the exterior of vending machines does not depict commercial products or logos or suggest that consumption of vended items conveys a health or social benefit.

## Standards for the After-School Setting

**Standard 12:** Tier 1 snack items are allowed after school for student activities for elementary and middle schools. Tier 1 and 2 snacks are allowed after school for high school.

Standard 13: For on-campus fundraising activities during the school day, Tier 1 foods and beverages are allowed for elementary, middle, and high schools. Tier 2 foods and beverages are allowed for high schools after school. For evening and community activities that include adults, Tier 1 and 2 foods and beverages are encouraged.

### Actions for the Implementation of Nutrition Standards in Schools

**Action 1:** Appropriate policy-making bodies ensure that recommendations are fully adopted by providing:

- Regulatory guidance to federal, state, and local authorities;
- Designated responsibility for overall coordination and oversight to federal, state, and local authorities; and
- Performance-based guidelines and technical and financial support to schools or school districts, as needed.

**Action 2:** Appropriate federal agencies engage with the food industry to:

- Establish a user-friendly identification system for Tier 1 and 2 snacks, foods, and beverages that meet the standards per portion as packaged; and
- Provide specific guidance for whole-grain products and combination products that contain fruits, vegetables, and whole grains.

Foods

Beverages

#### Tier 1 for All Students

Tier 1 foods are fruits, vegetables, whole grains, and related combination products\* and nonfat and low-fat dairy that are limited to 200 calories or less per portion as packaged and:

- No more than 35 percent of total calories from fat
- Less than 10 percent of total calories from saturated fats
- Zero Trans Fat (≤0.5 g per serving)
- 35 percent or less of calories from total sugars, except for yogurt with no more than 30 g of total sugars, per 8-oz. portion as packaged
- Sodium content of 200 mg or less per portion as packaged

Á la carte entrée items meet fat and sugar limits as listed above and:\*\*

- Are National School Lunch Program (NSLP) menu items
- Have a sodium content of 480 mg or less

Tier 1 beverages are:

- Water without flavoring, additives, or carbonation.
- Low-fat\* and nonfat milk (in 8 oz portions):
  - ♦ Lactose-free and soy beverages are included
  - ♦ Flavored milk with no more than 22 g of total sugars per 8-oz. portion
- 100-percent fruit juice in 4-oz. portion as packaged for elementary/middle school and 8 oz. (two portions) for high school.
- Caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances.

\*Combination products must contain a total of one or more servings as packaged of fruit, vegetables, or whole grain products per portion. \*\*200-calorie limit does not apply; items cannot exceed calorie content of comparable NSLP entrée items.

\*1-percent milk fat

#### Tier 2 for High School Students After School

Tier 2 snack foods are those that do not exceed 200 calories per portion as packaged and:

- No more than 35 percent of total calories from fat
- Less than 10 percent of total calories from saturated fats
- Zero Trans fat (≤ 0.5 g per portion)
- 35 percent or less of calories from total sugars
- Sodium content of 200 mg or less per portion as packaged.

Tier 2 beverages are:

 Non-caffeinated, non-fortified beverages with less than 5 calories per portion as packaged (with or without nonnutritive sweeteners, carbonation, or flavoring).

#### COMMITTEE ON NUTRITION STANDARDS FOR FOODS IN SCHOOLS

VIRGINIA A. STALLINGS (Chair), Joseph Stokes Jr. Research Institute, Children's Hospital, University of Pennsylvania School of Medicine, Philadelphia

**DENNIS M. BIER**, Children's Nutrition Research Center, Baylor College of Medicine, Houston, TX

MARGIE TUDOR BRADFORD, School Board, Bardstown Independent School District, Bardstown, KY

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# berg1-Liz

From:

daveraatz@yahoo.com

Sent:

Monday, January 28, 2008 5:00 PM

To:

**EDNtestimony** 

Subject:

Testimony in support of HB 2993

Name: David Raatz
Organization: N/A

Committee: House Committee on Education

Date and time of hearing: Feb. 1, 2008

Measure number: HB 2993

Please support HB 2993, which would establish nutrition standards for food and beverages sold in public schools and promote nutrition education.

Passage of this bill would be a wise investment in the long-term health of Hawai'i's children.

The programs established under HB 2993 would be complementary to the "Healthy Youth!" project of the Centers for Disease Control and Prevention (http://www.cdc.gov/healthyyouth/).

Thank you for your consideration of my testimony.

Mahalo,

David Raatz P.O. Box 3216 Wailuku HI 96793

Sent via BlackBerry from T-Mobile