



**Senate Education Committee
Public Hearing on Food in Education**

**Monday, September 23, 2019, 11:00am
North Office Building, Hearing Room 1**

**Testimony of:
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Good morning, Chairman Langerholc, Chairman Dinniman, and members of the Senate Education Committee. Thank you for inviting us here today to discuss the issue of Food in Education.

The Pennsylvania Department of Agriculture (Department) is committed to a sustainable and safe supply of food and agricultural products in the commonwealth – from the farm to the table – and to promoting the viability of farms, protecting consumers, and safeguarding the health of people, plants, animals and the environment. As part of this overall commitment, the department’s Bureaus of Food Assistance and Food Safety, in particular, are charged with ensuring that all Pennsylvanians have access to a safe, nutritious, and abundant food supply.

The Bureau of Food Assistance is a vital part of the process that helps move food from the farm to the table, so more Pennsylvanians can share in the harvest. Using state and federal resources, the bureau works with more than 800 Pennsylvania School Food Authorities and more than 1,800 local food banks and pantries, soup kitchens, and other local non-profit organizations to connect our fellow Pennsylvanians with the food resources they need.

The mission of the Bureau of Food Safety is to protect and keep food safe, from the farm to the fork, for Pennsylvanians and our visitors by regulating retail food facilities, food manufacturers including home processors, warehouses, and distribution centers found across the state to ensure compliance with food safety laws and regulations. The bureau works to prevent foodborne illnesses, improve public health, and avoid costly disruptions to the food supply system.

USDA Foods in Federal Child Nutrition Programs

One of the key functions of the Bureau of Food Assistance is to facilitate the procurement and distribution of United States Department of Agriculture (USDA) Foods (USDA Foods) – also known as federal commodities –to Pennsylvania schools and institutions operating federal child nutrition programs such as the National School Lunch Program (NSLP), the Child and Adult Care Food Program (CACFP), and the Summer Food Service Program (SFSP).

USDA's Food and Nutrition Service coordinates the distribution of USDA Foods to States in support of public and private nonprofit schools that provide lunches to students. The funds used for this purpose vary from year to year based on an annual adjustment which reflects changes in the Producer Price Index of Foods used in Schools and Institutions. In the current school year, school year 2019, schools participating in NSLP are receiving "entitlement" funds for procurement of USDA Foods at an effective value of 36.25 cents for each lunch served.

Participating schools, as well as day care centers and summer program sites, may use their entitlement funds to select a wide variety of USDA Foods from a list of nearly 200 products. USDA Foods available in school year 2019 for the federal child nutrition programs include high quality vegetables, fruits, dairy products, whole grains, lean meats, and other protein options. In recent years, USDA has reformulated products in every food category to lower the levels of sodium, sugar, and fat, and to help offer nutrient-dense, kid-friendly meals.

In addition to selecting from USDA Foods, schools may opt to use USDA Foods entitlement funds to buy fresh produce through the USDA Department of Defense (DoD) Fresh Fruit and Vegetable Program – also known as USDA DoD Fresh. USDA DoD Fresh is a partnership between USDA and the Department of Defense's Defense Logistics Agency. This program leverages DoD's procurement system to provide a variety of nutritious U.S.-grown fresh fruits and vegetables to schools. Through the USDA DoD Fresh program, the U.S. Department of Agriculture is able to offer schools a wider variety of fresh product that would normally be available through USDA purchases.

During school year 2018 (July 2018 through June 2019), the Bureau of Food Assistance distributed 617,685 cases of food valued at \$25.5 million through NSLP and CACFP. Additionally, from July 2018 through June 2019, 32.6 million pounds of processed USDA Foods valued at \$22 million were distributed through NSLP and CACFP. Moreover, in excess of \$5.7 million of fresh produce was distributed through the USDA DoD Fresh program during school year 2018. In total, more than \$53.2 million worth of food sourced from USDA was distributed across Pennsylvania to schools and daycares during school year 2018.

In addition to these foods provided during the 2018 school year, the Bureau of Food Assistance provided foods to Pennsylvania schools and institutions operating the SFSP in summer 2019. In 2019, 5,395 cases of food valued at \$258,156 were distributed through the SFSP, and \$27,809 worth of fresh produce was distributed to summer sites through the USDA DoD Fresh program. In total, food valued at \$285,965 was distributed through the SFSP in summer 2019.

In addition to distributing USDA Foods to schools, day cares, and summer feeding programs, the Bureau of Food Assistance is charged with assuring that schools, day cares, and other institutions utilizing USDA Foods as part of their operations of NSLP, CACFP, and/or SFSP are complying with all Federal regulations, policies, laws, and other requirements applicable to these federally funded programs. Utilizing a staff comprised of nine regional Field Representatives, the Bureau of Food Assistance conducts agency compliance reviews at each school, day care, or program with which it has an agreement to provide USDA Foods. Included in this compliance review is a cross-check to ensure that each program has received a state or local food safety/sanitation inspection since the time of the last Bureau of Food Assistance compliance review.

Additional Food Assistance Programs Administered by the PA Department of Agriculture

Beyond working with the federal child nutrition programs, the Bureau of Food Assistance is also charged with administering several other federal and state programs that provide additional food assistance annually to more than 2 million Pennsylvanians (including men, women, and children). Oftentimes, these programs are serving the same families whose children are eligible for the national school breakfast and lunch programs but may or may not be participating in the school-level programs. These programs are important to make sure that all children have access to nutritious food before, during, and after school.

Some of these additional programs include:

The Emergency Food Assistance Program (TEFAP): TEFAP is a federal program that helps supplement the diets of low-income residents by providing them with emergency food and nutrition assistance at no cost.

Farmers Market Nutrition Program (FMNP): The WIC Farmers Market Nutrition Program and Senior Farmers Market Nutrition Program – supported by both state and federal funding – provide WIC recipients and low-income seniors with fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from approved farmers' in Pennsylvania.

State Food Purchase Program (SFPP): SFPP, a state-funded program, is one of the cornerstones of the Bureau of Food Assistance. This program provides cash grants to all 67 counties for the wholesale purchase of food at competitively bid prices or better. SFPP grants are allocated to county commissioners for distribution, allowing local officials to meet local needs.

Pennsylvania Agricultural Surplus System (PASS): The PASS program, a state-funded program, helps to support both Pennsylvania's agricultural industry statewide and Pennsylvanians at risk of hunger. PASS provides an alternative market for many farmers and food producers in the commonwealth that currently have no outlet for safe, but somewhat inferior quality product. Without PASS, this product would otherwise be left to rot in the field, be plowed under, dumped, or be landfilled.

Each of these food assistance programs administered by the Department plays a key role in helping to achieve the statewide goals delineated by Governor Tom Wolf and the Governor's Food Security Partnership in *Setting the Table: A Blueprint for a Hunger-Free PA*.

School children are important stakeholders in the Department's work in food security. That term, "food security", often means different things to different people, and the Department sees this as a fairly broad definition based on production agriculture and the food industry as a whole. To us, the term includes whether food is available at any price; safe from accidental or even intentional introduction of foodborne illness; affordable to consumers; and nutritious.

Role of the Bureau of Food Safety with Food in Education

Under the Retail Food Facility Safety Act, the Department (or the local health department depending upon jurisdiction) is required to inspect school food service facilities. These inspections only include public and private K-12 schools, as Pre-K and daycare programs do not fall under the official Department of Education definition of a school. Pre-K and day care programs fall under the inspection of the Department of Human Services (DHS). If another commonwealth agency is inspecting, such as DHS, then the Department does not “double inspect,” as those facilities are not a traditional retail venue.

In addition to conducting inspections of public and private K-12 schools, the Department has had a long-standing Memorandum of Understanding (MOU) with the PA Department of Education, through which they annually conduct USDA required food safety inspections of schools and community-based providers that participate in the federally-funded Summer Feeding programs. The MOU allocates some federal funding to the Department in exchange for conducting food safety inspections, performing microbiological analysis of food and milk samples, and conducting measurements on protein content and portion control. The Bureau of Food Safety staff annually conduct over 200 inspections statewide throughout the summer months, primarily at all food preparation sites, and then randomly at the actual service points, which are often parks and playgrounds.

For both of these programs (K-12 school food service and Summer Feeding programs), program operators and students frequently express interest in the concept of “Share Tables.” The use of Share Tables has become a common practice in many school-food settings throughout the country – allowing children to place food and beverages that are unconsumed during the meal period on a common table for other students to select from at no cost. While the Pennsylvania Food Code Section 3-306.14 thoroughly outlines restrictions that prohibit re-serving or re-use of Time/Temperature Control for Safety foods (TCS foods) at retail food facilities, recognizing the value of share tables, the Bureau of Food Safety worked with the PA Department of Education to approve a “variance” from those regulations specifically for Share Tables.

Per the variance:

- Foods shared must be limited to:
 - Commercially packaged, unopened products that are not in ‘resealable’ bags. Types of foods may include bags of baby carrots or sliced apples, and packages of crackers and cheese, and similar products.
 - Foods that are in bags or packages that are ‘re-sealable,’ such as ‘Ziploc’ type bags will not be permitted on the share table.
 - Salads or sandwiches in plastic clamshells or with overwrap, and that have no other protective seals (such as labeling over the opening, or tabs that must be torn) to confirm an ‘unopened’ package, will not be permitted on the share table.
 - Fresh, whole pieces of fruit, such as apples, bananas, and oranges.
 - Unopened cartons of milk or juice.
- Any TCS Foods that are placed on a ‘share table’ must have temperature control, such as ice in a cooler, tub or bin. Products cannot be ‘submerged’ in ice or melting water.

- The Share Table must be monitored by a Food Employee. The Monitor must ensure foods on the share table are allowed foods, are in good condition, and no packages are compromised. Foods requiring temperature control should be monitored to assure that they are maintained at 41°F or below. Temperature logs should be kept.
- All foods from the share table that are re-used or re-served, may only be utilized one additional time. A procedure must be in place to segregate foods from the share table from other foods in the facility, and to assure that those foods are only re-served one additional time after removing from the share table.

Application of this variance allows students to benefit from the availability of additional foods and allows schools to reduce food waste.

Conclusion

The Department of Agriculture is committed to its role in ensuring that all Pennsylvanians – including children, adults, and seniors – have access to a safe, nutritious, and abundant food supply. Through existing programs and relationships, we continue to address both food security and food safety.

This year's Pennsylvania Farm Bill brought new opportunities to improve this mission. Most directly, the Farm to School program was funded at \$500,000 and will provide new opportunities for schools to increase awareness of agriculture and nutrition in the classroom and source additional PA-grown products.

At this time, we would be happy to answer any questions from members of the Committee.