



New York State Council on Food Policy

Commissioner Patrick Hooker, Chairman

Comments on Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs

Effective October 1, 2008, Section 4302 of Public Law 110-246, the Food, Conservation, and Energy Act of 2008, amended section 9(j) of the Richard B. Russell National School Lunch Act (NSLA) encouraging institutions operating Child Nutrition Programs to purchase unprocessed, locally-grown produce and locally-raised livestock. Section 4407 of Public Law 110-246 allows such institutions to apply an optional geographic preference in the procurement of such products.

June 18, 2010

The mission of the New York State Council on Food Policy (NYS CFP) is to develop and recommend policies that preserve and enhance agricultural food production in New York; and ensure that all New Yorkers have adequate access to safe, affordable, fresh and nutritious foods. One of the key issue areas of the NYS CFP is to strengthen the connection between local food products and consumers.

We commend the Food and Nutrition Service, United States Department of Agriculture (USDA) for proposing rules that increase local purchasing power to support economic opportunities for local farmers and that help schools and other institutions include wholesome food choices for children. The NYS CFP believes that in order to implement the provisions of the Geographic Preference Option the terms: “unprocessed agricultural product,” “geographic area” and “points or credit” must be more clearly defined.

Therefore, the NYS CFP respectfully asks the Food and Nutrition Service, USDA to consider the following recommendations that recognize these goals when deliberating which definitions to use.

WE RECOMMEND the following:

A. Determine what defines a ‘local geographic area’

1. Preserving the authority of local school officials to determine what constitutes a local geographic ‘area’ should continue and remain in the final rule.

Comments: Institutions operating Child Nutrition Programs can define the geographic area from which the unprocessed, local agricultural products should originate in order to qualify for additional points during the bid evaluation process. Institutions have autonomy when defining the above region of origin or geographic area where food is grown and harvested. The NYS CFP believes that allowing school officials the ability to define their local area will lead to the most successful local and regional procurement programs.

B. Define the term ‘unprocessed agricultural product’

1. *De minimis* handling should include cutting, combining, freezing, bagging and packaging as the “inherent character” is not being altered in any way.
2. *De minimis* handling should include preservatives that maintain color or prevent oxidation, such as ascorbic acid.
3. *De minimis* handling should include ground beef shaped into patties (excluding fillers/additives).
4. Handling and preservation techniques listed should stand as suggestions, not as a finite list.

Comments: The NYS CFP believes the above examples qualify as *de minimis* handling. They allow agricultural products to be purchased by food service directors in a usable form and facilitate ease of use. The above handling and preparation techniques do not jeopardize “the inherent character” of the agricultural products; nor do they “add significant value” to the agricultural products.

Thank you for this opportunity to comment on the proposed rule for “Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs.” We believe that the above recommendations will contribute to a healthier and more prosperous future for all of our children, our farmers, our environment, and our communities.

Respectfully submitted to Food and Nutrition Service, USDA by:



Chairperson
Patrick Hooker, Commissioner, NYS Department of Agriculture and Markets

- Members
- Darrel Aubertine**, NYS Senator, 48th District
 - Mindy Bockstein**, Chairperson and Executive Director, NYS Consumer Protection Board
 - Linda Bopp**, Executive Director, Nutrition Consortium of NYS
 - Bruce Both**, President, United Food and Commercial Workers Union: Local 1500
 - Michael Burgess**, Director, NYS Office for the Aging
 - Mary Warr Cowans**, RD, CDN, Associate Director, Division of Nutrition, NYS Department of Health
 - Dr. Richard Daines**, Commissioner, NYS Department of Health
 - Raymond Denniston**, BOCES Broome-Tioga; Co-Chair NYS Farm to School Coordinating Committee
 - Diane Eggert**, Executive Director, Farmers Market Federation of New York
 - John Evers**, Executive Director, Food Bank Association of NYS
 - Kristen Proud**, Acting Commissioner, NYS Office of Temporary and Disability Assistance
 - Dr. Susan Henry**, Dean, NYS College of Agriculture and Life Sciences at Cornell University
 - Dr. David Milton Steiner**, Commissioner, NYS Education Department
 - Cathryn Mizbani**, Senior Extension Administrator; WIC Program Coordinator, Cornell University
Cooperative Extension of Schenectady County
 - Dennis Mullen**, President and CEO, Empire State Development Corporation
 - Liz Neumark**, CEO, Great Performances; Sylvia Center
 - Irwin Simon**, Founder, Chairperson, President and CEO, Hain Celestial Group, Inc
 - Julie Suarez**, Director of Public Policy, New York Farm Bureau
 - Eleanor Wilson**, MS, RD, CDN, Senior Dietitian, Price Chopper Supermarkets, Inc
 - Catharine Young**, NYS Senator, 57th District



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Contact the New York State Council on Food Policy at (518) 485-7728 or online at: <http://www.nyscfp.org/>