

## **Healthy, Hunger-Free Kids Act of 2010 Competitive Food in School Rules Frequently Asked Questions**

### **Did Congress direct the USDA to implement a Waiver Program?**

Yes. The Consolidated Appropriations Act of Fiscal Year 2014, P.L. 113-76 provided a directive expressing congressional intent in the implementation of various programs. Congress specifically directed the USDA to establish a waiver process that provided local schools with an option to delay implementing the new nutrition standards contained in the school breakfast and/or the competitive food regulations if the regulations proved too costly. The directive required the process to be completed within 90 days of enactment.

### **Is the USDA implementing a Waiver Program?**

No. The USDA refused to implement the waiver program upon advice of their Office of General Counsel stating that they are prohibited by federal law from waiving these regulations.

**What is the current status of the new Competitive Food in School Rules?** Nutrition Standards for All Food Sold in School, Interim Final Rules were published on June 28, 2013. These are the latest rules that have been published. We still await a final rule. However, the Interim Final Rules will be implemented on July 1, 2014 even if the final rule is not issued by that date.

### **What is the implementation date of the new Competitive Food in School Rules?**

The Competitive Food Rules go into effect on July 1, 2014.

**Are the Interim Final Rules the most stringent standards that operators will have to meet?** Possibly, however operators should check with their state and local municipalities because the Interim Final Rules are the *minimum* standards. State agencies and/or school districts may establish more stringent, additional standards.

### **What food and beverage do the standards apply to?**

All food and beverages sold to students on the school campus during the school day, other than those meals reimbursable under programs authorized by the National School Lunch Act and the Child Nutrition Act.

### **When do the standards go into effect?**

During the school day, this is defined as the period from midnight before to 30 minutes after the end of the official school day.

### **How is compliance and enforcement of the Act handled?**

Local Education Agencies (LEA) and School Food Authorities (SFA) are tasked with maintaining records such as receipts, nutrition labels and product specifications. In addition, SFAs maintain records for competitive foods sold under the nonprofit school food service accounts and LEAs maintain records for all other competitive food sales.

State agencies will monitor compliance with the standards through a review of local educational agency records as part of the State Agency Administrative (SAA) review. If violations have occurred, technical assistance and corrective action plans would be required.