



THE HEALTHY, HUNGER-FREE KIDS ACT OF 2010: SUBMITTING COMMENTS TO THE USDA¹

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ON DECEMBER 13, 2010, President Barack Obama signed into law the Healthy, Hunger-Free Kids Act of 2010.² The Act strengthens school food nutrition standards, increases access to and funding for school meals, and increases technical assistance to schools. It also strengthens school wellness policies, improves farm to school programs, expands afterschool meals programs for at-risk children, and establishes certification standards for food service personnel. The Public Health Law Center has created a set of fact sheets outlining several key areas of the Act.³ The purpose of this fact sheet is to describe how to follow and provide input on the implementation of the Act.

Q How does the U.S. government implement a law?

A When Congress passes a law, it often delegates authority to a

governmental agency to issue rules and guidance on how the law will work. In the case of the Healthy, Hunger-Free Kids Act of 2010, Congress granted this authority to the U.S. Department of Agriculture (USDA). The USDA will release proposed rules, notes and “guidance documents” that describe the agency’s thinking on how the law will be defined, implemented and enforced. Any final rules released have the same effect as a law.

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Q How can I monitor what is happening with the USDA’s implementation of the law?

A It is easy to follow the process by using the federal government’s website at www.Regulations.gov. The website allows the public to search, view and comment on rules quickly and efficiently.

Q Does the public have any role in the implementation process?

A If the public is allowed to comment on a proposed rule or other guidance document, the agency will give a deadline for submitting a comment. When an agency requests comments, it must review and consider the comments it receives before finalizing a rule or other guidance.

Q Can anyone comment on a proposed rule, note or other guidance?

A Yes. Like other federal agencies, the USDA often invites comments

from the public on proposed rules, notes and guidance documents. Although the thought of submitting comments to a federal agency may seem intimidating at first glance, the process is actually quite simple. Submitting comments to the USDA gives you an opportunity to share your knowledge and opinions about a proposed rule or notice, as well as any data, research, legal or policy issues, recommendations, supporting materials or other information that may help the agency in the rulemaking process.

Q How can I learn the process for submitting a comment?

A Guidelines for submitting, searching and reviewing comments are on Regulations.gov. Comments can range from short and simple to long and detailed. Comments can be submitted electronically or by mail. Comments are accepted within a defined time frame, known as an open comment period. Once you submit a comment, the USDA (or other federal agency) will send you a tracking number, and then process and

review your comment before posting it on Regulations.gov. Your comments will be available to the public.

Q Why is commenting on a proposed rule or note important?

A The agency relies on information submitted by the public in deciding whether to revise proposed rules before adopting them as final. Members of the public – including the public health community, attorneys, the food industry, and other interest groups – all have views on school nutrition and wellness programs. Some proposed rules can attract thousands of comments. By submitting comments to the USDA, you are participating in the rulemaking process, and may even have an impact on the way in which laws are implemented and administered. To learn more about the process of submitting comments on school nutrition and wellness to the USDA, visit www.Regulations.gov.



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The Public Health Law Center provides information and technical assistance on issues related to tobacco and public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney.

¹ Information contained in this fact sheet was drawn from Tobacco Control Legal Consortium, *Submitting Comments on Tobacco Products to the FDA* (2010), available at <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-submittingcomments-fda-2010.pdf>.

² Healthy, Hunger-Free Kids Act of 2010, S. 3307, 111th Cong. (2010), available at <http://www.gpo.gov/fdsys/pkg/BILLS-111s3307enr/pdf/BILLS-111s3307enr.pdf>.

³ The fact sheets can be found at: <http://www.publichealthlawcenter.org/documents/publications/fact-sheets>.