



Association Of State And Territorial Health Officials
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September 7, 2010

Division of Dockets Management (HFA-305)
United States Food and Drug Administration
5630 Fishers Lane Room 1061
Rockville, MD 20852

Re: Disclosure of Nutrient Content Information for Standard Menu Items Offered for Sale at Chain Restaurants or Similar Retail Food Establishments and for Articles of Food Sold From Vending Machines

Docket ID Numbers: FDA-2010-N-0298 and FDA-2007-0545

Dear Sir:

The Association of State and Territorial Health Officials (ASTHO) is pleased to submit the following recommendations in response to the request for comments, data, and other information helpful to the implementation of section 4205 of the Patient Protection and Affordable Care Act of 2010. ASTHO represents the 57 state and territorial health officials of the United States, the U.S. Territories, and the District of Columbia. ASTHO has 20 affiliate organizations and several affinity groups who represent over 120,000 employees of the state health agencies. Our members are dedicated to formulating and influencing sound public health policy and its implementation and assuring excellence in statewide public health practice.

The ASTHO affinity group, the State Environmental Health Directors, is involved in the full range of food safety prevention and response functions. They provide policy direction, information, advice, and oversight to ASTHO's efforts to strengthen state environmental health programs. Many of them will be the primary link between federal agencies and on-the-ground efforts for setting and/or enforcing food safety standards in restaurants, grocery stores, and other food establishments in the United States. According to preliminary data analysis of ASTHO's 2010 Member Survey, 36 state health agencies noted that they are responsible for regulation and inspection of food service establishments.

ASTHO and our members fully support menu labeling as a key component of our national efforts to reduce obesity. With accessible, easy to understand labeling, informed consumers can make healthier choices. However, our primary concerns relate to the cost of implementation in states which are already significantly burdened with reduced budgets, hiring freezes, and staff reductions.

ASTHO strongly encourages FDA to consider the costs of implementation and enforcement to state and local jurisdictions. State and territorial health agencies carry an enormous amount of responsibility with limited resources. Recent hiring freezes and budget cuts have made it harder to recruit and retain qualified personnel. Many state public health agencies have lost nearly 50% of their food safety workforce through layoffs and retirements, draining them of the expertise needed to enforce state and local nutrition labeling regulations.

ASTHO strongly recommends that FDA bolster state and local infrastructure to carry out successful and ongoing enforcement and regulation of the menu labeling provisions. One way to achieve this is through contracts similar to FDA's Rapid Response Team for Food Safety. ASTHO also encourages FDA to develop new positions for nutrition specialists (or federal-state liaisons) to be located and staffed in state health agencies. This will be the quickest way to enable FDA initiatives to take root and advance, while partnering with state programs directly.

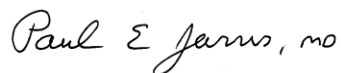
Through ASTHO's official position statement passed by our Board of Directors, ASTHO supports the following aspects of menu-labeling:

- Requiring fast-food and other chain restaurants to provide calorie information at a minimum, at the point of decision-making, and other information about saturated and trans fat (combined), and sodium content of standard menu items in an easily readable format.
- Restaurants that use menu boards, where space is limited, should be required to provide calorie information with the same font size as the food title and price on their menu boards at the point of decision-making.
- Applying menu labeling policies to establishments with 20 or more locations doing business under the same name or that are affiliated and offering for sale substantially the same menu items.

- Providing federal funding to states if they have responsibility to enforce menu labeling policies.
- Promoting menu-labeling beyond chain restaurants.
- Teaching people how to use nutritional information to make healthier choices.
- Supporting restaurant efforts to improve nutritional quality and make smaller portion options available.
- Partnering with the restaurant industry to address the obesity epidemic. Menu labeling can be a tool to encourage menu reformulation throughout the country.

As our nation struggles with an obesity epidemic, ASTHO is committed to working with the FDA and food establishment community to fight this battle. We must move from a nation of health care to a nation of health. Obesity prevention is a key part of this change. ASTHO and our members fully support menu labeling as a key component of our national efforts to reduce obesity. However, for effective implementation, state health agencies will need resources for staffing and training of this important national legislation. As the Executive Director of ASTHO, I would like to applaud you for your commitment to the health and wellness of our citizens and look forward to working with you in the future.

Sincerely,

A handwritten signature in cursive script that reads "Paul E Jarris, MD".

Paul E. Jarris, MD, MBA
Executive Director
Association of State and Territorial Health Officials