OSD POLICY GUIDANCE 11 - 02

TO: Commonwealth Secretariats, Department Heads, Chief Fiscal Officers, General Counsels and Procurement Liaisons

FROM: Bill McAvoy, Acting State Purchasing Agent, Operational Services Division
       John Auerbach, Commissioner, Department of Public Health

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Background

In January of 2009, Governor Patrick issued Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies, in response to the rise in obesity in the state of Massachusetts. During the period 1990-2007, the prevalence of overweight or obese adults in the state increased by more than 47% and the prevalence in high school age children rose 7%. Persons found to be overweight or obese face a higher risk of morbidity and mortality, including the risk of developing type 2 diabetes, heart disease, stroke, gall bladder disease, and musculoskeletal disorders. The residents of the Commonwealth can improve their health and prevent the development of chronic disease by increasing their consumption of fruits, vegetables and whole grains and decreasing their consumption of processed foods, refined carbohydrates, saturated and trans fats, and sodium. State government, by implementing policy aimed at promoting these healthier foods, serves as a model of dietary improvement for businesses, institutions, and residents. Additionally, the state’s adherence to nutrition standards will encourage food suppliers to improve the quality of their foods and beverages to meet the demands of agencies and consumers.

Each state agency shall ensure that it purchases and provides food that meets defined nutrition standards. Towards that end, beginning with all contracts procured after July 1, 2009, state agencies that purchase or serve food have been required to comply with nutrition guidelines established by the Department of Public Health (DPH). These guidelines govern the purchase and serving of food by state agencies, and ensure that persons served by such agencies are offered a broad choice of healthy, balanced meals and snacks. The nutrition standards developed for this policy can be found at: Executive Order # 509 Guidance.

DPH developed resources for managing healthy food procurement and preparation in response to agency requests and to assist agencies to successfully apply the nutrition standards. These resources are available on the DPH website (Executive Order # 509 Guidance) and have been developed in response to specific needs that have been identified by providers.

Procurement Requirements

Under Executive Order 509, all contracts procured as of July 1, 2009 that involve the purchase and provision of food must comply immediately with the nutrition guidelines established by the Department of Public Health (DPH). Relevant
procurements must include this requirement and must reference the guidelines which will be available at the Department’s website (see below). These guidelines govern the purchase and serving of food by all state agencies in the Executive Department. Agencies are expected to be in compliance with all standards immediately. For a limited number of items, technical challenges in reformulation may require a longer time frame for compliance with sodium and fiber requirements. Details of these allowances are provided within the standards on DPH’s website.

To assist agencies in meeting the requirements of Executive Order 509, the following language has now been inserted into the OSD RFR Required Specifications document:

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department’s website: Executive Order # 509 Guidance.

Implementation

To implement the requirements of Executive Order 509, DPH conducted a survey investigating the current food purchasing and preparation practices of each agency. A survey will be conducted annually in order to assess progress towards full implementation of the executive order as well as to identify potential areas needing support. To assist DPH in interpreting the results and reviewing the standards, and to assist in implementation efforts, an ad hoc work group has been convened with representatives from the impacted agencies. This group has been involved in identifying agency technical assistance and training needs. DPH encourages each agency to have a designated individual who oversees and ensures successful implementation of the executive order and serves in the interagency workgroup facilitated by DPH. The role of the workgroup is to respond to needs identified by agencies in the implementation of the executive order.

Please direct questions to Cynthia Bayerl (Cynthia.Bayerl@state.ma.us). Ms. Bayerl will either respond to you directly or forward your inquiry to the appropriate party to answer your question. Your questions are important to DPH and will help identify issues that require clarification or further discussion. We understand that these new policies represent a change for agencies and thank you in advance for your cooperation.