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in Motion**

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Executive Order 509

Establishing Nutrition Standards for Food Purchased and Served by State Agencies

Questions and Answers

What is Executive Order 509?

Executive Order 509 (EO 509), *Establishing Nutrition Standards for Food Purchased and Served by State Agencies*, is a directive signed by Governor Patrick which requires state agencies to follow specific nutrition standards when contracting for the purchase of foods and beverages. The standards apply to those agencies within the Executive Department which provide food, whether directly or through contract, as part of the basic services provided to agency clients/patients. Exempted from EO 509 are vending machines or independent concessions that provide food *for sale* through leases, licenses or contracts at state programs.

The standards are based on the *2005 Dietary Guidelines for Americans* which encourage use of healthy food options such as: increasing whole grains; increasing fruits and vegetables—preferably locally grown; use of lean cuts of meat and poultry; use of alternative protein sources (ex: rice and beans and legumes) and use skim/non-fat dairy. As research in the field of nutrition continues to evolve and new recommendations emerge, DPH will present any findings and or standards which might necessitate the need to change these standards. The standards should be considered a baseline and agencies are encouraged to support emerging practices which can further enhance their patient population (ex: lowering sodium).

Food service for employees is not included under EO 509, but we strongly encourage those agencies which have an employee cafeteria or catered meals and snacks to follow the *Healthy Meeting and Event Guide*, to ensure that healthy food options are available to employees. *The Healthy Meeting and Event Guide* can be found at http://www.mass.gov/Eeohhs2/docs/dph/com_health/nutrition_phys_activity/healthy_meeting_event_guide.pdf.

EO 509 applies to contracts procured on or after July 1, 2009.

Who does EO 509 apply to, specifically?

EO 509 applies to the 53 state agencies falling under the Executive Branch defined by OSD as Procurement Level III. This includes all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus and offices if these entities provide or contract for the provision of food as part of the basic services provided to clients/patients. Other agencies are encouraged to adopt this regulation, too, as it promotes a healthier lifestyle. EO 509 applies to all new RFRs (Request for Responses).

How were the standards established?

The standards were based on the New York City standards and adapted for Massachusetts. They reflect the 2005 Dietary Guidelines for Healthy Americans, a nationally recognized set of nutrition standards based on research findings and established by the federal government.

Why were these nutrition standards, and EO 509, created in the first place?

The state has a commitment to promoting the health of its citizens. It is important that state agencies help model healthy behaviors. Executive Order 509 is one of several initiatives of Mass in Motion, the state's wellness initiative. For more information on Mass in Motion, go to www.mass.gov/massinmotion.

How will the state evaluate implementation of EO 509?

The Department of Public Health has developed a survey tool to assess the current foodservice environment of each agency. The survey will be re-administered annually to evaluate changes in foodservice practices and the nutritional quality of the food purchased and served by state agencies.

What is the role of the interagency EO 509 workgroup?

The AD HOC Healthy Food Procurement Workgroup will guide the implementation and evaluation of EO 509. Key activities of the group will include the following:

- Approve the nutrition standards
- Develop a statewide implementation plan
- Identify in kind and other resources and tools to support EO 509
- Advise on training for food service personnel and participate in training when appropriate

Based on the findings of the MA State Agency Food Standards Site Survey, additional activities may be identified and pursued as well.

Where can I find a copy of the nutrition standards?

The nutrition standards are on the Department of Public Health (DPH) website. To view the nutrition standards for Massachusetts, visit www.mass.gov/dph. Look under "Regulations and Policies" and then under "Regulations and Other Publications M to P" and click on "Nutrition Standards for State Agencies". A copy of the descriptive memo, the nutrition standards and the agency survey are located at this site.

Will there be any training or technical assistance for agencies implementing the standards?

The Department of Public Health in collaboration with the EO 509 workgroup will provide agencies with some printable resources and tools as well as identify training opportunities as well as technical assistance support for those agencies that request it. Information will be available on the website listed above

Executive Order 509 is part of the **Mass in Motion** statewide initiative. Materials were developed by the Nutrition and Physical Activity Obesity Initiative, Bureau of Community Health Access and Promotion, MA Department of Public Health. April 2010

Are there any extra costs when purchasing or preparing healthy foods?

When buying healthier foods (examples: using fresh fruits and vegetables instead of canned fruits and vegetables; whole grain bread or pasta rather than white bread or pasta; substituting low-fat or fat-free milk for whole milk; using leaner cuts of meats and meat alternatives) there may be higher costs. Two suggestions for keeping those costs down include buying locally grown, seasonally fresh fruits and vegetables, or buying bulk quantities.

Research on the cost and acceptance rates of substituting healthy foods has been done in several states but only in schools. This research found the cost of the school's total food budget was not increased due to several creative strategies. Food service staff marketed the benefits of healthier foods to the students and school personnel. These schools also worked with food vendors and local manufacturers to identify healthier food options. In several instances they worked with manufacturers to change the nutritional content to reflect USDA nutrition standards. These companies knew they would benefit by then being able to secure multiple contracts from other agencies within their state or region.

We suggest that the food service manager in each state agency work with our state approved vendors to identify healthy foods which have competitive prices and that the smaller agencies group together in consortiums to buy in larger quantity. For more information please refer to the resource tools on DPH website which include several references to the studies done on cost savings.

What if our agency only procures food for parties and meetings?

If the only food your agency procures is for an occasional meeting or event, compliance with the guidelines is not required. But you are encouraged to work with the vendor to provide some healthy food options. The DPH Healthy Meeting and Event Guide is a useful tool when working with caterers and or agency staff when they elect to bring in food from home, the special occasions section of the standards, water and healthy options as fresh fruit and green salad is always available. The guide is located at http://www.mass.gov/Eeohhs2/docs/dph/com_health/nutrition_phys_activity/healthy_meeting_event_guide.pdf