

Entrevista a Janelle Varley*

El Departamento de Agricultura de los Estados Unidos (United States Department of Agriculture, USDA) es una unidad ejecutiva del gobierno federal. Además de tener a su cargo los programas de agricultura y ganadería, la alimentación es uno de sus renglones prioritarios. La seguridad alimentaria y nutricional ha sido la constante preocupación del Gobierno estadounidense, por ser un elemento determinante en el desarrollo del ser humano.

Desde 1930, se inició en los Estados Unidos un programa de asistencia nutricional para los más necesitados, denominado “Cupones para Alimentos”. A través del tiempo, fue evolucionando hasta llegar a la creación, el 8 de agosto de 1969, del Servicio de Alimentación y Nutrición (Food and Nutrition Service, FNS), elevando la correcta alimentación y la educación a un nivel preponderante en todos los programas de desarrollo de la nación. Su objeto es, precisamente, proporcionar a toda la familia acceso a una alimentación balanceada y a una dieta saludable a través de programas de asistencia y educación en el área de la nutrición.

La FNS trabaja como asesora de todos los estados. Cada estado determina los detalles administrativos para la distribución de beneficios de alimentos y la FNS proporciona los fondos para cubrir una buena parte de los costos.

La Dra. Janelle Varley, nuestra entrevistada en este número, representa al Departamento de Salud y Servicios Humanos de Carolina del Norte en las audiencias administrativas. Asesora a la Agencia FNS en el cumplimiento de las regulaciones federales y proyecta los escritos de apelación penal, en lo referente al programa nutricional de los jardines infantiles, públicos y privados, adscritos al programa.

Valga aclarar que esta entrevista, realizada en inglés el 9 de septiembre de 2014, expresa la sola opinión de la entrevistada y no refleja de ninguna forma la de la Oficina del Fiscal General de Carolina del Norte.

Beatriz: What could you share or describe about the policies for prevention in the American Public Health (as an example the “Obama-care” and more recently the Ebola virus prevention)? What is your role and your day to day like?

Janelle: So, I’m a lawyer with the North Carolina Attorney General’s office, which represents state agencies. I work in the administrative division, which really means the administration of the state business. So I work for the division of public health, and within that division I have been working on two federally funded (U.S. gov’t funds the programs with taxpayers dollars) nutrition programs. So I have no interaction with Obama-care or ebola, which were some of your initial questions. I think the questions were brilliant but probably better suited for someone who works in the public health section, and not as a lawyer for the public health sector.

So to answer the other half of the question about my day-to-day. Because the programs are federally funded, they are governed by federal regulations, and so most of my job is reading those laws/regulations and answering questions when I get them. In this program there are different levels of accountability, so the state agency will

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audit any of the private and non-profit partners in the state who participate in the program, and after that point is when I get involved.

B: Do you get any complaints from clients as well?

J: I only have one client, do you mean complaints or lawsuits?

B: Complaints from people receiving the program...

J: So the state does not provide the meals... one of the programs I work with is called the Child and Adult Food Care Program, which is a non-residential program. So for example, daycare centers. When I take my child to daycare, he gets lunch provided from the daycare center. So if that daycare participates in this program, then they can get reimbursed for the meal they provided my son.

B: Are they private?

J: The programs I work with are non-profit as well as for-profit. However, there are state-run programs (e.g public schools which are under the national school lunch which is different).

B: So how do they participate?

J: The main requirements for obtaining reimbursements are to apply and to meet the standards for record keeping and nutritional requirements.

So they apply and if they are approved, the state agency comes out and audits the facility (they review 3 months of records and will observe the day's operations). If during the audit there were problems, they [daycares] can receive a letter from the state requiring them to pay back money.

So my client audits and if they find any violations, the facility that received the violation can appeal, which is where I come in. We then go to administrative court. So that is when I represent my client in that case, and so they will show me all the evidence they had during the audit so the records, or if they don't have them (records), just a form (report) noting that.

Really, I have two main roles: 1) answering client questions, and 2) I'm the attorney who will represent the state agency in a court case where we present to the judge the records and the law, and let him/her decide.

B: Do they daycares have a lawyer?

J: The daycares can represent themselves or pay for an attorney.

B: Does each state have a different nutritional program?

J: Any state can join this Federal program if they want to. They just need to apply and be approved.

B: Do you think the program is used as a preventative measure for the health?

J: I don't know, it's meant to encourage healthy eating. I would guess it's the federal government trying to influence a daycare to provide healthy meals. You will not get the money or qualify if you don't meet the nutritional requirements so...

B: That's different from in Colombia because we have a nutritional program but it's run through the education system.

J: It's interesting the difference between Colombia and here, because there are other programs that exist to do the same thing in the educational systems.

The program I deal with is daycare and adult centers, which I would imagine just got split and went to public health, which is different from the department of education which manages other programs that provide meals (or payment for meals) in public schools.

B: Does this aid apply to all socioeconomic levels?

J: The reimbursement rate for daycare centers, so when my son eats lunch at a daycare center, they actually have three levels of reimbursement, which is based on the family income of the child at the daycare. So if the family is considered wealthy, then the daycare will get the least amount of money reimbursed per child.

So the law has written in the nutritional quantities required to meet the program requirements. There are a lot of requirements and it's primarily recordkeeping (menu, attendance, etc.), and then nutritional requirements.

B: From your personal opinion, is this program helpful in terms of the nation?

J: I don't know that I have the knowledge of what was in existence before the program began, or even measurements since. I'm expect that the federal government is monitoring to ensure if the program is effective. I personally think it's a good program. I also think that there are always fights in the U.S. gov't about where to spend the taxpayers money, and I've noticed that almost no politician tries to attack child nutrition programs.

B: What age range does this cover?

J: Child and adult care; however, the majority are children's daycare centers. For daycares it would be under the age of 6. However, it also serves adult daycare centers, so if you have ailing parents who are living with you but you don't feel comfortable leaving them home alone during the day. In fact, I would have to confirm but I believe also homeless centers and emergency shelters can also get funding through this program.

B: What other roles do you have aside from representing them in court?

J: So it all trickles down, the state will audit the daycares every few years but then the federal gov't will audit the state, and so the state agency (my client) has to maintain a lot of records. So my job for the most part is representing them at court, or advising them (the public health agency) on how to stay in compliance so that the state won't get into trouble with the federal government.

B: So in Colombia there is now a "0 a siempre" program, which is providing education to anyone who doesn't or didn't have access. Do you think it would be helpful to add a nutritional component to it?

J: At this time I'm not on the policy side; however, I think anyone and everyone could benefit from nutritional education at any age, especially since the science is always evolving. I feel like even as an adult in the U.S. who has a basic idea of what's health or unhealthy I think I'm always trying to stay up to date on the newest nutritional recommendations.