



## HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

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Mary Kay Sigaty, Council Chair  
Howard County Council  
3430 Courthouse Drive  
Ellicott City, Maryland 21043

Dear Council Chair Sigaty:

Today, by the authority granted by Section 209 of the County Charter, I have vetoed Council Bill 17-2015. I believe this bill is an unnecessary intrusion on personal responsibility and freedom. I trust Howard County residents, as well as county employees, to make their own decisions regarding what they eat and drink. Standards outlining nutritional preferences do not belong in the Howard County Code, as standards evolve over time. With these reasons in mind, I believe it is in the best interest of county residents and employees to veto this bill.

**Research Findings.** Experts from prestigious organizations, including the National Institutes of Health, consistently recommend comprehensive lifestyle changes to improve health outcomes. Research has shown that voluntary programs stressing healthy behaviors “driven by individual employees rather than by mandates or incentives” have proven effective<sup>1</sup>. Arbitrarily banning or limiting access to some foods at limited locations will have little, if any, effect in encouraging the needed lifestyle changes to achieve meaningful and measurable improvement. Tackling obesity and related health issues through education and outreach is more likely to produce results. That is why I am coordinating an effort to bring community partners together to prepare a comprehensive plan on how we can encourage healthier lifestyles in Howard County.

**Evolving Nutritional Standards.** I cannot support an approach that adds language to the Howard County Code regarding nutritional recommendations, because they frequently change. As research and science improves, standards for healthy foods and beverages evolve. We have seen many modifications regarding what is best nutritionally – non-fat versus low fat, saturated versus non-saturated, sugar versus high fructose corn syrup, diet soft drinks versus non-sweetened beverages, calorie counting versus portion control, food pyramid overhauls – the list goes on. We should not pass legislation every time the health and nutrition industry modifies its recommendations.

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<sup>1</sup> *Act Healthy: promoting health behaviors and self-efficacy in the workplace.* Health Educ. Res. (2015) <http://www.ncbi.nlm.nih.gov/pubmed/26141203>

**Existing Guidelines in Place.** The county's youth programs already follow strict licensing regulations and COMAR guidelines regarding which foods and beverages can be provided, making this bill unnecessary and redundant in this respect. The guidelines already in place govern the nutritional standards for healthy foods and beverages in the state and county. Passing legislation to mandate guidelines is counter-productive and will make it more difficult to adjust guidelines as needed.

**Impact on Small Business.** Finally, I agree with the Howard County Chamber of Commerce and others in the business community that CB 17 is harmful to small businesses. The overly restrictive guidelines for packaged food and beverage placement will make it extremely difficult for county vendors to comply. The restrictions also prohibit vendors from stocking many healthy options that consumers want, such as Vitamin Water, Gold Peak Iced Tea and many Honest Tea products – another of the unintended consequences of this bill. I believe the selection of products to be placed in vending machines is best left to market forces, not government intrusion.

In summary, I believe CB 17 does not represent good governance. The actual impact of this legislation will be minimal, but this precedent will create an obligation in the future for the government to continue legislating nutrition, as standards and tastes change. Giving the County Executive or the County Council the authority to micro-manage our nutritional standards goes far beyond the proper role of government. This is especially true where, as we have seen, there are real and substantial grounds for disagreements and ambiguities. More to the point, this legislation provides only lip service to the issue of improving health outcomes and misses the mark significantly on what we, as a community, can do to reduce obesity and affect real change in Howard County. I have taken this action based on what I believe to be in the best interest of the public and what the residents of Howard County have elected me to do.

I invite the County Council to work with my administration on the development of an educational outreach program to address the obesity issue and improve health outcomes for Howard County residents.

Sincerely,



Allan H. Kittleman  
County Executive

cc: Howard County Council  
Gary W. Kuc, County Solicitor  
Jessica Feldmark, Council Administrator