Research Protocol for CityHealth: Healthy Food Procurement

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CITYHEALTH: HEALTHY FOOD PROCUREMENT
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Research Protocol

I.   **Date of Protocol:** July 19, 2016; October 26, 2016; February 3, 2017; January 29, 2018; September 30, 2019; November 18, 2020; November 2, 2021

II. **Scope:** Compile statutes, ordinances, and policies on Nutrition Standards for City Procurement across the 40 largest cities, their respective counties, 25 states and the District of Columbia. The purpose of the CityHealth project is to collect important public health policies and determine what makes a healthy city. For a health policy, the goal is to display the state, county, and city law involved in shaping this policy at the city level. This dataset contains coding questions examining Nutrition Standards for City Procurement laws. This is a cross-sectional dataset capturing currently effective law valid through June 1, 2021.

III. **Primary Data Collection**

   a. **Original project dates:** April 27, 2016 – July 19, 2016

   b. **Original dates covered in the dataset**: January 9, 2009 – April 1, 2016

   c. **Data collection methods**: The team building this dataset consisted of three team members: two legal researchers ("Researchers") and one supervisor ("Supervisor") overseeing the quality control process.

   d. **Databases used**: Searches conducted using Westlaw Next, city and county codes, and a secondary source provided by the Center for Science in the Public Interest. The laws were then collected from state-specific legislature websites. County and city laws were collected from official government websites, municode.com and amlegal.com. Policies were also collected from City Department of Health websites.

   e. **Search terms**: health vending policy, city procurement nutrition standards, healthy food procurement, nutrition standard food contracting, local procurement policy, "healthy procurement," Nutrition standards, city procurement, healthy procurement, health food and beverage laws, nutrition standards for vending machines on city property and food standards for city meetings.

      i.   Key word searches were supplemented by examination of the table of contents of each relevant section of the law identified.

      ii. Once all the relevant laws were identified in each jurisdiction, a master sheet was created for each jurisdiction that summarized the relevant laws within the scope at each jurisdictional level. This summary included the statutory history for each law and the effective date for that version of the law.

f. **Information about initial returns and additional inclusion or exclusion criteria**: The team first searched for city, county, and state laws that specifically mentioned a "healthy food procurement policy." The team also searched city health department websites for healthy food initiatives and found guidelines or policies that required or permitted city agencies to use nutrition standards for food and beverages offered. Here, we included procurement policies that included city programs, food served on city property, food served at city meetings and events, food served at city concessions and food served in vending machines on city property.

    i. After consulting with a content expert on the most critical city procurement policies, the team excluded local food procurement policies that require city agencies to buy locally grown produce.

    ii. The team also excluded county and state procurement policies which only applied to state and county agency procurement policies and guidelines. The goal here is to highlight cities that have their own procurement policies and provoke those that do not to implement one. The team did add a caution note for cities with state or county laws that affect the food served in state or county buildings, respectively.

    iii. Some cities and school districts within those cities have adopted the Federal government's school lunch program. We excluded those federal regulations and any local programs in association. Including school lunch program requirements would have required research into school district policies, which could lead to different policies by school district within a given city. The team decided it would be clearer to exclude any school lunch program regulations from scope at this time.

IV. **Coding**

a. **Development of coding scheme**: The Researchers and Supervisor drafted coding questions and circulated them for review until all parties felt they had been sufficiently refined. The team also consulted with a content expert, Aysha Pamukcu, to determine the most important features of a city procurement policy. Once the coding questions were finalized, they were entered into the MonQcle.

    i. **For the question, "What is regulated by the city procurement law," The Researchers** coded an answer only when the city has a policy or guidelines that apply to a city's action. If the law applies to all city programs, the Researchers coded city events, meetings on city property, city concessions and vending machines at city facilities as well.

        1. As mentioned in the scoping inclusions, the coders inserted a note whether there is a state or county law that requires nutrition standards for its respective agencies.

    ii. **For the questions, "What percentage of items are explicitly required to meet the nutrition standard,"** The Researchers coded the percentage of food required to meet the nutrition standard rather than the percentage of beverages. If the law provides more than one food-type, the Researchers coded the highest percentage required then caution noted the other standards.

      iii. **For the question, "Does the law include guidelines on preferential product placement,"
The Researchers** coded "Yes," where a policy designates specific placement for healthy foods
compared to non-healthy food options in a vending machine.

b. **Coding methods:** The Researchers were responsible for coding 20 cities each, including the respective
state and county laws if applicable to the city. Both Researchers independently coded their assigned
jurisdictions. After coding their first five jurisdictions each, the Researchers 100 percent redundantly coded
the states to evaluate the questions and responses. The Supervisor checked all research against the
redundant research conducted by the other Researcher and credible secondary sources tracking nutrition
standards for city procurement policies.

c. **Quality control:** The Supervisor oversaw the quality of the data by downloading the data from the
MonQcle into Microsoft Excel and reviewing it in order to find caution flags, missing answer choices, and
errors in the coding. An original coding review sheet was sent to the Researchers for their review. Issues
in the coding were discussed by the Researchers in coding meetings and resolved accordingly.

      i. The Supervisor reviewed the redundant coding by downloading the data from the MonQcle into
Microsoft Excel and comparing the records, variable by variable, looking for divergences. When a
divergence was identified, it was discussed with the researchers. The reason for the divergence
was identified and resolved. A measure of divergence was calculated by the Researcher and the
redundant record was deleted.

            1. The rate of divergence on July 7, 2016 was 27.27%. Once all of these issues were
resolved, the entries were re-coded accordingly.

      ii. After the first round of redundant coding was complete, the Supervisor asked the Researchers to
go back and check all their original coding. The Supervisor then assigned 2 cities to be
redundantly coded to ensure that the rate of divergence was below 5%. The Supervisor followed
the process above to review the new round of redundant coding.

            1. The rate of divergence on July 15, 2016 for the second round of redundant coding was
13.60%. Once all of these issues were resolved, the entries were re-coded accordingly.

      iii. After the second round of redundant coding was complete, the Supervisor asked the
Researchers to go back and check all their original coding. The Supervisor then assigned
additional 2 cities to be redundantly coded to ensure that the rate of divergence was below 5%.
The Supervisor followed the process above to review the new round of redundant coding.

            1. The rate of divergence on July 18, 2016 for the second round of redundant coding was
4.50%. Once all of these issues were resolved, the entries were re-coded accordingly.

iv.   The Supervisor then did a final check of the original coding for all states and ensured that the state coding was consistent for the Arizona, California, Tennessee, and Texas entries since these states had multiple cities included in this dataset.

V.   October 2016 Update

a.   **Data collection methods:** One Researcher conducted research to determine if any states, counties, or cities had enacted relevant legislation effective through October 1, 2016, and to identify pending legislation that may be close to passage. The Researcher used the same search terms stated above.

b.   **Coding updated findings:** After evaluating the first version of the City Procurement dataset and discussing with the client, the team decided to reconsider the scope of the dataset entirely. The team decided that we needed to make sure we were including only ordinances, statutes, and orders that compelled the city to act, and excluding guidelines or resolutions that were either aspirational or ones that only applied to a specific city department. We also excluded any "workplace wellness" initiatives as they did not apply citywide and were often aspirational goals mentioned in city resolutions. The Researchers then went through and researched each city with these rules in mind. For cities where we could not easily access laws on Procurement, like Chicago or San Antonio, we directly called the city governments and asked them to provide us with the Procurement policies. We found that very few cities have ordinances that mandate a citywide procurement policy, and fewer specified the scope of their policies directly in their laws. Although Department guidelines or websites may specify exactly where healthy food was to be served, this was rarely mandated in the laws themselves. Therefore, we decided to tailor more questions specifically to the issue of healthy vending machine policies, which several cities do mandate through city ordinances. We redeveloped the question set and discussed our new questions with the content expert. The content expert advised us to add a question on water availability and advised against the inclusion of more specific nutrition standards questions due to the complexity of additional laws that would be needed to code such questions. We may consider adding a question in the future about specific covered populations such as correctional facilities and youth afterschool programs. Based on this new question set, the Researchers re-coded the Nutrition Standards for City Procurement dataset, now valid through October 1, 2016.

i.   The Supervisor oversaw the quality of the data by downloading the data from the MonQcle into Microsoft Excel and reviewing for caution flags, missing answer choices, and errors in the coding. An original coding review sheet was sent to the Researchers for their review. Issues in the coding were discussed by the Researchers in coding meetings and resolved accordingly.

c.   **Quality control:** The Supervisor originally assigned three cities for redundant coding. The initial rate of divergence on October 20, 2016 was 10.52%. The team met to discuss the coding review. They discovered a misunderstanding about the answer choices for the question "through what mechanism has the city enacted a healthy procurement policy?" The following definitions for the answer choices were decided upon and set forth as coding rules for this dataset:

i.   Executive Order = direct order from the executive to city departments
ii.   Executive Directive = a statement of policy coming from the executive to its city departments

iii. Ordinance = local laws passed by the legislative body and signed into law by the mayor. Ordinances are published and codified in the city's municipal code

iv. Resolution = a statement of policy passed by the legislative body. Aspirational resolutions urging a city to adopt healthy standards were not included in this dataset.

v. Policy = passed on motion by the legislative body. Policies are often drafted by a committee or a city manager and then approved by the legislative body.

vi. Vendor contract = the city has enacted its healthy procurement policy by making a deal with a specific vendor which will follow the city's nutrition standards. Vendor contracts are negotiated by the city itself and memorialized in a contract with the vendor's name. It is then passed by the legislative body as an ordinance or by motion. Vendor contracts were directly supplied by the cities of Chicago and San Antonio when we requested documentation of their city procurement laws.

vii. Request for bids = there has been no official action by the legislative body or the executive. The only evidence of the city's nutritional standards is their placement into the Request for bid contract which is available to the public. This source was provided directly by the city of Baltimore when we requested documentation of their city procurement laws.

Following this clarification, the Researchers checked their original coding and made any necessary edits. The Supervisor then assigned another three records for redundant coding and the divergence rate dropped to 0% on October 21, 2016. The team then met to discuss the addition of a caution note to further explain the calorie labeling requirements in Baltimore.

VI. **December 2017 Update**

a. **Data collection methods:** The Researchers conducted a review of each city that included searching for amendments to laws that were previously collected, any additional laws that may be necessary, and for any new city procurement laws that had been enacted since the February 2017 update. The Researchers searched for city procurement laws in WestlawNext, Google, city ordinance databases, and city websites.

b. **Coding updated findings:** In addition to researching each city for newly amended laws, additional laws, and newly enacted laws, the Researchers also made note of any potential coding inconsistencies. The Researchers found that New York City, Louisville, Albuquerque, and Kansas City had updates to their city procurement laws. Louisville's update was the only substantive change that affected coding. Louisville added a nutrition standard policy for vending machines.

c. **Quality control:** New York City, Louisville, Albuquerque, and Kansas City were redundantly coded because they had updates. Chicago was also redundantly coded to ensure consistency in coding. The Researchers compared the records and the divergence rate was 5%. All divergences were discussed and resolved.

i. The Supervisor checked the original coding to check for any other coding or building issues and any issues were resolved. This dataset is now valid through December 1, 2017.

VII. **September 2019 Update**

a. **Data collection methods:** The Researchers conducted a review of each city that included searching for amendments to laws that were previously collected, any additional laws that may be necessary, and for any new city procurement laws that had been enacted since the December 2017 update. The Researchers searched for city procurement laws in Google, city ordinance databases, and city websites.

b. **Coding updated findings:** Researchers examined each city for newly amended laws, additional laws, and newly enacted laws. Researchers found that since the December 2017 update Denver, Kansas City, and San Antonio added new policies that created substantive changes to coding. Denver and Kansas City adopted healthy vending policies. San Antonio adopted a healthy food and beverage administrative directive, and food service guidelines that apply to all city contracts.

c. **Quality control:** Denver, Kansas City, and San Antonio were redundantly coded because they had updates. An additional 7 cities were redundantly coded to ensure consistency. The Researchers compared the records and the divergence rate was 6%. All divergences were discussed and resolved. Because the divergence rate was above 5% another round of redundant coding was conducted, and that round yielded a 0% divergence rate.

    i. The Supervisor checked the original coding to check for any other coding or building issues and any issues were resolved. This dataset is now valid through May 1, 2019.

VIII. **May 2020 Update**

a. **Valid through date note for all datasets:** All of the CityHealth datasets that are currently published were published in December 2020. Please see the individual policy pages or protocols for the exact valid through date as not all of the datasets had the same valid through date for this update.

b. **Data collection methods:** The Researchers conducted a review of each city that included searching for amendments to laws that were previously collected, any additional laws that may be necessary, and for any new city procurement laws that had been enacted since the September 2019 update. The Researchers searched for city procurement laws in Google, city ordinance databases, and city websites.

c. **Coding updated findings:** Researchers examined each city for newly amended laws, additional laws, and newly enacted laws. Researchers found that since the September 2019 update, Austin and Fort Worth added new policies. After discussions with CityHealth the following coding rules have been implemented for the May 2020 update:
    i. If a contract does not include an expiration date, we will assess it as if it is the city's intention to create binding policy.

d. **Quality control:** Austin, Dallas, Fort Worth, Houston, Kansas City, Louisville, Philadelphia, Sacramento, Seattle, and Washington DC were redundantly coded. The Researchers compared the records and the divergence rate was 1.6%. All divergences were discussed and resolved.

Each city was given an opportunity to review their assessment prior to publication. The city of Houston responded to inform us that their two current contracts were extended for an additional year without change. The Supervisor checked the original coding to check for any other coding or building issues and any issues were resolved. This dataset is now valid through May 1, 2020.

IX.   **June 2021 Update**

   a.   **Data collection methods:** The Researchers conducted a review of each city that included searching for amendments to laws that were previously collected, any additional laws that may be necessary, and for any new city procurement laws that had been enacted since the May 2020 update. The Researchers searched for city procurement laws in Google, city ordinance databases, and city websites.

   b.   **Coding updated findings:** Researchers examined each city for newly amended laws, additional laws, and newly enacted laws. Researchers found that since the May 2020 update, Baltimore, Boston, Houston, San Antonio, and Washington DC had updates.

   c.   **Quality control:** Atlanta, Baltimore, Boston, Houston, Kansas City, Las Vegas, Louisville, Philadelphia, San Antonio, and Washington DC were redundantly coded. The Supervisor compared the records, and the divergence rate was 0%. The Supervisor checked the original coding to check for any other coding or building issues and any issues were resolved. This dataset is now valid through June 1, 2021.