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April 2, 2019

Certification Policy Branch
SNAP Program Development Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, Virginia 22302

RE: Proposed Rule: Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57

Dear Certification Policy Branch:

California Food Policy Advocates (CFPA) is writing to express strong opposition to USDA's Proposed Rulemaking on SNAP requirements and services for Able-Bodied Adults Without Dependents (ABAWDs), ages 18-49. This rule is harsh, unfair, and counterproductive. It harms vulnerable people by denying them food benefits when they need it most and it does not result in increased employment and earnings. The proposal to restrict states' ability to request area waivers by implementing a 7-percent unemployment rate floor when determining waiver eligibility will lead to inappropriate application of the SNAP time limit. The unemployment rate is a poor indicator of employment opportunity, especially for individuals and subgroups facing disproportionately high barriers to employment.

The proposed changes would only destabilize the lives of the childless adults it intends to uplift—triggering a ripple effect of harm to their families, the communities they live in, and the broader U.S. economy. By the Administration's own calculations, the proposed rule would take food away from 755,000 low-income adults, cutting food benefits by \$15 billion over ten years. The negative health and economic effects of such a cut will end up costing the U.S. much more than it saved.

Introduction

California Food Policy Advocates (CFPA) is a statewide policy and advocacy organization dedicated to improving the health and well-being of low-income Californians by increasing their access to nutritious, affordable food. For over twenty-five years, we have advocated for improvements in the operation of federal nutrition programs, including CalFresh, the state's

largest food assistance program, known federally as the Supplemental Nutrition Assistance Program (SNAP). Our organization pays very close attention to SNAP because the program plays a critical role in addressing hunger and food insecurity in California, and is the first line of defense against hunger for the majority of our low-income residents.

Since 1996, federal law has limited SNAP eligibility for childless unemployed and underemployed adults age 18-49 (except for those who are able to provide verification of an exemption) to just three months out of every three years unless they are able to obtain and maintain an average of 20 hours a week of employment or work qualifying activity. This rule is punitive and ineffective. It doesn't measure an individual's willingness to work, only whether they are fortunate enough to find and keep a job at over 20 hours per week, regardless of how little control they have over work hours and schedules. It harms vulnerable people by denying them essential food benefits at a time when they most need it and it does not result in increased employment and earnings. At least 500,000 low income individuals nationwide lost SNAP in 2016 due to the time limit, and there are tens of thousands of individuals in California whose food security is now at risk due to the expiration of waivers of the time limit rule. By time limiting food assistance to this group, federal law has shifted the burden of providing food to these unemployed individuals from SNAP to local charity. That is a burden that state and local groups cannot possibly meet, given that 19 out of every 20 emergency meals are provided by the federal nutrition programs.

We feel particularly strongly about the three-month time limit because the policy was recently re-implemented in our state and has the potential to cut off food assistance to tens of thousands of vulnerable people in our communities who are in need just because they are unable to find and consistently maintain a reliable 20 hour per week job. When lost jobs, unstable hours, and low wages push Californians to teeter on the edge of stability, CalFresh remains one of the only federal assistance programs for which adults without minor children may qualify.

The NPRM Attempts to Circumvent Congressional Intent

On March 28, a bipartisan group of 47 Senators submitted a letter to Secretary Perdue urging the immediate withdrawal of the USDA's proposed rule restricting time limit waivers and individual exemptions.¹ The letter states clearly that the proposed rule "is contrary to Congressional intent, evidenced by the passage of the Agriculture Improvement Act of 2018 (P.L. 115-334), which rejected similar harmful changes to SNAP and passed Congress by a historic vote of 87-13 in the Senate and by 369-47 in the House of Representatives." It further notes that, "Since the waiver process was formally adopted during the George W. Bush Administration, efforts to modify waiver criteria have always originated in-and been rejected by-Congress, instead of through executive action. Most recently, Congress considered and chose to reject attempts to limit flexibility for states to request waivers for time limits in SNAP during both the 2014 and 2018 Farm Bills."

For the same reasons, CFPA strongly opposes the proposal to change the adjustment calculation that it uses to increase or decrease the number of exemptions available to each

state, nor should it end the unlimited carryover of Percentage Exemptions (formerly referred to as “15-percent exemptions”). There are a number of legitimate reasons to allow states to keep percentage exemptions from prior years, and the Department’s apparent distrust of states’ application of current regulations is unjustified. The ability to carry over Percentage Exemptions from prior years has enabled states like California to respond quickly to sudden changes in local economies and SNAP caseload, ensuring that affected ABAWDs are not unfairly penalized when moving to a new area within the state or while the Department is considering a state’s waiver application.

It is clear that this proposal is an attempt to end-run Congressional decision-making authority on SNAP, by weakening long-standing protections against work requirements in the program. We strongly agree with the 47 Senators that “this proposal ignores the intent of Congress, would worsen hunger in this country, and would do nothing to help increase stable, long-term employment or move individuals to self-sufficiency” and also urge the USDA to immediately withdraw this proposed rule.

Department Does Not Provide Adequate Rationale and Data for the Proposed Changes

The USDA NPRM suggests, without justification, that the proposed rule would increase “self-sufficiency” among the population designated with ABAWD status. The NPRM states, “Department and the States share a responsibility to help SNAP participants—especially ABAWDs—find a path to self-sufficiency. Through the stricter criteria for waiver approvals, the Department would encourage greater engagement in meaningful work activities and movement toward self-sufficiency among ABAWDs, thus reducing the need for nutrition assistance.” In fact, the NPRM claims repeatedly that the Department is “confident” that the proposed changes would encourage more ABAWDs to engage in work or work activities, suggesting that, as a result of the changes, individuals newly subject to SNAP’s three-month time limit in areas no longer qualifying for waivers would be likely to work more, have higher earnings, or otherwise be better off. But the NPRM provides no evidence to support these claims, and makes no attempt to estimate any quantifiable benefits for any individuals resulting from the changes. The NPRM’s failure to justify the stated rationale is a serious deficiency and makes it impossible for commenters to assess the impact of the proposed rule or to comment on the Department’s justification.

a. SNAP supports work and economic mobility

Despite the proposal’s harmful and misleading rhetoric, SNAP participation does not perpetuate a lack of “self-sufficiency” as the proposal states; more often, the opposite is true. SNAP helps close the gaps for individuals struggling to make ends meet. For those participants who aren’t working at least 20 hours a week, SNAP provides less than \$5 a day in food benefits.² Though an insufficient substitute for earned income, that \$5 lessens the financial burden of food expenditures, while freeing up resources for other necessities, like housing and transportation, that make it possible to work. In doing so, SNAP lifted 8.4 million people above the poverty line in 2015—including 3.8 million children.³

SNAP further supports workforce participation by reducing food insecurity, which is in itself a barrier to employment. A study on the association between food insecurity and cognition found that food insecurity was associated with a decline in executive function, the domain involved with overarching cognitive processes such as reasoning and planning.⁴ More generally, food insecurity is associated with higher probability of chronic disease, which bring financial burdens and make it even more difficult to find work.⁵

When people can afford nutritious food they are better prepared to learn and develop the skills necessary to get higher paying jobs; we also see increased workplace productivity, and improved physical and mental health outcomes. This rule would place unnecessary barriers between struggling households and programs that help them get ahead.

b. Punitive work requirements are not effective work support strategies

The proposal includes no justification or evidence that cutting underemployed people off of SNAP contributes to higher unemployment rates or better employment outcomes. In fact, there is minimal evidence linking workforce participation with access to critical public supports, and what evidence does exist shows a positive relationship.^{6 7 8} Recent studies purporting to show a positive correlation between implementing ABAWD time limits and workforce participation have been shown to use faulty data and methodology to reach their suspect conclusions.⁹

What is known from implementing the time limit is that work requirements greatly increase administrative burden for SNAP participants and will decrease the number of families who are able to get the food assistance they need. Data from a 2015 study by the Ohio Association of Food Banks¹⁰ suggest that most individuals were indeed cut off from food stamps after three months. Out of the more than 6,200 people identified as being ABAWD in January 1997, 83 percent were cut off by April 1997. The rate of return to the program was very low, roughly 77 percent of those cut off did not re-enroll within that fiscal year. However, two-thirds of all those cut off were not found to be working within that year. Prior to termination, no one ate their meals at a soup kitchen; after termination, 9 percent reported visiting soup kitchens. The overall percentage of those eating their meals at home dropped from 92 percent to 66 percent once benefits were terminated. Perhaps most alarming is that only a quarter had reported feeling hungry often while they received food stamps, a figure which more than doubled to 54 percent after termination.

A recent report from the Economic Policy Institute¹¹ put it best when it noted in its summary conclusions, “[h]eavy-handed and punitive work tests for SNAP [and Medicaid] will do little to nothing to boost the employment possibilities for low-wage workers. Policymakers seeking more effective ways to boost stable employment should reject work tests and instead consider policies that aim to make work pay better and that provide work supports such as paid leave and child care.”

Proposed Rule Would Undermine State’s Ability to Effectively Administer SNAP

The current waiver regulations allow California’s SNAP administrators to make complex decisions to meet the unique needs of our state, which vary greatly from one area to another. Preserving the flexibility states have to waive time limits on SNAP is essential to ensuring programmatic responsiveness to local need. The proposed rule threatens this balance by adding a 7 percent unemployment rate floor as a condition to qualify for area waivers. This would not only undermine states’ ability to effectively administer SNAP, but under the proposed policies some participants who are working or should be exempt from work requirements will be inappropriately exposed to sanction. The unemployment rate is an inaccurate representation of labor market opportunity because (1) many ABAWDs are working, but cycle in and out of unemployment due to the volatility of low-wage work; and (2) ABAWDs who participate in SNAP tend to be, on average, disproportionately less-educated and members of minority populations who face higher barriers to employment than the general population.¹² Making SNAP rules more punitive without improving participants’ access to education, skill-building, and long-term employment will do more harm than good.

a. Volatility of low-skilled/low-wage labor market makes it hard to meet requirements

The reality is people want to work, and they are working, but the low-wage job market is volatile. Among all nondisabled, working-age adults who received SNAP in 2016, nearly three out of every four were employed or were recently employed.¹³ Unfortunately for workers, unstable schedules have become the norm in low-wage work sectors, such as retail and health care. Recent studies show that 87 percent of early-career retail workers reported instability in their work hours from week to week over the past month. And those fluctuations in work hours were often significant enough to reduce hours below the ABAWD time limit threshold of 20 hours per week. Retail workers who with unstable work hours reported sudden shift changes averaging almost 50 percent of their usual weekly hours¹⁴. Such employment instability—including involuntary unemployment and involuntary part-time employment—and inconsistent work hours with the associated unpredictable earnings are a fact of life for millions of Americans. For these workers, the supplemental assistance provided by SNAP helps fill in gaps when hours and earnings fall short, providing participants with the nutrition and financial stability needed to sustain workforce participation.

While many of those SNAP participants required to meet work requirements are in fact working, those who don’t work consistently often have limitations on their ability to work that might be overlooked under the proposed policies. According to an analysis of 2011-2015 census data, among the “work-capable” SNAP recipients who did not work during the year they received SNAP, on average, 20 percent were going to school, 29 percent were taking care of home or family, 27 percent could not find work, 8 percent were ill or disabled (but not considered disabled under SNAP rules), and the remaining 16 percent were not working for other reasons¹⁵. This reinforces previous research indicating that people turn to SNAP in times of distress and unemployment, the precise times for which the safety net was designed.¹⁶

b. ABAWDs include groups facing disproportionate barriers to employment

As a whole, people with ABAWD status are generally very low-income, low-skill workers with limited job prospects. On average, ABAWDs are about 33 percent poorer than other low-income SNAP recipients.¹⁷ More than 80 percent of ABAWDs have no education beyond a high school degree or GED; and are more likely than other SNAP participants to lack basic job skills like reading, writing, and basic mathematics.¹⁸ Any attempt to expose more SNAP participants to sanction under the work requirement selectively affects those with the lowest incomes and some of the highest barriers to employment. States currently have some discretion to exempt individuals using 15 percent exemptions, but the proposed rule would substantially reduce states' ability to use these exemptions. These individual exemptions are vital for those individuals belonging to groups who face challenges in meeting work requirements but live in areas not covered by a waiver. Exposing these individuals to the time limit on SNAP would only increase hardship and economic instability.

Communities of color

The proposed rule will disproportionately harm communities of color and exacerbate racial disparities in access to food and economic opportunity. Among adults subject to the time limit and who reported their race, approximately 52 percent are people from communities of color, including an estimated 35 percent who are Black and 13 percent who are Hispanic.¹⁹ The proposal to base waiver eligibility on unemployment data excludes key evidence, such as unemployed persons who searched for work in the previous year but not in the past four weeks, and workers who are part-time for economic reasons. According to Bureau of Labor Statistics data, Blacks are twice as likely as Whites to have searched for work in the previous year but not in the past four weeks, and Latinos are 66 percent more likely than Whites to work part-time for economic reasons.²⁰ The 7 percent unemployment rate floor also ignores how unemployment rates vary by race. In Spring 2018, California's overall unemployment rate sat at 4.2 percent, but the Black and Hispanic unemployment rates were 7 percent and 5.2 percent respectively, compared to 3.2 percent among Whites.²¹ These and other data points suggest that the proposed core standard for determining lack of sufficient jobs—unemployment data—disproportionately impacts communities of color.

Racial economic disparities and discrimination in hiring practices continue to limit the employability and earning potential of Black and Hispanic workers, and other racial minorities. Despite the presence of anti-discrimination laws, studies show that racial discrimination remains a key force in the labor market.²² In a 2004 study on labor market discrimination, researchers randomly assigned names and quality to resumes and sent them to over 1,300 employment advertisements. Their results revealed significant differences in the number of callbacks each resume received based on whether the name sounded white or African American.²³ Similarly, a 2017 meta-analysis of field experiments on employment discrimination since 1989 found that White Americans applying for jobs receive on average 36 percent more callbacks than African Americans and 24 percent more callbacks than Latinos.²⁴ Employment outcomes also vary between immigrant groups from different regions. A 2007 study found that immigrants from Latin America and the Caribbean earned an average hourly wage rate of \$14, compared to \$24 among other immigrants, and \$20.4 for non-immigrants.²⁵

No one should be punished for the persistence of societal barriers that make it harder to secure stable employment and a living wage. By failing to consider existing disparities and discrimination, the proposed policy will only exacerbate racial and ethnic injustice in our county.

People with disabilities

People with disabilities are disproportionately likely to face food insecurity due to reduced earnings and higher expenses associated with having a chronic medical condition.²⁶ And while SNAP plays an important role in the safety net for these individuals, many people with work-limiting disabilities or health conditions are misclassified as “able-bodied” because they don’t receive government disability payments (such as SSI and SSDI). Some of these individuals might have a disability that is undiagnosed, temporary or episodic, or otherwise does not meet the strict disability benefit standards; while others have yet to successfully complete the lengthy, complicated application process for government disability benefits. Based on an analysis by the Center on Budget and Policy Priorities, roughly 12 percent of SNAP recipients ages 18 to 59 have at least one physical, functional, or work limitation, but are not considered disabled under SNAP rules.²⁷ Similarly, a third of the ABAWDs screened for a work experience program in Franklin County, Ohio had a physical or mental health limitation, but only one in five had filed for SSI or SSDI.²⁸ This strongly suggests that a portion of the 755,000 people the Department projects to lose SNAP as a result of this rule change are in fact adults with disabilities that limit their ability to meet the work requirement.

This rule threatens to reduce food security among Americans with disabilities by removing the flexibility states have to waive work requirements for individuals with significant barriers to employment. While nearly 32 percent of adults ages 25 to 64 with disabilities are in the labor force—they are three times more likely to be unemployed than their nondisabled counterparts.²⁹ Among those who do work, adults with disabilities are nearly twice as likely to work part-time jobs, which often offer low wages and few benefits.³⁰ The proposed rule threatens to cut these participants off SNAP, thereby reducing their food security, which could make it harder to find work and/or exacerbate health conditions.

Women

This proposal threatens to disproportionately harm women, especially women of color—who live at the intersection of compounding gender, race, and ethnic biases. Many unemployed or underemployed women face considerable barriers to accessing quality jobs and may lose their SNAP benefits despite their willingness to work. To begin with, women are overrepresented in the low-wage workforce which is plagued by unpredictable, volatile work schedules. While women make up about 47 percent of the overall workforce, they represent 66 percent of the low-wage workforce and nearly half of them are women of color.^{31, 32} This disproportionality is likely to remain if not grow in coming years, as three of the five occupations the Bureau of Labor Statistics projects will have the most job growth between 2016 and 2026 are low-wage, female-dominated jobs.³³ More than one in six women working in the three low-wage, high-growth jobs in 2016 had incomes below the federal poverty line.³⁴ While SNAP is designed to help workers like these make ends meet, the unpredictable and unstable work schedules common in retail,

food service, and other low-wage jobs make it difficult to meet the work requirements. Moreover, many low-wage jobs lack paid leave, which presents another obstacle for women with caregiving responsibilities for people outside of the narrow time limit caregiver exemption.³⁵

In addition to being overrepresented in low-wage work, women are more likely to face workplace discrimination and harassment.³⁶ Incidences of sexual harassment are even more common for women working low-wage jobs in industries such as food service, hospitality, and agriculture.³⁷ For some women, reporting harassment threatens their job security. Between 2012 and 2016, 36 percent of women who filed sexual harassment charges also alleged retaliation, such as lost hours or job loss.³⁸ Under the proposed policies, these women could lose SNAP if they are fired or choose to leave an unsafe job. Similarly, this proposal could harm domestic violence survivors who face particular challenges finding and maintaining employment, including ongoing abuse or harassment by their abuser, ruined credit scores and rental histories, needing to take time off work to attend court hearings, and otherwise recovering from the short- and long-term impacts of the violence.³⁹

All of these factors can make it difficult for low-income women to satisfy SNAP's 20-hour per week reporting requirement. The proposed rule ignores the barriers to employment that low-income unemployed and underemployed women may face and would wrongly expose them to the arbitrary SNAP food cutoff policy.

LGBTQ+ People

In subjecting more people with ABAWD status to the SNAP cutoff policy the proposed rule will worsen disparities in food access for LGBTQ+ Americans. Gay, lesbian, bisexual and transgender (LGBT) adults are 1.6 times more likely to have experienced food insecurity in the last year than non-LGBT adults.⁴⁰ This disparity is partially explained by the persistence of violence, discrimination, and social stigma against the LGBTQ+ community that limits their ability to access jobs, education, and health care.⁴¹ Within the LGBTQ+ community, such trauma inducing experiences are even more common among women, people of color, and transgender, gender non-conforming, and intersex (TGI) people—particularly TGI people of color. This can make meeting the SNAP work requirement difficult, despite willingness to work. The 2015 U.S. Transgender Survey revealed that 27 percent of transgender workers reported being fired, not hired, or denied a promotion in the past year because of their gender identity or expression.⁴²

The level of LGBTQ+ exclusion varies by geography, and is lower in states with explicit anti-discrimination laws, but disparities in financial, physical, and social wellbeing persist. The harsh, inflexible requirements detailed in the proposal do not appear to take into account the unique barriers LGBTQ+ people face in securing and maintaining employment due to discrimination, and will likely impact them disproportionately.

Children, Seniors, and Families

While the SNAP work requirement applies only to childless adults ages 18-49, this definition does not allow for the complex financial arrangements that low-income families often must utilize to put food on the table. As a result, some low-income children and seniors also experience harm as a result of this policy. This includes children with non-custodial parents (NCP) and children and seniors who rely on pooled resources from extended family members. Making it more difficult for states to waive the time-limit for SNAP participants facing barriers to employment will only exacerbate the spillover effect onto vulnerable children and older adults.

In 2015 there were 1.5 million non-custodial parents accessing SNAP to supplement their resources and afford child support payments.⁴³ Under the proposed policies an underemployed or unemployed NCP who loses SNAP may need to divert income from child support payments in order to stay afloat financially. This could mean a significant reduction in resources for the low income families receiving child support payments, which typically represent more than half of their household income.⁴⁴ Similarly, some low-income children and seniors may rely on food, financial assistance, or caretaking from extended family members or family friends who do not live with them but use SNAP to supplement their income. According to survey data from the Pew Charitable Trusts, four in 10 Americans who were unable to make their full rent payments or had credit cards declined also received money from friends or relatives in the past year.⁴⁵ And because financially precarious households are often embedded within the same networks, they are likely to receive assistance from others who were also struggling economically.⁴⁶

Imposing SNAP time limits on non-custodial parents and others who make financial contributions to their networks would disrupt support to children and older adults relying on pooled resources.

Young adults

SNAP time limits would disproportionately harm young adults experiencing poverty, including college students and former foster youth. Nearly half (47 percent) of the individuals subject to the time limit are ages 18 to 29.⁴⁷ Young adults, especially youth of color, face considerable barriers in entering the labor market and maintaining employment. In 2018, the youth unemployment rate was more than double the overall U.S. rate of 3.9 percent, but for black and Latino young adults it was 16.5 percent and 10.8 percent, respectively.⁴⁸ The proposed rule penalizes young adults who struggle to find stable employment by increasing food insecurity.

About 15 percent of all young adults in the U.S. ages 18-24 fall into the category of “disconnected youth,” meaning they are unemployed and not in school. Given that very few young adults in this group have completed education beyond high school, and about 25 percent did not finish high school, their job prospects are limited.⁴⁹ This would include former foster youth who are especially vulnerable to economic insecurity, given that they often lack financial and emotional support from a parent or other adult as they transition to adulthood. Like the young adults considered “disconnected,” former foster youth have particular difficulty finding consistent work. Young adults that aged out of the foster care are about three times as likely not

to have a high school diploma or GED as their peers who did not age out of foster care; and only half will obtain employment by age 24.⁵⁰

Even when employed, young adults are more likely to work low-wage jobs with inconsistent hours and no benefits.⁵¹ A report from the Economic Policy Institute found that young workers ages 16 to 24 account for approximately 28 percent of all involuntary part time workers, despite comprising 13 percent of those at work.⁵² SNAP is a critical support for young adults struggling to enter the labor force and earn a living wage. Under the proposed policies, young adults would face additional barriers to financial security.

Justice-Involved Individuals

SNAP provides some needed stability for those struggling to overcome their past criminal convictions, but the proposed rule would threaten their access to SNAP. Of the one in five Californians living with a past criminal conviction, 76 percent have experienced barriers to success, i.e., trouble securing housing, employment, and access to education.⁵³ These barriers are even higher for people of color and those just returning to their communities following a period of incarceration. In Ohio, more than 34 percent of ABAWDs referred to the Franklin County work experience program had a criminal record and faced high barriers to employment.⁵⁴ During any historical period, the unemployment rate for formerly incarcerated people was, on average, 27 percent higher than the national rate.⁵⁵ Among individuals released from prison within the last year, the unemployment rate is approximately 60 percent.⁵⁶ Chances of securing employment are even lower for Black or Hispanic individuals—especially women—with criminal histories. For those that find work, earning a living wage and maintaining consistent hours is unlikely, the median ex-prisoner earns \$10,090 and the average reported earned income is \$13,890.⁵⁷

The instability of life after incarceration drives recidivism, but when people have their basic needs met, they are less likely to reoffend. According to one study that compared recidivism rates between states with and without bans on SNAP for people with drug felony convictions, being fully eligible for SNAP at time of release made people 13 percent less likely to return to prison within one year.⁵⁸ Limiting states' ability to waive time limits for individuals impacted by the criminal justice system will only exacerbate food insecurity and further widen the gap for people with criminal records.

Department Does Not Provide Analysis about Impact nor Realistic Plans to Mitigate Harm

The NRPM states that two-thirds of those individuals made newly subject to the time limit would be cut off of SNAP due to failure to meet the work requirement. This estimate of significant negative impact illustrates that the proposed rule would not lead to the Department's stated desired outcomes of increased employment, but would rather just take vital food assistance away from low-income households, leading to increased food insecurity and poverty.

USDA does concede that the proposed changes “have the potential for disparately impacting certain protected groups due to factors affecting rates of employment of these groups.” While USDA does not acknowledge the additional barriers women often face securing and maintaining 20 work hours per week, one can assume that women are included within those potentially affected groups even without explicit acknowledgement in the NRPM. But while USDA asserts that “implementation of mitigation strategies and monitoring by the Civil Rights Division of FNS will lessen these impacts [to protected communities],” it fails to explain what those purported mitigation strategies and monitoring would be. Therefore, we have no opportunity to provide comment on whether disparate impact that USDA acknowledges—and which is likely to affect women and further affect women who identify with more than one protected category—will in fact be mitigated at all. This insouciant attitude towards people in protected classes who would be cut off from vital nutrition assistance under this proposed rule is reckless and unwise.

Removing or Reducing Food Assistance Has Negative Health Impacts

Access to healthy food is a critical aspect of health; extensive research has found that food insecurity is associated with poorer health outcomes.⁵⁹ Food insecurity is associated with higher rates of some of the most serious and costly chronic conditions, including hypertension, coronary heart disease, cancer, asthma, diabetes, and other serious health conditions. Adults who experience food insecurity are also more likely to report lower health status overall than those with high food security.⁶⁰

The Department fails to calculate the health costs of cutting off food assistance for 755,000 low-income Americans. As SNAP supports better diets, it leads to better health outcomes and lower medical costs for participants. However, with broader application of the time limit, more people will be at risk for increased incidence of chronic, preventable diseases, harmful stress and higher health care costs.⁶¹ For persons with a disability—even one left undiagnosed—the health effects associated with food insecurity may be even more detrimental. Chronic health conditions may be made worse by insufficient food or a low-quality diet.⁶² The Department’s approach would increase chronic disease and health care costs while doing less to lift struggling households out of the cycle of poverty.

SNAP Supports Local Economies and Small Businesses in High-Poverty Areas

The Department provides cost estimates for the reduction in federal expenditures to result from this rule change, but ignores the economic ripple effect that would have. This rule is estimated to reduce SNAP benefit payments by about \$1.7 billion per year. According to USDA Economic Research Service, each \$1 in federal SNAP benefits generates \$1.79 in economic activity.⁶³ Therefore, a \$1.7 billion reduction of SNAP dollars would mean a loss of \$3 billion in economic activity for that year.

SNAP is also an important support for small businesses in the food production, packaging, shipping, wholesaling, and retail sectors. While the majority of SNAP benefits are used at larger stores, more than three quarters of SNAP authorized retailers are smaller, often locally-owned,

stores. These include private groceries, convenience stores, farmers' markets, dairies, butchers, bakeries, and Community Supported Agriculture farm stands. For these small businesses as well as those up the food production and supply chain, SNAP is a vital revenue source—particularly in the high-poverty areas in which the Department proposes to restrict current time limit waiver availability and hence SNAP access. Further, by reducing economic activity in the agriculture, food retail, and shipping sectors, USDA would remove opportunities for entry-level employment in the very areas it aims to encourage more workforce participation among SNAP participants.

Conclusion

We strongly oppose this proposal from USDA that would expose more people to the harsh, punitive, and counterproductive time limit policy. Under the law passed and reaffirmed by Congress in the 2014 and 2018 Farm Bills, states should maintain the flexibility to waive areas within the state that have experienced elevated unemployment. The rules governing areas' eligibility for waivers have been in place for nearly 20 years and every state except Delaware has availed themselves of waivers at some point since the time limit became law. Use of waivers increased, as intended, during the Great Recession, and have now returned to their historic norms as the economy has improved in many areas of the country. However, the economic recovery has not reached all corners of our state, and many areas continue to have persistently higher unemployment than 7 percent. Unemployment rates are also higher among more vulnerable populations including people of color, women, LGBTQ+ individuals, young adults, and justice-involved individuals. Those jobs that do exist often offer low wages, irregular hours, and may require skills that are not an appropriate match for the population impacted by the time limit.

The current waiver rules are reasonable, transparent, and manageable for states to operationalize. California's current ability under the statute to exempt certain vulnerable individuals found "unfit for work" from the rule is important but is dependent on burdensome individual client assessments, and could never make up for having to apply the time limit in areas with elevated employment. And, despite some limited successes within specific grant-funded local programs, the underfunded workforce system and SNAP employment and training programs are not designed or well-suited to meet the job training requirements under this rule. Put simply, there is no justification for weakening current waiver and individual exemption rules and exposing more vulnerable people to this SNAP eligibility cut-off.

Maintaining state flexibility to exempt vulnerable adults facing structural barriers to employment is essential to making the SNAP program responsive to people's economic realities. This proposal is an unwise expansion of an already unfair and ineffective policy. The only action we encourage USDA to take with respect to this proposed rule that impacts Able-Bodied Adults Without Dependents is to withdraw it. States should continue to have the option to administer SNAP to impoverished underemployed people in areas with a lack of sufficient jobs. Preserving

this important administrative flexibility will reduce food insecurity among those seeking work and support positive health and economic outcomes for SNAP beneficiaries.

Thank you for your consideration. If you have any questions, we can be reached at the contact information provided below and in our online comments submitted at www.regulations.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jared Call".

Jared Call, Managing Policy Advocate
California Food Policy Advocates

jared@cfpa.net

(213) 482-8200 ext 201

Endnotes

1. Letter available at https://www.agriculture.senate.gov/imo/media/doc/19_percent2003_percent2028_percent20Letter_percent20to_percent20Perdue_percent20re_percent20ABAWD_percent20Rule.pdf
2. Bolen and Dean (2018). *Waivers Add Key State Flexibility to SNAP's Three Month Time Limit. The Center on Budget and Policy Priorities*. Available at <https://www.cbpp.org/research/food-assistance/waivers-add-key-state-flexibility-to-snaps-three-month-time-limit>
3. CBPP (2018). *Economic Security and Health Insurance Programs Reduce Poverty and Provide Access to Needed care*. The Center on Budget and Policy Priorities. Available at <https://www.cbpp.org/research/poverty-and-inequality/chart-book-economic-security-and-health-insurance-programs-reduce>
4. Janice C. Wong, et al. (2016) *Food Insecurity Is Associated with Subsequent Cognitive Decline in the Boston Puerto Rican Health Study*. *Journal of Nutrition* 146 (9) (2016): 1740–1745, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4997276/>.
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