

# Appendix CC. Comment from Nebraska Appleseed

OMB No. 0584-[NEW]

*Assessing SNAP Participants' Fitness for Work*

**Project Officer: Eric Sean Williams**

Office of Policy Support  
SNAP Research and Analysis Division  
Food and Nutrition Service  
U.S. Department of Agriculture  
1320 Braddock Place  
Alexandria, VA 22314  
703.305.2640  
eric.williams@fns.usda.gov



**Eric Sean Williams**  
**Food and Nutrition Service, United States Department of Agriculture**  
**1400 Independence Ave SW**  
**Washington, DC 20250**

Re: 2021-15916; Agency Information Collection Activities: Assessing Supplemental Nutrition Assistance Program (SNAP) Participants' Fitness for Work

Mr. Williams:

On behalf of Nebraska Appleseed, I appreciate the opportunity to share information regarding the Supplemental Nutrition Assistance Program (SNAP)'s fitness to work policy and how it is being applied across the US. The current system allows for state agency and caseworker discretion when determining good cause exemptions. While we feel that discretion to make the SNAP program work best in the context of each state is valuable, we know that unfettered discretion when it comes to good cause exemptions can be harmful. Without standardization, varying fitness to work structures have the potential to create systemic barriers for large groups of people as well as biased determinations because of caseworker implicit and explicit bias. To reduce confusion among SNAP participants and support fair determinations across states, we believe that SNAP fitness to work policies should have greater federal standardization.

Nebraska Appleseed is a non-profit, nonpartisan law and policy organization. Our mission is to fight for justice and opportunity for all Nebraskans. For 25 years, Nebraska Appleseed has worked to strengthen and improve SNAP in our state to ensure it remains a reliable source of nutrition for Nebraska families dealing with food insecurity.

As mentioned above, our organization would strongly support a federal rule or guidance that creates policies and procedures for states to implement across the US on SNAP fitness to work determinations. Lack of federal standardization by the USDA is allowing harm to come to food insecure people.

During the COVID-19 pandemic, federal waivers were implemented to allow states to exempt SNAP participants from work requirements because jobs were suspended, unavailable in certain areas, or unsafe. In Nebraska, our state human services agency adopted this waiver for

a time but quickly resumed aggressively sanctioning eligible workers who didn't meet our state's "good cause" exemption criteria. In many cases, these individuals were kicked off SNAP. This was a state decision despite the flexibility allowed by the federal government and the ongoing pandemic. I share this as one example of how a state agency can use the fitness to work determination process to create barriers to food access for SNAP recipients.

Other states have enacted policies that make it harder for SNAP participants to participate in the program, such as requiring shorter recertification periods and implementing overly punitive sanctions policies such as whole household sanctions or comparable disqualifications. With the existing discretion to decide how to determine fitness to work for the SNAP program, there is strong evidence to suggest that some state agencies will take that leeway to make it harder for food insecure people to participate.

Additionally, implicit (or unconscious) and explicit bias can influence the outcome of a caseworker's decision when fitness to work criteria are not concretely defined. Allowing a caseworker decision making authority without clear guidelines can lead to inequitable application of rules and unfair determinations. A national definition of good cause exemption criteria as well as national policies and procedures will be as close to unbiased fitness to work determinations as possible.

Because of these reasons, we encourage the USDA to create a federal standard for fitness to work determinations and a clear criteria for good cause exemptions. Federally required policies and procedures will support fair determinations, greater food security across the nation, and ensure a more robust safety net system within all states.

Thank you for the opportunity to comment on this important issue.

Sincerely,



Eric Savaiano  
Economic Justice Program Manager for Food and Nutrition Access  
Nebraska Appleseed