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**COMMENTS to Comment Request by United State Department of Agriculture (USDA),  
FNS-2022-14893, ICR RN: 202205-0584-005**

**RE: Assessing SNAP Participants' Fitness for Work**

**Submitted by:** Kentucky Equal Justice Center

**Date:** 8/12/2022

Thank you for the opportunity to comment on USDA's request for comments on Assessing SNAP Participants' Fitness for Work.

Kentucky Equal Justice Center (KEJC) is a 501(c)(3) advocacy center dedicated to addressing issues that affect low-income Kentuckians. As a non-LSC funded legal services organization, we work with, but are separate from, Kentucky's legal aid programs funded by the federal Legal Services Corporation. Our organization pays very close attention to the Supplemental Nutrition Assistance Program (SNAP) because SNAP is a critical resource that helps put adequate food on the table for families in low-wage jobs working to lift themselves and their loved-ones out of poverty. In Kentucky, over 527,000 people rely on SNAP benefits to feed themselves and their families<sup>1</sup>. Because SNAP is a fundamental part of our nation's commitment to eradicate poverty, KEJC devotes significant time, money, and energy to monitoring state and federal-level advancements and challenges to the SNAP program.

Results from other public assistance programs show that work requirements rarely lead to significant increases in meaningful employment, and often result in increased poverty for those who lose benefits without increasing earnings. The most successful interventions offer intensive assessment and training and supportive services, which are extremely expensive, and are provided for voluntary participants. Congress provided funding in 2014 for ten comprehensive SNAP employment and training demonstration projects to test whether new, innovative approaches would help boost employment and earnings.

This summer, 8 years after Congress appropriated the funds, we finally received the final report<sup>2</sup> on the Paths to Promise (P2P) Program. The overview from the report reads:

*This report presents findings from the evaluation of a SNAP Employment and Training (SNAP E&T) pilot—Paths to Promise (P2P)—that was implemented in Kentucky from April 2016 to April 2019. This was one of 10 pilots Congress authorized and funded under the Agricultural Act of 2014 that offered enhanced SNAP E&T services to assist SNAP participants in obtaining*

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<sup>1</sup> <https://kypolicy.org/tracking-snap-in-kentucky/>

<sup>2</sup> <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-ET-FinalReport-Kentucky.pdf>

employment. The Kentucky Department for Community Based Services (DCBS) enrolled 3,206 SNAP participants in the pilot, with roughly half randomly assigned to the P2P group (eligible for enhanced services and any other employment and training services available in their communities) and the other half assigned to the control group (eligible for employment and training services available in their communities). DCBS mostly targeted work registrants. P2P services were voluntary and available in eight counties through providers that offered extensive support services, basic adult education, occupational skills training, work-based learning opportunities, and job search and placement assistance. Individuals also received intensive case management through providers' team-based case management approach to coordinate services for individuals receiving services at multiple providers.

DCBS was able to coordinate with a range of service providers in the community to create a network of services for its SNAP participants. Although the process was not always smooth, and staff struggled to enroll individuals, those who engaged in P2P's employment or training-related activities—about half of all individuals enrolled in the P2P group—generally found them valuable. In addition, individuals received support services and they reported that the support services were critical to their staying engaged in activities, which were typically occupational skills training and work-based learning placements. Despite the challenges in getting P2P group members to engage in services, they were more likely than control group members to start an activity, complete an activity, and receive support services. However, their increased engagement did not lead to an increase in earnings over time and generally did not affect rates of SNAP participation. P2P did increase the percentage of individuals who were employed, relative to the control group, in Year 1 and Year 2 following random assignment; however, there was no difference between groups in Year 3. Because P2P group members did not earn significantly more than control group members, the overall cost of implementing the pilot outweighed its benefits.

Based on information provided in interviews with pilot staff and P2P group members, it is not surprising that P2P group members did not obtain significantly higher earnings than the control group, despite an overall increase in the rate of employment, given the economic conditions in the P2P pilot area. The decline of the coal mining industry and other industries that supported it left few employment opportunities available to P2P group members, mostly consisting of retail food service, or other low- or minimum wage jobs. Therefore, even when individuals completed training or obtained work experience, there were few employment options available to them, especially those paying higher wages than they previously earned. Data from the Bureau of Labor Statistics supports this qualitative information. The most common jobs available in the local area were the lowest-wage occupations, with median wages among the general population ranging from \$9 to \$14 per hour. This lack of higher wage jobs in the community could explain why P2P had no impact on earnings despite consistently higher employment rates among the P2P group. Although P2P likely did positively affect the lives of those who engaged with it, the economic conditions in a community have a large influence on how much SNAP E&T programs can do for those who participate.

From this pilot report, we can see that voluntary and holistic work supports produced better results than the control group in the voluntary but unsupported E&T program, both of which performed better than mandatory E&T programs in other states. This shows clearly that voluntary and holistic work supports are the superior approach, but that the fundamentals of work force participation, reasons for a participants inability to work, and job availability are

stronger factors. One factor keeping many Kentuckians out of reach of stable and gainful employment in the opioid crisis and many Kentuckians struggling with substance use disorder without adequate support.

People with substance use disorder, including opioid use disorder, need compassion, not benefit cuts. Kentuckians face some of the highest rates of opioid use in the country; in 2017, there were 86.8 opioid prescriptions for every 100 persons.<sup>3</sup> Kentucky has traditionally had a high prevalence of amphetamine use. Recently, hospitals have seen an increase in amphetamine and evidence of “twin epidemics” of methamphetamine and nonmedical prescription opioid use.<sup>4</sup> Altogether, the rate of death by overdose in Kentucky has risen roughly 800% since 2000.<sup>5</sup>

Substance use disorder is not a personal failing, but a symptom of structural and systemic issues. Risk factors for substance use disorder include having a parent with substance use disorder, poverty, poor mental health, poor parental supervision, a lack of opportunities, and poor school quality.<sup>6</sup> These factors are closely connected with the social determinants of health and adverse childhood experiences. Despite ample evidence that substance use disorder is a disease, drug use is criminalized; drug offenses carry both the threat of long sentences and felony convictions that lead to serious collateral consequences and make it very difficult for people to find and keep housing and employment. These unstable living circumstances foster continued substance use and recidivism, whereas access to public assistance prevents continued substance use and recidivism.<sup>7</sup>

Given interaction with the criminal justice system, it is all the more difficult to navigate the landscape of public assistance; ninety-one percent of people report experiencing food insecurity while returning to their communities from prison, and a study in Rhode Island found that 70.4% of people on probation experienced food insecurity, versus 12.8% of the general population.<sup>8</sup>

Kentuckians also rely on the Supplemental Nutrition Assistance Program (SNAP) at high rates, with SNAP benefits helping 1 in 8 Kentuckians.<sup>9</sup> And limiting or eliminating access to basic needs programs does not effectively deter substance use.<sup>10</sup> Recognizing this problem, Kentucky

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<sup>3</sup> Kentucky Chamber of Commerce, *Opioid Abuse in Kentucky 2019*.

<https://www.kychamber.com/sites/default/files/pdfs/Opioid%20Abuse%20in%20Kentucky%202019%20-%20website.pdf>.

<sup>4</sup> J.R. Havens, et al. *Recent Increase in Methamphetamine Use in a Cohort of Rural People Who Use Drugs: Further Evidence for the Emergence of Twin Epidemics* (2022). *Frontiers in psychiatry*, 12, 805002.

<https://doi.org/10.3389/fpsy.2021.805002>

<sup>5</sup> Vera, *Overdose Deaths and Jail Incarceration: Kentucky*.

<https://www.vera.org/publications/overdose-deaths-and-jail-incarceration/ky>; Kentucky Office of Drug Control Policy, 2021 Overdose Fatality Report.

<https://odcp.ky.gov/Reports/2021%20Overdose%20Fatality%20Report%20%28final%29.pdf>.

<sup>6</sup> Salima Somani, Shaista Rajani Meghani, *Substance Abuse among Youth: A Harsh Reality* (2016). *Open Access Emergency Medicine*, 6, 4. doi:<https://doi.org/10.4172/2165-7548.1000330>

<sup>7</sup> Crystal Yang, *Does Public Assistance Reduce Recidivism?*, Harvard Law School, May 2017,

[http://www.law.harvard.edu/programs/olin\\_center/papers/pdf/Yang\\_920.pdf](http://www.law.harvard.edu/programs/olin_center/papers/pdf/Yang_920.pdf).

<sup>8</sup> Emily Wang, et al., *A Pilot Study Examining Food Insecurity and HIV Risk Behaviors among Individuals Recently Released from Prison* (2013), National Institute of Health,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3733343/>; Kimberly Dong, et al., *Food acquisition methods and correlates of food insecurity in adults on probation in Rhode Island* (2018), *PLOS ONE*,

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0198598>.

<sup>9</sup> Feeding Kentucky, *Hunger Data Reports*. <https://feedingky.org/hunger-data-reports/>

<sup>10</sup>

did away with the drug-felony conviction ban in SNAP last year.<sup>11</sup> Further, Kentuckians with substance use disorder are exempted from work registration in exchange for participation in substance use treatment or rehabilitation, regardless of whether it is in-patient. These policies recognize that, when facing substance use disorder, the most important work for someone to do is to recover.

68% of injured workers receive prescription opioids, and opioid use disorder is more closely correlated with lack of workforce participation than those who use other types of drugs.<sup>12</sup> It stands to reason that many people struggling with opioid use disorder previously were employed, and that opioid use disorder is uniquely debilitating people who would otherwise maintain employment. At the end of treatment for substance use disorder, Kentuckians may use SNAP Employment and Training (E&T) to fulfill SNAP work requirements. Fostering recovery from substance use disorder and offering tools to help people will keep them in recovery longer, leading to a higher quality of life, contribution to the community, and ability to maintain gainful employment.

KEJC urges Congress to abolish work requirements and mandatory E&T because they have been proven to be a bad policy that prevents people struggling with food insecurity, and often working, from accessing the bare minimum for their families to be fed. But since these comments are directed at the USDA, we urge the agency to provide as much support as possible to states for Path to Promise type programs to E&T, prohibit states from requiring mandatory E&T in areas where there simply are not the job or E&T slots available, and consider substance use disorders and other long term mental and physical health conditions when crafting the suitability of work standards.

Sincerely,  
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Food Justice Fellow  
Kentucky Equal Justice Center

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<sup>11</sup> K.R.S. § 205.2005

<sup>12</sup> Kentucky Chamber of Commerce, Opioid Abuse in Kentucky 2019.

<https://www.kychamber.com/sites/default/files/pdfs/Opioid%20Abuse%20in%20Kentucky%202019%20-%20website.pdf>.