

#### **J4. Federal Register Comment from FRAC NILC CLASP CBPP**

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September 8, 2022

Eric Williams  
Food and Nutrition Service  
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Via [eric.williams@usda.gov](mailto:eric.williams@usda.gov) and [www.regulations.gov](http://www.regulations.gov)

Re: Agency Information Collection Activities: Proposed Collection; Comment Request—Serving SNAP Applicants and Participants With Limited English Proficiency (LEP) OMB Number: 0584–NEW

Dear Mr. Williams:

Bringing decades of work to improve meaningful access to the Supplemental Nutrition Assistance Program (SNAP) for people with Limited English Proficiency (LEP), the undersigned organizations appreciate the opportunity to comment on the U.S. Department of Agriculture's (USDA) request for information collection related to the contract Serving SNAP Applicants and Participants with Limited English Proficiency (LEP).

We applaud FNS's effort to gain a "comprehensive understanding of the language landscapes in which SNAP and Nutrition Assistance Program (NAP) agencies operate, as well as the LEP policy and operations landscapes" through this study.

Work to improve access to SNAP for people with LEP is vitally important. Too often, we hear from families and community organizations that assist individuals who are applying for or recertifying for SNAP of language access-related barriers that impede their ability to access SNAP. LEP barriers strip families of SNAP benefits that are important to their nutrition, health, and well-being. Lack of adequate LEP services is one of the factors that impedes access to SNAP among immigrant families with adults with LEP. Indeed, in FY 2019, only 55 percent of eligible non-citizens participated in SNAP, compared with 82 percent of all eligible individuals.<sup>1</sup>

We welcome USDA's collecting of information from state and local agencies to help inform efforts to improve SNAP's service to LEP households. However, the proposed study lacks a critical component: the engagement of people with limited or no English proficiency who are applying for or participating in SNAP, and the community organizations that serve them.

A core tenant of the newly formed USDA Equity Commission is "to objectively confront the hard reality of past discrimination and its lingering harm; helping USDA build back better and serve our customers more fairly and equitably." A key component of this Commission's work is recognition of the need to engage people with lived experience and trusted community organizations in advising USDA. USDA's LEP guidance also emphasizes the importance of consulting with community organizations that serve people with LEP to help the agency assess

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<sup>1</sup> Vigil, A. United States Department of Agriculture. Food and Nutrition Service, Office of Policy Support. Trends in USDA Supplemental Nutrition Assistance Program Participation Rates: Fiscal Year 2016 to Fiscal Year 2019. March, 2022. <https://www.fns.usda.gov/snap/trends-participation-rates-fy-2016-2019>.

and meet the needs of people with LEP in their service area.<sup>2</sup> As such, the study should be amended to include opportunities for engagement with SNAP customers impacted and other stakeholders with LEP expertise.

We appreciate that the study will undertake two phases: one by web-based survey of 53 state and territorial SNAP agencies; the second a deeper dive set of case studies. In both phases, we urge USDA to add components that will elicit input from LEP households as well as community groups that serve them.

We encourage the initial phase to prioritize collection of data and other objective indicators of the time, resources, and barriers associated with offering LEP services, including rates of case closures as well as application and recertification churn. These should include information on which of the documents during the overall SNAP eligibility process (including applications, notices, periodic reports, recertifications, and EBT services) are available in which languages and in what form (e.g., paper, online, call center lines, dedicated caseworkers, translation lines, accessible via mobile device). In addition, the study should compare the rates of SNAP cases that are closed for non-response for LEP individuals compared to the general population. The survey also should assess the time it takes for applicants and participants with LEP to navigate the SNAP application and recertification process and the administrative time and expenses associated with handling LEP cases.

For the subsequent case studies, additional information can be elicited on handling LEP cases, especially at the local level. We urge that the study choose a diverse set of state and local agencies, including those that reflect the range of LEP service levels in place. The case study phase provides important opportunities to identify promising practices for serving LEP households as well as barriers to doing so (including resource and technological barriers).

Each day, too many people are missing out on SNAP benefits to which they are entitled, often because there are significant gaps in LEP services for them. In addition to undertaking this study, we urge FNS to take steps now to bolster its monitoring of and support for LEP services during the overall SNAP eligibility process.

For example, in addition to encouraging state SNAP agencies to prioritize outreach to the LEP population in the state SNAP outreach plans, [as USDA already has done](#), we urge USDA to dedicate more federal funding to support community-based SNAP application assistance. Even while this LEP study is pending, USDA's access reviews of state and local SNAP agencies operations should aim to improve SNAP customer service to LEP households.

While we are grateful that FNS wants to better understand the extent to which states are meeting their obligation to provide equal program participation access to people with LEP, we do not think a one-time study, no matter how exhaustive, will be sufficient to ensure ongoing compliance with federal civil rights laws. Current SNAP regulations establish clear methods for how states should estimate the number of eligible households with LEP in a service area and thresholds for when program materials in languages other than English need to be provided.<sup>3</sup> However, states are not required to report estimates of the eligible population with LEP or track and report how many people with LEP the agency is coming into contact with and how many are being served by the state's SNAP program. This lack of reporting requirement has led to the

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<sup>2</sup> U.S. Department of Agriculture, Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency, November, 2014. <https://www.govinfo.gov/content/pkg/FR-2014-11-28/pdf/2014-27960.pdf>.

<sup>3</sup> 7 C.F.R. § 272.4(b)

situation where some states do not know which SNAP participants are LEP, let alone which languages materials need to be translated into.<sup>4</sup> We recommend USDA consider updating federal SNAP regulations to require states to track and report data to USDA on people with LEP, just as they are required to track and report racial and ethnic data to ensure compliance with federal civil rights laws.<sup>5</sup>

Hungry people can't wait.

Thank you for your consideration of our views.

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<sup>4</sup> For example, in its response to request for comment to this study, the SNAP program Director for Wyoming explained they would not be able to participate in FNS's LEP study because their SNAP eligibility system is incapable of tracking and reporting data on people with LEP. Public Comment State of Wyoming, July 12, 2022.

<sup>5</sup> 7 C.F.R. § 272.6(g) and (h).