



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:

Alameda County Community Food Bank (ACCFB) is a 30-year-old, nonprofit organization that distributes food to 1 in 5 people in our county through our 200-member network, provides nutrition education, conducts food and health research, and educates our community about the impact of hunger and the ways to end it. Our mission to passionately pursue an end to hunger and our commitment to creating a healthy, prosperous, and just community is rooted in our belief that food is a basic human right. We strongly urge the Department to consider all of the information in our comments and all of the information provided in the attached appendices.

We appreciate the opportunity to comment on the USDA's Proposed Rulemaking on Supplemental Nutrition Assistance Program (SNAP) requirements and services for Able-Bodied Adults Without Dependents (ABAWDs). SNAP's purpose is to alleviate hunger and malnutrition for low-income, underemployed, and unemployed individuals. It does just that for 100,000 people in Alameda County who receive SNAP benefits. We are concerned that this rule would undermine SNAP's ability to provide food assistance to people who need it, especially to those in one or multiple protected groups, causing serious harm to our clients, our community, and the nation. There are at least 9,500 adults in our county who will be impacted by this rule. Because SNAP is the first line of defense against hunger in our county and our country, we oppose the USDA's proposed rule that further limits states' ability to administer the program to those in need.

The USDA recently described the proposed rule as an effort "to restore the system to what it was meant to be: assistance through difficult times, not lifelong dependency."<sup>1</sup> The data shows, however, that people who can work are already working, and that SNAP is often a short-term support for people who experience periods of joblessness. The reality is that low wage jobs in

today's economy are often unpredictable and provide an inconsistent number of hours per week.<sup>2</sup>

Since so many of today's workers experience volatile schedules or work multiple jobs, requiring them to document their work hours each time they go above or below an average of 20 hours per week will create an unreasonable administrative burden on both workers and state and county agencies, thus causing many eligible people to lose their food assistance. Whether an adult loses SNAP benefits because of administrative barriers or because of underemployment, hunger will only add to the barriers of finding employment.

The proposed rule will disproportionately harm people of color and increase racial disparity. In Spring 2018, California's overall unemployment rate was 4.2 percent. However, when broken down by race, the unemployment rate for Black Californians was more than twice that of white Californians and 1.6 times higher for the Hispanic population.<sup>3</sup> In Alameda County, the average unemployment rate in 2013-2014 was 6.5 percent,<sup>4</sup> but the average unemployment rate for Blacks in Alameda County was double that at 13 percent.<sup>5</sup> Research shows that it is harder for Black job applicants to receive a job offer than white applicants because of racial discrimination in the hiring process.<sup>6</sup> Black people and other racial minorities have been historically discriminated against through policies like redlining<sup>7</sup> and racism in the criminal justice system<sup>8</sup> and therefore have higher rates of unemployment, poverty, and food insecurity. For these reasons, there is a disproportionately high percentage of Black and Latinx households receiving SNAP in Alameda County. While Blacks make up 11 percent of the population, Black households make up 35 percent of the households receiving SNAP. Latinx households receiving SNAP make up 25 percent of SNAP recipient households, while they represent just 22 percent of the population.<sup>9</sup> This rule will further reinforce structural racism by punishing communities of color who are suffering from the persistence of barriers to employment that are the result of an unfair system.

Lesbian, bisexual, gay, transgender, and queer (LGBTQ) communities would be disproportionately impacted by the rule. Employment discrimination is a significant factor contributing to poverty, food insecurity, and unemployment rates for LGBTQ communities. As a result of employment discrimination and other barriers,<sup>10</sup> same-sex couples are more likely to experience poverty than different-sex couples.<sup>11</sup> This disproportionate rate of poverty is even greater for LGBTQ women, transgender and gender nonconforming people, and LGBTQ people of color.<sup>12</sup> In 2014, same-sex couples were almost twice as likely as different-sex couples to experience food insecurity.<sup>13</sup> According to a nationally representative survey commissioned by the Center for American Progress in 2017, LGBTQ individuals and their families were more than twice as likely to participate in SNAP as non-LGBTQ people and their families.<sup>14</sup> In a 2015 Gallup survey, the Bay Area was found to have the highest percentage of LGBT adults among the top 50 metropolitan areas in the U.S.<sup>15</sup> This rule would disproportionately hurt Alameda County's LGBTQ community and lead to even greater rates of poverty and food insecurity. People who happen to be both of color and an LGBTQ adult have a compounding experience of unemployment, food insecurity, and SNAP participation.<sup>16</sup>, and so would be at an even higher risk of losing their SNAP eligibility and going hungry.

Women, and especially women of color, will be disproportionately harmed by this rule. Women face multiple barriers to employment, including discrimination in hiring and advancing to higher wage jobs. This has contributed to occupational gender segregation, where the majority of employees working in the lowest-paying jobs are women.<sup>17</sup> These are the previously mentioned low-wage jobs like cashiers and restaurant workers that are often characterized by unpredictable schedules and frequent shifts in weekly hours of work offered. Transgender women of color face the highest rates of workplace discrimination, unemployment, and poverty,<sup>18</sup> underscoring the result of compounding inequities and the disproportionate harm this rule will have on people who are members of multiple groups that have historically been discriminated against.

The civil rights impact statement and the proposed rule offer insufficient data and information about the extent of the disparate impact, any mitigation strategies that the USDA and/or states may undertake to address or reduce those impacts or details about the civil rights plan to monitor or address the issue. The harsh, inflexible requirements fail to take into account the unique barriers that women, Black, Latinx, and LGBTQ people face in securing and maintaining employment due to discrimination, and will likely impact them disproportionately. While including that the decrease in three-month time limit waivers will “have the potential for disparately impacting certain protected groups due to factors affecting rates of employment of members of these groups,” the USDA has not suggested potential mitigation strategies or monitoring programs to limit this disparate impact.<sup>19</sup> We do not believe that the proposed mitigation strategies can be significant enough to fully address the disproportionate impact of increased food insecurity and poverty on protected classes. This is a deeply troubling omission given that rates of food insecurity are already higher than the national average for women-headed, LGBTQ, Black and Latinx households.

In the Bay Area, the ongoing need for assistance is unprecedented from a combination of unrelenting housing costs and devastating natural disasters. The proposed ABAWD rule would only exacerbate the challenges we face in serving our communities and worsen the region’s ongoing fight against hunger and homelessness, cutting basic assistance for already struggling communities and pushing people deeper into poverty. SNAP provides 12 meals for every one that food banks are able to provide.<sup>20</sup> ACCFB distributed 33 million pounds of food in 2018, a 27% increase from what we distributed just four year prior, and yet we are still not meeting the community’s current need for food in Alameda County. If the rule had been in place at this time, it would have been much worse. But Alameda County was eligible for and received a waiver of the rule pursuant to current law and regulation. There is no way that we could have made up for the gap in food assistance that would have existed if that were the case and that will happen if this rule is made law.

What’s more, the rule would undermine the ability of SNAP to respond to long-lasting negative economic impacts of a disaster. It would also undermine the ability of SNAP to be responsive to economic downturns because the proposed rule doesn’t allow a state to receive a waiver for a county unless a state has had a high unemployment for a period of time. During the first half of

2008,<sup>21</sup> for example, nationwide requests for help from food banks increased by 20 to 25 percent.<sup>22</sup> And food requests rose up to 40 percent in areas with the weakest economies. In Alameda County in Northern California and hotline calls were up 30-40 percent.<sup>23</sup> Food banks found it especially difficult to meet demand during the 2008 summer months when kids were home and no longer received free or reduced-priced school lunches.<sup>24</sup>

The lines were getting longer at an inopportune moment. Supply for emergency food assistance dwindled in the years leading up to the recession, due to decreased federal support and corporate donations. Even though the prevalence of food insecurity remained at 11.3 percent from 1996 -2008,<sup>25</sup> surplus food donations declined from \$242 to \$58.5 million – a net loss of \$184 million – in the four years between 2003 and 2007. As federal support declined, food distribution centers closed or saw dwindling food boxes.<sup>26</sup> As the recession grew, California’s lawmakers considered and passed drastic cuts to the social safety net.<sup>27</sup> It is this type of perfect storm that we have experienced in Alameda County in prior recessionary economies that the USDA proposed rules do not consider. Under their proposed rules, the SNAP program would continue without ability to seek a new waiver even as evidence of a recession mounts, leaving people without the protection from the time-limit intended by the drafters of the current regulations.

Our food bank staff has collected stories of SNAP recipients without dependents who live with them who are looking for work or are struggling with underemployment, and who would be at risk of losing SNAP benefits and suffering more hardship were this proposed rule to become law. Here are some examples:

- Annesah, a 21-year-old woman from Oakland, lost her job four months ago before she found out about applying for SNAP. She only has \$180 on hand and borrowed money to pay rent. She received emergency SNAP benefits.
- Tri, an Oakland man, aged 49, has been living in his car for the last two years. He says, “CalFresh is a big help for me, especially when I’m jobless.”
- Eric, a 28-year-old man from Oakland, is living in his car and looking for work.
- Arun, a 54-year-old South Asian man from Newark, CA was diagnosed with Parkinson’s disease in 2017. The pain and instability in his hands made it difficult to work, so he stopped working and is making ends meet with a little savings. He is helping to support his daughter who is in college and lives with him, but he can no longer afford to help pay for her tuition, and is hoping she can find another way to pay for school.
- Chris from Oakland, CA is 47 years old and is looking for work. To help make rent, he is selling his own household items.

Under the newly proposed SNAP rules, regions with unemployment rates as high as 6.9 percent would not be eligible for a waiver and California counties would not be able to use 12% individual exemptions carried over from a prior month to prevent hunger among people impacted by the rule. If the rule were to become permanent, all of these community members would be at risk of losing their SNAP benefits, which is likely to cascade into an increase of

suffering from additional hardship due to hunger and having to choose between spending limited funds on food and other basic necessities.

This proposed rule change is an administrative attack on SNAP and would override laws in the bipartisan Farm Bill reauthorization. Congress considered and rejected the harsh requirements that the USDA is proposing in the Farm Bill they just passed in December 2018. The USDA's rule contradicts the will of Congress. A recent bipartisan letter led by Senators Lisa Murkowski and Debbie Stabenow, and signed by an additional 45 senators, to Secretary Sonny Purdue states that this rule is "out of line with Congressional intent related to waivers," "directly contradicts Congressional direction related to waiver submissions and carry-over exemptions included in the 2018 Farm Bill report," which "explicitly directs the Department not to make the changes made in this rule." Additionally, this rule is contrary to what the American public wants: according to polling by the Center for American Progress and GBA Strategies, there is bipartisan opposition to cutting food assistance through SNAP, and two thirds of Americans as a whole oppose such cuts.<sup>28</sup>

Research shows that work requirements do not reduce poverty and are not an effective way to increase employment.<sup>29</sup> SNAP is often a short-term and vital support for people who experience job loss or underemployment. Rather than subjecting people who are experiencing food insecurity to even more serious hunger, evidence suggests that other policies would be more effective than work requirements at providing opportunities for work, such as targeted skills-based training programs, providing more work opportunities for individuals facing barriers to employment, improving supports such as child care, and improving the quality of jobs.<sup>30</sup>

We strongly oppose USDA's proposed rule to significantly eliminate states' use of time limit waivers. Hunger never makes any person better able to prepare for work, secure a job, or succeed at their place of employment. These changes undermine SNAP's ability to provide food assistance to impoverished underemployed and unemployed people who experience food insecurity while seeking work. It would certainly increase hunger and hardship in every county, which will weaken public health, the economy, and the well-being of us all.

Sincerely,

/s/

Stephen Knight  
Director of Policy and Partnerships

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<sup>1</sup> U.S. Department of Agriculture, "USDA to Restore Original Intent of SNAP: A Second Chance, Not A Way of Life" (Washington: USDA Press Release No. 0277.18, 2018), available at <https://www.usda.gov/media/press-releases/2018/12/20/usda-restore-original-intent-snap-second-chance-not-way-life>

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<sup>2</sup> Brynne Keith-Jennings and Raheem Chaudhry, “Issue Brief: Most Working-Age SNAP Participants Work, But Often in Unstable Jobs” (Washington: Center on Budget and Policy Priorities, 2018), available at <https://www.cbpp.org/research/food-assistance/issue-brief-most-working-age-snap-participants-work-but-often-in-unstable>

<sup>3</sup> Janelle Jones, “Despite overall unemployment under 4 percent, black unemployment exceeds 6 percent in 14 states and D.C.,” Economic Policy Institute, available at <https://www.epi.org/publication/state-race-unemployment-2018q2/>

<sup>4</sup> Bureau of Labor Statistics, <https://www.bls.gov/lau/#cntyaa>

<sup>5</sup> Tammy Lee and Dr. Muntu Davis, “Black Lives Matter in Alameda County: A Data-Based Call to Action” (Alameda County Public Health Department, 2016), available at [http://www.acphd.org/media/421279/ac\\_blm.pdf](http://www.acphd.org/media/421279/ac_blm.pdf)

<sup>6</sup> Devah Pager and Bruce Western, “Identifying Discrimination at Work: The Use of Field Experiments” available at [http://scholar.harvard.edu/files/pager/files/identifying\\_discrimination\\_pager\\_western.pdf?m=1462807104](http://scholar.harvard.edu/files/pager/files/identifying_discrimination_pager_western.pdf?m=1462807104)

<sup>7</sup> Matthew Green, How Government Redlining Maps Pushed Segregation in California Cities [Interactive], KQED, 27 April 2016, available at <https://www.kqed.org/lowdown/18486/redlining>

<sup>8</sup> Criminal Justice Fact Sheet, NAACP, available at <https://www.naacp.org/criminal-justice-fact-sheet/>

<sup>9</sup> Kidsdata.org, A Program of Lucile Packard Foundation for Children’s Health, available at <https://www.kidsdata.org/topic/801/food-stamps-race/table#fmt=2361&loc=127&tf=84&ch=7,11,1141,10,9,73,127&sortColumnId=0&sortType=asc> and U.S. Census Bureau, <https://www.census.gov/quickfacts/alamedacountycalifornia>

<sup>10</sup> Lourdes Ashley Hunter, Ashe McGovern, and Carla Sutherland, eds., *Intersecting Injustice: A National Call to Action* (New York: Social Justice Sexuality Project of the Graduate Center at the City University of New York, 2018), available at [http://socialjusticesexuality.com/intersecting\\_injustice/](http://socialjusticesexuality.com/intersecting_injustice/); Taylor N.T. Brown, Adam P. Romero, and Gary J. Gates, “Food Insecurity and SNAP Participation in the LGBT Community” (Los Angeles: The Williams Institute, 2016), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>; Center for American Progress and Movement Advancement Project, “Paying an Unfair Price: The Financial Penalty for Being LGBT in America” (2014), available at <http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf>

<sup>11</sup> M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, “New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community” (Los Angeles: The Williams Institute, 2013), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>

<sup>12</sup> Ibid; Center for American Progress and Movement Advancement Project, “Paying an Unfair Price: The Financial Penalty for Being Transgender in America” (2015), available at <https://www.lgbtmap.org/file/paying-an-unfair-price-transgender.pdf>

<sup>13</sup> Brown, T. N. T., Romero, A. P., & Gates. G. J., “Food Insecurity and SNAP Participation in the LGBT Community” (Los Angeles: The Williams Institute, 2016) available at, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>

<sup>14</sup> Caitlin Rooney, Charlie Whittington, and Laura E. Durso, “Protecting Basic Living Standards for LGBTQ People” (Washington: Center for American Progress, 2018), available at <https://www.americanprogress.org/issues/lgbt/reports/2018/08/13/454592/protecting-basic-living-standards-lgbtq-people/>

<sup>15</sup> Frank Newport and Gary J. Gates, “San Francisco Metro Area Ranks Highest in LGBT Percentage,” Gallup, 20 March 2015, available at

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<https://news.gallup.com/poll/182051/san-francisco-metro-area-ranks-highest-lgbt-percentage.aspx>

<sup>16</sup> Taylor N.T. Brown, Adam P. Romero, and Gary J. Gates, Food Insecurity and SNAP Participation in the LGBT Community, The Williams Institute, UCLA School of Law, July 2016, available at

<https://williamsinstitute.law.ucla.edu/press/press-releases/study-finds-lgbt-adults-experience-food-insecurity-and-snap-participation-at-higher-levels-than-non-lgbt-adults/>

<sup>17</sup> Equitable Growth, Fact sheet: Occupational segregation in the United States, Washington Center for Equitable Growth, 3 October 2017, available at

<https://equitablegrowth.org/fact-sheet-occupational-segregation-in-the-united-states/> and Ariane Hegewisch, Hannah Liepmann, Jeffrey Hayes, and Heidi Hartmann, "Separate and Not Equal? Gender Segregation in the Labor Market and the Gender Wage Gap," Institute for Women's Policy Research, September 2010, available at <https://iwpr.org/publications/separate-and-not-equal-gender-segregation-in-the-labor-market-and-the-gender-wage-gap/>

<sup>18</sup> Movement Advancement Project, Center for American Progress, Human Rights Campaign, and National Center for Transgender Equality, "A Broken Bargain for Transgender Workers," Movement Advancement Project, September 2013, available at <http://www.lgbtmap.org/file/a-broken-bargain-for-transgender-workers.pdf>

<sup>19</sup> Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. 980, February 1, 2019. *Federal Register: The Daily Journal of the United States*. Web. 7 February 2019.

<sup>20</sup> Matt Knott, President of Feeding America, Statement on President's Proposed Budget, 12 February 2018, available at <https://www.feedingamerica.org/about-us/press-room/proposed-budget>

<sup>21</sup> Michael Grynbaum, "Oil and Food Prices Add to Inflation Pressures." New York Times. 14 June 2008 available at <https://www.nytimes.com/2008/06/14/business/14econ.html>; Peter S. Goodman, "Jobless Rate at 14-Year High After October Losses." New York Times. 7 November 2008, available at <https://www.nytimes.com/2008/11/08/business/economy/08econ.html>; "New Jobless Claims Reach a 16-Year High, U.S. Says." Associated Press, New York Times. 20 November 2008; available at <https://www.nytimes.com/2008/11/21/business/economy/21econ.html>

<sup>22</sup> Kent Garber, "The Food Cost Crisis Hits the U.S." U.S. News & World Report. 1 May 2008, available at <https://www.usnews.com/news/national/articles/2008/05/01/the-food-cost-crisis-hits-the-us>

<sup>23</sup> Allison Pratt, Director of Policy and Services, Alameda County Community Food Bank, CA. Interview, 11 June 2008, published in: <https://www.oaklandinstitute.org/hunger-america-crisis-food-inflation-and-shrinking-safety-nets>

<sup>24</sup> Jessica Bartholow, Director of Programs, California Association of Food Banks, Oakland, CA. Interview, 2 June 2008, published in: <https://www.oaklandinstitute.org/hunger-america-crisis-food-inflation-and-shrinking-safety-nets>

<sup>25</sup> Winne, M. "High Food Prices - Just Another Bad Day in the Foodline." Foodforethought. June 2008.

<sup>26</sup> Ibid, p. 2.

<sup>27</sup> "Food Banks Undernourished As State Considers Cuts," Public News Service, 4 August 2008, available at

<https://www.publicnewsservice.org/2008-08-04/childrens-issues/food-banks-undernourished-as-state-considers-cuts/a5826-2>

<sup>28</sup> John Halpin and Karl Agne, "Ensuring Basic Living Standards for All," Center for American Progress, March 7, 2019, available at

<https://www.americanprogress.org/issues/poverty/reports/2018/03/07/447412/ensuring-basic-living-standards/>

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<sup>29</sup> Stacy Dean, Ed Bolen, and Brynne Keith-Jennings, “Making SNAP Work Requirements Harsher Will Not Improve Outcomes for Low-Income People,” Center on Budget and Policy Priorities, 1 March 2018, available at

[https://www.cbpp.org/research/food-assistance/making-snap-work-requirements-harsher-will-not-improve-outcomes-for-low#\\_ftn2](https://www.cbpp.org/research/food-assistance/making-snap-work-requirements-harsher-will-not-improve-outcomes-for-low#_ftn2)

<sup>30</sup> Tazra Mitchell, “Promising Policies Could Reduce Economic Hardship, Expand Opportunity for Struggling Workers,” Center on Budget and Policy Priorities, 7 September 2018, available at <https://www.cbpp.org/research/poverty-and-inequality/promising-policies-could-reduce-economic-hardship-expand-opportunity>