



July 11, 2016

Ms. Sasha Gersten-Paal
Branch Chief, Certification Policy Branch
Program Development Division
Supplemental Nutrition Assistance Program
USDA Food and Nutrition Service
3101 Park Center Drive, Room 812
Alexandria, Virginia, 22302,

**Re: Proposed Rule on Disaster Supplemental Nutrition Assistance Program (D-SNAP),
Docket RIN 0584-AE00**

Dear Ms. Gersten-Paal:

On behalf of the Western Center on Law and Poverty (Western Center) and the California Association of Food Banks (CAFB), we are submitting these comments on the United States Department of Agriculture's (USDA's) Food and Nutrition Service (FNS) Proposed Rule on the Disaster Supplemental Nutrition Assistance Program (D-SNAP). Our organizations have over a decade of experience and partnership in response to emergency food needs to prevent hunger following disaster in California. It has been our experience that D-SNAP is essential in helping households and communities during disaster recovery. The proposed rules take important steps toward ensuring D-SNAP is there to help Americans and their communities recovering following disaster.

About Our Organizations

Western Center represents California's poorest residents in policy and budget discussions affecting housing, health and public benefits, including SNAP. Western Center serves as one of the statewide support centers for Legal Services, providing technical assistance and training in the SNAP program, including D-SNAP, for legal services throughout the state. We also serve on several committees and task forces convened by the California Department of Social Services to advise on SNAP, the Electronic Benefit Transfer System (EBT) and public benefit online application and services and to support implementation of new policies. As such, Western Center has played a significant role in supporting the state's implementation of SNAP disaster response.

CAFB is a membership organization of 44 food banks from throughout the state with a shared mission to end hunger in California and a firm commitment to providing cutting-edge leadership in the anti-hunger community. CAFB's major programs include Farm to Family, which works with growers and packers to provide fresh produce to food banks; statewide programs for SNAP outreach and enrollment; robust state and federal advocacy efforts; produce education; and member services that offer assistance with special projects as well as technical support. As such, CAFB has played a central role in disaster response in recent and historical disasters.

SNAP Provides Essential Anti-Hunger Benefits

Fifty years ago President Kennedy proposed the establishment of the Food Stamp Program, now known nationally as SNAP to confront hunger and malnutrition in the United States. The program now serves approximately one in seven Americans.

In California, SNAP is referred to as CalFresh and it is our state's first line of defense against hunger. Despite the deep commitment and breadth of our state's emergency food bag and soup kitchen programs, there is no program with the reach of CalFresh. CalFresh benefit allotments are calculated based on household income, resources, expenses and size. The maximum monthly allotment in FY 2013 is \$194 for a single person and \$649 for a family of four.¹ Nationally, only 41 percent of households receive the maximum allotment and 23 percent of household receive less than half of the maximum allotment.² In all cases, CalFresh benefits are only expected to supplement the food budgets of participating households, that is, CalFresh recipients are expected to use other income or other food assistance to make up the difference in their food budget.

As highlighted in a report from the Institute of Medicine (IOM),³ SNAP recipients are less likely to be food insecure than eligible non-recipients; in other words, the program meets the central goal to alleviate hunger. Controlling for other factors, research has also shown that SNAP participants are not more likely than eligible non-participants to be overweight or obese and that the program does not contribute to the current obesity crisis in the U.S.⁴ In fact, by both improving dietary intake and reducing food insecurity, participation in federal nutrition programs plays a critical role in obesity prevention. For this reason, increasing participation in

¹ U.S. Department of Agriculture, Food and Nutrition Service. (2013b). Supplemental Nutrition Assistance Program – Eligibility. Available at: http://www.fns.usda.gov/snap/applicant_recipients/eligibility.htm

² Strayer, M., Leftin, J., & Eslami, E. (2012). *Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2011*. Report No. SNAP-12-CHAR. Alexandria, VA: U.S. Department of Agriculture, Food and Nutrition Service, Office of Research and Analysis.

³ Consensus Report released January 17, 2013, "Supplemental Nutrition Assistance Program: Examining the Evidence to Determine Benefit Adequacy," available at <http://www.iom.edu/Reports/2013/Supplemental-Nutrition-Assistance-Program-Examining-the-Evidence-to-Define-Benefit-Adequacy.aspx>

⁴ Hofferth, S. L. & Curtin, S. (2005). Poverty, food programs, and childhood obesity. *Journal of Policy Analysis and Management*, 24(4), 703-726, and Linz, P., Lee, M., & Bell, L. (2004). Obesity, poverty, and participation in food assistance programs. *Family Programs*, FSP-04-PO. Alexandria, VA: U.S. Department of Agriculture, Food and Nutrition Service, Office of Analysis, Nutrition and Evaluation.

the federal nutrition programs, including SNAP, is a childhood obesity prevention strategy recommended by the IOM and the White House Task Force on Childhood Obesity.⁵

A strong and effective SNAP is crucial for ending hunger and improving health in America. Research shows that SNAP plays a critical role in alleviating poverty and food insecurity and in improving dietary intake, weight outcomes, and health, especially among the nation's most vulnerable children.⁶

On February 7, 2014, the President signed H.R. 2642 Conference Report (P.L. 113-79), known as the Agricultural Act of 2014 and commonly referred to as "The Farm Bill." This bill enacted several provisions negatively impacting the Supplemental Nutrition Assistance Program (SNAP), known as CalFresh in California. In Fiscal Year 2015, CalFresh reached 4,418,000 California residents, or 11% of the state population (1 in 9), and 78% of the families that received this essential anti-hunger benefit were families with children.⁷

More than 48.1 million Americans--15.3 million of them children--lived in households that struggled against hunger in 2014, according to USDA's data. The number of individuals in households that faced the deepest struggles with hunger - "very low food security" - was 5.5 percent in 2014.⁸ In California, where only 66% of those eligible for CalFresh receive it, food insecurity is high, with 13.5% of state residents experience hunger or food insecurity.⁹ Before the 2014 Farm Bill debate, a coalition led by Western Center on Law and Poverty called on Congress to use the act to address the unacceptable numbers of people experiencing hunger.¹⁰ Unfortunately, the 2012-2014 Farm Bill debate did not achieve this goal. Instead, while significant cuts were prevented, cuts (rather than a much needed expansion) were passed. The Farm Bill passed assumed \$8.6 billion in savings from SNAP, to be taken on top of the \$11 billion that took effect in November 2013, making families hungrier and more vulnerable to poor health.¹¹

⁵ Institute of Medicine, 2009; Institute of Medicine, 2011a; White House Task Force on Childhood Obesity, 2010. Reports found at: <http://www.iom.edu/Activities/Nutrition/SNAPadequacy.aspx> and <http://www.whitehouse.gov/the-press-office/childhood-obesity-task-force-unveils-action-plan-solving-problem-childhood-obesity->

⁶ "Long-Term Benefits of the Supplemental Nutrition Assistance Program," White House Council of Economic Advisors, December 2015, available at https://www.whitehouse.gov/sites/whitehouse.gov/files/documents/SNAP_report_final_nonembargo.pdf and White House fact sheet, available at <https://www.whitehouse.gov/the-press-office/2015/12/08/fact-sheet-council-economic-advisers-releases-report-highlighting-new>

⁷ Center on Budget and Policy Priority, SNAP State-by-State Fact Sheet: http://www.cbpp.org/sites/default/files/atoms/files/snap_factsheet_california.pdf

⁸ More than 48.1 million Americans lived in households that were struggling against hunger in 2014 according to USDA's Economic Research Service. For the summary and full report on USDA's findings, go to http://ers.usda.gov/media/1896836/err194_summary.pdf and <http://ers.usda.gov/media/1896841/err194.pdf>

⁹ Food Research and Action Center State-by-State Food Insecurity Report: http://frac.org/pdf/2015_09_09_usda_food_insecurity_bystate_2012_2014.pdf

¹⁰ Letter of 175 California Organizations calling on the Farm Bill to strengthen SNAP: http://www.frac.org/pdf/FBStateLetter_CA.pdf

¹¹ These cuts also impacted the retail economy (according to the Los Angeles Times) and food banks have not been able to make up the loss in benefits (according to USA TODAY). SNAP cuts are job killers, too. The USDA-ERS estimates that for every billion in SNAP benefits cut, between 8,900 to 17,900 jobs are lost.

With so many Americans already experiencing hunger, the resiliency of America's communities impacted by disaster is already compromised, making a strong the SNAP disaster response and D-SNAP program even more important.¹² While SNAP's entitlement structure allows it to respond quickly and effectively to changes in need, whether those are caused by economic downturns or disasters, the D-SNAP program is needed when the provisions offered through SNAP are not quick enough or sufficient to address a disaster that meets the standards required to receive a declaration from the President of the United States.

Our Comments to the Proposed Regulations

Disasters come in many forms. In California, the disasters we have experienced in the last decade have been as a result of fire, freeze and earthquakes. As the preamble to the proposed rules explains, the USDA has worked for decades with states and other partners to prevent hunger among disaster victims of disaster through SNAP and D-SNAP.

I. Support Retaining Agility of D-SNAP: Through D-SNAP procedures, FNS provides states with authority to get temporary SNAP benefits to disaster victims not already enrolled in SNAP and replacement and supplemental benefits to regular SNAP households affected by disaster. We appreciate that the D-SNAP framework retains agility for USDA response to the varied circumstances of each disaster and believe that this is one of the most important features of the proposed rule.

II. Mass Issuance Is Important Anti-Hunger Tool: The proposed rule preamble addresses mass issuance of automatic/replacement and supplemental benefits onto EBT cards in disaster areas. Replacement SNAP is a permanent feature of the program and all current recipients who have been displaced or impacted by an incidence (flood, power outage, fire, etc.) that has destroyed their food can apply for replacement Cal-Fresh after they have spent their monthly allocation (or a portion of it).¹³ As the preamble discusses, however, mass replacements generally may be in order in certain circumstances, when multiple SNAP households have experienced the same displacement or destruction of food. This mass replacement benefit is essential in responding to events that fall short of a disaster declaration, such as those experienced during the during the 12-month California electricity crisis of 2000-01. Mass replacements also allow administrators to respond more quickly in cases of significant disasters when a disaster declaration is pending. Mass replacement CalFresh was an important tool used in California's 2015 fires.¹⁴ A mass replacement not only reduces likelihood of disaster victims experiencing hunger, it also reduces the administrative burden of SNAP

¹² According to the National Center for Disaster Response, Community resilience is generally defined as the ability to adapt to, withstand, or rapidly recover from a disaster or catastrophic event. Research suggests that communities have a greater capacity to withstand a disaster when its population is not suffering from deprivation of basic needs. More information on NCDR's description of the relationship between vulnerability and disaster recovery, go to: <http://ncdp.columbia.edu/research/recovery-resiliency/>

¹³ This is the California's form to apply for replacement CalFresh: <http://www.cdss.ca.gov/cdssweb/entres/forms/English/CF303.pdf>.

¹⁴ President Obama's 2015 Major Disaster Declarations for [Lake](#) and [Calaveras](#) county fires.

caseworkers, many of whom are also impacted by a disaster directly or indirectly. We appreciate the work that USDA, states and the EBT stakeholders do to make SNAP mass issuance a reliable, targeted, efficient, and cost-effective method of getting the broadest relief to affected SNAP households in areas with demonstrated need.

III. Allowing for 30 Days to Prove Loss of Food: We strongly support the proposed rule in allowing 30 days (instead of ten) for SNAP households in disaster-declared areas to prove food loss for replacement benefit eligibility determination. The normal ten-day period provides too little time for many clients to learn about the right to prove food loss due to a misfortune and too little time for outreach workers and media to apprise them of the procedures to claim the loss. Additionally, we urge USDA to clarify that a power outage of four hours or more is sufficient not only for situations involving mass replacements (as referenced in the D-SNAP proposed rule preamble) but also is sufficient in individual cases of household misfortune.

IV. Workers Impacted by Disaster Should be Served: One of the most frustrating experiences in working with California's disaster victims seeking D-SNAP over the past decade is having to tell people who have lost their jobs that they are not eligible for D-SNAP. This was especially the case in the 2007 San Diego Fire Storm,¹⁵ impacting many wealthy homes that employed low-wage earning gardeners, dry-cleaners, babysitters and other service professionals who lived in other areas, but were suddenly unemployed as a result of the fire and, because they were very low-income, they were ineligible for UI benefits. It is well documented that disasters disrupt industries and local economic activity, thereby adversely impacting workers who reside outside the disaster area. We have recently learned, however, that some states have received D-SNAP approval for "households who resided or worked in these 12 counties on April 27, 2014, and who suffered disaster-related adverse effects from the severe storms and tornadoes were eligible for certification using D-SNAP criteria."¹⁶ As such, we strongly support the proposed rule clarifying that states are allowed to extend D-SNAP eligibility to those who worked in the disaster area at the time of the disaster in addition to those who lived in the disaster area. We recommend that the Department improve the final rule in this area by requiring that a state that opts not to serve non-resident workers explain why it has made that decision. Doing so will inform states that serving this population is an option and encourage states to consider and document harm, or lack thereof to people who do not reside in the disaster area but who have been economically harmed by the disaster.

V. Support Outreach Providers' Role in Disaster Response: Outreach and application assisters are essential in connecting eligible people with benefits to which they are entitled. Our organizations have had significant experience in supporting application assisters in responding to disaster. During last year's valley fires, CAFB helped to train and coordinate several application assisters from throughout the state travel to Lake County to support the D-SNAP outreach effort. CAFB supports food banks and outreach providers to plan for

¹⁵ https://en.wikipedia.org/wiki/2007_California_wildfires

¹⁶ See information available at http://www.fns.usda.gov/sites/default/files/Response_to_SE-SW_Tornadoes.pdf

impending disasters.¹⁷ Western Center has successfully advocated for improved state disaster preparedness, including adding D-SNAP outreach in CalFresh outreach contract scopes of work.¹⁸ As such, we strongly support the proposed rule on D-SNAP requiring states to outline plans for D-SNAP outreach and believe that California offers a model for other states. While we are proud of the outreach partnerships our state rallied in response to recent fires, these efforts can be costly for all those involved and so we also encourage the Department to make additional federal funds available to augment D-SNAP outreach reimbursement funds to support participation of community partners for increased disaster response capacity to provide information and application assistance in the wake of disasters.

VI. Final Rules Should Be More Responsive of Vulnerable Households: Households with persons with disabilities are particularly vulnerable to food insecurity and to hardship following disaster. We support the proposed rule requiring state D-SNAP Plans to address accommodations for disaster victims with disabilities. The final rule also should recognize that additional populations may need special accommodations or services to access D-SNAP, including seniors, migrant workers, families with children (who will be without school lunches and/or WIC) and rural and urban populations that may lack transportation and/or communication (broadband) networks, especially following a disaster. Our experience suggests several important accommodations for these populations: (a) having sufficient application sites; (b) allowing for phone interviews, (c) preparing for multiple card issuance locations (or pre-printed cards that need only to be loaded with benefits); and, (d) ensuring that intake offices are open seven days, including over holidays and weekends. Regarding our recommendation that the proposed rule should be improved by allowing alternatives to face-to-face interviews for D-SNAP, it is important to note that the regular SNAP rules recognize that a face-to-face interview may present a hardship to potential clients. We appreciate that for many years now the Department has worked with states to minimize the barriers to SNAP access that traditional face-to-face interviews pose. The Department allows alternatives such as telephone interviews broadly, and, for elderly persons and persons with disabilities with stable incomes, lifts the requirement for a recertification interview at all. Disaster victims often have lost homes, cars, and telephone and internet access. In the wake of a disaster, use public transportation and public roads may be restricted. For example, in the Northern California fires earlier this year, gas stations were closed and travel was restricted for weeks. The final D-SNAP rule should recognize the reality of limited transportation in most disasters and incorporate lessons learned from regular SNAP application and recertification procedures and provide for alternatives to face-to-face interviews to better serve those who are need of D-SNAP.

¹⁷ <http://cafoodbanks.org/disaster-preparedness>

¹⁸ <http://www.calfresh.ca.gov/PG2903.htm> It has been up for about a year now and from this site, one can access: Application for Disaster CalFresh; Notice of Approval/Denial for Disaster CalFresh; Replacement Affidavit/Authorization; California Association of Food Banks Emergency Food Distributions; Disaster CalFresh Regulations; and, D-SNAP State Training Webinar

VII. Improving Retail Experience during Disaster Response: We support the proposed rule requiring state D-SNAP Plans to address communications with food retailers and to reinforce the ability of hot food waivers. The prepared food waivers were essential in recent fire disaster responses. This provision has been important for many disaster victims to obtain meals, often while they lack shelter or kitchen facilities to prepare food. Giving retailers timely and accurate information about D-SNAP operations, including information about any hot food waivers, bolsters the effectiveness of the commercial infrastructure that underlies SNAP benefit redemptions. Similarly, we support the proposed rule requiring state D-SNAP Plans to address Electronic Benefit Transfer (EBT) issuance. EBT offers a mainstream, efficient way to provide public benefits to consumers. Anticipating the steps needed by government and its partners to issue D-SNAP benefits and/or replacement and/or supplemental SNAP benefits electronically in the wake of disaster is a proper component of D-SNAP Plans.

VIII. D-SNAP Should Never Create Government Debt: The proposed rule properly prohibits states from collecting benefit over issuances out of D-SNAP benefits and also provides that payment of disaster expenses via credit card, not only those paid by cash or check, will count when determining D-SNAP disaster expenses.

In closing, considering the great importance of SNAP and D-SNAP in preventing hunger and restoring the local economy following a disaster, we appreciate the proposed rules and believe that they will greatly increase the likelihood that United States residents hard hit by disaster will be resilient in the wake of the unthinkable.

Thank you for your service and for your consideration of our comments.

Sincerely,



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