



1107 9th Street Suite 700, Sacramento CA 95814  
T. 916.442.0753 F. 916.442.7966

**Sacramento Office**

Elizabeth A. Landsberg  
Director of Policy Advocacy  
Jessica Bartholow  
Policy Advocate  
Michael E. Herald  
Policy Advocate  
Anya Lawler  
Policy Advocate  
Jith Meganathan  
Policy Advocate  
Linda Nguy  
Policy Advocate

May 13, 2016

Ms. Mary Rose Conroy  
Program Design Branch Policy Design Division  
USDA Food and Nutrition Service (FNS)  
3101 Park Center Drive, Room 810  
Alexandria, VA 22302

**Re: Proposed Rule on Supplemental Nutrition Assistance Program (SNAP) Promotion,  
Docket RIN 0584-AE44**

Dear Ms. Conroy,

On behalf of the Western Center on Law and Poverty and low-income Californians we represent, over 4 Million of whom rely on the Supplemental Nutrition Assistance Program (SNAP) to prevent hunger and over 3 Million of whom are eligible for SNAP and do not currently receive it, we would like to comment on the United States Department of Agriculture's (USDA's) Food and Nutrition Service (FNS) Proposed Rule on SNAP Promotion.

***Hunger is a Significant Problem in America and California***

Hunger and poverty are significant problems in the United States. 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. In California, this program is known as CalFresh and 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 which, responding to the recession, now serves just over 4 million Californians.

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.<sup>1</sup> 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 the federal nutrition programs,

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<sup>1</sup> 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.

## **Western Center Comments on Proposed Rule on Supplemental Nutrition Assistance Program (SNAP) Promotion, Docket RIN 0584-AE44 - Continued**

including SNAP, is a childhood obesity prevention strategy recommended by the IOM and the White House Task Force on Childhood Obesity.<sup>2</sup>

### ***Background***

On February 7, 2014, the President signed H.R. 2642 Conference Report (P.L. 113-79), which is 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. SNAP Cuts in the Farm Bill were strongly opposed by anti-hunger advocates from throughout the country, including many from California.

The most problematic piece of the Farm Bill’s passage was that it was done without an honest conversation about the impact of hunger among poor Americans, stagnant poverty, record inequality and the need to increase benefits (not cut) to reverse trends in hunger. This is especially true for California, which has the highest supplemental poverty rate, one of the lowest SNAP participation rates and is home to 2 of the 5 hungriest cities in the country. It is within this context that we submit our comments for proposed regulations impacting what we consider to be an essential part of the program, SNAP Outreach.

### ***CalFresh is Underutilized Support Program***

SNAP is a vital support for many needy people, but barriers to access leave troubling gaps in coverage. Despite what we know about the importance of CalFresh in reducing hunger among families with low incomes, only 63% (according to the most recent report by the USDA) of eligible Californians currently receive it and this number is even lower among working families (53%) and homes with a Disabled or Elderly member. This is because CalFresh applications are both more difficult to submit for low-wage earners and people with mobility issues and these cases are more difficult to process for county caseworkers. Most low-wage workers do not get paid days off and few Calfresh eligible families don’t have reliable transportation or access to computers to apply online.

### ***SNAP Outreach in California***

In 2003, I was the program and policy director at the California Association of Food Banks when we collaborated with the California Department of Public Health and the California Department of Social Services to develop the first California Food Stamp Access Improvement Plan. The plan has been updated annually and now includes partnerships with many key organizations, including Food Banks, 211 Agencies, Catholic Charities and a growing number of public colleges. In 2011, the plan was renamed the CalFresh Outreach to accommodate for the program’s new name. The program continues to serve as an important

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<sup>2</sup> 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->

## Western Center Comments on Proposed Rule on Supplemental Nutrition Assistance Program (SNAP) Promotion, Docket RIN 0584-AE44 - Continued

conduit of information about CalFresh, including changes to policy and program changes, to the communities served.<sup>3</sup>

Like SNAP outreach and application assistance programs throughout the country, California's CalFresh outreach program offers an essential service to help clients navigate the eligibility system and ensure SNAP benefits are received by all who are entitled to receive them.

### *Recommendations for the Final SNAP Promotion Rule*

On the whole, we support the proposed rule and greatly appreciate that they clearly represent an effort to strengthen the program. Specifically, we like that USDA recognizes the importance of funding SNAP outreach, education and information sharing activities. We also appreciate that USDA has already defined what is allowed as informed choice and has underscored this point in the proposed rules by including in the introductory background (preamble) the following statement: "The regulations already define recruitment activities as activities that are designed to persuade an individual who has made an informed choice not to apply for SNAP benefits to change his or her decision and apply."

We ask that the USDA revise the rule to ensure that the final SNAP regulations include language to reinforce that SNAP outreach organizations are permitted to help applicants make an "informed choice." This language is important to us because many times individuals may be reluctant to apply because of rumor or misinformation about the program. This is so very important in a state like California that is county administered, where rules (i.e. work requirements) and application processes (i.e. websites, office locations) can vary from county to county and where SSI Cashout and immigrant rules can be especially confusing.

We believe that Congress intended the 2014 Farm Bill to ensure that SNAP outreach organizations can continue to share factual information about SNAP and that providing factual information is not inappropriate persuasion. Congress expects that individuals would continue to be allowed to make an "informed choice" to apply or not apply for SNAP and that SNAP outreach partners like those in California's Outreach plan can provide that valuable service. Follow-up questions to potential SNAP applicants often are necessary to help identify whether a perceived lack of interest in applying is based on myths or other incorrect facts about SNAP.

We recommend that the final SNAP final rule clearly include the long-standing "informed choice" standard of the SNAP outreach rules and that FNS should make it very clear that such a follow-up inquiry by itself does not constitute undue "persuasion.

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<sup>3</sup> California Department of Social Services Outreach Information & Plan: <http://www.cdss.ca.gov/calfreshoutreach/>

**Western Center Comments on Proposed Rule on Supplemental Nutrition Assistance Program (SNAP) Promotion, Docket RIN 0584-AE44 - Continued**

We appreciate USDA's statement in the introduction that Congress did not intend to prohibit providing application assistance to vulnerable populations, including people who are elderly, homeless, or live with disabilities. Thank you.

We recommend the USDA include additional information to clarify that application assistance and specialized services can be provided to all individuals, not just so-called vulnerable populations cited in the preamble. For example, targeted SNAP outreach can be important for SSI recipients, refugees, pregnant woman, recently unemployed families during an economic recession or crisis, families impacted by fire, drought or other weather and power outages that do not rise to the level of a Presidential declared disaster, and domestic violence survivors. There are many situations where specialized or targeted outreach is appropriate and we urge USDA to allow SNAP outreach partner discretion to determine this on a local level.

We also support USDA's decision to not bar promotion of SNAP on social media. Thank you. Social media is an increasingly important form of communication among many populations. Social media outreach is important to dispel the many myths surrounding the SNAP program and providing individuals the tools they need, including on-line screening tools, to learn more on their own.

Thank you for your consideration of our comments.

Sincerely,

  
Jessica Bartholow  
Legislative Advocate