



September 14, 2020

Eric Williams
Food and Nutrition Service
U.S. Department of Agriculture
1320 Braddock Place
Alexandria, VA 22314

Re: Notice of Agency Information Collection Activities—Best Practices in
Disaster Supplemental Nutrition Assistance Program (D-SNAP) Operations and
Planning—OMB Number 0584-NEW

Submitted via regulations.gov

Dear Mr. Williams:

On behalf of the Western Center on Law and Poverty, please accept this comment in response to the Notice of Agency Information Collection Activities: Best Practices in Disaster Supplemental Nutrition Assistance Program (D-SNAP) Operations and Planning.

About the Western Center on Law and Poverty

For over five decades, the Western Center on Law and Poverty (Western Center) has advocated on behalf of individuals with low incomes in every branch of California government—from the courts to the Legislature. Through the lens of economic and racial justice, we litigate, educate and advocate around health care, housing, and public benefits policies and administration. Western Center staff have decades of experience in working with legislators and state policymakers to improve SNAP, known as CalFresh in California. We have published countless advocate guides, chaired advisory committees, supported federal and state legislation and, when necessary, filed and won litigation to protect the rights of SNAP recipients in California.

Western Center has also worked with federal, state and local partners for over a decade to plan for and to administer D-SNAP, as called for and when approved. We have provided trainings,¹ crafted and helped to implement new policies,² served in the D-SNAP advisory workgroups and helped to draft the Disaster CalFresh Manual.³ It is with this experience that has brought us to submit these comments. Most recently, we have been working with the California Department of Social Services to prepare for D-SNAP implementation following the Presidential Declaration for Individual Assistance (FEMA 4558-DR) for Lake, Monterey, Napa, San Mateo, Santa Cruz, Solano, Sonoma, and Yolo Counties, which we hope will be approved.

¹ [Minimizing Hunger in a Disaster: Advocacy Timeline](#) (February, 2018)

² [The Importance of Disaster SNAP: SNAP Responds When We Need It Most](#) (February, 2018)

³ <https://wclp.org/resources/implementing-ab-607-gloria-disaster-calfresh-calworks-feb-2018/>

³ https://www.cdss.ca.gov/Portals/9/ACL/2018/18-125_ES.pdf

SNAP is a Program Central to California's Safety Net

Between January and March 2020, an average of 4.1 million Californians living in 2.2 million households received CalFresh benefits, with each individual receiving an average of \$123 monthly. Due to the COVID-19 Public Health Crisis and necessary shelter-in-place orders, these numbers increased to 4.8 million Californians in 2.6 million households by June 2020. On average, in California, each participant received an average of \$166 monthly in June 2020. The program is one of the most responsive to economic downturn caused by any reason, including natural disaster.⁴

D-SNAP Works to Address Hunger Following a Disaster

The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides the Secretary of Agriculture with the authority to operate a D-SNAP when affected areas have received a Presidential major disaster declaration and when commercial channels of food distribution are available. The Food and Nutrition Act of 2008 provides the Secretary of Agriculture with the authority to establish temporary emergency standards of eligibility for households who are survivors of a disaster that disrupts commercial channels of food distribution after those channels have been restored. The United States Department of Agriculture (USDA) Food and Nutrition Services (FNS) have, on several occasions over the past decade, elected to approve the operation of D-SNAP under Stafford Act authority when affected areas have received a Presidential disaster declaration for individual assistance. In California, this program is known as D-CalFresh (DCF).⁵

With a significant number of Californians already experiencing hunger or food insecurity, the resiliency of our communities impacted by disaster is already compromised. This makes the work of ensuring the SNAP disaster response and D-SNAP⁶ program are swift acting and robust is even more important.⁷ While SNAP's entitlement structure allows it to respond quickly and effectively to changes in need, whether those are caused by economic downturns or natural 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 to support individual assistance. It is for this reason that we are very proud of the track-record of cooperation and collaboration that California and the USDA FNS have had on securing approval and implementing this important benefit throughout the years. Still, some improvements to the program could make the program even more effective and its reach even further into impacted communities.

⁴ <https://www.ppic.org/publication/the-cal-fresh-food-assistance-program/>

⁵ <http://www.cal-fresh.ca.gov/pg2903.htm>

⁶ https://www.fns.usda.gov/sites/default/files/D-SNAP_Disaster.pdf and https://www.fns.usda.gov/sites/default/files/D-SNAP_handbook_0.pdf.

⁷ 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: <http://ncdp.columbia.edu/research/recovery-resiliency/>

D-SNAP Should Be More Accessible Once Approved

Our experience suggests several important accommodations for disaster victims must be considered when designing a D-SNAP program. 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 that have ravaged our communities over the past several years, gas stations were closed and travel was restricted for weeks. We believe that ensuring multiple locations where can apply for D-SNAP, complete their interview and secure their D-SNAP EBT card for the entire period (including weekends and holidays) which the application period has been approved should be a priority in disaster responses. This access should also include allowing for a telephone interview, even when an entire county has been evacuated⁸ or for people who cannot physically go into any of the available locations. The lack of clear and consistent guidance from the USDA to ensure telephone and computer (out-of-office) application and interview for D-SNAP have especially frustrated our ability to plan for D-SNAP implementation during the COVID-19 Public Health Crisis. While state law and guidance requires CDSS to maintain mobile EBT issuance stations and to make these stations available to the county upon their request, this is not sufficing to meet the civil rights of people with disabilities during a disaster and the USDA FNS should remedy that by allowing online and over the phone processes for D-SNAP across the board.

Prepared Food Availability in Our Disaster Response

The prepared food waivers were essential in recent California 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 prepared food waivers, bolsters the effectiveness of the commercial infrastructure that underlies SNAP benefit redemptions. California consistently requests a hot-meal waiver in all D-SNAP application materials and the USDA proposed rule also suggested this as a component to state disaster planning, but the USDA should go further to make this provision automatically accessible to any state, without the rigmarole of preparing, submitting and getting approval of a waiver.

Continue to Reinforce Disaster Preparation and Disaster Recovery for Poorest Californians

Disasters come in many forms. In California, the disasters we have experienced in the last decade have been as a result of fire, freeze, drought, rain and earthquakes. With the passage of state law, California social services administrators are now required by law to participate in planning for disaster, adequately represent the needs for individual assistance in federal disaster requests, and implement federal disaster aid if granted. We know these efforts will prevent hunger and hardship and contribute to the restoring local economies following a disaster. We suggest similar standards be set across the board nationally.

⁸ This is a flaw in the federal guidance. Western Center and the California Association of Food Banks submitted comments to the draft regulations calling for them to amend this provision of the regulations, but the rules have not been finalized.

Goals for the Information Collection and Study

The notice provides examples of how it will seek input from community stakeholders, we advise that on the list of relevant stakeholders, you include legal services, SNAP EBT processors, national, state and local anti-hunger advocates, SNAP application assisters, SNAP nutrition educators, SNAP Employment and Training personnel, people with lived experience with hunger and poverty, disaster survivors, and representatives of particular population groups (such as older Americans, people with disabilities, rural residents, tribal members, and various racial and ethnic group members and representatives).

Using Technology to Improve Access and Operations

As we mention above, we believe that people should have access to technologies that are already at work helping to streamline SNAP operations overall. For decades now, automatic mass SNAP replacement benefits have been transmitted quickly and efficiently onto EBT cards for existing SNAP participants who reside in impacted areas. There is no reason why these technologies cannot be used to ensure access to D-SNAP. In fact, there is no proven way to ensure the civil rights protections of D-SNAP eligible Americans without doing so. These include the use of online, telephone, texting and other mobile technology platforms in D-SNAP. Florida and Louisiana have been granted authority to conduct D-SNAP interviews by phone rather than in person (for Hurricane Irma and Michael in Florida and, during COVID-19, for Hurricane Laura in Louisiana). We believe that this authority should be available in all D-SNAP scenarios.

D-SNAP is an Essential Program That Can Be Improved

We appreciate the opportunity to submit these comments to the Department and are grateful that leaders are seeking to build upon the considerable experience that it and partner stakeholders have in preventing hunger both during and after a disaster. We hope that we can be of further assistance during the information collection process and will continue to consider ways to adapt D-SNAP tools to new scenarios, including to help in the COVID-19 Public Health Emergency and future pandemics or climate crisis situations, as we hope the Department will too.

Thank you for the opportunity to comment on the D-SNAP information collection. Please do not hesitate to contact me at the email or phone number below.

Sincerely,

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