

THE U.S. DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE

Categorical Eligibility in the
Supplemental Nutrition Assistance
Program (SNAP); Reopening of
Comment Period

Docket No. FNS-2018-0037

COMMENTS OF THE
CENTER FOR SCIENCE IN THE PUBLIC INTEREST

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Program Design Branch
Program Development Division
Food and Nutrition Service
U.S. Department of Agriculture
3101 Park Center Drive
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Re: Docket No. FNS-2018-0037; Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP); Reopening of Comment Period

The Center for Science in the Public Interest¹ respectfully expresses our concerns regarding the U.S. Department of Agriculture's (USDA) Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP). The proposed changes would hurt low-income communities and families by leading to greater food insecurity and fewer nutritious meals, particularly for children. The proposed rule should be withdrawn.

SNAP is effective at addressing food security, reducing poverty, responding to natural disasters and economic downturns, and providing economic stimulus—every \$1 spent generates \$1.80 in economic activity.² However under this rule, 3.1 million people would lose SNAP benefits, exacerbating food insecurity and diminishing SNAP's effectiveness. This amounts to \$3 billion a year in benefits cut to veterans, active duty military, children, seniors, and those with disabilities.

The vast majority of states use categorical eligibility to qualify certain low-income households for SNAP if they receive a non-cash benefit funded by the Temporary Assistance for Needy Families block grant.³ Children in these households that receive SNAP are automatically eligible for free and reduced-price school meals without having to complete a separate application. Without this mechanism, children whose families lose access to SNAP would lose this automatic link to free and subsidized school meals. For many children, school may be their only opportunity to receive a healthy meal.

The Department's analysis of the proposed rule's impact on access to the School Breakfast and National School Lunch Program indicates that it would jeopardize free and reduced-price school meals for up to 1 million children.⁴ Households seeking free or reduced-price meals would need to submit a paper application in order to remain eligible, placing undue burden on qualified households and potentially increasing the administrative and other costs for states and schools.

The Department cites "savings" of \$90 million in removing this key access to school meals for low-income families, yet these savings are achieved by removing these children from the program. The Department has failed to provide sufficient analysis or time to assess the full extent of the proposed rule's impact on access to school meals and on the health and well-being of nearly a million low-income school children.

Even assuming that these families could navigate the school meals application process successfully, 445,000 children would need to re-qualify for free school meals and 497,000 would need to requalify for reduced-price school meals. Numerous barriers—including literacy and language barriers—would likely mean that many qualified children would lose certification for free or reduced-price school meals. This proposed shift from direct certification to individual application processing would create barriers to free or reduced-price school meals for children, and schools would need to process many more school meal applications. The proposed rule thus creates major administrative cost for many schools, which the analysis fails to adequately address or to weigh against the alleged “savings.”

In addition, shifting away from automatic eligibility for free and reduced-price school meals will harm the community eligibility program. This program allows high poverty schools to waive the process of paper applications to individually certify each student and instead offer free breakfast and lunch to all students regardless of income. Community eligibility uses the number of children directly certified for free school meals, primarily from participation in SNAP, to determine if a school is eligible for community eligibility and to set the federal funding levels for school breakfast and lunch. Many schools will find that they no longer qualify for community eligibility based on the decline in SNAP participation or that it is no longer financially viable. Thus, the proposed rule also would take free school meals away from additional low-income children. The new analysis fails to consider the impacts of the proposed rule on community eligibility use by schools or the implications for low-income communities and students.

The Department waited more than 75 days after it published the proposed rule and 16 days after the initial 60-day comment period had closed to release its analysis of the impact on access to school meals, yet has provided the public only 14 days to review and assess the Department’s analysis. The original Regulatory Impact Analysis failed to include information on the proposed rule’s estimated impact on school meals, which is especially concerning given that the Congressional Budget Office (CBO) included analyses of similar impacts in its cost estimates to Congress regarding proposed legislative changes to SNAP categorical eligibility in the 2018 Farm Bill. Indeed, such CBO estimates were before Members of Congress when they were considering such changes and were rejected by Congress.⁵

Conclusion: The proposal should be withdrawn as it threatens the well-being of nearly a million low-income school children.

Preventing qualified children from being automatically eligible for free and reduced-price school meals puts children at additional risk for food insecurity and poorer health and educational outcomes. Further, there is a compounding effect of losing access to both SNAP and free school meals that further threatens the health and development of children. Removing categorical eligibility will also increase the paperwork and certification burden on both parents and school food service programs, which can also further stigmatize low-income children. We strongly urge that the proposed rule be withdrawn.

¹ CSPI is a non-profit organization supported by approximately 500,000 members and subscribers to its *Nutrition Action Healthletter*.

² U.S. Department of Agriculture, Food and Nutrition Service. Building a Healthy America: A Profile of the Supplemental Nutrition Assistance Program. April 2012. Accessed at: <https://fns-prod.azureedge.net/sites/default/files/BuildingHealthyAmerica.pdf>.

³ U.S. Department of Agriculture, Food and Nutrition Service. Broad-Based Categorical Eligibility. July 2019. Accessed at: <https://fns-prod.azureedge.net/sites/default/files/resource-files/BBCE2019.pdf>.

⁴ U.S. Department of Agriculture, Food and Nutrition Service. Proposed Rule: Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (RIN 0584-AE62) – Potential impacts on Participants in the National School Lunch Program and School Breakfast Program. October 2019. Access at: <https://www.regulations.gov/contentStreamer?documentId=FNS-2018-0037-16046&contentType=pdf>

⁵ House of Representatives Committee on Agriculture. Cost Estimate of H.R. 2, Agriculture and Nutrition Act of 2018 As Ordered Reported by the House Committee on Agriculture on April 18, 2018, Congressional Budget Office, May 2, 2018, available at https://www.cbo.gov/system/files/2018-07/hr2_1.pdf: “There would be an additional effect on children who are categorically eligible for free meals at school because of their eligibility for SNAP. If their households lost SNAP eligibility because of the revised threshold and their families were not otherwise eligible for free meals, those children would be eligible only for reduced-price or paid meals. Those meals have smaller reimbursement rates to the meal providers and thus the federal costs of the child nutrition program would decline.” (Page 13)