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National Academies of Sciences, Engineering, and Medicine
Health and Medicine Division
Committee on Federal Policies that Contribute to Racial and Ethnic Health Inequities
500 Fifth Street NW
Washington, DC 20001
HealthEquityPolicies@nas.edu

Dear Committee Members,

The Center for Science in the Public Interest (CSPI) greatly appreciates the opportunity to contribute to National Academies' request for information on federal policies that contribute to racial and ethnic health inequities. CSPI is a non-profit consumer education and advocacy organization that has worked since 1971 to improve the public's health through better nutrition and safer food. CSPI hopes to provide recommendations that can help the National Academies advance racial and ethnic health equity through federal policies.

Federal Nutrition Policies That Affect Food Insecurity: Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program (SNAP) helps millions of people to put food on the table every year and has real potential to address inequities, but barriers to accessing the program and receiving adequate benefits risk perpetuating inequities.

Purchasing Power for Nutritious Foods

Increasing SNAP benefits could help to alleviate inequities and ensure families have the nutritious food they need to thrive. Through our recent community engagement work in Texas, Ohio, Florida, Colorado, North Carolina, Iowa, and Massachusetts, SNAP participants and people with lived expertise have informed us that their benefits do not account for increases in cost of living, are inadequate to afford enough food as their children grow, and are inadequate to afford a nutritious diet, especially for participants with chronic diseases who require special diets.^{1,2,3,4,5,6,7} Currently even households' maximum SNAP benefits do not cover the average meal cost in 21 percent of US counties.⁸ SNAP participants in CSPI's community engagement projects also shared that they stretch their limited benefits by prioritizing cheap food that will last the longest and that will fill them up most. In many instances that food will have less-than-optimal nutritional characteristics, such as excess added sugars.⁹ In October 2021, the USDA updated the Thrifty Food Plan (TFP) so that SNAP benefit amounts better reflect the true cost of a healthy diet.¹⁰ However, increasing SNAP purchasing power, expanding program eligibility, and other program changes ensure that all people in the US can attain a nutritious diet. Federal policies should ensure that future updates to the SNAP benefit allotments account for the costs of culturally relevant foods and specialized diets used to manage chronic diseases.

Work Restrictions

SNAP benefits are cut off after just three months for able-bodied adults without dependents (ABAWDs) unless they work at least 20 hours per week. The time limit disproportionately impacts non-Hispanic black and Hispanic^a adults and has not been found to increase employment.^{11,12} Work requirements in all states have been halted until after the COVID-19 public health emergency (as of this writing, only 13 out of 50 states still have their public health emergency declaration in place), but the requirements should be permanently eliminated.^{13, 14}

Until then, policymakers should more accurately define people living with disabilities and taking care of dependents so that they are exempt from the three-month time limit. The definition for “able-bodied” for SNAP eligibility is not inclusive. Currently, SNAP defines a person as disabled if an individual receives federal benefits for the disability.¹⁵ This does not include people who meet other definitions of “disabled,” such as the one used by the US Census Bureau, which includes disabilities due to hearing, vision, and independent living difficulties.¹⁶ SNAP also has a narrow definition of dependents, counting only individuals under 18 living in the same household.¹⁷ This narrow definition excludes from the ABAWD exemption people with non-traditional family structures who support children who do not live with them.

College Student Food Insecurity

SNAP should also be more inclusive of individuals pursuing postsecondary education. In general, students enrolled in college more than half-time are not eligible for SNAP unless they meet the normal eligibility requirements *and* meet an exemption (such as having a disability).¹⁸ This restriction assumes that most college students are young, childless adults who are financially supported by parents, but recent decades have seen the rise of non-traditional students, who include people with delayed enrollment out of high school and those financially supporting their families.¹⁹ Before COVID-19, college students already experienced greater food insecurity than average households.²⁰ The pandemic further exacerbated student hunger, especially among racial and ethnic minorities.²¹ The December 2020 stimulus package expanded college student eligibility for SNAP to full-time students eligible for federal work study and to students with an expected family contribution of \$0 until 30 days after the COVID-19 public health emergency is lifted.²² A more accessible, equitable SNAP would make this expansion permanent.

Felony Drug Conviction Ban

In the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, a lifetime SNAP ban was placed on individuals who previously have been convicted of a drug felony.²³ This ban includes individuals who have completed time in correctional facilities for a non-violent drug-related offense. People who were formerly incarcerated are twice as likely to experience food insecurity compared to the rest of the population.²⁴ As satisfying basic needs is crucial for successful re-entry to society, this ban does not give people who were previously incarcerated the tools they need to make a fresh start. Furthermore, in the US, Black people are imprisoned at over five times the rate of White people, and Hispanic^b people are imprisoned at over twice the rate of White people.²⁵ Incarceration, especially for drug crimes, is inequitable at all stages in the US criminal justice system from policing to sentencing and

^a Hispanic is the term used in the original study

^b Hispanic is the term used in the original study

post-prison collateral consequences. States have the authority to waive or modify the SNAP drug felony ban. However, over 20 states still impose some level of this restriction.²⁶ A full reversal of this law at the Federal level can ensure that more families, especially Black and Latine families, have equitable access to the program.

US Territories

To increase equitable access to food assistance, federal policies can allow for Puerto Rico, American Samoa, and the Northern Mariana Islands residents to enroll in SNAP instead of the Nutrition Assistance Program (NAP) block grants.²⁷ While SNAP, an entitlement program, can expand as people's financial needs grow, the block grant program funding for NAP is capped and unable to automatically adjust to economic downturns.²⁸ Americans living in the NAP-funded territories should have the opportunity to use SNAP to increase food security and economic stability. Federal policies can further allow for flexibility guided by each territory's administration, such as allowing for culturally appropriate purchases and local food purchasing requirements.

In this month's White House Conference on Hunger, Nutrition, and Health, the Biden-Harris administration addressed the inequities in SNAP and the need to expand program eligibility for college students, formerly incarcerated individuals, and residents in US territories receiving block grants.²⁹ The administration has stated that they will work with Congress to expand access, and we hope that the National Academies and advocates across the country will continue the momentum on these issues.

Federal Policies That Reduce Economic Security

Fair Labor Standards Act and Farmworker Exclusions

The Fair Labor Standards Act (FLSA) was created in 1938 to establish minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.³⁰ Unfortunately, key contributors to our domestic food system are exempt from the minimum wage and overtime provisions of the Act, creating inequities in wages and employment conditions. These inequities are particularly burdensome for agricultural workers, livestock farmers, and minors under the age of 16, all of whom are subjected to piece rate payment arrangements.³¹ The FLSA also has child labor protections that provide less protection to agricultural workers despite agriculture being one of the most dangerous occupational sectors.³² For example, minors who are 12 and 13 are allowed to work outside of school hours with written parental consent. There are also no restrictions on the number of hours worked in a day or in a week as there are with nonagricultural minors who are 14 and 15 years of age.³³ In addition, agricultural workers under the age of 12 are permitted to work with written parental consent on small farms that are exempt from the FLSA; these minors are also not restricted to a certain number of hours.³⁴

Given the demographics of the agricultural workforce, failure to support pay equity and a safe working environment perpetuates racial and ethnic health disparities. According to the National Agricultural Workers Survey (NAWS), most farmworkers are Latine (78%), and 10% of farmworkers identify as Indigenous.³⁵ In 2019-2020, 63% of the farmworkers interviewed were born in Mexico, and 62% of respondents indicated that Spanish was the language they were most comfortable speaking.³⁶ Thirty

percent of farmworkers reported living in crowded dwellings, 60% reported a personal annual income less than \$29,999, and the average educational attainment level was 9th grade.³⁷

The agricultural worker exemptions of the FLSA therefore fail to create protections for backbone members of our food system and disproportionately impact populations that are already at risk for social and economic inequities.

In conclusion, CSPI appreciates the opportunity to submit comments in response to the National Academies' request for information on federal policies that contribute to racial and ethnic health inequities, and we look forward to supporting future policies and programs that apply a racial equity lens. Please contact Cassie Harrison-Ramos at cramos@cspinet.org or 202-777-8375 with any questions or requests for additional information.

Sincerely,

Cassie Harrison-Ramos
Policy Associate

Ashley Hickson
Senior Health Equity Advisor

Peter Lurie
Executive Director and President

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