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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
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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,

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- ¹ Nielsen et al. *Statewide Discussions Around SNAP & Double Up Food Bucks: Focus Groups and Regional Convenings*. 2022
<https://static.spacecrafted.com/d97a6716dafc419ba047f82b03db0dd7/r/e478c0f184b04c98b6b38ce3e2974419/1/Statewide%20SNAP%20and%20DUFB%20Community%20Engagement%20Report.pdf>. Accessed September 23, 2022.
- ² Children’s Defense Fund-Ohio and Northeast Ohio Black Health Coalition. *Recommendations for Strengthening Access to Nutrition through the Supplemental Nutrition Assistance Program (SNAP)*. 2022. <https://cdfohio.org/wp-content/uploads/sites/6/2022/05/Final-Report-SNAP-5.2022.pdf>. Accessed September 23, 2022.
- ³ Hiddleston. *The Florida Project: Recommendations for Healthy Eating SNAP Pilot Projects*. 2022. <https://www.floridapolicy.org/posts/the-florida-project-recommendations-for-healthy-eating-snap-pilot-projects>. Accessed September 23, 2022.
- ⁴ Brooks et al. *Colorado Listening Project: Perspectives of SNAP Participants and College Students to Maximize Nutrition Security*. 2022. https://nourishcolorado.org/wp-content/uploads/2022/03/Colorado-Listening-Project_-_Perspectives-of-SNAP-Participants-and-College-Students-to-Maximize-Nutrition-Security- FinalFeb2022.pdf. Accessed September 23, 2022.
- ⁵ Ramos et al. *Recommendations for a Healthy Eating SNAP Pilot in North Carolina*. 2021. <https://www.cspinet.org/resource/recommendations-healthy-eating-snap-pilot-north-carolina>. Accessed September 23, 2022.
- ⁶ Buckingham-Schutt et al. *Strategies to Improve Healthy Eating in SNAP: An Iowa Perspective*. 2021. <https://harkinstitute.drake.edu/wp-content/uploads/sites/103/2021/01/SNAP-in-Iowa.pdf>. Accessed September 23, 2022.
- ⁷ Center for Science in the Public Interest. *Recommendations for a Healthy Eating Snap Pilot in Massachusetts*. <https://www.cspinet.org/resource/recommendations-healthy-eating-snap-pilot-massachusetts>. Accessed September 26, 2022.
- ⁸ Fiol et al. *Persistent Gaps in SNAP Benefit Adequacy across the Rural-Urban Continuum*. <https://www.urban.org/research/publication/persistent-gaps-snap-benefit-adequacy-across-rural-urban-continuum>. Accessed September 26, 2022.
- ⁹ Gustafson. *Shopping pattern and food purchase differences among Supplemental Nutrition Assistance Program (SNAP) households and Non-supplemental Nutrition Assistance Program households in the United States*. *Prev Med Rep*. 2017 Sep;7:152-157. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5484978/>.
- ¹⁰ Food and Nutrition Service, US Department of Agriculture. *SNAP and the Thrifty Food Plan*. March 9, 2022. <https://www.fns.usda.gov/snap/thriftyfoodplan>. Accessed September 26, 2022.
- ¹¹ Brantley et al. *Association of Work Requirements With Supplemental Nutrition Assistance Program Participation by Race/Ethnicity and Disability Status, 2013-2017*. *JAMA Netw Open*. 2020;3(6):e205824. <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2767673>.
- ¹² Han. *The Impact of SNAP Work Requirements on Labor Supply*. *Labour Econ*. 2022;Vol 74:102089. <https://www.sciencedirect.com/science/article/abs/pii/S092753712100124X>.
- ¹³ Food and Nutrition Service, US Department of Agriculture. *SNAP – Families First Coronavirus Response Act and Impact on Time Limit for Able-Bodied Adults Without Dependents (ABAWDs)*. March 20, 2020. <https://www.fns.usda.gov/snap/ffcra-impact-time-limit-abawds>. Accessed September 26, 2022.
- ¹⁴ National Academy for State Health Policy. *States’ COVID-19 Public Health Emergency Declarations and Mask Requirements*. September 18, 2022. <https://www.nashp.org/governors-prioritize-health-for-all/>. Accessed September 26, 2022.
- ¹⁵ 7 C.F.R. §271.2. <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-C/part-271>.
- ¹⁶ US Census Bureau. *How Disability Data are Collected from The American Community Survey*. November 21, 2021. <https://www.census.gov/topics/health/disability/guidance/data-collection-acs.html>. Accessed September 26, 2022.

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- ¹⁷ Food and Nutrition Service, US Department of Agriculture. *Supplemental Nutrition Assistance Program (SNAP) SNAP Work Requirements*. May 29, 2019. <https://www.fns.usda.gov/snap/work-requirements>. Accessed September 26, 2022.
- ¹⁸ Food and Nutrition Service, US Department of Agriculture. *Supplemental Nutrition Assistance Program (SNAP) Students*. March 25, 2021. <https://www.fns.usda.gov/snap/students>. Accessed September 26, 2022.
- ¹⁹ US Government Accountability Office. *FOOD INSECURITY: Better Information Could Help Eligible College Students Access Federal Food Assistance Benefits*. December 2018. <https://www.gao.gov/assets/700/696254.pdf>. Accessed September 26, 2022.
- ²⁰ Bruening et al. The struggle is real: a systematic review of food insecurity on post-secondary campuses. *J Acad Nutr Diet*. 2017 Nov;117(11);1767-1791. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6901286/>.
- ²¹ Mialki et al. Covid-19 and College Students: Food Security Status before and after the Onset of a Pandemic. *Nutrients*. 2021 Feb;13(2):628. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7919459/>.
- ²² Consolidated Appropriations Act, 2021. P.L. 116-260. <https://www.congress.gov/116/plaws/publ260/PLAW-116publ260.pdf>.
- ²³ Personal Responsibility and Work Opportunity Reconciliation Act of 1996. P.L. 104-193. <https://www.congress.gov/104/plaws/publ193/PLAW-104publ193.pdf>.
- ²⁴ Testa and Jackson. Food Insecurity Among Formerly Incarcerated Adults. *Crim Justice Behav*. 2019;46(10):1493-1511. <https://journals.sagepub.com/doi/10.1177/0093854819856920>.
- ²⁵ Bureau of Justice Statistics, Office of Justice Programs, US Department of Justice. *Prisoners in 2019*. 2020. <https://bjs.ojp.gov/content/pub/pdf/p19.pdf>. Accessed September 26, 2022.
- ²⁶ The Center for Law and Social Policy. *No More Double Punishments: Lifting the Ban on SNAP and TANF for People with Prior Felony Drug Convictions*. April 2022. <https://www.clasp.org/publications/report/brief/no-more-double-punishments>. Accessed September 26, 2022.
- ²⁷ Food and Nutrition Service, US Department of Agriculture. *Nutrition Assistance Program (NAP) Block Grants*. N.d. <https://www.fns.usda.gov/nap/nutrition-assistance-program-block-grants>. Accessed September 26, 2022.
- ²⁸ Center on Budget and Policy Priorities. *The Problems with Block-Granting Entitlement Programs*. N.d. <https://www.cbpp.org/the-problems-with-block-granting-entitlement-programs>. Accessed September 26, 2022.
- ²⁹ The White House. *Biden-Harris Administration National Strategy on Hunger, Nutrition, and Health*. September 2022. <https://www.whitehouse.gov/wp-content/uploads/2022/09/White-House-National-Strategy-on-Hunger-Nutrition-and-Health-FINAL.pdf>. Accessed September 30, 2022.
- ³⁰ Wage and Hour Division, US Department of Labor. *Wages and the Fair Labor Standards Act*. N.d. <https://www.dol.gov/agencies/whd/flsa>. Accessed August 31, 2022.
- ³¹ Wage and Hour Division, US Department of Labor. *Fact Sheet #12: Agricultural Employers Under the Fair Labor Standards Act (FLSA)*. January 2020. <https://www.dol.gov/agencies/whd/fact-sheets/12-flsa-agriculture>. Accessed September 9, 2022.
- ³² Farmworker Justice. *US Labor Law for Farmworkers*. N.d. https://www.farmworkerjustice.org/advocacy_program/us-labor-law-for-farmworkers/. Accessed September 9, 2022.
- ³³ US Department of Labor. *Employment Law Guide - Child Labor Protections (Agricultural Work)*. December 2016. https://webapps.dol.gov/elaws/elg/childlbr_ag.htm. Accessed September 15, 2022.
- ³⁴ US Department of Labor. December 2016.
- ³⁵ Gold et al. *Findings from the National Agricultural Workers Survey (NAWS) 2019-2020: A Demographic and Employment Profile of United States Farmworkers*. January 2022. <https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS%20Research%20Report%2016.pdf>. Accessed September 26, 2022.
- ³⁶ Gold et al. January 2022.
- ³⁷ Gold et al. January 2022.