



February 2, 2021

Dear Senator or Representative,

We have seen in stark relief how the underlying epidemic of diet-related disease is part of the reason specific communities are more vulnerable to the ravages of the pandemic, exacerbating health disparities with dire consequences.

With this measure, Congress has an opportunity to enact a bill to meet the needs of American families struggling with the pandemic and should prioritize measures in the COVID-19 relief package that put food on the table, keep families safe, protect consumers, and ensure transparency.

On behalf of the Center for Science in the Public Interest, we ask that Congress include critical expansions to better support public health and safety and urge lawmakers to include the priorities below. In addition, we support needed worker safety protections and paid sick leave for all.

Greater supports for feeding programs:

Boosting the Supplemental Nutrition Assistance Program (SNAP)

The hunger crisis is stretching SNAP as families struggle during the pandemic. The following ideas would bolster the program and help families in need. Congress should:

- Strengthen SNAP by increasing the maximum benefit available to all households by 15 percent and increasing the minimum benefit from \$16 to \$30 through the longer-term economic downturn. The last relief package passed at the end of 2020 only extended the maximum boost by six months through June 2021 and President Biden has called for extending this through September, 2021.
- Strengthen the SNAP Online Purchasing Program by building upon the Expanding SNAP Options Act ([S.4202](#)) to help small retailers and SNAP recipients participate in the program. Consider ways to improve nutrition and the virtual food environment through the program. Explore ways to incentivize retailers to feature healthy options and encourage participation among retailers in rural and/or historically underserved communities. Subsidize delivery, service, and convenience fees for participants (these fees cannot be paid for with an EBT card). Commission demonstration projects to study policies and practices that promote healthy food access through the program.
- Bolster SNAP-Education by dedicating funds for SNAP-Ed infrastructure. The FY2021 appropriations package included two percent of SNAP-Ed funding go to the development of this infrastructure.
- Provide \$20 billion to allow independent restaurants that participate in SNAP to offer nutritious meals.

- The P-EBT program has provided families with resources to purchase food to replace meals that children would have received through the child nutrition programs during normal times. We fully support the recent Executive Order that requests USDA guidance to increase P-EBT benefits to include an additional snack. The program is set to expire on September 30, 2021, and benefits cannot be provided during summer vacation, on weekends, or school holidays. Congress must extend and strengthen an EBT program for children that helps to ensure they have the nutrition they need when schools are closed unexpectedly.

Flexibility and Transparency for School Meals

School meal programs are providing crucial meals to school children and their families despite profound and ongoing challenges. Since it is the only meal that some children may eat that day, sound nutrition, as practical to achieve, is also essential. Congress should:

- Extend waivers allowing school meals at no cost to students through, at minimum, the length of the longer-term economic downturn. Congress should extend the authority for the U.S. Department of Agriculture (USDA) to issue all nationwide waivers that will expire June 30, 2021. This authority has been used by USDA to issue waivers including non-congregate, parent pick-up, meal service time, and meal pattern flexibility for the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program. Schools should be directed to operate programs through the Seamless Summer Option (SSO) or National School Lunch Program as it has stronger nutrition standards than the Summer Food Service Program.
- Require USDA issue a policy or Q&A memo that ensures schools continue to meet or work toward the school nutrition standards during the pandemic and provide robust technical assistance to address procurement challenges. The Families First Coronavirus Response Act (FFCRA) requires that schools demonstrate hardship due to COVID-related supply chain disruptions for the meal pattern waiver. USDA departed from the FFCRA statutory requirement and no longer requires meal pattern waiver approvals based on supply chain disruptions as stated in a Q&A memo on August 21, 2020.

Supporting Food banks

Long lines at food banks remain a sad and telling sign of the need among ordinary Americans for food assistance. Congress should support the strained system and work to immediately plug gaps in how to get healthy food to families. Congress should:

- Provide the Emergency Food Assistance Program (TEFAP) with an additional \$900 million for food purchases until September 30, 2022. Increased TEFAP funding has been critical in helping food banks meet higher demand during the pandemic.
- Increase TEFAP Farm to Food Bank Project (FTFB Project) funding. Earlier COVID-19 stimulus packages did not increase FTFB Project funding. FTFB Projects compensate farmers and growers for donating fresh food that would otherwise go unharvested, unprocessed, or unpackage. It is more important than ever that food banks provide nutritious food.
- Establish a grant program to support state-level farm-to-food bank programs. Several existing state-level programs compensate farmers and growers for the costs of donating food. A grant program would bolster existing programs and support the creation of new programs.
- Increase TEFAP funding by indexing TEFAP to the Low-Cost Food Plan. Additional TEFAP funding in earlier COVID-19 stimulus packages increased food assistance in light of unprecedented demand during the pandemic. TEFAP is currently indexed to the Thrifty Food Plan which is flawed because its model “market basket” contains unrealistically small amounts of food and lacks the variety recommended by the *Dietary Guidelines for Americans*. TEFAP should

be indexed to the Low-Cost Food Plan to provide more adequate nutrition for food insecure families.

- Fund research on whether the inclusion of FTFB Projects in TEFAP and the Traditional, Locally- and Regionally-Grown Food Fund in the Food Distribution Program on Indian Reservations (FDPIR) have improved nutritional quality of and client satisfaction with USDA Foods. TEFAP's FTFB Projects and FDPIR's Traditional and Locally- and Regionally-Grown Food Fund are recent additions to each program and USDA should study its impact on nutrition and participation.
- Fund research on whether tax breaks incentivize nutritious food donation. The Coronavirus Aid, Relief and Economic Security Act (CARES Act) temporarily increased the limitation for the Federal Enhanced Tax Deduction for Food Donation from 15 percent to 25 percent of net income. In addition to the federal deduction, at least 11 states provide tax credits for food donation. However, there is little evidence that these deductions and credits incentivize food donation, particularly nutritious food donation. Congress should fund USDA research on whether tax breaks incentivize nutritious food donation.
- Fund research on retail and farmer/grower food donations. Donated food accounts for about 60 percent of food bank distributions. Nutritious donations are more important than ever: over 50 million people relied on the charitable food system in 2020 and food insecurity increases the risk of obesity and diet-related disease. Retail donations and donations from farmers and growers are two of the largest donation sources. However, beyond basic statistics on tonnage, there is scant nuanced information about retail and farm donation. Researchers, food donors, and legislators would benefit from a USDA study on both donation streams.

Bolstering the Women, Infants, and Children Supplemental Nutrition Assistance Program (WIC)

The WIC program provides essential supports for the health and well-being of women and young children and has also come under stress. Congress should:

- Assure adequate funding for the WIC program throughout the pandemic.
- Increase the cash value voucher for fruits and vegetables from \$9 for children and \$11 for women per month to \$35 per month for women and children.
- Strengthen WIC during the pandemic and for the future by enabling online WIC purchasing and WIC telehealth visits.
- USDA should finalize new WIC food packages based on the recommendations from the 2017 National Academies of Sciences report and the 2020-2025 *Dietary Guidelines*.

Provide greater support for COVID vaccinations in rural areas

Vaccine acceptance is low in rural parts of the country. USDA should leverage the Cooperative Extension Service offices that are located in rural communities to maximize the reach and uptake of vaccinations.

- Provide \$100 million for USDA's Cooperative Extension Service COVID vaccine rural acceptance program.

Stop COVID scams and provide greater accountability of dietary supplements

Scams around misleading consumer information are proliferating, with potential deadly consequences, but federal authorities to prosecute fraud in the supplement marketplace are insufficient. Congress should:

- Provide the FDA and the Federal Trade Commission (FTC) with more resources to monitor and carry out enforcement actions against scammers fraudulently marketing dietary supplements that protect, treat, and/or mitigate COVID-19 and other diseases.
- Authorize state Attorney Generals to file civil enforcement actions against dietary supplements with illegal disease/treatment claims, in coordination with the FDA and FTC. As many dietary supplement companies are small, fly-by night operations, it is difficult for one central agency to oversee the dietary supplement markets in all 50 states and territories. State Attorney Generals can work with local health and law enforcement officials to identify supplements that pose local but significant threats to the safety of their residents.
- Allow the FDA to issue increased penalties for repeated violations when a warning letter has been issued but the product and company has been rebranded to avoid enforcement (*e.g.*, the FDA should be able to double the fines for the second offense, and triple it for the 3rd offense, etc.). The FDA should have the authority to enforce these penalties even when the product has been rebranded by the same seller or by the same company principals. The agency should also have the authority to determine when a company and product has been rebranded to avoid further enforcement and consider their continued sales of illegal supplements as a repeated violation subject to the escalating penalties.

Increase nutrition funding at the Centers for Disease Control and Prevention (CDC)

The only dedicated funding for obesity prevention is to the CDC's Division of Nutrition, Physical Activity, and Obesity (DNPAO) which accounts for less than 1 percent of CDC's budget and 5 percent of CDC's funding for prevention of chronic disease, significantly less than for cancer, tobacco, diabetes, and heart disease and stroke. Funding is not commensurate with the scope of the problem and no longer funds an obesity prevention program in all the states.

- Increase the CDC's DNPAO budget up to \$125 million so that the CDC may award every state a State Physical Activity and Nutrition (SPAN) grant for use on strategies such as implementing food service guidelines to promote diet quality in public facilities.

Improve online food labeling so consumers can make informed choices during the pandemic

COVID-19 led to a surge in online grocery shopping, but current food labeling regulations and menu labeling rules have not been extended to cover online shopping or enforced online. Congress should fix these gaps in consumer transparency:

- Require nutrition information to be available for foods sold online. Under the current legislation, there is no explicit requirement to make information on nutrients, ingredients, and major food allergens available to consumers purchasing food online. This means that consumers doing grocery shopping online may not be able to access the same important information they would be able to access in-store, thereby inhibiting their ability to make informed purchasing decisions. Congress must ensure nutrition information is available online.
- Extend menu labeling to cover restaurant menus posted on third party platforms. Third-party apps like Grubhub, UberEats, and DoorDash have millions of users. Especially during COVID-19, these apps are a popular way of ordering restaurant food. Restaurants are currently not required to provide calorie and serving information required under the Food and Drug Administration's (FDA) menu labeling regulations when their menus are posted on third-party platforms. FDA should update its regulations to ensure that consumers ordering food through third party platforms can access the nutrition information needed to inform their food selection.

Improve food safety

The COVID-19 pandemic has highlighted the need for an adaptable regulatory system capable of identifying and responding to emerging challenges to public health. This includes providing research tools to regulators to identify and implement science-based regulatory solutions to ensure the safety of our food supply, as well as the ability to identify and control emerging zoonotic disease threats.

- Provide \$10 million to the Food Safety and Inspection Service (FSIS) to conduct or fund its own research. FSIS is dependent on other agencies, branches of government and the private sector to conduct research needed for science-based regulatory decisions, which can lead to delays and neglect in conducting priority research. This funding could be used to more rapidly investigate and adapt regulations to tackle emerging threats that might impact the safety of our food supply.
- Provide \$50 million for USDA to take action to surveil and prevent zoonotic diseases on farms before they have the opportunity to spread to the human population. Gaps in regulatory authority mean that no agency currently has this full authority, which puts public health and industry at risk. USDA already conducts similar activities for animal diseases and would be able to expand these programs as needed for public health concerns.

Support public health while generating much-needed tax revenues

While a pay-for may not be needed for spending measures, Congress should consider enacting revenue collection policies that have meaningful impacts on improving public health—a win-win for key priorities and impacted communities.

- Reverse the extension of tax cuts in the Craft Beverage Modernization and Tax Reform Act of 2019 (S. 362/H.R. 1175), which was included in the Tax Cuts and Jobs Act of 2017 and made permanent in the recent COVID-19 relief package. Sold to the public as a bill to help small business, these cuts are instead a \$1.1 billion annual windfall for the largest alcohol companies, with only around five percent of the tax cuts benefitting actual craft brewers or distillers. The bill dramatically reduced total federal alcohol excise taxes, and its passage has come at a time when alcohol-related deaths are on the rise and federal revenue has declined precipitously as a result of the COVID-19 pandemic. For the sake of public health, Congress should reverse these misguided tax cuts, which are estimated to cause 1,550 total alcohol-related deaths annually from all causes by increasing alcohol consumption.
- Levy an excise tax on sugary drinks. A flat-tax has been proposed in the Sugary-Sweetened Beverages Tax Act (SWEET Act) that has been in the House for nearly a decade. According to one study, a tiered federal tax on sugary drinks could generate more than \$90 billion over five years. Another study found a tiered federal sugary drink tax could prevent nearly 1.7 million fatal and non-fatal cardiovascular disease events and over 530,000 cases of diabetes, and save \$105 billion in healthcare costs over five years.
- Close the tax break on junk food marketing to kids. Include the Stop Subsidizing Childhood Obesity Act that would remove the tax deductibility of expenses associated with advertising and marketing foods and beverages of poor nutritional quality to children. This could reduce the number of overweight children and adolescents by 5-7 percent, generate \$80 million in tax revenue annually, and save \$260-352 million in healthcare costs over ten years.

Support low-income families raising children

The Child Tax Credit (CTC) aims to fight poverty but falls short. Many low-income families make too little money to claim the benefit. Congress should strengthen this anti-poverty program:

- Expand the CTC to cover low-income families not currently eligible for the benefit and 17 year olds, raise the credit from \$2,000 to \$3,000 for each 6-17 year old child and \$3,600 for each child under 6, and make it fully refundable. About 40 percent of the approximately \$117.5 billion in CTC benefits likely to be claimed for 2020 will go to households making more than \$100,000. And Black and Hispanic children qualify for the benefit at a significantly lower rate than white and Asian children. The proposed changes would address these problems and could raise millions of children close to or above the poverty line, as well as fight food insecurity.

In conclusion, we ask that Congress include these priorities in the stimulus package to better support working families put food on the table, keep families safe, protect consumers, and ensure transparency in our food system.

Sincerely,

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