



March 21, 2019

Certification Policy Branch
SNAP Program Development Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, Virginia 22302

RE: Proposed Rule: Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57

Dear Certification Policy Branch:

Thank you for the opportunity to comment on the Proposed Rulemaking on requirements and services for Able-Bodied Adults Without Dependents (ABAWDs) through the U.S. Department of Agriculture (USDA).

I am writing on behalf of The Greater Boston Food Bank (GBFB) to express our strong opposition to this Proposed Rulemaking and ask that the Rule be withdrawn. This deeply troubling Rule would limit state flexibility to address fluctuating economic circumstances and worsen food insecurity in our communities.

GBFB is the largest hunger relief organization in New England and among the largest food banks in the country. It is our mission to end hunger in Eastern Massachusetts. To that end, GBFB distributes more than 50 million healthy meals annually through a network of over 500-member agencies and more than 70 direct service program sites in 190 cities and towns.

SNAP is the first line of defense against hunger. One in 9 Massachusetts residents relies on SNAP to help make ends meet. While the majority – 75 percent – are seniors, children, or persons with disabilities, many are working parents or single adults struggling to find consistent, reliable jobs that pay a living wage.

Federal law limits SNAP eligibility for ABAWDs—childless, unemployed and underemployed adults ages 18 through 50—to just three months in three years unless they maintain a 20-hour work week. ABAWDs include veterans, the homeless, those re-entering the workforce after incarceration, people with short or long-term disabilities, caretakers, recent high school graduates, former foster care youth, and other adults struggling to get by. These populations face unique barriers that challenge their capacity to secure and sustain stable employment.

The time limit for ABAWDs harms vulnerable people by restricting food benefits when they need them most, decreasing their ability to work and thrive. Here are examples of GBFB clients who are subject to the time restrictions:

- **Robert:** A 23-year-old who was diagnosed with a mental health illness but unable to find a mental healthcare provider because none in his small community accepted his health insurance. Robert's employer could only give him 10 hours a week of work. After three months in 2016, Robert's SNAP benefits were cut because he was unable to work an average of 20 hours a week. Robert was then forced to rely on his local food pantry for food and often went without meals when that food ran out.
- **Jose:** In the wake of Hurricane Maria, an 18-year old Puerto Rican evacuee came to Massachusetts seeking shelter and work. Being in a new state where he knows few people, Jose has struggled to find a reliable job to meet the work requirements. SNAP benefits help Jose buy the food needed to stay healthy and strong while he tries to

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recover from this disaster. The three-month time limit threatens to cut off Jose's food assistance, only worsening his situation.

- **Richard:** Richard, a 49-year-old who provides for his child through monthly child support payments, is considered an ABAWD since his child does not live with him. Richard works an hourly job and nearly half of his wages go toward child support, leaving him only \$800 a month to live on. SNAP benefits help Richard afford the food needed to continue working and providing for his child. If Richard's hours were unable to maintain a 20-hour work week, the three-month time limit would threaten his ability to buy food and support his child.
- **Rashad:** Recently released from incarceration, 29-year-old Rashad is an ABAWD looking for employment while also looking for stable housing. The three-month time limit on food assistance threatens to raise the already high barriers to re-entering the workforce to a near insurmountable height for people like Rashad.

Under the current law, states have some flexibility to blunt the impact of the cutoff. States can request a waiver of the time limit for areas within the state that have 10 percent or higher unemployment rates or, based on other economic indicators, have "insufficient jobs." Moreover, states have discretion to exempt individuals from the time limit by utilizing a pool of exemptions (referred to as "15 percent exemptions"). While the 2018 Farm Bill modified the number of exemptions that states can receive each year from 15 percent to 12 percent, it did not change their ability to carry unused exemptions forward.

The Proposed Rule would make it harder for areas with elevated unemployment rates to qualify for waivers of the time limit by adding a 7 percent unemployment rate floor as a condition. Despite unemployment rates below 7 percent, many workers in the Cape Cod region struggle to find stable work due to seasonal employment that dries up during winter. Additionally, several areas of Massachusetts, such as Gloucester, Wareham, and New Bedford, have taken longer to recover following the Recession. The waiver of SNAP time limits in these Massachusetts regions has supported workers facing unique economic hardships by maintaining their access to food—ultimately, strengthening their ability to work.

The USDA's Proposed Rule makes the time limit harsher by repealing states' flexibility to exempt individuals and high unemployment areas. In Massachusetts, 20,000 ABAWDs lost SNAP in 2016 and 2017 due to the three-month time limit. Under the Proposed Rule, this number is sure to grow.

In Eastern Massachusetts, the food insecurity rate remains higher than before the Great Recession. In fact, the number of households experiencing severe food insecurity has increased seven percent since the height of the recession. The state's ability to waive the time limit in certain areas of the state has ensured that these individuals were able to look for work without going hungry.

Food insecurity is associated with some of the most common and costly health problems. The estimated health-related costs of food insecurity and hunger in Massachusetts amounts to \$2.4 billion annually, as described in the report by Children's HealthWatch that we sponsored last year. Broken down by condition, Rheumatology Diseases costs \$76.9 million, Mental Health Conditions costs \$223.3 million, Type 2 Diabetes costs \$251.1 million, Special Education costs \$520.3 million, Pulmonary Diseases costs \$572.6 million, and Poor General Health costs \$635.4 million. Research continues to show that access to SNAP effectively mitigates health-related costs.

The Department provides little analysis to explain its conclusions about the impacts the changes would have on individuals and population groups, nor does the Department detail realistic plans to avert the impending harm from these changes. USDA merely asserts its expectation that two-thirds of those individuals made newly subject to the time limit "would not meet the requirements for failure to engage meaningfully in work or work training." While the Department concedes the proposed changes "have the potential for disparately impacting certain protected groups due to factors affecting rates of employment of these groups, [it] find[s] that implementation of mitigation strategies and monitoring by the Civil Rights Division of FNS will lessen these impacts." However, no explanation of the mitigation strategies and monitoring is provided, so there is no opportunity for us to comment on whether the acknowledged disparate impact will in fact be mitigated.

The Administration Proposed Rule seeks to end run Congress, which just concluded a review and reauthorization of SNAP in the 2018 Farm Bill and did not make the changes proposed. The rules governing areas' eligibility for waivers and individual exemptions have been in place for nearly 20 years. In that time, the waiver rules have proven to be reasonable, transparent, and manageable for states to operationalize.

We strongly oppose any administrative action that would expose more people to this cutoff policy and limit state flexibility. It is counter to our mission to deny people access to their most basic human need: food.

We believe hunger is a non-partisan issue, and no one in our country should ever go hungry. We hope the Administration will pursue policies that support our neighbors in need.

Thank you for the opportunity to comment and for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine D'Amato". The signature is fluid and cursive, with a long, sweeping underline.

Catherine D'Amato
President & CEO