



November 6, 2013

Shanta Swezy, Chief
Retailer Management and Issuance Branch
Retailer Policy and Management Division
Supplemental Nutrition Assistance Program
Food and Nutrition Service
U.S. Department of Agriculture
3101 Park Center Drive, Room 426
Alexandria, Virginia 22302

Re: Response to Request for Information: Supplemental Nutrition Assistance Program Enhancing Retail Food Store Eligibility

Dear Ms. Swezy:

Trust for America's Health would like to thank you and Secretary Vilsack for this opportunity to provide comment on retailer requirements for participation in the Supplemental Nutrition Assistance Program (SNAP). As a nonprofit, nonpartisan organization dedicated to saving lives by protecting the health of every community and working to make disease prevention a national priority, TFAH strongly supports the SNAP program as a critical to both combatting hunger and improving nutrition among some of the most vulnerable Americans.

According to TFAH's 2013 report *F as in Fat: How Obesity Threatens America's Future*, childhood obesity rates are greater than 17 percent across the country.¹ And millions more children are overweight. While it is often not immediately intuitive, there is a link between poverty, hunger and obesity. Financial constraints limit what food families are able to buy, which routinely leads to the purchase and consumption of less healthy and more processed foods that are cheaper per calorie than fresh fruits and vegetables.

As our country has grown and changed over the last century, changes in community design and the food retail system have left many without full service grocery stores. As reported by USDA, more than 29 million Americans lack access to healthy affordable foods and live in "food deserts," meaning they do not have a supermarket or supercenter within a mile of their home if they live in an urban area, or within 10 miles of their home if they live in a rural area.² This is particularly true of low-income Americans who are enrolled in SNAP.

¹ Trust for America's Health. *F as in Fat: How Obesity Threatens America's Future*. Washington, D.C.: Trust for America's Health, 2013.

² Ver Ploeg M, Breneman V, Dutko P, et al. [Access to Affordable and Nutritious Food: Updated Estimates of Distance to Supermarkets Using 2010 Data](#), ERR-143, U.S. Department of Agriculture, Economic Research Service, 2012 (accessed June 2013).



The *Federal Register* notice accompanying the request for information noted that approximately 82 percent of SNAP benefits are redeemed at supermarkets, super stores, and grocery stores. However, smaller retailers make up over 60 percent of the total authorized SNAP retailers.³ So these food stores have nevertheless become a significant part of the food environment for SNAP beneficiaries, particularly in between trips to grocery and other larger food stores.

There are a myriad factors driving the obesity epidemic in this country but we know that the solutions will require us to help make the healthy choice the easy choice for all Americans. To create and maintain healthy, easy food choices for the SNAP population we likewise must ensure that, regardless of the type or form of a food retailer, that retailer must provide healthy choices for SNAP beneficiaries in order to qualify for and retain SNAP retail food store eligibility. We therefore offer the following recommendations to improving retailer eligibility towards the goal of a healthier SNAP population. We have attempted to tie these recommendations to specific questions outlined in the Request for Information (RIN) where feasible.

Staple Foods Definition

Rather than focus on the retail food store type (RIN questions 2-3, 9), we recommend that USDA strengthen retailer eligibility criteria by requiring retailers to stock more healthy food by strengthening both the criteria A and B definitions of staple foods (RIN question 4). Above all, we urge USDA to improve staple food stocking requirements by ensuring the definition of staple foods is better in uniformity with the Dietary Guidelines for Americans.

USDA has several options they could consider under the authority provided to them by the 2008 Food and Nutrition Act of 2008. We would support, for example, broadening criteria A by separating fruits and vegetables to create five categories of staple foods. We also would support improving the variety requirement by further specifying category-specific requirements to ensure that SNAP beneficiaries have sufficient food choices within each category that align with the Dietary Guidelines. For example, within the vegetable category, USDA could require retailers to stock at least two fresh options among the required three. This would help ensure that SNAP retailers not only are providing a minimum of 15 items (RIN question 6; three items each in each of five categories) but that the variety within each of the five categories are helping SNAP beneficiaries meet the daily nutritional requirements outlined by the Dietary Guidelines.

We are aware of concerns that strengthening stocking requirements could present challenges for some retailers. We likewise recommend that any changes to criteria affecting either the variety or depth of stocking requirements for retailers be accompanied by appropriate technical assistance from USDA. Where possible, USDA should encourage smaller food retailers to work with SNAP Education grantees, which are very familiar with addressing barriers to healthier eating among SNAP beneficiaries.

³ Supplemental Nutrition Assistance Program, USDA Food and Nutrition Service, Benefit Redemption Division, *2011 Annual report*. U.S. Department of Agriculture, 2011. p.5. Available at <http://www.fns.usda.gov/snap/retailers/pdfs/2011-annual-report-revised.pdf>.

Limited Marketing and Education

For food retail locations, successfully applying to participate in the SNAP program generates not only new direct revenue in the form of increased food sales but also the secondary benefit of marketing (RIN question 9) their SNAP-eligible status to help increase overall consumer traffic. We recommend that USDA require that SNAP retailers only be permitted to market their SNAP eligibility or SNAP benefits in conjunction with staple foods that meet the Dietary Guidelines for Americans. Such a requirement will help to encourage SNAP beneficiaries to use their benefits on healthy choices. Similarly, any promotion or education efforts aimed at SNAP beneficiaries should encourage beneficiaries to purchase healthy foods and beverages.

Farmers Markets

Farmers markets can be a relatively efficient means towards introducing healthy food choices to a community and providing a number of other positive benefits to local communities. Farmers' markets and farm stands can be constructed and maintained relatively quickly and inexpensively, particularly in food deserts. More importantly, the food sold in farmers' markets is relatively more nutritious than traditional food outlets. We commend USDA of achieving its goal of increasing farmers' market participation in SNAP by at least 200 markets each year.

However, we think that more can and should be done. A number of administrative challenges currently remain that prohibit farmers' markets from successfully applying as SNAP retailers. Many of the features of the SNAP retailer application are denying SNAP beneficiaries access to farmers' markets that are otherwise legally (according to both statute and regulation) to participate in the SNAP program. Among other issues, the application does not permit not-for-profit organizations to apply; requires a Social Security number; and does not permit third-party organizations that may wish to carry out administrative and/or financial SNAP transactions on behalf of farmers' markets to participate.

We strongly urge USDA to, where feasible, ease application restrictions towards the goal of encouraging farmers' markets to participate in the SNAP program. Furthermore, while USDA does not have direct authority over transactions fees associated with wireless and other electronic benefit transfer (EBT) systems that are common among farmers' markets, these fees can be particularly cost prohibitive for farmers' markets that often operate on no collective or minimal profit margin. We likewise urge USDA to communicate these concerns to state SNAP agencies and encourage them to consider them when developing future processing contracts.

Compliance

As noted in the RIN, the significant increase in authorized SNAP retailers in recent years creates new compliance and oversight challenges for USDA. We strongly urge USDA to explore and pilot test new compliance measures as necessary, particularly by electronic means, to help ensure that SNAP retailers are complying with all requirements of the program. Doing so will become increasingly important to ensuring that the SNAP program is achieving its primary mission of protecting against hunger and improving health for millions of Americans.

We hope that these comments will assist the USDA as it continues to consider the implications of our changing food retail landscape for the SNAP program. If you have any questions, please do not hesitate to contact our Government Relations Manager, Jack Rayburn, at (202) 223-9870 ext. 28, or via email at jrayburn@tfah.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Levi". The signature is fluid and cursive, with the first name "Jeffrey" written in a larger, more prominent script than the last name "Levi".

Jeffrey Levi, Ph.D.
Executive Director