

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

April 2, 2019

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

Submitted via www.regulations.gov

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

Dear Certification Policy Branch:

Justice in Aging is a national nonprofit legal advocacy organization that fights senior poverty through law. We are committed to ensuring access to social safety net programs which elderly populations depend on, such as Medicare, Medicaid, Social Security and Supplemental Security Income (SSI). Our work focuses especially on populations that have been marginalized and excluded from justice, such as women, people of color, LGBTQ individuals, and people with limited English proficiency.

We are writing to comment in opposition to USDA's Proposed Rulemaking on SNAP Requirements and Services for Able-Bodied Adults Without Dependents (ABAWDs), Ages 18-50. Currently, access to SNAP benefits is restricted to three months out of every three years unless an individual either works at least 20 hours a week or qualifies for an exemption. States can also apply for waivers of the time limits. The proposed rule would make it harder for areas with elevated unemployment rates to qualify for waivers and harder for states to obtain and implement waivers. It would also unduly limit eligibility criteria for waivers and undermine efficient state implementation of waivers. Finally, the proposed rule would limit state use of exemptions. Such changes were contemplated by Congress just last year and were not enacted.

This proposed rule is harsh and unfair and would cause serious harm to seniors and their families, our community, and the nation. It harms vulnerable people by denying them food benefits at a time when they most need it. The current time restrictions do not result in increased employment and earnings,¹ and there is no evidence to indicate this proposed rule

¹ Steven Carlson *et al.*, "Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?" Center on Budget and Policy Priorities, February 8, 2016, <https://www.cbpp.org/sites/default/files/atoms/files/2-8-16fa.pdf>

WASHINGTON

1444 Eye Street, NW, Suite 1100
Washington, DC 20005
202-289-6976

LOS ANGELES

3660 Wilshire Boulevard, Suite 718
Los Angeles, CA 90010
213-639-0930

OAKLAND

1330 Broadway, Suite 525
Oakland, CA 94612
510-663-1055

would do so either. By the Administration's own calculations, the proposed rule would take food away from 755,000 low-income adults, cutting food benefits by \$15 billion over ten years.

SNAP is an essential program that helps put food on the table for more than 4.2 million participating seniors. Even though the rule explicitly targets non-seniors (ABAWDs, ages 18-50), the rule has multiple negative impacts on the health, nutrition, and economic security of older adults and the family members that many seniors depend on for their care and financial assistance.

Nearly 9 million SNAP households with adults ages 50 or older rely on SNAP to meet their basic nutritional needs. In 2017, 43 percent of SNAP households included at least one adult aged 50 or older. While the *total* number of SNAP households fell from 2016 to 2017, the share *with older adults* increased slightly, and the need is likely to continue to grow as the population ages.

SNAP helps pave the way for healthy aging

Experts in aging have shown that good health and economic security earlier in life are directly related to positive outcomes later in life. Connecting individuals to SNAP due to a life circumstance — a job loss, reduced hours at work, the need to care for a sick relative, an economic downturn — is critical for safeguarding an individual's health and well-being. Many studies show that SNAP improves food security, dietary intake, and health and with lasting effects.²

Research shows that household food insecurity is a strong predictor of higher health care utilization and increased health care costs. This rule would eliminate SNAP benefits for many adults in need and thereby undercut their ability to grow older in good health.

SNAP helps seniors and their families care for each other

By harming family members, the SNAP time limit would result in harm to many seniors as well. Families living in poverty often depend on pooled resources (including SNAP benefits). Additional burdensome restrictions on SNAP eligibility for ABAWDs would translate to fewer resources available to support the health and well-being of seniors — on several fronts. A senior may need to provide help to a son, daughter, or a relative pushed off of SNAP due to time limits. This can create a financial burden for a low-income senior living on a fixed income already struggling to make ends meet. A senior may lose resources pooled from relatives who are now denied SNAP benefits. For families living at or near the poverty level, these losses of pooled resources could mean sacrificing basic needs to fill gaps in lost SNAP benefits, undermining a senior's ability to pay rent, purchase their medications, or eat a healthy diet.

² Food Research & Action Center, *Hunger and Health: The Role of the Supplemental Nutrition Assistance Program in Improving Health and Well-Being*, <http://frac.org/wp-content/uploads/hunger-health-role-snap-improving-health-well-being.pdf>

The proposed rule is likely to have a disparate racial impact

People of color face significant disparities in access to and utilization of health care, and often fare worse than white people on measures of health status and health outcomes.³ People of color also have higher unemployment rates than white adults.⁴ The negative consequences of these disparities intensify as people age.

In the Notice of Proposed Rulemaking, the Department concedes that the proposed changes “have the potential for disparately impacting certain protected groups.” But the Department does not provide an explanation of the mitigation strategies and monitoring it claims will lessen these impacts, so there is no opportunity for us to comment on whether the acknowledged disparate impact will in fact be mitigated. However, if the proposed rule results in higher rates of people of color losing SNAP benefits, this could exacerbate existing racial and ethnic disparities in health status and lead to more people of color aging into poverty and in worse health.

We strongly oppose this proposed rule that would expose even more people to the arbitrary food cutoff policy by limiting state flexibility regarding area waivers and individual exemptions. The Administration does not estimate any improvements in health or employment among the affected population. Furthermore, this proposed rule seeks to do what Congress rejected just last year in the 2018 Farm Bill.

The rules governing area eligibility for waivers and individual exemptions have been in place for over 20 years. In that time, the waiver rules have proven to be reasonable, transparent, and manageable for states to operationalize. We strongly oppose the proposed rule that would expose even more people to the arbitrary SNAP food cutoff policy and harm older adults and their families.

Thank you for the opportunity to comment on these proposed regulations. If there are questions concerning this submission, please contact Jennifer Goldberg, at jgoldberg@justiceinaging.org.

Respectfully submitted,

Jennifer Goldberg
Deputy Director

³ Samantha Artiga *et al.*, “Key Facts on Health and Health care By Race and Ethnicity,” Kaiser Family Foundation, June 7, 2016, <https://www.kff.org/disparities-policy/report/key-facts-on-health-and-health-care-by-race-and-ethnicity/>.

⁴ Bureau of Labor Statistics, Unemployment rates by age, sex, race, and Hispanic of Latino ethnicity, https://www.bls.gov/web/empsit/cpsee_e16.htm.