



Re: GRACE/End Child Poverty California Comment on USDA's Proposed Rule Changes on Improving Access and Parity in Food Distribution Programs, FNS-2023-0026-0001

October 13, 2023

Food and Nutrition Service
United States Department of Agriculture
1320 Braddock Place
Alexandria, Virginia 22314

Dear Deputy Under Secretary Stacy Dean and Administrator Cindy Long:

GRACE/End Child Poverty California represents 170 organizations across California united to lift children and families out of poverty. We appreciate the proven power of the federal nutrition programs to prevent poverty-related hunger, and the opportunity to provide feedback on USDA's Proposed Rule Changes: Improving Access and Parity in Food Distribution Programs, FNS-2023-0026-0001.

Food insecurity in California remains at nearly double the pre-pandemic levels, and is on the rise. Today, [over one in five people in California are facing the toxic stress and health consequences of food insecurity](#), with deep disparities for communities of color. With the ending of SNAP Emergency Allotments in March of this year, combined with the ending of Pandemic-EBT, [California has lost one-third of its food safety net](#), putting a serious strain on food banks to respond to the increased need for food in their communities. As of August 2023, the vast majority of food banks in California report that they are serving more people, with more food, than during the 2nd and 3rd quarters for this year. Programs like TEFAP and CSFP are critical in enabling our food banks to provide food to our communities, and we appreciate the opportunity to help shape the policies that govern these programs Federally.

We have developed suggestions for these proposed rule changes based on our experience and in partnership with our anti-hunger partners on our Steering Committee.

We strongly support

- Increasing FPL guidelines for CSFP to 185% FPL
- The simultaneous provision of USDA (donated) foods and D-SNAP during a Disaster
- Expanding and increasing access to TEFAP in rural, remote, and tribal communities
- Flexibility in how to verify the identity of participants in CSFP
- Removing the address requirement for TEFAP
- Technical changes to TEFAP and CSFP

We encourage USDA to uplift public comment from tribal communities on FDPIR but support increasing access and equity to this program.

We have concerns about

- Proposals that will lead to added administrative and/or financial burden on food banks and state agencies
- Proposals where the intent is not clear
- Proposals that don't seem practical

Our public comment provides examples and suggestions to address these concerns.

To best meet the stated goals of improving access and parity, we also urge USDA to address the concerns raised by tribal leaders and Indian Tribal Organizations regarding program rule changes to FDPIR. This includes ensuring ITOs to serve urban places outside of the reservation remains optional, fully honoring sovereignty, and reaching the broad language that Tribal leaders have asked for around allowing FNS to waive or modify specific administrative requirements, and requiring that any increase/decrease in SNAP benefits would immediately trigger FDPIR package review.

Eligibility Requirements (§ 247.9)

We supports USDA's proposal to raise the CSFP income eligibility standard currently set at 130%. We urge USDA not to settle for 150% but to adopt a 185% FPL. As USDA mentioned, raising the limit to 185% would align CSFP with SFMNP. This would provide increased parity between the two programs. Given the high cost of living in California, seniors over the currently set FPL still struggle to meet their food needs, and this would provide an opportunity for more food-insecure elders to get access to food. We also encourage USDA not to allow states to set their limit to less than 185% but rather increase the CSFP caseload for states with a waitlist and support states with capacity and supply concerns.

We appreciate USDA's commitment to making the application process easier for participants, and we support categorical eligibility as long as USDA continues to allow participants to self-declare their income as another option for eligibility. Categorical eligibility for CSFP would ease the burden on both participants and staff if the only verification needed for approval is proof that they are eligible in a program including but not limited to SSI, Section 8, SNAP, FDPIR, SFMNP, Medicaid, WIC, CHIP Medicare Savings Program, LIHEAP, and any state means-tested program within the income guidelines.

Changes to Identification Check at Distribution (§ 247.10)

Many seniors are homebound and face barriers to picking up food. USDA must make it easy for state and partner agencies to deliver food to elders facing hunger, so we support allowing state and local agencies flexibility when determining how to verify participants' identity before distributing USDA foods.

The current requirement to verify identification at the point of food distribution is challenging for California CSFP providers, especially those successfully in the pandemic worked with outside parties like Doordash and Amazon for home deliveries. When you buy an Amazon package, you verify it's yours when you log into your account to purchase the product, but Amazon leaves it on your front door without further verification. We should modernize the CSFP program by

acting similarly. Participants provide their address and signature when they sign up for CSFP, and participant information is verified again every 6-12 months, so the person delivering the food box should be able to leave it at their front door without further verification. Providing CSFP operators the flexibility of verifying participants' identities would allow our providers to more easily use third-party delivery and other solutions to increase participation and ease the burden on seniors and agencies.

Updated Reporting Requirements for Distribution of USDA Foods to Households During a Disaster (§ 250.69(d))

We understand that waiting 45 days to submit a report is long and could impact food inventory transparency, efficiency, and the ability to mobilize food during a disaster. Getting data as soon as possible would be beneficial to help with these efforts, but we need to be realistic about what that could look like.

We have concerns that requiring state distributing agencies operating a disaster household distribution past 14 calendar days to submit a weekly report to FNS on the number of individuals served, and the amount of USDA Foods issued will be overly burdensome for distribution agencies and harmful to participants.

The USDA should look into monthly reporting instead, as that is how often many agencies report household participation. Additionally, we wonder if the proposed turnaround time may strain USDA. If they are unable to process the reports and take action to give additional food to disaster communities within the week, then is this information the most useful? A monthly report on individuals served, and the amount of USDA foods issued would lessen the burden on food banks and realistically allow USDA to review the data and provide support promptly.

Requirement for the Public Posting of Availability of USDA Foods Through TEFAP (§ 251.4)

We support efforts to expand public awareness about TEFAP food distribution sites and posting eligibility requirements on state websites, but we have similar concerns as we listed above under “CSFP - *Public Posting of Availability of USDA Foods and State Plans (§ 247.5)*”. We want the information posted on the webpage to be practical, so rather than having *all* TEFAP sites on a public website, it should model the [California Department of Social Service's \(CDSS\) current TEFAP provider page](#), which lists the leading TEFAP provider in each county rather than all TEFAP sites.

This model:

- Only lists the primary TEFAP provider in each region, avoiding added administrative burdens on TEFAP distribution sites and state agencies.
- Adopting our state agency's model would avoid concerns that inaccurate information will be posted, given that smaller TEFAP distribution sites may have changes to their contact information or hours of operation throughout the year. Updating the list on the state website more than annually would be burdensome and impractical. We want this to be a trusted and reliable resource for participants, a place where they can easily access and find help when needed, and the primary TEFAP provider for each county can give the most up-to-date information about distributions when called.

- Lastly, it is less overwhelming for participants since there will be no confusion about who to call or the best place to call; there is just one contact per county.

TEFAP Maximum Income Eligibility Range and State Agency Option for Alternative Income Eligibility Thresholds (§ 251.5(b)(2))

We support USDA's proposal to require states to set their guidelines at a minimum of 185% to reflect better the high cost of living across the nation and, therefore, the actual need of those needing food assistance.

However, we have concerns about capping the maximum range at any level, especially at 250%, which is only 15% higher than California's current TEFAP guideline of 235%.

California has an incredibly high cost of living, and USDA should not require that state agencies get approval from FNS to set a higher guideline.

- We are concerned that requiring state agencies to request approval from FNS may deter them from applying for a higher guideline limit, even if that is best for their state. USDA has to consider not only the actual burden requesting approval will cause but also the perceived burden it causes.
- State agencies and our anti-hunger partners know our community's needs and capacity, and the decision should be left to them since FNS may be subjective when deciding what state plans should be approved.
- By allowing states to easily set FPL guidelines where they think they should be, we can show each state's actual need for TEFAP since we will better understand the food demand. Increasing the FPL may support advocacy funding efforts since we can show legislators that community members need food, even with higher income limits. Not only might this help us get more TEFAP funding, but it also may allow us to argue that other food assistance programs, like SNAP, should be set at higher guideline ranges.

We would like information from USDA on if and how their allocation model would change based on a larger pool of participants becoming eligible for the program.

Methods for Verifying Residency (§ 251.5(b)(3))

We support the flexibility to allow state agencies to develop their process for collecting residency information, and we urge California to adopt a self-declaration model by asking participants yes or no if they live in the geographic location served. We also support state flexibility to opt into multi-state service agreements to ease the burden, especially for communities bordering multiple states.

We strongly support USDA's proposal to no longer require households to report their address to get TEFAP foods.

- This will help decrease stigma and fear among participants. Currently, immigrants may be fearful about giving away too much information for fear somebody will use that information against them, and unhoused participants may feel stigma when they go to TEFAP sites as they may have to vocalize that they don't have an address.
- Getting rid of this requirement can ease the burden on volunteers and food bank staff, who have to take down information for each participant before they get food. It can ease

the burden on recipients, who may get served more quickly and can, therefore, use more time to focus on their priorities rather than waiting in line for food.

Establishing Confidentiality Protections for Applicant and Participant Household Information (§ 251.10(a)(4), § 251.10(c))

We support efforts to improve confidentiality to reduce the fear participants may feel when giving their information out, which is one reason we support removing the address requirement in TEFAP. Participants may see TEFAP sites as more trustworthy when less information is asked of them and may be more willing to talk to staff about other ways they can get help, like through SNAP.

However, we have questions and potential concerns about how confidentiality requirements will impact intake processes:

- Will this proposal limit the availability of volunteers to help with TEFAP distributions? We are deeply concerned if this is the case. Foodbank and pantry staff have limited capacity to run a distribution site and ensure everyone signs in without the help of volunteers. Limiting who can collect information from participants for TEFAP will slow down the food distribution process and even limit sites. For instance, many food banks have multiple food distributions simultaneously. They cannot realistically have staff at every site and must rely on volunteers to collect information from participants.
- Will this impact the ability to use one paper intake form to write down multiple people's information? We are concerned if this is the case, as it is not environmentally friendly, is time-consuming, and costly to print.

We would like to hear more about USDA's intent with these changes and what it will look like practically. Could this rule be paired with examples and brought back for public comment?

Conclusion

GRACE/End Child Poverty California and our partners have seen how these food assistance programs operate daily and its impact on participants. We appreciate the changes USDA is making to increase access and parity to these programs and urge USDA to address the concerns listed above.

Thank you for the opportunity to submit public comment on USDA's Proposed Rule Changes: Improving Access and Parity in Food Distribution Programs, FNS-2023-0026-0001. If you have any questions, please contact me.

Sincerely,

Andrew Cheyne
Managing Director of Public Policy