



Children and Family Services

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Tikki Brown, assistant commissioner

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St. Paul, Minnesota 55164-0244

October 02, 2023

Cindy Long

Administrator, USDA Food and Nutrition Service

USDA – Food and Nutrition Service

3101 Park Center Drive

Alexandria, Virginia, 22302

**Re: Docket Number FNS-2023-0026, RIN 0584-AE92, Comments in Response to Proposed Rulemaking:
Food Distribution Programs: Improving Access and Parity**

Dear Ms. Long,

As the Assistant Commissioner of the Minnesota Department of Human Services, Children and Family Services, I applaud the direction and intent of the Proposed Rule: Improving Access and Parity in Food Distribution Programs and appreciate the opportunity to comment on both the strengths in the rule and the gaps and opportunities as well. Minnesota has a strong commitment to improve the lives of all Minnesotans by working collaboratively to implement policies that achieve results. As such, I am glad to see rules proposed to help increase ease of access, awareness, and alignment across the country for The Emergency Food Assistance Program (TEFAP) and other USDA food distribution programs.

Minnesota has already proactively taken steps to make TEFAP a low barrier and accessible program for our partners and to those in need. While there are strengths to the Proposed Rule, there are several aspects that raise concerns and warrant comment.

Income Eligibility Criteria

While Minnesota supports efforts to reduce the variance in TEFAP income eligibility criteria across states, changing eligibility to a maximum of 250 percent of Federal Poverty Guidelines will have a negative impact on hungry Minnesotans. With the support of antihunger agencies, Minnesota has set TEFAP eligibility at 300 percent of Federal Poverty Guidelines since 2020, to the benefit of Minnesotans needing food support. Capping the income eligibility will move Minnesota backwards in our efforts to fight hunger in our state. I ask that the

proposed rule increase the maximum eligibility threshold to 300 percent of the U.S. Federal Poverty Guidelines published annually by the U.S. Department of Health and Human Services (HHS).

As currently written, the proposed rule will remove a critical safety net for many in Minnesota that helps ensure access to healthy, nutritious foods for themselves and their family. According to the U.S. Census Bureau's 2014-2018 American Community Survey, approximately 800,000 Minnesotans are living within 200% to 300% of the Federal Poverty Guidelines.¹ If the proposed income limit were implemented, many of these Minnesotans would find themselves no longer eligible to receive TEFAP foods. Additionally, many other social support benefits disappear for families at thresholds at or around 200% of FPG. Ensuring healthy, fresh food is available and accessible through TEFAP is critical for many families' stability and wellbeing.

We know that when able, people prefer to buy or grow their own food and not to have to rely on food assistance programs. In many cases, people are accessing food support from TEFAP food shelves as a last resort. However, with increasing costs of basic needs like housing, medical care, gas, and food, or with one unexpected bill or crisis, many people still can't afford the fresh, balanced, quality food they need to support overall health and wellness. USDA foods provided by TEFAP to food shelves are the high quality, healthy foods families most need and want, and are also many of the most expensive foods first cut from a family's budget.

New Provisions regarding statistics reporting and publicly posted information on TEFAP recipient agencies.

The proposed rule introduces new reporting requirements, including a provision that would require States to report the total monthly number of individuals receiving USDA Foods through TEFAP. The proposed rule does not appear to consider the vastly different administrative burdens presented by tracking the monthly number of *people* vs. the number of *visits* in each month. The reality is that people may access USDA Foods through TEFAP more than once per month, possibly at more than one food distribution site. It is not currently possible to produce an unduplicated count of people, given the reporting systems available and USDA requirements around collecting personal information. As written, this proposed reporting requirement has the potential to introduce a significant administrative burden that ripples across the emergency food system, from State agencies, to food banks, to food shelves and pantries. In a system that is heavily reliant on volunteers at the local level, a requirement to provide unduplicated reports of the number of individuals poses serious challenges. In recognition of these on-the-ground realities, Minnesota closely tracks the number of visits made each month to TEFAP food shelves, and requests that USDA take this approach to any new reporting requirements stemming from this proposed rule change.

In addition to quarterly reporting requirements, it must also be noted that the proposed rule would require state agencies to make TEFAP recipient agencies and eligibility information available on a public webpage. To implement these provisions well and accurately, it will require notable additional administrative time that should be accompanied with additional administrative funds to support the work.

The nature and landscape of hunger relief work is ever changing, meaning that the hours, locations, and number of food programs in operation are also ever changing. Gathering quality data from the various levels of

¹ United States Census Bureau, <https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2018/5-year.html> , 2021.

administration for the state agency, food bank partners, and food shelf partners, requires time and effort to both support data collection efforts, as well as the compilation, accuracy, and quality of final reports. Many food shelves are volunteer led and already experience various challenges that come from being underfunded. Should the proposed rule be implemented, TEFAP agencies will require additional resources as they comply with new statistical reporting requirements.

DHS supports the intent of the proposed rule to make information about the TEFAP program more easily accessible to the public and to obtain better data on the reach of current program operations; but request consideration of the cost to implement and sustain these efforts.

Thank you again for the opportunity to comment on the provisions in the Food Distribution Access & Parity Proposed Rules. The Minnesota Department of Human Services is committed to helping people in need while increasing access to critical food support. I urge you to take our state's recommendations into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tikki Brown', with a stylized, flowing script.

Tikki Brown
Assistant Commissioner
Children and Family Services

CC: Jodi Harpstead, commissioner, MN Department of Human Services

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