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Gregory Walton
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Supplemental Nutrition and Safety Programs
Food and Nutrition Service
U.S. Department of Agriculture
1320 Braddock Place
Alexandria, VA 22314

RE: Docket ID number FNS-2023-0026, “Food Distribution Programs: Improving Access and Parity”

Mr. Gregory Walton,

The Ohio Association of Foodbanks appreciates the opportunity to comment on the Food and Nutrition, U.S. Department of Agriculture’s proposed rules regarding improving access and parity in food distribution programs.

The Ohio Association of Foodbanks represents 12 Feeding America foodbanks and 3,600 partner agencies serving all 88 counties in the state. We are writing with specific comments in response to USDA FNS related to its proposed changes to the administration and implementation of The Emergency Food Assistance Program (TEFAP) and the Commodity Supplemental Food Program (CSFP).

- In response to A.III and C.III, “Public Posting of Availability of USDA Foods”

We thank USDA FNS for its proposed requirement that State agencies administering CSFP and TEFAP make information about the availability of USDA Foods publicly accessible online. As community-based organizations (CBOs) that have served as public-private partners for decades in the delivery of USDA Foods through CSFP and TEFAP, Ohio’s foodbanks are eager to be partners in making information about where to access USDA Foods available, accessible, and reliable. Foodbanks already use several strategies to maintain accurate online referral platforms and searchable databases, such as making directory lists available on their own websites, partnering with 2-1-1, or utilizing technology like FreshTrak/Service Insights. With thousands of nonprofit and faith-based agencies and organizations partnering to equitably distribute USDA Foods throughout Ohio, maintaining reliable directories down to the zip code level requires significant administrative effort. We appreciate that USDA FNS recommends, but does not require, that state agencies publicize additional details related to operating hours, distribution site addresses, etc. as a requirement could mean that foodbanks and CBOs distributing USDA Foods that have already developed referral platforms would be burdened with duplicating that ever-changing information on more than one site.



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- In response to A.V, “Eligibility Requirements”

The Ohio Association of Foodbanks and its member foodbanks support the USDA FNS proposal to increase CSFP's maximum income eligibility guidelines to 150 percent of the U.S. Federal Poverty Guidelines without the addition of a medical deduction. We agree that the addition of a medical deduction would be administratively burdensome and counter to the program’s goals for simplicity and ease of administration.

As to the USDA’s interest in seeking comment on aligning the maximum eligibility guidelines for CSFP to 185 percent of federal poverty in future rulemaking, we are somewhat agnostic. We think that the caseload availability for CSFP is so limited that the priority in setting income guidelines should be aligning them to ensure ease of participation and adequate resources (program slots) for vulnerable older adults. Just because the Senior Farmers Market Program is set at 185 percent FPL does not mean it is necessarily the most logical eligibility threshold with which to align CSFP in a given state. For example, in Ohio, our maximum income eligibility for the general Supplemental Nutrition Assistance Program (SNAP) population is 130 percent, but households with only elderly or disabled members have a maximum income eligibility of 165 percent; it might make the most sense for our state to align CSFP with this threshold for elderly SNAP participants. However, because CSFP is not an entitlement program and of most interest to older adults with mobility limitations and most at-risk for worsening nutrition-related outcomes, we feel it is more important to set eligibility guidelines that align CSFP resources with the target population’s income. By increasing to 150 percent, we hope that additional older adults that have previously been excluded from participating may gain access to CSFP or avoid losing access when minor Cost of Living Adjustments are made to social security benefits. We would encourage USDA to assess utilization of available CSFP caseload as this change goes into effect and propose future changes to maximum income eligibility if necessary based on trends in CSFP utilization compared to trends in household income for older adult households.

- In response to A.VI, “Changes to Identification Check at Distribution”

We thank USDA for proposing that it would no longer require that participants or proxies present a form of identification and instead require that local agencies must have a process in place to verify the identity of participants, in accordance with State agency requirements. We agree that this proposed change will support options to modernize the program's delivery methods, including with increased utilization of home delivery services driven by foodbanks, community-based organizations, and/or third-party delivery partners.



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- In response to C.IV, “State Agency Options for TEFAP Eligibility Criteria, Documentation, and Public Communication”
 - *TEFAP Maximum Income Eligibility Range and State Agency Option for Alternative Income Eligibility Thresholds*

We appreciate USDA’s desire to increase alignment of income eligibility criteria nationwide and ensure access to USDA Foods for vulnerable individuals. However, we also recognize that TEFAP represents only a small portion of the emergency foods distributed by foodbanks in Ohio and across the country and is inadequate to meet the needs of Americans experiencing food insecurity.

Fortunately for Ohio, our TEFAP maximum eligibility threshold has long been established at 200 percent of the Federal Poverty Level. This threshold aligns with other sources of revenue Ohio foodbanks leverage in partnership with our state agency to provide increased services to people facing hunger, such as Temporary Assistance to Needy Families (TANF) block grant funds. It is critically important that hunger relief providers be able to partner with state agencies to align TEFAP eligibility thresholds with other emergency hunger relief programs and funding to simplify and streamline participation and distribution and maximize available resources for people in need. We are glad to see that states with higher costs of living could seek out approval for a maximum threshold about 250 percent of the Federal Poverty Level (FPL).

- *Methods for Verifying Residency*

The Ohio Association of Foodbanks and its member foodbanks support proposed revisions that would require State agencies to develop a process for requesting residency information to determine eligibility that does not require an address or identification, such as self-declaration of residency by the applicant. This change is critical for allowing some of our most vulnerable community members, such as those reentering their community after incarceration, those fleeing domestic violence, and those experiencing homelessness, to receive USDA Foods. We support the proposed revision that would prohibit State agencies from *requiring* households to provide an address or identification to confirm residency as part of their statewide eligibility criteria. However, we do have concerns about the ability to partner across programs and state and federal agencies related to the proposal that would amend regulations to establish requirements for protecting information obtained from applicants and participants to establish eligibility (see C.VII below).



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- In response to C.VII, “Removal of Federal Address Collection Requirements, Redesignations, and Updated References for Miscellaneous Provisions”
 - *Removal of Federal Address Collection Requirements and Establishing Confidentiality Protections for Applicant and Participant Household Information*

As noted above, we support the removal of a requirement that an address be collected to receive USDA Foods. However, we have concerns with the proposed language revising 251.10 in the rule regarding *Establishing Confidentiality Protections for Applicant and Participant Household Information*.

If this proposal were to be adopted, TEFAP participant information would be required to be kept confidential. Limits would be established related to the disclosure of information obtained from applicants or participants. These proposed limits could have detrimental impact on existing and rapidly accelerating efforts to improve nutrition and hunger relief programming through linking community food distribution to customer health outcomes. Data sharing components – completed through careful privacy safeguards – are key to everything from streamlining eligibility across federal and state programs to making two-way, closed-loop referrals to measuring the impact of Health Related Social Needs (HRSNs) and HRSN interventions on health outcomes.

While privacy safeguards are important to protecting confidentiality, limiting data sharing for efforts to improve efficiencies could negatively affect customer service and be counterintuitive to key goals identified through the White House Conference on Hunger, Nutrition, and Health.

Many organizations that are TEFAP distribution partners, including members of the Ohio Association of Foodbanks, have instituted programs to integrate emergency food distribution into a developing whole-person health care system. This allows for collective work to tailor nutritious food for customers to drive measurably improved health outcomes. For example, one Ohio foodbank conducted a pilot with a Federally Qualified Health Center and 10,000 common customers that also accessed TEFAP and other hunger relief services; results showed significant weight loss and lowering of blood sugar levels, key indicators of common health issues that can be addressed through diet. Based off those results, this foodbank now has a food-is-health program currently serving nearly 37,000 customers through 29 sites in partnership with 12 health care partners. This is reflective of the many similar programs run through our members across Ohio, positively impacting the lives of tens of thousands of our foodbank customers. By identifying patients who are food insecure and experiencing health-related issues, health care providers can now work with hunger relief agencies for a food-based response tailored to specific health issues. However, this is predicated on sharing of information



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among foodbanks and various health care providers, governed by agreements on data and personal information integrity.

What is happening in Ohio on food-based health response is reflective of similar efforts across the nation, tying assistance programs to Social Determinants of Health for improved, coordinated holistic outcomes. Instituting a blanket prohibition on information sharing could greatly harm efforts to improve emergency food distribution and to work with customers to improve overall health outcomes and advance toward self-sufficiency. We encourage USDA to work closely with the Feeding America national organization and network, including the Ohio Association of Foodbanks, to ensure confidentiality regulations promote, rather than hinder, current practices focused on improving the daily lives of customers through interventions addressing Health-Related Social Needs and Social Determinants of Health.

In closing, we support the USDA FNS' efforts to improve TEFAP and CSFP access and parity and hope that USDA FNS considers consultation with its cross-agency partners, such as Centers for Medicare and Medicaid Services, on how proposed limits on data sharing could adversely impact progress toward core goals of the White House Conference on Hunger, Nutrition, and Health. We look forward to continuing as partners toward reduced hunger and improved nutrition for food insecure Americans.

Thank you for the opportunity to submit comments and shape the work you are pursuing.

Sincerely,

Joree Novotny
Executive Director
Ohio Association of Foodbanks



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