

## AAPD SNAP Rule Comments

4/2/2019

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

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

Dear Certification Policy Branch:

The American Association of People with Disabilities takes this opportunity to comment in opposition to USDA's Proposed Rulemaking on SNAP requirements and services for Able-Bodied Adults without Dependents (ABAWDs). The proposed changes would cause serious harm to people with disabilities, our community and the nation.

The American Association of People with Disabilities is a convener, connector, and catalyst for change, increasing the political and economic power of people with disabilities. As a national cross-disability rights organization, AAPD advocates for full civil rights for the over 60 million Americans with disabilities by promoting equal opportunity, economic power, independent living, and political participation.

### **SNAP Matters for Health**

Access to healthy food is a critical aspect of health: extensive research has found that food insecurity is associated with poorer health outcomes.<sup>1</sup> Food insecurity is associated with higher rates of some of the most serious and costly chronic conditions, including hypertension, coronary heart disease, cancer, asthma, diabetes, and other serious health conditions. Adults who experience food insecurity are also more likely to report lower health status overall than those with high food security.<sup>2</sup>

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<sup>1</sup> World Health Organization, <https://www.who.int/hia/evidence/doh/en/index3.html>, see also Craig Gundersen and James P. Ziliak, "Food Insecurity and Health Outcomes," *Health Affairs*, November 2015, <https://www.healthaffairs.org/doi/10.1377/hlthaff.2015.0645>.

<sup>2</sup> Christian A. Gregory and Alisha Coleman-Jenson, "Food Insecurity, Chronic Disease, and Health Among Working-Age Adults," United States Department of Agriculture, July 2017, <https://nopren.org/wp-content/uploads/2017/08/ERS-Report-Food-Insecurity-Chronic-Disease-and-Health-Among-Working-Age-Adults.pdf>.

SNAP is the primary source of nutrition assistance for many low-income people. In a typical month of 2017, SNAP helped about 42 million low-income Americans afford a nutritious diet. It provides important nutritional support for low-wage working families, low-income seniors, and people with disabilities living on fixed incomes: close to 70 percent of SNAP participants are in families with children, and more than one-quarter are in households with seniors or people with disabilities.<sup>3</sup> Research shows that SNAP reduces poverty and food insecurity, and that over the long-term, these impacts lead to improved health and economic outcomes, especially for those who receive SNAP as children.<sup>4</sup>

Federal law limits SNAP eligibility for childless unemployed and underemployed adults age 18-50 (except for those who are exempt) to just three months out of every three years unless they can maintain an average of 20 hours of employment per week. This time limit harms vulnerable people by denying them food benefits at a time when they most need it and it does not result in a significant increase in employment or earnings.<sup>5</sup>

### **The Proposed Rule Could Harm People with Serious Health Conditions.**

The proposed rule would limit states' flexibility to mitigate the harmful effects of the time limit. Without this flexibility, it's likely that many people could lose access to nutrition assistance. For people with serious health conditions, limiting access to nutrition assistance could have serious repercussions for their health.

Under current regulations, states can request a waiver of the time limit for areas within the state that have 10 percent or higher unemployment rates or, based on other economic indicators, have a "lack of sufficient jobs." In addition, states have discretion to exempt a limited number of individuals from the time limit.

The proposed rule would make it harder for areas with elevated unemployment rates to qualify for waivers by setting a 7 percent unemployment rate floor as a condition and eliminating other

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<sup>3</sup> Steven Carlson and Brynne Keith-Jennings, "SNAP is Linked with Improved Nutritional Outcomes and Lower Health Care Costs," Center on Budget and Policy Priorities, January 17, 2018, <https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care>.

<sup>4</sup> Center on Budget and Policy Priorities, "Chart Book: SNAP Helps Struggling Families Put Food on the Table," February 14, 2018, <https://www.cbpp.org/research/food-assistance/chart-book-snap-helps-struggling-families-put-food-on-the-table>.

<sup>5</sup> A 2002 study that looked at recipients after leaving SNAP found that while many were employed, they had low earnings, and between one-third and roughly two-thirds of SNAP leavers had household incomes below the poverty line. (This study did not examine the effects of the time limit on employment.) See Elizabeth M. Dagata, "Assessing the Self-Sufficiency of Food Stamp Leavers," Economic Research Service, USDA, September 2002, <https://www.ers.usda.gov/publications/pub-details/?pubid=46645>. More recent research finds small increases in employment, but much larger decreases in SNAP participation. For example, one recent working paper found that the time limit increased work by 2 percentage points, but decreased participation by 10 percentage points. (Timothy Harris, "Do SNAP Work Requirements Work?" Upjohn Institute Working Paper, 19-297, [https://research.upjohn.org/cgi/viewcontent.cgi?article=1315&context=up\\_workingpapers](https://research.upjohn.org/cgi/viewcontent.cgi?article=1315&context=up_workingpapers).)

useful ways in which a state can demonstrate a lack of sufficient jobs for this group of SNAP participants. As a result, states would be unable to request waivers for some areas where unemployed adults cannot find work.

Limiting access to nutrition assistance could be particularly harmful for people with significant health care needs, such as diabetes or hypertension, who may also have trouble maintaining their health while keeping a job. Many people turn to public assistance programs because they face significant health or family challenges that limit their ability to work or reduce their ability to compete for a limited supply of jobs. Physical and mental health disabilities are much more common among people who receive public benefits than among the general population. Taking access to nutrition assistance away from people with disabilities and health conditions could negatively affect their health, which could make it even more difficult for them to maintain employment.

The American Association of People with Disabilities strongly opposes the proposed rule that would threaten nutrition assistance for many more low-income people by limiting state flexibility to implement area waivers and exempt individual. By the Department's own calculations, the proposed rule would take food away from 755,000 low-income Americans, cutting food benefits by \$15 billion over ten years. The Department does not estimate any improvements in health or employment among the affected population and simply concludes that two-thirds of those individuals made newly subject to the time limit "would not meet the requirements for failure to engage meaningfully in work or work training."

According to studies done by the Center on Budget and Policy Priorities, over 1 in 4 SNAP participants, equivalent to over 11 million individuals, have a disability. SNAP is a necessary benefit because it supports food consumption for people with disabilities, and especially those that are also low income. People with disabilities live in poverty at more than twice the rate of people without disabilities. Although people with disabilities make up approximately 20 percent of the U.S. population they account for more than half of those living in long-term poverty. SNAP combats poverty rates in our community and can improve long-term health and economic outcomes. The proposed rule would have a significantly negative impact on the disability community.

### **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. In fact, disability prevalence is highest among communities of color. Over 10.8 million persons with disabilities are ethnic minorities. People of color also have higher unemployment rates than white adults.

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.

The Department's proposed rule seeks to do what Congress rejected just last year in the 2018 Farm Bill. The rules governing areas' eligibility for waivers and individual exemptions have been in place for nearly 20 years. In that time, the waiver rules have proven to be reasonable, transparent, and manageable for states to operationalize.

The American Association of People with Disabilities strongly opposes the proposed rule that would expose even more people to the arbitrary SNAP food cutoff policy and harm disabled Americans.

Sincerely,

A handwritten signature in blue ink, appearing to read 'H Berger', with a horizontal line extending to the right.

Helena Berger  
President and CEO  
American Association of People with Disabilities  
2013 H Street NW, 5th Floor  
Washington, DC 20006