



August 13, 2021

Elizabeth Archuleta
Director
Office of Intergovernmental & External Affairs
United States Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-0201

Re: Identifying Barriers in USDA Programs and Services; Advancing Racial Justice and Equity and Support for Underserved Communities at USDA (USDA-2021-0006)

Dear Ms. Archuleta,

The Center for Science in the Public Interest (CSPI) greatly appreciates the opportunity to comment on the U.S. Department of Agriculture (USDA) request for information regarding advancing racial justice and equity and support for underserved communities. CSPI is a non-profit consumer education and advocacy organization that has worked since 1971 to improve the public's health through better nutrition and safer food.

By addressing the following questions in the comment request, CSPI hopes to provide recommendations that can help USDA advance racial equity in the Department's programs:

Are there USDA policies, practices, or programs that perpetuate systemic barriers to opportunities and benefits for people of color or other underserved groups? How can those programs be modified, expanded, or made less complicated or streamlined, to deliver resources and benefits more equitably?

Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program (SNAP) helps millions of people to put food on the table every year, but barriers to accessing the program and receiving adequate benefits risk perpetuating inequities.

In the [Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#), a lifetime SNAP ban was placed on individuals who previously have been convicted with a drug felony. This ban includes individuals who have completed time in correctional facilities and may have been convicted for a non-violent offense. People who were formerly incarcerated are [twice as likely to experience food insecurity](#) compared to the rest of the population; as basic needs are crucial for successful re-entry to society, this ban does not give people who were previously incarcerated a fair chance. Further, in the U.S., [Black people are imprisoned over five times the rate of White people, and Latino people are imprisoned over twice the rate](#). Incarceration, especially for drug crimes, is [biased disproportionately against Black and Latino people](#) at all stages in the United States criminal justice system. States have the authority to waive or modify the SNAP drug felony ban; however, over 20 states [still impose some level of this restriction](#). A full reversal of this law with the support of USDA can ensure that more families, especially families of color, have equitable access to the program. CSPI supports [President Biden's proposed American Families Plan](#) provision to eliminate the SNAP drug felony ban, and we are calling on Congress to adopt this proposal.

SNAP benefits are also cut off after just three months for able-bodied adults without dependents (ABAWDs) unless they work at least 20 hours per week. The time limit [disproportionately impacts non-Hispanic black and Hispanic adults](#) and [has not been found to increase employment](#). Work requirements were halted through September 2021 in response to the COVID-19 public health emergency, but they should be permanently eliminated. Until this restriction is eliminated, policymakers should more accurately define people living with disabilities and taking care of dependents so that they are exempt from the three-month time limit. The definition for “able-bodied” for SNAP eligibility is not inclusive. Currently, SNAP [defines a person as disabled](#) if an individual receives federal benefits for the disability. This does not include people who meet other definitions of “disabled,” such as the [one used by the US Census Bureau](#). SNAP also has a [narrow definition of dependents](#), counting only individuals under 18 living in the same households. This narrow definition excludes from the ABAWD exemption people with non-traditional family structures who support children who do not live with them.

SNAP should also be more inclusive of individuals pursuing postsecondary education. In general, students enrolled in college more than half-time are not eligible for SNAP unless they meet the normal eligibility requirements *and* meet an exemption (such as having a disability). This restriction assumes that most college students are young, childless adults who are financially supported by parents, but recent decades have seen the [rise of non-traditional students](#), who may be older and financially supporting their families. Before COVID-19, [college students already experienced greater food insecurity than average households](#). The pandemic further exacerbated student hunger, [especially among racial and ethnic minorities](#). The December 2020 stimulus package expanded college student eligibility to full-time students eligible for federal work study and to students with an expected family contribution of \$0 until 30 days after the public health emergency is lifted. A more accessible, equitable SNAP would make this expansion to permanent.

Increasing SNAP benefits could also help to alleviate inequities and ensure families have the nutritious food they need to thrive. Through our community engagement work in [North Carolina](#), [Iowa](#), and [Massachusetts](#), SNAP participants have informed us that benefits have not been adjusted to account for increases in cost of living, that benefits are inadequate to afford enough food as their children grow, and that healthy food is expensive, especially for participants with chronic diseases who require special diets. SNAP participants shared that they stretch their limited benefits by prioritizing cheap food that will last the longest, and that will fill them up most. We applaud USDA’s work to update the Thrifty Food Plan (TFP) to reflect the true cost of a healthy diet. USDA should ensure that this update accounts for the costs of culturally relevant foods.

To increase equitable access to food assistance, USDA can advocate for Puerto Rico, American Samoa, and the Northern Mariana Islands to access SNAP instead of the [Nutrition Assistance Program \(NAP\) block grants](#). While SNAP, an entitlement program, is able to respond quickly to people’s financial needs, the block grant program funding is [capped and unable to adjust to people’s needs](#). The Americans living in the NAP-funded territories should have the opportunity to use SNAP to increase food security and economic stability.

Dietary Guidelines for Americans (DGA)

Through the *Dietary Guidelines for Americans* (DGA), USDA and the Department of Health and Human Services (HHS) provide science-based advice on what to eat and drink to meet nutrient needs, promote health, and reduce risk of chronic disease. In theory, the healthy dietary pattern encouraged in the DGA is adaptable to diverse cultural traditions and cost constraints. Indeed, the second overarching guideline in the [2020-2025 edition](#) is “Customize and enjoy nutrient-dense food and beverage choices to reflect personal preferences, cultural traditions, and budgetary considerations.”

However, a healthy, culturally appropriate diet is out of reach for far too many people in the United States. The 2020 Dietary Guidelines Advisory Committee (DGAC) [pointed out](#) that “the typical American dietary pattern is not currently nor has it ever been aligned with recommendations issued by the Dietary Guidelines for Americans since their inception in 1980.”

There are many environmental and structural factors that influence Americans’ ability to follow the DGA, including systemic disadvantages related to race and socioeconomic status. [Social determinants of health](#), such as access to healthy food, healthcare, housing, and income are [closely linked to nutritional disparities](#). To make the DGA applicable in an equitable way, particular attention to the barriers faced by low-income households; Black, Hispanic, and Indigenous communities; and other socially at-risk populations is needed.

USDA and HHS should consider health equity in all phases of the process to develop the DGA, from formation of the DGAC to dissemination and implementation. Examples of ways to incorporate equity into the DGA include:

- Endorsing the national surveillance systems’ expansion of diversity and sample size for underreported populations (as recommended by the [2020 DGAC](#));
- Prioritizing a racially and ethnically diverse DGAC with expertise in public health, food systems and the social determinants of health;
- Consideration for the impacts of social determinants of health when developing recommendations;
- Ensuring dietary pattern recommendations are practical for a diversity of cultural and dietary preferences, and consider factors such as accessibility and affordability; and
- Including recommendations in the DGA for strategies, policies and programs that specifically address nutritional barriers for people of color, people in low-income neighborhoods and others whose life conditions place them at risk for poor health.

The Emergency Food Assistance Program (TEFAP) and Commodity Supplemental Food Program (CSFP)

Lack of culturally relevant foods in The Emergency Food Assistance Program (TEFAP) and the Commodity Supplemental Food Program (CSFP) create inequity in those programs. Racial and ethnic minorities have higher rates of food insecurity. In 2019, [19.1 percent of Black households and 15.6 percent of Hispanic households were food insecure](#), compared to the national average of 10.5 percent, and Black or Hispanic adults are [more likely to access charitable food](#) than white adults. TEFAP and CSFP’s food offerings should reflect that minorities access the charitable food system at high rates—and [make up the majority of charitable food system clientele](#) in some locations—by [offering more culturally relevant foods](#), like collard greens. White-led organizations operating in our food systems, including the USDA, can fall into the trap of [making decisions through a lens of whiteness](#), by sourcing foods that white communities favor while overlooking or dismissing the healthfulness of foods that minority populations eat. This extends to Food Distribution Program offerings. USDA has made admirable strides by recently adding traditional Indigenous foods like blue corn and bison to the Food Distribution Program on Indian Reservations (FDPIR). Cultural food preferences of minority TEFAP and CSFP participants merit similar consideration to those of FDPIR recipients.

School Breakfast Program (SBP) and National School Lunch Program (NSLP)

Participation in the School Breakfast Program (SBP) and/or National School Lunch Program (NSLP) can be stigmatizing, both at enrollment and mealtime. To enroll, students must return an application form documenting their household income. When all students are not required to return the form to their teachers, it becomes obvious that the students from low-income households are the ones returning the

form. Before the pandemic, [85.1 percent of SBP meals](#) and [74.1 percent of NLSP meals](#) were free and reduced-priced meals. The current USDA waivers that allow meals to be served to all students, regardless of household income until June 2022 removes the stigma associated with school meal participation and assures healthy meals to a larger number of children. Making permanent healthy school meals for all would eliminate the stigma of participating in the program.

Occupational Safety for Workers in Meat and Poultry Establishments

Black, Latinx, and foreign-born workers are [disproportionately represented among animal slaughter and processing workers](#) relative to the U.S. workforce overall. The COVID-19 pandemic has exposed gaps in worker safety protections, leaving meat plant workers increasingly vulnerable to highly transmissible viral infections such as SARS-CoV-2. To accommodate the high volume of meat and poultry currently being processed in U.S. establishments, workers are often placed in [close quarters](#) for extended periods of time. These crowded working conditions enhance the risk of COVID-19 transmission, contributing to [multiple outbreaks](#) in meat and poultry establishments nationwide, with 59,000 cases of COVID-19 and 297 deaths reported among meatpacking workers.

A [recent report](#) published by the Centers for Disease Control and Prevention (CDC) studying COVID-19 cases among meat and poultry workers—where the race and ethnicity of the worker was reported—found that among 9,919 cases in 21 states, 87% occurred among racial and ethnic minority workers. The CDC recommended that “[t]argeted workplace interventions and prevention efforts that are appropriately tailored to the groups most affected by COVID-19 are critical to reducing both COVID-19–associated occupational risk and health disparities among vulnerable populations.”

As the CDC report notes, outbreaks and meat and poultry facilities contribute to the existing disparities in COVID-19 infection rates between White populations and Black and Latinx populations. As it stands, there are no specific protections for workers who contract COVID-19, or specific, legally enforceable federal requirements to prevent the spread of COVID-19 within plants. The CDC and the Occupational Safety and Health Administration (OSHA) issued [voluntary interim guidance](#) in April 2020 on preventive measures, which was replaced in January 2021 with new [guidance on higher-risk workplaces](#). Yet these documents are only advisory in nature, and do not impose specific worker safety requirements on meat and poultry establishments. USDA [has authority](#) as an employer to require more specific infection-prevention measures to protect the USDA inspectors working in meat and poultry establishments, and should use this authority to issue more explicit regulation that provides enforceable protections for workers, including ensuring workers can take leave when exposed to COVID-19 or if exhibiting COVID-19 symptoms. USDA could also require plants to implement preventive measures (such as vaccination, social distancing, implementing worker temperature or symptom screening, COVID-19 education, ventilation, and mandating face coverings).

In addition to acting under its own authority to protect its inspectors from infection, USDA should work with OSHA to extend enforceable standards to protect all meat and poultry workers, a [request that CSPI](#) and other groups have made previously.

Justice for Black Farmers

When Union Gen. William T. Sherman ordered the allocation of 40 acres to each freedman in January of 1865, the Black ministers who lobbied for the policy pursued self-governed [Black agrarian](#) communities in the Southern region of the United States. Unfortunately, what transpired instead were exploitative policies and practices that impacted the viability of Black farmers, especially in the South. Historical maltreatments such as sharecropping, redlining, Jim Crow segregation, voter suppression, and lynching ensured the systemic oppression of African Americans for another century.

In addition to individual acts of racism, Black farmers were systematically removed from the farming industry by the federal government. USDA is the agency that is most often credited as the main source of the land loss, and its poor history of civil rights violations with African American farmers gives credence to that claim. For example an [in depth historical analysis of USDA practices](#) found that 20th century “segregation of agricultural and home demonstration agents led to the underfunding of the Black divisions [and] separate divisions operating out of racially separate land-grant colleges.”

Since then, independent reports have thoroughly documented structural racism at the USDA, yet minimum progress has been made for Black farmers. A recent [Politico article](#) documented that Black farmers were denied USDA loans at higher rates than other groups in 2020. In a grant program to help food system producers navigate the financial hardship brought on by COVID-19, farmers of color received less than one percent of the payments, despite the fact that they represent five percent of all U.S. farmers.

To combat the effects of systemic oppression and structural racism on African American farmers, federal legislation, beyond debt relief efforts, must be enacted and fully implemented. For Black farmers specifically, the USDA needs stricter oversight and regulation in their interactions, and there needs to be staff (who share ancestry with Black farmers) dedicated to righting past transgressions.

Please describe USDA programs or interactions that have worked well for underserved communities. What successful approaches to advancing justice and equity have been undertaken by USDA that you recommend be used as a model for other programs or areas?

Through direct certification, students are automatically certified for free or reduced-price school meals based on their families’ participation in means-tested programs, such as SNAP. This reduces burdens on families who use multiple food assistance programs. Streamlining multiple programs within USDA as well as across agencies can make them more accessible to households with low incomes. For example, automatic enrollment in WIC and Medicaid could be beneficial for people who use SNAP.

How can USDA use technology to improve customer service? Do you have suggestions on how technology or online services can help streamline and reduce regulatory or policy requirements? What are those technological programs or processes and how can USDA use them to achieve equity for all?

The SNAP Online Purchasing Pilot marks a critical step in the use of technology to ensure people with low incomes have the same shopping options as other consumers. Food and beverage is expected to [lead online sales growth](#) in the coming years, and the Food Marketing Institute estimated (pre-pandemic) that by 2024, [70% of US consumers will regularly grocery shop online](#). Online SNAP grocery delivery has the potential to support healthy, equitable food access. It is especially beneficial for individuals who are elderly, immunocompromised, living with a disability, caregivers of small children, transportation burdened, and/or living in rural communities or [food apartheid](#)s.

Yet people with low incomes face [technology and financial barriers](#) to accessing online SNAP, retail giants dominate the space, and online retail may not support nutrition security. Participants [cannot use benefits to pay for fees](#) of any type, and many SNAP participants [live outside grocery delivery service areas](#) or [live in areas where online retailers do not deliver fresh foods](#). And there are barriers to healthy eating on online grocery platforms. In January 2020, CSPI’s report [Scroll and Shop: Food Marketing Migrates Online](#) – which evaluated the practices of six national retailers operating in Washington, DC – showed that more than half of food and beverage promotions on online retailers’ home pages and search result pages were for unhealthy products, and more than three-quarters of the food- and beverage-related emails that retailers sent promoted unhealthy products.

A new [Healthy Eating Research \(HER\) brief](#) examines how to promote equitable expansion of the SNAP Online Purchasing Pilot. Findings suggest that COVID-19 era expansion has helped to fill food access gaps, but the pilot is not yet meeting its aims. The researchers call upon USDA to provide assistance to local retailers to incentivize their participation; increase funding and provide flexibility to states to use SNAP-Ed funds to offer resources to communities, such as phone orders and/or secure pick-up locations; subsidize online purchasing and delivery fees; require authorized retailers to provide clear payment and privacy information on their websites, provide consumers with a clear path to opt out of data sharing, and ban deceptive promotional practices .

Are there sources of external data and metrics that USDA can use to evaluate the effects on underserved communities of USDA policies or regulations? If so, please identify or describe them.

Currently, the USDA does not record the student status of SNAP enrollees. A one-time, Congressionally requested [report](#) from 2019 found that 29% of all undergraduates in the U.S. are low-income and have one or more additional risk factors for food insecurity. Data collection on student status aggregated by race/ethnicity can help ensure that students' food needs are evaluated.

Have you made recommendations for improvement in the past to USDA? If so, please list or attach those recommendations.

The following are statements and comments issued by CSPI that have relevance here:

- In July 2021, CSPI signed on to a [letter](#) urging the USDA to provide financial support and technical assistance to school food programs, as well as to incentivize programs to meet nutrition standards.
- In June 2021, CSPI submitted [comments](#) on the USDA's Thrifty Food Plan re-evaluation. In brief, we called for USDA to consider the costs of healthy, culturally relevant food, especially for people with chronic diseases, to consider the lack of healthy foods at smaller stores, and to consider the commercial determinants of health, including targeted junk food marketing to SNAP participants.
- In June 2021, CSPI published an [op-ed](#) in *The Hill* in response to USDA's [report](#) on barriers to healthy eating for SNAP participants. In addition to the barriers identified in the report, we urged USDA to explore retail marketing strategies that promote healthy eating for people using SNAP.
- In May 2021, CSPI published an [op-ed](#) in *The Hill* calling for USDA and Congress to heed Secretary Vilsack's call to address nutrition security by tackling systemic racism and resource scarcity as root causes and by making improvements to SNAP, the school meals programs, and USDA Food Distribution Programs.
- In March 2021, CSPI submitted a [letter](#) to Secretary Vilsack upon his confirmation and proposed several recommendations, including creating systems and structures at USDA that foster Department leadership and research, bolstering the school meals programs, addressing both food and nutrition security through SNAP, and improving our food safety system.

In conclusion, CSPI appreciates the opportunity to submit comments in response to the information request on *Identifying Barriers in USDA Programs and Services; Advancing Racial Justice and Equity*

and Support for Underserved Communities at USDA, and we urge USDA to apply a racial equity lens in its programs. Please contact Cassie Ramos at cramos@cspinet.org or 202-777-8375 with any questions or requests for additional information.

Sincerely,

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