

Expand SNAP Program Eligible Items

Central Issue

In response to COVID-19, the United States Department of Agriculture has made changes to the Supplemental Nutrition Assistance Program to mainly increase benefit amounts for families most in need and impacted by the pandemic. While the additional ‘flexibilities’ made to the program are exhaustive and include an online purchasing pilot to be enacted in 47 states, there are additional implementations that can further accessibility efforts as well as best serve SNAP recipients and support the economy.

Recommendation

By removing restrictions to the SNAP program such as enabling both hot and cold foods to be purchased, low-income persons and families would have access to more convenient and nutritional food options, and support businesses who are at risk of closing due to COVID-19.

Background

According to ‘*Supplemental Nutrition Assistance Program: Examining the Evidence to Define Benefit Adequacy*’: “SNAP is administered by the USDA in cooperation with state social service agencies. The authorizing legislation states that the program is intended to “alleviate hunger and malnutrition” by “permit[ing] low-income households to obtain a more nutritious diet through normal channels of trade.” Today this goal is accomplished through the issuance of monthly benefits in the form of Electronic Benefit Transfer (EBT) cards that can be used in retail food stores.

The SNAP benefit is based on the Thrifty Food Plan (TFP), which is intended to provide a minimal-cost, healthy diet based on household size. In addition, participants' monthly benefits, accessed using an EBT card, allow them to purchase food items for use at home, as well as seeds and plants to produce food. Consistent with its original design, SNAP is intended to supplement money a household has available for food purchases as described earlier. The purchasing power of the benefits, however, is affected by changes in food prices over the benefit period, as well as by other costs, such as those for fuel and shelter, and employment and income volatility.

According to the Food Stamp Act of 1964, eligible foods included any foods for human consumption except alcoholic beverages, tobacco, and foods identified on the package as imported meat and meat products. The House Agriculture Committee tried at the time to prohibit soft drinks, luxury foods, and luxury frozen foods, but the Senate Agriculture Committee declined, saying that the restriction would cause “insurmountable administrative problems. Current eligible items for purchase with SNAP benefits include: Fruits and vegetables; Meat, poultry, and fish; Dairy products; Breads and cereals; Other foods such as snack foods and non-alcoholic beverages; and Seeds and plants, which produce food for the household to eat and exclude: beer, wine, liquor, cigarettes, or tobacco; Vitamins, medicines, and supplements. If an item has a Supplement Facts label, it is considered a supplement and is not eligible for SNAP purchase. Live animals (except shellfish, fish removed from water, and animals slaughtered prior to pick-up from the store). Prepared Foods fit for immediate consumption; Hot foods and Any nonfood items such as: Pet foods, Cleaning supplies, paper products, and other household supplies. Hygiene items, cosmetics etc.

In the debate on the 1977 Food Stamp Act, the House Agriculture Committee considered the issue of “junk foods.” There was an effort to define such foods as those “which the Secretary, after consultation not less than once annually with the President of the National Research Council of the NAS (Food and Nutrition Board) determines to have such negligible or low nutritional value or insignificant enhancement of palatability as to be inappropriate for inclusion in a healthy diet.” This amendment failed even though it included another provision that had passed that would have excluded ice cubes, artificial food coloring, powdered and liquid cocktail mixes, chewing gum, carbonated drinks, and cooking wines.

The current law defines eligible foods as “(1) any food or food product for home consumption except alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption . . . , [and] (2) seeds and plants for use in gardens to produce food for the personal consumption of the eligible household. Recently, the State of New York requested a waiver from the law to undertake a demonstration project restricting the purchase of sugar-sweetened beverages in New York City. The stated goal was to reduce obesity. USDA denied the request on August 19, 2011. The letter of denial raised the following concerns: New York City was too large a site for such a complex proposal; retailers would face difficult operational issues; the proposal failed to address point-of-sale problems, which could cause confusion and stigma for clients and retailers; and the evaluation component of the project was inadequate (USDA, 2011). Even though hot foods ready for immediate consumption were never permitted, the House committee did officially ban such foods except in communal dining situations and in restaurants used by the elderly. “If the fast food stores cannot redeem food stamps, the Committee thought that grocery stores should not be permitted an unfair advantage.” The ban on hot foods was included in the 1977 law and remains in the current law. The issue of competition among outlets that sold hot foods arose when USDA disallowed Kentucky Fried Chicken™ from becoming a food stamp-approved retailer. The company sued and won in District Court, but on October 7, 1971, the Fifth Circuit Court of Appeals upheld USDA's right to deny fast food establishments' authorization to accept benefits.”

While the nutritional value and health implications of the current eligible items for purchase with SNAP benefits are debatable, it is clear that having access to “hot” foods and those considered “ready for immediate consumption” should be revisited as the law is outdated and does not meet the needs of current times, nor does it reflect a true argument for disallowing the purchase of non-nutritional foods as hot foods and those ready to eat can be just as healthy if not more-so than the packaged and heavily processed foods lining grocery store shelves. It seems the law instead supports corporate interests and undermines the low-income families in which the program is intended to serve.

Stakeholders

FNS: Works to end hunger and obesity through the administration of 15 federal nutrition assistance programs including WIC, Supplemental Nutrition Assistance Program (SNAP), and school meals.

USDA: The U.S. federal executive department responsible for developing and executing federal laws related to farming, forestry, rural economic development, and food.

SNAP recipients: The Supplemental Nutrition Assistance Program is the nation's most important anti-hunger program, reaching 38 million people nationwide in 2019 alone. Needless to say, this number has surely increased since the onset of the pandemic.

State Food Legislators: Since each state makes their own food decisions, implementation will most likely be considered on a state by state basis. However a National approach to this food assistance expansion would be most sensible.

Food Establishments: Including but not limited to: supermarkets & small grocery stores, farmers markets, restaurants, small and large food establishments, food trucks etc. Data shows that 60% of businesses forced to close due to the Coronavirus pandemic are now irrecoverable.

Food Delivery platforms: Uber Eats, Door-dash, Postmates, Grubhub etc. By allowing food to be purchased online, the consideration should additionally be made to consider how these items will be delivered/received. Typically these same low-income food insecure households lack adequate transportation thus enhancing their lack of food access.

Challenges and Strategies

As with most disasters, communities most affected by COVID-19 are inherently areas with the highest rates of food insecurity and less access to nutritious foods. In addition, these communities have the highest number of SNAP benefit recipients per capita. As food assistance programs and resources are exhausted and thus unable to meet the demand induced by the pandemic

- **Implementation:** As the Coronavirus and its effects linger, as well as infections again on the rise as Flu-season approaches, it is vital to act immediately to implement changes just as the other ‘flexibilities’ were enacted recently.
- **Misuse of Benefits and Fraud:** By expanding the eligible items list to include hot and prepared foods, it would lessen the burden of FNS oversight to investigate and prosecute retailers who are non-compliant. Retailers who are suspended from the program are disqualified from accepting SNAP benefits permanently, thus inadvertently affecting those in their neighborhoods who rely on these retailers as a main food source, especially in low income and food insecure areas.
- **Funding:** Essentially, no additional funding would be needed to expand eligibility for hot and prepared items. This implementation would not require additional funding and would instead allow the already issued benefits to be spent on more items than previously allowed.

Conclusion

With no signs of COVID-19 slowing, a trying election year, slow moving pandemic relief, amongst a myriad of other factors, it is incumbent upon legislation to enact additional measures to meet the needs of people and businesses. By including the additional measures mentioned above, the effects of the virus will be mitigated and assist those most affected.

<https://www.fns.usda.gov/programs/fns-disaster-assistance/fns-responds-covid-19/snap-covid-19-waivers>

<https://www.ncbi.nlm.nih.gov/books/NBK206907/#:~:text=SNAP%20was%20preceded%20by%20the,emerged%20from%20the%20Great%20Depression>

<https://otda.ny.gov/programs/snap/>

<https://www.fns.usda.gov/coronavirus#flex>

<https://ggwash.org/view/77862/snap-was-designed-to-make-food-access-easier-for-people-so-why-do-some-guidelines-make-it-harder-to-get-hot-meals>

<https://www.fns.usda.gov/snap/eligible-food-items>

<https://www.cnbc.com/2020/09/16/yelp-data-shows-60percent-of-business-closures-due-to-the-coronavirus-pandemic-are-now-permanent.html>

<https://www.cbpp.org/research/food-assistance/a-closer-look-at-who-benefits-from-snap-state-by-state-fact-sheets#Alabama>