United States Senate

WASHINGTON, DC 20510

August 2, 2016

Thomas J. Vilsack
Secretary of Agriculture
Department of Agriculture
Jamie L. Whitten Federal Building
1400 Independence Avenue, SW,
Room 200-A
Washington, DC 20250

Dear Secretary Vilsack:

We write today to express our concern regarding the proposed rule "Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)." The proposed rule raises concern about unintended consequences that may limit food access for the more than 45 million families, seniors and children currently participating in SNAP.

To improve program integrity, ensure that the program continues to assist vulnerable populations in meeting their nutritional needs, and to encourage stores to increase the variety and quantity of nutritious food items available to SNAP beneficiaries, the Agricultural Act of 2014 made changes to stocking requirements for staple and perishable food items for retailers participating in SNAP. When making these changes, Congress specifically acknowledged the importance of preserving food access and deliberately chose not to make modifications related to percentages of sales of hot foods.

In this proposed rule to implement the changes contained in the Agricultural Act of 2014, the U.S. Department of Agriculture (USDA) also included changes based on a previous request for information related to requirements for SNAP retail food stores. Unfortunately, the combined impact of the proposed changes will likely result in the removal of a large number of small format retailers and small businesses from SNAP. This raises questions regarding the ability of FNS to mitigate the food access challenges as Congress intended.

Many SNAP recipients in communities with limited access to large grocery stores rely upon small format stores, including neighborhood stores, drugstores, and convenience stores, for SNAP purchases. In the rural and urban communities in the states we represent, numerous access obstacles can prevent our low-income constituents from reaching SNAP retailers to redeem benefits. These obstacles include geographic location, limited hours of store operations, or restricted transportation options. SNAP beneficiaries often work long hours or multiple jobs to provide for their families, and can face difficulties in accessing the foods.

According to USDA data, over 100,000 small format retailers are authorized SNAP retailers. The cost and burden of complying with the proposed rule could be too high for these retailers to continue participating in SNAP. This would result in the exact opposite of what is intended—it would reduce access to healthy food for SNAP participants.

As USDA reviews comments and makes modifications to the proposed rule, we urge you to seriously consider the combined impact of the requirements in this proposed rule and revise the rule to better balance the importance of ensuring the availability of nutritious food and providing adequate access for SNAP recipients in all parts of the country.

We look forward to continuing to work with you to develop a rule that reflects both of these important goals.

Sincerely,

Senator Pat Roberts

Senator Debbie Stabenow

Senator Patrick Leahy

Senator Thad Cochran

Senator Chuck Grassley

Senator Barbara A. Mikulski

Senator Dianne Feinstein

Senator Patty Murray

Senator James Inhofe

Senator Jack Reed

Senator Susan Collins

Senator Bill Nelson

Senator Lamar Alexander

Senator John Cornyn

Senator Richard Burr

Senator Bernard Sanders

Senator Sherrod Brown

Senator Bob Corker

Senator Claire McCaskill

Senator Amy Klobuchar

Senator Sheldon Whitehouse

Senator Roger Wicker

Senator Mark R. Warner

Senator Michael F. Bennet

Senator Joe Manchin, III

Senator Jerry Moran

Senator Rob Portman

Senator John Boozman

Senator John Hoeven

Senator Marco Rubio

Senator Ron Johnson

Senator Richard Blumenthal

Senator Tim Scott

Senator Tammy Baldwin

Senator Joe Donnelly

Senator Mazie K. Hirono

Senator Angus S. King, Jr.

Senator Deb Fischer

Senator Heidi Heitkamp

Senator Edward J. Markey

Senator Shelley Moore Capito

Senator Cory Gardner

Senator Tom Cotton

Senator Steve Daines

Senator Thom Tillis

Senator Joni K. Ernst

Senator Jon Tester

cc: The Honorable Kevin Concannon, Under Secretary for Food, Nutrition, and Consumer Services