

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.

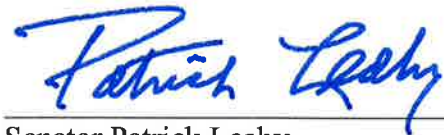
Sincerely,



Senator Pat Roberts



Senator Debbie Stabenow



Senator Patrick Leahy



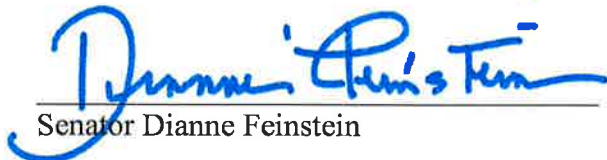
Senator Thad Cochran




Senator Chuck Grassley



Senator Barbara A. Mikulski



Senator Dianne Feinstein



Senator Patty Murray



Senator James Inhofe



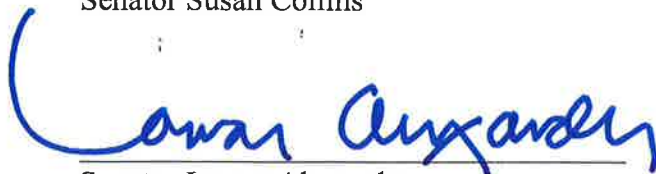
Senator Jack Reed



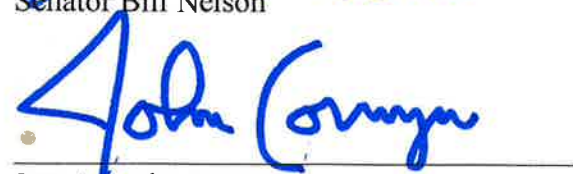
Senator Susan Collins



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



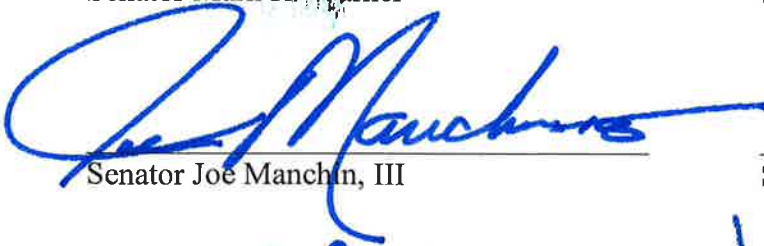
Senator Roger Wicker



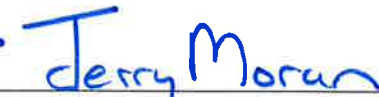
Senator Mark R. Warner



Senator Michael F. Bennet



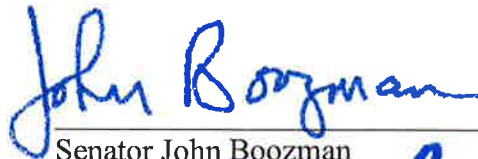
Senator Joe Manchin, III



Senator Jerry Moran



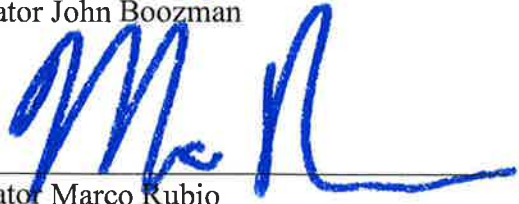
Senator Rob Portman



Senator John Boozman



Senator John Hoeven



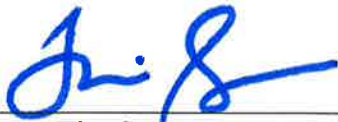
Senator Marco Rubio



Senator Ron Johnson



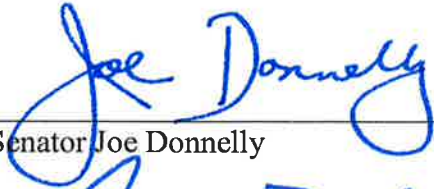
Senator Richard Blumenthal



Senator Tim Scott



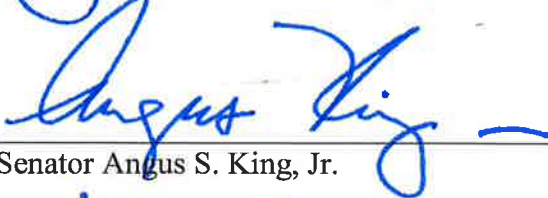
Senator Tammy Baldwin



Senator Joe Donnelly



Senator Mazie K. Hirono



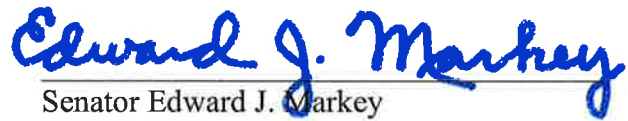
Senator Angus S. King, Jr.



Senator Deb Fischer



Senator Heidi Heitkamp



Senator Edward J. Markey



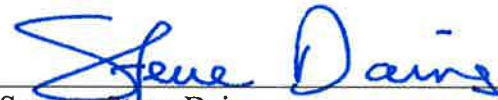
Senator Shelley Moore Capito



Senator Cory Gardner



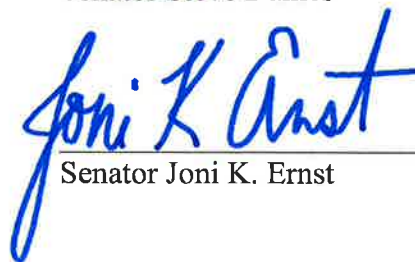
Senator Tom Cotton



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