



Public Comment to the U.S. Department of Agriculture, Food & Nutrition Service

Regarding Proposed Rule “*Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents*” [RIN 0584-AE57]

The Center for Community Solutions

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As a nonpartisan think tank focused on solutions to health, social and economic issues throughout the State of Ohio, The Center for Community Solutions welcomes this opportunity to submit public comment on the U.S. Department of Agriculture’s (USDA) proposed rule, *Supplemental Nutrition Assistance Program: Requirements for Able Bodied Adults Without Dependents* (RIN 0584-AE57). This rule would limit the ability of states to waive the three-month time limit that applies to childless, able-bodied adults who receive benefits through the Supplemental Nutrition Assistance Program (SNAP) and are unemployed. For the reasons listed below, Community Solutions opposes the proposed rule.

- **The proposed rule would increase food insecurity and poverty in Ohio, as well as stifle economic activity.** By scaling back one of the nation’s most effective poverty-reduction programs, the rule would exacerbate hardship and reduce economic activity in areas that are already economically disadvantaged compared to the rest of the country.
- **The proposed rule undermines states’ ability to respond to economic hardship.** By imposing artificial definitions of what it means for an area to “lack sufficient jobs,” the rule would undermine states’ discretion to provide hunger relief in economically disadvantaged areas.
- **The intent of the proposed rule is not supported by evidence.** Though the USDA predicts that subjecting more SNAP recipients to work requirements would result in higher workforce participation rates, there is a lack of evidence to support this theory. In fact, existing evidence suggests that SNAP enrollment improves employment outcomes.
- **The proposed rule would have a disparate impact on people of color in Ohio.** The rule would make it even more unlikely that Ohio counties where people of color are concentrated would receive a time limit waiver.

Community Solutions asks that USDA considers each of these points and withdraw the proposed rule.

Background on SNAP ABAWD work requirements in Ohio

Current federal policy requires able-bodied adults (ages 18-49) without dependent children (ABAWDs) to work or participate in job training for at least 80 hours each month in order to receive SNAP benefits for more than three months within a 36-month period. In the years following the 2008 recession, Ohio (along with nearly every other state) waived the three-month time limit for ABAWD SNAP recipients throughout the state under authority granted by the American Recovery and Reinvestment Act of 2009, as well as under USDA regulations from the Bush administration.^{1 2}

Upon the 2014 expiration of the federal authorization for Ohio's statewide waiver, the state requested and received waivers for individual counties that met USDA's criteria for "areas of high unemployment." Specifically, waivers were granted to counties with unemployment rates more than 20 percent higher than the U.S. average over a recent 24-month period as measured by the Bureau of Labor Statistics (BLS). These county waivers are reassessed by the Ohio Department of Job and Family Services (ODJFS) at the turn of every federal fiscal year (FFY), using the most recent BLS data to determine which counties are waiver-eligible. For FFY 2019, there are currently 38 counties in Ohio where the time limit was waived due to high unemployment.³

However, living in a county where the time limit has been waived does not exempt ABAWDs from their obligation to participate in the labor force. Ohio administers a mandatory SNAP Employment and Training (SNAP E&T) program that is inclusive of ABAWDs. Under SNAP E&T, ABAWDs must participate in education/job training, job search/job readiness activities, or work experience or else be subject to a sanction, regardless of whether the individual lives in a county where the time limit has been waived.⁴

The rule proposed by the USDA aims to make it more difficult for counties and other jurisdictions to receive time limit waivers on the basis of high unemployment. While the rule maintains the unemployment rate threshold of 120 percent of the U.S. average, it would set a floor of 7 percent unemployment for any area to be eligible for a waiver. In other words, a county's unemployment rate would need to be at least 7 percent and that rate must be at least 20 percent higher than the U.S. average in order to waive the time limit. This criteria would drastically reduce the number of counties in Ohio that are waiver-eligible, threatening access to basic nutrition in some of the poorest and most food-insecure parts of the state.

Impact on poverty, food insecurity and economic activity

SNAP is widely regarded as one of the most effective programs in the country for alleviating poverty. Research has shown that in 2015 alone, SNAP was responsible for lifting 8.4 million people out of poverty, resulting in a 17 percent reduction in the U.S. poverty rate that year.⁵ By helping low-income households afford food, SNAP reduces food insecurity and frees up recipients' limited incomes to address other hardships like paying bills and rent. USDA's own research has shown SNAP to be instrumental in reducing

¹ HR 1. 111th Congress. <https://www.congress.gov/bill/111th-congress/house-bill/1/text>

² U.S. Department of Agriculture. (2009). SNAP - ABAWD statewide waivers - new criteria for unemployment insurance extended benefits trigger <https://fns-prod.azureedge.net/sites/default/files/snap/ABAWD%20Statewide%20Waivers.pdf>

³ Ohio Department of Job and Family Services. (2018). Family assistance letter #171. <http://jfs.ohio.gov/ofam/FAL-171-FFY-2019-ABAWD-090718.stm>

⁴ <http://jfs.ohio.gov/ofam/FAL-171-FFY-2019-ABAWD-090718.stm>

⁵ Wheaton, L. & Tran, V. (2018). The antipoverty effects of SNAP. https://www.urban.org/sites/default/files/the_antipoverty_effects_of_snap.pdf

food insecurity rates among households with and without children.⁶ Most of the ABAWD population is ineligible for government cash assistance since, by definition, they are not elderly, disabled or raising children. Therefore, SNAP is often the only assistance available to help this population make ends meet.

In Ohio, nearly 1.4 million people across the state rely on SNAP to help buy groceries each month. As of December 2018, 48 percent of Ohio's SNAP recipients live in one of the 38 counties where the three month time limit has been waived for the ABAWD population.⁷ While the language of the proposed rule suggests that most of these counties are areas of economic growth and flourishing labor markets, they in fact encompass Ohio's most poverty-stricken and food insecure areas. When considering the 15 Ohio counties with the highest poverty rates, all 15 are among the counties with current time limit waivers – with poverty rates as high as 30 percent.⁸ Twelve of Ohio's 15 most food-insecure counties currently have time limit waivers, with food insecurity rates as high as 20 percent.⁹ Though the time limit waiver does not currently extend to some of Ohio's urban areas with high rates of food insecurity, the current waiver structure generally allows the state to target its waivers to jurisdictions that are most vulnerable to poverty and food insecurity. This ensures those who are struggling to find employment in these areas can maintain access to basic nutrition as they search for work.

If the proposed rule took effect today with the 7 percent threshold for waiver eligibility, only three Ohio counties would qualify for a time limit waiver (according to BLS unemployment data over the most recent 24-month period available).¹⁰ These three counties—Adams, Meigs and Monroe—account for less than one percent of the Ohio's SNAP population.¹¹ If the geographic distribution of ABAWDs matches that of the broader SNAP population, more than 99 percent of Ohio's ABAWDs would now be subject to the SNAP time limit (up from 52 percent under current policy). In effect, the rule would add additional barriers blocking Ohioans in the poorest parts of the state from accessing basic nutrition.

⁶ Food and Nutrition Service. (2013). Measuring the effect of supplemental nutrition assistance program (SNAP) on food security. <https://fns-prod.azureedge.net/sites/default/files/Measuring2013Sum.pdf>

⁷ Ohio Department of Job and Family Services. (2018). Caseload summary statistics report, December 2018. [http://jfs.ohio.gov/pams/Case-Load-Summary-Report--December-\(002\).stm](http://jfs.ohio.gov/pams/Case-Load-Summary-Report--December-(002).stm)

⁸ U.S. Census Bureau. (2018) American community survey 5-year estimates, poverty status in the past 12 months.

⁹ Feeding America. (2018). Mind the meal gap 2018: overall food insecurity in Ohio by county in 2016.

¹⁰ Bureau of Labor Statistics. (2018). Local Area Unemployment Statistics, January 2017-December 2018.

¹¹ Ohio Department of Job and Family Services. (2018). Caseload summary statistics report, December 2018. [http://jfs.ohio.gov/pams/Case-Load-Summary-Report--December-\(002\).stm](http://jfs.ohio.gov/pams/Case-Load-Summary-Report--December-(002).stm)

Table 1 and Table 2 list Ohio's top 15 counties by poverty rate and food insecurity, respectively, along with each county's unemployment rate and time limit exemption status under both current policy and the proposed rule. The unemployment rates are calculated using the same criteria required by USDA to determine waiver eligibility.¹²

Table 1

| Waiver Status of Top 15 Ohio Counties by Poverty Rate | | | | | |
|---|-----------|------------------|------------------|---|--|
| Rank | County | Poverty Rate (%) | Unemployment (%) | Waived from SNAP Time Limit under Current Policy? | Waived from SNAP Time Limit under Proposed Rule? |
| 1 | Athens | 30.2 | 5.9 | Yes | No |
| 2 | Scioto | 23.9 | 6.9 | Yes | No |
| 3 | Adams | 23.8 | 7.1 | Yes | Yes |
| 4 | Meigs | 22.5 | 7.6 | Yes | Yes |
| 5 | Highland | 21.6 | 5.8 | Yes | No |
| 6 | Morgan | 21.5 | 6.4 | Yes | No |
| 7 | Vinton | 21.1 | 6.5 | Yes | No |
| 8 | Gallia | 20.9 | 6.4 | Yes | No |
| 9 | Jackson | 20.6 | 6.8 | Yes | No |
| 10 | Guernsey | 20.2 | 5.8 | Yes | No |
| 11 | Pike | 20 | 6.7 | Yes | No |
| 12 | Ashtabula | 19.8 | 5.6 | Yes | No |
| 13 | Lucas | 19.8 | 5.6 | Yes | No |
| 14 | Monroe | 19.7 | 8.2 | Yes | Yes |
| 15 | Perry | 19.2 | 5.7 | Yes | No |

Sources:

U.S. Census Bureau. (2018) American community survey 5-year estimates, poverty status in the past 12 months.

Bureau of Labor Statistics. (2018). Local Area Unemployment Statistics, January 2017-December 2018.

Author's analysis, assuming waiver eligibility floor of 7 percent county unemployment rates.

¹² Bureau of Labor Statistics. (2018). Local Area Unemployment Statistics, January 2017-December 2018.

Table 2

| Waiver Status of Top 15 Ohio Counties by Food Insecurity | | | | | |
|--|------------|-----------------|------------------|---|--|
| Rank | County | % Food Insecure | Unemployment (%) | Waived from SNAP Time Limit under Current Policy? | Waived from SNAP Time Limit under Proposed Rule? |
| 1 | Athens | 19.9 | 5.9 | Yes | No |
| 2 | Cuyahoga | 18.6 | 5.5 | Yes | No |
| 3 | Hamilton | 17.8 | 4.2 | No | No |
| 4 | Scioto | 17.7 | 6.9 | Yes | No |
| 5 | Adams | 17.6 | 7.1 | Yes | Yes |
| 6 | Lucas | 17.5 | 5.6 | Yes | No |
| 7 | Montgomery | 17.5 | 4.7 | No | No |
| 8 | Jackson | 17.4 | 6.8 | Yes | No |
| 9 | Monroe | 17.2 | 8.2 | Yes | Yes |
| 10 | Franklin | 17 | 3.9 | No | No |
| 11 | Meigs | 16.8 | 7.6 | Yes | Yes |
| 12 | Jefferson | 16.5 | 6.8 | Yes | No |
| 13 | Morgan | 16.5 | 6.4 | Yes | No |
| 14 | Pike | 16.5 | 6.7 | Yes | No |
| 15 | Mahoning | 16.4 | 6.4 | Yes | No |

Sources:

Feeding America. (2018). Mind the meal gap 2018: overall food insecurity in Ohio by county in 2016.

Bureau of Labor Statistics. (2018). Local Area Unemployment Statistics, January 2017-December 2018.

Author's analysis, assuming waiver eligibility floor of 7 percent county unemployment rates.

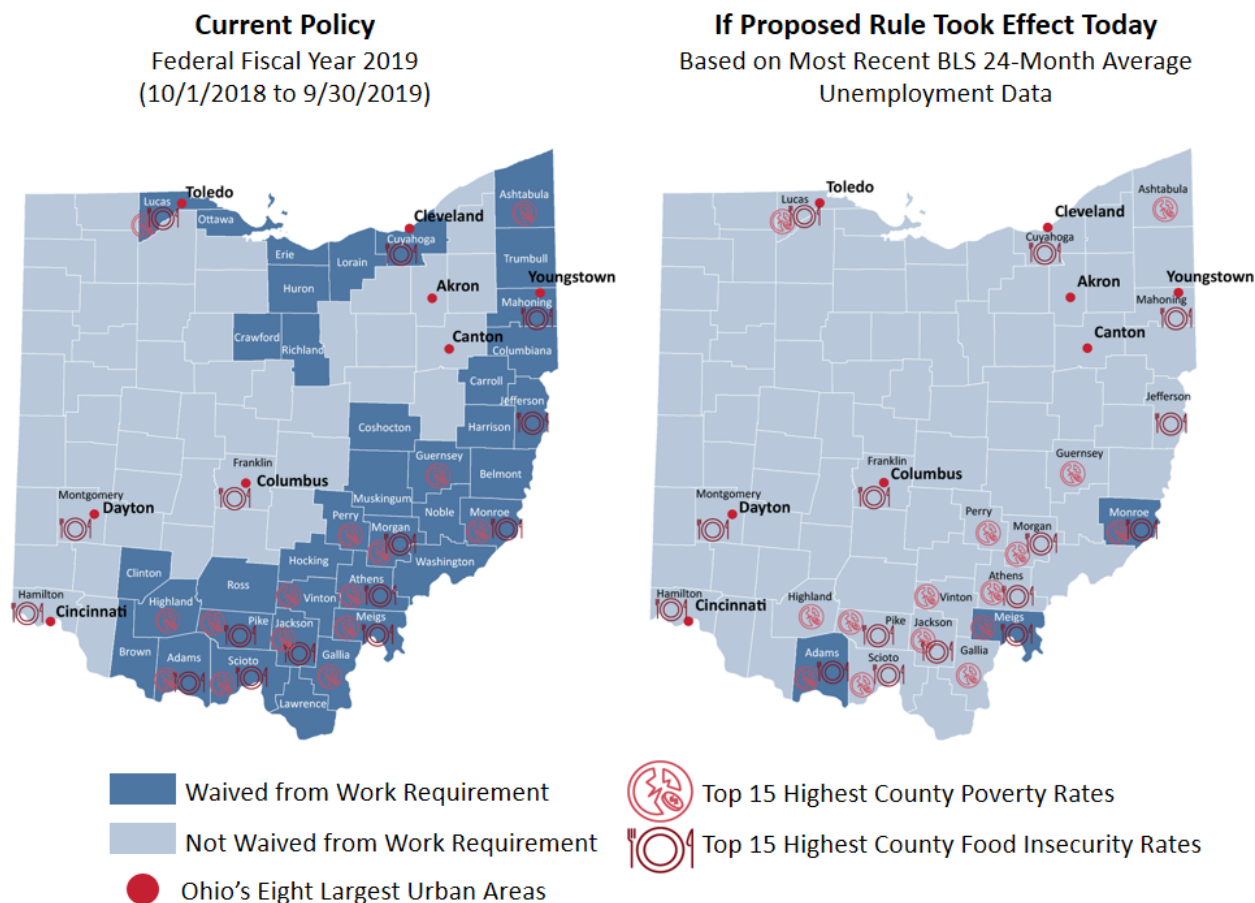
While the three counties that would receive a waiver under the proposed rule (Adams, Meigs and Monroe) appear on both of the above lists, there are several counties with even higher rates of poverty and food insecurity that would not qualify for the time limit waiver. Figure 1 on the following page provides a geographic visualization of how the proposed rule would impact Ohio. Strikingly, the rule would disproportionately burden the Appalachian region of the state, which encompasses some of Ohio's poorest and most food insecure counties. However, many of Ohio's urban poor would also be impacted by the loss of waivers in the Cleveland, Toledo and Youngstown areas.

It is important to also consider the broader economic impact of restricting access to SNAP in Ohio. It is well documented that SNAP acts as an economic stimulus, pumping around \$170 million into Ohio's economy each month.¹³ This money increases business for food retailers across the state, and allows SNAP recipients to spend more of their limited resources on other goods and services within their local economies. Research commissioned by the USDA has found that every dollar spent on SNAP benefits

¹³ Ohio Department of Job and Family Services. (2018). Caseload summary statistics report, December 2018. [http://jfs.ohio.gov/pams/Case-Load-Summary-Report--December-\(002\).stm](http://jfs.ohio.gov/pams/Case-Load-Summary-Report--December-(002).stm)

increases gross domestic product by \$1.79 during an economic downturn.¹⁴ By making SNAP access more restrictive in areas that are already economically disadvantaged, the proposed rule would not only harm individuals who struggle to find work, but would actually further diminish local economic activity.

Figure 1: Ohio Counties Subject to SNAP ABAWD Time limit/Work Requirement



Sources:

U.S. Census Bureau. (2018) American community survey 5-year estimates, poverty status in the past 12 months.
Feeding America. (2018). Mind the meal gap 2018: overall food insecurity in Ohio by county in 2016.
Bureau of Labor Statistics. (2018). Local Area Unemployment Statistics, January 2017-December 2018.
Author's analysis, assuming waiver eligibility floor of 7 percent county unemployment rates.

Impact on the State of Ohio's ability to provide hardship relief

The ability for states to seek waivers of the ABAWD time limit in areas that lack sufficient jobs is established in federal law.¹⁵ However, the statutory language leaves ample room for interpretation of what it actually means for an area to not have sufficient jobs. The current USDA regulatory interpretation of this statute gives states some flexibility to identify which areas are most in need of the economic relief


¹⁴ U.S. Department of Agriculture. (2018). Supplemental nutrition assistance program (SNAP) linkages with the general economy. <https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/economic-linkages/>

¹⁵ 7 U.S.C. § 2015 (o)(4). <https://www.law.cornell.edu/uscode/text/7/2015>

provided by the time limit waiver. By generally tying waiver eligibility to a ratio threshold of the overall U.S. unemployment rate, states are able to target their waivers to jurisdictions that are lagging behind in comparison to the state and national economy. These areas with higher relative unemployment share significant overlap with the areas that have the greatest rates of poverty and food insecurity, as seen in the map on the left above. In effect, the time limit waiver criteria (unemployment that is 20 percent higher than the U.S. average) has allowed Ohio to target nutrition assistance to Ohioans in the poorest and most food insecure parts of the state as they look for work. While unemployment may be the only economic indicator actually considered by the proposed rule, the current waiver criteria, in practice, is reflective of the fact that high unemployment is not the only indicator that signals disadvantage.

Establishing a 7 percent unemployment rate floor for waiver eligibility would force Ohio to turn a blind eye to counties where nearly one in four residents live in poverty. Moreover, setting such a floor would be inherently arbitrary and capricious. Of the 35 Ohio counties that would lose their time limit waivers (if the proposed rule took effect today), many are economically and geographically similar to the three counties that would maintain their waivers. For example, compare Adams and Scioto counties, which border one another. These two counties have virtually identical rates of both poverty (23.8 percent vs. 23.9 percent, respectively) and food insecurity (17.6 percent vs. 17.7 percent). Over the most recent 24 months of BLS unemployment data available, the average unemployment rate between these two counties differed by just 0.2 percentage points. But because Adams County saw average unemployment slightly higher than 7 percent (7.08 percent) while Scioto County had unemployment slightly lower (6.88 percent), only Adams County would be eligible for the SNAP time limit waiver under the proposed rule – even though Scioto County has virtually identical economic conditions.

Table 3

| Comparison of Adams & Scioto Counties | | |
|---|-------|--------|
|  | Adams | Scioto |
| | 7.08 | 6.88 |
| | 23.8 | 23.9 |
| | 17.6 | 17.7 |
| | | |
| Current rule: | Yes | Yes |
| Proposed rule: | Yes | No |

Sources:

U.S. Census Bureau. (2018) American community survey 5-year estimates, poverty status in the past 12 months.

Feeding America. (2018). Mind the meal gap 2018: overall food insecurity in Ohio by county in 2016.

Bureau of Labor Statistics. (2018). Local Area Unemployment Statistics, January 2017-December 2018.

The added emphasis on overall unemployment rate also masks employment barriers faced by disadvantaged populations, such as people of color or those lacking educational attainment. In 2017, the unemployment rate among African-Americans in Cuyahoga County was 13.5 percent, according to the

U.S. Census Bureau.¹⁶ The unemployment rate among Cuyahoga County residents lacking a high school diploma was 16.5 percent. Both of these populations face significant barriers to employment (e.g., systemic racism or lack of available unskilled jobs), but would be subject to strict SNAP time limits under the proposed rule.

Insufficient evidence supporting rule's intent

The narrative of the proposed rule purports that the rule change is necessary to encourage more ABAWDs to engage in work. The USDA writes that by subjecting more people to SNAP time limit requirements, “the Department would encourage greater engagement in meaningful work activities and movement toward self-sufficiency among ABAWDs, thus reducing the need for nutrition assistance.”¹⁷ However, the proposed rule offers no economic evidence to suggest that the punitive approach of imposing stricter work requirements would actually result in greater workforce participation and self-sufficiency among ABAWD SNAP recipients. In fact, in a 2018 review of long-term employment trends, the National Bureau of Economic Research found that there is little support for the idea that public assistance programs have reduced employment. Rather, labor demand factors are the most important drivers of unemployment rates.¹⁸ Meanwhile, there is an abundance of evidence indicating that access to SNAP is a vital work support.

Even without work requirements, the SNAP benefit schedule is already designed to incentivize work through an income disregard and gradual benefit phase-out as earned income increases.¹⁹ In other words, as SNAP recipients work more hours, their total household resources (income plus SNAP benefits) increase – even when earned income increases to the point where the individual is no longer eligible for SNAP. Further, the average SNAP benefit in Ohio is only about \$4 per day per recipient.²⁰ Even thrifty grocery shoppers would likely struggle to maintain adequate nutrition at this benefit level, and other income sources are still needed to meet other basic needs.

The incentives for SNAP recipients to work are demonstrated by the fact that most SNAP recipients who are able to work already do so. Recent research from the Brookings Institution found that among SNAP recipients aged 18-49 with no dependents, more than 73 percent were either working or in a period of transition.²¹ Roughly 25 percent were not in the labor force at all, largely due to chronic health issues or disability. Only 1.7 percent were in the labor force but experiencing long-term unemployment.

One of the most significant barriers inhibiting SNAP recipients from meeting work requirements is a lack of long-term employment opportunities that provide stable hours above the 80-hour-per-month threshold. Research from the Economic Policy Institute has found that the most common occupations

¹⁶ U.S. Census Bureau. (2018). American Community Survey 1-year estimates, employment status.

¹⁷ Federal Register. (February 1, 2019). Volume 84, No. 22. <https://www.govinfo.gov/content/pkg/FR-2019-02-01/pdf/2018-28059.pdf>

¹⁸ Abraham, K.G. & Kearny, M.S. (2018). Explaining the decline in the U.S. employment-to-population ratio: a review of the evidence. National Bureau of Economic Research. <https://www.nber.org/papers/w24333>

¹⁹ Bauer, L., Whitmore Schanzenbach, D., & Shambaugh, J. (2018). Work requirements and safety net programs. The Hamilton Project. http://www.hamiltonproject.org/assets/files/WorkRequirements_EA_web_1010_2.pdf

²⁰ Ohio Department of Job and Family Services. (2018). Caseload summary statistics report, December 2018. [http://jfs.ohio.gov/pams/Case-Load-Summary-Report--December-\(002\).stm](http://jfs.ohio.gov/pams/Case-Load-Summary-Report--December-(002).stm)

²¹ Bauer, L., Whitmore Schanzenbach, D., & Shambaugh, J. (2018). Work requirements and safety net programs. *The Hamilton Project*. http://www.hamiltonproject.org/assets/files/WorkRequirements_EA_web_1010_2.pdf

held by SNAP recipients are in food service, retail, housekeeping, sanitation and health aide jobs.²² Volatile hours and unstable employment are especially common in these jobs, meaning it is common for SNAP recipients to experience periods of unemployment or insufficient hours to comply with work requirements. SNAP serves as a vital safety net to ensure low-wage workers do not go hungry when their hours are reduced or they become unemployed.

Disparate impact on people of color

SNAP work requirements have long raised concerns about racial disparities, due to the fact that Ohio's rural, predominately white counties have been more likely to have the time limit waived than the state's diverse urban areas.²³ This has largely been a product of Ohio's choice to grant waivers at the county level, rather than the municipal level. In effect, Ohio's large cities with unemployment rates that surpass the threshold for a time limit waiver have not been granted them because the counties as a whole are more economically prosperous. In FFY 2019, urban Cuyahoga and Lucas counties met the waiver criteria, helping to mitigate the disparities seen in previous years.²⁴

While the proposed rule would eliminate the time limit waiver in nearly every Ohio county under current economic conditions, it would be virtually impossible for Ohio's urban counties to be eligible for a time limit waiver again, except in an economic recession. Ohio's eight largest urban counties are home to more than 83 percent of Ohio's African-American population.²⁵ Among the three counties that would maintain their time limit waiver under current conditions, the population is 98 percent white. Barring such a large proportion of Ohio's black population from the time limit waiver would create a clear racial disparity given that black Americans consistently experience worse employment outcomes than white Americans, in large part due to employment discrimination and systemic barriers to work.²⁶

To be clear, Ohio could mitigate these racial disparities by applying time limit waivers on the basis of municipal unemployment rates in addition to county level unemployment. Should the proposed rules take effect, it will be critical for Ohio to make this change to protect vulnerable Ohioans from losing basic nutrition assistance in both rural and urban areas that lack adequate employment opportunities.

Conclusion

The proposed rule would reduce access to basic nutrition assistance in areas that are already among the most economically disadvantaged in the state. Setting an arbitrary unemployment rate floor to determine which jurisdictions are subject to the SNAP time limit and work requirements ignores the fact that overall unemployment is far from the only indicator that signals economic hardship. The proposed rule severely restricts Ohio's ability to help its most disadvantaged workers, including people of color and those with

²² Bivens, J. & Fremstad, S. (2018). Why punitive work-hours tests in SNAP and Medicaid would harm workers and do nothing to raise employment. *Economic Policy Institute*. <https://www.epi.org/publication/why-punitive-work-hours-tests-in-snap-and-medicaid-would-harm-workers-and-do-nothing-to-raise-employment/>

²³ White, A. (2018). Who receives food assistance in Ohio? Implications of work requirements for SNAP enrollment across racial, ethnic and geographic divisions. *The Center for Community Solutions*. <https://www.communitysolutions.com/research/receives-food-assistance-ohio-implications-work-requirements-snap-enrollment-across-racial-ethnic-geographic-divisions/>

²⁴ Anthes, L. & White, A. (2018). New SNAP exemptions affect Cuyahoga, Lucas Counties. <https://www.communitysolutions.com/new-snap-exemptions-affect-cuyahoga-lucas-counties/>

²⁵ U.S. Census Bureau. (2018). American Community Survey 5-Year estimates, race.

²⁶ Doede, M.S. (2015). Black jobs matter: racial inequalities in conditions of employment and subsequent health outcomes. *Public Health Nursing*. Vol. 33 No. 2, pp. 151-158.

little educational attainment, to purchase groceries as they search for employment or face reduced work hours. The USDA should consider the wide body of evidence pointing to the fact that ABAWD SNAP recipients are already active labor force participants and that SNAP serves as a work support—not a work disincentive. Any questions regarding this public comment or the impact of the proposed rule in Ohio may be directed to:

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