

AG Kaul: Joins 22-state coalition urging USDA to remove bureaucratic barriers threatening SNAP during pandemic

Posted on Thursday, Sep 17, 2020

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MADISON, Wis. – Attorney General Josh Kaul and a group of 22 states and New York City are [urging the Trump administration](#) to waive certain administrative burdens so that states can expedite the distribution of Supplemental Nutrition Assistance Program (SNAP) benefits to residents during the pandemic.

“The pandemic continues to impact people’s financial security and the availability of in-person services. The Trump administration must ensure that unnecessary administrative barriers aren’t interfering with people’s ability to use our country’s most important anti-hunger program,” said Attorney General Kaul.

In a letter to the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture (USDA), the coalition makes clear that adjustments to administering SNAP—such as allowing virtual interviews with SNAP recipients and extensions on reporting deadlines—help tens of thousands of SNAP recipients receive food assistance by allowing states to safely and efficiently recertify eligibility and process applications. While FNS approved these waivers at the beginning of the pandemic, the agency has recently started denying some requests without sufficient explanation. The coalition urges the administration to provide guidance on what is required for approvable waivers, expand the flexibility of waiver options, and continue granting waivers during the pandemic.

SNAP, commonly known as “food stamps,” is our country’s most important anti-hunger program and a critical part of federal and state efforts to help lift people out

of poverty. The program provides people with limited incomes the opportunity to buy nutritious food that they otherwise could not afford.

In March 2020, as states began declaring public health emergencies, FNS approved waiver requests that helped ease regulatory burdens on state SNAP agencies so they could focus their resources on issuing SNAP benefits even as caseloads drastically increased and state budget constraints prevented the agencies from hiring additional personnel. These waivers included allowing virtual interviews with SNAP recipients instead of requiring in-person meetings and providing extensions on reporting deadlines.

However, in a move to return to pre-pandemic operations, FNS recently told states that waivers would be approved only on more limited bases. The criteria for obtaining waiver approvals appears to have become increasingly strict, and it is unclear how FNS is evaluating these criteria state-by-state. A lack of clear, public guidance on the criteria for these waivers and FNS's lack of explanation for denials have left some states scrambling to formulate requests. Without waivers, states cannot process large backlogs of applications and eligibility recertifications in time to prevent families from temporarily losing benefits.

The coalition urges FNS to help states secure longer-term waivers by:

- Posting clear guidance and criteria for how waivers are approved: FNS has not posted guidance on its website about what information states should include in waiver requests despite being required to do so by the Families First Coronavirus Recovery Act. Without this guidance, states cannot easily determine why some states' requests have been approved while others have been denied. Posting this guidance publicly will allow states to see what data must be supplied to request adjustments and whether FNS is fairly assessing the economic and public health conditions in those states.
- Increasing duration and flexibility of waiver options: FNS is currently requiring states to apply for most of the available waivers on a monthly basis even though all states and the federal government continue operating under public health emergency declarations and the pandemic is likely to continue for many more months. This requirement for monthly applications has placed a significant regulatory burden on the states at a time when most state SNAP agencies are overwhelmed with increased caseloads. The coalition urges FNS to allow states to liberally apply for multiple multi-month waivers of all commonly requested adjustments.

The letter is available [here](#).

Attorney General Kaul is joined by the attorneys general from California, Colorado, Connecticut, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, Washington D.C., and the Corporation Counsel of the City of New York.