



October 13, 2023

Attention: Polly Fairfield
Food and Nutrition Service
United States Department of Agriculture
1320 Braddock Place
Alexandria, Virginia 22314

RE: USDA Proposed Rule: Improving Access and Parity in Food Distribution Programs

Dear Deputy Under Secretary Stacy Dean and Administrator Cindy Long:

On behalf of Meals on Wheels America, the nationwide network of local senior nutrition programs and the individuals they serve, we thank the Food and Nutrition Service (FNS) for the opportunity to provide feedback regarding the U.S. Department of Agriculture's (USDA) proposed regulatory changes to improve access and parity within several federal food distribution programs: the Commodity Supplemental Food Program (CSFP), the Food Distribution Program on Indian Reservations (FDPIR), the Emergency Food Assistance Program (TEFAP), and USDA Foods in Disaster. In particular, we are grateful for your leadership and USDA's attention and dedication to addressing the sharp rise in hunger and economic challenges brought upon families since the onset of the COVID-19 pandemic and the barriers they continue to face with accessing affordable, nutritious food. Ongoing coordination and modernization to improve our federal food distribution programs for the millions of individuals who depend on them to put food on the table, maintain a healthy diet, and stretch limited financial resources is paramount.

Meals on Wheels America is the national leadership organization supporting more than 5,000 community-based programs across the country dedicated to addressing senior hunger and isolation. We believe in an America in which all seniors live nourished lives with independence and dignity and work each day to turn that vision into a reality. The nationwide network of Meals on Wheels programs we represent provides more than 229 million congregate and home-delivered meals, among other supportive services to 2.2 million older adults, as well as individuals with disabilities. While the majority of federal funding for Meals on Wheels programs is provided through the Older Americans Act (OAA) – nearly 40 percent – many also work to help individuals and families participate in a variety of USDA nutrition programs for which they may be eligible, such as the Supplemental Nutrition Assistance Program (SNAP), Seniors Farmers' Market Nutrition Program (SFMNP) and CSFP. This system of collaboration with other community partners and Food Banks supports the unique nutritional and social needs of older adults each day, as well as the capacity to reach more through policy improvements such as this proposed rule and increased federal funding and support.

OLDER ADULT HUNGER, POVERTY AND SOCIAL ISOLATION

Hunger, poverty, and social isolation remain persistent challenges for our nation's older adults, their families, and caregivers as the age 60+ population grows rapidly each year – and these issues have only been exacerbated since the onset of the pandemic in March of 2020. Much like the experience and lessons learned by FNS during that tumultuous time, the network of senior nutrition providers also gained many new insights and best practices through adapting their program operations to address the challenges they faced. Today, approximately 10 million older adults – and millions more younger Americans – are threatened by or experiencing food insecurity. An even greater number of older adults are experiencing poverty or economic challenges, and/or are socially isolated. Therefore, it is essential that key federal agencies and programs that address these issues directly and the detrimental effects they have on one's health and wellbeing are not only designed but administered to be as effective and equitable as they can possibly be.

As our country's demographics shift and become more diverse, preparation and modernization of these essential programs is necessary now to adequately meet the current and future needs of a rapidly growing senior population and communities of color. It is crucial to address the specific challenges of individuals and communities who are disproportionately impacted by food insecurity, poverty, social isolation, and other risk factors that impede their ability to access affordable, healthy food. We are encouraged by and support the overarching goals of the proposed rule to increase access to the USDA Foods programs, modernize program operations and policies, incorporate lessons learned from the COVID-19 pandemic, and increase parity between critical USDA programs serving diverse populations, like FDPIR and SNAP.

SUPPORTIVE COMMENTS

We are pleased to provide the following comments in support of several proposed revisions and additions to current regulations. While our feedback focuses primarily on the proposed changes to CSFP, provided our organization's attention on senior nutrition programs and adults aged 60 or older, we are encouraged to see other provisions included in the proposed rule that would also improve and strengthen policies and operations for FDPIR, TEFAP, and USDA Foods in Disaster.

A. TECHNICAL AND LANGUAGE CHANGES

- We are supportive of the language updates included in the proposed rule, particularly those that modernize outdated terms and that support equity in different program policies and operations. For CSFP, we support replacing the references of “elderly” with “participants” to reflect the statutory changes made to the program that have since made it eligible only for older adults. We are also supportive of the proposal to replace the terms “commodities” and “donated foods” with “USDA Foods,” which we believe provides greater clarity and consistency to these similarly used terms and definitions between the food distribution programs.
- Additionally, we appreciate USDA's proposal to update to current regulation's nondiscrimination statement language, which would remove the existing policies as written and replace it with a new statement that CSFP and the other federal food distribution programs operate in accordance with the latest USDA nondiscrimination

statement. This proposed change retains the important nondiscrimination language while ensuring that the most current USDA statement consistently remains the official policy under these sections.

B. PARTICIPANT ELIGIBILITY AND ENROLLMENT

- We are highly supportive of the proposed change to increase the maximum CSFP income eligibility standard. With the current maximum set at 130% of the federal poverty line – which we believe should be the federal minimum income eligibility threshold for CSFP – we strongly agree that raising the standard is a critical update to help substantially expand program reach to individuals and households that would greatly benefit from participating. While an increase to the maximum standard to the rule’s proposed 150% of the federal poverty level would help open up the program to more older adults, we strongly support a higher maximum eligibility standard of 185% to provide even greater access for older adults who are struggling to afford rent, healthcare, prescriptions, utilities and/or a number of any other high costs and expenses that often accompany aging. Allowing flexibility for states to set their own maximum income threshold within a range between 130% and 185% of the federal poverty level will help improve consistency and parity with other USDA programs and allocation of benefits across the county. While we understand the possibility of alternative methods for means-testing, including incorporating a medical deduction, we appreciate USDA’s dedication to simplifying and streamlining enrollment policies. We also commend the attention to privacy and the confidentiality of information that is collected from program participants and applicants throughout the proposed rule, which can be a strong deterrent to individuals who are hesitant or refuse to share health and other sensitive personal information that is often required for eligibility and during application/enrollment processes.
- We are highly in favor of program policies that help streamline and ease the administrative burden of enrollment and certification for CSFP participants. As such, we support the proposed policy that would allow CSFP applicants to be categorically eligible for the program via participation in other federal means-tested programs. Streamlining CSFP eligibility with other well-known means-tested programs with income limits at or below the CSFP threshold, such as SNAP, FDPIR and SSI, would improve overall access and increase enrollment/participation in the program.
- We strongly support USDA’s proposal to implement a federal minimum income eligibility threshold for TEFAP at 185% of the federal poverty level and oppose the implementation of a federal maximum threshold for TEFAP income eligibility. Like increasing the federal maximum income eligibility threshold for CSFP, these recommended changes would allow states the flexibility to address unique economic challenges and inequities to food access that exist across different communities. Not only would this update to TEFAP increase access to critical aid, but it would also modernize eligibility standards for the program and prevent added administrative burdens in state agencies looking to establish income eligibility limits above the standard maximum threshold.

C. ADMINISTRATION, OPERATIONS, AND OUTREACH

- We agree with USDA’s recommendation to update current policy to allow CSFP state and local agencies the flexibility to establish other methods of verifying the identity of participants when receiving a food package. Under existing regulations, participants or

their proxies are required to provide identification to the agency to receive their food package. This additional step to accessing CSFP likely hinders participation for a significant segment of older adults that would benefit from the assistance.

- We support the proposed additional requirement for CSFP state agencies to list all distribution sites, including local agencies and recipient agencies, on a public webpage, in addition to posting the current state plan for public access online. We are also supportive of the proposed requirement for listings to include a minimum of the name, address, and a contact telephone number for each site and encouraging agencies to develop tools to make searching and accessing local CSFP providers much easier for older adults participating. Special consideration should be given to individuals and communities who may not be able to easily access this information online and find alternative methods to disseminate that information appropriately; however, we agree that the added transparency and accessibility of such information – including helpful details like contact information for agencies administering CSFP – will help simplify the process of participating in the program, further expand access, and support older adults with vital community connections, especially for those who may be living in rural areas or are otherwise socially isolated.
- We support the proposed language that would require state agencies to make TEFAP participant eligibility criteria publicly available on a webpage. Making participant eligibility information available on a public webpage would make the program more transparent and accessible to people seeking food assistance. Additionally, we urge USDA to require states to list eligible recipient agencies with which the state has an agreement as the main points of contact for the public, so that people seeking assistance would be directed to organizations that have capacity to assist and can provide them with the most accurate and useful information available. We strongly request that USDA require state agencies to annually post on a public webpage their current TEFAP state plan.
- We fully support the proposal to expand access to TEFAP in tribal communities and to historically underserved populations. This change would also align with the regulatory language for TEFAP Reach and Resiliency grants.
- We also support allowing simultaneous provision of Disaster SNAP (D-SNAP) and USDA foods in disaster response, which is currently prohibited by federal regulation.
- Additionally, we are supportive of the requirement for local agencies to share written information and referrals to the Seniors Farmers' Market Nutrition Program (SFMNP). As a lesser known yet vital USDA nutrition program for the thousands of older adults who rely on it to purchase fresh, local produce, the addition of this requirement in the final rule would be a positive step towards increasing awareness and access to the program. Furthermore, we encourage the USDA to explore expanding this provision to include information about and referrals to other programs that support older adults with low incomes, such as the OAA Nutrition Program, housing services, such as the Housing Choice Voucher Program, and the Low Income Home Energy Assistance Program (LIHEAP).

CONSIDERATIONS FOR FINAL RULE AND IMPLEMENTATION

Again, we commend FNS's efforts to thoroughly review the current regulations, gather stakeholder feedback, and develop these important and timely updates for USDA's food

distribution programs. We believe the overarching policy and many of the specific proposed changes within are on the right track to make substantial and meaningful improvements to access and parity between the programs. However, to ensure the success of such updates, we request additional considerations be taken into account before a final rule is published with the proposed or similar changes. Specifically, we urge FNS to:

1. **Ensure adequate funding is made available for programs as they expand to accommodate more individuals/higher caseloads that may result from changes to eligibility guidelines and requirements.** As food and nutrition assistance providers learned during the pandemic, increased participation and demand for these programs and services requires robust federal investment and support that grows to meet the existing need. While we support USDA's proposals to increase participation and enrollment, it is vital to ensure that overall authorization and appropriations levels for the programs are also evaluated and adjusted to appropriate amounts. Prior to implementation of a final rule, additional funds and resources must be allocated to states, communities, and local providers as they would eventually adapt and grow under regulations designed to expand their program's reach and overall caseload.
2. **Provide adequate time for implementation of updated policies and new requirements in the final rule.** Similar to limited funding and the challenges that greater program participation and demand for food- and nutrition-related services may bring, time constraints and strict implementation deadlines may often lead to new and unforeseen challenges for providers administering programs under updated regulations. We encourage FNS to consider the extent to which the changes in the final rule will impact state agencies and/or CSFP providers, Food Banks and other community-based organizations in terms of program expansion. We appreciate the commitment to advancing these important regulatory improvements in a timely matter, but believe it is critical to fully understand and weigh potential burdens that programs and participants may face once policies are made effective and implemented per the final rule.

Thank you again for the opportunity to comment on this proposed rule to improve access and parity in CSFP, TEFAP, and other USDA food distribution programs. We look forward to working with you and serving as a resource as you continue to develop, introduce, and ultimately implement these important regulations. Please do not hesitate to reach out to me (erika@mealsonwheelsamerica.org) should you have any questions or need more information.

Sincerely,



Erika Debrick Kelly
Chief Government and External Affairs Officer