



April 9, 2018

Sasha Gersten-Paal, Chief, Certification Policy Branch  
SNAP Program Development Division  
Food and Nutrition Service  
U.S. Department of Agriculture  
3101 Park center Drive, Room 812  
Alexandria, VA 22302

**RE: Advanced Notice of Proposed Rulemaking, “Supplemental Nutrition Assistance Program: Requirements and Services for Able-Bodied Adults Without Dependents” (RIN 0584-AE57, 83 Fed. Reg. 8013, published February 23, 2018)**

Dear Ms. Gersten-Paal:

The Epilepsy Foundation submits the following comments on U.S. Department of Agriculture’s (USDA) Advanced Notice of Proposed Rulemaking, “Supplemental Nutrition Assistance Program: Requirements and Services for Able-Bodied Adults Without Dependents” (RIN 0584-AE57, 83 Fed. Reg. 8013, published February 23, 2018, and urges the Agency to withdraw this proposed rule and instead focus on solutions that can promote adequate Supplemental Nutrition Assistance Program (SNAP) benefit coverage for those who need it most.

The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of the at least 3.4 million Americans with epilepsy and seizures. We foster the wellbeing of children and adults affected by seizures through research programs, educational activities, advocacy, and direct services. Epilepsy is a medical condition that produces seizures affecting a variety of mental and physical functions. Approximately 1 in 26 Americans will develop epilepsy at some point in their lifetime.

People with disabilities and their families are significantly more likely to experience hunger and food insecurity compared to people without disabilities. According to the USDA’s own research, people who experience food insecurity have an increased likelihood of chronic illness and disability. Studies have also consistently found high rates of food insecurity in households that include children with disabilities<sup>1</sup>, and robust literature has found that food insecurity and inadequate food intake can negatively affect children’s health and development.<sup>2</sup> Older adults and seniors with disabilities are also much more likely to experience food insecurity, compared to their peers without disabilities.<sup>3</sup> All too often, food insecurity and disability go hand-in-hand.

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<sup>1</sup> Parish, Susan L. et al (2015). *Food Insecurity among US Children with Disabilities*. Presentation at the National Association for Welfare Research and Statistics Annual Workshop, Atlanta, GA. <http://nawrs.org/wp-content/uploads/2015/09/2C-Parish-Food-Insecurity.pdf>.

<sup>2</sup> American Academy of Pediatrics (2015). *Promoting Food Security for All Children*. Policy Statement, Council on Community Pediatrics, Committee on Nutrition. <http://pediatrics.aappublications.org/content/pediatrics/136/5/e1431.full.pdf>; Child Trends Data Bank (2016). *Food Insecurity: Indicators of Child and Youth Well-Being*. [https://www.childtrends.org/wp-content/uploads/2016/12/117\\_Food\\_Insecurity-1.pdf](https://www.childtrends.org/wp-content/uploads/2016/12/117_Food_Insecurity-1.pdf)

<sup>3</sup> Strickhouser, Sara, Wright, James D., and Donley, Amy M. (2015) *Food Insecurity Among Older Adults*. AARP Foundation, Washington, DC. [https://www.aarp.org/content/dam/aarp/aarp\\_foundation/2015-PDFs/AF-Food-Insecurity-2015Update-Final-Report.pdf](https://www.aarp.org/content/dam/aarp/aarp_foundation/2015-PDFs/AF-Food-Insecurity-2015Update-Final-Report.pdf). See Table 2, p. 28 for food security rates by disability status (employment-related).



**The Supplemental Nutrition Assistance Program (SNAP) is critically important for people with disabilities and their families.** According to the Center on Budget and Policy Priorities (CBPP), 11 million people with disabilities of all ages received SNAP in 2015, representing roughly one in four SNAP participants.<sup>4</sup> By increasing access to adequate, nutritious food, SNAP plays a key role in reducing hunger and helping people with disabilities across the United States to maximize their health and participate in communities.

**Existing SNAP time limits are already harsh, unfair, and harm many people with disabilities and their families by cutting off essential food assistance.** Federal law limits SNAP eligibility for adults between the ages of 18 and 49 without dependents to just three months out of every three years—unless they can engage in work or job training activities at least half time, or qualify for an exemption. These provisions cut off food assistance at a time when people need it most and do not result in increased employment and earnings. At least 500,000 low-income individuals nationwide lost SNAP in 2016 due to this time limit.<sup>5</sup>

While exemptions exist for people who receive governmental or private benefits on the basis of a disability or are able to document that they are “physically or mentally unfit for employment,” many people with disabilities find themselves hurt by SNAP’s time limits. It may seem simple to assert that “people with disabilities will be exempt,” but converting such a statement into an effective policy process is complicated, expensive, and fundamentally flawed. Under SNAP, states have no obligation to help people prove they are exempt, even if they have difficulty obtaining the necessary records or verification from a doctor. In addition, states are under no obligation to ensure that people with disabilities have access to the services they might need to work. People with disabilities often want to work, but need additional supports and services to obtain and keep jobs, and face discrimination and misconceptions about their ability to work.

**Cutting off food assistance from SNAP would only make it harder for people—including people with disabilities—to work and increase their economic self-sufficiency.** The Epilepsy Foundation opposes any administrative action by USDA that would cut more people off SNAP or force more people to navigate harsh and unnecessary program rules, particularly those with disabilities and their families.

Under current law, states have the flexibility to waive time limits in geographic areas within the state that have insufficient jobs or elevated unemployment. The rules governing areas’ eligibility for waivers have been in place for nearly 20 years, and every state except Delaware has availed themselves of waivers at some point since the time it became law. The waiver rules are reasonable, transparent, and manageable for states to operationalize. Any change that would restrict, impede, or add uncertainty to a state’s current ability to waive these limits and requirements for areas with elevated unemployment must be not pursued.

We also oppose any potential changes to other aspects of the time limit policy, such as the individual exemption policy, which could serve to justify cutting people off SNAP by weakening states’ flexibility to waive the time limit in areas with elevated unemployment. In other programs that have implemented work requirements, participants with physical and mental health issues were more likely to be sanctioned

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<sup>4</sup> Carlson, Steven, Keith-Jennings, Brynne, and Chaudhry, Raheem (2017). *SNAP Provides Needed Food Assistance to Millions of People with Disabilities*. Washington, DC: Center on Budget and Policy Priorities.

<https://www.cbpp.org/research/food-assistance/snap-provides-needed-food-assistance-to-millions-of-people-with>.

<sup>5</sup> Center on Budget and Policy Priorities (2018). *Policy Basics: The Supplemental Nutrition Assistance Program (SNAP)*. <https://www.cbpp.org/research/policy-basics-the-supplemental-nutrition-assistance-program-snap>



for not completing the onerous reporting requirements. Even when there is an explicit exemption for people unable to comply with work requirements due to health conditions, the exemption processes have failed in practice. This leaves people with disabilities more likely than other participants to lose benefits.

A major consequence of this proposed rule will be to increase the administrative burden on all SNAP beneficiaries. Increasing administrative requirements will likely decrease the number of individuals covered by SNAP, regardless of whether they are exempt or not. Battling administrative red tape in order to keep SNAP coverage should not take away from beneficiaries' focus on maintaining their or their family's health. Ultimately, the proposed rule would not further the goals of the UDSA or help low-income families improve their circumstances without needlessly compromising their ability to obtain food.

The Epilepsy Foundation urges the Agency to withdraw this proposed rule and instead focus on solutions that can promote adequate coverage of SNAP benefits for those with disabilities, and ensure they do not get caught up in the onerous reporting requirements that lead to benefits being taken away. Thank you for reviewing our comments.

Sincerely,

A handwritten signature in black ink that reads "Phillip M. Gattone".

Phillip M. Gattone, M.Ed.  
President & CEO  
Epilepsy Foundation