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Governor Wolf Urges USDA to Waive Food Assistance Eligibility Requirements

Wolf: USDA limiting interpretations, refusing to cut bureaucratic red tape during crisis 'inhumane'

Harrisburg, PA – Governor Tom Wolf today sent a letter to U.S. Department of Agriculture Secretary Sonny Perdue asking that USDA waive eligibility requirements for the Emergency Food Assistance Program; reconsider Pennsylvania's request for temporary waivers to allow more food to be distributed at school feeding sites and food banks; and to be flexible and change its interpretation of recent changes to the Supplemental Nutrition Assistance Program.

"In addition to ensuring that our most vulnerable citizens continue to have access to affordable, life-sustaining food, we now also have hundreds of thousands of Pennsylvanians filing for unemployment compensation as a result of necessary COVID-19 mitigation efforts in the commonwealth," Wolf said. "It is inhumane to consider that Pennsylvanians who are doing the responsible thing by staying home to stop the spread of COVID-19 in our communities would go hungry because of USDA's limiting interpretations and refusal to cut bureaucratic red tape during a national crisis.

"Our food banks are working around the clock to help those in need," Wolf said. "These waivers would remove the burden of extra time spent on paperwork and also remove the delay in access to food."

The full letter is as follows:

I write to request your immediate assistance related to the Commonwealth of Pennsylvania's needs during the COVID-19 pandemic – specifically related to emergency food assistance. To fight the spread of COVID-19 and protect Pennsylvanians and our healthcare providers, I ordered all non-life sustaining businesses to close physical operations and am encouraging Pennsylvanians to stay at home in areas where there has been an exponential increase of new COVID-19 cases. As a result, many Pennsylvanians are temporarily unemployed and unable to afford basic necessities due to these necessary mitigation and social distancing efforts. To date, there have been an unprecedented number of initial claims for unemployment compensation, and our charitable food system is struggling to meet the increased demands of Pennsylvanians who are temporarily out of work.

On Friday, March 20, 2020, Pennsylvania submitted its application for Disaster Household Distribution to the United States Department of Agriculture (USDA)'s

Food and Nutrition Service (FNS). I am writing to urge that USDA review and approve this application as soon as possible. This immediate action is critical to ensure that Pennsylvania's food banks and food assistance networks can swiftly distribute USDA Foods currently in their warehouses to those newly in need of food assistance without the need to verify eligibility.

Further, I request your immediate consideration of the following three items of critical importance to Pennsylvanians struggling with food insecurity:

Waive Eligibility Requirements for The Emergency Food Assistance Program

We are grateful that the Families First package was passed and signed, which increases The Emergency Food Assistance Program (TEFAP) funding by $400 million. However, this critical funding will not make the needed difference if USDA does not also temporarily waive all eligibility requirements for TEFAP. I urge you to take administrative action under the President's national disaster declaration to temporarily waive these requirements to help Pennsylvanians who need access to emergency food now. It is critical that Pennsylvanians in need have access as quickly as possible, and that the food banks working around the clock can help those in need without the additional burden and delay of completing paperwork and verifying client eligibility.

Those who are seeking assistance from our food banks are the newly unemployed and those critically in need of food, and it is unconscionable to delay access to them because of the need to complete cumbersome paperwork requirements to prove that they are eligible for the food which they so desperately need.

Reconsideration of Pennsylvania's Request for Temporary Waivers

I also ask you to issue temporary waivers to allow use and replacement of on-hand supplies of USDA foods at schools and in state warehouses to provide food to those in need as a result of this crisis.

Normally, with a disaster declaration, the Pennsylvania Department of Agriculture is able to access USDA foods intended for National School Lunch to provide to the Red Cross and others for use in congregate feeding sites and is able to seek replacement of these foods after the disaster conditions are resolved. Since congregate feeding sites are not safe due to COVID-19, we must be able use these foods in creative new delivery methods and be assured of replacement. I request that schools be allowed to use these foods to prepare meals and provide them to other family members – children and adults – who might bring enrolled students to a closed Seamless Summer/Summer Feeding site. Having flexibility to use these foods and be able to seek replacement would allow the sites to serve any child 18 years of age or younger, and potentially the caregivers as well. We requested this

flexibility from FNS on Tuesday, March 17, and it was denied on Friday, March 20. I strongly urge you to reconsider and direct your staff to allow this critical flexibility.

Flexibility within the Supplemental Nutrition Assistance Program

Further, the Families First Coronavirus Response Act provides temporary new authority and broad flexibility for USDA and states to adapt the Supplemental Nutrition Assistance Program (SNAP) to address many people's food needs during the current public health emergency and economic shock from the COVID-19 pandemic. USDA and states need to act quickly and aggressively to fully utilize SNAP in order to protect public health and mitigate hardship.

The Act allows states to provide emergency supplemental SNAP benefits to many participating SNAP households to address temporary food needs. The legislation authorizes USDA to provide an additional emergency allotment to all households, up to the amount of the maximum benefit for their household size.
Unfortunately, USDA is interpreting section 2302 to allow states to raise SNAP benefits for each household up to the maximum benefit for the household size, without any additional allotment.

If USDA maintains this interpretation, households already at the maximum benefit, which make up nearly 40 percent of SNAP households and those with the lowest incomes, will not receive any additional assistance. The reason households receive the maximum benefit is that they have no income available to purchase food. About 2.5 million of the households receiving the maximum benefit are families that include children, about 1 million households receiving the maximum benefit are households with elderly members, and 600,000 are households with people with disabilities.

We are deeply concerned that the poorest households, particularly those with very young children – would not be eligible to receive anything under this reading of the law. We strongly urge USDA to reconsider its interpretation to avoid imposing a restriction on the emergency benefit that Congress did not establish at a time of such extraordinary crisis.

SNAP Online Purchasing Pilot

USDA's SNAP Online Purchasing Pilot makes it possible for SNAP participants to purchase grocery deliveries, but its availability is limited to only a few states. Given the social distancing required to fight COVID-19, I urge USDA to notify retailers of the flexibilities that do currently exist to make grocery delivery possible for all SNAP recipients who need it.

All retailers that are able to offer online ordering are doing so, and this option must be made available for SNAP participants as well. There are several models that the private sector can employ, such as processing the EBT card either at the time of pickup from the store, or when the groceries are delivered to the SNAP participant.

For retailers who have mobile device capabilities, swiping the card at drop-off would be the simplest option. If mobile devices are not available, the card could be obtained by the retailer or other partner prior to pick up at the store and swiped upon pick-up at the store, prior to returning the card and the groceries to the card holder.

USDA has a direct line to the retailers who accept SNAP benefits and must ensure that they are encouraged to offer grocery delivery for SNAP participants. Pennsylvania retailers are already interested in providing these options to customers. I also urge you to seek out public-private partnerships with these retailers, as you have recently done with companies to begin to help with rural school meal delivery.

I appreciate the collaboration with USDA to date to approve several critical flexibilities related to signatures and distribution of USDA Foods through TEFAP and CSFP. However, without additional action from USDA, Pennsylvania's food banks will not be able to keep up with the demand placed on them by the COVID-19 pandemic. It is inhumane to consider that Pennsylvanians who are doing the responsible thing by staying home to stop the spread of COVID-19 in our communities would go hungry because of USDA's limiting interpretations and refusal to cut bureaucratic red tape during a national crisis.

Visit the commonwealth's Responding to COVID-19 guide for the latest guidance and resources for Pennsylvanians or the Pennsylvania Department of Health's dedicated coronavirus webpage for the most up-to-date information regarding COVID-19.

View the full letter online here or on Scribd.

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