

March 7, 2016

Ms. Vicky T. Robinson, Chief,
Retailer Management and Issuance Branch
Food and Nutrition Service
3101 Park Center Drive
Room 426
Alexandria, VA 22302

Re: Proposed SNAP Photo EBT Implementation Requirements (RIN 0584–AE45)

Dear Ms. Robinson:

Thank you for the opportunity to comment on USDA's proposed SNAP Photo EBT implementation regulations. Headquartered in Boston, MA, Children's HealthWatch is a nonpartisan network of pediatricians, public health researchers, and children's health and policy experts. Our network is committed to improving children's health in America. We do that by first collecting real-time data in urban hospitals across the country on infants and toddlers from families facing economic hardship. We then analyze and share our findings with decision makers, legislators, researchers and the public. Our organization pays very close attention to SNAP policy because SNAP plays a critical role in addressing poverty, hunger and food insecurity, sustaining good health, especially among children, and is the first line of defense against hunger for a majority of low income families and children.

1. General comments on USDA's proposed photo EBT regulations

Children's HealthWatch wishes to thank USDA for issuing the proposed Implementation Requirements that states must adhere to before/while initiating a photo EBT policy. We strongly support these proposed requirements:

- **States cannot hold up or condition SNAP eligibility on a photo EBT requirement.** It is absolutely critical that SNAP benefits be processed in a timely and accurate manner.
- **States must exempt vulnerable households from the photo EBT requirement.** We appreciate and agree with USDA's proposal to exempt households who often rely on other household members, including older children, to purchase food. USDA's proposed list of exemptions includes elders, persons with disabilities, victims of domestic violence, children under age 18, and homeless individuals. We agree with this list but urge USDA also to include individuals who request an exemption based on religion, as Massachusetts policy allows.
- **States must ensure that all household members have access to the benefit regardless of photo EBT card.** This requirement is critical and is consistent with long-standing USDA guidance. We also appreciate and support requiring states to place written information on household members' use on the EBT plastic card itself. Placing a photo or name on an EBT card without including clarifying information that *all* household members may use the card can not only lead the card holder to erroneously believe he or she is the exclusive user of that card, it also gives other household members no official information to rely on if challenged by a store clerk at the check-out line. We are pleased that Massachusetts took this step in November 2015 by adding relevant language to the back of its EBT cards.
- **States must submit a detailed EBT photo implementation plan to USDA for approval.** We fully support and endorse this requirement. Such a plan was not prepared in Massachusetts, and the

regrettable result was exacerbation of multiple problems in its photo EBT rollout. We urge that USDA a) require states to seek and include input from key stakeholders and b) require states to document the financial and administrative costs involved in photo equipment, file sharing with Registry of Motor Vehicle agencies, SNAP state agency merit worker and clerical time, EBT vendor charges to provide for replacement cards, and all ancillary costs associated with this activity.

We again thank you for including these core requirements in the proposed regulations. We fully endorse and support each of these provisions and urge USDA to adopt these important requirements. As described below, we also urge USDA to consider the potential unintended negative impacts on child and family well-being as a result of requiring photo EBT cards.

2. Children's HealthWatch research on the child health impacts of not receiving SNAP due to procedural and other difficulties ("access barriers")

As pediatricians, public health researchers, and children's health and policy experts, we know that barriers to receiving SNAP can put children's health at risk. An extensive body of scientific evidence, including research from Children's HealthWatch, shows that the first 3-4 years of life are a critical period of rapid brain and body growth with profound influence on children's cognitive and physical development. This is the time when infants and toddlers form the fundamental neurological architecture of the brain and central nervous system that they will have for the rest of their life.

To shed light on the child health impacts of not receiving SNAP due to procedural and other difficulties ("access barriers"), Children's HealthWatch identified a subset of families that are likely, based on receipt of other means-tested benefits, to be eligible for SNAP but are not participating due to access barriers. Families reported the following barriers:

- Lack of information about program/eligibility
- Too young to be head of household for SNAP benefits
- **Concerns about the application process**
 - **Bureaucratic obstacles in applying**
 - **Disrespectful treatment at the SNAP office or concern about stigma**
- Administrative issues, such as reporting deadlines
- Immigration concerns

We also found among this subset of families that children's nutrition and growth are harmed by barriers to accessing SNAP. Young children (ages <48 months) in families not receiving SNAP because of access barriers were more likely to be:

- Child food insecure
- Significantly underweight for their age (an indication of under nutrition)
- Living in households that were food and housing insecure

Mothers in families with barriers to SNAP access were also more likely to report experiencing depressive symptoms and having had to make trade-offs between paying for medical care or for other basic needs, such as rent, utilities or food.

SNAP is the cornerstone of the federal nutrition safety net, protecting children's health and reducing the likelihood of food insecurity. To ensure the health of our nation's families and children, we must ensure families are able to participate by eliminating barriers to accessing SNAP. Simply put, eliminating photo identification on electronic benefit cards would help bolster children's health.

3. Massachusetts photo EBT experience

The photo EBT card rollout in Massachusetts ran into significant challenges in providing timely and accurate service to SNAP applicants and participants. The Massachusetts State Legislature passed a photo EBT requirement for SNAP and cash assistance recipients in August of 2013, but also gave the state twelve (12) full months from date of enactment to implement the requirement and transition photo-required recipients to a new photo EBT card. At the urging of our organization and multiple other organizations that work with children, seniors, persons with disabilities, and victims of domestic violence, the Massachusetts Legislature wisely exempted more than half of the SNAP and cash population from this requirement. The Massachusetts exemptions include seniors, persons with disabilities, victims of domestic violence, and case heads under age 19.

However, the state SNAP agency, the Department of Transitional Assistance (DTA) elected to hastily implement this photo EBT requirement, creating significant hardships and confusion for thousands of Massachusetts households:

- DTA implemented photo EBT procedures with virtually no stakeholder input
- DTA failed to provide any guidance to EBT retailers to confirm that all household members had a right to access the benefits regardless of photo.

Consequently, recipients, case-workers and retailers lacked sufficient information, which led to extensive confusion, interruption of benefit receipt and usual food purchasing (with likely increases in food insecurity), extensive dissatisfaction and resentment among recipients, unneeded stress among caseworkers, and unnecessary difficulties for retailers. All or most of these adverse consequences were avoidable, and they all involved considerable avoidable costs. Given this negative experience with implementation, which DTA is now trying to rectify, we are glad to see USDA's strong set of proposed requirements.

The caution and care that USDA is exercising in assessing the desirability of photo EBT cards is necessary and commendable. However photos on EBT cards are neither, and we urge USDA not to approve their use.

Please do not hesitate to be in contact if there are any questions about our position or our research. You may contact Stephanie Ettinger de Cuba, MPH, Research and Policy Director at sedc@bu.edu or 617-638-5850.

Thank you.

Sincerely,



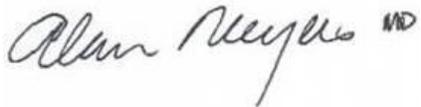
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