

DHS Responses to Public Comments Regarding Pilot Project meant to improve Nutrition and Health under the Supplemental Nutrition Assistance Program

Danny wb

Comment: I am opposed to the changes as proposed, let me explain. I am on EBT assistance, my children are very healthy and I am willing to meet with anyone at any time to prove this, I get many compliments on their health. Many people have to eat foods that are fattening to stay alive, like AIDS patients and cancer patients who sometimes take appetite boosters to help them eat more. Much of someones health is genetics... Like metabolism and looks. Also Many processed foods are cheaper and more affordable, juice's with more than 50 percent juice content are very expensive. Many healthy options are very expensive and EBT recipient's don't get enough in assistance to purchase those foods... it's that simple, So snap assistance would need to be increased by a VERY large margin. Lastly, What will you do when a child can't afford to have a birthday party? No cake, no soda, no party. No back yard marshmallows around the fire, no s'mores... Nothing. So to summarize, this will be unaffordable for those on the program, will not make everyone healthy because not everyone is the same, and will exclude poor or low income children from normal activities such as birthday cake and simple pleasures in life. I feel like this is missing the Forest for the tree's, changing EBT rules will not make better parents.. and buying the right foods and preparing proper meals is up to the parent or parents of the children.

Lisa Luyet

Resident of Little Rock

Comment: This is my public comment on this attempt to police the food choices of people due to low income and dependence on SNAP benefits.

1. It's patronizing and dehumanizing to penalize people who are dependent on these programs by policing their food choices.
2. I have no control over how my tax dollars are spent to send wealthy children to private schools and subsidize their education and extracurricular activities. Why do I think I have the right to say someone cannot buy a box of oatmeal creme pies for their kids' lunch?

3. There is no documented proof that these types of regulations actually improve health outcomes because if they did, we could be justified in having a luxury tax on all sugary foods so that everyone can benefit from this type of policing.

Shianne Rients

Comment: I do not believe that soda and candy should be banned from being bought with SNAP. For one controlling what people are allowed to eat seems like an overreach. Secondly some people have medical conditions where they need sugar and SNAP might be the only way they can afford it. Maybe put more effort into trying to make healthier choices more affordable. Everyone deserves to decide what they eat. I could understand maybe putting a limit of what sugary foods and drinks they could buy with Snap but not banning it completely

Christina Boyd

Comment: Dear Arkansas Department of Human Services,

I am writing as a concerned Arkansas resident to express my opposition to Governor Sarah Huckabee Sanders' recent proposal to restrict Supplemental Nutrition Assistance Program (SNAP) benefits from being used to purchase sugary beverages and candy. While I understand and share the concern for improving public health outcomes, I believe that this approach may not effectively address the underlying issues and could inadvertently harm the very individuals the program aims to support.

Concerns with the Proposed Restrictions:

1. **Limited Access in Food Deserts:** Many low-income Arkansans reside in areas known as food deserts, where access to fresh, healthy foods is limited. Restricting certain food items without simultaneously ensuring the availability of healthier alternatives may leave SNAP recipients with even fewer options for nourishment.
2. **Potential Stigmatization:** Implementing such restrictions could further stigmatize SNAP recipients by implying that they are incapable of making informed dietary choices. This could lead to feelings of shame and reduce program participation, ultimately exacerbating food insecurity.

3. Administrative Challenges: Enforcing these restrictions would likely increase the administrative burden on retailers and the state, potentially leading to higher costs and complexities in program implementation.
4. Overlooking the Contributions of SNAP Recipients: It's important to remember that many SNAP recipients are also taxpayers. They contribute to the same systems that provide these benefits, and they deserve the same respect and autonomy as any other consumer. Creating limitations that single out SNAP users can send an unfair and damaging message about their value and responsibility.

Alternative Recommendations:

- Incentivize Healthy Choices: Rather than restricting certain items, consider implementing programs that provide additional benefits or discounts for purchasing fruits, vegetables, and other nutritious foods. This positive reinforcement can encourage healthier eating habits without limiting personal choice. You are doing this in one way now by allowing for rotisserie chickens to be involved, but there can be more incentives!
- Nutrition Education: Invest in comprehensive nutrition education programs that empower individuals with the knowledge to make healthier dietary decisions. Education can lead to long-term behavioral changes that restrictions alone may not achieve.
- Support Local Agriculture: Collaborate with local farmers and markets to increase the availability and affordability of fresh produce in underserved areas. This not only promotes healthier eating but also supports the local economy.

In conclusion, while the intention behind the proposed SNAP restrictions is commendable, I urge the Department to consider more holistic and empowering approaches that address the root causes of poor nutrition among low-income populations. By focusing on education, access, and positive incentives—and by recognizing that SNAP recipients are taxpayers and valued members of our community—we can work toward a healthier Arkansas without compromising dignity and personal choice.

Thank you for considering my perspective on this important matter.

Lisa Barnett

An unhappy tax payer

Comment: I'm a recipient of SNAP benefits and am writing to express my disgust with the governor's proposed changes to items that cannot be purchased on the program. It's government over-reach in

trying to tell me what I can and cannot buy with my SNAP benefits and it's none of their business how I spend my whopping \$23/month, whether it's on soda or steak! I'm adamantly against these changes!!

HDC "Outraged Taxpayer"

Comment: I will remember you on voting day Gov Sanders, then I will be able to tell you what to do, me and many other voters. You think you have the right to determine what SNAP recipients eat. The people that receive SNAP benefits over a long period of time, also work and pay taxes! You are not our parent.

How about this, we the taxpayer determine what you eat, since you are paid by taxpayer dollars, Governor Sanders?

Just pretend we are Latino's who you seem to love so much to make sure they are called by the correct name, despite the trillions of dollars that these criminal illegals have stolen!! You sure aren't doing anything about them. The Arkansas public school system in North Pulaski sure hires criminal illegals, taking jobs from US citizens. Just pretend we are them and I am sure you will leave us alone.

You are no different than Michelle Obama messing up the school lunches because she decided to play nanny.

It is shocking that you worked and spent time with Donald Trump and have learned absolutely nothing. Arkansas's Government is an absolute mess. They will wait days to reply to a simple email because they are self important state workers.

If you have nothing to do but tell taxpayers what they should eat, I have some suggestions for you.

*First, why not add email to the ways you can be contacted. This is the 21st century, instead of making people call or spend money on a stupid stamp because you don't want to be bothered with public feedback. If you don't want public feedback, then resign. You work to take burdens off of businesses but you don't lift one finger to make it easier for the taxpayers, who pays your salary and elected you, to communicate with you. You are a hypocrite, wanting to determine what people eat, so you can get your name in a textbook! That is the message you send. You are not royalty that lives in an ivory tower.

*Your States Attorney General's Office is run by a bunch of incompetents, who when you ask for help, to close a simple hotel rewards account, the employee goes on how hard that will be and how long that will take to close a simple rewards account, because she is too lazy to do her job. This employee could not follow simple instructions where I checked "communication through email only" and then calls me to see if I am white or not. As soon as she found out I was white, she started giving me a hard time in closing a simple rewards account. The State Attorney General who has no direct contact information

either, not even an address to voice concerns about his employees, because like you, he thinks he lives in an ivory tower, despite being elected and paid with tax payers money.

*The people you have running the Arkansas Snap program and the Jacksonville Housing authority are run by incompetents, some rude. Maybe you should clean them out, since they were hired for the color of their skin because of DEI, but there they remain, despite they should have never been hired. Why is it that if I apply for housing, I have to show not only ID but a social security card, and birth certificate and send copies of all this as an attachment to an email? How stupid when businesses get hacked everyday. I am sure your beloved illegals did not have to show a birth certificate.

*Maybe you should do something about the horrible condition of Jacksonville where the store owners do not think it is important to keep their rundown parking lots paved.

* Or you could do something about Edwards Cash Saver in Jacksonville who illegally charges everyone a 10% tax, including SNAP users, in addition to state grocery tax. Their prices are almost as high as Kroger. When does a business have a legal right to charge their own taxes?

* Or how the Nixon library in Jacksonville mistreat white people. I personally heard stories of how white people were mistreated. I visited this library for the first time and was frowned at by the black safety officers, who walked by me making condescending remarks, jingling her keys when she walked by me and locks the bathroom I was going to use 13 minutes before the library closed and argued with me about it. These racists went out of their way to harass me. I went back for a second library visit (thinking maybe it was one bad employee) and another black safety officer went room to room trying to find out which study room I was in, found me and went by the glass widow frowning at me over and over again at least 4 or 5 times trying to intimidate me and harass me. Then the other employees here started staring at me when they went by the study room I was in (now I had not had any interaction with these employees since these first 2 visits were my first ever). It is funny, when I took my cellphone out to start filming her, she stopped. I finally started to leave and asked an employee at the front desk who the library manager was. She goes and gets her but stays in her office saying things about me for 10 minutes. I was outside the door (Now this was my second visit and I had no interaction with anyone, but this employee was saying all kind of things about me and I had never even spoken to her or any of them before). The library manager comes out and I tell her about the racism and harassment I went through, the library manager cuts me off in mid sentence and says this is not true, so I leave. I then have this same black safety officer who harassed me, shoves a sign sheet in my face and tells me to sign it, with a big smirk on her face as I am leaving. I ask what for, she says because I used the bathroom. No one was asked to sign this. I complained to the library system and never received a reply. You have a woke library system full of racist bigots. Maybe you could do something about this woke racist bigot library. THESE PEOPLE ARE PAID WITH MY TAX MONEY AND TREAT ME LIKE THIS BECAUSE I AM WHITE...no other reason.

If want to be a Democrats who likes to control people, I suggest you switch parties.

Katie Eisenhower

Comment: I oppose Governor Sarah Huckabee Sanders' request for a USDA waiver to ban SNAP purchases of candy and soft drinks.

If the goal is to increase access to nutritious food, this is not the solution.

I recommend expanding benefits to include things that could actually help families on this program:

Allow EBT to purchase fresh or frozen prepared food like sandwiches and ready meals. The most precious resource for families is TIME. Between long shifts, school pickups, caregiving of elder generations, and keeping the lights on, cooking from scratch is a privilege that takes time, knowledge, and capacity.

Allow EBT to support prepared food programs, community kitchens, and shared meals that restore dignity and health.

Expand the thinking to teaching cooking in schools. Build those life skills that are often absent in the home.

Policy should support people toward health—not punish them while they're doing their best to survive.

Governor Sanders' approach will not nourish families with support and dignity. A policy like this will pander to the self-righteous and out of touch rather than provide real solutions for people who need them.

Stephanie Sides

Comment: The proposed ban on soda, candy, and "unhealthy food" will have a significant impact on me as a disabled adult. I struggle with migraines that sometimes my preventative and stopper medications do not help, and the caffeine in zero calorie soda does. I buy two twelve packs to keep on hand to make sure I have them in case I have these bad breakthrough migraines, and my SNAP benefits have helped me with the cost of being able to keep them in stock with the cost of my other groceries and medication I need. Please take into consideration that sometimes candy and soda might be for health reasons such as to raise blood sugar levels for diabetics or to help someone like me who has migraines.

Shyna Schorg

Comment: I am opposed to the changes that Gov Sanders is trying to implement with the SNAP program. I do not believe that anyone should be allowed to dictate what someone is allowed to eat. I don't think there will be improvement in health. I believe people will continue to shop like they always have but will now have to make paychecks stretch farther to do so. I believe many children will do without holiday treats, school party treats, and some picky eaters (such as autistic children) will lose access to the few things they are willing to eat. I believe this is a stab at the "poor"! The system is broken but this is not the way to fix it. Get people better jobs so they don't need to be in the system but don't belittle them by telling them they aren't worthy of "junk" because they're poor!

Tiffany Gardner

Comment: I am writing to express my deep concern regarding Governor Sarah Sanders' recent waiver request to the USDA, which seeks to restrict SNAP recipients from purchasing certain food and beverage items, including soda, juice drinks with less than 50% natural juice, candy, and artificially sweetened products.

At first glance, this may seem like a well-intentioned effort to encourage healthier choices. But in reality, it is an unnecessary overreach—one that risks deepening the stigma already associated with poverty and public assistance.

SNAP recipients are not asking for luxuries. They are asking for dignity, for the freedom to make the same everyday decisions that others take for granted. These proposed restrictions will not curb systemic issues. What they *will* do is make life harder for the child who only gets a birthday cake because of SNAP. The child who already knows what it's like to hear "no" in the snack aisle—who feels different, excluded, and less-than. The same child who wants to feel normal, who wants to feel joy. Let them have cake. Let them have juice. Let them feel *included*.

Data shows that only 2% of SNAP dollars are spent on candy. This is not an epidemic of irresponsibility; it is a scapegoating of the poor. Micromanaging food choices in this way sends a clear, cruel message: that if you're poor, you don't deserve treats. You don't deserve celebration. You don't deserve choice.

Poverty is already isolating enough. We should be building trust and lifting people up—not creating more barriers cloaked in paternalism. SNAP is meant to be a safety net, not a moral compass.

I urge you to stand against this waiver and advocate for policies that affirm the dignity and humanity of all Arkansans, regardless of their income. Please help ensure that compassion—not control—guides our approach to public assistance.

Renee Roberts

Comment: As a citizen of the state of Arkansas, where is the focus on the mismanagement of taxpayers' dollars when it comes to topics such as the one attached? Instead, our leaders in charge are focused on taking away from the most vulnerable population while they lavish on the backs of the hard working taxpayers. Shame on you. Not to mention, the majority of SNAP recipients are hard working taxpayers themselves. Meaning they have paid in a portion of the money they are getting back. How do you justify telling them to spend their allotment on what you see fit? As a matter of fact, the very ones requesting this waiver have their salaries paid by taxpayers. How would they feel if they were told what they could and could not eat and drink since technically they are receiving taxpayers' funds, right? As a victim of domestic violence, I spent years being told what I could and couldn't do. It is absolutely the most unempowering thing anyone can do to someone else especially someone trying to better themselves. No one has a right to force on someone else what is good or bad for them. Instead, educate them and let them make that decision for themselves. A little research would have shown that while no, a hot rotisserie chicken can not be purchased with SNAP; a chilled rotisserie chicken can be. So yes, SNAP (as is) can be used to purchase an Arkansas raised chicken unlike what has been said. I believe grace and compassion and most of all, empowerment should be shown to SNAP recipients to make purchases that best meet the needs and most importantly, budget of their families and not the want of someone else's agenda. Thank you for your time and attention in this matter

Joel Berg, CEO

On behalf of Hunger Free America

Comment: I am writing on behalf of Hunger Free America, a nationwide nonprofit organization, to urge the State of Arkansas to withdraw its proposal for what it calls a “Pilot Project meant to improve Nutrition and Health under the Supplemental Nutrition Assistance Program (SNAP).”

As detailed below, we believe that the proposal should be withdrawn because it violates federal law, contains unworkable and inconsistent food definitions, doesn’t meet demonstration program requirements for serious evaluations, holds low-income Arkansans to different eating standards than state leaders, and would backfire by increasing hunger and harming public health.

Furthermore, [given that 40% of Arkansas adults are obese](#), according to CDC, but only seven percent of the state’s population receives SNAP, we believe the facts show it is a very significant mistake to scapegoat SNAP recipients for the state’s high levels of obesity and diet-related diseases. As an alternative to the approach proposed by the state, we propose in this memo a comprehensive set of public policies that can be advanced by the State that would reduce obesity, slash diet related disease, cut hunger, and improve public health for Arkansas residents of all incomes. We appreciate steps that Arkansas has recently taken to roll-out the new Summer EBT Program and enact universal school meals. But given that Arkansas still has one of the highest rates of hunger in the nation – hampering educational performance, worker productivity, and the independence of senior citizens – yet a very low SNAP participation rate, our proposed solutions to these issues would be much more beneficial to the state overall.

Proposal Violates Federal Law

Federal law – 7 U.S.C. § 2012(k)(1) — passed by Congress and signed into law by the President of the United States, defines what food and beverages are eligible for purchases under SNAP. On multiple previous occasions, Congress considered – and then rejected – proposals to further restrict or expand the definitions of the kinds of food and beverages allowable for SNAP redemption. Federal law authorizes no pilot project or waiver authority to allow USDA to change those definitions, or to enable states to do so.

The state claims that Section 17, 7 U.S. Code § 2026 permits states to conduct SNAP purchasing restrictions demonstration projects on a trial basis, but the plain reading of that section of the law indicates the demonstration projects that it authorizes do not allow the testing of purchasing restrictions.

To be precise, the law authorizes state demonstration projects to “increase the efficiency” or “improve the delivery” of SNAP. This request would neither increase efficiency nor improve delivery. In fact, by using additional state and federal funds to increase the state bureaucracy overseeing SNAP in order to determine and continuously monitor a complex list of allowable foods and beverages in SNAP, it would *decrease* program efficiency. By making it harder for retailers to accept, and harder for program participants to utilize benefits, it would *hamper* the delivery of SNAP.

That statute then describes “permissible” pilot projects” as those that would:

- (I) improve program administration;

- (II) increase the self-sufficiency of supplemental nutrition assistance program recipients; and
- (III) test innovative welfare reform strategies.

The proposed pilot project would accomplish none of those things. It is vital to note that the statute does *not* list changes in allowable foods as a “permissible project.”

When Congress first authorized this demonstration authority, the Senate Agriculture Committee report on the bill specifically authorized the Secretary of Agriculture to conduct demonstration projects to identify means of improving rural outreach for the elderly and directs the Secretary to implement pilot projects testing the effects of requiring recipient photo-identification cards, implementing an earnings clearance system, and establishing application cross-checks between political jurisdictions in a statistically significant number of urban and rural areas. The House Agriculture Committee report specifically authorizes the Secretary to conduct projects involving cashing-out food stamp benefits for households composed entirely of persons 65 years old or older, or supplemental security income recipients, use of counter-signatures on food stamps or similar identification mechanisms (not invading personal privacy), and the use of food checks or other voucher-type forms instead of food coupons.

Thus, neither the House nor the Senate indicated that it was their intention for demonstration projects to alter the definition of allowable foods and beverages in the program.

Under federal law, a waiver can only be granted in three scenarios: (1) “extraordinary temporary situations” such as an increase in caseloads, (2) granting it would result in more effective and efficient administration, or (3) unique geographic or climatic conditions. 7 CFR § 272.3(c)(1)(i)-(iii). Even if one of these examples could justify prohibiting certain beverages or foods, a waiver shall not be approved if it will be inconsistent with the statute or result in a material impairment of any statutory or regulatory right for SNAP participants. 7 CFR § 272.3(c)(2)(i)-(ii). The State’s request would both conflict with the law and materially impair participants.

We note that current members on both the U.S. House of Representatives and the U.S. Senate have introduced bills that would either restrict or expand the definition of what Americans could purchase with SNAP. Those members of Congress would not have conducted the significant work required to introduce new legislation if they believed that USDA already had the authority to restrict or expand such definitions.

The Proposal Contains Unworkable and Inconsistent Food Definitions

The pilot project request indicates: “Arkansas will exclude from the definition of eligible foods the following nonstaple food and beverage items: soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, unhealthy drinks, and candy. The candy exclusion will extend to confectionary products with flour and artificially sweetened candy. The exclusion will not extend to flavored water, carbonated flavored water, and sports drinks.”

While the above language lists some specifics about beverages to be excluded, it also seeks to generically exclude “unhealthy drinks,” without providing any definition for that. It would still allow “sport drinks,” but a 32-ounce Gatorade contains 158 calories and 32 grams of sugar, so that allowing

sports drinks is an arbitrary distinction. Given that many non-athletes already drink Gatorade and other sports drinks essentially as soft drinks, this provision could provide their manufacturers with an incentive to actually increase the sugar content in what they call sports drinks in order to attract additional customers who could no longer use SNAP obtain soda. Also, the “flavored water” and “carbonated flavored water” arbitrarily allowed by this proposal could also contain significant calories and sugar.

The language doesn’t seek to define candy at all, so it’s unclear, for instance, if watermelon pieces dipped in chocolate or caramel apples would be allowed or excluded. It also restricts purchase of “artificially sweetened candy,” so it’s unclear if something flavored with honey or maple syrup (which are theoretically “natural”) would be allowed or excluded. It also includes “confectionary products with flour,” but that’s also extraordinarily vague, and could potentially apply to whole grain muffins sold at farmers markets.

The U.S. Department of Agriculture (USDA) previously needed to spend eight years on research and rulemaking to determine what foods could be labeled “organic”, and the department’s final regulations on its organic standards exceeded 500 pages. In contrast, this so-called waiver request tries to define healthy versus unhealthy foods (a more difficult distinction than what is or is not organic) in only 75 words; consequently, the request by Arkansas includes only a small fraction of the details that consumers and retailers would need to know in order to comply with the pilot proposal.

The request to USDA also states: “Arkansas will include in the definition of eligible foods hot rotisserie chickens.” As a public policy matter, Hunger Free America has long argued that hot foods should be eligible in SNAP and have often used hot rotisserie chickens as an example of what should be allowed. But it’s very arbitrary to allow one type of hot chicken to be the one and only hot food to be allowed, yet exclude, for example, steamed fish, rotisserie turkey, or hot, roasted, vegetables. Moreover, even though Hunger Free America believes allowing the redemption of more hot foods in SNAP is a wise public policy, we believe that doing so would require an act of Congress to allow it, just as it would require an act of Congress to restrict certain types of foods or beverages.

Proposal Doesn’t Meet Demonstration Program Requirements for Serious Evaluations

All SNAP demonstration projects are required by law to have a serious evaluation process, and this proposal does not. The proposal only vaguely states: “The state will conduct program evaluations based on retailer data to assess the waiver’s impact on positive eating and spending habits.”

Relying on retailer data alone may help the state determine changes in spending habits but has no way of determining changes in actual eating habits, which often differ considerably from spending habits. For example, Americans often do not consume all the produce they purchase in any given week. They clearly don’t even plan to test whether this would increase program stigma and decrease participation, and thus increase hunger and food insecurity.

Any proposal to test changes to SNAP to see if they would improve the purchasing habits but not consider if those changes would increase hunger would be as flawed as a study of chemotherapy that focused only on whether it increased nausea without studying whether it also decreased cancer. The

top function of SNAP is to reduce hunger and food insecurity, so any study or any changes to SNAP should first and foremost study whether those changes increase or decrease hunger and food insecurity.

The lack of a serious evaluation plan in this proposal further calls into question whether it is a truly serious attempt to test whether this pilot would actually improve or harm public health – or whether it is merely an attempt to further stigmatize poverty.

Proposal Would Hold Low-Income Arkansans to Different Eating and Drinking Standards Than State Leaders

Governor Huckabee Sanders has said it's wrong to spend tax dollars on unhealthy foods. Yet the Arkansas governor's mansion uses state funds to serve guests pastries with higher sugar content. Sugar-flavor beverages, pastries and deserts with higher sugar content are dispensed at the taxpayer-subsidized Arkansas state capitol. State leaders should not hold the most vulnerable Arkansans to different standards than they hold themselves.

Arkansas state welcome centers, highway rest stops, and other state-owned lands and buildings also sell sugar-flavored beverages and candies. It is wrong for the State to demonize SNAP participants for consuming foods and beverages that the State profits from selling.

Proposal Would Backfire by Increasing Hunger and Harming Public Health

This proposal is the wrong answer to the wrong problem.

There's no question that diet-related diseases – which correlate heavily with obesity – are a [leading cause of early deaths in the U.S](#) and in many nations. According to the [CDC](#), “More than 877,500 Americans die of heart disease or stroke every year—that's one-third of all deaths. These diseases take an economic toll as well, costing our health care system \$216 billion per year and causing \$147 billion in lost productivity on the job.” The [CDC estimated](#) that before the pandemic, 20 percent of U.S. children and 42 percent of U.S. adults were obese.

While many people falsely assume that obesity is only a serious problem for the impoverished, data from [the National Health and Nutrition Examination Survey \(NHANES\)](#) previously found that middle class people had slightly higher obesity rates (40.8 percent) than people in/or near poverty (39.0 percent); even among higher-income Americans, nearly a third (31.2 percent) were obese. Diet-related diseases are a *society-wide* problem. Any approach based on the false assumption that only low-income people need to eat more healthily is intrinsically flawed.

SNAP is a food lifeline to the 41.7 million Americans (including the 239,267 Arkansas residents) who depend upon it – and many use it to obtain [fresh produce at farmers markets](#). [SNAP usage improves public health and lowers government health care spending](#). But out of [the \\$2.6 trillion that U.S. residents spent on food and beverages in 2023](#), only [\\$106.9 billion](#) (4 percent) was paid for by SNAP, so trying to boost public health by micromanaging SNAP yet glossing over the rest of the food supply misses the mark. Plus, U.S. [soft drink consumption has already been declining for 13 years in a row](#).

It's also wrong to assume that ignorance and sloth are the reasons that low-income people don't eat more healthily. The real cause is that nutritious food is usually more expensive, harder to locate in low-income neighborhoods, and more time-consuming to prepare than less healthy foods. The [average SNAP benefit](#) now equals a paltry \$1.97 per meal in Arkansas, which makes it nearly impossible for most recipients to consume adequate, nutritious meals.

[Arkansas has one of the highest rates of hunger and food insecurity in the nation](#), according to USDA food insecurity data analyzed by Hunger Free America. Between 2021 and 2023, 17.9 percent of state residents – one in six – lived in food insecure homes. Even worse, 22.2 percent of the state's children, 15.3 percent of the state's employed adults, and 12.2 percent of its older residents struggled against hunger. Numerous studies demonstrate that food insecurity severely harms public health and increases diet-related diseases.

Other than raising wages, the top way to decrease food insecurity in a state is to increase participation in SNAP. Yet according to USDA, Arkansas has one of the nation's highest rates of under participation SNAP, with more than a third of all Arkansans eligible for it failing to access it. That includes 37 percent of the working poor eligible and a whopping 76 percent of the elderly eligible for it failing to receive it. This low participation is caused both by both the program's stigma and by its byzantine application processes.

If Arkansas restricts food and beverage choices in SNAP, the state will send the message that they think adults who need the program aren't responsible enough to select their own food, which would surely increase stigma, decrease program participation, and thus harm public health and increase long-term health spending.

Americans of all incomes should drink fewer highly sugared beverages, consume less junk food, and eat healthier overall diets, but imposing an intrusive nanny state on only the most vulnerable is not the answer.

Better Approach to Fighting Hunger, Obesity, and Poor Nutrition

A much better approach is to implement a comprehensive set of State policies to make healthier food more affordable, physically available, and convenient in every neighborhood of every city and town.

The State should lobby the President and Congress to:

- Restore the Trump Administration's cut of \$1 billion in purchases of nutritious food directly from farmers that went to schools and food banks.
- Restore the Trump Administration's cut of an additional \$500 million in commodities that went food banks – as well as soup kitchens and food pantries.
- Re-start funding that the Trump Administration has halted for food distributions to community-based charities through the FEMA Emergency Food and Shelter Program.

- Restore the [increased Child Tax Credit and higher emergency SNAP allotments, which previously enabled low-income Americans to afford healthier food and to shop more frequently at farmers markets.](#)
- Stop subsidizing crop insurance for tobacco farmers.
- Slash corporate welfare subsidies for the production of unhealthy products such as high-fructose corn syrup, and instead do more to support small and medium-sized farms that produce fruits and vegetables.

The State should strengthen its use of federal nutrition assistance programs to help struggling Arkansans obtain healthier foods, by taking the following steps:

- Use the existing federal categorical eligibility provision to increase the SNAP income limit from 130 percent of poverty to 150 percent of poverty and to eliminate the assets limit for SNAP. These two steps would enable more low-income working families to be eligible and stop penalizing families for saving funds as a way to reduce their long-term need for government assistance.
- Combine SNAP and WIC applications, make them easy to submit digitally, and increase support to nonprofit organizations to conduct SNAP and WIC outreach and enrollment work.
- Build up the success of the new Arkansas universal school meals program by promoting in-classroom and “grab-and-go” school breakfasts. 35 percent of Arkansas students who receive school lunches don’t receive school breakfasts.
- Build upon the success of the State’s initial roll-out of the Summer EBT program by conducting additional communications and outreach work to further encourage participation among eligible families.

The State should bolster economic opportunities and help reduce the costs of living to enable families to afford healthier foods, by taking the following steps:

- Raise the state minimum wage – which has been set at the poverty wage of \$11.00 per hour since 2011, despite skyrocketing inflation.
- Create a State-level Earned Income Tax Credit to better reward work.
- Authorize, fund, and implement a government-wide “Assets Empowerment/Middle Class Wealth Generation Agenda” to dramatically increase economic opportunity and mobility by enabling more families to transition from owing non-productive debts interest to owning assets such as first homes, small businesses and/or retirement accounts. This would be a concrete, focused, funded policy agenda, starting with pilot projects to test varied program strategies to enable low-income people and families to get ahead. This work should be combined with initiatives to eliminate, or at least reduce “benefits cliffs”, in which workers who get raises or work more hours lose benefits. Sometimes the value of lost benefits actually exceeds the increase in wages. Even if federal policies related to benefits cliffs don’t change any time soon, states can still use state funds to erase, or at

least limit them, by providing extra state payments to make up for losses in federal benefits. Over time, these efforts would save states money by enabling families to move towards economic advancement.

The State should take these other steps to make healthier foods more affordable and physically available in all towns and neighborhoods of Arkansas:

- Develop and implement a comprehensive “Food Action Plan” that would enact encompassing policies on food, hunger, food insecurity, nutrition insecurity, and food systems – from “farm to fork” – with a special emphasis on increasing participation among eligible state residents in federal nutrition assistance programs.
- Launch a State “Good Jobs, Food Jobs” initiative to provide more technical assistance and seed money to food-related start-up companies (especially those focused on healthy food processing), ensure that healthy food-related enterprises are a principal component of every economic development and business expansion plan in the state; target more job training funds to food-related and social service professions.
- Provide funding and technical assistance to nonprofit agriculture and community gardening projects.
- Provide start-up and operating subsidies for CSA (Community Supported Agriculture) and fresh produce basket programs that serve low-income people and neighborhoods.
- Accelerate efforts to make it easier for SNAP and WIC recipients to use their benefits online to order food (including food from corner stores and farmers markets) and get food delivered to their homes or neighborhood centers.
- Buy more healthy food for state prisons from regional farmers and make it easier for people leaving incarceration to obtain SNAP.
- Promote the inclusion of healthy food as an eligible expense in Medicaid 1115 waivers.
- Help hospitals, HMOs, and insurers commit to screening all inpatients for food insecurity, and to helping food insecure and low-income patients receive SNAP.
- Increase nutrition education at medical schools in the state.

If you have any questions or response to these comments, you can me at jberg@hungerfreeamerica.org.

Dave Oberembt for Mark Schoeberl, Executive Vice President, Advocacy

On behalf of the American Heart Association

Comment: On behalf of the American Heart Association, the nation's oldest and largest voluntary organization dedicated to fighting heart disease and stroke, we appreciate the opportunity to provide comments in response to the proposed pilot project to improve nutrition and health under the Supplemental Nutrition Assistance Program (SNAP).

The American Heart Association, representing more than 40 million volunteers and supporters, commends the State of Arkansas and Arkansas Department of Human Services for its efforts to eliminate sugary drinks from the SNAP and fully supports the initiative to seek a waiver from the United States Department of Agriculture (USDA) to achieve this goal.

Health Harms of Sugary Drinks

Sugary drinks, including full-calorie soda, sports drinks, lemonade, energy drinks, sweetened coffee and teas, and fruit drinks with added sugars, are the number one source of added sugars in the U.S. diet.¹ Consuming too many sugary drinks can lead to harmful health effects, including heart disease, weight gain, obesity, type 2 diabetes, , kidney diseases, non-alcoholic fatty liver disease, tooth decay and cavities.² The American Heart Association, along with national partners, recommends that children avoid sugary beverages.³ On average, children in the United States consume 143 calories from sugary drinks a day.⁴ The American Heart Association also recommends that adults consume no more than five to nine teaspoons (~80-145 calories) of added sugars per day.⁵ A 20-ounce bottle of soda contains the equivalent of approximately 17 teaspoons of added sugars.⁶ Adults in the United States consume an average of 145 calories from sugary drinks on a given day.⁷

Sugary Drink Consumption by SNAP Participants

Studies have shown that people participating in SNAP tend to consume more added sugars and fewer fruits and vegetables than income-eligible, non-participants.^{8,9} Additionally, sugary drinks are among the items most purchased by SNAP participants.^{10,11} One study found that sugary beverages accounted for approximately 12% of total daily caloric intake (258 kcal) among SNAP participants, higher than that of SNAP-eligible nonparticipants (9%, 205 kcal) and SNAP-ineligible nonparticipants (6%, 153 kcal).¹² In both SNAP and SNAP-eligible households, more money is spent on sugary beverages than any other food commodity.^{13,14}

These findings demonstrate a need to refine SNAP's approach to nutrition. Through SNAP, the federal government spends millions of dollars each year on the purchase of sugary drinks, which contribute to poor health outcomes and result in higher health care expenditures and diminished quality of life.^{15,16} Evidence shows that removing sugary drinks from SNAP may improve diet quality. Data from modeling studies show that removing sugary drink purchases in SNAP could significantly reduce consumption and future cardiovascular disease events.^{17,18} Data from a review of randomized trials and modeling studies show that removing sugary drinks from SNAP could reduce consumption and purchases of these beverages.¹⁹ Improving the nutritional quality of foods and beverages in SNAP could lead to improvements in diet quality for all people in the United States due to the influence SNAP has in determining what is marketed and sold in the retail environment.

Definition of Sugary Drinks

The American Heart Association recommends that the State of Arkansas consider using the AHA's definition of sugary drinks²⁰ in the waiver. The definition was developed by expert consensus with AHA's leading researchers on its Nutrition Committee under the Scientific Council on Lifestyle and Cardiometabolic Health, national partners, and implementers and was guided by the latest evidence. The definition has been integrated into discussions on nutrition standards in schools, sugary beverage taxation, removing beverages from early care and education and the Child and Adult Care Food Program, and work with Healthy Eating Research to develop the Consensus Statement on Healthy Beverage Consumption in Early Childhood²¹ and the Consensus Statement on Healthy Beverage Consumption in School-Age Children and Adolescents.²² In addition, the definition captures a broader range of beverages that contribute to high added sugars consumption, including sports drinks and sweetened waters.

<u>Sugary Drink Definition</u>
Sugary drink is defined as any nonalcoholic beverage, whether carbonated or noncarbonated, sold for human consumption that contains any added sugars.
<u>Sugary drinks do NOT include:</u>
Beverages in which milk is the primary ingredient or the first listed ingredient on the label of the beverage, or soy, rice or similar milk substitute. "milk" means natural liquid milk regardless of animal or plant source or butterfat content; natural milk concentrate, whether or not reconstituted; or dehydrated natural milk, whether or not reconstituted.
100% juice or 100% juice + water including those made from frozen, freeze-dried, or concentrate with no added sugars
Prepackaged coffee and tea without added sugars
Water without any sugars
Beverages with <5 grams of added sugar or other caloric sweeteners per 8 ounces
Infant formula
Medically necessary foods and beverages

Evaluation and SNAP-Ed

The American Heart Association applauds the State of Arkansas's inclusion of evaluation in the waiver. Robust evaluation is essential to assess whether initiatives that remove sugary drinks reduce consumption. We recommend that an evaluation use rigorous methodology to determine whether purchases and consumption change over time, cost of implementation and potential government savings, and feasibility for recipients and retailers (including small businesses).

The American Heart Association also supports the SNAP-Ed program and lauds the state for including nutrition education through SNAP-Ed as part of the waiver.

Conclusion

The American Heart Association supports the State of Arkansas's efforts to remove sugary drinks from SNAP and urges the state to work quickly with USDA to finalize the waiver. Reducing sugary drink consumption is a crucial step towards improving public health and reducing the prevalence of diet-related diseases.

Thank you again for the opportunity to provide comments.

CITATIONS:

- 1 U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*. www.dietaryguidelines.gov: 2020.
- 2 U.S. Centers for Disease Control and Prevention. *Get the Facts: Sugar-Sweetened Beverages and Consumption*. Updated April 2022. Available at: <https://www.cdc.gov/nutrition/data-statistics/sugar-sweetened-beverages-intake.html>.
- 3 Healthy Eating Research. *Consensus Statement on Healthy Beverage Consumption in School-Age Children and Adolescents*. January 2025. Available at: https://healthyeatingresearch.org/wp-content/uploads/2024/11/HER_ConsensusStatement_FINAL.pdf
- 4 Rosinger A, Herrick K, Gahche J, et al. Sugar-sweetened beverage consumption among U.S. youth, 2011–2014. *NCHS Data Brief*. 2017;(271):1–8.
- 5 Malik VS, Li Y, Pan A, De Koning L, Schernhammer E, Willett WC, Hu FB. Long-term consumption of sugar-sweetened and artificially sweetened beverages and risk of mortality in U.S. adults. *Circulation*. 2019; 139:2113–2125. doi: 10.1161/CIRCULATIONAHA.118.037401.
- 6 Wang, YC, et al. A penny-per-ounce tax on sugar-sweetened beverages would cut health and cost burdens of diabetes. *Health Affairs*. 2012. 31(1), 199–207.
- 7 Rosinger A, Herrick K, Gahche J, et al. Sugar-sweetened beverage consumption among U.S. youth, 2011–2014. *NCHS Data Brief*. 2017;(271):1–8.
- 8 Gleason S, Hansen D, Wakar B. *Indicators of Diet Quality, Nutrition, and Health for Americans by Program Participation Status, 2011–2016: SNAP Report In: Alexander, VA: U.S. Department of Agriculture; 2021.*
- 9 Leung CW, Ding EL, Catalano PJ, Villamor E, Rimm EB, Willett WC. Dietary intake and dietary quality of low-income adults in the Supplemental Nutrition Assistance Program. *Am J Clin Nutr*. 2012;96:977–988. doi: 10.3945/ajcn.112.040014
- 10 Services UDoA, Health UDo, Human. *Dietary Guidelines for Americans, 2020-2025*. www.dietaryguidelines.gov: 2020.
- 11 Garasky S, Mbwana K, Romualdo A, Tenaglio A, Roy M. *Foods Typically Purchased by SNAP Households*. In: USDA, Food and Nutrition Service; 2016.
- 12 Nguyen BT, Powell LW. Supplemental nutrition assistance program participation and sugar-sweetened beverage consumption, overall and by source. *Prev Med*. 2015;82:86. doi: 10.1016/j.ypmed.2015.08.003
- 13 Garasky S, Mbwana K, Romualdo A, Tenaglio A, Roy M. *Foods Typically Purchased by SNAP Households*. In: USDA, Food and Nutrition Service; 2016.
- 14 Park J, Lin H-C, Peng C-Y. The Supplemental Nutrition Assistance Program and frequency of sugar-sweetened soft drink consumption among low-income adults in the US. *Nutr Health*. 2017;23:147–157. doi: 10.1177/0260106017726248
- 15 Long M, Leung C, Cheung L, Blumenthal S, Willet W. Public support for policies to improve the nutritional impact of the Supplemental Nutrition Assistance Program (SNAP). *Public Health Nutr*. 2014;17:219–224.
- 16 Barnhill A. Impact and Ethics of Excluding Sweetened Beverages From the SNAP Program. *Am J Public Health*. 2011;101:2037–2043. doi: 10.2105/AJPH.2011.300225
- 17 Choi SE, Wright DR, Bleich SN. Impact of Restricting Sugar-Sweetened Beverages From the Supplemental Nutrition Assistance Program on Children's Health. *Am J Prev Med*. 2021;60:276–284. doi: 10.1016/j.amepre.2020.08.023
- 18 Mozaffarian D, Liu J, Sy S, Huang Y, Rehm C, Lee Y, Wilde P, Abrahams-Gessel S, de Souza Veiga Jardim T, Gaziano T, et al. Cost-effectiveness of financial incentives and disincentives for improving food purchases and health through the US Supplemental Nutrition Assistance Program (SNAP): A microsimulation study. *PLoS Med*. 2018;15:e1002661. doi: 10.1371/journal.pmed.1002661
- 19 Alba C, Wang X, An R. Are Supplemental Nutrition Assistance Program Restrictions on Sugar-Sweetened Beverages Effective in Reducing Purchase or Consumption? A Systematic Review. *Nutrients*. 2024;16. doi: 10.3390/nu16101459
- 20 American Heart Association. *Sugary Drink Definition*. Available at: <https://www.heart.org/-/media/Files/About-Us/Policy-Research/Policy-Positions/Access-to-Healthy-Food/Sugary-Beverages/Sugary-Drink-Definition-2025.pdf>
- 21 Healthy Eating Research. *Consensus Statement on Healthy Beverage Consumption in Early Childhood*. September 2019. Available at: <https://healthyeatingresearch.org/wp-content/uploads/2019/09/HER-HealthyBeverage-ConsensusStatement.pdf>

Barbara L. Stewart, Ed.D., CFCS

President, Board of Directors American Association of Family and Consumer Sciences, Chair and Professor Human Development & Consumer Sciences, Cullen College of Engineering, Technology Division, and University of Houston

Comment: I am Dr. Barbara Stewart, CFCS (Certified in Family and Consumer Sciences). I am currently President of the Board of Directors of the American Association of Family and Consumer Sciences, and Chair of the Department of Human Development and Consumer Sciences at the University of Houston. I am interested in the recently announced Pilot Project Meant to Improve Nutrition and Health under the Supplemental Nutrition Assistance Program in Arkansas.

As a Family and Consumer Science professional with over 40 years of experience, I am compelled to share my knowledge of the excellent value of SNAP administration via the excellent Arkansas Cooperative Extension Service. The context of my sharing this knowledge is the section of the Pilot Project document that begins with “nutrition education is crucial.” On this, we wholeheartedly agree! However, this document continues, “It should be conducted in school settings as part of school curricula and overseen by the Arkansas Department of Education in partnership with the Arkansas Department of Agriculture and the Farm to School Program. Here is where I extoll the capable expertise of the Cooperative Extension in SNAP administration. By limiting the deployment of SNAP-Ed to only public school-age children, we will miss entire populations who desperately need this service, including adults in general, adults without children, homeschooled children, etc. Further, to add this burden to the school curricula, those unfamiliar with SNAP-Ed requirements will be an undue workload for teachers.

You may wonder how this issue impacts me. Let me share a personal perspective from my national work as a Family and Consumer Science professional and President of the Board of Directors of the American Association of Family and Consumer Sciences. The University of Arkansas Cooperative Extension Service (UA-CES) SNAP-Ed program is known to me and nationally as a SNAP-Ed powerhouse! Other states utilize the Arkansas Foods Blog and follow it on Facebook and Pinterest. This is expertise and experience that can be used and capitalized upon.

As an alternative to administration by the Department of Education, I recommend utilizing the current implementing agency, the University of Arkansas Cooperative Extension Service (UA-CES), instead of or in conjunction with the Department of Health to deploy SNAP-Ed in Arkansas. This alternative is preferable because it works across the lifespan. It is a proven high-quality program that improves

knowledge and behavior change and delivers direct education on food, nutrition, and agriculture without further burdening classroom teachers' workloads.

Thank you for considering capitalizing on Arkansas' excellence to utilize UA-CES's expertise so all eligible Arkansans can receive nutrition, food, and agriculture education. I appreciate your taking the time to read this letter. Please feel free to contact me if I can clarify anything or provide additional information.

Antoinette Franklin, Terri Bogan, Rita McGinness, Melissa Botelho, Alvin Tyler Sr., Barbara McGtew, Carolyn Starks, Mary Leganger, Juanita Smith, Leslie Johnson, Carol Little, Ruth Redd, Avis Davis, Ms. Kendeth Young, Danny Perry, Kathy Dewitt, David E Beaty, Kay Bumgardner, Ann Jones, Karen Crosd, Don Givens, Danny O McWilliams, Terrica Waits, Debra Rowland, Dustin Neal, Mary Wilson, Michelle Buhrman, Cindy Egbert, Nora Duke, Alice Henry, Linda Shumate, Ramsey Sealy, Victoria Santarcangelo, Sue Amato, Delana Head, Margaret Pope, Ronnie Jones, Derek Mcmanus, Linda Woolsey, Lisa Hutchinson, Joe Menne, Bettina Monk, Bregale Morgan, Keysha Burnett, Michael Martin, Beverly Gray, Drake Holt, Shelbie Newberry, Phillip Davis, Joshua Tankersley, Zirell Thomas, Randy Boyett, Jeffrey Henderson, Kim Brewer, and Amanda Cross

Comment: I am writing to strongly urge you to revoke or remove the waiver request submitted to the United States Department of Agriculture (USDA) that would impose new, government-mandated restrictions on the Supplemental Nutrition Assistance Program (SNAP) here in Arkansas, limiting the eligibility for certain foods and beverages, including options like zero-sugar drinks and sparkling waters.

Arkansans voted for leaders who promised to lift people up and reduce the size and cost of government. But a waiver to restrict SNAP benefits breaks that promise, and would only expand it with new mandates and more bureaucracy.

Government shouldn't be involved in families' decisions with their grocery carts – including our neighbors on SNAP, who are made up of hardworking families and veterans striving for better opportunities during tough times. Restricting grocery choices would create costly bureaucracy, place more burdens on small businesses and set a dangerous precedent for future big government interference on people's choices – all without improving health outcomes or saving taxpayer dollars.

Arkansans deserve better. They deserve the freedom to make their own choices, not to be unfairly targeted by government bureaucracy. Please reconsider this harmful waiver request and stand with working families, veterans and Arkansans who need your help.

Wanda Taylor, Dustin Neal, Cynthia Neaql, April Glisson, Antoinette Franklin, Sue Wendland, Terri Bogan, Rita McGinness, Danny O McWilliams, Robyn Glisson, Kendeth Young, Alvin Tyler Sr., Barbara McGtew, Vanette Bankston, David Shelnut, Michael Ray, Jan McClard, Lenora Stewart, Betty Faughn, Amy Martin, Carl Hutchens, Dennis Farmer, Melissa Botelho, Cassandra Quinn, Marcus Autry, Sara Gray, Brian Glen, Robbie Monk, Bettina Monk, Austin Shurteff, Adolphus Irby, Tanner Austin, Tim Ross, Aaron Bell, Kevin Avant, Josh Wittenubrg, Joshua Chancellor, Wanda Hines, Terry Dyson, Ricardo Calloway, Panna Chawangkul, Michael Looney, Jeffery Pate, Michael Summerville, Travis Sanders, Gregory Taylor, Eric Giersch, Brian Taylor, Colin Ferrie, Bennie Waters, James Wear, Jeremy McDaniel, Spencer Brooks, Kenneth Thompson, Briana Brooks, David Gonzalez, Kaleb Bankston, Kendria Williams, Randi Gingerich, Steven Harris, Jake Tankerlsey, Steven Smith, Charlie Grice, Hailey Skeens, Frank Buckingham, Melika Woody, Vickey Lewis, James Waite, Dewey Rodgers, Brandon Brewer, Brandy Milton, Godfrey Stewart, Christophe O'Neal, Terry Hayden, Thomas Jones, Leruby Thrower, Wendy Tassin, Michael Thomas, Larry Cross, Bruce Westbrook, David Hayes, Javien Reynolds, Gary Mousseau, Dean Hickman, Mark Doss, Tyler Wilson, Bobby Blanton, Meghan Caldwell, Steve Ray, John Sigle, Michael Howard, Dustin Wackerly, Greg Cook, Timothy Harper, Jameslee Davis, Jeremy Mash, and Donnie Easter

Comment: I am writing to you as a proud employee of Arkansas' beverage industry to strongly urge you to reconsider the waiver request submitted to the U.S. Department of Agriculture (USDA) that would impose new, government-mandated restrictions on the Supplemental Nutrition Assistance Program (SNAP) here in Arkansas. Limiting the eligibility for certain foods and beverages, including options like zero-sugar drinks and sparkling waters, hurt families and businesses alike.

I'm proud to be part of an industry ingrained in Arkansas. It's not just me - it's 1,385 of my brothers and sisters in beverage who work in 42 facilities across the state. We roll up our sleeves to deliver for our community. We work for generational family businesses that contribute \$392 million to the state's economy and \$33 million in taxes. President Trump often talks about "America first" – and there is nothing more American than our industry.

We have worked hard to provide choice and information to consumers. We are relentless in delivering new choices. From zero sugar to smaller portion sizes, Arkansans have options when they reach for a drink. I see it every day on our shop floor and in the trucks headed to stock neighborhood shelves. Because of our innovation, nearly 60% of what Americans buy today is zero sugar.

Arkansas is our home. And Arkansans like us voted for leaders who promised to lift people up, put our country first and make the government work for ust. Not only do SNAP restrictions go against these

principles, in the process of pursuing them, our products have been unfairly called out and the hard work we do every day, and how we show up in our communities, has been degraded.

Arkansans deserve better. They deserve the freedom to make their own choices. Please reconsider this harmful waiver request and stand me and my hardworking beverage industry colleagues to protect Arkansas families and veterans.

Javier Palomarez, President & CEO

United States Hispanic Business Council

Comment: I write to you today in my capacity as President & CEO of the [United States Hispanic Council](#) (USHBC), the leading advocate for America's Hispanic business community that collectively contribute over \$800 billion to the American economy. I am submitting these comments in opposition to Arkansas' *Pilot Project meant to improve Nutrition and Health under the Supplemental Nutrition Assistance Program*.

At the USHBC, we wholeheartedly believe in making America healthy again. However, rather than spending taxpayer dollars on ineffective prohibitory measures, our governments should invest in education and work to increase access to affordable, healthy foods. The top 10 purchase categories for SNAP and non-SNAP recipients were identical. Rather than punishing low-income consumers, policymakers should focus on making nutritious food more accessible and affordable for everyone. If Americans knew more about the benefits of healthy foods and had affordable access to such foods, it would serve our nation better than arbitrary prohibitions.

Former President Ronald Reagan famously said, "I've always felt the nine most terrifying words in the English language are: I'm from the Government, and I'm here to help." Americans and our elected officials ought to remember these salient words as renewed proposals emerge to restrict items that are eligible for the Supplemental Nutrition Assistance Program (SNAP).

Proponents argue that they are promoting healthier eating habits and preventing misuse of taxpayer funds. But for the 41 million Americans who rely on SNAP, additional restrictions will make life more difficult. History has proven that prohibitions and bans do not work — prohibiting certain food purchases using SNAP dollars is exactly that and would ultimately result in recipients purchasing these items using their already scarce personal income.

In addition to harming low-income working families, SNAP restrictions would wreak havoc on the retail and grocery industries. Small retailers already face significant challenges in navigating complex regulations. Additional restrictions on SNAP could result in tens of thousands of dollars in compliance

costs. It also places the state and federal governments in a position of picking winners and losers in the food industry.

No one disagrees that America needs to be healthier - nearly half of the nation grapples with obesity. But we must ask ourselves: Is cutting off access to processed foods for low-income families the most effective and efficient solution? One could argue that such government oversight over consumer decisions is un-American and ineffective in addressing the root problem of our nation's health crisis.

Kimberly Hernandez

Comment: To Whom it May Concern,

I would like to take a moment of your time to let you know how important the SNAP program is to my school. We have been fortunate to have benefited from the Hempstead county Extension office for the past several years. The staff is knowledgeable and eager to work with our students. They go above and beyond to provide learning opportunities for our students that they may not experience anywhere else.

Sue Billiot, Alyssa Villines, Jason Villines, Mark Lockhart, William Groce, Carey Autrey, Curtis Moore, Chuck Davis, Jo Dee Hayes, Kittie Payton, Kelli Evans, Steve Toney, Jennifer Sansom, Bobby Bowen, Tony Suit, John Crangle, Stacye Wyatt, Jarrod Yates, Bill Hamm, Tony Moss, Teresa Healey, Richard Mcminn, Stephen Boyd, Joe Thrash, Mike Pennington, Lisa Smith, Hannah Gage, Leslie Terrell, Clifton Gifford, Marion Fletcher, Timothy Burcham, Trent Dabbs, John Petrus, Phillip Steed, Gordon Greene, Jack Boles, Debra Smith, Monty Bohanan, Brian Roper, Grant Pace, Kenneth May, Karen Wood, Justin Reynolds, Nita Cooper, Donald Horton, Sandra Perry, Danny Wood, Bryan Pistole, Hal Hillman, Angie Autrey, Todd Smith, Keith Rucker, Randall Marshal, Regina Chaney, Steven M. Jones, Jesse Clark, Sandra Kemmer, Bob Kemmer, Tommy Sorrells, Danna Cofer, Laura McCarty, Jackie McMinn, Keith Shepherd, and Carly Kesterson

Comment: Reconsideration of the proposal to move funding for the SNAP-Ed program away from the University of Arkansas System Division of Agriculture Cooperative Extension Service (UADA-CES).

I've worked with Extension agents for years, and they know how to connect with people in rural communities like mine. They're not just educators—they're neighbors and trusted partners who deliver practical advice we can use. Their role in SNAP-Ed has helped families make better food choices, and I've seen that impact up close. We shouldn't be experimenting with a new system when the current one is clearly doing its job.

Leigh Ann Bullington

Instructor - Family and Consumer Sciences Educator

University of Arkansas System Division of Agriculture

Research and Extension

Comment: I am Leigh Ann Bullington- Instructor -Family and Consumer Sciences Educator with the University of Arkansas System Division of Agriculture (UADA) Cooperative Extension Service. My contact information may be found at the conclusion of this letter. Previously, I held the position of a County Extension Agent-Family and Consumer Sciences in Woodruff and Cross Counties. In that role I initiated adult and youth SNAP-Ed programming with community partners' input. I fully support the request to operate a project to modify eligible foods under the Supplemental Nutrition Assistance Program (SNAP) to improve health outcomes regarding excluding sugary drinks and snacks. Healthy nutritious foods should be the focus of the diets of all Arkansans.

With regards to SNAP-Ed programming, I would like to share some of my experience conducting SNAP-Ed programs through UADA Cooperative Extension as a county agent. I currently live in and formerly worked in Woodruff County. My program consisted of many of the same activities that are conducted across the state by our County Extension Agents - Family and Consumer Sciences (CEA-FCS) for both adult and youth audiences. However, through a local collaboration developed because of established partnerships and a community needs assessment, a unique program called the Warehouse was developed that involved policy, systems, and environmental change (PSE). The Warehouse is a collaboration between UADA, the City of McCrory, and ARcare. ARcare is a federally qualified health center headquartered in Woodruff County. It serves multiple areas across Arkansas, Mississippi, and Kentucky. The Warehouse is a monthly pop-up that distributes healthy food to its participants. However, the event is more than just a food distribution location. ARcare often provides bio-metric health screening activities such as blood pressure checks, A1C checks and the opportunity to speak with a nurse about concerns. As part of the SNAP-Ed program, UADA provides nutrition education through monthly food demonstrations, printed resource materials and educational displays. The McCrory City Council voted to allow the monthly event to be held in the city-owned civic center. Arcare works with the

Northeast Arkansas Food Bank to provide food for distribution. Through a Center for Disease Control (CDC) grant, UADA procured refrigerators and a freezer to place in the civic center so that perishable fruits, vegetables and proteins can be available for the monthly distribution.

As a trained professional, I presented a healthy food demonstration each month with foods the participants received that day. Through SNAP-Ed, I taught them about healthy cooking methods, the nutritional value of the foods they receive, and answered questions about foods they may be unfamiliar with. This program began in 2016. During COVID we pivoted to a drive-through event and still offered nutrition education through monthly newsletters and recipes developed uniquely for Warehouse participants and then returned to in-person monthly events. Even though I am no longer in the position of CEA-FCS, the Warehouse is still operating with nutrition education and food demonstrations being conducted by the current CEA-FCS. The continuity of programs that can be offered by UADA-trained professionals is of great value to the constituents and partners. This project has reached hundreds of participants over its years of operation.

Other adult audiences I and other agents reach with SNAP-Ed programming include senior citizens through qualified senior centers and housing locations, parents of preschoolers and school-age children. These are the people that need the information to assist them in wisely spending their SNAP dollars on healthy and nutritious options.

School-age children can be key influencers on the adults that provide meals for them. As such, UADA County Extension Agents - Family and Consumer Sciences regularly deliver numerous school programs each year.

In 2012, while in Cross County I began work with one of the UADA CEA-Agriculture agents in my office to conduct garden and nutrition education programs for 3rd graders in the Wynne Primary School. The Agriculture Agent taught the youth about growing healthy garden vegetables with hands-on activities in the garden. I delivered SNAP-Ed, teaching the nutritional value of eating produce grown in their garden. Youth are typically more likely to try a vegetable if they have the experience of growing it themselves. Youth, parents, and teachers reported eating more vegetables because of this school program. At the conclusion of this program and accompanying the completion of the curriculum, the Farm to You, walk-through exhibit was hosted at the school. This program reaches approximately 600 students each year in the Wynne School District alone. UADA continues conducting The Serving Up My Plate curriculum and Farm to You exhibit in the Wynne School District each year. Ms. Sherry Breckenridge with the Wynne School District serves as the school coordinator and main point of contact. She serves on the UADA- FCS county committee and is involved in not only SNAP-Ed recommendations but also advises on other youth and adult programming. She is an outstanding partner with UADA Cooperative Extension. UADA Cooperative Extension has the exceptional capacity to have professionals in both agriculture and Family and Consumer Sciences as well as trusted established partnerships throughout Arkansas communities to reach SNAP-Ed audiences with a proven track record.

These are only a couple examples of the successful programs I conducted as a County Extension Agent Family and Consumer Sciences Agent in the rural delta of Arkansas. Yet they have had a positive impact on hundreds of families in this area. This is a reflection of my experience. My colleagues across the state

have similar experiences and stories they could share and the impacts they have had on thousands of Arkansas families.

SNAP-Education is a valuable tool for providing research-based healthy nutrition education to improve the lives of Arkansans, which is the mission of the University of Arkansas System Division Agriculture.

Thank you for allowing me to share my experiences in this area with you.

Cathy Mote

Comment: I understand everyone would like SNAP beneficiaries to eat healthier. This sounds good only if feasible through SNAP benefits. I do have some questions for you though. I hope someone answers *my questions* please.

In your Pilot Project meant to improve Nutrition and Health under the Supplemental Nutrition Assistance Program states in my examples below followed by my questions:

A.) Stated under Proposed Alternative Procedure:

"The candy exclusion will extend to confectionary products with flour and artificially sweetened candy."

Could someone please explain exactly what this means? Does this include cake mixes, cookies mixes, etc.? A lot of us use these for birthday parties, family gathers, special occasions, etc. that could be served to many and not one person. The items mentioned in the previous sentence are cheaper to make ourselves versus buying made stated items from a individual or business.

B.) Stated under Justification for Request:

"In addition, SNAP's existing prohibition on hot rotisserie chickens denies low-income families the opportunity to purchase and consume a protein-rich, reasonably affordable food option that can support a family meal. Given that many people leverage rotisserie chickens to prepare a meal, the program should accommodate this common sense reform."

Does this mean we will be able to buy hot rotisserie chickens again? Does this include hot meals from grocery and convenience stores that sell hot lunches/dinners?

C.) Stated under Anticipated Impact on Households:

"The state will not modify benefit allotments or eligibility parameters. The state will communicate program changes to beneficiaries and impacted households. No increased benefit costs are anticipated."

Eating healthier is more expensive. Most frozen dinners, even the family size ones, and pre-made single and family size meals are less expensive. Although, the healthy versions are more expensive. Please reconsider increasing benefit costs to SNAP recipients.

I look forward to hearing from you.

Ashley Martinez

Center Director

Comment: To whom it may concern, The Hempstead County Extension SNAP-Ed Nutrition Education program can benefit Head Start programs by providing nutrition education and resources to families participating in Head Start, particularly those also receiving SNAP benefits. This helps improve children's health and well-being, potentially leading to better academic performance and overall development. It provides Triton education to SNAP recipients, teaching them how to make healthy food choices. It can also lead to better nutrition for children in Head Start. Educating parents and caregivers about nutrition has been the most beneficial topic for our families, as well as how to access healthy foods, reduce food insecurity, and improve the nutritional intake of Head Start children.

John Bailey for Dan Wright, President

On behalf of Arkansas Farm Bureau Federation

Comment: On behalf of the 180,000 member families of the Arkansas Farm Bureau Federation, I respectfully submit our formal opposition to the proposal that seeks to reassign the administration of the SNAP-Ed program. We strongly urge you to reconsider the plan and instead maintain the current funding and management of SNAP-Ed within the University of Arkansas System Division of Agriculture Cooperative Extension Service (UADA-CES).

The UADA-CES has been a cornerstone of public agricultural education for over 30 years, consistently delivering high-quality, research-backed programs that reach the people of Arkansas. The UADA System, which includes the Cooperative Extension Service (CES) and the Arkansas Agricultural Experiment Station, stands as a national leader in agriculture and nutrition education. While many other states have

increasingly relied on private industry for research and extension, UADA continues to be a vital public resource, offering unbiased, scientifically grounded programs to communities across our state.

The proposed pilot project is intended to educate students in public schools across the state. However, UADA-CES already reaches far beyond what is proposed. In addition to serving public school students, UADA-CES also educates home-schooled students and extends its reach to parents and guardians who are responsible for making food purchasing decisions in their households. By targeting both children and adults, UADA-CES addresses a wider spectrum of the population, ensuring that nutritional education impacts both the younger generation and the adults who make household food choices.

In FY24 alone, UADA-CES conducted in-person educational sessions for over 36,000 individuals, while also reaching more than 230,000 individuals through indirect outreach. Furthermore, UADA-CES's effective programming has been recognized as exemplary by the United States Department of Agriculture in February 2025. The program's ability to reach a diverse audience—from students to parents—sets it apart from the proposed pilot project.

A recent survey of SNAP-Ed participants revealed that 76% of parents noted that their children were more willing to try new foods, 59% reported making positive dietary changes, and 65% reported increased physical activity. Additionally, 93% of youth participants reported improvements in food preparation skills, and many participants reported increased consumption of fruits and vegetables. These statistics speak to the direct, positive impact the program has on both children and adults in Arkansas.

The proposal to shift oversight to the Departments of Education and Agriculture would place unnecessary burdens on already overextended school districts and create unfunded or underfunded mandates. With over 237 public school districts and 26 open enrollment charter districts across the state, we are concerned that this approach would lead to increased administrative complexity without tangible benefits to the target populations. Moreover, there is no clear plan regarding how the funds would be reallocated or how educational outreach could be maintained at the current level.

In conclusion, we respectfully urge the Arkansas Department of Human Services to reconsider this proposal. The existing program has proven success by improving the health and nutrition outcomes of Arkansas residents, particularly those in SNAP households, and it has the capacity to continue scaling these efforts. UADA-CES is well-equipped to handle the administration of SNAP-Ed, and we believe that transitioning the program elsewhere could lead to inefficiencies that undermine its goals.

Nina Roofe, PhD, RDN, LD, FAND, CNWE, Assistant Vice President – FCS

University of Arkansas Cooperative Extension Service

International Federation of Home Economics-US, President

Academy of Nutrition & Dietetics, House of Delegates Speaker

Comment: Thank you for mentioning SNAP-Ed in the Pilot Project to improve nutrition and health under the Supplemental Nutrition Assistance Program. As the Assistant Vice President – Family & Consumer Sciences at the University of Arkansas Division of Agriculture (UADA) Cooperative Extension Service (CES), I am deeply invested in nutrition assistance issues for low-income Arkansans.

In the proposed waiver, there is a section that needs serious consideration of the impacts of the current proposed wording. This starts at the bottom of page three and continues onto the top of page four:

Nutrition education is crucial. It should be conducted in school settings as part of school curricula and overseen by the Arkansas Department of Education, in partnership with the Arkansas Department of Agriculture and the Farm to School Program. This plan would improve access to healthy foods, connect students and families with hands-on education on the topics of food, nutrition, and agriculture, and streamline administratively burdensome SNAP Education programming and reporting requirements. If a waiver is required for approval to distribute SNAP Education funding differently, the State of Arkansas requests technical assistance to pursue this approach.

My concern is that limiting SNAP-Ed programming to school settings as part of the school curriculum is restrictive. This approach will have the following likely unintended impacts:

1. **Exclusion of specific groups:** It appears that only public-school children will receive SNAP-Ed programming, excluding adults and homeschooled children. As we know, school-age children are not the primary grocery purchasing decision-makers in their families, and until future television advertisements portraying second-grade students driving to grocery stores, which could inadvertently shift focus away from the core benefits of this program. Additionally, this will exclude youth education in the summer months through 4-H camps, preschools, Early Childcare Centers, as well as current and long-standing partnerships with libraries, community organizations, and after-school programs.
2. **Addressing food insecurity:** According to the USDA's Economic Research Service, engaging all eligible SNAP-Ed recipients in Arkansas across the life span is crucial for improving Arkansas' ranking as the state with the highest food insecurity rate, at 18.9%, which is significantly higher than the 12.8% national average. Any efforts to reduce our educational reach in the state with the highest rate of food insecurity will not play well in the media, and most importantly, not serve our citizens well.
3. **Burden on educators:** Integrating SNAP-Ed programming in to the school curriculum will place a significant burden on our classroom educators, who are already tasked with delivering the required Department of Education-mandated curriculum and lack the necessary training to deliver the SNAP-Ed curriculum. The SNAP-Ed curriculum is not a turn-key curriculum, but one that requires extensive and ongoing education to deliver, track, and constantly monitor to ensure consistency and quality of program delivery. As the child and niece of Arkansas public-school teachers, now retired, I can attest to their dedication to their students and their content. My dad taught high school science, my mom taught

first grade, one aunt taught high school English, one aunt taught Kindergarten, and one uncle taught agriculture education or Career and Technical Education, each for over 40 years. Adding the heavy curriculum lift of SNAP-Ed would be unsustainable and do a disservice to SNAP-Ed and their assigned classroom content.

Please consider this alternative approach for delivering nutrition education to low-income residents in Arkansas. I propose that the University of Arkansas Division of Agriculture (UADA) Cooperative Extension Service (CES) Department of Family and Consumer Science (FCS) be funded to deliver SNAP-Ed statewide to eligible Arkansans across the lifespan, as it currently does as an implementing agency. If that is not agreeable, I propose that UADA CES FCS be an equal partner with the Arkansas Department of Education in delivering SNAP-Ed to Arkansans across the lifespan, including in the public school setting. While I am aware that my employment at UADA may appear to be a perceived conflict of interest, the following facts remain valid, irrespective of my professional affiliation. I invite you to review the information and form your own conclusions.

As the current President of the International Federation of Home Economics – United States, I see a strong alignment with the United Nations' Sustainable Development Goals: 1 - No Poverty, 2 - Zero Hunger, 3 - Good Health and Well-being, and 12 - Responsible Consumption and Production. Additionally, as the current Speaker of the House of Delegates for the Academy of Nutrition and Dietetics, the largest professional organization of food and nutrition experts in the nation, with over 112,000 members, we stand with you in support of the critical importance of nutrition education.

As a 20-year member of the American Association of Family and Consumer Sciences, I am dedicated to supporting family well-being and nutrition education to improve nutrition and promote healthy lifestyles for all of Arkansas's residents, especially our low-income residents. Family well-being encompasses physical, emotional, and social health, all of which are interconnected and positively impact one another. Community programs and support networks across our 75 counties foster a healthy family environment where residents live, laugh, learn, labor, and love. Programs such as SNAP-Ed and EFNEP (low-income nutrition education), Extension Get Fit (exercise), Mental Health First Aid (mental health certification), Farm Stress Management, Best Care (childcare provider education), Get Real (financial simulation for teens), Delta Obesity Project and Delta Rides (obesity reduction), Extension Homemaker's Council (volunteering), ServSafe (food safety), and Preserving for You (food preservation) empower Arkansans to make healthier choices. Our extensive library of easy-to-understand materials and online resources provides information, recipes, and tools that improve lives and set Arkansans up for success both at home and in the workplace. We applaud and support your stance on workforce requirements and workforce development, as this is a foundational principle of Family & Consumer Sciences.

As a Registered Dietitian Nutritionist with the Commission on Dietetics Registration since 1991 (34 years), I am very concerned with the health of Arkansans. According to the Centers for Disease Control and Prevention's National Center for Health Statistics, the leading causes of death in Arkansas include heart disease, cancer, chronic lower respiratory disease, COVID-19, accidents, stroke, Alzheimer's disease, diabetes, kidney disease, and influenza/pneumonia. As a state, our primary focus for the next two to five years and beyond must be on health, which will impact:

- All FCS content areas
- Support farm-to-school programs
- Workforce development
- 4-H and youth programs
- Strengthen pipelines for secondary schools and colleges, and
- Decrease harm from food insecurity.

Be assured, the Family and Consumer Sciences professionals across Arkansas stand shoulder-to-shoulder with you, ready to address these issues head-on.

Why should you consider the UADA SNAP-Ed Team as your partner in this work? Our team has demonstrated a long history of excellence in providing fiscally responsible and high-quality SNAP-Education programs across all age groups within Arkansas communities, and our SNAP Educators are already trained. The groundwork for SNAP-Ed was laid in 1977 with the Food Stamp Act, which established Food Stamp Nutrition Education. In 1992, seven states initially conducted nutrition education using federal funds in a program now known as SNAP-Ed, the Supplemental Nutrition Assistance Program Education. The UADA SNAP program began in October of 1995. As the primary implementing agency for SNAP-Ed in Arkansas, the University of Arkansas Division of Agriculture Cooperative Extension Service has a proven track record of demonstrating sound nutrition knowledge, enthusiasm for positive change, and fiscal and programmatic integrity in meeting the community's needs (SNAP Education Management Evaluation Report 2024).

In fiscal year 2024 (FY24), the University of Arkansas System Division of Agriculture Cooperative Extension Service's SNAP-Ed program partnered with agencies and organizations at 530 locations throughout Arkansas. We delivered programming where residents across the lifespan live, learn, plan, shop, and work, with the overarching goal of promoting healthy, active living. Our reach for FY24 included 230,847 educational contacts, which included 36,436 individuals who attended in-person educational events, receiving delivery of 3,425 lessons. Across the board, all recipients report knowledge gain, positive behavioral changes, and a positive intent to change their behaviors.

Adults

- 75% are eating more fruit
- 68% have adopted one or more food

Youth

- 93% improved food preparation skills
- 38% are eating more fruit

Parents

- 76% of their children are more willing to try new foods

Teachers

- 98% find the program valuable

resource management practices	<ul style="list-style-type: none"> • 37% increased knowledge about Arkansas foods • 35% are eating more vegetables • 26% increased physical activity 	<ul style="list-style-type: none"> • 75% of their children talked about healthy foods • 73% of their children talked about physical activity • 62% of families increased physical activity • 59% of families made positive dietary changes 	<ul style="list-style-type: none"> • 82% observed their students' willingness to try different foods • 73% are eating healthier and/or are more active themselves • 58% observed their students eating more fruits and vegetables • 35% of their students and parents reported eating healthier at home
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"I learned the benefits of healthy eating and have more energy now." –Adult Participant, Grant County.

"I never ate any fruits or vegetables until this class changed my mind." –High School Student, Independence County.

"My child used to be very picky and wouldn't even try new foods, and now he will always try something at least once." –Parent, Logan County.

"Several students have shared times when they traded an unhealthy snack for a healthier one at home. I also had a student share that her family went to the store and bought some vegetables to plant at home to grow in their garden!" –Teacher, White County.

Our Arkansas SNAP-Ed at UAEX has a Facebook reach of 30,000 followers, and our Arkansas Food blog, ArFoods Blog, receives approximately 4,500 views. I invite you to check out and follow our social media content for SNAP-Ed. Our SNAP-Ed program provides the Farm to You exhibit to eligible schools at no cost. The exhibit offers exciting, hands-on education about Arkansas agriculture and its contributions to health, engaging around 4,700 students, over 100 teachers, and approximately 300 volunteers annually.

Our highly trained team of 10 is experienced in creating and delivering nutrition education programming through FCS and SNAP-Ed Agents across the state. We focus on healthy food, nutrition, and agriculture, as well as program evaluation, reporting requirements, and fiscal administration of SNAP-Ed. Given our statewide presence in all 75 counties, including schools, food banks, senior citizen centers, community

centers, and preschools, we are well-positioned to be a trusted partner with the Department of Education in this endeavor.

Please consider me a resource for topics related to poverty, hunger, health and well-being, nutrition, family and consumer sciences, program delivery, and evaluation. You can reach me at nroofe@uada.edu or 501-671-2046. Thank you for including SNAP-Ed in this pilot project. I fully support and commend your commitment to promoting nutrition education. I respectfully request that you consider expanding the scope of this initiative to encompass the entire lifespan, ensuring that all vulnerable Arkansans will continue to benefit from this impactful nutrition education program.

Please consider including the UADA Cooperative Extension Program in this initiative. Our team is already trained in delivering this exceptional program and has a proven track record of providing trusted, research-based nutrition education. We consistently demonstrate sound nutrition knowledge, enthusiasm for positive change, and fiscal and programmatic integrity in meeting the community's needs. Thank you for your time and consideration.

Jennifer Gardner, Director of State Government Affairs

On behalf of the National Confectioners Association

Comment: On behalf of the National Confectioners Association (NCA), I wanted to reach out to you regarding the Arkansas Department of Human Services' pilot project that is intended to improve nutrition and health under the Supplemental Nutrition Assistance Program (SNAP). While NCA supports incentives to improve the nutrition and health of SNAP participants, we are concerned that the proposed pilot program runs counter to federal demonstration program objectives and parameters, as further detailed below.

The National Confectioners Association (NCA) is the leading trade organization for the \$48 billion U.S. confectionery industry. The NCA represents manufacturers, wholesalers, and suppliers of chocolate, candy, gum, and mints, supporting more than 4,000 jobs in Arkansas through direct and indirect economic activity and providing over \$213.5 million in total economic output in the State.

- Overview

SNAP product eligibility restrictions on chocolate and candy are not needed, because chocolate and candy are different from other foods. SNAP participants and non-SNAP participants both understand that chocolate and candy are treats – not meal replacements. People in the U.S. enjoy chocolate and candy 2-3 times per week, averaging just 40 calories and about one teaspoon of added sugar per day. Only about 2% of SNAP purchases being candy – significantly less than other categories like soda,

prepared desserts, salty and savory snacks, and baked goods. And unlike those other purchases which SNAP participants buy in far greater quantities than non-SNAP households, candy purchasing patterns are basically equivalent between SNAP and non-SNAP families. 1101 30th Street NW, Suite 200; Washington, DC 20007

Consumers have a unique mindset when they enjoy chocolate and candy that is not present when interacting with other foods – whether or not they are using SNAP benefits for food purchases. Furthermore, 89% of Americans believe that physical health and emotional well-being are interconnected, meaning chocolate and candy can be an affordable way to enhance the special occasions and meaningful moments of all Americans regardless of income level.

- SNAP Eligible Product Restrictions Decrease Program Efficiencies

Under Section 17(b) of the Food and Nutrition Act of 2008 (the Act), the Food and Nutrition Service (FNS) is authorized to approve demonstration projects that “increase the efficiency of the supplemental nutrition assistance program.” Arkansas’ proposed limitations on SNAP eligible products would instead decrease program efficiency, creating confusing and arbitrary restrictions on beverages and candy that would increase programmatic expenses for the State and its authorized SNAP retailers.

With over 120,000 (1) SNAP households in Arkansas, SNAP participants currently benefit from product purchasing flexibility at eligible SNAP retailers in the State. The ability to choose items for everyday meals and special occasions permits participants to vary their consumption based on their individual needs and preferences. Whether food is purchased by a SNAP or a non-SNAP household, purchasing patterns are substantially equivalent, with only 2.1% of SNAP purchases and 2.23% of non-SNAP purchases attributed to candy (2)

Broad based product eligibility allows SNAP participants to easily shop for groceries without confusing limitations on eligible items that could result in products being declined at the register, creating unanticipated charges on the cash portion of the order that participants may be unable to fund out of pocket. To help SNAP participants navigate proposed product restrictions, the Arkansas Health and Human Services (AHHS) agency would need to undertake substantive education efforts to enable participants to understand new restrictions on previously eligible food items. Even then, candy is not easily defined, and an arbitrary definition of candy would create purchasing disparities across varying confectionery products. There is no single definition of candy, and in fact, definitions differ from state to state. Ultimately, varying definitions of candy lead to consumer and retailer confusion.

In addition to SNAP participant education efforts, AHHS would need to communicate non-eligible product information to authorized retailers who would then be tasked with scrutinizing individual product eligibility and flagging each eligible and non-eligible item at their point-of-sale, substantially increasing perennial compliance challenges for retailers due to ongoing product assortment changes. While the State has announced its intent to use the GS1 US food categorization system to help determine product eligibility, it is unclear how this categorization system would integrate with varying retailers’ point-of-sale systems in the State. In contemplating a similar change to SNAP product eligibility, the Texas Legislative Budget Board (3) noted the Texas Health and Human Services

Commission estimated a combined supplemental total cost of \$1,543,220 in fiscal year 2026 to communicate changes to participants and retailers.

- Confectionery Product Restrictions Will Not Benefit Participants' Overall Nutrition

The Secretary of the U.S. Department of Agriculture (USDA) may not authorize demonstration projects under the Act that are not “consistent with the goal of the supplemental nutrition assistance program of providing food assistance to raise levels of nutrition among low-income individuals,” and it is unclear how targeted confectionery product restrictions would enhance participants’ overall nutrition.

U.S. consumers enjoy chocolate and candy 2-3 times per week, averaging 40 calories and one teaspoon for added sugar per day (4). According to a September 2024 Georgetown University report, (5) chocolate and candy differ from other indulgent products because consumers recognize these products are occasional treats and, as a result, consume them in significantly lower amounts, with candy (includes chocolate and non-chocolate) contributing fewer calories and added sugars to the diet than other indulgent products.

Further, Americans carry a unique mindset when they enjoy chocolate and candy that is not present when interacting with other foods. Given the differences in consumption patterns, a “one-size-fits-all” approach that covers various food categories and food products will not work to improve participant nutrition.

Additionally, limiting eligible SNAP products may only change the tender type used to purchase foods at retail without changing participants’ food purchasing patterns. SNAP participants could shift restricted products to the cash portion of their transaction, as 30 percent (6) of SNAP families’ net income is expected to be used on food.

In lieu of targeted SNAP product restrictions, increasing participant access to programs like Arkansas’ SNAP Double Up Food Bucks would have a greater impact on participant nutrition. Participation in Double Up Food Bucks is associated with increased consumption of fruit and vegetables as well as increased food security among low-income adults (7)

- SNAP Pilot Project Outcomes Are Not Clearly Defined

While the Arkansas’ SNAP Waiver specifies the state will “conduct program evaluations based on retailer data to assess the waiver’s impact on positive eating and spending habits,” no specific programmatic objectives are identified in the waiver, and it is not known how retailer data will be leveraged to determine correlations between proposed product restrictions and improved SNAP participant nutrition outcomes. Without clear goals and defined metrics, it is unclear how Arkansas’ SNAP Waiver would fit into the Act’s specified permissible project categories that must either: “(I) improve program administration; (II) increase the self-sufficiency of supplemental nutrition assistance program recipients; (III) test innovative welfare reform strategies; or (IV) allow greater conformity with the rules of other programs...”

In light of the aforementioned concerns, we respectfully request Arkansas’ consideration of a modification of its SNAP waiver request to remove candy from suggested product eligibility restrictions.

The NCA supports SNAP participants' ability to make informed choices when it comes to deciding what to eat or drink without confusing product eligibility restrictions that could unwittingly increase the stigma of SNAP program participation.

We would welcome the opportunity to meet with you to further discuss state efforts to improve the nutrition and health of SNAP participants. Thank you for your consideration of our comments.

CITATIONS:

- 1 Supplemental Nutrition Assistance Program: Number of Households Participating. USDA Food and Nutrition Service January 2025). Available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-households-4.pdf>
- 2 Garasky S, et al. Foods Typically Purchased by Supplemental Nutrition Assistance Program Households. USDA Food and Nutrition Service (November 2016). Available at <https://fnsprod.azureedge.us/sites/default/files/ops/SNAPFoodsTypicallyPurchased.pdf>
- 3 Texas Legislative Budget Board. (2025). Fiscal note for SB 379, introduced version. <https://capitol.texas.gov/tlodocs/89R/fiscalnotes/pdf/SB00379I.pdf#navpanes=0>
- 4 National Confectioners Association. (2024). Consumer behavior & perceptions related to confectionery: Highlights from NCA's 2024 State of Treating Report. Available at: [ConsumerBehaviorAndRelatedPerceptions_StateOfTreating_2024.pdf](https://www.candyusa.com/consumerbehaviorandrelatedperceptions_stateoftreating_2024.pdf) (candyusa.com)
- 5 Georgetown University McDonough School of Business, "New Consumer Insights on Ultra-Processed Indulgent Foods; How Confectionary Products are Different," September 2024 available here.
- 6 Center on Budget and Policy Priorities. (2023, October 2). A quick guide to SNAP eligibility and benefits. <https://www.cbpp.org/research/food-assistance/a-quick-guide-to-snap-eligibility-and-benefits>
- 7 Durward, C. M., et al. (2018). Double Up Food Bucks participation is associated with increased fruit and vegetable consumption and food security among low-income adults. *Journal of Nutrition Education and Behavior*, 50(11), 1031–1035. [https://www.jneb.org/article/S1499-4046\(18\)30745-0/abstract](https://www.jneb.org/article/S1499-4046(18)30745-0/abstract)

Samantha Dilley

Comment: I strongly oppose this new waver/bill arkansas governor Sarah Huckabee Sanders has submitted regarding snacks and drinks on EBT. It's absolutely unfair to lower income families who need assistance to be denied the occasional treat the child gets on EBT. That's like saying you can't get candy because your in poverty and shouldn't be allowed to. Many parents depend on this help for the holidays and birthdays when they can't cover them. The argument here is that SNAP participants had higher odds of obesity and more heath problems related to the obesity such as diabetes. That may be true but I have some valid point and arguments to discuss. First have we also taken into consideration the percentage of the children/family's that's on medication that causes waight gain such as depression meds? How many EBT recipients are also on meds that can cause waight gain? Wouldn't that also be an issue due to meds not just EBT? Further more have we also taken into consideration how much cheaper it is to buy processed food then it is to buy a real dinner? Chicken to cook \$15.00 or more, fresh vegetables \$6.00 or more depending on what your buying, milk \$4.00 or more, 1 gallon of 100% juice off brand \$4.00 or more. Now add all that up or heck go price a good healthy dinner yourself and you will see it's way more expensive then them processed foods. Bag of chicken nuggets 4lbz \$12.00 bag of potatoes to make frys \$ 6.00 2 or so cans of green beens \$2.00 or more depending on the kind you get. Now that's alot cheaper then a home cooked meal. Also before you say o the can of green beens is the only healthy part

of that your wrong. The can of green beans is just as unhealthy as the sugar and processed foods. All canned foods have Bisphenol A also known as BPA. BPA is linked to many health concerns such as type 2 diabetes, blood pressure, and can even disrupt the production of estrogen. How is eating this helpful to our children? You want these families to eat better but the price of healthy eating is so high how is that possible. Foodstamps recipients must make a budget and use wisely. It's so much cheaper to buy that chicken nugget dinner then it is to buy the real healthy foods. My kids are all water drinkers but occasional they would love some juice. So do I go buy a 5 dollar gallon of 100% juice or do I go buy the two 36 cent packs of kool-aid packs and the 3 dollar sugar and make 2 gallons of juice? Heck I can make 4 gallons of kool-aid for the same price I get 1 gallon of juice. What one last longer you tell me. You want the health to change and obesity rates to lower. First you must make healthy food more affordable. Then you must stop placing these chemicals into our foods. Unhealthy does not start with sugar. It starts with the chemicals USDA allows in our foods. Once we fix that then let's move to prices. Make processed food more expensive then healthy food. I bet the percentage of junk foods go down. You thank families want to feed all this unhealthy processed crap? You thank we enjoyed watching our kids eat the crap USDA allows in our food? Everyone rather have a nice home cooked dinner. Yet instead we go with the cheaper option the one that saves a few bucks so the families can have a few extra bucks for the next dinner Idea. I can take 8 dollars and feed my kids hotdogs and cheap white hotdog buns vs 60 for a nice non processed dinner. When kids do finally get that candy and sugar shouldn't that be ok? Why should they not be allowed that small luxury on occasionally? Let's further prove these kids on EBT are in low poverty by not allowing them the same foods as the upper class. How fair is that to these children? How fair would it be for a mom to have to tell her child no you can't have the 2 dollar candy bar. Aren't the families who are working and still on EBT also contributing to foodstamps with taxes? How is it fair to tell them how to spend these benefits? My taxes just like everyone else's contribute to EBT help. I will never be opposed to helping feed a child in need. I will never be opposed to them getting the occasional candy. Why is it so wrong for them to get the snack or treat? I sure hope no one who is for this bill ever has to be on EBT. If they do I sure hope they don't have to tell their child no over one small piece of candy or drink. I pray this don't ever pass for the sake of the baby's who deserve just that one small piece of candy or snack. What happens if this passes and still the obesity and health issues don't change? Who will they blame then? Will sugar still be blamed or will we finally see that USDA is playing a big part with these chemicals placed in our food. Chemicals that was never supposed to be for human consumption. Processed foods have these chemicals just as much as the healthy alternatives you want us to eat. Only difference is the fresher unprocessed foods are more expensive. It's all the same weight gain isn't just sugar until the real problems are addressed the healthy and weight issues won't change.

James Depper, Senior Counsel

On behalf of Murphy USA Inc.

Comment: I'm writing on behalf of Murphy USA in regard to the request made by the Arkansas Department of Human Services to the United States Department of Agriculture ("USDA") to modify the definition of eligible and ineligible foods under the Supplemental Nutrition Assistance Program ("SNAP"). Murphy USA is a convenience and fuel retailer headquartered in El Dorado, Arkansas that operates sixty-nine individual locations within the State. As a convenience retailer that accepts SNAP benefits, Murphy USA opposes the State's effort to modify the product eligibility definition to deem specific products ineligible.

As announced in the State's request to the USDA, the State proposes, in relevant part, to "exclude from the definition of eligible foods the following non-staple food and beverage items: soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, unhealthy drinks, and candy." As a convenience retailer, we see numerous customers that use their SNAP benefits in our store, often picking up a quick drink and snack as they struggle through their lives and try to make ends meet. Given our small footprint, we, along with all other convenience retailers, are limited in our product offerings. Accordingly, if the State were to limit what SNAP recipients can purchase on their SNAP benefits further than they are already limited, it will lead to a situation where SNAP benefit recipients have less opportunity to purchase items at convenience outlets. This would exacerbate the already troubling situation in which many SNAP recipients in rural areas, which includes much of Arkansas, have few if any places to utilize their SNAP benefits close to home.

Moreover, by limiting product eligibility, the State would create a situation in which retail staff would need to educate consumers about which products are eligible and ineligible. Given that SNAP product eligibility has not changed in some time, this will likely lead to customers that are unaware of the change getting into conflicts with store staff. Likewise, under the first administration of President Trump, the USDA reviewed a similar waiver request and denied it, citing concerns including (1) increased cost of administering the program for both states and retailers, (2) imposing significant burdens on retailers, and (3) government intervention promoting one product over another. The situation has not changed in such a way as to alleviate these concerns, and they remain relevant.

At its core, SNAP is an anti-hunger program. By reducing the number of SNAP eligible products, the State would provide SNAP recipients with less choice, exacerbate current issues with basic access to food, and cause numerous negative impacts for retailers. Accordingly, Murphy USA opposes the State's requested waiver. Please don't hesitate to reach out if you would like to discuss this issue further or if I may provide further commentary.

Teresa Henson

On behalf of members of the UADA SNAP-Ed Team

Comment: First, we would like to thank you for recognizing the Supplemental Nutrition Assistance Program Education (SNAP-Ed) as part of your proposed pilot initiative to improve the health and well-being of individuals in the State of Arkansas.

The SNAP-Ed Team in the Family and Consumer Sciences (FCS) Department at the University of Arkansas System Division of Agriculture – Cooperative Extension Service (UADA-CES) has been proudly serving Arkansans for decades. As the implementing agency for SNAP-Ed in Arkansas, we have built a strong foundation in delivering nutrition education programs that empower youth and families to make healthy food choices and lead productive lives.

As referenced in the proposed waiver, there is a recommendation to direct SNAP-Ed education back to schools. We want to acknowledge that UADA has a longstanding history of delivering SNAP-Ed programming in schools throughout Arkansas since the program's inception on October 1, 1995. Our efforts have consistently produced successful outcomes. Currently, more than 73 FCS county extension agents collaborate with local schools and educators to deliver impactful nutrition education across multiple grade levels. In addition to schools, our agents extend this work to libraries, afterschool programs, and youth-serving organizations to reach kids during out-of-school time. We also provide nutrition education to adults and seniors in a variety of locations, which includes cooking classes and gardening education to empower adults to prepare delicious, healthy meals for their families, and to grow their own food, even in limited space. During federal fiscal year 2024 (FFY24), we delivered education programming and resources to 530 sites across the state, including 159 K-12 schools, 84 early childhood centers, 42 emergency food assistance sites, 41 senior centers, 20 public housing sites, and 7 adult education centers.

The proposed initiative also highlights educating youth about locally grown foods produced in Arkansas. We are excited to share that our SNAP-Ed Team already addresses this through a curriculum called *Arkansas Foods (ArFoods)*, which focuses on locally grown foods from across our state. UADA also serves as a stakeholder to the statewide Farm to School effort under Act 506 of 2019, and our SNAP-Ed serves as an education partner. We are committed to supporting Farm to School through *Arkansas Foods*, garden-based education, hands-on cooking classes, and other innovative education programs.

In 2015 in response to a request by the Arkansas Department of Education – Child Nutrition Department, our team created the *Arkansas Foods* program to promote agricultural awareness and healthy eating habits and is supported by comprehensive training provided to our county agents who implement it in their communities. Over the last ten years, we have continued to develop and expand resources available through this program. *Arkansas Foods* began as a

cafeteria-based intervention that sought to increase knowledge about and acceptance of healthy, Arkansas-grown foods through tastings, posters, and other educational activities. Since then, it has grown into an in-depth education program that encompasses classroom-based lessons, tasting activities, educational resources promoting foods to exhibit throughout school buildings, and garden-based resources to educate students on Arkansas agriculture as they grow their own food. After trying locally

grown food as part of the Arkansas Foods program during FFY24, 39% of children reported liking a food they did not like prior to participating in our programming. We believe our *Arkansas Foods* program will align well with your goals to promote Arkansas-grown products. We currently feature education on 27 *Arkansas Foods*, including three dairy products, eight fruit products, three grain products, five protein products, and eight vegetable products.

In addition to the ArFoods curriculum, UADA proudly operates the *Arkansas Farm to You* Educational Exhibit—a mobile, interactive 40' x 40' walk-through experience featuring nine stations. This exhibit engages K–6 students in learning how food from Arkansas farms nourishes their bodies and promotes good health. Through interactive lessons, students gain a hands-on understanding of the vital connection between agriculture, nutrition, and wellness. Students start at the farm, where they learn about Arkansas agriculture and how food is grown. They move to processing and production to learn how foods travel from the farm to their plate, with an emphasis on dairy and rice processing. After making a healthy plate in the Healthy Café station, they move into the body to learn about how Arkansas-grown foods contribute to health, traveling through the mouth, stomach, intestines, muscle, and bone. They exit through a cut in the skin where they learn about skin safety and good handwashing practices. The *Arkansas Farm to You* exhibit travels to all corners of our state, bringing interactive, agriculturally focused nutrition education to thousands of students each year.

In addition to our programming for youth, UADA's SNAP-Ed program also delivers education to adults in a variety of locations across the state. We equip adults with life skills such as hands-on cooking classes to prepare healthy meals for their families, meal planning and budgeting to help stretch their food dollar to the end of the month, and gardening so they can grow their own food to help support SNAP recipients in being more self-sufficient and making the most of their limited budgets. As a result of our programs, 75% of adults reported eating more fruits, 66% were eating more vegetables, 68% improved their cooking skills, 68% adopted one or more food resource management practice. UADA is also uniquely positioned to provide other education to low-income adults to improve their self-sufficiency and healthy behaviors, since our Family and Consumer Sciences department offers diverse education through our other content areas. FCS agents who are delivering SNAP-Ed programs can provide additional resources to their participants, such as parenting and family life classes, financial management lessons, and other health programming to support a healthy, thriving Arkansas.

Our SNAP-Ed program's success has been recognized at the federal level. In December 2024, the USDA Food and Nutrition Service (FNS) conducted a Management Evaluation of the UADA SNAP-Ed Program. The review included both documentation and program observation. FNS

commended our team for its commitment to understanding and serving its audience, its robust training model, and the accessibility of our programming. They praised our staff's strong nutrition knowledge, passion for positive change, and our program's operational integrity. FNS described our SNAP-Ed program as a model for other states, reflecting exceptional quality and effectiveness.

Secretary Putnam, we respectfully ask that in considering future plans, the value of the current UADA SNAP-Ed infrastructure and its comprehensive reach be taken into full account. While we are deeply

committed to serving youth at schools, we also provide essential nutrition education to students outside school settings, as well to seniors and adults in a variety of other locations.

Thank you for your time, consideration, and continued commitment to improving the health of Arkansas residents.

John D. Anderson, Senior Associate Vice President-Extension

and Deacue Fields, Vice President

on behalf of Cooperative Extension Service Division of Agriculture, University of Arkansas System

Comment: We listened with interest to your joint announcement with U.S. Agriculture Secretary Brooke Rollins on April 15 about a proposed waiver to encourage healthier food choices for those receiving SNAP benefits. We stand with you in support of these food choice changes and of the critical importance of nutrition education.

The full proposal seeks to have oversight of the program moved to the state Department of Education in partnership with the Department of Agriculture and away from the state Department of Human Service.

As the agency that has successfully delivered this educational program statewide since 1995 in partnership with Arkansas DHS, we would like to note some important points if the program changes and is delivered exclusively through Arkansas' public schools:

1. Excluding adults: Adults are the primary drivers for household food purchases. SNAP-Ed delivered solely through public schools would miss adult audiences that are currently reached through food banks, senior centers, farmers markets and other locations.
2. Home-school groups: Public school-only delivery would also miss home-schooled children and their families. With summer vacation, SNAP-Ed would also be absent from 4-H camps, preschools, early childcare centers as well as libraries, community organizations and after-school programs.
3. Addressing food insecurity: Arkansas has the highest rate of food insecurity in the United States at 18.9 percent, well above the national average of 12.8 percent. According to the USDA's Economic Research Service, engaging all eligible SNAP-Ed recipients in Arkansas across their lifespan is crucial for improving Arkansas status.

4. Burden on educators: Teachers already have a lot on their plate. SNAP-Ed requires thorough and ongoing training to deliver, track and ensure consistency and quality. We believe adding another curriculum to an already heavy load would not be a benefit to either teacher or SNAP recipients.

We would ask that the state consider continuing its partnership with the Cooperative Extension Service in delivering this critical education across Arkansas. We have a highly trained team of 10 that is experienced in creating and delivering nutrition education programming through Family and Consumer Sciences and SNAP-Ed agents across the state.

Our reach, our success

In fiscal year 2024, the Cooperative Extension Service's SNAP-Ed program worked in partnership with agencies and organizations at 530 locations throughout Arkansas. Our reach for FY24 included 230,847 educational contacts, which included 36,436 individuals who attended in-person educational events receiving delivery of 3,425 lessons.

There is additional reach when social media is factored. The Arkansas SNAP-Ed at UAEX has a Facebook reach of 30,000 followers. Our Arkansas Food blog, ArFoods Blog has approximately 4,500 views.

Our SNAP-Ed program provides the hands-on Farm to You exhibit to eligible schools free of charge. Each year, the exhibit engages around 4,700 students, more than 100 teachers, and some 300 volunteers annually.

We have consistently delivered this program under budget. In its February 2025 audit of our SNAP-Ed efforts, the U.S. Department of Agriculture pointed to our work as an exemplar of how the program should be delivered.

And our work has had positive results:

Adults reported specific knowledge and behavior changes:

- 75% are eating more fruit
- 68% have adopted one or more food resource management practices
- 68% have improved food preparation skills
- 66% are eating more vegetables
- 63% have increased their physical activity

"I learned the benefits of healthy eating and have more energy now."

– adult participant, Grant County.

Youth participants were surveyed and reported the following:

- 93% improved food preparation skills
- 38% are eating more fruit

- 37% increased knowledge about Arkansas foods
- 35% are eating more vegetables
- 26% increased physical activity

"I never ate any fruits or vegetables until this class changed my mind."

– high school student, Independence County.

Parents of these children were also surveyed and reported the following:

- 76% of their children are more willing to try new foods
- 75% of their children talked about healthy foods
- 73% of their children talked about physical activity
- 62% of families increased physical activity
- 59% of families made positive dietary changes

"My child used to be very picky and wouldn't even try new foods, and now he will always try something at least once."

– parent, Logan County.

Teachers evaluated the effectiveness of the program and reported the following:

- 98% find the program valuable
- 82% observed their students' willingness to try different foods
- 73% are eating healthier and/or are more active themselves
- 58% observed their students eating more fruits and vegetables
- 35% of their students and parents reported eating healthier at home

"Several students have shared times when they traded an unhealthy snack for a healthier one at home. I also had a student share that her family went to the store and bought some vegetables to plant at home to grow in their garden!"

– teacher, White County.

Our highly skilled outreach is focused on healthy food, nutrition, and agriculture, as well as program evaluation, reporting requirements, and fiscal administration of SNAP-Ed. Given our statewide presence in all 75 counties, including schools, food banks, senior citizen centers, community centers, and preschools, we are well-positioned to be a trusted partner with the State of Arkansas in this endeavor.

We are proud of the work we do in service to Arkansas and would like to continue to do so. We would welcome the opportunity to work with your administration to find more effective ways to help deliver not only this important program, but also others in Arkansas.

Heather K. Wingo, MS

Former County Extension Agent & SNAP-Ed Program Assistant Certified in Public Health

Health Literacy Specialist Doctor of Public Health (DrPH) Student

Comment: I am writing to you as a proud Arkansan, a public health professional, and someone privileged to serve our communities previously as a County Extension Agent and a SNAP-Ed Program Assistant. It was in these roles, through the University of Arkansas System Division of Agriculture's Cooperative Extension Service (UADA), that I witnessed the real and lasting impact that SNAP-Ed has on our schools, families, and communities.

I've taught nutrition classes in school cafeterias and classrooms, food pantries, and community centers. I've sat with parents desperate to feed their families on a tight budget and helped them learn how to plan healthy meals. I've worked with children who were excited to taste vegetables for the first time, and seniors who shared small changes they made because of SNAP-Ed and had improved their health. These stories, and countless others like them, reflect the success of a SNAP-Ed model grounded in relationships, research, and local trust.

In addition to my professional experience, I bring academic training in Family and Consumer Sciences (B.S.E.) from Henderson State University, Human and Environmental Sciences (M.S.) from the University of Arkansas - Fayetteville, and I am currently enrolled in a Doctor of Public Health (DrPH) program at UAMS. I am certified in public health and am a Health Literacy Specialist – qualifications that have shaped my understanding of how policy, education, and community engagement intersect to promote health and wellness. These experiences inform my concern about your administration's reform plan's proposed changes to SNAP-Ed funding.

I deeply support promoting Arkansas agriculture and improving access to healthy food; I respectfully urge you to retain UADA's leadership in SNAP-Ed delivery. Shifting this program

and funding away from UADA may unintentionally weaken a system that is working effectively, which is science-based, community-centered, and compliant with federal reporting requirements. Nutrition education is more than curriculum; it is about consistent engagement, trust, and trained professionals who understand how to reach diverse audiences effectively.

Arkansas-grown foods like poultry, eggs, sweet potatoes, rice, and strawberries are already celebrated in SNAP-Ed lessons. However, this promotion is most impactful when paired with the evidence-based teaching and community presence that only UADA Extension can offer.

Secretary Putnam, I write this with deep respect for your leadership and vision for a healthier Arkansas. I share your commitment to health, agriculture, and education. Pursuing this vision, I ask that we preserve and build upon the proven success of Extension-delivered SNAP-Ed programming. The Extension professionals delivering SNAP-Ed programs are trusted voices in their counties, and their work reflects the values of service, stewardship, and community that I know you hold dear.

Thank you for your time and dedication to our great state's people.

David Ganoung

Senior Vice President, Chief Marketing Officer

Harps Food Stores, Inc.

Comment: Harps Food Stores has a few concerns with the new proposed SNAP changes:

- Who and how will the designated items be communicated to the store for hosting in the frontend system?
- What organization will be responsible for maintaining the list?
- Who will supply the communication materials that will inform the customers as well as the cashier?
- How is the retailer expected to maintain item flags that vary by state in the border towns?
- Managing the items through a GS1 platform sounds like a good starting point but the integration of importing this data to the different retailers operating systems will create issues.
- Any concerns that healthier eating typically is more expensive and the customers food dollars will not go as far towards feeding their family?

Thanks for listening to our concerns.

Michael Lindsey, Director of Public Affairs and Government Relations

On behalf of Wal-Mart, Inc.

Comment: On behalf of Walmart Inc. (Walmart), we appreciate the opportunity to offer feedback on Arkansas' request to operate a project modifying eligible foods under SNAP. Walmart has long been committed to providing and improving access to nutritious, affordable food. Please find below our questions and comments regarding Arkansas' SNAP waiver. Additional guidance and clarity for SNAP-authorized vendors will be critical to ensuring the project can be implemented in a timely manner.

SNAP is a national program. As more states pursue approval from the U.S. Department of Agriculture to modify the foods and beverages eligible under the SNAP program, it is critically important that states provide SNAP-authorized vendors and SNAP participants with clear and consistent information and guidance.

Definitions

To implement any modifications to eligible foods or beverages, SNAP-authorized vendors will need additional clarity around definitions for the following terms:

- Soda and low and no-calorie soda
- Fruit and vegetable drinks with less than 50% natural juice
- Unhealthy drinks
- Flavored water
- Carbonated flavored water
- Sports drinks
- Candy

This will be crucial for retailers like Walmart to effectively implement and ensure compliance with the waiver.

Implementation of Eligibility Changes

To ensure consistent implementation and reduce confusion for customers near state borders, we recommend that Arkansas rely on the EBT Bank Identification Number (BIN) to implement eligibility changes. If SNAP-authorized vendors apply eligibility changes for certain food and beverages via the SNAP participants' EBT BIN, AR SNAP participants would not be able to purchase soda, unhealthy drinks, or candy with SNAP benefits at any SNAP-authorized vendor, both in physical locations outside Arkansas and online, without impacting non-Arkansas SNAP participants.

SNAP participants that live in other states that have not acquired a waiver to modify eligibility of certain foods or beverages will be able to purchase any SNAP-eligible item, in line with the federal definition of eligible foods, at any SNAP-authorized vendor location, including those in Arkansas, or online. SNAP participants that live in other states that have acquired a waiver to modify eligibility of certain foods or beverages will adhere to their respective state-level SNAP restrictions regardless of location.

Moreover, it is very likely that each state's waiver to modify eligibility of certain foods or beverages will vary; thus, applying the restriction at the BIN level would be the most effective approach.

Now, we understand that other states may be considering requiring SNAP-authorized vendors to apply eligibility changes for certain food and beverages via their location of purchase. We do not recommend the state of Arkansas (or any other state) utilize this approach. If eligibility changes were applied at location of purchase within Arkansas state lines, this would mean:

Arkansas SNAP participants could travel out of state and purchase soda, unhealthy drinks, or candy with their SNAP EBT card, and the State of AR would fund these items using AR SNAP dollars. Out-of-state SNAP participants would no longer be able to purchase soda, unhealthy drinks, or candy at SNAP-authorized vendors located in Arkansas, even though their state may not have a USDA waiver or has a waiver with differing eligibility requirements. Further, it is unclear how applying the changes through vendors' location of purchase can be extended to online transactions. Identifying and implementing a feasible solution would require vendors to expend significantly more time and resources.

Enforcement Discretion

Implementing eligibility changes for certain food and beverage products will require SNAP-authorized vendors to update their technology and processing systems, requiring the investment of significant time and resources. There may be instances where SNAP-authorized vendors experience minor system malfunctions, whether in-store or online, particularly in the early stages following project implementation. To ensure vendors are not unduly penalized in such circumstances, we suggest that the state of Arkansas incorporate a 6 to 12-month enforcement grace period after the date of implementation. During this time, we ask that state and federal resources focus on educational and technical assistance, in lieu of any punitive enforcement.

Outreach and Education

- How does the state plan to communicate with SNAP participants in the lead up to waiver implementation? What communication channels will it utilize?
- What resources and training will the state develop and make available to SNAP-authorized vendors to provide their cashiers and front-line workers?
- Will there be any regulations or processes that describe how SNAP-authorized vendors may communicate with SNAP participants about the changes?

Other Questions

- What are the state's expectations of SNAP-authorized vendors for SNAP EBT badging online and in-store self-checkouts? Can SNAP-authorized vendors use federal badging with a disclaimer that eligibility may vary by state?
- How does the state anticipate it will address any unforeseen challenges or issues that before and/or after implementation? For example, will there be a change management process?
- Leading up to the project's implementation date, will SNAP-authorized vendors have an opportunity to pose questions and seek feedback and guidance from the state?

Steve Goode, Executive Director

For members of the Ar Retailers Association

Comment: Below are comments from members of the Ar Retailers Association. We are an association that proudly serves Retailers throughout the state, from the Largest Retailer in the world to local single store independent operators.

- Border city c-stores will lose customers that are SNAP eligible therefore the state and local governments will lose sales tax revenue. Customers that want a greater variety of items will cross the borders to go to states that do not have the waiver.
- This places an undue burden on cashiers, to have to explain to customers why their snap benefits do not work on certain products in AR. SNAP benefits are a federal program and as customers travel through our state and stop at our stores to use their benefits it is likely that the state that they received their benefits from will not have the restrictions that Arkansas has. Many of our stores that are in multiple states see cards from all over the nation in our stores here in Arkansas.
- Who, how and to what cost will education go out to Arkansas SNAP users about the change in this program. Retailers will be losing revenue and can not afford the training costs to implement this change. Training and education for retailers as well as SNAP recipients will be important for the success of the program and to ensure retailers are not offering a sub-standard customer service.
- Retailers want to work with the state on this to make it successful, but the overwhelming majority of our retailers have not used the GS1 tool. What will the approval process look like for a new market product? Who will be responsible for making sure that GS1 is up to date daily as new items arrive at our stores.

- There are areas in the state that if benefits decrease due to SNAP revenue going out of state, this is likely to cause store closures and increase the food deserts and food insecurity in the state because grocery stores would not have enough revenue to stay open.
- While we are seeking the waiver, we need to explore the idea of extending benefits throughout the month. Fresh produce does not stay fresh for a month and so to encourage the SNAP recipients to purchase fresh produce it would be beneficial to not load the cards at one time, but to spread the benefits out over the month, maybe 2-3 disbursements.
- There are other states that have requested Double Up Food Bucks as a part of their waiver. This again would encourage healthier purchases.
- We would ask for some type of grace period to make sure that proper implementation is allowed for. Our members want this to succeed, but we don't want to get fined or punished if the rollout is not as smooth as hoped for. There should be a warning period before there is a disciplinary action taken.

Mandy Miller

For Arkansas Oil Marketers

Comment: From Arkansas Oil Marketers:

- Border city c-stores will lose customers that are SNAP eligible therefore the state and local governments will lose sales tax revenue. Customers that want a greater variety of items will cross the borders to go to states that do not have the waiver.
- This places an undue burden on cashiers, some of which are not old enough to buy tobacco or alcohol, to have to explain to customers why their snap benefits do not work on certain products in AR. SNAP benefits are a federal program and as customers travel through our state and stop at our stores to use their benefits it is likely that the state that they received their benefits from will not have the restrictions that Arkansas has.
- Which brings us to this point. Who, how and to what cost will education go out to Arkansas SNAP users about the change in this program. C-stores will be losing revenue and can not afford the training costs to implement this change.
- If not clearly defined, c-stores will have to use their judgement on what is an eligible item, GS1 platform seems like it might be a good starting place, however it is not something that c-stores have ever used.

- What will the approval process look like for a new market product? How does the state expect c-stores to keep up with changing markets? Again, if GS1 has any delay time, this will mean that products that are eligible may not be on the approved list.

- In impoverished areas, c-stores are already burdened to keep their doors open. With the loss in revenue at the store level, if snap beneficiaries go out of state, this is likely to cause store closures and increase the food deserts and food insecurity in the state because c-stores may have to close their doors.

Pamela Pruett, Ed.D.

Retired Family and Consumer Sciences Agent and Public School Teacher

Comment: I am writing in connection with the proposal to provide Supplemental Assistance Nutrition Program Education through the Arkansas Department of Education instead of through the University of Arkansas System Division of Agriculture Cooperative Extension Service. As a former Home Economics/Family and Consumer Sciences public school educator in Mississippi County, Arkansas, and former Family and Consumer Sciences Agent in Mississippi County, I have been teaching nutrition education from August 1986 through September 2024 in a Delta county which ranks in 70 plus percentiles in poor health indicators, poverty, and food insecurity. Thirty percent plus of the population receive SNAP benefits. Five of the six public school districts and the Charter School have a 50% or higher student population that qualify for free or reduced lunch. Thus, I have experience with the nutrition education needs in this county.

I believe the benefits of providing nutrition education with SNAP funds through the Cooperative Extension Service outweigh transferring that responsibility and primary funding to public school education for the following reasons:

- Extension educators provide research based nutrition education with evaluation and assessment tools not utilized in public school education, which primarily measures knowledge only and not behavior change indicators.
- Extension educators reach a diverse population of all ages in settings where groups meet and especially adults are more likely to receive both direct and indirect education. School only programs do not reach adults with any direct education and sporadic indirect education resources.
- Extension educators provide a wide variety of educational programs including cooking skills, how to read food labels, planning and preparing nutritious meals and snacks, recommendations for including physical activity, up to date nutrition recommendations for all ages, and more.

- Extension educators only use recipes for tasting samples that meet stringent healthy guidelines and use ingredients that are available to the participants using equipment that would fit in a participant's budget. Reinforcements such as measuring spoons or measuring cups may be demonstrated and provided to multi-session participants to encourage food preparation at home. The only cooking classes and nutrition classes in public schools may be Family and Consumer Sciences classes which are not found in every school and have limited enrollment and which may or may not follow the guidelines used in Extension programs. Health classes usually only have a small section on nutrition.
- County extension educators work with state SNAP-Ed staff to receive training and guidelines to follow using the SNAP-Ed funds wisely. There are accounting guidelines to prevent waste and ensure the funds pay only for materials and resources used to educate the target audiences. As a former public school educator, I am not sure how efficiently the funds could be allocated and managed to reach the specific audiences across all population ages with the highly positive outcomes documented in the extension programs.
- Extension educators do an excellent job of collaborating with public schools whose populations meet the SNAP Education guidelines. Other Extension partners include the Department of Human Services where monthly nutrition displays and newsletters are provided in the majority of Arkansas's 75 counties, Head Starts, Food Pantries, Senior Centers, and other agencies that provide services to Arkansans who meet qualifications for SNAP income services. Many of these audiences would not be reached through the Department of Education.
- Since FCS Agents routinely collect evaluation data on SNAP-Ed programs, I recall high percentages of end of multi-session program surveys of adults, and youth ate more fruits and vegetables, increased basic nutrition knowledge, incorporated physical activity regularly, and improved in other healthy indicators. We also collected qualitative data that participants shared in person or included on their evaluations. One 2nd grader saw me in the school hallway and said, "I am eating healthy foods!" Several senior adults said they now read food labels, which they had not done in the past and it has been helpful when making food purchases. Parents returned surveys stating their children were talking about eating more vegetables and other healthy eating habits.

In summary, I recommend retaining the SNAP-Ed program in the University of Arkansas Division of Agriculture's Cooperative Extension Service for all the aforementioned reasons. Funds are used wisely and tracked, diverse populations in age and gender are reached across the state, evaluation data is provided, only research based curricula and resources are utilized, and agents who are the educators are trained annually with oversight from state office professionals.

Thank you for your consideration.

Alexandra Keane, Vice President, State Government Affairs for

Kevin W. Keane, President and CEO

and Dennis C. Farmer, President

Arkansas Beverage Association

Comment: We appreciate Governor Sarah Huckabee Sanders leadership and desire to strengthen the vibrancy of Arkansas and its citizens. Arkansas' beverage companies share that goal and demonstrate it every day through the breadth of products we make, growth in good-paying jobs we provide and the economic impact we deliver for Arkansas communities and residents.

Importantly, we are actively pursuing this shared goal by doing our part to create healthy and strong communities. This is demonstrated by our successful work in Arkansas to reduce beverage calories in the marketplace through innovation, choice and improved access to zero-calorie beverages. We are delivering results: nearly sixty percent of the beverages now sold contain zero sugar.

We appreciate the opportunity to provide comment as you prepare to submit a request to conduct pilot projects to the U.S. Department of Agriculture (USDA) on how Arkansas delivers the Supplemental Nutrition Assistance Program (SNAP). While we certainly agree on a desire for a strong, healthy Arkansas, we have fact-based doubts that the acutely narrow approach of these waivers will achieve the desired outcome.

Background

Arkansas is a beverage state. Our members operate 42 plants, directly employ 1,385 Arkansans and support 35,348 jobs. We deliver \$392 million in economic impact, generate \$33 million in taxes and contribute \$10.5 million to charities across the state. Our companies are expanding in Arkansas and creating more good-paying jobs.

We are proud to be part of Arkansas communities and the work we do every day to deliver for our neighbors. That includes our leadership to build healthier communities and deliver the choices Arkansans want and the information they need to decide what's best for their families. Our industry's unrelenting focus on product innovation helps Americans find balance across the entire beverage portfolio -there is something for everyone.

Policy Considerations

Health

Obesity and chronic disease are serious problems facing our country that impact not only our health but the economy, national security and more. Tackling obesity requires comprehensive solutions, not a simplistic focus on one category of the diet or specific portion of the population. The data demonstrates that narrowly restricting the already low consumption of calories from beverages within one program

would not have any measurable and meaningful impact on an issue as complex as obesity or a program as vast as Medicaid.

Soft drinks are not driving obesity in America. While adult obesity has increased 37.4% and Medicaid costs are up 300% since 2000, beverage calories per serving are down 42% and full-calorie sales are down 22.9%. Further, according to the USDA, only 5.96% of the calories come from beverages, the vast majority of calories come from food.

The decline in beverage calories over the last 25 years is intentional. Our members listened to Americans, policymakers and the public health community. We transformed the beverage aisle, delivered clear information and helped Americans find balance. We introduced front-of-pack calorie labels, "mini" cans and popular and great tasting zero calorie alternatives to flagship products. As a result, nearly 60% of beverages Americans buy today have zero sugar, up from 49.5% just a decade ago.

When Americans are provided choice, they are empowered to decide what's best for them. Taking away zero sugar or calorie options for SNAP families and veterans is counterproductive to improving health. If Arkansas moves forward with this waiver, at the very least, it should be amended to allow ALL beverages with zero sugar or calories to remain SNAP eligible. Allowing all zero sugar/calorie beverages to remain SNAP eligible reinforces the successful work our industry is doing to provide more choices and empower Arkansans to make the choice that's right for their family. This includes work our companies are doing in Arkansas with low-income communities detailed below.

SNAP restrictions will not improve health. According² to an analysis published in the journal of the American Public Health Association, "Evidence does not support the assertion that setting nutrition standards for eligible SNAP purchases will improve diet quality or health."

Further, the families and veterans on SNAP make the same decisions we all do when it comes to buying groceries and they deserve the freedom to choose what they buy. In fact, USDA research shows SNAP households have the same spending habits as non-SNAP households. When it comes to beverages, SNAP households spent 5 cents per dollar on beverages compared to 4 cents per dollar for non-SNAP households. That's a penny difference.

Instead of restrictions, significant research shows the impact of incentivizing preferred foods and beverages. The USDA Healthy Incentives Pilot program, which encourages the purchase of healthy foods by providing a coupon, discount, gift card, bonus food item or extra funds, increased the purchase of fruits and vegetables by 11.9%. Arkansas can improve SNAP nutrition, without imposing restrictions, by incentivizing the purchase of preferred foods and beverages as many other states already do-in addition to the request to allow SNAP eligibility for rotisserie chicken.

Cost and Savings

As proposed, the waiver will not save taxpayer dollars. Restrictions do not reduce who is eligible for SNAP nor the total amount of money spent on SNAP, only what participants can use that money to buy. Further, the suggestion that SNAP restrictions will reduce Medicaid costs is disingenuous at best. There are countless factors that contribute to health costs and Medicaid and restricting one form of payment

for certain groceries will not make a meaningful difference. Therefore, the limited focus on products in only two categories doesn't achieve your intended outcomes in health or cost savings.

Also implementing SNAP restrictions will grow the size of government - in both the employees needed and the operational costs to implement. USDA estimates put the cost of similar point-of-purchase data collection to assess what SNAP customers buy at \$400 million in the first year with \$600 million a year after that to cover the technical, employee and bureaucratic costs. This would contradict the mission and efforts of the Department of Government Efficiency (DOGE).

There are opportunities to save taxpayer dollars. Arkansas sees an estimated \$44.7 million in SNAP fraud annually. The state could focus on addressing fraud and submit a waiver request to use the savings to offset costs of Medicaid. These fraud measures could include:

- Eliminating overpayments, so each household only receives exactly what they are eligible for.
- Tightening categorical eligibility to avoid double benefits.
- Cleaning up SNAP rolls to ensure only eligible participants receive benefits.

Measurement and Evaluation

USDA Secretary Rollins rightly calls states the "Laboratories of Innovation" and waivers, or pilot projects, offer the opportunity to test new approaches, learn and iterate. Thoughtful measurement and evaluation are crucial to learning from and understanding the policy implications of pilot programs.

If the state decides to proceed with this waiver request, Arkansas should further describe its project goals and implementation plans including:

1. Detail clear evaluation methodology for the pilot project including plans for measuring the efficacy of SNAP restrictions on health outcomes and Medicaid costs, controlling all other factors. See detailed recommendations below.
2. Detail how restrictions would affect costs of the program to the state, federal government, retailers or SNAP recipients.
3. Define positive eating and spending habits and how this initiative would improve health, reduce SNAP costs or improve delivery of benefits.
4. Define "unhealthy drinks" or the other categories of prohibited or eligible beverages.
5. Provide solutions for unintended outcomes including but not limited to:
 - o Impacts on interoperability of the SNAP program among states.
 - o Assistance for small businesses who accept SNAP, lack sophisticated point of purchase systems, and may be the primary or only food store available to some SNAP recipients.

To assess improvements to health, any SNAP pilot project should track purchases and health outcomes of SNAP participants who are or are not in the pilot. Best practice would also include SNAP eligible non-participants as a further control. These individuals should have similar characteristics to those

participating and those not participating in the pilot (or those not participating in SNAP)- preferably in different zip codes.

A randomized parallel groups design should be used to assess whether the pilot project has an impact on all purchases for trial duration and several key health markers over an extended period, with a minimum 12 weeks to allow for any noticeable shifts to manifest. Recommendations for data measures include:

- Glycated hemoglobin as a primary outcome and secondary outcomes such as body weight, fasting blood insulin, fasting blood glucose and body composition scans (DXA).
- Measures of physical activity and biochemical markers.
- A 7-day food diary may best capture what is being consumed at different timepoints throughout the trial, including during the 3-month baseline and during the 4-month intervention.

The number of participants would need to be powered based on the anticipated effect size. Further, experiences from SNAP pilot participants' and cashiers' perceptions of and experiences with a pilot program are also important to track. This can be done through a qualitative, cross-sectional study of several focus groups conducted by trained research staff with either SNAP shoppers or cashiers. A cost-effectiveness analysis could supplement this trial.

Relevant references that may help inform the best study design include:

- Birmingham KM, Linenberg I, Polidori L, Asnicar F, Arre A, Wolf J, Badri F, Bernard H, Capdevila J, Bulsiewicz WJ, Gardner CD, Ordovas JM, Davies R, Hadjigeorgiou G, Hall WL, Delahanty LM, Valdes AM, Segata N, Spector TD, Berry SE. Effects of a personalized nutrition program on cardiometabolic health: a randomized controlled trial. *Nat Med*. 2024 Jul;30(7): 1888-1897. doi: 10.1038/s41591-024-02951-6. Epub 2024 May 8. PMID: 38714898; PMCID: PMC1271409.
- USDA Healthy Incentives Project (HIP) -This link describes the statistical weighting approach utilized in HIP.
- o Lauren EW Olsho, Jacob A Klerman, Parke E Wilde, Susan Bartlett, et al. 2016. Financial incentives increase fruit and vegetable intake among Supplemental Nutrition Assistance Program participants: a randomized controlled trial of the USDA Healthy Incentives Pilot. *The American Journal of Clinical Nutrition*, 104 (2): 423-435, <https://doi.org/10.3945/ajcn.115.129320>
- o Ruopeng An. 2015. Nationwide expansion of a financial incentive program on fruit and vegetable purchases among Supplemental Nutrition Assistance Program participants: A cost-effectiveness analysis, *Social Science & Medicine*, 147: 80-88, <https://doi.org/10.1016/j.socscimed.2015.09.032>
- The Healthy Double Study:

- o Polacsek, M., et al. A Supermarket Double-Dollar Incentive Program Increases Purchases of Fresh Fruits and Vegetables Among Low-Income Families With Children: The Healthy Double Study. *Journal of Nutrition Education and Behavior*, 50(3): 217 - 228. [e | \(| 0.1016/j.jneb.2017.09.013\)](https://doi.org/10.1016/j.jneb.2017.09.013)
- The California Fruit and Vegetable Electronic Benefit Transfer Pilot Project:
- o Chelius, C.; Storchlic, R.; Hewawitharana, S.C.; Gosliner, W. Opportunities and Challenges of California's Fruit and Vegetable Electronic Benefit Transfer Pilot Project at Farmers' Markets: A Qualitative Study with Supplemental Nutrition Assistance Program Shoppers and Farmers' Market Staff. *Nutrients* 2024, 16, 3388. <https://doi.org/10.3390/nu16193388>
- USDA itself has the experience with NHANES data collection and SNAP participation - see results from their 2011-2016 evaluation (published in 2021). which provides important context and understanding about characteristic similarities/differences between SNAP eligible participants and non-participants.

Finally, Arkansas should revise its proposed pilot project request to include this information and to allow public comment on these goals, implementation plans and evaluation methodology.

Actions in Arkansas

In 2015, America's leading beverage companies joined with public health partners on the Balance Calories Initiative (BCI) - an ambitious, national effort to reduce beverage calories per person. Through BCI, we invested in test and learn markets, including Little Rock, where obesity rates outpaced the national average to develop best practices for helping people reduce their calories.

We made lower-calorie and smaller-portion beverages more available in stores, provided incentives to try these options, and displayed new calorie awareness messages at points of sale. Most importantly, we engaged community-based organizations to help drive change.

- The Derek Lewis Foundation supports Little Rock residents of all ages by offering health and obesity prevention education through community events, radio programming and annual initiatives promoting physical activity. Through BCI, the Foundation provides educational resources and information on beverage choices in local grocery stores.
- Keith Jackson's Positive Atmosphere Reaches Kids (PARK) is a nonprofit organization that provides education, recreation and community service opportunities for youth. Through BCI, PARK engages young people in meaningful conversations about health and balance, especially around making informed choices when they are not in school. PARK continues the conversation when school is out through summer programming that supports balance in the kitchen, at the corner store and while shopping for their households.
- UDDC (University District Development Corporation) prioritizes creating healthier communities across the University District in Little Rock. Serving areas with limited access to healthy and nutritious foods, UDDC is leveraging resources from the Balance Calories Initiative in

underserved communities through neighborhood meetings, gardening classes and health and wellness fairs.

These efforts have proven effective: since the program's launch, calories per eight-ounce serving have decreased by 16% in Little Rock compared to 10.3% nationally.

Conclusion

America's beverage companies believe that providing Americans with more choices along with clear, transparent information is the best way to support balance and improve health. And we will always stand up for our consumers and their right to make the best decisions for their families. That includes families on SNAP, most of whom are working but simply can't make ends meet.

We are happy to continue the dialogue on this important issue. We can make America healthy again by working together on impactful solutions that provide Arkansans with choice, information and access.

Thank you for your consideration.

Jessica Lemos

For Joseph L. Harrington, III, Senior Vice President, General Counsel

And Katy Galle, Senior Vice President, R&D and Sustainability

Ocean Spray Cranberries, Inc.

Comment: Ocean Spray Cranberries, Inc. ("Ocean Spray") appreciates the opportunity to provide comments on your request for the Secretary of the U.S. Department of Agriculture to approve a pilot project limiting which foods can be purchased using Supplemental Nutrition Assistance Program (SNAP) benefits in the state of Arkansas.

We appreciate your focus on improving health outcomes of Arkansans and understand your goal of excluding certain foods from SNAP eligibility, including "soda, fruit drinks with less than 50% natural juice, unhealthy drinks, and candy." We respectfully urge the state of Arkansas to consider the unique health benefits of certain cranberry products and to protect their eligibility under SNAP. Doing so would be consistent with other federal nutrition policies, including the recently finalized FDA "healthy" rule, which acknowledges the unique nature of cranberries and their health benefits. Consistency across federal and state standards will also help prevent consumer confusion. Further, it is critical that the definition of SNAP eligibility not inadvertently discourage consumption of nutrient-dense, shelf-stable fruit products, such as dried cranberries and cranberry juice cocktail.

Ocean Spray is a farmer-owned agricultural cooperative founded in 1930. Today, Ocean Spray consists of about 700 family farmers, most of whom are located in Massachusetts, New Jersey, Wisconsin, Oregon and Washington. Most Ocean Spray farms are small, with an average size of 18 acres per farm. We have processing and production facilities located in the aforementioned states, as well as in Nevada, Pennsylvania, and Texas, employing more than 1,700 workers. Our farmers have helped preserve the farmer family way of life for generations. Ocean Spray is committed to sharing the cranberry – one of only three fruits native to North America – with consumers across the country.

At a time when more than 80 percent of Americans do not consume the recommended five daily servings of fruits and vegetables,(1) it is crucial that nutrition policies not inadvertently discourage consumption of beneficial fruit products. Increased fruit consumption is a critical component of improving Americans' dietary patterns. Both government-supported and professional health and dietary organizations emphasize the importance of fruit consumption. Certain nutrient-dense cranberry products provide a nutritious and shelf-stable option for consumers to boost their fruit intake. Cranberries serve an important role in helping Americans meet daily fruit needs, as a ¼ cup of this dried fruit provides a serving of fruit.

Cranberries are naturally low in intrinsic sugar (they contain about as much sugar as lemons), making them too tart for most consumers without some level of sweetening for palatability. The nutritional and functional health benefits of tart fruits like cranberries should not be overlooked due to sugar added for palatability in comparable amounts to the sugar levels in naturally sweet fruits and fruit products. For example, dried cranberries have the same amount of total sugar as raisins (see Table 1 below). Consumption of dried cranberries should be encouraged – not discouraged by eliminating their eligibility under SNAP.

TABLE 1: Nutrient Profiles of Dried Fruits per 40g serving

<u>Dried Fruit Product</u>	<u>Calories (kcal)</u>	<u>Total Sugar (g)</u>	<u>Added Sugar (g)</u>	<u>Fiber (g)</u>	<u>Qualify to bear "healthy" claim</u>
Sweetened Dried Cranberries (Craisins® Original)	130	29	26	3	<u>YES</u>
Reduced Sugar Sweetened Dried Cranberries (Craisins® 50% Reduced Sugar)	100	12	8	10	<u>YES</u>
Raisins, unsweetened ²	120	29	0	2	<u>YES</u>
Dried Apple, unsweetened ³	130	28	0	3	<u>YES</u>

In the case of juice drinks, robust research has shown that the health-promoting compounds found in beverages containing at least 27% cranberry juice deliver a wide range of healthful benefits, including supporting gut health(4) by preventing the adhesion of the *H. pylori* bacteria to the stomach lining,(5) reducing certain risk factors associated with cardiovascular diseases,(6) and reducing the risk of certain recurrent and chronic infections.(7) As illustrated by these referenced studies, the very products that

contain 27% cranberry juice have been used in research that demonstrate health benefits. Despite these benefits, under Arkansas’s proposal, beverages containing less than 50% juice would be ineligible for SNAP. We believe strongly that our 27% cranberry juice cocktail should in fact be eligible. As illustrated by Table 2 below, 27% cranberry juice drink has comparable calorie and sugar content as 100% juices. Furthermore, unlike soda, cranberry juice cocktail meets the FDA’s “healthy” definition and does not contain cold fill preservatives, like sodium benzoate and potassium sorbate. These unique characteristics should make cranberry juice cocktail eligible for SNAP, alongside 100% juices.

TABLE 2: Nutrient Profile of 100% Juices and Cranberry Juice Drink (27%) per 8 FL OZ Serving(8)

<u>Fruit Juices</u>	<u>Calories (kcal)</u>	<u>Total Sugar (g)</u>	<u>Added Sugar (g)</u>	<u>Qualify to bear “healthy” claim</u>
27% Cranberry Juice Drink	110	25	23	<u>YES</u>
100% Apple Juice	120	28	0	<u>YES</u>
100% Orange Juice	110	22	0	<u>YES</u>
100% White Grape Juice	139	36	0	<u>YES</u>

As described in Ocean Spray’s February 2023 comments regarding the FDA’s then-proposed definition of the nutrient content claim “healthy,”(9) there is a vast body of scientific evidence demonstrating that certain cranberry fruit products are nutrient-dense, providing health-promoting polyphenol bioactives and can undoubtedly be part of a nutritious dietary pattern. Certain cranberry products, including dried cranberries and 27% cranberry juice cocktail, are high in polyphenol bioactives that provide well-documented health benefits, such as contributing to heart health(10) and urinary tract health,(11) as recognized by the FDA-authorized qualified health claim, which underwent rigorous FDA review of a substantial amount of scientific evidence.(12)

To avoid consumer confusion, it is critical that cranberry products eligible to bear the “healthy” claim remain eligible under the Arkansas SNAP program. The final FDA “healthy” rule highlights that certain cranberry products contribute to healthy dietary patterns due to their nutrient composition.(13) As a result, the FDA intends to exercise enforcement discretion for the added sugars limit for dried cranberries and cranberry juice cocktail, allowing use of the “healthy” claim.(14) The FDA granted this exemption for specific cranberry products that contain no more *total sugar* than comparable products with inherent (endogenous) sugars and no added sugars, such as unsweetened raisins or 100% grape juice, highlighting the healthfulness of these unique products.

Based on the robust evidence supporting the health benefits of certain cranberry products, as well as the importance of ensuring consistency across federal and state policies, we respectfully request that the Arkansas SNAP pilot project acknowledge the unique nature of cranberries – that they, both possess unique health benefits, and are naturally very tart, requiring some level of sweetening to deliver those health benefits – and maintain eligibility for dried cranberries and 27% cranberry juice cocktail.

Ocean Spray greatly appreciates your consideration of our views.

CITATIONS:

- 1 Dietary Guidelines for Americans 2020 –2025. https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf
- 2 USDA Food Composition Database, Sun-Maid Raisins (2235221): FoodData Central ([usda.gov](https://www.fda.gov/food/food-data-central))
- 3 USDA Food Composition Database, Good & Gather (1968098): Food Data Central ([usda.gov](https://www.fda.gov/food/food-data-central))
- 4 Maria Castellon Chicas et al., "Effect of Cranberry Juice Supplementation on the Gut Microbiome and Inflammatory Markers: A Randomized, Double-Blind, Placebo-Controlled Study in Overweight Individuals," *Current Developments in Nutrition* 6, no. Supplement_1 (2022).
- 5 Martin Gotteland et al., "Modulation of *Helicobacter pylori* colonization with cranberry juice and *Lactobacillus johnsonii* La1 in children," *Nutrition* 24, no. 5 (2008 May 2008); Zhe-Xuan Li et al., "Suppression of *Helicobacter pylori* infection by daily cranberry intake: A double-blind, randomized, placebo-controlled trial," *Journal of gastroenterology and hepatology* 36, no. 4 (2021); Haim Shmueli et al., "Effect of cranberry juice on eradication of *helicobacter pylori* in patients treated with antibiotics and a proton pump inhibitor," *Molecular Nutrition and Food Research* 51, no. 6 (2007 2007); Lian Zhang et al., "Efficacy of cranberry juice on *Helicobacter pylori* infection: a double-blind, randomized placebo-controlled trial," *Helicobacter* 10, no. 2 (2005 April 2005).
- 6 C. K. Richter et al., "Effects of Cranberry Juice Supplementation on Cardiovascular Disease Risk Factors in Adults with Elevated Blood Pressure: A Randomized Controlled Trial," *Nutrients* 13, no. 8 (Jul 29 2021), <https://doi.org/10.3390/nu13082618>; J. A. Novotny et al., "Cranberry juice consumption lowers markers of cardiometabolic risk, including blood pressure and circulating C-reactive protein, triglyceride, and glucose concentrations in adults," *The Journal of Nutrition* 145, no. 6 (Jun 2015), <https://doi.org/10.3945/jn.114.203190>; B. Chew et al., "Chronic consumption of a low calorie, high polyphenol cranberry beverage attenuates inflammation and improves glucoregulation and HDL cholesterol in healthy overweight humans: a randomized controlled trial," *Eur J Nutr* (Feb 23 2018), <https://doi.org/10.1007/s00394-018-1643-z>.
- 7 Zhuxuan Fu et al., "Cranberry reduces the risk of urinary tract infection recurrence in otherwise healthy women: a systematic review and meta-analysis," *The Journal of nutrition* 147, no. 12 (2017); K. C. Maki et al., "Consumption of a cranberry juice beverage lowered the number of clinical urinary tract infection episodes in women with a recent history of urinary tract infection," *The American Journal of Clinical Nutrition* 103, no. 6 (Jun 2016), <https://doi.org/10.3945/ajcn.116.130542>.
- 8 Calories, Total Sugar and Added Sugar values from the USDA Food Data Central Cranberry Juice Cocktail (2079447): FoodData Central ([usda.gov](https://www.fda.gov/food/food-data-central))
- 100% Apple Juice (1912937): FoodData Central ([usda.gov](https://www.fda.gov/food/food-data-central))
- 100% Orange Juice (1969730): FoodData Central ([usda.gov](https://www.fda.gov/food/food-data-central))
- 100% White Grape Juice (2213171): FoodData Central ([usda.gov](https://www.fda.gov/food/food-data-central))
- 9 Comment from Ocean Spray Cranberries, Inc.: [Regulations.gov](https://www.regulations.gov)
- 10 Hormoznejad R, et al. Effects of cranberry consumption on features of the metabolic syndrome: a systematic review and meta-analysis of randomized control trials. *Nutrition & Food Science* 2021;51(6):1006-1016. doi: 10.1108/NFS-09-2020-0359; Li X, et al. The Effects of Cranberry Consumption on Glycemic and Lipid Profiles in Humans: A Systematic Review and Meta-Analysis of Randomized Controlled Trials. *Nutrients* 2024;16(6):782; Pourmasoumi M, et al. The effects of cranberry on cardiovascular metabolic risk factors: A systematic review and meta-analysis. *Clinical Nutrition* 2020;39(3):774-788.
- 11 Williams G., et al., Cranberries for preventing urinary tract infections. *Cochrane Database Syst Rev*. 2023 4:CD001321.
- 12 Letter of Enforcement Discretion. July 21, 2020. Health Claim Petition – Consumption of Cranberry Products and Reduced Risk of Recurrent Urinary Tract Infection in Healthy Women (Docket No. FDA-2018-Q-0739).
- 13 Food Labeling: Nutrient Content Claims; Definition of Term "Healthy". Published Document: 2024-29957 (89 FR 106064): Federal Register :: Food Labeling: Nutrient Content Claims; Definition of Term "Healthy".
- 14 The FDA intends to consider enforcement discretion for cranberry products labeled as 'healthy' if they meet fruit FGE criteria, sodium and saturated fat limits, and ensure added sugars do not exceed those in comparable products.

Kallem Hill, Steve Eddington, Derek Helms, Jackie McMinn, Debra Smith, Tommy Thompson, Roger Thompson, Dan Wright, Joe Thrash, Larry Garlington, Phillip Campbell, and Cynthia Wilson

Comment: I write today to urge the reconsideration of the proposal to move funding for the SNAP-Ed program away from the University of Arkansas System Division of Agriculture Cooperative Extension Service (UADA-CES).

UADA-CES provides vital services throughout Arkansas, and rural citizens rely on our Extension Agents. They are a part of our communities-they live and work here with us, and their reach extends from students in public schools and those who are home-schooled, to parents and adults. Their programs reach thousands of Arkansans every year, helping both children and adults make better food choices. The existing structure is efficient and effective, and I urge you not to jeopardize a program that is already helping so many Arkansans lead healthier lives.

Gina Plata-Nino, JD, Deputy Director, SNAP

On Behalf of the Food Research & Action Center (FRAC)

Comment: On behalf of the Food Research & Action Center (FRAC), please accept these comments regarding the State of Arkansas and the Arkansas Department of Human Services (DHS) request to exercise Section 17 of the Food and Nutrition Act of 2008 to modify the definition of both eligible and ineligible foods under the Supplemental Nutrition Assistance Program (SNAP).

FRAC is a leading national nonprofit organization dedicated to improving public policies and building public-private partnerships to eliminate hunger and undernutrition in the United States. We work with a broad network of national, state, and local partners, many of whom provide direct services to low-income individuals and families, including those who rely on food assistance programs such as SNAP.

The proposed waiver to restrict SNAP purchases raises serious concerns about feasibility, cost, and unintended consequences for families, retailers, and the state. While the intent may be to promote healthier outcomes, the approach outlined in the waiver relies on questionable methodology and does not fully account for the economic, operational, or human impact of these changes.

Implementing this waiver would increase administrative burdens on the state, place additional strain on already limited resources, and pose significant challenges for small and rural retailers, many of whom may no longer be able to participate in the program. For SNAP participants, the result could be reduced access to food, heightened stigma, and greater difficulty meeting basic needs during times of hardship.

SNAP is a critical support for 1 in 7 rural households, 1 in 8 small-town households, and 1 in 11 metro households across Arkansas. Any proposed changes should be grounded in sound evidence, shaped by community input, and carefully evaluated for their long-term impact.

Given the risks and unanswered questions, we respectfully urge the withdrawal of this waiver.

I. Poverty and Food Insecurity Continue to Affect Many in Arkansas

Arkansas continues to face an alarming crisis of food insecurity. As of the most recent data from the US Department of Agriculture (USDA) Economic Research Service (ERS), Arkansas reports the highest food insecurity rate in the nation, with nearly 19 percent of households experiencing some level of food insecurity between 2021 and 2023. This figure significantly surpasses the national average of 13.5 percent in 2023, marking a troubling increase from 12.8 percent in 2022.^(1)

Food insecurity is defined by the USDA as the lack of consistent access to enough food for an active, healthy life due to a lack of financial resources. Very low food security represents the more severe end of the spectrum, where households experience disrupted eating patterns and reduced food intake. Arkansas had a 6.7 percent rate of very low food security from 2021–2023, well above the national average of 5.1 percent.²

1. Contributing Factors

The prevalence of food insecurity varies across states and is shaped by both household and state-level factors. In Arkansas, persistent challenges such as low average wages, high housing costs relative to income, elevated unemployment, and restrictive eligibility for public benefit programs compound household vulnerabilities. Limited access to state-level supports, including unemployment insurance and the Earned Income Tax Credit (EITC), further exacerbate food insecurity.

Despite widespread need, Arkansas maintains one of the lowest participation rates in the Supplemental Nutrition Assistance Program (SNAP) in the country. Only 69 percent of eligible individuals are enrolled, ranking Arkansas third lowest nationwide. This underutilization means that many families are not receiving the nutrition support they qualify for and desperately need.

In 2023, the Arkansas Legislature modestly increased the SNAP asset limit from \$2,250 to \$6,000, aiming to help more families retain benefits while saving. However, this change fell short of the originally proposed \$12,000, which would have better supported long-term financial stability and reduced disincentives to build savings.

2. Children and Vulnerable Populations

Children are disproportionately impacted by food insecurity. In 2022, more than 587,000 Arkansans experienced food insecurity, and approximately 24 percent of those affected were children.³

3 Arkansas had the second highest rate of child food insecurity in the country, with nearly one in four children lacking access to reliable, nutritious meals.⁴

The burden of food insecurity is not distributed equally across racial groups. Black and Hispanic households in Arkansas face significantly higher rates of food insecurity, at 30 percent and 22 percent respectively, compared to 16 percent for white households.⁵

3. ALICE Households

Beyond federal poverty thresholds, a broader category known as ALICE (Asset Limited, Income Constrained, Employed) encompasses households that are employed but still cannot afford basic necessities.⁶ In Arkansas, 47 percent of the state's 1.2 million households live below the ALICE threshold. In 2022, this included 195,972 households below the poverty level and an additional 366,907 below the ALICE survival budget.⁷

The ALICE survival budget includes essential costs such as housing, childcare, food, healthcare, transportation, technology, and taxes. These costs reflect the real, lived experiences of working families across the state who struggle to stay afloat despite being employed.

4. Geographic Spread

Food insecurity in Arkansas is not confined to any particular region or community. Every county in the state reported food insecurity rates above the national average. This demonstrates that the problem is not simply a rural or urban issue, but a statewide concern that demands comprehensive policy responses.⁸

II. Proposed Waiver Would Have Harmful Impacts on the Economy, Including on Retailer and State and Local Revenues

The proposed SNAP waiver that seeks to restrict allowable food purchases would have serious and far-reaching negative impacts, not only for SNAP participants but also for Arkansas's economy, retailers, and state agency.

1. Severe Administrative and Operational Burdens

Implementing these restrictions would place significant new burdens on both the Arkansas Department of Human Services and nearly 3,000 authorized SNAP retailers. Retailers would be required to overhaul point-of-sale (POS) systems to identify and block newly restricted items. This would involve complex coding changes, staff retraining, and ongoing system maintenance—costs that many independent and small-format grocers may not be able to absorb.

At the state level, Arkansas's SNAP agency would face substantial operational costs. These include updating training materials, conducting new outreach campaigns, and ensuring compliance across a diverse retailer network. These demands come at a time when Arkansas is already grappling with outdated technology, chronic staffing shortages, and a constrained administrative budget. The result would likely be longer delays in benefit processing, increased customer frustration, and wider service disruptions, all of which harm Arkansas families in need.

2. Unrealistic Implementation Using GS1 Product Codes

The Department has proposed relying on the GS1 product code framework to determine eligible and ineligible foods. However, this approach is deeply flawed. The U.S. food and beverage market comprises over 650,000 individual products, with approximately 20,000 new items introduced each year. There is no national, real-time database of SNAP-eligible foods, meaning that implementing such a system would

require building an entirely new infrastructure, along with ongoing monitoring, updating, and enforcement. The complexity and cost of such an undertaking are vast and untested.

3. Threat to Small and Rural Retailers

The proposed changes would hit small retailers the hardest. Many independently owned grocery and convenience stores—particularly those in rural or low-income areas—lack the IT infrastructure or financial reserves needed to comply with these mandates. For convenience stores, SNAP transactions often make up a small share of total sales. If participating in the program becomes too costly or burdensome, many may simply opt out.

This would be catastrophic in food desert communities, where convenience stores are often the only nearby source of groceries. A decline in SNAP-authorized retailers would severely reduce

food access in small towns and underserved urban areas, especially for families who lack reliable transportation.

4. Economic Ripple Effects

Reduced SNAP participation by retailers would not only limit food access, it would also undermine local economies. In fiscal year 2024, SNAP injected \$549,666,027 into the retail economy.⁹ Fewer participating retailers would mean fewer SNAP dollars circulating in communities, leading to revenue losses for small businesses and reduced state and local sales tax collections. These ripple effects would compound economic insecurity, particularly in already vulnerable communities.

5. Risks to Customer Dignity and Retailer Roles

These proposed restrictions would also fundamentally alter the customer experience. Grocery clerks, many of whom are low-wage workers themselves, would be forced into the role of “food police,” monitoring and potentially confronting customers over what they can and cannot purchase. This creates unnecessary conflict at the checkout counter and strips families of their dignity and autonomy in choosing how to feed their households.

6. Reduced Flexibility During Emergencies

SNAP’s flexibility has long been one of its strengths. During supply chain shortages, natural disasters, or declared emergencies, allowing broad access to food choices ensures families can adapt to changing availability. Introducing rigid purchase restrictions would tie the program’s hands in times of crisis, reducing its responsiveness and harming both participants and taxpayers.

This proposed waiver would not achieve its intended goals, but it would increase hardship, reduce access to food, strain administrative systems, and damage local economies. It would harm participants, retailers, and state infrastructure alike. Arkansas needs policies that enhance food access and support community resilience, not measures that create barriers and drive essential retailers out of the SNAP program.

III. SNAP’s Purpose and Positive Impacts

A. SNAP's Statutory Purpose

SNAP's statutory purpose, as declared by Congress, is "to promote the general welfare, to safeguard the health and well-being of the Nation's population by raising levels of nutrition among low-income households. Congress finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of the Nation's agricultural abundance and will strengthen the Nation's agricultural economy, as well as result in more orderly marketing and distribution of foods. To alleviate such hunger and malnutrition, a supplemental nutrition assistance program is herein authorized which will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation."¹⁰

B. SNAP's Positive Impacts

SNAP plays a critical role in addressing hunger and food insecurity in our communities across the nation, including Arkansas. It is the first line of defense against hunger for low-income residents

1. SNAP Promotes Food Security and Health

SNAP plays a critical role in improving the food security, health, and well-being of program participants across the lifespan.¹¹ For example, SNAP participation has been associated with improvements in overall adult and child health, birth outcomes, and diabetes management, as well as reductions in cost-related medication nonadherence, metabolic syndrome, child obesity, depressive symptoms, and psychological distress.¹² Conversely, research shows that a loss or reduction in SNAP benefits has detrimental impacts on food insecurity and health, especially for children and their families.¹³

SNAP plays an important role in supporting the food security, nutrition, and health of older adults, allowing them to maintain their independence while also reducing their health care utilization and costs.¹⁴ People with disabilities are at higher risk of food insecurity, making SNAP a critical support for this vulnerable population as well. Furthermore, those impacted by food insecurity are likely experiencing additional resource-related hardships, such as housing instability and energy insecurity.

An emerging body of evidence demonstrates that SNAP supports housing stability and alleviates the trade-offs that families often are forced to make between food, health care, and other basic necessities.¹⁵ SNAP's positive impacts on health extend to reductions in health care costs, as shown in a number of recent studies. For instance, research published by the Centers for Disease Control (CDC) reports, "Food insecurity, or uncertain access to food because of limited financial resources, is associated with higher health care expenditures."¹⁶ The report identified "substantial variation in state- and county-level health care expenditures associated with food insecurity."¹⁷

The authors of the study suggest, "A multi-level strategy that encompasses both arealevel determinants of food insecurity (eg., local labor market factors and state earned income tax credits) and hunger safety net programs may improve public health."¹⁸

A 2016 study found that states with higher ratios of social spending-to-health spending had significantly better state-level health outcomes (e.g., adult obesity, asthma, mentally unhealthy days, lung cancer mortality) compared to states with lower ratios.¹⁹ Social spending included spending for SNAP and WIC. The authors concluded that, “our study suggests that broadening the debate beyond what should be spent on health care to include what should be invested in health — not only in health care but also in social services and public health — is warranted.” SNAP participation was associated with lower health care spending among low income adults in a national survey.²⁰ According to one estimate, annual healthcare expenditures averaged \$1,409 lower in the case of SNAP participants versus non-participants, and even larger differences occurred among SNAP participants with hypertension or coronary heart disease.²¹

Finally, research documents SNAP’s positive impact on the mortality rate. Researchers found “evidence that higher SNAP participation reduces the overall mortality rate. Specifically, a one percentage point increase in the SNAP participation rate reduces the overall mortality rate by about 6.68 deaths per 100,000 population on average, or by about 0.81 percent of the mean overall mortality rate. These mortality reductions are concentrated most heavily among males, whites, and adults aged 20-64.”²² They also identified “reductions in deaths from major cardiovascular disease and malignant neoplasms as major drivers of these estimated effects, and estimate[d] a significant reduction in suicides in some areas.”²³

2. SNAP Bolster Economic Well-Being

SNAP bolsters economic activity for individuals, businesses and communities. A Goldman School of Public Policy (University of California, Berkeley) working paper from leading poverty scholars found that access to SNAP in early childhood had positive impacts on economic productivity and well-being in adulthood. Those with access to SNAP in utero and before the age of 5 years old experienced an increase in their human capital, economic self-sufficiency, neighborhood quality, and longevity in adulthood, and a decreased likelihood of being incarcerated. In additional analyses focused on individual measures of human capital, economic self-sufficiency, and neighborhood quality, access to SNAP in early childhood increased educational attainment up through college graduation, reduced the likelihood of receiving public assistance in adulthood, and increased the likelihood of home ownership. The findings add to the existing evidence on the long-term benefits of childhood participation in SNAP and other U.S. safety net programs.²⁴

According to recent studies, it is estimated that \$1 of SNAP benefits leads to between \$1.50 and \$1.80 in total economic activity during a recession.²⁵ USDA’s Economic Research Service has reported that new SNAP spending has relatively large effects on manufacturing and trade and transportation sectors. Those sectors include businesses, such as food and beverage manufacturers, packaging manufacturers, grocery stores and food and other wholesalers, and trucking and rail freight industries.²⁶ But other sectors are impacted as well, including health and social services and agriculture.²⁷

SNAP’s economic positive impacts are felt not only by businesses, but by the broader community.²⁸ SNAP dollars help many food retailers²⁹ operating on thin margins to remain in business, which improves food access for all residents.

Local farmers' markets receive revenue from SNAP purchases and many of those markets also participate in incentive programs that provide SNAP shoppers with bonuses for purchasing fruits and vegetables.³⁰ Indeed, SNAP food assistance is not just there for the individual but is part of "a safety net for the economy... [and] a very important stop-gap that keeps the economy going even deeper."³¹

Despite SNAP's strengths, the inadequacy of benefit levels undercuts the program's positive impacts. The average SNAP benefit is only about \$6 per person a day. There is abundant research documenting just how inadequate SNAP benefit amounts are, what that gap in adequacy is costing our nation in terms of health and other outcomes, and what we can do about it.³²

A number of expert panels convened by the National Academies of Sciences, Engineering, and Medicine recognize SNAP's importance and effectiveness, and also the need to boost SNAP benefits to further strengthen the program. In addition, the report *Vibrant and Healthy Kids: Aligning Science, Practice, and Policy to Advance Health Equity* recommends that "[F]ederal, state, tribal, and territorial policy makers should address the critical gaps between family resources and family needs through a combination of benefits that have the best evidence of advancing health equity, such as increased Supplemental Nutrition Assistance Program benefits, increased housing assistance, and a basic income allowance for young children."³³

3. Increases SNAP's Benefit Adequacy Would Strengthen SNAP's Positive Impacts

Despite SNAP's strengths, the inadequacy of benefit levels undercuts the program's positive impacts. The average SNAP benefit is only about \$6 per person a day. There is abundant research documenting just how inadequate SNAP benefit amounts are, what that gap in adequacy is costing our nation in terms of health and other outcomes, and what we can do about it.³⁴

A number of expert panels convened by the National Academies of Sciences, Engineering, and Medicine recognize SNAP's importance and effectiveness, and also the need to boost SNAP benefits to further strengthen the program. Most recently, the report *Vibrant and Healthy Kids: Aligning Science, Practice, and Policy to Advance Health Equity* recommends that "[F]ederal, state, tribal, and territorial policy makers should address the critical gaps between family resources and family needs through a combination of benefits that have the best evidence of advancing health equity, such as increased Supplemental Nutrition Assistance Program benefits, increased housing assistance, and a basic income allowance for young children." Cutting SNAP households' utility' deductions and reducing their SNAP benefit amounts is going in the wrong direction for achieving more positive outcomes.³⁵

IV. The Proposed Waiver is Flawed, Ignores Congressional Intent, and Is Arbitrary

Making it harder for SNAP households to shop and access food is going in the wrong direction for achieving more positive outcomes. The waiver also fails to recognize that the worst health outcome, particularly in a state with such a high rate of food insecurity, is hunger.

1. Congress And USDA Have Historically Opposed Restrictions

Past attempts to limit the types of foods available through SNAP have consistently demonstrated how burdensome and complicated such restrictions can be. For instance, when food restrictions were

proposed in the 1964 Food Stamp Act, the Senate Agriculture Committee rejected the idea due to the significant administrative burden it would impose.¹⁸ Similarly, the 1977 Farm Bill recognized that food restrictions would not address the root causes of food insecurity and would only complicate the program.¹⁹ Since then, the focus has shifted to more effective approaches, such as providing produce incentives, as seen in the 2008 Farm Bill. These initiatives have successfully encouraged healthier food choices without infringing on the autonomy and dignity of individuals or increasing administrative costs to states.

The U.S. Department of Agriculture (USDA) has also evaluated food restrictions, including during the first Trump administration, concluding that limiting the food choices of SNAP recipients is both conceptually flawed and impractical.²⁰

According to USDA during both republican and democratic administrations, promoting healthier diets is better achieved through incentive-based approaches rather than restrictions.²² Providing nutrition education and supporting policies that encourage the purchase of fruits, vegetables, and other healthy options are far more effective than limiting choice. As the testing of the USDA Healthy Incentives Pilot (HIP) found, pure price reduction of 30 percent would increase fruit and vegetable consumption by about 20 percent of SNAP participants.²³

2. Challenges in SNAP Diet Research

Research on the diets of SNAP recipients is complex and prone to numerous methodological challenges that can result in misleading interpretations. Factors such as selection bias, misreporting of participation, and ethical constraints in experimental design complicate efforts to accurately evaluate SNAP's impact on dietary quality. Therefore, there is a need to prioritize assessments of how effectively SNAP reduces food insecurity, rather than solely on dietary quality, which can be influenced by external access barriers. Hunger is the most immediate and damaging consequence of poverty, with profound long-term repercussions on health and well-being. Recognizing SNAP as an anti-hunger program emphasizes its vital role in preventing hunger and mitigating its associated health impacts.

While research on SNAP often emphasizes the dietary habits of participants, this narrow focus may inadvertently overlook the program's broader significance in combating food insecurity. SNAP's primary role is to provide essential support to individuals and families who are struggling to meet *basic* nutritional needs. While the average benefit of \$6 per person per day is inadequate, it still is critical to helping families alleviate hunger and curb food insecurity. An increased benefit would further boost nutritional outcomes.

A. The Heterogeneity of SNAP Recipients

One of the major difficulties in examining the diet of SNAP recipients is the diverse nature of the population. SNAP beneficiaries are not a homogeneous group; they range in age, health status, geographic location, economic circumstances, and longevity of program participation. While children, older adults, and people with disabilities constitute a large proportion of SNAP recipients, the factors that influence their food choices and nutrition vary widely.

Furthermore, variations in SNAP benefit amounts, which are determined by income and household expenses, further complicates the landscape. The program allocates greater benefits to those with lower incomes and higher shelter expenses, meaning that dietary outcomes of recipients are often influenced by factors outside of the program's control, such as housing costs

or access to transportation. Studies indicate that current SNAP benefits fall short of covering the cost of a moderately priced meal in 99 percent of U.S. counties.³⁶ Therefore, any analysis of dietary quality among SNAP recipients must account for this diversity to avoid oversimplified conclusions.

Job loss is frequently cited as the primary reason for enrolling in SNAP, and participants often receive SNAP benefits temporarily, ranging from eight to 24 months, based on their needs and external circumstances.³⁷ The duration of participation varies by certain characteristics, with those holding some college education and full-time employment more likely to be short-term program participants.³⁸ Conversely, those living below the poverty threshold, children, individuals in female-headed households, adults with less than a high school education, and those with a sick household member are often long-term participants. Consequently, any analysis of dietary intake must also consider the length of participation to accurately assess its long-term impact.

B. Accounting for Access and Geographical Diversity

Access to healthy food and experiences of food insecurity are key social determinants of health, largely shaped by local environments, including neighborhood infrastructure, accessibility, and affordability barriers.³⁹ Access to grocery stores that offer healthy food options is not equitably distributed across the U.S., leading to an emergence of "food deserts" in urban or suburban neighborhoods as well as in rural areas where stores are too far to be accessible.⁴⁰ Food deserts are more common in neighborhoods characterized by high minority populations or elevated poverty rates.⁴¹ Conversely, food swamps are found in urban, suburban, and rural areas, where stores prioritize cheap, calorie-dense junk foods, further limiting access to nutritious foods and contributing to obesity, particularly in communities with limited transportation and high-income

inequality.⁴² Accordingly, in attempting to research SNAP recipients and diet, research should consider various factors influencing the accessibility of food, beyond mere affordability. For instance, rural SNAP participants may encounter greater barriers to accessing fresh produce and nutritious foods than those in urban environments.

C. Selection Bias and Confounding Variables

Selection bias is a critical obstacle in assessing the effects of SNAP on dietary quality.⁴³ Households that experience the most severe food insecurity are often the most in need of assistance and are most likely to seek SNAP assistance.⁴⁴⁴⁵ These individuals often face higher levels of poverty, health challenges, and food access issues that can result in poor dietary outcomes. As a result, studies comparing SNAP recipients to nonparticipants often overlook pre-existing conditions that may contribute to poor nutrition, making it difficult to assess the true effect of SNAP.

Further complicating the evaluations, income alone cannot adequately account for disparities in SNAP benefit amounts, as recipients' benefits reflect their specific circumstances. Nonparticipants may have greater financial means or resources, leading to substantial baseline differences in food insecurity between the two groups. Therefore, comparing the diets of SNAP recipients to income-eligible nonparticipants may mask the true impact of the program.

D. Misreporting and Measurement Limitations

Another significant barrier to studying the diets of SNAP recipients is the prevalence of misreporting regarding participation in the program. Surveys that rely on self-reported data often yield unreliable information, with studies showing that as many as 19 percent to 25 percent of respondents misreport their SNAP participation.⁴⁶ Some individuals may entirely fail to disclose their participation, while a few others may inaccurately claim to be recipients when they are not.⁴⁷

Additionally, many studies categorize SNAP participation in dichotomous measures, labelling individuals simply as recipients or nonrecipients, without accounting for the variability in benefit amounts.⁴⁸ SNAP benefits are not fixed; they fluctuate based on factors such as income, family size, and other factors. By treating SNAP participation as a binary variable, researchers and policymakers overlook the nuanced reality of the program, which can lead to misguided and erroneous conclusions about its impact on dietary outcomes. This oversimplification masks the diversity of experiences among SNAP participants and undermines the accuracy of findings related to nutrition and food security.

E. Ethical Constraints on Experimental Design

Studying the effects of SNAP through randomized controlled trials (RCTs) presents a fundamental ethical challenge. While RCTs are considered the gold standard for experimental research, it is unethical to randomly assign individuals to forgo food assistance particularly when hunger and food insecurity are at stake.⁴⁹ Consequently, most studies on SNAP rely on observational data, which inherently lack the ability to establish causality. Generally, individuals facing more hardship are more likely to self-select or choose to participate in the program.⁵⁰ However, even with self-selection, the research does not account for whether these individuals were able to overcome the various obstacles they face when applying for SNAP.⁵¹ This limitation leads to difficulties in determining whether observed dietary differences are directly attributable to participation in the program or whether they are reflective of pre-existing conditions among participants. Consequently, this reliance on observational data can obscure a clear understanding of SNAP's true impact on food security and dietary outcomes.

V. It will restrict Autonomy, Dignity, and Increase Food Insecurity

As discussed earlier, SNAP provides important resources to obtain food for low-income families who face a struggle against poverty and food insecurity. Ensuring that individuals can select foods that align with their dietary needs, preferences, and cultural values is crucial for preserving their dignity and autonomy. It is paternalistic to dictate what foods SNAP participants are allowed to eat, as it assumes they are incapable of making their own food choices simply because

they have limited income. Research indicates that SNAP recipients already make wise shopping choices to stretch their limited resources, purchasing essential foods like vegetables, fruits, grains, and proteins. Evidence is lacking to suggest that SNAP recipients are more likely to purchase unhealthy foods, than other individuals with low incomes.^{24,25} Restricting access to food would not solve the broader societal factors contributing to poor health, including high food prices, marketing practices, and limited access to healthy food outlets. The most common barrier reported by 61 percent of SNAP participants to achieving a healthy diet was the affordability of foods that are part of a healthy diet.²⁶

It also further increases the stigma individuals who rely on SNAP already face. Discussions about the program are often filled with stereotypes, casting low-wage workers who use SNAP as "other" or less deserving, as though they are less valuable than those with higher incomes. Many SNAP recipients report feeling judged by elected leaders, the media, fellow shoppers in line, and even grocery store cashiers.²⁷

VI. Conclusion: Hunger Is the Most Damaging Health Outcome—This Waiver Must Be Withdrawn

The proposed waiver to restrict SNAP is fundamentally flawed, counterproductive, and harmful. It would make the program harder to access, more expensive to administer, and more burdensome for small retailers—many of whom may leave the program entirely. It is based on flawed methodology and ignores both the statutory intent of SNAP and decades of bipartisan consensus that hunger prevention—not dietary policing—should be the program's primary goal.

The worst health outcome is hunger. In a state like Arkansas, which faces the highest rate of food insecurity in the nation, any policy that increases barriers to food access is not only misguided but dangerous. Hunger leads to increased rates of chronic disease, worsens mental health, impairs child development, and drives up healthcare costs. It disrupts education, weakens workforce participation, and ultimately shortens lives. There is no nutritional improvement that can justify increasing the risk of hunger for hundreds of thousands of Arkansans.

SNAP already operates on lean benefits—about \$6 per person per day—and yet remains one of the most effective tools in reducing food insecurity, improving health outcomes, and stimulating the local economy. Restricting food choice under the guise of promoting health not only stigmatizes participants but distracts from the real issue: that too many families are going without enough food, period.

Instead of layering on costly, ineffective restrictions, Arkansas should focus on expanding access, boosting benefit adequacy, and investing in proven strategies like nutrition incentives and education. The proposed waiver would undermine the intent and integrity of the SNAP program while exacerbating hunger across Arkansas.

We urge Arkansas to withdraw this waiver. Protecting the health and well-being of low-income individuals begins with ensuring they have enough to eat. Hunger is the most immediate, most harmful, and most preventable health crisis we face—and SNAP is our strongest defense against it.

Thank you for the opportunity to comment on this important waiver request. Should you require further information or clarification, please do not hesitate to contact us.

CITATIONS:

- 1 Rabbitt, M. P., Reed-Jones, M., Hales, L. J., & Burke, M. P. (2024). Household food security in the United States in 2023 (Report No. ERR-337). U.S. Department of Agriculture, Economic Research Service. <https://doi.org/10.32747/2024.8583175.ers>
- 2 Rabbitt, M. P., Reed-Jones, M., Hales, L. J., & Burke, M. P. (2024). Household food security in the United States in 2023 (Report No. ERR-337). U.S. Department of Agriculture, Economic Research Service. <https://doi.org/10.32747/2024.8583175.ers>
- 3 Feeding America. (2024, May). Map the Meal Gap Study [Review of Map the Meal Gap Study]. <https://map.feedingamerica.org/county/2023/overall/arkansas>
- 4 Feeding America. (2024, May). Map the Meal Gap Study [Review of Map the Meal Gap Study]. <https://map.feedingamerica.org/county/2023/child/arkansas>
- 5 Feeding America. (2024, May). Map the Meal Gap Study [Review of Map the Meal Gap Study]. <https://map.feedingamerica.org/county/2023/black/arkansas>; <https://map.feedingamerica.org/county/2023/hispanic/arkansas>; <https://map.feedingamerica.org/county/2023/white/arkansas>
- 6 Meet ALICE | UnitedForALICE. (2018). Unitedforalice.org. https://unitedforalice.org/meet-alice?gad_source=1&gclid=Cj0KCCQjw6uWyBhD1ARIsAlMcADojwJFrv-Krib8PzOfiC5S7PAgeaJb4VfFi2mDnK3uxW4bYbEz6TuQaAoj3EALw_wcB
- 7 Arkansas | UnitedForALICE. (2024). Unitedforalice.org. <https://unitedforalice.org/state-overview/Arkansas>
- 8 Feeding America. (2024, May). Map the Meal Gap Study [Review of Map the Meal Gap Study]. <https://map.feedingamerica.org/county/2023/overall/arkansas>
- 9 Arkansas SNAP Fact Sheet- FRAC, https://frac.org/wp-content/uploads/SNAP_FactSheets_022525_AR4.pdf
- 10 7 USC 2011: Congressional declaration of policy. (2024). House.gov. <https://uscode.house.gov/view.xhtml?req=granuleid:USC-2000-title7-section2011&num=0&edition=2000>
- 11 Hartline-Grafton, H., SNAP and Public Health: The Role of the Supplemental Nutrition Assistance Program in Improving the Health and Well-Being of Americans, Food Research & Action Center (2013).
- 12 See, e.g., Gregory, C. A., & Deb, P. (2015). Does SNAP improve your health? *Food Policy*, 50, 11–19; Sheward, R., Ettinger de Cuba, S., Cook, J., Pasquariello, J., & Coleman, S. (2014). RX for Healthy Child Development: Nutritious, Affordable Food Promotes Health and Economic Stability for Boston Families. *Series – Hunger: A New Vital Sign*. Boston, MA: Children’s HealthWatch; Kreider, B., Pepper, J. V., Gundersen, C., & Jolliffe, D. (2012). Identifying the effects of SNAP (Food Stamps) on child health outcomes when participation is endogenous and misreported. *Journal of the American Statistical Association*, 107(499), 958–975; Almond, D., Hoynes, H. W., & Schanzenbach, D. W. (2011). Inside the War on Poverty: the impact of food stamps on birth outcomes. *Review of Economics and Statistics*, 93(2), 387–403; Mayer, V. L., McDonough, K., Seligman, H., Mitra, N., & Long, J. A. (2016). Food insecurity, coping strategies and glucose control in low-income patients with diabetes. *Public Health Nutrition*, 19(6), 1103–1111; Srinivasan, M., & Pooler, J. A. (2018). Cost-related medication nonadherence for older adults participating in SNAP, 2013–2015. *American Journal of Public Health*, 108(2), 224–230; and Hoynes, H., Schanzenbach, D. W., & Almond, D. (2016). Long-run impacts of childhood access to the safety net. *American Economic Review*, 106(4), 903–934.
- 13 See e.g., Ettinger de Cuba, S., Harker, L., Weiss, I., Scully, K., Chilton, M., & Coleman, S., “Punishing Hard Work: The Unintended Consequences of Cutting SNAP Benefits,” Boston, MA: Children’s HealthWatch, 2013, available at https://childrenshealthwatch.org/wpcontent/uploads/cliffeffect_report_dec2013.pdf; Bovell, A., Ettinger de Cuba, S., Scully, K., Chilton, M., & Coleman, S., “Making SNAP Work for Families Leaving Poverty. *Series – Hunger: A New Vital Sign*,” Boston, MA: Children’s HealthWatch, 2014, available at <https://childrenshealthwatch.org/wpcontent/uploads/FINALPhilly-Food-to-web3.pdf>; Bovell, A., Ettinger de Cuba, S., Frank, D., “SNAP: Building a Healthy Foundation Today and Tomorrow,” June 22, 2018, available at <https://childrenshealthwatch.org/snap-building-a-healthyfoundation-today-and-tomorrow/>; and Ettinger de Cuba S, Chilton M, BovellAmmon AR, Cook JT, Coleman SM, Black MM, Cook JT, Cutts DB, Casey PH, Heeren TC, & Frank DA. (2019). Loss of SNAP is associated with food insecurity and poor health in working families with young children, *Health Affairs*, 38(5), 765-773.
- 14 See Zielinski, G, Samuel L.J., and Szanton, S., “To Improve Health and Reduce Costs for Low Income Seniors, Invest Upstream,” *Health Affairs*, October 27, 2017, available at <https://www.healthaffairs.org/doi/10.1377/hblog20171024.786928/full/>; and Hartline-Grafton, H., *Hunger is a Health Issue for Older Adults: Food Security, Health, and the Federal Nutrition Programs*, Food Research & Action Center (2019).
- 15 See, e.g., Sandel, M., Cutts, D., Meyers, A., Ettinger de Cuba, S., Coleman, S., Black, M. M., Casey, P. H., Chilton, M., Cook, J. T., Shortell, A., Heeren, T., & Frank, D., Co-enrollment for child health: how receipt and loss of food and housing subsidies relate to housing security and statutes for streamlined, multi-subsidy application, 2014, *Journal of Applied Research on Children: Informing Policy for Children at Risk*, 5(2), Article 2; Ettinger de Cuba, S., Weiss, I., Pasquariello, J., Schiffmiller, A., Frank, D. A., Coleman, S., Breen, A., & Cook, J., The SNAP Vaccine: Boosting Children’s Health, *Children’s HealthWatch*, 2012; Ettinger de Cuba SA, Bovell-Ammon AR, Cook JT, Coleman SM, Black MM, Chilton MM, Casey PH, Cutts DB, Heeren TC, Sandel MT, Sheward R, & Frank DA., SNAP, young children’s health, and family food security and healthcare access, 2019, *American Journal of Preventive Medicine*, 57(4), 525-532.
- 16 Berkowitz, S.A., Basu, Gundersen, C., Seligman, H.K., “State-Level and County Level Health Care Costs Associated with Food Insecurity,” *Preventing Chronic Disease*, July 11, 2019, available at https://www.cdc.gov/pcd/issues/2019/18_0549.htm
- 17 Berkowitz, S.A., Basu, Gundersen, C., Seligman, H.K., “State-Level and CountyLevel Health Care Costs Associated with Food Insecurity,” *Preventing Chronic Disease*, July 11, 2019, available at https://www.cdc.gov/pcd/issues/2019/18_0549.htm
- 18 Berkowitz, S.A., Basu, Gundersen, C., Seligman, H.K., “State-Level and CountyLevel Health Care Costs Associated with Food Insecurity,” *Preventing Chronic Disease*, July 11, 2019, available at https://www.cdc.gov/pcd/issues/2019/18_0549.htm

19 Bradley, E. H., Canavan, M., Rogan, E., Talbert-Slagle, K., Ndumele, C., Taylor, L., & Curry, L. A., Variation in health outcomes: the role of spending on social services, public health, and health care, 2000–2009. *Health Affairs*, 35(5), 760– 768 (2016).

20 Berkowitz, S. A., Seligman, H. K., Rigdon, J., Meigs, J. B., & Basu, S., Supplemental Nutrition Assistance Program (SNAP) participation and health care expenditures among low-income adults. *JAMA Internal Medicine*, published online ahead of print (2017).

21 Berkowitz, S. A., Seligman, H. K., & Basu, S., Impact of Food Insecurity and SNAP Participation on Healthcare Utilization and Expenditures, University of Kentucky Center for Poverty Research Discussion Paper Series. Lexington, KY: University of Kentucky Center for Poverty Research (2017); and Berkowitz, S. A., Seligman, H. K., Rigdon, J., Meigs, J. B., & Basu, S., Supplemental Nutrition Assistance Program (SNAP) participation and health care expenditures among low-income adults. *JAMA Internal Medicine*, published online ahead of print (2017).

22 Courtmanche, C, Gregory, C., Jones, and J., and Marton, J., “The Impacts of SNAP Participation on Mortality Rates,” September 2019, available at <https://jordanwjones.com/wp-content/uploads/2019/09/Courtmanche-Gregory-Jones-Marton-2019-The-Impacts-of-SNAP-Participation-on-Mortality-Rates.pdf>

23 Courtmanche, C, Gregory, C., Jones, and J., and Marton, J., “The Impacts of SNAP Participation on Mortality Rates,” September 2019, available at <https://jordanwjones.com/wp-content/uploads/2019/09/Courtmanche-Gregory-Jones-Marton-2019-The-Impacts-of-SNAP-Participation-on-Mortality-Rates.pdf>

24 Hoynes, H., Bailey, M., Rossin-Slater, M., Walker, R., “Is the Social Safety Net a Long-Term Investment? Large-Scale Evidence from the Food Stamps Program,” Goldman School of Public Policy, University of California Berkeley, April 2019, available at <https://gspp.berkeley.edu/research/working-paper-series/is-the-social-safety-net-a-long-term-investment-5cd06d6b43b4a4.02083762>

25 See “The Supplemental Nutrition Assistance Program (SNAP) and the Economy: New Estimates of the SNAP Multiplier, USDA Economic Research Service, July 2019, available at <https://www.ers.usda.gov/webdocs/publications/93529/err-265.pdf?v=8010.7> pages 6-8 and Table 1 (regarding research by Blinder and Zandi)

26 See “The Supplemental Nutrition Assistance Program (SNAP) and the Economy: New Estimates of the SNAP Multiplier, USDA Economic Research Service, July 2019, available at <https://www.ers.usda.gov/webdocs/publications/93529/err-265.pdf?v=8010.7> page 24.

27 See “The Supplemental Nutrition Assistance Program (SNAP) and the Economy: New Estimates of the SNAP Multiplier, USDA Economic Research Service, July 2019, available at <https://www.ers.usda.gov/webdocs/publications/93529/err-265.pdf?v=8010.7> page 25

28 See Gina Plata-Nino, “Part-1 From City Hall to the Dinner Table: How SNAP Cuts Impact Communities,” FRAC Chat, FRAC, March 2025. <https://frac.org/blog/part-1-from-city-hall-to-the-dinner-table-how-snap-cuts-impact-communities>

29 See Gina Plata-Nino, “SNAP Cuts Threaten the Fabric of Rural Communities, Farms, Families, and Small Businesses,” FRAC Chat, FRAC, March 2025. <https://frac.org/blog/snap-cuts-threaten-the-fabric-of-rural-communities-farms-families-and-small-businesses>; <https://frac.org/blog/part-5-when-snap-slips-small-towns-suffer-the-hidden-costs-of-cutting-food-assistance>; <https://frac.org/blog/part-3-the-real-cost-of-cutting-snap-jobs-lost-stores-closed-communities-undermined>

30 <https://frac.org/blog/part-7-cutting-snap-how-harmful-policy-proposals-threaten-communities-and-rural-food-systems>

31 Howard University Professor and AFL-CIO Chief Economist Dr. William Spriggs interview with WHUR, 8/21/19, posted at <http://whur.com/whur/recession-2020-is-it-possible>

32 Food Research & Action Center, “Supplemental Nutrition Assistance Program: Initiatives to Make SNAP Benefits More Adequate Significantly Improve Food Security, Nutrition, and Health,” February 2019, available at <https://www.frac.org/wp-content/uploads/snap-initiatives-to-make-snapbenefits-more-adequate.pdf>

33 The National Academies Health and Medicine Division, July 25, 2019, available at <http://nationalacademies.org/hmd/Reports/2019/vibrant-and-healthy-kids>

34 Food Research & Action Center, “Supplemental Nutrition Assistance Program: Initiatives to Make SNAP Benefits More Adequate Significantly Improve Food Security, Nutrition, and Health,” February 2019, available at <https://www.frac.org/wp-content/uploads/snap-initiatives-to-make-snapbenefits-more-adequate.pdf>; SNAP Emergency Allotments and Public Health Emergency: Addressing the Hunger Cliff - Food Research & Action Center

35 The National Academies Health and Medicine Division, July 25, 2019, available at <http://nationalacademies.org/hmd/Reports/2019/vibrant-and-healthy-kids>

36 Waxman, E., Gupta, P., Gundersen, C., Spinner, B., Baird, C., Marconi, R., Chartoff, B., Dallman, A., Marazzi, M., Kenney, R., Lei, S., & Peiffer, E. (2023, June 12). Does SNAP cover the cost of a meal in your county?: In 2023, SNAP benefits did not cover the cost of a meal in 99 percent of counties. Urban Institute. https://www.urban.org/data-tools/does-snap-cover-cost-meal-your-county?utm_

37 Leftin, J., Wemmerus, N., Mabli, J., Godfrey, T., Tordella, S. (December 2014). Dynamics of Supplemental Nutrition Assistance Program participation from 2008 to 2012. <https://fns-prod.azureedge.net/sites/default/files/ops/Dynamics2008-2012.pdf>

38 Mabli, J., Godfrey, T., Wemmerus, N., Leftin, J., & Tordella, S. Determinants of Supplemental Nutrition Assistance Program participation from 2008 to 2012. <https://fns-prod.azureedge.us/sites/default/files/ops/Determinants2008-2012.pdf>

Current Perspectives on SNAP Participation. (n.d.). Retrieved March 20, 2025, from <https://fns-prod.azureedge.us/sites/default/files/ops/Determinants2008-2012.pdf>

39 USDA. (2020). Dietary guidelines for Americans 2020-2025. In *Dietary guidelines for Americans*. USDA. https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf

40 Rhone, A. (2018). USDA ERS - Food access research atlas. [Usda.gov. https://www.ers.usda.gov/data-products/food-access-research-atlas](https://www.ers.usda.gov/data-products/food-access-research-atlas)

41 Dean, W. R., & Sharkey, J. R. (2011). Rural and urban differences in the associations between characteristics of the community food environment and fruit and vegetable intake. *Journal of Nutrition Education and Behavior*, 43(6), 426–433. <https://doi.org/10.1016/j.jneb.2010.07.001>

42 Characteristics and influential factors of food deserts. Economic Research Service. (2025). [Usda.gov. https://www.ers.usda.gov/publications/pub-details?pubid=45017](https://www.ers.usda.gov/publications/pub-details?pubid=45017)

43 National Institute on Minority Health and Health Disparities. (2024, July 3). Food accessibility, insecurity and health outcomes. NIMHD. <https://www.nimhd.nih.gov/resources/understanding-health-disparities/food-accessibility-insecurity-and-health-outcomes.html>

44 Measuring the effect of Supplemental Nutrition Assistance Program (SNAP) participation on food security nutrition assistance program report. Food and Nutrition Service Office of Policy Support. (2013). <https://fns-prod.azureedge.us/sites/default/files/Measuring2013.pdf>

45 Does SNAP decrease food insecurity? Untangling the self-selection effect. Economic Research Service. (2025). [Usda.gov. https://www.ers.usda.gov/publications/pub-details?pubid=46297](https://www.ers.usda.gov/publications/pub-details?pubid=46297)

46 Wilde, P. E. (2007). Measuring the effect of food stamps on food insecurity and hunger: Research and policy considerations. *The Journal of Nutrition*, 137(2), 307–310. <https://doi.org/10.1093/jn/137.2.307>

47 Gundersen, C., & Kreider, B. (2008). Food stamps and food insecurity: What can be learned in the presence of nonclassical measurement error? *Journal of Human Resources*, 43(2), 352–382. <https://doi.org/10.1353/jhr.2008.0010>

48 SNAP receipt in SIPP: Using administrative records to evaluate data quality*. (2022). <https://www.census.gov/content/dam/Census/library/working-papers/2022/demo/SEHSD-wp2022-22.pdf>

49 Andreyeva, T., Tripp, A. S., & Schwartz, M. B. (2015). Dietary quality of Americans by Supplemental Nutrition Assistance Program participation status. *American Journal of Preventive Medicine*, 49(4), 594–604. <https://doi.org/10.1016/j.amepre.2015.04.035>

50 Hariton, E., & Locascio, J. J. (2018). Randomised Controlled Trials — The gold standard for effectiveness research. *BJOG: An International Journal of Obstetrics & Gynecology*, 125(13), 1716. <https://doi.org/10.1111/1471-0528.15199>

51 Does SNAP decrease food insecurity? Untangling the self-selection effect. Economic Research Service. (2025). [Usda.gov. https://www.ers.usda.gov/publications/pub-details?pubid=46297](https://www.ers.usda.gov/publications/pub-details?pubid=46297); Too many hurdles: Barriers to receiving SNAP put children's health at risk. (2020, October 29). Center for Hunger Free Communities. <https://drexel.edu/hunger-free-center/research/briefs-and-reports/too-many-hurdles/>

Derek Lewis II

President, The Derek Lewis Foundation

Comment: I am writing to share my concerns about the proposed restrictions on the foods and beverages low-income families can buy within the Supplemental Nutrition Assistance Program (SNAP).

As President of the Derek Lewis Foundation, I see firsthand the health challenges faced by our neighbors in Little Rock who are at higher risk for obesity, diabetes and food insecurity. We have worked for decades to improve health outcomes in our community by expanding access to nutritious foods and educating families of the risks associated with obesity and poor diet.

I agree that we must do more to improve health outcomes in our state. But restrictions are not an effective way to help the 240,000 Arkansans who rely on SNAP to put food on their tables. If we want to improve health in our great state, let's focus on outcomes we can achieve together:

- **Prioritize nutrition education:** Knowledge is power. According to the Centers for Disease Control and Prevention, when students receive nutrition education it can positively affect healthy weight. Together, let's arm people with the information they need to make the best choices for themselves and

their families—like the kind provided by the community programs we support, which teach nutrition and how to make better buying decisions at the grocery store.

- Address food insecurity: Education alone isn't enough. Our communities face a critical need for improved access to healthy choices as well. Many neighborhood grocery stores do not provide enough fresh produce for customers. Arkansas has the country's highest food insecurity rate, which measures access to sufficient food and food of adequate quality. We need to invest in innovative programs, like mobile grocery stores, and prioritize effective policies that connect Arkansans with nutritious food.

We're not solving these challenges alone. Along with other local organizations, our foundation partners with the non-alcoholic beverage industry's Balance Calories Initiative to educate families about low- and zero-calorie drink options. We highlight these choices at community wellness events, discuss them on health-focused radio programs and promote balanced decisions—whether families are shopping at the corner store or in the grocery aisle. I have seen firsthand how working with Mayors, health organizations and local non-profits have made a significant positive impact on communities throughout Central Arkansas. We have made a real difference. Little Rock's beverage calories per person have declined by 16% since 2014.

Dictating what families can put in their grocery carts will not improve anyone's health. We must educate our neighbors on how to make good choices and make sure those choices are available to them. Thank you for your consideration and we look forward to working together to make Little Rock and all Arkansans healthier.

Elizabeth K. Tansing, VP, State Government Relations

and Jennifer Hatcher, Chief Public Policy Officer and Senior VP, Membership

on behalf of The Food Industry Association

Comment: FMI – The Food Industry Association (“FMI”) appreciates the opportunity to provide comments on the Arkansas Department of Human Services’ request to pilot a project under the Supplemental Nutrition Assistance Program (SNAP). We share the Department’s commitment to improving the nutrition, health, and well-being of individuals and families who rely on SNAP, particularly those who are most vulnerable. As an organization representing the food retail industry, we are deeply invested in supporting public and private efforts that advance access to healthy, affordable foods. We welcome continued dialogue on innovative strategies to strengthen SNAP and improve health outcomes.

FMI submits the following comments regarding the April 15, 2025, request of the Arkansas Secretary of Health and Human Services to the Secretary of the U.S. Department of Agriculture (“USDA”) to operate a Supplemental Nutrition Assistance Program (“SNAP”) pilot project. The request seeks approval for a project that would restrict the use of SNAP benefits to purchase certain foods, and for a waiver of the statutory and regulatory definitions of SNAP-eligible foods.¹ Specifically, the pilot project described in the Waiver Request would “exclude from the definition of eligible foods ... soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, unhealthy drinks, and candy.”² Excluded candy would include both “confectionary products with flour and artificially sweetened candy,” and the exclusions would “not extend to flavored water, carbonated flavored water, and sports drinks.”³

FMI works with and on behalf of the entire food retailing industry to advance a safer, healthier and more efficient consumer food supply chain. FMI brings together a wide range of members across the value chain – from retailers that sell to consumers, to producers that supply food and other products, as well as the wide variety of companies providing critical services – to amplify the collective work of the industry. FMI has two core principles: enhancing food and product safety and finding ways to achieve efficiency to ensure consumer prices can be as low as possible. With these principles in mind, we respectfully raise concerns about the practical and legal challenges associated with the proposed pilot. FMI is particularly concerned about the costs of, and administrative difficulties associated with, operationalizing the restrictions on SNAP purchases requested in the Waiver Request. We also believe any pilot intended to inform future SNAP policy should be grounded in a robust and carefully designed evaluation framework. While we appreciate the state’s intent to assess the impact of the proposal, we have questions about whether the current evaluation plan, as described, will be able to generate clear, actionable insights.

Moreover, for the reasons described below, we believe the Waiver Request would exceed the existing statutory authority of USDA’s Food and Nutrition Service (“USDA FNS” or the “Agency”). We offer these comments not in opposition to the goal of promoting health, but in the spirit of collaboration and transparency – with the hope that Arkansas can build on the strengths of its proposed nutrition education and outreach efforts while avoiding unintended consequences that could disrupt access, increase costs, or strain the effectiveness of SNAP for participants and partners alike.

USDA FNS – the federal agency that administers the SNAP program – has consistently denied similar waiver requests in the past, during both Democratic and Republican administrations. USDA FNS has denied similar waiver requests from Minnesota in 2004, New York in 2011, and Maine in 2016.⁴ The agency also denied a subsequent Maine waiver request in 2018 – i.e., during the first Trump administration – that would have restricted use of SNAP benefits to purchase soft drinks and candy, as well as a similar Nevada request in 2018.⁵ These denials reflect longstanding concerns, shared across administrations, about the operational complexity of implementing categorical purchase restrictions and the limited potential for such pilots to yield meaningful or reliable health-related findings.

The pilot project requested in the Waiver Request similarly raises many of the same concerns. It would likely impose significant burdens on the administering agency and key stakeholders, including retailers

and SNAP participants. Moreover, the evaluation plan, as currently described, may face similar challenges in terms of producing actionable, evidence-based insights.

We therefore do not see grounds upon which USDA FNS could depart from its precedents and now grant the Waiver Request.⁶ Thus, we respectfully ask that the Arkansas Department of Health and Human Services reconsider the Waiver Request. As described below, however, we support the planned efforts described in the Waiver

Request regarding use of the state's SNAP Education funding for nutrition education and outreach and will work to develop a point of purchase component.⁷ We would also welcome the opportunity to work with the governor and her administration to support the development of complementary point-of-purchase strategies that help consumers make informed, healthy choices.

I. The Pilot Project Would Pose Operational Difficulties and Impose Significant Costs

A. The pilot project would pose administrative difficulties related to identifying foods excluded from SNAP.

The pilot project described in the Waiver Request would exclude from SNAP “soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, unhealthy drinks, and candy,” including both confectionary products with flour and artificially sweetened candy.”⁸ However, “flavored water, carbonated flavored water, and sports drinks” would not be excluded, and thus could continue to be purchased using SNAP benefits under the proposed pilot project.⁹ The Waiver Request further explains that the pilot project would “use the GS1 US framework to define ineligible foods,” but does not provide any further detail regarding identifying the particular foods that would be excluded nor how use of the GS1 framework would be operationalized to define eligible and ineligible foods nor the costs associated with the use of the GS1 system.¹⁰

The food products that would be excluded from SNAP under the requested pilot project would need to be identified in an electronically downloadable list, updated monthly, and available to retailers and manufacturers. This segregation of products would necessitate education of customers, retailers, and manufacturers to understand the array of parameters needed to consider product design, stocking and purchase decisions. It would also create customer and retailer confusion and exacerbate operational difficulties in implementing the new restrictions.

First, some of the foods that would be excluded under the Waiver Request are identified in a manner that is inconsistent with the Arkansas tax definitions, and other excluded foods are vaguely defined. Specifically, the proposed definition of “confectionary products” to include those that contain flour is inconsistent with the Arkansas tax definition of “candy” (which does not cover flour-containing products), and the proposed exclusions of “soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, [and] unhealthy drinks” likewise do not squarely fit within relevant Arkansas tax definitions, creating confusion for retailers and other entities involved in implementation, particularly for products programmed as not taxable, yet ineligible for purchase.¹¹ Indeed, the parameters for identifying products that are to be excluded under the requested pilot project are

inadequately defined overall. For example, the precise parameters for products that are included in the broad, undefined categories of “confectionery products” or “unhealthy drinks” are unclear.

These issues create the potential for confusion and underscore the practical complexities of implementing SNAP restrictions that require precise distinctions among thousands of different food products. As USDA FNS has stated in a prior denial of a similar waiver request, it is essential for a pilot project to specify “clear and practical means to determine product eligibility.”¹² At present, the Waiver Request does not offer sufficient clarity on this point.

Second, the list of excluded foods under the requested pilot project evinces arbitrary line-drawing among different types of products. In particular, the determinations regarding excluded versus included beverage products are not supported by any clear, unifying rationale. The proposed exclusions are not premised on calorie or sugar content, and the internal inconsistency of the exclusion determinations in the waiver request demonstrates how challenging it is to consistently define the types of foods that would be excluded from SNAP under the pilot project, highlighting the difficulties in administering the requested restrictions. Without a clear and comprehensive list of ineligible products updated regularly and accessible at the point of sale, store personnel would be left to make difficult and subjective product eligibility determinations at the register and try to communicate them to customers in a high-volume, multi-lane environment. This would be especially problematic to manage in cases where the distinction between included and excluded products is not intuitive. These situations would increase check-out times, lead to customer frustration, and require staff training to manage conflicts or confusion, ultimately slowing the shopping experience for all customers and imposing new burdens on retailers.

Third, retailers will require significantly more direction from the administering agency¹³ to determine the SNAP eligibility of particular food products under the pilot project, a process that would impose meaningful costs at the government and industry levels. This burden should not fall disproportionately on retailers, and without a consistent, electronically downloadable list, human judgment is likely to result in inconsistency, further exacerbating the confusion of customers.

To illustrate, there are over 650,000 food and beverage products on the market today, with approximately 20,000 new products introduced each year, and the average grocery store stocks 32,000 items, with many larger stores carrying thousands more.¹⁴ As a practical matter, to implement the proposed SNAP restrictions, retailers will require a comprehensive, electronically downloadable, and up-to-date list of specific SNAP-ineligible items made available on a monthly basis free of charge.¹⁵

The Waiver Request provides that the state plans are to use the GS1 US framework to define ineligible foods, but does not provide any explanation of how the state agency plans to utilize GS1 to identify excluded items (assuming the system is capable of doing so) and what the cost is for utilization of this system and who pays those costs. There are certain to be governmental burdens associated with operationalizing the inexplicit definitions of ineligible foods in the Waiver Request using GS1 and communicating eligibility information to retailers. Further, for reliance on GS1 to identify excluded products to even potentially work, the GS1 online system would need to reflect all SNAP-ineligible items. However, not all manufacturers currently utilize GS1, and manufacturers must pay a fee to load product

barcodes into GS1. Thus, utilizing GS1 would likely impose additional costs on the administering state agency and on manufacturers, especially small and seasonal manufacturers.

B. The pilot project would impose significant costs on retailers relating to implementing the new SNAP restrictions.

Retailers would face myriad costs relating to operationalizing the SNAP restrictions requested in the Waiver Request, including both startup costs and day-to-day implementation expenses. USDA FNS has denied waiver requests in the past because they would “substantially impact” retailers accepting SNAP benefits with little evidence that affected retailers are well-positioned to implement the restrictions.¹⁶ The same is true for the pilot project requested here, and this project would also disproportionately affect small businesses, for the reasons described below.¹⁷ First, retailers would need to ensure that their systems are equipped to implement the additional SNAP restrictions. Retailers will require detailed information from the administering agency regarding ineligible foods in order to properly assess for any needed updates to in-store and online systems. The imprecise definitions in the Waiver Request thus further complicate retailers’ ability to operationalize the new restrictions. Specifically, to the extent that retailers will need to use GS1 in order to implement the restrictions, many retailers (especially small retailers) will face costs associated with paying for GS1 and transitioning their systems to utilize GS1, given that many retailers do not currently use GS1.

Second, because of the diverse nature of the industry, from small retailers to large national retailers, there is notable pressure on smaller retailers who may not be able to manage the intake of data the way a larger one would. In fact, use of GS1 is not well-suited for many of the types of food products that would be excluded under the Waiver Request, because those products are “direct store delivery items.” More specifically, certain products are delivered directly to retail stores via the manufacturer rather than through a wholesale distributor. Retailers receive less assistance for “direct store delivery” items, including those related to item description and other changes.

The practical effect is that, for such items, retailers often have to make more manual data entries and the items may not have been logged in GS1. These issues pose additional operational hurdles to implementing the requested expanded SNAP restrictions and will be especially problematic for small retailers like independent grocers.

Third, particularly in light of the vaguely defined food product categories in the Waiver Request, the pilot project would very likely lead to confusion regarding eligible products on the part of SNAP users, and concomitant increased check-out times due to errors, disputes, and customer frustration. Even if the administering agency were to communicate frequently updated lists of ineligible items to SNAP users – which would itself impose significant administrative burdens on the state – SNAP users very likely will nonetheless continue to unknowingly select restricted items.

Every extra second at the register reduces a retail store’s already thin 1.6% profit margin, and errors at the register also require retail employees to take time to return items to shelves. Further, retailers would face costs relating to training employees on the new restrictions and managing issues with customers, including potentially embarrassing and contentious encounters that are certain to arise.¹⁸ There are important efficiency benefits to a SNAP program that is simple and streamlined, and the

requested pilot project would disrupt those benefits. For every \$1 in increased costs, stores would require an additional \$50 in sales to avoid cost increases.

C. The pilot project would increase government bureaucracy and impose costs on the administering government agency related to monitoring for compliance and enforcement.

The requested pilot project would increase government bureaucracy and impose substantial burdens on the administering agency. Including for many of the reasons described above, the pilot project would necessitate that the administering agency become more involved in the daily operations of retailers and the lives of SNAP users.

The administering agency would need to regularly evaluate new products and compile lists of specific ineligible items, and would need to regularly communicate those lists to both retailers and SNAP users. Additionally, the Waiver Request does not provide any detail regarding monitoring for compliance and enforcement.¹⁹ Monitoring and enforcement by the administering agency would impose additional governmental costs and would require the allocation of significant state resources.

D. The pilot project would undermine the interoperability of SNAP among the states and risk harming the local economy.

If granted, the pilot project would create a patchwork of state SNAP requirements that will likely lead to confusion and additional operational difficulties. Indeed, USDA FNS cited undermining interoperability among the states as a key reason for its denial of Minnesota's prior waiver request, stating that uniform SNAP programs "allows FNS and States to implement interoperability" and that "[a]llowing conflicting definitions of eligible food items would introduce obstacles to continuing interoperability and would undermine the significant benefits that interoperability provides to program recipients nationwide."²⁰

These issues would be especially acute for retailers and SNAP users that live near state borders. Arkansas borders six states – Missouri, Tennessee, Mississippi, Louisiana, Texas, and Oklahoma – that would have SNAP rules that differ from those in Arkansas under the pilot project. SNAP users visiting from other states may be unaware of the Arkansas SNAP restrictions under the pilot project, leading to confusion, frustration, and costly delays. There are also questions regarding how issues such as returned products would be handled, e.g., where a product is purchased using SNAP benefits in a state outside of Arkansas (and which would otherwise be ineligible in Arkansas) but is returned in Arkansas. Interoperability also supports administrative efficiency by enabling seamless EBT card use across states, reducing the burden on both recipients and program administrators. It simplifies systems integration for retailers operating in multiple states and minimizes errors or transaction disruptions at the point of sale, which ultimately benefits customers and store operations alike.

Additionally, the pilot project may negatively impact the local economy. Every dollar spent using SNAP benefits generates an additional \$1.50 for the local economy, thus strengthening local communities.²¹ However, under the requested pilot project, Arkansas SNAP participants may be incentivized to shop across state lines to benefit from SNAP programs that do not define SNAP-eligible foods as narrowly. Therefore, the Waiver Request risks drawing shoppers away from state retailers and hurting the local economy.

II. The Proposed Evaluation Component is Unlikely to Provide Reliable, Meaningful Results

The evaluation component is required for all pilot projects and underlies the statutory provisions authorizing pilot projects as a whole.²² The core purpose of a pilot project is to conduct a “trial” to “test program changes that might increase the efficiency of the supplemental nutrition assistance program and improve the delivery of supplemental nutrition assistance program benefits to eligible households.”²³ The authorizing statute requires that any pilot project include an evaluation component to “determine the effects of the project.”²⁴ The Waiver Request states that the goal of the requested pilot project is to “promote healthier food and beverage purchases and reduce food and beverage purchases that perpetuate chronic health conditions.”²⁵ The Waiver Request provides little detail regarding how the state will evaluate the effects of the project, stating only that it “will conduct program evaluations based on retailer data to assess the waiver’s impact on positive eating and spending habits.”²⁶

However, that proposal is subject to a number of unresolved questions. First, the Waiver Request does not clearly justify from a scientific and/or nutritional perspective why certain foods would be excluded from the SNAP program under the pilot project and others included. For the pilot project to properly be used to evaluate “healthier food and beverage purchases” and reduction in purchases that “perpetuate chronic health conditions,” Arkansas needs to make a carefully considered determination based on consistent nutritional and/or scientific criteria regarding which beverage products to include versus exclude from the SNAP program under the project.

Otherwise, the proposed evaluation will not yield sufficiently reliable or actionable information to assess the success of the stated purpose of the pilot project. Second, the proposed evaluation does not provide for a counterfactual to assess what would happen without the additional restrictions on SNAP purchases, and it is also unclear whether and how the state plans to isolate any effects of the purchasing restrictions from the planned updates to use of the state’s SNAP Education funding.²⁷

Because the requested pilot project would be implemented across the state, the project is not well-suited to provide any comparator counterfactual. Additionally, the Waiver Request explains that the state plans to “reform its existing SNAP Education funding to promote protein-rich foods, including Arkansasgrown and harvested poultry, eggs, beef, pecans, peanuts, soy, strawberries, sweet potatoes, rice, peaches, oats, and more,” and “to distribute SNAP Education nutrition program funding directly to schools, food banks, and other community agencies so they can distribute healthy foods such as fruits and vegetables to families and provide education and outreach about healthy food choices.”²⁸ Any purported effects of the SNAP restrictions that the state might identify in its evaluation could potentially be attributable, at least in part, to these education efforts. Thus, the proposed evaluation component likely will not provide credible results by which to assess the pilot project.

Third, Arkansas is unable to publish store-level nonaggregated retailer data relating to SNAP purchases in any evaluation report. The U.S. Supreme Court’s decision in *Food Marketing Institute v. Argus Leader Media* protects public disclosure of retailers’ data under Exemption 4 of the Freedom of Information Act (“FOIA”).²⁹

Specifically, the court held that because FMI's retailers do not customarily disclose store-level SNAP data or make it publicly available and "the government has long promised retailers that it will keep their information private," such data is protected from disclosure under Exemption 4.³⁰ Since retailer data relating to SNAP purchases falls within the exemption, the government is prohibited from making that data public, including in an evaluation report. This is extremely important to preserve competition.

Aggregated data could be utilized. Thus, even assuming retailers can obtain and provide appropriate data – which would need to track whether SNAP users use non- SNAP funds to purchase restricted items³¹ – the state may face limitations in how that data can be used or published depending on how it is aggregated in an evaluation report, potentially limiting the usefulness of such an evaluation.

III. USDA FNS Lacks Authority to Grant the Waiver Request

Finally, USDA FNS lacks authority to grant the Waiver Request because doing so would exceed the Agency's statutory authority. The Waiver Request explicitly asks USDA FNS to waive the statutory definition of "food" that is eligible for purchase with SNAP benefits, such that Arkansas could exclude certain foods from its SNAP program.³² FNS may only waive provisions of the federal Food Stamp Act by properly authorizing a pilot project pursuant to its statutory authorities.³³ However, USDA FNS cannot approve the pilot project described in the Waiver Request because doing so would exceed the agency's statutory authority.³⁴

The requested pilot project does not fall within the statutory scope of "[p]ermissible projects."³⁵ The Food Stamp Act authorizes the Secretary to conduct pilot projects to "(I) improve program administration; (II) increase the self-sufficiency of supplemental nutrition assistance program recipients; (III) test innovative welfare reform strategies; or (IV) allow greater conformity with the rules of other programs than would be allowed but for this paragraph."³⁶

The pilot project would not "improve program administration." Rather, it would create a plethora of administrative difficulties for the administering agency, retailers, manufacturers, and SNAP users alike, as described above. Further, the intent of the requested pilot project is to change the SNAP program by excluding certain foods, and not to improve its administration. Indeed, the Waiver Request makes no reference to improving program administration as a rationale. The Waiver Request likewise does not provide any basis to find that the pilot project would "increase the self-sufficiency" of SNAP recipients, and there is no reason to believe that restricting the types of foods that the already-vulnerable population of SNAP users can purchase will have any positive effect on self-sufficiency. The requested pilot project is also not well suited to "test innovative welfare reform strategies," again, for the reasons noted above. In particular, the proposed evaluation component is not well defined in the Waiver Request, and likely would not be able to provide meaningful information by which the pilot project might be deemed to "test" the change to the program. Finally, nothing in the Waiver Request suggests that the pilot project would allow for greater conformity with the rules of any other program.

* * *

FMI appreciates Arkansas' commitment to nutrition and health and applauds the efforts proposed in the Waiver Request relating to funding for nutrition education and outreach. These initiatives align with

USDA FNS’s longstanding emphasis on supporting “healthier food choices through nutrition education and promotion” rather than via restrictions on foods that may be purchased using SNAP benefits.³⁷

For the reasons described above, the requested pilot project that would modify the statutory and regulatory definitions of SNAP-eligible foods to exclude certain food products would create substantial costs for relevant stakeholders as well as the administering agency. The state would also face difficulties related to the proposed evaluation component that would undermine the pilot project’s ability to provide credible, meaningful information regarding its effects in relation to the stated goals. Finally, we believe it is beyond USDA FNS’ statutory authority to authorize the pilot project. For these reasons, we respectfully encourage the Arkansas Department of Health and Human Services to reconsider the waiver request in light of the legal, operational, and evaluative concerns described above. However, we remain eager to collaborate on efforts that strengthen SNAP’s effectiveness and support the well-being of program participants.

Please do not hesitate to reach out if there is further information that FMI can provide to facilitate consideration of these comments.

CITATIONS:

1 Letter from Kristi Putnam, Secretary of Health and Human Services for the State of Arkansas, to the Secretary of the U.S. Department of Agriculture (April 15, 2025), <https://humanservices.arkansas.gov/wp-content/uploads/SNAPWAIVER-FINAL-TWO.pdf> (hereinafter “Waiver Request”).

2 Id. at 1.

3 Id. The Waiver Request also provides that under the requested pilot project, hot rotisserie chickens – currently excluded from the federal definitions of SNAP-eligible foods – would be eligible for purchase with SNAP benefits. Id. The Waiver Request also describes certain planned uses of SNAP Education funds, described further below, and states that “[i]f a waiver is required for approval to distribute SNAP Education funding differently, the State of Arkansas requests technical assistance to pursue this approach.” Id. at 3-4.

4 Letter from Ollice C. Holden, Regional Administrator, SNAP, USDA FNS, to Maria Gomez, Assistant Commissioner, Economic and Community Support Strategies, Minnesota Department of Human Services (May 4, 2004) (hereinafter “FNS Minnesota Waiver Denial”) (attached as Appendix 1); Letter from Jessica Shahin, Associate Administrator, SNAP, USDA FNS, to Elizabeth R. Berlin, Executive Deputy Commissioner, New York State Office of Temporary and Disability Assistance (Aug. 19, 2011) (hereinafter “FNS New York Waiver Denial”) (attached as Appendix 2); Letter from Jeffrey N. Cohen, Acting Associate Administrator, SNAP, USDA FNS, to Mary C. Mayhew, Commissioner, Maine Department of Health and Human Services (Apr. 11, 2017) (hereinafter “FNS 2017 Response to Maine Waiver Request”) (attached as Appendix 3) (describing the prior 2015 request and 2016 denial).

5 Letter from Jessica Shahin, Associate Administrator, SNAP, USDA FNS, to Ricker Hamilton, Acting Commissioner, Maine Department of Health and Human Services (Jan. 16, 2018) (attached as Appendix 4); Letter from Jessica Shahin, Associate Administrator, SNAP, USDA FNS, to Richard Whitley, Director, Nevada Department of Health and Human Services (Jan. 18, 2018) (attached as Appendix 5).

6 Indeed, a reversal from these precedents could be deemed arbitrary and capricious and thus violate the Administrative Procedure Act. 5 U.S.C. § 706(2)(A).

7 Waiver Request at 3.

8 Waiver Request at 1.

9 Id.

10 Id. at 3.

11 Ark. Code Ann. § 26-52-103(3), (33). “Soft drink” is defined for tax purposes to mean a nonalcoholic beverage that contains natural or artificial sweeteners. Id. at § 26-52-103(33). A soft drink does not include a beverage that contains milk or milk products, soy, rice, or similar milk substitutes, or that is greater than fifty percent (50%) of vegetable or fruit juice by volume. Id.

12 FNS New York Waiver Denial at 1.

13 We assume that the Arkansas Department of Health and Human Services will administer the aspects of the pilot project discussed, though our concerns would likewise apply to administration of aspects of the project by USDA FNS.

14 FMI, Food Industry Facts, FMI The Food Industry Association, <https://www.fmi.org/our-research/food-industry-facts> (the average grocery store stocks 32,000 items); Stephen Martinez, Number of new food and beverage products rebounded in 2016, Economic Research Service, U.S. Department of Agriculture (2017), <https://www.ers.usda.gov/data-products/charts-of-note/chart-detail?chartId=83141> (20,000 new products are introduced each year).

15 Indeed, in USDA FNS’ denial of a previous waiver request, the Agency pointed to the lack of a “process for disseminating product information to participating retailers.” FNS New York Waiver Denial at 1.

16 *Id.* (“Without the active commitment and participation of all authorized retailers, the chances of operational success are limited”).
17 *See id.* (The proposed pilot project lacked “clear evidence that small businesses would not be disproportionately affected by the prohibition”).

18 *See FNS Minnesota Waiver Denial at 2* (“[S]uch a program change could add confusion and embarrassment at the point of sale when program recipients attempt to purchase food items once allowable but now deemed ineligible.”). Such issues could more generally negatively impact program participants, including to increase the risk of stigma for SNAP users.

19 Prior denials of state waiver requests have noted similar issues. *FNS New York Waiver Denial at 1* (The proposal lacked “a communications and coordination plan for retailer compliance activities”); *FNS Minnesota Waiver Denial at 2* (“[T]here is some question as to how retailer compliance activities would be impacted if such a waiver were implemented. Administrative difficulties ranging from what penalties, if any, would be brought against retailers for noncompliance with the restrictions imposed by the waiver and what entity, the State or USDA, would be responsible for monitoring compliance would ensue.”).

20 *FNS Minnesota Waiver Denial at 2*.

21 Patrick Canning and Rosanna Mentzer Morrison, *Quantifying the Impact of SNAP Benefits on the U.S. Economy and Jobs*, Economic Research Service, U.S. Department of Agriculture (2019), <https://www.ers.usda.gov/amberwaves/2019/july/quantifying-the-impact-of-snap-benefits-on-the-u-s-economy-and-jobs>.

22 7 U.S.C. § 2026(b)(1)(B)(i)(II) (providing that USDA FNS may not conduct a pilot project unless “the project includes an evaluation to determine the effects of the project”); 7 U.S.C. § 2026(b)(1)(A) (“The Secretary may conduct on a trial basis, in one or more areas of the United States, pilot or experimental projects designed to test program changes that might increase the efficiency of the supplemental nutrition assistance program and improve the delivery of supplemental nutrition assistance program benefits to eligible households . . .”) (emphasis added).

23 7 U.S.C. § 2026(b)(1)(A). In Section III below, we explain that the pilot project requested by the Waiver Request is not a “permissible project” within the meaning of the statute.

24 7 U.S.C. § 2026(b)(1)(B)(i)(II).

25 Waiver Request at 3.

26 *Id.*

27 USDA FNS denied the 2011 New York waiver request for highly similar reasons. *New York Waiver Denial at 1-2*.

28 Waiver Request at 3.

29 *Food Mktg. Inst. v. Argus Leader Media*, 588 U.S. 427 (2019).

30 *Food Mktg. Inst.*, 588 U.S. at 432.

31 *See FNS 2017 Response to Maine Waiver Request at 2*. The likely effects shown by such data are questionable at best, given that USDA FNS has observed that a “substantial body of research has shown that program participants are smart shoppers and that there is little difference in nutrient intakes between low-income participants and higher income consumers.” *FNS Minnesota Waiver Denial at 2*.

32 Food that is eligible for purchase with SNAP benefits is defined by statute at 7 U.S.C. § 2012(k). The Waiver Request identifies that provision (at 1) as a “Requirement[] to be Waived.”

33 7 U.S.C. § 2026(b). While FNS has regulatory authority to waive specific regulatory provisions in certain specified circumstances, the Agency may not rely on those provisions to approve any waiver that would be “inconsistent with the provisions” of the federal Food Stamp Act. 7 C.F.R. 272.3(c)(2)(i). A waiver to the statutory definition of “food” (or to the consistent regulatory definition) would thus fall squarely outside of USDA FNS’ regulatory waiver authority.

34 7 U.S.C. § 2026(b)(1)(B)(ii).

35 *Id.*

36 *Id.*

37 *FNS Minnesota Waiver Denial at 2*.

Appendix 1

May 4, 2004

Ms. Maria Gomez, Assistant Commissioner
Economic and Community Support Strategies
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155

Dear Ms. Gomez:

This is in response to the State of Minnesota’s March 8, 2004 request for a waiver of the definition of eligible foods at 7 CFR 271.2 of the Food Stamp Program regulations. The waiver would have prohibited the purchase of candy and soft drinks that are taxed under State law with food stamp benefits. We are denying the State’s waiver request for the reasons specified in the attached Waiver Response Outline. We applaud the State for recognizing the importance of healthy eating by food stamp recipients. However, we believe that supporting healthier food choices through nutrition education and promotion is preferable to the proposed mandate. We are committed to working with the State to develop new approaches to improving nutrition levels of food stamp recipients.

If you have any questions or comments, please contact me or have a member of your staff contact Tim English at (312) 353-1533 or tim.english@fns.usda.gov.

Sincerely,

Signed

OLLICE C. HOLDEN

Regional Administrator

WAIVER RESPONSE OUTLINE

1. Waiver serial number: 2040053

2. Type of request: Initial

3. Primary regulation citation: 7CFR 271.2

4. Secondary regulation citation: N/A

5. State: Minnesota

6. Region: MWRO

7. Regulatory requirements: Current regulations at 271.2 define eligible food as any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption; eligible foods are further defined as seeds and plants to grow food for the personal consumption of eligible households; and meals prepared and delivered or served to eligible food stamp recipients, as well as equipment for hunting and fishing in certain specified areas in Alaska.

8. Description of proposed alternative procedures: Minnesota proposes to amend the regulations to provide that candy and soft drinks as defined in Minnesota tax law may not be purchased with food stamp benefits. The proposal would exempt any foods that have flour as an ingredient.

9. Action and reason for approval or denial: We are denying the waiver as requested based on Section 272.3(c)(2)(i) of the regulations. This provision specifies that no waiver of the regulations may be approved if such a waiver would be inconsistent with the provisions of the Food Stamp Act. Section 3(g) of the Act defines "food" in a manner that is almost identical to that of the FSP regulations.

By proposing to change the definition of "food" in the Food Stamp Program (FSP) operated in the State of Minnesota, the waiver request is in direct conflict with the statute. Therefore, any such waiver request would not qualify for approval. Further, a demonstration project request under Section 17 of the Food Stamp Act proposing to prohibit the purchase of candy and soda as contained in this waiver request would not be considered, based on the questionable merits of the proposal, as set forth in the following paragraphs. Under this proposal, only certain types of candy and soft drinks, as defined by the tax law of Minnesota, would be ineligible for purchase with FSP benefits. For example, Minnesota's request would allow the purchase of Kit-Kat and Twix candies (because they contain flour), but would prohibit the purchase of Hershey candy bars. The proposal would also undermine the interoperability of the FSP among States. The FSP is a 100 percent Federal benefit with administrative costs shared with States. A uniform FSP allows FNS and States to implement interoperability. Allowing conflicting definitions of eligible food items would introduce obstacles to continuing interoperability and would undermine the significant benefits that interoperability provides to program recipients nationwide.

We also remain very concerned that approval of any such waiver could have negative consequences for program participants, including the reintroduction of a stigma of participation in the FSP that implementation of EBT helped to eliminate.

Further, such a program change could add confusion and embarrassment at the point of sale when program recipients attempt to purchase food items once allowable but now deemed ineligible. Moreover, implementation of this waiver would perpetuate the myth that FSP participants do not make wise food purchasing decisions. A substantial body of research has shown that program participants are smart shoppers and that there is little difference in nutrient intakes between low-income participants and higher income consumers.

Also, there is some question as to how retailer compliance activities would be impacted if such a waiver were implemented.

Administrative difficulties ranging from what penalties, if any, would be brought against retailers for noncompliance with the restrictions imposed by the waiver and what entity, the State or USDA, would be responsible for monitoring compliance would ensue.

We applaud the State for recognizing the importance of healthy eating by food stamp recipients. As the cornerstone of the USDA nutrition assistance programs, the FSP plays a vital role in helping to improve nutrition for low-income individuals. In Fiscal Year 2004, the State of Minnesota will receive \$6,403,634 of Federal funds for the nutrition education of food stamp recipients. The proposed waiver attempts to improve the nutrition of recipients by prohibiting them from purchasing certain foods with FSP benefits. We believe that supporting healthier food choices through nutrition education and promotion is preferable to the proposed mandate. We are committed to working with the State to develop new approaches to improving nutrition levels of food stamp recipients.

10. Regulatory or legislative basis for action. We are denying the waiver on the basis that it would be inconsistent with the provisions of the Act as specified in 7

CFR 272.3(c)(2)(i).

OLLICE C. HOLDEN

Regional Administrator

Food Stamp Program

Food & Nutrition Service

U.S. Department of Agriculture

Appendix 2

AUG 19 2011

Ms. Elizabeth R. Berlin

Executive Deputy Commissioner

New York State Office of Temporary and Disability Assistance

40 North Pearl Street, 16th Floor
Albany, New York 12243-0001

Dear Ms. Berlin:

Thank you for your request of October 6, 2010, that the Department of Agriculture (USDA) waive Supplemental Nutrition Assistance Program (SNAP) rules to permit a demonstration project restricting the purchase of sugar-sweetened beverages with SNAP benefits in New York City (NYC). While we share in the underlying goal of the waiver to reduce obesity, several aspects of the proposal raise concerns about its potential viability and effectiveness:

- We are concerned that the scale and scope of the proposed demonstration is too large and complex. The proposal would restrict purchases of sugar-sweetened beverages for hundreds of thousands of SNAP households throughout New York City. A change of this significance should be tested on the smallest scale appropriate to minimize any unintended negative effects.
- There are a number of unresolved operational challenges and complexities, including several that could substantially impact the operations of food retailers that accept SNAP benefits. The proposal offers little evidence that the city's retailer community is well-positioned to implement the proposed restrictions. Without the active commitment and participation of all authorized retailers, the chances of operational success are limited.
- The proposal lacks a clear and practical means to determine product eligibility, which is essential to avoid retailer confusion at point-of-sale and stigma for affected clients. It also lacks a process for disseminating product information to participating retailers, a communications and coordination plan for retailer compliance activities, and clear evidence that small businesses would not be disproportionately affected by the prohibition.
- The proposed evaluation design is not adequate to provide sufficient assurance of credible, meaningful results with respect to the demonstration's effect on obesity and health. It falls short on incorporating strong measures of sugar-sweetened beverage purchases and consumption, and total calorie intake. The proposed study does not have a strong counterfactual to show what would have happened in the absence of the restriction. It also does not have the capacity to isolate the effect of the SNAP purchase restrictions from the proposed public information campaign that is intended to educate SNAP participants about the consequences of consuming sugar-sweetened beverages.

While it is possible that some of these concerns could potentially be addressed through additional consultation, after carefully and extensively considering your original proposal and your response to our questions, we have decided to deny the waiver request. USDA has a longstanding tradition of supporting and promoting incentive-based solutions to the obesity epidemic, especially among SNAP recipients. In fact, USDA is currently partnering with the State of Massachusetts in implementing the Healthy Incentives Pilot, which increases SNAP benefits when fruits and vegetables are purchased. This pilot also includes a significant and rigorous evaluation component to measure success in consumer behavioral changes and health outcomes. We feel it would be imprudent to reverse policy at this time while the evaluation component of the Healthy Incentives Pilot is ongoing.

We appreciate New York's interest and unparalleled leadership in pursuing innovative approaches to promote healthful diets and healthy weight, and would like to work with you in this area to achieve the goal of reduced obesity rates more effectively and efficiently. We would like to look to potential alternative collaborations such as a private-public partnership to design, implement, and evaluate an anti-obesity intervention targeting consumption and associated behaviors while encouraging healthy choices. As part of this proposed project, USDA could evaluate the intervention's efficacy and cost effectiveness in promoting healthy choices and reducing overweight/obesity.

I regret that we were unable to reach agreement on your waiver request. However, it is clear that no single approach will reverse the trends in overweight and obesity, and our ultimate success will depend on all of us, parents, nutrition and health care providers, government officials, and other like-minded partners. USDA stands ready to work with New York City on ways to address the problem of obesity and promote good nutrition and health for all Americans.

Sincerely,

Jessica Shahin

Associate Administrator

Supplemental Nutrition Assistance Program

Appendix 3

APR 11 2017

Ms. Mary C. Mayhew

Commissioner

Maine Department of Health and Human Services

Commissioner's Office

221 State Street

11 State House Station

Augusta, Maine 04333-0011

Dear Ms. Mayhew:

The Food and Nutrition Service (FNS) received your February 17, 2017, request seeking approval to waive Section 3(k) of the Food and Nutrition Act of 2008 (the Act) regarding eligible foods in the Supplemental Nutrition Assistance Program (SNAP). Specifically, you request authority to operate a demonstration project in Maine to test restrictions on the purchase of soft drinks and candy with SNAP benefits.

In order to carefully consider all aspects of your submission, we require additional information. In reviewing the State's November 2015 demonstration waiver request for the same type of restriction, we posed a set of questions on January 21, 2016, seeking

additional information, which the State responded to on March 9, 2016. Please confirm if the State's response of March 9, 2016, is applicable to the current waiver request.

Further, on June 8, 2016, in response to the March 9 submittal, FNS relayed that, while the detailed and specific responses to our questions were helpful, we continued to have significant concerns relative to the evaluation. Specifically, although Maine had proposed a thorough process evaluation to document how the restriction was implemented by both the State and retailers, the proposed impact evaluation was not adequate to provide sufficient assurance of credible, meaningful results with respect to the consumption of sweetened beverages or candy, or the impacts on obesity or other weight-related diseases. The following key issues with the proposed evaluation were noted:

- Since the restriction was to be implemented statewide, the study design did not have a counterfactual to show what would have happened in the absence of the restriction.
- There was no pre- and post-implementation data collection to compare SNAP household purchases before and during the demonstration. The data was to be collected through retrospective surveys at one month and six months after implementation asking participants if their food purchases changed during the demonstration.
- Likewise, the impact evaluation was to rely on SNAP participants accurately reporting, in retrospect, how their purchases of sweetened beverage and candy had changed during the demonstration. Self-reported data is subject to bias as respondents may not remember their purchases six months ago or may be influenced by the statewide restriction and accompanying messaging.

It was further noted that some of these concerns could be addressed by obtaining retailer data from a significant portion of SNAP-authorized stores to analyze item-level purchases to determine if households use cash or other tender to purchase sweetened beverages and candy when making a SNAP Electronic Benefits Transfer (EBT) purchase. This would also require obtaining item-level purchase data for SNAP households when an EBT card is not used in the transaction. Maine doubted that small retailers would be able to provide this data, but was hopeful that large chains would cooperate and provide this data.

However, neither the November 2015 waiver request nor the February 2017 request indicates that Maine had or has agreement from any retailers, or had or has begun conversations with retailers about obtaining this data. The absence of retailer data in the evaluation plan significantly limits the feasibility of determining the impact of the restriction on consumption patterns or health outcomes for SNAP participants in Maine.

As noted, in our June 8 response, FNS asked for clarifying details or more information relative to these key evaluation issues, but did not receive follow-up information. This level of detailed information is still absent from the renewed waiver request. We are again requesting that you address these concerns so that we may fully and thoughtfully consider this waiver request.

Additionally, your 2015 waiver request was time-limited at 24 months. The renewed request asks for an indefinite waiver. An indefinite demonstration waiver is specifically prohibited by the Food and Nutrition Act. Therefore, Maine must reconsider and clarify the intended time frame.

With regards to the use of SNAP nutrition education and obesity prevention grant (SNAP-Ed) funds, in the 2015 request, Maine proposed to reallocate those funds to pay for the evaluation. In addition to using SNAP-Ed funds for the evaluation in the current request, you have also proposed to reallocate SNAP-Ed funds by providing those funds directly to food banks, schools, and other community agencies for the distribution of fruits and vegetables to needy families, and that nutrition education be conducted as part of school curricula, and overseen by the Department of Education.

This is a new request from the State agency and FNS will need further information to determine if a waiver to the Act or regulations is required. Does Maine intend to submit a SNAP-Ed plan according to 7 CFR 272.2 describing the activities and use of SNAP-Ed funds in greater detail for approval?

According to SNAP regulations, SNAP-Ed activities must be evidence-based. Maine would need to demonstrate to FNS that there is evidence that these activities support the requirements for SNAP-Ed.

Finally, we request a full cost estimate that addresses both Federal and State costs associated with this effort so that Maine's demonstration waiver submission can be given full consideration.

Please direct your response to

Andrea Gold

Director, Retailer Policy and Management Division

USDA, Food and Nutrition Service

Supplemental Nutrition Assistance Program

3101 Park Center Drive, Room 424

Alexandria, Virginia 22302

andrea.gold@fns.usda.gov

Maine's commitment to advancing the importance of healthy food purchases for SNAP participants is appreciated. FNS hopes to continue working collaboratively with the State in pursuing innovative approaches to promote healthful diets. Additional follow up with the State may be required if further clarification is needed regarding this request. We look forward to your response and to further discussions with the State as the waiver is considered.

Sincerely,

Jeffrey N. Cohen

Acting Associate Administrator

Supplemental Nutrition Assistance Program

cc: Kurt Messner

Appendix 4

JAN 16 2018

Mr. Ricker Hamilton
Acting Commissioner
Maine Department of Health and Human Services
Commissioner's Office
221 State Street
11 State House Station
Augusta, Maine 04333-0011

Dear Mr. Hamilton:

Thank you for Maine's request seeking approval to waive Section 3(k) of the Food and Nutrition Act of 2008 (the Act) regarding eligible foods in the Supplemental Nutrition Assistance Program (SNAP). Specifically, you requested authority to operate a demonstration project in Maine to test restrictions on specific categories of food purchases with SNAP benefits. I want to thank you for your responses to the Food and Nutrition Service's (FNS) questions about Maine's demonstration waiver request. We want to recognize Maine's ongoing efforts to be innovative in managing SNAP and ensuring the integrity of Maine's SNAP program. We are not though, at this time, going to authorize the request to restrict SNAP participant use of benefits for certain categories of food.

After careful consideration of your request, we have several factors that have informed this decision, including concerns about:

- Likely increase in costs of administering the SNAP program for both the state and retail community;
- Imposing significant burdens on small businesses and private retailers;
- Choosing which foods/beverages are winners and losers in the food industry as an effective means of government intervention;
- Ability to delineate nutritional benefits for allowable and excluded foods;
- Allowing the government to restrict what individuals can eat in their own homes without clear evidence of meaningful health outcomes.

We sincerely appreciate Maine's leadership in pursuing innovative approaches to improve health outcomes, and are interested in partnering with states to support and promote incentive-based solutions. Additionally, the U.S. Department of Agriculture (USDA) continues to seek ideas regarding program flexibilities that promote self-sufficiency, customer service, and integrity, without increasing costs or regulatory burdens on stakeholders.

Mr. Ricker Hamilton

Again, thank you for your interest in SNAP and your work to ensure eligible recipients have access to food assistance. USDA looks forward to working with Maine to improve health outcomes of its residents, and all Americans.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Jessica Shahnin

Associate Administrator

Supplemental Nutrition Assistance Program

Appendix 5

JAN 18 2018

Mr. Richard Whitley
Director
Department of Health and Human Services
4150 Technology Way, Suite 300
Carson City, Nevada 89706

Dear Mr. Whitley:

Thank you for your August 9, 2017, request seeking approval to operate a demonstration project in Nevada to test restrictions on the purchase of sugar sweetened beverages with Supplemental Nutrition Assistance Program (SNAP) benefits.

The U.S. Department of Agriculture (USDA) does not currently believe that the best path forward is to pilot restrictions on the use of SNAP benefits. After careful consideration, USDA has decided not to approve the waiver request due to several factors, including:

- Likely increase in costs of administering the SNAP program for both the State and retail community;
- Imposing significant burdens on small businesses and private retailers;
- Choosing which foods/beverages are winners and losers in the food industry as an effective means of government intervention;
- Ability to delineate nutritional benefits for allowable and excluded foods;
- Allowing the government to restrict what individuals can eat in their own

*homes without clear evidence of meaningful health outcomes.
We sincerely appreciate Nevada's leadership in pursuing innovative approaches to improve health outcomes, and are interested in partnering with states to support and promote incentive-based solutions. Additionally, USDA continues to seek ideas regarding program flexibilities that promote self-sufficiency, customer service, and integrity, without increasing costs or regulatory burdens on stakeholders.
Again, thank you for your interest in SNAP and your work to ensure eligible recipients have access to food assistance. USDA looks forward to working with Nevada to improve health outcomes of its residents, and all Americans.
Mr. Richard Whitley
If you have any questions, please don't hesitate to contact me.
Sincerely,
Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program*

Craig Felner, Government Affairs Director

Infant Nutritional Council of America

Comment: The Infant Nutrition Council of America (INCA) is commenting on the State's recent proposal that asks the US Department of Agriculture to approve a pilot project for modifying the categories of SNAP eligible foods. INCA represents several of the leading domestic manufacturers of infant formula. For more than 50 years, INCA has advocated for optimal infant health and the critical role of infant nutrition, supported families in their feeding decisions, and provided evidence-based information to educate stakeholders on appropriate infant feeding options.

Nutrition is fundamental for the growth, development, and health of infants and young children and we applaud the Department's goal of improving the nutrition of Arkansans. Infant formula products are designed to provide a supplemental or sole source of nutrition and infant formula is the only recommended alternative when an infant is not breastfed. Over half of the infants in the US receive at least some infant formula during their first year of life. To support hydration needs, infants and young children may be fed oral rehydration solutions. These products are categorized as medical foods and can be medically necessary for treating and preventing dehydration and can help prevent hospitalization for severe dehydration. Both infant formulas and oral rehydration solutions are SNAP eligible foods.

The State described in its proposed pilot project that SNAP eligible foods will be defined using the GS1 US framework. The GS1 US includes the SNAP eligible categories of baby/infant formula and oral rehydration/electrolyte maintenance. We request that the Department continue to maintain the SNAP eligibility for these categories. Maintaining the categories as SNAP eligible is critical to support the nutrition and health of infants and young children who

Emmie DiCicco, SNAP State Strategies Manager, Food Assistance

The Center on Budget and Policy Priorities

Comment: Please find attached our comments on the proposed SNAP “Pilot Project meant to improve Nutrition and Health under the Supplemental Nutrition Assistance Program,” published by the Arkansas Department of Human Services.

We at the Center on Budget and Policy Priorities, nonpartisan research and policy institute, appreciate the opportunity to provide feedback on this proposal. We urge Arkansas to withdraw the waiver request due to its insufficient justification, lack of compliance with federal law, and potential harm to Arkansas families and retailers. At a minimum, we recommend significant revisions to the outreach and evaluation components, along with robust stakeholder engagement prior to any implementation.

Thank you for considering our comments. Please don’t hesitate to reach out if you have any questions or would like to discuss further.

Thank you for the opportunity to submit comments about Arkansas’ Supplemental Nutrition Assistance Program (SNAP) “Pilot Project meant to improve Nutrition and Health under the Supplemental Nutrition Assistance Program”. The Center on Budget and Policy Priorities is a nonpartisan research and policy institute. We pursue federal and state policies designed to build a nation where everyone has the resources they need to thrive and share in the nation’s prosperity. We apply our deep expertise in programs and policies that help low-income people, including SNAP, which is a critical tool for reducing hunger and poverty in Arkansas and nationwide.

Arkansas families work hard to put food on the table, but many continue to face hardship. From 2021 to 2023, nearly one in five (19 percent) of Arkansas households experienced food insecurity, meaning that they struggled to access enough food due to limited financial resources. This is the highest rate of food insecurity of any state in the country.¹ SNAP plays a vital role in reducing hardship and supporting working families, older adults, people with disabilities, and children in Arkansas. SNAP reduces the overall prevalence of food insecurity by as much as 30 percent, and is even more effective among children and those with very low food insecurity.² It is also effective at reducing poverty; from 2015 to 2019, SNAP lifted an average of 63,000 Arkansans above the poverty line each year—including 33,000 children.³ However, recent administrative challenges in Arkansas’ SNAP program raise serious concerns. Since fall 2023, Arkansas has been under a corrective action plan (CAP) for failing to meet federal SNAP application processing timeliness requirements. Recently, the state was also required to complete a CAP due to poor SNAP recertification timeliness. Furthermore, state timeliness data submitted to the USDA indicates that Arkansas has not made significant progress in improving its timeliness. These are the basic responsibilities of state agencies to ensure that eligible households receive the food assistance they need and qualify for and are essential to the program’s core goal. While the waiver request fails to

include necessary details about implementation, it will require Arkansas agency staffing and administrative costs to identify prohibited items, train over 2500 retailers throughout the state, educate SNAP participants, monitor compliance and evaluate outcomes. There is no estimate of the cost of this waiver request, nor an estimate of the agency's workforce necessary to meet federal requirements. This waiver request could exacerbate Arkansas' poor performance in other areas of SNAP administration.

In this context, it is critical that any changes to SNAP in Arkansas are carefully considered, based on accurate evidence, and aligned with the goal of supporting families' ability to meet their basic needs, while maintaining and improving health.

Although we share the waiver request's goal of improved health outcomes, we have significant concerns, including:

1. This proposal is poorly justified and based on insufficient evidence.
2. This proposal could have significant harmful consequences for low-income Arkansans who need SNAP to afford an adequate diet and for the grocery retailers who participate in this important public-private partnership.
3. The proposed design and evaluation of this project are insufficient to draw any meaningful conclusions about whether it had any impact on the stated goals of improving diet quality or health.
4. This proposal fails to comply with federal law.

Consequently, we urge Arkansas to withdraw this request for the reasons detailed below. At a minimum, we recommend substantial revisions to the state's outreach plan and proposed evaluation. We also recommend Arkansas undertake robust stakeholder engagement prior to implementation to minimize the risk of harm to low-income Arkansans and local businesses.

1. This waiver request is poorly justified and based on insufficient evidence.

Arkansas' waiver request fails to support its claim that SNAP is "undermining health." On the contrary, extensive research links SNAP participation to improved health outcomes.⁴ That is, SNAP participants, purchasing the currently permissible range of foods, improve across several measures of health. Changing that successful model requires strong evidence that the experimental intervention will result in better outcomes. The state has failed to provide such evidence.

The state cites the cost of chronic disease to Arkansas' Medicaid program in justifying the proposal but ignores research showing that SNAP participation is linked to lower health care costs. For example, one study found that low-income adults participating in SNAP incur about \$1,400, or nearly 25 percent, less in annual medical care costs than low-income non-participants.⁵

Further, the state also fails to support its claim that SNAP is "encouraging families to eat highly processed unhealthy drinks and candy," offering no evidence that the program worsens diet quality or somehow encourages consumption of unhealthy food. The choices we make about what we eat are complex and influenced by many factors, including biological, economic, physical, social, and psychological determinants, and attitudes, beliefs, and knowledge about food.⁶ It is challenging to

isolate the causal impact of SNAP on diet quality; consequently, research findings on the association between SNAP participation and diet quality have been mixed.

What is clear is that SNAP participants make broadly similar food choices to non-participants.⁷ The diets of all Americans, not just those participating in food assistance programs, fall short of dietary recommendations.⁸ Despite this evidence, Arkansas does not address how an intervention that only singles out SNAP participants is justified or will be effective in improving public health.

In addition to failing to provide evidence that restricting SNAP participants' purchases is warranted, Arkansas also does not adequately support its claim that restrictions will achieve the desired outcome of improved diet quality or health. While evidence about the effectiveness of this interventions is limited, the waiver request does not acknowledge the findings of two randomized controlled trials that found that restrictions on sugary foods in isolation did not improve the diets of low-income households.⁹ If the state intends to develop new experimental evidence by implementing these restrictions, they have not proposed an experimental design or robust evaluation that would provide meaningful results (see Section 3: The proposed design and evaluation of this project are insufficient to draw any meaningful conclusions about whether it had any impact on the stated goals of improving diet quality or health.)

The waiver request instead references a single computer simulation study from Stanford University suggesting that restricting sugary beverages would reduce obesity and diabetes prevalence. However, this model is hypothetical and has not been tested through real-world policy implementation. Simulations can be useful in estimating anticipated impacts of policy changes, but they do not reflect actual outcomes and should not be treated as conclusive evidence—particularly in a statewide policy affecting the 240,000 Arkansans who rely on food assistance, more than 64% of whom are in families with children. The study itself notes several limitations to its research, including that it is based on self-reported dietary data prone to recall bias. As the authors themselves state: “Our assessment relied on assumptions; no model can capture all aspects of reality or predict the future.”

The waiver request relies on an inaccurate portrayal of how SNAP participants spend their benefits. The waiver cites a 2016 U.S. Department of Agriculture (USDA) report to assert that SNAP households spend a significant portion of their benefits on soft drinks, candy, and desserts. However, the report's category for “soft drinks” includes not only sugar-sweetened beverages but also unsweetened carbonated water—artificially inflating the perceived share spent on sugary drinks. Media coverage and testimonies referencing the study often exaggerate the differences in food purchasing between SNAP and non-SNAP households, failing to acknowledge that the actual share of spending on sugar-sweetened beverages and candy is relatively small. According to the data, SNAP participants spend only about 5 cents of every dollar on sugar-sweetened beverages and 2 cents on candy. In contrast, nearly 40 percent of SNAP benefits go toward staple foods—such as meat, dairy, produce, and grains—closely aligning with the spending patterns of non-SNAP households.

The waiver request to restrict SNAP purchases does not address poverty and other root causes of poor diet and the incidence of chronic disease. Broadly speaking, the healthfulness of foods consumed increases as income and education increase.¹⁰ Nor does the request address the barriers to healthy eating SNAP participants say they face. A USDA study found that nearly 9 in 10 SNAP participants

reported some type of barrier to healthy eating, with the most common barrier being the affordability of foods that are part of a healthy diet.¹¹

2. This waiver request could harm SNAP participants and retailers.

The waiver request includes only a general statement that Arkansas will “communicate program changes,” but provides no specific outreach plan. The waiver does not identify which stakeholders will be engaged, how outreach will occur, or when.

The waiver request emphasizes that participation in SNAP is voluntary for retailers, which seems to be an acknowledgement from the state that this proposal may result in some SNAP authorized retailers exiting the program. If even a small number of retailers choose to no longer participate in SNAP, this could significantly reduce access points for SNAP participants, particularly in rural and underserved communities. The proposal also does not include any evaluation of changes to retailer participation in SNAP, as discussed below in Section 3.

3. The proposed design and evaluation of this waiver request are insufficient to draw any meaningful conclusions about whether it had any impact on the stated goals of improving diet quality or health.

Unlike past SNAP demonstration projects that have informed national policy, this pilot lacks the elements of careful design, evaluation, and stakeholder engagement.

Section 17(b)(1)(B)(II) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2026(b)(1)(B)(II)) requires that SNAP demonstration projects include “an evaluation to determine the effects of the project.” Arkansas’s waiver request fails to meet this statutory requirement. The evaluation as proposed will not be sufficient *to determine the effects of the project* for the following reasons:

- No experimental design: The state does not propose a project design that will allow the state to isolate the causal impact of the project on any of its stated outcomes. SNAP households will not be randomly assigned to a treatment or control group. The state does not propose collecting state pre-implementation to establish a baseline of what items SNAP participants in Arkansas purchase or consume. Implementing the restriction statewide also means there is no counterfactual to show *what would have happened* in the absence of restrictions, something USDA has previously cited as unacceptable in denying states’ requests to implement restrictions.¹²
 - In contrast, the Healthy Incentives Pilot (HIP) – a Congressionally authorized and funded initiative – employed randomized assignment and rigorous evaluation methods to demonstrate the effectiveness of fruit and vegetable incentives. HIP combined transaction data, dietary recalls, and participant feedback to measure tangible dietary improvements and participant satisfaction. The Arkansas proposal offers no such design features and no measurable criteria for success.
- No participant voice: The waiver request does not demonstrate any consultation with SNAP participants, public health experts, or community-based organizations. Participant insight is critical to designing policy that is not only effective but respectful and accessible.

- No defined outcome metrics: There is no indication of whether or how the state will measure impacts on food security, diet quality, health outcomes, or participant experience. There is no effort to measure consumption of prohibited items. There is no mention of a plan to identify changes in purchase or consumption. Indeed, there is no way of knowing whether the waiver would be a success, a failure or have no impact at all. Going through the difficult work of identifying prohibited items, educating stakeholders like participants and retailers and enforcing implementation only to have no way of knowing whether the waiver has any impact on its stated goal of improving health is not a judicious use of scarce public resources and does not further the goals of SNAP.
- Overreliance on retailer transaction data: While the waiver request references the use of transaction data, these records are insufficient to determine whether the project changed purchasing behavior or consumption for several reasons. First, most SNAP households have other resources to purchase food in addition to their SNAP benefits. Thus, they can continue to purchase the restricted items using other these resources. Second, there's no way of determining actual consumption of prohibited items. Third, the Food and Nutrition Act also requires SNAP benefits to be interoperable across states, so Arkansans living near borders will be able to cross state lines to use their benefits in other states without these restrictions. As written, it is also unclear whether this data collection from retailers is voluntary or mandatory, anonymized or identifiable. If it is mandatory, it is not clear what authority the state of Arkansas has to compel retailers to share this information; it is even less clear what authority the state may claim to compel retailers outside of the state to share data on what Arkansas shopping across state lines are purchasing. Authorization for retailers to participate in SNAP and oversight of these retailers is handled by USDA, not the state of Arkansas.
- Ambiguity in product classification: The waiver proposes to categorize restricted products using the GS1 classification system, which was not designed for nutritional policy enforcement. As a set of numeric codes to aid in the scanning of purchased items, GS1 classifications also are not designed to help customers identify items on the shelf as ones they are permitted to purchase under this waiver request. It appears that the only way for a SNAP participant to know whether they can purchase an item is to guess, and hope that the item scans as allowable at the register. The lack of a publicly accessible or clearly defined product list could lead to widespread confusion for retailers and participants. It also makes the shopping experience for a SNAP participant quite different, and more demeaning, than other customers.

4. This waiver request fails to comply with federal law.

Arkansas cites the declaration of policy in 7 U.S.C. § 2011—that SNAP is intended to “raise levels of nutrition among low-income households”—as justification for its request. However, this framing is incomplete and omits key elements of Congressional intent. When Congress established SNAP, it explicitly recognized that hunger and malnutrition are driven in part by “the limited food purchasing power of low-income households.” To address this, lawmakers created a program that increases purchasing power so that eligible households can access a more nutritious diet through normal channels of trade.

This foundational principle affirms that SNAP participants, like any other shoppers, should have the freedom to choose foods that meet their dietary, cultural, and personal needs—not foods pre-selected by the state. The mechanism Congress chose to improve nutrition was increasing access, not restricting choice.

The proposal also conflicts with core protections for SNAP participants. Under Section 2 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2011) and reinforced in SNAP regulations at 7 CFR § 274.7, participants must be able to use their benefits to shop “with the same ease and accessibility as other customers.” By imposing product-level restrictions, Arkansas risks undermining this guarantee. The waiver request fails to describe, in any level of detail, how prohibited items would be identified on store shelves, how participants would be able to distinguish between similar looking products, how cashiers at authorized retailers would process prohibited and non-prohibited items in a single transaction and what the consequences of confusion or mistakes at the point of sale. This would appear to violate the obligation to ensure SNAP participants are treated as equals with all other customers. Without clear signage, uniform guidance, and thorough retailer training, participants may be denied items at checkout or face confusion and public stigma—harmful outcomes that contradict both the letter and the spirit of federal SNAP law.

Recommendations

Restrictions that are vaguely defined, inconsistently applied, or poorly communicated risk creating confusion at checkout, inadvertent denial of benefits, or public stigma. Without clear implementation plans, signage, and retailer training, SNAP customers may face a fundamentally different and more burdensome shopping experience than other consumers.

Before proceeding, we respectfully recommend that Arkansas pause pursuit of this waiver and take the time needed to:

1. Engage in robust outreach planning that includes specific strategies, timelines, and partners to reach both SNAP participants and retailers across the state, including in rural and high-need areas.
2. Secure appropriate funding and staffing for communication and technical assistance efforts, ensuring that participants understand changes and that retailers are supported in implementation.
3. Develop a clear, transparent evaluation framework with defined metrics, participant feedback mechanisms, and comparison groups to assess the impact of the policy on nutrition, food access, and overall program integrity.

Conclusion

We share Arkansas’s interest in promoting better nutrition and healthier outcomes for SNAP participants. Improving the program in ways that are effective, efficient, and respectful of participant dignity is a goal we all hold in common. However, major changes to how families access food must be approached with care, transparency, and a commitment to evidence-based policy.

We urge Arkansas to slow down and invest in the thoughtful planning, outreach, and evaluation mechanisms that are essential for long-term success. Thank you for your attention to these comments and for your ongoing efforts to strengthen food access in Arkansas.

CITATIONS:

- 1 Matthew P. Rabbitt, et al., "Household Food Security in the United States in 2023," U.S. Department of Agriculture Economic Research Service, September 2024, https://ers.usda.gov/sites/default/files/_laserfiche/publications/109896/ERR-337.pdf?v=35776.
- 2 James Mabli et al., "Measuring the Effect of Supplemental Nutrition Assistance Program (SNAP) Participation on Food Security," Food and Nutrition Service, U.S. Department of Agriculture (USDA), "Measuring the Effect of Supplemental Nutrition Assistance Program (SNAP) Participation on Food Security," August 2013, <https://www.fns.usda.gov/measuring-effect-snap-participation-food-security-0>. See also Caroline Ratcliffe, Signe-Mary McKernan, and Sisi Zhang, "How Much Does the Supplemental Nutrition Assistance Program Reduce Food Insecurity?" *American Journal of Agricultural Economics*, 93(4): 1082-1098, July 12, 2011, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4154696/>; Seungyeon Cho, "The Effect of Participation in the Supplemental Nutrition Assistance Program on Food Insecurity of Children in US Immigrant Households," *Journal of Family and Economic Issues*, September 20, 2021, <https://link.springer.com/article/10.1007/s10834-021-09799-9#citeas>; and Partha Deb and Christian Gregory, "Heterogeneous Impacts of the Supplemental Nutrition Assistance Program on Food Insecurity," *Economics Letters*, 173: 55-60, 2018, <https://www.sciencedirect.com/science/article/abs/pii/S0165176518303896>.
- 3 "SNAP: State by State Data, Fact Sheets, and Resources," CBPP, Jan. 2025, <https://www.cbpp.org/research/food-assistance/snap-state-by-state-data-fact-sheets-and-resources>.
- 4 Steven Carlson and Joseph Llobrera, "SNAP Is Linked With Improved Health Outcomes and Lower Health Care Costs," CBPP, December 14, 2022, <https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-health-outcomes-and-lower-health-care-costs>.
- 5 Seth A. Berkowitz et al., "Supplemental Nutrition Assistance Program (SNAP) Participation and Health Care Expenditures Among Low-Income Adults," *JAMA Internal Medicine*, November 2017, https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2653910?amp%3butm_source=JAMA+Intern+MedPublishAheadofPrint&utm_campaign=25-09-2017; and Seth Berkowitz, Hilary K. Seligman, and Sanjay Basu, "Impact of Food Insecurity and SNAP Participation on Healthcare Utilization and Expenditures," University of Kentucky Center for Poverty Research Discussion Paper Series, DP2017-02, 2017, http://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1105&context=ukcpr_papers.
- 6 Gareth Leng, Roger Adan, Michele Belot, et al., "The Determinants of Food Choice," *Proceedings of the Nutrition Society*, 76(3), December 2016, <https://www.cambridge.org/core/journals/proceedings-of-the-nutrition-society/article/determinants-of-food-choice/B052A32B893967EB025706AAB432369>.
- 7 Steven Garasky et al., "Foods Typically Purchased by Supplemental Nutrition Assistance Program (SNAP) Households," U.S. Department of Agriculture, Food and Nutrition Service, November 2016, <https://fns-prod.azureedge.us/sites/default/files/ops/SNAPFoodsTypicallyPurchased.pdf>
- 8 Stacy Gleason, Dani Hansen, and Breanna Walker, "Indicators of Diet Quality, Nutrition, and Health for Americans by Program Participation Status, 2011-2016: SNAP Report," U.S. Department of Agriculture, December 2021, <https://fns-prod.azureedge.us/sites/default/files/resource-files/Indicators-Diet-QualitySNAP.pdf>.
- 9 Lisa Harnack, et al., "Effects of Inclusion of Food Purchase Restrictions and Incentives in a Food Benefit Program on Diet Quality and Food Purchasing: Results From a Randomized Trial," *Journal of the Academy of Nutrition and Dietetics*, Volume 124, Issue 5, May 2024, [https://www.jandonline.org/article/S2212-2672\(23\)01713-6/abstract](https://www.jandonline.org/article/S2212-2672(23)01713-6/abstract), and Lisa Harnack, Michael Oakes, and Brian Elbel, "Effects of Subsidies and Prohibitions on Nutrition in a Food Benefit Program: A Randomized Clinical Trial," *JAMA Internal Medicine*, November 2016, doi:10.1001/jamainternmed.2016.5633.
- 10 Timothy Beatty, Biing-Hwan Lin, and Travis Smith, "Is Diet Quality Improving? Distributional Changes in the United States, 1989-2008," *American Journal of Agricultural Economics* 96(3):769-789, 2014, <https://www.jstor.org/stable/24476527>.
- 11 Maeve Gearing, Sujata Dixit-Joshi, and Laurie May, "Barriers That Constrain the Adequacy of Supplemental Nutrition Assistance Program (SNAP) Allotments: Survey Findings," USDA, June 2021, <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-Barriers-SurveyFindings.pdf>.
- 12 Andrea Gold, Letter to Bethany Hamm, SNAP Director, Maine Department of Health and Families, June 8, 2016, <https://s3.documentcloud.org/documents/2892046/USDA-Letter-to-Maine-DHHS.pdf>.

GES, INC., Edwards Food Giant Supermarkets

Comment: On behalf of my family and our extraordinary group of 950+ Team Members working throughout Arkansas in our 15 grocery stores, I want to share our perspective on the SNAP waiver request your administration submitted to the U.S. Department of Agriculture (USDA) on April 15, 2025.

We have proudly been in business in Arkansas for 66 years and our entire team works extremely hard to serve the communities in which we operate. We have been very fortunate to be able to expand our footprint over the past 15 years and now have some stores in bigger markets, but many of our stores are in rural, low-income and underserved areas where we are responsible for providing critical food access to Arkansans who would otherwise live in a food desert. Unfortunately, sales have been declining for several years in many of these stores and for a few, a good year means financially breaking even at year end. More restrictions and “red-tape” would make it even more difficult to operate in these rural markets and could possibly result in the very difficult decision of “do we stay open or close” a particular location.

We recognize and appreciate your focus on improving the health outcomes of Arkansas residents and understand the intent behind the proposal to modify eligible food items under the Supplemental Nutrition Assistance Program (SNAP). These changes, if implemented efficiently, could be a step in the right direction in promoting a healthier state. However, successful implementation of such a proposal ultimately depends on a number of essential considerations to ensure operational feasibility, fairness, and the protection of both consumers and retailers.

For us to have an equitable opportunity to make this work at the store level, it is vitally important that we have a detailed list of items that will be excluded, down to the individual item. My team simply cannot be left to determine what the “health score” is of a particular item. Without this level of clarity, our stores and team members are at an unfair disadvantage versus the national chains because we don’t have a full team of scientist to research ingredients on the estimated 100,000 food and drink items currently being manufactured. This doesn’t even bring into account the estimated 20,000 new items being introduced each year in our industry. If we don’t have clearly defined rules, we will almost certainly face compliance challenges and confused customers at the checkout register. We pride ourselves on being a great place for young adults to work part time while attending college or trade school. Often, these young adults are the very team members that will be asked to make these difficult decisions in the checkout lanes.

Given Arkansas’s plan to use GS1 codes, we ask for several points of clarification. First, please note that we do not have the ability to search their system by GS1 segments, families, classes, or bricks. We ask that you provide clear and accessible nutrition definitions and criteria so that we can search for products, then check their GS1 code to confirm their status. Second, please provide a plan to deal with local, regional, and international products that do not have GS1 codes. We pride ourselves on being heavily focused on Arkansas Made products. In most instances, these local entrepreneurs do not have access to GS1 like some national manufacturers do. Clear and accessible nutrition definitions and criteria would help us determine if certain foods are in or out of the program. Additionally, please clarify that

products without GS1 codes, like local and regional products, will still be allowed to be purchased under this waiver.

Finally, with regards to the restricted foods, please create a process to allow grocers to receive technical assistance if it is unclear if a certain food is restricted or not. Given the innovation in the food industry, many foods have different nutritional profiles than their traditional peers. We will need a process to ensure clarification prior to updating our systems.

Our next concern is the creation of a clear liability protection for grocers acting in good faith and working to implement the program changes. Historically, USDA has monitored retailer SNAP compliance. If Arkansas will be a part of this monitoring process moving forward, we need a clear understanding of the process if a grocer mistakenly assigns SNAP eligible to an ineligible product. We request a warning process before disciplinary action is taken and an appeals process. We also ask for clarification of what enforcement actions will be taken by the state and USDA separately. It is critical that no grocery store loses their SNAP authorization because of a simple clerical error.

When it comes to online shopping, we ask for additional clarification for online SNAP. We are working hard to enter the online SNAP market, but they operate at a competitive disadvantage compared to other online platforms. If Arkansas imposes product restrictions on in-store purchases that are not equally enforced online, it will likely drive SNAP customers to national online retailers. This shift would siphon dollars out of Arkansas communities and further strain local retailers.

I am urging you that in Arkansas you place a heavy emphasis on educating SNAP consumers about these changes prior to implementation. My team simply cannot act as the customer facing “enforcers” without proper support, and certainly not without an expansive and ongoing public education campaign led by the state. SNAP participants must be regularly informed of the new rules to minimize frustration and confrontation at the checkout counter in our stores.

Finally, evaluation of this pilot is just as important as the project itself. Clear evaluation metrics must be outlined prior to starting the project so success can be clearly determined. To accurately assess the real-world impact of this pilot, the state must evaluate a broad range of economic indicators. This includes lost retail revenue to nearby states and online retailers, supply chain disruptions, negative customer interactions, changes to state tax revenue, operational costs borne by retailers, and job losses in the broader food industry.

Importantly, the waiver must detail how purchase data will be collected and evaluated across multiple stores and state lines. SNAP retail data is considered proprietary business information, as concluded by the US Supreme Court. We ask that the state collaborate with retailers on an alternative evaluation plan. For a company our size, if our sales data were to be “leaked”, it could lead to larger companies engaging in tactics to push us out of a particular market and/or trade area. Therefore, sharing all of our retail data for five years is a very scary proposition for my family. We are willing to work with the state on data collection, but we ask for a seat at the table when the evaluation is being designed.

We, like you, want to see meaningful improvement in public health outcomes, but as a community-based grocer, we must be fully equipped, protected, and supported since we are being called on to help

implement such reforms. The current waiver, while well-intentioned, fails to meet the practical, legal, and economic standards needed to succeed in the retail environment. We urge you to revisit the operational and compliance elements of this proposal in consultation with the retail community and USDA.

Thank you for your attention to this matter. As a longtime supporter and friend, I stand ready to work collaboratively to improve SNAP while preserving the vital access it provides to food, employment, and economic opportunity in communities across Arkansas.

Thank you for all you do for the Great State of Arkansas.

Christin Harper, Policy Director

Maricella Garcia, Race Equity Director

for Arkansas Advocates for Children and Families

Comment: Thank you for the opportunity for Arkansas Advocates for Children and Families to comment on the Request for the Secretary of the U.S. Department of Agriculture (USDA) to Pilot Projects Meant to Improve Nutrition and Health under the Supplemental Nutrition Assistance Program (SNAP).

Arkansas Advocates for Children and Families (AACF) is a statewide, non-profit, policy research and advocacy organization. Our mission is to ensure that all children and their families have the resources and opportunities they need to live healthy and productive lives and to realize their full potential. AACF has worked for more than 45 years to advocate for research-driven, proven policies that have improved the lives of children and families in Arkansas. We have fought to improve access to school meals, SNAP, WIC, Pandemic and Summer EBT, and other food programs for children and families.

While the intent of the waiver request – to improve nutrition and health – is appreciated, AACF is opposed to this pilot project. We argue that this pilot project, if implemented, would augment food insecurity in our state, and do little to promote nutrition, much less improve health outcomes. Given that grocery prices have risen more than 23% between 2020-2024¹, now is not the time to decrease SNAP access. Families are already struggling to put food on the table. If approved, this waiver would do more harm than good to the children, seniors, disabled individuals, and veterans who rely on SNAP to access food, as well as negatively impact the economy, particularly in rural areas of the state. Our specific concerns are outlined below.

1. Failure to address the major issues that underpin chronic illness in our state

The proposed waiver request assumes that diet is the primary driver of many chronic illnesses. Diet is only one of many contributors to chronic diseases.² Levels of physical activity, exposure to pollution, stress, and genetics, among other factors, shape risk for chronic diseases.³

The intent of this pilot project may be to reduce chronic illnesses that overburden our healthcare system. However, removing soda, fruit and vegetable juice with less than 50% natural juice, unhealthy drinks, and candy from SNAP eligibility would not sufficiently affect the rate of chronic diseases in our state. This is because the waiver request does not account for some of the root causes of chronic health care issues that Arkansans face – both those who receive SNAP benefits and those who do not. These include, but are not limited to, persistent poverty and the high number of food deserts in our state.

Arkansas has the sixth-highest poverty level nationwide at 15.7%⁴ which undoubtedly contributes to our food insecurity rate of 18.9%,⁵ the highest in the nation. Even more distressing is that food insecurity among children is even higher. For 2023, Feeding America reports that 25% of children were food insecure. Food insecurity is a source of toxic stress associated with adverse health outcomes not only during childhood, but also well into adulthood. These adverse health outcomes include a greater risk of obesity, hypertension, and other cardiometabolic diseases.⁶

In addition, families living at or below 130% of the poverty guidelines and accessing SNAP to supplement their monthly food purchases are often already limited in healthy food choices due to food deserts, meaning regions with limited access to nutritious and affordable food. Many families do not have access to a grocery store that is an authorized SNAP retailer. They are instead limited to perhaps only a convenience store or gas station that accepts SNAP, which typically have more processed, shelf-stable foods and lack fresh produce, quality protein, etc. Addressing food deserts is critical to improving health because healthy purchases cannot be made if local stores do not carry those items.

2. Lack of evidence to support a correlation between individual purchases by SNAP beneficiaries and chronic health issues of low-income families overall

The proposed waiver request conflates the issue of individual purchases by SNAP beneficiaries with the chronic health issues affecting all low-income Arkansans. For example, the waiver request cites that, “More than one-third of Arkansans have diabetes or pre-diabetes....” but this figure is not specific to SNAP participants or even the broader population of low-income residents. The waiver requests also states that, “...the Arkansas Medicaid program spends at least \$300 million annually on chronic diseases.” While this data point is connected to a lower-income population of the state, it does not distinguish the amount of Medicaid claims generated by SNAP verses non-SNAP participants.

As such, it is a tenuous argument to suggest that restricting items such as candy and soda from SNAP eligibility would have a significant influence on health and subsequent Medicaid expenditures given that only 13% of Arkansans are SNAP recipients. If dietary restrictions are the answer to the chronic illness crisis, the waiver request fails to address how the behavior of low-income families not participating in SNAP, as well as Arkansans as a whole, contributes to their health issues.

Further, research shows that grocery shopping habits and diets of SNAP participants are statistically similar to those of other households. This is one reason why USDA studies have also consistently shown

that receipt of SNAP does not increase the likelihood of being overweight or obese for the majority of SNAP participants. The claim in the waiver request that SNAP “is undermining the health of millions of Americans by encouraging families to eat highly processed, unhealthy drinks and candy” is not supported by relevant data. The Stanford study referenced in the request is based only on a simulation,⁷ and the 2016 USDA study that reported that unhealthy foods comprised 23% of SNAP purchases had several limitations.⁸

3. Negative impact on food security and overall economy due to administrative complexities

The proposed waiver request includes a list of product categories that would be excluded, requiring retailers to remove potentially hundreds of individual items from SNAP eligibility without consideration for the cost to retailers for implementing these changes. The challenge of removing these items would be further compounded due to the unclear definitions of the proposed, restricted foods and drinks. While the waiver request states that the GS1 US framework would be used to define ineligible foods, the GS1 framework does not have a category of “unhealthy drinks,” for example. Since there is no reference in the waiver request to the state providing training to retailers regarding the implementation of the pilot project, it would leave retailers and potentially even point of sale employees to make individual determinations as to what products are eligible or ineligible.

Consequently, these administrative complexities and lack of clear definitions may result in some retailers opting out of SNAP. There are many counties throughout the state that only have one authorized retailer. If these stores choose to no longer participate in SNAP, this would only exacerbate the food desert crisis in our state, putting an even higher burden on SNAP beneficiaries – who often lack reliable transportation – to simply access food.

Further, while opting out of SNAP may be the easier answer for some retailers if these restrictions are put in place – particularly for smaller, family-owned businesses in rural areas – this would ultimately harm those communities. It is important to remember that SNAP not only helps put food on the table for individuals and families but also boosts local economies. Every \$1.00 in federally funded SNAP benefits generates \$1.79 in economic activity.⁹ Therefore, limiting food access would not only have a detrimental impact on health outcomes in Arkansas, but also on local economies.

In addition, a new report¹⁰ has identified 29 retailers across the state that are in counties that have high SNAP usage and low food access that are already at risk for stopping SNAP services. Adding SNAP restrictions only puts SNAP retailer participation more at risk, with the greater harm inflicted on SNAP participants who would have less access to food and local business communities who would see sales decline.

4. Violation of SNAP regulations that protect SNAP beneficiaries

SNAP regulations at 7 CFR §278.2(b) and 7 CFR §274.7(f) require SNAP participants to be treated equally to all other customers at SNAP-authorized retailers. This waiver request does nothing that would ensure that stores do not engage in discriminatory behavior when implementing the pilot project, if approved. For example, as referenced above, the waiver request does not describe how DHS would educate and support retailers or SNAP beneficiaries in the implementation of the pilot project, other than a brief

mention that the state would “communicate program changes to beneficiaries and impacted households.”

If the stores are responsible for putting these changes in place without significant training from the state, this would lead to inconsistent implementation. An item may be SNAP-eligible at one store, but SNAP-ineligible at another location which would only cause confusion among SNAP beneficiaries who have access to more than one SNAP retailer. In addition, it leaves enforcement to the frontline cashiers who would be required to explain why a certain product is excluded now from benefits. This would increase the likelihood of conflict at the cash register between the employee and customer and further single out SNAP recipients as they attempt to purchase their groceries.

5. Ineffectiveness of SNAP restrictions

The waiver request states it will “encourage low-income Arkansans to eat better.” Research demonstrates that adding restrictions does little to make SNAP recipients healthier. Rather, incentive-based programs such as the Double-Up Food Bucks Program have proven more effective in encouraging healthy food purchases.¹¹

The government should not preempt individual decisions in an attempt to improve health by unnecessarily targeting low-income families. Limiting SNAP participants’ autonomy in food choices further stigmatizes SNAP, a successful anti-hunger and anti-poverty program.¹²

6. Failure to provide details regarding monitoring and evaluation of the pilot project

The waiver request merely states that, “The state will conduct program evaluations based on retailer data to assess the waiver’s impact on positive eating and spending habits.” As this is intended to be a pilot project, details are needed regarding how it will be monitored and evaluated. The estimated cost of these evaluations would also be a salient information point for the state.

Evaluations should measure both process outcomes to ensure the pilot program is implemented consistently across retailers in various locations, as well as short and long-term impact outcomes. Examples might include evaluating changes in spending (e.g., how will the state determine whether purchases shifted or stopped when stores cannot restrict SNAP recipients from purchasing the ineligible items with cash?) and the subsequent effect on food security and health outcomes, or lack thereof. Randomly assigned treatment and control groups would be critical to the evaluation’s design in order to assess the results of the pilot. That said, without Arkansas-specific baseline data regarding SNAP purchases, and because the waiver request implies that the restrictions would be implemented statewide rather than using a phased-in approach, it is unclear how the state will compare and contrast outcomes of the restrictions pre- and post-implementation.

Finally, utilizing retailer data is not sufficient to evaluate the pilot project. We strongly encourage conducting surveys or focus groups with SNAP retailers and participants to assess the impact of the proposed restrictions and ensure the voices of those who are directly affected are heard.

Conclusion

Everyone is entitled to food choice autonomy. This includes choice for families who participate in SNAP. We believe that families know best how to choose food that aligns with their preferences, values, cultural needs, and budget.

While we recognize the positive intent behind the waiver request to improve nutrition and health, the SNAP restrictions strategy it proposes is misguided. It does not address the root causes of chronic illnesses or cite sufficient evidence that SNAP purchases drive poor nutrition in the first place. Most importantly, the pilot project would only worsen food insecurity and health outcomes for low-income Arkansans, while increasing stigma for participants when they shop. The financial losses this pilot project would incur on small businesses is also concerning. Finally, it lacks concrete implementation and evaluation planning that are critical to determining the success or failure of any pilot project.

If the state is committed to improving health outcomes of SNAP recipients, it can do so through incentive-based programs and other strategies, rather than restricting family choices and subsequently jeopardizing their food security and health. For these reasons, we ask you not to move forward with this waiver request until, at a minimum, public hearing meetings regarding this waiver request are held, education and communication plans for 7

SNAP beneficiaries and retailers are clearly articulated, and a robust monitoring and evaluation plan is shared with the public.

We look forward to continuing to work together to ensure all children and families can live healthy, productive lives. Thank you again for the opportunity to comment.

CITATIONS:

- 1 *Ag and Food Statistics: Charting the Essentials - Food Prices and Spending* | Economic Research Service. (n.d.). [https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/food-prices-and-spending#:~:text=From%202020%20to%202024%2C%20the,\(COVID%2D19\)%20pandemic](https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/food-prices-and-spending#:~:text=From%202020%20to%202024%2C%20the,(COVID%2D19)%20pandemic).
- 2 Mokdad, A. H., Ballesteros, K., Echko, M., Glenn, S., Olsen, H. E., Mullany, E., Lee, A., Khan, A. R., Ahmadi, A., Ferrari, A. J., Kasaiean, A., Werdecker, A., Carter, A., Zipkin, B., Sartorius, B., Serdar, B., Sykes, B. L., Troeger, C., Fitzmaurice, C., . . . Murray, C. J. L. (2018c). *The State of US Health, 1990-2016*. JAMA, 319(14), 1444. <https://doi.org/10.1001/jama.2018.0158>
- 3 Krobath, D. M., Lawrence, J. A., Chrisinger, B. W., & Cuevas, A. G. (2024). *Safeguarding SNAP as an Effective Anti-Hunger program: Myths and potential harms of adding diet quality as a core objective*. American Journal of Public Health, e1–e5. <https://doi.org/10.2105/ajph.2024.307863>
- 4 Shrider, E. A. & U.S. Census Bureau. (2024). *Poverty in the United States: 2023*. In Current Population Reports (Report No. P60-283). U.S. Government Publishing Office. <https://www2.census.gov/library/publications/2024/demo/p60-283.pdf>
- 5 *Food security in the U.S.* | Economic Research Service. (n.d.). <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us>
- 6 Krobath, D. M., et al.
- 7 Basu, S., Seligman, H. K., Gardner, C., & Bhattacharya, J. (2014). "Ending SNAP subsidies for sugar-sweetened beverages could reduce obesity and type 2 diabetes." *Health Affairs*, 33(6), 1032-1039.
- 8 Garasky, Steven, Kassim Mbwana, Andres Romualdo, Alex Tenaglio and Manan Roy. "Foods Typically Purchased By Supplemental Nutrition Assistance Program (SNAP) Households." Prepared by IMPAQ International for USDA, Food and Nutrition Service, November 2016. Available at www.fns.usda.gov/research-and-analysis.
- 9 *The Positive Effect of SNAP Benefits on Participants and Communities* - Food Research & Action Center. (2017, March 8). Food Research & Action Center. <https://frac.org/programs/supplemental-nutrition-assistance-program-snap/positive-effect-snap-benefits-participants-communities>
- 10 Serbin, Bianca. "SNAP Cuts Are Likely to Harm More Than 27,000 Retailers Nationwide." Center for American Progress, May 8, 2025. <https://www.americanprogress.org/article/snap-cuts-are-likely-to-harm-more-than-27000-retailers-nationwide/>.
- 11 Karpyn, Allison; Pon, Julia; Grajeda, Sara; Wang, Rui; Merritt, Kathryn; Tracy, Tara; May, Henry; Sawyer-Morris, Ginnie; Halverson, McKenna; Hunt, Alan. "Understanding Impacts of SNAP Fruit and Vegetable Incentive Program at Farmers' Markets: Findings from a 13 State RCT." *International Journal of Environmental Research and Public Health*. 17 June 2022. *Understanding Impacts of SNAP Fruit and Vegetable Incentive Program at Farmers' Markets: Findings from a 13 State RCT* - PMC

Stephanie Johnson, RDN

Group Vice President, Government Relations

On behalf of National Grocers Association

Comment: On behalf of the National Grocers Association (NGA), which represents the independent community grocers serving towns and cities across the country, including many in Arkansas, we write to share our perspective on the SNAP waiver request your administration submitted to the U.S. Department of Agriculture (USDA) on April 15, 2025.

NGA is the national trade association representing retail and wholesale grocers that comprise the independent sector of the food retail and distribution industry. An independent community grocer is a privately owned or controlled food retail company operating in a variety of formats. Independents are the true "entrepreneurs" of the grocery industry and dedicated to their customers, associates, and communities. Much of NGA's membership is comprised of family-owned and family-operated small businesses. Nearly half of NGA's members are single-store operators, and another quarter operate less than five stores. Independent retail and wholesale grocers are an important part of America's economy. Independent community grocers account for 33% of all grocery sales, exceeding \$250 billion, and more than 1.1 million American jobs. We are inherently tied to the strength and vitality of the markets we serve – at the heart of local communities and the U.S. economy. According to USDA Economic Research Service (ERS) analysis, independents tend to locate in the rural, low-income and underserved areas providing critical food access to Americans who would otherwise live in a food desert. Having often been in the business for generations, independent grocers are dedicated to their customers, associates, and communities.

We recognize and appreciate your focus on improving the health outcomes of Arkansas residents and understand the intent behind the proposal to modify eligible food items under the Supplemental Nutrition Assistance Program (SNAP). Independent grocers are vital partners in advancing nutrition security, and we support evidence-based, practical efforts to achieve this goal. However, successful implementation of such a proposal hinges on several essential considerations to ensure operational feasibility, fairness, and the protection of both consumers and retailers.

Implementation Considerations

While NGA does not take a position on what specific products should or should not be eligible for SNAP, we have several important requests to properly implement this program change. First and foremost, the success of any such waiver will depend significantly on the clarity and precision of its explanation of foods that will be newly excluded and/or included from the program. Clear guidance and an Approved Product List (APL) or restricted product list are essential. Retailers must receive an SKU-

level APL from the state, and that list must be updated monthly to reflect new product launches and formula changes. We have learned the need for this level of specificity from our experiences implementing the WIC program. A state's approved product list for the WIC program is a small subset of foods on the market. Despite this, significant effort is exerted on behalf of grocers to ensure that staff, management, and point-of-sale systems, recognize which foods are approved. Additionally, work hard to make sure participants also understand what foods they are permitted to buy. This challenge will be exacerbated under the Arkansas proposal, given the breadth and reach of the SNAP program. We would be happy to walk your team through these challenges in more detail to ensure they are accounted for and addressed.

If an APL is not provided, clear and accessible nutrition definitions and criteria must be specified to ensure grocers and consumers understand what is in and out of the program. Without such clarity, retailers will face compliance challenges and consumer confusion at the point of sale. Finally, regarding the restricted foods, please establish a process to enable grocers to receive technical assistance if it is unclear whether a certain food is restricted or not. Given the innovation in the food industry, many foods have a variety of nutritional profiles. We will need a process to ensure clarification prior to updating our system to account for these changes.

Given Arkansas's plan to use GS1 codes, we can ask for several points of technical clarification. First, GS1 is designed to help manufacturers, not grocers, so independent grocers do not have the ability to search their system by GS1 segments, families, classes, or bricks. We request that you provide clear and accessible nutrition definitions and criteria, allowing us to search for products and verify their GS1 code to confirm their status. Second, please provide a plan to deal with local, regional, and international products that do not have GS1 codes. Clear and accessible nutrition definitions and criteria would help grocers determine if certain foods are in or out of the program. Additionally, please clarify that products without GS1 codes, like local and regional products, will still be allowed to be purchased under this waiver.

Our next concern is the creation of clear liability protection for grocers acting in good faith and working to implement the program changes. Historically, USDA has monitored retailer SNAP compliance. If the state will be a part of this monitoring process moving forward, we need a clear understanding of the process or potential penalty if a grocer mistakenly assigns SNAP eligibility to a now ineligible product. We request a warning process before disciplinary action is taken and an appeals process. We also ask for clarification of what enforcement actions will be taken by the state and USDA separately. It is crucial that no grocery store loses its SNAP authorization due to a simple mistake while making a good faith effort to comply with the pilot's requirements.

When it comes to online shopping, we ask for additional clarification for online SNAP. Independent grocers have worked hard to enter the online SNAP market, but they operate at a competitive disadvantage compared to other online platforms. If Arkansas imposes product restrictions on in-store purchases that are not equally enforced online, it will likely drive SNAP customers to national online retailers. This shift would siphon dollars out of Arkansas communities and further strain local retailers.

Finally, we ask that the state take on the expansive task of educating SNAP consumers about this change. Retailers cannot act as frontline enforcers without proper support, and certainly not without an aggressive and ongoing public education campaign led by the state. SNAP participants must be regularly and explicitly informed of the new rules to minimize frustration and confrontation at the checkout counter.

Evaluation Considerations

Finally, evaluation of this demonstration project is just as important as the project itself. Clear evaluation metrics must be outlined prior to starting the project so success can be clearly determined. To accurately assess the real-world impact of this pilot, the state must evaluate a broad range of economic indicators. This includes lost retail revenue to nearby states and online retailers, supply chain disruptions, negative customer interactions, changes to tax revenue, operational costs borne by retailers, and job losses in the broader food industry.

Importantly, the waiver must detail how purchase data will be collected and evaluated across multiple stores and state lines. SNAP retail data is considered proprietary business information, as concluded by the Supreme Court in *Argus v. FMI*. We ask that the state collaborate with retailers on an evaluation plan as sharing all retail data for five years is untenable for independent grocers. We are willing to work with the state on data collection, but we ask for a seat at the table when the evaluation is being designed.

Lastly, we ask that clear health metrics be established and then reviewed as part of the evaluation. If the goal of this waiver is to address chronic disease and help participants live healthier, longer lives, it is critical that these health metrics be established at the forefront and appropriately evaluated to determine what would be considered success.

Conclusion

We share your desire to see meaningful improvement in public health outcomes, but as the stewards of local food access, independent grocers must be fully equipped, protected, and supported if they are to help implement such reforms. The current waiver, while well-intentioned, fails to meet the practical, legal, and economic standards needed to succeed in the retail environment. We urge the State of Arkansas to revisit the operational and compliance elements of this proposal in consultation with the retail community and USDA.

Thank you for your attention to this matter. NGA and our member retailers stand ready to work collaboratively to improve SNAP while preserving the vital access it provides to food, employment, and economic opportunity in communities across Arkansas.

Jon King

Hays Supermarkets

Comment: Hays Food Town, Inc is an Arkansas corporation and is a family owned independent supermarket operator with 12 supermarkets in Arkansas. Our stores are located in Wynne, West Helena, Pine Bluff, Jonesboro, Paragould, Walnut Ridge, Newport, Osceola and Blytheville. We employ approximately 625 people in our Arkansas locations, and I approximate our 2025 Arkansas payroll to be \$17,214,000.00.

We understand and appreciate the need for SNAP reform; however, we are very concerned about its impact to our business for the following reasons:

1. First and foremost we are concerned with the complexity of what will be and what will not be eligible SNAP items.
 - a. We absolutely do not have the resources to look at every item's ingredients label to make an eligibility determination.
 - b. I am told that the GS1 platform may be able to provide some guidance. I have contacts who work with GS1 on a regular basis. They have informed me that GS1 does NOT have ingredient level information and does not have sufficient categorization to provide substantive information to guide us.
 - c. We are requesting an authoritative source to provide SKU level guidance on what is NOT eligible.
 - i. Or, we are requesting the rules be made very simple, for instance regarding soda, carbonated and non-diet items are not eligible.
 - d. New products get introduced daily. How is this authoritative source going to be able to keep up with item eligibility quickly enough so that we can get new products on our shelves as soon as they become available?
2. We are also concerned that our business could be negatively affected because our customers who live close to the state's border will travel across the border to spend their Arkansas SNAP benefits. The border communities that we serve are West Helena, Paragould, Osceola and Blytheville. Customers in these communities routinely drive across the border to purchase tobacco and alcohol related products due to lower tax rates in our neighboring states. Arkansas should be very concerned with the prospect that Arkansas SNAP benefits being spent out of state.

- a. The supermarket business is a very low margin business. Every lost dollar of sales directly impacts our ability to serve our communities.
- 3. It is imperative that the state train SNAP recipients on these changes.
 - a. Checkout speed is what customers expect.
 - i. Today, SNAP customers often fill their shopping carts. When they get to the checkout and find that their SNAP benefits are insufficient to cover the entire transaction, we have to manually void items to get the value down to what they can afford. This drastically slows the checkout process.
 - ii. Without adequate education, SNAP recipients will find that many of the items that have historically purchased are no longer eligible. This will compound the problem and since they purchased many items, somehow between the cashier and the customer, we will have to determine which item or items were not eligible. Depending on the complexity of the rule, this may be hard to figure out.
 - iii. We desperately need the checkout process to be very simple. Our cashiers are not equipped to be scholars of a complex SNAP waiver rule.

Thank you for your consideration. Please let me know if you have any questions, or if I can be of any assistance.