

THE U.S. DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE

Interim Final Rule Establishing the Summer
EBT Program and Rural Non-Congregate
Option in the Summer Meal Programs

Docket No. FNS-2023-0029

COMMENTS OF
THE CENTER FOR SCIENCE IN THE PUBLIC INTEREST

Philip Kahn-Pauli, MA
Director, Legislative Affairs

Joelle Johnson, MPH
Deputy Director

Erin Ogden, MS, RD, LD
Policy Associate, Federal Child Nutrition Programs

1250 I Street, NW #500
Washington, D.C. 20005

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Community Meals Policy Division
USDA Food and Nutrition Service
1320 Braddock Place
Alexandria, VA 22314

The Center for Science in the Public Interest (CSPI) appreciates the opportunity to comment on the U.S. Department of Agriculture's (USDA) Interim Final Rule (IFR) Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs (0584-AE96).

CSPI is an independent, non-profit consumer education and advocacy organization with a long track record of advocating for healthier school foods, including successfully advocating for updated science-based nutrition standards following the passage of the Healthy Hunger-Free Kids Act in 2010 and for the added sugar limits included in the updated school nutrition standards in 2024. Since 1971, CSPI has worked towards improving public health through advancing the safety and nutrition of our food supply. CSPI does not accept funding from industry. CSPI also convenes the National Alliance for Nutrition and Activity, the nation's largest nutrition advocacy coalition.

CSPI greatly appreciates the USDA's continued efforts to increase access to healthy foods even when school is not in session. CSPI stands for ensuring year-round access to nutritious food for children through participation in the Summer EBT program. CSPI commends the USDA for the overall launch of this important program, for adjusting benefits issuance based on location of participants, and maintaining the value of benefits through future inflation adjustments. To reduce barriers to participation at both the state- and participant-level, we propose the following recommendations to be considered by the USDA's Food and Nutrition Service. Our recommendations are specific to Section 2 Subparts B and E of the IFR.

Effective approaches for balancing integrity and access priorities, while offering parent or guardian meal pick-up flexibility during summer non-congregate service.

CSPI requests that designated proxies for eligible families be permitted to pick up SUN Meals To-Go.

The current guidance within the IFR only authorizes parents and legal guardians to obtain SUN Meals To-Go, as offered in rural areas. When parents or guardians are not able to pick up to-go meals, proxy pick-up should be available. This provides flexibility to accommodate parent/guardian schedules and facilitates easier access to this program. Proxy pick-up also aligns with the practices of other hunger relief services, such as food banks,¹ food pantry distributions,² and is permitted in the distribution of USDA's The Emergency Food Assistance Program (TEFAP) foods.³

¹ Mid-Ohio Food Collective. Get Help. 2023. <https://mofc.org/get-help/>. Accessed August 7, 2024.

² Daily Bread Community Food Pantry. Client Policies. 2021. <https://dailybreadcommunityfoodpantry.org/about-us/client-policies/>. Accessed August 7, 2024.

³ USDA. FD-149: The Emergency Food Assistance Program (TEFAP). May 2024. <https://www.fns.usda.gov/tefap/qas-flexibilities>. Accessed August 7, 2024.

Facilitate the coordination and agreement process with Indian Tribal Organizations (ITOs) and State agencies.

CSPI requests sufficient time for state and territory governments and ITOs to opt in to Summer EBT and supports the maintenance of a universal application portal by the USDA.

The release of the IFR establishing Summer EBT ensured the program could rollout for summer 2024, but the limited period for state and territory enrollment hindered agency participation. CSPI supports the USDA’s Summer EBT timeline of aligning issuance with the summer months when additional benefits are most needed by families.⁴ In order to ensure states, territories, and ITOs have sufficient time to prepare for benefits distribution, and thus the ability to issue benefits at the beginning of the summer, CSPI requests additional changes.

- We urge the USDA to provide sufficient preparatory time, greater than the initial 2-month turnaround required for FY24, for states to enroll in Summer EBT participation. During the initial rollout of the program earlier this year, the truncated timeline for local government agencies to first notify the USDA of their intent to participate by January 1 and submit an implementation plan by February 15 was a barrier to timely program adoption and preparedness.^{5,6} For example, Alabama was unable to participate in Summer EBT this year as the state legislative session concluded before the IFR was released.⁷ Agencies must be positioned to issue benefits at the beginning of the summer to fulfill the intended purpose of this program--to reduce summer hunger and close the program gap when children are unable to benefit from the National School Lunch and Breakfast Programs.^{8,9} As evidenced by local news stories, the initial rollout of this program was hindered substantially enough in some jurisdictions to delay issuance until the end of summer or early fall when school was already back in session.^{10,11}

⁴ United States Department of Agriculture. Summer EBT-A Tested and Effective Strategy for Ending Summer Hunger. November 2023. <https://www.fns.usda.gov/sebt/evidence>. Accessed July 30, 2024.

⁵ Belsha K. Nearly 10 million children won’t get summer food benefits as states opt out of new federal program. Chalkbeat. January 2024. <https://www.chalkbeat.org/2024/01/10/why-some-states-are-opting-out-of-new-summer-ebt-program/>. Accessed July 30, 2024.

⁶ Hirschfeld P. Vermont opts out of new federal food assistance program due to administrative costs. Vermont Public. January 2024. <https://www.vermontpublic.org/local-news/2024-01-08/vermont-opts-out-of-new-federal-food-assistance-program-due-to-administrative-costs>. Accessed July 30, 2024.

⁷ Biertempfel M. Alabama not participating in Summer EBT this year, “contemplating” state funding for 2025. January 2024. <https://www.cbs42.com/alabama-news/alabama-not-participating-in-summer-ebt-this-year-contemplating-state-funding-for-2025/>. Accessed August 26, 2024.

⁸ United States Department of Agriculture. Biden-Harris Administration Makes History Launching New Suite of Summer Nutrition Programs to Help Tackle Hunger and Improve Healthy Eating for Millions of Children. May 2024. <https://www.fns.usda.gov/news-item/usda-0093.24>. Accessed July 30, 2024.

⁹ United States Department of Agriculture. Summer EBT-A Tested and Effective Strategy for Ending Summer Hunger. November 2023. <https://www.fns.usda.gov/sebt/evidence>. Accessed July 30, 2024.

¹⁰ Fenster J. Connecticut summer EBT benefits payments delayed. Here’s what to know and who is eligible. CT Insider. July 2024. <https://www.ctinsider.com/connecticut/article/ct-summer-ebt-food-assistance-low-income-dss-snap-19538584.php>. Accessed July 30, 2024.

¹¹ Belsha K. Summer EBT delays have left families waiting weeks or months for crucial food benefits. Chalkbeat. July 2024. <https://www.chalkbeat.org/2024/07/17/summer-ebt-sun-bucks-delays-hurt-families-until-kids-return-to-school/>. Accessed July 30, 2024.

- By providing states with a flexible time period in which to issue benefits to Summer EBT participants, USDA has already anticipated these initial rollout challenges. CSPI commends this flexibility and requests continued flexibility in issuance timelines as states work to address program barriers during the first few years of implementation. Without this flexibility, fewer states, territories, and ITOs may opt in.
- For further coordination among agencies, we urge USDA to maintain a universal application portal available for the use of all states, territories, and ITOs and to ensure it opens promptly for Summer 2025.
- Finally, CSPI supports a pathway to enrollment in Summer EBT through coordination with the National School Lunch and Breakfast Programs and for schools designated as “high need” under the Community Eligibility Provision (CEP). This would facilitate coordination between these federal programs and streamline enrollment in Summer EBT for students who qualify for the National School Lunch and Breakfast Programs or attend a CEP-designated school.¹²

CSPI commends USDA on its efforts to ensure the adequacy of benefits for recipients across the United States and in future years. CSPI applauds the USDA for issuing an increased benefit amount for program participants within Alaska, Hawaii, and participating U.S territories, including American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands. This effort acknowledges the greater cost of living in these regions compared to the contiguous United States.¹³ CSPI recommends continuing to maintain benefits issuance reflective of cost of living, especially within US territories, Alaska, and Hawaii.

Additionally, CSPI commends the USDA for building in future cost of living increase to benefit issuances in order to adjust for inflation.¹⁴ As is the case with other USDA nutrition assistance programs, including SNAP, please continue to enact inflation adjustments at the beginning of each year to ensure Summer EBT benefits are not devalued by increasing food prices.

In conclusion, we urge the USDA to reduce time constraints on state and territory agencies and ITOs by providing flexibility to opt into the program and flexibility in benefits issuance. We support the maintenance of a universal application portal available to all agencies. We ask the USDA to facilitate access to SUN Meals To-Go by permitting meal pick-ups by parent/guardian proxies and ensuring greater automatic enrollment in all Summer Programs via National School

¹² North Carolina Department of Health and Human Services. SUN Bucks. 2024.

<https://www.ncdhhs.gov/sunbucks#DoesmychildqualifyforSUNBucks-5657>. Accessed August 9, 2024.

¹³ USDA. Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs. December 2023. <https://www.federalregister.gov/documents/2023/12/29/2023-28488/establishing-the-summer-ebt-program-and-rural-non-congregate-option-in-the-summer-meal-programs>.

¹⁴ USDA. Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs. December 2023. <https://www.federalregister.gov/documents/2023/12/29/2023-28488/establishing-the-summer-ebt-program-and-rural-non-congregate-option-in-the-summer-meal-programs>.

Lunch and Breakfast Programs and CEP pathways. These recommendations to facilitate state and territory participation will help to ensure this program reduces summer hunger for children. Thank you for considering these comments.

Sincerely,

Philip Kahn-Pauli
Director, Legislative Affairs

Joelle Johnson, MPH
Deputy Director

Erin Ogden, MS, RD, LD
Policy Associate, Federal Child Nutrition Programs