



December 2, 2019

Kelly Steward
Chief, Planning and Regulatory Affairs Office
Food and Nutrition Service
U.S. Department of Agriculture
3101 Park Center Drive
Alexandria, VA 22302

Docket No. FNS-2019-0009

Re: Proposed Rule: Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling Standard Utility Allowances

Dear Chief Kelly Stewart:

We appreciate this opportunity to comment on the Food and Nutrition Service at the U.S. Department of Agriculture (USDA)'s proposed rule (Docket No. FNS-2019-0009) to change the state heating and cooling standard utility allowances for the Supplemental Nutrition Assistance Program (SNAP) (the "Proposed Rule").

The Farm Bill Law Enterprise brings together academic and clinical programs with expertise in agriculture, nutrition, and the environment. Our mission is to work toward a farm bill that reflects thoughtful consideration of the long-term needs of our society, including economic opportunity and stability, public health and nutrition, public resources stewardship, and fair access and equal protection. We accomplish this mission through joint research, analysis, and advocacy and by drawing on the experience of our members, collaboratively building deeper knowledge, and equipping the next generation of legal practitioners to engage with the farm bill.

Through our research on the public health and nutrition programs in the farm bill, we have developed expertise in SNAP. With this background, FBLE offers the below comments on the proposed changes to the utility allowance calculation.

Background

Reaching an average of 40 million people nationwide per month in 2018,¹ the Supplemental Nutrition Assistance Program plays a critical role in preventing hunger and food insecurity for millions of vulnerable low-income people across the nation. However, even the existing system falls short. In 2018, the average monthly SNAP benefit per person was \$125, averaging roughly



\$1.37 per person per meal.² This rate is already dismally low, neither enough to ensure food security nor sufficient to purchase healthy foods.

USDA uses a system of income adjustments to determine eligibility and define the amount of SNAP assistance provided to participants. Manipulating the adjustment calculation can result in significant changes to the amount of assistance a household receives each month.

Method of Calculation and SUA Adoption

The net income calculation accounts for the number of household members and income adjustments for established shelter and other housing costs, which vary from state to state. Benefits are calculated by first subtracting a series of allowable income adjustments from a household's gross income.³ Then, twenty percent of monthly earned income, dependent care expenses necessary to continue work or education, certain medical expenses for elderly or disabled members of the household, and child support payments are deducted from the gross income calculation.⁴ After those adjustments, shelter costs that exceed half of remaining income are also deducted, subject to a shelter expense deduction limit.⁵ Shelter costs include fuel to heat and cook with, electricity, water, the basic fee for one telephone, rent or mortgage payments and interest, and taxes on the home.⁶

Rather than calculating or verifying utility expenses for each household, many states use standard utility allowances (SUAs) to calculate utility costs in a household's shelter costs. As such, any changes to the calculation of SUAs would change a household's shelter costs. Particularly, households that are close to the 50% cutoff for deducting shelter costs, for example households in which shelter costs make up 52% of its remaining income, may no longer be permitted to deduct shelter costs at all if the proposed rule is enacted. This change could have significant impact on benefit levels and potentially on eligibility.

An SUA is a standardized adjusted amount that is meant to reflect the "average cost of utilities in the state or local area."⁷ There are three types of state-set standardized adjustments: heating and cooling SUAs (HCSUAs), limited utility allowances (LUAs), and single utility allowances or standards (SUSs, for clarity).⁸ Assuming the state has established a SUA,⁹ households that pay heating and cooling expenses in addition to all other utilities can claim an HCSUA as part of their shelter expenses.¹⁰ HCSUAs make up the largest proportion of SUAs in use, with 63% of households relying on them to calculate their benefits.¹¹ Alternatively, households that do not pay heating and cooling cost but pay at least two utilities can claim LUAs in participating states, however only 1% of SNAP households use this calculation method.¹² Finally, SUSs account for a single utility, such as "water; sewerage; well and septic tank installation and maintenance; telephone; and garbage or trash collection;" about 6% of SNAP households use this method.¹³ This rule is particularly significant because the vast majority of states mandate use of SUAs in calculating benefits.¹⁴

The current rule gives states broad discretion in rate-setting and implementation of the SUAs.¹⁵ As a result, SUAs are currently calculated in different ways from state to state. This flexibility



allows states to tailor the allowance to their SNAP beneficiaries' environment, based on the relevant costs to residents. For example, states may vary the allowance determination on factors such as household size, geographic area, or season, which allows states to respond to the unique needs of each state's SNAP beneficiaries.¹⁶ According to the Food and Nutrition Service's (FNS) analysis, only Alaska and New York vary SUAs by region, only six states vary SUAs by household size, and no state varies SUAs by season.¹⁷ Still, states have the power to evaluate and set these standard rates within their borders. Under the current regime, they must review these standards annually to adjust for changing costs and submit any changes, with supporting methodology, to FNS for approval.¹⁸

Impact of Proposed Rule

On October 3, 2019, USDA proposed a new rule to “modernize” state methodology for calculating SUAs.¹⁹ USDA's principle justification for the proposed change is that the current state-led system results in “considerable variation” in benefits from state to state.²⁰ USDA asserts that this system can result in disparities between two households, in close proximity and with similar utility costs, receiving distinct benefits due to their position on either side of a state border.²¹

The Proposed Rule would standardize the methodology for calculating HCSUAs using national surveys of utility costs for low-income households.²² USDA's Proposed Rule would set the HCSUA at the 80th percentile of low-income households' utility costs in each state (updated annually).²³ In effect, this change would significantly reduce the utility deduction, and therefore total shelter costs, for recipients in many states. States could still use their own methodologies to determine LUAs and SUSs, with a 70% cap on the state's LUAs (relative to the state's HCSUA amount) and a 35% cap for SUSs (same).²⁴ However, as mentioned above, significantly fewer SNAP recipients rely on those methods of calculation.²⁵ USDA also proposes an updated telecommunications SUA that would replace the telephone SUA and include the cost of basic internet services, capped at a standard amount set nationally.²⁶

While USDA's stated objectives—equity and integrity—have merit generally, the Proposed Rule would be harmful if enacted and is unjustified in its approach. This comment will first address the harm to beneficiaries the Proposed Rule would cause. Specifically, the net effect is that SNAP beneficiaries would lose on \$1 billion of nutrition support each year and 19% of SNAP households would see a reduction in benefits.²⁷ Second, this comment will argue that USDA's approach to changing the current SUA regime is unjustified because it would rely on inaccurate data sources and eschews more moderate alternatives that could resolve USDA's stated concerns. USDA should not enact the Proposed Rule.

A. The Proposed Rule will harm the populations SNAP is intended to protect and disrupt vulnerable communities.

The Proposed Rule will decrease SNAP benefits for millions of low-income households. This section will describe the effects of the rule on SNAP participation, the negative health outcomes



associated with the food insecurity, the outsized impact on households with elderly or disabled members, and the damage to local economies.

The Regulatory Impact Analysis estimates that the Proposed Rule would result in 29 states losing a total of \$1.56 billion in SNAP benefits annually.²⁸ Over 19% of households would experience a cut—approximately 3.5 million households, based on FNS’s most recent data²⁹—and approximately 8,000 households would lose SNAP eligibility.³⁰ Many of the individuals in these households are those that SNAP benefits most, including those in larger households with children, elderly, or disabled members. By the Administration’s calculations, the Proposed Rule would cut food benefits by \$4.5 billion over five years, thus depriving millions of adequate nutrition assistance.³¹

The effect on individual states varies: some states would gain benefits and others would lose. Vermont will have the highest loss with a 20.94% net loss of SNAP benefits.³² Other states that would see drastic cuts include Maine (13.69%), South Dakota (11.5%), North Dakota (10.41%), Connecticut (9.3%), and New Hampshire (9.11%).³³ In comparison, the state with the greatest gains, Mississippi, would only see a 4.86% net increase in benefits.³⁴ On the whole, states that stand to lose from the proposed change average 6.24% in net losses while states that stand to gain would see an average 1.83% increase in benefits.³⁵ By restricting state authority to respond to residents’ needs, the Proposed Rule would dramatically impact the financial and nutritional security of many states’ residents.

The Proposed Rule’s impacts would vary among SNAP beneficiaries within the same state as well. Current rules allow states to set different SUAs for different geographic areas in the state.³⁶ Alaska and New York avail themselves of this flexibility. Utility expenses in New York City are higher than those in Albany, and heating expenses above the Arctic Circle are different from those in Juneau. The Proposed Rule would eliminate these nuances, forcing potentially drastic decreases in benefits for populations within states that experience wildly different expenses. For example, in 2017, New York City’s HCSUA was \$758, Suffolk’s HCSUA was \$706, and the rest of New York State’s HCSUA was \$627.³⁷ The revised 2017 HCSUA, using the proposed USDA methodology, would be \$447, a drastic change from previous values.³⁸ If implemented, 30.78% of households in New York would see their benefits decrease and only 1.63% of households would see their benefits increase.³⁹ Overall, the state would suffer a net loss of 7.82% of SNAP benefits.⁴⁰

The Proposed Rule would increase negative health outcomes associated with food insecurity.

The Proposed Rule would reduce benefits for a significant number of households, thereby increasing food insecurity. Low-income individuals facing food insecurity face a higher risk of diabetes,⁴¹ depression,⁴² pregnancy complications,⁴³ and chronic disease.⁴⁴ The already-strained U.S. healthcare system will have to bear the costs of the increased health burden associated with 3.5 million more households facing food insecurity due to reduced benefits. The additional costs of expensive emergency services and long-term care for chronic diseases from food insecurity more than outweigh the marginal costs of maintaining the current level of SNAP benefits.⁴⁵ SNAP participants spend an average of \$1,400 less on healthcare annually than similarly situated adults.⁴⁶



Healthcare savings were even more pronounced for SNAP beneficiaries relying on Medicare or other forms of public insurance, whose healthcare savings were, respectively, \$2,709 and \$2,544 annually per person more than non-participants.⁴⁷ In comparison, the average benefit paid to a SNAP recipient in 2018 was \$126 monthly.⁴⁸ Cutting federal spending for SNAP beneficiaries who utilize Medicare or public insurance would thus lead to increased total federal spending each year, as the average annual increase in healthcare costs would exceed money saved on SNAP benefits.

The Proposed Rule would disproportionately affect the elderly and individuals with disabilities.

The Proposed Rule would disproportionately impact households with elderly or disabled members.⁴⁹ Such households are not subject to the “maximum monthly excess shelter expense deduction” imposed on other households.⁵⁰ Thus, the average benefit loss or gain is larger for these households: a larger or lower HCSUA correlates directly with a larger or lower deduction.⁵¹ Under the Proposed Rule, a greater proportion of households with elderly and disabled members would lose benefits (26.37% and 30.4%, respectively) than would gain benefits (20.55% and 25.28%, respectively). Moreover, the dollar amount of benefit losses would be more significant than gains among these communities.⁵²

Elderly SNAP participants tend to spend excess income on medical care.⁵³ The net decrease in benefits the Proposed Rule would cause would inhibit these individuals’ ability to afford such medical care, which will lead to additional stress on the over-burdened U.S. healthcare system when they fall ill.⁵⁴ Further, the elderly population is particularly susceptible to poor health outcomes due to food insecurity.⁵⁵ Food insecure seniors are 65 percent more likely to be diabetic, 2.3 times more likely to suffer from depression, 66 percent more likely to suffer from a heart attack, and more at risk for many chronic diseases than food secure seniors.⁵⁶ The Proposed Rule would exacerbate these health impacts, leading to significant negative impacts on the healthcare system and additional costs for Medicare and private insurers. Further, food insecurity may exacerbate social isolation among seniors.⁵⁷ Social isolation has been found to increase healthcare costs by an average of \$134 per month,⁵⁸ burdening the healthcare system even more. The Proposed Rule would therefore cause outsized adverse effects among elderly individuals.

The Proposed Rule would hinder economic vitality.

SNAP stimulates both the national economy at large and communities where SNAP dollars are spent. USDA’s Economic Research Service (ERS) estimates the multiplier of this stimulus at about \$1.79 of economic activity from every \$1 of SNAP benefits.⁵⁹ By implementing its Proposed Rule, USDA would be stripping \$1 billion in benefits and, therefore, \$1.79 billion in economic activity from communities each year.⁶⁰ Moreover, the communities most affected would be the low-income communities in which many individuals who rely on SNAP reside.

The Proposed Rule specifically notes the change to the HCSUA would burden small authorized retailers with \$177 loss of revenue per month from reduced SNAP redemption, or five percent of



the total redemption for small business owners.⁶¹ This loss is particularly damaging in an industry, the grocery industry, that only has profit margins of about 1.1 percent.⁶²

Additionally, SNAP is a tool for job creation. ERS estimates an increase of at least 9,000 full-time equivalent (FTE) positions for each additional \$1 billion of SNAP benefits.⁶³ While the exact numbers of job loss are not certain, reducing SNAP enrollment and benefits will reduce the number of FTE's employed in administering SNAP, and increase unemployment rates in these communities. When unemployment increases, there will be a greater need for food assistance. However, emergency feeding organizations are likely to be ill-equipped to handle the influx in need. This feedback loop creates a threefold economic impact—loss of benefits for SNAP recipients and needy individuals, loss of economic multiplier in communities, and loss of jobs.

B. The Proposed Rule is Unjustified.

Although USDA's Proposed Rule might decrease benefit disparities between states, USDA's proposed methodology for calculating SUAs is not a superior alternative. The agency underlines the need to eliminate incoherent state methodology created from unreliable and/or outdated data.⁶⁴ The proposed solution is to standardize the methodology for calculating HCSUA based on national surveys that "more accurately" reflect utility costs for low-income households.⁶⁵ The reason for the change, according to USDA, is to "help make SUAs and the program more equitable and [to] improve program integrity by ensuring SUAs better reflect what households are paying for utilities."⁶⁶

However, both proposed national surveys, the American Community Survey (ACS) and the Residential Energy Consumption Survey (RECS), are unreliable.⁶⁷ The ACS relies on self-reported data and does not report different utility usage within a household.⁶⁸ The RECS distinguishes between end uses, but does not collect data from all States and is not published every year.⁶⁹ USDA acknowledges that "[t]he use of these specific sources would not be codified in the Proposed Rule to maintain flexibility in the event better sources become available or these surveys cease to provide the necessary information."⁷⁰ In the report upon which the Proposed Rule is based, USDA's own researchers note the difficulty in attempting to establish a nationwide scheme:

Standardizing the development of SUAs is an extremely complex process primarily because no single data source provides all of the information and characteristics needed to compute standardized SUAs. Various data sources have to be merged in unique ways in order to obtain the desired estimates.⁷¹

While the researchers ultimately recommend the ACS/RECS approach that the agency now proposes, it is clear that USDA does not regard this methodology as faultless. USDA's myopic focus on establishing consistency for consistency's sake alone should not undercut the much more important aim of ensuring that SUAs function to support households in achieving the nutritional security SNAP is designed to promote.



It is clear that focus on consistency in lieu of state-based responsiveness guided USDA’s analysis, to the detriment of SNAP beneficiaries. In the Regulatory Impact Analysis, FNS lists just two alternatives to the Proposed Rule that were considered, both of which also would involve standardizing the SUA methodologies nationwide.⁷² USDA thus neglected to consider any alternatives that would allow states to retain discretion in evaluating their residents’ needs. Indeed, the study USDA commissioned to analyze SUAs—aptly named “Methods to *Standardize* State Standard Utility Allowances” (emphasis added)—had the stated objective of “develop[ing] two or more methods for standardizing the development of SUAs across all States[.]”⁷³ It therefore appears no state-based alternative was evaluated at all.

Rather than eradicating state authority in this area in favor of uniformity, USDA should maintain the current scheme and focus on supporting states in updating their individual SUA calculation methodologies. There are ways to address this concern with program consistency while retaining federalism and state responsiveness. USDA could, for instance, have states re-evaluate their calculations to ensure they approximate actual household utility expenses. USDA should consider the comments it requested from state and local officials for other alternatives to the Proposed Rule.⁷⁴ As resources, data sources, and utility providers vary by state, it is ideal—as the agency’s struggle to identify reliable data on which to base a nationwide methodology makes clear—that best practices will likewise vary by state.

Lastly, USDA relies on the principle of “benefit equity” to justify its nationwide standard.⁷⁵ Equality and equity are not synonymous, however. Narrowing the difference in benefits across state lines (i.e., making benefits more equal) does little to ensure that families receive adequate support to provide sufficient food and nutrition for their households. Equity, instead, requires that families receive benefits adjusted to their individual needs. Therefore, equity cannot be used to justify a standardized methodology that does not respond to the individual environment of SNAP recipients.

C. Conclusion

SNAP plays a key role in reducing food insecurity and hunger for millions in the United States. USDA has failed to justify the significant reductions to those benefits the Proposed Rule would cause. The Farm Bill Law Enterprise strongly opposes the proposed rule, and we urge USDA not to proceed with its enactment.



Sincerely,

The Farm Bill Law Enterprise

farmbilllaw.org

Food Law and Policy Clinic, Emmett Environmental Law and Policy Clinic, Health Law and Policy Clinic | Harvard Law School

Environmental Law and Policy Clinic | Duke University School of Law

Food Law Initiative | Elisabeth Haub School of Law at Pace University

Resnick Center for Food Law and Policy | University of California, Los Angeles School of Law

Center for Agriculture and Food Systems | Vermont Law School

Environmental Protection Clinic | Yale Law School

Joshua Galperin | Visiting Associate Professor at University of Pittsburgh School of Law



¹ FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION AND COSTS (Nov. 1, 2019), <https://fns-prod.azureedge.net/sites/default/files/resource-files/SNAPsummary-11.pdf>.

² *Id.*

³ 7 U.S.C.A. § 2014(e) (2019).

⁴ *Id.*

⁵ *Id.* at § 2014(e)(6)(ii); *SNAP Eligibility*, FOOD & NUTRITION SERV., DEP’T OF AGRIC., [https://www.fns.usda.gov/snap/recipient/eligibility#What%20resources%20can%20I%20have%20\(and%20still%20get%20SNAP%20benefits\)?](https://www.fns.usda.gov/snap/recipient/eligibility#What%20resources%20can%20I%20have%20(and%20still%20get%20SNAP%20benefits)?) (last visited Nov. 30, 2019).

⁶ *SNAP Eligibility*, *supra* note 5.

⁷ *Standard Utility Allowances*, FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., <https://www.fns.usda.gov/snap/eligibility/deduction/standard-utility-allowances> (last visited Nov. 30, 2019).

⁸ 7 C.F.R. § 273.9(d)(6)(iii) (2019).

⁹ All fifty states have an HCSUA except Hawaii. Guam and the Virgin Islands also do not have an HCSUA. All but 7 states have an LUA and “about half have at least one SUS.” FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., (AE69) SNAP SHCSUA REGULATORY IMPACT ANALYSIS 5, 36–39 (2019), <https://www.regulations.gov/contentStreamer?documentId=FNS-2019-0009-0002&contentType=pdf>.

¹⁰ 7 C.F.R. § 273.9(d)(6)(iii) (2019); *see* FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 5.

¹¹ FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 13.

¹² Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. 52809, 52810 (proposed Oct. 3, 2019) (to be codified at 7 C.F.R. Pt. 273); FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 13.

¹³ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52810; FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 13.

¹⁴ FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 5; 7 C.F.R. § 273.9(d)(6)(iii)(E) (2019) (permitting states to mandates use of SUAs if certain conditions are met).

¹⁵ 7 C.F.R. § 273.9(d)(6)(iii) (2019).

¹⁶ 7 C.F.R. § 273.9(d)(6)(iii)(A) (2019).

¹⁷ FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 18.

¹⁸ 7 C.F.R. § 273.9(d)(6)(iii)(B) (2019).

¹⁹ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52809.

²⁰ *Id.* at 52810.

²¹ *Id.* at 52809.

²² *Id.* at 52810.

²³ *Id.* at 52809.

²⁴ *Id.* at 52811–12.

²⁵ FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 13.

²⁶ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52811.

²⁷ *Id.* at 52812.

²⁸ *Id.*

²⁹ FNS’s preliminary estimate for the number of households participating in SNAP in August 2019 was 18,462,672, of which 19% is 3,507,908. *See* FOOD & NUTRITION SERV., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: NUMBER OF HOUSEHOLDS PARTICIPATING (Nov. 1, 2019), <https://fns-prod.azureedge.net/sites/default/files/resource-files/30SNAPcurrHH-11.pdf>.

³⁰ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52812.

³¹ *Id.* at 52813.

³² FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., FY 2017 SNAP HCSUA VALUES AND PROPOSED RULE IMPACTS, BY STATE (2019), <https://fns-prod.azureedge.net/sites/default/files/resource-files/FY%202017%20HCSUA%20Values%20and%20Proposed%20Rule%20Impacts.pdf>.

³³ *Id.*

³⁴ *Id.*



³⁵ See *id.*

³⁶ 7 C.F.R. § 273.9(d)(6)(iii)(A) (2017).

³⁷ FOOD & NUTRITION SERV., FY 2017 SNAP HCSUA VALUES AND PROPOSED RULE IMPACTS, BY STATE, *supra* note 32.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ David H. Holben and Alfred M. Pheley, *Diabetes Risk and Obesity in Food-Insecure Households in Rural Appalachian Ohio*, 3 PREVENTING CHRONIC DISEASE 1 (2006); Hilary Seligman et al., *Food Insecurity is Associated with Diabetes Mellitus: Results from the National Health Examination and Nutrition Examination Survey (NHANES) 1999–2002*, 22 J. GEN. INTERNAL MED. 1018 (2007); Hilary Seligman et al., *Food Insecurity Is Associated With Chronic Disease Among Low-Income NHANES Participants*, 140 J. NUTRITION 304 (2010); Nurgül Fitzgerald et al., *Food Insecurity is Related to Increased Risk of Type 2 Diabetes Among Latinas*, 21 ETHNICITY & DISEASE 328-334 (2011).

⁴² Patrick Casey et al., *Maternal Depression, Changing Public Assistance, Food Security, and Child Health Status*, 113 PEDIATRICS 298 (2004); Robert C. Whitaker et al., *Food Insecurity and the Risks of Depression and Anxiety in Mothers and Behavior Problems in their Preschool-Aged Children*, 118 PEDIATRICS e859 (2006); Colleen M. Heflin et al., *Food Insufficiency and Women's Mental Health: Findings From a 3-Year Panel Of Welfare Recipients*, 61 SOC. SCI. & MED. 1971 (2005); Kristine Siefert et al., *Food Insufficiency and Physical and Mental Health In a Longitudinal Survey of Welfare Recipients*, 45 J. HEALTH & SOC. BEHAV., 171 (2004).

⁴³ Barbara A. Laraia et al., *Household Food Insecurity Is Associated With Self-Reported Pregravid Weight Status, Gestational Weight Gain, and Pregnancy Complications*, 110 J. AM. DIETETIC ASSOC. 692 (2010).

⁴⁴ DIETARY GUIDELINES ADVISORY COMM., REPORT OF THE DIETARY GUIDELINES ADVISORY COMMITTEE ON THE DIETARY GUIDELINES FOR AMERICANS, 2010 (2010), https://www.nutriwatch.org/05Guidelines/dga_advisory_2010.pdf.

⁴⁵ Seth Berkowitz, et al., *Supplemental Nutrition Assistance Program (SNAP) Participation and Health Care Expenditures Among Low-Income Adults*, 177 JAMA 1642 (2017).

⁴⁶ *Id.* at 1645.

⁴⁷ *Id.* at 1646.

⁴⁸ FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION AND COSTS (Nov. 1, 2019), <https://fns-prod.azureedge.net/sites/default/files/resource-files/SNAPsummary-11.pdf>.

⁴⁹ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52812.

⁵⁰ 7 U.S.C.A. § 2014(e)(6) (2019).

⁵¹ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52813; FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 5; 7 C.F.R. § 273.9(d)(6)(iii) (2019).

⁵² FOOD & NUTRITION SERV., SNAP SHCSUA REGULATORY IMPACT ANALYSIS, *supra* note 9, at 29.

⁵³ Steven Carlson & Brynne Keith-Jennings, *SNAP Is Linked with Improved Nutritional Outcomes and Lower Health Care Costs*, CTR. ON BUDGET AND POLICY PRIORITIES (Jan. 17, 2018), <https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care>.

⁵⁴ See generally, Olivia Dean and Lynda Flowers, *Fact Sheet: Supplemental Nutrition Assistance Program (SNAP) Provides Benefits for Millions of Adults Ages 50 and Older*, AARP PUBLIC POLICY INST. (Apr. 19, 2018), <https://www.aarp.org/ppi/info-2018/snap-provides-benefits-for-millions-of-adults-ages-50-and-older.html>

⁵⁵ *Id.*

⁵⁶ JAMES ZILIAK & CRAIG GUNDERSEN, THE HEALTH CONSEQUENCES OF SENIOR HUNGER IN THE UNITED STATES: EVIDENCE FROM 1999-2014 NHANES (2017), <https://www.feedingamerica.org/sites/default/files/research/senior-hunger-research/senior-health-consequences-2014.pdf>.

⁵⁷ JAMES ZILIAK ET AL., THE CAUSES, CONSEQUENCES, AND FUTURE OF SENIOR HUNGER IN AMERICA 40 (2008), https://www.researchgate.net/profile/James_Ziliak/publication/228641199_The_Causes_Consequences_and_Future_of_Senior_Hunger_in_America/links/00b49526fa37a67c3c000000/The-Causes-Consequences-and-Future-of-Senior-Hunger-in-America.pdf



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- ⁵⁸ Lynda Flowers et al., *Medicare Spends More on Socially Isolated Older Adults*, AARP (Nov. 2017), <https://www.aarp.org/content/dam/aarp/ppi/2017/10/medicare-spends-more-on-socially-isolated-older-adults.pdf>.
- ⁵⁹ KENNETH HANSON, ECON. RESEARCH SERV., DEP'T OF AGRIC., *THE FOOD ASSISTANCE NATIONAL INPUT-OUTPUT MULTIPLIER (FANIOM) MODEL AND STIMULUS EFFECTS OF SNAP 29* (2010), https://www.ers.usda.gov/webdocs/publications/44748/7996_err103_1_.pdf.
- ⁶⁰ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52812.
- ⁶¹ *Id.*
- ⁶² *Grocery Store Chains Net Profit*, FOOD MARKETING INST., <https://www.fmi.org/our-research/supermarket-facts/grocery-store-chains-net-profit> (last visited Nov. 30, 2019).
- ⁶³ KENNETH HANSON, *supra* note 59, at 29.
- ⁶⁴ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52810.
- ⁶⁵ *Id.*
- ⁶⁶ FOOD & NUTRITION SERV., *SNAP SHCSUA REGULATORY IMPACT ANALYSIS*, *supra* note 9, at 1.
- ⁶⁷ *Id.* at 11.
- ⁶⁸ *Id.* at 12.
- ⁶⁹ *Id.*
- ⁷⁰ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52811.
- ⁷¹ CHRIS HOLLEYMAN, TIMOTHY BEGGS, & ALAN FOX, U.S. DEP'T OF AGRIC., *METHODS TO STANDARDIZE STATE STANDARD UTILITY ALLOWANCES xiv* (2017), <https://fns-prod.azureedge.net/sites/default/files/ops/methods-standardizes-uas.pdf>.
- ⁷² FOOD & NUTRITION SERV., *SNAP SHCSUA REGULATORY IMPACT ANALYSIS*, *supra* note 9, at 33–34.
- ⁷³ HOLLEYMAN, BEGGS, & FOX, *supra* note 71, at 4.
- ⁷⁴ SNAP: Standardization of State Heating and Cooling Standard Utility Allowances, 84 Fed. Reg. at 52813.
- ⁷⁵ *Id.* at 52811.