



State Administration Branch
Program Accountability and Administration Division
Supplemental Nutrition Assistance Program
Food and Nutrition Service
U.S. Department of Agriculture
1320 Braddock Place, 5th Floor
Alexandria, VA 22314

Re: Notice of Proposed Rule Making -- Supplemental Nutrition Assistance Program: Revision of Civil Right Data Collection Methods RIN: 0584-AE86

To whom it may concern:

I am writing on behalf of the Center for Law and Social Policy (CLASP) in support of the Food and Nutrition Service (FNS) proposal to revise Supplemental Nutrition Assistance Program (SNAP) regulations that cover the collection and reporting of race and ethnicity data by State agencies on persons receiving benefits from SNAP. CLASP is a national, nonpartisan, anti-poverty nonprofit advancing policy solutions for low-income people. We work at both federal and state levels, supporting policy and practice that make a difference in the lives of people living in conditions of poverty. CLASP works to develop and implement federal, state, and local policies (in legislation, regulation, and on the ground) that reduce poverty, improve low-income people's lives, and create pathways to economic security for everyone. That includes directly addressing the barriers people face because of race, ethnicity, and immigration status. Through high-quality analysis grounded in data and on-the-ground experience, effective advocacy, a strong public voice, and hands-on technical assistance, CLASP develops and promotes new ideas, mobilizes others, and provides guidance to government leaders and advocates to help them implement strategies that deliver meaningful results to people across America.

These comments draw on CLASP's deep experience with SNAP. These comments also draw on Senior Policy Analyst Parker Gilkesson's direct experience as an eligibility caseworker who took applications on the frontlines in North Carolina. The proposed rule would be a major step forward in disaggregating data by race to provide more accurate data that is based on the customer's own self-description instead of interpretation by the caseworker.

Through this rulemaking, FNS intends to improve the quality of data collected for purposes of Federal civil rights law and policy (including Title VI of the Civil Rights Act of 1964).¹ CLASP is deeply grateful for FNS' attempt to strengthen data collections. This rule would remove regulatory language that suggests

¹ Supplemental Nutrition Assistance Program: Revision of Civil Rights Data Collection Methods (proposed June 27, 2022) 87 FR 38010

that State agencies might collect race and ethnicity data by caseworker observation (also referred to as “visual observation”) when participants do not voluntarily provide the information on the application form. We support FNS in stopping the collection of this data by observation but believe it is important that the information on race and ethnicity is still collected. Formerly, in my position as an eligibility worker, I remember other workers routinely guessing the race of applicants which can be grossly inaccurate based on multiple factors including internal bias or lack of knowledge about diverse racial makeups and more. For example, a customer comes in to apply for benefits who physically appears that they are Black or African American. They are of African descent; however, their ethnicity is also Hispanic because their parents are from Nicaragua. Based on stereotypes about the makeup of the Hispanic ethnicity, this may not be obvious to the eligibility worker—causing a specific piece of data to not be captured. This is why it is important for recipients to provide their race and ethnicity for the most accuracy.

Disaggregating data by race is important because careful data disaggregation can increase our clarity about a particular question or issue ² and can help uncover hidden racial inequities.³ Racial and ethnic disparities and inequities can only be eliminated if there is high-quality information by which to track immediate problems and underlying social determinants.⁴

States should be encouraged to collect data on race and ethnicity at the end of applications to minimize the “priming” effect⁵ on either applicants or caseworkers. Applications should also include a statement that responses to this will never impact eligibility or benefit amounts and provide a brief description as to why the data is being collected, to encourage responses. There are certain historical biases and harms that people have experienced when applying for or receiving public benefits so it is imperative that participants are given full disclosure as to how the data will be used and why it is being collected. FNS should also provide guidance to states, that the data should not ever be used to heighten false narratives or stereotypes—but be used for ethical purposes only.

Furthermore, FNS should encourage states to work along with their community members to define the racial categories they identify with that go beyond the generic and broad racial categories that exist now. Currently, when information is collected about race and ethnicity, it is often done using federal categories guided by the Office of Management and Budget’s (OMB) minimal standards.⁶ However, people’s experiences can be much more specific than just “white,” “Black,” “Asian,” and more. By only using the federal categories, many distinct populations—with unique cultures, lived experiences,

² “Race Data Disaggregation: What Does It Mean? Why Does It Matter?” Minnesota Compass. Accessed August 25, 2022. <https://www.mncompass.org/data-insights/articles/race-data-disaggregation-what-does-it-mean-why-does-it-matter>.

³ The Annie E. Casey Foundation, “Disaggregating Data to Find Racial Inequities,” The Annie E. Casey Foundation, August 9, 2016, <https://www.aecf.org/blog/taking-data-apart-why-a-data-driven-approach-matters-to-race-equity>.

⁴ “Making the Case for Data Disaggregation to Advance a Culture of Health,” PolicyLink, accessed August 25, 2022, <https://www.policylink.org/our-work/community/health-equity/data-disaggregation>.

⁵ Priming, or, the Priming Effect, occurs when an individual’s exposure to a certain stimulus influences his or her response to a subsequent stimulus, without any awareness of the connection. These stimuli are often related to words or images that people see during their day-to-day lives.

“Priming,” The Decision Lab, accessed August 26, 2022, <https://thedecisionlab.com/biases/priming>.

⁶ “GET THE FULL PICTURE Advocating for Data Disaggregation by Race and Ethnicity,” 2018, <https://www.apiahf.org/wp-content/uploads/2021/05/FINAL-REL-DataDisaggregationMessage-Guide-December-2020.pdf>.

strengths, and challenges—are bundled together. Certain populations are left out altogether making it impossible to understand the needs, disparities, and opportunities of specific groups.⁷ For example, Asian Americans can be divided into cultural groups such as Hmong, Vietnamese, Lao, Chinese, Korean, and many more. Similarly, American Indians can be divided by tribal affiliation, such as Ojibwe, Dakota, Lakota, Ho-Chunk, and more.⁸ Recipients should be allowed to self-describe their self-identified race/ethnicity in addition to choosing the broader category in which they wish to be grouped.

It is a priority for CLASP that all public benefits program, including SNAP, move in an anti-racist direction and collecting more accurate data by race is a step in that direction. As we seek to move the SNAP program further toward being anti-racist, it is important that FNS supports states in efforts to find best practices across states to determine what is working and what may not be the best methods for accurately collecting data on race, including by engaging participants of diverse backgrounds in answering this question. FNS should also encourage states to make the data public.

In conclusion, we strongly support the goal of strengthening the collection and reporting of race and ethnicity data by State agencies on persons receiving benefits from SNAP. We strongly urge FNS to follow through with this proposed rule.

Thank you for the opportunity to submit these comments. Please contact Parker Gilkesson (pgilkesson@clasp.org) with any questions.

⁷ “GET THE FULL PICTURE Advocating for Data Disaggregation by Race and Ethnicity,” 2018, <https://www.apiahf.org/wp-content/uploads/2021/05/FINAL-REL-DataDisaggregationMessage-Guide-December-2020.pdf>.

⁸ “Race Data Disaggregation: What Does It Mean? Why Does It Matter?,” Minnesota Compass, accessed August 25, 2022, <https://www.mncompass.org/data-insights/articles/race-data-disaggregation-what-does-it-mean-why-does-it-matter>.