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August 26, 2022

Maribelle Balbes  
United States Department of Agriculture  
Food and Nutrition Service  
1320 Braddock Place, 5th Floor, Alexandria, VA 22314

RE: Supplemental Nutrition Assistance Program: Revision of Civil Right Data Collection Methods

Dear Ms. Balbes,

At the American Public Human Services Association, our mission is to advance the well-being of all people by advancing policies and practices that offer them the tools they need to thrive. The current guidance that directs SNAP eligibility staff to visually assign race or ethnicity to a client takes the power away from the Supplemental Nutrition Assistance Program (SNAP) applicant to write their own story of their path to well-being. Data that is collected through visual observation or other indirect means has a high chance of inaccuracy, leading to a misrepresentation of who is using SNAP benefits and what challenges they are facing. Further, this data will follow individuals throughout the lifetime on the program and can further contribute to the biased structures and systems that human services programs exist in today. To ensure that individuals retain the power to share how they identify, states should only be able to accept racial and ethnic data that is provided directly from the applicant or client.

As the bipartisan membership association for state and local human services agencies, we support the proposed revision to the Civil Rights Data Collection Methods in no longer permitting visual assessment as a means for race and ethnicity data collection. To support SNAP agencies in implementing this change, Food and Nutrition Services (FNS) should provide clear guidance on how to appropriately navigate the circumstance where no race or ethnicity is reported by the applicant. Eliminating the use of visual assessment and only accepting racial or ethnic data directly from an applicant would support the advancement of racial equity in SNAP and human services by turning the power back to the clients to be the owners of their own story, and ultimately lead toward more accurate data to inform programs.

### **Data Collection and Use**

Data and evidence are critical tools for organizations and government agencies to understand to drive better, more equitable outcomes. Demographic data can be essential to understanding where disparities exist and are worsening or getting better and inform the design of strategies to mitigate disparities. However, in the Office of Management and Budget (OMB) Directive 15<sup>1</sup>, as cited in the proposed revision, they found that racial and ethnic data collected through observation is likely to be very different from what an individual would self-report. The use of inaccurate or skewed data will not lead to the desired outcomes of an intervention. At a time when state and local agencies embark on a growing body of work to decrease racial disparities and increase targeted outreach to communities, it is essential that they design interventions based on accurate data to guide their work.

<sup>1</sup> [62 FR 58782](https://www.govinfo.gov/content/pkg/FR-1997-10-30/pdf/97-28653.pdf) (October 30, 1997) ( <https://www.govinfo.gov/content/pkg/FR-1997-10-30/pdf/97-28653.pdf> ).

In order to collect accurate and usable demographic data, FNS should develop technical assistance materials that state and local SNAP agencies may use to help explain to applicants why providing their race and ethnicity is important, and exactly how it will be used to strengthen the program for all people. In FNS's last annual report<sup>2</sup>, data was shown on the number and percentage of households that used SNAP by seven race and ethnicity categories, including "Race Unknown". The data was disaggregated by state, sex, and household composition, but there is no data around program outcomes such as disqualification, claims, or other program-specifics. Additionally, many states collect racial and ethnicity data that expands far wider than seven categories, so much of that data is lost in the minimal categories offered at the federal level. As FNS and the federal government continue to develop new ways of collecting, analyzing, and reporting racial and ethnic data, individuals will be able to better associate how providing their own information can have a positive contribution to their own outcomes.

### **Development of Alternate Methods**

The proposed revision to the guidance states that without the option of visual observation, state agencies will need to use alternate methods to collect racial and ethnicity data such as collecting information from other means-tested programs. No benefit program is allowed to require that an applicant submit their race or ethnicity, but there lacks a consistent measure across services for how to collect this data when it is not reported. This consistency is especially important when a growing number of states jointly process applications across SNAP, Temporary Assistance for Needy Families (TANF), Medicaid, and more. Even with this increasing number of integrated applications, there remain states that do not have data sharing capacity across programs, especially programs such as the Special Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC). Thus, requiring states to compare the SNAP racial and ethnic data to other programs may require several additional steps that create administrative burden, as well as a low likelihood for better data. There is no evidence or conclusion to say that other means-tested programs would have more accurate data on demographics than SNAP. In fact, recent research on Medicaid data continues to showcase challenges in collecting racial and ethnic data.<sup>3</sup> Based on our research and conversations with our members, we have found no appropriate alternative methods to collect this data.

In the opening of this proposed revision, FNS cited that clients do not want to have their race or ethnicity determined for them. Yet, by requiring state SNAP agencies to set up new methods of collecting an applicant's demographic data without the client's awareness or consent, the agency would still be determining their race for them. Instead, APHSA recommends that in the final rule, FNS create a new racial and ethnic category entitled "Unreported" as a means to most accurately categorize the absence of self-reported data. Currently, it is indistinguishable whether a client's race or ethnicity as assigned in their case was self-reported or determined by the eligibility worker. Therefore, there is not good data on the number of people who decline to report. Creating this new category across means-tested programs would allow the state and federal partners to see that the client chose not to report this data and have a unified term for this across the country. FNS can then re-evaluate the guidance based on the number of "Unreported" cases to distinguish if further intervention is needed in data collection.

### **Conclusion**

Our members have been long-time proponents of removing the guidance that permits visual reporting of race and ethnicity data because of the inappropriate and biased position that it places on their staff, and the lasting effects

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<sup>2</sup> <https://fns-prod.azureedge.us/sites/default/files/resource-files/Characteristics2019.pdf>

<sup>3</sup> <https://www.kff.org/medicaid/issue-brief/medicaid-administrative-data-challenges-with-race-ethnicity-and-other-demographic-variables/>



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that it has on their clients. As we continue to shift toward a human services world with more virtual interactions than face-to-face, the use of visual observation continues to be an ineffective method of collecting demographic data. Furthermore, as the USDA and governments across the country look toward a future with more equitable outcomes and increased well-being for people of color, we must disrupt the systems and structures that have led to our current position of disparities. The move to only accept race and ethnicity data directly from the individual applicant will be a small, but critical, step toward our collective mission.

Thank you for your re-evaluation of this guidance. For further questions or conversation, please contact Chloe Green, Policy Associate for Food and Nutrition Services, at [cgreen@aphsa.org](mailto:cgreen@aphsa.org).

Sincerely,

**Chloe Green**

A handwritten signature in black ink, appearing to read "Chloe Green", written in a cursive style.

Policy Associate, Food and Nutrition Services  
American Public Human Services Association

**Cathy Buhrig**

A handwritten signature in black ink, appearing to read "Cathy Buhrig", written in a cursive style.

Chair  
American Association of SNAP Directors