



June 4, 2019

Vicky Robinson
Chief, Retailer Management and Issuance Branch
Retailer Policy and Management Division
Food and Nutrition Service, U.S. Department of Agriculture
3101 Park Center Drive, Room 418
Alexandria, VA 22302

Docket ID: FNS-2019-0003

Re: Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP)

Dear Ms. Robinson:

On behalf of United Fresh Produce Association, we wish to submit the following comment on the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) proposed rule entitled "Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP)". United Fresh Produce Association operates as the sole trade association representing every segment of the fresh produce supply chain, including growers, shippers, fresh-cut processors, wholesalers, distributors, retailers, foodservice operators, industry suppliers, and allied associations. We appreciate the opportunity to provide insights on this important matter of food access, nutrition, and industry responsibility.

United Fresh is committed to providing the nation with safe, healthy fresh fruits and vegetables as we aim to meet the Dietary Guidelines for Americans' (DGA) recommendations to make half the plate fruits and vegetables. Additionally, we recognize the important role that federal feeding programs, including SNAP, play in ensuring Americans are food secure. Contrary to the sound recommendations of the DGA, all Americans under-consume healthful foods, and in particular, fruits and vegetables. The Centers for Disease Control (CDC) reports that only one in ten Americans are meeting recommended consumption rates. These rates are even lower for low-income consumers. Seventy percent of adults and 33 percent of children and teens are overweight or obese. Approximately 45 percent of adults have diabetes or prediabetes. Every time a consumer chooses an unhealthy product over a nutritious one, it is a missed opportunity to reduce diet-related disease and the expenses that accompany these diseases. Making healthy choices can be difficult enough when a consumer has access to a wide variety of nutrient-rich choices. Enabling retail environments that allow healthy choices to be scarce or non-existent is a disservice to the consumer and taxpayer. As many of the federal feeding programs have met, or are moving, toward alignment with dietary patterns consistent with DGA, SNAP should be no different.

We recognize that the Department is concentrating its efforts to provide flexibilities in categories outside of fruits and vegetables. Therefore, we sincerely appreciate the maintenance of existing regulations for meeting fruit and vegetable requirements. As FNS points out in the proposed rule, 93

percent of SNAP-authorized small format retailers already meet requirements for variety for fruits and vegetables. And with 82% of SNAP dollars being spent in grocery and superstore outlets that provide a wide variety of fruit and vegetable options, the majority of SNAP consumers will not be impacted. However, the consumers relying on small format retailers are no less worthy of a variety of nutritious and perishable fruit and vegetable options. The additional examples of the fruit and vegetable staple category provided in the proposed rule are not necessarily consistent with the spirit of ensuring Americans have access to a wide variety of healthful foods consistent with the DGA. Furthermore, in recent guidance, USDA shares, *“staple foods are generally considered to be basic items of food that make up a significant portion of an individual's diet and are usually prepared at home and consumed as a major component of a meal. On the other hand, accessory food products are generally considered to be food items consumed as snacks or desserts, as well as food items that complement or supplement meals, such as most beverages and spices.”* When considering some of the examples within the fruit and vegetable category, it is hard to imagine a scenario where a consumer could utilize these items as a “major component of a meal”.

There are existing classifications within federal nutrition programs that ensure fruits and vegetables are consistent with the DGA and are staple foods. For example, the Women, Infants, and Children (WIC) program provides distinct definitions for eligible fruits and vegetables that the majority of SNAP-authorized retailers already follow. Utilizing this framework for the purpose of staple foods could be an appropriate tool to ensure that SNAP-authorized retailers are ensuring variety and access to staple foods in the fruit and vegetable categories.

At the same time, we recognize that small format retailers that are not accustomed to providing a variety of perishable items, including fresh fruits and vegetables, may require technical assistance. United Fresh partnered with the National Association of Convenience Stores to publish *“Are You Fit for Fresh?”* to assist these small format stores to be successful at stocking and selling fresh fruits and vegetables. We also recognize that without demand, providing perishable items can seem like an economic challenge, especially to small format retailers. Accordingly, Congress and the Administration must continually look for ways to responsibly ensure that the nation’s feeding programs are facilitating healthful choices.

We appreciate the opportunity to comment on this matter and stand ready and willing to work with USDA and industry to ensure that all Americans have access to a wide variety of fruits and vegetables.

Sincerely,

A handwritten signature in blue ink that reads "Mollie E. Van Lieu". The signature is written in a cursive style and is contained within a light blue rectangular box.

Mollie Van Lieu

Senior Director, Nutrition Policy

United Fresh Produce Association