

June 13, 2025

James C. Miller
Administrator
Food and Nutrition Service
1320 Braddock Place, 5th Floor
Alexandria, VA 22314

RE: Supplemental Nutrition Assistance Program: Rescission of Changes to Civil Rights Data Collection Methods (RIN: 0584-AF19; Docket Number: FNS-2025-0006; Document Number: 2025-08797; Document Citation: 90 FR 20825)

Dear Administrator Miller,

On behalf of the American Public Human Services Association (APHSA), we appreciate the opportunity to comment on the Proposed Rule to rescind the December 2023 Final Rule on civil rights data collection methods in the Supplemental Nutrition Assistance Program (SNAP). As the bipartisan membership association for state, county, and city human services agencies, we represent the teams in charge of implementing SNAP and completing eligibility processes for the program from across the country. We work to bring our members together to advance practical policy and implementation solutions that support strong and effective programs that work for both the agencies who administer them and the individuals and families who use them.

As we shared in our 2022 comments on the original proposed rule, we supported the decision to eliminate visual observation as a primary method for collecting race and ethnicity data. Visual observation has long been recognized as an imperfect practice that risks introducing inaccuracies into the data SNAP agencies rely on to assess program outcomes, access, and customer service. Especially now as SNAP develops as a more modern and efficient program with each state allowing for online applications and phone interviews, the ability to assess racial and ethnicity data via visual observation has become even more impossible. However, we also have continued to acknowledge and raise that removing visual observation without providing states with clear and actionable alternatives creates real implementation challenges and gaps in understanding for agency staff and eligibility workers.

To date, FNS has not offered sufficient guidance or tools to support state agencies when applicants choose not to report demographic information. In the absence of concrete alternatives, states have been left to navigate a significant policy shift without the clarity they need to operationalize it effectively. Thus, moving forward we urge USDA not to reverse course entirely, but instead to strengthen the existing rule, and issue proper guidance that addresses the implementation gaps that remain. Specifically, we recommend that FNS:

1. Establish an official “unknown” or “unreported” category when race or ethnicity data is not provided by the applicant.
2. Enable and direct agencies to indicate the source of reported demographic data—whether self-reported by the applicant, inferred by the eligibility worker, or otherwise—so that data users can better assess its reliability and limitations.
3. Develop clear guidance and technical assistance that equips frontline staff with the tools to explain why demographic data is being requested and how it contributes to program improvement.

Our members understand the importance and power of data and therefore want to be able to collect and report on data that is accurate and truly representative of the population that they serve. We recognize that SNAP data on race and ethnicity is far from perfect and needs significant support to assure its accuracy and integrity. To meet these shared goals, we do not believe reverting to visual observation is the right solution. Not only is it often an inaccurate assessment and disconnected from the current program realities of how SNAP applications and eligibility determinations are processed, but it would also require significant new costs in systems changes and trainings for state agencies that would have to reverse course on a rule they've spent the last years implementing.

We urge FNS to consider our recommendations and requests that have stayed the same from our membership since 2022: to provide states with the tools they need to implement self-reporting practices in a way that is both feasible and meaningful, while establishing baseline accountability measures such as documenting the source of collected data.

We appreciate your continued engagement on this issue and welcome the opportunity to support further development of guidance and tools that strengthen data quality while supporting the operational realities of state SNAP agencies. For further conversation and feedback, please reach out to Chloe Green, Manager of Food & Nutrition Services, at cgreen@aphsa.org.

Sincerely,

Linda Schroeder

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