

Congress of the United States

Washington, DC 20510

June 14, 2018

Ms. Patricia Dombroski
Regional Administrator
Mid-Atlantic Regional Office
Food and Nutrition Service
United States Department of Agriculture
300 Corporate Boulevard
Robbinsville, New Jersey 08691-1598

Dear Ms. Dombroski:

We write today to request that the United States Department of Agriculture (USDA) address issues with implementation of its final rule, “Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP),” which amended SNAP regulations at 7 CFR §§ 271.2 and 278.1(b)(1)(iv) (“rule”), for affected Maryland seafood retailers.

We support the intent of this rule to ensure SNAP recipients’ access to a wide variety of nutritious food, as well as reduce opportunities for waste, fraud, and abuse within the program. It has come to our attention, however, that this rule has the potential to have an unforeseen adverse impact on the viability of small business seafood retailers and the crab fishing industry in Maryland, as well as the ability for SNAP recipients to access high-quality, locally-sourced, and nutritious seafood.

Maryland is known for its seafood industry. These products are often sold out of “crab shacks” that are long-standing, family-owned “mom and pop” shops, which may not have possessed the technology to track sales to determine whether they surpass the “Restaurant Threshold” when the rule was first implemented. With this in mind, we request that USDA provide some reasonable flexibilities for Maryland seafood retailers to help them better prepare for these requirements.


Specifically, we ask USDA to consider temporarily reinstating SNAP retailer eligibility for these affected Maryland retailers—those that sell crabs steamed and sold hot, or sold live and then steamed by the retailer on-site—and permitting them a grace period of at least six months to collect sales data to comply. We also request that USDA waive the documentation requirement for those retailers until after the grace period to allow retailers that lost their status to accept SNAP during this year’s crab season and prepare for implementation of the rule.


During the grace period, we strongly urge USDA to issue more detailed guidance regarding the inventory, sales, and other business records that retailers have been asked to provide. This guidance should include technical assistance on tracking sales data and outreach specific to crab retailers’ unique business model, as well as a dedicated point(s) of contact to direct questions and receive timely answers.

We urge USDA to conduct at least one stakeholder workshop in Maryland to identify gaps in retailer capability and reporting tools that need to be focused on for further development. Small businesses that serve Marylanders need more clarity than is found in the notice to retailers.

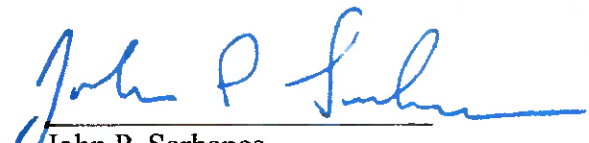
Thank you in advance for your consideration of these requests and for any efforts to engage with Maryland seafood retailers to help them comply with the rule. We look forward to hearing from you.

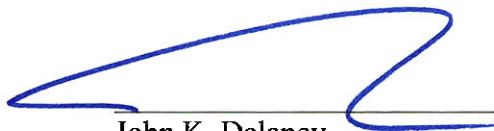
Sincerely,


Benjamin L. Cardin
United States Senator


Chris Van Hollen
United States Senator


C.A. Dutch Ruppertsberger
Member of Congress


John P. Sarbanes
Member of Congress


John K. Delaney
Member of Congress

cc: The Honorable Sonny Perdue
Secretary
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