



Congress of the United States
House of Representatives
Washington, DC 20515-2803

November 12, 2019

Mr. Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Perdue,

I write today to express concern regarding the Food and Nutrition Service's (FNS) decision to deny Sandy Valley General Store's application to participate as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP). I wish to express my disappointment that FNS has not authorized the store as a SNAP retailer, even though the store serves as the only accessible grocery store in the remote town of Sandy Valley, Nevada. I urge FNS to waive the test created by guidance under RPMD Policy Memorandum 2018-03 to allow the Sandy Valley General Store to be authorized as a SNAP retailer based on the Sandy Valley community's significant need for access.¹

The community of Sandy Valley lies about 40 miles southwest of Las Vegas in the Mojave Desert (see Figure 1). This town is home to about 1,228 residents, with an estimated 18 percent of those living below 125 percent of the federal poverty level.² According to the State of Nevada Department of Health and Human Services, 422 Sandy Valley residents, or 34 percent of the total population, rely on SNAP benefits to meet their basic nutritional needs. Many of the community's residents do not have cars and are highly limited in access to transportation. In fact, there is only one paved road through the town, and that road is often unpassable in the winter. Sandy Valley is bordered on its west by the California state line, across which lie several hundred more people and hundreds of square miles of desert (see Figure 2).

For many Sandy Valley residents, this general store is their only accessible source of food. The closest SNAP-authorized retailer, as listed on FNS's SNAP retailer locator, is a gas station and convenience store located about a 19-mile drive away from the Sandy Valley General Store (see Figure 3). The next nearest SNAP-authorized retailer is another gas station and convenience store about a 35-mile drive away in Henderson, Nevada (see Figure 4).³ There is no public transit service from Sandy Valley to either of these stores. For many of Sandy Valley's residents without access to a vehicle or the ability to drive, the Sandy Valley General Store serves as their only accessible grocery store.

The current owners purchased Sandy Valley General Store in January 2018, aiming to keep the store open for the community after the previous owner left. However, Sandy Valley residents rely heavily on SNAP benefits to purchase their food, and the store has struggled to stay open without the ability to accept SNAP benefits. The store briefly closed in August of this year then reopened in September, and could soon be forced to close again without the ability to accept SNAP benefits.

¹ USDA Retailer Policy and Management Division, SNAP, *RPMD Policy Memorandum 2018-03* (Jan. 16, 2018), <https://fns-prod.azureedge.net/sites/default/files/snap/Retailer%20Eligibility-Failing-to-Meet-Criterion-A-or-B.pdf>

² U.S. Census Bureau, *2013-2017 American Community Survey 5-Year Estimates*, <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

³ USDA, *FNS Snap Retailer Locator*, <https://www.fns.usda.gov/snap/retailer-locator>

As you know, Sandy Valley General Store applied to participate as a SNAP authorized retailer in June 2019 and was denied in August 2019. In the attached letter dated August 13, 2019, FNS cites as reason for denial the store's inability to meet Criterion A or B under SNAP regulations which require a certain amount of staple food inventory or sales.⁴

For stores that do not meet Criterion A or B, federal regulations also require that these stores still be considered for authorization if they are in an area where SNAP clients have "significantly limited access to food."⁵ According to the FNS's current guidance under RPMD Policy Memorandum 2018-03, this "need for access" eligibility is determined via a two-stage test. Under stage one, the firm must be located "in or immediately adjacent to (i.e., across the street)" a low-income and low-access census tract.⁶ According to the USDA Economic Research Service's (ERS) Food Access Research Atlas, the Sandy Valley General Store is located just 1.3 miles outside of the nearest low-income and low-access census tract, which is just down the dirt road on the California side of the border (see Figure 5).⁷ Unfortunately, this means the store failed to pass the "need for access" test due to this 1.3-mile technicality.

Despite what the test may dictate, for the people of Sandy Valley, their community does have significantly limited access to food. While current FNS guidelines define a limited food access area using the test of "in or immediately adjacent to" a low-income and low-access census tract, I believe that same spirit can be reached by qualifying a retailer that lies less than 2 miles away from a low-income and low-access census tract and that clearly serves as the only accessible grocery store for many residents of Sandy Valley.

FNS has stated that Sandy Valley General Store is eligible to reapply on February 15, 2019 after a six-month waiting period. In the meantime, the 422 SNAP participants in Sandy Valley will be unable to use their SNAP benefits to purchase food at their only grocery store in town. In addition, without the ability to accept SNAP benefits during this waiting period, Sandy Valley General Store is at serious risk of closure, which would leave even more residents of Sandy Valley without access to their primary grocery store.

Unfortunately, the people of Sandy Valley cannot wait. I urge FNS to waive the test created by guidance under RPMD Policy Memorandum 2018-03 to allow the Sandy Valley General Store to be authorized as a SNAP retailer based on the Sandy Valley community's significant need for access. I affirm my support for finding a timely and productive path forward to ensure Sandy Valley residents' access to nutrition. The health and well-being of thousands of children and families across Sandy Valley depend on it.

Thank you for your attention to this letter. We look forward to your response by November 19, 2019.

Sincerely,



Susie Lee
Member of Congress

⁴ 7 CFR § 278.1(b)(1). https://www.ecfr.gov/cgi-bin/text-idx?SID=2acb12ddc0dfd40b0f79a4d98053cc06&mc=true&node=pt7.4.278&rgn=div5#se7.4.278_11

⁵ 7 CFR § 278.1(b)(6). https://www.ecfr.gov/cgi-bin/text-idx?SID=2acb12ddc0dfd40b0f79a4d98053cc06&mc=true&node=pt7.4.278&rgn=div5#se7.4.278_11

⁶ USDA Retailer Policy and Management Division, SNAP, *RPMD Policy Memorandum 2018-03* (Jan. 16, 2018), <https://fns-prod.azureedge.net/sites/default/files/snap/Retailer%20Eligibility-Failing-to-Meet-Criterion-A-or-B.pdf>

⁷ USDA, *Economic Research Service's (ERS) Food Access Research Atlas*, <https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas.aspx>

Accompanying Figures:

Figure 1: The community of Sandy Valley lies about 40 miles southwest of Las Vegas in the Mojave Desert. Sandy Valley General Store is located at 600 Quartz Ave, Sandy Valley, NV 89019.



Figure 2: Sandy Valley is bordered on its west by the California state line, across which lie several hundred more people and hundreds of square miles of desert. There is only one paved road through the town, and that road is often unpassable in the winter. Sandy Valley General Store is located at 600 Quartz Ave, Sandy Valley, NV 89019.

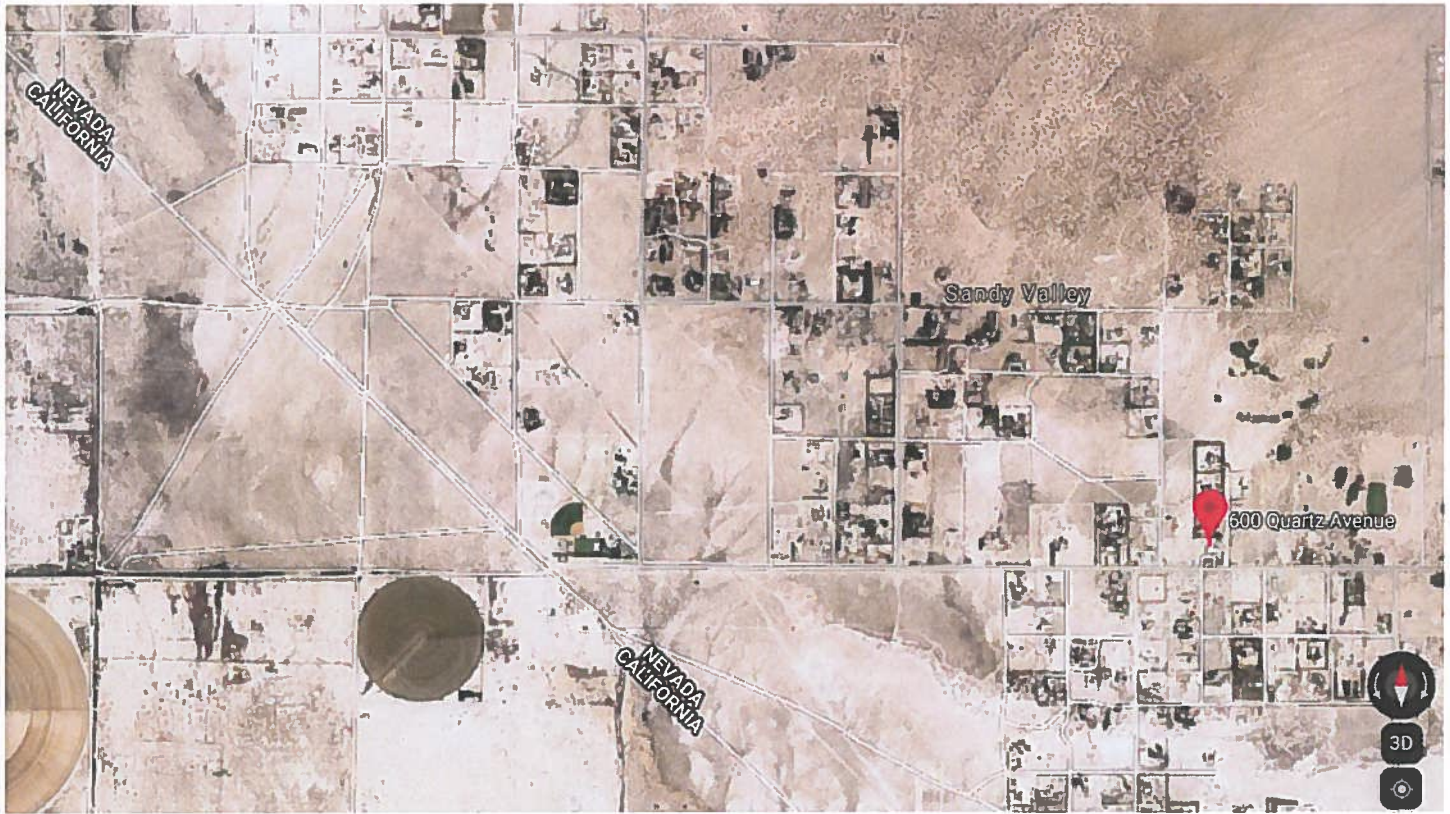


Figure 3: The closest SNAP-authorized retailer, as listed on FNS's SNAP retailer locator, is a gas station and convenience store (Terrible's Road House, 22625 State Hwy 161, Jean, NV 89019) located about a 19-mile drive away from the Sandy Valley General Store.

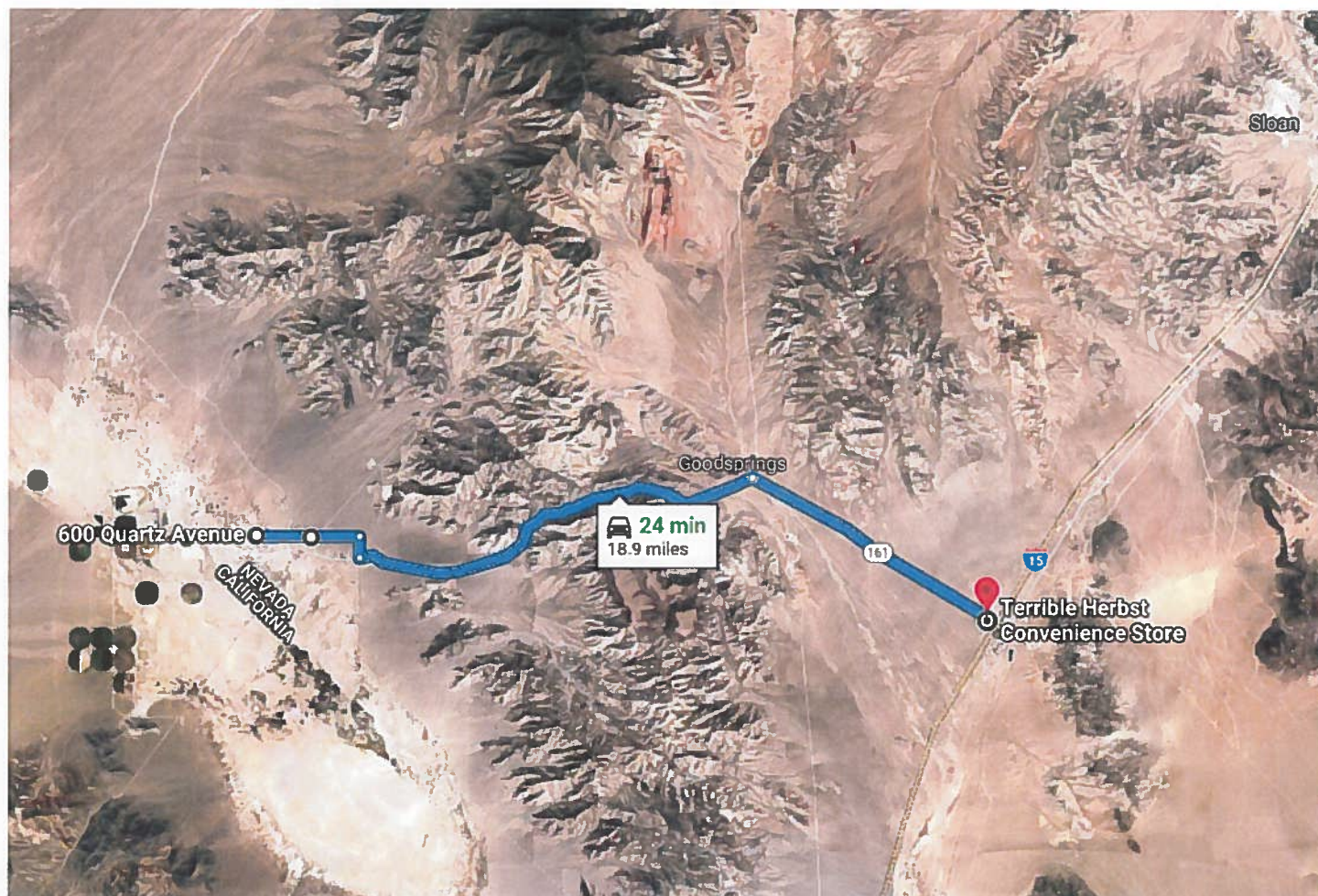


Figure 4: The second nearest SNAP-authorized retailer, as listed on FNS's SNAP retailer locator, is another gas station and convenience store (4161 Saint Rose Pkwy, Ste A, Henderson, NV 89044) about a 35-mile drive away in Henderson, Nevada.

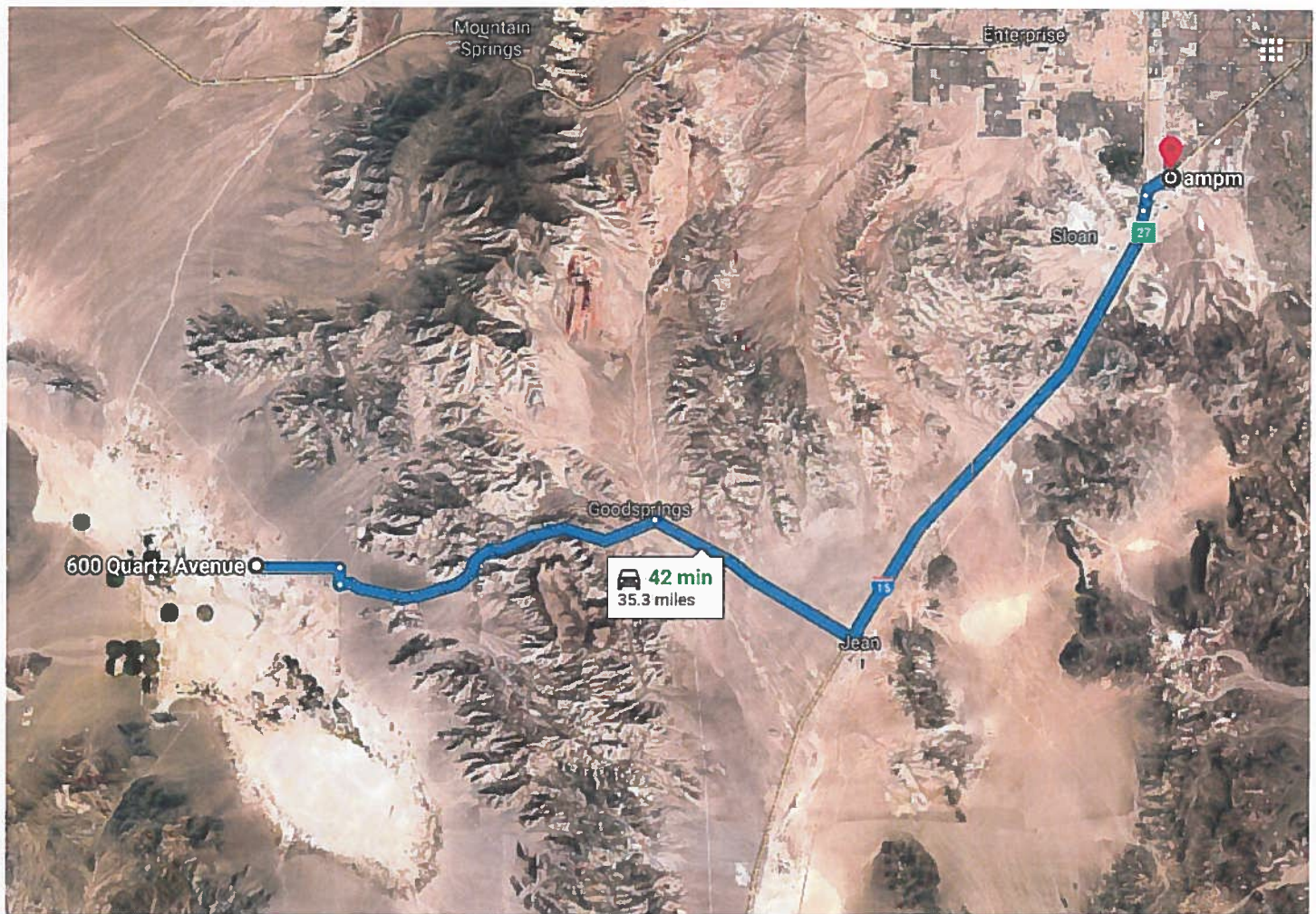
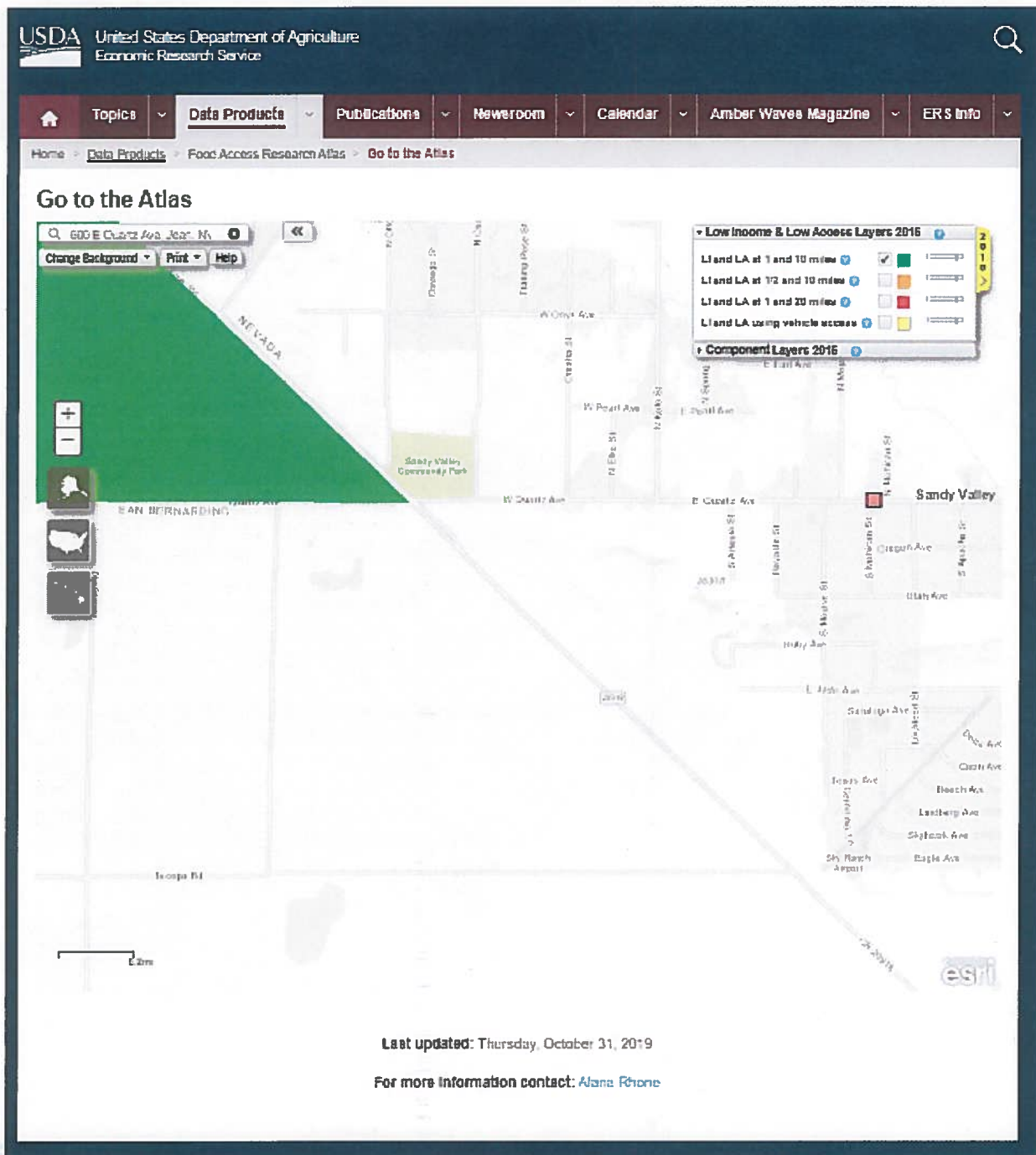


Figure 5: Sandy Valley Grocery Store (600 Quartz Ave, Sandy Valley, NV 89019) marked at the red square, located just 1.3 miles down the dirt road from the USDA-defined low-income and low-access census tract (shaded in green), which is just across the Nevada-California state border.



USDA, Economic Research Service's (ERS) Food Access Research Atlas, <https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas.aspx>