



**NEW YORK CITY DEPARTMENT  
HEALTH AND MENTAL HYGIENE**  
Michelle Morse, MD, MPH  
*Acting Health Commissioner*



**MAYOR'S OFFICE OF  
FOOD POLICY**  
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November 18, 2025

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*Acting Health  
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**Gotham Center  
42-09 28th St.  
Long Island City, NY 11101**

**via electronic submission: [<https://www.regulations.gov>]**

SNAP Retailer Policy Division  
Food and Nutrition Service, USDA  
1320 Braddock Place  
Alexandria, Virginia 22314

**Re: Proposed Rule – Updated Staple Food Stocking Standards for Retailers  
in SNAP [[Docket No. FNS-2025-0018](#)]**

The New York City (NYC) Department of Health and Mental Hygiene (Health Department) and the Mayor's Office of Food Policy (MOFP) are pleased to submit the following comment in response to the United States Department of Agriculture's (USDA) proposed rule: Updated Staple Food Stocking Standards for Retailers in Supplemental Nutrition Assistance Program (SNAP). We support efforts to improve healthy food options for all consumers, including SNAP participants. However, we encourage the USDA to consider the needs of smaller retailers to meet the new requirements. We ask that the USDA consider the below recommendations to support small SNAP retailers as well as the recommended modifications to the proposed standards.

SNAP is the largest food assistance program in the country and is an effective anti-hunger and anti-poverty tool.<sup>1</sup> Participation in SNAP is associated with reduced risk of food insecurity and improved health outcomes.<sup>2,3,4,5,6,7</sup> In 2024, nearly 1.8 million NYC residents received SNAP benefits<sup>8</sup> and 17,530 retailers across New York State accepted SNAP benefits.<sup>9</sup> Ensuring eligible New Yorkers have access to SNAP benefits and places that accept those benefits that offer healthy food options increases the ability of this program to support health. Proximity to SNAP-authorized retailers is associated with an increased Healthy Eating Index score<sup>10</sup> and the majority of SNAP participants are supportive of stocking standards.<sup>11</sup>

The NYC Health Department implements the Shop Healthy NYC! Program, which collaborates with local food retailers, suppliers, community residents, and community-based organizations to increase access to nutrient-dense foods in under-resourced neighborhoods. The program offers hands-on technical assistance, marketing materials, and product placement support by working with communities in the South Bronx, Harlem, and Central Brooklyn that experience high rates of diet-related diseases. The program has worked with over 1,809 stores across the South Bronx, Brooklyn, and East Harlem to promote the sale of healthier food items.

Because of the vital importance of SNAP and based on our experience with the Shop Healthy NYC! Program, we stress the need for the new requirements to be accompanied by robust support for retailers, especially small grocery retailers, to ensure their ability to comply with stocking standards. SNAP's positive impacts on the economy underscore the need for the requirements to be feasible to ensure stores continue to accept SNAP benefits.<sup>12</sup> Overly burdensome regulations could threaten retailers' ability to maintain or attain a SNAP retail license and may result in stores no longer accepting SNAP or stores closing down due to reduced revenue, which would hurt communities.

We support many of the proposed 2025 stocking standard updates, which provide increased flexibility for retailers to meet the stocking standards when they previously could not, and we call on USDA to offer the following retailer supports in conjunction with this rule:

1. Recommend the USDA conduct outreach to retailers and provide educational materials to inform them of the updates and provide adequate time for retailers to reach compliance.
2. Recommend the USDA offer technical assistance: small grocery stores, including bodegas and convenience stores, will face greater difficulty in meeting the requirements compared to larger stores. Increasing stock may require small stores to adjust store layout, increase refrigeration capacity, increase storage, and update their point-of-sale systems. Technical assistance can offer guidance on how retailers can implement the updates as efficiently as possible.
3. Recommend the USDA consider offering federal grant opportunities such as the [SNAP Process and Technology Improvement Grants Program](#), to small grocery stores to help with any store changes needed to meet the standards. This will help ease initial burden during the transition period.
4. When enforcement begins, for retailers who are noncompliant, we recommend the USDA initially provide them with additional follow-up and support, rather than fines or penalties. This will ensure stores have an opportunity to become compliant through an education period. Penalties, fines and/or revocation of SNAP retail licenses, without an adequate onboarding and education period for stores, could have the detrimental impact of reducing store participation and hurting local economies.

In addition to the above recommendations, we offer the below recommendations for the stocking standards categories.

#### Expansion of Staple Food Categories

We agree with the requirement that SNAP retailers must carry at least seven varieties of staple foods in each of the four staple food categories, of which at least one variety in three of the four staple food categories is perishable. This increases the overall diversity of foods stocked on a regular basis at SNAP retailers and provides more healthy food options for consumers.

#### Protein Category

We agree with expanding the meat, poultry, or fish category to be a protein category inclusive of plant-based proteins, namely nuts/seeds, beans, peas, lentils, and tofu/tempeh. This aligns with the Dietary Guidelines Advisory Committee's recommendation in their Scientific Report.<sup>13</sup> It also offers store owners greater flexibility in meeting the protein category requirements by expanding the types of items that are eligible. Further, considering the size and storage limitations in small grocery stores, nuts/seeds, dry beans, peas, and lentils are shelf-stable options. This also aligns with NYC's support for increasing plant-predominant dietary patterns featuring whole and minimally processed foods.

### Dairy Category

We agree with limiting the number of plant-based dairy alternatives to three to ensure that non-nutritionally equivalent products are not used exclusively to meet the dairy category.

### Vegetables or Fruits

We commend the USDA's expansion and clarification that cold, pre-cut fruits and vegetables can count as a staple food in the vegetable and fruits category. This provides greater ease for retailers to comply with stocking standards and more choice to consumers by increasing their options for prepared produce. We ask that the USDA also make clear in the guidance that the cold, pre-cut fruit and vegetables must contain no added ingredients (e.g., added sugars, salt).

### Grains

We agree with updating the grains category, but also recommend USDA require that at least one of the seven varieties of grain products be whole grain (whole grains listed as the first ingredient). This aligns with the Dietary Guidelines for Americans which states that healthy dietary patterns include whole grains and limits refined grains.<sup>14</sup>

### Accessory Foods

We agree with the addition of snack bars, jerky, and cheese or fruit dips and spreads to be added to the list of accessory foods. Many products in these categories are likely ultra-processed, containing high amounts of nutrients of concern such as added sugars, saturated fat, and sodium. Designating these products as accessory foods ensures they are not used to satisfy the staple foods requirements.

Beyond SNAP stocking standards, we ask the USDA to consider other policies to encourage healthy food consumption and improve the food retail environment. First, to further support healthy choices within the retail environment for all consumers, not just SNAP participants, we recommend the USDA require SNAP retailers refrain from advertising certain unhealthy products, specifically alcohol and sugary drinks, in store. Excessive alcohol use is one of the leading causes of preventable and premature death in the U.S.<sup>15</sup> In New York State, over 8,000 deaths annually are attributed to excessive alcohol use.<sup>16</sup> Sugary drinks have high amounts of added sugars, which are associated with increased risk for type 2 diabetes,<sup>17,18,19,20</sup> weight gain,<sup>21,22</sup> and dental caries.<sup>23,24,25</sup> This recommendation could be particularly impactful for SNAP participants given that studies have found that neighborhoods with low income in NYC have more unhealthy food and beverage advertisements than comparison neighborhoods.<sup>26,27</sup> Prohibiting advertising of these harmful products supports the USDA's goal of improving the health of the retail environment and promoting healthy choices.

Second, we ask the USDA to expand opportunities for SNAP fruit and vegetable incentives. Incentives have been proven effective at increasing fruit and vegetable consumption among participants utilizing the program for six months or more compared to first-time participants.<sup>28,29,30,31</sup> The longer (six months or more) people participated in nutrition incentive programs, the more likely they are to report household food security when compared to those with less than six months participation and first time participants.

Thank you for the opportunity to comment on this issue.

Sincerely,

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Acting Health Commissioner  
New York City Department of  
Health and Mental Hygiene

Kate MacKenzie, MS, RD  
Executive Director  
Mayor's Office of Food Policy

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<sup>1</sup> Mabli J, Ohls J. Supplemental Nutrition Assistance Program participation is associated with an increase in household food security in a national evaluation. *J Nutr*. 2015 Feb;145(2):344-51. doi: 10.3945/jn.114.198697. Epub 2014 Dec 10. PMID: 25644357.

<sup>2</sup> Carlson, S. & Llobrera, J. SNAP is Linked With Improved Health Outcomes and Lower Health Care Costs. Center on Budget and Policy Priorities. December 14, 2022. [SNAP Is Linked With Improved Health Outcomes and Lower Health Care Costs | Center on Budget and Policy Priorities](#)

<sup>3</sup> Mabli, James, Jim Ohls, Lisa Dragoset, Laura Castner, and Betsy Santos. Measuring the Effect of Supplemental Nutrition Assistance Program (SNAP) Participation on Food Security. Prepared by Mathematica Policy Research for the U.S. Department of Agriculture, Food and Nutrition Service, August 2013.

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<sup>5</sup> Christian A. Gregory, Partha Deb. Does SNAP improve your health? *Food Policy*, Volume 50, 2015, Pages 11-19, ISSN 0306-9192. <https://doi.org/10.1016/j.foodpol.2014.09.010>.

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<sup>7</sup> Alfaro-Hudak KM, Schulkind L, Racine EF, Zillante A. SNAP and Cardiometabolic Risk in Youth. *Nutrients*. 2022; 14(13):2756. <https://doi.org/10.3390/nu14132756>

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<sup>9</sup> SNAP Retailer Management Year End Summary FY 2024. USDA Food and Nutrition Service. [SNAP Retailer Management Year End Summary FY 2024 | Food and Nutrition Service](#)

<sup>10</sup> Li Q, Zhao S. Access to SNAP-Authorized Retailers and Diet Quality Among SNAP Recipients. *JAMA Health Forum*. 2025 Apr 4;6(4):e250677. doi: 10.1001/jamahealthforum.2025.0677. PMID: 40249607; PMCID: PMC12008766.

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<sup>12</sup> Canning, Patrick and Brian Stacy. The Supplemental Nutrition Assistance Program (SNAP) and the Economy: New Estimates of the SNAP Multiplier, ERR-265, U.S. Department of Agriculture, Economic Research Service, July 2019

<sup>13</sup> 2025 Dietary Guidelines Advisory Committee. 2024. Scientific Report of the 2025 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Health and Human Services and Secretary of Agriculture. U.S. Department of Health and Human Services. <https://doi.org/10.52570/DGAC2025>

<sup>14</sup> U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025. 9th Edition. December 2020. Available at [DietaryGuidelines.gov](https://www.dietaryguidelines.gov).

<sup>15</sup> [Facts About U.S. Deaths from Excessive Alcohol Use | Alcohol Use | CDC](#)

<sup>16</sup> [NYS BRFSS Brief \(2025-03\)](#)

<sup>17</sup> Drouin-Chartier JP, Zheng Y, Li Y, Malik V, Pan A, Bhupathiraju SN, Tobias DK, Manson JE, Willett WC, Hu FB. Changes in Consumption of Sugary Beverages and Artificially Sweetened Beverages and Subsequent Risk of Type 2 Diabetes: Results From Three Large Prospective U.S. Cohorts of

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<sup>20</sup> 2025 Dietary Guidelines Advisory Committee. 2024. Scientific Report of the 2025 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Health and Human Services and Secretary of Agriculture. U.S. Department of Health and Human Services. <https://doi.org/10.52570/DGAC2025>

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<sup>23</sup> Dietary Guidelines Advisory Committee. 2015. Scientific Report of the 2015 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Health and Human Services and the Secretary of Agriculture. U.S. Department of Agriculture, Agricultural Research Service, Washington, DC

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