



Food and
Nutrition
Service

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January 16, 2018

Retailer Policy and Management Division, SNAP
RPMD Policy Memorandum 2018-03

SUBJECT: Retailer Eligibility – Need for Access Consideration for Firms that Fail to Meet Criterion A or B

Legislation: Food and Nutrition Act of 2008, Section 9(a)

Regulations: [7 CFR § 278.1\(b\)\(6\)](#)

Rule: (FINAL) “Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)” published on December 15, 2016, at [81 FR 90675](#)

(PROPOSED) “Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)” published on February 17, 2016, at [81 FR 8015](#)

IMPLEMENTATION DATE: January 17, 2018

OVERVIEW: This memorandum clarifies policy related to implementation of the final rule, “Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP),” which amended SNAP regulations at 7 CFR § 278.1(b)(6) to allow the Food and Nutrition Service (FNS) to consider whether an applicant firm is located in an area with significantly limited access to food when the applicant firm fails to meet requirements for eligibility under Criterion A or Criterion B, so long as the applicant firm meets all other SNAP authorization requirements. This regulation is known as the need for access provision.

This memorandum provides the process FNS will use to evaluate need for access in authorization and reauthorization determinations.

Please refer to RPMD Policy Memorandum 2018-04 for information regarding eligibility under Criteria A and B.

CLARIFICATION: The need for access provision of the final rule was intended to provide flexibility to applicant firms that serve communities in low food access areas. The final rule enhanced eligibility requirements to meet Criteria A and B by limiting the types of foods that may be considered staple foods and by increasing the required inventory of staple foods a firm must maintain in order to be authorized. To ensure that SNAP clients’ access to food is not adversely affected as a result of these changes, the final rule requires FNS to consider whether or not a firm is located in an “area with significantly limited access to food” when making authorization and reauthorization determinations, should the firm not meet Criterion A or B. Firms whose eligibility for authorization is not determined under Criterion A or B (e.g., meal services) may not qualify for authorization under the need for access provision.

Firms Eligible for Need for Access Consideration

An applicant firm is eligible for need for access consideration if:

1. The firm is determined not to be a restaurant, per [7 CFR §§ 271.2](#) and [278.1\(b\)\(1\)\(iv\)](#), and in accordance with RPM Policy Memorandum 2017-01 and RPM Policy Memorandum 2017-02;
2. The firm does *not* meet the stocking or sales requirements of Criterion A or Criterion B, in accordance with RPM Policy Memorandum 2018-04; and
3. The firm completes and meets all other SNAP eligibility requirements, including but not limited to conformity to SNAP business integrity regulations, at 7 CFR § 278.1(b)(3)(i).

How Need for Access is Determined

An applicant firm that is eligible for need for access consideration will undergo a need for access review. Firms that are determined under stage one of the review to be located in an area with significantly limited access to food are then analyzed under stage two of the review to determine if they are eligible for Need for Access/Marginal Eligibility authorization¹. Please note that, due to their unique food access challenges, all firms located in the State of Alaska or the U.S. territories (i.e., Guam and the U.S. Virgin Islands) that are eligible for need for access consideration should skip the map analysis part of stage one, and should be automatically considered under stage two of the process.

Stage One: The firm's address is put into the [USDA Economic Research Service's \(ERS\) Food Access Research Atlas](#) (the Atlas). The Atlas is a map of food access indicators for low-income census tracts which uses several different measures of accessibility. For purposes of need for access review, FNS uses the low-income and low-access (LI-LA) filter at 1 (urban) and 10 (rural) miles, which defaults to shade in green any census tract that is both LI and LA. An explanation of Atlas indicators can be found on the [ERS Food Access Research Atlas Documentation](#) webpage.

- If the firm is *not* located in or immediately adjacent to (i.e., across the street) an LI-LA area, then the applicant firm is not considered to be in an area with significantly limited access to food, will not be reviewed under stage two of this process, and will be denied for its failure to meet Criterion A or B stocking or sales requirements and need for access ineligibility.

¹ **Regarding Terminology:** When referring to the processes outlined in this memorandum, the terms "low food access area" (LFAA), "low income-low access" (LI-LA) area, and "area with significantly limited access to food" can be used interchangeably, as they are all considered to represent areas with limited access to food. Similarly, "Marginal Eligibility determination/authorization," "Need for Access determination/authorization," and "Individualized Need for Access Calculator Tool (INFACT) determination/authorization" can be used interchangeably, as those terms all refer to the same determination in the need for access process outlined in this memorandum. The differences in terminology are a function of non-uniformity in verbiage between agency systems, the Atlas map tool, and Program regulations, but are understood to be equal and interchangeable for purposes of the need for access review process.

- If the firm *is* located in or immediately adjacent to (i.e., across the street) an LI-LA area (shaded in green), then the applicant firm is considered to be in an area with significantly limited access to food, and will be reviewed under stage two of this process.

Stage Two: Those firms that are located in or immediately adjacent to LI-LA areas (green-shaded areas) per the Atlas will be further considered for need for access using the Individualized Need for Access Calculator Tool (INFACT), an internal FNS calculator tool which scores applicant firms based on the following factors:

- Proximity to meeting Criteria A and B stocking and sales requirements;
- Distance from SNAP authorized supermarkets and other SNAP-authorized stores;
- The vehicle access rate in the area immediately surrounding the firm, per the U.S. Census American Community Service;
- The firm's open hours of operation; and
- The history of SNAP violations committed by the applicant owner(s) or at the firm's location.

Each firm's INFACT score is compared to the current INFACT threshold:

- If the firm's INFACT score falls *at or above* the INFACT threshold, then the firm qualifies for Need for Access authorization, also known as Marginal Eligibility authorization. A Need for Access/Marginal Eligibility authorization is valid for a period of one year. At the end of that year, the firm must be reevaluated for SNAP authorization.
- If the firm's INFACT scores falls *below* the INFACT threshold, then the firm is not eligible for Need for Access/Marginal Eligibility authorization, and will be denied SNAP authorization for its failure to meet Criterion A or B stocking or sales requirements and need for access ineligibility.

The INFACT threshold is based upon the sum of a percentile distribution of the individual INFACT factors (i.e., proximity to meeting Criteria A and B requirements, distance from other SNAP authorized supermarkets and other SNAP authorized stores, etc.) for 1,000+ randomly selected small format retailers that have previously applied for SNAP authorization. In other words, the 75th percentile figures of each of the factors was calculated, then those figures were input into the INFACT; the INFACT score generated is the threshold score. Periodically, FNS reevaluates the INFACT threshold and makes adjustments to account for new and/or relevant data or information that could affect the threshold.

If you have any questions regarding this memorandum, please contact the Retailer Management and Issuance Branch at RPMDHQ-WEB@fns.usda.gov.

A handwritten signature in cursive script, appearing to read "Andrea Gold".

Andrea Gold
Director
Retailer Policy and Management Division
Supplemental Nutrition Assistance Program