



January 7, 2026

Patrick A. Penn  
Acting Administrator, Food and Nutrition Service  
Deputy Under Secretary, Food, Nutrition, and Consumer Services  
U.S. Department of Agriculture  
1400 Independence Ave SW  
Washington, DC 20250

Dear Deputy Under Secretary Penn,

On behalf of the National Grocers Association and the National Association of Convenience Stores, we respectfully submit this joint letter requesting additional information on the “Supplemental Nutrition Assistance Program – Clarification on Food Restriction Waivers and Retailer Compliance” memo released December 30, 2025. Since our members have been implementing SNAP restrictions in five states over the past week, they are now encountering practical challenges that raise several important questions requiring further guidance.

We appreciate the Department’s responsiveness to our October 10, 2025 request and your decision to provide a 90-day grace period before enforcement begins. This transition period is essential for retailers as they work to operationalize the new requirements. However, we remain concerned about the two-strike enforcement framework outlined in the recent memo, particularly the progression from a warning letter with a 30-day compliance window followed by involuntary withdrawal upon a retailer’s second infraction. We believe this structure does not adequately account for the inherent complexities retailers face in implementing these restrictions. Furthermore, involuntary withdrawals will have real-world consequences, as they can eliminate SNAP-authorized retailers that may be the only source of SNAP access in a community miles from the nearest retailer.

Feedback from our members underscores that it is not feasible for retailers to achieve perfect compliance with the restriction definitions. The food supply chain is highly dynamic, with frequent changes to product formulations, sizes, and labeling. Retailers are working to restrict tens of thousands of items in each affected state, and despite best efforts, occasional discrepancies are unavoidable. A system that assumes one hundred percent accuracy does not reflect operational realities.

For this reason, we respectfully request clarification on how the Department intends to distinguish between retailers acting in good faith and those intentionally circumventing the rules. We urge USDA to allow for a reasonable margin of error and to ensure that inadvertent, minor mistakes, such as those resulting from labeling changes, seasonal products, or products that fall within ambiguous or overlapping category definitions, do not trigger punitive actions. Retailers making sincere efforts to comply should receive education and corrective guidance rather than formal warnings and withdrawal from the program. Additionally, we ask for 6 months between corrective guidance and formal warnings to give retailers time to fix any outstanding issues. This



approach will support program integrity while enabling retailers to continue serving SNAP participants without disruption.

Additionally, we request further guidance regarding universal product code (UPC) lists and definitions. Clear, consistent, and timely direction from states is essential for retailers to determine which products are eligible or restricted. Given the complexity of the food supply and the volume of products involved, this task requires continuous coordination. Although our industry has engaged a third-party partner to assist with UPC classification, thousands of outstanding questions remain, particularly concerning private-label and locally sourced products. Without comprehensive and authoritative state guidance, retailers cannot reliably implement the restrictions as intended. We respectfully ask USDA to continue to urge state agencies to provide SNAP retailers with clear, comprehensive UPC lists of restricted items.

Therefore, we respectfully request that USDA also provide clear guidance and appropriate safe-harbor protections for SNAP-authorized retailers acting in good faith to implement state product restriction waivers. Given the complexity and ambiguity of certain product definitions, retailers may err on the side of caution and restrict items that could later be deemed allowable (i.e. restricting the SNAP sale of a plain, sparkling water, which may not be considered a “soda” under a particular state’s definition). Without clear federal guidance, retailers face the risk of unintended civil liability for good-faith compliance efforts, which could discourage participation in SNAP and ultimately undermine food access.

We remain committed to working collaboratively with the USDA and states to ensure that SNAP participants retain reliable access to nutritious foods while retailers implement these new requirements effectively and in good faith. To that end, we respectfully request additional clarification on the enforcement framework, the allowance for reasonable margins of error, and the development of clear and consistent UPC guidance from states. Providing this direction will help retailers uphold program integrity while continuing to serve their communities without disruption. We appreciate your continued engagement with our industry and are ready to meet with you and your team to discuss these issues further.

Sincerely,

National Grocers Association  
National Association of Convenience Stores