

Rev. Terry Williams Testimony for December 11, 2019
Ohio Senate General Government and Agency Review Committee Hearing on Senate Bill 165

Chairman Shuring, Vice Chairman Rulli, Ranking Member O'Brien, and distinguished members of the committee, thank you for taking time today to allow me to share testimony concerning Senate Bill 165.

My name is The Reverend Terry Williams. I am an ordained minister of the United Church of Christ, and I currently serve as Lead Pastor of Orchard Hill United Church of Christ in Chillicothe. As a Christian pastor, I am called to ministries of preaching, spiritual care, faith formation, and teaching within my local congregation.

In addition to my work in the parish, I am privileged to serve on the board of the Hunger Network in Ohio, a faith-based network of advocates that believe it is our moral duty to end hunger in Ohio and to improve conditions for all people who experience poverty. We aim to end hunger by addressing hunger's root causes: access to healthy food, the responsible use of resources, and the elimination of barriers that stand between hungry people and their next meal.

I read with great interest the written testimony which has been submitted to your committee concerning this legislation thus far – particularly the only two proponent testimonies previously, given by Ohio Auditor of State Keith Faber¹ and a member of the law enforcement community, Dennis Lowe.²

Auditor Faber's testimony lists a large number of problems that his office currently observes in relation to the agency administration and oversight of EBT card usage in Ohio. A careful reading of this litany of complaints from Auditor Faber makes it clear: solutions to these problems are both much needed and also such solutions are **not** found in Senate Bill 165.

Auditor Faber cited "unusual card activity at neighborhood corner stores," "more than \$28.5 million spent in 'even dollar' transactions" which indicate possible fraud, and "multiple transactions worth hundreds of dollars that occurred within minutes of each other" as three possible sources of fraud currently observed in EBT card usage within our state.

All of these issues are clearly related to the unscrupulous dealings of persons at the point of sale. Each of these problems require a person who has some role in operating a business to be involved in and to consent to the activity that the Auditor named as possible fraud. Unless these business owners and corner store keepers are simply ignorant of the economics of fraud (which anyone who knows a small business person understands is highly unlikely) placing a photograph on an EBT card will not stop any of these behaviors. Indeed, these three complaints from the Auditor represent at their core unscrupulous behaviors of business operators – none of which will be in the least bit affected by Senate Bill 165.

¹ Faber, Keith. Testimony given to the Senate General Government and Agency Review Committee on October 2, 2019. http://search-prod.lis.state.oh.us/cm_pub_api/api/unwrap/chamber/133rd_ga/ready_for_publication/committee_docs/cmte_s_gen_gov_1/testimony/cmte_s_gen_gov_1_2019-10-02-0315_875/sb165_faber_proponent-copy1.pdf

² Lowe, Dennis. Testimony given to the Senate General Government and Agency Review Committee on October 2, 2019. http://search-prod.lis.state.oh.us/cm_pub_api/api/unwrap/chamber/133rd_ga/ready_for_publication/committee_docs/cmte_s_gen_gov_1/testimony/cmte_s_gen_gov_1_2019-10-02-0315_875/sb165_lowe_writtenproponent.pdf

Auditor Faber also raised a concern with this committee about the out-of-state usage of EBT benefits, stating that there was a total of “\$28.7 million spent outside of Ohio, with more than a third of it spent in states as far away as Florida, Texas, and Minnesota.” I cannot speak for the members of this committee, but I can speak for myself that I have certainly spent a fair amount of my own personal funds in states as far away as those named by the Auditor of State in his testimony. If I were a betting man, I would bet that most members of this committee, too, have spent more than a few hundred dollars across state lines this year.

As a person of faith who is moved by deep compassion for people experiencing poverty, this comment from the Auditor of State deeply offends me. Its implication is that poor people – specifically those Ohioans receiving EBT benefits – should somehow not be expected to travel as a condition of their poverty. This elitist assumption completely disregards many values that Ohioans hold dear, including our commitment to building strong family relationships that are certainly much stronger than the geographic boundaries between states.

Regardless of whether or not you share Auditor Faber’s conviction that poor people shouldn’t travel as much as other Ohioans, certainly a photograph on a physical EBT card isn’t going to prevent the kind of interstate abuse implied by the Auditor given that such abuse is, by the Auditor’s own definition, usually carried out remotely. If interstate transactions involving EBT cards issued to Ohioans represent a fraudulent laundering of dollars through Florida, Texas, and Minnesota, chances are good that such activity either doesn’t require the physical presence of an EBT card or that the presence of a photograph on the card wouldn’t deter fraudsters from such intricately well-planned endeavors anyway.

Finally, and perhaps most outrageously, the Auditor of State in his testimony to this committee in support of Senate Bill 165 cited instances “where people continued to receive benefits after death” even though, as Auditor Faber says, “federal law requires at least an annual comparison of death records against the list of beneficiaries.” To be clear, this complaint on the part of the Auditor represents a clear indictment of the ineffective administration of oversight – not the kind of supposed fraud that a photo on an EBT card would ever be able to prevent.

Perhaps the only proponent testimony for Senate Bill 165 that brings up any relevant issue that could be impacted by the legislation is the testimony of Dennis Lowe, Commander of the Major Crimes Unit in Fairfield County, Athens County, Logan, and Circleville. In his testimony, Commander Lowe voices a hope that a photograph on EBT cards will diminish their usefulness in the illegal trafficking of drugs in Ohio.

While I cannot presume to speak to the frequency of usage of EBT cards in the illegal drug trade in our state, what I do know is that Commander Lowe makes an excellent case for rejecting Senate Bill 165. If we accept the general premise outlined in his testimony – that the presence of a photograph on EBT cards will make them *less* attractive to violent criminals who are trafficking drugs in Ohio – we have to also accept that passing Senate Bill 165 as written will simply make cards that are exempt from the photograph requirement *more* attractive to violent criminals.

Specifically, Senate Bill 165 exempts from the photograph requirement any household where all adults are over the age of 60. If Commander Lowe is correct in his testimony, then Senate Bill 165 as written will put a golden buckeye target on the back of every Ohioan over 60 years old who has an EBT card. Violent criminals who abuse these cards in their illegal pursuits will target older Ohioans first, effectively making the possession and usage of an EBT card a liability for older Ohioans.

Or perhaps violent criminals who are engaged in illegal pursuits won't change their behavior at all as a result of this legislation. Either way, we have a situation where the only even *possible* benefit of Senate Bill 165 comes with a tremendous cost, and one which must be paid by the oldest of Ohioans.

And what about the other costs of this legislation? According to the Ohio Legislative Service Commission Fiscal Note on Senate Bill 165, "ODJFS [*the Ohio Department of Job and Family Services*] states that costs might be about \$15.1 million for implementation and about \$1.0 million for ongoing costs"³ related to the legislation. Embedded within this estimate is an assumption of a 117% increase in card production costs from \$1.15 to \$2.50 per card.

While more than doubling the cost of card production seems extreme, there are indications that this figure may wildly underestimate the real cost of changes ordered under Senate Bill 165. Our neighbors in Pennsylvania, calculating a much more thorough estimated cost than was used to generate the estimate above, projected a whopping increase of more than 3,000% to their per card production cost.⁴ Regardless of whether the actual percent increase in cost winds up in the hundreds or thousands, one thing is clear: 100% of that money would surely be put to better use feeding hungry Ohioans.

Beyond the financial implications for the state, the true cost of this legislation rests in the deleterious effects it will have on the hungry people of our state and the agencies that feed them – particularly congregations and faith-based organizations like those represented in the membership of the Hunger Network in Ohio. My own congregation in rural Appalachian southern Ohio will be hurt by the unnecessary and expensive changes sought in this legislation. In our effort to ensure that all people who need food get food, we will have to contend with yet another hurdle to jump over in order to keep connecting hungry people with the food they deserve.

As a local pastor, I am often asked to make grocery runs for people in rural areas. Within the past year, I have used other peoples' EBT cards at various times to buy food for people who are too ill to shop, for people who are unable to access transportation, for people who have family responsibilities that prevent them from shopping, and for one woman who was unwilling to leave her husband at the hospital even for a brief period of time due to her love and compassion for him.

All of these uses represented legal, ethical uses of EBT cards and their associated benefits. Indeed, the program has for many years been implemented in such a way that it is perfectly acceptable for a trusted agent to shop for and transport food back to EBT cardholders who are unable to carry out those functions on their own.

I am far from the only pastor in Ohio who serves to bridge the gap for members of my community in this way, and you don't have to be a pastor in order to help your neighbors access the food benefits that are rightfully theirs. Senate Bill 165 threatens to complicate and hinder the usage of EBT card benefits by trusted agents which will effectively constrain the provision of food to hungry Ohioans. As currently

³ Ohio Legislative Services Commission. "Fiscal Note & Local Impact Statement for Senate Bill 165 in the 133rd General Assembly" 2019. <https://www.legislature.ohio.gov/download?key=12427&format=pdf>.

⁴ Pennsylvania Legislative Budget and Finance Committee. "The Feasibility of Using Biometric Smart Cards or Photo ID Cards to Dispense Public Assistance Benefits." November 2012. <https://lisaopdycke.files.wordpress.com/2014/03/ebt-feasibility-in-ri1.pdf>.

written, this legislation will literally strangle the hungry in our state with bureaucratic red tape and expensive, unnecessary restrictions.

With no demonstrated benefit, and a great number of costly challenges, Senate Bill 165 simply doesn't make sense for Ohio at this time. Without a major overhaul of our food distribution infrastructure – without addressing rural transportation gaps, Ohio's food desert problems, and studying the cultural context of benefit usage across the breadth and depth of our whole state – this committee should not implement a controversial, costly, cumbersome regulation that puts vulnerable Ohioans further from healthy food and closer to the desperate isolation of bureaucratically-induced powerlessness.

I encourage this whole committee, as well as this bill's sponsors, to work together with pastors and faith leaders across the state to craft legislation that actually does address the concerns of the Auditor of State and law enforcement without stripping EBT cardholders of the useful options that help them access healthy food with dignity in their communities. Please, vote NO on Senate Bill 165, and keep on working to find solutions that actually make life better for hungry Ohioans.

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