



CALIFORNIA HEALTH & HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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August 19, 2025

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services  
United States Department of Agriculture  
[Patrick.Penn@usda.gov](mailto:Patrick.Penn@usda.gov)

**SUBJECT:** August 12, 2025 Demand and Threat to State SNAP (Supplemental Nutrition Assistance Program) by U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS)

Dear Deputy Under Secretary Patrick Penn:

The California Department of Social Services (CDSS) has been informed that, on August 12, 2025, you transmitted a communication to the Office of the Governor for the State of California, threatening suspension or disallowance for State SNAP administrative expenses. Your communication of August 12, 2025 asserts that this threat is due to California not having met a prior USDA FNS deadline of July 30, 2025, to produce an unprecedented quantity of data, spanning five and a half years, and including the Personally Identifiable Information (PII) of tens of millions of applicants and recipients of SNAP benefits as well as household members of such individuals.

As the USDA and FNS are aware, including from CDSS's letter of July 29, 2025, the USDA FNS demand for data is the subject of a lawsuit brought by several states, including California. In that letter, CDSS requested that the USDA withdraw or, alternatively, stay its demand for data, pending resolution of the litigation. Your August 12, 2025 letter neither acknowledges CDSS's letter of July 29, 2025, nor responds to the points made therein.

Yesterday, August 18, the Plaintiff States in that lawsuit, including California, filed a motion for a stay or preliminary injunction, asking the court to stay USDA's demand and any related noncompliance proceedings pending resolution of the litigation. We consequently reiterate here our request that the USDA and FNS withdraw its demand for the reasons outlined in the complaint and the motion for a stay or preliminary injunction pending before the U.S. District Court for the Northern District of California. We also again ask that the demand and any related noncompliance proceedings be stayed while the plaintiff states' legal claims are adjudicated, or, at the very minimum, until the resolution of the motion for a stay or preliminary injunction.

Apart from the matter of the pending litigation, we note that your letter of August 12, 2025, does not acknowledge or address other critical points raised in CDSS's July 29,

2025 response to the demands set forth in the USDA's July 9 and July 25, 2025 letters to the State. As CDSS previously explained, compliance on the timeline imposed was impossible for CDSS given the size of the request, the time period involved, and the technical difficulty involved. Specifically, in California, which serves an average of 5.5 million SNAP participants per month, the request for five and a half years' worth of data related to all SNAP recipients and applicants would take a minimum of three months and possibly more than six months to gather and provide given the breadth of the request, the need for clarification to address the ambiguities of the request, the need to collect data from multiple legacy automated systems, and other technical challenges. The USDA's decision to ignore these facts and impose a new untenable deadline of less than a week indicates that the USDA is not proceeding in good faith. To the contrary, the USDA appears to be intent on seeking to impose penalties that would fundamentally undermine the SNAP program that provides millions of beneficiaries with basic sustenance.

While threatening suspension or disallowance in conjunction with demanding a timeline you are aware cannot possibly be met, you have also imposed an additional deadline of August 13, later extended to today, for FNS to "receive a description of the actions California will undertake in order to ensure that it will submit the requested data to FNS no later than close of business Friday, August 15, 2025." There are no steps that would allow this impossible deadline to be met, even were it not the case that the USDA's demands are unlawful and threaten serious irreparable harm. We are nonetheless undertaking steps that will position California to gather and produce responsive data, as to the extent required and authorized by law and on a timeline that is feasible. If you have any questions regarding the volume and complexity of the work that the USDA's demands entail, please include CDSS and counsel for the plaintiff states in further correspondence on this subject.

Respectfully,



RYAN GILLETTE  
Chief Data Officer  
Research, Automation, and Data Division