

Summary of USDA's 2025 Proposed Rule on SNAP Retailer Staple Food Stocking Standards

Overview

On September 25, 2025, the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) published a [proposed rule](#) to define “variety” and update the staple food stocking requirements for small format retailers, like convenience stores, participating in the Supplemental Nutrition Assistance Program (SNAP) retailers. While this proposal expands the staple food varieties retailers can count in the meats, poultry and fish (protein) category, it significantly restricts what retailers are allowed to count in the breads and cereals (grains) category, and it limits what retailers can count in the dairy category.

As it stands in this proposal, it will be extremely challenging for small format stores to meet their requirements in the grains category and potentially in the dairy category. USDA opened a 60-day comment period for this proposed rule, which closes November 24, 2025. **NACS is asking retailers for [feedback via a survey](#)** on what your store currently carries and what challenges you may face in implementing the proposed rule as written.

Background

- The Supplemental Nutrition Assistance Program (SNAP) requires participating retail food stores, like convenience stores, to stock a minimum number of staple food varieties to ensure households using SNAP have consistent access to nutritious foods.
- The 2014 Farm Bill mandated **raising the minimum varieties requirement from 3 to 7** in each of four staple food categories (grains, dairy, protein, and fruits/vegetables), and increasing the number of perishable varieties required (1 variety of food in **2** different staple categories to 1 variety of food in **3** different staple categories).
 - *NACS supported this increase in stocking requirements.*
- However, USDA issued a final rule in 2016 that defined variety in such a narrow, complex way that it would have pushed nearly the entire convenience industry out of the program.
- Since 2017, Congress has passed appropriations legislation delaying the new stocking requirements from taking effect until USDA rewrites its definition of variety in a way that is workable for small format retailers.
- This rule is USDA's attempt to satisfy that requirement and to codify a new framework for defining distinct staple food varieties.
- USDA is also taking this opportunity to add and codify food categories that count as accessory foods, which are generally considered snacks or dessert foods or are meant to complement or supplement. Accessory foods do not count towards meeting the staple food stocking requirements.

Key Change: Increase in Stocking Requirements

Current	2014 Farm Bill Requirements*
3 varieties of food in each of the 4 staple food categories	7 varieties of food in each of the 4 staple food categories
3 stocking units for each of the 3 varieties	3 stocking units for each of the 7 varieties
At least 1 perishable variety in 2 out of 4 staple food categories	At least 1 perishable variety in 3 out of 4 staple food categories

****Please note these requirements will not go into effect until FNS finalizes a rule on variety that is workable for small format stores.****

Key Change: Names of Staple Food Categories

Current	2025 Proposed Rule
Meat, poultry, or fish	Protein
Dairy	Dairy
Fruits or vegetables	Fruits or vegetables
Breads or cereals	Grains

Key Change: Variety Subgroups

Current	2025 Proposed Rule
Historically, agency guidance has defined counting distinct varieties by food type or “main ingredient.”	The proposed rule introduces two subgroups (Group 1 , Group 2) to simplify and clarify variety counting.
	– Group 1: 3 types of basic food without any other ingredients (grain-based flour; raw grains; and dry beans/peas/lentils) can all count as separate varieties. Emphasis on promoting “basic staple food essentials” needed for home preparation of meals. – Group 2: 17 types of food; items under these would count as one variety regardless of main ingredient differences (e.g. all bread; all breakfast cereals/foods; all cheese).

Key Change: Variety Determinations

Category	Proposed Change	Stocking Examples (each to count as 1 variety)
Protein	1. Perishable meat, poultry, or fish, including fresh or frozen versions for each different kind of animal 2. Shelf-stable meat, poultry, or fish for each different kind of animal 3. Eggs 4. Nuts/seeds (<i>unclear if Group 1 or 2</i>)* 5. Raw beans, peas, or lentils, each of which would count as a distinct protein variety 6. Cooked (e.g., canned) beans, peas, or lentils and multi-ingredient products with beans, peas, or lentils as the main ingredient 7. Tofu/tempeh, together, would be a distinct variety from all other types of proteins and any other pea product as the main ingredient *Note: The proposed rule does not explain if nuts/seeds should be in Group 1 or Group 2, and it's unclear if different types of nuts/seeds can be counted as multiple varieties or just 1 variety. We are seeking clarification from USDA. **Note: Jerky (other than whole-muscle meat jerky) and including but not limited to beef jerky and plant-based jerky is being added to “Accessory Foods” and will no longer be allowed to count towards a retailer’s stocking requirements.	(a) Refrigerated bacon (perishable) (b) Frozen shrimp (perishable) (c) Refrigerated beef hot dogs (perishable) (d) Sliced turkey deli meat (perishable) (e) Can of tuna (shelf-stable) (f) Can of beef stew (shelf-stable) (g) Carton of eggs (h) Salted peanuts, almonds, or sunflower seeds (<i>unclear if these would count as just 1 variety or multiple varieties</i>)* (i) Dry black beans (j) Dry split green peas (k) Canned baked beans or canned black beans (would count as just 1 variety) (l) Tofu (firm, extra firm, or soft) or Tofurky tempeh (would count as just 1 variety)
Dairy	1. Perishable liquid milk (such as whole milk, 2% milk, 1% milk, skim milk, etc.) for each different type of mammal 2. Shelf-stable liquid milk, such as canned evaporated or condensed milk and boxed milk	(a) Perishable, liquid cows milk (whole, 2%, or 1%) (b) Evaporated milk or condensed milk (shelf-stable) (would count as just 1 variety)

Dairy (continued)	3. Cheese 4. Yogurt (non-liquid) 5. Butter 6. Infant formula 7. Cream (other than butter, which would continue to be its own separate variety), such as heavy cream, sour cream, and half and half 8. Fermented or cultured dairy beverages, such as kefir, buttermilk, and yogurt-based drinks 9. Dried milk, such as milk powder 10. Plant-based alternative (only for up to three different dairy products listed above)	(c) Shredded mozzarella cheese or sliced cheddar cheese (would count as just 1 variety) (d) Strawberry yogurt or non-fat Greek yogurt (would count as just 1 variety) (e) Butter (f) Infant formula (g) Sour cream or half and half (would count as just 1 variety) (h) Yogurt drink or kefir (would count as just 1 variety) (i) Oat milk, almond milk, soy cheese, soymilk yogurt, or coconut milk yogurt (can only count up to 3 as separate varieties)
Grains	1. Raw grains for each different type of grain 2. Grain-based flour for each different type of grain 3. Bread 4. Pasta/noodles 5. Breakfast cereals/foods (such as a box of corn flakes, frozen waffles, or pancake mix) 6. Infant cereal	(a) Long grain white rice (b) Rolled oats (c) Cornmeal (d) All-purpose flour (wheat) (e) Rice flour (f) Sliced bread, rolls, frozen pizza, bagels, or tortillas (would count as just 1 variety) (g) Macaroni, spaghetti, or ramen (would count as just 1 variety) (h) Corn flakes, Cheerios, frozen waffles, or pancake mix (would count as just 1 variety)
Fruits or Vegetables	• No changes in proposed rule other than clarifying that pre-cut fruits and vegetables (even if prepared by retailer on premises of firm) count as a staple food in this category	(a) Sliced grapes (b) Sliced carrots (c) Pickles (d) Canned peaches (e) Frozen blueberries (f) Applesauce, sliced apples, or 100% apple juice (would count as just 1 variety) (g) 100% orange juice or mandarin orange (would count as just 1 variety) (h) Canned tomato sauce or tomato juice (would count as 1 variety) (i) Fresh potatoes or frozen tater tots (would count as 1 variety)

Key Change: Accessory Foods

Current	2025 Proposed Rule
Currently defined (in part) via guidance lists (e.g. snacks, desserts). Some guidance directs classification, but definitions are not fully codified. **Accessory foods cannot be counted as staple foods or towards stocking requirements. **	Adds 3 new groups of items to accessory foods list: • Snack bars, including but not limited to protein, granola, and baked bars • Jerky (other than whole-muscle meat jerky), including but not limited to beef jerky and plant-based jerky • Cheese or fruit dips and spreads, including but not limited to cheese sprays, jams, jelly, marmalade, preserves, and compote
Accessory Foods **Accessory foods cannot be counted as staple foods or towards stocking requirements. **	<i>Codifies additional types of accessory foods from existing USDA guidance:</i> Snack and Dessert Food Items • Chips and other finger snacks, including but not limited to, potato, corn, wheat, tortilla, pita, vegetable, and fruit chips, crisps, sticks, and straws; onion ring snacks; corn nuts; snack and trail mixes (other than those containing only nuts); crackers; pork rinds; pretzels; pre-popped or un-popped popcorn; cheese puffs or curls • Baked, gelatin, and pudding desserts, including but not limited to, doughnuts, brownies, cupcakes, cookies, snack cakes, muffins, pastries, sweet rolls, pies, cakes, churros, scones, pudding, and any packaged mixes intended to create any of the aforementioned products • Frozen snacks and desserts, including but not limited to, ice cream, ice milk, frozen yogurt, custard, whipped cream, sherbet, sorbet, gelato, granita, Italian ices, frozen carbonated beverages, snow cones, and ice pops • Candy and chocolate, including but not limited to, mints, chocolate chips, marshmallow, gum, toffee, brittle, fudge, marzipan, nougat, and candy bars • Snack bars, including but not limited to, protein, granola bars, and baked bars Food Items that Complement or Supplement Meals • Condiments, including but not limited to, ketchup, mayonnaise, mustard, salad dressing, hot sauce, vinegar, relish, horseradish, chutney, salsa, and soy sauce

Accessory Foods (continued) **Accessory foods cannot be counted as staple foods or towards stocking requirements. **	- Carbonated and uncarbonated beverages (except milk, plant-based milk alternatives, and 100% fruit or vegetable juice), including but not limited to, soda pop, sports or energy drinks, iced tea, tea bags, fruit punch, mixers for alcoholic beverages, shake powder/mixes, and water - Cheese or fruit dips and spreads, including but not limited to, cheese sprays, jams, jelly, marmalade, preserves, and compote - Sweeteners, including but not limited to, sugar, honey, maple syrup, aspartame, molasses, high fructose corn syrup, and any other natural or artificial sweeteners Edible Items Primarily Used as Part of the Food Preparation Process - Extracts, including vanilla and other flavor extracts - Powdered, dried, and extracted spices or seasonings - Baking soda, baking powder, yeast, and starch - Vegetable oil, olive oil, shortening, lard, safflower oil, and any other solid or liquid cooking oils or fats (except butter and butter substitutes) - Broth, stock, gelatin, and bouillon - Edible but non-caloric and non-digestible food products, including but not limited to, monosodium glutamate, sodium nitrate, olestra, and any other food additives Any food product with a main ingredient (i.e., the first ingredient other than water, broth, or stock listed on the ingredient list) that appears on this list as an accessory food item except infant formula.
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Next Steps for Retailers

- This is a proposed rule that is **not yet final**. Comments on the proposed rule are due **Monday, November 24, 2025**.
 - Future retailer compliance will depend on the final version of the rule and its effective dates.
- Retailers should begin assessing their current variety portfolios and identifying potential stocking challenges, especially in the grains and dairy categories. **NACS is collecting [retailer survey responses](#) to help explain the rule's challenges to USDA.**
- Retailers should engage in the comment process – NACS will help you draft comments. Please reach out to Margaret Mannion (mmannion@convenience.org) for more information.