



Food and  
Nutrition  
Service

April 9, 2020

**SUBJECT:** Request for WIC Food Package Flexibilities in Response to COVID-19

1320  
Braddock  
Place  
Alexandria,  
VA  
22314

**TO:** Cheryl Kennedy  
Regional Administrator  
Mountain Plains Regional Office

This letter is in response to the April 9, 2020 correspondence from North Dakota WIC requesting a regulatory waiver from a requirement of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) that the State agency cannot meet due to COVID-19.

North Dakota WIC requests a waiver of the federal requirement that the State agency must conduct routine monitoring visits on a minimum of five percent of the number of vendors authorized by the State agency as of October 1 of each fiscal year, as outlined in 7 CFR 246.12(j)(2). Pursuant to the authority granted in section 2204(a)(1) of the Families First Coronavirus Response Act (P.L. 116-127), USDA's Food and Nutrition Service (FNS) approves this waiver request through **May 31, 2020**.

Given the recommendations by the Centers for Disease Control and Prevention to control the impact of the COVID-19 epidemic through means of social distancing, USDA FNS understands that onsite monitoring of vendors requiring WIC and store employees to interact creates an undesirable risk. A waiver of the requirement for onsite vendor monitoring reviews removes a requirement that the State agency cannot currently meet due to COVID-19.

This waiver is only applicable to regulations at:

- 7 CFR 246.12(j)(2) which requires WIC State agencies to conduct routine monitoring visits on a minimum of five percent of the number of vendors authorized by the State agency as of October 1 of each fiscal year in order to survey the types and levels of abuse and errors among authorized vendors and to take corrective actions, as appropriate.

This waiver only allows for cessation of monitoring activities through the waiver period. By May 15, 2020, if North Dakota WIC does not believe it will meet the five percent routine monitoring requirement by the end of the fiscal year, the State agency must report to FNS the status of North Dakota WIC's progress towards meeting the requirement, including:


- The number of vendors that must be monitored in fiscal year (FY) 2020.
- The number of vendors that have already been monitored in FY 2020.
- The date on which the State agency believes it will be able to resume monitoring activities.

USDA FNS will determine if a waiver from the annual requirement is needed at that time.

The waiver authority of P.L. 116-127 requires, at section 2204(b)(1), that the State agency submit a report which includes a summary of the use of this waiver and a description of whether this waiver resulted in improved services to women, infants, and children. The State agency shall provide the Regional Office with this report no later than 1 year after the date of approval.

USDA FNS appreciates North Dakota WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to women, infants, and children in need.

Sincerely,

A handwritten signature in black ink that reads "Sarah Widor". The signature is written in a cursive, flowing style.

SARAH WIDOR  
Director  
Supplemental Food Programs Division