



Food and  
Nutrition  
Service

April 2, 2020

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

1320  
Braddock  
Place  
Alexandria,  
VA  
22314

**TO:** William Ludwig  
Regional Administrator  
Southwest Regional Office

This letter is in response to the March 24, 2020 correspondence from New Mexico WIC requesting flexibility in the food package requirements in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) as a result of significant impacts to providing WIC program services to participants due to COVID-19.

New Mexico WIC cited significant impacts on vendors' abilities to maintain inventory of certain WIC-eligible products and requests a waiver of select minimum requirements and specifications and/or the maximum monthly allowances as outlined in 7 CFR 246.10(e)(9)-(12) for specific supplemental foods. 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 the waiver request through **May 31, 2020** in the following manner:

- **Milk and Yogurt.** Participants will be able to substitute milk and yogurt of any available fat content despite the designation of their food package.
- **Cheese.** Participants will be allowed to substitute 8 to 12-ounce containers of cheese when the prescribed size is not available, despite the designation of their food package. Participants will be allowed to substitute sliced cheese and shredded cheese of all varieties when the prescribed form is not available, despite the designation of their food package.
- **Yogurt.** Participants will be allowed to purchase 4 ounce/4packs, 6 ounce, and 5.3 ounce containers of yogurt when the prescribed size is not available. Participants will be allowed to purchase 30 ounce containers of yogurt when the prescribed size is not available.
- **Juice.** Participants will be allowed to substitute 12, 16, and 46 ounce containers of juice, when the prescribed size is not available. Participants must still select 100% fruit or vegetable juice that meets federal standards.
- **Eggs.** Participants will be allowed to substitute two 6-count packages of fresh eggs of any variety when 12-count packages are unavailable. Participants will be allowed to substitute 18-count packages of eggs when 12-count packages are unavailable. Participants will be allowed to substitute any size fresh eggs and organic brands despite

the designation of their food package.

- **Whole Wheat/Whole Grain Bread.** Participants will be allowed to substitute authorized whole wheat/whole grain bread and whole grains in package sizes up to 20 ounce when 16 ounce packages are unavailable; up to 28 ounce when 24 ounce packages are unavailable; and up to 36 ounce when 32 ounce packages are unavailable.
- **Breakfast Cereal.** Participants will be allowed to substitute authorized breakfast cereals in a variety of sizes up to 36 ounces when the prescribed sizes are unavailable.

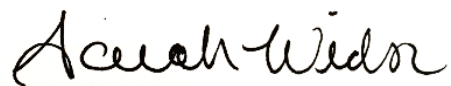
Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.

Following receipt of a food package waiver, New Mexico WIC will need to advise vendors and participants that substitutions should be made when the prescribed benefit is unavailable for purchase and these flexibilities are available until May 31, 2020. For participants prescribed whole milk, the State agency will inform participants to select the highest fat milk available. For participants prescribed fat free or 1% milk, the State agency will inform participants to select the lowest fat milk available. The State agency will inform participants to come as close to the maximum benefit amount prescribed when they are selecting package sizes.

The waiver authority at section 2204(b)(1) of P.L. 116-127 requires the State agency to 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 New Mexico WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to needy women, infants and children.

Sincerely,



SARAH WIDOR  
Director  
Supplemental Food Programs Division