



Food and
Nutrition
Service

April 4, 2020

SUBJECT: Request for WIC Flexibility 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 April 1, 2020 correspondence from Pueblo of San Felipe WIC and April 3, 2020 updates provided to the Food and Nutrition Service's (FNS) Southwest Regional Office. Pueblo of San Felipe WIC requested program flexibility 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.

Due to its remote location, Pueblo of San Felipe WIC currently operates a direct distribution food delivery system to provide supplemental foods to approximately 250 participants. Almost a third of these participants live in villages outside of San Felipe Pueblo, where the WIC office and direct distribution site are located. Pueblo of San Felipe WIC has informed FNS that, by order of the Governor, the WIC program is currently operating part time with only one staff member allowed on site, and all roads in and out of San Felipe Pueblo have been closed. These actions were taken in response to a number of confirmed cases of COVID-19, some of which are in WIC households, as well as recent exposure by many others in the community.

In order to ensure that WIC participants are able to receive supplemental foods under these circumstances, and to protect WIC staff from exposure, Pueblo of San Felipe WIC has requested to issue two months (April and May) of infant formula and dry goods to participants as soon as possible. In order to support social distancing measures, the State agency has also requested to use photos in lieu of signatures to document receipt of foods. Specifically, Pueblo of San Felipe WIC has requested a waiver of the federal requirement that the State agency must ensure that no more than a one month supply of supplemental foods is issued at any one time to any participant, parent/caretaker, or proxy, as outlined in 7 CFR 246.12(r)(5) and the related signature requirement outlined in 7 CFR 246.12(r)(2). Pursuant to the authority granted in section 2204(a)(1) of the Families First Coronavirus Response Act (P.L. 116-127), USDA's FNS approves this waiver request through **May 31, 2020**.

Given the unique operational challenges facing the Pueblo of San Felipe WIC Program, and 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 normal

direct distribution procedures that involve staff and participant interactions create an undesirable risk, and may not be possible for Pueblo of San Felipe WIC at this time. This waiver removes a requirement that could prevent or impede the provision of essential Program services.

This waiver is only applicable to regulations at:

- 7 CFR 246.12(r)(5) which requires the State agency to ensure that no more than a one month supply of supplemental foods is issued at any one time to any participant, parent/caretaker, or proxy.
- 7 CFR 246.12(r)(2) which requires that a participant, parent/caretaker, or proxy signs for receipt of supplemental foods.

Terms and Conditions:

- 1) This waiver only applies to the issuance of April and May 2020 WIC benefits.
- 2) This waiver only applies to the following supplemental foods: infant formula and dry goods with a shelf life of more than one month (including, but not limited to: infant foods, cereal, juice, dry and canned beans, whole grains, eggs, and cheese).
- 3) San Felipe WIC will fully inform participants that they are receiving benefits for both April and May and provide nutrition education, as appropriate.
- 4) Photos in lieu of signatures and other documentation of supplemental food issuance must be retained in accordance with related recordkeeping requirements.
- 5) The waiver authority of P.L. 116-127 requires, at section 2204(b)(1), that the State agency submit a report that 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 Pueblo of San Felipe WIC's commitment to addressing the unique operational challenges impeding the delivery of WIC benefits to women, infants, and children in need.

Sincerely,



SARAH WIDOR
Director
Supplemental Food Programs Division