



Food and
Nutrition
Service

September 30, 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 September 30, 2020 correspondence from Cherokee Nation 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.

Cherokee Nation WIC requests a waiver of the federal requirement that the State agency must conduct routine monitoring of WIC vendors onsite, as outlined in the definition of routine monitoring in 7 CFR 246.2. 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 the waiver request until 30 days after the end of the nationally-declared public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d).

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 sending staff onsite to visit vendors creates an undesirable risk. A waiver of the requirement for onsite (and therefore in-person) routine monitoring visits removes a requirement that the State agency cannot currently meet due to COVID-19, and is necessary to ensure participant access to supplemental foods.

This waiver is only applicable to the regulations at:

- 7 CFR 246.2—specifically, the definition of routine monitoring, which requires that this activity is conducted onsite at the vendor's location.

While operating under this waiver, the State agency is expected to ensure continued quality oversight and monitoring of its authorized vendors in order to survey the types and levels of abuse and errors among authorized vendors. Within 30 days of the public health emergency and applicable State and local social distancing orders being lifted, the State agency must return to conducting onsite vendor routine monitoring visits.

The waiver authority of P.L. 116-127 requires, at section 2204(b), 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 Cherokee Nation 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