



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 requirement to conduct onsite monitoring reviews of local agencies, as outlined in 7 CFR 246.19(b)(3). 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 onsite monitoring of clinic operations requiring employees, participants, and applicants to physically come into the clinic creates an undesirable risk and that there are mandatory clinic closures in some areas. A waiver of the requirement for onsite monitoring reviews removes a requirement that the State agency cannot currently meet due to COVID-19.

Cherokee Nation WIC must still conduct monitoring reviews of each local agency at least biennially in accordance with section 17(f)(20) of the Child Nutrition Act, as amended (42 U.S.C. 1786(f)(20)), but this waiver allows Cherokee Nation WIC to conduct local agency monitoring reviews virtually (e.g., via desk audit or other means) instead of onsite. This waiver is only applicable to regulations at:

- 7 CFR 246.19(b)(3), which require State agencies to conduct onsite monitoring reviews of a minimum of 20 percent of the clinics in each local agency or one clinic, whichever is greater.

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 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