



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 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.

Cherokee Nation WIC requests a waiver of the federal requirement outlined in 7 CFR 246.12(h)(3)(vi), that WIC transactions (including the signing of a paper food instrument or cash-value voucher, or the entering of a Personal Identification Number (PIN) in EBT systems) must occur in the presence of a cashier. 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).

As this requirement must be included in the State agency's vendor agreements per 7 CFR 246.12(h)(3), Cherokee Nation WIC should work with its legal counsel to determine whether additional action is needed at the State level to waive this requirement.

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 normal WIC transaction requirements, including the signing of a food instrument or cash-value voucher, or the entering of a PIN in the presence of a cashier, creates an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential program services to participants.

This waiver is only applicable to regulations at:

- 7 CFR 246.12(h)(3)(vi) which requires that WIC transactions (including the signing of a paper food instrument or cash-value voucher, or the entering of a Personal Identification Number (PIN) in EBT systems) occur in the presence of a cashier.

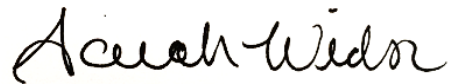
Unless additional waivers are obtained, all other federal WIC requirements, including EBT technical implementation requirements, must be met. This includes the requirement outlined in 7 CFR 246.12(h)(3)(iv) that vendors must only accept food instruments or cash-value vouchers within the specified time period. Additionally, for security reasons, the State agency must not allow vendors or vendor representatives to conduct WIC transactions by obtaining a participant's EBT card number and PIN (including over the phone or through physical hand-off). The State

agency must create an implementation plan and receive FNS approval of its plan before it may implement this waiver.

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