



Food and
Nutrition
Service

September 9, 2021

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 3, 2021 correspondence from Five Sandoval Indian Pueblos, Inc. 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.

Five Sandoval Indian Pueblos, Inc. WIC requested a waiver of the federal requirement that WIC vendor agreements are not to exceed 3 years. State agencies must enter into written agreements with all authorized vendors for a period not to exceed 3 years, as outlined in 7 CFR 246.12(h)(1)(i). Pursuant to the authority granted in section 2204(a)(1) of the Families First Coronavirus Response Act (P.L. 116-127), as amended, USDA's Food and Nutrition Service (FNS) approves this waiver request through **September 30, 2022** and in the following way:

- Extensions of an expiring 3 year agreement must not exceed 1 year and must meet all other federal requirements related to WIC vendor agreements, as well as any applicable State requirements.

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 the WIC vendor reauthorization process is staff intensive and may require WIC and store employees to interact and creates an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential Program services to participants.

This waiver would allow the State agency to complete its current vendor reauthorization actions by extending expiring vendor agreements by 1 year. This waiver is only applicable to regulations at:

- 7 CFR 246.12(h)(1)(i), which requires that vendor agreements must not exceed 3 years.

Five Sandoval Indian Pueblos, Inc. WIC will fully inform vendors of agreement extensions and terms, as appropriate. Five Sandoval Indian Pueblos, Inc. WIC is reminded that it is still required to proactively manage vendors throughout the authorization period; this waiver does not remove those requirements.

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 Five Sandoval Indian Pueblos, Inc. WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to women, infants, and children in need.

Sincerely,

Dana Rasmussen (Signed)

DANA RASMUSSEN
Acting Director
Supplemental Food Programs Division