



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 29, 2020 correspondence from New Mexico FMNP requesting program flexibility in the WIC Farmers' Market Nutrition Program (FMNP) as a result of significant impacts to providing eligible foods to recipients due to COVID-19.

New Mexico FMNP requested a waiver of the requirement to conduct annual, on-site monitoring of at least 10 percent of farmers, 10 percent of farmers' markets and 10 percent of roadside stands which includes those farmers, farmers' markets and roadside stands identified as highest risk, as outlined at 7 CFR 248.10(e)(2) and 248.17(c)(1). 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) waives this annual requirement for the current federal fiscal year ending September 30, 2020.

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 on-site monitoring of farmers, farmers' markets and roadside stands requiring WIC employees to closely interact creates an undesirable risk. A waiver of the requirement for on-site monitoring reviews removes a requirement that the State agency cannot currently meet due to COVID-19.

This waiver is only applicable to the on-site requirement of the regulations at:

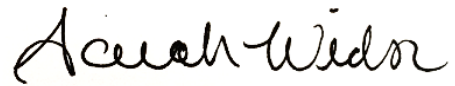
- 7 CFR 248.10(e)(2) and 248.17(c)(1), which require the State agency to conduct annual, on-site monitoring of at least 10 percent of farmers, 10 percent of farmers' markets and 10 percent of roadside stands which includes those farmers, farmers' markets and roadside stands identified as highest risk.

FNS encourages State agencies to conduct monitoring reviews to the maximum extent possible and consistent with State and local public health recommendations. This approval does not waive the requirement for the State agency to conduct annual monitoring reviews of participating farmers, farmers' markets and roadside stands or the requirement for the State agency to conduct monitoring reviews of all local agencies at least once every 2 years.

The waiver authority at section 2204(b) of P.L. 116-127 requires the State agency to submit a report which includes a summary of the use of these waivers and a description of whether the waivers 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 New Mexico FMNP'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