



Food and
Nutrition
Service

August 16, 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 July 8, 2021 correspondence from Navajo 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.

Navajo Nation WIC requests a waiver of the federal requirement that the State agency must conduct routine monitoring visits on a minimum of five percent of the number of vendors authorized by the State agency as of October 1 of each fiscal year, as outlined in 7 CFR 246.12(j)(2). 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) waives this annual requirement for the current federal fiscal year.

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 vendors requiring WIC and store employees to interact creates an undesirable risk. Additionally, USDA FNS recognizes that State and local travel restrictions may also affect the State agency's ability to complete on-site routine monitoring visits. A waiver of the annual minimum requirement for 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 regulations at:

- 7 CFR 246.12(j)(2) which requires WIC State agencies to conduct routine monitoring visits on a minimum of five percent of the number of vendors authorized by the State agency as of October 1 of each fiscal year in order to survey the types and levels of abuse and errors among authorized vendors and to take corrective actions, as appropriate.

Moving forward, the State agency is expected to ensure continued quality oversight and monitoring of its authorized vendors, and to continue to develop and/or implement alternative methods to survey the types and levels of abuse and errors among authorized vendors, if needed to meet the requirement in FY 2022. The State agency must resume routine monitoring visits when conditions permit.

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 Navajo Nation 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