



March 11, 2021

Food and Nutrition Service

1320 Braddock Place Alexandria, VA

22314

SUBJECT: WIC Policy Memo #2021-4: Implementation of WIC FMNP Waiver Provisions in the Continuing Appropriations Act, 2021 and Other Extensions Act

TO: Regional Directors
Special Nutrition Programs
All Regions

FMNP State Agency Directors
All Regions

This policy memorandum provides further guidance on the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Farmers' Market Nutrition Program (FMNP) programmatic waivers as authorized under the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), in response to the COVID-19 public health emergency.

In FY 2020, USDA approved three types of WIC FMNP waivers under the Families First Coronavirus Response Act (P.L. 116-127):

Three-Year Agreement	Waiver of the requirement that State agency agreements with authorized farmers, roadside stands, and/or farmers' markets not exceed three years, as outlined at 7 CFR 248.10(b)(7).
Face-to-Face Training	Waiver of the requirement to conduct face-to-face training for farmers and farmers' market managers who have never previously participated in the FMNP as outlined at 7 CFR 248.10(a)(4) and 248.10(d). This waiver allows FMNP State agencies to conduct the initial training of farmers and farmers' market managers remotely, including but not limited to: telephone conference calls, video conferences, and web-based training.
On-site Monitoring of 10% of Farmers, Farmers' Markets, and Roadside Stands	<p>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).</p> <p>* This waiver does not remove the requirement for the FMNP State agency to conduct annual monitoring reviews, or the requirement for the State agency to conduct monitoring reviews of all local agencies at least once every 2 years.</p>

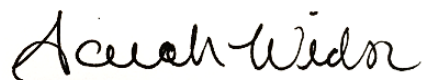
All previously approved WIC FMNP COVID-19 waivers for FY 2020 expired September 30, 2020. The Continuing Appropriations Act, 2021 and Other Extensions Act extended USDA's authority to approve new waivers for the WIC FMNP through September 30, 2021.

This memorandum allows WIC FMNP State agencies the opportunity to request for the 2021 FMNP season a waiver of regulatory requirements that a State agency 1) cannot meet due to COVID-19 and 2) such a waiver is necessary to provide assistance to WIC participants. USDA intends to approve WIC FMNP waivers 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).

WIC FMNP State agencies requesting new regulatory COVID-19 waivers should follow the same waiver request process as used in FY 2020. USDA will consider new WIC FMNP waivers at this time, *including but not limited to* the three previously-approved waiver types noted above. Since all previously approved waivers expired on September 30, 2020, State agencies needing such flexibilities again for the 2021 season must submit new waiver requests. Terms and conditions and State and local agency reporting requirements and timelines still apply.

USDA FNS continues to support WIC FMNP State agencies through the public health emergency.

State agencies with questions related to this memorandum should contact their respective FNS Regional Office.

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