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FMNP Policy Memorandum: #95-3
Implementation of WIC Farmers' Market Nutrition Program (FMNP) Regulatory Provisions

Regional Directors
Supplemental Food Programs
All Regions

This is to inform you of changes that will be made to the FMNP interim regulations. Because some aspects of this year's FMNP season have already begun, and the process of issuing regulations is long and complex, we wanted to offer State agencies the opportunity to implement the following provisions prior to publication of the final FMNP regulation. Our December 22, 1994 FMNP memorandum, authorized the implementation of the FMNP statutory provisions contained in Public Law 103-448, the Healthy Meals for Healthy Americans Act of 1994.

The following provisions of the final FMNP regulation may be implemented prior to publication of the final rule.

In-kind Contributions

In-kind contributions are recognized as a means of meeting the match requirement. For purposes of the FMNP, in-kind contributions mean property or services which benefit the FMNP and which are contributed by non-Federal parties without charge to the FMNP.

Authorization Visits

The interim regulation required that a State agency conduct a documented on-site visit prior to, or at the time of authorization. We have revised this provision to read, "the State agency shall conduct face-to-face training for all farmers and farmers' markets that have never participated in the program". This training must occur before the newly authorized farmers and farmers' markets can accept coupons. This means that a documented on-site visit is no longer required prior to or at the time of authorization. In addition, during the first year of operation, such farmers and farmers' markets must receive a monitoring visit.

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Monitoring and Review of Farmers/Farmers' Markets and Local Agencies

Farmers/Farmers' Markets

The interim regulation required that each State agency rank participating farmers and farmers' markets by risk factors, and that they conduct annual, on-site monitoring of at least 10 percent of farmers and 10 percent of farmers' markets beginning with those farmers and markets identified as being the highest-risk. This provision has been modified in the final regulation, to state that the 10 percent shall **include** those farmers and markets identified as being the highest-risk **and** those farmers and markets in their first year of operation. We also wish to point out that once State agencies have identified the high risk farmers and farmers' markets to be monitored, the State agency can determine the schedule or order in which they will be monitored.

Local Agencies

While the Department encourages State agencies to conduct reviews of FMNP practices at WIC local agencies during the FMNP season, we realize that this is not always possible. Therefore, reviews of FMNP practices at the WIC local agency may be conducted any time during the year. Reviews conducted outside of the FMNP season would include a review of FMNP documents and procedural plans or practices of those items listed in Section 248.17(c)(1)(ii) of the interim regulation.

Management Evaluations and Reviews

We indicated in the interim regulation that FCS must review each local agency participating in the FMNP. We have revised this provision to say that evaluations shall include reviews of selected local agencies.

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FOR

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