



Food and
Nutrition
Service

Park Office
Center

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DATE: December 9, 2016

POLICY NO: FD-093: Food Distribution Programs

SUBJECT: Questions and Answers about Disaster Policies and Procedures
(Revised)

This memorandum consolidates and clarifies select disaster/emergency policies and procedures, mainly those applicable to the Commodity Supplemental Food Program (CSFP), the Food Distribution Program on Indian Reservations (FDPIR), and The Emergency Food Assistance Program (TEFAP). It replaces Policy Memoranda FD-063, Household Eligibility Determinations for Disaster or Emergency Evacuees Residing with a Host Family (dated December 4, 2006), and FD-072, FDPIR Households Displaced During a Disaster (dated February 19, 2008).

The policies and procedures are conveyed below in a question-and-answer format. The questions and answers, as well as additional information regarding Food Distribution Division disaster/emergency policies and procedures, may be found online at <http://www.fns.usda.gov/fd-disaster/food-distribution-disaster-assistance>.

1. Will the Food and Nutrition Service (FNS) automatically replace foods used for disaster or emergency assistance?

FNS will replace all U.S. Department of Agriculture (USDA) foods removed from inventory at the State or local level that are used for FNS-approved disaster or emergency mass feeding programs and FNS-approved disaster household food distributions within Presidentially-declared disaster or emergency areas. The State must submit a request for replacement within 30 days of the end of the disaster, although interim requests for replacement may be made.

FNS does not have the authority, or the resources, to replace non-USDA Foods used for disaster or emergency feeding. With the exception of intra-state transportation costs (see below), FNS does not have the authority or resources to reimburse organizations for other costs. All requests for such reimbursement should be directed to the State disaster office for possible reimbursement either directly or through submission to the Federal Emergency Management Agency (FEMA), which has the primary responsibility for providing disaster assistance.

2. During a disaster or emergency, will FNS reimburse States for the cost of transporting foods within the State in order to permit the relocation of foods to feed evacuees through the Food Distribution programs?

During a Presidentially-declared disaster or emergency, the State may find it necessary

to transport USDA Foods from one area within the State to another in-State area in support of disaster feeding efforts. These intra-state transportation costs will be reimbursed by FNS.

For additional information, including information with regard to potential reimbursement during situations of distress, States should review Policy Memorandum FD-088, Reimbursement of Intra-State Transportation Costs During Disasters, available online at <http://www.fns.usda.gov/fdd/policy/all>.

3. Will FNS replace foods in inventory at the State or local level that were lost or made unfit for consumption by a disaster or emergency?

FNS does not have the authority to replace foods that are lost, destroyed, contaminated, or otherwise rendered unusable in a disaster or emergency. Warehousing contracts may contain clauses that protect State agencies against such losses. Per Federal regulations at 7 CFR 250.12(d), State agencies must obtain insurance to protect the value of donated foods at their storage facilities, and must ensure that subdistributing agencies, recipient agencies with an agreement with the State agency or subdistributing agency, and commercial storage facilities under contract with the State agency also obtain insurance. See Policy Memorandum FD-139, Clarification on Inventory Protection Requirements, for further information on State agency insurance requirements, available online at <http://www.fns.usda.gov/fdd/policy/all>.

Agencies may wish to contact their insurance providers to file a claim for the lost foods. State agencies may also wish to contact FEMA for possible assistance.

4. Are disaster or emergency evacuees who are boarders or residents of institutions eligible for CSFP, FDPIR, and/or TEFAP benefits?

No. Consistent with Federal regulations at 7 CFR 250.2, boarders or residents of institutions are not eligible to receive CSFP, FDPIR, and/or TEFAP benefits. Should these individuals' circumstances change to where they are no longer considered boarders or residents of institutions, they are encouraged to apply for CSFP, FDPIR, and/or TEFAP benefits where available.

5. May CSFP, FDPIR, and TEFAP participants who have evacuated their homes and are temporarily living in areas not normally served by the program(s) continue to pick up benefits from the agency in the service area they evacuated?

Yes. During a Presidentially-declared disaster or emergency, evacuees may be temporarily housed at a location where CSFP, FDPIR, and/or TEFAP service is not normally available. In such circumstances, program participants who have evacuated their homes may choose to continue to pick up benefits from the agency in the service area they evacuated, if that agency continues to operate and retains the ability to serve participants.

The evacuation of a CSFP, FDPIR, and/or TEFAP participant during a Presidentially-declared disaster or emergency is considered a temporary absence from home. During this time, evacuees may choose to be considered residents of the service area they evacuated. Therefore, evacuees who choose this option will continue to meet CSFP, FDPIR, and/or TEFAP residency requirements for the duration of the Presidential declaration or until the evacuee establishes a permanent residence outside the original service area. CSFP, FDPIR, and TEFAP participants must continue to meet all other program eligibility requirements to continue to receive benefits.

Evacuees must provide the agency with their temporary address and date of evacuation. The agency must note this information in the certification or case file, if applicable, as well as the beginning and ending dates of the Presidential declaration, if available. Certification periods may be assigned to coincide with the expected timeframe of the Presidential declaration, particularly for CSFP and FDPIR. However, for CSFP and FDPIR, certification periods may not exceed the maximum timeframes specified in program regulations.

6. Will agencies be required to set up distribution sites outside their normal service areas in order to serve CSFP, FDPIR, and TEFAP participants who have evacuated to temporary housing?

Agencies are not required to establish temporary distribution sites (e.g., tailgate distribution sites) in areas where displaced CSFP, FDPIR, and TEFAP participants have relocated, if those areas are not normally served by these programs. At the option of the applicable agency, however, accommodations may be made to serve evacuees in these areas. Accommodations may include but are not limited to the following:

- adjusting food issuance schedules;
- assisting evacuees in designating authorized representatives or proxies to pick up foods; and/or
- using program staff or volunteers to deliver foods to eligible evacuees living in temporary housing outside the established service area.

7. What options are available to disaster/emergency evacuees for participating in CSFP, FDPIR, and/or TEFAP when they are housed with a host family?

During a Presidentially-declared disaster or emergency, evacuees may choose to evacuate their homes and temporarily stay with a host family in an area served by CSFP, FDPIR, and/or TEFAP. For the duration of the Presidential declaration, agencies must give the evacuees the option to be considered a separate household from the host family for the purpose of determining eligibility for CSFP, FDPIR, and TEFAP.

Eligible evacuees may pursue one of the following options for program participation:

- A. Pick up benefits from the service area they evacuated, but only if the individual or family participated in the program prior to the Presidentially-declared disaster or emergency. This is applicable only if the agency continues to operate and retains the ability to serve participants in that area. If evacuees choose this option and program service is available, the agency must consider the evacuees to be residents of its service area. This applies only until the Presidential declaration ends, or the evacuees establish permanent residence outside the original service area, whichever occurs first; or
- B. Apply for program benefits as a separate household in the service area where they are temporarily living with the host family. The household must end program participation in the evacuated area by notifying the appropriate agency prior to applying for program benefits in the service area where the host family resides; or
- C. Apply for program benefits as a combined household in the service area where they are temporarily living with a host family. If the individual or family opts to be considered part of the host household, the newly combined household must meet applicable program eligibility standards in effect for the agency serving the host family's place of residence. If the evacuee household participated in CSFP and/or FDPIR prior to evacuation, it must end program participation in the evacuated area by notifying the appropriate agency, prior to applying for program participation with the host family.

8. In addition to the flexibility provided with regard to evacuee residency requirements during a Presidentially-declared disaster or emergency, will FNS waive or modify other eligibility requirements for CSFP, FDPIR, or TEFAP?

CSFP

FNS does not have the authority to waive or modify other CSFP eligibility requirements. Under CSFP legislation and regulations, the applicant must meet the categorical and income requirements specified for the program in order to receive program foods.

FDPIR

FDPIR regulations require that participants meet income eligibility standards to qualify for the program. Since the income standards ensure that those individuals most in need, including eligible disaster or emergency evacuees, receive FDPIR nutrition assistance, FNS will not waive or modify these eligibility requirements.

TEFAP

Under TEFAP, States have a great deal of discretion in determining the eligibility criteria for the program, including the income eligibility guidelines which are set by the State. Given the flexibility afforded to States, FNS will not waive or modify other program eligibility requirements.

9. Are disaster or emergency evacuees eligible for program benefits after the Presidential declaration or temporary housing status ends?

When the Presidentially-declared disaster or emergency ends, or the household chooses to leave temporary housing to establish permanent residence, **whichever occurs first**, an otherwise eligible household must reside in an area currently served by CSFP, FDPIR, and/or TEFAP and meet all other applicable criteria to remain eligible for the program(s). Self-declaration by the household of temporary or permanent residence is acceptable. The agency must verify residency for FDPIR households, if questionable.

If individuals or families choose to relocate to a permanent residence in an area not currently served by CSFP, FDPIR, and/or TEFAP, they would no longer be eligible to participate in the program(s). These individuals and families may qualify for benefits under other nutrition assistance programs, such as the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program, or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

10. Will FNS provide additional CSFP caseload to States to which disaster or emergency evacuees relocate, to provide continuing assistance to those evacuees who were participating in CSFP in the State in which they were residing prior to the disaster?

FNS does not have the authority to increase the total caseload that may be served by CSFP, nor can FNS authorize CSFP States to exceed assigned caseload in order to provide service to disaster or emergency evacuees. This is due to the limited resources available to the program. However, FNS encourages CSFP States in areas to which disaster or emergency evacuees are relocated to use their entire caseloads to provide continuing service to current participants, and to provide assistance to evacuees that are in need of assistance to the extent possible.

It is possible that CSFP agencies in areas where evacuees have relocated may be fully serving caseload, and may not have open slots to serve relocated evacuees. In such circumstances, agencies should encourage disaster or emergency evacuees to apply for other FNS programs, such as SNAP, WIC, and TEFAP.

11. Will FNS waive the eligibility requirements for organizations that wish to distribute regular CSFP and TEFAP benefits to evacuees?

No. FNS believes there are sufficient organizations that already meet the eligibility requirements and can provide the necessary assistance to disaster or emergency evacuees. Waiving CSFP and TEFAP requirements would be unnecessary and would compromise program integrity. CSFP and TEFAP have well-established distribution networks in most areas in which the programs operate. Therefore, FNS does not believe that it is in the best interest of the programs or individuals requiring assistance for FNS to waive the

current eligibility requirements for organizations that wish to participate in these programs.

12. How can my agency determine and monitor the duration of a Presidential declaration?

Agencies should monitor the FEMA website at <http://www.fema.gov>, or contact FEMA via telephone at 1-800-621-3362 to determine and monitor the duration of a Presidential disaster or emergency declaration.

/s/ Original Signature on File

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Director

Food Distribution Division