



USDA Listening Session

The Emergency Food Assistance Program and Commodity Supplemental Food Program provisions of the 2018 Farm Bill

March 13, 2019, 2:00 p.m. EDT

The Food and Nutrition Service (FNS) held a listening session regarding the provisions of The Emergency Food Assistance Program (TEFAP) and Commodity Supplemental Food Program (CSFP) on March 13, 2019. 224 people registered for the call and 166 people called into the session.

After introductions by Brandon Lipps (Acting Deputy Under Secretary for Food Nutrition and Consumer Services at the USDA) and Kate Fink (Director of External and Governmental Affairs, FNS), Laura Castro (Director, Food Distribution Division, FNS) provided an overview of the provisions impacting these two programs, specifically provisions from Sections 4018 (see p.6), 4102 (p. 8), and 4104 (p. 8). The complete citation is given in the full transcript that follows.

There were four commenters during this listening session, two comments were submitted via email. Comments are summarized below, followed by the transcript and emails received.

Summary

TEFAP

2 commenters, Danah Craft and Carrie Calvert, mentioned that FNS should allow the 50 percent match to include private philanthropy contributions. Another commenter, Barbara Scholz, noted that she was happy hear that the Farm Bill encourages input from the community about preferences for commodities. Finally, Susan Linter commented via email that TEFAP was a critical resource for Americans experiencing food insecurity and provides certainty that they can rely on federal nutrition programs to put food on the table.

During the March 19, 2019 SNAP Listening Session,¹ Earline Middleton (Food Bank of Central and Eastern NC) commented they supported appropriations that support strong funding for TEFAP, which includes the \$100 million for TEFAP storage and distribution.

CSFP

With regard to CSFP, three people provided comments; all of them spoke of the certification period. Lindsay Sgambato wanted further clarification regarding the requirement to do a formal review of a new application at three years, versus an informal review every year. Michael Halligan noted there are some challenges around providing an extended certification relative to annual changes in case load. And, finally, Barbara Scholz welcomed the increase from a 6 month to a one year recertification period, citing that it creates a good balance of reducing the paperwork burden on seniors and foodbanks, while still ensuring program integrity.

During this March 19, 2019 SNAP Listening Session, Earline Middleton (Food Bank of Central and Eastern NC) also expressed support for appropriations for CSFP that provide an increase in the Program's funding, noting that they have nearly 50,000 seniors in their service area, but currently they are only able to serve nearly 6,000 seniors in 24 counties.

Full Transcript

SPEAKERS: Brandon Lipps, Kate Fink, Laura Castro

Moderator Ladies and gentlemen, thank you for standing by. Welcome to the Farm Bill Listening Session. At this time, all participant lines are in a listen-only mode. In just a few moments there we be an opportunity for your comments. [Operator instructions]. We do ask that your limit your remarks to two minutes per person.

I would now like to turn the conference over to Brandon Lipps. Please go ahead.

Brandon Lipps Welcome everyone to the USDA Food and Nutrition Service Farm Bill Listening Session. My name is Brandon Lipps. I'm the Acting Deputy under the Secretary for Food Nutrition and Consumer Services at the US Department of Agriculture.

I'm joined today by staff from our Food Distribution Division which oversees the administration of the emergency food assistance program, which most of you know as TEFAP, and the commodities supplemental food program, many of you know as CSFP. Together we look forward to

hearing from you about the Farm Bill provisions that touch these programs.

Secretary Perdue has made customer service a top priority here at USDA and that includes this listening session and many like it, to those who operate and participate in our programs, as well as various stakeholders who interact with the programs that USDA oversees. We are happy to have you called in so we can hear from you today.

My team has begun the process of writing policy guidance and regulations to implement the Farm Bill. The timing of this call could not be better. What I hope you will share is how we can implement these provisions in a way that improves customer service, increases program integrity, and helps people receive the benefits for which they are eligible.

We will take all the information we hear today, as well as all of the written comments we receive, and use that information to inform our decision making as we move forward with Farm Bill implementation. To assist with that, the information we hear from today's call will be compiled and shared publically on our website in a of couple weeks.

Our new Farm Bill website which officially launched this morning can be found at www.fns.usda.gov/farmbill. We intend to list all guidance and policy announcements on that page. Just last week, we issued an informational memorandum on the CSFP provision to our regional offices for dissemination to all CSFP state agencies and Indian Tribal Organizations. The memo will be made publically available on our new Farm Bill webpage in the coming days.

Again, I want to thank you for calling in today and taking the time to be a part of a very important process of helping all of us serve our recipients better. Together we can, as the Secretary says, do right and feed everyone. With that, I'm going to turn it over to your moderator today, Kate Fink.

Kate Fink

Hello. Thank you, Brandon. Good afternoon, everybody. I'm Kate Fink, the Director of External and Governmental Affairs. Before I turn it over to the real folks you want to hear from today, I want to go over some of the logistics for the call. We have quite a lot of callers on the phone today so, unfortunately, not everyone will get the opportunity to speak today.

As the operator said, we're going to have to limit the remarks everyone gives to two minutes just to try to get through as many folks as possible. But this isn't the only opportunity you have to submit comments. Please

note that the email in which you received the invite, you can respond to that. It's [indiscernible] sm.fn.farmbillcommodity@usda.gov to submit your written comments. It's also on the Farm Bill webpage that Brandon just mentioned, www.fns.usda.gov/farmbill.

The opportunity for you guys to provide comments today we hope will focus on those things that will help us implement and write policy to implement the provisions of the Farm Bill. We hope you'll limit your comments to the Farm Bill itself.

With that, I'm going to turn it over to Laura Castro, the Director of the Food Distribution Division. Laura?

Laura Castro

Thank you, Kate. I will now briefly describe the 2018 Farm Bill provisions that make changes to CSFP and TEFAP policy, starting with TEFAP first. Section 4018 of the 2018 Farm Bill revises TEFAP State plan requirements to allow for input on commodity preferences and needs. Specifically, it requires all TEFAP State agencies to describe a plan, which may include the use of a state advisory board that provides emergency feeding organizations, or eligible recipient agencies, an opportunity to provide input on their USDA foods preferences and needs.

Section 4018 also increases TEFAP food funding. The Farm Bill authorizes additional TEFAP food funds for Fiscal Year 2019 and each subsequent fiscal year. For FY 2019, an additional \$23 million is added and, for FY 2020 through FY 2023, \$35 million is added annually. These funds are authorized in addition to the dollar amount of commodities indexed annually to the Thrifty Food Plan adjustment, which was \$250 million in the FY 2009 base year.

Section 4018 also establishes a new fund for harvesting, processing, packaging, or transporting commodities donated to TEFAP eligible recipient agencies by agricultural producers, processors, or distributors. To participate, State agencies can choose to amend their State plan to describe a plan of operation for one or more projects in partnership with one or more Emergency Feeding Organizations to harvest, process, package, or transport commodities. \$4 million is available for each fiscal year between 2019 and 2023 for this purpose. These funds provided by FNS are subject to a 50% match and will be distributed by a formula determined by the secretary.

Now I'll talk about a couple of provisions dealing with food waste and donations. Section 4018 of the Farm Bill also directs USDA to issue

guidance outlining best practices to minimize the food waste of foods that are privately donated to TEFAP agencies.

Section 4104 requires that, within 180 days of enactment of the Farm Bill, USDA must issue guidance to State agencies and emergency feeding organizations to promote awareness of donations of apparently wholesome food protected under Section 22(c) of the Child Nutrition Act, which is otherwise known as the Bill Emerson Good Samaritan Act, by qualified direct donors in compliance with applicable State and local health, food safety, and food handling laws. The Secretary shall encourage State agencies and emergency feeding organizations to share the guidance with qualified direct donors.

Now I'm going to turn to the changes for CSFP. Section 4102 of the 2018 Farm Bill changes CSFP certification requirements to require States and ITOs, Indian Tribal Organizations, to establish new certification periods between one and three years for program participants. Current regulations require a maximum certification period of six months.

If a State or Indian Tribal Organization chooses to establish a certification period that exceeds one year, that State must first receive approval from FNS. FNS shall approve those requests if the local agency annually

verifies the address and continued interest of the participant and has sufficient reason to determine that the participants still meet the CSFP income eligibility standard, which may include a determination that the participant has a fixed income.

States and Indian Tribal Organizations also have the option to permit local agencies to issue temporary one-month certifications for applicants on waiting lists. As was mentioned, USDA issued a memorandum on March 8th to CSFP State agencies and Indian Tribal Organizations providing preliminary guidance on this provision.

That's a quick summary of those CSFP and TEFAP provisions that we'd like to hear more from you about today. I'll turn it back over to Kate.

Kate Fink Great and with that, can we open up the lines for comments?

Moderator Thank you ladies and gentlemen. [Operator instructions]. We'll go to the line of Shelia Taylor. Please go ahead.

Shelia Taylor Yes. I would like to know what exactly does a temp month certification for the CSFP program look like, because normally what we have done is that we would determine the eligibility and we would also maintain their re-certifications and extensions so they would always be eligible if they

were still on the list. So what does a temporary one-month certification look like?

Kate Fink Thank you very much for that question, Shelia. Unfortunately, we're not taking questions today. What we're looking for is more comments and feedback on how you think things should work. You can forward your comments to us through the email address that we sent or to your state agency.

Moderator [Operator instructions]. [Audio disruption] line of Lindsay Sgambato. Please go ahead.

Lindsay Sgambato Hi. We're just concerned that the policy memo isn't really clear about the differentiation between the one-year to three-year. Our understanding of it is that we're no longer doing certifications every six months but that there is a formal review required up to three years with an informal review happening at every one year. If we could get some clarification about if we're required to do a formal review requiring a new application at three years, versus an informal review every year that would be really helpful.

Moderator [Operator instructions]. We go to the line of Danah Craft. Please go ahead.

Danah Craft Thank you so much for the opportunity to comment. The food banks in Georgia would like for the TEFAP farm to food bank program for the USDA to, like other programs, allow private philanthropy investments in the food banks, warehouses, coolers, distribution processes and volunteers, to be included in the 50% match.

Private philanthropy has donated more than \$22 million to our food bank network over the last few years for the food banks to increase their cooler capacity and trucking capacity and agency capacity to handle more fresh produce, and we feel like that would be an appropriate way for the match to be counted in line with how some of the other USDA programs utilize the match. Thank you.

Moderator There is no one else in queue at this time. You may continue. Oh, someone just queued up. It's the line of Carrie Calvert. Please go ahead.

Carrie Calvert Hi. Thank you so much for holding this today. This is Carrie Calvert with Feeding America and we wanted to provide comments on a few areas. First in terms of amending state plans to participate in programs for the harvesting, etc., of excess agriculture commodities and distributing those to food banks.

We also would echo the comments of Danah Craft in encouraging USDA to allow the state and local match to include in-kind contributions as well as private philanthropic contributions. We feel this is a very efficient way to make use of many of the resources that food banks and other food assistance organizations already have and can make the money go further.

We'd also encourage USDA to allocate the funds per year based on the states that have amended their state plan and filed such a plan. That way, the allocation can go to the states that are ready to implement programs like that and have experience in farm to food bank-type programs.

In terms of the last two provisions that USDA mentioned regarding best practices to minimize food waste as well as food donation liability, just a note that we will be submitting lengthy comments on that for the record. We'd like to share the experience and expertise that our food banks have learned over the years on these critically important issues and feel that we have some resources that would be valuable to that effort. Thank you so much for the chance to provide these comments today. We appreciate it.

Kate Fink

Thank you.

Moderator [Operator instructions]. Ms. Fink, we have no other lines in queue. You may continue.

Kate Fink We don't have any other comments to provide.

Moderator [Audio disruption] line in queue. Did you want to go to that one?

Kate Fink That'd be great.

Moderator Alright. It's the line of Michael Halligan. Please go ahead.

Michael Halligan Yes. Thanks again for having this listening session today. Really appreciate it. Mike Halligan, CEO for God's Pantry Food Bank. Relative to the one- to three-year opportunity on certification for CSFP recipients, we may need to think about or consider flexibility in case load limitations in view of that opportunity.

In my mind, there are some challenges around how to be able to provide an extended certification relative to annual changes in case load. I think there may be some opportunities to consider some flexibility there within the statute or maybe some temporary authorizations, those kinds of things,

again, within the statute. That would be one thing I would offer as an opportunity area to explore.

Kate Fink Thank you very much.

Moderator There are no other lines in the queue.

Kate Fink Okay, if there is nobody else who needs to or would like to speak and give us any comments, remember you can always send comments in writing. I want to give one more minute in case there is somebody thinking of forming a question or a comment right now.

Okay, with that, I'll turn back over to the operator. Thank you.

Moderator Thank you. Ladies and gentlemen, that does conclude your conference for today. Thank you for your participation and for using AT&T TeleConference Service. You may now disconnect.

Additional Comments on TEFAP and CSFP

During the March 19, 2019 SNAP Listening Session Earline Middleton (Food Bank of Central and Eastern NC) offered comments on The Emergency Food Assistance Program (TEFAP) and the Commodity Supplemental Food Program CSFP.

Earline Middleton Hi. This is Earline Middleton with the Food Bank of Central and Eastern North Carolina based in Raleigh but serving Durham, Greenville, Seven Pines, and Wilmington, North Carolina. On areas of SNAP, we oppose any structural changes to SNAP or cuts to SNAP proposals to block grant. As we've seen it here as we have had a number of disasters, SNAP has functioned as it was designed, so we would certainly oppose any structural changes.

In the area of TEFAP, we support appropriations that will support strong funding for TEFAP, which includes the \$100 million for TEFAP storage and distribution. TEFAP is so important to us and the people that we serve here.

Lastly, CSFP program, we certainly support appropriations that will provide an increase in CSFP's funding. We have nearly 50,000 seniors here in our service area, but currently we are only able to serve nearly 6,000 seniors in 24 counties. We thank you for this opportunity to comment.

Transcript has been minimally edited for clarity. Names of commenters were verified using registration data.

Comments received via email:

Barbara Scholz (Fulfill) email, dated March 14, 2019:

As a Foodbank serving just under 300 feeding programs in Monmouth and Ocean Counties NJ, and state TEFAP recipient agency, we were very pleased to hear that the Farm Bill encourages input from the community about preferences for commodities. We recently completed a survey of our feeding programs, and learned that the majority were mentioning a lack of sufficient variety in food offerings as a concern. We would be happy to be more involved in an Advisory Council in New Jersey to better bring the needs of our clients to the attention of those acquiring the food.

TEFAP is a major source of food for our feeding programs, making up between 30-40% of the food we are able to distribute to these agencies. It reaches over 130,000 food insecure adults, children and elderly in our region. TEFAP is of critical importance in helping to build food security in our region. As a result, Fulfill would advocate for full budget appropriation of funding for the purchase of TEFAP commodities and for food bank storage and distribution costs, as designated in the Farm Bill.

Regarding the CSFP certification period, we welcome the increase from a 6 month to a one year recertification period. The clients served by CSFP are predominantly elderly living on very fixed incomes, with little or no change even year to year. We seldom see income changes during a short period of time. A one year recertification interval creates a good balance of reducing the paperwork burden on seniors and foodbanks, while still ensuring program integrity.

Susan Lintner (Regional Food Bank of Northeastern New York) email, dated March 15, 2019:

We were asked by NYS Office of General Services to provide feedback on the TEFAP provisions in the Farm Bill. Please see my note below:

The Emergency Food Assistance Program (TEFAP) is a critical resource for Americans experiencing food insecurity and provides certainty that they can rely on federal nutrition programs to put food on the table. TEFAP provisions in the Farm Bill are a win for nearly 340,000 people across our service area served monthly by our network of food pantries, soup kitchens and shelters, as well as food growers and producers. TEFAP helps food banks like ours provide healthy food that supports people facing hunger in their community and a funding increase will help provide even more quality meals to the people our network serves.

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