USDA
United States Department of Agriculture

Food and Nutrition Service

1320 Braddock Place
Alexandria, VA 22314

April 6, 2020

**SUBJECT:** Request for WIC Food Package Flexibilities in Response to COVID-19

**TO:** Cheryl Kennedy
Regional Administrator
Mountain Plains Regional Office

This letter is in response to the April 3, 2020 correspondence from the Kansas WIC requesting flexibility in the food package requirements in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) as a result of significant impacts to providing WIC program services to participants due to COVID-19.

Kansas WIC cited significant impacts on vendors' abilities to maintain inventory of certain WIC-eligible products and requests a waiver of select minimum requirements and specifications and/or the maximum monthly allowances as outlined in 7 CFR 246.10(e)(9)-(12) for specific supplemental foods. Pursuant to the authority granted in section 2204(a)(1) of the Families First Coronavirus Response Act (P.L. 116-127), USDA's Food and Nutrition Service (FNS) approves the waiver request through **May 31, 2020** in the following manner:

- **Eggs.** Participants will be allowed to substitute 1 dozen eggs for 1 (18 ounce) jar peanut butter or 4 (15 to 16 ounce) cans of canned beans or 1 pound dried mature legumes despite the designation of their food package.

Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.

Following receipt of a food package waiver, Kansas WIC will need to advise vendors and participants that substitutions should be made when the prescribed benefit is unavailable for purchase and these flexibilities are available until May 31, 2020. For participants prescribed whole milk, the State agency will inform participants to select the highest fat milk available. For participants prescribed fat free or 1% milk, the State agency will inform participants to select the lowest fat milk available. The State agency will inform participants to come as close to the maximum benefit amount prescribed when they are selecting package sizes.

The waiver authority at section 2204(b)(1) of P.L. 116-127 requires the State agency to submit a report which includes a summary of the use of this waiver and a description of whether this

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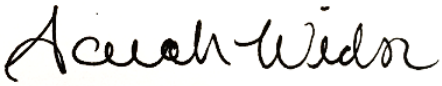
waiver resulted in improved services to women, infants and children. The State agency shall provide the Regional Office with this report no later than 1 year after the date of approval.

USDA FNS appreciates Kansas WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to needy women, infants and children.

Sincerely,



SARAH WIDOR
Director
Supplemental Food Programs Division

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