



Food and  
Nutrition  
Service

June 1, 2020

**SUBJECT:** Request for WIC Flexibility in Response to COVID-19

1320  
Braddock  
Place  
Alexandria,  
VA  
22314

**TO:** Patricia Dombroski  
Regional Administrator  
Mid-Atlantic Regional Office

This letter is in response to the April 6, 2020 correspondence from New Jersey WIC requesting program flexibility 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.

New Jersey WIC requests a waiver of the federal requirement outlined in 7 CFR 246.12(h)(3)(vi), that WIC transactions (including the signing of a paper food instrument or cash-value voucher, or the entering of a Personal Identification Number (PIN) in EBT systems) must occur in the presence of a cashier. 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 this waiver request through **September 30, 2020**. As this requirement must be included in the State agency's vendor agreements per 7 CFR 246.12(h)(3), New Jersey WIC should work with its legal counsel to determine whether additional action is needed at the State level to waive this requirement.

Given the recommendations by the Centers for Disease Control and Prevention to control the impact of the COVID-19 epidemic through means of social distancing, USDA FNS understands that normal WIC transaction requirements, including the signing of a food instrument or cash-value voucher, or the entering of a PIN in the presence of a cashier, creates an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential program services to participants.

This waiver is only applicable to regulations at:

- 7 CFR 246.12(h)(3)(vi) which requires that WIC transactions (including the signing of a paper food instrument or cash-value voucher, or the entering of a Personal Identification Number (PIN) in EBT systems) occur in the presence of a cashier.

Unless additional waivers are obtained, all other federal WIC requirements, including EBT technical implementation requirements, must be met. This includes the requirement outlined at 7 CFR 246.12(h)(3)(v) that vendors must only accept food instruments and cash-value vouchers within the specified time period. Additionally, for security reasons, the State agency must not allow vendors or vendor representatives to conduct WIC transactions by obtaining a participant's EBT card number and PIN (e.g., over the phone or through a physical hand-off).

The waiver authority of P.L. 116-127 requires, at section 2204(b)(1), that the State agency submit a report which includes a summary of the use of this waiver and a description of whether this 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 New Jersey WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to women, infants, and children in need.

Sincerely,

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