



Food and
Nutrition
Service

December 9, 2020

1320
Braddock
Place
Alexandria,
VA
22314

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 December 8, 2020 correspondence from Ute Mountain Ute Tribe 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.

Ute Mountain Ute Tribe 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), as amended, USDA's Food and Nutrition Service (FNS) approves the waiver request until 30 days after the end of the nationally-declared public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d), in the following manner:

Cheese. Participants will be allowed to substitute 6, 7.5, 8, 10, and from 12 to 16-ounce containers of cheese when the prescribed size is not available, 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, Ute Mountain Ute Tribe 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 30 days after the end of the nationally-declared public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d). 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

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 Ute Mountain Ute Tribe 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