USDA
United States Department of Agriculture

Food and Nutrition Service

1320 Braddock Place
Alexandria, VA 22314

April 30, 2020

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

TO: Cheryl Kennedy
Regional Administrator
Mountain Plains Regional Office

This letter is in response to the April 29, 2020 correspondence from Winnebago Tribe 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.

Winnebago Tribe WIC requests a waiver to the certification periods beyond the current 30 day regulatory provision set forth in 7 CFR 246.7(g)(3)**.** 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 request to extend certification periods for certain participants through **May 31, 2020.**

Approval is granted for an administrative waiver of 7 CFR 246.7(g)(3) to provide an extension of the certification period of up to 90 days for a Child receiving Food Package IV category only. This approval is valid through May 31, 2020.

Approval is not granted for the pregnant and infant categories or children receiving Food Package III. The transition from the pregnant category to breastfeeding or postpartum category as well as the transition from the infant to child are critical periods. These transitions require a nutrition and breastfeeding assessment as well as nutrition education on the changes in the food package and referrals/follow-up that are appropriate to the participant. A child receiving Food Package III is medically fragile and requires a timely nutrition assessment and WIC nutrition services.

Given the recommendations by the Centers for Disease Control and Prevention (CDC) to control the impact of the COVID-19 epidemic through means of social distancing, USDA FNS understands that normal clinic operations and processes are impeded and many clinics are closed. An extension to the existing regulatory limit on the certification period for a Child receiving Food Package IV removes a requirement that under current circumstances could prevent or impede the provision of essential WIC program services to the highest risk participants. This waiver is only applicable to regulations at:

- 7 CFR 246.7(g)(3), which prohibits State agencies from extending certifications beyond 30 days, when there is a difficulty in appointment scheduling.

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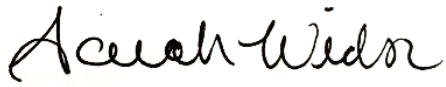
FNS requests that within two weeks from this date, the WIC State agency provide to the Regional Office specific details on how they plan to operationalize the 90 day extension of certification period for children receiving food package IV.

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 Winnebago Tribe 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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