



September 30, 2020

Food and
Nutrition
Service

1320
Braddock
Place
Alexandria,
VA
22314

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

TO: William Ludwig
Regional Administrator
Southwest Regional Office

This letter is in response to the September 29, 2020 correspondence from Cherokee Nation 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.

Cherokee Nation WIC requested a waiver of the requirement for authorized WIC vendors to stock a minimum variety and quantity of supplemental foods, often referred to as "minimum stocking requirements," outlined at 7 CFR 246.12(g)(3)(i). 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 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).

This waiver allows Cherokee Nation WIC to waive minimum stocking requirements for the purposes of vendor assessment and monitoring during the authorization period. This waiver is only applicable to regulations at:

- 7 CFR 246.12(g)(3)(i) which requires State agencies to establish minimum requirements for the variety and quantity of supplemental foods that a vendor applicant must stock to be authorized. These requirements include that the vendor stock at least two different fruits, two different vegetables, and at least one whole grain cereal authorized by the State agency.

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 Cherokee Nation WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to women, infants, and children in need.

Sincerely,

SARAH WIDOR
Director
Supplemental Food Programs Division