



Food and
Nutrition
Service

March 24, 2020

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

1320
Braddock
Place
Alexandria,
VA
22314

TO: Cheryl Kennedy
Regional Administrator
Mountain Plains Regional Office

This letter is in response to the March 23, 2020 correspondence from Ute Mountain Ute 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.

Ute Mountain Ute Tribe WIC requests a waiver of the requirement for in-person food instrument pick-up for certain participants, as outlined in 7 CFR 246.12(r)(4) through **May 31, 2020**. 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 **May 31, 2020**.

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 clinic operations requiring employees, participants and applicants to physically come into the clinic create an undesirable risk and that there are mandatory clinic closures in some areas. A waiver of the requirement for in-person pick up of food instruments under certain circumstances removes a requirement that could prevent or impede the provision of essential Program services to participants.

This waiver allows Ute Mountain Ute Tribe WIC to remotely issue benefits to any participant (or parent/caretaker or proxy). Under such circumstances, the second nutrition education contact is not required prior to issuance of benefits. USDA FNS encourages local agencies and clinics to reschedule the nutrition education when circumstances permit or to conduct such appointments remotely, if a Physical Presence Waiver has been requested by the State agency and granted by FNS. This waiver is only applicable to regulations at:

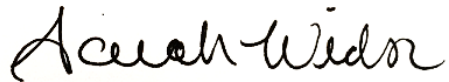
- 7 CFR 246.12(r)(4), which requires in-person pick up of food instruments when a participant is scheduled for nutrition education or has a subsequent certification appointment.

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 impending the delivery of WIC benefits to needy women, infants and children.

Sincerely,

A handwritten signature in black ink, reading "Sarah Widor". The signature is written in a cursive, flowing style.

SARAH WIDOR
Director
Supplemental Food Programs Division