April 13, 2020

Julie Mikkelson, SNAP Director
USDA FNS MWRO
77 W Jackson Boulevard, 20th floor
Chicago, IL 60604

Dear Ms. Mikkelson,

Wisconsin is experiencing unique and unprecedented circumstances with the COVID-19 pandemic. As of April 10, 2020, 3,068 individuals have tested positive for COVID-19 in Wisconsin. This is a dramatic increase from March 15, 2020, when 32 cumulative COVID-19 cases had been confirmed. Additionally, on March 25, 2020, Governor Evers issued a stay-at-home order for all individuals present within the State of Wisconsin. Due to this mandate and the rapid progression of confirmed cases, Wisconsin is experiencing a shortage of staff and volunteers who can support the emergency food system. There is a need for support in the daily distribution of food in many areas throughout the state to prevent unnecessary barriers to food access during this period of tremendous uncertainty.

Because of these concerns, Wisconsin SNAP-Ed is requesting to waive the following regulation. This request is included in the waiver attached to this letter.

- Waiver of compensation - personal services for SNAP-Ed staff included in 2 CFR 200.430
- Request flexibility in definition of SNAP-Ed services included in 7 CFR§272.2 (d)(2)(vii)(B)

The approval of this waiver would allow SNAP-Ed partners to aid in food distribution and increase food access for some of the most vulnerable Wisconsinites.

If you have any questions regarding this request, please contact Tony Zech, Wisconsin SNAP-Ed Coordinator at Anthony.Zech@dhs.wisconsin.gov.

Sincerely,

Julie A. Willems Van Dijk
Deputy Secretary
Attachment
STATE WAIVER REQUEST

1. Waiver Serial Number (if applicable): N/A

2. Type of request: Initial


4. State: Wisconsin

5. Region: Midwest

6. Regulatory requirements:

   2 CFR §200.430 Compensation – Personal Services states that services rendered by an employee should be compensated during the period of performance under the federal award. This regulation clarifies that professional activities needing special consideration need to be authorized by the federal awarding agency.

   7 CFR §272.2 (d)(2)(vii)(B) SNAP-Ed services are “a combination of educational strategies, accompanied by supporting policy, systems, and environmental interventions, demonstrated to facilitate adoption of food and physical activity choices and other nutrition-related behaviors conducive to the health and well-being of SNAP participants and low-income individuals eligible to receive benefits under SNAP or other means tested programs and individuals residing in communities with a significant low-income population.”

7. Proposed alternative procedures:

   This waiver will allow for the Wisconsin Department of Health Services (DHS) to grant temporary approval to Wisconsin SNAP-Ed sub-recipients (also known as SNAP-Ed Implementing Agencies [IAs]) and State Agency (SA) personnel to compensate salary and benefits and in-state travel to support the emergency food system. This system includes food banks, food pantries, schools, congregate meal site and senior nutrition centers, and other food assistance sites that deliver emergency meals/food. The waiver will also grant temporary approval to SNAP-Ed IAs to provide community gardening support with limited nutrition education.

   Expand 2 CFR §200.430 to allow for SNAP-Ed staff to be compensated for activities outside of the federal award, such as food distribution. Allow flexibility in 7 CFR §272.2 (d)(2)(vii)(B) to broaden the definition of SNAP-Ed services to include food distribution and community garden maintenance with limited nutrition education.

   SNAP-Ed IAs will partner with food access organizations to pack, move, and deliver food as well as provide nutrition education materials alongside food distribution. They will also
play a role in creating and maintaining community gardens so that when face-to-face interaction is again possible, there will be gardens for experiential nutrition education.

The established monitoring processes already being used by the SA and the IAs will be adapted to include activities resulting from expanding the definition of SNAP-Ed services. All activities would be pre-approved by the IA with consultation with the SA and FNS, if indicated.

8. Justification for request:

Wisconsin is experiencing unique and unprecedented circumstances with the onset of COVID-19. As of 4/10/2020, 3,068 individuals have tested positive for COVID-19 in Wisconsin. On March 12, 2020, Governor Evers issued Executive Order #72 which declared a public health emergency in response to COVID-19. Per Emergency Order #12 Safer at Home Order, on March 25, 2020 Governor Evers issued a stay-at-home order for all individuals present within the State of Wisconsin and suspended activities deemed non-essential to sustain or protect life in order to diminish the spread of COVID-19, including the suspension of in-person K-12 instruction until April 24, 2020.

Due to this mandate and the rapid progression of confirmed cases, Wisconsin is experiencing a shortage of staff and volunteers who can support the emergency food system. These conditions provide an opportunity for SNAP-Ed staff to support the emergency food system by packing, distributing, serving and/or delivering food for food pantries and other emergency food sites alongside the delivery of SNAP-Ed indirect education. This support will help to improve the effectiveness of programs such as The Emergency Food Assistance Program and child nutrition programs such as the Summer Food Service Program.

Emergency Order #12 Safer at Home Order states that individuals may leave their home or residence to perform charitable and social services, including food banks and food pantries, when providing food, shelter and social services and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as result of the public health emergency, and people with disabilities. SNAP-Ed providers are requesting to expand the scope of SNAP-Ed to provide food distribution services. Wisconsin SNAP-Ed staff are well-positioned to help with local food access needs because they are already working with food access organizations to connect people to food resources. These services would be determined at the local level in order to provide relevant, necessary services based on community need and capacity.

The Wisconsin SNAP-Ed program includes policy, systems, and environmental change work related to gardens and offer garden-based direct education during the summer and fall. During the COVID-19 pandemic, expanding the ability of SNAP-Ed staff to allocate time to leading the creation of new gardens and/or maintain existing gardens will help ensure that there are gardens in place when SNAP-Ed programming can be reestablished when Safer at Home orders are lifted.
Allowing SNAP-Ed staff to assist in meeting local food access needs and provide community gardening support without the context of nutrition education will bring necessary resources to communities during this time of crisis and will serve to further strengthen community partnerships.

9. **Caseload information, including percent of caseload and description of population expected to be affected by this waiver:** As a result of this waiver, SNAP-Ed does not predict any effect on the SNAP-Ed caseload. This waiver will have a direct impact on the caseload for programs such as USDA’s food distribution programs and child nutrition programs. More participants will be able to be serviced through both programs helping to address any gaps in meal delivery.

10. **Anticipated impact on households and State agency operations:**

The COVID-19 pandemic is causing businesses to close and lay off employees. According to Department of Labor State Data, unemployment insurance weekly claims increased in Wisconsin from 5,190 the week ending March 14 to 110,934 for the week ending March 28, 2020 ([https://oui.doleta.gov/unemploy/claims_arch.asp](https://oui.doleta.gov/unemploy/claims_arch.asp)). Unemployment rates are climbing, which could increase how many Wisconsin residents meet SNAP eligibility and consequently increase the SNAP-Ed target audience. Many of these people will include those who are facing food insecurity, possibly for the first time. The expanded services in this waiver would allow SNAP-Ed staff to support people unfamiliar with the emergency food assistance system to access food during the COVID-19 pandemic.

In Fiscal Year 2019, SNAP-Ed programming was delivered across 69 of 72 counties in Wisconsin in collaboration with 194 partners and in 1,187 setting. These included community gardens in 15 settings, 94 congregate meal sites and senior nutrition centers, and 122 food assistance sites, food banks, and food pantries. These existing relationships throughout the state position SNAP-Ed staff to further support low-income populations experiencing heightened vulnerability during the COVID-19 pandemic.

Wisconsin DHS is able to put this waiver into effect immediately upon approval from the Federal Agency. This will require a quick training of the SNAP-Ed IA and messaging to partners who are currently providing emergency food resources. This waiver will immediately respond to community needs and provide a community service effort that holds value to SNAP-Ed partners and participants.

11. **Anticipated implementation date and time period for which waiver is needed (please indicate if the waiver approval is needed to make system adjustments):** April 15 to September 30, 2020

12. **Proposed quality control review procedures:** Wisconsin DHS and IAs will continue requiring adequate documentation of time and effort, travel, and program expenses. This documentation will reflect the total activity for which the employee is compensated by the federal award and which activities they are allocated. Actual travel costs and allowable
program expense incurred will be reimbursed. All expenses for reimbursement will be reviewed and approved by the IAs before being included on the monthly FSR to the SA.

13. **Name, title, and email of requesting official:**
   Name: Julie A. Willems Van Dijk
   
   Title: Deputy Secretary
   
   Email: [DHSDeputySecretaryJulieWillemsVanDijk@dhs.wisconsin.gov](mailto:DHSDeputySecretaryJulieWillemsVanDijk@dhs.wisconsin.gov)

14. **Date of request:** 4/13/20

15. **State agency staff contact:**
   Name: Tony Zech
   
   Title: Wisconsin SNAP-Ed Coordinator
   
   Email: [Anthony.Zech@dhs.wisconsin.gov](mailto:Anthony.Zech@dhs.wisconsin.gov)

**Regional Office contact person (to be completed by FNS regional office):**

Jenie Farinas: [jenie.farinas@usda.gov](mailto:jenie.farinas@usda.gov); (312) 582-6767