

The contents of the below guidance documents do not have the force and effect of law and are not meant to bind the public in any way. The documents are intended only to provide clarity to the public regarding existing requirements under the law or agency policies.



United States Department of Agriculture

Food and
Nutrition
Service

1320
Braddock
Place
Alexandria,
VA 22314

November 13, 2020

SUBJECT: WIC Policy Memo #2021-1: Implementation of WIC and WIC FMNP Waiver Extension Provisions in the *Continuing Appropriations Act, 2021 and Other Extensions Act*

TO: Regional Directors
Special Nutrition Programs
All Regions

WIC State Agency Directors
All State Agencies

FMNP State Agency Directors
All Regions

This policy memorandum provides further guidance on the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) programmatic waivers as authorized under the *Continuing Appropriations Act, 2021 and Other Extensions Act* (P.L. 116-159), in response to the COVID-19 public health emergency.

On September 21, 2020, USDA FNS issued Policy Memorandum #2020-6: *Extensions for Certain USDA FNS-Approved COVID-19 Waivers*, which extended the regulatory waiver authorities first granted under *The Families First Coronavirus Response Act* (P.L. 116-127). That memorandum extended a majority of the previously approved and active WIC waivers until 30 days after the end of the nationally-declared public health emergency.

The *Continuing Appropriations Act, 2021 and Other Extensions Act* extended USDA's authority to approve new waivers for the WIC Program through September 30, 2021.

This memorandum maintains the current guidance that all new and currently approved WIC waivers will be active 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).

WIC State agencies requesting new regulatory COVID-19 waivers should follow the same online waiver request process as used in FY 2020. USDA is currently approving new WIC Program waivers. Terms and conditions and State and local agency reporting requirements and timelines still apply.

The contents of the below guidance documents do not have the force and effect of law and are not meant to bind the public in any way. The documents are intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Regional, WIC and FMNP Directors
Page 2

All previously approved WIC Farmers Market Nutrition Program (WIC FMNP) COVID-19 waivers for FY 2020 expired September 30, 2020. The *Continuing Appropriations Act, 2021 and Other Extensions Act* also extended USDA's waiver authority for the FMNP through September 30, 2021. At this time, the FMNP waiver process is currently closed and will open in early Calendar Year 2021, in advance of the farmer's market season. USDA intends to consider feedback from stakeholders on any needed modifications to the process and will communicate additional instructions as needed at such time that the waiver process opens for the next farmer's market season.

USDA FNS continues to support WIC and FMNP State agencies through the public health emergency. For more information on the waivers that USDA FNS extended in FY 2021, please refer to [Policy Memorandum #2020-6: Extensions for Certain USDA FNS-Approved COVID-19 Waivers](#).

State agencies with questions related to this memorandum should contact their respective FNS Regional Office.



Sarah Widor
Director
Supplemental Food Programs Division