

**Appendix L**  
**WIC FMNP Policy Memorandum #2022-01**  
**Existing Flexibilities to Support Program Operations**



Food and Nutrition Service  
1320 Braddock Place  
Alexandria, VA  
22314

**DATE:** September 20, 2022

**SUBJECT:** WIC FMNP Policy Memorandum #2022-01, SFMNP Policy Memorandum #2022-02: Existing WIC FMNP and SFMNP Flexibilities to Support Program Operations

**TO:** Regional Directors  
Special Nutrition Programs  
All Regional Offices

SFMNP State Agency Directors  
FMNP State Agency Directors  
All State Agencies

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers' Market Nutrition Program (FMNP) and Senior Farmers' Market Nutrition Program (SFMNP) play a critical role in our Nation's nutrition assistance safety net by providing participants the ability to purchase fresh, unprepared, locally-grown fruits and vegetables from local farmers and farmers' markets. In addition, these Programs are invaluable in expanding the awareness, use of, and sales at farmers' markets in order to support local markets and domestic agriculture.

Beginning in 2020, the COVID-19 public health emergency led many FMNP and SFMNP State agencies to seek out program flexibilities to mitigate the impact of COVID-19 on program operations. Further, in 2021, as part of WIC and FMNP modernization efforts funded by the American Rescue Plan Act of 2021, the U.S. Department of Agriculture's Food and Nutrition Service (FNS) heard from a diverse range of program stakeholders on ways to increase program participation, opportunities to improve the participant experience, and ideas on how to streamline benefit delivery and reduce disparities in program delivery. Taking this input and lessons learned from the COVID-19 public health emergency into account, FNS recognizes that many State agencies may benefit from guidance regarding the existing flexibilities allowable within current FMNP and SFMNP regulations, and has compiled some of these flexibilities for State and local agencies to consider. Flexibilities are related to the following program areas:

### 1. FMNP and SFMNP Coupon Reconciliation Requirements

FMNP and SFMNP regulations at 7 CFR 248.10(h) and 7 CFR 249.10(h) state, "The State agency shall identify the disposition of all (S)FMNP coupons as validly redeemed, lost or stolen, expired, or not matching issuance records. Validly redeemed (S)FMNP coupons are those that are issued to a valid recipient and redeemed by an authorized farmers/market, and/or roadside stand within valid dates. **(S)FMNP coupons that were redeemed but cannot be traced to a valid recipient or authorized farmer/market, and/or roadside stand shall be subject to claims action in accordance with § 248.20/249.20.**"

Although State agencies must still fulfill the reconciliation responsibilities detailed above, State agencies do not need to extract and show, for each coupon, the participant and the farmer/market associated with the coupon and record the link, for example in the form of a spreadsheet or other document. Rather, State agencies must *have the ability to trace* redeemed coupons to a valid recipient and authorized farmer/market.

While the reconciliation process should enable the State agency to reconstruct the “life history” of each coupon or food instrument in the event it is deemed necessary, a State agency is not required to develop a system to extract and show this life history in real time for each redeemed coupon.

## **2. FMNP Face-to-Face Training Flexibilities**

FMNP regulations at 7 CFR 248.10(a)(4) and 7 CFR 248.10(d) require State agencies to conduct face-to-face training for all farmers and farmers' market managers who have never previously participated in the FMNP prior to commencing their participation.

State agencies may use interactive remote video conferencing to meet the face-to-face training requirement of farmers and farmers' market managers who have never previously participated in the FMNP, without the need for a waiver.

This guidance supersedes guidance from May 2020 announcing that FMNP State agencies may submit a waiver of the requirements at 7 CFR 248.10(a)(4) and 7 CFR 248.10(d) in order to conduct remote training for newly authorized FMNP farmers and farmers' market managers. Moving forward, interactive video conferencing will be considered an allowable flexibility under FMNP regulations; however, telephone conference calls and web-based trainings that do not involve interactive video conferencing will still require an approved waiver to implement.

## **3. FMNP Signature Flexibilities**

FMNP regulations at 7 CFR 248.10(f)(3) require the State agency to design and implement a system of review of FMNP coupons to detect errors, including a missing participant signature. However, the minimum required information on a coupon, detailed at 7 CFR 248.10(h)(3), does not include a participant signature. Therefore, the State agency may decide whether to require participants sign FMNP coupons in order to transact their benefits with an authorized outlet; this is not a federal requirement.

Under this guidance, FMNP policy now aligns with SFMNP regulations at 7 CFR 249.10(f)(3), which only require that the system of review of SFMNP coupons detect a missing participant signature **if such signature is required by the State agency.**

While State agencies are still required to ensure participants actively engage in the transaction, State agencies have the flexibility to identify how they will meet this requirement. As State agencies explore e-solutions, they may work with their e-solution provider to identify alternative options to a personal identification number (PIN) or electronic signature. For example, a State agency may include procedures to inform participants of the purchase price of the food items and transaction total before the transaction is completed as noted in Appendix B of the WIC FMNP and SFMNP FY 2022 Guidance Package. This would satisfy both FMNP and SFMNP requirements.

This guidance supersedes technical assistance provided in June 2020 in response to the COVID-19 public health emergency which stated, “For the control and accountability for the receipt and issuance of FMNP coupons, participant signatures must be captured per 7 CFR 248.10(f)(3).”

#### **4. SFMNP Signature Flexibilities**

SFMNP regulations at 7 CFR 249.6(b)(2) state that the State or local agency must require all SFMNP applicants who are not determined to be automatically income eligible to provide, at a minimum, a signed statement affirming that their household size and income does not exceed the maximum income eligibility standard in use by the State agency.

Further, SFMNP regulations at 7 CFR 249.4(a)(12)(vi) require State agencies implementing a CSA program develop a system to ensure receipt by eligible participants of eligible foods. Such a system should include a written receipt or distribution log, with the participant's signature (or that of the eligible participant's proxy, if proxies are allowed) and the date of each distribution.

For both signature requirements, the participant signature does not need to be a “wet signature” and can be provided in a form that is permissible by the State agency, including electronic/digital signatures.

If a State agency chooses to implement new procedures based on any of these flexibilities, they must specify in their annual State Plan or submit a State Plan amendment documenting any procedural changes to their respective FNS Regional Office for approval in accordance with 7 CFR 248.4 and 7 CFR 249.4.

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State agencies are also encouraged to refer to Appendix B of the [WIC FMNP and SFMNP FY 2022 Guidance Package](#) for more information. Please reach out to your Regional Office if you have any questions related to these flexibilities.

Sincerely,

*Sara L Olson*

SARA OLSON  
Director  
Policy Division  
Supplemental Nutrition and Safety Programs