



Food and
Nutrition
Service

Braddock
Metro Center

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DATE: August 4, 2020

CODE: COVID-19: Child Nutrition Response #39

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program
Document ID:	
Z-RIN:	
Date of Issuance:	August 4, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all CACFP sponsoring organizations, that CACFP monitoring requirements included at 226.16(d)(4)(iii) be conducted onsite. To ensure Program integrity during this time, sponsoring organizations should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). (2) This waiver applies to sponsoring organizations administering the Child and Adult Care Food Program.
Disclaimer:	The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This waiver applies to the Child and Adult Care Food Program (CACFP).

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures while providing meals, as determined by the Secretary.

¹ Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this waiver as *not major*, as defined by 5 U.S.C. § 804(2).

Under Program regulations at 226.16(d)(4)(iii), CACFP sponsoring organizations must review each facility three times each year and: 1) at least two of the three reviews must be unannounced; 2) at least one unannounced review must include observation of meal service; 3) at least one review must be made during each new facility's first four weeks of Program operations; and 4) not more than six months may elapse between reviews. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals. Additionally, with many CACFP facilities closed, monitoring CACFP may not be possible in some instances.

Therefore, FNS waives, for all sponsoring organizations that elect to be subject to this waiver, that reviews conducted pursuant to regulations at 226.16(d)(4)(iii) **be conducted onsite**. This waiver allows for offsite monitoring in addition to the flexibilities provided for sponsors in the extension of COVID-19 Child Nutrition Response #27: *Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program*, issued June 8, 2020 and effective through August 31, 2020. This waiver is effective immediately, and remains in effect through September 30, 2021.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, the State agency must inform their FNS Regional Office, which will acknowledge receipt. State agencies should inform sponsoring organizations and local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.

As required by section 2202(d), each State or sponsoring organization that implements this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver that includes:

- A summary of the use of this waiver by the State agency and local program operators, and
- A description of whether this waiver resulted in improved services to children.

FNS stands ready to provide assistance to areas impacted by COVID-19, and intends to issue additional nationwide waivers to support access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of child and adult participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes

Director

Program Monitoring and Operational Support Division