

USDA Tribal Consultation
WIC Online Ordering and Transactions Proposed Rule
Background & Next Steps
November 2021

Through a multi-pronged effort, USDA's Food and Nutrition Service is working proactively with program stakeholders to make online ordering and transactions a reality in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program).

Gretchen Swanson Center for Nutrition Online Ordering Grant

- Beginning in 2020, FNS made a significant investment by awarding a \$2.5M grant to the Gretchen Swanson Center for Nutrition (GSCN) to work toward developing and testing secure models of online ordering and transactions in WIC.
- During the past year, GSCN developed and released the Blueprint for WIC Online Ordering ([the Blueprint](#)). The Blueprint is a resource for WIC State agencies and their partners that are working to implement online ordering projects. The Blueprint suggests activities to successfully plan, implement, and maintain WIC online ordering projects.
- Both the Blueprint and a sub-grant Request For Proposals (RFP) were released on June 15, 2021. Sub-grant proposals were due by August 27, 2021 and, as of early November 2021, sub-grant award announcements are expected near term. The RFP encouraged applicants to use the Blueprint as a resource to devise and propose innovative projects to test both online ordering and transactions in WIC.
- Over the next two years, GSCN will:
 - Work with sub-grantees to test and implement online ordering and transactions,
 - Evaluate and report on the results to inform future expansion of online ordering and transactions, and
 - Update the Blueprint to include revisions and best practices learned through the evaluation of the sub-grant projects.

WIC Task Force on Supplemental Foods Delivery

- The Consolidated Appropriations Act, 2021 (P.L. 116-260, the Act) directed USDA to establish a Task Force to study measures to streamline the redemption of WIC benefits in a manner that promotes convenience, safety, and equitable access to WIC supplemental foods for participants in the WIC program. The Act required the Task Force to study:
 - online and telephone ordering and curbside pickup of, and payment for, WIC supplemental foods;
 - online and telephone purchasing of WIC foods;
 - home delivery of WIC foods;
 - self-checkout for purchases of WIC foods; and
 - other measures that limit or eliminate consumer presence in a physical store.
- USDA established the Task Force in spring 2021, with the kickoff meeting conducted on March 24, 2021. The Task Force met weekly through September 30, 2021. Attendance to Task Force meetings was limited to Task Force members and select USDA FNS support staff. USDA staff

attendees solely provided support and did not participate in development of the independent Task Force's report and recommendations.

- The Act limited Task Force membership to no more than 20 members and required membership from the following categories, including but not limited to: retailers of WIC supplemental foods, manufacturers of WIC foods, representatives of WIC State agencies, representatives of WIC local agencies, WIC participants and technology companies with specific experience. A maximum of three members from each category were allowed. The Task Force membership list is provided [here](#).

Task Force Chair: Melinda R. Newport, MS, RD/LD, Director,
Chickasaw Nation WIC

Task Force Co-Chair: Ellen M. Thompson, Vice President, Program Modernization
Consulting, Maximus, Inc.

- The independent Task Force was required to submit a report to the USDA that included:
 - the results of the study required above, and
 - recommendations with respect to such results.
- The USDA must submit a report to Congress which includes:
 - a plan with respect to carrying out the recommendations received, and
 - an assessment of whether legislative changes are necessary to carry out such plan.
- USDA must notify the Task Force of the submission of this report and USDA must publish both reports on its website. The Task Force report has been published [here](#).
- USDA will publish report to Congress after submission. As of early November, the report to Congress is in Departmental clearance.
- Per the Act, the Task Force will terminate on the date the USDA submits the report to Congress. The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Task Force.

WIC Online Ordering and Transactions Proposed Rule

- GSCN's and the Task Force's efforts will inform USDA FNS' WIC Online Ordering and Transactions proposed rule, which is currently under development.
- This proposed rule would address key regulatory barriers to online ordering in the WIC Program by making changes to the provisions that prevent online transactions and types of online capable stores from participating in the Program.
- The proposed rule would also allow FNS to modernize WIC vendor regulations to reflect current technology.
- FNS anticipates publication as early as April 2022, with a public comment period.