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SUBJECT: Child and Adult Care Food Program (CACFP): Health and Safety Standards for Outside-School-Hours Care Centers (OSHCCs) and At-Risk Afterschool Care Centers

TO: Regional Directors
Child Nutrition Programs
All Regions

This memorandum responds to questions we have received on State or local health and safety requirements for OSHCCs and at-risk afterschool care centers in CACFP. The purpose of this memorandum is to assist CACFP State agencies in: (1) determining applicable health and safety standards for OSHCCs and at-risk afterschool care centers; (2) documenting compliance with those standards, if applicable; and (3) establishing eligibility for CACFP participation when health and safety standards do not exist for OSHCCs and at-risk afterschool care centers.

Determining Applicable Standards

Section 17(a)(5)(C) of the Richard B. Russell National School Lunch Act requires OSHCCs and at-risk afterschool care centers to meet State or local health and safety standards (to the extent that they exist) in cases in which licensing is not required, in order to participate in CACFP. One of the problems some OSHCCs and at-risk afterschool care centers have encountered is determining the standards they are required to meet. In some cases, OSHCCs and at-risk afterschool care centers have been told very stringent requirements apply, such as a restaurant inspection, because the health authorities are unfamiliar with CACFP meal services.

We recognize health and safety standards vary significantly among States and municipalities. In addition, requirements for each type of center may differ, depending on the building or location of the site; the structure of the program; and, the type of meal services offered. For example, an OSHCC that serves both an at-risk afterschool snack and supper may be required to meet different health and safety requirements than one that serves only a snack. Similarly, a self-preparation site may have more stringent health and safety requirements placed on it than a site that serves vended meals.

We encourage CACFP State agencies to work closely with State and local health and safety authorities to determine the specific requirements for each type of facility.

CACFP State agencies may also want to enlist the help of local advocacy organizations in educating State and local health and safety authorities about CACFP and the type of services provided at OSHCCs and at-risk afterschool care centers. This will help ensure the appropriate requirements are being applied to organizations seeking to participate in CACFP.

Documenting Compliance with Applicable Standards

Summer Food Service Program (SFSP) Inspections

In cases where the health inspection requirements for OSHCCs and at-risk afterschool care centers and SFSP feeding sites are the same, CACFP State agencies may accept documentation of a current health inspection which was obtained for SFSP. CACFP State agencies may do this as long as the current SFSP inspection has not been revoked or expired.

Please note section 225.16(a) of the SFSP regulations requires a sponsor to submit a letter to the appropriate health department of its intention to provide a food service during a specific period at specific sites. In some cases, the health department does not conduct an inspection of the SFSP sponsor's sites. This memorandum does not permit CACFP State agencies to accept a notice of intent to operate as documentation for meeting health and safety standards for CACFP. An inspection must have been conducted.

Occupancy Permits

In some jurisdictions, occupancy permits may serve as the only evidence that a facility complies with State or local health or safety standards. For occupancy permits, as for other required permits and inspections, time limits may or may not be placed on these documents by State or local health and safety authorities. In such cases, CACFP State agencies must ensure the permit has not been revoked or expired.

School Participation in CACFP

Section 9(h) of the National School Lunch Act requires schools that participate in the National School Lunch Program or School Breakfast Program to obtain food safety inspections from State or local authorities. Therefore, schools that participate as OSHCCs or at-risk afterschool care centers in CACFP do not have to meet any additional health and safety requirements. Their participation in the NSLP or SBP is proof of meeting health and safety requirements.

Absence of Health and Safety Standards

We have also been asked what requirements apply if it is determined there are no State or local health and safety standards for OSHCCs and at-risk afterschool care centers. Section 17(a)(5)(C) of the law does not establish any form of “alternate approval” for OSHCCs and at-risk afterschool care centers, as it does for other types of child care facilities at section 17(a)(5)(B). This provision does not require or authorize CACFP State agencies to develop health and safety standards for such facilities. When no State or local standards are in place, an OSHCC or at-risk afterschool care center may participate in CACFP without any permits or approval. CACFP State agencies must confirm whether standards exist that are applicable to OSHCCs and at-risk afterschool care centers. Additionally, CACFP State agencies should keep records of letters and document discussions with State and local health officials which indicate health and safety standards do not exist for the OSHCC or at-risk afterschool care center.

Please share this information with your State agencies. If you have any questions, you may contact Mandy Briggs or Melissa Rothstein at 703-305-2620.

CINDY LONG
Acting Director
Child Nutrition Division