



Food and  
Nutrition  
Service

**DATE:** February 27, 2019

Park Office  
Center

**POLICY NO:** FD-145: USDA Foods Processing Program

3101 Park  
Center  
Drive  
Alexandria  
VA 22302

**SUBJECT:** Cancellation of Policy Memoranda FD-009, FD-025, FD-130, FD-102, FD-030, FD-038, FD-048, FD-103, and FD-108

In order to update and streamline policy guidance for the USDA Foods Processing Program, FNS is cancelling Policy Memoranda FD-009, FD-025, FD-130, FD-102, FD-030, FD-038, FD-048, FD-103, and FD-108. The guidance provided by these memoranda is outdated and has been superseded by the Final Rule: Revisions and Clarifications in Requirements for the Processing of Donated Foods (Final Processing Rule), which was published on May 1<sup>st</sup>, 2018.

The cancelled memoranda are as follows:

- Policy Memorandum FD-009, Labeling Processed End Products (dated March 24, 2003), is cancelled. The information contained in this memorandum is related to a regulatory requirement that was removed by the Final Processing Rule. It is thus no longer necessary.
- Policy Memorandum FD-025, Fee-For-Service Billing Methods Through a Distributor (dated March 29, 2004), is cancelled. The policy contained in this memorandum has been superseded by program regulations at 7 CFR 250.36.
- Policy Memorandum FD-030, National Approval of End Product Data Schedules (dated October 15, 2004), is cancelled. The policy contained in this memorandum has been incorporated into program regulations at 7 CFR 250.33(a).
- Policy Memorandum FD-038, Elimination of Pricing on End Product Data Schedules and Summary End Product Data Schedule (dated November 1, 2004), is cancelled. The policy contained in this memorandum has been updated and incorporated into program regulations at 7 CFR 250.33(a).
- Policy Memorandum FD-048, State Participation Agreement Period of Agreement (dated November 4, 2005), is cancelled. The policy contained in this memorandum has been revised and incorporated into program regulations at 250.30(j).
- Policy Memorandum FD-102, Waiver and Replacement of Current Regulatory Thresholds for Independent CPA Audits of Multi-State Processors (dated February 4, 2010), is cancelled. The policy contained in this memorandum has been incorporated into program regulations at 7 CFR 250.20(b).
- Policy Memorandum FD-103, Waiver of Requirement to Submit Copies of Refund Requests and Payments with State Monthly Performance Reports (dated

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

February 4, 2010), is cancelled. The waiver provided in this memorandum is related to a regulatory requirement that was removed by the Final Processing Rule. It is thus no longer necessary. Refer to 250.37 for current requirements on performance reports.

- Policy Memorandum FD-108, Waiver of Requirements for State Distributing Agency Submission of Information from Monthly Performance Reports (dated July 27, 2010), is cancelled. The waiver provided in this memorandum is related to a regulatory requirement that was removed by the Final Processing Rule. It is thus no longer necessary. Refer to 250.37 for current requirements on performance reports.
- Policy Memorandum FD-130, Substitution of USDA Beef and Pork (dated May 15, 2013), is cancelled. The policy contained in this memorandum has been incorporated into the National Processing Agreement and into program regulations at 7 CFR 250.34.

Please ensure that your State guidance is updated to reflect these cancellations. Citations must be updated to remove reference to the cancelled memoranda and include reference to the revised regulations, as applicable.

*/s/ Original Signature on File*

Laura Castro

Director

Food Distribution Division

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