United States Department of Agriculture

Food and Nutrition Service

1320 Braddock Place Alexandria, VA 22314

DATE: May 10, 2024

POLICY NO: FD-150: The Commodity Supplemental Food Program (CSFP)

SUBJECT: Questions and Answers about Flexibilities in CSFP to Streamline Distribution of Foods and Reduce Barriers to Participation (Revised)

TO: Regional Directors
Supplemental Nutrition Programs
MARO, MPRO, MWRO, NERO, SERO, SWRO, and WRO

State Directors
All CSFP State Agencies

This memorandum includes questions and answers on flexibilities available to State agencies that operate CSFP. These flexibilities may assist CSFP State agencies in streamlining distribution of CSFP foods and reducing barriers to participation. Many of these flexibilities were utilized during the COVID-19 pandemic. These flexibilities are allowable under current program regulations at 7 CFR Parts 247 and 250. State agencies are also encouraged to consult Policy Memorandum FD-099: Questions and Answers about Waiting Lists, and Available Flexibilities in Caseload Management for additional flexibilities.

1. **How can local agencies distribute CSFP food packages while promoting access to participants who cannot visit a distribution site?**

   There are several ways that local agencies can promote access to the program and support participants who have difficulty accessing distributions for reasons such as health conditions or transportation barriers. For example, local agencies can utilize a drive-through model in which local agency staff or volunteers place the CSFP food package directly into a recipient's vehicle. Pick-up of CSFP food packages can be done by appointment, with food packages placed for pick-up at a distance. Local agencies may also consider delivering food packages to participants' homes (see related Question #8, below).

2. **Are State agencies able to waive signature requirements for CSFP certifications?**

   No. CSFP regulations at 7 CFR 247.8(b) require a signature by applicants or their caretakers as part of the CSFP certification process. However, the use of electronic signatures in CSFP is permitted, provided that the same degree of confidence and accuracy results from the electronic system as from a traditional, paper-based system. Signatures can also be obtained by mail, through an in-home visit, or in-person (by either the applicant or their caretaker) at a scheduled time to avoid a large congregation of people. Additionally, if certifications are conducted over the phone, a local agency staff person may sign (or print) their name on behalf of applicants as an interim measure during the certification interview, provided that the local agency subsequently obtains the applicant's signature through one of the methods described above.

   Note that any changes to certification procedures must be applied statewide, and a CSFP State Plan amendment outlining the change must be submitted to the FNS Regional Office for expedited review and approval, in accordance with program regulations at 7 CFR 247.6(d).

3. **Are State agencies able to remove signature requirements for CSFP distributions?**

   Yes. While CSFP regulations at 7 CFR 247.10(b) require that recipients, or their proxies, present some form of identification before receiving a food package, local agencies are not required to obtain signatures during CSFP household food distributions. If a State agency has a signature policy in place, the agency can consider amending the policy to remove its signature requirement for CSFP distributions.

   Note that any changes to distribution signature requirements must be applied statewide, and a CSFP State plan amendment outlining the change must be submitted to the FNS Regional Office for expedited review and approval, in accordance with program regulations at 7 CFR 247.6(d).

4. **Can State agencies forgo age or income requirements for CSFP?**

   No. Per 7 CFR 247.9, individuals must meet basic age and income eligibility requirements in order to receive CSFP benefits. To be eligible for CSFP, individuals must be at least 60 years of age. The State agency must use a household income limit at or below 130 percent of the Federal Poverty Income Guidelines, as provided in its State Plan.

   Per 7 CFR 247.6(c), the State agency must, via its State Plan, set forth the income eligibility standards and the options to be used relating to income or other eligibility requirements, as provided under 7 CFR 247.9. However, State agencies have discretion on what standard of proof to require, including allowing self-declaration of age and income by applicants.

Note that any changes must be consistent with federal regulatory requirements and applied statewide. A CSFP State Plan amendment outlining any changes must be submitted to the FNS Regional Office for expedited review and approval, in accordance with program regulations at 7 CFR 247.6(d).

5. **What requirements are there for the use of proxies in CSFP?**

State agencies may allow the use of proxies to minimize CSFP participants' need to visit local agencies. There is no federal requirement that limits the number of people for whom an individual can serve as a proxy, nor is there a federal requirement for local agencies to obtain a signature from participants when they designate a proxy.

Accordingly, State agencies may establish a policy which allows a proxy to serve more than one participant and/or which allows participants to verbally confirm a proxy. However, proxies must be individually designated by each participant and participants cannot be required to designate a proxy.

Note that any changes to proxy designation must be applied statewide, and a CSFP State Plan amendment outlining the change must be submitted to the FNS Regional Office for expedited review and approval, in accordance with program regulations at 7 CFR 247.6(d).

6. **May State agencies allow local agencies to distribute more than one CSFP food package per month?**

Yes. Per 7 CFR 247.10(a), local agencies must distribute a food package to participants each month, or a two-month supply of CSFP foods to participants every other month, in accordance with the food package guide rates established by FNS. State agencies may allow local agencies to conduct both monthly and bi-monthly distributions in the same month, provided that the State can ensure that participation and food issuance amounts are accurately tracked and reported on the FNS-153. Note that monthly or bi-monthly issuances are the only options available under 7 CFR 247.10; three-month distributions are not allowed.

Note that any changes to distributions must be applied statewide, and a CSFP State Plan amendment outlining the change must be submitted to the FNS Regional Office for expedited review and approval, in accordance with program regulations at 7 CFR 247.6(d).

7. **If a CSFP site has to close because of an unexpected emergency, may food packages be distributed retroactively?**

Per CSFP regulations at 7 CFR 247.10(a), local agencies must distribute a food package to participants each month, or a two-month supply of food to participants every other month. Food packages must be distributed in accordance with established guide rates and must not be distributed retroactively under normal circumstances. There may be emergencies where a local agency is unable to distribute CSFP food packages or participants may be unable to pick up such food packages at a regularly scheduled distribution.

In such circumstances, State and local agencies should make every effort to provide an alternative way for participants to receive their food packages in the same month. However, if an alternate CSFP food package delivery date cannot be scheduled within the same month, then State agencies may request permission for a delayed delivery of food packages in the subsequent month (e.g., a retroactive distribution of April food packages in May).

Requests must be submitted to FNS Regional Offices via email and must include information on why the retroactive distribution is necessary and the number of CSFP participants impacted.

8. Can a State agency contract with a private company to deliver CSFP food packages?

Yes. CSFP State agencies have the discretion to allow a for-profit company to provide home delivery of CSFP food packages if certain conditions are met. First, consistent with 7 CFR 250.4(c) and (d), an agreement or contract must be in place between the company and the State or local agency which ensures that the delivery service adheres to all CSFP program regulations (see also 7 CFR 247.4). At a minimum, a contract or agreement for these delivery services must require the company to provide:

1. Safe storage and transportation of the foods in compliance with program regulations at 7 CFR Part 250;
2. Verification of the identity of each CSFP participant through a review of the participant's, or proxy's, identification before issuing the CSFP food package, consistent with 7 CFR 247.10(b);
3. All applicable records required by the State or local agency; and
4. An assurance that the privacy of participants will be maintained, consistent with 7 CFR 247.36.

If the State agency or local agency plans to use CSFP administrative funds to procure this service, they must follow procedures outlined in 2 CFR 200, subpart E, and all applicable State and local procurement regulations. If the for-profit company is donating its services, the State or local agency does not need to follow procurement regulations but must still have a contract or service agreement in place, preferably a no-cost contract or agreement.

In order to conduct deliveries in this way, CSFP State agencies must be aware that employees of the for-profit delivery service are not permitted to carry out key local agency responsibilities, such as making participant eligibility determinations (see 7 CFR 247.5(c)(1)-(8) listing the major local agency responsibilities). Such employees may not be considered proxies for participants. Additionally, CSFP food packages may not be dropped off at a door or left unattended at a pick-up location due to the requirement at 7 CFR 247.10(b) that participants or their proxies present identification before being issued a food package.

CSFP State Plans must be amended and submitted for FNS approval to pursue the option to have private companies deliver CSFP food packages, in accordance with program regulations at 7 CFR 247.6(d). Applicable contracts or agreements must include terms which ensure program integrity is maintained and participants ultimately receive program benefits.

9. What flexibility do State and local agencies have in terms of the foods included in the CSFP food package? Can food packages be issued without cheese?

Per 7 CFR 247.10(a), local agencies must distribute a package of commodities to participants each month, or a two-month supply of CSFP foods to participants every other month, in accordance with the food package guide rates established by FNS. In accordance with this requirement, local agencies must offer full food packages, including cheese, to all participants each month. All CSFP foods, including a refrigerated item such as cheese, must be stored properly in accordance with 7 CFR 250 to ensure proper food safety. Although participants may individually refuse products, State and local agencies may not encourage opt-in or opt-out of any items. Any USDA Foods not accepted by participants must immediately be placed back into the physical inventory and should not be reported as issued. State agency tailoring of the CSFP food package to issue quantities of USDA Foods that are below the recommended (maximum) rates is permitted in only very limited circumstances with the prior approval of FNS.

For more information on the CSFP food package guide rates, please reference FNS Instruction 835-1: Authorized Supplemental Foods and Distribution Rates of Foods for the Commodity Supplemental Food Program and the current CSFP Maximum Monthly Distribution Rates posted on the CSFP website at https://www.fns.usda.gov/csfp/commodity-supplemental-food-program.

State agencies should contact their respective FNS Regional Offices with any further questions.

/s/ Original Signature on File
Sara Olson
Director
Policy Division
Supplemental Nutrition and Safety Programs
USDA Food and Nutrition Service