



Food and
Nutrition
Service

DATE: April 20, 2021
CODE: COVID-19: Child Nutrition Response #96

Braddock
Metro Center

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

1320
Braddock
Place
Alexandria
VA 22314

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 – EXTENSION |
| Document ID: | |
| Z-RIN: | |
| Date of Issuance: | April 20, 2021 |
| Replaces: | N/A |
| Summary: | (1) FNS waives, for all CACFP sponsoring organizations, that CACFP monitoring requirements included at 7 CFR 226.16(d)(4)(iii) be conducted onsite. To ensure Program integrity during this time, sponsoring organizations should continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver extends the Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program granted on August 4, 2020 that expires on September 30, 2021. (2) This waiver applies to sponsoring organizations administering the Child and Adult Care Food Program. This waiver remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. |
| Disclaimer: | The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159) unless otherwise provided. |

Pursuant to the authority in Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to help minimize potential exposure to the novel

coronavirus (COVID-19). This waiver extends the *Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program*, granted on August 4, 2020, that expires on September 30, 2021 – until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. This extension 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, as determined by the Secretary.

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. FNS recognizes that sponsoring organizations continue to need additional support and flexibility to monitor CACFP while managing the impacts of COVID-19.

Therefore, pursuant to the FFCRA authority cited above, FNS extends its waiver of the requirement that CACFP monitoring requirements included in 7 CFR 226.16(d)(4)(iii) **be conducted onsite**. Please note that to ensure Program integrity during this time, sponsoring organizations should continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver is effective immediately, and remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services.

Consistent with Section 2202(a)(2) of the FFCRA, this extension 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 extension of this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.¹ Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

As required by Section 2202(d) of the FFCRA, each State or sponsoring organization that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State elected to receive the extension.² The report must include:

¹ The burden associated with the requirement to elect Nationwide Waiver participation will be included in an upcoming change request to OMB Control #0584-0654.

² FNS will submit to OMB for approval a revision to OMB Control #0584-0607 to cover the reporting requirements of this waiver under the Paperwork Reduction Act.

- A summary of the use of this extension by the State agency and local program operators, and
- A description of whether and how this extension resulted in improved services to Program participants.

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

A handwritten signature in black ink that reads "Jessica Saracino". The signature is written in a cursive style with a large initial "J" and "S".

Jessica Saracino
Acting Director
Program Monitoring and Operational Support Division