

# **The Emergency Food Assistance Program (TEFAP)**

## **Policies and Procedures Manual**

Ohio Department of Job & Family Services  
Office of Family Assistance



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## **Section 1                    Introduction**

### **Purpose of Manual**

The Food Programs Manual is provided by the Ohio Department of Job & Family Services (ODJFS) to clarify program procedures for Regional Agents, Sub-Regional Agents and Local Distributors participating in the The Emergency Food Assistance Program (TEFAP). The intent of this manual is to establish and maintain a consistent statewide minimum level of service for the emergency food provider network distributing TEFAP Foods. The manual provides the framework for acceptable compliance to program guidelines established by ODJFS and the United States Department of Agriculture (USDA) federal program regulations found at 7 Code of Federal Regulations (CFR) 250 and 251 for TEFAP.

## Section 2 Definitions

The following is a list of federal, state, and local terms, acronyms and definitions used throughout the manual for the program administration in Ohio.

**Agricultural Marketing Service (AMS):** USDA Agency responsible for purchasing food products such as meat, poultry, fruits and vegetables.

**Backpack Program:** A method of food distribution to school children for which shelf stable TEFAP USDA Foods may be used provided the child's household is currently certified as eligible for TEFAP. Regional Agents must keep a record, for each day on which they distribute food, of the names of all households that receive food.

**Bill of Lading (BOL):** Documentation of the contents of a shipment and other pertinent information as required in the contract of carriage.

**Carrier:** Commercial enterprise that transports USDA foods from one location to another but does not store such foods.

**Certification Period:** The period of time that a TEFAP participant may continue to receive program benefits without a review of his or her eligibility.

**Client Choice:** Refers to the practice of allowing food pantry clients a choice in determining the content of the food package received at the food pantry. The method of allowing client choice may vary based on product availability and /or limited physical space at the pantry.

**Congregate Meal:** A meal prepared with USDA Foods and provided to eligible persons who gather in a setting to participate.

**Code of Federal Regulations (CFR):** Contains the regulations governing all federal programs. Regulations for TEFAP at 7 CFR 251 and 7 CFR 250, as applicable.

**Delivery:** The transfer of USDA Foods from USDA to a Regional Agent or from a Regional Agent to a Sub-Regional Agent or a Local Distributor.

**Disaster:** A Presidentially declared disaster or emergency, in accordance with Section 412 or 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179-5180), in which Federal assistance, including donated food assistance, may be provided to persons in need of such assistance as a result of the disaster or emergency.

**Disbursement:** The delivery of USDA Foods from a Regional Agent to a Sub-Regional Agent or Local Distributor or the pick-up of USDA Foods by a Local Distributor from a Regional Agent or Sub-Regional Agent.

**Distribution:** The actual transfer of USDA Foods from a Regional Agent, Sub-Regional Agent or Local Distributor to a recipient.

**Dunnage:** The material used to protect or support freight during transit.

**Fair-Share Formula:** A method of allocating administrative funds based on 60% of the number of county residents who live at or below the official poverty line, and 40% of the number of unemployed county residents.

**Federal Fiscal Year (FFY):** A twelve-month period used for accounting and reporting purposes, October 1 through September 30.

**Federal Programs Reporting System (FPRS):** The internet based online reporting system for federal programs.

**Fiscal Year (FY):** A twelve-month period used for accounting and reporting purposes.

**Food and Nutrition Service (FNS):** An agency of USDA responsible for the nationwide administration of several federal nutrition programs including TEFAP.

**Foodbank:** A public, charitable organization that maintains an established operation involving the provision of food to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.

**Food Pantry:** A public or private nonprofit organization that is a part of a foodbank network that distributes food to low-income households, including food from sources other than USDA, to relieve situations of emergency and distress.

**Food Recall:** An action to remove food products from commerce when there is reason to believe the products may be unsafe, adulterated, or mislabeled. The action is taken to protect the public from products that may cause health problems or possible death.

**Homeless Shelter:** A facility where the primary purpose is to provide temporary or transitional shelter for homeless individuals and families in general or for specific group populations (i.e. battered women, run-away youth) of homeless individuals and families.

**Household:** A single individual or a group of related or non-related individuals, who are living as one economic unit, exclusive of boarders, who are not residents of an institution and for whom food is customarily purchased and prepared in common.

**In-Kind Replacement:** The replacement of a loss of USDA Foods with a quantity of the same foods of U.S. origin that are of equal or better quality than the lost foods and that are of at least equal monetary value to the USDA's cost of replacing the lost foods.

**Limited English Proficiency (LEP):** Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

**Local Distributor (LD):** A private or public nonprofit organization, which contracts with a Regional Agent or Sub-Regional Agent to receive and distribute USDA Foods to eligible persons, such as a food pantry, soup kitchen or shelter.

**Midwest Regional Office (MWRO):** USDA/FNS Region IV, headquartered in Chicago, Illinois, responsible for USDA programs in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio and Wisconsin.

**Network:** Foodbank member agencies responsible for the provision of emergency and supplemental food services.

**Office Family Assistance (OFA):** The office within ODJFS which administers federal and state food assistance programs.

**Ohio Department of Job & Family Services (ODJFS):** The state agency which oversees programs that provide employment and economic assistance, child support and services to families and children.

**Poverty Guidelines:** Established by the United States Department of Health and Human Services as an indicator of poverty based on income and utilized in establishing income-based eligibility standards for program participants. The guidelines are updated annually.

**Proxy:** Any person authorized in writing by a recipient to obtain supplemental food on behalf of the recipient.

**Recipient:** A person or persons living together in one household who have been determined eligible to receive USDA Foods for consumption or for household use.

**Regional Agent (RA):** A not-for-profit foodbank, which contracts with ODJFS to administer TEFAP in an assigned service region and to receive USDA Foods directly from USDA.

**Regional Plan:** A document submitted annually to ODJFS by a Regional Agent, which details the administration of TEFAP by a Regional Agent.

**Service Region:** An area of the state, determined by ODJFS, served by a Regional Agent or Sub-Regional Agent.

**Soup Kitchen:** A public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy homeless persons on a regular basis

**Situation of Distress:** A natural catastrophe or other event that does not meet the definition of disaster in this section, but that, in the determination of the distributing agency, or of FNS, as applicable, warrants the use of donated foods to assist survivors of such catastrophe or other event. A situation of distress may include, for example, a hurricane, flood, snowstorm, or explosion.

**State Fiscal Year (SFY):** A twelve-month period used for accounting and reporting purposes, July 1 through June 30.

**Sub-Regional Agent:** A not-for-profit food bank, which contracts with a Regional Agent to provide service to a designated area within the service region of a Regional Agent. The Sub-Regional Agent may receive USDA Foods directly from USDA and/or a Regional Agent.

**Technology-Based Client Eligibility Process:** A client eligibility and delivery documentation method that utilizes a web-based or electronic process resulting in a paperless eligibility and record keeping system.

**United States Department of Agriculture (USDA):** Cabinet level agency responsible for federal programs related to agriculture.

**USDA Foods:** Foods purchased by USDA and provided to states for distribution to eligible recipient agencies; previously referred to as donated foods or USDA-donated commodities or commodities.

**Vendor:** A commercial food company from which USDA purchases food for donation.

**Web Based Supply Chain Management (WBSCM):** An integrated, food ordering, tracking and procurement system used by USDA and its customers, vendors, suppliers, and transportation personnel. All federal food and commodity orders, solicitations, offers, awards, deliveries, invoices, and payments occur in WBSCM, and all business partners in the commodity program are required to use this system.



## **Section 3 Administration**

### **Program Description**

TEFAP was established under the Emergency Food Assistance Act of 1983 in an effort to dispose of government-held agricultural surpluses and alleviate hunger. The Emergency Food Assistance Program (TEFAP) is a federal food distribution program that supports food banks, food pantries, soup kitchens, and other emergency feeding organizations serving low-income households. Federal assistance takes the form of federally purchased foods including fruits, vegetables, meats, and grains and funding for administrative costs. Food and Administrative funds are distributed to states using a statutory formula that takes into account poverty and unemployment rates. TEFAP is administered by the U.S. Department of Agriculture's (USDA's) Food and Nutrition Service (FNS).

### **State Administration**

The Ohio Department of Job and Family Services (ODJFS) has been designated as the state agency responsible for the administration of TEFAP. TEFAP is housed within the Food Programs section of the Office of Family Assistance under ODJFS. ODJFS enters into grant agreements with Regional Agents for local level administration of the program.

### **State Distribution Plan**

The State Plan describes how ODJFS will operate TEFAP. Approved State Plans are considered permanent (i.e., a new plan is not required to be submitted each year). ODJFS must submit for approval to the appropriate FNS Regional Office a plan that contains:

- A designation of the State agency responsible for distributing USDA Foods and administrative funds provided under this part, and the address of such agency.
- A plan of operation and administration to expeditiously distribute USDA Foods received under this part.
- A description of the standards of eligibility for Regional Agents, including any sub priorities within the two-tier priority system.
- A description of the criteria established that must be used by Regional Agents in determining the eligibility of households to receive USDA Foods for home consumption.
- At the option of the State agency, a plan of operation for one or more Farm to Food Bank Projects in partnership with one or more emergency feeding organizations located in the State.

The plan will be submitted to the FNS Midwest Regional Office within the timeframe established by federal program regulations and will update the plan as necessary.

### **Program Administration Responsibilities**

ODJFS is responsible for administering TEFAP at the State level. ODJFS is also responsible for:

- Completing and submitting the State Plan to FNS.
- Selecting agencies to administer TEFAP within areas of the State.
- Entering into required agreements.
- Establishing program eligibility requirements, when the requirement is a State option.
- Assigning designated TEFAP distribution service areas and allocating administrative funds to Regional Agents.
- Providing guidance to Regional Agents on all aspects of program operations, as needed.
- Establishing a management review system (monitoring) and conducting reviews of Regional Agents.

## **Local Administration Responsibilities**

For program purposes, Ohio's eighty-eight counties are divided into eight regions for TEFAP of varying sizes. An eligible recipient agencies eligible recipient agency within each region is designated as a Regional Agent responsible for the administration of the program within the service region. In accordance with 7 CFR 251.4(l), the State agency must make publicly available the list of eligible Regional Agents that have an agreement with the State agency. At a minimum, the SDA must post the names, addresses, and contact telephone numbers for all Regional Agents that have an agreement with the State agency. The information must be posted on a publicly available internet web page and be updated on an annual basis. See [FNS Policy Memorandum FD-162 Public Posting of TEFAP Information](#). Additionally, the SDA is required to maintain a list of all Regional Agents that distribute USDA Foods for home consumption and those that distribute USDA Foods in the form of prepared meals, in compliance with 7 CFR 251.10(a)(3). See [FNS Policy Memorandum FD-123 Maintenance of Lists of Eligible Recipient Agencies Participating in TEFAP](#).

ODJFS enters into grant agreements with Regional Agents for TEFAP local administration. The Regional Agent incorporates USDA Foods into their food banking operations providing an enhanced variety of products available for distribution.

The following criteria are assessed when determining local level administration of the programs.

- Ability to meet USDA Warehousing Standards for storage of USDA and non-USDA food items.
- Ability to provide transportation to agencies in the service area for USDA Foods and non-USDA products.
- Ability to obtain non-USDA items and food resources to supplement USDA food products.
- Ability to monitor local network and enforce state and federal guidelines within the required timeframe.
- Ability to maintain an established operation involving the distribution of USDA Foods on a regular basis as an integral part of its normal activities.

## **Federal Allocation to States**

### **TEFAP Entitlement**

For TEFAP purposes, USDA has developed a formula based on 60% poverty and 40% unemployment population to allocate product and funding to the states. Each state's share of USDA Foods and funds shall be based 60 percent on the number of persons in households within the state having incomes below the current poverty level and 40 percent on the number of unemployed persons within the state. This is known as the state's "fair share". Each state is offered its fair share of the entitlement food and storage and distribution funds according to the formula. USDA notifies the state agency when orders are to be placed, the product that is available for ordering and the value of each product. Orders may be placed by the states for monthly delivery. ODJFS orders product based on the entitlement allocation of dollars set by USDA. USDA/FNS makes every effort to fill orders as requested. Occasionally, due to unforeseen circumstances, USDA/FNS will eliminate or substitute products and or change delivery times.

### **TEFAP Bonus**

Bonus products are offered to each state based on the fair share of the federal allocation or on an open order basis. Bonus products are not purchased with entitlement funding. ODJFS may choose to accept all, part or none of the bonus offering.

### **ODJFS Allocation to Regional Agent**

ODJFS determines the allocation of TEFAP Entitlement food dollars to each Regional Agent based on the percentage of eligible population residing in the Regional Agent's geographic service region.

This allocation formula is applied to both entitlement and bonus product. The Regional Agent has the right to accept or decline all or part of the bonus product allocated. Bonus product declined by a Regional Agent will be offered to other Regional Agents.

ODJFS receives allocation notices from FNS, establishes ordering deadlines and forwards the information onto a Regional Agent. A Regional Agent in turn places orders against their TEFAP entitlement dollar fair-share. If necessary, with or without consultation with the Regional Agent, ODJFS may place orders on behalf of the Regional Agent. Each Regional Agent should continue to make reasonable efforts to use their entitlement funds in the FFY initially provided. Reasonable attempts to expend funds could account for situations such as price fluctuations when orders have been placed, but came in lower than anticipated or not having enough funds to complete full orders.

### **ODJFS Program Monitoring**

ODJFS is responsible for on-site monitoring of Regional Agents and Sub-Regional Agents. The purpose of the monitoring process is to evaluate program operations. The process is to include, but not be limited to, a review of:

- Eligibility determination process.
- Food ordering procedures.
- Warehousing and storage facilities.
- Inventory control.
- Verify if RA or Sub-RA's website contains accurate or inaccurate information (i.e., requiring proof of residency),
- Distribution and transportation.
- Approval of Local Distributors (member agencies).
- Network training and monitoring.
- Reporting and record keeping.
- Compliance and civil rights.

The review should be used to provide technical assistance for program improvement. The monitoring visit also provides an opportunity for the participating agency to ask questions, discuss concerns and make suggestions about the program. ODJFS will comply with federal program regulations set forth in 7 CFR 251.10 and 7 CFR 247.34 when determining the number of reviews conducted annually at participating agencies.

ODJFS will issue a report of review findings detailing recommended and/or required corrective action to the participating agency. The participating agency will have forty-five days to respond to the findings and document compliance with corrective action.

### **Procedures for Unannounced TEFAP Visits**

USDA or the state agency may visit without prior notice to any Regional Agent, Sub-Regional Agent or a Local Distributor at its discretion for review purposes. Unannounced visits may be triggered by previous issues, complaints, or as part of standard monitoring procedures to ensure accountability.

Staff must verify credentials by asking them to show photo identification to confirm they are employees of the state agency or USDA. Always be cooperative with allowing access to inspect food storage areas, inventory, and relevant records. Answer honestly if questions are asked about food storage, client eligibility verification process, etc.. Staff may use the visit to ask questions or make suggestions about the program. Document the visit of who visited, when, and what was reviewed during the visit.

### **Training and Technical Assistance**

The ODJFS Food Programs staff are available to provide training and technical assistance to a Regional Agent throughout the year upon request.

As required by FNS, ODJFS must provide annual Civil Rights training for Regional Agents. Regional Agents are responsible for participating in the annual training and the training for front-line staff at Sub-Regional Agents and Local Distributors, who interact with program applicants or participants.

Regional Agents must maintain a record of trainings and attendees (sign-in sheets) which includes the following:

- Date of training,
- Training topics, and
- Name(s) and signature(s) of attendees.

Training should be ongoing between a Regional Agent, Sub-Regional Agent and a Local Distributor. Policy changes, updated eligibility guidelines, federal and/or state regulation amendments, or any other pertinent information should be forwarded to each Sub-Regional Agent and Local Distributor in the Regional Agent's service region.

## **Section 4                      Regional Agent and Sub-Regional Agent**

### **Regional Agent**

A Regional Agent, who has a grant agreement with ODJFS, may vary in size and scope of operation, but they are all required to meet requirements based on federal program regulations. The requirements include the establishment and maintenance of a member agency network, product ordering system, monitoring procedure, reporting and recording keeping systems and training. The criteria include the following:

- Have 501(C)(3) status.
- Abide by applicable federal and state program regulations.
- Properly store and distribute USDA Foods.
- Have adequate refrigeration and freezer capacities.
- Maintain the required records and submit records to ODJFS on a timely basis.
- Maintain an emergency food provider network.
- Comply with the terms of the grant agreement.

### **Regional Plan**

A Regional Agent must develop a regional plan for the assigned service region, which shall include, but not be limited to:

- Criteria for soliciting and maintaining pantries/agencies for network.
- Procedure for the distribution of product throughout region.
- Procedure for inventory control.
- Procedure for distribution delivery and/or pick-up.
- Procedure for informing a Sub-Regional Agent and/or a Local Distributor of an ODJFS or USDA policy change.
- Procedure for funding a Sub-Regional Agent and/or a Local Distributor, if applicable.

Regional Agent shall submit the regional plan for its service region to ODJFS at the beginning of each federal fiscal year and shall update as necessary.

### **Distribution Site List**

A Regional Agent must maintain a complete list of all TEFAP sites and submit it annually to ODJFS, usually at grant agreement renewal.

### **Review Requirements of IRS Revocation of Tax-Exempt Status**

Regional Agents that have contract agreements with a Sub-Regional Agent and/or Local Distributor shall review, at least annually, the IRS Automatic Revocation of Exemption List to ensure that its member agencies do not appear on the revocation listing. Documentation of the review shall be retained on file. The Regional Agent must determine what is considered acceptable documentation for this review. The list is found at:

<https://www.irs.gov/charities-non-profits/automatic-revocation-of-exemption-list>.

For further information, refer to [FNS Policy Memorandum FD-118 Automatic Revocation of Tax Exempt Status](#).

### **Limited English Proficiency (LEP) Plan**

Regional Agents and Sub-Regional Agents must develop a plan to ensure the LEP population has meaningful access to all USDA and/or state funded programs. The plan shall include:

- A determination of the language(s) other than English that is/are most likely to be encountered at the facility(ies).

- An explanation of the methodology used to make the languages determined to be LEP.
- The methods for providing service to the LEP population. Examples include, but are not limited to:
  - Bi-lingual or multi-lingual staff employed by the agency.
  - Contract with a third-party entity who provides interpreting and/or translation services.
  - Other methods.

Regional Agents and Sub-Regional Agents shall review their LEP Plan every two years and update accordingly.

### **Regional Agents and Sub-Regional Agents Program Monitoring**

A Regional Agent or Sub-Regional Agent will complete an annual monitoring review of one-tenth, or twenty, whichever are fewer of all TEFAP Local Distributors in their network. The review will include, but not be limited to:

- Recipient eligibility process,
- Nutrition education, if applicable,
- Food ordering procedures,
- Storage and warehousing practices,
- Inventory controls,
- Verify if LD's website contains accurate or inaccurate information (i.e., requiring proof of residency), if applicable,
- Reporting and record keeping, and
- Compliance and civil rights.

A copy of the report of review findings for completed reviews and documentation ensuring compliance with corrective action will be maintained by the Regional Agent or Sub-Regional Agent for review by ODJFS at the time of the foodbank site review.

### **Records Maintenance**

All program records are to be maintained for a period of five years from the close of the federal fiscal year to which they pertain, or longer if related to an audit or investigation in progress. The records must be reasonably accessible at all times for use during management evaluations, site reviews, audits or investigations. The records are subject to be reviewed and audited by the ODJFS and or USDA during normal business hours or be sent to ODJFS and or USDA upon request.

### **Technology-Based Client Eligibility Process**

A Regional Agent shall request approval from ODJFS to implement a paperless client eligibility and record keeping system by submitting a written description of the process, which must incorporate the current eligibility criteria and record keeping requirements. Pantry-Trak, Virtual Case Manager™ and VESTA are examples of technology-based systems that have prior approval. Any changes not already approved under a current waiver will need to be submitted to ODJFS for approval.

Regional Agents, who have been granted a waiver to implement an electronic client eligibility and record keeping system by ODJFS, should consider the cost to their member agencies for the equipment and the expense for maintenance, repair or upkeep of the equipment. There is no requirement for a Local Distributor to implement one system over another.

## **Section 5                    TEFAP Eligibility**

### **Enrolling Participants**

Any person or household may apply for TEFAP, and, if eligible, to receive USDA Foods for home consumption without regard to race, color, national origin, sex, age, or disability.

### **TEFAP Eligibility Criteria**

Regional Agents, Sub-Regional Agents or Local Distributors must only utilize the eligibility criteria and methods established by ODJFS.

### **Congregate Meals**

Participants seeking congregate meals are assumed eligible simply because they are seeking a meal. In other words, there are no eligibility requirements for congregate meals. Per [FNS Policy Memorandum FD-149](#), organizations approved to serve TEFAP foods to predominantly needy persons in the form of prepared meals may provide meals in take-out containers.

### **Soup Kitchen and Shelter**

A soup kitchen and shelter providing regularly scheduled on-site or home-delivered meals may use TEFAP USDA Foods in the meal preparation. USDA Foods must not be the singular source of food supply at a meal site. Other sources may include foodbanks, donated food, food drives or food purchase plans. A soup kitchen may be open to the general public or be located in a shelter that provides meals to only sheltered individuals or families. They may provide up to three regularly scheduled meals and a snack each day. Eligibility determinations are not required at meal sites. USDA Foods cannot be used to prepare meals in an unauthorized facility.

### **Predominately Needy**

Organizations providing prepared meals shall demonstrate, to the satisfaction of the Regional Agent to which they have applied for the receipt of TEFAP USDA Foods, that they predominately serve a needy population.

- Individuals, who are in receipt of food assistance or their income is at or below 200% of poverty are considered needy.
- Predominantly means that at least half of the individuals served by the organization.

Regional Agents shall not require organizations to employ a means test to determine that participants are needy, or to keep records solely for the purpose of demonstrating that its participants are needy. This includes having participants sign the JFS 04221 "Eligibility to Take Food Home" form. Regional Agents may consider the socioeconomic data of the area where the organization is located, or from which it draws its participants.

### **Household Distribution**

#### **Application Process**

Eligibility for receipt of TEFAP foods for home consumption is established at 200% of the current federal poverty level as established by the United States Department of Health and Human Services. Ohio uses the method of self-declaration to determine income eligibility. No verification for proof of income can be requested or required. The individual, who signs the JFS 04221 "Eligibility to Take Food Home" form or an ODJFS approved electronic equivalent, is certifying that the combined gross household income is at or below the income listed on this form.

At a minimum, applicants are required to provide their name, state, county of residence, zip code and the number of people living in the household by age. Applicants cannot be required to provide proof of address as a means to confirm geographic eligibility.

For participants who refuse to provide the minimum information, the Regional Agent, Sub-Regional Agent or Local Distributor will use its own city, zip code and county information. There is no requirement for length of residency.

### **Residency**

At the time of application, the household must reside in the state of Ohio to be eligible for TEFAP foods. The household must also live within the geographic area supported by the TEFAP Local Distributor. See [FNS Policy Memorandum FD-120 Participant Eligibility in TEFAP](#). A household who lives outside of the TEFAP Local Distributor's serving area, but is still an Ohio resident, may be served if the site has sufficient product, then be referred to a site closest to their self-declared location.

After the eligibility determination for TEFAP has been made and communicated to the participant, the Regional Agent, Sub-Regional Agent or Local Distributor may collect additional information. Such as, the address or phone number of the household for reasons such as to deliver USDA Foods or for food recall notification purposes.

### **Non-Adult TEFAP Applicants**

FNS does not have an age requirement for TEFAP eligibility. Youth who are disconnected from a household and are responsible for their own basic needs are allowed to use TEFAP providers and must be offered the same level of service as all other TEFAP participants.

### **Certifying Participants**

The certification period is a period of consecutive months during which a household is eligible to receive a distribution of TEFAP Foods.

- Begins the first month the household receives the TEFAP foods, and
- May not exceed 12 months.

To continue receiving TEFAP foods after a certification period has ended, the household must be recertified by reapplying and meeting eligibility requirements again.

### **Frequency of Eligibility Determinations**

Regional Agents, Sub-Regional Agents or Local Distributors must ask participants to attest their household remains eligible to receive TEFAP at each distribution. When ODJFS updates the income guidelines, Regional Agents, Sub-Regional Agents or Local Distributors must determine whether all previously eligible households continue to be eligible for TEFAP under the new guidelines.

At a minimum, applicants are required to provide their name, state, county of residence, zip code and the number of people living in the household by age. Applicants cannot be required to provide proof of address as a means to confirm geographic eligibility.

For participants who refuse to provide the minimum information, the Regional Agent, Sub-Regional Agent or Local Distributor will use its own city, zip code and county information. There is no requirement for length of residency.

### **Proxies**

A participant may designate a relative, friend or caregiver as their proxy to act on their behalf for receive TEFAP foods. This allows Regional Agents, Sub-Regional Agents or Local Distributors to serve homebound or working recipients and persons with disabilities.



At a minimum, the following proxy information must be collected:

- Proxy's name;
- Name of site;
- Authorization, including proxy name; and
- Duration of proxy.

Regional Agents, Sub-Regional Agents or Local Distributors must maintain each written proxy designation on file. A proxy must provide proof of identification before picking up a TEFAP food package on behalf of the participant.

### **Volunteers and Staff**

Agency volunteers and staff are entitled to TEFAP foods only if they meet the eligibility requirements. Eligible volunteers and staff may not be given extra food to encourage their help. Issuance rates may not be exceeded.

### **Confidential Applicant and Participant Information**

TEFAP regulations at 7 CFR 251.10 define confidential applicant and participant information as any information about an applicant or participant, whether it is obtained from the applicant or participant, another source, or generated as a result of a TEFAP application, certification, or participation, that individually identifies an applicant, participant, and/or their family member.

Confidential applicant and participation information includes information provided during the intake process for TEFAP eligibility purposes (e.g., name, number of persons in the household, household income) in addition to information collected from TEFAP applicants and participants for purposes unrelated to TEFAP eligibility (e.g., date of birth, occupation, education level, household address). Applicant and participant information is confidential regardless of the original source and exclusive of previously applicable confidentiality provided in accordance with other Federal, State, or local law. See [FNS Policy Memorandum FD-160 Confidentiality Protections in TEFAP](#).

## **Distribution**

### **Food Packages vs Participant Choice**

Food products may be pre-packaged or made available to participants through a client choice procedure. With client choice, clients can choose from a variety of options which foods to include in their food package. With either option, participants may choose to decline food that will not be consumed by the household in a timely manner. It is up to the TEFAP outlet to determine which option works best for their operation.

### **Local Distributor**

A Local Distributor may be a food pantry, soup kitchen or shelter. Distribution of foods may vary from site to site. TEFAP foods are to be incorporated into the LDs inventory and provided to all eligible clients as part of the food package. TEFAP foods are not to be the singular source of food supply at a LD. Other sources of food may include foodbanks, donated food, food drives or food purchase plans. All LDs are encouraged to establish a client choice model of distribution, permitting the client to have in-put into the food package they receive. A LD who receives TEFAP foods must follow the same storage and warehousing requirements as a Regional Agent or Sub-Regional Agent. The LD becomes responsible for TEFAP foods when physical delivery is taken. Liability for loss, theft or damage due to negligence is the sole responsibility of the LD.

All USDA Foods carry an assigned value based on USDA's cost of purchasing, processing and distribution of the food products to states.

In order to guarantee its quality and safety, each LD is responsible for the proper storage and handling of USDA food products. Premature deterioration of food products is often the result of improper storage conditions and practices. Every effort must be made to reduce loss due to spoilage, pest infestation and theft by following accepted warehousing methods. This action not only ensures quality products being distributed but also protects the Local Distributor from claim action to recover the value of the lost product.

A Local Distributor receiving USDA Foods must allow clients to access food, at a minimum, on a monthly basis. **While a once-a-month food give-away is discouraged, a once-a-month give-away of only USDA Foods is prohibited.** A Local Distributor must establish and post regular hours of operation and may establish a procedure for on-call access. This policy will help to establish and maintain a statewide minimum level of service.

Regional Agents may, at their discretion, develop distribution rates for their service territory. Among the factors that may be considered are: the amount of food available in inventory, number of persons in the household, number of clients served by the Local Distributor, and frequency of distribution.

Local Distributors shall not charge participants any fees, require membership or require individuals to obtain a referral for service from another social service agency, church or referral service as a condition for receipt of USDA Foods. Although referral services may be utilized to maintain a flow of clients to geographic areas within the service territory, it cannot be used to screen clients or to make eligibility determinations. The Local Distributor must ensure to follow client eligibility screening protocols. A client shall not be denied service for lack of a referral or an appointment. An individual, who walks into a Local Distributor requesting food must be served in the same manner as one with a referral or an appointment and, if applicable, be advised of the appropriate geographic location for future service.

### **Food Lockers**

Temperature controlled food lockers are a way to provide 24/7 access to shelf stable, refrigerated, and frozen food items enabling TEFAP recipients to pick up food at their convenience and bypassing limited, traditional Local Distributor hours. Participants may order through an online system to pick up at a designated location after receiving a one-time PIN code to unlock the refrigerated locker.

### **Private, For-Profit Companies TEFAP Foods Deliveries**

In accordance with [FNS Policy Memorandum FD-149 Questions and Answers about Flexibilities in TEFAP to Streamline Distribution of Foods and Reduce Barriers to Participation](#), ODJFS allows for commercial entities, such as DoorDash, to provide home delivery services to TEFAP participants. An agreement or contract must be in place between the company and the Regional Agent, which ensures that the delivery service adheres to all TEFAP program regulations.

At a minimum, a contract or service agreement for these delivery services must require that the company provides:

1. Safe storage and transportation of TEFAP foods (to include refrigerated and frozen foods) in compliance with program regulations at 7 CFR 250;
2. All applicable records required by the State or Regional Agent, including at minimum a list of households distributed to; and
3. An assurance that the privacy and confidentiality of participant information will be maintained.

If the Regional Agent plans to use TEFAP administrative funds to procure for this service, they must follow procedures outlined in 2 CFR 200, subpart E, and all applicable state and local procurement regulations. If the Regional Agent is procuring for these services, proper documentation must be maintained in accordance with the Regional Agent's procurement plan.

If the for-profit company is donating its services, the Regional Agent 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.

*TEFAP Regional Agent Responsibility*

Employees of a for-profit delivery services may not collect participant information or make eligibility determinations for new participants. Additionally, such employees may not be considered proxies for participants. The Regional Agent must ensure responsibility of carrying out major local responsibilities and not pass these along to a private company.

**Disaster**

The SDA can provide USDA Foods for congregate meals and/or household distribution during a Presidentially-declared disaster or emergency, or a situation of distress. USDA Foods programs operate in every state and U.S. territory; and statutory and regulatory authorities allow USDA Foods SDAs to leverage current USDA Foods inventories to serve people affected by disasters, emergencies, and situations of distress.

The SDA may provide a disaster organization (e.g., American Red Cross or Salvation Army) with USDA Foods from any Regional or Sub-Regional Agent's current inventories to provide congregate meals to persons in need of food assistance as a result of a Presidentially declared disaster or emergency or situation of distress.

A disaster organization may provide USDA Foods to emergency relief workers at congregate meal sites who are engaged in providing relief assistance.

The SDA must ensure that the operation of congregate meal service and/or disaster household distribution in situations of distress is not administered in lieu of regular program operations nor does it negatively impact the distribution of USDA Foods through other programs administered by the SDA. See [FNS Policy Memorandum FD-093 Questions and Answers about Disaster Policies and Procedures](#).

<b>Congregate Meals</b>	7 CFR 250.69 Disasters	7 CFR 250.70 Situations of Distress
Trigger Event	Presidentially declared disaster/emergency	Localized/state-declared natural event (e.g., flood, hurricane, or snowstorm)
FNS Approval	Not required but must notify FNS that such assistance is to be provided and the period of time that it is expected to be needed.	Required if assistance exceeds 30 days or is not a natural event.
Food Replacement	Must submit FNS-292A within 45 days following the termination of disaster assistance.	Only if funds are available but still must submit FNS-292A within 45 days.
Duration	As long as needed, as approved by FNS.	Often limited (e.g., 30 days for natural events)
Report Requirement	Must submit FNS-292A within 45 days from the termination of assistance.	Must submit FNS-292A within 45 days from the termination of assistance.
<b>Household Distribution</b>	7 CFR 250.69 Disasters	7 CFR 250.70 Situations of Distress
Trigger Event	Presidentially declared disaster/emergency	Localized/state-declared natural event (e.g., flood, hurricane, or snowstorm)
FNS Approval	Requires prior FNS approval	Requires prior FNS approval
Food Replacement	Must submit FNS-292A within 45 days following the termination of disaster assistance.	Only if funds are available but still must submit FNS-292A within 45 days following the termination of disaster assistance.

Duration	Distribution may continue for the period that FNS has determined to be necessary to meet the needs of such households.	Distribution may continue for the period of time that FNS determines necessary to meet the needs of such households.
Report Requirement	Must submit a biweekly report to FNS, utilizing the format requested by FNS, for the approved disaster period.	Must submit a biweekly report to FNS, utilizing the format requested by FNS, for the approved disaster period.

**Prohibited Activity**

TEFAP USDA Foods are not to be sold, exchanged or used for personal gain. A Local Distributor is prohibited from repackaging USDA Foods. No USDA Foods are to be opened, altered or removed from the unit containers except for meal preparation at a Local Distributor meal sites.

## Section 6            Responsibility of USDA Foods

### USDA Foods Available

For a list of available USDA Foods that might be available through TEFAP, go to [USDA Foods Available List for TEFAP | Food and Nutrition Service](#). Click on “USDA Foods Available List for TEFAP.”

### Shipment of Product from USDA to a Regional Agent or Sub-Regional Agent

USDA provides for the transportation of program foods to the Regional Agent and/or Sub-Regional Agent warehouse. Federal program shipping policy allows for two stops and a final drop on loads, unless otherwise stated.

### Direct Shipments

The vendor or carrier must arrange direct delivery shipment appointments with the Regional Agent or Sub-Regional Agent at least seventy two hours before the expected delivery date. For split shipments, the vendor or carrier must arrange for a delivery appointment with each Regional Agent and/or Sub-Regional Agent. The vendor or carrier may make an earlier delivery than scheduled, only if a new delivery date has been arranged that is acceptable to the Regional Agent and/or Sub-Regional Agent. When the vendor or carrier arrives without a delivery appointment or is late for an appointment, the Regional Agent and/or Sub-Regional Agent should accept the shipment, if able, or work with the vendor or carrier to schedule delivery at a later time. When a carrier does not make a delivery appointment in advance, it is recommended that when receipting for the delivery in the Web Based Supply Chain Management System (WBSCM), the Regional Agent or Sub-Regional Agent report the issue in the comment section, along with identifying the carrier.

For shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), the vendor must create the ASN in WBSCM in advance of delivery of the USDA Foods shipment to provide the consignee sufficient advance notice of the delivery. The delivery appointment should be arranged with the consignee before entering the ASN into WBSCM. The vendor is encouraged to enter an ASN as soon as a delivery appointment is scheduled but is required to do so not less than 24 hours before the delivery. The ordering organization and receiving destination designated in WBSCM will receive the ASN by email.

### Shipping Destination Changes – Direct Orders Only

When a Regional Agent needs to change the shipping destination for shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), after the purchase order (e.g., WBSCM shows the order is in the “Purchase” status) has been issued, must submit a request to the Food Programs Area which in turn must submit the request to the FNS MWRO). The change request must be submitted at least forty-five (45) days prior to the 1st day of the delivery period. For example, if the delivery period was for 9/15/2025, then the request must have been submitted by 7/15/2025. The new destination must already exist in WBSCM.

### Seals

Seals are used to provide evidence of tampering and can assist in the detection of theft. In accordance with [FNS Instruction 709-5 Shipment and Receipts of USDA Foods](#), the Regional Agent or Sub-Regional Agent shall inspect each shipment and commercial delivery document (e.g., Bill of lading) carefully prior to unloading to ensure that the seal is intact, to determine the overall condition of the USDA Foods, the number of cases in the shipment, and to ensure the accuracy of the receipt. If the seal is broken or lacking, or the serial number on the seal does not match the number on supporting documentation (e.g., BOL), the Regional Agent, Sub-Regional Agent must immediately notify Food Programs staff to seek approval to refuse the shipment, including split shipments.

Per [FNS Policy Memorandum FD-152 Discontinuance of the High Security Seal Requirement for USDA Foods Deliveries](#), the United States Department of Agriculture's Agricultural Marketing Service (AMS) discontinued the requirement for vendors to use high security seals to secure USDA Foods deliveries. USDA deliveries received are now required to have a tamper-evident commercial flat metal, wire, or plastic security seal.

#### *Re-Sealing for Subsequent Delivery*

It is the responsibility of the vendor or carrier to reseal and rebrace the truck for subsequent deliveries, such as in split shipments.

#### **USDA Inspector**

All shipments that require inspection (i.e., fresh fruit and vegetables, frozen meats) are scheduled by the vendor, which most inspections take place at the point of origin (i.e., shipping point) and does not require the State agency or the Regional Agent and/or Sub-Regional Agent to make the necessary arrangements.

#### **Shipment Inspection Procedures**

The Regional Agent or Sub-Regional Agent must examine all USDA shipments, prior to accepting or unloading the USDA Foods to determine the following:

- Intact Seal
- The temperatures for refrigerated and frozen products are adequate to ensure that USDA Foods are in good condition.
- If there is damage to canned goods, such as dented, bulging, discolored, or disfigured cases or cans, which might indicate spoilage or deterioration.
- If there are any cases of USDA Foods, such as nonfat dry milk, flour, or other products, show signs of insect or rodent infestation.
- If there is a shortage or overage in the USDA shipment.

#### **Unloading the Shipment**

The Regional Agent or Sub-Regional Agent is responsible for unloading the shipment of USDA Foods and for removing and disposing of dunnage and other debris.

For shipments of frozen or refrigerated USDA foods, the Regional Agent or Sub-Regional Agent must ensure the freezer or refrigeration unit remains on during unloading. The Regional Agent or Sub-Regional Agent is responsible for unloading palletized loads, even if they do not have the proper equipment to handle the pallets. In addition, a Regional Agent or Sub-Regional Agent should inquire at the time of delivery scheduling if any USDA direct shipments are slip-sheeted rather than palletized. The Regional Agent or Sub-Regional Agent is responsible for providing the proper equipment and off-loading labor for handling slip-sheeted loads.

#### **Free Time**

The Regional Agent or Sub-Regional Agent must complete the unloading of the shipment and removal of dunnage and other debris within the period of free time.

- For palletized loads, free time is up to two hours.
- For non-palletized loads, free time is up to six hours.

USDA may make exceptions for additional free time. Failure to complete unloading within the free time may incur a demurrage or detention charge, which the Regional Agent or Sub-Regional Agent may be obligated to pay.

The Regional Agent or Sub-Regional Agent may request reimbursement for costs associated with restacking items that arrive unpalletized or pallets that arrive poorly stacked if appropriate

documentation, including photographs, is provided to Food Programs staff before the shipment is accepted. Fees levied on the vendor or carrier (e.g., gate fees or lumper fees) are not permissible.

### **Over, Short, or Damaged Shipments**

When a USDA shipment is received and found to be over or short in quantity or contains damaged USDA Foods, the Regional Agent or Sub-Regional Agent should not accept the order or sign the Bill of Lading (BOL) until the Regional Agent or Sub-Regional Agent warehouse staff agrees with the amount stated on the BOL. Both the driver and the receiver are required to sign and date the BOL to verify receipt, condition, quantity and temperature to ensure proper documentation for WBSCM receipting. The receiving representative should ensure all notations and their signature is clearly legible on the BOL. Once the BOL is signed, title is transferred to the Regional Agent or Sub-Regional Agent. By signature of the warehouse representative, the Regional Agent or Sub-Regional Agent assumes liability and will be held financially responsible for product shown on the BOL.

When USDA Foods are in questionable condition (i.e., damaged, infestation) or the quantity is not correct, then the Regional Agent or Sub-Regional Agent must take the following steps:

- Take photos of the product label, product codes, and pack date or Best if Used by (BIUB) date, if applicable.
- Document any issues on the BOL when signing.
- Obtain the signature of delivery/warehouse personnel on the BOL.
- Note the issues in the comment section in WBSCM when receipting.
- Report issue to Food Programs staff.

When a shipment is received that exceeds the ordered amount, the Regional Agent or Sub-Regional Agent must contact the Food Programs staff for further direction. The Regional Agent or Sub-Regional Agent is not permitted to keep overages that exceeds their quantity ordered.

### **Salvage of USDA Foods**

It is the Regional Agent or Sub-Regional Agent's responsibility to save as much of the USDA Foods as practicable, when some of the USDA Foods in a damaged shipment are salvageable. Out-of-pocket expenses during a salvage operation may be reimbursable by USDA.

### **Reimbursement for Expenses**

The Regional Agent or Sub-Regional Agent may request, through the SDA, for expenses incurred in unloading, storing, inspecting, or disposing of USDA Foods that are delivered out-of-condition. Such as, the costs associated with restacking items that arrive unpalletized or pallets that arrive poorly stacked if appropriate documentation, including photographs, is provided to Food Programs staff before the shipment is accepted. Fees levied on the vendor or carrier (e.g., gate fees or lumper fees) are not permissible. In making such request for reimbursement, the Regional Agent or Sub-Regional Agent must use form FSA-21, "Public Voucher – Commodity Programs", which the SDA must submit to the FNSRO.

### **Reject Shipment**

When a Regional Agent or Sub-Regional Agent determines that all, or a major portion, of the USDA Foods in a shipment are out-of-condition, Food Programs staff must immediately be notified, who must in turn must notify the FNSRO. FNS will consult with the Contracting Office, as applicable, to determine if the shipment is to be rejected, or if an inspection by State or local health authorities or authorized USDA agent must first be obtained to determine the condition of the USDA Foods. A Regional Agent or Sub-Regional Agent is not authorized to reject a shipment without first obtaining approval from ODJFS Food Programs Staff to do so.

When making the request for refusal, the Regional Agent or Sub-Regional Agent must include the BOL; quantity of the product(s) in question; photographs/videos of the product(s), including applicable product label(s) and temperature readings, if applicable.

## **Electronic Receipting for USDA Foods**

[FNS Instruction 709-5 Shipment and Receipt of USDA Foods](#), Shipment and Receipt of USDA Foods, establishes the responsibilities for shipment and receipt of USDA Foods. The standards and procedures in this instruction are necessary to determine whether shipments of USDA Foods are received in optimal condition and the quantities ordered, and in ensuring the proper disposition and replacement of USDA Foods when circumstances warrant. Each Regional Agent shall enter all shipping receipts within two calendar days of delivery into WBSCM.

## **Storage and Handling**

A Regional Agent or Sub-Regional Agent becomes responsible for USDA product when physical delivery is taken. Liability for loss, theft or damage due to negligence is the sole responsibility of the Regional Agent or Sub-Regional Agent. In order to guarantee its quality and safety, each Regional Agent or Sub-Regional Agent is responsible for the proper storage and handling of USDA food products. Premature deterioration of food products is often the result of improper storage conditions and practices. Every effort must be made to reduce loss due to spoilage, pest infestation and theft by following accepted warehousing methods. This action not only ensures quality products being distributed but also protects the Regional Agent or Sub-Regional Agent from claim action by ODJFS to recover the value of the spoiled or lost product.

Food storage areas shall provide protection from weather, fire, theft and pests. Aisles between pallets shall be wide enough to provide easy access for inspection, inventory and pulling of product. All USDA food products are to be stored at the Regional Agent or Sub-Regional Agent warehouse or at a storage facility contracted for by the Regional Agent or Sub-Regional Agent. A Regional Agent and Sub-Regional Agent must follow good warehouse and storage practices. Functional thermometers must be present and visible in all storage areas. Temperature logs shall be maintained for all storage areas. The log shall document the date and time, the registered temperature and signature or initials of person checking the temperatures. This log is an important document to support the ongoing maintenance of proper storage conditions and shall be maintained on file in accordance with record retention requirements. These practices include, but are not limited to:

- Keeping all food no less than 6" off floor, stored on pallets, platforms or shelves.
- Keeping all food no less than 6" away from walls. This promotes air circulation and accommodates pest control.
- Keeping all non-food items separate from food. Toxic items (soap, bleach, cleaning supplies, etc) must be kept away from food items.
- Keeping floors, pallets and shelving clean.
- Keeping doors, windows and roofs well sealed to prevent pest entry and water damage.
- Maintaining proper temperatures.
- Maintaining a good pest control system.
- Having a qualified person on staff or a contract with a licensed firm to handle pest control management.
- Maintaining equipment including: regularly checking for leaky compressors in freezer and refrigeration units, hydraulic forklift leaks, etc.
- Maintaining analog thermometers in all freezer and refrigeration units and dry storage areas.
- Maintaining temperature logs for each area.
- Assuring that all Local Distributors have thermometers in place and that freezer, refrigeration units are adequate, operative, and temperature logs are utilized.
- Storage of USDA Foods (e.g., TEFAP) must permit them to be distinguishable from non-USDA Foods.

All USDA food products have the pack date on the cases. To assure the quality and freshness of USDA food products, utilizing the First Expired, First Out (FEFO) method of inventory management prioritizes the use of products with the closest expiration dates first. A Regional Agent or Sub-



Regional Agent warehouse and contracted storage facilities shall maintain a running inventory of all USDA food products. ODJFS staff shall routinely assess foodbank inventory levels to assure that TEFAP product inventories are not excessive.

## **Dry Food Storage**

Dry food products shall be stored:

- At 50 – 85 degrees F,
- Away from direct sunlight,
- A minimum of no less than 6” off the floor,
- A minimum of no less than 6” away from walls, and
- In a clean and secure storage area that is inspected regularly.

The basic rules for stacking food products are:

- Limit the height of the stack so cases of food on the bottom layers will not be crushed; cross-stack cases on pallets to ensure the stack will be sturdy and solid and will not tip when being moved.
- Shrink wrapping provides added stability.
- Stack cases away from potential damage by heat, steam or water.

## **Refrigerated and Frozen Food Storage**

*Food products requiring refrigeration shall be:*

- Refrigerated at temperatures of 32 - 36 degrees F,
- Stored to allow for proper air circulation, and
- In a refrigerator that is clean and inspected on a regular basis.

*Frozen food products shall be:*

- Stored in a freezer that can maintain a temperature at 0 degrees F or below,
- Stored to allow for proper air circulation, and
- Stored in a freezer unit that is clean, secure and regularly inspected.

Cooler, freezer, and dry storage temperatures must be checked and recorded during regular business hours, and shutdown or vacation periods.

- A minimum of every other day,
- Immediately after a power loss is known or suspected, and
- Late each Friday afternoon and early each Monday morning (if operations are suspended during weekends).

## **Maintenance of Storage Area**

- An ongoing system of pest control is required. Pest controls such as traps and glue boards are recommended. Place traps along walls and near doorways, moving the traps monthly.
- Pest control poisons must be approved by USDA for use in food storage and distribution facilities.
- Poisons may only be used by a licensed professional.
- Ensure there is a cleaning schedule established listing the necessary frequency of cleaning for each location. Floors, including under pallets, should be swept and cleaned at least monthly. Floors in high traffic areas require regular cleaning. Area soiled by spillage or breakage must be cleaned immediately. Broken pallets should be discarded and dirty pallets cleaned.
- Empty pallets should be stored apart from food products.

- Maintenance of the exterior of the warehouse must not be overlooked. The building and grounds should be inspected regularly for signs of fire hazard, pest infestation, security problems and needed repairs. An eighteen-inch exterior barrier of weed and grass control must be maintained to facilitate inspections. Garbage, waste or rubbish must be disposed of frequently and not allowed to become nesting areas for pests.

### **Damaged and or Out-Of-Condition Product**

Out-of-condition products are USDA foods that are no longer fit for human consumption as a result of spoilage, contamination, infestation, adulteration, or other damage. Bulging cans or cans with sharp dents and rust on the seams are examples of out-of-condition products. Hidden damage may be found after the product has been accepted into the warehouse. All incidents of damaged and/or out-of-condition product must be reported to ODJFS within 10 days of discovered loss on the JFS 01433 Loss of USDA Foods Report. The information required is:

- Regional Agent or Sub-Regional Agent name,
- Address,
- USDA product information (material number, product description, quantity amount lost),
- Description of damage or loss,
- Contact Person,
- Date damage/loss discovered.
- Party responsible for loss
- Program Type (e.g., TEFAP), and
- \$ value of loss (as determined by USDA's assigned value, no other sources/formulas to be used)

Before disposing of USDA Foods that is infested or spoiled a Regional Agent or Sub-Regional Agent shall contact ODJFS staff for further instruction. Product must be disposed of through a contracted service which provides a disposal or dump certificate. All information is to be forwarded to ODJFS for claim resolution determination (if applicable) within ten days of discovered loss.

A Regional Agent or Sub-Regional Agent is required to establish a procedure to record instances of damage and/or loss of USDA Foods by a Local Distributor. The procedure shall include the collection of the following information:

- Local Distributor name, address, contact person and phone number,
- Product name, delivery order number and quantity affected,
- Date damage/loss discovered,
- Explanation of damage/loss, and
- Disposition of product.

### **Claim Action**

As described in [FNS Instruction 410-1](#), ODJFS shall investigate any loss of USDA foods, or any improper use or loss of funds regardless of the value of the loss, in order to determine if a claim must be pursued against the party responsible for the loss. Such claim determination shall be completed within thirty days from the date of discovery of the loss, or from the date that information was first received indicating that the loss had occurred, whichever is later. As part of the claim determination, the Regional Agent shall report any loss of USDA foods, or any improper use or loss of funds to ODJFS via the JFS 01433 "Report of Storage Loss and or Damage" within ten days from the date of discovery.

No claim determination shall be required when the value of the lost USDA Foods does not exceed \$500. However, no claim shall be disregarded when the loss occurred as a result of the following:

- Theft;

- Embezzlement;
- Willful misapplication; or
- Fraud

ODJFS shall maintain records and substantiating documentation on all claim actions and adjustments including documentation of those cases in which no claim was asserted because of the minimal amount involved. In making final claim determinations for commodity losses incurred by a Regional Agent or Sub-Regional Agent when there is no evidence of fraud or negligence, ODJFS and MWRO shall consider the special needs and circumstances of the Regional Agent or Sub-Regional Agent and adjust the claim and/or conditions for claim collection as appropriate. These special needs and circumstances include but are not limited to the Regional Agent or Sub-Regional Agent's use of volunteers and limited financial resources and the effect of the claim on the organization's ability to meet the food needs of low-income populations.

USDA Foods that are left out of their original environment (e.g., refrigeration or freezer) will automatically result in claim action unless a reasonable explanation is given.

When assigning a dollar value to the loss of USDA Foods, the Regional Agent and Sub-Regional Agent must utilize the price listed at the time of receipt in the Web-Based Supply Chain Management (WBSCM) system. No other organization's method can be used

### **Transfer of TEFAP Foods**

In order to ensure that TEFAP foods are utilized in a timely manner and in optimal condition, the Regional Agent or Sub-Regional Agent may transfer TEFAP foods to another TEFAP Regional Agent or Sub-Regional Agent to prevent waste. Excess inventories may be transferred between Regional Agents only when prior notice has been provided to ODJFS. Records documenting the transfer must be maintained by both Regional Agents.

### **Process for Transferring TEFAP Foods**

A Regional Agent or Sub-Regional Agent must obtain approval first from ODJFS. ODJFS does not need FNS approval to transfer TEFAP foods within the same program. However, if transferring TEFAP foods to another program, ODJFS must request approval from FNS.

- EXAMPLE: Foodbank A cannot utilize, timely and in optimal condition, CSFP green beans. ODJFS will facilitate the transfer of CSFP green beans to Foodbank B, who also operates CSFP and is in need of the item. The transfer does not require FNS approval.
- EXAMPLE: Foodbank A notifies ODJFS of an excess of The Emergency Food Program (TEFAP) corn and requests to transfer the corn to Food Bank B, who operates CSFP and TEFAP. The same TEFAP corn must also be found available under CSFP. ODJFS must request approval from FNS because the transfer occurs across two programs — CSFP and TEFAP. All entities must maintain records of a transfer.

### **Insurance**

A Regional Agent or Sub-Regional Agent must obtain insurance to protect the value of USDA Foods inventories. Reasonable insurance premiums are allowable costs. The insurance amount must be at least equal to the entity's average monthly value of month-end USDA Foods inventories in the previous fiscal year (as determined by one of USDA's Foods valuation methods in 7 CFR Part 250). FNS has reserved the right to grant an exemption to entities that maintain a small amount of USDA Foods inventory. Refer to [FNS Policy Memorandum FD-139](#) Clarification on Inventory Protection Requirements.

### **Holds and Recalls**

FNS notifies ODJFS of a hold or recall providing instructions, replacement of recalled foods, and reimbursement of specific costs related to the recall. ODJFS will notify Regional Agents and may request them to report the amount of affected product in their possession, as well as whether the product was delivered to subagencies. If USDA Foods are on hold, the Regional Agent or Sub-Regional Agent, if applicable, must segregate the product until FNS either releases the hold or provides further information.

### **Public Notification of a Recall**

ODJFS recommends that the Regional Agent or Sub-Regional Agent, if applicable, broadcast recall information in ways that a participant can be reached. The Regional Agent or Sub-Regional Agent may take further action as they deem necessary.

### **USDA Foods WBSCM Complaints**

The Regional Agent or Sub-Regional Agent must report all USDA Foods orders received that have shortages, overages, and damages to Food Programs staff, who will enter a complaint in the Web-Based Supply Chain Management (WBSCM). The following information must be provided:

- Sales order number;
- Product material number;
- Product description;
- Description of the problem and if applicable, whether anyone reported feeling sick or being injured from consuming the product;
- Date product was received;
- Quantity of product involved (affected);
- Digital photographs of damaged product, along with can and case codes;
- Quantity and physical address of product remaining and if the remaining product is affected or not;
- Specific description of the issue involved (for example - "I received the damaged canned products 2 months ago, but the cases were located in the middle of a pallet that could not be seen until the cases were broken out." Or, "the temperature in the delivery truck was 40 degrees when the discolored frozen products were delivered.")

When requesting a replacement, the Regional Agent or Sub-Regional Agent should retain the unopened product until the Food Programs staff receives further directive from the USDA Foods Complaint Specialist at FNS, so that the vendor can exercise his right to examine or retrieve the product.

### **USDA Foods Order Cancellation**

A Foodbank can request to cancel an order that is still in the "Approved by SDA" status and is a "non-seasonal" Fruit / Vegetable. Once an order moves to the "Purchased" status, any change to the order requires a Purchase Order (PO) modification, which must be submitted to FNS at least 45 days prior to the first day of the delivery period.

## **Section 7                      Civil Rights**

### **And Justice For All Poster**

All agencies must have posted at their facility, in plain sight, Form AD-475A “And Justice For All” poster available on the web at [Form AD-475A](#). All information materials and sources, including websites, used by Regional Agents, Sub-Regional Agents and Local Distributors to inform the public about FNS programs shall contain the full non-discrimination statement. It is not required that the non-discrimination statement be included on every page of the program website. At a minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information. When the material is too small to permit the full non-discrimination statement to be included, the material shall, at a minimum, include the following statement in print size no smaller than the text: “This institution is an equal opportunity provider”.

The following non-discrimination statement applies to ODJFS and its Regional Agents, Sub-Regional Agents and Local Distributors:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf> from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

(1) mail:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW

Washington, D.C. 20250-9410; or (2) fax: (833) 256-1665 or (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

### **Unrelated Activities**

As a condition of receipt of USDA Foods, Regional Agents, Sub-Regional Agents and Local Distributors cannot require or coerce clients to:

- Attend a religious service,
- Participate in prayer,
- Join a counseling group,
- Attend budgeting, parenting or job training classes, and or
- Do odd jobs.

Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at sites as long as:

- The person(s) conducting the activity makes it clear that the activity is not part of TEFAP and is not endorsed by USDA and or ODJFS.
- Cooperation in the activity is not a condition of the receipt of program USDA Foods.
- Information about the activity is not placed in or printed on bags or boxes in which USDA Foods are distributed.
- Program participants cannot be solicited to contribute money, sign petitions or converse with the persons conducting the activity.
- The activity is not conducted in a manner that disrupts the distribution or meal service.

ODJFS, Regional Agents, Sub-Regional Agents and Local Distributors must promptly investigate discrimination complaints received in connection with the distribution of program USDA Foods. All agencies shall maintain a record of complaints, investigations and resolutions. USDA reserves the right to conduct investigations and make the final determination on the proper handling of all complaints.

#### **Written Notice of Beneficiary Rights for TEFAP**

In accordance with 7 CFR Part 16.4, all organizations administering TEFAP must provide a written notice to all beneficiaries and prospective beneficiaries of certain protections in a manner and form prescribed by [Policy Memorandum FD-155](#).

To notify current and future or prospective beneficiaries, organizations providing TEFAP services must supply written notice of beneficiary protections by posting the JFS 01409 “Written Notice of Beneficiary Rights” at service locations. The posted JFS 01409 notice must be visible to all TEFAP beneficiaries and prospective beneficiaries upon entrance into the distribution site.

Note: [FNS FD-154 “Cancellation of Policy Memoranda FD-138 and FD-141”](#), the guidance provided by these memoranda is outdated following publication of an amended final rule in 2020.

## **Section 8    Records and Reports**

### **Regional Agent and Sub-Regional Agent Reports to ODJFS**

A Regional Agent, Sub-Regional Agent or Local Distributor must maintain records to document the receipt, disposal and inventory of USDA Foods that they, in turn, distribute to eligible Local Distributors or program participants. A Local Distributor must sign a receipt for USDA Foods, which they receive for distribution to households or for use in preparing meals. Records of all such receipts must be retained by the Regional Agent, Sub-Regional Agent and the Local Distributor, respectively.

A Regional Agent is required to submit a monthly report of all USDA Foods activity to ODJFS. A Sub-Regional Agent may be required to submit a monthly report to the Regional Agent for this purpose.

### **Local Distributor Reports to Regional Agent or Sub-Regional Agent**

A Local Distributor must submit a monthly activity report, which provides statistical information on the number of individuals and households with and without children served as detailed on the form designed by ODJFS.

The Local Distributor reports will be consolidated by the Regional Agent or Sub-Regional Agent into one statistical report form providing a compilation of the local agency data. The consolidated report must be submitted to ODJFS by the end of the month following the month to which the report pertains.

### **TEFAP Inventory**

The TEFAP inventory report is due to ODJFS no later than the second Friday of the month following the month to which the report pertains and must include the beginning inventory, receipts, distribution amounts, gains, losses and reconciliation to physical count. All Regional Agents must use the TEFAP Inventory form developed by ODJFS.

### **Records Retention**

All program records are to be maintained for a period of five years from the close of the federal fiscal year to which they pertain, or longer if related to an audit or investigation in progress. Regional Agents and Sub-Regional Agents must maintain records to document the receipt, disposal, and inventory of USDA Foods received. The records must be reasonably accessible at all times for use during management evaluations, site reviews, audits or investigations.

### **Report Forms**

The following is a list and description of all TEFAP related reports. (Links to all forms available online may be found in the Appendix.)

#### **JFS 01409 Written Notice of Beneficiary Rights**

State form that provides notice to all beneficiaries and prospective beneficiaries of certain protections prescribed by Policy Memorandum FD-155.

#### **JFS 01433 Loss of USDA Foods**

State report form to be used when reporting incidents on the loss of USDA Foods. The Regional Agent shall report any loss of USDA Foods, or any improper use or loss of funds to ODJFS within ten days from the date of discovery.

#### **JFS 04221 TEFAP Household Eligibility**

State form to be used by applicants/participants to apply for TEFAP foods.

#### **JFS 01428 Foodbank Monthly Statistical Report**

State form to be used by a Regional Agent and/or Sub-Regional Agent in reporting monthly participation statistics. The report is due to ODJFS within 30 days of the reporting month.

**JFS 01429 Local Agency Monthly Statistical Report**

State form to be used by a Local Distributor in reporting monthly participation statistics to the Regional Agent and/or Sub-Regional Agent. All Local Distributors should submit the form by the 15<sup>th</sup> of the month to which the report pertains or within a timeframe determined by the Regional Agent and/or Sub-Regional Agent.



## **Section 9                    USDA Food Distribution National Policy Memoranda**

USDA continually issues administrative guidance via policy memorandum for all food distribution programs. Copies of the memoranda can be obtained online at the USDA website: <https://www.fns.usda.gov/fdd/policy>

## Appendix

The Appendix includes a list of federal and state forms. The USDA FNS forms may be found online at the USDA website: <https://www.fns.usda.gov/resources> The “And Justice for All” poster may be found online at: [And Justice For All](#) The JFS forms for Regional Agent, Sub-Regional Agent and or Local Distributors may be found online at the JFS Forms Central website: <http://www.odjfs.state.oh.us/forms/inter.asp>