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## Section 1 INTRODUCTION

### PURPOSE

The Manual contains information about The Emergency Food Assistance Program (TEFAP) policies, rules, and regulations for Eligible Recipient Agencies (ERAs) and their food outlets (food pantries, soup kitchens, domestic violence shelters, or homeless shelters).

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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## TERMS, DEFINITIONS & ACRONYMS

The following is a list of federal, state and local terms, acronyms and definitions used throughout the manual.

**ADA** – American with Disabilities Act of 1990. Title III of the Americans with Disabilities Act requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from our country’s businesses and services and to afford our businesses and services the opportunity to benefit from the patronage of all Americans. To receive an ADA compliance checklist, contact you Disability and Business Technical Assistance Center. To be automatically connected to your regional center call 1-800-949-4ADA.

**Client Choice** – Allows clients to choose from all the food products and non-food products that are available in a pantry. These choices may have limitations on particular products and the number of allowable items may vary because of the availability of products. Different forms of client choice are allowable based on space restrictions. However, clients must always be allowed to choose pantry items and food distributions **cannot include pre-packed bags or boxes** unless directed by ISDH to alleviate a public health concern.

**CFR** – Code of Federal Regulations. Contains regulations governing federal programs. 7 7 CFR 250 and 7 CFR 251 govern The Emergency Food Assistant Program.

**DFR** – Division of Family Resources, formerly known as the Welfare Office.

**Domestic violence shelter** – A facility that houses families that are, or have been, victims of domestic violence, offering room, board and ancillary services.

**ERA** – Eligible Recipient Agency. An agency that has entered into an agreement with ISDH to administer the distribution of USDA food products within their service area.

**Food bank** – A non-profit/not-for-profit organization that can, but is not required to, be a member of Feeding America, a Subsidiary Distribution Organization (SDO) or an independent agency that distributes USDA food products and privately donated food within a designated service area. Food banks may charge maintenance fees for poundage of privately donated food and non-food items. Food banks shall not require membership in order to receive USDA food items nor charge a maintenance fee for USDA food products.

**Food outlet** – A physical location where food and/or non-food products are given to an eligible recipient. A food outlet may be a food pantry or soup kitchen. A food outlet cannot be a private home or a for-profit entity.

**Food pantry** – A non-profit organization that provides donated food in sufficient variety and quantity in order to meet some of the nutritional needs for a family or individual. The pantry maintains regularly scheduled hours. Food products and non-food products must be available on a continual basis and must be distributed with privately donated food in addition to USDA



food products. Clients must be able to choose among all items in the pantry unless instructed otherwise by ISDH. Food pantries may be mobile operations subject to ISDH approval.

**Food products** – Dry, refrigerated and/or frozen food product (commodities) that are made available for donation by the United States Department of Agriculture.

**FNS** – Food and Nutrition Service. A Division of the United States Department of Agriculture responsible for nationwide administration of several federal nutrition programs including TEFAP.

**FY** – Fiscal Year. A twelve-month period used for accounting and reporting purposes. The Fiscal Year for TEFAP is October 1 to September 30.

**Homeless shelter** – A facility whose primary purpose is to provide temporary or transitional shelter for the homeless in general, or for specific populations of the homeless.

**HH** – Household. A group of related or non-related individuals living as one economic unit who buy and cook food together or a single individual living alone.

**ISDH** – Indiana State Department of Health. The state agency responsible for administering TEFAP in the state of Indiana.

**OSR** – Order Status Report. A WBSCM report detailing outstanding orders.

**Soup kitchen** – A facility that offers a prepared meal in a clean and secure environment without charge to recipients. Soup kitchens serve prepared nutritious meals in a congregate setting or take-home prepared meal(s) without charge, for homeless persons, transient persons and/or others in need. Homeless shelters, domestic violence shelters, and Kid’s Café’s are considered soup kitchens for TEFAP purposes.

**TEFAP** – The Emergency Food Assistance Program. The federal title of one of the programs for distribution of USDA food products in the United States.

**USDA** – United States Department of Agriculture. The cabinet level agency responsible for federal aspects of TEFAP and other federal agriculture and nutrition programs.

## Section 2 ELIGIBILITY GUIDELINES

7 CFR 251.5, 7 CFR 251,10(a)(3)

### FEDERAL REGULATIONS

USDA regulations require that states set standards for determining the eligibility of households to receive USDA food products through TEFAP. Standards must be based on income and household size. Federal regulations allow state standards to include a requirement that the household live in the state, but length of residency in the state cannot be considered when determining eligibility.

### STATE REQUIREMENTS

In Indiana, ISDH sets income eligibility standards for participation in TEFAP at 185% of the federal poverty levels for households and the method of income verification used is self-declaration. If a client self-attests their household income is at or below 185% of the current federal poverty income guidelines for their household size, provides their name, address, and household size, and they have lived in Indiana for one day, they are eligible for food. No other eligibility requirements shall be imposed on individuals seeking food assistance through TEFAP.

Eligibility Certificates are available in individual, aggregate, and mobile pantry formats in English, Spanish and Burmese. ERAs have discretion to specify that pantries within their service area shall use only individual or only aggregate eligibility certificates.

After initial service, food pantries are not required to serve clients residing outside their geographically defined service area. However, turning away people in need of food violates the intent of TEFAP. Every effort must be made to ensure that people in need of food receive food whether or not they reside within the designated geographic service area.

When establishing a client to receive food, food outlets need only acquire four data items:

- Name
- Address
- Household size
- Self-attestation of income

Many outlets participate in Feeding America and that program requests breakdown of household members by age. This is not a TEFAP requirement. Food outlets participating in the Feeding America program may take the opportunity to collect data during TEFAP intake, providing this information shall not be required to receive TEFAP commodities and it is made clear to clients that providing additional information is strictly voluntary. Best practice is to separate acquisition of Feeding America data from distribution of food.

All clients shall be served no less than once in a 30-day period. It is preferred that clients be served at least twice in a 30-day period. Eligibility shall be established at each visit using an Eligibility Certificate. If a pantry chooses to allow households to receive food more than once in

a 30-day period, the pantry shall put in place a mechanism, such as an electronic spreadsheet, to determine visit frequency.

Pantries may set up client files in paper or electronic format. Such files shall consist of only an Eligibility Certificate that contains the client's name, address, household size and , Proxy Statement(s) and accompanying proxy notes, or electronic records containing the same information such as spreadsheets, databases, or scanned documents. Food pantries may request a piece of non-junk mail or utility bill to verify residency. ID shall never be requested nor required. If a client refuses to establish residency or is homeless, the address of the nearest homeless shelter or DFR office may be listed as household address.

Clients shall not be required to disclose Social Security numbers or names of other household members, provide driver's licenses or photo IDs, nor any other personal data in order to receive food. Referrals shall not be required nor allowed.

### **HOMELESS CLIENTS**

Anyone entering a soup kitchen is deemed to be a resident and eligible to receive a meal. Homeless clients may use the address of the nearest DFR office for accessing food pantries.

### **INCOME LIMITS**

Gross monthly household income must be at or below the standards listed on the Eligibility Certificate. New income guidelines are issued each year upon receipt from USDA.

#### **Income Inclusions**

All sources of income for each and every member of the household shall be included. Gross household income includes all wages, pensions, Social Security, Supplemental Security Income, Railroad Retirement, income from rental or leased property, interest or dividends from savings, certificates of deposit, stocks, bonds and income from all other sources including, but not limited to, strike benefits, unemployment compensation, alimony, child support, veteran's benefits and regular insurance or annuity payments.

#### **Income Exclusions**

SNAP benefits (formerly known as food stamps) are not considered as income.

### **PROXY STATEMENT**

A Proxy Statement is used to allow a food outlet to serve homebound or working clients and persons with disabilities. *See Attachment A.* Proxy Statement forms are available in English, Spanish and Burmese.

When a proxy is used:

- A Proxy Statement shall be properly completed by the client designating the presenter as the client's proxy.

- By completing a Proxy Statement, a client attests to income eligibility.
- A proxy shall be required to provide ID to prove they are the person designated as proxy to receive food products for the client.
- A proxy shall provide name, address, and household size of the recipient when requesting food.
- A Proxy Statement or note shall be attached to the recipients Eligibility Certificate. A note may only be used if a client has a valid Proxy Statement, with current income guidelines, on file.
- When a recipient has designated a temporary proxy, a Proxy Statement or note shall be presented for each issuance of food. When a recipient has designated a permanent proxy, no additional Proxy Statement nor note shall be required.
- A new Proxy Statement shall be completed if any household information changes, if the Proxy Statement form has changed, or annually, whichever occurs first.

It should be considered that some clients may not be able to read or write. Outlet staff and volunteers shall be prepared to assist clients by helping to properly complete forms and by explaining criteria.

ERAs have discretion to specify that pantries within their service area shall use only new Proxy Statements at each visit or to allow the use of handwritten notes between annual Proxy Statements when a proxy is designated as temporary.

## **Section 3 ADMINISTRATION**

7 CFR 251.2, 7 CFR 251.4, 7 CFR 251.8

### **FEDERAL**

The Emergency Food Assistance Act of 1983 authorized The Emergency Food Assistance Program (TEFAP) for all the states. The Food and Nutrition Services (FNS) of the United States Department of Agriculture (USDA) has oversight of the program. There is no guarantee that TEFAP will always be re-authorized by Congress.

### **STATE**

As of July 1, 2009, the Indiana State Department of Health is responsible for TEFAP administration. Indiana contracts with private and/or not-for-profit food banks to provide warehousing and distribution of food products within the state of Indiana. If direct shipping is not feasible, ISDH may contract with private and/or not-for-profit warehouses to provide storage and transportation services to ERAs.

Section 4018 of the Agriculture Improvement Act of 2019 (the “Farm Bill”) changed State Plan requirements outline in Section 202A(b) of the Emergency Food Assistance Act of 1983 (EFAA) and took effect December 20, 2018. Under the new Section 202A(b)(6) of EFAA, the State Plan shall describe a plan that provides emergency feeding organizations or eligible recipient agencies within the state an opportunity to provide input on the commodity preferences and needs of the entities.

ISDH purchases TEFAP foods based on an ERA consensus that prefers proteins, fruits and vegetables. ISDH and ERAs hold three (3) formal telephone conferences and one (1) face-to-face meeting annually to discuss program changes, issues, and needs. Additional telephone conferences and/or email conversations occur as needed to solicit input from ERAs on program operations or food purchases.

### **LOCAL**

ISDH contracts with ERAs throughout the state to administer local distribution and storage of food products. Every ERA subcontracts with food pantries and soup kitchens to distribute food products. Only soup kitchens or food pantries that have a 501(c) 3 not-for-profit status, operate a client choice model, and are open to the public may distribute food products. ERAs may choose to enter into agreements with local government entities such as township trustees. Local government entities are not required to possess 501(c) 3 not-for-profit status documentation.

ERAs are encouraged to educate outlets that USDA food items donated to TEFAP are supplemental and to request that food outlets offer purchased or donated food as part of the Client Choice pantry model. ISDH understands there is an ebb and flow to the nature of

donations. Every effort should be made to ensure TEFAP donated food is not the sole source of food in food outlets and soup kitchens.

Homeless shelters and domestic violence shelters grandfathered into the program may remain on the program if they are continuously compliant and have a valid MoA. If at any time a homeless shelter or domestic violence shelter leaves the program, they may not reapply. Current rules and regulations do not allow participation of homeless shelters or domestic violence shelters.

**ERA requirements:**

- Complete an ISDH Request for Application to the State for review.
- Be a local governmental agency or a non-profit organization. (*Proof of non-profit status may be supplied by providing a copy of the 501(c)3 tax-exempt status designation letter from the Internal Revenue service, a determination later from the State of Indiana, or a current federal tax return as a tax-exempt entity.*)
- Submit a copy of a current Certificate of Existence from the Secretary of State.
- Provide a copy of an Agreement with a Storage Facility (if applicable).
- Have access to the internet, email, and Microsoft Office programs – Word and Excel – for receipt of information electronically from ISDH.
- Ensure all TEFAP policies, rules and regulations are applied and that food outlets comply.

A map of current ERAs and service areas is provided at the end of this manual. *See Attachment C.*

**FEDERAL ALLOCATION**

USDA-FNS notifies ISDH of food product availability and quantity. ISDH submits food orders to USDA-FNS as product becomes available. USDA-FNS makes every effort to fill orders as requested. Because of unforeseen circumstances, USDA-FNS may occasionally eliminate or substitute products or change delivery dates. ISDH orders product based on entitlement allocation of dollars set by USDA-FNS.

Bonus product may be offered to each state based on the federal allocation. Bonus products vary and are typically not usual TEFAP foods. Bonus products are free of charge to the state.

**STATE ALLOCATION**

USDA-FNS utilizes a formula based on 60% of state poverty and 40% of state unemployment to allocate products and funding. Each state receives its fair share of food and funds according to that formula.

ISDH allocates product by using the same formula on a county basis to determine each county's fair share. All counties in an ERA's geographic service area are totaled to determine the

allocation each ERA receives. Adjustments may be made, if food product is available, based on the amount utilized in each ERA area and for disaster situations such as flooding and tornadoes.

**LOCAL ALLOCATION**

ISDH provides ERAs with a distribution workbook for each delivery of product. ERAs shall ensure each county within the service area receives its fair share of each shipment. ERAs determine, within each county, individual outlet allocations.

If outlets within a certain county are unable to distribute a particular product in a timely fashion, the ERA may request ISDH allow reallocation across county lines. Each request is evaluated and decided on a case by case basis.

## Section 4 MONITORING

7 CFR 251.10(e)

### GENERAL PROGRAM REQUIREMENTS

The purpose of the monitoring process is to evaluate program operations, review record keeping procedures, and ensure health and safety standards are maintained. Monitoring visits provide an opportunity for all parties to ask questions, discuss concerns, and make suggestions about the program.

ISDH recommends that on-site monitoring reviews of food outlets be unannounced. However, ERAs may choose to schedule monitoring reviews. USDA and ISDH may visit any ERA and/or food outlet unannounced. ERAs should make outlet staff and volunteers aware of TEFAP policies and procedures and instruct outlets to provide access to records and facilities to ERA staff, ISDH staff and/or USDA monitoring staff.

Monitoring reviews may include, but are not limited to, the following areas: eligibility determinations, storage and warehousing practice, inventory controls, approval of distribution sites, reporting and recordkeeping requirements, and civil rights.

ISDH may alter or amend monitoring requirements and processes in order to protect the public health.

### MONITORING SCHEDULE

ISDH shall monitor a minimum of twenty-five percent (25%) of ERAs each fiscal year starting October 1st with completion by September 30th of each fiscal year. Each ERA shall be monitored no less than every four (4) years. \*7 CFR 251.10(e)(2)(i)

ISDH shall monitor a minimum of ten percent (10%) or 20, whichever is fewer, of all ERAs food outlets each fiscal year starting October 1st with completion by September 30th of each fiscal year. \*7 CFR 251.10(e)(2)(ii)

If an ERA has twenty (20) or fewer outlets within its jurisdiction, the ERA shall monitor all of them each year. If an ERA has more than twenty (20) outlets within its jurisdiction, the ERA shall monitor fifty percent (50%) of the outlets each year so that all outlets are monitored at least every two (2) years.

ISDH and all ERAs shall maintain documentation of reviews, outcomes, timelines, and resolutions.



## ERA MONITORING

ISDH shall review the following areas:

- Tax-exempt status
- Proof of insurance
- Contract compliance
- Required records
- Equipment maintenance
- Temperature logs
- Pest control
- Cleaning
- Distribution and delivery
- Inventory
- Appropriate administration
- Outreach documents (such as placing notices in local newspapers, posters, pamphlets, websites or help lines as well as 211)
- Required monitoring of food outlets
- Completed monitoring documentation
- Outlet files
- Current signed Memoranda of Agreement
- Current proof of insurance
- Food outlet compliance with the rules and regulations of TEFAP
- Annual food outlet training
- Site selection process and area assessment
- Distribution
- Product accountability
- Commodity loss
- Storage and warehousing practices (including refrigerators and freezers)
- Inventory controls
- Expenditures for claims

## OUTLET MONITORING

The monitor (ISDH or ERA) shall review the following areas, including but not limited to:

- Tax-exempt status
- Proof of insurance
- Memorandum of Agreement
- Required records
- Equipment maintenance
- Temperature logs
- Pest control
- Cleaning
- Proxy forms (*with notes, if applicable*)
- Eligibility records
- Appropriate administration
- Compliance with the rules and regulations of TEFAP
- Training (TEFAP and civil rights)
- Outreach documents
- Required postings
- ADA compliance
- Eligibility determination
- Product accountability (all documents on site 3 years plus current year, including donation sheets, eligibility records, Proxy Statements, loss/damage documents, etc.)
- Commodity loss
- Storage and warehousing practices (including refrigerators and freezers)
- Inventory
- Discrimination complaints
- Prohibited activities
- Client Choice

### The Review

The monitor shall –

- Review all elements listed at the beginning of this section.
- Document review results in:
  - TEFAP Outlet Assessment Form
  - TEFAP Outlet Assessment Form Attachments
  - Inventory Worksheet
  - Temperature Record
  - Eligibility Accountability
- Immediately address any major findings (*examples: freezer/refrigerator out of service; outlet unsafe for clients; unable to locate food product*).

The outlet shall –

- Supply requested documents during the review.
- Answer questions posed by the monitor during the review.

### **Findings and Corrective Action (ISDH as Monitor)**

If there were findings, the monitor shall –

- Document findings, recommendations, and corrective action on “TEFAP Outlet Monitoring Review Indicator Sheet”. *See Attachment W.*
- Deliver the findings document to the appropriate ERA within ten (10) business days of completion of the monitoring review.

The ERA shall -

- Send a copy of the Indicator Sheet to the outlet.
- Follow-up with the outlet within thirty (30) days, and document satisfactory completion of corrective action(s).
- Upon completion, submit a copy of the final Indicator Sheet to ISDH and file the final Indicator Sheet and monitoring forms in the outlet file.

The outlet shall –

- Perform all necessary corrective actions.
- Document corrective actions on the Indicator Sheet.
- Return the updated Indicator Sheet to the ERA within the time frame specific by the ERA.

### **Findings and Corrective Action (ERA as Monitor)**

If there were findings, the monitor shall –

- Document findings, recommendations, and corrective action on “TEFAP Outlet Monitoring Review Indicator Sheet”. *See Attachment W.*
- Deliver the findings document to the appropriate outlet within ten (10) business days of completion of the monitoring review.
- Coordinate and ensure completion of corrective action activities at the outlet.
- Follow-up with the outlet within thirty (30) days, and document satisfactory completion of corrective action(s) on the Indicator Sheet.
- Upon completion, file the updated Indicator Sheet and monitoring forms in the outlet file.

The outlet shall –

- Perform all necessary corrective actions.
- Document corrective actions on the Indicator Sheet.
- Return the updated Indicator Sheet to the ERA within the time frame specific by the ERA.

### **Closeout (ISDH as Monitor)**

If there were no findings during the monitoring review, ISDH shall provide a written close-out statement to the ERA within thirty (30) days of completion of the monitoring review. Any recommendation shall be indicated.

If there were findings during the monitoring review, and corrective actions are completed to ISDH satisfaction, ISDH shall provide written confirmation that the ERAs supervision of corrective action is acceptable.

**Closeout (ERA as Monitor)**

If there were no findings during the monitoring review, the ERA shall provide a written close-out statement to the outlet within thirty (30) days of the completion of the monitoring review. Recommendation shall be indicated.

If there were findings during the monitoring review, the ERA shall close out the Indicator Sheet and provide a copy to the outlet within ten (10) business days of receiving written confirmation that the outlet has satisfactorily completed all corrective actions.

**ERA ANNUAL SELF-REVIEW**

7 CFR 250.14(c) requires that all distributing agencies and sub distributing agencies conduct annual reviews of their storage facilities, document their compliance with this section, perform and document corrective actions in cases of noncompliance, and provide proof of compliance with this section to ISDH. ISDH provides a form for the review. *See Attachment U.*

**The Review**

The reviewer shall –

- Perform and document a physical inventory of the storage facility.
- Compare the physical inventory to the book inventory.
- Retain review records for three years plus the current federal fiscal year.

## Section 5 ERA RESPONSIBILITIES

7 CFR 250, FNS Instruction 709-5, Rev 3

ERAs that have contracts with ISDH vary in size and scope of operation, but are all required to meet certain obligations.

### SELECTION OF FOOD OUTLETS

ERAs shall develop a system for not-for-profit organizations to apply for participation as a food outlet. ERAs shall physically inspect potential food outlets. ERAs may give preference to outlets with larger capacity, more frequent hours of operation, more convenient days and hours of operation for clients, a wider service area, and/or those that allow clients to receive food more often.

ERAs shall consider the following criteria for food outlets to receive USDA food products:

- Established and in operation a minimum of two years (*exceptions are reviewed by ISDH on a case-by-case basis*).
- Has 501(c)3 status. (*The requirement may be satisfied by one of the following: current federal tax return as a tax-exempt entity, determination letter from the Internal Revenue Service, or determination letter from the State of Indiana.*)
- Operates a client choice pantry.
- Physical site meets ADA requirements which includes ground level access.
- Established service need in the area where the site will be located (not in the proximity of other food outlets operating in the same area).
- Ability and willingness to serve all eligible persons in need of food assistance that reside in their established area.
- Ability to store and distribute donated food properly.
- Ability to store food in a locked area when food outlet is closed.
- Availability and capacity of dry, refrigerated and frozen storage areas.
- Ability to maintain required records and submit records on a timely basis.
- Ability to take temperature reading of dry, refrigerated and frozen areas a minimum of once per week (more frequently is recommended) and maintain temperature logs.
- Assurance that USDA food products are included with like items, not kept separate.
- Ability to serve clients a minimum of once every thirty days (twice monthly preferred).
- Agreement to post on the outside of the building the days and hours the food outlet is open for clients.
- Ability to serve clients a minimum of 2 hours per month (more hours preferred).
- Ability and willingness to participate in general TEFAP training.
- Ability and willingness to participate in civil rights training.
- Is open to the public, not a private dwelling, and does not make appointments.
- Assurance that no type of mass distribution or prepackaging of USDA commodities will occur.
- Assurance that there will be no repackaging of USDA/non-USDA food products.

- Ability and willingness to serve all clients on first visit to food outlet regardless of service area.
- Agreement that no money will ever be exchanged for receipt of USDA and/or non USDA products or the appearance of an exchange.
- Soup kitchens must have a current Food Handlers Certification on staff.

### ADMINISTERING TEFAP FOODS TO CHILDREN (BACKPACKS OR FAMILY MEAL BOXES)

USDA foods can be administered to children through a backpack or similar program using the same guidelines as traditional TEFAP. Prior to a TEFAP ERA providing a child with TEFAP foods, the child’s household must complete application to and become approved for WIC, SNAP, or NSLP. Indiana TEFAP policy makes all applicants categorically eligible for TEFAP if they participate in one or more local, state, or federal means-tested program with income guidelines at or below 185% of federal poverty income guidelines.

ERAs must maintain accurate records of household served at TEFAP distributions. School or similar agency staff must maintain a list of who has been given TEFAP foods through the backpack program and provide this information to the ERA on the regular schedule determined by the ERA.

Each ERA may tailor distribution procedures to the needs of the specific clientele provided that the households have met statewide eligibility criteria. ERAs may choose the frequency in which backpacks or meal boxes are distributed.

Schools or other agencies that distribute TEFAP foods to children are not required to conform to the monitoring requirements of traditional TEFAP household distribution sites.

### FOOD OUTLET AGREEMENTS

ISDH shall issue the Memorandum of Agreement (MOA) form to be used between the ERA and each food outlet. *See Attachment B.* All outlets distributing USDA commodities shall sign a Memorandum of Agreement (MoA) with the ERA that serves their area prior to receiving USDA food products. Only food outlets with a Memorandum of Agreement (MoA) may receive and distribute USDA food products. ERAs shall have the Memorandum of Agreement (MoA) signed and all required documents on file before an outlet may take possession of USDA commodities for distribution. The Memorandum of Agreement (MoA) shall be renewed every two years on or before its date of expiration. MoAs become effective on the date signed by both parties and expire September 30th of even-numbered years **except when an outlet relocates**. When an outlet relocates the new facility shall be treated as a new outlet and all new outlet procedures shall be followed. TEFAP commodities may not be moved without ERA approval nor prior to a new MoA becoming effective.

Shelters and Kids Café’s are considered soup kitchens for agreement and program purposes.

TEFAP backpack and meal box sites are not required to maintain an MOA with the ERA. However, the ERA will enter into an agreement with the TEFAP backpack or meal box sites which specifies the duties of each entity through the duration of the program.

Each food outlet shall maintain a copy of the MOA at the site.

USDA food products shall not be provided to an entity without a current signed MOA between the ERA and the entity.

ISDH requirements are minimums. ERAs may establish additional outlet requirements as long as such requirements do not conflict with those of ISDH or USDA. For example, ERAs may require that outlets:

- Provide operational hours greater than ISDH minimum.
- Serve clients more frequently than ISDH minimum.
- Report additional metrics.
- Provide specific information to the ERA by specific deadlines.

#### **Outlet Suspension**

If an outlet fails to meet requirements established by ISDH and/or the ERA, the ERA may suspend the outlet's participation in TEFAP until such deficiencies are corrected.

If an ERA finds an outlet in violation of health, safety, or food storage and handling requirements, the ERA shall suspend the outlet's participation in TEFAP, immediately remove all TEFAP foods from the outlet, and reallocate the food to other outlets within the county of the suspended outlet.

#### **Outlet Termination**

ERAs and outlets may termination participation in TEFAP, with or without cause, by providing written notice of termination no less than thirty (30) days in advance of the date of termination.

### **SCHEDULE OF OPERATING HOURS FOR FOOD OUTLETS**

ERAs shall maintain a current list of the number of meals or households served and the days and hours of operation for each food outlet. Food outlets shall have a minimum of 2 hours established operational hours per month based on number of households served. Evening hours, weekend hours, and frequent and longer service hours are preferred and encouraged.

### **PUBLIC OUTREACH**

The ERA shall publicize within its service area the regularly scheduled days and times of operation of its food outlets. Outlets shall post a sign at the physical location of the food outlet, which identifies it as a food pantry or soup kitchen and displays days and hours of operation during which a client may receive food. ERAs and outlets may distribute posters, pamphlets, and newsletters throughout the designated geographic service area, place notices in local

newspapers and free local papers to make potential recipients aware of the availability of food products, and secure Public Service Announcements from local radio and television stations. **Word of mouth may not be used as the sole or primary method of conducting public outreach.**

## POSTING GUIDELINES

ERAs shall ensure food outlets display the following posters or signs:

**Income Eligibility Guidelines** – Eligibility Certificates reflect current maximum allowable monthly income for various household sizes. *See Attachment E. (not required for soup kitchens)*

**“And Justice for All”** – The poster instructs recipients on civil rights and procedures for filing a complaint. *See Attachment X.*

**Household Breaks** – The amount of each type of food a household may receive, of products available, shall be adjusted based on household size and posted where clearly visible to clients. *(not required for soup kitchens)*

**Hours of Operation** – Hours and days of operation shall be clearly posted on the outside of the building.

**Written Notice of Beneficiary Rights** – Outlets operated by religious organizations shall display the poster prominently where it is visible when entering the facility. *See Attachment N.*

## CLIENTS WITH LIMITED ENGLISH PROFICIENCY (LEP)

TEFAP staff or volunteers shall read the “And Justice for All” poster and complaint notice for all those who are unable to read.

“And Justice for All” shall be translated for all non-English speaking participants. ISDH provides a tool that can be used to determine the primary language non-English-speaking or LEP clients, the “I speak” document from USDA. *See Attachment F.*

Agencies that fail to provide services to LEP potentially eligible applicants or participants or deny them access to federally assisted programs and activities may be discriminating on the basis of national origin in violation of Title VI and its regulations.

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA’s TARGET Center at (202) 720-2600 (voice and TTY).

In Indiana, for relay (hearing impaired) services call 711 or 1-800-743-3333

<http://www.relayindiana.com/>



## TRAINING AND TECHNICAL ASSISTANCE

General TEFAP training shall be provided to all TEFAP outlets annually. *See Attachment D - FNS instruction 113-1 section XI, and FD-133.* Volunteers and staff with direct client contact shall participate in Civil Rights training at the start of their tenure with the ERA or outlet and annually thereafter. All training may be provided remotely via telephone conference or webinar. Training documentation may be created, stored, and distributed electronically.

County Extension Offices should be notified to offer Health and Safety Procedures and any other services applicable for all food outlets. Local County Health Departments (Food Protection) should be invited to food outlet training. Annual training is beneficial in keeping food outlets current on policies and procedures. County Extension Nutrition Educators may use USDA food products and other pantry items to prepare food dishes and use the recipes for training purposes. ISDH TEFAP staff provide training and technical assistance to ERAs upon request.

ERAs shall provide training and technical assistance to food outlet staff and volunteers. Training must include, but is not limited to, the following areas:

- Required signage
- Specific requirements of the Memorandum of Agreement and its provisions
- Procedure for receiving USDA food products
- Determining and posting issuance rates and household breaks
- Correct storage procedures
- Procedures for handling donated food
- Procedures for maintaining sanitary conditions
- Reports and record keeping
- Prohibited activities
- Current eligibility guidelines
- Understanding self-attestation of income
- Client choice
- Temperature logs
- Public outreach
- Treating clients with respect
- Civil rights
- Contacting the TEFAP Specialist for assistance with training
- First in, first out (FIFO) storage

### Civil Rights Statements

USDA's full civil rights statement shall be displayed on all forms and materials available to clients. If a material is too small to permit the full statement to be included, the material will, at minimum, include the short civil rights statement "This institution is an equal opportunity provider" in print no smaller than that of the main text.

## SHIPMENT OF PRODUCT FROM USDA TO ERA

USDA-FNS allows a maximum of three drops per truck with a minimum of 20% product drop at each stop. ERAs must receive a minimum of 20% of a truck shipment to receive direct delivery.

Vendors or carriers must arrange a delivery appointment with an ERA as far in advance of the expected delivery as possible, but not less than 72 hours prior to delivery. An ERA may not refuse delivery but can negotiate a delivery time and date that works for both parties. *See Attachment O.*

Deliveries may not be redirected to a facility other than that to which ISDH directed delivery.

## OUT OF CONDITION PRODUCT

Out of condition foods are those which appear to have come arrived at the recipient agency's location damaged, contaminated, deteriorated, spoiled, infested or having latent defects. All food products shall be inspected upon receipt. Bulging cans or cans with sharp dents or rust on the seams are examples of out of condition products.

**If foreign matter such as glass or metal is found in a product, the situation shall be treated as an emergency and ISDH TEFAP staff shall be contacted immediately for guidance.**

All out-of-condition losses shall be reported to ISDH TEFAP staff immediately upon discovery.

The information that is required:

- Recipient agency name
- Recipient agency address
- Contact person
- Contact title
- Contact phone
- Date ERA notified
- Commodity name
- Date product received
- Description of problem or complaint
- Reason for complaint
- Any and all identifying information - contract number, delivery order, N/D number, lot number, box number, can codes, pack date, ship date
- Amount received
- Amount on hold
- Vendor (if known)
- Photos of product

Out of condition product shall be isolated and shall not be disposed without approval and direction from ISDH and/or USDA.

For additional information about warehousing food, refer to 7 CFR 250.14, USDA Handbook 501, chapters VII and IX, and FNS Instruction 709-5. *See Attachments I, O, and Y.*

**ISDH Staff shall notify ERAs, via e-mail, within 24 hours of receiving a FOOD SAFETY ALERT. ERAs shall respond by e-mail confirming the notification was relayed to all food outlets within their respective service areas.**

### **DISTRIBUTION OF PRODUCT**

Each ERA shall determine the manner in which distribution to food outlets takes place within its service area. An ERA may maintain a warehouse where food products are held until food outlets pick-up allocated product. ERAs may deliver food products from their warehouse to individual food outlets, or to a central location in each county in their service area, or a combination of methods. ERAs should bear in mind that a decrease in delivery service may be detrimental to some food outlets.

### **ACCESS TO ISDH AND AUTHORIZED AGENTS**

USDA requires monitoring of ERAs and food outlets receiving USDA food products. Any ERA or food outlet participating in TEFAP shall allow access to program records and operations by ISDH staff, USDA staff or any other authorized governmental agents during normal hours of operation.

### **MAINTENANCE AND SUBMISSION OF RECORDS**

All records shall be maintained for a period of three (3) years plus the current federal fiscal year. All records are subject to review and audit by ISDH and USDA during normal business hours or, upon request, sent to ISDH and/or USDA. For more detailed information refer to Section 11 of this Manual.

### **INSURANCE COVERAGE**

Insurance coverage shall exist to cover product loss occurs because of fire, theft, damage or another cause. ERAs shall provide liability coverage in an amount at least equal to the value of the average amount of food products on hand. The cost of required insurance is an allowable expense. Verification of coverage shall be occur during each monitoring review.

A current Certificate of Insurance shall be on file at the ERA for each food outlet as required by the Memorandum of Agreement between the ERA and the food outlet. *See Attachment B.* Insurance coverage may be used to cover a commodity loss or, if the ERA/outlet chooses, an alternative funding source may be used. No TEFAP funds may be used to cover a commodity loss.

## WBSCM

USDA’s Web Based Supply Chain Management (WBSCM) system is an integrated, internet-based commodity acquisition, distribution, and tracking system built on Systems, Applications and Products in Data Processing (SAP) commercial software and an Oracle platform. ISDH orders all TEFAP foods allocated to the state by USDA through WBSCM.

Each ERA shall have, at minimum, one manager and one warehouse staff with access to WBSCM. ERAs shall request access from ISDH and follow ISDH instructions for acquiring proper authorization for access from USDA.

### Order Status Report

ERAs are responsible for generating an Order Status Report (OSR) on demand. The OSR details items, quantities, requested delivery dates, and status of each delivery ISDH has requested for the ERA. ISDH provides a work instruction for ERAs to follow. *See Attachment Q.*

### Receipting

ERAs are responsible for accurate receipting of goods received in WBSCM. ISDH provides a work instruction for ERAs to follow. *See Attachment R.*

### Complaints

ERAs shall enter delivery and product complaints in WBSCM once they receive ISDH training and a work instruction. Details of the complaint shall be communicated to ISDH, in writing, when submitting a BOL. Documentation shall include the complaint number assigned by WBSCM.

## Section 6 STORAGE AND HANDLING

7 CFR 250.14, FNS Handbook 501 Chapter 7, FNS Instruction 709-5

### USDA FOOD PRODUCT LIABILITY

When physical delivery of USDA food product is accepted, the receiving entity (ERA or food outlet) assumes responsibility for the safekeeping of product. The entity assumes liability for the value of the food products should a loss occur because of negligence in storage, theft, and/or handling. Although food products are provided without cost by USDA, there is a value assigned to each product that includes USDA's cost of purchasing, processing and distribution of the food products to states. For current food product values and other product information, refer to WBSCM.

In order to guarantee its quality and safety, each ERA and its food outlets are responsible for 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 shall be made to reduce loss due to spoilage, pest infestation and theft by following accepted warehousing methods.** This action not only ensures the quality of products being distributed but also protects the ERA from claims action by the State of Indiana or USDA to recover the value of the spoiled or lost product.

ERAs and food outlets shall not be held liable for product quality except in cases of negligence on their part. ERAs and food outlets shall be held liable for knowingly distributing food products that are spoiled, especially if the spoilage occurred because of negligence on their part.

### GENERAL PRINCIPLES OF FOOD STORAGE

ERAs and outlets shall ensure all food products are held in a secure, adequate, and proper storage facility prior to distribution, in accordance with 7 CFR 250.14(b). Storage shall be rodent and insect free.

ERAs and outlets shall provide facilities for the handling, storage and distribution of donated food in a manner to protect them from spoilage, infestation, damage, or other condition that may jeopardize the wholesomeness or safety of the food.

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 shall be stored at the ERA or at a storage facility contracted by the ERA. ERAs and their outlets shall follow standard warehouse and storage practices *See Attachment I*. Such practices include, but are not limited to:

- Keeping food 6" off floor, stored on pallets, platforms or shelves
- Keeping food 4 inches away from walls to allow good air circulation and pest control
- Food not remaining in storage for a period longer than six (6) months unless authorized by ISDH
- Keeping non-food items separate from food

- Keeping toxic items (soap, bleach, cleaning supplies, etc.) in a separate storage area from food
- Keeping floors, pallets and shelving clean
- Keeping doors, windows, and roofs well sealed to prevent pest entry and water damage
- Maintaining proper temperatures
- Maintaining good pest control
- Having a staff person in charge of pest control that maintains a service log or having a contract with a licensed firm to handle pest control management
- Inspecting and maintaining equipment
- Keeping thermometers in freezers, refrigeration units and dry storage areas
- Maintaining temperature logs

**Dry Food Products**

Dry food storage shall be:

- Away from direct sunlight
- A minimum of 6 inches off the floor for circulation
- At least 4 inches away from walls for circulation
- A least 2 feet from the ceiling to avoid high temperatures
- In a clean, secure area that is inspected regularly
- In the desirable temperature range of 50°F to 70°F

A thermometer is required in all dry storage areas.

**Refrigerated Food Products**

Food products requiring refrigeration shall be stored:

- To allow for proper air circulation
- In a refrigeration unit that is clean and inspected on a regular basis
- In the desirable temperature range of 36°F to 40°F

A thermometer is required in all refrigeration areas.

**Frozen Food Products**

Frozen food products shall be stored:

- To allow for proper air circulation
- In a freezer unit that is clean and inspected on a regular basis
- At temperature of 0° or below

A thermometer is required in all freezers.

**Temperature Logs**

Wherever USDA foods are stored, temperature readings shall be taken and recorded at least daily both outside and inside refrigerated and freezer storage, and more often if there is difficulty maintaining the desired temperature. Recording of refrigeration or freezer unit set points is not equivalent to taking temperature readings.

## **FOOD BANK STORAGE GUIDELINES FOR STACKING FOOD PRODUCTS**

Basic rules for stacking food products include:

- Stretch wrapping to provide added stability.
- Limiting the height of the stack so cases of food on bottom layers will not be crushed.
- Cross-stacking cases on pallets to ensure the stack will be sturdy, solid, and will not tip when being moved.
- Stacking cases away from potential damage by heat, steam or water.

## **STORAGE AREA MAINTENANCE**

An ongoing system of pest control shall be in place. Rodent controls such as traps and glue board are recommended. Place traps along walls and near doorways, moving the traps monthly.

Poisons shall not be used except by a licensed professional. Prevent rodent infestation by thorough cleaning and maintenance of the warehouse.

A cleaning schedule shall be established that includes 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 shall be stored apart from food products.

The exterior of the warehouse shall be maintained. The building and grounds shall be inspected regularly for signs of fire hazard, pest infestation, security problems and needed repairs. Garbage, waste or rubbish shall be disposed of frequently and not allowed to become nesting areas for pests.

## **STOCK ROTATION**

All storage facilities used to store USDA food products shall practice have documented process to ensure the practice of first in/first out (FIFO). Food shall be stored in a manner that ensures products with the oldest pack dates are used first. Most USDA food products have a pack date on each case. Pack dates or lot numbers are also printed, stamped or embossed on individual cans or containers. In instances where pack dates are not visible, it is the responsibility of warehouse staff to ensure rotation of stock occurs, such as marking cases with the date they were received. ISDH staff routinely assesses inventory levels to ensure supplies are reasonable and appropriate for distribution activities.

## Section 7 FOOD OUTLETS

7 CFR 16, 7 CFR 250.14, FNS Instruction 113-1, 7 CFR 251.10(f)

Food outlets are locations at which donated food is distributed to eligible households. Outlets for TEFAP are food pantries and soup kitchens. Legacy sites such as domestic violence shelters and homeless shelters exist but no new shelters may be added. Private residential facilities and correctional facilities are ineligible to participate in TEFAP.

### ACCEPTING AND UNLOADING TRUCKS

Distribution sites in Indiana may receive food products by various methods. Each ERA determines the method of delivery. The following are different and acceptable examples:

- Food outlet picks up the food products at the ERA with a truck and personnel furnished by the ERA or with the food outlet personnel.
- ERA personnel delivers product to the individual food outlet in trucks furnished by the ERA.
- ERA makes a delivery for one or more food outlets at a designated place and time to receive food products.
- ERA makes a delivery to each county in their service area; this may or may not include the county in which the ERA resides.

ERAs shall account for federal food products released to each site. ERAs shall maintain accurate distribution and allocation records. *See Attachment J.* ERAs may generate their own forms containing the following required items:

- Site name and address
- Receipt date
- Products and quantities
- Receiver's signature

Food outlets (including migrant pantries) may use volunteers and/or paid staff to unload trucks. Food outlets may have income-eligible recipients who are willing to volunteer to help unload. However, unloading the truck may not be made a requirement to receive the food products, nor can it be used as an in-kind agreement for volunteers to receive more TEFAP products than they would normally receive. Arrangements may be made with county agencies, Township Trustees, or Police Departments for volunteers doing Community Service. Various service organizations may be willing to help unload trucks, prepare meals, or provide other types of volunteer services.

ERA staff shall ensure product totals are accurate. Unloading should be supervised. Damaged, short or overage in product shall be noted and reported immediately.

### STORAGE REQUIREMENTS

All food outlets shall provide proper storage facilities for the food products received from an ERA. All food outlets shall comply with the same storage and handling regulation that apply to



ERAs, including any directives from USDA, ISDH and the local public health department within the jurisdiction where the food outlet is located. ERAs and the food outlet shall be held financially liable for lost product resulting from damage, theft or spoilage caused by improper storage and handling. The MoA signed with the food outlet does not relieve the ERA of its contractual obligations to ISDH. The ERA remains responsible for ensuring that food outlets under agreement provide proper handling, care and storage of USDA food products and other donated food.

Food outlets shall conduct their operations in a responsible manner to keep losses at a minimum. Most food outlets in Indiana are staffed completely by volunteers. The lead volunteer shall train other volunteers to carefully follow approved storage and handling procedures. Distribution sites shall practice First In/First Out (FIFO) inventory control.

No USDA food product may be stored in a food outlet for more than six (6) months. Outlets in possession of food approaching the six-month deadline shall contact the ERA to transfer product that will not be used or to request permission to retain product past the six-month deadline.

For details, see Section 6. Storage and Handling in this Manual.

### **ACTIVITIES UNRELATED TO TEFAP**

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

- The person(s) conducting the activity makes clear that the activity is not part of TEFAP and is not endorsed by USDA;
- The person(s) conducting the activity makes clear that cooperation is not a condition of the receipt of TEFAP commodities for home consumption or prepared meals containing TEFAP commodities (cooperation includes contributing money, signing petitions, conversing with the person(s)); and
- The activity is not conducted in a manner that disrupts the distribution of TEFAP commodities or meal service.

ISDH shall immediately terminate from further participation in TEFAP operations any ERA or distribution site that distributes or permits distribution of materials in a manner inconsistent with the above unless there is no suitable substitute ERA or distribution site in the area, in which case ISDH shall monitor the subject ERA or distribution site to ensure no further violations occur.

### **FAITH BASED FOOD OUTLETS**

#### **Rights of Religious Organizations Operating TEFAP**

FNS and TEFAP/CSFP State agencies, in the selection of service providers, are prohibited from discriminating for or against an organization based on that organization's religious character or affiliation.

Decisions about awards of USDA assistance must be free from political interference.

Organizations can retain their independence.

Organizations can use their facilities to provide services without removing religious materials.

**Responsibilities of Organizations Participating in TEFAP**

Organizations must not discriminate against program participants or prospective participants on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

Organizations may not engage in explicitly religious activities as part of TEFAP. This includes activities that involve overt religious content, such as worship, religious instruction, or proselytization.

Organizations must not require program participants or prospective participants to participate in explicitly religious activities in order to receive TEFAP. If there is an explicitly religious activity that takes place at the distribution site, it must be separate in time or location.

Organizations must make it clear that explicitly religious activities are not endorsed by the USDA.

Organizations cannot use TEFAP funds to support any explicitly religious activities, speech, or materials.

Beneficiary Protections – for more information see Policy Memorandum FD -138: Clarification on Written Notice and Referral Requirements for Religious Organizations. *See Attachment P.*

**Written Notice of Beneficiary Rights – Instructions**

- Display the “Written Notice of Beneficiary Rights” poster prominently where it is visible when entering the facility.
- Place organization information in the top portion of the poster using a label or handwritten with a marker.
- Provide a list of TEFAP outlets to clients who want a referral.
- Maintain referral records for four years.

**Example Do’s and Don’ts for Religious Organizations Operating TEFAP**

<i>It is acceptable to...</i>	<i>It is unacceptable to...</i>
Have a cross hanging on a wall at the food distribution facility.	Require participants to stand by the cross and recite a prayer prior to receiving USDA foods.
Have a menorah on a table at the food distribution facility during the holiday season.	Refuse USDA foods to participants who do not practice the Jewish faith.

<b><i>It is acceptable to...</i></b>	<b><i>It is unacceptable to...</i></b>
Have a display stand at the front/back of the facility that contains faith-based pamphlets for anyone interested.	Insert faith-based pamphlets in bags or boxes when distributing USDA foods.
Have a pastor or other religious official assist with the distribution of USDA foods.	Force or encourage participants to have a religious conversation with the pastor or official prior to receiving USDA foods.

**OPERATIONS**

Food outlets shall be a public or private organization, governmental agency or not-for-profit organization with a 501(c)3 tax-exempt status or church affiliation and shall not be a penal institution. The physical facility shall be safe and appropriate for storing and distributing donated food or meals, shall be open a minimum of two (2) hours per month, and shall meet ADA standards.

Soup kitchens that are not homeless and/or domestic violence shelters shall conduct public outreach and serve all clients. Services may not be restricted to special populations such as the elderly, children or members. Residential treatment facilities, group homes, and Senior Centers that serve congregate meals do not qualify for TEFAP.

**Food Pantries**

Food pantries in Indiana operate in a variety of ways. Hours of operation vary widely, depending upon the level of need in the area, where the outlet is located and the resources available to the organization operating the pantry.

Larger pantries should be open several hours a day, Sunday through Saturday or any combination of days and hours. Evening and weekend hours help serve clients whose job prevents them from being served during the week. Small pantries, operating on limited budgets, may operate only one afternoon or one evening a week but must be open a minimum of 2 hours per month but days and hours of operation must be regular and standardized. If a pantry has difficulty staffing necessary volunteers, it might help to change operating hours to evenings and/or weekends.

A pantry shall be open to the general community of its designated geographic service area, without appointment. The population served by a food pantry shall not be restricted by factors other than income eligibility and geographic service area. Pantries shall not restrict an eligible client access to food for more than 30 days from the last date the client received food. Pantries shall offer all clients the same choice of products. Product choice shall not be limited by household size. Clients unable to visit the pantry during operational hours shall be provided with a Proxy Statement. *See Attachment A.*

Pantries may choose to establish a designated service area and require proof of residence within that service area, after a client's first visit. Clients residing outside a pantry's designated

service area shall be served on the first visit and provided with a list of TEFAP outlets near their residence.

Pantries that allow clients to receive food more frequently than once every 30 days shall put in place a mechanism to track that frequency. Clients must provide the information for an Eligibility Certificate at the first visit, when any item of household information changes, and when ISDH issues updated income guidelines annually. Clients may self-attest that all information remains the same at additional visits other than those listed in the previous sentence. Pantries may use ISDH-provided Eligibility Certificates or, subject to ERA and ISDH approval, electronic solutions such as spreadsheets . Electronic systems that allow collection of birth dates, social security numbers, names of other household members or other invasive data collection practices are prohibited.

Pantries that serve migrant workers shall be open during hours that support the migrant work schedule. Eligibility Certificates are available in languages other than English.

### **Commodities are Supplemental**

Whatever its size, a food pantry should have the resources to provide clients with food items other than TEFAP donated commodities. USDA food products should be used as a supplement and are not considered to be the singular food supply for the pantry. Other sources may include food received from food banks, privately donated food, food drives, or food purchased with monetary donations. All food products, TEFAP and donated, shall be mixed together with like items. All USDA food products shall be distributed within six (6) months of receipt. If a product cannot be distributed, the pantry shall notify the ERA immediately.

### **Outreach**

Food outlets shall post their schedule of operation on the outside of the building. Outreach information can be, but is not limited to posters or pamphlets located in laundromats, churches, and grocery or convenience stores in the geographic service area of the outlet.

Local newspapers, radio stations, and television stations may provide public service announcements free of charge.

### **Issuance Rates**

Household breaks designate how food issuance is adjusted based on household size. Outlets shall establish a minimum of two household breaks. Establishing more than two household breaks is encouraged as best practice. Pantries may adjust household breaks if needed and shall advise the ERA of any change immediately.

Once household breaks are established, food issuance rates for each household break shall be adjusted as needed and based on available inventory by food category.

Pantries shall make every effort to distribute all USDA food items in inventory prior to anticipated receipt of the next delivery from the ERA.

## **Soup Kitchens**

### **Eligibility**

It is assumed anyone eating at a soup kitchen is income eligible and no certification or documentation of eligibility is required. The “And Justice for All” poster must be in plain view of all participants. Serving hours and days must be posted on the outside of building so that participants are aware of serving times.

### **Storage and Records**

Soup kitchens shall abide by storage standards set by USDA, ISDH and the local health department. Soup kitchens are not required to collect any information from clients. Only the actual number of meals served by the soup kitchen is required to be reported to the ERA at least every thirty (30) days and no later than the 10<sup>th</sup> day of each month.

### **Food Handling and Meal Preparation**

Special food handling requirements for soup kitchens include but are not limited to:

- Use of non-porous countertops, preferably stainless steel.
- Disinfecting all countertops and utensils (a cold water bleach solution may be used).
- Use of new or properly sanitized reusable food storage containers; plastic bags may not be reused.
- All food handlers must wash hands, wear disposable plastic gloves and cover their hair with hair nets.
- No smoking is allowed in food preparation area or the eating area.
- Shirt pockets must be emptied and jewelry removed that could fall into the food, must not be worn nor decorative hats.
- Area must be free of any type of insect or other foreign matter that could contaminate the food.
- Current inspection from local or State Department of Health (if applicable) must be posted.

ERAs and soup kitchens should contact local public health officials for more information on proper food handling, preparation procedures and standards for soup kitchens.

## Section 8 COMMODITY LOSSES

7 CFR 251.4(l), FNS Instruction 410-1 Revision 2

ISDH requires that ERA explain all losses, including those experienced by their food outlets. ERAs shall balance, on a monthly basis, the amount of food products received and the amount distributed.

### OBJECTIVE

Timely, correct and comprehensive resolution of any USDA commodity loss in compliance with USDA requirements.

### PARTIES

ISDH Food Program	SA
Eligible Recipient Agency	ERA
Outlet	OL

### DEFINITIONS

**Claim** - A demand, or basis for a demand, that restitution be made for the loss of donated foods, or for the loss or improper use of funds relating to donated foods, by the party responsible for such loss.

**Claim action** - Any action taken to initiate, pursue, or resolve a claim, or to collect and dispose of funds in a claim.

**Claim adjustment** – A revision of the original amount of the claim indicated in the notification and demand for payment, as a result of further information received.

**Claim determination** – A determination that a loss of donated foods, or a loss or improper use of funds, has occurred, the value of that loss, the party responsible for the loss (if any), and any other pertinent information.

**In-kind replacement** – The replacement of a loss of donated food with the same type of food of U.S. origin, of equal or better quality in all USDA procurement specifications as the donated food, and at least equal in value to the lost donated food.

**Similar replacement** – The replacement of a loss of donated food with another type of food group (i.e., dairy, grain, meat/meat alternate, vegetable, fruit, etc.) that is of U.S. origin, of equal or better quality in all USDA procurement specifications for that type of food, and at least equal in value to the lost donated food.

## ORIGINATION

At the location of the commodity loss (either SA, ERA, or OL), the SA, ERA or OL shall –

- Completely document the loss on the “*TEFAP/CSFP Commodity Loss Report*” and
- Forward the properly completed document to the SA.

## INVESTIGATION

Upon receipt of a properly completed “*TEFAP/CSFP Commodity Loss Report*”, SA shall –

- Immediately investigate the loss to establish:
  - The types and quantities of donated foods lost.
  - The value of the donated foods lost, or the amount of funds improperly used or lost.
  - The date and location of the loss to the extent they can be determined.
  - The cause, including if theft, embezzlement, or fraud was involved.
  - The party responsible for the loss, if any.
- Determine the value of the loss, using the USDA purchase price of the food at the time the loss occurred.
- If the value of the loss is more than \$500 or the loss is caused by negligence, theft, fraud, embezzlement, willful misapplication, or a failure to comply with the provisions of an agreement or contract,
- Immediately report the loss to FNSRO.
- Determine whether or not a claim action must be pursued. ***(FNS Instruction 410-1, VI.A requires that claim determination must be completed within thirty (30) 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.)***
- If a claim action is not necessary, because the value of the loss does not exceed \$500 OR because the loss did not result from theft, embezzlement, willful misapplication, or fraud, OR because there is no responsible party (as in the case of hurricane, flood, or general power outage),
  - Document the determination,
  - File it electronically.
  - Notify the ERA and/or OL of the determination, in writing.
- If a claim action is necessary because value of the loss exceeds \$500 OR the loss resulted from theft, embezzlement, willful misapplication, or fraud, AND there is not statutory nor regulatory requirement that disallows a claim action,
  - Document the determination by checking the appropriate box on the “*TEFAP/CSFP Commodity Loss Report*”.
  - Initiate the claim action,
  - Immediately inform FNSRO of the action.
  - Notify the ERA and/or OL, in writing.

## CLAIM ACTION

While FNS Instruction 410-1 may be interpreted to require that funds be collected by the SA and then either used by the SA or disseminated to the appropriate recipient agency or another entity, to purchase replacement food, the process involved is far less feasible than requiring the entity responsible for the loss to procure replacement food, supply proof of same, apply any required corrective action, and report in full on those efforts. Therefore, the SA shall require the responsible entity, either ERA or outlet, to replace commodity losses when claim actions are required.

After completing the claim determination, the SA shall—

- Provide written notification and demand for payment to the party responsible for the loss, including the following information:
  - A description of the loss, including the types and quantities of the donated foods lost and the value of the loss.
  - The date, location, and cause of the loss, if determined.
  - Evidence and documentation relating to the loss, including a certificate of inspection by health officials, as applicable.
  - Evidence of theft, embezzlement, willful misapplication, or fraud, as applicable.
  - A formal demand that the responsible party either (at the SAs discretion):
    - Make a payment to the SA for the full value of the loss of donated foods, or improper use or loss of funds, by a date not to exceed 30 days from the date of the notification and demand for payment; OR
    - Purchase replacement foods.
- Make a claim adjustment, based on additional evidence provided by the responsible party, or obtained from another source, subsequent to the notification and demand for payment, if it is deemed appropriate.
- If a claim adjustment is made, the SA shall notify the responsible party of the adjustment, including any information that formed the basis for the action, and the amount for which the responsible party remains liable. A claim adjustment does not entitle the responsible party to any reimbursement for previous payments made on the claim.
- If payment, or a request for adjustment or other appeal of claim actions, or (if the SA has directed) purchase of replacement foods has not been made after 30 days, send a second notification and demand for payment to the responsible party. The demand must require resolution by a date not to exceed 60 days from the date of the original notification and demand for payment.
- Submit claim actions to FNSRO in the following cases:
  - The SA receives an appeal of claim actions from the responsible party; or
  - The FNSRO directs the SA to submit such claim actions for review.
- Suggest or require corrective actions, either general or specific, as deemed necessary.
- Follow up on corrective action requests.
- Document the closeout of any corrective action.



The responsible party (SA/ERA/OL) shall -

- Purchase replacement food in-kind OR pay a claim (if the SA has determined that the purchase of replacement food is not feasible) no later than 60 days from the date of the SA's notification and demand for payment document. If in-kind replacement is not feasible then the replacement must be similar. (See definitions in this section.)
- Furnish to the SA copies of receipts for replacement food along with documentation of the source of the funds used to purchase the replacement food.
- Effect corrective action as directed by the SA.
- Document the corrective action.
- Electronically submit the documentation to the SA.

**NOTE:** At the time of an on-site review, if ERA or OL has had a loss in the past 12 months that resulted in corrective action, the review shall include a review of all records related to loss. See *Attachment K*.

## Section 9 CLIENT CHOICE

No matter what the income level, people need to be able to select their own foods and have control over what they eat. This practice is referred to as Client Choice. In Indiana, all pantries that participate in TEFAP are required to be "Client Choice".

The choice pantry allows families the dignity of choosing their own food. Client choice also helps make the most of USDA foods. Families may choose the foods that they need instead of being given items that they may already have, or be unable to consume because of dietary restriction.

ISDH may amend or alter Client Choice to protect public health.

### TOTAL NUMBER OF ITEMS METHOD

This is a very easy method for pantries to use when first switching to a client choice model. Each family is given a total number of items to choose. There are no constraints except for the available amount of food. For instance, shelf tags may read "up to 3 meat items per family" in order to keep enough stock available for the average number of households served by the pantry.

Total number of items method example:

- 35 items to household of 1-3
- 50 items to a household of 4-5
- 75 items to a household of 6 or more

This method is uncomplicated for volunteers because they only have to count the total number of items for the client to bag. Although clients have complete freedom to choose the foods they want, this setting is ideal for volunteers to provide nutrition education by suggesting food selection.

Often foods are not chosen because they are unfamiliar to the client or a client does not know how to prepare them in a way their family will like. Samples of prepared foods for tasting along with recipes are great ways to get people to try new foods. Most people enjoy discussing recipes and food preparation. New volunteers may find this a great icebreaker or a way to get to know clients better. Some clients may bring in family favorite recipes to copy and share at the pantry. Those recipes can showcase both the volunteer and the product by using samples or taste testing or naming the recipe after the volunteer, i.e., "Jenny's green beans".

Other sources for nutrition education include either FNP (Family Nutrition Program) or EFNEP (the Expanded Food and Nutrition Education Program). An educator from either program may be able to prepare food for demonstration and sign clients up for in-home classes on shopping and budgeting. Contact the local extension office for additional information.

All food preparation shall comply with local health department food safety requirements and regulations.

### **CHOICE ON PAPER**

The least preferred method for providing client choice is to give clients a list of items and let them choose on paper. A volunteer then pulls the items off the shelf and bags them for the client.

There are several disadvantages to this method, especially if the client has trouble reading or has limited English proficiency. Client Choice is designed to help with a flow of many different kinds of food. If there is limited selection of items, the list will often be out of date. If a client circles green beans and there are no green beans in stock, then either the volunteer chooses an alternate for the client or extra time is taken to ask what substitute the client would like. Most people prefer to physically touch and choose the foods they want rather than pick from a list.

### **SAMPLE LIST**

#### ***Bread items***

(Circle 3)

Crackers

Tortillas

Cereal

Rice

Macaroni and Cheese

Chips or Popcorn

#### ***Protein items***

(Circle 3)

Spam

Chicken and noodles

Stew

Tuna

Peanut Butter

Eggs

#### ***Canned fruits/vegetables/juices***

(Circle 4)

Green Beans

Orange juice

Grape juice

Tomato juice

Tomatoes

Beets

Peaches

Pears

#### ***Free items***

(Circle 3)

Bread

Cold Medicine

Soap

Sweet or pastry

Snack items

(Diapers, if available)

Client Choice pantry shopping has the unique ability to create a practice shopping experience for the client. Many people of all income levels waste precious food dollars by not knowing how to comparison-shop. Even though the client is not using actual dollars, he is using points, pounds, or items, and must budget them in the same way as money. This allows the experience of choosing or putting back selected items on the shelf, because it does not fit in the shopping budget. This experience can translate to better use of money or food stamps in the grocery store.

## SENIORS AND CHOICE

Seniors may require special consideration when planning a Client Choice pantry. A Client Choice pantry can be especially helpful to someone trying to plan a special diet around high blood pressure, cholesterol issues, or diabetes. In addition, extra thought may need to go into the physical space at the pantry to make allowances for physical impairments brought about by aging. Some examples of typical problems experienced by seniors are:

- Items are placed too high on shelves for someone with limited range of arm motion.
- Items are placed too low for someone with back problems or balance issues.
- Baskets or carts may be needed, or at least a table to set items on while choosing grocery selections.
- Special tools such as a grab claw may be useful for items placed high on shelves.
- Frozen items may be preferred over canned items due to high sodium content of canned items, and ease of opening the container. (Joint and hand problems due to arthritis may make using a can opener difficult.)
- Frozen items also allow less food waste for a person living alone as a single serving can be taken out of the package and the rest returned to the freezer.
- Seniors may need assistance to their car or just walking around the pantry.
- Single serving containers are preferred whenever possible to help prevent food waste.

Other considerations for seniors struggling with finances include:

- Offering personal care products at no additional points such as denture cleaner or hair-care products.
- Pet foods should be offered if at all possible since many seniors who live alone will sacrifice valuable food dollars at the grocery store to make sure a beloved pet receives the food it needs.
- Offering some over the counter medicines at one or no points to help conserve grocery dollars for food.

Provide information to seniors at pantry sites about hot meal sites for seniors, home delivered meals, and free or reduced priced prescription drug programs. These are all excellent opportunities for the pantry volunteers to interact with seniors visiting the pantry and form lasting relationships with the clients while making a real difference in the quality of their lives.

Volunteers who make deliveries with the use of a proxy form can easily have an extra box or cooler along with alternate foods to quickly trade apple sauce for peaches, green beans for corn, or a different canned meat. These small changes can boost nutrition for an older person whose appetite is lagging or certain foods do not taste good to them. It is best to carry along the extra foods rather than try a paper and pencil method.

## **Section 10 PROHIBITED ACTIVITIES**

7 CFR 250, 7 CFR 251.10(f), 7 CFR 251.10(c)

### **SALE OF FOOD PRODUCTS**

USDA requires agencies to give food products to eligible households at no charge. Selling food products or trading food products for services is strictly prohibited. Violators are subject to Federal and /or State prosecution.

### **POLITICAL ACTIVITY**

Political activity in any form is prohibited during commodity distribution. Candidates shall not make political appearances during hours of operation or when recipients are at the food outlet. Campaign literature and signs shall not be evident nor distributed. Bags or boxes advertising candidates or political causes shall not be used to carry food products. Staff and volunteers shall not wear buttons or politically inspired apparel.

### **SOLICITATION AND MEMBERSHIP REQUIRED**

Clients shall not be solicited for contributions and shall not be required to attend, participate or join the organization distributing the food. Eligibility is based solely on income eligibility and state residency.

### **FOOD PRODUCTS AS COMPENSATION**

Volunteers and staff are entitled to USDA products only if they meet income eligibility requirements. Eligible volunteers and staff shall not be given extra food to encourage their help. Issue rates established by the food outlet shall not be exceeded.

### **RE-PACKAGING**

Repackaging of any TEFAP foods is prohibited. Bagging of bulk produce such as apples, oranges, and potatoes is not considered “re-packaging”.

### **DISCRIMINATION**

USDA’s Nondiscrimination Statement for use by state and local agencies and their subrecipients for all FNS programs:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact

the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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### **AMERICANS WITH DISABILITIES ACT (ADA)**

The potential impact the Americans with Disabilities Act (ADA) may have on not-for-profit organizations has been a concern for many agencies. Homeless shelters, soup kitchens and food pantries that are covered under Title III of the ADA as “places of public accommodation” and that lease or occupy donated space from a religious organization remain subject to ADA. Accordingly, a distribution site that occupies leased or donated space in a church, synagogue or temple or facilities owned by a church, synagogue or temple is subject to the ADA and Section 504 of the Rehabilitation Act of 1973.

Removal of architectural and structural barriers such as stairs or narrow doorways in existing buildings is required when such removal is “readily achievable”, that is when the modifications can be easily accomplished without great difficulty or expense. A variety of factors are considered in making this determination, including the overall financial resources of the organization and the extent of the action required. Also included is the impact of the action on the continued operation of the facility.

If the expense of removing structural barriers will prove too costly for the distribution site, other ways to comply with ADA still exist. Installation of a buzzer or intercom at a stairway would allow the client access to the services of the site. Recruitment of additional volunteers to provide home delivery through use of the proxy system is acceptable. “Readily achievable” removal of barriers might include installing grab bars, ramps for steps, adding Braille marking to existing signs, rearranging tables or chairs, or making other modest adjustments.

All of the above can be accomplished with little or no expense to the site. The primary goal should be to allow access to the services provided by the site if access to the facilities cannot be achieved. For information regarding a survey of your facilities and what could be done to make a site more accessible, contact the Disability and Business Center at 1-800-949-4ADA.

## Section 11 RECORDS AND REPORTS

7 CFR 251.10(a), 7 CFR 251.10(d)(2)

### ERA REPORTS TO ISDH

#### Excess Inventory Report

Every six (6) months, in January and July, ERAs shall submit a completed form FNS-155 “Inventory Management Register” listing any and all commodities in inventory longer than six (6) months. Data required includes commodity description, commodity code, quantity in cases, and disposition or comments. *See Attachment V.*

#### Bills of Lading

Bills of Lading including the following information must be receipted in WBSCM by ERA staff within 24 hours of receipt of delivery. Bills of Lading shall be submitted to ISDH, via email, within two business days of receipt of delivery. *See Attachment H.*

- Date received
- Printed name of receiver
- Receiver’s signature
- Confirmation of quantity received
- Seal condition
- Any shortages, overages, damages
- Temperature upon arrival (frozen and refrigerated loads)

#### Workbooks

ISDH provides a distribution workbook for each shipment received by each ERA. The ERA is responsible for accurately completing the workbook and submitted it to ISDH no later than thirty (30) days after the shipment is fully distribute to outlets. ISDH provides a work instruction. *See Attachment S.*

#### Distribution Worksheets Process

The ERA shall –

- Use the correct distribution worksheet to determine distribution of commodities to food outlets (pantries and soup kitchens).
- Submit completed worksheet for each distributed commodity to the SA no later than 30 days after all product from a specific shipment is distributed.

#### Outlet Information Worksheet

ERAs are responsible for notifying ISDH of new, removed, or revised outlet details on an Outlet Information Worksheet. ISDH provides a form and work instruction for the purpose. *See Attachment T.*



**Service Statistics**

ERA shall provide, no later than the 20<sup>th</sup> day of each month, service statistics for all active outlets within their service area, for the prior month. ISDH provides a form and work instruction for the purpose. *See Attachment S.*

Food deliveries and/or grant reimbursement may be withheld or reduced if required reports are not submitted within specified time frame.

**Service Statistics Process**

The ERA shall -

- Require all outlets to submit monthly service statistics to them no later than the 10<sup>th</sup> day of each month.
- Submit electronically, the compiled monthly service statistics for the prior month to ISDH no later than the 20<sup>th</sup> day of every month.

The SA shall -

- Enter service statistics into the appropriate database.

**DISTRIBUTION SITE REPORTS TO ERAs**

Food outlets are responsible for reporting to the ERA the number of households and meals served each month. Individual food outlets shall keep completed eligibility records on file and available for inspection by USDA, ISDH, the ERA, and/or their designees.

Distribution sites shall provide the ERA with any other reports deemed necessary by the ERA.

**RETENTION OF RECORDS**

All records related to TEFAP shall be retained for three (3) years from the close of the federal fiscal year to which they pertain and the current federal fiscal year. ERAs are responsible for proper maintenance and retention of all records required of food outlets. Records shall be available for inspection by USDA, ISDH, and/or their designees.

## Section 12 PUBLIC HEALTH PROTECTION

This section applies to allowable alteration of processes in response to public health emergencies as determined by Indiana State Department of Health. ISDH shall notify ERAs of alterations allowed in each situation, the time frame for each allowance, and shall provide guidance on execution.

Process changes shall be temporary in nature, determined by ISDH, and based on the needs of ERAs, outlets, and recipients and program flexibilities allowed by federal regulations.

## Section 13 ATTACHMENTS

- A Proxy Statement
- B Memorandum of Agreement for ERA and Food Outlet
- C Map of TEFAP ERAs
- D FNS instruction 113-1
- E Eligibility Certificate
- F “I Speak” and LEP Guidelines
- G FNS 57
- H Bill Of Lading Example
- I Warehousing Standards
- J ERA Delivery Receipt Example
- K Commodity Loss Form
- L Code of Federal Regulations for TEFAP (7 CFR 251)
- M Monitoring Forms
- N Written Notice of Beneficiary Rights
- O FNS Instruction 709-5, Rev 3
- P Policy Memorandum FD-138
- Q Work Instruction - Order Status Report
- R Work Instruction - Receipting in WBSCM
- S Work Instruction - Workbooks and Service Statistics
- T Work Instruction – Outlet Information Change Form
- U Annual Storage Facility Review Form
- V FNS-155
- W TEFAP Outlet Monitoring Review Indicator Sheet
- X “And Justice for All” poster
- Y FNS Handbook 501



**Indiana State Department of Health  
PROXY STATEMENT- Effective July 1, 2020**

**PANTRY:** \_\_\_\_\_

**COUNTY:** \_\_\_\_\_ **PANTRY ADDRESS:** \_\_\_\_\_

PRINT

Recipient chooses to designate a proxy.

<b>RECIPIENT NAME</b>		<b>HOUSEHOLD SIZE</b>
<b>RECIPIENT ADDRESS</b>	<b>CITY</b>	<b>ZIP</b>

<b>PROXY NAME</b>		
<b>PROXY ADDRESS</b>	<b>CITY</b>	<b>ZIP</b>

**HOUSEHOLD PARTICIPATES IN (automatic eligibility for TEFAP):**

- Women, Infants, and Children (WIC)
- Supplemental Nutrition Assistance Program (SNAP)
- National School Lunch Program (NSLP)

**INCOME GUIDELINES:**

HOUSEHOLD SIZE	INCOME MONTHLY	INCOME ANNUALLY	HOUSEHOLD SIZE	INCOME MONTHLY	INCOME ANNUALLY
1	\$1,968	\$23,606	4	\$4,040	\$48,470
2	\$2,658	\$31,894	5	\$4,730	\$56,758
3	\$3,349	\$40,182	6	\$5,421	\$65,046

FOR EACH ADDITIONAL HOUSEHOLD MEMBER, ADD \$691

OPTIONAL: # 0-5 #6-17 #18-54 #55-59 #60-64 #65+ # Veteran

Signature/Initials: \_\_\_\_\_ Date \_\_\_\_\_  
(Site Personnel Completing Form)

Proxy designation is: \_\_\_\_\_ Temporary \_\_\_\_\_ Permanent

Willful diversion of USDA Commodities for personal gain is a state and federal offense, subject to a fine of up to \$10,000 and/or imprisonment up to 5 years. USDA products cannot be sold, traded or bartered.

Revised 06/22/2020

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distributed to income eligible recipients at designated Food Outlets, the distribution process is considered complete. Indiana State Department of Health works directly with Food and Nutrition Services (FNS), Agricultural Management Services (AMS) and United States Department of Agriculture (USDA) to provide USDA allocated food products to ERAs. The food outlet agrees to accept allocated product according to ERA delivery guidelines. The ERA does not guarantee the quality or condition of food products provided to the Food Outlets. The Food Outlet shall release USDA, ISDH, and the ERA from any liability for losses, damages, illnesses, or injuries resulting from distribution of food products.

- F. **Repackaging:** There will be NO repackaging of allocated USDA food products at the Food Outlet or off premises without written approval from USDA.
  
- G. **Prohibited Activities:** The sale, exchange, or use of any USDA food products for personal gain, or use as a means to further the political interest of any individual or party or any other form of fraud or abuse is subject to federal and state prosecution.  
*TM Pgs. 23-24*  
The Food Outlet shall not charge any fees, require membership or referrals as a condition for receipt of both USDA and non-USDA food items. This agreement further prohibits the requirement of membership in any organization; church, political, fraternal, union, block club, etc. or attendance of same as a requisite for receipt of any food products.  
The Food Outlet shall not distribute any food product to hospitals, group-home care facility-providing meals for residents, penal institutions, non-profit school lunch programs, non-profit summer camps for children, or other child nutrition programs (excluding Kids Cafe).
  
- H. **Storage Facilities and Distribution Sites:** The Food Outlet shall have a secure and adequate facility for proper storage and distribution of all food products to prevent spoilage, infestation, damage, or other condition that may jeopardize the wholesomeness or safety of the product. In accordance with 7 CFR 250.14(b), a thermometer is required and must be in all dry storage, refrigeration and freezer areas. Temperature readings for all areas of the storage facilities will be taken at least weekly, and a temperature log will be maintained. Storage is to be rodent and insect free.
  
- I. **Product Delivery:** When physical delivery of food products is taken, the Food Outlet shall assume liability for the safekeeping of food products until the food products are released to eligible recipients. This liability shall be limited to improper distribution or use, loss or damage caused by failure to provide proper storage, care, and handling. At the option of ISDH, the Food Outlet shall be required to replace any loss of USDA donated food. Losses must be immediately reported to the ERA. The Food Outlet will be the carrier of liability insurance at all times and will provide proof upon request.
  
- J. **Distribution of Donated USDA Commodities:** Outlets are to be open to the public with hours of operation clearly posted, including directional signage if necessary. Outlets that are currently not designated as “closed shelters” must offer food to eligible recipients on a first come, first served basis at a minimum of every 30 days without appointment.

- K. **Required Signage:** The Food Outlet agrees to post in an area where the participants can see; the "And Justice for All" poster, TEFAP income eligibility guidelines, the amount of items available in the form of household breaks, and any other pertinent information such as SNAP benefit information, list of area pantries, and brochures on local resources available pantry clients may access.
- L. **Public Outreach:** The Food Outlet agrees it will publicize within its designated service area the operational hours the outlet is open to alert potential participants of the availability of food products. Methods to publicize the site's operational hours include, but are not limited to, placing notices in local newspapers, posters, pamphlets, or help lines. The Food Outlet agrees it will keep the ERA current of its regularly scheduled hours of operation.
- M. **Income Eligibility:** The Food Outlet agrees to adhere to USDA Income Eligibility Guidelines as revised and issued by Indiana State Department of Health. The Federal Poverty and Unemployment Guideline released by Health and Human Services, and currently used for TEFAP in Indiana is 185%. Food Outlets will distribute USDA allocated foods to income eligible households; program participation is determined by self-declaration of income. Food outlets may ask recipients for name, address, household size, and household income level. Food Outlets providing services to income eligible recipients more frequently than every 30 days may ask for proof of address such as a piece of mail. No other information is to be collected, copied or stored.
- N. **Complaints and Investigations:** The ERA and the Food Outlet agree to cooperate fully with ISDH in the investigation of all complaints received. The ERA and the Food Outlet agree to correct any violations that are disclosed. The Food Outlet shall report promptly, first by phone and then in writing to the ERA. The ERA will report to ISDH detailing all corrective measures taken. If any irregularities are deemed critical then the ERA and/or ISDH may immediately remove all USDA food products with only verbal notification.

**Parties to this agreement:** Sponsoring ERA and Food Outlet; Name, Physical Address, Mailing Address, and Contact.

ERA	Food Outlet
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

This Food Outlet is a: \_\_\_ Soup Kitchen, \_\_\_ Food Pantry, \_\_\_ Both (FP/SK)

**Signatures:** Both parties have read, understand, and agree to the terms outlined in this Memorandum of Agreement, and TEFAP Program Manual

**Signed:** \_\_\_\_\_  
Authorized ERA Agency Representative

**Signed:** \_\_\_\_\_  
Authorized Food Outlet Representative

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Title of Authorized Representative

\_\_\_\_\_  
Title of Authorized Representative

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature





**Food Bank of Northern Indiana**  
Executive Director: Marijo Martinec  
[mmartinec@feedindiana.org](mailto:mmartinec@feedindiana.org)  
Contact: Brandy Love  
[bllove@feedindiana.org](mailto:bllove@feedindiana.org)  
702 S. Chapin Street  
South Bend, IN 46601  
574-232-9986 or 800-879-7040



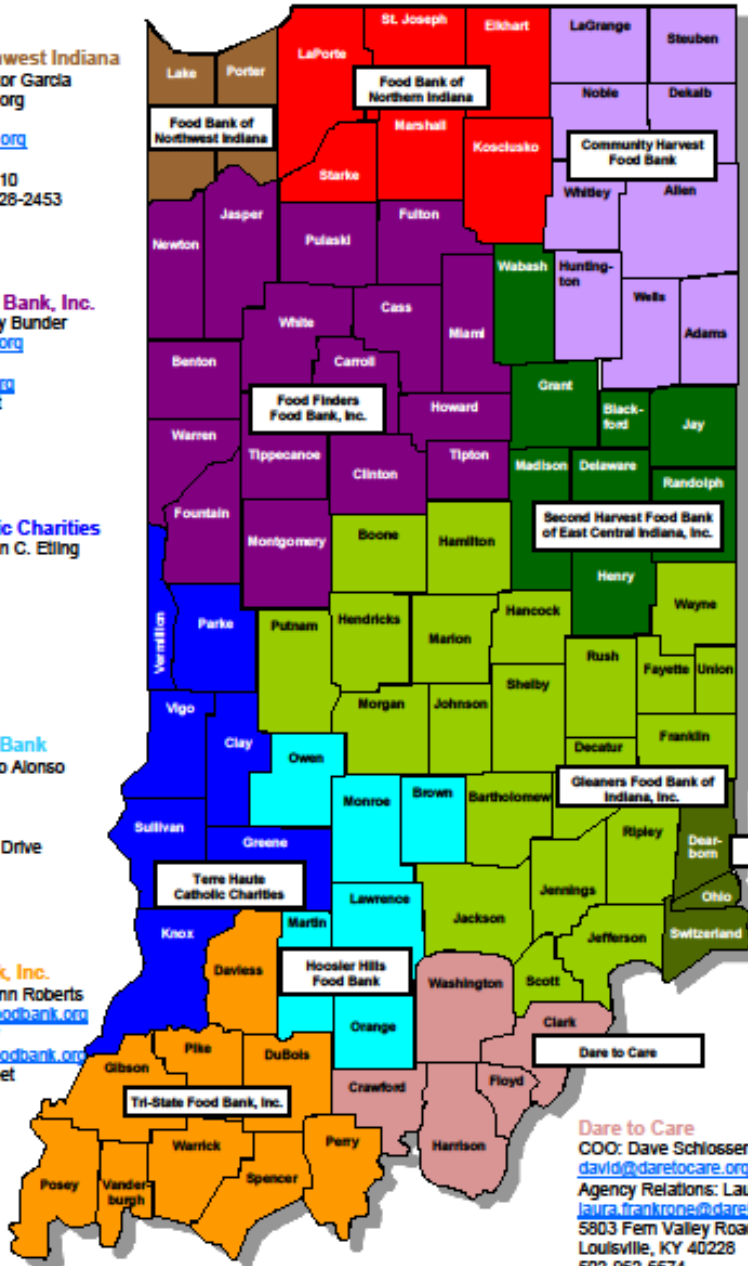
**Food Bank of Northwest Indiana**  
Executive Director: Victor Garcia  
[vgarcia@foodbanknwi.org](mailto:vgarcia@foodbanknwi.org)  
Contact: Tricia Sheaks  
[tsheaks@foodbanknwi.org](mailto:tsheaks@foodbanknwi.org)  
6490 Broadway  
Merrillville, Indiana 46410  
219-980-1777 or 888-728-2453

**Food Finders Food Bank, Inc.**  
Executive Director: Katy Bunder  
[kbunder@food-finders.org](mailto:kbunder@food-finders.org)  
Contact: Briton Weise  
[bweise@food-finders.org](mailto:bweise@food-finders.org)  
1204 Greenbush Street  
Lafayette, IN 47904  
765-471-0062

**Terre Haute Catholic Charities**  
Executive Director: John C. Etling  
[jeting@ccthin.org](mailto:jeting@ccthin.org)  
Contact: Jo Catterson  
[jcatterson@ccthin.org](mailto:jcatterson@ccthin.org)  
430 N 14 1/2 Street  
Terre Haute, IN 47807  
812-235-3424

**Hoosier Hills Food Bank**  
Executive Director: Julio Alonso  
[julio@hhfoodbank.org](mailto:julio@hhfoodbank.org)  
Contact: Casey Steury  
[usda@hhfoodbank.org](mailto:usda@hhfoodbank.org)  
2333 W Industrial Park Drive  
Bloomington, IN 47404  
812-334-8374

**Tri-State Food Bank, Inc.**  
Executive Director: Glenn Roberts  
[glennroberts@tristatefoodbank.org](mailto:glennroberts@tristatefoodbank.org)  
Contact: Tammy Berry  
[jbookkeeper@tristatefoodbank.org](mailto:jbookkeeper@tristatefoodbank.org)  
801 East Michigan Street  
Evansville, IN 47711  
812-425-0775



**Community Harvest Food Bank**  
President: Carmen Cumberland  
[ccumberland@communityharvest.org](mailto:ccumberland@communityharvest.org)  
Contact: Melissa Hoover  
[mhoover@communityharvest.org](mailto:mhoover@communityharvest.org)  
1010 N Coliseum Blvd  
Ft. Wayne, IN 46805  
260-447-3696 or 888-774-1465

**Second Harvest Food Bank of East Central Indiana, Inc.**  
Executive Director: Tim Kean  
[tkean@cehunger.org](mailto:tkean@cehunger.org)  
Contact: Sunni Matters  
[smatters@cehunger.org](mailto:smatters@cehunger.org)  
6621 N Old State Road 3  
Muncie, IN 47303  
765-287-8696 or 800-886-0882

**Gleaners Food Bank of Indiana**  
President/CEO: John Elliott  
[jelliott@gleaners.org](mailto:jelliott@gleaners.org)  
Agency Relations: Nikki Aughinbaugh  
[naughinbaugh@gleaners.org](mailto:naughinbaugh@gleaners.org)  
3737 Waldemere Ave.  
Indianapolis, IN 46241  
317-925-0191 or 800-944-9166

**FreeStore**  
President/CEO: Kurt Reiber  
[kreiber@freestorefoodbank.org](mailto:kreiber@freestorefoodbank.org)  
Agency Relations: Michael Trull  
[mtrull@freestorefoodbank.org](mailto:mtrull@freestorefoodbank.org)  
Administrative Offices  
1141 Central Parkway  
Cincinnati, OH 45202

Distribution Center  
1250 Tennessee Ave.  
Cincinnati, OH 45229  
513-482-4500

**Dare to Care**  
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Agency Relations: Laura Frankrone  
[laura.frankrone@daretocare.org](mailto:laura.frankrone@daretocare.org)  
5803 Fern Valley Road  
Louisville, KY 40228  
502-962-6674

6/22/2020

The Emergency Food Assistance Program (TEFAP) Indiana Food Banks  
2 North Meridian Street-5E, Indianapolis, IN 46204  
1-800-522-0874

## XI CIVIL RIGHTS TRAINING

Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures, and directives. Persons responsible for reviewing CR compliance must receive training to assist them in performing their review responsibilities. This training may be carried out as part of ongoing technical assistance.

The FNS Regional OCR and State agencies will be responsible for training State agency staffs. State agencies are responsible for training local agencies. Local agencies are responsible for training their sub recipients, including “frontline staff.” “Frontline staff” who interact with program applicants or participants, and those persons who supervise “frontline staff,” must be provided civil rights training on an annual basis. Specific subject matter must include, but not be limited to:

- A Collection and use of data,
- B Effective public notification systems,
- C Complaint procedures,
- D Compliance review techniques,
- E Resolution of noncompliance,
- F Requirements for reasonable accommodation of persons with disabilities,
- G Requirements for language assistance,
- H Conflict resolution, and
- I Customer service.



**Food Distribution  
National Policy Memorandum**

**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

3101 Park  
Center Drive

Alexandria, VA  
22302-1500

**DATE:** January 25, 2011

**POLICY NO.:** FD-113: Commodity Supplemental Food Program (CSFP),  
Food Distribution Program on Indian Reservations (FDPIR), and  
The Emergency Food Assistance Program (TEFAP)

**SUBJECT:** Civil Rights Training Requirements for Volunteers

This memorandum clarifies Food and Nutrition Service (FNS) policy regarding civil rights training for volunteers in the Commodity Supplemental Food Program (CSFP), The Emergency Food Assistance Program (TEFAP), and the Food Distribution Program on Indian Reservations (FDPIR). Additional information may be found in FNS Instruction 113-1, which may be retrieved at <http://www.fns.usda.gov/cr/documents/113-1.pdf>.

FNS requires civil rights training for people involved in all levels of the administration of programs that receive Federal financial assistance. Civil rights training requirements for volunteers should be approached in the following manner:

- Frontline volunteers, such as individuals who regularly interact with program applicants and participants or determine eligibility must receive full civil rights training on an annual basis, as outlined in FNS Instruction 113-1, Section XI. Any volunteer who handles personal information must receive this training as well. Training should first occur during each individual's orientation to the program(s).
- Volunteers who do not handle personal information and who may infrequently interact with program applicants, participants, or frontline staff must receive, at a minimum, limited civil rights training which covers customer service and any other subject matter applicable to each volunteer's role and responsibilities. This training may be less time intensive than the full training provided to frontline volunteers. Consistent with above, it must first occur during volunteers' orientation to the program(s) and through refresher training as needed.
- Volunteers who do not interact in any way with program applicants and participants, and who do not handle personal information, do not need civil rights training.

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# I Speak Statements

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| <input type="checkbox"/> Unë flas <b>shqip</b> (Albanian)                    | <input type="checkbox"/> N' a po <b>KIào Win.</b> (Kru)                           |
| <input type="checkbox"/> አማርኛ እናገራለሁ (Amharic)                               | <input type="checkbox"/> ຂ້າພະເຈົ້າເວົ້າ ພາສາລາວ. (Lao)                           |
| <input type="checkbox"/> أنا أتكلم اللغة العربية. (Arabic)                   | <input type="checkbox"/> Yie gongv <b>Mienh waac.</b> (Mien)                      |
| <input type="checkbox"/> Ես խոսում եմ հայերեն (Armenian)                     | <input type="checkbox"/> म <b>नेपाली</b> बोल्छु (Nepali)                          |
| <input type="checkbox"/> আমি বাংলা ভাষী। (Bengali)                           | <input type="checkbox"/> Mówię <b>po polsku.</b> (Polish)                         |
| <input type="checkbox"/> Ja govorim <b>bosanski jezik</b> (Bosnian)          | <input type="checkbox"/> Eu falo <b>Portugês.</b> (Portuguese)                    |
| <input type="checkbox"/> ကျွန်ုပ်တို့ပြောသောစကားပြောသည်။ (Burmese)           | <input type="checkbox"/> ਇ ਸ੍ਰਪਅਕ ਪੰਜਾਬੀ (Punjabi)                                |
| <input type="checkbox"/> 我说中文 (Chinese Simplified)                           | <input type="checkbox"/> Cunosc limba <b>Română.</b> (Romanian)                   |
| <input type="checkbox"/> 我說中文 (Chinese Traditional)                          | <input type="checkbox"/> Я говорю <b>по-русски.</b> (Russian)                     |
| <input type="checkbox"/> Ja govorim <b>hrvatski.</b> (Croatian)              | <input type="checkbox"/> Ou te tautala <b>faaSamoa.</b> (Samoaan)                 |
| <input type="checkbox"/> اینچانب به زبان فارسی صحبت می کنم (Farsi)           | <input type="checkbox"/> Govorim <b>srpski.</b> (Serbian)                         |
| <input type="checkbox"/> Je parle <b>français.</b> (French)                  | <input type="checkbox"/> Waxaan ku hadlaa <b>Somali.</b> (Somali)                 |
| <input type="checkbox"/> Je parle le <b>Français haïtien</b> (French Creole) | <input type="checkbox"/> Yo hablo <b>español.</b> (Spanish)                       |
| <input type="checkbox"/> Μιλάω <b>ελληνικά.</b> (Greek)                      | <input type="checkbox"/> أتحدث السودانية (لغوي سوداني) (Sudanese)                 |
| <input type="checkbox"/> འོ འུཤརའའི ཡེལུ འོ (Gujarati)                       | <input type="checkbox"/> Marunong po akong magsalita ng <b>Tagalog.</b> (Tagalog) |
| <input type="checkbox"/> Mwen pale <b>Kreyòl.</b> (Haitian Creole)           | <input type="checkbox"/> ข้าพเจ้าพูด ภาษาไทย (Thai)                               |
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| <input type="checkbox"/> Kuv hais <b>lus hmoob.</b> (Hmong)                  | <input type="checkbox"/> Я розмовляю <b>українською.</b> (Ukrainian)              |
| <input type="checkbox"/> Ana m a sụ <b>Igbo</b> (Igbo)                       | <input type="checkbox"/> میں اردو بولتا/ بولتی ہوں۔ (Urdu)                        |
| <input type="checkbox"/> Parlo <b>Italiano</b> (Italian)                     | <input type="checkbox"/> Tôi nói tiếng <b>Việt.</b> (Vietnamese)                  |
| <input type="checkbox"/> 私は <b>日本語</b> を話します (Japanese)                      | <input type="checkbox"/> יִדִּישׁ יִיִדִּישׁ (Yiddish)                            |
| <input type="checkbox"/> Mi chat <b>Jamiekan langwjjj</b> (Jamaican Creole)  | <input type="checkbox"/> Mo gbọ <b>Yoruba</b> (Yoruba)                            |
| <input type="checkbox"/> <b>yk tikqkif il</b> (Karen)                        |   |
| <input type="checkbox"/> ខ្ញុំនិយាយភាសាខ្មែរ (Khmer)                         |   |
| <input type="checkbox"/> 본인의 모국어는 <b>한국어</b> 입니다 (Korean)                    |   |
| <input type="checkbox"/> ئە ز زمانى <b>كوردى</b> ده ناخفم. (Kurdish)         |   |

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**Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the federal assistance.**

The following is excerpted from <http://www.hhs.gov/ocr/civilrights/resources/laws/revisedlep.html>  
**“Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons”**

#### IV. Who Is a Limited English Proficient Individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English may be limited English proficient, or "LEP," and may be eligible to receive language assistance with respect to a particular type of service, benefit, or encounter.

Examples of populations likely to include LEP persons who are encountered and/or served by HHS recipients and should be considered when planning language services may include such as those:

Persons seeking Temporary Assistance for Needy Families (TANF), and other social services.

Persons seeking health and health-related services.

Community members seeking to participate in health promotion or awareness activities.

Persons who encounter the public health system.

Parents and legal guardians of minors eligible for coverage concerning such programs.

#### V. How Does a Recipient Determine the Extent of Its Obligation To Provide LEP Services?

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits.

After applying the above four-factor analysis, a recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages, or, in fact, that, in certain circumstances, recipient-provided language services are not necessary. (As discussed below, recipients may want to consider documenting their application of the four-factor test to the services they provide.) For instance, some of a recipient's activities will be more important than others and/or have greater impact on or contact with LEP persons, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. HHS recipients should apply the following four factors to the various kinds of

contacts that they have with the public to assess language needs and decide what reasonable steps, if any, they should take to ensure meaningful access for LEP persons.

(1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed. Ordinarily, persons "eligible to be served, or likely to be directly affected, by" a recipient's program or activity are those who are served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that has been approved by a federal grant agency as the recipient's service area. However, where, for instance, a particular office of the county or city health department serves a large LEP population, the appropriate service area is most likely that office, and not the entire population served by the department. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself, provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, recipients should consider whether the minor children their programs serve have LEP parent(s) or guardian(s) with whom the recipient may need to interact.

Recipients should first examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. In certain circumstances, it is important in conducting this analysis to include language minority populations that are eligible for their programs or activities but may be underserved because of existing language barriers. Other data should be consulted when appropriate to refine or validate a recipient's prior experience, including the latest census data for the area served, data from school systems and from community organizations, and data from state and local governments. (6) Community agencies, school systems, religious organizations, legal aid entities, and others can often assist in identifying populations which may be underserved because of existing language barriers and who would benefit from the recipient's program, activity, or service, were language services provided.

(6) The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language who speak or understand English less than well. Some of the most commonly spoken languages other than English may be spoken by people who are also overwhelmingly proficient in English. Thus, they may not be the languages spoken most frequently by limited English proficient individuals. When using demographic data, it is important to focus in on the languages spoken by those who are not proficient in English.

(2) The Frequency With Which LEP Individuals Come in Contact With the Recipient's Program, Activity or Service

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. It is also advisable to consider the frequency of different types of language contacts. For example, frequent



contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a recipient's program, activity, or service on a daily basis, a recipient has greater duties than if an LEP individual's contact with the recipient's program, activity, or service is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use one of the commercially available telephonic interpretation services to obtain immediate interpreter services. For example, a drug treatment program that encounters LEP persons on a daily basis most likely may have a greater obligation than a drug treatment program that encounters LEP persons sporadically. The obligations of both programs are greater than that of a drug treatment program which has never encountered a LEP individual where the service area includes few or no LEP individuals.

In applying this standard, certain recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups. For example, in areas where a community health center serves a large LEP population, outreach may be appropriate. On the other hand, for most individual physicians or dentists, outreach may not be necessary.

### (3) The Nature and Importance of the Recipient's Program, Activity, or Service

The more important the recipient's activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Thus, the recipient should consider the importance and urgency of its program, activity, or service. If the activity is both important and urgent--such as the communication of information concerning emergency surgery and the obtaining of informed consent prior to such surgery--it is more likely that relatively immediate language services are needed. Alternatively, if the activity is important, but not urgent--such as the communication of information about, and obtaining informed consent for, elective surgery where delay will not have any adverse impact on the patient's health, or communication of information regarding admission to the hospital for tests where delay would not affect the patient's health-- it is more likely that language services are needed, but that such services can be delayed for a reasonable period of time. Finally, if an activity is neither important nor urgent--such as a general public tour of a facility--it is more likely that language services would not be needed. The obligation to communicate rights to a person whose benefits are being terminated or to provide medical services to an LEP person who is ill differ, for example, from those to provide medical care for a healthy LEP person or to provide recreational programming.

Decisions by a federal, state, or local entity to make an activity compulsory, such as job search programs in welfare to work programs, can serve as strong evidence of the program's importance.

### (4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take to comply with Title VI. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, reasonable steps may cease to be "reasonable" where the costs imposed substantially exceed the benefits.

Resource and cost issues, however, can often be reduced by technological advances; the sharing of language assistance materials and services among and between recipients, advocacy groups, and Federal grant agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs.(7) Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

(7) Recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.

**Safe Harbor. The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:**

**(a) The HHS recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or**

**(b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.**

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where an application of the four factor test leads to the determination that oral language services are needed and are reasonable.

U.S. DEPARTMENT OF AGRICULTURE- FOOD AND NUTRITION SERVICE

**REPORT OF SHIPMENT RECEIVED OVER, SHORT AND/OR DAMAGED**

SEE INSTRUCTIONS ON REVERSE

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0584-0293. The time required to complete this information collection is estimated to average 5 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

**SECTION A - SHIPMENT IDENTIFICATION AND UNLOADING INFORMATION**

1. NAME OF COMMODITY		2. TYPE OF PACK		3. CONTRACT NO.		4. DESTINATION CITY AND STATE	
5. DELIVERY ORDER NO.		6. NOTICE TO DELIVER NO.		7. METHOD OF DELIVERY <input type="checkbox"/> RAIL <input type="checkbox"/> TRUCK <input type="checkbox"/> PIGGYBACK		8. RR CAR, TRUCK, OR PIG NO.	
9. UNLOADED STARTED (Date and Time) _____ COMPLETED (Date and Time) _____						10. OCEAN BILL OF LADING NO. (Overseas Shipment Only)	

**SECTION B - OVERAGE, SHORTAGE, AND/OR DAMAGE**

11. QUANTITY							
A. REPORTED SHIPPED		B. AMOUNT RECEIVED IN GOOD CONDITION		C. OVER	D. SHORT	E. DAMAGED	F. HIDDEN DAMAGE
12A. DAMAGE/OVERAGE/SHORTAGE WHEN DISCOVERED <input type="checkbox"/> BEFORE UNLOADING <input type="checkbox"/> DURING UNLOADING <input type="checkbox"/> AFTER UNLOADING			12B. HOW DISCOVERED <input type="checkbox"/> UNLOADING TALLY <input type="checkbox"/> PHYSICAL RECOUNT <input type="checkbox"/> OTHER			13. CARRIER'S AGENT PRESENT DURING UNLOADING <input type="checkbox"/> YES <input type="checkbox"/> NO	
14. DOOR SEAL NUMBERS A. INBOUND NUMBERS AND CONDITION OF SEALS				B. OUTBOUND SEAL NUMBERS (If Applicable)			
15. CARRIER'S AGENT NOTIFICATION A. NAME OF AGENT				C. HOW NOTIFIED <input type="checkbox"/> IN PERSON <input type="checkbox"/> FAX <input type="checkbox"/> TELEPHONE <input type="checkbox"/> E-MAIL		16. DID CARRIER'S AGENT RESPOND TO NOTIFICATION? <input type="checkbox"/> YES (In what way) <input type="checkbox"/> NO (Explain)	
B. DATE NOTIFIED							
17. COMPLETE IF APPLICABLE							
A. WAS MECHANICAL REFRIGERATION, EQUIPMENT OPERATING <input type="checkbox"/> YES <input type="checkbox"/> NO				B. TEMPERATURE OF REFRIGERATION UNIT/INTERIOR TEMP/COMMODITY			

**CONSIGNEE CERTIFICATION**

I CERTIFY the information and statements above are, to the best of my knowledge and belief, true and correct.

DATE	SIGNATURE OF CONSIGNEE OR REPRESENTATIVE
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**CARRIER CERTIFICATION**

Receipt of a copy of this report is hereby acknowledged and the facts contained herein are verified.

SIGNATURE OF CARRIER'S AGENT	NAME AND ADDRESS OF CARRIER
DATE	CARRIER REMARKS

REMARKS (IF DAMAGED, PLEASE INDICATE NATURE AND DISPOSITION OF THE DAMAGE)



**§ 250.14 Warehousing, distribution and storage of donated foods.**

(a) *Standards for Warehousing and Distribution Systems* —(1) *Use of cost efficient and effective facilities.* Distributing agencies shall use the most cost effective and efficient system for providing warehousing and distribution services to recipient agencies. For the purpose of this part, commercial facilities are defined as enterprises that provide commercial warehousing services or commercial delivery services, or those commercial enterprises that provide both warehousing and delivery services.

(2) *Timeframes for evaluation.* All distributing agencies shall evaluate their current warehousing and distribution systems. Initial evaluations shall be submitted to the FNSRO by June 30, 1990. Subsequent evaluations of noncommercial systems shall, at a minimum, be submitted to FNS every three years by March 31.

(3) *Evaluation of current systems.* The evaluation of the system in place shall, at a minimum, include the following information:

(i) A description of the principal warehousing/delivery techniques used by the distributing agency. The description should include:

(A) The frequency of delivery available;

(B) The timeframes for making deliveries;

(C) The type of delivery service offered (to the loading dock or placement in the storeroom); and

(D) The system for recipient agencies to order specific amounts of food from available inventory; and

(ii) An estimate of all costs that will be incurred in administering the Food Distribution Program for the upcoming school year. These costs include transportation, storage and handling of donated foods (if the current distributing agency system does not include delivery to recipient agencies, identification of costs incurred by recipient agencies to pick up commodities at a warehouse and to deliver the food to a centralized storage facility or the individual preparation sites), salaries of persons directly connected with the administration of the program and other program related expenses. These expenses shall include fringe benefits, travel expenses, rent, utilities, accounting/auditing services to recipient agencies such as the costs for administering and monitoring the State's processing program, and technical assistance workshops.

(4) *Comparison of existing system with commercial systems.* All distributing agencies which do not use commercial facilities for a basic level of warehousing and distribution services shall compare the cost of warehousing and distributing commodities under their current system with the cost of comparable services under a commercial system for the upcoming school year.

(i) The cost comparison shall be made between the cost of providing a basic level of service under its current system and the cost of obtaining an equivalent level of service from commercial facilities. This basic level of service shall consist of the transportation, storage and handling of donated food from the time of delivery by the Department to a distributing agency until delivery to a recipient agency's centralized storage facility or individual preparation sites and shall include monthly deliveries of donated food to all recipient agencies except those that have agreed to less frequent deliveries.

(ii) A distributing agency may base its cost comparison on a level of service in excess of the basic level and/or on services not currently provided. In all cases, the comparison must be made on the costs of providing a comparable level of service under the existing system (as identified in § 250.14(a)(2)) versus a commercial system.

(iii) If a distributing agency is unable to locate any commercial facilities expressing interest in providing the basic level of warehousing and distribution services, the distributing agency shall indicate this in its cost comparison submission, together with documentation of its efforts to obtain cost estimates from commercial facilities.

(iv) All initial data regarding the cost of the current warehousing and distribution system and the cost for comparable commercial facilities shall be submitted to the FNSRO by June 30, 1990. Subsequent cost comparisons shall, at a minimum, be submitted to FNS once every three years by March 31.

(5) *Approval to use other systems.* Distributing agencies that do not implement a commercial warehousing and distribution system shall apply to the FNSRO for approval to use other facilities and must demonstrate that other facilities are more cost effective and efficient. All requests for a waiver shall be accompanied with a full evaluation of the existing system complete with cost comparison data. Each request will be considered on a case by case basis. Initial requests for approval of alternative systems shall be submitted to the FNSRO by June 30, 1990. Subsequent requests shall, at a minimum, be submitted to the FNSRO once every three years by March 31.

(6) *System implementation.* (i) Distributing agencies shall implement the most cost effective and efficient system for warehousing and distribution services to recipient agencies by July 1, 1991. Unless otherwise approved by the FNSRO, subsequent to July 1, 1991, a distributing agency shall convert to a commercial system within six months of:

(A) The date of submission of evaluation and cost comparison data indicating that a commercial system is more cost effective and efficient (if no request for approval of an alternate system is made); or

(B) The date of the denial of a request to use an alternative system.

(ii) If at any time FNS determines that the warehousing and distribution system in place is not cost effective or efficient, the distributing agency will be required to reevaluate its system (including a cost comparison and request for continued approval to use an alternative system) in accordance with this subsection within 90 days of notification by the FNSRO.

(7) *Revisions in system.* All distributing agencies (using either commercial or noncommercial systems) shall request approval from the FNSRO at least 90 days in advance of any planned reduction in the level of service provided or any increase in distribution charges beyond normal inflation. If FNS determines the proposed changes are inappropriate, FNS may require the distributing agency to submit additional justification, deny the request, or request a reevaluation of the system in accordance with paragraph (a)(6)(ii) of this section.

(b) *Standards for storage facilities.* Distributing agencies, subdistributing agencies and recipient agencies shall provide facilities for the handling, storage and distribution of donated foods which:

(1) Are sanitary and free from rodent, bird, insect and other animal infestation;

(2) Safeguard against theft, spoilage and other loss;

(3) Maintain foods at proper storage temperatures;

(4) Excepting recipient agencies, stock and space foods in a manner so that USDA-donated foods are readily identified;

(5) Store donated food off the floor in a manner to allow for adequate ventilation; and

(6) Take other protective measures as may be necessary.

Distributing agencies, subdistributing agencies and recipient agencies shall ensure that storage facilities have obtained all required Federal, State and/or local health inspections and/or approvals and that such inspection/approvals are current.

(c) *Reviews.* All distributing agency-level storage facilities shall be reviewed annually. Distributing agencies shall ensure that subdistributing and recipient agencies conduct annual reviews of their respective storage facilities. Documentation shall be maintained on file at the distributing agency or local level as appropriate to reflect compliance with this section, including documentation of corrective action in cases of noncompliance. Corrective action must be taken immediately on all deficiencies identified in the review and the result of the corrective action must be forwarded to the distributing agency. Where applicable, the distributing agency shall determine and pursue claims in accordance with § 250.15(c).

(d) *Contracts.* When contracting for storage facilities, distributing agencies and subdistributing agencies shall enter into written contracts to be effective for no longer than five years, including option years extending a contract. Before the exercise of option years, the storage facility shall update all pertinent information and demonstrate that all donated foods received during the previous contract period have been accounted for. The contract shall, at a minimum, contain the following:

- (1) Assurance that the storage facilities will be maintained in accordance with the standards specified in paragraph (b) of this section;
- (2) Evidence that donated food shall be clearly identified;
- (3) Assurance that an inventory system shall be maintained and an annual physical inventory will be conducted; and reconciled with the inventory records;
- (4) Beginning and ending dates of the contract;
- (5) A provision for immediate termination of the contract due to noncompliance on the part of the warehouse management;
- (6) A provision allowing for termination of the contract for cause by either party upon 30 days written notification;
- (7) The amount of any insurance coverage, which has been purchased to protect the value of food items which are being stored; and
- (8) Express written consent for inspection and inventory by the distributing agency, subdistributing agency, recipient agency, the Comptroller General, the Department or any of their duly authorized representatives.

(e) *Physical inventory.* During the annual review required by paragraph (c) of this section, distributing agencies and subdistributing agencies shall take a physical inventory of their storage facilities. The physical inventory shall be reconciled with each storage facility's book inventory. The reconciliation records shall be maintained by the agency that contracted for or maintained the storage facility. Food items that have been lost, stolen, or found to be out of condition, shall be identified and recorded. Potential excessive inventory, as described in paragraph (f) of this section, shall be reported by the subdistributing agency to the distributing agency. Corrective action on each deficiency noted during these inventories shall be initiated immediately, and a written report of those corrective actions shall be forwarded to the distributing agency. Where applicable, the distributing agency shall pursue claims in accordance with § 250.15(c).

(f) *Excessive inventories.* (1) The distributing agency shall determine if a subdistributing agency's inventories are excessive based on:





INVOICE

Invoice Number: AOR24213-1

Invoice Date: 06/14/12

Page: 1

PO#  
To: Zionsville Presbyterian Church  
Nancy Thompson  
4776 W. 110th St.  
Zionsville, IN 46077

Ship  
To: Zionsville Presbyterian Church  
Nancy Thompson  
4776 W. 110th St.  
517-370-8691/1-8503  
Zionsville, IN 46077

Ship Via DELIVERY  
Ship Date 06/14/12  
Due Date 07/15/12  
Terms Due on 15th of Month

Agency ID 0063105  
P.O. Number  
P.O. Date 05/29/12  
Our Order No. AOR24213  
Sales Person

Item/Description	Unit	Order Qty	Qty.	Unit	Fee	VAR Fee	Cubic Feet	Total Price	Gross Weight
90A164 USDA Canned Pumpkins 100319	Case	10	10						270
90A177 USDA Flips 100289	Case	1	1						28
90A658 USDA Green Beans 24 - 11/300 Cans 100300	Case	22	22						572
90A008 USDA Carrots Canned 24 # 380 100308	Case	22	22						594
90A256 USDA Spaghetti Sauce 24 - 15 1/4 oz. 100335	Case	22	22						594
90A917 USDA Great Northern Beans 100380	Case	22	22						572
90B835 USDA Spaghetti 1 1/2 2 lb. 100423	Case	22	22						572
90B445 USDA Rolled Oats 100424	Case	17	17						546
Transferred to page 2.....									3,848

X *Nancy J. Thompson*

### TEFAP/CSFP COMMODITY LOSS REPORT

**Use of form:** This form is used by the EFO which must report all losses of TEFAP commodities to the Indiana State Department of Health for compliance with the State/Agency Agreement. This form is used for the Emergency Food Assistance Program (TEFAP) and Commodity Supplemental Food Program (CSFP).

**Instructions:** TEFAP: All losses of TEFAP commodities with a value of over \$100, must be reported immediately to the Division within fifteen days of the occurrence or discovery on the Inventory of TEFAP Commodities and TEFAP/CSFP Commodity Loss Report. All loss of TEFAP commodities having a value less than \$100, must be reported to the Division by the 15th of the month following the loss. These losses must be reported on the Inventory of TEFAP Commodities Pantry, Soup Kitchen, and Shelter Report or the Inventory of TEFAP Commodities.

CSFP: All losses of CSFP commodities with a value of over \$100, must be reported immediately to the Division within fifteen days of the occurrence or discovery TEFAP/CSFP Commodity Loss Report and on the FNS-153 Monthly Inventory form.

Commodities cannot be disposed of without prior written authorization from ISDH/TEFAP. It is important that all applicable questions are answered each time a report is filed. Provide any additional relevant details as an attachment to completed form. Make one copy of complete form for your files. The original must be mailed to the address below.

**TEFAP/CSFP  
Indiana State Department of Health  
2 N Meridian Street 8B  
Indianapolis, IN 46204**

Name - EFO	Agreement Number
------------	------------------

Address - EFO (Street/City/State/Zip Code)

Name - Contract Person	Title	Telephone Number
------------------------	-------	------------------

TEFAP Commodity Disposition - check one

Theft     Spoiled     Theft by Fraud     Damaged     Other (specify):

Date - Loss and/or Damage Occurred or was Discovered	Time of Loss - Approximate A.M.    or    P.M.
--	--

Has Your Agency Experiences a Prior/Similar Loss? <input type="checkbox"/> Yes <input type="checkbox"/> No	Claim Report Filed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date - Claim Report Filed
---	---	---------------------------

Loss/Damage Occurred at - check one

Pantry     Soup Kitchen     Shelter     Agency Storage Site  
(other than EFO warehouse)     Commercial Locker Plant/Warehouse

Address - Loss/Damage Location (Street/City/Zip Code)

If commodities were stolen, complete the following.

Are the following storage areas locked?    Freezers -  Yes  No    Refrigerators -  Yes  No  
Dry Storage Areas -  Yes  No

Was a police investigation conducted?     Yes  No    If "Yes", attach a copy of the report to this form.

Does the agency have insurance to cover the loss?     Yes  No

If "Yes", has a claim been filed with the insurance company?     Yes  No

If commodities were obtained in a fraudulent manner, complete the following.

List name(s) of person(s) proven to have obtained commodities in a fraudulent manner

Method(s) used by provider agency to resolve occurrence.

Requested the individual(s) to pay the full market value of the fraudulently obtained commodities.  
 Resolved by local law enforcement investigation.

Name - Law Enforcement Agency	Name - Investigating Officer
Address - Law Enforcement Agency (Street/City/Zip Code)	Telephone Number

If commodities were spoiled, complete the following

Were commodities spoiled upon receipt?  Yes  No

How often are the temperatures in the storage area checked?

Freezer(s)  Daily  Weekly  Other (specify)

Freezer temperature at time spoilage was discovered:

Refrigerator(s)  Daily  Weekly  Other (specify)

Refrigerator temperature at time spoilage was discovered:

Dry Storage  Daily  Weekly  Other (specify)

Dry Storage temperature at time spoilage was discovered:

Name - Person Responsible for Monitoring Storage Area Temperature	Title	Telephone Number
---	-------	------------------

Do the refrigerators/freezers have a warning device in case of a malfunction?

Yes  No

Does your agency use any kind of professional pest control service? <input type="checkbox"/> Yes <input type="checkbox"/> No	How often is pest control used? <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other (specify):
---	--

Name - Pest control service	Telephone Number
-----------------------------	------------------

Are shelves or pallets used to keep commodities off the floor? <input type="checkbox"/> Yes <input type="checkbox"/> No	Are dry storage areas well ventilated? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Does your agency have insurance to cover this type of loss? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has a claim been filed with the insurance company? <input type="checkbox"/> Yes <input type="checkbox"/> No
---	--

If commodities were damaged, complete the following.

Were commodities damaged upon receipt?  Yes  No

Was the damage noted on the Commodity Invoice?  Yes  No

Were the commodities damaged while in the EFOs possession?  Yes  No

Does the EFO have insurance to cover this type of loss?  Yes  No

Has a claim been filed with the insurance company?  Yes  No

Prior authorization from the Department is required for disposal of commodities per the State/agency agreement.

Was the ISDH/TEFAP notified?  Yes  No

Process used to dispose of TEFAP commodities

Burning  
 Sanitary landfill (attach copy of certification of disposal from landfill)  
 Sold as animal food (attach copy of bill of sale)  
 Other (specify):

List commodities stolen, spoiled, damaged or obtained fraudulently.

Commodity	Pack	Quantity Lost	Pack Code No.	Pack Date	Date Received



Title 7 → Subtitle B → Chapter II → Subchapter B → Part 251  
PART 251—THE EMERGENCY FOOD ASSISTANCE PROGRAM

Contents

- §251.1 General purpose and scope.
- §251.2 Administration.
- §251.3 Definitions.
- §251.4 Availability of commodities.
- §251.5 Eligibility determinations.
- §251.6 Distribution plan.
- §251.7 Formula adjustments. §251.7 Formula adjustments.
- §251.8 Payment of funds for administrative costs.
- §251.9 Matching of funds.
- §251.10 Miscellaneous provisions.

Authority: 7 U.S.C. 7501-7516; 7 U.S.C. 2011-2036

Source: 51 FR 12823, Apr. 16, 1986, unless otherwise noted.

§251.1 General purpose and scope.

This part announces the policies and prescribes the regulations necessary to carry out certain provisions of the Emergency Food Assistance Act of 1983, (7 U.S.C. 612c note).

[51 FR 12823, Apr. 16, 1986, as amended at 64 FR 72902, Dec. 29, 1999]

§251.2 Administration.

(a) Food and Nutrition Service. Within the United States Department of Agriculture (the “Department”), the Food and Nutrition Service (FNS) shall have responsibility for the distribution of food commodities and allocation of funds under the part.

(b) State agencies. Within the States, distribution to eligible recipient agencies and receipt of payments for storage and distribution shall be the responsibility of the State agency which has:  
(1) Been designated for such responsibility by the Governor or other appropriate State executive authority; and (2) entered into an agreement with the Department for such distribution and receipt in accordance with paragraph (c) of this section.

(c) Agreements—(1) Agreements between Department and States. Each State agency that distributes donated foods to eligible recipient agencies or receives payments for storage and distribution costs in accordance with §251.8 must perform those functions pursuant to an agreement entered into with the Department. This agreement will be considered permanent, with amendments initiated by State agencies, or submitted by them at the Department's request, all of which will be subject to approval by the Department.

(2) Agreements between State agencies and eligible recipient agencies, and between eligible recipient agencies. Prior to making donated foods or administrative funds available, State agencies must enter into a written agreement with eligible recipient agencies to which they plan to distribute donated foods and/or administrative funds. State agencies must ensure that eligible recipient agencies in turn enter into a written agreement with any eligible recipient agencies to which they plan to distribute donated foods and/or administrative funds before donated foods or administrative funds are transferred between any two eligible recipient agencies. All agreements entered into must contain the information specified in paragraph (d) of this section, and be considered permanent, with amendments to be made as necessary, except that agreements must specify that they may be terminated by either party upon 30 days' written notice. State agencies must ensure that eligible recipient agencies provide, on a timely basis, by amendment to the agreement, or other written documents incorporated into the agreement by reference if permitted under paragraph (d) of this section, any information on changes in program administration, including any changes resulting from amendments to Federal regulations or policy.

(d) Contents of agreements between State agencies and eligible recipient agencies and between eligible recipient agencies. (1) Agreements between State agencies and eligible recipient agencies and between eligible recipient agencies must provide:

(i) That eligible recipient agencies agree to operate the program in accordance with the requirements of this part, and, as applicable, part 250 of this chapter; and

(ii) The name and address of the eligible recipient agency receiving commodities and/or administrative funds under the agreement.

(2) The following information must also be identified, either in the agreement or other written documents incorporated by reference in the agreement:

(i) If the State agency delegates the responsibility for any aspect of the program to an eligible recipient agency, each function for which the eligible recipient agency will be held responsible; except that in no case may State agencies delegate responsibility for establishing eligibility criteria for organizations in accordance with §251.5(a), establishing eligibility criteria for recipients in accordance with §251.5(b), or conducting reviews of eligible recipient agencies in accordance with §251.10(e);

(ii) If the receiving eligible recipient agency is to be allowed to further distribute TEFAP commodities and/or administrative funds to other eligible recipient agencies, the specific terms and conditions for doing so, including, if applicable, a list of specific organizations or types of organizations eligible to receive commodities or administrative funds;

(iii) If the use of administrative funds is restricted to certain types of expenses pursuant to §251.8(e)(2), the specific types of administrative expenses eligible recipient agencies are permitted to incur;

(iv) Any other conditions set forth by the State agency.

[51 FR 12823, Apr. 16, 1986, as amended at 52 FR 17933, May 13, 1987; 59 FR 16974, Apr. 11, 1994; 62 FR 53731, Oct. 16, 1997; 64 FR 72902, 72903, Dec. 29, 1999]

### §251.3 Definitions.

(a) The terms used in this part that are defined in part 250 of this chapter have the meanings ascribed to them therein, unless a different meaning for such a term is defined herein.

(b) Charitable institution (which is defined differently in this part than in part 250 of this chapter) means an organization which—

- (1) Is public, or
- (2) Is private, possessing tax exempt status pursuant to §251.5(a)(3); and
- (3) Is not a penal institution (this exclusion also applies to correctional institutions which conduct rehabilitation programs); and
- (4) Provides food assistance to needy persons.

(c) Distribution site means a location where the eligible recipient agency actually distributes commodities to needy persons for household consumption or serves prepared meals to needy persons under this part.

(d) Eligible recipient agency means an organization which—

- (1) Is public, or
- (2) Is private, possessing tax exempt status pursuant to §251.5(a)(3); and
- (3) Is not a penal institution; and
- (4) Provides food assistance—
  - (i) Exclusively to needy persons for household consumption, pursuant to a means test established pursuant to §251.5 (b), or
  - (ii) Predominantly to needy persons in the form of prepared meals pursuant to §251.5(a)(2); and
- (5) Has entered into an agreement with the designated State agency pursuant to §251.2(c) for the receipt of commodities or administrative funds, or receives commodities or administrative funds under an agreement with another eligible recipient agency which has signed such an agreement with the State agency or another eligible recipient agency within the State pursuant to §251.2(c); and
- (6) Falls into one of the following categories:
  - (i) Emergency feeding organizations (including food banks, food pantries and soup kitchens);
  - (ii) Charitable institutions (including hospitals and retirement homes);
  - (iii) Summer camps for children, or child nutrition programs providing food service;
  - (iv) Nutrition projects operating under the Older Americans Act of 1965 (Nutrition Program for the Elderly), including projects that operate congregate Nutrition sites and projects that provide home-delivered meals; and

(v) Disaster relief programs.

(e) Emergency feeding organization means an eligible recipient agency which provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. Emergency feeding organizations have priority over other eligible recipient agencies in the distribution of TEFAP commodities pursuant to §251.4(h).

(f) Food bank means a public or charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible commodities, 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.

(g) Food pantry means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress.

(h) Formula means the formula used by the Department to allocate among States the commodities and funding available under this part. The amount of such commodities and funds to be provided to each State will be based on each State's population of low-income and unemployed persons, as compared to national statistics. Each State's share of commodities and funds shall be based 60 percent on the number of persons in households within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State. The surplus commodities will be allocated to States on the basis of their weight (pounds), and the commodities purchased under section 214 of the Emergency Food Assistance Act of 1983 will be allocated on the basis of their value (dollars). In instances in which a State determines that it will not accept the full amount of its allocation of commodities purchased under section 214 of the Emergency Food Assistance Act of 1983, the Department will reallocate the commodities to other States on the basis of the same formula used for the initial allocation.

(i) State agency means the State government unit designated by the Governor or other appropriate State executive authority which has entered into an agreement with the United States Department of Agriculture under §251.2(c).

(j) Soup kitchen means 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.

(k) Value of commodities distributed means the Department's cost of acquiring commodities for distribution under this part.

[64 FR 72903, Dec. 29, 1999]



§251.4 Availability of commodities.

(a) General. The Department shall make commodities available for distribution and use in accordance with the provisions of this part and also in accordance with the terms and conditions of part 250 of this chapter to the extent that the part 250 terms and conditions are not inconsistent with this part.

(b) Displacement. State agencies shall require that eligible recipient agencies receiving commodities under this part shall not diminish their normal expenditures for food because of receipt of commodities. Additionally, the Secretary shall withhold commodities from distribution if it is determined that the commodities would substitute for the same or a similar product that would otherwise be purchased in the market.

(c) Allocations. (1) Allocations of commodities shall be made to State agencies on the basis of the formula defined in §251.3(h).

(2) FNS shall promptly notify State agencies regarding their allocation of commodities to be made available under this part.

(3) State agencies shall notify the appropriate FNSRO of the amount of the commodities they will accept not later than 30 days prior to the beginning of the shipping period.

(4) FNS will make allocations of donated commodity or food funding available to State agencies for two fiscal years. States will be allowed to carry over unexpended balances of donated food funding from one fiscal year into the next fiscal year.

(5) A State's donated food funding allocation remaining at the end of the fiscal year after the fiscal year in which it was initially appropriated will expire and will be unavailable to the State.

(d) Quantities requested. State agencies shall:

(1) Request commodities only in quantities which can be utilized without waste in providing food assistance to needy persons under this part;

(2) Ensure that no eligible recipient agency receives commodities in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities; and

(e) Initial processing and packaging. The Department will furnish commodities to be distributed to institutions and to needy persons in households in forms and units suitable for institutional and home use.

(f) Bulk processing by States. Commodities may be made available to a State agency or, at the direction of the State agency, directly to private companies for processing bulk commodities for use by eligible recipient agencies.

(1) The Department will reimburse the State agency at the current flat rate for such processing.

- (2) Minimum yields and product specifications established by the Department shall be met by the processor.
- (3) The State shall require the processor to meet State and local health standards.
- (4) Processors and State agencies shall also meet the basic minimum requirements of §250.30.

(g) Distribution and control of donated commodities. The State agency must ensure that the distribution, control, and use of donated commodities are in accordance with the requirements in this part, and with the requirements in 7 CFR part 250, to the extent that requirements in 7 CFR part 250 are not inconsistent with the requirements in this part. Transfers of donated commodities must comply with requirements in §§250.12(e) and 250.14(d), as applicable. In accordance with §250.16, the State agency must ensure that restitution is made for the loss of donated commodities, or for the loss or improper use of funds provided for, or obtained as an incidence of, the distribution of donated commodities. The State agency is also subject to claims for such losses for which it is responsible, or for its failure to initiate or pursue claims against other parties responsible for such losses.

(h) Distribution to eligible recipient agencies—priority system and advisory boards. (1) State agencies must distribute commodities made available under this part to eligible recipient agencies in accordance with the following priorities:

(i) First priority. When a State agency cannot meet all eligible recipient agencies' requests for TEFAP commodities, the State agency must give priority in the distribution of such commodities to emergency feeding organizations as defined under §251.3(e). A State agency may, at its discretion, concentrate commodity resources upon a certain type or types of such organizations, to the exclusion of others.

(ii) Second priority. After a State agency has distributed TEFAP commodities sufficient to meet the needs of all emergency feeding organizations, the State agency must distribute any remaining program commodities to other eligible recipient agencies which serve needy people, but do not relieve situations of emergency and distress. A State agency may, at its discretion, concentrate commodity resources upon a certain type or types of such organizations, to the exclusion of others.

(2) Delegation. When a State agency has delegated to an eligible recipient agency the authority to select other eligible recipient agencies, the eligible recipient agency exercising this authority must ensure that any TEFAP commodities are distributed in accordance with the priority system set forth in paragraphs (h)(1)(i) and (h)(1)(ii) of this section. State agencies and eligible recipient agencies will be deemed to be in compliance with the priority system when eligible recipient agencies distribute TEFAP commodities to meet the needs of all emergency feeding organizations under their jurisdiction prior to making commodities available to eligible recipient agencies which are not emergency feeding organizations.

(3) Existing networks. Subject to the constraints of paragraphs (h)(1)(i) and (h)(1)(ii) of this section, State agencies may give priority in the distribution of TEFAP commodities to existing food bank networks and other organizations whose ongoing primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department.

(4) State advisory boards. Each State agency receiving TEFAP commodities is encouraged to establish a State advisory board representing all types of entities in the State, both public and private, interested in the distribution of such commodities. Such advisory boards can provide valuable advice on how resources should be allocated among various eligible outlet types, what areas have the greatest need for food assistance, and other important issues that will help States to use their program resources in the most efficient and effective manner possible. A State agency may expend TEFAP administrative funds to support the activities of an advisory board in accordance with §251.8 of this part.

(i) Distribution of non-USDA foods. Eligible recipient agencies may incorporate the distribution of foods which have been donated by charitable organizations or other entities with the distribution of USDA-donated commodities or distribute them separately.

(j) Interstate cooperation. State agencies may enter into interagency cooperative agreements to provide jointly or to transfer commodities to an eligible recipient agency that has signed an agreement with the respective State agencies when such organization serves needy persons in a contiguous area which crosses States' borders.

(k) Distribution in rural areas. State agencies shall encourage eligible recipient agencies to implement or expand commodity distribution activities to relieve situations of emergency and distress through the provision of commodities to needy households in rural areas of the State.

(Approved by the Office of Management and Budget under control number 0584-0313 and 0584-0341)

[51 FR 12823, Apr. 16, 1986, as amended at 52 FR 17933, May 13, 1987; 52 FR 42634, Nov. 6, 1987; 59 FR 16974, Apr. 11, 1994; 64 FR 72904, Dec. 29, 1999; 81 FR 23115, Apr. 19, 2016]

#### §251.5 Eligibility determinations.

(a) Criteria for determining eligibility of organizations. Prior to making commodities or administrative funds available, State agencies, or eligible recipient agencies to which the State agency has delegated responsibility for the distribution of TEFAP commodities or administrative funds, must ensure that an organization applying for participation in the program meets the definition of an “eligible recipient agency” under §251.3(d). In addition, applicant organizations must meet the following criteria:

(1) Agencies distributing to households. Organizations distributing commodities to households for home consumption must limit the distribution of commodities provided under this part to those households which meet the eligibility criteria established by the State agency in accordance with paragraph (b) of this section.

(2) Agencies providing prepared meals. Organizations providing prepared meals must demonstrate, to the satisfaction of the State agency, or eligible recipient agency to which they have applied for the receipt of commodities or administrative funds, that they serve predominantly needy persons. State agencies may establish a higher standard than

“predominantly” and may determine whether organizations meet the applicable standard by considering socioeconomic data of the area in which the organization is located, or from which it draws its clientele. State agencies may not, however, require organizations to employ a means test to determine that recipients are needy, or to keep records solely for the purpose of demonstrating that its recipients are needy.

(3) Tax-exempt status. Private organizations must—

- (i) Be currently operating another Federal program requiring tax-exempt status under the Internal Revenue Code (IRC), or
- (ii) Possess documentation from the Internal Revenue Service (IRS) recognizing tax-exempt status under the IRC, or
- (iii) If not in possession of such documentation, be automatically tax exempt as “organized or operated exclusively for religious purposes” under the IRC, or
- (iv) If not in possession of such documentation, but required to file an application under the IRC to obtain tax-exempt status, have made application for recognition of such status and be moving toward compliance with the requirements for recognition of tax-exempt status. If the IRS denies a participating organization's application for recognition of tax-exempt status, the organization must immediately notify the State agency or the eligible recipient agency, whichever is appropriate, of such denial, and that agency will terminate the organization's agreement and participation immediately upon receipt of such notification. If documentation of IRS recognition of tax-exempt status has not been obtained and forwarded to the appropriate agency within 180 days of the effective date of the organization's approval for participation in TEFAP, the State agency or eligible recipient agency must terminate the organization's participation until such time as recognition of tax-exempt status is actually obtained, except that the State agency or eligible recipient agency may grant a single extension not to exceed 90 days if the organization can demonstrate, to the State agency's or eligible recipient agency's satisfaction, that its inability to obtain tax-exempt status within the 180 day period is due to circumstances beyond its control. It is the responsibility of the organization to document that it has complied with all IRS requirements and has provided all information requested by IRS in a timely manner.

(b) Criteria for determining recipient eligibility. Each State agency must establish uniform Statewide criteria for determining the eligibility of households to receive commodities provided under this part for home consumption. The criteria must:

- (1) Enable the State agency to ensure that only households which are in need of food assistance because of inadequate household income receive TEFAP commodities;
- (2) Include income-based standards and the methods by which households may demonstrate eligibility under such standards; and
- (3) Include a requirement that the household reside in the geographic location served by the State agency at the time of applying for assistance, but length of residency shall not be used as an eligibility criterion.

(c) Delegation of authority. A State agency may delegate to one or more eligible recipient agencies with which the State agency enters into an agreement the responsibility for the

distribution of commodities and administrative funds made available under this part. State agencies may also delegate the authority for selecting eligible recipient agencies and for determining the eligibility of such organizations to receive commodities and administrative funds. However, responsibility for establishing eligibility criteria for organizations in accordance with paragraph (a) of this section, and for establishing recipient eligibility criteria in accordance with paragraph (b) of this section, may not be delegated. In instances in which State agencies delegate authority to eligible recipient agencies to determine the eligibility of organizations to receive commodities and administrative funds, eligibility must be determined in accordance with the provisions contained in this part and the State plan. State agencies will remain responsible for ensuring that commodities and administrative funds are distributed in accordance with the provisions contained in this part.

[64 FR 72904, Dec. 29, 1999]

#### §251.6 Distribution plan.

(a) Contents of the plan. The State agency must submit for approval by the appropriate FNS Regional Office a plan which contains:

- (1) A designation of the State agency responsible for distributing commodities and administrative funds provided under this part, and the address of such agency;
- (2) A plan of operation and administration to expeditiously distribute commodities received under this part;
- (3) A description of the standards of eligibility for recipient agencies, including any subpriorities within the two-tier priority system; and
- (4) A description of the criteria established in accordance with §251.5(b) which must be used by eligible recipient agencies in determining the eligibility of households to receive TEFAP commodities for home consumption.

(b) Plan submission and amendments. Once approved, State plans are permanent. State agencies must submit amendments to the distribution plan when necessary to reflect any changes in program operations or administration as described in the plan, or at the request of FNS, to the appropriate FNS Regional Office.

(c) Amendments. State agencies must submit amendments to the distribution plan to the extent that such amendments are necessary to reflect any changes in program operations or administration as described in the plan, or at the request of FNS, to the appropriate FNS Regional Office.

[64 FR 72905, Dec. 29, 1999, as amended at 74 FR 62474, Nov. 30, 2009]

#### §251.7 Formula adjustments.

(a) Commodity adjustments. The Department will make annual adjustments to the commodity allocation for each State, based on updated unemployment statistics. These adjusted

allocations will be effective for the entire fiscal year, subject to reallocation or transfer in accordance with this part.

(b) Funds adjustments. The Department will make annual adjustments of the funds allocation for each State based on updated unemployment statistics. These adjusted allocations will be effective for the entire fiscal year unless funds are recovered, withheld, or reallocated by FNS in accordance with §251.8(f).

[64 FR 72905, Dec. 29, 1999]

#### §251.8 Payment of funds for administrative costs.

(a) Availability and allocation of funds. Funds made available to the Department for State and local costs associated with the distribution of commodities under this part shall, in any fiscal year, be distributed to each State agency on the basis of the funding formula defined in §251.3(h).

(b) Uniform Federal Assistance regulations. Funds provided under this section shall be subject to the regulations issued under 2 CFR part 200, and USDA implementing regulations at 2 CFR parts 400 and 416, as applicable.

(c) Payment to States. (1) Funds under this section shall be made available by means of letters of credit in favor of the State agency. The State agency shall use any funds received without delay in accordance with paragraph (d) of this section.

(2) Upon notification by the FNS Regional Office that an agreement has been entered into in accordance with §251.2(c) of this part, FNS shall issue a grant award pursuant to procedures established by FNS, and promptly make funds available to each State agency within the State's allocation through issuance of a letter of credit. To the extent funds are available and subject to the provisions of paragraph (f) of this section, funds will be made available to State agencies on an advance basis.

(3) Each State agency shall return to FNS any funds made available under this section either through the original allocation or through subsequent reallocations which are unobligated as of the end of the fiscal year for which they were made available. Such return shall be made as soon as practicable but in no event later than 30 days following demand made by FNS.

(d) Priority for eligible recipient agencies distributing USDA commodities. State agencies and eligible recipient agencies distributing administrative funds must ensure that the administrative funding needs of eligible recipient agencies which receive USDA commodities are met, relative to both USDA commodities and any non-USDA commodities they may receive, before such funding is made available to eligible recipient agencies which distribute only non-USDA commodities.

(e) Use of funds—(1) Allowable administrative costs. State agencies and eligible recipient agencies may use funds made available under this part to pay the direct expenses associated with the distribution of USDA commodities and commodities secured from other sources to the

extent that the commodities are ultimately distributed by eligible recipient agencies which have entered into agreements in accordance with §251.2. Direct expenses include the following, regardless of whether they are charged to TEFAP as direct or indirect costs:

- (i) The intrastate and interstate transport, storing, handling, repackaging, processing, and distribution of commodities (including donated wild game); except that for interstate expenditures to be allowable, the commodities must have been specifically earmarked for the particular State or eligible recipient agency which incurs the cost;
- (ii) Costs associated with determinations of eligibility, verification, and documentation;
- (iii) Costs of providing information to persons receiving USDA commodities concerning the appropriate storage and preparation of such commodities;
- (iv) Costs involved in publishing announcements of times and locations of distribution; and
- (v) Costs of recordkeeping, auditing, and other administrative procedures required for program participation.

(2) State restriction of administrative costs. A State agency may restrict the use of TEFAP administrative funds by eligible recipient agencies by disallowing one or more types of expenses expressly allowed in paragraph (e)(1) of this section. If a State agency so restricts the use of administrative funds, the specific types of expenses the State will allow eligible recipient agencies to incur must be identified in the State agency's agreements with its eligible recipient agencies, or set forth by other written notification, incorporated into such agreements by reference.

(3) Agreements. In order to be eligible for funds under paragraph (e)(1) of this section, eligible recipient agencies must have entered into an agreement with the State agency or another eligible recipient agency pursuant to §251.2(c).

(4) Pass-through requirement-local support to emergency feeding organizations. (i) Not less than 40 percent of the Federal Emergency Food Assistance Program administrative funds allocated to the State agency in accordance with paragraph (a) of this section must be:

- (A) Provided by the State agency to emergency feeding organizations that have signed an agreement with the State agency as either reimbursement or advance payment for administrative costs incurred by emergency feeding organizations in accordance with paragraph (e)(1) of this section, except that such emergency feeding organizations may retain advance payments only to the extent that they actually incur such costs; or
  - (B) Directly expended by the State agency to cover administrative costs incurred by, or on behalf of, emergency feeding organizations in accordance with paragraph (e)(1) of this section.
- (ii) Any funds allocated to or expended by the State agency to cover costs incurred by eligible recipient agencies which are not emergency feeding organizations shall not count toward meeting the pass-through requirement.

(iii) State agencies must not charge for commodities made available under this part to eligible recipient agencies.

(f) Recovery and reallocation. If, during the course of the fiscal year, the Department determines that a State agency is unable to use all of the funds allocated to it during the fiscal year, the Department shall recover or withhold and reallocate such unused funds among other States.

[51 FR 12823, Apr. 16, 1986, as amended at 59 FR 16974, Apr. 11, 1994; 64 FR 72906, Dec. 29, 1999; 74 FR 62474, Nov. 30, 2009; 81 FR 23115, Apr. 19, 2016]

#### §251.9 Matching of funds.

(a) State matching requirement. The State must provide a cash or in-kind contribution equal to the amount of TEFAP administrative funds received under §251.8 and retained by the State agency for State-level costs or made available by the State agency directly to eligible recipient agencies that are not emergency feeding organizations as defined in §251.3(e). The State agency will not be required to match any portion of the Federal grant passed through for administrative costs incurred by emergency feeding organizations or directly expended by the State agency for such costs in accordance with §251.8(e)(4) of this part.

(b) Exceptions. In accordance with the provisions of 48 U.S.C. 1469a, American Samoa, Guam, the Virgin Islands and the Northern Mariana Islands shall be exempt from the matching requirements of paragraph (a) of this section if their respective matching requirements are under \$200,000.

(c) Applicable contributions. States shall meet the requirements of paragraph (a) of this section through cash or in-kind contributions from sources other than Federal funds which are prohibited by law from being used to meet a Federally mandated State matching requirement. Such contributions shall meet the requirements set forth in 2 CFR part 200, subpart D, and USDA implementing regulations at 2 CFR part 400. In accordance with the aforementioned regulations, as applicable, the matching requirement shall not be met by contributions for costs supported by another Federal grant, except as provided by Federal statute. Allowable contributions are only those contributions for costs which would otherwise be allowable as State or local-level administrative costs.

(1) Cash. An allowable cash contribution is any cash outlay of the State agency for a specifically identifiable allowable State- or local-level administrative cost, including the outlay of money contributed to the State agency by other public agencies and institutions, and private organizations and individuals. Examples of cash contributions include, but are not limited to, expenditures for office supplies, storage space, transportation, loading facilities and equipment, employees' salaries, and other goods and services specifically identifiable as State- or local-level administrative costs for which there has been a cash outlay by the State agency.

(2) In-kind. (i) Allowable in-kind contributions are any contributions, which are non-cash outlays, of real property and non-expendable personal property and the value of goods and services specifically identifiable with allowable State administrative costs or, when contributed by the State agency to an eligible recipient agency, allowable local-level administrative costs. Examples of in-kind contributions include, but are not limited to, the donation of office supplies, storage space, vehicles to transport the commodities, loading facilities and equipment such as pallets and forklifts, and other non-cash goods or services specifically identifiable with allowable State-level administrative costs or, when contributed by the State agency to an eligible recipient agency, allowable local-level administrative costs. In-kind contributions shall be valued in accordance with 2 CFR part 200, subpart D, and USDA implementing regulations at 2 CFR part 400, as applicable.



(ii) In order for a third-party in-kind contribution to qualify as a State-level administrative cost for purposes of meeting the match, all of the following criteria shall be met:

(A) In its administration of food assistance programs, the State has performed this type of function over a sustained period of time in the past;

(B) The function was not previously performed by the State on behalf of eligible recipient agencies; and

(C) The State would normally perform the function as part of its responsibility in administering TEFAP or related food assistance programs if it were not provided as an in-kind contribution.

(d) Assessment fees. States shall not assess any fees for the distribution of donated foods to eligible recipient agencies.

(e) Reporting requirements. State agencies shall identify their matching contribution on the FNS-667, Report of TEFAP Administrative Costs, in accordance with §251.10(d).

(f) Failure to match. If, during the course of the fiscal year, the quarterly FNS-667 indicates that the State is or will be unable to meet the matching requirements in whole or in part, the Department shall suspend or disallow the unmatched portion of Federal funds subject to the provisions of paragraph (a) of this section. If, upon submission of the final FNS-667 for the fiscal year, the Department determines that the State has not met the requirements of paragraph (a) of this section in whole or in part, the unmatched portion of Federal funds subject to the requirements of paragraph (a) of this section shall be subject to disallowance by FNS.

[52 FR 17934, May 13, 1987, as amended at 59 FR 16975, Apr. 11, 1994; 64 FR 72906, Dec. 29, 1999; 81 FR 23115, Apr. 19, 2016]

#### §251.10 Miscellaneous provisions.

(a) Records—(1) Commodities. State agencies, subdistributing agencies (as defined in §250.3 of this chapter), and eligible recipient agencies must maintain records to document the receipt, disposal, and inventory of commodities received under this part that they, in turn, distribute to eligible recipient agencies. Such records must be maintained in accordance with the requirements set forth in §250.16 of this chapter. Eligible recipient agencies must sign a receipt for program commodities which they receive under this part for distribution to households or for use in preparing meals, and records of all such receipts must be maintained.

(2) Administrative funds. In addition to maintaining financial records in accordance with 2 CFR part 200, subpart D, and USDA implementing regulations at 2 CFR part 400, State agencies must maintain records to document the amount of funds received under this part and paid to eligible recipient agencies for allowable administrative costs incurred by such eligible recipient agencies. State agencies must also ensure that eligible recipient agencies maintain such records.

(3) Household information. Each distribution site must collect and maintain on record for each household receiving TEFAP commodities for home consumption, the name of the household member receiving commodities, the address of the household (to the extent practicable), the

number of persons in the household, and the basis for determining that the household is eligible to receive commodities for home consumption.

(4) Record retention. All records required by this section must be retained for a period of 3 years from the close of the Federal Fiscal Year to which they pertain, or longer if related to an audit or investigation in progress. State agencies may take physical possession of such records on behalf of their eligible recipient agencies. However, such records must be reasonably accessible at all times for use during management evaluation reviews, audits or investigations.

(b) Commodities not income. In accordance with section 206 of Pub. L. 98-8, as amended, and notwithstanding any other provision of law, commodities distributed for home consumption and meals prepared from commodities distributed under this part shall not be considered income or resources for any purposes under any Federal, State, or local law.

(c) Nondiscrimination. There shall be no discrimination in the distribution of foods for home consumption or availability of meals prepared from commodities donated under this part because of race, color, national origin, sex, age, or handicap.

(d) Reports—(1) Submission of Form FNS-667. Designated State agencies must identify funds obligated and disbursed to cover the costs associated with the program at the State and local level. State and local costs must be identified separately. The data must be identified on Form FNS-667, Report of Administrative Costs (TEFAP) and submitted to the appropriate FNS Regional Office on a quarterly basis. The quarterly report must be submitted no later than 30 calendar days after the end of the quarter to which it pertains. The final report must be submitted no later than 90 calendar days after the end of the fiscal year to which it pertains.

(2) Reports of excessive inventory. Each State agency must complete and submit to the FNS Regional Office reports to ensure that excessive inventories of donated foods are not maintained, in accordance with the requirements of §250.17(a) of this chapter.

(e) State monitoring system. (1) Each State agency must monitor the operation of the program to ensure that it is being administered in accordance with Federal and State requirements. State agencies may not delegate this responsibility.

(2) Unless specific exceptions are approved in writing by FNS, the State agency monitoring system must include:

(i) An annual review of at least 25 percent of all eligible recipient agencies which have signed an agreement with the State agency pursuant to §251.2(c), provided that each such agency must be reviewed no less frequently than once every four years; and

(ii) An annual review of one-tenth or 20, whichever is fewer, of all eligible recipient agencies which receive TEFAP commodities and/or administrative funds pursuant to an agreement with another eligible recipient agency. Reviews must be conducted, to the maximum extent feasible, simultaneously with actual distribution of commodities and/or meal service, and eligibility determinations, if applicable. State agencies must develop a system for selecting eligible recipient agencies for review that ensures deficiencies in program administration are detected and resolved in an effective and efficient manner.

(3) Each review must encompass, as applicable, eligibility determinations, food ordering procedures, storage and warehousing practices, inventory controls, approval of distribution sites, reporting and recordkeeping requirements, and civil rights.

(4) Upon concurrence by FNS, reviews of eligible recipient agencies which have been conducted by FNS Regional Office personnel may be incorporated into the minimum coverage required by paragraph (e)(2) of this section.

(5) If deficiencies are disclosed through the review of an eligible recipient agency, the State agency must submit a report of the review findings to the eligible recipient agency and ensure that corrective action is taken to eliminate the deficiencies identified.

(f) Limitation on unrelated activities. (1) Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at distribution sites as long as:

(i) The person(s) conducting the activity makes clear that the activity is not part of TEFAP and is not endorsed by the Department (impermissible activities include information not related to TEFAP placed in or printed on bags, boxes, or other containers in which commodities are distributed). Recipes or information about commodities, dates of future distributions, hours of operations, or other Federal, State, or local government programs or services for the needy may be distributed without a clarification that the information is not endorsed by the Department;

(ii) The person(s) conducting the activity makes clear that cooperation is not a condition of the receipt of TEFAP commodities for home consumption or prepared meals containing TEFAP commodities (cooperation includes contributing money, signing petitions, or conversing with the person(s)); and

(iii) The activity is not conducted in a manner that disrupts the distribution of TEFAP commodities or meal service.

(2) Eligible recipient agencies and distribution sites shall ensure that activities unrelated to the distribution of TEFAP foods or meal service are conducted in a manner consistent with paragraph (f)(1) of this section.

(3) Termination for violation. Except as provided in paragraph (f)(4) of this section, State agencies shall immediately terminate from further participation in TEFAP operations any eligible recipient agency that distributes or permits distribution of materials in a manner inconsistent with the provisions of paragraph (f)(1) of this section.

(4) Termination exception. The State agency may withhold termination of an eligible recipient agency's or distribution site's TEFAP participation if the State agency cannot find another eligible recipient agency to operate the distribution in the area served by the violating organization. In such circumstances, the State agency shall monitor the violating organization to ensure that no further violations occur.

(g) Use of volunteer workers and non-USDA commodities. In the operation of the Emergency Food Assistance Program, State agencies and eligible recipient agencies shall, to the maximum extent practicable, use volunteer workers and foods which have been donated by charitable and other types of organizations.

(h) Maintenance of effort. The State may not reduce the expenditure of its own funds to provide commodities or services to organizations receiving funds or services under the

Emergency Food Assistance Act of 1983 below the level of such expenditure existing in the fiscal year when the State first began administering TEFAP, or Fiscal Year 1988, which is the fiscal year in which the maintenance-of-effort requirement became effective, whichever is later.

(i) Data collection related to eligible recipient agencies. (1) Each State agency must collect data related to eligible recipient agencies that have an agreement with the State agency to participate in the program for each of Federal fiscal years 2006 through 2009, including those eligible recipient agencies that participated only for part of the fiscal year. Such data shall include:

- (i) The name of each eligible recipient agency;
- (ii) The city in which each participating eligible recipient agency was headquartered and the name of the state;
- (iii) The amount of funds provided to the participating organization, i.e., the sum of the amount of federal administrative funds plus the value of the commodities purchased under Section 214 of the Emergency Food Assistance Act of 1983 provided to each participating eligible recipient agency; and
- (iv) The type of participating organization, e.g., government agency, educational institution, non-profit organization/secular, non-profit organization/faith-based, and "other."

(2) On or before August 31, 2007, and each subsequent year through 2010, State agencies must report to FNS data as specified in paragraph (i)(1) of this section for the prior Federal fiscal year. State agencies must submit this data in a format designated by FNS.

(Approved by the Office of Management and Budget under control number 0584-0313)

[51 FR 12823, Apr. 16, 1986. Redesignated and amended at 52 FR 17934, May 13, 1987; 53 FR 15357, Apr. 29, 1988; 59 FR 16975, Apr. 11, 1994; 62 FR 53731, Oct. 16, 1997; 64 FR 72907, Dec. 29, 1999; 72 FR 24184, May 2, 2007; 81 FR 23115, Apr. 19, 2016]

**INDIANA TEFAP  
ELIGIBLE RECIPIENT AGENCY (ERA) REVIEW FORM  
CA: CORRECTIVE ACTION, R: RECOMMENDATION**

Date:	Reviewer(s):
ERA:	
Location:	

**SECTION I: GENERAL COMPLIANCE REQUIREMENTS**

References: 7 CFR 251.5; 7 CFR 251.10(c); TEFAP Manual - Section 3 ADMINISTRATION OF TEFAP, Section 11 PROHIBITED ACTIVITIES			
1. Does the ERA have on file current verification of non/not-for-profit status from the Indiana Secretary of State and exemption from Federal income tax liability from the IRS?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
2. Was it verified that the ERA is not currently on the IRS Automatic Revocation of Exemption List? <a href="http://apps.irs.gov/app/eos/">http://apps.irs.gov/app/eos/</a>	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
3. Does the ERA have on file current proof of insurance?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
4. Have ERA and distribution site staff and volunteers received training on nondiscrimination regulations and the FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, to ensure that, in the operation of the program no person is discriminated against because of race, color, national origin, age, sex, disability, or religion* (Indiana statute*) and required TEFAP training within the last year? <b>[Review the RA’s training materials and training logs.]</b>	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
5. Does the ERA serve, on a regular basis, non-English-speaking persons? If yes, what languages are requested  _____	Yes <input type="checkbox"/>	No(NA) <input type="checkbox"/>	Comments:
6. Are appropriate accommodations made to assist non-English-speaking persons? <b>[Review examples of document.]</b>	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
7. Have there been any discrimination complaints with the last year? If yes, <b>[Review all documents.]</b>	Yes (CA) <input type="checkbox"/>	No <input type="checkbox"/>	Comments:
7b. If yes, was the complaint forwarded to ISDH?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
8. Are ERA staff and volunteers aware of the proper procedure for forwarding discrimination complaints?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

9. Does ERA perform outreach activities to ensure that residents of the service area are aware of the location and operating hours of soup kitchens and pantries? List type(s).	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
10. Does ERA comply with the requirements for federal funds disclosure in its statements, press releases, and requests for proposals, bid solicitations, and other documents describing projects or program supported in whole or in part by grant funds?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
11. Does ERA have a written policy of nondiscrimination in its hiring practices? <i>Duties of the Grantee 15</i>	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
12. Does the ERA provide a drug-free workplace by publishing the required notice, establishing an awareness program, notifying employees and the State as required? <i>Duties of the Grantee 10</i>	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
13. Does the ERA comply with Information Technology Standards? <i>Duties of the Grantee 14</i>	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
14. Is the ERA enrolled in the E-Verify program? <i>Duties of the Grantee 11</i>	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

**SECTION II: APPROPRIATE ADMINISTRATION**

References: 7 CFR 251.10(a); TEFAP Manual - Section 3 ADMINISTRATION OF TEFAP Section 11 PROHIBITED ACTIVITIES, Section 5 ERA RESPONSIBILITIES			
1. Does the ERA use the proper agreement (MoA)?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
2. When recruiting local organizations to participate in TEFAP, does the ERA take into account the following factors: a) the adequacy of the storage and distribution facility b) the ability to maintain required records c) the existence of a policy of nondiscrimination d) documented tax exempt status	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>[Review list of counties and outlets provided by the ERA. Use for items 3 through 8.]</b>			
3. Does the number and distribution of sites provide adequate and appropriate coverage of the served area? If no, explain.	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
4. Does the ERA have on file monitoring reports that document that the required number of outlets is monitored within a twelve-month period? (20 or fewer=ALL; more than 20=every 2 years)	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

5. What is the date of the most recent master list of distribution sites with days and hours of operation? _____ Is the list current and accurate?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
How many sites are under contract, in each of these categories? Pantries _____ Soup Kitchens _____ Pantry/Kitchen _____ Shelters _____			
6. Does the ERA's list match the list maintained by ISDH?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
7. Does the ERA properly monitor outlets and maintain appropriate records of the monitoring?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>#7 Note:</b> Examine spreadsheet provided by ERA showing outlets, monitoring schedule and results.			
8. Does the ERA submit BOLs within 48 hours of receipt?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
9. Does the ERA maintain records for 3 years plus the current?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
10. Does the ERA submit service statistics to ISDH by the 20 <sup>th</sup> of each month?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
11. Does the ERA submit distribution workbooks to ISDH no later than 30 days after product is distributed?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

<b>File Review (5 files)</b>			
<b>Outlet 1:</b>			
Is a current MOA in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>Outlet 2:</b>			
Is a current MOA in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

Was MOA signed before the outlet received commodities?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>Outlet 3:</b>			
Is a current MOA in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>Outlet 4:</b>			
Is a current MOA in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:



Is current certification of insurance in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>Outlet 5:</b>			
Is a current MOA in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

**SECTION III: STORAGE, WAREHOUSING & INVENTORY CONTROLS**

References: 7 CFR 251.10(a); 7 CFR 250.14; 7 CFR 251.4; TEFAP Manual - Section 5 ERA RESPONSIBILITIES, Section 6 STORAGE AND HANDLING			
1. Is food kept 6" off the floor, on pallets, platforms or shelves?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
2. Is food kept 4" (12" preferred) from walls to allow good air circulation and for pest control?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
3. Is food distributed within 6 months of ERA receiving it?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
4. Are non-food items kept separate from food items?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
5. Are toxic items stored far from food items?	Yes <input type="checkbox"/>	No(NA) <input type="checkbox"/>	Comments:
6. Are floors, pallets and shelving clean/	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
7. Are doors, windows, and roofs well-sealed to prevent pest entry and water damage?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
8. Are thermometers present in all freezers, refrigerators and storage areas	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
9. Are proper temperatures maintained?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

<b>#9 Note:</b> Review ERA temperature logs			
10. Are good pest control practices maintained?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>#10 Note:</b> Review ERA pest control logs			
11. Is equipment regularly and properly maintained?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>#11 Note:</b> Review ERA equipment maintenance logs			
12. Has the ERA experienced any commodity losses during the past 12 months? (Include those incurred at outlets.) If yes, explain loses and how they were resolved.	Yes(CA) <input type="checkbox"/>	No <input type="checkbox"/>	Comments:
13 Does the ERA have a policy and procedures in place to inspect USDA commodities shipments prior to signing for receipt of delivers to identify damaged or spoiled product?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>#13 Note:</b> Review the documents			
14. Does the ERA practice "first in, first out" (FIFO)?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
15. Are BOLs properly completed?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>#15 Note:</b> dated, signed, count verified, seal condition noted, temperature (if cold or frozen delivery)			
16. Do delivery records show that any discrepancy or out-of-condition was reported to ISDH <b>before</b> accepting the load?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
17. Does the physical inventory match the book inventory?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
<b>#17 Note:</b> Answer after performing inventory check			



Comments:				

**SECTION IV: DISTRIBUTION**

References: 7 CFR 251.4; 7 CFR 251.10(a); 7 CFR 250.16; TEFAP Manual - Section 5 ERA RESPONSIBILITIES			
1. Are appropriate distribution records maintained by the ERA?	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
2. Does the ERA receive monthly household service data from food pantries and meal service data from soup kitchens and homeless shelters?	Yes <input type="checkbox"/>	No(R) <input type="checkbox"/>	Comments:
3. Does the ERA use outlet service data in its allocation system?	Yes <input type="checkbox"/>	No(R) <input type="checkbox"/>	Comments:

**SECTION V: FINANCIAL AND GRANT COMPLIANCE**

References: 7 CFR 251.8; 7 CFR 3019; 7 CFR 250.16; 31 USC 75-1-7507; OMB Circular A-133; OMB Circular A-122 (2 CFR 230); TEFAP Manual - Section 5 ERA RESPONSIBILITIES; Grant Agreement			
1. Are receipts of grant funds posted in the agency records?	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
2. Are TEFAP expenditures isolated in the agency accountant records?	Yes <input type="checkbox"/>	No(R) <input type="checkbox"/>	Comments:
3. Are all reported expenditures reasonable and appropriate?	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
4. Do expenses conform to the proposed budget? <i>Duties of the Grantee Attachment B.</i>	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
5. Are all line items documented?	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
6. Is there clear designation of funding source for all credits and debits to avoid questions of co-mingling?	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
7. Does the ERA have an independent audit conducted annually? (If yes, review the findings.) Has the independent audit for the previous fiscal year been submitted to ISDH?	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
8. Are costs allowable per OMB Circular A-122? Refer to <a href="https://www.whitehouse.gov/sites/whitehouse.../omb/circulars/A122/a122_2004.pdf">https://www.whitehouse.gov/sites/whitehouse.../omb/circulars/A122/a122_2004.pdf</a>	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:

9. Does ERA have a written cost allocation plan identifying procedures for attributing costs to each component code and service?	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
10. Have monthly Claim Vouchers been submitted on time? <i>Duties of the Grantee 6</i>	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:
11. As applicable, were previous monitoring findings addressed appropriately and by the deadline/s?	Yes <input type="checkbox"/>	No(C A) <input type="checkbox"/>	Comments:

<p>12. Was any equipment purchased with grant fund, in whole or in part?</p> <p>a. A complete inventory is present.</p> <p><input type="checkbox"/></p> <p>b. Inventory includes purchase date, purchase price, current location, ID number, and disposition</p> <p><input type="checkbox"/></p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No(CA)</p> <p><input type="checkbox"/></p>	<p>Comments:</p>
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### Federal Equipment Inventory

(use 1 copy of this for each Inventory Item)

Monitor Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Food Bank: \_\_\_\_\_

Item Description: \_\_\_\_\_

\_\_\_\_\_

Tag indicating Federal Prop: yes \_\_\_\_\_ no \_\_\_\_\_

Serial Number: \_\_\_\_\_

Model Number: \_\_\_\_\_

Federal Stock Number: \_\_\_\_\_

National Award Number: \_\_\_\_\_

Titled by: Recipient \_\_\_\_\_ Fed. Gov. \_\_\_\_\_

Acquisition Date: \_\_\_\_\_

Cost: \_\_\_\_\_

Amount provided by recipient: \_\_\_\_\_

Amount provided by fed: \_\_\_\_\_

Total Acquisition cost: \_\_\_\_\_

Percentage of Fed. Interest: \_\_\_\_\_

Location of Item: \_\_\_\_\_

Condition of Item: \_\_\_\_\_

Last Dt. Loc. And Cond. Verified: \_\_\_\_\_

Dt. Of Disposal: \_\_\_\_\_

Sales Price: \_\_\_\_\_  
 Method to determine Fair Market: \_\_\_\_\_  
 Was Fed. Compensated: \_\_\_\_\_

Dt. Of Last Item Verification: \_\_\_\_\_  
 Current Utilization: \_\_\_\_\_

Is the Equipment Still Needed: yes \_\_\_\_\_ no \_\_\_\_\_

Has the Item been Lost: yes \_\_\_\_\_ no \_\_\_\_\_

Has the Item been Stolen: yes \_\_\_\_\_ no \_\_\_\_\_

If Lost or Stolen, provide date of loss and description of circumstances. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**STAFFING**

Name and Title	TEFAP Responsibilities

**NOTES / COMMENTS**

Area(s) of excellence:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Area(s) of particular concern:
Additional comment(s):



# THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP) OUTLET ASSESSMENT FORM



Indiana State  
Department of Health

REVIEW DATE: \_\_\_\_\_ REVIEWER INITIALS:

REVIEWER: \_\_\_\_\_ ISDH (*attachments A & B ONLY*)  
ERA

## OUTLET CONTACT INFORMATION

PANTRY

SOUP KITCHEN

## SHELTER

Outlet Name:		
Address:		County:
City:	Zip:	Phone:
Mailing Address – <i>if different</i>		
Contact Name	Email Address	Website
Days & Hours of Operation	Frequency of Clients Served	Service Area
Households and/or Meals Served per Month HH _____ Meals _____	ERA Name	

- Check the appropriate box to the left of each question. *Yes, No, or U (unable to determine)*
- Check the N/A (not applicable) box and follow instruction if outlet is a soup kitchen.

## GENERAL COMPLIANCE REQUIREMENTS

YES NO U

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Does the outlet have a current signed MOA with the ERA? Effective Date _____   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Is there a copy on file at the outlet and with the ERA?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Is there a copy of the most recent monitoring report on file? Date _____   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Is there documentation of non-profit status on file with the ERA?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Does the outlet submit service statistics to the ERA each month no later than the 10 <sup>th</sup> day of the month? |

YES NO U

- 6. Does the outlet have current proof of insurance? Expiration Date \_\_\_\_\_
- 7. Does the outlet publicize within its designated service area in a written statement the operational hours the outlet is open?
- 8. Does the outlet distribute food at least once every thirty days?
- 9. Does the outlet distribute food for at least 2 hours per month?
- 10. Is food secured in a locked area when the outlet is closed?
- 11. Does the outlet serve the general public?

**ELIGIBILITY PROCEDURES - 7 CFR 251.5 Eligibility determinations**

**N/A (not applicable) - Outlet is a soup kitchen (skip to next section)**

YES NO U

- 1. Are current Income Eligibility Guidelines used?
- 2. Are eligibility certificates/electronic records kept on file for three years plus the current year?  
*Use this data to complete Attachment C- Eligibility Accountability (Part A)*
- 3. Do clients self-attest to information every time they receive items from the outlet?
- 4. Do proxies bring either a new Proxy form *or* a note from the recipient every time they visit?
- 5. Does the outlet deliver to homebound or elderly persons?
- 6. Does the homebound client complete a proxy form?
- 7. Are proxy forms kept on file for three years plus the current year?  
*Use this data to complete Attachment C- Eligibility Accountability (Part B)*
- 8. Does the outlet require only the following information for service: recipient name, address, household size, and self-attestation of income? If not, what other items?  
\_\_\_\_\_
- 9. Is the amount of food given to the client adjusted by family size?

**OPERATIONAL/CIVIL RIGHTS COMPLIANCE**

YES NO U

- 1. Are fees/donations/memberships required for the clients?
- 2. Is the facility handicapped accessible or does the outlet provide a mechanism to serve persons unable to physically access the pantry? (Shopping list, runners, etc.)
- 3. Does the outlet have essential materials in languages for non-English speaking clients? (*Spanish-language poster, eligibility certificates, "I Speak..." document*)
- 4. Does the outlet have SNAP (food stamp) information available for clients? (*Spanish and English*)
- 5. Are pantry hours posted on the building exterior and in a manner that is clearly visible to the client?
- 6. Is USDA's "And Justice for All" poster displayed and visible to clients?

YES NO U

- 7. Are outlet staff and volunteers aware of the proper procedure for receiving and forwarding discrimination complaints?
- 8. Have outlet staff and volunteers participated in TEFAP training within the last year?
- 9. Have outlet staff and volunteers participated in civil rights training within the last year?
- 10. Has there been a discrimination complaint filed against the outlet? If "YES", describe:

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**RELIGIOUS SEPARATION**

YES NO U References: 7 CFR 16

- 1. Is the site a religious organization?
a. If yes, are explicitly religious activities separate in time or location from TEFAP activities?
b. Is the "Written Notice of Beneficiary Rights" poster displayed prominently and in a location that is visible when entering the facility?

**FOOD RECEIPT**

TEFAP commodities are: [ ] Delivered by ERA [ ] Picked up by the outlet

YES NO U

- 1. Does the outlet notify the ERA with any changes?
2. Has the food outlet transferred or received product from another TEFAP food outlet?
3. Does the outlet keep the receipts/invoices for TEFAP commodities received on file for 3 years plus the current year?

**FOOD DISTRIBUTION**

[ ] 1-5 are N/A (not applicable) - Outlet is a soup kitchen (skip to # 6)

YES NO U

- 1. Does the outlet practice Client Choice? If "YES", then what type?
2. Does the client receive both TEFAP and non-TEFAP foods? If "NO", explain how TEFAP food is distributed:
3. If the outlet has chosen to serve households more than once in a 30-day period, is there an appropriate method of tracking in place?
4. Are TEFAP items mixed together with donated and purchased foods?
5. Does the outlet have a list of TEFAP outlets in the county and the surrounding counties?
6. Does the outlet serve ALL households on the first visit regardless of whether or not they reside within the designated service area?
7. What is/are the household size break(s)? (Must be at least one break.)
8. Are household breaks posted in a manner that is clearly visible to the client?
9. Is the amount of food distributed adjusted based on inventory levels?

**FOOD STORAGE**

YES NO U

- 1. Is all food raised 6 inches above the floor and stored on pallets, platforms, or shelves?
2. Is all food stored at least 4 inches away from walls to allow proper ventilation and permit good air circulation?
3. Does the outlet follow first in/first out (FIFO) with all products?
4. Does outlet have [ ] dry, [ ] refrigerated, and [ ] frozen storage capability?

YES NO U

- 5. Are storage areas free of un-insulated steam and hot water pipes, water heaters, refrigeration condensing units or other heat producing devices?
- 6. Are non-food items kept separated from food items?
- 7. Are toxic items stored in a separate area that is away from food items?
- 8. Are storage areas clean and odor free?
- 9. Are floors, pallets and shelving clean?
- 10. Are thermometers located in all storage areas (dry, refrigerated, and frozen)?
- 11. Is a temperature log maintained in all storage areas (dry, refrigerated & freezer)?
- 12. Are temperatures logged at least weekly?
- 13. Does the log show that proper temperatures are maintained by the outlet?  
*Compare this data to current temperatures when completing Attachment B-Temperature Record*
- 14. What pest control system is in place; in-house or professional? *(circle one)*
- 15. Do the storage areas have limited/secure access?
- 16. Are there any TEFAP commodities currently in storage that were received more than six months ago? If "YES", then please list below:

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Use this data to complete Attachment A-Inventory

**SOUP KITCHEN/SHELTER ONLY**

YES NO U

- 1. Date of last Department of Health Inspection: \_\_\_\_\_
- 2. Are meals served to:  recipients in shelter  open to community
- 3. How are meal numbers obtained:  head  plate  other \_\_\_\_\_
- 4. Names of the workers/volunteers that are ServSafe certified, and the expiration date of their certificate.

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**PROHIBITED ACTIVITIES**

1-2 are N/A (not applicable) if outlet is a soup kitchen (skip to # 3)

YES NO U

- 1. Does the outlet repackage TEFAP commodities?
- 2. Does the outlet pre-bag TEFAP commodities (other than bulk produce)?
- 3. Does the outlet require referrals?

1-2 are N/A (not applicable) if outlet is a soup kitchen (skip to # 3)

YES NO U

4. Excluding Kids Café, does the outlet distribute USDA food product to any other program or entity that is not eligible during the hours of outlet operation? (No hospitals, nursing homes, schools, summer programs, group homes, etc.)

5. Are donations of gifts or money accepted during pantry hours?

6. Does the outlet require clients provide social security or drivers' license numbers?

7. Do all activities and distribution procedures appear to be appropriate? Please list concerns below.

**POSITIVE QUALITIES/INNOVATIONS**

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**CONCERNS/NOTES**

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**Monitor Signature** \_\_\_\_\_ **Date**

\_\_\_\_\_

**Printed Name** \_\_\_\_\_ **Title**

\_\_\_\_\_







**Attachment B – Temperature Record-** Use additional record sheets if needed.

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**Dry Storage**

Location on property:

---

Reading(s):

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Location on property:

---

Reading(s):

---

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**Refrigeration Storage**

Location on property:

---

Unit Identifier if applicable & Reading(s):

---

Location on property:

---

Unit Identifier if applicable & Reading(s):

---

Location on property:

---

Unit Identifier if applicable & Reading(s):

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**Freezer Storage**

Location on property:

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Unit Identifier if applicable & Reading(s):

---

Location on property:

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Unit Identifier if applicable & Reading(s):

---

Location on property:

---

Unit Identifier if applicable & Reading(s):

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### ALTERNATIVE FORMAT Attachment B – Temperature Record

<b>Location (in building):</b>				<b>Location (in building):</b>			
<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>	<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>
	<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest			<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest	
<b>Location (in building):</b>				<b>Location (in building):</b>			
<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>	<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>
	<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest			<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest	
<b>Location (in building):</b>				<b>Location (in building):</b>			
<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>	<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>
	<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest			<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest	
<b>Location (in building):</b>				<b>Location (in building):</b>			
<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>	<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>
	<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest			<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest	
<b>Location (in building):</b>				<b>Location (in building):</b>			
<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>	<b>Identifier</b>	<b>Area</b>	<b>Type</b>	<b>Reading</b>
	<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest			<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest	

Identifier	Area	Type	Reading	Identifier	Area	Type	Reading
	<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest			<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest	
<b>Location (in building):</b>				<b>Location (in building):</b>			
Identifier	Area	Type	Reading	Identifier	Area	Type	Reading
	<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest			<input type="checkbox"/> Dry <input type="checkbox"/> Fridge <input type="checkbox"/> Freezer	<input type="checkbox"/> Upright <input type="checkbox"/> Walk-in <input type="checkbox"/> Side/side <input type="checkbox"/> Chest	

# Attachment C – Eligibility Accountability

Month Reviewed: \_\_\_\_\_ Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Food Bank: \_\_\_\_\_ Outlet: \_\_\_\_\_

Please select the participant data collection method below; either *single household* or *aggregate*.

## A. Program Accountability

### Single Household

Number of households served: \_\_\_\_\_

(-minus)

Number of eligibility certificates: \_\_\_\_\_

(=equals)

Total: \_\_\_\_\_

### Aggregate (group)

Number of households served: \_\_\_\_\_

(-minus)

Number of recipients logged: \_\_\_\_\_

(=equals)

Total: \_\_\_\_\_

If total does not equal zero, please provide an explanation and corrective action plan below:

## B. Eligibility Certificate

Please verify the following required information is on the forms: *name, address, household size and signatures*.

Outlets using the single household method will review individual files based on the sliding scale.

Households served 1-500; review 25 files, Households served 500-1999; review 50 files, Households of 2000 or more; review 50 files.

Outlets using the aggregate method will review 10% of aggregate signatures for month of review.

### Single Household

Number of files reviewed: \_\_\_\_\_

(-minus)

Number without missing entries: \_\_\_\_\_

(=equals)

Total: \_\_\_\_\_

### Aggregate (group)

Number of recipients logged: \_\_\_\_\_

(-minus)

Number without missing entries: \_\_\_\_\_

(=equals)

Total: \_\_\_\_\_

If total does not equal zero, please provide an explanation and provide written corrective action plan below:

## C. Proxy Forms

Please review all proxy forms within 30 days of the review date, and verify required information is on all forms, required information includes: *pantry name and address, recipient name and address, household size, proxy reason, proxy name and address, recipient and pantry attendant signatures*.

If no proxy forms are used during review month, enter zero.

Number of proxy forms reviewed: \_\_\_\_\_

(-minus)

Number without missing information: \_\_\_\_\_

## Attachment M TEFAP Review Forms

(=equals) \_\_\_\_\_

Total: \_\_\_\_\_

If total does not equal zero, please provide outlets explanation and provide written corrective action plan below:

\_\_\_\_\_  
\_\_\_\_\_

**The Emergency Food Assistance Program (TEFAP) –  
Written Notice of Beneficiary Rights**

Organization  
Name  
Phone Number  
Email Address

Because TEFAP is supported in whole or in part by financial assistance from the Federal Government, we are required to let you know that—

- We may not discriminate against you on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
- We may not require you to attend or participate in any explicitly religious activities that are offered by us, and any participation by you in these activities must be purely voluntary;
- We must separate in time or location any privately funded explicitly religious activities from activities supported with USDA direct assistance;
- If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider to which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available; and
- You may report violations of these protections (including denials of services or benefits) by an organization to the State agency (<http://www.fns.usda.gov/fdd/food-distribution-contacts>). The State agency will respond to the complaint and report the alleged violations to their respective USDA FNS Regional Office (<http://www.fns.usda.gov/fns-regional-offices>).

We must provide you with this written notice before you enroll in TEFAP or receive services from TEFAP, as required by 7 CFR part 16.

**Alternate Service Location(s): see list.**



Indiana State  
Department of Health

**This institution is an equal opportunity provider.**





<b>F</b> ood & <b>N</b> utrition <b>S</b> ervice	<b>FNS INSTRUCTION</b>	NUMBER
	U.S. DEPARTMENT OF AGRICULTURE 3101 PARK CENTER DRIVE ALEXANDRIA, VA 22302-1500	709-5 Rev 3

ACTION BY: Food and Nutrition Service  
 National Office Food and  
 Nutrition Service Regional  
 Offices Agricultural Marketing  
 Service

INFORMATION FOR: State Distributing Agencies

**SHIPMENT AND RECEIPT OF USDA FOODS**

I PURPOSE

The purpose of this Instruction is to establish the general standards and procedures that the State distributing agency (SDA), Indian Tribal Organization (ITO) or other consignee must follow in receiving shipments of USDA Foods (i.e., donated foods) in Department of Agriculture (USDA) food assistance programs, including the Commodity Supplemental Food Program (CSFP); the Food Distribution Program on Indian Reservations (FDPIR); The Emergency Food Assistance Program (TEFAP); the National School Lunch Program (NSLP); the Nutrition Services Incentive Program (NSIP), which is administered by the Department of Health and Human Services; and in other outlets; and to convey established responsibilities for other entities such as USDA Foods vendors and carriers. The standards and procedures established in this Instruction are necessary in determining if shipments of USDA Foods are received in optimal condition and in the quantities ordered, and ensuring the proper disposition and replacement of USDA Foods when circumstances warrant.

II AUTHORITY

This Instruction is based on Federal regulations in 7  
 CFR Part 250. III FORMS  
 FSA-21, *Public Voucher – Commodity Programs*

IV RECORDS MANAGEMENT REQUIREMENTS

A Required records. The consignee must maintain documentation of:

- 1 The serial number of the high security seal(s).
- 2 The temperature of a freezer or refrigerated truck or trailer upon arrival.



3 The result of any inspections by State or local health authorities or a USDA certification agent to determine the condition of USDA Foods.

4 The disposition of USDA Foods received out-of-condition, including, as applicable, the destruction of such foods, or a signed salvage receipt from the vendor or carrier.

B Retention of records. All records must be retained for a period of three years from the close of the Federal fiscal year or school year to which they pertain.

## V RESPONSIBILITIES

Not applicable

## VI DEFINITIONS

A The definitions in 7 CFR 250 are applicable to this

Instruction. B The following definitions are also applicable

to this Instruction:

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

2 Carrier. A commercial enterprise that transports USDA Foods from one location to another, but does not store such foods.

3 Consignee. An entity (e.g., SDA, ITO, recipient agency, commercial storage facility, or processor) that receives a shipment of USDA Foods from a vendor or Federal storage facility.

4 Contracting Office. The USDA office (e.g., Agricultural Marketing Service's Commodity Procurement Program) that awards or executes a contract for supplies or services.

5 Demurrage. A charge assessed by the carrier for intermodal containers held beyond the specified free time.

6 Detention charge. A penalty charge assessed by carriers for shipments held beyond the specified free time.

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



10 Household Programs. Programs which provide USDA Foods to participants for home consumption, including CSFP, FDPIR, and TEFAP.

11 In-kind replacement. The replacement of a loss of USDA Foods with the same type of food of U.S. origin, of equal or better quality as the USDA Food, and at least equal in value to the lost USDA Food.

12 Intermodal Container. A standardized shipping container used across different modes of transport from ship or rail to truck without unloading and reloading cargo.

13 Lumper fee. A fee assessed by a carrier to the consignee or vice versa for unloading a shipment. Lumper fees are not permitted when receiving USDA Foods.

14 Multi-food shipment. A shipment from a Federal storage facility that usually includes more than one type of USDA Food.

15 National Multi-Food Warehouse. A Federally-contracted storage facility that includes more than one type of USDA Food.

16 Out-of-condition USDA Foods. USDA Foods that are no longer fit for human consumption as a result of spoilage, contamination, infestation, adulteration, or damage.

17 Pallet. A platform for the placement of material for storage or transportation.

18 Pinwheeling. A process of arranging pallets on a truck with varied positioning when handling items of different sizes. Pinwheeling is not permitted for shipments originating from the National Multi-Food Warehouse.

19 Purchase order. The contract awarded to the vendor.

20 Refused Shipment Request. An SDA or ITO request to FNS to refuse all or part of a shipment due to out-of-condition USDA Foods. FNS in turn notifies the appropriate Contracting Office. **In cases of issues relating to the integrity of high security seals (see Section IX, Inspecting the Shipment), shipments must be refused by the consignee.**

21 Rejected Shipment. Official Contracting Office designation, upon consideration of an SDA or ITO refused shipment request with regard to out-of-condition USDA Foods.

22 Sales order. An order for a specific USDA Food that includes the material description, quantity, delivery period, and destination, and that is

identified by a specific code.

- 23 Similar replacement. The replacement of a loss of USDA Foods with another type of food from the same food category (e.g., dairy, grain, meat/meat alternative, vegetable, fruit, etc.) that is of U.S. origin, of equal or better quality than that type of USDA Food, and at least equal in value to the lost USDA Food.
- 24 Slip sheet. A piece of cardboard used in place of a pallet.
- 25 Split shipment. A shipment of USDA Foods from a vendor that is split between two or more SDAs, ITOs, or recipient agencies, and that usually includes more than one stop-off or delivery location.
- 26 Tailgate. To move freight to the back end of a trailer for unloading.
- 27 Vendor. A commercial food company from which USDA purchases foods for donation.
- 28 WBSCM. Web-Based Supply Chain Management, an integrated food purchasing, tracking, and ordering system used by USDA and its customers, vendors, suppliers, and transportation personnel.

## VII OBJECTIVES

A This Instruction is applicable to shipments of USDA Foods received by an SDA, ITO, a recipient agency, or other consignee from a USDA-approved vendor or from a Federally- contracted storage facility, including a National Multi-Food Warehouse. This includes USDA Foods received at each delivery location in a split shipment, which is a type of direct delivery shipment from a vendor. Requirements specific to shipments from a National Multi-Food Warehouse are provided as applicable. Shipments of USDA Foods from a vendor may be delivered in the vendor’s truck or trailer, or in a truck or intermodal container belonging to a contracted commercial shipping company which, in this Instruction, is referred to as a carrier. A trailer or container may be transported to a specific location on a railcar, ship, or barge before delivery of its shipment of USDA Foods to the designated consignee. This method of delivery is sometimes referred to as an “intermodal” or “piggyback” shipment. This Instruction does not address issues related to Best-if-Used-By (BIUB) dates or equivalent. BIUB dates are addressed separately in Policy Memorandum FD-107, “Donated Food Storage, Distribution, and Product Dating (Revised)”.

B The Instruction is not applicable to USDA Foods received by a recipient agency or other consignee from an SDA, ITO, or recipient agency storage facility; to end products received from a commercial processor or distributor; or to products ordered through the USDA Department of Defense Fresh Fruit and

Vegetable Program (USDA DoD Fresh).

## VIII ARRANGING FOR SHIPMENT AND DELIVERY

A Delivery appointment. Vendors must comply with all provisions of the AMS Master Solicitation for Commodity Procurements, including delivery appointment requirements. For shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), the vendor or carrier must arrange for a delivery appointment with the consignee as far in advance of the expected delivery as possible, but not less than 72 hours prior to delivery. All parties are highly encouraged to address any non-federal shipment or delivery requirements in advance of the delivery (e.g., additional paperwork required by the warehouse).

For split shipments (i.e., shipments that are split between two or more consignees), the vendor or carrier must arrange for a delivery appointment with each consignee. The vendor or carrier may make an earlier delivery than scheduled only if a new delivery date is arranged that is acceptable to the consignee and USDA personnel are available, as necessary, to perform any required inspections; otherwise, the original delivery date must be honored.

If the vendor or carrier arrives without a delivery appointment or is late for an appointment, the consignee 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 the consignee report the issue and identify the carrier in the comment section of WBSCM when receipting for the delivery.

For shipments originating from a National Multi-Food Warehouse, the National Multi-Food Warehouse must arrange regular delivery dates with each consignee. If an order includes multiple truck loads, every effort must be made to arrange for all deliveries on the same day.

The consignee must negotiate any tailgating by the National Multi-Food Warehouse when setting the delivery date(s). The consignee is responsible for accepting shipments on the prearranged delivery date. If the regularly scheduled delivery must be postponed (e.g., as a result of inclement weather or equipment failure), the National Multi-Food Warehouse will immediately contact the consignee to determine a revised delivery date that is agreeable to both parties.

B Advanced shipment notification. For shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), the vendor will create the Advance Shipping Notification (ASN) in WBSCM in advance of delivery of the USDA Foods shipment so as to provide the consignee sufficient advance notice of the delivery. The ordering organization and receiving destination designated in WBSCM will receive the ASN by email. It is

recommended that the delivery appointment be arranged with the consignee before entering the ASN in WBSCM. The ASN will include the following information:

- 1 Required delivery date.
- 2 Expected delivery date.
- 3 Delivery ship-to business partner.
- 4 Nutrition program acronym (e.g., CSFP, NSLP).
- 5 USDA Food product material number and description (e.g., material code).
- 6 Sales order number (not applicable to shipments to a National Multi-Food Warehouse).
- 7 Sales order item number.
- 8 Quantity (e.g., cases, number of units) in shipment.
- 9 Purchase order item number.
- 10 Purchase order number.
- 11 Product vendor information.

For shipments originating from a National Multi-Food Warehouse, the consignee will not receive an ASN notification. Specific delivery dates are pre-arranged between the consignee and the National Multi-Food Warehouse and reflected in WBSCM.

C Destination changes. For shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), consignees wishing to change the shipment destination after the order is in “purchased” status in WBSCM must submit a request to the appropriate SDA or ITO, if applicable (e.g., the consignee is a recipient agency which has an agreement with an SDA or ITO), which must in turn submit the request to the FNS Regional Office (FNSRO) for Household Programs or to the FNS National Office (FNSNO) Food Distribution Division (FDD) for Child Nutrition Programs at least 45 days in advance of the start of the delivery period.

For shipments originating from a National Multi-Food Warehouse, consignees wishing to change shipment destinations must notify the SDA or ITO, as applicable, which must in turn notify the National Multi-Food Warehouse.

D Vendor or carrier unable to deliver USDA Foods. If a vendor or carrier arrives at the delivery location at the appointed time and is unable to unload USDA Foods



as a result of action or inaction by the consignee, the vendor or carrier may place the USDA Foods in storage or move them to another location which may subject the consignee to additional charges. Any disputes between the consignee and the vendor or carrier regarding liability for such charges that are not resolved at the SDA or ITO level must be referred to the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs, for resolution by FNS and the Contracting Office, as applicable.

- E Pallet exchange. For shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), pallet exchange (i.e., trading pallets of equal quantity and quality for those delivered with a shipment) is not required but may occur at the discretion of the consignee and should be arranged in advance of delivery.

For shipments originating from a National Multi-Food Warehouse, carriers do not exchange pallets.

## IX INSPECTING THE SHIPMENT

A General requirements. The consignee must inspect each shipment and commercial delivery receipt (e.g., BOL) carefully prior to unloading to ensure that the high security seal(s) is/are intact, to determine the overall condition of the USDA Foods and the number of units in the shipment, and to ensure the accuracy of the receipt.

B Seal. The consignee must ensure that the high security seal(s) on the door or other point of entry of the truck or trailer is/are intact and must make a record of the serial number of the seal(s). If the high security seal is broken or lacking, or the serial number on the seal does not match the number on supporting documentation (e.g., BOL), the consignee must refuse the shipment, including split shipments, and immediately notify the SDA or ITO, as applicable, which must in turn notify the FNSRO, or FNSNO FDD in the case of Child Nutrition programs. FNS will notify the appropriate Contracting Office or the National Multi-Food Warehouse, as applicable.

For shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), including split shipments, a previously refused shipment may only be accepted by the consignee after a Condition of Container Inspection has been performed by a USDA representative, as designated by the Contracting Office, and a Certificate of Quality and Condition has been issued which documents that the Condition of Container meets the applicable U.S. Standards for Condition of Food Containers. Any inspection costs must be paid by the vendor or carrier.

C Removal of seal. The consignee is responsible for the removal of the high security seal(s), which must be done with bolt cutters or a similar tool.

D Temperature check. For frozen or refrigerated foods, at a minimum, the consignee must check the thermometer, which is usually located outside of the truck, to ensure that the temperature in the freezer or refrigeration unit is at an acceptable level, in accordance with USDA guidance, and must ensure that the unit is switched on and working.

E Quantity of USDA Foods. The consignee must determine if there is any obvious discrepancy from the quantity of USDA Foods ordered (e.g., an overage or shortage). A more careful count must be conducted as the shipment is unloaded and prior to the vendor or carrier departing.

F Observing Condition of USDA Foods. The consignee must inspect the shipment to determine if the USDA Foods have been delivered in good condition and with no evidence of product tampering. The consignee should take note of any odors, infestation (e.g., dead insects or nesting materials), or damage to inner or outer containers. For frozen foods, the consignee should look for signs of defrosting or signs of thawing and re-freezing of the foods that could have occurred prior to the arrival of the shipment. For USDA Foods that are not intended to be frozen (e.g., canned products), it is recommended that the consignee also check to ensure that such foods do not arrive in such manner.

Fresh fruit or vegetable shipments, with the exception of fresh apples, must be inspected by a USDA representative prior to unloading in accordance with contract specifications. The vendor must arrange for the inspection at each delivery

destination and pay any costs associated with inspection.

G Out-of-condition USDA Foods and required notification. For shipments originating from a vendor (i.e., any shipment not originating from the National Multi-Food Warehouse), if consignee inspection indicates that all, or a major portion, of the USDA Foods in

a shipment are out-of-condition, the consignee must immediately notify the SDA or ITO, as applicable, which must in turn notify the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs.

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 an authorized USDA agent must first be obtained to determine the condition of the USDA Foods. If an inspection is required, the SDA or ITO, as applicable, must inform the FNSRO or FNSNO of the consignee's inspection results so that FNS and the appropriate Contracting Office can determine if the shipment should be rejected. The SDA, ITO, or consignee must also ensure that the vendor or carrier is aware of the results of the consignee's inspection, subsequent inspection by health authorities, as applicable, and the FNS/Contracting Office decision to accept or reject the shipment. The vendor or carrier is responsible for the prompt removal of a rejected shipment. The cost of the inspection must be paid by the consignee if it is determined that the USDA Foods are not out-of-condition. Inspection costs must otherwise be paid by the vendor or carrier.

For shipments originating from a National Multi-Food Warehouse, if consignee inspection indicates that all, or a major portion, of the USDA Foods in the shipment are out-of-condition, the consignee must immediately notify the SDA or ITO, as applicable, which must in turn notify the FNSRO. FNS will work with the National Multi-Food Warehouse to address the issue.

If there is a doubt as to the condition of the USDA Foods, or a disagreement with the vendor or carrier regarding their condition, the consignee must immediately notify the SDA or ITO, as applicable, which must in turn notify the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs. FNS will consult with the Contracting Office or the National Multi-Food Warehouse, as applicable, to determine a course of action.

Any fresh fruit or vegetable delivery which fails to meet USDA specifications will be rejected by the USDA representative and Contracting Office. If any lot of fresh fruits or vegetables fails to meet the product or packaging requirements, the vendor may request in writing that USDA accept delivery of the lot. USDA, with agreement from the consignee, may, at its option, accept delivery.

X ACCEPTING AND RECEIPTING FOR THE SHIPMENT

A Acceptance of shipment. For shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), if the consignee inspection indicates that some, but not a major portion, of the USDA Foods in the shipment are out-of- condition, or that there is only a minor discrepancy from the quantity of USDA Foods ordered, the consignee may accept the entire shipment and segregate any out-of-condition USDA Foods. The consignee must in turn notify the SDA or ITO of the out-of-condition foods, as applicable, which must in turn notify the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs, and file a complaint in WBSCM. FNS will consult with the appropriate Contracting Office to determine a course of action.

Alternatively, when the consignee inspection indicates that some, but not a major portion, of the USDA Foods are out-of-condition, the consignee has the option to immediately notify the SDA

or ITO, as applicable, of the out-of-condition foods upon receipt, requesting refusal of that part of the shipment. The SDA or ITO must in turn notify the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs, and file a complaint in WBSCM when a goods receipt is entered in WBSCM. FNS will consult with the appropriate Contracting Office to determine a course of action. This course of action may lead to part of the shipment being rejected.

For shipments originating from a National Multi-Food Warehouse that include out-of-condition USDA Foods or that do not have the quantity of USDA Foods ordered, the consignee must accept the entire shipment, segregate unusable products, and report the loss or shortage to the SDA or ITO, as applicable, which must in turn inform the FNSRO and request guidance on disposing of any out-of-condition foods in accordance with Section XII of this Instruction, and file a complaint in WBSCM when the order is receipted for issue tracking purposes.

For latent product defects observed by the consignee after acceptance of the shipment, the consignee must notify the SDA or ITO of the out-of-condition foods, as applicable, which must in turn notify the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs, and file a complaint in WBSCM when the order has been receipted.

See Section XII of this Instruction for details on the disposition and replacement of out-of- condition USDA Foods.

**B** Delivery receipt. The consignee must ensure that the delivery receipt (e.g., BOL) indicates the quantity of USDA Foods received, including product that is rejected at the time of receipt for being out-of-condition and the quantity received in good condition, before signing and dating such receipt and returning it to the vendor or carrier. The carrier, and not the consignee, is responsible for providing the vendor with the signed delivery receipt, with the exception of select bulk products for further processing (e.g. chicken), where grading certificates are provided by the consignee to the vendor. The signed delivery receipt must match the Goods Receipt quantity entered into WBSCM.

**C** WBSCM Goods Receipt. The consignee is responsible for entering the Goods Receipt into WBSCM within two (2) calendar days of receipt of the product. Electronic receipting within two (2) calendar days permits expeditious notification to FNS and other parties of the receipt of the shipment and allows payment to vendors in a timely manner. The Goods Receipt must indicate the quantity received in good condition and, if applicable, the quantity received damaged or rejected.

If the consignee has not entered a Goods Receipt within two (2) calendar days of delivery and the Contracting Office has received an invoice for the shipment, the Contracting Office will enter a Goods Receipt into WBSCM in order to meet prompt payment requirements. The Goods Receipt entry will be based on vendor- or carrier-

provided proof of delivery documentation such as a signed BOL.

Note that if the entire shipment is rejected by the Contracting Office, no information is required or should be entered into WBSCM.

## XI UNLOADING THE SHIPMENT

A Consignee responsibilities. The consignee is responsible for unloading the shipment of USDA Foods and for removing and disposing of dunnage and other debris. The consignee 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 via the SDA or ITO, as applicable, to the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs, within a reasonable timeframe. A complaint should be entered in WBSM documenting the issue. Fees levied on the vendor or carrier (e.g., gate fees or lumper fees) are not permissible. For shipments of frozen or refrigerated foods, the consignee must ensure that the freezer or refrigeration unit remains on during unloading.

For shipments originating from a National Multi-Food Warehouse, the consignee is responsible for unloading their entire order, including items that may be segregated (e.g., frozen under bulkhead), and ensuring that proper temperature is maintained.

B Vendor or carrier responsibilities. The vendor or carrier is responsible for shipping product on pallets or equivalent (e.g., slip sheets) that are in acceptable condition, in accordance with applicable contract specifications. If pallet exchange is desired, the vendor or carrier must arrange for pallet exchange with the consignee prior to delivery. Fees levied on the consignee (e.g., lumper fees) are not permissible.

All shipments originating from a National Multi-Food Warehouse will arrive on pallets that must be positioned to facilitate timely unloading of USDA Foods (e.g., no pinwheeling). The National Multi-Food Warehouse Carrier is responsible for tailgating if previously arranged with the consignee.

C Free time. The consignee must complete the unloading of the shipment, and the removal of dunnage and other debris, within the period of free time. For palletized loads, free time is up to two (2) hours. For non-palletized loads, free time is up to six (6) hours. Failure to complete the unloading within the free time may incur a demurrage or detention charge, which the consignee may be obligated to pay.

D Segregating out-of-condition USDA Foods. As provided in Section X, if the consignee inspection indicates that some, but not a major portion, of the USDA Foods in the shipment are out-of-condition, or that there is only a minor discrepancy from the quantity of USDA Foods ordered, the consignee may accept the entire shipment and segregate any out-of-condition USDA Foods. In such circumstances, the consignee must identify cases or other units of USDA Foods, or those USDA Foods within a case or other unit, that are out-of-condition and segregate such foods from those that are in good condition, making note on the delivery documentation (e.g., BOL) as applicable. USDA Foods with cosmetic damage (e.g., small dents)





on the WBSCM Goods Receipt. Directions for entering quantities in WBSCM are found in the WBSCM Work Instructions under “Help”. See Section X for further details on receipting.

For shipments originating from a vendor (i.e., any shipment not originating from the National Multi-Food Warehouse), when there is a shortage of the quantity ordered, the SDA or ITO, as applicable, should notify the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs, to address any need for additional USDA Foods or to credit entitlement for Child Nutrition Programs and TEFAP. As applicable, the FNSRO will work with FNSNO FDD to address the issue. For split shipments between two or more destinations, it is the responsibility of the consignee to unload the correct quantity at each delivery location in accordance with the Sales Orders. It is the responsibility of the SDA or ITO to make the necessary corrections in the event of an unloading error for split shipments.

For shipments originating from a National Multi-Food Warehouse that have less than the quantity of foods ordered, the consignee must notify the SDA or ITO, as applicable, which must in turn notify the FNSRO and make arrangements to receive the missing product as appropriate.

F Re-sealing for subsequent delivery. It is the responsibility of the vendor or carrier to re-seal/rebrace the truck for subsequent deliveries, such as in split shipments, or shipments originating from a National Multi-Food Warehouse. In a split shipment, the consignee, at the next delivery location, must ensure that the high security seal(s) is/are intact and that the serial number on the seal matches the number on supporting documentation. Issues related to re-sealing, such as broken or lacking seals, should be referred to the SDA or ITO, as applicable, which must in turn refer such issues to the FNSRO, or FNSNO FDD in the case of Child Nutrition programs.

For questions or issues regarding re-sealing for subsequent deliveries originating from the National Multi-Food Warehouse, the consignee should contact the SDA or ITO, which must in turn contact the FNSRO. Refer to Section IX of this Instruction for requirements with regard to seals.

G Delivery service upgrade requests. When notified of shipments, the consignee may request upgraded delivery services or delivery to an alternate warehouse; for example, delivery within the consignee’s premises, direct delivery tailgating, or delivery to a specific room within a building. Note that such delivery terms are beyond USDA contractual requirements.

Any negotiations to upgrade services are between the vendor or carrier and consignee and any additional charges for special delivery terms are between the consignee and vendor or carrier. Any charges invoiced to USDA for additional delivery services will be denied.

## XII DISPOSITION AND REPLACEMENT OF OUT-OF-CONDITION USDA

FOODS

A Disposition of out-of-condition USDA Foods. For shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse) that are found to contain out-of-condition USDA Foods, after taking the necessary steps provided in Sections IX through XI, as applicable, the consignee must provide the vendor or carrier with the opportunity to remove such out-of-condition USDA Foods for salvage. If the vendor or carrier

chooses to remove such USDA Foods, the consignee must obtain a signed salvage receipt or equivalent and provide it to FNS via the SDA or ITO, as applicable, upon request.

If the vendor's shipment has already been accepted and the vendor or carrier is unwilling to remove such foods, it is the responsibility of the consignee to destroy or otherwise dispose of the out-of-condition USDA Foods, in accordance with State or local requirements pertaining to food safety and health. Out-of-condition USDA Foods may not be used in any USDA food assistance programs. Any USDA markings must be obliterated if the product is salvaged for other use.

For shipments originating from a National Multi-Food Warehouse, if the shipment has already been accepted, the consignee must contact the SDA or ITO, as applicable, which must in turn contact the FNSRO for guidance in disposing of any out-of-condition foods.

**B** Replacement. For shipments originating from a vendor (i.e., any shipment not originating from the National Multi-Food Warehouse), the vendor is responsible for replacing USDA Foods shipments that are rejected by the Contracting Office in full or those USDA Foods that are delivered out-of-condition in an accepted shipment. Such replacement must be in-kind, unless FNS approves similar replacement. In certain limited cases, FNS, working with the appropriate Contracting Office, may pursue a claim against the vendor for payment of the value of the USDA Foods in lieu of physical replacement of the USDA Foods. The consignee must contact the SDA or ITO, as applicable, which must in turn contact the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs, to make arrangements to receive replacement product as appropriate.

For shipments originating from a National Multi-Food Warehouse that contain out-of-condition USDA Foods, the consignee must work with the SDA or ITO, as applicable, which must in turn work with the FNSRO to make arrangements to receive replacement product as appropriate.

**C** Claims against vendor or carrier. As applicable, FNS, in coordination with the appropriate Contracting Office, will pursue claims against vendors or carriers, as necessary, to ensure replacement of USDA Foods delivered out-of-condition, in accordance with FNS Instruction 420-1, "Managing Agency Debts".

**D** Reimbursement for expenses. The consignee may request, through the SDA or ITO, as applicable, from the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs, reimbursement for expenses incurred in unloading, storing, inspecting, or disposing of USDA Foods that are delivered out-of-condition. In making such request for reimbursement, the consignee must use form FSA-21, "Public Voucher – Commodity Programs", which must be submitted to the FNSRO, or FNSNO FDD in the case of Child Nutrition Programs.





**Food Distribution  
National Policy Memorandum**

United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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Alexandria, VA  
22302-1500

**DATE:** June 10, 2016

**POLICY NO:** FD-138: The Emergency Food Assistance Program (TEFAP),  
Commodity Supplemental Food Program (CSFP)

**SUBJECT:** Written Notice and Referral Requirements for Beneficiaries Receiving  
TEFAP and CSFP Benefits from Religious Organizations

The purpose of this memorandum is to clarify the written notice and referral requirements for religious organizations that receive USDA Foods or administrative funding as part of The Emergency Food Assistance Program (TEFAP) or the Commodity Supplemental Food Program (CSFP). The U.S. Department of Agriculture's (USDA) overarching regulation on equal opportunity for religious organizations to participate in USDA assistance programs can be found at [7 CFR Part 16](#). The final rule entitled [Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations](#) (Final Rule) amended 7 CFR Part 16 and directed agencies to provide policy guidance or reference materials on a number of program-specific topics. Religious organizations participating in TEFAP or CSFP must comply with these final regulations by July 5, 2016. Please note, Child Nutrition (CN) Programs, including USDA Foods in CN Programs, are treated in the same manner as an indirect assistance program under 7 CFR Part 16 and are therefore not subject to the notice and referral requirements contained within this memorandum.

**Beneficiary Protections: Written Notice**

In accordance with 7 CFR Part 16.4(f), faith-based or religious organizations that receive USDA Foods or administrative funds for TEFAP or CSFP must give written notice in the manner prescribed by this policy memorandum to all beneficiaries and prospective beneficiaries of the right to be referred to an alternate provider when available. The written notice must state that:

- (i) The organization may not discriminate against beneficiaries on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
- (ii) The organization may not require beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries in such activities must be purely voluntary;
- (iii) The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;
- (iv) If a beneficiary objects to the religious character of the organization, the organization will undertake reasonable efforts to identify and refer the

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- beneficiary to an alternate provider to which the prospective beneficiary has no objection; the organization may not be able to guarantee, however, that in every instance, an alternate provider will be available; and
- (v) Beneficiaries may report violations of these protections (including denials of services or benefits) by an organization to the State agency (<http://www.fns.usda.gov/fdd/food-distribution-contacts>). The State agency will respond to the complaint and report the alleged violations to their respective USDA FNS Regional Office (<http://www.fns.usda.gov/fns-regional-offices>).

Organizations, inclusive of all recipient agencies and local agencies certifying potential beneficiaries and providing TEFAP and CSFP benefits to participants, must provide the written notice, per the program specific requirements described below, to applicants prior to the time they enroll in the program or receive services from such programs.

**TEFAP**

Preamble language to the final rule amending 7 CFR Part 16 provided for an exception to the individual written notice of beneficiary protections requirement. When the service provided to the beneficiary involves only a brief interaction between the provider and the beneficiary, and the beneficiary is receiving what may be a one-time service from the provider (such as a meal at an emergency kitchen or food for home consumption at a food pantry), the service provider may post the written notice of beneficiary protections in a prominent place, in lieu of providing individual written notice to each beneficiary.

This exception is applicable only to TEFAP. Accordingly, religious organizations providing TEFAP services can comply with the federal regulations and meet the requirements of this guidance memorandum by posting a written notice, which includes the complete list of beneficiary protections described above, at service locations. The posted written notice must be visible to all TEFAP beneficiaries and prospective beneficiaries upon entrance into the distribution site. A sample poster for posting written notice of beneficiary protections is included as an attachment to this memorandum.

**CSFP**

For religious organizations operating CSFP, individual written notice of beneficiary protections provided under 7 CFR Part 16, including the right to be referred to another organization, must be given to all applicants at the time that they apply for CSFP benefits. For beneficiaries already enrolled in the program as of the implementation date of this requirement, written notice must be provided no later than July 5, 2016.

A sample form for providing individual written notice of beneficiary protections is included as an attachment to this memorandum. Religious organizations can comply with federal regulations and meet the requirements of this guidance by providing CSFP applicants with this sample form at the time of application or by incorporating the required notification language at 7 CFR Part 16.4(f) into their existing CSFP applications or another format of their choice, provided that each individual beneficiary or prospective beneficiary receives an individual written notice, which includes the complete list of beneficiary protections described above.

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**Beneficiary Protections: Referral Requirements**

In accordance with 7 CFR Part 16.4(g), if a beneficiary or prospective beneficiary of TEFAP or CSFP objects to the religious character of an organization that provides services under the program, that organization must promptly undertake reasonable efforts to identify and refer the beneficiary to an alternate provider, if available, to which the prospective beneficiary has no objection. A sample form for recording a beneficiary referral request is included as an attachment to this memorandum.

In some cases, a referral option may not be available. What constitutes “reasonable efforts” will depend on the situation. Organizations should at a minimum attempt to identify an alternative provider, determine what services the alternative provider offers, and determine whether the alternative provider is accepting new referrals. Below are the standards that must be followed:

- In making the referral, the organization must comply with all applicable State and local privacy laws and regulations.
- A referral may be made to another faith-based organization, if the beneficiary has no objection to that provider. But if the beneficiary requests a secular provider, and a secular provider is available, then a referral must be made to that provider.
- The referral must be to an alternate provider that is in reasonable geographic proximity to the organization making the referral and offers services that are similar in substance and quality to those offered by the organization, if one is available. The alternate provider also should have the capacity to accept additional clients, if one with capacity to accept additional clients is available. A referral may be made to non-USDA funded organizations, including non-TEFAP and non-CSFP providers, if necessary and available.
- If the organization determines that it is unable to identify an alternate provider, the organization must promptly notify the State agency, or local or eligible recipient agency with which it has an agreement. That agency must determine whether there is any other suitable alternate provider to which the beneficiary may be referred. A local or eligible recipient agency that receives a request for assistance in identifying an alternate provider may request assistance from the State agency. The State agency is ultimately responsible for ensuring an alternate provider is identified, if available.
- State agencies may assist recipient or local agencies or organizations by providing such entities with information regarding alternate providers. Such information regarding alternative providers should include providers (including secular and non-USDA funded organizations) within a reasonable geographic proximity that offer services that are similar in substance and quality and that would reasonably be expected to have the capacity to accept additional clients, provided any such organizations exist. Examples of alternate methods of referral the State agency could provide organizations may include but is not limited to referral to websites, hotlines, or other service providers funded by the State agency. An organization which relies on such information provided by the State

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agency will be considered to have undertaken reasonable efforts to identify an alternate provider for the purposes of 7 CFR Part 16.

**Record Keeping**

State and local agencies must continue to follow record keeping requirements in accordance with current program regulations for both TEFAP and CSFP and 7 CFR 250.19. Such requirements extend to the maintenance of records of beneficiary referrals by religious organizations to other entities in accordance with the beneficiary protections at 7 CFR Part 16. All records must be maintained for a period of three years from the close of the fiscal year to which they pertain.

**Monitoring**

In accordance with USDA regulations at 7 CFR Part 16.6, FNS will monitor compliance with these new provisions during the course of regular program review and oversight. State agencies should continue to follow existing regulatory requirements and program mechanisms in regards to monitoring and enforcement of these requirements, including coverage of the minimum notice and referral requirements provided in this memorandum and maintenance of records related to referrals. FNS will use Management Evaluation Reviews to monitor compliance with this, and all, statutory and regulatory provisions in TEFAP and CSFP.



Laura Castro  
Director  
Food Distribution Division

Attachments

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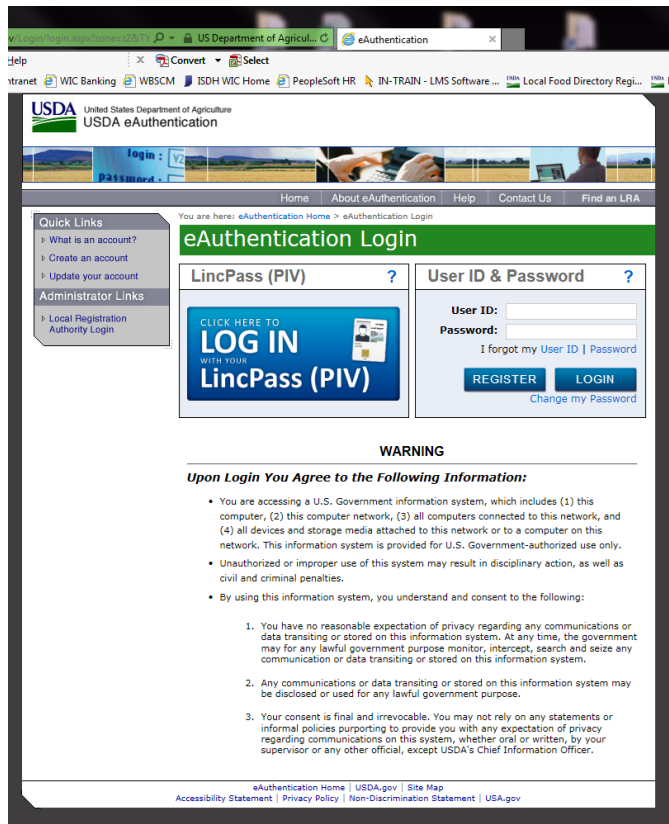
# Order Status Report

It is the responsibility of the primary program contact to run an Order Status Report monthly.

If the primary contact is absent when the report is scheduled to be run, the responsibility falls to the secondary program contact.

## Login (production system)

<https://portal.wbscm.usda.gov/>



**HELPFUL HINTS:**  
 BOTH USERNAME AND PASSWORD ARE CASE SENSITIVE.  
 PERIODIC PASSWORD RESET IS REQUIRED AND PROMPTED.

Enter your username.

Enter your password.



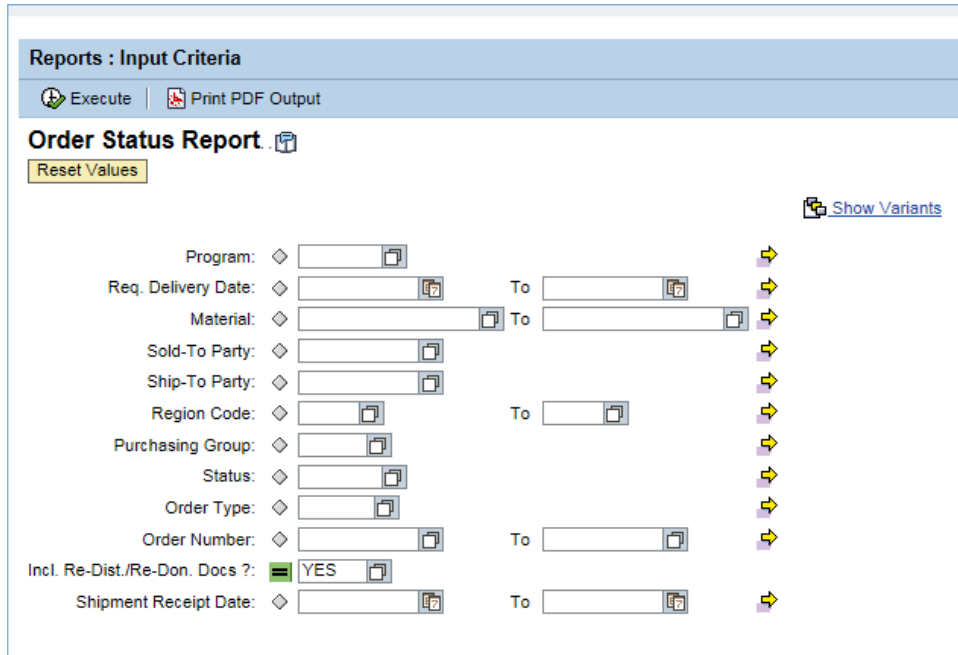
Click the  button.

Attachment Q Work Instruction – Order Status Report



## Enter Criteria

You may type in the boxes or click the  button next to each box to select from a dropdown



box.

**Program:** Enter “TEFAP”

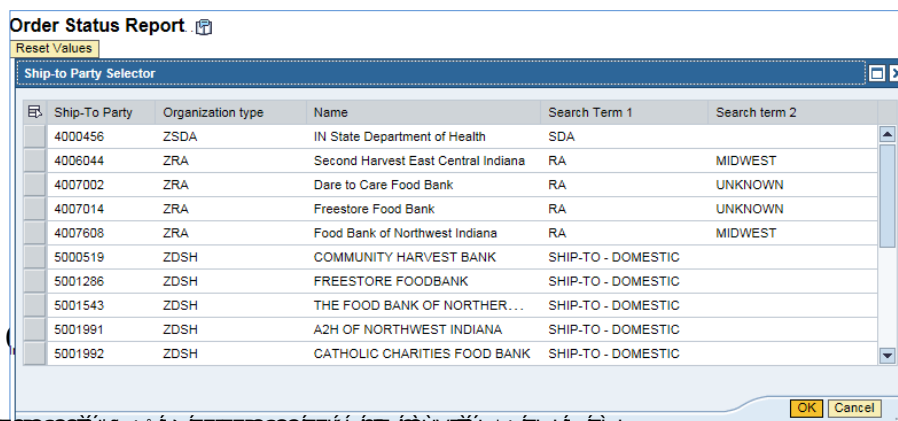
**Req. Delivery Date:** Enter “6/1/2018” in the first box and “9/1/2018” in the second box.

Entries determine the report range. Entering the same date in each field reports on a single day. It is suggested you review at least the upcoming quarter.

**Ship-To Party:** Enter your TEFAP destination from the list on page **Error! Bookmark not defined.**

OR

Click the  button to choose from the dropdown box (below).



Ship-To Party	Organization type	Name	Search Term 1	Search term 2
4000456	ZSDA	IN State Department of Health	SDA	
4006044	ZRA	Second Harvest East Central Indiana	RA	MIDWEST
4007002	ZRA	Dare to Care Food Bank	RA	UNKNOWN
4007014	ZRA	Freestore Food Bank	RA	UNKNOWN
4007608	ZRA	Food Bank of Northwest Indiana	RA	MIDWEST
5000519	ZDSH	COMMUNITY HARVEST BANK	SHIP-TO - DOMESTIC	
5001286	ZDSH	FREESTORE FOODBANK	SHIP-TO - DOMESTIC	
5001543	ZDSH	THE FOOD BANK OF NORTHER...	SHIP-TO - DOMESTIC	
5001991	ZDSH	A2H OF NORTHWEST INDIANA	SHIP-TO - DOMESTIC	
5001992	ZDSH	CATHOLIC CHARITIES FOOD BANK	SHIP-TO - DOMESTIC	

Attachment (



## Run Report

The screen should now look like the picture below.

**Reports : Input Criteria**

**Order Status Report**

Program:

Req. Delivery Date:   To

Material:   To

Sold-To Party:

Ship-To Party:

Region Code:   To

Purchasing Group:

Status:

Order Type:

Order Number:   To

Incl. Re-Dist./Re-Don. Docs ? :

Shipment Receipt Date:   To

Click the Execute button to run the report with the selected criteria.

The Order Status Report appears.

**Order Status Report**

View:

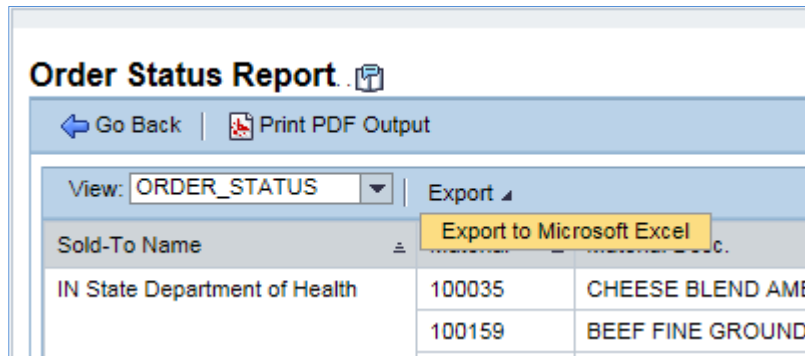
Sold-To Name	Material	Material Desc.	Status Text	Requested Del. Date	Requested Qty.	Sales Unit	Cost / LB
IN State Department of Health	100035	CHEESE BLEND AMER SKM LVS-12/2 LB	Cancelled	12/15/2017	710.000	CS	
	100159	BEEF FINE GROUND FRZ PKG-40/1 LB	Purchased	12/31/2017	696.000	CS	2.79
	100194	TUNA CHUNK LIGHT CAN-24/12 OZ	Purchased	12/31/2017	733.000	CS	2.37
	100218	PEACHES CLING SLICES CAN-24/300	Purchased	02/15/2018	745.000	CS	0.63
		PEACHES CLING SLICES CAN-24/300	Purchased	01/15/2018	477.000	CS	0.63
	100223	PEACHES CLING SLICES CAN-24/300	Purchased	02/28/2018	740.000	CS	0.63
		PEARS CAN-24/300	Purchased	12/15/2017	739.000	CS	0.69
	100242	PEARS CAN-24/300	Purchased	02/28/2018	745.000	CS	0.70
		PEARS CAN-24/300	Purchased	01/31/2018	477.000	CS	0.70
		BLUEBERRY WILD FRZ CTN-8/3 LB	Purchased	02/28/2018	1,440.000	CS	0.94
	100289	BLUEBERRY WILD FRZ CTN-8/3 LB	Purchased	01/15/2018	443.000	CS	0.94
		FIG PIECES PKG-24/1 LB	Purchased	01/31/2018	1,584.000	CS	2.14
	100306	BEANS GREEN CAN-24/300	On Invitation	02/15/2018	745.000	CS	0.37
		BEANS GREEN CAN-24/300	Purchased	01/15/2018	477.000	CS	0.37
		BEANS GREEN CAN-24/300	On Invitation	02/28/2018	740.000	CS	0.37

## Export Report (optional)

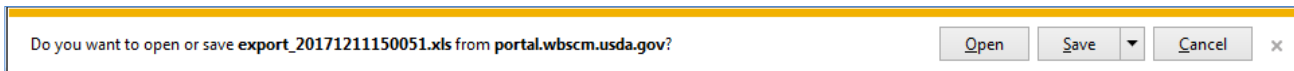
It is much easier to view, sort and share the data if you save it locally. To export the data to an Excel file

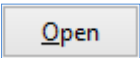
Click Export

then Export to Microsoft Excel

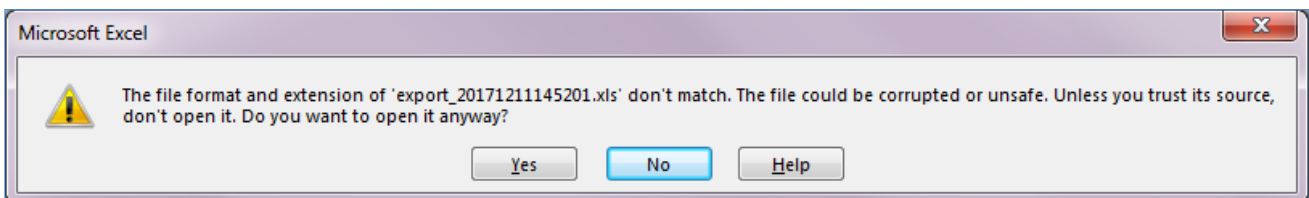


Internet Explorer asks what you want to do with the file.

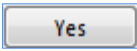


Click the  button.

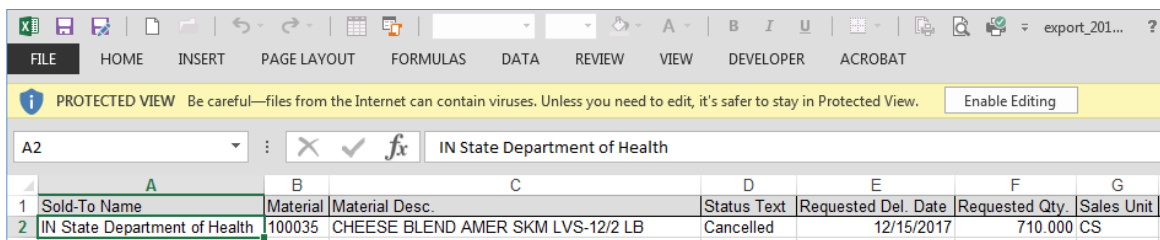
Depending on your local settings, you may see this warning. This is because WBSM exports the data as a html file so Excel sees a mismatch between format and file extension. You will fix that in a moment.





Click the  button.

Depending on your local settings, you may see this warning.

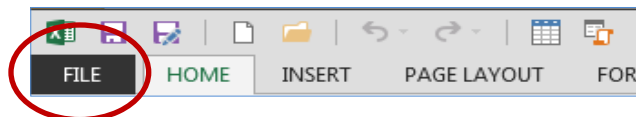


If you see it, click the  button. If you do not see it, skip this step.

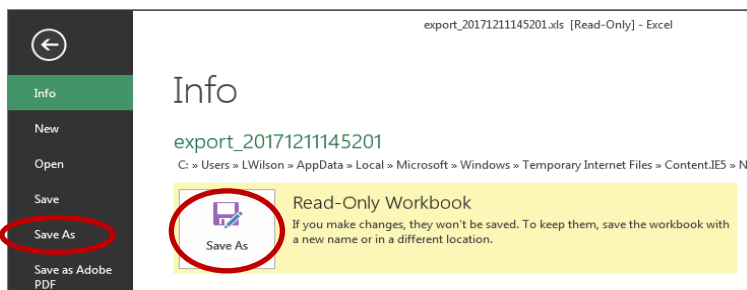
Perform a “Save As” on the file.

The example reflects Excel 2013. If you use another version how to perform the task may be different.

From the Excel menu, choose “File”.

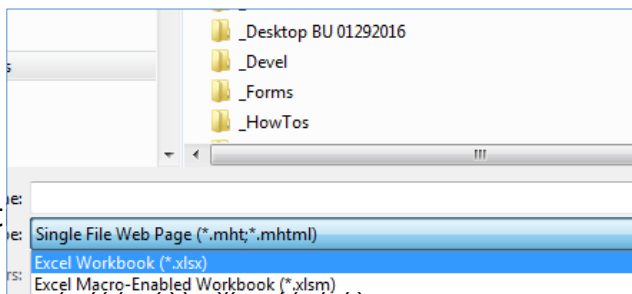


then



“Save As”

Navigate to where you wish to save the file.



Attachment Q Work Instruct



# Work Instruction – Receipting BOLs in WBSCM

## Timeline

Within 48 hours of receiving product,

1. Receipt the BOL in WBSCM
2. Scan and send the BOL to ISDH Program Director and Program Coordinator.

## WBSCM Process Steps

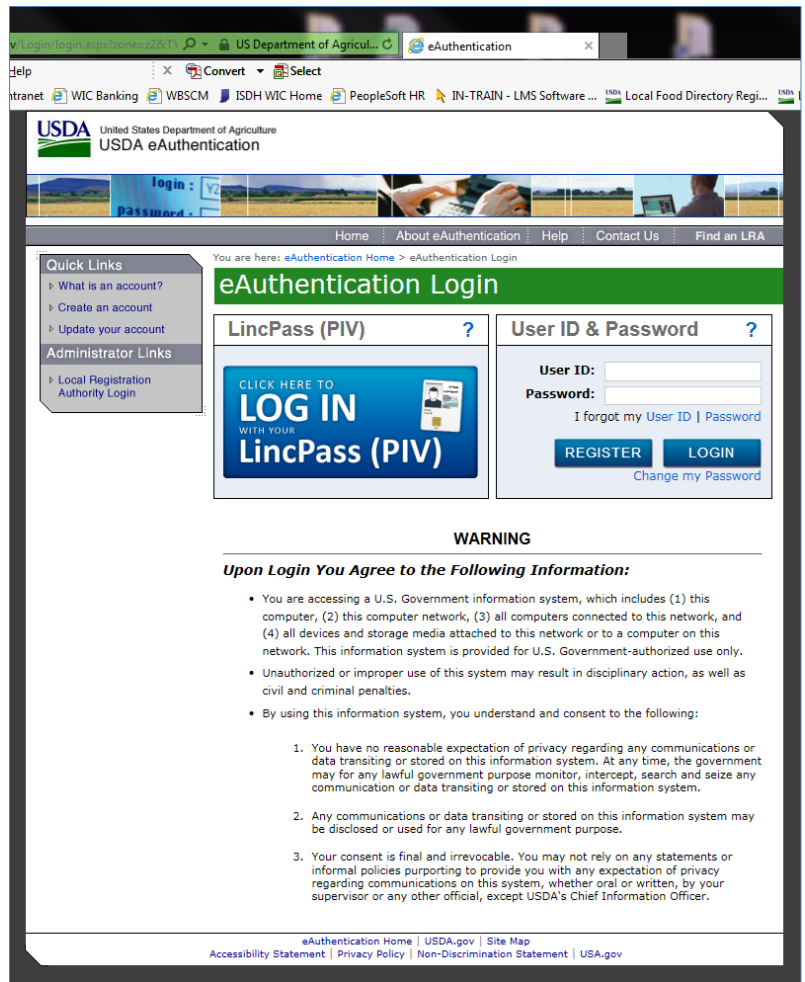
### Log In

<https://portal.wbscm.usda.gov/>


Enter your username.

Enter your password.

Click the  button.



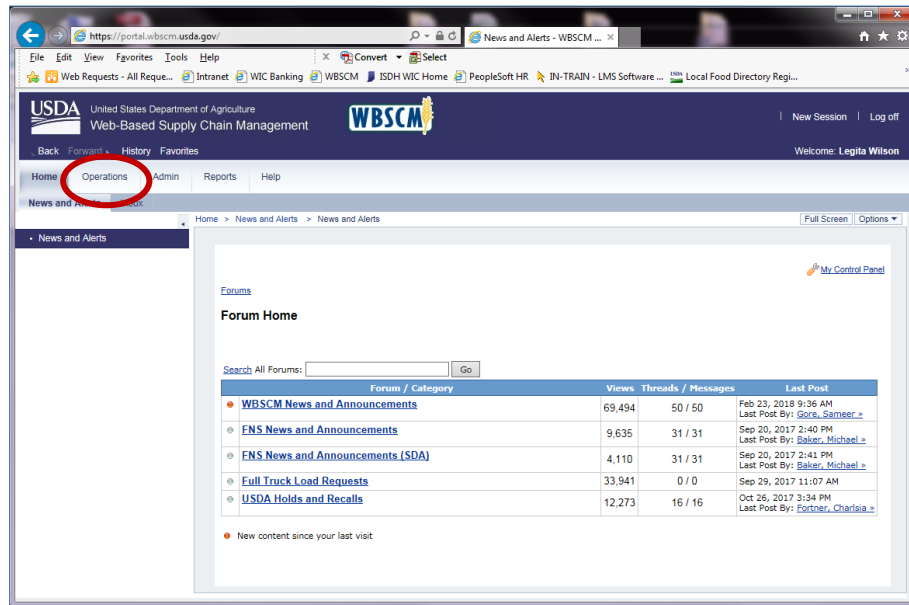
### HELPFUL HINTS:

- \* Both username and password are case sensitive.
- \* Periodic password reset is required and prompted.
- \* Click  (the **Hide Navigator** arrow) to minimize the Portal menu. Note that you can do this with any transaction in WBSCM not just Goods Receipt transactions.

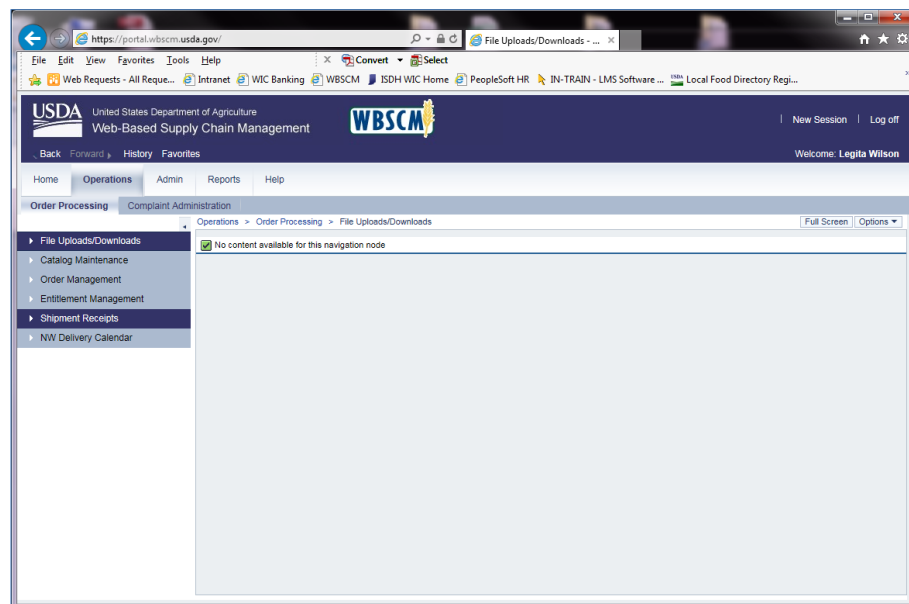
## Navigate

WBSCM navigation elements consist of tabs across the top and a context menu on the left side.

Click the **Operations** tab



The Operations context menu appears on the left side of the screen.

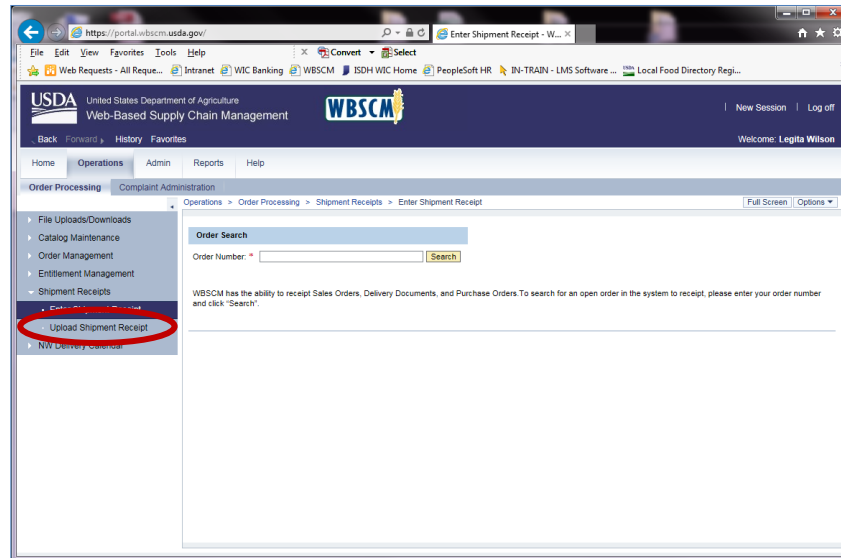


Click **Shipment Receipts** to expand the list.

Attachment R Work Instruction – Receipting BOLs

The **Shipment Receipts** item expands.

Click **Enter Shipment Receipt**.



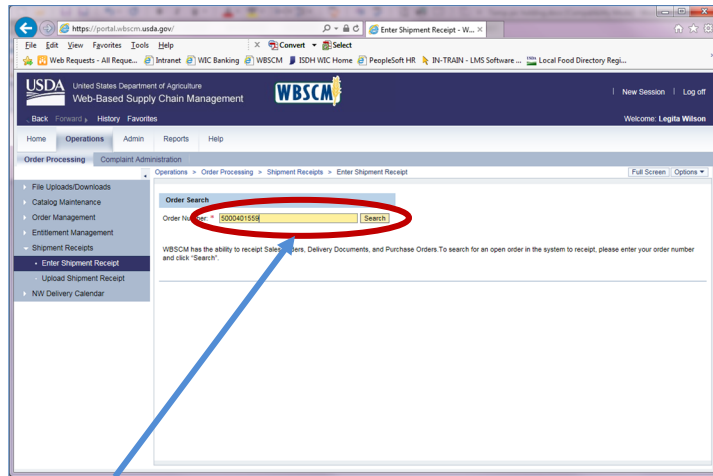
Find the following information on the BOL:

1. Sales order number (5000nnnnnn for TEFAP, 1000nnnnnn for multi-food)
2. Name of receiver
3. Quantity of cases received
4. \*Net weight received (if the product is variable weight such as whole poultry)


**If the shipment is CSFP multi-food, go to "Receipt – CSFP (multi-food).**

## Receipt - Cases

Enter the sales order number (currently 5000nnnnnn) into the **Order Number** box on the WBSM

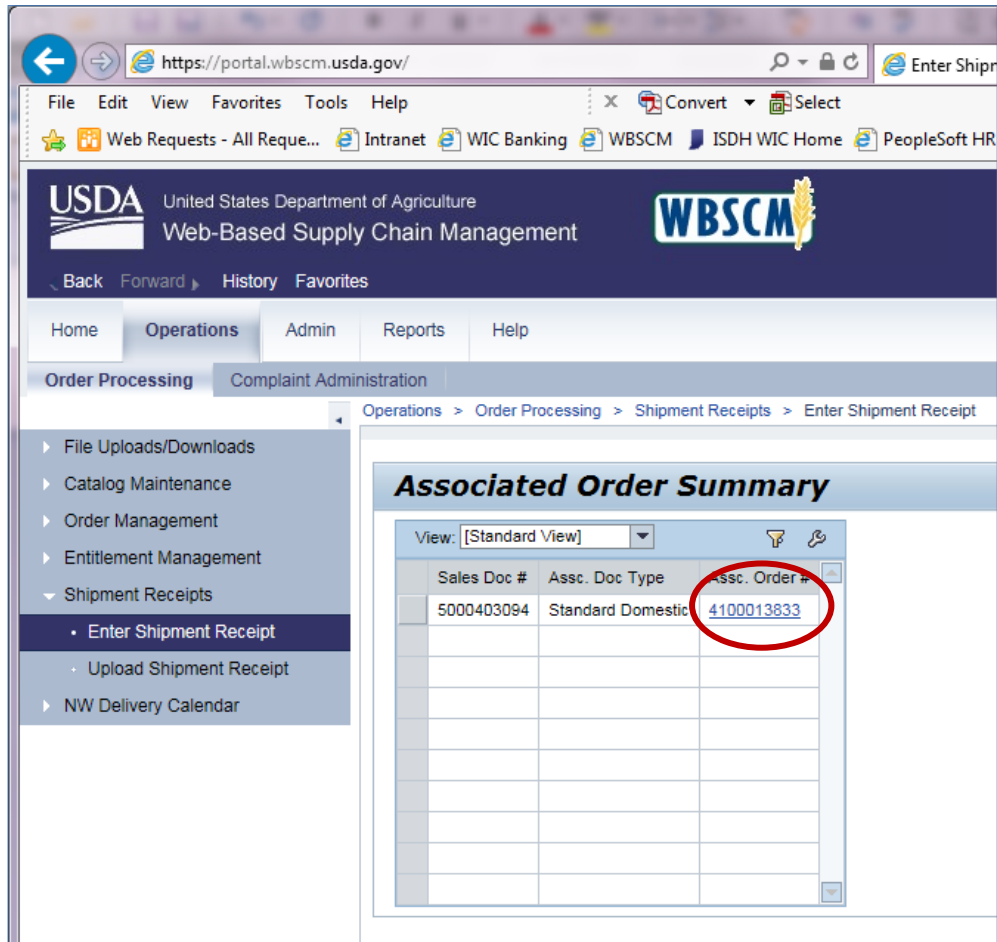


screen.

Click the Search button. 

The **Associated Order Summary** screen appears. Generally, TEFAP BOLs will only have one associated order. However, if there is more than one, click the Assc. Order # (also knows as "Purchase Order Number") that is listed on the BOL.

Click the appropriate blue, underlined link.



**HELPFUL HINTS:**

- \* Both Sales Order Number and Purchase Order Number are listed in the ship notices you receive from WBSCM prior to arrival of product.
- \* You can look up sales order numbers from the reports tab.
- \* You can receipt product by searching on the Purchase Order Number.

All outstanding shipments related to the specific purchase order number are displayed. If there are many, you may sort the sales order numbers (found in the "Sales Doc." Column) by clicking the column heading once.

**If the shipment is a variable weight product such as poultry, go to "Receipt – Variable Weight Product."**

Check the box in the first column, labeled “Select”, for the specific sales order and item number you received.

**Make sure the “Delivery Point” value for the selected line item matches the ship-to code for your agency.**

Enter information from the BOL, pressing the TAB key to move from field to field.

“Signed By” - enter the name of the receiver.

“Date Received” – enter the date product was received.

Select	Sales Doc.	Item	Order #	Item #	Material	Material Descr.	Program	Delivery Point	Signed by	Date Received	Prev. Qty.
<input checked="" type="checkbox"/>	5000401560	100	4100013833	191	110904	TURKEY BREAST SMKD SLC FRZ PKG-20/2 LB	TEFAP	5001991	John Do	02/15/2018	0.000
<input type="checkbox"/>	5000401571	100	4100013833	190	110904	TURKEY BREAST SMKD SLC FRZ PKG-20/2 LB	TEFAP	5001543			0.000


“Damage Qty.” - If any product arrived damaged, enter information about it.

Click the yellow box on the selected

line item. 

The **Enter Damage Details** popup appears.

Enter information appropriate to the event.

Click the **OK** button  to save or the **X** button to cancel.

Document NO: 4100013833 Item NO: 000191

**Damage Info**

Damage Quantity:  CS

**When Discovered**      **Carrier Info**

Before Unloading:       Agent Name:

During Unloading:       Refrigeration Equipment Running:

After Unloading:       Carrier Present:

Unit Temp(F):

Interior Temp(F):

Commodity Temp(F):

**Miscellaneous Details**

Comments:

**OK**

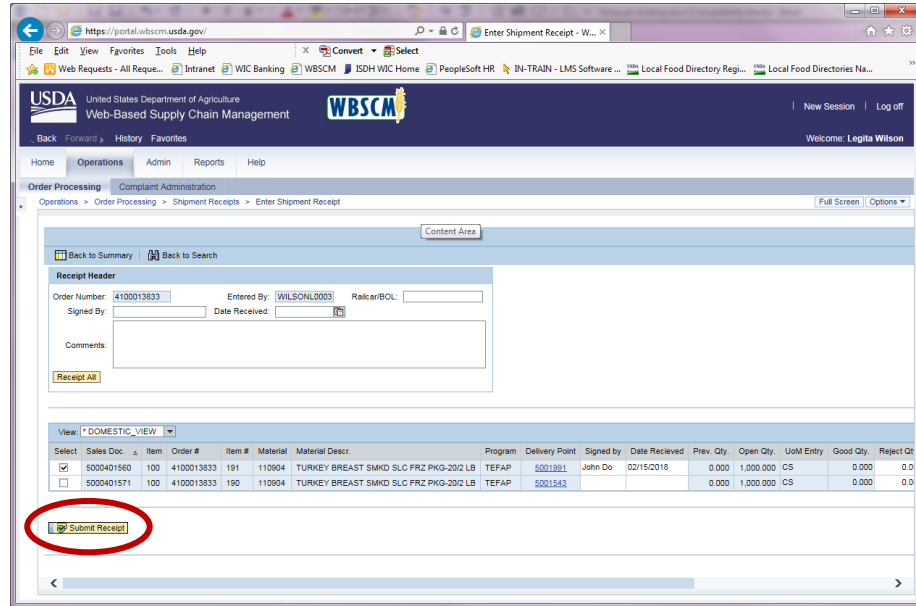
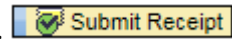
“Good Qty (in CS)” – enter the number of good cases received. This will NOT include any product damaged on arrival.

Delivery Point	Signed by	Date Received	Prev. Qty.	Open Qty.	UoM Entry	Good Qty.	Reject Qty.	Damage Qty.	Over Qty.	Good Qty (in CS)	Qty. UoM	Batch #
5001991	John Do	02/15/2018	0.000	1,000.000	CS	0.000	0.000	191	0.000	251	CS	
5001543			0.000	1,000.000	CS	0.000	0.000	190	0.000	0.000	CS	

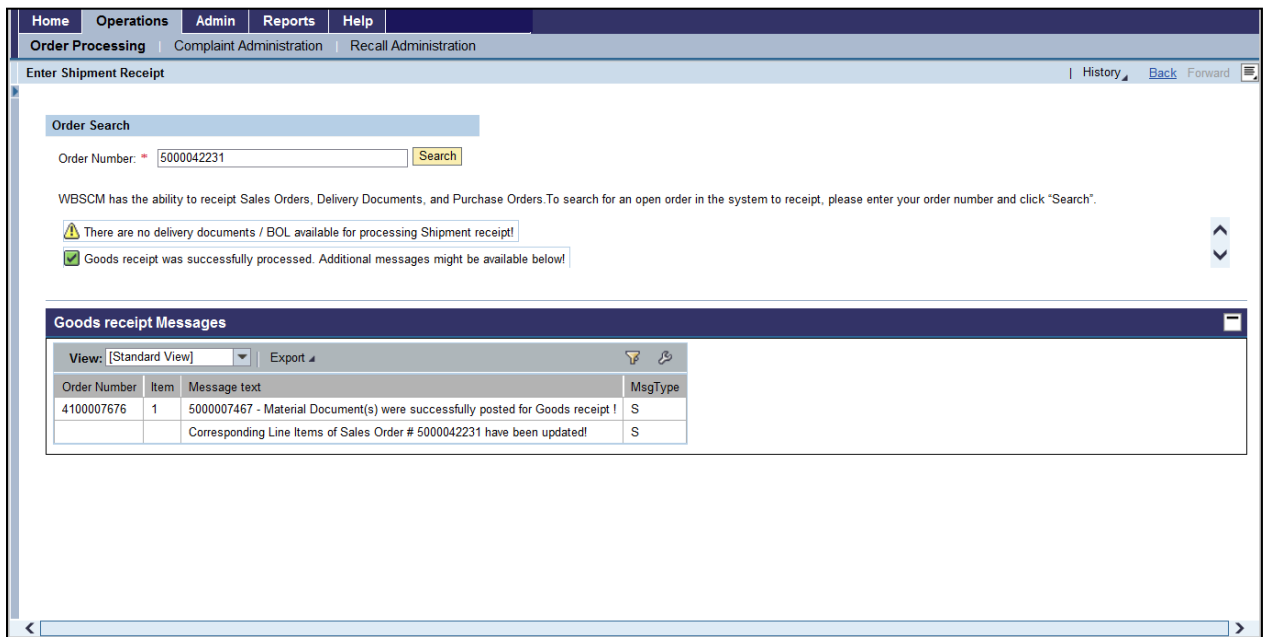
Attachment K work instruction – Receipting BOLs



When all information is entered correctly, click the **Submit Receipt** button.



The system displays the message *“Goods receipt was successfully processed. Additional messages might be available below!”*



(Note) Notice the goods receipt messages at the bottom of the screen. Confirm that there is an "S" (successful) in the MsgType column for every message.

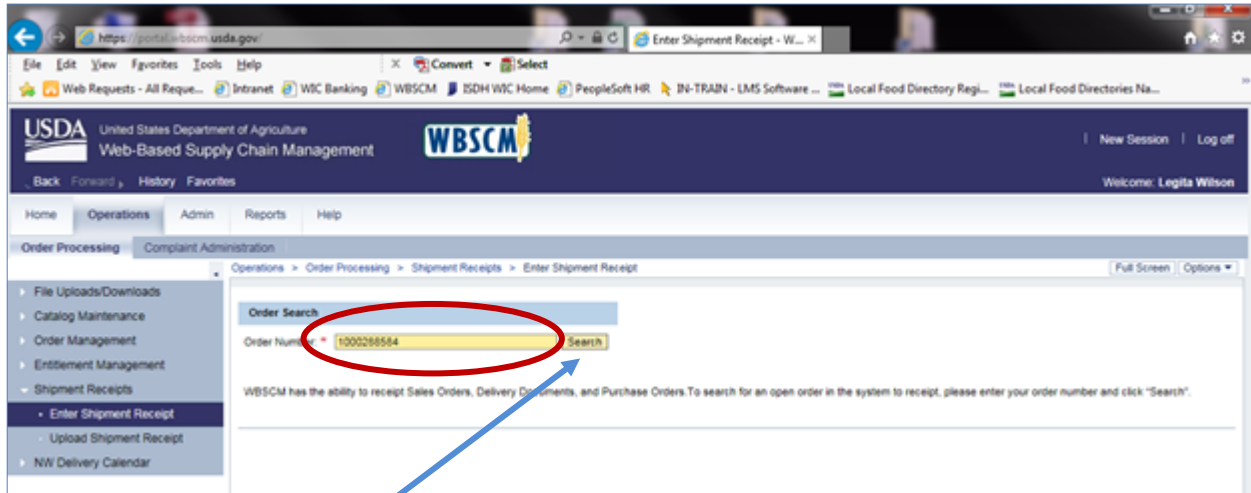
## Attachment R Work Instruction – Receipting BOLs




(Note) If there are any errors, they will be displayed on the confirmation screen. Errors are displayed with an "E" (Error) in the MsgType column for every error message along with the Purchase Order Number and Item (or) Requisition Number and Item. Based on the type of error received, the user might be instructed to "Please retry Goods Receipt for the line item", or asked to "Please contact the WBSCM Helpdesk to complete Goods receipt for the item".

## Receipt -CSFP (Multi-food)

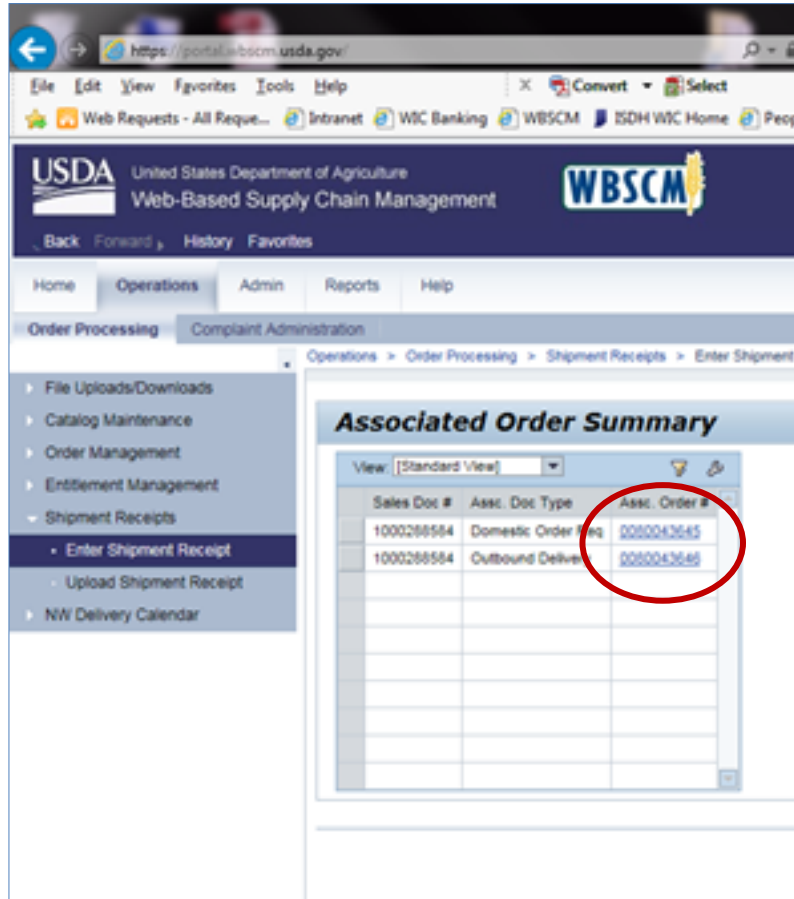
Enter the sales order number (currently 1000nnnnnn) into the **Order Number** box on the WBSCM screen.




Click the Search button. 

The **Associated Order Summary** screen appears. If a CSFP order is shipped on multiple trucks, there will be multiple Associated Orders. However, if there is more than one, click the Asc. Order # (also known as "Purchase Order Number") that is listed on the BOL.

Click the appropriate blue, underlined link.



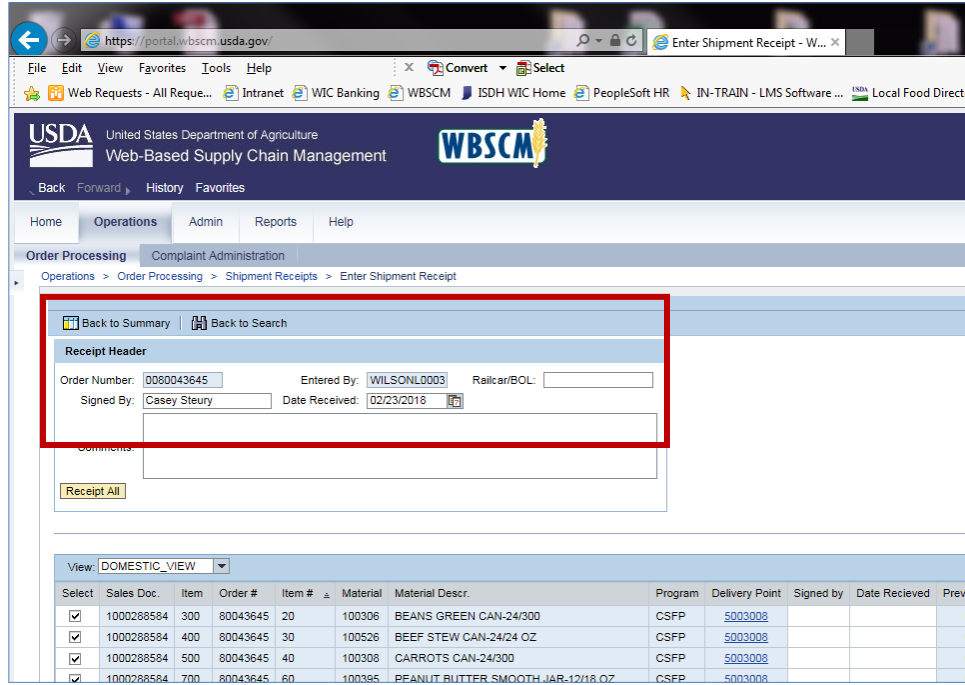
Click  (the **Hide Navigator** arrow) to minimize the Portal menu. This allows all columns to be visible at once. Note that you can do this with any transaction in WBSM not just Goods Receipt transactions.

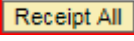
For each line item:

- Verify quantity received matches quantity ordered
- Verify material codes received match material codes ordered
- Check the box in the "Select" column for each line as completed

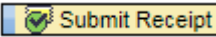


When all items are verified, enter receiving information in the Receipt Header (receiver's name and date received).

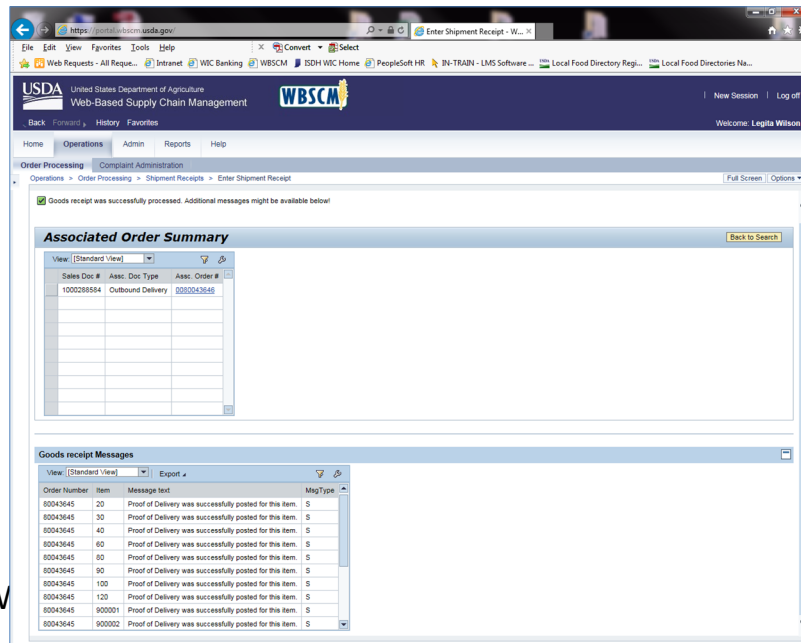


Click the Receipt All button. 

If any quantity received was short or over, correct the number of cases in the "Good Qty." column.

When all information is entered correctly, click the **Submit Receipt** button.  (you may have to scroll down to see the button).

If there is more than one associated order for the Sales Order Number, repeat from step



Attachment R V

## Receipt - Variable Weight Product

Variable weight product BOLs are not straightforward. In the example below, you would probably try to enter “358” cases and “7700.240 pounds” but that would be incorrect.

358 is the total (#2) number of items on the BOL and includes 9 pallets (#1). The correct number of cases would be 358 minus 9 pallets, or **349**.

17700.240 (#3) is gross weight (the weight of all items combined).

Net weight (the weight of only the product delivered) is **16317.140** (#4).

Please keep this in mind when receipting variable weight products.

LOT NUMBER	QUANTITY ORDERED	QUANTITY DELIVERED	KIND OF PKG	SAID TO BE OR CONTAIN	UNIT	SHIPPING WEIGHT	CUBIC FEET	
21793	<b>#1</b> 9	9	MIS	000000001410000008	G	80.010	40	
			<b>PALLET</b> , 48X40, BLUE CHEP		N	.010	0	
22725		92	CTN	013686-0928 3007NHF23	G	48.302	161	
			FZ RTC WHL CKN		N	46.401	0	
			Pallet Id:00200237001255564763					
			00300237001321527170					
			00300237001321527200					
22732		257	CTN	013686-0928 3007NHF23	G	48.780	450	
			FZ RTC WHL CKN		N	46.879	0	
			Pallet Id:00200237001255565005					
			00200237001255564770					
			00200237001255565074					
			00200237001255564992					
			00200237001255565036					
			00200237001255565029					
			00200237001255564961					
			<b>FREEZER</b>	<b>Total Gross</b>		<b>17700.240 Net</b>	<b>16317.140</b>	
<b>Total</b>	<b>9</b>	<b>358</b> <b>#2</b>		<b>Total Gross</b>	<b>#3</b>	<b>17700.240</b>		
				<b>Net</b>	<b>#4</b>	<b>16317.140</b>	651	
<b>PALLET EXCHANGE</b>								
Type		Into USCS	Out of USCS	Comment				
Chep		0	9					

Poultry BOLs are many pages long. All pages should be submitted to ISDH for processing once the BOL is received in WBSCM.

Check the box in the first column, labeled "Select", for the specific sales order and item number you received.

Enter information from the BOL, pressing the TAB key to move from field to field.

"Signed By" - enter the name of the receiver.

"Date Received" – enter the date product was received.

"Good Quantity" – net pounds received

Select	Sales Dec.	Item	Order #	Item #	Material	Material Descr.	Program	Delivery Point	Signed by	Date Received	Prev Qty	Open Qty	UoM Entry	Good Qty	Reject Qty	Damage Qty	Over Qty	Good Qty (in CS)	Qty	UoM	Batch #
<input checked="" type="checkbox"/>	5000042285	200	4100007734	1	130013	CHEESE PROCESS AMER LVS-12/2 LB	NSLP	8102819	J Doe	04/09/2014	0.000	39,600.000	LB	39,600.000	0.000	1	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042285	100	4100007734	2	130013	CHEESE PROCESS AMER LVS-12/2 LB	NSLP	8102819	J Doe	04/09/2014	0.000	39,600.000	LB	39,600.000	0.000	2	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042282	100	4100007734	3	130005	CHEESE CHD WHT BLOCK-40 LB	NSLP	8101257	J Doe	04/09/2014	0.000	39,950.000	LB	39,950.000	0.000	3	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042274	100	4100007734	4	130005	CHEESE CHD WHT BLOCK-40 LB	NSLP	8101257	J Doe	04/09/2014	0.000	39,950.000	LB	39,950.000	0.000	4	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042272	100	4100007734	5	130005	CHEESE CHD WHT BLOCK-40 LB	NSLP	8101257	J Doe	04/09/2014	0.000	39,950.000	LB	39,950.000	0.000	5	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042262	100	4100007734	6	130005	CHEESE CHD WHT BLOCK-40 LB	NSLP	8101257	J Doe	04/09/2014	0.000	39,950.000	LB	39,950.000	0.000	6	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042258	100	4100007734	7	130005	CHEESE CHD WHT BLOCK-40 LB	NSLP	8101257	J Doe	04/09/2014	0.000	39,950.000	LB	39,950.000	0.000	7	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042256	100	4100007734	8	130005	CHEESE CHD WHT BLOCK-40 LB	NSLP	8101257	J Doe	04/09/2014	0.000	39,950.000	LB	39,950.000	0.000	8	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042229	220	4100007734	9	130449	CEREAL CORN FLKS 1080 PKG-12/18 OZ	NSLP	8101252	J Doe	04/09/2014	0.000	14,580.000	LB	14,580.000	0.000	9	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042229	120	4100007734	10	130449	CEREAL CORN FLKS 1080 PKG-12/18 OZ	NSLP	8101252	J Doe	04/09/2014	0.000	14,580.000	LB	14,580.000	0.000	10	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042223	130	4100007734	11	130926	CEREAL CORN FLKS 1440 PKG-5/18 OZ	NSLP	8101257	J Doe	04/09/2014	0.000	12,960.000	LB	12,960.000	0.000	11	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042223	230	4100007734	12	130926	CEREAL CORN FLKS 1440 PKG-5/18 OZ	NSLP	8101257	J Doe	04/09/2014	0.000	12,960.000	LB	12,960.000	0.000	12	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042223	330	4100007734	13	130926	CEREAL CORN FLKS 1440 PKG-5/18 OZ	NSLP	8101257	J Doe	04/09/2014	0.000	12,960.000	LB	12,960.000	0.000	13	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042226	830	4100007734	14	130926	CEREAL CORN FLKS 1440 PKG-5/18 OZ	NSLP	8101257	J Doe	04/09/2014	0.000	12,960.000	LB	12,960.000	0.000	14	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042226	930	4100007734	15	130926	CEREAL CORN FLKS 1440 PKG-5/18 OZ	NSLP	8101257	J Doe	04/09/2014	0.000	12,960.000	LB	12,960.000	0.000	15	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042219	1010	4100007734	16	130927	CEREAL CORN FLKS 1344 PKG-12/18 OZ	NSLP	8101252	J Doe	04/09/2014	0.000	18,144.000	LB	18,144.000	0.000	16	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042219	910	4100007734	17	130927	CEREAL CORN FLKS 1344 PKG-12/18 OZ	NSLP	8101252	J Doe	04/09/2014	0.000	18,144.000	LB	18,144.000	0.000	17	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042219	810	4100007734	18	130927	CEREAL CORN FLKS 1344 PKG-12/18 OZ	NSLP	8101252	J Doe	04/09/2014	0.000	18,144.000	LB	18,144.000	0.000	18	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042219	710	4100007734	19	130927	CEREAL CORN FLKS 1344 PKG-12/18 OZ	NSLP	8101252	J Doe	04/09/2014	0.000	18,144.000	LB	18,144.000	0.000	19	0.000	0.000	CS		
<input checked="" type="checkbox"/>	5000042219	610	4100007734	20	130927	CEREAL CORN FLKS 1344 PKG-12/18 OZ	NSLP	8101252	J Doe	04/09/2014	0.000	18,144.000	LB	18,144.000	0.000	20	0.000	0.000	CS		


"Damage Qty." - If any product arrived damaged, enter information about it.

Click the yellow box on the selected line item.



The Enter Damage Details window appears.

Enter information appropriate to the event.

Click the OK button  to save or the X button to cancel.

Document NO: 4100013833 Item NO: 000191

**Damage Info**

Damage Quantity:  CS

**When Discovered**

Before Unloading:   
 During Unloading:   
 After Unloading:

**Carrier Info**

Agent Name:   
 Refrigeration Equipment Running:   
 Carrier Present:   
 Unit Temp(F):   
 Interior Temp(F):   
 Commodity Temp(F):

**Miscellaneous Details**

Comments:





## Email BOL to ISDH

Scan all pages of the BOL.

Name the file in the format Xxxxxx Xxxxxxx nnnnnnnn where

Xxxxxx Xxxxxxx is the short name of the product such as “Green Beans”, “Cream Corn”, “Chicken Whole”, “Grape Juice”

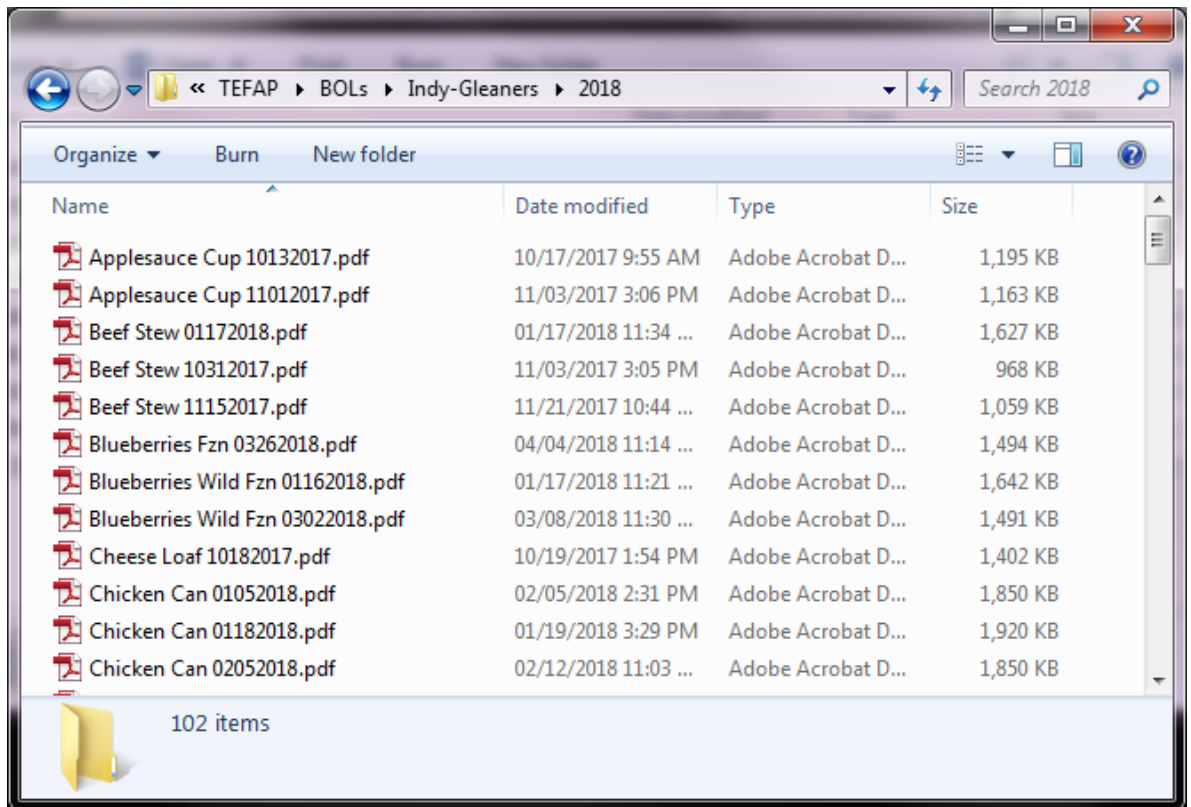
And

Nnnnnnnn is the numeric equivalent of monthdayyear such as 02042018 or 12192017.

Attach the BOL/s to an email message.

Send to BOTH Program Director and Program Coordinator

Example storage directory



Attachment R Work Instruction – Receipting BOLs

# Work Instruction - Distribution Workbooks and Service Statistics

## Workbooks

When an ERA submits a Bill of Lading (“BOL”) to ISDH, ISDH will create a workbook and send it to the ERA. There will be one workbook for each shipment that is received. This allows ISDH to track products from ordering through distribution to the outlets.

The ERA will fill in “Actual Allocation” with the number of cases distributed to each county. The total number of cases distribution must match the number of cases delivered. Because of rounding down, “Estimated Allocation” may not be equivalent. It is up to the ERA to determine to which county any difference between “Estimated” and “Cases” will be distributed.

Example:

ReceivedDate	GroupNum	Code	Cases	Product	ERA
1/14/2014 0:00	0077E14	101023	1500	WHOLE GRAIN PASTA MACARONI PKG	Catholic Charities of Terre Haute
<b>TOTALS</b>			<b>100%</b>	<b>1496</b>	<b>1500</b>
County	% of Agency	Estimated Allocation	Actual Allocation		
Clay	9.88%	148	148		
Greene	12.78%	191	191		
Knox	15.33%	229	229		
Parke	6.64%	99	99		
Sullivan	7.48%	112	112		
Vermillion	5.29%	79	79		
Vigo	42.59%	638	642		

## Field descriptions

**ReceivedDate:** the Date the product was received by the ERA.

**GroupNum:** A unique identifier generated by ISDH that is applied to all shipments for a single order.

**Code:** The WBSCM product code.

**Cases:** The number of cases received by the ERA in the shipment.

**Product:** The WBSCM product description.

**ERA:** The name of the ERA (that received the shipment).

**TOTALS:** Total % of Agency, Estimated Allocation, and Actual Allocation.

**County:** List of counties in the ERAs service area.

**% of Agency:** The fair share percentage for the specific county.

**Estimated Allocation:** The estimated number of cases of this product that must be distributed within the specific county.

**Actual Allocation:** The actual number of cases of this product that were distributed within the specified county. *(The only area of data entry on the workbook.)*

## Service Statistics

The ERA will continue to submit service statistics each month using the ISDH-supplied spreadsheet. ISDH will create a new spreadsheet only when an ERA adds or removes an outlet.

Example:

Agency:	Gleaners				
Statistics for Month of:					
TOTALS				527	567
County	Type	tbl_Outlets_Name	Households	Meals	
Bartholomew	Pantry	Community Center of Hope Food Pantry (Hope Food Bank)	100		
Bartholomew	Pantry	Love Chapel Food Pantry	300		
Bartholomew	Pantry	Salvation Army - Columbus	127		
Bartholomew	Kitchen	St. Bartholomew Soup Kitchen		567	

The ERA will fill in the month for which the statistics are being reported, and households and/or meals served for each outlet. Totals are calculated on line 5.

# Work Instruction – Outlet Information Worksheet

## Add a new outlet

- Action - Select “Add a new outlet”.
- Agency ID – Enter your Agency’s ID.
- Outlet ID – leave blank.
- Name – Enter the proper name of the outlet.
- Address – Enter the street address where the outlet is located.
- Address, continued – Enter the second line of the street address, if needed.
- City – Enter the city where the outlet is located.
- State – This is already filled in for you. Please do not change.
- ZIP Code – Enter the zip code for the outlet.
- County – select the appropriate county from the dropdown list.
- Phone – Enter the phone number for the outlet.
- Fax – Enter the fax number for the outlet. If none, leave blank.
- Contact – Enter the name of primary contact person for the outlet.
- Email – Enter the email address of the primary contact person for the outlet. If none, leave blank.
- Days & Hours – Enter the days and hours that the outlet will operate the pantry and/or the days and hours during which the outlet serves meals at a soup kitchen.
- Type – Select the type of outlet.
- Households – Enter the number of households served in the last month, if known if the outlet is a pantry or a pantry & a soup kitchen.
- Meals – Enter the number of meals served, if known, if the outlet is a soup kitchen or a pantry and a soup kitchen.
- Comments – Enter any comments you think necessary regarding the outlet.

### Required for Addition of Outlet

- MOA signed?
  - If the MOA has been signed, select “yes” from the dropdown box. If not, select “no”.
- Inventory Taken?
- Enter the date the MOA was signed.
- Non-profit status documented?
  - If the ERA has documentation of non-profit status of the outlet on file, select “yes” from the dropdown box. If not, select “no”.
- Date – Enter the date non-profit status documentation was received by the ERA.
- Insurance documented?
  - If the ERA has documentation of insurance coverage on file for the outlet, select “yes” from the dropdown box. If not, select “no”.
- Expiration date
- Enter the expiration date of the proof of insurance document provided by the outlet.
- TEFAP training performed?

- If the training has been performed and documented, select “yes” from the dropdown box. If not, select “no”.
- Date.
- Enter the date that training was performed. If training was held on multiple dates, enter the date that all training was completed.
- Civil rights training performed?
  - If the training has been performed and documented, select “yes” from the dropdown box. If not, select “no”.
- Date.
- Enter the date that training was performed. If training was held on multiple dates, enter the date that all training was completed.
- Site assessment performed?
  - If the ERA has performed and documented an outlet assessment, select “yes” from the dropdown box. If not, select “no”.
- Date.

Enter the date on which the site assessment was performed.

### Update an existing outlet

- Action - Select “Update an outlet”.
- Agency ID – Enter your Agency’s ID.
- Outlet ID – Enter the outlet’s ID, if known.

Make changes to the following information as needed:

- Name – The proper name of the outlet.
- Address – The street address where the outlet is located.
- Address, continued – The second line of the street address, if needed.
- City – The city where the outlet is located.
- State – This is already filled in for you. Please do not change.
- ZIP Code – The zip code for the outlet.
- County – select the appropriate county from the dropdown list.
- Phone – The phone number for the outlet.
- Fax – The fax number for the outlet. If none, leave blank.
- Contact – The name of primary contact person for the outlet.
- Email – The email address of the primary contact person for the outlet. If none, leave blank.
- Days & Hours – The days and hours that the outlet will operate the pantry and/or the days and hours during which the outlet serves meals at a soup kitchen.
- Type – The type of outlet.
- Households – The number of households served in the last month, if the outlet is a pantry or a pantry & a soup kitchen.
- Meals – The number of meals served, if the outlet is a soup kitchen or a pantry and a soup kitchen.
- Comments – Enter comments stating what information is being updated.



Action	<input type="radio"/> Add a new outlet <input type="radio"/> Update an outlet <input type="radio"/> Remove an outlet		
Agency ID	<input type="text"/>	Outlet ID	<input type="text"/>
Name	<input type="text"/>		
Address	<input type="text"/>		
City	<input type="text"/>	State	<input type="text" value="IN"/>
ZIP Code	<input type="text"/>	County	<input type="text" value="Delaware"/>
Phone	<input type="text"/>	Fax	<input type="text"/>
Contact	<input type="text"/>	Email	<input type="text"/>
Days & Hours	<input type="text"/>		
Type	<input type="radio"/> Food Pantry <input type="radio"/> Soup Kitchen <input type="radio"/> Food Pantry & Soup Kitchen		
Households	<input type="text"/>	Meals	<input type="text"/>
Comments	<input type="text"/>		
<b>Required for Removal of Outlet</b>			
Reason (select one)			
<input type="radio"/> Outlet closed	Inventory Taken?		
<input type="radio"/> Opted out	Letter on file?		
<input type="radio"/> Suspended	Termination Date		
<input type="radio"/> Terminated			
<b>Required for Addition of Outlet</b>			
MOA signed?	Date		
Non-profit status documented?	Date		
Insurance documented?	Exp. Date		
TEFAP training performed?	Date		
Civil rights training performed?	Date		



# The Emergency Food Assistance Program Storage Facility Monitoring Tool

Date \_\_\_\_\_ Reviewed Agency \_\_\_\_\_

Location \_\_\_\_\_

Monitored By \_\_\_\_\_

Storage, Warehousing & Inventory Controls	Y	N	U
1. Is food kept 6" off the floor, on pallets, platforms or shelves?			
2. Is food kept 4" (12" preferred) from walls to allow good air circulation and for pest control?			
3. Is food distributed within 6 months of ERA receiving it?			
4. Are non-food items kept separate from food items?			
5. Are toxic items stored far from food items?			
3. Are floors, pallets and shelving clean?			
4. Are doors, windows, and roofs well-sealed to prevent pest entry and water damage?			
5. Are thermometers present in all freezers refrigerators and storage areas and are proper temperatures maintained? (dry: 50-70 F, refrigerated: 36-40 F, frozen: 0 F or below)			
<b>[Review temperature logs]</b>			
6. Are good pest control practices maintained?			
<b>[Review pest control records]</b>			
7. Is equipment regularly and properly maintained?			
<b>[Review equipment maintenance records]</b>			
8. Has the storage facility experienced any commodity losses during the past 12 months? (Include those incurred at outlets.) If yes, explain the losses and how they were resolved. _____ _____ _____			
9. Does the storage facility have a policy in place to inspect USDA commodities shipments prior to signing for receipt of delivers to identify damaged or spoiled product?			
<b>[Review the policy document.]</b>			
10. What is the current number of cases of USDA commodities in inventory?			
<b>[Review the most recent inventory document.]</b>			













### INSTRUCTIONS

**SUBMISSION:** Forward the original of this document to the appropriate Food and Nutrition Service (FNS) Regional Office no later than 30 calendar days following the last day of the month being reported.

USDA commodities shipped to the States for the Commodity Supplemental Food Program (CSFP) and the Food Distribution Program on Indian Reservations (FDPIR) shall not be included on this form. State Distributing Agencies (DA) receiving CSFP and/or FDPIR commodities should reflect these inventories of the FNS-153 and FNS-152 respectively.

**REPORT IDENTIFICATION:** Enter the State DA name, the DA code, report month, and calendar year if the individual State submission requires more than one page, this data need be provided only on the first page of the submission.

#### PURPOSE

The FNS-155 captures by type, commodities physically warehoused in any State-operated or State-contracted storage facility that exceeds a cumulative 6 month inventory. Commodities remaining in these warehouses at the end of the report month shall be counted as State inventory until such commodities are distributed to recipient and/or sub-distributing agencies.

**EXCESS 6-MONTH COMPUTATION:** To identify excess inventories, by type of commodity, divide the accumulated State inventory balance at the end of the report month by the average quantity of that commodity distributed to the recipient and/or sub-distributing agencies during a typical month.

#### COLUMN:

1. **USDA COMMODITY CODE:** Enter the four-digit FNS commodity code, and short title.
2. **QUANTITY-CASES:** Using the above computation process, by commodity type, enter the cumulative number of cases that exceed a 6-month level.
3. **DISPOSITION/COMMENTS:** If applicable, for this type of commodity, identify and single warehouse facility storing over a 6 month inventory. Indicate the distribution plan that has been devised to ensure the inventory level is diminished in a timely manner. States may also indicate justifications for instances where more than a six month inventory is needed.
4. **NO EXCESS INVENTORIES:** Check the appropriate box to indicate whether or not there exists an excess inventory of commodities for the report month.
5. **TITLE:** Enter the approving official's title and signature.
6. **DATE:** Enter the date the report is signed.

**INDIANA TEFAP  
OUTLET  
MONITORING REVIEW INDICATOR SHEET**

Review Date:	Reviewer(s):
ERA:	Outlet:
Final Closeout Date:	

Functional Area	CA: Corrective Action, R: Recommendation
<b>General Compliance Requirements</b>	Corrective Action #:  ERA Response:
<b>Eligibility Procedures (7 CFR 251.5)</b>	Corrective Action #:  ERA Response:
<b>Operational/Civil Rights Compliance</b>	Corrective Action #:
<b>Religious Separation</b>	Corrective Action #:  ERA Response:
<b>Food Receipt</b>	Corrective Action #:  ERA Response:
<b>Food Distribution</b>	Corrective Action #:  ERA Response:
<b>Food Storage</b>	Corrective Action #:  ERA Response:
<b>Soup Kitchen/Shelter Only</b>	Corrective Action #:  ERA Response:
<b>Prohibited Activities</b>	Corrective Action #:  ERA Response:



United States Department of Agriculture



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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and 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.ascr.usda.gov/sites/default/files/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.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:

**mail:**

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

**fax:**

(833) 256-1665 or (202) 690-7442;

**email:**

program.intake@usda.gov.

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La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en <https://www.ascr.usda.gov/sites/default/files/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

**correo postal:**

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; o

**fax:**

(833) 256-1665 o (202) 690-7442;

**correo electrónico:**

program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.



**FNS HANDBOOK 501**

**CHAPTER VII  
WAREHOUSING AND INVENTORY CONTROL**

**SECTION 1 - WAREHOUSING OF USDA FOODS**

**7100 GENERAL**

The ITO/State agency must provide storage space for USDA foods that:

- A. Is of adequate size;
- B. Protects against the elements, infestation, and theft;
- C. Has temperature controlled areas for perishable foods;
- D. Is accessible to program participants; and
- E. Can be reached by carriers delivering USDA foods.

Listed below are the warehousing and storage practices that are required to assure proper protection and efficient management of USDA foods.

**7110 STORAGE SPACE**

The amount of storage space needed will be determined by the volume, types of food, quantity, packaging and allowable floor loads. The ITO/State agency must provide sufficient floor space to allow air circulation and to permit ease of cleaning, inventory, inspection, and handling of foods.

**7120 DETERMINATION OF SIZE AND SPACE**

The ITO/State agency must use the following factor to determine the amount of storage space required: The minimum amount of storage space needed to store one case or bag of food is 1.5 cubic feet.

**7130 STANDARDS FOR STORAGE FACILITIES**

- A. ITOs and State agencies must ensure that storage facilities have obtained all required Federal, State and/or local health inspections and/or approvals and that such inspection/approvals are current.
- B. Facilities for the handling and storage of USDA foods must:
  - 1. Be sanitary and free from rodent, bird, insect and other animal infestation;
  - 2. Include safeguards against theft, spoilage and other loss;
  - 3. Provide for the maintenance of foods at proper storage temperatures;
  - 4. Provide for the stocking and spacing of foods in a manner so that USDA foods are readily identified;
  - 5. Provide for the storage of food off the floor in a manner to allow for adequate ventilation; and
  - 6. Include other protective measures as may be necessary.
- C. Storage facilities must be structurally sound and provide protection from the elements and extremes of temperature. The warehouse must be:
  - 1. Tightly constructed;
  - 2. Waterproof;
  - 3. Well-ventilated;
  - 4. Insulated (if practical);
  - 5. Well-lighted; and
  - 6. Accessible for deliveries.

**7131 Warehouse Floors**

Warehouse floors must be smooth and level to facilitate operation of the hand and/or mechanically powered equipment used to handle and transport food. Floors must be capable of supporting the maximum weight of the heaviest foods stacked floor to ceiling. The ITO/State agency must procure

the services of a safety engineer to determine and certify the load bearing capacity of the floor prior to use of the warehouse. **7132 Warehouse Windows and Doors**

The ITO/State agency must provide screens for windows and doors to prevent entry by rodents, insects, and birds. In addition, windows must be shielded adequately to protect the food from direct sunlight. Windows and doors must have strong locking devices to prevent theft.

### **7133 Fire Prevention Equipment**

The ITO/State agency must provide hand or power operated fire extinguishers to meet the minimum standards of the National Fire Protection Association (NFPA). More information on these standards can be found at the NFPA web site at [www.nfpa.org](http://www.nfpa.org).

### **7140 TYPES OF STORAGE FACILITIES**

The ITO/State agency must provide three types of storage facilities to assure proper protection of USDA foods. The three types of facilities are dry, refrigerated, and freezer storage. The allocation notice will include the temperature requirement for each food item.

The majority of USDA foods can be adequately warehoused in dry storage areas. The desirable temperature to maintain in dry storage areas is 50° to 70° Fahrenheit (F). In hot humid climates where temperatures of 50° F to 70° F cannot be maintained, it may be necessary to install air-conditioning to keep the temperature from going above 70° F. Temperatures above 70° F in dry storage areas may result in increased insect activity in grain products and bulging and swelling of canned goods. In climates where the temperatures may drop below freezing, a heating system may be necessary to keep canned goods from freezing. Temperature below 32° F can result in the freezing of canned goods and render the food unfit for human consumption.

#### **7142 Refrigerated Storage Areas**

Some USDA foods, such as cheese and fresh produce, require refrigerated storage. However, the storage life of many other foods such as grain products and dried fruits is greatly prolonged by the use of the refrigerated storage. The desirable temperature to maintain in refrigerated storage is 36° F to 40° F. Temperatures above 50° F can result in deterioration such as rancidity, loss of flavor, and loss of texture. Temperatures below 32° F can result in clumping of products and loss of flavor.

#### **7143 Freezer Storage Areas**

Several USDA foods require freezer storage. The required temperature for freezer storage is 0° F and below. Temperatures above 0° F can result in butter becoming rancid and off flavor, and also result in oil seepage from the product. **7144 Temperature Controls**

Wherever USDA foods are stored, reliable thermometers must be provided by the ITO/State agency to assure that proper temperatures are maintained. Temperature readings must be taken and recorded at least daily both outside and inside refrigerated and freezer storage, and more often if there is difficulty in maintaining the desired temperature.

### **7150 TRIBAL/STATE/LOCAL HEALTH DEPARTMENT POLICIES**

The ITOs/State agencies should consult with their Tribal, State, and/or local Health Departments on policies concerning warehouse management and the storage and handling of food.

## **SECTION 2 - STACKING USDA FOODS**

### **7200 STACKING USDA FOODS**

The ITO/State agency must ensure that USDA foods are stacked in accordance with USDA's recommendations. The proper stacking of food can help prevent damage from excess weight on the bottom layers, and facilitate physical inventory counts. In addition, the proper stacking of food will help to ensure the safety of persons working in the warehouse. Recommended stacking procedures are as follows:

- A. Stack foods of a kind together (i.e., canned goods next to canned goods, bagged foods next to bagged foods, etc.);
- B. Food must be stacked on pallets or dunnage in uniform quantities to allow easy inventory counts (see Exhibits V-1 and V-2, attached, for illustrations); and
- C. Food must not be stacked to a height that would create unstable pallets or that would endanger the food handlers.

**7210 VENTILATION OF STORAGE FACILITIES**

The ITO/State agency must store foods in such a way to allow air circulation in the warehouse. Good ventilation retards growth of bacteria and molds, prevents mustiness and rusting of metal containers, and minimizes caking of powdered foods. Maximum air circulation can be achieved by the following storage methods:

- A. All food must be stacked off the floor on pallets or dunnage;
- B. All food must be stacked at least 18 inches from any walls and at least 2 feet from the ceiling; and
- C. All stacks of food must be separated by at least 6 inches.

**SECTION 3 - HOUSEKEEPING PRACTICES**

**7300 HOUSEKEEPING PRACTICES**

Cleanliness and sanitation are essential to proper storage of USDA foods. The ITO/State agency must practice the following housekeeping methods:

- A. On a weekly basis or whenever there has been a movement of food, clean and sweep the entire storage facility;
- B. At least weekly, clean areas that harbor insects, such as corners, window sills, under pallets, and behind and between stacks of food;
- C. Immediately clean up foods that have been spilled;
- D. On a daily basis, dispose of refuse, garbage, and debris;
- E. On a daily basis, remove empty cartons and sacks from the storage area; and
- F. Keep the area around the exterior of the warehouse free of debris, garbage, and excess vegetation.

**7310 INSECT CONTROL**

Insects destroy or render unfit for human consumption enormous quantities of food each year. Infestation may occur even under ideal warehouse conditions; therefore, the ITO/State agency must give continuous attention to proper storage procedures. The following foods are susceptible to insect infestation:

- A. Dried beans and peas;
- B. Grain products (e.g., flour, cornmeal, rice, cereals, etc.);
- C. Dried fruits (e.g., dried plums, raisins, apricots, etc.); and
- D. Nonfat dry milk.

**7311 Sources of Insect Infestation**

The chief sources of infestation are:

- A. Live insects, eggs or larva undetected in the product at the time of harvest;
- B. Cracks in floors and walls;
- C. Live insects, eggs or larva undetected in the pallets, dunnage, or packaging of foods received in shipment from federal inventory or the vendor; and
- D. Unsanitary conditions, such as spilled food, dirt, or garbage in the warehouse.

**7312 Detecting Insect Infestation**

Methods of detecting infestation include:

- A. Inspections for infestation at frequent intervals and especially in warm weather. Adult insects are attracted to light, and can be found around windows and window sills; and

B. Opening and examining boxes and bags for live larvae, webbing, moths, holes, or partially consumed foods.

**7313 Methods of Reducing and Eliminating Insect Infestation**

Following are storage practices that reduce or eliminate insect infestation:

- A. Good housekeeping practices eliminate areas where insects live;
- B. The most effective way of eliminating insects is by fumigation. Fumigation services should be rendered by a reputable licensed company on a regular basis at a minimum of at least once per month. Improper use of some fumigants may result in an explosion or fire or in ill effects to food handlers from exposure to the chemicals used. Before contracting with a fumigating company, the firm should be required to show evidence of public liability, property and fire insurance, and workmen's compensation; and
- C. Foods susceptible to infestation may be placed in a cooler or chilled storage space as a means of reducing insect activity. This type of storage is highly recommended, especially during the summer months when the temperature in dry storage areas can not be controlled.

**7320 RODENT CONTROL**

Rodents destroy or render unfit for human consumption large quantities of food each year. Federal Food and Drug Administration regulations prohibit the use of foods that have been contaminated by rodents. Because rodents are a menace to health by spreading disease, the ITO/State agency must take every precaution to protect food from rodents.

**7321 Sources of Rodent Infestation**

Rodents enter storage areas through:

- A. Open windows and doors;
- B. Ventilation and drainpipes;
- C. Burrowing under floors; and
- D. Carried into storage areas with containers of food.

**7322 Methods of Reducing or Eliminating Rodent Infestation**

The ITO/State agency must take the following steps to reduce or eliminate rodent infestation:

- A. Maintain good housekeeping practices. Rodents will not remain where food and shelter are not available;
- B. Seal and screen all outside openings to the warehouse that are 1/4 inch or larger;
- C. Screen fans and ventilation openings; and
- D. Install traps, the standard method for eradication of rodents. However, in an area with heavy rodent infestation, a combination of trapping and poisoning may be necessary. If rodent poisons are used, it must be done by a reputable licensed company.

**SECTION 4 - INVENTORY CONTROL**

**7400 INVENTORY CONTROL**

The ITO/State agency must keep accurate records of the amount of each USDA food in inventory and the quantities of each item moving in and out of storage.

**7410 PERPETUAL INVENTORY RECORD**

The ITO/State agency must maintain a perpetual inventory record for each food item. If one kind of food is received in different size containers, a separate inventory record must be maintained for each container size. The perpetual inventory records must include the following information:

- A. USDA food item;
- B. Unit size;
- C. Date received;
- D. Amount received;
- E. Date withdrawn;

- F. Amount withdrawn;
- G. Purpose for withdrawal; and
- H. Balance on hand.

The ITO/State agency must provide a perpetual inventory record form that is acceptable to the appropriate FNS Regional Office. Perpetual inventory records may be automated at the discretion of the ITO/State agency provided it is acceptable to the Regional Office.

**7420 PERSON(S) DESIGNATED TO MAINTAIN INVENTORY RECORDS**

The ITO/State agency or local agency must designate one person to keep the inventory records. The ITO/State agency must also assign a backup person capable of maintaining the inventory records during any absence of the primary inventory keeper. The person(s) maintaining the inventory must set aside a specific time for posting the entries on a daily basis.

**7430 INVENTORY CONTROL PROCEDURES**

The ITO/State agency or local agency must date stamp or mark in pen the date received on the containers of food as they are placed in storage. This is an effective method to ensure that the first-in, first-out (oldest stock used first) distribution procedure is followed. Food must not be removed from cartons until they are to be distributed. The amount of each food received and placed in storage must be added to the perpetual inventory records.

**7431 Maintaining a Supply**

The ITO/State agency must maintain a supply of available food sufficient for up to 3 month's distribution for each food group. Local agencies must maintain a minimum of 1.5 month's supply of available food. (Note: ITOs/State agencies that are participating in food ordering/distribution pilot programs may be advised to maintain a different level of food for each food group.)

**7432 Withdrawal of USDA Foods from Inventory**

The ITO/State agency or local agency must inspect each food before releasing it for distribution to ensure that it is in good condition. If a food item was processed on one or more different dates, the oldest item must be removed from storage first (i.e., first-in, first-out). If the USDA food is being removed from a central storage facility for shipment to a distribution center, the ITO/State agency must count the containers as they are removed and record the amount withdrawn on the perpetual inventory record.

**7440 PHYSICAL INVENTORY**

The ITO/State agency or local agency must take a monthly physical inventory of each food item (preferably after the distribution to eligible households), and record the quantities counted of each food item and the date the count was taken.

**7441 Reconciliation of Physical and Perpetual Inventories**

The ITO/State agency or local agency must reconcile the physical inventory with the perpetual inventory, and record any overage and shortages in each food item. The ITO/State agency must submit Form FNS-152, Monthly Distribution of Donated Foods to Family Units, (see Exhibit G, attached) that documents the data obtained in the physical inventory with the perpetual inventory record. Shortages must be reported to the appropriate FNS Regional Office in accordance with Chapter IX, below.

**7442 Reconciliation of Issuances and Physical Inventory**

The ITO/State agency or local agency must determine, at least monthly, the amounts of each food distributed by totaling the recorded amounts of each of the issuance sheets. The total amount of each food distributed must be reconciled with the physical inventory, and any overage and shortage recorded.

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