

The Commodity Supplemental Food Program Handbook

Issued by



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Division of Marketing, Food Distribution Program

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Introduction

The Commodity Supplemental Food Program (CSFP) works to improve the health of low-income persons at least 60 years of age by supplementing their diets with nutritious USDA Foods. The CSFP is administered at the Federal level by the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS). The program is authorized under Section 4(a) of the Agriculture and Consumer Protection Act of 1973. Federal regulations covering CSFP may be found in 7 CFR, Parts 247 and 250.

VDACS is designated as the Virginia state agency that provides USDA Foods to eligible Food Banks. These Food Banks also receive payments from USDA for the administration, storage and distribution of USDA Foods.

CSFP food packages do not provide a complete diet, but rather are a good source of the nutrients typically lacking in the diets of the target population. Food packages include a variety of foods based on USDA CSFP Distribution guidelines.

The information, policies and procedures in this Handbook apply to the administration, handling, storage and distribution of all CSFP foods.

The CSFP Handbook incorporates the requirements for participation in the distribution of USDA Foods. The Handbook provides guidance to both Food Banks and their member Distributing Agencies in meeting both federal regulations and state operational procedures.

Two goals are the focus at all administrative and operational levels of CSFP:

- Helping feed needy people: Reaching out to those in need of food assistance to the extent that resources are available
- Program integrity: Ensuring that food assistance is provided only to those who meet the program eligibility requirements

Agency Agreements

VDACS will enter into an agreement with participating Virginia Food Banks to administer USDA Food programs prior to making USDA Foods or administrative funds available to them. These agreements will be signed and kept on file by all parties. Agreements with Food Banks will be for one year and will be renewed annually. Additionally, Food Banks will be required to sign a CSFP agreement addendum.

Eligibility

Income Eligibility Standards

CSFP applicants are required to complete an application. Persons aged 60 and over are eligible for CSFP if their gross household income is at or below **150%** of the established federal poverty income guidelines.

- Income means gross income before deductions for items such as income taxes, employee social security taxes, insurance premiums, etc.
- Eligibility determinations will be conducted at Distributing Agencies by authorized personnel.
 - The State allows participation where participants are also enrolled in programs with income eligibility at or below the CSFP requirements. Federal programs include SNAP, FDPIR, SSI, the Low-Income Subsidy (LIS) and the Medicare Savings Programs (MSP).
- Applicants will be required to present a valid identifying document at time of application and recertification. Proxies must show some form of ID at first pickup. Thereafter agency staff, volunteers or third party contractors who distribute USDA foods will allow the use of visual identification or self-attestation as identity confirmation at future USDA Foods distributions.
 - Examples of identity documents include:
 - License or State Issued ID
 - Passport
 - Utility Bill or other mail showing name and address
 - Rental Agreement or Lease
- Income will be verified through Self-Declaration. The CSFP household income eligibility guidelines will be revised each year upon receipt of the FNS memorandum outlining the annual adjustments to the Federal Poverty Income Guidelines issued by the Department of Health and Human Services.
- Participants will be notified that they must report changes in household income or composition within 10 days after the change becomes known to the household.
- The prospective applicant must reside in the State of Virginia to which the request for certification is requested. However, no citizenship or durational residency requirements are to be imposed as a condition of eligibility. Migrant and seasonal farm workers shall be considered as meeting the residency requirement.
- Residents of group housing situations where congregate meals are provided to residents are not eligible to participate in CSFP.

Form Requirements

The application must include a nondiscrimination statement informing the applicant that program standards are applied without discrimination on grounds of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation or disability.

Applicants will review verbal and written information from Distributing Agency staff concerning their rights and fair hearings when application documents are signed. The following information will be included on the application:

- Applicant's name
- Address
- Date of birth
- Number of household members
- Household income
- Applicant's certifying signature or mark
- Date

Legal Signatures

Individuals receiving USDA Foods who cannot sign their name must put a mark in the designated space beside their printed name on any forms used to certify eligibility. This mark must be witnessed and initialed by a Distributing Agency staff member. Use ink for signatures on all forms and records.

Proxy

During the certification process, an applicant may designate a proxy to pick up and deliver the food package. Applicants are asked to give the name of the proxy. A Proxy cannot certify or re-certify a participant. The following pertains to the use of proxies:

- There is no federal requirement that limits the number of people for whom an individual can serve as proxy
- Proxies must be individually designated by each participant. Participants cannot be required to designate a proxy
- At no time can CSFP boxes be left with an agency representative for contactless door delivery. CSFP boxes include refrigerated cheese, so proper food storage is required, and only a proxy can pick up or deliver food to the participant. Food is never to be left without verifying the participant through accepted verification processes.

Notification

Applicants will be notified in writing of their eligibility or ineligibility for CSFP benefits, or their placement on a waiting list within 10 days from the date of application. If ineligible, notification will include the reason the applicant is not eligible, a statement of the individual's right to a fair hearing to appeal the decision, and a statement that informs the applicant that program standards are applied without discrimination on grounds of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, or disability.

Caseload Management

- Caseload equals one qualified individual (participant) receiving a CSFP food box monthly for 3 years.
- CSFP is a discretionary program with limited resources. Careful inventory and caseload management is necessary for food resources to be used efficiently and effectively.
- Caseload must be maintained at 95 – 101% of the total allotted. Maintaining maximum caseload will enable VDACS to request additional funds to expand the program.

- If a Food Bank is unable to maintain its maximum caseload, VDACS reserves the right to decrease the Food Bank's caseload and transfer it or a portion of the caseload to another Food Bank.

No Show Policy

To remain enrolled in the Commodity Supplemental Food Program, participants may fail to pick-up food no more than two consecutive months.

- Local agencies shall establish a "no-show" policy stating the maximum allowable period that participants may fail to pick-up food packages and remain enrolled in the program is two consecutive months.
- The "no-show" policy shall be posted in a prominent location and each participant shall be informed of this policy during certification and recertification.
- Participants who are required to be in the hospital for extended stays retain their participant status. They should not be removed from the program for missing two consecutive months. They can be issued food for any month within their certification period for which they had at least one day at home. If they have extended hospital stays covering every day of the month, they should not receive a food package for that month.
- Violation of the "no-show" policy shall result in discontinuance of CSFP benefits. If a participant violates the established "no-show" policy, the local agency must provide the participant with a written notification of discontinuance including the reason for discontinuance at least 15 days before the effective date of discontinuance. Documentation of the notification shall be maintained on a log or a copy retained in the individual's file.
- Participants who are removed from the program for violation of the "no-show" policy are allowed to reapply for benefits unless they have violated the "no-show" policy twice previously. If a waiting list exists, participants reapplying after violating the "no-show" policy must be treated the same as all applicants and must be placed on the list in the order which they applied. Participants who violate the "no-show" policy a third time within a twelve-month period must be disqualified from CSFP for a period of up to one year, unless the local agency determines that disqualification would result in a serious health risk.

Certification

Certification periods will be for 36 months in length. The Distributing Agency will notify participants 15 days before the expiration of their certification that their eligibility is about to expire.

CSFP participants who move to an area served by CSFP and whose certification period has not expired must be given the opportunity to continue to receive CSFP benefits for the duration of the certification period. If the new Distributing Agency has a waiting list, the participant must be placed on its waiting list ahead of all other waiting applicants.

Waitlist

Once the maximum caseload has been reached, a waitlist of applicants will be kept. Applicants on the waitlist will be accepted on a first-come, first-served basis. Applicants will be notified of their placement on a waitlist within 10 days of their request for benefits.

Waitlisted individuals can receive a box of food in a month when a Distributing Agency does not reach their maximum caseload, and should be contacted to pick up food boxes that have not been distributed. This will help to ensure 100% caseload participation. It will be necessary to communicate with any waitlisted individuals that receiving a box one month does not guarantee a box in subsequent months.

Homebound Participants

To make the CSFP program accessible to eligible individuals who are physically unable to pick up the food package, Food Banks will encourage the use of proxies or arrange home delivery to the extent that resources permit. Home delivery services will be arranged through the Food Bank and Food Bank volunteers.

Food Banks may work closely with the local Area Agencies on Aging, Social Services, and other agencies offering services to provide volunteers to assist with the management of a delivery program to homebound participants; provided Food Bank Staff are also be in attendance.

If home delivery is utilized, delivery must meet the following criteria:

- Safe storage and transportation of the foods in compliance with program regulations at 7CFR Part 250;
- Verification of the identity of each CSFP participant through a review of the participant's or proxy's identification before issuing the CSFP food package, consistent with 7 CFR 247.10(b);
- All applicable records required by the State or local agency, and an assurance that the privacy of participants will be maintained, consistent with 7 CFR 247.36.
- All CSFP Distributing Agencies are subject to all USDA/CSFP requirements & regulations.

Outreach

Referrals will be solicited from service agencies that are in contact with low-income participants. The goal will be to join a network of service groups to add CSFP to the variety of services participants are receiving. The following are examples of outreach efforts:

- A flyer placed in Social Services Departments, health and medical organizations, senior citizen centers, churches, and other local agencies serving the 60 and over population
- Information detailing all aspects of the CSFP program on the Food Bank's webpage
- Staff presentations about the program at agencies serving the 60 and over population
- Free public service announcements on local media stations
- Advertisements and notices about the CSFP program in local newspapers and magazines

All notices and advertisements shall include a brief description of the program, eligibility criteria, a listing of the documentation required for certification, and the non-discrimination statement. Any informational materials released to the public about the program or availability of USDA Foods to eligible households with photographs or graphics must display participants of different races, colors, and national origins.

Demonstrations with USDA Foods

Educational cooking demonstrations for CSFP recipients must be authorized by the RCM. A demonstration to individual households is not an effective use of these foods. Records should be maintained and the next FNS-153 should include any foods used at demonstrations in the appropriate column. Any release of USDA Foods for unauthorized use will require restitution.

- CSFP foods may be used for food demonstrations solely in conjunction with nutrition education and primarily for participants in the Program
- CSFP foods may not be used for outreach, refreshments for participants, or any other similar purpose
- CSFP foods may not be provided to any other community agency or facility for any purpose whatsoever, unless such agency has entered into a signed written agreement with the Food Bank to provide nutrition education services under the program

Nutrition Education

The Virginia Food Banks working with their distributing agencies will be required to make nutrition education available to all participants over the age of 60. This information will be distributed with the monthly food packages.

The nutrition education will contain, at minimum, the following information:

- The nutritional value of CSFP foods
- Nutritious ways to use CSFP foods
- Special nutritional needs of participants and how these needs may be met
- The importance of healthcare and the role nutrition plays in maintaining good health

The written nutrition education materials will also be included in all food packages sent to participants who have designated a proxy or who are receiving a home delivery.

Nutrition Education Evaluation

The Virginia Food Banks will work with their staff and partners to develop a nutrition education evaluation procedure. The evaluation will be directed by a nutritionist or other qualified professional. The evaluation plan will include a customer survey conducted annually to obtain participant input to help evaluate the effectiveness of the nutrition education. Nutrition education information will be adjusted based on participant feedback.

Civil Rights Responsibilities

Current “And Justice for All” posters should be prominently placed in all intake offices and distribution sites. Civil Rights complaint forms must be available to clients/recipients of the USDA foods. This can be done by hanging forms with the “And Justice for All” poster.

Food Banks must train their staff and volunteers upon start and annually thereafter on civil rights and procedures to handle a complaint. Staff and volunteers that interact with the program participants must receive civil rights training on an annual basis. Training should be documented with the date, materials covered, sign-in sheets and kept in Distributing Agency files. Required training topics include:

- Knowledge of protected classes
- Effective public notification
- Complaint procedures and conflict resolution
- Customer service
- Language assistance and accommodation of persons with disabilities
- Compliance review techniques and noncompliance resolution

The non-discrimination statement below must be included on all materials regarding USDA household food programs that are produced by the local agency for public information, public education or public distribution:

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

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, 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, 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

1. By mail to:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
2. By fax to:
(833) 256-1665 or (202) 690-7442; or
3. By email to:
Program.Intake@usda.gov

The form can be obtained online here:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>,

Non-Discrimination Statement on Written & Digital Materials

If the material is too small to permit the full statement to be included, the material will at a minimum include the following statement in print size no smaller than the text:

“This institution is an equal opportunity provider”

(Use of this statement is the exception and must be approved by VDACS)

State and local agencies must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). State and local agencies must also comply with the Department's regulations on nondiscrimination (parts 15, 15a, and 15b of this title), and with the provisions of FNS Instruction 113-2, including the collection of racial/ethnic participation data and public notification of nondiscrimination policy. State and local agencies must ensure that no person shall, on the grounds of race, color, national origin, religion, age, sex, gender identity (including gender expression), sexual orientation or disability, be subjected to discrimination under the program.

CSFP applicants or participants who believe they have been discriminated against should file a discrimination complaint with the USDA Director, Office of Civil Rights, Room 326W, Whitten Building, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or telephone (202) 720-5964.

The primary responsibility of the Distributing Agency is to ensure that no person is excluded from participation in, denied benefits of, or subject to any discrimination under CSFP.

Handling of Civil Rights Complaints

All complaints alleging discrimination must be accepted by the Distributing Agency. The complaint may be mailed to the Food Distribution Program Administrator, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, or mailed directly to USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C., 20250-9410, or call (202) 720-5964.

Distributing Agencies should use the Civil Rights Complaint form to record pertinent information. All civil rights complaints must be accepted either verbally or in writing. Every effort should be made to secure all elements of data on the complaint form to help explain or resolve the situation. No complaint may be refused or ignored because it is incomplete. Distributing Agency staff members should be trained to use either the complaint form to gather the necessary information from the complainant or refer the complainant to the person in charge with cooperation and courtesy. An effort should be made to ensure the complainant could read and understand the form.

7 CFR Part 16

Organizations that receive direct USDA assistance under any USDA program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services supported with direct USDA assistance. If an organization conducts such activities, the activities must be offered separately, in time or location from the programs or services supported with direct assistance from USDA. Participation must be voluntary for beneficiaries of the programs or services supported with such direct assistance.

Written Beneficiary Notice and Referral Requirements for CSFP

To notify future and prospective beneficiaries, organizations must supply individual written notice of beneficiary protections under 7 CFR Part 16 at the time of application for CSFP benefits. Organizations operating CSFP can comply with this requirement by providing CSFP applicants with a separate handout at the time of application or by incorporating the required notification language into their existing CSFP applications or other materials that are provided to beneficiaries before the receipt of services. Program operators must begin providing the written notice to all future and prospective beneficiaries as soon as possible.

To notify beneficiaries already enrolled in the program, a written notice must be provided directly to all beneficiaries at food distribution locations or alongside a food package delivery. Existing beneficiaries should all be notified as soon as possible. The written notice must also include State-provided referral information in their written notice. Notices must include the following:

Because CSFP 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, a 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 (including activities that involve overt religious content such as worship, religious instruction, or proselytization) that are offered by our organization, and any participation by you in such activities must be purely voluntary.
- We must separate in time or location any privately funded explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) from activities supported with direct Federal financial assistance; and
- You may report violations of these protections, including any denials of services or benefits by an organization, by contacting or filing a written complaint with the
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights Executive
Director Center for Civil Rights Enforcement
1400 Independence Avenue SW
Washington, DC 20250–9410, or by email to program.intake@usda.gov
- If you would like to seek information about whether there are any other federally funded organizations that provide these kinds of services in your area, please contact
USDA Hunger Hotline
By Phone: 1-866-3-HUNGRY or 1-877-8-HAMBRE to speak with a representative from 7:00 AM – 10:00 PM Eastern Time.

Program Violations

If program violations are committed, local agencies may disqualify the participants for a period of up to one year. If the local agency determines that disqualification would result in a serious health risk, the disqualification may be waived.

Fraud

The State agency will require local agencies to permanently disqualify a participant who commits three program violations that involve fraud as follows:

- Intentionally making false or misleading statements, orally or in writing
- Intentionally withholding information pertaining to eligibility in CSFP
- Selling Foods obtained in the program or exchanging them for non-food items
- Physical abuse or threat of physical abuse of program staff
- Committing dual participation

The local agency will provide the individual with written notification at least 15 days before the effective date of disqualification. The notification will include period and reason of disqualification, and a statement that the individual may appeal through the fair hearing process.

Dual Participation:

As part of the certification process applicants will be informed of the illegality of simultaneous participation in more than one CSFP Program. This statement will appear on the application form, which the applicant will acknowledge, sign, and date.

The Virginia Food Banks will keep a master list of all participants. An applicant's identity will be verified at the initial certification and with each recertification. Participants found in more than one program simultaneously will be terminated from one program immediately. If the dual participation results from making false or misleading statements, or intentionally withholding information, the local agency will disqualify the participant from CSFP, unless the local agency determines that disqualification would result in a serious health risk.

Cost Effective Claim Standards

The pursuit of a claim against a participant to recover the value of CSFP Foods improperly received or used is cost effective when the value exceeds \$200. In pursuing a claim against a participant, the local agency will:

- Issue a letter demanding repayment for the value of the Foods improperly received or used
- If repayment is not made in a timely manner, take additional collection actions
- Maintain all records regarding claims actions taken against participants

The local agency will advise the participant of the opportunity to appeal the claim through the fair hearing process.

Fair Hearing Procedures

A CSFP participant will be given the opportunity to appeal through a fair hearing any adverse action which may include the denial or discontinuance of program benefits, disqualification from the program, or a claim to repay the value of Foods received as a result of fraud.

A participant or a participant's caretaker may request a fair hearing by making a clear expression, verbal or written, to a State or local agency official that an appeal of the adverse action is desired. The participant has 60 days from the date the agency mails or gives the individual the notification of adverse action to request a fair hearing.

The participant will be provided with at least 10 days advance written notice of the time and place of the hearing and must include the rules of procedure for the hearing.

At the fair hearing the participant will have the opportunity to:

- Examine documents supporting the State or local agency's decision before and during the hearing
- Be assisted or represented by an attorney or other persons
- Bring witnesses
- Present arguments

- Question or refute testimony or evidence, including an opportunity to confront and cross-examine others at the hearing
- Submit evidence to help establish facts and circumstances

A request for a fair hearing may be denied if:

- The request is not received within 60 days from the date the notice of adverse action is mailed or given to the participant
- The request is withdrawn by the participant in writing
- The participant fails to appear at the hearing without a good cause

The fair hearing must be conducted by an impartial official who does not have any personal stake or involvement in the decision and who was not directly involved in the initial adverse action that resulted in the hearing. The hearing official is responsible for:

- Administering oaths or affirmations, as required by the State
- Ensuring that all relevant issues are considered
- Ensuring that all evidence necessary for a decision to be made is presented at the hearing, and included in the record of the hearing
- Ensuring that the hearing is conducted in an orderly manner, in accordance with due process
- Make a hearing decision

Responsibilities

VDACS Responsibilities

In addition to the responsibilities outlined in the State Plan, Agreements, Agreement Addendums and elsewhere in this Handbook, VDACS will:

- Publish eligibility criteria based on household income for use by Food Banks
- Post a copy of the State Plan on a public website
- Post an annual listing of all agencies with direct relationships with the state agency on a public website; excluding those that are an agent of another distributing agency.
- Distribute allocated caseload based on an assessment of need
- Provide financial reimbursement to Food Banks based on published rates, as federal funds are available
- Provide Food Banks with all necessary information, forms, and household eligibility criteria
- Ensure that USDA foods are properly stored and used by Food Banks, and safely and efficiently distributed to eligible households through monitoring, inspection and questioning
- Conduct administrative and site reviews of Food Banks annually and at any other point in time deemed necessary or appropriate by the RCM, with or without prior notice.
- Conduct inspections of offsite storage facilities at any time deemed necessary or appropriate by the RCM, with or without prior notice.
- Monitor Distributing Agencies as required by federal regulations and the state plan and at any other time deemed necessary or appropriate by the RCM, with or without prior notice.
- Inspect new CSFP agencies as they are ready to launch the program if scheduling permits. If not, or if the agency is already distributing TEFAP, the RCM may schedule a visit at the RCM's earliest availability.

- Determine losses due to negligence upon report, and direct Food Banks to replace USDA foods or reimburse the government
- Maintain program records and provide reports as required by federal regulations and the current state plan
- Ensure that all funds provided by USDA are used in accordance with federal regulations and the state plan
- Publish and enforce Civil Rights compliance requirements and review complaints of discrimination or misuse of USDA foods
- Ensure that remaining USDA foods are inventoried on a monthly basis and at state fiscal year end
- Ensure receipt of a fiscal year end confirmation of federal assistance received, to be submitted annually in July
- Provide guidance in the event the Food Bank deems it necessary to suspend or terminate a distributing agency.
- Provide guidance in the event the Food Bank needs to transfer food between distributing agencies.
- Develop a process by which the distributing agencies will verify the identity of the participant or the proxy if delivering food boxes to home-bound participants.

Food Bank Responsibilities

In addition to the responsibilities outlined in the State Plan, Agreements, Agreement Addendums and elsewhere in this Handbook, Food Banks will:

- Administer the program in accordance with all federal and state regulations in accordance with 7 CFR 247 and 7 CFR 250 where applicable
- Maintain accurate and complete records for a period of three years from the close of the fiscal year to which they pertain, or longer if the records are related to unresolved claims actions, audits, or investigations
- Ensure that each Distributing Agency completes a Sub Agency Agreement annually
- Conduct annual administrative and site reviews of Distributing Agencies
- Obtain VDACS approval for any modification/additions to the standard VDACS forms. Every form must include the complete Civil Rights Statement
- Ensure that all distributing Agencies have completed a pre-award civil rights questionnaire prior to distributing CSFP Foods
- Specify that either party may terminate the agreement by written notice to the other, with a minimum notice of 30 days
- Distribute USDA Foods in accordance with the approved food package monthly distribution rates
- Food Banks will ensure that all Distributing Agencies provide all new CSFP participants the Written Notice and Referral Requirements for Beneficiaries. This notice must be given to each new participant or incorporated into the application process.
- Maintain a list of the names and addresses of all certification, distribution, and storage sites under their jurisdiction and provide to VDACS and FNS as requested and/or during the month of April every year in conjunction with the FNS-191
- Food Banks will notify their VDACS RCM prior to suspending or terminating any Distributing Agency to discuss next steps and/or visit and inspect the distributing

agency, transfer remaining inventory, etc.

- Food Banks will provide reports and other information as requested by VDACS
- Food Banks will notify their VDACS RCM prior to the disposition of any out of condition or damaged foods. Food Banks will notify Distributing Agencies of this as well and communicate that all requests to dispose of any USDA foods must be accompanied by pictures, the quantity and reason.
- Food Banks will ensure that out of condition foods approved for disposal either at the food bank or at a Distributing Agency are never given to farmers to feed livestock in accordance with the Code of Virginia § 3.2-6032: Unlawful to feed garbage to swine.
 - No person shall feed or knowingly allow any other person to feed any garbage to swine on his premises or any premises over which he has any control.

Distributing Agency Responsibilities

In addition to the responsibilities outlined in the State Plan, Agreements, Sub Agreement Addendums and elsewhere in this Handbook, Distributing Agencies will:

- Enter into written sub-agency agreement with Food Banks. The Distributing Agency will be responsible for the actual distribution of CSFP food to participants. Agreements will be renewed annually on July 1
- Retain all records for the current year and 3 years previous.
- Provide safe storage of CSFP boxes and refrigerated cheese before, during and after distribution
- Report distribution summaries to Food Banks monthly
- Never distribute Retroactive Food Packages at any time
- Receive prior approval from VDACS to use bi-monthly issuance
- Follow all Food Storage Facilities practices
- USDA foods are not in tamper resistant packaging. Once distributed to household recipients, USDA foods should not be returned for reissuance. This would violate the agreement with VDACS as well as the recipient's agreement and could cause personal injury and/or liability claims.
- Report Food Damage or Out of Condition Foods to Food Bank (to include pictures) prior to Disposition and await next steps.
- Report to Food Bank any intention to utilize new off-site storage or intention to move, so the new space can be inspected and approved by VDACS prior to storage or distribution of USDA foods.
- Share information about Senior Farmers' Market nutrition programs with participants.

Requesting, Receipting and Delivery of USDA Foods

The following methods will be used by the Food Banks to order CSFP USDA Foods using the WBSCM ordering system.

Multifood Shipment

This method of shipment (truck containing various USDA Foods) delivers food directly from a vendor to the CSFP warehouse. This method will be utilized when storage space is limited, when smaller quantities of individual foods are needed, and when participation does not support the volume of direct shipments. Multi-food orders are delivered on a scheduled day. Order by dates are 8 business days before delivery.

Direct Shipment

This method of shipment (full truckload of a single commodity) can be split between 3 stops: (e.g.e Blue Ridge CSFP, Feed More CSFP, TEFAP), delivers food directly from a vendor to the CSFP warehouse. This method will be used when sufficient storage space is available for supplying a full food package, and inventories do not exceed a 2 to a 2.5 month supply. Direct Shipments schedule an appointment prior to delivery. Direct Shipment orders are based on catalog closing dates.

Receipting

Food Banks will receive USDA shipments directly from USDA vendors. A report from WBSCM can be obtained indicating the shipment specifics. Do not accept any shipments of USDA Foods without the report from WBSCM or approval from VDACS.

Shipments are usually palletized but sometimes high bulk, low weight USDA foods like cereals may be shipped floor loaded. Food Banks must ensure sufficient labor and material-handling equipment is available to avoid detention charges by carriers. Refer to the Consignee Handbook for detailed procedures.

Upon receipt, Food Banks must verify the case counts with the WBSCM report and Bill of Lading. If the documents agree with the physical count, electronically receipt for the load, sign the bill of lading and return all documentation to VDACS on a weekly basis.

All direct and multi-food orders must be receipted within 2 business days. If the quantity of food differs from the WBSCM report, or is out of condition for use, call VDACS while the truck driver is still onsite to determine if an Over, Short & Damage FNS-57 report is required. Immediately submit the OS&D FNS-57 report with the truck driver's signature to VDACS along with the annotated bill of lading and any documentation that supports the problem. The discrepancy should also be noted on the trucker's manifest, and a copy of their manifest attached to the OS&D report.

Delivery

Food Banks will arrange for the delivery to or pickup of USDA foods by Distributing Agencies without charge. Recipient households must never be charged any service fees for receipt of USDA foods. Food Banks will provide for transportation of USDA foods to recipient agencies or allow pickup at no cost.

Handling Requirements

Food Storage and Distribution

Detailed inventory and issuance records will be compiled by the Food Banks and Distributing Agencies. They will maintain food receipt data, food delivery bills of lading, monthly physical inventory, documentation of USDA Foods received, and food destruction logs. All original documentation must be provided to the RCM or submitted to the VDACS office.

All facilities used for storage of CSFP foods must be approved in advance by VDACS and inspected annually (or more frequently if deemed necessary or appropriate by the RCM), to ensure foods are stored at appropriate temperatures and that the facility is safe, secure and sanitary. Stock will be dated and rotated on a first-in, first-out basis (FIFO).

A physical inventory of all CSFP Foods will be reconciled with inventory records and maintained on file by VDACS and the Food Bank. Monthly inventory will be compiled in the FNS 153 Report.

Food Storage Requirements

The following practices will be followed concerning the storage of CSFP Foods.

Food Banks and Distributing Agencies must ensure that storage facilities have obtained all required Federal, State and/or local health inspection and/or approvals and those inspections /approvals are current. Records should be kept for a period of three years from the close of the current fiscal year.

Temperatures and Temperature Charts

Refrigerated, dry and frozen USDA Foods require that temperature charts be maintained and indicate the dates and readings for all storage units at least three times per week from an independent internal thermometer.

- Unless there is a digital monitoring system, temperature charts must be maintained for each separate storage unit.
 - Digital temperature monitoring systems must be able to show electronic temperature logs for the current year and three years prior and provide push notifications when temperatures rise above or fall below published ranges.
 - With a digital monitoring system, temperatures do not need to be manually recorded but there should be a functional independent thermometer in the event of an outage.
- Refrigeration unit temperatures should be maintained between 32 and 40 degrees Fahrenheit.
- Freezer temperatures must be maintained at or below 0 degrees Fahrenheit.
- Shelf stable USDA Foods require dry, cool storage with temperatures maintained between 50 and 70 degrees Fahrenheit.
- If temperature ranges are consistently at the high end of the regulation, corrective measures include lowering the appliance temperature manually or by calling in a

service tech; or in the case of dry storage, installing fans or devising other means of mediating the room temperature. Food Banks should follow-up by requiring temperature logs to ensure successful corrective measures.

Storage of USDA Foods

- USDA Foods should be stored away from steam pipes, chemicals and equipment generating heat.
- Adequate racks or shelving must be provided for storage in freezers, refrigerators, and dry storage. Foods should be stacked away from walls and off the floor to allow air circulation around the cases of food. 4" away from walls, 6" from floors, 2' from ceilings. Chest freezers and Reach-In refrigerators need to have a rack on the bottom (minimum of 1"). Clearances in these units should also allow for a minimum of 1" from the sides and top to maintain air circulation.
- Adequate lighting is required to aid in rotation and inventory checks of food.
- Adequate security by means of locks, bars, alarms, etc is required to guard against theft or vandalism.
- Storage areas must be protected against rodents and insect infestation with routine extermination service, and a record of these inspections must be maintained.
- Distributing Agencies are not required to engage an extermination service but must show they carry proper supplies to guard against pests.
- In potentially unsafe conditions the RCM will work with the food bank to devise a corrective action plan to bring the distributing agency back into compliance.

Distribution

- The Food Banks and their Distributing Agencies are responsible for the preparation and distribution of the food packages
- Each participant will receive one package of USDA Foods on a monthly basis
- Eligible participants who are unable to attend distributions may designate on their application an authorized representative as their proxy to pick up their food package
- Staff or volunteers at the distributing Agency will verify eligibility and identity of participants and proxies prior to distributing the food packages
- Participants must not be required to make any payments or provide any materials or services in connection with the receipt of CSFP Foods
- Distributing Agencies should maintain specific dates and times of distribution (ex: 9am-10am - 2nd Tuesday and Wednesday of each month)
- Distributing Agencies should notify participants of any distribution schedule changes
- The Food Bank must maintain a master list of participants at each site
- Distributing agencies are required to provide safe handling of refrigerated product before, during and after distribution.

Inventory Control / FNS-153 Report

The USDA requires that a monthly inventory report (FNS-153) be submitted. This report documents all CSFP activity for the month. The method of calculation is by the unit, not case. Reports are due on the 10th day of the following month e.g. May report is due June 10th to your RCM.

Inventory should be maintained between 2 to 2.5 months but should not exceed 3 months without prior approval from VDACS. When counting inventory, remember to count all inventory remaining at Distributing Agencies.

Things to remember when completing the FNS-153:

- The number of packages distributed is determined by the number of participants who received a package not the number shipped. These items are also reported in units.
- Report any damaged CSFP items for the reporting month in the Food Loss column.
- Damages require VDACS approval prior to disposal. Pictures and a description of the damage should be submitted to your RCM.
- Physical Inventory of the CSFP Items for the reporting month can be taken once the CSFP activity has ceased for the reporting month. This includes items in the warehouse and any remaining or prepackaged CSFP boxes

FNS-191 Racial/Ethnic Group Participation

This report records the racial/ethnic participation each year. This report is compiled from the April distribution. This report is due June 1st of every year in addition to a complete listing of all clients, wait list and distributing agencies. These lists must be provided in the Virginia state format.

Other Reporting

The Annual Fiscal Year End Inventory Report, the Confirmation of Federal Financial Assistance and a list of all Distributing Agencies receiving USDA foods are all due in July.

Failure to meet these report deadlines may result in withholding of shared maintenance fee payments by VDACS.

Food Banks shall maintain all records for a period of three years from the end of the fiscal year to which they pertain. If they are related to unresolved claims actions, audits, or investigations, they will be retained until those activities have been resolved

General Food Management Practices

Management must emphasize proper food handling to avoid health hazards, maximize use of space and minimize food losses.

Failure to provide adequate storage, keep proper records, and/or take reasonable security precautions could result in claims for restitution assessed against the Food Bank in the event of USDA food loss, spoilage or destruction.

Per 7 CFR 247.10(a), local agencies must distribute a package of USDA Foods to participants each month, in accordance with the food package guide rates established by FNS. In accordance with this requirement, local agencies must offer full food packages, including cheese, to all participants each month. All CSFP foods, including a refrigerated item such as cheese, must be stored properly in accordance with 7 CFR 250 to ensure proper food safety. Although participants may individually refuse products, State and local agencies may not encourage opt-in or opt-out of any items. Any USDA Foods not accepted by participants at time of receipt must immediately be placed back into the physical inventory and should not be reported as issued.

USDA foods are not in tamper-resistant packaging. Once distributed to household participants, USDA foods should not be returned for re-issue.

Transfer of USDA Foods

All transfers of USDA foods require approval by VDACS. A written Transfer Order form will provide a record of the transfer and signatures of release and acceptance.

Transfers of CSFP products from one Food Bank to another are allowed in the event that a CSFP Food Bank is in need of a CSFP item to assure a complete Food Package. VDACS will initiate a transfer of the item from a CSFP Food Bank which has an excess inventory of the item on hand. This transfer is documented by the transfer order. The transfer item shall be treated as being received and all receiving requirements must be met. All transfers must be documented on the FNS-153.

When USDA food inventories exceed potential usage within two and a half months, contact VDACS for instructions. VDACS may initiate a transfer of foods to another Food Bank. Transfer or use of USDA foods without VDACS approval could result in a claim against the Food Bank.

USDA foods remain the Food Bank's responsibility until utilized or transferred as directed. Transfer of liability does not occur until a completed transfer order is signed and received by VDACS.

If the USDA foods are to be transferred from one Food Bank to another, the RCM will provide a copy of the transfer order in advance. The Food Bank transferring food will check the amount to be transferred, sign the transfer form, secure the signature of the Food Bank receiving the food to verify the quantities received.

In the event of a Distributing Agency closure or suspension, CSFP food may need to be transferred to another CSFP agency. In this case the Food Bank must initiate the transfer and oversee the entire process, ensuring any such transfer is under Food Bank direction with VDACS approval.

Check each food delivery carefully for possible shortage, overages or damage. Inspect the condition of packaging before placing food in storage and check frequently to detect signs of food loss from age, infestation, spoilage, etc

Reporting a Loss of USDA Foods

Whenever a loss of USDA Foods is discovered, Food Banks must notify VDACS immediately for instructions. A letter with documentation must explain the loss and identify insurance coverage. In the event of loss of USDA foods due to fire, theft, or natural disaster the police must be contacted and a copy of the police report included with the letter of explanation to VDACS. A USDA Food Loss Report with pictures must also be completed and submitted to VDACS.

Recall Policy and Procedures

Prior to Recall

Although the United States food supply is among the safest in the world, sometimes food may be unsafe or mislabeled. When there is a reason to believe food is unsafe or mislabeled, the food is recalled, or otherwise removed from circulation. The following steps must be taken to ensure the USDA Foods in the State of Virginia is secure:

- Ensure all Recipient Agencies are aware of, and trained, in recall procedures
- Assign a Food Bank Food Safety Coordinator and an alternate. Ensure their name, title, and contact information is accurate
- Contacts must be verified on an annual basis
- Food Banks are responsible for updating VDACS in event of unexpected staff changes
- If the Food Bank further distributes food, maintain a contact list for serving sites and other recipients
- It must be possible to trace chain of custody of the recalled food to final recipient

Upon Notification of Recall

- All members of your designated food safety team will be contacted by VDACS
- Designated Food Safety Representatives must confirm within 24 hours or less, after receiving recall notification. This is to ensure the message was received and understood.
- If further distributed, notify all sites about recall as soon as possible
- Food banks should confirm receipt of the notification by sites to ensure the message was received and understood
- Food banks will be provided product identification information needed to track the product
- Food banks will be provided instructions on handling the affected food, as directed by VDACS
- Food banks will be provided specific product disposal instructions as directed by VDACS, based on state/local solid waste regulations
- Find and isolate the affected product and label DO NOT USE to avoid accidental use

- Conduct an inventory assessment, ideally in 48 hours or less, of affected product and include:
 - Amount remaining in stock and locations
 - Amount distributed to program participants
- Submit the inventory assessment information to the SDA within the directed timeframe
- Follow applicable storage/destruction instructions by VDACS

Recall Communication Methods

- Call agencies and provide information and instruction on how to handle the affected product
- Send email to agencies and provide information and instruction on how to handle the affected product
- Post announcements on Food Bank's website
- Post announcements on social media, such as Twitter, Facebook and Food Bank's blog

Recall Responsibilities of Food Bank

- Identify USDA Foods
- Document to whom USDA Foods were distributed
- Identify who picked up USDA Foods
- Submit inventory information to VDACS
- Conduct an annual review of facilities and document compliance with requirements

Recall Recordkeeping

- Records of inventory
- Records of distribution
- Records of disposal

Classifications of Recalls

Class	Definition	Examples
Class 1	A health hazard situation where there is a reasonable probability that eating the food will cause serious, adverse health consequences, or death.	E. coli O157:H7 in ground beef; Salmonella in peanut butter; Food with an undeclared allergen
Class 2	A health hazard situation where there is a remote probability of adverse health consequences from eating the food.	Product containing a foreign material
Class 3	A situation where eating the food will not cause adverse health consequences.	Minor labeling problems, such as improper format or undeclared ingredients that are not allergens

Responding to a recall

It is important to send complaints about USDA Foods to your State Agency, so the State Agency may, in turn, report them to USDA FNS. Sometimes a complaint involves a food safety concern and sometimes the complaint reflects a quality issue. It is important to have a good feedback system in order to respond quickly to food safety concerns and improve product quality.

Complaint Management

All complaints reported to the State Agency should include as much detail as possible. Photographs should also be submitted. Information to be provided in a complaint includes:

- Product name and number
- Description of the problem
- Date your agency received the product
- Quantity of product involved
- Quantity and physical address of remaining product
- Purchase Order Number
- Invoice/Order Number
- Advance Shipping Notification Number (if applicable)
- Any lot numbers or can codes printed on the packaging
- Establishment number of the plant processing any meat, poultry, or egg product
- Organization's name, address, and phone number
- If complaint comes from someone else, report their name and contact information
- Report of any illness or injury (ask if a doctor was seen, or if the health department conducted an investigation)
- Photograph of foreign object or problem
- Measurements of the foreign object

Until further directed by the State Agency, the following items should be retained:

- Original container or packaging (unopened cases)
- Any uneaten portion of the food. (discuss with the State Agency to determine if food should be kept refrigerated or frozen)

Required Document Submission to VDACS

Reimbursement of Shared Maintenance Fees

VDACS will reimburse the agreed upon shared maintenance fees to Food Banks based on the caseload number served. Caseload served will be documented in the FNS 153 form to be completed monthly. Reimbursement will be subject to sufficient federal funding being available when all documentation is received by VDACS.

Food Banks agree to accept the shared maintenance fee as full payment to distribute USDA foods in lieu of charging their Distributing Agencies. Any transportation, storage, handling, labor, or promotional costs incurred with the distribution of these USDA foods comes out of this payment, including handling transfers of USDA Foods between member Food Banks.

Record Retention Requirements

Food Banks are required to retain and have available the following records for the current year plus three previous years. Records must be retained and available for review by VDACS and/or representatives from USDA:

- The current VDACS Agreement
- Signature sheets, proxy notes, distribution forms, and other documents indicating household certification
- The FNS 153 Monthly Report
- The FNS 191 Racial/Ethnic Group Participation Report
- An annual listing of all Food Bank affiliate Distributing Agencies
- An annual listing of all active participating clients in the CSFP program
- An annual listing of all waitlist clients in the CSFP program
- Invoices Requesting Reimbursement
- Copies of signed WBSCM reports and OS&D's
- Transportation bills of lading/delivery tickets
- Transfer Documents
- Records indicating the disposal of damaged/spoiled foods
- Annual inventories
- Temperature charts
- Extermination records

Administrative Review Requirements

Food Bank Reviews by VDACS

VDACS will ensure that the Food Banks are reviewed once each year. Reviews include the following:

- VDACS and Food Bank agreement
- Required financial records and receipts
- FNS 153 Reports & FNS 191 Report
- Monthly food inventory records
- Receipting paperwork (received shipment report/requisition status report with consignee information, notice of arrivals, bill of lading, and OS&D's if applicable)
- Fiscal year-end inventory, confirmation of federal assistance received and USDA Foods transferred by each agency forms
- Distribution records including proxy notes and legal signatures, eligible categories, and application forms
- Records of food issuance by Distributing Agencies (monthly inventories) compared to reports of distribution
- Appropriate storage areas and food management practices
- Food ordering procedures utilizing WBSCM
- Documentation of loss
- Physical inventory/book inventory

- Documentation of System-Dated IRS Automatic Revocation of Exemption List
- Review of civil rights which includes posting of poster and complaint forms, and file retention of trainings, complaints, investigations and pre-award civil rights questionnaires

Food Bank Reviews of Distributing Agencies

- Appropriate storage facilities are in use for shelf stable, frozen or refrigerated items
- Appropriate sanitation and rodent/insect extermination practices
- Proper security measures are in place to prevent vandalism or theft
- Appropriate application of household income guidelines
- Adherence to CSFP food distribution guidelines
- Conspicuous display of the civil rights poster “And Justice for All” where Participants can see it, along with the civil rights complaint forms
- Demonstration that Distributing Agency staff comprehends and follows the civil rights complaint procedure
- Documentation of civil rights training to staff/volunteers
- Non-discrimination statement on all flyers, brochures, pamphlets and advertising materials
- Retention of all Food Bank correspondence citing program operation deficiencies

Food Bank staff will document improvements when conducting annual on-site reviews and consider overall program operations before renewing Distributing Agency participation in the CSFP program.

Glossary

Caseload – Eligible household members receiving a box of CSFP food once a month per year. Food Banks are assigned a specific caseload by VDACS

Distributing Agency – A partner agency of a Food Bank that directly distributes CSFP foods

Food Bank – One of the seven Federation of Virginia Food Banks that administers the CSFP program

Participant – a qualified individual, who meets all the household eligibility criteria of the CSFP and who receives a monthly CSFP food box for a period of up to three years before recertification is required. (if two members of a household meet eligibility requirements, they may each receive a CSFP food box).

Proxy – A proxy serves as a liaison for a participant who is unable to travel to pick-up their food package

RCM – Regional Commodity Manager

VDACS - Virginia Department of Agriculture and Consumer Services, the state agency that administers CSFP in Virginia

Waitlist – A list of those who have completed CSFP paperwork, but are not able to receive a monthly food box due to insufficient caseload availability