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## Tracking What Matters: How to Address Critical WIC Needs during a Public Health Emergency

NIYETI SHAH, ATHENA RAE ROESLER, AND CARE SHOABI

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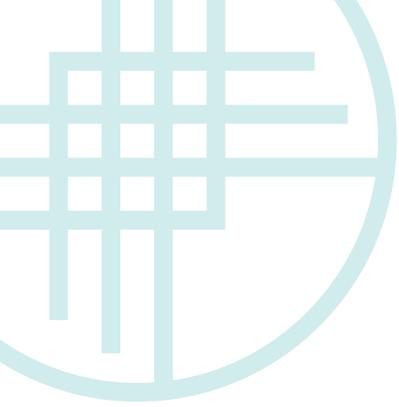
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# INTRODUCTION

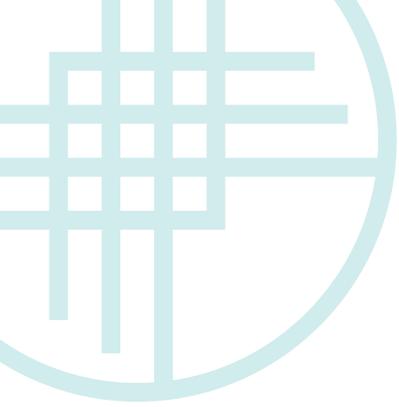
*In May 2020, more than one in six adults reported their households experienced food insecurity. Just one month earlier, a survey found that 41 percent of mothers with children ages 12 and under reported household food insecurity since the onset of COVID-19.<sup>1</sup>*

This report details and analyzes the COVID-19 waiver process for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) state agencies during the initial stage of the COVID-19 pandemic. The learnings from the Milken Institute Center for Public Health (CPH) WIC Waiver Tracker will help WIC advocates and the US Department of Agriculture (USDA) understand the changing needs of WIC and identify recommendations for future public health emergencies.

In response to COVID-19, USDA authorized several waivers to provide necessary flexibilities for WIC to continue operations in a safe and socially distant manner. Though rapid flexibility and consistent communication were paramount to this success, WIC agencies and other stakeholders lacked a consolidated database to quickly understand which waivers were being approved or denied. To respond to this critical, time-sensitive need, CPH tracked all WIC waivers, including submitted, approved, and denied waivers, in an easily sortable tracker from March 20 to June 30, 2020.

As the pandemic continues and food insecurity increases, federal nutrition programs, including WIC, fill a critical role in providing supplemental foods and care for women and children.<sup>2</sup> Reaching 50 percent of all infants born in the US, WIC is one of the most cost-effective nutrition programs, saving nearly \$2.48 in medical, education, and productivity costs for every \$1 invested. Ensuring the continued success of WIC throughout the pandemic protects public health long beyond the emergency response period.

1. Elaine Waxman, Poonam Gupta, and Michael Karpman, "More than One in Six Adults Were Food Insecure Two Months into the COVID-19 Recession" (Urban Institute, July 18, 2020), [https://www.urban.org/sites/default/files/publication/102579/more-than-one-in-six-adults-were-food-insecure-two-months-into-the-covid-19-recession\\_0.pdf](https://www.urban.org/sites/default/files/publication/102579/more-than-one-in-six-adults-were-food-insecure-two-months-into-the-covid-19-recession_0.pdf); Lauren Bauer, "The COVID-19 Crisis Has Already Left Too Many Children Hungry in America" (Brookings Institution, May 6, 2020), <https://www.brookings.edu/blog/up-front/2020/05/06/the-covid-19-crisis-has-already-left-too-many-children-hungry-in-america>.
2. S. Bleich et al., "Strengthening WIC's Impact during and after the COVID-19 Pandemic" (Healthy Eating Research, July 2020), <https://healthyeatingresearch.org/research/strengthening-wics-impact-during-and-after-the-covid-19-pandemic/>.



## WIC DURING COVID-19

At the start of the pandemic, federal nutrition programs needed to adapt quickly to comply with new social distancing guidelines while protecting participants, clinic staff, and their families. These guidelines often conflicted with WIC services that require in-person interaction, such as obtaining participant height, weight, and blood work and providing nutrition and breastfeeding education.<sup>3</sup> Disruptions in the availability of WIC-approved foods on store shelves further challenged the program's ability to deliver effective services.

Unlike the Supplemental Nutrition Assistance Program (SNAP), WIC participants receive a pre-approved food package of specific items designed to meet their individual nutritional needs—for example, one 12-count carton of eggs, 1 gallon of 1 percent milk, and 16 oz. of whole grain bread. Given this product specificity, WIC requires WIC-approved vendors to maintain minimum stocking levels and to assess whether participants can always access necessary foods.

On March 18, 2020, the Families First Coronavirus Response Act (PL 116-127) authorized USDA to waive WIC regulatory requirements if a state requested specific flexibilities.<sup>4</sup> With these waivers, state agencies could ensure the implementation of remote or modified services and participant access to necessary foods. After receiving an approved waiver, USDA requires state agencies to report the waiver's impact within one year of approval.

For this report, requested waivers were divided into two categories: food package substitution waivers and nonfood package waivers. The former allow substitutions of federally authorized food package items. The latter relates to physical presence requirements, certification requirements, vendor management, monitoring, and other federal regulations.

3. "WIC Program Overview and History," National WIC Association, accessed October 5, 2020, <https://www.nwica.org/overview-and-history>.
4. "USDA Feeds Kids, Helps Families during COVID-19 Emergency," US Department of Agriculture, March 26, 2020, <https://www.usda.gov/media/press-releases/2020/03/26/usda-feeds-kids-helps-families-during-covid-19-emergency>.



## POLICY TIMELINE

Using this new waiver authority, USDA granted a series of short-term extensions, though advocates in the field pressured USDA to extend waiver approvals through the pandemic duration. On May 15, 2020, USDA announced an extension of all approved waivers, originally set to expire on May 31, through June 30.<sup>5</sup>

In early June, USDA announced that all waivers could be extended through July based on demonstrated need from state agencies. At this time, USDA also announced that future waiver extensions would only be offered on a month-to-month basis. This decision received significant criticism from nutrition assistance and public health advocates.<sup>6</sup> On June 29, 2020, USDA extended all approved waivers through September 30.<sup>7</sup>

## POLICY TIMELINE



5. "WIC Policy Memorandum #2020-2: Extensions for USDA FNS-Approved COVID-19 Waivers through June 30, 2020," US Department of Agriculture, May 15, 2020, <https://www.fns.usda.gov/wic/extensions-covid-19-waivers-through-june-30>.
6. "Monday Morning Report," National WIC Association, June 15, 2020.
7. "Extensions for Approved COVID-19 Waivers through September 2020," US Department of Agriculture, June 29, 2020, <https://www.fns.usda.gov/wic/covid-19-waiver-extensions-through-september-2020>.



As this deadline rapidly approached, calls to extend waiver approval became even more prominent. On September 21, 2020, nine days before waiver expiration, USDA announced a proactive extension of approved waivers until 30 days after the end of the national public health emergency period.<sup>8</sup>

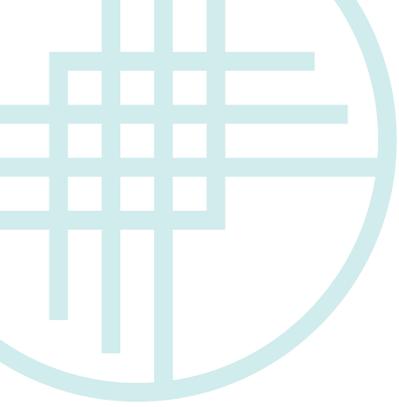
Concurrent to this announcement, the House of Representatives proposed an extension of USDA's waiver authority through September 30, 2021.<sup>9</sup> This extension applies to several waivers, including Physical Presence, Remote Benefit Issuance, Food Package Substitution, and all waivers providing additional options for food pick-up.<sup>10</sup> After months of advocacy and discussions, this announcement ensures that WIC participants can safely access the food and support they need during the ongoing pandemic.<sup>11</sup>

## METHODOLOGY

From March 20, 2020, through the expiration of the first waiver extension on June 30, CPH tracked a total of 789 WIC waiver requests and USDA responses from 89 WIC agencies in states, US territories, and Indian Tribal Organization (ITOs) in response to COVID-19. For this report, state agencies refer to WIC agencies from states, US territories, and ITOs.

CPH updated the tracker twice weekly to provide the most up-to-date source for state agencies. Response letters posted on the USDA Food and Nutrition Service website acted as the primary source of information.<sup>12</sup> An online survey from the

8. "Extensions for Certain USDA-FNS Approved COVID-19 Waivers," USDA, accessed September 22, 2020, <https://www.fns.usda.gov/wic/extension-certain-approved-COVID-19-waivers>.
9. "Congress Sustains Bipartisan Consensus for WIC, Child Nutrition Flexibilities," National WIC Association, September 22, 2020, <https://www.nwica.org/blog/congress-sustains-bipartisan-consensus-for-wic-child-nutrition-flexibilities#.X3ISimhJGUk>; "USDA Extends WIC COVID-19 Flexibilities for Duration of the COVID-19 Public Health Emergency," US Department of Agriculture, September 21, 2020, <https://www.usda.gov/media/press-releases/2020/09/21/usda-extends-wic-covid-19-flexibilities-duration-covid-19-public>.
10. Sarah Windor, "Extensions for Certain USDA-FNS Approved COVID-19 Waivers," USDA, September 21, 2020, <https://www.fns.usda.gov/wic/extension-certain-approved-COVID-19-waivers>; "What Does the USDA Waivers Decision Mean For WIC?," National WIC Association, September 21, 2020, [https://www.nwica.org/blog/what-does-the-usda-waivers-decision-mean-for-wic#.X20U\\_WhJE2z](https://www.nwica.org/blog/what-does-the-usda-waivers-decision-mean-for-wic#.X20U_WhJE2z).
11. "WIC Providers, Medical Community Urge USDA to Immediately Extend COVID-Related Flexibilities," National WIC Association, August 31, 2020, <https://www.nwica.org/blog/wic-providers-medical-community-urge-usda-to-immediately-extend-covid-related-flexibilities#.X4mztdBJGUk>; "Friends of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) c/o National WIC Association," Friends of the Special Supplemental Nutritional Program for Women, Infants, and Children (WIC), July 31, 2020, <https://www.naccho.org/uploads/downloadable-resources/07.31.20-WIC-Waivers-National-Letter.pdf>.
12. "Tribal Nation COVID-19 Waivers & Flexibilities," US Department of Agriculture, accessed September 22, 2020, <https://www.fns.usda.gov/disaster/pandemic/covid-19/tribal-waivers-flexibilities>; "WIC: COVID-19 Waivers by State," US Department of Agriculture, accessed September 22, 2020, <https://www.fns.usda.gov/disaster/pandemic/covid-19/wic-waivers-flexibilities>.



National WIC Association supplemented USDA posted responses because of the limitations of USDA data. Though sent to every state agency weekly, the survey was voluntary and self-reported. If a state agency submitted a survey response when a USDA response was available, information from the published USDA response was included. Limitations of the USDA data included incorrectly posted response letters, delayed availability of response letters on the website, and USDA's discretion to not publish all waiver responses (e.g., waiver requests needing technical assistance).

The tracker collected comprehensive information, including but not limited to the following:

- state/US territory/ITO name,
- waiver type,
- response status (approved/declined/no response),
- date submitted,
- date of USDA response,
- waiver expiration date<sup>13</sup>
- USDA response details, and
- food package substitution waivers which included food items and substitution type.

Our analysis excluded submitted waivers (1) that did not require federal waivers, (2) for which USDA posted the incorrect response, and (3) where USDA guidance did not require additional flexibilities (47 total).

The tracker and analysis excluded the universally issued “Extensions of Approved Waivers” policy memorandums on May 15, 2020, and June 29, 2020.<sup>14</sup> An approved WIC waiver does not necessarily assume state agency utilization. Once approved, state agencies maintained autonomy to either implement or not implement waivers. Though several studies are evaluating WIC Waiver implementation, these data were not available at the time of publication.

13. The expiration for WIC waivers was originally listed as May 31, 2020, with the exception of Farmers Market Nutrition Program (FMNP)-related waivers, which expired on September 30, 2020. The expiration dates were later updated to match the extensions approved by USDA to June 30, 2020, September 30, 2020, and 30 days after the end of the public health emergency period.

14. “Extensions for USDA FNS-Approved COVID-19 Waivers through September 30, 2020,” US Department of Agriculture Food and Nutrition Service, June 29, 2020, <https://www.fns.usda.gov/wic/covid-19-waiver-extensions-through-september-2020>; “WIC Policy Memorandum #2020-2: Extensions for USDA FNS-Approved COVID-19 Waivers through June 30, 2020,” US Department of Agriculture Food and Nutrition Service, <https://www.fns.usda.gov/wic/extensions-covid-19-waivers-through-june-30>.



## ANALYSIS OF CPH WIC WAIVER TRACKER

There were 742 waivers submitted by state agencies, with 622 approved and 94 denied. Several trends emerged from these waivers to guide recommendations for future waiver submissions and interaction between state agencies and the USDA. For this report, we analyzed the most commonly requested waivers, the time between a waiver submission and its approval or denial, and the most common food substitution waivers.

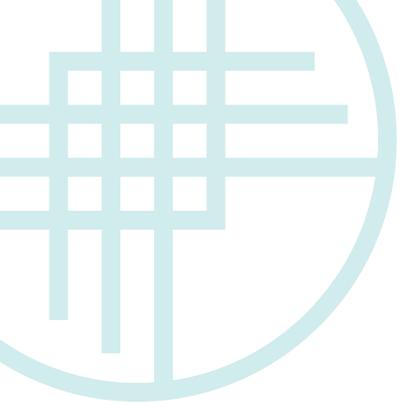
**Table 1: Top Five Most Commonly Requested and Approved Waivers**

Waiver Type	Waiver Details
Physical Presence (includes lab work)	Allows state agencies to waive the requirement that participants physically come into the WIC clinic for anthropometric and bloodwork requirements necessary for enrollment/re-enrollment
Remote Benefit Issuance	Allows participants to obtain WIC benefits without going to WIC clinic in person
Separation of Duties	Allows a single WIC employee, which is normally prohibited, to determine participant eligibility and issue food benefits to a participant
Whole Wheat/Whole Grain Bread-Package Size	Allows participants to purchase whole wheat/whole grain bread in additional package sizes to what is typically prescribed
Local Agency Monitoring	Allows state agencies to conduct agency monitoring reviews virtually instead of on-site

Source: Milken Institute (2020)

For more detail throughout this section, please refer to the attached [Nonfood Package Waiver Details Table](#) and [Food Package Substitution Waiver Details Table](#) included in the Appendix.

**USDA issued 622 approved waivers from March 20 to June 30, 2020, to 89 WIC agencies (Figure 1).** Nearly 80 percent of all waiver requests were submitted in March, reflecting the need to adapt quickly to challenges related to COVID-19. Critical in-person WIC services, including certification, issuing benefits, anthropometric and bloodwork checks, and nutrition and breastfeeding education, were immediately impacted, resulting in a need for WIC flexibilities.

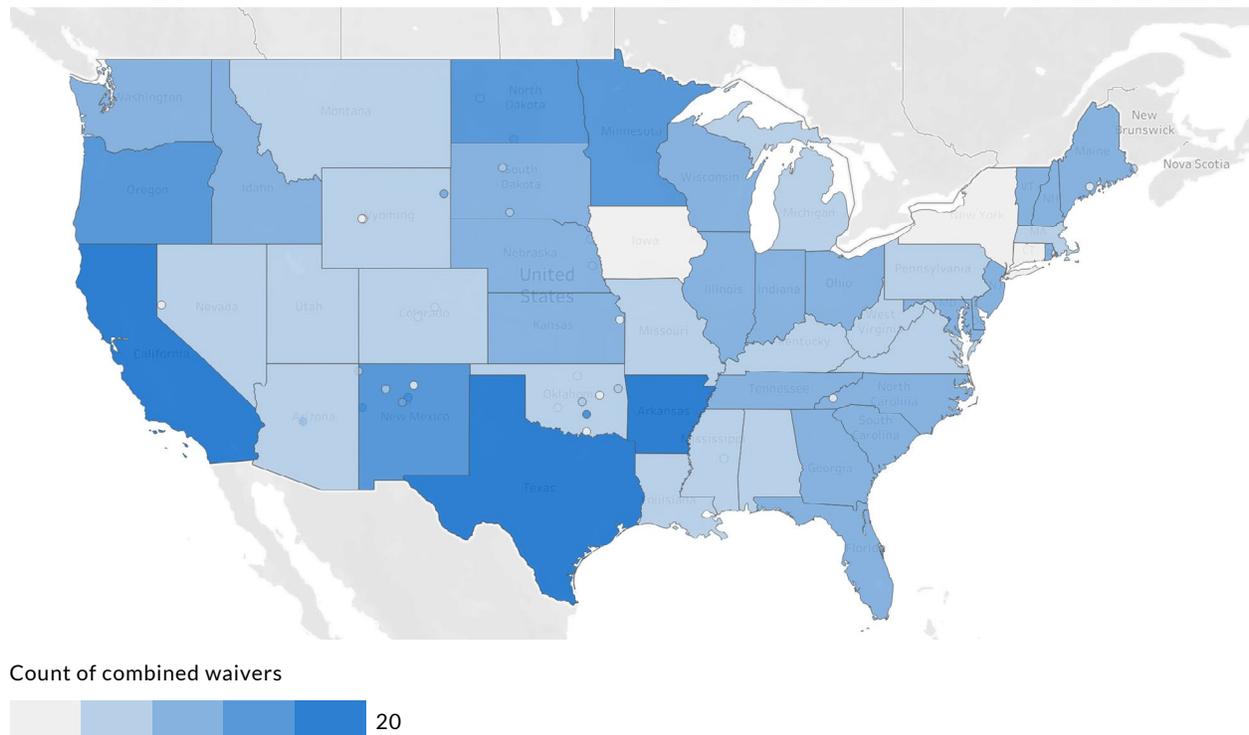


Of all waivers approved, 71 percent were nonfood package waivers, and 29 percent were food package substitution waivers. On average, each state agency held seven approved waivers. Three states held the largest number of approved waivers (14 and 15 waivers). Six ITOs had the fewest number of waivers (two waivers).

**Because of state-based variation in programmatic operations, agencies had unique waiver needs.** For example, not all agencies operate a WIC Farmers Market Nutrition Program (FMNP) and, therefore, would not apply for this waiver. This variation contributes to the range in the number of waiver requests per state agency.

**Waivers allowing for remote work were the most requested, accounting for 23 percent of all waivers requested.<sup>15</sup>** The significant number of nonfood packages waivers highlights the importance of flexibilities required to provide critical services beyond supplemental foods and the need for each WIC agency to continue operating safely and efficiently to protect participants, clinic staff, and their families from exposure to COVID-19.

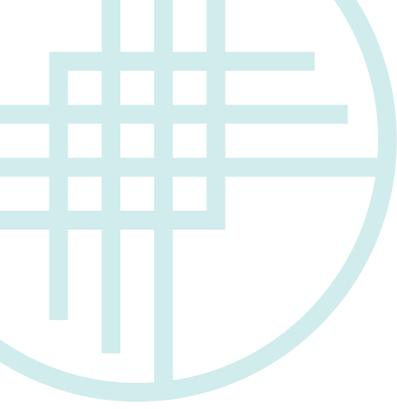
**Figure 1: Approved Waivers by State**



Note: Alaska, American Samoa, the Commonwealth of Northern Mariana Islands, Guam, and Hawaii are not included in this map.

Source: Milken Institute (2020)

15. Including Physical Presence waivers and Remote Benefit Issuance waivers.



*As of June 30, 2020, 84 percent of all waivers were approved, 13 percent were denied, and 3 percent had no response.*

**Of the 94 denied waiver requests, 22 percent were reported exclusively through survey responses.** Six states reported denied waivers for extended certification, medical documentation, and processing standards. Notably, the denied Processing Standards waiver and specific Medical Documentation waivers<sup>16</sup> were identified exclusively through survey responses and were not reflected in USDA response letters. **There is a lack of clarity on how the USDA makes decisions on posting waiver information. However, this information may have been communicated directly to state agencies.**

**Except for Transaction without Presence of a Cashier, waivers were approved and denied equally across all agencies and waiver types.** The Transaction without Presence of a Cashier<sup>17</sup> waiver facilitates contactless ordering by waiving the requirement that WIC transactions must occur in the presence of a cashier. Even when approved, it is important to note that most vendors do not have the ability to provide this option. Although approved for Chickasaw Nation and New Jersey, this waiver was denied for Minnesota.

Of all denied nonfood package waivers, 58 percent were Extended Certification waivers. USDA approved an Extended Certification waiver exclusively for children who were not receiving medical formula or food, denying waiver requests for extended certifications both for additional participant categories and beyond the 90-day period. Denied waivers included Voter Requirement waivers, Spend Forward Authority waivers, Rollover Benefit waivers, Processing Standard waivers, and specific Medical Documentation waivers.<sup>18</sup>

**Response time for waiver requests varied greatly.** Response times ranged from two to 63 days for nonfood package waivers and from three to 13 days for food package substitution waivers. The average response time for all waivers was eight days, with an average of five days for food package substitution waivers and nine days for nonfood package waivers.

16. Referenced Medical Documentation waivers included waivers to allow (1) medical documentation to be waived for 19 calorie formula, (2) medical documentation flexibilities for new participants, (3) verbal approval for medical documentation forms, (4) registered dieticians to issue medical foods, and (5) Component Professional Authority to provide 30 days of special formula while medical documentation status is pending denied.
17. Transaction without Presence of a Cashier waiver waives the requirement that WIC transactions, including the signing of a paper food instrument or cash-value voucher, or the entering of a Personal Identification Number (PIN) in EBT systems, occur in the presence of a cashier.
18. Transaction without Presence of a Cashier waiver waives the requirement that WIC transactions, including the signing of a paper food instrument or cash-value voucher or the entering of a Personal Identification Number (PIN) in EBT systems, occur in the presence of a cashier.

**Table 2: Top Five Longest Response Times for Waivers**

Waiver Category	Waiver Type	Status	Average Response Time (days)
Nonfood Package Waiver	Transaction without Presence of a Cashier	Approved and Denied <sup>19</sup>	63
Nonfood Package Waiver	Vendor Agreement Extension	Approved	49
Nonfood Package Waiver	Processing Standards	Denied	41
Nonfood Package Waiver	Non-Retail 2 Month Issuance	Approved	24
Nonfood Package Waiver	Rollover Benefits	Denied	24

Source: Milken Institute (2020)

Physical Presence waivers had the shortest approval time; however, this is due to the universal approval granted under The Families First Coronavirus Response Act.<sup>20</sup> Response time was the longest in April (33-day average), likely because of the influx of waiver requests. Generally, all regions experienced similar response times from USDA. On average, the response time for denied waivers was three times that for approved waivers (18 days versus 7 days).

**Table 3: Top Five Shortest Response Times for Waivers**

Waiver Category	Waiver Type	Status	Average Response Time (days)
Nonfood Package Waiver	Physical Presence (including lab work)	Approved	2
Nonfood Package Waiver	Fruits and Vegetables, Other Forms	Approved and Denied <sup>21</sup>	3
Nonfood Package Waiver	Juice, Package Size	Approved	3
Nonfood Package Waiver	Fluid Milk, Fat Content	Approved	3
Nonfood Package Waiver	Whole Wheat/Whole Grain Bread, Whole Grain Content	Denied	4

Note: Waivers missing information for date submitted or date of USDA response were not included in this part of the analysis. In addition, the information above includes waivers approved or denied before June 30, 2020.

Source: Milken Institute (2020)

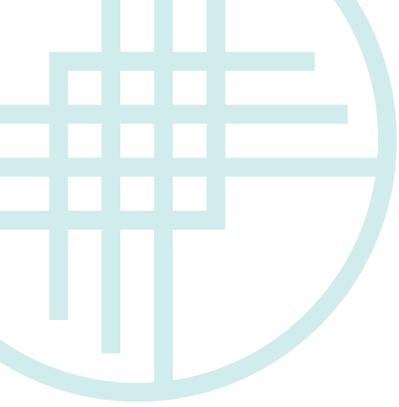
19. WIC waivers are issued to each state on a case-by-case basis. Therefore, some waivers are approved for certain states but not for others.
20. "Q&As Related to COVID-19: WIC and the Food Distribution Programs," US Department of Agriculture Food and Nutrition Service, March 25, 2020, <https://www.fns.usda.gov/covid-19/qas-related-covid-19-and-special-supplemental-nutrition-program-women-infants-and-children>.
21. Approved for waiver to allow participants with infants ages nine-11 months to receive a cash value voucher for fresh fruits and vegetables to substitute canned and/or frozen fruits and vegetables with no added sugar, fats, oils, or salt (i.e., sodium). Denied for waiver to purchase processed (i.e., canned, frozen, and dried) with added sugars, fats, or oils, or processed fruit (i.e., canned, frozen, and dried) with added sugars, fats, oils, or salt (i.e., sodium).

**Table 4: Most Common Food Package Waiver Requests**

Substitution Type	Food Item	Count of Waiver type coded	
Alternate Food	Cheese	4	Approved
	Eggs	11	Denied
	Peanut Butter	1	Denied
<b>Alternate Food Total</b>		<b>16</b>	
Fat Content	Fluid Milk	21	Approved
	Lactose-free milk	2	Approved
	Milk	36	Approved
	Yogurt	17	Approved
<b>Fat Content Total</b>		<b>76</b>	
Fortification	Soy-Based Beverage	1	Denied
<b>Fortification Total</b>		<b>1</b>	
Maximum Monthly Allowances	Cash Value Vouchers	4	Denied
<b>Maximum Monthly Allowances Total</b>		<b>4</b>	
Other Forms	Eggs	2	Approved
	Fruits and Vegetables	1	Denied
	Infant Food Fruits and Vegetables	4	Approved
	Legumes	2	Approved
<b>Other Forms Total</b>		<b>9</b>	
Package Size	Canned Fish	1	Approved
	Cereal	2	Approved
	Cheese	10	Approved
	Eggs	14	Approved
	Juice	8	Approved
	Lactose-free milk	1	Approved
	Milk	1	Approved
	Tofu	2	Approved
	Whole Wheat/Whole Grain Bread	43	Approved
	Yogurt	5	Approved
<b>Package Size Total</b>		<b>87</b>	
Reissue	Infant Formula	3	Denied
<b>Reissue Total</b>		<b>3</b>	
Whole Grain Content	Cereal	2	Denied
	Whole Wheat/Whole Grain Bread	6	Denied
<b>Whole Grain Content Total</b>		<b>8</b>	
<b>Grand Total</b>		<b>204</b>	

Note: There were no discrepancies in approval or denial status for each waiver item.

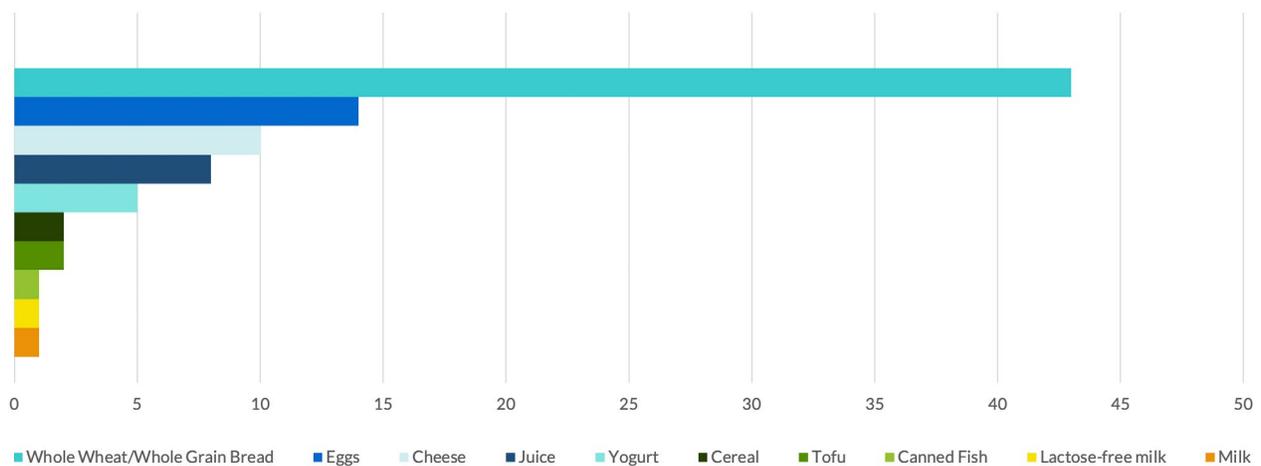
Source: Milken Institute (2020)



The longest response times were experienced for nonfood package waivers. Responses times for Transaction without Presence of a Cashier waivers averaged 63 days. In addition, response times for Vendor Agreement Extension waivers (49 days) and Processing Standards waivers (41 days) were more than four times the average response time. Response time was noticeably longer for responses submitted by surveys (21 days) versus those posted on the USDA website (7 days).

**Food package substitution waiver requests were responsive to temporary retail stocking challenges due to nationwide panic-buying.** One hundred and eighty food package substitution waivers were submitted in March 2020, followed by a steep decline in requests through June. This trend mirrors reports from WIC vendors of temporary stocking challenges caused by consumer hoarding at the onset of COVID-19 rather than food supply shortages.<sup>22</sup> Vendors also reported instituting purchasing limits and designating shopping hours for at-risk populations, including pregnant women, to mitigate these challenges.<sup>23</sup>

**Figure 2: Approved Package Size Waivers by Food Type**



Note: All package size waivers were approved. A total of 89 package size waivers were approved before June 30, 2020.

Source: Milken Institute (2020)

22. Eliza Kinsey, Dirk Kinsey, and Andre Rundle, "COVID-19 and Food Insecurity: An Uneven Patchwork of Responses," *Journal of Urban Health* 97, no. 3 (June 5, 2020): 332–35, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7274516/>.

23. "NWA 2020 WIC Vendor Partners Roundtable—COVID-19 Focus," National WIC Association, March 18 2020, [https://secure.icohere.com/login/login\\_presentation.cfm?comseq=2599884184210205&product=iCoPoint&pnum=HTX68150](https://secure.icohere.com/login/login_presentation.cfm?comseq=2599884184210205&product=iCoPoint&pnum=HTX68150).



## KEY THEMES AND RECOMMENDATIONS

WIC waivers provided critical flexibilities by allowing WIC to continue serving millions of women, infants, and children during a global pandemic while protecting staff and their families. Key themes from the CPH WIC Waiver Tracker and recommendations follow:

### Increased communication would foster more efficient responses to support both WIC participants and state agencies

**Recommendation:** Enhance communication between USDA and state agencies.

1. Establish proactive communication processes, including waiver options, response times, and expiration dates.
2. Address the desire for more technical assistance communication and guidance between USDA and state agencies.
3. Ask USDA to develop a consolidated, streamlined, up-to-date source of information regarding waiver updates and status to support state agencies further.

### COVID-19 waiver flexibilities create an opportunity to integrate learnings into long-term WIC practices

**Recommendation:** Conduct rigorous research on the WIC waiver process, including impact on participants and state agencies.

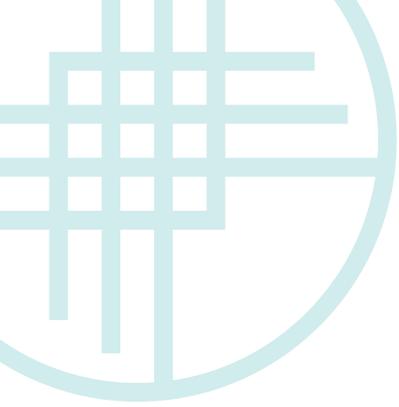
1. Investigate waiver utilization and implementation as well as participant retention and redemption.
2. Conduct outreach to state agencies to understand needs, best practices, and opportunities for improvement for both local and national health emergencies and disasters.
3. Identify opportunities to streamline and ensure equitable waiver processes, understanding the variation in needs among state agencies.

### Evaluation of WIC waivers is needed to establish best practices for future public health emergencies and long-term WIC practices

**Recommendation:** Host a series of roundtable discussions with stakeholders, including agencies, industry, government, and advocates.

1. Identify opportunities for greater clinic flexibility and technology integration, including investments in state agency tools, such as laptops, to support working from home and video conferencing.
2. Facilitate cross-sector collaboration to propose evidence-based approaches to integrate flexibilities over the long term while maintaining program integrity and participant satisfaction.





WIC waiver requests for all milk types (lactose-free, fluid milk, and milk) were most commonly requested, accounting for 30 percent of waivers, followed by whole wheat/whole grain bread (24 percent) and eggs (13 percent). Waivers related to package size and fat content were most common, accounting for 79 percent of all food package substitution waiver requests. Twenty-four agencies (17 of which were ITOs) did not apply for food package substitution waivers. State agencies may not have applied for these waivers because of concerns about participant confusion, administrative burden, and lack of local stocking disruptions.

**USDA categorically denied waivers that directly impacted federal nutrition requirements, such as waivers for fortification requirements and whole grain requirements.**<sup>24</sup> This decision aligns with WIC’s commitment to providing nourishing foods that meet the specific nutrition needs of participants.<sup>25</sup>

USDA also denied all waivers to increase Cash Value Vouchers or Cash-Value Benefit, which are used to purchase fruits and vegetables. Finally, USDA denied all waivers for Formula Reissuance because of an inability to ensure product safety upon reissuance.<sup>26</sup>

## NEXT STEPS

Flexibilities provided by the USDA COVID-19 WIC waivers offer an opportunity to understand how agencies and participants can be supported not only in times of crisis but also as we transition to the next normal. By conducting rigorous research on the WIC waiver process, hosting a series of stakeholder roundtable discussions, and enhancing communication between USDA and state agencies, WIC can continue to meet evolving needs. These recommendations further equitable access to nourishing food, health-care referrals, and nutrition education for women, infants, and children across the US at a time when they are needed most.

24. “Part 246—Special Supplemental Nutrition Program for Women, Infants and Children,” USDA Food and Nutrition Service, August 12, 2019, <https://www.fns.usda.gov/part-246%E2%80%94special-supplemental-nutrition-program-women-infants-and-children>.

25. Victor Oliveira and Elizabeth Frazão, “The WIC Program: Background, Trends and Economic Issues, 2015 Edition,” US Department of Agriculture, Economic Research Service, January 2015, <https://www.ers.usda.gov/publications/pub-details/?pubid=43927>.

26. Sarah Windor to Jesus Mendoza Jr, Regional Administrator, Western Regional Office, “Request for WIC Food Package Flexibilities in Response to COVID-19,” Food and Nutrition Service, April 3, 2020. <https://www.fns.usda.gov/disaster/pandemic/covid-19/alaska#wic>.

# APPENDIX

**Table A-1: Nonfood Package Waiver Details**

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Certification Flexibilities	7 CFR 246.7(g)(1)	The State agency may permit its local agencies to certify a child for a period of up to one year, provided the local agency ensures that the child receives the required health and nutrition assessments, as set forth in § 246.11(e)(3).	Waiver for mid-assessment for one-year child certification.	No Response	N/A	Survey	0	1	1
Certification Flexibilities	7 CFR 246.7(g)(1)	Program benefits will be based upon certifications established in accordance with the following time frames: Pregnant women; Postpartum women; Breastfeeding women; Infant; Child. <i>Certification occurs approximately every six months in most categories.</i>	Waiver to allow changes in participant category when needed.	Denied	N/A	Survey	0	1	1
Certification Proofs and Recertification	7CFR 246.7(c)(2)(i)7CFR 246.7(c)(2)(ii) 7CFR 246.7(d)(2)(v)	At certification, the State or local agency must require each applicant to present proof of residency and proof of identity. Applicants determined to be adjunctively or automatically income-eligible to document their edibility. All other applications must provide documentation of family income. Proof of pregnancy is not required by federal regulation.	Waiver for proof of pregnancy, residency, and income. Includes waiver requests to allow proofs to carry over for recertification, automatically recertify participants to issue food packages for infants turning one year, and pregnant women.	No Response	N/A	Survey	0	7	7
Compliance Investigations	7 CFR 246.12(j)(4)(i)	Requires WIC State agencies to conduct compliance investigations of a minimum of 5 percent of the number of vendors authorized by the State agency as of October 1 of each fiscal year.	Waiver to allow cessation of investigative activities during the waiver period; does not waive the 5 percent requirement.	Approved	USDA Food and Nutrition Service (FNS) understands that on-site investigations of vendors requiring WIC and vendor employees to interact create an undesirable risk. A waiver of the requirement for on-site vendor monitoring reviews removes a requirement that the State agency cannot currently meet due to COVID-19.	USDA	11	0	11

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Direct Distribution	7 CFR 246.12(r)(5) and the related signature requirement outlined in 7 CFR 246.12(r)(2)	Requires the State agency to ensure that no more than a one-month supply of supplemental foods is issued at any one time to any participant, parent/caretaker, or proxy. (r)(2); Requires that a participant, parent/caretaker, or proxy signs for receipt of supplemental foods.	Waiver to allow the State agency to issue two months of infant formula and dry goods to participants.	Approved	USDA FNS understands that normal direct distribution procedures that involve staff and participant interactions create an undesirable risk and may not be possible for the agency at this time. This waiver removes a requirement that could prevent or impede the provision of essential Program services.	USDA	2	0	2
Extended Certification	7 CFR 246.7(g)(3)	Prohibits State agencies from extending certifications beyond 30 days when there is difficulty in appointment scheduling.	Waiver to extend certification periods up to 180 days. This also includes waivers requesting extensions for 60 days, 120 days, or to the child's fifth birthday.	Denied/No Response	N/A	Survey	0	7	7
Extended Certification	7 CFR 246.7(g)(3)	Prohibits State agencies from extending certifications beyond 30 days when there is a difficulty in appointment scheduling.	Waiver to provide an extension of the certification period of up to 90 days for pregnant and infant categories or children receiving Food Package III.	Denied/No response	The transition from the pregnant category to breastfeeding or postpartum category, as well as the transition from the infant to child are critical periods. These transitions require a nutrition and breastfeeding assessment, as well as nutrition education on the changes in the food package and referrals/follow-up that are appropriate to the participant. A child receiving Food Package III is medically fragile and requires a timely nutrition assessment and WIC nutrition services.	USDA/Survey	36	0	36

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Extended Certification	7 CFR 246.7(g)(3)	Prohibits State agencies from extending certifications beyond 30 days when there is a difficulty in appointment scheduling.	Waiver to provide an extension of the certification period of up to 90 days for a child receiving Food Package IV.	Approved	USDA FNS understands that normal clinic operations and processes are impeded and many clinics are closed. An extension to the existing regulatory limit on the certification period for a Child receiving Food Package IV removes a requirement that under current circumstances could prevent or impede the provision of essential WIC program services to the highest risk participants.	USDA	36	0	36
Farmers' Market Nutrition Program (FMNP) Monitoring*	7 CFR 248.10(e)(2) and 248.17(c) (1)	Require the State agency to conduct annual, on-site monitoring of at least 10 percent of farmers, 10 percent of farmers' markets, and 10 percent of roadside stands, which includes those farmers, farmers' markets, and roadside stands identified as highest risk.	Waiver of the requirement for on-site monitoring reviews.	Approved	USDA FNS understands that on-site monitoring of farmers, farmers' markets, and roadside stands requiring WIC employees to closely interact creates an undesirable risk. A waiver of the requirement for on-site monitoring reviews removes a requirement that the State agency cannot currently meet due to COVID-19.	USDA	6	0	6
Farmers' Market Nutrition Program (FMNP) Training*	7 CFR 248.10(a)(4) and (d)	Require the State agency to conduct face-to-face training prior to startup of the first year of FMNP participation of a farmers' market and individual farmers.	Waiver to allow WIC agencies to conduct the initial training of farmers and farmers' market managers by remote means, including but not limited to telephone conference calls, video conferences, and web-based training.	Approved	USDA FNS understands that face-to-face training creates an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential Program services.	USDA	14	0	14

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
<b>Farmers' Market Nutrition Program (FMNP) Agreement</b>	7 CFR 248.10(b)(7)	Requires that agreements with authorized farmers, roadside stands, and/or farmers' markets not exceed three years.	Waiver to extend currently expiring agreements by one year.	Approved	As a result of office closures and/or stay-at-home orders, staff have been working remotely and have not been able to receive farmer applications or review and process reauthorizations. Approval of this extension will prevent the loss of significant numbers of farmers authorized to accept FMNP coupons this season while ensuring State agencies maintain Program integrity through reauthorization in advance of next year's season.	USDA	1	0	1
<b>Four Month Issuance</b>	7 CFR 246.12(r)(5)	Requires the State agency to ensure that no more than a three-month supply of food instruments is issued at any one time to any participant, parent, or caretaker of an infant or child participant or proxy.	Waiver to allow State agencies to issue up to four months of WIC benefits on (EBT) cards at one time.	Approved	USDA FNS understands that normal offline electronic benefit transfer (EBT) benefit issuance procedures, which often involve contact between participants and clinic staff, create an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential Program services to participants.	USDA	7	0	7
<b>Local Agency Monitoring</b>	7 CFR 246.19(b)(3)	Requires State agencies to conduct on-site monitoring reviews of a minimum of 20 percent of the clinics in each local agency or one clinic, whichever is greater.	Waiver to allow State agencies to conduct local agency monitoring reviews virtually (e.g., via desk audit or other means) instead of on-site.	Approved	USDA FNS understands that on-site monitoring of clinic operations requiring employees, participants, and applicants to come into the clinic physically creates an undesirable risk and that there are mandatory clinic closures in some areas. A waiver of the requirement for on-site monitoring reviews removes a requirement that the State agency cannot currently meet due to COVID-19.	USDA	41	0	41

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Medical Documentation	7 CFR 246.10(d)(1)	Requires medical documentation for the issuance of the following supplemental foods: Any non-contract brand formula; Any infant formula prescribed to a participant receiving Food Package III; any authorized supplemental food issued to participants receiving Food Package III; any exempt infant formula; any WIC-eligible nutritional; and any contract brand infant formula that does not meet the requirements in Table 4 of paragraph (e)(12) of 7 CFR 246.10(d)(1).	Waiver for medical documentation to allow existing benefits to be extended by no more than two months for participants with documented qualifying conditions.	Approved	USDA's Food and Nutrition Service (FNS) understands that many medical clinics are closed and only offering emergency services, thus participants and WIC staff are unable to contact the participant's health-care provider to obtain medical documentation.	USDA/Survey	37	4	41
Medical Documentation	7 CFR 246.10(e) (3-7)	Medical documentation must meet the requirements described in paragraph (d) of this section (7 CFR 246.10 (e)). Participants who are eligible to receive this food package must have one or more qualifying conditions, as determined by a health-care professional licensed to write medical prescriptions under State law.	Waiver to allow registered dietitians to assess and issue medical formula/foods	Denied	N/A	Survey	0	1	1
Medical Documentation	7 CFR 246.10(d)(1)	Requires medical documentation for the issuance of the following supplemental foods: Any non-contract brand formula; Any infant formula prescribed to a participant receiving Food Package III; any authorized supplemental food issued to participants receiving Food Package III; any exempt infant formula; any WIC-eligible nutritional; and any contract brand infant formula that does not meet the requirements in Table 4 of paragraph (e)(12) of 7 CFR 246.10(d)(1).	Waiver to allow medical documentation to be waived for 19-calorie formula	Denied/ No Response	N/A	Survey	0	5	5
Medical Documentation	7 CFR 246.10(d)(5)	Due to the nature of the health conditions of participants who are issued supplemental foods that require medical documentation, close medical supervision is essential for each participant's dietary management. The responsibility remains with the participant's health-care provider for this medical oversight and instruction.	Waiver to allow registered dietitians to assess and issue medical formula/foods	Denied	N/A	Survey	0	1	1

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Medical Documentation	7 CFR 246.10(d)(4)(iii) (A)	Medical documentation must be written and may be provided as an original written document, an electronic document, by facsimile, or by telephone to a competent professional authority until written confirmation is received.	Waiver to allow verbal approval for medical documentation forms.		N/A	Survey	0	2	2
Medical Documentation	7 CFR 246.10(d)(1)	Medical documentation is required for the issuance of the following supplemental foods: Any non-contract brand formula; Any infant formula prescribed to a participant receiving Food Package III; any authorized supplemental food issued to participants receiving Food Package III; any exempt infant formula; any WIC-eligible nutritional; and any contract brand infant formula that does not meet the requirements in Table 4 of paragraph (e)(12) of 7 CFR 246.10(d)(1).	Waiver to allow medical documentation flexibilities for new participants, including waiver for relief from primary care orders for new participants	Denied/No response	N/A	Survey	0	2	2
Minimum Stock	7 CFR 246.12(g)(3)(i)	Requires State agencies to establish minimum requirements for the variety and quantity of supplemental foods that a vendor applicant must stock to be authorized. These requirements include that the vendor stock at least two different fruits, two different vegetables, and at least one whole grain cereal authorized by the State agency.	Waiver of the minimum stocking requirements for the purposes of vendor assessment and monitoring during the authorization period.	Approved	Pursuant to the authority granted in section 2204(a)(1) of the Families First Coronavirus Response Act (PL 116-127), USDA's FNS approves this waiver request.	USDA	22	0	22
Non-Retail 2 Month Issuance	7 CFR 246.12(r)(5)	Requires the State agency to ensure that no more than a one-month supply of supplemental foods is issued at any one time to any participant, parent/caretaker, or proxy.	Waiver to allow the State agency to issue two months of exempt infant formula through its home delivery and/or direct distribution system at one time.	Approved	USDA FNS understands that normal direct distribution and home delivery procedures that involve staff and participant interactions create an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential Program services.	USDA	5	0	5

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Physical Presence (includes lab work)	42 USC. 1786(d)(3)(C)(i)	Except as provided in clause (ii) and subject to the requirements of the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.) and section 794 of title 29, each individual seeking certification or recertification for participation in the program shall be physically present at each certification or recertification determination in order to determine eligibility under the program.	Waiver for physical presence requirement, including the ability to defer anthropometric and bloodwork requirements necessary to determine nutritional risk for the period the physical presence waiver is in effect.	Approved	USDA FNS understands that normal clinic operations that require employees, participants, and applicants to come into the clinic create an undesirable risk physically and that there are mandatory clinic closures in some areas. A waiver of physical presence removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	89	0	89
Processing Standards	7 CFR 246.7(f)(2)(iii), (A) and (B)	Special nutritional risk applicants shall be notified of their eligibility or ineligibility within 10 days of the date of the first request for Program benefits; All other applicants shall be notified of their eligibility or ineligibility within 20 days of the date of the first request for Program benefits.	Waiver for the 10- and 20-day processing standards to permit local agency staff adequate time to conduct remote certifications throughout the duration of the COVID-19 public health emergency. Includes waivers to extend current processing standards from 10 to 20 days and 20 to 30 days.	Denied	N/A	Survey	0	9	9
Remote Benefit Issuance	7 CFR 246.12(r)(4)	Requires in-person pick up of food instruments when a participant is scheduled for nutrition education or has a subsequent certification appointment.	Waiver of the requirement of in-person pick up of food instruments when a participant is scheduled for nutrition education or has subsequent certification appointment, allowing the State agency to issue benefits remotely.	Approved	USDA FNS understands that normal clinic operations requiring employees, participants, and applicants to come into the clinic create an undesirable risk physically and that there are mandatory clinic closures in some areas. A waiver of the requirement for in-person pick up of food instruments under certain circumstances removes a requirement that could prevent or impede the provision of essential Program services to participants.	USDA	85	0	85

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
<b>Rollover Benefits</b>	7 CFR 246.10(e) (9)-(12)	Establishes participant food benefits in accordance with certification periods, requiring WIC food benefits only be available during their designated dates of use.	Waiver to roll over the use of benefits into a subsequent month or months.	Denied	USDA FNS does not approve the request to extend benefits or rollover benefits into a subsequent month. Under section 2204(a) (1) of the Families First Coronavirus Response Act (PL 116-127), USDA FNS has the authority to waive administrative requirements that cannot be met by a State agency due to COVID-19 and the modification or waiver is necessary to provide assistance consistent with Section 17 of the Child Nutrition Act (42 USC 1786). However, USDA FNS cannot fundamentally expand or change Program benefits under this authority.	USDA	8	0	8
<b>Routine Monitoring</b>	7 CFR 246.12(j)(2)	Requires WIC State agencies to conduct routine monitoring visits on a minimum of five percent of the number of vendors authorized by the State agency as of October 1 of each fiscal year in order to survey the types and levels of abuse and errors among authorized vendors and to take corrective actions, as appropriate.	Waiver of the requirement for on-site vendor routine monitoring visits to vendors throughout the waiver period; does not waive the 5 percent requirement.	Approved/ No response	USDA FNS understands that on-site monitoring of vendors requiring WIC and store employees to interact creates an undesirable risk. A waiver of the requirement for on-site vendor monitoring reviews removes a requirement that the State agency cannot currently meet due to COVID-19.	USDA/ Survey	9	1	10

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Separation of Duties	7 CFR 246.4(a)(27)(iii)	Requires the State to prohibit a single employee from determining eligibility for all certification criteria and issuing food instruments, cash-value vouchers, or supplemental food for the same participant.	Waiver of the requirement that prohibits a single employee from determining eligibility for all certification criteria and issuing food instruments, cash-value vouchers, or supplemental food for the same participant.	Approved/No response	USDA FNS understands that normal clinic operations and processes are impeded and many clinics are closed. As a result, State WIC agencies report that many staff are teleworking; therefore, certifications and recertifications are being conducted over the phone by a single staff member. The services required to coordinate separation of duties at this time would impart a significant administrative burden and result in a delay in or inability to provide WIC services. A waiver of the separation of duties requirement removes a requirement that under current circumstances could prevent or impede the provision of essential WIC program services to participants.	USDA/Survey	55	2	57
Spend Forward Authority	17(i)(3)(A)(ii)(I) of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1786(i)(3)(A)(ii)(I))	Places a 3 percent cap on the amount allocated to the State agency that may be expended for allowable nutrition services and administration (NSA) expenses incurred by the State agency during the subsequent fiscal year.	Waiver of the 3 percent cap.	Denied	USDA FNS does not have the authority to waive this statutory provision under section 2204(a)(1) of the Families First Coronavirus Response Act (PL 116-127). FNS' waiver authority only applies to regulatory requirements issued under section 17 of the Child Nutrition Act.	USDA	4	0	4

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Transaction without Presence of Cashier	7 CFR 246.12(h) (3)(vi)	Requires that WIC transactions (including the signing of a paper food instrument or cash-value voucher, or the entering of a Personal Identification Number (PIN) in EBT systems) occur in the presence of a cashier.	Waiver of the requirement that WIC transactions must occur in the presence of a cashier.	Approved/ Denied/ No response	USDA FNS understands that normal WIC transaction requirements, including the signing of a food instrument or cash-value voucher, or the entering of a PIN in the presence of a cashier, creates an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential Program services to participants/USDA FNS understands that normal WIC transaction requirements, including the signing of a food instrument or cash-value voucher, or the entering of a PIN in the presence of a cashier, creates an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential program services to participants.	USDA/ Survey	2	3	5
Vendor Agreement Extension	7 CFR 246.12(h) (1)(i)	Requires that vendor agreements must not exceed three years.	Waiver to allow the State agency to postpone some vendor reauthorization actions by extending expiring vendor agreements by one year.	Approved/ No response	USDA FNS understands that the WIC vendor reauthorization process is staff intensive and may require WIC and store employees to interact and creates an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential Program services to participants.	USDA/ Survey	2	1	3

Table A-1: Nonfood Package Waiver Details (continued)

Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA Waivers	Number of Survey Waivers	Total Number of Waivers
Vendor Pre-Authorization	7 CFR 246.12(g)(5)	Requires the State agency to conduct an on-site visit prior to or at the time of a vendor's initial authorization.	Waiver of the requirement for on-site pre-authorization visits by postponing the on-site visit to within 90 days of state and local social distancing orders being lifted.	Approved	USDA FNS understands that sending staff on-site to visit vendors creates an undesirable risk. A waiver of the requirement for on-site pre-authorization visits removes a requirement that the State agency cannot currently meet due to COVID-19 and is necessary to ensure participant access to supplemental foods. When conditions permit, USDA FNS recommends visiting vendors that were not visited prior to authorization in order to verify items included in their applications and to provide on-site technical assistance, as needed.	USDA	11	0	11
Voter Requirements	Section 7 of the National Voter Registration Act of 1993 (NVRA)	Requires that States offer voter registration opportunities at certain State and local offices, including public assistance and disability offices.	Waiver of the requirement that States offer voter registration opportunities at certain State and local offices.	Denied/No response	USDA FNS does not have the authority to waive this statutory request under section 2204(a)(1) of the Families First Coronavirus Response Act (PL 116-127). FNS' waiver authority only applies to section 17 of the Child Nutrition Act of 1966 (42 USC 1786).	USDA/Survey	5	2	7

(\*) Not all state agencies participate in the Farmers Market Nutrition Program; therefore this waiver was not applicable to all states.

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**Table A-2: Food Package Waiver Details**

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Canned Fish	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For canned fish the monthly allowance is 30 oz.	Waiver to allow participants to substitute authorized fish in 2.5-2.6-oz. containers when the prescribed size is not available.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA Food and Nutrition Service (FNS) understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	1	0	1
Cash Value Voucher	Maximum Monthly Allowances	7 CFR 246.10 (e) (10-11), and WIC Policy Memorandum #2015-4	State agencies must issue Cash-Value Vouchers to purchase fresh fruits and vegetables. The monthly allotment is \$4, \$8, \$11, or \$16.50 based on food package and individual assessment.	Waiver to increase the Cash-Value Voucher for any participant category. Includes waivers to increase the Cash-Value Voucher to \$20.00 per participant per month.	Denied	USDA's FNS does not approve the request to increase the Cash-Value Voucher for any participant category as USDA FNS does not have the authority to waive the cash-value voucher amount under section 2204(a)(1) of the Families First Coronavirus Response Act (PL 116-127).	USDA/ Survey	3	1	4
Cereal	Whole Grain Content	7 CFR 246.10 (e)(12)	At least half of the cereals authorized on a State agency's food list must have whole grain as the primary ingredient by weight and meet labeling requirements for making a health claim as a "whole grain food with moderate fat content."	Waiver to remove the requirement that half of cereals meet the whole grain requirements.	Denied	USDA FNS does not approve the elimination of the requirement that one-half of cereals offered meet whole grain requirements as it is not consistent with the nutritional basis of the foods provided by the Program at 7 CFR 246.10(e)(12).	USDA	2	0	2

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Cereal	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For cereal, the monthly allowance is 36 oz.	Waiver to allow participants to substitute authorized breakfast cereals in a variety of sizes up to 36 oz when the prescribed sizes are unavailable. Also includes waivers to allow participants to substitute Instant Oats in 11.8-oz. and 23.7-oz. packages when the prescribed sizes are unavailable.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	2	0	2
Cheese	Alternate Food	7 CFR 246.10 (e)(10-11)	For children and women, cheese may be substituted for milk at the rate of 1 lb. of cheese per 3 qts. of milk. For children and women in Food Packages IV-VI, no more than 1 lb. of cheese may be substituted. For fully breastfeeding women in Food Package VII, no more than 2 lbs. of cheese may be substituted for milk. State agencies do not have the option to issue additional amounts of cheese beyond these maximums, even with medical documentation.	Waiver to allow participants to substitute up to 2 lbs. of cheese at the rate of 1 lb. of cheese per 3 qts. of milk.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	4	0	4

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Cheese	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For cheese, the monthly allowance is 1 lb.	Waiver to allow participants to substitute 6-, 8-, 10-, 12-, 16-, 24-, 32-oz. containers of cheese when the prescribed size is not available, despite the designation of their food package. Also includes waivers to allow families with aggregate food benefits will be allowed to purchase up to 32-oz. containers of cheese, despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA/Survey	8	2	10
Eggs	Alternate Food	7 CFR 246.10 (e)(10-11)	No substitutions for eggs are authorized.	Waiver to allow the substitution of canned fish for eggs.	Denied	USDA FNS does not approve the substitution of canned fish for eggs as canned fish is not a qualified administrative requirement necessary to continue providing program assistance.	USDA	4	0	4
Eggs	Alternate Food	7 CFR 246.10 (e)(10-11)	No substitutions for eggs are authorized.	Waiver to allow participants to substitute peanut butter or mature legumes for eggs despite the designation of their food package. Includes waivers to allow participants to substitute one dozen eggs for one (18-oz.) jar peanut butter or four (15-16-oz.) cans of canned beans or 1 lb. dried mature legumes despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	7	0	7

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Eggs	Other Forms	7 CFR 246.10 (e)(12)	Hard-boiled eggs, where readily available for purchase in small quantities, may be provided for homeless participants.	Waiver to allow participants to substitute hard-boiled eggs for fresh eggs despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	2	0	2
Eggs	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For eggs, the monthly allowance is 1 or 2 dozen depending on the food package.	Waiver to allow participants to substitute 18-count and two 6-count packages of eggs when 12-count packages are unavailable.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	14	0	14
Fluid Milk	Fat Content	7 CFR 246.10 (e)(10-11)	States must issue milk in accordance with the designation on the food package. Milk fat content varies based on designated food package.	Waiver to allow participants to substitute milk of any available fat content despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA/ Survey	20	1	21

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Fruits and Vegetables	Other Forms	7 CFR 246.10 (e)(12)	Participants will not be able to purchase processed (canned, frozen, and dried) with added sugars, fats, or oils, or processed fruit (canned, frozen, and dried) with added sugars, fats, oils, or salt (i.e., sodium).	Waiver to purchase processed (canned, frozen and dried) with added sugars, fats, or oils, or processed fruit (canned, frozen, and dried) with added sugars, fats, oils, or salt (i.e., sodium).	Denied	USDA FNS does not approve the following food item substitution request as it is not consistent with the nutritional basis of the foods provided by the Program at 7 CFR246.10(e)(12): Fruits and Vegetables. Participants will not be able to purchase processed (canned, frozen, and dried) with added sugars, fats, or oils, or processed fruit (canned, frozen, and dried) with added sugars, fats, oils, or salt (i.e., sodium).	USDA	1	0	1
Infant Food Fruits and Vegetables	Other Forms	7 CFR 246.10 (e)(9)	At State agency option, infants nine months through 11 months in Food Packages II and III may receive a cash-value voucher to purchase fresh (only) fruits and vegetables in lieu of a portion of the infant food fruits and vegetables.	Waiver to allow participants with infants nine months through 11 months receiving a cash value voucher for fresh fruits and vegetables may substitute canned and/or frozen fruits and vegetables with no added sugar, fats, oils, or salt (i.e., sodium).	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	4	0	4
Infant Formula	Reissue	7 CFR 246.12(n)(1)	USDA does not allow unopened formula to be reissued to WIC participants as the WIC agency cannot ensure that the formula remained safe for consumption while it was outside of the clinic's control.	Waiver to reissue unopened infant formula.	Denied	USDA FNS does not approve the waiver to reissue returned infant formula. The issuance of returned infant formula from the clinic constitutes operating a direct-distribution food delivery system pursuant to regulations at 7 CFR 246.12(n). A State agency may not set up a direct distribution system that reissues returned infant formula as the WIC agency cannot ensure that the formula remained safe for consumption while it was outside of the clinic's control (246.12(n)(1)).	USDA	3	0	3

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Juice	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For juice, the monthly allowance is 96 fl. oz., 128 fl. oz., or 144 fl. oz. depending on the food package.	Waiver to allow participants to substitute 11.5-, 12-, 16-, 18-, 32-, 46-, to 64-oz. containers and individually packaged juice containers of juice when the prescribed size is not available.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	8	0	8
Lactose-free milk	Package Size	7 CFR 246.10 (e)(11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For lactose-free milk, the monthly allowance is 16 qt., 22 qt., or 24 qt. depending on the food package.	Waiver to allow participants to substitute container sizes of lactose-free milk when the prescribed size is not available, despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	1	0	1
Lactose-free milk	Fat Content	7 CFR 246.10 (e)(10-11)	States must issue milk, including lactose-free milk, in accordance with the designation on the food package. Milk fat content varies based on designated food package.	Waiver to allow participants to substitute lactose-free milk of any available fat content, despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	2	0	2

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Legumes	Other Forms	7 CFR 246.10 (e)(12)	Participants may purchase any type of mature dry beans, peas, or lentils in dry-packaged or canned forms. Baked beans may only be provided for participants with limited cooking facilities. Legumes may not contain added sugars, fats, oils, vegetables, fruits, or meat as purchased.	Waiver to allow participants to substitute baked beans for dried/canned legumes, despite the designation of their food package, and to purchase canned legumes with spices and herbs, vinegar, and tomatoes.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	2	0	2
Milk	Fat Content	7 CFR 246.10 (e)(10-11)	States must issue milk in accordance with the designation on their food package. Milk fat content varies based on designated food package.	Waiver to allow participants to substitute milk of any available fat content despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	36	0	36
Milk	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize and provide full maximum monthly allowance of food. The maximum allotment of fluid milk is 16 qt., 22 qt., and 24 qt., based on the food package designation.	Waiver to allow participants to substitute half gallons and quarts.	Approved	N/A	Survey	0	1	1
Peanut Butter	Alternate Food	7 CFR 246.10 (e)(10-11)	Participants may substitute peanut butter for dried beans/lentils pending on their food package designation or no such substitution is authorized.	Waiver to allow substitution of peanut butter for nut butters almond, cashew, and hazelnut.	Denied	USDA/FNS does not approve the substitution of almond, cashew, and hazelnut nut butters, as it is not consistent with the nutritional basis of the foods provided by the Program.	USDA	1	0	1

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Soy-Based Beverage	Fortification Requirements	7 CFR 246.10 (e)(12)	Must be fortified to meet the following nutrient levels: 276 mg. calcium per cup, 8 g. protein per cup, 500 IU vitamin A per cup, 100 IU vitamin D per cup, 24 mg. magnesium per cup, 222 mg. phosphorus per cup, 349 mg. potassium per cup, 0.44 mg. riboflavin per cup, and 1.1 mcg. vitamin B12 per cup, in accordance with fortification guidelines issued by FDA.	Request to waive fortification requirements for soy-based beverages.	Denied	USDA FNS does not approve the following food item substitution request as it is not consistent with the nutritional basis of the foods provided by the Program at 7 CFR246.10(e)(12).	USDA	1	0	1
Tofu	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For tofu, the maximum allotment is up to 16 lbs. pending food package designation and medical documentation.	Waiver to allow participants to substitute 14-oz. to 15.9-oz. containers of tofu when the prescribed size is not available, despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	2	0	2

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Whole Wheat/ Whole Grain Bread	Whole Grain Content	7 CFR 246.10 (e)(12)	Whole wheat bread must conform to FDA standard of identity (21 CFR 136.180). (Includes whole wheat buns and rolls.) "Whole wheat flour" and/ or "bromated whole wheat flour" must be the only flours listed in the ingredient list, or whole grain bread must conform to FDA standard of identity (21 CFR 136.110). Additionally, whole grain must be the primary ingredient by weight in all whole grain bread products and must meet FDA labeling requirements for making a health claim as a "whole grain food with moderate fat content."	Waiver to allow participants to purchase foods that do not meet requirements in the whole wheat/whole grain bread and whole grain options food category. This includes waivers requesting to substitute white bread for whole what/whole grain bread.	Denied	USDA FNS does not approve the following food item substitution request as it is not consistent with the nutritional basis of the foods provided by the Program at 7 CFR246.10(e)(12).	USDA	6	0	6
Whole Wheat/ Whole Grain Bread	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For whole grains, the maximum allotment is 1 lb. or 2 lbs., depending on the food package designation.	Waiver to allow participants to substitute authorized whole wheat/ whole grain bread options between 18-36-oz. packages when prescribed package size is unavailable*	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA/ Survey	42	1	43

Table A-2: Food Package Waiver Details (continued)

Food Item	Waiver Type	Regulatory Provision Number	Original Regulation	Waiver Request	Status	USDA Reason	Source	Number of USDA waivers	Number of Survey Waivers	Total Number of Waivers
Yogurt	Fat Content	7 CFR 246.10 (e)(10-12)	Yogurt must be pasteurized and conform to FDA standard of identity for whole fat (21 CFR 131.200), low-fat (21 CFR 131.203), or nonfat (21 CFR 131.206). Yogurt fat content varies by food package designation.	Waiver to allow participants to substitute yogurt of any available fat content despite the designation of their food package.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA	17	0	17
Yogurt	Package Size	7 CFR 246.10 (e)(10-11)	State agencies must authorize WIC foods in package sizes that provide the full maximum monthly allowance of food. For yogurt, the maximum allotment is up to 6 qts. depending on the food package designation.	Waiver to allow participants to purchase 6-oz. or 3-oz., 4-oz./4 packs, 5.3-oz., 30-oz., and 32-35 oz. containers of yogurt when the prescribed size is not available.	Approved	Given the issue of low stock as a result of increased customer demand during the COVID-19 epidemic, USDA FNS understands that holding vendors to normal minimum requirements and specifications and maximum monthly allowances for supplemental foods is not possible at this time. A waiver to provide administrative flexibility to allow the food substitutions and flexibilities described above removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.	USDA/ Survey	4	1	5

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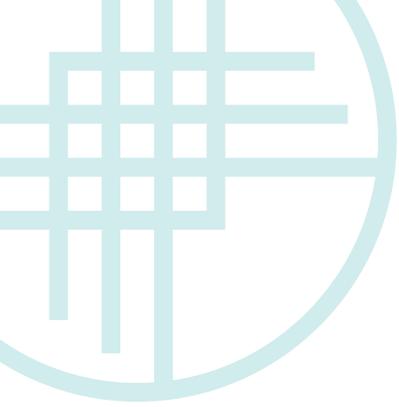
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- Betsy Thorn, Associate Director, Insight Policy Research
- Antonia Violante, Senior Associate, ideas42



## ABOUT THE AUTHORS

**Niyeti Shah** is an associate director at the Milken Institute's Center for Public Health focused on Sustainable Food Systems. In her role, Shah works to build partnerships and programs that highlight scalable solutions to build a nourishing, equitable, sustainable food system. Before joining the Milken Institute, Shah worked in food access, federal nutrition programs, and program management with various organizations including Partnership for a Healthier America, Food Research and Action Center, Oasis Community Partners, the National WIC Association, and the BlinkNow Foundation in Surkhet, Nepal. Her graduate research focused on the DC WIC Expansion Act of 2018, comparing the impact of vendor eligibility criteria on participant/vendor ratios across states. Shah received her bachelor of arts in human health from Emory University and her master of public health in public health nutrition from George Washington University.

**Athena Rae Roesler** is an associate director at the Milken Institute's Center for Public Health focused on sustainable food systems. Her work champions policies and solutions to equitable, nourishing food access and elevates partnerships throughout the food system. With the DC Government, she is working to better understand how cities can leverage food procurement to support nutrition, the environment, and local economies. Roesler's experience in public health nutrition started literally from the ground up, teaching thousands of students as a farm-based educator in Arizona, Washington, DC, and South India. Her graduate research centered around the human right to food, a dignified emergency food system, and strategies to reduce health disparities. She was part of a research team evaluating California sugary drink tax and warning label policies. At Leah's Pantry, a nonprofit supporting California SNAP-ed, she furthered behavioral economics-based and trauma-informed initiatives. Roesler holds a master of public health in public health nutrition from the University of California-Berkeley and a bachelor of arts in public health and educational studies from American University.

**Care Shoaibi** is an associate at the Milken Institute Center for Public Health where she works across each of the Center's focus areas: chronic disease, mental health, and sustainable food systems. Through this interdisciplinary work, she provides research support, contributes to publications, and applies her formal training in public policy analysis to each of the Center's projects. Shoaibi's academic studies primarily focused on promoting an equitable and affordable health-care system, and her prior work experiences at the Kaiser Family Foundation and The Century Foundation have further enhanced her knowledge of the nation's health system and upstream public health issues. Shoaibi holds a master of public policy and a bachelor of arts in economics with a minor in women, gender, and sexuality from the University of Virginia.

