



South Carolina Waiver Request to USDA to Allow Meal Pattern Flexibility in the Child and Adult Care Food Program (CACFP) during COVID-19 Outbreaks

1. State agency submitting waiver request and responsible State agency staff contact information:

Name of State Agency: South Carolina Department of Social Services
State agency staff contact: Mary A. Young
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State agency staff contact: Michele Bowers
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2. Region: Southeast

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

Only institutions operating in good standing will be approved to participate in this waiver.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted.

On March 13, 2020, the governor of South Carolina issued an executive order declaring a state of emergency for the state and also closing all public schools, to include state-supported colleges, universities and technical colleges, in Lancaster and Kershaw counties, beginning Monday, March 16, 2020. The facilities are to remain closed for 14 days, unless otherwise modified, amended, or rescinded.

On March 15, 2020, the governor of South Carolina issued an executive order closing all public schools in the State of South Carolina for students and non-essential employees beginning Monday, March 16, 2020 through March 31, 2020, unless such directive is otherwise modified, amended, extended, or rescinded. This order applies to public schools, including state-supported colleges, universities and technical colleges in SC.

The SC State of Emergency related to the spread of COVID-19 necessitates social distancing when possible. As a result, many businesses are closed or are encouraging staff to work remotely when possible and are operating on a skeletal crew if the physical structure is open at all.

On March 17, 2020, the governor of South Carolina issued an executive order directing all restaurants or other food-service establishments, which prepare, produce, or otherwise offer or sell food or beverages of any kind for on-premises consumption in the State of South Carolina, suspend on-premises or dine-in consumption, beginning Wednesday, March 18, 2020, and through Tuesday, March 31, 2020. This activity along with other actions for South Carolinians to practice social distancing has resulted in more individual purchases from grocery stores and big-box stores such as Sam's and Costco. Most child care facilities use micro-purchasing procurement when buying food and beverages for the food service because minimum volume thresholds prevent them from purchasing from food distributors. These facilities are in direct competition with families that purchase food available at local retail stores thus making it difficult for them to purchase food needed to meet the meal pattern requirements. In particular, institutions have advised the SCDSS CACFP office that they are having difficulty locating whole grain-rich food and 1% or skim milk items in sufficient quantities needed to meet the meal pattern requirement.

Waiving the requirement for meals served to meet all requirements of the CACFP meal pattern will allow SDSS the flexibility to approve changes to the current meal pattern on a case by case basis when food availability becomes an issue during the COVID-19 outbreak. CACFP institutions would still be able to address some of the nutritional needs for vulnerable children and adults and reduce food insecurity during COVID-19 outbreaks.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA].

The South Carolina Department of Social Services (SCDSS) proposes a waiver of regulations in 7 CFR 226.20 to allow flexibility with meeting meal pattern requirements during the COVID-19 outbreak, in extenuating circumstances in those areas which experience a short-term food shortage.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems and monitoring:

If approved, institutions that are experiencing difficulties purchasing food items to meet the CACFP meal pattern requirements will need to submit a waiver request and have it approved by the State agency prior to modifying meal pattern requirements. The institution will need to submit the request in writing via email identifying the issues. If granted the waiver, SCDSS will allow temporary flexibility in meeting meal requirements.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]:

No state level barriers have been identified.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

The South Carolina Department of Social Services does not anticipate this waiver will present any challenges to the department or the CACFP institutions.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increase, confirm that the costs will be paid from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:

The South Carolina Department of Social Services does not anticipate the waiver will increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

Requested Waiver Timeframe:

Waiver Request Start Date: March 20, 2020

Waiver Request End Date: July 31, 2020

11. Proposed monitoring and review procedures:

Institutions will need to have an approved CACFP application on file and approval from SCDSS implement meal pattern flexibilities prior to meal service.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

SCDSS will report the number of Institutions, facilities and meals served using the waiver no later than December 31, 2020.

13. Link to or a copy of the public notice informing the public about the proposed waiver. [Section 12(I)(1)(A)(ii) of the NSLA]:

<https://www.scchildcare.org/news-and-announcements/cacfp-covid19-waivers.aspx>

14. Signature and title of requesting official:



Name: Michele Bowers

Title: Director, Division of Early Care and Education, South Carolina Department of Social Services

Requesting official's email address for transmission of response:

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