



## Partnerships with Foodbanks and Other United States Department of Agriculture (USDA) Programs During COVID-19

### Basics

Food security/insecurity is a basic social determinant of health. Access to safe, adequate, nutritious, quality food and fluid is essential for life, health, disease risk reduction, and management of chronic disease and conditions. Titles III and VI of the [Older Americans Act](#) (OAA) indicate that a primary purpose of the OAA Nutrition Program is to reduce hunger and food insecurity.

The OAA Nutrition Program administered by the [Administration for Community Living](#) (ACL) is not alone in addressing the issue of food insecurity and older adults. The [United States Department of Agriculture](#) (USDA) [Food and Nutrition Services](#) (FNS) funds programs that target vulnerable older adults as well. At a time when all food assistance and distribution programs are stressed and older adults are sheltering at home and practicing social distancing, it is essential that programs work together to meet needs of older adults and their communities.

Most OAA Nutrition Programs provide one meal per day about five days per week. OAA Nutrition Programs are not designed to supply a complete daily diet. However, it is important to note that the OAA does not prohibit nutrition programs from serving more than one meal per day or more than five days per week if program resources permit it. [The Process Evaluation of the OAA Title III-C Nutrition Services Program](#) found that about six percent of congregate and twelve percent of home-delivered nutrition programs provided weekend meals. About eleven percent of congregate programs offered either breakfast or dinner in addition to lunch. Four percent of home-delivered programs offered breakfast and about fifteen percent offered dinner in addition to lunch. During this pandemic when older adults may have difficulty going to the grocery store or finding people to help them get food, OAA Nutrition Programs may want to provide additional meals and assist older adults in acquiring additional food.

Similar to OAA Nutrition Programs, USDA programs are designed to **supplement** the diets of individuals, not provide enough food to meet their entire needs. The two agencies administer complementary programs that can build on each other to meet the food security needs of older adults.

During COVID-19 pandemic with increasing need for meals, food, and other nutrition services, OAA Nutrition Programs may want to serve additional meals to older adults and partner with USDA programs to enhance nutrition programs as well as increase food access and availability to older adults.

## Similarities and Differences between OAA Nutrition Programs and USDA (FNS) Programs

Although both ACL and FNS programs address hunger and food insecurity, understanding the similarities and differences between their programs may help the aging services networks and the food assistance networks work more collaboratively. The tables below provide a quick overview of programs administered by ACL and FNS. The FNS programs are discussed in more detail later in the document with links to each program’s websites.

<b>Participation/Eligibility Criteria</b>	<b>OAA Nutrition Program</b>	<b>USDA Programs</b>
<b>Age</b>	Age 60+ required, with limited exceptions	Age requirement depends on program
<b>Means-testing or income-determination required</b>	No	Yes
<b>Means-testing prohibited, targeting required</b>	Yes	No

<b>Administration (Specified in federal legislation, receives federal funding, distributes federal funding, selects grantees)</b>	<b>OAA Nutrition Program</b>	<b>USDA Programs</b>
<b>State agency</b>	Yes	Yes
<b>State flexibility depends on federal regulation, some programs are more flexible than others</b>	No	Yes
<b>Implementation significantly federally regulated</b>	No	Yes
<b>State flexibility inherent in law</b>	Yes	No
<b>Implementation not significantly federally regulated</b>	Yes	No

<b>Service Provision Networks</b>	<b>OAA Nutrition Program</b>	<b>USDA Programs</b>
<b>Food assistance networks such as food banks, food pantries, governmental &amp; private non-profit organizations</b>	No	Yes
<b>Aging services networks, area agencies on aging, local nutrition service providers, governmental &amp; private non-profit organizations</b>	Yes	No

The Federal Nutrition Programs and Emergency Food Referral Chart for Older Adults chart from the [Food Research and Action Center](#) (FRAC) provides detail about food and nutrition programs that benefit older adults.

To learn more about how these programs are responding during COVID-19, please review the following resources.

- [USDA COVID-19](#) response
- [FNS](#) programs
- FRAC's [Older Adult \(age 60+\) Nutrition Programs Referral Chart During COVID-19](#)
- FRAC's [Helping Older Adults Struggling Against Hunger Access Food in the Age of COVID-19](#)

## Questions and Answers about Working with USDA Programs

### *COVID-19 Emergencies*

Both ACL and FNS have developed responses to the COVID-19 pandemic and the legislative authorities under the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid Relief and Economic Security Act (CARES). ACL information lists [guidance](#) and provides practice tips. FNS has listed [waivers to various program](#) rules and regulations on their website; the waiver information is based on the flexibilities allowable under the different legislative authorities. FNS has listed general [program guidance](#) including links to state specific implementation.

The aging services network has asked questions about interactions with USDA programs. It is important to note that older adults can participate in all available nutrition programs for which they are eligible. For instance, older adults can participate in both home-delivered meals and SNAP.

Flexibility in USDA programs varies by program, especially at the local level. The pandemic provides the opportunity for ACL and FNS programs to enhance their partnership efforts through better understanding of program objectives and working together to meet common challenges and opportunities.

### **Supplemental Nutrition Assistance Program (SNAP)**

#### **Has funding increased for SNAP?**

Yes, emergency funding benefit increases for SNAP have increased to \$2 billion per month, which is a 40% increase in purchasing for SNAP participants. This is a temporary increase for households that are not receiving the maximum SNAP allotment for their household size.

**How can the aging services network partner with entities administering SNAP?** Because the aging services and food assistance networks are usually different systems, with different state agencies, different mandates, different services, and different reporting, the aging services network needs to establish collaboration to maximize assistance to older adults. SNAP is administered by governmental agencies only. Less than half (48 percent) of eligible older adults participate in SNAP. Because of this, anti-hunger groups such as [Feeding America](#), [FRAC](#), and state and local partners have developed technical assistance materials about how SNAP benefits older adults and how older adults can access the program. Prior to the COVID-19 pandemic, the National Council on Aging developed [tools to increase enrollment](#), and [BenefitsCheckUp](#) on-line resources assist older adults in accessing SNAP benefits.

### **Can older adults use their SNAP benefits as a contribution for congregate or home-delivered meals?**

Yes, federal regulations (7 Code of Federal Regulations Parts 271 and 274) for SNAP allow congregate or home-delivered nutrition programs to accept SNAP benefits as a contribution. Whether a program chooses to do so is a state and local program decision. If a program accepts these benefits, it may expand its funding sources. If a program decides to accept SNAP benefits as a contribution, it will need capacity to redeem those contributions via the electronic benefit transfer (EBT) technology. Both the [New York and Wisconsin SUAs](#) have developed processes to allow local nutrition service providers to become authorized vendors and thus have helped to expand their funding through SNAP contributions.

### **Can older adults and other SNAP beneficiaries use their benefits for on-line purchasing?**

The FNS has authorized a pilot project using [on-line purchasing](#). This program is authorized in the following 16 states: Alabama, Arizona, California, District of Columbia, Florida, Iowa, Idaho, Kentucky, Missouri, Nebraska, New York, North Carolina, Oregon, Texas, Vermont, Washington, and West Virginia. Although authorized in 16 states, not all state agencies have implemented a functional project yet. FNS is continuing to [expand this program](#) based on state agency interest, third party processors, and retailers.

### **During the COVID-19 crisis, how can older adults access their SNAP benefits and how can the aging network help them?**

During the pandemic, the aging services network can assist older adults in using SNAP benefits safely through regular check-up calls, case management, or written or online materials.

Grocery delivery or curbside pickup is preferable to making purchases in store. There are several options that would allow for a retailer to continue to get food to its SNAP clients. These may include, but are not limited to:

- The SNAP client places their order online or over the phone and picks it up at the store. If the store has a wireless point-of-sale device (POS), then the customer would be able to complete the transaction without having to leave their car (i.e., curbside pickup). For example, the aging network might help an older adult navigate the on-line ordering system, arrange transportation to the store and/or help them by picking up the groceries and taking the older adult's home.
- The SNAP client places their order online or over the phone and the order is delivered to their designated delivery address. The transaction can then be completed using a wireless POS (i.e., home delivery). For example, the aging network might help them navigate the on-line system.
- The SNAP client places their order online or over the phone and designates a person to pick the order at the store using the client's EBT card. The transaction can be completed, using the SNAP client's EBT card, in the store or by using a mobile POS device outside of the store.

If the SNAP client is unable to use these methods or is homebound with limited assistance, the aging services network, as a last resort and under extreme circumstances, may assist the SNAP client in the completion of a manual voucher. The SNAP customer would need to sign in person at the point the voucher is authorized. [Procedures for manual vouchers](#) are detailed by FNS.

FNS cautions retailers to never accept payment by obtaining a client's EBT card number and PIN over the phone. Manual vouchers must be completed when the client is present to sign it. A retailer is not allowed to obtain the EBT card number remotely (e.g. call or email) and complete the voucher without the client present.

Delivery fees cannot be paid for with SNAP benefits. It is up to retailers to decide how to handle these delivery fees (e.g., waive delivery fees, allow for another form of electronic payment to be used for delivery fees).

### **[The Emergency Food Assistance Program \(TEFAP\)](#)**

#### **Has funding increased for TEFAP?**

Congress has appropriated \$850 million under FFCRA and CARES for TEFAP. This additional funding is to help the state and local programs address the increasing demand for food assistance among all populations.

#### **How does TEFAP work?**

USDA purchases a variety of nutritious, high-quality USDA Foods, and makes those foods available to State Distributing Agencies. State Distributing Agencies provide the food to local agencies that they have selected, usually food banks, which in turn distribute the food to local organizations. These local organizations distribute USDA Foods to eligible recipients for household consumption or distribute them to organizations to use in meal preparation.

Food banks are a warehouse of food that is distributed to community organizations for use. Food pantries directly interact with individuals in the community and receive food from a food bank. In some cases, food banks serve as a food pantry in their location as well. Many food banks obtain most of their food through resources other than USDA. These include donations from the food industry as well as fund raising, community food drives, and volunteer and financial assistance from faith communities.

#### **Can OAA Nutrition Programs access food from food banks for use in preparing meals for the OAA Nutrition Program?**

This is a state and local decision and use of such foods are subject to audit and interpretation by State and local USDA representatives. In some states, there is extensive collaboration. In others, there is none. Often organizations that operate the food bank network have an advisory board which includes a variety of social and health service providers representing specific populations. Serving on the board or attending them as an observer will help programs understand how the program operate in each state and provide opportunities for collaboration.

In some states, there appears to be debate regarding the OAA language of voluntary and non-coercive solicitation of contributions. For many years, USDA and some local food banks have viewed the OAA language as a requirement for “payment” for the food and the meal, rather than as a voluntary contribution for nutrition services. USDA has indicated in its [memorandum](#) that individuals may not be charged for foods from the TEFAP nor may voluntary contributions be solicited.

However, current USDA regulations list organizations and charitable organizations that can receive USDA donated food for use in their programs including [nutrition projects under the OAA](#). [USDA regulations](#) state that entities that administer programs such as TEFAP are prohibited from requiring or soliciting payments from program participants for USDA-donated food. Similarly, the OAA prohibits programs from requiring participants pay for meals or food.

Rather, the OAA allows for the voluntary and non-coercive solicitation of contributions from older adults. Programs are to establish mechanisms to ensure that contributions are confidential, that older adults understand that they are not required to contribute and cannot be denied service if they choose not to contribute. In addition, programs are required to safeguard contributions. The OAA does not specify that these contributions are to be used for food or for food only. It states that these contributions are to be used to expand nutrition services. Therefore, the local program may choose to

use these donations for items such as nutrition staff salaries, transportation, or supplies, etc. in an attempt meet both OOA and TEFAP requirements.

Regulations from USDA indicate that activities unrelated to the distribution of TEFAP foods or meal service may be conducted if it is clear that:

- The person(s) conducting the activity is unrelated to TEFAP
- Contributions are not a condition for receiving a meal prepared with TEFAP commodities
- The activity is not conducted in a way that disrupts meal service.

If these conditions are met, the solicitation of donations are allowable. In fact, some food banks use a voluntary donation box separated from the food distribution area.

Therefore, local providers that choose to use these foods need to account and document how the voluntary contributions to the OAA Nutrition Program are being used. The local program needs to ensure that monies received for donations does not “pay for” food obtained from TEFAP and that signage and participants are aware that no money is to be given towards the cost of the food. Establishing a policy which states that client donations will be used to pay for program costs other than food is one way to assure that this is clear. The burden of accounting for and auditing by FNS of programs using TEFAP foods is between FNS and the state and local entities administering TEFAP. Auditors from FNS would determine what is allowed or not allowed based on accounting methods.

As a result, ACL cannot offer recommendations for or against using TEFAP USDA foods in OAA meal preparation. Foods from the food bank that are not USDA foods might be allowable depending on discussions with the local food bank. In acquiring foods from the local food bank, OAA Nutrition Programs might be required by a food bank to pay for logistical services such as the storage and transportation of food to the OAA Nutrition Program. This is allowable and not considered “buying food” from the food bank. Any participation or assistance which the OAA Nutrition program can offer the food bank (developing nutrition education materials, recipes for use of commodities, volunteer recruitment for food banks, and collaborative purchasing of foodstuffs using shared contracts, etc.) will help assure that the programs can work well together and utilize one another’s strengths to support both missions.

**Can an Area Agency on Aging (AAA) or local nutrition service provider completely replace a meal for congregate and home-delivered meals funded by the OAA with TEFAP foods and not allow for contributions from participants?**

Under most circumstances, no.

The OAA requires that meals be served five days per week within their service area unless the AAA or nutrition service provider receives a waiver from the State Unit on Aging (SUA). The SUA has the authority to develop policies and procedures about implementation and less frequent service.

The OAA indicates that voluntary and non-coercive solicitation of contributions from older adults are to be allowed. These contributions are to be used to expand nutrition services. The ACL has no authority to waive this requirement.

In the few occasions that it may be possible to eliminate an OAA funded meal and replace it with a meal funded by TEFAP, the SUA needs to consult with ACL for technical assistance to assure that the meal is being replaced and no additional costs (direct or indirect from OAA funding) are being used to support the meal. If the intent in replacing the meal, is to feed people not eligible under the Act or provide

additional meals to an eligible participant, you may want to consider adding a meal using TEFAP food. However, please contact the ACL Regional Office Administrator for additional assistance.

**Can the aging services network, Area Agencies on Aging (AAAs) and local nutrition service providers help OAA Nutrition Program participants access foods from TEFAP for household use?**

Yes. As a part of collaborative efforts, AAAs and local nutrition service providers may work with a food bank to help stock and operate a mobile food pantry. These mobile units may go to senior housing, a local on-site pantry at the congregate site that disburses foods for congregate or home-delivered participants before a storm or use foods from TEFAP to assemble grocery bags for seniors during the pandemic.

***The Commodity Supplemental Food Program (CSFP)***

**How can the aging services network assist older adults in accessing this program?**

The CSFP is available in all states. It is administered by a state agency such as health, social services, education, or agriculture. State agencies store and distribute USDA Foods to local agencies who determine eligibility and distribution methods to eligible older adults. Although available in all states, there is not enough funding to allow for complete coverage throughout the state.

Eligible older adults (not OAA Nutrition Programs) receive a preselected box of healthy food that supplements their diets. The food products are lower sodium canned vegetables, low added sugar fruits, canned protein foods and dry beans in consumer sizes.

In many communities, the CSFP is aligned with TEFAP and a food bank. By collaborating with the local food bank, the aging services network may increase access to this program for eligible older adults, especially during this pandemic.

**What are examples of collaborative efforts between the aging services network and the CSFP?**

There are many examples of local interactions between the local CSFP and the aging services network.

Working with the local CSFP program, home-delivered meal drivers may deliver CSFP food boxes to the homebound. In other communities, the local CSFP may deliver food boxes to the congregate site for distribution to eligible older adults who take the boxes home. Or local transportation such as a senior center bus may help deliver the boxes to congregate or home-delivered participants' homes. This is helpful because the boxes are heavy, and many seniors need help in getting the boxes into their homes.

***Senior Farmers' Market Nutrition Program (SFMNP)***

**How is the SFMNP administered?**

At a state level, the SFMNP is administered by a variety of different agencies from agriculture to health to economic security. Due to limited funding, the SFMNP may not be available in all parts of the state. The benefit from the program varies from \$20 to \$50 in coupons distributed to eligible older adults who are determined to be at 185 percent of poverty or lower.

The SFMNP did not receive any additional flexibilities under the various emergency COVID-19 authorities recently passed by Congress, so programs are to abide by current regulations. ACL encourages programs to discuss program implementation with their state agencies to determine any additional guidance.

**How is the aging services network coordinating with the SFMNP?**

The aging services network should consult with the state agency that administers the SFMNP to determine flexibilities on how to obtain and distribute coupons during the pandemic. In a few states,

the state agency responsible for administering the OAA programs is also the agency responsible for working through the aging services network to distribute coupons to eligible older adults. FNS allows coupons to be sent to eligible individuals and nutrition education may be provided remotely including the distribution of written materials or in collaboration with other entities within the state. These procedures vary by state.

### **How can the aging services network assist older adults in accessing farmers' markets?**

The aging services network can help older adults access farmers' markets, just as it helps older adults access other services in the community such as pharmacies, grocery stores, etc. which do not receive federal funding. Not all farmers' markets accept SFMNP vouchers nor are they connected with the SFMNP.

The AAA or local nutrition service provider may want to help older adults access farmers' markets by arranging transportation to a local farmers' market or help them access (if an option) the on-line ordering system. Due to COVID-19 crisis, many farmers' markets may be open to more options to help get food to seniors such as setting up a farmers' market at a meal pick up location or a local farmer may provide a box of produce as part of a community share program. The AAAs or local nutrition service providers may want to connect with their State Farmers' Market Association through state websites. Although state and local government sources may be the best source of information for farmers' markets, USDA keeps a [data base of farmers' markets](#) which may/may not accept coupons.

### **Child and Adult Care Food Program (CACFP)**

#### **Can the aging services network access the CACFP?**

Yes, if the program is an adult day care program approved by the state. Then, aging services network can use CACFP funding for meals in an approved adult day care program.

The aging services network needs to be aware of the "how-tos" when they implement the program. To utilize funding from the CACFP, first the local service providers need to understand the CACFP implementation requirements. These requirements such as providing information on how to credit food components and food combinations that are allowable for USDA reimbursement are stated in detail on the CACFP website found here: [www.fns.usda.gov/cacfp](http://www.fns.usda.gov/cacfp). These programs are two separate federally funded programs. The CACFP is a means-tested program and the OAA programs are not means-tested.

The aging services network can coordinate these programs in a rare circumstance. However when participating in the program, aging service providers need to be cautious that the collaboration does not constitute "double dipping" and put either program into a payback situation for services which are construed to have been billed twice.

To coordinate the funding streams, programs need to have clear accounting. The same meal cannot be funded by both the OAA and CACFP. This coordination needs to be deliberate and able to be audited. Without a careful audit trail, USDA might disallow the costs for the program. Programs need to understand what is included in their daily rate for approved adult day care programs, and this may vary depending on the funding source. Some rates include meals and snacks as a part of the daily rate, and this might preclude the inclusion of a meal funded by the CACFP or OAA funds.

Since an adult day care has different funding sources and payment models, they could fund different meals if the meal cost is not included in the rate for adult day care. For example, an adult day care could use CACFP funds for breakfast and a morning snack for those individuals who are **CACFP eligible** (based on income eligibility determination and use of the CACFP menu pattern which is different from the OAA pattern); not all individuals at the adult day care may be eligible for the CACFP, so the program would



have to pay for the breakfast and snack for these individuals from other sources. For lunch, the program might use OAA funding for **all individuals** (including those who received the breakfast and snack funded with CACFP) and use an OAA meal pattern. But implementation can get complicated (and requires good cost accounting methods, good program implementation, good record keeping, meal component crediting in the CACFP, etc.) for such a program to pass audit, etc.

### **Nutrition Services Incentive Program (NSIP)**

#### **Is NSIP, a USDA program?**

No. But this idea persists in the aging services network. Starting in 1978, the USDA administered a different program that supported the provision of commodities or cash-in-lieu of commodities to OAA Nutrition Programs. In the 2006 amendments to the OAA, the program was renamed NSIP and completely transferred to ACL.

The [NSIP](#) is authorized by Section 311 of the OAA, funded by a federal appropriation to ACL and administered by ACL. USDA no longer provides any funding, nor does it have any administrative responsibilities for NSIP.

#### **What is the relationship between NSIP and the USDA?**

The NSIP provides a secondary source of funding that must be used to purchase domestically produced foods. The allocation can be applied to either congregate or home-delivered meals. SUAs may elect to receive part of their NSIP allocation as commodities from the USDA if the SUA determines that doing so will enable them to better meet the needs of older adults. The SUA is allowed to make this election annually. According to the most current data, six states and five tribes elected to spend part of their NSIP allocation on commodities. USDA assesses an administrative expense for providing these commodities.

#### **How does an SUA and/or AAA access commodities from NSIP?**

The SUA notifies their State Distributing Agency (SDA) which might be the state education or agricultural department or other department about their desire to use part of their NSIP allocation for commodities and the monetary amount of commodities that they are requesting. The SDA then notifies central office USDA Food Distribution. Based on these elections for commodities, the USDA Food Distribution and ACL execute an agreement for the federal fiscal year which includes an assessment of administrative costs for each state.

The SDA and the SUA/AAA work together to distribute commodities to local service providers for use in their programs, ensuring that all USDA requirements for commodity usage and distribution are followed. Once a state chooses to use commodities, the state needs to meet the requirements of USDA in handling and accounting for the commodities.

If a SUA wants to consider utilizing commodities as part of their NSIP allocation, the SUA can contact the ACL Regional Office Administrator for assistance.