



## State of New Jersey

DEPARTMENT OF AGRICULTURE  
HEALTH / AGRICULTURE BUILDING  
PO Box 330  
TRENTON NJ 08625-0330

DOUGLAS H. FISHER  
*Secretary*

PHIL MURPHY  
*Governor*

SHEILA OLIVER  
*Lt. Governor*

### **CHILD NUTRITION PROGRAM/SFSP NEW JERSEY STATE WAIVER REQUEST**

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

New Jersey Department of Agriculture (NJDA) Division of Food and Nutrition Summer Food Service Program  
PO Box 330  
Trenton, NJ 08625  
Director: Rose Tricario  
SFSP Coordinator: Tracii Butler Proctor

**2. Region:**

Mid-Atlantic (MARO)

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

Statewide waiver request for all approved SFSP sponsors in good standing.

**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. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

The challenge would be that sponsors are currently limited in the time that must elapse between meal services and the duration of the meal service. These limitations present challenges to sponsors that are implementing methods to minimize exposure and transmission of COVID-19.

NJDA is requesting a Statewide waiver to provide flexibility to the regulatory requirements which establish limits on the amount of time that must elapse between meal service and the duration of meal service so that sponsors may implement practices sensitive to COVID-19 exposure and transmission.

Meal service time restrictions will significantly affect the number of children a site may be

able to serve due to operational or program needs, as well as the number and type of meals a site may be able to serve. This will impact children's access to healthy meals. Also, mealtime restrictions may be subject to added cost for the sponsor if additional staff are needed to ensure the regulated meal service time requirements are being met; i.e. shift feeding.

A waiver of the meal service time requirements will allow sponsors to provide suitable mealtimes which will best fit their operational and programmatic needs in light of the COVID-19 situation and possibly alleviate students having to make multiple daily visits to the sites.

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

NJDA is requesting a waiver to allow SFSP sponsors to set meal service times with community, educational and family services. This request also applies to:

- 7 CFR 225.16(c)(1), which places Federal limits on the amount of time that must elapse between the beginning of one meal service and the beginning of the next (3 hours).
- 7 CFR 225.16(c)(2), which places Federal limits on the duration of a meal service (limited to 2 hours for lunch or supper and 1 hour for other meals).

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

If the waiver is approved, it will waive meal service time restrictions for all sponsors during the COVID-19 pandemic and regular SFSP operations.

Sponsors would still be required to comply with application requirements at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A) to establish meal service times for each site. Also, the State agency will ensure compliance with Program monitoring and review procedures at 7 CFR 225.7(d)(2) and (d)(3).

We will identify SFSP SFA's meal service times through form 199 from the NSLP which was sent to SFA's on March 13, 2020 and for non-school sponsors who will use this flexibility will be required to submit meal service times to our office. We will maintain a logging system to identify all meal service times for monitoring and reporting.

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

The NJDA does not anticipate any regulatory barriers to address this flexibility if approved.

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

With approval and implementation, the NJDA does not anticipate any challenges to either the NJDA or the SFSP sponsors. This waiver will decrease some of the challenges sponsors may face with feeding children through this emergency crisis.

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

The NJDA does not anticipate that this waiver will increase the overall cost of the Program to the Federal government. This waiver will continue to assist sponsors and the NJDA in maintaining a cost-effective meal service.

**10. Anticipated waiver implementation date and time period:**

This waiver would be implemented March 17, 2020 through April 30, 2023.

**11. Proposed monitoring and review procedures:**

The NJDA will continue to follow standard monitoring and review processes. If the waiver is granted, communication will be shared with sponsors. Should there be any noncompliance issues related to this waiver, the NJDA will work with sponsors on an individualized corrective action plan and will have follow-up reviews when applicable.

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

The NJDA will report to FNS any compliance issues noted with this flexibility.

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

The public notice is located at  
[https://www.nj.gov/agriculture/divisions/fn/childadult/summer\\_food.html](https://www.nj.gov/agriculture/divisions/fn/childadult/summer_food.html)

**14. Signature and title of requesting official:**



Title: Division Director

Requesting official's email address for transmission of response:

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**TO BE COMPLETED BY FNS REGIONAL OFFICE:**

*FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.*

**Date request was received at Regional Office:**

**Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

**• Regional Office Analysis and Recommendations:**