



**WAIVER FOR SUMMER FOOD SERVICE PROGRAM
NON-CONGREGATE MEAL SERVICE AT CERTAIN OUTDOOR MEAL SITES
EXPERIENCING EXCESSIVE HEAT**

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

New Jersey Department of Agriculture Summer Food Service Program (SFSP).
Tracii Butler Proctor, SFSP Coordinator. PO Box 334 Trenton, NJ 08069.
Rose Chamberlain, Division Director. PO Box 334 Trenton, NJ 08069.

2. Region: Mid-Atlantic

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

This waiver would apply to NJDA SFSP sponsors operating outdoor meal sites without temperature-controlled alternates. The waiver will require sponsors to submit documentation from the National Weather Service that an excessive heat advisory, excessive heat warning or excessive heat watch has been issued on the days, and for the area in which outdoor meal sites have been approved.

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]:

NJDA SFSP is requesting a statewide waiver for the SFSP flexibility regarding allowing non-congregate meal service to sponsors on days when the area of the site is experiencing excessive heat. The intent of the waiver is to maintain service to children who would otherwise lose access to meals when the sponsor does not have an alternative temperature-controlled site in the case of excessive heat.

The challenges that the State agency and SFSP sponsors may face if the waiver is not approved include:

- Loss of reimbursement for meals as the requirement to consume meals outdoors on excessive heat days may force sponsors to not operate on those specific days.
- The loss of access to meals for the children of the community.

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

The specific requirements to be waived are the regulatory requirements at 7CFR 225.6 (i)(15), “Maintain children on site while meals are consumed.”

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

Sponsors must notify the State agency of their intent to participate in the waiver. Sponsors must identify those outdoor congregate meal sites lacking temperature controlled alternate sites that would be included in the waiver prior to initiating the waiver.

Participation Requirements:

- Sponsors must document and submit the excessive heat advisory, excessive heat warning, or excessive heat watch and maintain on file.
- Meals taken off site may only be claimed on days for which documentation is maintained on file.
- Sponsors must submit to their Nutrition Program Specialist via email a copy of the heat advisory notice for that day the heat demonstration is utilized.
- All approved sponsors/sites must comply with the congregate meal requirements on all other days of program operations.
- Sponsors must indicate in the application for the site participating and be approved prior to operating if they wish to participate in this program.

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]:

NJDA SFSP has trained sponsors on the necessary procedures during extreme weather conditions if requesting to implement non-congregate feeding.

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

NJDA SFSP does not expect any challenges with the waiver implementation as sponsors have implemented the project in past years.

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 waiver will not increase the overall costs of the Program to the Federal Government. The waiver will allow children to consume meals when meals are normally consumed on site.

10. Anticipated waiver implementation date and time period: June 15, 2023.

11. Proposed monitoring and review procedures:

NJDA SFSP Summer Monitors and Nutrition Program Specialists will ensure sponsors are complying with the waiver while completing site visits/monitoring. Sponsors must indicate on their site application if they plan to participate in the heat demonstration. NJDA SFSP has a specific document used in previous years that sponsors must submit to the State agency at the end of their summer operations. Review will also take place during the administrative review period.

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

NJDA SFSP will provide a report to USDA MARO by October 30th, 2023. The report will provide sponsor/site data and the impact of the waiver including the number of sponsored sites, name of sites, number of meals served and the number of days the waiver was in place.

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]:

https://www.nj.gov/agriculture/divisions/fn/childadult/summer_food.html

14. Signature and title of requesting official :

Title: Rose Chamberlain, Division Director, rose.chamberlain.ag.nj.gov

Requesting official's email address for transmission of response:

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: