



## State of New Jersey

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

PHIL MURPHY  
*Governor*  
SHEILA OLIVER  
*Lt. Governor*

DOUGLAS H. FISHER  
*Secretary*

### **CHILD NUTRITION PROGRAM/SFSP/NSLP/CACFP 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 to serve reimbursable meals in a non-congregate setting due to COVID -19.

**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]:**

In accordance with the Families First Coronavirus Response Act, NJDA is requesting a Statewide waiver for SFSP sponsors to allow meals to be served for reimbursement in a non-congregate setting when areas are affected by guidelines related to COVID-19, specifically social distancing.

Challenges are that sites and schools have been closed and may continue to be closed, as well as the continuation of schools offering virtual learning to prevent the potential spread of COVID-19. SFSP sponsors have provided meals to children since the pandemic began in March and meals have been served utilizing the USDA nationwide waivers. In addition, many schools in NJ will now hold classes virtually, and summer sponsors have planned to continue

meal service to children until schools are fully back to in class instruction. Due to the expiration of the current non-congregate waiver expiring on August 31, 2020, NJ is requesting the non-congregate waiver to be extended to August 31, 2021 as social distancing continues to be an executive order by the NJ State Governor.

The goal and outcomes of the waiver is to continue to allow SFSP sponsors in good standing, the ability to provide nutritious meals to children who are going without food where and when areas are affected by COVID-19. NJDA is requesting approval of this waiver until August 31, 2021. Many summer sponsors want to operate beyond August 31, 2020 and New Jersey schools will not open prior to September 7, 2020.

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

The specific program regulations requested to be waived is 7 CFR 225.6(e)(15))

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

The anticipated impact is that the waiver would decrease the number of children that experience a lapse in food security during COVID-19 when sites are closed, and schools continue with virtual instruction. NJDA will require SFSP sponsors to acquire approval prior to serving meals in a non-congregate setting in order to receive reimbursement. If the waiver is approved, the State agency does not anticipate any impact on program operations including technology, State systems, monitoring or excess costs incurred by the Federal Government.

NJDA will ensure program integrity by monitoring processes. The State will ensure sponsors and institutions receive guidance and technical assistance on proper planning of the service of non-congregate meals and maintaining proper documentation of food usage and menus.

**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]:**

There are no regulatory State barriers.

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

The NJDA does not anticipate any challenges to either the NJDA, or the SFSP. There will be challenges if the waiver is not approved which will cause reduced meals served to needy children during COVID-19.

**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.

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

This waiver would be implemented September 1, 2020 through August 31, 2021.

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

The NJDA will approve individual request to implement the waiver. The State agency will follow standard monitoring and review procedures.

**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 waiver. The State agency will request sponsor data on how this waiver has impacted meal service, children’s access to nutritious meals and the number of meals served at individual sites. Reports will be submitted within the required timelines.

**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:**



**8.17.2020**

Title: Division Director

Requesting official’s email address for transmission of response: [rose.tricario@ag.nj.gov](mailto:rose.tricario@ag.nj.gov)

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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:**