



# NORTH CAROLINA COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP) HANDBOOK

North Carolina Department of Agriculture & Consumer Services  
Food Distribution Division

<https://www.ncagr.gov/fooddist/>

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is only intended to provide clarity to the public regarding existing requirements under law or agency policies.



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# SECTION 1: NORTH CAROLINA COMMODITY SUPPLEMENTAL FOOD PROGRAM OVERVIEW

## A. INTRODUCTION

We welcome you to the procedures handbook for the Commodity Supplemental Food Program (CSFP). This handbook is written to assist contracting agencies and their sub-recipient agencies in successfully administering the CSFP. It is written in accordance with the most recent version of the Code of Federal Regulations (7 CFR)-Agriculture-Parts 247 and 250, applicable federal policies, and instructions from USDA. The program is authorized under Section 4(a) of the Agriculture and Consumer Protection Act of 1973. The North Carolina Department of Agriculture and Consumer Services through the Food Distribution Division is the state agency responsible for the distribution of federal commodities and administrative funds for the CSFP.

These policies and procedures are specific to the CSFP and shall be followed by contracted agencies as well as sub-recipient agencies implementing the program at the local level. This handbook should also be used in consultation with the document, “NCDA&CS Food Distribution State Plan of Program Operations and Administration of the CSF Program.” Compliance with subsequent modification to this handbook is also required for all contracted and sub-recipient agencies.

Please take a moment to thoroughly review the handbook with your staff and volunteers working with the CSFP and other related food assistance programs. **You are responsible for reading, understanding, and adhering to the provisions of this handbook.** If changes are made, contracted agencies will receive notice of changes through program update emails and/or amendments, as necessary.

If you have questions, suggestions, etc., please contact your NCDA&CS Food Distribution Regional Field Representative or email to [vicky.cox@ncagr.gov](mailto:vicky.cox@ncagr.gov).

This handbook is available on our webpage at [https://www.ncagr.gov/fooddist/handbook/FoodDist\\_Handbooks.htm](https://www.ncagr.gov/fooddist/handbook/FoodDist_Handbooks.htm). This handbook is a work in progress, and we encourage your involvement to make this handbook a tool that is valuable to you as a NCDA&CS contracted agency.

With Much Appreciation,

The NCDA&CS Food Distribution Team

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## B. HISTORY

The Commodity Supplemental Food Program (CSFP) was authorized under the Agriculture and Consumer Protection Act of 1973. The purpose of the CSFP is to improve the health and nutritional status of low-income elderly persons through nutrition education activities and the donation of supplemental foods.

When the CSFP began, it also included pregnant and postpartum women, infants, and children. The Agricultural Act of 2014 became law on February 7, 2014 and began phasing out the participation of women under the age of 60, infants, and children in the CSFP.

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## C. GOALS AND OBJECTIVES

The goal of the North Carolina CSFP is to provide a “prescribed” food package and nutrition education benefits to the eligible population through efficient and effective program delivery.

The objectives are as follows:

1. To assist and train Local Distributing Agencies (LDAs) in maintaining caseload and funding levels. Based on availability of caseloads and funding, expand services into additional surrounding counties or establish an additional CSFP site in a non-served area of the state.
2. To continue to provide timely and relevant information to CSFP local agency staff on general program management, CSFP funding levels, caseload management, nutritional education, and new USDA or State policies.
3. To assist LDAs in improving their referral and outreach networks to ensure that quality services are available to CSFP participants, and that participation is maintained or increased based on caseload levels.

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## D. SELECTION OF AGENCIES

NCDA&CS-FDD selects LDAs for CSFP through an application process. The process begins with a letter of intent from the LDA to the NCDA&CS-FDD Division Director. Once acknowledged, pre-screening for eligibility to administer the program is accomplished through an on-site visit to each LDA by a Division Regional Field Services Representative. Upon the recommendation of the Field Services Representative and the approval of the NCDA&CS FDD Director to administer the CSFP, a contract/agreement packet will be prepared for the prospective agency to complete and return.

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## E. LOCAL DISTRIBUTING AGENCY (LDA) CONTRACTING

Each LDA is required to submit an application, permanent agreement and contract with NCDA & CS to administer CSFP. The application is screened by NCDA&CS-FDD based on criteria listed in the USDA Regulation [7 CFR 247.7](#). It is also expected that the local agency alert NCDA&CS FDD prior to adding a new sub-recipient agency.

The Contracted Local Distributing Agencies agree to the following as stated in the [North Carolina Permanent CSFP State Plan](#) and in accordance with 7 CFR 247.7:

1. To comply with all the fiscal and operational requirements prescribed by the state agency in accordance with the Commodity Supplemental Food Program regulations as stated in Federal Regulation 7 CFR 250 and 7 CFR 247.
2. To continue to provide nutrition education.
3. To assure that issuance of supplemental food is in accordance with the approved food package guide rate.
4. To be responsible to the state agency for any loss resulting from improper or negligent issuance of supplemental foods or improper storage care or handling of food.
5. To be responsible to the state agency for program losses caused by other agencies which have entered into agreements with the same local agency.
6. To maintain the name and address of each certification, food distribution and storage site under the jurisdiction of the local agency.
7. To maintain accurate and complete records with respect to activities under the program and retain such records for a period of five (5) years from the close of the fiscal year to which they pertain, or longer if the records are related to unresolved claims actions, audits, or investigations.
8. That the nutritionist on staff with the LDA will stress the use of these supplement foods by the eligible recipients.
9. Each elderly applicant/participant shall be provided written information regarding SNAP, Supplemental Security Income Program, and the Medicaid Program at the time of certification.

The North Carolina Department of Agriculture & Consumer Services agrees to the following as stated in the [North Carolina Permanent CSFP State Plan](#) and in accordance with 7 CFR 247.7:

1. To provide state agency regulatory guidance in administering the Commodity Supplemental Food Program.
2. To provide supplemental foods for the present caseload.
3. To provide truck delivery to the Emergency Feeding Organization.
4. To provide technical assistance as needed.
5. To monitor the program through monthly checks and a yearly evaluation.
6. To continue to provide the foods for the eligible recipients. The foods will be furnished in accordance with the regulations. These same foods will be available to use in outreach

educational training and for demonstration teaching purposes. The results of the classes will be a more effective and efficient use of these supplemental foods.

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## SECTION 2: CERTIFICATION

The CSFP serves seniors 60 years of age or older. To certify, applicants must bring proof of identification and age (Birth Certificate, Driver's License, NCID Card, Medical Record, Medicare Card, or Family Bible). For families with multiple applicants, one application should be completed for each applicant.

### A. CERTIFICATION PROCESS

The CSFP certification process is as follows:

1. The applicant must complete the CSFP Application. LDAs and sub-recipient agencies are required to use only the NC approved application for Participant applications.
2. Applicants who have difficulty completing an application or other CSFP forms because of language barriers, illiteracy, or other difficulties must be allowed to complete them with LDA staff or with volunteer assistance.
3. Review the application and check for prior or current participation in CSFP. Notify the applicant that an individual is prohibited from participating in CSFP in more than one location [\[See Dual Participation Section D below\]](#).
4. Ensure applicants' race is indicated on the application for the required annual USDA Racial/Ethnic statistical report. If applicant does not make a selection, the LDA should make a visual assessment and choose a selection on their behalf.
5. Document proof of identity and age [\[See Participant Identity and Age, Section F\]](#).
6. Document residency. This is self-declared information [\[See Residency, Section G\]](#).
7. Document income. This is self-declared information.
8. Determine final eligibility and notify participant verbally or in writing whether they are eligible. Ineligible or waiting list participants must be informed in writing. [\[See Processing Standards, and Waiting Lists, Sections B & C\]](#).
9. Provide nutrition education [\[See Nutrition Education, Section 4\]](#).
10. Have LDA staff sign and date the Application.
11. Have the applicant sign and date the rights and responsibilities statement at certification and at each subsequent certification. The applicant must read, or be read to, the rights and responsibilities statement.
12. Homebound elderly may mail the CSFP application and identity/age documentation to the LDA.

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### B. PROCESSING STANDARDS

The LDA shall process applications for program benefits within specific time frames when not at maximum caseload:



- Notify the applicant of his or her eligibility or ineligibility within 10 days of the applicant's initial visit to apply for benefits. The 10-day time limit does not apply to telephone inquiries concerning program participation. See Notification Letter
- The LDA shall provide each participant with an explanation of the food delivery system, including how often he or she can receive food. A monthly appointment (date and time) must be given to the participant for package distribution.
- An applicant who is determined to be eligible for CSFP shall receive a food package within 30 days of the initial visit to apply for benefits.
- If an applicant is missing required documentation, a one-time benefit can be issued until the documentation is brought in. After 60 days, the applicant is notified of their discontinuance with the program for lack of proof [\[See Discontinuance, Section 12\]](#).

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## C. WAITING LISTS

When maximum caseload has been met, the LDA shall keep a waiting list.

- Agencies should work to maintain a waiting list of 30% of caseload. The goal is to issue remaining food packages not able to be distributed to active participants.
- A participant must be certified as eligible before being placed on a waiting list.
- The LDA shall notify applicants of their placement on a waiting list within 10 days of the initial visit to the local agency to apply for participation in the program.
- The waiting list must be *organized and utilized by the date of application*. The waiting list must include at minimum the applicant's name and status, address, telephone number and date applicants are placed on list.
- When a caseload opening on the active list becomes available, the LDA shall contact the person with the earliest date of application. At this time the applicant shall be recertified.
- Participants on a wait list shall utilize one-year certification period timeframes until such time as a permanent caseload spot becomes available. Only then will their certification period change to a three-year timeframe if household income is stable, for example, when receiving Social Security benefits [\[See Certification Period, Section E\]](#).
- The LDA should develop and implement a plan to follow-up with participants who miss the current month's pick up of USDA foods. The LDA should have written policies in place that make a reasonable effort to arrange an alternate date and time for the food box to be picked up or delivered before the end of the month prior to using the wait list.

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## D. DUAL PARTICIPATION/PROGRAM INTEGRITY

Local distributing agencies must:

1. Detect and prevent the same person from receiving benefits at more than one CSFP distribution site.
2. Check the identification of all applicants when they are certified or recertified as well as when picking up their monthly CSFP package.
3. Ensure that the applicant signs the CSFP application and/or recertification form that includes a statement advising the applicant that he or she may not receive CSFP from more than one CSFP site.
4. Inform applicants that the consequences of dual participation may lead to a claim against the individual to recover the value of the benefits and may lead to disqualification.
5. Develop and maintain a written policy that addresses actions to be taken in the event of suspected fraud, abuse or misuse among participants, staff, and volunteers.

LDAs can use various processes each month to check for dual participation. These methods include reviewing issuance register, having verbal communication with the site partners and volunteers, running reports in participant databases (where applicable), record keeping and research.

A participant found to be committing dual participation must be discontinued from participation at more than one CSFP site. In accordance with 247.20(b), If the dual participation resulted from the participant or proxy of the participant making false or misleading statements, or intentionally withholding information, the local agency must disqualify the participant from CSFP for a period of up to one year, unless it is determined that it would result in a serious health risk. In addition, the local agency may be required to institute a claim against the participant to recover the value of the benefits.

When termination results because of dual participation and/or fraudulent participation, the LDA shall send the participant a termination letter and notify the individual of his or her right to a fair hearing. [[See Termination, Section 12](#)].

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## E. CERTIFICATION PERIOD

The certification period starts the date the client is determined eligible. All participants are eligible to receive benefits through the end of the month in which their certification period ends. An eligible participant with stable income (i.e., Social Security, Supplemental Security Income and/or Retirement) and no additional income sources may be certified for three years. Participants with a non-stable income source will be certified for one year.

CSFP participants will continue receiving a CSFP food package during their certification without a formal review if the person's address and continued interest in receiving program benefits are verified and the agency has sufficient reason to believe the person still meets income eligibility standards. This process will be verified by utilizing the **NCDA&CS Food Distribution Receipt of Foods Form**.

Each participant shall be notified, in writing, **at least 15 days** before the expiration of the certification period that eligibility is about to expire.

The LDA shall either certify the applicant or notify eligible applicants that they have been put on a waiting list or notify the applicant of eligibility or ineligibility for the program within 10 days of the applicant's first visit to the local agency to apply for participation in the program. A person who is determined to be eligible shall receive supplemental foods within 10 days of notification of eligibility.

Additional information regarding eligibility requirements is outlined in [7 CFR 247.9](#).

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## F. PARTICIPANT IDENTITY AND AGE

The LDA shall review and document the applicant's identity and age at the initial certification visit. The LDA shall not issue benefits until verification of both identity and age has been seen. In addition to state issued driver's license/photo ID card, birth certificate, medical record, Medicare card, or family Bible. Questions about acceptable forms of identification may be directed to NCDA&CS FDD.

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## G. RESIDENCY

Applicants/Participants must reside in North Carolina and within the county where service is being requested. There are no duration or fixed residency requirements. Because residency is self-declared information for CSFP, no proof of residency is required. Once certified, during each distribution, participants should confirm if there have been any residency changes.

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## H. INCOME GUIDELINES

Each year, USDA-FNS will notify State agencies, by memorandum, of adjusted income guidelines by household size at 130 percent and 100 percent of the Federal Poverty Income Guidelines. CSFP income guidelines will be issued annually, by NCDA&CS FDD, to all Emergency Feeding Organizations and should be implemented immediately upon receipt. Current income guidelines can be found on USDA's FNS CSFP website and by using the following link: [CSFP Income Guidelines](#).

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## I. HOUSEHOLD SIZE AND DETERMINATION

Household size is self-declared by the applicant. A household is made up of a person or group of persons, related or non-related, who live together and whose income is used to support the persons living in the household and who purchase and prepare meals together. It is possible for two separate households to reside under one roof. To establish a separate household, however, each household must purchase and prepare meals separately. During each distribution, participants should confirm any changes in household size or composition.

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## J. DETERMINING HOUSEHOLD INCOME

Income is defined as **total gross income** of all household members in the economic unit, excluding a foster child, **before** any deductions such as income taxes, employees' social security taxes, insurance premiums, bonds, and any amount received or withdrawn from any source, including savings. (The only exception to using gross income is using net income for farm and other types of self-employment.)

For CSFP, the income guidelines are 130% of the Federal Poverty Level. The income guidelines are public information. Current income guidelines should always be available to program participants and applicants. See [CSFP Income Guidelines](#).

Per CSFP regulations at [7 CFR 247.9\(d\)\(4\)](#), NCDA&CS FDD recommends that all local agencies consider the household's average income during the previous 12 months and current household income to determine which amount more accurately reflects the household's status when determining eligibility for CSFP.

Applicants may self-declare income during the application process. No documentation is needed to show proof of income.

During each distribution, participants should confirm if there have been any changes in income. If a participant brings to the LDA's attention or the LDA has reason to believe that the participant's income has changed during a certification period, the participant must be re-certified. If the participant is found to be over income, the LDA must discontinue the participant from CSFP. [*See Discontinuance*].

Any questions about what or how much should/should not be considered as income should be directed to NCDA&CS-FDD.

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## K. RESTRICTIONS

The State and Local agencies will comply with the following restrictions:

1. Participants will not be required to make any payments in money, materials, or services for or in

- connection with the receipt of supplemental foods.
2. Participants will not be solicited in connection with the receipt of supplemental foods for voluntary cash contributions for any purpose.
  3. Distribution of supplemental foods will not be used as a means for furthering the political interest of any person or party.
  4. Anyone conducting an activity unrelated to USDA Foods at a distribution site must:
    - a. Make it clear that the activity is not part of the CSFP, is not endorsed by USDA or NCDA&CS FDD, and is not a condition for receiving USDA Foods.
    - b. Ensure that the activity does not disrupt the distribution of USDA Foods.

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## SECTION 3: CASELOAD MANAGEMENT

### A. CASELOAD ASSIGNMENT

Caseload is assigned to LDA based on the capabilities of the agency and needs of the community being served. NCDA&CS-FDD takes into consideration the LDA's previous caseload usage history.

LDAs must monitor their caseloads each month to ensure maximum participation. NCDA&CS-FDD collects participation figures from LDAs each month. Each EFO is expected to maintain its assigned caseload number. The assigned caseload number is defined as the number of certified participants receiving food packages each month. **If the LDA falls below the assigned caseload number, NCDA&CS-FDD may redistribute caseload and corresponding administrative funds to another LDA.**

When maximum caseload is reached, the waiting list should be utilized [\[See Waiting Lists, Section 2C\]](#).

The LDA should develop and implement a plan to follow-up with participants who miss the current month's pick up of USDA foods.

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### B. OUTREACH ACTIVITIES

Outreach activities are primarily the responsibility of the LDAs. All outreach materials must include a required non-discrimination USDA statement. The current non-discrimination statement can be found at <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement> in various languages [\[See Civil Rights, Section 13\]](#).

Examples of outreach tools that may be used to reach potentially eligible persons for participation in the CSF Program may include the following (not exclusive):

- Posters, letters to physicians, public service announcements, congregate meal program sites, churches, civic organizations, partnerships with Departments of Social Services, employment

- agencies, Offices of Aging, Community Senior Centers, and senior housing resources.
- The LDA shall provide information on the availability of CSFP for the elderly homebound to the Area Agencies on Aging in each of the project areas for distribution to Nutrition Program for the Elderly participants, or as a part of Nutrition Program for the Elderly outreach efforts.
- CSFP information will also be made available to the Meals on Wheels food delivery programs in the appropriate areas for distribution to the elderly homebound. Additional outreach will be performed as a part of overall efforts to provide CSFP information to the public.

At the State level, outreach efforts include dissemination of information about CSFP to programs that serve the same populations such as the SNAP Program. NCDA&CS-FDD staff are available to meet with local groups to facilitate program promotion, as requested.

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## C. TRAINING

Training is a critical component of CSFP and gives everyone an understanding of their responsibilities and the knowledge and skills needed to manage the program effectively. NCDA&CS-FDD staff strive to conduct CSFP statewide training opportunities to contracted agencies annually. LDAs are also responsible for providing regular and ongoing training assistance to partner agencies, staff and volunteers who will be involved in the distribution process of the CSFP, including annual Civil Rights training. The LDA should work in coordination with the NCDA&CS FDD Regional Field Representative as needed to develop up-to-date and relevant training content.

Each LDA is assigned a regional NCDA&CS FDD Field Representative who is available to assist with training and providing helpful resources relating to USDA Foods. The NCDA&CS FDD [Field Services Team](#) contact information and regional territory map are provided on our website.

USDA also provides a variety of helpful CSFP training resources on their [CSFP Sharing Gallery: Trainings and Presentations](#) page.

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## SECTION 4: NUTRITION EDUCATION

In accordance with e-CFR Title 7, Subtitle B, Chapter II, Subchapter A, Part 247.18, Nutrition Education, and as stated in NCDA&CS Food Distribution's CSFP State Plan, NCDA&CS FDD and Local Distributing Agencies, in partnership, must ensure participants are provided nutrition education that is both relevant and easily understood.

Nutrition education is a dynamic process through which health and dietary information is exchanged with the individual in a manner which will promote participants' knowledge and application of the dietary practices required for attaining and maintaining positive nutritional and health status. To be effective, nutrition education must be tailored to the needs, interests, experiences, capabilities, and

lifestyles of the individuals or groups taking part in this process. Nutrition education stresses the promotion of the dietary guidelines and reduction of the risks of disease. CSFP nutrition education should be integrated into and coordinated with other community nutrition programs.

Nutrition education shall be based on the following two broad goals:

1. To emphasize the relationship of proper nutrition to the total concept of good health, with special emphasis on the nutritional needs of the population served; and
2. To assist participants in obtaining a positive change in food habits, resulting in improved nutritional status and in the prevention of nutrition related problems through maximum use of supplemental and other nutritious foods. This use is to be within the context of ethnic, cultural, and geographic preferences.

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## A. NCDA&CS FDD NUTRITION ED RESPONSIBILITIES

North Carolina Department of Agriculture and Consumer Services Food Distribution Division is responsible for the following:

1. Establish an overall nutrition education plan
2. Ensure recipient agencies provide nutrition education to participants in accordance with the State Plan
3. Establish an evaluation procedure to ensure that the nutrition education provided is effective
4. Ensure that the evaluation procedure includes participant input and is directed by a nutritionist or other qualified professional

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## B. LOCAL AGENCY NUTRITION ED RESPONSIBILITIES

LDAs are responsible for providing nutrition to CSFP participants. LDAs must provide nutrition education that can be easily understood by participants and is relative to their nutritional needs and household situations.

The LDA must provide nutrition education that includes the following information, which should account for specific ethnic and cultural characteristics whenever possible. All five components should be provided to participants on an annual basis:

1. The nutritional value of CSFP foods, and their relationship to the overall dietary needs of the population groups served
2. Nutritious ways to use CSFP foods
3. Special nutritional needs of participants and how these needs may be met
4. The importance of health care, and the role nutrition plays in maintaining good health
5. The importance of the use of the foods by the participant to whom they are distributed, and not by another person

At a minimum, information is provided in the form of a flyer included in the monthly distribution. LDAs are encouraged to use all senior-focused nutrition education sources when compiling nutrition education material. The following links are a few resources which include helpful nutrition education material for older adults. LDAs may also produce their own materials or procure materials from another source:

- USDA CSFP Sharing Gallery  
<https://www.fns.usda.gov/csfp/csfp-sharing-gallery>
- SNAP Ed Library  
[https://snaped.fns.usda.gov/library/materials?keywords=&sort by=search api relevance&f%5B0%5D=field material information%253Afield rf em format%3A992&f%5B1%5D=field snap ed intervention chann%3A6](https://snaped.fns.usda.gov/library/materials?keywords=&sort%20by=search%20api%20relevance&f%5B0%5D=field%20material%20information%253Afield%20rf%20em%20format%3A992&f%5B1%5D=field%20snap%20ed%20intervention%20chann%3A6)
- MyPlate for Older Adults  
<https://www.myplate.gov/life-stages/older-adults>

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## C. COOKING DEMONSTRATIONS

To support nutrition education, LDAs may use a reasonable amount of CSFP foods to conduct cooking demonstrations as part of the nutrition education provided to program participants, but not for other purposes. NCDA&CS FDD Regional Field Representatives are also an available resource to assist with organizing cooking demonstrations.

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## D. NUTRITION EDUCATION SURVEYS

LDAs must annually evaluate the effectiveness of nutrition education provided. Each participant must be given the opportunity to evaluate the nutrition education provided at least one time during a program year (October 1st through September 30). Copies of the evaluation results must be kept on file with LDA's CSFP records and made available to NCDA&CS FDD staff for monitoring reviews. The evaluation of the LDA's Nutrition Education must include participant input and be directed by program staff (i.e., nutrition educator, dietitian, CSFP coordinator, etc.). LDAs may utilize the nutrition education survey provided by NCDA&CS FDD or develop a nutrition survey to meet the participants needs in the counties served. If an LA chooses to develop a nutrition education survey, the survey must be approved by NCDA&CS FDD administration.

LDA personnel conducting the evaluation should explain to each participant receiving a survey that the information provided will be used to improve the quality and effectiveness of the LDA's nutrition education efforts. Explain to participants that the survey is voluntary and if they choose not to complete the survey, it will not affect their participation in CSFP.

Annually in September, the LDA should develop a written summary of the results of the evaluations and provide to NCDA&CS FDD. The summary should mention how the completed evaluations helped formulate plans, goals, and objectives for the LDA's nutrition education plan. The LDAs should identify what changes, if any, resulted from participant feedback.



The survey results will measure:

1. Provision and appropriateness of nutrition education provided by EFO
2. Identify topics of interest to assist each EFO in targeting nutrition education needs of CSFP participants
3. Effectiveness of the food package
4. Identify common problems with food distribution
5. Appropriateness of health information and referrals provided by CSFP
6. Satisfaction with overall program
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## SECTION 5: FOOD DELIVERY AND DISTRIBUTION SYSTEM

### A. FOOD DELIVERY SYSTEM

#### 1. State Level Food Ordering & Distribution System

All food is stored and shipped directly from a contracted vendor with the Agricultural Marketing Service and/or USDA's national warehouse at no cost to the Program Participant or the State. LDAs work directly with the NCDA&CS-Food Distribution to set up their delivery schedules.

NCDA&CS-FDD orders [CSFP foods](#) based on LDA's remaining inventory and caseload needs. Each LDA submits a monthly issuance and inventory report (FNS-153) which NCDA&CS-FDD uses to determine ordering needs. NCDA&CS-FDD bases food orders upon a comparison of existing CSFP inventory on hand at both the State and local levels against product movement and usage history. NCDA&CS-FDD enters the food orders into USDA's Web-Based Supply Chain Management (WBSCM) system.

#### 2. Local Level Food Distribution System

Each participating LDA is responsible for recruiting and/or establishing food distribution sites. Each site must conform to federal and state guidelines for eligible recipient agencies and must enter into an agreement with the applicable LDA to assure food handling, storage, distribution procedures, and that record requirements are maintained.

All distribution sites shall assure that food is kept in adequate and secured areas to safeguard them from spoilage, infestation, fire, theft, destruction, or other losses and in accordance with USDA Storage Guidelines [See Storage]. Storage areas may simultaneously store USDA Foods/TEFAP and CSFP; however, USDA foods must be distinguishable, labeled and independently inventoried.

Out of the safety and well-being of CSFP participants, LDAs are permitted to use drive-thru

distributions where possible, allowing participants to remain in their vehicles. Participants that are high risk are encouraged to utilize their proxy to pick up their CSFP package.

### 3. Use of For-Profit Delivery Service Companies

Partner agencies are allowed the discretion to pursue the option to have for-profit delivery companies provide home delivery of CSFP food packages in accordance with program regulations at 7 CFR 247.6(d) and when required conditions are met. All other North Carolina CSF program policies currently in place will continue to be in effect.

#### A. DELIVERY GUIDANCE

- 1.) Consistent with [7 CFR 250.4\(c\) and \(d\)](#), an active agreement or contract must be in place between the company and the LDA that ensures the delivery service adheres to all CSF program regulations (see also [7 CFR 247.4](#)).
- 2.) At minimum, a contract or agreement for these delivery services must require the company to provide:
  - a. Safe storage and transportation of the foods in compliance with program regulations at [7 CFR 250](#);
  - b. Verification of the identity of each CSFP participant through a review of the participant's, or proxy's, identification before issuing the CSFP food package, consistent with [7 CFR 247.10\(b\)](#);
  - c. All applicable records required by the State or local agency; and
  - d. An assurance that the privacy of participants will be maintained, consistent with 7 CFR 247.36 [7 CFR 247.36](#).
- 3.) Employees of the for-profit delivery service are not permitted to carry out key local agency responsibilities, such as making participant eligibility determinations (see [7 CFR 247.5\(c\)\(1\)-\(8\)](#)).
- 4.) listing the major local agency responsibilities). Such employees may not be considered proxies for participants.
- 5.) Signature of the participant is required for all CSFP applications and/or recertifications. No participant signature is required for box delivery; however, the box must be personally delivered. Additionally, CSFP food packages may not be dropped off at a door or left unattended at a pick-up location due to the requirement at [7 CFR 247.10\(b\)](#).
- 6.) Participants or their proxies must present identification before being issued a food package.
- 7.) Each participant must authorize the designated private delivery service to pick-up and deliver the food box from the distribution site to their residence by signing the *CSFP Private Delivery Service Authorization* form. Upon delivery of the package, the participant or designated proxy must present identification to receive the food package.
  - a. Proxy means any person designated by a participant, or by the participant's caretaker, to obtain supplemental foods on behalf of the participant.
  - b. The *CSFP Private Delivery Service Authorization* form does not replace the *Proxy Authorization* form, which is used when the participant assigns an individual to receive the food box on their behalf in-person or during mobile distributions.
  - c. The *CSFP Private Delivery Service Authorization* form must be signed at time of application and recertification, similar to the *Proxy Authorization* form.
- 8.) Identification of the participant or proxy must be presented and verified before being issued a food package.
- 9.) All private delivery service representatives who interact with program applicants and participants must receive, at minimum, limited civil rights training which covers customer service and any other

subject matter applicable to each's role and responsibilities. The [Civil Rights Training](#) link is located on the NCDA&CS FDD website.

- 10). A CSFP agency representative can sign the Receipt of Foods form for the participant once the food package is received.
- 11.) If the participant's certification period extends beyond one year, the distributing agency and CSFP participant should communicate at least once annually to verify if any contact information has changed. This communication should be documented in the participant's file.

#### B. GENERAL PROCUREMENT STANDARDS

As outlined in [2 CFR 200\(e\)](#), and all applicable State and local procurement regulations, if the for-profit company is donating its services, the State or LDA does not need to follow procurement regulations but must still have a contract or service agreement in place, preferably a no-cost contract or agreement.

Per 2 CFR, "when procuring property and services under a Federal award, the State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§[200.321](#), [200.322](#), and [200.323](#) and ensure that every purchase order or other contract includes any clauses required by §[200.327](#). All other non-federal entities, including subrecipients of a state, must follow the procurement standards in §§[200.318](#) through [200.327](#)."

The local agency will need to follow applicable procurement requirements to ensure that the delivery service costs are the most responsive and best price. The local agency may not break out "delivery trips" to permit them to fall below the simplified acquisition threshold or fall under the micro-purchase threshold simply because they are less rigorous.

#### 4. Participation and Inventory Reporting ([FNS-153](#))

Each distribution site will perform a physical inventory at the end of each month. Inventory, distribution amounts, and participant data will be reported monthly by each distribution site to the LA who then compiles and submits the completed and required [FNS-153](#) report to NCDA&CS-FDD.

Each LA shall submit an [FNS-153](#) which shall include:

- Participant data
- total products on hand
- total products received
- total products distributed
- any gains or losses (including explanations). State and local inventory levels are monitored by NCDA&CS-FDD monthly. NCDA&CS-FDD works with LA distribution sites to project or anticipate major caseload changes which might result in fluctuating inventory needs, etc.

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## B. LOCAL AGENCY AND DISTRIBUTION SITE PRACTICES

### 1. Participant Identification and Proxies

Participants are required to present some form of personal identification at application and to receive monthly food packages. The LDA may issue a CSFP identification card to each participant or to the participant's authorized responsible party (proxy) as a means of identification. If identification cards are not used, the LDA must request to see the participant's or proxy's driver's license or NC ID as a means of identification. The birth certificate, medical record, Medicare card, or Family Bible can be used to verify the age of the applicant. Any question regarding acceptable forms of identification should be directed to the designated NCDA&CS FDD Regional Field Representative or other FDD Administrative Staff.

Only a participant or the participant's proxy is permitted to receive the CSFP food box. If a participant is homebound or cannot always make it to the distribution, a proxy should be utilized. Assignment of a proxy should be encouraged during the application process. If none is assigned during the application/certification process, a **proxy letter** may be used.

### 2. Signatures

NCDA&CS Food Distribution contracted agencies should require original signatures from participants on all documents whenever possible. Certain USDA/NCDA&CS FDD forms such as contracts, financial forms, and any other specified documents must be completed with the original signature of the designee. For non-specified documents, other forms of signatures may be permitted, such as an electronic or stamped signature, provided that the same degree of confidence and accuracy result from the system or method used as from a traditional, paper-based system. In addition, all required document information verifications must be completed prior to signing, according to individual program requirements. All recipient agencies should maintain internal policies that safeguard the authenticity of all signatures on documents pertaining to USDA and/or NCDA&CS programs.

### 3. Requirements for Distribution

- A. Food packages must be assembled according to the [CSFP Food Package Maximum Monthly Distribution Rate](#) set by USDA-FNS and under the guidance of NCDA&CS-Food Distribution.
- B. One food package is issued monthly to each certified participant in accordance with the CSFP Distribution rates.
- C. All participants picking up a food box are checked against a participant **Food Issuance Register**. This Food Issuance Roster is produced at the LDA and lists all certified participants eligible to receive a food package. This roster must be signed by the participant at the time of package distribution.
- D. The CSFP Receipt of Foods must be reviewed and signed by the participant, participant's proxy, or agency representative. LDA Staff/Volunteer must completely

and accurately complete the document at each distribution.

- E. The participant or proxy must show the CSFP identification card or driver's license, NCID or other acceptable form of identification at the time of the food pickup. Identification will be checked against the participant's file. Questions about acceptable forms of identification should be directed to NCDA&CS FDD.
- F. Each participant shall be given nutrition education material monthly as prescribed by [7 CFR 247.18](#) and guided by NCDA&CS Food Distribution [\[See Nutrition Education\]](#).
- G. CSFP participants must be given every opportunity to receive a food package. LDAs should use compassion and good judgment in dealing with missed pick-ups and forgotten appointments. LDAs should have a written plan in place for missed pick-ups to ensure non-discrimination.
- H. All food safety standards should be maintained during distribution. Cheese and other perishables should be maintained at proper temperatures using freezer blankets, coolers, or refrigeration. [\[See Food Storage and USDA Safety and Inspection Service\]](#).
- I. Distribution sites shall maintain all principals of USDA Civil Rights [7 CFR 247.37](#).
  - a. All staff and volunteers working directly with recipients must be trained on USDA Civil Rights annually, before encountering CSFP participants.
  - b. Display current "*And Justice for All*" poster (AD-475A) and *Notice of Beneficiary Rights* (for faith-based organizations only) prominently, in view of CSFP participants, during each distribution ([AJFA AD-475A](#), [USDA Policy Memo 2016](#)).

#### **4. Food Package Deliveries to Homebound**

Homebound participants are approved for CSFP by the local distributing agency. It is the participant's responsibility to arrange a proxy to pick up the food package ([CSFP State Plan](#)).

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## **SECTION 6: USDA FOODS STORAGE & SAFETY**

N.C. Department of Agriculture & Consumer Services from its storage facilities in Butner and Salisbury, North Carolina will make deliveries monthly to the LAs. When food is delivered to the CSFP local distributing agency, food is placed in the existing CSFP inventory and clearly labeled as such.

In accordance with [7 CFR 250.14\(b\)](#), State distributing agencies and recipient agencies (LAs) must ensure that foods donated by the Department of Agriculture (i.e., USDA donated foods) are stored in a

manner to protect them from spoilage, infestation, damage, or other condition that may jeopardize the wholesomeness or safety of the foods. USDA donated foods must be maintained in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. In addition to proper storage practices, effective inventory management is necessary to ensure that USDA donated foods are distributed in a timely manner and in optimal condition. LDA employees and volunteers should be aware of state and local health codes that they should practice and ensure food safety in addition to the USDA and NCDA&CS-FDD storage guidelines that follow. Refer to storage guide codes listed on the delivery notice /invoice. Descriptions of storage code numbers are listed at the bottom of each delivery notice or invoice.

For additional information regarding standards for safe food handling, visit [USDA Safety and Inspection Service](#).

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## A. STORAGE CONDITIONS & TEMPERATURES

Storage conditions are those factors that must be considered to prevent the premature deterioration of foods. To maintain quality, food must be stored at proper temperatures. LDAs should refer to the USDA information sheets for each food and/or NCDA&CS-FDD invoice and for each USDA food storage temperature instructions.

Temperatures in freezers, dry storage, and refrigerators/coolers should be checked and recorded daily or more frequently when known or potential power losses have occurred. It is required that freezers and coolers be checked and recorded seven (7) out of every seven (7) days when USDA foods are in storage, including holidays and closures. It is also recommended that dry storage be checked and recorded seven (7) out of every seven (7) days, including scheduled holidays and closures. Digital monitoring can be used to fulfill this requirement.

**The recommended storage temperatures are:**

**Freezer: -10F. to 0F.**

**Cooler: 35F. to 39F.**

**Dry Storage: 50F. to 70F.**

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## B. PEST CONTROL

Any facility that handles food is highly susceptible to rodent and insect infestation. To combat any such issues, pest prevention measures must be taken regularly. LDAs and partner agencies should maintain a relationship with a licensed pest control company and/or use discretion to ensure that any pest issues are avoided, treated, and/or eliminated in a timely manner. Pest control products used should be safe for use around food products.

LDAs and partner agencies should keep a record of the name of the pest control company or method, along with any services previously provided, so it may be shared with NCDA&CS FDD Representatives for program monitoring purposes. As with all other program-related documents, records should be kept for a period of five (5) years to document patterns and treatment processes.

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## C. DISPOSAL OF USDA FOODS

If you must dispose of USDA Foods, open the cans or bags of food, empty the contents into a garbage bag and pour bleach on the contents. All losses must be included in monthly reporting. Any USDA foods loss must be reported to NCDA&CS FDD immediately. NCDA&CS FDD will evaluate the circumstances and provide guidance for reporting the loss if needed. Loss due to theft must also be reported to the proper legal authorities.

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## SECTION 7: RECORDS MANAGEMENT

All records pertaining to CSFP will be maintained in a safe and suitable place for five (5) years following the close of the federal fiscal year (October-September) to which they pertain. Participant records must be accessible for monitoring purposes at both the LDA and at each partner agency distribution site. The U.S. Department of Agriculture and the N.C. Department of Agriculture & Consumer Services are authorized to inspect all program operations, including records and reports, at any reasonable time.

The LDA must submit a CSFP FNS-153 report to NCDA&CS FDD Household Programs Administrator for monthly distributions. This report should be completed and returned no later than the fifth (5<sup>th</sup>) working day of each month. For instructions on completing this report, please see or request the **FNS-153 CSFP Inventory Management Report Instruction Sheet**.

On the FNS-153, the State agency reports the following to USDA:

- The number of program participants
- The receipt and distribution of commodities, and beginning and ending inventories, as well as other commodity data
- On a quarterly basis, the cumulative amount of administrative funds expended and obligated, and the amount remaining unobligated
- Local agencies must submit a report of racial/ethnic participation each year *for distributions held during the month of April*, using the FNS-191.

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## SECTION 8: LOCAL AGENCY MONITORING

The NCDA&CS-Food Distribution Field Services Staff, who are trained in program administration, nutrition, and the food delivery system will conduct site visits and LDA Administrative Reviews. Program administration includes management, civil rights, audits, procurement and property, outreach, fair hearings, records and reports, financial management and program costs. Nutrition includes nutrition education, certification, and food packages. The CSFP food delivery system includes transporting and warehousing foods, distributing foods to program participants, and participant compliance with program policies.

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### A. ADMINISTRATIVE REVIEWS

Local agency CSFP operations and distributions are evaluated by NCDA&CS FDD every two years. The purpose of an Administrative Review is to help the agency identify specific strengths and weaknesses and to develop a resolution plan or corrective action plan. When conducting two-year reviews, NCDA&CS FDD will strive to determine if certain problems are common to all agencies or are particular to one agency. Problems of a general nature will be addressed through policy review and training provided by the State agency. Problems of a specific nature will be resolved with the individual local agency through corrective action plans.

The Regional Field Representative will also visit each local CSFP agency annually to offer consultative services and to inspect facilities storing USDA Foods.

Within one month after the on-site Administrative Review, NCDA&CS-FDD will send a written report that includes program commendations, deficiencies, recommendations, and/or required corrective actions.

During the Administrative Review, NCDA&CS-FDD will:

- limit the evaluation of program operations to the period since the last Administrative Review, unless otherwise determined,
- complete all questions on the evaluation tool,
- review a pre-determined number of participant files, including active and inactive files,
- set aside a specific time during the visit to conduct an exit interview, address findings and to provide technical assistance.

LDA staff will have the following materials ready for the NCDA&CS-FDD staff for their review:

- Current List of CSFP sites including addresses, contact information, & distributing agency case load & dates of distribution.



- CSFP Distributing Agency Agreement(s)
- Description & documentation of CSFP training for distributing agencies
- Local agency written policies and procedures for managing the CSF Program
- CSFP Participant applications
- Schedule of certifications
- Signed Issuance Rosters & Participant Receipt of Foods
- CSFP outreach materials
- Examples of Monthly Nutrition Related Information provided to participants
- Documentation & Summaries of Periodic Participant Nutrition Surveys
- Record of Annual Civil Rights and other program-related agency trainings
- Records of visits to sites/site evaluations
- Copies of monthly FNS-153 reports
- Monthly CSFP physical inventories
- Reimbursement requests with supporting documentation
- Copy of FNS-191 (Racial/Ethnic Group Participation)
- Copy of last fiscal year audit performed
- Certificate of Liability Insurance
- Food storage temperature charts
- Copy of last AIB audit or other food safety certification audit (for reference only)
- Preventive pest control records

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## B. DISTRIBUTING AGENCY SITE VISITS

The NCDA&CS FDD Field Staff will strive to visit each current CSFP distributing agency at least once during the two-year LDA review period. The purpose of these visits will be to ensure distributing agencies understand and comply with Federal and State regulations, policies, and procedures.

A [Regional Field Representative](#) will contact local and distributing agencies to schedule site visits. Agencies are urged to respond within one week of primary contact. In the event a Field Representative has not received a follow-up response from the distributing agency, a second attempt will be made. Distributing agencies who fail to respond within two weeks of the second attempt will be reported to NCDA&CS FDD's contracted LDA and to FDD management for further assessment.

Once a response is received regarding a mutually agreed upon date, time, and location for the appointment, it is considered confirmed. It is expected that all parties make every effort to keep the appointment and prepare all records and documents as requested. If unable to honor a confirmed appointment, adequate notice should be given an appointment should be re-scheduled as soon as it is possible to do so.

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## C. STORAGE FACILITIES

LDAs are required to disclose to NCDA&CS FDD all locations where USDA Foods are being stored and inventoried. A Food Distribution Regional Field Representative will visit each storage facility annually to evaluate and ensure USDA Foods are safely stored and managed.

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## D. CORRECTIVE ACTIONS

Following an Administrative Review or visit, if a corrective action is required, the LDA shall submit a written corrective action plan within 10 days after receiving the State report. If the LDA fails to respond within 10 days, NCDA&CS-FDD may make a technical assistance visit to the LDA. If the LDA fails to respond to NCDA&CS-FDD within 60 days, NCDA&CS-FDD may take additional measures, which may include withholding of administrative funds.

If necessary, NCDA&CS-FDD may conduct a follow-up visit. This follow-up visit will be a more informal meeting to address specific concerns, accomplish administrative planning, or provide consultation on other identified needs.

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# SECTION 9: FINANCIAL MANAGEMENT

## A. MANAGEMENT OF ADMINISTRATIVE FUNDS

Each LDA is informed about the importance of documenting expenditures to prevent audit exceptions and refunds for unallowable costs. LDA indirect costs are allowable. NCDA&CS-FDD provides each LDA with the necessary forms to obtain reimbursement of allowable CSFP costs from NCDA&CS-FDD.

Administrative funds may be used for costs that are necessary to ensure the efficient and effective administration of the program, in accordance with [2 CFR 247.25](#). Some examples of allowable costs in CSFP include storing, transporting, and distributing foods, determining eligibility of program applicants, program outreach, nutrition education, audits, and fair hearings, monitoring and review of program operations, and participant transportation to and from the local agency, if necessary. Capital expenditures exceeding \$5,000 must be approved prior to purchase by NCDA&CS FDD and USDA- FNS.

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## B. FISCAL PROCEDURES

### 1. CSFP Contracts

Contractual grants between NCDA&CS-FDD and LDAs cover the Federal Fiscal Year (FFY), October 1<sup>st</sup> through September 30<sup>th</sup>.

### 2. Monthly Reimbursement of Expenditures

Each LDA receives CSFP funds by submitting a monthly report to NCDA&CS-FDD. The CSFP Reimbursement Request form is provided to the LDA by NCDA&CS-FDD.

All expenditures should be actual costs and not estimates.

Reimbursement requests shall be submitted with supporting documentation for all noted costs to NCDA&CS-FDD no later than the 10<sup>th</sup> working day of the following month in which the expenses were incurred. Not meeting reporting deadlines may result in delays in CSFP reimbursement of funds.

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## C. FISCAL CLOSEOUT INFORMATION

There are two time periods that are critical to have reimbursement requests submitted, *July 15th* and *October 15th*. NCDA&CS-FDD will work with organizations to remind them of these impending deadlines for payments.

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## SECTION 10: COMPLAINTS

### A. USDA FOODS COMPLAINTS

Local Distributing Agencies, including Sub-distributing Agencies, should have procedures for processing complaints. All paid and volunteer personnel must be able to provide documentation of the procedures and an explanation of the complaint process upon request.

All USDA Foods must be inspected upon receipt. Hidden damage may be found after the product has been accepted into the warehouse or storage facility. All incidents of damage and/or out-of-condition product must be reported to NCDA&CS FDD. The LDA shall immediately report to NCDA&CS-FDD

any USDA foods issue that suggests a potential health hazard. You may file a [USDA Foods complaint](#) via the NCDA&CS-Food Distribution website.

To assist in processing the complaint more quickly, provide the following information in the complaint form:

- Can and case codes,
- Description of the problem and whether anyone reported feeling sick or being injured from consuming the product,
- Date your organization received the affected USDA Foods,
- Quantity of product involved (affected),
- Quantity and physical address of product remaining and if the remaining product is affected or not,
- Sales Order Number (formerly Delivery Order Number) and Purchase Order Number (formerly Notice to Deliver Number). These numbers may be on the paperwork received with the USDA Foods shipment. If not, NCDA&CS FDD may be able to obtain them,
- The specific circumstances involved (for example - "I received the damaged canned products 2 months ago, but the cases were located in the middle of a pallet that could not be seen until the agency opened the cases" OR "The temperature in the delivery truck was 40 degrees when the discolored frozen products were delivered"), and
- Digital photographs of damaged product or foreign objects are very important and helpful.
- If you are requesting a replacement, you should retain the unopened product until further notice from the USDA Foods Complaint Specialist at FNS, so that the vendor can exercise their right to examine or retrieve the product.

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## B. CIVIL RIGHTS COMPLAINTS

### 1. Local Agency Responsibilities

- a. The Local Agency is responsible for ensuring that all persons have equal access to the program. LDAs cannot discriminate in employment or program participation based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. [USDA Non-discrimination statement](#)
- b. During certification, the LDA must inform all participants of their rights and responsibilities.
- c. The LDA shall advise participants of the nondiscrimination policy and the procedure for filing a complaint.
- d. LDAs must strictly adhere to and enforce the provisions of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
- e. LDAs must promptly investigate discrimination complaints received in connection with the distribution of USDA foods. The LDA shall maintain on file evidence of such

investigations and actions. NCDA&CS-FDD reserves the right to make investigations and has the final determination as to when appropriate action has been taken.

- f. LDAs (including Sub-distributing Agencies) must ensure that annual civil rights training is administered to all paid and volunteer personnel who interact with CSFP applicants and clients. Training must be documented and maintained according to the record-keeping requirements described in Chapter 7, Records Management.
- g. If a complaint of discrimination as described above is alleged, the LDA shall IMMEDIATELY forward the complaint form to the NCDA&CS FDD.

Discrimination complaints may be filed with:

- the State Agency,
  - the Local Agency, or
  - the USDA Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410, or call (202) 720-5964 (voice and TDD).
- h. Discrimination complaints received by the State Agency or Local Agency will be forwarded to the USDA Office of Civil Rights at the above address.

## 2. Public Notification

As part of public notification responsibilities, the LDA and each Sub-Distributing Agency must:

- a. Display the most current USDA nondiscrimination poster ("*...And Justice For All*") in a prominent place that is always visible to customers,
- b. Make program information available to the public upon request,
- c. Be able to provide information materials related to the Commodity Supplemental Food Program (CSFP) in languages other than English, if the need exists. If a significant proportion of the population in an area is comprised of non-English or limited English-speaking persons with a common language, the State agency must ensure that local agencies inform such persons of their rights and responsibilities in the program, as listed in [7 CFR 247.13](#), in an appropriate language. State and local agencies must ensure that bilingual assistance is available to serve these persons.
- d. Provide the up-to-date nondiscrimination statement [USDA FNS Non-discrimination statement](#) and complaint filing procedures in all applications and program-related information intended for current and potential clients:

*In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.*

*Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.*

*To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:*

- 1. **mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or*
- 2. **fax:**  
(833) 256-1665 or (202) 690-7442; or*
- 3. **email:**  
[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)*

*This institution is an equal opportunity provider.*

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## SECTION 11: CLAIMS

### A. RIGHT TO FILE CLAIMS

USDA may assert claims against liable CSFP participating states.

States may assert claims against participating organizations where USDA Foods are delivered. The State is required to take appropriate collection actions to obtain restitution where liability is involved. Corrective Action plans will be established for future monitoring as needed.

Participating organizations have the right to assert claims. An organization may assert a claim in the event a loss or inappropriate use or distribution of USDA foods has occurred. Such claims may be established against persons or companies with whom the organization has placed the responsibility for care, handling, or distribution of USDA foods (i.e., employees, volunteers, storage facilities, etc.) Organizations shall always have the right to pursue restitution through appropriate legal channels in addition to claims action taken through the CSFP.

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### B. CLAIMS AND LOSSES

A "claim" is any demand (or basis for a demand) for money or replacement of lost, damaged or improperly distributed or used USDA Foods. Once NCDA&CS FDD has received all information regarding situations requiring claim action, a claim determination will be made to decide the existence or nonexistence of a liability.

USDA requires states to be accountable for all commodities received through CSFP and to take appropriate claim and collection action in certain situations. If a claim determination by NCDA&CS-FDD so indicates, the Local Agency (EFO), distribution site, and/or other persons shall reimburse NCDA&CS-FDD the value of the mishandled food. Claim action may be taken because of the following:

- Improper distribution or use of donated foods,
- Loss of USDA-donated foods that is caused by neglect, carelessness, and/or willful mishandling. "Loss" means any quantity of USDA-donated commodities that are unaccounted for (including physical count discrepancies), or which have become unusable for human consumption,
- Damage to USDA-donated foods, which is caused by neglect, carelessness, and/or willful mishandling.

NOTE: Anytime it is discovered or reported that a situation has occurred involving any of the above, the procedures outlined below are to be followed. All losses must be reported to NCDA&CS-FDD within three (3) working days from the date of discovery.

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## C. ESTABLISHING AND RESOLVING CLAIMS

The State agency must establish standards, based on a cost-benefit review, for determining when the pursuit of a claim is cost-effective, and must ensure that local agencies use these standards in determining if a claim is to be pursued.

### 1. Claim Against a Local Agency

The LDA will be responsible to the NCDA&CS FDD for any improper or negligent issuance of supplemental foods and will make restitution for any improper or negligent authorization. When a loss of food occurs after delivery to the local CSFP agency, a claim determination must be made. If the value of the food loss is more than \$500, documentation must be forwarded to the USDA Regional Office for concurrence with a claim determination by NCDA&CS FDD. If the agency is found to be negligent, NCDA&CS FDD must pursue a claim for the value of the food. All claim payments must be paid by check, payable to NCDA&CS FDD. The State distributing agency (SDA) will not assess any claim against the LDA or a CSFP participant which is less than \$500.

### 2. Filing a Claim Against a Participant

Improper use or receipt of CSFP benefits due to dual participation or other program violations may lead to a claim against the individual to recover the value of benefits. The pursuit of a claim against a participant to recover the value of CSFP foods improperly received or used is cost-effective when the value exceeds \$135 or 5 months of CSFP benefits. The estimated value of the monthly CSFP benefit is \$27.

In accordance with [7 CFR 247.30](#), NCDA&CS FDD has established the following claim procedures regarding foods received or used by a participant through fraud:

- The local agency will issue a letter to the participant indicating that they are ineligible for participation in CSFP for a period of up to one year.
- A letter demanding repayment for the value of the commodities improperly received or used will be issued in instances when the dollar value is determined to be over \$135.00. Payment is to be received within 30 days of the date the letter was sent. If an appeal is sought, then the timeframe may be extended as deemed necessary.
- Additional measures will be taken as necessary if payment is not received within 30 days.
- The local agency will permanently disqualify a participant who commits three program violations that involve fraud, in accordance with the requirements of [7 CFR 247.20](#).

Letters demanding repayment for the value of the USDA Foods improperly received or used must:

- 1.) Advise the participant of the opportunity to appeal the claim through the fair hearing process as described in [Fair Hearing](#), Section 14, and



- 2.) Provide a copy of the document, “Fair Hearing Procedures for Food Distribution Programs in North Carolina” [NCDA&CS-FDD Fair Hearing Procedures](#).

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## SECTION 12: DISQUALIFICATION, TERMINATION, AND DISCONTINUANCE

### A. DISQUALIFICATION/TERMINATION PROCEDURES AND NOTIFICATION

Program violations are actions taken by CSFP applicants or participants, or caretakers of applicants or participants, to obtain or use CSFP benefits improperly. Violators may be disqualified for a period up to one (1) year, unless the local agency determines that disqualification would result in serious health risk, in accordance with the requirements of [e-CFR 247.20\(b\)](#).

#### 1. Disqualification

The LDA shall document in the participant’s record the circumstances of the disqualification and shall provide the participant with written notification at least 15 days before the effective date of

disqualification. The notification will include the effective date and period of disqualification, the reason for the disqualification, and a statement that the individual may appeal the disqualification through the fair hearing process.

Reasons for disqualification include (first 4 reasons constitute fraud):

- a) intentionally withholding information or making false or misleading statements, orally or in writing, to obtain benefits to which the individual would not otherwise be eligible,
- b) altering program documents for the purpose of receiving increased benefits or for the purpose of transferring benefits to unauthorized persons,
- c) using supplemental foods in an unauthorized manner, such as trading or selling the food,
- d) intentionally committing dual participation in more than one CSFP program,
- e) missing two consecutive monthly food pick-ups. The LDA shall notify the participant in writing after the first missed food pick-up that failure to pick-up again may result in termination,
- f) persons not completing re-certification within a two-month period, or
- g.) physical abuse, or threat of physical abuse, of program staff.

#### 2. Termination

Any individual who has fraudulently applied for and obtained program benefits and who would not be eligible otherwise, are to be terminated without warning. Reasons a.) through d.) above

under the *Disqualification* section all constitute fraud. The LDA shall document in the participant's record the circumstances of the termination and shall provide the participant with written notification at least 15 days before the effective date of termination. The notification will include the effective date and period of termination, the reason for the termination, and a statement that the individual may appeal through the fair hearing process.

Eligible Applicants or participants shall be provided an opportunity to make a statement on their behalf. The LDA shall document this statement in the individual's record. If the individual refuses to make a statement, the LDA shall also document such in the record.

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## B. DISCONTINUANCE

The LDA shall document in the participant's file the circumstances of the discontinuance and shall provide the participant with written notification at least 15 days before the effective date of discontinuance. The notification will include the effective date, the reason for the discontinuance, a statement of the individual's right to appeal through the fair hearing process, and that the program standards are applied without discrimination.

Reasons for Discontinuance include:

- 1.) LDA has not received proof of required documentation,
- 2.) LDA has evidence that a participant is no longer eligible for benefits during the certification period; or
- 3.) LDA does not have sufficient resources, such as a sufficient number of caseload slots, to continue providing benefits to the participant for the entire certification period [\[See Waiting Lists\]](#).

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## SECTION 13: CIVIL RIGHTS

### A. LOCAL AGENCY (LDA) RESPONSIBILITIES

Each Local Agency (LDA) and sub-distributing agency is responsible for ensuring that all persons have equal access to the program. LDAs cannot discriminate in program participation based on race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. [USDA nondiscrimination statement](#)

1. Local Agencies must strictly adhere to and enforce the provisions of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the

Americans with Disabilities Act.  
[Civil Rights Act of 1964](#)  
[Rehabilitation Act of 1973](#)  
[Americans with Disabilities Act](#)

2. During certification, the LDA must inform all participants of their rights and responsibilities.
3. The current USDA poster, "*And Justice for All*," will be displayed in a prominent location, visible to participants during distribution, and in all participating agencies and food distribution sites ([AJFA AD-475A](#)). For faith-based organizations, the *Written Notice of Beneficiary Rights* should also be displayed prominently, in view of CSFP participants, during each distribution in accordance with [7 CFR Part 16.4 \(f\)](#), ([USDA Policy Memo 2016](#)).
4. As part of the certification process, Each LDA shall collect racial/ethnic data from each participant. The data shall be based on actual or visual report during the certification procedure. The LDA shall inform each participant that this information is collected for reporting and statistical purposes only, which is then tabulated to produce the [FNS-191](#) report by NCDA&CS-FDD.
5. Local Agencies (including Sub-distributing Agencies) must ensure that annual civil rights training is administered to all paid and volunteer personnel who interact with CSFP applicants and clients. Training must be documented and maintained according to the record-keeping requirements described in Chapter 7, Records Management ([NCDA&CS FDD Civil Rights Training](#)). Any civil rights training used other than what is provided by NCDA&CS FDD must be pre-approved by NCDA&CS FDD.
6. The LDA shall advise participants of the nondiscrimination policy and the procedures for filing a complaint.
7. Local Agencies must promptly investigate discrimination complaints received in connection with the distribution of USDA foods. The LDA shall maintain on file evidence of such investigations and actions. NCDA&CS-FDD reserves the right to make investigations and has the final determination as to when appropriate action has been taken.
8. If a complaint of program-related discrimination is alleged, the Local Agency shall IMMEDIATELY forward the complaint information to the NCDA&CS FDD.

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## B. PUBLIC NOTIFICATION

As part of public notification responsibilities, the Local Agency and each Sub-distributing Agency must:

1. Display the current USDA nondiscrimination poster ("*...And Justice For All*") in a prominent place that is visible to clients at all times ([AJFA AD-475A](#)),
2. For religious organizations, display the *Notice of Beneficiary Rights*, in accordance with CFR Part 16.4 (f), ([USDA Policy Memo 2016](#)).
3. Make program information available to the public upon request,
4. Be able to provide information materials related to the Commodity Supplemental Food Program (CSFP) in languages other than English, if the need exists ([USDA FNS Non-discrimination statement](#)).
5. All publications and posters that the LDA distributes shall include the nondiscrimination clause (See USDA Civil Rights website).
6. If the material is too small to permit the full statement to be included, the material should, at a minimum, include USDA's short nondiscrimination statement as: **"This institution is an equal opportunity provider."** If the short statement is used, the print size should be no smaller than the text of the document.
7. Provide the up-to-date nondiscrimination statement (See [USDA Civil Rights website](#)) and complaint filing procedures in all applications and program-related information intended for current and potential clients:

*In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.*

*Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.*

*To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:*

**1. mail:**

*U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or*

**2. fax:**

*(833) 256-1665 or (202) 690-7442; or*

**3. email:**

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

*This institution is an equal opportunity provider.*

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## C. NCDA&CS FDD RESPONSIBILITIES

Each LDA shall be evaluated biennially for compliance with the requirement of Title VI of the Civil Rights Act of 1964. Each LDA is also expected to evaluate its distribution sites for Title VI compliance. This evaluation can be included as part of the annual monitoring visit. The LDA will monitor food distribution sites to ensure that they are serving all persons equally.

If a participating agency is found to be out of compliance, this information will be included as part of the program evaluation. NCDA&CS-FDD will require compliance to be achieved within 30 days of the finding. NCDA&CS-FDD will conduct follow-ups as needed and provide technical assistance to ensure that compliance occurs.

NCDA&CS-FDD shall notify the USDA Regional Office when noncompliance is not achieved timely.

Administrative training for all new staff includes training in civil rights procedures such as determining ethnic code, non-discrimination at distribution sites, and civil rights complaints. See the [Civil Rights Training](#) presentation for additional information.

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## SECTION 14: FAIR HEARING

### A. FAIR HEARING PROCEDURES FOR EMERGENCY FEEDING ORGANIZATIONS

Any individual who is denied participation, terminated or disqualified from CSFP, or if NCDA&CS-FDD has a claim against them, has the right to a fair hearing in accordance with [NCDA&CS-FDD Fair Hearing Procedures](#). The hearing request shall be filed within 60 days from the date when the EFO gave or mailed the denial, termination, or disqualification action notice. The individual's request may be either written or oral.

When the LDA receives a request for a fair hearing, the complainant has the option to resolve the issue with a preliminary conference with the LA within seven (7) days. The LDA shall notify NCDA&CS-FDD and proceed with the fair hearing when the issue is still unresolved after the possible preliminary conference. The LA shall notify the appellant in writing of the time and location at least ten days in advance of the fair hearing and shall enclose an explanation of the hearing procedure.

The hearing shall be accessible to the appellant and shall be held within three (3) weeks from the date the LA or NCDA&CS-FDD received the request for a hearing. The LDA or NCDA&CS-FDD shall provide the appellant or the appellant's representative an opportunity to present their case in accordance with [7 CFR Part 247.33](#).

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### B. DENIAL OF FAIR HEARING

The request for a fair hearing shall be denied when criteria listed in [7 CFR Part 247.33](#) are not met.

### C. CONTINUATION OF BENEFITS

Participants who appeal the claim against them, termination, or disqualification within 15 days of receiving the notice may receive program benefits until a hearing official reaches a decision or until the participants certification expires, whichever occurs first. However, if the hearing decision finds that a participant received program benefits fraudulently, the LDA must include the value of the benefits received during the time that the hearing was pending, as well as for any previous period, in its initiation and pursuit of a claim against the participant.

Applicants who are denied benefits at initial certification or at subsequent certifications shall not receive benefits while awaiting the hearing.

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## D. HEARING OFFICIAL

The hearing official is an individual who resides in the NCDA&CS-FDD Legal Department and shall conduct hearings. The official does not have any involvement in the decision and was not directly involved in the initial determination of the action being contested. The hearing official shall be in compliance with [7 CFR 247.33](#).

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## E. HEARING DECISIONS

The decisions of the hearing official shall comply with federal law, regulation, or policy and shall be factually based on the hearing record and binding on the LDA. Hearing decisions and notifications shall be in compliance with [7 CFR 247.33](#).

All State Agency and LDA hearing records and decisions shall be available for public inspection and copying provided the names and addresses of participants and other members of the public are kept confidential.

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## F. APPEAL OF STATE AGENCY AND LOCAL AGENCY FAIR HEARING DECISIONS

Any applicant or participant who went through the fair hearing process has the right to appeal the decision through a judicial review. The LA is to notify NCDA&CS-FDD immediately when a request for a judicial review is made. [NCDA&CS-FDD Fair Hearing Procedures](#)

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