



# DC WIC and Senior FMNP Manual 2021

DC | HEALTH



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## 1 - INTRODUCTION

### **PURPOSE**

This document contains information about WIC Farmers' Market Nutrition Program (FMNP) and Senior Farmer's Market Nutrition Program (SFMNP) policies, rules, and regulations for farmers who operate at farmers' markets or roadside stands. FMNP and SFMNP are seasonal programs that provide benefits to eligible participants to purchase fresh fruits, vegetables, and herbs with approved farmers. S/FMNP designates application to both WIC and Senior programs.

A copy of the Farmer Manual must be kept up-to-date by including all policy revisions, announcements, and inserts as they are provided by DC Health. A current copy of the Farmer Manual can also be found on the DC Health website at:

<https://dchealth.dc.gov/page/wic-senior-farmers-market-nutrition-programs>

### **TERMS, DEFINITIONS & ACRONYMS**

The following is a list of Federal, State, and local terms, acronyms and definitions used throughout the manual.

**CFR** – Code of Federal Regulations. Contains the regulations governing all federal programs.

**Electronic signature** – Communication via email or text that includes an indication that an applicant or participant is certifying something by typing their name in addition to Bonafede electronic signing using software tools.

**Eligible foods** – fresh, unprocessed, locally-grown fruits, vegetables, and edible herbs.

**Family** – a group of related or nonrelated individuals who are living together as one economic unit, except that residents of a homeless facility or an institution shall not all be considered as members of a single family.

**Farmers' market** – a permanent location, often outdoors, where several farmers gather to sell produce and goods to the public that is under set management with rules and requirements for farmers who participate.

**Farm stand / roadside stand** – a permanent location dedicated to the sale of a farmer's produce and goods to the public that is under the ownership of one farmer, a partnership of farmers, or a not-for-profit cooperative.

**FMNP** – WIC Farmers' Market Nutrition Program.

**FNS** – Food and Nutrition Service, a division of the United States Department of Agriculture responsible for the nationwide administration of several federal nutrition programs including S/FMNP.

**FY** – Fiscal year, a twelve-month period used for accounting and reporting purposes. The fiscal year for S/FMNP is October 1 to September 30.

**Farmer** – a farmer who grows produce for purchase by the public.

**Household** – see family. Also, a single individual living alone.

**Ineligible foods** – food items that may not be purchased with S/FMNP checks.

**DC Health** – DC Department of Health, the State agency responsible for overseeing federal funding expenditures of S/FMNP.

**LA** – Local agency, a nonprofit entity or local government agency which issues S/FMNP checks and provides nutrition education and/or information on operational aspects of the S/FMNP to S/FMNP participants.

**Locally grown** – grown within the State of Indiana or an adjacent state's bordering counties.

**Market Manager** – a person who manages, in an official capacity, a Farmers' Markets.

**Mobile market** – a roadside farm stand that moves from location to location throughout the season on a set schedule.

**Proxy** – an individual authorized to apply for benefits, receive benefits or make purchases for an applicant or participant.

**SFMNP** – Senior Farmers' Market Nutrition Program.

**S/FMNP** – designates application to both FMNP and SFMNP.

**USDA** – United States Department of Agriculture, the cabinet level agency responsible for federal aspects of all federal agriculture and nutrition programs.

**WIC** – Women, Infants, and Children.

## **2 - PARTICIPANT ELIGIBILITY & DISTRIBUTION**

### **FMNP**

#### **Eligible categories**

- Pregnant
- Breastfeeding
- Postpartum
- Child age 1-5
- Infant over 6 months of age

Currently certified WIC participants who are members of an eligible category qualify to receive FMNP benefits. Only one set of checks may be issued to one household member at a single encounter.

Foods provided, regardless of method of issuance, are intended for the sole benefit of FMNP recipients and are not intended to be shared with other non-participating household members.

*7 CFR 248.6(c)*

#### **Residency**

Participant must be a resident of the District of Columbia

#### **Income**

Maximum household income must be at or below 185% of current annual poverty income guidelines.

*7 CFR 248.6(a)*

#### **Benefit Value**

\$30.00 per participant per season

#### **Benefit Distribution**

FMNP benefits are distributed alongside a WIC participant's WIC food benefits.

Distribution occurs once, by mail or in-person during a certification or check pick-up from June 1 - September 30.

#### **Local Agencies**

There are four local agencies.

- Children's National Health System

- Howard University Hospital
- Mary's Center
- Unity Health Care

## **SENIOR FMNP**

### **Eligible categories**

- 60 years of age or older

### **Residency**

Participant must be a resident of the District of Columbia

### **Income**

Maximum household income must be at or below 130% of current annual poverty income guidelines.

Current recipients of the following federal programs are categorically income eligible:

- Commodity Supplemental Food Program (CSFP).

*7 CFR 249.6(a)*

### **Benefit Value**

\$50.00 per participant per season

### **Benefit Distribution**

SFMNP benefits are distributed alongside a SFMNP participant's Grocery Plus food box. Distribution occurs once, in-person during benefit pick-up or by home delivery from June 1 - September 30. Grocery Plus is a combination of CSFP and the SFMNP in the District.

### **Local Agency:**

There is one local agency.

- Capital Area Food Bank

## **WIC Cash-Value-Check**

### **Eligible categories**



- Pregnant
- Breastfeeding
- Postpartum
- Child age 1-5

Currently certified WIC participants who are members of an eligible category qualify to receive WIC Cash-Value-Checks. One check is issued on a monthly basis to spend on fruits and vegetables at grocery stores or with approved farmers.

### **Residency**

Participant must be a resident of the District of Columbia

### **Income**

Maximum household income must be at or below 185% of current annual poverty income guidelines.

### **Benefit Value**

Pregnant/Breastfeeding/Postpartum Women: \$11.00 per month

Child Age 1-5: \$9.00

Pregnant Women with Multiples or Breastfeeding Women of Multiples: \$16.50

### **Benefit Distribution**

A WIC Cash-Value-Check is distributed monthly alongside a WIC participant's WIC food benefits. Distribution occurs during a participant's certification by mail or in-person during a certification or check pick-up.

### **Local Agencies**

There are four local agencies.

- Children's National Health System
- Howard University Hospital
- Mary's Center
- Unity Health Care

## **PROXIES**

Applicants may designate, as a part of the application, a proxy to purchase produce on their behalf using S/FMNP checks. Each applicant may have two (2) proxies. A single proxy may represent no more than two (2) participants. WIC participants may also designate alternate authorized representatives to use their checks with approved farmers.

### **Exception for SFMNP**

Proxies who are employees or volunteers of a local agency that provides assistance and services to seniors may represent as many seniors as is necessary to ensure accommodation for persons who are homebound and to eliminate barriers to participation in the program. The LA must have in place written policies and procedures governing the proxy process to maintain consistency and compliance.

If no proxy is designated, check the box so indicating.

## **3- ADMINISTRATION**

### **FEDERAL ADMINISTRATION**

Federal regulations define the requirements of the programs. Requirements include administration, eligibility, nondiscrimination, benefit levels, eligible foods, coupon and market management, financial management systems, distribution of funds, appeal procedure, monitoring and reviews, investigations, claims and penalties, procurement, records and reports, and confidentiality. The state agency may determine how to implement the programs within the regulations.

*7 CFR 249 governs SFMNP. 7 CFR 248 governs FMNP.*

Signed into law on July 2, 1992, Public Law 102-314 authorizes the operation of the WIC Farmers' Market Nutrition Program (FMNP) under the supervision of the United States Department of Agriculture Food and Nutrition Service (USDA-FNS).

In 2007, the SFMNP was transferred to USDA-FNS as a program under Senior Farmers' Market Nutrition Program regulations. USDA-FNS and the District of Columbia provide funding for food instruments and administration of S/FMNP.

#### **FMNP Purpose and Scope**

To provide resources in the form of fresh, nutritious, unprepared foods (fruits and vegetables) from farmers' markets to women, infants, and children who are nutritionally at risk and who are participating in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) or are on the waiting list for the WIC Program; and

To expand the awareness, use of and sales at farmers' markets.

*7 CFR 248.1*

#### **SFMNP Purpose and Scope**

To provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, honey, and herbs from farmers' markets, roadside stands, and community supported agriculture (CSAs) programs to low-income seniors;

Increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers' markets, roadside stands, and CSAs; and

Develop or aid in the development of new and additional farmers' markets, roadside stands, and CSAs.

*7 CFR 249.1*

## STATE ADMINISTRATION

The District of Columbia Department of Health (DC Health), Community Health Administration, Nutrition and Physical Fitness Bureau, administers both FMNP and SFMNP. DC Health partners with WIC local agencies to serve FMNP participants and with the Capital Areas Food Bank to serve SFMNP participants. Because the programs are very similar in purpose and scope, DC Health administers them under a single set of rules in a Consolidated State Plan.

DC Health is responsible to:

- Submit a plan of operation/administration to USDA by November 15 of each year.
- Provide annual training to new farmers, and local agency staff.
- Manage and approve farmer applications.
- Assign identification numbers to authorized farmers.
- Provide market reports to markets, listing authorized farmers.
- Provide market and stand listings to local agencies and participants.
- Provide technical assistance to farmers, and local agencies.
- Monitor farm stands, farmers, growing locations, and local agencies to ensure program compliance.
- Determine benefit levels.
- Allocate benefits to local agencies based on available funding, local agency prior performance, and service need.
- Execute agreements with farmers.
- Ensure proper payment to authorized farmers for properly stamped checks.
- Provide information to Market Operators, farmers, and local agency staff to facilitate collaboration.
- Maintain all records pertaining to the programs for three years plus the current federal fiscal year.
- Attend market meetings upon request and as available.
- Provide local agencies with updated income guidelines annually and revised documents as applicable.
- Provide program guidance and education as needed.

## LOCAL ADMINISTRATION

### All Local Agencies

Each participating local agency (LA) receives an allocation of checks based on available funding, prior year performance, and prior year redemption. Each local agency determines when, where, and how to distribute checks and provides nutrition education.

All local agencies must follow rules and procedures in the State Plan, Manual, and as directed by DC Health.

Local agencies are responsible to:

- Provide nutrition education to program participants that specifically targets fresh fruits and vegetables and addresses the special nutrition needs of the demographic.
- Provide instruction to program participants on program rules.
- Issue checks in sequential order.
- Complete check registers properly.
- Receive, verify, and allocate checks and check registers.
- Keep checks and registers securely stored at all times.
- Maintain accurate and complete records of all activities related to the program.
- Retain records and reports pertaining to program operation for three (3) years plus the current federal fiscal year.
- Make records available for review by DC Health or USDA during normal business hours.
- Provide data, reports, and feedback to DC Health within the timeframe specified in the request.
- Maintain the confidentiality of applicants and participants.
- Attend annual S/FMNP training webinars as scheduled.
- Provide DC Health with updated contact, service area, and distribution site information not less than annually prior to the beginning of a season and at any change.
- Display the "And Justice for All" poster prominently in an area that is visible to applicants, at certification and issuance sites.
- Cooperate with DC Health and/or USDA in investigation of complaints.
- Comply with all state and federal regulations as outlined in USDA Civil Rights and



Non-discrimination statements and Indiana's Religious Discrimination law.

- Adhere to USDA Income Eligibility Guidelines as revised annually by Health and Human Services.
- Allow each applicant to designate a proxy or proxies to apply for certification and shop with approved farmers and roadside stands if the WIC or senior participant is unable to perform these actions

## **4 - AUTHORIZATION**

To make access to fresh fruits, vegetables and cut herbs easier for S/FMNP participants, DC authorizes farmers are to accept S/FMNP checks at farm stands. All procedures, rules, violations, and sanctions apply to both programs. WIC Cash-Value-Checks are processed under WIC regulations.

### **FARMERS**

DC Health does not restrict the number of farmers that can be authorized for S/FMNP. **Farmers' can sell at farmers markets or roadside stands.**

#### **Eligibility Requirements**

To become and remain an authorized farmer, a farmer must:

- Grow produce within the District's boundaries or within a 500-mile radius of the District. This includes Maryland, Virginia, West Virginia, New Jersey, Pennsylvania, Delaware and North Carolina.
- Grow a majority (at least 50%) of the produce (fruits, vegetable, and cut herbs) offered for sale during market hours. If produce is purchased, it must be grown within a 500-mile radius of the District.
- Sell a minimum of 3 approved vegetables, fruits and or cut herbs to program participants.
- Have defined hours of operation June-October at a designated location and be located in areas that are accessible to program participants.
- Have a full time attendant during hours of operation as listed on the farmer's application. The "honor system" may not be used during the days and times the farmer provided to DC Health that the stand will be open to accept benefits.
- Train all agents of the farmer's business who interact with program participants on program policies and procedures.

#### **Additional Criteria for farm stands operated by nonprofit organizations:**

- Farm stands can be operated by individuals hired by a nonprofit organization to sell produce at farmers' markets or roadside stands on behalf of local farmers.
  - At least 50% of the produce sold at such farm stands must be raised by

the farmer(s) being represented.

- Farm stands operated by nonprofit organizations must comply with the farmer agreement and policies and procedures in the program manual.
- When stands are operated by nonprofit organizations, neither the nonprofit entities nor their agents (individual persons) must realize a profit on sales at the farm stands.

### **Who Does Not Qualify**

- A wholesale or retail farmer who does not grow his/her own produce
- A farmer who sells only at non-approved farmers' markets, such as a flea market through Community Supported Agriculture (CSA)
- Owners and managers of grocery stores or supermarkets
- A farmer who has been suspended or disqualified from the program within the last 2 years by the State Agency

### **MOBILE MARKET**

To reduce barriers to local food access, DC Health may choose to approve a mobile farmers' market. DC Health defines a mobile market as a roadside stand that sells fresh, locally grown, unprocessed produce for one or more farmers that moves to various static locations, primarily in food deserts, at predetermined and regular intervals.

To be approved, a mobile market must:

- Be operated by an authorized farmer or a non-profit 501(c)3 entity engaged by the farmer or farmers to sell their produce.
- Have specific and regular days, hours, and locations of service.
- Gain endorsement by the S/FMNP LA.
- Provide a statement of benefits gained by program participants if the mobile market is approved.
- If more than one farmer is represented, provide the method by which produce sold will be tracked by farmer and the method by which the farmer will receive S/FMNP checks for their produce that is sold.

Mobile market applications are evaluated on a case-by-case basis.

## APPLICATION PROCESS

To be considered for authorization as a S/FMNP farmer in the District, a farmer must complete the following:

- Farmer Application (all NEW applications are strongly encouraged to be reviewed and electronically or physically signed by a county extension agent)
- Farmer Agreement (due every 3 years; needs to be electronically or physically signed by a DC Health representative)
- Farmer Manual (contains policies and procedures for the programs and needs to be reviewed alongside the farmer agreement)
- Annual Training

### How to Complete the Application:

Complete the farmer application on an annual basis and agreement every three years. The application and agreement are available in February of each year through the web platform, Seamless Docs.

DC Health encourages county extension agents to review a farmer's application prior to approval. County extension agents serve as an authority that approves a farmer's farm activity. Some county extension agents opt to conduct a site visit to ensure operations align with what is on the application. A farmer's approval to the program is not contingent on the review by a county extension agent.

Submit your completed and signed application packet to the State Agency for approval through Seamless Docs. If email is unavailable, applications can be sent to the following:

**WIC & Senior Farmers' Market Nutrition Programs**  
**DC Department of Health**  
**899 North Capitol Street, NE | 3rd Floor**  
**Washington, DC 20002**  
[info.wic@dc.gov](mailto:info.wic@dc.gov)

### Renewal Applications:

Approved agreements are valid for three seasons. However, a farmer must submit an updated application on an annual basis. The updated application provides critical information on market locations, growing plans and staffing.

A farmer who is renewing an application will not receive a new stamp. If a stamp or sign is lost, damaged, or stolen, the farmer may request a new stamp from DC Health.

7 CFR 248.10

7 CFR 249.10

## **STATE AGENCY APPROVAL**

Final approval will be given once the application and trainings are complete. The State agency will give farmers at least one alternative date on which to attend interactive trainings. Farmer's will risk termination if they do not attend or take a training as scheduled. The State Agency will notify applicants in writing regarding the outcome of their request for participation.

### **Denial:**

If the request for authorization is denied, the State Agency will provide:

- The reasons for denial
- Information on the farmer's right to a fair hearing

### **Approval:**

If the request for authorization is approved, the State Agency will provide:

- A copy of the farmer application, signed by the WIC & Senior FMNP Coordinator and County Extension Agent
- A copy of the current vendor agreement, signed by the WIC State Director
- Notification of the date the vendor can begin to accept benefits
- Materials including posters and check stamps (if needed) before the start of the program season.

### **Approved Farmers:**

Approved farmers must:

- Ensure that at the beginning of each day locally grown fruit, vegetables, and/or cut herbs are displayed and offered for sale in the farmer's market stall or farm stand. Locally grown is defined as grown within DC or within a 500-mile radius of the District. Non-locally grown fresh fruits and vegetables cannot be displayed or offered for sale unless the S/FMNP eligible produce is clearly marked as locally grown. S/FMNP checks may only be accepted in exchange for locally grown fruits, vegetables, or cut herbs.
- Display the cost of produce for all customers to see.
- Be present during specified location(s) and hours. If unable to make it, notify the



State Agency as soon as possible so participants can be properly informed.

- Post the DC Health-issued authorized farmer poster at an farmers' markets and farm stands to indicate to S/FMNP participants they may spend checks at the stall.
- Display farm name to allow S/FMNP participants to locate approved farmers.
- Keep a copy of the participant complaint form and other State Agency requested material on-site during market hours.
- Only accept S/FMNP checks within date. S/FMNP checks may only be used at markets and farm stands with authorized farmers. Accepting S/FMNP checks at unauthorized locations or by unauthorized farmers is prohibited by law.

*7 CFR 248.10(a)(1)*

*7 CFR 249.10(a)(1)*

## **5 - FARMER TRAINING**

Annual training is designed to provide information about the programs, prevent farmer errors and noncompliance, and to improve Program service. The State Agency will also schedule corrective action training for noncompliant or problematic authorized farmers on an as-needed basis and offers technical assistance to supplement formal training opportunities. The training requirement differs for farmers in their first year of authorization who are new to the program versus returning farmers. First-time farmers must attend and complete a 1-hour interactive face-to-face training with the State Agency.

*7 CFR 248.10(a)(4)*

*7 CFR 249.10(a)(7)*

### **Returning Farmers:**

Farmers' who have previously been authorized to participate in the program may fulfill the annual training requirements by completing an online training, reviewing the farmer manual, newsletters and announcements made available through the State Agency website, emails and other printed materials. Farmers' deemed high risk from monitoring visits will need to attend a face-to-face training.

### **Train-the-Trainer Model:**

The State Agency employs a "train the trainer" model. Every authorized farmer is required to designate at least one person to serve as the designated trainer. The designated trainer shall train staff involved with S/FMNP transactions on Program requirements. The farmer or their designated trainer will promptly inform employees of changes in the Programs, including changes to the Authorized Foods List and check acceptance procedures.

### **Consequences for Missing a Training Session:**

If it is a...	Then the State Agency will...
Mandatory annual training Or Corrective action training	Allow the vendor to attend training on an alternative date
An alternative date for Mandatory annual training	Terminate the vendor for failure to remain in compliance with the Vendor Agreement
An alternative date for Corrective action training	Terminate the vendor for failure to remain in compliance with the Vendor Agreement

## **6- ACCEPTING CHECKS**

S/FMNP benefits and WIC CVC's may be accepted only by an authorized farmer or his/her employee or family member for the purchase of eligible foods. Participants will present checks and sign them, after selecting the items they wish to purchase. Farmers must request a WIC ID folder from WIC participants and compare the signature on the WIC CVC or FMNP check with the signature in the participant's WID ID folder. SFMNP participants or their proxies do not need to show ID when using their checks. Farmers may accept checks that are pre-signed.

When accepting WIC CVC's a farmer must write in the dollar amount of the purchase on the check and complete a price correction if there is an error to filling out the dollar amount. Refer to appendix A for step by step instructions to accepting S/FMNP checks and WIC CVC's.

### **CHECK APPEARANCE**

Authorized S/FMNP farmers may accept checks from S/FMNP participants. Each program issues its own checks that are valid only for the current season. Checks are of different colors and \$5.00 values. Check colors change annually to assist farmers in determining valid checks for the season.

Checks are made payable to "DC FMNP Approved Farmers." Program names are displayed in the upper left corner of the check face. Valid dates to use checks are listed on the right hand side of the check face, participant's signature area is on the bottom right hand corner, and a large box for farmer's stamp is above the participant signature line.

See Appendix B for examples of check images.

### **Comparison Chart**

	<b>S/FMNP Checks</b>	<b>WIC Cash-Value Check</b>
What are the values of the checks?	WIC Participants: \$5.00 checks for a total of \$30.00 Senior Participants: \$5.00 checks for a total of \$50.00	Children ~ \$9.00 Women ~\$11.00 Women: Pregnant or Breastfeeding Multiples Women ~ \$16.50
Can the participant pay cash if the purchase price exceeds the value of the check?	Yes	Yes
Can the participant receive change if the purchase price is less than the value of the check?	No	No

Can the participant use more than one check?	Yes	Yes, so long as the check is within the First and Last Date to Spend. Participants receive one each month but may have a few CVCs within their household.
Can the participant purchase non-locally grown produce?	No	Yes
Can the participant buy herbs and any variety of white potatoes?	Yes	No to herbs As of July 2015, any variety of potatoes may be purchased
What is the period of time that the check can be used by the participant?	June 1 <sup>st</sup> - October 31 <sup>st</sup>	There are specific dates listed on the check; each check is good for 30 days only
Does the participant need to show an identification card during the transaction?	WIC Participants: Yes, their WIC ID folder Senior Participants: No	WIC Participants: Yes, their WIC ID folder Senior Participants: Do not receive WIC CVCs
Are price corrections allowed on the check?	No	Yes
Can you accept pre-signed checks?	Yes	No
Is the participant's name on the check?	Yes	Yes

## CASH, CHANGE, AND REFUNDS

S/FMNP checks and WIC CVCs may not be exchanged for cash. Change, credits, or refunds may not be given to a customer using only S/FMNP checks. Participants using a combination of checks and cash must be given change directly related to the amount of cash used. Any purchase for more than the value of S/FMNP check(s) or WIC CVCs tendered must be paid by the participant.

Farmers are encouraged to assist S/FMNP participants to maximize the use of S/FMNP checks or WIC CVCs by offering additional fruits and vegetables if the total purchase is less than the S/FMNP check or WIC CVC.

S/FMNP authorized farmers may not cash S/FMNP checks or WIC CVC accepted by a non-authorized farmer or exchange checks for money.

## SALES TAX

There is no sales tax on S/FMNP or WIC CVC purchases.

## VALIDATING CHECKS

All checks must be stamped before depositing into a bank. There may be no handwritten numbers.

- Place the DC Health-issued farmer stamp in the lower right corner on the front of the check.
- Ensure the impression is made right-side up.
- Sign the back of the check in the endorsement area.

If a stamp is lost, stolen, or damaged, request a new one from DC Health.

## DEPOSITING CHECKS

S/FMNP checks may be deposited any time after the participant signs the checks, and it is stamped by the farmer. Endorsement is not required, but encouraged.

Some banks require a business account to accept any type of program check.

- Deposit checks frequently, preferably no less than every two weeks.
- Deposit all checks no later than November 15<sup>th</sup>.
- Before depositing, treat checks like cash and store them in a secure, locked location.
- Checks are not replaced if lost or stolen.
- Expired checks are not paid or accepted. They are returned with the message "Do not redeposit" printed on them. The bank of first deposit may charge the account holder a returned check fee.

### Check Rejection

Deposited S/FMNP checks are not paid in the following situations:

- Before "first day to use."
- After November 15<sup>th</sup>.
- Checks not for the current program year.
- Unauthorized vendor.
- Missing authorized vendor stamp.
- Missing customer signature.

Deposited WIC CVC's are not paid in the following situations:



- No Dollar Amount
- Early check deposit
- No Signature
- Altered Date
- Altered Dollar Amount 6. Invalid Vendor
- Late Deposit
- Over Price Maximum

Checks can be resubmitted to the bank using the following bank rejection codes:

- No vendor stamp
- Encoding error

## **CLAIMS & REVALIDATION**

Farmers are responsible for initiating requests for revalidation. Email rejected check images to [jessie.lupo@dc.gov](mailto:jessie.lupo@dc.gov) and put "Rejected Checks & Farmer Name" in the subject line of the email. The State Agency will review the checks, work with the bank and if possible, flag checks for redeposit.

The State Agency is not responsible for checks returned to you or any charges for checks returned to you, due to failure on your part to follow the correct procedures. All checks will be honored, if the proper procedures are followed.

## **CANCELLING CHECKS**

To ensure a check may not be deposited if it needs to be voided, punch holes in the check, rubber-stamp it to make it illegible, or shred it.

*7 CFR 248.10(h)(3)*

*7 CFR 249.10(h)(3)*

## **STAMPS**

The stamp must be clear and legible.

- If the stamp looks faint the computer will not be able to read it. If this occurs, re-stamp the check in the "DESCRIPTIONS" box.
- Use only black ink to re-fill the stamp

Farmers are responsible for initiating requests for replacement of the stamp and

sending it to the State Agency. The State Agency will provide the farmer with the suggested retail price quoted by the contractor. The farmer should allow four to six weeks for the replacement stamp to be delivered to the State Agency. Delivery will be by mail, drop off, or pick-up. Payment for stamps should be by money order and made payable to DC Treasurer.

## **AUTHORIZED FARMER SIGN**

Authorized farmer must display the "Authorized Farmer" poster each day they sell at a market or farm stand. See Appendix C.

*7 CFR 248.10(a)(5)*

*7 CFR 249.10(a)(8)*

## **PRICING**

Prices must be marked or posted where clearly visible in whatever way that works best for the farmer (i.e. on foods, a sign next to or in front of foods, a whiteboard, or a chalkboard). Prices must be the same for all customers.

## **ELIGIBLE FOODS**

Only eligible foods may be purchased with S/FMNP checks. Items NOT eligible for purchase with S/FMNP food benefits must be physically separated from eligible foods or there must be a clear indication to the customer as to what is eligible and what is not eligible.

Eligible foods must be:

- fresh,
- locally grown,
- not processed or prepared beyond their natural state except for the usual harvesting and cleaning processes,
- fruits, vegetables, or edible herbs, as listed in Appendix D.

Not eligible for sale:

- Non-locally grown fresh fruits, vegetables, or herbs
- Processed fruit or vegetable products such as jams, jellies, syrups, popcorn, juices/ciders, and baked goods of any kind, including fruit pies and breads

(Processing includes anything other than the normal harvesting and cleaning of produce.)

- Dried beans/peas, flowers, honey, eggs, milk, cheese, ornamental corn, miniature pumpkins, gourds, nuts, and plants

## **7- COMPLAINTS, MONITORING, COMPLIANCE**

### **PARTICIPANT AND FARMER COMPLAINTS**

Anyone (participant, Market Manager, farmer) who has a complaint regarding any aspect of the S/FMNP may contact DC Health program staff at 1-202-442-9397.

Market Managers and farmers must refer all S/FMNP participants who have complaints about the farmers' market, farm stand, or farmer to the local WIC office, local Senior agency, or DC Health.

*7 CFR 248.10(j)*

*7 CFR 249.10(j)*

Complaint process will include:

- An investigation that may include in-person or telephone interviews to determine appropriate action.
- A site visit if applicable.
- The complaint will be investigated, and the appropriate action taken. The issuer of the complaint shall receive written findings and determination response within 48 hours of the completion of the investigation. For reasons of confidentiality, we may not disclose actions taken against WIC participants.

### **PROGRAM MONITORING**

DC Health monitors a minimum of ten percent (10%) of farmers and roadside stands starting the first date of S/FMNP in June and completing by October 31<sup>st</sup> each year.

S/FMNP representatives visit local farmers' markets and farm stands unannounced to identify any problems or misunderstandings and to determine if additional guidance may be needed by farmers or participants. If noncompliance is discovered, the non-compliant authorized farmer is notified in writing by DC Health.

All reviews are documented. See Appendix E "Vendor Compliance Report".

#### **Compliance Buys**

"Compliance buys," wherein a DC Health representative or volunteer purchases produce or attempts to purchase ineligible items in a covert manner, are used as a means of identifying farmers who violate program requirements and to investigate complaints.

The undercover investigator looks for violations including but not limited to substitution of non-approved items, overcharges, charging for food not received and trafficking

S/FMNP checks or WIC CVCs. These violations may result in disqualification.

If fresh fruits and vegetables are displayed and/or offered for sale in an authorized farmer's stall or farm stand and the point-of-origin is in question (whether or not it is locally grown produce), an on-site inspection of the production area may be conducted by DC Health staff. If an inspection is required, the authorized vendor is required to comply.

When produce is declared to have been grown by an authorized farmer, the farmer must provide directions to the growing site, and grant permission for DC Health and/or a county extension agent to conduct an inspection of the site.

When produce is purchased for resale or on consignment from another local farmer, valid records containing the following information must be presented upon request:

- Name, address, and phone number of the producer
- Date of purchase or consignment
- Location of the growing site
- Quantity of each item purchase or consigned

### **High Risk Farmers**

DC Health defines a high-risk farmer as one who is in the first year of authorization or one who redeems a large number of S/FMNP checks or has a high number of program complaints. DC Health must monitor all high-risk farmers.

*7 CFR 248.10(e)*

*7 CFR 249.10(e)*

## **PROGRAM VIOLATIONS**

Failure to adhere to program rules can result in non-payment, warning, suspension, or disqualification from participation in S/FMNP. Farmers identified and documented as having violated program rules receives a "Corrective Action Report." See Appendix E.

If a violation results in suspension or disqualification, the farmer also receives a "Notice of Adverse Actions". See Appendix F.

There are three levels of violations and associated sanctions.

### **Class I**

Class I violations result in a warning from DC Health.

- Failure to display the vendor S/FMNP sign appropriately



- Failure to display prices of produce
- Failure to maintain minimum selection of vegetables and fruits
- Failure to train market personnel on S/FMNP or WIC CVC procedures.
- Refuses to honor a valid S/FMNP check or attempts to limit number of S/FMNP checks redeemed.
- Failure to keep complaint form on-site and/or direct individuals to the correct contact information.
- Not present on the day or time stated on the approved application
- Labels non-authorized foods as S/FMNP approved

## **Class II**

Class II violations result in a citation of non-compliance from DC Health.

- Noncompliance with S/FMNP rules and procedures as outlined in the S/FMNP Manual or Application and Agreement, which are not specifically identified as Class I or III.
- Abusive treatment of S/FMNP participants, family, or program staff.
- Accepting S/FMNP or WIC CVCs for non-approved foods.
- Accepting S/FMNP or WIC CVCs at non approved locations or through non approved methods
- Not identifying non-locally produced fresh fruits or vegetables for sale at a S/FMNP identified stall.
- Provides a rain check for approved foods.
- Two (2) Class I violations.

## **Class III**

Class III violations result in suspension and possible disqualification from the program.

- Failure to permit or comply with procedures regarding inspection of evidence when local production is in question.
- Cashing S/FMNP checks for a non-authorized vendor.
- Charging S/FMNP participants more than the posted price for any item, charging for items not received, or participating in other discriminatory practices.
- Continued participation in S/FMNP during a period of suspension, including

acceptance or evidence of intent to accept S/FMNP checks.

- Abuse of participants, their families, local agency staff, or S/FMNP representative(s).
- Failure to provide truthful information.
- Exchange S/FMNP checks or WIC Cash-Value-Checks for money, credit and non-food items
- Disqualified from any other USDA Program(s) (example: SNAP)
- Terminates the agreement without required advanced notice to the State Agency
- Two Class II violations.

### **Class IV**

Class IV violations result in permanent disqualification from the program.

- providing credit for non-food items, such as alcohol, alcoholic beverages, tobacco products, cash,
- firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802, in exchange for food instruments.
- Buying or selling food instruments of case (trafficking); or buying or selling firearms, ammunition, explosives, or controlled substances, as defined in U.S.C. in exchange for food instruments.

### **Warning**

A warning is a written notice of a first offense observation made during a monitoring visit so that the farmer may correct the deficiency (example: failure to display the FMNP vendor sign). See Appendix F.

### **Citation**

A citation is a written notice of two violations within a class in a three-year authorization period. See Appendix F. Farmers who receive citations, must attend a mandatory training conducted by the State Agency and submit written documentation of corrective action taken to resolve the problems, which led to the citation.

### **Suspension**

Suspensions are in force for a maximum of 15 days and are used to ensure the farmer has adequate time to appeal Class III violation notices. If the event leading to a suspension is substantiated, the farmer is automatically disqualified at the conclusion of

the suspension period. If the event leading to a suspension is not substantiated, the suspension is immediately lifted. During the period of suspension, the cited farmer must refrain from participating in S/FMNP anywhere within the State. See Appendix F and Appendix G.

### **Disqualification**

Disqualification follows a suspension period if a Class III violation is substantiated. The disqualified farmer is required to return his/her vendor ID stamp and stall sign(s) to DC Health within 15 days of receipt of the disqualification notice. See Appendix F and Appendix G.

A farmer who has been disqualified at any point in the season is disqualified from program participation for the remainder of that season and the following full season. At the conclusion of any disqualification period, the farmer may reapply for authorization, so long as they did not receive a class IV violation. Upon reauthorization, the vendor will serve in a probationary status for one full program season. Any single substantiated Class II or Class III violation obtained during the probationary period serves as grounds for automatic disqualification.

## **8-RIGHTS OF APPEAL AND APPEAL PROCEDURE**

S/FMNP provides vendors/farmers certain rights, which include:

- The right to voluntarily withdraw from the programs at any time, except if it is to avoid disqualification resulting from program violations
- The right to file a complaint against an S/FMNP participant or another authorized vendor/farmer
- The right to receive advance notice of suspension, termination, or non-approval
- The right to request a hearing on an adverse action allowable under *CFR 246.18*
- The right to be represented by counsel

### **Submitting a Fair Hearing Request**

The State Agency will provide at least 15 days advance written notice of an adverse action, its cause, and potential impact. During this time, the vendor has the right to appeal and request a fair hearing. Two opportunities for a fair hearing will be provided: one original date and one reschedule. Fair hearing requests must be submitted to the Office of Administrative Hearing within 15 days of receiving the notice of adverse action. A copy of the fair hearing request must be sent to the State Agency. Adverse actions include, but are not limited to: denial of application, disqualification, etc.

Include the following details in the fair hearing request:

- Incident which led to the request
- Persons involved
- Dates pertinent to the request
- Specific actions taken to resolve the "problem"

<b>Forward your fair hearing request to:</b>	<b>Send a copy of your fair hearing request:</b>
Office of Administrative Hearing One Judiciary Square 441 Fourth St NW Suite 540 Washington, DC 20001 (202) 442-9094	DC Health – WIC State Agency Attn: WIC Director 899 North Capitol St NE, 3 <sup>rd</sup> Fl Washington, DC 20002 Or Email it to: <a href="mailto:info.vendor@dc.gov">info.vendor@dc.gov</a>

The fair hearing shall be scheduled within 60 days of the date the request is received. A written notice of the hearing will be sent to all parties involved at least 10 days prior to the scheduled hearing date. This fair hearing notice will contain the following information:

- Date, time and location for the hearing
- Background on the issue(s) for which the hearing is focused
- Details on the manner in which the hearing will be conducted
- Information on a vendor's right to be represented, to verify and present documented evidence, produce witnesses, question adverse witnesses, and to examine documents and records supporting the action under appeal

*7 CFR 248.10(k)*

*7 CFR 249.10(k)*

### **Denial of a Fair Hearing Request**

The State Agency may deny or dismiss a request for a fair hearing due to the following reasons:

- A request is not received within the period stated above
- A vendor or representative fails to appear at the scheduled hearing without good cause
- A vendor or representative withdraws the fair hearing request in writing
- A vendor was denied participation by a previous hearing, and is unable to provide evidence that circumstances relevant to participation in WIC have changed in a way that justifies a hearing
- Reciprocal disqualification from WIC based on disqualification from SNAP

### **Scheduling the Fair Hearing**

The fair hearing will be held within 60 days of the date on which the hearing request was received. Two opportunities to will be provide: the scheduled hearing date, and rescheduled date.

### **Conducting the Fair Hearing**

The fair hearing shall be conducted by an impartial official who does not have any personal stake in the decision, and who was not directly involved in the initial determination of the action being appealed.

If a State Agency decision is upheld against the vendor, the vendor may pursue a higher review of the decision. If further reviews are unavailable and/or have been exhausted, the vendor has the right to pursue judicial review of the decision.

## **9-PARTICIPANT INSTRUCTIONS**

Participants are instructed on all items in this section.

Authorized farmer sign: Authorized farmers should display the “Authorized Farmer” sign each day they sell at a market or farm stand. LAs must notify the State office of any reports or complaints regarding farmers and markets. See Appendix C.

Signing checks: Each participant or their proxy must sign the S/FMNP check before or at the time of produce purchase. The WIC participant or their proxy must provide their WIC ID when using their checks with a farmer. Senior participants do not need to show ID.

Valid dates for checks: Checks may not be used before the “First Day to Use” listed on the face of the check. Checks may not be used after the “Last Day to Use” listed on the face of the check.

How to spend the entire dollar amount: Participants may spend a check and also use cash in the same transaction. Many farmers will assist participants by explaining the benefits, uses, and preparation of the produce they have for sale. However, participants should be instructed on how to calculate costs, what produce is in season at various times, and what produce best satisfies the specific nutritional needs of the participant.

Where to find participating farmers: Provide participants with a list of authorized farmers at farmers markets and farmstands and refer participants to <https://coronavirus.dc.gov/farmersmarkets>

Not receiving change or refunds: Farmers may not give change or refunds for S/FMNP purchases.

Tax: No tax may be charged on S/FMNP purchases.

Eligible foods: Explain to participants what they can and cannot buy at the market or stand. See Appendix D.

Lost/stolen/damaged check policy: S/FMNP checks that are reported lost, stolen, or damaged are not replaced.

Participant abuse policy: Participants of FMNP are subject to the same WIC policy and sanctions as for other WIC benefits. And participants of SFMNP are subject to the same CSFP policy and sanctions as for CSFP benefits. Clinic staff may reiterate the policy at S/FMNP check issuance or in the SFMNP application. LA staff will also advise participants that violating program rules is prohibited and may result in barring from the program, repayment of benefits, and/or legal action.

Participant rights: Participants have the right to lodge a complaint about improper

farmer/farmers' market practices. Anyone who has a complaint regarding any aspect of the S/FMNP may contact DC Health at 1-202-442-9397. Participants must be advised of their civil rights and the way they may file such complaint. Refer to the Civil Rights section of this manual for the USDA civil rights statement.

Nutrition education: Participants must receive S/FMNP-specific nutrition education that emphasizes the nutritional and health benefits of fresh produce. LAs have great latitude in choosing materials and methods that are most appropriate for the service area demographics. Staff should discuss the various types of produce available within the geographic location, methods to prepare and use them, and provide suggestions on how to include more fresh produce in the household's diet. Some suggested resources for nutrition education are:

- How to preserve produce (canning and freezing)
- SNAP information
- MyPlate
- EatRight.org (national nutrition month section)

*7 CFR 248.10(i)*

*7 CFR 249.10(i)*

*7 CFR 248.7*

*7 CFR 249.7*



## **10-NONDISCRIMINATION AND CIVIL RIGHTS**

Anyone involved in federally funded programs may not discriminate based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity.

### **FEDERAL**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Program Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632- 9992. Submit your completed form or letter 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;

(2) Fax: (202) 690-7442; or

(3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

*7 CFR 248.7*

**8** *CFR 249.7*

## **11- APPENDIX**

Appendix A	<a href="#">Accepting Checks</a>
Appendix B	<a href="#">Check Images</a>
Appendix C	<a href="#">Authorized Farmer Poster</a>
Appendix D	<a href="#">Approved Food List</a>
Appendix E	<a href="#">Vendor Compliance Report</a>
Appendix F	<a href="#">Corrective Action Report</a>
Appendix G	<a href="#">Notice of Adverse Action</a>
Appendix H	<a href="#">Complaint Form</a>

## Appendix B

### SENIOR FARMERS' MARKET NUTRITION PROGRAM

#### NOT REDEEMABLE IN GROCERY STORES

Good for the purchase of fresh, locally grown fruits, vegetables, herbs and honey from an authorized farmer.

PAY TO THE ORDER OF ANY FMNP VENDOR ONLY:

**Five Dollars**

NO CHANGE GIVEN

For more information and market locations scan the QR code or call 202-299-3775



United  
Community Bank.

64-1968  
611

STAMP AUTHORIZED  
FARMER NUMBER HERE

FIRST DATE OF USE

**June 1, 2021**

LAST DATE OF USE

**October 31, 2021**

AMOUNT OF SALE

**5.00**

X

SIGNATURE OF PARTICIPANT OR AUTHORIZED PROXY

### WIC FARMERS' MARKET NUTRITION PROGRAM

#### NOT REDEEMABLE IN GROCERY STORES

Good for the purchase of fresh, locally grown fruits, vegetables and herbs from an authorized farmer.

PAY TO THE ORDER OF ANY FMNP VENDOR ONLY:

**Five Dollars**

NO CHANGE GIVEN

For more information and market locations scan the QR code or call 202-299-3775



United  
Community Bank.

64-1968  
611

STAMP AUTHORIZED  
FARMER NUMBER HERE

FIRST DATE OF USE

**June 1, 2021**

LAST DATE OF USE

**October 31, 2021**

AMOUNT OF SALE

**5.00**

X

SIGNATURE OF PARTICIPANT OR AUTHORIZED PROXY

## Appendix C

# AUTHORIZED FARMER

## Agricultor Autorizado

### WIC and Senior Farmers Market NUTRITION PROGRAMS

Programa de Nutrición del Mercado  
de Agricultores de WIC & Mayores

#### ACCEPTED HERE

- WIC Farmers Market Checks
- Senior Farmers Market Checks
- WIC Fruit & Vegetable Cash-Value-Checks

#### ACEPTADO AQUI

- Cheques del Mercado de Agricultores de WIC
- Cheques del Mercado de Agricultores de Mayores
- Cheques para Frutas y Verduras de WIC

For market locations & approved foods, scan here!



¡Para ubicaciones de mercado y alimentos aprobados, escanee aquí!

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Esta institución es un proveedor que ofrece igualdad de oportunidades.

DC | **HEALTH** | GOVERNMENT OF THE  
DISTRICT OF COLUMBIA  
MURIEL BOWSER, MAYOR

## Appendix D

# APPROVED FOOD LIST

FMNP & SFMNP 2021

## FRUITS

Apples, Apricots, Berries, Cherries, Figs, Grapes, Melons, Nectarines, Paw Paw, Peaches, Pears, Plums, Quince

## VEGETABLES

Artichokes, Asparagus, Beans (fresh), Beets, Bok Choy, Broccoli, Brussels Sprouts, Cabbage, Carrots, Cassava Leaves, Cauliflower, Celeriac, Collard Greens, Corn, Cucumbers, Eggplants, Fennell, Ginger, Edible Gourds, Greens, Jute Leaf, Jamma Jamma, Kohlrabi, Leeks, Lettuce, Melons, Microgreens, Mushrooms, Okra, Onions (Including Ramps and Shallots), Parsnips, Peas, Peppers, Potatoes, Purslane, Radishes, Rhubarb, Rutabagas, Spinach, Squash (including Pumpkins), Sunchoke, Swiss Chard, Tomatillos, Tomatoes, Turnip Roots and Greens

## HERBS

Basil, Bay Laurel, Borage, Caraway, Catnip, Chervil, Chives, Cilantro, Dill, Garlic, Lemon Verbena, Lavender, Lemongrass, Lemon Balm, Lovage, Sweet Marjoram, Mint, Nasturtium, Oregano, Parsley, Rosemary, Sage, Salad Burnet, Savory, Sorrel, Tarragon, Thyme

## OTHERS

Honey (only approved for Senior FMNP participants)

## Appendix E



### S/FMNP Farmer Compliance Report

Date/Time:		Name of Farm:	
Name of Reviewer:		Name of Farm Employee:	
Name of Market:		Farmer Stamp Number:	

Type:	Farmer at Market	<input type="checkbox"/>	Review:	First Year	<input type="checkbox"/>	Market Traffic:	Low	<input type="checkbox"/>
	Farmer at Roadside Stand	<input type="checkbox"/>		Returning	<input type="checkbox"/>		Medium	<input type="checkbox"/>
				Complaint	<input type="checkbox"/>		High	<input type="checkbox"/>
				Random	<input type="checkbox"/>			
			Follow-Up	<input type="checkbox"/>				

	Yes	No	Not Observed/Comments:
<b>Site Requirements:</b>			
1. Visible Authorized Farmer poster			
2. Visible Farm name			
3. Visible cost of produce			
4. Three approved food items for sale			
5. 50% of produce offered for sale is from the farmer's farm			
6. Purchased produce is grown within a 500-mile radius of the District			
7. Complaint form on-site			
<b>Check Redemption:</b>			
8. Accepts checks only for eligible foods			
9. Verifies date of check			
10. Verifies price of check			
11. Assists participant in maximizing value of check with produce (no cash exchanged)			
12. If accepting a WIC CVC, writes in dollar amount in "actual amount" box			
13. Ensures there is a signature on the check			
14. If accepting a WIC FMNP and CVC check, verifies WIC signatures using the WIC ID folder			
<b>WIC CVC Correction:</b>			
16. Draws a single line through the price in box titled "actual amount"; Places initials in "cashier initials" box; Writes in actual amount in box titled "price correction"; Instructs participant to sign in box titled "signature for price correction"			

## Appendix E



### S/FMNP Farmer Compliance Report

	Yes	No	Not Observed/Comments:
Equitable Treatment:			
20. Does not discriminate based on race, color, national origin, sex, age, or disability			
21. Eligible foods for participants are the same quality and cost as that sold to other customers			
22. Participant is treated with the same courtesy as others			
Compliance:			
23. The vendor appears to be in compliance with S/FMNP & WIC CVC requirements.			
Notes:			

Revised: 4/23/2021

## Appendix F



### S/FMNP Farmer Corrective Action Report

Date/Time:		Name of Farm:	
Name of Reviewer:		Name of Farm Employee:	
Name of Market:		Farmer Stamp Number:	

<b>Type:</b>	Farmer at Market	<input type="checkbox"/>	<b>Review:</b>	First Year	<input type="checkbox"/>	<b>Market Traffic:</b>	Low	<input type="checkbox"/>
	Farmer at Roadside Stand	<input type="checkbox"/>		Returning	<input type="checkbox"/>		Medium	<input type="checkbox"/>
				Complaint	<input type="checkbox"/>		High	<input type="checkbox"/>
				Random	<input type="checkbox"/>			
				Follow-Up	<input type="checkbox"/>			

<b>Type of Notice:</b>		
Warning	<input type="checkbox"/>	
Citation	<input type="checkbox"/>	
Suspension (15 days)	<input type="checkbox"/>	See enclosed Notice of Suspension
Disqualification	<input type="checkbox"/>	See enclosed Notice of Disqualification or Non-approval

Compliance Summary:	Level	1	2	3	4
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Outcome:	Yes	No
The farmer will be allowed to continue to participate in the FMNP/SFMNP.	<input type="checkbox"/>	<input type="checkbox"/>
The farmer will be sanctioned.	<input type="checkbox"/>	<input type="checkbox"/>

Activity Timeline	Completion Date:
Sent report and notice of deficiency to farmer.	
Corrective action to be taken:	<i>Requested:</i>
	<i>Achieved:</i>

Revised: 4/23/2021



## Appendix G



### S/FMNP Notice of Adverse Action

Date/Time:		Name of Farm:	
Name of Reviewer:		Name of Farm Employee:	
Name of Market:		Farmer Stamp Number:	

Type:	Farmer at Market	<input type="checkbox"/>	Review:	First Year	<input type="checkbox"/>	Market Traffic:	Low	<input type="checkbox"/>
	Farmer at Roadside Stand	<input type="checkbox"/>		Returning	<input type="checkbox"/>		Medium	<input type="checkbox"/>
				Complaint	<input type="checkbox"/>		High	<input type="checkbox"/>
				Random	<input type="checkbox"/>			
				Follow-Up	<input type="checkbox"/>			

Type of Notice:		
Warning	<input type="checkbox"/>	
Citation	<input type="checkbox"/>	
Suspension (15 days)	<input type="checkbox"/>	See enclosed Notice of Suspension
Disqualification	<input type="checkbox"/>	Vendor must return the vendor stamp and sign/s within 15 days Mail to: FMNP Coordinator, DC Health, 899 North Capitol Street, Floor 3, Washington, DC, 20002

Non-Approval Reasons:	
<input type="checkbox"/>	Resides outside the geographic area defined for "locally grown".
<input type="checkbox"/>	Does not grow at least 50% of the produce sold.
<input type="checkbox"/>	Has not read and agreed to follow the guidelines of the S/FMNP Manual.
<input type="checkbox"/>	Does not list any approved markets or farm stands as selling locations.
<input type="checkbox"/>	Other:

Violation Summary:	Level	3	4
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

## Appendix G



### S/FMNP Notice of Adverse Action

#### DEFINITIONS:

**Suspension** is in force for a maximum of 15 days to ensure the farmer has adequate time to appeal. During the suspension period, the cited farmer will refrain from participating in the S/FMNP.

**Disqualification** for the remainder of the current season and the following full season shall follow the suspension period if a Class III violation is substantiated. A Class IV violation results in permanent disqualification.

#### RIGHTS AND APPEAL PROCEDURE:

S/FMNP provides farmers certain rights, which include:

1. The right to voluntarily withdraw from S/FMNP at any time except if it is to avoid disqualification resulting from violations of the Sanction Schedule.
2. The right to file a complaint against a program participant or another authorized farmer.
3. The right to receive advance notice of a suspension, disqualification, or non-approval.
4. The right to request a hearing on a State Agency decision allowable under CFR 246.18.
5. The right to be represented by counsel.

A written request for appeal must be sent to the WIC Director, DC Health, WIC State Agency, 899 North Capitol Street, NE, Third Floor, Washington, DC, 20002 within 15 days of the date of a notice of disqualification, suspension, or non-approval.

#### CIVIL RIGHTS:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Program Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632- 9992. Submit your completed form or letter 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;
- (2) Fax: (202) 690-7442; or
- (3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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## Appendix H

**DEPARTMENT OF HEALTH  
Nutrition and Physical Fitness Bureau  
Government of the District of Columbia**

**COMPLAINT FORM**

Instruction: Complete this form in blue or black ink. Mail, fax or email to: WIC & Senior FMNP Coordinator; WIC Program; 899 North Capitol Street NE, 3<sup>rd</sup> Floor, Washington, DC 20002; Fax: (202) 535-1710; Email: info.wic@dc.gov

Date of Incident: \_\_\_\_\_ Date Incident was filed: \_\_\_\_\_

**PERSON FILING COMPLAINT:**

Name (optional): \_\_\_\_\_

Tell us about yourself: (WIC Participant) (Senior Participant) (Market Manager) (Farmer/Vendor) (Farm Stand Employee) (WIC Staff) (Other) \_\_\_\_\_

Contact: (Phone) \_\_\_\_\_ (Email) \_\_\_\_\_

**LOCATION OF INCIDENT:**

Location of Incident: (Farmers' Market) (WIC Local Agency Site) (Senior Site) (Other) \_\_\_\_\_

Address: \_\_\_\_\_

Individual Involved: (Market Staff) (Farm Stand Staff) (WIC Staff) (Grocery Plus Staff) (Other) \_\_\_\_\_

Name of Individual(s) Involved: \_\_\_\_\_

**DETAILS OF COMPLAINT:**

Please list specific information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**STATE AGENCY FOLLOW-UP:**

Staff Name: \_\_\_\_\_ Date & time: \_\_\_\_\_

Defendant's perception of problem: \_\_\_\_\_

\_\_\_\_\_

Corrective Action Taken: \_\_\_\_\_

\_\_\_\_\_

Date Status Report is given to person filing complaint: \_\_\_\_\_

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This institution is an equal opportunity provider.

Revised: July 2021