



Department of Agriculture

Richie Farmer
Commissioner

Mark Farrow
Deputy Commissioner

Craig Maffet
General Counsel

107 Corporate Drive
Frankfort, Kentucky 40601

502/573-0282
502/573-0304(f)

www.kyagr.com

Glenn Mitchell
Office of Strategic Planning &
Administration

Dr. Wilbur Fyre
Office of Consumer &
Environmental Protection

Micheal Judge
Office of Agriculture Marketing
and Product Promotion

POLICY MEMORANDUM – KY-EFAP-PM-05-01

TO: Food Bank Administrators

FROM: Teresa Ulery, Director
Division of Food Distribution

DATE: July 20, 2005

SUBJECT: Changes to Current Program

During the week of May 16-20, 2005, USDA's Southeast Regional Office (SERO) conducted a Management Evaluation (ME) of the office. This Policy Memorandum is intended to address some findings noted pertaining to The Emergency Food Assistance Program (TEFAP) and the corrective actions that must be implemented in order to be in compliance with federal regulations.

The ME team visited a local TEFAP pantry to observe the operation. During the visit the team observed that the distribution sheet being used for clients to sign in order to receive commodities required social security numbers. Enclosed is the Commodity Application Register (KY-FD-30-FB) that was sent prior to their visit that was to be implemented at all local food pantries. This form contains all the information required and local agencies must not require additional information in order to distribute commodities. If your agency plans to use a different form to gather this information, it must be approved by this office, prior to using.

The ME team reemphasized that TEFAP is a self declared program. Because of this requirement, several policies implemented by some of the local agencies that were previously approved by this office, must be terminated. Effectively immediately the following policies must be adhered to in order to distribute USDA foods:

1. The enclosed Commodity Application Register (KY-FD-30-FB) must be used. In addition, every effort is to be made to insure that either the client reads or someone reads to them the Certification Statement in section 4, prior to signing.

2. All information entered on the register received from the client is to be self declared. Clients are not required to provide proof of address, income or produce any type of identification. You may require more stringent verification for non-USDA foods. However, if the USDA foods are being distributed in the same box as non-USDA foods, then the requirements pertaining to USDA foods are to be observed. In other words, the only way an agency can require verification of information is to distribute the commodities separately or on separate days.
3. The following non-discrimination statement is to be included in any correspondence between your agency and your local agencies that pertain to procedural instructions or brochures when discussing TEFAP: ***This facility is operated in accordance with U. S. Department of Agriculture Policy, which prohibits discrimination on the basis of race, color, national origin, age, sex and disability.*** Also, the agreement between your agency and your local agencies are to include this non-discrimination statement. A copy of an agreement containing this statement is to be forwarded to this office on or before **August 12, 2005**.
4. The enclosed Household Distribution Rate of USDA Commodities (KY-FD-54-FB) is to be used effective immediately. Distribution amounts cannot be increased unless approved by the Division of Food Distribution.

I realize that some of the above stated policies are contrary to policies implemented by this office in the last several months. However, the desire to allow flexibility by you and local agencies in implementing this program has resulted in not adhering to the TEFAP regulations concerning self declaration. I also realize that not everyone will be happy or agree with some of these policies. However, it is important to remember that these are rules and regulations that are required by USDA in order to administer this program. It is important that each of your local agencies is made aware of these policies, with a strong emphasis on compliance. Should any local agency choose not to follow these stated policies or is unable to comply for any reason, then they are to be terminated from receiving USDA foods.

This office thanks you in advance for forwarding this information to each of your local agencies and for the cooperation we know we will receive from the vast majority of those agencies. As always we realize we could not implement this program without your agency and your local agencies.

Should you have any questions or concerns regarding this memorandum, do not hesitate to contact Bill Wilson at 502-573-0298 ext. 258 or me at ext. 261.