



Food and
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Service

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Braddock
Metro Center

SUBJECT: Child and Adult Care Food Program (CACFP) Flexibilities During COVID-19 Supply Chain Disruptions

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TO: Regional Directors
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All Regions

State Directors
Child Nutrition Programs
All States

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Summary:	(1) This memorandum provides guidance on current meal pattern flexibilities in the Child and Adult Care Food Program and opportunities for State agency and sponsoring organization discretion while monitoring meal pattern compliance during COVID-19 supply chain disruptions. (2) This memorandum applies to State agencies and sponsoring organizations administering the Child and Adult Care Food Program.

This memorandum outlines the existing flexibilities available to all Child and Adult Care Food Program (CACFP) operators experiencing supply chain disruptions related to the COVID-19 pandemic and encourages State agency and sponsoring organization discretion when monitoring for compliance with meal pattern requirements.

Due to the COVID-19 pandemic, some CACFP operators are facing various supply chain disruptions including severe food product shortages, unexpected substitution of food products, the unanticipated cancellation of food and supply contracts, and increased food and supply prices. In these situations, State agencies and CACFP operators may utilize flexibilities already in place. Regulations under 7 CFR 226.14(b) state that in the event a State agency finds that an institution which prepares its own meals is failing to meet the meal pattern requirements, disallowing payments or collecting an overpayment is at the discretion of the State agency, provided the institution takes appropriate corrective action to address the noncompliance. CACFP operators may also utilize emergency procurement flexibilities at 2 CFR 200.320, which allow a noncompetitive procurement method when a “public exigency or emergency” prevents competitive procurement.

In addition, under emergency conditions, regulations at 7 CFR 226.20(e) allow State agencies to approve meal service without milk during a temporary emergency period and to approve meal service without milk if operators are unable to obtain milk on a continuing basis, provided an equivalent amount of canned, whole dry or fat-free dry milk is used in the preparation of the components of the meal. Furthermore, COVID-19: Child Nutrition Response #91 [*Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022*](#) allows CACFP operators to serve meals that do not meet the following specified meal pattern requirements: the whole grain-rich requirement (7 CFR 226.20(a)(4)(i)(A) and 226.20(c)); the crediting of grains by ounce equivalents requirement (7 CFR 226.20(c)); and the requirement that low-fat milk must be unflavored (7 CFR 226.20(a)(1)(iii) and 226.20(c)). All other meal pattern requirements remain in effect.

FNS recognizes that given current supply chain issues, State agencies and sponsoring organizations need to maximize available support and flexibility when monitoring CACFP meal pattern compliance during the COVID-19 pandemic. Therefore, to the extent practicable, State agencies and sponsoring organizations should use discretion to provide technical assistance in lieu of fiscal action when they observe noncompliance related to meal pattern requirements due to COVID-19-related supply chain disruptions during Federal fiscal year 2022. If CACFP operators are making a good faith effort to comply with meal pattern requirements but cannot, due to COVID-19-related supply chain disruptions, State agencies and sponsoring organizations should prioritize training and technical assistance to identify solutions that are specific to CACFP operators' local circumstances. If substitutions in planned menus are necessitated due to COVID-19-related supply chain issues, the reasons for substitutions must be documented and menu records must be updated to reflect changes. Menus must document the actual meal components served to participants. All technical assistance provided should be documented and maintained on file. Resources are available on the Team Nutrition (<https://www.fns.usda.gov/tn/child-care-organization>) website, including the [*Food Buying Guide for Child Nutrition Programs*](#), which is a useful tool for determining how foods may contribute toward the meal pattern requirements.

State agencies and sponsoring organizations should exercise discretion when determining whether CACFP operators should be found seriously deficient when meals fall short of meeting the meal pattern requirements during Federal fiscal year 2022 due to COVID-19-related supply chain disruptions. This applies to institutions under a State agency and facilities under a sponsoring organization, including day care homes (7 CFR 226.16(l)(2)(iv)). Under such circumstances, FNS strongly encourages State agencies and sponsoring organizations to work with institutions and facilities, respectively, who are not meeting the meal pattern requirements to identify solutions on a case-by-case basis and continue to prioritize technical assistance. State agencies are advised to also prioritize technical assistance when reviewing how sponsoring organizations handled meal pattern deficiencies that resulted from severe food shortages.

FNS is committed to supporting CACFP institutions and facilities in serving the most nutritious meals possible as they transition back to normal program operations. We expect that these flexibilities will be utilized only as needed, and that Program operators will seek to meet the meal pattern requirements to the greatest extent possible. In support of that goal, FNS will focus its technical assistance resources on the specific challenges operators face during this transition period.

FNS appreciates the exceptional efforts of State agencies and local CACFP operators working to meet the nutritional needs of child and adult participants during this challenging time. State agencies with questions should contact the appropriate FNS Regional Office.

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