



Food Distribution National Policy Memorandum

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

DATE: November 5, 2009

POLICY NO: FD-098: Food Distribution Program on Indian Reservations (FDPIR), Emergency Food Assistance Program (TEFAP), Commodity Supplemental Food Program (CSFP), National School Lunch Program (NSLP), Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), Nutrition Services Incentive Program (NSIP), Processing Program, Charitable Institutions & Summer Camps

SUBJECT: FY 2010 Appropriations for Human Pandemic Emergencies

On October 21, 2009, the President signed Public Law 111-80, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010, (the Appropriations Act) authorizing the U.S. Department of Agriculture's fiscal year 2010 appropriations. Section 746(h) of the Appropriations Act gives the Secretary of Agriculture authority to purchase commodities for donation (USDA Foods) for emergency distribution in any area of the United States that receives a pandemic emergency designation from the U.S. Secretary of Health and Human Services or the U.S. Secretary of Homeland Security. This authority is effective for fiscal year 2010 only, which ends September 30, 2010.

We strongly encourage State and local agencies to work with local officials to maintain the normal channels of distribution for both commercial foods and USDA Foods during a pandemic. There may be instances, however, where these channels are significantly disrupted or overwhelmed warranting pandemic emergency feeding. In order for the Food and Nutrition Service (FNS) to approve a pandemic emergency feeding response, the respective State Distributing Agency must make a request, demonstrating that the situation warrants USDA Foods for such a response. When requesting USDA Foods, the State Distributing Agency should follow the protocols and requirements established for Presidentially declared emergencies or disasters in 7 CFR 250.69 of Food Distribution Program regulations. FNS will follow the same replacement procedures as used for declared emergencies or disasters.

State agencies may request USDA Foods for pandemic emergencies. To minimize the spread of illness, pandemic emergency feeding will most likely employ smaller household-size USDA Foods provided for preparation at home. In some instances, emergency feeding organizations may decide to use institutional-size foods to prepare meals that can be delivered or picked up by households. As is the case with Presidentially declared emergencies and disasters, the State Distributing Agency must obtain prior approval from FNS for all household distributions of USDA Foods that are part of a pandemic emergency response.

FNS intends to work closely with State and local agencies and other partners and stakeholders to minimize potential disruptions of program benefits provision that may be caused by a pandemic emergency declaration, and to provide USDA Foods in those areas when necessary. If you have questions or comments regarding this issue, please contact Rosalind Cleveland at 703-305-2885, or by e-mail at Rosalind.Cleveland@fns.usda.gov.

A handwritten signature in black ink that reads "Laura Castro". The signature is written in a cursive style with a large initial "L" and "C".

Laura Castro

Acting Director

Food Distribution Division