



south dakota
DEPARTMENT OF EDUCATION

Learning. Leadership. Service.

800 Governors Drive
Pierre, SD 57501-2235
T 605.773.3413
F 605.773.6846

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

POLICIES AND PROCEDURES MANUAL

(February 2018)

This institution is an equal opportunity provider

How to Use This Manual

The South Dakota Department of Education (DOE), Division of Child and Adult Nutrition Services (CANS), has been designated as the State agency of South Dakota to administer The Emergency Food Assistance Program (TEFAP) for the United States Department of Agriculture (USDA). This Policies and Procedures Manual for TEFAP is intended for use by eligible recipient agencies (ERAs) that participate in the distribution of USDA donated foods to program-eligible recipients. The purpose of this manual is to serve as a guide to Federal regulations and policies pertaining to TEFAP.

Several resources contributed to the content of this manual. The Code of Federal Regulations (7 CFR, Parts 250 and 251) outlines the Federal government program requirements for TEFAP. The Federal Government's primary guidance outlining the program is 7 CFR, Part 251 (<https://www.fns.usda.gov/part-251—emergency-food-assistance-program>). 7 CFR, Part 250 (<https://www.fns.usda.gov/part-250—donation-foods-use-united-states-its-territories-and-possessions>), provides general operating provisions for all donated foods obtained from USDA. A recent final ruling to revisions of the 7 CFR, Parts 250 and 251, reflects a trend toward simplification of the program. Additional information and clarification is provided through USDA's Policy Memos (<https://www.fns.usda.gov/tefap/policy>). Throughout this manual, parenthetical notations are provided for all references to Federal regulation and policy.

The primary mission is to distribute TEFAP USDA Foods to the agencies and households who are in need of food assistance, and treat our customers with dignity and respect.

It is the responsibility of eligible recipient agencies (ERAs) to:

- read this manual carefully and apply the policies and procedures herein with good judgement;
- stay current with policy and information notices issued after the creation of this manual and adhere to the policies and procedures therein;
- contact the Child and Adult Nutrition Services (CANS) office when further clarification is needed.

The CANS office is here to collaborate in your efforts to effectively and efficiently distribute USDA donated foods to program eligible individuals and households. The information, procedures and policies, in this TEFAP Policies and Procedures Manual apply to the administration, handling, storage, distribution, etc. of **all** TEFAP USDA donated foods allocated and/or received in the State, whether as part of the State's allocation/entitlement, or bonus.

Program Description and History

Description

TEFAP provides low-income individuals and households with surplus foods donated by USDA. The State agency enters into agreements with eligible recipient agencies (ERA) to serve as a distribution network for TEFAP. TEFAP is designed to supplement the nutritional needs of

eligible individuals and households. Eligible recipients may receive food through congregate feeding sites where food is prepared and meals are served in a group setting, or through distribution sites where food is distributed for household consumption.

History

TEFAP was founded in 1981 due to the large surpluses of dairy products accumulated by the USDA. By late 1981, the USDA had approximately 560 million pounds of surplus cheese on hand. President Ronald Reagan authorized USDA to provide surplus cheese to low-income people, by offering it to the states for distribution to needy persons through food banks. In March 1983, Congress authorized The Emergency Food Assistance Program in the Jobs Bill and provided states with administrative funds to manage and distribute the food.

As a result of changes in farm policies, a better balance of supply and demand had also been achieved, and USDA was no longer purchasing large quantities of food under its price support system. The program has been providing USDA donated food to needy persons ever since, as a supplement to other assistance provided at the local level. In addition, all USDA Foods offered through TEFAP are domestically grown, which supports farmers and rural communities

Although TEFAP began as a temporary program, intended to end when Federal surpluses had been reduced, many low-income individuals and families came to rely on the surplus food to supplement their diets. Congress re-authorized TEFAP through the Hunger Prevention Act of 1988 and the 1990 Farm Bill. These reauthorizations provided annual appropriations to purchase USDA Food for TEFAP aimed at helping needy individuals and families.

Funding for TEFAP was merged with Soup Kitchens and Food Bank programs. Regulations were drafted to implement the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, commonly known as Welfare Reform. TEFAP now operates under revised Federal regulations effective February 28, 2000.

TEFAP was not designed to serve as a primary food source. It was designed as an outlet for surplus USDA Foods, and it has effectively achieved that goal.

USDA's Food and Nutrition Service (FNS), which administers TEFAP, coordinates food processing and packaging, State food orders and delivery, and the distribution of administrative funds. States are entitled to a specific allotment of TEFAP foods based on poverty and unemployment indices. States manage the distribution of TEFAP foods through a network of eligible recipient agencies (ERAs), including food banks and community action agencies.

In South Dakota, USDA donated food for distribution is sent to food banks, food pantries, soup kitchens and community action programs. These agencies are referred to as eligible recipient agencies (ERA) and must be public or private non-profit agencies that meet the program requirements.

Recipient eligibility to receive USDA Food from food pantries is determined by completion of an intake application form provided by the food pantry indicating household and financial circumstances at or below 185% poverty level, name, number in household, and address. In South Dakota a family qualifying for reduced price meals in the National School Lunch Program qualifies them for TEFAP. The chart giving the household sizes and income eligibility guidelines is located at <http://doe.sd.gov/cans/tefap.aspx>. South Dakota has a number of local contacts that provide TEFAP.

Western South Dakota Community Action Agency
1844 Lombardy Drive, Rapid City, South Dakota 57703
(605) 348-1460, wsdcap@rapidcity.com
Belle Fourche, Buffalo, Custer, Faith, Hot Springs, Kadoka, Lead, Lemmon, Midland, Martin, Nisland, Rapid City, Spearfish and Sturgis.

Feeding South Dakota
4701 North Westport Avenue, Sioux Falls, South Dakota 57107
(605) 335-0364, feedingsouthdakota.org
Aberdeen, Agency Village, Armour, Beresford, Bridgewater, Brookings, Cherry Creek, Dell Rapids, Freeman, Fort Thompson, Gregory, Herreid, Hoven, Humboldt, Huron, Ipswich, Little Eagle, Lower Brule, McIntosh, Midland, Miller, Mission, Mobridge, Oldham, Parkston, Parmelee, Reliance, Redfield, Philip, Pierre, Saint Francis, Sioux Falls and Vermillion.

South Dakota DOE-Child and Adult Nutrition Services
800 Governors Drive, Pierre, South Dakota 57501
(605) 773-3413, karen.webber-boyer@state.sd.us
Aberdeen, Elk Point, Flandreau, Howard, Huron, Lake Andes, Madison, Mitchell, Rapid City, Salem, Sioux Falls, Vermillion, Wagner and Winner.

Definition of Terms and Acronyms

- Charitable institution: An organization which:
 1. is public, or private, possessing tax-exempt status; and
 2. is not a penal institution (this exclusion also applies to correctional institutions which conduct rehabilitation programs); and
 3. provides food assistance to needy persons (7 CFR, 251.3).

- TEFAP USDA donated legislation pertaining to foods/USDA donated foods/TEFAP foods: Foods donated or available for donation, by USDA under any of the 7 CFR Part 250 & 251 (7 CFR Part 250.3).

- Disaster: Any natural catastrophe which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to supplement the efforts and available resources of States, local governments, and

disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused. Any other occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe (7 CFR, 250.3).

Disaster organizations: Organizations authorized by appropriate Federal or State officials to assist disaster victims (7 CFR, 250.3).

Distribution site: Location(s) where eligible recipient agencies actually distribute food to needy persons for household consumption or serve prepared meals to needy persons (7 CFR, 251.3).

Eligible Recipient Agency (ERA) An organization which:

1. is public, or
2. is private, possessing tax-exempt status pursuant to 7 CFR, 251.4, and
3. is not a penal institution, and
4. provides food assistance exclusively to needy persons for household consumption, pursuant to a means test, or predominantly to needy persons in the form of prepared meals, or
5. has entered into an agreement with the State for the receipt of TEFAP USDA donated foods and/or under an agreement with another ERA which has signed an agreement with the State, and
6. fall into one of the following categories: Emergency Feeding Organizations (food banks, food pantries, soup kitchens); charitable institutions (hospitals, retirement homes); summer camps for children or child nutrition programs providing food service; nutrition programs providing food service; nutrition projects operating under the Older Americans Act of 1965 Nutrition Program for the Elderly); and disaster relief programs (7 CFR, 251.3).

Emergency Feeding Organization (EFO): An ERA that provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. EFOs have priority over other ERAs in the distribution of TEFAP USDA donated foods (7 CFR 251.3). The category of EFO excludes such agencies as hospitals, retirement homes, group homes, child and elderly nutrition programs, etc. EFOs do include food banks, food pantries, and soup kitchens. Since there does not exist enough food to meet the needs of all ERAs under the general category, the distinction between ERAs and EFOs and the two-tier priority system was developed to prioritize those most in need.

Federal Fiscal Year(FFY): The period of 12 months beginning October 1 of any calendar year and ending September 30 of the following year (7 CFR, 250.3).

Food Bank: A public or charitable institution that maintains an established operation involving the provision of food, or the products of food, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis (7 CFR, 251.3).

Food Pantry: A public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than USDA, to relieve situations of emergency and distress (7 CFR, 251.3).

Household: A group of related or non-related individuals, exclusive of boarders, who are not residents of an institution, but who are living as one economic unit, and for whom food is customarily purchased and prepared in common. It also means a single individual living alone (7 CFR, 250.3).

Needy Persons: Persons provided service by charitable institutions, who because of their economic status, are in need of food assistance (7 CFR, 250.3).

Recipients: The needy persons receiving USDA donated food for household consumption (7 CFR, 250.3).

Similar Replacement: Replacement of lost TEFAP USDA donated foods with a quantity of similar foods of U.S. origin of the same types as those normally donated by USDA and of at least equal monetary value to USDA's cost of replacing the lost foods (7 CFR, 250.3).

Soup Kitchen: A public or charitable institution that as an integral part of the normal activities of the institution maintains an established feeding operation to provide food to needy persons on a regular basis.

USDA FNS: United States Department of Agriculture Food & Nutrition Service (FNS) agency works to end hunger through administration of 15 Federal nutrition assistance programs including WIC, Supplemental Nutrition Assistance Program (SNAP), and school meals. In partnership with State and Tribal governments, the programs serve one in four Americans during the course of a year.

Responsibilities of Local Agencies

1. Willing to serve the needs of all eligible households in their geographic area.
2. Establish distribution sites in sufficient number and appropriate locations.
3. Monitor distribution sites to verify program compliance.

Tax-Exempt Status (7 CFR, 251.5)

Private organizations must—

(i) Be currently operating another Federal program requiring tax-exempt status under the Internal Revenue Code (IRC), or

(ii) Possess documentation from the Internal Revenue Service (IRS) recognizing tax-exempt status under the IRC, or

(iii) If not in possession of such documentation, be automatically tax exempt as “organized or operated exclusively for religious purposes” under the IRC, or

(iv) If not in possession of such documentation, but required to file an application under the IRC to obtain tax-exempt status, the organization must have submitted an application for recognition of such status and be moving toward compliance with the requirements for recognition of tax-exempt status. If the IRS denies a participating organization's application for recognition of tax-exempt status, the organization must immediately notify the State agency or the eligible recipient agency, whichever is appropriate, of such denial, and that agency will terminate the organization's agreement and participation immediately upon receipt of such notification. If documentation of IRS recognition of tax-exempt status has not been obtained and forwarded to the appropriate agency within 180 days of the effective date of the organization's approval for participation in TEFAP, the State agency or eligible recipient agency must terminate the organization's participation until such time as recognition of tax-exempt status is actually obtained. The State agency or eligible recipient agency may grant a single extension not to exceed 90 days if the organization can demonstrate, to the State agency or eligible recipient agency, that its inability to obtain tax-exempt status within the 180 day period is due to circumstances beyond its control. The organization is responsible to document all IRS requirements and provide all information requested by the IRS in a timely manner.

Organizations that are organized and operated exclusively for religious purposes are automatically tax-exempt, according to the Internal Revenue Code. USDA does not require these organizations to obtain tax-exempt status to be eligible as an ERA (7 CFR, 251.5).

System for Award Management Federal Requirement

The System for Award Management (SAM) is a Federal requirement for TEFAP ERAs and sub recipients to obtain a unique entity identifier (SAM number) that receive Federal sub grants from the State agency in the form of USDA Foods and/or administrative funds as defined in

Appendix A to 2 CFR, Part 25. The registration must be renewed annually before the expiration date. An active status in SAM is required to receive TEFAP USDA Food. (Helpful user guide: [SAM \(https://www.sam.gov/portal/SAM/#1#1\)](https://www.sam.gov/portal/SAM/#1#1))

Provision of Unrelated Activities at Distribution

1. The distribution of USDA Foods shall not be used as a means for furthering the political interest of any individual or party.
2. 7 CFR, Part 251.10 (f) (1) of the TEFAP regulations permits activities unrelated to TEFAP food distribution under the following conditions:
 - a. The person(s) conducting the activity clarifies that the activity is not part of the TEFAP distribution.
 - b. The person(s) conducting the activity clarifies that participants need not cooperate or participate in activities to receive TEFAP foods.
 - c. The activity does not interfere with TEFAP distribution.
3. Information unrelated to TEFAP may not be placed in or printed on TEFAP bags or boxes.
4. The only exception to item number 3 above is that the USDA does encourage local agencies to distribute information about various **government-sponsored** programs that help the needy.

Activities unrelated to the receipt of TEFAP food may not be conducted at sites unless participation in such activities is expressly identified as being separate and apart from food service or distribution involving TEFAP food, and not required in order to receive such TEFAP food or meals that contain them (i.e. require eligible persons to attend religious services; political rallies and meetings; participate in a religious practice or service; join or support a religious organization or group for any particular cause in order to receive a TEFAP distribution or meal.)

Under no circumstance shall eligible recipients be required to make payments in money, materials, or services for the receipt of TEFAP food. Additionally, recipients **shall not** be solicited to volunteer their services or asked for donations during the distribution of TEFAP foods.

Distribution Procedures

TEFAP distribution sites must be open to the general population. Sites that limit participation or attendance to only their members may not be TEFAP distribution sites.

Mobile food pantries information on scheduled distribution dates, times, and locations shall be available to the State agency upon request. Mobile food pantries shall be operated in a method

in which eligible recipients can rely on a stable food distribution system with consistency in scheduling and availability.

Each food distribution site shall follow the guidelines and retain the documentation required by Federal and State regulations, policies, procedures, or rules.

Proof of household income shall not be required in order for an eligible recipient to receive TEFAP food. Eligible recipients shall not be denied TEFAP food if they refuse to reveal any information that is not a requirement of TEFAP (e.g. social security number, household income documentation, etc.).

ERAs may distribute TEFAP food simultaneously with other programs, as long as the site is open to the general public, and access is not limited to specific individuals. TEFAP recipients must meet the eligibility criteria; have a signed TEFAP Certification Eligibility Form on file and signed the monthly Household Food Distribution Log.

The TEFAP Eligibility Guideline chart may be prominently posted at each household distribution site as a reminder for eligibility and should be posted at the point of sign-up for TEFAP commodities pickup.

Required Civil Rights Poster Display

The “And Justice for All” poster must be posted at each distribution site in clear view of all TEFAP recipients. Posters are free and available upon request from Child and Adult Nutrition Services by calling (605) 773-3413.

Civil Rights

There must be no discrimination in the distribution of USDA donated foods based on race, color, national origin, sex, age, or handicap (7 CFR, 251.10).

Every year, or more frequently when deemed necessary, the ERAs must notify the public, including minority and grass roots organizations in their service area, of the availability of TEFAP distributions in their area and eligibility requirements for the program (USDA FNS Instruction 113-1 Civil Rights Compliance and Enforcement – Nutrition Programs and Activities <https://fns-prod.azureedge.net/sites/default/files/113-1.pdf>).

All FNS assistance programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint (FNS Instruction 113-1, Section IX PUBLIC NOTIFICATION).

- Basic Elements of Public Notification. The public notification system must include the following three basic elements:
 - Program Availability. Each State Agency, local agency, or other sub recipient that distributes program benefits and services must take specific action to inform applicants, participants, and potentially eligible persons of program availability.

Changes in location of TEFAP distributions, times of service, or any significant program changes must be transmitted to potential TEFAP participants in a timely and appropriate manner (i.e. by posting information on the agency's website, doing press releases, posting days and hours of operation in a clearly visible place, or thru local Assistance Directories such as 211, etc.).

- Complaint Information. Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
- Nondiscrimination Statement. **All** information materials and sources, including web sites, used by FNS programs must contain a nondiscrimination statement. It is not required the nondiscrimination statement be included on every page of program information or the web site. At the minimum, the nondiscrimination statement, or a link to it, must be included on the front or home page of the program information.

Nondiscrimination Statement is

'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 http://www.ascr.usda.gov/complaint_filing_cust.html, 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

This institution is an equal opportunity provider.'

Applications and agreements made with individuals or organizations for TEFAP distribution must contain a statement that the distribution site cannot discriminate in handing out TEFAP food (FNS Instruction 113).

Agencies must complete and document civil rights training annually. The documents can be found on the TEFAP website at <http://doe.sd.gov/cans/tefap.aspx>.

TEFAP Eligibility Certification Form and Household Food Distribution Log

Each ERA must collect and maintain a record, for each household receiving TEFAP food for home consumption. Records must include, the name and signature of the household member receiving USDA donated foods, the address of the household* (to the extent practicable), the number of persons in the household, and the basis for determining the household is eligible to receive commodities for home consumption (7 CFR, 251.10). TEFAP Certification of Eligibility Form and the log must be maintained on file at the distributing ERA, either electronically or hardcopy form.

*Post office box numbers are adequate for rural areas. If the recipient is homeless, the nearest cross-streets of his/her most recent habitat are sufficient.

By signing the Certification of Eligibility to Take Food Home Form, recipients are certifying, under penalty of perjury, that they are income-eligible to receive USDA donated foods according to the TEFAP eligibility guidelines, and that they reside in the distribution site's service area.

Recipient's signature will attest to their agreement that USDA donated foods are for personal home use and, therefore, must not be sold, traded, or given away (7 CFR, 250.13 & 251.4). If a recipient is incapable of signing their name, distribution site staff or volunteer may sign for the recipient who would then mark an "x" or other mark on the signature line.

Bills of Lading (BOL)

All USDA shipments are made on commercial bills of lading. The bill of lading is the primary document on which all verifications of delivery, condition of USDA Food upon receipt, and USDA Food counts must be recorded.

Receipt Procedures

Responsibility for USDA donated foods passes to the agency at the time the products are unloaded. The agency must carefully check each shipment while unloading to ensure that complete delivery is made, it is in good condition, and any overage, shortage, or damage is properly reported and documented on the bill of lading (BOL). Failure to do so may result in an agency being held liable for out of condition commodities, even though the damage may have occurred during shipment. Staff should be trained on how to properly receive and store USDA Food. Examining the product as it is being unloaded helps avoid problems later. **Before** the

truck leaves, verify that the quantity of product received matches the quantity on the bill of lading, examine the quality of the product, and check the condition of the packaging. The trucking company may need to take the product back to the warehouse, please do not accept extra product unless it was preapproved by this office. If USDA Food is received in the proper number and in good condition, please sign and date the Bill of Lading and fax/mail/email a copy back to Child & Adult Nutrition Services within 3 days of receipt.

Contact the office immediately if any of the following situations pertain to your USDA Food delivery: the product is spoiled or expired, and a loss of USDA Foods/commodities occurs either through damage or theft. A Commodity Loss Report form is available online at <http://doe.sd.gov/cans/tefap.aspx>.

When the driver arrives with USDA donated foods, and before the driver leaves, the agency must:

- Inspect each shipment as soon as possible after placement for unloading to determine its count and condition.
- Sign and date the bill of lading to acknowledge receipt of all items physically received, including product rejected as being out of condition, as well as product received in good condition. Do not sign or initial the bill of lading before determining whether there is damage to and/or whether there is a shortage or overage of the delivery.
- Discrepancies must be documented on all copies of the bill of lading before the delivery vehicle is released. Once the bill of lading is signed, transfer of responsibility for USDA Food is final, and the agency is considered responsible for the condition and number of such foods.
- Email or fax (605-773-6846) the bill of lading to the CANS office within 3 days.

The agency must sign a receipt for any TEFAP food received. The receipt must include the number of cases of each type of food, the name of the agency receiving the food, date, and recipient's signature. A copy must be maintained by both the State agency and local agency for their file.

Storage of TEFAP Commodities

Federal Regulatory Storage Requirements

ERAs must provide facilities for the handling, storage, and distribution of donated foods which:

- are sanitary and free from rodent, bird, insect and other animal infestation;
- are safeguarded against theft, spoilage, damage and other loss;
- maintain foods at proper storage temperatures;
- stock and space foods in a manner so that USDA-donated foods are readily identified;
- store donated food off the floor in a manner to allow for adequate ventilation;
- take other protective measures as may be necessary (7 CFR, 250.14);
- insurance coverage for stored TEFAP food items ([USDA Policy No. FD-139](#)).

The State agency and ERAs must make sure that storage facilities have Federal, State, and local health inspections that are required and that all are current (7 CFR, 250.14). ERAs should check within their county for required local inspections.

Specific Storage Requirements

ERAs must adhere to the following storage requirements:

- All food must be stored, transported, and served so as to be pure, free from contamination, adulteration and spoilage, and protected from pests;
- Food facilities must at all times be so constructed, equipped, maintained, and operated as to prevent the entrance of rodents, insects, etc.;
- Food facilities must be kept clean and free of litter, rubbish, contaminants, and pollutants;
- Food must be stored under climate-controlled conditions, in accordance with the following general storage temperature guidelines;
 - Dry items (Regular): Ambient temperature in well ventilated space. Recommended less than 80°F. This applies to all canned USDA foods.
 - Dry items (Special): 50° to 70° at 50% humidity or less. This includes all beans, pasta, grains, powdered food items, etc.
 - Frozen Foods: -10°F to 0°F
 - Chilled Foods: 35°F to 41°F
- Monitoring and recording temperatures in all storage areas should be done 7 days a week, 365 days a year, and retain documentation for three (3) years after the end of the fiscal year to which they pertain. The documentation must be available during reviews. An example temperature log is located on the TEFAP web site at <http://doe.sd.gov/cans/tefap.aspx>.
- Storage space must be adequate for the receipt, storage, and distribution of all TEFAP foods. ERAs must complete the Annual Storage Facility Self-Evaluation Form available on the TEFAP web site at <http://doe.sd.gov/cans/tefap.aspx>, retained on site and available during reviews.
- Store donated food in a manner to allow for adequate ventilation. When not palletized, food must be stored off the floor, e.g. on shelves, racks, 2" by 4", or larger wooden boards.
- All food products must be stored away from non-food items that may contaminate food, such as cleaning products, insecticides, rat poison, etc. A pest control plan is located on the TEFAP web site at <http://doe.sd.gov/cans/tefap.aspx>. Retain documentation on site and available during review.
- All ERAs must implement a system of stock rotation that assures the oldest stock is distributed to recipients before more recent stock is issued.
- ERAs must implement an inventory procedure to monitor physical count and condition for all movement of TEFAP food in and out of storage locations.
- An inventory sheet is supplied monthly by CANS and must be submitted within 5 days after the previous month. TEFAP food orders will be suspended if monthly inventory reports are not current. Copies of the monthly inventory sheets are to be retained in the ERA's internal TEFAP file and available during reviews (7 CFR, 251.10 & 16).

- There shall be no circumstance where the inventory level of a donated item in storage exceeds a six-month supply. The State agency shall document all corrective action to ensure that excess inventory at all levels is eliminated (7 CFR, 250.14 & 15).

Inventory Controls

Each agency must complete a physical inventory form of all USDA Food at the end of each month or after the last day of distribution for that month and submitted to the CANS office.

Guidelines to produce an accurate monthly inventory and maintain inventory control include:

USDA Food must be labeled with:

- Product name
- USDA material number
- Date the product was received
- Best if used by date/Expiration date
- Number of cases on the pallet
- Number of units in each case

Follow First In, First Out (FIFO) principles to ensure USDA Food are distributed well before the expiration or 'best if used by' (BIUB) dates.

Retention of Records

USDA requires records be kept on file for three years from the close of the Federal Fiscal Year to which they pertain, or longer in the case of audit or investigation (7 CFR, 251.10). Records must be reasonably accessible at all times for use during management evaluation reviews, audits, or investigations (7 CFR, 251.10).

Compliance Monitoring and Accountability

USDA Reviews

The Food and Nutrition Service (FNS) of USDA reviews State agencies and ERAs at random. Frequently, these are unannounced visits of which, neither the State agency, nor ERAs, are notified in advance.

With FNS approval, site reviews conducted by the FNS Regional Office may be counted toward the total number of reviews that the State agency is required to perform annually. The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, may:

- inspect and inventory USDA donated foods in storage
- inspect the facilities used in the handling or storage of such donated foods;
- inspect and audit all records, including financial records, and reports pertaining to the distribution of such donated foods;

- review or audit the procedures and methods used in carrying out the requirements at any reasonable time (7 CFR, 250.18).

The State Agency Reviews of ERAs

The State agency is required to monitor the operation of TEFAP to ensure that it is being administered in accordance with Federal and State requirements. The State agency must review, **at a minimum**, 25 percent of all ERA that have an agreement with the State agency annually, and review all such ERAs at least once every four years.

Of the ERAs that have agreements with other ERAs (sub recipients), the State agency must review one-tenth or twenty; whichever is fewer, each year (7 CFR, 251.10).

The minimum Federal requirement of the State agency reviews of ERAs and sub recipients must be conducted, to the maximum extent feasible, during actual distribution of USDA Food or meal service, and eligibility determination (7 CFR, 251.10). The State agency may, at its discretion, also review ERAs/sub recipients at times other than distributions.

The State agency reviews of ERAs and sub recipients must include:

- eligibility determinations, including a review of procedures and controls to ensure that distribution sites are complying with eligibility guidelines;
- food ordering procedures;
- storage and warehousing practices, including inspection of off-site and/or commercial storage facilities, for adequacy of space, pest control, health and safety requirements, and storage and handling procedures;
- inventory controls, including review of perpetual inventory records, records of issuance to and from distribution sites, physical inventory counts, and records of receipt by eligible signatures on sign-up sheets;
- approval of distribution sites to ensure proper and equitable selection of sites in order to meet the needs of the population;
- reporting and recordkeeping requirements, including review of accounting records and documentation in support of claims submitted;
- civil rights and non-discrimination procedures/trainings (7 CFR, 251.10);
- evaluation of the degree to which the ERA is serving its eligible needy population within its assigned service area without monetary or other charge;
- evaluation of program outreach, advertising, and notification methods to ensure that all eligible recipients are advised of distribution times and locations;
- evaluation of compliance with household participation data collection and reporting requirements.

In cases where deficiencies are found, the State agency will produce a report for the ERA that includes a description of each deficiency found and contributing factors, requirements for corrective actions, and timetable for completion of corrective action (7 CFR, 251.10).

State Agency Reviews of ERAs and Sub Recipients

State agencies must conduct a Pre-Award Compliance Review prior to ERAs or sub recipients receive TEFAP food as required by USDA FNS 113-1. This review can be a desk or onsite review of the civil rights information available for program applicants. This review must be documented and maintained in appropriate files.

State agencies are required to monitor ERAs and sub recipients annually and conduct comprehensive reviews as required to ensure compliance with 7 CFR, Part 251 and 7 CFR, Part 250 (as applicable), Federal rules and regulations, and all pertinent State, and local laws and rules. This is to ensure that TEFAP food is distributed properly, promptly, and in reasonable amounts to eligible participants. State agencies must maintain written documentation of monitoring efforts and monitoring visits. Reviews must be conducted, to the maximum extent feasible, during actual distribution of donated foods and/or meal service, and processing of applications to receive donated food. ERAs and sub recipients must demonstrate compliance with Federal and State regulations and requirements.

The State agency review of distribution sites must include all of the same elements as listed above. Additionally, it must also include the following:

- ensure that proper signage is prominently posted, i.e. And Justice for All poster;
- evaluation of distribution rates to ensure that commodities are being distributed in equitable proportions based on household size;
- ensure that unrelated activities are being conducted in accordance with Federal regulations.

Corrective Action Plans

ERAs and/or their sub recipients shall be required to correct all deficiencies noted during monitoring, review or inspection activities. Failure to submit a corrective action plan or acceptable justification for not taking corrective action to the State agency may result in being deemed in breach or default, and or termination of the contract documents. ERA and sub recipients are required to respond to any findings that require correction within 30 days of receipt of the corrective action report.

The State Agency Accountability

The State agency is accountable to USDA for the proper recording and usage of all TEFAP funds and foods allocated to the State of South Dakota.

ERAs and Sub Recipient Accountability

ERAs and sub recipients are accountable to the State agency and USDA for adherence and compliance with all laws, rules, regulations, policies, and procedures set forth by USDA or the State agency in manuals, letters, USDA FNS Policy Memos (<https://www.fns.usda.gov/tefap/policy>), and other correspondence.

Training

ERAs will provide annual training to their staff and sub recipient agency staff on TEFAP regulations, policies, rules, and contractual requirements; as well as civil rights laws, policies, and filing complaints. ERAs are required to ensure that sub recipient agency staff receives equivalent training. For each training session, the ERA must maintain a list of attendees and a copy of the agenda of subjects covered.

Complaints

Complaint Investigation

The State Agency shall investigate complaints received in connection with the distribution or use of USDA donated foods. Irregularities that are disclosed must be corrected immediately. Serious irregularities must be reported to USDA. The State agency shall maintain on file evidence of investigations and actions. USDA reserves the right to make investigations and have the final determination as to when a complaint has been properly handled (7CFR, 250.20).

TEFAP Food Complaints

Complaints about TEFAP food must be handled immediately to prevent use of foods that may be unfit for human consumption. If a complaint is received, the ERA must:

- 1) Immediately place all remaining product involved in the complaint on hold.
- 2) Immediately contact the CANS office by phone or email and provide the following information:
 - a description of the problem, including any known incidents or facts involved such as injury or sickness;
 - Bill of Lading showing specific item involved in the complaint and /or Product Code numbers; initial amount of product involved and amount of remaining product on hold;
 - date the product was received by the ERA and the package date, which should be printed on the outside of the case;
 - temperature at which the product was stored and the temperature conditions of distribution;
 - name of person at ERA to contact for investigation and follow up.
- 3) Complete and forward to CANS a written report containing the information above.

As soon as USDA determines the complaint is of a serious nature, CANS inform USDA of all the specific information supplied by the ERA. It is imperative that all reports be complete and accurate. With complaints of a serious nature, USDA will decide the appropriate course of action. This may include certain tests, such as lab analysis, or a re-inspection of the product. USDA will also maintain close contact with CANS until the complaint is resolved.

APPENDIX

South Dakota TEFAP Web Site: <http://doe.sd.gov/cans/tefap.aspx>

*[Household Eligibility Form](#)

*[Income Eligibility Chart](#)

(*Undated annually by July 1)

The Emergency Food Assistance Program (TEFAP) was initiated in 1981 to reduce inventories and storage costs of surplus USDA foods through distribution to needy households. While some surplus food is still distributed through TEFAP, Congress (since 1989) has appropriated funds to purchase additional USDA foods for households. South Dakota uses TEFAP USDA foods in the soup kitchens and food banks.

TEFAP was not designed to serve as a primary food source. It was designed as an outlet for surplus USDA foods, and it has effectively achieved that goal.

In South Dakota, the USDA donated food for distribution is sent to food banks, food pantries, soup kitchens and community action programs. These agencies are referred to as eligible recipient agencies (ERA) and must be public or private non-profit agencies that meet the program requirements.

Recipient eligibility to receive USDA foods from food pantries is determined by completion of an intake application form provided by the food pantry indicating household and financial circumstances at or below 185% poverty level, name, number in household, and address. In South Dakota a family qualifying for reduced price meals qualifies them for this program. The chart giving the household sizes and income eligibility guidelines is found by clicking the red Child and Adult Nutrition Services tab.

Bill of Lading

[Feb. Week 1](#)

[Feb. Week 2](#)

[Feb. Week 3](#)

[Feb. Week 4](#)

USDA Foods Value of Commodities Shipped / History Report *Listed Alphabetically by Agency Name*

[Commodities shipped 10/1/17 to 12/31/17](#)

[Commodities shipped 7/1/17 to 9/30/17](#)

Civil Rights Training Documents

[Civil Rights Training](#)

[Non-discrimination Statement](#)

[Civil Rights Training Record](#)

[Complaint Form](#)

[Civil Rights Laws, Regulations, Executive Orders and related Other Guidance](#)

Documents

Documents	
Commodity Loss Report	Pest Control Plan
FD-118 Memo	Annual Storage Facility Self-Evaluation Form
Auto Revocation of Tax-Exempt Status	TEFAP Temperature Log (example)
Numbered Memos	Sign in TEFAP IEG for Chart
TEFAP USDA Foods Fact Sheets	Discrimination Complaint Filing
Spanish Income Eligibility Form	Providing multiple Languages
TEFAP USDA Policy Memos	USDA Food and Nutrition Service

For information about The Emergency Food Assistance Program, contact [Karen Webber-Boyer](#) at 605-773-4736.

USDA Food Distribution National Policy Memorandums:

Recent:

FD-107: Donated Food Storage, Distribution, and Product Dating

This memorandum is meant to provide clarification and guidance on policies and procedures for donated food storage and distribution as they relate to product dating.

FD-36: TEFAP - Local-Level Record Keeping and Reporting Requirements

The purpose of this memorandum is to clarify the Federal requirements for record keeping and reporting in TEFAP.

FD-138: Written Notice and Referral Requirements for Beneficiaries Receiving TEFAP and CSFP Benefits from Religious Organizations (with form)

The purpose of this memorandum is to clarify the written notice and referral requirements for religious organizations that receive USDA Foods or administrative funding as part of The Emergency Food Assistance Program (TEFAP) or the Commodity Supplemental Food Program (CSFP). The U.S. Department of Agriculture's (USDA) overarching regulation on equal opportunity for religious organizations to participate in USDA assistance programs can be found at 7 CFR Part 16.

FD-141: Questions and Answers Related to the 7 CFR Part 16: Equal Opportunity for Religious Organizations Final Rule

This memorandum answers questions to assist State, local, and eligible recipient agencies in implementing the provisions of the Final Rule and is being released in conjunction with Policy Memorandum FD-142: Further Clarification on Explicitly Religious Activities.

FD-142: Further Clarification on the Prohibition Against Explicitly Religious Activities As Part of TEFAP and CSFP Activities

The purpose of this memorandum is to provide clarification on "explicitly religious activities" per 7 CFR Part 16 and provide specific examples related to The Emergency Food Assistance Program (TEFAP) and the Commodity Supplemental Food Program (CSFP).

FD-139: Clarification on Inventory Protection Requirements

The purpose of this policy memorandum is to provide further guidance and clarity on new donated food insurance requirements for State distributing agencies, sub distributing agencies, select commercial storage facilities, and recipient agencies that have agreements with the State distributing agency or sub distributing agency to store and distribute donated foods.

FD-017: Meals Provided to Volunteers

The memorandum outlines the conditions that eligible recipient agencies can provide meals to volunteers staffing distribution sites and charge as a TEFAP administrative expense.

USDA FOOD AND NUTRITION SERVICE

(<https://www.fns.usda.gov/tefap/emergency-food-assistance-program-tefap>)



[About FNS](#) | [Ask the Expert](#) | [Contact Us](#) | [Other Languages](#) | [En Español](#)

[Programs](#) | [Data](#) | [Newsroom](#) | [Research](#) | [Forms](#) | [Grants](#)

[Search](#)

[Site Map](#) | [Advanced Search](#) | [Help](#) | [Search Tips](#) | [A to Z Map](#)



How To Apply

- > [Participant Eligibility](#)
- > [State Contacts](#)

TEFAP Resources

- > [About TEFAP](#)
- > [Program Fact Sheet](#)
- > [Foods Available](#)
- > [Policy](#)
- > [Regulations](#)
- > [Legislation](#)
- > [TEFAP Federal Register Documents](#)
- > [Funding for TEFAP Memo](#)

The Emergency Food Assistance Program (TEFAP) [Print](#)



The Emergency Food Assistance Program (TEFAP) is a Federal program that helps supplement the diets of low-income Americans, including elderly people, by providing them with emergency food and nutrition assistance at no cost. It provides food and administrative funds to States to supplement the diets of these groups.

Spotlight

- [TEFAP Webinars and Training Resources](#)
- [TEFAP USDA Foods Fact Sheets and Recipes](#)
- [TEFAP Program Fact Sheet](#)

What's New

- [Total TEFAP Assistance to States in Fiscal Year 2017](#)
- [Percentage of TEFAP Administrative Funds Passed Through from State Agencies to Emergency Feeding Organizations - Fiscal Year 2016](#)
- [Fiscal Year 2017 Funding Memorandum to State and Regional Directors](#)
- [Webinar: TEFAP Resource Allocation: Responding to Changing Needs within Your State](#)
- [TEFAP Farm Bill Implementation Memo](#)
- [Availability of USDA Foods](#)

Last Published: 11/07/2017

[FNS](#) | [CNPP](#) | [USDA](#) | [FOIA](#) | [USDA Policies and Links](#) | [Accessibility Statement](#) | [Privacy Policy](#) | [Information Quality](#) | [No Fear Act](#) | [Nondiscrimination Statement](#) | [USA.gov](#) | [Whitehouse.gov](#)