

State of Virginia  
The Emergency Food Assistance Program  
State Plan of Operation 2004 – 2008  
Updated November 2024

Virginia Department of Agriculture and Consumer Services  
102 Governor Street  
Richmond, Virginia 23219

The final rule amending provisions of the Food Distribution Program regulations of 7CFR, Part 250 and 251 implementing Welfare Reform (published in the Federal Register December 29, 1999, Volume 64, Number 249 and effective February 28, 2000) govern The Emergency Food Assistance Program (TEFAP).

**General Operations and Agency Eligibility**

The Virginia Department of Agriculture and Consumer Services (VDACS) is the State Distribution Agency for all USDA donated commodities in the Commonwealth of Virginia. VDACS will accomplish the distribution of USDA commodities donated for TEFAP through eligible recipient agencies (ERA's) with priority given to emergency feeding organizations (EFO's) including food banks, food pantries, and soup kitchens.

ERAs must be approved to participate by entering into a VDACS-FD-1 Agreement or VDACS Agreement Addendum as appropriate with VDACS. The Agreement documents the status of the applying ERA as well as stipulations for required documentation and physical receipt, storage, and distribution of USDA commodities.

USDA commodities will be distributed to eligible households for home consumption through area food banks and their local area EFO affiliates within Virginia. Agencies operating as soup kitchens serving congregate meals to the indigent and homeless will receive USDA commodities through the VDACS contract distributor network or area food banks, as VDACS deems appropriate. Emergency food needs will be met by distributions of USDA commodities on an ongoing basis by network food pantries that are members of, and receive their food through, approved food banks. VDACS will utilize the Federation of Virginia Food Banks to distribute USDA donated commodities to households unless there is an area of the state not adequately served by this network.

**Sub Distributing Agencies**

VDACS allows Distributing Agencies to enter into written agreements with other agencies for the purpose of further distributing USDA Foods. These agencies could include a state Human Services Office, or any other (approved) State office where populations of individuals who would customarily

be eligible to receive USDA foods are likely to gather. The Sub-Distributing Agency would be an agent of the Distributing Agency and is held to the same rules, regulations and requirements as any other Distributing Agency.

### **Eligibility Criteria for Households**

Household's eligibility will be determined on the self-declaration of income or categorical eligibility, as explained below, of the entire household. Eligibility is based on 250 percent of the federal poverty guidelines and may not be exceeded by any local jurisdiction.

State of residency will be determined by self-declaration from the participant. No proof of residency is required.

### **Self-Declaration of Income**

Documentation of eligibility may be made by self-declaration of income by the applicant that their household income is below the specified limits for their household size. Household eligibility will be determined by the combined income of all household members, not the individual applicant. The self-declaration format includes the applicant's name, state of residency, number of household members and their income or categorical eligibility. The income limits by household size will be provided to area food banks and EFOs upon receipt of the annual federal publication entitled "Income Eligibility Guidelines" using 250% of the established federal poverty level.

### **Categorical Eligibility**

Documentation of eligibility for the household may also be by self-declaration of current enrollment in the following public assistance programs:

1. SNAP
2. Medicaid
3. Supplement Security Income (SSI)
4. Temporary Assistance to Needy Family (TANF)
5. Free & Reduced Lunch

### **Distribution Procedures**

The distribution of USDA commodities to households will be based on income eligibility guidelines. USDA commodities will be shipped directly to area food banks in proportion to their percentage of households being served statewide or to the VDACS contract distributor network, as this office deems appropriate. VDACS retains the right to (1) redirect deliveries prior to receipt at food banks, (2) recover USDA commodities on hand at food banks for state, regional, and national emergencies, and (3) transfer USDA commodities to other eligible recipient

agencies if they are not being properly utilized to meet specific food shortfalls. Every reasonable effort will be made to inform area food banks of these actions in advance.

To issue USDA foods to programs that are not traditional household distributions or soup kitchens, Food Bank's must submit a distribution plan to VDACS for approval prior to using any TEFAP foods for such a program. Income guidelines for these programs must correspond to existing income guidelines for TEFAP eligibility. SDI forms will not need to be completed if the program is serving a population that meets the TEFAP eligibility guidelines such as low-income housing, or school districts that serve a majority of free and reduced lunches to students. Programs that could be approved include Kid's Cafes, Backpack or similar programs on a limited basis. Such issuance should be limited to bridging commercial donations or purchases. Records of issuance for all foods distributed must be retained and submitted to VDACS in the quarterly reports.

### **Distribution Rates**

USDA foods will be distributed to a household no more than once each week. A household may receive any combination of available USDA food items (approximately one-pound units). Large households may receive proportionately more. Distribution of fresh produce should be a reasonable amount relative to household size and or immediate consumption. This distribution schedule may change based on availability of USDA Foods.

### **Program Monitoring**

VDACS Food Distribution Program staff will review the participating area food banks according to federal regulations each federal fiscal year. As part of that review, the procedures and checklists each food bank uses to review their affiliated EFO distribution sites will be evaluated. Food banks will review their affiliated agencies every year. If feasible, these reviews will be conducted during determination of household eligibility and distribution of USDA commodities. VDACS staff will review file copies of these reviews to ensure program requirements are being followed.

VDACS staff will review a minimum of twenty (20) EFO distribution sites annually covering all regulatory aspects. The RCM will complete the TEFAP EFO Distribution Site Review Form to properly document each review for which the RCM accompanies an EFO reviewer. The ERA review will be conducted alongside the food bank staff as they perform their review of the agency. This will allow the RCM to continue to evaluate the food bank staff and ensure they are properly reviewing all ERAs. Each review will encompass eligibility determinations, food request procedures, storage and warehousing practices, inventory controls, approval of distribution sites, civil rights, record keeping, and reporting requirements. Findings and corrective actions required will be documented with responsible agency staff. Food bank staff will be informed of these areas for review through formal instruction and issuance of the VDACS Food Distribution Program TEFAP Handbook.

### **Allocation of Funds**

VDACS will assure that at least 40% of the TEFAP administrative funds allocated to it are provided to emergency feeding organizations as follows. Federal funds will be used to pay a shared maintenance fee to the food banks for administrative cost incurred in managing distribution of USDA commodities. Federal funds will be used to pay storage and intrastate transportation costs for commodities placed in commercial storage until released for distribution. Federal funds will be used to pay storage and delivery costs on behalf of soup kitchen agencies receiving USDA commodities.

As long as sufficient funds allow, area food banks will be paid a shared maintenance fee based on the percentage of the states TEFAP foods that they serve. In return, food banks will not charge their EFO outlets an administrative fee for USDA commodities. Under no circumstances will individual or household recipients be charged for receipt of USDA commodities. If federal funding is depleted prior to receipt of all available USDA commodities, payment of the shared maintenance fees will be discontinued to the area food banks with as much advanced notice as possible.

Food banks will be responsible for documenting receipt of shared maintenance fee payments from VDACS and must be able to demonstrate in an audit that the appropriate poundage of USDA commodities were distributed for such payments received. A limited amount of federal TEFAP administrative funds will be utilized to pay state level costs, which must be matched.

### **Creation of a TEFAP Advisory Board**

To meet the new requirements of the Agriculture Improvement Act of 2018, VDACS has created a TEFAP advisory board. The board is made up of representatives from all seven of the Federation of Virginia Foodbank members. The advisory board will plan to meet at least twice yearly to discuss issues important to the TEFAP program, including the opportunity to provide input on the commodity preferences and needs of the emergency feeding organizations. VDACS will continue to provide food banks the opportunity to order their own TEFAP commodities through WBSCM. This gives all Virginia food banks the ability to determine what foods will best meet the needs of their participants.

### **Matching Requirements**

Approximately \$65,000 of federal administrative funds will be directed toward expenditures for state level cost. The state will match these expenditures with contributions from general fund monies and/or area food bank in-kind contributions on a dollar for dollar basis. The state match may be state funds directed towards the development of TEFAP program policies and procedures, allocations, food transfers, general program management, administrative reviews, technical assistance for recipient agencies, and associated travel expenses incurred by state staff.

In-kind contributions from area food banks will consist of the estimated market value of volunteer or non-federally funded staff performing activities supporting the state's administration of the Emergency Food Assistance Program. Those functions approved as satisfying the requirements of 7CFR251.9(c)(2)(ii) are (1) conducting on-site reviews of emergency feeding

organizations, (2) assisting VDACS staff in assembling quarterly USDA commodity orders, and (3) providing formal TEFAP program training to emergency feeding organization staffs.

### **Severance Pay from Federal Funds**

Salaries and benefits of some VDACS staff are paid from federal administrative funds based on time sheets documenting their percentage of work on TEFAP programs and possibly other programs. If state agency staffing changes necessitate personnel layoffs or terminations, severance pay for these employees will be paid from TEFAP administrative funds prorated accordingly.