

Commodity Supplemental Food Program

Hawaii State Plan

**Department of Labor and Industrial Relations
Office of Community Services**

2019

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Introduction

The Commodity Supplemental Food Program (CSFP) was initially authorized under the Agriculture and Consumer Protection Act of 1973, to improve the health of low-income pregnant and breastfeeding women, new mothers up to one year postpartum, infants, children up to age six, and elderly people at least 60 years of age by supplementing their diets with nutritious United States Department of Agriculture (USDA) foods. The Agricultural Act of 2014 (P.L. 113-79, the 2014 Farm Bill) phased out all services under CSFP for pregnant and breastfeeding women and new mothers. New admissions for services under CSFP are now limited to low-income “elderly” adults at least 60 years old. Accordingly, CSFP in Hawaii is limited to this demographic alone. This document constitutes the State Plan for the State of Hawaii effective April 2019.

Legal Authorities

CSFP is administered by the Office of Community Services in accordance with the Hawaii Revised Statutes Chapter 371K, and Federal regulations described in 7 CFR Parts 247 and 250.

Civil Rights Requirements

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, audiotope, 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: [How to File a Complaint](#), 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.

Local Agencies

OCS partners with three local agencies to achieve the purpose and scope of CSFP. Since Federal Fiscal Year 2015, Hawaii Foodbank, Inc. has been providing CSFP benefits to qualified seniors in the City and County of Honolulu. In March 2017, Hawaii Foodbank added their Kauai branch to its service population. In addition, Maui Food Bank, Inc. began providing CSFP benefits in the County of Maui (which serves the islands of Maui, Lanai, and Molokai), and The Food Basket, Inc. began providing CSFP benefits in the County of Hawaii.

<u>City and County of Honolulu</u>	<u>County of Kauai</u>	<u>County of Maui</u>	<u>County of Hawaii</u>
<u>Hawaii Foodbank, Inc.</u> 2611 Kilihau Street Honolulu, HI 96819	<u>Hawaii Foodbank, Inc. - Kauai Branch</u> 4241 Hanahao Place Suite 101 Lihue, HI 96766	<u>Maui Food Bank, Inc.</u> 760 Kolu Street Wailuku, HI 96793	<u>The Food Basket, Inc.</u> 40 Holomua Street Hilo, HI 96720

Eligibility

Applicants are eligible for the program if they meet all three of the following requirements:

1. **Age.** At least 60 years of age.
2. **Income.** Maximum monthly household income at or below 130% of the Federal Poverty Income Guidelines for Hawaii.
3. **Residency.** Must reside in the county applying for service.

Nutritional Risk Criteria

The nutritional risk criteria shall not be implemented to determine eligibility for CSFP.

Service and Caseload Need

Local agencies shall directly assist applicants and participants for CSFP services.

At their discretion, local agencies may establish written agreements with the Eligible Recipient Agency (ERA) which is a public or non-profit private agency to assist in the certification and distribution process. The local agency must provide and keep a record of civil rights training to staff and volunteers who handle applicant information or interact with applicants and participants. This record must be kept for a minimum of three (3) years. The local agency and the eligible recipient agency shall restrict the use or disclose of information obtained from CSFP applicants or participants. As needed, OCS may request applicant or participant information.

See table below for a guideline of responsibilities between the local and the eligible recipient agency:

	Local Agency	ERA
Application Intake	X	
Certification	X	
Distribution of CSFP Commodities	X	X
Provide Notice of Adverse Action to Applicant or Participant	X	
Provide Notice of Expiration of Certification Period to Participant	X	
Provide Waiting List Notification to Applicant or Participant	X	
Re-Application Intake and Processing	X	
Recordkeeping	X	X
One (1) Year Recertification	X	

Certification

Local agencies shall conduct application intake and certification. Local agencies shall use government-issued photo identification to verify applicant. Government-issued identification includes, but is not limited to:

- Passport;
- Driver's License; or
- State Issued Identification.

The applicant may self-attest that they meet the residency and income requirements on the CSFP application form.

Local agencies shall ensure that the application is completed, verify information on the application form is correct, inform the applicant of their rights and responsibilities, and certify the applicant if all requirements are met.

The local agency must maintain all original hard copies of application forms.

Rights and Responsibilities

During the certification process, the local agency shall ensure that applicants are informed, orally or written, of their rights to other nutrition, health, or applicable assistance programs, and be referred to those programs, if appropriate. Such public assistance programs that participants may have access to include:

- Supplemental security income benefits;
- Medical assistance, including ones provided to qualified Medicare beneficiaries; and
- The Food Stamp Program.

Applicants will be informed of their responsibilities through the CSFP Application Form.

Applicants have the right to be notified of their eligibility or ineligibility within ten (10) days of receipt of the application form. Notification of eligibility may be oral or written, inclusive of information on the time and location of respective CSFP distribution, and the length of the certification period (one (1) year). Notification of ineligibility must be in writing. The local agency shall mail, or provide in person, the Notice of Adverse Action to inform applicants of their ineligibility.

The Notice of Adverse Action shall be used to inform applicants or participants of their ineligibility, discontinuance of program benefits, disqualification from the program, or claims to repay the value of commodities received because of fraud.

Recertification

The local agency may recertify a participant for an additional year via telephone call, written notification, or in person, for up to 3 years.¹ The participant may be recertified only if the following conditions are met:

- The participants' address and continued interest in receiving program benefits are verified; and
- Income requirement continues to be met.

¹ Per the Agriculture Improvement Act of 2018 (Farm Bill) (P.L. 115-334); Section 4102 changes certification requirements in 7 C.F.R. 247.16

The local agency shall contact and confirm with the participant at least fifteen (15) days before the end of the certification period. The local agency shall notate the recertification date and method on the participants application form.

Participants who do not recertify prior to their eligibility expiration date will need to reapply for CSFP benefits. If the local agency has maximized their caseload assignment and has a waiting list, the participant must be notified of their placement on a waiting list until caseload slots are available.

Participants who move from one area to another area served by CSFP, whose certification has not expired, will be given the opportunity to continue to receive CSFP benefits for the duration of the certification period. If the local agency has a waiting list, the participant must be placed on the waiting list ahead of all other waiting list applicants.

Waiting List

If the local agency's eligible applicant intake exceeds the respective caseload level, the local agency shall maintain a waiting list. Required information for the waiting list shall include, but is not limited to:

- Date of application;
- Name;
- Mailing Address; and
- Contact number.

The local agency shall provide notification to the applicant of their placement on a waiting list within ten (10) days from the date of application. Once caseload slots become available, the local agency must certify eligible individuals from the waiting list based on the date the application was received on a first-come, first-served basis.

Temporary Wait List

The Local Agency may provide a temporary one-month certification to applicants to maximize the caseload when a participant misses a scheduled distribution. This allows the Local Agency to fulfill their maximum caseload in a month.

Notification Timeline

Type	Method	Provided to Applicant or Participant ²
Notice of Eligibility	Verbal or Written	Within 10 days of receipt of application form
Notice of Adverse Action – Discontinuance	Written	At least 15 days before the effective date
Notice of Adverse Action – Disqualification	Written	At least 15 days before the effective date
Notice of Adverse Action – Ineligibility	Written	Within 10 days of receipt of application form
Notice of Expiration of Certification Period	Written	At least 15 days before the effective date
Notice of Recertification	Verbal or Written or In Person	At least 15 days before the effective date
Waiting List Notification	Verbal or Written	Within 10 days of receipt of application form

Caseload

OCS shall distribute available caseload to local agencies based on the need in the service area, the ability to administer the program, and a percentage of the average monthly participation rate of the last quarter in the prior federal fiscal year. All local agencies are required to maximize caseload assignment.

Outreach to Elderly

Local agencies shall conduct outreach activities to potentially eligible applicants through their existing network of low-income senior programs, congregate feeding sites, and qualified pantries. Local agencies are encouraged to approach low-income senior residential housing for outreach purposes.

² Per 7 CFR 247.15; 247.17; 247.19; 247.33

Homebound Elderly

If a participant is physically unable to attend a certification site and pick up their CSFP food package, a proxy may be designated on their behalf on the application form. The proxy must attend a certification site, either with the homebound applicant or in their stead. If the applicant is unable to attend, their signature on the form must be compared with a government-issued photo ID containing their signature.

Detection and Prevention of Dual Participation

Dual participation shall be geographically controlled by being implemented in different counties in the State of Hawaii.

At the local level, the local agency shall cross check applicant information with current CSFP participant lists to prevent dual participation. The local agency shall verify the applicant name, address, date of birth, and any other pertinent information. The local agency shall ensure that the applicant has read or will be read the following required statement on the application form:

“This application is being completed in connection with the receipt of Federal assistance. Program officials may verify information on this form. I am aware that deliberate misrepresentation may subject me to prosecution under applicable State and Federal statutes. I am also aware that I may not receive both CSFP and WIC benefits simultaneously, and I may not receive CSFP benefits at more than one CSFP site at the same time. Furthermore, I am aware that the information provided may be shared with other organizations to detect and prevent dual participation. I have been advised of my rights and obligations under the program. I certify that the information I have provided for my eligibility determination is correct to the best of my knowledge.

I authorize the release of information provided on this application form to other organizations administering assistance programs for use in determining my eligibility for participation in other public assistance programs and for program outreach purposes. (Please indicate decision by placing a checkmark in the appropriate box.)

YES []

NO []”

To be certified for the program, applicants are required to indicate “YES” for understanding of program rules, inclusive of being able to only participate at one distribution site.

If the local agency detects a case of dual participation, the local agency shall contact the participant, via telephone or in person, and inquire to verify. If dual participation is confirmed and resulted from the participant or proxy providing false or misleading information, the local

agency must disqualify the participant for a period of up to one (1) year, unless it is determined that disqualification would result in a serious health risk. The local agency shall provide the Notice of Adverse Action, by mail or in-person, at least fifteen (15) days before the effective date. If the participant is disqualified, the local agency must initiate a claim to the participant to recover the value of CSFP benefits improperly received.

Pursuit of Claim Against a Participant

If a participant improperly receives or uses CSFP benefits through fraud, the local agency is required to initiate a claim against the participant and recover the value of improperly received CSFP commodities.

Pursuing a claim against a participant to recover the value of CSFP commodities improperly received or used is cost effective when the value exceeds \$100.00. The local agency must:

- Issue the Notice of Adverse Action requesting repayment for the value of the commodities improperly receive or used;
- If repayment is not made in a timely manner, take additional collection attempts; and
- Maintain all records regarding claims actions taken against participants for a minimum of 3 years.

Storing and Distribution of Commodities

OCS is responsible for multi-food ordering through the USDA Web Based Supply Chain Management system. OCS will work with local agencies to determine the appropriate number of cases to order for based on current inventory and caseload.

Local agencies shall provide storage facilities for commodities that protects from theft, spoilage, damage, destruction, or other loss. Storage facilities must maintain donated foods in sanitary conditions, at the proper temperature and humidity, with adequate air circulation. Storage facilities must comply with all Federal and State requirements in accordance to food safety and health.

Once the commodities are delivered to the local agency, the proper amount of cases delivered must be verified to the Bill of Lading (BOL), provided by the delivery company. The local agency shall indicate if there are any damages to the delivery and if there are additional or missing cases on the BOL. The signed and dated BOL must be submitted to OCS and the USDA shipping company within one (1) day of receipt of the delivery.

Pallets shall be stored in an order to ensure the first-in, first out (FIFO) method and must be kept separate from other USDA commodities or commodities donated by the public for general distribution. A separate inventory record of donated foods must be maintained for CSFP commodities. CSFP inventory may not exceed a three-month period.

If it is determined that out-of-condition commodities are in storage, the local agency shall inform OCS as soon as possible. The local agency shall remove, destroy, or otherwise dispose the out-of-condition commodities, in accordance with FNS instructions and local requirements pertaining to food safety and health.

Before distribution occurs, local agency staff and volunteers shall pack commodities according to package guides provided by USDA. The local agency shall distribute CSFP benefits to distribution sites once a month.

At distribution sites, participants shall be serviced on a first-come, first-served basis. Each participant will be required to show a form of photo identification to the local agency for verification of CSFP benefits. Once verified, each participant will sign, affirming that they have received one package of CSFP benefits.

On a monthly basis, the local agency shall submit Form FNS-153 for inventory management and for distribution rates.

On a quarterly basis, the local agency shall conduct a physical inventory and submit to OCS a physical inventory report.

On an annual basis, the local agency shall conduct a physical inventory at each storage and distribution site, where commodities are stored. The physical inventory must then be reconciled with physical and book inventory. The reconciliation report shall be submitted to OCS on an annual basis by October 31.

As needed, OCS may request a physical inventory report.

Food Recall

Local Agencies must follow all applicable Federal, State or local requirements for foods subject to a food recall. In the event of a recall, OCS will notify the Local Agency. The Local Agency must remove, destroy or otherwise dispose of, in accordance with FNS instruction and State or local requirements pertaining to food safety and health.

The Local Agency also needs to keep track of any distributed food recall commodities. The Local Agency will need to keep a master list of the commodity that should include number received, number issued, number in inventory and the locations of where the recalled commodity was distributed.

If the commodity was distributed, the Local Agency will need to notify the participants that 1) they should refrain from eating the recalled commodity and 2) dispose of the recalled

commodity. Notifications may be done via word of mouth or fliers and signs at the distribution sites.

Nutrition Education

Local agencies shall make nutrition education materials available to all program participants on a quarterly basis with their CSFP commodities in the form of a flyer, newsletter, or handout.

Nutrition education shall include the:

- Nutritional value of CSFP commodities, and their relationship to the overall dietary needs of the service population;
- Nutritious way to use CSFP commodities;
- Special nutritional needs of the participants and how needs may be met;
- Importance of health care, and the role nutrition plays in maintaining good health; and
- Importance of the use of the foods by participants to whom they are distributed, and not by another person.

Public Notification

The purpose of the public notification is to inform applicants, participants and potentially eligible persons of:

- Program availability;
- Program rights and responsibilities;
- The policy of nondiscrimination; and
- The procedure for filing a complaint.

The Local Agency and the ERA must:

- Make program information available to the public upon request;
- Prominently display the "And Justice for All" poster (provided by FNS);
- Inform potentially eligible persons, applicants, participants and organizations of programs or changes in programs;
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information; and
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons.

Record Keeping

OCS and the Local Agency must continue to follow record keeping requirements in accordance with current program regulations for CSFP and 7 CFR 250.19. Such requirements extend to the maintenance of records of beneficiary protections at 7 CFR 16. All records must be maintained for a period of 3 years from the close of the fiscal year to which they pertain.

Monitoring

OCS will perform an on-site review of all Local Agencies and their storage facilities at least once every two years.³ As part of the on-site review, OCS will evaluate all aspects of program administration, including certification procedures, nutrition education, civil rights compliance, food storage practices, inventory controls, and financial management systems.

Termination of Agency Participation

Specific actions and procedures relating to program termination are more fully described in 2 CFR part 200, subpart D, and USDA implementing regulations 2 CFR parts 400 and 415. OCS may terminate the Local Agency's participation in CSFP or may be required to terminate the Local Agency's participation, in whole, or in part, if the Local Agency does not comply with the requirements of this part. OCS must notify the Local Agency in writing of the termination, the reason for the action, and the effective date, and must provide the Local Agency with an opportunity to appeal.

The Local Agency may terminate the program, in whole, or in part, upon written notification to OCS, stating the reasons and effective date of the action. Either party must provide, at minimum, 30 days' written notice.

The Local Agency's program may also be terminated, in whole or in part, if both OCS and the Local Agency agree that the action would be in the best interest of the program. The two parties must agree upon the conditions of the termination, including the effective date.

³ Per 7 C.F.R. 247.34(a)

Attachments

Attachment 1

Attachment 2

Attachment 3

Contracts

HFB OCS-CSFP-19-01

MFB OCS-CSFP-19-02

TFB OCS- CSFP-19-03

SUBMISSION OF THE STATE PLAN

This plan was reviewed and signed by the Governor's Designee: Ms. Denise Iseri-Matsubara, Executive Director, State of Hawaii Department of Labor and Industrial Relations, Office of Community Services.

April 30, 2019

Date



Denise Iseri-Matsubara, Executive Director