



Food and  
Nutrition  
Service

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**DATE:** July 14, 2021

**MEMO CODE:** SP 17-2021, CACFP 15-2021, SFSP 09-2021

**SUBJECT:** COVID-19 Waiver Requests Submitted Prior to December 31, 2020

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	COVID-19 Waiver Requests Submitted Prior to December 31, 2020
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<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	July 14, 2021
<b>Replaces:</b>	N/A
<b>Summary:</b>	This memorandum provides clarification that any individual State agency waiver requests submitted to FNS that were not denied or approved from the beginning of the COVID-19 public health emergency through December 31, 2020, are now denied. State agencies that have continued interest in requesting individual waivers may re-submit waiver requests to the appropriate FNS Regional office.

This memorandum clarifies that individual State agency waiver requests submitted to the Food and Nutrition Service (FNS) in calendar year 2020 requesting flexibilities in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), Special Milk Program for Children (SMP), and Fresh Fruit and Vegetable Program (FFVP) during the COVID-19 public health emergency that have not been approved or denied prior to December 31, 2020, will no longer be considered active requests. Due to the nationwide waivers, discussed further below, FNS believes the remaining pending requests are no longer necessary and are therefore denied. This only applies to waivers that are pending and were received prior to December 31, 2020. FNS will not provide specific responses to these individual State waiver requests. State agencies that have a

continued interest in the individual waivers may re-submit the waivers through their FNS Regional Office.

Pursuant to the authority in Section 2202 of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and based on the exceptional circumstances of this public health emergency, FNS has released several nationwide waivers to help Program operators continue to meet the nutritional needs of child and adult participants during the public health emergency. A list of the school year 2021-2022 Nationwide Waivers and Flexibilities are available at <https://www.fns.usda.gov/disaster/pandemic/cn-2021-22-waivers-and-flexibilities>. Additional information on the FNS Response to COVID— 19 is available at <https://www.fns.usda.gov/disaster/pandemic/covid-19>. FNS believes these nationwide waivers provided the necessary relief and flexibilities to provide safe service of meals to children during the COVID-19 pandemic that render the individual State waivers as unnecessary. State agencies interested in flexibilities that are not covered under the nationwide waivers may re-submit waiver requests (or submit new waiver requests) through the appropriate FNS Regional Office for school year 2021-2022.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of child and adult participants during this challenging time. State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

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