Minnesota Department of Human Services
Office of Economic Opportunity
The Emergency Food Assistance Program

Policy and Operations Manual for
Food Banks
Revised June 2018
THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

Policy and Operations Manual for Food Banks

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SECTION 1: TEFAP HISTORY

The Emergency Food Assistance Program (TEFAP) is a federal program that helps supplement the diets of low-income residents by providing them with emergency food and nutrition assistance at no cost. Through TEFAP, the United States Department of Agriculture (USDA) purchases foods and makes them available to agencies for distribution.

TEFAP was originally created as the Temporary Emergency Food Assistance Program, the result of hunger advocates lobbying the federal government for use of surplus commodities purchased by USDA for price supports. In 1981, President Ronald Reagan signed an executive order providing States with a one-time distribution of surplus cheese. This action succeeded with a win-win situation. It reduced storage costs for the government and provided food for those in need. Distributions continued for several years and grew to include a variety of foods. Because TEFAP was primarily an agricultural program, some foods were packaged in bulk commercial sizes not necessarily intended for individual or family consumption.

There was a significant change to TEFAP in the late 1980’s. A new agriculture bill cut the price support program, which supplied the source of commodity foods. However, TEFAP was seen as a benefit to farmers as well as an anti-poverty program. Instead of eliminating the program, Congress modified it through the 1988 Hunger Prevention Act. The act directed USDA to purchase foods for TEFAP.

In 1990, TEFAP became a permanent federal program and the “T” in the program name was changed from “Temporary” to “The”. TEFAP continues to be favorably regarded for the support it provides farmers and producers, as well as for the nutritious food supply it provides to low-income families. The Farm bill authorizes TEFAP for all States. The Food and Nutrition Services (FNS) of the USDA administers the program. USDA uses a formula based on number of households below the poverty level and number of unemployed persons in each State (weighted 60% and 40% respectively) to allocate States’ TEFAP administration funds, Entitlement funds, and Bonus commodities.

In Minnesota, USDA commodity food was initially delivered in semi-trailers to sites around the State where volunteers unloaded and distributed the food to those who qualified under income guidelines. Office of Economic Opportunity at the Department of Human Services (DHS OEO) administered delivery throughout Minnesota by contracting with Community Action Agencies and other non-profits. There were about 700 drop-off sites using 7000 volunteers. Deliveries took place every few months, an interval which resulted in food often sitting in warehouses for several months.

Currently, Minnesota’s TEFAP is administered by the Office of Economic Opportunity at the Department of Human Services (DHS OEO). Through a competitive Request for Proposals (RFP) in 2017, DHS OEO awarded Minnesota’s TEFAP contract to Hunger Solutions Minnesota (HSM). DHS OEO contracts with HSM to coordinate the efficient statewide distribution of TEFAP commodities. Beginning In 2019, DHS OEO will hold direct TEFAP contracts with Minnesota’s seven regional food banks to coordinate storage, transportation, and distribution of TEFAP products.
The food banks distribute USDA commodities to approximately 400 food shelves and on-site meal programs in the regions they serve. TEFAP administrative funds, distributed by DHS OEO, are used to reimburse food banks $.14 per pound to cover food storage and distributing costs. Food shelves do not pay a fee to the food banks as long as TEFAP administrative funds are available. When the funds are exhausted, the food banks are allowed to charge up to $.14/lb. for the food and $.08/lb. for delivery.

Food shelves and on-site meal programs distribute TEFAP commodities to low income households that reside in Minnesota. Food banks are responsible for monitoring TEFAP distribution sites for compliance and play a vital role in collecting agency statistics. TEFAP agencies are required to have a signed TEFAP Site Distribution Agreement on file with their regional food bank. The agreement details TEFAP program, reporting, monitoring, food storage and handling, and commodity liability requirements.

All records regarding receipt and distribution of TEFAP must be retained for seven years in accordance with MN Statues, section 16C.05 subdivision 5. This requirement includes client data records. (FD-128, 7 CFR 250.01(f)(1) and (2))

The TEFAP Policy and Operations Manual is the handbook for participating food banks and distribution sites. The content of this manual is the State’s interpretation and implementation of the Federal TEFAP guidelines. These regulations and procedures are based on the Federal Regulations 7 CFR 250 and 7 CFR 251 are available on Hunger Solutions Minnesota’s TEFAP page: www.fns.usda.gov/tefap/regulations

Agencies that receive TEFAP are required to adhere to the regulations and follow procedures included in this manual.

**TEFAP Food Supply**

TEFAP commodities are an essential part of the emergency feeding program helping to provide nutritious food for food shelf and on site meal programs. TEFAP food consists of a variety of canned and dried foods, fresh and frozen fruits and vegetables, meat and dairy products. TEFAP food is high in quality and nutritional value and include items are not often donated to food banks or food shelves.

TEFAP commodities can be put into one of two categories; purchased food called Entitlement and non-purchased offers called Bonus.

Entitlement foods are purchased by states through an on-line ordering system. In Minnesota, food is ordered based on feedback from food shelves, food banks, and direct recipients of USDA products. The goal is to order food that TEFAP recipients want to eat.

Bonus food is provided by USDA at no cost to the States to support struggling food products and industries. Bonus products are often more expensive fresh fruits and meat. TEFAP Bonuses offer a tremendous benefit by making additional products available. In the last few years, 40-
50% of the TEFAP food brought into Minnesota has been Bonus. However, due to the unpredictable nature of the Bonus products, the amount of food received each year varies widely.

SECTION 2: ADMINISTRATIVE FUNDING

USDA provides administrative funding to states for the distribution of TEFAP commodities. A state agency can restrict the use of TEFAP administrative funds by eligible recipient agencies by disallowing one or more types of expenses.
(7 CFR 251 The Emergency Food Assistance Program)

Allowable Expenditures

In addition to general costs associated with storage, handling, and the distribution of TEFAP commodities, food banks are reimbursed based on the dollars made available by USDA and as justified by costs. As indicated in USDA regulation 7 CFR, Part 247.25, allowable costs may include:

1. Advertising-public outreach of distribution sites and schedules
2. Building Rental/Utilities-office of USDA food storage rental facilities; the cost of utilities, pest control, and janitorial services used specifically for TEFAP or as an indirect cost
3. Accounting-establishing and maintaining an accounting system and the cost of an independent audit
4. Equipment-equipment necessary to perform donated food distribution; materials and office supplied including but not limited to postage and printing
5. Insurance Expenses-insurance coverage for TEFAP foods
6. Compensation for Personnel-salaries and fringe benefits for employees directly involved with TEFAP
7. Transportation-freight, cartage, or delivery directly associated with the handling of donated food
8. Training and Education-TEFAP in-service training and meetings of agency personnel and volunteers
9. Travel-program related travel for volunteers and staff

Administrative funding is awarded to MN’s regional food banks to pay costs associated with the distribution of TEFAP food. Hunger Solutions Minnesota (HSM) is responsible for allocating TEFAP administrative funds to each food bank based on the gross weight of commodities received by the food bank. Gross weights are determined by the USDA Commodity File Listing. If the commodity or package gross weight is not listed in the Commodity File Listing, the gross weight will be set by HSM on the Forwarding Notice and the Bill of Lading.

The food banks receive reimbursements of $.14 per pound of TEFAP commodities. Reimbursements are tracked on HSM’s Hunger Partners website and are sent to food banks as funds become available from USDA. In the event that TEFAP deliveries are in excess of the administrative funding available, food banks are obligated to continue receiving and distributing the commodities. At the time of annual food bank monitoring by DHS OEO and HSM, food banks will be required to provide documentation of reimbursed expenses.
**Financial Records**

Each food bank shall maintain financial records that comply with generally accepted accounting principles. The food bank shall have an annual comprehensive independent certified audit and a single audit, if the food bank has expended $500,000 as provided in OMB Circular A-133. The food bank shall furnish HSM with audit reports on its activities and its financial condition within nine months of the end of the food bank’s fiscal year, and will furnish HSM the accompanying management letter with any findings. HSM will document receipt of the food bank’s corrective action plan. Six months after the corrective action is set in place, HSM will review the plan with the food bank to see if the corrective action has mitigated the finding.

Hunger Solutions Minnesota (HSM) must obligate all TEFAP funds from a grant year by September 30th annually, following the federal fiscal year.

**SECTION 3: ORDERING COMMODITIES FROM USDA**

DHS OEO and HSM staff are responsible for identifying and ordering TEFAP commodities for the state of Minnesota. The ordering is based on availability of products and feedback from food banks, food shelves, and direct recipients of USDA commodities. DHS OEO places orders into the Web Based Supply Chain Management (WBSCM) system. TEFAP product order details are made available to food banks through SharePoint and Hunger Partner websites, managed by HSM.

With approval from DHS OEO and to the extent practical, HSM will allocate commodities to individual food banks based on an annually updated formula using population and poverty figures weighted at 60% poverty and 40% population for the specific service area. Data from this formula is taken from the most recent census. Allocation procedures maximize the equitable distribution of TEFAP commodities across the state.

Bonus commodities are offered sporadically and many require a quick order turnaround. When possible, HSM will survey food banks for acceptability of the commodity and willingness to take the allocation prior to ordering.

**Arranging for Shipment and Delivery**

For shipments originating from a vendor (i.e. any shipment nor originating form a National Multi-Food Warehouse), the vendor or carrier must arrange for a delivery appointment with the food bank at least 24 hours before the expected delivery. For split shipments, the vendor must arrange for a delivery appointment with each food bank.

If the vendor or carrier arrives without a delivery appointment or is late for an appointment, the food bank should accept the shipment, if able, or work with the vendor or carrier to schedule delivery at a later time. When a carrier does not make a delivery appointment in advance, it is recommended that the food bank report the issue to HSM and OEO so that further reporting can be done.

(FNS 709-5 Rev 2)
USDA TEFAP commodity shipments may be scheduled to arrive up to two weeks before or after the requested delivery date. Late shipments are most often due to the manufacturers and vendors not being able to secure transport for the shipments. If shipments are late (and approaching the two week mark), DHS OEO will contact USDA to request more information.

SECTION 4: RECEIVING USDA FOODS

Upon arrival, all USDA shipments must be carefully checked and counted for damage or shortages/overages, and signed Bill of Ladings must be sent to HSM within 24 hours. The process below must be followed at all times. Failure to comply may result in a corrective action notice from HSM.

When a TEFAP shipment is delivered, the food bank warehouse staff must:
1. Count the product, documenting quantities and note damage, overages, and shortages on the Bill of Lading with a signature and date.
2. Email signed, dated, and legible Bills of Lading and any additional paperwork within 24 hours to: MNTEFAP@hungersolutions.org
   i) If there is damage or incorrect deliveries, a Commodity Incident Report must be sent to MNTEFAP@hungersolutions.org immediately upon awareness of the incident or within 2 calendar days after delivery and the out-of-condition foods need to be segregated.
   ii) Out-of-condition product are those commodities which appear to have come from the packer contaminated, deteriorated, spoiled, infested, or having latent defects. Bulging cans or cans with sharp dents and rust on the seams are examples of out-of-condition products.
   iii) If upon delivery, TEFAP products are so damaged that they cannot be distributed, the products should not be accepted. If this occurs, contact HSM and DHS OEO immediately. DHS OEO will in turn notify USDA and file a complaint.
   iv) If a TEFAP agency (food shelf or on-site meal program) has a complaint regarding TEFAP commodities, the agency should contact their regional food bank who is required to share the information with HSM and DHS OEO. If foreign matter, such as glass or metal is found in a product, this should be treated as an emergency. Contact DHS OEO TEFAP Manager, Courteney Roessler at 651-431-6309 or courteney.roessler@state.mn.us immediately.

Do not dispose of any out-of-condition commodities until advised to do so by HSM or DHS OEO. In some instances, USDA will require samples of the out-of-condition product. When conditions present a health hazard to food stored nearby (exploding cans, infestation of grain products, etc.) the out-of-condition product must be isolated.

DHS OEO and HSM will notify each food bank within 24 hours via phone or email, after receiving a FOOD SAFETY ALERT. You must respond by phone or email to DHS OEO to confirm that notification was relayed to your individual agencies. To ensure an effective communication chain, each food bank must include a copy of their agency’s Organizational Chart at the start of each contract year.
(FNS 709-5 Rev)
Claim Determination for Negligence or Loss of Product

After acceptance of USDA commodities by the food banks, they are liable for product management. When USDA commodities are no longer fit for human consumption as a result of spoilage, contamination, infestation, damage, not stored or managed in accordance with the provisions of a contract, stolen, willfully misapplied, or lost, the food banks are liable. The State must investigate any loss of donated foods, or any improper use or loss of funds, regardless of the value of the loss, in order to determine if a claim must be pursued against the party responsible for the loss. For each product identified, a complete Commodity Incident Report must be completed upon discovery of the loss and sent to MNTEFAP@hungersolutions.org. (FNS 410-1 rev 2)

If the value of the loss exceeds $500 per product discovery, the State may pursue a claim with the food bank in question. When the loss of product occurs due to negligence or poor warehousing practices, the food bank is responsible to replace the product or repay the value of lost product to DHS OEO. Agency repayments are redistributed to other food banks according to their share percentage of the State’s total TEFAP allocation. Repeated loss of food that exceeds $500 annually may result in further review of storage facilities by HSM and DHS OEO.

If the loss has occurred as a result of theft, embezzlement, willful misapplication, or fraud, the State must pursue further claim actions.

If any other TEFAP sub distributing agency (food shelf and on-site meal programs) is responsible for a loss, the food bank must pursue further claim actions against that party.

SECTION 5: FOOD STORAGE AND HANDLING

Food storage areas should provide protection from weather, fire, theft, and pests. Aisles between pallets should be wide enough to provide easy access for inspection, inventory, and pulling of product. All USDA commodities are to be stored at the contracted site. Contracted sites must follow appropriate warehouse and storage practices.

When food banks receive TEFAP commodities, they are responsible for the safekeeping of the products until they are allocated to eligible agencies (food shelves and on-site meal programs). This also applies to food banks that are storing TEFAP products to be delivered to other food banks. TEFAP commodities must be distributed properly and any loss or damage caused by failure to provide proper storage, care, or handling is the responsibility of the agency. DHS OEO may require the food bank or agency to replace TEFAP commodities in kind or to re-pay the value of the products as determined by USDA if this happens. Losses must immediately be reported to DHS OEO and HSM.

Repacking TEFAP products is not allowed unless approved by DHS OEO.

Maintenance of Storage Area

Storage facilities must be clean, climate controlled, secure from theft, and have enough storage for USDA foods. Ensure there is a cleaning schedule established listing the necessary frequency of cleaning of each location.
Storage and handling practices include, but are not limited to:

- Food must be stored off the ground (at least 6 inches), away from the wall (at least 4 inches), and at least a 2 foot ceiling clearance.
- Non-food items and toxic items (soap, bleach, cleaning supplies, etc.) must be stored separately from food.
- Maintain proper temperatures, inner and outer thermometers, and temperature logs.
  - Dry commodities must be stored at 50-70°F
  - Refrigeration must be maintained at 34-40°F
  - Freezers must be maintained at 0°F or below
- All units must be clean and inspected on a regular basis.
- All commodities must be stored in areas that allow for proper air circulation.
- Keep floors, pallets, shelving, and storage areas clean. Broken pallets should be discarded and dirty pallets cleaned.
- Maintain an effective and ongoing pest control system. Have a qualified person on staff or contract with a licensed firm to handle pest control management. Rodent controls such as traps and glue boards are recommended. Place traps along walls and near doorways, moving the traps monthly. Poisons must not be used except by a licensed professional.
- The exterior should be inspected regularly for signs of fire hazards, pest infestation, security problems, and repair.
- Warehouses must be secured with reliable lock systems. Electronic alarm systems are preferable.

Maintenance of exterior should be inspected regularly for sign of fire hazards, pest infestation, security programs, and needed repairs. Garbage, waste, or rubbish must be disposed of frequently.

First In/First Out Rotation of Stock
To help guarantee the quality and freshness of TEFAP commodities, the practice of First In/First Out (FIFO) must be followed. Food must be stored so cases with the oldest pack dates are used first. Staff must routinely check inventory to guarantee that TEFAP commodities are in proper shape for distribution.

Guidelines for Stacking Commodities
The basic rules for stacking commodities are:

- Limit the height of the stack so cases of food on the bottom layers will not be crushed. Cross stacking cases on pallets will ensure the stack will be sturdy and solid and will not tip when moved.
- Shrink wrapping provides added stability.
- Stack cases away from potential damage by heat, steam, or water.

Storing TEFAP Commodities at Commercial Warehouses or at other Food Banks
In Minnesota, DHS OEO allows the option for food banks to hold TEFAP inventory at other commercial facilities or other food banks due to capacity issues. This can be attributed to
TEFAP requirements for direct deliveries or due to timing of deliveries with other internal orders. These “holding” sites will be designated as secondary parties.

Each food bank is responsible to have an agreement with the secondary party holding TEFAP inventory. The secondary party will be responsible for care of TEFAP inventory while at the facility on behalf of the food bank.

While the inventory is at the secondary party’s site, each food bank is responsible for tracking the inventory in Hunger Partners as if the inventory is at food bank. Each bank must provide documentation detailing where the inventory is and an agreement with the secondary party.

An example would be if Food Bank A has shipments dropped at Food Bank B due to capacity issues. Food Bank A would record the inventory in Hunger Partners when it is delivered at Food Bank B. Food Bank A & B must have an agreement detailing care of inventory until inventory reaches Bank A.

SECTION 6: INVENTORY CONTROLS

DHS OEO and HSM monitor food inventories through the year by reviewing monthly TEFAP inventory and allocation reports. Monitoring by both agencies prevents sites from receiving commodities in excess of anticipated use and maximized program efficiency.

Warehouses must complete, on a monthly basis, a Physical Inventory Report and an Allocation Distribution Report. The Physical Inventory Report tracks the movement of USDA TEFAP foods each month, while the Allocation Distribution Report details recipient agencies and their TEFAP shipments received. To produce an accurate monthly inventory and maintain optimal inventory control, it is recommended that the warehouse institute strategies to keep TEFAP products separate from all other food. For example, segregating TEFAP in the warehouse and using pallet labels (including TEFAP, product name, USDA material number, date or receipt, expiration or best if used by date, pack date, number of cases on the pallet, and/or the number of units in each case, and reconciling different inventory reports with each other, are effective approaches.

Food banks are required to make TEFAP products available to eligible agencies within 30 days of receipt. This also applies to products that are being held at other sites. If there are logistical concerns, banks should communicate through MNTEFAP@hungersolutions.org with details. TEFAP inventories cannot exceed a six-month supply without approval. Food banks, DHS OEO, and HSM will monitor the distribution rate of each product. If distribution during the three-month period indicates the commodity will not be completely dispersed within the next six months, DHS OEO and HSM may authorize re-allocating the remaining commodity to one or more food banks. Transfers of TEFAP commodities from one food bank to another must be approved by HSM and DHS OEO and must have the proper documentation recorded.

Each food bank shall maintain product records and inventory control systems. This includes monthly inventory reports, reports detailing TEFAP allocation at an agency and/or program level, and other additional reporting as requested. Failure to comply will result in a corrective
action from HSM. Food banks must report monthly TEFAP inventory movement to HSM via the Hunger Partners website by the 10th of the following month (June inventory must be reported by July 10th). In addition, adjustments must be reported on the Commodity Incident Report and must be sent upon discovery and include:

The website for MN’s TEFAP inventory, managed by HSM, is mnhungerpartners.org. On this site, each food bank is charged with maintaining their monthly inventory. Each food bank has a password protected login for entering monthly receipts, distributions, and valuations of their products. HSM is charged with providing updated product descriptions, and weights and values as determined by USDA. HSM compiles a total monthly inventory report to DHS OEO by the 15th of each month.

SECTION 7: TO BE A TEFAP FOOD SHELF

As required by FNS 113-1, TEFAP Food Shelves must be committed to making it as easy as possible for those in need to get food. The agency should create policies and rules that are respectful and encourage generosity and flexibility. TEFAP Food Shelves must guarantee the same level of service for all participants regardless of address, language limitations, disability, race, color, nation origin, religion, sex, age, citizenship status, marital status, sexual orientation, gender identity, familial status, receiving public assistance, and being a member of a local human rights commission. Participating in TEFAP not only provides food shelves with free and nutritious food, it also promotes an environment of fairness and equity.

Food shelves that are interested in receiving TEFAP commodities must be a public or private organization, governmental agency or a not-for-profit organization with a 501(c) 3 tax-exempt status or church affiliation and must not be a penal institution. The physical facility must be safe and appropriate for storing and distributing commodities. If the site is not handicap accessible, the agency will need to identify ways in which participants with limited mobility can be served.

In addition to food shelves, approved programs include mobile (household) food programs, on-site meal programs, and shelters.

Interested food shelves and mobile (household) food programs can apply to their regional food bank to be TEFAP eligible. Kids feeding programs and Backpack Programs are currently not eligible for TEFAP. The food bank will provide information on TEFAP regulations and requirements. DHS OEO will make the ultimate determination if the applicant is approved based on TEFAP compliance verifications.

As of 1/1/2018, all new TEFAP applicant agencies are required to have a Client Choice distribution model. Examples of this model may include full shopping choice, menu (participants are given a list of available foods), partial choice (prebagged shelf stable items, but choice for perishables), etc.

As of 1/1/2018, no new On-Site Meal Programs will be accepted.
TEFAP Food Shelves are required to sign a TEFAP Site Distribution Agreement with their regional food bank. The requirements for these agreements are created at OEO and are based on TEFAP State and Federal regulations. If all of the requirements mentioned below are not met, agencies risk being removed from TEFAP and Minnesota Food Shelf Program (MFSP) grants.

Per the TEFAP Site Distribution Agreement, TEFAP Food Shelves are required to have the following items in place:

1. Hours of operation and address are clearly posted, and updated on phone messages, websites, and other methods of publicity. When a change in regularly scheduled hours occurs, agencies must contact their regional food bank and Hunger Solutions Minnesota Abby Tish 651-789-9848 atish@hungersolutions.org and Joe Walker 651-489-9849 jwalker@hungersolutions.org

2. Every effort must be made to set food shelf hours that accommodate participants’ schedules, this could include evening and weekend hours. If food shelf hours are limited (2 hours a week or less), a plan to serve participants that are unable to come needs to be developed by agency.

3. Civil Rights “And Justice for All” posters, SNAP materials, and Voter Registration information are posted. Contact your regional food bank, HSM, or DHS OEO for more information.

4. TEFAP Eligibility and Data Privacy Forms are collected from each household. These two documents are the only required paperwork that food shelf participants need to complete annually.

   i) The TEFAP Eligibility Form must be signed by participants annually and kept on file for 7 years. Households are eligible if they self-report that their household income is at or below 200% of the federal poverty level and that they are a resident of Minnesota (their physical presence in Minnesota demonstrates this). Households automatically qualify for TEFAP if they participate in any of the programs listed on the TEFAP Eligibility Form. TEFAP regulations do not allow agencies to ask for or collect income documentation like pay stubs, or other income data from program participants.

   ii) The Data Privacy/Tennesen Warning must also be signed by participants annually and kept on file for 7 years. TEFAP distribution sites cannot discuss private information with other providers. If such discussions are needed, a legal Release of Information must be signed and dated in compliance with all required elements in the law.

USDA Federal Regulations do not allow TEFAP distribution sites to place extra requirements for participants, in addition to requirements stated in this manual. Added forms, meetings with intake workers and other processes must be optional. TEFAP Food Shelves are required to explain to participants that filling out additional forms and/or providing additional information is their choice and in no ways prevents them from getting food.
Please refer to Section 8: TEFAP Food Shelf Intake p. 18 for more information.

5. A record of participants served at every food shelf distribution is collected and kept for 7 years. This can be done by signature or by somehow indicating from a list who was served at each distribution. This serves as both a declaration that they are within the eligibility guidelines and documentation of the receipt of USDA foods. This can be done paperless. Contact DHS OEO for more information. DHS OEO and HSM will review records either during routine monitoring or at any other time to ensure records match services provided. DHS OEO can request to review these records at any time. Failure to complete and maintain records can result in suspension of access to TEFAP foods.

6. Civil Rights Training is completed annually and records are collected and kept for 7 years. TEFAP sites must be in compliance with USDA Civil Rights Regulations and the Minnesota Human Rights Act. Sites are prohibited from discriminating on the basis of race, color, creed, national origin, religion, sex, sexual orientation, marital status, familial status, age, disability, status with regard to public assistance. Civil Rights training is available through regional food banks.
   i. A Civil Rights training must be completed and documented annually by all TEFAP distribution site staff and volunteers who interact directly with participants. Forms of documentation include staff/volunteer signatures, completion of training documents, online certificates, meeting agenda and sign-in sheets, and/or signed Civil Rights checklist.
   ii. A Civil Rights Checklist is available to be used to educate one-time volunteers on how to follow Civil Rights requirements during distribution. All volunteers must sign the Civil Rights Training Checklist available on HSM’s TEFAP page at: http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/
   iii. Anyone wishing to file a discrimination complaint can do so at: USDA, Office of the Assistant Secretary for Civil Rights, Discrimination Complaint Filing, at any USDA office, or may call 1-866-632-9992 to request the complaint form. This information is also available on the “And Justice for All” poster.
   iv. Participants should never be discouraged from filing a complaint.

7. Proxy Permission, Americans with Disabilities Act (ADA) Plan, and Limited English Proficiency accommodations are in place. Because of TEFAP Food Shelves’ pledge to provide the same level of service to all participants, clear plans that support this commitment are required. Templates are available on HSM’s TEFAP page at: http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/

   i) Proxy Permission
   Participants who may have difficulty getting food may select someone else to pick up their food. This is called a proxy. Food shelves are required to allow proxy options for all participants. DHS OEO has updated its Data Privacy form to include a section that offers participants an opportunity to choose a proxy.
   Examples of approved methods to allow a proxy to pick up food for another person may include the following:
• Food shelf participants choose proxy during intake (on the DHS OEO Data Privacy Notice or on an approved form) and food shelf staff/volunteers document this in participant’s file.
• Present ID or a signed note or proxy form from the participant

ii) Americans with Disabilities Act (ADA) Plan
Per Title III, each agency is required to have an Americans with Disabilities Act (ADA) plan on file. This plan explains that no one may be discriminated against based on disability. If a TEFAP Food Shelf is in a site that is not handicap accessible, the plan will lay out how the food shelf will accommodate all. TEFAP Food Shelves are required to complete and post an ADA Plan form at their site.

iii) Limited English Proficiency Accommodations
To make sure that there is meaningful access for people with limited English proficiency, TEFAP Food Shelves are required to make reasonable accommodations available. If a food shelf serves non/limited-English speaking households, they must guarantee that free language assistance is available. A mix of language assistance services should be based on what is reasonable and necessary. The accommodations should reflect the current level of need at the TEFAP Food Shelf and may include:
• TEFAP Eligibility form is available in English, Spanish, Hmong, Somali, Vietnamese, and Russian. The Data Privacy form is available in English and Spanish.
• Contact information for translation services. Free online or telephone translation services Monday-Friday 8:30am-4:30pm from Hunger Solutions Minnesota Food HelpLine 1-888-711-1151
• I Speak cards or similar documents for identifying language needs

8. Grievance Policy/Complaint Form is posted, easily seen by participants, and details what food shelf participants should do if there is a grievance or complaint. An approved DHS OEO template is available on HSM’s TEFAP page at:
http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/

9. Purchased and donated food is distributed in conjunction with TEFAP commodities.

10. Volunteers and staff are able to get TEFAP commodities if they meet eligibility requirements. However, volunteers may not be given extra food to encourage their help.

11. TEFAP commodities are not sold and contributions are not requested. USDA requires agencies to provide commodities to eligible households at no charge. Selling or trading commodities for services is strictly prohibited. Violators are subject to Federal and/or State prosecution.

12. Political activity in any form is prohibited during commodity distribution.

13. Religious Proselytizing in any form is prohibited at the time TEFAP commodities are being distributed. TEFAP Food Shelves may not require any religious activities or
religious instruction in order for a participant to receive food or a prepared meal containing USDA commodities. If an agency conducts religious activities, the activities must be offered separately, in time or location, from the programs or services supported with direct assistance from USDA, and participation must be voluntary.

14. Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at sites as long as the person conducting the activity makes it clear that the activity is not a part of TEFAP or endorsed by USDA, does not disrupt the distribution of TEFAP commodities or meal service, and that cooperation is not a condition of the receipt of TEFAP.

15. Notification is provided in case of Food Shelf Closure. When a food shelf decides to either terminate its participation with TEFAP or the Minnesota Food Shelf Program (MFSP) or close down completely, the regional food bank, HSM, and DHS OEO must be notified. The food shelf is required to send a thirty (30) day written notice and include its plan to provide referrals of alternate food support programs to be shared with participants. Remaining inventory and TEFAP participant records must be returned to the regional food bank before closure. All outstanding reports (MFSP, Monthly Statistics Reports, etc.) must be completed and returned to appropriate organizations before closure.

DHS OEO, HSM, and the regional food banks are committed to providing partnership, food support, and resources to food shelves. Working together in cooperation to minimize the effect that a food shelf closing has on the community is essential.

16. TEFAP requirements are not to be waived or modified by the site in the event of an emergency such as a natural disaster. Any variations from normal distribution must come from the Federal level and will be communicated to the site through DHS OEO.
SECTION 8: TO USE A TEFAP FOOD SHELF

TEFAP Food Shelves understand that turning away people that are hungry violates the basic intent of TEFAP. Participating in TEFAP not only provides food shelf participants with food, it also promises that they will be treated fairly and consistently. Every effort must be made to make sure that households in need of food receive food assistance whether or not they reside within the food shelf’s “self-identified” service area.

For the purpose of TEFAP, a “household” is defined as a single individual or group of related or unrelated individuals who are living as one economic unit and purchase and prepare food together. In cases where it is self-reported that multiple households live together at the same residence, but do not share income or food, each household is eligible for their own food service.

Youth who are disconnected from a household and are responsible for their own basic needs are allowed to use TEFAP Food Shelves and must be offered the same level of service as all other food shelf users.

Minnesota uses a process of self-declaration to determine eligibility. To be eligible to use a TEFAP Food Shelf, a household must:

1. Self-report that their household income is at or below 200% of the federal poverty level
2. Self-report that they are a resident of Minnesota, their physical presence in Minnesota demonstrates this

Additional eligibility criteria cannot be imposed on participants. Meeting with a caseworker, filling out extra paperwork, and/or requiring ID for each person in the household are not allowed.

TEFAP Food Shelves must serve homeless participants with the same level of service that all other participants receive. Because homeless households do not have a residence, they are not confined to a specific service area and are eligible to receive food from the TEFAP Food Shelf most convenient for them.

USDA and DHS OEO support and encourage TEFAP Food Shelves to serve households outside of their “self-identified” service area. TEFAP Food Shelves agree to serve any eligible MN resident a full food package, not a reduced amount, on their first visit and are strongly encouraged to continue to serve anyone in need, regardless of address. Proximity to a job, more flexible hours, a more agreeable distribution model, or bilingual accommodations are just a few of the reasons why households would want to use a food shelf outside of their neighborhood.

TEFAP Food Shelf Intake:
TEFAP Food Shelves agree to make it as easy as possible for those in need to access food. Requiring photo identification presents a significant barrier to many of the people that are seeking food assistance, therefore no photo identification or legal documentation is required to access food. Food shelves are allowed to request mail to verify address, but are strongly encouraged to serve participants outside of their “self-identified” service area.
Due to the Privacy Act of 1974, Social Security numbers (even requesting the last 4 digits) may not be collected as part of the TEFAP Food Shelf intake. Personal information like names, birthdates, ethnicity, gender, etc. need only be self-reported.

TEFAP Food Shelf participants are required to:

1. Self-Declare that they’re eligible for TEFAP by signing the TEFAP Eligibility Form and Data Privacy Form annually.

2. Confirm TEFAP eligibility at each distribution. (Per FD-036)
   Intake staff should either:
   i. Ask participants to verbally verify that they are still eligible for TEFAP based on the income and residency requirements each time food is received or
   ii. At the time of annual intake, notify the household that they are required to report income changes that may affect their eligibility

3. Provide a confirmation that they’ve received TEFAP food. This can be done with a signature or other paperless verification.

At TEFAP Food Shelves, consultation with an intake worker must be voluntary and cannot be required in order to receive food. If agencies want to ask participants for more personal information than required for TEFAP (to assist with providing additional resources and referrals, etc.), this needs be done voluntarily and separately from the TEFAP intake. Additional intake forms, need to be clearly labeled as Optional and staff are required to explain to participants that they don’t need to fill out agency forms in order to use the TEFAP Food Shelf. Agencies may be able to connect interested participants with important resources, but receiving food is primary and providing resources is secondary.

An example dialogue:

TEFAP Food Shelf staff:

   Hello, welcome to ABC Food Shelf. Since this is your first time here, there are 2 documents that participants are required to fill out every year. The TEFAP Eligibility Form, which serves as your self-declaration of eligibility and the data privacy form which lets you know that the information you give us is private and offers reasons why we’re asking for information. At this time, you also have the opportunity to choose a proxy, someone else to pick up your food if you’re unable to.

Food Shelf Participant:

   Ok

TEFAP Food Shelf staff:

   Our agency has other programs that may assist you. This extra paperwork is optional, but may help us connect you to more resources.
Food shelf participants can then choose if they’re interested in learning more about available resources.

SECTION 9: ON-SITE MEAL PROGRAMS

There is no Federal standard or requirement for determining the eligibility of individuals to receive prepared meals. Individuals are presumed to be needy because they seek meals at an approved TEFAP site, which, per 7 CFR 251.5 (a) (2), is providing meals to serve predominantly needy persons.

TEFAP agencies that offer on-site meals, do not have to maintain records of the names of people to whom they serve meals and meal recipients do not have to sign for their meals. The programs are required to submit monthly reports and participate in monitoring activities. (FD-036)

SECTION 10: TEFAP AGENCY REPORTS

TEFAP Food Shelves and On-Site Meal Programs are required to submit monthly Statistic Reports to their regional food bank by the 10th day of the following month (reports for June are due by July 10th). If reports are submitted late, the TEFAP Food Shelf’s food bank ordering access may be temporarily revoked. The food banks report cumulative statistics to Hunger Solutions Minnesota. The data enables HSM to routinely analyze agency statistics looking for patterns, trends, and significant increases/decreases in usage. The aggregated data also illustrates the statewide level of need for emergency food.

Statistics required from food shelves are, non-unique/duplicate number of:
  • Children (ages 0-17)
  • Adults (ages 18-64)
  • Seniors (age 65+)
  • Households
  • Pounds of food distributed
  • First Time Visitors (unique/unduplicated number)
  • Extra Service
  • Holiday Program

Statistics required from on-site meal programs are, number of:
  • Unique/unduplicate participants
  • Meals
  • Snacks

SECTION 11: MONITORING REQUIREMENTS
USDA requires regular monitoring of all sites that receive TEFAP assistance. DHS OEO, Hunger Solutions Minnesota, and the food banks work in partnership to ensure that all TEFAP agencies are in compliance with TEFAP regulations.

Monitor visits provide important opportunities to look at program policies and to make sure that TEFAP regulations are being followed. These visits also offer staff and volunteers a chance to provide feedback on TEFAP product orders, distribution procedures, and suggestions for improvement.

Monitoring activities include observation of food distribution, storage facilities, commodities in storage, and participant and retention records. Sites will be provided with reasonable notice of the visit and information on the scope of the on-site evaluation. All agencies that receive TEFAP support must comply with corrective actions when they are identified during a monitoring visit. DHS OEO, HSM, and regional food banks may also conduct unannounced visits at their own discretion.

DHS OEO/HSM will provide a written report to each site within 30 days of the required monitor visit. Food banks shall make available to OEO/HSM information and access to records as is needed to conduct the annual compliance monitoring inspection.

(FNS FD-124)

**Food Shelf Monitoring by DHS OEO**

DHS OEO will conduct annual reviews of at least 10% or 20, whichever is fewer, of all Minnesota TEFAP Food Shelves and On-Site Meal Programs as determined by a risk assessment and random choosing.

USDA 7 CFR 251.10(e)(2)(i)

Monitor visits will include, but are not limited to:

- Assurance of TEFAP commodity distribution to needy persons through program eligibility requirements, intake, and distribution process
- Verification of appropriate handling, storage procedures, and will ensure such areas as facility cleanliness, appropriate temperatures, security, health inspection verification (as needed), pest control measures, etc.
- Compliance with nondiscrimination requirements such as display of the USDA “…And Justice for All” Poster
- Documentation of Civil Rights training for staff and volunteers
- Written Grievance, ADA, Proxy, and LEP Policies are in place
- Availability of SNAP resources
- Availability of Voter Registration information
- Appropriate record keeping regarding commodity distribution and client data records are being followed
- Assurance that agencies do not sell TEFAP commodities nor require participation in non-TEFAP program activities in order to receive TEFAP commodities

Food Shelf monitor tools can be found on Hunger Solutions Minnesota’s TEFAP webpage [http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/](http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/)
Food Shelf Monitoring by Regional Food Banks

Annually, each regional food bank will monitor a minimum of 25% of the agencies that receive and distribute TEFAP commodities pursuant to USDA General Regulations and Policies Section. The remainder will be selected on a two-year rotation basis. At minimum, over the course of two years, every TEFAP agency that will be monitored by their regional food bank, as part of their TEFAP Site Distribution Agreement. A list of monitored agencies must be forwarded to HSM by October 30th of each year with the exception of those that are out of compliance which must be reported immediately to HSM and DHS OEO.

(7 CFR 251.10 €)
Monitoring tools need to be approved by DHS OEO.

Food Bank Monitoring by DHS OEO

As detailed in MN’s TEFAP State Plan, DHS OEO will monitor all food bank facilities annually to review adequacy of record keeping, general food handling, and fiscal reconciliation. The Food Bank Monitor Form can be found on Hunger Solutions Minnesota’s TEFAP webpage:

http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/
## Minnesota Regional Food Banks’ Service Areas by County

<table>
<thead>
<tr>
<th>Channel One</th>
<th>The Food Group</th>
<th>Great Plains</th>
<th>North Country</th>
<th>Second Harvest Northern Lakes</th>
<th>Second Harvest Heartland</th>
<th>Second Harvest North Central</th>
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### Allocation Amounts for Food Banks Distributing Minnesota TEFAP

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<tr>
<th>Food Bank</th>
<th>Location</th>
<th>Allocation (Percentage %)</th>
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<tr>
<td>Channel One</td>
<td>Rochester, MN</td>
<td>8.86%</td>
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<tr>
<td>The Food Group</td>
<td>New Hope, MN</td>
<td>25.30%</td>
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<td>Great Plains</td>
<td>Fargo, ND</td>
<td>1.12%</td>
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<td>North Country</td>
<td>Crookston, MN</td>
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<td>Second Harvest Northern Lakes</td>
<td>Duluth, MN</td>
<td>5.58%</td>
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<td>Second Harvest Heartland</td>
<td>St. Paul, MN</td>
<td>48.09%</td>
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<tr>
<td>Second Harvest North Central</td>
<td>Grand Rapids, MN</td>
<td>4.38%</td>
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Technical assistance is available to TEFAP Food Shelves and On-Site Meal Programs through the Office of Economic Opportunity (OEO) and Hunger Solutions Minnesota (HSM). Examples include, but are not limited to consultation with staff, written and electronic resources, and access to resources within the network of anti-poverty programs. If you have questions, feel free to contact:

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courteney.roessler@State.mn.us  
651-431-6309

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