

**SUBJECT:** Availability of TEFAP Commodities

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**A. Availability and Control of TEFAP Commodities.** TEFAP Commodities are made available to the State for distribution and use in accordance with USDA regulations. TEFAP commodities may not be sold, exchanged, or otherwise disposed of without the approval of USDA. Transfer of any TEFAP commodities to another state-contracted recipient agency may be authorized by the Bureau if the food will be used, without cost or waste, to provide nutrition assistance to low-income groups.

**B. Allocation of TEFAP Commodities and Funds.** TEFAP commodities and/or funds shall be allocated equitably throughout the State based on each county's poverty and unemployment rate using the designated formula: 60% poverty and 40% unemployment based on the most recent Census data and State's unemployment data. Each state-contracted recipient agency shall be allocated TEFAP commodities and/or funds for its contracted county or counties. In counties served by more than one state-contracted RA, the county's fair share shall be equitably distributed among the RAs awarded the state contract. State-contracted RAs serving more than one county shall ensure that each of its contracted counties receives its equitable share of available TEFAP commodities according to the 60%/40% formula established by DACS.

**C. Commodity Food Groups.** TEFAP commodities are grouped into the following categories:

1. Entitlement Commodities.

(a) Group A Commodities. Meat, fish, poultry, fruits and vegetables.

(b) Group B Commodities. Grains, oils, shortening, and peanut products.

2. Bonus Commodities. This includes both Group A and Group B commodities provided by USDA for market stabilization and surplus removal of commodities. As a result, the type and amount of bonus food that may be available for TEFAP distribution varies from year to year.

3. The same requirements apply to both Entitlement and Bonus commodities.

**D. Procedures.**

1. Requisitioning of Commodities. RAs will requisition (request) and/or refuse commodities for TEFAP distribution using the system established by the Bureau for that purpose. Each RA will be responsible for requisitioning those TEFAP commodities, including bonus items, that it can use and the maximum quantity needed for its contracted service area. **RAs are responsible for requisitioning only the amount of TEFAP commodities, entitlement or bonus, they can adequately**

**store and distribute in their designated service areas.** Unless otherwise instructed by the Bureau, RAs will monitor their requisitions so as not to exceed their total entitlement or Planned Assistance Level (PAL). Note: while USDA may offer a commodity, there is no guarantee that it will be purchased or in the anticipated quantities.

2. Refusal of Commodities. RAs may refuse any of the commodities offered. **Subsequent refusal by RAs of any commodity that was requisitioned and consequently ordered, may not be possible without acceptable justification and provided the refusal can be accommodated by the Bureau.** RAs are cautioned that there is no guarantee that USDA will provide additional quantities of other commodities that could be accepted in place of those refused.
3. Subsequent Offers by USDA. During the year, USDA may offer other TEFAP commodities. As needed, RAs will be notified and provided the opportunity to place a requisition. Once the order has been placed with USDA, RA may not be able to refuse the product.
4. Commodity Values. The values of the commodities offered will be established as follows:
  - (a) The latest values in the November USDA Report, or
  - (b) The estimated value as provided by USDA on the commodity survey.
  - (c) Once purchased, the value will reflect the actual purchase price for the commodity.
5. Placing Orders with USDA. It is the Bureau's goal to order TEFAP commodities for direct shipment to the state-contracted RAs whenever possible. Due to truck-loading requirements, maximum number of truck stops, and the amount of TEFAP commodities being delivered to each RA, however, that may not be possible every time or for all RAs. Because of these constraints, some shipments will need to be shipped to the state-contracted warehouse and allocated to each RAs account. By regularly monitoring the designated electronic system, RAs can easily determine amounts ordered for them, order status, anticipated shipment date, and arrival at the warehouse. Once a commodity arrives at the state-contracted warehouse, RAs should allow 3-5 days for it to be placed in their account before it's available for delivery.

**E. Distribution to Eligible Recipient Agencies (ERAs).** Title 7 CFR, Section 251.4(h) establishes a two-tier system for distribution of TEFAP commodities to eligible recipient agencies. State-contracted recipient agencies must distribute all TEFAP commodities within their contracted service area and according to the following priorities:

1. **First Priority.** First priority will be given to emergency feeding organizations (EFO)

that relieve situations of emergency and distress: (1) Food Banks; (2) Food Pantries, including mass household distribution organizations; and (3) Soup Kitchens.

2. **Second Priority.** After the needs of the first priority agencies (EFOs) have been met, any remaining TEFAP commodities may be sub-distributed to other eligible recipient organizations that do not relieve situations of emergency and distress, in the following order: (1) temporary shelters (1-2 nights); (2) transitional living centers; (3) substance abuse rehabilitation centers; (4) charitable institutions; (5) child nutrition program.

**F. Delegation.** State-contracted RAs that allow their sub-distributors to further sub-distribute TEFAP commodities to other sites, must ensure that the TEFAP commodities are distributed in accordance with this priority system.

**G. Administrative, maintenance and other fees.** State-contracted RA may not charge its sub-distributors any administrative, maintenance, transportation, or other similar fee for the distribution of any TEFAP commodities unless specifically approved by DACS in the contract.

#### **H. Additional Guidelines for Food Pantries.**

Food Pantries. In order to receive USDA food, food pantries should be open to all eligible households. Sub-distributors may not limit the USDA foods to their own constituency such as members, clients or captive audiences. Additionally, sub-distributors cannot limit distribution of USDA foods to a distinct set of individuals based upon a common or shared characteristic of the clients. The criterion to determine eligible households to receive USDA food is established by the USDA and the State. Agencies may not add criteria of their own.

Note: In very special and unique circumstances, determination may be made to allow some facilities to be excluded from this requirement. This determination must be made on a case by case basis, in consultation with the appropriate Bureau staff, and there must be other food pantries distributing USDA food in the general vicinity open to the public.