

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



**Policy and Operations Manual for  
TEFAP Providers  
(Tribal Nations, Food Shelves, and On-Site Meal Programs)**

Revised 2023

# The Emergency Food Assistance Program (TEFAP)

## Addendum: TEFAP Policy and Operations Manual - UPDATE COMING SOON!

**NOTICE:** An updated TEFAP Policy and Operations Manual will be coming later in 2025. In the meantime, please note two critical changes when reviewing for guidance:

- **Change from DHS to DCYF:** Replace all references to MN Department of Human Services (DHS) with MN Department of Children, Youth, and Families (DCYF).
- **USDA Final Rule from October 2024:** USDA's Food and Nutrition Services (FNS) published a final rule that updates TEFAP regulations with the aim of increasing access to the program and equality within it: Food Distribution Programs: Improving Access and Parity Final Rule.
  - Wherever the manual conflicts with final rule, defer to final rule.
  - Reference information that has been sent from DCYF and your Food Bank regarding the USDA Final Rule. Some of these resources are included below.

### **October 2024 USDA Final Rule: Improving Access and Parity**

Please refer to the following documents in this TEFAP Manual for further guidance about the USDA Final Rule from October 2024.

- FAQ document (Section 8: pgs. 20 – 24)
- Intake Options Overview (Section 8: pg. 25)

## THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

### Policy and Operations Manual for TEFAP Providers

Prepared by:  
Minnesota Department of Human Services  
Office of Economic Opportunity  
444 Lafayette Road  
St. Paul, MN 55155

Revised May 2023

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. **fax:**  
(833) 256-1665 or (202) 690-7442; or
3. **email:**  
[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

This institution is an equal opportunity provider.

## TABLE OF CONTENTS

<b>SECTION 1: TEFAP HISTORY .....</b>	<b>5</b>
<b>TEFAP Food Supply .....</b>	<b>6</b>
<b>SECTION 2: TO BE A TEFAP PROVIDER.....</b>	<b>7</b>
<b>SECTION 3: TO USE A TEFAP PROVIDER .....</b>	<b>11</b>
<b>TEFAP Provider Intake: .....</b>	<b>12</b>
<b>SECTION 4: ON-SITE MEAL PROGRAMS .....</b>	<b>13</b>
<b>SECTION 5: REPORTS .....</b>	<b>14</b>
<b>SECTION 6: MONITORING REQUIREMENTS.....</b>	<b>15</b>
<b>TEFAP PROVIDER Monitoring by DHS OEO .....</b>	<b>14</b> <small>Error! Bookmark not defined.</small>
<b>TEFAP PROVIDER Monitoring by Regional Food Banks .....</b>	<b>16</b>
<b>SECTION 7: FOOD STORAGE AND HANDLING .....</b>	<b>16</b>
<b>Storing TEFAP foods .....</b>	<b>16</b>
<b>First In/First Out Rotation of Stock.....</b>	<b>17</b>
<b>Out of Condition/Damaged TEFAP foods .....</b>	<b>17</b>
<b>SECTION 8: USDA FINAL RULE posted October 2024 .....</b>	<b>20</b>
<b>Final Rule FAQ .....</b>	<b>20</b>
<b>TEFAP Intake Options.....</b>	<b>25</b>

## **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 emergency food and nutrition assistance at no cost. Through TEFAP, the United States Department of Agriculture (USDA) purchases foods and makes them available to providers 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 TEFAP foods 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 TEFAP foods.

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 approximately 700 drop-off sites using 7000 volunteers. Deliveries took place every few months, an interval that resulted in food often sitting in warehouses for several months.

Minnesota's TEFAP is administered by the Office of Economic Opportunity at the Department of Human Services (DHS OEO). DHS OEO holds direct TEFAP contracts with Minnesota's seven regional food banks to coordinate storage, transportation, and distribution of TEFAP products.

MN food banks distribute TEFAP foods to approximately 400 TEFAP providers (Tribal Nations, food shelves, and on-site meal programs) in the regions they serve. MN TEFAP 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 TEFAP administration funds and commodity foods to contracted food banks. TEFAP administrative funds, distributed by DHS OEO, are used to reimburse food banks to cover food storage and distributing costs.

TEFAP providers distribute TEFAP foods to low-income households that are in Minnesota. Food banks are responsible for monitoring TEFAP providers for compliance and they play a vital role in collecting usage statistics. TEFAP providers 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 Statutes, 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 TEFAP providers. 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. [www.fns.usda.gov/tefap/regulations](http://www.fns.usda.gov/tefap/regulations)

TEFAP providers are required to adhere to the regulations and follow procedures included in this manual.

### **TEFAP Food Supply**

TEFAP provides an essential source of nutritious food for TEFAP providers. TEFAP food consists of a variety of canned and dried foods, fresh and frozen fruits and vegetables, meat, and dairy products.

TEFAP foods fall 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 TEFAP providers, food banks, and direct recipients of USDA products. The goal is to order food that TEFAP recipients want.

USDA provides bonus food at no cost to 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.

## SECTION 2: TO BE A TEFAP PROVIDER

As required by FNS 113-1, TEFAP providers must be committed to making it as easy as possible for those in need to get food. Participating providers create policies and rules that are respectful and encourage generosity and flexibility. TEFAP providers 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, participation also requires an environment of fairness and equity.

Providers that are interested in distributing TEFAP foods must be a public or private organization, Tribal Nation, 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 TEFAP foods. If the site is not handicap accessible, the provider is required to identify ways in which appropriate accommodations can be made for participants.

Interested Tribal Nations, agencies, on-site meal programs, shelters, and mobile (household) food programs can apply to their regional food bank to determine TEFAP eligibility. **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. Approved TEFAP providers are required to sign a TEFAP Site Distribution Agreement with their regional food bank. They may also be required to sign additional compliance documents, as needed. The requirements for these agreements are created at DHS OEO and are based on TEFAP State and Federal regulations.

As of 1/1/2018, all TEFAP providers and new applicants 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.

When national emergencies occur, TEFAP providers are allowed more flexibility in regards to distribution models. **Please note that providers must still provide food in the least restrictive setting feasible and institute Client Choice options when possible.** Distributions must align with safe practice policies and adherence to MDH and CDC guidelines.

If not all of the requirements mentioned below are met, providers risk being suspended or removed from TEFAP and Minnesota Food Shelf Program (MFSP) grants.

Per the TEFAP Site Distribution Agreement, TEFAP providers 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, providers must contact their regional food bank *and* Hunger Solutions Minnesota's MN Food Helpline at 1-888-711-1151.
2. Every effort must be made to set food distribution hours that accommodate participants' schedules; this could include evening and weekend hours. If a TEFAP provider is open two days a month or less, a plan to serve participants that are unable to come needs to be submitted by the provider to their regional food bank (Agency Specialist). Please take into consideration the expectation of community coverage. For example, connect with your neighboring food shelf to discuss complementary schedules.
3. Civil Rights "And Justice for All" posters, SNAP materials, and Voter Registration information are posted and resources provided.  
Per [MN Statutes, Section 201.162](#) regarding provision of non-partisan voter registration services to employees, program participants. Nonpartisan voter registration assistance, including routinely asking whether program participants would like to register to vote and, if necessary, assisting them in preparing the registration forms must be part of the job of the provider.
4. TEFAP Eligibility is confirmed at least annually or more often.
  - i) Households are eligible to receive TEFAP if they self-report that their household income is at or below the percentage of the federal poverty level as determined in MN's TEFAP State Plan and that they are in Minnesota, their physical presence at the provider demonstrates this. In addition, households automatically qualify for TEFAP if they participate in any of the programs listed on the TEFAP Eligibility Form.

TEFAP regulations do not allow providers to ask for *or* collect income documentation like pay stubs, or other income data from program participants.

- ii) The Data Privacy/Tennessee Warning must be signed or confirmed by participants annually or at the time TEFAP foods are received and kept on file for 7 years.

**TEFAP providers cannot discuss private information with other providers.**

USDA Federal Regulations do not allow TEFAP providers to place extra requirements on participants in order to receive food. For example, additional forms, meetings with intake workers, and other processes must be **optional**. TEFAP providers are required to clearly label and explain to participants that completing additional forms and/or providing additional information is their choice and in no way prevents them from getting food. *Please refer to Section 3: TEFAP Food Shelf Intake p. 11 for more information.*

5. A record of participants served at every food distribution is collected and kept for 7 years. This can be done by signature or by indicating (from a list, etc.) who was served at each

distribution. This serves as both a declaration that households are within the eligibility guidelines and documentation of the receipt of USDA foods. This can be done paperless. Contact your regional food bank or DHS OEO for more information. DHS OEO may review records 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 or removal of access to TEFAP foods.

6. TEFAP Providers must complete Civil Rights Training annually and records are collected and kept for 7 years. TEFAP providers must be in compliance with USDA Civil Rights Regulations and the Minnesota Human Rights Act. Sites are prohibited from discriminating based on race, religion, disability, national origin, sex, marital status, familial status, age, sexual orientation, gender identity, or reprisal or retaliation for prior civil rights activity. Civil Rights training is available through regional food banks.
  - i. A Civil Rights training must be completed and documented annually by all TEFAP provider site staff and volunteers. 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 providers' 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 have difficulty getting food may select someone else to pick up their food. This is called a **proxy**. TEFAP providers are required to allow proxy options for all participants. DHS OEO's TEFAP Data Privacy form includes a section that offers participants an opportunity to choose a proxy.
  - ii) Americans with Disabilities Act (ADA) Plan
 

Per Title III, each TEFAP provider 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 provider is in a site that is not handicap accessible, the plan will detail how the provider will make required accommodations.

TEFAP providers are required to complete and post an ADA Plan form at their site.

iii) Limited English Proficiency Accommodations

To ensure meaningful access for people with limited English proficiency, TEFAP providers are required to make reasonable accommodations available. If a provider serves non/limited-English speaking households, they must guarantee that free language assistance is available. A mix of language assistance services must be based on what is reasonable and necessary.

The accommodations must reflect the current level of need at the TEFAP providers 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 Help Line 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 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 foods.
  10. Volunteers and staff **are** able to get TEFAP foods 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 providers 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 foods are being distributed. TEFAP providers may not require any religious activities or religious instruction in order for a participant to receive food or a prepared meal containing USDA TEFAP foods. If a provider 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 it is clear that the activity is not a part of TEFAP or endorsed by

USDA, does not disrupt the distribution of TEFAP foods or meal service, and that cooperation is not a condition of the receipt of TEFAP foods.

15. Notification is provided in case of TEFAP provider closure. When a TEFAP provider decides to either terminate its participation with TEFAP or the Minnesota Food Shelf Program (MFSP) or close down completely, the regional food bank, and DHS OEO must be notified. The provider 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 and the regional food banks are committed to providing partnership, food support, and resources to providers. Working together in cooperation to minimize the effect that a provider closing has on the community is essential.

16. TEFAP requirements are not to be waived or modified by the provider 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 3: TO USE A TEFAP PROVIDER**

TEFAP providers understand that turning away people that are hungry violates the basic intent of TEFAP. Participating in TEFAP not only provides participants with food, it also ensures that they will be treated fairly and consistently. Proximity to a job, hours that are more flexible, a more agreeable distribution model, or bilingual accommodations are just a few of the reasons why households would want to use a TEFAP provider outside of their neighborhood.

**TEFAP providers are required to provide food assistance to all households that express need regardless of their address. A provider may not choose to only serve households in their “self-identified” service area.**

For the purpose of TEFAP, a “household” is self-defined by those seeking food assistance.

Youth are eligible to access food from TEFAP providers, based on their self-reported need. They must be offered the same level of service as all other food shelf users.

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

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

- 1. Self-report that their household income is at or below the percentage of the Federal Poverty Level (FPL) as determined in MN's TEFAP State Plan (300% FPL)**
- 2. Self-report that they are in Minnesota, their physical presence in Minnesota demonstrates this**

**Additional eligibility criteria cannot be imposed on participants.**

***TEFAP Providers Intake:***

TEFAP providers 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.**

Due to the Privacy Act of 1974, Social Security numbers (even requesting the last four digits) may not be collected as part of the TEFAP provider's intake. Personal information like names, birthdates, ethnicity, gender, etc. need only be self-reported.

TEFAP provider participants are required to:

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

Or

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 have received TEFAP food. This can be done with a signature or other paperless verification.

At TEFAP provider sites, consultation with an intake worker and/or filling out extra paperwork must be voluntary and cannot be required in order to receive food. If providers want to ask participants for more personal information than required for TEFAP (to assist with providing additional resources and referrals, etc.), this needs to 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 do not need to fill out provider forms in order to access food.

TEFAP providers may be able to connect interested participants with important resources, but receiving food is primary and providing resources is secondary.

An example dialogue:

TEFAP provider 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 (providers may also have participants provide verbal verification of eligibility). At this time, you also have the opportunity to choose a proxy, someone else to pick up your food if you are unable to.*

Participant:

*Ok*

TEFAP provider staff:

*Our program has other resources that may assist you. This extra paperwork is optional, but may help us connect you to more resources.*

Participants can then choose if they are interested in learning more about available resources.

#### **SECTION 4: 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 providers 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)

TEFAP on-site meal providers are required to submit monthly reports of the number of meals served and required to report to the Food bank by the 10<sup>th</sup> of every month and participate in monitoring activities. TEFAP on-site meal providers are also required to abide by the storage standards set by USDA, DHS OEO, and the local health department.

The meals must be served on a regular basis in a clean, secure environment as a regular part of services. A TEFAP on-site meal program 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 kitchen must have a person who has a current Food Handlers Certification. The physical facility must be safe and appropriate for storing and distributing

donated food and must be open a minimum of 2 hours per month. The TEFAP on-site meal program must meet ADA standards. Onsite meal programs that are not homeless and/or domestic violence shelters must conduct public outreach and serve all persons in need. Residential treatment facilities and Senior Centers that serve congregate meals do not qualify for TEFAP.

***Special food handling requirements for onsite meal programs include but are not limited to:***

- Use of non-porous countertops, preferably stainless steel
- Disinfecting all countertops and utensils (a cold water bleach solution may be used)
- Use of new or properly sanitized reusable food storage containers; plastic bags may not be reused
- All food handlers must wash hands, wear disposable plastic gloves and cover their hair with hair nets
- No smoking is allowed in food preparation area or the eating area
- Shirt pockets must be emptied and jewelry removed that could fall into the food, must not be worn nor decorative hats
- Area must be free of any type of insect or other foreign matter that could contaminate the food

## **SECTION 5: REPORTS**

TEFAP providers are required to submit monthly Statistic Reports to their regional food bank by the 10<sup>th</sup> day of the following month (reports for June are due by July 10<sup>th</sup>). If reports are submitted late, the regional food bank may restrict ordering access to the TEFAP provider. Chronically late submittals for 3 months or more may result in the suspension of TEFAP and/or MFSP. The food banks then report cumulative statistics to the TEFAP Inventory Manager. The data collected allows for the opportunity to routinely analyze provider statistics looking for patterns, trends, and significant increases/decreases in usage. The aggregate data also illustrates the statewide level of need for emergency food.

Statistics required from TEFAP providers (excluding on-site meal programs) are the number of:

- Children (ages 0-17)
- Adults (ages 18-64)
- Seniors (age 65+)
- Households
- Pounds of food distributed

Statistics required from on-site meal programs are, number of:

- People served
- Meals distributed

A Required TEFAP Statistics Guide with full definitions of each required stat for TEFAP providers can be found online.

## **SECTION 6: MONITORING REQUIREMENTS**

USDA requires regular monitoring of TEFAP providers. TEFAP providers are required to cooperate in monitoring visits. DHS OEO and food banks work in partnership to ensure that all TEFAP providers comply with TEFAP regulations.

Monitoring visits provide important opportunities to look at program policies and to ensure 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 program improvements.

Monitoring activities may include observation of food distribution, storage facilities, program operations, participant and retention records, and assurance of health and safety standards are maintained. All TEFAP providers must comply with corrective actions when they are identified during a monitoring visit. DHS OEO and food banks may also conduct unannounced visits at their own discretion.

DHS OEO will provide a written monitoring report to each provider after a visit. TEFAP providers must make available to DHS OEO and the food banks, information and access to records as is needed to conduct the annual compliance-monitoring visit. (FNS FD-124)

### **TEFAP Provider Monitoring by DHS OEO**

DHS OEO will conduct annual reviews of at least 10% or 20, whichever is fewer, of all Minnesota TEFAP providers 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
- Tax-exempt status
- 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 providers do not sell TEFAP foods nor require participation in non-TEFAP program activities in order to receive TEFAP foods
- Proper Food Storage Adherences (as outlined in Section 7: Food Storage and Handling)
- Temperature log
- Outreach documents

When corrective actions are identified, DHS OEO will work with TEFAP providers to address concerns. Providers will be given a length of time to make required changes. If corrective actions items are not completed, TEFAP providers risk pause, suspension, or revocation for TEFAP and MFSP.

### ***TEFAP Provider Monitoring by Regional Food Banks***

Annually, each regional food bank will monitor a minimum of 25% of the agencies that receive and distribute TEFAP foods pursuant to USDA General Regulations and Policies Section. The remainder will be selected on a two-year rotation basis. At a minimum, over the course of two years, every TEFAP provider will be monitored by the regional food bank, as part of the Site Distribution Agreement. Monitoring tools need to be approved by DHS OEO. A list of monitored providers must be available upon request. (7 CFR 251.10 €)

## **SECTION 7: FOOD STORAGE AND HANDLING**

When TEFAP providers receive TEFAP foods, they are responsible for the safekeeping of the products until the product is given to eligible participants. TEFAP foods must be distributed properly and any loss or damage caused by failure to provide proper storage, care, or handling is the responsibility of the provider. DHS OEO may require the provider to replace TEFAP foods in kind or to re-pay the value of the products as determined by USDA if this happens. Losses must immediately be reported to the regional food bank who will in turn report to DHS OEO. Repacking TEFAP products is not allowed unless approved by DHS OEO.

### ***Storing TEFAP foods***

Storage facilities must be clean, climate controlled, secure from theft, and have enough storage for USDA foods. Required 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 and document proper temperatures by using inner and outer thermometers, and temperature logs.  
 Dry TEFAP foods 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.
- Keep floors, pallets, shelving, and storage areas clean. Make sure that there is a cleaning schedule established.
- Maintain an effective pest control system. Have a qualified person on staff or contract with a licensed firm to handle pest control management. 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.

***First In/First Out Rotation of Stock***

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

***Out of Condition/Damaged TEFAP foods***

All TEFAP foods must be inspected upon receipt. Bulging cans or cans with sharp dents and rust on the seams are examples of out-of-condition products. If a provider has a complaint regarding TEFAP foods, the site should contact the regional food bank and detail the item(s) in question.

**Minnesota Regional Food Banks' Service Areas by County**

Channel One	The Food Group	Great Plains	North Country	Second Harvest Northern Lakes	Second Harvest Heartland		Second Harvest North Central
Dodge	Hennepin	Clay	Becker	Carlton	Anoka	Murray	Aitkin
Faribault			Beltrami	Cook	Benton	Nicollet	Cass
Fillmore			Clearwater	Lake	Big Stone	Nobles	Crow Wing
Freeborn			Douglas	St. Louis	Blue Earth	Pine	Itasca
Goodhue			Grant		Brown	Pipestone	Kanabec
Houston			Hubbard		Carver	Ramsey	Koochiching
Mower			Kittson		Chippewa	Redwood	Mille Lacs
Olmsted			Lake of the Woods		Chisago	Renville	
Rice			Mahnomen		Cottonwood	Rock	
Steele			Marshall		Dakota	Scott	
Wabasha			Norman		Isanti	Sherburne	
Waseca			Otter Tail		Jackson	Sibley	
Winona			Pennington		Kandiyohi	Stearns	
			Pope		Lac Qui Parle	Swift	
			Polk		Le Sueur	Todd	
			Red Lake		Lincoln	Washington	
			Roseau		Lyon	Watonwan	
			Stevens		Martin	Wright	
			Traverse		McLeod	Yellow Medicine	
			Wadena		Meeker		
			Wilkin		Morrison		

Technical assistance is available to TEFAP providers through the Department of Human Services Office of Economic Opportunity. 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:

MN DHS OEO  
TEFAP Grant Managers  
[MNTEFAP.DHS@state.mn.us](mailto:MNTEFAP.DHS@state.mn.us)

# USDA Final Rule: Improving Access and Parity to TEFAP

## Frequently Asked Questions 2.0

Updated: January 17, 2025

### 1. Q: Why was the turnaround time to implement this change so short?

A: We understand that this timeframe is short, however it was given to us by USDA. We would have preferred a longer implementation period, but we also understand that this is not always possible for reasons beyond our control. We are all doing the best we can with the time and information provided knowing that the intent of all these changes is to make the experience of accessing food easier for participants. With this in mind, and knowing that it is already past January 1<sup>st</sup>, please move forward with implementing this change as quickly as possible.

### 2. Q: Where can I find translated versions of the new TEFAP Eligibility form? Will the new TEFAP Eligibility form be posted in languages other than English?

A: We are thrilled to share that the new TEFAP Eligibility form has been translated into 15+ languages!

- The forms have been emailed to all TEFAP distribution sites via Gov.Delivery and to Minnesota Food Banks; please reach out to your food bank if you need help finding the forms.
- The state is currently rebuilding our TEFAP website under our new Department of Children, Youth, and Families, and new forms will be also available there as soon as possible.
- The form is available in the following languages:
  1. Spanish
  2. Somali
  3. Hmong
  4. Russian
  5. Karen
  6. Amharic
  7. Arabic
  8. Mandarin
  9. Vietnamese
  10. Laotian
  11. Ukrainian
  12. Cambodian
  13. Quechua
  14. French
  15. Swahili (in progress, available any day!)

### 3. Q: Is there a recording of the webinar from January 15<sup>th</sup>?

A: Yes! Here is the link to the slides and to the recording:

- [Watch the January 15 Webinar Recording](#)
- [Review the Webinar Slides](#)

**4. Q: Is this new TEFAP Eligibility Form replacing the form that was updated this past July?**

**A:** Yes, this new form should replace any old versions, including the versions posted in July.

**5. Q: When a new TEFAP Eligibility Form comes out, does everyone have to fill it out again?**

**A:** MN TEFAP releases a new TEFAP Eligibility form once a year, or when required by USDA. Please start using the new form once released (according to the deadline provided) with any new participants. For returning participants, the new form should be used at the time of their annual eligibility reverification.

**6. Q: How do I sign up or access the new TEFAP website?**

**A:** Our new DCYF TEFAP website is in the process of being developed and will be launched in 2025. Once it is launched, we will send out the link via Gov.Delivery. There is no sign-up needed. In the meantime, please access the new TEFAP Eligibility Form via the downloadable PDFs sent by email recently or by contacting your food bank. Thank you for your patience while we work on this transfer!

**7. Q: How do I sign-up to receive these emails from the state about TEFAP from Gov.Delivery?**

**A:** Current staff and leadership level volunteers from TEFAP food shelves, food banks and Tribal Nations are eligible to receive these emails. If you are not receiving them, please send us an email with your name, position, distribution site name, and email address to [MNTEFAP.DCYF@state.mn.us](mailto:MNTEFAP.DCYF@state.mn.us) and we will add you to the list.

**8. Q: Are participants required to complete the paper TEFAP Eligibility form, or does it only need to be posted?**

**A:** There continue to be two options for TEFAP intake and eligibility:

- 1) [Annual Eligibility](#): Form (paper or electronic) is filled out annually to determine eligibility.
- 2) [Every Visit Eligibility](#): Information is collected and eligibility is determined at each visit.

- If you are using option 2, you must post the policies (federal poverty guidelines, non-discrimination, data privacy, etc.) and collect the household information at each visit using a database or manual sign-in process. However, the same information needs to be collected and the same eligibility criteria applies.
- [Please use this version of the new TEFAP Eligibility Form \(new!\)](#)

**9. Q: Where can I find the links to print the new TEFAP Eligibility Form and Participant Bulletin?**

**A:** The forms were sent as attachments and are available at the links below:

- [New TEFAP Eligibility Form](#)
- Translated versions of the New TEFAP Eligibility Forms – see Question #2
- [Participant Bulletin](#)

**Please note:** The state is currently rebuilding our TEFAP website under our new Department of Children Youth and Families, and new forms will be also available there as soon as possible. Translated versions of the form are in process and will be available in the new year.

**10. Q: The Household size field on the new form is filled in with a zero (“0”). Can that be fixed?**

**A:** This has been resolved. Please [use this link to access the updated TEFAP Eligibility Form](#).

**11. Q: The name of our program doesn’t print at the top of the form even though it’s entered on the PDF. Can that be fixed?**

**A:** This has been resolved. Please [use this link to access the updated TEFAP Eligibility Form](#).

**12. Q: We have a mobile food program that delivers food to people's homes. How are we to deliver this food without an address?**

**A:** As of January 1, address can no longer be collected as part of TEFAP eligibility and can no longer be a part of the TEFAP eligibility form. However, after TEFAP eligibility has been determined, additional information may be asked on a separate form as long as it is optional and not required in order to receive food at your site (see question #17).

In the case of a home delivery program, after you have assessed that someone is eligible to receive food from your site, you can then explain that if they would like to receive home delivery you will need additional information (such as their address) and you can collect that information on a separate form. If they do not want to share that information that is OK, they can still receive food at your site by coming themselves or via a proxy.

**13. Q: What should I do if a participant self-declares they live in a different state?**

**A:** For any MN TEFAP Program, there are only two eligibility criteria to receive food:

1. To self-declare income is at or below 300% of the FPG; and
2. To be physically present in MN.

The expectation and intent of TEFAP is to not turn anyone away who comes in need of food.

**14. Q: What should I do if a participant self-declares that their household income is over 300% FPG?**

**A:** The expectation and intent of TEFAP is to not turn anyone away who comes in need of food. If a participant self-declares that their income is over 300% FPG, you are encouraged to still serve them and make a good faith effort to not include TEFAP foods.

**15. Q: Is the [Participant Bulletin](#) posting temporary or permanent?**

**A:** This posting was created as a helpful resource for TEFAP sites to post to notify participants of their rights. Please keep it posted until further notice.

**16. Q: Can we add voluntary (not required) questions to the TEFAP Eligibility Form?**

**A:** No modifications or additions can be made to the TEFAP form. No additional information can be asked when determining eligibility.

However, once TEFAP eligibility is determined, additional information may be asked on a separate form as long as it is:

- Asked after TEFAP Eligibility is determined.
- On a separate form.
- Clearly labeled as optional.
- Clearly indicated it will not impact access to food.

**17. Q: Can we remove the USDA Nondiscrimination Statement and MN Data Privacy/Tennessee Warning from the form and post them instead?**

**A:** The TEFAP Eligibility Form cannot be modified. Per the requirement of USDA, these statements must be included on the form and cannot be removed.

**18. Q: How can we understand who we are serving if we cannot collect addresses?**

**A:** The changes are a directive of the USDA and are intended to increase and simplify access to TEFAP. As outlined in the [Participant Bulletin](#) and elsewhere, additional information MAY be asked if it is optional, in a separate form, after eligibility is determined, and it cannot be required in order to get food.

Please note, zip code is included on the new form and can be asked. However, if it is not provided it cannot impact access to food.

**19. Q: We use an electronic database for intake. We cannot guarantee that our software provider can have this new form loaded to start using on January 1st. What should we do?**

**A:** Please do your best to implement these required changes in your software systems as soon as possible. In the meantime, continue to use your current electronic eligibility forms and disregard the address field. Please ensure all staff and volunteers are trained on this change and know to not ask for address as part of the TEFAP intake and eligibility process.

As a reminder, if you use an electronic database, your electronic intake process should mirror the [TEFAP Eligibility Form](#) and all the same TEFAP regulations apply. Any additional questions need to be optional even in electronic databases.

**20. Q: I have a specific question about how to implement this change in the database we use, what should I do?**

**A:** For questions about Service Insights (a.k.a. Neighbor Insights) and Link2Feed, please reach out to your Food Bank representative for support and know that broader system updates are in the works. For other database systems, please reach out to the main contact for your specific database system (may be a developer, administrator, customer service representative, etc.). When in doubt, always feel free to email [mntefap.dcyf@state.mn.us](mailto:mntefap.dcyf@state.mn.us).

**21. Q: Why are categorical eligibility programs no longer listed on the new TEFAP Eligibility Form (SNAP, WIC, Head Start, MFIP, Section 8, etc.)?**

**A:** The directive of the USDA was to simplify the intake process. Categorical eligibility was rarely used and often a source of confusion for participants. For these reasons, it was removed.

**22. Q: How is the Federal Poverty Guideline figured?**

**A:** The FPG is calculated by the US Department of Health and Human Services and utilized by many federal agencies, such as USDA, for program purposes. Here is more information on the methodology if you are interested <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

**23. Q: Does the confidentiality requirement include other government agencies?**

**A:** Please review the [MN Data Privacy/Tennessee Warning here](#). No identifiable personal client information can be shared without a Release of Information signed by the participant.

**24. Q: Do I need to use and save individual forms, or could we use a spreadsheet that we use to track the intakes information?**

**A:** Please refer to Question #8 and the process for “Every Visit Eligibility”.

**25. Q: Do we need to remove addresses from older forms now that address is not being collected?**

**A:** No. Continue to securely retain TEFAP records for 7 years at your location.

**26. Q: If clients are not coming into our building, do we have to have participants sign the new form or can staff sign it on their behalf?**

**A:** Signature is not required as part of the TEFAP Eligibility form or process. Verbal self-declaration is an option on both the [Annual Eligibility Form](#) and the [“Every Visit Eligibility” Form](#) and can be used at any time.

**27. Q: Can College Food shelves require Student ID's?**

**A:** No. As a reminder, the following is not required for TEFAP:

- No Identification, No Proof of Address, No Proof of Income, No Proof of Household Size
- No Social Security Number, No Proof of Citizenship/Immigration Status
- No information other than what is on this form can be required from participants to access food at this site.
- Additional information MAY be asked, but participants are not required to provide it in order to get food.

**28. Q: How do the rule changes impact the frequency at which a guest may shop at a food shelf?**

**A:** You are encouraged to serve participants as often as you are able, at a minimum once a month.

**29. Q: If we aren't allowed to ask for an address or names of household members, how do we determine if people live in the same household?**

**A:** You are not expected, nor should you be assessing if people are in the same household. Multiple households who live in the same home are allowed to access food separately. For the purpose of TEFAP a household is self-defined as those seeking food assistance.

**30. Q: I have still have questions, who can help me?**

**A:** Please reach out to your TEFAP Food Bank representative for additional support – they are more than happy to support you! Contact the Food Bank where you receive your TEFAP food if you are not sure who your representative is. When in doubt, always feel free to email [mntefap.dcyf@state.mn.us](mailto:mntefap.dcyf@state.mn.us) and we will help connect you to the right Food Bank and person!

## TEFAP Intake Options 2025

### OVERVIEW:

OPTION 1	OPTION 2
<b>Annual TEFAP Eligibility Form</b>	<b>Every Visit TEFAP Eligibility Form</b>
Eligibility assessed at participant’s first visit and once every 12 months ongoing at a minimum using the <b><u>Annual TEFAP Eligibility Form</u></b> .	Eligibility assessed at every visit using the <b><u>Every Visit TEFAP Eligibility Form</u></b> .
The <b><u>Annual TEFAP Eligibility Form</u></b> , <b><u>Every Visit TEFAP Eligibility Form</u></b> , and <b><u>Federal Poverty Guideline Posting</u></b> are updated every July 1, at a minimum.	
All TEFAP Postings are required for both options.	
All TEFAP Regulations apply to both options.	

### Option 1: Annual TEFAP Eligibility Form and Process

- Uses current **Annual TEFAP Eligibility Form**.
  - The Annual TEFAP Eligibility Form is used the first time a participant visits a food shelf and every 12 months ongoing at minimum.
  - All information is Self-Declared.
  - Information and eligibility is verified via verbal self-declaration or signature.
- Current TEFAP Federal Poverty Guidelines (300%) posted and used (updated annually in July).
- All non-TEFAP required forms/questions are clearly labeled as optional AND there is a clear process in place for all non-TEFAP required forms and questions to be skipped.

### Option 2: Every Visit TEFAP Eligibility Form and Process (Visual/Verbal Verification and Sign-In Log)

- Uses current **Every Visit TEFAP Eligibility Form**.
  - The Every Visit Eligibility Form is used during **every** food shelf distribution for all participants who access services regardless of when they last visited.
  - All information is Self-Declared.
  - Information and eligibility is verified via verbal self-declaration or signature.
- All non-TEFAP required forms/questions are clearly labeled as optional AND there is a clear process in place for all non-TEFAP required forms and questions to be skipped.

### Both Option 1 and Option 2: All Postings are required and All TEFAP Regulations apply in both options

- All required posting and print materials are visible, available, compliant.
- See **Compliance Checklist** for postings.
- See **TEFAP Manual** for regulations.