

**West Virginia Department of Agriculture  
State Plan of Operation and Administration  
Commodity Supplemental Food Program (CSFP)**

**Purpose**

The purpose of this state plan is to operate CSFP in the state of West Virginia. The West Virginia Department of Agriculture (WVDA) is the State Distribution Agency for all USDA donated commodities in West Virginia. WVDA currently administers The Emergency Food Assistance Program (TEFAP) working closely with two Feeding America food banks, Facing Hunger Food Bank and Mountaineer Food Bank, to provide food assistance to West Virginia families in need. WVDA will continue this partnership with both food banks to establish goals and objectives to successfully operate CSFP. WVDA will assume state responsibilities as outlined in the Food and Nutrition Service, CSFP Guidelines, Part 247 and will work with the two food banks for implementation.

WVDA will prepare agreements with the two West Virginia food banks to bring the CSFP program to West Virginia.

The goal will be to expand CSFP to the entire state as additional federal funds become available.

**General CSFP Information**

The Commodity Supplemental Food Program (CSFP) is administered at the Federal level by the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS). The program is authorized under Section 4(a) of the Agriculture and Consumer Protection Act of 1973. Federal regulations covering CSFP may be found in 7 CFR, Parts 247 and 250.

The CSFP works to improve the health of people sixty (60) years of age or older by supplementing their diets with nutritious USDA foods. It provides food and administration funds to States to supplement the diets of seniors.

**TEFAP/CSFP Advisory Board**

The TEFAP/CSFP Advisory Board is made up of representatives from Facing Hunger Food Bank, Mountaineer Food Bank, and the WVDA. The advisory board will meet quarterly to discuss any topics or issues related to TEFAP or CSFP. The meetings also give members the opportunity to provide input on food preferences and needs of the emergency feeding organizations.

**Administering Agencies**

**Designated State Agency**  
West Virginia Department of Agriculture  
Kent A. Leonhardt, Commissioner

West Virginia Department of Agriculture  
Alan Clemans, Executive Director, Administration & Operations  
1900 Kanawha Blvd., East  
Charleston, WV 25305  
Phone: 304-558-3200  
Fax: 304-558-2203  
[aclemans@wvda.us](mailto:aclemans@wvda.us)

West Virginia Department of Agriculture  
Lora A Hammack, Program Manager, Food Distribution Program  
4496 Cedar Lakes Drive  
P.O. Box 1069  
Ripley, WV 25271  
Phone: 304-558-0573  
Fax: 304-372-3312  
[lhammack@wvda.us](mailto:lhammack@wvda.us)

West Virginia Department of Agriculture  
Katlyn Hill, CSFP Coordinator, Food Distribution Program  
4496 Cedar Lakes Drive  
P.O. Box 1069  
Ripley, WV 25271  
Phone: 304-549-2892  
Fax: 304-372-3312  
[khill@wvda.us](mailto:khill@wvda.us)

#### **Food Banks (Local Agencies)**

Facing Hunger Food Bank  
Cynthia Kirkhart, Executive Director  
1327 7<sup>th</sup> Avenue  
Huntington, WV 25701  
Phone: 304-523-6029 ext. 25  
Fax: 304-523-6086  
[cyndi@facinghunger.org](mailto:cyndi@facinghunger.org)

Mountaineer Food Bank  
J. Chad Morrison, Executive Director  
484 Enterprise Drive  
Gassaway, WV 26624  
Phone: 304-364-5518 ext. 309  
Fax: 304-364-8213  
[chad@mountaineerfoodbank.com](mailto:chad@mountaineerfoodbank.com)

In 2015, the combined efforts of Facing Hunger Food Bank and Mountaineer Food Bank distributed over 16 million pounds of products to more than 330,000 individuals through more

than 650-member agencies in 55 counties that directly serve those in need. These agencies operate programs such as soup kitchens, food pantries, after school programs, senior centers and elderly feeding programs, transitional housing, mental health programs, homeless and domestic violence shelters. Additionally, both food banks provide food distribution through mobile food pantries, backpack programs and school food pantries that target specific demographics, i.e., children and rural poverty-stricken communities.

WVDA currently has an agency agreement with both West Virginia food banks to operate the USDA Food Distribution Program (TEFAP).

Both West Virginia food banks are members of Feeding America.

### **Agency Agreements**

The West Virginia Department of Agriculture has entered into a written agreement with FNS, prior to participating in the CSFP. The agreement is permanent, with amendments as needed initiated by the CSFP State Agency and approved by USDA. The Agreement is FNS-74, the Federal State Agreement and CSFP State Plan of Operation.

The state entered into an agreement with both Facing Hunger Food Bank and Mountaineer Food bank to administer the CSFP prior to making commodities or administrative funds available to them. These agreements are to be signed and kept on file by all parties. Agreements with local agencies will be for one year and will be renewed annually.

The agreement with the West Virginia food banks will contain the following with respect to assurances and program requirements:

- An assurance that each agency will administer the program in accordance with all federal and state regulations in accordance with 7 CFR 247 and CFR 250 where applicable.
- An assurance that each agency will maintain accurate and complete records for a period of three years from the close of the fiscal year to which they pertain, or longer if the records are related to unresolved claims actions, audits, or investigations.
- A statement that each agency receiving commodities for distribution is responsible for any loss resulting from improper distribution, or improper storage, care, or handling of commodities.
- A statement that each agency receiving program funds is responsible for any misuse of program funds.
- A description of the specific functions that the State, sub-distributing, or local agency is delegating to another agency.
- Specify that either party may terminate the agreement by written notice to the other with a minimum notice of 30 days.
- An assurance that the local agency will provide nutrition education to participants.
- An assurance that the local agency will provide information to participants on other health, nutrition, and public assistance programs, and make referrals as appropriate.
- An assurance that the local agency will take steps to prevent and detect dual participation.

- A statement that each agency must maintain a list of the names and addresses of all certifications, distribution, and storage sites under the jurisdiction of the local agency.
- An assurance that the local agency will not subject a person to discrimination under the program on the grounds of race, color, national origin, age, sex (including gender identity and sexual orientation), or disability.
- An assurance that the local agency will distribute commodities in accordance with the approved food package guide rate pursuant to 7 CFR Part 247.4(c)(3).

The West Virginia food banks will then enter into written agreements with recipient agencies. The recipient agencies will be responsible for the actual distribution of CSFP food to participants. This agreement shall be valid for one year. Agreement will be renewed annually. The agreement will contain the following with respect to assurances and program requirements for the recipient agencies:

- An assurance that each agency will administer the program in accordance with all federal state regulations in accordance with 7 CFR 247 and 7 CFR 250 where applicable.
- An assurance that each agency will maintain accurate and complete records for a period of three years from the close of the fiscal year to which they pertain, or longer if the records related to unresolved claims actions, audits, or investigations.
- A statement that each agency receiving commodities for distribution is responsible for any loss resulting from improper distribution, or improper storage, care or handling of commodities.
- A statement that each agency receiving program funds is responsible for any misuse of program funds.
- A description of the specific functions that the State, sub-distributing, or local agency is delegating to another agency.
- Specify that either party may terminate the agreement by written notice to the other with a minimum notice of 30 days.
- An assurance that the local agency will distribute commodities in accordance with the approved food package guide rate pursuant to 7 CFR Part 247.4(c)(3).

The West Virginia CSFP will only issue USDA foods to eligible people 60 years of age and over.

### **Caseload**

West Virginia requested an initial caseload of 5,000. In April 2017 West Virginia began distributing the CSFP cases in Gilmer, Hampshire, Harrison, Raleigh, Cabell, Kanawha, Wayne, and Lincoln counties. During the month of July, it was decided by the Advisory Committee to add Logan, Mingo, Wood, Marion, and Monongalia.

West Virginia distributed 95% of the 5,000 caseload and was granted 360 additional cases in FY 2019, making the states' new caseload 5,360. Facing Hunger Food Bank added Putnam and Mason Counties to their distribution list.



In 2020, West Virginia was given a caseload increase of 226 cases to distribute to eligible seniors. The total caseload of 5,586 was split evenly between both food banks. Mountaineer Food Bank added Pleasants and Calhoun County to their service area. And Facing Hunger Food Bank was able to add Boone County to their CSFP distributing counties.

In 2021, West Virginia received a caseload increase of 4,414 cases, for a total caseload of 10,000. Splitting the additional caseload evenly between foodbanks allowed Mountaineer Food Bank to allocate over 600 cases to the waitlists in current CSFP counties, as well as add Ohio, Mercer, Randolph, Upsher, Hancock, Braxton, Fayette, Grant, Hardy, Lewis, Monroe, Nicholas, Pendleton, Pocahontas, Roane, and Tucker counties to their distribution list. Facing Hunger was able to expand their CSFP distribution to McDowell, Wyoming, and Jackson County.

In 2022, USDA calculated WV's average distribution to a base caseload of 8,039. West Virginia was given an additional 1,961 cases, for a final caseload of 10,000 again. With that caseload amount, Mountaineer Food Bank added Tyler, Upsher, and Wetzel counties to their distribution list. Facing Hunger added several new agencies to their distribution list.

At the end of 2022, USDA calculated WV's base caseload to be 9,509 and granted an additional 491 cases for TY23. This increase will allow each food bank to distribute 5,000 cases to seniors in their service area each month. Covid-19 has made it difficult to sign up new seniors up for CSFP, but the food banks are working diligently to distribute all 10,000 cases each month.

In 2023, the West Virginia Department of Agriculture was given a final caseload of 10,000. Facing Hunger Food Bank and Mountaineer Food Bank have worked tirelessly to meet that caseload and have done so for several months. For our 2024 CSFP Caseload request, we are asking for an additional 1,550 cases. Facing Hunger Food Bank has roughly 10 new agencies in their distribution area that would like to distribute CSFP, as well as a waitlist of 90+ in several of their current agencies. Mountaineer Food Bank would like to distribute CSFP in 4 counties that currently don't have CSFP, Brooke, Summers, Webster, and Taylor counties. At least 100 cases could be distributed in each of those counties, along with serving many seniors who are on waitlists in current distribution areas.

West Virginia Department of Agriculture had a base caseload of 9,995 in 2024 and received an additional 414, making our final caseload 10,409. Facing Hunger Food Bank received 205 cases extra, and Mountaineer Food Bank received an additional 204 caseload.

In 2025 the West Virginia Department of Agriculture received a final caseload of 9,827. Facing Hunger received 4,914 of this caseload and Mountaineer Food Bank received 4,913 cases to distribute to seniors in their distribution area.

The West Virginia Department of Agriculture would like to request 1,500 additional cases in 2026. The increase would allow 500 of Facing Hunger Food Bank's clients who are on their waitlist to receive a box. The increase would also allow for Mountaineer Food Bank to distribute boxes to their waitlist as well as add CSFP agencies in Doddridge, Randolph, Clay, and Webster Counties who currently do not have any distributing agencies.

Senior hunger is a growing issue in West Virginia. Various statistical reporting sources including the U.S. Census indicates that the number of older people will steadily increase with each decade. The number of people 65 years of age or older increased by 7.4 percent or up 20,509 people to 297,404 from 2000 to 2010. The number of individuals 85 years of age rose by 4,142 for a total of 35,951 individuals or by 13 percent during the same period. For people aged sixty-five and older, 9.4% of the population or estimated 29,347 seniors live in poverty based on the 2010 census. West Virginia continues to project to be one of the ‘grayest’ states in both the nation and world by 2030 and beyond.

Approximately 20% of the people served by the West Virginia food banks are elderly.

## **Outreach**

The success of the CSFP program in West Virginia will depend on an effective marketing strategy that communicates the program benefits to the eligible population. An important outreach component will be to work closely with state and local agencies that are serving elderly populations (i.e., senior nutrition sites, home delivery). The food banks will work with the WV Bureau of Senior Services and local Area Agencies on Aging. The food banks will also work closely with local social services departments and the West Virginia University Extension Service to market the program.

Referrals will be solicited from service agencies that are in contact with low-income seniors. Food banks may also initiate enrollment periods at local service agencies to encourage the program. The goal will be to join a network of service groups to add CSFP to the variety of services seniors are receiving.

The following types of outreach efforts will be developed:

- A flyer to be placed in social services offices, health and medical organizations, senior citizen centers, churches, and other local agencies serving the 60 and over population.
- Information detailing all aspects of the CSFP program will be placed on the WVDA and food banks webpages.
- Staff will make presentations about the program at agencies serving the 60 and over population.
- Free public service announcements will be placed on local media stations.
- Advertisements and notices about the CSFP program will be placed in local newspapers and magazines.
- We will reach out to West Virginia Aging Services to help us to outreach.

All notices and advertisements shall include a brief description of the program, eligibility criteria, a listing of the documentation required for certification, and the non-discrimination statement.

Outreach efforts will continue until the yearly statewide maximum caseload levels have been reached.

### **Homebound Elderly**

To make CSFP accessible to eligible individuals who are physically unable to pick up the food package, certifying agents will encourage the use of proxies or arrange home delivery to the extent that resources permit. Home delivery services will be arranged through community partners and volunteers as available. Proxies may certify and re-certify for the participant to continue receiving CSFP commodities with participant's written authority to do so.

Both of the West Virginia food banks currently serve a large population of seniors through the TEFAP program. The food banks operate additional programs for the elderly and work with member agencies for delivery of food to the homebound elderly population.

Mountaineer Food Bank partners with 40 senior center and senior nutrition sites. These programs offer congregate meals daily and home delivery of meals. In addition to the meals, many programs provide a limited provision of food boxes with canned goods as a supplement.

Facing Hunger Food Bank partners with 12 county senior center organizations and senior nutrition sites, as well as working in collaboration with other senior home care agencies and two Regional Area Agencies on Aging. For the past three years, Facing Hunger Food Bank has also provided a Senior Community Supported Agriculture Program, which has doubled in distribution size since the first year to provide free fresh produce and perishable items to local senior high-rise residences and Senior Centers.

### **Income Eligibility Standards**

CSFP applicants will be required to complete a CSFP application form. An application form has been developed by WVDA for approval by FNSRO. A copy of this form is attached.

Eligibility determinations will be conducted by the recipient agencies' authorized personnel.

CSFP applicants will be required to present a valid photo ID when filling out new applications. Identification must be a secure and verifiable identify document issued by a state or federal agency.

The following information will be included on the application form:

- Applicant's name
- Address
- Date of Birth
- Household Members

- Applicant Certifying Signature or Mark
- Date

Persons aged 60 and over are income eligible for CSFP if their household gross income is at or below 150% of the established federal poverty income guidelines. Program officials may verify that this information is true. False statements may result in having to pay the State for the value of the food improperly issued to the recipient and may subject them to criminal prosecution under State and Federal law. The recipient must certify gross household income is at or below the income listed. Income means gross income before deductions for such items as income taxes, employees' social security taxes, insurance premiums, and bonds.

A caveat has been implemented which states that any end-user qualified to receive DHHR food assistance (food stamps/EBT) is automatically qualified to receive CSFP foods. CSFP applicants can self-attest to receiving DHHR assistance.

The CSFP income eligibility guidelines will be revised each year upon receipt of the FNS memorandum outlining the annual adjustments to the Federal Poverty Income Guidelines issued by the Department of Health and Human Services. A copy of the CSFP Means Test form is attached.

Participants will be notified that they must report changes in household income or composition within 10 days after the change becomes known to the household.

The prospective applicant must reside in the area served by the local CSFP agency to which the request for certification is made. However, no citizenship or durational residence requirements are to be imposed as a condition of eligibility. Migrant and seasonal farm workers shall be considered as meeting the residency requirement.

The application form includes a nondiscrimination statement informing the applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability. Applicants review verbal and written information from recipient agency staff concerning their rights and fair hearings when application documents are signed.

Applicants will be notified of their eligibility or ineligibility for CSFP benefits, or their placement on a waiting list, within 10 days of the date of application. Notification of ineligibility will be sent to the applicant in writing and will include the reason the applicant is not eligible, a statement of the individual's right to a fair hearing to appeal the decision, and a statement that informs the applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability. A copy of the written notification form regarding an applicant's eligibility/ineligibility, waiting list placement, applicant's right to a fair hearing and non-discrimination language is attached hereto.

Applicants have the option to identify a proxy to serve as a liaison if the participant is unable to pick up their food package. Proxies will be permitted to certify or re-certify a homebound participant with written consent and documentation from the participant. The proxy may only be used for food pick-up if a participant is homebound or is unable to keep the appointment. On a

separate proxy form, applicants are asked to give the name of the proxy and the proxy must be present to sign the form. Both the participant and proxy must sign and date the form. A proxy form has been developed by the WVDA for approval by FNSRO. A copy of this form is attached.

Certification periods will be three (3) years in length. West Virginia Department of Agriculture will permit their local agencies to issue temporary one-month certifications for applicants on waiting lists. The following conditions must be met:

- The person's address has not changed and can be verified.
- The person still meets the income eligibility standards; and
- The person wishes to continue participation in the program.

The local agency will notify participants 15 days before the expiration of their certification that their eligibility is about to expire.

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

Once the maximum case load has been reached, a waiting list of applicants will be maintained by the recipient agency and submitted to the local and state agencies. Applicants on the waitlist will be accepted on a first-come, first-serve basis as space becomes available. Applicants will be notified of their placement on a waiting list within 10 days of their request for benefits. A waiting list form has been developed by WVDA for approval by FNSRO. A copy of this form is attached.

If a significant portion of CSFP applicants are non-English speaking or limited English-speaking persons, WVDA will ensure that application and program information is provided in the appropriate language.

Certifications may be obtained by mail, through an in-home visit, or in-person (by either the applicant or their caretaker) at a scheduled time to avoid a large congregation of people. Certifications may also be conducted over the phone. A local agency staff person may sign (or print) their name on behalf of the applicants as an interim measure during the certification interview, provided that the local agency subsequently obtains the applicant's signature through one of the methods described above. This best practice is permanent.

### **Nutritional Risk Criteria**

Nutritional risk criteria will not be evaluated to determine eligibility in the West Virginia CSFP.

### **Nutrition Education**

The West Virginia food banks working with their recipient agencies will be required to make nutrition education available to all participants. The nutrition education program will provide an understanding of basic nutrition principles and offer information for the effective use of CSFP products. Information for CSFP participants will include printed nutrition education materials along with flyers and brochures with information about health and nutrition for people 60 and over. This information will be distributed with the monthly food packages.

The nutrition education will contain, at minimum, the following information based on CSFP nutrition education goals that will maximize the nutritional benefits from CSFP foods:

- The nutritional value of CSFP foods, and their relationship to the overall dietary needs of the 60 and over population;
- Nutritious ways to use CSFP foods;
- Special nutritional needs of participants and how these needs may be met;
- The importance of health-care and the role nutrition plays in maintaining good health; and
- The importance of the use of the foods by the participants, and not by another person.

The written nutrition education materials will be included in the food packages sent to participants who have designated a proxy or who are receiving a home delivery.

### **Nutrition Education Evaluation**

The West Virginia food banks will work with their staff and partners to develop a nutrition education evaluation procedure. The evaluation will be directed by a nutritionist or other qualified professional. Both food banks will work with a nutrition specialist that will assist with the nutrition evaluation.

The evaluation plan will include a customer survey conducted annually to obtain participant input to help evaluate the effectiveness of nutrition education. Nutrition education information will be adjusted based on this participant feedback.

### **Information and Referrals**

During the application procedure, the applicant will be provided with information concerning additional assistance and services available to people age 60 and over. The recipient agency will provide applicants with written information on the following programs, and make referrals as appropriate:

- Supplemental security income benefits;
- Medical assistance provided under Title XIX of the Social Security Act, including medical assistance provided to a qualified Medicare beneficiary; and
- Supplemental Nutrition Assistance Program.

### **Preventing Dual Participation**

A process for detecting dual participation in CSFP will be established. As part of the certification process, applicants will be informed of the illegality of simultaneous participation in more than one CSFP program. A statement of this nature will appear on the application form, which the applicant will acknowledge, sign and date.

The CSFP program in West Virginia will include only people aged 60 and over who meet income requirements, and the West Virginia food banks will keep a master list of all participants in the CSFP. An applicant's identification will be verified at the initial certification and with each recertification to avoid dual participation through duplicate applications to the CSFP. Participants found in more than one program simultaneously will be terminated from one program immediately. If the dual participation results from the participant or caretaker of the participant making false or misleading statements, or intentionally withholding information, the local agency will disqualify the participant from CSFP, unless the local agency determines that disqualification would result in a serious health risk. The local agency will initiate a claim against the participant to recover the value of CSFP benefits improperly received if it is determined to be cost effective.

### **Program Violations**

If participants or caretakers of participants commit program violations, local agencies may disqualify the participants for a period of up to one year. If the local agency determines that disqualification would result in a serious health risk, the disqualification may be waived. The State agency will require local agencies to permanently disqualify a participant who commits three program violations that involve fraud.

Program violations include the following actions:

- Intentionally making false or misleading statements, orally or in writing;
- Intentionally withholding information pertaining to eligibility in CSFP;
- Selling commodities obtained in the program, or exchanging them for non-food items;
- Physical abuse or threat of physical abuse of program staff; and
- Committing dual participation.

The local agency will provide the individual with written notification of disqualification from CSFP at least 15 days before the effective date of disqualification, the reason for the disqualification, and a statement that the individual may appeal the disqualification through the fair hearing process.

### **Cost Effective Claim Standards**

The pursuit of a claim against a participant to recover the value of CSFP commodities improperly received or used is cost effective when the value exceeds \$200. In pursuing a claim against a participant, the local agency will:

- Issue a letter demanding repayment for the value of the commodities improperly received or used;
- If repayment is not made in a timely manner, take additional collection actions; and
- Maintain all records regarding claims actions taken against participants.

The local agency will advise the participant of the opportunity to appeal the claim through the fair hearing process.

### **Fair Hearing**

A CSFP participant will be given the opportunity to appeal through a fair hearing any adverse action, which may include denial or discontinuance of program benefits, disqualification from the program, or a claim to repay the value of commodities received as a result of fraud.

A participant or a participant's caretaker may request a fair hearing by making a clear expression, verbal or written, to a State or local agency official that an appeal of the adverse action is desired. The participant has 60 days from the date the agency mails or gives the individual the notification of adverse action to request a fair hearing.

The participant will be provided with at least 10 days' advance written notice of the time and place of the hearing and must include the rules of procedure for the hearing.

At the fair hearing the participant will have the opportunity to:

- Examine documents supporting the State or local agency's decision before and during the hearing;
- Be assisted or represented by an attorney or other persons;
- Bring witnesses;
- Present arguments;
- Question or refute testimony or evidence, including an opportunity to confront and cross examine others at the hearing; and
- Submit evidence to help establish facts and circumstances.

A request for a fair hearing may be denied if:

- The request is not received within 60 days from the date the notice of adverse action is mailed or given to the participant;
- The request is withdrawn by the participant in writing; or
- The participant fails to appear at the hearing without a good cause.

The fair hearing must be conducted by an impartial official who does not have any personal stake or involvement in the decision and who was not directly involved in the initial adverse action that resulted in the hearing. The hearing official is responsible for:

- Administering oaths or affirmations, as required by the State;



- Ensuring that all relevant issues are considered;
- Ensuring that all evidence necessary for a decision to be made is presented at the hearing, and included in the record of the hearing;
- Ensuring that the hearing is conducted in an orderly manner, in accordance with due process; and
- Make a hearing decision.

## **Food Storage and Distribution**

The West Virginia food banks will serve as the consignee for CSFP foods delivered by USDA to West Virginia in accordance with 7 CFR §250.14(b), care of USDA Foods. They will furnish all the storage facilities, inventory and delivery data processing equipment, transportation, materials, handling equipment and labor to receive, store distribute and track CSFP foods. The Food banks are also required to access the USDA ordering system WBSCM and will receive instructions for accessing the program from FNS.

The following methods will be used to order CSFP commodities using the WBSCM ordering system.

Direct Shipment – this method of shipment (full truckload of a single commodity) delivers food directly from a vendor to the CFSP warehouse. This method will be used when sufficient storage space is available for supplying a full food package, and inventories do not exceed two to two and one half months (2 to 2 ½); as practicable. Consideration will be given to splitting direct shipments among CSFP warehouses or with TEFAP, as appropriate.

Multifood Shipment- this method if shipment (truck containing various commodities) delivers food directly from an FNS contracted warehouse that stores USDA Foods. This method will be utilized when storage space is limited, when smaller quantities of USDA Foods are needed, and when participation does not support the volume of direct shipments.

The West Virginia food banks are responsible for proper unloading, storage, receipting and distribution of each shipment in accordance with USDA and WVDA rules and policies outlined in the state consignee handbook.

Detailed inventory and issuance records will be compiled and administered by the West Virginia food banks. They will maintain food receipt data, food delivery bill of lading and monthly physical inventory, documentation of USDA commodities received, and food destruction logs.

All facilities used for storage of CSFP foods will be approved in advance by WVDA and will be inspected annually to assure that foods are stored at appropriate temperatures, and that the facility is safe, secure, and sanitary. Stock will be handled on a first in, first out basis.

Pursuant to 7 CFR §247.28(b), a physical inventory of all CSFP commodities will be conducted annually at each storage and distribution site where commodities are stored. Results of the

physical inventory will be reconciled with inventory records and maintained on file by the State or local agency. Additionally, it is recommended that monthly inventories are conducted to ensure accuracy of commodity ordering and storage, in addition to assisting with the reconciliation of the FNS-153 report.

The following practices will be followed concerning the storage of CSFP foods:

Refrigerated or frozen USDA foods require that temperature charts be maintained that indicate the dates and readings such recordings were made. The temperature readings must be recorded at least three times each week from an internal thermometer. Temperature charts must be maintained for each separate storage unit. Refrigeration unit temperatures should be maintained between 36 and 40 degrees Fahrenheit. Freezer temperatures must be maintained at or below 0 degrees Fahrenheit. Currently, there are no frozen USDA Foods available in the CSFP food package.

Shelf stable USDA foods require dry, cool storage. Dry storage temperatures should be maintained between 40 and 70 degrees Fahrenheit and thermometers should be installed in those storage areas to ensure proper temperatures are maintained. Temperature charts must be maintained indicating the dates and readings such recordings were made at least three times each week.

USDA foods should be stored away from steam pipes, chemicals and equipment generating heat.

Adequate racks or shelving should be provided for storage in freezers, refrigerators and dry storage. Foods should be stacked away from walls and off the floor to allow air circulation around the cases of food.

Adequate lighting is required to aid in rotation and inventory checks of foods.

Adequate security by means of locks, bars, alarms, etc. is required to guard against theft or vandalism.

Storage areas must be protected against rodents, bird, insect and other animal infestation with routine extermination service and a record of these inspections must be maintained.

Food banks and recipient agencies shall ensure that storage facilities have obtained all required Federal, State and/or local health inspection and/or approvals and that such inspection/approvals are current.

Food banks will provide for transportation of USDA foods to recipient agencies or allow pickup.

The West Virginia food banks and their recipient agencies are responsible for the preparation and distribution of the food packages.

Participants will receive one package of commodities on a monthly basis in accordance with the approved food package guide rate pursuant to 7 CFR Part 247.4(c)(3). Participants will receive food packages by self-pick-up at their designated distribution site. Eligible participants who are unable to attend distributions may designate on their application an authorized representative as their proxy to pick up their food package. CSFP participants or their proxies may self-attest or otherwise verify their identity by stating their name, signing a sign in sheet, or otherwise verbally confirming their identity by giving participants birthdate. Staff or volunteers at the distribution site will verify eligibility and identity of participants and proxies prior to distribution the food packages.

Participants must not be required to make any payments, participate in any religious activity or provide any materials or services, in connection with the receipt of CSFP commodities.

CSFP commodities may not be used for outreach, refreshments, or for any purposes other than distribution to, and nutrition education for, CSFP participants.

The food package will be pre-determined according to established FNS food packaging guidelines. This package contains the following:

**COMMODITY SUPPLEMENTAL FOOD PROGRAM  
TEMPORARY MAXIMUM MONTHLY DISTRIBUTION RATES  
Effective Sept. 1, 2025 until Further Notice**

| <b>Food Package Category</b> | <b>Food Item</b>   | <b>Amount Each Month</b>   |
|------------------------------|--|--|
| Fruits and Juice             | Canned Fruit (15.5 oz)<br>Juice (64 oz)<br>Raisins (15 oz)                       | <ul style="list-style-type: none"> <li>• 1 juice and 3 cans fruit; or</li> <li>• 2 juices and 2 cans fruit; or</li> <li>• 1 package raisins, 1 juice, and 2 cans fruit; or</li> <li>• 1 package raisins, 2 juices and 1 can fruit</li> </ul> |
| Vegetables                   | Canned Vegetables or Soup (10.5 to 15.5 oz)<br><br>Dehydrated Potatoes (1 pound) | <ul style="list-style-type: none"> <li>• 8 cans vegetables or soup; or</li> <li>• 6 cans vegetables or soup, and 1 package dehydrated potatoes</li> </ul>  |
| Cheese                       | Cheese (2 pounds)  | 1 package cheese   |
| Milk                         | UHT Fluid Milk 1% (32 ounces)<br>Instant Nonfat Dry Milk (12.8 ounces)           | <ul style="list-style-type: none"> <li>• 2 UHT milk; or</li> <li>• 1 UHT milk and 1 instant non-fat dry milk</li> </ul>  |

|                         |   |   |
|-------------------------|---|---|
| Meat, Poultry, and Fish | Beef or Beef Stew (24 ounces)<br>Beef Chili with Beans (15 ounces)<br>Chicken (10–12.5 ounces)<br>Tuna (12 ounces)<br>Salmon (14.75 ounces) | <ul style="list-style-type: none"> <li>• 1 (24 ounce) shelf-stable package meat and 1 (10–15 ounce) shelf-stable package beef, poultry or fish; or</li> <li>• 3 (10–15 ounce) shelf-stable packages beef, poultry and/or fish of any combination</li> </ul> |
| Plant-Based Protein     | Canned Beans (15.5 ounces)<br>Dry Beans or Lentils (1 pound)<br>Peanut Butter (16 ounces)   | 3 units of any combination of canned beans, dry beans or lentils, and peanut butter   |
| Cereals                 | Cereal, Ready-to-Eat (10–20 ounces)<br>Farina (18 ounces)<br>Rolled Oats (18 ounces)<br>Grits (2 pounds)                                    | 2 units of any combination of cereal, farina, rolled oats, and grits  |
| Pasta and Rice          | Pasta (1 pound)<br>Rice (1 pound)   | 2 units of any combination of pasta and rice  |

### Elderly

1/ A combination of 1 package of dry ready-to-eat cereal and 1 package of farina may be provided.

2/ The distribution rate for grits is 5 pounds every other month in either the Cereals or Potatoes/Grains Food Package Category.

3/ Participants can select two items per month from the following food items: chicken, tuna, and salmon. For example, participants can select two cans of salmon or one can of salmon and one can of chicken, etc.

4/ Local agencies should first distribute all remaining inventory of 25.6 oz packages of instant nonfat dry milk on a bimonthly schedule prior to distributing the smaller, 12.8 oz pack size on a monthly basis.

### Reports and Record Keeping

The State Agency will maintain accurate and complete records relating to the receipt, disposal, and inventory of commodities, the receipt and disbursement of administrative funds and other funds, eligibility determinations, fair hearings, and other program activities. The State agency will also maintain records pertaining to liability for any improper distribution of, use of, loss of,

or damage to commodities, and the results obtained from the pursuit of claims arising in favor of the State or local agency.

The State agency will submit the following reports to USDA according to specified time frames:

- SF-425 Federal Financial Report- This records the financial status of the program at the close of the fiscal year;
- FNS-153- Monthly Report of the Commodity Supplemental Food Program and Quarterly Administrative Financial Status Report- This records the number of program participants, the receipt and distribution of commodities, beginning and ending inventories, and the cumulative amount of administrative funds expended and obligated, and, quarterly, the amount remaining unobligated; and
- FNS-191 Racial/Ethnic Group Participation- This report records the racial/ethnic participation each year.

All records will be retained for a period of three years from the end of the fiscal year to which they pertain. If they are related to unresolved claims actions, audits, or investigations, they will be retained until those activities have been resolved. Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report.

## Civil Rights

Current “*And Justice for All*” posters should be prominently placed in all intake offices and distribution sites. Civil rights complaint forms will be available to clients/recipients of the USDA foods. This can be done by hanging forms with the “*And Justice for All*” poster.

Food bank staff and all recipient agencies, their staff and volunteers must receive civil rights training annually. Staff and volunteers interacting with the program participants must be provided civil rights training on an annual basis. Such training must be conducted by the state agency administering the program and should be documented with the date, materials covered, and sign-in sheets and maintained in recipient agency files. Required training topics include:

- Knowledge of protected classes;
- Effective public notification;
- Complaint procedures and conflict resolution;
- Customer service;
- Language assistance and accommodation of persons with disabilities; and
- Compliance review techniques and noncompliance resolution.

Pre-award Civil Right Questionnaire's must be completed by the West Virginia food banks for each recipient agency, a copy of which is attached.

The statement below must be included on all materials regarding USDA household programs that are produced by the local agency for public information, public education, or public distribution:

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.

State and local agencies must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et. seq.*), and titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et. seq.*). State and local agencies must also comply with the Departments regulations on nondiscrimination (parts 15, 15a, and 15b of this title), and with the provisions of FNS Instruction 113-2, including the collection of racial/ethnic participation data and public notification of nondiscrimination policy. State and local agencies must ensure that no person shall, on the grounds of race, color, national origin, age, sex, or disability, be subjected to discrimination under the program.

CSFP applicants or participants who believe they have been discriminated against should file a discrimination complaint with the USDA Director, Office of Civil Rights, Room 326W, Whitten Building, 1400 Independence Avenue SW., Washington, D.C., 20250-9410, or telephone (202) 720-5964.

### **Written Notice of Rights and Referral Requirements for Beneficiaries Applying for and Receiving CSFP Benefits from Religious Organizations**

Pursuant to 7 CFR Part 16.4

(a) Any organization that receives direct or indirect Federal financial assistance shall not, with respect to services supported in whole or in part with Federal financial assistance, or in their outreach activities related to such services, discriminate against a current or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. However, an organization that participates in a program funded by indirect financial assistance need not modify its program activities to accommodate a beneficiary who chooses to expend the indirect aid on the organization's program.

(b) Organizations that receive USDA direct assistance under any USDA program may not engage in explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization, as part of the programs or services funded by USDA direct assistance. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services supported with USDA direct assistance, and participation must be voluntary for beneficiaries of the programs or services supported with such USDA direct assistance. The use of indirect Federal financial assistance is not subject to this restriction. Nothing in this part restricts the Department's authority under applicable Federal law to fund activities that can be directly funded by the Government consistent with the Establishment Clause.

(c)

(1) All organizations that receive USDA direct assistance under any domestic USDA program must give written notice to all beneficiaries and prospective beneficiaries of certain protections in a manner and form prescribed by USDA. The required language for this written notice to beneficiaries is set forth in appendix C to this part. This notice must include the following information:

(i) The organization may not discriminate against beneficiaries or prospective beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;

(ii) The organization may not require beneficiaries or prospective beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries or prospective beneficiaries in such activities must be purely voluntary;

(iii) The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance; and

(iv) Beneficiaries or prospective beneficiaries may report violations of these protections (including denials of services or benefits) by an organization by contacting or filing a written complaint with USDA's Office of the Assistant Secretary for Civil Rights.

(2) The USDA awarding agency may determine that this written notice must also inform beneficiaries and prospective beneficiaries about how to obtain information from the awarding agency about other federally funded service providers in their area that provide the services available under the applicable program.

(3) This written notice must be given to beneficiaries prior to the time they enroll in the program or receive services from the program. When the nature of the service provided or exigent circumstances make it impracticable to provide such written notice in advance of the actual service, service providers must advise beneficiaries of their protections at the earliest available opportunity.

(d) A beneficiary or prospective beneficiary in a program supported by indirect Federal financial assistance may report an organization's violation of the religious protections in this part, including any denials of services or benefits by an organization, by contacting or filing a written complaint with USDA's Office of the Assistant Secretary for Civil Rights.

(e) Nothing in [paragraphs \(a\)](#) through [\(c\)](#) of this section shall be construed to prevent faith-based organizations that receive USDA assistance under the Richard B. Russell National School Lunch Act, [42 U.S.C. 1751](#) *et seq.*, the Child Nutrition Act of 1966, [42 U.S.C. 1771](#) *et seq.*, or USDA international school feeding programs from considering religion in their admissions practices or from imposing religious attendance or curricular requirements at their schools.



## **Financial Management**

WVDA will maintain financial records for the CSFP separately from other programs in accordance with the State of West Virginia's Accounting Policies and Procedures, and WVDA's internal federal funds management practices

### Distribution of Administrative Funds

Food banks agree to accept the administrative funds as full payment to distribute USDA foods in lieu of charging their recipient agencies. Any transportation, storage, handling, labor, or promotional costs incurred with the distribution of CSFP foods comes out of this payment, including handling transfers of USDA foods between member food banks.

The State agency will provide to local agencies for their use all administrative funds it receives, except that the State agency currently elects to retain for its own use the amount determined by the following formula:

- 15 percent of the first \$50,000 received.
- 10 percent of the next \$100,000 received.
- 5 percent of the next \$250,000 received.
- A maximum of \$30,000, if the administrative grant exceeds \$400,000.

WVDA will distribute the remaining administrative funds on a reimbursement basis to participating food banks upon receipt of an invoice requesting draw of funds. This form must be submitted after the monthly caseload is served. Reimbursement will be based on the administrative grant per assigned caseload slot for the current fiscal year, less any funds retained by WVDA according to the above schedule. Administrative funds will only be used for allowable costs that are necessary to ensure the efficient and effective administration of the program in accordance with 7 CFR 247.25.

The invoice requesting reimbursement must be filled out completely and correctly to receive reimbursement.

## **Management Evaluation**

### Food Bank Management Reviews

WVDA will ensure that the food banks and all recipient agencies are reviewed once every two years pursuant to 7 CFR §247.34. Reviews include the following:


- WVDA and food bank agreement.
- Required financial reports and receipts.
- Perpetual and annual food inventory records.
- Receipting paperwork (received shipment report/requisition status report with consignee information, notice of arrivals, bill of lading, and OS&D's if applicable).
- Invoices requesting reimbursements.
- Fiscal year-end inventory, confirmation of federal assistance received, and commodities transferred by each agency forms.
- Distribution records including proxy notes and legal signatures, eligible categories, and application forms.
- Records of food issuance by recipient agencies (Monthly Inventories) compared to reports of distribution.
- Inventory management, transfer documentation.
- Appropriate storage areas and food management practices.
- Food ordering procedures utilizing WBSCM if applicable.
- Documentation of loss.
- Physical inventory/book inventory.
- Documentation of checking IRS Automatic Revocation of Exemption List.
- Review of civil rights, which include, posting of poster and complaint forms, trainings, complaints, investigations, written notice of beneficiary rights and referrals and pre-award civil rights questionnaires.
- Nutrition education.

#### Recipient Agency Reviews

The following items should be monitored during the review process:

- Appropriate storage facilities are in use for shelf stable, frozen or refrigerated items.
- Appropriate sanitation and rodent/insect extermination practices.
- Proper security measures are in place to prevent vandalism or theft.
- Appropriate application of household income guidelines.

- Adherence to CSFP food distribution guidelines per household (monthly inventory records are the minimum required documentation).
- Conspicuous display of the civil rights poster “And Justice for All” where USDA foods are distributed, along with the civil rights complaint forms. Recipient agency staff comprehends and follows the civil rights complaint procedure. Documentation of training to staff/volunteers is maintained on file. If the recipient agency is advertising their CSFP distribution with a flyer, brochure, pamphlet, and/or any advertising material the food bank must ensure that the non-discrimination statement is placed on those items.
- Recipient Agency retains on file all food bank correspondence citing program operation deficiencies.
- Food bank staff will document improvements when conducting on-site reviews and consider overall program operations before renewing recipient agency participation in the CSFP program.

  
**Lora A Hammack**  
**Food Distribution Program Director**

  
**Date**

  
**Kent A. Leonhardt**  
**Commissioner of Agriculture**

11/25/2025

**Date**

**Revised November 2025**

**OMB Control Number:** 0584-0293, Expiration Date 08/31/2026

**Attachment A – Optional State Plan Amendment Request Sample Template for The Commodity Supplemental Food Program (CSFP) Consistent with 7 CFR 247.6**

Date Submitted: 1/15/25

State Agency: West Virginia Department of Agriculture

State Agency Point of Contact (POC): Kate Hill

POC Email: khill@wvda.us

POC Phone Number: 304-558-0573

**Consistent with 7 CFR 247.6:**

1. Provide a description of the proposed change, including a reference to the component of the State plan that will be updated. Please note that proposed changes to State plans must comply with all applicable Federal statute and regulations.

Income guidelines, Identification verification, Eligibility, 7 CFR 16.4

2. Provide a detailed description of why the change is being proposed.

Access and Parity final rule and overall review of state plan

3. Provide a description of the implications of the proposed change. Include details, if relevant, on the effects the change may have on program participants, the State agency, local agencies, the operation of the program by the State agency or local agencies, and if applicable, any risks or program integrity concerns.

Increasing the income guidelines to 150% will allow for more seniors who ar

4. Is this change temporary or permanent?

Permanant

- a. If temporary, provide the start and expiration date of the change.

**OMB Disclosure Statement:** When CSFP State agencies plan changes to their State Plans, they must submit amendments to their FNS Regional office for approval (7 CFR 247.6(d)).

This is a mandatory collection of information and FNS will use the information to monitor and provide oversight to State agencies administering the program. The collection does not request personally identifiable information under the Privacy Act of 1974. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0584-0293. The time required to complete this information collection is estimated to average 5.25 hours per response, including the time for reviewing instructions, gathering and providing the data needed, and completing, reviewing and submitting the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314. ATTN: PRA (0584-0293). Do not return the completed form to this address.