

States Affected by Recent Tornadoes, Mississippi River Flooding May 19, 2011

With such severe weather as the tornadoes that pounded through parts of the South in late April, and the on-going flood damage due to the rising Mississippi River, our thoughts turn to the safety and well being of residents and business owners in affected areas. To that end, Food Marketing Institute (FMI) is providing an update on what USDA is doing in terms of providing SNAP and WIC benefits to tornado and flood victims. FMI also provides an update on what areas are affected by the Mississippi River flooding, and which of those residents may apply for “D-SNAP.”

USDA Grants Additional Benefits to Residents in Parts of Alabama, North Carolina

The April 27th tornado continues to leave **Alabama** in a state of emergency and 42 counties have been declared a disaster area. Due to an estimated one million homes without electricity, USDA FNS has approved a hot foods waiver for the SNAP program, for certain counties, effective through May 31, 2011 (see attachments). These purchases are not subject to sales tax, as hot foods are currently considered SNAP eligible. In addition, those women and children who were not previously eligible for WIC in **Alabama** may now meet income guidelines to qualify due to the loss of businesses and employment (see attachments).

For additional information on other issues associated with disaster areas, such as price gouging, emergency RX laws, and ongoing relief, visit the Alabama Retail Association website at <http://www.alabamaretail.org/> In addition; the Alabama Grocers Association may be reached at: www.alabamagrocers.org

In response to the Presidential disaster declaration due to the April 16th severe storms and tornadoes in **North Carolina**, USDA FNS has authorized the sale of hot foods for the SNAP program, through May 31, in selected counties (see attachment). For additional information on other issues associated with disaster areas, such as applying for passes to allow trucks, store managers and critical store personnel access to a store following a disaster, visit the North Carolina Retail Merchants Association website: <http://www.ncrma.org/>

USDA FNS has told FMI that they have not received a SNAP hot food waver request from any state other than the two already approved in **North Carolina** and **Alabama**, nor has any State indicated to USDA, at this time, that they plan to do so.

Mississippi River Flooding and D-SNAP

The Mississippi River – the largest river system in North America – and its tributaries have swollen to the highest levels in 70 years, due to spring snowmelt and heavy rain. Meandering through ten states: **Minnesota, Wisconsin, Iowa, Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana** before flowing into the

Gulf of Mexico, the river is held by hundreds of miles of levees. These levees have not always succeeded in preventing floods, and recently, levees have been raised to employ a “cities-first” strategy in minimizing damage to homes and businesses. The most recent example is the raising, several days ago, of the spillway in Morganza, Louisiana. The levee was raised to divert water away from Louisiana’s oil refineries and chemical plants along the lower Mississippi as well as save Baton Rouge and New Orleans from flooding (there may be additional levees raised, for example, the Atchafalaya Spillway near Baton Rouge). The anticipated result however, is displacing hundreds of thousands of residents. FMI will continue to monitor this situation, and work with USDA to spread the word on changes in benefits for SNAP and WIC recipients and grocery stores. For additional information on Louisiana, see: <http://emergency.louisiana.gov/>

For now, the following states along the Mississippi River and its tributaries have received USDA FNS approval in certain counties for the “Disaster-Supplemental Nutrition Assistance Program,” or “D-SNAP”: **Alabama, Arkansas, Georgia, Mississippi, North Dakota, Oklahoma and Tennessee** (see: http://www.fns.usda.gov/disasters/response/pdf/disaster_response.pdf).

According to USDA, the D-SNAP system operates under a different set of eligibility and benefit delivery requirements than regular SNAP. Those who might not ordinarily qualify for SNAP benefits may be eligible under the disaster SNAP if they have had disaster damage to their homes, or expenses related to protecting their homes, or if they have lost income as a result of the disaster, or have no access to bank accounts or other resources.

USDA can authorize the issuance of emergency SNAP benefits when there is a Presidentially-declared emergency or when grocery stores or other regular commercial food supply channels have been restored following a disaster. In order for D-SNAP to be established, States must request that USDA allow them to issue emergency SNAP benefits in areas affected by a disaster.

USDA Authority

The Food Stamp Act of 1977 and the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 give the Secretary of Agriculture authority to issue emergency SNAP benefits during emergencies. The Stafford Act also directs the President to ensure that adequate stocks will be available for mass feeding in a disaster situation. Other authorizing legislation includes Section 416 of the Agricultural Act of 1949; Section 32 of the Act of August 24, 1935; and Section 4(a) of the Agriculture and Consumer Protection Act of 1973. Federal regulations governing disaster assistance can be found in 7CFR, Part 250.

What about WIC?

Although the WIC Program is not designed to be a disaster assistance program, WIC policies were written to allow State agencies flexibility in program design and administration to either support continuation of benefits to participants during times of natural or other disasters, or to assist others who may not have previously qualified. As

mentioned above, some Alabama women and children may now qualify for WIC, even though they may not have previously.

If a WIC recipient is asked or required to leave their home with very little advance notice, they are considered “evacuees” and they may still be able to receive WIC benefits in other states. Evacuees have been designated as being at special nutrition risk and therefore will receive high priority for certification. Evacuees may be able to use their original WIC checks or vouchers in the State to which they have been relocated. To verify this, contact information for State WIC agencies can be found on the USDA website: <http://www.fns.usda.gov/wic/contacts/statealpha.htm>

For stores in areas that allow out-of-State WIC food instruments during disasters, USDA suggests the following:

- If at all possible, the participant should receive the exact brand of infant formula specified on the out-of-State food instrument.
- If it is not possible to provide the exact brand items for the other foods listed on the out-of-State WIC food instrument, you may substitute a similar item from your own State’s WIC-approved food list.
- The originating WIC State Agency (i.e., the WIC State agency in which the participant was initially certified) is responsible for the cost of the food instrument. As the out-of-State vendor, you should deposit each WIC check into your bank account; the amount of the WIC check will be charged against the originating WIC State Agency’s bank account. If the originating WIC State agency issues vouchers instead of checks, you (the out-of-State vendor) should submit the vouchers for payment to the originating WIC State agency.
- Mississippi and Vermont retailers are not covered by this policy because there are no authorized WIC vendors in these States. The WIC Programs in these States do not operate through grocery stores, which is why there are no authorized vendors.

For more information, see: <http://www.fns.usda.gov/wic/disasterresponse.htm>

Attachments to this document: 5

This FMI document is current as of May 19, 2011