

## WIC Food Package Final Rule Implementation Tracking Tool

The *Food Package Rule Implementation Tracking Tool* serves two main purposes: summarizing the provisions and related dates in the Final Food Package Rule, and facilitating communication between State agencies and the Regional Office as the **required** and **optional** provisions of the final rule are implemented.

This tool summarizes the majority of the **required** and **optional** provisions in the final rule and their related effective and implementation dates. However, it does not comprehensively capture all requirements; thus, State agencies must refer to both the Interim and Final Food Package Rules to ensure its policies and procedures comply with all WIC Food Package requirements.

Since State agencies will be implementing the Final Food Package Rule provisions in phases, this tool is also intended to facilitate communication between State agencies and the FNS Regional Office about progress towards fully implementing the Final Food Package Rule. State agencies should submit the *Food Package Rule Implementation Tracking Tool* along with related implementation documents (i.e., State Plan revisions, training documents) with the State Plan which is due August 15, 2014.

State Plan Submission: The Final Food Package Rule is **effective May 5, 2014**. For **provisions without a specified implementation date**, policy revisions are to be reflected in the FY 2015 State Plan submission, due August 15, 2014, with an implementation date of **no later than October 1, 2014**. However, we highly encourage earlier implementation dates for provisions that were effective on May 5, 2014.

Final (Required) Submission: On April 1, 2015, the CVV split-tender requirement must be implemented and State agencies may begin implementing the yogurt options. For these provisions, please submit related implementation documents, including the tracking tool, by February 1, 2015.

## WIC Food Package Final Rule Implementation Tracking Tool

### Food Package Tracking Tool Description:

1. The “Food Package Rule Provision” column lists each provision by topic, as organized by blue sub-headings (i.e. fruits and vegetables, farmers markets). The provisions **highlighted in green are required**, and all State agencies must implement these provisions. The provisions in **light orange are State options**. The provisions listed in white are changes made in the Rule that mostly impact FNS terminology and not necessarily State operations.

Note: Some of the State options in the Final Rule, such as cheese substitutions for a portion of milk, have changed from the Interim Rule. State agencies will need to address the required changes from their existing operations if the Interim Rule options were implemented.

2. The “**Effective/Implement by Date**” column identifies when a provision comes **into effect** (seen in burgundy), as well as when provisions may start being implemented, and in some cases, a “no later than” implementation date.
3. The “SA will Exercise Option” and “New/Change Policy” columns are for the State agency to identify whether it has opted to implement optional provisions and/or are making changes to its existing policy. Required elements have these boxes grayed out, with the assumption that the State agency will revise its policies to implement the provision.
4. The “SA Revised Policy/Training Guidance” column is for the State agency to indicate the location of the revisions in your State Plan (i.e., policy and procedures manual) or training manual for the related provision. Please be sure to continue to highlight or use track changes in policy submissions.
5. The “Training Date to LA’s/vendors” column is for the State agency to indicate its planned date to conduct training with local agencies or vendors (as appropriate) about the State’s policy reflecting the provision.
6. The “SA Implementation Date” is for the State agency to indicate the date it intends to implement the provision, in accordance with the effective dates and implementation dates (see #2. above) outlined in the Final Rule.
7. The “Other Comments” column is for the State agency to include any additional information that is not captured in other columns (i.e. communication plans, education or training materials, date trainings were completed).
8. The Header area has a section to indicate your State agency. The Footer area has a section to identify the State agency’s date of submission and version of the tracking tool.

Food Package Rule Provision	Effective/ Implement Date	SA will Exercise Option (Y/N)	New/ change policy? (Y/N)	SA Revised Policy/ Training Guidance (e.g., chapter 2, page 3)	Training Date to LAs/ vendors	SA Implementation Date	Other Comments (i.e. date actual training took place, educational/training materials used, communication plan)
Name change from "WIC-eligible medical food" to "WIC-eligible nutritionals"	5/5/2014/no later than 10/1/14			Food Package III Special Formula Policy	9/2014	10/1/2014	
Full Nutrition Benefit				N/A	N/A	2009	
Fresh Fruits and Vegetables: as defined by the FDA <a href="http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=101.95">http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=101.95</a>				N/A	N/A	2009	
Farmers' market				N/A	N/A	N/A	Not planning to implement.
Both organic fresh fruits and vegetables must be authorized	Since Interim rule		N	N/A	2009	2009	
Both fresh fruits and vegetables must be authorized	Since Interim rule		N	N/A	2009	2009	
CVV for children increased from \$6 to \$8	5/5/14 / no later than 6/2/2014			Food Package IV Policy	3/2014	6/2/2014	Quick Guide to Base Food Packages to be updated.
Split tender of CVVs: vendors, farmers, and farmers' markets must allow participants to pay the difference.	10/1/14 / no later than 4/1/15		Y	Food Delivery Section	9/2014	10/1/2014	Administrative Rules
Dried fruits and vegetables may be authorized for purchase with CVV; dried allowed for children, but note nutrition education requirements if offered.	5/5/2014	N	N	N/A	N/A	N/A	

	(Green) Required provisions
	(Orange) State option provisions
	(White) FNS terminology/definition

Food Package Rule Provision	Effective/ Implement Date	SA will Exercise Option (Y/N)	New/ change policy? (Y/N)	SA Revised Policy/ Training Guidance (e.g., chapter 2, page 3)	Training Date to LAs/ vendors	SA Implementation Date	Other Comments (i.e. date actual training took place, educational/training materials used, communication plan)
Canned fruits or vegetables: newly allowed canned tomato sauce/paste, salsa & spaghetti sauce without added sugar, fats, oils. F/V must be listed as first ingredient in processed foods. Only lower sodium canned vegetables may be allowed as an option. Home canned & home-preserved F/V not allowed.		N	N	N/A	N/A	N/A	Currently require F/V as first ingredient. Not planning to only allow lower sodium F/V or add salsa or spaghetti sauce.
Frozen fruits and/or vegetables: frozen fruits may not contain added fats, oils, salt, or added sugars.	State option since Interim Rule	Y	N	N/A	N/A	N/A	
FNS encourages SA to offer lower sodium products when available.	5/5/14	Y	N	N/A	N/A	N/A	
Technical clarification: WIC-eligible canned fruit juice and vegetable juice must meet the FDA standard of identity, as listed at 21 CFR Part 146 and 21 CFR Part 156, which are reflected in Table 4 of 7 CFR 246.10(e)(12).	No later than 10/1/14			N	N/A	N/A	
See Table 4 of 7 CFR 246.10(e)(12) for standard of identities for canned juice.	5/5/14	Y	N	N/A	N/A	N/A	

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Farmers' Markets							
Individual farmers authorized to accept CVV.		N/A	N				
Farmers' markets, in addition to individual farmers, may be authorized to accept WIC CVVs. As a result of the addition of farmers' markets, conforming amendments have been made in 7 CFR 246.2, 246.4, 246.18, and 246.23.	5/5/14	N/A	N				
State Plan: submit a copy of SAs administrative appeal procedures for farmers and/or farmers' markets.		N/A	N				
Farmer/FM Monitoring: 1) Design and Implement system for monitoring farmers' and/or farmers' markets' compliance with program requirements. 2) Include description of farmer/FM monitoring system in State Plan.	5/5/14 / No later than 10/1/14	N/A	N				
Mature Legumes and Peanut Butter							
Mature legumes in dry-packaged	No later than 10/1/14			Base Food Package Quick Guide			See Food List
Mature legumes canned forms, without added vegetables, fruits, meat, sugars, fats, or oils only. Final rule clarifies that canned forms of mature legumes is an option.	Clarified requirement 5/5/14/No later than 10/1/14	Y	N	Food Package Section			See Food List

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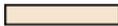
Refried beans, without added sugars, fats, oils, vegetables or meat, have been added to the examples of allowable legumes.	Clarified requirement 5/5/14/No later than 10/1/14		N	N/A	N/A	2009	
Peanut Butter: final rule clarifies it cannot have added marshmallows, honey, jelly, chocolate/or similar ingredients.			N	N/A	N/A	2009	
Whole milk is the standard milk for issuance to 1-year-old children.	Since original regulation			N	N/A	2009	
1% or non-fat/skim milk is standard milk for children greater than or equal to 2.	5/5/14 / No later than 10/1/14			N	N/A	2009	
1% or non-fat/skim milk is standard milk for women.				N	N/A	2009	
Fat-reduced milks to be issued to 1-yr-old children for whom overweight or obesity is a concern, based upon CPA determination through an individual nutritional assessment and consultation with the child's health care provider if necessary, as established by State policy.	5/5/14	Y	Y	Milk and Milk Alternatives policy	TBD	4/2015	Assumes this is 2%/1%/skim milk.
2% milk may be issued to participants under certain conditions during pregnancy and children per CPA assessment and State policy.		N	N	N/A	N/A	N/A	
2% milk may be issued to participants under 24 months per CPA assessment and State policy.	5/5/14	N	N	N/A	N/A	N/A	

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Maximum substitution of 1 lb. cheese for 3 quarts of milk for children and women. For fully breastfeeding women in FP VII, no more than 2 lbs. of cheese may be substituted for 6 quarts milk.	State option since Interim Rule	Y	N	N/A	N/A	2009	
If offering cheese, it will no longer be issued beyond established substitution rates, even with medical documentation.	5/5/14 / no later than 10/1/14	Y	Y	Extra Cheese Policy	9/2014	10/1/2014	
Dangling quart option for offering cheese: 12 oz. can evaporated milk- see page 12280 under section e.	State option since Interim Rule	Y	N	Milk and Milk Alternatives Policy	N/A	2009	Tailored option.
Dangling quart option for offering cheese: half gallon of milk every other month.		N	N/A	N/A	N/A	N/A	
Tofu: must be calcium-set. Tofu may also now contain magnesium chloride. States are encouraged to choose tofu with the highest amount of calcium.		Y	N	N/A	N/A	2009	
Soy-based beverage or tofu may be a substitute for milk for <b>children</b> - see Table 2, Footnote 11.	Implement no earlier than 10/1/14	Y	Y	Milk and Milk Alternatives Policy	9/2014	10/1/2014	
Soy-based beverage and/or tofu may be a substitute for milk for <b>women</b> - see Table 2, Footnote 12.	State option since Interim Rule	Y	N	N/A	N/A	2009	

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Dangling quart option for offering cheese: 1 qt. of yogurt for children and women.	Implement no earlier than 4/1/15	Y	Y	New policy to be written.	TBD	TBD	
Yogurt: no more than 1 qt. is authorized to a participant. Must conform to the Standard of Identity for yogurt. Only low-fat or nonfat yogurt for children more than 2 years of age, and women. Whole fat yogurt for children less than 2 years of age.	Implement no earlier than 4/1/15	Y	Y	New Policy to be written.	TBD	TBD	
No more than a total of 4 quarts of milk may be substituted for a combination of cheese, yogurt, or tofu for children in FP IV.	5/5/14/ no later than 10/1/14	Y	Y	New policy to b written.	9/2014	10/1/2014	
No more than a total of 4 quarts of milk may be substituted for a combination of cheese, yogurt, or tofu for women in FP V & VI. No more than a total of 6 qts. of milk may be substituted for a combination of cheese, yogurt, or tofu for women in FP VII.		Y	Y	New policy to be written.	9/2014	10/1/2014	

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Breastfeeding Provisions							
Clarification of Partially Breastfeeding Terminology: described FP for the mother-infant pair that both breastfeed and formula feed, is now “mostly” breastfeeding.	5/5/14		N	N/A	N/A	2009	
104 reconstituted fluid ounces of formula to mostly breastfed baby 0-1 month old.	State option since Interim Rule	Y	N	N/A	N/A	2009	
Add eligible recipient to FP VII- Pregnant women who are also partially (mostly) breastfeeding an infant.	5/5/14 / no later than 10/1/14			Food Package VII Policy	9/2014	10/1/2014	
Clarifies that SA must offer whole wheat and/or whole grain bread. See Table 4 for the two allowed flours in ingredient list.	5/5/2014/ no later than 10/1/14			N/A	N/A	2009	See food list
Add <b>whole wheat pasta</b> as another whole grain option. Any size or shape with no added sugars, fats, oils, or salt. Must meet Standard of Identity for whole wheat pasta. See Table 4 for allowed flours in ingredient list.	5/5/2014	Y	Y	N/A	TBD	TBD	See food list

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<p>Tortillas: clarifies <b>corn tortillas</b> needs to have whole corn listed as first ingredient but will accept ground masa flour (corn flour) in areas where tortillas are limited.</p>	<p>5/5/2014</p>	<p>Y</p>	<p>N</p>	<p>N/A</p>	<p>N/A</p>	<p>2009</p>	
<p>Tortillas: clarifies <b>whole wheat</b> flour must be the only flour listed in the ingredient list for whole wheat tortillas.</p>		<p>Y</p>	<p>N</p>	<p>N/A</p>	<p>N/A</p>	<p>2009</p>	
<p>Brown rice</p>	<p>State option since interim rule</p>	<p>Y</p>	<p>N</p>	<p>N/A</p>	<p>N/A</p>	<p>2009</p>	
<p>Bulgur</p>		<p>N</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	
<p>Oatmeal</p>		<p>Y</p>	<p>N</p>	<p>N/A</p>	<p>N/A</p>	<p>2009</p>	
<p>Whole-grain barley</p>		<p>N</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	
<p>At least one half of all breakfast cereals on the State’s authorized food list must meet the whole grain requirements in Table 4. Certain corn and rice-based cereals may be offered to participants with allergies to whole grains.</p>	<p>Required since Interim Rule.</p>		<p>N</p>	<p>N/A</p>	<p>N/A</p>	<p>2009</p>	

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Final rule clarifies that a fruit or vegetable must be listed as the first ingredient in WIC-eligible jarred infant food.	5/5/14/ no later than 10/1/14		N	N/A	N/A	N/A	
Substitute fresh banana for 4 oz of jarred infant food in FP II & III for infants 6-12 mos. of age.	5/5/14	N	N	N/A	N/A	N/A	
CVV for purchase of fresh F/V in lieu of infant foods fruits and vegetables provided in FP II & III based upon a thorough individual assessment conducted by CPA, *see rule for more education requirements and white potatoes in jarred infant foods.		Y	Y	Food Package II/III policy	TBD	4/2015	
Partially breastfed and fully formula fed infants may opt to receive \$4 CVV + 64 oz of infant food fruits and vegetables.		Y	Y	Food Package II/III policy	TBD	4/2015	
Fully breastfed infants may receive an \$8 CVV + 128 oz of infant food fruits and vegetables.		Y	Y	Food package II/III policy	TBD	4/2015	
Maximum monthly allowance of infant formula & liquid concentrate infant formula as specified in the Interim and Final rule are identified by SA per 7 CFR 246.10(e) Table 1.	5/5/14/ no later than 10/1/14		N	N/A	N/A	N/A	

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Form and requirements per 7CFR 246.10(d).	Required since Interim Rule		N	N/A	N/A	2009	
Milk alternatives: CPA may determine & document need for tofu & soy-based beverage as a milk substitute for <b>children</b> .	State option 5/5/14/ If invoke milk alternatives <b>must</b> implement no earlier than 10/1/14		Y	Milk and Milk Alternatives Policy	9/2014	10/1/2014	
Milk alternatives: CPA may determine & document need for tofu & soy-based beverage as a milk substitute for <b>women</b> .			N	N/A	N/A	2009	
Food Package III: medical provider can make a referral to the WIC registered dietitian and/or qualified nutritionist for identifying appropriate supplemental foods and their prescribed amounts, as well as the length of time the supplemental foods are required by the participant, with the referral acknowledged on the medical documentation form.	State option 5/5/14/ no later than 10/1/14		TBD	TBD	TBD	TBD	

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At least two of the below options must be authorized by the SA:	Since Interim rule						
Canned light tuna		Y	N	Food Package VII Policy	N/A	2009	
Canned salmon		Y	N	Food Package VII Policy	N/A	2009	
Canned sardines	5/5/14	N	N	N/A	N/A	N/A	
Canned jack mackerel (King mackerel not authorized)		N	N	N/A	N/A	N/A	
Canned fish with added sauces and flavorings (e.g. tomato sauce, mustard, and lemon) are authorized.		N	N	N/A	N/A	N/A	
Children and women with qualifying conditions who require the use of a WIC formula (infant formula, exempt infant formula, or WIC-eligible nutritional) receive FP III.	Required since Interim Rule		N	N/A	N/A	2009	
See above for infant foods in lieu of CVV		Y	Y	Food Package III Policy	TBD	4/2015	
Children- Maximum substitution of 128 oz. of jarred fruits or vegetables for \$8 CVV.	5/5/14	Y	Y	Food Package III Policy	TBD	4/2015	
Women- maximum substitution of 160 oz. of infant food fruits and vegetables for \$10 CVV.		Y	Y	Food Package III Policy	TBD	4/2015	
Medical documentation is required as part of the determination to issue jarred infant foods to children or women in lieu of CVV.	5/5/14		Y	Food Package III Policy	TBD	4/2015	

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Infant formula is now an authorized type of formula in FP III. Medically fragile infants 6-12 months of age may receive additional infant formula, exempt infant formula, or WIC-eligible nutritional in lieu of infant foods at the same maximum monthly allowance as infants 4-6 months with medical documentation.	5/5/14	Y	Y	Food Package III Policy	TBD	4/2015	
7 CFR 246.10(b)(1)	5/5/14 / no later than 10/1/14		N	N/A	N/A	N/A	
Cultural Food Package Proposal	N/A	N	N	N/A	N/A	N/A	
All authorized vendors must stock at least two DIFFERENT fruits and two DIFFERENT vegetables.	Clarified Requirement since Interim Rule / No later than 10/1/14		N	N/A	N/A	2009	

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