



COVID-19 Response: Delivering Food to Vulnerable Individuals in Mississippi

July 14, 2020

As increased COVID-19 cases have accompanied Mississippi's reopening, health officials continue to advise vulnerable individuals, such as seniors and those with serious underlying health conditions, to stay at home.¹ To help those who are unable to go to stores purchase and obtain their food, many restaurants and grocery stores are offering home delivery. While ordering food and having it delivered generally does not pose a problem for those with stable incomes in urban neighborhoods, low-income individuals and families need free or low-cost home food delivery options. Many of the estimated 1 in 6 Americans who require emergency food assistance as a result of the pandemic² also need access to food delivery for their own health and for the health of their communities. Compounding the issue further, delivery options in rural communities can be hard to come by.

Mississippi has a vested interest in making it easy for vulnerable people to stay at home and avoid crowded grocery stores. There are ways for policymakers, individuals, and community organizations to ensure that the nutritional needs of vulnerable Mississippians are met during this time. This Issue Brief outlines opportunities to provide home food delivery to low-income households in Mississippi.

Supplemental Nutrition Assistance Program (SNAP)

SNAP provides low-income households with benefits that can be exchanged for foods at authorized retailers. SNAP is the largest food assistance program in the United States and in 2020, prior to the COVID-19 outbreak, it was supporting approximately 36 million people per month, including almost 424,000 Mississippi residents.³

Prior to 2014, SNAP benefits could not be used for online purchases. The 2014 Farm Bill authorized a pilot program for online SNAP redemption, though the pilot did not launch until late 2019.⁴ Although USDA had not yet implemented the pilot program at the time, Congress authorized a full rollout of SNAP for online retailers in the 2018 Farm Bill.⁵ While the pilot program initially launched with only five states, USDA has quickly approved more states for online SNAP redemption as part of its COVID-19 response. As of the time of this writing, 40 states currently participate in the online purchasing pilot and 4 states, including Mississippi, are in the planning phase.⁶ In participating states, SNAP individuals and households can use their EBT cards to order food online from approved retailers. They can then arrange to have their online orders delivered to their homes, although SNAP benefits cannot be used to pay for delivery or other service fees.⁷ The Mississippi Department of Human Services (MDHS) website states that a target start date for online purchasing by SNAP households will be determined soon, though the only approved retailers for Mississippi are Walmart and Amazon.⁸

Unfortunately, delivery fees can be cost-prohibitive to households trying to reap the full benefit of the SNAP online purchasing program and avoid unnecessary exposure to other people during the pandemic. Amazon and Walmart only waive delivery fees in specific situations. For Amazon, orders typically must be \$35 or greater to

qualify for free delivery.⁹ Walmart only waives grocery delivery fees through its Delivery Unlimited service, which requires customers to pay a flat charge of either \$12.95 monthly or \$98 annually.¹⁰ Otherwise, Walmart customers typically pay a grocery delivery fee of \$7.95 to \$9.95 per order.¹¹ These delivery fees can accumulate quickly, making grocery delivery inaccessible to some during a time when it is a necessity.

Community-based organizations are poised to play an important advocacy role in providing affordable home delivery to vulnerable residents. For example, in response to the launch of the SNAP online purchasing pilot in New York, the national nonprofit Enterprise Community Partners and a group of residents in New York City Housing Authority's Farragut Houses, many of whom qualify for SNAP, created the Farragut Food Club.¹² In addition to collectively purchasing groceries online at Amazon with SNAP dollars, the group was able to persuade Amazon to waive membership fees and grocery delivery minimums for program participants.¹³ Collective advocacy from community-based organizations may compel retailers to reduce delivery fees or minimum purchase thresholds within acutely impacted regions in Mississippi.

In addition to the financial strain that delivery fees pose, the limited home delivery radius of Amazon and Walmart presents a roadblock for SNAP participants in many rural areas of the state, including the Delta region. Even though all three of Amazon's grocery services, Amazon Fresh, Amazon Pantry, and Amazon.com groceries, are available for purchase with an EBT card in most participating states, they are not all available in Mississippi and customers in the Delta region will only reap a fraction of the home delivery benefits once Mississippi get its online SNAP purchasing pilot fully up and running.¹⁴ This is because Amazon's most nutritious grocery service—Amazon Fresh, which offers produce, meat, and other perishable grocery items—is only available in select regions and currently does not appear to deliver within Mississippi at all.¹⁵ Delta customers are thus only able to receive home delivery of SNAP-eligible items through Amazon Pantry and Amazon.com groceries, which offer just shelf-stable, packaged foods that ship like any other Amazon package.¹⁶

Walmart's grocery service is also limited in the Delta region, but unlike Amazon, it appears to offer some home delivery of fresh produce and perishable goods. Due to the position of its supercenters, Walmart has an advantage over Amazon, which has only placed its Amazon Fresh warehouses in a handful of markets.¹⁷ Several Walmart stores in the Mississippi Delta only offer a "pay at pickup option" on grocery items, but the following stores also offer delivery for online purchases: Greenville, Southaven, Horn Lake, Olive Branch, and Hernando.¹⁸ Once Mississippi moves from the planning phase to participating in the online SNAP purchasing pilot, DeSoto County and Greenville residents will likely have an option for home delivery of their SNAP-eligible groceries through Walmart. Unfortunately, Delta residents in other areas do not have a home delivery option and must instead pick up groceries at the store after purchasing them online.

- **Mississippi community-based organizations, alongside state policymakers, should coordinate advocacy to encourage Amazon and Walmart to waive delivery fees, reduce delivery minimums, and, in the case of Walmart, expand grocery delivery services to increase home delivery access for SNAP participants.**
- **Mississippi community-based organizations should provide funds to subsidize delivery fees for SNAP participants in their area.**
- **To reduce reliance on Amazon and Walmart, Mississippi—through MDHS or the Department of Agriculture and Commerce—should provide technical assistance and/or funding incentives to help other SNAP-authorized retailers add the tech capabilities and equipment necessary to process online SNAP purchases.**

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

WIC provides federal block grants to states to provide certain nutritious foods, nutrition education, and referrals to welfare and social services to low-income women and young children.¹⁹ WIC served 6.4 million participants, including nearly 80,000 Mississippi residents, per month in 2019.²⁰ WIC participants use their program benefits to obtain certain WIC-eligible foods, such as milk, eggs, fruits and vegetables, and breakfast cereal.²¹ Federal regulations grant WIC state agencies the ability to deliver nutrition assistance to program participants via retail distribution, direct distribution from WIC warehouses, and home delivery, however, nearly all states rely exclusively on retail distribution where participants pay using EBT cards (“eWIC”).²² Federal law does not allow for WIC participants to redeem their benefits online, but those with eWIC cards can utilize the “curbside pick-up” or “pay at pick-up” method offered at some stores, which allows customers to pre-order groceries online and pay at the time that they pick up groceries from the store.

Mississippi is the only state that relies entirely on the direct distribution method.²³ Under this method, program participants pick up approved supplemental foods from the WIC warehouse in their county. Mississippi is preparing to transition from direct distribution to retail distribution because federal laws require states to implement eWIC for retail transactions by October 1, 2020.²⁴ The Mississippi Department of Health announced in December 2019 that it would begin to close its WIC distribution warehouses and shift to distributing WIC benefits solely via EBT cards for use at retail stores in 2020.²⁵ This transition means that participants will be able to purchase WIC-approved items at qualifying grocery stores and pharmacies using their eWIC card.²⁶

Despite the quickly approaching October 2020 deadline, progress on the transition to eWIC has been slow in the first half of 2020. As of March 2020, the Mississippi Department of Health announced that the WIC distribution warehouses would remain open amid the COVID-19 outbreak with the constraint that only two clients would be allowed inside at a time.²⁷ Each month Mississippi serves approximately 80,000 WIC participants across its 95 distribution centers, so limiting capacity to two people creates a severe bottleneck that underscores the necessity of building out the state’s home delivery capabilities.²⁸ Given that these warehouses are still operational and the WIC transition is scheduled to first pilot in Forrest and Lauderdale counties, which are outside of the Delta region, eWIC is unlikely to fully roll out across the Mississippi Delta until 2021.²⁹

Fortunately, this slow roll-out is a surmountable challenge because eWIC is not the only solution that Mississippi can use to reduce in-person grocery shopping for its most vulnerable residents. USDA regulations expressly provide that WIC state agencies can contract with “home food delivery contractors,” defined under WIC regulations broadly as business entities that contract with state agencies to deliver authorized supplemental foods.³⁰ By contracting to have some WIC food packages delivered to WIC participants’ homes, Mississippi could further safeguard the health of its most vulnerable WIC participants.³¹ To implement WIC home delivery, Mississippi can model Vermont’s former system, which employed a private company to provide biweekly deliveries and utilized “proof of delivery” forms to keep records of what deliveries were made and to whom.³²

- **The Mississippi Department of Health should contract with businesses or qualifying community organizations to deliver WIC food packages to vulnerable WIC participants’ homes.**

Child and Adult Care Food Program (CACFP)

CACFP provides federal reimbursement for meals and snacks supplied to eligible children and adults at childcare and adult day care centers, as well as for meals served to children at afterschool programs and emergency shelters.³³ CACFP served nearly 4.3 million children and adults, including 52,000 Mississippians, on average per day in 2019.³⁴ The program generally requires that meals funded through CACFP must be provided on-site at the eligible care centers, although Congress and USDA issued a number of nationwide waivers to these and other

requirements in response to COVID-19.³⁵ One such waiver is the parent pick-up waiver, which allows parents or guardians to pick up meals for their children without the child present at the time of pick-up because it may be unsafe or impractical to bring children to CACFP sites.³⁶

The Mississippi Department of Education (MDE) Office of Child Nutrition (OCN) has issued guidance to CACFP sponsors regarding the nationwide CACFP waivers.³⁷ While the guidance explains that CACFP programs may provide grab-and-go meals even when their facilities are closed, it does not address the parent pick-up waiver.³⁸ Implementing parent pick-up will increase the efficacy of using the CACFP grab-and-go meal distribution model.

- **OCN should issue guidance to CACFP sponsors instructing them that they can allow parents to pick up meals without their children present.**

The Emergency Food Assistance Program (TEFAP)

In the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Congress provided The Emergency Food Assistance Program (TEFAP) with \$850 million in additional funds,³⁹ more than tripling the \$322.3 million already appropriated for the program in 2020.⁴⁰ Through TEFAP, USDA buys surplus commodities from producers and distributes them to state TEFAP agencies. Those state agencies, in turn, pass the commodities on to local Emergency Feeding Organizations (EFOs)—most commonly food banks—which distribute them to community organizations combating hunger.⁴¹ In Mississippi, MDHS provides TEFAP foods to the Mississippi Food Network.⁴² The Mississippi Food Network then distributes foods to its 430 member agencies, including food pantries, soup kitchens, homeless shelters, and other charities, which in turn distribute the foods to individual households throughout the state.⁴³

In addition to providing in-kind food donations to states, TEFAP also provides administrative funds to states that can be used for storing and distributing TEFAP food.⁴⁴ States can use these administrative funds to contract with for-profit companies to provide home delivery of TEFAP foods to low-income recipients.⁴⁵ If the state is not already leveraging its funds to provide home delivery,⁴⁶ Mississippi is missing an opportunity to strengthen the safety net of TEFAP food assistance and to support the distribution efforts of overburdened local emergency feeding organizations.

- **To increase the reach of the state’s Emergency Feeding Organizations, MDHS should contract with delivery companies to deliver TEFAP foods to households throughout the state. To do so, MDHS should submit a State Plan amendment to the FNS Regional Office for expedited review.⁴⁷**
- **Alternatively, MDHS might permit Emergency Feeding Organizations to contract with local delivery companies directly to distribute food using TEFAP administrative funds. MDHS should contact its FNS Regional Office to determine whether a State Plan amendment is necessary to implement this flexibility and to ensure EFOs can enter such contracts without further state oversight.**

Home Delivered Meals to Seniors

Through the Nutrition Program of the Older Americans Act, the federal Administration for Community Living (ACL) Administration on Aging (AoA) provides grants to states to support local organizations in providing nutrition services to elderly Americans.⁴⁸ Among other services, the Nutrition Program supports “congregate nutrition services,” in which meals are served to seniors in a variety of group settings, and “home-delivered nutrition services” (commonly known as “meals on wheels”), in which meals are delivered directly to homebound individuals.⁴⁹ The Nutrition Program received \$720 million in supplemental funding from the Families First Act and the CARES Act, in addition to the \$937 million already appropriated for the program in 2020.⁵⁰

On April 5, 2020, President Trump approved a “major disaster declaration” for Mississippi.⁵¹ Under the Older Americans Act, a major disaster declaration for a state gives that state the authority to use any portion of their Older Americans Act funding on disaster relief for older individuals.⁵² According to ACL guidance, this means that state agencies such as the MDHS Division of Aging and Adult Services (DAAS) automatically have the flexibility to, for example, use funds originally designated under Title III-B for development of “State Units on Aging” instead providing drive-through, take-out, or home-delivered meals.⁵³

DAAS has already announced that its Home-Delivered Meals will continue uninterrupted, and its congregate meals programs have been suspended, with the meals converted to shelf-stable and frozen foods for home delivery.⁵⁴ DAAS can go a step further and divert all funding for congregate meals, as well as for other programs that are infeasible during the COVID-19 emergency, to providing funds to local organizations for home-meal delivery.

- **The DAAS should shift any of its unspent Older Americans Act funding, including the supplemental funding it has received during COVID-19, to providing more funding for home-meal delivery services.**

Disaster Household Distribution Program

The USDA’s Disaster Household Distribution (DHD) program allows states that are experiencing Presidentially-declared disasters or emergencies to authorize Emergency Feeding Organizations (EFOs), such as the Red Cross and food banks, to distribute boxes of the state’s existing inventories of USDA-purchased foods directly to households.⁵⁵ The foods distributed under DHD come from state warehouses storing foods originally intended for other nutrition assistance programs, such as the National School Lunch Program (NSLP) and TEFAP.⁵⁶ Typically, EFOs request food through State agencies, which in turn make a request to the USDA’s Food and Nutrition Service (FNS) for approval to use DHD.⁵⁷ In March, USDA issued guidance explaining that states must submit plans to FNS explaining the scope of the program and how the program target high need areas where “traditional channels of food are unavailable and not being replenished on a regular basis.”⁵⁸

Mississippi, as with all other states in the U.S., is under a major disaster declaration. Thus, local EFOs can ask MDHS to apply to use DHD to distribute foods to vulnerable households. At the time of this writing, USDA had approved 21 states’ requests, in addition to requests from Guam and multiple Tribal Governments, to use DHD. For example, Louisiana’s Department of Agriculture and Forestry received approval to use DHD through July 2.⁵⁹ That approval allowed a network of five food banks to distribute USDA foods from TEFAP to approximately 600,000 individuals throughout the state at fifty distribution sites.⁶⁰ Mississippi is one of the states that still has not sought approval from USDA for a targeted DHD program, thus placing its vulnerable residents at greater risk now that traditional channels of food are unavailable.

- **Emergency Feeding Organizations in Mississippi, such as the Mississippi Food Network, should contact MDHS to request that the State agency apply to USDA for approval to use DHD.**
- **MDHS should provide guidance to the state’s Emergency Feeding Organizations regarding DHD and whether the state has any available stores of USDA foods.**

Meal Delivery Innovation in Other States

Mississippi is not the only state facing the challenge of home delivery to vulnerable populations and can turn to successful innovations in other states for inspiration. To deliver meals to its residents during the pandemic, Pennsylvania turned to the disaster relief organization Operation BBQ, which produced family-sized meals to feed those in need through the mobilization of shuttered restaurants, available restaurant workers, and available commercial sized food product.⁶¹ Through a partnership with the Salvation Army and Operation BBQ Relief, Pennsylvania’s emergency Feeding Task Force distributed 720,000 meals across the state over the course of four weeks.⁶² Additionally, the state’s Feeding Task Force has coordinated the delivery of nearly 683,000

meals with the National Guard, who transported these meals “to charitable food networks and feeding programs, including home-delivered meal programs for seniors and food pantries[.]”⁶³

Other states have used emergency public assistance funds to deliver food to vulnerable populations. California launched the Great Plates Delivered program to support local restaurants and also deliver three meals per day to adults 65+ and high-risk adults between 60-64.⁶⁴ Federal Emergency Management Agency (FEMA) funds cover 75% of the program costs and the state covers a majority of the remaining share.⁶⁵ The program reimburses participating restaurants at rates up to \$16 for each breakfast, \$17 for each lunch and \$28 for each dinner.⁶⁶ Through this innovative program’s use of FEMA funds, vulnerable seniors across California are able to receive three prepared meals daily and restaurants have been able to rehire and retain employees. Mississippi could similarly deploy state funds to support innovative public-private partnerships through the ongoing work of local feeding organizations or could leverage FEMA funds to support the launch of a program delivering meals to vulnerable populations.

- **Mississippi policymakers should work with the Mississippi Emergency Management Agency and FEMA’s Office of the Regional Administrator for Region IV to explore opportunities to leverage FEMA funds to support feeding programs for Mississippi vulnerable populations.**⁶⁷

Additional Resources

- **The USDA Food and Nutrition Service website “FNS Response to COVID-19” provides up-to-date guidance on available programs and waivers for nutrition assistance programs: fns.usda.gov/disaster/pandemic/covid-19.**
- **Feeding America has provided a list of ways that individuals can assist food banks during COVID-19, including in-person and at home: <https://www.feedingamerica.org/hunger-blog/want-help-food-banks-during-pandemic-heres-how>.**

Acknowledgments

This report was written by Emily Broad Leib, Suzanne Donahue, Emma Scott, and Bridgette Slater of the Harvard Law School Food Law & Policy Clinic. Published in partnership with the Delta Directions Consortium.

The ideas expressed in this Brief are those of the authors and do not necessarily reflect Delta Directions as a whole or its partner organizations.

ENDNOTES

- ¹ See *U.S. States Backtrack on Reopening as Coronavirus Cases Climb*, NEW YORK TIMES (JUNE 27, 2020), <https://www.nytimes.com/2020/06/27/world/coronavirus-updates.html#link-2c676fea>; Miss. Exec. Order No. 1492 (May 27, 2020); see also *Governor Tate Reeves Announces Safe Return for Mississippi in Final Stages of Reopening Economy*, MISS. GOVERNOR TATE REEVES PRESS OFFICE (May 27, 2020), <https://mailchi.mp/d35bf0719795/governor-tate-reeves-announces-safe-return-for-mississippi-in-final-stages-of-reopening-economy?e=af2ac1b3c1%20>.
- ² See Paul Morello, *The First Months of the Food Bank Response to COVID, by the Numbers*, FEEDING AMERICA (May 15, 2020), <https://www.feedingamerica.org/hunger-blog/first-months-food-bank-response-covid-numbers>.
- ³ See U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: NUMBER OF PERSONS PARTICIPATING (2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/29SNAPcurrPP-5.pdf>.
- ⁴ Agricultural Act of 2014, P.L. 113-79 § 4011(b) (codified at 7 U.S.C. 2016(k)).
- ⁵ Agricultural Improvement Act of 2018, P.L. 115-334 § 4001 (codified at 7 U.S.C. 2016(k)).
- ⁶ See *FNS Launches the Online Purchasing Pilot*, U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., <https://www.fns.usda.gov/snap/online-purchasing-pilot> (last visited Jul. 12, 2020).
- ⁷ *Id.*
- ⁸ See *USDA Approves Mississippi for Online Food Purchase Program for SNAP Recipients*, MISS. DEP'T OF HUMAN SERV., <https://www.mdhs.ms.gov/usda-approves-mississippi-for-online-food-purchase-program-for-snap-recipients/> (last visited Jul. 13, 2020).
- ⁹ See *Amazon SNAP and Sign-up FAQs*, AMAZON, <https://www.amazon.com/b?ie=UTF8&node=20234203011> (last visited Jun. 24, 2020).
- ¹⁰ See Hayley Peterson, *Walmart shoppers can now get unlimited grocery deliveries from 1,400 stores nationwide for a \$98 fee*, BUSINESS INSIDER (Nov. 5, 2019), <https://www.businessinsider.com/walmart-unlimited-grocery-delivery-98-2019-9>.
- ¹¹ *Id.*
- ¹² See *What More States Allowing SNAP Recipients to Buy Food Online Means for Food Security*, CIVIL EATS, <https://civileats.com/2020/04/13/what-more-states-allowing-snap-recipients-to-buy-food-online-means-for-food-security/> (last visited Jun. 27, 2020).
- ¹³ See *id.*
- ¹⁴ See *Amazon SNAP and Sign-up FAQs*, AMAZON, <https://www.amazon.com/b?ie=UTF8&node=20234203011> (last visited Jun. 24, 2020).
- ¹⁵ Although Amazon Prime customers in Jackson reportedly could access same-day grocery delivery from Whole Foods starting last year, see Wilson Stribling, *Whole Foods now delivering in the Jackson area through Amazon Prime Now*, WLBT3 (May 1, 2019), <https://www.wlbt.com/2019/05/01/whole-foods-now-delivering-jackson-area-through-amazon-prime-now/>, we tested multiple Mississippi zip-codes on the Amazon Fresh website and none showed as areas with delivery service available, see AMAZON FRESH, <https://www.amazon.com/amazonfresh> (last visited Jun. 27, 2020).
- ¹⁶ See *Amazon SNAP and Sign-up FAQs*, AMAZON, <https://www.amazon.com/b?ie=UTF8&node=20234203011> (last visited Jun. 24, 2020).
- ¹⁷ See Krzysztof Willman, *55 Facts About Amazon Fresh Grocery Delivery*, DELISHABLY (Jan. 22, 2020), <https://delishably.com/food-industry/amazon-fresh-50-facts-about-amazons-online-grocery-store>.
- ¹⁸ See Tom Ward, Senior Vice President, Customer Product, *Customers Using SNAP Benefits Have More Ways to Shop*, WALMART (Apr. 13, 2020), <https://corporate.walmart.com/newsroom/2020/04/13/customers-using-snap-benefits-have-more-ways-to-shop>; WALMART GROCERY, <https://grocery.walmart.com/> (last visited on Jun. 24, 2020).
- ¹⁹ See 42 U.S.C. § 1786 (2020); *About WIC - WIC at a Glance*, U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV. (Oct. 10, 2013), <https://www.fns.usda.gov/wic/about-wic-wic-glance>.
- ²⁰ See U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., WIC PROGRAM: TOTAL PARTICIPATION (2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/26wifypart-5.pdf>.
- ²¹ See *WIC Food Packages – Regulatory Requirements for WIC-Eligible Foods*, U.S. DEP'T OF AGRIC., FOOD AND NUTRITION SERV. (Nov. 27, 2013), <https://www.fns.usda.gov/wic/wic-food-packages-regulatory-requirements-wic-eligible-foods>.
- ²² See 7 C.F.R. § 246.12(b) (“The State agency may operate up to four types of food delivery systems under its jurisdiction—retail, home delivery, direct distribution, or EBT”); VICTOR OLIVEIRA & ELIZABETH FRAZAO, *THE WIC PROGRAM: BACKGROUND, TRENDS, AND ECONOMIC ISSUES 10* (2015), https://www.ers.usda.gov/webdocs/publications/43925/50999_eib134.pdf?v=0.
- ²³ As of 2015, direct distribution was used in Mississippi and Illinois. See VICTOR OLIVEIRA AND ELIZABETH FRAZAO, *THE WIC PROGRAM: BACKGROUND, TRENDS, AND ECONOMIC ISSUES 10* (2015), https://www.ers.usda.gov/webdocs/publications/43925/50999_eib134.pdf?v=0.
- ²⁴ See 42 U.S.C. § 1786(h)(12)(B)(i).
- ²⁵ See *Mississippi will phase out warehouses for nutrition program*, WLBT3 (Dec. 25, 2019), <https://www.wlbt.com/2019/12/25/mississippi-will-phase-out-warehouses-nutrition-program/>.
- ²⁶ See *WIC Benefits Soon Available Through EBT Cards in Selected Counties*, MISS. DEP'T OF HEALTH (May 29, 2020), https://msdh.ms.gov/msdhsite/_static/23,22109,341.html.
- ²⁷ See *MSDH Announces Operations Changes Amid COVID-19 Outbreak*, MISS. DEP'T OF HEALTH (Mar. 17, 2020), https://msdh.ms.gov/msdhsite/_static/23,21845,341.html.

- ²⁸ See *Mississippi WIC Receives Additional Funding Amid Federal Shutdown*, MISS. DEP'T OF HEALTH (Jan. 16, 2019), https://msdh.ms.gov/msdhsite/_static/23,20565,341.html; U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., WIC PROGRAM: TOTAL PARTICIPATION (2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/26wifypart-5.pdf>.
- ²⁹ See *WIC Benefits Soon Available Through EBT Cards in Selected Counties*, *supra* note 26.
- ³⁰ See 7 C.F.R. § 246.2. The Vermont WIC agency, which used WIC home food delivery in some areas of the state until 2016, employed a private company to provide biweekly deliveries and utilized “proof of delivery” forms to keep records of what deliveries were made and to whom. See HARVARD HEALTH LAW & POLICY CLINIC & HARVARD MISS. DELTA PROJECT, MISSISSIPPI WIC FOR THE 21ST CENTURY 8 (2011), <https://www.chlpi.org/wp-content/uploads/2013/12/WIC-FINAL.pdf>.
- ³¹ See HARVARD HEALTH LAW & POLICY CLINIC & HARVARD MISS. DELTA PROJECT, *supra* note 30.
- ³² See *id.*
- ³³ 42 U.S.C. § 1766 (2020).
- ³⁴ See *Child and Adult Care Food Program: Average Daily Attendance*, U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV. (May 8, 2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/12ccfypart-5.pdf>.
- ³⁵ See, e.g., Families First Coronavirus Response Act, P.L. 116-127 (2020), § 2202(b), (c); see e.g., U.S. DEP'T OF AGRIC., NATIONWIDE WAIVER TO ALLOW MEAL PATTERN FLEXIBILITY IN THE CHILD NUTRITION PROGRAMS – EXTENSION #4 (Jun. 25, 2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/COVID-19MealPatternNationwideWaiverSY20-21s.pdf>.
- ³⁶ See *COVID-19 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children*, U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV. (Apr. 23, 2020), <https://www.fns.usda.gov/cn/covid-19/parents-and-guardians-waiver>; U.S. DEP'T OF AGRIC., NATIONWIDE WAIVER TO ALLOW PARENTS AND GUARDIANS TO PICK UP MEALS FOR CHILDREN – EXTENSION #2 (Jun. 25, 2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/COVID-19ParentPickupNationwideWaiverSY20-21s.pdf>.
- ³⁷ Scott Clements, *Waivers for CACFP During the Unanticipated School Closures due to COVID-19*, MISS. DEP'T OF EDUC. (Apr. 7, 2020), <https://www.mdek12.org/sites/default/files/documents/OCN/CACFP/cacfp-covid-instructions-final.pdf>.
- ³⁸ Notably, the parent pick-up waiver also applies to the Summer Food Service Program (SFSP), and OCN has issued instructions permitting SFSP sites to allow parent pick-up if they first submit an implementation plan and receive approval from OCN. See Scott Clements, *Implementing New Waivers Memo*, MISS. DEP'T. OF EDUC. (Apr. 13, 2020), <https://www.mdek12.org/sites/default/files/documents/OCN/implementing-new-waivers-patternflex-parentpickup-04132020-covid-19.pdf>.
- ³⁹ The Families First Act provided \$400 million of additional funds to TEFAP, see Families First Coronavirus Response Act, P.L. 116-127 (2020), Tit. 1., and the CARES Act provided \$450 million, see Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), Division B. Tit. 1.
- ⁴⁰ Kara Clifford Billings, *CRS Report No. R45408, The Emergency Food Assistance Program (TEFAP): Background and Funding*, CONG. RES. SERV. (Jan. 8, 2020), <https://fas.org/sgp/crs/misc/R45408.pdf>.
- ⁴¹ *Id.*
- ⁴² *Assistance*, MISS. DEP'T OF HUM. SERV. (2020), <https://www.mdhs.ms.gov/families/>.
- ⁴³ *About Us*, MISS. FOOD NETWORK, <https://www.msfoodnet.org/about-us/> (last visited Jun. 27, 2020).
- ⁴⁴ 7 U.S.C. § 7508(a)(1) (2020).
- ⁴⁵ 7 C.F.R. § 250.4(c); see also *Questions and Answers Related to COVID-19 and the Emergency Food Assistance Program (TEFAP) (Question #9)*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV. (May 22, 2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/Policy%20Memorandum%20--%20FD-149%20TEFAP%20COVID-19%20Questions%20and%20Answers%20Memo%20%28002%29.pdf>.
- ⁴⁶ We were unable to find a copy of Mississippi's State Plan to determine whether the state already employs this flexibility.
- ⁴⁷ *Questions and Answers Related to COVID-19 and the Emergency Food Assistance Program (TEFAP)*, *supra* note 45.
- ⁴⁸ See 42 U.S.C. §§ 3030d-21 — 3030g-23; see also *Nutrition Services*, ADMIN. FOR COMM. LIVING (Apr. 30, 2020), <https://acl.gov/programs/health-wellness/nutrition-services>.
- ⁴⁹ See *id.*; see also Kirsten J. Colello, IF 10633, *Older Americans Act: Nutrition Services Program*, CONG. RES. SERV. (May 4, 2020), <https://crsreports.congress.gov/product/pdf/IF/IF10633>.
- ⁵⁰ Kirsten J. Colello, *supra* note 49.
- ⁵¹ *President Donald J. Trump Approves Major Disaster Declaration for Mississippi*, FED. EMERGENCY MGMT. AGENCY (Apr. 5, 2020), <https://www.fema.gov/news-release/2020/04/05/president-donald-j-trump-approves-major-disaster-declaration-mississippi>. As
- ⁵² See 42 U.S.C. § 3030; Kirsten J. Colello, IN11266, *Senior Nutrition Programs' Response to COVID-19*, CONG. RES. SERV. (Apr. 1, 2020), <https://crsreports.congress.gov/product/pdf/IN/IN11266>.
- ⁵³ See FED. ADMIN. FOR COMM. LIVING, *OLDER AMERICANS ACT DISASTER RELIEF 1* (Mar. 16, 2020); see also 42 U.S.C. § 3030; Kirsten J. Colello, IN11266, *Senior Nutrition Programs' Response to COVID-19*, CONG. RES. SERV. (Apr. 1, 2020), <https://crsreports.congress.gov/product/pdf/IN/IN11266>.
- ⁵⁴ *MDHS COVID-19 Updates*, MISS. DEP'T OF HUM. SERV., <https://www.mdhs.ms.gov/covid-19-updates/> (last visited May 29, 2020); see also *MDHS Works to Continue Services During COVID-19 Crisis*, MISS. DEP'T OF HUM. SERV. (Mar. 18, 2020), <https://www.mdhs.ms.gov/mdhs-works-to-continue-services-during-covid-19-crisis/>.

⁵⁵ See 7 C.F.R. §250.69; see also U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., FNS USDA FOODS PROGRAM DISASTER MANUAL 25 (2017), <https://fns-prod.azureedge.net/sites/default/files/fdd/disaster-manual.pdf> ; *USDA Foods During Disaster*, U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., OFF. OF EMERGENCY MGMT. (Sept. 23, 2013), <https://www.fns.usda.gov/disaster/usda-foods-during-disaster>.

⁵⁶ See *USDA Foods During Disaster*, *supra* note 55.

⁵⁷ See *id.*

⁵⁸ U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP) FLEXIBILITIES FOR STATE AGENCIES (Mar. 30, 2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/TEFAP%20Flexibilities%20and%20DHD%20One-Pager.pdf>.

⁵⁹ U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., REVISION APPROVAL OF DISASTER HOUSEHOLD DISTRIBUTION IN RESPONSE TO THE NATIONAL EMERGENCY DECLARATION DUE TO COVID-19 (2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/SWRO-Louisiana-COV-DHD-Revision-Final-Approval.pdf>.

⁶⁰ U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., APPROVAL OF DISASTER HOUSEHOLD DISTRIBUTION IN RESPONSE TO THE NATIONAL EMERGENCY DECLARATION DUE TO COVID-19 1 (2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/LA-FD-COV-DHHD-Approval.pdf>.

⁶¹ See *Actions Taken to Address COVID-19 Related Food Insecurity*, PENN. DEP'T OF AGRIC. (2020), https://www.agriculture.pa.gov/Food_Security/Pages/Actions.aspx.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ See CAL. GOV. OFFICE OF EMERGENCY SERV., GREAT PLATES DELIVERED PROGRAM GUIDANCE (2020). <https://files.covid19.ca.gov/pdf/wp/great-plates-delivered-program-guidance.pdf>.

⁶⁵ See *id.*

⁶⁶ See *Coronavirus: Newsom announces program for local eateries to prepare, deliver meals to seniors amid COVID-19 pandemic*, ABC7 EYEWITNESS NEWS (Apr. 24, 2020), <https://abc7.com/california-senior-meal-home-delivery-program-fema-partnership-governor-gavin-newsom/6127425/>.

⁶⁷ See *Region IV: AL, FL, GA, KY, MS, NC, SC, TN*, FED. EMERGENCY MGMT. AGENCY, <https://www.fema.gov/region-iv-al-fl-ga-ky-ms-nc-sc-tn> (last visited Jul. 12, 2020).