



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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**DATE:** August 17, 2012

**MEMO CODE:** SP 41-2012, SFSP 15- 2012: REVISED

**SUBJECT:** 2012 Waiver of Congregate Feeding Requirement for Outdoor Feeding Sites Experiencing Extreme Heat

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

This memorandum establishes a waiver of the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) congregate feeding requirement for approved outdoor sites without temperature controlled alternative sites on days when the area is experiencing severe temperatures. This waiver is retroactive to May 1, 2012, and will remain in effect through September 30, 2012.

A similar waiver was issued in 2011 (*Waiver of Congregate Feeding Requirement for Outdoor Feeding Sites Experiencing Extreme Heat, August 11, 2011*). That waiver expired September 30, 2011, but the extreme weather conditions experienced again in 2012 have warranted the establishment of another waiver of the congregate feeding requirement for 2012.

The congregate feeding requirement (7 CFR §225.6(e)(15)) is waived only on days when the National Weather Service (NWS) has issued a Heat Advisory, an Excessive Heat Warning, or an Excessive Heat Watch for the area in which the outdoor site is located. Outdoor sites must comply with the congregate meal requirements on all other approved days of operation. This waiver is intended to allow summer operators to maintain service to children who would otherwise lose access to meals in circumstances when excessive heat makes operation of congregate feeding impracticable.

Requirements pertaining to the number and type of meals that may be served each day as established by 7 CFR §225.16(b) continue to apply. Only one meal may be provided to each child present at the meal site. Meals may not be provided to adults or other children to take to children not present at the site. All meal counting, claiming, and State and sponsor monitoring and oversight requirements continue to apply.

Regional Directors  
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Sponsors must notify States before utilizing the option. If a sponsor chooses to utilize the waiver, the sponsor must maintain documentation and records for the purpose of tracking meals taken offsite. Under Part 34 of the form FNS-418, Summer Food Service Program for Children, States must indicate the number of days the waiver was used, and the meal counts for meals taken offsite.

Sponsors must continue to provide all required components of a reimbursable meal. Because meals will be consumed off site and possibly at a later time, sponsors should carefully consider all food safety issues and risks.

Sponsors that allowed meals to be taken off site on days when an NWS Excessive Heat Advisory, Warning, or Watch was in effect prior to implementation of the waiver may apply for reimbursement only if all components of a reimbursable meal were provided and documentation as noted above has been properly maintained.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm>. State agencies should direct questions to the appropriate Food and Nutrition Service Regional Office.



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