

Maine Center for Disease Control and Prevention

WIC Nutrition Program

Effective: October 1, 2011

Policy No. FMNP-01

Revised December 1, 2017

Farmer Selection and Authorization

Authority

7 CFR §248.4(a)(10)(i) and §248.10(a) and (b)

22 MRSA §255 and §1951

Policy

1. The Maine CDC shall authorize individual farmers that sell eligible produce at farmers' markets, mobile farm stands, or roadside stands to participate in the Farmers' Market Nutrition Program (FMNP).
2. The farmer selection criteria for the FMNP include:
 - 2.1 The farmer must grow fruits or vegetables in the State of Maine.
 - 2.2 The farmer must grow more than 50% of the fruits or vegetables offered for sale at a mobile farm stand or roadside stand. The farmer must comply with State of Maine law regarding produce offered for sale at farmer's markets.
 - 2.2.1 If a farmer offers fruits or vegetables grown by another farmer, the produce must be clearly labeled as to the grower and location grown.
 - 2.2.2 Individuals selling produce obtained primarily from wholesale sources are not eligible for participation in FMNP.
 - 2.3 At least 50% of the produce that the farmer offers for sale must be fresh and not processed.
 - 2.4 The farmer's sales location(s) must provide the produce protection from heat, sun, or other weather damage.
 - 2.5 The farmers' sales locations must be accessible to people with disabilities.
 - 2.6 The farmer must have regular business hours during which the sales location is attended.
 - 2.7 The farmer must have the capacity to receive ACH (direct deposit) payments.
 - 2.8 If previously authorized:
 - 2.8.1 The farmer must have satisfactorily complied with the previous Farmer Agreement, and
 - 2.8.2 The farmer must have redeemed a minimum of \$50 in FMNP coupons or other WIC benefits during the most recent year of authorization.

3. The Maine CDC will consider farmer applications on an annual basis unless more frequent consideration is necessary to ensure adequate participant access. If more frequent consideration is necessary due to inadequate participant access, the State Agency will post a notice on its website informing farmers of the need for additional authorized farmers in particular areas of the state.
4. All farmers authorized to accept FMNP Coupons/CVVs shall have a written agreement with the State Agency. The Agreement is a standard agreement that is used statewide (Appendix FMNP-1-A)
 - 4.1 Agreements between the Maine CDC and authorized farmers shall be valid for a maximum of three (3) years. Occasionally an Agreement period may be for a shorter timeframe in order to ensure administrative efficiency.
 - 4.2 Both parties to the Farmer Agreement shall represent that there is no conflict of interest between the Maine WIC/FMNP Program, the Local WIC Agencies, and the farmer.
 - 4.3 The Farmer Agreement is non-transferable. Any transfer of ownership or sale of the business by the farmer shall render the Agreement and the farmer stamp null and void. The Agreement also shall be null and void if the farmer ceases operations or leases the business.
 - 4.4 The Farmer Agreement will allow the farmer to sell produce in exchange for Maine CDC FMNP coupons/CVVs at a roadside stand, mobile farmstand, or farmers' market to which the farmer belongs. The farmer must notify the Maine CDC of the locations at which they offer their produce for sale and the hours the locations are open.
 - 4.5 The Maine CDC may reassess any authorized farmer at any time and as often as it deems necessary during the farmer's Agreement period, using the farmer selection criteria in effect at the time of the reassessment. The Maine CDC shall terminate the agreements with those farmers that fail to meet selection criteria.
 - 4.6 To remain authorized the farmer shall comply with all the requirements of the Maine WIC/FMNP Program, including, but not limited to:
 - 4.6.1 Notifying the Maine CDC if any Farmers' Market in which it participates ceases operations prior to the end of the authorization period, or if the farmer discontinues attendance at a location included on the farmer's application for authorization;
 - 4.6.2 Selling only fresh Maine grown produce in exchange for FMNP coupons. Fresh fruits and vegetables grown in Maine and other locations may be sold in exchange for WIC fruit and vegetable checks (also known as CVVs);
 - 4.6.3 Attending mandatory training; and
 - 4.6.4 Meeting minimum redemption requirements (no less than an average of 10 FMNP Coupons/CVVs or an average of \$50.00 in value of FMNP Coupons/CVVs per season). He/she also shall satisfy all claims for overcharges within the time requested.
5. The Agreement between the farmer and the Maine CDC may be terminated as follows:

- 5.1 Neither the farmer nor the Maine CDC has an obligation to renew the Farmer Agreement;
 - 5.2 The Agreement may be terminated for cause by the Maine CDC with fifteen (15) days' advance written notice; and
 - 5.3 The Maine CDC shall terminate the Farmer Agreement if the farmer is disqualified for any reason.
6. The Agreement is subject to change in accordance with any changes in federal and state requirements governing the Maine WIC/FMNP Program.

Procedures

1. Each farmer applying for authorization shall submit all the required application forms to the state WIC office. The application forms shall be completed in full, signed by an appropriate farmer representative, and returned to the Maine CDC within the specified timeframe.
2. If an incomplete or unsigned application is submitted, Maine CDC shall notify the applicant in writing. This may delay authorization. Once notified of an incomplete application, the applicant shall submit the missing information to Maine CDC within thirty (30) days from the date notification. Applicants who fail to return the missing information within the 30-day deadline shall be required to complete a new application and resubmit it to Maine CDC.
3. In addition to submitting a completed application, the farmer must complete interactive training provided by the Maine CDC. Training may occur prior to application submittal.
4. If all required information meets the selection criteria, the farmer attends the required training, and the application is approved, the Maine CDC will provide the farmer with an Agreement for authorization as a WIC Farmer. The Farmer Agreement will include a copy of the FMNP Sanction Schedule and the unique identifying number assigned to the farmer. Farmers must sign and return the Agreement to Maine CDC within 2 weeks.
5. Upon receipt of the signed Farmer Agreement, the Maine CDC WIC Program Manager will counter sign the Farmer Agreement and return a copy to the farmer.
6. The farmer will be provided with a self-inking stamp with the farmer's identification number. This stamp is used to endorse FMNP coupons and WIC CVVs prior to deposit for payment.
7. Farmers may not duplicate farmer identification stamps. Upon request from a farmer, the Maine CDC may issue a duplicate stamp to a farmer. The farmer stamp shall be invalid upon disqualification or voluntary withdrawal from the WIC FMNP.
8. Authorized farmers shall receive an application for authorization at least thirty (30) days before the agreement expires, including notification that failure to return the renewal application prior to the date of expiration of the current Agreement shall result in loss of authorization.
9. The Maine CDC shall maintain a file on each authorized farmer that includes at a minimum the following:
 - 9.1. Farmer Agreement;
 - 9.2. Application documents;

- 9.3. Completed onsite monitoring forms;
 - 9.4. Written correspondence;
 - 9.5. Training records; and
 - 9.6. Any participant complaints.
10. All farmer files shall be maintained in an inactive file for a three (3) year period from the date the farmer's most recent contract is terminated or expired.
11. Any information about a farmer that individually identifies the farmer, except for name, address, phone number, e-mail address, web site, place-of-business, type and authorization status shall be confidential information. This information may be released only as outlined in 7 CFR 246.26(e).