



POTABLE WATER WAIVER REQUEST FOR NSLP/SBP/CACFP FOR PUERTO RICO CHILD NUTRITION PROGRAMS

1. State agency submitting waiver request and responsible State agency staff contact information:

Lourdes N. García Santiago
Acting Director
State Agency, Food and Nutrition Services
PR Department of Education
Email: garciasln@de.pr.gov
Phone: (787) 759-2000 ext. 6294

2. Region: MARO

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

The Puerto Rico State Agency requests this waiver for NSLP, SBP and CACFP Sponsors in good Standing

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

7 CFR 210.10(a)(1)(i) require schools to make potable water available and accessible without restriction to children at no cost in the places where lunches are served during the meal service. Similarly, the SBP regulations at 220.8(a) (1) require schools to make potable water available and accessible during the meal service if breakfast is served in the cafeteria.

Under the current COVID-19 pandemic, service conditions make it impossible to maintain a safe and sanitary method to dispense water to children. Most Schools/ Sponsors utilize water fountains, insulated dispensers, or pitchers filled with water to fulfill this USDA requirement.

The PRSA is seeking the discretion to waive the requirement that water be available to students at meals. This waiver request is based on the following ongoing conditions:

1. Recommended CDC practices to limit the spread of COVID-19.
2. Anticipated additional cost of serving individual bottles of water, with the beginning of hurricane season access to bottled water becomes more difficult, increasing the cost.
3. Limited space on service lines, which may incentivize water over milk.

P.O. Box 190759 San Juan, Puerto Rico 00919-0759 * Tel: 787-723-9090 ext. 2355/2350

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Cost Concerns:

The expense of making bottled water available on the regular service line will add cost to the meals that the sponsors cannot cover over an extended period. In general, all food and items purchased in Puerto Rico are usually greater than those of any other territory due to our location. The cost for an individual water bottle is estimated to add approximately .19 per bottle. Also SFAs are purchasing individual material for packing meals for the Grab & Go modality this adds a cost of .45 per meal.

Current PRSA reimbursement data for the first few months of COVID-19 operations reveals that SFAs are calving 1% of the normal school year reimbursement. The Puerto Rico Department of Education is taking steps to slow the spread of the virus by closing schools, encourage virtual learning and non-congregate meal service. At this point in time, we do not know how many schools will have students on campus and how many will be in virtual learning for the new semester. We are also unsure whether the students will be eating in the classroom or the cafeteria with some type of distancing. The goal of the waiver is to ensure that our students are safe and to prevent the spread of COVID -19 during meal service.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]:

PRSA is requesting a waiver of the requirement found at 7CFR 210. 10(a)(1)(i) for the National school Lunch Programs and after School Snack Programs require schools to make potable water available and accessible without restriction to children at no cost in the places where lunches are served during the meal service. Similarly, the SBP regulations at 220.8(a) (1) require schools to make potable water available and accessible during the meal service if breakfast is served in the cafeteria. In addition, in April 25, 2016 FNS published the final rule for CACFP: Meal Pattern Revision Related to HHFKA (81FR 24348) to update the CACFP Meal Patterns in 7 CFR 226.20. this final rule codified the water requirement outlined in the memorandum CACFP 20-2011 under 7CFR 226.25(i) which require that child care centers and day care homes make water available to children upon request throughout the day including meal times starting October 1, 2017.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

Sponsors and SFAs who will be serving meals under NSLP/SBP and CACFP may submit a waiver request to PRSA to disregard the requirements to provide potable water during meal service and for CACFP sponsors during the day upon request. Sponsors who want to take advantage of this waiver must certify that they will returned to normal operational practices once the COVID-19 emergency ends. Sponsors and SFAs will be encouraged to inform parents to send their children to school/ childcare centers/ day care homes with filled water bottles. There should be no impact on program operations.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

No regulatory barriers at State Level

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

There are no anticipated challenges

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:

PRSA does not anticipate an increase to Program Cost

Anticipated waiver implementation date and time period:

The anticipated waiver implementation is effectively immediately and until June 2021.

10. Proposed monitoring and review procedures:

PRSA will maintain a tracking System to identify sponsors and SFAs using this waiver.

11. Proposed reporting requirements (include type of data and due date(s) to FNS):

PRSA will track and report:

- Number of Sponsors and SFAs implementing this waiver
- Number of meals served and claimed under this waiver
- Length of time granted waiver were in effect per sponsor and SFAs

12. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

Public Notice and information of this waiver request is posted on DE website at:

13. Signature and title of requesting official :

Title: Lourdes N. García Santiago, SA Acting Director

Requesting official's email address for transmission of response:

BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA

- **Regional Office Analysis and Recommendations:**