

Texas Department of Agriculture

Commodity Supplemental Food Program (CSFP) State Plan Amendment FY2025

**Texas Department of Agriculture
1700 North Congress Ave, 11th Floor
Austin, TX 78701**



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Acronyms

CFR	Code of Federal Regulations
CSFP	Commodity Supplemental Food Program
ERA	Eligible Recipient Agency
F&N	Food and Nutrition
FNS	Food and Nutrition Service
FY	Fiscal Year
ID	Identification
SNAP	Supplemental Nutrition Assistance Program
TDA	Texas Department of Agriculture
TEFAP	The Emergency Food Assistance Program
TX-UNPS	Texas Unified Nutrition Programs System
USDA	United States Department of Agriculture
WBSCM	Web Based Supply Chain Management

Introduction

The Texas Department of Agriculture (TDA) has an agreement with the United States Department of Agriculture (USDA) to administer the Commodity Supplemental Food Program (CSFP) in Texas and does so in accordance with federal requirements written in 7 CFR Part 247 and 7 CFR Part 250 (as applicable). The TDA CSFP Handbook provides details about how the program is implemented and is available on TDA's Food and Nutrition (F&N) website along with other information for use by the local agencies.

Service and Caseload Needed

In accordance with 7 CFR Part 247.6(c)(4), available caseload is allocated to the local agencies taking into consideration the need in the service area, the request for caseload submitted by the local agency, and the demonstrated ability of the local agency to administer the program. The local agencies may establish agreements with other local agencies to certify applicants and distribute food packages in accordance with federal regulations and Texas CSFP policies and procedures. As of October 1, 2024, CSFP service and caseloads are distributed among the following food banks (in order of base caseload assignment):

1. Houston Food Bank
Caseload: 10,210
Counties served: Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto, Trinity, and Waller
2. South Texas Food Bank
Caseload: 14,114
Counties served: Dimmit, Jim Hogg, Kinney, Maverick, Starr, Val Verde, Webb, and Zapata
3. Food Bank of the Rio Grande Valley
Caseload: 9,517
Counties served: Cameron, Hidalgo, and Willacy
4. San Antonio Food Bank
Caseload: 6,261
Counties served: Atascosa, Bexar, Comal, Edwards, Frio, Guadalupe, Karnes, Kerr, La Salle, Medina, Kimble, Wilson, Uvalde, and Zavala
5. North Texas Food Bank
Caseload: 7,750
Counties served: Collin, Dallas, Delta, Denton (until December 31, 2024), Ellis, Fannin, Grayson, Hopkins, Hunt, Kaufman, Lamar, and Navarro
6. Regional East Texas Food Bank
Caseload: 4,714

Counties served: Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Henderson, Houston, Leon, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rusk, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood

7. El Pasoans Fighting Hunger
Caseload: 5,364
County Served: El Paso and Hudspeth
8. Central Texas Food Bank
Caseload: 3,113
Counties Served: Bastrop, Bell, Freestone, Hays, Lampasas, McLennan, Milam, Travis, and Williamson
9. Southeast Texas Food Bank
Caseload: 2,863
Counties Served: Hardin, Jasper, Jefferson, Newton, Orange, Polk, Sabine, and Tyler
10. South Plains Food Bank
Caseload: 3,618
Counties Served: Bailey, Cochran, Crosby, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Kent, King, Lamb, Lubbock, Lynn, Motley, Scurry, Terry, and Yoakum
11. West Texas Food Bank
Caseload: 2,000
Counties Served: Andrews, Brewster, Dawson, Ector, Howard, Jeff Davis, Martin, Midland, Pecos, Presidio, Reeves, Ward, and Winkler
12. High Plains Food Bank
Caseload: 2,313
Counties Served: Armstrong, Carson, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Gray, Hale, Hutchinson, Ochiltree, Potter, Randall, Swisher, and Wheeler
13. Tarrant Area Food Bank
Caseload: 2,210
Counties Served: Bosque, Cooke, Denton (January 1, 2025), Erath, Hamilton, Hill, Hood, Johnson, Palo Pinto, Parker, Somervell, Tarrant, and Wise
14. Food Bank of the Golden Crescent
Caseload: 2,000
Counties Served: Calhoun, Dewitt, Gonzales, Jackson, Matagorda, Refugio, and Victoria

Expansion Plan

TDA is requesting to increase the current caseload assignment of 76,047 to 81,221 for PY2025.

TDA's CSFP agencies generally exceeded their allotted caseload amounts for most of 2024. The agencies continue to use new distribution models and are expanding to locations not previously served by the program to increase participation. These program expansion efforts have resulted in an upward trend in issuance numbers during FY24 among most local agencies. Higher food costs as well as other cost of living increases seem to be causing more seniors to enroll in the program. To reach the requested caseload assignment of 81,221, TDA will expand in existing areas and execute an agreement with the Coastal Bend Food Bank (CBFB) to start the program in FY25. CBFB serves 11 counties in south Texas and provides nearly 25,000 meals each week to families in need. TDA is confident that, through expansion efforts of the existing and new local agencies, the caseload requested will be utilized. CEs will also increase efforts to reach the more rural communities in their service areas.

System for Storing and Distributing Commodities

USDA Foods are shipped directly to the food banks from commercial food manufacturers under USDA contracts. TDA submits all direct shipment requests into the Web-Based Supply Chain Management (WBSCM) system on behalf of the food banks. The food banks are responsible for the receipt and storage of USDA Foods, and the preparation and distribution of the CSFP food packages to 76,047 program participants in 159 of Texas' 254 counties, as well as the certification of participants.

The food banks establish food distribution sites or partner with eligible recipient agencies (ERAs) to distribute CSFP food packages. Each ERA conforms to local, state, and federal health standards and enters into an agreement with the food banks to assure proper food handling, storing and distribution procedures and recording requirements are maintained. Participants or proxies pick up food packages at ERAs once each month, and food packages are distributed on a first-come, first-served basis. Staff or volunteers at the distribution sites verify eligibility and identity of recipients before distributing the food packages.

Food banks that opt to use a private delivery company to deliver food packages to participants must execute an agreement that will ensure all program requirements are met. The delivery service cannot commence until TDA approves the agreement between the food bank and the delivery company. Unless a private delivery company is offering its services for free, the food bank must follow all applicable procurement regulations. The agreement with the private delivery company will not permit the delivery company to perform key food bank responsibilities, such as certifying participants. Nor will the delivery company's employees be considered proxies for participants. Packages must be delivered directly to participants or proxies. The food bank will ensure the delivery company maintains safe handling of food packages, verification of participant/proxy identity, proper record keeping, and protection of privacy of participants.

State Agency Worksheet

TDA's base caseload calculation and request for additional caseload is provided through the state agency worksheet. See **Attachment 2**.

List of Local Agencies

A copy of a compiled list of all CSFP local agencies in Texas is attached. See **Attachment 3**.

Complaint Procedures

All nutrition assistance programs and activities that receive Federal funding are protected and subject to civil rights oversight. In the USDA nutrition programs administered by TDA, there are six bases or classes protected against discrimination.

Reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA is also prohibited.

The goals of Civil Rights include:

- Eliminating barriers that prevent or deter people from receiving benefits of government-sponsored or funded programs.
- To provide equitable treatment to all in the delivery of programs and services to all applicants, participants, and beneficiaries of a federal program.
- To ensure that all applicants and participants understand their rights and responsibilities.
- To show respect and dignity to all.

Once a complaint is received, there are strict timelines that must be followed; therefore, the form and supporting information should be forwarded without delay. Note: Complainants have up to 180 days from the alleged act of discrimination to report a complaint.

The USDA also has a civil rights complaint form that a complainant may use. The USDA Program Discrimination Complaint Form (AD-3027) is available at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> Note: The USDA form is also available in Spanish on the USDA website.

The TDA Complaint Procedure has designated staff that will notify the USDA Civil Rights Division of the complaint within five (5) calendar days of receipt of a complaint. Notification of the complaint will be sent by fax to (202) 690-7442, including the Complaint Form and Fax Cover Sheet. The Civil Rights complaints will be stored at a specified location under the appropriate fiscal year and program and notated within the naming convention "CR" to indicate it is a Civil Rights complaint.

If the FNS Civil Rights Division (FND CRD) is leading an investigation of a civil rights complaint, F&N staff will cooperate with all investigation activities requested by FNS, which may include:

- Providing documents requested as part of a compliance review or investigation within the timeframe requested (but no more than 60 calendar days of the date of request).
- Participating in witness interviews.

Sub-distributing agencies and ERAs must have procedures for processing complaints. Complaint procedures must comply with due process standards and provide for prompt and equitable resolution of complaints. If a civil rights complaint is filed with a sub-distributing agency or distribution site, it must be forwarded to TDA immediately. Sub-distributing agencies are also required to provide the complainant with the address of the Director of Adjudication and explain that if a complaint is believed to be a violation of their civil rights, the complaint may be filed directly with USDA. TDA has procedures to ensure F&N programs are compliant with USDA regulations, the Texas Administrative Code (TAC), and TDA policies. The procedures also ensure TDA handles complaints fairly and consistently.

Areas with No Change

The following categories have no change from the previously submitted state plan, except for slight clarifying edits made in Eligibility Section that do not change current practice:

Sub-Distributing Agency Identification

In accordance with 7 CFR Part 247.6(c)(1), TDA F&N has approved contracts for fiscal year (FY) 2025 for operation and management of CSFP with the following local sub-distributing agency food banks:

Regional East Texas Food Bank

3201 Robertson Rd.
Tyler, TX 75701

South Texas Food Bank

2121 Jefferson St.
Laredo, TX 78040

Food Bank of the Rio Grande Valley

724 N. Cage Blvd.
Pharr, TX 78577
Mailing: P.O. Box 6251
McAllen, TX 78502

Southeast Texas Food Bank

3845 S. ML King Jr Parkway
Beaumont, TX 77705

Houston Food Bank

535 Portwall St.
Houston, TX 77029

High Plains Food Bank

815 Ross St.
Amarillo, TX 79102

North Texas Food Bank

3677 Mapleshade Ln
Plano, TX 75075

South Plains Food Bank

5605 M.L. King Blvd.
Lubbock, TX 79404

San Antonio Food Bank

5200 Enrique Barrera Pkwy
San Antonio, TX 78227

El Pasoans Fighting Hunger

9541 Plaza Circle
El Paso, TX 79927

Central Texas Food Bank

6500 Metropolis Dr.
Austin, TX 78744

West Texas Food Bank

411 S. Pagewood Avenue
Odessa, TX 79761

Tarrant Area Food Bank

2600 Cullen St.
Fort Worth, TX 76107

Food Bank of the Golden Crescent

3809 E. Rio Grande Street,
Victoria, TX 77901

See **Attachment 3** for a complete list of ERAs for each TDA sub-distributing agency.

Nutritional Risk Criteria

Nutritional risk criteria are not evaluated or used as eligibility criteria in the Texas CSFP.

Participant Outreach

Outreach activities are conducted at both the State and sub-distributing agency level. TDA has a CSFP webpage on its website at the following address: www.squaremeals.org, which provides program information to the general population.

The food banks that operate CSFP also provide outreach to the elderly in their service areas. The following are examples of such outreach efforts in Texas:

- Food banks collaborate with organizations such as Senior Source and Texas Hunger Initiative to identify seniors that may be eligible for CSFP.
- Food banks work with organizations such as Meals on Wheels to assist with identifying eligible CSFP participants. The food banks' client services also assist in identifying eligible seniors.

Nutrition Education

In accordance with federal regulations at 7 CFR Part 247.18, sub-distributing agencies provide nutrition education that can be easily understood by participants and is related to their nutritional needs and household situations. The sub-distributing agencies make nutrition education available to all adult participants and, if applicable, to caretakers of participants. The nutrition education includes the following information, which accounts for specific ethnic and cultural characteristics whenever possible:

1. The nutritional value of CSFP foods and their relationship to the overall dietary needs of the population groups served;
2. Nutritious ways to use CSFP foods;
3. Special nutritional needs of participants and how these needs may be met;
4. The importance of health care and the role nutrition plays in maintaining good health; and
5. The importance of the use of the foods by the participant to whom they are distributed and not by another person.

The local agencies are responsible for planning, implementing, and evaluating nutrition education in their CSFP operations. TDA will review local agency nutrition education evaluations during CSFP compliance reviews.

Verification of Participant Identity at Distribution

At minimum, at the time of each distribution, participants or proxies must verify their identity to sub-distributing agencies by providing a piece of third-party identifying documentation that contains the name of the participant or proxy. Such documentation may include but is not limited to:

- Government-issued identification
- A bill from a third party
- Library card or other membership cards containing the participant or proxy's name
- ID cards distributed to CSFP participants at the time of certification
- Other pieces of mail that show the participant or proxy's name.

Sub-distributing agencies have the option to enact more restrictive criteria for verifying identification (for example, to detect dual participation as described in the next section), but sub-distributing agencies must ensure that one type of participant is not subject to additional verification beyond what others are subject to. For example, an option for verifying identity available to participants receiving home delivery must also be available to participants and proxies picking up their food package at a distribution site. TDA will verify during an administrative review that sub-distributing agencies are meeting the minimum requirements for verifying identity and applying any methodology equally to all participants and proxies.

Detection of Dual Participation

TDA has a *Participant Rights and Responsibilities* form for local agencies to distribute to participants during program certification. This form advises the applicant that he or she may not receive CSFP food packages at more than one CSFP site in a single month. The applicant or applicant's proxy signs the *Participant Application* which includes a statement that verifies they have been advised of their rights and obligations under the program.

Local agencies are also required to establish safeguards against dual participation at more than one CSFP site at the same time by establishing procedures that identify participants who are participating in two different sites, or by establishing specific service areas for each distribution site. The following are examples of how sub-distributing agencies in Texas are establishing these safeguards:

- Most sub-distributing agencies are using electronic software to prevent dual participation in the CSFP. At initial certification, participants are given a card with a random participant ID number. During each monthly distribution, the participant or participant's proxy is required to show proof of identification and the CSFP ID card. The site coordinator enters the participant's ID number into the online database. The database tracks monthly pick-ups and prevents participants from getting food packages at multiple CSFP sites within one month.
- Some local agencies have developed cloud-based databases for tracking client participation and preventing dual participation. Participants are given a card with a barcode at initial certification. At each distribution, they are required to show proof of identification, and the barcodes are scanned. This enables the food banks to detect which participants have picked up their food packages.

Pursuit of Claims Against Participants

The pursuit of a claim against a participant to recover the value of USDA Foods improperly received or used is cost-effective when the value is \$500.00 or more. This threshold was chosen to match the threshold for reporting USDA Food losses as outlined in Food and Nutrition Service (FNS) Instruction 410-1(Revision 2), *Claims for Losses of Donated Foods and Related Administrative Losses - Procedures for the State Distributing Agency*. Sub-distributing agencies are required to use this standard in determining if a claim is to be pursued and to pursue claims in accordance with 7 CFR Part 247.30 and TDA's CSFP policies and procedures.

Homebound Elderly

Local agencies are required to meet the needs of the homebound elderly. They coordinate efforts with agencies in their service areas that focus on seniors, such as Meals on Wheels and the Texas Hunger Initiative. Through partnerships with these organizations, they can identify potential homebound participants and conduct outreach. Local agencies allow designated proxies to pick up food packages for homebound elderly participants.

Copies of Agreements

In accordance with 7 CFR Part 247.6(c)(11), copies of agreements between TDA and local agencies are attached. See **Attachment 1**.

Eligibility Requirements

In accordance with 7 CFR Parts 247.9(a) and (c), to be eligible for CSFP benefits in Texas, a person must meet the requirements for residence, age, and income. Elderly persons aged 60 or older are eligible to participate in CSFP. Program applicants must reside within a designated CSFP service area (for example, ZIP code) on the day of certification. Applicants must meet the following CSFP income eligibility guidelines:

Elderly persons (age 60 and older):

- Household income must be at or below 130 percent of the Federal Poverty Income Guidelines.

TDA posts the updated federal income guidelines online each year. The local agencies may obtain a copy of the guidelines by accessing the TDA F&N website at www.squaremeals.org. TDA also sends out email notification of the updated federal income guidelines to local agencies.

Per Section 4102 of the Agriculture Improvement Act of 2018 (Farm Bill) (P.L. 115-334), States are required to establish new certification periods for CSFP program participants. States must immediately implement a certification period of no less than one year but can request, through its state plan, a maximum certification period of three years. TDA has established the maximum three-year certification period where participants may continue to receive program benefits

without a formal review of eligibility. CSFP participation in Texas is 100 percent elderly and most participants are living on a fixed income.

Annually, starting from the beginning date of the certification period, TDA requires local agencies to 1) verify the address and continued interest of the participant; and 2) have sufficient reason to determine participants still meet income eligibility standards. Additionally, TDA will continue local agency issuance of temporary monthly certification periods to maximize efficiency in caseload utilization. Local agencies currently provide one-month certification periods to provide temporary benefits to participants on the waiting list in the event certified participants cannot receive the program benefit. TDA believes this process is still necessary to ensure caseload assignments are effectively utilized at state and local agency levels.

Monitoring of Local Agencies

TDA's CSFP contracting entities are responsible for complying with federal regulations found in 7 CFR Part 247 and 7 CFR Part 250, as applicable, as well as Texas CSFP policies and procedures.

TDA reviews contractors' operations and activities every other year to ensure compliance with program requirements and assists and advises contractors on any program issues. TDA reviews:

- Storage and warehousing practices;
- Inventory controls and accountability;
- Certification procedures;
- Nutrition education;
- Civil Rights compliance;
- Financial management systems;
- Approval and monitoring of sub-distributing agencies and distribution sites;
- Reporting and record-keeping;
- Pursuit of claims against participants;
- Procurement and property management; and
- Other aspects of their programs as determined by TDA.

Financial Management System

TDA's financial management system utilizes generally accepted accounting procedures and principles to provide accurate, current, and complete disclosure of the financial status of CSFP participants for the appropriate fiscal year (FY). The system accounts for all program property, assets, and funds received and expended. The financial management system and the container salvage account are sufficient to report information as required by federal regulations at 7 CFR Part 247.27. TDA's procedures for promptly and accurately paying allowable program costs adhere to federal regulatory cost principles and standards and conform to the requirements of 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements*

for Federal Awards. CSFP local agencies submit claims for reimbursement through the TDA's Texas Unified Nutrition Program System (TX-UNPS).

TDA's procedures ensure correct and timely resolution of claims, audit findings, and recommendations. TDA obtains payment from USDA according to FNS's procedures and as provided in U.S. Treasury Department Circular 1075. TDA draws funds as necessary for payment and promptly makes disbursements. Additionally, TDA requires CSFP local agencies to operate a financial management system that is consistent with federal requirements.

TDA is in constant communication with the Federal Government and adjustments to the grant award are made periodically per cash needs communicated to the Federal Government from the State.

Audit Procedures

CSFP contractors subject to audit must be audited on a single (organization-wide) audit basis by independent auditors according to 2 CFR Part 200. Sub-distributing agencies must submit a copy of an organization-wide or program-specific audit that has been determined by TDA to meet single audit requirements, or submit TDA's form, *Annual Audit*, certifying that the sub-distributing agency will obtain an acceptable audit that meets the requirements of the Single Audit Act. During a TDA compliance review, single audit records may be reviewed.

Fair Hearing Procedures

A CSFP local agency may appeal TDA's decisions, actions, or inactions which adversely affect the contractor's participation in the program. This includes termination or suspension of a contract, denial of payment or rejection of a cost statement, or demand for repayment of funds. TDA will hold a fair hearing in accordance with TDA policies and procedures. Local agencies are made aware of appeal rights through TDA's CSFP Handbook available at www.squaremeals.org.

A distribution site may request that the contractor administratively review a decision, action, or inaction that adversely affects the site's participation in the program. The sub-distributing agency must complete an administrative review according to TDA policies and procedures.

Local agencies must notify an applicant in writing of the right to appeal and receive a fair hearing at the time of initial certification, as well as at denial or termination of benefits. This notification must include:

- The right to a fair hearing;
- The method by which a hearing may be requested; and
- An assurance that any positions or arguments on behalf of the individual may be presented personally or by a representative such as a relative, friend, legal counsel, or another spokesperson.

Non-Discrimination Procedures

CSFP local agencies and ERAs must strictly adhere to and enforce the provisions of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

Compliance reviews help ensure that civil rights requirements are fulfilled at each level of program administration, including the application approval process and the federal and state monitoring efforts.

TDA determines whether local agencies and ERAs comply with civil rights requirements before it approves an application to participate in the program. TDA determines compliance by reviewing a local agency's CSFP application and supporting documentation, as well as by conducting a pre-approval visit to verify the information. During administrative reviews, TDA will also evaluate compliance with civil rights requirements.

State Plan for Next Fiscal Year

TDA will amend the state plan for CSFP as needed or upon request from USDA FNS.