

Texas Department of Agriculture

The Emergency Food Assistance Program (TEFAP) Texas State Plan

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



Designation

The Texas Department of Agriculture (TDA) administers The Emergency Food Assistance Program (TEFAP) in Texas and does so in accordance with federal and state requirements written in 7 CFR Part 251, 7 CFR Part 250 (as applicable), and the Texas Administrative Code at Title 4, Part 1, Chapter 26, Subchapter D. The TDA TEFAP 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 recipient agencies (RAs).

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Plan of Operation and Administration

Program Agreements

TDA contracts with individual food banks to receive and distribute USDA Foods donated for TEFAP. Food banks form a statewide network with contracted service areas that include all Texas counties. TDA may also contract with organizations that have an established system for the receipt, storage, transportation, and distribution of USDA Foods to operate TEFAP. TDA might choose to contract with such an organization if, for example, a food bank cannot serve a predetermined service area.

TDA delegates the authority to food banks to enter into written agreements with other RAs, referred to as "subagencies," to distribute TEFAP commodities to low-income and unemployed persons and to incorporate commodities into prepared meals served to needy persons and predominantly needy groups. Food banks must execute and adhere to all terms and conditions of the applicable TDA-developed agreement when entering into agreements with other RAs.

Allocation of Funds

Food Banks are reimbursed allowable direct and indirect costs of distributing USDA Foods, within reimbursement caps. Reimbursements may exceed caps if funds are made available during reallocation.

Administrative funds are allocated to counties based on their fair share. Exception: food banks with overlapping contracted service areas receive shares based on USDA Foods usage information, such as the number of households served. A county's share of funds is based on:

- 60% of the number of residents who live at or below the federal poverty level, and
- 40% of the number of unemployed residents

Allocation, Delivery, and Distribution of USDA Foods

TDA allocates USDA Foods to food banks by county, except that food banks with overlapping contracted service areas receive shares based on USDA Foods usage information (such as the number of households served).

A county's share of USDA Foods is based on:

- 60% of residents who live at or below the federal poverty level, and
- 40% of unemployed residents

The food banks in turn allocate a fair share of USDA Foods to their subagencies on a first-come,

first-serve basis, based on historical or projected USDA Foods usage (such as the number of households served and/or the number of meals served).

Food banks use the following priority system to distribute USDA Foods to subagencies:

- **Priority 1** – To emergency feeding organizations (EFOs), defined as eligible recipient agencies (ERAs) that provide nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.
- **Priority 2** – To other ERAs that serve needy people but do not relieve situations of emergency and distress.

Food Ordering

For TEFAP entitlement food ordering, TDA utilizes a request-driven system. All TEFAP entitlement foods from USDA are offered to the RAs under a direct agreement with TDA. RAs have complete decision making to USDA Foods items received for program operations. This includes the specific USDA Food item, the physical location, and the delivery period.

Additionally, RAs can request less than full truckload quantities provided arrangements are made with other RAs ensuring delivery and possession of the other portion(s).

Bonus Foods

For TEFAP bonus food offerings, TDA analyzes state-assigned quantities and allocates to RAs utilizing a fair share method. Depending on the assigned quantity, TDA typically applies the 60/40 TEFAP allocation formula to determine shares but may use an alternative method. RAs have the opportunity to provide input to the acceptability of the bonus food item(s) and quantities allocated before TDA ordering. RAs can also indicate the acceptance of quantities in addition to their initial allocated share. This system ensures USDA Foods are appropriately utilized and mitigates the potential risk of excess inventory.

Eligibility Requirements for Household Distributions

Initially, and at least annually thereafter, RAs are required to means test households to determine their eligibility. RAs are required to maintain written procedures for the application process. At the time of application, households must have established residency within the service area. While federal regulations state that a minimum length of residency is not required to establish eligibility, the intent of the program is to serve individuals who live in the area and are not visiting temporarily. Overnight residency or an overnight stay do not meet the intent of the regulation. A household is eligible to receive USDA Foods through TEFAP if household income does not exceed 185% of federal poverty guidelines or if the household receives one of the following:

- Supplemental Nutrition Assistance Program (SNAP) benefits
- Temporary Assistance for Needy Families (TANF) benefits
- Supplemental Security Income (SSI)
- National School Lunch Program (NSLP) free or reduced-price meals
- Non-institutional Medicaid

A household with income exceeding 185% of federal poverty guidelines may qualify for temporary emergency food assistance for up to six months if there is an “emergency food need.” An emergency food need is one in which a household has an unexpected, unavoidable, temporary household crisis.

Households must provide sufficient information to determine eligibility at initial application and reapplication. To attest to local residency, at minimum, households must provide the zip code where they reside. RAs may request, but must not require, documentation of address, identity, or citizenship.

A household may designate, in writing, an authorized representative to apply for USDA Foods, provide information, or pick up USDA Foods on behalf of the household.

Program Monitoring

TDA annually conducts on-site reviews of at least 25% of the food banks, with each being reviewed at least every four years. In addition, TDA annually reviews one-tenth or 20, whichever is fewer, of the subagencies that receive TEFAP commodities and/or TEFAP administrative funds under agreement with the food banks. When possible, subagency reviews are conducted to coincide with food distributions and/or meal service and household eligibility determinations.

TDA uses the risk assessment tool to determine which CEs and subagencies to review. The tool determines reviews first by risk-based assessment, then by random sample.

- **Risk-based assessment.** Risk factors include:
 - Value of USDA Foods
 - Amount of administrative funds received (if applicable)
 - History of complaints
 - History of TEFAP violations
 - Length of time operating TEFAP
 - Length of time since the last review
 - Known turnover of the director or key staff
 - Number of households served
 - Findings during the last review
 - Other applicable factors
- **Random sample.** Food banks and subagencies not selected for a risk-based review are subject to selection by random sample.

Reviews are conducted to ensure program compliance and include an evaluation of:

- Overall TEFAP operations and activities
- Storage and warehousing practices
- Inventory controls and accountability
- Civil rights compliance
- Financial management systems
- Approval and monitoring of subdistributing agencies and sites to ensure program compliance
- Reporting and recordkeeping
- Other aspects of their programs, as determined by TDA

Reporting

TDA will submit any reporting or State Plan amendments required by regulation separate from this plan in accordance with USDA requirements.

References

All TEFAP forms, policy and procedure manuals, and the most current income eligibility

guidelines are available on TDA's Food & Nutrition website. <https://squaremeals.org/>