September 30, 2020

NOTICE OF UPDATED TEMPORARY WIC AUTHORIZED FOOD LIST As of September 30, 2020

Effective Date

The Temporary WIC Authorized Food List (WAFL) below amends and supersedes all previous versions and is effective September 30, 2020. This Temporary WAFL will remain in effect until 30 days after the end of the nationally-declared public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d), the termination of the State of Emergency declared by the Governor of California on March 4, 2020, the rescission of Executive Order N-40-20, or the amendment or termination of these temporary changes by the Director of the California Department of Public Health, whichever occurs sooner.

Authority

The California Department of Public Health (CDPH) is extending the effective period of the Temporary WAFL pursuant to:

(1) Executive Order N-40-20, which allows temporary changes to CDPH's regulations governing authorized supplemental foods;

(2) 7 Code of Federal Regulations part 246.10(b)(1)(i) and (b)(2)(i), which permits State agencies to establish criteria for supplemental foods in addition to the minimum federal requirements in 7 Code of Federal Regulations part 246.10(e)(12), table 4, and requires State agencies to identify the brands of foods and package sizes that are acceptable for use in their States; and

(3) Waivers approved by the United States Department of Agriculture, Food and Nutrition Service (USDA/FNS), as posted on the USDA/FNS website and/or the California WIC Program website and extended pursuant to WIC Policy Memorandum #2020-6, which provide additional food package

flexibilities in response to the significant impacts of COVID-19 on WIC Program services.

Regulation Updates

This Temporary WAFL revises and replaces the July 1, 2020 Temporary WAFL. For easy reference, prior versions of the Temporary WAFL can be found on the WIC Laws and Regulations webpage; however, these prior versions are no longer in effect.

Temporary WAFL

CDPH is making the following temporary changes to the WIC Authorized Food List in Article 5 of the California Women, Infants, and Children Program Bulletin Regulations:

(a) Until 30 days after the end of the nationally-declared public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d), the termination of the State of Emergency declared by the Governor of California on March 4, 2020, the rescission of Executive Order N-40-20, or the amendment or termination of these temporary changes by the Director of the California Department of Public Health, whichever occurs sooner, foods that meet the following criteria in this Temporary WIC Authorized Food List are authorized for purchase.

(b) Any food that meets the criteria in WIC Bulletin Regulation, section 82600 (Infant Formula), is authorized for purchase.

(c) Any brand of food in the Department's Authorized Product List that meets the criteria in this subsection is temporarily authorized for purchase with EBT food instruments.

(1) All foods shall comply with the federal minimum requirements specified in 7 Code of Federal Regulations part 246.10(e)(12), table 4, and/or any waiver(s) provided by the USDA/FNS, as posted on the USDA/FNS website and/or the California WIC Program website; and

(2) All foods shall comply with the temporary authorization criteria specified below for the food's CDPH Food Category or CDPH Food Subcategory:

(A) Bottled Juice:

1. Shelf-Stable Ready-to-Drink Juice: shall be in forty-eight (48) ounce, sixty-four (64) ounce, ninety-six (96) ounce, or one hundred twenty-eight (128) ounce containers

2. Refrigerated Juice: shall be in forty-eight (48) ounce, sixty-four (64) ounce, ninety-six (96) ounce, or one hundred twenty-eight (128) ounce containers

(B) Breakfast Cereal:

1. Instant Oatmeal: shall be old-fashioned, classic, regular, or original flavored and shall be in eleven and eight-tenths (11.8) ounce to twelve (12) ounce containers
2. Crisp Rice or Crispy Rice: shall be in twelve (12) ounce to thirty-six (36) ounce containers
3. All Other Breakfast Cereals:
   A. Shall be in twelve (12) ounce to thirty-six (36) ounce containers; and
   B. Shall either:
      i. Be identified in WIC Bulletin Regulations, section 82100, subsection (a)(1); or
      ii. Have whole grain as the primary ingredient and meet labeling requirements for making a health claim as a "whole grain food with moderate fat content," as defined in 7 Code of Federal Regulations part 246.10(e)(12), table 4

(C) Canned Fish:

1. Chunk light tuna: shall be in five (5) ounce containers
2. Mackerel: shall be in fifteen (15) ounce containers
3. Pink Salmon: shall be in five (5) ounce, six (6) ounce, or fourteen and three-quarters (14.75) ounce containers
4. Sardines: shall be in fifteen (15) ounce containers

(D) Canned Mature Beans: shall be in fifteen (15) ounce to sixteen (16) ounce containers

1. Canned baked beans are authorized as part of a participant's benefits when the participant is prescribed canned mature beans

(E) Cheese: shall be in eight (8) ounce, sixteen (16) ounce, or thirty-two (32) ounce containers

(F) Concentrate Juice: shall be in eleven and a half (11.5) ounce, twelve (12) ounce, or sixteen (16) ounce containers

(G) Dry Beans, Peas, or Lentils: shall be in sixteen (16) ounce or thirty-two (32) ounce containers

1. Canned beans, including baked beans, are authorized as part of a participant's benefits when the participant is prescribed dry beans, peas, or lentils

(H) Eggs: shall be in cartons of six (6) or one-half (.50) dozen, cartons of twelve (12) or one (1) dozen, or cartons of 18 or one and one-half (1.50) dozen

1. Liquid, powdered, and hard-boiled eggs are not authorized

(I) Fruits and Vegetables: may be in any size container

(J) Infant Cereal: shall be in eight (8) ounce, sixteen (16) ounce, or thirty-two (32) ounce containers

(K) Infant Fruits: shall be in two (2) ounce, three and a half (3.5) ounce, or four (4) ounce containers

(L) Infant Vegetables: shall be in two (2) ounce, three and a half (3.5) ounce, or four (4) ounce containers

(M) Infant Meats: shall be in two and a half (2.5) ounce containers

(N) Milk (Cow's and Goat's): shall be in quart, half gallon, three-quarter (.75) gallon, or one (1) gallon containers

(O) Peanut Butter: shall be in sixteen (16) ounce to eighteen (18) ounce containers or thirty-six (36) ounce containers

(P) Soy Beverage: shall be in quart, half gallon, three-quarter (.75) gallon, or one (1) gallon containers

(Q) Tofu: shall be in eight (8) ounce, sixteen (16) ounce, or thirty-two (32) ounce containers

1. When sixteen (16) ounce containers are unavailable, containers between fourteen (14) ounces and fifteen and nine tenths (15.9) ounces are authorized

(R) Whole Wheat Bread, Whole Grain Bread, and Whole Grain Options: shall be in sixteen (16) ounce containers

1. When sixteen (16) ounce containers are unavailable, containers between fourteen (14) ounces and twenty-four (24) ounces are authorized

(S) Yogurt: shall be in two (2) ounce, four (4) ounce, sixteen (16) ounce, or thirty-two (32) ounce containers

Questions and Additional Information

If you have any questions, please contact CDPH at WICregulations@cdph.ca.gov.

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