



TEFAP

Program Operations Manual

For State Approved

Emergency Feeding Organizations

EFOs

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INTRODUCTION

This manual is part of the Agreement between The New Jersey Department of Agriculture (NJDA) and New Jersey based Emergency Feeding Organizations (EFOs). Both parties agree to abide by the terms and conditions of said Agreement. The NJDA and EFO agree to abide by the provisions of the federal legislation authorizing The Emergency Food Assistance Program (TEFAP). TEFAP was designed to distribute federally donated food to eligible, food insecure people throughout the country. The New Jersey Department of Agriculture (NJDA) administers and contracts with several Emergency Feeding Organizations (EFOs) to coordinate the program at the local level throughout New Jersey.

The NJDA Food Distribution Program's TEFAP Office services a system of EFOs which are located strategically throughout the State and are supplied via state contracted commercial warehouses through commercial trucker deliveries and by direct shipments. These EFOs recruit and notify Local Distributing Agencies (LDAs) in their service areas who then pick up, on varying cycles, foods from the EFO and distribute them to eligible recipients.

Due to the varying nature in the supply of federally donated foods and administrative funds for reimbursement for direct expenses incurred, the EFOs are advised NOT to consider TEFAP as the SOLE source of operating income for their organizations. Direct expenses include costs of storing, handling and distributing TEFAP USDA Foods.

GOALS

- To receive and distribute all available federally donated TEFAP USDA Foods, for food insecure New Jersey residents, under the TEFAP program, that can be utilized by the EFOs.
- To identify and work with various EFOs in distributing TEFAP USDA equitably to all eligible citizens of New Jersey.
- To monitor the distribution and reimbursement systems to ensure TEFAP USDA Foods are distributed to the eligible recipients and that the EFOs are properly reimbursed for services rendered in accordance with agreed to terms and conditions as specified in the TEFAP Agreement with NJDA.

DEFINITIONS

Agriculture Products Agent (APA): NJDA representative responsible for field monitoring of Department administered programs. TEFAP APAs review program operations for compliance with state and federal regulations at both the EFO and LDA levels.

Emergency Feeding Organizations (EFO/Food Bank): EFOs are public or non-profit organizations that provide nutrition assistance to relieve situations of food insecurity and distress by providing emergency food for the food insecure to other agencies that perform this service. EFOs include charitable institutions, pantries, hunger centers, soup kitchens, shelters and similar public or private non-profit agencies.

Food Insecure: A person who meets the TEFAP income guidelines or qualifier program guidelines as outlined in this Manual.

Foods Bank: Refers to public and charitable institutions that maintain an established operation involving the provisions of food, or the products thereof, to food pantries, soup kitchens, hunger relief centers or other food or feeding centers providing meals or food to the food insecure on a regular basis as an integral part of their normal activities. Food Banks also perform program outreach.

Foster Child: A child supported through State funding for care and maintenance payments to be used for board, clothing, and Medicaid. The allocations for the child are not considered income for the host family.

Homeless Shelter: On-site feeding program serving the homeless, on a regular days and hours operation throughout the month. Also includes shelters for battered women and children and runaway children.

Local Distributing Agency (LDA): LDAs are public or non-profit volunteer/charitable organizations which receive TEFAP USDA Foods from EFOs and distribute these foods to eligible recipients. New Jersey based Soup Kitchens, Homeless Shelters, Pantries, and other agencies, which meet NJDA requirements (as set forth in this manual) can be considered LDAs for TEFAP.

Needy Feeding Agency: As the second priority for the receipt of TEFAP USDA Foods, Needy Feeding Agencies are institutions that serve meals to needy people and do not employ a means test to determine eligibility for food assistance, providing the organizations have documented, to the satisfaction of the EFO that the organizations do, in fact, serve predominately needy persons.

Pantry: Distributes food packages containing both TEFAP USDA Foods and privately donated foods to eligible people experiencing food insecurity and emergency food needs.

Program Specialist; NJDA representative responsible for field monitoring of Department administered programs. TEFAP Program Specialists review program operations for compliance with state and federal regulations at both the EFO and LDA levels.

Soup Kitchen: Public and charitable institutions that, as an essential part of the normal activity, maintain an established feeding operation providing meals to food insecure and homeless individuals on a regular basis.

TEFAP USDA Foods: Foods made available under the Personal Responsibility and Work Opportunity Act of 1996. These institutional and consumer size foods are distributed to eligible recipients through New Jersey based LDAs as a second priority to needy feeding agencies.

PROGRAM OPERATIONS

The TEFAP Program is operated in accordance with Federal Regulations 7 CFR Part 251 and 7 CFR Part 250 when applicable. Also following guidance of FNS Instruction 709-5 Shipment and Receipt of Foods and FNS Instruction 501 Storage and Handling.

Emergency Feeding Organizations

EFOs are nonprofit private or public organizations, which agree to take responsibility for organizing all TEFAP USDA Foods distribution efforts to their recipient agencies. Under current New Jersey program operation, EFOs have Food Bank status and distribute TEFAP USDA Foods to soup kitchens, homeless shelters, pantries and needy feeding agencies (LDAs). The NJDA contracts with several EFOs to distribute TEFAP USDA Foods to LDAs that provide meals or food to the food insecure.

This is a public and or charitable nonprofit institution that maintains an operation to provide LDAs or other hunger relief centers for the food insecure on a regular basis. A Food Bank that has an Agreement with the NJDA to distribute TEFAP USDA foods is considered an EFO for TEFAP, (i.e., trained staff, warehousing for freezer

refrigeration and dry storage capability along with forklifts and loading docks for unloading tractor trailers). For an EFO to distribute TEFAP USDA Foods in the state, it must be physically located in New Jersey.

Functions of various LDAs

- **Soup Kitchen:** Soup kitchens maintain an established feeding operation to provide food in the form of prepared meals to insecure people on a regular basis as part of their normal activities. Soup kitchens also maintain regular days and hours of operation throughout the month providing privately and federally donated foods (a minimum of four hours per month). To receive TEFAP USDA Foods, a Soup Kitchen must be able to document and demonstrate that it maintains an inventory of privately donated (non-USDA) food stocks to meet emergency needs.
- **Homeless Shelter:** Homeless shelters maintain on-site feeding programs serving the homeless, on regular days and hours of operation throughout the month. Shelters for battered women and children and runaway children may also qualify as homeless shelters.
- **Pantry:** Pantries distribute both TEFAP and privately donated foods to low income and unemployed households, to relieve food insecurity and emergency distress situations. Pantries maintain scheduled days and hours of operation during the month, (minimum of four hours per month). To receive TEFAP USDA Foods, a pantry must be able to document and demonstrate that it maintains an inventory of privately donated (non-USDA) food stocks to meet emergency needs.
- **Needy Feeding Agencies:** Needy Feeding Agencies (NFA), serve meals to the needy but not necessarily homeless people. To receive TEFAP USDA Foods, a Needy Feeding Agency must document to the satisfaction of their EFO (Food Bank), that their organization serves predominantly needy people. An example is a senior housing complex.
- **Group Home:** Is any private or non-public housing corporation or institutional facility for profit that provides living quarters and meals. This also entails a domicile for unrelated people such as a retirement home or a long-term health care facility. **(GROUP HOME is not eligible to participate in TEFAP).**

General Qualifying Requirements

EFOs receive, store and distribute TEFAP USDA Foods to LDAs; perform outreach and monitor LDAs to ensure NJDA/USDA TEFAP program compliance.

1. Must be an organization/agency currently approved by the Internal Revenue Service as a federal tax-exempt or as a public agency.
2. Must employ staff to carry through obligations of food distribution, inventory management, agency outreach and monitoring.
3. Must have warehousing capabilities and an operating office open during regular business hours.
4. Must have demonstrated experience in some aspects of needy food program operation and/or development.
5. The agency must have some experience in USDA Foods distribution.
6. Must provide a copy of the organization's latest independent audit, annually when requested by the NJDA.
7. Must have available a list of names, addresses and telephone numbers of current Board of Trustees, which the NJDA will request annually.
8. Ensure the amount of insurance coverage obtained meets the value of donated foods in inventory. This meets the requirement for insurance Per 7 CFR 250.12(f)(5).

Qualifying Requirements for Food Bank Status

To determine Food Bank status by the NJDA for TEFAP participation, the Food Banks must meet the criteria listed above, as well as the following criteria.

1. Must make available to the NJDA the date of the establishment and location of Food Bank operation.
2. Must have available to the NJDA upon request, a list of LDAs that provide meals or food to eligible New Jersey residents with which the Food Bank has contracts. The list must contain name, address, telephone number, contact, county, average number of daily meals served, number of clients served per

- month and days and hours of operations.
3. Upon NJDA request, must have available at the Food Bank site a list of non-TEFAP USDA Foods distributed by quantity and frequency.
 4. Must have available to the NJDA upon request, a list of days and hours of operation that non-USDA foods are distributed.

Warehouse Requirements

Standards for Storage Facilities - The EFO must provide storage space for USDA foods.

- A. EFOs must ensure that storage facilities have obtained all required Federal, State and/or local health inspections and/or approvals and that such inspection/approvals are current.
- B. Facilities for the handling and storage of USDA foods must:
 1. Be sanitary and free from rodent, bird, insect and other animal infestation
 2. Include safeguards against theft, spoilage and other loss
 3. Provide for the maintenance of foods at proper storage temperatures; FNS HANDBOOK 501 7-2 Rev. 11/2017)
 4. Provide for the stocking and spacing of foods in a manner so that USDA foods are readily identified
 5. Provide for the storage of food off the floor in a manner to allow for adequate ventilation
 6. Include other protective measures as may be necessary.
- C. Storage facilities must be structurally sound and provide protection from the elements and extremes of temperature. The warehouse must be:
 1. Tightly constructed
 2. Waterproof
 3. Well-ventilated
 4. Insulated (if practical)
 5. Well-lighted
 6. Accessible for deliveries

Warehouse floors must be smooth and level to facilitate operation of the hand and/or mechanically powered equipment used to handle and transport food. Floors must be capable of supporting the maximum weight of the heaviest foods stacked floor to ceiling. EFO must procure the services of a safety engineer to determine and certify the load bearing capacity of the floor prior to use of the warehouse. Warehouse windows and doors must have screens to prevent entry by rodents, insects, and birds. In addition, windows must be shielded adequately to protect the food from direct sunlight. Windows and doors must have strong locking devices to prevent theft.

In addition:

1. Must have loading facilities and forklift.
2. Must have adequate staff to receive/unload TEFAP USDA Foods deliveries.
3. Inventory must be rotated on the first in-first out (FIFO) practices.
4. Must maintain a perpetual inventory system. The EFO must agree to allow NJDA TEFAP Inspectors to verify inventories monthly. Also, demonstrate accurate monthly physical and book inventories upon request.
5. These warehousing requirements apply to the EFOs on-site warehouse as well as any outside commercial or non-profit storage facility utilized by the EFO for storage of TEFAP USDA Foods. EFOs are required to maintain and provide the NJDA with copies of the NJDA's standard storage sub-contracts which have been signed by the EFO and an authorized representative of the contracted storage facility. In addition, the EFO must have an established warehouse review procedure for these "off-site" storage facilities.

Responsibilities of EFOs

EFOs must agree to meet the following requirements:

1. Have a signed Agreement with the New Jersey Department of Agriculture whereby the EFO agrees to perform LDA outreach and monitoring, and to take possession of TEFAP USDA Foods for its LDAs.

The EFO will be responsible for the proper handling, storage and distribution of all USDA Foods. All EFOs will follow the same rules outlined in the Agreement and Program Operations Manual. The Agreement will be self-renewing for EFOs deemed to be in good standing by the NJDA. The NJDA will not require an annual application from EFOs, however updated information may be requested.

2. Perform outreach activities to contact all groups which may be interested in distributing TEFAP USDA Foods.
3. Sign a contract with each of the LDAs interested in distributing TEFAP USDA Foods. A copy of this contract must be forwarded to NJDAs TEFAP Office. The LDA contract must be renewed annually. The EFO will ensure that the LDAs, in no circumstance, charge recipients for the receipt of TEFAP USDA Foods.
4. Maintain a current listing of LDAs distributing TEFAP USDA Foods. This listing must be arranged by county, agency type, agency name and MUST be submitted to the TEFAP Office quarterly.
5. Each list must include all the following information in this format:

For Soup Kitchens, Homeless Shelters and Needy Feeding Agencies:

Name, Address, County, Name of contact person, Telephone number, Average number of daily meals served, Hours of operation and Days of operation

For Pantries:

Name, Address, County, Name of contact person, Telephone number, Number of clients served per month, Hours of operation and Days of operation

6. Train all LDAs on the current rules and requirements of the program as listed in this TEFAP Program Operations Manual and TEFAP LDA Operations Manual, upon acceptance of an LDA contract. EFOs must conduct annual agency days/training sessions for all agency types.
7. Act as a clearinghouse for information regarding all aspects of TEFAP USDA Foods distribution in its service area.
8. The USDA “**And Justice for All**” poster must be displayed in a prominent area, where USDA TEFAP Foods are being distributed or served to recipients. EFOs and LDAs must include the **nondiscrimination statement** on all printed materials and promotional outlets relating to TEFAP, such as: applications, pamphlets, newsletters, websites and or forms or any other program materials distributed to the public.
9. Devise an EFO distribution plan which ensures all eligible New Jersey Residents have access to TEFAP USDA Foods through LDAs. This plan must be submitted to the NJDA and kept on file for review by the TEFAP Office.

The distribution of TEFAP USDA Foods occurs in various ways:

- Pantries distribute food packages containing both TEFAP USDA Foods **and** privately donated foods to eligible people experiencing food insecurity, distress and emergency food needs.
 - Soup kitchens and homeless shelters use TEFAP food in the preparation of hot and cold meals to be served to the food insecure. *It is because of the dedication and diligence of those working statewide that New Jersey’s TEFAP USDA Foods distribution program has been successful.*
10. EFOs must verify that LDAs have proper storage facilities for TEFAP USDA Foods to avoid spoilage.
 11. Monitor LDAs to ensure compliance with all USDA/NJDA requirements including eligibility criteria, distribution methods, approved documentation and recordkeeping. Maintain a record of this monitoring. This monitoring includes on-site checks during actual operating hours.
 12. Collect NJDA summary reports and USDA Foods Acceptance forms from LDAs monthly.
 13. Keep all distribution records and documentation for reimbursement on file for three years from the close of the federal fiscal year to which they pertain. Also maintain all records forwarded from LDAs for the same time period.
 14. In no case may the inventory level of each donated food in the EFOs storage exceed a six-month supply. EFOs must submit justification to the NJDA in instances where more than a six-month inventory is

needed. The NJDA will determine if the EFOs inventory is excessive based on the rate of distribution, anticipated distribution, and other logistical and economic considerations. The EFO must take corrective action to eliminate excess inventories upon request of the NJDA.

15. The EFO shall maintain adequate books and records, invoices, payroll, W-2s, 1099s, bank statements, reconciliations of receipts, disbursements and all documentation that support the payments made by NJDA on the RR-9 reimbursement forms. All distribution records and documentation from LDAs for a period of three years, or longer, from the close of the Federal fiscal year to which they pertain should be maintained.

All records must be available for inspection by NJDA, USDA or designee upon request at any reasonable time during normal business hours. All TEFAP records are to be maintained and stored at the EFOs' primary business location, as indicated on their annual application and current TEFAP contract. TEFAP records can only be transferred to another location, with prior written consent of the NJDA.

16. In the event of an audit or litigation, affected records must be retained until such time as resolution is achieved.
17. The EFO must submit an annual TEFAP Statement of Administrative Revenue and Expenditures to the NJDA FDP Accounting unit staff within 90 days after the closure of the Federal program year to which it pertains, identifying all TEFAP reimbursement revenue received from the NJDA for TEFAP USDA Foods received during the Federal program agreement period, as well as all costs charged to the EFOs fiscal year TEFAP program. The EFO's Finance Department must ensure that their organization's TEFAP program revenue totals match NJDA's TEFAP revenue total.

The USDA requirements state that all "Federal funds" received by an EFO regardless of the method of payment to the EFO by NJDA must be used for direct costs associated with receiving and distributing TEFAP USDA Foods.

All "State funds" received by an EFO must be used exclusively for TEFAP program enhancement or to cover direct TEFAP expenditures incurred by the EFO.

TEFAP USDA Foods MANAGEMENT

TEFAP USDA Foods Allocation Formula

Federally donated foods shall be distributed to eligible LDAs that provide meals to the homeless, homeless shelters including shelters for battered women and children and runaway children and to emergency food pantries in accordance with the NJDA's TEFAP policy.

LDAs may only receive TEFAP USDA Foods from one EFO.

Transfers of TEFAP USDA Foods among EFOs are not authorized without the express consent of the TEFAP Office. All requested must be in writing.

Entitlement

Entitlement is determined using the service numbers submitted by an EFO on their monthly reports to NJDA. The service numbers are collected from the actual meals served per month (MPM) by its contracted soup kitchens and homeless shelters, and the recipients per month (RPM) served by its contracted pantries. This determines the service numbers for each EFO. An overall entitlement percentage for each EFO is derived by dividing the EFO total by the grand total.

As New Jersey is offered TEFAP USDA Foods in truckload quantities throughout the year, each EFOs percentage is applied to the total offering. An EFOs entire share, based on the service numbers, for an offering is determined. What is not direct shipped to EFOs is sent to the NJDA contracted warehouse. During the product selections process, EFOs have the options of direct shipments and/or monthly warehouse deliveries.

Note: Offerings of TEFAP USDA Foods from the NJDA contracted warehouse will be made monthly as food becomes available from USDA sources. Foods not accepted by EFOs will remain in NJDA inventory and will be offered during subsequent monthly allocations as bonus to their entitlement.

EFOs are required to allocate TEFAP USDA Foods to their LDAs using the same weighted percentages and calculation methods (service numbers) as those employed by the NJDA in allocating to the EFOs. An exception to this procedure may be made in cases where an LDA has exceeded a six-month supply of a given TEFAP USDA Foods based on their monthly summary report balances. An EFO has the right to not accept foods that cannot be utilized by their LDAs. EFOs should contact the TEFAP Office in such cases.

Perpetual Inventory Record

EFOs must maintain a perpetual inventory record for each food item. If one kind of food is received in different size containers, a separate inventory record must be maintained for each container size. The perpetual inventory records must include the following information:

- A. USDA food item
- B. Unit size
- C. Date received
- D. Amount received
- E. Date withdrawn
- F. Amount withdrawn
- G. Purpose for withdrawal
- H. Balance on hand

The EFO must provide a perpetual inventory record form that is acceptable to the NJDA. Perpetual inventory records may be automated at the discretion of the EFO provided it is acceptable.

Direct Shipments

Direct shipments have proven to be a cost-effective way of transporting food to EFOs. EFOs that participate in the direct shipment of TEFAP USDA Foods must consider their capabilities to receive, at minimum, a quarter (1/4) of a truckload up to one (1) full truckload quantity of certain TEFAP USDA Foods. EFOs must be able to meet the requirements of FNS Instruction 709-5 "Shipment and Receipt of Foods".

Direct Shipment Procedures

1. USDA notifies NJDA of offerings of TEFAP USDA Foods by month and truckload quantities.
2. TEFAP direct shipment offerings are based on a formula that reflects service numbers per month submitted by each EFO.
3. EFOs will be offered the opportunity of direct shipments as TEFAP USDA Foods become available. EFOs are notified of this opportunity through the TEFAP Office along with their fair share.
4. EFOs must be extremely careful when accepting direct shipments. Cancellations or diversions, once direct shipments are accepted by the EFO may not be possible and may incur additional expenses, such as detention, storage, and re-trucking charges which must be absorbed by the EFO. Any charges resulting from cancellations or diversions will be charged to the EFO.
5. When the NJDA receives a request for a direct shipment, the order is placed with the USDA.
6. EFOs are responsible for monitoring their pending order in WBSCM to assist with their future planning.
7. Upon receiving the direct deliveries, the EFO must receipt for the delivery in WBSCM within **two business days**.

Receipt of TEFAP USDA Foods

Shipment Inspection Procedures-EFO or consignee must examine all shipments, prior to accepting or unloading the TEFAP USDA foods, to determine the following:

- A. If temperatures for refrigerated and frozen products are adequate to ensure that the food is in good condition
- B. If there is damage to canned goods, such as dented, bulging, discolored, or disfigured cases or cans, which might indicate spoilage or deterioration
- C. If dry foods, such as nonfat dry milk, flour, and other grain products, show signs of insect or rodent infestation
- D. If there is a shortage or overage in the shipment
- E. If Seals are intact and the seal number matches the number on the BOL.

Storage and Handling of TEFAP USDA foods

To maintain its quality, food must be stored at the proper temperatures. Thermometers are required for dry, cooler and freezer storage. Temperatures of all storage areas must be checked and recorded frequently on temperature logs.

Acceptable Temperature Range:

Dry 50 f. To 70 f. Degrees best conditions

Cooler 35 f. To 41 f. Degrees no variation

Freezer -10 f. To 0 f. Degrees no variation

Air Circulation

Air circulation is important for frozen or chilled foods as well as those held in dry storage. Foods must be stacked on pallets or shelves with at least 2 inches of wall and ceiling clearance. All Foods are to be stored 6 inches off the floor.

Receiving Out of Condition Foods on Direct Shipments

For shipments originating from a vendor (i.e., any shipment not originating from the NJDA state contracted warehouse) that are found to contain out-of-condition TEFAP USDA Foods, after taking the necessary steps provided herein.

Over, Short, or Damaged Shipments; When a shipment is received and found to be over or short in quantity or containing damaged food the EFO must notify the delivering carrier immediately. All overages, shortages, and damages must be documented on all copies of the delivery receipt, prior to signature by the EFOs representative as well as in WBSCM when the shipment is receipted for. If the issues are extensive, EFO must immediately contact the NJDA TEFAP Office. The EFO must not refuse the shipment without prior approval from the NJDA TEFAP Office.

Receipt of Out-of-Condition Food; When a shipment is received, in which all or a major part of the food appears to be un-fit for human consumption, the EFO must immediately notify NJDA. It may be appropriate to refuse the shipment; however, this action must not be taken without prior consent of the NJDA. Notification of Out-of-Condition Shipment of TEFAP USDA Foods when reporting, the EFO must communicate the information listed below to the NJDA, by telephone and in writing. EFOs are encouraged to also submit photographs of the foods that are out-of-condition.

1. Name of the TEFAP USDA food
2. Delivery order number
3. Date the shipment was received
4. Date of discovery
5. Description of the condition of the food
6. Location of the food
7. Name of the person having custody of the food
8. Quantity that is in questionable condition
9. Protection given the food after receiving.

Shipments Received via NJDA Contracted Trucker

1. The same procedures as indicated for Direct Shipments should be followed. All damages should be reported to the TEFAP Office. The TEFAP Office will attempt to determine the party responsible.
2. In both direct shipments and delivery by NJDA, The USDA will decide as to the foods being made available to a non-TEFAP agency. This will be in lieu of authorizing an EFO to perform salvage operations.
3. Damage that is valued at \$500.00 or less is considered minimal and no determination of liability will be made. Repeating offenses of this nature may be cause for a claim action against the party responsible.
4. In no case is damaged food to be allocated to an LDA or eligible recipient. A representative of TEFAP must be notified. A claim determination documenting the damage will be completed. The EFO must complete a damage report in conjunction with NJDA. This report is available from the NJDA.
5. If damaged TEFAP USDA Foods are uncovered during distribution, they must be separated and reported to the EFO immediately. The EFO will, in turn, notify the TEFAP Office immediately. Damage information must include the following: location of damaged foods, nature of damage, amount of damage, contact name and storage conditions.
6. Damaged TEFAP USDA Foods disposed of without authorization from the TEFAP Office may result in a claim action against the responsible party for the full commercial value of the commodity at the time of loss.

Salvage of TEFAP USDA Foods

If a portion of the TEFAP USDA foods in a damaged shipment are salvageable, it is the EFOs responsibility to save as much of the food as practicable. Out-of-pocket expenses, such as labor or packaging costs, incurred by the EFO or by the local consignee during a salvage operation will be considered on a case-by-case basis.

TEFAP USDA Foods with Latent Defects

- A. Food Complaints: TEFAP USDA foods that are found to be defective after they are received at the EFO warehouse, or after they have been issued to a household, should be reported to the NJDA TEFAP Office as soon as the problem is detected.
- B. Complaint Information Needed: The following information is needed to resolve food problems with the vendors. EFOs are encouraged to also submit digital photographs of the defects and product/case labels.
 1. Sales order number
 2. Indicate direct delivery vs. state contracted warehouse delivery
 3. Name and address of the EFO
 4. Contact name, phone number, and email address
 5. TEFAP USDA Food name and product code
 6. Description of the problem and quantity of the product affected
 7. Date product was received by the EFO
 8. How would the EFO like the problem resolved (e.g., replacement).
- C. USDA Foods that Go Out-of-Condition While in Storage by the EFO: The EFO should make every effort to maintain proper inventory levels and issue foods in a timely manner to avoid having foods go out-of-condition. The EFO must contact the TEFAP Office if it has TEFAP USDA foods that are expected to go out-of-condition before they can be effectively used in the program. Out-of-condition food must not be disposed of or destroyed unless they create a hazard for other food stored nearby; however, they should be segregated from other foods immediately. If immediate disposal is necessary, EFO must request permission from the TEFAP Office and document approval. The quantity of the food and the way it was disposed must be included in the EFOs report to the TEFAP Office.

Recall Procedures

The EFO or recipient agency, as appropriate, must follow all applicable Federal, State or local requirements for donated foods subject to a food recall, as this term is defined in 7 CFR Part 250. Further, in the event of a recall, NJDA guidance is provided, including procedures or instructions for all parties in responding to a food recall, replacement of recalled donated foods, and reimbursement of specific costs incurred because of such actions.

Theft

If TEFAP USDA Foods are stolen, the incident must be reported to the TEFAP Office immediately. The EFO or LDA must provide the location where the incident occurred, the amount of food involved and a contact name and phone number. The incident must be reported to the police. A copy of the police report must be submitted to the TEFAP Office, and a copy must be placed on file at the EFO and maintained for three years from the close of the federal fiscal year in which it pertains.

Any variation from this procedure may result in a claim action against the party responsible for the full commercial value of the USDA Food.

Illegal Actions

In the case of an illegal action, for example, the selling of TEFAP USDA Foods, the EFO or LDA must immediately notify the TEFAP Office. The information must include location where the incident occurred, foods involved and contact name and phone number if possible.

TEFAP USDA Foods Transfer

Transfers of TEFAP USDA Foods among EFOs are not authorized without the express consent and written authorization of the TEFAP Office. All requested must be in writing.

TEFAP MONITORING SYSTEM

A TEFAP representative will monitor each EFO and LDA under contract. Monitoring will be conducted on a continual basis. This monitoring will cover the following areas:

1. Eligibility determinations
2. Conformity to the Agreement ACD-3, TEFAP Program Operations Manual, TEFAP LDA Operations Manual and State and Federal regulations
3. Use of current documents
4. Number of potential eligible recipients served
5. Food ordering procedures
6. Storage and warehousing practices
7. Satisfactory sanitary inspection certificate from local Board of Health or State Department of Health
8. Inventory controls
9. Approval procedures of LDAs
10. Reimbursement requests
11. Report/recordkeeping

In addition, TEFAP staff will review and reconcile documentation of storage, handling and distribution costs supporting the use of TEFAP funds. EFOs may be subject to a minimum of one financial review by NJDA auditors annually.

Formal year-end management reviews will occur in addition to other monitoring happening throughout the year. The TEFAP reviewer will contact each EFO in advance to set up an appointment. Each review will start and end with an interview with the EFO representative.

After the exit conference, TEFAP staff will mail the report of review findings to the EFO. This report will include:

- A description of each deficiency found and factors contributing to each.
- Recommendations and requirements for corrective actions.
- Timetable for completion of corrective actions.

If necessary, follow-up visits will be conducted by the TEFAP reviewer to monitor the implementation of corrective actions.

The reviewer will also visit LDAs with a representative of the EFO when possible.

A minimum of ten percent of distribution sites statewide will be reviewed each year. Approximately half of the sites will be those that distributed to the greatest number of households during the previous federal fiscal quarter. The other sites will be chosen at random. Compliance with the TEFAP Program Operations Manual and TEFAP LDA Operations Manual will be verified.

Note: In addition to NJDA TEFAP staff, the USDA may also decide to review, at random, any EFO or LDA it may deem necessary during the year. Therefore, it could be that any EFO or LDA may experience more than one review during any fiscal year.

Reimbursements

The Agreement between the EFO and NJDA makes provisions for reimbursement to EFOs engaged in the distribution of USDA Foods. Reimbursement will be made at the prevailing rate contingent upon available funding.

All costs for which reimbursement is sought shall meet federal cost standards as established by federal regulation and Office of Management and Budget (OMB) Circulars. OMB A-122 established the Cost Principles for Non-Profit Organizations for determining costs of grants, contracts and other agreements w/ non-profit orgs. This circular has been superseded or relocated under 2 CFR Part 230.

Allowable Costs

Allowable costs are those that are directly associated with the distribution, handling and storage of TEFAP USDA Foods. To be allowed, the costs must be reasonable and necessary. Documentation must be maintained to substantiate all expenses recorded in the books and records of the participating EFO.

Personnel

Salaries and fringe benefits for services of employees directly involved with the TEFAP USDA Foods program is allowable to the extent compensation is reasonable and pro-rated in direct proportion to percentage of time engaged with the commodity program. This would reflect the time staff will spend on administering, planning, verifying, recordkeeping, site monitoring, mailing, filing, typing, bookkeeping, handling and transportation of

USDA foods and other commodity distribution related activities. Costs claimed for personnel services must be supported by records of payment in addition to time and attendance records for individual employees.

Transportation

Costs related to freight, express, cartage, mileage and other costs associated with distribution and handling of TEFAP USDA Foods are allowable. If depreciation of transportation equipment is claimed, only those allowable expenses associated with transportation may be claimed. Mileage reimbursement may also be made to volunteers at the prevailing Federal rate.

Storage

Rental fees paid for TEFAP USDA foods storage facilities, cost of maintenance and operations, utilities, insurance, security, janitorial services, normal repairs and insect/rodent control are allowable. Rates may not exceed those for comparable facilities within the area.

Other Allowable Expenses

Allowable expenditures such as Accounting and other information services required for the management of the program, and the costs of an independent audit, the cost of advertising for the purpose of public notification of distribution such as newspapers and radio, reasonable costs of in-service training and meeting of agency personnel and LDAs which directly benefits the commodity program, the cost of materials, supplies and other related expenses such as telephone, utilities, insurance, postage, printing, copies, etc. directly needed for program operations. In addition, fees charged by commercial warehouse operators and common carriers for storage and transportation (i.e. offsite storage & trucking); acquisition costs of equipment (including maintenance & repairs) used in the physical handling, storage and transportation of TEFAP USDA foods (i.e. Infrastructure costs); payroll costs of temporary workers hired to assist with the handling, storage and transportation or distribution of TEFAP USDA Foods. Asset purchases exceeding \$500.00 cost with the life expectancy greater than one year must be capitalized and depreciated over the life expectancy of the asset.

Non-Allowable Costs

Payments to board members of advisory councils for attendance at meetings, claims for negligence or fraud and costs resulting from violations of or failure to comply with Federal, State or local laws and regulations. Contributions and donations by the organization to others, costs of amusement, diversion, social activities, ceremonials, and costs relating thereto, such as meals, lodging, rentals, transportation and gratuities. Allowable costs experienced in previous years cannot be carried over to the current year.

Note: Any costs shared by different programs such as Community Service Block Grant, etc. MUST be PRORATED accurately to avoid duplicate payments.

If the agency has any doubt about whether a certain cost is allowable, contact NJDA prior to the incurrence of the cost.

General Reimbursement Policy

1. The NJDA shall reimburse EFOs from funds available to the program up to a maximum of the prevailing rate per pound only on TEFAP USDA Foods distributed to eligible LDAs. Documentation of these expenditures must be maintained for three years after the close of the fiscal year to which they pertain for submission to the NJDA for review. EFOs may be subject to a minimum of one financial review by NJDA auditors per Federal Fiscal year.

2. Each month, EFOs will need to submit an electronic “NJDA RR-9-EFO REQUEST FOR REIMBURSEMENT” form(s) for both warehouse allocation and direct shipment foods received and a “WAREHOUSE ALLOCATION RECEIVABLES” (WAR) document for allocation foods received to the NJDA FDPs Fiscal unit staff for their final review. The EFO has up to 30 days from the end of the receiving month to email their completed RR-9 & WAR forms to the NJDA FDPs Fiscal unit staff.
3. The RR-9 electronic form will allow the EFO to enter both their monthly warehouse allocation foods received &/or up to six (6) direct shipment deliveries on to one (1) RR-9. For direct shipments, the EFO must attach a scanned copy of their signed Bill of Lading(s) along with the NJDA Delivery Order form. For warehouse allocations, the EFO must attach a signed copy of their monthly allocations along with the completed WAR form. For the WAR form, the EFO will need to enter information for each donated commodity received from the NJDA’s State contracted warehouse vendor. In the event that an EFO is showing a discrepancy between the total number of cases offered vs received, the EFO must include a scanned copy of their original BOL. The EFOs must follow general Federal record retention requirements to ensure proper documentation is always available for the NJDA’s review.
4. Once the EFOs RR-9 reimbursement request has been approved by the NJDA FDP and their payment has been issued by the NJ Department of Treasury, the FDPs Fiscal unit staff will then email the completed RR-9 form back to the EFO for their files.
5. TEFAP staff will monitor EFO inventories. Any TEFAP USDA Food, more than a six-month supply will be transferred to another EFO and the full reimbursement deducted from the transferring EFO. The receiving EFO will then be able to claim full reimbursement. This policy is intended to encourage EFOs to keep fresh TEFAP USDA Foods moving through the distribution cycle to the final recipient. There will be no reimbursement for TEFAP USDA Foods received in a damaged state at the EFO storage facility. For TEFAP USDA Foods that are damaged at the EFO storage facility because of normal handling, and the damage does not exceed 1,000 lbs., then the NJDA will determine if a deduction from the EFO’s monthly reimbursement will be applied. Repeat offenses of this nature may be cause for a claim action against the party responsible. TEFAP USDA Foods damaged because of negligence by the EFO will continue to be subject to claim action.
6. The monthly RR-9, along with the SOR, transfer forms, damage forms, etc. will be used by the NJDA to adjust EFO inventories monthly. EFOs must also use these documents to maintain their perpetual inventory. A regular reconciliation will be conducted at the end of each Federal Fiscal Year.
7. RR-9’s must be submitted at least once a month and no later than 30 days after the closing of the receiving month. Any deviation from this RR-9 submission policy may result in an EFO reimbursement delay by the NJDA in the issue of reimbursement payments. Remember, it is the EFOs responsibility to submit reimbursement requests to the NJDA on a timely and regular basis. If a full distribution cannot be reported during the current month, the remaining balance can be reported on subsequent SORs.
8. There is no reimbursement for non-TEFAP USDA Foods.
9. If the findings of the NJDA year-end financial review indicate the EFO did not distribute sufficient poundage of TEFAP USDA Foods to eligible LDAs to justify total payments received, the EFO will be required to return to NJDA, the appropriate amount of monies to equal the prevailing rate per pound, not distributed, within 30 days after the NJDA year-end financial review.
10. Reallocation foods are foods which are offered to other states, and which are rejected and then offered to New Jersey above its designated 100% level of entitlement. Provided that enough funds are available to the NJDA to cover any necessary state administrative costs, reallocated foods will be offered to EFOs. EFOs will be reimbursed up to the level of funds available up to the prevailing rate per pound.
11. NJDA may use TEFAP Administrative Funds to pay for direct and indirect expenses associated with both the distribution of TEFAP USDA Foods and of foods secured from other non-Federal sources.
12. After all obligations are met as of September 30th of the current Federal Fiscal Year and there are available unexpended TEFAP admin funds, those funds may be distributed to the EFOs having allowable documented expenses up to the prevailing rate per pound, as verified by NJDAs annual fiscal review, in proportion to the amount of food distributed to eligible LDAs by each EFO for the program year starting October 1st of the federal fiscal year to which the bonus funds apply.

EFO Distribution Network

Local Distributing Agencies

LDAs are volunteer organizations which distribute TEFAP USDA Foods to the final recipients. Any public or nonprofit organization which agrees to perform the designated responsibilities and follow the USDA and NJDA regulations and requirements may participate in the distribution of TEFAP USDA Foods to New Jersey residents.

Soup Kitchens / Homeless Shelters

NJDA will provide TEFAP USDA Foods, through the distribution channel using the EFOs, at no cost to eligible soup kitchens and homeless shelters that provide meals to the homeless.

Soup Kitchen

The law defines “soup kitchens” as public and charitable institutions that maintain an “established” feeding operation to provide food to needy homeless persons as an integral part of their normal activities. Soup kitchens maintain regular days and hours of operation throughout the month.

Homeless Shelters

Homeless shelters include shelters for battered women and children and runaway children and operate on regular days and hours of operation throughout the month.

If the organization meets the above definitions of a soup kitchen or homeless shelter, that organization must complete a contract of agreement with the EFO. They must submit copies of a federal tax-exempt letter from the Internal Revenue Service, and the current local or State Health Inspection Certificate to the EFO.

The TEFAP Office will follow up with an on-site qualifying inspection by a representative from the TEFAP Office. The applicant, as well as the EFO, will be notified in writing as to having been approved to receive TEFAP USDA Foods. EFOs may not provide TEFAP USDA Foods to a potential soup kitchen or homeless shelter until NJDA issues the initial approval letter.

Responsibilities of Soup kitchens / Homeless Shelters

Soup kitchens / homeless shelters must agree to assume the following responsibilities:

1. Sign a contract with only one EFO which states the responsibilities of each party. Soup kitchens / homeless shelters must pick up TEFAP USDA Foods from only one EFO.
2. Respond to the written TEFAP USDA Foods allocation provided by the EFO. EFOs will make TEFAP USDA Foods available based on the most recent service numbers at participating soup kitchens / homeless shelters.
3. Pick up TEFAP USDA Foods at scheduled times at the EFO in appropriate vehicles. Verify amounts and sign a receipt. Open vehicles must be covered with a tarp to protect TEFAP USDA Foods. In no instance will sanitation trucks be used to transport TEFAP USDA Foods. If road vehicles are used, a proper bed lining must first be put down to protect cases from direct contact with the bare truck bed.
4. Properly store, handle and distribute all TEFAP USDA Foods free of all charges to the recipient. Soup kitchens / homeless shelters are fully responsible for all TEFAP USDA Foods they receive from the EFO.
5. Submit to the EFO a TEFAP summary report once a month to summarize types and amounts of foods utilized and the total of meals served during the month.

Emergency Food Pantries

NJDA will provide TEFAP USDA Foods, at no cost, to eligible emergency food pantries that provide food packages to Food Insecure residents of New Jersey. Pantries are public nonprofit organizations that distribute food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress. Pantries maintain scheduled days and hours of operation during the month providing both privately and federally donated foods.

Pantries must agree to assume the following responsibilities.

1. Sign a contract with only one EFO which states the responsibilities of each party. Pantries may contract with any EFO with food bank status.
2. Screen all participants for eligibility using TEFAP criteria.
3. Pick up TEFAP USDA Foods at scheduled times at the EFO and use appropriate vehicles. Verify amounts and sign a receipt.
4. Properly store, handle and distribute all TEFAP USDA Foods. Pantries are fully accountable for all TEFAP USDA Foods received from the EFO.
5. Distribute TEFAP USDA Foods to eligible recipients at no charge.
6. Record type and quantity of TEFAP USDA Foods received by eligible recipients. This information must be gathered via a USDA Foods Acceptance form showing the date, printed name of recipient, Town and Zip Code, number of children and adults in the family eligible to receive TEFAP USDA Foods.
7. Summarize amounts of TEFAP USDA Foods distributed and number of eligible recipients served (service numbers) on a TEFAP SOR and submit this report along with the USDA Foods Acceptance forms to the EFO. This will be completed and forwarded to the EFO once a month.
8. There is no county-based territorial limits and pantries must distribute to all clients.
9. TEFAP institutional-size packs may be broken down into consumer-size packs at the pantry site. Pantry must receive local health office approval and maintain documentation of each approval.

Eligible Recipients

Households must be identified as needy through one of the following criteria to be eligible to receive TEFAP USDA Foods from approved LDAs.

- A household is defined as a group of related or non-related individuals, exclusive of boarders, who are not residents of an institution, but who are living as one economic unit and for whom food is customarily purchased and prepared in common. It also means a single individual living alone.
- Foster children or wards living with and under the charge of related or unrelated individuals are included as members of a household with which they reside, and do not qualify as separate households. TEFAP eligibility guidelines do not require the host family to include, in their total household income, funds received from the New Jersey Division of Youth and Family Services (DYSF) for keeping foster children. When registering at a TEFAP pantry site, a recipient may include foster children in total family size but should not include DYSF funds received for foster child placements.

Eligibility Criteria

1. **Self-Declaration** – Their household income should not exceed income eligibility guidelines (185% of federal poverty guidelines). See EFO /LDA agency representative for current Income Eligibility Guidelines. Applicants will not be asked to show proof of income to self-certify. Applicants must be residents of New Jersey.
2. **Existing** - Local, State or Federal Program participant (example – WIC)

3. **Disaster Relief-** Event description to be provided.

All eligible recipients must provide their name, Town and Zip code, number of individuals living in the household and sign a USDA Foods Acceptance form when they receive TEFAP USDA Foods.

All Eligible recipients must register at the pantry by completing and INTAKE FORM. The Intake Form must be renewed annually for all recipients.

Needy Feeding Agencies

Eligible TEFAP outlet, institutions that serve meals to predominately needy people without a means test, providing the organizations have documented to the satisfaction of the EFO, that the organizations do, in fact, serve predominantly needy people. By NJDA definition such organizations will be referred to as “Needy Feeding Agencies”. The EFO will provide TEFAP USDA Foods to these organizations only after the needs of all contracted LDAs have been met. EFOs must have expressed approval of the NJDA TEFAP office to distribute TEFAP USDA Foods to Needy Feeding Agencies.

Responsibilities of Needy Feeding Agencies:

1. Sign a contract with only one EFO which states the responsibilities of each party. Needy Feeding Agencies may contract with any EFO with food bank status. Although there is no county-based territorial limit, a Needy Feeding Agency can pick up TEFAP USDA Foods from only one EFO.
2. Contact the designated EFO to determine the amount and variety of TEFAP food available to the Needy Feeding Agency as a second priority LDA.
3. Pick up TEFAP USDA Foods at scheduled times at the EFO in appropriate vehicles. Verify amounts and sign a receipt.
4. Properly store, handle and distribute without charge all TEFAP USDA Foods. Needy Feeding Agencies are fully responsible for all TEFAP USDA Foods received from the EFO.
5. Submit to the EFO TEFAP summary reports once a month to summarize types and amounts of food received, utilized and retained, and the average number of daily meals served during the month.

CIVIL RIGHTS REQUIREMENTS

CIVIL RIGHTS- NON-DISCRIMINATION STATEMENT

In accordance with federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the state or local agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, Washington, D.C. 20250-9410;
2. Fax: (202) 690-7442; or
3. Email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

This non-discrimination statement will be included in all printed materials relating to TEFAP, such as pamphlets, forms or any other program materials distributed to the public.

Additionally, the USDA "And Justice for All" poster shall be displayed in a prominent area at all agency locations where USDA Foods are being distributed or served to recipients.

All eligible people and households will have an equal opportunity to participate in the program.

Complaint form links below: Please print and have available the complaint form.

<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>

<https://www.usda.gov/sites/default/files/documents/ad-3027s.pdf>

WEEKLY PANTRY DISTRIBUTION GUIDE RATE

This chart shows the **MINIMUM** number of units to distribute to clients

Pantries are encouraged to consider family size and need when including TEFAP USDA Foods in packages to eligible recipients. The following guide rate is the recommended **MINIMUM** quantity to offer:

FOOD / PACK SIZE	NO. UNITS PER FAMILY SIZE				
	1 - 2	3 - 5	6 - 8	9 - 11	12 PLUS
Match to number of family members	1 - 2	3 - 5	6 - 8	9 - 11	12 PLUS
Canned Fruits & Vegetables (various sizes)	1	2	3	4	5
Fresh – Frozen Fruits & Vegetables (various sizes)	1	2	3	4	5
Fruit Juice, Bottle (64 oz.)	1	2	3	4	5
Cans – meat, poultry, fish (various sizes)	1	2	3	4	5
Frozen meats, poultry, fish (various sizes)	1	2	3	4	5
Dried or canned Beans (various sizes)	1	2	3	4	5
All Pasta (Bag - various sizes)	1	2	3	4	5
Dried Fruits (various sizes)	1	2	3	4	5
Cereal (15 - 18 oz. Box)	1	2	3	4	5
Peanut Butter (16-18 oz jar)	1	2	2	2	3
Rice, corn meal, oatmeal, grits (various sizes)	1	1	2	2	3
Cheese – package (various sizes)	1	2	2	2	3
Oil – (various sizes)	1	1	2	3	4
Soups – (various sizes)	2	3	4	5	6
Fresh Milk – 2-half gallons or 1 full gallon	1	2	3	4	5
Instant Non-Fat Dry Milk (various sizes.)	1	2	2	2	3

Note: Availability of foods is determined by the United States Department of Agriculture. Varieties and pack sizes of foods available will vary as USDA buying patterns adjust to food market conditions. This is a guide and does not contain all foods available.

This institution is an equal opportunity provider.

HYPERLINKS

FD-146 Questions and Answers about Distribution Procedures - TEFAP

<https://www.fns.usda.gov/tefap/fd-146-questions-and-answers-about-distribution-procedures-tefap>

The TEFAP Program – USDA Site

<https://www.fns.usda.gov/tefap/emergency-food-assistance-program>

FNS Instruction 709-5 Shipment and Receipt of USDA Foods

<https://www.fns.usda.gov/usda-foods/shipment-and-receipt-goods-fns-instruction-709-5>

Responding to Food Recalls

<https://www.fns.usda.gov/ofs/responding-food-recall-procedures-recalls-usda-foods>

Federal Regulations 7CFR-Part 250

[eCFR :: 7 CFR Part 250 -- Donation of Foods for Use in the United States, Its Territories and Possessions and Areas Under Its Jurisdiction](#)

Federal Regulations 7CFR-Part 251 [eCFR :: 7 CFR Part 251 -- The Emergency Food Assistance Program](#)

1. Requirements for Beneficiaries Receiving TEFAP and CSFP Benefits from Religious Organizations – This memo was rescinded in 2023 ([cancellation memo here](#)). Revised requirements for *all* organizations that receive USDA Foods or administrative funding through TEFAP are found here: [FD-155: Written Beneficiary Notice and Referral Requirements for CSFP and TEFAP State Agencies | Food and Nutrition Service](#)

FNS Handbook 501 7-2 – Warehousing and Inventory Controls

<https://fns-prod.azureedge.us/sites/default/files/resource-files/Handbook501chapter7.pdf>