

NORTH CAROLINA WIC FARMERS' MARKET NUTRITION PROGRAM (FMNP) Guidelines for Farmers—2019-2021

For the purchase of North Carolina grown fresh fruits and vegetables only at
FMNP certified farmers' markets.

The purpose of the WIC Farmers' Market Nutrition Program (FMNP) is to encourage WIC customers to obtain fresh fruits and vegetables directly from farmers as well as to improve nutrition of low-income women, infants and children. These transactions increase the farmer's share of the food dollar, keep more of the consumer dollar in local communities and help to revitalize rural areas.

Attached are the WIC FMNP guidelines for participating farmers. Please review them carefully and complete the updated Farmer's Agreement. If you were issued a stamp in or since 2005, you will continue to use this same stamp. You must complete a Farmer's Agreement for 2019-2021 for each market where you participate and return to the administrator before accepting coupons. Please contact us with any questions.

The North Carolina Department of Health and Human Services administers the program in cooperation with the North Carolina Department of Agriculture & Consumer Services.

If you have questions or concerns, contact one of the following Program Administrators:

- **Monica Wood**
North Carolina Department of Agriculture & Consumer Services
(919) 733-7417
- **Tysha Grays**
North Carolina Department of Health and Human Services
(919) 707-5765

Assurance of Civil Rights Compliance

The farmer hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C.2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.794), Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189) as implemented by Department of Justice regulations at (28 CFR Parts 35 and 36); Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000), all provisions required by the implementing regulations of the U.S. Department of Agriculture (7 CFR Part 15 et seq); and FNS directives and guidelines to the effect that no person shall, on the ground of race, color, national origin, age, sex , or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Agency receives Federal financial assistance from FNS; and hereby gives assurances that it will immediately take measures necessary to effectuate this agreement.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for the purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreement made in this assurance.

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a 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
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

1. Farmers Eligibility to Participate

- A. Farmers must be certified to participate in the program. All farmers must complete an updated Farmer's Agreement on the Current Guidelines before accepting coupons. If a farmer sells at more than one FMNP market, a Farmer's Agreement must be completed for each market. The farmer is accountable for the actions of employees in the provision of foods and other activities related to the Program.
- B. Farmers and their employees or agents must have farmer stamps throughout the season. The farmer stamp will be issued upon completion of certification training.
- C. Farmers may accept coupons only at markets authorized to participate in the program. If unsure, check with the market manager. Do not accept coupons at an unauthorized site.
- D. Notify the market manager if ceasing to participate in the program during the period of the Agreement.
- E. Farmers must comply with the requirements of Title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972 section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Department of Agriculture regulations on non-discrimination (7 CFR parts 15, 15a and 15b), and Food and Nutrition Service Instructions as outlined in 7 CFR 248.7.
- F. No farmer who is employed by or who has a spouse, child, or parent who is employed by the state WIC program or the local WIC program serving the county in which the farmer does business can participate in the FMNP. A farmer shall not have an employee who handles, transacts, deposits or stores FMNP coupons who is employed by or who have a spouse, child, or parent who is employed by the state WIC program serving the county in which the farmer does business. Such situations present a conflict of interest.
- G. Neither the State WIC Agency nor the farmer has an obligation to renew the Agreement. The State WIC Agency or farmer may terminate the Agreement for cause after providing 30 days advance written notice.
- H. No new farmer's Agreements will be accepted after September 30th of each year.

2. "Grow-Your-Own" Farm Produce Requirements

- A. Grow-Your-Own: Farmers may accept FMNP coupons only for farm products they produce, defined as follows:
 1. Locally grown. Boundaries set by individual markets. FMNP coupon redemptions are limited to fresh fruits and vegetables produced by a farmer on his/her farm. This may include land under lease or license, provided that the farmer who leased the land carries out the production (e.g., cultivation, planting, harvesting, etc.). Farmers may be required to show proof of lease arrangements.

Farmers may accept coupons for products they obtain cooperatively from other North Carolina farms if this is allowed by the farmer's market rules. Farmers must allow on-farm visits to verify product sources. Farmers who do not produce at least 50% of the produce they are selling may not participate.
- B. Wholesale Buying: Products cannot be purchased from a non-farm source and sold for FMNP coupons.
- C. Farm Visits: All farmers must agree to allow on-farm inspections to verify product sources and acreage under production. If farmers sell products obtained cooperatively from other farms, inspectors must be allowed to visit those farms to verify product sources. Farmers must provide assistance to allow inspectors to document crops and conditions at the time of visit.

3. Display of Prices

- A. Farmers must post prices for all items on sale at all times. Prices must be prominently displayed on signs that are easily seen and read by customers.

- B. Each participating farmer must display a FMNP poster at all times.

4. Description of Coupons

- A. The **WIC FMNP coupons have a \$5.00 face value.** The background color of the coupons will change each summer. The manager will notify you of this color.
- B. Issuance date of coupons to recipients will be determined based on the market opening date in your county, along with the time that you start having an abundance of eligible product at your market.
- C. **WIC FMNP customers must use coupon by the “Last Date to Spend” which is listed on the coupon. Farmers must have deposit coupons in their bank no later than the “Farmer Must Deposit By” date listed on the coupon.**

5. Eligible Foods

- A. WIC FMNP coupons are good only for fresh, locally produced, and unprocessed fruits and vegetables. Produce may be cleaned, trimmed and packaged, but not otherwise processed, heated or cooked.
- B. FMNP coupons **cannot** be redeemed for herbs, nuts, honey, jelly, jam, eggs, baked goods, plants, flowers, or other non-food items, or items not produced on local farms.

6. Receiving Coupons from Customers

- A. FMNP customers cannot exchange coupons for cash or give them away. If unsure, farmers may ask FMNP customers where they obtained their coupons.
- B. Never give change for coupon purchases or exchange cash for coupons.
- C. Do not collect State or local taxes on purchases made with FMNP coupons.
- D. Do not accept FMNP coupons that are damaged, canceled, marked "VOID" or appear to be reproduced or tampered with.
- E. If you suspect any type of abuse, please do not accept the coupons and inform the market manager or your local FMNP office as quickly as possible.
- F. FMNP customers should pay the same price for items as do customers paying with cash. Any overpricing for FMNP purchases is forbidden.
- G. All customers should receive courteous service. Remember that Federal law prohibits discriminating against customers on the grounds of race, color, sex, disability, national origin or age.
- H. **Do not accept coupons after the “Last Date to Spend” date listed on the coupon. These coupons will not be reimbursed.**
- I. The FMNP customers must sign on the appropriate line when redeeming their coupons.
- J. The signature may or may not match the participant name printed at the top of the coupon. There are various circumstances where the name may be different. The coupons may be issued to a child and a parent may sign it or there may be an assigned proxy that can use the coupons for the mother or child.

7. Enforcement of Coupon Program Guidelines

- A. Regular monitoring activities will be conducted to ensure compliance with guidelines. For farmers, these may include:
 - 1. Regular visits to markets to assure farmers have certification, and to answer any questions about procedures.
 - 2. Compliance buys to check for proper redemption procedures.
 - 3. Farm visits to check production sources of farmers.
- B. The compliance committee will determine violations and assess penalties. FMNP customers may file a grievance and the compliance committee will investigate.
- C. For the following violations, farmers will first receive a warning and may not be reimbursed for the

coupons involved:

1. Accepting coupons before the farmer is certified.
 2. Failure to carry Farmer Stamp.
 3. Redeeming coupons for unauthorized products.
 4. Redeeming coupons for non-local products, as defined in the "Grow-Your-Own" requirements.
 5. **Accepting coupons after the "Last Date to Spend" date.**
- D. Repeated infractions will result in non-payment for coupons and suspension from the Program.
- E. Farmers may be suspended from FMNP for the following violations immediately following fifteen days notice of the adverse action:
1. Accepting FMNP coupons at unauthorized markets.
 2. Paying customers cash for FMNP coupons.
 3. Exchanging FMNP coupons with another farmer for cash or product.
 4. Charging extra for products purchased with FMNP coupons.
 5. Accepting FMNP coupons for items obtained from unauthorized sources.
 6. Repeated or blatant infractions of any guidelines.

Farmers and/or markets that are disqualified can request a fair hearing by contacting Monica Wood at the North Carolina Department of Agriculture & Consumer Services.

Payments may be withheld for all FMNP coupons involved in infractions of this nature and repayment sought if payment has already been made. A farmer who commits fraud or abuse is liable to prosecution under applicable Federal, State, or local laws.

Farmers may not seek restitution from FMNP customers for coupons not paid by the State WIC Agency.

8. Guide to Reimbursement for FMNP Coupons

- A. Farmers may deposit the FMNP coupons at their local bank by following the procedures below:
1. Stamp the front of the coupon legibly with your Farmer Stamp in the box entitled "Farmer Stamp" and endorse on the back.
 2. After you have stamped and endorsed the coupon, have the market manager stamp the coupon legibly in the box entitled "Market Manager Stamp". The market manager will verify that you have used the correct farmer stamp # corresponding to the market.
 3. **If selling at more than one FMNP market, it is very important that you label each farmer's stamp according to the market at which it was issued so that you are sure to stamp the coupons with the appropriate farmer's stamp and then have the corresponding market manager stamp the coupons. You will be issued a farmer's stamp for each market that you are authorized to participate.**
 4. The FMNP coupon is for deposit only. Please endorse the coupon with your individual name or with the name of your farm (whichever is appropriate to the bank account you are depositing the coupon into). All FMNP coupons must also have the appropriate stamps in the appropriate boxes on the coupons in order for payment to be received. If any of this information is missing, the coupons will be returned to the bank and service charges will be added, which may result in no payment.
 5. **Deposit coupons every week. Remember, each coupon may have a different "Farmer Must Deposit By" date. All coupons must be deposited by the farmer within 60 days from the "First Date to Spend" date listed on the FMNP coupon. Pay close attention to these dates. Payment will not be reimbursed after these dates.**
 6. If any problems arise with the bank, contact the Program Administrators for clarification.

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****You must complete an agreement for each FMNP participating market and return to Heather Todaro at the NC Division of Public Health before accepting coupons!! Please note: This agreement expires December 31, 2021.**

Farmers that participated in or since the year (2005) will use the same farmer stamp this year.
Please complete the following and return to Heather Todaro, NC Division of Public Health, Nutrition Services Branch,
1914 Mail Service Center, Raleigh, NC 27699-1914

2019-2021 WIC FMNP FARMER'S AGREEMENT

I (*print your name*) _____ hereby agree to participate in the North Carolina WIC Farmers' Market Nutrition Program (FMNP) and to abide by the Guidelines for Farmers – 2019-2021. I have attended the training for my market site, which was given by my market's manager or advisor who attended the training administered by the North Carolina Division of Public Health/ Nutrition Services Branch and I understand the rules and guidelines of the Program.

Farmer's Signature

Date

Home Address

City/State/Zip Code

Telephone Number (including area code)

Fax Number (including area code)

E-Mail Address

Name of Market

County

Market Manager's Name

Market Stamp #

Please list any other markets where you will be selling: _____

If you have a FMNP stamp that is in usable condition, please list your farmer stamp number: _____

Please keep this stamp in a safe place. You will continue to use the same stamp. If you lose or damage your stamp at any time and need another stamp issued, please contact Heather Todaro immediately and send in a revised Farmer's Agreement with explanation. **Please allow 2 weeks to process paperwork for a new stamp.**

If you need a new or replacement stamp, please include old stamp # and explanation here: _____

Witness Signature and Title (This should be signed by the person who trained the farmer e.g., the Farmers' Market Manager, Farmers Market Board Member, Farmers Market Advisor)

***You must complete a separate Farmer's Agreement at each FMNP market where you will be selling.
*You must also complete a separate Farmer's Agreement for Senior FMNP, if your market is participating.**