

# Maine Center for Disease Control and Prevention Women, Infants, and Children Nutrition Program Farmers' Market Nutrition Program

Effective: October 1, 2011  
Revised: June 1, 2022

Policy No. FMNP-1

## Farmer Selection and Authorization

### Authority

7 CFR §248.4(a)(10)(i) and §248.10(a) and (b)  
22 MRSA §255 and §1951

### Policy

1. The Maine Center for Disease Control (CDC) Women, Infants, and Children (WIC) Nutrition Program shall authorize individual farmers that sell eligible produce at farmers' markets, mobile farm stands, or roadside stands to participate in the Farmers' Market Nutrition Program (FMNP) and WIC program.
  - 1.1 Only farmers selected and authorized by WIC Program shall participate.
2. The farmer selection criteria for the FMNP include:
  - 2.1 The farmer must grow fruits or vegetables in the State of Maine.
  - 2.2 The farmer must grow more than 50% of the fruits or vegetables offered for sale at a mobile farm stand or roadside stand. The farmer must comply with State of Maine law regarding produce offered for sale at farmer's markets.
    - 2.2.1 If a farmer offers fruits or vegetables grown by another farmer, the produce must be clearly labeled as to the grower and location grown.
    - 2.2.2 Individuals selling produce obtained primarily from wholesale sources are not eligible for participation in FMNP.
  - 2.3 At least 50% of the produce that the farmer offers for sale must be fresh and not processed.
  - 2.4 The farmer's sales location(s) must provide the produce protection from heat, sun, or other weather damage.
  - 2.5 The farmers' sales locations must be accessible to people with disabilities.
  - 2.6 The farmer must have regular business hours during which the sales location is attended.
  - 2.7 The farmer must have the capacity to receive ACH (direct deposit) payments.
  - 2.8 The farmer must have access to a computer or other electronic device that has the ability to access the internet, receive and send emails, use web-based applications, and apply an electronic signature to official documents.
    - 2.8.1 Provide a valid email address, a valid mailing address, and a valid text-enabled telephone number to the WIC Program.

- 2.8.2 Maintain an active electronic mailing address to be used for WIC Program Department.
  - 2.8.3 Farmer must have a smart phone device (Android OS or iPhone IOS) able to accept benefits.
  - 2.8.4 Farmer must be able to transact with the WIC EBT contractor.
  - 2.8.5 Comply will all requirements of the WIC EBT Contractor, in accordance with Vendor Agreement, including but not limited to providing banking information.
- 2.9 Farmer is placed under a 30 day pre-authorization period to register to WIC Program’s EBT provider. This is to validate information provided by the farmer. A farmer who does not validate by the end of the pre-authorization will be immediately terminated from the program
- 2.9.1 If previously authorized the farmer must have satisfactorily complied with the previous Farmer Agreement.
3. The Maine CDC will consider farmer applications on an annual basis unless more frequent consideration is necessary to ensure adequate participant access. If more frequent consideration is necessary due to inadequate participant access, the WIC Program will post a notice on its website informing farmers of the need for additional authorized farmers in particular areas of the state.
4. All farmers authorized shall have a written agreement with the WIC Program. The Agreement is a standard agreement that is used statewide (Appendix FMNP-1-A)
- 4.1 Agreements between the WIC Program and authorized farmers shall be valid for a maximum of three (3) years. Occasionally an Agreement period may be for a shorter timeframe in order to ensure administrative efficiency.
  - 4.2 Both parties to the Farmer Agreement shall represent that there is no conflict of interest between the Maine WIC/FMNP Program, the Local WIC Agencies, and the farmer.
  - 4.3 The Farmer Agreement is non-transferable. Any transfer of ownership or sale of the business by the farmer shall render the Agreement and the farmer stamp null and void. The Agreement also shall be null and void if the farmer ceases operations or leases the business.
  - 4.4 The Farmer Agreement will allow the farmer to sell produce in exchange for FMNP Benefits and WIC Cash Value Benefit (CVB) at a roadside stand, mobile farmstand, or farmers’ market to which the farmer belongs. The farmer must notify the WIC Program of the locations at which they offer their produce for sale and the hours the locations are open.
  - 4.5 The Maine CDC may reassess any authorized farmer at any time and as often as it deems necessary during the farmer’s Agreement period, using the farmer selection criteria in effect at the time of the reassessment. The Maine CDC shall terminate the agreements with those farmers that fail to meet selection criteria.
  - 4.6 To remain authorized the farmer shall comply with all the requirements of the Maine WIC/FMNP Program, including, but not limited to:

- 4.6.1 Notifying the Maine CDC if any Farmers' Market in which it participates ceases operations prior to the end of the authorization period, or if the farmer discontinues attendance at a location included on the farmer's application for authorization;
  - 4.6.2 Selling only fresh Maine grown produce in exchange for FMNP benefits. Fresh fruits and vegetables grown in Maine and other locations may be sold in exchange for WIC Cash Value Benefit (CVB);
  - 4.6.3 Attending mandatory training; and
5. The Agreement between the farmer and the Maine CDC may be terminated as follows:
  - 5.1 Neither the farmer nor the Maine CDC has an obligation to renew the Farmer Agreement;
  - 5.2 The Agreement may be terminated for cause by the Maine CDC with fifteen (15) days' advance written notice; and
  - 5.3 The Maine CDC shall terminate the Farmer Agreement if the farmer is disqualified for any reason.
6. The Agreement is subject to change in accordance with any changes in federal and state requirements governing the Maine WIC/FMNP Program.

## **Procedures**

1. Each farmer applying for authorization shall submit all the required application to the WIC Program. The application shall be completed in full, signed by an appropriate farmer representative, within the specified timeframe.
2. If an incomplete or unsigned application is submitted, WIC Program shall notify the applicant in writing. This may delay authorization. Once notified of an incomplete application, the applicant shall submit the missing information to WIC Program within thirty (30) days from the date notification. Applicants who fail to return the missing information within the 30-day deadline shall be required to complete a new application and resubmit it to WIC Program.
3. In addition to submitting a completed application, the farmer must complete interactive training provided by the WIC Program. Training may occur prior to application submittal.
4. If all required information meets the selection criteria, the farmer attends the required training, and the application is approved, the WIC Program will provide the farmer with an Agreement for authorization as a WIC Farmer. The Farmer Agreement will include a copy of the FMNP Sanction Schedule and the unique identifying number assigned to the farmer. Farmers must sign and return the Agreement to WIC Program within 2 weeks.
5. Upon receipt of the signed Farmer Agreement, the WIC Program Director will counter sign the Farmer Agreement and return a copy to the farmer.
6. Once the farmer is authorized our EBT processor, will send an invitation to begin onboarding to the application. They will also provide training and a user guide to get you started.

7. At least thirty (30) days before the agreement expires, authorized farmers shall receive a notification to renew prior to the date of expiration of the current agreement. Failure to submit the renewal application prior to the date of expiration of the current agreement shall result in loss of authorization.
8. The WIC Program shall maintain a file on each authorized farmer that includes at a minimum the following:
  - 8.1 Farmer Agreement;
  - 8.2 Application documents;
  - 8.3 Completed onsite monitoring forms;
  - 8.4 Written correspondence;
  - 8.5 Training records; and
  - 8.6 Any participant complaints.
9. All farmer files shall be maintained in an inactive file for a three (3) year period from the date the farmer's most recent contract is terminated or expired.
10. Any information about a farmer that individually identifies the farmer, except for name, address, phone number, e-mail address, web site, place-of-business, type and authorization status shall be confidential information. This information may be released only as outlined in 7 CFR 246.26(e).