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## FY 2017 Guam WIC FMNP Rules & Procedures

All WIC FMNP authorized farmers shall review and comply with the following rules and procedures of the Guam WIC Farmers' Market Nutrition Program (FMNP):

1. Authorized farmers shall comply with all existing laws, regulations, policies and operating procedures of the WIC FMNP as may be amended from time to time, including but not limited to 7 CFR Part 248.
2. Only authorized FMNP farmers may accept FMNP coupons/Cash Value Voucher (CVVs).
3. Farmers shall allow only WIC FMNP eligible foods for purchase by FMNP recipients. All fresh fruits, vegetables and culinary herbs grown on Guam by authorized WIC FMNP farmers are eligible foods. FMNP coupons/CVVs are redeemed only for eligible foods.
4. FMNP coupons may not be accepted for purchasing the following, but not limited to other products such as: cider eggs, cheese, honey, syrup, plants, jam, baked goods, decorative fruits or vegetables (including painted pumpkins), potted or dried herbs, gourds and dried, preserved or processed fruits and vegetables.
5. Farmers shall allow eligible foods for purchase by WIC recipients. Only fresh fruits and vegetables grown on Guam by authorized WIC FMNP farmers are eligible foods. CVVs are redeemed only for eligible foods.
6. For Cash Value Voucher (CVV), the unallowable food items include:
  - herbs (cut or potted) or spices;
  - edible blossoms and flower (except broccoli, cauliflower, and artichokes are allowed);
  - white potatoes (except orange yams and sweet potatoes are allowed)
  - vegetable-grain mixtures;
  - fruit-nut mixtures;
  - peanuts;
  - juices;
  - canned and dried mature legumes;
  - baked goods.

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7. The "Authorized FMNP Farmer - We Gladly Accept FMNP Coupons and Cash Value Vouchers" poster must be displayed in clear view at all times during the FMNP market season operations. A farmer whose poster is lost or destroyed must obtain another poster from the WIC FMNP.
8. Authorized farmers shall 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 Part 248: 1/1/03 Edition.
9. Farmers shall maintain their bona-fide farmer certification status with the Department of Agriculture throughout each FMNP market season, and provide a current copy to the WIC FMNP when requested.
10. Farmers shall provide a current "Crop Plan" (a list of produce items that are being grown for sale at the market, along with their acreage or row-feet of production) to the WIC FMNP prior to each FMNP market operation.
11. Farmers shall have a fixed schedule of days and hours of operation. The schedule must include a minimum of three days per week for three hours of operation at the seven farmers' market sites (DPHSS Dededo Northern Public Health Center parking lot; DPHSS Mangilao Public Health parking lot; Tiyán WIC front lawn area; Dededo Flea Market; Mangilao Flea Market across Mayors' office; Chamorro Village in Hagatna; and Agat Sagan Bisita Tuesday Night Market) and the five roadside stands (Agana Heights Mayor's Office, Agat Mayor's Office Route 2, Island View Farms Marine Corps Drive Route 1 (in front of Guam Home Center), Inarajan Inalahan Way Route 4, Leon Guerrero Stand Route 4) for a minimum of five months during the FMNP period of operations. A farmer that participates at the Dededo Flea Market (the seventh market) on Saturdays and Sundays (morning only) must comply with the above mentioned time minimum schedule of farmers' market on weekdays. This schedule must be submitted to the State Agency prior to the commencement of the FMNP period of operation. Any amendments to the schedule must be approved by the State agency. This is to ensure that FMNP recipients have adequate access to the farmers' market.
12. Farmers shall be located within a farmers' market area as determined by the WIC FMNP to be easily accessible to WIC FMNP/ CVV recipients.
13. Farmers shall display clearly and visibly the price per pound of all produce they sell at the farmers' market at all times.

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14. Produce available for purchase by FMNP/CVV shoppers during farmers' market operations shall be at a minimum 80% locally grown by the authorized farmer (by volume, weight or value). Authorized farmers shall not accept FMNP coupons or CVVs when only produce grown by someone else (unauthorized FMNP farmers' profit) is available for purchase during farmers' market operations.
15. Farmers shall supply a sufficient volume and variety of high-quality fresh produce to meet the nutritional needs of the WIC FMNP participant.
16. Only the WIC FMNP farmer's identification stamp provided by the State agency shall be used on FMNP coupons/CVVs, accepted and redeemed, and authorized farmers shall maintain secure storage of the farmer's identification stamp and immediately report loss or damage of the stamp to the State agency.
17. Farmers shall return the FMNP identification stamp to the State agency upon termination of the Farmer's Participation Agreement, disqualification, change in ownership, upon closing of the FMNP season each fiscal year but no later than five (5) calendar days after the market season, or upon request by the State agency.
18. Farmers shall have a weight scale during the sale of produce. Scale must be approved, calibrated, and inspected annually by the Government of Guam, Department of Revenue and Taxation, Weights and Measures Section. Copy of the document confirming the annual inspection and approval of the weight scale shall be provided to the WIC FMNP office prior to each FMNP period of operation.
19. FMNP coupons/CVVs shall only be redeemed at designated and scheduled Farmers' Market sites. Authorized farmers and FMNP/CVV recipients will be furnished with a FMNP market schedule.
20. To enter the actual purchase price or the maximum dollar value of the CVV, whichever is less, with a black or blue ink on each CVV and before the CVV is signed. The purchase price must be for only the authorized supplemental food items actually obtained by the participant. This will accommodate instances where a participant, at his/her discretion, adds their own funds to a fruit/vegetable transaction that exceeds the dollar value of the CVV.
21. To ensure the participant or authorized parent/caretaker of an infant or child participant signs the CVV with a black or blue ink in the presence of the cashier immediately after the cashier enters the purchase price and date of purchase on the CVV. The cashier must witness the signing of the food instrument or cash value voucher and verify if the signature made on the CVV is the same as the signature specimen in the WIC I.D. card.

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22. Farmers shall not redeem FMNP coupons/CVV's accepted by, or on behalf of, unauthorized farmers.
23. All FMNP coupons/CVV's accepted by authorized farmers shall be marked in the appropriate space, with the farmer's identification number assigned by the WIC FMNP.
24. FMNP coupons have a face value of \$2.00 each and shall be treated like cash. Farmers are to validate coupons immediately by entering their farmer's identification number on them, and maintain secure storage of coupons to safeguard them from loss or theft.
25. Cash Value Vouchers have a face value of \$8.00, \$11.00 or \$16.50 depending on the client category and shall be treated like cash. Participant may have more than one CVV and may be allowed to combine the CVV's to purchase fruits and vegetables only. The CVV transaction is as follows:
  - A. Participant gives farmers their WIC ID and CVV(s) for verification. Farmers are to validate vouchers by verification of the purchase date falls within the "First Date to Use" and the "Last Date to Use" on the voucher. The client must use the CVV within the period indicated on the CVV.
  - B. Farmer enters date of transaction in the "Date of Use" box.
  - C. Farmer writes total price to be applied to the CVV in the space provided. The amount may never exceed the maximum value of the CVV. If the total purchase price is less than the maximum value of the CVV, farmer is encouraged to offer the shopper more eligible items to ensure maximum value. However, if the participant refuses to get more items, farmer should write in the lesser amount on the CVV.
26. FMNP farmers shall not collect any State or local tax on WIC FMNP coupon/CVV purchases.
27. Farmers shall not give cash to FMNP/CVV recipients in exchange for FMNP coupons/CVV under any circumstances or return any change. **NO CHANGE AT ALL!** There are no exceptions, even for customers wanting only a small amount of produce. The shopper may not know how to prepare or store larger quantities of fresh produce and would welcome the farmers' advice.
28. Farmers may accept cash in addition to FMNP coupons for purchases by FMNP shoppers. For example, one FMNP coupon at \$2.00 and .50 cents can complete a \$2.50 purchase.

For CVV's, the farmer agrees to not issue cash change to a WIC client for purchases less than the total value of a cash value voucher. However, the WIC client may use his/her own funds (cash only) for purchases in excess of the

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monetary limit for his/her cash value voucher. For example, one \$11.00 CVV and 50 cents can complete a \$11.50 purchase. The monetary amounts above the limits for his/her cash value vouchers are subject to any tax which applies to non-WIC purchase of fruits and vegetables.

In addition WIC participants are allowed to combine multiple CVVs and FMNP coupons in a single transaction to fully cover the costs of their fruit/vegetable purchase. For example a WIC client can use a \$8 and \$11 CVV or both CVV along with a FMNP coupon towards the purchase of local fresh fruits and vegetables. Alternatively or additionally, a WIC client may pay for the difference between the total purchase price and maximum dollar value of the CVV or multiple CVVs with their own funds cash only if they desire.

29. Farmers must offer eligible foods to FMNP coupon/CVV shoppers at no more than the price charged to other customers. If the amount of the sale is less than the value of the FMNP coupon/CVV, the farmer should provide additional fruits and vegetables acceptable to the FMNP coupon/CVV shopper to make up the difference.
30. Farmers must offer WIC FMNP/CVV shoppers the same courtesies offered to other customers. Any customer presenting FMNP coupons/CVV should be presumed to have obtained them legitimately.
31. If it is learned that an FMNP coupon/CVV theft has occurred, the program staff will alert all farmers of the color and serial numbers of the missing FMNP coupons/CVVs. The farmer who notices any of the FMNP coupons/CVVs being offered for a purchase should politely inform the shopper that: "According to the WIC FMNP office, this FMNP coupon/CVV is no longer valid and cannot be accepted." The farmer should also advise the participant to contact the program coordinator, program manager, or the WIC clinic site where they received the FMNP coupons/CVVs. This should be done with discretion because the customer may not be aware that there is any problem with spending the FMNP coupon/CVV. A farmer making an effort to screen out invalid FMNP coupon/CVV in this manner will not be penalized for redeeming any FMNP coupon/CVV accepted in good faith.
32. FMNP coupons/CVVs shall not be accepted after the "last day of use" as specified on the FMNP coupon/CVV. Expired FMNP coupons/CVVs will not be honored for payment by the program's representative banking institution. Farmers are requested to deposit FMNP coupons/CVVs for payment within the same week of receipt to assist the WIC FMNP in tracking coupon issuance and redemption patterns, or no later than 30 calendar days after the "last day of use."
33. WIC FMNP staff may conduct unannounced inspections at the market site or the food production site to ensure compliance.

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34. At any point during the program year that a farmer receives a Notice of Suspension from the program, the farmer must immediately remove any FMNP/CVV posters from his/her sales area and stop accepting the FMNP coupons/CVVs until further notice.
35. WIC FMNP may establish a claim against a farmer for FMNP coupons/CVVs redeemed in violation of WIC FMNP rules and regulations. Payment shall be made to the State agency for any coupons transacted in violation of this agreement
36. No person shall be denied participation on the grounds of race, color, national origin, age, sex, or disability or otherwise subjected to discrimination under this program.
37. All authorized farmers and representatives must attend the FMNP annual training and accept training on FMNP procedures. The training will include the transaction of FMNP coupons and Cash Value Vouchers (CVVs).
38. At any such time a farmer wishes to cease operation prior to the end of the authorized period, the farmer must inform the FMNP Coordinator in writing and state the reason.
39. Upon request, provide farmer/farmers' market information to the State agency addressing reporting requirement as required by federal/local official.
40. A farmer/farmers' market/ roadside stand will be disqualified from the Program upon Class II violations. The farmers' has a right to appeal his disqualification, refer to Sanctions/Violations and appeal process.

Guam WIC FMNP  
VIOLATIONS AND SANCTIONS

Rule Violations

Sanctions against farmers violating program rules and regulations will be based on the nature and frequency of violations that have been substantiated by observation, compliance buys or other means. Violations applicable to any authorized farmer will be identified as either Class I or Class II:

Class I violations will result in a verbal warning from the Guam WIC FMNP to the violating farmer and will be documented in the State Agency's file for that farmer. The farmer will be invited to explain or question the violation. The response and/or any corrective actions taken will also be recorded. Any repeated violations of a Class I violation during the period of FMNP operation will constitute a Class II violation. A Class I violation, one or more, not in any priority order, include:

- a) Failure to display the "We Gladly Accept FMNP Coupons and Cash Value Voucher" poster.
- b) Knowingly providing false information about the program to FMNP coupon/CVV recipients or others.
- c) Failure to abide by the program complaint process.
- d) Accepting FMNP coupons/CVVs for foods not locally grown that is, grown on Guam.
- e) Failure to cooperate with a State Agency request to inspect a production site within a reasonable period of time when the farmer is suspected of accepting FMNP coupons/CVVs for food not "locally grown".
- f) Abusive treatment of FMNP coupon/CVV recipients, program monitors or staff, or individuals associated with the FMNP.
- g) Failure to sell produce at the Farmers' Market on the fixed schedule of days and hours of operation for a minimum of five months.
- h) Violation of any other FMNP rule or regulation that is not specified in this section as being either a Class I or Class II violation.

Class II violations will result in suspension and possible disqualification from the FMNP. Certain abuses may constitute a criminal offence; subject the vendor to prosecution under applicable state or federal laws. Upon receipt of a "Notice of Suspension" from the Guam WIC FMNP, the farmer must immediately cease displaying the FMNP/CVV posters and

accepting FMNP coupons/CVV for the period of suspension. Class II violations, not necessarily in any priority order, include:

- a) Giving FMNP coupon/CVV shopper's cash change where the value of the shoppers' purchase is less than the value of the FMNP coupon(s)/CVV(s) presented.
- b) Cashing FMNP coupons/CVV for customers, or cashing FMNP coupons/CVV obtained from any unauthorized source, including FMNP coupons/CVV accepted by an unauthorized, suspended, or disqualified farmer at the market.
- c) Accepting FMNP coupons/CVV for non-food items or for any purchase other than eligible foods.
- d) Accepting FMNP coupons/CVV, or indicating willingness to accept FMNP coupons/CVV by posting FMNP signs at any site that is not authorized to accept FMNP coupons/CVV.
- e) Accepting FMNP coupons/CVV after the expiration date.
- f) Participating in the FMNP coupon/CVV program while selling only fruits or vegetables grown by someone else.
- g) Charging higher prices for FMNP coupon/CVV sales than for cash sales.
- h) Discriminating against FMNP coupon/CVV recipients based on race, color, national origin, sex, age or disability.
- i) Continuing to participate in the FMNP coupon/CVV program during a period of suspension or disqualification, including acceptance or evidence of intent to accept FMNP coupons/CVV.

### Suspension

A "Notice of Suspension" for a two-month period will be issued to the farmer. The farmer will be required to relinquish his/her FMNP ID and stamp. When the suspension period has expired, the FMNP Coordinator/Manager will reissue the FMNP ID and stamp to the farmer. Suspensions will be invoked under these circumstances:

1. The second instance of any Class I violation during the period of FMNP operation.

2. The first instance of any Class II violation during the period of FMNP operation.

### Termination

Termination will be considered in the following violation of the FMNP Contract Agreement of any repeated offenses in Class II.

## Guam WIC FMNP FARMER APPEALS

### Filing an Appeal

A farmer may appeal an action of the Guam WIC FMNP denying its application to participate, imposing a sanction, or disqualifying them from participating in FMNP. Expiration of a contract or agreement shall not be subject to appeal.

In the case where an adverse action affects a local agency or farmer/farmers' market, a postponement is appropriate where the State Agency finds that recipients would be unduly inconvenienced by the adverse action. In addition, the State Agency may determine other relevant criteria to be considered in deciding whether or not to postpone an adverse action.

### Appeals Procedures

The State Agency will provide the farmer with the following:

1. Written notification of the adverse action, the cause(s) for the action, and the effective date of the action, including the State Agency's determination of whether the action shall be postponed if it is appealed, and the opportunity for a hearing. Such notification shall be provided within a reasonable time frame and in advance of the effective date of the action.
2. The opportunity to appeal the action within the time specified by the State Agency in its notification of adverse action.
3. Adequate advance notice of the time and place of the hearing to provide all parties involved sufficient time to prepare for the hearing.
4. The opportunity to present its case and at least one opportunity to reschedule the hearing date upon specific request. The State Agency may set standards on how many hearing dates can be scheduled, provided that a minimum of two hearing dates is allowed.

5. The opportunity to confront and cross-examine adverse witnesses.
6. The opportunity to be represented by counsel, if desired.
7. The opportunity to review the case record prior to the hearing.
8. An impartial decision-maker, whose decision as to the validity of the State Agency's action shall rest solely on the evidence presented at the hearing and the statutory and regulatory provision governing the FMNP. The basis for the decision shall be stated in writing, although it need not amount to a full opinion or contain formal findings of fact and conclusions of law.
9. Written notification of the decision in the appeal, within 60 days from the date of receipt of the request for a hearing by the State Agency.

Appealing an adverse action does not relieve a farmer permitted to continue in the FMNP while its appeal is pending, from responsibility for continued compliance with the terms of the written agreement or contract with the State Agency.

If a State level decision is rendered against the farmer and the appellant expresses an interest in pursuing a further review of the decision, the State Agency shall explain any further State level review of the decision and any available State level rehearing process. If neither is available, and both have been exhausted, the State Agency shall explain the right to pursue judicial review of the decision.

#### Guam WIC FMNP COMPLAINT PROCESS

Most issues can be dealt with locally, without involving State officials, or through procedural changes that come about because of routine problem-solving communications among the State and the farmers. If a problem cannot be resolved satisfactorily through these means, the following rules and procedures apply:

##### How to file a complaint

In the case where an individual farmer, WIC participant, or a WIC staff member is involved, complaints must be accepted verbally and documented and/or submitted in writing. This is necessary to avoid any unwarranted complaints and to protect the rights of all involved.

A person wishing to file a complaint, may write to:

Guam WIC Program  
Farmers Market Nutrition Program  
Administration Office

Building #15-6100, Mariner Avenue,  
Barrigada (Tiyán), Guam 96913-1601

Or you may call the WIC FMNP at: 475-0292/0300

Farmer must comply with nondiscrimination provisions of USDA regulations as provided in 7 C.F.R. § 248.7, which reads in part....

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: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), 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](mailto:program.intake@usda.gov).

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### Action on Complaints

Initial action on a complaint will occur no later than five (5) working days from the date the written complaint is received. The process generally depends on the type of complaint.

### Access to FMNP coupons/CVV's or behaviors of FMNP coupon/CVV shoppers

Although every FMNP coupon/CVV recipient has been instructed on how and where FMNP coupons/CVV's may be utilized, the Guam WIC FMNP cannot control human nature.

No amount of instruction can prevent an occasional shopper from asking to buy jam or receive cash change for FMNP coupons/CVV's.

No person is "entitled" to FMNP coupons/CVV's. The FMNP is an added benefit to the existing WIC Program and should be treated as such.

### Contact between the authorized farmer and the Guam WIC FMNP clinic sites

Occasional contact between the farmers and the Guam WIC FMNP to plan promotional events or for training is encouraged. However, farmers or their employees should not contact the Guam WIC FMNP clinic or the administrative staff directly to complain about residents' access to FMNP coupon/CVV or an apparent need for recipients to be better informed about how to use the FMNP coupons/CVV's. Rather, the complaint should be directed to the FMNP Coordinator. The Coordinator may be able to respond immediately or otherwise, may refer the matter to the appropriate staff or to the WIC FMNP Manager if the complaint involves WIC participants or WIC FMNP staff. In some cases, the WIC FMNP Manager may contact the farmer lodging the complaint so that the parties may discuss the matter and arrive at some common understanding and/or resolution of the problem.

### Confidentiality

The identity of any person filing a complaint shall be kept confidential except to the extent necessary to conduct an investigation, hearing or judicial proceeding regarding the complaint.

### Anonymous Complaint

The Guam WIC FMNP will accept and consider all program complaints reported by a party who refuses to be identified even under conditions of confidentiality. This applies to both written and verbal complaints.

## GUAM FMNP FARMER MONITORING FORM

**Date/Time:** \_\_\_\_\_

**Name of Authorized Farmer/Vendor:** \_\_\_\_\_

**FMNP I.D. Number:** \_\_\_\_\_

**Location** (Farmers' Market or Roadside Stand): \_\_\_\_\_

**Type of Monitoring Visit** (Circle one): Announced / Unannounced

Please check the appropriate answer for each question:		Yes	No
1.	Do you understand FMNP guidelines regarding eligible products, "no change" requirement, and providing equal treatment to participants in price, quality, and service?		
2.	Are you posting the "FMNP Authorized Farmer" poster consistently?		
3.	Have you experienced any problems in transacting the FMNP?		
4.	Request to see any FMNP coupons redeemed that day. Are coupon(s) used within allowable time frame? (Check for coupons transaction completeness; participant's signature and date of use)  [ ] No coupons redeemed on day of visit		

5. Ask farmer to briefly go over how he/she handles a WIC FMNP/CVV transaction. Check steps completed during transactions:

\_\_\_\_\_ checks dates on coupon      \_\_\_\_\_ stamps his own farmer's stamp

Are there any problems with WIC customers or any other aspects of the Program?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_

6. Any comments or concerns from the Farmer? If yes, describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Describe any other problem areas: \_\_\_\_\_

Review recommendations: \_\_\_\_\_

Reviewer print/signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Department of Public Health and Social Services  
Guam WIC Farmers' Market Nutrition Program**

**FARMER APPLICATION**  
**Fiscal Year: 2017**

Name of farmer: (print name) \_\_\_\_\_

Farm name:(if applicable) \_\_\_\_\_

Mailing address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_

Daytime contact number (s) \_\_\_\_\_ Cell number (s) \_\_\_\_\_

Evening contact number (s) \_\_\_\_\_ Pager number (s) \_\_\_\_\_

Farm location (street address & village) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you a Bonafide Farmer certified by the Department of Agriculture? (Check mark one)

Yes [ ] No [ ]

If yes, please attach a copy of the certification from the Department of Agriculture.

Are pesticides used on the produce you have listed on the crop plan? (Check mark one)

Yes [ ] No [ ]

If yes, what type of pesticides?

_____	_____	_____
_____	_____	_____
_____	_____	_____

What pesticides training have you had and when? \_\_\_\_\_

Please provide a copy of the certificate of completion.

List of Representatives: (if, any)  
 (when authorized farmer is not available at the Farmers' Market site or roadside stand)

Name of Representative	Residential Address	Telephone No (s)	Relationship to Farmer

I, \_\_\_\_\_ am responsible for ensuring that all  
 ( authorized farmer )

representatives are knowledgeable and understand all the terms of the WIC FMNP agreement.

Signature of Authorized Farmer: \_\_\_\_\_ Date: \_\_\_\_\_

Guam WIC Farmers' Market Nutrition Program

FARM ADDRESS and LOCATION MAP

*Fiscal Year: 2017*

Name of Farmer: (*print name*)

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Farm Address:

---

---

FARM LOCATION MAP

(Please be specific on your sketch)

---

Signature

---

Date

Guam WIC Farmers' Market Nutrition Program

CROP PLAN

Fiscal Year: 2017

Name of Farmer (*print name*):

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Farm Location (*street address & village*):

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I am a bonafide Guam agricultural producer and plan to grow or produce the crops listed below. I agree to comply with United of States Department of Agriculture (USDA) regulations, Guam WIC FMNP Rules, and Procedures. I understand that violation of rules, regulations, and procedures may result in suspension or termination from the WIC FMNP. I understand that a representative from the Guam WIC FMNP or the Department of Agriculture may verify the information provided crop plan by visiting my farm. I agree to inform the WIC FMNP when and if there are changes in my production or marketing that affect, the validity of the information provided below.

Commodity (Fruit or Vegetable)	* Acreage (estimate number of trees, plants or row feet)	Harvest Period (Months Available)	Commodity (Fruit or Vegetable)	*Acreage (estimate number of trees, plants or row feet)	Harvest Period (Months Available)

*\*acreage or row feet (pls. specify)*

\_\_\_\_\_  
Signature of Farmer

\_\_\_\_\_  
Date



Department of Public Health and  
Social Service  
Division of Public Health  
Bureau of Nutrition Services  
Guam WIC Program

Farmers' Market Nutrition Program  
Administration Office  
Building #15-6100, Mariner Avenue, Barrigada  
(Tiyan) 96913-1601

Telephone number: 475-0292/300

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, audiotape, 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.

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- (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](mailto:program.intake@usda.gov).

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# **FARMERS' MARKET NUTRITION PROGRAM**

## **FISCAL YEAR 2017 HANDBOOK FOR PARTICIPATING FARMERS**

### **Includes use of Cash Value Vouchers (CVVs)**



**Department of Public Health and  
Social Services  
Guam WIC Program**

## Termination

Repeated offenses in the Class I (fourth offense) or Class II (second offense) categories or violation of the terms and conditions of the FMNP Contract Agreement shall be grounds for immediate termination. The farmer will not be allowed to participate in the following 3-year FMNP open enrollment but can apply at the next enrollment season thereafter.



Guam WIC FMNP Market Site Stand to inform WIC FMNP participants a market site is nearby and authorized farmers are available

- What is the WIC Farmers' Market Nutrition Program?
- Two Purposes For The Implementation of the Farmers' Market Nutrition Program
- What is a Cash Value Voucher (CVV)?
- Federal Background
- Local Background

## II. HOW DOES THE GUAM WIC FMNP WORK

- When will FMNP coupons/CVV's be issued and how long may they be used?
- How do the farmers cash the FMNP coupons/CVV's?
- Sample of Guam WIC FMNP coupons/CVV's
- Where will the Farmers' Markets be located?
- How farmers can participate in the WIC FMNP?

## III. VIOLATIONS & SANCTIONS GUIDELINES

- Rule Violations
  - Class I Violations
  - Class II Violations
  - Suspension
  - Termination

FMNP Coordinator/Manager  
475-0292/0300

Suspensions will be invoked under these circumstances:

1. The second instance of any Class I violation during the period of FMNP operation.
2. The first instance of any Class II violation during the period of FMNP operation.

Upon receipt of a "Notice of Suspension" from the Guam WIC FMNP, the farmer must immediately relinquish his/her FMNP stamp (s), ink, pad(s), FMNP posters and cease accepting FMNP coupons/CVVs, for the period of suspension. Other enforcement/monitoring methods may include 1) unannounced monitoring (s) at the designated Farmers' Market sites to ensure that the suspended WIC farmer is not conducting food coupon/CVV transactions (especially during the period of suspension); 2) monitoring of coupon/CVV expenditures to ensure the suspended farmer is not conducting coupon/CVV transactions; and, 3) provide WIC clinic staff an updated listing of the current authorized farmers under the program;

The second substantiated instance of a Class I violation during the period of FMNP operation will constitute a suspension of FMNP operations for the duration of the agreement not to exceed three months. The third instance will constitute a suspension of FMNP operations for the duration of the agreement, not to exceed one year. The fourth instance will constitute immediate termination and the farmer will not be allowed to participate in the following 3-year FMNP open enrollment but can apply at the next enrollment season.

Upon the first instance of any Class II violation during the FMNP operations, the farmer will be suspended for the duration of the agreement not to exceed a period of one year. Should the farmer commit another Class II violation during the remaining period of his/her farmer agreement, the agreement will be terminated immediately and the farmer will not be allowed to participate in the following 3-year FMNP open enrollment but can apply at the next enrollment season.

**I. OVERVIEW**

**What is the WIC Farmers' Market Nutrition Program?**

The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Program is a federally funded program that provides nutrition counseling and supplemental foods to low income, pregnant women, breastfeeding women, postpartum women, infants, and children from 1 year up to 5 years old. The WIC Farmers' Market Nutrition Program (FMNP) provides eligible WIC participants coupons to purchase fresh fruits and vegetables at local farmers' market sites and roadside stands. Eligible recipients also receive cash value vouchers which can be used to purchase fruits and vegetables at local farmers' markets, roadside stands, and WIC authorized retail stores.

**The Guam WIC Farmers' Market Nutrition Program (FMNP) is a program administered by the Department of Public Health and Social Services. The program has two purposes for implementation:**

1. **To provide fresh, nutritious, unprepared foods, fruits and vegetables from farmers' markets to women and children (up to 5 years old) who are nutritionally at risk; and**
2. **To expand the awareness and use of farmers' markets, as well as increase sales at such markets.**

**What is a Cash Value Voucher (CVV)?**

A Cash Value Voucher (CVV) is a fixed-dollar, voucher issued to women who are pregnant, postpartum or breastfeeding and children ages 1 year up to 5 years of age, to obtain authorized fruits and vegetables.

## coupon?

The differences between a CVV voucher and a FMNP coupon are that CVVs are fixed-amount, vouchers issued monthly to qualified WIC participants. FMNP benefits are \$20.00 coupons also issued to qualified WIC participants, however, only during the FMNP season from April through September of each year.

### **Federal Background:**

In 1988, Congress authorized a three-year demonstration project to test the concept in ten states. The success of the demonstration project led Congress to enact the WIC Farmers' Market Nutrition Act of July 2, 1992 (P.L. 102-34), thereby establishing the WIC FMNP as a food assistance program of the United States Department of Agriculture (USDA).

### **Local Background:**

In November 1998, the Department of Public Health and Social Services, Guam WIC Program, applied for funding by submitting to the United States Department of Agriculture (USDA), Guam State Plan of Operations for the WIC Farmers' Market Nutrition Program. On January 29, 1999, USDA approved Guam's State Plan. However, funding was not approved until April 21, 1999.

## **II. HOW DOES THE GUAM WIC FMNP WORK?**

The Guam WIC FMNP provides over 7,000 plus women and Children (1 up to 5 years old) who are participants in the WIC Program with FMNP coupons valued at \$20.00. The FMNP coupons may only be used to purchase fresh, nutritious, unprepared fruits and vegetables directly from an authorized farmer of the WIC FMNP. Recipients also receive a FMNP recipient packet that contains nutrition education materials, schedule, time, location of Farmers' Markets, Roadside Stands and list of names of authorized farmers with their WIC FMNP identification

- c) Accepting FMNP coupons/CVVs for non-food items or for any purchase other than eligible foods.
- d) Accepting FMNP coupons/CVVs or indicating willingness to accept FMNP coupons/CVVs by posting FMNP signs at any site that is not authorized to accept FMNP coupons/CVVs.
- e) Accepting FMNP coupons/CVVs after the expiration date.
- f) Participating in the FMNP coupon program while selling only fruits or vegetables grown by someone else.
- g) Charging higher prices for FMNP coupon/CVV sales than for cash sales.
- h) Discriminating against FMNP coupon/CVV recipients base on race, color, national origin, sex, age or disability.
- i) Continuing to participate in the FMNP coupon program during a period of suspension or disqualification, including acceptance or evidence of intent to accept FMNP coupons/CVVs.

**Class II violations** will result in suspension and possible disqualification from the FMNP. Certain abuses may constitute a criminal offense subject the vendor to prosecution under applicable state or federal laws.

- f) Abusive treatment of FMNP coupon recipients, program monitors or staff, or individuals associated with the FMNP.
- g) Failure to sell produce at the Farmers' Market on the fixed schedule of days and hours of operation for a minimum of five months.
- h) Violation of any other FMNP rule or regulation that is not specified in this section as being either a Class I or Class II violation.

**Class I violations** will result in a verbal warning from the Guam WIC FMNP to the violating farmer and will be documented in the State Agency's file for that farmer. The farmer will be invited to explain or question the violation. The response and/or any corrective actions taken will also be recorded. The second substantiated instance of a Class I violation during the period of FMNP operations will constitute a suspension of FMNP operations for the duration of the agreement not to exceed three months.

Class II violations, not necessarily in any priority order, are as follows:

- a) Giving FMNP coupon or Cash Value Voucher (CVV) shoppers cash change where the value of the shoppers' purchase is less than the value of the FMNP coupon/CVV presented.
- b) Cashing FMNP coupons/CVVs for customers or cashing FMNP coupons/CVVs obtained from any unauthorized source, including FMNP coupons/CVVs accepted by an unauthorized, suspended or disqualified farmer at the market.

FARMERS ARE SELECTED AND AUTHORIZED BY THE WIC FINANCIAL SECTION. If they meet the criteria to become an authorized farmer, they are notified via telephone or letter of their selection and non-selection status. If selected, then instructions to be an authorized farmer are given to them.

**When will FMNP coupons/CVVs be issued and how long may they be used?**

FMNP Coupons

Issue Date Issued to the WIC clients from 4/1/2017 to 9/10/2017

CVVs

Issued to WIC clients monthly

Valid Date Redeemable from 4/1/2017 to 9/15/2017

3-month issuance - Valid period is between the "First Date To Use" and Last Date To Use" dates

Deposit Date 4/1/2017 to 9/30/2017

Within 60 calendar days from the "First Date To Use" date

**How do the farmers cash the FMNP coupons/CVVs?**

Farmers may cash their coupons/CVVs just as they would a personal check. Farmers only need to deposit the coupons/ CVVs into their personal or business account. Before the farmer deposits the coupons/ CVVs in their bank, they must stamp the coupons/CVVs with their assigned FMNP. The farmer must deposit the coupons within 15 calendar days from the "Last Date To Use" date. CVVs must be deposited within 60 calendar days from the "First Date To Use" date.

Sample of Guam WIC Cash Value Voucher





GOVERNMENT OF GUAM  
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO  
GOVERNOR

RAY TENORIO  
LIEUTENANT GOVERNOR



JAMES W. GILLAN  
DIRECTOR

LEO G. CASIL  
DEPUTY DIRECTOR

**DRAFT**

**HAND DELIVERY**

Mr. Farmer Jose Cruz  
P.O. Box 0001234  
Agana, GU 96932

Re: Notice of Non-Selection of Applicant as an Authorized Farmer under the FY 2017 Farmer Participation Agreement with the Special Supplemental Nutrition for Women, Infants, and Children (Guam WIC Program)

This is to inform you of your application to participate as an authorized farmer under the FY'17 Farmer Participation Agreement with the Special Supplemental Nutrition for Women, Infants, and Children (Guam WIC Program). Unfortunately, you are not selected to participate based on the following criteria.

**1) Be a resident of Guam; 2) Personally grow fruits and vegetables on property they own or lease on Guam; and 3) Be a bonafide farmer, certified by the Government of Guam, Department of Agriculture (Ref. Criteria for Individual Farmers, FY 2017 Guam WIC Farmers' Market Nutrition Program application packet).**

In regards to the first criteria above your application submission lacks the required documentation of being a resident of Guam; Secondly, you lack documentation of any own or lease property that you personally grown fruits and vegetables on. In the third criteria you lack documentation identifying you as a current bonafide farmer, certified by the Guam Department of Agriculture. Furthermore, it is the Guam WIC Program's determination to not postpone this action. Should you decide to appeal this action, we encourage you to carefully read the following.

Pursuant to U.S. Department of Agriculture (USDA) regulations, 7 CFR Chapter II, Part 248, subsection 248.16, a farmer has the right to appeal when their application to participate is denied, a sanction is imposed, or they are disqualified from participating from the program. Should you desire, you can appeal this action through the Guam WIC FMNP Farmer Appeals, Appeals Procedures. Enclosed are said written procedures. Please note that in case of an adverse action

that is subject to an appeal, the effective date will be no later than 15 calendar days after receipt of the written notification of the adverse action. A written response to the adverse action and request for an appeal must be submitted by the farmer within 15 calendar days after receipt of the written notification of the adverse action. Such response must be addressed and submitted to the following:

Fair Hearings Officer  
Department of Public Health and Social Services  
123 Chalan Kareta  
Route 10 Mangilao, Guam  
96913-6304

Should the Fair Hearings Officer render a decision against you and since there is no other review process at our level, you have the right to further pursue this matter through judicial review.

Lastly, we appreciate your interest in becoming an authorized farmer under the Guam WIC Program. The next open enrollment application period for farmer participation will be in the year 2017.

Should you have any questions please direct them to Ms. Renee Camacho-Taitague, FMNP Coordinator, at 475-0292 or Mr. David Gumataotao, FMNP Program Manager, at 475-0300.  
***Thank You!***

**Sincerely,**

**CHARLES H. MORRIS**  
Administrator, Bureau Nutrition Services

Enclosure (Appeals Procedures)

<p>Guam WIC Program Farmers' Market Nutrition Program</p>	
<p><b>LOCAL AGENCY MONITORING FORM</b></p>	
<i>Agency Name:</i>	<i>Clinic Site:</i>
<i>Date of Visit:</i>	<i>Name of Reviewer (Print Name):</i>
<p><b>OBSERVATIONS</b></p>	
<p>Did the clinic staff explain to the FMNP Recipients how to use the coupons/CVV's?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>If no, what instructions were being offered:</p>	
<p>Were market schedules and locations given to FMNP Recipients? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p><b>QUESTIONS</b></p>	
<p>Are the coupon/CVV accounted for by a WIC client signature? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Does the agency have a compliant form and process available? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Has the agency had any complaints? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>If yes, how did the agency deal with complaints?</p>	
<p>Are the coupons stored in a secure location? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p><b>NOTES</b></p>	
<i>Signature of Reviewer:</i>	<i>Date:</i>