

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

Effective: October 1, 2011
Revised: October 19, 2023

Policy No. FMNP-4

Farmer Monitoring

Authority

7 CFR §248.4(a)(10)(iii) and §248.10(e);
22 MRSA §255 and §1951.

Purpose

To describe State Agency (SA) procedures for monitoring compliance of farmer with the WIC Farmer Agreement and FMNP policies. To inform WIC farmers of violations and the sanctions that will be imposed by the SA for noncompliance.

Policy

During each fiscal year, at least ten (10) percent of all authorized farmers as of October 1st will be monitored. Farmers who fail to comply with the farmer Agreement and/or policies of the FMNP will be sanctioned. If a farmer's sanction results in a disqualification, the SA will terminate the Farmer Agreement. The SA and/or representatives of the SA will document the circumstances of a farmer's noncompliance. Sanctions will be imposed consistently among farmers. The farmer will have to reapply to be authorized after the disqualification period is over. In all cases, the farmer's new application will be subject to the SA's farmer selection criteria in effect at the time of authorization.

Procedures

1. The SA and/or SA representatives routinely monitor the operations of authorized WIC farmers during the term of the Farmer Agreement.
 - 1.1. Monitoring techniques include but are not limited to:
 - 1.1.1. Overt routine on-site farmer reviews by the SA and/or SA representative. Definition: SA and/or SA Representatives will self-identify as Maine WIC staff/representative to farmer/cashier and conduct on-site farmer review.
 - 1.1.2. Overt on-site educational buys by the SA and/or SA representative. Definition: A buy conducted for the educational benefit of the farmer, cashiers, and WIC staff. SA and/or SA Representatives will self-identify as Maine WIC staff/representative to farmer/cashier.
 - 1.1.3. Covert methods, such as on-site compliance buys by the SA and/or SA representative. Definition: A covert investigation by one or more SA and/or SA Representatives posing as WIC customer using WIC and FMNP benefits to test the compliance. The SA and/or SA representative does not reveal to personnel that they are WIC representative during the visit.

- 1.2. The SA and/or SA representative uses high risk criteria to initiate monitoring visit(s). (see: FMNP-3 High Risk Farmer Identification Systems ([PDF](#))). Maine CDC will use a combination of periodic, scheduled reviews and complaints to determine whether a farmer is selected for monitoring. If application of the high-risk indicators results in fewer than 10 percent of farmers as high-risk, the SA shall randomly select additional farmers to be monitored to meet the 10 percent minimum.
- 1.3. Documentation will include, but not limited to date of the buy, the names of the farm and description of farmer/cashier involved in transaction, final disposition of items purchased.
 - 1.3.1. If no sanctionable violations are detected, the farmer investigation is closed.
 - 1.3.2. If one or more sanctionable violations are detected during a compliance buy, a notice of violation will be sent to the farmer in writing within 30 business days.
 - 1.3.3. After receiving a written warning of noncompliance and when a violation requires a pattern, follow-up will be conducted until one monitoring activity is found with no sanctionable violations. Both the initial and follow-up compliance monitoring activities will be considered in determining whether sanctions are applicable. The initial and follow-up compliance monitoring activities and subsequent follow-up period constitute a single investigation.
 - 1.3.4. If a pattern or a sanctionable offense has not been established, the investigation will be closed.