

Farmers Market Nutrition Program

Supersedes 2021 Manual

Rules & Procedures – Revised January 2022

Effective January 1, 2022

2022 FMNP MANUAL

Who can Participate?

- **Only a bona fide producer** of fresh fruits, vegetables, herbs and honey (*honey-SFMNP only*) can be certified for the SFMNP or WFMNP.
 - The producer may send a family member, employee or designated agent registered with the FMA to sell fruits and vegetables grown on your farm.
- If you have ever been disqualified from the FMNPs, you cannot be a designated agent in the FMNPs.
- A person can only be a designated agent for one farmer at a time. The farmer must notify the FMA in writing with the name of their agent and list the producer's farm grown goods to be sold at the market(s) they will sell at.

Who Can Participate? (con't.)

- If you share or partner with another farmer and any fruit or vegetable from either entity will be sold for FMNPs benefits, the full details of the sharing or partnership shall be **detailed in writing to the FMA before April 15th of each year**. Details will explain what each farmer contributes in land, seeds, fertilizer, herbicides, insecticides, pesticides, labor, fuel, and equipment.
- **Invoices of the above expenses may be required to be submitted to FMA monthly to verify shared expenses as stated in the partnership plan.**

Eligibility

Annually, all farmers must submit 1) a new farmers agreement and 2) a current year's growers permit to the Farmers Market Authority (FMA).

- Farmers Agreements must be submitted annually. You can access the farmers agreement by watching the current years training video online at www.fma.alabama.gov or by attending the current years training.
- Growers permits must be obtained from the Cooperative Extension System annually and a copy must be forwarded each year to the FMA.

Eligibility (con't.)

The farmer shall:

- Provide such information as the State agency shall require for its periodic reports;
- Assure that FMNPs benefits are redeemed for programmatic eligible foods;
- Provide eligible foods at the current market price or less than the current market price charged to other customers;
- Accept Farmers Market Nutrition Program (FMNPs) benefits within the dates of their validity;
- Provide training to any employees on program rules and procedures;
- Accept FMNPs benefits only at sites authorized by the Farmers Market Authority. (If you have questions regarding authorized sites, contact the FMA.)

The farmer **shall**:

- Agree to be monitored for compliance with program requirements;
- Be accountable for actions of employees in the provision of foods;
- Offer FMNPs recipients the same courtesies as other market customers;
- Comply with nondiscrimination provision of USDA regulations.

The farmer **shall not**:

- Collect sales tax on FMNPs benefits purchases;
- Seek restitution from FMNPs recipients for benefits not paid by the State agency;

Locally Grown

- Farmers may accept **FMNPs benefits** only for locally grown fresh fruits, vegetables, herbs and honey (SFMNP only) which they grow on their land in the State of Alabama or on their land within 25 miles of the Alabama border.
- Farmers may accept **FMNPs** benefits for product grown on leased land that is no more than 70 miles from their home address and is no more than 25 miles from the Alabama state border.

Exception to Grow Your Own Requirement

- Farmers may purchase produce and accept FMNPs benefits for the purchased product **only** if:
 - 1) the market rules permit, **and**
 - 2) the farmer submits a completed “Request to Purchase Form” to the Farmers Market Authority (FMA) to purchase products with justification for the need to purchase products, **and**
 - 3) permission is granted from the FMA in writing of the season limitation of the request

- Products cannot be obtained from a non-farm source and then redeemed for FMNPs benefits. Non-farm source means any place other than the farm where production takes place. Under no circumstances can you purchase products at a farmers market, i.e. Birmingham Farmers Market, and accept FMNPs benefits for them.

Eligible Foods

- FMNPs benefits **CANNOT** be redeemed for nuts, jelly, jam, eggs, baked goods, plants, flowers, or other non-food items, or items not produced on local farms.
- They are good **only for fresh, locally-grown, unprocessed fruits, vegetables, herbs (*herbs must be cut, cannot be potted*) and honey (SFMNP ONLY)**. Produce may be cleaned, trimmed and packaged but not otherwise processed, heated, or cooked.

Example of Eligible Foods

butter beans

snap beans

broccoli

cabbage

carrots

cauliflower

collards

corn

cucumbers

eggplant

leafy greens (all)

onions

peas

pepper

potatoes (Irish)

pumpkins

squash

tomatoes

turnips

potatoes (sweet)

zucchini

honey (SFMNP only)

apples

blueberries

peaches

cantaloupe

nectarines

pears

plums

strawberries

watermelons

okra

This list is not exhaustive. All fruits and vegetables that you grow are eligible.



FMNPs Benefits are valid only through November 15 of the current market season for the calendar year. It is your responsibility to make sure you are accepting benefits within the valid dates.

Sample of the FMNPs Benefits Card

Receiving FMNP Benefits

- Do not collect state or local taxes on purchases made with FMNPs benefits.
- FMNPs customers should pay the same price for items as do customers paying with cash.
- Do not accept FMNPs benefits after **November 15th of the current market season for the calendar year.**

Reimbursement of FMNPs Benefits

- All farmers will be **inactive** each year until FMA receives a new farmer's agreement and grower's permit.

Enforcement of Program Guidelines

Farmer monitoring activities will include:

- Regular visits to the market to assure that farmers are abiding by the program rules.
- Farm visits to check production sources.

Complaint Process

- Report questions or problems regarding the market to the Market Manager. If the problem cannot be resolved satisfactorily this way,
- If there is a problem regarding the FMNPs

Call or email write to the FMNP Coordinator:

(334) 240-7247 or 1-877-774-9519

fma@agi.alabama.gov

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, religious creed, disability, age, political beliefs, 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.

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

This institution is an equal opportunity provider.

declaración de discriminación

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, credo religioso, discapacidad, edad, creencias políticas, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o con discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] llamando al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una queja programa de discriminación, completar el Formulario de Queja USDA Programa Discriminación, (AD-3027) se encuentra en línea en (<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>), y en cualquier oficina de USDA, o escribir un carta dirigida al USDA y proporcionar en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de queja, llame al (866) 632 a 9992. Presentar el formulario o carta completa a USDA por:

Mail: Departamento de Agricultura de EE.UU.

Oficina del Secretario Adjunto de Derechos Civiles

1400 Independence Avenue, SW

Washington, DC 20250-9410;

(2) de fax: (202) 690-7442; o

(3) e-mail: program.intake@usda.gov

Esta institución es un proveedor de igualdad de oportunidades.

Action on Complaints

- Action on a complaint will occur no later than five (5) working days from the date the complaint is received and documented.
- *The complaint must contain:* **1) the name of person filing complaint, 2) the name of person the complaint is leveled against, and 3) the nature of the complaint.**
- The identity of any person or entity filing a complaint shall be kept confidential unless it becomes necessary to identify that person or entity as a witness at a hearing or judicial proceeding regarding the complaint.
- For complaints that involve organizational issues within the market, contact the Market Manager. If the problem involves access to the FMNPs program, contact the FMNP Coordinator.

Program Violations

Class I violations will result in a verbal warning and will be documented in State Agency's file for that vendor or market.

Class II violations will result in written citation of non-compliance to the violating vendor.

Class III violations will result in suspension and possible disqualification from the Program.

Class I Violations include:

- Failure to display the Alabama FMNP poster.
- Failure to abide by the Program complaint process.
- Knowingly providing false information about the program to FMNPs recipients or others.
- Failure to keep non-local foods separate from locally grown foods.

Class II Violations include:

- Failure to cooperate with State agency request to inspect a production site within a reasonable time.
- Abusive treatment of FMNPs benefits recipients; e.g. charging higher prices for FMNPs benefits sales than for cash sales or speaking in a derogatory tone.

Class III Violations include:

- Accepting FMNPs benefits for any products purchased at non-farm sources.
- Accepting FMNPs benefits for produce that you did not grow **without written permission** from the Farmers Market Authority.

Class III Violations (con't.)

- Accepting FMNPs benefits for any items other than locally grown fresh fruits, vegetables and herbs.
- Participating in the FMNPs benefits program while selling foods exclusively produced by someone else.
- Accepting FMNPs benefits at unauthorized sites (i.e., anywhere other than at farmers markets and farm/roadside stands authorized by the Farmers Market Authority.)

Suspension

The first instance of any Class III violation will result in immediate Suspension and possible Disqualification.

Upon receipt of “*Notice of Suspension*” from the State Agency, the vendor must immediately cease displaying the Alabama Farmers Market Nutrition Program poster and stop accepting FMNPs benefits at any participating market for the period of the suspension.

Period of Suspension – minimum of 10 days
maximum of 30 days

Disqualification

Disqualification may be invoked for:

- The third instance of any Class I violation during a season.
- The second instance of any Class II violation during a season.
- The first instance of any Class III violation during a season.

Multi year Disqualifications

Extended Disqualification

Upon the second disqualification in a three (3) year period, the disqualification will be for three (3) years.

Permanent Disqualification

Accepting FMNPs benefits during a suspension or disqualification will result in permanent disqualification from the program.

Disqualification Process

- A “Notice of Disqualification” will be sent to the farmer via the U. S. Postal Service.
- The notice will explain the cause(s) for the action and the effective date of the action.
- Disqualification takes effect on the 10th day from the date on the letter, during which time the farmer may appeal the adverse action.

Pre-Disqualification Meeting

- You may request a pre-disqualification meeting with the pre-disqualification appeals committee. (You may bring employees that are directly involved in the action for this meeting but representatives of other entities will not be allowed.)
- The appeals committee will be comprised of three members.
- Farmer will receive written notice acknowledging the request of the meeting within ten days.
- The meeting will result in:
 - 1) disqualification
 - 2) suspended and placed on probation
 - 3) sanction lifted with the farmer being placed on probation, or
 - 4) ruled in favor of the farmer

Appeal Procedure

- If no pre-disqualification meeting is requested or if the outcome of the meeting is not satisfactory.
- The farmer may appeal in writing or orally within 10 days of receipt of the pre-disqualification ruling.
- Notice of time and date of the appeal hearing will be given in order for preparation of the hearing.
- The farmer can ask the date be rescheduled one time.
- The hearing will be conducted by an impartial hearing officer.

Appeal Procedure (con't.)

- Opportunity will be given for confronting the person or entity that brought the adverse action against you.
- The basis of the hearing officer's decision will be delivered to you in writing. (This is done on their time frame-ADAI/FMA has no input to the length of time it takes to receive a ruling)
- If the disqualification is substantiated, the farmer will automatically be disqualified.
- During the appeal, the farmer cannot accept FMNPs benefits until the hearing official renders a decision.
- If you still wish to pursue the issue, you can request a judicial review at your own expense.

Accepting FMNPs benefits during suspension or after you have been disqualified from the programs will cause you to be permanently banned from future participation in the FMNP. Persons involved in such activity could face fines, imprisonment or both. Compliance buys are often conducted by the Farmers Market Authority in order to check for proper redemption. (See FMNP Regulations, Subpart G - Section 248.20 below.)

FMNP Regulations: Subpart G – Section 248.20

(c) *Penalties:* In accordance with section 12(g) of the National School Lunch Act, whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property provided under Section 17 of the Child Nutrition Act of 1966, as amended, whether received directly or indirectly from USDA, or whoever receives, conceals or retains such funds, assets or property for his or her own interest, knowing such funds, assets or property have been embezzled, willfully misapplied, stolen or obtained by fraud shall, if such funds, assets or property are of the value of \$100.00 or more, be fined not more than \$10,000.00 or imprisoned not more than five years, or both, or if such funds, assets or property are of a value of less than \$100.00, shall be fined not more than \$1,000.00 or imprisoned for not more than one year, or both.