Reply to
Attn of:  CACFP – 722

Subject: Questions and Answers (Q&A)

To:  STATE AGENCY DIRECTORS - Colorado DPHE, Iowa, Kansas Missouri DHHS, Montana DPHHS, Nebraska, North Dakota, South Dakota, Utah and Wyoming

The Mountain Plains Regional Office is expecting to issue Child and Adult Care Food Program (CACFP) Question and Answers twice a year. Attached is the January 2004 edition; these include questions from the last half of calendar year 2003. If there are questions regarding this guidance, please contact our office at (303) 844-0354.

DARLENE SANCHEZ
Regional Director
Special Nutrition Programs

Attachment
Child and Adult Care Food Program (CACFP)
Question and Answers
February 2004

Audits

1. Q. Can the State Agency (SA) extend the time period that an institution has to submit their required audit or assurance statement to the SA?

   A. Yes, on a case-by-case basis.

Claims for Reimbursement

2. Q. If an institution repays its overclaim, but not the interest, must the SA declare the institution seriously deficient if the institution does not pay the interest charge?

   A. The CACFP Regulations require that the SA to charge interest on all debts assessed against sub-grantees. Once the interest has been assessed, however, the Program Regulations are silent concerning the question of any threshold for collection for interest. So, if Program Regulations are silent, we would defer to the state's own procedures. If the state’s statutes or procedures allow them to waive an interest amount (for instance, any charge under $5.00), then they would not have to collect the interest assessed. If, however, the state’s rules don't address this, they would be required to not only assess the interest, but to collect it also. There is no official Federal threshold on interest owed in these cases.

   The FNS considers the interest charge to be part of the overclaim, so if the state has no interest disregard threshold. FNS would see this instance as one where the institution failed to fully repay its debt. The institution may not understand the interest payment, so technical assistance may be necessary.

3. Q. Must a sponsor use the 60/90-day claim guidance when determining the lateness of a provider’s claim? For example: if a provider sends in her meal counts four months late (or revises her counts that late) and the sponsor would like to simply add those counts into a current claim, even though the provider’s meal counts are not for the same month as the sponsor’s claim.

   A. Provider meal counts for February must be reported within the sponsor’s February claim. In this way, providers are not held to the standard of submitting original claims within 60 days, but they are required to submit their meal counts to the sponsor in time for the sponsor to include them in a revised claim. Therefore, the providers are held to the 90-day claim submission deadline.
4. Q. May an SA write-off a sponsor’s debt?

A. In general, no. However, if the provider debt is not the result of sponsor mismanagement or negligence and the sponsor actively pursues collection, the SA needs to determine if it is cost effective for the sponsor to continue collection efforts (i.e., hire a collection agency, write more letters, etc.) If the SA determines the sponsor should continue pursuing the debt, then the SA needs to approve budget amendments, etc. that provide the sponsor the needed funding (specific prior written approval.) If the SA determines further pursuit is not cost effective, then the SA does not need to assess the claim against the sponsor for the provider debt.

Family Dare Care Homes

5. Q. If a person has signed a provider agreement with a sponsoring organization, does that person have to be the one who is actually in the home giving care, preparing the meal, keeping the CACFP records, etc.? (This question arose from instances where a person is licensed as a day care provider, but they hire someone else to conduct the care and feeding of the children since they are actually employed out-of-the-home full time.)

A. The CACFP, as it relates to the day care home side of the Program, was intended to support the actual care givers who are meeting the immediate feeding needs of the Program beneficiaries (the children.) The individual signing the CACFP agreement, as the provider, must be the person who is on-site during the meal and is administering the requirements of the CACFP. There is no provision in the CACFP Regulation for a third party between the sponsor and the day care provider.

6. Q. Regarding the question above, does that mean that the provider must always be on-site and be the person actually conducting the meal service?

A. There are instances when a provider will have a helper and will be off-site for a period of time during the day; such as, running to the grocery store. This is different than the situation described above where the provider was actually absent from the day care environment for the majority of the day and was contracting out for day care.

7. Q. We understand that Minute Menus software does not recognize incorporated providers as an individual, so does not allow incorporated providers to claim their own children. Is this acceptable?

A. No. Provider’s own children are the beneficiaries of the Program, and they cannot be excluded from benefits based on software restrictions.
8. **Q.** Is a child who is temporarily away at school, such as college, always considered to be a member of the household?

A. No. The guidance for treating a child away at school (found on page 10 of the CACFP Eligibility Guidance, CACFP-595 and page 29 of the CACFP Eligibility Guidance for Family Day Care Homes), is only meant to address those situations in which the household actually considers the child as a member but who is temporarily absent. A child who is no longer considered to be a member, by the household itself, even though that child is attending school, should not be counted as a household member. Such ‘children’ are usually of full adult age, probably are economically independent, and may in some cases have families of their own.

9. **Q.** A disabled adult (other than one living with their spouse and/or their children) would be considered a household of one. Does it follow then that if this disabled adult (Jane) is living with a friend (Sue), then Jane’s income would not be considered as part of Sue’s household income when Sue is completing an income eligibility form (IEF) for her children’s day care center?

A. The CACFP Regulations define adult day care and child care differently. See Part 226.2 – Family. Therefore, if Sue is completing an IEF for a child care facility and she and Jane are part of the same economic unit, (sharing household expenses), then Sue must include Jane and all of here income (pension, disability payments, social security income, etc.) as part of the household income.

10. **Q.** CACFP-691 provides guidance regarding military income of deployed during Enduring Freedom. However, if a deployed person sends all his/her income home then part of it is sent back to them, what portion is included on the IEF completed by the family with children in care?

A. As a special situation that is an exception to the rule, FNS is establishing that only the part of the deployed person’s military income that is available to the family should be counted. Therefore, the amount that is sent back to the deployed service member is NOT counted as income in/to the household.
Infant Meals

11. **Q.** Can a CACFP center or home use and claim expired infant formula?

    **A.** FNS doesn’t establish product specifications for infant formula, so FNS hasn’t issued guidance regarding expiration codes for infant formula. However, The Food Safety and Inspection Service (FSIS) has, and we are recommending the use of that guidance. A parent might choose to use expired formula, but CACFP has broader food safety and food quality standards to meet. So, expired formula supplied by either the parent or the child care giver is inappropriate for CACFP reimbursement. Attached are FSIS guidance pages.

Tiering

12. **Q.** Can the 2000 Census information provided for CACFP be used to make eligibility determinations on military bases?

    **A.** The 2000 Census data can be used. The Bureau of Census has informed us that the 2000 data collection did not distinguish military bases differently from any other group of people or location. The 1990 census excluded military bases information, as explained in CACFP-499 #18. CACFP-499 #18 is being rescinded.

Training

13. **Q.** What policy/regulatory support does a SA have for requiring mandatory attendance of CACFP institutions at SA provided CACFP integrity training?

    **A.** The general rule on SA training of institutions is stated at Part 226.6(a): "Each SA shall provide . . . sufficient training and technical assistance to institutions . . . to facilitate expansion and effective operation of the Program." In other words, SAs are required to provide training, and this requirement can only be met if institutions attend, or otherwise participate in, the training. Each SA is the judge of what constitutes attendance at or participation in training, and each SA must develop its own method of handling cases where institutions fail or refuse to attend or participate in required training. The bottom line, though, is that an institution that fails or refuses to attend or participate is out of compliance with the Regulations and "seriously deficient", in accordance with Part 226.6(c)(3)(ii)(C), (Q), (U), and, by inference, (O).
FOCUS ON: Food Product Dating

"Sell by Feb 14" is a type of information you might find on a meat or poultry product. Are dates required on food products? Does it mean the product will be unsafe to use after that date? Here is some background information which answers these and other questions about product dating.

What is Dating?

"Open Dating" (use of a calendar date as opposed to a code) on a food product is a date stamped on a product's package to help the store determine how long to display the product for sale. It can also help the purchaser to know the time limit to purchase or use the product at its best quality. It is not a safety date.

Is Dating Required by Federal Law?

Except for infant formula and some baby food (see below), product dating is not required by Federal regulations. However, if a calendar date is used, it must express both the month and day of the month (and the year, in the case of shelf-stable and frozen products). If a calendar date is shown, immediately adjacent to the date must be a phrase explaining the meaning of that date such as "sell by" or "use before."

There is no uniform or universally accepted system used for food dating in the United States. Although dating of some foods is required by more than 20 states, there are areas of the country where much of the food supply has some type of open date and other areas where almost no food is dated.

What Types of Food Are Dated?

Open dating is found primarily on perishable foods such as meat, poultry, eggs and dairy products. "Closed" or "coded" dating might appear on shelf-stable products such as cans and boxes of food.

Types of Dates

- A "Sell-By" date tells the store how long to display the product for sale. You should buy the product before the date expires.
- A "Best if Used By (or Before)" date is recommended for best flavor or quality. It is not a purchase or safety date.
- A "Use-By" date is the last date recommended for the use of the product while at peak quality. The date has been determined by the manufacturer of the product.
- "Closed or coded dates" are packing numbers for use by the manufacturer.

Safety After Date Expires
Except for "use-by" dates, product dates don't always refer to home storage and use after purchase. But even if the date expires during home storage, a product should be safe, wholesome and of good quality -- if handled properly and kept at 40° F or below. See the accompanying refrigerator charts for storage times of dated products.

Foods can develop an off odor, flavor or appearance due to spoilage bacteria. If a food has developed such characteristics, you should not use it for quality reasons.

If foods are mishandled, however, foodborne bacteria can grow and cause foodborne illness -- before or after the date on the package. For example, if hot dogs are taken to a picnic and left out several hours, they wouldn't be safe if used thereafter, even if the date hasn't expired.

Other examples of potential mishandling are products that have been: defrosted at room temperature more than two hours; cross contaminated; or handled by people who don't use proper sanitary practices. Make sure to follow the handling and preparation instructions on the label to ensure top quality and safety.

**Dating Formula and Baby Food**

Federal regulations require a use-by date on the product label of infant formula and the varieties of baby food under FDA inspection. If consumed by that date, the formula or food must contain not less than the quantity of each nutrient as described on the label. Formula must maintain an acceptable quality to pass through an ordinary bottle nipple. If stored too long, formula can separate and clog the nipple.

Dating of baby food is for quality as well as for nutrient retention. Just as you might not want to eat stale potato chips, you wouldn't want to feed your baby meat or other foods that have an off flavor or texture.

The use-by date is selected by the manufacturer, packer or distributor of the product on the basis of product analysis throughout its shelf life; tests; or other information. It is also based on the conditions of handling, storage, preparation and use printed on the label. Do not buy or use baby formula or baby food after its use-by date.

**What Do Can Codes Mean?**

Cans must exhibit a packing code to enable tracking of the product in interstate commerce. This enables manufacturers to rotate their stock as well as to locate their products in the event of a recall.

These codes, which appear as a series of letters and/or numbers, might refer to the date or time of manufacture. They aren't meant for the consumer to interpret as "use-by" dates. There is no book which tells how to translate the codes into dates.

Cans may also display "open" or calendar dates. Usually these are "best if used by" dates for peak quality.

In general, high-acid canned foods such as tomatoes, grapefruit and pineapple can be stored on the shelf 12 to 18 months; low-acid canned foods such as meat, poultry, fish and most vegetables will keep 2 to 5 years -- if the can remains in good condition and has been stored in a cool, clean, dry place.

**Dates on Egg Cartons**

If the egg carton has an expiration date printed on it, such as "EXP May 1," be sure that the date has not
passed when the eggs are purchased. That is the last day the store may sell the eggs as fresh.

On eggs which have a Federal grademark, such as Grade AA, the date cannot be more than 30 days from the date the eggs were packed into the carton.

As long as you purchase a carton of eggs before the date expires, you should be able to use all the eggs safely in three to five weeks after the date you purchase them.

**UPC or Bar Codes**

Universal Product Codes appear on packages as black lines of varying widths above a series of numbers. They are not required by regulation but manufacturers print them on most product labels because scanners at supermarkets can "read" them quickly to record the price at checkout.

Bar codes are used by stores and manufacturers for inventory purposes and marketing information. When read by a computer, they can reveal such specific information as the manufacturer's name, product name, size of product and price. The numbers are not used to identify recalled products.

**Storage Times**

Since product dates aren't a guide for safe use of a product, how long can the consumer store the food and still use it at top quality? Follow these tips:

- Purchase the product before the date expires.
- If perishable, take the food home immediately after purchase and refrigerate it promptly. Freeze it if you can't use it within times recommended on chart.
- Once a perishable product is frozen, it doesn't matter if the date expires because foods kept frozen continuously are safe indefinitely.
- Follow handling recommendations on product.
- Consult the following storage chart.

**REFRIGERATOR HOME STORAGE (at 40° F or below) OF FRESH OR UNCOOKED PRODUCTS**

*If product has a "Use-By Date," follow that date. If product has a "Sell-By Date" or no date, cook or freeze the product by the times on the following chart.*

<table>
<thead>
<tr>
<th>PRODUCT</th>
<th>STORAGE TIMES AFTER PURCHASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poultry</td>
<td>1 or 2 days</td>
</tr>
<tr>
<td>Beef, Veal, Pork and Lamb</td>
<td>3 to 5 days</td>
</tr>
<tr>
<td>Ground Meat and Ground Poultry</td>
<td>1 or 2 days</td>
</tr>
<tr>
<td>Fresh Variety Meats (Liver, Tongue, Brain, Kidneys, Heart, Chitterlings)</td>
<td>1 or 2 days</td>
</tr>
<tr>
<td>Cured Ham, Cook-Before-Eating</td>
<td>5 to 7 days</td>
</tr>
<tr>
<td>Sausage from Pork, Beef or Turkey, Uncooked</td>
<td>1 or 2 days</td>
</tr>
</tbody>
</table>

### REFRIGERATOR HOME STORAGE (40° F or below) OF PROCESSED PRODUCTS SEALED AT PLANT

*If product has a "Use-By Date," follow that date.  
*If product has a "Sell-By Date" or no date, cook or freeze the product by the times on the following chart.*

<table>
<thead>
<tr>
<th>PROCESSED PRODUCT</th>
<th>UNOPENED, AFTER PURCHASE</th>
<th>AFTER OPENING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooked Poultry</td>
<td>3 to 4 days</td>
<td>3 to 4 days</td>
</tr>
<tr>
<td>Cooked Sausage</td>
<td>3 to 4 days</td>
<td>3 to 4 days</td>
</tr>
<tr>
<td>Sausage, Hard/Dry, shelf-stable</td>
<td>6 weeks/pantry</td>
<td>3 weeks</td>
</tr>
<tr>
<td>Corned Beef, uncooked, in pouch with pickling juices</td>
<td>5 to 7 days</td>
<td>3 to 4 days</td>
</tr>
<tr>
<td>Vacuum-packed Dinners, Commercial Brand with USDA seal</td>
<td>2 weeks</td>
<td>3 to 4 days</td>
</tr>
<tr>
<td>Bacon</td>
<td>2 weeks</td>
<td>7 days</td>
</tr>
<tr>
<td>Hot dogs</td>
<td>2 weeks</td>
<td>1 week</td>
</tr>
<tr>
<td>Luncheon meat</td>
<td>2 weeks</td>
<td>3 to 5 days</td>
</tr>
<tr>
<td>Ham, fully cooked</td>
<td>7 days</td>
<td>slices, 3 days; whole, 7 days</td>
</tr>
<tr>
<td>Ham, canned, labeled &quot;keep refrigerated&quot;</td>
<td>9 months</td>
<td>3 to 4 days</td>
</tr>
<tr>
<td>Ham, canned, shelf stable</td>
<td>2 years/pantry</td>
<td>3 to 5 days</td>
</tr>
<tr>
<td>Canned Meat and Poultry, shelf stable</td>
<td>2 to 5 years/pantry</td>
<td>3 to 4 days</td>
</tr>
</tbody>
</table>

---

For additional food safety information about meat, poultry, or egg products, call the toll-free USDA Meat and Poultry Hotline at 1-888-MPHotline (1-888-674-6854); for the hearing-impaired (TTY) 1-800-256-7072. The Hotline is staffed by food safety experts weekdays from 10 a.m. to 4 p.m. Eastern time. Food safety recordings can be heard 24 hours a day using a touch-tone phone.

The media may contact the USDA Meat and Poultry Hotline at (301) 504-6258.

Information is also available from the FSIS Web site: [http://www.fsis.usda.gov](http://www.fsis.usda.gov)

The USDA is an equal opportunity provider and employer.
For Further Information Contact:
FSIS Food Safety Education Staff
Meat and Poultry Hotline:

- 1-888-MPHotline (1-888-674-6854) - Tollfree Nationwide
- 1-800-256-7072 (TDD/TTY)
- E-mail: mphotline.fsis@usda.gov

Consumer Publications List | FSIS Home Page | USDA Home Page