



Farmer Application and Agreement

CA WIC Card Cash Value Benefits (CVB) for Fruits and Vegetables
WIC Farmers' Market Nutrition Program (FMNP)
California Department of Food and Agriculture Senior FMNP (SFMNP)



Mail completed application to:
wicfmnp@cdph.ca.gov or
California WIC Farmers' Market Programs
3901 Lennane Drive
Sacramento, CA 95834-2956

Check one (Required)
 New Farmer
 Reauthorizing Farmer

Honey-only farmers
 Can only accept SFMNP benefits.

WIC WISE ID #:

The California Department of Public Health/Women, Infants and Children Division (CDPH/WIC) uses the *Farmer Application and Agreement* to authorize individual farmers to accept and redeem WIC CVB, WIC Farmers' Market Nutrition Program (FMNP) benefits as well as Senior FMNP (SFMNP) benefits. The SFMNP program is administered by the California Department of Food and Agriculture. **This agreement will be in effect for up to three years unless terminated by CDPH/WIC or the Farmer.**

Farmers must attend an interactive training with CDPH/WIC staff to become authorized. Please contact us at wicfmnp@cdph.ca.gov or (855) 942-7867 to schedule a training.

Section 1: Certified Producer Information (Farmer)				Producer's Certificate Information		
Name of Farm				Issuing County (Required)		
Certified Producer's Name #1 (Last, First)				Certificate Number (Required)		
Certified Producer's Name #2 (Last, First)				Expiration Date (Required)		
Mailing Address			City	County	State	Zip
Phone (Business)	Phone (Cell)	Email (Required)		Tax ID # (Required)		
Section 2: Market Manager Verification of Producer's Certificate Information						
If Market Manager is unavailable to complete Section 2, please provide a copy of the first page of your Producer's Certificate.						
<input type="checkbox"/> I certify that the information in Section 1 provided by the farmer is correct.						
Signature of Market Manager (Required)			Print Market Manager (Required)		Date (Required)	
Market #	Market Name (Required)		Market Location (Required if no Market #)			
Section 3: Farmer Enablement Requirement: Completed by CDPH/WIC Staff						
Training: <input type="checkbox"/> In Person <input type="checkbox"/> Webinar			This section is only used for new farmers.			
Date Completed: _____			Processing Contract Complete: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Staff: Name: _____			<input type="checkbox"/> Level 3 Certification (Live Shopping)			
Title: _____			Date Completed: _____			
<input type="checkbox"/> Authorization Approved		<input type="checkbox"/> Authorization Denied		<input type="checkbox"/> Authorization Incomplete		
CDPH/WIC Staff: _____			Title: _____		Date _____	

Complete, sign and return with page 2



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Section 4: WIC Authorized Farmers' Market Locations Where You Sell Produce

1. List all WIC Authorized Farmers' Markets where you sell produce.
2. Find the Market # from the current list of WIC Authorized Markets located at www.wicfarmers.ca.gov.

Application will not be processed without this information. Use additional sheets if necessary.

Market#	Market Name	County	Days of Operation S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/>
Market Location		City	Hours of Operation
Market#	Market Name	County	Days of Operation S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/>
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Market Location		City	Hours of Operation
Market#	Market Name	County	Days of Operation S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/>
Market Location		City	Hours of Operation

Section 5: Certified Producer (Farmer) Agreement and Signature (Required)

All the information in this application is true and correct. I understand that providing any false information may result in CDPH/WIC denying or terminating my authorization to participate.

Certified Producer's Signature #1	Print Name	Date
Certified Producer's Signature #2	Print Name	Date

Complete, sign and return with page 1

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Note: please read and keep the following sections for your records.

Section 6: Definitions

1. For purposes of this Agreement, the terms below are defined as follows:
 - a. **Actual selling price** means the amount the Farmer transmitted for reimbursement through an electronic benefit transfer (EBT) capable point of sale system at the time of sale. The actual selling price must include all coupons or other discounts applied to the sale.
 - b. **California Department of Food and Agriculture Seniors Farmers' Market Card** means an EBT card to electronically access SFMNP benefits in California.
 - c. **California WIC payment method** means the WIC certified EBT payment type used to electronically access WIC CVB and/or WIC FMNP food benefits in California.
 - d. **Cash-Value Benefit** or **CVB** means a fixed dollar electronic benefit amount used by WIC participants to obtain fruits and vegetables.
 - e. **EBT Capable Point of Sale System** means a combination of equipment and software used by the Farmer to process the California WIC EBT Payment Solution and/or CDFA SFMNP transactions that has been certified by CDPH/WIC or CDPH/WIC's agent as capable of processing WIC CVB, WIC FMNP, and SFMNP transactions in compliance with all federal requirements for WIC EBT point of sale systems.
 - f. **Electronic Benefit Transfer** or **EBT** means a method that permits electronic access to eligible food benefits using a card.
 - g. **Farmers' Market Nutrition Program (FMNP) and Senior FMNP Benefits** means benefits issued under the FMNP and/or SFMNP that participants use to purchase eligible foods from farmers authorized by the state agency to accept FMNP and/or SFMNP benefits.
 - h. **Eligible Foods** means foods allowed for farmer WIC CVB, WIC FMNP, and SFMNP transactions.
 - 1) **CVB Eligible Foods** means any fresh (as defined by 21 Code of Federal Regulations part 101.95) whole or cut fruits and vegetables, without added sugars, fats, or oils. Eligible fresh fruits and vegetables include organic fresh fruits and vegetables without added sugars, fats, or oils. Herbs are not an eligible food for CVB transactions.
 - 2) **WIC FMNP Eligible Foods** means fresh, nutritious, unprepared, locally grown fruits, vegetables, and cut herbs for human consumption. Eligible foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes.
 - 3) **SFMNP Eligible Foods** means fresh, nutritious, unprepared, locally grown fruits, vegetables, honey, and cut herbs for human consumption. Eligible foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes.

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- i. **Participant** means persons eligible to receive food benefits.
 - 1) **WIC CVB Participant** means women, infants, and children who are receiving eligible WIC fresh fruit and vegetable CVBs under the WIC Program, parents or caretakers of infant and child participants, and proxies as defined in 7 Code of Federal Regulations part 246.2.
 - 2) **WIC FMNP Participant** means women, infants aged six months or older, and children who are nutritionally at risk and who are participating in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).
 - 3) **SFMNP Participant** means a person not less than 60 years of age or older who meets SFMNP eligibility criteria for residency and income.

Section 7: Terms and Conditions of WIC CVB, WIC FMNP, and SFMNP Farmer Agreement

1. This Farmer Agreement is in effect for up to three years.
 - a. Neither CDPH/WIC nor the Farmer has an obligation to renew this agreement at the end of the agreement term.
 - b. The Farmer may terminate the agreement for any reason after providing 15 days of advanced written notification.
 - c. The Farmer must notify CDPH/WIC if the farm ceases operation or ceases to sell at WIC authorized farmers' markets prior to the end of the authorization period.
 - d. CDPH/WIC may disqualify a Farmer for program abuse with written notification.
 - 1) A Farmer that commits fraud or engages in other illegal activity is liable to prosecution under applicable Federal State, and/or local laws.
 - 2) If you suspect any type of abuse, do not accept the WIC CVB, WIC FMNP or SFMNP benefits and contact the Market Manager or CDPH/WIC staff immediately.
 - 3) The farmer is responsible for any fees, fines, or penalties resulting from fraud, abuse, or mismanagement of the authorizations granted by this agreement.
2. CDPH/WIC and the Farmer must comply with all nondiscrimination provisions of USDA Regulations as provided in 7 CFR, Section 248.7 for WIC FMNP; or Section 246.8 for WIC Regulations; or Section 249.7 for SFMNP. The requirements of this section are available via the Internet by accessing <http://www.ecfr.gov>.
3. A WIC authorized Farmer who commits fraud or abuse is subject to program sanctions and may result in disqualification from the program, including repayment, penalty, or both. Violations are classified into four levels of non-compliance: Class I, Class II, Class III, and

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Class IV. If a violation is found to be valid, the sanctions below will be imposed. Note that violations are not limited to those listed below and sanctions listed may be subject to change.

a. Class I Violation

- 1) Accepting WIC CVB, WIC FMNP, and/or SFMNP benefits before you receive the Notice of Authorization (NOA) Packet from CDPH/WIC.
- 2) Failure to display current, correct authorization signs.

Sanction: Violation results in a Class I violation letter from CDPH/WIC.

b. Class II Violation

- 1) Accepting WIC CVB, WIC FMNP and/or SFMNP benefits for non-eligible food or non-food items.
- 2) Accepting WIC CVB, WIC FMNP, and/or SFMNP benefits at an unauthorized location.
- 3) Discriminating actions demonstrated against a WIC or Senior participant.
- 4) Two or more Class I violations.

Sanction: Violation results in a Class II violation letter from CDPH/WIC. In addition, the Farmer will be required to attend a special training to resolve the violation.

c. Class III Violation

- 1) Charging WIC CVB, WIC FMNP and/or SFMNP customers more than the price charged to other customers.
- 2) Providing money back to customers for WIC CVB, WIC FMNP, and/or SFMNP purchases where the amount of the purchase is less than the dollar amount transacted.
- 3) Transacting benefits on behalf of another farmer, regardless of the authorization status of the other farmer.
- 4) Attempting to collect or collecting sales tax or levy a surcharge on purchases sold to WIC and Senior participants.
- 5) Two or more Class II violations.

Sanction: Violation results in a Class III—one-year disqualification from the WIC CVB, WIC FMNP and SFMNP, which may result in disqualification from the CalFresh Program also.

d. Class IV Violation

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- 1) Committing fraud, abuse, and/or engaging in any illegal activity in connection with the WIC CVB, WIC FMNP and/or SFMNP benefits.
- 2) Providing drugs, alcohol, or cash to a customer for WIC CVB, WIC FMNP and/or SFMNP benefits.
- 3) Two or more Class III violations.

Sanction: Violation results in a Class IV—three-year disqualification letter from WIC CVB, WIC FMNP and SFMNP and/or required to repay CDPH/WIC or CDFA for improperly redeemed benefits, whichever applies.

Disqualification from WIC CVB, WIC FMNP, and SFMNP programs may result in disqualification from the CalFresh Program also. Liable to prosecution under applicable Federal, State, or local laws.

4. The Farmer has the right of appeal to the state within 30 days of the date of the written notice regarding denial of application to participate, imposing of a sanction, or denied payment from CDPH/WIC. To appeal, please contact CDPH/WIC at (855) 942-7867 or email wicfmnp@cdph.ca.gov.
5. The Farmer has the right of appeal to the state regarding disqualification from WIC CVB, WIC FMNP, and/or SFMNP. Farmers that wish to file an appeal must submit a written notice stating the basis for disagreement within 30 days of date of the written notice from CDPH/WIC. If you wish to appeal, your appeal letter should be mailed or emailed to:

Office of Legal Services
Administrative Litigation Unit
1415 L Street, Suite 500
Sacramento, CA 95814
(916) 558-1710

Email: CDPHLegal@cdph.ca.gov

A copy of your appeal letter should be sent to CDPH/WIC by mail or email:

California Department of Public Health
Women, Infants and Children Division
Vendor Policy and Regulations Units
3901 Lennane Drive
Sacramento, CA 95834

Email: WICHEARING@cdph.ca.gov

6. If you appeal, an administrative hearing will be scheduled in Sacramento. If you are unable to

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attend in person, you may attend the hearing via teleconference. You will receive advance notice of the time and place of the hearing and you will be given the opportunity to present your case. Counsel may represent you if you so desire.

7. If you have any questions regarding the appeal process, please call the WIC Vendor Customer Service Line (855) 942-7867.
8. Expiration of a contract or agreement and claims action under 7 Code of Federal Regulations (CFR), Section 248.20 of the WIC FMNP Regulations; or Section 246.23 of the WIC Regulations; or Section 249.20 of the SFMNP Regulations are not subject to appeal. The requirements of this section are available via the Internet by accessing <http://www.ecfr.gov>.

Section 8: Responsibilities of Farmer

1. Farmer shall:

- a. Maintain a current Certified Producer's Certificate issued by the Agricultural Commissioner's office from the county in which the farm is located.
- b. Maintain a current email account throughout the entire authorization period.
- c. Maintain banking processor contract with the approved CDPH/WIC and CDFA approved benefit transaction provider(s).
- d. Is responsible for ensuring the successful transmission of all WIC CVB and/or WIC FMNP benefit transactions for which the Farmer seeks reimbursement from CDPH/WIC.
- e. Update software, change hardware, or make other modifications to the EBT Capable Point of Sale System to comply with federal requirements.
- f. Be responsible for ensuring the successful transmission of all SFMNP benefit transactions for which the Farmer seeks reimbursement from CDFA.
- g. Transact WIC CVB, WIC FMNP, and/or SFMNP benefits for eligible foods.
- h. Transact WIC CVB, WIC FMNP, and/or SFMNP benefits using the EBT Capable Point of Sale System approved by CDPH/WIC.
- i. Process WIC CVB, WIC FMNP and/or SFMNP benefit transactions only at WIC authorized farmers' markets.
- j. Provide the participant with the opportunity to confirm the amount of the transaction including that the amount deducted from participant's electronic benefits, is correct prior to transmission for redemption.
- k. Process WIC CVB and WIC FMNP benefit transactions by scanning the California WIC EBT Payment Solution when the WIC participants presents the EBT payment Solution at the time of purchase.

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- l. Ask for the California WIC EBT Payment Solution only when conducting a WIC CVB and/or WIC FMNP benefit transaction.
- m. Enter the California WIC EBT Payment Solution EBT number manually **only after** scanning fails.
- n. Process WIC CVB and WIC FMNP benefit transactions only from participants who have proper identification. Proper WIC identification for the California WIC EBT Payment Solution consists of the successful entry of the individual personal identification number (PIN) by the participant.
- o. Ensure that the WIC CVB, WIC FMNP transaction process allows a reasonable degree of security to protect the PINs used by WIC participants. Only the WIC participant may enter the pin.
- p. Process SFMNP benefit transactions only when the participant presents the CDFA Senior Farmers' Market Card.
- q. Ask for the Senior Farmers' Market Card only when conducting an SFMNP benefit transaction.
- r. Enter the Seniors Farmers' Market Card number manually **only after** scanning fails.
- s. Apply all discounts and coupons to WIC CVB, WIC FMNP, and/or SFMNP transactions prior to transmission for redemption.
 - 1) May reflect the value of a discount or coupon as either amount netted from the cost of the food item(s) or a separate total discount from the total purchase amount.
 - 2) Shall not submit a transaction for payment for a WIC CVB, WIC FMNP, and/or SFMNP benefit transaction where the total dollar amount of the transition results in a zero-amount due.
- t. Transmit the actual selling price through the Farmers' EBT Capable Point of Sale System for the WIC CVB, WIC FMNP, and/or SFMNP eligible foods selected by and actually provided to the participant.
- u. Allow, accept, and collect payment from the participant for WIC CVB, WIC FMNP and/or SFMNP benefit transactions in excess of the electronic benefit balance if the participant wishes to purchase the full quantity selected.
- v. Run a Balance Inquiry for a participant without requiring the participant to make a purchase.
- w. Return any California WIC EBT Payment Solution or Seniors Farmers' Market card found at the market to the address on the back of the card within seven (7) days.
- x. Offer WIC and senior shoppers the same courtesies as other customers.

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- y. Accept training on WIC CVB, WIC FMNP, and/or SFMNP procedures and provide training on such procedures to farm employees with WIC CVB, WIC FMNP and/or SFMNP benefit responsibilities.
- z. Be accountable for actions of employees in benefit handling and processing.
- aa. Review annual WIC CVB, WIC FMNP, and SFMNP self-study materials prior to May 1 each year.
- bb. Prominently display the **WIC authorized** sign at the point of sale to facilitate identification as a WIC authorized farmer by WIC and Senior shoppers.
- cc. Notify CDPH/WIC if the farm no longer sells at a WIC Authorized Market.
- dd. Agree to be monitored, both overtly and covertly, for compliance with program requirements.
- ee. Provide access and cooperate with CDPH/WIC and CDFA program representatives when being monitored for compliance with program procedures and requirements.
- ff. Provide information required by CDPH/WIC for periodic reporting to USDA.
- gg. Agree to reimburse CDPH/WIC and/or CDFA for any benefits transacted in violation of program requirements.
- hh. Acknowledge that CDPH/WIC and/or CDFA may deny payment and demand reimbursement for any improperly redeemed benefits, e.g., benefits accepted for non-eligible foods.
- ii. Accept that the federal WIC logo and the WIC acronym are registered service marks of the United States Department of Agriculture (USDA); the federal WIC logo service mark, the WIC acronym service mark, and the CDPH/WIC logo are the property of the federal and state governments, and their use is restricted as described below.
 - 1) Agree to use the CDPH/WIC logo only through use of materials produced by the CDPH/WIC Division such as banners, posters, decals, or stickers.
 - 2) Agree to not reproduce or use the CDPH/WIC logo without written permission from CDPH/WIC. Farmer shall request and receive written permission from CDPH/WIC before implementing a WIC CVB, WIC FMNP and/or SFMNP program outreach message.
- jj. Contact the Market Manager or CDPH/WIC staff immediately if any type of abuse is suspected. Do not accept the WIC CVB, WIC FMNP, and/or SFMNP benefits.

2. The authorized Farmer shall not:

- a. Require the WIC participant to redeem the full electronic benefit balance in order to use the California WIC EBT Payment Solution.

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- b. Require the Senior participant to redeem the full electronic benefit balance in order to use the Senior Farmers' Market Card.
- c. Ask for a WIC participant's PIN or enter the PIN for the participant.
- d. Provide participants with ineligible food items, non-food items, cash, credit, including rain checks, in exchange for, or as part of, a WIC CVB, WIC FMNP, and/or SFMNP benefit transaction.
- e. Collect sales tax on purchases or levy a surcharge to WIC and Seniors using WIC CVB, WIC FMNP and/or SFMNP benefits.
- f. Charge higher prices to WIC and Senior participants compared to other customers.
- g. Seek restitution from WIC and senior recipients for WIC CVB, WIC FMNP and/or SFMNP benefits not paid.
- h. Issue cash change for purchases for an amount less than the value of the benefits transacted.
- i. Redeem benefits where the purchase value is less than the benefit value transacted.
- j. Accept and exchange benefits for cash.
- k. Accept and redeem benefits for non-eligible foods.
- l. Accept and redeem WIC CVB, WIC FMNP and/or SFMNP benefits before becoming WIC authorized.
- m. Accept and redeem WIC CVB, WIC FMNP and/or SFMNP benefits at any location other than WIC Authorized Farmers' Markets.
- n. Accept and redeem WIC CVB, WIC FMNP, SFMNP benefits outside the benefit validity dates.
- o. Accept and redeem WIC CVB, WIC FMNP, and/or SFMNP benefits for foods grown outside of California.
- p. Accept out-of-state benefits.
- q. Commit fraud or abuse of the WIC CVB, WIC FMNP and/or SFMNP programs.
- r. Participate in the program if you are sanctioned or disqualified by CDPH/WIC or CDFA.

Section 9: CDPH/WIC Responsibilities

1. CDPH/WIC shall:

- a. Ensure that the e-solution attaches a farmer identifier assigned by CDPH/WIC to each farmer WIC CVB, WIC FMNP, and SFMNP transaction.

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- b. Reimburse the Farmer for the full value of benefits properly presented through third party payment process procedures.
 - c. Provide dates and times for farmer training sessions.
 - d. Provide training on all program requirements.
 - e. Provide the Farmer clarification of applicable program requirements and provide training and technical assistance.
 - f. Monitor operations and provide written notification of any noncompliance observations of the Farmer as outlined in this agreement.
 - g. Provide the Farmer access to the WIC CVB, WIC FMNP and SFMNP Approved Produce List.
 - h. Provide the Farmer with a "WIC and Senior Farmers' Market Benefits Welcome" and "Senior Farmers' Market Benefits Welcome" signs.
 - i. Have the right to terminate this agreement, and the termination shall become effective **15** days after receipt of written notification.
 - j. Have the right to reimbursement from the Farmer of an amount equal in value to benefits paid in violation of Federal or State laws and regulations or of the terms of this agreement, after the final notice of suspension or disqualification.
2. **CDPH/WIC may:**
- a. Deny payment and seek repayment from the Farmer for improperly redeemed benefits.
 - b. Disqualify the Farmer for program abuse upon written notification for a period of up to 3 years based on the severity of the violation. Program abuse shall include any violations of the terms of this agreement.
 - c. Retain the right to authorize special exceptions to rules and procedures involving unique circumstances; however, such exceptions shall not be effective until CDPH/WIC provides written notification to the Farmer.

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Section 10: Civil Rights Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD3027, USDA Program Discrimination Complaint Form which can be obtained online at:

- <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
 2. fax: (833) 256-1665 or (202) 690-7442; or
 3. email: Program.Intake@usda.gov