

Waiver of the Summer Meals Air Quality Waiver Requirements

1. Requesting State:

Washington Office of Superintendent of Public Instruction

State agency staff contact information:

Leanne Eko, RD, SNS

Chief Nutrition Officer

(360) 725-0410

leanne.eko@k12.wa.us

2. Region:

Western Region

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

150 sponsors participating in the Summer Meals program for 2026, all in good standing.

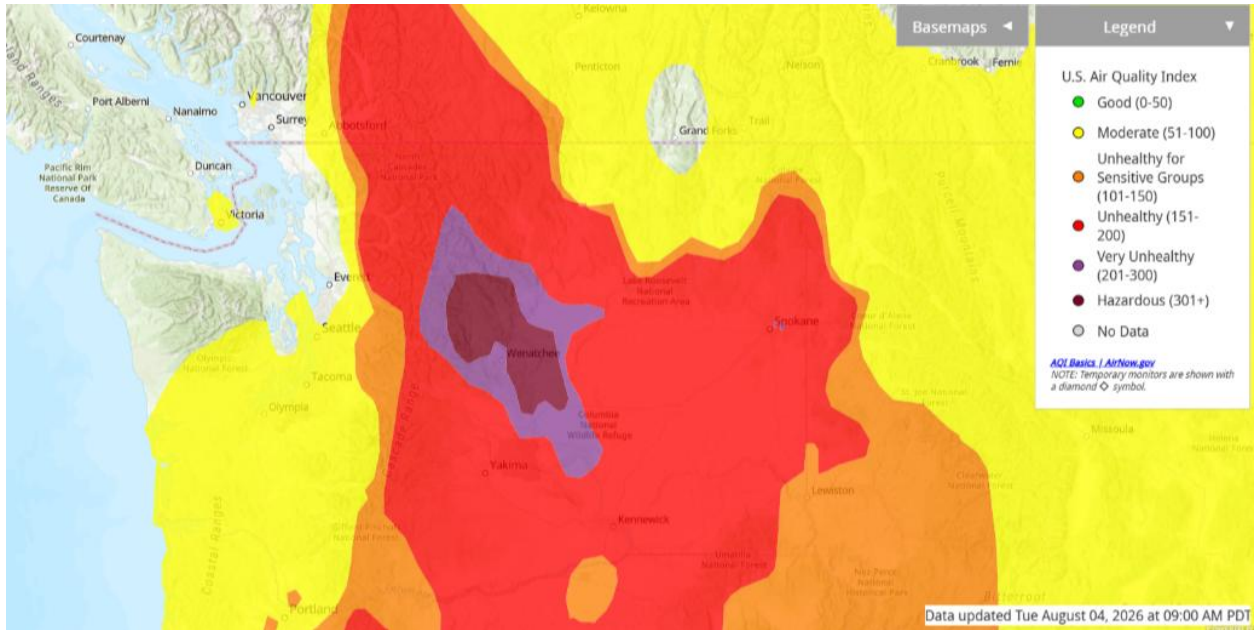
4. a.) Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

The Office of Superintendent of Public Instruction (OSPI) Child Nutrition Services (CNS) is seeking this waiver to allow sponsors to suspend or modify meal service when the Air Quality Index (AQI) reaches the Red ("Unhealthy") category, rather than waiting until conditions reach the Purple ("Very Unhealthy") category.

Washington is currently experiencing over 13 large wildfires impacting 13600 acres directly, with an increased radius for air quality danger. Due to shifting fire behavior, wind patterns, and weather, air quality can deteriorate significantly within a short period of time. Waiting until the AQI reaches the Purple category does not provide sponsors sufficient time to safely adjust operations, notify families, modify staffing, or prevent unnecessary meal preparation. Currently over 50% of our state is in the red category, with the anticipation that this will increase due to the uncontained nature of the fires.



Washington Office of Superintendent of
PUBLIC INSTRUCTION



Granting this waiver would improve program administration by allowing sponsors to make timely, proactive operational decisions that protect the health and safety of children and staff while reducing food waste associated with meals that cannot be served. It would also help ensure sponsors can communicate operational changes earlier, allowing families to make alternative arrangements when necessary. Overall, the waiver would provide greater operational flexibility during rapidly evolving wildfire events while supporting the continued effective delivery of Summer Food Service Program benefits.

b.) The goal for the waiver to improve services under the program:

The goal of this waiver is to provide sponsors with the flexibility to make timely operational decisions that protect the health and safety of children and staff during wildfire smoke events. By allowing meal service modifications or suspensions at the Red ("Unhealthy") AQI category, sponsors can better plan for changing conditions, reduce unnecessary food waste, communicate changes to families in advance, and maintain program integrity while continuing to provide meal services whenever it is safe to do so.

c.) The expected outcomes if the waiver is granted:

If granted, this waiver is expected to improve the ability of sponsors to respond proactively to rapidly changing wildfire smoke conditions. Expected outcomes include improved health and safety for participating children and program staff, reduced food waste resulting from last-minute meal service cancellations, more consistent statewide implementation of air quality decisions, and increased operational efficiency through earlier planning and communication with families. The waiver will also help sponsors maintain program continuity whenever feasible while ensuring that meal service decisions prioritize participant safety.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]:

Non-Congregate Meal Service: [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)], meals must be served in a congregate setting and must be consumed by participants on site.

Meal Service Times: [7 CFR 225.16(c)(1), (2), and (3)], meals must follow meal service time requirements.

Parent or Guardian Meal Pickup: [42 U.S.C. 1761(f)(3), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7)], meals must be served to eligible child

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

Sponsors requesting to modify or suspend meal service due to wildfire smoke would continue to notify the Washington State agency using the established waiver request process. Under this waiver, eligibility would be based on an Air Quality Index (AQI) of Red ("Unhealthy") rather than Purple ("Very Unhealthy").

The State agency would continue to review and approve requests, document approved waivers, and maintain records consistent with existing procedures. No changes to State technology systems are anticipated, and existing monitoring processes would remain in place. This waiver only modifies the AQI threshold that triggers operational flexibility and does not change program eligibility, reimbursement, reporting requirements, or oversight responsibilities.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

Washington State has implemented guidance and an approval process for sponsors requesting operational flexibility during air quality events under existing USDA waiver authority. The State has also requests documentation of air quality risk and provides technical assistance to sponsors on responding to wildfire smoke and other emergency conditions. However, because the current waiver authority is limited to an AQI of Purple ("Very Unhealthy"), the State cannot provide additional flexibility at the Red ("Unhealthy") AQI category without USDA approval. As a result, a Federal waiver is necessary to address this remaining regulatory barrier.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

No challenges are anticipated.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:

This waiver is not expected to increase the overall cost of the Summer Food Service Program to the Federal Government. The waiver does not expand program eligibility, increase reimbursement rates, or authorize additional meals. Rather, it provides sponsors with additional operational flexibility to make timely decisions during wildfire smoke events. By allowing sponsors to modify or suspend meal service earlier, the waiver may reduce unnecessary meal preparation and food waste, resulting in more efficient use of program resources. Any administrative costs associated with implementing the waiver will be absorbed within existing State and sponsor resources.

10. Anticipated waiver implementation date and time period:

Implementation: Summer Meals 25-26.

11. Proposed monitoring and review procedures:

OSPI will continue to use its existing monitoring and oversight procedures for emergency operational waivers. Sponsors requesting to modify or suspend meal service due to air quality conditions must submit documentation demonstrating that the applicable AQI threshold has been met and receive State agency approval before implementing the waiver.

The State agency will maintain records of all approved requests and review implementation through existing administrative reviews, technical assistance, and complaint procedures, as applicable. Monitoring will focus on ensuring sponsors complied with the approved waiver conditions, maintained appropriate documentation, and resumed normal meal service when air quality conditions improved.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

Established reporting for current waiver.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

[Child Nutrition](#)

Signature and title of requesting official:

Leanne Elw RD, SNS

Title: Chief Nutrition Officer

Requesting official's email address for transmission of response: leanne.eko@k12.wa.us

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office: