

HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP)

OMB CLEARANCE NUMBER 0584-NEW

Gus Okonkwo, Program Analyst

Food and Nutrition Service, USDA

Child Nutrition Division

Program Analysis and Monitoring Branch

Special Nutrition Program

3101 Park Center Drive

Alexandria, VA 22302

PH: 703-305-1627

Gus.Okonkwo@fns.usda.gov

***Note:** Upon OMB's approval of the information collection request FNS will merge the burden hours with OMB control number 0584-0006 titled National School Lunch Program (NSLP) authorizes by the National School Lunch Act (NSLA, P.L. 79-396), as amended.

1. Circumstances making the collection of information necessary.

This is a new information collection. The School Food Safety Program Based on Hazard Analysis and Critical Control Point Principles proposed rule has been submitted to OMB for review and approval.

HACCP PROPOSED RULE

Public Law 108-265; June 30, 2004, amended section 9(h) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1758(h)) by adding the requirement that school food authorities (SFAs) implement a food safety program at each food preparation and service facility participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP). The food safety program must be based on the Hazard Analysis Critical Control Point (HACCP) system established by the Secretary of Agriculture and implemented in the school year 2005-2006. Through a HACCP-based food safety program, schools can identify potential food hazards, identify critical points where hazards can be controlled or minimized using control measures, and develop monitoring procedures to determine if the hazards identified are being effectively controlled.

2. Purpose and use of the information.

As a result of this statutory requirement, State agencies (SA), school food authorities (SFA) and schools will take deliberate action to prevent or minimize the risk of food borne illness in the school meal programs. State agencies will provide confirmation that each SFA has a food safety program based on the HACCP principle in place through administrative reviews, School Meal Initiative (SMI) evaluations and other means. SFAs are required to implement a food safety program at each food preparation and service facility. Schools are required to record temperatures of food items from the food safety program to demonstrate compliance. The burden associated with the HACCP requirement will only affect schools participating in the NSLP or SBP.

3. Use of information technology, and reduce burden.

FNS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Since the program participants vary considerably in level of sophistication, information related to the use of improved information technology to reduce burden is limited. FNS strives to comply

with the E-Government Act. To the extent possible, agencies within the States use electronics to transfer information for SFAs, where applicable.

4. Efforts to identify duplication and use of similar information.

There are no similar duplication efforts available.

5. Impact on small businesses or other small entities.

Some SFAs undoubtedly meet the definition of "small organizations." However, no correlation exists between the applicant's size and its eligibility to operate the NSLP. Each SA must determine whether the information it requests for use in monitoring compliance can be abridged in the case of small SFAs under its jurisdiction.

Although smaller SFAs record fewer transactions involving the NSLP, they deliver the same program benefits and perform the same functions as any other SFA. Thus, they maintain the same kinds of information on file. The SA, in its capacity as administering agency, has the flexibility to prescribe less detailed procedures for use by small SFAs in documenting program compliance. However, the SA must be guided by its responsibility to ensure proper disbursement and accountability for Federal program funds.

6. Consequence of collecting the information less frequently.

The information is collected for the purpose of administering an ongoing program. Applications can be accepted and agreements executed at any time, although SFAs generally execute agreements at or shortly before the beginning of each school year. SFAs submit claims for reimbursement for every month they operate the NSLP. Because funds for the NSLP are budgeted on a fiscal year basis, a collection period greater than one year would raise serious legal and accountability questions.

The HACCP based food safety program is being implemented to control or minimize potential risk of food borne illness in the school meal programs. The consequence to Federal program or policy activities if this collection is not conducted or is conducted less frequently would delay the timely implementation of the requirements of Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004.

7. Special circumstances relating to guidelines in 5 CFR 1320.5.

NSLA require that States reimburse school food authorities on a monthly basis. Therefore, school food authorities are required to submit data on the number of meals served on a monthly basis to receive their reimbursement. Hence quarterly reporting of such data is insufficient to meet the legislative requirement for NSLP participation.

The information collection related to the HACCP based food safety program is consistent with 5 CFR 1320.5(d)(2).

8. Comments in response to the Federal Register Notice and efforts to consult outside agency.

A 60-day Federal Registrar Notice was embedded in the Proposed Rule, 7 CFR Parts 210 and 220 “School Food Safety Program Based on Hazard Analysis and Critical Control Point Principle,” published, August 5, 2008 at 73 45359. Comments will be evaluated and summarized at the final rule stage.

FNS will post amendments regarding regulations on the Agency’s Web page for review and comment by regional offices, State agencies, community groups and the general public.

9. Explanation of any payment or gift to respondents.

No payment or gift was provided to respondents.

10. Assurance of confidentiality provided to respondents.

The application for school meal benefits requires the current income, the names of all household members and the social security number of the adult household number who signs the application or indication that such adult does not possess a social security number. However, if the application is being made for a member of a food stamp household or a Temporary Assistance for Needy Family Programs, the application must enable the household to provide the appropriate case number in lieu of names of all household members, household income information and social security number.

Section 9(b) of the National School Lunch Act (Public Law 103-448) restricts the use or disclosure of any eligibility information to persons directly connected with the administration or enforcement of the program.

Section 7(b) of the Privacy Act of 1974 (P.L 93-579, U.S.C. 552a note) requires that Federal, State or local government agencies which request individuals to disclose their social security number be informed (1) whether that disclosure is mandatory or voluntary, (2) by what statutory authority or other authority each number is solicited, and (3) what uses will be made of the number. The Department’s prototype Privacy Act Statement which fulfills these criteria has been incorporated into section 245.6(a)(1) and 245.6a(a)(2) of the regulations governing free and reduced price eligibility and has been included in the Department’s prototype free and reduced price application.

Section 9(b) of the National School Lunch authorizes States and local school food authorities to conduct verification of the eligibility for free and reduced price meals. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of

information stated on the application.

No confidential information is associated with the burden related to the development, implementation, verification and record maintenance for a food safety program based on HACCP.

11. Justification for sensitive questions.

There are no questions of a sensitive nature included in this clearance package.

12. Provide estimates of the hour burden including annualized hourly cost.

This new burden is due to the additional requirement in Public Law 108-265, June 30, 2004, which amended section 9(h) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1758(h)) to add the HACCP-based food safety program. Through HACCP, schools will be able to: 1) identify potential food hazards, 2) identify critical points where hazards can be controlled or minimized using control measures, and 3) develop monitoring procedures to determine if the hazards identified are being effectively controlled.

The burden associated with this collection is being submitted as a new request. Once the collection is approved and the rulemaking in place, this burden will be merged with the existing collection OMB #0584-0006, 7 CFR Part 210, National School Lunch Program. The majority of schools participating in the SBP also participate in the NSLP. Therefore, the burden associated with State agencies, school food authorities and schools participating in the SBP will be carried in the new information collection record for the NSLP. The schedule for State agencies conducting the administrative review reference in 210.18(h)6 is outlined in 210.18(c) as a five-year review cycle with approval for a one-year extension to a six-year review interval. With that in mind, State agencies on the average review 61 school food authorities per year.

The table below reflects burden associated with the collection requirements of the HACCP proposed rule.

Table A12.1 Reporting Burden Estimates

Reporting Burden	Citation	No. of Respondent s	No. of Responses per Respondent	Total Annual Responses	Hours Per Response	Annual Burden
SA shall confirm that each SFA has a food safety program based on HACCP principles	7 CFR 210.18(h)(6)	57	61	3,477	1	3,477
SFA must implement a food safety program based on HACCP principles for each food preparation and service facility under its jurisdiction	7 CFR 210.13 (c)	20,710	1	20,710	76	1,573,960
Total New Reporting Burden						1,577,437

Table A12.2 Record Keeping Burden Estimates

Recordkeeping Burden	Citation	No. of Record keepers	No. of Records per Record keeper	Total Annual Records	Hours Per Record	Annual Burden
Schools maintain records from food safety program	7 CFR 210.18(h)(6)	100,398	180	18,071,640	.02	361,433
Total New Recordkeeping Burden						361,433

New Increase due to HACCP requirements	<u>1,938,870</u>
TOTAL Burden Requested	1,938,870

PUBLIC COST

To estimate public cost, we consulted the School Nutrition Association Compensation Survey and inflated all pay rates using State and local Exp. Index %. We assumed that an appropriate portion of State level cost would be funded under the State Administrative Expense (SAE) Program (7 CFR Part 235; OMB No. 0584-0067). During the most recent fiscal year for which we have data on SA Expenditure of both SAE and State appropriated funds, SAs funded a percent from State sources. Therefore, we computed SA compliance cost at a rate of \$3.19 per hour rather than \$29.02. The average hourly rates of local government employees, along with private sector employees, is \$24.04 and at the school level is \$12.53. Given this prologue, we made the following computations:

Reporting

SA Level	3,477 hours x \$3.19	\$11,092
SFA Level	1,573,960 hours x \$24.04	<u>\$37,837,998</u>
TOTAL		\$37,849,090

Recordkeeping

School Level	361,433 hours x \$12.53	<u>\$4,528,755</u>
TOTAL		\$4,528,755

TOTAL COST TO THE PUBLIC: \$42,377,845

13. Estimate of other total annual cost burden to respondents or record keepers.

There are no annual start-up or maintenance costs.

14. Annualized cost to the Federal government.

FEDERAL COST

We used the following procedure to estimate this cost:

We identified functions performed by FNSRO and Headquarters staff that benefits the NSLP and obtained estimates of the total number of staff hours spent performing these functions.

Next we allocated an appropriate portion of each staff hour estimates to the NSLP. The NSLP allocation percentage for each function was obtained by consulting with personnel who perform that function. Respondents estimated the percentage of their time spent on work that benefits the NSLP. In the case of FNSRO functions, we assumed the NSLP accounted for two thirds of the burden. We applied the allocation percentages obtained through these interviews to the hourly amounts identified in step 1, above.

We made the assumption that 60 percent of NSLP staff hours are spent monitoring reporting, including applications and agreements, and 40 percent are spent on recordkeeping. We allocated the staff hours obtained in step 2 accordingly.

We made one exception for the burden of audit resolution. Responding to audits is a SA reporting requirement, so we allocated 100 percent of the audit burden to reporting.

We extended the hourly totals by \$25,000 to obtain the cost of wages and salaries.

The remaining computations are presented below:

	<u>Reporting</u>	<u>Recordkeeping</u>
Salaries	\$1,252,450	\$754,575
Add Printing cost: (90 Federal Register pages x 500 copies x \$15/1000 pages = \$675)	<u>405</u>	<u>270</u>
TOTALS	\$1,252,855	\$754,845

FEDERAL COST

The cost to the Federal Government was derived by using the total burden requested under #0584-0006 at 11,422,101 hours; the percentage of the increase due to this collection at 0.391%;

multiplying 0.391% by the cost to the Federal Government reported under #0584-0006 (\$754,575) would be reported as: \$295,039 (0.391% x \$754,575 = \$295,039).

15. Explanation of program changes or adjustments.

This is a new information collection which increase FNS burden by 1,938,870 hours (these will be merged into the currently approved burden of 0584-0006) and is a program change due to new statutory requirements.

The rule amends the regulations related to the food safety program by requiring each School Food Authority to development and implements a food safety program based on HACCP principles for each of the food preparation and service facilities under its jurisdiction. Further, School Food authorities must maintain records from the food safety program and each State agency shall confirm that each SFA has a food safety program. Also, schools are required to record temperatures of food items to prevent food borne illnesses in the school meal programs.

16. Plans for tabulation and publication and project time schedule.

This collection does not employ statistical methods and there are no plans to publish the results of this collection for statistical use.

17. Reasons that display of OMB expiration date is inappropriate.

We are seeking approval not to display the expiration date for OMB approval of this information collection. To display the expiration date would mean destroying the entire supply of forms used in NSLP, even when there are no changes in the data elements of the forms.

18. Exception to certification for Paperwork Reduction Act submissions.

There are no exceptions to the certification statement.