

School Food Safety Program Based on Hazard Analysis and Critical Control Point

Principles (HACCP)

OMB CLEARANCE NUMBER 0584-0550

Debbie Hill, 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: 703-305-2638

debbie.hill@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).

1. Circumstances making the collection of information necessary.

The Richard B. Russell National School Lunch Act (NSLA, P.L. 79-396), as amended authorizes the National School Lunch Program (NSLP). Under Section 2 thereof, “It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation’s children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs.” Section 10 of the Child Nutrition Act (CNA) 1966 (P.L. 89-642), as amended, requires the Secretary of Agriculture to “prescribe such regulations as the Secretary may deem necessary to carry out this Act and the Richard B. Russell National School Lunch Act (NSLA).” Pursuant to that provision, the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture (USDA) has issued Part 210 to implement the NSLP. Part 210 includes requirements governing:

- a. The application by local level organizations to initiate NSLP operations and the execution of agreements with them.
- b. The maintenance of records by State and local organizations to document their compliance with NSLP requirements.

- c. The submission of reports on the results of program operations and the use of program funds.

The NSLP is a food assistance program. The program benefit is a lunch that meets the nutritional requirements prescribed by USDA in accordance with Subsection 9(a) of the NSLA. That provision requires that “Lunches served by the schools participating in the school lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research...”

Needy children may receive their lunches free or at a reduced price. Paragraph 9(b)(3) of the NSLA requires that “Any child who is a member of a household whose income, at the time the application is submitted, is at an annual rate which does not exceed the applicable family-size income level of the income eligibility guidelines for free lunches, as determined under paragraph (1), shall be served a free lunch. Any child who is a member of household whose income, at the time the application is submitted, is at an annual rate greater than the applicable family-size income level of the income eligibility guidelines for free lunches as determined under paragraph (1), but less than or equal to the applicable family-size income level of the income eligibility guidelines for reduced-price lunches, as determined under paragraph (1), shall be served a reduced –price lunch.”

7 CFR Part 245, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in schools ((OMB No. 0584-00026) sets forth policies and procedures for implementing these provisions. Part 245 requires schools operating the NSLP to determine children’s eligibility for free and reduced-price lunches on the basis of each child’s household income and size, and to establish operating procedures that will prevent physical segregation, or other discrimination against, or overt

identification of children unable to pay the full price for meals or milk.

HACCP FINAL 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 measure, 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), SFAs and schools will take deliberate action to prevent or minimize the risk of food borne illness in the school meal programs. SAs 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, 2002 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. FNS estimates that approximately 1 percent (209) of the SA and SFAs are considered small business. Although small 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 on going 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. This requirement supports the service of reimbursable meals. If this collection of information pertaining to the food safety program is not conducted or is conducted less frequently, it would make Federal program or policy activities inconsistent with the requirements of Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004.

7. Special circumstances relating to guidelines in 5 CFR 1320.6

NSLA require that SAs reimburse SFAs on a monthly basis. Therefore, SFAs 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.

There are no other special circumstances. The collection of information is conducted in a

manner consistent with the guidelines in 5 CFR 1320.5.

8. Comments in response to the Federal Register Notice

A 60-day Federal Register 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 Principles,” published, Thursday, August 5, 2008 at 73 FR 45359 , Volume No. 151. No comments were received on the information collection requirements.

Efforts to consult outside agency.

Whenever FNS revises an information collection package, the information is posted on the Agency Web page for review and comment by regional offices, SAs, community groups, the general public, etc.

9. Explanation of any payment or gift to respondents.

No payment or gift was provided to respondents.

10. Assurance of confidentiality provided to respondents.

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.

The total burden hours will increase by 2,248,284 due to the additional requirement in Public Law

108-265; June 20, 2004, which amended section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)) to add the HACCP-based food safety program.

The schedule for SAs conducting the administrative reviews referenced in 210.18(h)(6) is outlined in 210.18(c) as a 5-year cycle with approval for a one year extension to a six year review interval.

With that in mind, 57 SAs on average reviews 61 SFAs per year. Further, 210.15(b)(5) requires schools to record temperatures of food served on a daily basis. Therefore, school food service personnel will perform this task two times/school day, which is 180 days; or the number of days schools operate per year for a total of 360 records per respondent. It takes .02 hours for school food service personnel to record and maintain food temperatures during school breakfast and school lunch.

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

Reporting Burden	Citation	No. of Respondents	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)	20,858	1	20,858	76	1,585,208

Total New Reporting Burden	1,588,685
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Recordkeeping Burden	Citation	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours Per Response	Annual Burden
Schools record and maintain NSLP records from food safety program	7 CFR 210.15(b)(5)	101,705	180	18,306,900	.02	366,138
Schools record and maintain SBP records from food safety program	7 CFR 220.7	81,517	180	14,673,060	.02	293,461
Total New Recordkeeping Burden						659,599

Increase due to HACCP requirements 2,248,284

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 97 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 \$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	\$11,091
SFA Level	1,585,208 hours x \$24.04	\$38,108,400

Recordkeeping

School Level	659,599 hours x \$12.53	\$8,264,775
TOTAL	2,248,284 hours	\$46,384,266

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

There is no start-up or annual maintenance costs for this collection of information.

14. Annualized cost to the Federal government.

There are no Federal costs associated with this new collection of information for HACCP.

15. Explanation of program changes or adjustments.

This is a new collection. The total burden for this request is 2,248,284 burden hours. The reporting burden hours requested for this new collection is 1,588,685 and the recordkeeping burden hours requested for this new collection is 659,599 hours due to new statutory requirements prescribed in Public Law 108-265. These new requirements are being codified under 7 CFR Part 210, National School Lunch Program and 7 CFR Part 220, School Breakfast Program.

The rule amends the regulations related to the food safety program by requiring each SFA to develop and implement a food safety program based on HACCP principles for each of the food preparation and service facilities under its jurisdiction. Further each SA shall confirm that each SFA has a food safety program. Also, schools are required to record temperatures of food items to demonstrate their efforts to prevent food borne illnesses in the School Breakfast and the National School Lunch 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 not seeking approval concerning the display of the expiration data.

18. Exception to certification for Paperwork Reduction Act submissions.

There are no exceptions to the certification statement.