

**JUSTIFICATION FOR APPROVAL OF INFORMATION COLLECTION
FEDERAL - STATE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**

AGREEMENT

FNS – 339

OMB CLEARANCE NUMBER: 0584-0332

Tony Hardy, Program Analyst

Food and Nutrition Service (FNS), USDA

Supplemental Food Programs Division

Program Analysis and Monitoring Branch

Women, Infants and Children Program

3101 Park Center Drive

Alexandria, VA 22302

PH: 703-305-2715

Tony.Hardy@fns.usda.gov

Table of Contents

Part A	Justification.....	1
A.1	Explanation of Circumstances That Make Collection of Data Necessary.....	3
A.2	How the Information Will Be Used, By Whom, and For What Purpose.....	3
A.3	Use of Improved Information Technology to Reduce Burden.....	3
A.4	Efforts to Identify and Avoid Duplication.....	4
A.5	Efforts to Minimize Burden on Small Businesses or Other Entities.....	4
A.6	Consequences of Less Frequent Data Collection.....	4
A.7	Special Circumstances Requiring Collection of Information in a Manner Inconsistent with Section 1320.5(d)(2) of the Code of Federal Regulations.....	5
A.8	Federal Register Comments and Efforts to Consult with Persons Outside the Agency...	5
A.9	Payments to Respondents.....	5
A.10	Assurance of Confidentiality.....	5
A.11	Questions of a Sensitive Nature.....	3
A.12	Estimates of Respondent Burden.....	8
A.13	Estimates of Other Annual Costs to Respondents.....	8
A.14	Estimates of Annualized Government Costs.....	8
A.15	Changes in Hour Burden.....	9
A.16	Time Schedule, Publication, and Analysis Plans.....	10
A.17	Display of Expiration Date for OMB Approval.....	10
A.18	Exceptions to Certification Statement.....	10

List of Attachments

Appendix A: Public Law 108-265, Child Nutrition and WIC Reauthorization Act of 2004
Appendix B: FNS-339

Justification

1. Explain the circumstances that make the collection of information necessary.

FNS Form 339, Federal- State Special Supplemental Nutrition Program Agreement, is used in connection with the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), WIC Farmers' Market Nutrition Program (FMNP), OMB Number: 0584-0447, expiration date: July 31, 2011, and the Senior Farmers' Market Nutrition Program (SFNMP) OMB Number 0584-0541, expiration date: January 31, 2010. The WIC Program and the FMNP are carried out by the U.S. Department of Agriculture (USDA) under Section 17 of the Child Nutrition Act (CNA) of 1966, as amended. For WIC, this Agreement is the contract between USDA and the WIC State agency which empowers the USDA to release funds to the State agency to operate the WIC Program. For the FMNP, this agreement is the contract between USDA and the FMNP State agency which empowers the USDA to release funds to the State agency to operate the FMNP/SFMNP.

2. Indicate how, by whom, and for what purpose the information is to be used.

The FNS Form 339 is the signed agreement between USDA and WIC State agencies. The signed agreement states that USDA agrees to make funds available to the State agency for the administration of WIC, FMNP and SFMNP in accordance with all applicable regulations outlined in 7 CFR Part 248. The State agency agrees to accept Federal funds for expenditure in accordance with applicable regulations and all provisions of the regulations.

The agreement states that the WIC State agency agrees to comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975 and all provisions required by the Department of Agriculture; Department of Justice Enforcement Guidelines; and FNS directives and guidelines to the effect that no person shall, on the ground of race, color, national origin, age, sex, or handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the State agency receives Federal financial assistance from USDA. The WIC State agency also agrees to maintain a drug-free workplace in compliance with the Drug-Free Workplace Act of 1988.

The agreement is effective for one year from the date signed and may be terminated at any time by USDA or the WIC State agency with a 30 day written notice to terminate. The agreement also states that upon termination or expiration of the contract, the State agency shall make no further disbursement of funds paid to the State agency in accordance with the agreement. The agreement may be renewed each year once funds have been appropriated by Congress.

3. Use of information technology and burden reduction.

FNS makes every effort to comply with the E-Government Act, 2002 by providing electronic submissions where feasible. Since FNS requires a signature on this document, the Chief Health Officer of the State agency signs and submits the application to FNS. Electronic submission is impeded because an electronic signature solution for this process

is not available at State agencies. FNS makes the application available via the internet at <http://www.fns.usda.gov/fns/forms.htm>. Should an electronic signature solution become available to State agencies, FNS will implement complete electronic submission of this application as an alternative to paper submission. FNS estimates that approximately 0 percent of the respondents will be submitted or collected electronically. This is approximately 143 of respondents.

4. Describe efforts to identify duplication.

There is no duplication of this information by any other private or government agency. FNS solely administers the Federal-State Special Supplemental Nutrition Program Agreement.

5. Impacts small businesses or other small entities.

Information being requested or required has been held to the minimum required for the intended use. Although smaller State agencies are involved in this data collection effort, they delivered the same program benefits and perform the same function as any other State agency. Thus, they maintain the same kinds of information on file. FNS estimates that ten percent of our respondents are small entities, approximately 14 respondents.

6. Consequence of collecting the information less frequently.

Annual Federal funding cannot be provided to the State agency without the signed agreement. Therefore, if this information collection is not conducted, FNS would be unable to deliver program benefits.

7. Special circumstances relating to the guideline of 5 CFR 1320.5.

There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with any of the scenarios described.

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

A notice was published in the Federal Register on April 30, 2009, (Volume 74, Number 82, page 19948-19949) soliciting comments on FNS's intent to request OMB approval for use of Form FNS-339, Federal- State Special Supplemental Nutrition Program Agreement, and no comments were received.

9. Explain any decision to provide any payment or gift to respondents.

No gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents.

The Department will comply with Privacy Act of 1974.

11. Justification for sensitive questions.

There are no questions of a sensitive nature.

12. Estimates of hour burden including annualized hourly costs.

Affected Public: State, Local, and Tribal Governments; estimated total number of respondents is 143 which includes (WIC State agencies: 90; SFMNP 35; FMNP 18).

It takes respondents approximately 7.5 minutes (.125 hours) to read and sign the required form. Additionally, respondents spend another 7.5 minutes (.125 hours) making photo copies for their files each year. All WIC State agencies, FMNP and/or SFMNP are required by FNS to sign a FNS-339 on annual basis.

Table A.12.1 Reporting Burden

Affected Public	Form	Estimated Number of Respondents	Number of Responses per Respondent	Total Annual Responses	Estimated total Hours per Response	Estimated Total Burden Hours
State, Local, and Tribal Governments	FNS-339	143	1	143	.25	35.75
Total Burden		143		143		36

Total Burden is estimated for reporting is 36 burden hours annually.

To estimate public cost, FNS consulted with the U.S. Department of Labor’s May 2008 National Industry-Specific Occupational Employment and Wage Estimate NAICS 999200 – State Government (OES designation). The average hourly wage varies among Chief Health Officials, since salary often is depending on the profession of the Chief Health Official and State government salary limits. FNS used the salary for the salary for Physicians and Surgeons. Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, 2008-2009 Edition, Physicians and Surgeons, on the Internet at <http://www.bls.gov/oes/2008/may/oes291069.htm> (visited August 11, 2009.) In addition, to estimate public cost for a File Clerks, FNS consulted with the U. S. Department of Labor’s May 2008 National Industry-Specific Occupational Employment and Wage Estimate NAICS 43-4071-File Clerks (OES designation). The average hourly

rate for a File Clerk is \$18.01. FNS used the salary for the 90 percentile for File Clerks.

Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook,

2008-2009 Edition, File Clerks, on the Internet at

<http://www.bls.gov/oes/current/oes434071.htm> (visited 15 Sept 09.)

Table A.12.3 Estimated Annualized Cost to Respondents

Affected Public	Forms	Est. No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Est. Total Hours per Response	Total Burden Hours per SA	Hourly Wage	Total Cost to Respondent
Chief	339	143	1	143	0.125	17.875	\$70.00	\$1,251.25
Clerk	339	143	1	143	0.125	17.875	\$18.01	\$321.93
Total Burden Estimates		143		0		35.75		\$1573.18

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

There are no startup or maintenance costs.

14. Annualized cost to the Federal government.

Respondents will send the FNS-339 to the FNS Regional Office where an office clerk will review and file the form as part of the grant submission process. Yearly cost to the Federal government is \$890.26 per year. Seven FNS Regional staff members are involved in the collecting and reviewing of the FNS-339. Cost for the average salary for seven regional staff at GS-5, Step 1 using an average for all seven regional locality. The General Schedule Salary Table for 2009 at

<http://www.opm.gov/flsa/oca/09tables/indexGS.asp>. Website visited on August 3, 2009.

Recordkeeping burden is estimated to be \$890.26 per year
Gross salary GS-5 clerk typist = \$36,309/year

Estimated salary per hour = \$17.45

Hours spent filing per year = .125

Salary per hour X hours per year = \$2.18

Cost per clerk X 7 regional clerks = \$15.26

In addition, a program analyst spends 25 hours preparing the information collection associated with the FNS-339. The annual cost for a Program Analyst, GS-12, Step 1 at FNS Headquarters (hourly wage rate = (\$35) X 25 hours (10 percent of time) = \$875.00. The General Schedule Salary Table for 2009 at http://www.opm.gov/flsa/oca/09tables/html/dcb_h.asp. Website visited on August 24, 2009.

15. Explanation for program changes or adjustments.

This is a revision to the currently approved information collection. The number of respondents increased from 107 to 143, an increase of 36 respondents. This increase is attributed to an increase in the number of participating States agencies in WIC, SFMNP and FMNP. The program changes to annual burden for this information collection are expected to increase from 27 hours to 36 hours. After clarification from OMB on the recordkeeping for this collection, FNS removed the burden on State agency not to keep record beyond normal business practices. Therefore is no additional burden is associated.

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

There are no plans to tabulate or publish any reports in connection with this information collection.

17. Reason(s) that Display of OMB Expiration Date is Inappropriate.

We are seeking approval not to display the OMB expiration date because doing so would not be cost effective. Forms have already been printed and paid for. We would incur additional costs in printing new forms to comply with this requirement.

18. Exception to certification for Paperwork Reduction Act Submissions.

There are no exceptions to the certification statement on OMB Form 83-1.