

CHILD AND ADULT CARE FOOD PROGRAM

OMB CLEARANCE NUMBER 0584-0055

**Proposed Rule - Child and Adult Care Food Program: Amendments Related to the
Healthy, Hunger-Free Kids Act of 2010 (RIN: 0584-AE12)**

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This information collection request supports a proposed rule which published on April 9, 2012.

At the time of publication, competing Agency priorities prevented the completion of a supporting statement for the proposed rule.

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This is a revision of a currently approved information collection. In the Proposed Rule, titled Child and Adult Care Food Program: Amendments Related to the Healthy, Hunger-Free Kids Act of 2010 (RIN: 0584-AE12), the Department is proposing to require institutions to submit an initial Child and Adult Care Food Program (CACFP) application to the State agency and, in subsequent years, annually update the information in lieu of submitting a new application annually; require State agencies to develop and provide for the use of a standard permanent agreement between sponsors and day care centers; allow tier II family day care homes to collect household income information and transmit it to the sponsoring organization.

The proposed rule, published April 9, 2012, Federal Register, Vol. 77, No. 68, p. 21018-21038, proposed to incorporate into 7 CFR Part 226 several provisions from various sections of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), Public Law 111-296 (<http://www.gpo.gov/fdsys/pkg/PLAW-111publ296/pdf/PLAW-111publ296.pdf>).

Section 17 of the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1766), authorizes the CACFP. The U.S. Department of Agriculture, through the Food and Nutrition Service (FNS), has established application, monitoring, recordkeeping, and reporting requirements to manage the Program effectively, and ensure that legislative intent is responsibly implemented.

The information collected is necessary for institutions to participate in the CACFP by submitting applications to the administering agencies and to execute agreements with those agencies. The information collected also ensures that institutions accept, as mandated by Congress, their responsibilities and liabilities in connection with the CACFP, and provides the legal basis for their participation.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate how the agency has actually used the information received from the current collection.

The purpose is to obtain approval to streamline the information collection as outlined in the proposed rule. Part 226 sets forth policies and procedures for use by State agencies and local level organizations administering the CACFP to ensure that institutions meet the standards for participation under Section 17 of the National School Lunch Act. The proposed changes are intended to implement several of the provisions of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) affecting the management and administration of CACFP for State agencies, new and renewing institutions, sponsoring organizations, and sponsored facilities.

Section 331(c) of the HHFKA amended section 17(j)(1) of the NSLA (42 U.S.C. 1766(j)(1)) to require permanent operating agreements between sponsoring organizations of centers and their sponsored centers.

Section 331(b) of the HHFKA amends section 17(d) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1766(d)) to require, in lieu of submitting a renewal application, that renewing institutions need only annually confirm that the institution is in compliance with the licensing requirements of subsection 17(a)(5) of the NSLA (42 U.S.C. 1766(a)(5)) and submit to the State agency any additional necessary information, as specified by the Department. These changes are expected to lessen the burden of the current application process, because institutions will no longer need to submit documentation demonstrating they meet program requirements, but simply provide certification that they are still in compliance.

The information collected is used by FNS and State agencies administering the Program to determine eligibility of institutions to participate in the CACFP and ensure compliance with all statutory and regulatory requirements. Legal and accountability questions would be raised if the collection of this information for the CACFP were not conducted. We estimate that FNS burden for CACFP will decrease by 595 hours.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other

forms of information technology, e.g., permitting electronic submission of responses and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

FNS is committed to compliance with the E-Government Act, to promote the use of the Internet and other information technologies. Sponsoring organizations submit information to their respective State agencies. FNS has no authority to regulate automation at the local level. To the extent possible, organizations are encouraged to use their information technologies to collect and submit this information where feasible. The information collected is used in administering an ongoing food assistance program. All 55 State agencies participating in the CACFP use some electronic methods to collect data.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

Each organization administering or operating the CACFP is requested to report information on its program. No State or local organization collects this same information for other Federal agencies, as applications and agreements for other programs are not applicable to the CACFP. Applying for participation in the CACFP and executing an agreement to operate the program does not involve a duplication of effort.

Similar data is not available to fulfill these requirements. Applications, agreements, records, and reports used in the administration and operation of other child nutrition programs authorized under

the National School Lunch Act and the Child Nutrition Act of 1966 are not applicable to the CACFP.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information being requested or required has been held to the minimum required for the intended use. Although smaller CACFP entities are involved in this data collection effort, they deliver the same program benefits and perform the same function as any other CACFP entity. Thus, they report the same kinds of information. FNS estimates three or fewer of the 55 State agencies are considered small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information is collected for the purpose of administering an ongoing program. Collecting data less frequently would not allow FNS to properly monitor program funding, statutory & regulatory compliance and program trends.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting

comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported.

A 60-day Federal Register Notice is embedded in the Proposed Rule, 7 CFR Part 226, “Child and Adult Care Food Program: Amendments Related to the Healthy, Hunger-Free Kids Act of 2010,” published April 9, 2012, in the Federal Register, Vol. 77, No. 68, p. 21018-21038. When 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, and the public. FNS also consults with Regional Offices regarding any proposed changes as the result of legislative, regulatory or administrative changes. Regional offices are in contact with State agencies which provide feedback on processes and procedures for the information collection.

The comment period for the information collection ended on June 8, 2012. No comments related to the information collection were received.

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.

No payment or gift will be provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the

assurance in statute, regulation, or agency policy.

The Department will comply with the Privacy Act of 1974. No confidential information is associated with the burden related to the analysis, implementation, record maintenance and reporting of this data.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

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

- 12. Provide estimates of the hour burden of the collection of information. The statement should include: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

The burden associated with the renewing institutions being required to submit an annual application is being removed as a result of this rule. Therefore, FNS is requesting an estimated decrease of 595 hours for reporting for the potential decrease in time for renewing institutions to

annually update the information in lieu of submitting a new application annually. The attached Burden Table reflects burden associated with the proposed information collection requirements.

ESTIMATED ANNUAL BURDEN FOR 0584-0055,
CHILD AND ADULT CARE FOOD PROGRAM 7 CFR 226

Revisions per Proposed Rule 0584-AE12	Responses	Hours	Description
Previously Approved	4904588	7,032,960.182	Removed burden associated with 7 CFR 226.15(b) as defined in the Proposed Rule
Program Change	-119	-595	
Revised Burden	4904469	7,032,365.182	

SUMMARY OF REVISED BURDEN (OMB #0584-0055)	
TOTAL NO. RESPONDENTS	2,200,066
AVERAGE NO. RESPONSES PER RESPONDENT	2.229237
TOTAL ANNUAL RESPONSES	4,904,469
AVERAGE HOURS PER RESPONSE	1.433869
TOTAL BURDEN HOURS FOR PART 226 WITH REVISION	7,032,365
CURRENT OMB INVENTORY	7,032,960
DIFFERENCE (BURDEN DECREASE REQUESTED WITH REVISION)	(595)

Estimates of the annualized cost to respondents

The estimate of respondent cost is based on the burden estimates and utilizes the U.S. Department of Labor, Bureau of Labor Statistics, May 2011 National Occupational and Wage Statistics, Occupational Group (25-0000) (<http://www.bls.gov/bls/wages.htm>). The hourly mean wage (for education-related occupations) for functions performed by State agency and local education agency staff are estimated at \$24.46 per staff hour. This rule does not add any new

cost to the public as it is reducing 595 hours from current inventory. Using 2011 wage and statistics tables, it will be a reduction of \$14,553.70 (595x\$24.46=\$14,553.70) reduction in annualized cost to respondents.

- 13. Estimate of other total annual cost burden to respondents or record keepers. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

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

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

For this information collection request, there are no functions performed by FNS Regional Offices (FNSRO) or Headquarters staff and no staff hours spent performing these functions.

- 15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.**

This is a proposed decrease in burden hours for an existing information collection. The total burden hours are estimated to decrease by 595 hours for reporting in the OMB information collection

inventory. The rule proposes to remove the burden associated with the renewing institutions being required to submit an annual application.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

There are no plans to publish the results of this collection of information for statistical use. The collection does not employ statistical methods.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking approval concerning the display of the expiration date.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I "Certification for Paperwork Reduction Act."

There are no exceptions to the certification statement.