

SENIOR FARMERS' MARKET NUTRITION PROGRAM

OMB CLEARANCE NUMBER 0584-0541

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Senior Farmers' Market Nutrition Program (SFMNP)

Special Nutrition Programs

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Justification

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 collection. The SFMNP was initially authorized by Section 4402 of Public Law (P.L.) 107-171, the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007). The Food, Conservation and Energy Act of 2008 (Public Law 110-246 (P.L. 110-246, also known as the Farm Bill) reauthorized the SFMNP through Fiscal Year (FY) 2012. The purposes of the SFMNP are to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, honey, and herbs from farmers' markets, roadside stands, and community supported agriculture (CSA) programs to low-income seniors; to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers' markets, roadside stands, and CSA programs; and to develop or aid in the development of new and additional farmers' markets, roadside stands, and CSA programs.

P.L. 107-171 established the SFMNP as an independent program and authorized the Secretary to promulgate regulations as deemed necessary for the SFMNP. Final SFMNP regulations were published in the Federal Register on December 6, 2006, and the previous associated recordkeeping/reporting burden was approved in March 2010. As a permanent nutrition assistance program, the SFMNP entails an expanded and structured system for collecting and reporting program information on an ongoing basis. As a non-

entitlement program, the SFMNP is subject to the government-wide grants management common rule entitled Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 7 CFR Part 3016. Part 3016 requires the annual closeout and reconciliation of grants under non-entitlement programs. Under 7 CFR 3016.23(b), a State agency must liquidate all obligations under a grant “... not later than 90 days after the end of the funding period (or as specified in a program regulation) to coincide with the submission of the annual Financial Report.”

The SFMNP is designed to be administered in a manner consistent with the administration of the WIC Farmers’ Market Nutrition Program (FMNP) whenever possible. The SFMNP is intended to benefit not only its recipients, by enhancing their diets to include fresh fruits and vegetables, but also farmers who sell their produce at farmers’ markets and roadside stands, and through CSA programs, by increasing their incomes.

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

SFMNP financial and program information is collected on the FNS Form 683A and is submitted annually to the Food and Nutrition Service (FNS) by participating SFMNP State agencies. This information is used to reconcile and close out grants in accordance with the requirements of §3016.23(b) and §3016.41(a)(1). Program information is also used by FNS for program planning purposes, and for reporting to Congress as needed.

SFMNP State Plans are used by FNS as the principal source of information on how each State agency SFMNP operates. Local agency and authorized outlet (farmer, farmers' market, roadside stand, and/or CSA program) applications and agreements are necessary to delineate responsibility, and to ensure the accountability of State agencies, local agencies, and authorized outlets.

State agency nutrition education agreements facilitate the provision of quality nutrition education to SFMNP recipients, and allow FNS to assess the quality and amount of the nutrition education that is provided. Reports from monitoring activity for authorized outlets enable FNS to evaluate trends and to assess State agency efforts to control fraud and abuse in such outlets. Minimum documentation for routine monitoring promotes effective monitoring by mandating a consistent level and quality of State agency monitoring nationwide. Documentation of recipient and farmer complaints enables FNS and the State agency to identify problems at the local agency/market/roadside stand/CSA program level. The requirements for the State agency to document eligibility for all SFMNP recipients; identify the disposition of food coupons; request approval for specified costs; submit final closeout and recipient reports to FNS; and report the status of recipient claims ensure the accountability of Federal funds, and promote efficient program management. The requirement for State agency corrective action plans ensures that problem areas of Program management are rectified. The requirements for oversight and monitoring farmers/farmers' markets/roadside stands/CSA programs assist in controlling fraud and abuse, and in protecting the integrity of the SFMNP.

FNS will use this information to assess how each State agency operates and to ensure the accountability of State agencies, local agencies, and authorized farmers/farmers' markets, roadside stands, and CSA programs in administering the SFMNP.

- 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 makes every effort to comply with the E-Government Act, 2002 (E-GOV). FNS encourages its State agency partners to offer electronic submission to participants whenever it is feasible.

Because many of the State agencies that administer the SFMNP also administer the FMNP, we expect the SFMNP to take advantage of advances that are implemented for FMNP technology and reporting. Currently, some grantees use automated systems for some SFMNP operations. For example, several SFMNP State agencies use paperless systems and are experimenting with electronic debit programs. Participants present their benefit cards at the market outlet and the value of the produce they select is deducted from their account. Due to the emphasis on electronic benefits transfer (EBT) in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and in the Supplemental Nutrition Assistance Program (SNAP), it is feasible that many SFMNP State agencies may be able to take advantage of that technology. In addition, almost all State agencies prepare and transmit the State Plans using simplified electronic formats developed by FNS.

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

There is no duplication of efforts. Although SFMNP is similar to the FMNP because many State agencies administer both programs, FNS has consolidated many aspects of SFMNP and FMNP operations (e.g. State Plans, review tool instruments, and monitoring responsibilities, such as allowing one visit to authorize a farmers' market for both programs).

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Information on State agencies' use of Federal funds for SFMNP costs is program-specific. Similarly, Program information about the SFMNP is also program-specific. Both types of information are generated only by the State agencies administering the SFMNP, and/or by their local agencies. Approximately nine State agencies may be considered small organizations which currently administer the SFMNP: seven Indian tribal governments, one U.S. Territory, and the District of Columbia. They are responsible for following the same regulatory requirements as all other State agencies, and their grants must be similarly closed out. Accordingly, FNS needs the same information from them in order to complete closeout. FNS Regional Offices generally give such State agencies more technical assistance in completing program reports.

Several policies help minimize Federal regulatory burdens for farmers, farmers' markets, roadside stands, and CSA programs participating in the SFMNP. Authorization of such outlets is delegated to State agencies, which collect only the minimum amount of data

necessary to make a determination of the outlet's eligibility to accept SFMNP coupons. Design and operation of food coupon payment systems is delegated to State agencies that in many instances use a retail banking system already in place for the FMNP (or other State-administered program) to ensure prompt payment for SFMNP coupons. State agencies have implemented training programs to familiarize farmers/farmers' market managers/CSA operators with SFMNP rules, thus minimizing the time that must be spent in transacting and processing each SFMNP coupon.

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.

Grant closeout and recipient reporting occur annually. The information needed would not be meaningful if it were collected less frequently. If the information were collected less frequently, the effectiveness of the program would be jeopardized; program funds could be improperly used by State and local agencies; and the incidence of fraud and abuse could increase. This could result in fewer recipients being served with available SFMNP funds.

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 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, 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.**

A 60-day notice was published in the Federal Register on January 16, 2013, 78 FR page 3393. One comment was received; the commenter recommended that the Program be shut down as she did not feel that the benefit to seniors was worth the cost of the Program. No agency actions were taken in response to this comment.

- (a) 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.**

FNS consulted with the National Association of Farmers' Market Nutrition Programs (NAFMNP), which represents SFMNP State agencies, on such topics as reporting and the required collection of information. The NAFMNP's views and suggestions were taken into consideration as the information collection requirements of the SFMNP were designed.

(b) Consultation with representatives of those from whom information is to be obtained.

FNS consults regularly with members of the NAFMNP on all aspects of SFMNP operation and administration, including such topics as reporting, recordkeeping, and the required collection of information.

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

No payment or gift is 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.

11. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Questions of a sensitive nature are limited to annual earnings and household status.

These questions are required to determine an applicant's eligibility for SFMNP certification. FNS complies with the Privacy Act of 1974.

12. Provide estimates of the hour burden of the collection of information. The statement should:

(a) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

The burden narrative and table that accompany this justification explain the estimated burden associated with the individual reporting and recordkeeping requirements covered in this submission. A summary of the burden appears below.

	Estimated # Respondents	Responses Per Respondent	Total Annual Responses (Col. BxC)	Estimated Avg. # of Hours Per Response	Estimated Total Hours (Col. Dx E)
Total Reporting Burden	905,669	1.999	1,810,501	0.136	246,876
Total Recordkeeping Burden	51	17,652.059	900,255	0.253	227,397
TOTAL BURDEN FOR #0584-0541	905,669	2.993	2,710,756	0.175	474,273

	Responses	Hours
Currently approved burden	1,934,932	497,778
Burden Requested with this ICR	2,710,756	474,273
Difference	775,824	(23,505)

(b) Provide separate hour burden estimates for each form and aggregate the hour burden in Item 13 of OMB Form 83-1.

Please refer to the narrative that accompanies this justification for the aggregate burden hours.

(c) Provide estimates of the annualized cost to respondents for the hour-burdens for collections of information.

Respondent Costs

Estimated reporting burden hours: 246,876
 Estimated recordkeeping burden hours: 227,397

Total respondent burden hours: 474,273

TOTAL RESPONDENT COSTS: \$12,762,686*

* Calculated based on a rate of \$26.91 per burden hour. This rate was obtained from the U.S. Department of Labor, Bureau of Labor Statistics, *Newsletter—Employer Costs for Employee Compensation – September 2012*.

13. 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 are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

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.

(a) Federal cost of program maintenance (reporting and recordkeeping, monitoring, technical assistance, review and analysis):

(1) FNS Headquarters staff 0.5 staff year @ \$86,000	\$ 43,000
FNS Regional office staff 7 staff years @ \$74,000	<u>518,000</u>
Sub-Total:	\$561,000
(2) Overhead costs, travel, office supplies, etc.	0
Mailing and phone	0
Sub-Total:	0
Federal Program Maintenance Costs:	\$561,000
TOTAL FEDERAL COSTS:	\$ 561,000

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

This is a revision of a currently approved collection. The burden previously associated with Farmer Applications & Agreements (249.10b) and Certification data for seniors (249.6) was previously based upon the State Agency burden and not the burden for these respective respondent types. A program change of -7,825 hours has been made to revise burden specific to the Farms and Individuals/Households to correct this error. The addition of responses to correct this error results in a net increase of 775,824 responses.

The number of respondents decreased from 970,142 to 905,669, a difference of 64,473, which is partially due to a decrease in recipients and partly due to a correction in the method of counting respondents since the last submission. While the number of State agencies increased from 49 to 51, several SFMNP State agencies reported a decrease in the number of participants served and the number of authorized outlets/vendors. This decrease was due in part to the nationwide economic downturn and resultant decreases in State funding. This results in a reduction of -15,680 hours to account for these adjustments. This revision will subtract 23,505 hours from the OMB burden inventory due to the aforementioned program changes (-7,825) and adjustments (-15,680).

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 information collection burden for statistical use. The results will only be used to assess SFMNP compliance by each State agency.

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.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."

There are no exceptions to the certification statement.

