

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

**AGREEMENT**

**FNS – 339**

**OMB CLEARANCE NUMBER: 0584-0332**

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Appendix A – FNS-339 (Federal State Special Supplemental Nutrition Program Agreement)

## 2012 SUPPORTING STATEMENT

### Federal-State Supplemental Nutrition Programs Agreement OMB # 0584-0332

#### A. 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 Federal-State Special Supplemental Nutrition Programs Agreement (FNS-339) is used by the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the WIC Farmers' Market Nutrition Program (FMNP), and the Senior Farmers' Market Nutrition Program (SFMNP). At the Federal level, the Department of Agriculture (USDA) Food and Nutrition Service (FNS), administers these Programs. The Federal-State Agreement is the annual contract between USDA and each State agency seeking to operate one or more of the following programs: 1) WIC, 2) FMNP, and 3) SFMNP. A signed contract is required before FNS can release Program funds. See 7 CFR 246.3(c), 7 CFR 248.3(c) and 7 CFR 249.3(c).

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.**

The FNS- 339 is signed by Chief State agency and USDA officials each year to serve as the annual contract(s) between USDA and State agencies. The signed agreement states

that USDA agrees to make funds available to the State agency for the administration of WIC, FMNP and/or SFMNP in accordance with all applicable regulations outlined in 7 CFR parts 246, 248 and/or 249. The State agency agrees to accept Federal funds for expenditure in accordance with applicable statutes and regulations and to comply with all provisions of such statutes and regulations.

The State agency specifically agrees to comply with all Civil Rights laws, directives and guidelines, provide for equal employment opportunities, maintain a drug-free workplace using AD Form 1049, and provide a lobbying certification using SF LLL. This burden is already accounted for under Uniform Grant Application for Non-Entitlement Discretionary Grants 0584-0512, expiration date 1/31/2016. In August 2011, OMB approved adding language to the agreement required by the Healthy, Hunger-Free Kids Act of 2010 to require State agencies to support the full use of Federal funds for WIC and FMNP.

The agreement is effective for one year from the date signed and may be terminated at any time by USDA or the WIC, FMNP, or SFMNP 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 provided that Congress makes Federal funds available for the programs.

**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 by providing electronic submissions where feasible. Since FNS requires a signature on this document, the Chief State agency official signs and submits the application to FNS. An electronic signature solution for this process is not available at State agencies. Therefore, none of the 188 State Agencies will be submitted or collected electronically. Fortunately, a State agency can complete the application very quickly. Other than a signature, the form requires minimal information to identify the State agency, the programs the State agency is seeking to operate and the effective date. 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.

**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 this information request. FNS is the sole government agency that administers WIC, FMNP and SFMNP.

**5. If the collection of information impacts small businesses or other small entities, 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 State agencies are involved in this data collection effort, they deliver the same program benefits and perform the same function as any other State agency. Thus, they are required to sign an annual contract. FNS estimates that 30 percent of our respondents are small entities, approximately 56 out of 188 respondents.

**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.**

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. 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 dis-**

**closure 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 Federal Register notice announcing FNS' intention to extend the use of form FNS-339 was published in the Federal Register on July 23, 2015, Volume 80, Number 2015-18063, page 43705. The final day to submit comments regarding this notice was September 21, 2015. No comments were received in response to this notice; therefore, no actions were required by FNS.

However, FNS staff participated in periodic discussions of program requirements at various venues throughout the year including national stakeholder conferences, such as the National WIC Association and Regional State Agency meetings

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

No payment or gifts are 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. 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 clearance.

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

- **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 83-1.**

Table A.12.1 estimates the annual hour burden for the Federal-State Special Supplemental Nutrition Programs Agreement (FNS-339). FNS receives approximately 124 signed FNS 339s from 188 State Agencies (WIC - 90; FMNP - 46; SFMNP - 52), this affected public will report 1 time per year. However, some State Agencies participate in more than one of FNS' programs thus these respondents will sign once for multiple programs. The overall time to complete the FNS 339 is approximately 15 minutes (0.25). It takes respondents (State Health Commissioners) approximately 7.5 minutes (0.125 hours) to read and sign the required form. Additionally, respondents (Administrative



Assistant) spend another 7.5 minutes (0.125 hours) making photocopies and filing each year. Therefore, the number of hours spent per each of the 124 reports per year is 0.25 hours totaling the burden hours requested at 31 hours.

**Table A.12.1 Reporting Burden**

<b>Affected Public</b>	<b>Form</b>	<b>Estimated Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Total Annual Responses</b>	<b>Estimated total Hours per Response</b>	<b>Estimated Total Burden Hours</b>
State, Territorial, and Tribal Governments (WIC - 90; FMNP - 46; SFMNP - 52)	FNS-339	188	0.65957	124	.25	31
<b>Total Burden</b>		<b>188</b>		<b>124</b>		<b>31</b>

- **Provide estimates of annualized cost to respondents for the hour burden for collections of information, identifying and using appropriated wage rate categories.**

Table A.12.2 reports the respondent costs associated with the Federal-State Special Supplemental Nutrition Programs Agreement (FNS-339). The median hourly wage for the Chief State agency official is estimated at the median wage for a physician of \$93.74\* per hour because about 73 percent (137 out of 188) of the respondents signing the agreement form are physicians serving as the State Health Commissioner. FNS estimates the remaining State agency officials are comparable to the State Health Commissioner in status and pay. Total estimated burden hours per response for the State agency official 7.5 minutes (0.125) multiplied by the total reports per year (124) = 15.5 burden hours x the salary per hour (\$93.74) is estimated at an annual cost of \$1,452.97. The median

hourly wage for the individual responsible for photocopying and filing is estimated at the median wage for an Administrative Assistant of \$18.63\* per hour. Total estimated burden hours per response for the Administrative Assistant (0.125) multiplied by the total reports per year (124) and the salary per hour (\$18.63) is estimated at an annual cost of \$288.77. The total annual cost is estimated at \$1,741.74.

The recordkeeping burden is already accounted for under 0584-0043 (Information Collection Requirement for the Special Supplemental Nutrition Program for Women, Infants and Children), specifically, 7 CFR 246.25(a), expiration date April 30, 2017

**Table A.12.2 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 Annual Burden Hours	Hourly Wage	Total Annual Cost
Chief State Agency Official	339	188	0.65957	124	0.125	15.5	\$93.74	\$1,452.97
Administrative Support	339	188	0.65957	124	0.125	15.5	\$18.63	\$288.77
Total Burden Estimates		188		0		31		\$1,741.74

\*These salary estimates are the median wage estimates for physicians and administrative assistant staff obtained from the U.S. Department of Labor, Bureau of Labor Statistics (BLS) May 2014 National Occupational Employment and Wage Estimates Webpage.

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.**

The annual cost to the Federal government is the cost for FNS Regional Office staff to sign, photocopy, file and send a photocopy to 188 respondents. Respondents send the FNS-339 signed by the applicable State agency official to the FNS Regional Office where the Regional Administrator also signs the agreement. Each original copy is then filed at the FNS Regional office and a copy is mailed to the State agency for its files.

Senior Executive Service, median pay = \$152,628\*

Salary per hour ( $\$152,628/2080$ ) = \$73.38

Hours spent per report (signing forms) (0.125 hour) X number of reports submitted to regions (124) = 15.50 total hours/year

Total hours (15.50) X salary per hour (\$73.38) = \$1,137.37 regional cost to sign forms

GS-7, step 1, regional administrative assistant = \$34,662\*

Salary per hour ( $\$34,662/2080$ ) = \$16.66

Hours spent per report (copy/file/mail) (0.125) X number of reports submitted to regions (124) = 15.50

Total hours (15.50) X salary per hour (\$16.66) = \$258.29 regional cost to copy/file/mail forms

The total annual cost is estimated at \$1,395.66.

\*These salaries are the Annual and Hourly Rates obtained from the Office of Personnel Management Salary Table 2015-General and Senior Executive Service Schedules, Effective January 2015.

**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 current burden inventory is 36 burden hours. The revised estimate for this collection is 31 hours; which decreased the burden by (-5) hours. This decrease is a result of program adjustment due to miscalculations.

In our previous estimations, an incorrect calculation was made regarding the number of respondents completing the FNS-339 form. This form contains a checkbox for the Program(s) being submitted and a signature line for the authorizing official's signature. The previous estimate had counted one respondent per Program. Once it was identified that one respondent could sign for multiple programs, the estimate was recalculated and is now correct.

There is also program adjustments due to the number of respondents participating which increased from 142 to 188, an increase of eighteen (46) respondents

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

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

**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 expiration date will be displayed.

**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 on OMB Form 83-1.