

Application for Temporary Food Establishment

SUPPORTING STATEMENT – PART A

A. JUSTIFICATION

1. Need for the Information Collection

The “Application for Temporary Food Establishment” requires food vendors requesting to operate a food concession on military installations to identify the types of foods that will be prepared or dispensed from the operation and associated equipment and sanitation controls that will be employed to assure food safety. The collection of information is a standard practice employed by local (State/city/county) health departments when a food vendor obtains a license (or Permit) to operate a food establishment. This provides a formal record to locate, identify/characterize the operation, and determine appropriate inspection frequency by the regulatory authority. Food operations on military installations are not licensed by the local health department because they are regulated by Department of Defense (DOD) policy and appropriate military regulations. Therefore, the intent of the “application” is to identify high risk conditions and allow the vendor sufficient time to decrease risk by adjusting the operation before authorization is given to service the military community. Department of Defense Directive 6400.04E prescribes use of the Tri-Service Food Code (TB MED 530/NAVMED P-5010-1/AFMAN 48-147_IP) by all DOD Components. The Tri-Service Food Code was adopted from the Food and Drug Administration’s 2009 Model Food Code and is cited in Army and Navy regulations as the military food safety standard. Sections 8-302.11 and 8-303.10 of the Tri-Service Food Code Food specify the requirements for submitting the application and obtaining a preoperational inspection prior to being granted approval to operate; operations must demonstrate they are fully capable of complying with the prescribed standards of the Tri-Service Food Code before authorization to operate will be granted. Contents of the application are further discussed in Section 8-302.14 of the Tri-Service Food Code. Excerpts from supporting documents DODD 6400-04E, Department of the Army Pamphlet 40-11, NAVMED P-117, and FDA 2009 Model Food Code are included in the package.

2. Use of the Information

The information collection requirement is necessary for the installation Preventive Medicine Activity (or Public Health Office) to evaluate a food vendor’s ability to prepare and dispense safe food on the installation. Approval to operate food establishments on military installations is determined by the installation’s medical authority; the Preventive Medicine Activity conducts an operational assessment based on the food safety criteria prescribed in the Tri-Service Food Code (TB MED 530/NAVMED P-5010-1/AFMAN 48-147_IP). The form is submitted one time by a food vendor requesting to operate a food establishment on a military installation and is forwarded either through the sponsoring organization (e.g., AAFES/NEX, FMWR) or directly to the preventive medicine office, where it is retained. Although submission of vendor information and food operation characteristics were previously required in legacy Army (TB MED 530), Navy (NAVMED P-5010-1), and Air Force (2005 FDA Food Code) food

safety publications and policy, standardized forms for submitting the information had not been developed. A food vendor is only able to provide a service on a military installation when the solicitation is initiated by a DOD (or affiliated) entity, e.g., a military unit, installation tenant organization, Army & Air Force Exchange Service (AAFES)/Naval Exchange Service (NEX), Family Morale, Welfare Recreation (FMWR) AAFES/NEX, FMWR, etc. Requests initiated by the vendor to provide a permanent service on the installation are always processed through AAFES/NEX or FMWR before the installation Preventive Medicine Activity is involved. Vendors have the option of submitting the Application information using any format as long as the required information is provided. If a vendor chooses to use the DD Form, the form may be obtained by downloading it from the internet or it will be provided by the organization that is sponsoring the vendor. The completed form (or equivalent document) is returned to the sponsoring organization or the Preventive Medicine Activity at the installation where the vendor will be providing the service. Local procedures established by the installation Preventive Medicine Activity will specify to whom and where the vendor Application is to be submitted. Generally, there are four mechanisms for submission: in person during the meeting with the sponsoring organization, email, postal service, or fax. In many cases the Application document is returned to the sponsoring organization who, in turn, submits the document to Preventive Medicine. Some installations will require the vendor to submit the Application directly to the Preventive Medicine Activity.

3. Use of Information Technology

The Tri-Service Food Code does not direct a format in which the information required for an application to operate is submitted and only recommends the use of the proposed form DD 2970. The DD 2970 is designed to simplify and expedite the application process by identifying all of the information required per Section 8-302.14 of the TB MED 530. The DD Form 2970 is created as a fillable PDF to reduce the burden to applicants for retrieving, completing, and submitting the form. The form's format is flexible to enable manual completion and submission through other modalities when technological platforms are not available. Approximately 10 percent of the responses are collected electronically.

4. Non-duplication

No; the organization sponsoring the food vendor collects similar information if the vendor has previously provided services to the military. Thus, the sponsoring organization submits the application on behalf of the food vendor.

5. Burden on Small Business

The burden is considered negligible; information is consistent with data submitted to the local health department if the food vendor is licensed to operate off of the installation. The vendor may submit a copy of the original Permit application packet, which will likely satisfy the requirements for the application.

6. Less Frequent Collection

Submission of information is only required once. Failure to submit the information will result in non-approval to operate the food concession on the military installation. Only vendors who wish to provide a food service on a military installation are required to submit an application. The application is only required to be submitted one time by the vendor and remains valid until significant changes are made to the operation, or services from the vendor are discontinued and later re-engaged through a new service contract.

7. Paperwork Reduction Act Guidelines

This section does not apply. There are no special circumstances that would be inconsistent with the guidelines delineated in 5 CFR 1320.5(d) (2).

8. Consultation and Public Comments

a. A notice of proposed collection was published in the Federal Register on June 15, 2015, 80 FR 34149. No comments were received. A submission for OMB review was published in the Federal Register on December 4, 2015, 80 FR 75859.

b. Stakeholder organizations, such as Army/Air Force Exchange Service (AAFES), Navy Exchange Service (NEX), and Family Morale, Welfare and Recreation (FMWR), who sponsor food vendors on military installations may be consulted to provide required information. Requirements for the collection of information remain consistent with prior practices by DOD when evaluating food vendors for providing services on a military installation. Requirements for vendors to submit operational characteristics delineated in the Tri-Service Food Code and DD Form 2970 were staffed through all primary stakeholder organizations that typically sponsor food vendors. Concurrence was obtained deeming the required information as necessary and appropriate.

9. Gifts or Payment

No gifts or payments will be provided to the respondents.

10. Confidentiality

Section 8-202.10 of the Tri-Service Food Code specifies that the regulatory authority (installation preventive medicine/public health office) shall protect in accordance with the law, information that meets the criteria specified in law for a trade secret. Applications to operate a food establishment do not contain proprietary information unless the operation has authorization to deviate from prescribed food safety standards and possesses a hazard control plan that has been supported by laboratory analysis to prevent the growth of harmful microorganisms in food. Contents of a hazard control plan may, in some cases, contain proprietary information. Vendor information is retained in an active file at the installation preventive

medicine/public health office for the duration of the vendor's service contract and then disposed in accordance with DOD Directive 5015.2, Department of Defense Records Management Program, and regulations prescribing recordkeeping actions for each of the military departments.

After consultation with Cindy Allard and Vicki Short of OSD/JS Privacy, it was determined that a Privacy Act Statement did not need to be placed on the form.

11. Sensitive Questions

There are no sensitive questions presented in the application.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

The total respondent annual burden is approximately 23 hours. This value was derived from experience specified by the Navy/Marine Corps Public Health Center and was extrapolated to represent all of the Department of Defense. The estimated number of respondents reflects the number of new food vendors expected to submit an application to operate a food concession at some point in time during a fiscal year. There are 302 active military installations for Army, Navy, Marine Corps, and Air Force, which contain permanent infrastructure and units worldwide. This does not include combat or contingency operation sites since the application process does not apply at these locations. Fifteen percent (15%) of the 302 military sites are expected to solicit two (2) temporary food events each year, resulting in an estimated number of 91 respondents each year. The time needed to complete the application using DD Form 2970 is estimated at 15 minutes. This is based on the assumption that the majority of information is readily available from the vendor's licensing package that was required by the local or State Health Department. A food vendor is only required to complete the application once.

Estimated Number of Respondents: 91
Responses per Respondent: 1
Annual Response: 91
Average Burden Per Response: 15 minutes
Annual Burden Hours: 23

b. Labor Cost of Respondent Burden

The estimated labor cost of Respondent Burden is based on the median hourly wage for Food Service Managers as reported by the Bureau of Labor Statistics, Occupational Employment and Wages, May 2014.

Median Salary per Respondent: \$48,560 (\$23.34/hour)
Annual Labor Cost for the Respondent: \$5.84
Annual Burden Cost: \$531.44 (91 respondents X \$5.84 Annual Respondent Labor Cost)

13. Respondent Costs Other Than Burden Hour Costs

a. There are no anticipated costs to respondents if they complete and process the DD Form 2970 electronically. Vendor Applications that are submitted through the postal service will incur the cost of a single postage stamp for First Class Mail letters (\$0.49).

b. There are no anticipated operation and maintenance costs associated with the preparation of the application to operate the food concession.

14. Cost to the Federal Government

Cost to the Federal Government is minimal. Review of food vendor applications is a standard part of the DOD environmental health surveillance mission and the majority of applications are reviewed by military (uniformed) personnel; generally, mid-grade non-commissioned officers (E-6) or company-grade commissioned officers (O-3). The expected equivalent grade of a civilian public health professional to process the application is GS-9, Step 5 [\$48,051; \$23.02/hour]. The estimated time required to review an application is 45 minutes. There are no additional costs for supplies, overhead, printing, or support staff.

Time to review the form = 0.75 hours

Cost/hour for civilian GS-9 Step 5 to review the form = \$17.27

Total annual responses = 91

Annual cost to Federal Government = \$1,571.12

15. Reasons for Change in Burden

This is an existing collection in use without an OMB control number.

16. Publication of Results

The information will not be published or otherwise used for statistical purposes. Collected information is for use by the installation preventive medicine/public health office having jurisdiction to approve the food vendor's application to operate.

17. Non-Display of OMB Expiration Date

The form used to collect information is not expected to change or undergo update every 3 years. The type of information collected in the Application to Operate represents the minimum information needed to identify and contact the food establishment owner/operator and the minimum operational information needed to assess a vendor's ability to provide safe food service. The action for food vendors to submit information in order to operate on a military installation is necessary to protect public health within the military community. There are no exceptions to the requirement and the requirement will remain in effect indefinitely.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

There are no exceptions.