

SUPPORTING STATEMENT – PART A

(Application for Temporary Food Establishment – 0702-0132)

Summary of Changes from previously approved collection: The only change to this collection is a slight increase in burden.

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 2013 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 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.

2. Use of the Information

The information collection requirement is necessary for the installation Preventive Medicine or Public Health Activity 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/Public Health 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 application is submitted one time by a food vendor requesting to operate a food establishment on a military installation and is forwarded to the preventive medicine/public health 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, installation tenant organization, Army & Air Force Exchange Service (AAFES)/Naval Exchange Service (NEX), Family Morale, Welfare Recreation (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 or Public Health Activity is involved. The DD 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 is returned to the sponsoring organization or the Preventive Medicine/Public Health Activity at the installation where the vendor will be providing the service. Local procedures established by installation Preventive Medicine/Public Health 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 submits the document to the installation Preventive Medicine or Public Health Activity. Some installations will require the vendor to submit the application directly to Preventive Medicine/Public Health. Approved applications will allow the vendor to establish a food service business on a military installation.

3. Use of Information Technology

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 will allow manual completion and submission through other modalities when technological platforms are not available. Approximately 10 percent of the responses are collected electronically. The use of information technology is not expected to increase because all food vendors are required to be licensed through the state, county, or city in which they operate (off the installation). Licensure requires the food operation owner to provide the same type of data as requested by DOD. As a result, much of this information is already available in electronic or printed format and can be forwarded to the DOD installation when requested in the appropriate format.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Business

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

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 collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on 24 October, 2018. The 60-Day FRN citation is 83 FR 53609.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Wednesday, December 26, 2018. The 30-Day FRN citation is 83 FRN 66253.

Part B: CONSULTATION

Stakeholder organizations, such as AAFES, NEX, and 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.

No additional consultation apart from soliciting public comments through the 60-Day Federal Register Noticed was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement is not required for this collection because we are not requesting individuals to furnish personal information for a system of records.

A System of Record Notice (SORN) is not required for this collection because records are not retrievable by PII.

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

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.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

1. Application for Temporary Food Establishment

- a. Number of Respondents: 91
- b. Number of Responses Per Respondent: 1
- c. Number of Total Annual Responses: 91
- d. Response Time: 0.25 (15 minutes)
- e. Respondent Burden Hours (91 x .25): 23

2. Total Submission Burden

- a. Total Number or Responders: 91
- b. Total Number of Annual Responses: 91
- c. Total Respondent Burden Hours: 23

b. Labor Cost of Respondent Burden

1. **Application for Temporary Food Establishment**

- a. Number of Total Annual Responses: 91
- b. Response Time: 0.25 (15 minutes)
- c. Respondent Hourly Wage: \$25.02
- d. Labor Burden per Response (25.02 x .25): \$6.26
- e. Total Labor Burden (6.26 x 91): \$569.66

2. **Overall Labor Burden**

- a. Total Number of Annual Responses: 91
- b. Total Labor Burden: \$569.66

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 2017, https://www.bls.gov/oes/current/oes_nat.htm

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

a. Labor Cost to the Federal Government

1. **Application for Temporary Food Establishment**

- a. Number of Total Annual Responses: 91
- b. Processing Time per Response: 0.75 (45 minutes)
- c. Hourly Wage of Worker(s) Processing Responses: \$23.82
- d. Cost to Process Each Response (.75 x 23.82): \$17.87
- e. Total Cost to Process Responses (17.87 x 91): \$1,626.17

2. **Overall Labor Burden to Federal Government**

- a. Total Number of Annual Responses: 91
- b. Total Labor Burden: \$1,626.17

The hourly wage of the worker (GS-9, step 5) processing responses was determined by using the U.S. Office of Personnel Management (OPM) Website for 2018 base salary, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/GS_h.pdf.

b. Operational and Maintenance Costs

- a. Equipment: \$0

- b. Printing: \$0
- c. Postage: \$0
- d. Software Purchases: \$0
- e. Licensing Costs: \$0
- f. Other: \$0
- g. Total: \$0

- 1. Total Operational and Maintenance Costs: \$0
- 2. Total Labor Cost to the Federal Government: \$1,626.17
- 3. Total Cost to the Federal Government: \$1,626.17

15. Reasons for Change in Burden

There has been a slight increase for burden cost, due to an adjusted agency estimate on the average hourly wage of respondents and the average hourly wage of workers processing the responses.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.