

**7 CFR PART 215 - SPECIAL MILK PROGRAM FOR CHILDREN**

**OMB CLEARANCE NUMBER 0584-0005**

**REVISION OF A CURRENTLY APPROVED COLLECTION**

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- B. Excel Burden Chart for 0584-0005 Special Milk Program for Children
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- F. 0584-0594 FPRS Public Burden Statement

**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 information collection is a revision of a currently approved collection for the Special Milk Program for Children (SMP). This program is administered by the U.S. Department of Agriculture, Food and Nutrition Service. Section 3 of the Child Nutrition Act (CNA) of 1966 (P.L. 89-642, as amended; 42 U.S.C. 1772) authorizes the Special Milk Program for Children. It provides for appropriation of such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as the Secretary may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children, which do not participate in a food service program authorized under the CNA or the National School Lunch Act (NSLA). Section 10 of the CNA requires the Secretary of Agriculture to “prescribe such regulations as the Secretary may deem necessary to carry out this Act and the Richard B. Russell National School Lunch Act.” Pursuant to that provision, the Secretary has issued 7 CFR Part 215, which sets forth policies and procedures for the administration and operation of the SMP. State and local operators are required to meet Federal reporting and accountability requirements.

**2. Indicate how, by whom, 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.**

This information collection is required to administer and operate the Special Milk Program (SMP) in accordance with the NSLA. The SMP is administered at the State, school food authority (SFA), and child care institution (CCI) levels. State agencies are responsible for mandatory recordkeeping activities, including maintaining SFA/CCI applications and agreements, maintaining documentation of compliance reviews and actions taken on disallowed claims, and maintaining records of the receipt and expenditure of funds under the SMP. State agencies are also required to submit requests for funds to pay SMP claims in order to provide reimbursement to SFAs/CCIs. State agencies primarily collect data necessary to fulfil reporting requirements from SFAs/CCIs using electronic submission systems, though some States receive a small percentage of hard copy submissions.

Additionally, State agencies are required to report program data using forms FNS-10 Report of School Program Operations and FNS-777 Financial Status Report. The reporting burden associated with these reports is covered in the information collection for the Food Programs Reporting System (FPRS), OMB control #0584-0594, expiration date 9/30/2019 and is not accounted for in this information collection. Moreover, there are additional reporting burden associated with this collection [7 CFR 215.5(a) and 7 CFR 215.7(d)] that are not record on the FNS 10 which are identified in the burden estimates table. Furthermore, the recordkeeping burden is maintained in this collection. Copies of these forms, including a copy of the public burden statement, are included in this submission as reference (Attachments D,

E, and F). Refer to Attachment C for additional details concerning this information collection.

In order to participate in the SMP, SFAs and CCIs must submit an application. SFAs and CCIs are also responsible for following mandatory recordkeeping requirements, such as maintaining documentation to support claims for reimbursement. Additionally, SFAs must maintain records to demonstrate compliance with procurement regulations. FNS publically posts SMP participation data on its website, but all other information collected is not shared outside of USDA. This is an ongoing collection and there have been no changes made to the reporting or recordkeeping requirements since the last renewal of this collection.

- 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 complying with the E-Government Act, 2002 to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. All 54 State agencies and United States territories that administer this program submit some program and financial data electronically to FNS through the Food Program Reporting System (FPRS) at <https://fprs.fns.usda.gov/>. The forms which report this data, FNS-10 Report of School Program Operations (Attachment D) and FNS-777 Financial Status Report (Attachment E), are included in the information collection for the Food Programs

Reporting System (FPRS), OMB control #0584-0594, expiration date 9/30/2019, and therefore are not included in this information collection to avoid duplicate burden. A copy of the OMB Disclosure Statement, which is located on the FPRS home screen and includes the burden estimates for all of the information collection instruments that are accessed through FPRS, is also provided (Attachment E). At this time, FNS has been unable to combine the document with the OMB Disclosure Statement and the screenshots of the FPRS form into one document that is clear and readable. Because of this, FNS has been uploading the OMB Disclosure Statement as a separate document into ROCIS. Once we are able to create a combined document, FNS will no longer use the separate OMB Disclosure Statement attachment.

State agencies collect participation and milk count information from SFAs or CCIs via their own electronic systems. FNS estimates that most of the information submitted in this collection is collected electronically (via the State agency systems). There is a small amount of non-electronic submissions that are sent via email or flash drive or facsimile, such as providing records for Management Evaluations to FNS upon request. FNS estimates that 98 percent of the information submitted in this collection is collected electronically (via the State agency systems) and only a negligible amount is submitted non-electronically.

- 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 similar information collection. Every effort has been made to avoid

duplication. FNS has reviewed USDA reporting requirements and State agency requirements. FNS solely administers and monitors the SMP.

**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. State agencies are not considered small entities as state populations exceed the 50,000 threshold for a small government jurisdiction. However, SFAs, local educational agencies, schools, and child care institutions generally meet the definition of a “small governmental jurisdiction,” which meets the definition of “small entity” in the Regulatory Flexibility Act. Although smaller SFAs/CCIs record fewer financial transactions involving the SMP, they deliver the same program benefits and perform the same function as any other SFA/CCI. Thus, they maintain the same kinds of information on file. Out of the total 3,445 SFA/CCI respondents in this collection, FNS estimates that 3,376 are small entities.

Therefore, out of the total 3,499 respondents for this collection, FNS estimate that these 3,376 small entities equal 96% of the 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.**

The information is collected for the purpose of administering an ongoing program. Applications are submitted annually by SFA/CCIs and claims for reimbursement are submitted monthly for every month the SFA/CCI operates the SMP. If the data is collected



less frequently, FNS would not be able to properly reimburse schools and institutions in a timely manner to allow them to properly administer the program. In addition, data reporting would be delayed and the timely monitoring of program funding and program trends would be affected. The recordkeeping requirements for this collection include maintaining applications, documentation of compliance reviews, records necessary for supporting claims for reimbursement, documentation of compliance with procurement requirements, records of actions taken on disallowed claims, and an audit plan. If recordkeeping activities were not conducted, FNS would be unable to provide adequate oversight of the SMP operators or State agencies and would face major integrity risks.

**7. Special circumstances relating to the Guidelines of 5 CFR 1320.5**

**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;**

SFAs and CCIs submit monthly claims for reimbursement for every month they operate the SMP to receive reimbursement funds in a timely manner.

- **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, 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 (83 FR 42104) on August 20, 2018. The comment period for the Information Collection ended October 19, 2018. FNS received five comments in response to the agency's notice. Four of the comments received were

from individuals and one comment received was from a professional association. The comment received from the professional association suggested that FNS research if Program requirements such as reporting and recordkeeping were the reason for the decline in the number of schools and sponsors (Attachment A6). Two commenters noted health concerns with providing milk to students as well as general ethical concerns about how milk is produced (Attachment A1 and Attachment A8). One commenter suggested studying providing alternatives such as juice rather than milk (Attachment A5). One commenter suggested that USDA determine the effectiveness of the SMP by studying the amount of milk that is wasted (Attachment A3). FNS replied to the four commenters who included their contact information that their comments will be taken into consideration and addressed in the information collection request submitted to the Office of Management and Budget (Attachments A2, A4, A7, and A9). Since none of the comments were within the scope of this information collection, FNS has made no modifications as a result of 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.**

FNS consults with Regional Offices regarding any proposed changes as the result of legislative, regulatory or administrative changes. Regional offices are in constant contact with State agencies, which provide feedback on FNS processes and procedures for the information collection. During the *Evaluation of the School Meal Data Collection Process* study, an independent research contractor met with Child Nutrition

Program operators, including Special Milk operators, to describe collection and reporting processes, identify common errors, and summarize useful practices regarding the *Report of School Program Operations* (FNS-10). The report is expected to be released at the end of 2019.

Additionally, an independent research contractor identified the best means of efficiently consolidating Child Nutrition Program reporting requirements for school food authorities and State agencies. During this study, Child Nutrition Program operators, including some Special Milk operators, gave feedback on how to improve the administrative burden associated with the Child Nutrition Programs. The final report is expected to be released in Spring/Summer 2019.

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

No payment or gift was 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 complies with the Privacy Act of 1974. No confidential information is associated with this information. This collection does not request any personally identifiable information or include any forms that require a Privacy Act Statement.

**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 information collection.

- 12. Provide estimates of the hour burden of the collection of information. 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.**

With this revision, there are 3,499 respondents, 88,407 responses, and 13,325 burden hours. The estimated number of respondents for this information collection is 3,499 (54 State agencies and 3,445 SFAs and non-profit CCIIs).

The reporting burden for State agencies includes submission to USDA of a request for funds to pay Program claims for reimbursement from SFAs and CCIIs. The reporting burden for SFAs and CCIIs is submission of an application, agreement, and monthly claims for reimbursement to operate the Program.

The recordkeeping burden for SAs includes: maintaining documentation to support payment of Program claims for reimbursement, maintaining applications and agreements with SFAs and CCIs, maintaining documentation related to compliance reviews and Program assistance, and maintaining records of actions taken on disallowed claims. The recordkeeping tasks for SFAs include: maintaining Program records to support claims for reimbursement and compliance with procurement requirements.

The estimated total annual burden for this information collection is 13,325 hours. FNS is requesting a decrease in the burden hours for reporting and recordkeeping resulting from adjustments in the number of institutions. The following tables and Attachment B reflect the estimated burden associated with the information collection for each type of respondent.

**ESTIMATED ANNUAL BURDEN FOR 0584-0005,  
SPECIAL MILK PROGRAM FOR CHILDREN 7 CFR PART 215**

<b>Reporting</b>						
<b>Reporting Burden</b>	<b>Citation</b>	<b>Estimated Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Annual Responses</b>	<b>Average Burden per Response</b>	<b>Annual Burden Hours</b>
SAs submit requests to FNS for funds to reimburse SFAs and CCIs	7 CFR 215.5(a)	54	24	1,296	0.25	324
SFAs and institutions submit an application and agreement to SA	7 CFR 215.7(d)	3,445	1	3,445	0.25	861
<b>Total Reporting Burden 0584-</b>		<b>3,499</b>	<b>---</b>	<b>4,741</b>	<b>---</b>	<b>1,185</b>

0005, Part 215						
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<b>Recordkeeping</b>						
<b>Recordkeeping Burden</b>	<b>Citation</b>	<b>Estimated Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Annual Responses</b>	<b>Average Burden per Response</b>	<b>Annual Burden Hours</b>
SAs maintain applications and agreements submitted by SFAs and institutions	7 CFR 215.7	54	63.80	3,445	0.10	345
SAs maintain records of compliance reviews and Program assistance	7 CFR 215.11(b)	54	5	270	0.20	54
SAs maintain records to support reimbursement payments and reports submitted to FNS.	7 CFR 215.11(c)	54 54	24 766	1,296 41,364	0.10 0.10	130 4136
SAs maintain records of action taken on disallowed claims	7 CFR 215.12	54	2	108	0.33	36
SAs maintain records of audits and Management Evaluations	7 CFR 215.13(a)	54	1	54	0.26	14
SFAs maintain Program records to support monthly claims for reimbursement	7 CFR 215.7	3,445	10	34,450	0.20	6,890
SFAs maintain procurement records	7 CFR 215.14(a)	2,679	1	2,679	0.20	536

<b>Total Recordkeeping Burden 0584-0005, Part 215</b>		<b>3,499</b>	<b>---</b>	<b>83,666</b>	<b>---</b>	<b>12,140*</b>
<b>TOTAL REPORTING AND RECORDKEEPING BURDEN</b>		<b>3,499</b>		<b>88,407</b>		<b>13,325</b>

\*Please note that in the above table and in Attachment B, the grand total recordkeeping burden is calculated at 12,140. However, when the individual recordkeeping totals are added together in the above table, the total recordkeeping burden equals 12,141. In actuality, this figure is 12,140 and the higher total of 12,141 is due to the rounding of individual recordkeeping totals.

<b>SUMMARY OF BURDEN (OMB #0584-0005) 7 CFR PART 215</b>	
TOTAL NO. RESPONDENTS	3,499
AVERAGE NO. RESPONSES PER RESPONDENT	25.2664
TOTAL ANNUAL RESPONSES	88,407
AVERAGE HOURS PER RESPONSE	0.150726
TOTAL BURDEN REQUESTED	13,325
CURRENT OMB INVENTORY	14,914
DIFFERENCE (CHANGE IN BURDEN WITH THIS RENEWAL)	(1,589)

# Respondents	# Responses Per Respondent	Total Annual Responses	Hours Per Response	Total Annual Burden
3,499	25.2664	88,407	0.150726	13,325

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

The estimate of respondent cost is based on the burden estimates and utilizes the U.S.

Department of Labor, Bureau of Labor Statistics, May 2018 National Occupational Employment and Wage Statistics, Occupational Group (25-0000)

([http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm)). The hourly mean wage (for education-related



occupations) for functions performed by State agency and local educational agency staff are estimated at \$27.22 per staff hour. To determine the total cost to the public, the burden hours for the collection is multiplied by the hourly mean wage discussed above ( $\$27.22 \times 13,325$  hours), which results in an initial cost of \$362,706.50. An additional \$119,693.14 (33% of \$362,706.50) is then added to account for fully-loaded wages, which results in a total cost to the public of \$482,399.64.

- 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 is no start-up, operating, or annual 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.**

It is estimated that Federal employees receiving an average General Schedule (GS) grade 12 step 6 wage (\$46.62. hourly) based on the 2019 Washington DC-Northern Virginia locality area take approximately 54 hours to analyze data received from State agencies, for an initial cost of \$2,517.48 ( $\$46.62 \times 54$  hours). To account for fully-loaded wages, an

additional \$830.77 (33% of \$ 2,517.48) is then added to the initial costs, resulting in an estimated annualized cost to the Federal government of 3,348.25.

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

This is a revision of a currently approved data collection. The currently approved burden inventory for this collection is 14,914 hours and 99,051 responses. Due to decreases in the number of SFAs/CCIs participating in the SMP, FNS estimates that the burden hours will decrease by 1,589 hours. The estimated total number of annual responses has also decreased due to reduced SFA/CCI participation. FNS estimates that the total number of responses will decrease by 10,644 responses. Based on these adjustments, FNS estimates that this revision will have 13,325 burden hours and 88,407 responses.

**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 information 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 agency will display the expiration date for OMB approval of the information collection as required.

**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.