

SUPPORTING STATEMENT - PART A for
OMB Control Number 0584-0541:
Seniors Farmers' Market Nutrition Program (SFMNP)
Reporting and Recordkeeping Burden

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A1. 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 submission is a revision of a currently approved collection which covers the reporting and recordkeeping burden associated with the Seniors Farmers' Market Nutrition Program, OMB #0584-0541. The Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill), Public Law 107-171, authorized the SFMNP as a competitive grant program beginning Fiscal Year (FY) 2003 and gave USDA the authority to develop Federal regulations guiding the administration of the SFMNP. The Agriculture Improvement Act of 2018, Public Law 115-334 (the 2018 Farm Bill), provided continued funding for the SFMNP through FY 2023. Federal regulations governing the SFMNP (7 Code of Federal Regulations, part 249) require that certain program-related information be collected and that full and complete records concerning SFMNP operations are maintained. The information reporting and recordkeeping burdens are necessary to ensure appropriate and efficient management of the SFMNP.

A2. Purpose and Use of the Information.

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate how the agency has actually used the information received from the current collection.

The reporting and recordkeeping burdens covered by this information collection request (ICR) include requirements that involve the certification of SFMNP participants; nutrition education that is provided to participants; the authorization, training, and monitoring of farmers, farmers' markets, roadside stands (authorized outlets); and financial and coupon reconciliation management systems.

The State Plan of Operations, also known as the State Plan, is the principal source of information about how each State agency operates its SFMNP Program. Information collected from participants and local agencies is collected through State-developed forms. Federal SFMNP regulations require the annual submission of other program-related reporting and recordkeeping; such as, farmer agreements and authorizations, monitoring reports, and participant nutrition education.

In addition to the State Plan, FNS requires SFMNP State agencies to submit an Annual Financial and Program Data Report (FNS-683A) to FNS through the Food Program Reporting System (FPRS) OMB #0584-0594; (currently under revision; expiration date 10/31/2019). Federal SFMNP regulations require State agencies operating the SFMNP to report on program participation and financial expenditures. This information assists FNS in monitoring program activity and productivity, and making program management decisions. We are not requesting any burden hours for this data collection because the burden associated with this information collection is reported under OMB #0584-0594.

The information collected is used by USDA to manage, plan, evaluate, make decisions, and report on SFMNP program operations. FNS uses the information collection to assess how each SFMNP State agency operates; to ensure regulatory compliance of State agencies, local agencies, and farmers/farmers' markets/roadside stands/CSA programs; to make program management decisions; and to report to Congress as needed.

A3. Use of information technology and burden reduction.

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 of 2002. Information collected by FNS from SFMNP State agencies may be submitted electronically via email or PartnerWeb (a web-based application that allows users to share and access information, <https://partnerweb.usa.gov>) to the FNS Regional Office. PartnerWeb is an official government system and is managed by FNS. Approximately 95% of State agencies opt to submit information electronically; those with limited access to, or who are unfamiliar with certain web-based platforms can mail their information to their respective Regional Office.

FNS encourages State agencies to offer electronic submission, or forms with fillable formats, to local agencies, program participants, and farmers/farmers' markets, etc. whenever it is feasible. Because many State agencies administer both the Seniors Farmers' Market Nutrition Program (SFMNP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers' Market Nutrition Program (FMNP), FNS expects that the State agency may leverage certain web-based platforms designed for reporting and recordkeeping purposes to minimize the burden associated with the performance of many program activities; including, collecting certification data, developing nutrition education plans, and documenting management evaluations and monitoring visits to authorized farmers, farmers' markets, roadside stands and Community Supported Agriculture (CSA) programs. Ongoing improvements in these systems at the State and local levels continue to reduce the time and effort required to collect and transmit data. Improved and extended use of automated approaches for program management and service delivery is a priority of FNS.

The annual financial and program data report worksheet (FNS-683A) is submitted electronically by all SFMNP State agencies through the [Food Programs Reporting System \(FPRS\)](#). The burden for this data collection is maintained by OMB #0584-0594.

A4. Efforts to identify duplication.

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

FNS makes every effort to identify and mitigate the duplication of information collection efforts. Because the SFMNP and FMNP are similar programs, FNS has consolidated many aspects of SFMNP and FMNP operations (e.g. State Plans, management evaluations tools, and monitoring responsibilities, such as allowing one visit to authorize a farmers' market for both programs, etc.).

A5. Impacts on small businesses or other small entities.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

FNS has determined that the requirements for this information collection do not adversely impact small businesses or other small entities. This information collection has been held to the minimum required for the intended use. Approximately 1.5% of total respondents are considered small businesses. Farmers, farmers' markets, roadside stands, and CSAs are considered 'small businesses' as they are independent business owners who grow and sell produce for profit. State agencies ensure that information collected from farmers, farmers' markets, roadside stands, and CSAs is minimal and necessary for program authorization and participation. In an attempt to minimize burden, many State agencies employ multiple forums of communication when

collecting information from small businesses; including, e-mail, internet portals that collect information through the State Department's website, and through hard-copy mail. For more information on how State agencies reduce burden on small business participation, please refer to A3.

A6. Consequences of collecting the information less frequently.

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.

SFMNP information collection activities are supported by legislative and Federal regulatory requirements. The information collected is a prerequisite to receiving federal funds for the administration and operation of the SFMNP program. If the information were collected less frequently, improper use of Federal funds would increase, and FNS' ability to provide regulatory oversight, including the detection of program violations, would diminish.

A7. 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;**
- **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.

A8. Comments to the Federal Register Notice and efforts for consultation.

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), 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. Specifically address comments received on cost and hour burden.

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 format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The invitation for comments was set forth in a 60-Day Notice on page 37828 of the Federal Register (Vol. 84, No. 149) on Friday, August 2, 2019. The public comment period ended on October 2, 2019. There were 3 comments received in response to the 60-Day Notice. All comments are included as attachments in this Information Collection Request and are referenced as 'Attachment C,' 'Attachment D,' and 'Attachment E.'

Comments provided under 'Attachment C' were not directly related to the revised reporting and recordkeeping burden associated with the SFMNP. The commenter expressed concerns that farmers' markets in the New Jersey area are selling products such as meat, bread, and clothes,

which seem to be at odds with a ‘bill’ that is not clearly identified. The commenter’s opinion is that farmers’ markets in general, do not need Federal government oversight.

FNS provided a response to this comment (Attachment C) clarifying the purpose of the SFMNP, eligible foods under the SFMNP, and that FNS and State agencies are responsible for the oversight and administration of the SFMNP, not farmers’ markets in general.

Comments provided under Attachment D emphasized the need of SFMNP information collection activities and support FNS’ revised reporting and recordkeeping burden. FNS response to this comment was not deemed necessary.

Comments provided under ‘Attachment E’ provided suggestions for adjustments to the current administrative and operational structure of the SFMNP, several of which were not directly related to the revised reporting and recordkeeping burden associated with the SFMNP. FNS provided a response to this comment (Attachment E) thanking the individual (representing a State Agency) for his feedback. Suggestions pertaining to paperwork reduction and deduplication of documentation have been taken into consideration and will be addressed at the next available opportunity to do so.

In addition, FNS actively solicited input on the proposed ICR revision from key stakeholders. On August 29, FNS contacted the National Sustainable Agriculture Association (Wes King, Senior Policy Specialist; wking@sustainableagriculture.net), the Farmers Market Coalition (Ben Feldman, Interim Executive Director; Ben@farmersmarketcoalition.org), and the National Association of Farmers’ Market Nutrition Programs (Phil Blalock, Executive Director; phil@triangleassociatesinc.com) (copy of transmission in Attachment G). No response was received from these entities.

The FNS National Office consults with its seven FNS Regional Offices (ROs) regarding any

proposed changes to information being collected as the result of legislative, regulatory, or policy changes. FNS ROs communicate regularly with State agencies on FNS processes and information collection that may impact them as a result of legislative, regulatory, or policy changes. Feedback that is received from State agencies regarding the frequency of information collected, the clarity of instructions and recordkeeping, reporting format, etc. is reported through the FNS Regional Office to the FNS National Office. The FNS National Office considers feedback from State agencies when revising or updating the format or forum through which program information is collected.

A9. Explain any decisions to provide any payment or gift to respondents.

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.

A10. Assurances of confidentiality provided to respondents.

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

FNS complies with the Privacy Act of 1974, 5 U.S.C. § 552a. State agencies are required to comply with confidentiality requirements set forth in §249.24 of the SFMNP regulations and "...restrict the use or disclosure of information obtained from SFMNP applicants and recipients to:

- a) Person directly connected with the administration or enforcement of the SFMNP, including persons investigating or prosecuting violations in the SFMNP under Federal, State or local authority;

- b) Representatives of public organizations designated by the chief State agency officer...’

The State agency must execute a written agreement with each such designated organization: “(1) Specifying that the receiving organization may employ SFMNP information only for the purpose of establishing the eligibility of SFMNP applicants and participants for food, nutrition, or other assistance programs that it administers and conducts outreach to SFMNP applicants and participants for such programs; and (2) Containing the receiving organization's assurance that it will not, in turn, disclose the information to a third party.”

A11. Justification for any questions of a sensitive nature.

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.

Participants in the SFMNP must meet certain eligibility criteria in order to qualify for participation in the program. Participants must be low-income seniors, generally defined as individuals who are at least 60 years old and who have household incomes of not more than 185% of the Federal poverty guidelines. During the certification process, questions of a sensitive nature are limited to an applicant’s annual earnings and age. At the time of certification, each SFMNP applicant, or authorized representative, must read or have read to him or her the following statement or similar statements that information collected on their eligibility is requisite to receiving SFMNP benefits, and sign their acknowledgement:

“I have been advised of my rights and obligations under the SFMNP. I certify that the information I have provided for my eligibility determination is correct, to the best of my

knowledge. This certification form is being submitted in connection with the receipt of Federal assistance. Program officials may verify information on this form. I understand that intentionally making a false or misleading statement or intentionally misrepresenting, concealing, or withholding facts may result in paying the State agency, in cash, the value of the food benefits improperly issued to me and may subject me to civil or criminal prosecution under State and Federal law. Standards for eligibility and participation in the SFMNP are the same for everyone, regardless of race, color, national origin, age, disability, or sex. I understand that I may appeal any decision made by the local agency regarding my eligibility for the SFMNP.”

A12. Estimates of the hour burden of the collection of information.

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.

A. 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.

The reporting and recordkeeping burden associated with this information collection request requires SFMNP State and local agencies (including Federally-recognized U.S. Territories and Indian Tribal Organizations); Farmers, Farmers’ Markets, Roadside Stands, Community Supported Agriculture (CSA) Programs; and participants to provide FNS information on: the management and operation of the SFMNP program; information related to State and local agency authorization; participant eligibility; the authorization, training, and monitoring of farmers, farmers’ markets, roadside stands, and CSA programs, etc.

With this revision, FNS estimates that this collection will have 854,090 respondents, 2,549,454

responses, and 449,090 burden hours, as detailed in the chart below and Attachment B. The overall information collection burden is estimated to have increased by 21,810 burden hours annually due to program adjustments. The total estimated burden hours will increase from 427,280 to 449,090. The revisions increased the approved reporting burden by 11,763 hours and increased the approved recordkeeping burden by 10,047 hours. These increases generally result from increasing the number of State agencies from 52 to 53, increasing program participation to reflect current numbers, and correcting a miscalculation in the number of authorized vendors in the 2016 estimates.

Type of Respondent	Total Estimated Number of Respondents	Annual Responses Per Respondent	Total Estimated Annual Responses	Number of Burden Hours Per Response (Hours)	Estimated Total Annual Burden Hours
Reporting Burden					
SFMNP State and local Agencies (including federally recognized U.S. Territories, and Indian Tribal Organizations)	1,113	769.330303	856,265	.259	221,537
Farmers, Farmers' Markets, Roadside Stands, Community Supported Agriculture (CSA) Programs	12,924	1	12,924	.080	1,034
Individuals/Households	840,000	1	840,000	.017	14,028
Total Reporting Burden	854,037	-	1,709,189	.138	236,599
Recordkeeping Burden					
SFMNP State and local Agencies	53	15,854.057	840,265	.253	212,491

(including federally recognized U.S. Territories, and Indian Tribal Organizations)				
Total Reporting & Recordkeeping Burden	854,090		2,549,454	449,090

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

Description of the Collection Activity	Estimated Total Annual Burden on Respondents (Hours)	Estimated Average Income per Hour	Estimated Cost to Respondents	Cost to Respondents with Fully-Loaded Wages (+ 33%)
State and local staff	221,537	\$27.03	\$5,988,145.11	\$7,964,233.00
Farmers, Farmers' Markets, Roadside Stands, CSA Programs	1,034	\$22.18	\$22,934.12	\$30,502.38
SFMNP Applicants	14,028	\$7.25	\$101,703	N/A
Totals	236,599		\$6,112,782.23	\$8,096,438.38

*These mean hourly rates were obtained from the U.S. Department of Labor, Bureau of Labor Statistics, May 2018 National Industry-Specific Occupational Employment and Wage Estimates (<https://www.bls.gov/oes/current/oesrci.htm>), the most current year for which data is available.

State and Local Staff

The average hourly rate for State and local staff is \$27.03 ($(\$27.79 + \$26.26) / 2$), which is the mean of 'all occupations' for both State and local government data. (U.S. Department of Labor, Bureau of Labor Statistics, https://www.bls.gov/oes/current/naics4_999200.htm and https://www.bls.gov/oes/current/naics4_999300.htm, respectively). Note that a different BLS category was utilized for this calculation compared to the 2016 notice, in that this category

excludes state and local schools, hospitals and the U.S. Postal Service and is a more accurate portrayal of typical rates for the affected population.

Farmers, Farmers' Markets, Roadside Stands, CSA Programs

The average hourly rate for vendor staff is \$22.18, which is the mean of 'all occupations' in the Direct Selling Establishments category. (U.S. Department of Labor, Bureau of Labor Statistics, https://www.bls.gov/oes/current/naics4_454300.htm#00-0000). Note that a different BLS category was utilized for this calculation compared to the 2016 notice, in that this category is narrower in scope and therefore is a more accurate portrayal of typical rates for the affected population.

SFMNP Applicants

The \$7.25 hourly rate for applicants for Program benefits is the Federal minimum wage which was last set in July 2009 (U.S. Department of Labor, <https://www.dol.gov/whd/minimumwage.htm>)

A13. Estimates of other total annual cost burden.

Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in questions 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 for respondents and/or recordkeepers.

A14. Provide estimates of annualized cost to the Federal government.

Provide estimates of annualized cost to the Federal government. 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.

Federal cost in the administration of the SFMNP program:

FNS National Office Staff: 3 Full Time Equivalents (FTEs)
(Providing regulatory oversight
and guidance in the administration
of the program, Training, recordkeeping, etc.)

FNS Regional Staff: 7 FTEs
(Providing regulatory oversight
and guidance in the administration
of the program, Training, recordkeeping, etc.)

10 FTEs x \$75,827* = \$758,270

Total estimated cost with Fully-Loaded Wages (+ 33%): \$1,008,499.10

* Based on an average annual salary (average of GS-11, 12, 13 salaries, Step 6) from the U.S. Office of Personnel Management Salary Table 2019-Base effective January 2019
<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS.pdf>.

A15. Explanation of program changes or adjustments.

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

This is a revision of a currently approved information collection. This information collection is currently approved with 427,280 burden hours and 2,408,659 responses. With this revision, FNS is requesting 449,090 burden hours and 2,549,454 total annual responses. There is an overall increase of 21,810 burden hours and an increase of 140,795 total annual responses due to a program adjustment that is expected with an increase in the fluctuation of the number of State agencies and participants that participate in the program.

A16. Plans for tabulation, and publication and project time schedule.

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

The information covered by this collection is not for publication.

A17. Displaying the OMB Approval Expiration Date.

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This submission is not seeking OMB approval to not display the expiration date.

A18. Exceptions to the certification statement identified in Item 19.

Explain each exception to the certification statement identified in Item 19 of the OMB 83-I" Certification for Paperwork Reduction Act."

The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.