

**United States**

**Department of**

**Agriculture**

Food and

Nutrition

Service

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**December 16, 2021**

TO: Jordan Cohen, OMB Desk Officer

 Office of Information and Regulatory Affairs

 Office of Management and Budget

THROUGH: Christina Sandberg, FNS Information Collection Officer C.S.

 Planning and Regulatory Affairs

 Food and Nutrition Service (FNS)

 Ruth Brown, OCIO Desk Officer

 Information Management Division

 Office of the Chief Information Officer

FROM: Jeffrey Warner

 Child Nutrition Programs

 Food and Nutrition Service (FNS)

SUBJECT: Justification for Non-Material/Non-Substantive Update to OMB Control No: 0584-0654 FNS Information Collection Needs due to COVID-19 to Account for the Child Nutrition (CN) COVID Waivers

The Food and Nutrition Service (FNS) is requesting a non-substantive change to OMB Control Number 0584-0654, *FNS Information Collection Needs due to COVID-19*, expiring January 31, 2022, to add Child Nutrition COVID-19 Waivers and their associated burden into the collection.

As part of the response to the COVID-19 pandemic, FNS has issued a number of waivers in response to State agencies’ requests in order to facilitate the ability for Program operators to carry out the purposes of Child Nutrition Programs (CNPs) during the crisis, while maintaining recommended social distancing and other health practices.

The following legislation grants FNS the authority to approve individual waivers applicable to a State or eligible service provider: Section 12(l) of the National School Lunch Act (NSLA) (Appendix J). Under the authority of this legislation, FNS is permitted to waive requirements for CNPs authorized under the NSLA or Child Nutrition Act of 1966. FNS’ guidance, *Child Nutrition Program Waiver Request Guidance and Protocol – Revised* (Appendix F)*,* is available to State agencies and provides instructions on the waiver process, as well as a waiver request template (Attachment G) program administrators may use to request a waiver of CNP requirements from FNS. Utilizing NSLA waiver authority, FNS has granted a number of COVID-related waivers to facilitate the ability of States and eligible service providers to carry out CNP operations efficiently and effectively, while taking on the appropriate safety measures in respect to COVID-19. FNS exercised NSLA authority prior to enactment of the Families First Coronavirus Response Act of 2020 (P.L. 116-127) (FFCRA), later extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), which authorized FNS to make nationwide waivers available to all States in a singular issuance. In addition, because the FFCRA is only applicable to the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program (CACFP), and the Summer Food Service Program (SFSP), FNS has consistently utilized NSLA statewide waiver authority to provide States flexibilities in CNPs that were excluded from FFCRA’s definition of *qualified program*, such as the Fresh Fruit and Vegetable Program (FFVP) and Special Milk Program (SMP).

During the onset of the pandemic, waivers approved under NSLA allowed: non-congregate feeding in CNPs, enabling program participants to socially distance; National School Lunch Program Seamless Summer Option (SSO) and SFSP sponsors to operate open sites in areas that were not located in area-eligible locations, which facilitated the provision of meals to children in need as a result of economic hardships due to COVID-19; and SSO and SFSP operations at school sites during unanticipated school closures. Other flexibilities granted under NSLA waiver authority that allowed for streamlined and safer meal services included; allowing parents and guardians to pick up FFVP foods and SMP milk on behalf of children who participate in virtual learning and are not present at school; and serving SMP milk in non-congregate settings. In addition, to reduce administrative burden during the pandemic, FNS issued waivers of the requirement for the State agency to review each SFSP sponsor once every three years for those sponsors who operated meal service during unanticipated school closures, and the requirement that a State agency annually review a number of sponsors whose program reimbursements, in the aggregate, account for at least one-half of the total program reimbursements in the State in the previous year. Finally, to allow State agencies to adopt safe monitoring and oversight practices during COVID-19, FNS approved individual state monitoring oversight waivers, which were dependent on each State’s unique circumstances.

NSLA waiver authority and FNS’ guidance impose burden on State agencies. To request a waiver of program requirements, States and eligible service providers must submit a detailed application that identifies the statutory or regulatory requirements to be waived, describes any actions undertaken to remove barriers, describes the goal of the waiver to improve services, and includes a description of the impediments to the efficient operation and administration of the program. The NSLA further requires States and eligible service providers to provide notice and information to the public regarding each proposed waiver. While Section 12(l) of the NSLA and FNS’ guidance allow States and eligible service providers to develop and submit applications to waive program requirements and meet the public notification requirement, States usually take on these responsibilities instead of eligible service providers. During COVID-19, FNS did not receive any waiver request submission directly from an eligible service provider, and States provided all public notifications regarding the waiver requests they submitted. Therefore, the burden associated with the development and submission of COVID-19 statewide waiver requests, as well as the NSLA requirement to provide notice and information to the public regarding proposed waiver requests falls on States. In addition to burden associated with waiver requests and public notices, the NSLA requires FNS to review the performance of State agencies’ and eligible service providers’ CNP operations under waiver authority. Therefore, FNS includes proposed data reporting elements in each waiver approval that require States to report to FNS on the implementation of waiver approvals; thus, enabling FNS to assess the effect of each waiver on CNP administration and monitor its impact. Reports on waiver implementation are submitted to FNS on behalf of State agencies within one year of the date State agencies receive the waiver. All reports must include a summary of the use of the waiver, a description of whether the waiver resulted in improved services, a description of the impact of the waiver on the provision of meals, and a description of how the waiver reduced the quantity of paperwork necessary to administer the program.

State agencies are to report to FNS on the implementation of the numerous waivers approved during COVID-19 to assist State agencies in maintaining safe meal services during the pandemic. The majority of reports require States to meet the standard reporting requirements detailed above. Standard reports simply summarize waiver implementation and are submitted to FNS once annually. However, not all required reports meet the NSLA’s fundamental reporting requirements. FNS included additional data reporting elements for 63 State monitoring oversight waiver approvals that require recipients to report additional information to FNS quarterly. FNS required State agencies to report detailed information more frequently to monitor State agencies’ ability to maintain program integrity while operating under waivers of CNP monitoring requirements. Because reports associated with state monitoring oversite waivers are more burdensome than standard reporting, FNS will address them separately in this change adjustment.

To facilitate the collection of standard reports, FNS has developed a reporting tool, *COVID-19 Statewide Waiver Reporting Tool* (Appendix H), which provides State agencies instructions on the easiest way to fulfill reporting requirements associated with waivers approved under the NSLA and simplifies the reporting process, allowing State agencies to submit multiple reports at a time. The tool aims to inform State agencies of reporting requirements and deadlines, solicit the minimal reporting data required, and sends all reports directly to FNS upon completion. FNS plans to utilize the tool for waivers that require standard reporting on an annual basis. FNS has developed a similar collection tool, the *State Monitoring Plan Reporting Tool* (Appendix I), in order to aid in the collection of reports associated with 63 State monitoring oversight waivers, which require States to submit more detailed reports to FNS quarterly.

FNS is requesting Office of Management and Budget (OMB) approval to add CN COVID waivers authorized by the NSLA and their associated burden into OMB Control Number 0584-0654, *FNS Information Collection Needs due to COVID-19*. The burden associated with waiver authority at Section 12(l) of the NSLA includes the requirements for States to review FNS’ NSLA waiver protocol and guidance, submit waiver requests, report on statewide waiver approvals, as well as the requirement for States and eligible service providers to provide public notice regarding each waiver request.

When FNS originally submitted this collection to OMB for review and approval, the agency believed that these waivers were approved under OMB Control Number 0584-0280, *7 CFR Part 225, Summer Food Service Program*, expiring December 31, 2022; OMB Control Number 0584-0012, *7 CFR Part 220, School Breakfast Program*, expiring April 30, 2022; and OMB Control Number 0584-0006, *7 CFR Part 210, National School Lunch Program,* expiring July 31, 2023. However, after further review, FNS determined that these collections did not contain the information collection requirement or the burden associated with waiver requests under Section 12(l) of the NSLA, and that the data collection had been unintentionally omitted from OMB Control Number 0584-0654. To rectify this situation, FNS is adding CN COVID-related waivers approved under Section 12(l) of the NSLA and their associated materials, along with their associated burden into this collection through this change request. FNS also plans to publish a 60-Day Federal Register notice and submit an information collection request to OMB for review for a new information collection to capture the burden associated with non-COVID-related waiver procedures and reporting requirements for standard waivers authorized by the NSLA.

In addition to the burden associated with CN COVID waivers authorized by the NSLA, FNS is requesting to add burden associated with nationwide waivers approved under the FFCRA. Five nationwide waivers allowing meal pattern flexibilities in CNPs require eligible service providers to contact their respective State agencies for approval and provide State agencies any necessary justification for their need to waive nutritional requirements prior to implementing meal pattern flexibilities (Appendices K, L, M, N, and O). FNS’ initial nationwide waiver allowing parental pickup of CNP foods (Appendix P.1) required State agencies to have a plan for ensuring that eligible service providers were able to maintain accountability and program integrity, which included putting in place processes to ensure that meals were distributed only to parents and guardians of eligible children, and that duplicate meals were not distributed. In addition, FNS issued the *Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs,* Child Nutrition Response #18 (Appendix Q.1)*,* for School Year (SY) 2020-2021, which required eligible service providers to notify their respective State agencies prior to implementing the flexibility granted in the waiver. FNS issued a second *Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs,* Child Nutrition Response #98 (Appendix R.1),for SY 2021-2022, which requires eligible service providers to notify State agencies again of their intention to implement the flexibility granted. Lastly, Section 2202 of the FFCRA (Appendix J.1) requires States to elect to be subject to each nationwide waiver, notifying FNS of their decision to implement nationwide waiver flexibilities prior to participating in each nationwide waiver made available (42 USC 1760). While CN nationwide waivers approved under FFCRA require waiver participants to submit reports similar to statewide waiver reports required by NSLA, please know CN waiver reports associated with FFCRA legislation are covered in OMB Control Number 0584-0607, *School Meals Operations Study: State Agency COVID-19 Child Nutrition Waivers Evaluation,* expiring August 31, 2022.

To request a waiver under Section 12(l) of the NSLA, State agencies customarily review *Child Nutrition Program Waiver Request Guidance and Protocol – Revised,* fill out a request using the waiver request template provided, and submit the request to FNS. Please know the 63 state monitoring oversight waiver requests required State agencies to follow standard waiver protocol along with additional technical assistance. Due to the increase in burden associated with these unique waiver requests, they are addressed separately in this change request. Apart from state monitoring oversight waivers, FNS has received approximately 628 COVID-related, waiver requests that followed standard waiver protocol on behalf of State agencies since the onset of the pandemic. FNS estimates that 67 State agencies review waiver protocol guidance one time each year and that the guidance takes approximately 15 minutes (.25 hours) to review, for a total of 16.75 hours. FNS further estimates that it will take the 67 State agencies 1 hour to complete and submit standard waiver requests, for a total of 628 hours.

Unlike standard waiver requests, to request a State monitoring oversight waiver, State agencies followed the standard *Child Nutrition Program Waiver Request Guidance and Protocol - Revised*, along with technical assistance guidance provided by FNS regional offices via e-mail (Appendix S.1) and phone calls. State agencies were asked to develop a comprehensive oversight plan to include monitoring alternatives such as comprehensive technical assistance, which would be conducted in lieu of traditional monitoring. To date, FNS has received and approved 63 state monitoring oversight waiver requests that were submitted alongside a plan to monitor COVID-19-related CNP operations. The estimated time required for each one of the 63 State agencies to review waiver protocol and technical assistance guidance is 30 minutes (0.50 hours), for a total of 31.5 hours. FNS estimates that it will take 63 State agencies 2.5 hours to complete and electronically submit each request to waive state monitoring and oversight requirements alongside a plan, for a total of 157.5 hours.

Between March 2020 and March 2021, FNS received approximately 628 waiver requests that followed standard procedures, along with 63 requests of a state monitoring oversight waiver that required State agencies to submit a plan alongside their requests, totaling 691 COVID-related requests received in one year since the onset of the pandemic. Of the 691 requests received, FNS has approved approximately 380 statewide, COVID-related waiver requests under authority established at Section 12(l) of the NSLA. Out of 380 statewide waiver approvals, 317 require States to meet standard reporting requirements. FNS has estimated that it will take each State agency approximately 30 minutes (.50 hours) to report on the standard data requirements for each waiver approval they received, for a total of 158.5 hours. The time estimate will be the same whether the State agencies choose to use the optional tool developed by FNS, *COVID-19 Statewide Waiver Tool,* or design their own report to meet standard waiver reporting.

Reporting requirements for the 63 state monitoring oversight waivers follow the standard reporting elements associated with waiver approvals outlined in Section 12(l) of the NSLA and FNS’ guidance, *Child Nutrition Program Waiver Request Guidance and Protocol – Revised;* however, the frequency and detail of the reports differ from standard waivers. Since approved requests have varied in detail, depending on individual State circumstances, and to allow FNS to ensure State agencies are able to ensure program integrity while operating under a state monitoring oversight waiver, State agencies with an approved monitoring oversight waiver are required to submit quarterly reports to FNS. FNS has developed a quarterly reporting tool, *The* *State Monitoring Plan Reporting Tool* (Appendix I), to simplify data collection for State agencies required to report on a state monitoring oversight waiver. FNS estimates that the time to complete each quarterly report will be the same whether the State agencies use the reporting tool or develop their own report. FNS estimates that it will take the 63 State agencies 20 minutes (approximately .334 hours) to submit the reporting data for each quarterly report, resulting in 252 responses and 84 burden hours.

The last NSLA requirement to address is the requirement for States and eligible service providers to provide public notice and information to the public regarding each proposed waiver. As previously mentioned, States customarily take on this responsibility on behalf of eligible service providers. Because all COVID-related waiver requests have been developed and submitted to FNS on behalf of States, States are the entities responsible for providing public notice regarding each proposed waiver. FNS estimates it takes 67 State agencies approximately 30 minutes (.50 hours) to notify the public of each one of the 691 waiver requests submitted to FNS, for a total of 345.5 hours.

Since March 2020, FNS has issued a total of 98 CN nationwide waivers under FFRCA authority that require States to elect to be subject to the waiver, notifying FNS of their intention to utilize each flexibility granted prior to implementing each waiver authority. FNS has calculated that on average, 57 out of a total of 67 State agencies participate in each nationwide waiver made available. FNS estimates that 57 State agencies will elect to be subject to 98 waivers, for a total of 5,586 elections. It takes approximately 5 minutes (.0835 hours) to notify FNS of a State’s decision to opt into nationwide waiver participation, for a total of 466.43 hours.

Five nationwide waivers of meal pattern requirements approved under FFCRA authority impose burden on State and local levels. During SY 2019-2020, FNS issued the *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*, which was applicable to SBP, NSLP, CACFP, SSO, and SFSP operators who requested and received approval from their respective State agencies prior to utilizing meal pattern flexibilities. Meal pattern waivers require all requests on behalf of local program operators to be targeted and justified based on disruptions to the availability of food products resulting from unprecedented impacts of COVID-19. State agencies review requests and grant local program operators authority to waive meal pattern requirements on a case-by-case basis. FNS’ records indicate all States participated under the initial nationwide meal pattern waiver. Local program operators’ elections and approvals under the original nationwide meal pattern waiver continued through the first three extensions, the *Nationwide Waiver to Allow Meal Pattern Flexibility – Extension*, *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – Extension #2*, and *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – Extension 3,* requiring no further action from States and program operators. However, nationwide waivers that extended the flexibility to SY 2020-2021, the fourth extension, *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – Extension #4,* and the fifth extension, *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – Extension #5*, which revised and replaced the fourth extension, required program operators to submit new requests to State agencies prior to implementing meal pattern flexibilities during SY 2020-2021. Lastly, the two most recently issued nationwide meal pattern waivers, *Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022* and the *Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022*, were made available to State agencies for SY 2021-2022 and require local program operators to request approval from their respective State agencies prior to implementing meal pattern flexibilities in CNPs throughout SY 2021-2022.

FNS has estimated a total of 30,351 SBP, NSLP, CACFP, SSO, and SFSP operators requested to participate in the first *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*, and expects the same amount of program operators requested to implement the *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – Extension #4* and the *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – Extension #5,* which only revised the fourth extension. Please know that the fourth extension of the meal pattern flexibility was applicable only to SBP, NSLP, CACFP, and SSO, and the fifth extension revised the fourth extension by extending the flexibility authorized under the fourth extension to SFSP; the two extensions serve as one nationwide waiver. The *Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022* is only applicable to SBP, NSLP, and SSO sponsors. Therefore, FNS has deducted the total number of CACFP and SFSP sponsors who requested to participate in the initial meal pattern nationwide from the estimation of program operators expected to elect the *Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022.* FNS estimates that 22,378 local program operators will participate in the *Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022.*

FNS estimates 30,351 local program operators requested approval from State agencies to implement meal pattern flexibilities authorized under the initial meal pattern waiver and applicable to SY 2019-2020. FNS estimates the same amount of program operators requested to implement meal pattern flexibilities authorized in SY 2020-2021 via the fourth and fifth extensions of the meal pattern nationwide waiver. FNS further estimates that each SA reviewed approximately 453 requests submitted on behalf of local program operators to implement the meal pattern flexibilities in SY 2019-2020, and then again for SY 2020-2021, and that it takes approximately 15 minutes (.25 hours) for State agencies to review and respond to each request, for a total 7,587.75 hours for each request.

FNS estimates that 22,378 local program operators will request to implement the meal pattern flexibilities granted under the *Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022,* throughout SY 2021-2022*.* FNS estimatesit takes approximately 1 hour for local operators to develop and submit requests to States (for a total of 22,378 hours). FNS estimates that each State agency will review 334 requests associated with the waiver, and that it takes approximately 15 minutes (.25 hours) for State agencies to review and respond to each request (for a total of 5,594.50 hours).

Because the *Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022* is only applicable to CACFP operators, the number of respondents associated with this waiver is lower than the other meal pattern waivers. FNS has estimated a total of 5,293 CACFP operators will request to utilize meal pattern flexibilities available to CACFP operators during SY 2021-2022. FNS estimates it takes approximately 1 hour for 5,293 CACFP operators to develop and submit requests to implement meal pattern flexibilities, for a total of 5,293 hours. Once these requests are submitted, FNS estimates that each State agency will receive approximately 79 requests on behalf of CACFP operators, and that each request takes approximately 15 minutes (.25 hours) for State agencies to review and respond to each request, for a total of 1,323.25 hours.

FNS’ *Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children* required State agencies to have a plan for ensuring that program operators are able to maintain accountability and program integrity. Plans include putting in place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child. While the initial nationwide waiver allowing parental pickup of CNP meals was extended several times, please know all 67 State agencies elected the original parent pickup waiver and developed a plan to ensure program integrity prior to implementing the first parent pickup waiver made available. States’ pre-developed plans were later applied to extensions of the flexibility, meaning only the original nationwide waiver allowing parental pickup required States to have a plan. FNS estimates that it takes 67 State agencies 1 hour to develop a plan as required by the *Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children.*

Ultimately, two nationwide waivers that postpone the deadline for eligible service providers to assess their NSLP and SBP local school wellness policies will require eligible service providers to notify their respective State agencies prior to utilizing the flexibility granted. FNS estimates a total of 4,277 NSLP and SBP operators will implement each waiver, notifying their State agencies of their decision to accept new deadlines to assess their policies. FNS estimates it takes eligible service providers approximately 5 minutes (.0835 hours) to notify their State administrators, for a total of 357.13 hours for each of the two school wellness policy waivers.

Changes to Burden:

FNS is incorporating the burden associated with FNS’ waiver protocol guidance, 691 COVID-related statewide waiver requests, 380 statewide waiver approvals authorized under waiver authority established at Section 12(l) of the NSLA, the NSLA requirement to notify the public of each waiver request submitted, and the FFCRA requirement for State agencies to elect nationwide waiver participation into OMB# 0584-0654. FNS is also adding burden associated with the requirement for local program operators to request State agency approval prior to implementing meal pattern flexibilities, as required under select meal pattern nationwide waivers, and the requirement for State agencies to have a plan to ensure program integrity prior to implementing the parental pickup flexibility into this information collection. Finally, FNS is adding burden associated with two nationwide waivers allowing SBP and NSLP operators to extend the established deadline to complete an assessment of their local school wellness policies after notifying their respective State agencies of their decision.

FNS estimates that the standard CN NSLA COVID-related waiver requests will add 628 responses and 628 burden hours, while the state monitoring oversight waiver requests will add 63 responses and 157.5 hours, for a total of 691 responses and 785.5 burden hours.

FNS estimates that reviewing FNS’ waiver protocol guidance for the standard CN COVID-related waivers will add 67 responses and a total of 16.75 hours. Reviewing waiver protocol guidance along with additional technical assistance guidance provided via email to States in need of a State monitoring oversight waiver will add 63 responses and a total of 31.5 burden hours. In total, review of FNS’ waiver guidance will add 130 responses and 48.25 burden hours.

Out of 380 statewide waiver approvals, 317 require States to meet standard reporting requirements. FNS has estimated that it will take each State agency approximately 30 minutes (.50 hours) to report on the standard data requirements for each waiver approval they received, for a total of 158.5 hours. Unlike standard reports, the 63 state monitoring oversight waiver approvals require reports to be submitted quarterly. FNS estimates it takes 20 minutes (approximately .334 hours) for each of the 63 States to submit the reporting data for each quarterly report, which will add 252 responses and approximately 84.17 annual burden hours. The 380 waiver approvals together (317 standard waiver approvals plus the 63 monitoring and oversight waiver approvals) add an estimated total of 569 responses and 242.67 burden hours associated with waiver reporting requirements. The last burden associated with the NSLA’s requirements and FNS’ waiver protocol guidance, is the requirement to notify the public of each proposed waiver. FNS estimates that the public notification requirement will add 691 responses and 345.5 burden hours to the collection.

This following paragraph will address burden associated with the FFCRA’s state election requirement and requirements outlined in nationwide waivers approved under the Act. FNS estimates that the FFCRA requirement for States to elect to be subject to each nationwide waiver will add 5,586 responses and 466.43 burden hours into the collection. The initial meal pattern waiver applicable to SY 2019-2020 and SBP, NSLP, CACFP, SSO, and SFSP operators will add an estimated 30,531 local level responses and 30,351 burden hours for local program operators who submit requests to implement meal pattern flexibilities from their respective State agencies, as well as 30,351 state level responses and 7,587.75 burden hours for State agency staff who are required to review requests from local program operators to implement meal pattern flexibilities. FNS expects the fourth and fifth extensions of the initial meal pattern waiver, which together served as one meal pattern waiver applicable to SY 2020-2021, to add the same amount of responses and burden (30,351 local level responses and 30, 351 burden hours on local level staff who request to implement meal pattern flexibilities, as well as 30,351 state level responses and 7,587.75 burden hours for State agency staff who review submitted requests) to the collection.

Because the *Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022* is only applicable to SBP, NSLP, and SSO operators, the number of respondents associated with this meal pattern waiver is lower than those applicable to SY 2019-2020 and SY 2020-2021. FNS estimates that the *Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022* adds 22,378 local level responses and 22,378 burden hours for local program operators who submit requests to implement meal pattern flexibilities from their respective State agencies, as well as 22,378 state level responses and 5,594.5 burden hours for State agency staff who are required to review requests from SBP, NSLP, and SSO operators during SY 2021-2022, to the collection. Finally, the *Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022,* which is only applicable to CACFP sponsors, will add an estimated 5,293 local level responses and 5,293 burden hours for local CACFP operators who submit requests to implement meal pattern flexibilities from their respective State agencies, as well as 5,293 state level responses and 1,323.25 burden hours associated with CACFP State agencies’ responsibility to review requests.

FNS estimates that 67 State agency respondents utilized the initial nationwide waiver allowing parental pickup of FFVP foods that required States to have a plan to ensure program integrity, which resulted in 67 responses and 67 burden hours. In addition, FNS estimates that 4,277 local operators will use the initial *Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs* applicable to SY 2019-2020*,* Child Nutrition Response #18, issued April 23, 2020,and complete the requirement to notify their respective State agencies of their decision to implement the flexibility granted in the waiver. FNS estimates it takes 5 minutes (.0835 hours) for each program operator to notify their respective state agency of their decision to postpone the deadline to assess their local wellness policy. The initial waiver allowing local operators to postpone the deadline to assess their local wellness policy adds 4,277 responses and approximately 357.13 burden hours to the collection. FNS estimates the same amount of program operators will use the second *Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs*, Child Nutrition Response #98, issued June 11, 2021, and add an additional 4,277 responses and 357.13 burden hours to this change adjustment.

This information collection is currently approved with 2,066 respondents, 13,452 responses, and 19,890 burden hours. All in all, FNS estimates that this non-substantive request to add the burden associated with CN COVID-related waivers and waiver guidance into this collection will increase the number of respondents by 30,418, the number of responses by 193,034 responses, and the total burden by 113,136 hours for this collection as a result of a program change. With the approval of this request, FNS estimates that this information collection will have 32,484 respondents, 206,486 responses, and 133,026 burden hours.

Table 1 summarizes the overall requested change to burden in this collection. The attached burden table (Appendix A.1) details all the burden estimates for this collection, with revised estimates highlighted in yellow to account for additional phase of data collection.

**Table 1: Overall Requested Change to Burden on this Collection**

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| --- | --- | --- | --- |
|  | **Approved** | **Additional Requested** | **Revised Estimates** |
| **Respondents** | 2,066 | 30,418 | 32,484 |
| **Burden Hours** | 19,890 |  113,136 | 133,026 |
| **Responses** | 13,452 | 193,034  | 206,486 |

If you have any questions regarding this request, please contact Christina Sandberg, FNS Information Collection Clearance Officer for the Food and Nutrition Service, Planning & Regulatory Affairs Office at christina.sandberg@usda.gov.

**Appendices:**

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| Appendix A.1 | Excel Burden Chart |
| Appendix F | Child Nutrition Program Waiver Request Guidance and Protocol- Revised |
| Appendix G | Child Nutrition Program State Waiver Request Template |
| Appendix H | COVID-19 Statewide Waiver Reporting Tool |
| Appendix I | State Monitoring Plan Reporting Tool |
| Appendix J | Section 12(l) of the Richard B. Russell National School Lunch Act |
| Appendix J.1 | Section 2202 of the Families First Coronavirus Response Act |
| Appendix K | Child Nutrition Response #4: The Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs  |
| Appendix L | Child Nutrition Response #36: The Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs - EXTENSION 4 |
| Appendix M | Child Nutrition Response # 70: The Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs - EXTENSION 5 |
| Appendix N | Child Nutrition Response #90: The Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022 |
| Appendix O | Child Nutrition Response #91: The Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022 |
| Appendix P.1 | Child Nutrition Response #5: COVID-19 Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children |
| Appendix Q.1 | Child Nutrition Response #18: The Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs |
| Appendix R.1 | Child Nutrition Response #98: Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs |
| Appendix S.1 | Technical Assistance Email Subject Line: State Oversight Waivers and Plan |