

**SUPPORTING STATEMENT – PART A for**  
**OMB Control Number 0584-0055:**  
**Child and Adult Care Food Program (CACFP)**

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## **JUSTIFICATION**

### **A0. Introduction**

This is a reinstatement, with change, of a previously approved information collection that expired on February 29, 2020 (OMB Control Number 0584-0055, Child and Adult Care Food Program (CACFP)).

FNS published an initial 60-day notice to renew this information collection on December 26, 2019 (84 FR 70930). Due to the volume of comments and feedback received, FNS decided to revise the collection to better account for the information collection activities associated with the Program, and to adjust the burden to more accurately reflect the burden on the public to administer, operate, and participate in the Program. After incorporating these revisions, the estimated total number of burden hours increased by more than 10,000 hours, when compared to the burden hours included in the first Federal Register Notice. This did not leave sufficient time to issue a second Federal Register Notice and to complete the renewal request before the collection was set to expire. FNS issued a second Federal Register Notice on March 25, 2021 (86 FR 15879). Comments and FNS responses to both notices are included in Appendix G to the supporting statement and are summarized in section A8 of this supporting statement (Appendix H).

### **A1. Circumstances that make the collection of information necessary.**

**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.**

Section 17 of the National School Lunch Act (“the Act”), as amended (42 U.S.C. 1766), authorizes the CACFP (7 CFR part 226). Section 17a of the Act authorizes the Afterschool/At-risk component of the CACFP. Section 9 of the Act authorizes Nutritional and Other Program Requirements related to CACFP. See Appendices A and B, which document the statutory authority and Federal regulations that necessitate the information collection. Under this Program, the Secretary of Agriculture is authorized to provide cash reimbursement and commodity assistance, on a per meal basis, for food service to children in nonresidential child care centers and family or group day care homes, and to eligible adults in nonresidential adult day care centers. The U.S. Department of Agriculture (USDA), through the Food and Nutrition Service (FNS), has established application, monitoring, recordkeeping, public disclosure, and reporting requirements in the CACFP regulations (7 CFR part 226) to manage the Program effectively and ensure that the legislative intent of this mandate is responsibly implemented.

This information collection is necessary to:

- Enable institutions wishing to participate in the CACFP to submit applications to the administering agencies, execute agreements with those agencies, and claim the reimbursement to which they are entitled by law;
- Ensure that institutions accept, as mandated by Congress, their responsibilities and liabilities in connection with the CACFP, and provide the legal basis for their participation;
- Allow FNS to conduct reviews that determine whether or not institutions are observing the requirements of the Program established by regulations and statute; and
- Allow administering agencies to monitor these operations to ensure compliance with legislative and regulatory requirements.

## **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 CACFP is a Federal program, authorized under Section 17 of the Act, that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating child care centers, day care homes, and adult day care centers. The CACFP also provides reimbursements for meals served to children and youth participating in afterschool care programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in day care facilities.

FNS administers the CACFP at the national level. The Program is administered within most States by the State's educational agency or another agency designated by the State. The State agency (SA) must provide sufficient consultative, technical, and supervisory assistance to institutions and facilities to ensure effective Program operations, monitor progress toward achieving Program goals, and ensure compliance with all civil rights requirements.

The CACFP defines an institution as a sponsoring organization or independent child care center (such as a sponsoring organization, child care center, at-risk after-school care center, outside-school-hours care center, emergency shelter or adult day care center) that enters into an agreement directly with the SA to assume final administrative and financial responsibility for Program operations. A facility may be a child care center, at-risk afterschool care center, outside-school-hours care center, emergency shelter, adult day care center, or day care home provider that enters into an agreement with an organization that sponsors the facility.

## **How the information is to be used**

This collection is a reinstatement, with change, of an expired information collection under OMB Control Number 0584-0055, Child and Adult Care Food Program (CACFP). Section 17 of the Act establishes the CACFP. The Act specifies national eligibility standards and imposes certain administrative requirements on SAs and institutions in administering the Program. The information in this collection is required to administer and operate the Program in accordance with the Act. SAs and Program operators are required to meet the Program's eligibility requirements, adhere to all applicable legislative and regulatory requirements, including to meet reporting, recordkeeping, and public notification requirements, in order to obtain/retain benefits. These administrative and operational requirements are explained in the attached Burden Narrative (Appendix F).

The Program is administered at the SA level and operated at the institution level, and the Act requires that SAs and Program operators maintain accounts and records as may be necessary to enable FNS to determine whether the Program is in compliance with this Act and the regulations. FNS uses the information collected to ensure that Program funds are appropriately disbursed and expended according to legislative and regulatory requirements.

## **From whom the information will be collected**

The information will be collected from (1) 3,847 State and local government agencies (including all 56 SAs that administer the CACFP in the 50 States,<sup>1</sup> District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands; and 3,791 local government agencies that serve as sponsoring organizations that administer the Program); (2) 181,140 businesses (including 21,650 institutions and 159,490 facilities) that serve as sponsoring organizations, child and adult care center facilities, and family day care homes that administer or offer free and reduced-priced meals under

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<sup>1</sup> The child and adult components of CACFP are administered by two separate SAs in Florida and Illinois.

the Program; and (3) 3,599,004 households that receive free and reduced-priced meals under the Program.

### **How the information will be collected**

In order to obtain CACFP benefits, households must complete and submit an application, which requests household income information (Appendix D). This information is required by Section 9(b)(3) of the Act (Appendix A) and is used to determine the participant's eligibility for free and reduced-price meals. Household income information is collected by Program operators and maintained on file to demonstrate eligibility and compliance with free and reduced-price meal requirements, and to support reimbursement claims for meals served.

In addition, SAs and institutions participating in the CACFP maintain account and record information reflecting their efforts to comply with statutory and regulatory Program requirements. The CACFP regulations (7 CFR part 226, Appendix B) set forth policies and procedures for use by SAs and local level organizations administering the CACFP to ensure that institutions meet the standards for participation under the Act. SAs administering the Program use the information to determine eligibility of institutions to participate in the CACFP, ensure acceptance of responsibility in managing an effective food service, implement systems for appropriating Program funds, and ensure compliance with all statutory and regulatory requirements.

All 56 SAs participating in the CACFP also must submit meal claims data to FNS on a monthly basis in order to receive reimbursements for meals served. CACFP meal claims are reported through the FNS-44 form (Appendix C and C1) to FNS electronically via the Food Programs Reporting System (FPRS), which is approved under the information collection for FPRS, OMB Control Number 0584-0594, with an expiration date of July 31, 2023. This

reporting burden is not duplicated in this information collection; however, any recordkeeping burden associated with these forms is still maintained in this collection. Copies of these forms are provided as part of this information collection request (ICR) for reference purposes only.

Appendix E includes relevant guidance, handbooks, and policy memoranda related to this information collection, which provide guidance and instructions on how to collect this information. Note that the Eligibility Manual for School Meals (Appendix E3) is included as part of the CACFP handbooks because Program operators may find this manual useful when establishing eligibility for children and adult participants in CACFP. However, many of the requirements and information covered in that manual are intended for School Meal Programs such as the National School Lunch Program (NSLP). The free and reduced-price meal requirements under 7 CFR 226.23 that do apply to the CACFP are covered in this ICR.

### **What information will be collected, frequency of data collection**

#### State Agencies

*Reporting:* SAs must annually inform institutions of their responsibility to ensure that free and reduced-price meals are served to participants unable to pay the full price, provide institutions with a copy of the income standards to be used for making such eligibility determinations, provide day care home sponsoring organizations a list of schools in which at least one-half of children enrolled receive free or reduced-price meals, provide day care home sponsors a listing of State-funded programs in which participation will qualify a meal served to a child in a Tier II home for the Tier I rate of reimbursement, provide a list of family day care home providers receiving Tier I benefits to the SA responsible for the administration of the Supplemental Nutrition Assistance Program (SNAP), provide at-risk afterschool care center and

sponsoring organizations the list of schools in which one-half of children enrolled are eligible for free or reduced-price meals, submit to the State commodity distribution agency a list of institutions receiving commodities, submit administrative review procedures to all institutions, review at least 33.3 percent of all institutions, provide to institutions information on the importance of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and WIC eligibility guidelines, submit a plan for the use of State administrative expense funds, review institution budgets submitted annually to SAs, and assign rates of reimbursement. SAs must process institution claims for reimbursement once per month. Other reporting requirements for SAs are triggered under specific circumstances (e.g., acting on applications for renewing institutions).

*Recordkeeping:* In addition, all SAs must collect and maintain on file CACFP agreements, records received from applicant and participating institutions, National Disqualified List/State Agency Lists, and documentation of administrative review (appeals), and Program assistance activities, results, and corrective actions.

*Public Disclosure:* Institutions must annually provide the information media serving the area from which an institution draws its attendance with a public release. However, SAs are allowed to issue a Statewide media release on behalf of all institutions. The public release includes information about the availability of free and reduced-price meals or free milk.

#### Sponsoring organizations

*Reporting:* Local government agencies and businesses that are sponsoring organizations must annually submit to the SA documentation that facilities are in compliance with licensing/approval requirements (including compliance with requirements of title VI of the Civil

Rights Act of 1964, Title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and the Department's regulations concerning nondiscrimination), an administrative budget, information that permits the SA to determine whether at-risk afterschool care centers are located in eligible areas, and provide information to media serving the area from which the institution draws its attendance with a public release (unless the SA has issued a Statewide media release on behalf of all institutions). Local government agencies and businesses that are sponsoring organizations of family day care homes must annually submit to the SA a list of family day care home providers receiving Tier I benefits on the basis of their participation in the SNAP. Sponsoring organizations submit monthly the number of meals claimed for reimbursement and current eligibility information on enrolled participants. Sponsoring organizations must reapply to continue their participation and submit a management plan to the SA at least every 36 months. Other reporting requirements for local government agencies and businesses that are sponsoring organizations are triggered under specific circumstances (e.g., providing documentation requested by an SA as part of an investigation).

*Recordkeeping:* In addition, local government agencies and businesses that are sponsoring organizations must collect and maintain Program applications, enrollment documents, income eligibility forms, attendance records, menus, meal counts, invoices and receipts, all accounts and records to support the claim, licenses, administrative and operating costs records, training documentation, financial management systems records, written code of standards of conduct, procurement history, and any other records required by the SA. All copies of documents and supporting documents submitted to the State must be maintained.

*Public Disclosure:* Local government agencies and businesses that are sponsoring organizations must annually provide the information media serving the area from which an institution draws its attendance with a public release, unless the SA has issued a Statewide media release on behalf of all institutions. The public release includes information about the availability of free and reduced-price meals or free milk.

### Facilities

*Reporting:* Child and adult care institutions must report to the SA monthly the total number of Program meals served. Family day care home providers must submit daily meal counts to sponsoring organizations on a monthly basis. Other reporting requirements for facilities are triggered under specific circumstances (e.g., distributing to parents a copy of the sponsoring organization's notice to parents, if so instructed by the sponsoring organization).

*Recordkeeping:* In addition, facilities must collect and maintain Program applications, enrollment documents, income eligibility forms, attendance records, menus, time of service, snacks and meal counts invoices and receipts, claims for reimbursement, licenses, administrative and operating costs records, training documentation, and any other records required by the SA. Adult day care centers must maintain records on the age of each enrolled person, functional impairment eligibilities are meant if under 60, and that qualified participants reside in their homes.

### Households

*Reporting:* Households must complete and update enrollment information annually. Enrollment documentation must include information on each child's normal days and hours of care and the meals normally received while in care, and may include a request for voluntary

racial and ethnic data. Households with Program participants eligible for free or reduced-price meals must complete an application for free and reduced-price meals annually, which includes providing income information. Households requesting food or milk substitutions must provide a written statement to support the need for substitutions on a case-by-case basis.

### **Information shared with any other organizations inside or outside USDA or the Government**

FNS publicly shares data on total number of participants, the number of meals served, the amount of cash payments made to States, and total program costs to USDA. Unless otherwise noted, no other data are shared outside of FNS.

### **How this collection has changed since the last submission**

With this reinstatement, FNS increased the burden estimate due to changes in the number of respondents, adjustments to the estimated average number of hours per response for certain activities, and the addition of existing reporting, recordkeeping, and public disclosure requirements that were overlooked in previous ICRs. FNS also separated out burden associated with the serious deficiency process for new, renewing, and participating institutions. Finally, FNS separated burden for institutions into: (1) burden to institutions that are local government agencies and (2) burden to institutions that are businesses, to better align with OMB's categories of affected public. Details of these changes and the revised burden estimates are included in section A15 of this supporting statement as well as Appendices F and I.

### **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 is committed to complying with the E-Government Act of 2002 to promote the use of technology. Although FNS does not have the authority to regulate automation at the State or local levels, FNS encourages agencies and institutions participating in the CACFP to use their information technologies to collect program information where feasible.

As mentioned above, all 56 SAs participating in the CACFP submit monthly meal claims data through the FNS-44 form (Appendix C and C1) to FNS electronically via FPRS. In addition, FNS has developed the *Food Buying Guide for Child Nutrition Programs*, which is available as a web-based tool and mobile application, to help providers meet meal pattern requirements in the Child Nutrition Programs. CACFP program operators may use these information technology resources to facilitate menu planning, meal service, and meal claiming (Appendix E8). SAs have their own electronic State systems, which they, local agencies, institutions, and facilities use to collect and maintain the information submitted in this collection. State and local agencies and institutions collect participation and meal count data from sponsoring organizations and Program operators via these electronic systems. The bulk of non-electronic submissions consist of requirements that cannot be met electronically as they require observation of meal service and on-site inspections. The methods of data submission used for this collection (electronic and non-electronic) are intended to ease the burden on the affected public to the extent possible while still maintaining high levels of program integrity.

FNS estimates that out of a total of 16,213,093 annual responses for this information collection, 8,149,239 (50.3%) will be collected electronically.

**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 purpose described in Question 2.**

There is no similar information collection. Every effort has been made to avoid duplication. FNS solely administers and monitors the CACFP and has reviewed USDA and State administrative agency requirements. No State or local organization collects this same information for other Federal agencies, as Program applications, agreements, review forms, records, and reports used in the administration and operation of other Child Nutrition Programs authorized under the Act and the Child Nutrition Act of 1966 are not applicable to the CACFP.

**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.**

Information being requested or required has been held to the minimum required for the intended use. Although smaller CACFP entities are involved in this data collection effort, they deliver the same Program benefits and perform the same function as any other CACFP entity. Thus, they maintain the same kinds of information on file. FNS estimates that 72 percent of institutions or 18,318 institutions (i.e.,  $25,441 \times 0.72$ ) and 100 percent of facilities or 159,490 facilities are small entities. In total, FNS estimates that 177,808 (i.e.,  $18,318 + 159,490$ ) of the 3,794,949 respondents, or approximately 5 percent of the entire collection (i.e.,  $177,808 / 3,794,949$ ), are small entities.

**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.**

This is an ongoing information collection that is required to obtain or retain benefits. The information is collected for the purpose of administering an ongoing Program. FNS reimburses

States on a monthly basis for participating in the CACFP, based on monthly meal counts submitted to the SA by facilities and institutions sponsoring or operating the Program. States and sponsoring organizations are responsible for monitoring program implementation at the local level on an ongoing basis. Enrollment forms and household income statements can be accepted and processed at any time, as well as Program applications and agreements. There are other reporting requirements for SAs and sponsoring organizations that are triggered under specific circumstances and occur on occasion (described in Question A2). If Program data were collected less frequently, FNS would not be able to properly fund Program administrators or operators, ensure Program integrity, or monitor Program trends.

**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;**

The information is collected for the purpose of administering a required data collection for this Program as stated in statute. States are reimbursed on a monthly basis for participating in the CACFP. Therefore, quarterly collections of participation and meal count data alone are not adequate. If the data were collected less frequently, FNS would not be able to properly fund Programs, ensure Program integrity, or monitor funding and program trends.

- **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.

#### **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.**

For this information collection, FNS published two 60-day Federal Register Notices. The first Federal Register Notice was published on December 26, 2019 (84 FR 70930). The public comment period ended on February 24, 2020. In total, FNS received 46 comments in response to this notice. In addition, FNS consulted with three representatives outside of the agency. Their comments as well as the comments received in response to this Federal Register Notice were uploaded into the Federal Docket Management System (FDMS) and are available on Regulations.gov (Docket No. FNS-2019-0056).

After incorporating the feedback received in response to the first Federal Register Notice, the estimated total number of burden hours increased by more than 10,000 hours. As a result, FNS published a second Federal Register Notice on March 25, 2021 (86 FR 15879). The public

comment period ended on May 24, 2021. In total, FNS received two comments in response to this notice. These comments also are publicly available via Regulations.gov (Docket No. FNS-2021-0011). In Appendix H, FNS summarizes the feedback provided in response to each of the Federal Register Notices. Due to the volume of comments received on this ICR, FNS has included a representative sample of the germane comments received in response to the notices. The representative sample of germane comments, and FNS' responses to comments, are included in Appendices G1 through G19. FNS' responses to the comments are also summarized in Appendix H. One commenter did not provide contact information, so FNS did not send a response (Appendix G3). Additionally, the 10 nongermane comments received in response to the notices are also included in this collection as Appendices G20 through G39. FNS thanks all commenters for their suggestions and feedback.

Please see Appendix H (Section A8 – Comments to the Federal Register Notice and Efforts for Consultation) for a summary of comments to the Federal Register Notices.

**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.**

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 SAs and provided feedback on FNS processes and procedures for this information collection. In addition, FNS sought input from stakeholders on the information collection requirements and

associated burdens included in this ICR. Several SAs and associations provided feedback 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. Consultants included:

- Ellen Farrell, Training Administrator, Bureau of Child Care Food Programs, Division of Community Health Promotion, Florida Department of Health, [ellen.farrell@flhealth.gov](mailto:ellen.farrell@flhealth.gov);
- Danielle Turk, Education Specialist, Child Nutrition Programs, Alabama State Department of Education, [dturk@alsde.edu](mailto:dturk@alsde.edu); and
- Cari Ann Muggenburg, Former President, CACFP National Professional Association, [info@cacfpnpa.org](mailto:info@cacfpnpa.org)

Summaries of the suggestions provided by the consultants and associated FNS responses are presented in Appendix H.

**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.**

The FNS Privacy Officer determined (and confirmed on March 2, 2022) that the Privacy Act requirements do not apply to this ICR as the information is not collected or maintained at the Federal level, and that Privacy Act Statements and other Privacy requirements, such as a Privacy Threshold Analysis and Privacy Impact Assessment and a Privacy Act System of Records Notice (SORN), are not required. Accordingly, this ICR does not contain any forms that require a Privacy Act Statement or applicable SORNs.

Although various components of part 226 require the collection of personally identifiable information (PII), it is anonymized and aggregated before provision to FNS by SAs and local Program operators. As a result, FNS does not collect, maintain, use, or disseminate sensitive data provided by Program participants. FNS complies with the Privacy Act of 1974 by restricting the disclosure of PII. SAs and Program operators must keep all PII confidential. FNS ensures that CACFP SAs and Program operators keep information confidential, in compliance with Program regulations, through management evaluations and reviews. If a review reveals that confidential information has been shared or could have been at risk of being shared, FNS will require a corrective action plan to correct the noncompliance. Noncompliance also can result in fiscal action or disqualification from the Program.

The paragraphs below describe assurances of confidentiality provided to respondents for different aspects of the collections of information covered in this ICR.

**Household Eligibility Information**

Section 9 of the Act, 42 U.S.C. 1758 (Appendix A), and 7 CFR 226.23 limit the disclosure of all participant eligibility information obtained through the free and reduced-price meals or free milk eligibility process.

Solicited information from households via Program benefit applications include income and household size; names of all household members; income received by each household member, identified by source of the income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, and Social Security benefits and other cash income); the signature of an adult household member; and the last four digits of the Social Security Number of the adult household member who signs the application or an indication that the adult does not possess a Social Security Number. Household applications also solicit SNAP, the Temporary Assistance for Needy Families (TANF), or the Food Distribution Program on Indian Reservations (FDPIR) case numbers or identifiers from families receiving benefit assistance from one of these programs. Information collected via household applications or direct certification is used to determine participant eligibility. In addition, household applications may solicit whether the child is in foster care, or meet the definition of homeless, migrant, or runaway as children who meet those definitions are eligible for meal benefits in CACFP. The sensitive information listed above may be collected by other Federal agencies for other purposes, however, this information is statutorily required to be on household applications (Appendix D) by Section 9(b)(3) of the Act (Appendix A).

Only the Comptroller General of the U.S. for purposes of audit and examination; Federal, State, and local law enforcement officials for the purpose of investigating any alleged violation of the Programs; and persons directly connected with the administration or enforcement of Programs authorized under the Act or the Child Nutrition Act of 1966, which includes persons directly connected with the administering or enforcing regulations under the NSLP, Special Milk Program, School Breakfast Program, Summer Food Service Program, and WIC (7 CFR parts 210, 215, 220, 225 and 246, respectively), can obtain, as appropriate, all eligibility information solicited via household applications or direct certification without parental consent. Disclosure of eligibility information about participants beyond that authorized by the statute is permitted only with consent. The entity receiving the information from the determining agency, hereafter termed the “receiving entity,” may use the information only for the purpose authorized and may not share the information further. Information retrieved by direct certification methods, such as information that a household is receiving benefits from SNAP, FDPIR or TANF or that a participant is participating in another program which makes participants categorically eligible for free meals or free milk, must be used solely for the purposes of determining participant’s eligibility for free meals or free milk.

Additionally, 7 CFR 226.23 limits the disclosure of the names of Program participants and their eligibility status (whether they are eligible for free or reduced-price meals or free milk). SA and Program operators may disclose, as appropriate, only the names and eligibility status of participants to persons directly connected with the administration or enforcement of a Federal education program; a State health program or State education program administered by the State or local education agency; a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the NSLP; or a third party contractor assisting in verification of eligibility efforts by contacting households who fail to respond to requests for verification of their eligibility. These limited disclosures assist Program operators to determine participant eligibility efficiently and administer the CACFP while providing confidentiality to respondents. Disclosure is required to be obtained in written consent. SAs and Program operators are responsible for following confidentiality requirements found at 7 CFR 226.23, and are required to uphold the assurance that there will be no overt identification of free and reduced-price meal recipients.

The penalties for unauthorized disclosure or misuse of information is specified in 7 CFR 226.23(n): “In accordance with Section 9(b)(6)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(6)(C)), any individual who publishes, divulges, discloses or makes known in any manner, or to any extent not authorized by statute or this section, any information obtained under this section will be fined not more than \$1,000 or imprisoned for up to 1 year, or both.”

Confidential application information is collected by Program operators at the local level as required to determine Program eligibility. As noted above, FNS does not collect, maintain, use, or disseminate household income eligibility information obtained from the applications. Free and reduced-price meal eligibility information is anonymized and aggregated when reported to FNS as total number of enrolled participants, total number of free and reduced-price eligible participants, and the number of meals served.

### **Disability and Medical Condition Information**

Disability and medical condition information is needed as part of requests for substitution of foods to accommodate the medical or other special dietary needs of individual participants. Food substitutions are authorized under Section 17(g)(2)(C)(i)(A) of the Act, and Section 17(g)(4)(C) states that food substitutions may be made (1) at the discretion of and on approval by the participating day care institution and (2) if the substitution is requested by written statement of a medical authority, or by the parent or legal guardian of the child, that identifies the medical or other special dietary need that restricts the diet of the child. Thus, written statements for food substitutions are needed to document and process meal exceptions. Program operators are required to keep records on file to document compliance with Program requirements during monitoring visits or reviews. None of the information requested is collected, maintained, used, or disseminated by FNS (or a contractor).

### **Center and Day Care Home Enrollment Information**

Centers and day care homes are required to collect enrollment forms to document enrollment of participants for meal claim reasons. Participants do not enroll in CACFP, but must be enrolled in the center or family day care home, in order for the sponsoring organization to receive reimbursement for meals. Adult day care centers are not required to collect enrollment forms but must be able to demonstrate the adult participant is enrolled for care. For the child care component, under FNS guidance, forms must be signed annually by a parent or guardian of the child and must include the following information: the child's name and date of birth; the hours of the day and days of the week that child care is to be provided; and the meals that will be served to the child. This information is collected by Program operators for the purposes of documenting Program compliance and meal claiming. None of the information requested is collected, maintained, used, or disseminated by FNS (or a contractor). Program operators are required to keep records on file to document compliance with Program requirements during monitoring visits or reviews. Information obtained through enrollment forms is anonymized and aggregated when reported to FNS as total number of participants.

**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.**

The USDA has a responsibility to comply with Federal requirements set forth by Title VI of the Civil Rights Act of 1964. In particular, 28 CFR part 42 Subpart C, *Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964*, requires recipients of Federal financial assistance, such as SAs, institutions, and facilities, to

maintain and provide racial and ethnicity data upon request to FNS, showing the extent to which members of minority groups are participants of Federally funded programs, such as the CACFP. Therefore, household applications for free and reduced-price meals and free milk provide Program applicants the option to identify the race and ethnicity of Program participants. While household applications solicit this information, applicants are ensured that failure to provide race and ethnicity data will not affect participants' eligibility to participate in the Program.

Race and ethnicity data are collected in household applications for free and reduced-price meals and free milk to ensure compliance with USDA nondiscrimination requirements for Federally assisted programs. These data are used to evaluate the CACFP to ensure that they equitably serve the needs of all racial groups and to monitor Program compliance with antidiscrimination laws and regulations.

Additional sensitive data solicited through household applications includes household income information and the last four digits of an adult's Social Security Number. This information is statutorily required to be on household applications by Section 9(b)(3) of the Act (Appendix A). Program operators are responsible for following FNS regulations found at 7 CFR 226.23, which detail confidentiality requirements. Assurance of confidentiality associated with collected income data is detailed in question A10 of this document.

The application for free and reduced-price meals and free milk notifies applicants that solicited information will be used to determine the eligibility of participants. Applicants also are made aware that information collected through household applications may be shared with auditors for Program reviews; law enforcement officials to help them investigate violations of Program rules; and persons directly connected with the administration of other Federal Child

Nutrition Programs to help them evaluate, fund, or determine benefits for their programs. FNS obtains consent by requiring the signature of Program applicants on household applications, which attests to the submission of accurate information and acknowledgement of the notices therein.

In addition to the race and ethnicity data, as noted in Section A10 above, disability and medical condition information is needed as part of requests for substitution of foods to accommodate the medical or other special dietary needs of individual participants. Food substitutions are authorized under Section 17(g)(2)(C)(i)(A) of the Act, and Section 17(g)(4)(C) states that food substitutions may be made (1) at the discretion of and on approval by the participating day care institution and (2) if the substitution is requested by written statement of a medical authority, or by the parent or legal guardian of the child, that identifies the medical or other special dietary need that restricts the diet of the child. Thus, written statements for food substitutions are needed to document and process meal exceptions. Program operators are required to keep records on file to document compliance with Program requirements during monitoring visits or reviews. None of the information requested is collected, maintained, used, or disseminated by FNS (or a contractor).

**A12. 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.**

This is a reinstatement, with change, of a previously approved collection that has expired.

With this submission, there are 3,794,949 respondents, 16,213,093 annual responses, and 4,213,211

total annual burden hours. The average number of responses per respondent is 4.27. To estimate reporting, recordkeeping, and public disclosure burdens for this submission, we analyzed each provision involving information collection to identify tasks necessary for compliance. We then identified the frequency with which a “typical” State or local government agency, institution, facility, or individual/household performs each task or requirement and estimated the amount of time needed to perform the task. The burden estimates for this submission account for all different methods used by respondents to perform each task (i.e., using different methods for the same information, such as paper and electronic format). The results of our analysis are presented in the attached Burden Table (Appendix I) and are summarized below and in the Burden Narrative (Appendix F). These estimates reflect consultations with Program officials, outside consultants, affected stakeholders, and prior experience in collecting similar information.

**Burden Summary (Reporting, Recordkeeping, and Public Disclosure):**

Affected Public: State, Local, and Tribal Government; Business or Other for Profit; Not for Profit; and Individual/Households. Respondent groups identified include: (1) SAs that administer the CACFP in their State; (2) local government agencies that are CACFP sponsoring organizations; (3) institutions (i.e., a sponsoring organization, child care center, at-risk afterschool care center, outside-school-hours care center, emergency shelter, or adult day care center) that enter into agreements with the SA to assume responsibility for CACFP operations; (4) facilities (i.e., adult or child care centers or family day care homes) that administer the CACFP under the auspices of a sponsoring organization; and (5) households that are CACFP participants.

Estimated Number of Respondents: The total estimated number of respondents is 3,794,949. This includes: (1) 56 SAs, (2) 3,791 local government agencies, (3) 21,650 institutions, (4) 159,490 facilities (includes 89,843 family day care homes and 69,647 sponsored center facilities), and (5) 3,599,004 households. The 3,794,949 total estimated number of respondents shown in the table below is the total number of respondents that FNS estimates for the reporting (3,783,991 respondents) and public disclosure (10,958 respondents) burdens for the collection (the respondents for the recordkeeping burden are a subset of those for the reporting burden and therefore are not counted again in the total respondents).

Estimated Number of Responses per Respondent: The overall frequency of responses across the entire information collection is 4.27 responses per respondent. The estimated number of responses per respondent in this collection ranges from 3.25 to 1,496 for the reporting burden and from 3 to 28 for the recordkeeping burden. The estimated number of responses per respondent in this collection is 1 for the public disclosure burden.

Estimated Total Annual Responses: 16,213,093

Estimated Time per Response: The estimated time of response varies from approximately 1 minute (0.0167 hours) to 80 hours, depending on the respondent group, the type of burden, and the information collection task. The average estimated time per response for all respondents across the entire collection is approximately 16 minutes (0.26 hours), as shown in the table below.

Estimated Total Annual Burden: 4,213,211 hours.

Current OMB Inventory for 7 CFR part 226: 0 (before the collection expired, the burden was 2,481,136 hours).

Difference (change in burden with this reinstatement): 4,213,211 hours (if the collection had not expired, the difference in the burden hours would have been an increase of 1,732,075 hours).

Summary of Burden, Child and Adult Food Care Program (CAFCP), OMB Control No. 0584-0055										
	Estimated Number of Respondents	Responses per Respondent	Total Annual Responses	Estimated Avg. Number of Hours per Response	Estimated Total Hours	Previously Approved Burden Hours	Comparison with OMB Inventory Prior to Expiration			
							Previously Approved Burden Hours	Difference Due to Adjustment	Difference Due to Program Change	Total Difference
	A	B	C = A x B	D	E = C x D	F	F*	G*	H*	I*
<b>Total Reporting Burden</b>	3,783,991	4.106	15,538,627.720	0.235	3,644,459.736	0	1,870,412	-37,941.309	1,811,989.294	1,774,047.985
<b>Total Recordkeeping Burden</b>	184,987	3.587	663,507	0.853	566,011.650	0	610,724	-50,088.350	5,376.000	-44,712.350
<b>Total Public Disclosure Burden</b>	10,958	1.000	10,958	0.250	2,739.500	0	0	0	2,739.500	2,739.500
<b>TOTAL BURDEN FOR #0584-0055</b>	<b>3,794,949</b>	<b>4.272</b>	<b>16,213,093</b>	<b>0.260</b>	<b>4,213,210.886</b>	<b>0</b>	<b>2,481,135.751</b>	<b>-88,029.659</b>	<b>1,820,104.794</b>	<b>1,732,075.135</b>

\*Columns outline what the differences in the burden would have been had the collection not expired.

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

To estimate the annualized respondent cost for this information collection based on the burden estimates, we used mean (average) hourly wage data from the U.S. Department of Labor, Bureau of Labor Statistics, May 2020 National Industry-Specific Occupational Employment and Wage Estimates. For State Government, we used North American Industrial Classification System (NAICS) code 999200 ([https://www.bls.gov/oes/current/naics4\\_999200.htm](https://www.bls.gov/oes/current/naics4_999200.htm)); for Local Government, we used NAICS code 999300

([https://www.bls.gov/oes/current/naics4\\_999300.htm](https://www.bls.gov/oes/current/naics4_999300.htm)); for institutions, we used NAICS code 624400 ([https://www.bls.gov/oes/current/naics4\\_624400.htm](https://www.bls.gov/oes/current/naics4_624400.htm)); and for facilities, we used cross-industry data (i.e., a combination of all industry sectors, [https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)). For individuals/households, we used the current Federal minimum wage rate of \$7.25 from the U.S. Department of Labor (<http://www.dol.gov/whd/minimumwage.htm>).

The estimated annualized cost for State and Local Governments, which includes State and local government agencies (Occupation Code 11-9031, Education and Childcare Administrators, Preschool and Daycare), is \$15,890,567 (\$8,824,911 [\$41.30 x 213,678.229 hours (SAs)] + \$7,065,657 [\$30.54 x 231,357.452 hours (local government agencies)]). The estimated annualized cost to businesses, which includes institutions (Occupation Code 11-9031, Education and Childcare Administrators, Preschool and Daycare) and facilities (Occupation Code 39-9011, Childcare Workers), is \$51,666,332 (\$32,752,204 [\$24.78 x 1,321,719.281 hours (institutions)] + \$18,914,129 [\$12.88 x 1,468,488.250 hours (facilities)]). The estimated annualized costs to individuals/households is \$7,090,266 (\$7.25 x 977,967.675 hours). This results in an initial cost of \$74,647,166 (\$15,890,567 + 51,666,332 + \$7,090,266) to the public. An additional \$24,633,565 (\$74,647,118 x 0.33) is then added to account for a fully loaded wage rate, which results in an estimated annualized total cost to respondents of \$99,280,730. These estimates are summarized below and presented in Appendix I.

**Costs by Type of Respondent** (estimates may differ due to rounding differences between the different charts)

*State and Local Government Level*

State Government Agencies = 213,678.229 hours x \$41.30 = \$8,824,911

Local Government Agencies	=	231,357.452	hours	x	\$30.54	=	\$7,065,657
Subtotal	=	445,035.681	hours				\$15,890,567
<i>Business Level</i>							
Institutions	=	1,321,719.281	hours	x	\$24.78	=	\$32,752,204
Facilities	=	1,468,488.250	hours	x	\$12.88	=	\$18,914,129
Subtotal	=	2,790,207.531	hours				\$51,666,332
<i>Household Level</i>							
Households	=	977,967.675	hours	x	\$7.25	=	\$7,090,266
Subtotal	=	977,967.675	hours				\$7,090,266
<b>Subtotal All Respondents</b>	=						<b>\$74,647,166</b>
<b>Fringe/overhead (0.33)</b>	=						<b>\$24,633,565</b>
<b>Total cost to public:</b>	=	<b>4,213,210.886</b>	<b>hours</b>				<b>\$99,280,730</b>

**A13. Estimates of other total annual cost burden.**

**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 are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

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

**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.**

To estimate the annualized cost of this information collection to the Federal government, we identified functions performed by FNS Headquarter and Regional Office staff related to the CACFP

(e.g., providing professional assistance to SAs). We then obtained estimates of the number of staff hours spent performing these functions.

Using the 2022 Federal Wage Salary Tables (2022 General Schedule (GS)) for the Washington, DC-Northern Virginia locality ([https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB_h.pdf)), we estimate that GS 12, Step 6 Federal employees receiving hourly wages of \$50.22 require 84,121 hours annually to administer the CACFP, resulting in a cost of \$4,224,556.62 ( $\$50.22 \times 84,121$ ). Additionally, it is estimated that a Branch Chief receiving an average GS grade 14 step 6 wage based on the 2022 Washington, DC – Northern Virginia locality (\$70.57/hour) requires approximately 516 hours to provide oversight to Federal employees working on this Program for a cost of \$36,414.12 ( $\$70.57 \times 516$ ). Together, this results in an initial annualized cost of \$4,260,970.74 ( $\$4,224,556.62 + \$36,414.12$ ). Adding in \$1,406,120.34 to account for fully loaded wages ( $\$4,260,970.74 \times 0.33$ ), we estimate that the total annualized cost of this collection to the Federal Government is approximately \$5,667,091.08.

**A15. Explanation of program changes or adjustments.**

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

This collection is a reinstatement, with change, of an expired information collection. Due to statute, FNS is still legally required to collect the data in this information collection. Consequently, FNS has been collecting this information in violation of the Paperwork Reduction Act (PRA). The current OMB burden inventory for this information collection is 0 hours. FNS estimates that this reinstated collection will add 4,213,211 hours and 16,213,093 responses to OMB's information collection inventory due to a program change for violation of the PRA.

Although this collection has expired, FNS estimates that the changes in this submission would have resulted in an increase to the burden hours and responses for this collection had it been submitted for review before its expiration. The following paragraphs outline what the changes in the burden would have been had the collection not expired. (A more detailed description of the changes to the burden associated with the information collection requirements is provided in Appendices F and I.)

This information collection revises reporting and recordkeeping burden as a result of: (1) an increase in the number of institutions and facilities; (2) an increase in the number of enrolled participants, who are required to submit information; (3) changes in the number of responses per respondent for a limited number of requirements; (4) changes in the estimated average burden per response for a limited number of requirements; and (5) adjustments due to rounding after separating the burden to institutions by those that are local government agencies and those that are businesses, for a limited number of requirements. These revisions to the burden are all considered adjustments.

In addition, for this reinstatement, FNS has expanded the presentation of some existing reporting and recordkeeping requirements to more accurately reflect the burden associated with the requirements at 7 CFR part 226. The addition of these existing requirements results in an increase in burden, due to program changes.

Furthermore, FNS has separately called out public disclosure requirements that were not distinguished in previous burden tables. These requirements include Section 226.23(d), which require SAs and institutions to annually provide the information media serving the area from which the institution draws its attendance with a public release, unless the SA has issued a Statewide media release on behalf of all institutions. The addition of these existing public disclosure requirements is considered a program change.

The OMB burden inventory for the previously approved, but now expired collection, was 2,481,136 hours and 8,014,529 responses. As a result of adjustments (burden decrease of 88,030 hours) and program changes (burden increase of 1,820,105 hours), FNS estimates a burden increase of 732,075 hours in comparison to the expired information collection. FNS estimates an increase of 8,198,564 annual responses for this collection as well.

**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.**

There are no plans to publish a compilation of the data from this information collection.

**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.**

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

**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."**

There are no exceptions to the certification statement.