

**Attachment B. Burden Narrative: Estimate of the Information Collection Burden for the final rule, *Child Nutrition Programs: Meals Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans* for OMB Control Number 0584-0012 7 CFR Part 220 School Breakfast Program**

Estimate for OMB Control Number 0584-0012 due to the final rule, *Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*

This document explains the calculation of the revised information collection burden for 7 CFR Part 220 School Breakfast Program, OMB Control Number 0584-0012. This revision adds recordkeeping requirements resulting from the final rule, *Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*.

## **REPORTING REQUIREMENTS**

### **AFFECTED PUBLIC: STATE AGENCIES**

1. Section 220.5 states that funds to be paid to any State for the School Breakfast Program (SBP) shall be made available by means of Letters of Credit issued by FNS in favor of the State agency (SA). The SA shall: (a) obtain funds needed for reimbursement to School Food Authorities (SFAs) through presentation by designated State officials of a payment Voucher on Letter of Credit in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (b) submit requests for funds only at such times and in such amounts, as will permit prompt payment of claims or authorized advances; and (c) use the funds received from such requests without delay for the purpose for which drawn. The SA submits requests for funds to pay SBP claims.

FNS estimates that 56 SAs will each file 36 reports annually for a total of 2,016 responses ( $56 \times 36 = 2,016$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours) resulting in estimated total burden hours of 504 ( $2,016 \times .25 = 504$ ). There is no change in burden.

2. Section 220.15(b) states that each SA shall provide FNS and OIG the opportunity to conduct management evaluations and audits, respectively, and make available its records upon request by FNS or OIG.

FNS estimates that 19 SAs will receive a ME and will each file 1 report annually for a total of 19 responses ( $19 \times 1 = 19$ ). The estimated average number of burden hours per response is 3 hours resulting in estimated total burden 57 hours ( $19 \times 3 = 57$ ). There is no change in burden.

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**AFFECTED PUBLIC: SCHOOL FOOD AUTHORITY LEVEL**

1. Section 220.7(a) states that the SFA shall make written application to the SA, or FNSRO where applicable, for any school which desires to operate the SBP, if such school did not participate in the Program in the prior fiscal year.

FNS estimates that 168 SFAs will each file 1 report annually for a total of 168 responses ( $168 \times 1 = 168$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours) resulting in estimated total burden 42 hours ( $168 \times 0.25 = 42$ ). There is no change in burden.

2. Section 220.11(a) states that, to be entitled to reimbursement, each SFA shall submit to the SA, or FNSRO where applicable, a monthly Claim for Reimbursement.

FNS estimates that 17,117 SFAs will each file 10 reports annually for a total of 171,170 responses ( $17,117 \times 10 = 171,170$ ). The estimated average number of burden hours per response is 1 hour resulting in estimated total burden hours of 171,170 ( $171,170 \times 1 = 171,170$ ). There is no change in burden.

3. Section 220.11(b) states that Claims not postmarked and/or submitted within 60 days shall not be paid with Program funds unless FNS grants an exception.

FNS estimates that 117 SFAs will each file 1 report annually for a total of 117 responses ( $117 \times 1 = 117$ ). The estimated average number of burden hours per response is 45 minutes (0.75 hours) resulting in estimated total burden of 87.75 hours ( $117 \times .75 = 87.75$ ). There is no change in burden.

4. Section 220.15(c) states that audits at the SFA level shall be conducted in accordance with Office of Management and Budget regulations and the Department's implementing regulations. SFAs will provide records for the audits.

FNS estimates that 86 SFAs will each file 1 report annually for a total of 86 responses ( $86 \times 1 = 86$ ). The estimated average number of burden hours per response is 2 hours resulting in estimated total burden hours of 172 ( $86 \times 2 = 172$ ). There is no change in burden.

**AFFECTED PUBLIC: SCHOOL/SITE LEVEL**

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1. Section 220.11(b) states Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed. Schools submit breakfast counts served by category to the SFA.

FNS estimates that there are 88,527 schools that will each file 10 reports annually for a total of 885,270 responses ( $88,527 \times 10 = 885,270$ ). The estimated average number of burden hours per response is 3 minutes (0.05 hours) resulting in estimated total burden of 44,263.50 hours ( $885,270 \times 0.05 = 44,263.5$ ). There is no change in burden.

## **RECORDKEEPING REQUIREMENTS**

### **AFFECTED PUBLIC: STATE AGENCIES**

1. Section 220.12(a) states that SAs shall establish such rules or regulations as are necessary to control the sale of foods in competition with breakfasts served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value in the food service areas during the breakfast periods.

FNS estimates that there are 56 SAs that will each file 1 report annually for a total of 56 responses ( $56 \times 1 = 56$ ). The estimated average number of burden hours per response is 1 hour resulting in estimated total burden of 56 hours ( $56 \times 1 = 56$ ). There is no change in burden.

2. Section 220.13(b)(1) states that each SA shall maintain Program records as necessary to support the reimbursement payments made to SFAs and reports submitted to FNS when support for reimbursement payments is required.

To support reimbursement payments, FNS estimates that 56 SAs will each maintain 36 records annually for a total of 2,016 responses ( $56 \times 36 = 2,016$ ). The estimated average number of burden hours per response is 5 minutes (0.083 hours) resulting in estimated total burden hours of 167 ( $2,016 \times 0.083 = 167$ ). There is no change in burden.

3. Section 220.13(c) states that each SA shall promptly investigate complaints received or irregularities noted in connection with the operation of either program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file evidence of such investigations and actions.

FNS estimates that there are 56 SAs that will each file 1 report annually for a total of 56 responses ( $56 \times 1 = 56$ ). The estimated average number of burden hours per

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response is 2 hours resulting in estimated total burden hours of 112 ( $56 \times 2 = 112$ ). There is no change in burden.

4. Section 220.14(d) states that each SA shall maintain records pertaining to claims against SFAs.

FNS estimates that 56 SAs will each file 12 reports annually for a total of 672 responses ( $56 \times 12 = 672$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours) resulting in estimated total burden of 168 hours ( $672 \times 0.25 = 168$ ). There is no change in burden.

**AFFECTED PUBLIC: SCHOOL FOOD AUTHORITIES**

1. Sections 220.7(e)(13) and 220.11(b) states that Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the SA to provide the Reports of School Program Operations. SFAs maintain Program records to support the claims.

FNS estimates that 17,117 SFAs will each maintain 10 reports annually for a total of 171,170 responses ( $17,117 \times 10 = 171,170$ ). The estimated average number of burden hours per response is 5 minutes (0.083 hours) resulting in estimated total burden hours of 14,207.11 ( $171,170 \times 0.083 = 14,207.11$ ). There is no change in burden.

2. **Section 220.16(d)(5) requires that SFAs maintain documentation demonstrating compliance with the Buy American provision (non-domestic food purchases do not exceed the specified annual threshold). FNS estimates that 17,117 SFAs will develop and maintain 10 records annually for a total of 171,170 responses ( $17,117 \times 10 = 171,170$ ). The estimated average number of burden hours per response is 15 minutes (0.25 hours) resulting in estimated total burden of 42,793 hours ( $171,170 \times 0.25 = 42,793$ ). This new requirement adds 42,793 hours and responses to the collection due to a program change.**
3. **Section 220.16(d)(3) requires that SFAs include Buy American language in all procurement procedures, solicitations, and contracts and maintain such documentation. FNS estimates that 17,117 SFAs will revise their procurement procedures, solicitations, and contracts and maintain 1 record annually for a total of 17,117 responses ( $17,117 \times 1 = 17,117$ ). The estimated average number of burden hours per response is 10 hours, resulting in estimated total burden of 171,170 hours ( $17,117 \times 10 = 171,170$ ). This new requirement adds 171,170 hours and 17,117 responses into the collection due to a program change.**

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- 4. Section 220.8(c)(3) requires that SFAs maintain records to demonstrate that the schools participating in the school meals programs are tribally operated, are operated by the Bureau of Indian Education, or serve primarily American Indian or Alaska Native children and that they are eligible to elect to implement the operational flexibility to serve vegetables in place of grains in school meals. FNS estimates that 285 SFAs will maintain 1 record annually to demonstrate that schools using the menu planning option meet the criteria, for a total of 285 responses ( $285 \times 1 = 285$ ). The estimated average number of burden hours per response is 1 hour, resulting in estimated total burden of 285 hours ( $285 \times 1 = 285$ ). This new requirement adds 285 hours and responses into the collection due to a program change.**
- 5. Section 220.8(a)(3) requires that SFAs develop menu records (beyond regular menu maintenance) that meet updated and new FNS nutrition specifications from the rule. This also includes following all previous rule menu specifications. FNS estimates that 17,117 SFAs will develop and maintain 10 breakfast menu records annually for a total of 171,170 responses ( $17,117 \times 10 = 171,170$ ). The estimated average number of burden hours per response is 30 minutes (0.5 hours) resulting in estimated total burden of 85,585 hours ( $171,170 \times 0.5 = 85,585$ ). This new requirement adds 85,585 hours and 171,170 responses into the collection due to a program change.**

**AFFECTED PUBLIC: SCHOOLS**

1. Section 220.8(a)(3) and 220.9(a) state that schools must keep production and menu records for the breakfasts they produce. Schools must maintain records of the latest nutritional analysis of the school menus conducted by the SA. Production and menu records must be maintained.

FNS estimates that 88,527 schools will each file 180 reports annually for a total of 15,934,860 responses ( $88,527 \times 180 = 15,934,860$ ). The estimated average number of burden hours per response is 7 minutes (0.12 hours) resulting in estimated total burden hours of 1,912,183.20 ( $15,934,860 \times 0.12 = 1,912,183.20$ ). There is no change in burden.

2. Section 220.11(b) states Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the SA to provide the

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Reports of School Program Operations. Schools record breakfasts by category at point of service.

FNS estimates that 88,527 schools will each file 180 reports annually for a total of 15,934,860 responses ( $88,527 \times 180 = 15,934,860$ ). The estimated average number of burden hours per response is 6 minutes (0.1 hours) resulting in estimated total burden of 1,593,486 hours ( $15,934,860 \times 0.1 = 1,593,486$ ). There is no change in burden.