

SUPPORTING STATEMENT - PART A for

OMB Control Number 0584-0043:

**Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
Program Reporting and Record-keeping Burden as Revised to Reflect Program Changes
due to Final Regulation: Revisions in the WIC Food Packages**

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A1. Circumstances that make the collection of information necessary.

Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This is a revision of a currently approved collection which covers the information collection of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), OMB Control Number 0584-0043; expiration date June 30, 2027. This information collection request (ICR) is being submitted due to the final rule titled, Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages, RIN 0584-AE82 (See Appendix C).

In accordance with the Child Nutrition Act of 1996, as amended by the Healthy Hunger-Free Kids Act of 2010 (P.L. 111-296, see Appendix D), the final rule revised regulations to align the WIC food packages with the current Dietary Guidelines for Americans and to reflect recommendations from the National Academies of Science, Engineering, and Medicine while promoting nutrition security and equity and considering program administration. The changes made encourage fruit and vegetable consumption; address key nutritional needs to support healthy dietary patterns; provide greater flexibility, variety, and choice to accommodate personal and cultural food preferences and special dietary needs; and strengthen support for individual breastfeeding goals to help establish long-term breastfeeding. Shortly after the publication of the final rule, FNS published WIC Policy Memo 2024-5: Implementing the Provisions of the Revisions in the WIC Food Packages Final Rule (Appendix G), which provides State agencies with an outline of the final rule implementation periods and parameters.

The final rule impacts the burden associated with reporting and recordkeeping requirements for State and local agencies, reporting requirements for WIC applicants and participants, and reporting requirements for businesses. Changes to the estimated impact of this rule since the proposed rule are due to revisions to the baseline burden estimates that were made during the recent renewal of OMB Control Number 0584-0043, revisions to OMB Control Number 0584-0043 following the December 2023 publication of the Implementation of the Access to Baby Formula Act of 2022 and Related Provisions final rule ([88 FR 86545](#)), and a better understanding of the implementation burden for State agencies.

The purpose of WIC is to provide supplemental foods, nutrition education (including breastfeeding promotion and support), and health care referrals to low income, nutritionally at-risk pregnant, breastfeeding and postpartum women, infants, and children up to age five.

The WIC Program is administered by 89 WIC State agencies, including the 50 States, 33 Indian Tribal Organizations, the District of Columbia, and five U.S. Territories (American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands).

Federal regulations governing the WIC Program (7 CFR Part 246, see Appendix A) require that certain program-related information be collected and that full and complete records concerning WIC operations are maintained. The information reporting and recordkeeping burdens are necessary to ensure appropriate and efficient management of the WIC Program. The WIC Program is authorized by the Child Nutrition Act (CNA) of 1966 (42 U.S.C. 1786), as amended (see Appendix B).

Per § 246.2 of WIC regulations, “State agencies” are health departments or comparable agencies of the States, U.S. Territories, and Indian Tribal Organizations (ITOs). State agencies administer the WIC Program with funds provided by the USDA Food and Nutrition Service (FNS) pursuant to annual Federal-State agreements.

Per § 246.2 of WIC regulations, “vendors” are businesses operating retail stores authorized by State agencies to transact the WIC “food instruments” (checks, vouchers, or EBT cards) used by WIC participants to purchase authorized foods.

Per § 246.2 of the WIC regulations, “local agencies” include public or private non-profit health or human service agencies, Indian Health Service units, and health clinics of ITOs and intertribal councils or groups. The local agencies administer the WIC Program pursuant to annual or multi-year written agreements with State agencies. The local agencies provide client services directly to Program participants. Services include certification, issuance of food instruments, referral to health and social services, and nutrition education. Local agencies that are non-profit organizations are considered businesses and are included in the business respondent category for this ICR. The other local agencies are included in the State, Local, or Tribal Government respondent category.

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 information provided in the following sections pertains specifically to this rule. For further information concerning the remaining requirements in this collection, such as the entirety of the certification information collected from the participants, nutrition education documentation, data related to vendor monitoring and training, Electronic Benefits Transfer (EBT) delivery, financial and food delivery system records, State Plans, reporting forms, the complete designation of the obligation to respond, and the frequency of information collection for the entire collection, among other items, please refer to Appendix E: WIC Burden Narrative.

- **What information will be collected?**

The information collection includes the explanation of new food packages during the certification process under § 246.7(i), identification of acceptable foods under § 246.10(b)(1), State and local agency implementation activities related to the food package and food list changes under § 246.10(b)(2)(i) and § 246.10(e), vendor shelf prices under § 246.12(g)(4)(ii)(B), vendor training and monitoring activities under § 246.12(i) and (j), and vendor applications and agreements under § 246.12(h)(1)(i).

- **Is the information collected via a report, public disclosure or is it a record that must be maintained?**

Certification data is collected and documented in State agencies' management information systems (MIS). Each State agency submits a list of allowable foods to their respective FNS Regional Office through PartnerWeb (a web-based application that allows users to share and access information) as part of the annual State Plan submission. Vendors generally submit information and forms to the State agencies by email or in paper format.

- **Is the collection voluntary, mandatory or necessary to obtain benefits?**

The entire information collection is mandatory per regulatory provisions at 7 CFR 246 (see Appendix A). To comply with Federal regulations (§ 246.10(b)(1)) State agencies must submit to FNS an authorized food list that identifies brands of foods and package sizes that are acceptable for use in the Program in their jurisdiction. Certification information is required for WIC applicants and this final rule requires an explanation of new food packages as part of the certification process under § 246.7(i). The food package and food list changes also require State and local agency implementation and training activities in the two years following publication. In addition, § 246.12(h)(1) requires the State agency to review, approve, and sign vendor applications and agreements. Retail vendors are required to submit vendor applications and a signed agreement to the State agency.

- **From whom will the information be collected? If there are different respondent categories (e.g., beneficiary, retailer, State agency, Local agency, School Food Authority, etc.), each should be identified along with the type of collection activity that applies.**

The respondents for the information collection are State and local agencies, non-profit local agencies, applicants, and retail vendors. State agencies create an authorized food list that identifies brands of foods and package sizes that are acceptable for use in the WIC Program in their jurisdiction. State agencies are responsible for updating this food list and WIC food packages according to the final rule within two years of its publication. Additionally, the State agency reviews, approves, and signs vendor applications and agreements, and collects and maintains information relating to vendor application and agreement information; vendor sales and shelf price data; and vendor monitoring and training.

Local agencies are required to explain to WIC applicants the changes to the food packages (as a result of the final rule) as part of the certification process. Local agencies will attend training on the food list and food package updates included in the final rule within two years of the rule's publication.

Retail vendors are required to submit an application to verify eligibility for participation in the WIC Program. When authorized, retail vendors enter into agreements with the State agency, provide information on vendor shelf price data, and complete trainings.

- **How will this information be used?**

The information collection includes an explanation to participants about the food package changes, identification of foods acceptable for use in the Program for each State agency and vendor application and agreement information. The information is needed for the general operation of the Program, including regulatory compliance, and for program integrity. During the certification process, participants receive an explanation about the WIC food packages. The food list is necessary for FNS to ensure that the foods the State agency identifies meet the updated nutrition specifications in § 246.10. The foods provided in the WIC food package are critical to the integrity of the Program and its mission to provide the nutrition needed during periods of rapid growth and development among infants, children, and pregnant, postpartum, and breastfeeding individuals. The vendor application and agreement information, vendor shelf price data, and data related to vendor monitoring and training are necessary to ensure that vendors comply with the updated stocking requirements in the rule so that participants have access to a

greater variety of vegetables. The information collected is used by FNS to manage, plan, evaluate, make decisions, and report on WIC Program operations.

- **How will the information be collected (e.g., forms, descriptive reports or plans, electronically, face-to-face, over the phone, over the Internet)? Does the respondent have multiple options for providing the information? If so, what are they?**

Local agencies collect certification data either face-to-face or over the phone and enter the information into the State agency MIS. State agencies submit (upload) their food lists electronically through a shared site called PartnerWeb, which is hosted by FNS Regional Offices. State agencies will provide updates on implementation of the final rule electronically, either through email or a form (Appendix H). Vendors generally submit information and forms to the State agencies in paper format or by email. More information about how the information will be collected can be found in Appendix E: WIC Burden Narrative.

- **How frequently will the information be collected?**

Each State agency submits an authorized food list once a year. Local agencies will provide an explanation of the food package changes to applicants at certification once a year. There are State and local agency activities to be completed in the two years following publication of the final rule related to implementation, including food list and food package changes in the rule. State agency updates on implementation will occur on an as-needed basis during those two years, so an annual estimate of the burden is provided. Vendor applications and agreements are completed every 1-3 years, vendor training and monitoring activities are completed once a year, and vendor shelf prices are collected twice a year.

- **Will the information be shared with any other organizations inside or outside USDA or the government?**

The information may be made available to the Government Accountability Office (GAO) or other Congressional offices. The information may also be made available to private contractors conducting research for FNS. The research information may subsequently be made public when the reports developed by the contractors are issued. To protect the privacy of participants and vendors, information made available to the public is provided only in aggregate form, without identifying individual participants or vendors.

- **If this is an ongoing collection, how have the collection requirements changed over time?**

For the ongoing collection, the final rule revised the food package requirements, increasing the amount of time (burden) it takes each State agency to create their authorized food list. The explanation of the food package changes to participants increases the burden estimates for the certification process. The revised minimum stocking requirements for vendors may result in fewer vendors applying and being approved to be WIC vendors and the burden is estimated to decrease accordingly. In addition, there are State and local agency implementation and training burdens and an explanation of the food package changes to participants that will occur within two years of the final rule's publication. Further details about the impacts of the rule are included in the burden narrative (see Appendix E), the Excel burden chart (see Appendix F), and in the response to question A15.

A3. Use of information technology and burden reduction.

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other

forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

FNS makes every effort to comply with the E-Government Act of 2002. Any information that must be submitted to FNS may be submitted via email or PartnerWeb, a web-based application that allows users to share and access information. Approximately 100 percent of State agencies choose to submit via email or PartnerWeb; those with limited access to or familiarity with technology may mail or fax their information. In addition, FNS encourages its State agency partners to offer electronic submission to local agencies and vendors whenever it is feasible. All 89 WIC State agencies have automated management information systems (MIS) and/or food delivery systems that were created with funding from FNS, and 100 percent of State agencies submit information via MIS. FNS offers funding for enhancements to these systems at the State and local levels which continues to reduce the time and effort required to collect and transmit data.

Specific to the revisions in the final rule, FNS estimates that 100 percent of State agencies submit authorized foods lists electronically via PartnerWeb as discussed above. State agency updates on implementation will be submitted to FNS electronically via email or a Microsoft Form (Appendix H). Vendor applications and agreements are submitted via email or mail to the State agency but are not submitted to FNS. Vendor training, monitoring, and shelf price collection activities occur in person and related records are kept electronically. Explaining the food package updates to participants will occur either face-to face or over the phone. Participants will provide certification data in person or over the phone, and State agencies will collect and store certification data electronically. The development and provision of training on the revised

food list and food packages will occur either in-person or via a webinar per State agency discretion. FNS estimates that 50 percent of these trainings will occur via webinar.

For the information collection specific to the revisions in the final rule, FNS estimates that approximately 50.7 percent of responses pertaining to reporting and recordkeeping burdens in this revision are collected electronically via PartnerWeb, MIS, or webinar. Out of 25,311,937 responses for this collection FNS estimates that 12,823,068 (50.7 percent) responses are collected electronically.

For the information collection overall, except as noted above, FNS estimates that approximately 100 percent of State agency responses pertaining to reporting and recordkeeping are collected electronically via either PartnerWeb or their MIS, reporting responses from participants, retail vendors, and nonprofit businesses operating as local agencies are not collected electronically, and retail vendor records are kept electronically. Out of 67,867,960 responses for this collection, FNS estimates that 32,094,926 (47.3 percent) are 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 purposes described in Question 2.

There is no similar information collection for the authorized food lists and vendor applications and agreements. The explanation that is provided to WIC participants takes place during the certification process for their benefits. There is no similar information collection for this process either. Every effort has been made to avoid duplication. FNS has reviewed USDA reporting

requirements and state administrative agency requirements. FNS solely administers and monitors the WIC Program.

A5. Impacts on small businesses or other small entities.

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

FNS estimates that approximately 40 percent of the 37,267 WIC-authorized retail vendors are small businesses. Therefore, approximately 14,907 vendors are small businesses impacted by this information collection. Of the 6,283,126 total respondents specific to the revisions in the final rule, FNS estimates that 14,907 (0.24 percent) are small entities.

Through the proposed rule, the Department sought comment on the final rule provision that requires vendors to stock three vegetable varieties to better understand how significant the impact will be on small entities. Commenters generally expressed support for the provision, while several expressed concern at the potential loss of small WIC vendors. The Department believes that the ability to stock shelf stable forms of vegetables will help limit the impact on small vendors and intends to provide training and technical assistance to vendors to support vendors in implementing the requirement. Additionally, the implementation date for the food package changes is 24 months after publication of the final rule to allow ample time for communication and technical assistance efforts. FNS will work with State agencies to ensure vendors are provided ample notification of the increased requirement related to the number of vegetables that must be available.

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 which includes requirements that are mandatory for the purpose of administering an ongoing program as mandated by statute and regulation. Collecting data less frequently would not allow FNS to properly monitor program statutory and regulatory compliance with acceptable WIC foods and vendor agreements. The requirements in the final rule are mandatory; however, this collection also contains requirements that are not impacted by this rulemaking which are required to obtain or retain a benefit. For further information, please refer to Appendix E: WIC Burden Narrative.

A7. Special circumstances relating to the Guidelines of 5 CFR 1320.5.

Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies**

that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances related to the provisions of the final rule. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5. For special circumstances that pertain to the collection as a whole, please refer to the information collection request for the 2023 renewal of this collection.

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.

The 60-day Federal Register Notice for this information collection was embedded in the proposed rule titled “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages” (RIN 0584-AE82), which was published in the Federal Register on November 21, 2022 (Vol. 87, No. 223, pages 71090 to 71162). The public comment period related to the Paperwork Reduction Act (PRA) aspects of the proposed rule ended on January 20, 2023. The proposed rule requested public comment on proposed changes in the information collection burden that would result from this rule. No comments were received on the proposed information collection requirements and associated burdens. Comments received on other sections of the proposed rule highlighted the administrative burden required of State agencies to successfully implement the provisions in the final rule. The Department believes this administrative burden has been appropriately captured in the burden estimates that were

presented with the proposed rule.

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.

When FNS finalizes an information collection package and it is submitted to the Office of Management and Budget for review, the package will be available through www.reginfo.gov for review and comment by stakeholders such as State agencies, community groups, and the public regarding any proposed changes as the result of legislative, regulatory, or administrative changes. FNS consults with FNS Regional offices (FNSRO) regarding any proposed changes as the result of legislative, regulatory, or administrative changes. FNSRO are in daily contact with State agencies, which provide feedback on FNS processes and procedures for this information collection. Feedback from the State agencies is then used by FNS to help shape the burden estimates for this collection. For information on consultations related to the collection as a whole, please refer to the information collection request for the 2023 renewal of this collection.

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 gift will be 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 Department complies with the Privacy Act of 1974. State agencies are required to comply with confidentiality requirements set forth in § 246.26(d)(e)(f)(g) and (h) of the WIC regulations. Section 246.26(d)(1)(ii) states that "...the State agency must restrict the use and disclosure of confidential applicant and participant information to persons directly connected with the administration or enforcement of the WIC Program whom the State agency determines have a need to know the information for WIC Program purposes." With constantly changing technology, as well as constantly changing threats, FNS has taken the position that it is impossible for the agency to set and enforce security standards for State agency systems. It would be inappropriate for FNS to assume the liability of approving or certifying systems with regard to security. To the extent that FNS reviews security as part of the assessment of a State agency system, it is to inquire about the State agency's standards and protocols, and to seek the State agency's own attestation that they are adhering to their standards.

Section 246.26(e) states that "the State agency must restrict the use or disclosure of confidential vendor information to: Persons directly connected with the administration or enforcement of the WIC Program or SNAP who the State agency determines have a need to know the information for purposes of these programs," and to "Persons directly connected with the administration or enforcement of any Federal or State law or local law or ordinance."

Information obtained from vendors is kept confidential in adherence to § 246.26(e)(f) and (g) and will not be disclosed to anyone but the individuals involved with this data collection or

investigation, except as otherwise permitted or required by law or the above-noted provisions of the WIC regulations.

This ICR does not include any forms that require a Privacy Act Statement. The FNS Privacy Officer determined (and confirmed on April 21, 2022) that a Privacy Act System of Records Notice (SORN) is not applicable to this collection. FNS ensures that WIC State and local agencies keep information confidential, in compliance with program regulations, through management evaluations (ME). If an ME 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.

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.

There are no questions of a sensitive nature included in this information collection related to the final rule. For additional sensitivity information concerning the information requirements from OMB Control Number 0584-0043 that are not impacted by the rule, please refer to the information collection request from the 2023 renewal of this information collection.

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

Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

12A). Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

The reporting and recordkeeping burdens covered by this information collection request include requirements that involve the explanation of the food package changes to participants during the certification process, the identification of authorized foods for use in the Program in each State agency, State and local agency implementation activities related to the food package and food list changes, and vendor applications and agreements, training, monitoring, and reporting on shelf prices.

State Plans are the principal source of information about how State agencies operate the WIC Program. In addition, FNS Regional Office staff were consulted to collect information about burden items because they have direct contact with State agencies and, during management evaluations, observe local agency operations. This information collection burden was calculated using information from these sources. Revisions in the burden hours are due to program changes in the final rule.

Based on the currently approved burden for this collection, FNS estimates that the revised information collections related to the final rule will be 6,283,126 respondents, 25,311,937 responses, and 7,406,692 burden hours. The estimated burden revisions for this information collection specific to the revisions in the final rule, including the number of respondents, frequency of responses, average time to respond, and annual hour burden, are shown in the table below.

Estimated Annual Reporting & Recordkeeping Burden for 0584-0043 as a Result of the Rulemaking

| Regulation citation | Description of activities | Estimated number of respondents | Annual responses per respondent | Total annual responses | Average burden hours per response | Estimated total annual burden hours | Hours currently approved under OMB #0584-0043 | Estimated change in burden hours due to rulemaking | Estimated change in burden hours due to adjustments | Total estimated change in burden hours |
|--|--|---------------------------------|---------------------------------|------------------------|-----------------------------------|-------------------------------------|---|--|---|--|
| Reporting | | | | | | | | | | |
| State and Local Agencies (including Indian Tribal Organizations and U.S. Territories) | | | | | | | | | | |
| 246.7(b),(i), (n) Women | Certification | 1,267.00 | 761.95 | 965,388.20 | 0.47 | 451,415.52 | 403,049.57 | +48,365.95 | 0.00 | +48,365.95 |
| 246.7(i) Children | Certification | 1,267.00 | 1,878.50 | 2,380,063.00 | 0.47 | 1,112,917.46 | 993,676.30 | +119,241.16 | 0.00 | +119,241.16 |
| 246.7(i) Infants | Certification | 1,267.00 | 809.25 | 1,025,320.80 | 0.47 | 479,440.01 | 428,071.43 | +51,368.57 | 0.00 | +51,368.57 |
| 246.7(i) | Explaining food package updates | 1,267.00 | 3,449.70 | 4,370,772.00 | 0.08 | 364,959.46 | 0.00 | +364,959.46 | 0.00 | +364,959.46 |
| 246.10(b)(1) | Identification of acceptable foods | 89.00 | 1.00 | 89.00 | 43.00 | 3,827.00 | 3,560.00 | +267.00 | 0.00 | +267.00 |
| 246.10(b)(2) (i); 246.10(e) | Revised food list and food package training/implementation | 89.00 | 1.00 | 89.00 | 8.00 | 712.00 | 0.00 | +712.00 | 0.00 | +712.00 |
| 246.10(b)(2) (i) | Local agency training on revised food lists | 1,267.00 | 1.00 | 1,267.00 | 1.00 | 1,267.00 | 0.00 | +1,267.00 | 0.00 | +1,267.00 |
| 246.12(g)(4) (ii)(B) | Vendor shelf prices | 79.00 | 943.47 | 74,534.00 | 2.00 | 149,068.00 | 149,668.00 | -600.00 | 0.00 | -600.00 |
| 246.12(h) | Vendor applications & agreements | 89.00 | 138.18 | 12,298.11 | 0.67 | 8,215.14 | 8,248.20 | -33.07 | 0.00 | -33.07 |
| 246.12(i)(1) | Vendor training | 89.00 | 418.73 | 37,267.00 | 2.00 | 74,534.00 | 74,834.00 | -300.00 | 0.00 | -300.00 |
| 246.12(j)(2), (6) | Routine vendor monitoring | 89.00 | 20.94 | 1,863.35 | 1.33 | 2,495.71 | 2,495.71 | -10.01 | 0.00 | -10.01 |
| 246.12(j)(4), (6) | Vendor compliance investigations | 89.00 | 20.94 | 1,863.35 | 2.33 | 4,349.06 | 4,366.56 | -17.51 | 0.00 | -17.51 |
| Subtotal Reporting: State and Local Agencies | | 1,356.00 | 6,541.90 | 8,870,814.81 | 0.30 | 2,653,190.35 | 2,067,969.79 | +585,220.56 | 0.00 | +585,220.56 |

The impact of the final rule on the overall estimated burden for this information collection, including the number of respondents, frequency of responses, average time to respond, and annual hour burden are shown in Appendix F: WIC Burden Table. A summary of the revised burden estimates appears below:

| Estimated Annual Reporting and Recordkeeping Burden for OMB# 0584-0043 Due to Rulemaking | | | | | |
|---|---------------------------|--|---------------------------|-------------------------|----------------------------|
| | Burden Currently Approved | Projected Respondents/Responses/Burden Due to Final Rule | Difference in Respondents | Difference in Responses | Difference in Burden Hours |
| Grand Total Respondents | 6,283,276 | 6,283,126 | -150 | | |
| Grand Total Responses | 55,379,486 | 67,867,960 | | 12,488,474 | |
| Grand Total Annual Burden Hours | 15,693,814 | 17,362,904 | | | 1,669,089 |

FNS estimates that this collection will have a total 6,283,126 respondents, 67,867,960 responses, and 17,362,904 burden hours (out of which FNS estimates that 25,311,937 responses and 7,406,692 burden hours relate specifically to this final rule). The overall information collection burden is estimated to increase by 1,669,089 burden hours and 12,488,474 responses annually due to program changes in the final rule.

12B). Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

| Respondent Type | Estimated Total Burden Hours | Estimated Hourly Mean Wage* | Total Annual Respondent Cost (base annual cost + 33%) |
|--|------------------------------|-----------------------------|---|
| #0584-0043 State and local agency staff | 2,670,146.84 | \$32.39 | \$115,026,454.65 |
| #0584-0043 Vendor staff | 262,641.49 | \$17.84 | \$6,231,747.06 |
| #0584-0043 Non-profit WIC local agency staff | 1,032,856.91 | \$19.56 | \$26,869,565.86 |
| Applicants | 3,441,046.36 | \$7.25 | \$33,180,289.49 |
| Totals | 7,406,691.59 | | \$181,308,057.06 |

* These mean hourly rates were obtained from the U.S. Department of Labor, Bureau of Labor Statistics, May 2023 National Industry-Specific Occupational Employment and Wage Estimates (<https://www.bls.gov/oes/current/oesrci.htm>).

State and Local Agency Staff

The average hourly rate for State staff and local staff is \$32.39 ($(\$32.75 + \$32.03) / 2$), which is the mean of “all occupations” for both State and local government data (U.S. Department of Labor, Bureau of Labor Statistics, https://www.bls.gov/oes/current/naics4_999200.htm and https://www.bls.gov/oes/current/naics4_999300.htm, respectively).

Vendors

The average hourly rate for vendor staff is \$17.84, which is the mean of “all occupations” in the Grocery Stores category of Food and Beverage Stores (U.S. Department of Labor, Bureau of Labor Statistics, https://www.bls.gov/oes/current/naics3_445000.htm#00-0000).

Non-Profit WIC Local Agency Staff

The average hourly rate for nonprofit business staff is \$19.56 which is the mean of “all

occupations” in the Social Assistance category of Health Care and Social Assistance (U.S. Department of Labor, Bureau of Labor Statistics, https://www.bls.gov/oes/current/naics3_624000.htm).

WIC Applicants

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

A13. Estimates of other total annual cost burden.

Provide estimates of the total annual cost burden to respondents or record-keepers resulting from the collection of information, (do not include the cost of any hour burden shown in questions 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

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

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

Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

Federal cost of program maintenance (reporting and recordkeeping, monitoring, technical assistance, review and analysis):

| | |
|--|---------------|
| (1) FNS National Office Staff: (recordkeeping, analysis) | <u>1 FTEs</u> |
| FNS Regional Staff: (reporting and recordkeeping, monitoring, technical assistance, review, analysis) | <u>5 FTEs</u> |

[($\$41.94/\text{hour} \times 40 \text{ hours} \times 52 \text{ weeks} = 87,235.20$)* +

\$28,787.62 (fringe benefits)** = \$116,022.82 per FTE]
x 6 FTEs =

Federal Program Maintenance Cost Total: \$696,136.90

* Based on an average of GS-11, 12, and 13 salaries, Step 6, (\$34.72 + \$41.61 + \$49.48) / 3= \$41.94) from the U.S. Office of Personnel Management General Schedule (Base) Salary Table – effective January 2024:[SALARY TABLE 2024-GS](#). FNS is using this base wage chart to estimate the salary for all of the federal employees because of the degree of variations in wages due to locality pay and the fact that some National Office staff may be working remotely.

** The associated 33 percent fringe benefit cost (\$41.94/hour x 40 hours x 52 weeks) x .33= \$28,787.62.

A15. Explanation of program changes or adjustments.

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

This is a revision of a currently approved collection as the result of a final rule, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages. The reporting and recordkeeping burdens covered by this information collection request include requirements that involve the explanation of food package changes during the certification process, identification of authorized foods for use in the Program in each State agency, State and local agency training and implementation activities related to the food package and food list changes, and vendor applications and agreements, training, monitoring, and shelf price collection. As a result of rulemaking, FNS estimates that there will be a net increase of 1,669,089 hours and 12,488,474 annual responses, and a decrease of 150 respondents to the existing information collection. The causes of these program changes are described in the following paragraphs and in the PRA section of the final rule.

During the certification process, a program applicant or participant provides pertinent data, receives notification of their rights and responsibilities, receives information on other health-related and public assistance programs, is assigned a food package based on their nutrition risk assessment and categorical eligibility, and receives their initial nutrition education including breastfeeding promotion and support. Due to the program (food package) changes in this rule, the Department estimates the certification reporting burden will increase by 312,822.40 total hours across State and local agencies and by 312,822.40 total hours for applicants/participants. Additionally, communicating the food package changes in this rule to current participants will require a one-time, five-minute explanation per participant, resulting in the addition of an estimated 521,370.66 total burden hours across all current WIC participants and 521,370.66 total burden hours for staff at local agencies to provide this explanation.

Each State agency is required to identify foods that are acceptable for use in the Program in their jurisdiction, in accordance with program regulations. This includes establishing criteria for and identifying foods, substitutions, brands, and packaging the State agency will authorize for use in the Program. With the changes to acceptable foods in the rule, the Department estimates an increase of 267 burden hours for State agencies. Additionally, State agencies will attend FNS-provided training about the food list and food package changes, develop and deliver training for local agencies on the revised food list and food package changes, and provide implementation updates on revised food lists and food packages to FNS. These implementation activities result in an estimated burden of 712 hours across State agencies, and a 1,810 hours across all local agencies. FNS does not expect these implementation burdens to remain a part of this information collection beyond the two years following publication of the final rule.

The Department estimates that the new requirement for WIC-authorized retail vendors to stock three varieties of vegetables (currently vendors are required to stock two varieties) may result in 150 fewer vendors submitting applications and/or fewer vendors signing agreements. Therefore, the State agency reporting burden for retail vendor applications and agreements is estimated to decrease by 33.07 hours, the associated retail vendor reporting burden is estimated to decrease by 49.50 hours, and the State agency recordkeeping burden associated with collecting and recording vendor applications and agreements is estimated to decrease by 49.50 hours. Additionally, the State agency reporting burdens associated with collecting vendor shelf prices, providing vendor training, and conducting vendor monitoring and compliance investigations are estimated to decrease by a total of 927.51 hours as a result of the estimated decrease in vendors. Related State agency recordkeeping burdens are estimated to decrease by 18.75 hours. Likewise, the vendor reporting burden for these activities is estimated to decrease by a total of 982.58 hours, and the vendor recordkeeping burden is estimated to decrease by 25.05 hours.

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

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

The information covered by this collection is not for publication. However, some information may be shared with contractors that are completing studies about the WIC Program and may be used, in aggregate form, in resulting publications. For additional information outside the scope of this rule-related submission, please refer to the information collection request from the 2023 renewal of this 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.