SUPPORTING STATEMENT - PART A for

OMB Control Number 0584-0043:

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

Program Reporting and Recordkeeping Burden as Revised to Reflect Program Changes due to Final Regulation: Online Ordering and Transactions and Food Delivery Revisions to Meet the Needs of a Modern, Data-Driven Program (RIN 0584 – AE85)

Sara Olson

Director/Policy Division

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

U.S. Department of Agriculture (USDA), Food and Nutrition Administration

201 14th Street SW

Washington, DC 20227

sara.olson@usda.gov

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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 revision of an existing information collection based on the final rule, titled Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Online Ordering and Transactions and Food Delivery Revisions to Meet the Needs of a Modern, Data-Driven Program (RIN 0584 – AE85) (see Appendix D: Final Rule). This rulemaking removes barriers to online ordering and internet-based transactions in the WIC Program, streamlines and modernizes WIC food delivery regulations to support the program's complete transition to electronic benefit transfer (EBT), and updates reporting requirements to meet the needs of a modern, data-driven program.

The purpose of the WIC program is to provide supplemental foods, nutrition education, breastfeeding promotion and support, and healthcare referrals to income-eligible income, nutritionally at-risk pregnant, breastfeeding and postpartum women, infants, and children up to age five. The WIC program is administered by 88 State agencies, including the 50 states, 32 Indian Tribal Organizations (ITOs), the District of Columbia, and 5 U.S. territories (American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands).

The WIC program is authorized by the Child Nutrition Act of 1966 (42 U.S.C. 1786), as amended (see Appendix B: Child Nutrition Act as Amended). The Department is finalizing revisions to the Federal regulations governing the WIC program (7 CFR part 246, see Appendix

A: WIC Federal Regulations). The WIC regulations require that certain program-related information is 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.

This final rule impacts the burden associated with reporting requirements for State agencies, individuals/households, and vendors, as well as the burden associated with recordkeeping requirements for State agencies and vendors. The Department modified the burden estimates to incorporate feedback received during the public comment period.

Per § 246.2 of WIC regulations, "State agencies" are health departments or comparable agencies of the States, U.S. territories, and ITOs. State agencies administer the WIC program with funds provided by the USDA Food and Nutrition Administration (FNA) 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) that are used by WIC participants to purchase authorized supplemental foods.

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.

- **What information will be collected?**

The information collection includes: WIC State agency operational plans and policies; vendor sales and shelf price data; vendor application and agreement information; data related to vendor authorization, training, monitoring, and compliance investigations; State agency systems updates; participant benefit pick up; vendor systems updates; and notification of program violations to vendors.

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

The State Plan of Operations (see Appendix Q: FY 2025 State Plan Guidance Documents, which provides State agencies with reference materials for State Plan requirements) is the principal source of information about how each State agency operates the WIC program. FNA provides a checklist for State agencies to ensure that the State Plan is complete and in compliance with § 246.4; however, the use of the checklist is optional. Vendors generally submit information and forms to the State agencies in paper format, by email or through an online portal. Electronic reporting of vendor information by State agencies to FNA is submitted through the Food Delivery Portal (FDP). The FDP and its associated reporting burden are approved under OMB Control Number 0854-0401 Food Delivery Portal (FDP) Data Collection. However, the reporting burden associated with conducting visits of vendors for monitoring and oversight purposes is included in this information collection. Additionally, the recordkeeping burden associated with vendor applications and agreements, monitoring, and oversight information collected by State agencies is included in this collection. This information collection also includes activities required for participants to obtain benefits, and activities required for State agencies to perform vendor training and oversight.

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

The entire information collection involves regulatory provisions at 7 CFR 246 (see Appendix A: WIC Federal Regulations). The collection burden for the State Plan (see § 246.4), the submission and review of vendor applications and agreements, the authorization, training and monitoring of vendors, and the collection of vendor pricing information (see § 246.12) in order to comply with the Federal regulations regarding WIC cost containment are mandatory. In-person loading of EBT benefits for offline State agencies is necessary given the current technologies used by the State agencies using offline EBT (see § 246.12).

- **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 agencies, households with WIC participants, and retail vendors.

The State agency shall collect and maintain information relating to program operations and administration to include: vendor application and agreement information; vendor sales and shelf price data; data related to vendor monitoring and training; and transaction authentication policies. The State agency also conducts vendor training and monitoring activities and prepares requests for certain allowable costs to submit to FNA for approval.

WIC households must travel to the clinic to load their EBT cards with benefits outside of scheduled recertification and nutrition education appointments if their State agency uses offline EBT systems.

Retail vendors are required to submit an application to verify eligibility for participation in the WIC program and undergo an initial preauthorization visit. When authorized, retail vendors enter into agreements with and provide the State agency information on vendor sales and access to pricing data, and regularly complete training and monitoring activities with the State agency.

- **How will this information be used? (Provide ALL uses.)**

The information collection adjusted by the final rule includes information on State agency operations, policies, and costs; vendor application and agreement information; vendor sales and shelf price data; and data related to vendor monitoring and training. The information is needed for the general operation of the program, including regulatory compliance, and for ongoing program integrity and cost-saving efforts. The information collected is used by FNA 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?**

State agencies submit their State Plan electronically to FNA. State agencies may submit plans through the regular mail or by email if that is their preference. Vendors generally submit information and forms to State agencies in paper format, by email, or through an online portal. State agencies submit information on their implementation of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): *Revisions in the WIC Food Packages* final rule using an online form (see Appendix R: Food Package Revisions Implementation Form, which is not affected by this revision). FNA plans to ask State agencies to submit information on

their progress implementing the final rule electronically, using a fillable form checklist (see Appendix C: WIC Online Shopping Final Rule Implementation Checklist). More information about how the information will be collected can be found in Appendix P: WIC Burden Narrative.

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

State agencies submit their State Plan to FNA, request approval for allowable costs (if applicable), and provide training to all authorized vendors annually. If a State agency adopts a new transaction authentication method under the final rule, they will also only develop new policies and trainings once for the new authentication method outside of their standard operations.

Vendors provide sales data during preauthorization (which takes place every 1-3 years) and during monitoring and compliance visits. State agencies are required to complete monitoring and compliance visits on five percent of their vendor population per year, and so the frequency of these activities depends on the size of the State agency's authorized vendor population. Vendor applications and agreements are submitted, and then reviewed, signed, and documented by the State agency every 1-3 years.

Households in State agencies that operate an online EBT system will never need to visit the clinic solely to pick up food instruments. Households with new WIC participants in State agencies that operate an offline EBT system will need to visit the clinic twice annually outside of another scheduled visit to load their benefits onto the EBT card, as three months of benefits can only ever be issued at one time.

More information on the frequency of each type of collection can be found in Appendix P: WIC Burden Narrative.

- **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 or other Congressional offices. The information may also be made available to private contractors conducting research for FNA. The research information may subsequently be made public when the reports developed by the contractors are issued. To protect the privacy of vendors, information made available to the public is provided only in aggregate form, without identifying individual vendors.

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

The reporting and recordkeeping burdens covered by this information collection request include requirements that involve the submission of State Plans; the authorization, training, and monitoring of vendors; and the collection of vendor pricing information in order to comply with the Federal regulations regarding WIC cost containment. The revisions in this information collection are due to program changes from the final rule that increase the number of WIC-authorized vendors (due to the authorization of internet vendors), remove the requirement to collect shelf price data from vendors in State agencies with access to EBT data, and allow remote issuance of benefits in State agencies with online EBT systems.

The final rule adds new, ongoing information collections related to conducting monitoring and oversight activities virtually, and this final rule includes several one-time burdens related to requiring State agencies to develop transaction authentication policies, State agencies undertaking system updates to implement online shopping and reporting progress to the Department, and vendors undertaking system updates to accept online WIC transactions. Further details about the impacts from the rule are included in the burden narrative (see Appendix P: WIC Burden Narrative), the burden table (see Appendix O: WIC Burden Table), and in the response to 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.

FNA makes every effort to comply with the E-Government Act of 2002. Any information that must be submitted to FNA may be submitted via web-based applications that allows users to share and access information. Those with limited access to or familiarity with technology also have the option to submit information via email, mail, or fax. In addition, FNA encourages its State agency partners to offer electronic submission to local agencies and vendors whenever it is feasible. All 88 WIC State agencies have automated management information systems (MIS) and/or food delivery systems that were created with funding from FNA, and 100 percent of State agencies submit information via MIS. FNA offers funding for enhancements to these systems at the State and local agency levels, which continues to reduce the time and effort required to collect and transmit information. For example, State agency use of automated MIS minimizes the

burden associated with the performance of many other activities including performing and documenting vendor training, and documenting monitoring visits to retail vendors. Vendor applications and agreements are submitted via email or mail to the State agency but are not submitted to FNA.

For the information collection specific to the revisions in the final rule, FNA estimates that essentially all responses pertaining to State agency and vendor reporting and recordkeeping in this revision are collected electronically. Out of 217,206 State agency and vendor responses for this collection, FNA estimates that 100 percent are collected electronically. Out of 1,017,195 responses for this information collection revision, FNA estimates that 21 percent are collected electronically (217,206/1,017,195 = 0.21). The remaining responses in this collection involve participants physically visiting a clinic to load their EBT cards with benefits if the State agency operates an offline EBT system.

For the information collection overall, FNA estimates that nearly all responses pertaining to State agency and vendor reporting and recordkeeping are collected electronically. Individual or household responses are provided to the local agency either face-to-face or over the phone or involve participants physically visiting a clinic to load their benefits. Out of the 64,229,802 total responses for this collection, FNA estimates that 31,972,405 (50 percent) are collected electronically.

The final rule formally recognizes the benefit of EBT data and would significantly reduce the time it takes for State agencies to collect shelf price data from vendors. Using EBT data allows

pricing data to be collected in real time. FNA estimates that all State agencies have access to EBT data. Improved and extended use of automated approaches to program management and service delivery is a priority of the WIC program.

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 requirements in the final rulemaking. Every effort has been made to avoid duplication. FNA has reviewed USDA reporting requirements and State administrative agency requirements. FNA 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.

FNA estimates that approximately 24 percent of the 40,377 currently authorized retail vendors are small businesses. FNA expects that internet vendors are less likely to be small businesses than brick-and-mortar vendors and estimates that only 15 percent of the 110 internet vendors that FNA estimates would be authorized under the final rule would be small businesses. Altogether, a total 9,708 WIC-authorized vendors would be small businesses that are impacted by this information collection (9,691 brick-and-mortar vendors and 17 internet vendors). Therefore, of the 3,392,909 respondents specific to the information collection revisions in the final rule, FNA estimates that 9,708 (0.29 percent) will be small entities. Out of the 6,747,052 total respondents for this overall information collection revision, FNA estimates that 9,708 (0.14 percent) will be

small entities. However, this information collection does not impose a significant economic impact on these small entities and is a necessary component of electing to participate in this program as a vendor.

FNA encourages State agencies to use automated approaches in the collection of vendor data and other vendor related activities. This information collection reflects a rulemaking that would reduce the burden on vendors, including those that are small entities, by eliminating the requirement to collect and report shelf prices every six months, recognizing that electronic benefit redemption data are a sufficient replacement. State agency use of automated MIS and other processors minimize the burden associated with the collection of vendor data and other vendor related activities.

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 the WIC program. Collecting data less frequently would not allow FNA to properly monitor program funding, statutory and regulatory compliance, and program trends. If information were collected less than the frequencies discussed in A2, the efficiency and effectiveness of the WIC program would be jeopardized. The risk for improper use of Federal funds would increase, and FNA's ability to detect violations would diminish greatly.

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;**

Under § 246.25(a)(2) of the WIC regulations, all records shall be retained for a minimum of three years following the date of submission of the final expenditure report for the period to which the report pertains. If any litigation, claim, negotiation, audit, or other action involving these records has been started before the end of the three-year period, the records shall be kept until all issues are resolved, or until the end of the regular three-year period, whichever is later. This provision is based on 36 CFR 1207.42(b)(2) of the National Archives and Records Administration regulations.

- **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;**

Under § 246.26(b) of the WIC regulations, FNA reserves the right to use information obtained under the program in a summary, statistical, or other form which does not identify particular individuals.

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

Under § 246.26(b) of the WIC regulations, FNA reserves the right to use information obtained under the program in a summary, statistical, or other form which does not identify particular individuals.

- **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.

A 60-day Federal Register Notice was embedded in the proposed rule titled "WIC Online Ordering and Transactions and Food Delivery Revisions to Meet the Needs of a Modern, Data-Driven Program" (RIN 0584-AE85), which was published in the Federal Register on February 23, 2023. Comments received (for a representative sample, see Appendixes E-N: Public Comments) were evaluated on the information collection requirements during the comment period after publication of the proposed rule. Comments were addressed during the final stage of rulemaking and incorporated into the final rule information collection request.

The Department received approximately 20 comments on the proposed information collection requirements and associated burdens. A representative sample of 10 comments is included in Appendixes E-N: Public Comments. Based on public comment feedback, the Department revised the burden estimates for this final rule as follows:

- Travel time for vendor visits: The Department received feedback that a 20-minute round trip

travel time for visiting vendors for various activities was an underestimate. Therefore, the Department is adjusting the estimated travel time for round trip vendor visits to 30 minutes and incorporated this edit into the various activities involving vendor visits.

- Onsite preauthorization visits: To reflect the feedback received related to travel time for State agencies visiting vendors, the Department adjusted the total burden for this activity from 60 minutes to 70 minutes (1.17 hours).
- Vendor applications and agreements: The Department proposed the burden for this activity to be 40 minutes (0.668 hours) per vendor applicant. However, multiple commenters stated that this underestimated the amount of time necessary to complete a full review and completion of vendor applications and agreements. Based on the feedback, the Department adjusted the estimated burden to 120 minutes (2 hours) per vendor applicant for this activity to account for the increased estimate of review and processing of applications and agreements.
- Onsite routine vendor monitoring: To reflect feedback from stakeholders that routine monitoring takes longer than the proposed 80 minutes including travel time, the Department adjusted the estimated burden to 100 minutes (1.67 hours) per vendor for this activity to account for both increased estimate in travel time and the routine monitoring activities that take place.
- Virtual routine vendor monitoring: The Department proposed the burden for this activity to be 60 minutes per vendor. However multiple commenters stated that routine monitoring, including remote monitoring, is likely to take longer. Based on this feedback, the Department increased the estimated burden to 70 minutes (1.17 hours) per vendor for this activity to account for an increased estimate.

- Onsite compliance investigations: To reflect feedback from stakeholders that onsite compliance investigations take longer than 120 minutes per vendor, the Department adjusted the estimated burden to 300 minutes (5 hours) per vendor for this activity to account for both increased estimate in travel time and the activities that take place.
- Virtual compliance investigations: The Department proposed the burden for this activity to be 120 minutes per vendor. Multiple commenters stated that compliance buys take a significantly longer amount of time, even if done remotely. Based on this feedback, the Department increased the estimated burden to 270 minutes (4.5 hours) per vendor for this activity, removing the 30-minute travel time accounted for in the onsite compliance investigation.
- System updates to allow online shopping, including return of benefits: The Department did not initially include the burden associated with updates to State agency systems (EBT and MIS) and vendor systems necessary to implement online shopping. Commenters discussed the significant cost and impact related to these necessary changes and based on feedback provided by State agencies currently implementing online shopping projects, FNA estimates that on average, each State agency will need to spend 50 hours modifying their EBT and MIS to enable online shopping. The Department estimates that internet vendors will also have a 50-hour burden to update their systems to implement online shopping and incorporated that into this burden estimate.
- Development of transaction authentication policies: The Department proposed the burden for this activity to be 25 hours per State agency. Commenters stated that this was an underestimate and did not take into consideration the hours that to will take State agency to clear these types of policies through State level review. Based on this feedback, and to

account for modifications to the provision that require State agencies to receive written approval from FNA to adopt an authentication method other than the Personal Identification Number (PIN), the Department increased the estimated burden to 50 hours for this activity. The Department appreciates the feedback provided and incorporated it into the estimates for the final burden.

The Department did not change the estimated burden based on public comment feedback for the following provisions:

- Shelf price exemptions: Some State agencies stated that because they utilize shelf price exemptions and do not collect shelf prices, they would not be realizing the benefits of the new provision and therefore the burden estimate was inaccurate. While FNA recognizes that some State agencies have already realized the benefits of not collecting shelf prices through the use of exemptions, the goal of this burden assessment is to recognize the decrease in burden hours from an overall regulatory perspective. As this rulemaking permanently removes the requirement to collect shelf prices, the burden reflects the impact on all State agencies, regardless of if they had an exemption.
- Participant travel time to clinic: one commenter stated that the participant travel time to the clinic for benefit pick up was underestimated. The Department recognizes that the travel time for participants in their State agency may be different than the Department's estimate. However, the Department's estimate was based on a survey data[1] that represents an accurate sample of participant's nationwide, rather than in just one State agency. Therefore, the

[1] U.S. Department of Agriculture, Food and Nutrition Service, "Appendix G. Program Experiences Survey Tables." *Third National Survey of WIC Participants,* Alexandria, VA: 2021, Table 5c.2. Available online at: *https://www.fns.usda.gov/ wic/ third-national-survey-wic-participants*.

Department maintains its estimate for participant benefit pick up travel time.

- Reporting Requirements: some commenters stated that the estimated burden impact of quarterly reporting submissions to FDP was underestimated. The Department has reviewed this feedback and will incorporate changes to the burden related to FDP in the separate burden revision under OMB Control Number 0584-0401.

The Department has made several additional changes to the estimated burden:

- Baseline numbers: The baseline number of hours currently approved under OMB Control Number 0584-0043 have been updated since the proposed rule was published, due to the regular revision of the WIC program information collection request (ICR). The impact of this final rule on the overall WIC program information collection burden therefore reflects estimated changes to the updated baseline numbers.
- Updated program data: Since the WIC program ICR was last approved, there has been a decrease in the number of State agencies, an increase in the number of vendors, and an increase in the number of participants. The estimated burden associated with this final rule is calculated using the most recent available program data. Changes to the burden estimates from updated program data are classified as "program adjustments," while changes to the burden as a result of the final rule are classified as "program changes."
- Revised estimates of online shopping uptake: In the proposed rule, the Department estimated that 80 State agencies would implement online shopping and that each State agency would authorize approximately five internet vendors, resulting in 400 internet vendors. These estimates were based on the number of State agencies with online EBT systems and the Supplemental Nutrition Assistance Program's (SNAP) experiences with

online shopping. The Department is revising these numbers to estimate that approximately half of WIC State agencies (44) will implement online shopping in the first five years following the rule's publication and that each State agency will authorize 2 to 3 internet vendors, resulting in 110 internet vendors. These updated estimates are based on experiences with ongoing WIC online shopping projects.

- Correction of error in a previous submission: The currently approved burden for State agency recordkeeping activities related to vendor incentive items has an inaccurate number for the total number of above-50-vendors used to estimate the burden associated with State agency record keeping for this burden activity. The accurate number is used for this updated burden and therefore while program changes would result in an increase to the burden, there is an overall decrease in burden hours associated with this activity.
- Additional implementation burden: The Department has also added a one time implementation burden associated with activities that FNA may ask State agencies that are changing their food delivery systems to complete, such as the WIC Online Shopping Final Rule Implementation Checklist (see Appendix C), status reports, additional trainings, and reviewing guidance materials.
- Adjusted for provisions not finalized: The Department is not adopting the proposed revisions that would have increased the maximum length of vendor agreement periods and the minimum frequency that State agencies must accept and process vendor applications from three to five years. Therefore, the burden associated with vendor agreements and applications have been adjusted to no longer reflect this decreased frequency.

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.

When FNA finalizes the information collection package, the package will be available through www.regulations.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. FNA National Office consults with FNA offices across the country regarding any proposed changes as the result of legislative, regulatory, or administrative changes. FNA offices are in daily contact with State agencies, which provide feedback on FNA processes and procedures for this information collection. Feedback from the State agencies is then used by FNA to help shape the burden estimates for this collection.

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.

FNA held a consultation with Tribal leaders and representatives on key issues related to the proposed rule. Tribal leaders were generally supportive of online shopping for WIC, which may increase access to food benefits for those with limited access to a physical store. Tribal leaders provided substantive feedback that was taken into consideration during the development of this rule, including concern for the barriers that fees related to online ordering could pose to participants who would like to use WIC online shopping options. FNA will explore additional opportunities for engagement as needed.

FNA National Office consults with FNA offices across the country regarding any proposed changes as the result of legislative, regulatory, or administrative changes. FNA offices are in daily contact with State agencies, which provide feedback on FNA processes and procedures for

this information collection. Feedback from the State agencies is then used by FNA to help shape the burden estimates for 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, FNA 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 FNA to assume the liability of approving or certifying systems with regard to security. To the extent that FNA 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.

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 noted provisions of the WIC regulations. 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."

This ICR does not include any forms that require a Privacy Act Statement. The FNA Privacy Officer determined (and confirmed on December 3, 2024) that a Privacy Act System of Records Notice is not applicable to this collection. FNA 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, FNA 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.

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

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

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

The final rule impacts the burden associated with reporting requirements for State agencies, individuals/households, and vendors, as well as the burden associated with recordkeeping requirements for State agencies. The reporting and recordkeeping burdens covered by this ICR include requirements that involve submitting information on State agency operations to FNA; the authorization, training, and monitoring of vendors; the collection of vendor pricing information in order to comply with the Federal regulations regarding WIC cost containment; system updates to EBT and MIS to support online shopping, and activities necessary for WIC participants to obtain benefits.

State plans are the principal source of information about how each State agency operates its WIC program. In addition, State agencies report to FNA on vendor monitoring and oversight activities through annual submissions to the FDP. This information collection burden was estimated using information from these sources. Revisions in the burden hours are due to program changes from the final rule as well as public feedback on the burden hour estimates.

Provisions affected by the final rule will have 3,392,909 respondents, 1,017,195 responses, and 721,334 burden hours. With this revision, FNA estimates that the existing total collection will now have 6,747,052 respondents, 64,229,802 responses, and 15,380,899 burden hours. The

overall information collection burden is estimated to have decreased by 1,588,149 burden hours annually due to program changes from the final rule, and by 393,856 hours due to program adjustments. The total estimated burden hours will decrease from 17,362,904 to 15,380,899 burden hours. The revisions would decrease the current reporting burden by 1,984,064 hours and increase the current recordkeeping burden by 2,059 hours. The revisions would increase the number of respondents by 463,924, from 6,283,126 to 6,747,052 respondents.

The estimated burden revisions for this information collection that are 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.

Regulatory Citation	Description of Activities	Estimated Number of Respondents	Frequency of Responses	Total Annual Responses	Average Burden Hours per Response	Estimated Total Burden Hours	*Current Burden Hours in OMB # 0584-0043*	Estimated Change due to Program Changes	Estimated Change due to Adjustments	Total Change due to Rulemaking and Adjustments
REPORTING BURDEN ESTIMATES										
Affected Public: State and Local Agencies (including Indian Tribal Organizations and U.S. Territories)										
246.4	State Plan	88.00	1.00	88.00	170.62	15,014.56	*15,185.18*	0.00	-170.62	-170.62
246.12	Implementation of food delivery system changes	44.00	1.00	44.00	5.00	220.00	*0.00*	220.00	0.00	220.00
246.12(g)(4)(i)	Vendor food sales data	88.00	9.20	809.74	4.00	3,238.96	*3,360.00*	8.80	-129.84	-121.04
246.12(g)(4)(ii)(B)	Vendor shelf prices	0.00	0.00	0.00	2.00	0.00	*149,068.00*	-149,068.00	0.00	-149,068.00
246.12(g)(4)(ii)(B)	Vendor shelf prices exemption	0.00	0.00	0.00	8.00	0.00	*40.00*	-40.00	0.00	-40.00
246.12(g)(5)	Vendor initial preauthorization visits (onsite)	88.00	17.00	1,496.00	1.17	1,750.32	*1,513.00*	0.00	237.32	237.32
246.12(g)(5)	Vendor initial preauthorization visits (virtual)	44.00	2.50	110.00	0.668	73.48	*0.00*	73.48	0.00	73.48
246.12(h)	Review Vendor applications/agreements	88.00	151.83	13,360.71	2.00	26,721.42	*8,215.14*	72.60	18,433.68	18,506.28
246.12(i)(1)	Vendor training	88.00	460.08	40,487.00	2.00	80,974.00	*74,534.00*	220.00	6,220.00	6,440.00
246.12(j)(2)	Routine vendor monitoring (onsite)	88.00	22.94	2,018.85	1.67	3,371.48	*2,485.71*	0.00	885.77	885.77
246.12(j)(2)	Routine vendor monitoring (virtual)	44.00	0.13	5.50	1.17	6.44	*0.00*	6.44	0.00	6.44
246.12(j)(4),(6)	Vendor compliance investigations (onsite)	88.00	22.94	2,018.85	5.00	10,094.25	*4,349.06*	0.00	5,745.19	5,745.19
246.12(j)(4),(6)	Vendor compliance investigations (virtual)	44.00	0.13	5.50	4.50	24.75	*0.00*	24.75	0.00	24.75

246.12(bb)(1)	System updates to allow online shopping, including return of benefits	44.00	1.00	44.00	50.00	2,200.00	*0.00*	2,200.00	0.00	2,200.00
246.12(bb)(2)	Transaction authentication policy development	88.00	1.00	88.00	50.00	4,400.00	*0.00*	4,400.00	0.00	4,400.00
246.14(d)	ADP proposals	20.00	1.00	20.00	160.00	3,200.00	*3,200.00*	0.00	0.00	0.00
Subtotal Reporting: State and Local Agencies		**88**	**688.59**	**60,596**	**2.50**	**151,290**	***261,950***	**-141,881.94**	**31,221.50**	**-110,660.44**
Affected Public: Individuals and Households: Applicants for Program Benefits										
246.12(r)(4) & (r)(5)	Offline EBT State agencies: Food instrument and cash-value voucher pick up (non-certification clinic visits)	304,757.59	2.63	799,988.68	0.50	399,994.34	*894,499.89*	-57,142.05	-437,363.50	-494,505.55
246.12(r)(4) & (r)(5)	Online EBT State agencies: Food instrument and cash-value voucher pick up (non-certification clinic visits)	3,047,575.91	0.00	0.00	0.00	0.00	*1,262,823.37*	-1,262,823.37	0.00	-1,262,823.37
Subtotal Reporting: Applicants		**3,352,334**	**0.24**	**799,989**	**0.50**	**399,994**	***2,157,323***	**-1,319,965.42**	**-437,363.50**	**-1,757,328.92**
Affected Public: Business: Retail Vendors (WIC-Authorized Food Stores) and Nonprofit Businesses										
246.12(g)(4)(i)	Vendor food sales data for A50s	809.74	1.00	809.74	2.00	1,619.48	*1,680.00*	4.40	-64.92	-60.52
246.12(g)(4)(ii)(B)	Vendor shelf prices	0.00	0.00	0.00	0.00	0.00	*132,318.79*	-132,318.79	0.00	-132,318.79
246.12(g)(5)	Vendor initial preauthorization visits	1,606.00	1.00	1,606.00	0.668	1,072.81	*1,010.68*	73.48	-11.36	62.12
246.12(h)	Vendor applications & Agreements	13,360.71	1.00	13,360.71	1.00	13,360.71	*12,298.11*	36.30	1,026.30	1,062.60
246.12(h)(3)(xiii)	Vendor training of staff	40,487.00	1.00	40,487.00	1.00	40,487.00	*37,267.00*	110.00	3,110.00	3,220.00
246.12(h)(8)(i)	Vendor incentive items	359.88	1.00	359.88	1.00	359.88	*340.00*	0.98	18.91	19.88

246.12(i)	Vendor Training	40,487.00	1.00	40,487.00	2.00	80,974.00	*74,534.00*	220.00	6,220.00	6,440.00
246.12(bb)(1)	System updates to allow online shopping, including return of benefits	110.00	1.00	110.00	50.00	5,500.00	*0.00*	5,500.00	0.00	5,500.00
Subtotal Reporting: Businesses		**40,487**	**2.40**	**97,220**	**1.47**	**143,374**	***259,449***	**-126,373.63**	**10,298.93**	**-116,074.70**
GRAND SUBTOTAL: REPORTING		**3,392,909**	**0.28**	**957,805**	**0.73**	**694,658**	***2,678,722***	**-1,588,221**	**-395,843**	**-1,984,064**
RECORDKEEPING BURDEN ESTIMATES										
Affected Public: State and Local Agencies (including Indian Tribal Organizations and U.S. Territories)										
246.12(h)(1)(i)	Vendor applications & Agreements	88.00	151.83	13,360.71	1.00	13,360.71	*12,298.11*	36.30	1,026.30	1,062.60
246.12(h)(8)(i)	Vendor incentive items	4.00	89.97	359.88	1.00	359.88	*389.20*	0.98	-30.29	-29.32
246.12(j)(6)	Routine vendor monitoring	88.00	23.00	2,024.35	0.50	1,012.18	*931.68*	2.75	77.75	80.50
246.12(j)(6)(ii)	Vendor compliance Investigations	88.00	23.00	2,024.35	2.00	4,048.70	*3,726.70*	11.00	311.00	322.00
246.12(l)(3)	Vendor notice of violations	88.00	12.88	1,133.64	1.00	1,133.64	*1,048.00*	3.08	82.56	85.64
Subtotal Recordkeeping: State and Local Agencies		**88**	**214.81**	**18,903**	**1.05**	**19,915**	***18,394***	**54.11**	**1,467.31**	**1,521.42**
Affected Public: Business: Retail Vendors (WIC-Authorized Food Stores) and Nonprofit Businesses										
246.12(h)(3)(xvi)	Vendor Inventory Records	40,487.00	1.00	40,487.00	0.17	6,761.33	*6,223.59*	18.37	519.37	537.74
Subtotal Recordkeeping: Businesses		**40,487**	**1.00**	**40,487**	**0.17**	**6,761**	***6,224***	**18.37**	**519.37**	**537.74**
GRAND SUBTOTAL: RECORDKEEPING		**40,575**	**1.46**	**59,390**	**0.45**	**26,676**	***24,617***	**72.48**	**1,986.68**	**2,059.15**
GRAND TOTAL: REPORTING, RECORDKEEPING, and PUBLIC DISCLOSURE		**3,392,909**	**0.30**	**1,017,195**	**0.71**	**721,334**	***2,703,339***	**-1,588,149**	**-393,856**	**-1,982,005**

The overall estimated burden for this information collection, including the number of respondents, frequency of response, average time to respond, and annual burden hours, is shown in the attached Appendix O: WIC Burden Table. The table below provides a summary of the revised burden estimates:

Summary of Requested Burden Revisions to # 0584-0043			
	Burden Currently Approved	**Projected Respondents/ Responses/Burden Due to Final Rule**	**Difference**
Grand Total Respondents	6,283,126	6,747,052,527	463,926
Grand Total Responses	67,867,960	64,229,802	-3,638,158
Grand Total Annual Burden Hours	17,362,904	15,380,899	-1,982,005

NOTE: Total responses and burden hours shown above are calculated based on Appendix O: WIC Burden Table and are rounded to the nearest whole number.

B. 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 percent)**
#0584-0043 State agency staff	171,204.76	$38.15	$8,686,843.92
#0584-0043 Vendor staff	150,135.21	$18.98	$3,789,923.16
#0584-0043 Individuals/households	399,994.34	$7.25	$3,856,945.40
Totals	721,334.31		$16,333,712.48

** These mean hourly rates were obtained from the U.S. Department of Labor, Bureau of Labor Statistics, May 2025 National Industry-Specific Occupational Employment and Wage Estimates (https://www.bls.gov/oes/current/oessrci.htm).*

- The average hourly rate for State agency staff is $38.15, which is the mean of "all occupations" for State government data (https://data.bls.gov/oes/#/industry/999201). With a burden of 171,204.76 hours at $38.15 per hour, the base annual respondent cost is estimated at $6,531,461.59. An additional 33 percent of the estimated base annual respondent cost must be

added to represent fully loaded wages, equaling $2,155,382.33. Thus, the total annual respondent cost is $8,686,843.92.

- The average hourly rate for vendor staff is $18.98, which is the mean of "all occupations" for Food and Beverage Retailers (https://data.bls.gov/oes/#/industry/4450A1). With a burden of 150,135.21 hours at $18.98 per hour, the base annual respondent cost is estimated at $2,849,566.29. An additional 33 percent of the estimated base annual respondent cost must be added to represent fully loaded wages, equaling $940,356.87. Thus, the total annual respondent cost is $3,789,923.16.
- The $7.25 hourly rate for individuals/households participating in WIC is the Federal minimum wage as of July 2009 (U.S. Department of Labor, https://www.dol.gov/whd/minimumwage.htm). With a burden of 399,994.34 hours at $7.25 per hour, the base annual respondent cost is estimated at $2,899,958.95. An additional 33 percent of the estimated base annual respondent cost must be added to represent fully loaded wages, equaling $956,986.45. Thus, the total annual respondent cost is $3,856,945.40.

A13. Estimates of other total annual cost burden.

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

FNA estimates that it will cost each of the estimated 44 WIC State agencies implementing online shopping in the next five years approximately $185,000 to update their EBT and MIS to implement online shopping in the year that they choose to do so. Altogether, these one time implementation costs would total $8.14 million. After implementation, the Department anticipates that maintenance of such systems will cost approximately $4,500 per month.

Therefore, in an average year following implementation of online shopping in 44 State agencies, these ongoing maintenance costs would total $2.38 million. Altogether, these implementation costs total $10.52 million.

The final rule adds a provision at § 246.12(h)(3)(xxxiii) that allows WIC participants who choose to shop for supplemental foods online to pay for fees associated with such services using another tender type, as long as those fees are also assessed to non-WIC customers using the same services. Adjusting for annual inflation, the Department estimates that an average online grocery order in 2027 will be assessed $10.66 in delivery and service fees, increasing to $11.63, adjusting for inflation, in FY 2031. Additionally, FNA estimates that once online shopping has been implemented across 44 State agencies, 28 percent of WIC participants in those State agencies would make one online WIC order each month and that 33 percent of WIC online shopping orders will be placed for home delivery. On average, each WIC household consists of two WIC participants. Therefore, FNA estimates that approximately 155,351 households (310,702 participants) would place an online order for home delivery each month, costing WIC participants a total of about $21.68 million per year in delivery fees if 44 State agencies had implemented online shopping in 2031.

Estimated Capital, Start-up, Operation, Maintenance and Implementation Costs and Fees:

Table 2: Summary of Costs Associated with the Final Rule				
Description of Cost	**Number of Respondents**	**One Time Costs (millions)**	**Annual Costs (millions)**	**Total Costs (millions)**
State Agencies				
Systems development and maintenance for online shopping	44	$8.14	$2.38	$10.52
Individuals and Households				

Fees associated with online shopping	155,351	$0.00	$21.68	$21.68
Total Costs		**$8.14**	**$24.06**	**$32.20**

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) FNA National Office Staff: 5 full time employees (FTEs)
(recordkeeping, analysis)

FNA Non-National Office Staff: 14 FTEs
(reporting and recordkeeping, monitoring, technical assistance, review, analysis)

($43.08/hour x 40 hours x 52 weeks)* + $29,570.11 (fringe benefits)** =

$119,176.51 per FTE x 19 FTEs =
Subtotal: $2,266,353.73

(2) Mailing and telephone: $2,000
Subtotal: $2,000

Federal Program Maintenance Cost Total: $2,266,353.73

* Based on an average of GS-11, 12, 13 salaries, Step 6, ($35.66 + $42.74 + $50.83) / 3 = $43.08) from the U.S. Office of Personnel Management General Schedule (Base) Salary Table - effective January 2026 (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2026/general-schedule/).

** The associated 33 percent fringe benefit cost ($43.08/hour x 40 hours x 52 weeks) x .33= $29,567.82

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 a result of a final rule, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Online Ordering and Transactions and Food Delivery Revisions to Meet the Needs of a Modern, Data-Driven Program. The reporting and recordkeeping burdens covered by this ICR include requirements that involve WIC State agency operational plans and policies; vendor sales and shelf price data; vendor application and agreement information; data related to vendor preauthorization visits, training, monitoring, and compliance investigations; State agency costs; in-person participant benefit pick up; and notification of program violations to vendors.

This information collection currently includes 17,362,904 burden hours, 67,867,960 responses, and 6,283,126 respondents. With this revision, FNA is requesting 15,380,899 burden hours and 64,229,802 responses from 6,747,052 respondents. As a result of the rulemaking, there is a net decrease of 1,982,005 hours and 3,638,158 annual responses, and a net increase of 463,926 respondents to the existing information collection.

The program changes resulting from the final rule include: authorizing internet vendors in the WIC program and related changes in the frequency of vendor preauthorization, monitoring, and compliance visits; removing the requirement to collect shelf price data from vendors in State agencies with access to EBT data; requiring State agencies to develop new transaction authentication policies; State agency and vendor system updates to implement online shopping; and State agency reporting on changes to their food delivery system.

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.

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.