

SUPPORTING STATEMENT FOR

“Child Nutrition Database”
OMB No. 0584-0494

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Appendices

- i. Appendix A – FNS 710 (Paper)**
- ii. Appendix B – FNS 710 (Screenshots/Electronic Version)**
- iii. Appendix C – Final Rule: Nutrition Standards in the National School Lunch and School Breakfast Programs (<http://www.gpo.gov/fdsys/pkg/FR-2012-01-26/pdf/2012-1010.pdf>)**
- iv. Appendix D - FNS Public Comment 1**
- v. Appendix E – FNS Public Comment 2**
- vi. Appendix F – FNS Response to Public Comment 1**
- vii. Appendix G – FNS Response to Public Comment 2**

A. Justification

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

This is an extension of a currently approved collection. The Child Nutrition (CN) Database is a necessary component and is required to be part of the nutrient analysis software approved by USDA in implementation of USDA's Food and Nutrition Service (FNS) National School Lunch Program (NSLP) and School Breakfast Program (SBP). Nutrition Standards in the National School Lunch and School Breakfast Programs final rule (**RIN 0584-AD59**) was published in the January 26, 2012 Federal Register, Vol 77, No. 17. This final rule sets forth the new food-based meal patterns in 7 CFR §210.10 for lunches and §220.8 for breakfasts. The regulations (7 CFR 210.18) also require state agencies (SAs) to conduct a nutrient analysis of school lunches and breakfasts as a part of administrative review to monitor compliance with the specifications for certain nutrients. The CN Database provides the SFAs with the necessary nutrient information for this purpose.

The CN Database contains information on the nutritional compositions of: 1) USDA [commodities] Foods; 2) USDA National Nutrient Data Base for Standard Reference (SR) food items which are used in the SBP and NSLP; 3) standardized recipes for school food service developed by USDA; and 4) brand name commercially processed foods. State agencies ability to conduct a weighted nutrient analysis of the reimbursable meals for administrative review is dependent up on availability of CN database.

Therefore, USDA requires (7 CFR 210.10(i)(4)), that the CN Database be incorporated into all approved school food service software systems used for menu and recipe analysis . As a part of administrative reviews, the CN Database would be used in providing assistance with nutrition analysis. The CN Database is available free of charge and will be regularly maintained and updated to ensure that the information is as accurate and current as possible.

The Agricultural Research Service (ARS) and FNS originally cooperated in the development of the CN Database. ARS administered, updated, and maintained the CN Database ensuring data accuracy and validity. Currently the collection of data and management of the database are done by an outside FNS contractor. Continuous collection of brand name commercially processed nutrient data is necessary. Very little nutrient data for these commercially processed foods exist in the literature, other referenced nutrient database, or from other government sources. Many of these foods are specifically formulated for the Child Nutrition Programs, including National School Lunch, School Breakfast, Summer Food Service, and Child and Adult Care Food Programs, making them unique and different from other food products. Manufacturers that voluntarily submit the nutrient information for this collection do so because they are selling the product in the school marketplace.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Using the FNS-710 CN Database Qualification Report, the information gathered for this collection is required to be used in software programs approved by USDA for use in meeting the nutrient standards and nutrition goals of the Child Nutrition Programs. Both the State agencies and program operators use this extant information for auditing and nutrient analysis review purposes. The regulations require that state agencies conduct nutrient analysis of school lunches and breakfasts as a part of administrative review (every 3 years) to determine they are in line with meeting specific nutrient requirements. Frequency of response and updates is conducted occasionally (annually or as needed basis) which is determined by the manufacturer. If a company has additions or changes to product information in the CN Database, the

manufacturer is required to submit the new or revised information to the FNS contractor to update the database.

This would be an impossible task without the aid of a software program and the information would be inadequate or incorrect if the database was in error or did not contain the required information. Data already collected are being used in software programs as described above. The USDA-approved nutrient analysis software generates a report that compares a planned menu against the required nutrient standards used for Federal meal reimbursement. This allows a menu planner to modify the menu until the nutrient standards are met as well as helps to ensure compliance with specific nutrient requirements. State agencies use this existing data via USDA-approved (that contains updated nutrition information) software to audit menus that have been served for compliance with the nutrient standards.

- 3. 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.**

According to the E-Government (E-Gov) Act of 2002, Federal agencies are required to provide electronic submission as an alternative to paper submission where feasible. FNS makes every effort to comply with these requirements and has acquired a contractor to provide an automated process for this information collection. Our contractor has created the automated system at <https://stars.fns.usda.gov/cndb> to reduce time in adding data to the CN Database. To improve efficiency and data quality, this system incorporates an electronic version of form FNS-710 for data entry to be used by the manufacturer and the system maintains

the information required in the CN Database. In lieu of internet access, FNS offers the data collection instrument in paper form FNS-710. However, in fiscal year (FY) 2013, 100% of these responses were reported electronically. The contractor has a system of transferring the requested information to the CN Database with no additional input from the manufacturers. In addition, certain products, either generic or commercial, are added by downloading them from the USDA National Nutrient Database for Standard Reference maintained by ARS on their website with no additional impact on the manufacturers (www.nal.usda.gov/fnic/foodcomp/search/).

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

Similar nutrient databases exist; however, those do not meet FNS specific needs for menu and recipe analysis of meals served by schools. Very little nutrient data for these commercially processed foods exist in the literature, other referenced nutrient database, or from other government sources. Many of these foods are specifically formulated for the Child Nutrition Programs, including National School Lunch, School Breakfast, Summer Food Service, and Child and Adult Care Food Programs, making them unique and different from other food products. Manufacturers that voluntarily submit the nutrient information for this collection do so because they are selling the product in the school marketplace. FNS identifies commercially processed foods commonly used in schools which already have the required nutrient information included in the USDA SR database and has the contractor retrieve this data from the SR for inclusion in the CN Database.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

All Child Nutrition Programs conducting nutrient analysis use the CN Database through a USDA-approved software system. All State agencies who conduct administrative reviews (currently this burden is covered under 0584-0006 collection, expiration date 2/29/2016) use the CN Database for monitoring, through a USDA-approved software system. Therefore, it reduces the burden to small businesses because they do not have to supply the same information to every program involved. Information required has been held to the minimum, small businesses can submit their information to one central facility, the CN Database FNS contractor, who will make this information available to all Child Nutrition Programs via the CN Database. FNS estimates that out of the 32 manufacturers (Business-for-profit), nine percent of our respondents are small entities, approximately 3 respondents.

6. 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 data collection request. State agencies and Program operators use facts from and depend on the CN Database to comply with the dietary specifications provided in 7 CFR 210.10 and 210.18. If the information is not collected and updated regularly for the CN Database, the nutrient data will become less useful to program operators, causing them to rely on their vendor for required nutritional information.

Without any oversight, vendors could supply nutritional information that is inaccurate causing the program operator to plan meals for children that do not meet specific nutrient standards or comply with the Dietary Guidelines of Americas 2010. Serving meals to children that do not meet the established nutrient standards is an infringement of program requirements. Nutrient analysis as a part of program monitoring will be most accurate with updates to CN Database.

7. 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 that would cause this information collection to be conducted in a manner inconsistent with 5CFR 1320.5

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, 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.

A notice was published in the Federal Register on Tuesday, December 31, 2013 (Volume 78, Number 251, and Page 79660). Two public comments (Appendix D and E) were received in response to the notice published in the Federal Register.

Comments indicated that CN database in its current form involves time commitment for food manufacturers who update their product information annually. Commenters suggested alternate modes of data collection tools like USDA Foods Database to reduce redundancy of collection. They also suggested simple excel spreadsheet for consistency of data collection and compilation of entries. Program found that some of these comments are inaccurate and hence those points were clarified and future steps to simplify data collection were addressed in response letters. Copies of response letters (Appendix F and G) are included with this package. In addition, based on comments received, one question in FNS-710 form is slightly revised to reduce redundancy in data collection and improve clarity of language. An updated version of FNS-710 is included with this package.

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 form, and on the data elements to be recorded, disclosed, or reported.

The frequency, methods, and availability of data for collection have been discussed with several software vendors and Child Nutrition label companies during annual conferences. It was generally agreed that since FNS accepts the Food and Drug Administration's required Nutrition Facts Panel label data, it is readily available.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

There is no payment or gift provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The Department will comply with the Privacy Act of 1974. No Personal Identifiable Information (PII) is requested; therefore, this information collection does not require a System of Records Notice (SORN) under the Privacy Act.

11. 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.

No sensitive information is requested.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **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.**

Form number FNS-710 is used to collect information from school food manufacturers on an ongoing and voluntary basis. The estimated average burden hours per food manufacturer may vary depending on the method of submission and the status of the required information for a maximum of two hours. FNS accepts both methods: paper FNS-710 or the electronic, Web-based duplicate of the paper form. If the electronic method is used and the required pieces of information are readily available (i.e., internal computer database), then the burden hours could be substantially less than if all the information is stored on paper and a new piece of paper is produced for each submission to be included in the CN Database by our contractor. Since FNS is accepting data that would normally be included on retail labels, we expect the nutritional information to be readily available for the companies to submit. Based on internal testing of FNS-710, and conversations with the contractor, the average time needed to provide the requested information on form FNS-710 is estimated to be not more than two hours or 120 minutes per response for the electronic or paper form. Please note that minor revision (change in language to one question) to FNS -710 (based on commenter’s suggestions) do not alter existing burden hours. In addition, data entry for some nutrients is optional and more flexible. Affected public is (Business-for-profit), respondent type Manufacturers; FNS estimated the number of respondents is 32 manufacturers the frequency of response per respondent annually is 35 for a total of 1,120 response x 2 hours per respondent = 2,240 burden hours.

# Respondents	# Responses Per Respondent	Total Annual Responses	Hours Per Response	Total Annual Burden
32	35	1,120	2.0	2,240

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

Since FNS is accepting Nutrition Facts label information and this information has been required on retail products since July 1994, the nutritional information required for the CN Database should be readily

available for all products at no additional cost to the public. The respondents are expected to use a data entry specialist to report the required information. Using an average pay rate of \$14.27/hour based on the 2013, Bureau of Labor Statistics for 43-9021 Data Entry Keyers (<http://www.bls.gov/oes/current/oes439021.htm>), the total cost would be \$31,964.80. The amount of this burden would vary depending on exactly how many products any particular company submitted.

TOTAL COST TO PUBLIC = 2,240 hours total burden X \$14.27/hour = \$31,964.80

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

There are no capital, start-up, or ongoing operation / maintenance costs associated with this data collection for respondents.

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

The total cost to maintain this collection annually is \$57,736.00. The Federal government is contracting out the collection of information and the maintenance of the CN Database. The annual cost of this contract is estimated to be \$50,000.00. This information collection also assumes that a total of 160 hours of Federal employee time: for a GS-13, step 5 nutritionist at \$48.35 per hour for a total of \$7,736.00 on an annual

basis. Federal employee pay rates are based on the General Schedule of the Office of Personnel Management (OPM) for 2013.)

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

This is an extension of a currently approved data collection. The burden requested is 2,240 which remains unchanged since the last OMB approval.

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

The data collected are expected to be released annually in ASCII and Microsoft Access format on the Healthy Meals Resource System Web site <http://healthymeals.nal.usda.gov/cndatabase.html>. The data are then downloaded by USDA-approved nutrient analysis software vendors who use it as part of their approved software to be used in the weekly planning of Child Nutrition Program meals by NSLP and SBP participants (schools). The information is expected to be updated annually, and the contract will run for a period of one year. Currently, the CN Database is expected to be updated and published annually until such time as it no longer serves a purpose for the Child Nutrition Programs.

17. 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.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act.”

There are no exceptions to the certification statement in Item 19.