

FINAL OFFICE OF CHEMICAL
SAFETY AND POLLUTION
PREVENTION NATIONAL
PROGRAM GUIDANCE
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SECTION I. INTRODUCTION

The National Program Guidances (NPG) set forth the strategies and actions the EPA and its state and tribal partners will undertake to protect human health and the environment. This NPG for FY 2020-2021 supports the Administration's priorities, which are reflected in EPA's *FY 2018-2022 Strategic Plan* and the Agency's FY 2020 Congressional Justification. Work in this NPG directly supports Goal 1/Objective 1.4, Ensure Safety of Chemicals in the Marketplace in the FY 2018 - 2022 EPA Strategic Plan. EPA's FY 2018-2022 Strategic Plan can be found at: <https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf>.

In the development of this NPG, the Office of Chemical Safety and Pollution Prevention (OCSPP) engaged in early outreach with states and tribes, and worked in collaboration and coordination with other National Program Managers (e.g., Office of Enforcement and Compliance Assurance (OECA), the Office of Water (OW)) and the regional offices to help identify the most important environmental and human health protection areas of work to be conducted by the regional offices in FY 2020-2021. During early stakeholder engagement, OCSPP provided copies of the FY 2018-2019 NPG to states and tribes for comment. State and tribal partners were asked to suggest changes in the FY 2018-2019 NPG to inform the development of the FY 2020-2021 Guidance. These extensive discussions took place during a series of tribal and state conference calls, face-to-face meetings, and written correspondence at the national and regional levels. In addition to OCSPP's outreach efforts, the program carefully reviewed and considered the state, tribal, and territory priorities identified through the Regional Administrator-led early engagement. OCSPP's FY 2020-2021 NPM Guidance takes into consideration these external stakeholders and internal inputs on program-specific topics and those requiring cross-program coordination. OCSPP and the regional offices will continue to communicate regularly with the states and tribes to better understand local, regional, and national issues and priorities.

To complement the individual National Program Guidances, Office of Chief Financial Officer (OCFO) developed an "Overview to the FY 2020-2021 NPM Guidances." The Overview to the NPG communicates important Agency-wide information and should be reviewed in conjunction with each of the FY 2020-2021 NPM Guidances, grant guidances and other applicable requirements. For additional background, please refer to [EPA's Overview of the FY 2020-2021 National Program Guidances](https://www.epa.gov/planandbudget/national-program-guidances) at <https://www.epa.gov/planandbudget/national-program-guidances>. Additionally, regional offices can rely on established EPA-Tribal Environmental Plans (ETEPs) to assist in conducting federal environmental program activities in Indian country, including direct implementation and technical and financial assistance. ETEPs fact sheet can be found at: <https://www.epa.gov/tribal/epa-tribal-environmental-plans-eteps-fact-sheet>.

EPA will use the Budget Formulation System (BFS) to track regional performance information and results. OCSPP's FY 2020 commitment is listed in Section 3 of this NPG. The annual commitments in BFS will remain as draft until final performance agreements are reached in June 2019. FY 2020 commitments will be finalized in November 2019. More information on the Agency's NPG development process, public comment process, other NPG to the regional offices and the Agency's official commenting template can be found on the EPA's Planning and Budgeting website at: <http://www2.epa.gov/planandbudget/national-program-manager-guidances>. Additional information on the EPA performance measures, planning and budgeting can be found at:

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<http://www2.epa.gov/planandbudget>. OCSPP-specific information can be found at:
<http://www2.epa.gov/aboutepa/about-office-chemical-safety-and-pollution-prevention-ocspp>.

SECTION II. STRATEGIC PLAN IMPLEMENTATION

A. STRENGTHEN STATE AND TRIBAL PARTNERSHIPS THROUGH CONTINUED EFFECTIVE MANAGEMENT OF PESTICIDE COOPERATIVE AGREEMENTS

DESCRIPTION

OCSPP's National Pesticide Program depends on cooperative agreements with states and tribes to implement many of the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and to promote our regulatory decisions and programs to achieve intended protections. This ensures OCSPP, the Office of Enforcement and Compliance Assurance (OECA), and the EPA regional offices are responsive to co-regulator and stakeholder needs while effectively managing cooperative agreements. Regional offices are responsible for negotiating, implementing and managing state and tribal cooperative agreements, and are uniquely positioned to provide technical assistance and oversight given their proximity and working relationships with states and tribes.

ACTIVITIES

- Negotiate state and tribal cooperative agreements and work plans consistent with the FIFRA Cooperative Agreement Guidance.
- Issue grant funds to states and tribes in a timely manner once they become available and/or consistent with the start of the cooperative agreement funding period (unless another timeframe is negotiated with the grantee). Ensure resources are directed consistent with the current FIFRA Cooperative Agreement Guidance (<https://www.epa.gov/compliance/fiscal-year-2018-2021-fifra-cooperative-agreement-guidance>) to areas where they are most needed.
- Ensure mid-year and end-of-year reporting is consistent with the requirements listed in the FIFRA Cooperative Agreement Guidance.
- Foster prompt and accurate communication of EPA Pesticide Program regulations, policies, and guidance to states and tribes.
- Communicate with states and tribes regularly to ensure grantees conduct meaningful work in priority areas and can meet their cooperative agreement responsibilities.
- Provide effective technical assistance and policy support for states and tribes on national pesticide priorities listed in the FIFRA Cooperative Agreement Guidance to help the grantees be successful.

MEASURE

EPA will review the workplan accomplishments in the state and tribal end-of-year reports to evaluate the effectiveness of this national priority focus. Specifically, OCSPP and OECA will evaluate if all required program areas have been addressed and assess the quality of these efforts.

B. ASSIST IN NATIONAL, REGIONAL AND LOCAL POLLINATOR PROTECTION EFFORTS

DESCRIPTION

Through risk assessment, mitigation, education, and outreach, EPA's goal for pollinator protection is to ensure all pollinators, including native and managed pollinators (*e.g.* honey bees) are protected from potential adverse effects from pesticide exposure. Regional offices play a key role promoting and overseeing pollinator protection activities through their frequent communication with states and tribes.

ACTIVITIES

- *Assist with the development of managed pollinator protection plans (MP3s), the appropriate revision to such plans, and outreach for state and tribal pollinator protection plans.* Regional offices should support states who are developing or revising MP3s as well as tribes who are developing broader tribal Pollinator Protection Plans (P3s). Further, regional offices should assist states and tribes with their implementation efforts throughout FY 2020-2021.

The American Association of Pesticide Control Officials (AAPCO), State FIFRA Issues Research and Evaluation Group (SFIREG), and the Pesticide Program Dialogue Committee (PPDC) developed a survey for state lead agencies regarding various aspects of MP3s. The results of the survey will be used by EPA as a line of evidence in determining the effectiveness of MP3s in reducing pesticide exposure to pollinators over time. EPA regional offices should encourage states to complete and submit the survey so that AAPCO/SFIREG can provide a summary to EPA. Tribes have the option to complete the survey as well and/or develop alternate means of assessing the effectiveness of their Pollinator Protection Plans.

- *Conduct outreach and education on pollinator protection approaches and efforts as well as the Monarch Protection Strategy.* Regional offices should disseminate existing outreach materials to promote pollinator protection Best Management Practices (BMPs), and Integrated Pest Management (IPM) in crops attractive to bees. For a listing of bee-attractive crops, see the USDA publication at: https://www.ars.usda.gov/ARUserFiles/OPMP/Attractiveness%20of%20Agriculture%20Crops%20to%20Pollinating%20Bees%20Report-FINAL_Web%20Version_Jan%202018.pdf. Existing EPA-developed pollinator protection material can be found on EPA's website at: <https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators>.

In addition, an extensive amount of outreach and educational materials are available through the USDA extension: (<https://www.extension.org/tag/pollinators/>) and Natural Resources Conservation Service websites

(<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/pollinate/>), and on stakeholder websites, such as the Pollinator Partnership (<https://pollinator.org/>), the Honey Bee Health Coalition (<https://honeybeehealthcoalition.org/>), Monarch Watch (<https://www.monarchwatch.org/>), and Xerces Society (<https://xerces.org/>).

- *Identify opportunities to partner with other agencies and organizations interested in promoting pollinator protection.* The National Strategy to Promote the Health of Honey Bees and Other Pollinators includes ideas for partnerships. Regional offices should consider:

- Partnering with USDA regional IPM Centers to leverage opportunities for outreach on pollinator protection BMPs. (<https://nifa.usda.gov/regional-integrated-pest-management-ipm-centers>).
- Linking to the Pollinator Partnership Action Plan. (https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Blog/PPAP_2016.pdf).
- *Reviewing the Pollinator Research Action Plan of the National Strategy* which has sections on “Research to Application” and Partnerships. (<https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/Pollinator%20Research%20Action%20Plan%202015.pdf>).
- *Promote the EPA Bee Inspection Guidance and encourage timely state and tribal responses to all suspected pesticide incidents involving pollinators.* During end-of-year reviews with the states and tribes, regions should review all enforcement case files closed during the fiscal year that involve bee kill complaints. Provide additional outreach to states and tribes to encourage the use of the Bee Inspection Guidance (<https://www.epa.gov/sites/production/files/2013-09/documents/bee-inspection-guide.pdf>) and ensure more uniform incident investigations. Regional offices should work with states and tribes to promote national consistency on reporting the completed investigations of all pesticide-related incidents involving pollinators to OPP at: beekill@epa.gov.

MEASURE

EPA will review the data provided by the AAPCO/SFIREG survey referenced above, which will provide detailed information about the effectiveness of the state’s MP3s. In addition, EPA will review pesticide incident information and any other qualitative data available, to evaluate the effectiveness of regional progress towards this national priority focus.

C. EFFECTIVELY IMPLEMENT THE REVISED PESTICIDES WORKER PROTECTION STANDARD RULE

DESCRIPTION

On November 2, 2015, EPA published final revisions to the Worker Protection Standard (WPS) rule (40 CFR Part 170). The WPS revisions address important occupational protections for pesticide workers and handlers such as pesticide safety training, notification, communication materials, use of PPE, and decontamination supplies. These revisions are intended to reduce the number and severity of pesticide exposure incidents and prevent unreasonable adverse effects among agricultural workers, pesticide handlers and vulnerable groups, including minority and low-income populations, farmworker children, farmworker families and the general population. It is estimated that more than two million farmworkers nationwide receive protections under the WPS regulation.

Most provisions of the rule became effective January 2, 2017; however, a few provisions were delayed and did not become effective until January 2, 2018. The provisions requiring employers to provide the WPS training that meets the new training content requirements of the rule were further delayed until EPA produced and released new training materials that met the new content requirements. EPA published the required Notice of Availability of the WPS training materials on June 22, 2018. Therefore, all the requirements of the revised WPS are in effect as of December 19, 2018, and regions should focus their activities for FY 2020-2021 on ensuring effective implementation of the revised WPS requirements.

ACTIVITIES

The principal activities for all regional offices in the WPS program area for FY 2020-2021 will be to support the states and tribes in their implementation of the WPS. Regional offices should also support any additional WPS implementation activities that may be identified in subsequent Agency guidance documents or directives due to potential rule modifications or policy decisions that may occur after this guidance is issued.

Specific regional activities include:

- Provide training, outreach and communication to states and tribes, other co-regulators, farmworker advocates, and State Land Grant Universities/Extension educators on the key requirements and impacts of the revised WPS rule. This includes organizing training for states, tribes and other co-regulators as needed (in person or by webinar) and coordinating the communication and resolution of issues and concerns between states, tribes and OCSPP or OECA when necessary.
- Support state and tribal WPS rule and program implementation efforts and provide effective oversight of state and tribal WPS programs so that Agency resources are directed to areas where they are most needed and best support the WPS program goals. Allocate resources as available to support travel for regional staff to attend and participate in national WPS Pesticide Regulatory Education Program (PREP) and Pesticide Inspector Regulatory Training (PIRT) courses, as well as other national WPS training courses or programs that may be held to train regional staff and inspectors and build regional infrastructure and/or capacity for supporting WPS program implementation.
- Support national efforts designed to address field implementation issues that may arise (e.g., developing WPS fact sheets, “Q&A’s,” addressing equivalency requests, developing region-specific training and/or compliance assistance materials, etc.).
- Conduct WPS-related outreach, education and technical assistance on the revised rule’s requirements to the regulated and impacted community.
- Support WPS worker and handler training activities. This includes assisting with the development and distribution of EPA approved WPS training materials, reviewing new or updated training materials submitted to EPA for approval as applicable and appropriate.
- Work with states and tribes in the region to ensure mechanisms and procedures are in place to enable coordination and follow-up on reports of occupational pesticide exposure, incidents or illnesses that may be related to pesticide use or misuse, or WPS violations, and facilitate any efforts to establish or enhance such efforts.

Regional offices with more WPS-affected establishments, large farmworker populations or specific/special WPS implementation issues should also consider undertaking supplemental special initiatives or activities in the following areas:

- Facilitate development and adoption of EPA-approved WPS train-the-trainer (TTT) programs and materials. OCSPP encourages regional offices to support the establishment of state and tribal WPS TTT programs that will improve the quality of WPS trainers and WPS training programs.

- Support programs and provide resources to facilitate employer compliance with the new WPS requirements related to respirator use (i.e., medical evaluation, fit-testing and respirator training). This may include developing partnerships with medical providers, regulatory partners, grower and commodity groups, and/or nongovernmental organizations to support understanding and adoption of the requirements as well as providing resources and mechanisms for fulfilling the requirements.
- Work with regional community-based WPS training providers. When possible, regional offices should work with community-based training providers, such as Association of Farmworker Opportunity Programs, Telamon and other farmworker assistance groups, to support WPS training efforts and ensure training providers are meeting WPS requirements. Regional offices should facilitate linkages between training providers and state and tribal contacts and members of the agricultural community, so their services can be utilized more effectively.
- Develop cooperative relationships with farmworker service organizations. Regional offices should identify and work with groups in the region that provide services to farmworkers to establish cooperative relationships, better communication, and linkages.

MEASURE

EPA will review regional information on WPS efforts, and any other qualitative data available, to evaluate the effectiveness of regional progress towards this national priority focus.

D. EFFECTIVELY IMPLEMENT THE REVISED CERTIFICATION OF PESTICIDE APPLICATORS RULE

DESCRIPTION

The Certification and Training (C&T) Program is critical to ensuring that persons using or supervising the use of Restricted Use Pesticides (RUPs) are competent to use these products without causing unreasonable adverse effects to human health or the environment and to provide a mechanism by which states, tribes, and federal agencies can administer their own programs to certify applicators of RUPs as competent. The C&T Program also plays a vital role in ensuring that important pesticide tools remain available to pest control officials and users to address critical pest management needs.

On January 4, 2017, EPA published final rule revisions to the Certification of Pesticide Applicators rule (40 CFR Part 171). The revisions address private applicator competency, standards for recertification programs, standards for supervision of noncertified applicators, competency requirements for noncertified applicators applying RUPs under the supervision of a certified applicator, minimum age for certified and noncertified applicators, application-method specific categories, requirements for state, tribal and federal Agency certification plans, and implementation requirements. These revisions are intended to reduce the number and severity of pesticide exposure incidents associated with the use of RUPs, and prevent unreasonable adverse effects among certified applicators, noncertified persons applying under the supervision of a certified applicator, vulnerable groups, including minority and low-income populations, and the general population.

The revised Certification of Pesticide Applicators final rule became effective March 6, 2017. All implementation dates established for the final rule are in effect. States and other certifying authorities have until March 4, 2020 to submit modified certification plans. The revised plans must demonstrate

compliance with the new standards in the rule or provide a detailed schedule in the plan for how and when the state or certifying authority will complete the required legislative and/or regulatory actions and other program changes needed to implement the revised rule's requirements. Existing plans remain in effect until EPA approves or rejects the revised plan. EPA has until March 4, 2022, to make its approval decisions for the revised plans. The timeframe for implementation/compliance with revised certification plans will be decided on a case-by-case basis as part of EPA's review and approval process.

ACTIVITIES

The principal activities for all regional offices in the Certification of Pesticide Applicators (C&T) Program area for FY 2020-2021 will be to support the states and tribes in their implementation of the revised Certification of Pesticide Applicators rule and in the states' and tribes' development of their revised plans to ensure that states and tribes will be able to meet the March 4, 2020, deadline for submitting revised plans that comply with the revised rule's requirements. This includes coordinating with their states and tribes and addressing rule and plan questions and raising issues or concerns to the National C&T Plan Review Workgroup. Regions must also ensure state and tribal pesticide applicator certification programs are being implemented and maintained in accordance with their EPA-approved certification plans, and that annual C&T program reporting requirements are met. Regional offices should also support any additional C&T implementation activities that may be identified in subsequent Agency guidance documents or directives due to potential rule modifications or policy decisions that may occur after this guidance is issued.

Additionally, regional offices should support the Agency's implementation of the January 4, 2017, rule revisions to Part 171 Certification of Pesticide Applicators rule and carry out regional C&T program implementation activities in accordance with this and any other applicable EPA guidance.

Specific regional activities include:

- Regions should support the states and tribes in their implementation of the revised Certification of Pesticide Applicators rule and in the states' and tribes' development of their revised plans to ensure that states and tribes will be able to meet the March 4, 2020, deadline for submitting revised plans that comply with the revised rule's requirements. This includes addressing rule and plan questions and raising issues or concerns to the National C&T Plan Review Workgroup.
- Regional offices must ensure state and tribal pesticide applicator certification programs are being implemented and maintained in accordance with their EPA-approved certification plans. Regional offices should ensure states and tribes continue implementing pesticide applicator certification programs in accordance with current EPA-approved certification plans and Part 171 requirements until such time that revised plans have been submitted to EPA and the new, EPA-approved certification plans complying with the new revised Part 171 rule requirements are in place.
- Provide training, outreach and communication to states and tribes, other co-regulators, and State Land Grant Universities/Extension educators on the key requirements and impacts of the revised C&T rule.
- Provide effective oversight of state and tribal C&T programs so that Agency resources are directed to areas where they are most needed and best support the C&T program goals.
- Allocate resources as available to support travel for regional staff to attend and participate in national C&T PREP and PIRT courses, as well as other national C&T training courses or programs that

may be held to train regional staff and inspectors and build regional infrastructure and capacity for supporting certification program implementation.

- Support and participate in the “National HQ-Regional C&T Plan Review Workgroup” as appropriate. The workgroup will be designed to ensure nationally consistent certification plan reviews and address any C&T field implementation issues that may arise.
- As needed, assist states and tribes with C&T-related outreach, education and technical assistance on the revised rule to the regulated and protected communities, and key stakeholder groups in the region.
- Ensure states and tribes meet Part 171 requirements for certification plan maintenance and annual reporting using the Certification Plan and Reporting Database (CPARD). Regional offices must ensure that existing state and tribal certification plans are maintained and kept current within the Certification Plan and Reporting Database (CPARD) in accordance with the requirements in 40 CFR Part 171 and associated EPA guidances. Regional offices must ensure existing certification plans are updated in CPARD annually, making any necessary updates and all pertinent information to reflect any changes to their certification programs and plans made during the year.
- Regional offices must ensure states and tribes use the CPARD database system for submitting their required annual certification program accomplishment reporting information. The annual certification program accomplishment reporting information required by Part 171 must be entered into CPARD annually by December 31st of each calendar year regardless of the actual grant project period. By properly and completely filling out the reporting section of the CPARD system, states and tribes will provide the annual C&T accomplishment reporting information to EPA that contains all the information required by Part 171. Regional offices should work with their states and tribes if any technical assistance is needed for using CPARD.

Regional offices with large numbers of certified applicators, noncertified applicators applying RUPs under the supervision of a certified applicator, or with unique pesticide applicator certification issues should consider undertaking supplemental special initiatives or activities in the following areas described below.

- Suggest project ideas that would support the implementation of the revised Certification rule to the Pesticide Educational Resources Collaborative (PERC), a cooperative agreement between the Office of Pesticide Programs and University of California Davis Extension, in collaboration with Oregon State University. Projects could include the development or revision of manuals, exam banks or other materials. Proposed project ideas can be submitted on PERC’s web site: <http://pesticideresources.org/>.
- Encourage states and tribes to use exam development and validation principles. Where resources permit, regional offices should encourage states and tribes to use exam development and validation principles to revise their applicator exams and help lead to improved competency of applicators, and regional offices should involve themselves in any state and tribal activities related to such efforts.
- Promote Integrated Pest Management (IPM) concepts in applicator certification programs. The EPA encourages regional offices to promote adoption of IPM concepts and principles in pesticide applicator certification and recertification training materials and programs to raise awareness about

and adoption of IPM. Regional offices should consider working with states and tribes on the following activities to promote IPM:

- review and revise initial certification programs to assure adequate coverage of IPM;
- review and revise recertification training programs to assure adequate coverage of IPM concepts and principles, and
- make IPM-related outreach and education materials and resources available to applicators.

MEASURE

OCSPP is in the process of developing a specific measure to track and evaluate the regional and headquarters' progress towards reviewing and approving revised state and tribal applicator certification plans. This measure will be finalized for FY 2020 and will be included in the FY 2020 NPG addendum. EPA has until March 2022 to make its approval decisions for the revised plans.

E. FOCUS REGION-SPECIFIC PESTICIDE PRIORITIES ON THOSE AREAS OF GREATEST NEED NATIONALLY

DESCRIPTION

The Region-Specific Pesticide Priority area of Integrated Pest Management (IPM) supports the Agency's national pesticide program goals. The IPM focus area is broad enough to address the greatest needs of states, tribes, environmental justice communities, and vulnerable populations, resulting in the greatest reduction of potential pesticide risk in their area of the country.

Regional offices are to select and implement one Project annually with an IPM component consistent with the Agency's IPM work coordinated by the EPA Center for IPM.

The EPA Center plans to focus on the following three key sectors through FY 2021:

1. Public health: reduce populations of pests of significant health importance, including the vectors of diseases, by using IPM to improve the efficacy, cost-effectiveness, and ecological soundness of controlling pests.
2. Agriculture: use available pest control techniques that reduce pesticide populations, are economically sound, and minimize risks to human health and the environment.
3. Structures: focus on eliminating or reducing sources of food, water, and harborage that are available to pests, and limiting pest access into buildings such as schools, daycare centers, hospitals, public housing, etc.

Regional offices must ensure that they propose substantive projects and are encouraged to work together on projects to leverage resources.

ACTIVITIES

The following should be considered to assure robust and substantive regional projects:

- Each regional office must conduct one Region-Specific Pesticide Project annually with an IPM component.

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- Regions may consider a project related to pollinator protection, worker protection, or applicator certification, as long as it can be demonstrated that the project has an IPM component and is ***in addition to*** regular regional work.
- All project proposals must be discussed with and approved by the OPP/FEAD Government and International Services Branch Chief ***before*** the project is initiated. These projects will be shared with the Environmental Stewardship Branch in OPP's Biopesticides and Pollution Prevention Division (BPPD), as well as BPPD's Center for Integrated Pest Management.
- Projects must be designed to achieve the stated goals of the project and show meaningful results.
- Projects may entail outreach, education, training, stakeholder coordination, program evaluation, state or tribal program capacity building and support, or other similar projects or initiatives that may lead to program improvement.
- Proposals for projects should include a clear statement of what work will be done, what the project hopes to accomplish and how it will support the goals of the program areas.
- Regional offices are encouraged to set ambitious goals for their projects that result in true protections.
- Projects must be designed to be completed in one to two years. Multi-year projects should have measurable milestones for each year of the project. Regional offices currently conducting a multi-year IPM-related project from a previous fiscal year that meets the other requirements of this section may request that the project be considered as the region's project for the current fiscal year.
- Projects (or one phase of a multi-year project) must be completed by the end of the fiscal year. Regional offices must submit project reports to the OPP/FEAD Government and International Services Branch within 60 days of the end of the federal fiscal year.
- The results of each project will be reviewed by the OPP/FEAD Government and International Services Branch and regional offices at the end of the fiscal year and circulated so that innovations and lessons learned may be shared across the regional offices and OPP.

MEASURE

EPA headquarters will meet with each regional office to discuss their region-specific pesticide projects to ensure progress is being made on IPM efforts as described above and review their final reports annually. EPA will also review any other qualitative data available to evaluate the effectiveness of regional progress towards this national priority focus.

F. TOXICS RELEASE INVENTORY (TRI)

DESCRIPTION

In FY 2020-2021, EPA will focus on the collection of the chemical release and other associated data and making the data available to governments and the public. EPA's success in carrying out its mission to protect human health and the environment is contingent on collecting timely, accurate and relevant information. The Toxics Release Inventory (TRI) program supports the EPA's mission by annually publishing, for the public, chemical release data, other waste management data (e.g., recycling), and

pollution prevention information on over 650 toxic chemicals from more than 21,000 industrial and federal facilities. The TRI program is a premiere source of toxic chemical release and other waste management data for communities, non-governmental organizations, industrial facilities, academia and government agencies.

EPA's Office of Mission Support (OMS) (formerly the Office of Environmental Information (OEI)) will continue to provide reporting facilities with an online reporting application, TRI-MEweb, to facilitate the electronic preparation and submission of TRI reports through the EPA's Central Data Exchange (CDX). In addition, the TRI data collected by the EPA are shared with states, tribes, and territories that have an active node on CDX and are partners of the TRI Data Exchange (TDX). OCSPP will continue to maintain the TDX used by states, tribes, and territories. OMS will also continue the TRIPS database, which is the repository for TRI data. Maintaining the TRI data includes data quality activities and transmitting the data to the Envirofacts database in support of the public's access to TRI data.

ACTIVITIES

Each year, the TRI Program implements two type of TRI data quality activities for the regions to pursue. One of the activities is the National Analysis data quality check, and the other is the ad hoc data quality check. A list consisting of no less than 300 targets is developed by the TRI Program for each activity.

TRI National Analysis data quality activity involves an examination of the TRI data submitted by July 1 by more than 21,000 TRI facilities across the U.S. and applies a series of analyses that identify: facilities whose reporting has changed significantly from the previous reporting year; and facilities whose data for all releases and for specific chemicals (*e.g.*, PBTs) are outliers. No less than 300 total data targets are identified and pursued collectively by all 10 regions from August through September.

The ad hoc data quality activity identifies inherent/systemic TRI reporting issues such as receiving facilities that did not report for chemicals in excess of reporting threshold quantities, invalid RCRA IDs, and invalid Dunn and Bradstreet numbers; and facilities whose data seem to have data quality issues based on comparative analyses to other TRI reporters, other data reported to EPA such as those data required to be reported under the TSCA, the CAA or the CWA; and results of other data analyses. No less than 300 ad hoc data quality targets are identified and pursued collectively by all 10 regions following publication of the TRI National Analysis, *i.e.*, over the February-April timeframe.

Once the National Analysis and Ad hoc data quality target lists are developed they are sent to the regions so that the regions can send out an email to each facility to determine whether the questionable TRI reported information is correct and requires no further action or if the information is erroneous and requires a revision, withdrawal or new submission of a TRI report from a facility. This is done to optimize the quality of the TRI data set used for the development of the next annual TRI National Analysis and used by the public and other TRI users. Accordingly, the total number of annual data quality targets pursued is no less than 600.

In addition to identifying the data quality target lists, distributing them to the regional offices and overseeing the regional activities described above, the TRI Program assists OECA in identifying potential TRI non-reporters by supplying OECA with information about TRI facilities that did not file their TRI reports by July 1. This information helps OECA and the regions prioritize compliance monitoring that may lead to enforcement actions.

Specific regional activities include:

- Regional offices shall conduct National Analysis and ad hoc data quality checks, primarily through data quality emails and follow-up phone calls if needed. The National Analysis data quality checks provide valuable information and ensure a high-quality TRI National Analysis dataset.
- Regional offices should work with facilities to determine if chemical release and threshold calculations are consistent with national TRI guidance.
- Regional offices should tailor the ad hoc data quality checks to the region's specific interests or priorities.
- Regional offices roles should be to assist state, tribal and local governments with TRI data access and understanding, for the purposes of addressing toxic chemicals in their communities under their own authorities, particularly for community waste reduction and clean-up actions.
- OCSPP will hold press events and ask regional offices to participate in the release of information.

MEASURE

(BFS Code: TRI1) *Number of Toxics Release Inventory (TRI) data quality checks.*

- Measure TRI1 is a commitment measure which captures the performance of the TRI program's regional offices contributions to improving the accuracy and reliability of the program's environmental data.
- Each regional office will conduct and complete, at a minimum, the regional office's share of the 600-annual program total data quality checks that each region commits to in BFS.
- A data quality check is complete when a regional office sends out emails to the identified facilities and:
 - The facility responds with a confirmation of receipt email which includes a statement of no change (or similar language); or
 - The facility responds with a confirmation of receipt email and a statement that it will be submitting a revision, will provide an update, or has a question. The regional office is expected to follow up with the facility to determine the revision, update or answer questions.
- The region office will not count the data quality check as complete if the region receives a bounce back/return to sender email. A confirmed receipt and acknowledgement response of how the facility will address the check is required for the region to count the effort as a completed data quality check.

SECTION III. FLEXIBILITY AND GRANT PLANNING

OCSPP awards non-competitive continuing environmental program (CEP) assistance agreements to states and tribes that implement or develop plans to implement successful pesticide programs. As described in Section II, A of this Guidance, OCSPP funds assistance agreements to states and tribes to implement many of the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and to help ensure the Agency's regulatory decisions and programs achieve intended protections. Regional offices provide oversight to grantees to assure resources are used in a consistent manner with the grant guidances and are directed to areas of greatest need, the work is meaningful, and grantees are meeting their assistance agreement responsibilities. Additional information regarding the FIFRA Cooperative Agreement Guidance can be found at: <https://www.epa.gov/compliance/fiscal-year-2018-2021-fifra-cooperative-agreement-guidance>.

Through the National Environmental Performance Partnership System (NEPPS), OCSPP encourages the continued use of Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs) as vehicles for continuous collaboration and for increasing administrative, financial, and programmatic flexibilities for states, tribes, and territories. More information on NEPPS, PPAs, and PPGs can be found at the [FY2020-2021 Office of Congressional and Intergovernmental Relations \(OCIR\) National Program Guidance](https://www.epa.gov/planandbudget/national-program-guidances) (<https://www.epa.gov/planandbudget/national-program-guidances>) and <https://www.epa.gov/ocir/national-environmental-performance-partnership-system-nepps>.

SECTION IV. FY 2020 NATIONAL PROGRAM GUIDANCE MEASURE

BFS Code	Measure Text	Indicator (Y/N)	FY 2020 National Planning Target (optional)	Comments/Clarification
TRI1	Number of Toxics Release Inventory (TRI) data quality checks.	N		

SECTION V. POINT OF CONTACT FOR MORE INFORMATION

Contact Name	Subject Area	Phone	Email
Jennifer Vernon	OCSPP Planning and Accountability Lead NPM Guidance Development	202-564-6573	vernon.jennifer@epa.gov
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APPENDIX A. EXPLANATION OF KEY CHANGES FROM FY 2020-2021 NATIONAL PROGRAM GUIDANCE

Section of Guidance	Change from FY 2020-2021 NPM Guidances	Reason for Change	Location of New/Modified Information
PESTICIDE COOPERATIVE AGREEMENTS	Updated the measures section.	EPA’s “CORE” measure sunsets beginning FY 2020. Region and HQ offices will use a more reliable method of evaluating grantee End-of-Year reports to measure the effectiveness of this national priority.	Section II, Strengthening State and Tribal Partnerships Through Continued Effective Management of Pesticide Cooperative Agreements, Measure section.
POLLINATOR PROTECTION EFFORTS	Updated all sections.	Revised write-up to focus more on measuring the effectiveness of managed pollinator protection plans (MP3s), and to better capture incident information related to bee kills.	Section II, Assist in national, regional and Local Pollinator Protection Efforts. Changes to all sections.
WORKER PROTECTION	Updated all sections.	Updated each section to reflect the new requirements due to the rule revisions.	Section II, Effectively Implement the Revised the Pesticides Worker Protection Standard Rule. Changes to all sections.
PESTICIDE APPLICATORS	Updated all sections.	Updated each section to reflect the new requirements due to the rule revisions. A new Agency measure is being developed to track the internal review and approval progress of revised applicator certification plans. This measure will go into effect in FY2020.	Section II, Effectively Implement the Revised Certification or Pesticide Applicators Rule. Changes to all sections.
PESTICIDE PRIORITIES	Updated all sections.	Updated write-up to focus region-specific projects on Integrated Pest Management (IPM), in place of previous priorities, and to link these projects to the Agency’s IPM Strategy. In addition, EPA’s “RSP2” measure sunsets at the beginning of FY 2020. OPP will	Section II, Focus Region Specific Pesticide Priorities on Those Areas of Greatest Need Nationally. Changes to all sections.

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		continue to meet with each region annually regarding their project which has proven to be a more effective method of oversight.	
TRI	No changes made.	N/A	N/A

APPENDIX B. SUMMARY OF KEY CHANGES FOR STATES, TERRITORIES, AND TRIBES

Significant Addition	Programmatic Activities Expected from State and Tribal Grantees

Significant Change	Programmatic Activities Expected from State and Tribal Grantees
<p>Pesticide Priorities: Updated write-up to include relationship to Integrated Pest Management (IPM) in region-specific projects, in place of previous priorities, and to link these projects to the Agency’s IPM Strategy.</p>	<p>There are no additional programmatic activities expected from state and tribal grantees. These region-specific projects are performed by the regional pesticide programs.</p>

Major Deletion	Programmatic Activities Expected from State and Tribal Grantees
<p>Pesticide Cooperative Agreements: EPA’s “CORE” measure sunsets beginning FY 2020.</p>	<p>There are no programmatic activities expected from state and tribal grantees. This historical measure is being replaced by a more effective evaluation.</p>
<p>Pesticide Priorities: EPA’s “RSP2” measure sunsets beginning FY 2020.</p>	<p>There are no programmatic activities expected from state and tribal grantees. This historical measure is being replaced by a more effective evaluation.</p>

Major Work-Sharing & Streamlining Opportunities	Programmatic Activities Expected from State and Tribal Grantees

APPENDIX C. RESPONSES TO EXTERNAL COMMENTS

Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
<p>Only 21 tribes with cooperative agreements across the nation, so how going to identify pesticide risks/concerns. Issues with Tribes that don't have the agreements?</p>	<p>Nina Hapner, Kashia Band of Pomo Indians</p>	<p>Page 6, A., Strengthen State and Tribal Partnerships Through Continued Effective Management of Pesticide Cooperative Agreements</p>	<p>EPA funds a cooperative agreement with the University of California Davis Extension to support the Tribal Pesticide Program Council (TPPC) which is made up of approximately 40 tribes nationally and provides valuable information to EPA on pesticide risks/concerns across the nation. EPA has found this national group to be the best source of information to date regarding pesticides and Indian country. In addition, EPA funds approximately 21 tribal cooperative agreements that reach close to 90 tribes nationally.</p>	<p>No change made.</p>

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Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
<p>The guidance indicates, “The Regions should prepare and anticipate foreseeable priority readjustments within their grant workplans, in the event of unforeseen environmental or budget variations. For additional reference, the Regions should refer to ECOS’s Field Guide to Flexibility.”</p> <p>South Dakota uses the National Environmental Performance Partnership System which does supply some flexibility. However, all EPA programs need to be aware that flexibility is not enough to overcome the cuts in the President’s budget if it is adopted. Our budget is very tight and the cuts in the President’s budget would require us to discuss the option of returning delegated programs to EPA.</p>	<p>South Dakota Department of Environment and Natural Resources</p>	<p>Page 6, A., Strengthen State and Tribal Partnerships Through Continued Effective Management of Pesticide Cooperative Agreements</p>	<p>We agree that FIFRA cooperative agreement work plans would need to be renegotiated if there are significant reductions to STAG funds.</p>	<p>No change made.</p>

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Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
<p>I believe it would be beneficial to maintain that language in the upcoming guidance.</p> <p>Encouraging states to use modern practices in exam development will be beneficial to all states as well as the applicators we certify via these exams. Feel free to call if you have any questions.</p> <p><i>"Encourage states and tribes to use exam development and validation principles. Where resources permit, regional offices should encourage states and tribes to use exam development and validation principles to revise their applicator exams and help lead to improved competency of applicators, and regional offices should involve themselves in any state and tribal activities related to such efforts."</i></p>	<p>Leo Reed; Office of Indiana State Chemist</p>	<p>Page 12, Revised Certification of Pesticide Applicators Rule Section</p>	<p>Agree with comment.</p>	<p>Added language on page 12, second to last bullet.</p>
<p>Typo, AAPCO = Association of American Pesticide Control Officials</p>	<p>David E. Scott, Office of Indiana State Chemist</p>	<p>Page 7, Pollinator Protection Section</p>	<p>Agree with comment.</p>	<p>Error corrected</p>

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Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
<p>It is unclear what “support” states might expect from Regions in implementing revised C&T rules & plans. Can you provide examples?</p>	<p>David E. Scott, Office of Indiana State Chemist</p>	<p>Page 11, 1st & 4th bullet items; Revised Certification of Pesticide Applicators Rule Section</p>	<p>Bullet 1: could be clearer. Bullet 4: could be clearer.</p>	<p>Edited last sentence to provide examples: “This includes addressing rule and plan questions and raising issues or concerns to the National C&T Plan Review Workgroup.”</p> <p>Bullet now reads, “Provide effective oversight of state and tribal C&T programs so that Agency resources are directed to areas where they are most needed and best support the C&T program goals.”</p>

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Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
<p>Is there an expectation that Regions will be communicating with outreach, education, and technical assistance directly “to” impacted stakeholders and communities within a state? This seems odd. Wouldn’t a state be in a better position to provide the state-specific guidance to state stakeholders?</p>	<p>David E. Scott, Office of Indiana State Chemist</p>	<p>Page 12, 3rd bullet item; Revised Certification of Pesticide Applicators Rule Section</p>	<p>Agree that clarification is needed.</p>	<p>Changed to: “As needed, assist states and tribes with C&T-related outreach, education and technical assistance on the revised rule to the regulated and protected communities, and key stakeholder groups in the region.”</p>
<p>The TPPC recommends that, under the Pollinator Protection priority, EPA include the following as one of its activities: “Assist with the development and implementation of pollinator conservation. Regional offices should support states and tribes in the development and implementation of pollinator conservation, which pollinator conservation may or may not be part of managed pollinator protection plans.”</p>	<p>Fred Corey, Chair of the Tribal Pesticide Program Council</p>	<p>Page 7, Pollinator Protection Section</p>	<p>States and tribes are welcome to include pollinator conservation efforts as part of state managed pollinator protection plans or tribal pollinator protection plans. EPA Regional offices are encouraged to work with States and Tribes on pollinator conservation efforts.</p>	<p>No change made.</p>

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<p>EPA identify a measure that it will use to evaluate such effectiveness. Such a measure should also be broad enough to evaluate the effectiveness of tribal pollinator conservation efforts.</p>	<p>Fred Corey, Chair of the Tribal Pesticide Program Council</p>	<p>Page 8, Pollinator Protection Section</p>	<p>Currently, pollinator conservation efforts are not mandated by a policy or rule. EPA has encouraged States and Tribe to develop pollinator conservation efforts that reflect their local needs and balance diverse stakeholder input. Since pollinator protection plans can vary widely, it is not possible to identify specific metrics that can be uniformly applied across all of the plans. However, the Pesticide Program Dialogue Committee has worked with State Lead Agencies to identify common themes (e.g., stakeholder engagement/communication; best management practices; education/outreach) around which output and outcome measures may be appropriate. Recommended metrics can be viewed here: https://www.epa.gov/sites/production/files/2017-</p>	<p>No change made.</p>
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Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
			11/documents/session-2-mp3-metrics-workgroup.pdf	
<p>Except for the anticipated measure under the fourth strategic priority specific to the revised Certification of Applicators Rule, which measure OCSPP intends to develop and finalize for Fiscal Year 2020, none of the other strategic priority measures are objective in nature. The TPPC would find value in expansion of the phrase “evaluate the effectiveness” to include the formulas, processes, or other means that are to be used by EPA in evaluating the effectiveness of its strategic priorities and the activities contained therein.</p>	<p>Fred Corey, Chair of the Tribal Pesticide Program Council</p>	<p>Pages 6-14, Section II A-E</p>	<p>Due to the nature of the EPA regional program work, it cannot be strictly measured by quantitative data and must rely on qualitative data. While we agree that regional work should be accountable, we also understand that the nature of the regional pesticide program work must maintain the flexibility to address local issues through strong partnerships with states and tribes as co-regulators.</p>	<p>No change made.</p>