

We would like to know how EPA is looking at fiscal year 2022? Adjustments to the workplans, travel funds, solid waste, personnel, etc....is there going to continued flexibility. Carryover? Extensions? Recission? Reallocating? NOTE: regarding reallocating/carryover balances. What is happening with funding that remains at EPA, what happens to the balance?

RESPONSE: It depends. Recipients should contact their Project Officer and provide detailed information regarding any request of adjusting workplans, travel plans/funds, plans for carryover and unspent funds, and personnel changes. Regarding requests for flexibilities due to COVID-19 tribes should also contact the Project Officer/Grant Specialist and provide detailed information on the nature of the COVID19 response activities and/or impacted activities that the recipient wants to carry out, including extension, reallocating, plans for carryover funds, etc. An authorized EPA Official will then provide the recipient with a determination on whether the activities are within the current scope of work or whether EPA will allow the recipient to modify the work plan/ scope of work to include the activities.

Here are some responses from some Divisions/Offices about grant flexibilities:

TIPD

The General Assistance Program has not received any new guidance on flexibilities. So, GAP Project Officers are expected to make maximum use of our existing flexibilities and best professional judgement to help tribes get through the pandemic. Tribes are strongly encouraged to reach out to their GAP Project Officers if they know they will have unspent funds and would like to carry them over into the new fiscal year. EPA will put language in GAP notification which comes out in the fall about carryover; in the meantime, Tribes need to communicate with their GAP PO ASAP if they know there is unspent funds.

WD

Office of Water has not provided any program-specific guidance or new flexibilities. So, the Water Division assures that R9 WTR POs are expected to make maximum use of our existing flexibilities and best professional judgement to help tribes get through the pandemic.

ARD

Air Division POs will make maximum use of the existing flexibilities related to the COVID-19 Pandemic. Tribes are strongly encouraged to contact their CAA Project Officer with any difficulties to determine the best course of action to utilize flexibilities and pursue solutions.

Here are some flexibilities the division has been offering to tribes:

- *Approved extensions on quarterly report submittal due to COVID related office closure or personal medical issues.*
- *Travel budget re budgeted for other budget categories; no travel occurring due to ongoing COVID.*

- *We express to our grantees that there is no penalty to giving back unused funds, we also express that unused funds due to COVID difficulties will not affect their future allocations.*
- *COVID flexibilities will continue for the foreseeable future.*

LCARD

Pesticides Office

- *Grantee Funding/Staff Changes*
 - *The Pesticide Office plans to fully fund all our tribal, state and territory grantees for FY22 with the possibility of adding supplemental funding for special projects and EPM funds for pollinator projects (if applicable). We continue to work with each tribe to manage situations involving unused funds and/or workplan adjustments.*
- *Travel Funding*
 - *For FY22, the Pesticide Program plans to resume travel to our tribal, state, and island territory grantees for end-of-year reviews pending authorization from EPA HQ. Other trips include occasional travel for RTOC meetings and other pesticide-related training events, when necessary.*
- *Workplan adjustments*
 - *In FY21, the Pesticide Office granted a one-year extension to one of our tribal grantees to complete workplan tasks and expend pesticide funding it received for FY20. If any workplan commitments or activities need to be changed or amended for any of our grantees, our office will continue to work and coordinate with them.*

Tribal Solid Waste Team

The Tribal Solid Waste Team will make maximum use of our existing flexibilities and best professional judgement to help tribes get through the pandemic. Please reach out to your Tribal Solid Waste representative regarding any questions you may have related to solid waste projects.

MSD

Grants Office

There is a waiver to extend to a 5th year for GAP grants (no-cost extension)

On April 13, 2021, the Office of Grants and Debarment approved the request for a class exception to the project period limitation for GAP grants under 40 CFR 35.548 (c).

The project period of stand-alone GAP assistance agreements may be extended up to twelve months for their scheduled dates of expiration. For any agreements that are extended, project officers should work with recipients to revise workplans and/or adjust milestones to ensure continued progress on projects.

To request an extension, please email your PO and GS and provide a description of the action they want EPA to take. The email should include a brief justification that includes how the COVID-19 public health crisis has impacted their ability to comply with a requirement in the agreement. For more information, see the attached memo FY21 OITA GAP Grants Class Exception Approval Memo 04-13-2021.

For GAP grants to extend beyond 5 years, there is a formal deviation process we must follow.

If a Tribe needs to extend their GAP grant beyond 5 years, we must follow the formal exception/deviation process on a case-by-case basis. The PO will work with the Tribe to provide a justification. Once the justification is received by EPA, the PO will then work with the Grants Branch to draft a formal memo to be signed by Kerry Drake, R9's Senior Resource Official. This memo will be sent to the Headquarters Office of Grants and Debarment for their review and approval.

For grants other than GAP (such as PPGs):

To request any type of waiver or regulatory exception the recipients should first contact their PO to discuss the action they want EPA to take. If necessary, the recipient will then send an email to the PO and GS including a brief justification that includes how the COVID-19 public health crisis has impacted their ability to comply with a requirement in the agreement.

For any other flexibility requests:

To request any other extensions (e.g., progress reports or FFRs) recipients should first contact their PO to discuss the action they want EPA to take. If necessary, the recipient will then send an email to the PO and GS including a brief justification that includes how the COVID-19 public health crisis has impacted their ability to comply with a requirement in the agreement.

We recommend visiting <https://www.epa.gov/coronavirus/frequent-questions-about-grants-and-coronavirus-covid-19> to read FAQ about grants and COVID.