

**DRAFT**  
**OFFICE OF CHEMICAL SAFETY AND POLLUTION**  
**PREVENTION NATIONAL PROGRAM GUIDANCE**  
**FISCAL YEARS 2023-2024**

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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 2023-2024 supports the Administration's priorities and provides the roadmap for achieving its mission, which are reflected in EPA's *FY 2022-2026 Strategic Plan* and the Agency's FY 2023 Congressional Justification.

Work in this NPG directly supports Goal 7, Ensure Safety of Chemicals for People and the Environment, in the *FY 2022 - 2026 EPA Strategic Plan*. OCSPP's NPG also integrates the *Plan's* goal to tackle climate change, advance environmental justice and civil rights, and to consider the health of children and other vulnerable populations in implementing our programs as detailed in the *Plan's*:

- Goal 1: Tackle the Climate Crisis - Cut pollution that causes climate change and increase the adaptive capacity of Tribes, states, territories, and communities.
- Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights - Achieve tangible progress for historically overburdened and underserved communities and ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in developing and implementing environmental laws, regulations, and policies.
- Cross-Agency Strategy 2: Consider the Health of Children at All Life Stages and Other Vulnerable Populations - Focus on protecting and improving the health of children at all life stages and other vulnerable populations in implementing our programs.

EPA's *FY 2022-2026 Strategic Plan* can be found at:

<https://www.epa.gov/planandbudget/strategicplan>.

In the development of this NPG, the Office of Chemical Safety and Pollution Prevention (OCSPP) engaged in early outreach with states and federally recognized Indian tribes (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 2023-2024. During early stakeholder engagement, OCSPP provided copies of the FY 2020-2021 NPG and the draft *FY 2022-2026 Strategic Plan* framework to states and tribes for comment. State and tribal partners were asked to comment on the FY 2020-2021 NPG to inform the development of the FY 2023-2024 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. OCSPP's FY 2023-2024 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 NPGs, Office of Chief Financial Officer (OCFO) developed an "Overview to the FY 2023-2024 NPM Guidances." The Overview to the NPG communicates important Agency-wide information and should be reviewed in conjunction with each of the FY 2023-2024 NPGs, grant guidances and other applicable requirements. For additional background,

please refer to EPA's Overview of the FY 2023-2024 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, and with Alaskan Native Villages including direct implementation and technical and financial assistance. ETEPs factsheet 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 2023 commitments are listed in Section 5 of this NPG. The annual commitments in BFS will remain as draft until final performance agreements are reached in May 2022. FY 2023 commitments will be finalized in November 2022. 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: <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. PROGRAM PRIORITIES, STRATEGIES, AND ACTIVITIES**

### **A. Program Priority: Pesticide Cooperative Agreements with States and Tribes**

#### ***Description***

OCSPP's National Pesticide Program depends on cooperative agreements with states, tribes, and territories 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, OECA, and the EPA regional offices are responsive to co-regulator and stakeholder needs while effectively managing cooperative agreements.

#### ***Strategy***

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 our co-regulators. Regional project officers maintain ongoing communication with their grantees, providing oversight and technical assistance, and facilitating knowledge transfer between the field, regions and EPA headquarter offices.

#### ***Activities***

- Negotiate state and tribal cooperative agreements and work plans consistent with the FIFRA Cooperative Agreement Guidance. Ensure work with underserved populations has been considered.

- Issue grant funds to states and tribes in a timely manner once they become available. Ensure resources are directed consistent with the current FIFRA Cooperative Agreement Guidance ([Fiscal Year 2022-2025 FIFRA Cooperative Agreement Guidance | US EPA](#)) to areas where they are most needed.
- Ensure workplans are created in the FIFRA Grant Database (FGD) and meet the requirements of the current FIFRA Cooperative Agreement Guidance. All mid-year and end-of-year reporting should also be consistent with the FIFRA guidance and entered in the FGD.
- 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.

### *Measures*

Although no measure was developed for this priority, EPA will review the workplan accomplishments in the state and tribal end-of-year reports to evaluate the effectiveness of this national priority focus areas. Specifically, OCSPP will evaluate if all required program areas have been addressed and assess the quality of these efforts.

## **B. Program Priority: 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. honeybees; *Apis mellifera*) are protected from potential adverse effects from pesticide exposure.

### *Strategy*

Regional offices play a key role promoting pollinator protection activities through their frequent communication with states and tribes. State lead agencies and tribes are encouraged to develop pollinator protection plans that reflect local and regional stakeholder input/priorities. Regional offices should assist states and tribes with their implementation efforts throughout FY 2023-2024 and work with co-regulators and stakeholders to develop measures to determine the effectiveness of these plans in reducing pesticide risk to pollinators.

### *Activities*

- Assist with the development and implementation of Pollinator Protection Plans (P3s) including Managed Pollinator Protection Plans (MP3), the appropriate revisions to such plans, and outreach for state and tribal pollinator protection plans. Regional offices should support states and tribes who are developing or revising the scope of their plans by: (e.g., expanding the scope by (1) reducing chronic exposure of pollinators to low levels of pesticides; (2) encouraging agricultural practices that reduce the overall environmental

loading of pesticides; and (3) reducing possible pesticide contamination of wild blooming host plants near treated cropland) pollinator protection plans.

- Use Association of American Pesticide Control Officials (AAPCO) surveys as a line of evidence determining the effectiveness of Pollinator Protection Plans. In 2019, based on recommendations from the Pesticide Program Dialogue Committee (PPDC), AAPCO and State FIFRA Issues Research and Evaluation Group (SFIREG) developed a survey for state and tribal lead agencies regarding various aspects of P3s. AAPCO intends to conduct this survey biennially. EPA will use the results of each survey 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 and tribes to complete and submit the biennial surveys so that AAPCO/SFIREG can provide a summary to EPA. Tribes have the option to complete the biennial surveys 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 and assist in the development of new information, when possible (e.g., update study manuals for certification exams) 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.usda.gov/sites/default/files/documents/Attractiveness-of-Agriculture-Crops-to-Pollinating-Bees-Report-FINAL-Web-Version-Jan-3-2018.pdf>

Existing EPA-developed pollinator protection materials can be found on EPA's website at:  
<https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators>.

New EPA-developed webinars on pollinator health and habitat include discussions on: Creating Monarch Habitats in Schools and Communities, Designing and Conducting Bee Studies, Assessing Risks to Bees from Pesticides, Agricultural Stewardship and Best Management Practices to Reduce Pollinator Risk, and Engaging Stakeholders: Development and Implementation of Pollinator Protection Plans, and can be found on EPA's website at:

<https://www.epa.gov/pollinator-protection/epa-offers-webinars-pollinator-health-and-habitat>

In addition, an extensive amount of outreach and educational materials are available through the USDA Cooperative Extension Service: (<https://www.usda.gov/topics/rural/cooperative-research-and-extension-services>) 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/>).

- Support project ideas that promote Pollinator Protection 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/>.

- *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://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/images/Blog/PPAP\\_2016.pdf](https://obamawhitehouse.archives.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>).
  - Reference EPA’s memorandum of understanding with the Pollinator Partnership. (<https://www.epa.gov/pollinator-protection/memorandum-understanding-between-epa-and-pollinator-partnership>).

### ***Measures***

Although no measure was developed for this priority, EPA will review the data provided by the AAPCO/SFIREG biennial surveys referenced above along with other lines of evidence to gauge the effectiveness of the state’s MP3s. While the first year’s data serves as a baseline, they provide a means for EPA and states/tribes to track specific indicators of success in the coming years and to identify potential opportunities to enhance the direction and effectiveness of P3s. State lead agency and Tribal Nation interests identified through the initial survey have been incorporated in the 2022 – 2025 FIFRA Cooperative Agreement Guidance.

EPA’s strategy to evaluate the effectiveness of MPs toward this national priority utilizes a broad range of survey data, not just the AAPCO surveys, as lines of evidence with which to assess the national impact of efforts to mitigate potential exposure of pollinators to pesticides. Other lines of evidence include data from the Bee Informed Partnership Loss and Management Survey (<https://beeinformed.org/citizen-science/loss-and-management-survey/>) the USDA National Agricultural Statistics Service (NASS) surveys (<https://usda.library.cornell.edu/concern/publications/rn301137d?locale=en>), and the USDA Animal and Plant Health Inspection Survey (APHIS) Honey Bee Pest and Disease survey ([https://research.beeinformed.org/state\\_reports/](https://research.beeinformed.org/state_reports/)) along with bee kill incident data reported to EPA.

## **C. Program Priority: 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: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-170](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/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. In line with the Agency's FY 2022-2026 Strategic Plan's Goal 2, Take Decisive Action to Advance Environmental Justice and Civil Rights and Cross-Agency Strategy 2, Consider the Health of Children at All Life Stages and Other Vulnerable Populations, 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 communities of color 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.

### *Strategy*

Most provisions of the 2015 WPS 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 2015 WPS rule have been in effect since December 19, 2018, and regions should focus their activities for FY 2023-2024 on ensuring effective implementation of the revised 2015 WPS requirements.

In addition to these changes, EPA published a targeted revisions to the application exclusion zone (AEZ) requirements of the 2015 WPS ([85 FR 68760](#); October 30, 2020). At this time, there is no implementation of the 2020 Rule as a preliminary injunction has stayed the effective date of the 2020 Rule and enjoined EPA from implementing the 2020 revisions. The 2020 Rule is concurrently undergoing review per the Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. Therefore, EPA is implementing the WPS as published in 2015.

### *Activities*

The principal activities for all regional offices in the WPS program area for FY 2023-2024 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 technical assistance to states and tribes, other co-regulators, and State Land Grant Universities/Extension educators on the key requirements and impacts of the revised WPS rule, including Agency action on the WPS-AEZ. 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.).
- Seek opportunities to address two or more priorities in one activity, such as the WPS and the Certification of Pesticide Applicators (CPA) rule, pollinator protection, climate change, and/or environmental justice. Examples of environmental justice considerations for WPS include development and delivery of outreach, educational materials with consideration of the language and cultural context of the target audience. This includes farmworkers and their families, pesticide applicators, and the small business farmer.
- Assist 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.

### *Measures*

Although no measure was developed for this priority, 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. Program Priority: 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 communities of color 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. Initially, EPA had until March 4, 2022, to make its approval decisions for the revised plans.

Due to the impact of the COVID-19 public health emergency and the need for careful review of program-specific issues and questions, EPA issued a rule that would extend the date by which plans must be approved and ensure existing plans can remain in place during this time-limited extension. This Interim Final Rule (IFR) was published in the Federal Register on December 20, 2021 and provides an 8-month extension to the EPA approval date. Additionally, EPA issued a separate Notice of Proposed Rulemaking (NPRM) shortly after the IFR on the potential need for

extending the expiration date beyond November 4, 2022. 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.

### ***Strategy***

In support of the Agency's Strategic Plan's Goal 2, the principal activities for all regional offices in the Certification of Pesticide Applicators (CPA Rule) Program area for FY 2023-2024 will be to support the states and tribes addressing EPA feedback to certifying authority plans and in the states' and tribes' revision and implementation of their revised plans to ensure that states and tribes have amended their certification plans for EPA to approve plans by the November 4, 2022 regulatory date. This includes coordinating with their states and tribes and addressing rule and plan questions and raising issues or concerns to the National CPA Rule 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 CPA Rule implementation activities identified in the revised plans, 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.

### ***Activities***

Specific regional pesticide program activities include:

- Regions should support the states and tribes in addressing EPA feedback to certifying authority plans and in implementation of the revised Certification of Pesticide Applicators rule. This includes addressing rule and plan questions and raising potential sticking points to the National CPA Rule 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 revised certification plans complying with the new revised Part 171 rule requirements are fully implemented.
- Regions should offer technical support and outreach to tribes with an interest to develop a tribe-specific certification plan (i.e., tribes that are interested in moving beyond coverage under the EPA Plan for Indian Country).
- Seek opportunities to address two or more priorities in one activity, such as the CPA rule and the WPS, pollinator protection, climate change, and/or environmental justice. Examples of environmental justice considerations for CPA implementation may include development and delivery of outreach and educational materials with consideration of the language and cultural

context of the target audience. This may include communicating pesticide safety practices to protect vulnerable communities in spaces such as cultural centers, schools, churches and playgrounds.

- Provide effective input to of state and tribal CPA rule programs so that Agency resources are directed to areas where they are most needed and best support the CPA rule program goals.
- Allocate resources as available to support travel for regional staff to attend and participate in national CPA PREP and PIRT courses, as well as other national CPA rule 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 CPA rule-related outreach, education, and technical assistance on the revised rule to the regulated and affected communities, and key stakeholder groups (e.g., groups representing certified applicators, non-certified applicators, and pesticide handlers) 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), the second project period (2021-2026) of 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 SLAs to work with their university partners to ensure that exam revisions are made using established 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.

### ***Measures***

EPA will review regional information on CPA Rule efforts, and any other qualitative data available, to evaluate the effectiveness of regional progress towards this national priority focus. OCSPP developed a tracking dashboard to track and evaluate the regional and headquarters' progress towards reviewing and approving revised state and tribal applicator certification plans. The tracking dashboard (available as an EPA internal tool) includes details through the plan approval and Federal Register publication and is based off plan review details entered by the regions in CPARD.

## **E. Program Priority: Region-Specific Pesticide Priorities on Those Areas of Greatest Need Nationally**

### ***Description***

In direct support of the Agency's Strategic Plan's Goal 2, Take Decisive Action to Advance Environmental Justice and Civil Rights, region-specific projects will focus on addressing environmental justice communities and vulnerable populations. The Region-Specific Pesticide Projects address national priorities at the regional level often tailored to a geographical area and audience.

### ***Strategy***

Regional offices are to select and implement one project annually with an environmental justice component such as developing and delivering outreach and educational materials to underserved communities, Environmental justice-related projects can target a specific community or sector and can be multi-year. Regional offices are encouraged to work together on projects to leverage resources.

### ***Activities***

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

- Regions may consider a project related to one of the priorities already listed in this document including pollinator protection, worker protection, or applicator certification, as long as it can be demonstrated that the project has an environmental justice component as described above and is ***in addition to*** regular regional work.
- All project proposals must be submitted for review and approved by the OCSPP/OPS/Intergovernmental and Community Relations Branch Chief ***before*** the project is initiated.

- Proposals for projects should be submitted on the template provided, and include: a clear statement of work, project accomplishments/outputs, and how the project supports the program area goals.
- Projects may entail outreach, education, training, stakeholder coordination, state or tribal program capacity building and support, or other similar projects or initiatives that support program improvements.
- 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 OCSPP/OPS/Intergovernmental and Community Relations Branch within 60 days of the end of the federal fiscal year. Multi-year projects are also required to provide an annual report.
- The results of each project will be reviewed by the OCSPP/OPS/Intergovernmental and Community Relations 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.

### *Measures*

Although no measure was developed for this priority, EPA headquarters will meet with each regional office to discuss their region-specific pesticide projects to ensure progress is being made on environmental justice efforts as described above and will 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. Program Priority: Toxics Release Inventory (TRI)**

### *Description*

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 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 770 toxic chemicals from more than 21,000 industrial and federal facilities. The TRI program is a premiere, multimedia 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) 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.

## *Strategy*

Each year, the TRI Program implements two types 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.

The 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 its territories 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; 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.

## *Activities*

Once the TRI 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 activities that may lead to enforcement actions. The OECA NPG can be found at: <https://www.epa.gov/planandbudget/national-program-guidances>.

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.

### *Measures*

(BFS Code: N-TRI) Completed Toxics Release Inventory (TRI) data quality checks.

- Measure S13 is a 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.

## **G. Program Priority: Lead Risk Reduction**

### *Description*

The Lead Risk Reduction Program under TSCA Title IV, as enacted by Congress in 1992 is an important contributor to the Agency's Strategic Plan Goal 2 and Cross-Agency Strategy 2: to protect children's health, advance environmental justice, and reduce risks to tribes and vulnerable populations who live in disproportionately impacted communities. The Lead Risk Reduction Program, including its Categorical Grants component, contributes to the elimination of childhood lead poisoning by: establishing science based standards governing lead hazard identification and abatement practices and maintaining a national pool of professionals trained and certified to implement those standards; providing information to housing occupants so they can make informed decisions and take actions about lead hazards in their homes; and

establishing and maintaining a national pool of certified firms and individuals who are trained to carry-out renovation, repair and painting projects while adhering to the lead-safe work practice standards and to minimize lead dust hazards created in the course of such projects.

Goal 2 of the Strategic Plan sets targets that align closely with Administration priorities set forth in Executive Order (E.O.) 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” and E.O. 14008, “Tackling the Climate Crisis at Home and Abroad.” Both Executive Orders require EPA to develop implementation plans to ensure that underserved communities and individuals have full, fair, and equitable access to the benefits of the Agency’s programs. Because low-income, and communities of color are disproportionately vulnerable to lead exposure, the Lead Risk Reduction Program, which focuses on reducing environmental lead levels, has the potential to create significant environmental justice gains.

Goal 7, Objective 7.1 of the FY 2022-2026 EPA Strategic Plan ensures that EPA will continue to have as much chemical safety information as allowed by law to increase transparency and support stakeholder engagement activities on chemical risks. In addition, EPA will also continue to reduce exposures to lead in paint by establishing standards for inspection, risk assessment, and abatement of lead-based paint hazards, along with training and certification programs, among other efforts. In addition, Goal 7 will support Goal 2 mentioned above.

The Strategic Plan’s Cross-Agency Strategy 2 focuses on protecting and improving the health of children at all life stages and other vulnerable populations. It aligns with activities from the December 2018 Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts (Action Plan). The Action Plan is a blueprint for reducing lead exposure and associated harms through collaboration among federal agencies and with a range of stakeholders, including states, tribes, and local communities, along with businesses, property owners and parents.

The Action Plan has four goals with key priorities and objectives that seek to reduce harm to children from exposure to lead and includes actions for federal agencies to prioritize their efforts and monitor progress. The four goals are:

- Goal 1: Reduce children's exposure to lead sources
- Goal 2: Identify lead-exposed children and improve their health outcomes
- Goal 3: Communicate more effectively with stakeholders
- Goal 4: Support and conduct critical research to inform efforts to reduce lead exposures and related health risks

EPA’s work under the Lead Risk Reduction Program supports the core goals of the Federal lead Action Plan to further decrease lead exposure to children in the United States and thereby mitigate adverse health impacts of lead. Specific to the Lead Risk Reduction Program are objectives and actions corresponding to Goals 1 and 3. Achieving these objectives involves some level of regional coordination with Headquarters, as follows:

- *Objective 1.1. Reduce Children’s Exposure in Homes and Child-Occupied Facilities with Lead-Based Paint Hazards*
  - Action: Continue to implement regulations and other relevant authorities that require individuals and firms conducting lead-based paint abatement, risk assessment or

inspection to be properly trained and certified, training programs to be accredited, and these activities to be conducted according to reliable, effective, and safe work practice standards.

- Action: Increase the number (or percentage) of certified renovation firms capable of providing lead-safe renovation, repair, and painting services through targeted outreach campaigns to contractors, and continue to provide a nationwide list of certified renovation firms on the EPA's website.
- *Objective 3.2. Improve Awareness of Lead Hazards, Prevention, and Remediation among Diverse Populations, Especially Those Most at Risk*
  - Action: Enhance partnerships with state, tribal and local governments, and key stakeholders (e.g., media, community groups, faith-based groups, advocacy groups, departments of health, departments of environmental quality, medical providers, philanthropies, federal grantees, and others) that represent or serve communities at risk for childhood lead exposure.
  - Action: Increase outreach events and engagement processes in collaboration with at-risk communities and lead-safe coalitions to provide education on the dangers of lead exposures, strategies for reducing exposures in children, and actions to support exposed children and their families.

In June 2019, EPA announced new, tighter standards for lead in dust on floors and windowsills to protect children from the harmful effects of lead exposure which resulted in the Dust Lead Hazard Standards (DLHS) being lowered from 40 µg/ft<sup>2</sup> and 250 µg/ft<sup>2</sup> for floors and sills to 10 µg/ft<sup>2</sup> and 100 µg/ft<sup>2</sup>. The standards were revised in 2019 because new data, indicating that health risks exist at lower blood lead levels than previously recognized, had become available since the DLHS were originally established in 2001. In addition, on January 2021, EPA lowered the Dust Lead Clearance Levels (DLCL) for floors and windowsills, that were originally established in 2001 from 40 µg/ft<sup>2</sup> and 250 µg/ft<sup>2</sup> for floors and sills to 10 µg/ft<sup>2</sup> and 100 µg/ft<sup>2</sup>. EPA's 2019 hazard standards and 2020 clearance levels reflect the best available science on potential human health effects that result from exposure to lead. These actions directly support the December 2018 Federal lead Action Plan.

In January 2021, the Biden-Harris Administration signed E.O. 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." The order required an immediate review of each federal agency's recent actions, including regulations, orders, guidance documents and policies. EPA's actions for review in accordance with E.O. 13990 included both the 2019 DLHS and 2021 DLCL final rules. As a result, OCSPP is reconsidering the 2019 DLHS and the 2021 DLCL final rules. This is an Administration priority and is being done in accordance with the May 14, 2021, court opinion and E.O. 13990. The May 14, 2021 court opinion was a result of the lawsuit filed for the August 2019 DLHS/LBP case where public health advocates in the Ninth Circuit Court of Appeals were seeking judicial review of the 2019 DLHS and LBP final rule (including DLCL and soil-hazard standards (SLHS)). The court opinion was averse to EPA's rule on all issues (DLHS, LBP, DLCL, and SLHS) stating that the DLHS were not lowered to "a level sufficient to protect health as Congress directed, because EPA has looked to factors in addition to health".

## *Strategy*

OPPT's Lead Risk Reduction Program will pursue a range of activities aimed at addressing and reducing childhood lead exposure, in accordance with the Agency's Strategic Plan, the Federal Lead Action Plan, regulations and grant guidance, by continuing to:

- Establish a national pool of certified firms and individuals who are trained to carry out renovation and repair and painting projects while adhering to the lead-safe work practice standards, and to minimize lead dust hazards created in the course of such projects.
- Establish standards governing lead hazard identification and abatement practices and maintain a national pool of professionals trained and certified to implement those standards.
- Provide information and outreach to housing occupants and the public so they can make informed decisions and take actions about lead hazards in their homes.

## *Activities*

Given the importance of meeting EPA's objectives of reducing lead exposure to children and vulnerable populations in underserved communities, regional offices should fully implement the first nine Lead Risk Reduction Program activities outlined below and may choose to implement one or more of the five optional activities. All regional offices should inform the Director of OPPT's Existing Chemicals Risk Management Division, of their selections among the five optional activities by the end of the second quarter of FY 2023. Implementation of these activities is contingent upon EPA receiving Congressionally appropriated funds for the Lead Risk Reduction Program. EPA policy and guidance documents relating to Lead program can be found at: <https://www.epa.gov/lead/lead-policy-and-guidance>.

- *Section 404(g) Grant Program Management.* Regional offices should manage the section 404(g) grant program in accordance with the section 404(g) grant guidance document. Funds are to be used for authorizing and developing state or tribal lead abatement and renovation programs, for direct implementation in non-authorized states or tribes, or to support the certification of renovation and abatement professionals and the accreditation of training providers.
- *Outreach for Lead Rules.* Regional offices should provide outreach for Pre-Renovation Education Rule section 406 of Title IV (406), the Lead Abatement Rule section (402(a)), the Renovation, Repair and Painting Rule section (402(c)) and, to a limited extent, the Disclosure Rule section (1018).
- *Renovation, Repair, and Paint (RRP) Rule section (402(c)) Implementation.* Regional offices should assist in the implementation of the RRP Rule by accrediting qualified training providers and providing information and compliance assistance to the regulated community.
- *Lead-based Paint Activities Rule section (402(a)) (Abatement, Risk Assessment and Inspection) Implementation.* Regional offices should assist in the implementation of the Lead-based Paint Activities (Abatement, Risk Assessment and Inspection) Rule by accrediting qualified training providers, certifying individuals (Regions 2 and 9) and by providing information and compliance assistance to the regulated community.
- *Dust-Lead Hazard Standards Rule (DLHS) section (403) and Dust-Lead Clearance Levels rule (DLCL) section (402) Implementation.* Regional offices should provide outreach for the

DLHS and DLCL rules in states, tribes and territories where EPA directly implements the LBP Activities Program. The effective date for DLHS and DLCL in these states, tribes and territories was January 6, 2020, and March 8, 2021, respectively. In addition, regional offices should collaborate with their authorized states and/or tribes to assist them in revising their regulations to be at least as protective as the federal program by January 6, 2022, for DLHS and March 8, 2023. These final rules will help ensure environmental justice concerns are addressed in communities impacted by hazards from lead-based paint.

- *Encourage State and Tribal RRP Program Authorization.* Regional offices should collaborate with their states and/or tribes to encourage them to become authorized to run the RRP program. Regional offices should work with states or tribes to provide information regarding the benefits of the program, identify roadblocks to RRP program authorization, identify and educate appropriate stakeholders, and facilitate discussions amongst states and tribes that have received authorization and/or those seeking authorization.
- *Lead Risk Reduction Program Coordination with OECA.* Regional offices should coordinate implementation of the full suite of Lead Program regulations and activities as expressed here and in the complementing document Final FY 2023-2024 OECA National Program Guidance including compliance assistance, monitoring and enforcement strategies that can be found at: <https://www.epa.gov/planandbudget/national-program-guidances#fy20232024>.
- *Outreach to Renovators, Homeowners, Property Management Companies, and Owners of Child-Occupied Facilities.* Regional offices should provide information on the hazards of renovation activities in homes and child-occupied facilities with lead-based paint. This outreach should stress the importance of using an EPA Lead-Safe Certified firm and the benefits of following lead safe work practices. Outreach should target renovation firms, owners of child-occupied facilities, homeowners, and renters in areas with older housing, vulnerable populations in underserved communities. Initiatives such as the Enhancing Lead-Safe Work Practices through Education and Outreach (ELSWPEO) are strongly encouraged. ELSWPEO focused on underrepresented and underserved communities with environmental justice concerns whose populations are disproportionately affected by lead exposure. The initiative's goal is to increase the number of lead-safe certified contractors and community awareness of the hazards from lead-based paint.
- *Engagement with State/City Permitting and Licensing Officials.* Regional offices should work with permitting and licensing offices to require that firms have shown proof of Lead RRP certification prior to permits being issued. Because of the strong and direct connection between licensing and permitting offices and the construction industry, this is especially valuable in supporting implementation of the Lead RRP Rule. As resources permit, regions are also encouraged to engage code enforcement programs to raise awareness of Lead RRP requirements and to advance the capacity of code enforcement officers to address lead-based paint hazards.

The experience of regional offices partnering with key stakeholders has provided additional opportunities to further leverage EPA resources to accomplish the goals of the Lead Risk Reduction Program. In the course of partnering and coordination efforts by regional offices, they may also choose to enhance implementation of one or more of the following Lead Risk Reduction Program activities:

- *Partner with Tribes.* Regional offices are encouraged to continue building relationships with tribes by establishing and nurturing capacity building, technical assistance and research partnerships and conducting outreach and consultation. Regional offices could create opportunities for partnerships with their Tribes to address lead-based paint hazards and exposure reduction including Direct Implementation Tribal Cooperative Agreements (DITCAs) and Memoranda of Understandings. Regional offices could partner with Tribes to identify projects, DITCA-related activities, or ongoing projects to reach the national goal of eliminating childhood lead poisonings.
- *Partner with Child-focused Stakeholders to Educate about Lead RRP.* Regional offices could partner with federal, state, local organizations, childcare providers, and child-focused entities to develop outreach strategies that stress the importance of using an EPA Lead-Safe Certified firm and the benefits of following lead safe work practices. Outreach should target areas with older housing or vulnerable populations in underserved communities and renovation firms. These partnerships can also focus on increasing public awareness about preventing childhood lead poisoning, particularly among low-income and other vulnerable populations in underserved communities who may suffer disproportionately.
- *Partner with Public Health Community to Educate about Lead RRP.* Regional offices could perform outreach to the public health community, including pediatric organizations, doctor offices, hospitals, and other medical facilities to increase public awareness about the hazards and prevention of childhood lead poisoning. Regional offices could provide information on the importance of using an EPA Lead-Safe Certified firm.
- *Partner with States for Lead Education and Outreach.* Regional offices could partner with their states to conduct lead-based paint risk reduction education and outreach in areas with high concentrations of children with elevated blood levels.
- *Collaborate with other Federal Agencies.* Regional offices could create opportunities for partnerships with other Federal agencies and work with them to gain access or knowledge about activities other Federal agencies are conducting in tribal or underserved communities and reach the national goal of eliminating childhood lead poisonings.

### **Measures**

To track progress against the important agency objectives from the Action Plan, OCSPP developed one measure for region-specific activities. The OCSPP Agency Action Plan measures will be tracked via the Federal Action Plan process, with the following measures reported by each region: Objective 1.1 Reduce Children’s Exposure in Homes and Child-Occupied Facilities with Lead-Based Paint Hazards (measure: *Report the number of compliance assistance and outreach activities that support the abatement, risk assessment and inspection components of the Lead-Based Paint Program*).

Additional measures to track regional activities in the BFS include:

(BFS Code: N-RRPday) Average number of days to complete reviews for Lead RRP Training Provider Reaccreditations

- This measure tracks the number of days it takes the Regions to process Lead-Based Paint RRP Training Provider Reaccreditations.

- The measure is calculated by taking the number of total regional processing days divided by reaccreditations that were processed.
- Reaccreditations are tracked in the Federal Lead-Based Paint tracking system and reported by the sub-lead regional coordinator to the region for confirmation.

(BFS Code: N-RRPfr) Increase the rate of Lead RRP firm recertifications.

- This Strategic plan long-term performance goal tracks the percentage of Lead RRP firms whose certification are scheduled to expire that are recertified before the expiration date.
- This measure is calculated by taking the number of firms that get recertified divided by the number of expiring firm certifications.
- Recertifications are tracked in the Federal Lead-Based Paint tracking system and reported by the Lead Program.

(BFS Code: N-RRPapp) Annual percentage of viable lead-based paint abatement certification applications that require less than grantee state-established timeframes to process.

- This measure examines the efficiency of authorized Grantee-States as they process viable abatement certification applications within the Grantee-State established timeframes.
- Each regional office should ensure that states can achieve the minimum planning target. The number agreed upon should be a reasonable determination that reflects the length of time that it takes the Grantee-State to process an application, as identified by the Grantee-State and represented to the public.
- The regional offices should report the number of applications processed by Grantee-State, Grantee-State timeframes (number of days taken to process a viable application) for each shareholder (state or tribe) and the percentage of applications processed under the Grantee-State established timeframe. The timeframe may vary by state, taking variables such as regulations and contractor processing time into account.

(BFS Code: N-RRPab) Number of lead abatements performed by certified abatement contractors occurring in the region.

- This measure looks to measure the number of abatements that occur within each state. The measure will provide valuable information on the number of abatements performed by properly trained abatement contractors certified by the EPA and the authorized programs as an indicator of risk reduction.
- Regional offices should only count the number of abatement notifications received in the fiscal year in order to accurately assess the number of abatement activities being done in the region.

(BFS Code: N-RRP2) Number of active lead-based paint renovation, repair and painting certification training providers accredited by the regional office.

- This measure captures the number of training providers for lead-based paint RRP Rule with active accreditations processed by the regional office. Regional offices should only count the Lead RRP trainers where EPA runs the program; they should not count Lead RRP trainers in states where there is a state authorized program. Regional offices should count the number of

current accredited trainers whose accreditations were processed by that regional office by September 30, the last working day of the fiscal year.

- This measure does not count the number of accredited training courses. It also does not measure the nation's capacity for training, but rather the workload of the regional offices in accrediting trainers.

(BFS Code: N-RRPtr) Number of tribal partnerships including projects addressing lead-based paint hazards and exposure reduction in the region.

- This measure tracks the number of tribal partnerships including other projects addressing lead-based paint hazards and exposure reduction on tribal lands. Tribal partnerships are a subset of overall lead projects or partnerships.
- Examples of Tribal partnerships or projects include: Direct Implementation Tribal Cooperative Agreements (DITCAs), on-going projects, outreach, DITCA related activities, cooperative agreements, formal agreements, tribal grants, Memoranda of Understanding (MOUs), etc.

## **H. Program Priority: Pollution Prevention (P2)**

### ***Description***

The EPA P2 Program operates on a simple and powerful truth: that an ounce of prevention is worth a pound of cure – it's often cheaper to prevent pollution from being created than to clean it up afterwards or pay for control, treatment, and disposal of waste products. As importantly, from a business perspective, all forms of waste represent inefficient expenditures. If a business can reduce resource expenditures, reduce waste, or eliminate waste altogether, that immediately translates to the bottom-line by reducing operating expenses and reducing environmental, regulatory and liability costs. Those same actions that can save businesses money can also reduce risks to human health and the environment. The P2 philosophy supports the efforts of Strategic Plan Goal 1, Tackle the Climate Crisis.

The EPA P2 Program is a non-regulatory program (there are no requirements imposed on a regulated entity). As required by the Pollution Prevention Act of 1990 and the Infrastructure Investment and Jobs Act of 2021, the EPA P2 Program works with businesses, states, tribes, and others to encourage and facilitate adoption of P2 approaches through the development and delivery of P2 information and tools, technical assistance, training, and funding innovations. The P2 approaches from this work are documented and widely shared so that others may amplify and replicate those approaches and outcomes elsewhere. The P2 Program also helps markets function by providing information to manufacturers, suppliers, and purchasers on environmental performance. These approaches help:

- Protect human health and the environment.
- American businesses compete economically through improved environmental performance.
- American manufacturers reduce costs and adopt innovative practices.
- Spur, leverage, and amplify innovation and reduce the costs of small/medium companies to identify and test P2 innovation.

More information about EPA's P2 Program can be found at <http://www.epa.gov/p2/>.

### ***Strategy***

*P2 National Emphasis Areas:* To give the P2 Program a more coordinated and centralized focus aimed at creating more impactful and measurable results, the P2 Program will continue to prioritize efforts on the following five industrial sector National Emphasis Areas (NEAs), plus a newly added NEA aimed at supporting P2 in Indian country and Alaskan Native Village:

- NEA #1: Food and Beverage Manufacturing and Processing.
- NEA #2: Chemical Manufacturing, Processing and Formulation.
- NEA #3: Automotive Manufacturing and Maintenance.
- NEA #4: Aerospace Product and Parts Manufacturing and Maintenance.
- NEA #5: Metal Manufacturing and Fabrication.
- NEA #6: Supporting Pollution Prevention in Indian Country and Alaskan Native Villages

In addition, the P2 Program will support the Biden Administration priorities related to environmental justice (EJ) and climate change.

*New P2 Grants Funded by the Infrastructure Investment and Jobs Act:* The Bipartisan Infrastructure Law, also called the Infrastructure Investment and Jobs Act of 2021, provided EPA \$100 million dollars over five years for additional grants to states and tribes to provide P2 technical assistance to businesses under section 6605 of the P2 Act. As a result of this additional funding, the P2 Program is establishing new P2 Grant Programs in addition to continuing to administer the P2 STAG grant program funded with regular appropriations. The regions and OPPT will work together in the development and implementation of these new grant programs, which will provide a greater emphasis on using a variety of P2 approaches to address EJ and climate change.

### ***Activities***

Working in collaboration with HQ, regional offices will help develop and implement the P2 STAG grant programs, implement, and support the NEAs, integrate environmental justice and climate change considerations, facilitate cross regional coordination, and leverage and amplify P2 innovations and case studies. In this regard, regional offices are encouraged to engage P2 stakeholders to develop options, initiatives, informational materials, and training to meet the needs of the national P2 program and their region, states, tribes, and communities. Regional offices also have flexibility to engage in P2 activities outside of the P2 grants and those described in the Guidance that respond to unique regional situations. Regional offices will communicate those additional activities to the Branch Chief of the Sustainability and Pollution Prevention Branch in OPPT's Data Gathering and Analysis Division.

- *Administer Grant Programs and Enhance Accountability*
  - HQ and Regional offices should jointly administer P2 STAG grant programs per statutory authorities, programmatic grants, and measurement policies. Additionally, offices should actively promote the availability of grant programs to both existing and new potential

applicants and provide outreach information or training on grant solicitations to potential applicants to maximize competition.

- Regional offices should ensure P2 grantee reporting conforms with the measures and reporting described in the P2 Grant Request for Applications (RFA).
  - Complete a quality assurance (QA) review of annual grantee reporting by April 15 (use the new P2 Grants Database when available).
- Regional offices should ensure grantees develop and submit to EPA P2 case studies as described in the P2 Grant RFAs.
- *Integrate P2 within EPA*
  - Regional offices are encouraged to work with the HQ and regional media programs to explore and assist with promoting and implementing pollution prevention and source reduction opportunities in other EPA programs.
- *Enhance P2 Communication and Amplification*
  - Regional offices should support the development, documentation, communication, and amplification of P2 case studies so that others can replicate those approaches and results across the country.
  - Regional offices should plan and implement P2 outreach during P2 Week.
  - Regional offices are encouraged to use the [P2 Hub](https://www.epa.gov/p2/forms/contact-us-about-pollution-prevention#helpline) (<https://www.epa.gov/p2/forms/contact-us-about-pollution-prevention#helpline>) as a resource and make other P2 stakeholders aware of the P2 Hub as a resource.
- *Nurture External Capacity to Achieve Results*
  - Regional offices are encouraged to support state, tribal, and local partnerships by providing networking opportunities for P2 technical assistance providers (TAPs) and businesses to ensure continued effectiveness and competence in source reduction practices and in dealing with issues such as green chemistry, Environmentally Preferable and Safer Choice-certified products.
  - Regional offices are also encouraged to find opportunities to emphasize P2 technical assistance that can address environmental justice (EJ) concerns in underserved communities and/or climate change impacts. .
  - Regional offices should participate in and provide support to the P2 Affinity Groups, which meet regularly to provide an opportunity for P2 grantees working on similar issues and NEAs to network, share information, and problem solve.
  - Regional offices are encouraged to work with trade associations and other industry groups to develop training that amplifies P2 innovations across sectors and industries and to support networking and exchange of information among P2 stakeholders.
- *Transform the Marketplace with P2*
  - Regional offices are encouraged to promote awareness and purchasing of [Safer Choice-certified products](https://www.epa.gov/saferchoice) (<https://www.epa.gov/saferchoice>) and products conforming to the [EPA Recommendations of Specifications, Standards, and Ecolabels](#) (e.g., working with state and local governments, tribes, schools, colleges, hospitals, daycare facilities, trade

associations, etc.) (<https://www.epa.gov/greenerproducts/recommendations-specifications-standards-and-ecolabels-federal-purchasing>).

### *Measures*

HQ and Regions should report P2 grant results as described in the P2 Grants Request for Applications (RFAs). In addition, regions should annually report to OPPT/DGAD by March 31:

- (BFS Code: N-P2case) Number of P2 case studies developed and submitted to OPPT for posting on the EPA P2 website in the [P2 Resources Search Tool](https://www.epa.gov/p2/p2-resources-search) (<https://www.epa.gov/p2/p2-resources-search>).
  - This measure captures the number of P2 cases and other P2 documentation products describing specific P2 best practices identified, developed, or implemented through the grant.
- (BFS Code: N-P2acts) Number of activities performed to amplify the lessons learned from the P2 Grants and provide P2 information to businesses and others (e.g., webinars, trainings, outreach materials developed, P2 roundtables).
  - This measure captures the number of amplification activities (i.e., training, webinars, videos, other outreach) that widely share P2 practices and P2 documentation products.
  - Note: For each amplification activity, grantees will also be asked to report on:
    - topic(s) covered,
    - number of facilities attending training or webinars, or receiving outreach materials,
    - percentage of participants reporting increased understanding of topics covered, and
    - EJ: Number of amplification activities that target underserved communities.
- (BFS Code: N-P2ej) Number of EJ communities, as identified from the EPA EJ demographic index, and/or tribes engaged or provided P2 outreach.
  - This measure captures the number of EJ communities that benefitted as a result of the P2 outreach and/or technical assistance provided by the grantee.
- (BFS Code: N-P2grnt) Number of P2 grants that fully reported the required output and outcome measures described in the P2 Grant RFAs.
  - This measure captures the number of P2 grants that fully comply with reporting on the outputs and outcomes outlined in the P2 RFA. This number should equal the number of P2 grants awarded in each region.
- (BFS Code: P2mtc) Metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) reduced or offset through pollution prevention in the region.
  - This measure captures the reductions in metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) resulting from implementing the P2 actions.

## **SECTION III. IMPLEMENTING TRIBAL WORK**

The Pesticide Program will also continue to manage the Tribal Pesticide Program Council (TPPC) cooperative agreement which provides support for this national partnership group. Formed in 1999, the TPPC provides a forum for tribes and Alaska Native Villages to work with EPA to address pesticide issues and concerns specific to tribal communities. The TPPC also provides a forum for tribes and Alaska Native Villages to provide input in developing policies that would strengthen their pesticide programs, provide guidance for tribes that do not have such programs, and provide networking opportunities and support for tribal pesticide regulators.

The TPPC has highlighted training as one of their top priorities. As a result, the TPPC and EPA encourages tribes, where appropriate and feasible, to increase their communications and coordination with state pesticide programs as a resource for tribes to build capacity for their own pesticide programs. Increased communication and coordination between states and tribes, which respect tribal sovereignty and jurisdiction, can improve tribal access to programmatic and technical expertise, support, and training.

Examples of areas where state pesticide programs may be able to offer low cost support include: offering a few seats to tribal pesticide program staff or managers when training is conducted for state personnel; allowing tribal inspectors to accompany state inspectors on inspections for training purposes; offering tribes access to or use of state tools, templates, checklists or databases; sharing information on tips and complaints, violations or incidents that may be relevant to Indian country; having states routinely inform tribes when they issue a FIFRA section 24(c) or request a FIFRA section 18 from the EPA; sharing pesticide monitoring data; establishing state technical and program expert contacts for tribal pesticide personnel; and offering tribes access to state laboratories.

The EPA regional offices can help support tribal training and facilitate increased communication and coordination between tribal and state pesticide programs by acting as an intermediary and catalyst, where appropriate and feasible. For example, regional offices may be able to encourage or help establish state and tribal agreements of support. In some cases, it may be appropriate to include specific activities and goals in support of this priority in the state and tribal FIFRA Cooperative agreements and workplans. All approaches must support and respect tribal sovereignty.

Efforts to build tribal pesticide program capacity through this approach supports Goal 2 of the agency's Strategic Plan by protecting human health and the environment in support of the agency's tribal and environmental justice goals. This approach is also consistent with Principle #6 of the agency's 1984 Indian Policy (<https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy>), which encourages communication and cooperation between tribal, state, and local governments.

It is the goal of the National Tribal Toxics Council (NTTC) to improve tribal environmental health through EPA-tribal collaborative integration and enhancement of tribal chemical risk management policies and programs. The project objectives are to engage federally recognized tribes in 1) developing *their* informed chemical management and P2 programs and practices, and 2) collaborating with EPA in developing *its* federal program of rules, policies, and projects to best protect tribal peoples.

EPA and the NTTC will work cooperatively to fulfill the following objectives including:

- Raise and assess tribal chemical risk management and P2 program development and implementation issues with OPPT.
- Assess national chemical risk management policy and P2 initiatives that affect tribes and Alaska Native Villages.
- Offer a network for tribal chemical risk management officials to share information and represent tribal interests on chemical risk assessment, risk management policy and P2 initiatives that impact tribes.
- Promote and enhance tribal chemical risk management and P2 program development.

The NTTC's expected outcomes of increased prioritization and understanding by tribes of their own and EPA's chemical risk management and P2 programs; and increased participation and engagement of tribal peoples in EPA's chemical risk management and P2 programs and rulemaking support Goal 2 of the agency's Strategic Plan by protecting human health and the environment and the agency's tribal and environmental justice goals.

## SECTION IV. FLEXIBILITY AND GRANT PLANNING

Under traditional environmental program grants, sometimes called "categorical" grants, states receive funds to implement the pesticides and toxic substances programs, and other agency environmental programs. Environmental program grant funds can only be spent on activities that fall within the statutory and regulatory boundaries of that program. By combining two or more of their environmental program grants into a Performance Partnership Grants (PPG), states and tribes are able to perform and report on the grant activities under one workplan. The OCSPP eligible environmental program grants are listed below.

- CFDA 66.700: [Federal Insecticide, Fungicide and Rodenticide Act State and Tribal Assistance Grant Program](#)
- CFDA 66.707: [TSCA Title IV State Lead Grants Certification of Lead-Based Paint Professionals](#)
- CFDA 66.708: [Pollution Prevention Grant Program](#)

PPGs are a type of assistance agreement, where recipients may combine funds from categorical grants to accomplish their public health and environmental priorities, so long as recipients meet the award requirements for each categorical grant combined into the PPG. The 19 EPA categorical grants eligible for PPGs are a mixture of continuing environmental program grants and competitive project grants. Eligible recipients can combine two or more of the 19 categorical grants programs identified in EPA's State and Tribal Assistance Grants (STAG) appropriation into a PPG.

Regulations governing all state and tribal environmental program grants including PPGs are published in [40 CFR Part 35](#). By entering into a PPG, states and tribes can take advantage of a range of flexibility in administering their grant, such as:

- Reducing administrative burden by allowing states and tribes to meet match requirements as a whole rather than by individual program, streamlining paperwork and accounting requirements, and allowing funding of cross-cutting projects.
- Fostering joint planning and priority setting by requiring consideration of EPA and state or tribe priorities in developing grant work plans.
- Allowing grant work plans to be organized by environmental program area or by function (permitting, monitoring, inspections, etc.).
- Promoting results-oriented environmental programs by recognizing that both outcome and output measures are needed for management purposes.

Under the P2 Grant Program, the grants funded with Bipartisan Infrastructure Law funds are not eligible to combine funds into a PPG.

OCSPP awards competitive and non-competitive continuing environmental program (CEP) assistance agreements to states and tribes that implement or develop plans to implement successful pesticides, lead risk reduction, and P2 programs. As described in Section II, A of this Guidance, OCSPP funds assistance agreements to states and tribes to implement the requirements of FIFRA, TSCA's Lead Risk Reduction program, and the Pollution Prevention Act to help ensure the Agency's regulatory decisions and programs achieve intended protections. Regional offices administer these cooperative agreements and 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>. Additional information for the Lead Risk Reduction program can be found at: <https://www.epa.gov/lead/lead-policy-and-guidance>. Additional information regarding the P2 grants can be found at: <https://www.epa.gov/p2/grant-programs-pollution-prevention>

Through the National Environmental Performance Partnership System (NEPPS), OCSPP encourages the continued use of Performance Partnership Agreements (PPAs), and 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 FY2023-2024 Office of Congressional and Intergovernmental Relations (OCIR) National Program Guidance (<https://www.epa.gov/planandbudget/national-program-guidances>) and <https://www.epa.gov/ocir/national-environmental-performance-partnership-system-nepps>.

## **SECTION V. FEDERAL CIVIL RIGHTS RESPONSIBILITIES, INCLUDING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

In 1994, Executive Order 12898 was issued to direct Federal agencies to incorporate achieving environmental justice into their mission. The Presidential Memorandum accompanying that Executive Order required in part, that consistent with Title VI, each Federal agency "...ensure that all programs or activities receiving Federal financial assistance that affect human health or

the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.”

EPA has a responsibility to ensure that recipients and subrecipients of federal financial assistance from EPA—including states, municipalities, and other public and private entities—comply with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin (including limited English proficiency), disability, sex and age, including Title VI of the Civil Rights Act of 1964.

EPA’s implementing regulation generally prohibits discrimination in any programs, activities and services receiving federal financial assistance. 40 C.F.R. § 7.30. In addition, EPA’s implementing regulations at 40 C.F.R. § 7.35 states that programs or activities receiving EPA assistance “shall not directly or through contractual, licensing, or other arrangements on the basis of race, color, or national origin...”:

- Subject a person to segregation or separate treatment.
- Deny a person or group the opportunity to participate as members of any planning or advisory body.
- Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, aid, or benefit provided by the program.
- Use criteria or methods of administration “which have the effect of subjecting individuals to discrimination.”
- Choose a site or location of a facility with “the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination,” among other things.

EPA’s nondiscrimination regulation at 40 C.F.R. Parts 5 and 7 also contain longstanding procedural requirements applicable to applicants for and recipients (including sub-recipients) of EPA financial assistance. These requirements include having a notice of nondiscrimination, nondiscrimination coordinator, grievance procedures, a process for collecting and maintaining nondiscrimination compliance information, and pursuant to Title VI and the Rehabilitation Act of 1973, developing policies and procedures for ensuring meaningful access to programs and activities for individuals with

limited-English proficiency and individuals with disabilities. In addition, recipients’ public participation processes must also be implemented consistent with the federal civil rights laws.

EPA intends to carefully evaluate the implementation of EPA financial assistance programs for compliance with civil rights laws by recipients of EPA funding to ensure that no community is excluded from receiving or denied benefit of funding based on race, color, national origin (including limited English proficiency), age, disability, or sex.

For more information about the federal civil rights laws enforced by EPA, including Title VI, please visit: <https://www.epa.gov/ocr/title-vi-laws-and-regulations> and <https://www.epa.gov/ogc/external-civil-rights-compliance-office-title-vi>.

## SECTION VI. FY 2023-2024 NATIONAL PROGRAM MEASURES

Subject Area	BFS Code	Measure Text	FY 2023 National Planning Target	Comments/Clarification
TRI	N-TRI	Completed Toxics Release Inventory (TRI) data quality checks	600	Region
Lead	N-RRPday	Average number of days to complete reviews for Lead RRP Training Provider Reaccreditations		Region
Lead	N-RRPfr	Increase the rate of Lead RRP firm recertifications		Region/State
Lead	N-RRPapp	Annual percentage of viable lead-based paint abatement certification applications that require less than grantee state-established timeframes to process		Region/State
Lead	N-RRPab	Number of lead abatements performed by certified abatement contractors occurring in the region		Region/State
Lead	N-RRP2	Number of active lead-based paint renovation, repair and painting certification training providers accredited by the regional office		Region/State
Lead	N-RRPtr	Number of tribal partnerships including projects addressing lead-based paint hazards and exposure reduction in the region.		Region/Tribe
P2	N-P2case	Number of P2 case studies developed and submitted to		Region/State/Tribe

		OPPT for posting on the EPA P2 website in the <u>P2 Resources Search Tool</u>		
P2	N-P2act	Number of activities performed to amplify the lessons learned from the P2 Grants and provide P2 information to businesses and others		Region/State/Tribe
P2	N-P2ej	Number of EJ communities, as identified from the EPA EJ demographic index, and/or tribes engaged or provided P2 outreach		Region/State/Tribe
P2	N-P2grnt	Number of P2 grants that fully reported the required output and outcome measures described in the P2 Grant RFAs		Region/State/Tribe
P2	P2mtc	P2mtc Metric tons of carbon dioxide equivalent (MTCO2e) reduced or offset through pollution prevention in the region		Region/State/Tribe

## SECTION VII. CONTACTS

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	Prevention and Toxics (OPPT)		
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