



At a Glance

Why We Did This Project

The U.S. Environmental Protection Agency (EPA) Office of Inspector General (OIG) conducted this audit to determine whether the EPA's negotiation, review and approval of tribal pesticide enforcement work plans—required as part of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) cooperative agreements—support the achievement of agency goals and requirements.

The goal of the EPA national pesticide program, consistent with FIFRA, is to ensure that pesticides are made available for use and are properly sold, distributed and used in a way that is protective of human health and the environment. The EPA enters into cooperative agreements with tribes that fund compliance and enforcement activities under FIFRA. According to the EPA, the FIFRA enforcement cooperative agreements are important in promoting environmental justice and the welfare of tribes and the quality of their environments.

This report addresses the following:

- Ensuring the safety of chemicals.

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Tribal Pesticide Enforcement Comes Close to Achieving EPA Goals, but “Circuit Rider” Inspector Guidance Needed

What We Found

The EPA's negotiation, review and approval of tribal pesticide cooperative agreement work plans were close to supporting achievement of the agency's goals and requirements. We found that for the period covered by fiscal years 2016–2017, the 17 participating tribes completed 87 percent of projected inspections and met 86 percent of applicable work-plan requirements. Some tribes indicated they did not complete the projected number of inspections and enforcement activities in their cooperative agreements due to staff turnover. According to EPA program staff, some tribes have only one inspector, and if the inspector departs the tribe must re-start its pesticide compliance and enforcement program after a replacement inspector is found and trained.

Improvements in the “circuit rider” program can enable the EPA to better detect and prevent pesticide misuse and unnecessary risks to human health and the environment in Indian country.

If a tribe is interested in establishing a pesticide cooperative enforcement agreement with the EPA but does not have enough inspectable entities, such as certified applicators or producing establishments, to justify its own cooperative agreement, the EPA guidance suggests investigating whether the tribe can affiliate with a circuit rider—an inspector who provides inspections to other tribes as well as his/her own. We found, however, that tribes which use circuit riders may not be fully aware of the scope or outcome of activities circuit riders conduct. The agency's tribal pesticide circuit rider agreements can be improved by setting clear performance expectations between circuit riders and the tribes they serve, developing priority-setting plans, and providing opportunities for the tribes to provide feedback directly to the EPA regarding performance and concerns. Without these improvements, EPA regions are not able to gather feedback and concerns from tribes about circuit rider performance.

Recommendations and Planned Agency Corrective Actions

We recommend that the Assistant Administrator for Enforcement and Compliance Assurance require circuit riders to include the pesticide needs and risks of each tribe in the development of their own priority-setting plans, develop and implement tribal pesticide circuit rider guidance to detail expectation-setting and communication plans with tribes served by circuit riders, and establish regional processes to receive feedback from tribes served by circuit riders. The agency agreed with our recommendations and provided acceptable corrective actions.