



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

March 7, 2023

**MEMORANDUM**

TO: Regional Pesticide Supervisors

FROM: Kaitlin Picone, Chief  
Intergovernmental and Community Relations Branch  
Mission Support Division  
Office of Chemical Safety and Pollution Prevention

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SUBJECT: AMENDMENT TO THE OCSPP/OECA FY2022-2025 FIFRA COOPERATIVE AGREEMENT GUIDANCE ADDING TWO NEW APPENDICES

The Office of Chemical Safety and Pollution Prevention (OCSPP) developed two appendices for the OCSPP/OECA FY2022-2025 FIFRA Cooperative Agreement Guidance (CAG): Appendix 12, *Environmental Justice Activities Within FIFRA Program Areas* and Appendix 13, *Federal Civil Rights Information and Responsibilities*. The new appendices provide information for pesticide coregulators on (1) how to document work conducted by states, tribes and territories that serves communities with environmental justice concerns and identify voluntary actions that may be undertaken to further assist vulnerable populations and (2) civil rights responsibilities.

Developed in cooperation with the EPA regional pesticide programs, Appendix 12, *Environmental Justice Activities Within FIFRA Program Areas*, was developed as a tool to aid states, tribes and territories as they outline current activities and explore future opportunities for integrating environmental justice principles into their pesticide program work. EPA recognizes that our coregulators have been doing some of this work for years and acknowledges this in the appendix. The appendix also recognizes that the additional actions listed to better serve communities with environmental justice concerns rely on current resources and are voluntary in nature. The appendix also provides directions for grantees on how to report environmental justice related work.

Appendix 13, *Federal Civil Rights Information and Responsibilities* was developed to inform states, tribes and territories of their civil rights responsibilities. This appendix is informational in nature, providing details about Executive Order 12898<sup>1</sup> issued in 1994 to federal agencies with

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A. <sup>1</sup> Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994.

the directive to incorporate achieving environmental justice into their mission.

Combined, these two appendices help further EPA's mission to better serve communities disproportionately impacted by environmental justice issues.

A sincere thank you for your thoughtful comments and assistance during the development of these two appendices. If you have any questions, please contact either Cindy Wire ([wire.cindy@epa.gov](mailto:wire.cindy@epa.gov)) or me at ([picone.kaitlin@epa.gov](mailto:picone.kaitlin@epa.gov)).

Best wishes.

Attachments

# APPENDIX 12:

## ENVIRONMENTAL JUSTICE ACTIVITIES WITHIN FIFRA PROGRAM AREAS

### Purpose

The Office of Chemical Safety and Pollution Prevention (OCSPP) in cooperation with the EPA regional pesticide programs developed this appendix as a tool to aid states, tribes and territories as they outline current activities and explore future opportunities for integrating environmental justice principles into their Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) work. As co-regulators, these grantees have been doing some of this work for years. The tables below illustrate current pesticide program work that incorporates environmental justice efforts, and proposes additional voluntary activities states, tribes or territories may be interested in implementing to further serve overburdened and underserved communities with current FIFRA resources. This document also provides directions for grantees on how to report environmental justice related work.

### Background

The goal of OCSPP's environmental justice strategy, consistent with FIFRA, is to ensure that pesticides are properly sold, distributed, and used in a way that is protective of people regardless of race, economic status, religious affiliation, sexual orientation, or other minority or underserved community status, and the environment. EPA's current efforts protect people and ecosystems that may be exposed to pesticides through its pesticide product registration and registration review programs, outreach, technical assistance, and compliance and enforcement programs. Applying an environmental justice lens to our FIFRA work will highlight work that serves communities with environmental justice concerns and furthers efforts to protect all people from environmental and health hazards regardless of race, color, national origin, or income. It may also identify new opportunities that can be implemented with existing resources.

With [Executive Order \(EO\) 12898](#) the Biden Administration directed federal agencies to develop environmental justice strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. This Executive Order defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, government and commercial operations or policies.

This was followed by [EO 13985](#) which defines equity as consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities,

Appendix 12: Environmental Justice Activities within FIFRA Program Areas

that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.”

EPA Administrator Regan has affirmed the Biden Administration’s priorities to incorporate environmental justice considerations into all of EPA’s work to provide direct and indirect benefits to underserved communities.

## Explanation of Tables

The tables below list current pesticide program activities in this 2022-2025 FIFRA Cooperative Agreement Guidance that fall under the Office of Pesticide Programs (OPP) required and pick-list program areas which already serve communities with environmental justice concerns, including tribes and farmworkers. These tables propose additional activities grantees may be interested in implementing to increase their focus on environmental justice work with current resources. Grantees are encouraged to seek assistance from their project officers on how to include some of the proposed voluntary activities below.

In Table 1, “Current Required Activities” refers to the program areas that are already required in this Guidance and correlates to the Required Program Areas matrix beginning on page 6. “Proposed Voluntary Actions” lists additional activities that are not required but may increase a focus on environmental justice. Note, there are no enforcement activities included.

**Table 1, Required Program Areas and Environmental Justice Work**

PROGRAM AREA	PROGRAM EJ ACTIVITIES
Basic Pesticide Program (01)	<p><b>Current Required Activities:</b> 01.01.01 Provide outreach, communication, and training as appropriate as a result of new and emerging issues, rules, regulations, and registration and registration review decisions.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• As resources permit: support underserved and vulnerable communities with targeted outreach, communication and training, as appropriate.</li> <li>• Engage with partners to support education that promotes pesticide safety in sectors where pesticide use may be adversely impacting disadvantaged communities.</li> <li>• When possible, increase the availability and quality of multilingual and culturally sensitive training materials and pesticide safety educational resources taking into consideration the unique health and social vulnerabilities of the communities that might be impacted by pesticide applications.</li> </ul>
Worker Safety: Worker Protection Standard (02)	<p><b>Current Required Activities:</b> 02.01.02 Conduct WPS-related outreach, education, and technical assistance on the WPS rule’s requirements to the regulated and affected community, with a focus on ensuring understanding of changes to the WPS Application Exclusion Zone (AEZ) and respirator-related requirements if applicable in the state/jurisdiction, as well as other identified priority areas requirements if applicable in the state/jurisdiction, as well as other identified priority areas.</p> <p>02.01.04 Assure 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/misuse or WPS violations.</p>

	<p>02.01.05 Attend and participate in any WPS training efforts initiated by HQ or EPA Regions, and /or other WPS trainings taking place in a state or Indian country.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• When possible, provide multilingual training materials for training handlers or people working under direct supervision of pesticide applicators.</li> <li>• Support the development and availability of multilingual and culturally sensitive training materials and pesticide safety educational resources taking into consideration the unique health and social vulnerabilities of the communities that might be impacted by pesticide applications.</li> </ul>
<p>Worker Safety: Pesticide Applicator Certification (03)</p>	<p><b>Current Required Activities:</b></p> <p>03.01.05 Provide outreach, education, and technical assistance to the regulated and affected community on the changes to state certification programs and requirements necessary to meet the revised Part 171 rule requirements.</p> <p>03.01.06 Update existing state/tribal applicator training and certification materials (manuals, exams, recertification programs, etc.) as applicable/appropriate to implement changes to state certification programs and requirements including those necessary to meet the revised Part 171 rule requirements.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• Ensure outreach, education and technical assistance is provided to the regulated and affected community with emphasis on working with minority, low-income, and indigenous populations.</li> <li>• When possible, provide multilingual training materials as needed. Support the development and availability of quality multilingual and culturally sensitive training materials and pesticide safety educational resources, taking into consideration the unique health and social vulnerabilities of the communities that might be impacted by pesticide applications.</li> </ul>
<p>Pesticides in Water (06)</p>	<p><b>Current Required Activities:</b></p> <p>06.01.02 <u>Identify POIs</u>: Develop a list of Pesticides of Interest (POI) for your program. The list should be discussed with your region. Include pesticides which have a potential to threaten local resources, as well as pesticides that may have water quality concerns in multiple regions. Attach the POI list to the FIFRA Grant Database. See the FGD Master User Guide link in Appendix 2 for attachment instructions.</p> <p>06.01.03 <u>Identify POCs</u>: Identify Pesticides of Concern (POC) by evaluating the POIs to determine whether human health or environmental reference points are likely to be approached or exceeded. Pesticides that are approaching or exceeding reference points may be considered POCs. Provide a list of POCs, and briefly explain why they are a concern.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• When possible, focus efforts to identify POIs and POCs in agricultural areas near farmworker communities and other minority, low-income and indigenous communities.</li> </ul>

In Table 2, “Current Activities” refers to the activities listed for each pick-list program area in this Guidance and correlates to the Pick List Program Areas matrix beginning on page 11. “Proposed Voluntary Actions” lists additional activities that increase a focus on environmental justice which are voluntary in nature. Note, there are no enforcement activities included.

**Table 2, Pick-List Program Areas and Environmental Justice Work**

PROGRAM AREA	PROGRAM EJ ACTIVITIES
Endangered Species Protection (07)	<p><b>Current Activities:</b></p> <p>07.01.01 Provide outreach and education on the Endangered Species Protection Program to current and potential pesticide users and pesticide inspectors.</p> <p>07.01.04 Work with certification and training staff and cooperative extension services to provide endangered species information for pesticide applicator training.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• When possible, provide targeted outreach and education on EPA’s Endangered Species Protection Program to farmworkers and other minority populations working in agricultural areas.</li> <li>• When possible, work with cooperative extension and other education providers to include minority, low-income, indigenous populations, and agricultural employees when providing relevant endangered species information.</li> </ul>
Bed bugs (08)	<p><b>Current Activities:</b></p> <p>08.01.01 Provide education, outreach and technical assistance on pesticide safety and integrated pest management approaches, and guidance for responses to bed bug infestations.</p> <p>08.01.02 Develop partnerships and cooperate with other federal, state, tribal, and local government agencies, and industry associations to address bed bug issues.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• When possible, partner with tribal and state agencies as well as community organizations to provide targeted education, outreach, and technical assistance on pesticide safety and IPM approaches, and guidance managing bed bug infestations to minority, low-income, and indigenous populations.</li> <li>• Support the development and availability of quality multilingual and culturally sensitive training materials and pesticide safety educational resources taking into consideration the unique health and social vulnerabilities of the communities that might be impacted by pesticide applications.</li> </ul>
Pollinator Protection (09)	<p><b>Current Activities:</b></p> <p>09.01.04 Provide technical assistance, education, and outreach to support habitat restoration efforts to enhance/supplement forage for bees and other pollinators (e.g., Monarch Butterfly).</p> <p>09.01.05 Promote the use of BMPs, integrated roadside vegetation management, and mowing best practices in roadsides, rights-of-ways, or managed natural areas which may support pollinator habitat. and in turn support foraging honeybees, monarch butterflies, and other pollinators.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• Partner with tribal and other state agencies (e.g., state Natural Heritage Programs, etc.) and community organizations and programs to provide targeted pollinator technical assistance, education and outreach to minority, low-income, and indigenous populations. As possible, facilitate tribal efforts to protect and increase pollinator habitat and native bees.</li> <li>• Support the development and availability of quality multilingual and culturally sensitive training materials and pesticide safety educational resources, taking into consideration the unique health and social vulnerabilities of the communities that might be impacted by pesticide applications.</li> </ul>
Integrated Pest Management (IPM) (10)	<p><b>Current Activities:</b></p> <p>10.01.01 Provide education, outreach and/or training on IPM approaches to three key sectors – public health, agriculture, and within structures.</p> <p>10.01.02 Forge partnerships with state agencies, local governmental entities, tribes, universities, industry, and non-governmental organizations to increase the adoption of IPM.</p>

	<p>10.01.04 Consult with state, tribal, and local agencies on emerging issues associated with IPM and pesticides.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• Facilitate and support targeted IPM education, outreach and training to minority, low-income, and indigenous populations.</li> <li>• Partner with tribal agencies and community organizations and programs that serve the needs of minority, low-income, and indigenous populations on an IPM-related project.</li> <li>• Support the development and availability of quality of multilingual and culturally sensitive training materials and pesticide safety educational resources taking into consideration the unique health and social vulnerabilities of the communities that might be impacted by pesticide applications.</li> </ul>
Spray Drift (11)	<p><b>Current Activities:</b></p> <p>11.01.01 Conduct education and outreach activities that increase awareness and adoption of spray drift reduction techniques and technologies.</p> <p>11.01.03 Minimize environmental and non-target risks from public health pesticide applications, and report gathered data annually in a separate file attached as part of the end-of-year report.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• As resources permit, evaluate drift complaint data to help determine the impact on minority, low-income, and indigenous populations.</li> <li>• Conduct targeted outreach activities to farmworkers, minority, low-income, and indigenous populations to increase awareness of spray drift recognition, potential impacts on plants harvested for use, and how to report drift in English and non-English languages. Support training on drift management and reduction techniques to applicators operating in minority, low-income, and indigenous communities.</li> <li>• Support the development and availability of quality multilingual and culturally sensitive training materials and pesticide safety educational resources, taking into consideration the unique health and social vulnerabilities of the communities that might be impacted by pesticide applications.</li> </ul>
State and Tribal Coordination and Communication (12)	<p><b>Current Activities:</b></p> <p>12.01.01 When conducting FIFRA-related training, involve state and tribal staff and managers in training as appropriate to share expertise and understanding.</p> <p>12.01.04 Inform tribes of state-issued FIFRA Section 24(c) or applications for a Section 18 registration.</p> <p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"> <li>• Increase opportunities between tribal and state staff and managers to learn from each other.</li> <li>• Communicate with tribes on state-issued FIFRA Section 24(c) or applications for a Section 18 registration that may benefit minority, low-income, and indigenous communities.</li> </ul>
Emerging Public Health Pesticide Issues (21)	<p><b>Current Activities:</b></p> <p>21.01.01 Conduct outreach and education to impacted communities on methods to minimize pesticide risk while protecting human health.</p> <p>21.01.02 Coordinate with EPA regions, OECA and OCSPP on pesticide issues related to human health which may include Section 18, 24(c) and Experimental Use Permit requests.</p> <p>21.01.03 Coordinate with all federal, state, and local agencies on activities needed to protect human health from pesticide risk and minimize environmental and non-target risks from public health related pesticide applications.</p> <p>21.01.04 Identify ways to minimize environmental and non-target risks from public health pesticide applications; promote IPM methods to minimize pesticide applications.</p>

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	<p><b>Proposed Voluntary Actions:</b></p> <ul style="list-style-type: none"><li>• Partner with state, county and tribal agencies and community organizations and programs to provide education and outreach efforts regarding emerging public health pesticide issues to minority, low-income, and indigenous populations.</li></ul>
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### **Directions for Reporting Environmental Justice Work**

States, tribes and territories that engage in EJ-related work are encouraged to capture results in their end-of-year report in the FIFRA Grant Database “supplemental activity,” section (17). As an example, additional EJ-related activities would be listed as 17.01.01, 17.01.02, etc. for OPP-related activities. Please indicate which program areas are associated with the environmental justice related work.



# APPENDIX 13:

## FEDERAL CIVIL RIGHTS INFORMATION AND RESPONSIBILITIES

### Federal Civil Rights Responsibilities, Including Title VI of the Civil Rights Act of 1964

The Office of Chemical Safety and Pollution Prevention (OCSPP) developed this appendix to inform grantees of civil rights responsibilities. In 1994, [Executive Order 12898](#)<sup>1</sup> was issued to direct Federal agencies to incorporate achieving environmental justice into their mission. The Presidential Memorandum<sup>2</sup> 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.”<sup>3</sup>

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.<sup>4</sup>

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;” or
- 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

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A. <sup>1</sup> Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994.

<sup>2</sup> Presidential Memorandum on Executive Order for Federal Actions to Address Environmental Justice In Minority Populations and Low-Income Populations (pdf).

<sup>3</sup> *Id.*

<sup>4</sup> Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) *et seq.* (Title VI); Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C., 29 U.S.C. § 794, Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 *et seq.*; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 *et seq.*; Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92 500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 (1972)); 40 C.F.R. Parts 5 and 7.

assistance.<sup>5</sup> 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.<sup>6</sup>

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>.

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<sup>5</sup> EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7 requires recipients to establish and implement their own nondiscrimination programs. See 40 C.F.R. §§ 7.80-7.100.

<sup>6</sup> See Title VI, 42 U.S.C. 2000(d) *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; *Lau v. Nichols*, 414 U.S. 563, 568-69 (1974) (finding that the government properly required language services to be provided under a recipient's Title VI obligations not to discriminate based on national origin); 40 C.F.R. § 7.35(a). See also U.S. EPA, Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 69 FR 35602 (June 25, 2004) (available at [https://www.epa.gov/sites/production/files/2020-02/documents/title\\_vi\\_lep\\_guidance\\_for\\_epa\\_recipients\\_2004.06.25.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/title_vi_lep_guidance_for_epa_recipients_2004.06.25.pdf)); U.S. EPA, Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs, 71 FR 14207 (March 21, 2006) (available at [https://www.epa.gov/sites/production/files/2020-02/documents/title\\_vi\\_public\\_involvement\\_guidance\\_for\\_epa\\_recipients\\_2006.03.21.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/title_vi_public_involvement_guidance_for_epa_recipients_2006.03.21.pdf)); U.S. EPA, Procedural Safeguards Checklist for Recipients, at [https://www.epa.gov/sites/production/files/2020-02/documents/procedural\\_safeguards\\_checklist\\_for\\_recipients\\_2020.01.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/procedural_safeguards_checklist_for_recipients_2020.01.pdf) (rev. Jan. 2020) (which provides a more detailed explanation of nondiscrimination obligations and best practices); U.S. EPA, Disability Nondiscrimination Plan Sample, at [https://www.epa.gov/sites/production/files/2020-02/documents/disability\\_nondiscrimination\\_plan\\_sample\\_for\\_recipients\\_2020.01.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/disability_nondiscrimination_plan_sample_for_recipients_2020.01.pdf) (2017).