

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION
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DRAFT

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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 2025-2026 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 2025 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*. The Office of Chemical Safety and Pollution Prevention's (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, 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 2025-2026. During early stakeholder engagement, OCSPP provided copies of the FY 2023-2024 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 2023-2024 NPG to inform the development of the FY 2025-2026 Guidance. These comprehensive 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 2025-2026 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 with a special eye towards better addressing the impacts faced by those living in underserved communities overburdened by pollution.

To complement the individual NPGs, the Office of Chief Financial Officer (OCFO) developed an “Overview to the FY 2025-2026 NPM Guidances.” The Overview to the NPG communicates important Agency-wide information and should be reviewed in conjunction with each of the FY 2025-2026 NPGs, grant guidances and other applicable requirements. For additional background, please refer to EPA’s Overview of the FY 2025-2026 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. The ETEPs factsheet can be found at: https://www.epa.gov/system/files/documents/2023-04/ETEP_Fact_Sheet_20APR23.pdf

The EPA will use the Budget Formulation System (BFS) to track regional performance information and results. OCSPP’s FY 2025 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 November 2025. 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 for achieving 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 facilitate knowledge transfer between the field, regional offices, and EPA headquarter offices (HQ).

Activities

- Negotiate state and Tribal cooperative agreements and work plans consistent with the FIFRA Cooperative Agreement Guidance (<https://www.epa.gov/compliance/fiscal-year-2022-2025-fifra-cooperative-agreement-guidance>). Ensure work with underserved communities overburdened by pollution 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 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 area. 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 in promoting pollinator protection activities through their frequent communication with states and Tribes. State lead agencies and Tribes are encouraged to implement pollinator protection efforts that reflect local and regional stakeholder input/priorities. Regional offices should assist states and Tribes with their implementation efforts in FY 2025-2026 and work with co-regulators and stakeholders as needed. Emphasis should be on providing existing education and outreach materials which have been suitably vetted and on identifying additional needs.

Activities

As available, use Association of American Pesticide Control Officials (AAPCO) surveys as a line of evidence for determining the effectiveness of Pollinator Protection Plans. AAPCO conducts periodic survey and EPA will use the results of each survey as a line of evidence in determining the effectiveness of Managed Pollinator Protection Plans (MP3s) in reducing pesticide exposure to pollinators over time.¹ EPA regional offices should encourage states and Tribes to respond to these surveys so that AAPCO/SFIREG can provide a summary to EPA. Tribes have the option to complete the 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 Butterfly Protection Strategy, which can be found at <https://www.regulations.gov/document/EPA-HQ-OPP-2015-0389-0002>.
- Regional offices should disseminate existing outreach materials and assist in the development of new information to promote the use of 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>.

¹ More information on MP3 can be found at <https://www.epa.gov/pollinator-protection>.

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 Butterfly 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.

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/>).

- Identify opportunities to partner with other agencies and organizations interested in promoting pollinator protection. The National Strategy to Promote the Health of Honeybees 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 Federal Pollinator Health Task Force's Pollinator Partnership Action Plan. (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>).

- USDA Annual Strategic Pollinator Priorities Report (<https://www.usda.gov/sites/default/files/documents/annual-pollinator-report-2022.pdf>).

Measures

Although no measure was developed for this priority, EPA will review the data provided by the AAPCO/SFIREG along with other lines of evidence to gauge the effectiveness of state/Tribal MP3s and P3s. While the first year's data served as a baseline, more recent surveys provide a means for EPA and states/Tribes to track specific indicators of success in the coming years and to identify potential opportunities for enhancing the direction and effectiveness of MP3s and P3s.

EPA's strategy to evaluate the effectiveness of MP3s and P3s toward pollinator protection 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 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/), 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 personal protective equipment (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 regional offices should focus their activities for FY 2025-2026 on ensuring effective implementation of the revised 2015 WPS requirements.

In addition to these changes, EPA published targeted revisions to the application exclusion zone (AEZ) requirements of the 2015 WPS (85 FR 68760; <https://www.federalregister.gov/documents/2020/10/30/2020-23411/pesticides-agricultural-worker-protection-standard-revision-of-the-application-exclusion-zone>). 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. EPA is reconsidering the 2020 Rule in accordance with the Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (86 FR 7037; <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>). EPA solicited public comment on revisions to the AEZ requirements through a notice of proposed rulemaking in March 2023 (88 FR 15346; <https://www.federalregister.gov/documents/2023/03/13/2023-03619/pesticides-agricultural-worker-protection-standard-reconsideration-of-the-application-exclusion-zone>) and anticipates issuing a final rule amending the AEZ requirements in FY 2024. Therefore, the AEZ requirements as written in the 2015 WPS remains the operative regulatory language during the current and any future extensions of the stay and until the final rule is published and goes into effect.

Activities

The principal activities for all regional offices in the WPS program area for FY 2025-2026 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 via

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, identifying and supporting answers for interpretive “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 and review 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 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, state and Tribal contacts, and the 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, territories, Tribes, and federal agencies (i.e., certifying authorities) can administer their own programs for certifying 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; <https://www.federalregister.gov/documents/2017/01/04/2016-30332/pesticides-certification-of-pesticide-applicators>). 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 RUP use, and prevent unreasonable adverse

effects among certified applicators, noncertified persons applying under the supervision of a certified applicator, vulnerable groups, including Tribes, indigenous peoples, communities of color and low-income populations, and the general population.

The revised Certification of Pesticide Applicators (CPA) final rule became effective March 6, 2017. All implementation dates established for the final rule are in effect. Sixty-eight certifying authorities had until March 4, 2020, to submit modified certification plans. The revised plans were required to 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 remained in effect until either the deadline established in regulation or when EPA approved or rejected the revised plan, whichever occurred first.

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 short-term extension to the original expiration deadline of March 4, 2022 (<https://www.epa.gov/pesticides/epa-issues-notice-proposed-rulemaking-further-extend-certification-pesticide-applicators>) and requested comment on a proposal to further extend the deadline for expiration. EPA then issued a final rule extending the deadline to November 4, 2023, for certifying authorities with existing certification plans to comply with the updated federal standards under the 2017 CPA rule (<https://www.federalregister.gov/documents/2022/08/19/2022-17823/pesticides-certification-of-pesticide-applicators-further-extension-to-expiration-date-of>). After that date, only authorities with EPA-approved modified certification plans can continue to certify applicators of RUPs. The timeframe for implementation for each revised certification plan was decided on a case-by-case basis as part of EPA's review and approval process.

As of November 4, 2023, 67 out of the 68 modified certification plans were approved by EPA. One Tribe – EPA memorandum of agreement (MOA) was not finalized by the deadline. In the interim, applicators certified under the tribe's existing plan will be transitioned to the modified EPA Plan for the Federal Certification of Applicators Within Indian Country (2023 EPA Plan; <https://www.federalregister.gov/documents/2023/10/04/2023-21997/notice-of-approval-status-epa-plan-for-the-federal-certification-of-applicators-within-indian>) until the tribe's revised MOA is approved. As such, all areas of the U.S. are covered by an updated certification mechanism. The next phase for the CPA rule has begun as certifying authorities enhance their certification programs according to the revised standards and implementation schedules in their plans.

Strategy

Related to 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 2025-2026 will be to support the states, territories, and Tribes during the implementation phase of their revised

plans. This includes coordinating with their states, territories, and Tribes and addressing rule and plan questions and raising issues or concerns to the National CPA Rule Plan Review Workgroup. Regional offices must also ensure state, territory, 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 2017 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

- Support the states, territories, and Tribes in the implementation of their revised certification plans and provide support to the certifying authorities if the approved plans require modifications. This includes providing technical assistance to address rule and plan questions and raising potential sticking points to the National CPA Rule Plan Review Workgroup.
- Ensure state, territory, and Tribal pesticide applicator certification programs are being implemented and maintained in accordance with their EPA-approved certification plans and ensure that any needed modifications are submitted for approval consistent with the requirements of Part 171. Regional offices should also ensure states, territories, and Tribes continue implementing pesticide applicator certification programs in accordance with current EPA-approved certification plans and Part 171 requirements until the new, EPA-approved revised certification plans complying with the new revised Part 171 rule requirements are fully implemented.
- Offer technical support and outreach to Tribes who are developing or have an interest in developing a tribe-specific certification plan or MOA (i.e., Tribes that are interested in moving beyond coverage under the 2023 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 state, territory, and Tribal C&T 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 national consistency and address any C&T field implementation issues that may arise.
- As needed, assist states, territories, 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, territories, 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 state, territory, and Tribal certification plans are maintained and kept current within the CPARD in accordance with the requirements in 40 CFR Part 171 and associated EPA guidances. Regional offices must ensure 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.
- Ensure states, territories, 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, territories, 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, territories, 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 website at <http://pesticideresources.org/>.

- Encourage State Lead Agencies (SLAs) to work with their university partners for ensuring 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 for revising their applicator exams and for improving competency of applicators.

Measures

Although no measure was developed for this priority, EPA will review regional information on CPA Rule implementation efforts, and any other qualitative data available, to evaluate the effectiveness of regional progress towards this national priority focus. While implementation schedules and individual milestones will vary across the approved certifications plans, regional offices must monitor progress based on the proposed schedules within those plans and provide technical assistance if certification plans need to be modified for any reason.

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 communities with environmental justice concerns 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. Regions should also consult EPA's draft Meaningful Involvement Policy: https://www.epa.gov/system/files/documents/2023-12/final_meaningful_involvement-

Activities

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

- 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 Supervisor ***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 800 toxic chemicals submitted by approximately 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 regional offices to pursue. One of the activities is known as the National Analysis data quality checks, 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 of a given year by approximately 21,000 industrial facilities across the U.S. and its territories. For the TRI National Analysis data quality activity EPA applies a series of analyses on the submitted 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 or otherwise appear questionable. No less than 300 total data targets are identified and pursued collectively by all 10 regional offices 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, invalid Dunn and Bradstreet numbers; facilities whose data seem to have data quality issues based on comparative analyses data submitted by other facilities in the same industry sector, 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 regional offices 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 EPA's regional offices so that the regional offices can send an email communication 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. This is done to optimize the quality of the TRI data set used for the development of the forthcoming annual TRI National Analysis and used also by the public and other TRI data 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 facilities that may have been noncompliant with TRI reporting requirements. The TRI program supplies OECA with information about facilities that did not file TRI reports but may have been required to do so. This information helps OECA and the regional offices 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:

- 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 help optimize the quality of the TRI National Analysis dataset.
- Communicate with facilities to determine if chemical release and threshold calculations are consistent with national TRI guidance.
- Tailor the ad hoc data quality checks to the EPA's specific interests or priorities.
- Assist state, Tribal, and local governments with access to, and understanding of TRI data for the purposes of being informed of the releases and other waste management practices of toxic chemicals in communities under their own authorities, particularly for community waste reduction and clean-up actions.
- Hold press events and ask regional offices to participate in the release of information.

Measures

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

- This measure 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 civil rights, and reduce risks and impacts to Tribes and those living in underserved communities overburdened by pollution. 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/ft² and 250 µg/ft² for floors and sills to 10 µg/ft² and 100 µg/ft². 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/ft² and 250 µg/ft² for floors and sills to 10 µg/ft² and 100 µg/ft². 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”. On August 1st, 2023, EPA issued a proposed rule that defines the DLHS as any reportable level of dust-lead instead of a numeric value and proposed to lower the DLCL from to 10 µg/ft², 100 µg/ft² and 400 µg/ft² for floors, sills and window troughs to 3

µg/ft², 20 µg/ft² and 25 µg/ft². The proposed DLCL will reduce dust-lead related risks to children in pre-1978 homes and childcare facilities where lead abatement activities have taken place, by requiring cleaning to lower dust-lead levels. EPA expects to issue the final rule by the end of 2024. EPA policy and guidance documents relating to Lead program can be found at: <https://www.epa.gov/lead/lead-policy-and-guidance>.

Strategy

EPA'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 grant guidance and EPA's Lead Strategy² which builds on the goals and objectives set forth in the Action Plan, 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 Office of Pollution Prevention and Toxics (OPPT) 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.

- Section 404(g) Grant Program Management: 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.

² EPA Strategy to Reduce Exposures and Disparities in U.S. Communities. October 27, 2022. https://www.epa.gov/system/files/documents/2022-11/Lead%20Strategy_1.pdf

- Outreach for Lead Rules: Provide outreach for Pre-Renovation Education Rule (section 406 of Title IV), 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: 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: 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: Provide outreach for the DLHS/DLCL reconsideration rules expected to be finalized in Fall 2024 in states, Tribes, and territories where EPA directly implements the LBP Activities Program. 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. Authorized states and/or Tribes have up to two years from the effective date of the final rule to revise their programs. The 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: 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: Coordinate implementation of the full suite of Lead Program regulations and activities as expressed here and in the complementing document Final FY 2025-2026 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: 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 focuses 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: 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, regional offices 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: 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: 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 overburdened by pollution who may suffer disproportionately.
- Partner with Public Health Community to Educate about Lead RRP: 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: 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: 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 regional offices 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-RRP|) 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, states, Tribes, and others to encourage businesses to 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 (only available to federally-recognized Tribes or Tribal consortia).

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

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 regional offices 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, climate change, and reduce the use of toxic chemicals.

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, toxic use reduction and climate change considerations, facilitate cross regional coordination, and leverage and amplify P2 innovations, case studies, and P2 success stories. 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 Supervisor of the Sustainability and Pollution Prevention Branch in OPPT's Data Gathering and Analysis Division (DGAD).

- 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 Notice of Funding Opportunity (NOFO).
 - 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 and success stories as described in the P2 Grant NOFO.
- 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 EJ concerns in underserved communities, climate change impacts and/or toxic use reduction.
- 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](https://www.epa.gov/greenerproducts/recommendations-specifications-standards-and-ecolabels-federal-purchasing) (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 regional offices should report P2 grant results as described in the P2 Grants NOFOs. In addition, regional offices should annually report P2 results and measures to OPPT/DGAD by March 31:

- (BFS Code: N-P2case) Number of P2 case studies and success stories 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>.
 - This measure captures the number of P2 cases studies, success stories and other P2 documentation products describing specific P2 best practices identified, developed, or implemented through the grant.
- (BFS Code: N-P2act) 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 NOFOs.
 - This measure captures the number of P2 grants that fully comply with reporting on the outputs and outcomes outlined in the P2 Grant NOFO. This number should equal the number of P2 grants awarded in each region.
- (BFS Code: P2mtc) Metric tons of carbon dioxide equivalent (MTCO_{2e}) reduced or offset through pollution prevention in the region.
 - This measure captures the reductions in metric tons of carbon dioxide equivalent (MTCO_{2e}) 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.

The Office of Pollution Prevention and Toxics will continue to support the National Tribal Toxics Council's (NTTC) goal 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.

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

Assistance Listing 66.708: [Pollution Prevention Grant Program](#) (*Note: Pollution Prevention Grants funded by the Infrastructure Investment and Jobs Act (IIJA) are not eligible to enter into a PPG*)

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 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter->

[B/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 FY2025-2026 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](https://www.epa.gov/sites/default/files/2015-02/documents/clinton_memo_12898.pdf) 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.” See Presidential Memorandum at https://www.epa.gov/sites/default/files/2015-02/documents/clinton_memo_12898.pdf.

EPA enforces federal civil rights laws that together prohibit discrimination on the bases of race, color, national origin (including limited-English proficiency), disability, sex, and age, respectively Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title IX of the Education Amendments of 1972 (Title IX), Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) and the Age Discrimination Act of 1975 (Age Discrimination Act). All applicants for and recipients of EPA financial assistance have an affirmative obligation to comply with these laws, as do any subrecipients of the primary recipient, and any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. See federal civil rights laws and EPA’s regulation at <https://www.epa.gov/external-civil-rights/federal-civil-rights-laws-including-title-vi-and-epas-non-discrimination>.³

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

³ 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.federalregister.gov/documents/2004/06/25/04-14464/guidance-to-environmental-protection-agency-financial-assistance-recipients-regarding-title-vi>; 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/default/files/2020-02/documents/title_vi_public_involvement_guidance_for_epa_recipients_2006.03.21.pdf); U.S. EPA, Procedural Safeguards Checklist for Recipients. Available at: 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. (2017).

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 furthers recipients' compliance with these obligations through pre-award reviews, technical assistance and training, additional clarifying guidance and enhanced civil rights enforcement. Accordingly, EPA will carefully evaluate to ensure all recipients are in compliance with federal civil rights obligations. See website for Preaward information, [Tips for Completing EPA Form 4700-4](#).

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

SECTION VI. FY 2025-2026 NATIONAL PROGRAM MEASURES

Program Area	BFS Code	Measure Text	FY 2025 National Planning Target	Comments/ Clarification
TRI	N-TRI	Completed Toxics Release Inventory (TRI) data quality checks	600	Region
Lead	S11	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 OPPT for posting on the EPA P2 website in the <u>P2 Resources Search Tool</u>		Region/State/Tribe
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	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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