

# EPA NOFO Clauses

Except as noted all Notice of Funding Opportunity (NOFO) Clauses apply to every funding announcement and subsequent award(s). Questions about the applicability of any of these clauses should be raised to the EPA contact identified in the NOFO.

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## Section I - Basic Information

### A. Funding Details

Funding estimates are approximations that are subject to change.

The EPA reserves the right to:

- make additional awards under this funding announcement consistent with Agency policy and guidance if additional funding becomes available after the original selections are made. Any additional selections for awards will be made no later than 6 months after the original selection decisions.
- to make no awards under the funding opportunity.
- partially fund applications by funding discrete portions or phases of proposed projects. If a project is partially funded, it will be done in a manner that maintains the integrity of the competition and selection process.
- incrementally fund applications based on funding availability and/or satisfactory performance.
- adjust funding levels for priorities, set-asides, or other types of funding categories.
- increase or decrease (including decreasing to zero) the total number and amount of awards under each funding category or change the ratio of assistance agreements it awards among the funding categories.

The actual award amounts and number of projects awarded may differ from the estimated amounts.

### B. Duplicate Funding

Generally, applicants are not prohibited from submitting the same or virtually the same application(s) for funding to EPA and/or other federal agencies and entities. However, if an applicant does so, and the application (or one virtually the same) that was submitted under this solicitation is also selected for funding by EPA and/or other federal agencies and entities competitively or non-competitively, that may affect their ability to receive an award under this competition for that application. Applicants should also be aware that if they use a contractor to prepare their application or portions of their application under this solicitation that contractor may also be assisting other applicants with their applications that could result in identical or virtually identical submissions to EPA. In such cases, the agency reserves the right to decide which, if any, of the applications to fund.

### C. Websites in Funding Opportunities

Any non-federal websites or website links included in EPA funding opportunities are provided for application preparation and/or informational purposes only. EPA does not endorse any of these entities or their services. In addition, EPA does not guarantee that any linked, external websites referenced comply with Section 508 (Accessibility Requirements) of the Rehabilitation Act.

## Section II - Eligibility

[Reserved]

## Section III. Program Description

[Reserved]

## Section IV - Application Contents and Format

### A. Confidential Business Information

EPA recommends that applicants do not include confidential business information (CBI) in applications. However, if CBI is included, it will be treated in accordance with 40 CFR Part 2, Subpart B. Applicants must clearly indicate which portion(s) of their application they are claiming as CBI. EPA will evaluate such claims in accordance with 40 CFR Part 2. If no claim of confidentiality is made, information may be made available to the public by EPA without further notice to the applicant. See 40 CFR 2.203(a), 41 Fed. Reg. 36,907.

### B. Pre-Application & Application Assistance

The EPA Contact listed in the funding opportunity will respond to questions regarding:

- threshold eligibility criteria,
- administrative issues related to the submission of the application, and
- requests for clarification about any of the language or provisions in the funding opportunity.

EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to ranking criteria.

EPA may contact applicants to clarify threshold eligibility issues prior to making an eligibility determination.

### C. Management Fees

Applicants must not include “management fees” or similar charges in excess of the direct costs and indirect costs at the rate approved by the applicant’s cognizant audit agency, or at the rate provided for by the terms of the agreement negotiated with EPA. Management fees or similar charges refers to expenses added to the direct costs to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs.

### D. Indirect Costs

Indirect costs (IDCs) may be budgeted and charged by recipients of Federal assistance agreements in accordance with [2 CFR Part 200](#). EPA’s [Indirect Cost Policy for Recipients of EPA Assistance Agreements](#) (IDC Policy) implements the 2 CFR Part 200, guidance, and the following applies to all EPA assistance agreements, unless there are [statutory or regulatory limits on IDCs](#). For an assistance agreement recipient to use EPA funding for indirect costs, the IDC category of the recipient’s assistance agreement award budget must include an amount for IDCs and at least one of the following must apply:

- With the exception of “exempt” agencies and Institutions of Higher Education as noted below, all recipients must have one of the following current (not expired) IDC rates, including IDC rates that have been extended by the cognizant agency:
  - Provisional;
  - Final;
  - Fixed rate with carry-forward;
  - Predetermined;
  - Grants awarded on or after October 1, 2024 – may use up to a 15% de minimis rate of modified total direct costs authorized by 2 CFR 200.414(f)
- “Exempt” state or local governmental departments or agencies are agencies that receive up to and including \$35,000,000 in Federal funding per the department or agency’s fiscal year, and must have a current IDC rate proposal developed in accordance with [2 CFR 200 Appendix VII](#), with

- documentation maintained and available for audit.
- Institutions of Higher Education must use the IDC Rate Agreement in place at the time of award for the life of the assistance agreement (unless the rate was provisional at time of award, in which case the rate will change once it becomes final). As provided by [2 CFR Part 200, Appendix III\(C\)\(7\)](#), the term “life of the assistance agreement”, means each competitive segment of the project. Additional information is available in the regulation.

IDCs incurred during any period of the assistance agreement that are not covered by the provisions above are not allowable costs and must not be drawn down by the recipient. Recipients may budget for IDCs while awaiting approval of their IDC rate by their cognizant Federal agency. However, recipients may not draw down IDCs until their rate is approved.

The IDC Policy does not govern indirect rates for subrecipients or recipient procurement contractors under EPA assistance agreements. Pass-through entities are required to comply with CFR 200.332(b)(4)(i) and (ii) when establishing indirect cost rates for subawards.

See the [Indirect Cost Guidance for Recipients of EPA Assistance Agreements](#) for additional information.

#### E. Coalitions, Contracts, and Subawards

Funding may be used to provide subawards of financial assistance provided the recipient complies with applicable requirements for subawards including those contained in [2 CFR Part 200](#) and [EPA's Subaward Policy](#). Please also see [Additional Resources on Subawards](#).

Successful applicants may not use subawards to avoid requirements in grant regulations that require competitive procurement to acquire commercial services or products. EPA's grant regulations at 2 CFR 1500.10 contain limitations on the extent to which EPA funds may be used to compensate individual consultants. For additional guidance applicants should also review EPA's [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#).

Groups of two or more eligible applicants may choose to form a coalition and submit a single application under this announcement; however, one entity must be responsible for the grant. Coalitions must identify which eligible organization will be the recipient of the grant and which eligible organization(s) will be subrecipients of the recipient (the “pass-through entity”). The pass-through entity that administers the grant and subawards will be accountable to EPA for proper expenditure of the funds and reporting and will be the point of contact for the administration of the grant agreement.

Subawards must be consistent with the definition of that term in 2 CFR 200.1 and comply with EPA's Subaward Policy. As provided in 2 CFR 200.332, subrecipients are accountable to the pass-through entity for proper use of EPA funding.

Any contracts for services or products funded with EPA financial assistance must be awarded under the competitive procurement procedures of 2 CFR Part 200 and/or 2 CFR Part 1500, as applicable. Do not name a procurement contractor (including a consultant) as a “partner” or otherwise in your application unless the contractor has been selected in compliance with competitive procurement requirements.

Applicants with questions about coalitions, contracts, or subawards should reach out to the EPA Contact listed in the funding opportunity.

Section 6 of the funding opportunity describes the evaluation criteria and evaluation process that will be used by EPA to make selections. The review panel will consider the qualifications, expertise, and experience of an applicant's named subrecipients and contractors as appropriate.

#### F. Restrictions on Use of Federal Funds

All costs incurred under this program must be allowable under the grant authorizing statute and [2 CFR Part 200 Subpart E](#).

Any recipient of funding must agree to comply with restrictions on using assistance funds for unauthorized lobbying, fund-raising, or political activities (i.e., lobbying members of Congress or lobbying for other federal grants, cooperative agreements, or contracts). See [2 CFR 200.450](#). Funds generally cannot be used to pay for travel by federal agency staff. Proposed project activities must also comply with all state and federal regulations applicable to the project area. The applicant must also review the funding opportunity for any other programmatic funding restrictions. If awarded funding, the recipient must refer to the terms and conditions of its award for other applicable funding restrictions applicable to Please see [2 CFR 200](#) for information on pre-award costs.

#### G. Statutory Prohibitions on Certain Telecommunications and Video Surveillance Equipment or Services

Unless an exception or waiver applies, Section 889 of the National Defense Authorization Act for Fiscal Year 2019, Public Law 115-232 (section 889), prohibits the use of Federal funds by recipients and subrecipients to procure (enter into, extend, or renew contracts) or obtain equipment, systems, or services that use “covered telecommunications equipment or services” as a substantial or essential component of any system, or as critical technology as part of any system. Section 889 also prohibits the use of Federal funds by recipients and subrecipients to enter a contract with an entity that “uses any equipment, system, or service that uses covered telecommunications equipment or services” as a substantial or essential component of any system, or as critical technology as part of any system. The Office of Management and Budget’s implementing regulations at 2 CFR 200.216 provide additional information on the prohibitions in section 889. These regulations state, among other things, that “[A]s described in Public Law 115-232, section 889 covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).” Other prohibitions may also apply. Certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the System for Award Management exclusion list.

## Section V. Submission Requirements and Deadlines

#### A. System for Award Management (SAM.gov) and Unique Identifier Requirements

EPA will not make an award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant fails to fully comply, EPA may determine that the applicant is not qualified to receive an award and use that determination as a basis to make an award to another applicant.

To learn more about SAM, go to [SAM.gov](#).

## B. Final Application Submission

Generally, following EPA's evaluation of applications, all applicants will be notified regarding their status. Final applications and forms will be requested, as necessary, from those eligible entities whose application has been successfully evaluated and preliminarily recommended for award. Those entities will be provided with instructions and a due date for submittal of the final application package.

## C. Conflicts of Interest

The Applicant's Conflict of Interest (COI) Point of Contact as defined in [EPA's Conflict of Interest Policy](#) must notify the EPA Contact(s) identified in this funding announcement of any conflict of interest that may provide the applicant with an unfair competitive advantage in competing for EPA financial assistance awards within 10 calendar days of becoming aware of the conflict of interest. An EPA employee reviewing and commenting on or drafted all or part of an applicant's application is an example of an unfair competitive advantage.

Note that EPA does not generally consider receiving information from an EPA employee limited to whether the applicant or the applicant's proposed project is eligible to compete for funding to confer an unfair competitive advantage. In addition, assistance agreements made under this solicitation will include a term and condition notifying recipients of their COI disclosure obligations and responsibilities under the award including the need to have systems in place to address, resolve and disclose COIs to EPA.

## D. Combining Applications into One Award

If an applicant submits applications for multiple tasks/activities under this competition, and is selected for multiple tasks/activities, EPA may award a single assistance agreement that combines separate applications for different tasks/activities.

# Section VI. Application Review Information

## A. Reporting and Responsibility/Qualification Information

For any award under this solicitation where EPA anticipates that the total Federal share will be greater than the [simplified acquisition threshold](#) over the period of performance, applicants are notified:

- EPA is required to review and consider any information about the applicant that is in the designated Responsibility/Qualification Information accessible through SAM.gov (see 41 U.S.C. 2313);
- That an applicant, at its option, may review information in the Responsibility/Qualification Information accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered;
- EPA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in [2 CFR 200.206](#).

## B. Debriefings

Unsuccessful applicants interested in requesting a debriefing should refer to the procedures for debriefings in the [Dispute Resolution Procedures](#), which can also be found at 70 FR (Federal Register) 3629, 3630 (January 26, 2005). Copies of these procedures may also be requested by contacting the person listed in Section VII of the announcement. Please note that the FR notice referenced above refers to regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR parts 200 and 1500. Notwithstanding this, the procedures for

competition related debriefings and disputes remains unchanged from the procedures described at 70 FR 3629, 3630, as indicated in [2 CFR Part 1500, Subpart E](#).

#### C. Disputes

Disputes Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at [Dispute Resolution Procedures](#). Copies of these procedures may also be requested by contacting the person listed in Section VII of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remains unchanged from the procedures described at 70 FR 3629, 3630, as indicated in [2 CFR Part 1500, Subpart E](#).

#### D. Unfair Competitive Advantage

EPA personnel will take appropriate actions in situations where it is determined that an applicant may have an unfair competitive advantage, or the appearance of such, in competing for awards. Affected applicants will be provided an opportunity to respond before any final action is taken.

### Section VII. Award Notices

*[Reserved]*

### Section VIII. Post Award Requirements and Administration

A. Quality Assurance – Quality Management Plans (QMP) and Quality Assurance Project Plans (QAPP)  
Quality assurance documentation is required for awards that involve environmental information operations. If selected for an award, EPA will work with the applicant to determine if a QMP and/or QAPP is required for the project. Applicants will develop the required QA document(s) and submit for EPA's approval. Selected applicants cannot begin environmental information operations until EPA approves the QMP and/or QAPP.

For more information on QAPPs and QMPs, please see EPA's [Environmental Information Policy, Procedures and Standards](#).

#### B. Data Access and Information Release

EPA has the right to obtain, reproduce, publish, or otherwise use the data produced under the awards to be made as a result of this funding opportunity and authorize others to receive, reproduce, publish, or otherwise use such data for federal purposes under [2 CFR 200.315](#).

If EPA receives a Freedom of Information Act (FOIA) request for research data that (1) relates to published research findings produced under an EPA award and (2) was used by the federal government in developing an agency action that has the force and effect of law, then EPA shall request, and the award recipient shall provide, within a reasonable time, the research data so that it may be made available to the public through procedures established under the FOIA.

#### C. Copyrights

In accordance with [2 CFR 200.315](#), EPA reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, for federal government purposes, copyrighted works developed under a grant, subaward or contract under a grant or subaward.

Examples of federal purpose include but are not limited to:

- Use by EPA and other federal employees for official government purposes;
- Use by federal contractors performing specific tasks for the government;
- Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise;
- Reproduction of documents for inclusion in federal depositories;
- Use by state, tribal, and local governments that carry out delegated federal environmental programs as co-regulators or act as official partners with EPA to carry out a national environmental program within their jurisdiction; and
- Limited use by other recipients to carry out federal grants provided the use is consistent with the terms of EPA's authorization to the recipient to use the copyrighted material.

#### D. Unpaid Federal Tax Liabilities and Felony Convictions for Nonprofit and For-Profit Organizations

EPA is prohibited from entering into a cooperative agreement with, making a grant to, or providing a loan or loan guarantee to any for-profit or non-profit corporation: (1) subject to any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; or (2) that was convicted of a felony criminal conviction under any federal law within 24 months preceding the award, unless EPA has considered suspension or debarment of the corporation, based on these tax liabilities or convictions, and determined that such action is not necessary to protect the government's interests.

Based on application of these provisions, non-profit or for-profit corporations that are covered by these prohibitions may be ineligible to receive an award under this announcement. Questions about this provision should be raised to the EPA Contact identified in the funding opportunity or the [EPA Suspension and Debarment Program](#).

#### E. Confidentiality Statements-Fraud, Waste or Abuse Reporting

EPA is prohibited from entering into a, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.

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

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>.

**For financial assistance awarded to any entity, including any sub-recipient, in the State of Louisiana, pursuant to a permanent injunction issued by the U.S. District Court for the Western District of Louisiana, EPA will not impose any disparate-impact or cumulative-impact-analysis requirements under Title VI of the Civil Rights Act of 1964 in any pre-award assurances or terms and conditions accompanying the application for and receipt of this grant award. [Click here for additional information.](#)**

EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7 also contain longstanding procedural requirements applicable to applicants for and recipients (including sub-recipients) of EPA financial assistance. These requirements include having a notice of nondiscrimination, nondiscrimination coordinator, grievance procedures, a process for collecting and maintaining nondiscrimination compliance information, and pursuant to Title VI and the Rehabilitation Act of 1973, taking reasonable steps to ensure meaningful access to programs and activities for individuals with limited-English proficiency and providing access for 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 the grants awarded under this Notice of Funding Opportunity to ensure all recipients are in compliance with federal civil rights obligations. See website for Preaward information, <https://www.epa.gov/grants/tips-completing-epa-form-4700-4>.

#### G. Build America, Buy America

If proposals include the use of funds for an infrastructure project located in the United States, all iron, steel, manufactured goods, and construction materials must be domestically made. This is a requirement under the Build America, Buy America Act. Applicants should direct questions about this requirement to the EPA Contact listed funding opportunity. For more information on Build America provisions and requirement, please visit EPA's [Build America, Buy America website](#).

#### H. Mandatory Disclosures

As required by [2 CFR § 200.113](#), non-federal entities or applicants for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in [2 CFR § 200.339](#) including suspension and debarment.

#### I. Termination

Consistent with 2 CFR 200.340, EPA may terminate awards made under this NOFO in part or its entirety:

- (a)** If a recipient or subrecipient fails to comply with the terms and conditions of the award, including statutory or regulatory requirements;
- (b)** With the consent of the recipient when both the recipient and the EPA agree upon the termination conditions, which include the effective date and, in the case of partial termination, the portion to be terminated;
- (c)** If a recipient sends the EPA a written notification of the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated; however, if the EPA determines that the remaining portion of the Federal award will not accomplish the purposes for which the Federal award was made, the EPA may terminate the award in its entirety; or

**(d)** Pursuant to the terms and conditions specified in the Federal award.

**(e)** By the EPA or pass-through entity to the extent authorized by law, if an award no longer effectuates the program goals or agency priorities.

## Section IX. Other

### A. Required Training for New Applicants and Recipients

EPA requires all new assistance agreement applicants to complete two mandatory trainings before receiving EPA grant funds. Selected applicants who have not received an EPA grant or cooperative agreement is required to complete [EPA Grants Management Training for Applicants and Recipients](#) and training titled [How to Develop a Budget](#). EPA defines new applicants as an organization never receiving an EPA grant before, or if the organization last received an EPA grant prior to federal Fiscal Year (FY) 2015 (i.e. – prior to October 1, 2014). Organizations are encouraged to visit [USA Spending](#) to determine if they are a new applicant/recipient for this requirement by using these [instructions](#). At least one recipient staff person needs to complete the training; EPA recommends it is an individual listed in the grant applicant/recipient's [EPA Key Contacts Form 5700-54](#) (submitted with the application). For additional information, please refer to [Recipient/Applicant Information Notice \(RAIN\)-2024-G01](#).

### B. Competency of Organizations Generating Environmental Measurement Data (if applicable):

EPA's Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements requires successful applicants/recipients for awards that are expected to exceed \$200,000 in federal funding which involve the generation or use of environmental data must demonstrate competency to perform such work either prior to award, or if that is not practicable or will delay the award, prior to beginning any work involving the generation or use of environmental data under the agreement.

Applicants that demonstrate competency prior to award must maintain competency, as appropriate, during the award period. Applicants that do not address competency prior to award must demonstrate competency prior to beginning any work involving the generation or use of environmental data under the agreement and maintain competency, as appropriate, during the award period. A copy of the policy is available [online](#) or a copy may also be requested from the EPA Contact listed in the funding opportunity.

### C. Human Subjects (if applicable)

Applicants must agree to meet all EPA requirements for studies using human subjects prior to implementing any work with these subjects. These requirements are found at [40 CFR Part 26](#). Studies involving intentional exposure of human subjects who are children or pregnant or nursing women are prohibited. For observational studies involving children or pregnant women and fetuses please refer to Subparts C & D of 40 CFR Part 26. U.S. Department of Health and Human Services regulations at 45 CFR Part 46.101(e) have long required "... compliance with pertinent Federal laws or regulations which provide additional protection for human subjects." EPA's regulation 40 CFR Part 26 is such a pertinent Federal regulation. Therefore, the applicant's Institutional Review Board (IRB) approval must state that the applicant's study meets the EPA's regulations at 40 CFR Part 26. No work involving human subjects, including recruiting, may be initiated before the EPA has received a copy of the applicant's IRB approval of the project and the EPA has also provided approval. Where human subjects are involved in the research, the recipient must provide evidence of subsequent IRB reviews, including amendments or minor changes of protocol, as part of progress reports.

#### D Animal Welfare (if applicable)

Applicants and recipients must comply with the Animal Welfare Act of 1966 (P.L. 89-544), as amended, 7 U.S.C. 2131-2159. The recipient must also agree to abide by the U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training. (50 Federal Register 20864-20865 (May 20, 1985))

This clause applies if a research facility (defined as any school (except elementary or secondary), institution, organization, or person) receives funds under a grant from a federal agency for the purpose of carrying out research, tests, or experiments involving animals.

#### E. Exchange Network (if applicable)

The Environmental Information Exchange Network (Exchange Network, Network or EN) is a partner-inspired, developed, implemented, and governed information network. It facilitates environmental data sharing among EPA, states, tribes, and territories. The EN uses a standards-based approach that allows partners to exchange data over the Internet regardless of the specific information technology used. This replaces the need to perform complex and expensive data transformations to move data between systems or to share data on paper, discs, or other media or via email. Partners share electronic data more easily and at a lower cost, and environmental decision makers are able to use the data to make timely decisions. States, tribes, and territories exchanging data with each other or with EPA, should make the Exchange Network and the agency's connection to it, the Central Data Exchange (CDX), the standard way they exchange data and should phase out any legacy methods they have been using. More information available on the [Exchange Network](#).

#### F. Life Sciences Dual Use Research of Concern (if applicable)

*Life Sciences Research*, for purposes of this clause, and based on the definition of research in 40 CFR §26.102(d), is a systematic investigation designed to develop or contribute to generalizable knowledge involving living organisms (e.g., microbes, human beings, animals, and plants) and their products. EPA does not consider the following activities to be research: routine product testing, quality control, mapping, collection of general-purpose statistics, routine monitoring and evaluation of an operational program, observational studies, and the training of scientific and technical personnel.

Projects awarded under this Notice of Funding Opportunity that involve life sciences research are subject to the requirements of the [United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern](#) (iDURC Policy), provided that the recipient is an institution within the United States that receives funding through this agreement, or from any other source, to conduct or sponsor research involving any of the agents or toxins identified in Section 6.2.1 of the iDURC Policy. If the recipient is an institution outside the United States that receives funding through this agreement to conduct or sponsor research involving any of those same agents or toxins, it will also be subject to requirements of the iDURC Policy.

#### G. Access to Results of EPA-Funded Extramural Scientific Research

##### *Applies only to Research Awards*

Research is defined in the Policy for Increasing Access to Results of EPA-Funded Extramural Scientific Research as the systematic inquiry directed toward fuller scientific knowledge or understanding of the subject studied. This Policy requires that the results of EPA-funded extramural scientific research are accessible to the public to the greatest extent feasible consistent with applicable law; policies and Orders; the Agency's mission; resource constraints; and U.S. national, homeland and economic security.

(a) When a journal does not submit a journal publication or author manuscript associated with the journal publication directly to the National Institute of Health's [PubMed Central](#) (PMC), recipients are responsible for making the author manuscript accessible to the public at no charge via PMC. The recipient must submit the author manuscript to PMC no later than the end of the embargo period of twelve months after journal publication. PMC then posts the manuscript on its site at the end of the embargo period, so it is accessible to the public. Recipients are responsible for ensuring that either the journal publication or the author manuscript associated with the journal publication is deposited into PMC, so that the public may read, download, and analyze the research results in digital form. Instructions for depositing author manuscripts associated with journal publications in PMC will be included in the award's terms and conditions.

(b) Scientific research data underlying a journal publication are to be posted to a publicly accessible data repository by the recipient within 30 days of the date the journal publication or associated author manuscript becomes accessible to the public, whether made accessible by the journal at the time of publication or by PMC following the embargo period, unless:

(1) the dataset has already been made accessible to the public via public release or another sharing mechanism; or

(2) the research data cannot be released due to one or more constraints, such as requirements to protect personal privacy, proprietary interest, property rights, national security, or dual use research of concern. Datasets must contain enough information to allow independent use (understanding, validation, and analysis) of the data.

(c) Publication metadata records shall be provided via the [National Institute of Health's Manuscript Submission](#) (NIHMS) when the journal publication or associated author manuscript is submitted to NIHMS. The metadata record for the dataset underlying the journal publication will be made accessible by the recipient through EPA's dataset metadata repository within 30 days of the date the journal publication or associated author manuscript becomes accessible to the public, whether made accessible by the journal at the time of publication or by PMC following the embargo period. Guidance for providing dataset metadata to EPA's dataset metadata repository will be included in the award's terms and conditions.