



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

OFFICE OF  
PREVENTION, PESTICIDES AND TOXIC  
SUBSTANCES

MEMORANDUM

SUBJECT: Final 2008 National Program Manager (NPM) Guidance to Regions

FROM: James B. Gulliford /S/  
Assistant Administrator

TO: Regional Division Directors I-X

I am pleased to transmit the draft OPPTS FY 2008 National Program Manager Guidance. This guidance is the result of a multi-year process to align Agency, State and Tribal processes to strengthen and focus our joint strategic planning.

**Overarching Program Priorities**

The OPPTS guidance for 2008 represents a participatory dialogue with the Regions, States, Tribes, and other concerned stakeholders. It addresses the critical Regional activities that are directed at achieving the goals for environmental and public health protection contained in the *2006-2011 EPA Strategic Plan* (<http://www.epa.gov/ocfopage/plan/plan.htm>). Included in the Guidance are priority program areas that were identified by the Office of Pollution Prevention and Toxics (OPPT), and the Office of Pesticide Programs (OPP).

OPPT promotes the use of safer chemicals, processes, and technologies; promotes life-cycle management of environmental problems such as asbestos; advances pollution prevention through voluntary action by industry. Through the High Production Volume (HPV) Challenge program, for example, OPPT is working voluntarily with industry and others to make basic hazard data available to the public on over 2,200 chemicals used in high volume in the United States, and to identify and evaluate chemicals of particular concern to children's health. OPPT's Regional performance priorities include critical activities within lead, mercury, asbestos, and Pollution Prevention programs. OPPT's objectives and measures are found in goals 4 and 5 of the *2006-2011 EPA Strategic Plan*. Go to <http://www.epa.gov/opptintr/> for more information on OPPT.

OPP regulates the use of all pesticides in the United States and establishes maximum levels for pesticide residues in food, thereby safeguarding the nation's food supply. EPA has expanded access to information on risk assessment and risk management actions to help increase transparency of decision-making and facilitate consultation with the public and affected stakeholders. In addition to its regulatory functions, OPP's programs include providing information and coordination on issues ranging from worker protection to prevention of misuse of pesticides. OPP participates in a variety of partnerships related to pesticide use, including the Pesticide Environmental Stewardship Program, a voluntary private and public partnership dedicated to reducing pesticide use and risk, and Integrated Pest Management (IPM) in Schools. OPP's Regional performance priorities include the issue areas of pesticides and endangered species, pesticide worker safety, the Strategic Agricultural Initiative (SAI), pesticides and water resource protection, and implementation of the Pesticide Container/Containment Rule. OPP objectives and measures are found in goal 4 of the *2006-2011 EPA Strategic Plan*. Go to <http://www.epa.gov/pesticides/> for more information on OPP.

### **Regional Priorities and Flexibility**

As with previous years, OPPTS recognizes that cross-cutting considerations identified Regional priorities and the Tribal, Environmental Justice (EJ) and Children's Health programs should be factored into the implementation strategies for program priorities. OPPTS programs understand that the priorities highlighted in the guidance will require some flexibility in order to accommodate Regional, State, Tribal and local concerns on a region-by-region basis. We will continue to foster innovation and re-engineer the way we work together to establish common directions for our programs.

### **Strengthening State Grants**

EPA has worked with State and Tribal partners and other grant recipients to improve performance measures and enhance the alignment of State Grant Workplan goals and measures with EPA's national performance goals and measures. These improvements have enhanced the Agency's ability to demonstrate grant results to OMB, Congress and the public. It is important that EPA and the States and Tribes build on these efforts to ensure that grant workplans meet the basic requirements necessary to facilitate the translation of grant results into the Agency's strategic and annual planning, budgeting, and accountability processes.

To further EPA's efforts in developing a standardized template for Performance Partnership Grants and other categorical grant agreements, improvements have been made to the performance measure templates for State Grant Workplans. These new templates are included as an Appendix to this document (Appendix 2). This template attempts to capture the most essential measures for describing the environmental and program results associated with each of the categorical grants. Additional information on overall grants improvements and the grants management process can be found at <http://www.epa.gov/ogd>.

## **FY 2008 Performance Measurement and Alignment**

A point of emphasis in planning that culminates in issuance of the OPPTS NPM Guidance for 2008, the program has undergone an extended and rigorous assessment of performance measures used to evaluate progress and plan future activities. Key objectives of this effort focused on:

- Aligning national priorities with long-term directions in the *2006-2011 EPA Strategic Plan* and annual priorities in EPA's FY 2008 Annual Plan and Budget;
- Streamlining the number of reporting requirements and annual measures that the Agency uses to manage environmental progress and recognizing the set of key measures used by each management level;
- Integrating regional priorities and regional priority measures (i.e. selected regional priority measures, formerly known as eco-region measures);
- Advancing the Agency's process for developing and reporting against state grant template performance measures; and
- Enhancing collaboration within EPA and with our state and tribal partners.

The 2008 NPM guidance emphasizes alignment between performance measures that demonstrate overall program results and regional measures that are reported in the Agency's accountability system, the *Annual Commitment System* (ACS). OPPTS Regional and Headquarters programs, in partnership with States and other interested stakeholders, have made considerable progress in designing a suite of limited regional performance measures which support planning and budgeting requirements as prescribed by the Government Performance and Results Act (GPRA) and the Performance Assessment Rating Tool (PART).

The alignment of ACS measures and other Agency performance system is discussed throughout this document. A stand-alone list of FY 2008 ACS measures is contained as an Appendix to this document (Appendix 1).

Of note is that FY 2008 measures and associated commitments will remain as draft until final performance agreements are reached in October 2007. A list of key milestones in reaching these agreements is attached as an Appendix to this document (Appendix 4). Additional information on the EPA performance measurement, planning and budgeting can be found at <http://www.epa.gov/ocfopage/index.htm>. Specific information on the EPA NPM Guidance can be found at <http://www.epa.gov/ocfopage/npmguidance/index.htm>.

Also appended to this Final 2008 NPM guidance are two tables summarizing key Regional and State comments and our responses to those comments on prior year measures (Appendix 3) and on the Draft 2008 NPM Guidance (Appendix 5). All comments received on the draft guidance are addressed in this Final guidance where appropriate, and brief explanations are provided for each comment received in the table accordingly.

## **Conclusion**

Thank you for your ongoing assistance in drafting the guidance. OPPTS remains committed to this partnership process and believes that our mutual efforts will focus and strengthen our activities in the field. I look forward to our continued collaboration on solving the many environmental challenges that we face now and in the future.

For general comments or questions, please contact either Eric Burman (202-564-0267) or Michael O'Reilly (202-564-0551). For program-specific questions you may contact Daniel Helfgott (OPP/ Field & External Affairs Division; 703-308-8054), Brian Symmes (OPPT/ Lead, Asbestos, PCB's; 202-566-1983), or Thomas Tillman (OPPT/ Pollution Prevention; 202-564-8263)

### **Attachments**

cc: Deputy Regional Administrators  
OPPTS Regional Branch Chiefs  
Assistant Administrators

## Table of Contents

Executive Summary.....	1
POLLUTION PREVENTION AND TOXICS PROGRAM HIGHLIGHTS .....	1
PESTICIDES PROGRAM HIGHLIGHTS .....	2
REGIONAL PRIORITIES .....	3
GRANTS MANAGEMENT .....	3
NEW PERFORMANCE MEASURE TEMPLATE FOR STATE GRANT WORKPLANS.....	4
PROGRAM TRACKING.....	4
PROGRAM OFFICE CONTACTS.....	5
POLLUTION PREVENTION AND TOXICS PROGRAM PRIORITIES.....	6
<i>LEAD</i> .....	6
<i>MERCURY</i> .....	9
<i>ASBESTOS</i> .....	11
<i>POLLUTION PREVENTION (P2)</i> .....	13
PESTICIDES PROGRAMS PRIORITIES.....	17
<i>PESTICIDE WORKER SAFETY PROGRAMS</i> .....	17
<i>PESTICIDE CONTAINER/CONTAINMENT IMPLEMENTATION</i> .....	22
<i>PESTICIDES &amp; ENDANGERED SPECIES</i> .....	24
<i>PESTICIDES AND WATER RESOURCE PROTECTION</i> .....	27
<i>STRATEGIC AGRICULTURE INITIATIVE (SAI)</i> .....	29
Appendix 1: FY 2008 OPPTS Measures .....	32
Appendix 2: FY 2008 OPPTS State Grant Template Measures .....	38
Appendix 3: FY 2008 Burden Reduction and Measures Streamlining.....	41
Appendix 4: FY 2008 Key Milestones for Commitment Development and Implementation .....	46
Appendix 5: OPPTS Response to Comments on the Draft 2008 NPM Guidance.....	47

## Executive Summary

The OPPTS guidance for 2008 represents a participatory dialogue with the Regions, States, Tribes, and other concerned stakeholders. It addresses the critical Regional activities that are directed at achieving the goals for environmental and public health protection contained in the *2006-2011 EPA Strategic Plan* (<http://www.epa.gov/ocfopage/plan/plan.htm>). Included in the Guidance are priority program areas that were identified by the Office of Pollution Prevention and Toxics (OPPT), and the Office of Pesticide Programs (OPP).

Below are highlights from OPPT and OPP, and policy statements that extend over the more detailed programmatic discussion in the section on key program strategies and priorities.

### **POLLUTION PREVENTION AND TOXICS PROGRAM HIGHLIGHTS**

#### *LEAD*

OPPT convened a meeting of National and Regional Office Lead Program managers meeting in October 2006 which focused on six key areas: Grant formula and future resources, Renovation, Repair and Painting Program Rule Implementation, Enforcement, Federal program streamlining, Performance measures, and Tribal Strategy. As a result of these discussions, the regions provided significant input about how to meet the Lead Program's strategic goal of eliminating childhood lead poisoning as a public health concern by 2010.

Headquarters and Regional Office management proposed a combination of approaches that offer the most promise for an effective national program:

1. Ensure an adequate workforce of trained and certified lead-based paint professionals;
2. Improve methods to reach communities with a high concentration of children with elevated blood-lead levels (hot spots) and population of children vulnerable to lead risks;
3. Address other gaps in the protection of children at risk for elevated blood-lead levels; and
4. Coordinate with other Federal Agencies such as Center for Disease Control (CDC) and Housing and Urban Development (HUD).

In addition to addressing these priorities, Regional Offices will in FY 2008 continue preparing for and commence implementing a key new component of the EPA's lead risk reduction regulatory framework. As a key element of our strategy to meet the 2010 goal and address a significant gap, EPA proposed the Renovation, Repair and Painting Program Rule in January 2006. This proposed requirement would reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead based paint. The proposal establishes requirements for renovation work practices, training and certifying renovators and dust sampling technicians, certifying renovation firms, accrediting providers of renovation and dust sampling

technician training. OPPT will continue to work with Regional Office managers to identify the resources and approaches they will need to assist in implementing the requirements once they are finalized.

### *POLLUTION PREVENTION (P2)*

OPPT and the Regional Offices operate under the 2006 P2 Program Vision and the Regional P2 Measures Guidance which are being updated in 2007. For FY 2008, the direction of the P2 Program is also influenced by lessons learned from OMB's FY 2006 assessment using the Program Assessment Rating Tool (PART), which accorded the P2 program the third highest EPA score in the five year history of the PART, associated PART Program Improvement Follow-up Action Plans under the PART, and the EPA's 2006-2011 Strategic Plan.

Through the FY2006 PART, OPPT refined its long-term and national performance measures. As a result of the FY2006 PART, all of the P2 program's streams of results contribute to the quantifiable commitments. The seven streams of results are: the Regions (collectively), Design for the Environment (DfE), Environmentally Preferable Purchasing Program (EPP), Green Chemistry, Green Suppliers Network (GSN), Pollution Prevention Resource Exchange (P2Rx), and hospitals/healthcare. Regional Office commitments towards the FY2008 national performance goals will be established through the FY 2008 Annual Commitment System (ACS) bidding process and the collective annual ACS results contribute to achieving the annual GPRA targets.

### **PESTICIDES PROGRAM HIGHLIGHTS**

The Office of Pesticide Programs (OPP) Regional Performance Priorities for FY 2008 continue to be the same as for FY 2007, which are: (1) Pesticides and Endangered Species, (2) Pesticide Worker Safety, (3) FQPA/Strategic Agricultural Initiative (SAI), and (4) Pesticides and Water Resource Protection program. In addition for FY 2008, a new measure (5) Pesticide Container/Containment Implementation has been determined to be a priority.

These Regional priorities address the goals of the OPPTS Action Plan. Specifically, the SAI measure addresses the Partnerships and Pollution prevention goal demonstrating results through collaboration and innovation, while the Pesticide Worker Safety priority addresses the action plan goal of Ensuring Safe Pesticides.

The text of the field program measures has been revised (compared to the text in the NPM guidance for FY 2007) and now more accurately reflects the work developed through the Measures Development Process initiated in the summer of 2005. This was a collaborative process which included HQ, the Regions, and State and Tribal representatives.

## REGIONAL PRIORITIES

**Midwest Region (Regions 5 and 7):** As a regionally-specific point of concern, the Midwest Regions support the national goal of eliminating childhood lead poisoning as a public health concern by 2010. The elimination of childhood lead poisoning is a priority for both EPA Regions 5 and 7. In 2003, based upon surveillance data from the U.S. Centers for Disease Control and Prevention (CDC), 39% of the nation's total reported cases of elevated blood lead levels (EBLLs) in children under six were identified in Region 5. Region 7 is impacted by historic and ongoing lead mining, milling, and smelting industry activities. It is home to thousands of former lead mining and smelting sites and has operating mining activities and the last lead smelter in the country. Both Regions have taken pro-active steps to support the national goal of eliminating this preventable childhood disease as a significant public health concern by 2010.

**Great American West (Regions 8, 9 and 10):** As a regionally-specific point of concern, the Western Regions are focusing on the national goals of the Strategic Agriculture Initiative (“Average percent change in the utilization of reduced risk pest management practices over time as determined by the SAI Transition Gradient” and “Number of SAI collaborative actions that support the sustainability of American agriculture by working with others to address pesticide risk issues of Regional and National concern.”). The SAI Transition Gradient provides a uniform and consistent tool to evaluate grower progress toward adopting a whole systems approach of integrated crop management, conservation planning and sustainable agriculture with an emphasis on long-term outcomes using quantitative measures. SAI collaboration is a critical indicator of EPA agricultural field presence and the Agency’s ability to establish and maintain cooperative, effective relationships with the agricultural community in order to improve the environment and public health in the agricultural setting.

## GRANTS MANAGEMENT

Consistent with EPA’s efforts to demonstrate grant results, NPM’s and Regions, in cooperation with their State and Tribal partners, should consider developing generally acceptable core workplan components or core workplan measures that Regions and States could agree to use as a basis for developing and negotiating their workplans.

OPPTS is committed to accomplishing the grants management goals identified in the Office of Grants and Debarment’s *Grants Management Plan for 2003-2008*. The Plan highlights five grants management goals:

1. Enhance the skills of EPA personnel involved in grants management;
2. Promote competition in the award of grants;
3. Leverage technology to improve program performance;
4. Strengthen EPA oversight of grants; and
5. Support identifying and realizing environmental outcomes.



OPPTS places a high priority on effective grants management. It is OPPTS' policy that all grants comply with Federal and Agency statutes, rules, regulations and other administrative requirements applicable to grants management. Additional information on overall grants improvements and the grants management process can be found at <http://www.epa.gov/ogd/EO/finalreport.pdf>.

## **NEW PERFORMANCE MEASURE TEMPLATE FOR STATE GRANT WORKPLANS**

EPA has worked with State and Tribal partners and other grant recipients to improve performance measures and enhance the alignment of State Grant Workplan goals and measures with EPA's national performance goals and measures. These improvements have enhanced the Agency's ability to demonstrate grant results to OMB, Congress and the public. It is important that EPA and the States and Tribes build on these efforts to ensure that grant workplans meet the basic requirements necessary to facilitate the translation of grant results into the Agency's strategic and annual planning, budgeting, and accountability processes. Additional information on overall grants improvements and the grants management process can be found at <http://www.epa.gov/ogd>.

The Performance Measure Template for State Grant Workplans for pesticide program implementation, "the number of state grant dollars per pesticide applicator certification", is included in an Appendix. There are several caveats included with this measure as footnotes to the corresponding Appendix table; however, the most important caveat is that this state grant template measure is not an efficiency measure because of the complexities of factoring in inflation and cost of living variations across the states. Also included in the Appendix is the toxics program's Performance Measure Template for State Grant Workplans, "Annual Percentage of viable lead based paint certification applications that require less than grantee state established timeframes to process."

## **PROGRAM TRACKING**

In addition to the automated commitment system, OPPTS programs track progress toward achieving NPM goals through a variety of teleconferences, Regional visits and National Meetings. The OPPTS Lead Region conducts a biweekly conference call to ensure ongoing dialogue between Regions and Headquarters. The OPPTS Regional Budget Workgroup provides valuable input for OPPTS' budgetary and strategic decisions. OPPTS programs also participate in ongoing dialogue with States & Tribes through a variety of groups and meetings. The OPPTS Tribal Strategic Plan has enhanced our efforts to focus the OPPTS Tribal Program resources toward achieving identified goals and strategic priorities.

## **PROGRAM OFFICE CONTACTS**

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## Key Program Strategies and Priorities

### POLLUTION PREVENTION AND TOXICS PROGRAM PRIORITIES

#### *LEAD*

##### *Strategic Plan Targets*

- Sub-Objective: 4.1.1 Reduce Chemical Risks. By 2011, prevent and reduce chemical risks to humans, communities, and ecosystems.
- By 2010, eliminate childhood lead poisoning as a public health concern by reducing to 0 the number of cases of children (aged 1-5 years) with elevated blood lead levels ( $>10 \mu\text{g}/\text{dl}$ ).
- By 2010, reduce to 28% the percent difference in the geometric mean blood lead level in low income children 1-5 years old as compared to the geometric mean for non-low income children 1-5 years old.

##### *Long-Term strategy*

OPPT will pursue a range of activities aimed at meeting our strategic targets including the maintenance of a trained and certified workforce of lead-based paint professionals, and the development of methods and tools to reach vulnerable populations and communities. This includes continued administration of the State Tribal Assistance Grants (STAG) program which maintains an adequate supply of trained and certified individuals for lead-based paint activities. In addition these grants support Tribal efforts to reduce lead risks, and focus on reducing lead risks in vulnerable populations of at-risk children and communities with a high concentration of children with elevated blood-lead levels (hot spots). OPPT will continue to coordinate with other federal agencies including, Centers for Disease Control (CDC), Housing and Urban Development (HUD), Department of Justice (DOJ), Consumer Product Safety Commission (CPSC), and with state, local and tribal governments to reduce or prevent risks to human health and the environment posed by lead-based paint activities.

In addition, the Agency will be finalizing Renovation, Repair and Painting Program Rule. In January 2006, EPA proposed new requirements to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint. The proposal would establish requirements for renovation work practices and training and certifying renovators and dust sampling technicians; certifying renovation firms; and accrediting providers of renovation and dust sampling technician training. OPPT is currently reviewing public comment on the proposed rule.

## Background

A key element of EPA's mission and Strategic Plan is to reduce or prevent risks to human health and the environment posed by chemical substances. In certain instances, risk-reduction efforts are targeted at specific chemicals. Foremost among these is the commitment to eliminate childhood lead poisoning as a public health concern by 2010. Since 1973, environmental lead levels have been reduced by phasing out leaded gasoline, banning the sale of lead-based paint for use in residences, and addressing other sources of exposure. As a result of these efforts, children's blood-lead levels have declined nearly 90 percent since the mid-1970s, in the United States.

In the 1990's, EPA focused on reducing children's exposure to lead in paint and dust through a regulatory framework, through federal interagency collaboration, as well as informing and educating parents, home buyers, renters, renovators and the medical community about lead prevention. The incidence of childhood lead poisoning has declined from 900,000 cases in the early 1990s to approximately 300,000 cases in 1999/2002. Additional information can be found at: <http://www.epa.gov/lead.html>.

## Proposed Measures of Success

G/O/S	ACS Code	Regional Measure	Unit of Measure	Comments
4.1.1	11A	Number of active individual certifications for lead-based paint activities in the Region <sup>1</sup> .	Certifications	Reporting Measure. EPA/States/Tribes do not control this parameter to sufficiently support setting targets.
4.1.1	11B	Number of active individual certifications for lead-based paint activities in the grantee State <sup>2</sup> .	Certifications	Reporting Measure for inventory. States do not control this parameter sufficiently to support setting targets.

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<sup>1</sup> In the Region- This includes authorized states, non-authorized states, and tribes. Counts the number of certifications for individual lead-based paint professionals in place at a specific time instead of the number of certifications issued during FY2008.

<sup>2</sup> In the Grantee State- This is limited to authorized states.

<b>G/O/S</b>	<b>ACS Code</b>	<b>Regional Measure</b>	<b>Unit of Measure</b>	<b>Comments</b>
4.1.1	13A	Annual percentage of viable <sup>3</sup> lead-based paint certification applications that require less than 20 days <sup>4</sup> of EPA Regional effort to process <sup>5</sup>	Percent	
4.1.1	13B	Annual percentage of viable lead-based paint certification applications that require less than grantee state-established timeframes <sup>6</sup> to process	Percent	State Grant Template Measure.
4.1.1	12	Cumulative number of authorized state and tribal programs for lead-based paint professionals	States and Tribes	
4.1.1	21	Number of outreach partnerships addressing lead-based paint hazards and exposure reduction.	Partnerships	Partnerships must be consistent with the Regions' lead poison prevention priorities.

*Proposed Principal Activities for the Regions*

- 1) Implement lead-based paint risk reduction education, outreach and regulatory implementation programs in target areas with high concentrations of children with elevated blood levels.
- 2) Continue overseeing the Section 404(G) grant program to maintain a trained workforce of lead-based paint professionals in authorized states and continue operating the program in non-authorized states.
- 3) Encourage compliance assistance and outreach of the Pre-Renovation Education Rule (406) and Disclosure Rule (1018).

<sup>3</sup> Viable- A completed application which is ready and suitable for approval, containing all requirements for certification.

<sup>4</sup> Days are measured in calendar days.

<sup>5</sup> The Regional effort to process an application includes the sum of two timeframes. Timeframe 1 is the number of days elapsed from "Sent to Regions" to "Region Review." Timeframe 2 is the number of days elapsed from "Approval or Disapproval Letter Generated" to "Final Package Sent."

<sup>6</sup> Grantee-state established timeframes. Regions will work with their authorized States to establish a baseline for number of days taken by the State to process a viable application. The number may vary by State, taking variables such as regulations and contractor processing time into account. The number agreed upon should be a reasonable determination that reflects the length of time that it takes the State to process an application, as identified by the State and represented to the public. Regions will enter into ACS a collective Regional percentage. In addition, the percentage for the individual States in their Region needs to be entered in the comment field for 13B

4) Promote compliance assistance for the Training and Certification Rule (402) in EPA states and coordinate with state programs, as needed, for 402 rule compliance assistance in authorized states.

5) Pursue opportunities for partnerships to address lead-paint based hazards and exposure reduction. An outreach partnership is defined as a collaborative, on-going project between EPA and an outside party or parties in which there is an agreement to take measures to address lead-based paint hazards and exposure reduction and thus reducing childhood lead poisoning. Examples include cooperative agreements, targeted grants, recognition awards, sustained outreach and educational campaigns, letters of agreement, etc. An agreement is an understanding between parties but not necessarily a formal agreement such as a Memorandum Of Understanding.

6) Continue preparations for the Lead-Based Paint Renovation, Repair and Painting Rule pending promulgation.

## *MERCURY*

### *Strategic Plan Target*

- Sub-Objective: 4.1.1 Reduce Chemical Risks. By 2011, prevent and reduce chemical risks to humans, communities, and ecosystems.

OPPTS has no Strategic Targets addressing mercury. OPPTS will work to reduce mercury as a threat to human health and the environment through the implementation of *EPA's Roadmap for Mercury*.

### *Long-Term Strategy*

In July 2006, *EPA's Roadmap for Mercury* was published, committing the Agency to a number of actions for reducing mercury in products and industrial processes. OPPT is committed to the implementation of the mercury roadmap and will pursue complementary activities. Some of these are listed below:

1. Reduce risks associated with mercury use in products and manufacturing using TSCA authorities, educational outreach and voluntary programs;
2. Implement a process involving a nonfederal stakeholder panel to discuss options and provide non-consensus input relating to addressing the expected surpluses in domestic non-federal mercury supplies.
3. Develop and maintain a database to track reductions in mercury use by key sectors and report products where mercury is still being used;
4. Promote mercury reductions in schools, including the Schools Chemicals Cleanout Campaign; and

5. Promote new voluntary partnerships to reduce existing mercury uses such as, but not limited to, as the Mercury Challenge under the National Partnership for Environmental Priorities (NPEP) Program.

OPPT has finalized a Significant New Use Rule (SNUR) which requires notification to EPA 90 days prior to US manufacture, import or processing of elemental mercury for use in convenience light switches, anti-lock braking system (ABS) switches and active ride control system switches in certain motor vehicles. This SNUR complements activities by EPA and other interested parties to seek voluntary removal of switches from existing motor vehicles before they are recycled at the end of their useful life. OPPT will continue to examine other products that could result in additional mercury reductions through using TSCA authorities and will promote the reduction of mercury releases and exposure that may result from mercury use in consumer and commercial products.

OPPT, in coordination with other EPA programs, will continue to encourage teachers, administrators, parents, and students to communicate the importance of reducing mercury use in schools and the community. OPPT will also look at new ways to promote additional reductions in mercury use, such as through the voluntary Green Suppliers Network and through continued support for regional and state programs and partnerships. All mercury program activities will also support the Priority Chemicals goal of the Resource Conservation Challenge.

Per the Agency's commitment in *EPA's Roadmap for Mercury*, OPPT has initiated and will continue to implement a federal interagency process for examination of economic and environmental issues associated with the long-term storage of federally-owned and non-federally-owned commodity grade mercury. This federal interagency group will be working with other stakeholders such as the States, non-governmental organizations and industry to develop a panel process to inform the U.S. Government on viable options for the long-term management of non-federal domestic excess mercury.

### *Background*

Mercury can be a potent neurotoxin and is known to bioaccumulate, notably in fish. According to the latest report from the CDC, approximately six percent of women of childbearing age had blood mercury concentrations higher than EPA's Reference Dose (RfD) primarily due to the consumption of mercury contaminated fish. In addition, people can be exposed to mercury vapor when mercury is released due to spills of elemental mercury or breakage of products that contain elemental mercury, particularly in warm or poorly-ventilated indoor spaces. Also, when mercury-containing products are discarded as waste and burned in an incinerator or smelter, the mercury can be released to the atmosphere and potentially present a hazard to human health and the environment.

EPA has taken numerous actions to reduce sources of mercury pollution to air, water, and waste through both regulatory and voluntary programs. EPA has developed its *Roadmap for Mercury* that outlines the Agency's goals and priority actions for reducing mercury pollution and exposure. Quantitative reporting by the regions for this program was begun in by other NPMs in

FY 2003. OPPT is assessing opportunities for developing performance measures reflecting the contributions of OPPTS Regional Office resources towards the goals of the *Roadmap for Mercury*, and is encouraging Regional Offices to pilot such measures in FY 2008. Additional information can be found at: <http://www.epa.gov/mercury/> .

#### *Proposed Principal Activities for the Regions*

- 1) Utilize broad-based regional efforts to reduce mercury hazards in schools consistent with the *Roadmap for Mercury*.
- 2) Identify and pursue opportunities for voluntary partnerships to reduce existing mercury uses and educate people about mercury in the waste stream consistent with the *Roadmap for Mercury*, as regional resources allow. A partnership is defined as a formal or informal agreement with any organization, industry, or group in which there is an agreement to take measures to reduce mercury use and educate people about reducing mercury in the waste stream. Examples include activities such as cooperative agreements, grants, recognition awards, educational campaigns, etc. An agreement is an understanding between two parties but not necessarily a formal agreement such as an MOU.
- 3) Develop pilot measures to address and support critical elements of *EPA's Mercury Roadmap* as regional resources allow.

#### *ASBESTOS*

##### *Strategic Plan Target*

- Sub-Objective: 4.1.1 Reduce Chemical Risks. By 2011, prevent and reduce chemical risks to humans, communities, and ecosystems.

The Agency's Strategic Plan has no specific strategic targets for asbestos. OPPTS Regional Office resources support the reduction of asbestos risks through the implementation of the Asbestos Project Plan.

##### *Long-Term Strategy*

In November 2005, EPA issued the Asbestos Project Plan, which describes EPA's current and planned actions to ensure a coordinated Agency-wide approach to identify, evaluate and reduce risks to people from asbestos exposure. The plan focuses on improving the state of the science for asbestos; identifying and addressing exposure and seeking risk reduction opportunities associated with asbestos in products, schools and buildings; and better understanding and minimizing asbestos exposures through assessment and cleanup of contaminated sites.

EPA will continue its scientific research on asbestos. The Agency will continue its outreach and technical assistance for the asbestos program for schools, in coordination with other Federal agencies, states, the National Parent-Teachers Association, and the National Education



Association. EPA will also continue to provide oversight and regulatory interpretation to delegated state and local asbestos demolition and renovation programs, respond to tips and complaints regarding the Asbestos-in-Schools Rule, respond to public requests for assistance, and help asbestos training providers comply with the Model Accreditation Plan requirements.

*Background*

Asbestos is the name given to a number of naturally-occurring fibrous silicate materials. When microscopic bundles of asbestos fibers become airborne, they can cause a variety of adverse health effects when inhaled and embedded into the lungs. These fibers may cause serious lung diseases including: asbestosis, lung cancer, and mesothelioma.

EPA’s asbestos program focuses primarily on implementing the Asbestos Hazard Emergency Response Act (AHERA), the Asbestos School Hazard Abatement Reauthorization Act (ASHARA), and the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) under the Clean Air Act.

As part of its effort to address asbestos-related issues comprehensively, EPA will continue to coordinate with other federal agencies including the Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA), National Institute for Occupational Safety and Health (NIOSH), Consumer Product Safety Commission (CPSC), Agency for Toxic Substances and Disease Registry (ATSDR), and United States Geological Survey (USGS). Quantitative reporting by the regions for this program was begun in 2003; OPPTS anticipates that the current measure will continue to be fine-tuned. Additional information can be found at: <http://www.epa.gov/asbestos/> .

*Proposed Measures of Success*

<b>G/O/S</b>	<b>ACS Code</b>	<b>Regional Measure</b>	<b>Unit of Measure</b>	<b>Comment</b>
4.1.1	15	Number of school children attending institutions reached through general toxic fibers education and outreach activities.	Children	

*Proposed Principal Activities for the Regions*

- 1) Maintain efforts to bring schools into Asbestos Hazard Emergency Response Act (AHERA) compliance.
- 2) Promote education and outreach efforts, especially with new materials now under development. Education and outreach can be defined by any of the following: Local Educational Authorities (LEAs), School Districts/Boards, individual schools (including charter schools), Principals, PTA's (including individual parents and teachers), maintenance workers, and individual students. This education and outreach can be accomplished through

any of the following mechanisms: web products, written publications (fact sheets, booklets, reports), public meetings, conferences, exhibits, community outreach, training sessions, award programs, mass mailings (electronic or snail), and phone calls.

3) Work with training providers to ensure compliance with requirements.

## *POLLUTION PREVENTION (P2)*

### *Strategic Plan Targets*

- Sub-Objective 5.2.1 Prevent Pollution and Promote Environmental Stewardship. By 2011, reduce pollution, conserve natural resources, and improve other environmental stewardship practices while reducing costs through implementation of EPA's pollution prevention programs.

### Long –Term Targets

- By 2011, reduce<sup>7</sup> 4.5 billion pounds of hazardous materials cumulatively compared to the 2000 baseline<sup>8</sup> of 44 million pounds reduced.
- By 2011, reduce, conserve, or offset 31.5 trillion BTUs cumulatively compared to the 2002 baseline of 0 BTUs reduced, conserved, or offset.
- By 2011, reduce water use by 19 billion gallons cumulatively compared to the 2000 baseline of 220 million gallons reduced.
- By 2011, save \$791.9 million through P2 improvements in business, institutional, and governmental costs cumulatively compared to the 2002 baseline of \$0 saved.

### *Annual Targets*

The GPRA/PART targets are pre-established from the projections used to calculate the long-term GPRA/PART goals, and are modified only to account for budget reductions. The annual national GPRA measures and targets for FY 2008 for all seven streams of results, commit the P2 program to:

- Reduce 429.4 million pounds of hazardous materials;
- Reduce, conserve, or offset 1,217 billion BTUs;
- Reduce water use by 1.64 billion gallons; and
- Save \$45.9 million in business, institutional, and governmental costs through P2 improvements.

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<sup>7</sup> Reduce is defined to mean reduction through P2 improvements and to includeincludes pollution *avoided*, but must be related to source reduction, and **not** out-of process recycling.

<sup>8</sup> Baselines are the reduction results of the program in the stated year, e.g., the program documented results of 44 million pounds of hazardous materials reduced in 2000, and the documented results of \$0 saved in 2002.

The annual collective Regional share of the national GPRA targets above represent the Regional stream of results for FY2008 and commits the P2 Regional program collectively to:

- Collective regional share of annual GPRA target for hazardous pounds is about 37 million pounds;
- Collective regional share of annual GPRA target for BTUs is about 561 billion BTUs;
- Collective regional share of annual GPRA target for gallons is about 273 million gallons;
- Collective regional share of annual GPRA target for dollars is about \$15 M; and,
- Other Pollutants and Megawatts in ACS are reporting measure only and do not require commitments.

### *Long-Term Strategy*

The P2 Program's Vision lays out priorities in the areas of Delivery of P2 Services, Greening Supply and Demand, and P2 Infrastructure. The Vision lays out a process for revisiting priorities at the macro-level the year the strategic plan is revised, and at the micro-level in other years. Note: The program's 2006 PART process created the stream of results terminology for program areas used below.

#### 1) Delivery of P2 Services

This area focuses on regional P2 outreach efforts to provide P2 tools and technical assistance to stakeholders in accordance with State and regional priorities and the pollution prevention needs of their customers. A vital part of delivering P2 services is continuing the Pollution Prevention State Grant program. This NPM guidance reinforces the FY 2008 grant guidance which indicates a strong preference for grants that generate quantified outcome performance data. State and Tribal Assistance Grant (STAG) funds also support Pollution Prevention Resource Exchange (P2Rx), a collection of Regional centers that facilitate exchange of P2 technical assistance information between providers and customers.

The P2 Program takes credit for direct EPA and EPA partner/grantee targets under the regional stream of results. Regional Offices report results obtained from Source Reduction Assistance (SRA), Environmental Program and Management (EPM) and P2 (STAG) Grants, except in the case of results generated through the P2Rx Centers, which take credit for 10% of remaining overall State P2 Program results (i.e., non-grant results).

Draft Regional P2 Measurement Guidance was distributed by the P2 Program in FY06. Headquarters and Regions are collaborating on a revision to this guidance, which will be available in FY07 before the evaluation of FY 2008 grant applications. The revised guidance will address such issues as:

- which partnership activities to count (in the category of direct EPA and EPA partner/grantee targets, e.g., whether to count partnerships with regional media programs and voluntary programs run by other EPA offices);

- how much credit to take for various partnership efforts (in the category of direct EPA and EPA partner/grantee targets, e.g., whether amount of credit varies for state award program results according to contribution of EPA grant funding);
- planning ahead with measurement techniques;
- record-keeping; and
- using the results reporting systems, including GranTrack.

## 2) Greening Supply and Demand

This area focuses on increasing demand for available greener alternatives and stimulating next-generation innovation through incentives and tools. Also included in this effort are using the supply chain as a mechanism for change and reducing potential exposure to priority chemicals.

When regions support these national efforts, their results are reported under the regional stream of results, unless otherwise noted in the measurement guidance. Most regions work on one or more priorities in these areas, including Environmentally Preferable Purchasing, Green Suppliers Network, hospitals and health care, priority and emerging chemicals such as mercury and brominated flame retardants, and schools.

Special Note: In 2006, the Hospitals for a Healthy Environment (H2E) effort made the transition from being an agency partnership to being a program run by an independent organization. While the P2 Program still counts environmental results from H2E efforts, it no longer counts the number of H2E partnerships to avoid the appearance of product endorsement.

## 3) P2 Infrastructure

The 2006 PART process created the name change for P2 Infrastructure (formerly P2 Integration). This area (formerly P2 Integration) focuses on measures and cross-office coordination. The measures section focuses on improving tools and systems to measure results and increase consistency in reporting results. OPPT is continuing efforts to: improve the measurement of environmental results from P2 activities, improve approaches to setting specific P2 targets, and improve measurement and targeting across regions and headquarters, consistent with the P2 Program's PART Program Improvement Follow-Up Action Plans.

The cross office coordination section of the P2 Infrastructure area supports the Multimedia and Pollution Prevention Office Directors' Forum, conducting P2 research, and partnering with the National Pollution Prevention Roundtable. OPPT is continuing to emphasize on using P2 solutions to address program office issues. These include, air area sources, the Resource Conservation Challenge (RCC), the RCC-Federal Electronics Challenge, and the Community Action for a Renewed Environment (CARE). Also, there is an emphasis on coordination among HQ, the regional P2 Programs, and other program offices to support our own P2 Program priorities. Coordination efforts are drawn from the Delivery of P2 Services and Greening Supply and Demand, including colleges and universities, hospitals and healthcare, Green Suppliers Network, federal facilities, and coordinating with OECA on EMS reporting measure.

## Background

The Pollution Prevention Act of 1990 establishes pollution prevention as a national objective and the P2 hierarchy as national policy. EPA clarifies its P2 focus through its P2 Vision. Components of the Vision include:

- **P2 Vision Statement:** Pollution prevention is the first choice for environmental protection.
- **P2 Mission Statement:** Our mission is to encourage, assist, and lead others to prevent pollution at the source – a critical step in achieving a sustainable society. We work as partners with others to integrate pollution prevention into their programs and activities. We provide incentives to businesses, including public recognition, tools, and technical assistance. We use creativity, innovation, and voluntary collaboration to treat materials as resources not wastes.
- **P2 Focal Areas:** (1) Greening Supply and Demand, (2) Delivery of P2 Services, and (3) P2 Infrastructure. Additional information can be found at: <http://www.epa.gov/p2/> .

## Proposed Measures of Success.

The Pollution Prevention Division’s Regional P2 Measures Guidance will address issues such as what activities to count, what percentage of credit to take, and how to use the results reporting system. Include direct regional efforts, grantee efforts, partnership efforts, efforts from regional media and enforcement offices which make specific P2 commitments, and “greening” efforts. Do not count total State P2 Program results, as these are being handled separately.

G/O/S	ACS Code	Regional Measure	Unit of Measure	Comments
5.2.1	264	Pounds of hazardous material <sup>9</sup> reduced <sup>10</sup> by P2 program participants.	Pounds	
5.2.1	263	Business, institutional and government costs reduced by P2 program participants <sup>11</sup> .	Dollars	
5.2.1	262	Gallons of water reduced by P2 program participants.	Gallons	
5.2.1	261	BTUs <sup>12</sup> of energy reduced, conserved or offset by P2 program participants.	Billions of BTUs	

<sup>9</sup> Hazardous materials are any hazardous material released to air, water, land, or incorporated into products, or used in an industrial process.

<sup>10</sup> Reduced is defined to mean reduction through P2 improvements and includes pollution *avoided*, but must be related to source reduction, and **not** out-of-process recycling.

<sup>11</sup> P2 program participants- Any party who produces P2 results with a link to a P2 program intervention.

<sup>12</sup> BTUs- British Thermal Units is a unit of energy. e.g., 6,150,000,000 BTUs, should be expressed in ACS as 6.15 Billion BTUs. Conversions from BTUs to megawatts: 1 BTU=0.000000293 megawatts

<b>G/O/S</b>	<b>ACS Code</b>	<b>Regional Measure</b>	<b>Unit of Measure</b>	<b>Comments</b>
5.2.1	261A	Annual Megawatt-hours <sup>13</sup> of energy reduced, conserved or offset by P2 program participants.	Megawatt-hours	Reporting Measure.
5.2.1	264A	Annual pounds of other pollutants reduced by P2 program participants.	Pounds	Reporting Measure.

*Proposed Principal Activities of the Regions*

- 1) Administer the P2 state grants program to fund state P2 technical assistance programs and regional P2Rx Centers, which assist businesses in ways that contribute significantly to the Agency achieving its P2 strategic targets. Identify and work with the States and EPA Headquarters to replicate successful pilots for maximum national impact.
- 2) Promote coordination with regional air, water, waste, and toxics programs to promote P2 outcomes.
- 3) As resources allow, encourage federal facilities within the regions to implement P2 projects (through implementing environmentally preferable purchasing, participating in the Federal Electronics Challenge, implementing environmental management systems, etc.).
- 4) As regional resources allow, provide direct P2 assistance to businesses.

**PESTICIDES PROGRAMS PRIORITIES**

*PESTICIDE WORKER SAFETY PROGRAMS*

(Worker Protection, Pesticide Applicator Certification & Training, and Outreach to Health Care Providers)

*Strategic Plan Targets*

- Through 2011, protect those occupationally exposed to pesticides by improving upon or maintaining a rate of 3.5 incidents per 100,000 potential risk events. (Baseline: There were 1,385 occupational pesticide incidents in 2003 out of 39,850,000 potential pesticide risk events/year.)
- By 2011, improve the health of those who work in or around pesticides by reaching a 50 percent targeted reduction in moderate to severe incidents for 6 acutely toxic agricultural

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<sup>13</sup> Megawatt-hours (MWH)- equal to 1 million watt-hours. Conversion from MWH to BTUs: 1 MWH= 0.003412141 Billions of BTUs

pesticides with the highest incident rates: chlorpyrifos, diazinon, malathion, pyrethrins, 2,4-dichlorophenoxy acetic acid (2,4-D), and carbofuran. (Baselines will be determined from the Poison Control Center (PCC) Toxics Exposure Surveillance System (TESS) database for 1999-2003.)

### *Strategy*

EPA will collaborate with States/Tribes, other federal agencies, industry groups, trade organizations, advocacy groups, community-based organizations, the regulated community and other program stakeholders in efforts to reduce the occurrence of pesticide related incidents in pesticide workers. This includes agricultural workers, private applicators (farmers) and their family members working around pesticides, pest control operators, pesticide mixers/loaders/handlers, and the full range of other workers that may work with or around pesticides. EPA will utilize a number of mechanisms to address issues related to pesticide workers including proposing regulatory modifications, improvements and enhancements to the worker protection standard and the certification and training requirements.

EPA will also coordinate with States, Tribes to ensure that the regulated community is fully informed of the requirements in the regulations and that appropriate mechanisms are in place and utilized to ensure compliance with those requirements. Among other things, EPA will take steps to improve pesticide worker health and safety by: revising the worker protection standard and pesticide applicator certification regulations (40 CFR Parts 170 and 171), providing compliance assistance to the regulated community; developing and supporting outreach and/or education programs; supporting pesticide safety training programs; establishing community-based grant programs; developing risk-based targeting approaches; providing outreach to health care providers that treat pesticide-related illnesses; and, employing a variety of other innovative approaches to promote pesticide worker safety. The Regions will be primarily responsible for working with States and Tribes to implement our regulatory field programs, developing outreach and/or education programs to the regulated community related to worker safety, and carrying out special projects or initiatives to enhance the worker safety field program. Headquarters will have the primary lead in national program coordination, coordinating with health care providers and regulatory development activities which include revising the worker protection standard and pesticide applicator certification regulations. Headquarters will coordinate with Regions on national program issues and will involve Regions when conducting activities in a particular Region.

EPA will strive to implement and collect improved data related to pesticide worker safety including occupational safety. This information will be used in program management, to meet federal program achievement goals, and in communications with the public. EPA will also begin to collect additional data from field activities such as inspections. Headquarters will utilize national data collection systems to collect occupational pesticide poisoning information, and the Regions will work with our states and tribal partners to develop and implement the data collection systems for the field activities.

### *Background*

One of the Agency's primary goals under its revised Strategic Plan is to assure healthy communities. This includes safety and health in the workplace. A key part of EPA's strategy for achieving its goal is to reduce illness and incidents associated with occupational exposure to pesticides. Based on EPA's risk assessments, people who work with, or around pesticides, face a high potential for pesticide exposure and pesticide-related illness. OPP has made reducing or preventing occupational pesticide exposures and related illnesses one of its highest priorities. An effective pesticide worker safety program which comprehensively addresses pesticide risks in the workplace is essential to accomplishing the Agency's, and thus OPP's, goals. Therefore, for FY 2008, OPP continues to emphasize the need for Regions to work with the states and tribes to focus on pesticide worker safety programs. This emphasis should include establishing stronger linkages between the worker protection program and the pesticide applicator certification and training (C&T) program. When appropriate, Headquarters will work with the Regions to increase outreach to health care providers.

Measures for these programs have been developed through a process with the Regions, States, Tribes, and other stakeholders. The measures are intended to provide direction for program improvement, and to describe progress in meeting the Agency goals and objectives. These measures, which are included in the Table below, will be implemented beginning in 2008. In addition, the table below includes the Pesticide State Grant template measure, "Number of state grant dollars per pesticide applicator certification" under **Sub-objective 4.1.3: Protect Human Health from Pesticide Risk**: Through 2011, protect human health by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label. The certification of applicators that use the most hazardous pesticides helps assure that these applicators will have the level of competence needed to handle and apply these pesticides with the minimum risk to human health and the environment. It is our first line of risk mitigation for some of the most hazardous pesticides on the market. Please note, the Regions will not be expected to enter this data into the ACS system. This data will be obtained from the States as part of the Certification Program's requirements established in 40 CFR 171(d). OPP will use the information submitted by the states to calculate this measure and enter the results into the ACS system.

There are a number of important caveats to the Pesticide State Grant template measure that are noted following the table below, an important one being that this measure is not an efficiency measure (i.e., there is no expectation of improved efficiency unless you consider inflation and increased State costs).



*Proposed Measures of Success*

<b>G/O/S</b>	<b>ACS Code</b>	<b>Regional Measure</b>	<b>Unit of Measure</b>	<b>Comment</b>
4.1.3	WP1	Number of Region-specific projects or initiatives contributing to the implementation and enhancement of the worker protection (WPS) field program, and the protection of agricultural pesticide workers.	Projects or initiatives	Minimum of one per Region in FY 2008
4.1.3	CT1	Number of Region-specific projects or initiatives contributing to the implementation and enhancement of the C&T field program, and the improved competency of certified pesticide applicators.	Projects or initiatives	Minimum of one per Region in FY 2008
4.1.3	26	Number of state grant dollars per pesticide applicator certification.*	Dollars	Baseline and targets are zero because this is the first year we are implementing this measure. We will use FY 07 to develop baseline.

**\*Caveats to Measure:**

- The Federal Contribution to pesticide applicator certification is only a small percent of the total cost of certification. The State contribution varies depending on fees, etc.
- This is not an efficiency measure because of the complexities of factoring in inflation and cost of living variations across the states
- Different levels of Ag production, geographic distance, can affect cost.
- Does not consider quality of service delivery.
- States have varying categories of certification. This affects cost and the numbers of applicators being certified.
- Costs to obtain certification vary by State. This may affect the number of people who pursue certification.
- There are varying state requirements for who has to get certified in each state, especially for commercial applicator certification, so the total number of applicators requiring certification in each state varies depending on state laws and regulations. The total number of certified applicators per state is not based on or related to federal certification requirements or funding.

- There is no direct relationship between the amount of state grant template dollars and the number of pesticide applicators being certified.

### *Proposed Principal Activities for the Regions*

Regions should assure appropriate implementation of pesticide worker safety programs by States and/or Tribes in their Regions. This includes assuring States/Tribes follow National Cooperative Agreement Guidance, making appropriate commitments in their work plans and meeting these commitments. In addition, the Region will report, according to the agreed upon format, all relevant activities.

Regions should assure that all States/Tribes in the Region submit complete C&T accomplishment reporting information, as required by 40 CFR Part 171.7(d), to EPA/HQ/OPP/CWPB via the Certification Plan & Reporting database (CPARD). Regions must assure that all States/Tribes enter the required reporting information into the C&T State Plan and Reporting database system by the end of the first quarter of the federal fiscal year.

Regions should assure that all States and Tribes, as applicable, maintain updated Plans for Certification of Pesticide Applicators (Plans). The Plans must comply with 40 CFR Part 171. Regions must assure that all States/Tribes have entered their complete Plans into the CPARD system; and they must assure States/Tribes maintain those Plans by annually updating the Plans in the CPARD system and entering all applicable information into the CPARD system about any modifications that were made to the Plans during the annual reporting period.

Regions must carry out at least two Region-specific projects or initiatives that contribute to the implementation and enhancement of the worker safety field programs. One project or initiative must be related to the WPS program and one must be related to the C&T program. The goal of the projects should be to enhance the protection of agricultural pesticide workers and the competency of certified pesticide applicators. The projects may entail outreach/education, compliance assistance, stakeholder coordination, program evaluation, state or tribal program capacity building, or other similar project/initiatives that may lead to enhancement of the program.

EPA is initiating the revision of the worker protection standard and pesticide applicator certification regulations (40 CFR Parts 170 and 171), and will be carrying out a variety of efforts and activities related to the revisions of these regulations. Regions will have the opportunity to participate in this process. Regions should assure they stay abreast of the regulatory development process and communicate with States and Tribes and other regional program stakeholders about the status of the process, providing information to these entities about the process as needed when it is updated and made available. Regions should encourage States and Tribes and other regional program stakeholders to stay engaged and participate in the regulatory development process and provide information and feedback to EPA as appropriate.

Regions should encourage the States and Tribes to adopt Certification and Training Assessment Group (CTAG) recommendations, including at a minimum the adoption of the National Core Manual & Exam and the minimum age requirements for certification of

applicators. Other recommendations may also be forthcoming. After notification by Headquarters of the recommendations, the Regions will work with states and tribes to encourage their implementation. Updated information on CTAG can be found at <http://pep.wsu.edu/ctag/>.

Regions should support the measures implementation process by working with their States and Tribes in developing the information for the measures. The measures are critical to program management and refinement as well as for addressing the needs of and communicating with the Office of Management and Budget, partners, stakeholders and the general public.

## *PESTICIDE CONTAINER/CONTAINMENT IMPLEMENTATION*

### *Strategic Target*

Sub-objective 4.1.3: Protect Human Health from Pesticide Risk. Through 2011, protect human health by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label.

### *Three-year strategy*

EPA will help prepare states and the regulated community to come into compliance with the new regulations. The Regions will work with states so that they can carry out an adequate program to ensure compliance with the rule.

### *Background*

Implementation of the container-containment rule is a subset of the Agency's Strategic Plan goal (4) Sub-objective 4.1.3: Protect Human Health from Pesticide Risk. The rule was promulgated on August 16, 2006, to minimize human exposure while handling containers; facilitate safe container disposal and recycling; protect the environment from pesticide releases at bulk storage sites and from spills and leaks at refilling and dispensing operations. Implementation and compliance with the rule will contribute to healthy communities by minimizing human exposure, making the workplace safe and protecting the environment. The Office of Pesticide Programs (OPP) has made implementation of this rule a priority. Therefore, this guidance will emphasize Headquarters and Regional activities to help prepare state partners for implementation. Measures for this rule have yet to be developed. Additional information on the rule can be found at <http://epa.gov/pesticides/regulating/containers.htm>

*Proposed Measures of Success*

<b>G/O/S</b>	<b>ACS Code</b>	<b>Regional Measure</b>	<b>Unit of Measure</b>	<b>Comment</b>
4.1.3	CR3	Increase the state's ability to ensure compliance with the residue removal requirements.	State submissions	
4.1.3	CR2	Increase the state's ability to ensure compliance with containment requirements.	Number of states	
4.1.3	CR1	Increase knowledge of the rule requirements among states, retailers, refillers, commercial pesticide applicators, custom blenders, and pesticide users.	Meetings, presentations, conference calls, other venues	

*Proposed Principal Activities for the Regions*

- 1) Regions should facilitate implementation of the container-containment rule. This includes assuring that states follow National Cooperative Agreement Guidance, making appropriate commitments in their work plans, and meeting these commitments. Regions should report all relevant activities.
- 2) Regions, in consultation with Headquarters, should review state letters indicating their ability to carry out an adequate program to ensure compliance with the residue removal requirements in the rule. States will submit information on their residue removal compliance programs to the Regions within six months of EPA's final policy "Determination of Adequacy of State Pesticide Residue Removal Programs". By August 2008, Regions must make the determination that state residue removal compliance programs are adequate.
- 3) Regions should facilitate Headquarter's review of the 21 sets of existing state containment regulations through communication with the state and Headquarters. States must submit letters and documentation by August 16, 2007 if the State wants to continue implementing State containment regulations in lieu of the federal containment requirements.
- 4) Regions should work with Headquarters and states to determine how States, that do not have state containment regulations, will cooperate in the enforcement of the federal regulations. Compliance is required with the federal containment regulations by August 2009.

- 5) Regions should facilitate state outreach and education to the regulated community. This involves providing outreach materials provided by Headquarters, and sharing state implementation questions with Headquarters. Headquarters will develop fact sheets, standard presentations, How to Comply Guides (including compliance checklists) and Q&As. Registrants, pesticide users, agricultural retailers, agricultural commercial applicators, and agricultural custom blenders must comply with the nonrefillable container standards, label and containment requirements as of August 16, 2009. Registrants and refillers must comply with refillable and repackaging requirements of the container standards as of August 17, 2011. Headquarters will conduct the outreach to registrants.

## *PESTICIDES & ENDANGERED SPECIES*

### *Strategic Plan Target*

Pesticides and endangered species continue to be one of OPP's regional performance priorities. The strategic target for fiscal 2008 is to support EPA's strategic plan Sub-objective 4.1.4: Protect the Environment from Pesticide Risk. Through 2011, protect the environment by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label.

### *Strategy*

EPA has collaborated with FWS and the National Marine Fisheries Service (known jointly as the Services), USDA, states, tribes and stakeholders to improve our efforts to protect federally listed, threatened and endangered species (listed or endangered species) and their designated critical habitat, while at the same time, not placing unnecessary burden on agriculture and other pesticide users. Under EPA's Endangered Species Protection Program (ESPP, or the Program), EPA will continue to incorporate listed species concerns into its routine processes of registration, re-registration and registration review. EPA will also continue its efforts to provide technical assistance, outreach and education to partners, pesticide applicators and the general public. A particular emphasis will be on training pesticide use inspectors about EPA's processes for protecting listed species and their critical habitat.

### *Background*

The dual goals of the ESPP are to carry out EPA's responsibilities under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in compliance with the Endangered Species Act (ESA), while at the same time not placing unnecessary burden on agriculture and other pesticide users.

The ESPP was created in response to federal agency obligations found in Sec. 7 (a) (1) and Sec. 7 (a) (2) of the ESA. Under ESA Sec. 7 (a) (2), EPA must ensure that its actions (e.g., pesticide registrations) are not likely to jeopardize the continued existence of any listed species and that the critical habitat upon which they depend is not destroyed or adversely modified. To meet this requirement, OPP performs risks assessments leading to an "effects determination,"

which may or may not result in consultation with the Services. Most of the assessment and consultation processes are performed at EPA headquarters in Washington, D.C., following EPA's Overview Document. Under ESA Sec. 7 (a) (1), EPA must use its authorities to carry out programs for the conservation of listed species. Unlike the assessment and consultation processes, many activities implementing the protection activities of the ESPP occur at the regional, state and tribal level.

Because the ESPP is a new approach to pesticide regulation, and because it serves to implement a statute administered by other federal agencies (ESA), there is a need for flexibility in both how we measure success and the steps we undertake to ensure success. The sections below on *Proposed Measures of Success* and *Proposed Principle Activities for the Regions* are intended to be a guide that will be adjusted and improved upon over time, as EPA and its stakeholders gain experience with the ESPP, to ensure that we are operating the Program in a sound, effective manner.

During fiscal year 2008, the field implementation aspects of the Program will continue to focus on these overarching areas: technical assistance, coordination, education, training and outreach. In addition, during FY 2008, OECA will begin collecting inspection-related information to establish a baseline picture of compliance with FIFRA-enforceable Endangered Species Protection Bulletins (Bulletins); therefore, additional emphasis must be placed on educating pesticide inspectors about the Bulletins. Enforcement activities as appropriate will be carried out.

Bulletins are the cornerstone of implementing the ESPP in the field. If, as a result of EPA's review of a pesticide, or as a result of consultation with the Services, geographically specific use limitations are necessary to ensure a pesticide registration complies with the ESA and FIFRA, those use limitations will be relayed to pesticide users through Bulletins referenced on the labels of affected pesticide products. Bulletins will become FIFRA-enforceable use requirements once they are referenced on the pesticide label.

Bulletin production and their web-based distribution are EPA headquarters-based activities. Technical assistance, coordination, education, training and outreach for Bulletins and, indeed, for the entire Program, rely heavily on the collaboration of EPA headquarters, regions, states and tribes. If EPA headquarters proposes geographically specific pesticide use limitations to protect a listed species or critical habitat, those limitations will be available for public comment during OPP's routine FIFRA processes. States and tribes may also be afforded another opportunity for review prior to finalization of the use limitations and issuance of a Bulletin. EPA regions will provide technical assistance during development of such limitations and coordinate comments from their states or tribes at the appropriate times. This may include providing information to EPA headquarters on pesticide use patterns or species locations, reviewing draft maps for accuracy, and reviewing proposed pesticide use limitations for feasibility. EPA headquarters will assist the regions and provide outreach materials to facilitate these activities through a national partners' workshop and continued collaboration on endangered species-related activities.

Additional information on the Endangered Species Protection Program can be found at <http://www.epa.gov/espp>.

*Proposed Measures of Success*

<b>G/O/S</b>	<b>ACS Code</b>	<b>Regional Measure</b>	<b>Unit of Measure</b>	<b>Comment</b>
4.1.4	3A	Increase state, tribal, territory, and public knowledge of the Endangered Species Protection Program	Meetings, presentations, conference calls, other venues	Primary goal in FY08 is to provide technical assistance, outreach and education to partners, pesticide applicators & the general public.

*Proposed Principal Activities for the Regions*

- 1) Regions will provide communication, coordination, education, and technical expertise to states, tribes, and other stakeholders about EPA’s processes for protecting listed species and their critical habitat.
- 2) Regions will provide education and technical expertise to pesticide use inspectors about EPA’s processes for protecting listed species and their critical habitat. Educational topics should include how to read Bulletins; how to access historic Bulletins for purposes of inspections; familiarity with local Bulletins and the species addressed in them; and the goals of the Program; i.e., to protect listed species from possible harm due to pesticide use, while at the same time, not placing unnecessary burden on agriculture or other pesticide users.
- 3) When appropriate, Regions will coordinate comments from states and tribes on Bulletin development and review. This may include providing information to EPA headquarters on pesticide use patterns or species locations, reviewing draft maps for accuracy, and reviewing proposed pesticide use limitations for feasibility.
- 4) Regions will negotiate endangered species activities with their States consistent with grant guidance and will provide grant and program oversight. The FY 2008 End of Year (EOY) report, which will include any reportable progress on measures development by States/Tribes, and will include the endangered species checklist, is due to OPP by February 28, 2009.

- 5) Regions will contribute their unique expertise to the development, implementation, and communication of success measurement tools and additional program guidance documents.
- 6) Where appropriate, Regional endangered species contacts will coordinate within Regional offices and other federal agencies, especially the Services.

## *PESTICIDES AND WATER RESOURCE PROTECTION*

### *Strategic Plan Target*

Protect public health and the environment by assessing, managing, and reducing the risks from pesticide use in cooperation with other water quality management agencies. As set out in EPA's 2006-2011 Strategic Plan (September 2006), sub-objective 4.1.4. contains two targets:

- By 2011, reduce the percentage of urban watersheds that exceed the National Pesticide Program aquatic life benchmarks for diazinon, chlorpyrifos, and malathion. (The 1992-2001 baselines as a percentage of urban watersheds sampled that exceeded benchmarks are: diazinon 40%, chlorpyrifos 37%, and malathion 30%.)
- By 2011, reduce the percentage of agricultural watersheds that exceed EPA aquatic life benchmarks for azinphos-methyl and chlorpyrifos. (Based on 1992-2001 data, 18% of agricultural watersheds sampled exceeded benchmarks.)

### *Strategy*

EPA will protect water resources from pesticide contamination. EPA, States, and Tribes will identify and manage adverse effects to water resources from registered pesticides. The Office of Pesticide Programs (OPP), the Office of Water, and Regions will collaborate to identify and manage the risk of pesticide use to water resources. OPP will use State and Tribal water monitoring data in the pesticide registration and registration review process. The NPM measure is intended to reflect the effort of States and Tribes to manage pesticides of concern in such a way that they can demonstrate progress, in the future, in returning concentrations in the environment to or below water quality reference points. This directly supports the three-step national water quality measure.

### *Background*

Goal 4 is Healthy Communities and Ecosystems. Protection of water resources from pesticides addresses this goal. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA registers pesticides and sets conditions for their use. These conditions can include requirements to protect water resources. EPA also provides funding to States and Tribes to protect water resources from pesticides.

Additional information can be found at <http://www.epa.gov/pesticides/health/safely.htm>



*Proposed Measures of Success*

<b>G/O/S</b>	<b>ACS Code</b>	<b>Regional Measure</b>	<b>Unit of Measure</b>	<b>Comment</b>
4.1.4	WQ1	Number of evaluated pesticides of concern that have been placed under State or Tribal Program management due to their propensity to approach or exceed national water quality standards or other human health or ecological reference points.	Number of pesticides *	

\*This measure needs to be a reporting measure because regions cannot commit states to a specific number of pesticides managed prior to completion of cooperative agreement workplan negotiations

*Principal Activities for the Regions*

- 1) Regions will negotiate annual State and Tribal water quality commitments consistent with FIFRA Cooperative Agreement Guidance and will provide annual grant and program oversight.
- 2) Regional Pesticide Offices will consult as needed with Regional Water Offices, OPP, and State and Tribal pesticide and water agencies to ensure that appropriate water quality pesticides of interest are identified by the State/Tribe.
- 3) Regions will assist State and Tribal pesticide and water quality management agencies to develop programs to manage pesticides of concern that are derived from pesticides of interest evaluations i.e., those that have a high potential to threaten water quality standards.
- 4) Regions will work with State and Tribal pesticide agencies to assess current State and Tribal program progress on meeting work plan water quality commitments. Regions will support States and Tribes on reporting the national water quality measures data, and any water quality monitoring data to OPP. The FY 2008 end-of- year report, which will include any reportable progress on the national water quality measures and management program capability, is due to OPP by February 28th, 2009.

- 5) Where appropriate, Regions may review and provide comment on initial and updated State and Tribal Pesticide Management Plans.
- 6) Regions are encouraged to support the EPA pesticide registration review process through the collection and submission of State water quality monitoring data, including data on CWA § 303(d) listed waters due to pesticide impairments.

#### *Proposed Activities for Headquarters to support Regional Activities*

To be successful, Regions will require support from OPP as well as OW. OW should request Regional water programs to collaborate with Regional pesticide programs on activities such as reporting any water quality data on waters impaired due to pesticides. Joint Regional activities will help OW meet Sub-objective 2.2.1: Improve Water Quality on a Watershed Basis.

OPP will complete an operational database of the end-of-year reporting on active ingredients which States and Tribes evaluated and managed. This database will be accessible by States and Tribes to facilitate sharing of information nationwide. As requested, OPP will provide toxicology information upon which States and Tribes can base their risk evaluation of pesticides of interest or set State and Tribal regulatory standards for pesticides of concern.

#### *STRATEGIC AGRICULTURE INITIATIVE (SAI)*

##### *Strategic Plan Target*

- OPP's Strategic Agricultural Initiative (SAI) continues to be a regional and HQ priority program. SAI operates in support of EPA's Strategic Plan Sub-objective 4.1.5: Realize the Value from Pesticide Availability -- through 2011, ensure the public health and socio-economic benefits of pesticide availability and use are achieved.

##### *Strategy*

Strategic Agricultural Initiative (SAI) staff will work with U.S. producers to foster 1-3 model agricultural grant projects a year (per Region) that utilize the SAI Transition Gradient. These projects will demonstrate and facilitate the adoption of farm management decisions and practices that provide growers with a "reasonable transition" away from the highest risk pesticides, as mandated by FQPA. Average percent change in the utilization of reduced risk pest management practices over time per grantee will be determined by regular measurement based on the SAI Transition Gradient.

OPP's Strategic Agricultural Initiative (SAI) Program is fostering transition in the agricultural community to the use of less and reduced risk pesticides, alternative methods of pest control and sustainable practices in food production. On a national basis, the SAI program will

implement tech transfer of successful SAI- funded reduced risk projects, mined from the SAI Database.

*Background*

EPA’s Strategic Agricultural Initiative (SAI) began in FY98 with \$1 million and four FTEs as a pilot program in EPA Regions 4, 5, 9, and 10 in response to the Food Quality Protection Act (FQPA). Based on the successful pilots, EPA expanded the program to all ten Regions through a FY2000 budget initiative of \$1 million. The initiative then expanded in FY2001 to 10 FTEs and \$2 million. The OPPTS Acting Assistant Administrator sent guidance on the use of these resources to the Regions in December 2000.

The initiative develops pest management strategies to identify alternatives to harmful pesticides. Through SAI, EPA is promoting model agricultural partnership projects that demonstrate and facilitate the adoption of farm management decisions and practices that provide growers with "a reasonable transition" away from the highest risk pesticides – as designated by FQPA.

*Proposed Measures of Success*

<b>G/O/S</b>	<b>ACS Code</b>	<b>Regional Measure</b>	<b>Unit of Measure</b>	<b>Comment</b>
4 .1.5	SA1	Average percent change in the utilization of reduced risk pest management practices over time as determined by the SAI Transition Gradient	Percent increase	
4 .1.5	SA2	Number of SAI collaborative actions that support the sustainability of American agriculture by working with others to address pesticide risk issues of Regional and National concern	Events	

NOTE: Regions 8, 9 and 10 have selected these as regional priority measures for the great American West.

*Proposed Principal Activities for the Regions*

- 1) Have a grant portfolio of projects that utilize the SAI Toolbox (released May 2004) and comply with EPA Order 5700.7 “Environmental Results under EPA Assistance

Agreements”. Order 5700.7, which is, now in effect for all SAI grants, requires grantees to report baseline information and establish outcome performance measures.

- 2) Each Region is responsible for completing input of regional grant information into SAI Database immediately upon grant funding. Updates will be made every six months.
- 3) Work with OPP to improve internal/external communication on pesticide issues.
- 4) Create and maintain partnerships with producers and commodity groups.
- 5) Encourage and promote cross-media links to other EPA programs.
- 6) Provide feedback to EPA HQ on Regional pesticide transition issues.
- 7) Cooperate with USDA in the work of the Regional Pest Management Centers, NRCS Technical Committees, and Sustainable Agriculture and Research Education (SARE) program.
- 8) Participate in the work of the Federal National Integrated Pest Management Evaluation Group (NIPMEG) in fourth year of cooperation (group comprises SAI, USDA and federal Canadian IPM agencies.)
- 9) The SAI regional coordinator is responsible for ensuring that the grantees report their first "score" on the SAI Transition Gradient scale before the project started, and their second "score" after the project is completed. The SAI regional coordinators, will then forward these raw scores on the SAI Transition Gradient scale and the percent change for the region to the EPA SAI headquarters coordinator.

## Appendix 1: FY 2008 OPPTS Measures

G/O/S	ACS Code	Expected Text	Units	Ntl. Target	1	2	3	4	5	6	7	8	9	10	Total
4.1.3	CR3	Increase the state's ability to ensure compliance with the residue removal requirements.	The number of state submissions	Through 2011, protect human health by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label.	6	4	6	8	6	5	4	6	5	4	
4.1.3	CR2	Increase the state's ability to cooperate in enforcement of the containment requirements.	The number of states.	Through 2011, protect human health by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label.	2	1	1	2	6	1	4	3	0	1	
4.1.3	CR1	Increase knowledge of the rule requirements among states, retailers, refillers, commercial pesticide applicators, custom blenders, and pesticide users.	Meetings, presentations, conference calls, other venues	Through 2011, protect human health by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label.	5	5	5	5	5	5	5	5	5	5	
4.1.4	3A	Increase state, tribal, territory, and public knowledge of the Endangered Species Program	Meetings, presentations, conference calls, other venues	Through 2011, protect the environment by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label.	3	3	3	3	3	3	3	3	3	3	

G/O/S	ACS Code	Expected Text	Units	Ntl. Target	1	2	3	4	5	6	7	8	9	10	Total
4.1.4	WQ1	Number of evaluated pesticides of concern that have been placed under State or Tribal Program management due to their propensity to approach or exceed national water quality standards or other human health or ecological reference points. <sup>1</sup>	No. of pesticides <sup>1</sup>	This measure is a reporting measure because regions cannot commit states to a specific number of pesticides managed prior to completion of cooperative agreement workplan negotiations.1. By 2011, reduce the percentage of urban watersheds that exceed the National Pesticide Program aquatic life benchmarks for diazinon, chlorpyrifos, and malathion. (The 1992-2001 baselines as a percentage of urban watersheds sampled that exceeded benchmarks are: diazinon 40%, chlorpyrifos 37%, and malathion 30%.)  2. By 2011, reduce the percentage of agricultural watersheds that exceed EPA aquatic life benchmarks for azinphos-methyl and chlorpyrifos. (Based on 1992-2001 data, 18% of agricultural watersheds sampled exceeded benchmarks.)	Reporting Measure	Reporting Measure	Reporting Measure	Reporting Measure	Reporting Measure	Reporting Measure	Reporting Measure	Reporting Measure	Reporting Measure	Reporting Measure	
4.1.5	SA1	Average percent change in the utilization of reduced risk pest management practices over time as determined by the SAI Transition Gradient	Percent Increase	Realize the Value from Pesticide Availability -- through 2011, ensure the public health and socio-economic benefits of pesticide availability and use are achieved. All SAI Projects completed within the current fiscal year will achieve at least a 5% increase on the SAI Transition Gradient scale.	5	5	5	5	5	5	5	5	5	5	
4.1.5	SA2	Number of SAI collaborative actions that support the sustainability of American agriculture by working with others to address pesticide risk issues of Regional and National concern	Events	Realize the Value from Pesticide Availability -- through 2011, ensure the public health and socio-economic benefits of pesticide availability and use are achieved. : The national target is 100 collaborations annually. To achieve this target, each region is responsible for conducting at least 10 collaboration/outreach actions on an annual basis to foster transition.	10	10	10	10	10	10	10	10	10	10	

G/O/S	ACS Code	Expected Text	Units	Ntl. Target	1	2	3	4	5	6	7	8	9	10	Total
4.1.3	WP1	Number of Region-specific projects or initiatives contributing to the implementation and enhancement of the worker protection (WPS) field program, and the protection of agricultural pesticide workers.	Number of region-specific WPS projects or initiatives	<p>Through 2011, protect those occupationally exposed to pesticides by improving upon or maintaining a rate of 3.5 incidents per 100,000 potential risk events. (Baseline: There were 1,385 occupational pesticide incidents in 2003 out of 39,850,000 potential pesticide risk events/year.)</p> <p>By 2011, improve the health of those who work in or around pesticides by reaching a 50 percent targeted reduction in moderate to severe incidents for 6 acutely toxic agricultural pesticides with the highest incident rates: chlorpyrifos, diazinon, malathion, pyrethrins, 2,4-dichlorophenoxy acetic acid (2,4-D), and carbofuran. (Baselines will be determined from the Poison Control Center (PCC) Toxics Exposure Surveillance System (TESS) database for 1999-2003.)</p>	2	2	2	2	2	2	2	2	2	2	
4.1.3	CT1	Number of Region-specific projects or initiatives contributing to the implementation and enhancement of the C&T field program, and the improved competency of certified pesticide applicators.	Number of region-specific C&T projects or initiatives	<p>Through 2011, protect those occupationally exposed to pesticides by improving upon or maintaining a rate of 3.5 incidents per 100,000 potential risk events. (Baseline: There were 1,385 occupational pesticide incidents in 2003 out of 39,850,000 potential pesticide risk events/year.)</p> <p>By 2011, improve the health of those who work in or around pesticides by reaching a 50 percent targeted reduction in moderate to severe incidents for 6 acutely toxic agricultural pesticides with the highest incident rates: chlorpyrifos, diazinon, malathion, pyrethrins, 2,4-dichlorophenoxy acetic acid (2,4-D), and carbofuran. (Baselines will be determined from the Poison Control Center (PCC) Toxics Exposure Surveillance System (TESS) database for 1999-2003.)</p>	2	2	2	2	2	2	2	2	2	2	

G/O/S	ACS Code	Expected Text	Units	Ntl. Target	1	2	3	4	5	6	7	8	9	10	Total
4.1.3	26	Number of state grant dollars per pesticide applicator certification <sup>2</sup>	Number of state grant dollars.	Through 2011, protect human health by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label.	0	0	0	0	0	0	0	0	0	0	Baseline year is 2007 so will not have 2007 data until Dec 31, 2007
4.1.1	13A	Annual percentage of viable lead-based paint certification applications that require less than 20 days of EPA Regional effort to process.	Percent	72%	72	72	72	72	72	72	72	72	72	72	72
4.1.1	13B	Annual percentage of viable lead-based paint certification applications that require less than grantee state established timeframe to process	Percent	72%	72	72	72	72	72	72	72	72	72	72	72
4.1.1	11A	Number of active individual certifications for lead-based paint activities in the Region	Certifications	Reporting measure with no targets	0	0	0	0	0	0	0	0	0	0	0
4.1.1	11B	Number of active individual certifications for lead-based paint activities in the grantee state.	Certifications	Reporting measure with no targets	0	0	0	0	0	0	0	0	0	0	0
4.1.1	12	Cumulative number of authorized state and tribal programs for lead-based paint professionals.	States/Tribes	43 States/Tribes	6 <sup>3</sup>	2	6	6	7	5	4	3	2	2	43
4.1.1	21	Number of outreach partnerships addressing lead-based paint hazards and exposure reduction.	Partnerships	70 Established or Continued Partnerships	8	4	4	6	9	5	13	5	11	5	70
4.1.1	15	Number of school children attending institutions reached through general toxic fibers education and outreach activities.	Children	2.1 Million Children	10,200	500	5,000	100,000	18,750	5,000	2,500	500	75,000	1.9 M	2.1M



G/O/S	ACS Code	Expected Text	Units	Ntl. Target	1	2	3	4	5	6	7	8	9	10	Total
5.2.1	264	Pounds of hazardous materials reduced by P2 program participants.	Pounds	37 Million Pounds	798,685	426,186	9,470,800	3,156,933	3,314,780	15.78M	227,810	789,233	2,245,337	735,565	37M
5.2.1	264A	Annual pounds of other pollutants reduced by P2 program participants.	Pounds	Reporting measure with no targets	0	0	0	0	0	0	0	0	0	0	0
5.2.1	263	Business, institutional, and government costs saved through P2 program participants.	Dollars	15 Million Dollars	115,750	200,000	918,800	2,000,000	800,000	5,000,000	2.2M	1M	261,525	2.736M	15M
5.2.1	262	Gallons of water reduced by P2 program participants.	Gallons	273 Million Gallons	25,000	500,000	5M	500,000	20M	1,000,000	220M	10M	379,000	15.251M	273M
5.2.1	261A	Annual megawatt hours of energy reduced conserved or offset by P2 program participants.	Megawatt hours	Reporting measure with no targets	0	0	0	0	0	0	0	0	0	0	0
5.2.1	261	BTUs of energy reduced, conserved, or offset by P2 program participants.	Billions of BTUs	561 Billion BTUs	5.7B	86.9B	258B	0	0.15B	33.9B	98.7B	0.1B	9.6B	67.9B	561B
4.1	NP-447-1	Pesticide Registration Improvement Act: Applications Received, Completed, and Pending at end of Quarter (Applications Review). <sup>4</sup>	Applications	TBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4.1	NP-447-2	Pesticide Registration Improvement Act: Applications Received, Completed, and Pending at end of Quarter (Applications Completed). <sup>4</sup>	Applications	TBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4.1	NP-447-3	Pesticide Registration Improvement Act: Applications Received, Completed, and Pending at end of	HPV Chemicals	TBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

G/O/S	ACS Code	Expected Text	Units	Ntl. Target	1	2	3	4	5	6	7	8	9	10	Total
		Quarter (Applications Pending). <sup>4</sup>													
4.1	NP-448-1	Reviewing Registered Pesticides: Completing REDs and Phasing in Registration Review (Remaining REDs). <sup>4</sup>	Remaining REDs	TBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4.1	NP-448-2	Reviewing Registered Pesticides: Completing REDs and Phasing in Registration Review (Reg Review Docket). <sup>4</sup>	Reg Review Dockets (Cum)	TBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4.1	NP-448-3	Reviewing Registered Pesticides: Completing REDs and Phasing in Registration Review (Reg Review Workplan). <sup>4</sup>	Final Reg Review Workplan	TBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4.1	NP-449	Total High Production Volume (HPV) chemicals with screening level hazard characterization reports completed. <sup>4</sup>	HPV Chemicals	TBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4.1	257	Cumulative number of (Endocrine Disruptor) assays that have been validated. <sup>4</sup>	Assays	In 2008, review 13/20 assays.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

1 TBD represents a new measure for FY 2008. Further discussions are needed to generate targets.

2 N/A represents fields for reporting measures which require no Regional targets or commitments.

3 These numbers are a placeholder and represent a starting point in the bidding process discussions to create FY 2008 Targets

4 NOT a Regional measure; EPA Headquarter measure only.

## Appendix 2: FY 2008 OPPTS State Grant Template Measures

### Toxics Program State Grant Template

Performance Measure Template for State Grant Workplans								
Code	Outcome/ Output Measure	2007 National Baseline	2007 National Target	2007 State Baseline	2008 State Measurement	Measurement Period or Date	Source of Data (ACS Code #)	Comments
<b>GOAL 4 - HEALTHY COMMUNITIES AND ECOSYSTEMS</b>								
<i>Protect, sustain, or restore the health of people, communities, and ecosystems using integrated and comprehensive approaches and partnerships.</i> (in the EPA Strategic Plan)								
<b>Objective 4.1: Chemical and Pesticide Risks.</b> By 2011, prevent and reduce pesticide and industrial chemical risks to humans, communities, and ecosystems.								
<b>Sub-objective 4.1.1: Reduce Chemical Risks.</b> By 2011, prevent and reduce chemical risks to humans, communities, and ecosystems.								
<b>Strategic Targets:</b> By 2010, eliminate childhood lead poisoning as a public health concern by reducing to 0 the number of cases of children (aged 1-5 years) with elevated blood lead levels (>10ug/dl); By 2010, reduce to 28 percent the percent difference in the geometric mean blood lead level in low-income children 1-5 years old as compared to the geometric mean for non-low-income children 1-5 years old.								
<b>Program Measures</b>								
13B	Annual Percentage of viable lead based paint certification applications that require less than grantee state established timeframes to process.	National Baseline FY 2008	72% in FY 2008			FY 2008	13B and Grantee Reports	FY 2008 data will be used to develop baseline.

**\*Caveats to Measure:**

\* Each Region will work with each authorized State in their Region to establish a baseline for number of days taken for the State to process a viable application. The number may vary by State, taking variables such as regulations and contractor processing time into account. The number agreed upon should be a reasonable determination that reflects the length of time that it takes the State to process an application, as identified by the State and represented to the public. Regions will enter into ACS a collective Regional percentage. In addition, the percentage for the individual States in their Region needs to be entered in the comment field

Pesticides Program State Grant Template

Performance Measure Template for State Grant Workplans								
Code	Outcome/ Output Measure	2007 National Baseline	2007 National Target	2007 State Baseline	2008 State Measurement	Measurement Period or Date	Source of Data (ACS Code #)	Comments
<b>GOAL 4 - HEALTHY COMMUNITIES AND ECOSYSTEMS</b>								
<i>Protect, sustain, or restore the health of people, communities, and ecosystems using integrated and comprehensive approaches and partnerships.</i> (in the EPA Strategic Plan)								
<b>Objective 4.1: Chemical and Pesticide Risks.</b> By 2011, prevent and reduce pesticide and industrial chemical risks to humans, communities, and ecosystems.								
<b>Sub-objective 4.1.3: Protect Human Health from Pesticide Risk.</b> Through 2011, protect human health by implementing our statutes and taking regulatory actions to ensure pesticides continue to be safe and available when used in accordance with the label.								
<b>Strategic Targets</b>								
<b>Program Measures</b>								
26	Number of state grant dollars per pesticide applicator certification.*	0	0			FY 2008	Certified Applicator Database	The certification of applicators who use the most hazardous pesticides helps assure that these applicators will have the level of competence needed to handle and apply these pesticides with the minimum risk to human health and the environment. It is our first line of risk mitigation for some of the most hazardous pesticides on the market.  Baseline and targets are zero because this is the first year we are implementing this measure. We will use FY 07 to develop baseline.

**\*Caveats to Measure:**

- The Federal Contribution to pesticide applicator certification is only a small percent of the total cost of certification. The State contribution varies depending on fees, etc.
- This is not an efficiency measure because of the complexities of factoring in inflation and cost of living variations across the states.
- Different levels of Ag production, geographic distance, can affect cost.
- Does not consider quality of service delivery.
- States have varying categories of certification. This affects cost and the numbers of applicators being certified.

- Costs to obtain certification vary by State. This may affect the number of people who pursue Certification.
- There are varying state requirements for who has to get certified in each state, especially for commercial applicator certification, so the total number of applicators requiring certification in each state varies depending on state laws and regulations. The total number of certified applicators per state is not based on or related to federal certification requirements or funding.
- There is no direct relationship between the amount of state grant dollars and the number of pesticide applicators being certified.

### Appendix 3: FY 2008 Burden Reduction and Measures Streamlining

The following is a summary of comments received from States and Regions during the FY 2008 formulation process and program responses:

#### Response to Burden Reduction Initiative-State Comments:

Reporting Requirement	State Recommendation	States	Regional Comments	Program Comments
Asbestos Data Report	Eliminate (inadequately funded by EPA)	SC	R4 agrees; ACT/NARS has been discontinued and report is done through Section 105 grants	This is not under OPPT's purview. This is under OECA and is an enforcement issue.
Pollution Prevention Semi-Annual Reports	Change reporting to once at the end of the grant period	FL, NH	Regional Comments on State Proposals not received	Semi-annual reporting is important because it keeps EPA's Project Officer aware of the activities completed under the grant agreement. Further review of the first semi-annual grant report is needed before any approval/potential revisions can be given for this request
TSCA Monitoring Cooperative Agreement	EPA should roll this small (\$54K) grant into larger grant	KY	Regional Comments on State Proposals not received	This is not under OPPT's purview. This is under OECA and is an enforcement issue.
Lead, Asbestos, P2 grant applications	Treat as a core program – grants should not be awarded competitively	UT	Regional Comments on State Proposals not received	<i>Lead:</i> Grant competition for Lead is an integral part of OPPT's effort to focus attention and its limited resources on the most effective efforts to reach the most vulnerable populations. Some lead grants issued under TSCA Section 404(g) are exempt from the Agency's competition policy and are awarded on a formula and the judgement of the Regional office granting the award. <i>P2:</i> P2 is not set up as a block grant program. The P2 grant are set up to be awarded competitively . <i>Asbestos:</i> OPPT does not award grants for asbestos.
Pesticides in Water Quality	Modify to improve effectiveness thru direct correlation (see form)	NY	R2 agrees	OPP has changed this measure for '07 to better support the measures developed in partnership with the States. The change has been to focus on reporting rather than delineating a target in order to reduce the burden to the States.
4A Worker Safety Measures	EPA guidance states that EPA will not ask states for data regarding	NY	R2 agrees	The '07 measures rely on data from the Regions; the States are not required to

Reporting Requirement	State Recommendation	States	Regional Comments	Program Comments
	measures WS1 – WS5. Guidance should be extended until funding is provided and the value of information is better assessed.			provide data to support these measures.

**Response to Burden Reduction Initiative-Regional Comments:**

ACS Code and Measure	Regional Rec.	Comment	HQ Response
11A: Number of active individual certifications for lead-based paint activities issued by EPA and authorized states, tribes, and territories in the Region.	Modify	Region 2 agrees with OPPT that these two measures should be retained as separate measures (rather than combined into single measure). Measures should be redefined to capture inventories of active individual certifications at points in time, rather than capturing workloads (certifications and re-certifications issued during the reporting period), in part because tracking inventories is more outcome oriented than tracking workloads. However, Region 2 disagrees with OPPT and other regions that these two certification measures should be classified as commitment measures. Region 2 and its grantee states certify all qualified applicants and have no control over the number of applications we receive. Therefore we believe these two certification measures should both be for reporting only.	HQ Agreed to modify the measure language for 11A and 11B and make them both reporting measures for FY 2008.
11B: Number of active individual certifications for lead-based paint activities issued by grantees.	Modify	Region 5 recommends retaining the measure of certifications as a reporting measure, but not as a target or commitment measure since neither the Regions nor the States have any control on the numbers of certifications. Region 5 does support the measure(s) for reporting purposes because it gives us good information that we can use for management purposes. Our opposition is to using the measure for targeting levels and being accountable for measures over which we have no control. (see attached word document for full response)	HQ Agreed to modify the measure language for 11A and 11B and make them both reporting measures for FY 2008.
16: Number of partnerships established with hospitals and other health facilities to reduce Mercury in waste streams (H2E) program	Delete	Region 2 agrees with OPPT and other regions to transfer the mercury partnership measure for H2E from the Mercury Program to the Pollution Prevention Program within OPPTS	HQ agreed to delete the measure for FY 2008.

ACS Code and Measure	Regional Rec.	Comment	HQ Response
16: see above	Delete	Region 8: This should be deleted in favor of keeping #23 as the measure for the number of new partnerships. It is most efficient to measure this at the Headquarters level via #23.	HQ agreed to delete the measure for FY 2008.
22: Number of H2E partners who have won the "Regions making medicine mercury free award" in FY 2006	Delete	Region 2 agrees with OPPT and other regions to delete the "awards" measure for H2E	HQ agreed to delete the measure for FY 2008.
22: Number of H2E partners who have won the "Regions making medicine mercury free award" in FY 2006	Delete	Region 8: This should also be tracked at the Headquarters level because the data are compiled at that level. Otherwise this, too, would be a "reporting on reporting" measure. The award in question is not a Regional award.	HQ agreed to delete the measure for FY 2008.
22: see above	Delete	Region 9	HQ agreed to delete the measure for FY 2008.
23: Number of new partnerships aimed at reducing mercury in the waste stream	Modify or Delete	Region 8: The NPM guidance will have to carefully define the terminology for this measure. The proximity and meaning of the words "new product partnerships" is vague and confusing. Does the measure seek to quantify "new partnerships" partnerships that address mercury, "new products" or only "new partnerships that aim to reduce the contributions of new products" to the amount of mercury in the waste stream? Is this a step backwards from the 2006 ACS measure 18, which at least quantified the number of pounds of mercury eliminated by sectors other than H2E participants? #23 seems more like an intermediate outcome, whereas #18 seems more like a long-term outcome of the type that OMB seems to encourage agencies to strive for.	HQ agreed to delete the measure for FY 2008.
23: see above	Delete	Region 2 agrees with OPPT and other regions to eliminate the mercury partnerships (non-H2E) measure	HQ agreed to delete the measure for FY 2008.
23: see above	Delete	Region 9	HQ agreed to delete the measure for FY 2008.
19A: Develop a network among at least 5 organizations (i.e. state agencies, chemical manufactures) and encourage familiarity with the HPV Information	Delete	Region 8: This should be a Headquarters measure. Regions do not receive resources to support the measure, and it is a poor measure of progress toward an outcome that is worth achieving.	HQ agreed to delete the measure for FY 2008.



ACS Code and Measure	Regional Rec.	Comment	HQ Response
System			
19A: see above	Delete	Region 2: agrees with OPPT and other regions to delete the HPV measure	HQ agreed to delete the measure for FY 2008.
13, 13A, 14A PCB measures	Delete	Region 2 agrees with OPPT and other regions to delete the three PCB measures due to transfer of resources to OSWER. However, if the resource transfer does not occur, we recommend maintaining these measures under OPPTS.	HQ agreed to delete the measure for FY 2008.
24 Megawatts of energy used, reduced, conserved, or offset	Modify	Region 2: agrees with OPPT and other regions to convert the Pollution Prevention megawatts measure to a reporting measure (instead of commitment measure)	HQ agreed to shift this measure to a reporting measure.
24 Megawatts of energy used, reduced, conserved, or offset	Modify	Region 8: It should be made clear that this is a reporting measure, not a commitment or accountability measure at this time.	HQ agreed to shift this measure to a reporting measure.
235 Dollars saved through pollution prevention efforts. Dis-aggregate of Agency Strategic Target	Modify	Region 8: The second sentence in this measure should be deleted because it is confusing and difficult to track. Instead, it can be addressed in the process of establishing the NPM guidance and GPRA goals for pollution prevention.	HQ (will address this issue. This language has been deleted for other P2 measures)
234A: Pounds of hazardous materials (to air, water, and land) reduced or avoided through P2 efforts	Modify	Region 8: The term “hazardous materials” should be replaced by “hazardous pollutants”.	HQ (currently is aligning ACS measure language with FY 2008 President's Budget and PART language The PART measure reads hazardous materials.)
234B: Pounds of non-hazardous materials (to air, water, and land) reduced or avoided through P2 efforts	Modify	Region 2: Region 2 agrees with OPPT and other regions to convert the “Other Pollutants” (formerly “non-hazardous”) measure to a reporting measure (instead of commitment measure)	HQ agreed to shift this measure to a reporting measure.
234B: see above	Modify	Region 8: The term “non-hazardous materials” should be replaced by “non-hazardous pollutants,” and it should be made clear that this is a reporting measure, not a commitment or accountability measure at this time.	HQ agreed to shift this measure to a reporting measure.

ACS Code and Measure	Regional Rec.	Comment	HQ Response
10A: Number of State and Tribal pesticide agencies meeting water quality commitments, which include the national water quality measures and end-of-year reporting on active ingredients being evaluated, and managed.	Modify	<p>New York: Needs to be modified to be more effective. Some management strategies for water and groundwater may take years to have a measurable effect.</p> <p>An equation using pesticides managed and demonstrated reduction of concentration, with the intervening time large (years) is not realistic.</p> <p>The measure should be modified to make a more direct correlation</p> <p>In addition, if the measure is intended for the pesticides program cooperative agreement only, it should be modified to reflect activities within the scope of the program mission and funding.</p>	<p>This measure was developed in large part by States to be as effective as possible given resource constraints.</p> <p>In developing this measure, it was recognized that such changes do not take place in a matter of months, but in terms of years. The idea of this measurement is to track trends in water quality improvements with regards to key pesticides.</p> <p>The focus of this measure is on key pesticides; therefore, it is within the scope of the National Pesticide Program. We would also like to note that this measure was generated in cooperation with EPA's Office of Water.</p>
4A: For all States and/or Tribes in the Region, assuring appropriate implementation of pesticide worker safety programs that meet national program commitments as established in National Pesticide Cooperative Agreement Guidance. This includes assuring that all reports required by the Cooperative Agreement Guidance for the support of national program and performance measures are submitted to HQ/OPP/CWPB.	Modify	<p>EPA guidance says that it will not ask the states for data for measures WS1 through WS5 [because funding was not made available to implement the measure]. This guidance should be extended into subsequent years until funding is provided and the potential value of the information is better assessed.</p>	<p>It is EPA's intent to ensure that measures balance the need for information with resources available. The guidance will address the issue for each pertinent year.</p>

#### **Appendix 4: FY 2008 Key Milestones for Commitment Development and Implementation**

<b>Key Milestones for the Negotiation and Agreement of FY 2008 Performance Commitments</b>	
March – June 29, 2007	Regions engage NPMs, states and tribes in determining FY 2008 draft regional performance commitments
April 27, 2007	Text of FY 2008 commitments finalized in the ACS; commitment measures opened for bidding
July 9, 2007	FY 2008 draft regional performance commitments due in the ACS
July 9 – September, 2007	Regions continue to engage NPMs, states and tribes in determining FY 2008 regional performance commitments
July 16, 2007	FY 2008 draft annual regional commitments are posted on EPA Quickplace site
September 21, 2007	FY 2008 final commitment information due in the ACS
September 28, 2007	NPMs and regions notify OCFO of any outstanding issues for dispute resolution
October 8, 2007	NPMs and regions reach agreement in the ACS on FY 2008 performance commitments
October 12, 2007	FY 2008 final commitments (for which agreement was reached) are posted on EPA Quickplace
October 31, 2007	FY 2008 Commitments are locked out in the ACS to prevent any adjustments

## Appendix 5: OPPTS Response to Comments on the Draft 2008 NPM Guidance

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
New England States	Reduce Chemical Risks 4.1.1 Mercury	<p><b>Air Pollution including Interstate Transport and Mercury Priority Comments</b>            Mercury: EPA should move forward with implementation of its National Road Map for Mercury. In addition, the states need EPA funding and support for a comprehensive water and fish-tissue monitoring network for mercury, which should come from new sources rather than a redirection of existing sources such as 106 funds or other primary state sources. Further, mercury should be explicitly mentioned in EPA’s NPM guidance, whereas it currently is not mentioned or only cursorily mentioned by OSWER, OPEI, OECA and OPPTS. Lastly, EPA should work closely with the New England states on establishing an innovative approach to Total Maximum Daily Loads (TMDLs) for mercury-impaired waters.</p> <p><b>Reduced Federal Funding for State Environmental Programs</b>            In addition to the thematic priority comments above, we must raise the critically important issue of reduced federal funding for state environmental programs. Nationally, EPA’s State and Tribal Assistance Grant (STAG) Funds provide about 30% of state environmental agency budgets. For each of the last three years, EPA has cut STAG funds, and this year the President’s budget proposes the largest STAG cuts in history. These cuts threaten to undermine the New England states’ ability to provide the environmental protection mandated by Congress and these cuts severely limit the states’ ability to make progress in our shared priority areas. In addition to concern about reduced federal funding, the New England states continue to need maximum flexibility from EPA in how the states use federal funding including funding included in our Performance Partnership Grants (PPGs).</p> <p><b>Program Office – Office of Prevention, Pesticides, and Toxic Substances (OPPTS):</b>            OPPTS states that it “has no Strategic Targets addressing mercury. OPPTS will work to reduce mercury as a threat to human health and</p>	<p>OPPT is moving forward with its commitments in the Roadmap.</p> <p>Mercury is a cross cutting issue within EPA. Several of the comments mentioned are not within the scope of OPPTS. (such as the Hg Water issues)</p> <p>We are working to foster collaborative efforts to address mercury across the agency.</p> <p>While funds have been declining over the past years, NPM is not the format for this discussion. However, in the FY 2009 Annual Planning &amp; Budget Process concerns regarding STAG money and flexibility with PPG spending have been raised.</p> <p>OPPT is moving forward with commitments identified in the Mercury Roadmap, and agree that implementation of this roadmap is paramount to achieving environmental improvement.</p>

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
		<p>the environment through the implementation of EPA’s Roadmap for Mercury.” However, there is no implementation plan for the Roadmap. The New England states fully support the national roadmap, however the states collectively feel that moving forward with implementation is critical. <b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1) Support state programs/legislation addressing mercury in products, including IMERC.</li> <li>2) Expand national initiatives to capture and recycle mercury-added products focusing on major contributors to mercury in the solid waste stream.</li> <li>3) Facilitate capacity-building and information sharing among the states and between the states and national/international forums.</li> <li>4) Develop and implement strategy for long-term storage/retirement of excess elemental mercury.</li> </ol>	<p>Mercury is a cross- cutting issue within EPA, NPMs, and states, tribes, and territories. OPPTS will continue to work with other NPMs to identify areas where collaboration would be beneficial in response to identified comments.</p>
Region 3	Reduce Chemical Risks 4.1.1 Lead (ACS Measures 11A,11B, 13A, 13B, 12, and 21)	<p>The proposed combination of approaches that offer the most promise for an effective national program identifies the need for EPA to coordinate with CDC, HUD and DOJ, but there aren’t clear expectations on how this will be accomplished. The statement is nebulous. In order to achieve quantitative results, there must be a strategic plan that defines each Federal Agency's activities that will contribute to meeting the 2010 goal.</p> <p>Under Toxics Programs Priorities on Page 7 Background, the regional measures are reporting measures only and don't have any significance with regards to achieving environmental benefits. However, its important to have an authorized program, accredited training providers and certified professional, but the measures should be results oriented. For example, we should be tracking information from cradle to grave, an EBL child, ordered abatements using certified contractor, HUD assistance back to a lead safe home. This information may be possible to collect via state, local, CDC, HUD and EPA working together to gather this information.</p> <p>Proposed Principal Activities for the Regions - Is this activity below for targeted grants or is HQs expecting the Regions to implement this</p>	<p>The program agrees that national coordination is an effective tool and that is why it has been highlighted in guidance. We will continue to explore opportunities to link Strategic plans, targets, and efforts among the primary federal partner agencies.</p> <p>At this point the program is comfortable with the measures that have been developed, but will continue to look for ways to better measure the environmental benefits of the program’s activities and encourage discussions to improve future performance measures.</p> <p>While this does refer to the targeted grants, the program expects that any other Regional education and outreach activities will target areas</p>

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
		<p>activity.</p> <p>Implement lead-based paint risk reduction education, outreach and regulatory implementation programs in target areas with high concentrations of children with elevated blood levels. Please clarify.</p> <p>Summary: There is a need to develop a workgroup challenged to come up with better measures to reflect the work that all entities are involved in meeting the 2010 goal. During the EPA, CDC and HUD Grantees Conference in Florida 4 years ago, the Plenary speaker spoke about how all the appropriate parties and players in his state got together and wrote a strategic plan. He said other pertinent things, but the point Region 3 is making is, we need to do the same in order to have real results that makes a difference.</p>	<p>with high concentrations of children with elevated blood levels.</p> <p>Headquarters will continue to pursue opportunities for coordination and collaboration with the other Federal partners and encourage discussions to improve performance measures.</p>
Region 5	<p>Reduce Chemical Risks 4.1.1</p> <p>Reduce Chemical Risks 4.1.1 Lead (ACS Measures 11A, 11B, 13A, 13B, 12, and 21)</p>	<p>Although PCBs are no longer a priority, there will still be some non-remediation or disposal/storage permitting work (the work transitioning to OSWER) on PCBs, such as PCB phase-out. Just to clarify, even though PCB phase-out is part of the international agreement, Stockholm Convention, by its complete absence in this guidance, it looks like it is no longer a priority for OPPTS.</p> <p><b>Page 1, Toxic Program Highlights Section, Lead Subsection, Approach #4; and Page 6, Toxic Program Priorities Section, Lead Subsection, Long-Term Strategy</b> <b>Comment</b></p> <p>Region 5 strongly agrees with this approach and included it as a priority in recommendations for accelerating to meet the lead elimination goal (leapfrog). We intend to pursue this approach, but are, again, encouraging Headquarters participation in this approach as well.</p> <p><b>Page 6, Toxic Program Priorities Section, Lead Subsection, Bullets under the Strategic Plan Targets; and Page 7, Toxic</b></p>	<p>After the transition of the PCB cleanup and disposal program to OSWER, OPPT will continue to administer PCB use and manufacturing issues. Additionally, OPPT will continue to handle the open burning issue at Army ammunition plants. OPPT is considering the development of a PCB Use Strategy to address issues related to the current PCB use authorizations, which may include phase out of certain PCB uses and a reexamination of inadvertently generated PCBs. If OPPT decides to move forward on a PCB Use Strategy, the Regions will be consulted for input.</p> <p>Headquarters agrees and will continue to pursue opportunities for coordination and collaboration with the other Federal partners.</p>

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
		<p><b>Program Priorities Section, Lead Subsection, First Paragraph under the Background Subsection</b></p> <p><u>Comment 1</u> Although the target is to eliminate childhood lead poisoning as a public health concern by 2010 by reducing to 0 the number of children with elevated blood lead levels, EPA should begin to prepare itself for the fact that this target will not be met. Although the 3rd bullet (target) under the Strategic Plan Targets may be met, the 2nd target won't. Thus, the target year for the 2nd bullet should be changed.</p> <p><u>Comment 2</u> Comment 1 above also applies to the language referring to "...commitment to eliminate childhood lead poisoning as a public health concern by 2010" in the first paragraph under the Background subsection. Region 5 recently met with all of our states to discuss our Pb programs and steps needed to reach the 2010 strategy of eliminating childhood lead poisoning. No State thought we would reach that goal. One state, Michigan (Department of Community Health), stated in a letter to the Region that partnerships focused on developing programs are in their nascent stage and still need nourishment. Many state and local agencies are only now starting to reach effectiveness in implementing federal, state, and local programs. In addition, there is a tremendous variation in screening rates and state laws, etc. One of our own States, Indiana, doesn't even have the legislation to order abatements when a child is lead poisoned. When considering the variation in screening rates and the lack of children screened, simply using the CDC data on children with EBLs is not enough to conclude the 2010 goal has been met.</p> <p><b>Page 6, Toxic Program Priorities Section, Lead Subsection</b></p> <p><u>Comment</u> Include the Consumer Product Safety Commission (CPSC) in the sentence that reads, "OPPT will continue to coordinate with other federal agencies including, Centers for Disease Control (CDC), Housing and Urban Development (HUD), Department of Justice (DOJ), and with state, local and tribal governments to reduce or prevent risks to human health and the environment posed by lead-</p>	<p>An attempt to change the FY 08 national target was unsuccessful. Any changes to the Strategic Targets need to be proposed during the FY09 and FY10 budget development process.</p> <p>The program still believes, as does CDC and HUD, that the NHANES provides the best national perspective on the issue of childhood lead poisoning. There is no doubt however, that the screening data is extremely useful for State and even Regional planning purposes.</p> <p>OPPT made this editorial change and it was incorporated into the NPM Guidance.</p>

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
	<p>Reduce Chemical Risks 4.1.1 Asbestos (ACS Measure 15)</p> <p>Pesticide Container/ Containment Regulations 4.1.3</p>	<p>based paint activities.”</p> <p><b>Page 12, Toxic Program Priorities Section, Asbestos Subsection Comments</b>  Fix the typo in the sentence that reads, “EPA’s asbestos program focuses primarily on implementing the Asbestos Hazard Emergency Response Act (AHERA), the Asbestos School Hazard Abatement Act (ASHAA), and the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) under the Clean Air Act.” “The Asbestos School Hazard Abatement Act (ASHAA)” should be changed to “the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).” These are two distinct laws, with different mandates.</p> <p>Overall, we would like to suggest that the Asbestos Program move in a direction similar to the Lead Program by tracking changes in the number of reported cases of asbestos-related disease. In the same way that R5 is now reporting changes in its numbers of EBLL cases based on the national CDC data for the Select Regional Priorities (Midwest Eco-Region) Initiative, we could also start using national CDC data to track and report on any changes in the numbers of cases of mesothelioma and asbestosis. CDC is currently compiling national statistics for both of these indicator diseases, but cannot report lung cancers attributable to asbestos-related causes. This would not be appropriate as an ACS commitment per se, but it would be a meaningful reporting measure that could be aggregated at the national level, and/or possibly dis-aggregated to the regional level. It would start to give us some sense (picture) of whether our asbestos risk management strategies are working.</p> <p>Implementation of the final Pesticide Container and Containment rule is an additional requirement and commitment for both the Regions and SLAs.</p> <p>Implementation of the rule is dependent on Headquarters providing the Regions and SLAs program guidance, training and outreach</p>	<p>OPPT made this editorial change and it was incorporated into the NPM Guidance.</p> <p>While we agree that ultimately the Asbestos Program, as with all programs, should strive for outcome measures, we are not in a position to introduce new measures at this stage in the NPM guidance. The opportunity exists to discuss new measurement ideas for the FY 09 NPM Guidance process.</p> <p>EPA Headquarters has already begun, or has plans to develop, the container-containment rule documents identified by Region 6, including program guidance, training and outreach materials, updated inspector training guidance, a compliance monitoring strategy and a policy that provides guidance on States carrying out an adequate program to ensure compliance with the residue removal requirements</p>



Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
Region 6	Pesticide Water Quality Program 4.1.4	<p>materials, and inspector training guidance.</p> <p>Reporting requirements for data such as in STORET should be kept a general goal and not be made a reporting measure for either the Regions or the States. It is more efficient if HQ searches this data.</p>	<p>in the rule.</p> <p>EPA’s goal is to establish a process for the voluntary submission of State &amp; Tribal surface and ground water quality data, including but not limited to Clean Water Act (CWA) §303(d) &amp; §305(b) data, for consideration in exposure characterizations for ecological risk assessments and in risk management decisions for pesticide registration review.</p> <p>EPA asks Regions to try to identify State &amp; Tribal CWA §303(d) and other water quality data that can be used in pesticide registration review assessments and to submit these data sets to EPA’s Office of Pesticide Programs (OPP) early in the process to be considered in the reviews.</p> <p>OPP recognizes that raw data for all the parameters of interest may not be available in all monitoring studies, particularly for older studies, and that the types of water quality data collected might be different between monitoring programs. There is no need for States or Tribes to create or reformat any data – OPP will attempt to use what is available, either qualitatively or quantitatively.</p> <p>There are several options for providing the data or data locations to EPA/OPP:</p> <ol style="list-style-type: none"> <li>1. If the data are already in the new STORET database, then simply let OPP know where the dataset is located within the database.</li> <li>2. If the data are in legacy versions of STORET, or in other data systems, then OPP would like to get the type of metadata and detailed data (contextual information) in cases such as: <ul style="list-style-type: none"> <li>•If the supporting data were collected in a monitoring program conducted by the States themselves, OPP would like to receive the detailed monitoring data and a copy of any report describing the purpose and design of the monitoring study, or internet web address leading to this information.</li> <li>•If the data were collected by an outside party, such as university</li> </ul> </li> </ol>

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
	Endangered Species Protection Program 4.1.4	<p>There is concern that OPP expects pesticide SLAs to request and gather additional WQ monitoring data from State environmental agencies. It would be more efficient if State environmental agencies had the reporting requirement under their grants.</p> <p>A projected timeline for the generation of the draft ESPP bulletins would be beneficial to both the Regions and the SLAs in order to plan resources accordingly.</p>	<p>researchers, then citations of published reports or copies of the reports themselves would provide the needed context. OPP does not wish to receive NAWQA data if it was used as the basis of a 303(d) listing or the identification of a water body of concern. Instead simply reference the specific NAWQA dataset.</p> <ul style="list-style-type: none"> <li>•If any 303(d) listings or other water quality concerns for pesticides were based on watershed characteristics or expected pesticide use, and not actual pesticide detections in surface water, such information could help inform OPP's risk assessment, as well.</li> </ul> <p>In summary, OPP is interested in seeing all available data for a specific water body of concern to a State or Tribe. If a monitoring study is already contained within the new STORET all that is required is its location within the database. For monitoring studies not contained with the new STORET, please submit data, or provide database locations, with associated documentation or references, as described above.</p> <p>OPP is not asking SLAs to ‘mine’ State water agency data for purposes of informing its risk assessments. It is suggesting that if they coordinate with the water agencies new information may come to light that could be of value in registration review. This information could also improve the basis for impairment listings due to pesticides, improve coordination of remediation activities, and support EPA strategic measures. Again, the expectation is that any <i>available</i> monitoring or other relevant data would be captured by the Region and forwarded to OPP.</p> <p>OPP will develop bulletins as we review a pesticide and determine that there are geographically specific use limitations that need to be in place to protect listed species. The schedule for when OPP will review pesticides for the next four years can be found at <a href="http://www.epa.gov/oppsrrd1/registration_review/schedule.htm">http://www.epa.gov/oppsrrd1/registration_review/schedule.htm</a> . We are now reviewing carbofuran, aldicarb and nine rodenticide active ingredients on a national scale and, as a result of litigation, atrazine</p>

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
		<p>R6 and SLAs will need additional technical and implementation guidance, particularly for inspectors. They will also need clarification from OECA on the level of specificity expected for inspection questions.</p> <p>It is strongly recommended that Headquarters improve its communication and coordination links with the US Fish &amp; Wildlife Services, including the State Wildlife Agencies, since these offices manage wildlife resources on a daily basis, and are better suited to locating species that may be affected by pesticides. The Region does not have access to pesticide use pattern data, nor data on species locations.</p> <p>It is strongly recommended that the Region and SLAs have an</p>	<p>for several species in the midwest and southeast. While we haven't finished those assessments yet, those pesticides have the potential to require some mitigation on a geographic basis for endangered species protection.</p> <p>OPP has provided a PowerPoint presentation that can be used to introduce pesticide users to the ESPP. We are also completing a more lengthy, train-the-trainer presentation with speaker notes; fact sheets; and other materials. The OPP materials have information for inspectors and OECA has committed to providing guidance tailored specifically for inspectors.</p> <p>We acknowledge that interagency communications can always be improved, and OPP has been working to do so. Over the last several years, OPP has been in regular contact with both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding collaboration on pesticide risk assessments and endangered species. OPP also has worked to improve contacts with other appropriate agencies. When conducting species-specific risk assessments, OPP solicits data noted by R6 through several venues, including requests for public comment, contacts with various agencies, and personal communications with species and crop-data experts.</p> <p>If this comment refers to Proposed Principal Activity #3 (“When appropriate, Regions will coordinate comments from states and tribes on Bulletin development and review. This may include providing information to EPA headquarters on pesticide use patterns or species locations, reviewing draft maps for accuracy, and reviewing proposed pesticide use limitations for feasibility.”), OPP’s intent was not to expect the regions to have such information themselves; rather, OPP asks that regions help coordinate provision of that information to HQ when or if it is available from states or tribes.</p> <p>The risk assessment and bulletin development processes offer several</p>

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
	Pesticide Container/Containment Regulations 4.1.3	<p>opportunity to review draft Bulletins, the web-site and additional objectives/activities that pertain to the ESPP.</p> <p>Implementation of the final Pesticide Container and Containment rule is an additional requirement and commitment for both the Regions and SLAs.</p> <p>Implementation of the rule is dependent on Headquarters providing the Regions and SLAs program guidance, training and outreach materials, and inspector training guidance.</p>	<p>opportunities for review and comment. When a bulletin is needed to address geographically specific use limitations to protect listed species, states and tribes will be specifically requested to review draft maps and pesticide use limitations that will be included in bulletins, and regions are requested to coordinate comments to HQ during these reviews. States and tribes may also be afforded another opportunity for review before finalization of use limitations and publication of a bulletin. Additionally, over the last several years, the regions, states, tribes and other federal agencies have provided invaluable input into developing the ESPP, in particular during several partners' workshops. The most recent of these was in November 2006, when OPP's regulatory partners helped develop educational and communications materials, Section 18 guidance and other facets of the ESPP. We expect this type of interaction to continue.</p> <p>EPA Headquarters has already begun, or has plans to develop, the container-containment rule documents identified by Region 6, including program guidance, training and outreach materials, updated inspector training guidance, a compliance monitoring strategy and a policy that provides guidance on States carrying out an adequate program to ensure compliance with the residue removal requirements in the rule.</p>
Region 8	Reduce Chemical Risks 4.1.1 Lead (ACS Measures 12 and 21)	<p><u>Lead Program</u> - Thank you for expanding on the definition of an outreach partnership. However the new language begs the questions: What is an "<i>on-going project</i>"? and What is a "<i>sustained</i>" outreach and educational campaign"? (You'll recall that I asked last week during the conference call if a written procurement request to rent booth space at a home show in order to provide outreach material to the public would fit within what the NPM had in mind as an outreach partnership. If the answer to that question is now "no" because it's not <i>on-going</i> or <i>sustained</i> enough, I want to know that now so that we know what to count under this measure.)</p> <p>Also, we noticed that the "top tier" measures being discussed for this year included the modifier "Additional" in front of the FY2007 target stating the number of outreach partnerships. That sounds to us like a</p>	<p>The example of a one-time procurement request for a booth rental does not fit the definition of an outreach partnership.</p> <p>We agree that it may cause confusion and SBO had stated that the FY08 target language will be identical to the NPM Guidance national target language. This target is also consistent with the refined</p>

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)				
	Reduce Chemical Risks 4.1.1 Mercury	<p><i>different</i> measure from the measure for ACS Code Measure 21, but it is similar enough to Measure 21 to create confusion. In other words, is Measure 21 supposed to be on-going in the same way as Measure 12, or does the modifier "Additional" in the "top tier" measures trump that and make Measure 21 essentially mean only the number of <u>new</u>, ongoing, sustained outreach partners should be counted? This could make a big difference in the number the Regions are willing to bid under this measure. Additionally, I would much prefer that the measures and definitions across the myriad reporting systems be the same so that our reporting burdens do not balloon even more out of proportion than they already are.</p> <p><u>Mercury Program</u> - Thank you for making the changes that you made in the long-term strategy and the proposed principal activities for regions. In addition to these changes, we would like to see more recognition of the concept of public education about reducing exposure to mercury in item 2 of the proposed principal activities for regions. Our only remaining concern is that mercury issues may not receive much attention at the regional level if measures are not expected or included. Because of this, we suggest inclusion of at least one mercury measure that is broad in scope, such as: <b>Number of voluntary mercury partnerships aimed at reducing exposure to mercury and/or reducing mercury in the waste stream.</b> This is broad enough that it could include health care, schools, non-profits, industry, and government.</p>	<p>definition of "partnerships."</p> <p>OPPT is not in a position to introduce new measures at this stage of the NPM guidance process, but encourage discussions among Regions and HQ to develop appropriate measures for Mercury to be included in the FY 09 Guidance.</p>				
Region 9	Reduce Chemical Risks 4.1.1 Lead (ACS Measures 13A, 13B, and 21)	<p>In March 07 the regions conferenced to discuss comments and provide guidance to OPPT. There are some areas in the guidance for the Lead (Pb) Program that require clarification. OPPT agreed to revise the language and send it to the Regions for further comment.</p> <table border="1" data-bbox="464 1203 1199 1416"> <thead> <tr> <th data-bbox="464 1203 604 1265"><u>Commitment</u></th> <th data-bbox="604 1203 1199 1265"><u>Comments</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="464 1265 604 1416">13A</td> <td data-bbox="604 1265 1199 1416"><i>Annual percentage of viable lead-based paint certification applications that require less than X days of EPA Regional effort to process.</i> HQ agreed to provide a value for "X" for the Regions to consider in their comments.</td> </tr> </tbody> </table>	<u>Commitment</u>	<u>Comments</u>	13A	<i>Annual percentage of viable lead-based paint certification applications that require less than X days of EPA Regional effort to process.</i> HQ agreed to provide a value for "X" for the Regions to consider in their comments.	<p>OPPT responded to this comment, and it was incorporated into the NPM Guidance.</p>
<u>Commitment</u>	<u>Comments</u>						
13A	<i>Annual percentage of viable lead-based paint certification applications that require less than X days of EPA Regional effort to process.</i> HQ agreed to provide a value for "X" for the Regions to consider in their comments.						

Commenter	Reporting Requirement	Comment(s)		Response to Comment(s)
	Prevent Pollution and Promote Environmental Stewardship 5.2.1 P2 (ACS Measures 264,264A, 263, 262, 261A, and 261)	13B	<i>Annual percentage of viable lead-based paint certification applications that require less than grantee state-established timeframes to process.</i> We need a better definition of what a state-established timeframe should be. We also discussed putting in a number for the annual percentage and allowing regions to negotiate a challenging standard for the number of days individually with each state.	<p>A definition of grantee state established timeframe is included in Guidance, and we anticipate Regions negotiating targets with their individual authorized states/tribes based on local conditions.</p> <p>A refined definition of “partnerships” is included in the NPM Guidance. This definition is reflective of Regional comments.</p> <p>We realize this a dynamic process which will require continual refinement. OPPT will continue to collaborate with Regional partners.</p> <p>The P2 Measures Guidance will be issued and will include more specifically what results can and cannot be counted.</p>
		21	<i>Number of outreach partnerships addressing lead-based paint hazards and exposure reduction.</i> We need further clarification on what constitutes a partnership beyond situations where you have a grant, cooperative agreement or MOU.	
		We agree with the three focal areas; 1) Greening Supply and Demand, 2) Delivery of P2 Services, and, 3) P2 Infrastructure and with the four proposed principal activities of the regions: 1) Administer grants, 2) Promote regional multimedia coordination, 3) Federal Facility P2 implementation (as resources allow), and, 4) Provide direct P2 assistance to business (as resources allow). These foci and activities provide good general guidance and some specific examples without being too prescriptive. The Regions still have sufficient flexibility to engage in regional priority activities not mentioned in the guidance such as promoting Green building.		
Region 10	Reduce Chemical Risks 4.1.1 Lead (ACS Measures 11A, 11B, 13A, 13B, and 21)	For the Lead section, our comments on clarifying the definition of partnership have been addressed by the revision. We appreciate the rewritten definition and the clear examples of partnerships to address lead-paint based hazards and exposure reduction. This clarifies for the regions exactly what is meant by a documented partnership. Our only concern is that the number of partnerships nationwide almost doubles from 2007 to 2008. It increases from 40 to 70. It is difficult for the regions to increase partnerships each year and to sustain a high number. The 2008 number is possible; however increases beyond 70 may not be possible.		OPPT will address future lead partnership targets when further data are available.

Commenter	Reporting Requirement	Comment(s)	Response to Comment(s)
	Prevent Pollution and Promote Environmental Stewardship 5.2.1 P2 (ACS Measure 261A)	<p>For the Lead Certification section, we are very pleased with the 20 day timeframe. We were a bit confused of why the two timeframes are called out in the footnote but as long as the Regional measure is the sum, as indicated, we accept the measure and appreciate the equal split of the processing time.</p> <p>For Pollution Prevention, we appreciate the clarification in the footnote and the change to Megawatt hours.</p>	<p>The Regional measure will count the sum of these two timeframes.</p> <p>Revisions incorporated into the document.</p>