

Attachment 9
Comments and Response to Comments Summary
on FY 2010 Draft NPM Guidance

Comment from regions, state, tribe, or other stakeholder	Commenter (s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
<i>Issue Area: Pesticides - Region 1</i>				
<p>1. Pesticides – We support reducing the number of measures to the greatest extent possible.</p> <p>2. For certain Pesticides Program measures the measure is “number of region specific projects or initiatives ...”. The senior managers need to decide whether they believe the “number of region specific projects...” is an adequate measure of core implementation and whether communicating “number of projects” tells a compelling story, internally and externally.</p> <p>3. Region 1 is concerned about the “disconnect” between OPP and OECA. While we appreciate that each of the Offices has its own appropriations and need separate measures we believe it is important that the measures be complementary.</p>	Region 1	<p>1. General Comment pp. 19-32</p> <p>2. Measure Central Codes WP1. CT1, CR1 pp. 22-25</p> <p>3. General Comment pp. 19-32</p>	<p>1. We also believe that we should not have any more measures than are necessary to communicate the value of the work being done by the regions in support of the overall programmatic goals. For this reason, OPPTS (OPP) deleted the Endangered Species measure for the FY 2010 Guidance. With regards to the three new tribal measures for FY 2010 (TR-2, TR-3, and TR-4), it must be noted that these are non-commitment measures and therefore are only “reporting” measures. The data to support each of these measures will be based on data provided by EPA’s American Indian Environmental Office (AIEO) and would pose a minor burden on Regions. The Region had suggested to have one measure instead of the three proposed measures; however, OPPTS believes these three elements; i.e., national net increase in pesticide-program coverage (based on the number of tribes, number of people, and number of acres that are covered under tribal pesticide program and/or enforcement grants and</p>	No Change

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			<p>cooperative agreements) more fully describes progress we are making expanding coverage to Indian country to protect both human health and the environment.</p> <p>2. For the Pesticide Program measures that have “number of region specific projects of initiatives”, the Regional Pesticide Supervisors/Managers at the Pesticide National Meeting held in December 2008 discussed these measures and agreed to this language for the FY 2010 guidance. The number of region-specific projects or initiatives is simply an indicator of the substantive work that the regions do on worker protection, certification or the container-containment rule. It is the outcomes of the projects themselves that contribute to accomplishing the goals of the pesticide program. There is currently an OPP/Regional Workgroup investigating whether this measure can be improved in future NPM guidance documents.</p> <p>3. We agree with the Region that OPP and OECA measures should be consistent where feasible. We are currently working with OECA to provide better linkages between our measures for FY 2011 and beyond. As always, we would also appreciate any specific suggestions the</p>	<p>No Change</p> <p>No Change</p>

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			Regions may have in this regards.	
*For WP1, CT1, and CR1 if the management decision is that “number of projects” is the desired approach the listing in the NPM tables should be reworded. A better wording would begin: “Projects that contribute to...”	Region 1	pp.22-25	It is fine to make this editorial change in WP1, CT1 and CR1.	Change “projects or initiatives contributing to” to “projects or initiatives that contribute to” in WP1 and CT 1 on page 22 and in CR1 on page 25.
<p>*It is not clear what is meant by the phase it red font below. What is the expected “deliverable” for the region?</p> <p>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 states and tribal partners to develop and implement the data collection systems for the field activities. The NPM measures for this priority are intended to reflect the contributions of the EPA Regional Offices in promoting and</p>	Region 1	Page 20	<p>Regions are not expected to collect any new additional data over and above what they already collect from states as part of their cooperative agreement reporting. Under the FIFRA cooperative agreement activities Regions have been encouraged to work with states to promote better information exchange between departments of health and pesticide state lead agencies on pesticide related illnesses. EPA Headquarters has been working to get new occupational risk information collection systems in place through our cooperative agreements with NIOSH to support the SENSOR (Sentinel Event Notification System for Occupational Risk) program, to capture better information about pesticide-related occupational incident. Regions should encourage their states to use the information and data from these tracking systems to inform their regulatory activities.</p> <p>Occupational injury data for farm labor from the Department of Labor statistics</p>	<p>Change statement in question to read as follows: “Headquarters will utilize national data collection systems such as SENSOR (Sentinel Event Notification System for Occupational Risk) to collect occupational pesticide poisoning information. Regions should encourage and work with our states and tribal partners to implement and utilize these data collection systems to inform their regulatory program decisions and field activities.</p> <p>No Change</p>

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<p>assuring the safe use of pesticides in occupational settings.</p> <p>*Comment on the phrase highlighted in red font below: the overall phrase is correct but the danger ranking is mostly the result of operating heavy equipment, roll-overs, PTOs, etc. In addition, agriculture is commingled with fishing and forestry--both deadly occupations. Pesticide injuries account for a small part of the total.</p> <p>Additionally, agriculture is consistently ranked as one of the most dangerous occupations in the nation. Exposure to the elements, pesticides and dangerous equipment are common in farm labor. Falls, heat stress, dehydration and pesticide poisoning are frequent injuries. However, agriculture is not subject to the same safety legislation under OSHA that protects workers in other industries</p> <p>Clarifying Reference from: US DoL: Farm injury and illness data are collected only for farms employing 11 or more workers. Information on fatalities for all industries, including agriculture, is collected only for establishments employing 11 or more workers. Farm fatality data are</p>			<p>lists these types of injuries as the most frequent types of injuries among agricultural laborers. We were not citing specific numbers. The statement is a general statement that the Agency believes to be accurate, and the fact that OPP has made Worker Safety a national priority for the program reflects our concern with any level of occupational pesticide illnesses</p>	

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<p>published for the broader category of agriculture, forestry, and fishing.</p> <p>The BLS data have three major limitations for farm safety research. First, farm establishments employing fewer than 11 people or only immediate family members are not included in either the injury/illness or fatality data (Gerberich and others, 1991).[2] Thus, these data probably undercount the number of farm accidents by omitting those many farms employing few hired workers or none at all. Second, the data do not isolate farm fatalities from the broader industry category of agriculture, forestry, and fishing. Third, the data do not include injuries or illnesses for the self-employed. However, the BLS data are useful for tracking changes in the number and incidence rates of accidents over time in the agriculture, forestry, and fishing industry and for industry comparisons by size of the workforce.</p>				
<p>* CR1: Additional explanation of the red font description of the projects would be helpful. The list of examples of project activities do not appear to match up very well with the goals. For example are the regions</p>	Region 1	Page 26	<p>OPP disagrees that the examples of project activities do not match up well with the goal of enhancing the use of well-designed pesticide containers, adequate containment, and/or the proper handling of pesticide containers. The</p>	No Change

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<p>supposed to be interfacing with formulators, packagers and packagers and producers at this stage of the regulation? How and with what materials? If the intent is for states/tribes to work with producers--then HQ needs to provide materials, as states lack resources & capacity to create materials--especially those states that lack their own C & C regulations. Proper handling of pesticide containers by whom--applicators, formulators, repackagers, producers, etc?</p> <p>Regions must carry out at least one Region-specific project or initiative that contributes to the implementation and enhancement of the pesticide container-containment field program. The goal of the project should be to enhance the use of well-designed pesticide containers, the adequate containment for bulk pesticide storage and repackaging activities, and/or the proper handling of pesticide containers. The projects may involve outreach and education, compliance assistance, stakeholder coordination, program evaluation, state or tribal program capacity building, or other similar projects and initiatives that</p>			<p>possible projects that are described in the guidance involve increasing knowledge and understanding of the new regulations. If the industry understands the container and containment requirements, they are more likely to comply with the regulations and use well-designed containers, adequate containment and properly handle containers. The project is supposed to be carried out principally by the Region or by the Region in cooperation with one or more of its member states/tribes or other regional program stakeholders, so it is <u>not</u> intended to be for states/tribes to work with producers. If the region needs specific outreach materials to address a certain segment of the industry or to address a region-specific issue, they should contact the container-containment team at OPP, who will work with them to develop the needed material.</p>	

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lead to the implementation and initiation of the pesticide container-containment field program. The project or initiative may be one segment of a multi-year program. Headquarters will provide guidance to Regions on submitting project write-ups and final project reports. Regions must submit final project write-ups to Headquarters by October 31st, and projects must be completed by the end of the fiscal year. Regions must submit their final project reports to Headquarters within 30 days of the end of the federal fiscal year.				
Delete the word “Therefore” in the second sentence.	Region 1	p. 21	Agree	Made change in document

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<i>Issue Area: Pesticide Worker Safety Programs- Region 3</i>				
Add comment “Regions should	Region 3;	Long-term	The program does not have a problem	Suggested Change made on

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<p>coordinate activities with other agencies (when possible)".</p> <p>General Comment: Regions need greater flexibility on submission deadlines of templates to coordinate with reporting requirements under the State Cooperative Agreements.</p>	Pesticides and Asbestos Programs Branch	Strategy section; Page 19; last paragraph.	<p>with this suggestion, though we feel this is implied.</p> <p>Reporting deadlines under the State Grant Template is consistent with the reporting deadlines already required under the Cooperative Agreement Grant Guidance. It is our understanding that most regions are comfortable with this timeframe.</p>	<p>page 19</p> <p>No Change</p>

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<i>Issue Area: Strategic Agricultural Initiative - Region 3</i>				
Line 1.e. Lindane seed treatment for seed maggots in vegetable crops is not a priority in all regions in 2010. Suggestion to remove it from this list.	Region 3; Pesticides and Asbestos Programs Branch	OPP Guidance; Page 30; Section 1.e.	Line 1.e. The national priorities are umbrella priorities that were developed through consultation with senior leadership in the ten Regions and OPP. Every one of these priorities may not be appropriate for all 10 Regions, therefore it is appropriate for a particular Region not to include a particular priority (or two) in their work. However, if a priority outside this list is desired, then an exception to policy should be sought.	No Action
Recommendation to add Non-Agricultural Issues as a No. 3 under	Region 3; Pesticides and	OPP Guidance;	HQ agrees that non-agricultural issues are important. Last year, the OPP HQ staff	No Action

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Nat'l Pesticide Program Stewardship Priorities. Stewardship priorities are more than just agriculture. Non-Ag or Community IPM should be included somewhere in this document.	Asbestos Programs Branch	Page 30;	proposed a Community IPM NPM Measure. The DD's decided to not include this as a priority for 2010, but the Regional Pesticide Supervisors did decide to form a workgroup led by Region 5, at the Dec 2008 National Pesticide Meeting to further evaluate whether perhaps this should be a possible priority for 2011 or beyond. We expect the workgroup will discuss their findings at the upcoming National Pesticide meeting with all 10 Regions in June 2009.	

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<i>Issue Area: Pesticides - Region 6</i>				
Region 6 needs more guidance and clarification on enforcement issues that we will be facing during the implementation process of the container containment rule.	EPA Region 6 – Pesticides Section	Pesticides CC Implementation; pg 24-26	HQ will be working with the Regions, States and Tribes on the enforcement issues that arise as compliance with different parts of the container-containment rule are phased in over the next 2.5 years, beginning in August 2009. At this point, it is impossible to anticipate all of the enforcement issues that EPA, the States and Tribes will be facing.	No Change
It would be beneficial to have some ideas from HQ on what type of specific projects or initiatives the Region could implement. Also it would help to have additional funds to support this additional project.	EPA R6- Pesticides Section	CR1 Measure Code Appendix page 4	OPP provided a list of six types of projects that Regions could potentially implement to the Regional container-containment contacts as an attachment to a November 25, 2008 meeting (conference call) invitation and provided	No Change

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Regional and States funds are very limited			a hard copy of this list to the Regional Pesticide Supervisors on December 10, 2008 at the National Pesticide Meeting. Please contact the container-containment team at OPP for further information or to obtain a copy of this list.	
What additional data are the Regions expected to collect and what new data collection systems are the Regions, States, and Tribes expected to implement?	EPA Region 6 – Pesticides Section	p. 20	Regions are not expected to collect any new additional data over and above what they already collect from states as part of their cooperative agreement reporting. Under the FIFRA cooperative agreement activities Regions have been encouraged to work with states to promote better information exchange between departments of health and pesticide state lead agencies on pesticide related illnesses. EPA Headquarters has been working to get new occupational risk information collection systems in place through our cooperative agreements with NIOSH to support the SENSOR (Sentinel Event Notification System for Occupational Risk) program, to capture information about pesticide-related occupational incident. Regions should encourage their states to use the information and data from these tracking systems to inform their regulatory activities	Change statement in question to read as follows: “Headquarters will utilize national data collection systems such as SENSOR (Sentinel Event Notification System for Occupational Risk) to collect occupational pesticide poisoning information. Regions should encourage and work with our states and tribal partners to implement and utilize these data collection systems to inform their regulatory program decisions and field activities.
If OPP is going to use state certification data to calculate “total number of certified applicators,” why is it necessary to then send the	EPA Region 6 – Pesticides Section	p. 21	This is an artifact of the ACS system because the system and process is set up by OCFO to have Regions be the ones who must enter the ACS measure data.	No Change

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calculation back to the Regions to enter into ACS?			Although, Regions must be the ones to enter the data from their end of the system, HQ is providing the data to you to reduce the burden associated with the exercise.	
If a Tribe has a continuing pesticides program, is it required to prepare and maintain a Plan for the Certification of Pesticide Applicators? A clarification of what must be included for a tribal program to be considered a continuing pesticides program would be helpful.	EPA Region 6 – Pesticides Section	pp. 23, 38	An approved C&T plan is not a prerequisite for a continuing environmental program. The scope of programs covered under a continuing environmental program agreement will depend on the needs of the tribe and the agreed upon scope of work that the Region and the tribe agree to in the cooperative agreements.	No action
The language in the proposed measure SA2 and the explanation of the measure and its calculation do not match. In the measure, the importance is on the partnerships key to the transition..., while in the SA2 calculation explanation the emphasis is on key SAI activities that support the transition....	EPA Region 6 – Pesticides Section	p. 31	<p>In order to better clarify the statements in the measure and the explanation, we will add a sentence to the guidance on page 31 under the “Proposed Principal Activities for the Regional Offices” heading, which reads: "The following activities are typical of what may be undertaken by Regions in order to make progress in achieving the National Pesticide Stewardship Goals, and each activity undertaken should be linked to one (or more) of these goals."</p> <p>In addition, we have edited the explanation of the SA2 measure on page 31 for better clarification by stating that: “Each region will report the number of SAI collaborative actions that contribute towards partnerships key to U.S.</p>	<p>Added a sentence to better clarify the measure and explanation on page 31 of guidance under the “Proposed Principal Activities for the Regional Offices”.</p> <p>Added appropriate language under the explanation of SA2 measure on page 31 of the guidance.</p>

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			agriculture’s transition towards sustainable, reduced-risk pest management technologies consistent with the national pesticide stewardship priorities”	
There seems to be some difference in the OPP priorities and the OECA Priorities in the OECA National guidance. The OECA guidance does not list Worker Safety as a priority, and states that program may be blended into the regular program activities. The OPP Guidance lists Worker Safety as the #1 priority of EPA and the Program areas.	EPA Region 6 – Pesticides Section	OECA Guidance	We agree that OPPTS and OECA priorities and measures should be consistent where feasible and we will work towards this goal in subsequent years (for 2011 and beyond).	None
One of the priorities in the OECA guidance is called "General Population Pesticide Use (Targeting Regulatory Cancellations and Label Restrictions) but I do not see this as a priority in the OPP guidance. Will those be changed to have the same priorities?	EPA Region 6 – Pesticides Section	OECA Guidance	Examples of specific label restrictions include labeled worker safety requirements, restricting use of pesticides to certified applicators, and managing use to prevent contamination of waters. These are specifically addressed in the NPM guidance as priorities of the Office of Pesticide Programs and OPPTS. However, if the Region has some specific suggestions of how else the priorities of OPPTS and OECA can be linked for consistency, we would appreciate any input which can be offered that we may be able to utilize during our planning purposes for FY 2011 and beyond.	None
PART Measures -- We are going to track the increase in number of	EPA Region 6 – Pesticides Section	Appendix C	The non-commitment (reporting-only) tribal measures described in this guidance	No Change

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tribes that will have coverage under the Pesticides Program. If we fund ITEC for a pesticides program through our tribal grants, and they represent 41 tribes out of 66 in Region 6, the first year of data for Region 6 (PART data on number of tribes, persons, acreage covered) will be a huge jump, but if there is no increase in the second year, will there be concern from HQ about "NO Increase" in that PART number???			will not be OMB's Program Assessment level measures. Since they are only reporting measures, we understand that it may be appropriate to report "zero" increase in coverage in any given year.	

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<i>Issue Area: OPPT-Lead Based Paint-Regions 4,5 & 10</i>				
The target for Measure 13A was negotiated for FY2008 at 60%, and was raised to 72% for FY2009. FY2010 Guidance proposes a target of 92%--an increase of 20 points. Currently, FLPP data indicates this target is not being achieved. Given the increased workload associated with implementing the new RR&P rule and the uncertainty with regard to the impact of this increase on existing resources, increasing the target to 92% is troubling. In addition, we continue to	Region 4, Pesticides and Toxics Substances Branch	Lead, Definition & Clarification of Measures, pages 16-17	Region 4 target in FY2008 was 60% which was increased to 72% for FY2009. However, the target of 92% is the National Target not the Regional Office target. The program expects that with contributions from all the Regions, the National Target of 92% will be met in FY2010 as it has been met for the past several years. Regional offices will have an opportunity to set FY 2010 Regional targets during the bidding process for commitment measures, and the program expects a slight increase in the Regional targets for FY2010 from FY2009.	None

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discuss/address unresolved questions relating to measurement tools involving delivery of documentation from OPTIMUS and timely posting of fees and exams dates in the system all of which impacts this measure.			Also, the Program will continue to communicate with the Regional Office about how to improve their efficiency of processing viable lead abatement certification applications by continuing discussions regarding the Federal Lead-based Paint Program database.	
For Measure 13B, the guidance should be modified to clarify specifically how these results are to be captured. If individual state numbers are still the desired outcome, the measures system should be modified to accept each state percentage.	Region 4, Pesticides and Toxics Substances Branch	Lead, Definition and Clarification of Measures, page 17	The Annual Commitment System (ACS) does allow for each Regional Office to enter shareholder (State or Tribe) information for the State Grant Template Measure. Also, the Office of Grants and Debarment sends out guidance to the Regional Offices specifically for the State Grant Template Measures which includes an ACS section.	None
ACS Measure 12 requires a commitment that is beyond the Region's control and should be a reporting measure not a commitment.	Region 4, Pesticides and Toxics Substances Branch	Lead, Definition and Clarification of Measures, page 16	This measure shows the number of authorized states which has remained consistent for several years; however, RRP implementation may affect this number in the future. Currently, an OPPT Regional/HQ workgroup is evaluating the entire suite of lead measures so that future measures can accurately reflect the work of the program.	None
Resources for Implementation of Lead-Based Paint Renovation, Repair, and Painting Final Rule (LPRRP): The fiscal crisis in Region 5 States is impacting the speed in which we expect our States to adopt the RRP Rule, and Region 5 expects to directly	Region 5, Land and Chemicals Division	General Comment	OPPT recognizes the importance of coordination with OECA for enforcement aspects of RRP. OPPT recognizes concerns regarding availability of grant funds and distribution between abatement and RRP program both authorized and directly implemented	None.

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<p>implement the program for some years. In fact, one of our States, Ohio, is not applying for the RRP program at this time. Our States have told us that due to the huge universe of renovators that will be impacted by the Rule, that State legislators are skeptical that the Rule will be enforced and that therefore they don't have to pay attention to it. The State staff, while very supportive of the Rule, have implored us to have a strong Federal enforcement presence as an incentive for State adoption and implementation.</p> <p>Region 5 is very concerned about the lack of resources in the FY10 Budget for implementation of the Rule. We are concerned about Regional resources for direct implementation (STAG funding, and funding for SEEs and outreach materials), but also concerned that OECA does not have the resources to develop a robust Enforcement Response Plan and to create and coordinate a strong national presence for this Rule. Given that reducing Pb poisoning and Children's Health are two of our new Administrator's priorities, the Region hopes that these weaknesses</p>			<p>by the Regions. OPPT will continue to provide support to the States and Tribes through Lead STAG funding, targeted grants to tribes, vulnerable populations and at risk communities. OPPT will continue to allocate STAG, EPM and FTE resources as effectively as possible to ensure that Regional Offices can meet all of its goals.</p>	

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in the Budget and FTE allocations will be addressed sooner, not later.				
Change the wording of TR-1 from; “Number of tribal partnerships addressing lead based paint hazards and exposure reduction.” To Number of tribal projects addressing lead based paint hazards and exposure reduction.”	Region 10	Page 16 and Appendix A, page 1	OPPT is going to keep the word partnership since this measure is a subset of measure 21, but will also include projects to expand how partnerships are defined to include on-going projects, outreach, and other activities that the Regional Offices are engaged in with the Tribes. Number of tribal partnerships or other projects that address lead based paint hazards and exposure reduction.	Modified text language, on page 17.

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Issue Area: OPPT-Lead Based Paint-States(New England)				
EMERGING CONTAMINANTS: We ask EPA to increase leadership and support on priority emerging contaminants, including pollution prevention approaches, increased monitoring, and scientific research regarding the toxicity of materials in products such as : (1) pharmaceuticals and personal care products; (2) endocrine disruptors; and (3) manufactured nanoparticles.	New England Commissioners	General: OPPTS guidance	EPA has a number of activities underway that are addressing or will address these issues; however some of these chemicals (e.g., pharmaceuticals) do not fall under the authority of the Toxic Substances Control Act (TSCA) or OPPT. EPA will move rapidly and aggressively to reduce chemical risks, deploying the full arsenal of TSCA regulatory authorities to reduce risks posed by the highest priority chemicals, while simultaneously accelerating the Agency’s pace in eliminating the void in our understanding	None.

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			of the safety of the thousands of chemicals used in American commerce – more than tripling the 170 safety assessments done in FY 2008 to complete 555 in FY 2010 (280 in FY 2009).	
Environmental Stewardship: We are committed to a balanced response to climate change adaptation, sustainable development, and the need to protect natural resources. This requires a regional approach to planning that transcends our traditional and siloed regulatory focus. We invite EPA’s involvement in shared efforts to address the protection of New England’s ecosystems and human environment in anticipation of economic and population growth in the region.	New England Commissioners	General: OPPTS Guidance	The Agency supports generally New England’s regional planning efforts and recognizes the need for an integrated climate change plan that transcends traditional regulatory “stovepipes.” OPPTS is working closely with other NPMs to support and collaborate on climate change issues. In addition, OPPTS will continue to work with the Regions and States, many of which already have work underway to address climate change. OPPTS’ approach on climate change and promoting sustainability will be reflected in its Pollution Prevention Strategy, which covers many programs that enhance sustainability, green products and green manufacturing processes.	None.

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<i>Issue Area: Pesticides - States</i>				
In Sub-objective 4.1.3, the target percentage reductions are not specified ("XX" percent). It is hard	Florida Department of Agriculture and	Pesticide Worker Safety	The (XX) in the draft guidance was just used as a placeholder until the text of the Strategic Plan measures could be	The text on pages 18-19 has been revised in the guidance to reflect the new Strategic Plan

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<p>to comment on the goal when it is not specified. This occurs in several other places, also. How are pesticides to be detected in the general population for the purposes of measuring achievement of this goal? What is defined as an "incident" and what is defined as a "potential risk event"? How will progress toward this goal be measured?</p>	<p>Consumer Services, Division of Agricultural Environmental Services</p>	<p>Programs, page 18-19</p>	<p>finalized.</p> <p>The text for Sub-objective 4.1.3 has now been finalized and reads as follows: Sub-objective: 4.1.3 Protect Human Health from Pesticide Risk <u>Strategic Measures</u></p> <p>Through 2014, reduce and maintain the concentration of pesticides detected in the general population by 50% percent. (Based on urinary metabolites reported 1999-2002 Centers for Disease Control’s National Health and Nutrition Examination Survey (NHANES). Measure is based on NHANES 50th percentile concentrations for all (seven) organophosphate analytes reported: Dimethylphosphate < 0.58 ug/L; Dimethylthiophosphate = 1.06 ug/L; Dimethyldithiophosphate < 0.10 ug/L; Diethylphosphate = 0.78 ug/L; Diethylthiophosphate = 0.5 ug/L; Diethyldithiophosphate < 0.10 ug/L; and 3,5,6-Trichloro-2-pyridinol = 1.9 ug/L .)</p> <p>By 2014, improve the health of those who work in or around pesticides by reducing the number of moderate to severe occupational incidents for six acutely toxic pesticides with the highest number of incidents by 50% . . (Based on the approximately 325 moderate and severe</p>	<p>Subobjective language for 4.1.3. There is no longer the (XX) mentioned by the commenter as it was just used a placeholder in the draft.</p>

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			<p>incidents reported to the Poison Control Center (PCC) National Poison Data System (NPDS) 1999-2003. for the six pesticides of concern; chlorpyrifos, diazinon, malathion, pyrethrins, 2,4D, and carbofuron.)</p> <p>Pesticides detected in the general population is based on CDC's National Health and Nutrition Examination Survey (NHANES) monitoring data which measures a number of pesticides. This specific measure tracks all of the analytes measured as part of the CDC monitoring program. Incidents are based on moderate and severe occupational incidents as reported by the American Association of Poison Control Centers (AAPCC) in their National Poisoning Data System (NPDS).</p>	
<p>In the second paragraph of this section, the statement is made "Falls, heat stress,... and pesticide poisoning are frequent injuries". What is the basis for this statement? This statement should not be made without some reference to data of some sort or some type of qualification. We do not have data to support "frequent pesticide poisonings". If this is a true statement, then funding and program activity should be</p>	<p>Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services</p>	<p>Pesticide Worker Safety, Environmental Justice, page 20</p>	<p>Occupational injury data for farm labor from the Department of Labor statistics lists these types of injuries as the most frequent types of injuries among agricultural laborers. We were not citing specific numbers so we don't feel there is a need to reference a specific data citation. The statement is a general statement that the Agency believes to be accurate, and OPP has made Worker Safety a national priority for the program</p>	<p>No Change</p>

Comment from regions, state, tribe, or other stakeholder	Commenter (s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
substantially increased.				
Item 6 of this section states that regions should be encouraged to adopt CTAG recommendations. It should be recognized that CTAG recommendations should be reviewed by the states to determine compatibility with state laws and resources. CTAG recommendations should not automatically be assumed to be implementable or even desirable without review by the state lead agency.	Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services	Pesticide Worker Safety, Proposed Principal Activities for the Regional Office, page 23	It is recognized that not all CTAG recommendation will be implementable or even desirable for ALL states or tribes. That is why the guidance uses language that asks Regions to “encourage” adoption of CTAG recommendations, rather than “require.” We fully expect each state or tribal program to review the recommendations and determine whether the suggestions are appropriate for their state/tribe. However, final CTAG recommendations reflect suggestions for program improvements that have already been vetted with states and tribes through AAPCO, SFIREG, ASPCRO, TPPC and APPSE before being distributed as a final CTAG recommendation. Many CTAG recommendations actually represent practices that have already been put in place by many states and have been shown to improve program operation and/or enhance applicator competency.	No Change
This section appears to be founded on the idea of monitoring use and detecting pesticides in water sheds. A key part of Florida's strategy for water quality protection is to identify pesticides that could pose a risk to water quality under Florida use conditions and then modifying the proposed use to prevent water quality problems, rather than	Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services	Pesticides and Water Resource Protection, Long-term Strategy, page 27	P.27 Long-term Strategy We agree with Florida’s approach and believe it is consistent the strategies outlined in the NPM Guidance. The evaluation to identify pesticides of concern is part of our long-term strategy. However, the measure is intended to	No Change

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<p>passive monitoring (which is always an imperfect vehicle for determining impacts due to limitations in monitoring resources). Addition of a component for evaluation prior to state level registration should be a part of the long term strategy.</p> <p>We also are missing the "elephant in the room" here without some narrative addressing the recent court decision to overturn USEPA's determination that pesticide applications did not have to comply with the requirement for NPDES permits. No matter how this is finally settled, the solution will have a major impact on the long term strategy. Some language acknowledging this would make this a more meaningful document.</p>			<p>reflect progress in managing pesticides of concern that have been identified through the evaluation process.</p> <p>NPDES Issue:</p> <p>We are still evaluating how the Court's decision will affect our long-term strategy.</p>	No Change
<p>Recently, there has been some concern about the possible negative impact on mosquito control of any new or revised enforcement of pesticide regulations. I suspect that the recent court decision to vacate the EPA rule waiving water permits for pesticide spraying may have something to do with this. In the 2010 NPM Guidance under the section on Pesticides and Water</p>	Clemson University, Pesticide Regulation	Pesticides and Water Resource Protection, pages 26-27	<p>P. 26-27</p> <p>This section of the Guidance is intended to describe actions to address pesticides of water quality concern from pesticide use, by evaluating pesticide risks to local waters, managing risks when identified, and demonstrating progress from management programs. Enforcement is not covered under this section of the Guidance. Any additional enforcement</p>	No Change

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<p>Resource Protection, it is expressed that the long term strategy will undertake a program to: 1) evaluate pesticide risks to local water resources, 2) take actions where needed to reduce or prevent pesticide contamination of water resources over time, and 3) establish mechanisms to demonstrate the progress of management strategies designed to address water quality concerns caused by pesticide use. Given the expressed strategy and the recent court ruling, it is understandable that there may be considerable pressure to over tighten the enforcement approach at the federal level. We encourage the EPA to continue to strive to maintain a moderate, reasonable approach to enforcement in this area.</p>			<p>that could result from violations of permits under the Clean Water Act would be under the purview of each State that is delegated the NPDES permit program.</p>	