

## **SUMMARY OF OCSPP STATE AND TRIBAL ENGAGEMENT IN THE DEVELOPMENT OF THE FY 2016-2017 NPM GUIDANCE**

The Office of Chemical Safety and Pollution Prevention and the regional offices communicate regularly with states and tribes to better understand local, regional and national issues and priorities and to plan as co-regulators, where appropriate. For this early engagement opportunity, we gave the FY14 guidance with the FY15 addendum to states and tribes for comment, as well as attachments of the FY15 President's Budget narratives related to our programs. We asked them to identify the most important areas of work to inform the development of the two-year FY2016-2017 National Program Managers (NPM) Guidance. We discussed which priorities should be maintained as national priorities. For the pesticides program, we also asked which priorities should be on the Pesticide "pick-list" for regions to select. These discussions took place during a series of tribal and state meetings at the national and regional levels and via written correspondence.

Below are specific communications and meetings held to engage states and tribes during this early engagement opportunity for the Office of Pollution Prevention and Toxics. Comments centered on the three programs: Lead Risk Reduction, Pollution Prevention and Chemical Safety. The specific comments can be seen in the chart below. For the Office of Pesticide Programs, comments generally centered on the increased focus on pollinator protection, and the upcoming pesticide worker safety rule revisions which will need to be implemented in FY16-17. Both these topics will result in more work for the regions over the next two years. There was also extensive discussion regarding School IPM from a national priority—which all regions focus on—to a pick-list item since the School IPM Center for Excellence is now in operation. Finally, while all acknowledged that the implementation of the federal certification plan in Indian country created a lot of work through FY15, the general feeling is that the workload will be reduced in FY16-17 and therefore this priority area should be moved to the pick-list item as well.

Note, meetings with states and tribes will continue through early December.

<b>OPP State and Tribal Outreach for FY 2016-2017 NPM Guidance</b>		
<b>Date</b>	<b>Engagement</b>	<b>Location</b>
April 22	E-mail to the leadership of the national state pesticide organization (SFIREG/AAPCO) requesting states discuss at the pre-SFIREG meetings their views on potential pesticide priorities, approaches and activities for the FY 16-17 OCSPP NPM Guidance. State representatives from each region were asked to present these discussions at the full SFIREG Meeting on June 9-10.	
April 24	E-mail to the EPA regions requesting they begin seeking input from their states on the FY16-17 NPM guidance during pre-SIFREG meetings. Regions were asked to report on these discussions at the OPP/OECA National Pesticide Meeting on June 25	
April – May	Regions conducted Pre-SFIREG Meetings which included state discussion and input on NPM Guidance	various
May 21	E-mail to AAPCO/SFIREG and Tribal Pesticide Program Council (TPPC) leadership requesting their attendance at the June 24 OPP/OECA National Pesticide Meeting to discuss the FY16-17 NPM guidance with OPP, OECA and the regional pesticide program managers.	
June 9	Full SFIREG Meeting – states representatives from each region presented to each other and to OPP their views on pesticide priorities and activities for the FY16-17 NPM Guidance.	Crystal City, VA
June 24	OPP/OECA National Pesticides Meeting – Regional discussion on potential FY 16-17 pesticide NPM priorities. State and Tribal representatives also participate.	Crystal City, VA
June 26	Input from the TPPC Executive Board on FY 16-17 pesticide NPM priorities.	teleconference
Sept 15-16	SFIREG Joint POM/EQI Working Committees Meeting	
Oct 7-8	Region 3 Pre-SFIREG Meeting – meeting with states included discussion and input on NPM Guidance.	Inwood, WV
Oct 7-8	Region 6 Pre-SFIREG Meeting - meeting with states included discussion and input on NPM Guidance.	Addison, TX
Oct 8-9	Full TPPC Meeting – tribal representatives provided extensive comments	Crystal City, VA
Oct 22	Region 1 Pre-SFIREG Meeting - meeting with states included discussion and input on NPM Guidance.	Concord, NH
Oct 22-23	Region 4 Pre-SFIREG Meeting - meeting with states included discussion and input on NPM Guidance.	Chattanooga, TN
Oct 28	Region 2 Pre-SFIREG Meeting – agenda for meeting includes discussion and input on NPM Guidance.	Teleconference
Nov 5	Region 9 Pre-SFIREG Meeting - agenda for meeting includes discussion and input on NPM Guidance.	Teleconference
Nov 5-6	Region 8 Pre-SFIREG Meeting - agenda for meeting includes discussion and input on NPM Guidance.	Denver, CO
Nov 6	Region 7 Pre-SFIREG Meeting - agenda for meeting includes discussion and input on NPM Guidance.	Lenexa, KS

Nov 12-13	Region 5 Pre-SFIREG Meeting - agenda for meeting includes discussion and input on NPM Guidance.	Chicago, IL
Nov 12-13	Region 10 Pre-SFIREG Meeting - agenda for meeting includes discussion and input on NPM Guidance.	Seattle, WA
Dec 8-9	Full SFIREG Meeting – additional state input	Crystal City, VA
Dec 9-11	OPP/OECA National Pesticide Meeting - opportunity to resolve issues with the regions related to the final draft of the FY 16-17 NPM Guidance. SFIREG and TPPC reps also participate in these discussions.	Crystal City, VA

<b>OPPT State and Tribal Outreach for FY 2016-2017 NPM Guidance</b>				
<b>Outreach Date(s)</b>	<b>Type of Outreach (face-to-face meeting, conference call, etc.)</b>	<b>Stakeholder Attendees</b>	<b>Information/ items Shared</b>	<b>Summary of comments/feedbacks received</b>
7/15/14 &  10/16/14	National Tribal Toxics Council (NTTC) Monthly Call  NTTC Semi-Annual Meeting Sacramento, CA	NTTC Members Present:  Dianne Barton Fred Corey Larry Dunn Suzanne Fluharty Myla Kelly Jolene Keplin Ralph McCullers Rory O'Rourke Verna Potts	A detailed introductory email with the following attachments: Attachment A: FY2015 OPPT National Program Manager Guidance Attachment B: FY 2015 President's Budget Narrative for Categorical Grants: Lead Attachment C: FY 2015 President's Budget Narrative for Lead Risk Reduction Program Attachment D: FY 2015	Comment 1  Regional EPA managers need to actively engage in risk management activities that are protective of tribal members. After appropriate consultation, risk mitigation activities should be initiated by regional managers to educate and inform their staff to educate and inform tribes in their decision making.  Comment 2  We recommend that EPA Regional managers coordinate more closely with state programs to enhance, promote, and develop more effective green chemistry programs.  Comment 3  Regional managers should encourage staff to coordinate with EPA Headquarters on the conduct of risk assessments and identifying data gaps with locally significant exposures and risks.  Comment 4

			<p>President's Budget Narrative for Categorical Grant: Pollution Prevention Attachment E: FY 2015 President's Budget Narrative for Pollution Prevention Program Attachment F: FY 2015 President's Budget Narrative for Chemical Risk Review and Reduction Program</p>	<p>From a tribal perspective, the majority of tribal homes still have lead paint. Looking at it from an exposure perspective, there are day care facilities, schools, and other facilities that place children at a higher risk of exposure to lead paint. We recommend that EPA provide more outreach and education on this aspect of the rule and provide tribes with more support to communicate with the child-occupied facilities in their tribe. Local implementation is key through regional and local levels.</p> <p>Comment 5 The loss of regional resources to support the safe removal, disposal, and containment of legacy chemicals such as PCBs is challenging the ability of some regions to meet new and more stringent water quality standards. Recent identification of higher than allowed PCB levels in some paints and new understanding of the scope of the problem of PCB in caulks in public buildings including schools are two examples that highlight the need to review the decision to eliminate the Chemical Risk Management Program from the OPPT NPM Guidance. Obligations associated with PCBs and other long-standing chemical risks remain a problem at the regional level. A classic landmark building in the Seattle, WA area with high levels of PCB in its paint is currently being sandblasted and the release of PCB dust through the process is of great concern. <a href="http://www.seattleweekly.com/home/948934-129/building-epa-paint-seattle-landmark-owners">http://www.seattleweekly.com/home/948934-129/building-epa-paint-seattle-landmark-owners</a> The recently released Washington State chemical action plan calls for the removal of PCB caulks in public buildings and schools which will challenge regional and tribal resources to oversee the process of safe removal and disposal of these materials.</p>
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9/17-18/14	Face-to-face	All Region 4 State lead program managers	Discussed NPM Guidance process	None to date
10/22/14	email	All Region 4 State lead program managers	Attachment A: FY2015 OPPT National Program Manager Guidance Attachment B: FY 2015 President's Budget Narrative for Categorical Grants: Lead Attachment C: FY 2015 President's Budget Narrative for Lead Risk Reduction Program Attachment D: FY 2015 President's Budget Narrative for Categorical Grant: Pollution Prevention Attachment E: FY 2015 President's Budget Narrative for Pollution Prevention Program Attachment F: FY 2015 President's Budget	None to date; asked for comments from state program managers 11/7/14

			Narrative for Chemical Risk Review and Reduction Program	
9/10/14	Conference call	All R5 States	General description of process, and forthcoming information.	Asked the states if they wanted a conference call and the response was no, not at this time.
9/12/14	Emailed information	To all R5 States and Tribes	NPM (addendum and narrative (attached) and summary description. Repeated offer to host a conference call if needed.	See below
10/10/14	Email - reminder	To all R5 States and tribes	NPM summary description	Only Michigan responded. <u>Comments of Michigan Department of Community Health, Lead and Healthy Homes Section (MDCH):</u> MDCH proposes that the NPM guidance consider the need for direct state assistance to develop a strategic plan on how the states could move forward with the adoption of the RRP. In summary, MDCH recommends that the 2016-17 NPM Guidance discuss the assurances that there is adequate funding to address the needs of states to adopt RRP programs. Several options may be considered, including: funding states directly to develop a strategic RRP adoption plan, several states could apply for technical assistance to develop a joint strategic plan with a consortium approach which may benefit states in some regions; funding the development of state specific plans with technical assistance from the National Council of State Legislators or similar non-partisan organization; and providing direct assistance to states to enforce RRP until formal authorization of the state agency is granted.

				<p>Between 2009 and 2010, two bills were introduced to Michigan state legislature to adopt an RRP program. The senate required amendments that were unacceptable to MDCH and the bill, therefore, did not pass. Economic conditions played a role in this decision. The RRP rule was viewed as having a potential negative financial impact to home and rental property owners and remodeling contractors.</p> <p>For the remaining states to adopt an RRP program, continued dialog with policy makers is needed. A strategic plan may also be needed. States require a cost impact statement of new legislation and this process takes resources to conduct. Input is needed from stakeholders to determine if they have a renewed interest to take on RRP or have it remain with EPA. The education and stakeholder input process is also important for consideration of the administration of the anticipated industrial/commercial building regulations. In addition, the NPM should also mention consideration of alternate enforcement options for the RRP. For example, the OCSPP and/or OECA NMP Guidance should include provisions, such as through a cooperative agreement, to allow state agencies to perform compliance assurance investigations of RRP prior to overall RRP program authorization.</p>
9/3 – 9/4	Face-to-Face at Annual All-states Meeting	Representatives from State Environmental and Health Agencies from Texas, New Mexico, Oklahoma, Arkansas and Louisiana	Attendees were given a copy of the NPM guidance and a session during the meeting was dedicated to a discussion of the guidance.	No specific comments were received

9/22/14	Email w/attachments	Iowa Dept. of Public Health; Nebraska Department of Health and Human Services; Missouri Department of Health and Senior Services; and Kansas Department of Health and Environment	A detailed introductory email with the following attachments: Attachment A: FY2015 OPPT National Program Manager Guidance Attachment B: FY 2015 President's Budget Narrative for Categorical Grants: Lead Attachment C: FY 2015 President's Budget Narrative for Lead Risk Reduction Program Attachment D: FY 2015 President's Budget Narrative for Categorical Grant: Pollution Prevention Attachment E: FY 2015 President's Budget Narrative for Pollution Prevention Program Attachment F: FY 2015 President's Budget	No comments or feedback
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			Narrative for Chemical Risk Review and Reduction Program	
6/19/14 & 6/23/14	Email	R8 Regional Lead Coordinator (RLC) and RLC's Lead grantee counterparts from CO, ND and UT	FY14 NPM guidance, FY15 addendum to FY14 NPM Guidance	No comments or concerns shared.
7/9/14	Conference call	R8 RLC and RLC's Lead grantee counterparts from CO, ND and UT	FY14 NPM guidance, FY15 addendum to FY14 NPM Guidance	No comments or concerns shared.
8/19/14	Face to face meeting with R8 State Lead grantees during the Western Region Lead Conference in Denver	R8 RLC and RLC's Lead grantee counterparts from CO, ND and UT	FY14 NPM guidance, FY15 addendum to FY14 NPM Guidance	No comments or concerns shared.
10/3/14	Email	R8 RLC' Unit Chief and Unit Chief's Lead grantee counterparts from CO, ND and UT	FY14 NPM guidance, FY15 addendum to FY14 NPM Guidance	No comments or concerns shared.
10/6/14	Email	R8 RLC and RLC's Lead grantee counterparts from CO, ND and UT	FY14 NPM guidance, FY15 addendum to FY14 NPM Guidance	No comments or concerns shared.

10/1/14	Email	WA Dept of Commerce	The NPM Guidance for LBP Program	WA Dept of Commerce agreed to include the NPM activities in their scope of work. They will be reporting results as part of their quarterly reports.
10/1/14	Email	OR Health Department	The NPM Guidance for LBP Program	OR Health Department agreed to include the NPM activities in their scope of work. They will be reporting results as part of their quarterly reports.
Ongoing	Regular P2 meetings and calls with states	State Env. Agency P2 Management and Staff	NPM Guidance, Strategies, EPA Priorities for P2	No specific comments received. However, more information will be received at the State/EPA P2 meeting on October 22, 2014 in Chicago.
7/23/14 & 10/22/14	Chemicals Safety & State-based Groups Quarterly Coordination Call	<p>ASTHO- Association of State and Territorial Health Officials</p> <p>ASTSWMO- Association of State and Territorial Solid Waste</p> <p>NCSL- National Conference of State Legislatures</p> <p>NEWMOA- Northeast Waste Management Officials' Association</p> <p>NPPR- National Pollution Prevention Roundtable</p> <p>States: MD, ME, NJ, MA, VT, LA, MN,</p>	<p>A detailed introductory email with the following attachments:</p> <p>Attachment A: FY2015 OPPT National Program Manager Guidance</p> <p>Attachment B: FY 2015 President's Budget Narrative for Categorical Grants: Lead</p> <p>Attachment C: FY 2015 President's Budget Narrative for Lead Risk Reduction Program</p> <p>Attachment D: FY 2015 President's Budget Narrative for Categorical Grant:</p>	No comments or concerns shared.

		OH, WA, OR, CA	Pollution Prevention Attachment E: FY 2015 President's Budget Narrative for Pollution Prevention Program Attachment F: FY 2015 President's Budget Narrative for Chemical Risk Review and Reduction Program	
10/22/14	Face-to-face meeting between EPA HQ and Regional P2 managers and staff and state pollution prevention officials in Chicago	Laura Armstrong (MD); Greg Ira (FL); Laura Babcock (Univ. of MN); Tina Patton (MN); Maria Renner (IN); Karen Edlin (MI); Deb Jacobson (IL); Jill Turner (NM); Audree Miller (AR); Dan Nickey (Univ. of Northern Iowa); Gail Suzuki (HI) and Ken Zarker (WA)	-- The FY 2015 NPM Guidance was shared - Schedule for developing and completing the FY2016-17 NPM Guidance was shared. -- In addition to a specific session on NPM Guidance feedback, there were several other sessions with the states – including status of state P2 programs, feedback on the P2Rx program, and	-Document could be improved by being more visionary on how to advance P2 into the future. -There are some things that look old. - The document can be overwhelming. Important to focus on how to make it “real” for the states. - The document needs to offer flexibility. Focus should be region-specific. - Priorities should be governed by what will get the best results. - States can't respond that quickly. If they think something is going to be around for a while, they can plan for that and start to move in that direction. EPA needs to avoid the flavor of the month. - The current measures are good and appropriate – Don't tell us specifically what to do, just what is expected to be accomplished. - Would like to see the Agency go beyond the results numbers – tell the story behind the numbers, what is the impact we are collectively making. - Separate out, in the NPM Guidance, what applies to EPA Regions and what applies to states/tribes.

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