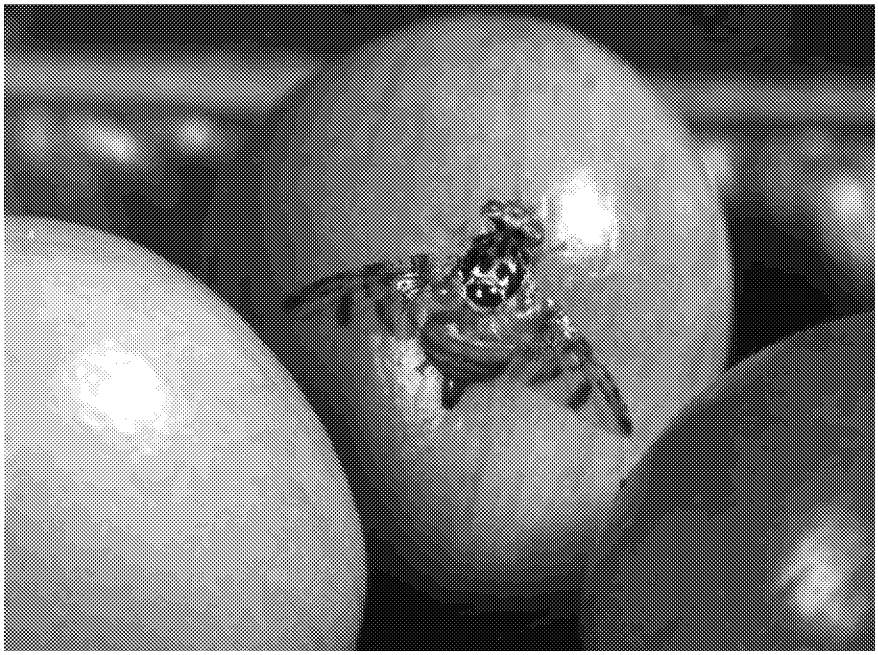
U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

Ensuring the safety of chemicals

EPA Is at Risk of Not Achieving Special Local Needs Program Goals for Pesticides

Report No. 21-E-0072 **February 10, 2021**



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Abbreviations

AAPCO	American Association of Pesticide Control Officials
EPA	U.S. Environmental Protection Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
OIG	Office of Inspector General
OPP	Office of Pesticide Programs
SLN	Special Local Needs

Cover Photo: The Mediterranean fruit fly is one of the world's most destructive fruit pests. It can infest hundreds of varieties of fruits, vegetables, and nuts. (U.S. Department of Agriculture photo)

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U.S. Environmental Protection Agency
Office of Inspector General

21-E-0072
February 10, 2021

At a Glance

Why We Did This Evaluation

The U.S. Environmental Protection Agency's Office of Inspector General conducted this evaluation to determine whether management controls within the EPA's Special Local Needs registration program effectively promote the EPA's goals of risk reduction and pollution prevention, as stated in its strategic plan. The EPA's SLN program—which is managed by the Office of Pesticide Programs, or OPP—allows states to register pesticides to address existing or imminent pest problems within a state for which an appropriate federally registered pesticide product is not available. Most SLN registrations are issued for pesticide products that the EPA has registered but that are unapproved for a specific crop or use. The EPA reviews SLN applications to determine whether they are protective of human health and the environment.

This evaluation addresses the following:

- *Ensuring the safety of chemicals.*

This evaluation addresses top EPA management challenges:

- *Complying with key internal control requirements (policies and procedures).*
- *Overseeing states implementing EPA programs.*

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EPA Is at Risk of Not Achieving Special Local Needs Program Goals for Pesticides

What We Found

The SLN program lacks three components that would improve its effectiveness: a comprehensive system of management controls to achieve the Agency's goals of risk reduction and pollution prevention, a publicly accessible database, and a method of effective communication with program stakeholders. For example, without a public SLN database, stakeholders cannot access relevant information for their states, and states cannot use examples from other states to make better decisions about when to grant an SLN registration.

Without a sufficient management-control system and other improvements, the SLN program will not effectively promote risk reduction and pollution prevention.

Specifically, we found that the OPP has not developed performance measures that would demonstrate the progress or effectiveness of the SLN program and the OPP does not collect data to demonstrate the risk reduction and pollution prevention results of the program. In addition, the OPP does not have standard operating procedures in place to oversee the implementation of the program. An SLN registration is effective as soon as the state approves the application unless the EPA disapproves it. Without a consistent and effective application review process, human health and the environment may be at risk. Further, we determined that the OPP needs detailed guidance to assist states in developing consistent SLN registration applications.

We also found that the OPP does not have an SLN database that would allow state stakeholders to review the approved SLN registrations and labels of other states while those stakeholders prepare their own applications. Finally, we found that the OPP does not consistently communicate to its stakeholders.

Recommendations and Planned Agency Corrective Actions

We recommend that the assistant administrator for Chemical Safety and Pollution Prevention develop management controls for reviewing SLN registrations; improve guidance to states for SLN registration submissions; make an SLN database available to the public that includes registration date, duration, and individual state SLN labels; develop performance measures and collect data to demonstrate risk-reduction and pollution-prevention outcomes; and inform states of the availability of presubmission consultative services.

The Agency agreed with our recommendations and provided acceptable corrective actions and estimated completion dates. The recommendations are resolved with corrective actions pending.

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

THE INSPECTOR GENERAL

February 10, 2021

MEMORANDUM

SUBJECT: EPA Is at Risk of Not Achieving Special Local Needs Program Goals for Pesticides
Report No. 21-E-0072

FROM: Sean W. O'Donnell

TO: Michal Ilana Freedhoff, Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention

This is our report on the subject evaluation conducted by the Office of Inspector General of the U.S. Environmental Protection Agency. The project number for this evaluation was OA&E-FY20-0123. This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

The Office of Chemical Safety and Pollution Prevention is responsible for the issues discussed in this report.

In accordance with EPA Manual 2750, your office provided acceptable planned corrective actions and estimated milestone dates in response to OIG recommendations. All recommendations are resolved with corrective actions pending, and no final response to this report is required. If you submit a response, however, it will be posted on the OIG's website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification.

We will post this report to our website at www.epa.gov/oig.

Table of Contents

Purpose 1

Background 1

Responsible Office 4

Scope and Methodology 4

Results 4

SLN Program Does Not Have a Comprehensive System of Management Controls 5
OPP Has Not Identified Program Objectives, Developed Performance Measures, or Implemented Data Collection 5
OPP Does Not Have Uniform Review Processes 6
OPP Does Not Provide Adequate Guidance to States 6
OPP Lacks SLN Database for Public and Stakeholder Use 7
OPP Does Not Effectively Communicate with State Partners 7

Conclusion 9

Recommendations 9

Agency Response and OIG Assessment 10

Status of Recommendations and Potential Monetary Benefits 11

Appendices

A **Agency Response to Draft Report** 12

B **Distribution** 15

Purpose

The U.S. Environmental Protection Agency's Office of Inspector General conducted this evaluation to determine whether management controls within the EPA's Special Local Needs, or SLN, pesticide registration program effectively promote the EPA's goals of risk reduction and pollution prevention.

Top Management Challenges

This evaluation addresses the following top management challenges for the Agency, as identified in OIG Report No. 20-N-0231, *EPA's FYs 2020–2021 Management Challenges*, issued July 21, 2020:

- Complying with key internal control requirements (policies and procedures).
- Overseeing states implementing EPA programs.

Background

Pesticide Registrations

According to the EPA, the primary purpose of the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA, is to ensure that, when applied as instructed, pesticides will not generally cause unreasonable risk to human health or the environment. ***Pesticides*** are chemicals used to curb unwanted vegetation, insects, animals, or bacteria. Because they are poisons, pesticides can create acute and chronic issues that affect human health and can cause environmental harm. Generally, pesticides distributed or sold in the United States must be registered by the EPA.

Before the EPA registers a pesticide under FIFRA, the manufacturer or formulator, also known as the ***registrant***, must show, among other things, that using the pesticide according to the instructions on the label "will not generally cause unreasonable adverse effects on the environment." The EPA's review of pesticide registrations works to reduce the human health and environmental risks of pesticide use and prevent pollution through the control of when, where, and how people can use pesticides. Under the requirements of FIFRA, a registrant must register a product for each specific use. Registrants must submit new applications each time they:

- Register a new pesticide active ingredient.
- Register a new product for an existing pesticide active ingredient.
- Add a new use to an existing product registration.

Special Local Needs Pesticide Registrations

Section 24(c) of FIFRA allows states to grant state-level pesticide registrations to address pest problems that arise in their states for which no pesticide registration exists. These state-level registrations are intended to address the special local needs of a specific state and are referred to as SLN. The EPA defines an ***SLN*** as:

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> An existing or imminent pest problem within a State for which the State lead agency, based upon satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available.[1]

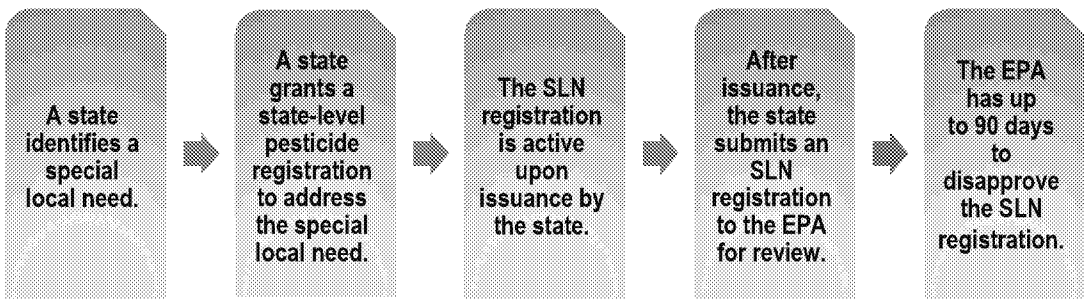
As of May 2020, there were about 2,100 SLN registrations in place across the country. According to the Office of Pesticide Programs, or OPP, the SLN program receives about 300 SLN applications per year. Since the passage of FIFRA, the EPA has allowed states to add uses to a registered pesticide, as well as impose more restrictions on specific pesticide uses, based upon the state's need. Most SLN registrations expand the scope of a federally registered pesticide by adding an intended use for that pesticide, such as:

- An additional crop that people can use the pesticide on.
- An additional application method or timing.

In some cases, the SLN registration imposes additional restrictions that limit the use of a federally registered pesticide.

The EPA reviews each SLN registration to determine whether it meets the requirements of FIFRA. Once a state issues an SLN registration, it becomes effective immediately. However, after the state submits the SLN registration to the EPA, the EPA has up to 90 days to review it. The EPA can disapprove the registration if it does not meet SLN requirements. For example, if the additional use outlined within the SLN registration was previously denied, disapproved, suspended, or canceled by the EPA administrator, the EPA may disapprove the registration (Figure 1).

Figure 1: The SLN process



Source: OIG analysis. (EPA OIG image)

States are responsible for submitting SLN registrations to the EPA. According to the SLN program's website, the program aims to quickly process SLN registrations and to "promote the EPA's goals of risk reduction and pollution prevention." The EPA's SLN program provides a general guidance document on its website that outlines certain steps for submitting an application packet.

[1] 40 C.F.R. § 162.151.

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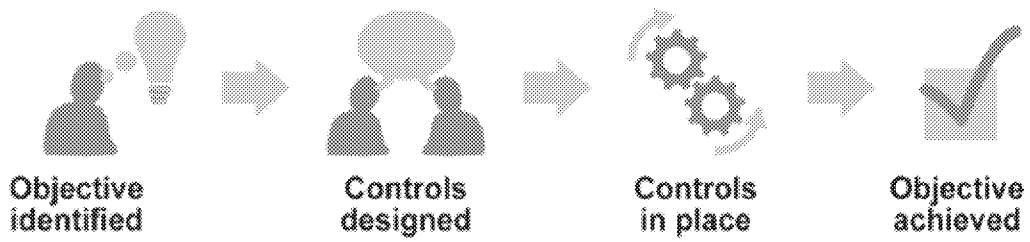
According to the guidance document on the website, an SLN application package should include:

- A properly completed Notification of State Registration (EPA Form 8570-25). All requested information on the application form should be provided.
- A cover letter with a description of what special local need is being met by the issuance of the 24(c) [SLN application] and a clear explanation of how the definition of special local need is met.
- A copy of the labeling approved by the state.
- A properly completed copy of the Confidential Statement of Formula (CSF)[.] Note: Only required if the product is not federally registered.

Management Controls

Every federal program is required to have internal controls. Management is responsible for an effective internal control system, which we refer to in this report as ***management controls***. Management controls comprise the plans, policies, and procedures used to implement the regular operation of the program, as well as to achieve the program's goals and objectives. As shown in Figure 2, management controls provide a process by which the program's objectives may be achieved. First, the objective of the program is identified. Second, management controls are developed and implemented with the reasonable expectation of achieving the objective.

Figure 2: Achieving objectives through internal controls



Source: U.S. Government Accountability Office. (Government Accountability Office image)

Two guidance documents, in particular, outline the requirements for management controls. The Government Accountability Office's *Standards for Internal Control in the Federal Government,* GAO-14-704G, which is also known as the Green Book and was issued September 10, 2014, contains standards to implement management control requirements for the federal government, including program operations, data collection and reporting, and consistent implementation. The Green Book also states that programs should use relevant data from reliable sources to gather higher quality data to support better decisions. The Green Book describes the need for performance measures, which are what management uses to

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evaluate performance in achieving objectives. The Office of Management and Budget's Circular No. A-123, *Management's Responsibility for Enterprise Risk Management and Internal Control*, requires that federal managers implement Green Book standards and defines management's responsibilities for the risk management process.

Responsible Office

The OPP within the Office of Chemical Safety and Pollution Prevention manages the SLN program.

Scope and Methodology

We conducted this evaluation from March to December 2020 in accordance with the *Quality Standards for Inspection and Evaluation*, published in January 2012 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we perform the evaluation to obtain sufficient, competent, and relevant evidence to provide a reasonable basis for our findings, conclusions, and recommendations based on our objective. We believe that the evidence obtained provides a reasonable basis for our findings, conclusions, and recommendations.

We reviewed statutory and regulatory language, guidance, and procedure documents. We analyzed a judgmental sample of five SLN registration applications from several states, as well as data from the OPP internal database. Finally, we interviewed staff from the OPP, representatives from six states participating in the SLN program, and two external stakeholders to gather their perspectives.

Results

The EPA's SLN program lacks three components that would improve the program's effectiveness:

- A comprehensive system of management controls to enable the achievement of the program goal of risk-reduction and pollution-prevention.
- A publicly accessible database.
- An effective method of communication with program stakeholders.

Specifically, we found that the OPP has not developed a comprehensive system of management controls, including:

- Robust processes to consistently review SLN applications.
- Detailed guidance to oversee the implementation of the program.

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- Measures and data-collection methods to determine the risk-reduction and pollution-prevention outcomes of the SLN program.

We also determined that the OPP does not provide an SLN database to the public or the program's state stakeholders. Finally, we found that the OPP does not consistently or effectively communicate its SLN registration oversight role to its state partners. Without a system of management controls, publicly available data, and clear and consistent stakeholder communication, the SLN program is at risk of not effectively promoting risk reduction and pollution prevention.

SLN Program Does Not Have a Comprehensive System of Management Controls

The OPP does not have a comprehensive system of management controls in place to effectively implement the SLN program. The OPP has not developed performance measures or implemented a data-collection method. The OPP has no uniform process for reviewing SLN applications from the states, and it does not provide detailed guidance to assist states in submitting consistent SLN applications.

OPP Has Not Identified Program Objectives, Developed Performance Measures, or Implemented Data Collection

As mentioned previously, the OPP has identified an overall goal to promote risk reduction and pollution prevention for the SLN program. However, it has not identified SLN program objectives and, as a result, cannot and develop performance measures or implement a data-collection method to determine the effectiveness of the SLN program.

Because there are no performance measures for the program, the OPP has not identified what data it needs to collect from the states to measure risk reduction or pollution prevention. This data gap is a substantial concern, since one state reported challenges in conducting the risk assessments to successfully complete SLN applications. Without program objectives, performance measures, or a data-collection process, the SLN program cannot demonstrate how it reduces risk or prevents pollution.

Per the Green Book, a ***performance measure*** is a "means of evaluating the entity's performance in achieving objectives." The entity establishes performance measures to gauge progress toward its objectives.

OPP Does Not Have Uniform Review Processes

According to the SLN website, the EPA's role is to assure that each SLN registration meets the requirements of FIFRA and to conduct general oversight by periodically reviewing the EPA's records of 24(c) registrations to ensure that states and the EPA have properly followed procedures and policies. We found

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that the OPP does not have a uniform review process when it assesses the SLN registrations submitted by states. Three separate OPP divisions conduct reviews of SLN applications. Which division reviews an application depends upon the type of pesticide application submitted. When we requested written procedures from the OPP, we found that each division uses a different checklist to review the completeness of SLN application packages. However, beyond a checklist that verifies completeness, no consistent or standardized system of review, such as standard operating procedures, for all SLN applications had been developed. Further, when we reviewed a small sample of SLN applications, we found that only three of five applications even included a "Review Summary Sheet" checklist.

OPP Does Not Provide Adequate Guidance to States

The OPP does not provide detailed guidance to assist states in submitting consistent SLN applications. Currently, the OPP relies on a general guidance document on the SLN website as a resource for states to use when submitting an SLN registration. The SLN website states that the:

> [G]uidance document is intended to empower the states to operate as independently as possible to reduce the resources EPA uses to review 24(c) applications and to assure the public that no unreasonable adverse effects will occur from [SLN] registrations.

However, the website does not provide a systematic process to help a registrant accurately and consistently provide all the information that the EPA needs to ensure that "no unreasonable adverse effects will occur." For example, the guidance says that states should not submit data to the EPA for review unless they are unable to make an "unreasonable adverse effects" determination, but the guidance does not provide any criteria to make that determination.

In 2019, the American Association of Pesticide Control Officials, which is the organization representing most state-level pesticide officials, developed a proposed guidance document for SLN registrants. This draft guidance document is cohesive and contains, in one place, all the information a state would need to complete an SLN registration. State representatives from one state we interviewed indicated that they would benefit from the EPA's adoption of the AAPCO draft guidance. We found that the AAPCO document clearly outlines the specific information and procedures required to successfully submit an SLN registration. The AAPCO draft guidance also states that it:

> [C]larifies the regulations implementing Section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act … to assist FIFRA state lead agencies … in submitting complete Section 24(c) notification submissions to EPA; and to facilitate EPA's review. Stakeholders may also find this guidance helpful to better

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understand the purpose and processes of Section 24(c) registrations.

The association presented the guidance to the EPA. Though the EPA consulted in the development of this draft guidance, the Agency has not adopted it. Instead, the OPP continues to rely on its guidance document provided on the SLN program website. OPP management later stated to us that it does not plan to adopt the AAPCO guidance but that the AAPCO guidance is available for states to use without the EPA's endorsement.

OPP Lacks SLN Database for Public and Stakeholder Use

The OPP does not have a publicly accessible database to track SLN registrations. The EPA stated that it has an internal tracking system called the Office of Pesticide Programs Information Network database. The database tracks some information for the SLN program, but it does not track key information, such as a description of what SLN the specific registration addresses. Representatives from four of the six states we spoke with said that they would like for the EPA to develop a publicly accessible SLN database that specifically includes all approved SLN labels.

The lack of a publicly available database prevents the public from being able to review and compare all approved SLN applications and labels. Further, the state representatives we interviewed said that this information would be helpful when developing their SLN applications. EPA staff members stated that they are developing a public database. However, they could not provide a timeline for its completion or implementation. Without a public SLN database, stakeholders cannot access relevant information for their state or use examples of registrations approved for other states to make decisions about when to grant SLN registrations.

OPP Does Not Effectively Communicate with State Partners

The EPA is also not regularly communicating with states about the assistance it provides for SLN registrations. First, the OPP stated that it provides informal consultative services to states prior to submitting an SLN application. These services include technical assistance and training. The OPP maintains that it communicates with states and stakeholders and that these services are available to them if they are needed. We reviewed the OPP's 2020 annual letter to states regarding the emergency exemption program and the SLN program. While the letter provided information about consultative services for emergency exemptions, it did not specifically discuss consultative services available to states developing SLN registrations. In our discussions, four states indicated that they were aware of and had requested preliminary consultation with the EPA before SLN submissions. However, one state indicated it was unaware that consultative services were available, while another state did not indicate whether it had

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requested assistance. The OPP needs to better communicate about this service, as the states we spoke to differed in their understanding of the consultative services available.

Second, the OPP informed us that it does not review or provide for a systematic, consistent review of the human health and environmental risk data of each SLN registration if the product has already completed a national registration for a different use. Rather, the OPP informed us that it relies on the states to independently conduct any necessary assessments and to provide assurance to the OPP that the SLN registration has received sufficient review. Yet, some states may lack the capabilities to perform the required level of review. Representatives from three of the six states we interviewed informed us that they do not have the staff resources or expertise to review the technical information in SLN registrations. Of these states:

- One state indicated that it did not have a toxicologist on staff and relied on the EPA to review safety and health risk factors.
- Another state indicated that it did not have the resources to conduct product testing.

In both cases, these resource-challenged states said that they relied on the EPA to review health and safety data for each SLN registration. Because this assumption was, in fact, incorrect, the states introduced risk to the SLN application review process. To mitigate this risk, clear communication is needed with states regarding the level of review that the EPA is conducting and the consultative services that are available to states to assist them with SLN applications.

Third, in spring 2019, the OPP posted a notice on its SLN program website stating that it was reevaluating its approach to reviewing SLN registrations that impose restrictions on pesticide use, possibly making it harder for states to impose such restrictions. SLN restrictions are seldomly used unless the federally approved pesticide would negatively impact a locally specific resource. For example, restrictions have been used to protect groundwater where water tables were too close to the surface. All representatives from the six states we interviewed stressed the importance of the ability to restrict pesticides based upon their own local needs and encouraged the EPA to retain the option of permitting states to restrict pesticide uses through the FIFRA 24(c) registration process. Nearly two years later, on October 27, 2020, in a footnote in an SLN pesticide registration approval decision, the EPA stated a policy change about the ability of states to use SLN registrations to restrict the use of pesticides.[2] Instead, the decision directed states to register restrictions of pesticides under section 24(a) of FIFRA. This new policy reversed a policy that had been in place since at least 1996 and that allowed states to restrict pesticide use through the more streamlined FIFRA 24(c) registration process.

[2] EPA, *Memorandum Supporting Decision to Approve Registration for the Uses of Dicamba on Dicamba Tolerant Cotton and Soybean*, October 27, 2020.

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Last, because of the coronavirus pandemic, the OPP began allowing the electronic submission of SLN applications. Previously, states had to mail their applications. States indicated that this was a positive change, but some states were unsure whether this was a permanent change. In November 2020, the OPP clarified matters by updating its website to indicate that electronic submissions were now preferred.

As discussed above, the EPA has several areas where communication needs to be improved. Clear and consistent communication with states will result in robust SLN applications that can help the EPA meet its goal of risk reduction and pollution prevention. Given the information gathered from our state interviews, the OPP's inconsistent and ineffective communication of its oversight role to state partners increases the risk to human health and the environment.

Conclusion

The OPP has not developed management controls that are necessary to achieve the goals of the SLN program. As a result, the SLN program does not have consistent application review processes, does not provide detailed guidance for state partners, and does not have performance measures or a data-collection process. Also, the OPP has not developed a public database for states and the public to access and review. Finally, the OPP is not consistently communicating with stakeholders as they develop their SLN applications. Without a specific system of management controls, a publicly accessible database, and improved stakeholder communication, the SLN program is at risk of not meeting the program goals of risk reduction and pollution prevention.

Recommendations

We recommend that the assistant administrator for Chemical Safety and Pollution Prevention:

1. Develop program objectives and measures and implement data-collection processes to determine the risk-reduction and pollution-prevention outcomes of the Special Local Needs program.

2. Develop and implement standard operating procedures that allow Special Local Needs applications to be reviewed consistently.

3. Determine whether the Office of Pesticide Programs will adopt the draft American Association of Pesticide Control Officials guidance or develop detailed guidance for states that specifies what information should be submitted in each Special Local Needs application.

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4. Develop and make available a public Special Local Needs database including registration date, duration, and individual state Special Local Needs labels for each Special Local Needs registration.

5. Regularly inform states of the availability of presubmission consultative services to develop effective Special Local Needs application packages.

Agency Response and OIG Assessment

The Agency agreed with our recommendations and provided corrective actions and completion dates for all recommendations. All recommendations are resolved with corrective actions pending.

We included the Agency's full response to our draft report in Appendix A.

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Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS

Rec. No.	Page No.	Subject	Status[1]	Action Official	Planned Completion Date	Potential Monetary Benefits (in $000s)
1	9	Develop program objectives and measures and implement data-collection processes to determine the risk-reduction and pollution-prevention outcomes of the Special Local Needs program.	R	Assistant Administrator for Chemical Safety and Pollution Prevention	7/1/22	
2	10	Develop and implement standard operating procedures that allow Special Local Needs applications to be reviewed consistently.	R	Assistant Administrator for Chemical Safety and Pollution Prevention	12/31/21	
3	10	Determine whether the Office of Pesticide Programs will adopt the draft American Association of Pesticide Control Officials guidance or develop detailed guidance for states that specifies what information should be submitted in each Special Local Needs application.	R	Assistant Administrator for Chemical Safety and Pollution Prevention	12/31/21	
4	10	Develop and make available a public Special Local Needs database including registration date, duration, and individual state Special Local Needs labels for each Special Local Needs registration.	R	Assistant Administrator for Chemical Safety and Pollution Prevention	12/31/21	
5	10	Regularly inform states of the availability of presubmission consultative services to develop effective Special Local Needs application packages.	R	Assistant Administrator for Chemical Safety and Pollution Prevention	6/30/21	

[1] C = Corrective action completed.
R = Recommendation resolved with corrective action pending.
U = Recommendation unresolved with resolution efforts in progress.

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Appendix A

Agency Response to Draft Report

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MEMORANDUM

SUBJECT: Response to Draft Report entitled "EPA at Risk of Not Achieving Special Local Needs Program Goals for Pesticides."

FROM: Tala Henry TALA HENRY Digitally signed by TALA HENRY Date: 2021.01.22 15:02:14 -05'00'
Deputy Director for Programs, Office of Pollution Prevention and Toxics
Performing delegated functions of the Assistant Administrator of the Office of Chemical Safety and Pollution Prevention

TO: Sean O'Donnell
Inspector General

This memorandum responds to the Office of Inspector General's (OIG) Draft Report entitled "EPA at Risk of Not Achieving Special Local Needs Program Goals for Pesticides," Project No. OA&E-FY20-0123, December 9, 2020.

I. General Comments:

The Office of Chemical Safety and Pollution Prevention (OCSPP) appreciates the OIG's effort in evaluating the following:

- The EPA's oversight of the Federal Insecticide, Fungicide, and Rodenticide Act Section 24(c) special local need registrations. OIG's objective was to determine whether management controls within the Section 24(c) registration program effectively promote the EPA's goals of risk reduction and pollution prevention.

On November 12, 2020, OCSPP met with OIG to discuss OIG's Special Local Needs 24(c) Program Evaluation Finding Outline. During that discussion and in response to OIG's Draft Report, OCSPP expressed general agreement with OIG's recommendations.

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II. OCSPP's Response to the Recommendations:

The Draft Report contains recommendations for the Office of Chemical Safety and Pollution Prevention's (OCSPP) Office of Pesticide Programs (OPP):

Recommendation 1: Develop program objectives and measures and implement data collection processes to determine the risk reduction and pollution prevention outcomes of the Special Local Needs program.

- **Proposed Corrective Action 1**: 40 CFR 162.154(c) requires EPA to make a final decision on disapproval of a State registration, and provide written notification thereof to the State, within 90 days of the effective date of the registration. To implement Recommendation 1, OCSPP will undertake a data review effort to assess how the Agency's review process is performing on the requirement to either disapprove or acknowledge a 24(c) action within 90 days. Data collection will be undertaken for 12 months, followed by an evaluation of the collected data. Using this data, by July 1, 2022, OCSPP will develop a performance measure to track how the program is performing relative to the 90-day response timeline in 40 C.F.R. 162. The measure will include data on the performance of the office regarding this timing goal. This analysis will inform OCSPP on whether it is necessary to make changes to the review process in order to achieve the 90-day requirement.
- **Target Completion Date**: July 1, 2022.

Recommendation 2: Develop and implement standard operating procedures that allow special local need applications to be reviewed consistently.

- **Proposed Corrective Action 2**: OCSPP will develop and implement a programmatic standard operating procedures (SOP) document to ensure consistent review of special local need applications.

- **Target Completion Date**: December 31, 2021.

Recommendation 3: Determine whether the Office of Pesticide Programs will adopt the draft American Association of Pesticide Control Officials guidance or develop detailed guidance for states that specifies what information should be submitted in each Special Local Need application.

- **Proposed Corrective Action 3**: On November 20, 2020, OCSPP added new information about the FIFRA 24(c) program to its website: (https://www.epa.gov/pesticide-registration/guidance-fifra-24c-registrations#:~:text=Special%20Local%20Need.,product%20is%20not%20sufficiently%20available). OCSPP believes the information that is now available supports the states working in this area. However, OCSPP will also engage with AAPCO to identify if any additional supporting materials or guidance information is necessary to assist their work on FIFRA 24(c) actions. Specifically, by December 31, 2021, OCSPP will solicit input

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from AAPCO to determine if additional guidance is needed beyond the new information provided to the States posted on the FIFRA 24(c) website on November 20, 2020.

- **Target Completion Date**: December 31, 2021.

Recommendation 4: Develop and make available a public Special Local Needs database including registration date, duration, and individual state Special Local Need labels for each Special Local Need registration.

- **Proposed Corrective Action 4**: OCSPP agrees a public information resource with data on Section 24(c) uses should be available. To accomplish this, OCSPP plans to make special local need labels reviewed in OPP available through the Pesticide Product Label System (PPLS) website https://iaspub.epa.gov/apex/pesticides/f?p=PPLS:1. This is an enhancement to the PPLS database. Specifically, by December 31, 2021, OCSPP will implement the enhanced functionality of the PPLS data base such that submitted special local needs labels will be made available to the public via PPLS.
- **Target Completion Date**: December 31, 2021.

Recommendation 5: Regularly inform states of the availability of pre-submission consultative services to develop effective Special Local Need application packages.

- **Proposed Corrective Action 5**: OCSPP will continue to support the States and commits to providing regular and useful information to the States to assist with the development of comprehensive special local need submission packages, including pre-submission consultative services for Special Local Need actions.

- **Target Completion Date**: By June 30, 2021, OCSPP will contact all FIFRA State partners to provide information on pre-submission consultations services available to them.

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Appendix B

Distribution

The Administrator
Associate Deputy Administrator
Assistant Deputy Administrator
Chief of Staff
Deputy Chief of Staff
Assistant Administrator for Chemical Safety and Pollution Prevention
Agency Follow-Up Official (the CFO)
Agency Follow-Up Coordinator
General Counsel
Associate Administrator for Congressional and Intergovernmental Relations
Associate Administrator for Public Affairs
Director, Office of Continuous Improvement, Office of the Chief Financial Officer
Principal Deputy Assistant Administrator for Chemical Safety and Pollution Prevention
Deputy Assistant Administrators for Chemical Safety and Pollution Prevention
Director, Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention
Audit Follow-Up Coordinator, Office of the Administrator
Senior Audit Advisor, Office of Chemical Safety and Pollution Prevention
Audit Follow-Up Coordinator, Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention

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