

I. INTRODUCTION

The State Issues Research and Evaluation Group is a network of state officials interested in Federal/State “co-regulation” of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It was established by the Association of American Pesticide Control Officials (AAPCO) with financial support from the U.S. Environmental Protection Agency (EPA). As part of its cooperative agreement with AAPCO, EPA is substantially involved in SFIREG.

This document provides a brief history of the SFIREG and discusses its general functions and organization, and roles and responsibilities of the members of SFIREG and its working committees. The document also describes EPA’s substantial involvement with SFIREG, at the full committee level and working committee level.

This document is not intended to be all encompassing, but instead, is intended to provide the reader with a better understanding of SFIREG and how it operates. It is the hope of SFIREG, AAPCO, and EPA representatives who cooperated in the development of this paper that it may serve to clarify various aspects of the cooperative effort between the states and EPA.

II. HISTORY

In 1978, EPA and AAPCO entered into a cooperative agreement, which created the SFIREG as a committee of AAPCO to discuss and evaluate pesticide matters affecting the states. With annual funding from EPA, SFIREG has continued its existence now for more than 30 years. OPP's Environmental Program Management (EPM) is the source of the cooperative agreement funds (no State / Tribal Assistance Agreement funds are used.)

III. GENERAL FUNCTIONS SFIREG plays a valuable role in maintaining information exchange and cooperation between the states and EPA to enable states to play a meaningful role in the development of pesticide policies and regulations. SFIREG identifies issues, analyzes them, and provides oral and written comments to the Office of Pesticide Programs(OPP)in EPA’s Office of Prevention, Pesticide & Toxic Substances (OPPTS) on pesticide matters impacting the states in such areas as - registration, training and certification, water quality, endangered species, disposal and other areas of environmental concern related to pesticide manufacture, registration, use and disposal. SFIREG performs the same function for the Office of Compliance in EPA’s Office of Enforcement and Compliance Assurance (OECA) with regard to compliance with and enforcement of FIFRA and regulations pursuant thereto. In addition, SFIREG provides a mechanism for states to obtain regular up-dates on EPA’s pesticide regulatory program.

IV. SCOPE OF ISSUES

SFIREG may operate quasi independently of AAPCO when addressing issues that must receive attention in a time frame that does not allow direct AAPCO involvement. However, it is expected

that AAPCO leadership will be kept informed of SFIREG discussions and decisions through attendance at SFIREG meetings. Moreover, AAPCO is accountable to EPA for the proper expenditure of cooperative agreement funds.

Two areas of issues will consistently be routed through AAPCO rather than resulting in recommendations or positions from SFIREG: 1) issues resulting in AAPCO policy changes, and 2) legislative or other matters addressed in the Congress of the United States, provided EPA cooperative agreement funds are used in compliance with the “lobbying” restrictions in OMB Circular A-122. Issues outside the scope of these two areas may also, at the discretion of SFIREG, be submitted for approval or review by AAPCO.

The issues on which SFIREG focuses may be identified from any number of sources. Issues identified through AAPCO may be referred to SFIREG for consideration, or issues may be identified by SFIREG independent of AAPCO. Also, OPP, OECA, and the EPA Regional Offices may identify issues that impact state pesticide programs and refer these issues to SFIREG for consideration. Normally, complex issues which have been identified by AAPCO, full SFIREG, or EPA will be referred to the appropriate SFIREG working committee (WC) for consideration, development, and recommendation to the full SFIREG. SFIREG will make the final decision on which issues to consider and how to resolve the issues.

V. ORGANIZATION, ROLES AND RESPONSIBILITIES

A. FULL SFIREG

Full SFIREG is intended to represent a broad range of state views, to act as a states’ decision body for the issues being forwarded to EPA, and to receive and provide to all the State Lead Agencies (SLAs), reports on EPA activities and programs.

1. Organization

The full SFIREG is headed by a state Chairperson who is appointed by the President of AAPCO in consultation with the OPP Liaison. AAPCO makes the final decision on appointment of the Chair. The Chair serves a term of 2 years in length; the term may be extended for an additional period of up to 2 years.

Membership consists of ten state representatives, each representing the states within an EPA region. These representatives are selected by the states within each EPA region. The length of their term is decided by the states themselves, but is generally 1-2 years. However, members may be appointed for subsequent terms on a limited basis. New members are responsible for informing the SFIREG Chair and Executive Secretary of their appointments, phone, fax, and E-mail numbers.

The following participate in SFIREG meetings, which are co-sponsored by EPA, as non-voting members:

- OPPTS Office of Pesticide Programs (OPP) Liaison
- OECA Office of Enforcement and Compliance Assurance (OECA) Liaison
- State Pesticide Lab Directors
- Association of Structural Pest Control Regulatory Officials (ASPCRO)
- Cooperative State Research, Education and Extension Service (CREES), USDA
- American Association of Pesticide Safety Educators (AAPSE)
- EPA Regional Offices
- Tribal Pesticide Program Council (TPPC)

2. Roles and Responsibilities

Chairperson

The Chair of SFIREG is generally responsible for conducting meetings of the group; ensuring that appropriate issues are addressed through development with the OPP liaison of the meeting agendas (see Appendix A - Development of Meeting Agendas); appointing chairs of WCs; and assisting in WC appointments (see "Working Committees" below). The Chair also is responsible for approving all travel charged to SFIREG for purposes other than scheduled SFIREG or WC meetings, to the extent that funds are available.

Voting Members

The members of SFIREG are responsible for ensuring representation of the states within their region at meetings of SFIREG, determining and raising the issues of importance to those states by suggesting issues as agenda items (see Appendix A), and relaying information back to the states represented by the member.

Each member is encouraged to co-sponsor with the EPA Regional Office, a meeting of the states within the region prior to SFIREG meetings to identify issues, develop issue papers, and discuss their respective programs. The members also are encouraged to include in all or part of these "pre-SFIREG" meetings, representatives from the cooperative extension service and other state agencies, as appropriate. These meetings should be held at a place agreeable to the participants, and should be held far enough in advance of the SFIREG meeting, to allow inclusion of important issues on the agenda. NOTE - If SFIREG decides to co-sponsor its meetings with EPA, SFIREG agendas must be drafted at least one month prior to the actual meeting for publication in the Federal Register by the OPP liaison.

It is the responsibility of the member to provide an Issue Paper for any issue which the

member (or the states the member represents), requests consideration by SFIREG. (See Appendix B - Issue Papers).

Non-voting Members

Executive Secretary: The Executive Secretary of SFIREG is employed by AAPCO and is responsible for arranging meeting facilities, ensuring receipt by members of issue papers, background materials, etc.; consulting with the OPP liaison on agenda topics; recording and producing minutes of all meetings; and ensuring that minutes are forwarded to all appropriate AAPCO, SFIREG, and WC members in a timely manner.

EPA, OPP: The OPP liaison function is housed in the Government and International Services Branch (GISB) of OPP's Field and External Affairs Division. The specific tasks associated with the liaison function such as administering the cooperative agreement, assisting with preparation and logistics for meetings, and coordinating resolution of policy issues may be delegated to different individuals within GISB, but the GISB branch chief is ultimately responsible for the SFIREG liaison function.

a) *OPP Project Officer:* The OPP Project Officer is responsible for administering the cooperative agreement between EPA and AAPCO. In addition, the project officer assists in the preparation of meetings in accordance with the SFIREG meetings co-sponsorship in-kind agreement, and in announcing co-sponsored meetings in the Federal Register.

b) *OPP Liaison:* The OPP liaison is responsible for coordinating EPA headquarters participation in co-sponsored meetings, and for coordinating the resolution of issues where OPP has the lead responsibility.

EPA, OECA Liaison: The OECA liaison is responsible for representing OECA to SFIREG, ensuring the states' understanding of that office's positions, and ensuring that OECA management understands the states' positions on matters related to enforcement and compliance. The OECA liaison also is responsible for coordinating OECA participation at co-sponsored meetings and coordinating resolution of issues where OECA has the lead responsibility.

EPA Regional Representatives: EPA Regional representatives to SFIREG are responsible for ensuring that the "regional perspective" is brought to the co-sponsored meetings. The regional participants are responsible for ensuring that all EPA Regions are kept informed of the issues, decisions, etc. discussed at the meetings and for ensuring that issues arising in the Regional Offices are raised to the OPP liaison.

Other Participants: All other participants are responsible for ensuring that the position of the group they represent is taken into consideration at the meetings and by relaying back

to the group they represent, the position of SFIREG.

B. WORKING COMMITTEES (WCs)

The WCs report to the full SFIREG; their primary function is to research and develop issues. Therefore, the bulk of their work will be to engage in in-depth discussions of issues and of approaches to resolving the issues.

1. Organization

The Office of Pesticide Programs, SFIREG, AAPCO and EPA's regional offices evaluated the WC organization in light of changing issue focus, budgetary issues and efficacy of the WC structure. As a result of that evaluation, it was determined that for now, SFIREG would support two WCs:

- a. Environmental Quality Issues (EQI WC), and
- b. Pesticide Operations and Management (POM WC).

Other committees may be established as needed.

The Chair of each WC is appointed by the Chair of SFIREG in consultation with the AAPCO President and the OPP liaison, serves two years, and can serve no more than two consecutive terms. The same individual may be appointed to other committees as the chair or as a member. Committees must be chaired by SLA officials. Final decisions on committee chairs will be made by the Chair of SFIREG.

The EQI WC and POM WC are each currently comprised of 10 state representatives, in addition to the Chair. The Chair of each WC selects members of the WC in consultation with the AAPCO President, the Chair of SFIREG and the OPP liaison. WC members are typically appointed for a term of three years and may be reappointed to a committee for consecutive terms only under extraordinary circumstances. A three year term enables the committee to maintain some consistency while providing other individuals an opportunity to become more involved. In selecting members for the WCs, the WC Chair strives for regional balance to the extent possible.

In addition to regional distribution, individuals should be invited to participate on a WC based on the need to ensure expertise in a variety of areas. For example, the POM WC must maintain expertise in certification, registration, enforcement and other issues while also encompassing expertise in agricultural, structural, urban and other pesticide use areas. The EQI WC must maintain expertise involving FIFRA, RCRA and water legislation. In the event that no State Lead Agency has or can acquire specific expertise necessary to ensure

the effective functioning of a WC, SFIREG and the appropriate WC Chair, following consultation with the OP Liaison, may utilize a WC position to appoint a state representative from another agency with the particular expertise necessary.

The following participate in WC meetings as non-voting members:

- OPP liaison
- OECA liaison
- EPA Regional Offices
- ASPCRO
- CREES
- AAPSE

The lead EPA Region coordinates the selection of regional representatives to the WCs.

2. Roles and Responsibilities

Chairperson

The Chair of each WC is generally responsible for conducting meetings of the group, ensuring that appropriate issues are addressed through development of the meeting agendas (see Appendix A), and selecting WC members in consultation with the SFIREG Chair and the OPP liaison. The Chair is responsible for ensuring that appropriate issues are referred to full SFIREG or to the states for consideration. The WC Chair is also responsible for reporting, at full SFIREG meetings, the activities of the WC, and for presenting any issue papers developed by the WC.

Voting Members

The members of the WCs are responsible for ensuring that issues are raised for inclusion on the meeting agendas (see Appendix A), and representing the state perspective on issues being discussed. Members are expected to coordinate and discuss issues with other nearby states to ensure that they are bringing other states' perspectives to the meeting in addition to their own state perspective. It is the responsibility of the WC member to provide to the committee, an issue paper for any issue on which the member wishes formal consideration by EPA (see Appendix B).

Members of a WC also may, from time to time, be requested to serve on special task groups to address issues related to the WC's area of expertise. Any cooperative agreement funds used for participation in these special groups must receive advance approval from the SFIREG Chair, following consultation with the OPP liaison and approval by AAPCO.

Non-voting Members

Executive Secretary: In addition to the roles and responsibilities identified for this position in relation to full SFIREG, the Executive Secretary is responsible for administering the appointment process (see Appendix C - Appointment Process) for filling vacancies on the WCs.

Also, the Executive Secretary is responsible for providing new appointments with a package of materials to include:

- a. A letter of appointment indicating the working committee to which the member is being appointed,
- b. The term length,
- c. The ending date of the term,
- d. Any available information regarding the place and date of their next meeting
- e. A copy of this document,,
- f. The most recent "issues update" status report, and
- g. A package of materials including travel vouchers and instructions for completing these.

OPP Liaison: In addition to the roles and responsibilities identified for this position in relation to full SFIREG, the OPP liaison is responsible for participating, in a consultative capacity, in the appointment process for all WC appointments. However, the final decision on membership lies with the appropriate WC Chair.

OECA Liaison: The roles and responsibilities for this position in relation to the WCs are the same as those described for this position in relation to the full SFIREG.

EPA Regional Representatives: The roles and responsibilities for this position in relation to the WCs are the same as those described for this position in relation to the full SFIREG.

Other Participants: The roles and responsibilities of these participants in relation to the WCs are the same as those described for this position in relation to the full SFIREG.

VI. MEETING SCHEDULES and MEMBER EXPENSES¹

The following is generally the meeting schedule for SFIREG, and its WCs.

ORGANIZATION	APPROXIMATE Dates	MEETING LENGTH	LOCATIONS
Full SFIREG	June	1.5 days	Washington, D.C. area
	December	1.5 days	Washington, D.C. area
EQI WC ²	May	1.5 days	Washington, D.C. area
	October	1.5 days	Washington, D.C. area
POM WC ²	April	1.5 days	Alternate D.C. area
	October-November	1.5 days	and western ½ of U.S.

¹ Cooperative agreement funds cannot be used for Federal travel. Non-federal voting members of SFIREG and its WCs will be reimbursed at GSA rates for travel, lodging, and per diem for attendance at scheduled meetings or special meetings at which they are representing SFIREG to the extent authorized in the cooperative agreement. If members choose to remain on travel status beyond the time of the official or special meeting, lodging and per diem for that extended time will not be reimbursed by SFIREG. However, where arriving early or staying late (i.e., Saturday stay-over) results in an overall reduction in reimbursable expenses due to reduced airfare, the lodging and per diem can be paid under the SFIREG cooperative agreement.

² If deemed appropriate by the chairs of full SFIREG and the WCs, and in consultation with the OPP Liaison, the EQI and the POM WCs may, from time to time, meet jointly or consecutively in Washington, D.C. during the October/November time frame.

VII. PUBLIC PARTICIPATION

SFIREG encourages public participation in its meetings and in those of the WCs. Announcements of all such meetings are posted on the AAPCO Website. SFIREG meetings that are co-sponsored by EPA may be announced in the Federal Register. In addition, the Executive Secretary sends announcements of meetings by e-mail to all those members of the public who wish to receive them. Members of the public are invited to attend the meetings and to participate as the Chair deems appropriate. When recognized by the Chair, they may also address the group.

While SFIREG believes in the process of open meetings and discussion, it may, from time to time, hold meetings that will be closed to the public to discuss matters related to the cooperative agreement between AAPCO and EPA, or matters related to regulatory or enforcement partnership issues.

APPENDIX A - SETTING AGENDA TOPICS

Meetings are co-sponsored and both EPA and SFIREG participate in selecting agenda topics. However, SFIREG makes the final decision on placing matters of state interest on the agenda, as EPA decides on placing matters of federal interest thereon. Prior to the scheduled meeting, the Executive Secretary will issue to all concerned, a notice to submit potential agenda topics to the Chair. The Chair may also communicate directly with WC members regarding agenda topics. At the same time, the OPP liaison will solicit agenda topics from EPA Headquarters and Regions and will coordinate with OECA to ensure OECA topics are considered.

Agenda topics for SFIREG meetings co-sponsored with EPA must be established 30 days prior to the scheduled meeting in order that OPP can publish a notice of the meeting in the Federal Register. This notice must be published at least 15 days prior to the scheduled meeting.

Routine updates on Agency activities should be minimal as agenda topics at WC meetings. Instead, agenda items should be issues that involve Federal/state coordination or cooperation, require discussion and resolution, exploration of options, etc. in the “co-regulator” context.

The appropriate WC Chair, the Executive Secretary, and the OPP liaison will make every effort to provide, to the members of the committee, an agenda and background information prior to the meeting.

APPENDIX B - ISSUE PAPERS

The Issue Paper (“IP”) process is intended to document significant issues that are of interest to the states, national in scope, and that require action on the part of EPA to resolve overall state concerns. This process is not intended to replace communication with EPA regarding a state specific issue, nor is it intended to document every minor commitment by the Agency (for example, a commitment to provide copies of a document).

In February 2005 the Issue Paper process was revised as follows:

I. IP FORMAT AND CONTENTS:**A. Current Issue Papers and Work Group Report Format**

1. **Issue Papers** (IPs) include the following elements:
 - Background;
 - Issue(s) identification;
 - “Priority”; and
 - A proposed remedy or remedies.
2. **Work Group Reports** include similar elements, but with more detailed information on legal, scientific, and regulatory background.

B. Proposed Additional Format Elements for IPs and Reports:

One of the significant changes in the renovated process is the discussion within the paper of the consequences, positive or negative, to the suggested remedy. This broadens the previous process by enabling the states to provide the agency with meaningful insight into state issues that will result from the decision to act or not act on a paper.

1. Indication of Schedule/Deadline Needed for Proposed Resolution. The range of such notations can include:
 - a. Immediate resolution (via EPA position statement, clarification of policy, etc.) These can be issues that SFIREG believes are amendable to rapid resolution, or that demand immediate agency attention and response;
 - b. Date-certain resolution (i.e., within six months, one year, etc.) where known or suspected complexities (multi-office input necessary, need for additional research, etc.) are acknowledged;
 - c. Date-open resolution for issues having clear need for extensive agency research and/or evaluation or rule-making, or provisions that require congressional action, with little or no response expected to be soon forthcoming.

2. Targeted detailing, for personnel “likely to need to be involved”, and/or “need-to-know” personnel. Such detailing would be based on preliminary communications with EPA in an attempt to direct the IP or Report to the appropriate person, program, office, or multiple variations thereof within the agency, so as to:
 - a. Acknowledge, compliment and capitalize on existing knowledge or work efforts previously performed by agency staff (in particular, previous tasks performed as part of SFIREG Work Groups);
 - b. Involve known agency decision makers to reduce the potential for bottlenecks;
 - c. Recognize existing agency position responsibilities and expertise;
 - d. Provide briefing statements for agency management and staff of the program which might be affected or have regulatory responsibilities; and,
 - e. Ensure to the greatest extent collaborative efforts from separate agency programs or offices.

3. Clarification of proposed resolution or remedy (following preliminary consultation with EPA). Some examples of possible remedies are as follows:
 - a. Draft agency policy or position statement;
 - b. Draft recommended rule or regulatory language;
 - c. Referral to another, specific issues resolution forum (i.e., Pesticide Program Dialogue Council, AAPCO, AAPSE, ASPCRO, etc.); or,
 - d. Formation of SFIREG Work Group, coincident with SFIREG (or one of the Working Committees) and request for agency staff assistance per participant(s) on Work Group.

4. SFIREG opinion on “resolvability” of a particular issue (whether offered via IP or Work Group Report), negative consequences to the agency and the state lead agencies if there is no action, as well as the benefits to both from proposed remedy(s). This approach would replace the past and current offering of SFIREG IP “priority” status. Together with the above described “schedule for resolution” notation, the new approach would enable the agency to better rank, assign and resolve issues and other IP/Report concerns in an organized manner, taking into account available resources and possible SFIREG/agency identified outcomes. As part of this process, SFIREG will make an attempt to detail the following:
 - a. Known existing consensus, or lack thereof, regarding particular issues and particular stakeholders;
 - b. Proponents and/or opponents of proposed remedies/recommendations;
 - c. Specific resources known to exist or may be lacking which may act as facilitators or impediments to remedy/resolve specific issues.

II. NOTICE, COMMUNICATION, TRACKING, ACCOUNTABILITY:

- A. Currently: SFIREG alerts the agency to new IPs, and available, completed SFIREG Work Group Reports, by either docketing on the SFIREG IP list or simple submission to an agency

program office.

B. Proposed: New IPs and Reports would be offered to the agency in the following manner:

1. SFIREG IPs and Reports will be submitted to the agency as inclusions in or attachments to letters to the Director of the Office of Pesticide Program and/or the Director of the Office of Enforcement and Compliance Assurance, as appropriate and necessary.
2. The two organizations will benefit from the renovated process described herein and will be expected to assign, track progress, and offer periodic reports to SFIREG on the status of each IP/Report, and the proposed remedies contained in those documents. Such reporting can continue to be performed by the established EPA OPP & OECA Liaisons, or other agency staff as necessary. SFIREG encourages the agency management to accompany the Liaisons to SFIREG meetings in order to become more personally involved with SFIREG-EPA discussions.
3. SFIREG Chair, the Chairs of the two SFIREG Working Committees, and the Director or Asst. Director of OPP and OECA will meet twice yearly, for the purpose of presenting new IPs/Reports, obtaining status reports on past submitted SFIREG IPs/Reports, or to discuss any issue(s) of SFIREG, the agency, or mutual interest. These meetings can be conveniently scheduled for early to mid-afternoon the second day of Full SFIREG meetings, or at other times as necessary. It is requested that agency office directors not delegate this task to staff but will instead make every effort to afford the SFIREG chairs this opportunity for discussion. SFIREG encourages the agency office directors to also have the SFIREG Liaisons accompany and participate in these meetings.

III. FEEDBACK AND RESOLUTION:

SFIREG continues to believe that the longstanding relationship between the state lead agencies and the agency via SFIREG can benefit from implementing all or most of the proposals and modification detailed above. We believe that this is a substantive start at refining and renovating a process used to identify, clarify, and bring issues to the Agency's attention and for proposing and partnering in successful resolutions. Additional refinements and recommendations may follow if SFIREG believes them to be productive as well.

APPENDIX C - SOLICITATION & APPOINTMENT PROCESS

Solicitation Process

In February of each year, the SFIREG Executive Secretary will solicit interest among state pesticide officials in serving on a WC. This solicitation will be E-mailed to all State Lead Agencies for pesticides, along with an appropriate form to be filled out, and will request that if the state wishes to identify someone to participate, the potential participant needs to respond in writing indicating:

- His or her name, phone number, and E-mail address
- The WC on which he/she wishes to participate
- A one or two paragraph statement of the individual's background/expertise (to show experience/expertise in registration, structural, enforcement, water programs, laboratory work, etc.)

Additionally, the submission should include a short note of commitment from the individual's supervisor/manager that indicates a willingness to have the individual participate.

NOTE -- The list resulting from this solicitation will be renewed every year and **ALL APPOINTMENTS AND BACKFILLS WILL BE FILLED FROM THIS LIST**. Therefore, it is essential that interested individuals submit the above information each year if there is continued interest on their part or if their term on WC will expire and they wish to be considered for another WC. If an appointment runs out and the individual is not on the list of applicants, he/she will not be asked to serve another appointment. Appointments take effect for WC meetings beginning in August of each year.

Appointment Process

Utilizing information received through the above solicitation, the Chairs of the WCs will meet in the Spring with the SFIREG Chair and will offer appointments as WC vacancies arise. The OPP liaison will be available for consultation with the SFIREG chair throughout this process. In offering appointments, the above individuals will strive for a mix of location, skill and interest. Factors that will be considered are:

- Geographic distribution of appointees
- Background and expertise (ensuring that expertise exists in the areas of registration, enforcement, certification, field programs, etc.)
- A variety of areas of emphasis are represented (i.e., agriculture, urban, structural, etc.)

All appointments will be confirmed by letter and a package will be provided to the appointee from the Chair of the working committee or the Executive Secretary.

Backfilling Early Vacancies

In the event that a member of a WC cannot complete his/her appointment, the Chair of the WC should be immediately notified. The WC Chair, in consultation with the Chair of SFIREG and the OPP liaison, will select a replacement from the most current list of candidates. For example, if a member has to resign his/her three year appointment after serving one year, a replacement will be selected from the most current listing and offered a two year appointment to complete the first member's 3 year appointment. Service in a backfilling capacity will not be considered a term of appointment for purposes of determining subsequent appointments to a WC.