

## *Issue Paper - Eliminating 50/50 Grant Funding Match Requirements for C&T Programs*

The Certification and Training Assessment Group (CTAG) is conducting a comprehensive assessment of the pesticide applicator certification program. The assessment is a collaborative effort of the EPA, Cooperative Extension Service (CES), State Lead Agencies (SLAs), and the USDA to determine what changes should be considered to improve professionalism of certified applicators and improve national operation of the C&T program. One of the CTAG recommendations is to try and bring about a change in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to eliminate the 50/50 funding match requirement that exists for C&T programs under the FIFRA pesticide cooperative agreement grant program.

### **Background:**

Under Section 23(a) of FIFRA, the Administrator is given the authority to enter into cooperative agreements with States and Tribes to cooperate in the enforcement and implementation of FIFRA pesticide programs, and to assist with developing and administering pesticide applicator training and certification programs consistent with EPA standards. FIFRA 23(a)(2) contains language that specifically establishes a statutory grant funding match requirement for C&T programs of 50 percent of the cost of the program. This 50/50 match requirement for C&T programs is inconsistent with other FIFRA pesticide cooperative agreement funding match requirements that have all been set to require an 85/15 match (as established via grant regulation at 40 CFR Part 35).

The 50/50 match requirement for C&T programs has created a hardship for some tribe and state C&T programs, sometimes limiting the amount of federal dollars a State or Tribal program can accept because of a lack of matching funds equal to 50 percent of the cost of the program. A survey of State Lead Agencies was conducted for this assessment by the CTAG with all but one state responding. The results showed that 47 states supported changing the match requirement from 50/50 to 85/15 as in the other the FIFRA grant program. Only one state responded that they did not support changing the match requirement from 50/50 to 85/15.

The statutory language in FIFRA that requires the 50/50 match for the C&T portion of the FIFRA cooperative agreements is deemed to be an artifact of the regulatory climate that existed at the time this provision of FIFRA was enacted (1978), and continuance of this funding requirement is not supported by EPA, USDA, CES, SLAs or any other political or regulatory entity that has an interest in pesticide program issues (of which CTAG is aware). However, the requirement cannot be overridden by establishing different match requirements in the grant regulations (where such requirements are normally established for federal environmental grant programs) because the statute (FIFRA) supersedes such regulations. In order to eliminate the 50/50 match requirement for the C&T portion of the FIFRA pesticide cooperative agreements, FIFRA must be revised to have this "old language" removed from the statute, and then the match requirements for C&T programs can be established in the grant regulations consistent with other pesticide cooperative agreement grant requirements.

### **Recommendation:**

CTAG supports the revision of FIFRA to eliminate the statutory requirement for a 50/50 funding match for C&T programs. CTAG further recommends that those entities that are in a position to affect FIFRA change or advise/lobby for such change (AAPCO, SFIREG, NASDA, etc.), should make a concerted effort to have this provision of FIFRA eliminated through a statutory amendment that would remove such language from FIFRA Section 23(a)(2). This effort should take place as soon as possible, or at the least whenever there is any consideration being given to modification of FIFRA.