

Office of International and Tribal Affairs (OITA)

FY 2016-2017 National Program Manager Guidance

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I. EPA Overview to the FY 2016-2017 NPM Guidances

The Overview to the NPM Guidances (<http://www2.epa.gov/planandbudget/national-program-manager-guidances>) communicates important agency-wide information and should be reviewed in conjunction with each of the draft FY 2016-17 NPM Guidances as well as other applicable requirements. The Overview also includes important background information and the eleven cross-program areas that are critical to effective implementation of EPA's environmental programs in FY 2016-2017.

II. Introduction

The Office of International and Tribal Affairs (OITA)'s NPM Guidances (NPG) describes how the Environmental Protection Agency (EPA) will work together to protect human health and the environment while advancing US national interests through international and tribal environmental collaboration.

This Guidance addresses both the Tribal and International Programs and provides direction to the Agency on tribal and international programmatic priorities for FY 2016-2017. Our tribal and international partnerships extend to all aspects of the Agency's work and involve every NPM and Region. As a result, it is increasingly necessary to ensure that these engagements reflect overall Agency priorities and are consistent across the Agency. This Guidance does not propose new performance measures or targets. However, it should be noted that OITA has performance measures that are not in the Guidance, because they are tracked outside of the ACS process. New measures and targets may be considered in future iterations of OITA's NPM Guidance. The guidance is a *guide*, not a comprehensive compendium of activities and requirements. OITA works collaboratively to identify priorities, assuring alignment with national and international priorities. Specific expectations and deliverables will be established through negotiations in grant agreements between EPA regions and tribes.

OITA plays a crucial role in advancing Agency's relationship and environmental priorities with sovereign nations inside and outside the United States. Working with the experts from EPA's other program and regional offices, other government agencies, tribes, foreign governments, and international organizations, OITA identifies international environmental issues and helps implement technical and policy options to address them.

International Mission Statement: To protect human health and the environment while advancing US national interests through international environmental collaboration. In carrying out this mission, the Office of Regional and Bilateral Affairs (ORBA) provide policy and programmatic expertise for matters of environmental and geopolitical importance to the U.S. in other countries, with a special emphasis on priority countries and regions. ORBA serves as the Agency's primary point of contact with government officials and environmental experts in priority countries and regions. The Office develops Agency-wide strategies for priority countries and regions and maintains relationships with multilateral experts and international environmental financial institutions in order to advance work in these areas.

The Office of Global Affairs and Policy (OGAP) provide policy and programmatic expertise for environmental and human health issues that are multinational in scope. OGAP provides institutional knowledge concerning relevant international organizations, serves as EPA's primary point of contact with these entities, and develops EPA (and, as appropriate, United States government) positions vis-à-vis these organizations. OGAP identifies broad emerging international environmental issues and, in concert with internal and external partners, develops initiatives to address these issues. In addition, OGAP engages on the domestic environmental aspects of international instruments, such as trade, finance, and investment agreements.

OITA also includes the American Indian Environmental Office (AIEO), which leads and coordinates the Agency-wide effort to strengthen public health and environmental protection in Indian country, with a special emphasis on helping tribes administer their own environmental programs. AIEO leads EPA's efforts to protect human health and the environment of federally recognized tribes by supporting implementation of federal environmental laws consistent with the federal trust responsibility, the government-to-government relationship, and EPA's 1984 Indian Policy.

As part of the process for identifying national tribal program focus areas, OITA sought early input from tribes on the FY 2016-2017 NPM Guidance through several early engagement mechanisms. On October 27, 2014 AIEO hosted a national conference call with tribal environmental professionals. Tribal representatives from across the country participated on the call and discussed the development of the FY 2016-2017 NPM Guidance. Several sections of the FY 2016-2017 NPM Guidance were influenced by tribal comments, most notably the emphasis on EPA's continuing commitment to consultation on a government-to-government basis.

OITA also receives continual tribal government input on environmental priorities. This interaction occurs through established mechanisms such as meetings with the National Tribal Caucus (NTC) and other EPA tribal partnership groups, and meetings with tribal leaders and tribal environmental professionals. Attendance and discussion with tribal leaders and staff at national meetings and conferences adds additional early engagement.

III. Cross Agency Strategies

To support EPA's mission in managing towards achieving environmental and human health results, OITA works in partnership, both internally and externally, to accomplish these results. Programmatically throughout the next several years, OITA will work to implement EPA's cross-cutting strategies of working toward a sustainable future; working to make a visible difference in communities; and launching a new era of partnerships that stem from the Agency's priorities and are designed to fundamentally change how we work to achieve the mission outcomes articulated under EPA's five strategic goals.

1. Working Toward a Sustainable Future

OITA will work within and across programs, use all available tools, and implement innovative approaches to apply sustainability principles to its work internationally and in Indian country. For instance, EPA will leverage U.S. involvement at the multilateral, regional and bilateral level

to implement cross-cutting programs on sustainability that advance multiple international priorities simultaneously. In addition, OITA will take a lead role in integrating core elements of EPA international sustainability cooperation efforts in development and implementation of EPA's Sustainability Plan, coordinating inputs from key NPMs and Regions.

Globally governments, organizations, and industry are increasingly seeking to promote sustainable economic development through a number of efforts, including improving urban sustainability and infrastructure and greening supply chains. OITA leads EPA's international sustainability efforts and facilitates EPA's collaborative interaction with key international partners that promote policies and programs that support sustainable development and innovation, particularly with UNEP, OECD, the World Bank, and regional partners.

2. Working Toward a Making a Visible Difference in Communities

OITA will work collaboratively across all programs and hand in hand with other federal agencies (e.g., Department of State, Department of Interior, etc), communities, and particularly focusing in Indian country; to improve the health of all families and protect the environment is a core value of OITA. For example, OITA will continue to support tribal youth through EPA's Tribal ecoAmbassadors. This program supports tribal students in training and conducting research, and environmental solutions for tribal communities and sharing with tribal partners. In 2016-2017, we will strengthen this important partnership between EPA and tribal communities. In addition, OITA will implement community action projects through the CEC NAPECA grant program.

EPA will work with NPMs to increase access to EPA-community based resources, conducting outreach and building partnerships to help foreign partners reach out to and include communities in decision making processes. Under the new *EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples* (2014), EPA will work toward greater community involvement in federal program implementation in Indian country.

3. Launching a new era of Tribal and International Partnerships

OITA will continue to strengthen partnerships with tribes and the global community that are central to the success of the national environmental protection program through consultation, collaboration, and shared accountability. In FY 2016-2017, OITA will focus on increasing tribal capacity to establish and implement environmental programs while ensuring that our national programs are as effective in Indian country as they are throughout the rest of the nation. And we will strengthen our cross-cultural sensitivity with tribes, recognizing that tribes have cultural, jurisdictional, and legal features that must be considered when coordinating and implementing environmental programs in Indian country.

OITA will build on our international partnerships to achieve our domestic environmental and human health goals, including those with the governments, business community, NGOs, and academics. OITA will strengthen existing and build new international partnerships to encourage

increased international commitment to sustainability goals and to promote a new era of global environmental stewardship based on common interests, shared values, and mutual respect.

IV. EPA Tribal Program Overview

EPA's Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy) provides the framework for EPA's relationship with federally recognized Indian tribes (tribes) and identifies the mechanisms EPA and tribes use to implement environmental programs in Indian country under federal environmental laws.

EPA headquarters and regional offices will continue to embrace and champion the principles found in the 1984 Indian Policy and work to incorporate the Policy into the media-specific priorities, goals and measures that EPA headquarters and regional offices lead, implement, and support with tribes.

Within the context of the 1984 Indian Policy, OITA reemphasizes three overarching tribal program principles to assist in guiding activities under the four national focus areas identified for FY 2016-17.

The overarching tribal program principles for FY 2016-17 are:

- EPA acts in a manner consistent with the government-to-government relationship with tribes;
- EPA and tribes work together to identify, design and implement environmental programs that are protective of human health and the environment; and,
- EPA collaborates in a meaningful, open and interactive manner with tribes in areas of mutual concern.

These principles embody the expectations EPA has with respect to the manner in which we engage with tribes as we work together on the following four national focus areas.

Three of the national focus areas for FY 2016-17 continue from the previous NPM Guidance:

- Implementation of Federal Environmental Programs in Indian Country;
- Implementation of the Indian Environmental General Assistance Program (GAP); and,
- Implementation of Tribal Consultation.

And one national focus areas for FY 2016-17 is new:

- Identification and Protection of Tribal Treaty Rights.

The three ongoing national focus areas emphasize the traditional building blocks of the tribal program. The new national focus area provides emphasis to the effort to ensure protection of tribal rights found in treaties.

V. EPA Tribal Program National Focus Areas

1 - Implementation of Federal Environmental Programs

EPA will continue to work directly with tribes to achieve implementation of federal environmental programs in Indian country. This is achieved through two approaches under Agency authorities:

1. Program delegations, approvals, or authorizations from EPA to tribes; and,
2. EPA direct implementation activities, that is, activities performed directly by EPA personnel or EPA contractors to insure compliance with federal environmental laws in Indian country.

To assist tribes in taking over, or receiving delegation of, federal environmental programs tribes receive financial and technical assistance through the Indian Environmental General Assistance Program (GAP). GAP assists tribes and intertribal consortia in planning, developing, and establishing the capacity to implement programs administered by the EPA. OITA remains committed to using GAP to help build tribal capacity to administer environmental protection programs consistent with the federal laws the EPA is charged with implementing.

Through GAP, EPA also provides technical assistance to build environmental protection program capacity for tribes that are not currently implementing federally authorized regulatory programs or that may wish to go beyond federal requirements. This approach helps EPA ensure that tribes have the opportunity to meaningfully participate in the Agency's policy making, standard setting, and direct implementation activities potentially affecting tribal interests.

OITA strongly believes that our national environmental programs should be as effective in Indian country as they are throughout the rest of the Nation. In general, unless and until a tribal government has assumed full responsibility for a delegable program, the applicable federal environmental programs are implemented by EPA. EPA implementation of federal environmental programs is equivalent inside and outside of Indian country. A continuing emphasis on ensuring federal program implementation reflects the highest priority of the EPA tribal program and the most proactive manner in which the Agency acts to protect human health and the environment for tribes.

Representative Activities:

Direct Implementation of Federal Environmental Laws by EPA.

- EPA programs and Region will encourage tribes to participate in policy-making and to assume appropriate lesser or partial roles in the management of reservation programs. For example, tribes may play an important role in helping to assure compliance for regulated entities, including compliance assistance, information distribution, and identification of regulated entities.
- Regions will use Direct Implementation Tribal Cooperative Agreements (DITCAs), where appropriate, to provide opportunities for tribes to perform program implementation activities.

Program Implementation of Delegable Programs by Tribes

- Regions will encourage tribes who are interested to assume delegable responsibilities for environmental program implementation under EPA statutes, and provide technical

assistance and guidance on the approval process as needed. Regions and NPMs should continue to work closely to discuss eligibility and oversee consistency for streamlined program approval reviews.

2 –Implementation of the Indian Environmental General Assistance Program (GAP)

GAP continues to be the primary resource to support the development and implementation of tribal environmental programs. Following extensive consultation and coordination with tribal governments, OITA released the revised Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia, (GAP Guidance) in May 2013. Consistent with the revised guidance, substantive changes to the program management are ongoing, including the identification of short term and long term indicators of tribal environmental protection program capacity and the development of EPA-Tribal Environmental Plans (ETEPs). ETEPs will allow EPA and tribes to align GAP work plan activities with both EPA and tribal long-term goals and priorities.

The GAP Guidance enhances the EPA-tribal partnership by using ETEPs for joint strategic planning, documenting mutual responsibilities for program development and implementation, targeting resources to build tribal environmental program capacities, and measuring environmental program development progress over time. ETEPs provide the “big” picture of how the EPA and each tribe will work together to protect human health and the environment for that tribe’s lands within the context of EPA programs. Assessing the needs and priorities of each tribe allows for a focused government-to-government discussion on actions to meet short- and long-term tribal program development milestones. This joint planning process also identifies areas where EPA may need to prioritize its work and resources for that particular tribe, given the tribe’s own priorities, environmental protection needs, and available resources. By using ETEPs to identify priorities and then mapout how and when the priorities will be addressed and by whom, EPA and tribes can then work together to identify technical and other resources that may be necessary to implement the ETEP.

The fundamental concept of joint planning to achieve environmental protection goals was originally developed by the very first EPA Tribal Operations Committee in 1994 in coordination with the National Tribal Caucus of EPA’s National Tribal Operations Committee. Many Regions already have joint planning agreements in place, some in the form of an ETEP. ETEPs reflect intermediate and long-term goals for planning, developing, establishing, and implementing environmental protection programs. Regions should continue to work closely with tribes to develop ETEPs consistent with their own schedules with the long-term goal of completing the majority of them by FY 2017.

ETEPs should link to GAP work plans by identifying which environmental protection program capacity indicators a tribe intends to establish and a general time line for establishing them. The GAP Guidance provides a good starting point for tribes and EPA in the identification of appropriate indicators for any particular tribal program being developed. The new GAP Guidance and the development of ETEPs will ensure the effective implementation of GAP and the fundamental concepts embodied in the Indian Policy.

Representative Activities:

- OITA will provide training to GAP Project Officers and GAP recipients on the revised GAP Guidance.
- Consistent with the revised GAP Guidance, Regions will develop ETEPs with each federally recognized tribe requesting GAP funds in accordance with the developed schedules.

3 - Implementation of EPA's Policy on Consultation and Coordination with Indian Tribes

In May 2011, EPA finalized the EPA Policy on Consultation and Coordination with Indian Tribes (Consultation Policy). The Consultation Policy states that EPA will “consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests.” EPA programs and Regions are applying the Consultation Policy to their activities, and communicate regularly with their designated EPA Tribal Consultation Advisor (TCA) to determine whether an EPA activity or decision is appropriate for tribal consultation. EPA programs and Regions also work with their respective tribal partnership groups on consultation questions and determinations. TCAs, and all Agency employees, have a responsibility to ensure they are planning early with respect to activities, policies, and actions to which the Consultation Policy applies. The Consultation Policy seeks to strike a balance between providing sufficient guidance for purposes of achieving consistency and predictability and allowing for, and encouraging, the tailoring of consultation approaches to reflect the circumstances of each consultation situation and, if feasible, to accommodate the preferences of tribal governments.

The EPA Consultation Policy states: “consultation is a process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing decisions that may affect tribes.” Consultation at EPA consists of four phases: (1) identification; (2) notification; (3) input; and, (4) follow-up. The Consultation Policy details appropriate roles and responsibilities for Agency managers and staff involved in the consultation and coordination process. The Consultation Policy also establishes national guidelines and institutional controls for consultation across EPA.

EPA's Assistant Administrator for OITA oversees coordination and implementation of tribal consultation in accordance with the Consultation Policy, Executive Order 13175 “Consultation and Coordination with Tribal Governments,” and the 1984 Indian Policy.

Representative Activities:

- OITA will make consultation opportunities publicly available on the Tribal Consultation Opportunities Tracking System (TCOTS) available at <http://tcots.epa.gov>. OITA will provide regular updates to EPA Senior management and OMB on TCOTS statistics.
- EPA Assistant Administrators and Regional Administrators will implement tribal consultation under the Executive Order and EPA Consultation Policy, and ensure that all four phases described in Consultation Policy are appropriately implemented.

- EPA Leadership will also ensure timely entry of tribal consultation opportunities into TCOTS to ensure opportunities for early and meaningful involvement.
- Tribal Consultation Advisors will deliver two trainings to staff and managers in their respective offices during FY 2016.

4 - Identification and Protection of Tribal Treaty Rights.

Under the U.S. Constitution, treaties have the same legal force as federal statutes. And the United States' government-to-government relationship with and trust responsibility to federally recognized Indian tribes reinforces the importance of honoring these treaty rights. As such, EPA has an obligation to honor and respect tribal rights and resources protected by treaties. While treaties do not expand EPA's authority, EPA must ensure its actions do not conflict with tribal treaty rights. In addition, EPA should implement its programs to enhance protection of tribal treaty rights and treaty-covered resources when it has discretion to do so.

Representative Activities:

- OITA will provide training to EPA leadership and staff on the importance of tribal treaty rights and their relevance to EPA's activities.
- To help guide the Agency's decisions when treaty rights should be considered, the Office of General Counsel and the American Indian Environmental Office will develop an analytical framework, with input and consultation from tribes.

All four tribal program national focus areas are consistent with EPA's long-term strategy of strengthening tribal partnerships. These partnerships are created by working together with tribal governments to increase opportunities for consultation, collaboration, cooperation, and shared accountability. In recognizing the unique relationship between the United States Government and federally recognized tribes, EPA works on a government-to-government basis with tribal governments and acknowledges the cultural, jurisdictional, and legal features that must be considered when implementing federal environmental programs in Indian country. By pursuing this cross-cutting strategy through annual action plans, we implement a deliberate, focused effort to take tangible, measurable actions to transform the way EPA delivers environmental and human health protection.

VI. EPA's International Program Overview

EPA has a long history of international collaboration on a wide range of global environmental issues. The primary purpose of EPA's international program is to protect domestic human health and environmental by working with other countries and international organization to address global environmental problems and risks. This purpose is accomplished by focusing on USG international priorities and key strategies, regions, and countries, as well as multilateral efforts, and develops Agency-wide strategies for these partnerships.

OITA works with EPA NPMs and Regional Offices in formulating U.S. international policies, managing to EPA's International Goals and Objectives, and implementing EPA's international programs, and providing technical assistance to other countries. Consistent with the recommendations from the Office of Inspector General, OITA will continue to link anticipated and achieved outcomes to the Agency's Strategic Goals. In FY 2016-2017, OITA will strengthen its focus on prioritizing, allocating resources, and managing assistance agreements to advance the Agency's Strategic Goals and international priorities while maximizing limited resources most effectively and efficiently.

International Objectives

1 - Reduce Transboundary Pollution

Pollution does not stop at national borders. Transboundary flows of air pollutants occur between the United States, Mexico, and Canada. EPA works with its immediate neighbors through the Border 2020 program, U.S. Canada Air quality agreement, and the North America Commission for Environmental Cooperation. In addition to working with key countries bilaterally, EPA works to address global and international flows and sources of pollution through various international forums. This work addresses atmospheric mercury, emissions from maritime transport, international aviation, persistent organic pollutants, and Arctic contaminants.

2 - Advance U.S. Interests Abroad

OITA protects human health and the environment while advancing U.S. national interests through international environmental collaboration. Working with the experts from EPA's other program and regional offices, other government agencies, and other nations and international organizations, OITA identifies international environmental issues and helps implement technical and policy options to address them. This partnership helps safeguard the health and environmental safety of individuals in the United States and abroad. Environmental protection improves lives abroad, leading to a safer, more secure world. Environmental cooperation with partner countries can advance U.S. goals on environmental challenges such as climate change and mercury. Food products, pesticides, and other goods are traded globally and make their way to American consumers. EPA works closely with other U.S. agencies, foreign governments, and international organizations to develop international standards and approaches and strengthen protections across the globe.

3 - Promote Good Environmental Governance

EPA engages with countries to build capacity for good environmental governance, including judicial and legal frameworks, public participation mechanisms, and trade policy. OITA coordinates with EPA's Office of Enforcement and Compliance Assurance in conducting trainings, hosting study tours, and managing bilateral programs on good governance. Governance issues span environmental media. Enforcement and compliance actions are taken on the regional and state level. OITA will coordinate with NPMs and regions in promoting good environmental governance policies internationally.

VII. EPA International Priorities

In 2010, EPA developed international priorities to strategically focus our engagement with global partners (www.epa.gov/international/topsix.html). These priorities are: Building Strong Environmental Institutions and Legal Structures; Combating Climate Change by Limiting Pollutants; Improving Air Quality; Expanding Access to Clean Water; Reducing Exposure to Toxic Chemicals; and Cleaning up Electronic Waste. In this guidance, sustainability is identified as an international cross-cutting area, as it spans multiple international priorities. When considering international collaboration or engagements, OITA, EPA Regions, and NPMs should keep the Agency's international priorities in mind. EPA Regions and NPMs are to consistently communicate and coordinate with OITA when considering international requests and engaging in international activities. To advance the Agency's international goals, EPA will conduct activities within the following international focus areas that support EPA's six international priorities and one international cross-cutting area—sustainability—which spans multiple priorities.

1 - Building Strong Environmental Institutions and Legal Structures

Countries need strong institutional structures to develop sound environmental policies and enforce environmental protections. EPA will engage with countries to build capacity for good governance, including judicial and legal frameworks, public participation approaches, and trade policies. Overall trade policy will be coordinated by OITA for the Agency.

Representative Activities:

- EPA will engage with other U.S. federal agencies and stakeholders to shape U.S. trade policies, protect the integrity of U.S. domestic regulatory policies, and promote good environmental governance with our trading partners. EPA will participate in bilateral and multilateral international trade negotiations as part of the U.S. delegation. OITA will work primarily with OGC, OCSPP, and OAR.
- EPA will support, implement and expand the EPA Export Promotion Strategy, which facilitates broadened international deployment of advanced environmental solutions through trade in environmental technologies and more environmentally sustainable products and services. OITA will work primarily with OW, OSWER and OAR to identify appropriate technologies and to participate in trade missions with the Department of Commerce.
- Through existing agreements with the China Ministry of Environmental Protection, Indonesia Ministry of Environment, and Environmental Protection Agency of Taiwan, EPA will strengthen environmental governance frameworks such as environmental impact assessments, environmental law and enforcement; develop effective environmental information management structures; and build regional expert networks and advance regional knowledge.
- Under the Commission on Environmental Cooperation (CEC), EPA will work with Canada and Mexico to develop and implement an Operational Plan that focuses on
 - 1 Climate change mitigation and adaptation;
 - 2 Green growth; and
 - 3 Sustainable communities and ecosystems

OITA will work with NPMs and interagency group to ensure consistency with US policy objectives.

- EPA will coordinate with the Departments of Treasury and State to ensure that the integration of the Border Environment Cooperation Commission (BECC) and North American Development Bank (NADBank) will provide more efficient and accessible services to border communities.

2 - Combating Climate Change by Limiting Pollutants

Climate change is a global challenge that requires both domestic and international solutions. Climate change impacts will increasingly affect us all, and vulnerable populations in the Arctic are bearing some of the greatest impacts. EPA will promote global strategies to reduce greenhouse gas emissions and other climate forcing pollutants such as methane from landfills and black carbon and will engage on climate adaptation for urban environments.

Representative Activities:

- EPA will continue the work of building technical capacity and supporting green growth by limiting emissions that contribute to air pollution, identifying best practices to use energy efficiently and to minimize the use of natural resources and toxic materials, and developing and piloting protocols to reduce emissions of short lived climate pollutants such as black carbon and methane in key sectors such as food production.
- EPA will support the trilateral work of the CEC that will focus on Climate Change – Low-Carbon Economies for North America. Working closely with OAR, OEI, OCHP, Regions 1, 5, 6, 9, and others, OITA will continue to support transition to low-carbon economies by improving the comparability of greenhouse gas emissions inventories at the national, state, and local levels in Canada, Mexico, and the U.S.
 - Working with OW, OITA will support gathering information to assess the impact of blue carbon in North America.
 - OITA, with the support of OCHP and OCSPP, will also promote trilateral support to community-based adaptations that enhance resilience to impacts from climate change that affect both physical and social environments.
- EPA will continue to lead several areas of work in the Arctic, including through the Arctic Council and with the Government of Russia. During the U.S. Chairmanship of the Arctic Council from May 2015 – May 2017, EPA will continue to address Short-Lived Climate Forcers, particularly black carbon, in the Arctic, specifically focusing on diesel black carbon in the Russian Arctic, and implementation of the Arctic Council Framework on Enhanced Action to Reduce Black Carbon and Methane. OITA will work with OAR, ORD, OSWER, Region 10 and other relevant Agency offices to shape and implement other high profile projects during the U.S. Chairmanship, including work to expand the use of traditional ecological knowledge.
- EPA will promote effective implementation of the International Maritime Organization’s “Mandatory Code for Ships Operating in Polar Waters,” or Polar Code, part of broader portfolio of work within the International Maritime Organization that addresses air quality, water quality, toxics, and climate change. As climate change and technological advances in ship design and construction facilitates increased use of the Arctic Ocean,

this Polar Code will outline technical standards and operational guidelines to better protect this unique, vulnerable environment against the impacts of shipping.

- As the EPA lead on the Arctic Council, OITA will spearhead work on reducing black carbon emissions in the Arctic, and is working closely with the Climate and Clean Air Coalition to play a more expansive role in the reduction of black carbon Arctic-wide. In addition, OITA will work with OAR, Region 10, and other Arctic countries, to assist indigenous communities in adapting to observed and projected climate changes.
- OITA will continue its engagement with BECC and NADBank, OAR, and Regions 6 and 9 to promote reduction of greenhouse gas emissions, energy efficiency, and renewable energy along the U.S. – Mexico Border. Priority efforts include completion of climate change action plans in each of the six northern Mexican Border states and support of BECC/NADBank project development efforts that promote and fund energy efficiency and renewable energy (solar and wind) projects in the Border region that reduce greenhouse gas emissions and other climate forcing pollutants.

3 - Improving Air Quality

Much of the pollution that contributes to climate change and increases public health risks, such as asthma and other respiratory diseases, is concentrated in urban areas which are growing in the U.S. and around the world. It is increasingly important to develop new measures and initiatives to address growing urban air pollution both at home and abroad.

Representative Activities:

- EPA will work trilaterally through the CEC to evaluate the impact of shipping emissions on public health and the environment, including sharing information on technologies for compliance with the International Maritime Organization's ship air pollution standards and the North American Emissions Control Area and providing technical assistance CEC to conduct air quality and human health benefits modeling to evaluate the public health and environmental benefits of reducing ship emissions in North American waters. EPA will also provide leadership and technical assistance through a CEC project to enhance compliance with, and the enforcement of, sulfur emissions standards for ships operating in designated Emission Control Areas. OITA will collaborate with OECA, OAR, OGC, OW, ORD, and Regions 4, 6, and 9 as well as the U.S. Coast Guard, the Department of State and counterparts from Canada and Mexico.
- OITA will continue engagement with OAR, BECC and NADBank, and Regions 6 and 9 to reduce air pollution in binational airsheds along the U.S.-Mexico Border. Priority efforts include quantifying emissions from idling vehicles at the ports-of-entry to better understand this source of pollution, identifying and implementing emission reduction strategies and, and working with U.S. and Mexican partners to operate and maintain effective air monitoring to better understand the transport of binational pollution affecting border communities.

- OITA and OAR will work through the global and voluntary Partnership for Clean Fuels and Vehicles to improve air quality and public health by reducing particulate emissions from vehicles and promoting low sulfur fuels.
- OITA, OAR, and Regions 1, 9, and 10 will help cities throughout Asia to develop independent certification and incentive programs to encourage voluntary actions to reduce the adverse effects of air pollution. EPA will collaborate with Clean Air Asia and EPA Taiwan to provide technical expertise, pair partner cities in Asia addressing parallel air quality challenges, and provide a knowledge platform to share air quality expertise and report progress.
- OITA, OAR, and Regions 9 and 10 will continue the work of the Pacific Ports Clean Air Collaborative and advance sustainability initiatives in Asia-Pacific ports to reduce air pollution emissions from marine ports and vessels and broaden collaboration to include key U.S. and Asia-Pacific ports, environmental agencies, and other partners.
- Building on the existing collaboration, EPA will work with China to develop a new initiative to reduce air emissions from marine ports and vessels.

4 - Expanding Access to Clean Water

Inadequate access to clean water and sanitation services in the United States and throughout the world remains a serious peril, especially for vulnerable populations. EPA will help support long-term, sustainable and high-quality drinking water and sanitation systems for overburdened and underserved communities.

Representative Activities:

- Under the U.S.-Mexico Border 2020 Program (www.epa.gov/usmexicoborder), EPA will work with U.S. and Mexican partners to address the lack of access to safe drinking water, inadequate collection and treatment of wastewater, management of stormwater pollution, public access to water quality data, and impacts of climate change that affect precipitation patterns and duration of droughts in border watersheds and communities.
- EPA will work with the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADBank) to pursue the financing and implementation of environmental infrastructure projects addressing a clean and healthy border environment.
- EPA will promote innovative technologies and measures for clean and efficient transportation in North America, including supporting best practices for applying conservation and restoration approaches to establish carbon budget for coastal and marine blue carbon ecosystems.
- EPA will promote the use of Water Safety Plans (WSPs) in Africa as an important approach for ensuring drinking water quality in urban utilities, building the WSP network throughout Africa, and working to include informal settlements into these urban utility networks. In West Africa, EPA will work with USAID and country partners to build institutions and legal structures to support clean water and to strengthen the capacity of

water utilities and water laboratories to effectively monitor and accurately analyze drinking water and wastewater systems. This work includes technical support from ORD, OGC and OW.

5 - Reducing Exposure to Toxic Chemicals

EPA engages governments around the world, as well as partners like the United Nations Environment Program (UNEP), to reduce the impact to human health and the environment of toxic chemicals such as heavy metals and persistent organic pollutants, and from hazardous waste and contaminated sites. OITA leads EPA's participation in negotiations and implementation of the Minamata Convention on Mercury, a legally-binding agreement that was adopted in January 2013.

Representative Activities:

- EPA will engage in targeted technical assistance and capacity building to facilitate implementation of the Minamata Convention while continuing to achieve public health and environmental benefits from use and emissions reductions. OITA will work with OAR, OCSPP, and OSWER to develop and implement technical assistance and capacity building programs that address key implementation needs of selected countries. OITA will also work with OGC, OAR, OCSPP, OSWER, and OW to track our domestic implementation and ensure the development of sound guidance and procedures under the Convention as it moves towards entry into force..
- EPA will work with the Global Alliance to Eliminate Lead Paint (Lead Paint Alliance) to promote the global phase out of lead in paints. EPA will participate in the Lead Paint Alliance Advisory Group and provide technical and policy expertise in the development of projects, tools, policy approaches and awareness raising efforts. OITA will co-lead these efforts with OCSPP and engage other interested NPMs, including OGC and the Office of Children's Health Protection.
- EPA will continue engagement with and support of building the capacity in North America to develop tools and viable technical programs that will ensure the environmentally sound management of spent lead-acid batteries across the region and thus reduce human exposure and environmental ecosystems impacts from lead.
- OITA will continue engagement with the Office of Children's Health, OCSPP, the U.S.-Mexico Border Health Commission, and Regions 6 and 9 to reduce exposure to toxic chemicals in border communities. Priority efforts include workshops and training on healthy homes to raise awareness and reduce exposure to lead paint, mercury, and pesticides and assessing the state of environmental health along the border and create environmental health curriculum targeted to community health workers (Promotores).
- As part of the U.S.-Russian Bilateral Commission's efforts, OITA will provide technical expertise to Russia in developing contaminated site cleanup and brownfields programs with support from OSWER, OECA, and the Regions.

- As part of EPA's collaboration with Taiwan, OITA with support from OSWER and Region 9 will support capacity building regional site remediation work in the Asia-Pacific region to reduce risks from contaminated sites.

6 - Cleaning Up Electronic Waste (E-Waste)

E-waste is one of the fastest growing waste streams in the U.S. and the world and cleaning up e-waste has become a global priority. In response to this challenge and a 2010 Presidential Proclamation (http://www.epa.gov/agingepa/press/epanews/2010/2010_1116_2.htm), EPA, the General Services Administration, and the Council on Environmental Quality led an interagency task force in the development of the National Strategy for Electronics Stewardship which was released in July 2011. In alignment with this strategy, OITA leads EPA's international efforts, through both bilateral and global efforts, engaging with OSWER, OECA, OGC, OCSPP, ORD and Regions 3, 8 and 9.

Representative Activities:

- EPA will work with governments, industry, NGOs, and international organizations, particularly the United Nations Solving the E-waste Problem (StEP) Initiative (<http://www.step-initiative.org/>), to improve the understanding of the global flows of e-waste. EPA will support the development of information on global flows and ensure this information is shared with stakeholders in order to reduce harm to the environment and human health from U.S. exports of e-waste and improve safe handling of used electronics in developing countries.
- OITA with support from OSWER, OECA, ORD, and Regions 3 and 9, will work with Taiwan EPA to lead a new Asia-Pacific regional network designed to facilitate the development and exchange of policy-level information on e-waste management. OITA, OSWER, and Region 9 will also work in mainland China to implement pilot projects in Beijing and Shenzhen.
- In the Latin American and Caribbean regions, OITA will work with OSWER, OECA, Region 2, Region 4, and other partners on building regional capacity for the environmentally sound management of e-waste and other solid waste.
- EPA will continue engagement with OSWER, BECC/NADBank, and Regions 6 and 9 to promote the environmentally sound management of e-waste in Mexico. Priority efforts include collecting over 15 tons of e-waste and build institutional capacity for e-waste best practices in Mexico, in partnership with the Inter-American Development Bank and develop e-waste recycling markets in Mexico to develop environmentally sound management of e-waste in Mexico
- In Africa, EPA and its international partners will continue to strengthen Ethiopia's sustainable e-waste recycling program that serves as a foundation for a \$1 million Global Environment Facility project in East Africa and disseminate lessons learned throughout the region. Additional efforts to learn how e-waste imports are monitored in Nigeria will

provide valuable information to stakeholders on the burdens facing developing countries that import high volumes of e-waste.

VIII. Effective Management

1. Agency HPO efforts

As today's environmental problems continue to increase in complexity, EPA's ability to respond creatively, flexibly, and effectively will demand new approaches to problem-solving and the use of new tools and technologies. OITA will support these efforts by establishing itself as high performing results driven organization characterized by business practices that are collaborative, efficient, and cost-effective. OITA will use new communication tools the Agency has provided to enhance communication, transparency, and cooperative problem solving across the Agency and with our domestic and international partners to advance protection of human health and the domestic and global environment.

OITA will focus on streamlining business practices and its core program processes. OITA is committed to process improvement through the application of LEAN methodologies and other business practice improvement techniques, as well as the engagement of the expertise and insights of Agency employees to identify opportunities to increase efficiency and effectiveness.

OITA will cultivate a work environment that offers high-quality work life for all employees by engaging them in the decision making process, and providing opportunities for continuous learning. OITA will use recently developed collaboration tools to improve communication, cross-program integration, access to information and transparency.

Financial instruments such as interagency agreements, grants, and contracts provide necessary resources for EPA's ability to engage international partners and address key environmental problems. Effective management and oversight of the financial resources that fund these international engagements is vital for an effective international program. OITA will practice outstanding financial resource stewardship to ensure that all OITA programs use resources efficiently and operate with fiscal responsibility and management integrity.

By combining the strengths of a supportive work environment with a streamlined and collaborative business culture, OITA will continue to establish itself as a high performing organization. OITA will demonstrate positive environmental outcomes achieved as a result of EPA's collaboration with other countries and organizations to improve environmental governance, environmental cooperation and advance protection of human health and the environment.

2. MOUs and International Agreements

EPA provides grants and enters into cooperative agreements with both foreign governments and international organizations that support protecting human health and the environment while advancing U.S. national interests through international environmental collaboration. OITA supports EPA Environmental and Results policy (EPA Order 5700.7) and has established processes to link

proposed assistance agreements to the Agency's *Strategic Plan*; ensure that outputs and outcomes are appropriately addressed in assistance agreement competitive funding announcements, work plans, and performance reports. OITA considers how the results from completed assistance agreement projects contribute to the Agency's programmatic goals and responsibilities.

Working through the International Programs Council, OITA developed and finalized Guidance on International Memoranda of Understanding (MOU), Interagency Agreements (IA) and Letters/Statements of Intent (LOI/SOI) in order to promote a consistent and coordinated policy within the Agency. This Guidance is intended to ensure that the appropriate policy and legal issues for establishing international MOUs, IAs and LOI/SOI are considered and incorporated throughout the Agency, and is consistent with *EPA Delegation of Authority 1-11. Interagency Agreements and Memoranda of Understanding* (1200 TN542 dated 10/07/2010) which delegates the authority to OITA to concur on IAs and MOUs where performance occurs outside the United States.

The Guidance outlines a clear step-by-step process for the development of new international agreements, and the review of existing ones by the Agency. When OITA is the designated lead for an international agreement, it consults with relevant NPMs during the drafting/reviewing of the agreement. When an NPM is the designated lead, it is encouraged to involve OITA staff from the beginning, and is required to seek clearance from OITA at the Assistant Administrator level, as well as clearance from OGC. Depending on the type of agreement, the Department of State may need to provide its own clearance, which OITA helps facilitate.

OITA ensures that all EPA international agreements, regardless of size and type, conform to the Agency's international policy goals, including:

- Whether the proposed activity(s) as stated in the statement of work advances the Agency's Strategic Goals in advancing public health and environmental improvement and clearly indicates how project outcomes will further the Agency's international priorities;
- Whether the project benefits any existing or proposed formal or informal intergovernmental arrangement;
- Whether, EPA's overall relationship with the country concerned is coordinated and aligned; and
- Whether the work is complementary and not a duplication of Agency's international efforts.

* For more information, see Attachment A, *Guidance on International Memoranda of Understanding, Interagency Agreements, and Letters/Statements of Intent, May 2014*

3. OITA Measures

The Office of International and Tribal Affairs continues to work on developing and strengthening program measures to capture accomplishments achieved by both the international and tribal programs at the Environmental Protection Agency.

In the International arena, these accomplishments will be described in terms of performance measures, of which there are of three types utilized in the Performance Measures Framework developed by the managers and staff of the international program.

- Outputs – products and services delivered, often referring to the completed activity, i.e., the amount of work done within the organization or by its contractors;
- Intermediate Outcomes – an outcome that is expected to lead to a desired end but is not an end in itself (such as service response time for police), and there may be multiple intermediate outcomes to any service or program;
- End Outcomes – the end result that is sought (such as reduced incidence of crime), and there may be multiple end outcomes to any service or program.

For Tribal Capacity Building, OITA will continue its efforts to improve how it measures and reports on the progress tribes have made in developing and implementing environmental protection programs in Indian country. This effort will build on the Indian General Assistance Program (GAP) guidance designed to improve tribal capacity development milestones beyond the current indicator, which shows the percent of tribes implementing federal regulatory programs.

For example, although some tribes may not seek primacy, authorization, approval, or delegation of federal programs, they nonetheless remain important partners in ensuring environmental protection. In other cases, a tribal government works with EPA to assist with the implementation of federal environmental programs in Indian country. OITA will lead efforts in establishing effective measures that capture the capacity development progress of tribes seeking to establish and implement programs in these two areas while also continuing to measure and report on tribes that EPA treats in a manner similar to a state.

New measures to reflect the progress EPA is making in building tribal capacity will be derived from a multi-year effort. As a first step, the Agency recently completed the development of a suite of environmental protection program capacity-building indicators and published them in the new GAP guidance. Tribes will use these indicators as they develop specific program capacities under the GAP. These indicators reflect examples of the range of program capacities that tribes develop, up to the program implementation phase.

4. Grant Guidance

OITA's goal for all assistance agreement programs is to expeditiously obligate grant funds appropriated by Congress in the first year of availability. OITA, including partnering with regional offices, works expeditiously to obligate, award, and expend annual appropriations in a timely manner by focusing on minimizing any delays in obligating grant funds in the first year of availability; working to reduce the accumulation of unexpended appropriations in awarded grants to address unexpended appropriations in awarded grants; and continuing to accelerate grant outlays.

In addition, OITA continues to place a high priority on effective grants management by working in partnership with Project Officers, Regional contacts, and OITA managers in disseminating, implementing, and ensuring compliance with EPA new and existing grants management policies

and procedures. Specifically, we will strengthen our compliance, review, and monitoring of all OITA grants and cooperative agreements by implementing the *Post-Award Management Plan*.

OITA supports the Agency policy (EPA Order 5700.5A1) to promote competition to the maximum extent practicable in the award of assistance agreements. We will work with Project officers to ensure compliance with Agency policy concerning competition in the award of grants and cooperative agreements and ensure that the competitive process is fair and impartial, that all applicants are evaluated only on the criteria stated in the announcement, and that no applicant receives an unfair advantage. Where appropriate, OITA will incorporate Agency new approach to boilerplate clause language in all situations, with the expectation of simplifying and expediting the solicitation process.

Consistent with the recommendations from the Office of Inspector General, OITA will work with regions to ensure that they negotiate environmental plans with tribes. The revised GAP Guidance describes the EPA-Tribal Environmental Plans (ETEPs) that each tribal grantee will establish with EPA to clarify mutual roles and responsibilities for addressing tribal priorities and ensuring implementation of EPA program authorities. OITA considers the ability to track impacts and progress of funding decisions to be essential to an effective government-to-government joint strategic planning process. The items listed below are the four required elements of an ETEP:

- 1) Tribal Environmental Programs and Priorities
- 2) EPA Programs and Priorities
- 3) Inventories of Regulated Entities
- 4) Mutual Roles and Responsibilities for Tribal Program Development Milestones and Environmental Program Implementation

EPA will track the number of tribes with ETEPs and will explore modifications to the GAP Online assistance agreement work plan management tool to track capacity indicators linked to the long-term goals identified in the ETEPs.

IX. KEY CONTACTS APPENDIX

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