

Programmatic Terms and Conditions

PERC 2.0 Grant – X8-4019401-0

The purpose of this 5-year cooperative agreement awarded under this program is to ensure the safety of chemicals in the marketplace by developing and managing projects in support of safe pesticide use and implementation of the agricultural Worker Protection Standard (WPS) and the Certification of Pesticide Applicators (CPA) regulations. Projects can be materials development, outreach activities, technical assistance, training and education, or other program or activity. The target audience of projects includes people who are occupational users of pesticides; people who work where pesticides are used; regulators and the regulated community; educators and trainers; and others affiliated with pesticide occupational use and pesticide safety activities. Also, the award recipient will administer subawards to nonprofit organizations for community-based projects (CBPs). The number and amount of subaward funding will vary depending on the amount of funds awarded for the cooperative agreement each programmatic year.

The recipient and any sub-recipient must comply with the following programmatic terms and conditions:

1. Meals and Refreshments:

Unless the event(s) and all of its components (i.e., receptions, banquets and other activities that take place after normal business hours) are described in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:

- (1) An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
- (2) A description of the purpose, agenda, location, length and timing for the event; and
- (3) An estimated number of participants in the event and a description of their roles.

Recipients may address questions about whether costs for light refreshments, and meals for events are allowable to the recipient's EPA Project Officer. However, the Agency Award Official or Grant Management Officer will make final determinations on allowability. Agency policy prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the recipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.11)

2. Performance Reports:

In accordance with 2 CFR 200.328(a) and (b), the recipient agrees to include in performance reports submitted under this agreement brief information on each of the following areas: 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan; 2) reasons why anticipated outputs/outcomes were not met, and 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Reports will also include a discussion of expenditures, along with a comparison of the percentage of the project completed to the project schedule, and an explanation of significant discrepancies. Performance reports will be submitted quarterly, within thirty (30) days after the end of each quarter. Electronic format is appropriate for these reports.

In accordance with 2 CFR 200.328(d), the recipient agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the assistance agreement.

3. Substantial Federal Involvement:

The anticipated substantial Federal involvement will include:

- (1) Close monitoring of the successful applicant's performance to verify the results proposed by the applicant;
- (2) Collaboration during performance of the scope of work;
- (3) In accordance with 2 CFR 200.317 and 2 CFR 200.318, review of proposed procurement(s);
- (4) Reviewing qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient);
- (5) Review and approval of the substantive terms of subaward agreements; and
- (6) Review and comment on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient).

4. Subaward Reporting Requirements

EPA has established a National Term and Condition for Subawards for all assistance agreements, which is located in Appendix B of this policy at:

https://www.epa.gov/sites/production/files/201602/documents/gmc_subaward_policy_appendix_b_national_t_and_c.pdf.

Please note the distinctions between "Subrecipients and Contractors" at

https://www.epa.gov/sites/production/files/2020-11/documents/gpi-16-01-subaward-policy_app-a.pdf.

The recipient must comply with applicable provisions of 2 CFR Part 200 and the EPA Subaward Policy, which may be found at: <https://epa.gov/grants/epa-subaward-policy>.

The recipient must report on its subaward monitoring activities under 2 CFR 200.331(d). Examples of items that must be reported if the pass-through entity has the information available are:

- (1) Summaries of results of reviews of financial and programmatic reports.
- (2) Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
- (3) Environmental results the subrecipient achieved.
- (4) Summaries of audit findings and related pass-through entity management decisions.
- (5) Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.331(e), 2CFR 200.207 and the 2 CFR Part 200.338 Remedies for Noncompliance.

5. Copyrighted Material and Data

In accordance with 2 CFR 200.315, EPA has the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement for Federal purposes. Examples of a Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as “co-regulators” or act as official partners with EPA to carry out a national environmental program within their jurisdiction and; (6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of EPA’s authorization to the other grantee to use the copyrighted works or other data. Under Item 6, the grantee acknowledges that EPA may authorize another grantee(s) to use the copyrighted works or other data developed under this grant as a result of:

- the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or;
- termination or expiration of this agreement.

In addition, EPA may authorize another grantee to use copyrighted works or other data developed with Agency funds provided under this grant to perform another grant when such use promotes efficient and effective use of Federal grant funds.

6. Use of EPA Seal/Logo

Guidelines for use of EPA Seal and logo at: http://intranet.epa.gov/media/MOSS_Guidelines/EPA-Seals_Logos_Standards.pdf

7. Acknowledgement Requirements for Non -ORD Assistance Agreements

The recipient agrees that any reports, documents, publications or other materials developed for public distribution supported by this assistance agreement shall contain the following statement:

"This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement number X8- 84000401 with the Association of Farmworker Opportunity Programs (AFOP). The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the EPA endorse trade names or recommend the use of commercial products mentioned in this document."

The recipient and any sub-recipient must comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-november-12-2020-or-later>. These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award. The recipient must comply with applicable provisions of 2CFR Part 200 and the EPA Subaward Policy, which may be found at: <https://epa.gov/grants/epa-subaward-policy>.

The EPA repository for the general terms and conditions by year can be found at: <http://www.epa.gov/grants/grant-terms-and-conditions>.