United States Environmental Protection Agency

Office of Prevention, Pesticides, and Toxic Substances (7506C)

February 1994

EPA Pesticide State Management Plan Approach to Protecting Ground Water

Quick Reference Fact Sheet

In October 1991, EPA released the **Pesticides and Ground Water Strategy**, which described a new approach to preventing pesticide contamination of the Nation's ground water resources using its regulatory authorities under the Federal Insecticide, Fungicide, and Rodenticide Act (**FIFRA**). The centerpiece of the Strategy is the development and implementation of State Management Plans (**SMPs**). The SMP approach emphasizes prevention and a cooperative Federal-State partnership in which the States take the lead responsibility for protecting ground water. It provides flexibility to States to tailor pesticide management practices to local conditions and to promote the environmentally sound use of pesticides that might otherwise pose a high risk to ground water resources.

Goal of the SMP Program

"To Prevent contamination of ground water resources that would cause unreasonable risk to human health and the environment resulting from the normal, registered use of pesticides by taking appropriate actions where such risk may occur."

Pesticide State Management Plans, at a minimum, must protect the nation's currently used and reasonably expected sources of drinking water supplies and ground water that is closely hydrologically connected to surface water.

NEW WAY OF DOING BUSINESS FOR EPA

The SMP approach is a new way of doing business for EPA. It is a major departure from the Agency's usual way of making national decisions on pesticide use under FIFRA.

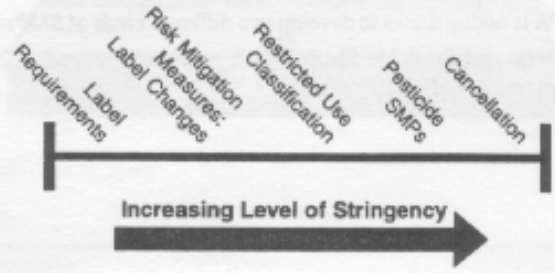
- The Agency recognizes that risks to ground water vary tremendously across areas of the United States due to variations in local conditions such as hydrogeology, pesticide use, crop patterns, and the value of the ground water to the State.
- The approach is based on the premise that if a pesticide poses risks to ground water only in certain areas of the country, it makes sense to modify its use State by State rather than on a national level. This avoids potential problems of over-regulating or under-regulating.

THE SMP APPROACH

Under the SMP Program, certain pesticides that EPA determines will leach into ground water will be permitted to remain registered only if used under an EPA-approved SMP. SMPs will be required only if EPA pesticide label requirements and restricted use classification **will not** ensure adequate protection of ground water. An SMP requirement is the most protective action EPA can take other than cancellation of a chemical.

Under the proposed regulatory process for SMPs, EPA will publish a rule in the **Federal Register** declaring that the use of a certain pesticide is prohibited as of a specific date, except in States that have an EPA-approved SMP for that pesticide. States are not required to submit SMPs for every pesticide regulated through this approach. However, a State must have an approved SMP in place by the appropriate date if it wants to continue the legal sale and use of the pesticide in question in the State. The term "State" includes territories and Indian Tribes.

FIFRA Tools to Protect Ground Water

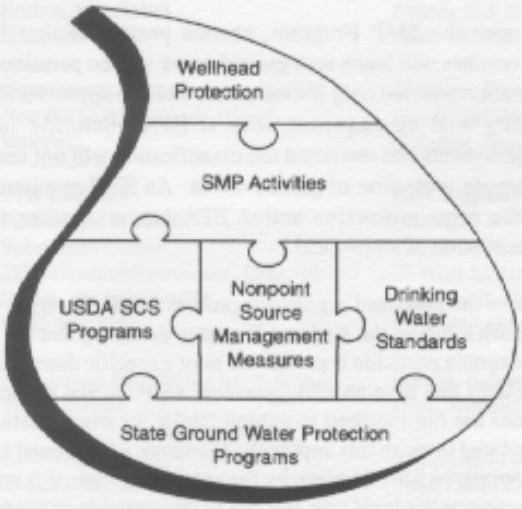


WHAT IS AN SMP?

An SMP is a State program to protect ground water from contamination by pesticides. It contains an assessment of the risks posed to the State's ground water by a pesticide and a description of specific actions the State will take to prevent contamination of the resource. SMPs will vary in their scope and level of detail according to local conditions and the actual and potential threat posed to ground water.

In developing an SMP, the Agency encourages States to build on existing efforts they have undertaken in developing comprehensive ground water protection programs, nonpoint source plans, as well as other ground water-related programs and activities.

Building an SMP



GENERIC vs. PESTICIDE SMPs

EPA is asking States to develop two different kinds of SMPs: Generic and Pesticide SMPs. Both types must contain 12 components defined by EPA.

12 Components of SMPs

1. State's Philosophy and Goals Toward Protecting Ground Water
2. Roles and Responsibilities of State Agencies
3. Legal Authority
4. Resources
5. Basis for Assessment and Planning
6. Monitoring
7. Prevention Actions
8. Response to Detections of Pesticides
9. Enforcement Mechanisms
10. Public Awareness and Participation
11. Information Dissemination
12. Records and Reporting

Generic SMPs are voluntary. They are to contain the basic underlying framework of an SMP, which will be the same regardless of what pesticide is restricted. EPA has been providing financial and technical assistance to States in developing these plans. The Agency is hoping that Generic SMPs will facilitate the development and approval of Pesticide SMPs, conserve resources, and enable the States to hit the ground running when a pesticide-specific requirement is in place.

Pesticide SMPs will be required by regulation as a condition of use of a particular pesticide. In addition to the basic program components in a Generic SMP, Pesticide SMPs will contain actions necessary to prevent contamination by the specific pesticide being regulated.

SMP GUIDANCE DOCUMENTS FOR THE STATES

EPA has developed three guidance documents to assist the States in preparing SMPs and the EPA Regional Offices in reviewing and approving States' SMPs. All three documents have undergone extensive reviews by State officials and federal agencies, as well as EPA Headquarters and Regional Offices.

1. **"Guidance for Pesticides and Ground Water State Management Plans:"** provides a detailed description of the 12 required components of an acceptable SMP. It also provides information on how an SMP should be linked to the State's overall comprehensive ground water protection program and how an SMP can build on existing State ground water programs.

2. **"Appendix A: Review, Approval, and Evaluation of State Management Plans:"** outlines the process EPA will used to review, approve, and evaluate SMPs.

3. **"Appendix B: Assessment, Prevention, Monitoring, and Response Components of State Management Plans:"** provides detailed information on a range of options a State can choose in developing the more complicated, technical aspects of a Plan, including assessments, prevention, monitoring, and response methods. Appendix B also lists sources of technical information.

EPA's REVIEW, APPROVAL, AND EVALUATION OF SMPs

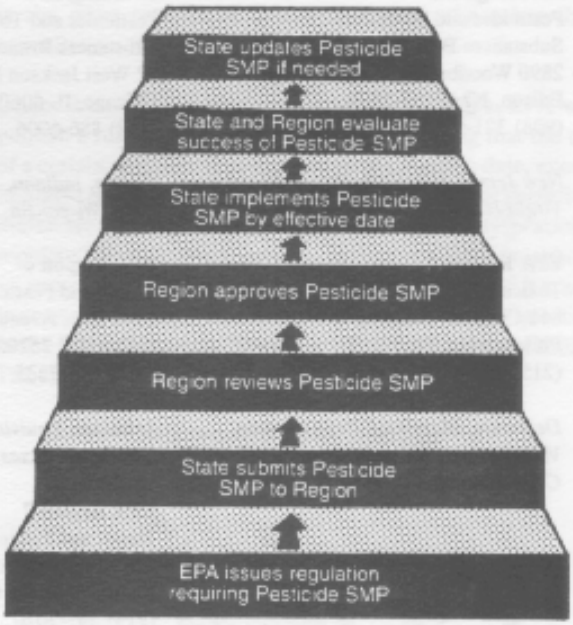
The review, approval, and evaluation of individual State SMPs will take place at EPA's Regional Offices. Because Generic SMPs are voluntary, the Agency will review and informally "concur" (or not concur) with the SMP. For Pesticide SMPs, however, the process is more formal. EPA will review each Pesticide SMP and issue an approval or disapproval of the SMP.

EPA Regional Offices will formally evaluate States' progress in implementing their SMPs every two years. These evaluations will serve the following functions:

- ❑ Assess the status of State implementation efforts;
- ❑ Determine the environmental effectiveness of the program -- i.e., level of ground water protection; and
- ❑ Ensure national consistency in the level of protection afforded ground water resources.

EPA will withdraw approval of Pesticide SMPs from a State that fails to implement its SMP or achieve the goal of protecting currently used and reasonably expected sources of drinking water and ground waters closely hydrologically connected to surface water.

Steps in the Review, Approval, and Evaluation of SMPs



WHERE TO GO FOR ADDITIONAL INFORMATION

EPA Headquarters:

U.S. Environmental Protection Agency
Office of Pesticide Programs
Field Operations Division
7506C
401 M Street, S.W.
Washington, D.C. 20460
(703) 305-7410

For copies of the Documents contact:

Office of Pesticide Programs
Public Docket
Room 1132
Crystal Mall #2
1921 Jefferson Davis Highway
Arlington, VA 22202
(703) 305-5805

EPA Regional Program Contacts

EPA Region 1
Pesticides and Toxic
Substances Branch
1 Congress Street
Boston, MA 02203
(617) 565-3273

Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont

EPA Region 2
Pesticides and Toxic
Substances Branch
2890 Woodbridge Avenue, Bldg. 10
Edison, NJ 08837-3679
(908) 321-6765

New Jersey, New York, Puerto Rico, Virgin Islands

EPA Region 3
Toxics and Pesticides Branch
841 Chestnut Building
Philadelphia, PA 19107
(215) 597-8598

Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia

EPA Region 4
Pesticides and Toxic
Substances Branch
345 Courtland Street, N.E.
Atlanta, GA 30365
(404) 347-5201

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

EPA Region 5
Pesticides and Toxic
Substances Branch
77 West Jackson Boulevard
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Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

EPA Region 6
Toxics and Pesticides Branch
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Arkansas, Louisiana, New Mexico, Oklahoma, Texas

EPA Region 7
Toxics and Pesticides Branch
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Iowa, Kansas, Missouri, Nebraska

EPA Region 8
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One Denver Place, Suite 500
999 18th Street
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Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

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75 Hawthorne Street
San Francisco, CA 94105
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Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of the Pacific

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