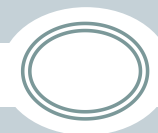


EPA Updates for FDP

**FEDERAL DEMONSTRATION PARTNERSHIP
SEPTEMBER 2015**



Updates

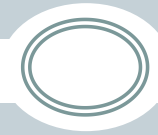


Uniform Grants Guidance – Final Rule

Final Conflict of Interest Policy

Dual Use Research of Concern

Uniform Grants Guidance – Final Rule



Uniform Grants Guidance – Final Rule



- EPA is completing the internal process to finalize the joint interim final rule from December 26, 2014.
- Final rule addresses two items:
 - Typographical error in 2 CFR 1500.11 Quality Assurance
 - Adds additional authority citation
- Anticipate final rule issuance in Federal Register by September 30, 2015.

Final Conflict of Interest Policy



Final Conflict of Interest Policy



- EPA intends to issue our Final Conflict of Interest Policy to be effective October 1, 2015
- Significantly streamlines requirements from previous policy issuances
- Will supersede all previous COI policy issuances

COI Policy Purpose



- Required by 2 CFR 200.112
- Intended to prevent unfair competitive advantages and personal or organizational conflict of interests in the award and administration of EPA financial assistance
- Different from EPA policies on scientific integrity and the Standards of Ethical Conduct for Employees of the Executive Branch.
- Does not supersede the conflict of interest provisions of [EPA Order 5700.5A1](#), Policy for Competition of Assistance Agreements (02/06/2014)

Situations Requiring Disclosure



- COIs related to Competitive Assistance Agreements
- COIs related to the selection, award and administration of recipient contracts
- Recipient procurement actions raising organizational COI with a parent, affiliate or subsidiary organization that is not a State, local government or Indian Tribe
- Subaward COIs

Competition



- EPA solicitations will include a clause requiring the applicant's COI Point of Contact to notify EPA's Point of Contact for the announcement of any actual or potential COI that they are aware of that may provide an unfair competitive advantage

Post Award



- Assistance agreements will include term and condition describing COIs and advising recipients of their disclosure obligations
- Pass-through entities, including states and state universities, must “flow down” COI disclosure requirements to subrecipients

Timing and Content of Disclosures



- Policy details the timing for disclosing all types of COIs and what information should be included in the disclosure to EPA

EPA Action



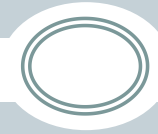
- The Agency will review COI disclosures and measure recipients proposal to resolve the COI and advise applicants/recipients of EPA's determination on the effectiveness of the measures within 30 calendar days of disclosure unless a longer period of time is necessary due to the complexity of the situation.

Exemptions



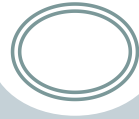
- States, including state universities covered by state COI laws, and individuals applying for EPA Fellowship awards under 40 CFR Part 46 are only subject to Competition COI disclosure.
- Entities affiliated with state, tribal or local governments are not subject to organizational COI disclosures for contracts and subawards.
- Awards to foreign governments and international organizations covered by the International Organizations Immunity Act (e.g. the World Health Organization) are exempt.
- Internal transfers of funds within the recipient's organization (e.g. between departments of a tribal government or institution of higher education) are not covered.
- EPA only requires that Applicants and recipients disclose COI. If Applicants or Recipients do not discover a COI, they do not advise EPA

DURC/iDURC



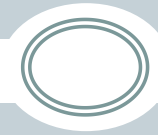
**DUAL USE RESEARCH OF CONCERN
INSTITUTIONAL DUAL USE RESEARCH OF CONCERN**

DURC/iDURC



- **United States Policy for Oversight of Life Sciences Dual Use Research of Concern**
- **United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern**

EPA Implementation

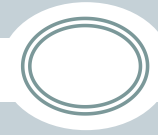


EPA Order on Policy and Procedures on Life Sciences Research and Dual Use Research of Concern



- Developing EPA Order to implement the USG Policies on DURC and iDURC for the Agency
- Includes:
 - Purpose
 - Authority
 - Policy
 - Applicability
 - Definitions
 - Requirements
 - Responsibilities (office level, including Office of Grants and Debarment)

EPA Grants Implementation



EPA Grants Implementation



- Notification to potential applicants
- Request for Applications/Proposal Clause
- Grants Flow chart
- Funding Recommendation Questions
- Grants Term and Condition
- Programmatic Baseline Monitoring Questions
- DataMart Report

Notification to Potential Applicants



- Besides the Federal Register Notice [United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern](https://www.federalregister.gov/a/2014-22770), 79 Federal Register (FR) 57589 ([https://federalregister.gov/a/2014-22770](https://www.federalregister.gov/a/2014-22770)), the Office of Grants and Debarment will issue a general notification to potential applicants on the EPA Office of Grants and Debarment website

Notification to Potential Applicants



- The Notification identifies the
 - Purpose
 - Background on the USG DURC and iDURC policies
 - Intended EPA Policy and Implementation
 - Additional Resources
 - Inquiries

Request for Applications/Proposal Clause

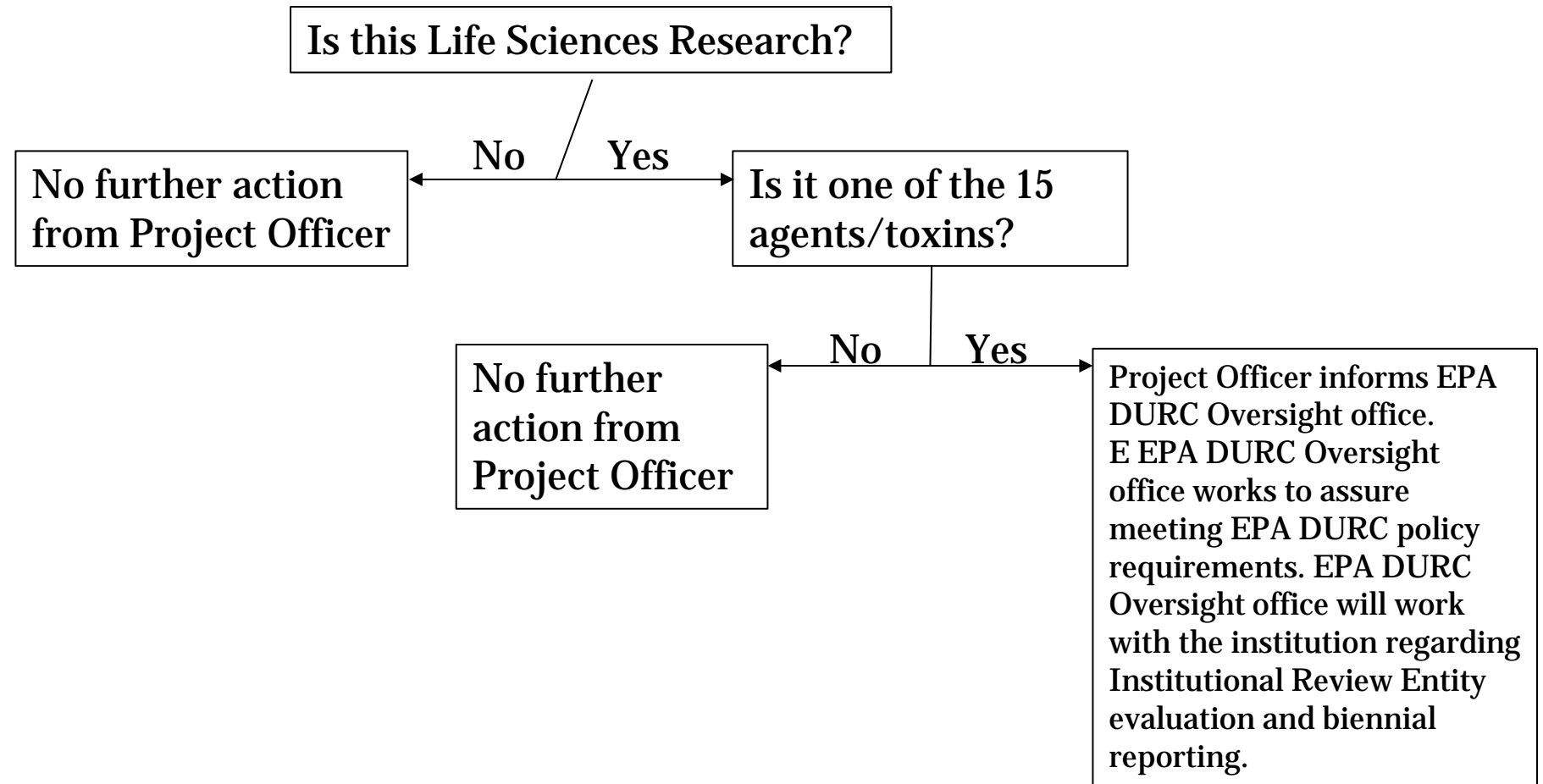


- The following clause will be included in the boilerplate section of RFAs/RFPs:

Life Sciences Dual Use Research of Concern

Projects awarded under this solicitation that involve life sciences research as defined in [insert DURC EPA Policy or USG policy] that uses one or more of the agents or toxins identified in sections III.1 of the [*United States Policy for Oversight of Life Sciences Dual Use Research of Concern*](#) (DURC Policy) and 6.2.1 of the [*United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern*](#), (iDURC Policy) are subject to requirements of the EPA DURC Policy

DURC workflow for grants and cooperative agreements
Identified in any phase of the grants life cycle e.g. funding recommendation or notification from the recipient after award



Funding Recommendation Questions



- Currently in IGMS, Question B.9 asks “Is this a research agreement?” Yes or No answer.
- Add the following question as B.9.d. – If B.9. answers Yes then required to answer B.9.d:
 - Is this life sciences research (linking to a definition from USG policy)?
- If yes B.9.d.1 Does this life science research use or anticipate use of one or more of the agents and toxins listed below. (list of the 15 agents/toxins will be provided as check boxes)
- If Yes, PO must review EPA DURC Policy and report to EPA DURC Oversight office.

Grants Term and Condition



- DURC/iDURC Grant Term and Condition to be placed in the General Terms and Conditions
 - The recipient agrees to conduct all research involving agents and toxins identified in sections III.1 of the [United States Policy for Oversight of Life Sciences Dual Use Research of Concern](#) (*DURC Policy*) and 6.2.1 of the [United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern](#), (*iDURC Policy*). The recipient agrees to provide any additional information that may be requested by EPA regarding DURC and iDURC. The recipient agrees to immediately notify the EPA Project Officer should the project introduce use of any of the agents and toxins of concern.

Programmatic Baseline Monitoring Questions



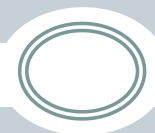
- Add the following to question 6g in Programmatic Baseline Monitoring
- Changes in the project's approved scope of work [Note: If a change in scope of work introduces one of the following agents or toxins the EPA Policy on DURC/iDURC must be followed: list the 15 agents and toxins]
 - Changes are:
 - Approved and recipient notified
 - Conditionally approved and recipient notified
 - Denied and recipient notified
 - Enter Explanation: []
 - Comments:
- The Project Office will be required to enter in the "Enter Explanation" section of question 6g of programmatic baseline monitoring any new information regarding DURC if previously not identified in the Funding Recommendation.

DataMart Report



- With the click of a button you can:
 - Identify what is life sciences research from FR question B.9.d.
 - Identify what is potential DURC research from FR Question B.9.d.1
 - Grant Number
 - Institution
 - Project Officer
 - AOR
- Additional fields can be added for EPA DURC Oversight office
- This will greatly assist in the bi annual inventory of DURC projects (in September 2015 no grants were on the inventory)

Contact Information



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