

## **Tribal Pesticide Program Council Meeting**

January 13-14, 2016

Hosted by Ak-Chin Indian Community ~ Maricopa, Arizona

Meeting Notes - Final

Attendees:

### **Tribes**

Neil Abbott, Ak-Chin Indian Community  
Paul Andrew, Tohono O'odham Nation Environmental Protection Office  
Lorinda Antone, Ak-Chin Indian Community  
Brenda Ball, Ak-Chin Indian Community  
Jefferson Biakeddy, Navajo Nation EPA  
Fred Corey, Aroostook Band of Micmacs  
Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes  
Eric Gjevre, Coeur d'Alene Tribe  
Nina Hapner, Kashia Band of Pomo Indians  
Joe Herrera, Yakama Nation  
Daniel Hoyt, Gila River Indian Community  
Wilhelmina Keenan, Confederated Salish and Kootenai Tribes  
Jody LaFriniere, White Earth Natural Resources  
Glenna Lee, Navajo Nation  
David Lewis, Yavapai-Apache Nation  
Tony McCandless, Gila River Indian Community  
Ralph Morris, Gila River Indian Community  
Jim Mossett, Three Affiliated Tribes  
Cheryl Pailzote, White Mountain Apache Tribe  
Jeremy Phillips, Salt River Pima-Maricopa Indian Community  
Larry Scrapper, Cherokee Nation  
Hilery Spray, Winnebago Tribe of Nebraska  
Vivian Stevens, Yavapai-Apache Nation  
Martina Wilson, Fort Peck Tribes  
Les Benedict, St. Regis Mohawk Tribe (via telephone)

### **Tribal Organizations**

Africa Dorame-Avalos, Inter-Tribal Council of Arizona (ITCA)  
Travis Lane, Inter-Tribal Council of Arizona (ITCA)  
Miguel Hernandez, Native American Environmental Protection Coalition

### **EPA**

Gabriela Carvalho, U.S. Environmental Protection Agency (EPA), Region 10  
Carol Galloway, U.S. EPA, Office of Enforcement and Compliance Assurance (OECA), Office of Compliance (OC)  
Amanda Hauff, U.S. EPA, Office of Chemical Safety and Pollution Prevention (OCSPP)  
Colleen Keltz, U.S. EPA, Office of Pesticide Programs (OPP)  
Cindy Wire, U.S. EPA, OPP

### **Other**

Diania Caudell, California Indian Basketweavers Association (CIBA)  
Michael Weirda, University of Arizona (Day 2)  
Suzanne Forsyth, University of California Davis Extension (UCDE)  
Rosanna Oliva, University of California Davis Extension (UCDE)

## **DAY ONE - Wednesday, January 13, 2016**

The meeting was called to order by Chairperson, Fred Corey, at 9:00 AM. Fred encouraged TPPC members to bring things forward and reflected that some of the day's agenda topics were a result of members bringing forward these issues to address in this forum. Chairperson Corey suggested some ground rules for the meeting. He acknowledged attendees' passion for tribal pesticide programs, and the need to give one another the time to speak and be heard. With the goal of coming together and find consensus, please be respectful when others are speaking.

### Traditional Opening Ceremony, Welcome, Introductions

Ak-Chin Indian Community Council Member, Gabriel Lopez, presented a brief history of the Ak-Chin Indian Community. Ak-Chin was established 1912 and comprised 41,000 acres. This acreage was later reduced by the US government to 21,000 acres but they have been able to purchase back some ancestral land.

Gus Antone from the Ak-Chin Indian Community performed a cleansing ceremony and welcomed the group further.

### TPPC Chairman Update/ Fred Corey

Chairperson Corey opened by reporting on the changes in EPA and coordination staff and reflected on the energy to get things done and move forward the TPPC. Pesticide programs have continued to evolve with sophistications and have managed to accomplish amazing feats and to make sure that agriculture on tribal lands remain sustainable. There is a dream to build better and stronger programs and something for the TPPC to keep in mind while moving forward.

Despite the above changes, the TPPC finalized a few issue papers:

1. Bed bug issue paper - EPA is working to develop a response.
2. Training issue paper - response from EPA is good and changes were already underway (e.g., having input on PREP steering committee), pollinator course for tribes, seat opened up on PIRT steering committee.
3. Comments on C&T Rule. A lot of different thoughts and ideas were shared through the comment period but we were still able to gain consensus and provide comments to EPA docket.

Future opportunities noted:

- Identify folks in key positions. The National Tribal Operations Committee has a direct line with EPA Administrator and Financial Office. TPPC has had a role in shaping the budget which goes to the budget officer at EPA. They are working on another annual budget statement and they are using this as a framework to go forward, looking ahead at changes in the White House, and are looking to TPPC for input.
- Developing state partnerships. Fred participated in SFIREG (the state counterpart to TPPC). Fred has notices that when various SFIREG reps talk about issues that they include tribes. A greater number of states are now working more closely with tribes (e.g., sharing training, etc.) When strong tribal programs are in place and states are more familiar with tribal issues, this helps protect tribal sovereignty. He acknowledges that tribal sovereignty is tribal self-determination are main priorities for tribes. The continual engagement with state partners will help continue this. AAPCO has offered TPPC a space on the March agenda to address states/registrants/EPA and raise awareness of tribal issues.
- Pollinator protection initiative with a focus on native pollinators. This is unique need for tribes.
- Marijuana cultivation. Some tribes have medicinal use practices. TPPC needs to lend a voice to help with this issue.
- WPS implementation. TPPC can help other tribes in the implementation of the new rule.

### Introduction to UC Davis Extension & Coordinator Update / Suzanne Forsyth

On behalf of the TPPC, Suzanne expressed gratitude to the Ak-Chin Indian Community and their staff for hosting the 2-day meeting and for all they did to assist with the meeting logistics and transportation. Suzanne then introduced herself to the group noting that she has met many of the TPPC members over the years through their attendance at PREP courses, which she administered between 1996-2014. She provided an overview of UCDE, its distinction from UC's Cooperative Extension, and elements of the 2016 work plan and budget. Members shared questions about the budget, the ICR, and their reflections on how the costs of doing business are increasing yet the funding level has remained the same over many years.

**Action item: Suzanne to share with Executive Committee in February what the UC-ICR includes (student staffing, facilities, HR, MIS, etc.)**

### Overview of the TPPC / Nina Hapner, TPPC Vice Chairperson, Kashia Band of Pomo Indians

During the agenda planning for this meeting, it was noted by a member that there are many new TPPC members who may not be familiar with the history of TPPC and that a brief overview of its background would be helpful. Nina Hapner explained that some of the Alaskan tribes brought forward concerns about POP (persistent organic pollutants). The TPPC recognized that it needed to work more with states to assist in putting their points across. They placed TPPC members on PIRT, PPDC and others. States are including tribes more often now. One of the goals has been to look at extent of pesticide impacts on tribal lands even if the tribes doesn't have a cooperative enforcement agreement. Some tribes have restrictions on pesticide use. Major goal: being a technical resource to other tribes. Sharing of resources so tribes don't have to reinvent the wheel and create resources on their own.

One member added that there is a longer story that needs to be told. RFAs and other opportunities are now more inclusive of tribes. There is a greater ability to for tribes to call state folks, especially if EPA isn't available to respond

Nina commented that having templates created that will benefit our group will continue to help serve TPPC and tribes. TPPC includes tribes with and without cooperative enforcement agreements so we can have a better view of where tribes are with pesticides. The ones without cooperative enforcement agreements fund those activities themselves. People don't tend to pay attention to pesticide issues until it's a crisis. So having a report on where pesticides permeate tribal communities will be welcomed.

**Action item: Nina to share a set of slides she referenced on TPPC history with Diania and others.**

### Hot Topics Session - Moderated by Fred Corey

The objective of the Hot Topics Session is to allow TPPC members and other tribal pesticides staff to share topics related to pesticides so as to help guide future efforts of the TPPC. Fred added that this is an opportunity to bring hot topics forward that are a unique concern to tribes. At former meetings the topic of bed bugs came up and this resulted in the creation of an issue paper sent to EPA.

- Ralph Morris (Gila River) - bed bugs and staying current with inspections.
- Jeremy Phillips (Salt River) - Jeremy returned to Salt River 3 years ago and with assistance from Gila River and others, managed to get the pesticide program back on track. It helps when you network with others. Hot topic is bed bugs – present in home, kids take to schools, then need to apply pesticides in schools. Currently working on brochures and outreach in high schools. Treating homes and educating homeowners on preventative measures. Challenges are in communicating cleanliness with sensitivity.

- Tony McCandless (Gila River) – Working to obtain certification from the State of Arizona for restricted use pesticides. Once that is complete, the tribe will pursue a federal certification from EPA Region 9. Currently delay at regional level prevents them from spraying and what they can do legally. Tony offered support to other tribes in this regard. They also have a C&T plan pending with EPA right now. Holiday delays unfortunate but this is the time when certifications expire.
- Jasmine Courville Brown (Confederated Salish and Kootenai Tribes, CSKT) – are there opportunities to have a voice with international partners like registrants do with AAPCO? Issues: not triple rinsing containers, burning containers so air quality issues present, shuttles not able to make it to disposal sites. Working on pollinator movement. Complaints against local city about spraying (parks, etc.) and concerns over being exposed for multiple things. City is actually in compliance with time of day and formulation, but perception is exposure. Marketplace inspections and 2,4-D issues with this. Asks EPA to keep it real with us and what are the issues, how are they being addressed? Are we going to continue to use these products, an alternative being offered?
- Hilery Spray (Winnebago) – bed bugs still a huge concern. Products being sold in WalMart, Dollar Store and other retailers are ones which don't work. They may have bed bugs on the label but they are not effective. Bed bugs are rampant on her reservation and she doesn't see it getting better. Making products which work and having them be affordable and available. Education is main push.
- Neil Abbott (Ak-Chin) – the reservation does not use commercial bees to pollinate but there are tribes to the south who use bees. They are looking at doing a pollinator plan. Tribal training next month on WPS, mock inspections.
- Jody LaFreniere (White Earth) – bed bugs in community housing, cannot afford treatments and fall through the cracks. Success in prosecuting 2 pesticide violation cases including, 1 case deadline applicator for drift. Their rice ponds are 7 miles across and 2 miles long.
- Africa Dorame-Avalos (Inter-Tribal Council of Arizona - ITCA) – Providing education and outreach to tribes on WPS and C&T. Collaborating with Ak-Chin and Gila River. Ak-Chin will co-host an inspector training Feb 9-11, geared for tribal inspectors who have a cooperative enforcement agreement or thinking to implement a program. Focus is WPS. Integrated pest management for tribal schools. Summer training on School IPM is underway. Africa selected to represent tribal interests on PIRT. Will have pollinator protection as part of this. Please let Africa know if there are any hot topics to include. Arizona Dept. of Agriculture will conduct a collection of used pesticide containers. Assisted other tribes in a pesticide needs assessment. These tribes have GAP programs in place. Turnaround time is lengthy. Need to speed up this process.
- Glenna Lee (Navajo Nation EPA) – New executive director is Dr. Donald Ben, a political appointee. The program has a new direction and this sometimes makes it challenging to complete an enforcement action. Funding – for the past couple of FYs they receive partial awards making it difficult to carry out some of the activities requiring travel. The timing of funding can affect their ability to get things done.
- Jefferson Biakeddy (Navajo Nation EPA) – The wage adjustment is not current. Regarding Section 24 c, and Section 18s – they sent a request to Region 9 to apply on rangeland in the middle of Navajo Nation lands. Region 9 told them to check with NMDA to see if they had a Section 18 in place. Navajo doesn't understand why they would be asked to check with New Mexico since they had a cooperative agreement with Region 9. Issue is with Region 9 project officer as Navajo is not getting a response. A Section 18 wasn't approved until 18 months later. They need a better process. Fred added that some of this was addressed in an OECA issues paper and it's timely to take a look at this to see.

Gabriela Carvalho added clarification that tribes are not given authority to request a Section 18

or 24(c). It's a request that comes from the states which the tribes can use. So that is likely why Region 9 referred Navajo to NM.

One member asked about EPA and label changes. Tribes go by federal labels. Attendees discussed when there is a mismatch on what the label says and what happens on tribal lands, do tribes follow state label or federal label?

Note: Section 18 labels are state labels (special local needs) and the circuit riders enforce on the manufacturer or federal labels, so if there is a violation found by a circuit rider on the state label, will EPA enforce?

- David Lewis (Yavapai-Apache) – They are working on a cooperative agreement with ITCA, asking for technical assistance in areas where they are trying to better develop their program.
- Vivian Stevens (Yavapai-Apache) – She reports that there is bed bug issue there with the treatments being done by the housing authority. The most important activity right now is education/outreach. The most effective is heat treatment but there is no funding for that and it is very costly. The tribe is interested in native pollinator plants, building a greenhouse in order to grow native plants. Networking is really big for them and she gave thanks to ITCA and Gila River. Africa will be helping them do inspections and a draft ordinance.
- Cheryl Pailzote (White Mountain Apache) – Bed bugs are an issue but they don't deal with them in her department. Question is how to coordinate education/outreach. Permits issued surrounding Rocky Mountain spotted fever. Switch from ground water to surface water as a drinking water source. Headwaters of the tribe's water source exist on reservation land. Next step is to look at relation of drinking water and public health. Attended the pollinator workshop. No commercial growers on reservation but they have interest in restoration of riparian areas and wetlands. Spraying is not done on their fields – only rights of way. Coordinated with NRCS to grow pollinator plants.
- Lorinda Antone (Ak-Chin Indian Community) – Nothing to add to Neil's input.
- Daniel Hoyt (Gila River Indian Community) – Bed bugs are a concern. Recently sent out a survey with findings that community was impacted, risk factors exist, and that misuse is happening. IPM guidelines are mandated by their tribal ordinance. Bees, ants, cockroaches and others included. Links to AZ Extension and UC Coop Extension are in place until they can have their own resources created. C&T plan is at EPA under review. WPS a concern with the recent rule changes. Looked at forecasted impacts Have about 20 regulated growers in the community. Have a compliance and enforcement policy with their OGC. Will be working on pollinator protection but not pursuing an MP3 model. Identified apiaries under contract with growers to pollinate fields. Beekeepers from the city being driven out to find forage for their bees and they are trespassing. Legislation requires they be permitted and a beehive registration required with Gila River. This helps ensure greater communication between all to prevent bee kills. They have a robust compliance assistance program at Gila River.
- Martina Wilson (Fort Peck) – The reservation comprises 2 million acres of farmland. WPS changes are her current focus and communicating this to growers. She worked with growers on a shuttle recycling program. They collected 200 containers. You can see them piling up. Hope to work with producers for greater recycling of containers.
- Willie Keenan (CSKT) – CSKT is holding a tribal PIRT in August. They've performed surface water testing since 2008. They are finding pharmaceutical concentrations including warfarin, and that evidence that some pain reliever medications being abused. EPA has a list of pesticides in surface water.
- Eric Gjevre (Coeur d'Alene Tribe) – Inspections continue to be the focus. An inspection on the Nez Perce reservation, involved the largest garbanzo bean grower in area with third-generation growers, the largest farmland renter on the Nez Perce reservation. Complex the way the

complaint came in on a fertilizer (FIFRA doesn't cover fertilizer apps.) 180 fertilizer apps done that spring. City of Lapwai residents called Eric with complaints of rashes and symptoms, and general complaints. C&T plan and WPS outreach due to changes coming. He attended the recent tribal pollinator course.

- Joe Herrera (Yakama Nation) – Bed bugs still an issue. Working on his federal credentials. Following up on a misuse case. Pollinator protection plan due to the use of bees on reservation to grow apples, cherries, blueberries, strawberries all grown there. IPM and WPS also current issues.
- Les Benedict (St. Regis Mohawk Tribe) – Les joined via telephone and reported that they are working on pollinator protection and integrating it with natural resource management planning. Working on tribe's pesticide regulations to address RUPs and GUPs, concerned about misuse of GUPs. Increasing in-house capacity to manage pesticides. Outreach continues to be focal point and captures IPM in schools and facilities.
- Brenda Ball (Ak-Chin Indian Community) – In addition to WPS and safety, an issue which may impact all tribes is the revision of the pesticide ordinance. Gila River ordinance was used as a model. Insurance/liability reqs for commercial applicators was one thing which came out of this. They are using the insurance requirements for the state. It's very antiquated and they have not changed. \$100K personal injury, \$100K damage, \$100K drift. \$300K aggregate. Not adequate coverage if a plane crashed into a home. So all applicators in AZ have this minimum requirement. Only 1 applicator has \$500K coverage. Concern is that they won't be able to get anyone who can meet the minimum insurance requirements and that they will refuse to apply at Ak-Chin. Do we put our foot down and go with \$1M minimum or allow applicators to ONLY meet the minimum state insurance liability reqs for commercial applicators? Structural applicators, mold remediation are included.
- Paul Andrew (Tohono O'odham Nation) – Working on mold remediation, bed bugs, rocky mountain spotted fever collaboration with health department.
- Larry Scrapper (Cherokee Nation) – Trying to chase down bed bug issues, pollinator protection, generating interest with articles shared in newsletter, will share at an upcoming EPA and tribal summit. Now have an Exec Sect of Natural Resources. Participated in some tick IPM conference calls and May 16-17 in DC will have an upcoming symposium. Chloe Nelson is the contact with this group.
- Nina Hapner (Kashia Band of Pomo Indians) – In Region 9, Sonam Gill has been given approval to work with tribes on pollinator protection plans. The Region 9 Pesticide Work Group will be working on a State of Pesticides Report Tribal Report. Africa would serve on workgroup. RTOC meeting to be held in CA in the spring. Patti TenBrook is current acting tribal coordinator for Region 9 after Pam Cooper retired. Each media has input and the pesticide sector is often not represented with an attendee.
- Diania Caudell (CA Indian Basketweavers Association) – She has been working with the City of Pomona to get permissions to harvest there. The tribal relations coordinator for CIBA is going through a re-election process and she is not sure she wants to continue on the board. She often gets calls on archaeological digs and serves on a committee for Camp Pendleton and other military operations on reservations. She keeps working away to get permissions to gather at various locations.
- Miguel Hernandez (Native American Env. Protection Coalition) – Need more information on pesticide application and certification. Any information on Roundup and its effects. NPIC website recommended as a resource (<http://www.npic.orst.edu/>).
- Jim Mossett (Three Affiliated Tribes) – Focus is on implementation of the Certification Plan and credentials. Could not certify an applicator as they had no liability insurance. It was noted by one members about commercial licenses on their lands and only 1-2 require insurance but the rest do not. Fred reported that an implementation workgroup made up of state/tribe/EPA folks to deal with questions associated with implementation of the federal C&T plan for applicators in

Indian Country. Since there had no contentious issues, EPA suggested doing away with workgroup but some tribes felt this was premature. Recommendation was to go to quarterly calls. Jim continued with his report and said that the EPA contact person has changed. Some applicators think they can just get a federal certification card and that they can apply on tribal lands even if tribes don't allow pesticide use. If it's a tribe with no program but there is no police there to oversee what's going on. So workgroup still in place due to changes still happening. Jim's tribes use a lot of pesticides on the reservation lands. They have a cooperative agreement and he believes they are one of the first to do so with EPA. First tribe to get a C&T plan. ND led honey production the past few years. Winter is a time to catch up on admin tasks. Current effort to represent TPPC on MP3 Symposium. Jim thanked Cindy, Suzanne and Gabriela, who have assisted with this effort.

- Fred Corey (Aroostook Band of Micmacs) – They not yet hit by bed bugs but suspects it will happen soon due to the tendency of members to travel around with families. They are working on a response plan and including Health Dept. as they will be the first to see it with tribes. Tribal housing program is also involved and social services program as they provide assistance to low income families. Wanting to have an action plan to execute once it hits. Provide help to family before it gets out of control. Will share work with other tribes in the region.

One member asked if AAPCO could be a pathway on working on the international partners. If there is a violation found by a circuit rider on Section 18 applications (state labels), will EPA enforce?

#### Action items:

- Follow up on insurance reqs for applicators and what minimums are / should be. Colleen Keltz to ask her staff for background on federal requirements for liability insurance minimums. Will report back in February.
- After Gabriela's feedback, summarize and TPPC to look into sending an issue to SFIREG to address.
- Nina Hapner to ask Bob Gruenig for most recent version of Status of Pesticide Report; she will share with members.
- Amanda Hauff to look within her office for the Skills Workplace assessment to share with Full Council by next week. Amanda to share outline with all.

#### WPS Updates, Nancy Fitz, U.S. EPA, OPP

Nancy Fitz, U.S. EPA. OPP joined the group via teleconference and provided an overview of the WPS changes. The WPS was last revised in 1995. Not equivalent to OSHA requirements but exposure and occupational settings were adapted in incorporated situations which were most applicable to agriculture.

#### Key revisions to WPS:

1. **Inform** workers and handlers about potential exposure to pesticides (annual training versus 5 years; no grace period for workers; display & provide application specific information at a central posting location including safety data sheets; post signs if REI > 48 hours for outdoor applications.)  
⇒ It will result in an increase in the amount of info to workers, increase the amount of time this info is available; increases the number of ways a worker can obtain application/safety information; increase the protection of workers that they don't enter a treated area too soon. Concerns about designated representative and that it may be used in appropriately.

One member asked about greenhouses and posting – has this changed and if so, why? Response was that instead of posting all applications, they only need to post if REI is > 4 hours. Rationale is to create more flex for greenhouses.

2. **Protect** workers, handlers and other peoples from exposure to pesticides. If labeling requires a handler to use respirator, employer must provide medical evaluation to make certain you are healthy enough to wear it during application, fit-testing and respirator training. Medical evaluation needs to be done by a health care professional. Trainers can do fit-testing if they meet training requirements to do so. Application exclusion zone (AEZ) is the exclusion area from non-essential personnel. If someone, not authorized to be in the area, walks by and comes in contact with the equipment then applicator must cease operations until the unauthorized person walks away. Minimum age for handlers and early-entry workers is now 18 (used to be 16). These scenarios chosen as they have the highest potential for exposure.

One member asked if there are there any web-based options for medical evaluations. EPA response was yes. Suggestion was to do web search for respirator evaluation and some options are out there. Responses are evaluated by a health care professional. Evaluator may still deem the person needs to be seen in person for spirometry or other diagnostics. You must make sure that the online service providers are authorized to work in your area and EPA will not endorse any vendors. So there are some things you should check out before going this route. Another member asked to clarify minimum age for harvesting under OSHA. Nancy said that there is no FIFRA minimum age for harvesting.

3. **Mitigate** any pesticide exposures that workers or handlers receive. Provide decontamination supplies for workers, handlers and early-entry workers. Provide eyewash system for mixers/loaders if labeling reqs protective eyewear. EPA adapted OSHA requirement for eyewash system at mix-load sites so that 0.4 gal over 15 mins of flushing time can occur. A big Gatorade cooler that holds 5 gals with a spigot to control flow could meet this requirement.

#### WPS Implementation

On January 1, 2016 the Rule became official. During first year, compliance is not required with any new requirements. This is a time to get familiar with changes. New requirements start in early 2017. Three (3) exceptions got pushed out to Jan 2018: all training needs to cover new content in worker and handler trainings (flip chart, videos, approval of outside training materials). Pesticide safety poster and a few minor changes taking some info off and putting other on. Existing safety posters are okay up until Jan 2018. Requirements for handlers to extend handlers in AEZ. Train before they are accountable for this.

#### Outreach and Implementation

EPA plans to do some webinars, and record them so folks can watch them at their convenience. They plan to provide a long list of fact sheets with specifics and overviews. Greenhouses will need their own fact sheets since many things are different. EPA plans to revise the HOW TO COMPLY MANUAL. This is a well-liked resource. Working with Office of Enforcement and Compliance Assurance to update new inspection guide. There is a paper and smartphone version and a PDF on the web. The paper version is very popular. Will also be updating flip charts, manuals and others items so that these are available for training January 2018.

EPA is struggling on how to reach growers and commercial pesticide-handling establishments. This includes crop advisors. Reaching out to grower associations and EPA welcomes feedback on how to reach folks. Other suggestions include farm bureaus, NRCS, and Intertribal Agricultural Council. The latter provides a lot of assistance to family farms and they could be a good partner in outreach.

#### Status of the Certification Rule

Originally a 90-day comment period but extended it again to Jan 22, 2016. EPA will begin to go through comments after that to see what makes sense. Fall 2016 Final Rule will come out. Implementation plan

still under consideration but tribes/states would have 2 years to submit how they'd revise their plan to come into compliance with new standard.

Comparison chart is on the web site. It has been created in Spanish but is not yet on website.

Action item: Colleen Keltz to send links and docs for the WPS references to Suzanne, who will share with the group in early February.

#### OECA Update - Carol Galloway, U.S. EPA, OECA

Carol Galloway provided an update on OECA EPA actions while also allowing members to engage in a dialogue with Agency staff about issues of concern.

1. Compliance and enforcement performance measures. Regional POs are preparing to implement measure. Requires coordination between tribal inspectors and regional enforcement staff.
2. PIRT and PIRT Steering Committee. National PIRTS (WPS PREP/PIRT in Asheville, NC May 2-5, 2016); Pollinator Protection PIRT in FL Sept 19-23, 2016. Tribal PIRT – Polson, MT Aug 8-12, 2016 National PIRT Steering Committee – draft Charter and relationships to tribal PIRTS. Does TPPC want a relationship with the national steering committee? Proposal: tribal PIRT draft agenda submitted to PIRT Steering Committees for review/suggestions only. A review means that they could be a resource. Review would not affect funding and it may help educate National PIRT Steering Committee on what issues are important to tribes. Responses to this are pending the outcome of the tribal caucus, TBD.
3. Clarification of FIFRA Inspector Credentialing Issues. What do you do if you don't have documentation of training? How to document self-study, readings, etc. Where to find Health & Safety training for tribes & states. Does a supervisor of a credentialed inspector need credentials? What training is needed for supervisors? Meaning of the requirement to "be familiar with" a document? Selection of annual refresher training. Some folks have been having issues getting into the inspector WIKI and the NETI training site. More info available on the above FAQs via a conference call 1/25/16 2-3 PM Eastern. For the near future it will remain an inspector wiki versus another format. Can a tribal inspector with federal credentials train a state inspector? Yes.
4. Inspection time factor analysis. The SFIREG analysis did not lead to a recommendation to change the time allocation.

Question: does this affect the funding from OECA? Gabriela says not necessarily but it may be related to that in the future when it considers number of inspections, FTE needed, etc.

Question: If one tribe has another tribal inspector come and help then it doesn't count. But if a tribe has a state inspector come and help then it counts as an inspection. The survey referenced in this discussion had 3 responses. Does the TPPC want the survey to go out again? When states did the survey the responses were all over the map and it didn't change the outcome. Another member felt it's important to identify in the survey when an inspection begins and ends. Reference to a survey from Al Havinga/OECA which went out to tribes. 17 tribes with cooperative agreements and 3 responses were logged. Because of the Paperwork Reduction Act, EPA cannot re-issue the survey but tribes could send it out. Another member asked if it's not going to affect bottom line for operations, then why should they bother to re-survey or for tribes to provide feedback? Fred added that if tribes don't justify what their needs are and the shortfall then they will never get the needed resources. Tribes need to do more to be more vocal about their needs and a commitment. One member noted that it takes tribes longer to do inspections than states since they need to have a state inspector along for aerial inspections. Another member asked if EPA inspectors follow the same guidance as states and tribes. Carol Galloway replied it's useful for tribes to establish guidance based on inspection data that tribal inspections take longer. Cindy Wire's recommendation: 1) submit something that separates tribal inspection times from the suggested SFIREG timing. The

timing will be negotiated between the PO and the tribe. 2) The cooperative agreement guidance for FY18-20 will be issued this year so submit comments soon.

Action item: Gabriela /Carol to organize in March 2016 a conference call with folks who have enforcement cooperative agreements to talk about time factor allocation and how things need to be documented differently.

Inspectors have to take an 8 hour health and safety refresher each year. Is the online class equal to the in person class? Can the HAZWOPER 8 hour substitute for the credential maintenance 8 hour health and safety refresher? Is there consistency across the country?

Action item: Carol to follow up on questions about H&S training - ground and online.

Action item: Africa to follow up on distinction of PIRT steering committee review of agenda.

WPS Program Focus - Carol asked if EPA were to conduct WPS inspections in your area, how would you like to see that happen? What's the most useful way to roll this out? Fred responded to start with EPA policy on how to do inspections in Indian Country. EPA's effort would be where there is no program in place and EPA would send out regional inspectors. There are a lot of sensitive situations to consider. TPPC's recommendation to Don Lott was consult with AIEO. Carol Galloway replied that the intent was to build up more of an inspection presence where there haven't been previously. Cindy Wire added that this data could be helpful to help grow the circuit rider program.

Action item: Carol to set up a call with Don Lott regarding WPS inspections in tribal lands which are not served by cooperative enforcement agreements and what this inspection scenario would look like. Consult with AIEO to ensure that tribal leaders know the purpose of the inspection and that they are aware of this effort.

OPP Update, Colleen Keltz & Cindy Wire, U.S. EPA, OPP

Colleen Keltz is the Acting Branch Chief of the Government and International Services Branch until March. Dan Helfgott is on detail. Her updates included:

- Draft human health risk assessment is open for review right now used in pet products. Feb 6 prelim risk assessment on Imidacloprid 25 ppb in collaboration with CDPH. Will be out for public comment as soon as it publishes on the FR. Webinar for early February for public comment.
- Pesticides in marijuana. Approval of products is patchwork right now and not considering illegal growth arena. Thought is that it won't stay in its area of current approval. There are NO pesticide products approved for use on marijuana at the federal level. There are some state lists but they have not been reviewed by EPA nor risk assessments done. Have not received any 24(c) or Section 18s. Had a call recently with states/regions. 24(c) process may be best route for states to consider but it questions if tribes can leverage this. Work needs to be done to clarify this. A workgroup is being formed. Tribes believed to have medical use Passamaquoddy tribe in Maine and another in Oregon, and South Dakota. WPS was never a consideration with marijuana as there are no pesticides registered for use on it. EPA is getting questions for states on what can be used, how to move forward. EPA hasn't done any risk assessment and has not received any requests from registrants who want to add it to their label.
- Bed bugs in Indian Country – working with TPPC on action plans for priorities. Is there someone who wants to be the TPPC contact point on this? Chair? TPPC rep with EPA on this for an action plan? Bed bug liaison? Someone to serve as liaison to communicate best practices for tribes.

Action item: define next steps for bed bugs and how to move this forward for tribes. Identify TPPC liaison and working directly with Lorry. Hilery Spray offered to serve as the new liaison and the group expressed their gratitude for her taking on this role.

Action item: EPA asked for multiple tribal members for a cannabis workgroup once one is formed. Miguel Hernandez volunteered. Report back to TPPC on meeting outcomes.

Cindy Wire reported that EPA may be able to find money to send 8 tribal members to the MP3 Symposium in March. Northwestern IMP center may have funding available to send tribes to the MP3 symposium.

#### TPPC Executive Committee Elections for 2016-2017, Administered by UC Davis Extension

Fred offered some opening comments about the election process. One of the aspects of the P&P is that it's been easy to interpret and administer. Confusing as to who is a member and eligibility to vote and hold office. Mandating an authorizing letter to vote has never been prescriptive as part of the voting process. Judgement left up to regional reps as to who they want to elect and represent them. Active members in large regions can sometimes be reps At-Large. Fred has worked with other groups whose bylaws were highly prescriptive and this held them back. Fred credits this to rules that worked well enough to cover operations but are not stifling. Bottom line: P&P are not perfect and the voting process not perfect as well.

Action items: address P&P edits by April. Nina to add suggested language for changes by March and send out to TPPC vial email. Get input on it verbally or written and approve at next in-person meeting. Nina's input will focus on election, representation letters, and where the public announcements will be made. Africa and Glenna to submit changes about membership, election, decision-making. Timeline is to send out by March conference call and get feedback,

Suzanne thanked Fred and Nina for their time and guidance on conducting the election process. UCDE emailed ballots to 64 TPPC members on 1/6/16. 21 were returned via email and 14 were cast in-person at the meeting. 35 ballots were returned in all. Cindy Wire helped with the tallying.

There was a tie in Region 9 so the attendees decided to have the in-person Region 9 attendees vote again. The Region 9 candidates abstained from this process.

Many thanks to all of the candidates who were willing to serve on the Executive Committee and additional thanks to the TPPC members for their robust participation in the selection process! Congratulations to the following elected members:

- Chairperson: Fred Corey, Aroostook Band of Micmacs
- Vice Chairperson: Nina Hapner, Kashia Band of Pomo Indians
- Region 1: Fred Corey, Aroostook Band of Micmacs
- Region 2: Les Benedict, St. Regis Mohawk Tribe
- Region 5: Jody LaFriniere, White Earth Nation
- Region 6: Ryan Callison, Cherokee Nation
- Region 7: Jennifer Straub, Santee Nation
- Region 8: Jim Mossett, Mandan, Hadatsa, and Arikara Nation
- Region 9: Tony McCandless, Gila River Indian Community
- Region 10: Eric Gjevre, Coeur d'Alene Tribe
- At-Large: Africa Dorame-Avalos, Inter-Tribal Council of Arizona
- At-Large: Willie Keenan, Confederated Salish & Kootenai Tribes

#### Tribal Caucus

While the ballots were being tallied outside of the room, all non-tribal attendees stepped outside and Fred facilitated the discussion.

The election results were reported after the caucus and before the adjournment. The day convened at 5:25 PM. The Ak Chin Indian Community staff shuttled attendees back to the hotel to prepare for the Executive Committee meeting to begin at 6 PM.

## DAY TWO - Thursday, January 14, 2016

### Tribal Caucus / Executive Committee Update

Fred reported on the outcomes of the previous day's tribal caucus. Carol Galloway's proposed change of PIRT steering committee charter and review of tribal PIRT agendas was discussed. There is concern that due to what's in charter that the expectation of agenda review/approval may occur. TPPC needs clarification on what it is to include. If it's only agenda review then it's fine, but if it affects being directed to alter agenda then that's not agreeable.

### Executive Committee Meeting Report, Fred Corey

Fred offered a report from the previous night's Executive Committee meeting. The TPPC will focus efforts on the following priorities this upcoming year (not in rank order):

#### Priorities:

1. State of the Pesticides Report, start with outline from Bob Gruenig. Talked about funding sources, IPM sources in Western and Eastern Centers.
2. Have IPM in housing be a national and tribal priority, dealing with bed bugs and other pests of concern
3. Bed Bugs (related to above). When families end up with bed bugs there is a social stigma, how to address awkwardness, get website back up to share info. Kits only have certain utility so outreach materials are not the only means.
4. Pollinator protection

The Executive Committee talked about the P&P, specifically the election section and appointment letter requirements for members. We learned that it's not required by law to place announcement to put in the Federal Register. This will save about \$2K in recourses.

SFIREG survey discussion – suggestion is to have a conference call with tribes who hold cooperative enforcement agreements and their concerns about length of time to fill out a form. Better to do a verbal recap than an email survey.

#### Action items from the Executive Committee meeting include:

- Suzanne to send an email to elected folks from whom we need an appointment letter to SUBMIT it within 30 days to let her know if they need more time.
- Reach out to Intertribal Ag Council Susan Ratcliff and others like Western IPM Center for funding.
- Suzanne to reach out to Matt Bauer in the next month to see if we can apply for funds for travel for travel, what is possible.
- Amanda to look within her office for the Skills Workplace assessment to share with Full Council by next week. Amanda to share outline with all.
- Nina to ask Bob for most recent Bob G's report in status of pesticide report should be sent out to members; outline.
- Get a status report on bed bug activities in Alaska. Gabriela stated that the work under the EPA Region 10 grant began in October 2015 so there may not be much to report on until the grantee has a chance to get going on their work.
- Address P&P edits by April. Nina to add suggested language for changes by March and send out to TPPC vial email. Get input on it verbally or written and approve at next in-person meeting. Nina's input will focus on election, representation letters, and where the public announcements will be made. Africa and Glenna to submit changes about membership, election, decision-making. Timeline is to send out by March conference call and get feedback.

- OECA & Gabriela Carvalho to schedule call with Project Officers and tribal inspectors to review the time factor guidance and discuss realities for how long it takes to conduct inspections in Indian country.

Pollinator Protection Initiative Planning, Gabriela Carvalho, U.S. EPA, Region 10

A draft proposal was shared to form a workgroup open to any tribe working on developing a tribal pollinator protection plan. Representatives from federal agencies that support pollinator protection would be invited to participate. The purpose is to serve as a support network for tribes working to take actions to protect pollinators; to develop guidelines or a template for a tribal pollinator protection plan; and to raise the visibility of the challenges tribes face as they work to protect pollinators. Suggested format included monthly conference calls to meet for one year. After one year, the group will decide if they want to continue for a second year. The group could organize itself as it chooses and identify a chairperson to lead group activities, and a secretary to assist with planning calls, taking notes, and tracking action items.

Gabriela reported on the recent Tribal Pollinator Protection course held in WA State in November 2015. It was well attended and many people left with interest and motivation to engage with plan development, collaborate with others and lots of interest to continue the discussion. The proposed workgroup would be that forum to meet monthly or however often makes sense. Work on tracking everyone's experience in developing plans, challenges, lessons learned. As folks develop plans look to these as examples – are there some models to share at the end? For tribes which have large scale beekeeping operations, a pollinator plan might focus on commercial and look similar to SFIREG guidance document. For other tribes with solely native pollinators, and native forage, maybe designating certain areas on tribal lands as pollinator habitat. Looking at pesticide policies associated with that type of plan, it would look different. This workgroup would track all these efforts, sampling of approaches represented on workgroup is suggested. This would be a TPPC workgroup and Gabriela has drafted this as a means to help encourage tribes to self-select their members, roles and goals.

Les Benedict and Jim Mossett are interested. Jasmine Brown would like to join as well and has a wildlife biologist with her tribes, Whisper Means, who would also be good to invite. Miguel asked for a clarification what "PP" was – protecting bees and their habitats was the consensus. Timeline for an EPA template yet? Sonam Gill said the goal is to have a draft MP3 done by the end of September. Want continuous feedback from tribes and more detail will follow at the upcoming RTOC meeting. This is where they will get it started but there will be other opportunities to discuss and continue this. Jasmine Courville-Brown agreed to lead the planning initiative.

Action item: Amanda to follow up with Sonam Gill in EPA Region 9 on opportunities to present at other forums besides RTOC about this effort.

Jim Mossett has also been working on a plan. Not sure if others have but it would be good to compare notes to see what's been done and share thoughts. Gabriela requests that there be a TPPC contact person to help co-lead the workgroup and get the call scheduled.

Being the TPPC lead for this would entail making sure the calls get scheduled, report back to the full TPPC, take a leadership role and move things forward. It's not yet been determined from EPA who take the co-lead on this effort but it would not be Gabriela. This workgroup and call would be open to all tribes. Sonam would set up the calls, invite people, Gabriela could assist Sonam to launch. Workgroup needs to define tangible outcomes to help guide. A key component would be native pollinator considerations.

David Lewis from Yavapai-Apache would be interested in participating. There are many tribes interested in this who don't know about the TPPC. Jim Mossett thought that possibly USDA would offer plants trees, grass seed for tribes.

Region 9 had calls to ask what tribes want – do they have bees under a use contracts? Are they interested in a plan? Do they need assistance with that? What things would you like to see in a template? Nina will share information from the Region 9 Pesticide Work Group with the TPPC Work Group.

Expectation from Fred is that EPA is going to offer a lot of support since it's their mandate. It's an additional burden and everyone is struggling to get their work done. Amanda says EPA is more than happy to share administrative tasks (taking notes, sharing notes, etc.) so EPA can be a technical support. Cindy stated that the good news is that everyone here wants the same thing and is interested in supporting it but we are all balancing workload and roles. Colleen suggests that work being done in Region 9 could be transferable across the country. Are there other experts who could be helpful in this, like a non-profit who could offer expertise? We are still not quite there in figuring out what the workload would be for the workgroup members. We wither need to drop some other priorities or lower expectations for what can be done with this workgroup. NRCS, forestry and others might be ones to solicit. Opportunity for EPA to collaborate better and more fully with other agencies. Colleen mentioned that EPA should take the lead to see if there are other federal agencies who could assist.

Question: the TPPC's Policies & Procedures state that limited resources mentioned to support the formation of the workgroup. What would they be working on that would not otherwise be addressed via another avenue? Is there some overarching issue or question that's not being addressed in some other venue? With over 500 recognized tribes, it would be good to have a single focused area that would benefit all tribes. Gabriela said that this was discussed in November at the pollinator course – the need to share ideas with tribal entities was the impetus for a workgroup suggestion.

Fred confirmed that no resources exist internally with the TPPC Administrator due to her limited FTE on this agreement. Fred commented that this sort of thing is exactly in line with what TPPC members should be doing. It is consistent with TPPC purpose, mandate, and advocacy work in serving as a technical resource and tribes are assisting each other, not re-inventing the wheel and starting from scratch. So the effort should come from members.

Cindy Wire suggested to see what Region 9 is doing with development – create a tangible template and also hear what tribes need. It would be most helpful to see what kind of help is needed. One member said that a tangible form the workgroup would be developing a template and tribes can input and add to what they found and post on TPPC website, list activities they are working on. Colleen Keltz suggested that the TPPC website would be a place to store these resources then we can save it there. This could be a tangible in the next year.

**Action item: for EPA to share with tribes what data they have on pollinators (related to pesticides used, habitat protection, and stressors.)**

Colleen Keltz added that pollinator protection is a federal, multi-agency priority and EPA is taking a major role. Tribes may create a MP3 but it is voluntary. Cindy Wire stated that a tribal template would likely look different from other plans with regard to acreage, topics, and that it would be tailored plan workable for the tribe. A tribe should do what makes sense for them and EPA is not dictating what they should look like. "Managed" does not necessarily have to apply to bees which are not managed since many tribes don't have commercial operations.

The reason Sonam is working on this is because tribes in Region 9 requested technical assistance from EPA. The draft would be serve as a basis for tribes to comment on and is not intended to be perfect.

Hilery Spray (Winnebago) asked help writing a plan for native bees. It's similar to what came up in CA with Nina Hapner's tribe (Kashia Band of Pomo Indians) - the practice of harvesting. So tribal plans would focus on native pollinators while Sonam's template will be based on commercial/managed bees. Hilery Spray is interested the workgroup as well as Larry Scrapper (Cherokee Nation).

Cindy Wire said there may be opportunities for tribes to customize their cooperative enforcement agreement to renegotiate their activities to include pollinator protection. Regions would know best collectively what priorities should be and what should be worked on and can have that open conversation with the tribes. Cindy would be happy to be part of that conversation with a tribe and their regional Project Officer.

Question: why hasn't EPA cancelled neonicotinoids when other countries have? Many tribes feel it's a money issue and perception that registrants and money are influential. Some tribes do have these things banned and one member wanted to talk about is as they expect it will be talked about with plan development.

Action item: EPA to share with TPPC members the executive memo from President regarding pollinator priority.

Action item: Gabriela will work with Sonam to get a call initiated, call to be set after the RTOC meeting and in early Feb. Jasmine will serve as TPPC contact person. No proposed date yet but February-March likely.

If there is a change in administration and a republican government is chose, what would that mean for MP3? Cindy Wire feels there is enough commitment on the part of agencies and staff to promote this that it would be unlikely that this would go away. AAPCO is coming up with a set of measures they can apply to their plans so they can define what success looks like. AAPCO will have a draft to share, hopefully in March and before MP3.

Update on MP3 Symposium, Cindy Wire, U.S. EPA, OPP

EPA/OPP contacted TPPC for a steering committee effort. Organizing a 2-day high level forum to talk about all things MP3. The Symposium sponsors are EPA, USDA, NASDA, and Honeybee Coalition. Jim Mossett (Three Affiliated Tribes) stepped up and they have been meeting each Friday and Jim has done a great job educating the group as to why plans would look different for tribes. Since the event is invite-only, TPPC came up with 15 slots as the desired number of tribal invites and this request was agreeable. 12 interested folks applied (10 funded, 2 will pay their own way). EPA will work on a process for registration for tribes so they have to register earlier than the symposium. This is because EPA wants to front flight and hotel expenses and have these pre-approved. There is an opportunity for influence on tribal considerations for pollinators for food, medicine and spiritual use.

Having tribes participate in this forum is considered big coup for the tribal stakeholders – the organizers asked for interest, many tribes stepped up, EPA was able to get tribes at a table, and at a very high level forum with limited participation. Tribes will be part of the keynote address at the symposium!

Action item: Cindy to follow up with folks who EPA can offer funding and next steps.

## Moving Forward the TPPC

This topic was covered in the previous night's Executive Committee meeting and the identified priorities are reported above.

## Setting the Next Meeting Date/Location

Discussion was about the next TPPC meeting date and location. The fall meeting is usually held in Indian Country so TPPC is not constrained by weather. March and October represent the months which have the least conflict with field demands. Because of the high attendance enjoyed at this meeting, some members expressed an interest in having the meetings in Indian Country. If we could teleconference in with federal folks (Adobe Connect, other) then this is a reasonable offset. The consensus was to hold the next meeting in Indian Country. Those tribes tentatively interested in hosting: Navajo, ITCA, and Kasha Band of Pomo Indians. Preference is to meet in Indian Country in May-June.

**Action item: Tribes which have expressed an interest in hosting can check with leadership and discuss on next week's monthly call.** Another option is week of June 20.

## SFIREG Update – Cary Giguere, SFIREG Chair, Vermont Agency of Agriculture

### 2016 Significant SFIREG Initiatives

#### 1. Pesticide use in marijuana

- It's been almost a year since Colorado petitioned EPA for a response on how to move forward with a 24(c) for use of a product on marijuana. This places responsibility of ensuring safety on the entity requesting the 24(c). Most don't have the ability to do full scale risk assessments on the products. Idea is to pool state resources to do this work. SFIREG is willing to facilitate this partnership.

#### 2. Pollinator Protection Plans and MP3 Measures

- Is this an area where states and tribes could be collaborating more?
- In December SFIREG approved the measures designed to be included in MP3's

#### 3. Structural Remediation Committee

- Part of ASPCRO, chaired by Derrick Lastinger/GA. Response to an event in VT pesticide and bed bug misuse using chlorpyrifos. Committee is working on a document to highlight remediation measures, highlight efficacy as to which work and which do not.

#### Discussion:

One member asked Cary to clarify his role in SFIREG. Cary chaired POM (Pesticide Operations and Management Committee) as part of SFIREG for past 4 years. Steve Dwinell was chairing full SFIREG, Jim Gray replaced Steve, Jim is no longer with and SLA and is with ND Extension. SFIREG is part of AAPCO. Chuck Moses (AAPCO chair) used to work for Gila River and now works for NV Dept. of Ag. One member asked who SFIREG reaches out to for MP3 plans? In VT they do outreach at grower meetings, beekeeping associations, ag applicators, fruit growers, Endangered Species Committee, smaller dairy farmers, county fairs. No final pollinator plan yet in VT. There are a lot of pieces in state plans already which will protect native pollinators. But this piece isn't necessarily measureable. May be only anecdotal and difficult. So tribes may likely have plans which are more robust than states.

**Action item: Cary to send a final document on MP3 measures to Fred.**

### Upcoming MP3 Symposium and Breakout #1

Jim Mossett (Three Affiliated Tribes) requested assistance with bullet points for concurrent breakouts.

- a) Migratory beekeeping – what are the unique considerations and how to accommodate these into MP3 development (moderated panel)
- b) Tribal lands – progress and unique considerations
- c) Regional/local beekeeping – what are the unique considerations and how to accommodate these into MP3 development (moderated panel)

There was a suggestion that tribes might benefit from attending the other 2 sessions beside “tribal lands”. Suggestion is that tribal lands might be better labeled as “protecting native pollinators and unique considerations for tribes.”

Question: Why are we breaking “managed” from “native”? Won’t measure to protect managed bees also protect native bees? Yes, but sometimes commercial operations take out habitat for native pollinators.

### Tribal Pesticide Program Presentation– Neil Abbott, Ak-Chin Indian Community

The objective of this session was to provide TPPC members with an opportunity to learn from their peers about a unique Tribal pesticide program initiative.

The Ak-Chin Indian Community was established by an Executive Order in 1912. It was initially given 47,600 acres and this was later rescinded/reduced to 21,840 acres. The tribe became federally recognized in December of 1961. It’s governed by a five member Council consisting of a Chairman, Vice-Chairman and three Council Members. There are currently 1,038 registered tribal members and nearly 365 multi-family homes on its lands. About 70% of this is for agricultural purposes. 1,300 acres of fee land. Interesting note that if land is not in trust (owned by the Community) then it must have taxes assessed on it. Trust owned includes airport, BLM land, certain farms, and other. Future development includes 150 new homes in the next year, Ak-Chin tribal services complex, Harrah’s casino expansion, and a cultural center. Ak-Chin’s primary crop is cotton. They also grow field corn, alfalfa, garbanzo beans, sorghum, and potatoes for Frito Lay.

Ak-Chin’s program activities are numerous. WPS outreach efforts – ACIC farm board meetings; coordinate with AZ Dept. of Ag and arm supervisors on WPS trainings. Review the annual OSHA 300 form and collaborate with the safety director. Inspections include Ag Use, WPS, Structural and non-ag, Marketplace, Certified app record, Producer establishment. Inspections are neutral-based. IPM – pest pressures include boll weevils, caterpillars, spider mites, aphids, white flies. Education and outreach include articles in the local paper, participation in local community events and meetings, workshops on pesticide safety and ACIC pesticide control ordinance, preschool parent night, presentations to the Ak-Chin Health Clinic, Fire Depart and Human Resources. ACIC assists in the National Certification and Training Plan. Sent out 38 letters to contract services on reservation land and this seems to have worked out well. They research USGS and have their own QAPP for laboratory analyses.

### EPA Lead Regions Update - Gabriela Carvalho, U.S. EPA-Region 10

Gabriela coordinated with the other Regions on a comprehensive synopsis of tribal activities across the U.S. There are currently 24 assistance agreements; 17 receive OECA and OPP funding; the rest are funded solely by OPP and do not include an enforcement component. Approximately \$2.26M was distributed in FY2015 (FY16 agreements.) 90+ tribes are served.

Brief highlights for each region include:

#### Region 1 –

- FY15 Pesticide Use and IPM Needs Assessment. Led by Aroostook Band of Micmacs. Assessment of all ten New England tribes. Highlights include identification of pesticide use issues common to all tribes, identification of tribe-unique-specific concerns.
- FY16 Pest Action Plan Workshop

#### Region 2 –

- St Regis Mohawk Tribe (PPG), participating in PPDC, help region with C&T plan outreach. Involved in Emerald Ash Borer response planning. Held an IPM and pollinator protection activity. Conducted tobacco waste sampling and findings did not contain detectable levels of OP and carbamates. Actively network with state and local partners.

Region 3 – currently no tribes with cooperative agreements.

#### Region 4 –

- No cooperative agreements with EPA. But Pat Livingston in Region 4 pulls money together for small grants (\$5K to Catawba Nation of Indians)
- Mississippi Band of Choctaw Indians (\$14K for school IPM pilot)
- Poarch Band of Creek Indians – very active in pollinator protective initiative.

#### Region 5 - FY15 Outreach

- Gave joint presentation at R5 annual tribal environmental conference in April 2015. There were 2 IPM trainings in conjunction with lead renovation and Healthy Homes awareness.
- Collaborations/projects with Indian Health Service, Michigan State University.
- White Earth Band of Chippewa - Rebuilding/expanding Pesticide Program. Inspection and outreach activities; began mandatory IPM training/awareness for all tenants and new occupants of tribal housing; conducted 10 outreach events on pest control, pesticide safety, safe homes, and water quality; raised awareness about tribal code and pesticide program to tribal staff, local agencies, businesses and community groups; and developed sampling plan and collected surface water samples for baseline data.
- Sault Ste. Marie Tribe of Chippewa Indians - Gathered information about pest management and pesticide use, with a structural focus; developed inspection checklist for bed bug detection and response at tribal hotels; identified invasive species on reservation land & developed a strategic detection and monitoring plan for tribal construction/maintenance departments.
- Emerald Ash Borer - Working with a Tribe regarding exposure concerns from basket weaving using wood strips from trees treated for emerald ash borer. Ash strips analyzed, but interpretation difficult due to sampling issues and limited exposure information.
- Pollinator protection - Several tribes already protecting honeybees and native pollinators through native planting, creating and protecting habitat, buffer strips, demonstration and community gardens, etc. Some are interested in including pesticide use and pollinator protection language into land leases. At least one planning to develop pollinator protection plan with pesticide use policy incorporated.

#### Region 6 –

- Cooperative agreements include 1) Inter Tribal Environmental Council (Managed by Cherokee Nation, 43 tribes in Oklahoma); 2) Eight Northern Indian Pueblos Council (22 Pueblos in New Mexico).
- School Integrated Pest Management Meeting & Workshop

#### Region 7 –

- Winnebago/Omaha Pesticide Program Circuit Rider. Promotes agricultural pesticide container recycling locations and assisting with collections. Educates community members regarding the proper use and disposal of household pesticides. Promotes household hazardous waste (HHW) collection events. Winnebago was one of 3 host cities for a HHW collection in 2015. Partners with BIA for pollinator-friendly plantings.

#### Region 8 –

- Confederated Salish and Kootenai Tribes. Has 2 circuit rider inspectors; completed 50 inspections; completed 4 IPM inspections; developed draft QAPP (may be used by other tribes) Outreach and education: head lice, bed bugs; actively engaged in TPPC; will host tribal PIRT in late summer of FY16; and will conduct future IPM evaluations with MDA inspector.
- Three Affiliated Tribes - MHA Nation; completed 25 & 2 IPM inspections; serves as regional representative to TPPC; had a C&T Plan approved in October 1986; attended Structural Pest Control PIRT in Puyallup, WA; is developing a draft Pollinator Protection Plan; and hopes to attend the MP3 symposium in March 2016.
- Standing Rock Sioux Tribe - completed 25 inspections and revised the Tribe's Pesticide Code.
- Fort Peck Tribe - completed 25 inspections; pursued & ensured completion of Federal Certification for four applicators; drafted a Water Quality QAPP to be finalized in FY16.

#### Region 9 –

- A multitude of areas and activities including: IPM in schools workshop for tribes hosted by ITCA in collaboration with the Gila River Indian Community); pesticide collection event hosted by the Salt River Pima-Maricopa Indian Community in October 2015; multiple enforcement actions by tribes (e.g., Gila River, Shoshone Paiute Tribes of the Duck Valley Reservation, Big Valley Band of Pomo Indians); genetically engineered crop webinar hosted by EPA Region 9 based on request from RTOC; bed bug outreach; and pollinator protection discussions. Western Region Tribal IPM Work Group hosted a 2 trainings for Tribes: 1) Tribal SOD (sudden oak death) Blitz on the Stewarts Point Rancheria (first one on tribal lands); and, 2) Gold -Spotted Oak Borer (GSOB) and Polyphagous Shot-hole borer (PSHB) at Sycuan Reservation in late July 2015.

#### Region 10 –

- Cooperative enforcement agreements: Coeur d'Alene Circuit Rider Program, Yakama Nation Pesticide Program. Gabriela is the PO for these.
- Collaboration with Region 10 and Indian Health Services re: Integrated Pest Management and tribal child care environmental health study. Region 10 has also awarded a FY16 bed bug grant for rural Alaska to the Bristol Bay Area Health Corporation.
- Coeur d'Alene circuit rider has been helpful in training states and EPA inspectors and co-hosted the pollinator protection course for tribes, in WA State.

#### EPA Tribal Pesticides Workgroup

- 2015 activities: direct implementation – responding to complaints, unique issues; project officer continual work + new template, new Grants.Gov, rescission, PO training; Federal Certification Plan – processed applications, outreach, renewal notices; pollinator protection - presentations at RTOCs, tribal meetings, other venues and November 2015 training; and outreach and events on school IPM and bed bugs.
- 2016 plans: WPS, C&T, pollinator protection; to strengthen relationships with federal partners– BIA, IHS; project officer manual, and FY18-20 cooperative agreement guidance.

#### Pesticide Product Label Discussion – Facilitated by Cindy Wire, U.S. EPA, OPP

The goal of this session was to get a better understanding by of EPA of tribal concerns with pesticide label concerns.

Background on label issues shared by CSKT: They received complaint about a non-tribal member burning items on non-fee land. Swing sets, pesticide containers and other items were burned in a pit. Jasmine Brown notified this person that the tribe's ordinance does not allow burning of containers. It didn't actually apply to him as he is not a tribal member. Recurring action resulted in new complaints and she showed him it's not allowed by tribe or state. Labels on containers stated that they may be burned, incinerated or recycled. CSKT interprets "incinerated" that they are brought to a facility to be

professionally burned/incinerated. Users are interpreting incinerated as simply burned. Request is for EPA to remove from the label any mention of it being able to be burned or buried.

Next CSKT issue: Pollinator protection labeling only addresses “managed” pollinators. EPA defines those as commercial. So CSKT doesn’t feel that native pollinators are protected. Suggestion: remove “managed” from the label so all bees are protected.

Bed bug products being sold in discount retailers, labels state they are registered for use but they are not effective. Often results in misuse of multiple product being used and high potential for pesticide illness. There are recommendations on the EPA website for effective active ingredients for use on bed bugs.

One member asked about advice on how to deal with container rinsates. Request for clearer label language on rinsates.

Action item: Cindy to follow up with RD as to why “buried” is permissible. Look to see if there is a way to improve future registrations. Find out if tribes can be allowed access to SLITS (state label issue tracking system) to submit their label questions. Request for clearer language about rinsates. Cindy will report back to TPPC. Check with Nicole about a SLITS presentation on a future monthly call.

Old Business / New Business / Action Items
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August 13-14, 2016 is new set of dates for tribal PIRT.

Closing comments
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Registration for ITCA-hosted inspector training closes January 20.

Chairperson Fred Corey expressed his appreciation to the AK-Chin Indian Community hosts, UCDE Coordinator staff, the TPPC members for their attention and active participation, and to the EPA staff in attendance for their support.

The meeting was adjourned at 5 PM.