

Tribal Pesticide Program Council Meeting

October 4-5, 2016

Hosted by Pauma Band of Luiseño Indians ~ Pauma Valley, California

Meeting Notes - Draft

The meeting was called to order at the Pauma Tribal Hall at 8:40 AM.

Attendees (25):

Tribes (15)

Jefferson Biakeddy, Navajo Nation EPA
Diania Caudell, California Indian Basketweavers Association
Fred Corey, Aroostook Band of Micmacs
Jasmine Courville-Brown, Confederated Salish and Kootenai Tribe
Eric Gjevre, Coeur d'Alene Tribe
Miguel Hernandez, Native American Environmental Protection Coalition
Joe Herrera, Yakama Nation
Wilhelmina Keenan, Confederated Salish and Kootenai Tribes
Lucy Parker, Southern Sierra Miwok
Jeremy Phillips, Salt River Pima-Maricopa Indian Community
Larry Scrapper, Cherokee Nation
Hilery Spray, Winnebago Tribe
Mel Vernon, San Luis Rey Band of Mission Indians (Day 1)
Martina Wilson, Fort Peck Tribes
Tiffany Wolfe, Pechanga Band of Luiseño Indians

Tribal Organizations (1)

Africa Dorame-Avalos, Inter-Tribal Council of Arizona

EPA (4)

Gabriela Carvalho, U.S. EPA, Region 10
Amanda Hauff, U.S. EPA, OCSPP
Oscar Morales, U.S. EPA, OCSPP (Day 1)
Cindy Wire, U.S. EPA, OPP

Other (5)

Matt Baur, University of California
Dan Fagerlie, Washington State University Extension
Suzanne Forsyth, University of California Davis Extension
Cary Giguere, Vermont Agency of Agriculture (representing SFIREG)
Bob Gruenig, TPPC Consultant

Opening Ceremony

The opening prayer and ceremony was offered by Ruben Bentancourt of the Pauma Band of Luiseño Indians.

Hello from Oscar Morales, OCSPP

Oscar Morales addressed the group reflecting his role is to be present, listen, and to offer himself as a resource to be called if tribes ever experience any issues to help find and answer. He considers he works for everyone present and they should feel free to call him. Federal government passed a law so that a change in administration would be more seamless despite outcome of the election. Rationale is that day

after election there can be a team in place to run the country efficiently. EPA just finished passing a revision to TSCA reform (Toxics Substance Control Act) legislation, the first new/major environmental legislation passed in 15 years.

There is now an opportunity to put in vulnerable populations and have special pathways as part of this consideration. Is there data EPA can work with to help with this? 10 new chemicals data coming out in January and will be working with Office to. Amanda offered for FEAD to help present on this to TPPC if they are interested. EPA to use data tribes are submitting to their region so tribal exposures can be more fully considered. EPA will be looking for data in EPA exposure handbook which tribes may already have. Possible presentations on TSCA and possible presentation on exposures. Nina would like a presentation in Region 9 on this. Jasmine commented that her tribes have a lot of fertilizers being used regulated under FIFRA. She is wondering how these would look like regulated under TSCA. Amanda said it's a chance to see where they are overlapping, where they are making progress. Amanda said if tribes are interested then they should contact Fred ASAP. February meeting in Region 9 might be a possibility. Amanda offered having Diane come to a meeting and begin to build synergies. Amanda is working with Office of Research & Development on risk assessments. Fred said that the National Tribal Toxics Council (NTTC) has been trying to bring risk assessments to the forefront. Never had a formal strategy but there may be a new opportunity with the Toxic Substances Control Act (TSCA) reform so that EPA's risk assessments better consider those individuals who are more at risk. Models don't reflect tribal populations. EPA is trying to do an internal evaluation of what's going in the area of coordination. Keep on the radar the work of NTTC. TPPC may want to consider the risk assessment issues to see how we want to consider this at a future meeting. TSCA Reform under final review; Rule is not out for review yet. Amanda will be on top of this to be mindful of tribal consultation considerations.

Action item: Amanda to include on February 2017 monthly call a presentation on TSCA Reform and risk exposures. Jasmine would like to include info about how fertilizers are regulated under TSCA Reform.

TPPC Chairperson Update – Fred Corey

Reflected appreciation for our meetings being back on track. Happy to see how Miguel's participation has broadened his experience.

Fred reflected on UCDE as the grantee and how we didn't experience the growing pains expected with change, reflected on how the TPPC has become more flexible and adaptive to change. Strong start, high expectations and everything's in place now for TPPC to be successful. Looking forward to the future of TPPC. This bodes well as we work on bed bugs, pollinators and looking to the future for an incredibly productive year for the TPPC.

Fred expressed appreciation to Nina Hapner, the Executive Committee and all TPPC representatives who continue to engage with EPA and each other. Without this TPPC wouldn't be a voice or serve the needs of the tribes or EPA. He thanked all for their hard work.

TPPC Coordinator Update – Suzanne Forsyth

Suzanne reviewed the Coordinator activities and accomplishments from FY2016, a summary of expenses, carryover to FY2017, and introduced the draft budget for FY2017 which the Executive Committee would be discussing at this evening's Council meeting.

Pauma Environmental Programs – Miguel Hernandez

Miguel's focus is mainly water and he comes to this role with the background of a farmer. Water is essential for crops. Pauma's growing trend is moving toward organic. They started with 80 acres which is now up to 160 acres. It's been a 3 year transition to get weaned away from Roundup and conventional products. Rural Community Assistance Corporation (RCAC) water stations will soon be installed to supply filtered, chilled, drinking water. The Pauma Council originally denied the proposal. RCAC out of

Sacramento is offering up the funds. Tribe is certified as an organic grower through California Certified Organic Farmers (CCOF) and working to get their own tribal label. "Pauma Tribal Farms" will be branding. Community is protected by a guard to help mitigate traffic, speed, access is a loop. Competition between other casinos and Pauma prides themselves as the value choice and offerings are reasonably priced. Aerial applications done by helicopter. Eucalyptus oil used for organic orchards. A current challenge is conventional orchards adjacent to organic ones. The tribe holds a grant via RCS for beneficial insects, hedgerows, raptor houses. Ag profile: 100 acres Valencia (their large money maker), lesser naval orange acreage, 20 acres Haas and Fuerte avocados, lemons, limes, and grapefruit.

Hot Topics, facilitated by Fred Corey

Each tribe has the opportunity to share what the hot topics in their community. A tribe may be dealing with an issue which another tribe may have some success with. A new aspect of the Hot Topics section is a longer feature from a volunteer tribe and we thank one of the representatives from the Confederated Salish and Kootenai Tribes for volunteering. Jasmine Courville-Brown a member of TPPC since 2010.

Jasmine Courville-Brown – Confederated Salish and Kootenai Tribes

1. Disposal language on a label for Vendetta herbicide – what do local authorities allow? Open burning of solid waste is prohibited including incineration. A person on one of the reservation lands would amass containers then burn them and smoke would last for three days. Neighbors were concerned about exposure to fumes. Tribes worked to create a recycling site which soon turned into a toxic waste site since containers were not rinsed. This location would be better served by an attendant to screen what's being deposited there. Once Jasmine showed the violator that the state and local authority did not allow the burning then the violator became compliant. However, the County will need to hire someone to deal with the contaminated water seeping out of the collection cage.
2. Endangered Species labeling – would affect as many as six states. Product labeled for black footed ferret (BFF) and label had limitations on use. Surveyed for 30 years and fairly certain there were no extant wild BFF populations. Tribe hopes to get these ferrets removed from labels so the product can be more fully used.
3. Persistence – measured by the time it takes for half of the initial amount of pesticide to break down 200 day half-life. Accumulation of pesticides in plants. Approximately 4,000 species of native bees in North America, 90% are solitary creating nests. The half-life of imidacloprid ranges from 200 days/year to persisting and accumulating in concentrations through multi-year cycles. The only other persistent product with an extensive half-life is DDT. This is something we need to be aware of as tribes when we are looking at these assessments.

Refer to Jasmine's slides on the TPPC website for more detail.

Related to this, Cindy Wire said she collected input on OPP priorities for FY18-19, she wanted to get feedback on if container disposal is a widespread issue for tribes. She is not sure it's a broad-based enough issue for EPA to place it on their list. If it is then they will need help getting this on their list. This would allow tribes to use their cooperative agreement funds to focus on container disposal. Since we'll be at the OPP offices in March, this would be a great time to talk about registration and disposal issues. **Action Item: Once Cindy sends out draft cooperative agreement guidance, TPPC to consider if pesticide disposal should be considered as a pick list items for cooperative agreement guidance. Short turnaround time**

Action item: Consider including pesticide container disposal on the March 2017 TPPC meeting agenda. Sub bullet would be removal of pesticide container "burning" on label.

Mel Vernon, San Luis Band of Mission Indians. Issue vandalizing with graffiti. Community is drinking contaminated water. San Luis Rey is facing Gregory Canyon landfill and aquifer which is close. Concern for health effects.

Diania Caudell, California Indian Basketweavers Association (CIBA). Worked with Cal State San Marcos to go out in Southern California to gather. Many cities want to build and native plants are still growing. CIBA sees a need to educate and get out in the field for outreach.

Jeremy Phillips, Salt River. Efforts include doing webinars with Elaine Wilson, now with NTAA. IPM – 300 people at Webmart and planning another event. Received a little extra money in discretionary funding, getting workplan and activities completed which enables them to be considered for extra funding. Bed bugs in the schools a continuing issue. Heat treatment and pesticides are tools in schools. Lice as well. Salt River does a lot of education in schools on pesticide safety education. Emphasis is to keep their dwellings clean and remove debris and waste to cut down on pest pressures. At end of month he will present at RTOC in San Francisco.

Martina Wilson, Fort Peck. Doing inspections on 2 million acres. Education and outreach on the inspections are a part of this. Many more of her commercial farms are now categorized as “family” with the new definition. Wheat, peas, granola and other tractor-harvested crops not affected by WPS changes as they are not hand harvested. Increased incidence of discarded mattresses, suspect to be related to bed bugs, but not confirmed. Believes the true WPS doesn’t apply because farms formerly classified as commercial are now classified as family so the farms are believed to be exempt. Many of her growers had no idea about WPS, let alone the changes. She’s a one person team on 2 million acres so she cannot effectively enforce all of WPS. Inspections take a lot longer to complete as a 1-hour visit turns into a 3-hour one.

Oscar Morales is delighted to hear about the label matching project. The more folks who can participate in the webinar will help get the word out. Fort Peck will be part of the beta testing.

Eric Gjevre, Cour d’Alene Tribe. Busy seasons for complaints and follow ups. WPS is all-consuming and is an onerous regulation for growers. Orchards, tree farms and nurseries came into WPS a little easier as they have a lot of workers concentrated on one type. Roll out of the updated regulations and how to get this promulgated on 6 reservations. Eric still getting calls from folks for information and federal Certification & Training (C&T) plan. Many follow-ups. As EPA starts to create materials that can be used out in the field, this will help.

Jefferson Biakeddy, Navajo Nation. Section 18c and 24cs brought up at last meeting. He has an issue and a success story on Fumitoxin, an RUP. Navajo Nation did a storage inspection and found out products had been purchased with a private applicator certification. Review of the label was for a fumigation management plan for each site but there was none for each application. There’s a Heritage Program with USFW for pesticide use proposals.

Joe Herrera, Yakama Nation. IPM with tribal buildings. One is being condemned with some asbestos concerns. Pigeons nested there so in order to inspect, had to suit up in hazardous materials gear. He’s 40-hour HAZWOPER certified. Received a Notice of Intent (NOI) to begin fumigating and gearing up for other activities. He’s wearing two hats with the hazardous waste issue with a related pest control aspect. He performed a WPS inspection with the Cour d’Alene Tribe on a family farmer. The farmer didn’t have any of the materials on the WPS in an operation with seven workers. Eric suggested for this grower a CD with WPS training content and he would interpret to his workers. Grower was not training workers. General understanding that their handlers need to be trained. And now it’s every year to train workers and handlers so this will be quite a leap.

Hilery Spray, Winnebago Tribe. Reflected on the MP3 symposium in DC. Working toward a pollinator management plan No managed bees – only native ones. In her workplan she still needed to come up a protection. Dr. Spivak from the St. Louis Zoo came to Winnebago reservation to assist her with this effort. 440 wild bee species in their area. They are losing indigenous plants in there are so when plants go then so do the bee species. Spivak said the most important thing to consider is habitat. Hilery provided a list of recommended plants to Bureau of Indian Affairs (BIA) so better choices could be made with landscaping choices. Spivak would like to hear from TPPC members and would be willing to come and meet with TPPC or tribes. Bed bug education and outreach efforts: folks now know what's been biting them and where to call. Housing Authority is starting to engage and make people aware.

Hilery shared some of the components of a do-it-yourself bed bug detection list with materials from the Dollar Store. Dog dish, cloth athletic tape, milk jug, sugar/yeast = home-made bed bug detector. It won't kill them but this will help you determine if you have them. Also seeing strains of super lice where conventional don't work anymore.

Lucy Parker, Southern Miwok Tribe. Offers lavender, tea tree oil plus vinegar as a potential treatment for head lice. Because their lands are within Yosemite National Park, they are always dealing with additional hurdles in addition to a turnover in administration. They don't spray in the park so gathering is done on pesticide free items. There is not a federally recognized tribe but they spend a lot of time visualizing what the land will look like for future generations. Controlled burning regenerates the land's vitality and new opportunities to gather. Seven tribes come in to help offer support with funding to get things built up. Taking care of the plants using natural products.

Larry Scrapper, Cherokee Nation. Bed bugs are still a concern. Got a call about bed bugs present in their offices. Working with others to identify invasive species to eradicate them. He's working with pollinator protection folks as well. Realized from some inspections that there is a lack of pesticide knowledge in some areas. Collaborated with New Mexico Department of Agriculture (NMDA) who has also had challenges with certain applicators. Offers of assistance for pesticide safety training offered by local educators in the way of a 2-3 day training. Most of them had certain things in their pueblo they wanted to discuss and how it pertained to them. A local commission starting to collaborate with tribe on drift. Trying to get some more interest in Region 6 for various environmental issues.

Africa Doramé-Avalos, Inter-Tribal Council of Arizona. Specialist (Delia Rodriguez) hired to look at WPS outreach and education in AZ. Doing a lot of trainings and workshops who don't have a pesticide program but they do have pesticide applications on their tribal lands. Assisting Gila River Indian Community (GRIC) to conduct outreach to farmers who speak Spanish. Had a good IPM training with 28 folks across the nation on IPM in Schools. Target audience was school personnel and educators was target audience. ITCA happy to share slides so others can adapt to their audiences. ITCA will hold a conference next week in Phoenix. Pesticide-related issues may be brought there. "No DAPL" is a current public movement = No Dakota Access Pipeline. Because marijuana is not federally legal and some reservation is in federal trust, then some tribes can be raided and crops seized.

Nina Hapner, Kashia Band of Pomo Indians. Kashia is still involved with Intertribal Agricultural Council and two more Western Region IPM Workgroup meetings. Weeds are things they continue to be concerned about. Starting to work with Hoflin Research Center. Pollinators - seven of Hawaii's native species are now on Endangered Species list. Kashia Purchased 678 acres with assistance of some foundations. Land is on the coast and is made up of conservation easements. Will be working on a MP3 plan for that land.

Intertribal Ag Council is happy to work with any tribe as long as the collaboration is agriculture related.

Refer to Carol's and Cindy's slides on the TPPC website for more detail.

OECA and Compliance Updates – Carol Galloway

1. Next generation projects (Label matching project, SmartLabel and Smart Tools. Smart Tools is a mobile program for inspectors in field to collect info, Data helps write inspection reports, Notices of warning. One not in place yet for FIFRA but moving towards that. One in place for RCRA pilot testing.
National list of EPA Active registered foreign and domestic pesticide and/or device-producing establishments,
2. Inspector Wiki is updated, easier to navigate
3. WPS compliance dates. Compliance with most requirements **January 2, 2017**. Compliance for the following **January 1, 2018**: pesticide safety training must include the new training points; revised pesticide safety information must be displayed; and handlers must suspend application if workers or other people are near the application equipment.
4. WPS Inspection Guidance – OCC, OPP, and R5 have revised and updated the Guidance to reflect regulation changes. Hope to make other improvements to the guidance to make it more useful. States and tribes had opportunity to review the draft by Sept. 16. Goal: complete by end of October 2016.
5. eLearning – conducting inspections in Indian Country.
6. Federal Credentials. At the December SFIREG meeting, states asked for clarification on some federal credentials issues. Carol's Office followed up with a draft FAQs document and phone call. The federal credentials FAQs document has been finalized. If you have suggestions for additional questions, please contact Shirley Fan (Fan.Shirley@epa.gov)
7. FIFRA Compliance Performance Measures to be implemented in next grant cycle. States and Tribes should prepare by updating their internal data collection procedures, forms, and/or systems. Frequently Asked Questions (FAQ) document is available and applies to tribes as well. Contact Helene Ambrosino at 202-564-2627 for more information

Action item: Gabriela to share with TPPC a FAQ document about performance measures by October 31. Grantees to work with their Project Officers (POs) if they have any questions on the performance measures tab of the work plan. It's the new tab in the Excel workbook. Question about how to report at end of year. Gabriela said there's a tab in the Excel workbook and it pulls data from the 5700 form. The EPA project officer should be able to assist.

OPP Updates – Cindy Wire

1. Cooperative Agreement update – she is about to send out draft document FY 18-21 in early November. Will give tribes three weeks to make comments and return so it can be done by end of year and deliver to management by February 2017.
2. A list of all major EPA WPS trainings done to date was provided.

Now that OPP is working closely with OECA so that what they are asking for is better based on actual findings. Regional Project POs need to have a dialogues with both the states and the tribes. The Regional PO training encourages this and it's EPA's hope this is standardized.

It came up on a monthly call as to where the regional/national WPS trainings had been conducted. There are at least two OPP staff who have been doing these.

Gabriela – how could we tap into private trainings what others are planning this year? Cooperative extensions, PSEPS, states, etc. As we go further three will be more trainings happening. Is there a national training calendar we can add these to?

As Willie and Jasmine go to their cherry growers, are Willie and Jasmine supposed to be doing that training?

Action item: Cindy Wire to follow up with Kevin Keaney's group next week to learn more about roles and responsibilities of tribes, SLAs and EPA for outreach on WPS to regulated groups.

She followed up and asked if here's a plan to reach out to tribal growers. They are happy to do training but they are going to rely on states with tribes to do that outreach and for tribes to coordinate with their regions.

Policy for pollinator protection on labels – Fred mentioned that there are more tribes interested in pollinator protection than there are who are active on TPPC. For this reason this may be better to have a separate call. Consensus is that it have its own dedicated call versus being part of a workgroup or TPPC monthly call.

Action item: Cindy Wire and Amanda Hauff to schedule a call for November 2016 for EPA to present EPA's new acute risk mitigations for pollinators. Amanda to assist with broadcasting the call info to others lists beyond TPPC. Date for call to be identified by 11/14.

EPA Updates: OCSPP – Amanda Hauff

Amanda reported on several updates from her Office

- She attended the White House Tribal Nations Conference which happens annually. The President invites a representative from each recognized tribe. President Obama thanked Tribal Nations and thanked them for having learned from them. He stated that together, we've permanently protected sacred lands for future generations. We've restored more than 428,000 acres of tribal homelands to their original owners. By signing the historic Cobell settlement into law, we established the Land Buy-Back Program, a \$1.9-billion fund to consolidate individual Indian lands and restore them to tribal trusts. Together, we've strengthened your sovereignty, reauthorized the Violence Against Women Act so that tribes can prosecute those who commit domestic violence against women in Indian Country, whether they're Native American or not. We've invested in job training and tribal colleges and universities, and together we've worked to return control of Indian education to tribal nations, so that as we prepare our young people for the demands of a global economy, we're also teaching them their own language and their own culture.

During the discussion, Administrator McCarthy announced the signing of an interagency Memorandum of Understanding to coordinate and collaborate to advance protection of tribal treaty and similar rights related to natural resources affected by Agency decisions. Signatories of the MOU include: Department of Commerce, Department of the Interior, Department of Justice, US Department of Agriculture, and the Advisory Council on Historic Preservation.

Other notable announcements made by Administrator McCarthy included the expansion of the Local Environmental Observers network into the lower-48 states, where Northwest Indian College will serve as the latest hub to analyze and respond to observations coming from the lower-48 states.

Does the TPPC want a presentation to learn about this program?

- EPA also finalized an Advance Notice of Proposed Rulemaking (ANPRM) to put into effect water quality standards for all reservation waters that do not have Clean Water Act (CWA) protections in place. As of now, fewer than 50 of more than 300 tribes with reservations have water quality standards effective under the CWA.
- EPA Leaders Listening Session. This is an opportunity for EPA Senior Leadership to listen to Tribal Leaders about issues in Indian country. Water issues were the main topic; however, pesticide in water came up with the activities around cannabis.

- Transition Period for OCSPP's Tribal Program. Oscar mentioned how each party has a "landing team" currently working with the White House and an appointed Agency personnel in order to be ready for the new administration. EPA has heard a few concerns about the transition from tribes. Oscar wants to ensure the TPPC that the Council and OCSPP's Tribal Program will continue business as normal no matter the election results and during the transition.
- November, Native American Heritage Month. OCSPP is developing numerous events for November focused on educating staff. The focus will be on training EPA personnel on numerous items: EPA Tribal Program policies, programs, federal law, etc.; Understanding etiquette when working with tribes; etc.; what it means to work with tribes; Tribal sovereignty, etc. If you have any ideas or anything you recommend, please let her know.
- EJ2020. The Agency's strategy for environmental justice is currently being revised based off of public comment and tribal consultation. She encourages TPPC members to examine the document. You will find a whole chapter focused on tribes as well as numerous other areas of topics that would interest tribes. The Agency hopes to release the final version in November
- Final Publication of CWA 303(d) TAS regulations. On Monday, September 26, a final rulemaking establishing a process for tribes to participate in the Clean Water Act (CWA) 303(d) program was published in the Federal Register. This final rule establishes a regulatory process for eligible tribes to apply to the EPA for authority to establish lists of impaired waters and total maximum daily loads (TMDLs) for waters on their reservation pursuant to section 303(d) of the CWA. This final rulemaking is the result of collaboration among EPA, tribes, state governments, and other important stakeholders. EPA's Office of Wetlands, Oceans, and Watersheds (OWOW) led the Agency-wide effort, which included close involvement from the Office of International and Tribal Affairs.

Action item: TPPC notify Amanda by 10/31 if they would like a presentation on LEO Network.

Status of Pesticides in Indian Country Report – Bob Gruenig

About 2005 a similar effort was underway to look at air issues and what tribes needed. A group of folks was tasked with creating this report, first one put out in 2009 and then 2014. But now they have a process down for more frequent updates. There are many lessons learned to help guide TPPC with this process for pesticides. Bob began working with TPPC in 2012 to create a similar effort. Challenge now is to break this effort into a manageable effort to collect feedback to help flesh out the report.

For no more than 1 hour per topic, breakout participants were to answer the questions in each packet. Bob will take feedback and share it with larger TPPC membership to get their input on it. After comments he will better shape the report, finalize, create larger sections now to share with other entities. Bob's recommendation is that the TPPC works on this at each in-person meeting or at least annually as a means to more fully characterize the larger report.

Report-Outs

Pesticide Effects on Indian Tribes – reported by Nina Hapner

- 1) What are your tribe's needs?
 - Ethno botanist & entomologist
 - Cooperation from local and state counties and agencies.
 - Need notices of activities and rights of way
 - Transparency from entities who apply pesticides (e.g., golf courses)
 - Notices of aerial spraying event
 - Access to testing applications for water, plants, animals
 - Shared understanding and respect among people using landscape and resources
 - Cultural sensitivity training in cooperative agreement and business agreements

- More access to public service announcements
- 2) What issues has your Tribe experienced?
 - No communication going on
 - No notifications of pesticide use applications
 - Losing culturally significant plants. Need historical data. Need community to help make the change
 - Invasive species encroachment in some areas
 - Chemical dosing from exposure to gathering plants
 - Basket weavers exposed and experiencing health impacts
 - Increased rates of cancer
 - Lack of communication with Indian Health clinics (HIPA protected info)
 - No funding for testing
 - 3) What barriers or challenges has your Tribe encountered in characterizing or addressing the issue?
 - Funding
 - Delayed reporting
 - Low fines are not a deterrent
 - Lack of media access in some areas
 - Tribe expends \$ to ensure proper enforcement
 - Violations and fines don't benefit
 - No good info n cumulative or synergistic effects
 - EPA doesn't fully take time to understand tribes and their diverse needs
 - Turnover in staff of both EPA & tribes.
 - 4) Describe your Tribe's successes or progress in this area. Also any failures?
 - Outreach and education
 - Elder Day Dinner and education group – encouragement on where to look for help for bed bugs
 - How to take data from notification forms to make GIS maps
 - Find low cost, innovative ways to assist
 - IPM Programs and Salt River
 - Increase of workshops and trainings
 - Winnebago using pollinator friendly plants resulting in increased pollinator protection

Funding – reported by Fred Corey

- 1) What are your tribe's needs?
 - Setting funding for larger vs smaller tribes (e.g., less than 75 targets)
 - Provide more eligibility for smaller tribes
 - Leaves vulnerable populations in danger of exposure, misuse, etc.
 - No enforcement of FIFRA. If a tribe has no enforcement then it falls to EPA. Regional offices don't have manpower and they can respond in a timely fashion
 - Tribes under funded with limited providing outreach, compliance, inspections, etc.
 - More tribal specific training on FIFRA, conducting inspections and addressing tribal issues/challenges
 - More guidance on implementing / developing tribal programs
- 2) What issues has your Tribe experienced?
 - Limited activities/projects

- Internal tribal issues e.g., cost of living adjustment, indirect rates and other things which tribes have no control over
 - Limited manpower and coverage
 - Pesticide inspectors are very marketable and require a lot of training – leave elsewhere after obtaining training– high turnover rate
 - Lack of resources / manpower and knowledge of regulations and collaborative efforts established.
 - Work multiple programs and are overworked, physical impact
- 3) What barriers or challenges has your Tribe encountered in characterizing or addressing the issue?
 - Need funding to sustain / support programs
 - Training
 - New technologies
 - 4) Describe your Tribe's successes or progress in this area. Also any failures?
 - Prioritize education and outreach
 - Assist tribes w/assessments to identify needs in the pesticide management program
 - ITCA to assist tribes build their capacity via the training they offer
 - Circuit rider program to fill gaps
 - Interagency MOU EPA has with Indian Health Service in Region 10

Enforcement & Compliance – reported by Cary Giguere

- 1) What are your tribe's needs?
 - Challenge between state/federal/tribal regulations
 - Enforcement response for EPA can take 2+ years – tribal inspectors have to respond in 48 hours / 24 hours for human exposure (tribes with pesticide programs) – tips and complaints from tribes reported to regions have a much longer response time
 - Importance of state/tribal relationship
 - Tribal programs small; impacts consistency
 - Regional offices should give enforcement priorities to tribal referrals deal with jurisdictional issues
 - inspections are done with federal credentials to
 - Federal / tribal co-regulation
 - Jurisdictional issues

The above points were not characterized under specific question numbers

- 2) What issues has your Tribe experienced?
- 3) What barriers or challenges has your Tribe encountered in characterizing or addressing the issue?
- 4) Describe your Tribe's successes or progress in this area. Also any failures?

Oscar Morales commented on some of the feedback shared within the breakouts.

The tools we have will have increasingly complex technologies and will be easier to use. Look for solutions which come from this. Funding for labs – schools are dealing some basic research labs. Look to some of these so their students get training and as a means to get more scientific help. New roles and communication – how to institutionalize knowledge and store it somewhere so others benefit from it. Environmental Enterprise Leadership Council is made up of 10 states, 5 regions and 2 tribal members. It's a forum who looks away to new ways of environmental protection. Nothing is beyond bounds if the idea seems legitimate. Many people are collecting data from their home using NextGen enforcement

One member asked if TPPC could we do some research and provide a list of LA2A certified lab but if it's not for enforcement then they don't have. SFIREG recently did a survey of state labs and what they can perform.

Action item: Cary to provide Fred a SFIREG generated list of labs and their capacities by 10/31 for him to share with TPPC.

Action item: Amanda reported that ITEC was starting to develop a lab. Share info on this by when ready and by 12/1/16

Action item: Cary to send Suzanne the link to Suzanne info on an amino assay / field test kits (presence/absence) for her to share with TPPC by 10/31/16.

Action item: Cindy to share the added language (3 paragraphs) for tribes that she is putting into the guidance by 10/31.

Tribal Caucus

Opening Comments – Fred Corey

Executive Committee meeting notes were shared with the Full Council:

- In January we talked about priorities and consensus was that all from 2016 should remain for 2017. EPA is also putting together material and it was encouraged that they be made more available and in the hands of those who need the most.
- IPM in tribal housing. Unsure of what HUD's priorities are in each region. We need more HUD directors to come and talk about priorities and how IPM fits in. We agreed to keep it on because of the information still needed.
- First pollinator workgroup will be 10/21 (tentative). Still needs to be decided what will come out of this work group.
- Status of Pesticides in Indian Country report. Discussion about time frame and when do we want to bring them out? Idea to place on website in sections and mention which others one are under development.
- Commonality with SFIREG which dovetailed into funding. Also using NCAI which is another group useful to us.
- National program manager's (NPM) guidance. Being crafted right now with a hard deadline for draft language ready by 12/31. Reached out earlier but did not receive feedback from TPPC. Area of plan include worker protection, applicator certification, pollinator, protection, grants management, region-specific projects. School in IPM is rotating off.
- National Tribal Toxics Council has taken on risk assessments as a priority. Tribal Lifeways and Lifeline have been put out there. Talked about having a risk assessment 101 session at the March meeting. Amanda's team is working to make sure that tribal exposure routes are included in future assessments. Lifeway is a dietary analysis with the intent to help tribes. Feedback was not necessarily favorable and that it was not transferrable. Amanda is looking for anything known about it.
- Cindy Wire has March meeting space reserved March 8-10.
- Carryover funding: possible uses are 1) allocating more resources to having Bob Gruenig doing more policy analysis; 2) pending her availability, allocating more FTE to Kristy so she can take meeting notes. Suzanne has been invited to attend future tribal caucus meetings.
- Amanda suggests we work with the NTT when the topic of funding is pursued. Information on different kinds of grants would be helpful. EPA has sent out info on assistance in writing grants.
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EPA Lead Region Update – Gabriela Carvalho

Refer to Gabriela's slides on the TPPC website for more detail.

It's Gabriela's role to attend and bring info here and take it back to the regions.

- 24 assistance agreements (17/24 receive OECA \$). 7 agreements serve multiple tribes, 90+ tribes served.
- 2.32M distributed in FY16. OPP activities: \$970K, OECA activities: 1.35K, funds approximately 27 FTE
- Field work has taken a lot tribal activities since June and this has been a heavy workload for them over the summer

Action item: Gabriela to provide Suzanne her slides for the regional update as well as the Passamaquoddy Tribe Action Plan Book pending approval to share and post to the website by 10/31/16. Suzanne to have handbook on meeting's landing page as well as the larger resources tab.

- Region 9 RTOC Vector Borne Diseases Workshop

- NMSU training for tribes
- Bed Bug Forums
- Pesticide Inspector Residential Training (PIRT) trainings
- ITCA's IPM for tribal Schools Workshop – 28 attendees
- Region 4 WPS Training for tribes – Nancy Fitz – in Mississippi Sept 13-14. 14 tribal attendees from 3 tribes.

Pollinator Protection

- St Regis Mohawk as valuable pollinator info on its website
- Region 9 has been working on a template guidance document for bees – not only for managed bees but native bees also considered.

Coming up in 2017:

- Ticks, mosquitoes and other public health pests being considered by Wampanoag Tribe of Gay Head in Region 1.

Correction: October 26 is the proposed first tribal pollinator protection workgroup call and not 10/12 or 10/21 as may have been recorded earlier. Nina noted that this date falls during the week of a Region 9 conference and Gabriela said that the call date could be changed if needed to accommodate folks.

Hilery got a 30 day extension from the Region 7 PO so she could get her MP3 plan in place. Gabriela did not know of any tribal plan in place as of yet – it's a work in progress.

Mary Clock Rust is very knowledgeable about pollinators and will lead the workgroup. Getting a list of tribal contacts.

<h4>Next Steps Following the TPPC Bed Bug Issue Paper – Gabriela Carvalho</h4>
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Refer to Gabriela's slides on the TPPC website for more detail.

TPPC Issue paper, 11 pages. In Jan 2016 the TPPC submitted a bed bug issue paper to EPA with recommendations in 4 key areas:

1. Prioritization
2. Collaboration
3. Funding
4. Technical resources

At June 2016 TPPC meeting EPA presented an overview of initial discussion, learned about resources via HUD office of Native American Programs. Many volunteers including Alaska Native Village (Jennifer Skarada). Recruited Barbara Pualani for Region 2, borrowing her for 1 year. Held individual conference calls with Federal agency representatives, TPPC volunteers and technical assistance providers. Held a call with TPPC volunteers to review the bed bug clearinghouse.

Preparation for the October 25th call. Does this issue paper address what the TPPC is asking for? Is anything missing? What should Federal agencies focus on first? What does success look like? How will we know we are making progress?

Gabriela invites folks who will be present on the 10/26 call to take this information with them on the call. There is an extension to all federally recognized tribes. USDA state university extension doing outreach and consumer science – opportunities to partner with them as well.

Bob to participate on the call 10/26. Nina pointed out there are some items missing and asks how long they have to add. BIA and others are missing and should be added.

Action item: Gabriela to add BIA, HIS, TANF to the list of additional contacts to consult with.

One members shared a story to share about a school with anxiety of bed bugs in dorm hall. Attempts made to get situation under control. 1-2 kids were believed to have brought them in and school was not in the position to visit family to help them get issue under control. Recognizes the need to have some sort of office in place to deal with these sensitive issues.

Gabriela wants to make sure everyone is ready for the call with federal partners. Do folks want to continue this on a conference call before the larger one with federal partners?

Another members got in touch with HIS to leverage their help with calls to houses. We've heard lots of good ways to implement assistance but Gabriela not sure of how to capture those additional opportunities which may not present throughout the country to support others.

Action item: Once they receive the draft bed bug document Gabriela will soon share, TPPC members to provide additional comments on opportunities and other suggestions. Timeline is tight and before October 25 call.

Bob Gruenig says there may be a few things missing in the funding area. Only EPA and HUD are listed. There may be others to whom folks could apply *directly*. USDA. IPM Centers also have funds available. Stoppests.org is co-funded by USDA and there are other opportunities still not identified.

Action item: Hilery hopes to put some schematics together to share on DIY kits by 10/31/16.

WPS Implementation Roundtable, Suzanne Forsyth & Africa Dorame-Avalos

In Tony's absence, Suzanne gave an overview of the Pesticide Educational Resources Collaborative (PERC), the projects they are leading in the way of materials and outreach for WPS implementation. Africa Dorame-Avalos facilitated a discussion with the TPPC on what the Tribes need in the way of assistance from EPA to implement the WPS and provide input on tribal considerations to help guide development of EPA materials.

Action item: Africa to meet with Tony McCandless send out a questionnaire to the group next week looking for feedback on WPS implementation and materials needs.

SFIREG Update, Cary Giguere, SFIREG Chair

Fred Corey introduced Cary Giguere and thanked him for attending all of the sessions up to now. Cary reflected it's his first time on an Indian Reservation and how much he's learned in the last day and a half. In yesterday's session he heard a few items come up which he'd like to address:

- Federal credentials and why states are having issues with them. It's not sum icy what you do with them (Producer establishments or referrals from EPA.) Issues is maintaining the credential and maintaining the website which has the trainings on them (NETI, inspector wiki). Sometimes NETI would not print a certificate. Ongoing discussion with folks in OECA.
- Pollinators - the states' template for pollinator protection plan focuses on managed pollinators. We are not precluded to include native pollinators.
- Worker Protection Standard will be on spring 2017 agenda. The fact that NASDARF refused the 2 grants (e.g., Meetings & PSEP funding) has left stakeholders in a bind and that implementation will be rough. States are wanting to extend the implementation period by another year and field staff are talking about not fining violations for a year. This is a bone of contention when you are doing a WPS inspection on a reservation. This goes back to an issue brought up the first morning: primacy. Cary has given his inspectors enforcement discretion that if they can fix items in the field and he doesn't know about it then that's agreeable.

Refer to Cary's slides on the TPPC website for more detail.

- POINTS Database Review and Recommendation for Changes & Aquatic Benchmarks

Points Database improvements recommended from SFIREG-EQI and EPA staff: 1) Improved tracking of Pesticide of Interest to Pesticide of Concern – allow user to enter added detail, e.g. trigger level, benchmark and POINTS contact person for grantee; 2) Fully query-able database - search for results in multiple states by active ingredient; 3) use consistent format for chemical names in list of Additional Pesticides of Concern; 4) input screens – clarify or remove questions that are unclear, e.g. questions about the number of watersheds affected

Action item: Gabriela to work with Lorry Frigerio for selected tribes (Jasmine & Willie) to gain access to POINTS database.

Action item: Cindy to clarify if POINTS is just for states or should they be collecting data for tribes as well?

EQI developed an issue paper and the implementation are now on hold as there is a migration of the database housing underway from WSU to EPA. SFIREG told EPA that while the migration is underway, SFIREG will reassess what utility it brings to the process. Is it collecting the correct data, is it useful? Attendees reflected that it's important that databases be able to interface with other so that meaningful data can be captured and extracted in a worthwhile manner.

- Atrazine benchmark recently decreased by a tenth fold. Question for states is how they use these benchmarks? Is there some way to be communicating there?
- Inspection Time Allocation Review / Updates for the Grant Guidance. This topic has resurfaced because the Tribal Grant Coordinators (TPPC & EPA) want to make revisions to the Tribal Grant Guidance consistent with SFIREG's recommendations. 85%-115% "negotiate with your regional office" rule of thumb is still the last point of reference for resolving this topic. Determining the number of inspections to be included in a work plan doesn't address the major concern (travel time and remote geography) that emerged from the survey conducted by the workgroup. There are two other major components to this discussion that are also unresolved: A) do inspection hours include the administrative/enforcement time after an inspection has been conducted in the field; and B) how is laboratory analytical response time accounted for?

This has been discussed with TPPC since January and Gab reflects on a misunderstanding. SFIREG did a survey and they want to address the travel time and laboratory analysis time in this analysis. POs need to be aware of things which happen in a tribal program that may impact the time it takes for tribes to perform an inspection. Cindy Wire welcomes the input from SFIREG and TPPC but adds that there is a time limit for this. Gabriela recommends that Cindy Wire removes the required number of hours from consideration in the guidance/template and/or add a narrative for POs as a guidance in how they should consider quantitative measures.

- Cannabis Why do we need legal pesticides and certified applicators?
 - High residues in concentrates
 - Undisclosed pesticide AIs
 - Word of mouth

SFIREG workgroup created 12/15. CropLife America expressed concerns from registrants, and suggested that they be included in a workgroup as well. They also want hemp to be included in the conversation. Risk cup considerations are a significant issue. If the risk cup is already close to full, the product will not be pursued. Colorado agricultural statistics for the 2015 season show \$800 M for alfalfa, \$700 M for cannabis, and \$600 M for corn.

EPA Special Local Needs "State Registration" for pesticide products. EPA letter of intent to Colorado provides a path forward, outlines conditions required, requires states to perform risk assessments, and requires support from the pesticide product registrants.

Opportunities. Build on pre-existing partnerships with other states, Nationwide Network of State Regulators currently dealing with Cannabis, relationship with EPA and Pesticide registrants, development of State specific standards for cannabis production, and opportunity to harmonize.

Cannabis Consumption Survey. This survey is intended to obtain a better understanding of the type, manner and amount of marijuana consumed by end users. Responses will be used to develop future pesticide use risk assessments to determine potential exposures to residues on Cannabis.

George Farnsworth with CDPR will be doing a risk assessment on consumption. His contact info is:

George Farnsworth

Assistant Director

California Department of Pesticide Regulation

P.O. Box 4015

Sacramento, CA 95812-4015

Email: George.Farnsworth@cdpr.ca.gov

Fungicides are major class of products uses. Powdery mildew is a major pest pressure, spider mites, aphids, etc.

Notes: EPA does not approve products – the register them for use. It's a registration process and not an approval process. State labels are being developed and will have cannabis on the label. Region 10 has a list of products which are not prohibited for use on cannabis as they use general terms. Question: will people will be able to take CA's risk assessment and be able to apply for a 24c? Yes but process for tribes is different as they have to go through the states. The process is still unclear on how this will work for tribes.

Action item: include Section 18 and 24(c) for the March 2017 meeting; want to know how it is performing and current status. Rick Keigwin or Jeff Herndon would be good potential speakers.

Working with the AIEO, facilitated by Nina Hapner

Now that the AIEO is staffed up, the TPPC can look to see how to leverage their assistance in attracting some funding. In talking to Luke Jones a year ago, Fred said he was trying to define what direct implementation would look like.

Discussion ensued about historical issues and funding challenges. Cary pointed out that congress gave primacy to states and not EPA. Gap dollars and pesticide program – cannot be used for program implementation – only planning, outreach, etc. There's a new GAP guidance that says that anything with environmental results then you cannot use the dollars. As someone who has to answer the phone in a region, Cindy is completely understanding of and compassionate to this dilemma for tribes who have their capacities built and then EPA has no funding for them to implement their pesticide programs. One suggestion is that if EPA can take the caps off other funding sources, then this could help tribes.

Amanda briefly reviewed a list of things she is working in and how she can assist and ways to move forward.

- Helping with consultation, gap and other special projects, and other legal aspects
- Direct implementation – she's looked at all of the statutes where tribes have the authority in Indian country. Looking at milestones with OCSPP and there are some missed opportunities and things to be revised and this was brought to attention. It's still a big issue. Luke Jones is her contact for gap funding.
- Asbestos – where can tribes be participating? There were some grants for this before and not sure where they are now and grant process. She is working with the programs in this including sources reduction grants. Suggestion is she meeting with the National Tribal Caucus and the big

issue is more funding is needed across all programs in Indian Country. Amanda is happy to link both the Councils to help with this effort.

Getting back to the agenda and because Amanda works with AIEO, Nina feels it would be helpful to have a representative meet with us but prefers it not be the one we had before as there's a concern about transparency. What can they do for us? What should we focus on so it can be most useful?

1) strategic planning, 2) gap online, 3) general assistance

Amanda's best advice is when she came into the national scene, there were a lot of things that were not finished. AIEO can advocate when we need senior leadership on board. They have made a lot of progress looking at EPA's policies including tribal consultations and others. She suggests we have literal questions we want answered and give them to Luke to make sure they are addressed. How do TPPC priorities best integrate with AIEO? Suggestion they give a PPT on all the new people, what they more do, etc. No interest in having Luke come and talk about GAP finding. If we would like a broad look at all funding then Amanda can look broadly and. Have candid conversations with senior leadership at National Tribal Caucus about what AIEO can do for tribes/TPPC?

Action item: Amanda to coordinate an introduction on a monthly call about AIEO on their staff, roles, activities. Amanda to do a PPT to share on call.

Action item: Amanda will give an update on direct implementation and her efforts on this.

Action item: Amanda to coordinate with her contacts to offer a presentation on breadth of potential funding opportunities for tribes.

Action item: Amanda to invite Billy Mans from National Tribal Caucus to March 2017 meeting.

Risks Posed by the Inert Ingredients in Pesticide Applications and Impacts to Native American Indian Tribes in California, Matt Baur
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Refer to Matt's slides on the TPPC website for more detail.

The UC study focused on "solvent naphtha". Risk of poor health outcomes is linked to exposure. Solvent naphtha doesn't volatilize very quickly. Cancer rates among American Indians/Alaskan Natives in California. Cancer rates have not declines in tribes since 2006.

Research question: does exposure to solvent naphtha residues resulting from pesticide applications pose a risk to Tribal Members using natural areas for harvest/gathering purposes? Study focused on southern California counties based on their proximity to areas adjacent to harvesting/gathering might occur because they were concerned for exposures. The study focused on sites where they believe tribal members might be exposed to pesticide residues. Study focused on two types of cancer (e.g., leukemia, oral and pharynx). The results showed that 33% of the pounds of solvent naphtha is for fumigant use (Chloropicrin). US Cancer Statistics show that leukemia and oral cavity & pharynx cancer incidence is low in American Indian Alaskan Native (AIAN) populations. Oral and pharynx cancer rates among American Indians/Alaskan Natives (AI/AN) in California from 2009-2013 are higher in the San Diego area but there is a tremendous lack of data to draw any other conclusions from other areas.

Does solvent naphtha pose a risk for tribal members? Solvent naphtha is common in pesticide applications applied to the three counties included in this study. Solvent naphtha residues will be present following a pesticide application. We do not know how long the residues will pose a risk. No maximum exposure levels for solvent naphtha have been established. Tribal Members could be placed at risk if harvest/gathering activities occur in areas with residues from pesticide applications. This study serves as a starting point for the conversation about the risks posed by 'inert' ingredients in pesticide products. The data collected in this study did not conclusively demonstrate a link between the 'inert' ingredient solvent naphtha and poor Tribal Member health outcomes and further study will require more information

The Western IPM Center as a Funding Source for Western US Tribes

Matt has heard several places where Western IPM center can provide funding. How are you going to fund toolkits for bed bug control? Here! They fund about 59% of the proposals they receive. December 9 is the deadline for applications. Geographical restriction: MT, WY, CO, NM, CA, ID, WA. But other regional centers have their application period open now. Tribal projects have been funded in AK, CA, and AZ. They typically like to fund regional proposal. If two tribes can go in together then that qualifies them as regional and might would receive preference.

Reducing Pesticide Use through Invasive Weed Education – Dan Fagerlie

Refer to Dan's slides on the TPPC website for more detail.

Dan has been working in 30 something years and he's never known about TPPC. Working with the federally recognized tribes' extension program. Extensions may be able to partner with Tribes to get programs launched. Invasive plant species a concern as they threaten their native ecosystem.

Nina Hapner is part of the Western Region (Tribal) IPM Workgroup.

New Business

Thought is to look to Nebraska in October 2018. Fly into Sioux City Airport (more \$) or Omaha. Other hosts are welcomed to express an interest in hosting as well.

Next Meetings

The next Full Council meeting will be held at EPA's Office of Pesticide Programs offices in Arlington, Virginia on March 8-9, 2017. The next Executive Committee will be held the morning of March 10, 2017; travel home in the afternoon.