

Tribal Pesticide Program Council – Full Council Meeting

March 8-9, 2017

Held at EPA Headquarters, Arlington, VA

Meeting Notes - Final

The meeting was called to order at EPA's Office of Pesticide Programs Headquarters at 8:50 AM EST.

Attendees:

Tribes (34)

- Neil Abbott, Ak-Chin Indian Community
- Les Benedict, Saint Regis Mohawk Tribe
- 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
- Nina Hapner, Kashia Band of Pomo Indians
- Miguel Hernandez, Native American Environmental Protection Coalition
- Joe Herrera, Yakama Nation
- Wilhelmina Keenan, Confederated Salish and Kootenai Tribes
- Glenna Lee, Navajo Nation EPA
- Tony McCandless, Gila River Indian Community
- Lucy Parker, Southern Sierra Miwok
- Irving Provost, Oglala Sioux Tribe (Day 2)
- Dustin Roy, White Earth Nation
- Larry Scrapper, Cherokee Nation
- Hilery Spray, Winnebago Tribe
- Kelcey Stricker, Pechanga Band of Luiseño Indians
- James Williams, Muscogee Creek Nation
- Martina Wilson, Fort Peck Tribes
- Tiffany Wolfe, Pechanga Band of Luiseño Indians

Tribal Organizations (1)

- Africa Dorame-Avalos, Inter-Tribal Council of Arizona

EPA (9)

- Zoe Emdur, U.S. EPA, OPP
- Nick Hurwit, U.S. EPA, Region 10
- Amanda Hauff, U.S. EPA, OCSPP (Day 1)
- Jackie Mosby, U.S. EPA, OPP
- Oscar Morales, U.S. EPA, OCSPP (Day 1)
- Mary Powell, U.S. EPA, American Indian Environmental Office
- Emily Ryan, U.S. EPA, OPP
- Elizabeth Vizard, U.S. EPA, OECA
- Cindy Wire, U.S. EPA, OPP
- Lance Wormell, U.S. EPA, OPP
- Felicia Wright, U.S. EPA, American Indian Environmental Office

Other (2)

- Suzanne Forsyth, University of California Davis Extension
- Bob Gruenig, TPPC Consultant

Traditional Opening Ceremony, Welcome, Introductions

Many thanks to Les Benedict from the St. Regis Mohawk Tribe for delivering the opening prayer.

EPA Welcoming Remarks

Welcome from Oscar Morales, EPA/OCSP (Office of Chemical safety and Pollution Prevention) – Oscar looks forward to spending time with people during the meeting and after hours as these are some of the more fruitful times. He congratulates the TPPC on its goals and establishing a robust pollinator protection working group. He reflected on the TPPC having launched a bed bug action team aligned with federal partners. He knows the TPPC will continue to make future successes with a team.

When asked about his concerns for the future of EPA, he said he had no details on the Agency's prospective priorities and budget, but the current EPA Tribal Team is still committed to serving the TPPC. He assured the TPPC that they will continue to work with TPPC as a team despite the outcomes and he will everyone apprised of updates. He reassured all that the EPA Tribal Team has a hard working team on their side. He thanked the TPPC for their hard work and dedication and looks forward to future successes together.

Welcome from Felicia Wright, EPA/AIEO (American Indian Environmental Office) – Felicia has a long history working with tribes since 1996 at EPA. She started in the Office of Solid Waste, went to the Superfund Office, and also worked with brownfields and underground storage tanks. 7 years ago she joined the Office Water in the tribal program (CWA, Safe Drinking Water Act.) She has a lot of varied program experience. She joined AIEO in late December as permanent deputy director.

1. Strategic planning – wants to make sure that this is focused and sharpened moving forward.
2. Working together as governments and how EPA looks to tribes as primary decision makers at local level.

This is the framework they are starting with. They coordinate with all the tribal programs across the Agency. One of their major responsibilities is that EPA in its actions and decisions is upholding Indian policy and statutes. They listen to and are an advocate for tribes. As EPA does its work they want to make certain all are equal players via communicating, taking actions and consulting. In 2011 EPA adopted a tribal consultation policy – one of the primary things they have accomplished over the last 8 years and this has had a profound impact with EPA reaching out and working with tribal governments with a myriad of actions. Setting out an expectation and a process and it's allowed EPA to better engage over time to keep this a strong focus area.

In consultation with tribes they have developed a companion to consultation policy looking at tribal treaty rights, making sure the conversation is inclusive. They have heard from many tribes that this should be a model across federal agencies. 9 signatories who have committed to uphold and recognize treaty rights as an obligation for the federal government. Hope this continues to be implemented and add signatories. Partnerships. Wants AIEO to help be a broader connection with EPA and NTC (National Tribal Council). There is new leadership at NTC and AIEO would like to see this collaboration continue. Felicia met with EPA Administrator, Scott Pruitt, the first week he was seated and their expectation to continue to uphold work and agreement with tribes, willingness to listen to interests and priorities of tribes. Very positive step moving forward. Pruitt really wanted to learn more so additional discussions of tribal programs at EPA and how tribes can be at the table with infrastructure changes.

One TPPC member knows of other tribes wanting to join TPPC. If Felicia has anything about AIEO for tribes to take back to their states so other tribes can learn more about how to engage. Felicia knows of resources but will start with a business card for folks to contact her.

Another members asked if Felicia has had an opportunity to get out and meet other tribes. In her current capacity she has visited Alaskan Native villages. But in her former role she has visited many tribal lands. She is looking forward to additional outreach and face to face discussions.

Nina Hapner, TPPC Vice Chairperson, encouraged Felicia to attend individually/small gatherings versus large meetings. The perception is that sometimes the decisions that AIEO makes and pushes forward can harm tribes. Not sure that the full understanding is in place. Felicia welcomes this opportunity to meet with tribes to learn more.

Fred congratulated Felicia on her new role and knows based on her former work that she's dedicated to addressing tribes' issues first hand. This was a powerful asset in the Superfund work they did together. Hopes she can encourage the new appointees to visit sites to learn the issues first-hand and gain field experience in this way.

Agriculture is major economic engine and without pesticide this cannot happen. Hopefully this will be something the new administration takes an interest in.

Welcome from Jackie Mosby, EPA/OPP – EPA values highly the partnership they have with TPPC. Jackie manages the group that works with TPPC in the OPP. She welcomes the TPPC to Crystal city. If there's anything she or her staff can make her stay comfortable then to please let her know. Her staff has worked really hard in the past year and a half to increase effectiveness to work collaboratively with tribes and she hopes that the TPPC feels well served. Let her know if there are areas that need to be better served. Lance and staff are part of a larger OCSP team that handles tribal issues. The EPA Tribal team members include Lance Wormell, Cindy Wire, Oscar Morales, Amanda Hauff, Emily Ryan, Carol Galloway, Nick Hurwit, Barbara Pualani, Zoe Emdur, and Mary Clock-Rust. Her staff also works behind the scenes when talking with staff in other Offices. They have a sense of the issues across the Agency (Office of Water, Office of Environmental Justice) and are always interested in hearing how the partnership is working.

TPPC Chairman Update – Fred Corey

It's been since March 2015 since we've met in the DC area and a lot has changed since then. It's appropriate we are back in Arlington and everyone has a chance to meet each other. Please introduce yourself and your tribe to the EPA folks here. For EPA to do their job they need to know the issues so they can take this into account in developing.

Communication theme – purpose and intent of these face-to-face meetings is an opportunity for tribes to present their issues and challenges to EPA and to provide substantive input. One of the regular themes from former meeting evaluations is that we need to keep sessions running on time. We've had some suggestions improving the flow of our meetings. Please be mindful that other tribes have things they would like to discuss. For some tribes this is the only time they have for face to face. We want to be communicating back to EPA.

Fred expressed his appreciation to the 2 TPPC working groups. The Pollinator Protection Workgroup under Jasmine's leadership – there are many good things happening with this. The bed bug working group has been making a lot of good progress as well. Materials being developed ready to share.

Action item: Jasmine Brown and Emily Ryan to add Dustin Roy to the bed bug workgroup before the next call.

[Refer to the session slides on the TPPC website for more detail]

Suzanne reviewed the Coordinator activities and accomplishments from the start of Project year 2017 (October 2016 to present.) She also presented a summary of expenses, and the carryover to Project year 216 from 2016. The Council is about 35% spent through September 2017 and this is a favorable thing given that we do not know what funding will look like next year. UCDE recommends that the TPPC continue to look for cost savings as much as possible.

Hot Topics – facilitated by Fred Corey

Each tribe has the opportunity to share about the hot topics in their community. What one tribe may be dealing with another tribe may be working on and had some successes.

Kelcey & Tiffany, Pechanga Band of Luiseño Indians. They don't have traditional agriculture on their lands. They are working with the NRCS (Natural Resources Conservation Service) on their pollinator protection program. In southern California there are a lot of unique plant species. To preserve traditional gathering areas, this is important. Golf course is another area of focus. Working with the golf course on appropriate applications as it's near a waterway which goes through the tribal lands.

Les Benedict, St. Regis Mohawk Tribe. – Les attends TPPC meetings for the benefit of the networking. This is the second face to face meeting for him and the first was in 2015. His objective is to learn about tribal programs. He's leveraged his networking at TPPC to draft a Pesticide Code for St Regis Mohawk Tribe which should be approved by the Council this year. So this has been a huge benefit to his tribe. Current issues include invasive species (plants and insects) and Emerald Ash Borer. He brought a list of chemicals used to address this and his concern about risk assessments. Pollinator protection – they don't have managed bees but their plan is under consideration.

James Williams, Muscogee Creek Nation. Muscogee's major challenge is that the Tribe's environmental staff and program areas are housed in multiple venues and not in a central location. So communication and coordination require more attention.

Larry Scrapper, Cherokee. Federal certification is something they are working with to make applicators aware of that. A misuse case involved someone who was not certified for RUPs (Restricted Use Product). A Region 6 investigator is going to bring forward this case. Off-label use is another concern for bed bug issues. A few schools in Region 6 are addressing IPM issues. They now have emerald ash borer in the northeast corner of Oklahoma.

Tony McCandless, Gila River Indian Community – The Tribe is waiting for their certification plan to be approved by EPA. No other big issues currently.

Neil Abbott, Ak-Chin Indian Community – no burning issues currently.

Eric Gjevre, Coeur d'Alene Tribe – most of his Tribe's hot topics relate to enforcement and compliance assistance, roll out of WPS (Worker Protection Standard.) He is working with growers to train workers. They must now train annually as opposed to every five years.

Glenna Lee, Navajo Nation – Working with Jennifer Weber and the Arizona Department of Agriculture to conduct training for applicators on WPS, fumigation and other optics which applicators are interested in. There is another this month. Focusing on schools with dormitories as bed bugs are a big issue there. Indian Services has an Indian Health program and someone at the school has been working with her. Bringing training to Navajo Nation on schools, day care centers, and this is in the works. Having prairie dog issues in farm areas.

Africa Dorame Avalos, Inter-Tribal Council of Arizona – did a presentation at this week's AAPCO (Association of American Pesticide Control Officials) meeting about WPS on the assessment on implementation needs. Africa thanked Tony for developing this with her as well. Issues that tribes are having with WPS include: language barriers, lack of resources, lack of pesticide programs in Indian Country, etc. PERC (Pesticide Educational Resources Collaborative) will respond to each concern with feedback soon. Africa is doing a training on structural applications that offers CEUs. Doing this with Gila River Indian Community. Working University of Arizona on an IPM (integrated pest management) workshop for pests in Region 9. Africa has reduced her pesticide program time to 80%. She will be working on underground storage tanks for the other part of her assignment.

Africa asked how can tribes become a member of AAPCO or NASDA (National Association of State Departments of Agriculture). One of the criteria to be part of AAPCO is to have an Act or Charter. We need to find out more about this as a potential resource.

Action item: by 6/30/17, find out more about what is needed for a tribal representative to become an AAPCO member. Invite Bonnie Rabe to a future call to learn more about AAPCO and membership opportunities for tribes (e.g., what are requirements, benefits and opportunities?) Repeat for NASDA.

Diania Caudell, California Indian Basketweavers Association – notice of golden spotted oak borer (GSOB) they will be treating for. She'd like to know more the areas where they will be treating. Acorn harvest is down due to lack of rain. She is working with students on Cal State San Marcos. Continues to foster collaborations between education and other partners. Concerned that spraying in other areas on their gathering. Notice did not mention what product would be used to spray.

Willie Kennan & Jasmine Brown, Confederated Salish and Kootenai Tribes – Hot topics are aquatic and invasive species, Zebra mussels. Quarantine only for a short time. They create an adverse effect if they get into the lake. Tribes are also having problems with prairie dogs. According to the label you need a management plan. Confusion about amount of reservation it must cover. Jasmine put in for a small grant with Matt Bauer with the western IPM Center. This fall they will be putting in for a larger pollinator fund. Been doing osprey sampling for the university food chain. Haven't found a lab to do blood and feather analyses for pesticides. Greenhouse is growing milk weed which is found on tribal lands. Pollinator protection workgroup has been working hard.

Dustin Roy, White Earth Nation – Dustin is pursuing his federal credentials. He held this position with White Earth Nation 5 years ago. EPA is allowing him to use some of his previous inspections to count for credentialing. He is looking for opportunities to shadow to get this experience filled.

Lucy Parker, Southern Miwok – It's been a rough winter where she lives with 40 feet of snow. All of their basket making materials are under snow. She is working with park service on the pesticides getting sprayed around Yosemite. Dealing with having to take park service people out in the field and educate them on concerns about how gathering items are used and pesticide concerns. Continue working with various tribes in Yosemite valley (7 tribes). A neighboring tribe is helping them get back online their round house. Are interested on what their people have been making baskets from. Lucy was contacted by North Face organization about what kind of fibers they use to make their baskets out of. They want to work these into their products into their clothing line. Are they waterproof and how North Face can leverage these natural fibers for clothing wear? She gets asked to teach workshops on gathering, a lot of teaching and preparation to educate folks. Lucy is also a ski instructor so she is very busy!

Hilery Spray, Winnebago Tribe – Hilery attended the MP3 symposium in DC where Dr. Spevak presented. Hilery started a collaboration with him. They are losing culturally relevant and culturally sustenance plants. They are starting a food sovereignty program. Bed bugs under much better control due to outreach with HUD and tribal TANF programs. She does not get as many calls now and they are

addressing bed bugs inside their tribal communities. Bed bugs are not going away but the way they are handling it is making an impact. 11 tons of pesticide containers being collected this year as opposed to 5 tons last year so this is a another success.

Nina Hapner, Kashia Band of Pomo Indians – She is participating in the pollinator protection work group. A template from Region 9 will soon to be shared. Worked on the bed bug work group, and also attended the global bed bug summit and she and Africa will present on this tomorrow what tribes need to know. Her Tribe has increased its land base out towards the coast. Tribal members are excited to collect seaweed and harvest fish, bring fire back into the regimen, look at resilience of property. Need to look at coastal burning to control pines and concern over creosote by products. Will start to work on their own pesticide code.

Fred Corey, Aroostook Band of Micmacs – has the tribal fish farm and the tribal food farm. Both consuming large amounts of time since December. Has an invasive species project and wants to present at some point and it relates to climate change. There is a tick marching northward and it's the demise for the moose population. Moose is one of the most important animals to the Micmacs as a food source. The tick is also bringing Lyme Disease. Tribe has a research project collecting data seeing interesting things. Some of their hunters have been contracting Lyme disease by processing meat products from moose.

Address by the National Tribal Caucus – Evaristo Cruz

Evaristo Cruz joined via teleconference and shared the NTC's priorities focusing on toxic substances and that contaminant exposures and pathways are a major priority. A couple of key points to follow up on. Improve information in transition document is to infrastructure. Infrastructure opportunities in a program that are needed in tribal communities. Invites this group to look at opportunities for infrastructure needs to help with pesticide programs. As we convene work with this administrative and transition topics we are hoping to illustrate, talk about concerns for need for infrastructure. Want to share online work with ECOS (Environmental Council of the States.) Asked members of the NTC to reach out to introduce themselves to work with ECOS counterparts. In each perspective region there should be an e-enterprise representative in RTOC (Regional Tribal Operations Committee), which will meet the first week of April, executive group of NTC will meet with ECOS. First week of April. Also hopes to meet with Administrator Pruitt and share transition document they have and the adjustments they had to include discussion points of elements and infrastructures. As NTC starts to works closely with ECOS, partnership groups which need to be enhanced. Need to look at areas where this is working and other areas to improve. Find areas with ECOS in areas where this is agreement and then find areas to strengthen for cooperative work. Had a chance to talk to e-enterprise partnership group. If TPPC could look at the areas where we need to enhance partnership and other areas which are working well. This way we can have meaningful discussions with ECOS both and find ways to work cooperatively to move past some of them. Thanks the work TPPC has done in the past with budget needs and help NTC get talking points and how budget money can most effectively be used. There areas of uncertainty as we go into this next budget cycle so that when the new budget is put together and resented that TPPC can help provide input. NTC has invited all regions to create a budget matrix. This is an Excel spreadsheet which originates from a grass roots level to take this information from tribes to bolster up budget requests put other for OMB. Will be asking for additional assistance where they can improve effort and cooperative work with states. Making sure budget requests are clear and articulating areas of concern with states and having the same view of what they hope to achieve. Has one more thing he'd like to ask. NTC will submit to EPA a list of candidates to select as director of AIEO. If folks here could forward candidate names to Evaristo then he can provide a list of names to EPA which is representative of the work they do in tribal communities and the feedback they get from the folks NTC works with.

Fred expressed that the TPPC wants to work with the NTC from the ground up to make sure there are discrete requests in the budget for needs. Work closely with NTC to attract more resources for OPP. The strategic planning process is where we can make some progress. Fred reinforced the desire to open up the lines of communication with NTC so that some of the needs NTC and TPPC identify can be communicated with senior leaders to enhance. Evaristo would be interested in learning about TPPC successes because it's important to continue to highlight where this work has been successful and other areas where we need to improve this cooperative work. Evaristo concurs that strategic planning drives the budget process. An area of tribal important is tribal economies. At the Pueblos they have been looking at food security and importance of rebuilding economies that put some of that funding and expanding enterprises the areas of food security, welfare programs, others. There is a point of looking at pesticide programs and tribal economy and food independence as principal needs in an economy. Additional resources have a direct impact in the growth of tribal economies. In addition to strategic plan, these measureable elements can be identified if they've increased or not are essential. If NTC can help at their level then they would be happy to. NTC trying to get feedback to add before the letter to share the first week of April.

Action item: Evaristo Cruz to send Amanda today a Word document of NTC transition priorities for FY19-22. Request to send a timeline along with the transition document so EPA know what NTC's plan is. Needs response back by the first week of April. Suzanne to check with Amanda to see if it was received.

EPA Updates and Discussion – Office of Pesticide Programs (OPP) & Office of Enforcement and Compliance Assurance (OECA) – Cindy Wire, Mary Clock-Rust, Liz Vizard, and Don Lott

1. Cindy Wire conversed with SFIREG representatives and they are not concerned about the time factor piece on the inspections. If the TPPC wants to move forward then they can follow up with Cindy and Carol and have a discussion on a future monthly call.
2. Mary Clock-Rust and Pollinator Protection work group. The group has a template now for tribes to use. It's long but you can carve out parts if you need to. Built as an aid to for tribes to model a MP3 plan for. She is open to having folks join the calls. Thanks to the workgroup members for their effort. Jasmine hopes to present slides at Friday's executive Committee to expand on their efforts. Mary is the point person for the pollinator posters and she can send you 100 free ones for outreach. "Monarch Highway" is theme.
3. Liz Vizard, OECA. They manage the state and tribal assistance grant funds on the compliance side.

[Refer to the session slides on the TPPC website for more detail]

- a) Cooperative Agreement Guidance. The FY2018-2021 guidance is finalized. Key changes include updated references to new WPS, updated references to Certification & Training requirements, updated program focus areas, updated pick0list options, added EPA's compliance monitoring strategy, and changed the guidance form a three-year to a four-year time period.
- b) Pesticide State/Tribal Dashboards appears here: <https://echo.epa.gov/>
- c) Section Seven Tracking System (SSTS) is a new electronic reporting webpage to help producers and is located here: <https://www.epa.gov/compliance/electronic-reporting-pesticide-establishments>. In 2016 electronic reporters increased by more than %150.
- d) Using pesticide producer data, OECA published a webpage to list all active EPA-registered foreign and domestic pesticide establishments
- e) Pesticide label matching mobile applications. The app is available through iTunes App store and Google Play "EPA PLM".
- f) PIRT – EPA is looking for a tribe to host the 2018 tribal PIRT.

4. Don Lott, OCE. Don expressed that it's always a pleasure to meet with TPPC. He attended western region meeting and he met Brenda Ball from Ak-Chin. She talked about a water treatment facility inspection which involved a misuse of a chlorine treatment for water even though the chlorine residual was compliant with water standards. She indicated that it would be impossible for any treatment facility to apply a chlorine product in a compliant manner, consistent with pesticide labeling directions, if the facility was trying to reach a residual level of something close to, but still lower than the water standard. As a result of her presentation, Don was able to raise the concern over the apparent conflict between the water standard and what is currently allowed on the pesticide product labels and a workgroup of people from both OW and OPP has been formed to address the matter. Don expressed appreciation for the Ak-Chin tribe in bringing the matter to our attention.

When Don was with TPPC last time we talked about warrants and federal inspection authority. In 2009 Mary McDonnell sent out a message and there was a trail of emails stating that FIFRA does not have explicit expressed authority to do Use inspections. EPA's inspection authorities are either explicit (authorities which are defined in the statute) or implicit (authorities which are implied in FIFRA). Although correct in as far as it went, Mary McDonnell's memo did not address the expressed authorities in Section 26(c). Section 26, subsections (a) & (b) address state primacy. Section 26(c) talks about the situations where EPA has direct implementation authority or has the ability to go in and do use inspections under unique circumstances such as an emergency. That Section extends the inspection authorities of Sections 8(b) and 9(a) to EPA's direct implementation authorities expressed in Section 26(c), thereby giving EPA explicit inspection authority to conduct books and records inspections and inspections at establishments and other places where pesticides or devices are being held for application commercial applicators and allows us to go into establishments where products are being held for sale and being held for use. Since most of EPA's use inspections are going to be done after the application has been completed, this authority provides us the explicit authority needed to conduct post-application books and records inspections of commercial applicators.

In addition to the inspection authorities provided in Section 26(c), as discussed above, the new CFR 170 Worker Protection Standards requires agricultural employers and employers of commercial pesticide handler to make records and other information available for inspection and copying to an EPA employee upon request. Those provisions are found in 40 CFR 170 sections 308(m) and 313(m), respectively. Based on these new regulations and the expressed authorities from FIFRA section 26(c), EPA credentialed circuit riders, therefore would appear to have adequate authority to gain entry for the purpose of monitoring compliance with WPS requirements. Also, if EPA suspects a violation has occurred, the inspector should be able to obtain a warrant to force entry. Of course, if access or entry is being denied by an agricultural employer or the employer of commercial pesticide handlers, in contradiction of the WPS provisions discussed above, that denial is, in fact, a violation of the WPS regulations and would be adequate cause to suspect that a violation has or is occurring, in support of the effort to obtain a warrant. Don appreciates Eric bringing this to his attention.

Action item: As soon as it is released, Don Lott intends to share a document currently under OGC review to more clearly articulate the federal inspection authorities and the authority to obtain warrants, as discussed at the October TPPC meeting.

Action item: Have Don Lott join us in a future monthly (before June 1) call to give a status of WPS inspections in Indian Country.

[Refer to the session slides (2 sets) on the TPPC website for more detail]

This session was joined by:

- Jeff Besougloff, Senior Advisor, American Indian Environmental Office
- Emily Heller, OCFO Tribal Program Manager
- Jennifer Vernon, OCSPP (via telephone)
- Linda Hicklin, OCFO
- Vivian Dab, OCFO

Knowing that the certainty of funding and resources is not known, if there could be some honest effort at increasing capacity in bolstering the tribal cooperative agreements and adding new ones then this would be a step in the right direction. Not having a pesticide program in place affects their ability to have a vibrant and self-sustaining economy. Goal of today is to talk about the process and a way to increase tribal pesticide program capacity.

Action item: Amanda Hauff to send TPPC a list of the 19 members of the NTC by June 1.

Discussion on the new administration and transmission activities. It's normal to have a freeze in communications and grants when there is a change in administration. Everything has been lifted, is moving forward and is back in business. Nobody has answers about budget cuts. It's hard to hear all of the media coverage on these issues. Amanda promises to offer any information shared with her. Budget constraints and direction from outside sources. EPA is at the very beginning of the FY18 budgeting process. The Agency is still in negotiations.

Amanda and Cindy offered reassurance that they will keep the TPPC abreast of what's going on. They don't want to see tribes taken advantage of by others (e.g., consultants who are scamming) during this tenuous times. Nina commented that we should be looking to gain as much support on a TPPC priority as we can. Lance says EPA is getting their news from the same source as well and it's all speculative.

Vivian Dab with EPA's Office of the Chief Financial Officer states that EPA's strategic plan is required by law, the Government Performance and Results Act (GPRA). EPA is required to revise a plan after each 4-year presidential inauguration. The document provides the foundation for planning, budgeting and accountability. It has EPA pub number EPA-190-R-14-006 and can be found at:

<https://www.epa.gov/planandbudget/strategicplan>.

Purpose of this effort:

- Discuss tribal pesticide needs, challenges and solutions
- Provide detailed messages to the new EPA Administration to protect and increase tribal resources
- Push the Agency to aim for measurable goals
- Use exercise outputs to create various components of future TPPC products (letters, presentations, Status of Pesticides in Indian Country Report, etc.)

Objectives of this effort:

- Learn about EPA's Strategic Plan and how tribes can influence the process
- Brainstorm potential products and outcomes that can be submitted to EPA as well as be used for TPPC planning
- Conduct exercise to identify tribal needs, challenges and solutions to be incorporated in various products
- Collaborate with the National Tribal Caucus on various efforts

Timeline of this effort:

- Ensure TPPC actions and products align with Agency timeframes
- Prepare timely and clear messaging to new EPA Administration

There are some annual action plans which back up the cross agency strategies.

Question: what kind of budget assumption does EPA make when they set about strategic planning? Do they have a number or some ground based input? They assume proximate funding and consider legislative framework.

Elements of the strategic Plan: Mission statement, goals, objectives, strategic measures, narrative strategies.

Some key considerations for strategic plan development

- Administrator’s priorities
- Past agency performance results
- Program and enterprise risks
- Emerging issues
- New legislation (e.g., TSCA reform)
- External engagement:
 - State and tribal partner engagement/ tribal consultation
 - OMB review
 - Congressional consultation
 - Public comment

Opportunities for Tribal Engagement

- Program-specific opportunities:
 - Ongoing working relationship with program offices to share views on tribal priorities and issues of concern
 - TPPC and other tribal association meetings with program offices
 - Provide feedback on draft documents for Strategic Plan development
- Overarching opportunities:
 - Tribal consultation process during Strategic Plan development
 - National Tribal Caucus meetings: EPA periodically briefs the NTC on plans and progress during Strategic Plan development, provides opportunity for dialogue
 - Feedback during public comment period

Draft Strategic Plan Milestones:

- June 2: draft strategic plan framework submitted to OMB.
- Mid-August: full text draft submitted to OMB
- Dec 22 revised draft to OMB for final clearance review
- Early February 2018: FY2018-2022 EPA Strategic Plan issued with FY2019 President’s Budget

FY2014-18 EPA Strategic Plan Timeline

Timing	Key Milestones (OMB deliverables in bold)
Mar 2017	New team direction on approach to revision. Administrator priorities issued.
Mar-May	Development of draft strategic framework (mission, goal, and objective statements)

Jun 2	Draft strategic framework submitted to OMB
May-mid Aug	Development of full-text draft Strategic Plan (narrative & strategic framework including strategic measures)
Mid Aug*	Full-text draft submitted to OMB *Internal deadline 2 weeks earlier than OMB requires to ensure time for public comment while still meeting December 22 deadline.
Mid Sep-end Oct	Public comment period
Nov-Dec	Agency review of public comments and revision to draft
Dec 22	Revised draft to OMB for final clearance review
Jan 2018	Strategic Plan finalized
Early Feb 2018	FY 2018-2022 EPA Strategic Plan issued with FY 2019 President's Budget

Action item: Suzanne to post on the TPPC website by April 1 the 1-page resource from OCFO on the purpose and scope of key EPA documents.

[Jennifer Vernon with EPA/OCSP joined via telephone.]

Nina asked that when the strategic plan has been developed in the past, she would like to see the timeline more defined so the TPPC can be added to the framework. This is needed for tribes and regions. Vivian Dab with OCFO said the tribal consultation process has not been ironed out yet so this would impact delineating that. Nina said that EPA asks for comments on strategic planning at a time of year that there is demand on their time so tribes are not often able to comment. She asks that feedback for input be requested by September so tribes can fulfill all of their other year-end responsibilities. Nina commented that Amanda has identified places in the process where tribal input is essential. Les Benedict commented that working with the TPPC is one venue to have tribal input but there is another more formal mechanism via tribal consultation. It's hard to make substantive changes once the document is far along in the development process. Hopefully today we can come up with some things to consider in the framework so they will already be considered for inclusion in the document.

Cindy Wire asks for clarification on the timeline and Tribal consultation. June 2 date – is that date firm with OMB or is it dependent on the pending leadership appointments? Vivian responded that they have not even launched the process yet, EPA is trying to get with the current senior leaders about basic decisions on the process. After that they will lay out a whole tribal consultation process and will share widely. The process described here does not have those details. The June 2 date was put out last summer by OMB as a deadline. Possibly be able to change it and it's also possible that they won't be able to meet it. This is the best guess given the schedules have been given. The final February date is in the statute.

Evaristo Cruz with NTC commented via telephone and said that once NTC can identify someone to work with TPPC then they can identify follow-ups for assistance at the federal level.

Jasmine Brown expressed concerns about the fate of EPA. Willie Keenan said there is a circuit rider tribe in South Dakota and they are not getting any help from the state or EPA with regard to outreach on the recent WPS changes. CSKT (Confederated Salish and Kootenai Tribe) is creating a checklist and it took them nearly an hour to go through a checklist they created on all of the things an agricultural employer needed to comply with the new WPS rule. It's a very complex rule. EPA is asking multiple questions in one box and they want a yes/no to each question. The current checklist asks several questions with only one box to check. Often the ag employer may have 4 of the 5 requirements so the single box does not accommodate this condition. For example under the central notification area of the WPS inspection

checklist, it asks, "Emergency medical information is displayed (name, address, phone)". It appears that there are 3 separate questions but only one response option (yes or no). Africa would like some clarification on this

Some tribes have to inspect a central posting location where it's located off a reservation and the inspector does not have jurisdiction. How important is it to include this element of an inspection for inclusion?

The next part of this session included an interactive breakout exercise. TPPC members and attendees broke into smaller work groups to characterize issues they would like to see addressed in EPA's strategic plan. The goal was to create TPPC Issue Road maps and follow-up activities. The tasks were to 1) clearly define the topic area to ensure information gathered is specific; 2) identify specific challenges/issues pertaining to the topic area; 3) identify specific solutions to eliminate challenges/issues; and 4) try make specific solutions measurable.

The group agreed to address the following topic areas:

- Risk Assessment
- Worker Protection Standard – lots of details but not sure how it will relate to strategic planning...
- Increasing tribal pesticide program capacity

Due to lack of time, the report outs on these were deferred to the Executive Committee on Friday.

Fred Corey opened the session by explaining that the intent of the Tribal Caucus was for tribes to share their thoughts and reactions of the day. An observation by Pechanga is that there is not as much communication between water people and the pesticide people. Some of the regulations overlap but are not aligned. Fred cannot remember a time when we've had an Office of Water person participate in TPPC meetings. There are water quality standards which impact gathering materials and this affects exposures. Kelcey Stricker brought this up with Vivian Dab and that collaboration would be valued. Vivian stated she thought EPA already did that through the strategic plan vetting process. But the tribal suggestion was to have the conversation begin earlier than just in the review phase. Consensus was to encourage more collaboration across the media offices and include at TPPC so they can hear tribal concerns and issues.

One member's observation is that pesticide circuit riders and their relationships with regional Project Officer (PO) is not standardized nor what EPA is requiring. EPA has initiated the project officer training and the hope is to standardize this for tribes as well as states.

Another member felt that tribes should get the Administrator priority list directly from the Administrator and not through other sources. The thought is that priority areas are pre-selected and that tribes cannot influence ones that EPA select. Fred thought we should submit tribal priorities before they develop anything that it will get on there is. That's why we want to do this early one. Miguel suggests tribes go back to their tribal councils and other departments to make sure they are communicating about this.

Action item: Fred to ask to be on an NTC monthly call agenda to talk about TPPC priorities and the strategic plan process TPPC is underdoing, by April 1.

Another member asked why EPA is asking for comments when it's perceived that they really don't want them. Fred said that in the past the input for tribes was not asked for soon enough. And the input was more proscribed by EPA and was more like "we're going to tell you what should be important to you".

One member expressed concern over culturally relevant plants that define who we are. They are gone. The food tribes eat, the crops they grow and the tribal community - it fosters community and all is affected by pesticide use.

Pauma Band of Luiseño Indians has a lot of citrus and avocados and they are losing terrestrial species (e.g., toads, hare) and they speculate herbicide use has taken cover crops and habitats. Fred said this could be something to take up to the National Science Council. Fred commented on precision agriculture. Willie asked if we could get a demo of this or other technologies.

Action item: UCDE follow up on the use of emerging agricultural technologies for a future monthly call or in-person meeting. Get areas of interest and TPPC can select.

Tribal Caucus Update

1. Variability across regions in how EPA project offers administer grants and the relationships POS have with their grantees. It's hoped that the FIFRA Project Officer Manual will help address those concerns. There is a chapter dedicated to tribes. It's planned that tribes will have the chance to review this chapter before it's made final. If there are any inconsistencies to be addressed then please let Cindy Wire or Lance Wormell know.
2. Have more interaction with multi-media offices that affect tribes. Water and air quality were noted.
3. Fred to participate on a monthly NTC call to talk about strategic planning with the goal being to align TPPC and NTC issues so they may perhaps carry more weight when voiced together.
4. Interest in hearing more information about emerging agricultural technologies. Present on a future monthly call or attend a biannual meeting. Africa stated that the University of Arizona gave a presentation on this kind of technology but noted that it would likely be cost-prohibitive as the machines are \$500K each. Lance suggests it could be a brief overview but the there is a focused analysis of the cost/benefit.

Update on the Bed Bug Workgroup Activities / Stop Pests in Housing Presentation – Emily Ryan, OPP; Africa Dorame-Avalos & Nina Hapner, TPPC; Susannah Reese, Stop Pests in Housing Program, Northeastern IPM Center

[Refer to the session slides (3 sets) on the TPPC website for more detail]

Emily Ryan

Many thanks to the bed bug working group members:

- Nina Hapner, Kashia Band of Pomo Indians
- Joe Herrera, Yakama Nation
- Willie Keenan, Confederated Salish and Kootenai Tribe
- Tony McCandless, Gila River Indian Community
- Jeremy Phillips, Salt River Pima-Maricopa Indian Community
- Hilery Spray, Winnebago Tribe of Nebraska
- Vivian Stevens, Yavapai Apache Nation
- Jennifer Skarada, Bristol Bay Area Health Corporation (Alaska)
- Martina Wilson, Fort Peck Tribes

Emily Ryan with EPA/OPP reported on bed bug working group efforts. These efforts were in response to requests made by the TPPC in its August 2015 Bed Bug Issue Paper. In its issue paper, the TPPC raised several concerns about the effectiveness of EPA's Bed Bug Clearinghouse in addressing the problem of bed bugs in tribal communities. One of the primary concerns was that many tribal communities lack reliable access to internet, and many communities that do have access are not likely to refer to the Clearinghouse for assistance. Rather, the TPPC states that that tribal community members are more effectively reached through gathering and outreach events. A "Core bed bug team" at EPA was created to address issue. As part of its efforts, the core team has developed an outreach plan, core package, and content additions to the TPPC webpage.

The primary goal of the outreach plan was to assist tribal communities in their efforts to manage the expanding bed bug problem through information dissemination within tribal communities on how to prevent and control bed bug infestations. Secondary goals were to reduce negative social stigma, raise general awareness of bed bugs in tribal communities, inform general public in Indian Country of bed bug

control options and practices based on IPM principles, develop a network of support for those tribes struggling with bed bugs, and to share success stories.

The Outreach plan was developed with input from TPPC bed bug working group “volunteers”, federal agencies (HUD, USDA, and IHS), bed bug technical assistance providers including Integrated Pest Management (IPM) centers, Stop Pests in Housing, and the National Pesticide Information Center (NPIC), EPA Center of Expertise for School IPM. The Outreach Plan outlines the activities each group will undertake to disseminate information, with the primary audience being the general public residing in Indian Country.

Core package will include:

- 14 page packet of succinct, printable documents
- Addresses the following topics: bed bug identification, bed bug biology, bed bug checklist, top 10 bed bug tips, cost-effective control methods, how to make an Interceptor trap, stigma poster, and list of additional links/resources

The core package will be sent out with a TPPC cover letter written and signed by Fred Cory and Nina Hapner. All documents will be from academic/government sources. The idea is to format the information so that it is easy to distribute through different channels (EPA regions, TPPC, IHS, HUD). When core package is distributed, it will be accompanied by a cover letter written by Fred and Nina – the cover letter will introduce the materials in the package and also direct readers to the TPPC’s webpage. Goal is to advertise the TPPC as a resource.

TPPC webpage content additions – the core team has also developed content for the bed bug section of the TPPC’s webpage. The content includes links to training and technical resources and information on federal funding opportunities.

Webinars – the core team has identified several bed bug webinars. EPA/Region 9 plans to hold a general tribal IPM webinar in April. The hope is it may be recorded. EPA’s Center of Expertise in School IPM bed bug webinar is another.

Collaboration with TPPC and federal partners – throughout February the core team held calls with TPPC “bed bug volunteers” and federal partners to get input on the outreach plan, core package, draft webpage content, and webinars. The team is currently in the final stages of incorporating feedback into materials.

There was group discussion about other federal partners to include: HUD and Bureau of Indian Affairs. Susannah Reese from the Northeastern IPM Center stated that potential infestation from introduction via laundromats is highly unlikely. If they drop off in a laundromat and they don’t have a blood meal readily available, they won’t survive. The bed bugs hide and only come out at night when laundromats are not typically open. Nina commented that this may not necessarily be the case in Alaska and the solutions should be regionally tempered. Susannah suggests outreach to owners of laundromats that this could be a concern. Diania mentioned a documentary shown on TV recently that highlighted the challenges of Alaskan Villages. Jennifer Skarada from Alaska will be reviewing the TPPC bed bug materials to make certain the recommendations reflect effective controls for Alaskan Native Villages. The AIEO is very interested in this content and is happy to get the word out via email and web. Mary Powell suggests the working group may want to give a thought to Public Service Announcements (PSAs.)

Next steps for the working group

- Final edits to core package – March 2017
- Post content to TPPC webpage – March 2017

- Advertise EPA/Region 9 webinars – March and April 2017
- Work with TPPC, federal partners, and EPA regions to distribute materials to tribal communities – March and April 2017

Africa Dorame-Avalos and Nina Hapner

Africa and Nina attended the Global Bed Bug Summit in Indianapolis held in November 2016 and gave a report on the meeting. The travel costs for four tribal representatives was graciously paid for by Susan Ratcliff and the North Central IPM Center. The tribal representatives included Jennifer Skarada, Bristol Bay Area Health Corporation in Alaska; Nina Hapner, Kashia Band of Pomo Indians; Africa Dorame-Avalos, Inter-Tribal Council of Arizona; and Joe Herrera, Yakama Nation.

A major takeaway from the summit was a collection of information on the history, identification, biology and control of bed bugs (PowerPoint format). This file will be available on the TPPC website under the meeting presentations as well as on the Bed Bug Resources location.

The Focus at Summit were the basics, the hands-on, specifics of heat control technology, IPM, desiccants, tendency to overuse, how certain effective control measure are better than pesticides. A little known fact is that bed bugs can also bite dogs and cats. One of the biggest messages is that it's not efficient to come in and have a pest control applicator come in and spray down one's house.

Action item: UCDE to post Africa/Nina's bed bug PPT to the TPPC website by April 1.

Susannah Reese, Northeastern IPM Center, Stop Pests in Housing, at Cornell University

Stop Pests is funded by the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA.) Susannah's the answer for onsite training. Hopefully tribes can bring this back and talk to the housing people. She has four trainers nationally. What she's hearing is there's not a trainer who just works with tribes. Maybe she can adjust budget to create that. Trainers can come on site.

There are things that work in public housing which could be used in tribal housing. Caveat is that high rise buildings are different than tribal housing conditions. If tribes needs printed materials then talk to Susannah to print and mail them to tribes as she has resources for that. Her shop offers this free training to tribal housing. She or a trainer can come on site and run their IPM training and do technical assistance. Her team also inspects outside areas for other pest pressures. They also do an inside-school training.

How can TPPC roll out this training to Indian Country? Fred reflected on Susannah's training in Region 1 and how Susannah was able to walk folks through what to look for specifically in Indian Country. Possibly place a plug in Carolyn O'Neill's HUD newsletter? University of MN has a guide on Personal Protective Equipment (PPE). If tribal communities don't have HUD housing, would they still be able to participate in the training? Yes, there's a workaround but they must have a HUD funded entity host the training event.

Fred mentioned the bed bug working group's outreach package and a cover letter and the review and distribution of this is a good means to continue the conversation of the challenges and solutions.

StopPest has online training content to help facilitate learning in more remote areas. Local thrift stores also attend these in-person trainings to better acquaint themselves with things to look for.

Status of Pesticides in Indian Country Report

Follow-up up from October. Use this document as a lobbying tool and to help address issues they are facing, a doc to put in the hands of their tribal leadership so it's shared with the right people. The draft

from October will go out after this to get full TPPC comments and post to the TPPC website so that folks can start to use this information.

3 breakout groups today. A request from October meeting was to have a rotational effort. Groups will only be able to rotate once and not twice to address all three. For the next meeting in October there is an intent to get way ahead of the curve. Select next topics by April to get them thinking in advance, identify questions they want to consider. Name one recorder and one facilitator. There may not be time to report out today.

1. Tribal structures in Pesticide Management (e.g., an environmental program with pesticide related elements, pesticide programs in general, circuit riders)
2. Pesticide roles in pesticide management (e.g., education, assessments, monitoring, regulatory, enforcement)
3. Endangered species and risk assessments

Questions to consider:

1. What are your tribes' needs in this topic area?
2. What issue(s) have your tribe experienced in this topic area?
3. What barriers or challenges has your tribe encountered in characterizing or addressing these issues in this topic area?
4. Describe your tribes' success or non-success in these topic areas.

Status of Pesticides in Indian Country Report – facilitated Bob Gruenig

Bob's planning for this session began months ago via a topic survey/ solicitation. The three proposed sections of the Report suggested to address during this meeting were 1) Tribal Structures in Pesticide Management; 2) Tribal Roles in Pesticide Management; and 3) Specialized Issues.

Suggestion was made to expand this to a half-day exercise during the October meeting, as the groups are very productive and excellent work comes out of these valuable exercises.

Action: Bob Gruenig to compile the feedback collected this week on the sections of the Status of Pesticides in Indian Country Report and will share a draft for TPPC review by April 1.

2017 Revisions to the Certification & Training Rule and How it Will Impact Tribes - Jennifer Park, Nancy Fitz, & Richard Pont (via phone), EPA/OPP

[Refer to the session slides on the TPPC website for more detail]

The goals of this session were to 1) review what the Rule changes are as they relate to Tribes; 2) for EPA to learn from tribes what information they need about rule changes and EPA's Plan for Indian Country; and 3) to define the outreach roles for Tribes and EPA given the new rule requirements.

EPA regions have the primary role and responsibility for addressing the tribal plans and related issues. But it necessitates close coordination with EPA's pesticide program coordinator at GISB.

The Revised Certification Rule may be found at CFR Part 171.311.

EPA's plan for Indian Country: four (4) tribes have an existing plan (Three Affiliated Tribes, Cheyenne River Sioux, Rosebud Sioux Tribe, and Shoshone-Bannock Tribes of the Fort Hall Reservation.) Navajo Nation is in the process of creating a plan. There are no plans to review the plan for Indian Country until they are required to do so. EPA Regions retain the primary role in implementation.

CFR Part 171.311 and Certification of Applicators in Indian Country.

What changed?

- Eliminated the option for Tribes to establish certification program through State-Tribal agreement, and replaced it with option for Tribes to establish certification program through agreement with EPA Regions.
- Eliminated provision requiring Tribal plans to be submitted through Department of the Interior (DOI), and replaced it with provision allowing direct submission to EPA.
- Changed general requirements to be consistent with requirements for State plans, except that Tribes are not required to have criminal penalty authority.

Why were these changes made?

- Problems identified with requirement that required Tribes to enter into agreements with States.
- Current options were not providing Tribes with enough viable options for establishing certification programs.
- Needed to update language and Tribal terms and references to reflect current and accepted terms and terminology (e.g., Indian Country instead of Indian Reservations, etc.).
- Needed regulatory requirements to be consistent with EPA's current accepted approach to working with Tribes.

What tribes need to know (key points and take-away messages)

- EPA has committed to post-publication outreach and informational sessions specific for Tribes to assist Tribes in understanding the rule revisions and implications and options for implementation.
- Potential issues may arise regarding State/Tribal jurisdiction on Tribal trust and fee lands that may not be within the boundaries of the established reservations.
- EPA Regions have primary role and responsibility for addressing Tribal plans and related issues, but it necessitates close coordination with EPA's Tribal Pesticide Program Coordinator (located in the Government and International Services Branch (GISB), American Indian Environmental Office (AIEO), Indian Law Group, and EPA's Certification and Worker Protection Branch (CWPB.))
- No substantive issues raised/identified during rulemaking.
- EPA Headquarters will have primary role and responsibility for plan revision and will consult with Tribes.
- Region 9 will work to address issues with EPA plan for Navajo Nation.
- EPA will work with Regions and other Tribes with existing plans/agreements to assess needs and best options for Tribal plans and certification programs.

Tribal Areas Covered by Another EPA-Approved Certification Plan

- Three Affiliated Tribes of the Fort Berthold Indian Reservation
- Cheyenne River Sioux Tribe
- Rosebud Sioux Tribe
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- Navajo Nation (EPA Plan)
- Santee Sioux Tribe of Nebraska
- Prairie Band Potawatomi Nation
- The White Earth Band of Chippewa Indians

EPA's Plan for Indian Country

- EPA does not intend to revise its current EPA plan for Indian country until required to do so to meet the implementation requirements.
- Regions will continue to implement the existing EPA plan for Indian country as it is currently being implemented, and Regions retain primary role in implementation.

- EPA will work with Tribes to communicate rule revisions and impacts and identify implementation options.

Certification Rule Implementation

- The rule gives certifying authorities three (3) years to submit revised certification plans demonstrating their compliance with the new requirements.
- Existing plans remain in effect until EPA approves revised plan.
- Timeframe for implementation/compliance with revised certification plan will be decided on a case-by-case basis as part of EPA's review and approval of each revised certification plan.

One TPPC member asked about possible issues with fee lands. Richard Pont said that it's EPA's understanding that fee lands would be included in what's covered by the plan. If there's an issue there then these should be raised to the EPA Regional office. They are unsure where the boundary lies.

Les from the St. Regis Mohawk Tribe is in the process of developing a tribal code for pesticide applicators. They are not planning to create a certification plan. They are counting on EPA to do enforcement.

Several options for a tribe to have a plan:

- 1) you can have your own tribal certification plan (such as the four listed above)
- 2) the tribes can enter into an agreement to implement the plan
- 3) you can fall under the federal plan

If you already fell under the federal plan and you were covered by a state certificate, then you won't need to do anything different until the certificate expires. The new rule will not cover anything but Restricted Use Pesticides (RUP) and the eventual Plan EPA implements will require certification when applying RUPs.

Fred said that since there is such a small universe of tribes that are affected directly, that one on one outreach might be the best way to do the outreach. Nancy mentioned that getting regional tribal coordinators up to speed will be a next step.

Understanding the Pesticide Registration Process and How Tribal Exposures are Accounted For – Mike Metzger, Michael Doherty, EPA/HED & Chris Koper and Mary Clock-Rust, EPA/EFED

[Refer to the session slides on the TPPC website for more detail]

Mike Metzger is currently Branch Chief dealing with risk assessments for 32 years. He is joined by Mike Doherty, who served as the voice of the webinar offered to TPPC meeting attendees on February 14 in preparation for this forum.

EPA/HED (Health Effects Division) gets different types of data: acute testing, sub-chronic testing, chronic testing, developmental toxicity and reproduction, mutagenicity testing, special testing. It's a comprehensive set of data.

40 CFR Part 158 is the place in the statute where the data tables may be found.

- Dietary exposure assessments consider food and drinking water residues and food and drinking water consumption
- Drinking water assessments consider surface water (lakes reservoirs, rivers) and groundwater (underground sources)
- Residential exposure assessments consider non job-related exposures
 - Handler: homemaker, mixes, loads and applies pesticide

- Post-application re-entry after applications such as playing on lawns, playing golf, rolling on a rug
- Dermal inhalation and oral routes

Mike says we have all the data we need to describe toxicity. They have food residue data for the consumption uses. **What EPA does not have data for is non-standard exposures.** Tolerances are all found in 40 CFR Part 180. **A Risk Assessment is not a number.**

In looking at the tribal non-standard exposure pathways, you must look at pathways.

What tribal risks are likely to be covered by current assessments?

1. Drinking water (or bathing water). High end modeling inputs are used representing the highest exposure potential for both ground and surface water.
2. Processing, soil exposure, sediment exposure. Exposures should be minimal relative to other exposures, e.g., protecting for exposures to drinking water will also protect for these exposures which will be far lower.
3. Exposures from eating most game animals. For chemicals with uses on animal feeds, bounding level estimates of residues are assumed in meat, milk, poultry, and eggs. While consumption values may be higher, this will usually be offset by the higher. Exceptions? – Possibly cases where highly lipophilic chemicals have uses which might result in residues in plants consumed by game animals.

What tribal risks are **NOT likely** to be covered by current assessments?

1. **Gathering Foods.** If foods are gathered from areas where pesticides have been directly applied, such as roadsides and rights-of-way, significant concern exists. Regulatory Options? Restrict all such applications? Unlikely. Restrict applications in areas where food is gathered? Possible – will require coordination with local authorities. Combination of assessment of potential risk with limited restricted application? Other ideas?
2. **Fish Consumption.** This is the BIG ONE! The potential for high exposure is real. Regulatory problems. Unless the fish move in interstate commerce, tolerances are not required. Residues in fish vary widely, and the federal government stopped collecting significant residue data in the early 1990s. If modeled worst case exposure estimates are done, high risks will often be estimated, but ground-truthing them will not be possible.

Models take into account seasonal concentration variations. So peaks are accounted for, max app rate, applied on a certain date of the year. You get peak and daily maximum exposures over 30 years so you can figure what the highest residue would be.

One member asked for models looking at air applications, are you assuming a single application? Or multiple applicators which apply at the same time? Mike said the assumption they are all applying at the same time, at a legal application rate consistent with the label use, and that the residues are all flowing into the same pond and estimates what it will look like after 30 years. Worst case scenario is considered over 75-80% of the entire watershed included in the risk assessment the model.

On the environmental side, there are environmental regulations where data is more limited and only one study is available, EPA can take the single study and multiply by it 4.

Another question asked was if water quantity considered as well, since water quantity affects concentration? EFED response was yes.

Several TPPC members still didn't think that the exposure pathways considered by the HED models are accounted for. Like bathing in hot water that was drawn off water source. Mike Metzger says the likely risk is not elevated in EPA's estimation. Mike said they are assessing these and that these special exposures are being considered. He feels they are safe based on the models and exposure pathways considered. All of these other scenarios with a lower potential for exposure.

What do tribal members or organizations need to do to make sure these are addressed? Mike asked what ideas California Indian Basketweavers Association (CIBA) has for proposed mitigations. If risk assessments could address a sub population then tribes would have something to take to their local communities to help address these circumstances. Mike said he could help tribes with the risk assessment then it gives a more targeted risk mitigation. If tribes could get a targeted risk along with a targeted risk mitigation then this would be one alternative.

Next steps: 1) there are certain exposures that there does appear to be a concern and they are not accounted for. How do we make it clearer that these exposures/situations are included on the list? 2) What do we do about the gaps?

Fred said that fish consumption data is being used to set water quality standards in different parts of the country so maybe this another thing we can explore? Maybe we can scope out the issues and have another webinar.

Action item: TPPC to scope out any outstanding risk assessment issues and see what follow-ups actions are needed. See the PPT and consider having this discussion repeated in a future webinar or forum.

Successful Risk Communication Techniques for Tribal Pesticide Inspectors and Managers

[Refer to the session slides on the TPPC website for more detail]

Kaci Buhl with Oregon State University provided an overview of the National Pesticide Information Center and the services available to tribal programs. NPIC offers a science-based service. They say nothing on the phone which they do not have cited in a reputable reference. Opinions are never shared – only science-based facts. People can make up their own minds. Funded through an EPA cooperative agreement. Opened 4 hours daily. NPIC always respond in 1 business day if you contact them after hours. This session will consider:

- Who is NPIC
- How do we think about "safety"?
- Talking about the risks of pesticides

NPIC takes about 11,000 inquiries per year. Most questions are about pesticide use in and around the home (85%) and about 15% of calls are pesticide incident calls. EPA has a strong interest on this data set and uses it in their risk assessments. If you are aware that a pesticide incident happened in Indian Country then call to get this suspected exposure included in future risk assessment considerations. Incident data is very useful to EPA in this regard. Incident data can make its way into the decision making process quite efficiently in this way.

Action item: After TPPC member concurrence, Suzanne to send NPIC by 5/1 a list of TPPC member contacts for pesticide related questions.

NPIC cannot provide:

- Product recommendations (what product to use, whether or not to use a pesticide)
- Whether or not medical advice or diagnoses
- Legal advice
- Application instructions

What kind of software is used to track the call intake? NPIC uses a paper log. After the call they open a database they built in Oracle using Java and Jason. NPIC wrote this using Open Source content. EPA has been talking about building a database that the NPIC data can download into.

Risk Communication Considerations

Risks are less likely to be acceptable if the benefits are hidden from view or if they are not fairly distributed among those who bear the risk. There needs to be some communication to the benefits to the risk.

What are some of the benefits of pesticides we could talk about that could help temper their perceived risk?

If folks feel they have control over the use or exposure then their perceived risk is lower. If I am applying the pesticide the perceived risk is lower than seeing another person applying it. **Defining risk is an act of power.**

Gut feelings – risk and benefit are fused into the mind into a feeling. Feelings about outcomes and feelings about probabilities are often confused. When strong emotions are involved, there is ‘probability neglect.’

When people experience social pain, their IQ can be decreased by up to 20%.

- Embarrassment, shame
- Disappointment, anger

LEAP over the barriers. Listen. Empathize. Apologize. Problem-solve. IN communication science there exist filters which keep us from listening. Filters include values, experiences, personality, and roles. As a communicator you need to jump over these barriers.

Active listening. Allow minimal encouragements. Paraphrase. Use open-ended questions.

Old Business/New Business/Action Items from Day Two

Action item: TPPC to invite Lance Wormell to deliver the FIFRA Overview presentation either at an upcoming monthly call or at the October TPPC meeting.