

Tribal Pesticide Program Council – Full Council Meeting

March 7-8, 2018

Arlington, VA

Meeting Notes - Final

DAY ONE, Wednesday, March 7, 2018

The meeting was called to order by Fred Corey, TPPC Chairperson, at OPP Headquarters at 8:50 AM EST.

Attendees:

Tribes

- Fred Corey, Aroostook Band of Micmacs
- Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes
- Jarrett Pfrimmer, Sac and Fox Nation of the Mississippi in Iowa
- Joe Herrera, Yakama Nation
- Dustin Roy, White Earth Nation
- Willie Keenan, Confederated Salish and Kootenai Tribes
- Ryan Evans, Confederated Salish and Kootenai Tribes
- Eric Gjevre, Coeur d'Alene Tribe
- Martina Wilson, Fort Peck Tribes
- Lucy Parker, Southern Sierra Miwok Tribe
- Tiffany Hyatt, Catawba Indian Nation
- Larry Scrapper, Cherokee Nation
- Neil Abbott, Ak-Chin Indian Community
- Tony McCandless, Gila River Indian Community

Tribal Organizations

- Diania Caudell, California Indian Basketweavers' Association
- Steve Terry, United South and Eastern Tribes, Inc.
- Africa Avalos, Inter-Tribal Council of Arizona

EPA

- Jeff Herndon, U.S. EPA , Office of Pesticide Programs (EPA/OPP)
- Jackie Mosby, EPA/OPP
- Lance Wormell, EPA/OPP
- Cindy Wire, EPA/OPP
- Amanda Hauff EPA/OCSP
- Oscar Morales, EPA/OCSP
- Carol Galloway EPA/OC
- Felicia Wright, EPA/AIEO
- Zoe Emdur EPA/OPP
- Rachel Riccardi, EPA/AD
- Monica Rodia, EPA/ORD
- Lisa Berrios, EPA/OPP

Other

- Bob Gruenig, TPPC
- Suzanne Forsyth, UC Davis Extension

Traditional Opening Ceremony, Welcome, Introductions

Many thanks to Larry Scrapper from the Cherokee Nation for delivering the opening prayer.

Jackie Mosby welcomed the group and stated she was grateful for the opportunity to elaborate around pesticide priorities in Indian Country. These interests are important to protect. This partnership is important and EPA relies on its strong relationship with TPPC to give them advice on pesticide related concerns as they draft policies and advanced rule-making to make sure the regulations address concerns tribes may have. They look forward to continuing this as there are some challenging pesticide issues to tackle.

Jeff Herndon noted that we have several important topics to discuss. He looks forward to learning about tribal pesticide issues. He congratulates the TPPC on their work in finalizing pollinator protection and bed bug works. He looks forward to reading the status of Pesticides in Indian Country Report once it's completed. Lance and Cindy have worked hard to increase effectiveness in working on tribal issues. They advocate behind the scenes to advocate for tribal pesticide issues behind the scenes, working with Amanda, Oscar and the regions. Continuing this partnership is important to FEAD.

Oscar Morales next offered his welcome the group. Oscar is from El Paso, Texas and grew up around the tribal Antigua. Last year he was delighted to run into Evaristo Cruz who serves the National Tribal Caucus (NTC) and they learned that they grew up two blocks from one another. Oscar is delighted to join his sixth TPPC meeting. He's spoken to many of the TPPC members one-on-one. He appreciates the open communication, fruitful collaboration, and the need to be aware of using our strengths and walking away with clear priorities to make efficient use of resources. During the senior leadership presentation he looks forward to discussions. He thanks the TPPC for working hard to submit comments on new rule making, the launch of its website, and for their dedicated time and service to TPPC. Lastly, he thanked the EPA team for their dedication and energy to listen to council's concerns. He pointed out that the very first meeting Administrator Pruitt held was with the National Tribal Council.

Felicia Wright with the AIEO next welcomed the TPPC and thanked the TPPC for allowing AIEO to be a part of this meeting. This is a strong group and an important opportunity. She just attended another meeting across the river on tribal issues and rulemaking. She sees a lot of strength in the engagement with EPA. Where they support the NTC is to see the engagements with the partnerships and how they can best facilitate so it can be shared at the national level. One of their priorities is how they can best facilitate that kind of information so that the important work TPPC is doing can be shared in a broader arena. What are the important elements to leverage? What are EPA's responsibilities and how are they meeting that? How is EPA's work happening in the right way to honor the EPA to tribal consultation in a meaningful way? Felicia introduced Lisa Berrios as acting deputy and how she brings a different perspective they need at the national level. If there's anything their Office can do to assist to please let them know.

TPPC Chairman Update – Fred Corey

Fred reflected on the history of TPPC and his early days of growing produce on his farm and his concerns about pesticide residue. He became more engaged in pesticide use and tribal exposures. He was referred to Lillian Wilmore who said the TPPC was forming. The first meeting was in DC in 2000 and he wondered how all of the entities could work together. Everyone was very respectful of everyone's position. He was impressed as there were a number of EPA partnership groups, right after EPA developed assistance groups. Right after this there was a realization that EPA needed to establish partnership groups. Office of Air and Office of Water seemingly had less polarity over than issues versus pesticides. The Waste Program had programs start up and they imploded. TPPC was productive from the beginning. The last few months a number of issues have come up and they bring a lot of effort and dedication and the work means so much to them. You cannot be as productive and accomplish as much if you don't bring that energy. Dialogue is important and no one is ever going to be shut off from

speaking. TPPC is drafting policy to govern attendance behavior. There are so many unique challenges for tribes in running their programs. We need to consider with this dialogue. Another concern is that we don't want TPPC to lose the government to government responsibility. It's a sacred relationship. When TPPC meets we are not interfering with that. We are never going to get in the way of communication between tribes and the federal government and there's nothing we do here that will step on that. Fred assured folks that he's here to listen to issues and concerns and said that the Executive Committee (EC) is here for that as well. He took that info into the revisions of the P&P. Always remember that the EC is here to serve the Council and bring all that feedback back in order to advance the council. Because we are dealing with issues that are controversial, some TPPC members came up with some shared ground rules for behavior at our meetings.

- Be respectful. Everyone needs to be heard and to share.
- Follow the agenda.
- Be solution-oriented. If you raise a problem then please offer a constructive solution.
- Seek to understand. Put yourself in the shoes of others.
- Stay focused on what we are talking about. If someone starts to go off topic then we may ask to place it in the parking lot so we can move ahead in a timely manner.

He added that we have a lot of challenging issues ahead of us and the agenda reflects many of the TPPC's current priorities.

TPPC Coordinator Report – Suzanne Forsyth

[Refer to the PPT presentation and PDF report for details on this session.]

Suzanne presented a written report of activities since the October meeting including mid-year finances. Her report included a new addition - Google Analytics of the TPPC website and which pages were accessed more often. The pollinator and bed bug resources were the most popular, which underscores the importance of these items.

Hot Topics Presentation

[Refer to the presentation PDF for details on Martina's session.]

Martina Wilson – Fort Peck Tribes. The TPPC thanked Martina for stepping forward to offer the featured hot topic presentation today. She reflected on her observations that bed bugs are present on the reservation but the residents weren't talking about them. She noticed mattresses and clothing strewn about. Residents would retrieve discarded clothing to take home and this has been a source of bed bug introduction into a home. Martina wanted to focus on outreach and education. She found that people didn't really want to talk about it due to the negative stigma of lack of cleanliness. Her goal was that people started to talk about them and ask for help. It was important that folks could come for help anonymously. Facebook has been their biggest outreach. Fort Peck's Water Quality, Brownfields and Pesticide Program web pages all have overlapping content so that the messaging can be more broadly shared. Martina explained that the bed bug conversation could be akin to head lice – identifying the problem and then how to get help. Having K-8 education in schools equips the kids to ask those questions of their parents and to let them know there are ways to control them. Martina thanked Emily Ryan of EPA/OPP for her work in getting the bed bug package together. Martina discourages the use of bed powders so people aren't exposed dermally to those products. She suggested that they purchase a large plastic bag to seal the beds. Home-made traps were also suggested.

Outcomes:

- People are asking questions and they are treated anonymously for discretion
- Co-workers are requesting packages to make traps, etc.
- Drawbacks: people want supplies to make traps, etc. (but Martina showed them economical ways to create traps with low-cost materials)
- Future plans – Earth Day at schools, continue to distribute

One attendee asked if they had tried the various oils for control (e.g., tea tree oil, etc.) Martina said that these are often used for head lice but not certain it's effective for bed bugs. Lavender oil and cayenne pepper are others suggested by Lucy. It's a marathon and not a sprint as far as eradication is concerned. Bed bugs are attracted to humans' CO₂. Before the TPPC educational bed bug packet went out she had only few resources to share but is grateful that it's now in one place. They have a no-burn policy on their reservation so the solid waste eventually had to be hauled off for landfill.

Lance Wormell comments on a success story from Don Baumgartner in Region 5 and that hearing stories like these substantiates the effort OPP has placed into staffing Emily Ryan on this and could be a good model going forward.

Martina Wilson closed with a reminder and invitation that Fort Peck will be hosting a tribal PIRT in September, 2018.

Diania Caudell – California Indian Basketweavers' Association. CIBA gathers materials for medicinal and basketweaving uses. She reflected on a recent challenge while gathering native plants which were not on the reservation. She was gathering a reed and did not have on gloves but had only long sleeves. She was exposed to a thistle and later had adverse reaction to an unknown agent (not believed to be a pesticide). So she is now an advocate for glove use while gathering.

Larry Scrapper – Cherokee Nation. The Tribe continues to address bed bug issues and solutions.

Neil Abbott – Ak-Chin Indian Community. No hot topics noted at this time.

Tony McCandless – Gila River Indian Community. They are trying to resolve the issues around of ag-urban aerial applications. The tribe is supporting the leadership as they try and address the issue.

Africa Avalos – Inter-Tribal Council of Arizona. ITCA is a tribal consortium of 21 member tribes. She is planning on offering a tribal inspector training at Colorado River Indian Tribes and will focus on WPS and drift. They are opening it up to Region 9 who have cooperative agreements and then will open it up to tribes nationwide. ITCA provides inspections on behalf of those tribes. She also does Worker Protection Standard (WPS) trainings for workers and handlers in English and Spanish. Africa attended half of the AAPCO meeting earlier this week. She met with the NPSEC Executive Director and learned that there is an in-person respirator training offered. Michael Wierda from Arizona State University attended one of these and Africa will coordinate to bring a respirator training to tribes as well. WPS is the hot item because some of the challenges tribes have been facing are vector-borne diseases, the management of bed bugs, developing pest control codes, developing outreach and education, and getting youth involved. The hope is to include the youth in these efforts.

Last week Nina Hapner and Africa held a conference call for tribes interested in developing a pesticide program, to get training need identified, determining tribes' needs and funding. Neil and Africa were tasked with revising an assessment with an OECA component and then share for feedback and will be using the OECA guidance for this. She participated in the PREP and PIRT steering committee PREP course coming up. The target audience is for incoming managers. ITCA hosted a grantsmanship training based on a request from other programs and provided three free scholarships. Tony McCandless attended. Tuition is about \$1,000 for the week. Lance offered vast EPA IPM resources available to share with her as well.

Lucy Parker – Southern Miwok Tribe. The tribe continues work on their second round house in Yosemite after the snows pass and they work with the Park Service. There's a turnover in superintendents. Things are working well. There is a neighboring tribe helping them to do the work on the Round House. They are doing a lot of gathering to build it. They are using cedar wood to strip plus oak tree harvesting. Her tribe is hidden away in the high sierra mountains and making good progress.

Jasmine Brown, Ryan Evans, Wilhelmina Keenan – Confederated Salish and Kootenai Tribes. A hot topic for CSKT is coyote control. Different tribes have different agreements with USDA for coyote control. In Montana they have private applicators to use M44 cyanide devices. A current requirement for M44 use is to have a supply of the antidote on hand. The compound used in M44 is very toxic to humans and if you get exposed you can die in a matter of minutes. EPA and FDA cannot agree on the terms for the requirement to possess the antidote as FDA states that the antidote would need a physician prescription. Emerging contaminants and personal care products is another focus area. There is no more funding for pesticide programs to sample for this. The detection of personal care products indicates methamphetamine and diabetes medicines. The concern is that vulnerable populations are being exposed to this in drinking water. Waste water treatment plants do not filter out any of these contaminants. Jasmine will be presenting to the tribe about this so there's an awareness. Jasmine added that there are endocrine disruption effects from these contaminants and they are believed to have feminizing effects on fish populations.

Fred Corey – Aroostook Band of Micmacs. The tribe have soon have a monitoring plan in place to address pollinators. There are not a lot of tribes other than for small scale honey production and we don't want to lose these.

Jarrett Pfrimmer – Sac and Fox Nation of the Mississippi in Iowa. The loss of the circuit rider program coincided with the TPPC meeting in October. As the Region 7 RTOC member, Jarrett and his tribes are trying to get that coverage back into the region. The circuit rider position is going to be in the Muscogee Creek office and will focus on bed bug control and agricultural issues.

Tiffany Hyatt – Catawba Indian Nation. Their major topics are their Indoors Head Start programs and urban housing. The tribe is not certain which pesticides are used and they are initiating an assessment for this. Fred Corey offered some assessment templates for Catawba Tribe to use.

Action item: Fred to share the assessments with the TPPC list serve by April 1.

Action item: UCDE to post to the TPPC website. Create a toolbox.

Steve Terry – United Southern and Eastern Tribes, Inc. Steve has done a lot of work in Region 4 and trainings and has worked with Cherokee schools on citrus management.

Joe Herrera – Yakama Nation. Joe has been distributing the bed bug package with Head Start and their schools. He has been consulting with the Washington State Department of Agriculture (WSDA), who has started water sampling. Joe has put together a list of active ingredients found in their water and is staying in touch with WSDA.

Dustin Roy – White Earth Nation. Dustin just received his federal inspection credentials! EPA has required him to do 12 inspections which he will begin when he returns next week. He met with the State of Minnesota. Chlorpyrifos and soybeans and having issues with aphids. Residues are also being found in lakes. One of his concerns is what EPA is going to do with that chemical. If it gets cancelled then the next option for aphids is a neonicotinoid insecticide which isn't any less concerning.

Eric Gjevre – Coeur d'Alene Tribe. He thanked the group for their thoughtful card sent to him in October 2017 following his last-minute absence. He was sorry to miss the October TPPC meeting and is glad to be here. Had conducted a bee kill inspection late in the year last year. The report came in through EPABeeKill.gov.

TPPC Presentation and Discussion with OCSPP and OPP Senior Leadership

Arnold Layne is excited to get to speak with the TPPC and it's a first for him in his career. He thanks Fred and the EPA folks working elsewhere to convene this meeting. He's the deputy office director in OPP. Has the opportunity to work with many senior managers to ensure that EPA is making sound regulatory

decisions to protect human health and the environment and providing a good customer service in the process. Stated with EPA a long time ago in 1989. Started his federal career in 1982 but started in the pesticide program in 1989-2007 then started on a leadership journey across the Agency (water, superfund, office of Env info, and other). He wanted to get greater experience with tribes as EPA staff remind him regularly that he need tribal perspective to make decisions. He is the national lead for the Zika crisis we encounter nationally. But he is also the chief customer experience officer for OPP. Customer service is one of his passions. It allows him to be interested and engaged in all of the needs of EPA's customers/stakeholders. Hearing from TPPC will give him greater insight. "Customer experience" is spreading like wildfire across federal agencies. One of the processes they are trying to improve the tribal consultation process. Cindy Wire is working with Amanda Hauff. Amanda used to work for Arnold and did incredible work with him and he's so proud of how she's blossomed and done so well! Working with Amanda on this effort is important.

An attendee asked about customer experience and if the regulated community was part of that. Arnold conveyed that they are. If we can pick up the phone and call and not be a contentious situation. So he sees it as a plus for the Agency to build this type of a program.

Africa suggested that we have an update of the projects and tasks being done by EPA so the TPPC can have current and factual information about activities in Indian Country. She said it would be good to know what regional Direct Implementation is focused on – if it's WPS or other.

Action item: Nick to provide a sub lead region update of at each meeting on regional tribal activities.

Action item: Jasmine to provide to Oscar Morales the four contributing PPTs for the TPPC presentation.

TPPC Presentation

[Refer to the presentation PDF for details on this session.]

Jasmine addressed the group and presented the TPPC's property issues. All regions have tribes doing pollinator work. Region 6-10 is where most of the work is being done. In Region 7-10 there are 7 credentialed inspectors. Rocky Boyd and Fort Belnap are tribes requesting circuit rider coverage and EPA is waiting to hear directly from the tribes with the request (per Martina Wilson).

Action item: Bob Gruenig to send Cindy Wire/EPA Tribal Team the list of tribes TPPC has heard of that have asked for circuit rider programs. Willie to send Cindy a copy of the circuit rider agreement.

There are currently 128 cooperative agreements for pesticide programs. Not all pesticide programs and 113 tribes (at most) have some coverage through these agreements (i.e., circuit rider). This is one area TPCP would like to coordinate and collaborate to increase this through strategic planning together.

As we move into the anticipated budget reductions for FY19, tribes don't receive funding from registrations or other sources, other than OPP/OECA. Tribes get 100% of their funding from EPA.

OECA representatives introduced themselves.

Greg Sullivan is the director of Waste and Chemical in OCE. He shares FIFRA enforcement, also RCRA, TSCA and CERCLA. Greg is here in part today to engage with this group and continue a long standing discussion. Don Lott retired but brought him up to speed. Yolanda Walker works under Greg in the underground storage tank area and he is here to listen and address the important items to TPPC as a whole.

There are now 574 recognized tribes and there's a need for coverage. TPPC understands there are proposed cuts to EPA's budget. It will have a different meaning to tribal programs versus states'. For tribal circuit rider they are often the only one. So a 20-50% cut results in a significant reduction in FTE. If

this comes to pass the TPPC is worried that staff will be lost. Another thing that's in the EPA Administrator's strategic plan is the reliance on PRIA funds. Since tribes are not eligible to receive PRIA funds then this won't be an assistance to tribes. Lastly, tribes don't reap the benefits of pesticide registration fees. The prospect of losing ground is a concern.

Is there a way EPA can work with other agencies to leverage resources? USDA, HUD plus some other novel approaches to bring outreach/education to Indian Country via Indian Health Service. Is there a way to reserve resources in a way that protects human and ecological health?

Open discussion - Oscar said that it would help if TPPC could identify concrete areas of interest for discussion. Arnold concurred that the budget process is still moving. As they've seen in the past, the draft budget goes into the process and it never comes out the way it went in. Arnold reinforced that they really don't know what will happen and will wait it out to see what happens. Has TPPC proposed any source of grants and cooperative agreements that would stretch across the plethora of entities that were not formerly met?

Cindy Wire explained that funding for tribal cooperative agreements is almost always funded first and before other cooperative agreements as they are aware of the importance of supporting tribal programs.

Jackie reflected on how they have reached out to Healthy Homes in response when they were preparing the bed bug information.

Action item: for TPPC to identify priorities for engagement with federal partners. If TPPC needs to come with a specific issue that's tangible and this would be more helpful to EPA. Identify what is most important to you and where EPA can engage.

Jasmine continued with the slides. Indians consume 6-10x more fish than the rest of the US population. TPPC wants to discuss how they can help EPA start accounting for some of these tribal dietary exposures. Gathering is another area of concern.

Fred reflected that last year they had EPA risk assessors present and they were interested in the unique tribal exposures. They shared that they didn't have data that reported these exposures. One of the issues was that there are 567 tribes and which tribe's exposure data should be used in the exposure assessment model? Fred suggested using the tribe with the highest levels to assure the most conservative assessment. TPPC would like EPA to support the risk assessors along with the NTC (also under OCSPP). The new TSCA law says EPA needs to look at exposures to sensitive populations. There's a mandate in the TSCA arena but TPPC would like this considered for FIFRA as well. NTC is working with OPPT for a tribal risk assessment forum to happen in 2019. The plan is to bring together EPA and tribal risk assessors to look at the data gas as well as the existing data to address tribal risk assessments and a forum where tribes can have these conversations. TPPC seeks to know more about how EPA conducts risk assessments but the other side is the request for EPA to consider tribal exposure data for tribal risk assessments Fred feels that there is already existing data that should assist (i.e. in water.)

Oscar and Arnold were offered an opportunity to respond to the TPCP requests. Oscar reflected that collaboration has been underway within OCSPP and they have recognized with the passage of the new TSCA legislation that these process can be addressed similarly. Oscar said that workgroups are underway to see how OCSPP can share each other's work, learned from one another and that this is something we can use to address tribal concerns. Oscar will carry this request forward for discussion. Arnold said that OPP would be happy to support further discussions on how EPA does risk assessments and how tribal data can be used. Oscar and Arnold agreed that the timing is excellent for this. Oscar encouraged that NTC and TPPC align to create a single ask.

Ask: whether or not TPPC can work with EPA risk assessors, learn about risk assessment, opportunities. Explore whether there are opportunities to be part of the 2019.

Direct Implementation (DI) – third and final discussion point. EPA is tasked with DI. TPPC has already identified a need for BPMs and baselines.

TPPC would really like some baselines identified in Indian Country. Something along the lines of ... “EPA to commit to 15% inspections in IC...” Even if it’s a placeholder for us to work on in the future.

Fred reflected that his perception is that EPA has seemed a bit defensive in regard to DI and he apologized if TPPC has created this reaction. Fred also reflected that we might be missing a partner at the table (OGC). TPPC would like EPA to come up with a more national and consistent approach to DI in Indian Country. Jasmine thanked the EPA regional staff for taking on a lot in Indian Country. They take all the calls for response and the regional offices.

Open dialogue.

Felicia Wright will talk about the DI EPA is doing across EPA. Felicia started by stating that DI is important to EPA and is a top priority for her office. Supporting tribal capacity to develop their own program and participate strongly with EPA and taking on these delegates as appropriate. The third main piece is DI as it’s the responsibility of EPA. A huge part of DI in Indian Country is EPA. EPA is interested in knowing how they are doing with their DI efforts in Indian Country. They are in initial states of asking management about an internal of their assessment. What are their responsibilities, what kind of data is needed? The TPPC data presented is what they like to see to get a good sense of the issue. The things TPPC laid out are exactly what they need to start looking at the issue. There has been some initial assessment and it’s likely to be a multi-year effort. EPA asks how they can be more efficient and effective in their programs. Felicia hopes we can continue this dialogue and they’d really like to see some results here.

Oscar says the Agency is making a concerted effort. They recognize that tribal programs are facing significant challenges. The first thing is to get a baseline DI and the effort includes the regions. He recognizes about resources constraints but commits to working together to find some collaborative solutions. The need for tribes to establish a baseline is essential here.

Action item: EPA to let TPPC know which baselines TPPC should be working on.

Carol Galloway apologized that some of her OC managers could not be here and that Liz Vizard and Ed Messina could not attend. Her office is looking forward to these discussions. They have a lot of experience in targeting inspections and can work together to find better ways to do things in this regard. In regards to the finding, they take the tribal cooperative agreement funding off the top (and SLAs are not happy about that) but their commitment is to fully fund those.

Greg Sullivan added that OECA/OCE is a very results-driven and the enforcement cases are an important thing for him to hear more about. Greg is interested in whether and how tribal enforcement and compliance assurance programs – is it worth looking at the differently or as one enforcement program? Is there a way to look at the programs more holistically as a means to be helpful for funding? Greg reiterated that the data elements and the offer to follow up on the specifics are of interest to him. He’s more than willing to talk about how to do these better. Given resources, you have to justify what you’re doing and the data helps support that.

Yolanda Walker – one of the areas she’s focused on is targeting inspections in key areas important to you all. Fred reflected that Don Lott spoke about EPA’s efforts for WPS inspections in IC. Yolanda said this is still in progress. But Fred has asked about the effort and when they would happen and then there was no further information and thought it was eliminated from the NPM and not be a focus. He admits

perhaps that assumption is in error. Yolanda collected data from OC counterparts. They only have numbers and not specifics and regrets they were not able to summarize and present that information today. There is still an important area to EPA and holistically believes it's an important area to do work.

Action item: list questions as a follow up item to OECA for a future meetings.

Action item: find out what info EPA needs to be more effective in the WPS inspection manner (with respect to targeting).

Five inspections were done in Arizona and this year there will be six. There were no non-compliance finings but a notice of warning was issued yet no fine applied. Africa was thinking that when inspectors go out there and use there or not violations are fond that this might substantiate requests for enforcement programs/coverage.

If the TPPC had to prioritize between DI, funding, RAs– how would they rank them so they can let the EPA tribal team know where they should be focusing their efforts to move that priority forward.

Jeff offered one more thing for TPPC to think about. There are many folks here at EPA that know a lot about pesticides. The pesticide issues are diverse and those conversations could be one on ones on various topics. These could happen in BPPD and other divisions. So if the TPPC has any questions then please relay them back through Fred.

Tribal-Focused Environmental Risk and Sustainability Tool, Steve Terry, USET

[Refer to the presentation PDF for details on this session.]

A joint effort with EPA and South and Eastern Tribes used to determine risk and sustainability. Hoe to use to assist tribal communities to reduce environmental risk from pesticide exposure

USET will be working to host TRIBAL-FERST on its website in the future. Steve suggests that the population data linked inside the tool links is not reliable because tribes do not participate in the US census data collection. He suggested that Tribes would obtain more reliable data via their tribal jobs office or other local tribal offices.

Steve did a demo of the tool and showed risks for acetelhyde in tribal lands in Minnesota followed by an urban area in Duluth. He then showed how tribes can use the tool to enter their own location data using GIS Arc-Pro.

We were joined on Amanda's cell phone by Jim ???? and Eric Hall, ORD representatives. These folks have worked with Tribal-FERST to update the website and ensure it's a tool created by tribes and for tribes.

Fred asked if there are any case studies of tribes who have been using it. Chimewea and Colorado River Indian Tribes were mentioned. It would be helpful for examples of implementation. Tribal-FERST is working to make this available on the website. Any tribe across the nation could use this. If you can get 10+ people together for a training then Steve is happy to come and deliver his 90-minute training.

EPA is looking for unique exposure data relevant to tribes. Has that been incorporated into the tool? Jim replied via phone that you can enter in your own property data into the tool and it's not saved by Tribal-FERST out of confidentiality. They have not looked further for data that is explicitly for tribes. NTC and NTTC has been looking for data unique to tribal exposures to pesticides. The data is what's in there is already nationally available. There is a concern about the adequacy of census data since tribes don't participate in that. It would be permissible for tribes to share their data and how tribal-FERST has worked with other tribes. It would take some work to do an assessment of unique exposures beyond what's already been collected and reported in the tool.

Jasmine added that one of the things tribes have discussed before data sharing with EPA. Is there a way to keep that data private or must it be shared with the public? Amanda stated that once data is shared with EPA it become "flowable". Amanda suggested that the Tribal Exchange Network joins the TPPC to continue this. This is a very good screening tool and shows how to build a community action place and to keep it going.

Tribal Caucus / Special Issues

Bob Gruenig offered the structure for the breakout. Fred gave a background on the genesis of this session and the need for TPPC

Capacity building can be anything like partnering for trainings or others with workshops.

EPA wants a list of tribes who want cooperative agreements. Eric asked if there has been a running list and Fred said it' an informal list. The need is to provide this list more formally to EPA.

The assessment that Nina produced shows tribes who have a need for more funding for their cooperative agreement ITCA. ITCA is using as an assessment tool the compliance violations to demonstrate a need for a program. The tribes that don't have cooperative agreements, the solution for them not meeting the criteria is to provide inspection services to conduct those inspections. At the same time they would provide training to keep them abreast of the new rules coming in. ITCA currently has three inspection agreements and two others who have expressed interest. For the latter two it's been a function of getting letters from their tribal councils to document this. The tribes interested in this are Hopi, Yavapai-Apache Tribe and one other. In Region 9 there's this understanding that EPA is not going to just come into a reservation who has a WPS program in place. There's strong communication in place and they would not just show up without contacting them first. For CSKT having a federal credential is pretty much the only viable way to provide their tribes with coverage. All are treated equally no matter where they are located.

Action item: Engage NTTC to combine requests to EPA about exposure assessment needs under TSCA. NTTC has proposed to EPA a risk assessment forum for risk assessors to meet about new TSCA and multi-media. Fred is wondering if there are risk assessors affiliated with the TPPC who can assist with this. Suzanne Fluharty's name was mentioned.

Increase federal funding for cooperative agreements

- Request to have a specific tribal OEAC funding guidance document which spells out criteria for tribes to receive funding
- Leveraging funds
- Licensing fees specifically paid to tribes in addition to fees paid to state
- Demonstrate the need via survey assessment. If there are 130 tribes out there that want one then this would help achieve that.
- Ask AIEO to use GAP funds to do an assessment and orchestrate a pesticide use assessment in Indian Country and Alaska Native Villages. Steve asked if UCDE was eligible to receive GAP funds. The Intertribal Environmental Council might be a possible grantee or ITCA. Africa said that the GAP funding book is very rigid. Pesticide use Assessments are included in this list.
- For growers who want to apply Federal RUPs in Indian Country. Suggest adding a small fee that would go to the tribes.
- Increasing the number of organizations for tribes who can have circuit riders in place. Increase the number of circuit riders. USET has had good results with this in expanding coverage. Circuit riders could also be used to establish a baseline assessment.

Direct Implementation at the local level

- Fred thinks we have enough info to draft an issue paper on this.

- Prairie Band of Potawatomie had an agreement to let state inspectors come onto their reservation.
- Build a network of tribal inspectors with federal credentials. Possible pushback that tribes may not accept other tribes but an MOU would need to be in place. Have ahead of time an agreement in place as to who is going to come onto the reservation when there's an emergency.

Region 8's direct implementation only exists in Wyoming. Regions 9 and 10 will be presenting over the next 2 months on the monthly EC calls to share their approached for Direct Implementation. Fred said they are not doing anything in Indian Country in Regions 9 and 10. ITCA says that Region 9 really is out there but admits that they only have 4 inspectors. Region 9 has an agreement with OTCA to do those inspections and ITCA in turn has agreements with individual tribes.

Capacity-building

- HIS interagency agreement, as the one with Holly Thompson.
- Connect with University Extension programs for IPM workshops, NPSEC and respirator training, ITCA trainings and PIRTs.
- Applying for GAP funds for pesticide enforcement
- Hosting summer interns from college graduate/undergraduate programs
- USET and mentoring program

EPA/OPP has given up the visibility for the national pesticide scene and they are not promoting pesticide programs whereas USDA, NRCS and others do. They don't want to be known. TPPC needs to get EPA out to the National Tribal Lands Forum and share a booth to increase awareness of tribal pesticide programs.

TPPC to provide a brief summary of what we want to discuss with EPA Friday morning.

Tribal Caucus

The group acknowledged Amanda for bringing together all of the federal partners. Amanda suggested a certificate of participation for people the TPPC may want to reflect their appreciation.

Someone asked for the statistics on the webinar for tribes that joined the bed bug webinar.

Action item: Larry to send Suzanne the bed bug webinar tribal attendance data.

One member would like to propose that each TPPC member take on some of the items from the action item list. Suzanne clarified that she thought that TPPC wanted to only consider the high tier items and that the rest of the items would be considered tabled. If the group wants to go back and reconsider those tabled items then she is more than happy to re-open the list.

The group discussed the proposed edits to the P&P.

Page 8 – discussion as to funding TPPC members to travel to meetings outside of TPPC forums. If there is an interest to send tribes to other events then this would be of interest. Thought is to glean interest if TPPC would support this and amend the P&P. Suggestion is that the cooperative agreement would need to be amended. Would UCDE be able to do that? How would the selection of members be handled? What's the accountability and report-out for this? The TPPC Executive Committee should be tasked with this.

Page 13 – Tony said the remedy is to only have the no-funding stipulation apply to funding for future meetings.

Page 15 – "more detailed financial reports" has already been addressed and has been satisfied.

Fred said that EPA is looking to TPPC strengthen their code and that there is not a hard and fast deadline since EPA came in with a letter to address the issues from March and October 2017.

Tony said there are a number of national tribal councils (NTWC, RTOC) who are reviewing their policies. Goal is to have this approved before the end of the fiscal year and maybe vote on in fall 2018.

Page 17 – Issue papers sent to EPA have not all been responded to. Steve Terry said that if letters are sent to EPA that they must respond within 60 days. Bob asked where in the regulation that a response is required by EPA. Bob is not aware of a requirement that EPA must respond to a letter. Many agencies do it out of respect. Steve cannot point to a specific statute but it might not be more of a courtesy. Conversation about the issue papers and letters submitted indicated that the letters didn't necessarily request a deadline for a response.

Next steps – get a revised draft out for discussion and agreement. Include colors to show additions and subtractions.

Action item: Brittani from CSKT to re-draft with the final proposed language and share by next week. Martina shared that we don't need until the summer to find a consensus on this. Fred suggested the Monday afternoon conference calls.

Action item: TPPC to hold one final conference call for a vote on section by section to be decided by a majority vote by section by the end of March.

Action item: TPPC to teach tribes more about the risk assessment process in general.

DAY TWO, Thursday, March 8, 2018

Tribal Caucus Update

Talked about each TPPC member taking actions off the action item list but the list was tabled with the exception of the highest tier. For Friday meeting with EPA they picked 3-4 items they wanted to brainstorm and issues with EPA.

Direct Implementation

- Get a regional guidance work plan for tribes
- Build and inventory of federally credentialed tribal inspectors
- Build MOAs in advance of crises
- Capacity building
- Connect with training agencies
- Make EPA aware of existing capacity
- Make EPA more visible (Spokane Lands Forum)

Funding

- Getting a tribal liaison
- Ask for an OECA guidance
- Increase the number of circuit rides, gathering baseline data
- Having TPPC or other receive GA funding to a pesticide use assessment in Indian Country

Lance expressed gratitude to Amanda for helping to gather the senior leaders and for pushing along the issues and opportunity. Fred felt the sessions was very beneficial for senior leaders to hear about the critical tribal issues. Jasmine felt that Arnold Layne “stole the show” in her heart yet she appreciated the participation by all.

Status of Pesticides in Indian Country Breakouts

The group engaged in breakouts to better flesh out needs, issues, challenges, success, etc. in each of the three areas:

1. Pesticide applicator certification and training
2. Pesticides in water
3. Worker Protection Standard

Bob Gruenig will type up the notes from the breakouts and share a draft summary of each.

Toxicology of Pesticides Used in Indian Country – Kaci Buhl

[Refer to the presentation PDF for details on this session.]

The group welcomed Kaci Buhl from OSU. Fred reported that Rick Keigwin announced at AAPCO meeting earlier this week that glyphosate (Round up) is not likely to cause cancer.

Suzanne and Kaci thanked the group for all of their participation on the survey as to which specific compounds and classes would be of interest to the group. Kaci began her talk with some specific questions gleaned from that query. Professionals tend to use products with two modes of action for full coverage.

Glyphosate is a non-selective herbicide and sticks to soil strongly (a “mud buggy”). Conversely, Dicamba is volatile (a “hot air balloon”) and weakly binds to soil. Glyphosate is the most commonly used herbicide in the world. Glyphosate is absorbed by plants and moves up and down. It kills the plant by disrupting the shikimic acid pathway and inhibits EPSP synthase. Kaci has not yet seen scientific study that supports

that glyphosate affects microbiota in the gut. When swallowed about 1/3 of glyphosate is absorbed. Only about 5% of glyphosate is absorbed through the skin.

Cancer – animal studies have mixed results but mostly negative. Odds ratio of 1.00 is no effect. Anything higher than that indicates an effect. She dug into the data that the World Health Organization used. Reasonable people can look at the data in different ways. Irony is that bacon and red meats recently placed in elevated cancer classes. But you don't hear people talking about banning bacon and red meat.

EFSA European food safety association found glyphosate unlikely to cause cancer. Most of the glyphosate is used on corn and soybeans. 25 million pounds used annually. Weeds have a greater impact on yield than insects.

At the end of the session, Kaci called the NPIC hotline to ask what the mode of action is for Imazapyr, a compound being used more often in Montana.

SFIREG Update – Cary Giguere

Cary joined us via cell phone to provide an overview of the half-day cannabis session at AAPCO this week. States talked about their regulatory structures being in the Departments of Liquor and Cannabis Control or other – not in the Depts. of Agriculture. Production issues are with misuse in various ways to legitimize a business that's been underground for so long. Different states test for different residues for different ways. Oregon tests for a suite of 200 active ingredients. Other states test for about 13 active ingredients. The whole issue of 24 C special Local Needs came up. The previous administration at EPA asked states to go the SLN route for registration. By the time the states got around to doing that then all the SLNs were denied. A 24 C is a state registration. As far as the risk assessment work being done California is in the lead and are doing risk assessments similar to what EPA would do on different active ingredients and analyzing exposure routes as well.

Rockwell Labs has a 25(b) product approved for use on cannabis. It's called Ecovia.

Action item: Cary Giguere will send the 25(b) product and label information to Fred and Suzanne to share with TPPC.

A tribal 24C is dependent on a previously approved state 24C and be granted one (pilot project). States have been talking about reinvigorating the work groups and it came to halt when the 24Cs were denied. They got the message that the EPA administrator that he was not willing to talk about it further. The states have not done anything more about it. It's time for an AAPCO workgroup outside of SFIREG and they are forming one regionally in Region 1. Even if they can't partner with EPA directly then they are able to do so via the AAPCO vehicle and outside of EPA's purview. As soon as this happens then they can invite tribes to the table as well. So look for an invitation to participate in this. There's an issue paper from Colorado about action items and there's one issue paper out of Oregon dealing with conventional active ingredients being sold to the cannabis industry. These are topics they should be talking about even if EPA isn't there. They are hoping to involve NASDA in this as well.

Fred explained that some tribes are dealing with illegal grow operations. Cary to send along a set of resources dealing with hemp and hemp issues.

There is a NASDA issue paper that involves removing hemp from the schedule 1 drug list from EPA. It's a NASDA priority issue for the Farm Bill.

Dicamba – everyone must use registrant training and its hope it will prevent the widespread crop damage over the past 2 years.

PPDC interjected their own state representative on the PPDC pollinator protection plan metrics survey. Although we were told that tribes would be addressed and could be involved in the creation of the

survey, it appears that the survey has already been drafted and it's unclear if tribes will have input on the creation of the survey.

Action item: TPPC to reach out to Rose Kachedorian from Oregon who has a final draft of what the Pollinator Protection Plan metrics survey.

Another issue is that Oregon was finding that cannabis was tainted with prohibitive pesticides. The formulator would add Ivermectin. Rose's presentation is posted on the AAPCO website and is under Monday "Impurities in Pesticide Formulations."

Action item: Cary to send a link to either Fred or Suzanne for the PPT and we will share with the group.

Action items:

- Suzanne to apprise Liza Fleeson-Trossbach of future TPPC forums so she can participate.
- UCDE to institute an incentive-based system for returns of meeting evaluations.
- UCDE to post to the TPPC website a copy of all the PPTs and resources by April 1.