

**Tribal Pesticide Program Council Executive Committee**  
**Monthly Conference Call**  
2/17/16  
Call Notes – Final

Roll call:

**Tribes**

Fred Corey – Aroostook Band of Micmacs  
Larry Scrapper – Cherokee Nation  
Les Benedict – St Regis Mohawk Tribe  
Willie Keenan – Confederated Salish and Kootenai Tribes  
Jasmine Brown – Confederated Salish and Kootenai Tribes  
Tony McCandless – Gila River  
Eric Gjevre – Coeur d'Alene Tribe of Indians  
Gerald Wagner – Blackfeet Tribe  
Suzanne Flaherty – Yurok Tribe  
Kevin Greenleaf – Kootenai Tribe  
Joe Herrera – Yakama Nation  
Frank Venegas – Cocopah  
Jim Mossett – Three Affiliated Tribes  
Irv Provost – Oglala Sioux  
Steve Spencer – Shoal Water  
Nina Hapner – Kashia Band of Pomo Indians

**Tribal Organizations**

Africa Dorame-Avalos, Inter-Tribal Council of Arizona

**EPA**

Cindy Wire, U.S. EPA, OPP  
Gabriela Carvalho, U.S. EPA, Region 10  
Lorry Frigerio, U.S. EPA, OPP  
Carol Galloway, U.S. EPA, OECA  
Amanda Hauff, U.S. EPA, OCSPP  
Colleen Keltz, U.S. EPA, OPP  
Sonam Gill, U.S. EPA, Region 9

**Other**

Suzanne Forsyth, University of California Davis Extension (UCDE)

\*\*\*\*\*

AGENDA

**1. Welcome/Introductions (Fred)**

Fred Corey, TPPC Chair, facilitated the roll call. Attendance was logged throughout the call for 16 member tribes.

**2. TPPC Tribal Administrator Update (Suzanne Forsyth)**

Activities since the last call:

- Sharing emails with TPPC from various stakeholders about trainings, webinars, and other items of interest to TPPC.

- Wrapping up aspects of the January Full Council and Executive Committee meeting (e.g., sharing election results, editing meeting minutes, summarizing action items, processing travel reimbursements). We are still waiting for one more travel voucher but we were underspent by more than \$10K compared to what was budgeted for a single meeting.
- Following up on appointment letters. 4 are needed for EC members and about 25 are needed for the balance of members.
- Advancing of the vendor agreement for the website development.
- June meeting research (see below).

### 3. EPA Updates (Cindy Wire, Carol Galloway, Gabriela Carvalho, Colleen Keltz)

- Gabriela Carvalho – is involved in the national work OPP is doing with Center for Disease Control (CDC) and other federal agencies to respond to the mosquito-borne Zika virus. Hawaii, Puerto Rico, and U.S. Virgin Islands are at risk as well as states and tribes that border Mexico. President Obama requested \$1.8 Billion in emergency funds from Congress for a national Zika response effort. EPA would likely seek funding to support mosquito control IPM and pesticide safety education and outreach. OPP will work on this and share info in the months to come.

Comment: one member thanked EPA for following up on this and recognizes long-standing issues with Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV).

It was noted that the monthly TPPC call conflicts with another monthly call set up for EPA Regions. TPPC may want to consider moving its call to begin an hour later so we can have everyone present from EPA who may be needed. Consensus was that members are open to this. Fred Corey would like survey other members who were not on the call to have their input before deciding to move this call.

Action item: Fred Corey to survey TPPC members before the March call to confirm they are agreeable to moving the start time to 11 AM Pacific (12 PM Mountain; 1 PM Central; 2 PM Eastern). If there is consensus to move it, Cindy Wire to send out an updated Outlook calendar appoint to move the meeting later by one hour.

- Carol Galloway recognized Willie and Jasmine’s hard work for their tribal inspector training coming up August 15-19, 2016.
- Colleen Keltz provided an EPA update on cannabis. EPA issued a statement on the web clarifying regulatory status that they have not approved any applications, nor received any applications for registering the same. OPP is focusing on the 24(c) process to help address this. There may be options for tribes via a Section 24(c) and going through states. Only 3 tribes have an approved single use for marijuana. This is an issue in South Dakota. Next week there is a regional directors meeting. Colleen Keltz and Nicole Zinn have worked on a proposal to keep states and tribes engaged in this process- information sharing and working through issues. Proposed to have a national workgroup. This could be a forum for states and tribes that have approved single uses to share info with one another. OPP looking for official approval to kick this off soon.
- Colleen also shared that on the afternoon of March 9 (the afternoon after AAPCO and before MP3) that some states asked to meet with EPA to talk about cannabis some more. Nicole Zinn is working on this forum and will send out an inquiry to tribes/states to attend. The goal was to take advantage of the fact folks will be in town to talk for AAPCO/MP3 and they talk about cannabis issues face to face. EPA is still in the information collection mode with all the issues folks are facing. EPA is hearing comments that some companies are getting closer to applying for a 24(c) and this will be a game changer so EPA can respond.

Action item: Cindy Wire to send out a meeting notification to tribes who were also attending AAPCO and MP3. Nicole can provide Cindy specifics. Cindy to send to the 11 tribes attending MP3.

One member commented that North Dakota has sponsored workshops for hemp growers and this is an emerging industry there. The North Dakota Department of Agriculture has approved pilot projects for 4 farmers to grow industrial hemp. I do not have the details but can research. For the past 8 years the North Dakota Department of Agriculture has been active in the Industrial Hemp area. They have reached out to producers and have had contact with Federal agencies EPA, DEA and others to be able to proceed with this initiative within the State. Industrial hemp is a National emerging industry with North Carolina leading the way so far.

EPA has the need to clarify the industrial hemp as an approved crop for pesticide use. In-house EPA is working on clarity and consistency due to blurry lines of hemp approval and other products. In Humboldt County, there are already products being used on cannabis which are environmentally hazardous. So the sooner something gets approved for use, the more safeguards are in place for human and environmental health. These are tribes without enforcement cooperative agreements.

Fred Corey added the way the product is being used determines the exposure route and health concerns. Likewise, if extractions are being used for medicinal use, that they have potentially concentrated pesticide residues so humans are exposed to a higher degree. Creating a Special Local Needs (SLN) registration mechanism for materials for use on tobacco was one idea proposed by a northern California tribe. Colleen Keltz will reach out to the Northern California tribe to glean more info which could assist eventual workgroup.

#### **4. Federal Certification Plan Workgroup Activities Update (Lorry Frigerio)**

Lorry Frigerio reported that the workgroup met via phone recently and had robust discussion on several topics and where they are with certified applicators. EPA's database has 580 commercial applicators, 331 private applicators, for a total of 911 active federal certifications. Fred Corey, Jasmine Brown and Jim Mossett were on the call, as was Joe Spitzmueller from Minnesota Department of Agriculture and several EPA folks. One issue talked about was liability insurance. Tribal folks offered insights as to implementation issues. Fred suggested this be brought up with states at an upcoming meeting. It's been placed on the agenda for April State FIFRA Issues Research and Evaluation Group (SFIREG) Pesticide Operations and Management (POM) subcommittee meeting so this will be a good opportunity to discuss this issue. The next issue discussed was the need for both commercial and private applicator certification. When an applicator happens to have their own farm – do they need to maintain both certifications? A summary of the meeting was shared with attendees. Group agreed to convene in a couple of months to talk about implementation issues, a schedule to come out soon for future calls.

Question: was jurisdiction raised on the call? This has to do with tribal trust land outside of the reservation and this was included in the workgroup when the calls were happening on a more regular basis. Eric Gjevre will share with Lorry some of the former notes from this workgroup.

Question: does a federally certified applicator need to have some sort of ability insurance to apply? What is the distinction between the business the applicator works for and the applicator works for?

Lorry asked if upcoming meeting in April been flushed out and scope of discussion decided yet for state meeting. Colleen is working this out with Cary Giguere and SFIREG-POM. Liability issue will be included on April agenda.

One member commented on how federal certifications may likely be viewed by Indian Country. They also expressed appreciation that EPA is doing something about this but tribes in this members' region

are not confident. Don Lott with EPA/Office of Civil Enforcement (OCE) is working on this and WPS inspections in Indian Country and it would be important for him to hear these concerns. The WPS inspections were designed to get a sense if there were significant non-compliance issues. This may need to result in targeting of resources and have EPA get out there and do the work or find resources for the tribes to do this. TPPC is interested in having Don Lott join a future call to discuss further.

Action item: Lorry to send Suzanne Forsyth the Jan 21 workgroup summary to share with TPPC members. Lorry to share with Cary and SFIREG as well.

Action item: Fred to share information about next Federal Certification Plan Workgroup call with TPPC so folks can raise any implementation issues to discuss.

## **5. Tribal Pollinator Protection Plans and TPPC Pollinator Workgroup Planning (Sonam Gill/Jasmine Brown)**

Fred recalled that when we met at the January meeting, it was mentioned that Sonam Gill with EPA, Region 9 might be able to provide administrative assistance with this workgroup. An alternate suggestion Fred made was that perhaps an EPA intern might be able to help fill in to support this workgroup.

Sonam has been working on a pollinator template for Region 9 tribes to adapt and presented this at a recent RTOC meeting for their consideration. She is focused only on inputs provided during the November tribal pollinator protection course meeting notes, feedback gleaned at the RTOC caucus meeting, as well as conference calls. Focus is on collaboration tools and pulling from state plans in Region 9.

Gabriela mentioned that in previous discussions, Sonam had a plan on how to involve tribes who have contributed information so far and other tribes across the U.S. working on pollinator plans. Suggestion for periodic/more frequent conference calls and Sonam is happy to schedule as needed. If there are going to be regular calls then does it make sense to have a separate tribal pollinator workgroup call to occur simultaneously when there is a parallel effort? EPA is uncertain about best way to proceed with administrative support with staff time stretched thin and timing for EPA to 1) provide support MP3 planning and 2) Sonam's work on the plan template. Could it be possible to delay the workgroup meeting until after Sonam has completed the template? Final document is planned to be completed by the end of September, but the exact timing will depend on the availability of feedback from contributors.

Question: could template be broad enough to extend beyond Region 9 so it's more applicable? As part of this discussion, one member explained that Region 9 tribes asked for assistance from Region 9. Region 9 agreed to help the Region 9 tribes with the agreement that the effort not overburden Sonam. Fred proposed he send some items to Nina then she can share them with the workgroup to see if they can be included. If tribes from other regions want to be on call to help then Nina is open to this. But the expectation is that everyone on the call will contribute to the template and pull their weight and provide feedback.

Cindy Wire added that based on her discussions with Region 9 management, that it's understood by all that EPA is not creating a template for people to just insert their names and fill it out. The understanding is that they put together something helpful to Region 9 tribes but tribes still own their plans and they are not EPA mandates. Some RTOC tribes want to use it as an educational tool. The product is meant to be a hybrid of a guidance-template document. Overarching hope is that TPPC tribes don't have to reinvent the wheel.

Gabriela Carvalho explained that this document is one of the key deliverables for the workgroup and it seems like a logical first step. Given the constrained resources and that we don't know who in EPA can give administrative support to another workgroup at this time, would the TPPC consider letting Sonam create guidance document template, include interested tribes in this process, and once it's completed then we talk about what workgroup will do next? Fred agreed that this was a logical proposal that the template is the place to start, next phase is outreach and letting other tribes know this is a resource for them.

One member commented that this is more of a national thing than a Region 9 thing. We should all be working together on a guidance and getting started is the hardest part. Plan considerations: acreage, population, crops grown, pesticides used. Tribal plans will be more focused on native pollinators as where states more focused on managed/commercial pollinators.

Another member stated they were ok with waiting and concurs it's a national issue. All of the products EPA is registering are used nationally. EPA is holding an Imidacloprid webinar February 18. It's a very persistent product with a soil half-life of 200 days or more, low potential risk for managed pollinators, but higher risk for ground-foraging native pollinators. Current risk mitigation recommendations may not address these special considerations. Another members also concurred with delaying things. Many tribes are in an information collecting phase and upcoming MP3 symposium will add things as well. But the hope is this workgroup effort is not delayed by more than a year. Another member agrees that tribes from other regions should contribute as well and that each regional office has a regional staff member assigned to pollinator protection who could also contribute to the effort. Gabriela explained that Regional contacts have been informed of Sonam's work and she's kept them all up to date. It's not easy to determine how much effort they can offer to participate. Fred suggests having a liaison for monthly TPPC calls to give a monthly update on where things are and for TPPC to provide any feedback to Sonam.

The group consensus is to delay the formation of the TPPC Pollinator Workgroup pending the creation of the plan template via Region 9's coordination efforts.

#### **6. Managed Pollinator Protection Plan (MP3) Symposium Planning (Jim Mossett)**

Jim Mossett provided an updated on the upcoming Symposium and thanked Gabriela and Cindy as it's taken a lot of effort on their part to have so many tribal reps included in this. Fred recognized that Jim has stepped up in the planning process and has been integral in the meeting and agenda planning.

Jim reports that the agenda was finalized last week. There are 115 people registered as of 2/19/16. 11 Tribal representatives, Lorry and Amanda are listed as Tribal stakeholders on the attendee list. Jim is enrolled in 2 workgroups: "tools for tracking and mapping" and "forage and native pollinator considerations". The symposium coordinators are planning on capturing questions asked, speakers, etc. and will share this with the group as it will be helpful with template and guidance so tribes can move ahead with their pollinator plans.

Cindy recognized Amanda Hauff who did a lot of the heavy lifting for funding for travel and secured hotel rooms. Cindy is so pleased that 11 tribal representatives are attending from all over the country and will have a strong presence there. Fred Corey is one of the keynote speakers and will be the only tribal representative speaking. He will be speaking alongside Jim Jones, a USDA official, plus a State Department of Agriculture official. This will provide the TPPC with a great presence. Cindy worked on the front end with travel planning; Jim has been working on the agenda; and now Lorry will be working on pulling together the meeting specifics for attendees. EPA is working to make the transition between Cindy and Lorry's coordination efforts as seamless as possible. Jim said this would not happen without the EPA and others helping out tribes. Many thanks to many people.

Action item: Fred to send Jim his 5 minute keynote address and Fred welcomes input from all TPPC members to share with him their interests and concerns to include in this.

## **7. TPPC Rules and Procedures Discussion (Fred/Suzanne)**

On January 16 Suzanne sent an email with the Executive Committee (EC) election results. When we reported back in January to the meeting attendees the election results, we omitted some of the elected At-Large positions. Only 2 were reported and the top 6 should have been reported. The ballots had 7 nominees for these positions. Two of the 6 already held a regional or Chair position so this brought up a question if a member could hold 2 seats on the EC. There is a need to clarify the Policies & Procedures (P&P) document as to how to handle these cases when this happens. The next 2 At-Large members were contacted with an apology that their names were omitted in January and the updated result appears below:

Chairperson: Fred Corey, Aroostook Band of Micmacs

Vice Chairperson: Nina Hapner, Kashia Band of Pomo Indians

Region 1: Fred Corey, Aroostook Band of Micmacs

Region 2: Les Benedict, St. Regis Mohawk Tribe

Region 5: Jody LaFriniere, White Earth Nation

Region 6: Ryan Callison, Cherokee Nation

Region 7: Jennifer Straub, Santee Nation

Region 8: Jim Mossett, Mandan, Hadatsa, and Arikara Nation

Region 9: Tony McCandless, Gila River Indian Community

Region 10: Eric Gjevre, Coeur d'Alene Tribe

At-Large: Africa Dorame-Avalos, Inter-Tribal Council of Arizona

At-Large: Willie Keenan, Confederated Salish & Kootenai Tribes

At-Large: Joe Herrera, Yakama Nation

At-Large: Glenna Lee, Navajo Nation

Fred looked back at original P&P document and talked about the EC having multiple representatives from multiple regions amounting to 30 EC members. The idea behind 6 At-Large representatives in the P&P was so that larger regions had more options to have additional representation. For smaller regions it's been hard to get any representatives. Tribal organizations participating would also be considered as well as Alaska. Fred wanted to make sure that before we proceeded on the EC membership that we consult with Bob to make sure we are doing things consistent with intent. The first election with these new rules wasn't implemented until the Inter-Tribal Council of Arizona (ITCA) started serving as TPPC Coordinator.

Fred's interpretation of Bob's input in terms of the 6 At-Large representatives – if someone was also a regional representative then they would forego the At-Large if they were elected to both. One member posed a question for current election: continue with this current makeup or try and fill 2 more At-Large slots? There was a proposal to have an in-person discussion at the June meeting as revising the rules is something the TPPC should consider when they are all together. In retrospect, regional representatives where there are only one representing their region should not appear in the At-Large ballot. If members agree with that, then this would need to be clarified in P&P.

It was also noted that Regions 3 and 4 would soon have representation on the EC, thereby expanding the EC's size.

The consensus was to add Glenna Lee and Joe Herrera as At-Large members as they were the next two highest vote getters in the At-Large category and then continue to figure out other 2 positions. This is

further complicated by confusion as to the membership list versus mailing list and the requirement that members have an appointment letter on file.

#### **8. June TPPC Meeting Planning – (Suzanne)**

Kristy LeClair at UCDE has been working with the Twin Arrows Casino Hotel outside of Flagstaff, Arizona and they have meeting and lodging space available for Tuesday-Wednesday, June 21-22, 2016. The lodging rate is \$112 plus tax and is less than the federal limit for this area. The rate includes free wireless internet and there are no resort fees applied. Also included is free airport shuttle service from the Flagstaff airport. Another airport option is Phoenix, yet it's 2.5 hours away. Options could be researched for carpooling. Meeting space is \$400-700 daily for a room that can fit 40 people U-shaped. Ceiling heights are 20-26 feet so we will need wireless handheld microphones. UCDE plans to establish a master account whereby UCDE pays for rooms directly for the funded travelers (sans federal folks or other non-funded TPPC members.) An advantage to this is that TPPC members are not shouldering the costs in advance. Folks would need to commit to lodging by early June to be part of this block. We can reserve rooms for both funded and unfunded travelers and the unfunded ones would call the hotel to guarantee their rooms and pay directly. More information will be available on the March call about deadlines for travel funding requests, meeting registration, lodging, and airline ticketing.

The major decisions needed about this today are 1) determine if a tour of Navajo Nation is feasible and 2) when the EC would be meeting in person in June. Discussion was that a tour is likely not feasible since it's too far a drive from pesticide program operations. But it was suggested that Navajo Nation be invited to deliver a presentation on their operations as part of the 2-day agenda and the consensus was that this was a good idea.

The group consensus was leaning towards an evening meeting on June 21 in the networking suite, provided there is enough seating. Kristy to ask if the hotel can add chairs in suite, and how many square feet the living room area is. Another option is for the EC to meet in the meeting space after a dinner break.

#### **9. Action Item Process/Review (Fred, Nina, Suzanne)**

Fred offered a proposal is to combine all of the current action items into a single list, that he, Nina/Suzanne/Cindy meet via phone to refine the lists, and the resulting list is present at the March call. This was agreeable to call attendees.

#### **10. Other Issues/Concerns/Hot Topics (All)**

None.

#### **11. Next TPPC Conference Call (Wednesday, March 16, 2016, 1-3 p.m. EST)**

#### **ANNOUNCEMENTS**

- Association of American Pesticide Control Officials (AAPCO) Annual Meeting: March 6<sup>th</sup> – 9<sup>th</sup>, 2016, Alexandria, VA
- Managed Pollinator Protection Plan (MP3) Symposium: March 10<sup>th</sup> – 11<sup>th</sup>, 2016, Alexandria, VA
- TPPC Spring Meeting: June 21<sup>st</sup>-23<sup>rd</sup>, 2016, Navajo, (Flagstaff), AZ
- Tribal PIRT (Pesticide Inspector Regulatory Training), hosted by Confederated Salish and Kootenai Tribe: August 15<sup>th</sup> - 19<sup>th</sup>, 2016, Polson, MT