

Tribal Pesticide Program Council – Full Council Meeting
Toppenish, Washington
DAY ONE, Tuesday, October 8, 2019
Meeting Notes - Draft

The meeting was called to order by Fred Corey, TPPC Chairperson, at 8:15 AM PST.

Attendees:

Tribes (15)

- Brenda Pusher-Begay, White Mountain Apache Tribe
- Jefferson Biakeddy, Navajo Nation
- Fred Corey, Aroostook Band of Micmacs
- Jasmine Courville-Brown, Confederated Salish and Kootenai Tribe
- Ryan Evans, Confederated Salish and Kootenai Tribe
- Eric Gjevre, Coeur d'Alene Tribe
- Nina Hapner, Kashia Band of Pomo Indians
- Joe Herrera, Yakama Nation
- James Jackson, Muscogee Creek Nation
- Carol Kriebs, Kootenai Tribe of Idaho
- Lucy Parker, Southern Sierra Miwok Nation
- Theodore Puetz, Ak-Chin Indian Community
- Dustin Roy, White Earth Nation
- Larry Scrapper, Cherokee Nation
- Gerald Wagner, Program Manager, Blackfeet Tribe

Tribal Organizations (2)

- Diania Caudell, California Indian Basketweavers Association
- Rebecca Tortes, California Indian Basketweavers Association

EPA (4)

- Carol Galloway, U.S. EPA, Office of Compliance
- Amanda Hauff, U.S. EPA, Office of Chemical Safety and Pollution Prevention
- Rachel Ricciardi, U.S. EPA, Office of Pesticide Programs
- Emily Ryan, U.S. EPA, Office of Pesticide Programs

Other (3)

- Liza Fleeson Trossbach, Virginia Department of Agriculture and Consumer Services
- Suzanne Forsyth, University of California Davis Continuing and Professional Education
- Bob Gruenig, TPPC Consultant

Traditional Opening Ceremony, Welcome, Introductions

Fred introduced Chairman Goudy and thanked him for allowing him to have our meeting on his lands.

EPA Welcoming Remarks

Jackie Mosby, Director, Field and External Affairs Division in OPP welcomed the group via telephone and apologized for not being able to join the Tribal Pesticide Program Council Meeting in person this week. She expressed her continued support for the valuable partnership between EPA and TPPC. Jackie had

the pleasure of attending last October's TPPC meeting hosted by the Gila River Indian Community and was also able to sit in on a few sessions the TPPC March 2019 meeting. She was grateful to have had the opportunity to get to know many of the TPPC members better and learn more about the issues affecting tribal communities. Jackie commented on the agenda and acknowledged several important issues they will discuss this week as a group. The topics of risk assessment and direct implementation were among those. She stated that OPP's Health Effects Division has committed to undertaking a case study to examine herbicide residues found in moose meat consumed by tribal communities in Maine. EPA looks forward to working with TPPC to develop this study and see it as an important step in increasing understanding of unique tribal exposure scenarios. Jackie also commented on the TPPC's work to complete the Status of Pesticides in Indian Country Report and recognized the work of the EPA Tribal Team for being a part of this workgroup. She closed by sharing how the continuing partnership is important to OCSPP/OPP and that the EPA Tribal Team tribal team is dedicated to advancing tribal interests.

Rick Keigwin, Office Director, Office of Pesticide Programs joined the welcome and thanked the group for the opportunity to give a few opening remarks as you kick off the meeting. He said that EPA remains committed to working with the TPPC and tribal communities and they EPA relies on their strong relationship with the TPPC to collaboratively work on pesticide issues that are of concern to tribes, and to help them understand how proposed policies and rulemaking may impact Indian country and Alaska Native Villages. Rick deeply values the perspective the Council members bring. Rick stated that OPP recently posted the Request for Applications for the next cycle of the EPA-TPPC cooperative agreement and that they are glad to be able to continue providing support to the TPPC so they may continue their essential work as representatives for pesticide-related issues in Indian country. Rick congratulated the group on the progress they made this year in their established priorities of risk assessment and direct implementation, as well as The Status of Pesticides in Indian Country Report. Like Jackie, he looks forward to reading the final report to deepen his understanding of the pesticide-related challenges and accomplishments in Indian country and identify areas in which EPA can provide additional support.

TPPC Chairman Update, by Fred Corey

Fred welcomed the group reflecting that the TPPC held a meeting here about 20 years ago. He expressed gratitude for the Yakama Nation and for their welcoming us to their lands.

Fred thanked UCDE for their logistical support and caring. He thanked EPA for their help developing the agenda. A lot of thought went into the sessions based on the TPPC's needs. Jackie mentioned priority areas and places to emerge.

Fred and Amanda attended the recent Tribal Lands and Environment Forum (TLEF) and gave a presentation on pollinators. Thirty-eight (38) people signed a list at the conference as being interested in the topic and TPPC list serve. There are interested tribes in doing work but are looking to other tribes who have initiated efforts to learn what to do. This seems like a natural area where we can come together with other tribes in promoting this work.

At the TLEF there were 60 tribal folks in the audience and asked for substantive outreach document to help them get started. Jasmine added that the workgroup is still in existence yet it needs reviving. Jasmine said she met with Dr. Ed Spivak and he has projects all over the world. Some of the projects include roadside pollinator strips through the entire State of Missouri for monarch butterflies. There seems to be interest from non-federal partners and perhaps they can join the workgroup as well.

TPPC Coordinator Update, by Suzanne Forsyth

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

Action items:

- UCDE to include information on the website benefits of TPPC membership.
- Take a group photo this week.
- TPPC to convene with DOD to talk about pesticide issues or cultural aspects to learn about tribes around military facilities.

The group talked about prospective outreach events. The National Tribal Air Forum is held the first week of May. One day is set up for trainings. This would be an amazing opportunity to reach out to folks including Native Alaskan tribes that attend and possibly have TPPC members do more recruiting. A proposal is for TPPC members to attend these other forums as a means to recruit members and raise awareness of issues.

Bob said that the TPPC would need to be strategic and to get an agenda item included at conferences and have a dedicated track/session.

Amanda says the TPPC has done a good job in sharing practices but let's focus on resources and outputs. We have pollinator resources but we need to package it. Need to prioritize and take action. A lesson learned from the bed bug packet is we should have taken it on the road and co-marketed it with pollinator resources.

Jasmine brought some TPPC banners that people can take who attend events.

Executive committee topic idea:

- Diania said that there are national defense facilities with natural gathering plants on the bases. Given the new Admin, access to these places has now been limited restricted. Nina asked about meeting in DC and talking about a speaker for military locations.

Tribal Hot Topics

Brenda Begay, White Mountain Apache Tribe – mentioned that they are having issues with housing issues and GAP. Fred mentioned that HUD has free training to offer if they need added resources.

Nina Hapner, Kashia Band of Pomo Indians – Will focus on indoor air issue, community based participatory research. They are working to have coastal lands restored, working with federal entities, measuring diversity in ocean plots, underwater drone surveying, and working with Reef Check to train dives to measure diversity.

Diania Caudell, California Indian Basketweavers Association - CIBA will join this week with a presentation.

Jasmine Brown & Ryan Evans, Confederated Salish and Kootenai Tribe – this was Ryan's first full year with credentials and CSKT was able to meet all the program goals, did some inspection in northern Cheyenne. They asked where other tribes were with their MP3 plans. CSKT is leaning towards managed versus native pollinator protection. In all CSKT had a good season. The CSKT Columbia River Basin Treaty Act was amended. There are tribal health clinics on most towns - nine clinics. If the clinic can't handle this then they are referred to larger facilities. A HIS grant can help with this. They partnered with the Montana Dept of Ag groundwater protection program for groundwater samples in areas where there are

high cancer rates. The land use has changed over the past 20 years so they don't know what to expect to find there. Circuit Rider program still strong. They developed background levels of pesticides in air and other media. Getting on the ground doing pollinator work. All resources going into FORBES and doing pollinator work. USFWS is tackling wild bores. Using a kind of salt used as a pesticide. If it sits long enough then it won't have as harmful secondary effects to non-target species.

Lucy Parker, Southern Sierra Miwok Nation – based in Yosemite National Park. The tribe is moving along in building their round house. Gathering to go and pick up, debarking of cedar trees. The Park Service is trying to work with them better and give them permits to gather. They are able to get their gathering materials without incident. One of the successes this summer was for Lucy to go to Norway for a cultural exchange to work with their native people. She stayed for two weeks, everything so green, fresh surface waters, no products applied. It looks to be a yearly thing where Lucy teaches with the university.

Dustin Roy, White Earth Nation – super busy year, misuse, complaints, human exposure case. Butted heads with the SLA a lot this year. White Earth is checkerboarded so a lot of the land is not theirs. The SLA was issuing permits for applicators to use copper sulfate and some other products without the tribe's knowledge. Wild rice is their top crop and is part of their cultural identity. The applicators are managing cattails and wild lilies and spraying into the water bodies there. The runoff is traversing rice fields, which are organically certified. White Earth is doing new GAP activities via indoor air assessments at tribal activities. Dustin might be moving to the GAP staffing in the future.

Jefferson Biakeddy, Navajo Nation. Performed a misuse investigation at a Navajo school resulting in exposure of staff and students. Navajo sent the report to Region 9. Because the school is a federal facility, the investigation has resulted in the issuance of a notice of warning and Region 9 is negotiating with BIA over a potential compliance assurance plan. The applicator was believed to have set aside the materials using the investigation so it went undetected in the investigation.

Carol Kriebs, Kootenai Tribe of Idaho – Mentioned that Northern Arizona University will come to your homes and schools to provide training on how to seal cracks and crevices to prevent the use of pesticides. The services are free and their workgroups are listed on their website. They also list other funding sources for other issues like wood-burning stoves, etc. Carol has been with Kootenai for just over a year and is still learning what's going on with pesticides. They manage 12.5 acres on the main reservations and the rest of the acreage is scattered throughout Idaho. The tribes are bringing back populations of sturgeon and they sample fish tissues to measure that pesticide levels remain low. They have successful partnerships with collaborators. Because of the dam, their soils are nutrient deficient so they must add nutrients to the water. One concern she has is that the bees appear disoriented.

Theodore Puetz, Ak-Chin Indian Community – Part of his work involves recording pesticide applications conducted on the reservation. He is creating a database for the community on every acre of every crop. He will establish some baselines and could use some input from others who have done this. This is a fairly intensive program based on products used. Ted's charge has been to find out what's there and establish use patterns to make recommendations going forward and head off issues before they become issues.

Action item: Amanda said that on the DI workgroup how tribes can get started on GAP grants. Another would be to how to get started in building a pesticide program.

Nina would like us to not get comfortable with the thought that EPA is always going to pick up the slack. She suggests we spend some breakout time in coming up with indicators we could be putting in their

workplans, pending regional office support. There was discussion about indicators and the grant guidance and how the two align and ways that the TPPC can contribute to look at this.

James Jackson, Muscogee Creek Nation – Muscogee Creek Nation’s GAP is under the PPG dealing with solid waste and pesticides. They have 2,500 facilities on the Nation and they coordinate with them as to products used. The Community Development Department goes out to the facilities to do the mowing so it is important to know what products are being used. They deal with air quality, a large amount of what they do (air quality). Accusedar offers radon monitoring equipment for \$8.

Larry Scrapper, Cherokee Nation – The pesticide application process is a current issue. There are 10 casinos on the tribal land spraying on Cherokee Nation properties. They are all in compliance with submitting use reports. There are ag health clinics on their lands as well and they are building a large HIS facility. Larry was asked to assist with bed bugs in clinics. There is content out there managing bed bugs in housing but not in health care settings. Larry annually reports out on TPPC activities at their ITEP conferences and tries to recruit members. He put together a PPT on BPMs on use in those settings, without making pesticide use recommendations. Steam cleaners and other basic cleaning and IPM approaches to control. The clinic developed a procedure for how to respond to BBs. Larry has been working with Region 6 who wants to do a community IPM workshop. Larry is thinking of combining this request for others and include clinics

Eric Gjevre, Coeur d'Alene Tribe – He has had a busy inspection season. In April 2019, he met with the FIFRA inspection tribes. He had two (2) follow-up investigations that were noteworthy. An aerial applicator on the Nez Perce reservation was hired for an application to a canola field. Sampling showed that bifenthrin was present in nearby surface waters. Another case was a grower spraying roundup on lentils with a desiccant. Sampling showed drift and both will be enforcement actions.

Gerald Wagner, Blackfoot Tribe – thanked Yakama Nation for allowing us to be here. Gerald has been a rep on the NTC for more than 24 years. During this time, they were trying to make sure that an NTC member was sitting on each of the partnership groups. Gerald expressed interest to continue to engage with TPPC to see what the commonalities are how to push pesticides back up on the list of shared priorities. Water Air, solid waste, etc. Gerald said they are trying to impact the FY2020 funding in Snoquamish next month. When it comes to pesticides, it’s combined with toxics issues.

Fred Corey, Aroostook Band of Micmacs – The tribe has a small tribal vegetable and fruit farm, which they use to sustain their tribal members. The farm is 28 acres and they use 28 acres and it’s not entirely organic. Potatoes and broccoli. They are not using fertilizers or synthetic products and are selling to restaurants, too. They received funding to build three acres of pollinator habitat and had some hands-on pollinator activities with tribal youth. Getting the youth involved and educated is an investment in the tribe’s future. A wind turbine provides their electricity. The one emerging issue with northeastern tribes is the emerald ash borer. One strategy is to apply pesticides to trees that are crop seed trees. This raises concern that we could lose the species entirely. So identifying the trees which are the best seed producing ones is an approach. The products are RUPs so I the tribes are interested in using them, then they need to have approved programs and certified applicators.

Action items:

- Carol Galloway to follow up on a contact person for CID for Jefferson.
- Dustin Roy to contact NPDES for permitting question
- Larry Scrapper – share IPM PPT with TPPC

National Tribal Caucus (NTC) Presentation with Gerald Wagner

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

Gerald has returned to the TPPC meetings and hopes to re-establish with TPPC and continue the partnership with the National Tribal Caucus (NTC). The NTC established priorities and drafted a budget for it. How can the NTC elevate pesticide concerns to a higher level? There are newly federally recognized tribes so the charter will need to be revised. Discussion ensued about the ways the Councils were constructed and interacted formerly.

Fred commented that Gerald has a direct line to the EPA Administrator and could perhaps help take burning issues up the line. Former Administrator Pruitt and Administrator Wheeler have been to Montana and these forums are excellent opportunities where tribal concerns are shared. There are changing times ahead with a presidential election, committee changes, etc.

Carol Kriebs suggested that representatives participate more regularly on teleconferences to share information so that people are not having to travel as often. Next meeting is the third week of November in Seattle.

Reflection is that budgeting for GAP is preserved. Money for tribal pesticide programs won't increase unless the budget is increased. Gerald reviewed the NTC's Budget Priority Guidance document for FY2021. NTC requested a tribal set aside for FY2018 environmental programs of \$452 million. Air quality, water quality and solid waste are the top three funded areas each year.

Action items:

- TPPC to improve communications with NTC.
- Jasmine to call Julie Calhoun (Kauffman and Associates, on NTC calls) that someone would be getting in touch with her. Invite Gerald as often as possible.
- Try and add PFAS or some other bullet to the NTC budget document.
- Have Fred or some other TPPC member deliver a presentation to NTC, as Fred has already done.
- Send NTC's budget priority document to the TPPC.

Message from Assistant Administrator Alexandra Dunn

Alexandra Dunn joined via a recorded video message and said she is grateful for the opportunity to collaborate on the priorities in Indian Country.

Updates:

- April 2019 – did four consultations on the C&T plan for applicators and how new reqs may affect them. Because of the new rule EPA will be conducting consultations in the final rule. EPA wants to work with tribes to make the process as smoothly as possible.
- Last month – Wheeler directive to reduce testing of pesticides on animals and then birds.
- Continue to focus on pollinator protection.
- Invites participation in several opportunities. NPIC is extremely helpful and can apply to real world situations. Also the RIR. Please take advantage of this if y can.

They rely on TPPC to advise them on issues important to tribes.

This recently came out - a notice of reduction in bird testing.

Action item: EPA will send out the information again on bird testing and it will be a topic at an upcoming meeting.

OCSPP - Amanda Hauff

There was a recent White house meeting with Tyler Fish from Cherokee Nation. He is the White House's new tribal policy liaison. They identified six draft tribal priorities. Amanda to look up his background and share with the TPPC. Talked about GAP. EPA is still working on this and wants to do tribal consultations in Jan 2020 or later Amanda will keep TPPC updated. She attended the NTTC meeting in DC 2 weeks ago. Talked about risk assessment and tribal risk assessment forum. She is hoping to meet with EPA tribal risk assessors to bring the scenario into view.

Tribal Lead Curriculum. Had 200 tribal representatives involved in developing this. Work next is an outreach and communication plan. EPA hopes to go out with it externally Jan 2020 and will do national trainings, TTT, etc. If folks are willing to serve as instructors in the videos to please let her know. Nina made the point that the manner in which the questions are delivered to the audience be considered.

Action item: OCSPP to provide Tribal lead curriculum overview for the next monthly call in November.

Action item: tribes to submit comments by 10/11 for comments on the ESA document.

Did some outreach on the C&T consultation on C&T and ESA. Sent technical outreach on the latter.

OPP – Emily Ryan

Emily reminded folks about the Regulator in Residence (RIR) program, intended to foster communication between WPA and tribal regulators. They work with Emily to set up meetings on relevant topic, getting overviews from divisions in OPP, educate OPP about tribal issues. If you are interested in 2019 then please request the ability right away. OPP will be moving buildings next year and they are not sure on the timeline. If you are interested in 2020 then it will best happen early in the year. Time commitment is 2-4 days and try to avoid Fridays. You can come in solo or come as a group of no more than 3 or so, so everyone can have the greatest benefit. The curriculum is customized based on what the regulator would like.

The RFA is out for the next TPPC cooperative agreement and is out on Grants.gov and closes 11/20/19. EPA will convene a panel of reviewers. Nobody on the tribal tram will be on the review panel. They are people who have experience in tribal issues. Fred thanked EPA for getting it out early.

OECA – Carol Galloway

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

1. OECA pesticides national program guidance FY20-21 places a new priority on conducting compliance and enforcement activities where the EPA is directly implementing the program (i.e., Indian Country).
2. Conducted tribal consultations on two items combined. Piloting focused WPS inspections plus revisions to the EPA FIFRA inspection manual. Will hold conference calls on October 17 and 21 and comments are due COB Nov 15.
3. Change to inspector Credentialing Process, switch to FedTalent system. New passwords will be needed in January 2020. More information will be forthcoming.
4. Recommendations of Inspector General include EPA developing guidance to improve communication among circuit riders, participating tribes and EPA. OECA will begin by asking existing circuit riders for suggestions (emailed 10/30/2019).
5. Issues/requests raised in draft Status of Pesticides in Indian Country Report. Carol encouraged TPPC members to not wait for the report to come out, but to raise issues to relevant EPA Project Officers whenever tribes with enforcement cooperative agreements have issues or concerns.

Action items:

- Add to TPPC website the Tribal PIRT April 27-29 in Tulsa, OK hosted by Muscogee Creek.
- In response to the OIG's recommendations to improve Circuit Rider programs, Carol will begin working on a guidance document to fill the communication and outreach gaps with participating tribes.
- Give feedback to Fred on a guidance document, which he will soon share.

Pollinator Protection Workgroup with Jasmine Brown

The workgroup has been successful talking about issues. One comment reflected that the workgroup waned since the issues were being addressed. As they were considering next steps, it should be moving towards producing something (outreach document, etc.) EPA would like to partner on outreach materials and if the NTTC wants to continue to do national webinars then they would do that. The packet would be tailored for tribes.

Action item: share the pollinator protection workgroup brochure and post to the website.

When we are recruiting tribes, these are the benefits to membership.

Jasmine reflected that half way through the workgroup time, she and Mary realized they were only reaching out to pesticide audience and that they could have broadened their scope. Fred suggested a YouTube to serve as a PSA to communicate things.

CSKT's cherry growers that Imidacloprid could only be used once a year. Instead of using it in the spring when pollinators are present they use it in the fall to target fruit flies. They are getting this kind of helpful feedback on products but they don't broadcast it as they don't know if it's a national recommendation. If pollinator decline is linked to avian decline then we should mention that as well.

Farmers are having to hand-pollinate their crops and CSK has seen this on their lands for the first time this year. The issue of food resiliency is also a topic of conversation.

What would help the TPPC? Fred says to look at what others have done and adapt for TPPC. Jasmine said to describe there are population declines, why, and what we can do.

National Assessment of Pollinator Protection Plans. An effort which started at PPDC, went to SFIREG for what kinds of questions you would ask of states, and territories. Expanded this to include tribes and some provided comments. The assessment will go out October 14. It contains about 28-30 questions which are quantitative and qualitative. If there are tribes beyond TPPC who should receive this then AAPCO would like to know who they are and how to reach them. Amanda Hauff offered access via her network as well. Also suggested was to contact tribes who we know have plans and ask them to respond. All of the feedback will be aggregated so states, tribes and territories won't be listed individually. Not known if this survey will be sent out every year, every two years, every three years, or other. The hope is that restoration and protection efforts delineated in the MPS will show an improvement in conditions.

Liza Fleeson Trossbach says that AAPCO has a pollinator workgroup so there might be opportunities to share resources, ideas, etc. She will encourage their member states to forward to other tribes in their states as a means of extra coverage.

Recap – work on a survey message; after AAPCO goes live with the survey, TPPC needs to share the other side of the story, hold a few WG meetings.

Action items:

- TPPC to give Liza 2 sentences to use in the survey cover letter; encourage states to work with tribal partners.
- TPPC to add messaging to the survey when we forward it. Set up a call for November to engage newly interested folks to pollinators and include date/time for the call.
- TPPC to vote on items and prioritize them if not voted on in caucus.

Executive Committee Election

Suzanne emailed ballots on 9/25/19 to all eligible voters (25 total tribal ballots.) 17 Ballots were returned; 9 were submitted via email and 10 were cast in-person at the Full Council Meeting on October 8 in Toppenish, WA. Many thanks to all candidates for their willingness to serve the Executive Committee and additional thanks to the TPPC members for their participation in the selection process. Congratulations to the following elected members:

- Chairperson: Fred Corey, Aroostook Band of Micmacs
- Vice Chairperson: Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes
- Region 1: Fred Corey, Aroostook Band of Micmacs
- Region 2: Les Benedict, St. Regis Mohawk Tribe
- Region 3: Vacant
- Region 4: Vacant
- Region 5: Dustin Roy, White Earth Reservation
- Region 6: Larry Scrapper, Cherokee Nation
- Region 7: Jarrett Pfrimmer, Sac and Fox Nation of the Mississippi in Iowa
- Region 8: Ryan Evans, Confederated Salish and Kootenai Tribes
- Region 9: Nina Hapner, Kashia Band of Pomo Indians
- Region 10: Eric Gjevre, Coeur d'Alene Tribe
- At-Large: Jefferson Biakeddy, Navajo Nation
- At-Large: James Williams, Muscogee Creek Nation
- At-Large: Diania Caudell, California Indian Basketweavers Association
- At-Large: Lucy Parker, Southern Sierra Miwok tribe

Tribal Caucus

This session was a chance for the tribes to have candid conversation about the day's session. Discussions ensued about endangered species listings, some of the national leaders mentioned in the day's meeting, the RIR program and if the TPPC would like a third meeting in 2020. Some of these might be topics for the Executive Committee meeting tomorrow eve.

Tribal Pesticide Program Council – Full Council Meeting

Toppenish, Washington

DAY TWO, Wednesday, October 9, 2019

Fred called the meeting to order at 8:10 AM.

Opening comments, announcements

None noted.

Tribal Caucus Report

The group discussed Tyler Fish and Scott Mason and the interest in inviting them to join a future call or meeting.

Action items:

- Amanda will extend an invitation to Scott Mason to join the November 2019 or Jan 2020 call. The goal is to share info about TPPC and learn about Scott's goals for AIEO. 30 minutes, council to introduce themselves.
- Amanda will ask for White House notes from interagency meeting and six priorities.
- Amanda to let her political contacts know that TPPC would like to invite Tyler Fish to join the March 2020 meeting. Fred and Jasmine to send an official invitation. Also include Diane Barton and NTC. TPPC to start drafting out the request as we have in the past. Prepare to brief all sides. Explore inviting other tribal leaders to this forum. TPPC will need to work on this diligently over the next few months.

Scott Mason's priorities include:

1. Law enforcement and public safety
2. Cultural resources
3. Military and veteran affairs
4. Economic development

(There are 2 additional priorities which were not captured in these notes.)

The group also spoke about EPA's RIR program and the interest in involving university extension agents more often in the monthly calls and in-person meetings.

Introduction of Tribal Risk Assessment Scenarios

Amanda gave an overview and context of the workgroup's (WG) activities. The next step to take 24-page narrative about lifestyles. The WG took pieces of it and the risk assessment analyzers and this is how it ended up in the formal HCB risk assessment. There is interest is to add another section in the EPA's exposure handbook. Will start a new institutional behavior and will take and build on this. EPA is working on the next chemical, TBBPA, and will engage TPPC soon. OPP has a team that has agreed to work with TPPC on tribal risk assessment for pesticides. Moose or game meat was the focus. Solicited the TPPC for more information on chemicals used in Indian Country. Interest in exposures from basketmaking and reached out to invite CIBA so the TPPC can be more educated about the cultural aspects of basketmaking. This will enable EPA to be better versed when talking to tribes about exposure scenarios. TPPC talked about partnering.

Presentation by the California Indian Basketweavers Association, with Rebecca Tortes

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

Diania thanked the TPPC for inviting CIBA executive director, Rebecca Tortes. She's been with CIBA for eight years. She became involved with weaving and people are coming into weaving now from various entries. The tradition is returning to the earth, gather traditionally, clean them, and do the weaving. CIBA has over 300 voting members plus additional elder, child and youth members. In order to be a voting member you need to be a tribal member and an active weaver.

CIBA was established in the 1990s by a small group of weavers concerned that master weavers were passing on and the institutional knowledge would be lost. CIBA's vision is to preserve, promote and perpetuate California Indian basketweaving traditions while providing a healthy physical, social, spiritual and economic environment for basketweavers.

They are harvesting for foods, teas, ceremonial purposes. Proud that CIBA jumped on this early as an organization. Many harmful things are amongst the gathering material – human waste, needles, etc.

What is CIBA working on?

- Developing informational flyers focusing on Southern, Central, and Northern tribal areas.
- Encouraging weavers to advocate for pesticide education within their tribal communities through the creation of simple "advocacy & education talking points."
- Creating a digital and print, "Resource Guide," listing pesticide-free gathering areas. For example, Cache Creek Conservancy's Gathering garden.

How can EPA work better with indigenous people? What resources are needed?

- Understand that each Tribe has its own customs and traditions related to Indigenous Stewardships Methods (land management) – there is not a one size fits all approach.
- Invite Native people to speak and present at EPA events, not just tribal EPA events.
- Work with Native people to develop culturally competent outreach and education materials.
- Create grant opportunities for grant funding to address pesticides and how to identify pesticide effects on native plants.

CIBA arms their members with seven talking points about the impacts of pesticides on their gathering practice. They don't feel they need to have command of the toxicology when they can see the effects with mouth sores and other obvious signs of pesticide exposure.

Nina Hapner is part of the Western Region Tribal IPM workgroup and there is a disparity of definition in IPM between tribal communities and academia. There is still work to be done here to close this gap. Nina will look for the paper and share with CIBA. Suzanne mentioned that the UC Western IPM Center has an active grant application period still open which can help fund efforts such as this one.

Action items:

- Rebecca Tortes to share with Suzanne the First Nations document on tribal pesticide regulations. <https://nctcc.org/wp-content/uploads/2015/04/Tribal-Regulation-of-Pesticides-5.17.pdf>
- Nina to share the IPM workgroup paper with CIBA.
- Suzanne to share NPIC resources about glyphosate
 - o Kaci Buhl webinar: <https://youtu.be/xEQVpKm921w>
 - o Glyphosate general factsheet: <http://npic.orst.edu/factsheets/glyphogen.html>
 - o Glyphosate technical factsheet: <http://npic.orst.edu/factsheets/archive/glyphotech.html>

Climate change is another conversation holds as well and it how it impacts the supply of gathering materials. California's Native American Art is currently featured on KVIE's Arts Showcase: <https://www.kvie.org/kvie-arts-showcase/>

A future follow-up TPPC is interested in is CIBA would review draft risk scenarios for tribal exposures. The goal would be for EPA's use in risk assessments.

Breakouts on TPPC Workgroup Topics with Amanda Hauff

- A. Risk Assessment - Amanda gave the background of workgroup activities thus far and an overview of the exercise in characterizing the exposure scenario.

Ryan Evans reviewed a list of the pesticides he has seen used in tribal lands in CSKT along with how they are applied and observations noted. They have limited moose on their lands and their population prefers deer and venison to moose meat.

Action item: Amanda to reach out to R7 RTOC folks, the tribes to see if they are interested in being included the RA workgroup.

- B. Direct implementation – some tribes here are using GAP funding, some are interested. What would be useful for a 2-page outreach doc on how to get started with GAP guidance in starting your pesticide program?

The group broke into three subgroups and brainstormed on items and reported back.

Next steps:

- Gather feedback place in a 1-pager, share with TPPC for edits. Draft an outline of a how-to document, get started on that. Team members will be Fred, Nina, James Jackson, Jarrett, Brenda, Ted, and OECA.
- Team will break out, start an outline, get feedback form TPPC, start moving forward. Will invite EPA risk assessment staff.
- EPA to send out a copy of all of the feedback from today. The risk assessment workgroup will meet to compile and meeting EPA risk assessors.
- Direct Implementation – EPA to compile one list of brainstorming and have TPPC add to this. This workgroup will add to the outline and get feedback from TPPC and get started.

Yakama Nation Environmental Program Presentation with Joe Herrera

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

Joe's dad is full Yakama and his mom is from the Dene Tribe in Washington. Joe was born in Washington but moved to Arizona in 4th grade and moved back in 2012. He's been working with the tribe since 2014 with the water program and transferred to the pesticide program. He is the father of three lovely children.

Yakama Nation covers approximately 1.2 million acres, has 10,000 plus enrolled members, and is governed by 14 Yakama Tribal Council members. The land includes mostly agricultural lands. 150,000 acres have orchards, produce and grazing.

Yakama Nation Cultural Presentation with Jerry Meninick

Regrettably, Mr. Meninick was not able to attend due to pressing tribal matters.

Status of Pesticides in Indian Country Report with Bob Gruenig

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

Bob gave the background on the report. In 2011, Bob suggested the TPPC consider doing a status report like the one of the National Tribal Air Association. In October 2016 the TPPC started having breakouts on the report based on an outline drafted a few years earlier. The first draft of the report was in December 2018, which coincided with the government shutdown; therefore, EPA could not offer comments on this until after that time. In March 2018 we came up with a revised timeline with the plans to start meeting on a more regular basis. We missed this mark and work resumed in late summer 2019.

Status as of October 2019. When we met 2 weeks ago we agreed to meet twice a month with one meeting being at the end of a monthly EC call.

Comments from EPA and TPPC – first draft of comments from EPA in August 2019 and the group is going through those. There were some items in the report people were asking for more clarity about. Accuracy was also a concern. The dilemma is how to balance the need for data with the need for tribes to have their stories told via anecdotal input.

Our plan was to have a published document out the door in October 2019. As a workgroup we still have not established a hard and fast publication date but it needs to be done before the end of the 5-year cooperative agreement 9/30/2020.

A concern of Bob's is that tribal input of the report is coming to late in the report. The tribal input needs to be at the beginning so that the tribal stories are preserved. EPA is working with upper management to have their inputs tempered. EPA agrees that the stories are important. EPA has been on this balancing act the whole time throughout the outline coordinating the meetings, etc.

Nina would like to see the report reformatted to have the tribal story placed at the front. Right now it sounds more like an EPA report. Nina offered assistance in this effort. Nina also asked if we could have Bob and Nina ask for tribal input at the upcoming Tribal / EPA Region 9 forum in AK-Chin on October 21-24.

It's not just about tribes with pesticide programs – it's about tribal communities impacted by pesticides. Who should the report talk to? It's onerous as written and would not command the interest of a reader. Nina would like to ask for stories, invite images, etc.

Eric reflected on the Fall 2016 meeting in Pala and some comments received. Carol Kriebs suggests that we offer a very concise synopsis in the first few sheets. If the reader is interested

Action items:

- Bob to include Carol Kriebs on the routing of the next draft of the Status report.
- Fred to add Carol to the TPPC list serve.
- Suzanne to send Carol the link to the membership reqs and the letter.

EPA won't be convening the workgroups moving forward. EPA will help articulate the success story for Lindane. EPA has everyone on board with respect to FIFRA risk assessment but still unclear if TSCA is covered. Amanda says we have EPA onboard. Fred says the TPPC wants the EPA to have a systematic and institutional approach to risk assessment framework and not only when the tribes speak up. The

group proposed that not all of the info needs to be in the first publication. Proposal that enforcement be taken out and reported later and in a different way. Risk assessment is a critical part to keep in the first edition.

Frustration: outline placed out in 2011 when ITCA had the cooperative agreement. When Bob came back with UCDE nobody ever made comments about changing what was in the outline. EPA told Bob that the TPPC is looking to him for strong leadership as to what should be included and how organized.

Nina proposed that TPPC put together a list of topics they want prioritized in the report. Suzanne to distribute. TPPC to rank priority topics. Suzanne also proposed that the TPPC help delineate with the purpose and the audience of the report will be before Bob continues.

SFIREG Update, with Liza Fleeson Trossbach

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

Liza expressed her gratitude for the privilege to be here and reflected on how much she's learned over the past two days and tribal programs. SFIREG is like a fraternal twin to PPC with similarities and differences. One of the things she's committed to as SFIREG chair is how SFIREG and TPPC can coordinate and collaborate.

The TPPC chairperson participate in the two semiannual SFIREG meetings. Each region holds a pre-SFIREG meeting they want to bring to the full meeting.

Select items of interest:

The POINTS database management came to SFIRGE via a white paper and AAPCO wrote to EPA asking for clarification on a few items. They are trying to work out next steps. Can states fund it? Can another entity host it? Could states allocate part of its budget to use it?

- Dicamba – 2019 Growing Season and Implications for 2020
- Amended Certification & Training Rule
 - Implementation Dates
 - Revised C&T Plans
- National Assessment of State Pollinator Protection Plans
- Devices and Structural Fumigation
- Pesticide Use on Cannabis (Marijuana & Hemp)
- POINTS
- Bio stimulants
- Section 24c
- Focused WPS Inspection Initiative

Full SFIREG is considering putting forward an issue paper again about EPA's decision to not issue 24 Cs for federal registration of pesticides labeled for use on Cannabis, specifically, marijuana.

One member said they received about 40 letters on a daily basis for about a year looking for direction on how to go about initiating marijuana grows. What pesticides should the county and tribe expect to see used on marijuana? With the Farm Bill language, growing hemp is now permitted in CA. Perhaps this is a topic for TPPC on the next call. Tribes are starting to deal with this issue and they don't know how. Liza concurred that states are facing the same issue. There is a huge monetary incentive with BCD oil production. Tribes want to be able to respond to this because there is so little information coming out from EPA. Same states say unless it has hem n the label, then it's not permitted. WA, VA and CO have a

different ruling on that aspect. What are the plans moving forward? Will hemp be exempted from a food tolerance? In VA they wanted to put out some guidance to prevent growers from using something dire.

Listening over the last two days these are the common issues SFIREG shares with TPPC: Funding, marketplace, notification, outreach, pollinators, disposal, investigations, credentials, residues, education, enforcement, groundwater, administration, drift, exposures, collaboration, risk, commitments, training.

Looking to the future, these are things we expect to see more about, with more opportunities to work together:

- Unmanned Aerial Vehicles (UAVs)
- Managing pesticide resistance
- Label changes post registration review of structural fumigants
- Drift reduction technology
- Public health issues, i.e. Zika virus and vector control
- Implementation of revised WPS and C&T regulations
- New chemistries & technologies
- Increased complexity of pesticide labels
- Climate change impacts on pest populations

Are there opportunities to collaborate on these or other issues? Example....one voice vs many voices. How is the collaboration best managed? Synchronizing parallel letters is an example of collaboration. Maybe an information exchange, a project, tribes participating in the pollinator plan survey, or others.

It's important for the TPPC chairperson to be at SFIREG to be a part of these conversation, and it's important that the SFIREG chair attend TPPC meetings to listen and share. Liza reinforced her commitment to assist and collaborate with the TPPC.

Questions:

- From where Liza sits, is there any collaboration or connection with ECOS? Liza is not involved with ECOS but she's aware of others who are Liza also served the PPDC and welcomes Jasmine to that group in the near future.

One tribe expressed it's often difficult to know who in their state or EPA has the lead on an issue and they are nervous about taking the lead on enforcement actions. It would be helpful to receive some guidance on these things. Liza agrees it would benefit both states and tribes.

Action item: invite Liza to Ted's tribal jurisdiction session once it is scheduled on an upcoming monthly call.

FIFRA Jurisdiction in Indian Country, with Ted Yackulic

Due to inclement weather preventing the speaker from driving to Yakama, this session will move to a future monthly call in November 2019 or January 2020.

Fred explained the context of the topic and how the FIFRA enforcement discussion was on the agenda. The question came out of a Region 10 circuit rider program. Fred suggests Eric consider inviting Ted to one of his upcoming meetings.

Julie Simpson from Nez Perce suggested EPA place a basic definition of Indian Country on their website

Eric to send Suzanne the link to send to the TPPC for the EPA web page on definition of Indian Country.
<https://www.epa.gov/pesticide-applicator-certification-indian-country/definition-indian-country>

Eric to invite Ted at the Circuit rider meeting in April 2020.

Endangered Species Act and Tribal Consultations, with Amanda Hauff

Amanda gave an overview of current and future consultations

ESA consultation July 2019 – started to conduct outreach in July and they went really well. About 10 tribes attended and asked many questions. About 10-12 tribes attending during consultations and EPA was able to prepare a fact sheet to explain the process. EPA was able to develop more materials to make it simpler. In addition, they extended the consultation period beyond public consultation. During the docket they received about 3 tribal letters. For consultation they had a few questions and Emily and Amanda have replied but official EPA responses still pending.

C&T outreach – EPA communicated in spring about the changes to the C&T Rule and received a few letters. There are no standards the states and tribes must meet, EPA is working on outreach materials for this. Within a month or so they will distribute EPA ants to see if there's way to work with tribes to target the right members.

Endangered Species Act consultation comments due this Friday, October 11.

Amanda talked about the background of the process and explained that EPA is now playing catch up. EPA is revising the draft to make sure its sufficient with out being overly conservative. EPA wants to be more transparent with the process and be more scientifically defensible with respect to the data used. Some of the questions received form tribes – what kind of usage data are you looking at? Misuse, industry, etc. The other thing they are looking at is how likely is it that a species might be impacted. EPA is proposing a new range of how they will be looking at pesticides. In addition, tribal concerns were in looking at spatial data. Tribes concerns were if you have salmon and it migrates from one area to another that they are exposed. Same things for a migrating mammal like a moose who moves from one area to another.

Ryan Evans asked if the revisions are intended to make the restrictions more protective of endangered species. Amanda said it's not to make it more restrictive for a pesticide but that the toxicity of a pesticide towards the higher range is considered. After EPA revises its approach they will share a case study for comment.

Emily to ask Nina to ask GITA Coppeti for a document on fish consumption.

The good thing that came out of the tribal consultation is that EPA told the technical folks about the TPPC case study under construction and there's interest in inviting them to a council meeting.

EPA welcomes inputs on the ESA consultations by this Friday.

Citizen Science is:

- the involvement of the public scientific research often in collaboration with professional scientists and scientific institutions
- a transformational approach to environmental protection that engages volunteers, allowing large numbers of people to contribute to science

As EPA is developing a strategy for data collection and analysis, they want to make sure tribes and the public are involved. This is the beginning of this effort.

C&T Rule – March 4, 2020 is the deadline for the new program and statutory standards

4 options

1. establish a tribal agreement with EPA.
2. Submit their own tribal certification plan
3. Fall under an EPA administered plan
4. Tribes can opt out of all

EPA is working through an overview of this and this will be forthcoming with consultations.

Because of the new standards EPA has to revise the EPA plan for tribes.

Ideas for getting the word out better about the C&T tribal consultations:

Taking to Navajo nation and other tribes that have plans. Amanda will send to her regional managers and sent to every RTOC.

The meeting adjourned at 5:00 PM.

TPPC Executive Committee Meeting
Toppenish, Washington
Wednesday, October 9, 2019
Meeting Notes - Draft

The meeting was called to order by Fred Corey, TPPC Chairperson, at 5:40 PM PST.

Attendees:

Tribes (13)

- Jefferson Biakeddy, Navajo Nation
- Fred Corey, Aroostook Band of Micmacs
- Jasmine Courville-Brown, Confederated Salish and Kootenai Tribe
- Ryan Evans, Confederated Salish and Kootenai Tribe
- Eric Gjevre, Coeur d'Alene Tribe
- Nina Hapner, Kashia Band of Pomo Indians
- Joe Herrera, Yakama Nation
- James Jackson, Muscogee Creek Nation
- Carol Kriebs, Kootenai Tribe of Idaho
- Lucy Parker, Southern Sierra Miwok Nation
- Theodore Puetz, Ak-Chin Indian Community
- Dustin Roy, White Earth Nation
- Larry Scrapper, Cherokee Nation

Tribal Organizations (1)

- Diania Caudell, California Indian Basketweavers Association

EPA (3)

- Amanda Hauff, U.S. EPA, Office of Chemical Safety and Pollution Prevention
- Rachel Ricciardi, U.S. EPA, Office of Pesticide Programs
- Emily Ryan, U.S. EPA, Office of Pesticide Programs

Other (2)

- Suzanne Forsyth, University of California Davis Continuing and Professional Education
- Bob Gruenig, TPPC Consultant

Status of Pesticides in Indian Country Report
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The meeting was dedicated solely to the discussion of the Report. The group agreed we need to determine the audience and desired outcome of the Report. Jasmine suggests that the first audience is the EPA management at the March 2020 meeting. For risk assessment and direct implementation we don't need to have the recommendations fully fleshed but only frame the problem.

Is there any kind of document out there that's similar to the one TPPC plans to release? Amanda said that there's a newsletter from Tribal Science Council. Have Bob give a presentation at the March 2020 meeting highlighting certain parts of the report. Brandon Lee with UCD is still on tap to format it and dress it up.

Audience: tribal and EPA senior leaders, create a highlights doc for communities (newsletter type)

One member is hesitant to agree to pull out information to create a pamphlet or other condensed version which diminishes the importance of the messaging. For Amanda's last technical document, she did a Highlights section which pulled out the key messages she wanted readers to know about the content. Nina would like to see the humanity of the tribes listed at the beginning versus at the end. It should be provided to tribal leaders at the same time as EPA as a means of respect.

Action item: Amanda to share the GAO highlights document template.

The EC went through the Report outline and made recommendations as the sections which should remain in the first edition.

Voting ensued and the top items were

1. Risk assessment and exposures and effect
2. Funding
3. Gaps under Direct Implementation

The team will work in these three and the cutoff date

Timeline:

- March 1 printing
- Feb 1 Layout
- Mid Jan TPPC review
- June is the budget meeting. Working backwards from June and the hope to share the draft report with the NTOC
- Draft final completed by April 2020
- TPPC to provide feedback prior to March meeting so we can discuss it.
- Discuss final version in March meeting
- Finalize in April, final grammar review
- Send to publication late May

Bob to facilitate the workgroup calls. Jasmine and Nina to push the timeline. Nina to share the Zoom connection and share with Bob so he can share screen.

Team members: Jasmine, Nina, Bob, Ryan, Fred, Ted. First call is October 30 at 9 AM

The group agreed to reserve a half day at March 2020 meeting to flesh out final edits to the report.

The meeting adjourned at 6:30 PM.