

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
10/19/17
Call Notes – Final
Call information: 1-866-299-3188; code: 415-947-4242#

Roll call:

Tribes

- Fred Corey, Aroostook Band of Micmacs
- Tony McCandless, Gila River Indian Community
- Willie Keenan, Confederated Salish and Kootenai Tribes
- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Ryan Evans, Confederated Salish and Kootenai Tribes
- Cherise Maples, Seminole Tribe of Florida
- Tiffany Wolfe, Pechanga
- James Williams, Muscogee Creek
- Suzanne Fluharty, Yurok Tribe
- Ken Clark, Nez Perce Tribe
- Larry Scrapper, Cherokee Nation

Tribal Organizations

- Africa Dorame-Avalos, Inter Tribal Council of Arizona

EPA

- Carol Galloway, U.S. EPA, OC
- Cindy Wire, U.S. EPA, OPP
- Amanda Hauff, U.S. EPA, OCSPP
- Ann-Marie? (R6)

Other

- Kristy LeClair, University of California Davis Extension

AGENDA

a) Welcome/Introductions (Fred)

Fred Corey, TPPC Chairperson, facilitated the roll call. Attendance was logged throughout the call for 12 member tribes and tribal organization representatives.

b) EPA Updates (Cindy, Emily, Carol, Nick, Amanda, et. al.)

- a) EPA just published the final fiscal year 2018-2019 National Program Manager (NPM) Guidance for the Office of Chemical Safety and Pollution Prevention (OCSPP). This document outlines the national pesticide and toxics priorities, providing direction for the EPA regions over the next two years. <https://www.epa.gov/planandbudget/final-fy-2018-2019-office-chemical-safety-and-pollution-prevention-ocspp-npm-guidance>
- b) The Agency also posted the draft fiscal year 2018-2022 Strategic Plan for review and public comment. Here is the link: <https://www.regulations.gov/docket?D=EPA-HQ-OA-2017-0533> . The first one is happening now, October 17th, from 2pm to 4pm (EST). The second one will be held on Tuesday, October 24th from 2pm to 4pm (EST). We'll send out a calendar invite for your convenience. **National Conference Call for Tribes - Draft FY 2018-2022 EPA Strategic**

Plan, October 17, 2017 2:00 – 4:00 pm Call-In #: 1-866-299-3188, Conference Code 202-564-4855.

- c) NTC/NTOC – Administrator re-affirmed the 1984 Indian Policy; we know that Fred will discuss at a later time today so we will let him share further details.
- d) OECA are starting efforts to revise the FIFRA inspection manual – the TPPC will be given an opportunity to review; timeframe TBD
- e) Tribal PIRT – is next December; this year will be in Georgia and NC – one training will be given for new inspectors and the other will be for folks with higher skillsets; dates TBD but will keep you in the loop.

3. TPPC Tribal Administrator Update (Suzanne)

- a) October 2017 meeting - UCDE thanks Hilery Spray and the Winnebago Tribe of Nebraska for hosting. The election results for the 20189-2019 Executive were shared this week. Transcription of the meeting notes for the Full Council and Executive Committee are still underway and will be shared next week. Meeting evaluations will be shared before the November monthly call. And the presentations should be posted to the TPPC website by then as well.
- b) Travel vouchers and receipts are due this Thursday 10/20. Our expense reimbursement process is now more streamlined as Kristy is the new the lead on entering the data into the campus travel database. Two members submitted their reports the week after the meeting and they've already been mailed their payments. So please send Kristy your voucher and receipts if you've not already done so.
- c) TPPC Spring 2018 meeting after AAPCO on March 7-9. As before there will be a half-day overlap (Wed, March 7). The Full Council meeting shall be Wed-Thurs, March 7-8; Executive Committee will meet half day Friday, March 9, travel home in the afternoon. Cindy Wire has inquired about meeting space at OPP. UCDE will begin making plans for lodging at the Residence Inn Arlington Capital in Arlington, VA where folks stayed last year. It's not too early to begin suggesting topics for this meeting. She suggests we hold an-agenda planning call in November.
- d) AAPCO meeting March 5-7, 2018 in Alexandria, VA - Suzanne has reached out the AAPCO President, Tony Cofer, and Executive Secretary, Amy Bamber, to find out their plans for tribal participation on the agenda and will share once she hears more.

4. NTC/NTOC Meeting Update (Fred) (00:40 – 00:45)

- Three days of meetings at EPA HQ.
- First day – was a tribal only day where EPA Tribal Partnership (i.e., NTTC, TPPC, TSC, NTAA, etc.) chairs met with the NTC one-on-one to discuss various program aspects and challenges. We also used that time to plan for NTOC.
 - Most significant – suggestion that all EPA Tribal Partnership groups meet on an annual basis together; suggestion to meet during the Tribal Lands Environmental Forum (TLEF)
 - The NTTC did this in August as well as others and it turned out well
 - The NTTC set up time to meet and also participate in the conference
 - We (TPPC) discussed this at our last meeting and everyone seemed to think it was a good idea.
 - We can also have presentations at the conference
 - Next TLEF is in August 2018 in Spokane, Washington
- Second day - National Tribal Operations Committee (NTOC) Meeting
 - The EPA Administrator reaffirmed the 1984 EPA Indian Policy
 - Evaristo Cruz (NTC Chair) opening remarks specifically mentioned the importance of toxics and FIFRA.
 - This was the only two programs mentioned which is a first in history – this is exciting!

- We heard from EPA senior leadership and managers that they too were really excited.
 - Third day – NTC Meeting with OCSPP
 - This meeting was between the NTC and OCSPP. Fred and Russ were there to represent the NTTC as well as we had overlapping discussions on topics related to pesticides.
 - For example, we discussed risk assessment needs, challenges, procedures, process, etc.
 - The Agency risk assessment process can be improved and does not often take into account tribal aspects
 - New TSCA provisions requires the Agency to look at susceptible sub-populations and we had a discussion on how tribes can work with OPPT and ORD.
 - ORD – who is responsible for the Agency’s scientific work and to address data gaps, exposures and cycling of toxics.
 - Following this meeting the next steps are to work with ORD and find how we can build collaboration between the NTTC, TPPC, OCSPP and ORD.
 - We need to identify who is the NTC representative that is working with the TPPC
- Action item: Amanda Hauff to follow up with the NTC for a point person for the TPPC.
- Would like to connect with the water council to discuss water, pesticide issues.
- Action item: Fred- They are now starting to reconvene, let’s reach out to them. Maybe we can invite them in December?

5. EPA Strategic Plan Comments Process (Bob/Fred) (00:45 – 01:00)

- Three major focuses: Core mission, cooperative federalism, rule of law and process
- We need to really mobilize and make comments on this document. Today, we do not have a lot of time to discuss details so I propose we work with Bob to formulate something in time before the 31st.
- We would also recommend individual tribes also put something together, if they have time, and they can borrow comments from the TPPC
- A big opportunity for us is to focus on cooperative federalism – which is key – the Agency needs to focus on Direct Implementation, EPA trust responsibilities
 - There may be different definitions of the ‘effectiveness’ of direct implementation between EPA vs tribes
 - For example, EPA feels it is ok to have a 1-800 number for folks to make complaints – I don’t feel this is effective
 - None of the state run programs run on complaints
 - Monitoring and enforcement is lacking
 - R9 have 3 EPA folks with 149 tribes and they do not know where they cover tribal lands – if you don’t know where the threat is, then how are you enforcing it?
 - Funding should go to tribes to do the work rather than federal inspectors, etc.
 - This is the rule of law – which is a key heading under the new administrations work – implementing the law as Congress intended – refocus the Agency – we are talking about lack of enforcement – is that what Congress intended?
 - I want to thank Administrator Pruitt – and thank him for trying to work on this (rule of law) – we need to focus on non-compliance
 - Grants and streamlining grants are discussed in the strategic plan
 - But nothing is mentioned on compliance and monitoring OR if programs are functioning.
 - There is a lot unsaid
 - FIFRA
 - There are defiantly gaps on how EPA implements in Indian country
- Comments due at the end of this month – not a lot of time from now
 - One request to have an extension – 30 days

Action item: Get specific concerns and ideas thoughts to Bob Gruenig and copy Fred ASAP.

Action item: Amanda to resend information on the Strategic Plan to everyone.

- Concerns heard on the first consultation call:
 - Did not mention trust responsibilities or treaties
 - A lot of places where states are mentioned where tribes should also be
 - There is a section that has highlighted tribes and states, but they failed to add tribes within the body/text
 - It is going to need a lot of rework
 - Folks plan to ask for an extension
 - Folks plan to ask for a formal one-on-one consultation
 - NTAA develop a draft letter – has anyone seen it?
6. OECA Enforcement Issues Discussion (Carol) (01:00 – 01:30) (see attached August conference call notes)
- In September, we planned to have an entire conversation focused on OECA issues. However, we will use this time now to discuss some of the questions we had.
 - Carol discussed OECA's responses to the following questions.
 - EPA's capability to advise and assist tribal inspectors who are called to testify about their inspections.
 - Do inspections conducted under tribal pesticide code "count" toward work plan commitments?
 - EPA's concern when inspections do not identify violations, and whether those inspections "count."
7. Other Issues/Concerns/Hot Topics (All) (01:30 – 01:40)
8. Tribal Caucus (Tribes/Tribal Organizations Only) (01:40 – 02:00)
9. Next TPPC Conference Call (Wednesday, November 15, 2017, 2-4 p.m. EDT)

ANNOUNCEMENTS

- Association of American Pesticide Control Officials (AAPCO) Spring 2018 Meeting: March 5-7, 2018, Alexandria, VA
- TPPC Spring 2018 Meeting: March 7-9, 2018, Arlington, VA