

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
12/21/16
Call Notes – Final

1-866-299-3188 Code: 415-947-4242#

Roll call:

Tribes

Fred Corey, Aroostook Band of Micmacs
Irv Provost, Oglala Sioux Tribe
Larry Scrapper, Cherokee Nation
Hilery Spray, Omaha Nation Winnebago Tribe
Willie Keenan, Confederated Salish and Kootenai Tribes
Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes
Joe Herrera, Yakama Nation
Eric Gjevre, Coeur d'Alene Tribe of Indians

EPA

Gabriela Carvalho, EPA Region 10
Lorry Frigerio, U.S. EPA, OPP
Carol Galloway, U.S. EPA, OECA
Mary Clock-Rust, U.S. EPA, OPP
Cindy Wire, U.S. EPA, OPP

Other

Suzanne Forsyth, University of California Davis Extension (UCDE)

Reported in advance as absent:

Nina Hapner – Kashia Band of Pomo Indians

AGENDA

1. Welcome/Introductions (Fred)

Fred Corey, TPPC Chair, facilitated the roll call. Attendance was logged throughout the call for 8 member tribal and tribal organization representatives.

2. EPA Updates (Cindy, Lorry, Carol, Gabriela, Amanda, et. al.)

a) Presentation on EPA's AIEO Office (Amanda)

Amanda Hauff presented a 2-page overview of American Indian Environmental Office (AIEO) including its vision, mission, Policy and Partnerships, Planning and Communications, and its Tribal Capacity Development Teams. The handout included a chart of the AIEO Office staff, their roles and key activities. The Tribal Capacity Development Team (led by Luke Jones) is in charge of the General Assistance Program (e.g., Guidance, Management and Oversight, GAP Online); support in development of EPA/Tribal Environmental Plans and Performance Partnership Agreements; coordination with funding "other" tribal capacity efforts Analysis of EPA tribal grant resource allocations; and Tribal EcoAmbassadors program.

AIEO works with OCSPP on Indian Guidance, Direct Implementation. Communications regarding anything pesticide related would be directed through Amanda's team and be addressed by others on the EPA tribal team, such as they are now.

b) National Tribal Caucus and the March meeting (Amanda)

TPPC discussed at its October meeting that we'd like to invite Billy Maines from the National Tribal Caucus (NTC). Billy is a Tribal Council Member and Environmental Coordinator for the Curyung Tribe in Alaska. The suggestion was made to offer him a few minutes on the agenda and talk about his role with NTC. Several TPPC members on this call expressed continued interest in having him address the group in March. He's brought a lot of positive changes to NTC and a strong partnership with TPPC would be desired.

Action item: Fred will invite Billy Maines to attend the March meeting and offer a 10 minute address.

Action item: Amanda to inquire about AIEO travel funds for Billy Maines. Fred asked if OCSPP could also offer funds.

Fred and Suzanne to adjust the agenda to accommodate his address. If travel funding is not available from EPA then we would invite him via phone.

c) EPA's Direct Implementation Assessments (Amanda)

Amanda shared a 31-page handout dated 2/25/16. It was developed as a resource for EPA leadership to outline key statutes of responsibility in Indian Country and where EPA must act. Better collecting data and standardizing so they can better use it to serve tribes. Another part of the process is to do an assessment program across the agency the next 3 years. OCSPP, Office of Water, Office of Emergency Management will be doing their own assessment to look at activities in Indian Country on a statute by statute basis – what are they doing, not doing, what are gaps? This will be going through 2019 and will be a discovery exercise to look at what's going on in the program and the needs, best practices and ways to increase their effectiveness. OCSPP will be looking for feedback on this process. They will be reporting the outcome to OMB by 2019. This will be a parallel exercise to the strategic plan and is a chance for OCSPP to dissect programs, come together and talk about needs. Amanda will be reaching out to tribal partnership groups and is hoping this will result in increased funding for tribes.

d) EPA's Strategic Plan Presentation (Amanda)

Amanda reviewed a 1-page PDF on the draft strategic plan milestones. Suggestion is that TPPC is at the table when OCSPP is talking with the Office of Chief Financial Officers (OCFO) in the June timeframe and this should be on the calendar. OCSPP will do early engagement with tribes. Before the Agency puts pens to paper on the next plan, they will ask Tribes their thoughts on the former plan and the new one. Amanda suggests we hold an in-person working session to look at the old plan and see what recommendations would be to change it to have something to submit further. Talked about ways Tribes can be engaged and have a strong voice at the table. Early engagement begins late March / early April timeframe. Suggestion is to do a working session in March to provide feedback recommending X, Y, Z for new plan. Cindy has been looking for a speaker on this in March and is challenged. EPA can bring the most up to date information in March but it might be a good time to talk about the changes they would like to see to the plan moving forward.

Amanda offered to prepare a 1-pager on what each of these things does (NPM guidance, EPA strategic Plan, outline where they are similar and different), yet there was not support for this.

e) Update on risk assessment discussion or March meeting (Lorry)

EPA is on board with doing a 1-hour webinar via Adobe Connect on 2 areas (e.g., human health and ecological) of risk assessment in preparation for a more in-depth discussion at March TPPC meeting. Need as much specificity as possible in this overview. Main interest is how unique tribal exposures are accounted for in the risk assessment process. But if we can hone down to a more detailed level on the request then this is ideal.

Other areas of interest: Tribes consume a lot of wildlife. Some pesticide products have fodder restrictions for livestock. How is this accounted for? Dietary risk to Native Americans from consumption wildlife which has grazed on treated crops.

Also noted was that basket makers are at risk from exposure from gathering reeds and other materials used to make baskets. They form the reeds with their mouths. Many materials are being collected in rights of way and these exposures not being accounted for in risk assessment process. How does EPA assess this cancer risk by way of reviewing data? Materials gathered are also used in tribal medicines in ceremonies. Overarching request is that EPA takes a more universal approach to including these exposures when they establish risk assessments for general populations. Being careful to assess these types of risks.

The webinar will be 3 weeks before the March TPPC meeting so EPA can have time to respond to questions and better prepare for the in-person discussion at the March meeting.

3. TPPC Tribal Administrator Update (Suzanne)

- a. Website is updated with all 2016 meeting information. 1000 total views on the home page since April.
- b. TPPC Spring 2017 meeting announcement went out Nov 8. Website is updated with all the information including the draft agenda. The meeting will be held after AAPCO on March 8-10. Overlap 1 day (Mar 8). Full Council meeting is Wed-Thurs, March 8-9; Exec Committee will meet 8:30-11:30 AM Friday, March 10. More information on the meeting location and needed ID and building security to follow in January/February. All airline tickets are now booked for funded travelers. If members asked us to pre-pay their lodging at the host hotel then we will send them a confirming email after January 3 to verify. The host hotel will be the Residence Inn Arlington Capital View, 2850 South Potomac Avenue, Arlington, VA. More details are linked on the website in the announcement.

Deadlines:

- Jan 16, 2017: Deadline to book host hotel at reduced rate (all attendees)
- Mar 1, 2017: Deadline to register to attend (all attendees)

Reminders about March meeting logistics:

- Refreshments at March 2017 meeting will be coffee/tea in the morning and following lunch. The host hotel serves a full breakfast and eve reception. There are many affordable eateries for lunch are within walking distance so lunch will not be catered.
- c. March 2017 AAPCO Meeting. Incoming AAPCO president shared with Coordinator the draft skeleton agenda and it does not include a tribal session as it has in previous years. Suzanne sent her a question to confirm if this was correct and have not heard back.

Action item: Suzanne to continue to follow up on this and report back on next monthly call.

- d. Tribal WPS Implementation Needs Survey. An outcome from the October meeting, Tony McCandless and Africa Dorame Avalos sent this to all members on 11/22 with responses requested by 12/16. The survey asked about their needs or ideas, timeliness, outreach issues or challenges they've encountered, and constructive solutions to share with other tribes. Tony received no responses to this survey and there are no plans to follow up on this.

Action item: Suzanne to email Tony & Africa with the request to send it out again after the holidays and a reminder about the deadline.

4. TPPC OECA Issues Review\Discussion (Carol Galloway)

There was interest to go back through these originally formulated in 2011 to see if they've been completed and if any new ones have come up. Carol provided a PowerPoint that covered items from a 2011 Enforcement Issues paper. There was robust participation from the TPPC in this effort in its creation.

- 1) Inappropriate performance measures.
 - TPPC recommendation: OECA should work closely with tribes to determine the criteria that should be used to measure the success of pesticide programs in Indian country, and incorporate the criteria into the performance measures used by OECA.
 - Actions: Elaine Wilson of ITCA is participating in the work group evaluating and revising pesticide program performance measures
- 2) Lack of follow-up on enforcement referrals.
 - TPPC Recommendation: OECA should establish a transparent and consistent policy on how EPA will respond to enforcement cases referred to the Agency by tribes.
 - Actions: At the March 2012 TPPC meeting, OC shared target timelines previously developed. There was no discussion. On 10-25-12 C Galloway emailed a copy of the timelines to Fred Corey and Bob Gruenig for distribution to the TPPC.

Several Tribes expressed this is still a concern and we should continue to work on this.

- 3) Lack of publicity for enforcement actions.
 - TPPC Recommendation: OECA should assist tribes in working more closely with EPA's press offices to issue more press releases about enforcement actions taken in Indian Country.
 - Actions: OECA/PMOD staff met with OECA Press staff to discuss how to raise the visibility of enforcement actions on tribal lands and agreed to procedures to coordinate with Regional press offices.

One member would like to keep this listed as a priority and would like publicity further than the federal register for items. The OPP Updates are helpful.

- 4) Jurisdiction and State inspection actions on tribal lands.
 - TPPC Recommendation: OECA should reissue guidance to each state that its inspectors cannot conduct inspections in Indian country unless the state has a Memorandum of Understanding with the tribe on whose land it wishes to inspect, an emergency exists that necessitates the state inspectors to conduct inspections, or the state is acting on behalf of EPA. Further, the state inspector must provide notification to the tribe in advance of his or her inspection.
 - Actions: OC shared with the TPPC the current policy/guidance on jurisdiction of tribal and state inspectors and use of federal credentials by tribal inspectors. Investigated the extent of violation of tribal sovereignty by state inspectors by asking Regions. Appears to be an issue in R8, in MT and ND. Consider the feasibility of holding a joint discussion with SFIREG and TPPC to discuss jurisdictional issues. Fred Corey may pursue this issue through SFIREG and/or quarterly meetings with state members of CTAG (Certification and Training Assessment Group).

Several Tribes expressed this is still a concern and we should continue to work on this.

We will pick this up again on the January monthly call with item #5.

5. Pollinator Protection Workgroup Update (Willie, Jasmine, et. al.)

Jasmine reported that Mary Clock-Rust created a list of resources and gave an overview of how these appear on the TPPC website. About 15-17 tribes joined the call and about 7 were TPPC members. Mary will be presenting at the March AAPCO meeting and the Region 4 meeting. If anyone has anything they would like her to present then please contact her. About 5 tribes have committed to complete their plan

at the end of 2017. Sonam Gill from EPA Region 9 will present the final template on February 8 and not all tribes will create a full plan. Mary will create an electronic poll on priorities, current plan or project efforts, topics, and items for the AAPCO meeting presentation.

6. Time Factor Inspection Guidelines (Willie, Jasmine, et.al.) see attachment

Gabriela had draft reviewed by tribal contacts who were happy with the language as written. Regional counterparts were concerned by the hours being portrayed as representative. Suggestion was made for a more rigorous survey instrument to get the full range of hours needed. Concern that hours listed are not representative of smaller tribes. May be weighted too heavily on side of the longer inspection example.

TPPC members were asked to volunteer to serve on the workgroup with Bonnie Rabe and the SFIREG workgroup on this and Willie Keenan agreed.

Action item: Fred to send Bonnie a message that Willie is interested in participating on the workgroup.

7. Report out from SFIREG Meeting, National Pesticide Managers Meeting, Global Bed Bug Summit, Pesticide Program Dialogue Committee, Certification and Training Assessment Group (Fred, Nina, Eric, Jeff, et. al.)

We ran out of time and could not address this on this call.

8. Action Item Follow-up (see attachment) (Nina)

We ran out of time and could not address this on this call.

9. Other Issues/Concerns/Hot Topics (All)

10. Next TPPC Conference Call (Wednesday, January 18, 2017, 2-4 p.m. EST)