

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
01/20/21
Call Notes – Draft

Join by Zoom: <https://nau.zoom.us/j/89303644703>
or phone: 312-626-6799 or 888-788-0099 (toll free)
Meeting ID: 893 0364 4703
Password: 186136

Roll call:

Tribes (14)

- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Larry Scrapper, Cherokee Nation
- Ryan Evans, Confederated Salish and Kootenai Tribes
- Eric Gjevre, Coeur d'Alene Indian Tribe
- Jefferson Biakeddy, Navajo Nation
- James Williams, Muscogee Creek Nation
- Tony McCandless, Gila River Indian Community
- Carol Kriebs, Kootenai Tribe of Idaho
- Dana Adkins, Chickahominy Indian Tribe
- Ted Puetz, Ak-Chin Indian Community
- Brenda Ball, Ak-Chin Indian Community
- Andrea Mitchell, Cocopah Indian Tribe
- James Jackson, Muscogee Creek Nation
- Joe Herrera Yakama Nation

Other (2)

- Mehrdad Khatibi, Institute for Tribal Environmental Professionals
- Mark Daniels, Institute for Tribal Environmental Professionals

1. Welcome/Introductions

Tony McCandless from Gila River Indian Community Tribes facilitated the roll call. Attendance was logged throughout the call for the 14 tribal representatives.

2. EPA Updates (Blake)

Blake Huff was not on the call and DC-area EPA staff were off work for the presidential inauguration, so no EPA updates were given.

3. TPPC Administrator Updates (Mark)

- a) Mark showed the group the draft newsletter he had created to showcase TPPC efforts to a broad audience. The newsletter is out for review by TPPC leadership, and will be revised as needed and distributed before the end of the month. Mark reminded the group that all the images in the current draft are from the Internet. We would love to showcase actual tribal farms in the newsletter, so if anyone has images they'd like to share please send them to us. Mark also

noted that we're always looking for content for future editions, so if anyone has a success story they'd like to share, or wants to profile their tribal program, let us know!

- b) Mark announced that the TPPC website was transitioned to the new version at the end of the year, and pulled it up to briefly show the group. He added a link to the Status Report on the front page, so we can now reference that in the newsletter and other venues to get the report out to a broader audience. He also noted that we now have the ability to easily add content or make minor edits, so if anyone ever finds something that's incorrect or needs to be updated, feel free to let us know!
- c) The new listserv is set up and ready to go. Mark noted that Jasmine Brown of the Confederated Salish and Kootenai Tribes had reached out to Fred Corey (of the Aroostook Band of Micmacs) to see about either shutting down or redirecting the old listserv before we started using the new one, to avoid confusion with people accidentally posting to the old list. Jasmine responded that she hadn't heard back from him. Mark suggested we go ahead and roll out the new one anyway. The current situation is a bit awkward, since Mark and Mehrdad are not on the existing listserv, can't add new people (we've had several requests since we became the coordinator), and have to send everything to Rachel or Emily to post to the group. It was agreed that **ITEP should send a message to the new listserv and transition to using that one**, being sure to strongly urge TPPC members to delete the old address from their email programs to avoid confusion.
- d) Mark noted that the Executive Committee's Region 4 representative position is currently vacant, but that David Anderson of the Eastern Band of Cherokee Indians had volunteered to serve in the position. According to the TPPC policies a vacant regional representative position can be filled by a vote of the members from that region, which in this case is just two members from the Catawba Tribe. Mark emailed them approximately 10 days ago and hasn't heard back yet. Jasmine suggested **we should go ahead and confirm him as the new Region 4 representative**.
- e) Finally, Mark noted that there are currently two opportunities for consultation or comments that he wanted to make the TPPC aware of in case they would like to take action:
 - i) Glyphosate biological evaluation (comments due March 12)
 - ii) Proposed TSCA rulemaking (comments due March 12). Two consultation sessions were held early in January, but there are still opportunities to submit comments for almost two months. This rulemaking includes carbon tetrachloride, which Jasmine had previously mentioned her Tribe was interested in.

4. PFAS Contamination Questions Discussion (All)

Mark presented the situation to the group: EPA has recently announced that they've discovered PFAS leaching into a mosquito-control agent from the fluorinated plastic containers it was shipped in. They are in the process of testing other containers from the same company and asking other manufacturers to examine their supply chains to determine the extent of the problem. EPA made the TPPC aware of the situation, and said the regional offices will be reaching out to see if any Tribe suspects they may be affected by the problem. They also offered to have Ed Messina (acting OPP director) talk directly to an upcoming TPPC meeting if desired, and asked the TPPC to come up with any questions they may have in advance of the next meeting.

Tony asked what are the effects of the PFAS leaching into the pesticide? Does it affect the efficacy, or add to it and make a more dangerous product? Ryan Evans of Confederated Salish and Kootenai Tribes asked what is the scope of the investigation? He noted that these containers may not be limited to pesticides, but could be used in food storage and packaging as well. A few big companies do the fluoridation, and EPA subpoena'd them. The next administration will inherit a can of worms with this issue, as that stuff is a forever product. Tony said he is interested to see if other agencies are also looking into the issue.

5. Discussion on TPPC Priorities for 2021 (All)

Mark brought up a list of recommendations from the Status Report to get the discussion started. Tony suggested focusing on direct implementation and risk assessment as the top two priorities for 2021. Getting things accomplished on these two might help with some of the other items further down the Status Report list. Jasmine agreed that those are two she would really like to see forward movement on. Both Tony and Jasmine thought there was a third priority that had been discussed previously, but neither couldn't recall what it was.

Tony pointed out that **getting a lot of good information on the TPPC website could be beneficial for Tribes that want to start a program**: Tribes that already have a program could share how they got started, how they approached it with their communities, and what outside resources they used. He suggested that the third priority should be updating the information on the web site to create a one-stop-shop to assist Tribes with pesticide issues. Mehrdad said that ITEP is happy to work on website updates as a priority, but is this something the EPA can actually help with? Tony noted that EPA always been a great resource for technical issues.

Mark asked if pollinator issues was another of the high priorities. Jasmine noted that pollinator issues have often been high on their priority list. Most managed pollinator protection plans (MP3s) focus on commercial (European) honeybees, but a lot of Tribes are more concerned about their native bees and plants. The pollinator workgroup met recently, and we **could put monthly updates from the pollinator workgroup as a regular agenda item for the monthly calls**. Mehrdad pointed out that if TPPC adds pollinator issues to their top priorities it might be a bit duplicated, since EPA is already working on it, so perhaps the group should focus more on things that that aren't currently getting a lot of attention from the agency. James Jackson from Muscogee (Creek) Nation suggested that we may want to keep pollinator issues on the list of priorities to show EPA that this is something the Tribes really care about.

There was some discussion about whether website updates or pollinator issues should be the third major priority for 2021. Larry Scrapper of Cherokee Nation said he'd like to see **direct implementation, risk assessment, and pollinator issues** as the three top priorities. After further discussion Jasmine agreed that **we should stick with those three**.

There was also a wide-ranging discussion of various other topics, as described below.

The "super-rider" concept: Tony pointed out that the TPPC has discussed this many times before, and it always comes back to budget issues. In the meantime there are some resources we could look at, and possibly EPA could help. If there is no (inspector) coverage in an area, possibly we could look at more circuit riders, or a federal inspector in the area to cover it. In his region alone they have quite a few people who could assist other Tribes if the EPA had funding to help out with this. Jeff Biakeddy of the Navajo Nation noted that a few years back his Tribe made an attempt for something similar to what Tony was talking about. At the time the Southern Ute Tribe needed a pesticide assistance, and a new EPA director started to entertain the idea of having an inspector from the Navajo Nation assist their neighboring Tribe. When it came down to coming to an agreement with the Tribe itself there was some internal opposition and it didn't fly. At the local level, politics get involved and it can be seen as an intrusion, rather than help from the federal authorities.

Despite this concern, Jeff reiterated that it could be worthwhile to pursue creating something different than the circuit rider, for example a pesticide compliance officer from within TPPC who could go out and assist other Tribes when needed. If neighboring Tribes have some sort of an

agreement maybe they could do that. Eric Gjevre of the Coeur d'Alene Indian Tribe said he remembers the situation Jeff mentioned earlier. The concept was described as a "super-rider," but it didn't go anywhere. Tony agreed that we as Tribes need to come together to help folks figure out what they can do in these situations, as EPA can't necessarily tackle this alone. But if an inspector from one Tribe helps out at another Tribe, who's going to pay for their time? Carol Kriebs of the Kootenai Tribe of Idaho clarified that we're not talking about replacing circuit riders, but just bringing in a couple of folks (hopefully tribal) who can work amongst Tribes in different regions. She suggested that the inspectors' time can be budgeted directly in the GAP grants for the different Tribes whose reservation they'd be working on (i.e., a certain number of hours for a given year for inspections, etc.). You would have to be sure you're following the wishes of the council of the Tribe where the inspector is working, but if it's defined clearly in the grant it should fly with the councils involved. Tony expressed interest in the idea and suggested we **ask EPA folks if GAP grants can be tailored to allow someone with federal inspectors to work on different reservations, for a certain number of hours on each, and maybe share the funding between the Tribes involved?** Dana stated that he likes the idea of Tribes continuing to serve other Tribes to get them started with programs, etc. He hopes with the new administration there will be more funding to help out, and help people work together.

Mehrdad noted that it can be challenging for Tribes to get someone who knows what they're doing in any medium to come out and provide technical support. ITEP has tried to do this through different cooperative agreements; for example, through its agreement with EPA's Office of Air and Radiation to establish the Tribal Air Monitoring Support Center, which is designed to support Tribes across the country with air quality technical support. If the TPPC feels this is something that's lacking and needed in the realm of pesticides, perhaps this "super-rider" option could be written into the TPPC grant, to work with Tribes to establish a national technical support center. We might have some opportunities to pilot test some ideas using the current TPPC grant, since we've had some cost savings due to no in-person meetings this year, etc. Maybe we could set aside some funding to support travel for someone from one Tribe to assist folks at another Tribe, if that would be helpful.

Cross-trained inspectors: Tony threw out another idea he's been kicking around, wondering if inspectors within EPA or Tribes that are cross-trained in more than one medium could conduct multiple types of inspections (waste, air, pesticides, etc.) in an area to save resources, looking at everything and having a broader perspective. Carol agreed that this is a really good idea. Lots of Tribes have limited staff, so getting people cross-training to cover everything out there could be helpful. As long as they pull their time out of the right grant, this could work.

TPPC Workgroups: Tony asked what TPPC workgroups are currently active. Jasmine listed direct implementation, pollinators, hopefully soon a website update group, and maybe others. Jasmine suggested having ITEP assist with the workgroups to jump start things (and maybe provide call-in number or something). Tony suggested we should **publicize the current workgroups and who's in them to get them going again.** Mehrdad said that **maybe for the next meeting we can spend some time getting those workgroups going again.**

Using TPPC grant cost savings to fund training: Jasmine suggested that TPPC could have cultural speakers and do trainings, to educate EPA and others (e.g., risk assessors). We could start hosting tribal-appropriate trainings that could benefit everyone. Mehrdad reminded the group that we have funding for trainings, if the group tells us what they want. Carol asked if ITEP is looking at how to redistribute funding to different line items since travel has been restricted due to the pandemic. Mehrdad noted that we have been thinking about it, but not acting on it without talking with the TPPC first. We know we're going to have cost savings this year, and there's definitely the possibility of putting them towards what the TPPC wants to do.

Tribal pesticide exposure data gaps: Jasmine note that there are lots of data gaps for tribal pesticide exposure, and that Tribes might need funds for labs to do these kinds of studies. Carol asked if we can put that on the list to ask EPA about, if the rest of the TPPC agrees. Those data gaps have to be closed – we can't be 100% successful without closing those gaps. Jasmine pointed out that her Tribe is samples water for pesticides twice a year. They use equipment from another department, but EPA sends the jars and analyzes the samples at not cost (except shipping). They opened this up to Tribe a few years ago: could they do it again? Perhaps the TPPC could partner with EPA to figure out where the gaps are and how they can be filled. **This could be an ask of EPA under the TPPC's Risk Assessment priority.**

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

James Jackson gave a quick update as far as tribal Pesticide Inspector Residential Training (PIRT). They had rescheduled it for March of this year in the hope that everything would be in a better place health-wise. Even with the current conditions he's trying to be an optimist, and is still working under the hope that they can pull off an in-person training later this year. He expects to have a better idea by the spring meeting whether it will be virtual or in-person at the previously scheduled place (the River Spirit Casino Resort). He has let EPA know they'd like to have it in person if at all possible, as long as everyone's health can be taken into consideration. They have some potential dates for later this year (in September, October, or November), depending on the decision that's made later this year. If it ends up being virtual, they will probably do it this summer. Either way they will put on a good training for everyone!

7. Planning for Virtual Spring Meeting (All)

The meeting was nearing its scheduled end at this point, so Jasmine asked if anyone could stay on longer to work on this topic. About six or seven folks said they could, so it was agreed to extend the meeting.

Mark laid out his suggestions for time and number of days: 10 AM to 2 PM Mountain time, which would be 12 to 4 PM Eastern or 8 AM to noon Alaska so no one had to work extra early or late; and either four or five days during the week of March 22. Jasmine liked the 10-2 time slot, and thought four days would be fine. Mark asked if they wanted the last day (Thursday) to be set aside for an Executive Committee session. Jasmine noted that with the in-person meetings the EC session was typically only 2 hours, and that depending on the topics we settled on, we may want to take out the EC session entirely, or maybe have it after the normal times.

Mark walked through the ideas previous thrown out, and got feedback on which ones people were most interested in pursuing for inclusion in the agenda, as described below.

IPM for schools/casinos/hotels or EPA management strategies: Mark noted that Nina had said she'd love to hear how to get tribal agencies/governments more interested in this topic, and he suggested that Luci Li of the University of Arizona could be a good speaker to address that (she's also on ITEP's Technical Advisory Committee for the TPPC grant). Ted Puetz of the Ak-Chin Indian Community has had Lucy talk to their Tribe, and discussed how they initiate a request to their director of communication to get an invite for a speaker. He also noted that most Tribes have schools, so this could be a topic of wide applicability. Ted thought that Lucy could tailor her presentation for TPPC members, so they could bring information back to their Tribes. Joe Herrera from Yakama Nation asked if there is IPM for casinos/hotels? Jasmine agreed that would be a good

topic to address, and help Tribes a lot. The group agreed that we should pursue this topic for the meeting agenda.

Joe said he was interested in hearing more about **spray drift and soil fumigants**, as well as **herbicide products approved to aid in wildfire management**. With regard to soil fumigants, Joe mentioned that he'd like to go through the post-fumigation management plans the farmers provide.

Jasmine said a **meet & greet with EPA and/or new administration priorities** should certainly be a part of the agenda.

Joe asked if any other Tribes are dealing with **hemp** being grown on their reservations. This year he found out that a few good-sized (maybe 80 acres each) hemp fields were growing on the reservation. He went through the Washington Department of Agriculture and did their training on the subject. As far as he knows, the hemp growers he knows of don't use pesticides, just fertilizer added to a drip line. Mark reminded the group that we should be clear whether we're discussing hemp or marijuana, as there are big differences in terms of state and federal legality and regulation. Joe pointed out that state regulations for hemp still require sampling for THC (to ensure it's below the threshold to be legal under federal law), and he's not sure if he should be doing that, or if it should be state inspectors. Jasmine suggested if we're going to include this subject we should go into detail about the difference between the two crops, and not just provide a level 101-type introduction.

Joe & Ted expressed support for a discussion of **COVID-19** issues at the meeting, saying they were interested in pesticide response and operations, disinfectant safety, how EPA is handling companies potentially scamming Tribes, and possibly other sub-topics.

Jasmine noted that we usually solicit a **Tribes to give a presentation of something of interest related to their pesticide program**, and suggested Mark could ask the group if someone is interested in presenting. Mehrdad asked if they've had a **presentation from a circuit rider program**, and suggested that Eric might be able to present on his program.

Jasmine asked about having someone from the **National Museum of the American Indian** present on pesticides used on the artifacts in their collections. She noted that when construction digs up artifacts sometimes they go back to the Tribes but other times they go to the museum, which uses pesticides to preserve them. Ted pointed out as an interesting side note that the first pesticide used for these things was nicotine.

Mehrdad noted that we're going to want to **report out the TPPC priorities** to the EPA at the meeting. Jasmine said that in the past they would take an hour in a breakout session to discuss each priority. Typically EPA would engage with those quite a bit, and let the group know what they are already doing, and what they can do in the future, to address the priorities. She suggested that maybe senior EPA folks could come in in the morning, then EPA staff could stick around for the remainder of the meeting to work with TPPC on the details.

Mark and Mehrdad will take these ideas to the EPA to consider possible speakers and see what can be fit into the Spring meeting agenda (or if some might be better addressed in a monthly EC call).

8. Next TPPC Conference Call: Wednesday, February 17, 2021, 2:00-4:00 p.m. EST

*(Yellow highlighting in the notes above indicates action items)