

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
05/19/21
Call Notes – Final

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 (11)

- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Larry Scrapper, Cherokee Nation
- Nina Hapner, Kashia Band of Pomo Indians
- James Williams, Muscogee Creek Nation
- Les Benedict, St. Regis Mohawk Tribe
- Tony McCandless, Gila River Indian Community
- Dana Adkins, Chickahominy Indian Tribe
- Jim Mossett, Three Affiliated Tribes
- James Jackson, Muscogee Creek Nation
- Earl Bautista, Tohono O'odham Nation
- Camilo Perez, Quechan Indian Tribe
- Renee Keezer, White Earth Nation

EPA (7)

- Rachel Ricciardi, EPA/OCSP
- Emily Ryan, EPA/OCSP
- Loren LaPointe, EPA/OCSP
- Amanda Hauff, EPA/OCSP
- Helene Ambrosino, EPA/OECA
- Blake Huff, EPA/Region 8
- Peter Earley, EPA/Region 9

Other (1)

- Mark Daniels, Institute for Tribal Environmental Professionals

Reported in advance as absent (3)

- Joe Herrera, Yakama Nation
- Eric Gjevre, Coeur d'Alene Indian Tribe
- Ted Puetz, Ak-Chin Indian Community

1. Welcome/Introductions

Jasmine Brown from Confederated Salish and Kootenai Tribes facilitated the roll call. Attendance was logged throughout the call for the 11 tribal representatives.

2. EPA Updates (Rachel, Emily, Amanda, Blake, Helene)

Rachel Ricciardi, EPA/OCSP, noted that the schedules for our upcoming June and July EC meetings will probably be just as packed as today, as several speakers from various federal agencies will be joining us including JoAnn Chase of EPA's American Indian Environmental Office (AIEO).

Loren LaPointe, EPA/OCSP, announced that the North American Pollinator Protection Campaign's annual conference is coming up in October, with registration open in July. We may be able to fund TPPC members to attend through ITEP's cooperative agreement with EPA. She will be sending a followup email to the group with more information about the conference.

Peter Earley, EPA/Region 9, noted that their regional office is winding up negotiations with Tribes and working on getting award letters out.

a. Herbicide to Control Wildfires (Mark Wertz, USDA)

Mark is the research leader of the Great Basin Rangeland Research Station, which has a mission of combating invasive weeds. The station works with both biological controls and conventional applications on invasive weed control. The main problem they focus on is cheatgrass, which is dominating the western intermountain landscape, followed up by medusahead. But they also work on two native plants that are considered invasive by some: pinyon pines and junipers (which have increased in density and/or encroached on grasslands in parts of the West).

He shared a presentation on *Pseudomonas fluorescens*, a weed-suppressive bacterium recently approved by EPA for use. The bacterium inhibits various metabolic processes of cheatgrass, medusahead, and jointed goatgrass, and therefore reduces the soil seed bank. It requires soil moisture to become established, and needs direct soil contact. Studies that have been done so far show mixed results in terms of efficacy, so they are currently starting new studies to rigorously test the product, which is actively being sold by BioWest right now. Mark suggested that it will probably be most effective in combination with other approaches. They have also been looking at a combination of mechanical and chemical weed control for cheatgrass. He concluded the presentation with some encouraging data on re-seeding after wildfire to dramatically decrease cheatgrass abundance and increase native forage species.

There were several questions about possible impacts on wildlife or other native species, to which Mark replied that they had tested the bacterium on a wide variety of native species without ill effects. There was some discussion about the problems of cheatgrass and other nonnative grasses in the West. Nina Hapner of Kashia Band of Pomo Indians said she would be interested in hearing more at a later date about the impacts of the removal of pinyon & juniper on native peoples (who often rely on pinyon as a food source).

b. McGirt v. Oklahoma Supreme Court Case (Amanda, James Williams, and James Jackson)

Amanda Hauff, EPA/OCSP, started off with a quick introduction to the case, which at its core held that the Muscogee Nation's reservation had not been disestablished under federal law. Prior to this the state had asserted there were no reservations in Oklahoma, and implemented environmental programs across the entire state, but the decision should have opened up the door for the Nation to manage environmental programs on their lands. However James Williams of Muscogee Nation described how one of the state's senators, Jim Inhofe, had inserted a "midnight rider" to the unrelated SAFETEA transportation act a number of years ago to allow the governor of Oklahoma to request EPA to allow the state to continue to enforce environmental programs on tribal lands even

if a court decision were to grant control to Oklahoma Tribes. After the McGirt decision came down the governor invoked the SAFETEA act provision with a request to EPA. The Nation was granted a consultation on the matter, but it only lasted one hour, much of which was taken up by introductions. Other Oklahoma Tribes also got the same treatment. Ultimately the EPA administrator signed off on it, granting control to the state. Oklahoma Tribes are now trying to get the new administration to rescind that provision of the SAFETEA act. Mr. Williams noted that the state has established a McGirt commission, with members appointed by the governor, but it has no native members on it (instead it's all people from oil & gas, big agriculture, and production). The Nation is attempting to work with the state, but having a hard time in the current climate.

James Jackson, also of Muscogee Nation, noted that Oklahoma means "land of the red people," and the state has the largest population of Native Americans of all the states, so for the state to shut them out of decisions on how to manage their lands is really disheartening. Jasmine suggested that maybe the TPPC can support the Oklahoma Tribes, and talked about **having a separate small meeting with TPPC leadership and James & James.**

3. TPPC Administrator Updates (*skipped for lack of time*)

4. Meet and Greet with Tribal Advisory Committee Members

a. Jill Grant, Jill Grant & Associates, LLC (*postponed due to lack of time*)

b. Amy Cross, National Pesticide Information Center

Amy introduced herself and talked about her program. They are based in Corvallis, OR, but are funded by a national cooperative agreement with EPA, so they work all around the country. They don't make recommendations, but fill in information gaps so people have a better idea of issues around pesticide exposures. They've gotten lots of questions over the past year on disinfectants, so they've been trying to fill those knowledge gaps. Although they are scientists, they're all trained communicators and can talk in plain language to help the person contacting them to come to the decision they need to make. Most of their work (~85%) is with the general public, but they also assist professionals such as doctors. They try to put as much information as possible on their website (currently including over 800 pages).

Amy hopes to collaborate with TPPC and be able to fill a need if something comes up that the TPPC would like more information on. Jasmine talked about how the TPPC is restarting the workgroups, and said that as they keep going there might be needs for information/outreach materials. Jasmine also wondered if the TPPC can request for data research. Amy said to email her and she can walk through it. Any requests to keep information private would need to be looped in through the TPPC's project officer

5. Presentation and Q&A on GM Maize (Dr. Bill Doley, USDA APHIS)

Bill introduced himself and talked about what he does. He described the history of plant breeding, and how it can be seen as a gradual progression from traditional breeding through mutagenesis (to create variability) to genetic engineering. He noted that now people draw a line in terms of regulation with plants that have been genetically engineered, and talked about the agency authority the U.S. Department of Agriculture (USDA) uses (along with EPA and the Food and Drug Administration [FDA]) to regulate these products. Bill noted that Animal and Plant Health Inspection Service (APHIS) evaluates petitions in two ways: through a plant pest risk assessment, as well as an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). He also talked about

the specifics of the genetically modified (GM) maize (corn), noting that it doesn't produce pesticides itself, but is engineered to have resistance to five common pesticides.

Jasmine asked about whether the comment period now open is about whether or not to do the EIS. Bill responded that the point of the comment period right now is just to identify pertinent issues that should be examined, to ensure that the agency does a thorough evaluation. They've lost lawsuits in the past when they didn't evaluate important issues, so they want to be sure they get all the important ones.

Bill addressed questions from Jasmine's email with tribal concerns about the deregulation. Regarding whether genes from the engineered maize could get into tribal crops: if gene flow can occur it will occur. The agency currently limits how close a regulated plant can get to tribal lands. But once it's deregulated there are no limitations, so prevention of gene flow would involve working with one's neighbors and/or planting border crops between the fields. Jasmine also asked whether the corn can be planted on tribal lands, to which Bill responded you have to go out of your way to find corn that's not GM these days. As far as possible effects of deregulating this GM maize on nontarget and beneficial species, he said that is not really an issue here since there is no target (i.e., the plant does not produce pesticides against pests, but is just resistant to herbicides. With regard to a question about impacts of GM maize on the beneficial soil bacterium *Bacillus thuringiensis* (BT), Bill said that this product wouldn't have a direct impact, but he wondered if pesticides used on the crop might kill BT.

6. Other Issues/Concerns/Hot Topics/COVID Check-in (All) *(skipped for lack of time)*

7. Next TPPC Conference Call: Wednesday, June 16, 2021, 2:00-4:00 p.m. EST

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