

**Tribal Pesticide Program Council Executive Committee**  
**Monthly Conference Call**  
6/16/21  
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 (10)**

- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Larry Scrapper, Cherokee Nation
- Andrea Mitchell, Cocopah Indian Tribe
- Jefferson Biakeddy, Navajo Nation
- Shyla James, Navajo Nation
- James Jackson, Muscogee Creek Nation
- Tracy Horst, Choctaw Nation
- Camilo Perez, Quechan Indian Tribe
- Renee Keezer, White Earth Nation
- Ted Puetz, Ak-Chin Indian Community

**EPA (5)**

- Rachel Ricciardi, EPA/OCSP
- Emily Ryan, EPA/OCSP
- Loren LaPointe, EPA/OCSP
- Peter Earley, EPA/Region 9
- Kaitlin Picone, EPA

**Other (3)**

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

**Reported in advance as absent (5)**

- Nina Hapner, Kashia Band of Pomo Indians
- Amanda Hauff, EPA/OCSP
- Helene Ambrosino, EPA/OECA
- Carol Kriebs, Kootenai Tribe of Idaho
- Tony McCandless, Gila River 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 10 tribal representatives from 9 Tribes.

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

Rachel Ricciardi, EPA/OCSP, in response to a TPPC question regarding whether to include hemp in Certification & Training plans (C&T), received information from the EPA Certification Work Protection Branch. Restricted Use Pesticides (RUP's) are not needed on hemp/cannabis (seeds and all derivatives) in Certification Plan as long as the tetrahydrocannabinol (THC) content is 0.3% or less, and can treat hemp the same as other crops. If you would like, you are able to make your own hemp specific category.

## 3. Administrator Updates

- Mark introduced new TPPC Project Assistant, Jennifer Glennon
- The Tribal Lands and Environment Forum (TLEF) Conference will be held virtually Aug. 16-19, 2021. The TPPC is registered for a 45-minute discussion session to talk about what we do and to solicit feedback on pesticide issues. This is scheduled for Tues. Aug. 17 from 12-1 pm Pacific. If anyone is interested in contributing please contact Mark. Jasmine mentioned that the PFAS workgroup requested a slide from the TPPC outlining our priorities, **we will need to verify the time and date for this**. Mehrdad has a call out to tribes for contributions in regards to cultural activities. Visit TLEF website for more info.  
<https://tlef2021.secure-platform.com/a/organizations/main/home>
- The National Pesticide Information Center (NPIC) requested a list of Tribal Pesticide Enforcement Contacts for reporting violations on tribal lands. Are TPPC members willing to provide contacts to put on the public NPIC website? **Mark will send an email regarding this**.
- **Mark is going to cancel this meeting invite and send a new one with same Zoom link**.
- Jarrett Pfrimmer of the Sac and Fox Tribe of the Mississippi in Iowa has not participated since October. If he is no longer the Region 7 Executive Committee representative, potentially David Herbert of the Kickapoo Tribe could take on this role. **Jasmine will contact Jarrett first**.

## 4. Presentation and Q&A on USDA Hemp Program (Bill Richmond, USDA Domestic Hemp Program)

Bill Richmond presented an overview of the USDA Domestic Hemp Production Program. The presentation is available at the following link:

<http://tppcwebsite.org/wp-content/uploads/2021/06/USDA-Domestic-Hemp-Production-Program-Presentation-to-TPPC-6-16-21.pdf>

Questions and Discussion:

- (Jasmine) If a Tribe defers the program to the USDA, does the USDA reciprocate the information to tell the Tribe details about what's going on with the program. Yes – they try really hard to have an interactive, open dialogue with tribes about all of these things. There are monthly check-in's with licensees and anyone else who wants to be involved.
- (Jasmine) Since a lot of reservations fall within more than one state, are state & tribal plans similar or are you seeing differences between the two? Answer – baseline requirements are the

same, but there are some minor differences in terms of which labs can be used for sampling, etc. They are particularly sensitive to jurisdictional issues – have brought on several tribal jurisdictional attorneys.

- (Jasmine) Do their inspectors look at pesticide uses? Answer – USDA has very little to do with pesticides and defers to the EPA on this. Some hemp plans do include requirements around pesticide use, but USDA doesn't have the ability to approve or deny those requirements.
- (Renee Keezer, White Earth Nation) If they were to decriminalize there, would they still have to adhere to the 0.3% THC requirement? Answer: under the final rule issued earlier this year, there are a lot of flexibilities for Tribes around the end use of hemp products – don't have to require those facilities be sampled the same way. They have some tricks they can help with these types of questions.
- (Ted Puetz, Ak-Chin Indian Community) How do we know if it's safe to eat all these food products with hemp in them? FDA folks have done the analysis (GRAS- generally recognized as safe) on hemp seeds and hemp oil. If the FDA has approved these products – stick to those for now.
- (Jasmine) Is there anything consistently happening that should be brought to our attention regarding hemp production and Tribes? Answer: Lots of hemp is being grown for smoking. If you're using these products, do your research around the grower to be sure you feel comfortable. Pay attention to what the hemp is going to be used for.

## 5. Presentation and Q&A on SFIREG Hemp/Cannabis (Gary Bahr, WA State Dept. of Agriculture)

Gary Bahr gave a presentation titled "Cannabis and Hemp: Update and Coordination with SFIREG and SLA's," which is available at the following link:

<http://tppcwebsite.org/wp-content/uploads/2021/06/WSDA-SFIREG-Presentation-to-TPPC-on-Hemp-Cannabis-June-2021.pdf>

### Contributors:

- Rose Kachadoorian, OR Dept. of Agriculture
- Pat Jones, NC Dept. of Agriculture
- Rachel Kubiak, CA Dept. of Pesticide Regulations
- John Scott, CO Dept. of Agriculture

### Discussion:

- Rose Kachadoorian: States all do things differently. John Scott started a group for states that have been on their own, this has proved helpful as OR worked with EPA to get 24c exemptions. In Oregon they are testing for THC levels and a whole suite of pesticides. EPA has listed 59 approved pesticides for hemp, does not mean these are registered for marijuana. Challenging to regulate because hemp and marijuana have different histories and uses.
- John Scott talked about the unknowns around all the different ways in which Cannabis is consumed. At some point we are going to break the barrier regarding tolerances for pesticides used on marijuana. They've spent a lot of time pushing IPM for maintenance before a pest problem breaks out. This continues to be an evolving situation as pesticides used on hemp for consumption are different than those used on hemp for fibers.
- (Jasmine): RUP's have been used in Indian Country for 30 years without regulatory oversight, and are still unregulated. Are there tribes seeking agreements with states to regulate both

hemp and cannabis? Answer: He is not aware of any states that have gone into cooperative agreements. They do find compounds being used illegally and struggle with them being used improperly, often by new growers without the education. They work on trying to educate growers.

- (Rachel Kubiak) Technically there are no tolerances set for hemp. States can set tolerances for cannabis.
- (Rose) Oregon Dept. of Health set an action level that was perceived by some as a tolerance. The difference is that an action level is a testing level and a tolerance means you can use it but not to exceed a certain level. She also talked about risk assessments, and the fact that pesticides hit different crops very differently and residues will be different, as well as the many different uses of the plant, making it difficult to set tolerances. Most of the hemp is being grown for CBD and other cannabinoids because that is where the money is at.
- (Rose) Risk assessment is one of the most complex things that EPA has to wrestle with before we get any kind of tolerance.
- (John) The establishment of action levels caused confusion within the industry when taking enforcement action. Re-education had to happen so it was understood that use of those products was still a violation.
- (Rachel) Testing in CA is set-up like the FDA in which they don't test on the front end off the field like regular produce, it's done when product is packaged and ready for sale. Their office recommends which pesticides to test for, currently there are 66 pesticides they have identified for testing. Two new bills coming up that would legalize hemp in food products in CA. This would be game changer due to their robust food safety programs.

#### **6. Pollinator Work Group Update, Loren LaPointe, EPA/OCSP**

- Two meetings so far, moving along with some good presentations and would like to put a survey about native pollinators on TPPC website.
- Reminder about upcoming pollinator conference, early registration is July 7-Aug. 2
- USDA webinar next week on pollinator issues

#### **7. Other/Hot Topics**

Renee mentioned they had a Treaty Stands for 8 days against the Line 3 Pipeline and showed a photo of the march.

#### **8. Next TPPC Conference Call: Wednesday, July 21, 2021, 2:00-4:00 p.m. EST**

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