

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
11/17/21
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 (15)

- Earl Bautista, Tohono O’odham Nation
- Jefferson Biakeddy, Navajo Nation
- Brittani Clairmont, Confederated Salish and Kootenai Tribes
- Nina Hapner, Kashia Band of Pomo Indians
- Daniel Hoyt, Gila River Indian Community
- James Jackson, Muscogee Creek Nation
- Renee Keezer, White Earth Nation
- Jim Mossett, Three Affiliated Tribes
- Camilo Perez, Quechan Indian Tribe
- Ted Puetz, Ak-Chin Indian Community
- Brenda Pusher-Begay, White Mountain Apache Tribe
- Larry Scrapper, Cherokee Nation
- Julie Simpson, Nez Perce Tribe
- Dorla Tartsah, Kiowa Tribe
- James Williams, Muscogee Creek Nation

Tribal Organizations (0)

EPA (6)

- Blake Huff, EPA/Region 8
- Loren LaPointe, EPA/OCSP
- Rachel Ricciardi, EPA/OCSP
- Thomas Lopiano EPA/OPP
- Jennifer Park EPA/OPP
- Carolyn Schroeder EPA/OPP

Other (2)

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

Reported in advance as absent (3)

- Amanda Hauff, EPA/OCSP
- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Ryan Evans, Confederated Salish and Kootenai Tribes

1. Welcome/Introductions

Nina Hapner, Kashia Band of Pomo Indians, facilitated the roll call.

2. Updates on the Federal Certification to Apply Restricted Use Pesticides (RUPs) in Indian Country (EPA Office of Pesticide Programs/Pesticides Reevaluation Division/Certification and Worker Protection Branch) [Slide Presentation](#)

Thomas Lopiano, EPA/OPP and Jennifer Park, EPA/OPP gave a joint presentation and overview of the certification mechanism options for Tribes, Certification rule update and the EPA Plan for Indian Country. Thomas reviewed four options for Tribes for Applicator Certification in Indian Country. For the handful of Tribes with their own plan this is in the review process with EPA right now. Existing plans remain in effect until it's approved or until March 4, 2022. They are currently in parts 1 and 2 of the Plan review process for state lead agencies (SLAs) and Tribes.

Jennifer mentioned that the EPA is going to offer an extension after March 4 due to the delay caused by the Covid Health crisis. Applicators will continue to obtain training and certification to use RUP's under existing certification plans. EPA is keeping close contact with states, Tribes, etc. to provide support and guidance. Through feedback and Tribal consultation, they have identified items such as 1. Private applicator training, 2. Application Form and 3. EPA web pages.

They are seeking feedback from the TPPC, mainly from those that have taken the private applicator training.

Discussion:

Someone asked if a Tribe opted out, are RUP's then not allowed on Tribal land at all? There are certain times when a federal agency can apply RUP's on Indian land such as during an emergency situation such as an outbreak. Dan Hoyt (Gila River Indian Community) asked if there are any times when a local exemption can be made? Not sure about exemptions.

Nina mentioned that when EPA started the Certification & Training (C&T) plan to cover Tribes, there were several Tribes that banned all RUP's due to a history with the BIA of not cleaning up empty pesticide containers. Some Tribes have provisions to cover certain circumstances but it still happens that the government decides that chemicals need to be used on Tribal land but haven't discussed it with the Tribes.

If a Tribe has BIA funding for weed management, how does EPA plan to interact with Tribes so they don't lose that funding? Carolyn Schroeder, EPA responded that if an RUP is applied under a Plan certificate, it should not interrupt BIA funding. This has happened to some Tribes, maybe there was earlier confusion with the BIA and EPA about what the certification plans covered.

Jim Mossett (Three Affiliated Tribes) provided input from his experience with certifying RUP applicators. He has talked with many Tribes that aren't aware of the RUP plan. When asked, Jennifer responded that only one tribe, the Yurok have opted out. Carolyn mentioned that they only received three comments from Tribes during the comment period. The EPA Plan was initiated in 2014 at the request of Tribes who did not have their own plan.

<https://www.epa.gov/pesticide-applicator-certification-indian-country/areas-indian-country-covered-epa-plan>

Jim feels that there is no protection for Tribes when federal structural applicators go into Indian Country and he is opposed to the plan as he feels it threatens Tribal Sovereignty.

Carolyn would appreciate any help from the TPPC members on how to connect with Tribes to get additional input. Also, she mentioned that any Tribe can opt out at any time from the plan.

Dan presented a scenario that if a Tribe decides to opt out, so there are no mechanisms in place to certify RUP applicators and when a health emergency hits, how would the Tribe work with the EPA to put the option back on the table in a quick manner? Jennifer stated that if a Tribe wants to opt back in, it requires a written statement and signature from the Tribe and then they are able to apply RUP's under a federal certificate and this can happen relatively quickly. Then a Tribe can further restrict any pesticide use through their Tribal codes and regulations. Dan mentioned that Tribes should be aware that it can take weeks to change back if they opt out. He feels that small Tribes could benefit from help from the TPPC to draft a resolution template for restricting RUP's on Tribal lands instead of opting out of the EPA C&T plan. Carolyn agreed that it would benefit Tribes to have a basic plan that can be tailored to their individual needs and allow for emergency use if needed.

Rachel is going to reach out to Amanda regarding the BIA weed management funding to make sure that there is no further confusion. Also, they would still like feedback on how to improve the federal certification training and would like to revisit the topic in the December or January meeting.

3. EPA Updates (Rachel, Emily, Amanda, Blake, Helene, Loren)

There are no EPA updates.

4. TPPC Administrator Updates (Mark, Mehrdad)

a. Executive Committee Election Follow-up: They have filled the chair, vice-chair, most of the regional and at-large rep positions. Mark is still waiting to hear back from the previous representatives from regions 2 and 7 on if they would like to stay on as EC representatives. Jim Mossett accepted the nomination for region 8. There will be a run-off vote for the 4th at-large rep position once the regional representative positions are filled.

b. Feedback on TPPC Fall Meeting: Mark will be sending a wrap up of the feedback he received out to the group. The presentations from the Fall meeting are linked on the Agenda on the TPPC website.

c. Spring Meeting in Indian Country will be held in April, 2022 at White Earth Nation, in person and virtual. Mark will send out a survey to choose the exact dates.

d. Website Usage: For October there were 303 page views from 163 users and year-to-date 3,468 views from 1,056 users. We will be working with the website workgroup to improve the site.

5. SFIREG Meeting TPPC Presentation (Jim, All)

Jim Mossett and Mark Daniels will present on the TPPC at this meeting on December 6. Let them know if you have any specific things you would like them to include in their presentation. Jim will report out to the TPPC on this at the December call.

6. Workgroup Report-out

Loren with the Pollinator Protection workgroup requested feedback to the poll that was sent out, it will also be sent to the Tribal Science Caucus. Nina mentioned the importance of providing various pollinator tools for Tribes.

The Direct Implementation workgroup meeting will be postponed to December 1. Rachel mentioned that the two workgroups (Pollinator and DI) will work together to provide TPPC feedback on the USDA pollinator plan.

7. Other Issues/Concerns/Hot Topics/COVID Check-in (All)

Please send Tribal PIRT information/input to James Jackson, Muscogee Nation to include in their May 2022 PIRT; this will be added to the agenda at the December or January TPPC monthly call for more discussion.

Mark mentioned that the Muscogee Nation is also hosting the National Tribal forum on air quality May 2-5 in person.

If anyone is interested in applying for funding from the Western Region IPM Center, the deadline is December 3.

8. Next TPPC Conference Call: **Wednesday, December 15, 2021, 2:00-4:00 p.m. EST**

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