

Tribal Pesticide Program Council-Full Council Meeting
Mahnomens, Minnesota and Virtual
DAY ONE, Tuesday, April 19, 2022
Meeting Notes

The meeting was called to order by Jasmine Brown at 10:00 AM CDT.

Attendees (for the overall, three-day meeting):

Tribes (30)

- David Anderson, Eastern Band of Cherokee Indians
- Judith Ausmus, Muscogee Creek Nation
- Brenda Pusher-Begay, White Mountain Apache
- Earl Bautista, Tohono O'odham Nation
- Les Benedict, St. Regis Mohawk Tribe
- Jefferson Biakeddy, Navajo Nation
- Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes
- Brittani Clairmont, Confederated Salish and Kootenai Tribes
- Ryan Evans, Confederated Salish and Kootenai Tribes
- Eric Gjevre, Coeur d'Alene Indian Tribe
- Nina Hapner, Kashia Band of Pomo Indians
- Joe Herrera, Yakama Nation
- Tracy Horst, Choctaw Nation
- Daniel Hoyt, Gila River Indian Community
- James Jackson, Muscogee Creek Nation
- Phil Jackson, Saginaw Chippewa Indian Tribe
- Tacy Jensen, Gila River Indian Community
- Renee Keezer, White Earth Nation
- Dave Lewis, Yavapai-Apache Nation
- Tony McCandless, Gila River Indian Community
- Andrea Mitchell, Cocopah Indian Tribe
- Jim Mossett, Three Affiliated Tribes
- Camilo Perez, Quechan Indian Tribe
- Jeremy Phillips, Salt River Pima-Maricopa Indian Community
- Ted Puetz, Ak-Chin Indian Community
- Larry Scrapper, Cherokee Nation
- Bob Shimek, White Earth Tribal & Community College
- Julie Simpson, Nez Perce Tribe
- Gerald Wagner, Blackfeet Tribe
- James Williams, Muscogee Creek Nation
- Ron Workman, Choctaw Nation of Oklahoma

Federal (29)

- Helene Ambrosino, EPA/OECA
- Maya Babu, EPA
- Jonathan Binder, EPA
- Janet Camp, EPA/OECA

- Mike Daniels, EPA
- Devin Donaldson, EPA
- Amanda Hauff, EPA/OCSP
- Blake Huff, EPA/Region 8
- Robert Koethe, EPA Region 1
- Victoria Kurker, EPA
- Loren LaPointe, EPA/OCSP
- Ed Messina, EPA/OCSP
- Mike Metzger, EPA/OPP
- Kelsey Miller, EPA/ORD
- Sierra Moline EPA Region 6
- Amy Mysz, EPA Region 5
- David Nadrchal, EPA
- Eric Nystrom, EPA
- Victoria Oliver, EPA
- Zack Pendley, EPA
- Kaitlin Picone, EPA/OSCP
- Rachel Ricciardi, EPA/OCSP
- Jennie Romer, EPA
- Meleia Rose, EPA
- Emily Ryan, EPA/OCSP
- Carolyn Schroeder, EPA/OPP
- Mark Smith, EPA
- Thomas Swenson, EPA
- Lance Wormell, EPA

Tribal Organizations (1)

- Meyo Marrufo, National Tribal Caucus

Other (4)

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

Traditional Opening Ceremony, Welcome, Introductions

Many thanks to White Earth Nation for delivering the opening prayer and presentation of flags.

TPPC Opening Remarks: Jasmine Brown and Nina Hapner

Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes and Nina Hapner, Kashia Band of Pomo Indians provided opening remarks and welcome to attendees.

EPA Welcome Remarks: Amanda Hauff, Jennie Romer, and Ed Messina from EPA/OCSP

Amanda Hauff, Jennie Romer and Ed Messina welcomed everyone to the Spring meeting and introduced members of the EPA team.

TPPC Coordinator Update: Mark Daniels

[Slide Presentation](#)

Mark Daniels, ITEP provided a summary of the administrative activities for November, 2021 through April, 2022. The spring TPPC newsletter was recently sent out and if anyone has any content ideas for future newsletters, please let him know. This year we will begin featuring one TPPC member for each quarter. Based on survey results, we will be offering two training sessions; pesticide code development and general education of pesticides & risks to people in the environment. Both will be webinars and available to everyone on the TPPC website. The budget update shows a deficit because we haven't received our funding for this year yet. Amanda mentioned that all cooperative agreements are still waiting for funding. Mehrdad Kahtibi, ITEP said that the university will continue to support the program and a modification to the agreement is not necessary.

Association of American Pesticide Control Officials (AAPCO), Association of Structural Pest Control Regulatory Officials (ASPCRO), and State FIFRA Issues Research and Evaluation Group (SFIREG) Updates: Matt Lopez, ASPCRO; and Gary Bahr, SFIREG Chair (not present: Cary Giguere, AAPCO)

Matt Lopez (CO) provided an overview of the function of ASPCRO which focuses on structural pest control issues (mostly in the southern U.S.) and making recommendations to EPA about mandatory rodenticide labels. ASPCRO has 15 committees and four liaisons that work directly with EPA and AAPCO.

<https://aspcro.org/committees/>

He encourages TPPC members to join as input from partners is beneficial to help each other become better regulators and he is very interested in working with the TPPC on cannabis issues. Knowing that pesticides are useful along with an understanding of the risks that are associated with use is important for protecting people.

Gary Bahr (WA) covered the numerous ways in which SFIREG is supporting and collaborating with the TPPC nationwide and recent activities they are involved in. These include the SFIREG meeting June 6-7 in Alexandria, VA and September 19-20 meeting in Boston for Joint Working Committee with OPP and OECA. They support and work with EPA on Certification Training plans, pesticide re-registration, ESA topics and workplans and EPA pesticide reviews (such as pet collar products and treated seeds). Ed Messina mentioned that a draft Risk Assessment with a proposed interim decision and final decision is a 3-year process and each step has a public comment period of 30-90 days.

In response to a question regarding ground and well water testing, Bob Shimek, White Earth Tribal & Community College, mentioned two testing projects in Minnesota that showed a strong correlation between pesticides and their effect on human health.

EPA's Registration Review Process: <https://www.epa.gov/pesticide-reevaluation/registration-review-process>

TPPC Risk Assessment Workgroup Pilot Project: Rachel Ricciardi, OPS; Jasmine Courville-Brown, TPPC Chair; and Mike Metzger, EPA/OPP Health Effects Division

[Pilot Project Information](#)

This pilot project is designed to incorporate unique Tribal dietary exposure into EPA's Pesticide Risk Assessments. They are looking for a Tribe to volunteer to work with them to understand their Tribe's dietary consumption patterns. The Health Effects Division staff introduced themselves (Janet Camp, Kelly Lowe, Victoria Oliver, Stephanie Backman and David Nadrchal) and gave an overview of the document. They would like to work with a Tribe for approximately 3 months, meeting virtually twice a month, and can be flexible on times. They would like to fill data gaps related to what foods are consumed, range of consumption, drinking water sources, and Tribal specific exposures. The project will be discussion based (not survey based) with Tribal members and specialists. Proprietary data will be protected and the project could be run through ITEP and filtered to EPA if desired by the Tribe. White Earth Nation volunteered for this pilot project, subject to approval by Tribal leadership.

Overview of Biopesticides: Mary Rust, EPA/OPP Biopesticides and Pollution Prevention Division

[Slide presentation](#)

Mary Rust provided a description of what biopesticides are, different types of biopesticides, registration review and data requirements. She discussed product chemistry and product analysis & characterization along with risk assessment. Several IPM endeavors and efforts are covered in a series of webinars and publications available on EPA's website along with technical resources for schools and the public. Also included is a list of Regional contacts around the country.

EPA's on-demand webinars:

<https://www.epa.gov/ipm/previous-webinars-about-integrated-pest-management>

Schedule for webinars: <https://www.epa.gov/ipm/upcoming-integrated-pest-management-webinars>

Jasmine asked if they could turn the mosquito biopesticides into RUP's. Yes, and more information will be coming from experts.

CDC's web page has great information:

<https://www.cdc.gov/mosquitoes/mosquito-control/community/sit/genetically-modified-mosquitoes.html>

EPA's announcement of the EUP in 2020:

<https://www.epa.gov/pesticides/epa-approves-experimental-use-permit-test-innovative-biopesticide-tool-better-protect>

EPA Lead Region Update: Blake Huff, EPA Region 8

[Slide presentation](#)

Blake Huff provided region specific updates and pesticide related activities that Tribes have been engaged in for Regions 1-10. Bob Shimek asked about drift catching projects which led to further discussion of Tribes who need technical assistance with seeking funding and developing pesticide programs. **This may be something to be presented at a future meeting (Bob Shimek or Sara Ryan, Big**

Valley Rancheria) and/or included in a TPPC newsletter. Nina suggested that perhaps the TPPC could provide technical assistance to Tribes responding to requests for proposals (RFP's), or address resources to assist with applying for funding in our newsletters.

Overview of EPA Pesticide Certification and Worker Protection Cooperative Agreements and Certification Plan Review Updates: Stephanie Burkhardt, Certification and Worker Protection Branch (CWPB)

[Slide Presentation](#)

Ms. Burkhardt provided highlights of the Certification Rule Revisions from 2017 and current efforts by the EPA regarding certification plan approvals. She also gave a summary of the 2015 revisions to Worker Protection Standards (WPS) for agricultural workers and pesticide handlers. A list of cooperative agreements was provided as these have been awarded for various education and outreach materials as well as healthcare initiatives. These consist of 1. National Farm Worker Training, 2. Pesticide Educational Resources Collaborative, 3. Pesticide Education Resources Collaborative-Medical (PERC-Med), 4. National Pesticide Information Center (NPIC), 5. Field Implementation Meeting Support, and 6. Advanced Pesticide Safety Education Funds Management Program.

The group discussion was centered around the availability of PERC-Med resources, how Tribes can compete for funding from these programs and the overall goal of WPS to train workers and handlers in how to protect themselves and mitigate risk. The group would like a letter from PERC-Med to Tribes for distribution to Tribal Health Clinics and Rachel will pursue inviting a representative from PERC-Med to participate in a future TPPC call.

from Aidan Black:

A couple additional notes on PERC-med's upcoming work plan: Outreach to Tribal Community Serving medical professionals was ranked by PERC-med's Advisory Board as the top priority of their recent call for Project Ideas for Year 5 (current year). The AgriSafe Network has expressed interest in collaborating on a webinar with PERC-med on tribal-specific exposures. In addition, PERC-med plans to hire a temporary staff assistant to perform research on tribal outreach methods.

Hot Topics Discussion with TPPC Members: Facilitated by Jasmine Courville-Brown

The 2005 SAFETEA clause was mentioned along with the midnight rider for Oklahoma tribes that expired in 2012. Tribes have not received regulatory authority yet, and a letter of support to the EPA (from the TPPC) on the request to withdraw EPA's approval of Oklahoma's continued control over Tribal environmental resources, mentioning specific pesticide issues, would be appreciated. Amanda suggested sending the letter to Ed Messina, Amanda, Michal Freedhoff and cc to Jane Nishida. Rachel is also able to forward it to the correct people. It may be beneficial to partner with the National Tribal Toxics Council.

(Eric Gjevre, Coeur d'Alene Indian Tribe) They recently completed a soil fumigation inspection (Jasmine) Soon they will be having a port of entry training. Also mentioned was a lack of inspection funding.

(Renee Keezer, White Earth Nation) Received C&T plan with comments back from EPA. She is working on her inspector training.

(Camilo Perez, Quechan Indian Tribe) Funding is also an issue, need for certified credentials to complete inspections on state land.

(Jeremy Phillips, Salt River Pima-Maricopa Indian Community) Issues with checkerboard land base and if to follow Federal or Tribal regulations. More discussion is needed.

(Bob Shimek, White Earth Nation) Groundwater contamination issues

(Nina Hapner) A discussion on the history of pesticides and exposure would be useful for clinics.

(Joe Herrera, Yakama Nation) There have been 12-16 fumigations so far and more coming at the end of the season.

(Dan Hoyt, Gila River Indian Community) They are moving forward with revision of their pesticide code, he will share once this is completed. Enforcement is seeing more violations due to the last two years of limited surveillance.

(Jeffereson Biakeddy, Navajo Nation) Last summer the inspections of BIA schools noticed an excessive amount of antimicrobial products (from Covid) and they are looking at more educational outreach regarding these products.

(Andrea Mitchell, Cocopah Indian Tribe) Their daycare had an outbreak of head lice and had to send out educational materials to families

(Tacy Jensen, Gila River Indian Community) They are working on a new pesticide code.

Tribal Pesticide Program Council-Full Council Meeting

Mahnomen, Minnesota

DAY TWO, Wednesday, April 20, 2022

TPPC Opening Remarks, Jasmine Courville-Brown & Nina Hapner

Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes and Nina Hapner, Kashia Band of Pomo Indians provided opening remarks and welcome to attendees.

EPA Region 8 Supporting Our Tribal Partners through Direct Implementation: Christine Tokarz, EPA

[Slide Presentation](#)

Christine Tokarz began with an overview of EPA Region 8 Direct Implementation and the process since 2017 when they began focusing on Tribes that don't have FIFRA programs. Starting with gathering background information on a Tribe's schools and clinics, they strive to develop contacts and build relationships with community members and then work into inspections. Since early 2020 much of the focus was on evaluating chemicals and machines used for dealing with the pandemic. Lessons learned include the need for coordination and patience, value as a good training opportunity and also this was a chance to make it clear to Tribes that EPA is a resource for information and not just there to enforce regulations.

Questions:

How do they find out who manufactured devices such as air purifiers? They will research where it was purchased from and were manufactured to make sure the device is in compliance. Many products have outlandish claims such as "kills 100% of viruses" and these claims cannot be verified. Very important to know that these devices should not be the first line of defense, the disinfectants are.

Discussion on TPPC Direct Implementation Workgroup Priorities/Deliverables: Facilitated by Emily Ryan, OPS and Helene Ambrosino, OECA

Helene Ambrosino offered support to Tribes with DI inspections and would like to be a resource for information, she welcomes any input from TPPC members. Jasmine would like to see a written DI plan (like the pyramid presented by Christine Tokarz) and also a reallocation of funding from some of the institutional cooperative agreements to provide increased coverage for Tribes to develop or strengthen their own programs. Amanda Hauff mentioned that the workgroup could focus on DI within the agency's strategic plan.

Everyone agrees that the DI program is complicated and messy and there isn't enough funding. There are existing grants open to everyone (not just states and tribes) for education and outreach regarding worker protection standards and pesticide safety. It was mentioned that often Tribes feel uncomfortable competing with other Tribes for available cooperative agreement funding.

There was discussion of ideas and options to explore how to find funding for Tribal inspection programs. Jonathan Binder, EPA/OECA, was asked who is responsible for ensuring FIFRA compliance if no cooperative agreement exists for a Tribe? He confirmed that it would be a EPA-DI responsibility until the Tribe can implement their own compliance. He also clarified that their policy for inspections is to give Tribes advance notice of their presence on Tribal land, except for un-announced inspections.

The DI workgroup's recommendations are 1. Follow EPA's strategic planning documents, 2. Have more budget conversations, and 3. If someone receives credentials to use RUP's in Indian country they should have criteria to do a certain amount of inspections in Indian Country.

[FY 2022-2026 EPA Strategic Plan Overview](#)

Pesticide Inspection Best Practices: Africa Dorame Avalos CANCELLED DUE TO FAMILY EMERGENCY

Navajo Nation Hemp Inspections: Jefferson Biakeddy, Navajo Nation

[Slide Presentation](#)

During the pandemic a large hemp/marijuana greenhouse production facility was discovered on the Navajo Nation near Shiprock, NM. Subsequent inspections of this and additional facilities produced numerous potential violations regarding mismanagement of pesticides, labels, storage and disposal and insufficient worker protection standards from agricultural employers. A command center was set-up as a base for conducting field inspections and to share information with law enforcement agencies. Warning letters were sent out for 158 potential FIFRA violations. They were able to trace the large facility to investors from Asia and the west coast.

[Joint law enforcement operation results in major eradication in northwest New Mexico | USAO-NM | Department of Justice](#)

Many questions came up about enforcement of this case. It has been challenging due to the difference between the regulation of hemp vs. marijuana which is a controlled substance.

Pest Management Outreach to Tribal Communities: Dr. Lucy Li, AZ Pest Management Center, U of A

[Slide Presentation](#)

Dr. Li and her team cover four focus areas for education and outreach in Pest Management: IPM, Vector Control, school & housing IPM and Food Safety. The Tribal extension program partners with ITEP, EPA, USDA, and State Department of Health Services to actively explore funding opportunities to keep the program sustainable. They offer many pest management trainings and workshops for Tribal communities based on Tribal needs and concerns. Much of their education and outreach focuses on mosquito source reduction and prevention, brown dog tick management and bed bug management, and Dr. Li provided very useful information in dealing with all three of these pests.

Closed Door: TPPC Tribal Caucus, facilitated by Jasmine Courville-Brown

Tribal Pesticide Program Council-Full Council Meeting
Mahnomen, Minnesota
DAY THREE, Thursday, April 21, 2022

Welcome and TPPC Opening Remarks: Jasmine Courville-Brown and Nina Hapner

Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes and Nina Hapner, Kashia Band of Pomo Indians provided opening remarks and welcome to attendees.

Aquatic Modeling Overview: Chris Koper, EPA/OPP Environmental Fate and Effects Division

[Slide Presentation](#)

Chris Koper, EPA/OPP, is an environmental fate scientist with OPP and aimed to discuss pesticide exposure as it relates to water quality, to estimate pesticide concentrations in surface and groundwater. He described the definition of a pesticide exposure as shown by a schematic of the pesticide cycle, the rate of application and concentrations and various environmental fate studies. Their modeling includes looking at the environmental exposure footprint and dissipation studies over time in groundwater. The resulting aquatic life benchmarks (721 chemical compounds) are useful to state, local and tribal water management agencies, researchers, and regulatory authorities. Because of the variety of ways in which water is used by the Tribes, the model may not always be as applicable.

<https://www.epa.gov/pesticide-registration/label-review-manual>

Jim Mossett, Three Affiliated Tribes, asked about [glyphosate testing](#). Gary Bahr responded that it's tricky, costs more and requires special equipment and training, and many labs don't do it.

Amy Mysz (EPA) said: "Not sure about the capability of each EPA Regional Lab, but they may be able to provide glyphosate analysis. Worth checking with your EPA Regional office about whether they can run it and have the capacity to do so."

Dan Hoyt (GRIC) said: "We've used Test America in the past, which I believe is now Eurofins. <https://www.eurofinsus.com/environment-testing/services/>. In 2014 they conducted some water testing for us, glyphosate included, using method 547. Each test was about \$90.00."

Bob asked if they study any synergetic effects of chemical combinations resulting from crop rotations and use of different chemicals from one crop to another and how they mix in the soil and groundwater. Chris responded that they haven't studied this yet and thus far have only looked at single compounds.

**The Columbia River Basin Restoration Act - Removing and Reducing the Use of Pesticides in the Basin:
Michelle Wilcox, EPA Region 10**

[Slide Presentation](#)

Michelle Wilcox, EPA Region 10, provided background and an overview of the Columbia River Basin region and how the Tribes in the area have a high rate of fish consumption therefore exposing members of the communities to higher levels of toxins. She gave a brief history of the Collaborative Toxins reduction work and how this led to EPA involvement to reduce the use of pesticides. An example is the Salmon Safe program which is a collaborative approach working with farmers to reduce water use and pesticide impacts to watersheds.

In 2016 Congress passed the Columbia River Basin Restoration Act directing EPA to establish workgroups and a competitive grant program. Annual appropriation is about \$2-3 million, and long-term funding over the next 5 years will allow EPA to help clean up and reduce toxins throughout the basin through monitoring, coordinated work efforts and information exchange primarily in Tribal communities.

<https://www.epa.gov/columbiariver>

**Water Quality, Natural Resources, and Pesticide Programs – Highlights from Washington State and
EPA Region 10: Gary Bahr, SFIREG Chair**

[Slide Presentation](#)

Gary Bahr provided an overview of the Washington State Department of Agriculture's current Natural Resources activities and how agriculture is surveyed through collection of field data and imagery in relation to pesticide usage. He explained how they analyze the data to create usage maps with the example of the 2020 state-wide results. Also mentioned was the Pesticide Stewardship Partnership and how it encourages changes in pesticide use and management practices. Gary included a description of the Cashmere PSP with images, data collected and how monitoring activity involved sampling stream water near orchards with commercially available water sampling boxes.

Groundwater work and pest management strategies were discussed along with the public drinking water system and how they identify regions for follow-up studies.

There was discussion about soil health, Bob Shimek asked if they see regenerative farming and cover cropping as alternatives to pesticides, with the example of the potato industry and how this destroys the soil? Yes, and these alternatives are being studied in Washington state such as the Climate smart program.

Discussion:

The TPPC has a time slot to present at the SFIREG meeting on June 6 at 11:00 AM. Mark will get in touch with Jim Mossett about presenting on behalf of the TPPC, or maybe individual workgroups can contribute.

<https://aapco.org/>

Jasmine asked if Environmental Fate and Effects Division (EFED) is taking into account information from field studies on labels and changing labels? Rachel responded with yes, the labels can be updated based on new findings. This a 15-year registration review process, this year is the end of the first 15-year cycle.

Eric Gjevre requested that someone talk at a TPPC meeting about the history of registration review and the founding of the EPA.

Gary Bahr requested that EPA provide more advance warning to SFIREG and TPPC regarding the registration review schedule, maybe an organized system of providing information.

Bob Shimek asked if when there is an addition of a new additive to commonly used pesticides that enhances performance, does it wait for the 15-year cycle or does it get a new review? Rachel responded that yes, when there is a new product, it would go through re-evaluation, but it would need to be registered as a new product first. Their scientists provide guidance on what not to mix and often this is included on the EPA master label.

Tribal Caucus Report-out/Open Discussion with EPA, facilitated by Jasmine Courville-Brown

Jasmine reported that White Earth Nation from Region 5 volunteered for the Pilot Project and would like EPA to outline the process and the plan for where data will be stored.

The budget issue and contingencies were resolved and ITEP will update the TPPC about the state of the budget on a quarterly basis.

The group met with Eric Descheenie, a strategic planner that will be working with the TPPC on setting dates, goals and priorities for existing initiatives. Sometime down the road the group will be looking to do a more full-scale long range strategic plan for the future of the TPPC.

Closing Remarks

Thank you to everyone for participating in the Spring Meeting!

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