

**TRIBAL PESTICIDE PROGRAM COUNCIL
MONTHLY EXECUTIVE COMMITTEE CONFERENCE CALL**

Wednesday, April 17, 2024

Call Notes - FINAL

Tribes (17)

- Alexis Bruce, Saginaw Chippewa Indian Tribe
- Camilo Perez, Quechan Indian Tribe
- Dorla Tartsah, Kiowa Tribe
- Eric Gjevre, Coeur d'Alene Indian Tribe
- Jaclyn Listo, Tohono O'odham Nation
- Jasmine Courville, Confederated Salish and Kootenai Tribes
- Jefferson Biakeddy, Navajo Nation
- Jessica Raspitha, St. Regis Mohawk Tribe
- Jim Mossett, Three Affiliated Tribes
- Cricket (Joe) Herrera, Yakama Nation
- Larry Scraper, Cherokee Nation
- Nina Hapner, Kashia Band of Pomo Indians
- Renee Keezer, White Earth Reservation
- Ron Workman, Choctaw Nation of Oklahoma
- Sheldon Jones, Navajo Nation
- Tacy Jensen, Gila River Indian Community
- Ted Puetz, Ak-Chin Indian Community

Tribal Organizations (1)

- Mark Daniels, Institute for Tribal Environmental Professionals

EPA (4)

- Linsey Walsh, EPA/OCSP
- Emily Ryan, EPA/OCSP
- Katy Wilcoxon, EPA/R9
- Jeanne Kasai, EPA/OPP

Reported in advance as absent (2)

- Jeremy Phillips, Salt River Pima-Maricopa Indian Community
- McKenna King, Institute for Tribal Environmental Professionals

1. Tribal Caucus

2. Welcome/Introductions

Jasmine Courville, Confederated Salish and Kootenai Tribes, facilitated roll call and introductions.

3. EPA Updates

National Tribal Caucus Updates and Consultation

Emily Ryan, EPA/OCSP, shared that EPA has initiated tribal consultation on the reorganization of the National Tribal Caucus (NTC) under the Federal Advisory Committee Act (FACA). The goal in doing so is to update the structure so that the group is able to serve as a communicating voice for all Tribal Partnership Groups (TPGs). Consultation will run April 11 through June 12, 2024. The goal is to convert the NTC to a FACA by the fall of this year, and to have most or all members be elected tribal leaders. Emily will send out materials that accompany consultation. Nina Hapner, Kashia Band of Pomo Indians, shared that this reorganization is not favorable for a large number of reasons. Jasmine shared that TPPC would like to invite someone from the American Indian Environmental Office (AIEO) to present on how this change would affect TPGs prior to providing a comment. Jasmine shared concerns regarding the change to designations of representatives. Emily will ensure that Linsey Walsh, EPA/OCSP, and Mark Daniels, Institute for Tribal Environmental Professionals, have the contact information of AIEO members who can come to discuss the impact to TPGs of the proposed changes, with the goal of having AIEO members attend the May TPPC call.

Nina expressed frustration with EPA's decision to restructure NTC prior to consultation with tribal leadership. Changing the structure could detrimentally impact tribal leaders as they value being able to appoint representatives as they have limited time and resources to attend all meetings and be involved in all items themselves. Jasmine and Nina discussed the challenging logistics of selecting representatives based on region, ultimately feeling that this would create inequities in representation. Emily will share this feedback and invites TPPC members to reach out to continue to share feedback.

Emily also shared that this is her final TPPC call as she is taking a new position outside the EPA. Emily invited TPPC members to stay in touch with her and let her know when they're in town, since her new office will be right across the courtyard from the EPA offices.

4. Incorporation of TPPC Input to Revised Private Applicator Training

a. Background on Purpose of Training

Katy Wilcoxon, EPA/R9, discussed updating the Restricted Use Pesticide (RUP) Applicator in Indian Country training. The training is for those who do not have state certifications. She specified that this is for agricultural use RUPs. All the other uses require a commercial pesticide applicator certification that is issued originally by the state and then a federal certification is issued on top of this. These other certifications require tests while the private applicator training does not (as mandated by FIFRA). The purpose of this presentation is to present updates that have been made so far and get more input from TPPC members.

b. Updates to the Training

They have added information about Indian Country, improved the overall look and feel of the training, and updated the content to be in compliance with new certification regulations.

The training describes terms and definitions. It describes where EPA certification is valid and where it is not valid, and points out that 5 tribes have their own pesticide certification & training programs making this certification invalid on those lands. It also shares that the Yurok Tribe has prohibited RUPs all together. The goal of this section is to establish that the applicator should contact the tribe whose lands they would be applying on to ensure they are compliant.

This section provides information and examples about how pesticide applications on tribal lands can create issues. It gives instructions to make contact with a tribe's environmental or business offices to inquire about additional laws or policies around pesticide use, and specifically states, "Your federal certification does not supersede tribal laws". There is a summary and knowledge check at the end of the section that reinforces these concepts and instructions.

c. Feedback Requests and Comments

Katy requested feedback regarding the following questions; Is the training going in the right direction? Are there opportunities to integrate commentary, videos, or additional photos? Are we missing something critical to what it means to operate in Indian Country? Katy would specifically like feedback on the section that describes tribal culture and relationships with nature.

Jasmine states this is an improvement and that it covers the reason why people are taking this training. Renee Keezer, White Earth Reservation, shared that she sees this as a huge improvement and that this training is differentiated from a typical training, appearing to specifically be a tribal training.

Jeanne Kasai, EPA/OPP, shared that they want to make sure that this unit covers the tribal perspective. Shares that she knows she and Katy cannot do this independently since they are not from a tribe. She requested feedback on what should be covered and what the approach/way of saying it should be with the

goal of ensuring that there is a tribal point of view present. Jasmine shared the importance of avoiding groups who are gathering materials for basketweaving or other cultural activities. Renee requested a copy of the notes for the slides to review to provide comments. **Katy will share all materials to be reviewed.** Jeanne requested images from TPPC members to be included. **Linsey said images can be sent to her to forward.** Ted Puetz, Ak-Chin Indian Community, made two suggestions; 1) EPA allows this certification and this should be emphasized, 2) Applicators should be aware of laws of Indian country (and how they differ from state and federal) and to be courteous of neighbors and others in the area that they are spraying in. Katy would like to get feedback unit by unit. The timeline is to finish this by the end of November so the new training can be used in December. Katy shared that pesticide application experts review technical content. Cricket Herrera, Yakama Nation, shared that he values the section that highlights respecting gatherers by ceasing applications. He emphasized the point that Indian Country must be treated and respected as sovereign nations with laws, regulations, and supervisory practices that will be enforced.

Katy asked if TPPC members interact with private applicators. Jim Mossett, Three Affiliated Tribes, shared that his reservation has a majority of private applicators. States that he often encounters applicators without certification. Jasmine shared that there are many private applicators in her area with massive areas of land using pesticides heavily. Jasmine expressed that there is a double standard that private applicators can be hired in Indian Country with this certification that has less education/safety training and has less options for/severity of enforcement actions. Due to this she feels this training is very important. Ted asked, "what is the penalty for applying without this certification?" Katy stated that EPA can take enforcement action but agrees that with private applications penalties are lower. Enforcement and penalties will be covered in later units, **Katy thinks someone from enforcement could speak about this later.**

Jasmine suggested making this training available more frequently than quarterly, such as monthly, so that applicators do not need to wait. Katy shares they have considered this and proposed the idea of making the training available more frequently during the growing season. Katy shared that the training is specific to RUPs and thinks that a general pesticide use training could be beneficial and would not require a facilitator as this one does.

Jefferson Biakeddy, Navajo Nation, shared an issue with Bureau of Indian Affairs (BIA) invasive species control programs utilizing pesticides. Jefferson is wondering what training would make the most sense for these applicators. Jasmine shared that she has seen similar issues where the BIA funds plans that involve pesticide applications although applicators are not appropriately trained. Private applicators can apply RUPs for agricultural use and invasive species control. Katy shared that non-agriculture use is not considered private. Jasmine clarified that for private applicators RUPs can be used on range land with cattle being agricultural. This training allows applicators to use agricultural use RUPs

for the production of an agricultural crop. She is unsure if this is for crops only or if it includes commodities (such as livestock). Agricultural use includes maintaining fallow plots. Unsure if this includes ditches, irrigation, and canals. Katy will look into clarifying what uses this training covers. Katy thinks BIA applicators may need a state license with a specific category use such as regulatory pest control , she will look into this.

5. Other Issues/Concerns/Hot Topics

No updates noted

6. Next TPPC Conference Call: Wednesday, May 15, 2024, 2:00-4:00 p.m. EST

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