

TRIBAL PESTICIDE PROGRAM COUNCIL

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April 21, 2026

Jennifer Brundage
Office of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Washington, DC 20460

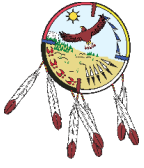
Re: Upcoming Proposal to Rescind the 2024 WQS Regulatory Revisions to Protect Tribal Reserved Rights

Dear Ms. Brundage,

We appreciate the opportunity for the Tribal Pesticide Program (TPPC) to comment on the U.S. Environmental Protection Agency's (EPA's) Upcoming Proposal to Rescind the 2024 Water Quality Standards (WQS) Regulatory Revisions to Protect Tribal Reserved Rights. The TPPC is a member-based organization with 107 members from 68 Tribes and tribal organizations, whose activities are funded by a cooperative agreement with the EPA. The Council serves as a tribal technical resource, and provides a forum for dialogue between Tribes and the EPA on program and policy development relating to pesticides issues and concerns. Assistance provided to Tribes includes support in building tribal pesticide programs and conducting pesticide education and training, and the preparation of resources for Tribes interested in specialized issues such as Integrated Pest Management and pollinators. Through its interaction with the EPA, the TPPC keeps Tribes informed of developments in the regulation of pesticides and pesticide use, and provides feedback to the EPA on such matters from a tribal perspective. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the TPPC may not be agreed upon by all Tribes.

On behalf of the Tribal Pesticide Program Council (TPPC), I submit these comments on EPA's Upcoming Proposal to Rescind the 2024 WQS Regulatory Revisions to Protect Tribal Reserved Rights.

Tribal reserved rights refer to the rights Tribes hold to access and use resources outside the boundaries of their reservations, often enshrined in the treaties they signed with the United States government that established their reservations. The word "reserved" in the phrase refers to the fact that treaties do not delineate rights granted to the Tribes, but rights granted by the Tribes to the government for lands outside their reservations; rights not granted in the treaties (typically including the right for tribal members to hunt, fish, or gather in their accustomed areas outside of the



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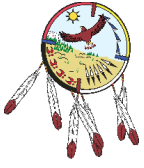
reservation) are therefore “reserved” for continued tribal use. With this in mind, it is clear that Tribes have a legitimate interest in how resources outside of their jurisdiction but within their accustomed use areas are managed, to ensure that they are able to exercise their tribal reserved rights.

EPA’s 2024 *Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights* (“the 2024 Rule”) was an effort by the federal government to acknowledge the legitimate interest of Tribes in the management of resources outside of their reservations to protect their tribal reserved rights, through the mechanism of setting water quality standards under the Clean Water Act for bodies of water that fall within their accustomed use areas. This move was a welcome step toward acknowledging such tribal reserved rights by providing Tribes with meaningful input to the management of important water bodies.

The Clean Water Act’s WQS include three core components, two of which (“Designated Uses” and “Antidegradation Requirements”) are directly relevant to the issue at hand. Designated uses refers to the requirement that goals and expectations be set for each water body, depending on how that water is used. Antidegradation requirements provides a framework for maintaining existing uses, ensuring that water quality is not degraded to the point that existing uses cannot continue. When Tribes hold reserved rights to water bodies not under their direct authority, the expectation is that their reserved rights will be taken into consideration when setting the designated uses and antidegradation requirements for the water body. Otherwise there may be issues with, for example, wild rice beds becoming unusable, or fish unsafe to eat, due to pesticide contamination from agricultural runoff.

As such it is astounding that the agency is now proposing to rescind the 2024 Rule, particularly given the focus on cooperative federalism under the current leadership. The TPPC strongly opposes the rescission of the 2024 Rule, and urges EPA to reverse course and strengthen the ability of Tribes to co-manage resources to which they hold tribal reserved rights.

Furthermore, the TPPC takes issue with the assertion in the agency’s Consultation and Coordination Plan that “The EPA’s actions have no bearing on the existence or meaning of any specific Tribal reserved right.” From the discussion above it is clear that this assertion is false on its face. If resources protected under tribal reserved rights are managed by outside entities in a fashion that leaves them unable to provide the benefits protected under such rights (e.g., healthy populations of fish, game animals, and/or streamside plants for basketweaving) then those rights are meaningless. In other words, what good is the right to fish if you can’t eat the fish you catch? Therefore the EPA’s proposed action clearly has bearing on the existence of tribal reserved rights, and it should be acknowledged as such. Again, the TPPC opposes the proposed rescission of the 2024 Rule and urges the agency to drop the proposal.



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Once again the TPPC appreciates this opportunity to comment on EPA's Upcoming Proposal to Rescind the 2024 WQS Regulatory Revisions to Protect Tribal Reserved Rights. If you have any questions, please contact TPPC coordinator Mark Daniels at mark.daniels@nau.edu or 928-523-8897.

Sincerely,

Renee Keezer
TPPC Chairperson