

**Tribal Pesticide Program Council – Full Council Meeting**

Arlington, VA

**DAY ONE, Wednesday, March 11, 2020**

**Meeting Notes - Final**

The meeting was called to order by Nina Hapner at OPP Headquarters at 8:10 AM EST.

Attendees:

Tribes (12)

- Brenda Begay, White Mountain Apache
- Jefferson Biakeddy, Navajo Nation
- Eric Gjevre, Coeur d'Alene Tribe
- Nina Hapner, Kashia Band of Pomo Indians
- Daniel Hoyt, Gila River Indian Community
- James Jackson, Muscogee Creek Nation
- Shylah James, Navajo Nation
- Tony McCandless, Gila River Indian Community
- Lucy Parker, Southern Sierra Miwok Tribe
- Theodore Puetz, Ak-Chin Indian Community
- Larry Scrapper, Cherokee Nation
- James Williams, Muscogee Creek Nation

Tribal Organizations (1)

- Diania Caudell, California Indian Basketweavers' Association

EPA (10)

- Alexandra Dunn, EPA/OCSPP
- Rick Keigwin, EPA/OPP
- Jackie Mosby, EPA/OPP
- Amanda Hauff, EPA/OCSPP
- Peter Earley, EPA/Region 9
- Lance Wormell, EPA/OPP
- Emily Ryan, EPA/OPP
- Rachel Ricciardi, EPA/OPP
- Helene Ambrosino, EPA/OECA
- Mike Ballet – EPA/OC

Other (2)

- Bob Gruenig, TPPC
- Suzanne Forsyth, UC Davis Continuing and Professional Education

**Traditional Opening Ceremony, Welcome, Introductions**

Many thanks to Jefferson Biakeddy from the Navajo Nation for delivering the opening prayer.

**Assistant Administrator & EPA Welcoming Remarks, by Alexandra Dunn, Rick Keigwin & Jackie Mosby**

Alex welcomed the group and reflected on Fred Corey's absence, asking the group to hold him in their thoughts. His prognosis is optimistic but we are missing him here this week. Alex reflected on her visit in 2018 to Aroostook and the reservation tour featuring their produce sales, aquaculture, and learning about their tribal environmental program.

Alex also thanked the group for being here in light of the current public health concerns. EPA's Antimicrobial Division is working hard to communicate messaging about the need to use registered and effective products against COVID-19.

Alex reflected on a couple of things the group will be working on. The Administrator is passionate about pollinators and pollinator protection. She mentioned a USDA workshop and that stewardship and other collaborators are essential to their protection. Alex looks forward to hearing more about the TPPC's efforts in this area.

Certification and training of RUPs in Indian Country is another thing EPA will be working on. EPA put out the draft plan and is undergoing consultations. EPA saw 100% compliance with states and tribes in submitting their plans on time and celebrated their success in meeting this important deadline.

EPA is in the process of hiring more staff. Approximately 60% of the EPA workforce is eligible to retire in the next five years. Therefore, it's important to bring new staff in now so they can learn from senior staff.

This is EPA's 50<sup>th</sup> anniversary, and it's also the 50<sup>th</sup> anniversary of the contemporary Earth Day. However, she imagines that there have been many such notable recognitions within tribal cultures for centuries before this. All month-long EPA will be talking about chemical safety. Check out the messaging on Twitter at EPAChemSafety.

EPA has engaged in pollution prevention activities at over 22,000 facilities and all of this information is available on the EPA website. EPA can do much better at helping people access information. We will be hearing from Scott Mason today, who is an enrolled member of Cherokee Nation.

Alex thanked the group for their commitment to travel, dedicated to the endeavor and for bringing their ideas this week.

*Discussion:*

Eric Gjevre commented on the increase in STAG funding for FY2020 he heard about at the recent AAPCO meeting. Helene Ambrosino clarified that it's for compliance enforcement agreements and believes it's already been allocated. Alex says that there is flat funding proposed for EPA in the president's budget.

James William asked about Waters of the United States (WOTUS), also known as the "Navigable Waters Protection Rule" and what the impact is now that there is no federal jurisdiction. Alex explained that her background in is water policy and that she formerly served as water attorney. This rule is trying to underscore that the role of the federal government is as opposed to local jurisdictions. EPA just convened scientific advisory panel about the fate of pesticides in the waterway, which has a bearing on the uptake of chemicals into fish and sediments. Alex said that the WOTUS change doesn't change the direction of EPA's pesticide program.

Diana mentioned that the Tijuana River has been in the news for a long time. It's a polluted water body and it's not clear who is responsible for cleaning it up. This might be a good question for Scott Mason

since he's in an international office. Perhaps someone from the Office of Water can offer more information on a future phone call.

Rick Keigwin thanked the group for all their contributions, honesty, willingness to share their experience. It's much more impactful for EPA when they know what the tribes are hearing and helps them make better decisions. There is a lot of work ahead this year with the C&T pan. Navajo Nation submitted their own plan. They have two years to work collaboratively.

The chemical classes they will be working on this year for registration review. Neonicotinoids – currently in a public comment period for 5 active ingredients. Later this spring they will be issuing draft risk assessments for rodenticides. EPA is working to meet the review deadline for 1,100 active ingredients. A lot has been accomplished with a lot more to do.

*Discussion:*

Nina asked about EPA's plan for addressing registering products for use on hemp, since hemp has been included in the Farm Bill. Rick said that hemp under the Farm Bill is defined as cannabis with a THC (tetrahydrocannabinol) concentration less than 0.3%. In effect, any cannabis with THC levels above this are unlawful to be grown in the Farm Bill. USDA has given some variance in this due to weather variability. EPA is starting to register products for use on hemp as defined in the Farm Bill. EPA registered 10 new products for use on hemp and most are biopesticides. Earlier this year they registered another 15 for use on hemp. EPA's focus has been on applications for use on hemp which are tolerance-exempt. On the conventional side EPA is working with the IR4 program so they can understand the movement of pesticides within the plant so they can be poised to respond once it's a food item. Nina said that it's already a food item for tribes and they need to know what to do to protect their tribal members. Rick said that EPA is not going to register pesticides to use on cannabis while it's not yet legal federally. If people are using a pesticide on an illegal crop (marijuana) then this falls under both FDA and an EPA FIFRA compliance misuse. Rick is aware that some states (e.g., Colorado) have posted lists of products they have interpreted are permitted to use on marijuana but EPA has not conducted safety testing.

Mike with EPA's Office of Civil Enforcement added a comment on liability. EPA is willing to take cases where they get cases on liability. Inspectors gather the facts EPA needs to support the case to pose a traditional enforcement response.

Jackie Mosby thanked the group for the opportunity to join the group and she wanted to thank the TPPC and current grantee for their hard work for the past 5 years. She looks forward to being able to share with the group who the new grantee will be but they need to wait until they have completed the approval process. Jackie thanked Nina and Eric for stepping up to co-chair the current meeting. Lastly, she thanked the group for traveling during a time of public health concerns and looks forward to the Status report, risk assessment, and direct implementation as they evolve and great discussions.

**Opening Remarks / Acting TPPC Chairman Update, by Nina Hapner**

Nina said that in light of Fred's recent message she and Jasmine suggested that the TPPC leave it up to Fred as to what he wants to do as far as interim chair status. Letting Fred make the decision might somehow aid his recovery if it's a decision he makes. Nina asked that folks think about this and talk about it in the EC meeting.

Nina also mentioned that there is a meet and greet set up with Ed Messina and Rick Keigwin this week to talk about tribal issues. She invited a couple of folks to join and or to take some points of concern this evening. Amanda stated that it's planned to be an informal, personal interaction, so they can build

relationships and have heart to heart conversations and to build for the future. Jackie said that OPP provides the same opportunity with the states to share issues in a smaller setting; hear what's working, talk about future solutions.

#### **TPPC Coordinator Update, by Suzanne Forsyth**

*[Refer to the session slides on the TPPC website for more detail]*

#### **AAPCO Meeting Highlights from TPPC Members in Attendance**

TPPC members having attended AAPCO this week include Eric Gjevre, Jefferson Biakeddy, Ted Puetz and Shylah James. Emily Ryan asked them to comment on highlights from the meeting which might be of interest to the TPPC. Eric reflected on a recent tribal pollinator training in Spokane by Rez Bees. He will take the pollinator protection information from AAPCO to the group for their use. There seems to be a resurgence in pollinator interest. The need for weed identification was also underscored.

Jefferson reflected on what he heard about the biostimulant issue, which includes growth regulators (synthetic or naturally occurring). He found that really interesting. Another topic was the hemp issue that's of interest to Navajo Nation.

Ted Puetz reflected on the large audience of about 200 people with the issues giving a fresh look of what's coming down to states and tribes. His takeaway was the issue of Dicamba in the Midwest and how the states were communicating to get information to folks who have a drift concern. It was good to see how this process was handled by the states in addition to the conversation as to how they can use the product in an integrated manner that results in reduced use.

Shylah reported that Navajo Nation is interested in hemp production and that a tribal member is pursuing CBD oil production. They are interested in GIS and how to incorporate this into their process.

#### **Tribal Hot Topics, facilitated by Nina Hapner**

**Eric Gjevre, Coeur d'Alene Tribe** – Eric has conducted inspections on six reservations. Along with that, there has been an interesting development on the Nez Perce reservation. An area where they formally didn't have agricultural use, they now have vineyards in place and there are now worker protection concerns. He now has a new area of WPS (Worker Protection Standard) concerns that he has to be more watchful of than before. There was a single tree nursery formerly before the addition of the vineyards.

**Lucy Parker, Southern Sierra Miwok Nation** – Working on cultural site and cultural needs and places to gather pesticide-free materials. There is high staff turnover serving in Yosemite National Park and they have to keep re-establishing relationships with new park leaders. They are also working on a short film of the southern Miwok people featuring elders, stories, generating a lot of interest. Refer to "The Miwok Screening" on YouTube. Lucy shared the sad news that she just lost her father before Christmas, who was the last full Miwok Yosemite member.

**James Jackson & James Williams, Muscogee Creek Nation** – The tribe is hosting the tribal PIRT and is set for the end of April and it's expected to go as planned. They accepted 26 nominees. There are five TPPC members who have registered, but two of those are now on travel restrictions until further notice.

They will add an Integrated Pest Management (IPM) into their Performance Partnership Grant (PPG). They plan to offer a pesticide collection / disposal event and build up their tribal capacity.

**Nina Hapner, Kashia Band of Pomo Indians** – Kashia just finished their pesticide assessments. Nina has been working with PERC-med and making inquiries about tribal pesticide exposures and how to do intake. What do tribes want to do next? How can you empower your communities to make certain that patients know what to ask or know what to share about their histories.

**Jefferson Biakeddy, Navajo Nation** – Navajo Nation still has an issue with the 24C requests through the state lead pesticide agency. They are having difficulties battling rodents and there is frustration in the process. The tribe gets a request from a grower to use an RUP on tribal lands and Navajo Nation has to go through Region 9 and then the State of Arizona. There was a pilot project a few years back that looked at this process and Jefferson stated it wasn't successful for Navajo Nation. Jefferson expressed that Navajo is a sovereign nation and doesn't feel they should have to go through this process. This does not seem to be a concern for Arizona and Navajo has not gotten a response. Amanda said that she had tried to help facilitate a solution and suggests that they go back and re-visit the pilot to see what happened in the process. Jefferson thinks it stopped as they lost contact with USDA.

Shylah is working on a database to include maps and she hopes to start it this summer.

**Action items:**

- Amanda Hauff to reconvene communications with USDA and Navajo Nation on the 24C issue.
- Suzanne to send Jefferson the documents from the pilot study.

**Dan Hoyt and Tony McCandless, Gila River Indian Community** – There are not a lot of burning issues at GRIC. They continue to see the conflict between population and housing growth and agricultural growth as they compete for space. This creates challenges with ground and aerial applications. Updates: in the past they completed their apiary code and they are happy to discuss that with interested folks. The tribe is addressing it more as a land use issue. They are revising their pesticide ordinance as part of their 5-year review process. They will revisit the fact that the tribe wishes to have their own C&T plan They are almost 100% complete on their database project! With the help of EPA funding they are developing a compliance and enforcement actions. It's being built on a SharePoint framework and he'd be happy to present this at a future meeting to show them what they have been able to build with a contractor using federal funding. It's a great tool for efficiency for GRIC which gets them away from Excel spreadsheets and allows them greater range of data analysis.

**Ted Puetz, Ak-Chin Indian Community** – Ted doesn't report anything urgent but they are in the process of updating the pesticide ordinance.

**Brenda Pusher-Begay, White Mountain Apache Tribe** – Brenda reported no burning issues at White Mountain. They are planning more outreach in communities and schools.

**Larry Scrapper, Cherokee Nation** – They have no pressing issues except for addressing pesticide use needs for medicinal marijuana and hemp in their area. They are trying to form a task force on it because they changed their employee policies about it. He attended a pollinator workshop at NRCS to let the tribes know that some of the utilities there have the resources and manpower to help them set up a pollinator garden there. They put on an IPM workshop and several tribes attended. Larry presented on bed bugs and child care facilities. The RTOC meeting planned for Dallas at the end of March has officially been cancelled.

**Diania Caudell, California Indian Basketweavers Association** – CIBA presented to TPPC in October 2019. They received a gift from the CA Endowment for \$10K to use as needed for association activities. They are using it for pesticide-related outreach in central California. Most of this will be the cost of printing brochures. Many wavers are wanting something to hold in their hand where they can have a visual comparison of what untreated material looks like compared to materials that's been treated by a pesticide. Rebecca Tortes is leaving and CIBA will be recruiting a new director. Rebecca will stay on as a consultant. CIBA is celebrating its 30<sup>th</sup> year and is grateful to the TPPC for all its support over the years.

**Action items:**

- Find out if tribes get more funding from the FY 2020 STAG monies mentioned
- TPPC to consider picking up pollinator protection again.

**Presentation from EPA's American Indian Environmental Office, Felicia Wright**

Related to a question earlier in the day re: Tijuana River and clean up: AIEO is working on border issues and sent out consultation notices with 24 tribes along the border. This week is the deadline for tribes to express interest in discussion about the border issue then please email Lisa Almovodar with EPA.

**Action item:**

- Amanda to schedule a meeting in the next week or two with Lisa and interested tribes and Regions 9 & 6 to discuss the river issue with border tribes. Amanda to organize the information in the packet and add anything so it's useful to tribes.
- AIEO to follow up with question about international funding for the Tijuana River concern. Get from Amanda Nina and Diania to add thoughts and then figure out how to assist with outreach. This might be good for a region 9 RTOC meeting.

How EPA is going to manage border issues with tribes for the next 5 years is an emerging issue. As of today, the Region 9 RTOC is still in the works and AIEO is planning to participate. This would be a good topic to include in that forum.

Felicia joined us in Scott Mason's absence, who was ill today and under medical examination in Oklahoma. He joined the Office in August 2019 and has been attending tribal forums to see the face of Indian country. He is an enrolled member of the Cherokee Nation and is very integrated in that way. He is tackling the big challenge EPA is facing. The GAP guidance is one of the most prominent areas of his focus. Scott wants to focus on simplifying the Guidance so they are reducing the administrative burden to tribes.

AIEO is taking a step back and looking at the GAP guidance to look for major issues before they begin consultations on the draft guidance. As soon as they have a better idea of the timing then they will reach out to let tribes know. The current guidance for 2013 remains in effect.

While in Alaska last month, Scott met with the Sitka Tribe, who is helping evaluate the safety of food due to climate change in the area. AIEO wants to help promote these considerations and perhaps the TPPC might be interested in this.

**Action item: TPPC to ask for the Sitka fish toxics study to go to the risk assessment workgroup.**

Another area where they want to promote this is with the national tribal caucus (NTC) AIEO directly supports this group and hopes to support the networks with other tribal partnership groups. How can there be a strengthening and leveraging of efforts and priorities? How can they be more creative with this? Felicia is interested in having a dialogue with this as it moves along. The TPPC has been helpful to

NTC in identifying priority areas as NTC develops their budget. For the NTOC meeting, they are considering this summer to optimize the timing. IN the mean time they have started a WG which will be meeting this spring, to include NTC plus EPA folks. Tribal risk is one area of concern. PFOS (perfluorooctane sulfonate) is another area. Amanda mentioned that Fred usually attends the NTOC. Who would like to attend with Amanda this year?

**Action item: take this up at the Executive Committee meeting this week.**

Amanda said that a tribal risk has been proposed where tribal risk issues could be presented and what the TPPC has been working on as a whole.

NTOC – National Tribal Caucus (NTC) chair, Gerald Wagner with Blackfeet, will be present. Nina suggested that tribal use of registered products on hemp would be a good topic for NTOC.

Nina mentioned WOTUS (the water protection rule) and impacts to ephemeral waters. One of the tribes in Region 9 is putting together to show these impacts. Felicia said that now is the time to iron out these questions.

Diania mentioned 21 nuclear plants on the Mississippi River – how does this affect water in Indian Country and those who draw from this?

**Action item: Amanda will find the overarching issues and hone in on the tribal impacts, find the right person, invite them to the TPPC.**

#### **EPA Updates & Discussion, by Emily Ryan, EPA/OPP & Helene Ambrosino, EPA/OECA**

*[Refer to the presentation slides posted on the TPPC website]*

##### OPP Updates

###### 1. EPA Finalizes Glyphosate Mitigation – Jan 30

EPA has concluded its regulatory review of Glyphosate. After a thorough review of the best available science, EPA has concluded that there are no risks of concern to human health when Glyphosate is used according to the label and that it is not a carcinogen - a finding which is in line with conclusions of many other countries and federal agencies. EPA is requiring additional mitigation measures to help farmers target pesticide sprays to the intended pest and reduce the problem of increasing Glyphosate resistance in weeds.

###### 2. EPA Releases Proposed Interim Decisions for Neonicotinoids – Jan 30

- EPA is taking the next step in its regulatory review of neonicotinoid pesticides.
- The agency has made proposed interim decisions for five chemicals (acetamiprid, clothianidin, dinotefuran, imidacloprid, and thiamethoxam) that contain new measures to reduce potential ecological risks, particularly to pollinators, and protect public health.
- The dockets for each chemical are open for public comment until Apr 3.
  - Neonics are a group of insecticides used on a wide variety of crops, turf, ornamentals, pets (for flea treatment), and other residential and commercial indoor and outdoor uses.
  - EPA is proposing:
    - management measures to help keep pesticides on the intended target and reduce the amount used on crops associated with potential ecological risks;
    - requiring the use of additional personal protective equipment to address potential occupational risks;
    - restrictions on when pesticides can be applied to blooming crops in order to limit exposure to bees;

- language on the label that advises homeowners not to use neonicotinoid products; and cancelling spray uses of imidacloprid on residential turf under the Food Quality Protection Act (FQPA) due to health concerns.
- Additionally, the agency is working with industry on developing and implementing stewardship and best management practices.

### 3. Publication of Draft EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country FRN

- FRN has published. Carolyn Schroeder Certification and Worker Protection Branch will be here later today to discuss in more depth, just quick mention for now.
  - Published on March 2, 2020, soliciting comments until May 1, 2020.
  - Rachel sent out over the TPPC listserv.
- We're currently conducting national tribal consultation, which began on Feb. 10. We held the first webinar on Feb. 26 and will hold the second on Apr. 6.
- Carolyn also plans to cover the Application Exclusion Zones (AEZ). Ryne Yarger (also from Carolyn's branch) gave an overview on the TPPC Exec Committee call in January.
  - Tribal outreach done Dec 19 and Jan 3.

### 4. Hemp

- As mentioned by Rick yesterday and Liza also touched on, currently 26 products currently registered, most are biopesticides that are tolerance exempt.
- Considering applications as we receive them.
- As Rick also mentioned, there are still a lot of questions – one of the most important being how FDA will classify hemp, whether as food or drug.
- Please feel free to reach out to Emily if you have questions on hemp issues under EPA jurisdiction – she can make sure questions on registration or risk assessment get forwarded to the right folks in OPP and she can work with her counterparts in OECA on enforcement-related issues.
- Also, please feel free to reach out to share any issues or trends you're seeing in tribal communities

### 5. Cooperative Agreement Competition

- No news to share, but Emily will make sure to share information as soon as the process allows.

### 6. Regulator in Residence Plug

- Reminder – through this program state and tribal partners can visit OPP for several days and we tailor agendas to each person's interests and goals.
- Training funding left, agreement ending soon
- Good way to get a sense of the inner workings of OPP and who relevant contacts are
- But really important to also educate people here on tribal issues – tribal team lucky to interact – but others stove-piped – the more people at EPA who understand tribal issues, it's a great way to bolster support Agency-wide.

Rachel suggested that the risk assessment workgroup come to DC and work with EPA's Health Effects Division (HED) to advance the tribal risk assessment work.

### Action items:

- Amanda to do a RIR write up and share with the TPPC.
- Emily to share the updated FIFRA calendar with new dates on event cancelations and postponements. *Note: PREP Combo moves to the week of September 14-18, 2020.*

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### OECA Updates

Helene Ambrosino explained the efforts underway by OECA. The grant guidance for FY22-25 will go out for comments to regions, states and tribes and will undergo tribal consultation.

The next is a commitment OECA made to the Office of the Inspector General who looked into cooperative agreements on the enforcement side. They looked at ~ 18 tribal agreements and they received very high marks! The OIG report was very complimentary. The one piece they would like is a guidance for the circuit rider program which would enhance the communication between the circuit rider and the tribes they served. The timeline is not yet known for this guideline. The guidelines would not be onerous or voluminous and speak to frequency and methods. Many of the circuit riders already have something adequate in place but the recommendations just better formalize the process for all. OECA will share this soon and solicit feedback.

Action item: Amanda or Suzanne to share the link for the OIG report which was formerly shared with the TPPC.

A few more things OECA is working on:

A 2-year pilot worker protection focused inspections. This as well as the revisions to the FIFRA WPS inspection manual underwent tribal consultations. Calls were held in October 2019 and EPA received feedback on the pilot program. It went out final in December 2019. The TPPC should all have received the framework for voluntary participation in the framework. OECA will evaluate the pilot program at the end of the two years to see if they want to move forward. If tribes want to participate then they would amend their cooperative agreements to effect their role in the pilot. Tribes should work with their regional project offer to incorporate this. It's not mandatory – it's an option.

The FIFRA inspection manual was revised in 2019. It includes SOPs for field operations. EPA will now routinely look at this every five years so the information is timely.

National Program Guidance – these reflect the direct implementation areas for FIFRA. There are four (4) focus areas:

- Product integrity
- Import compliance
- E-commerce
- Compliance assurance

Amanda invited Helene to join a future TPPC call to give an update once the NPG progresses plus an OECA overview.

Action item: TPPC to invite Royan Teter to a future call to go over eCommerce and the multi-prong strategy.

*[Refer to the presentation slides posted on the TPPC website]*

Royan Teter from OCE provided information on eCommerce platforms that range Amazon all the way to the local homeowner who wants to sell leftover product. If folks would like to do a deeper dive then they can contact Royan and refer to the slides.

There is a lot of collaboration to create better tools so they can police these things more effectively.

What's your strategy to see who is putting products online? Are there existing regulations not being followed or enforced? Nina would like more information on how this works and what's being done.

Royan said that data mining is a large part of this but they don't have enough eyes to catch the universe of products. "Data scraping" is the term they use for this surveillance activity. Data analytics for US Customs databases is another means of discovering this. Some statutory changes might be needed to cover third-party sales.

**OPP / TPPC Tribal Risk Assessment Discussion, with Mike Metzger, Sarah Dobreniecki, David Nadrchal, and Kristin Rickard**

*[Refer to the presentation slides posted on the TPPC website]*

Amanda introduced the risk assessment workgroup and highlighted the actions the group has completed. They've been able to meet with EPA's Risk Assessment Division.

Rachel introduced the Health Effects Division (HED) team, led by Mike Metzger. Mike would like this to be more of a discussion versus presentation and to hear more from TPPC. His team has a lot of data that he thinks the TPPC could use to do tribal risk assessments.

This is a preliminary to a case study EPA would like to do and to find out how useful the data is to tribes, find out what data is missing how to obtain it, and what are the exposure scenarios of highest concern. Amanda said that this is a closed-door session and the information would be used strictly to inform HED and the information won't leave the room until they decide on the path the group agrees they should pursue.

If they use a screening level assessment of high inputs with lots of data then they can focus on other areas of concern. The data is made up of information submitted in support of pesticide registrations. It also includes a literature search on the same to determine gaps.

The risk assessment paradigm: at what point is the pesticide going to give you a toxic effect? How are you exposed? These pieces come together to characterize the risk. EPA/HED gets a lot of tox data. Oral, dermal, inhalation route are the major uptake pathways considered.

- Acute
- Sub-chronic (21-90 day exposure)
- Chronic (1-2 years)
- Mouse, rat, dog, rabbit are considered.
- Once the data analyzed they look at the tox hazard.
- Where are there no adverse effect eves? THIS is where they want to establish their endpoint at the NOEL (no observable effect level).

Question: what about the surfactants of concern, like the one Roundup has?

Mike said they have some tox data that can cover that which addresses life stages (fetal, multiple generations of lab species, etc.)

Residue chemistry. Major areas include:

- Metabolism (plant and livestock)
- Residue analytical methods
- Residue Field Trials
- Rotational crop studies

- Livestock feeding studies
- Food processing studies
- Residue monitoring studies

Residue field trials: crop groups. Groups of crops with similar characteristics. Field trials for representative crops in crop groups are frequently sufficient to cover all crops in that group.

- Purpose: To **quantify** residues in crops under a range of field conditions
- While typically 1-3 plant metabolism studies would typically be required to represent all crops for a chemical, 3-20 field trials will be required for *each* crop.
- A specific number of field trials is required from each region where the crop is grown, proportional to the acreage of the crop grown in each region

Livestock feeding studies - this model does not translate to fish consumption, which are more complicated.

- Purpose: To **quantify** residues in meat, milk, poultry and eggs resulting from livestock consumption of treated feed, or direct application to livestock
- While the livestock metabolism study is required for each type of livestock (typically chickens and ruminants), feeding studies are more extensive, and include several dose levels, more animals, and a longer dosing duration

Dietary exposure assessment – two components

- Food and drinking water residues
- Food and drinking water consumption

Wildlife exposure factors handbook - HED has a lot of info on what wildlife might eat and they can get an estimate of what the high-end residue exposures are in ruminants and things important to animals.

Drinking water – EFED uses two sources of monitoring data.

- Surface water: lakes, reservoirs, rivers
- Ground water: underground sources

Occupational post-application workers – these are already taken into account in the typical risk assessments but the data could provide insight into unique tribal exposures in some cases. The three major inputs are dislodgable foliar residue, transfer coefficient, and time spent working.

Three major inputs:

- Dislodgable Foliar Residue (DFR): Residue on foliage which can rub off onto worker's skin
- Transfer Coefficient (TC): Measure of contact with foliage while performing a specific activity
- Time spent working

Other ORE Issues: bystander exposure.

- Volatilization
  - Residential bystander risks from exposures to pesticides volatilized into the air from agricultural applications
  - Volatility Calculator
    - Input: tox PODs, vapor pressure,  $K_{OC}$ , app rate, solubility
    - Output: buffer distance
- Spray drift
  - Residential exposures resulting from agricultural spray drift
  - Assumes a child playing on residential turf near an agricultural application – Residential Turf SOP used

- Typically driven by children's hand-to-mouth risks

Where can we focus to advance this work together? Mike said that one approach we could do is to rank the highest rank exposure. He says it's fish consumption, which is the hardest to deal with. He said we could look at the largest risk scenario of concern to tribes and look at the one at a time. Then they could do a screening level risk assessment. Amanda suggests the group adopts the latter.

Nina says if we have a 1-pager on what the risk assessment workgroup has done to share with her tribe then this would help advise her tribe and encourage their participation in the data capture.

Amanda 1) specific project 2) risk scenarios 3) what some of the tribal data with the regions has been codified to be considered.

**Action item: Nina to send Amanda fish consumption work.**

### **Presentation from the Smithsonian Institute Museum of Natural History, by Eric Hollinger**

*[Refer to the presentation slides posted on the TPPC website]*

Due to the current public health concern, Eric joined us via telephone.

Diania Caudell introduced Eric to the group. Eric has been quarantined due to exposure to a co-worker suspected of having corona virus. Out of an abundance of caution he is joining remotely.

The butterfly and bird collections are the primary ones and others have been added on to them. There are Native American collections across several of the facilities. There are 3,000,000 objects from all over the world: capes, basket, duck skin parkas, etc. There is a huge array of items in the many collections. Many of them are pretty old and date back to the 1830s when they were collected, but they are much older than that. Many have suffered insect damage either while in the hands of collectors or while in storage at the museum. If there are feathers that are well-preserved, then it's possible they were treated with something to help sustain them.

Eric said that there are likely hundreds of pesticides used in the collections but they are not certain what they are and which items have been treated.

Pesticides are used to destroy eggs and larvae, to preserve the color and softness of the texture of fabrics/skins/furs, to prevent attacks of insect enemies in the future, to reduce the danger to the curator and others to the lowest amounts. What does this latter risk pose?

There was a poison room in the Smithsonian where they would treat the items.

There are two federal repatriation laws:

- National Museum of the American Indian Act (NMAI Act) 1989
- Native American Graves Protection and Repatriation Act (NAGPRA) 1990

Collections subject to the laws: human remains, funerary objects, Sacred Objects, and Objects of Cultural Patrimony.

The tribes who get back an object via repatriation then they want to make certain they are not exposed to pesticide residues. XRF testing via a handheld device is one such tool to determine the presence of heavier elements and it does not damage the object.

The museum has grants available for repatriation travel. Federally recognized tribes can apply for funding to send up to two people for consultation travel. There is also a community scholar fellowship and Native American student fellowship for lengthier periods of study. Eric encouraged folks to apply for these funds in order to travel and visit the collections.

Eric said that tribal members need to be aware that pesticide residues are present on the material and that they should take safeguard measures to avoid exposures.

How are they able to test the artifacts for the actual pesticides used? The only way to tell if something was there was a by-product since associated with a pesticide Mercury is their main concern and how it can build up in a cabinet and there is potential for exposure when the cabinets are opened. If concentrations were measured at high levels then they seal them. They have found that the cabinets are safe to work in after they are open after about 20 minutes or so. As far as they know, they are the only museum in the world that tests for mercury in their collections.

The museum is willing to connect remotely to areas and customize the PPT with collections specific to the region.

Organic pesticides like naphthalene don't have good methods. They can place an item in a bag and if it volatilizes then a "sniffer" can detect what's in the air as to the presence.

#### **Tribal Caucus**

This session was a chance for the tribes to have candid conversation about the day's session. Nina will report-out on items in tomorrow's meeting.

**Tribal Pesticide Program Council – Full Council Meeting**

Arlington, VA

**DAY TWO, Thursday, March 12, 2020**

Nina called the meeting to order at 8:06 AM.

**Tribal Caucus Update, by Nina Hapner**

Nina Hapner reported out on the previous day's tribal caucus session.

A big concern voiced by TPPC members was that as much as 60% of EPA staff will be retiring soon. How can we build institutional knowledge with our interactions with EPA and also internally?

Nina expressed gratitude on behalf of the TPPC for the EPA tribal team that's been serving the past few years. A few of the TPPC members met the previous evening with Rick Keigwin and Ed Messina to talk about issues of concern for tribes. The Council would like to have a sit down with Amanda to see how can we do that to strategize on goals for the future. Nina commented that Ed Messina was engaged and attentive. He was formerly in OECA and is an attorney and can assist with enforcement concerns.

Covered pollinator protection and native funding, risk assessment and how it impacts the basket weavers and gatherers. Hemp and medical marijuana are a concern and we need to start dealing with it.

Eric commented on the Section 18 / 24C pilot with Yakama Nation.

**Action item: Suzanne to send Amanda the PDF with the historic Section 18 / 24C documents.**

Lucy felt both OPP leaders were good listeners and felt it was a new story for them to listen to with the tribal basketweavers. The group also spoke about budgetary challenges with the rise in direct and indirect costs, using inadequate PPE due to not enough funding.

Amanda said the group started by introducing themselves and they all had an exposure story to share. Native pollinators was a topic to follow up on with Rick and Ed. USDA is leading an effort for research on pollinators and perhaps there's an opportunity to collaborate to have native pollinators included.

Status report and having a debrief. Create a PPT and highlight the ASKs. Supportive in general to have these ongoing conversations and would like to attend the next in-person meeting.

If we are going to continue the continuity between TPPC and EPA then we need to do some planning.

Lance mentioned that the 60% retirement eligible has been a static number for the last decade. Looking back he said that there has not been a mass exodus that people leave just because they are eligible. The hiring process here lends itself to have passionately interested staff as they continue on their journey supporting environmental protection.

Nina said they see the same thing in their tribal programs with turnover and the need to keep this in mind as we proceed.

**Action items:**

1. Nina to talk with Amanda about transition planning for EPA staff turnover.
2. Look at possibility of a 2-day strategic planning retreat under the next grant cycle. Talk about this on a monthly call and the effort will include the new grantee.

## Status of Pesticides in Indian Country Report, by Bob Gruenig

*[Refer to the presentation slides posted on the TPPC website]*

Bob gave an overview of the timeline of this 8-year project.

- May 2012 report, concept to mimic National Air Association report. This all happened with NETC had the grant then went defunct. Brian Davidson with ITCA took it on and included Bob.
- August 2015 Report outline
- August 2016 report concept and outline resurrected
- October 2016 – March 2018
  - Four breakout sessions
  - Individual sections drafted
- October 2018 – committed to drafting full report
- December 2018 - Feb 2019 (first and second draft of report)
- March 2019 (report reboot #1)
- September – October 2019 (report revision #1)
- October 2019 (report reboot #2)
- March 2020 (report revision #2)

In summary: it's been about 8 years. We are not trying to draft the U.S. Constitution and make every sentence perfect. The goal is to get a document out there to serve as the foundation. Desire to break Executive Summary into more than 1 paragraph.

Bob reflected his appreciation the workgroup and EPA staff for all of their contributions and support!

Ground rules for the review:

- Make certain data included is accurate
- No major changes
- Goal is to get it released soon to serve as the basis for amending

The report audience changed a couple of times and it landed as general interest.

A goal is to goal to integrate tribal pesticide exposure scenario pathways into EPA risk assessment policies and procedures and risk assessment models. Tribes have been asking about tribal risk assessments for many years. How is the Agency doing RQ models? How are unique tribal exposures accounted for?

We have been wanting to focus on a case study with HCBP and fish consumption. The tribes have done their own risk assessment work for many years.

EPA is planning for an upcoming tribal risk assessment forum with multiple entities. Tribes aren't going to contribute data to an effort unless it benefits them. Another barrier is not wanting to share personal data. This is what EPA has been hearing from other tribes.

T-First is another risk assessment screening, which USEPA has taken over.

If EPA can set up the tribal risk assessment forum and not just for TSCA and RCRA then this is a goal.

Action item: Amanda to share an outline with TPPC that she and Fred have been working on.

Are there ways to look at the different risk assessments done with the tribes and bring the to look at a national scope? Or can we look at them to build ranges EPA has never done this in the past and the TPPC should be proud of themselves for bring a part of this effort. They may not have the QA-assured data.

Amanda said there were also conceptual charts. See page 9 for tribal lifeways and the inclusion of this. There have been some international partners on this as well. The proverbial iron is hot and there is room on the workgroup to move this ahead. Alaskan Native Villages are not represented on the TPPC or in the workgroup so the scope of the report does not include their unique needs at this time.

Data concerns: If a tribe submits data for the risk assessment consideration, they don't want it to be subject to a FOIA so this needs to be built into the process.

Use tribal stories so EPA can use the data they have in their risk assessments. EPA is not asking for the tribal data unless they want to share. What are your exposure issues? How can we use the existing data to help understand your scenarios? EPA is not asking for any new case studies. Nina said that there are ways that tribes can provide data in a manner that preserves private information.

#### FUNDING

Tribes need more PREP-like courses and their issues that pertain more to the tribes. If PREPs are not appropriate then propose that something analogous to PREP which addresses tribal needs. Amanda said to focus on the report and how to guide the recommendations.

Include Helene in the conversation about tribal credentialing and the applicability of Tribal PIRTs to this.

#### Action items:

- Ask Helene to invite a speaker (to a monthly call? Or an in-person meeting?) to come and talk about federal credentialing for tribes.
- Nina and Bob to add content about PREP.
- Bob to re-write executive summary and send to EPA.

NTOC meeting in July, so as long as we have it done by July 1. Create some strong PPTs to Image deadline now 30 days away.

#### Action items:

- Suzanne to send out the image requirements to the TPPC.
- Share the model release form and photographer permission form. Deadline for images April 12.
- Suzanne shared 3/12/20 the NTC funding document originally shared 10/15/19.

Brandon Lee: For IHS or BIA could be good options for open source images.

Prefer endnotes or footnotes? How to ID call-outs. Are they verbatim, ID'd by the author, or done by the formatter? Discussion about how often to update, how to update priorities. How do we want to measure progress on the priorities?

Timeline, as per slide:

- Only extending the image deadline
- Report finalization and distribution process - June 2020.

Nina would like to keep the workgroup active and include a section on monthly calls when revisions are needed. Perhaps instead of adding new sections, there would be a standalone 3-pager on a current

property, such as pollinator protection. The report and resulting issue papers can be good reporting documents.

Page 22 and worker protection – the conversation Amanda heard last night was not reflected at all. The need for PPE on Navajo Nation in order for tribal inspectors to do their jobs safely. Strike paragraph 2 on page 22 about people huddling around the screen.

Suzanne mentioned that the availability of EPA-approved WPS training materials for workers and handlers in indigenous languages is a true gap and is not one that PERC has been able to fill.

TPPC members – if terminology questions – ask Bob and provide alternate working by April 12.

Amanda suggests: Read through it, highlight the issues and recommendations, Appendix A is meat and potatoes, here's the report, here are the issues, here is the ask, what are we going to do?

We are not going to do any revisions to the document, but EPA will review it once it's published.

**Action item: Invite EPA tribal team to review the facts and tone supporting the report recommendations to make sure they are worded appropriately. Due back to Bob April 13.**

#### **EPA Lead Region Update, by Peter Earley**

Peter gave a brief summary of selected EPA Regional activities related to tribes.

Topics covered:

- EPA federal certification plan and tribal options, 3 of them, to meet by March 4.
- OIG comments on tribal circuit rider programs. Recommendations for how EPA can improve these.

Region 1 – Macahapee Tribe will offer an IPM conference the last week of March or first week of April using STAG funds.

Region 4 – STAG money to Eastern Cherokee band for pollinator

Region 5 – planning to hold a tribal env conference this spring, dealing with territorial dispute with an aquatic applicator

Region 6 – Muscogee Creek tribal PIRT will be held in OK in April

Region 7 – will hold pre-SFIREG meeting November

Region 8 – Fort Peck spraying, collaborated with 3 tribes who applied for grants

Region 9 – Katie Wilcoxon at RTOC talked about tribal consultations

Region 10 – improvements for communications with tribes and at the start of their certification plan reviews with tribes; will conduct a tribe childcare survey, starting this spring. Participating in pesticide ride-alongs inspections to get a better idea of how tribes do their inspections.

**Action items:**

- Peter to provide a written version of the sublead region report to Suzanne for the notes. Peter to send the full presentation once he asks all the regions for updates.
- Consider inviting tribes from Hawaii, Guam, territories.

**SFIREG Update, by Liza Fleeson Trossbach**

*[Refer to the presentation slides posted on the TPPC website]*

Liza thanked the group for the privilege to be here. She reflected on the morning conversations and the shared challenges between states and tribes: data and telling your story, funding. Having looked at the report she thinks AAPCO can help leverage some outcomes.

- Enforcement response time
- Measures
- Training opportunities

AAPCO just met this week and SFIREG is a committee of AAPCO.

Presenting issues to full SFIREG –

White paper or an issue paper

- Issue papers document significant issues of national concern.

Pesticide devices o healthcare facilities – issue paper submitted as a white paper in June 2019.Sent to POM for consideration September 2019. Forwarded to EPA January 2020.

Full SFIREG items of interest: Pesticide regulation on crops

AAPCO has put together a SFIREG workgroup – label improvement project. It’s a long-term project to look at label improvement. Megan Patterson, Maine Dept of Ag, Liza Fleeson is project chair. Putting together the core management team made up of SLAs and EPA and putting together the big picture plan with perhaps 5 major areas. Once that’s done then the execution teams to put together the specific. At different stages there will be different stakeholders. The workgroup will be reaching out to TPPC once the project as soon as there is a draft for their review and input.

**SFIREG Working Committees – Looking Ahead**

<b>POM</b>	<b>EQI</b>
<ul style="list-style-type: none"> <li>- Multi-packs and co-packs;</li> <li>- Paraquat labeling and FAQs;</li> <li>- “Challenging” labels for example Dicamba;</li> <li>- Disinfectants, for example, antimicrobial wipes in schools; and</li> <li>- Hemp.</li> </ul>	<ul style="list-style-type: none"> <li>• Cover Crop Issues and Plant-Back Restrictions;</li> <li>• POINTS and Water Programs;</li> <li>• Dicamba:               <ul style="list-style-type: none"> <li>• <i>Information and data gathering procedures;</i></li> <li>• <i>Data collection and submissions to EPA OPP.</i></li> </ul> </li> </ul>

- 2020 AAPCO Board of Directors
  - Leo Reed, IN, President
  - Pat Jones, NC, President Elect
  - Liza Fleeson Trossbach, VA
  - Cary Giguere, VT
  - Megan Patterson, ME
  - Gretchen Paluch, IA
  - Rose Kachadoorian, OR, Immediate Past President
- Full SFIREG Chair – Gary Bahr, WA (June 2020)
- EQI Chair – Carrie Leach, IN (June 2020)
- POM Chair – Jeffrey Rogers, VA (Current)

## Partners, affiliates and adjuncts

- TPPC
- ASPCRO
- AAPSE
- NASDA
- Lab directors
- EPA, Regions, OPP & OECA
- CTAG
- Others

## Moving forward on the issues

- Are there opportunities to collaborate on these and other issues?
- How is the collaboration best managed?

Ted: label improvement – states that many of the issues are the secondary registrants and Liza agrees.

One of the things that ASPCRO does well is to provide training. They've taken EPA to mock inspection sites to look for structural pests. States, tribes and territories can all be members of ASPCRO. They have an inspector training committee. In conjunction with their annual meeting in August, a 1-day training for new inspectors and investigators. ASPCRO is pretty agile and if there are training needs and a tribal meeting, ASPCRO can assist by coming in or bringing in the industry to do specialized training. They can bring trainers to tribes.

If there was a tribal meeting and we wanted to offer 2-hour or a full day then they can bring the training to TPPC. One of the trainings they did for EPA was fumigation training. They worked with NPMA where they could show a fumigation. Liza is happy to serve as the contact to ASCRO.

## Action items:

- Invite ASPCRO to a monthly call to hear more about the training options available to tribes.
- Share the published draft of the Status Report with AAPCO to see if they can help the TPPC move forward with the recommendations.
- Invite Ed Messina (or another) to a monthly call to deliver the AAPCO hemp presentation to inform TPPC.
- Invite Gary Bahr to a future in-person meeting and call.

## **Worker Protection Standard / Certification and Training Update, by Carolyn Schroeder & Jennifer Park**

*[Refer to the presentation slides posted on the TPPC website]*

Other Certification and Worker Protection Branch staff in attendance included Stephanie Burkhart and Tracy Lantz.

WPS-focused inspection pilot – is there a 1-pager which describes the pilot?

Action item: Carolyn to ask Helene Ambrosino and will follow up to Eric Gjevre.

Certification & Training topics with Jennifer Park -

## Options for tribes

1. Tribal-EPA written agreement
2. Tribal certification plan – an agreement with the EPA region

3. EPA plan for Indian Country\* - tribes don't take any action and are covered by EPA. Choctaw is one example in Region 4.
  4. Opt-out of EPA plan for IC (i.e., no RUP use on tribal land)
- \* No opt-out option for the 2014 EPA Plan

Question: If a tribe opts out (#4), then does EPA still have legal mandates to do inspections? No. It's up to the tribes to do the inspections.

#### Tribal options and EPA's flexibility

- Tribes covered by the EPA Plan may submit a tribal-EPA agreement, a tribal certification plan, or opt out of the revised EPA Plan at any time.
- Tribes can also opt back into the proposed EPA Plan at any time.

Add 2 to the count for region 7 to the tribal plans submitted chart.

Most Region 9 tribes fall under the current EPA plan.

#### EPA Plan for Applicator Certification in Indian Country

- Federal Register Notice announcing proposed revisions to the 2014 EPA Plan
  - Published March 2
  - [Regulations.gov](http://www.regulations.gov)
  - Docket: EPA-HQ-OPP-2011-0037
  - Comment period 90 days (closes June 1)
- HQ – tribal consultation
  - Session 1: Feb 26
  - Session 2: April 6
  - Comment period through May 1 at [tcots.epa.gov](http://tcots.epa.gov)
- EPA is seeking comments on proposed plan, specifically:
  - Predator Control Categories
  - Should EPA continue to provide sodium cyanide and sodium fluoroacetate as categories for federal certification to apply in Indian country?
  - Identification Verification
  - Is the proposal a reasonable means for tribes to ascertain identity verification? Are there any barriers for tribes where this identification verification would not work?
  - Private Applicator Certification
  - Are there other methods or recommendations to assure private applicator competency in the absence of passing a certification exam?

#### Resources

- EPA's website: <https://www.epa.gov/pesticide-applicator-certification-indian-country>
- [Regulations.gov](http://www.regulations.gov) and [tcots.epa.gov](http://tcots.epa.gov)
  - Docket: EPA-HQ-OPP-2011-0037
  - Tribal Certification Plan Outline
  - Fact sheet on options available to federally recognized tribes (Outline's Appendix A)
  - Proposed revisions to EPA Plan

**Old Business / New Business / Action Items from Days One and Two**

Topics proposed for tomorrow's Executive Committee meeting:

- PIRT options with Kelly Engle - **CONFIRMED**
- Amanda mentioned that Fred usually attends the NTOC. Who would like to attend with Amanda this year? Send to the EC meeting for a topic.
- How to manage in Fred's absence – how to include him, communications.
- Topics for NTC.
- Priorities for the balance of the FY20.
- Brainstorm pollinator protection.
- Brainstorm on options for cooperative carryover.

Meeting adjourned at 4:15 PM.

**Tribal Pesticide Program Council – Executive Committee Meeting**  
Arlington, VA  
**Friday, March 13, 2020**  
**Meeting Notes - Draft**

Nina Hapner called the meeting to order at 8:13 AM

Attendees:

Tribes (5)

- Jefferson Biakeddy, Navajo Nation
- Eric Gjevre, Coeur d'Alene Tribe
- Nina Hapner, Kashia Band of Pomo Indians
- Tony McCandless, Gila River Indian Community
- Larry Scrapper, Cherokee Nation

Tribal Organizations (1)

- Diania Caudell, California Indian Basketweavers' Association

EPA (6)

- Amanda Hauff, EPA/OCSP
- Kelly Engle, EPA/OPP
- Emily Ryan, EPA/OPP
- Rachel Ricciardi, EPA/OPP
- Peter Earley, EPA/Region 9
- Lance Wormell, EPA/OPP

Other (2)

- Bob Gruenig, TPPC
- Suzanne Forsyth, UC Davis Continuing and Professional Education

Topics proposed for the Executive Committee meeting:

- PIRT options with Kelly Engle
- Amanda mentioned that Fred usually attends the NTOC. Who would like to attend with Amanda this year? Send to the EC meeting for a topic.
- How to manage in Fred's absence – how to include him, communications.
- Topics for NTC.
- Priorities for the balance of the FY20.
- Brainstorm pollinator protection.
- Brainstorm on options for cooperative carryover.

<b>Overview of the Pesticide Inspector Residential Training Program, by Kelly Engle</b>
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Tribal PIRTs are offered on even years. EPA has been administering PIRTs since 1994. They have encountered challenges with finding meeting hosts due to the need for hosts to have a mechanism to manage reimbursements, plus travel restrictions to the host state. Many of the same entities are hosting the PIRTs, which places and admin burden on them. OECA considering redoing the terms for PIRTs.

- Compete it nationally, like PREP.

- Competitive grant for the 3<sup>rd</sup> party organization – they only worry about logistics; the host manages the agenda and works on the meeting.
- Leave as is.

Action item: Suzanne to send out the email to TPPC. Members to send thoughts to Kelly by March 23.

Topics are already chosen for 2021. Tribal PIRTs are every other year. 2008 was the first tribal PIRT. 2014 the rotation went to every other year for PIRTs.

Questions: do tribes need to have an enforcement cooperative agreement in order to host a tribal PIRT?  
No.

Question: could a tribe host a national PIRT? Yes. It could improve state/tribal relationships.

Refer to the PIRT charter for more information. A benefit to hosting is that the host can send many of their inspectors once it's local. Host staff can often have their staff serve as speakers.

It's up to the host to decide where the trainings are held. EPA would still be involved as will the host.

#### **National Tribal Operations Committee Meeting**

EPA established NTOC in February 1994 to improve communication and build stronger partnerships between EPA and federally recognized tribes. It is comprised of 19 tribal members from 9 EPA regions (these members are collectively referred to as the NTC) and EPA's senior leadership. The NTOC serves as the forum for the NTC and EPA senior leadership to work together on policy and resource matters related to tribal capacity building, and environmental programs in Indian country.

Slated for July, 2020. Who will attend NTOC with Amanda?

Topics to propose for NTOC, which are presented to EPA's/NTC's highest level of management. Items mentioned during AIEO:

- Tribal risk
- PFAS
- Hemp (exposure, pesticide products used, tribal examples of why this should be handled different from other enforcement cases, jurisdictional issues)

Of the list above, hemp is the new one. Nina wants folks to understand that what we discuss with hemp will likely fall over into medical marijuana. Given the jurisdictional issues, Amanda is thinking that perhaps we shouldn't hold this in such a high-level forum.

Amanda proposes hemp as a priority topic for Nina's regional RTOC but not at the NTOC. Nina still wants to present it and have the regional NTC rep to decide if they want to bring it to NTOC.

Propose hemp to be a priority, EPA to develop a 1-pager for tribes. This helps TPPC educate other tribes to convene. Knowing we want to look for opportunities to convene with other agencies, Amanda could begin that conversation with other agencies. Let's start with 1-pager could roll into other things.

Could this be a good place to engage Liza for context to see what the states are doing? This could give TPPC a good starting point. This is a future project for POM.

Action item: EPA to work on a hemp fact sheet, which TPPC could use for outreach.

## Transition Planning in Fred's Absence

Fred has a journey in the next 4-6 months. Nina spoke with Jasmine and they both communicated the same thing. Fred left it up to the Executive Committee if they would like him to continue as TPPC Chair, or should he be removed and the Vice Char assumes his post.

Nina and Jasmine both told Fred that they would leave it up to him and how he feels. For his personal well-being and recovery, he is stepping back for 4-6 months.

Jasmine is interim chair and she's aware of this. Eric nominated Nina to serve as vice chair and she is tentative to agree. Emily suggested we carve out the duties for the chair and vice chair for upcoming activities and share and make sure we are all on the same page. Don't cut Fred out of the loop so please copy him and he will respond as he is able.

### Action items:

- Emily to send an email that the meeting cancelled until April, include agenda items.
- Items from the March meeting, proposed leadership coverage.
- Emily to follow up with Jasmine on how to set the agenda items for April call.

Agenda topics so far, April call:

- Transition
- Status report
- Options for carryover funds
- Priorities
- Continue conversation with Mike Metzger?

## Options for Carryover Funds

1. Consider travel to pesticide-related training
2. Consider Regulator in Residence (RIR) options for up to three (3) TPPC members
3. RIR – risk assessment style to meet with HED/ORD
4. Risk assessment data – larger data collection effort for tribal risk exposures. Anecdotal information. ID gaps? RA workgroup could work directly with HED

EPA will be doing a lit search with ORD. Tribal risk assessment forum in 2021 with NTC and the tribal science council. No-cost extension could go through September 2020 and the forum would be summer 2021 so this could work.

CA tribal epidemiology center. Tribal epidemiology data sources. Could UCD CPE hire an intern to collect data? Questions about IRBs and data release.

Need: 1-pager on what the TPPC would want CPE to harvest, how it's to be used. Have the RA workgroup provide feedback, have EC provide feedback, Amanda to take to ORD to align.

Frazier, UCD graduate, did a fish study to inform the beneficial uses for the State Water Plan. Study done around 2010-2011?

5. Other ideas:
  - Expenses for bed bug training materials for homes and schools. Nina to put together a list of the training information and supplies needed for her to do in-person training of tribal environmental professionals. Building a toolkit with written materials and props. Larry ordered steam cleaners,

vacuum, bed bug life stage examples, mattress covers, etc. Who would get these and how would they be used? Housing or Env departments. What's the process to determine?

- What's the request from whom, make the inf relevant to that community, depending on what actual items go in it and the resulting cost, determine how many we could afford, do a communication and outreach plan (e.g., HUD). Use existing stuff we have, get ID cards, life stage cards. Purchase mattress covers to use only as a prop. Larry to share with Nina the outreach materials he used. Outreach plan due by end of April. Amanda to work with Nina on the proposal. Option would be to request funding for training needs.
6. Strategic planning retreat – 2 days to determine future needs, need a facilitator, preferably tribal. Would this be better including the new grantee. January / February 2020. Phoenix area. Amanda suggests that this be funded under the new cooperative agreement.
- Idea: send out a proposal via email that we use the funds for this workshop, timing, pros and cons, how could it look, who to include, etc. Approx cost.

Question: when does the request for the NCE need to arrive? Need a plan for how the money is used, approx. budget for activities. If the NCE and approx. workplan is due in July??? Then how soon to have a draft to approve? Take up on the April call. TPPC to present a draft proposal on the April call.

The TPPC did a ranking exercise of the ideas from above to guide prioritization.

#### #1 Risk assessment support (10)

- Literature search
- Data/studies
- other

#### #2 Funding for pesticide-related training materials (8)

- (bed bug toolkit, gathering materials)

#### #3 Two-day strategic planning meeting (7)

#### #4 RIR (risk assessment workgroup, travel for TPPC members to tribal risk assessment forum, RIR for other interested peeps/WG or not) (4)

#### #5 Travel to pesticide-related trainings (3)

We should float this on the April call to get a greater consensus of TPPC member input.

### **Pollinator Protection**

Pollinator protection – this is a renewed Agency priority. Amanda's interest is in the research side. Amanda met with the Tribal Science Council. They and PRD are interested in collaborating with the TPPC in what's needed as far as research and outreach. EPA is moving forward with Office of Water and other internal offices on this effort. Partnering with the Tribal Science Council would open up new doors for the TPPC. There's an opportunity to inform the research. For now, providing feedback to the research plan is the first step.

Discussion about how states and other tribes are managing native pollinators in their plans. Liza Fleeson Trossbach would be a great resource as to what's out there in addition to findings from the AAPCO pollinator survey.

Suggestion: Come up with something for inspectors they can use out in the field. Create a checklist? Gila River worked out a process with agreements to access lands leased/owned by the grower. This keeps them off tribal lands. It's possible to model something like this in the form of a code or policy so the

grower can know when an applicator is present and pollinators are protected. This is in the code so it's enforceable. If they find a location with an apiary with signs, applicators must contact the GRC office. Eric mentioned that the work Rez Bees is doing in Spokane is notable.

The group agreed to propose pollinator protection as a potential priority to the Full Council. Pollinator protection training for tribes is another area of interest.

<b>FY 2020 Priorities</b>
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1. **Status of Pesticide Report** – moving ahead. Need to take some time on how the updates will occur (how often, how to manage them). Can determine on a call.
2. **Tribal risk assessments** – door is open with HED and ORD and this is an exciting time.
3. **Direct implementation** – minimal progress made. EPA started a draft to explain how DI could benefit tribes. Workgroup members: can't recall. Peter is working on this. Amanda will attend the next EPA regional monthly meeting with Emily. The hope is the GAP guidance clarification will help satisfy immediate needs. Still some work so let's retain this.
4. **Pollinator protection** – include as a proposal to the full council.

Hemp? This is not a concern for Gila River. This does not seem to be a broad-based priority for the rest of the Executive Committee so we will not present this on the next call as a potential priority.

The meeting was adjourned at 12:01 PM.