

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
01/15/2020
Call Notes – Final
Call in number: 202-991-0477, Pass Code 6135015#

Roll call:

Tribes

- Fred Corey, Aroostook Band of Micmacs
- Nina Hapner, Kashia Band of Pomo Indians
- Joe Herrera, Yakama Nation
- Tony McCandless, Gila River Indian Community
- James Jackson, Muscogee Creek Nation
- James Williams, Muscogee Creek Nation
- Andrea Mitchell, Cocopah Indian Tribe
- Gerald Wagner, National Tribal Caucus
- Diana Caudell, California Indian Basketweavers Association
- Amelia Marchand, Colville Confederated Tribes
- Larry Scrapper, Cherokee Nation
- Carol Kriebs, Kootenai Tribe of Idaho
- Ted Puetz, Ak-Chin Indian Tribe
- Eric Gjevre, Coeur d'Alene Tribe of Idaho
- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Jim Mossett, Three Affiliated Tribes

Tribal Organizations

- Amity Furr, Eight Northern Pueblos Council
- Africa Dorame-Avalos, ITCA

EPA

- Emily Ryan, EPA/OPP
- Rachel Ricciardi, EPA/OPP
- Helen Ambrosino, EPA/OECA
- Peter Earley, EPA/Region 9
- Jonathan Binder, EPA/OECA
- Amanda Hauff, EPA/OCSP

Other

- Suzanne Forsyth, University of California Davis Continuing and Professional Education
- Bob Gruenig, TPPC

1. Welcome/Introductions (00:00 - 00:05)

Fred Corey, TPPC Chairperson, facilitated the roll call. Attendance was logged throughout the call for the 18 tribes and tribal organization representatives.

2. EPA Updates (Emily, Amanda, Peter, et. al.) (00:05 - 00:15)

Emily Ryan, EPA/OPP; Still working out logistics for tribal consultations in Indian Country for C&T. There may be 6 or so tribes that have something in place. The march deadline affects them most so they will work with regional contacts to make that happen and Emily will share more about the timing on this.

Jim is working with Blake Huff at Region 8 in drafting his tribe's C&T plan. They are moving ahead pretty well to make the March deadline. He asked if a certified applicator will be coming onto the reservation, is there a way that the tribe can be notified as to the certification status when they arrive to apply? Emily said that EPA does not maintain a database but she will refer to the question to the CWPB. She suggested he work with his regional office to provide information about who is and is not certified in case he has any questions about that. Amanda agreed to assist as well.

Thanks to Rachel Ricciardi for sharing this link to the "Applicators Certified under the EPA Plan". As the link explains, EPA provides information about applicators certified under the EPA plan to make tribes aware of certified applicators in their area and to facilitate communication between tribes and certified applicators. This information is provided in the link below and is typically updated monthly.

<https://www.epa.gov/pesticide-applicator-certification-indian-country/applicators-certified-under-epa-plan>.

Helene Ambrosino, EPA/OECA – Carol Galloway circulated a draft circuit rider guidance memo, applicable to folks with FIFRA STAG cooperative agreements. Helene thanked those who submitted comments on the draft and she will circulate it again. Not a lot of changes were made but she received very good suggestions to incorporate them. She is anxious to get to work with folks and know their issues and step in where Carol left off.

Peter Earley, EPA/Region 9 (Lead Region) – Peter reports that he is back full time at EPA and will rejoin the calls more often. He has able to continue his monthly calls with regions and the C&T plans have been the focus for the past 2 months. You may contact him with any questions.

Amanda, EPA/OCSPP – EPA is looking to hold Tribal Consultations with Alaska Native Corporations. It's a 120-day period open until April 14, 2020. EPA is still working on their interactions with GIO on the requests that came from House of Reps Natural Resource Committee with questions about how EPA holds Consultations. Amanda is working on warping up the tribal lead curriculum and thanks Larry and others which have been working on this. They hope to get out in the next couple of months.

Rachel Ricciardi, EPA/OPP – TPPC Risk Assessment workgroup. Yesterday the workgroup held a productive call. They reviewed and summarized the risk assessment case study and questionnaire. Thanks to everyone who filled that and submitted it. The workgroup will continue to move forward with consideration of the moose meat study done in Maine. They will add to this – game meat, fishing and other types of potential exposures to tribal members (ingestion, dermal, etc.) They are exploring other potential exposure pathways. Rachel had conversations with OPP/HED. Mike Metzger has met with TPPC and will plan to attend again in March 2020 along with other HED staff.

3. Pesticide Educational Resources Collaborative – Medical (PERC-med) (Diana Simmes) (00:30 – 00:50)

Diana thanked the group for the nice welcome. Her background is in public health and maternal and child health. Much of her work has been on pediatrics in the healthcare setting. She'd liked to make everyone aware of the PERC-med project and asks for their help in reaching out to tribal health care providers and clinics. PERC-med is the Pesticide Educational Resources Collaborative for

Medical Professionals, a 5-year cooperative agreement between the EPA's Office of Pesticide Programs and University of California Davis Extension, in collaboration with Oregon State University.

For more information and PERC-med's resources, visit <http://pesticideresources.org/med/>

PERC-med's primary objectives.

1. To provide continuing education, training, and technical assistance to relevant audiences, including high quality, accredited distance-learning modules. A Medical Coordinator will provide technical assistance, interpret the science, develop educational resources and engage in collaborative projects to meet identified needs.
2. To update existing and/or develop new materials and resource tools. Guided by a needs assessment, these resources would include but are not limited to accredited web-based training modules, videos, guidance documents, mobile apps, databases, and other items.
3. To conduct outreach to existing and new audiences to use materials and tools by partnering with gatekeeper organizations, curating a website for medical professionals with links to resources (old and new).
4. To develop partnerships and a sustainable network of stakeholders. PERC-med will invigorate existing partnerships and seek new ones with medical professionals and organizations that serve/inform them

PERC-med is guided by an Advisory Board comprised of experts from the fields of toxicology, pesticide science and nursing, pediatrics, and occupational medicine. Members serve for 12 months which may be extended if a member so chooses to continue their service. The PERC-med Advisory Board is charged with steering PERC-med activities to achieve its objectives in the most efficient and effective way possible. Their advisory role is essential to ensure that PERC-med resources are used where and when they are most needed to educate the medical community on how to prevent, recognize and treat pesticide-related health conditions.

PERC-med recently share with the TPPC its Call for Project Ideas in December. As a reminder, this Call is open until January 21st. We welcome your ideas of how to best connect with members of the tribal health care community. Some key questions that will be considered when reviewing projects include the following:

- a. Will it increase awareness/recognition of pesticide-related illness and injury by medical professionals?
- b. Will it improve accuracy/timeliness of diagnoses, or improve treatment delivery?
- c. Will it increase awareness of the importance and need to report pesticide-related illness and injury? (~12 states have mandatory reporting requirements)
- d. Will it increase awareness of occupational/environmental health leading to more routine clinical conversations about risk-reduction strategies?
- e. Will it improve health outcomes for vulnerable, low-income communities that suffer negative impacts from exposure to pesticides?
- f. Does the approach enable distance-learning approaches?
- g. Will it promote/strengthen a sustainable network of stakeholders?
- h. Does it already exist in a format that works for medical professionals?

Diana thanked Nina Hapner for connecting with her recently and potential collaboration opportunities.

Action item: Suzanne to share with TPPC the slides for this session.

Eric Gjevre – doesn't have specific suggestions but he could network in his tribe and contact his clinic folks.

Theodore Puetz wanted to clarify that the needs will span across all age groups. Diana mentioned that the pediatric resource was an example of an existing training but we are interested in all ages.

Nina said that what PERC-med addresses is very much in line with what was discussed at the Region 9 RTOC meeting. Nina said the gaps may exist at the patient level and they don't know what to share with their healthcare providers. Where are other areas where they are potentially exposed?

4. TPPC Tribal Administrator Update (Suzanne) (00:50 - 1:05)

a) Administrative

- Final call notes for 12/18/19 – Suzanne didn't send them to Fred in time to attach to this call reminder so she will post to the website this week.
- UCDE received requests for travel funding to attend the AAPCO meeting from 5 TPPC members and all were approved by EPA. This is in addition to the TPPC Chairperson attendance. Emily and I are asking the 6 AAPCO attendees to collaboratively lead a 10-minute session on Day 1 at the March meeting to review meeting highlights relevant to tribes. We've carved out a spot on the agenda for this already.
- Reminder about the process to use the portal on the website and be mindful of the advance notice needed for EPA to consider the requests. The portal appears on the TPPC website under Travel tab, bottom link.

b) Spring 2020 meeting

- We extended the deadline for travel funding requests and received a total of 18 requests, which were all approved. 10 of those are EC members so we have good representations. *We are missing Regions 2, 5 and 7 this time.*
- Note the change in hotel to the Courtyard Arlington Crystal City (behind the Renaissance.) Same walking distance to OPP from the Residence Inn where we've stayed in the past.
- We are currently in the airline ticketing process and folks will have through January 27 to complete this. Once we are done then we will follow up and pre-pay hotel rooms for those who requested it. Will complete that before Feb 11 and send folks a confirmation.
- If you did not ask us to reserve and pre-pay your room, Feb 11, 2020 is when the block closes.
- Feb 17, 2020: Deadline to register to attend (all attendees)

Items planned for the March 2020 agenda

- Status of Pesticides in Indian Country Report breakout (3 hours)
- Reports & feedback (Chairman, Coordinator, EPA, regional sub-lead, etc.)
- Tribal caucus (1 hour)
- SFIREG update with Liza Fleeson
- Tribal hot topics
- Speaker from the Smithsonian Museum of Natural History
- Update on the Worker Protection Standard and Application Exclusion Zone revision – Cert and worker Protection branch Chief
- EPA/HED risk assessment speaker, follow-up to 2017-2019 sessions.
- AEIO Speaker

We are still finalizing a few of the EPA speakers.

Action item: Suzanne to post a draft agenda to the web this week and share via email.

5. Tribal Jurisdiction Presentation (Ted Yackulic) (1:00 – 01:45)

[Refer to the slides for this session]

Ted is an attorney who works in EPA Region 10's Counsel. He's done some Clean Water Act (CWA) work and Resource Conservation and Recovery Act (RCRA) work is familiar with regulatory programs.

Looking at the slide set you can see that many tribes are highly checkerboarded, which makes enforcement difficult. State standards do not generally apply to Indian Country under the federal environmental laws unless the state has demonstrated the authority to implement the relevant program standards and EPA has expressly found state authority and approved state authority for Indian Country.

Alaska has very little Indian Country. The Alaska Native Lands Claims Settlement Act abolished Indian Country in Alaska with the exception of the Metlakatla Indian Community of the Annette Island Reserve.

All such land is reservation land, and thus Indian country. In addition, the definition includes rights-of-way for such things as highways, railroads, power lines and pipelines that run through a reservation. Consistent with the statutory definition of Indian country, as well as federal case law interpreting this statutory language, lands held by the federal government in trust for Indian tribes that exist outside of formal reservations are informal reservations and, thus, are Indian country. This is important for the purpose of Tribes seeking to implement federal environmental programs through TAS applications.

All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state.

All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Allotments are parcels of land held in trust by the United States for individual Indians or held by Indians and otherwise subject to a restriction on alienation.

As tribes do inspections and enforcement it's important to your authority and jurisdictional purposes to know what lands are included and what's not. To do this tribes should work with regional contacts. The one in Region 10 is Nicholas Hurwit at hurwit.Nicholas@epa.gov; phone 206-553-6221.

Question: Can states enforce FIFRA in Indian country? Ted says no, because states lack the jurisdiction. One tribal member contends that with the C&T plan that allows applicators to apply pesticides in Indian Country.

Nina Hapner asked about a criminal law and jurisdiction labeled "PL280". She asked this because some of the pesticide misuse cases could be deemed criminal.

The group thanked Ted for this presentation and Eric said that EPA Region 10 has been extremely helpful and supportive in serving the tribes as part of his circuit rider role. If Ted would be available for a meeting in March, the tribes in the Spokane area would be most appreciative.

6. Status of Pesticides in Indian Country Report (Bob) (00:50 – 1:00)

Deadline are this Friday for input on draft section. Nina and Jasmine are working on outreach for tribal stories.

EPA has been very helpful with input for the report and Bob has a call with EPA to help add to the direct implementation and risk assessment portions of the report.

Action items: Suzanne to email Nina Hapner the requirements for the images.

7. Other Issues/Concerns/Hot Topics (All) (01:45 – 02:00)

A. Western Region Pesticide Meeting Tribal Session (Africa)

Africa is part of the planning group for the WRPM and would like to know if there is any interest in tribal members having a tribal breakout. Africa will present on IPM outreach success stories.

Action item: Suzanne to share a WRPM draft agenda with TPPC once it is available.

TPPC members planning to attend include Africa Dorame-Avalos, Dan Hoyt, Joe Herrera, Amelia Colville (hopes to send a rep), Nina Hapner TBD, Eric Gjevre TBD, and Jasmine or Ryan from CSKT.

B. Tribal PIRT hosted by Muscogee Creek Nation (James Jackson). James offered a report on the logistics. Location will be Tulsa, OK. Muscogee Creek Nation will be handling all travel and meal reimbursements.

C. Pollinator Protection from Amanda – may need to do next month.

8. Next TPPC Conference Call (Wednesday, February 19, 2020, 2-4 p.m. EST)

ANNOUNCEMENTS

- Pesticide Stewardship Alliance Annual Conference, Feb 4-6, 2020, San Antonio, TX
- 73rd Annual AAPCO Spring Meeting, March 8-11, 2020, Alexandria, VA
- TPPC Spring Meeting, March 11-13, 2020, Arlington, VA
- Tribal PIRT, April 27- May 1, 2020, Muscogee Creek, Tulsa, OK
- Western Region Pesticide Meeting, April 21-23, 2020, Bend, OR