

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
11/9/15
Call Notes - Final

Roll call:

Tribes

Fred Corey – Aroostook Band of Micmacs
Nina Hapner – Kashia Band of Pomo Indians
Larry Scrapper – Cherokee Nation
Willie Keenan – Confederated Salish and Kootenai Tribe (CKST)
Jasmine Brown – Confederated Salish and Kootenai Tribe
Camillo Perez – Cocopah Tribe
Jim Mossett – Mandan, Hadatsa, and Arikara Nation
Suzanne Fluharty – Yurok Tribe
Eric Gjevre – Coeur d'Alene Tribe of Indians
Joe Herrera – Yakama Nation
Les Benedict – St Regis Mohawk Tribe
Kevin Greenleaf – Kootenai Tribe
Ken Clark – Nez Perce
Irving Provost – Oglala Sioux Tribe

Tribal Organizations

Africa Dorame-Avalos – Inter Tribal Council of Arizona

EPA

Cindy Wire, OPP
Gabriela Carvalho, U.S. EPA, Region 10
Allen Demorest, U.S. EPA, Region 9
Lorry Frigerio, OPP
Dea Zimmerman, OPP
Amanda Hauff, OCSPP

Other

Suzanne Forsyth, University of California Davis Extension (UCDE)

1. Welcome/Introductions (Fred)

Fred Corey, TPPC Chair, facilitated the roll call. Attendance was logged throughout the call for 15 member tribes.

2. TPPC Tribal Administrator Update (Suzanne Forsyth)

Suzanne reported activities since last month's call. These include:

- a) A draft of the September and October EC call notes was shared 10/31. Deadline for edits is 11/13 to Suzanne, after which time she will send them out in final format.
- b) UCDE is completing edits to its FY2016 work plan and budget and will send to Fred and Nina for their review by 11/16.
- c) Fred, Nina, Cindy and Suzanne made revisions to the TPPC membership list. A roster was provided to WSU for the upcoming tribal pollinator protection course. The roster included

names/affiliations/emails and is available from Suzanne if members would like a copy who are not already attending next week's course.

- d) Brian Davidson provided UCDE with administrator access to the TPPC website so we will be looking at this next. There is a need to convert the current Joomla format to WordPress, as this is where staff skills are for updates.
- e) Planning for the January 2016 meeting:
 - o Meeting is Jan 13-14, 2016, hosted by Ak-Chin Indian Community. Meeting will be held at their Water Reclamation Facility and they have offered to shuttle folks back and forth between the hotel and meeting site daily. Travel dates are 1/12 and 1/15.
 - o An online registration portal will be announced this week, pending revisions.
 - o Attendance slots for members who are requesting that TPPC pay for their travel will be filled in the following order (as per the TPPC Guidelines): TPPC Chairperson and Vice Chairperson, Executive Committee Members, Council Members, Other Individuals.
 - o Because the meeting will be in Arizona where many of the TPPC members reside, we expect that there will be some cost savings due to driving versus flying for some.
 - o For TPPC members whose travel scholarship has been approved, UCDE will be emailing folks directly with instructions about how to plan their travel.
 - o A hotel agreement is in place. Harrah's Ak-Chin in Maricopa and about 2 miles from meeting site. The nightly rate is \$75 plus local taxes and attendees will call and reserve and pay directly. The hotel requires 1 night deposit. Attendees will need to save this receipt for reimbursement after the course. The room block will be held until 12/20 after which date they release any unreserved rooms.
 - o The development of a draft agenda is underway and will be shared in November along with the meeting announcement.
 - o The University of CA travel policies will be in effect and not GSA. So there will be some differences in the meal limits, requirement of receipts, travel day coverage, and others.
 - o UCDE will provide at the meeting site daily: breakfast, lunch and light refreshments so folks on travel won't receive any reimbursement for those meals – only dinners. This will also streamline the time needed to drive to get lunch, and to foster greater networking at the meeting by having folks dine together.
 - o An Exec Committee meeting planned for January 13 at the hotel and after adjournment of Full Council meeting. Time TBD.
 - o A networking suite will be reserved for the 1/13 Exec Comm meeting yet will be available at other times (evenings) over 1/12-1/14. We will wait to see flight arrivals for 1/12 to decide if the networking space would be worthwhile having for that eve.

Several clarifying questions were asked related to times of travel, the TPPC's ability to approve which travel rates would apply, and the need to save receipts for accountability.

Action item: Suzanne to share UCD travel policy with TPPC members so they can review, ask questions, share any concerns, and provide an opportunity for UCDE to address those. Suzanne will email a summary of the travel policies to TPPC with or before the January meeting notice.

3. EPA Updates (Cindy, Carol, Gabriela)

- a) Cindy Wire, OPP
 - EPA anticipates an extension of the comment period by 30 days, to be due December 23, 2015.
 - Cindy is organizing the semi-annual OPP/OECA National pesticide managers' video conference December 8-9. Typically the TPPC Chairman participates the first day of the meeting, allowing for tribe, states and regions to collaborate on joint priorities.

- Cindy is attending the pollinator protection meeting in Spokane in November and is looking forward to working with tribes.

Action item: Cindy to send Suzanne the notice of the EPA extension for comments on the C&T Rule once it arrives. Suzanne will share with the TPPC right away.

b) Carol Galloway, OC
Not present, no report.

c) Gabriela Carvalho, Region 10

- Gabriela reported on her end of year activities for review of cooperative agreements, setting up pre-SFIREG meetings state and tribal director meetings. The tribal pollinator protection course will be held next week. She is looking forward to how EPA can support tribes in their pollinator protection efforts.

4. Federal Certification Plan Workgroup Activities Update (Lorry)

The workgroup has worked on some issues and some are resolved. Have remaining items from workgroups meetings been resolved? Is there a set of issues we think coming up for continued workgroup meetings?

Fred Corey reported they had talked about ceasing meetings but requested to receive quarterly updates to make sure there are no more issues. They want to avoid any issues brewing so they could take care of these early in the process. A proposal was made to scale back follow-up meetings to every 6 months.

One TPPC member reported having conducted several inspections over the summer. When someone needed to have the C&T license, it was hit and miss as to if they had one. The TPPC member was able to provide them information on how to get a license so they would be in compliance. His conclusion was that people don't know about the need for the license so there is misinformation out there still. To cease updates on this topic would be premature at this time. This is a compliance issue now that EPA has put this in place. If Indian Country licensing is something that EPA takes seriously from an enforcement standpoint, then he feels the workgroup should not go away.

Action item: Lorry will get the invite list as to who has participated in the past. Find out who would like to join. Lorry will schedule a call in the next 2 months.

5. PREP Steering Committee Discussion (Dea Zimmerman, OPP) (scheduled for 1:30 PM EST)

The PREP Steering Committee recently made a seat available for a tribal representative as part of its course planning efforts. A tribal member did not step forward in time to help fill that spot for the FY2016 planning but the TPPC asked for more information to better enable participation in the FY2017 effort. To better inform the TPPC of what's involved, Dea Zimmerman, PREP Coordinator, provided an overview of the role of the Steering Committee and its members. The Steering Committee's role is to help identify the need for and schedule course for the prospective fiscal year. Its purpose is to guide what courses are offered on an annual basis, the major topics for each course and then pass this info on to the individual planning groups to plan agendas for each course. They generally plan four 4-day courses each year. What's involved as member of this committee? The Steering Committee meets once a week via phone for 5-6 weeks, 1 hour each time, August-September. The committee is comprised of a rotating committee chair, 5 voting members from AAPCO, 1 non-voting member from ASPCRO, and 3 EPA representatives.

There was a discussion of the voting versus non-voting status of the committee members. Voting only occurs when the Steering Committee has to select courses when there are more than 4 obvious course themes.

Fred Corey attended a couple of the Steering Committee calls this past year to get a sense of the process. His observation was that when topics were discussed as relevant ones for an agenda, the topics were sorted based on relevance to various operational sections in an agency. Most tribal representatives wear most/all hats in a department and serve as manager, inspector and do all duties. The question came up about the pros/cons of trying to adapt a larger hierarchy of program structure to smaller programs like tribes. Would a tribal PIRT training be more directly a benefit to tribes so there is not a disconnection between relevant topics and tribal training needs? Fred expressed gratitude to EPA for the training monies and ability to participate in the PREP Steering Committee process. He suggested the TPPC look at ways to better use resources to make certain the training they attend or assist in planning is relevant to tribal programs.

One member stated it's the responsibility of EPA to provide training to tribes and that the TPPC needs to see if EPA's assistance to tribes in Indian Country is being delivered in a manner that ensures tribes will be successful. Fred reported that EPA took the tribal needs very seriously as evidenced by being offered a role on the PREP Steering Committee plus the addition of a tribal pollinator protection course later this month. But with limited resources, perhaps TPPC should think about all of this with regard to need and the best way to make use of resources.

Another member stated their appreciation that PREP is opening a slot for tribal representation but wanted to know why it was a non-voting position. The perception is that it would be very limited to not be able to vote. Is a non-voting member disenfranchised from participation in the committee? Dea expressed her appreciation of the question and explained further beginning with the basis of funding. Going back to 1990 and in order to fund PREP activities, AAPCO asked EPA to withhold money from STAG monies (money designated for the states). A total of \$500K annually has been allocated to fund PREP with \$250K coming from OPP and \$250K from OC. OPP always added extra money for tribal attendance. This year it's up to \$35K, which is much higher than in previous years so not as many people could attend. The majority of the program is intended for state participation. It was not the intention to disenfranchise tribes by indicating them as a non-voting member. Dea sees the voting status as not significant as a TPPC member sitting on call and sharing what their tribal needs are versus what course themes should be. Fred concurred that after listening to a couple of the calls that not having a vote didn't seem to matter as much as the vast majority of decisions were done by consensus.

One member expressed concern that some of the PREP course topics in FY2014 were more geared towards states and not tribes. Another member added that ITCA provides trainings to tribes that's specific to program implementation, enforcement, and offers specific tribal enforcement training which is most specific. ITCA has a rep on certain committees who can bring info back to the TPPC members who could not attend. This enables tribes to see what the gaps and challenges are and how to fill those in. ITCA can often be an avenue to close those training gaps for tribes. Africa Dorame-Avalos serves as the TPPC Executive Committee (at-large member) and on the Pesticide Inspector Residential Training (PIRT) Steering Committee.

Fred Corey asked if the funds currently allocated for tribes to attend PREP could be diverted to fund a tribal PIRT. Dea said this funding comes from OECA so she is not certain this switch can be made. Money has to go to a tribe who has a coop agreement in order to host.

Action item: Dea to send the TPPC a solicitation for a tribal Steering Committee representative 2 months in advance of the first planning committee. The Executive Committee would like to discuss and have input on which member eventually serves on the PREP Steering Committee.

One member added that tribes without a cooperative agreement have no protection. County commissioners have been delegated the authority and these are under-staffed with inspectors and EPA Regions being called in. If we are going to have training then tribes need restructuring of how funds can be used and this direction should come from EPA. Fred had discussions with AIEO as to authority and a more in-depth conversation should be had about direct implementation in the absence of this, how can tribal capacity be built to conduct inspections and enforcement? Once EPA conducts inspections in Indian Country the next couple of years, hopefully more resources will be allocated based on the needs identified from those.

Fred stated in closing that this was all a springboard for discussion with EPA as to what is the best use of those limited training dollars. Dea stated her hope that a TPPC member will serve on the PREP Steering Committee for FY2017 but understand the above concerns.

6. November 5th OCSPP/OPP/AIEO Meeting Debriefing (Fred)

Fred met with Luke Jones and AIEO staff in Washington on November 5. The main conversations were about how tribal partnership groups can work together and with tribal operations committee, what role AIEO plays in assisting this partnership. AIEO has increased its staffing and has 16 FTE from the previous 8 FTE. This came as a result of restructuring programs in EPA offices. AIEO ended up with more staff when other programs did not. They are just starting to figure out to use and prioritize resources And we will be hearing more from them in the coming months as to how TPPC can take advantage of AIEO's assistance.

Fred also met with Oscar Morales, Associate Assistant Administer of OCSPP; Cindy Wire; Lorry Frigerio; Colleen Kelz (Dan's replacement) in addition to other staff. The following points were discussed:

- Concern of RFA selection process for TPPC Administrator. TPPC provided input to the RFA about what was most important to them. Concern that this input was not considered.
- Tribal expertise desired.
- Funding constraints and shifting resources for cooperative agreement.
- One thing mentioned in this conversation: additional funding for the Coordinator to attend/engage in tribal activities to get a better sense of the issues. There are other major meetings in Indian Country that are useful opportunities to attend. Maybe getting money to engage on those.
- EPA offered to help with the TPPC website if this could take some pressure off the resources.
- Training issues. Cooperative agreement requirements for hosting a PIRT. Issues with PREP that it may not be the best fit and how to improve or re-invest resources elsewhere.
- Circuit rider challenges and inspections. New mandates and activities. Pollinator protection is a new area where there will be a workload in addition of current activities when budget is shrinking. Some states have ways to expand resources through fee structures and others which tribes do not. How to keep circuit rider and other programs sustaining.
- Enhancing tribal involvement in the resource allocation process. Tribal pollinator course was one example so they could jumpstart the process. Could those resources have been used to sustain circuit rider programs instead? When we talk about

allocating resources, Exec Comm needs to weigh in what are priorities and what makes sense.

- A lot of items to cover which exceeded the hour but he concludes it was time well spent.
- It was a chance to open up the dialogue and in how to deal with the challenges.

After the report, one member reflected on unfunded mandates by EPA have been a challenge for tribes. We need items in the fixed cost budget that's not cut by sequestration, cut by lack of funding from appropriation, suggests we set goals in January about how to get this done. Hope to have more input on the fixed budget. We have an opportunity as tribes to build our own programs.

Amanda Hauff: will follow up on this conversation with the TPPC member to help with next steps and actions.

7. January TPPC Meeting Agenda Planning – Call for Topics (All)

Some tribes need a draft agenda 45 days in advance of meeting so their travel can be approved. So we will need a draft agenda by next week. Some of the items discussed today can be placed on their. Other topics for January agenda: elections, tribal caucus, others?

One member suggested pollinator protection. The Intertribal Ag Council has put out that they will help with pollinator plans. Maybe invite them to be part of this meeting via in person or on a call? They are currently on the TPPC mailing list. Perhaps reach out to them to attend to talk about what they do, what resources they can provide. Another member suggested the federal C&T plan topic for inclusion. Amanda Hauff will get OECA contact to have relevant topics on agenda.

Action item: Nina to identify the rep for the Intertribal Ag Council and share with Fred and Suzanne.

Action item (All): send agenda items to Fred and Suzanne so 1) travel can get approved and 2) Exec Comm can put draft out for feedback. The hope is to have interactive discussions and not 1-way presentations nor to overload the agenda.

Action item: Fred to work with Cindy, Nina and Suzanne to a draft agenda. Will send message for call with EC members and others would be invited to participate in the process. Cindy will invite Lorry to assist as well.

8. Certification and Training Proposed Rule Comments (comments due Nov. 23rd, need to discuss process for developing and submitting comments) (All)

See above for the 30-day comment period extension to 12/23/15.

Action item: Suzanne to share the message with the TPPC once it's made public and propose next steps for the TPPC's input.

9. TPPC Membership Appointment Letters/Tribal Resolutions Discussion (All)

Along with the transition of TPPC Coordinators, keeping a repository of the appointment letters has been challenging. We currently have 10 on file that were part of Brian's inventory: Jody LaFriniere, Neil Abbott, Ralph Morris, Willie Keenan, Brenda Ball, Diania Caudell, Claudia Crutcher, Irv Provost, Lorinda Sam, and Martina Wilson.

Fred empathizes that asking members for another copy of the letter can be disruptive as it requires them in many cases to get a resolution from their Councils. How are we going to prevent this from happening again? Electronic repository on web or elsewhere to save these items so that if there is a change in leadership that's safe on the cloud. DropBox is another possible place.

Discussion by members if they would support us asking for a replacement copy in the event we don't have one on file from a member. It doesn't need to be an updated copy – just the one they sent originally. The need for a letter is included in the TPPC Guidelines so this is an important need.

Action item: Suzanne/Fred to send an email to TPPC members whose letter is missing and ask them to please find and re-submit their letter or prepare/supply a new one. The email will mention why we are asking and what will be done to prevent them from getting lost in the future. This action was decided by consensus amongst the Executive Committee. The notice will be sent by 11/16 and request for appointment letter to be supplied to TPPC on or before the January meeting.

10. Action Item Process/Review (Fred, Nina, Suzanne)

Nina has been working the action item list with Fred and Suzanne to confirm the status and to see what's relevant. More effort is needed to get it up to date. Fred made the proposal that instead of covering this item as #10 on today's agenda that we move it higher on the call agenda for December and ask for accountability for items to be done. The plan is to get it refined before the January meeting as we will have a whole new action item list to add to it then. Some things have been completed and are not relevant anymore. Fred wants the Executive Committee to approve items being taken off. Nina has been a champion for this Action Item list process and will share the list for comments.

Action item: Fred, Nina, Cindy. SF to meet to refine list. Nina to send out revisions for comments.

11. Other Issues/Concerns/Hot Topics (All)

Fred asked about the status of the Section 18 / 24C processes. Are tribes utilizing these processes and how has this been working? TPPC drafted an OECA issue paper several years ago. OECA asked them to re-visit the paper to see if they have been resolved. Fred suggests we follow up on these topics since it's been a bit since we've talked about them. This only applies to cooperative agreement tribes.

One member suggested that with so many new members to TPPC, that the January meeting hold a session that talks about the purpose of the TPPC, its policies and procedures. Where are we at? Are we meeting our goals and how can this guide our activities and strengthen our efforts? This could tie into a strategic planning process as well and could be an appropriate time to do so.

Another member asked if it was true that there may be a federally recognized tribe in region 3, the Pamunkey Tribe. It was shared that their Tribe's application for recognition is out for public comment period and undergoing an appeal. Their environmental coordinator attended a meeting in Maine and is getting up to speed with partnerships.

Action item: Fred Corey offered to call the Pamunkey Tribe to see if pesticides are a concern for them and to see what their needs are.

Action item: Amanda offered to work with the Pamunkey Coordinator to see what items could be covered.

One member asked how tribes can seek help on enforcement as they have been asking and there has been no response. Concern is over Mexican pesticides being used in Indian Country. This member's tribe cannot seem to get enforcement in this location and cannot get a certified inspector to appear. This is not working for them and they grow dissatisfied with EPA's lack of response.

Gabriela Carvalho offered that an enforcement person would be the one to follow up with. She offered to have a follow up conversation to this tribe the assistance they need. Gabriela will talk to HQ and then

Regional enforcement people and all can work together. Fred thanked the EPA staff for looking into this to see what they could do.

Action item: Gabriela to work with this tribe to seek more assistance for them.

One member asked for certification workgroup update as these used to be provided by Mary Powell. It included enforcement numbers how these would tie into enforcement.

Amanda reported that they have this data identified already and where enforcement comes in and make this circle and get info back to tribes. Amanda can get non-normal notification and get this as a constant report out.

Lorry Frigerio mentioned that an enforcement person normally attends this call. Suggestion was made to get an update on the where things are at with numbers, etc. in time for next monthly call (e.g., how many applicator credentials issues, how many violations). Could be useful and may have to get from regional contacts.

Action item: Amanda and Lorry to get updated enforcement numbers and share on December Executive Committee call.

12. Next TPPC Conference Call (Wednesday, December 16, 2015, 1-3 p.m. EST)

ANNOUNCEMENTS

- Tribal Pollinator Protection Course: November 17th-19th, 2015, Spokane, WA
- State FIFRA Issues Research and Evaluation Group (SFIREG) Meeting: December 7th-8th, 2015, Arlington, VA
- TPPC Fall Meeting: January 13th-14th, 2016, Ak Chin, (Maricopa), AZ
- 5th Annual Tribal Pesticide Inspector Training, co-hosted by Inter Tribal Council of Arizona and Ak Chin Indian Community: February 9th - 11th, 2016, Maricopa, AZ
- Association of American Pesticide Control Officials (AAPCO) Annual Meeting: March 6th – 9th, 2016, Alexandria, VA
- Tribal PIRT (Pesticide Inspector Regulatory Training), hosted by Confederated Salish and Kootenai Tribe: August 8th - 12th, 2016, Polson, MT