

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
6/21/17
Call Notes – Final
Call information: 1-866-299-3188; code: 415-947-4242#

Roll call:

Tribes

Fred Corey, Aroostook Band of Micmacs
Kevin Greenleaf, Kootenai Tribe of Idaho
Tony McCandless, Gila River Indian Community
Larry Scrapper, Cherokee Nation
Les Benedict, St Regis Mohawk Tribe
Mary Scott Muscogee creek
Irv Provost, Oglala Sioux
Willie Keenan, Confederated Salish and Kootenai Tribes
Jasmine Brown, Confederated Salish and Kootenai Tribes
Eric Gjevre, Coeur d'Alene Tribe of Idaho

Tribal Organizations

Africa Dorame-Avalos, Inter Tribal Council of Arizona

Reported in advance as absent:

Cindy Wire, U.S. EPA, OPP
Amanda Hauff, U.S. EPA, OCSPP

EPA

Emily Ryan, U.S. EPA, OPP
Linda Alfakir and Bretton Kriefel (interns), U.S. EPA, OPP
Carol Galloway, U.S. EPA, OC
Nick Hurwit, U.S. EPA, Region 10
Lance Wormell, U.S. EPA, OPP
Don Lott, U.S. EPA, OCE

Other

Suzanne Forsyth, University of California Davis Extension

AGENDA

1. Welcome/Introductions (Fred)

Fred Corey, TPPC Chair, facilitated the roll call. Attendance was logged throughout the call for 11 member tribes and tribal organization representatives.

2. EPA Updates (Cindy, Emily, Carol, Nick, Amanda, et. al.)

- a) Emily Ryan – on June 12 the EPA Bed Bug team held a call with the TPPC Bed Bug Workgroup to discuss the various materials EPA has been developing as part of the initiative to combat bed bug problems in Tribal communities. The materials discussed included the Bed Bug Educational Package, the draft content updates to the TPPC website, the list of distribution channels for the Educational Package, and the list of proposed metrics to measure the success of the initiative. The TPPC workgroup gave positive feedback on the materials and made for a couple minor edits

(for example, the addition of a cover page for the Educational Package), and EPA very much values their input. In terms of next steps, the Bed Bug Educational Package will go through one final internal review at EPA before it is approved for release, and Fred and Nina will print their cover letter on TPPC letterhead and sign it. Once the Educational Package is ready, EPA will work with TPPC and federal partners to disseminate it through the distribution channels. As soon as the updated webpage content is complete, EPA will work with UC Davis to have the updates posted.

- b) Carol – the tribal PIRT host is Fort Peck in Montana. Martina Wilson is coordinating. Date has not been determined but it's likely in 2018.
- c) Carol – EPA/OC has begun its annual audit of the inspector credentialing process. It's about the process and not individuals. They will take a 10% sample of inspectors who are currently under credential and this could include tribal inspectors. They will be looking to make sure trainings and documentation is in place.

One member asked for an EPA update next month for how the budget looks next month and how it will be spent on the strategic plan.

Lance Wormell offered to add this update next month and/or as a standing item on monthly calls if desired.

3. TPPC Tribal Administrator Update (Suzanne)

- a) Website edits: more events added to the calendar, pollinator protection workgroup & resource updates.
- b) Additions to the mailing list sent to Fred.
- c) Invited AAPCO to join an upcoming monthly call. There's been a recent a leadership transition. Bonnie Rabe with NMDA retired after 27 years the new president is Tony Cofer from AL. He or another board member will join us in July.
Opportunities to participate, ways that tribes can join (with a charter)
Discussion: ways to strengthen collaboration, implementation of some of the regulations
- d) TPPC Fall 2017 meeting. Dates are October 3-4, 2017 with the EC meeting the eve of October 3. Thank you to the Winnebago Tribe for hosting. The registration portal is now open on the TPPC website. The first deadline is 8/1 for travel funding requests via the portal. 6 registrations so far.
- e) Next agenda planning call is June 22. Received 8 replies with topic ranks.
 - o Training needs and pesticides in water (tied)
 - o Grants
 - o Section 18
 - o Air

Suzanne requested guidance on a strategy for how to approach the next day's agenda planning call. The topics suggested over the past year and the ones rising to the top of the ranks don't directly align with the TPPC priorities. They are:

- Bed bugs / IPM in housing
- Pollinators
- Status of Pesticides in Indian Country Report
- Risk assessments
- Strategic Plan

Because there is not much available space on the agenda, a proposal was made to have a session on FY17 and FY18 priorities. For each priority, we'd start with a brief overview of work that's been completed, identify what still needs to be done, then poll the group to see if the topics should remain a priority for FY 18. Fred Corey said that priority setting used to happen in the Full Council meetings and then the Executive Committee would later develop work plans for how this work would be

accomplished. But the TPPC has gotten away from that process over the past couple of years given the time limitations of both meetings. We will pick this up when we meet again on tomorrow's call.

- f) TPPC Spring 2018 Meeting will held in Arlington, VA March 7-9 and in conjunction with the AAPCO meeting in Alexandria, VA on March 5-7, 2018.

Action item: Africa and Glenna to share proposed changes to TPPC Policies & Procedures regarding travel funding criteria before next month's call; to be decided on next month's call (July 19).

4. Tribal WPS Compliance Inspection Initiative (Don Lott)

- a) Water standards. Last year, the Ak-Chin tribe identified a compliance disconnect between water quality standards and FIFRA label requirements for chlorine being used in water treatment facilities. As a result of raising that issue, EPA established a workgroup to study the issue and resolve the conflict. As the efforts of the workgroup progressed, it was determined that the FIFRA label use rates were based on "safe" levels referenced in some very old science, whereas the water quality standards were based on more up-to-date science relative to risk. Under FIFRA, label directions are established based on what the registrants request, and in this case, no registrants applied for a registration for use at rates greater than what was deemed safe using the old science. Registrants could have applied for higher use rates, but would have required additional supporting data beyond what was publically available under the old science, but they never did. In the meantime, water treatment facilities, knowing that higher rates were often required to address the water quality issues they were faced, and knowing that EPA had established higher chlorine residual limits under the safe drinking water program, began to use higher rates of chlorine pesticides resulting in chlorine residuals that exceeded what was legal under FIFRA but which were legal under the Safe Drinking Water Act (SDWA). As such, the water treatment facilities achieving those higher chlorine residuals were actually misusing the chlorine pesticides, in violation of FIFRA. Nevertheless, this situation was never brought to the attention of EPA until the Ak-Chin tribe reported out on it last year. Now that EPA is aware of the situation, OPP is drafting a letter to chlorine product registrants that will inform them of the current customer misuse situation and encourage them to apply for registration amendments to provide new use rates that would result in compliance with both FIFRA and SDWA. This will be a wakeup call for industry and is a positive reflection on tribal work and vigilance about pesticides used on tribal lands.
- b) WPS: Update on the status of federal use inspection and warrant authority and update on the National Program Manager Guidance (NPMG) Worker Protection standard (WPS) Focus Area activity. Following up on previous discussions, OECA has drafted a position paper that outlines federal use inspection authorities and hopes to have it finalized shortly. Because some of the discussion involves regulatory provisions from the "new" WPS regulations, and because it appears likely that those new regulations will be delayed for a while, EPA is working on how best to address those provisions in the memo. The document has been under rather intense review by both OECA and OGC, but is getting very close to being ready to issue. As for the WPS focus area initiative, as contained in the FY2016-2017 NPM guidance, EPA is pleased to announce that there have been several WPS enforcement cases taken by EPA based on referrals from states and several more already in the pipeline. Although the more significant cases have primarily been non-tribal, inspections and enforcement involving tribal entities have taken place with excellent cooperation and collaboration of the tribes. EPA expects that most of the WPS inspections and enforcement activity will be occurring in FY17, so we should have much better data next year after we've had a chance to review all the data from the 2-year effort. To date, most of the WPS violations identified deal with the old WPS regulations and not the revised rule. (Note: The federal warrant question is included in this and speaks to one of the TPPC action items.)

5. Pollinator Protection Workgroup Update (Jasmine, Mary)

Mary not able to join the call today. Several outreach events on pollinators. Region 9 is doing a forum about bees on hotels. Several tribes are requesting free bees specimens. Upcoming public listening sessions sponsored by USDA and native bee study in WA. One of the CSKT tribes is writing their habitat plan on the urban interface. They sued the template on the sample surveys. Mary will be able to remain with the workgroup a little longer and the workgroup asks they could remain in place for FY18. Most of the TPPC members who attended tribal pollinator course join the workgroup calls. 5 speakers lined up for the workgroup call for the coming months.

6. EPA Strategic Plan Process Update (Fred)

The TPPC has had a series of conference calls to send a letter to Administrator Pruitt which focuses on the highest priority (e.g., expanding tribal capacity). The goal now is to get the documents finalized and sent to EPA before they go too much further with finalizing the EPA strategic plan. There's not an EPA plan in place yet and they are working on last year NPM guidance. EPA is waiting to fill key leadership positions. Fred said that TPPC still has a good window to submit their letter and comments to have them regarded.

Consensus is there needs to be additional work done on the letter for applicator certification what the TPPC is trying to communicate. Proposal is to take the information out of letter but include in strategic objectives about what they are trying to communicate.

Action item: Les Benedict will re-draft that portion of the objectives and share June 26. Fred will share with Full TPPC. If everyone is happy with the changes as revised then Fred can send letter to Administrator Pruitt by then.

7. Rozol Labelling Issue Follow-up (All)

Fred will send the Rozol labels received from Irv and Willie/Jasmine with the goal to address on the July call.

8. Action Item Follow-up (see attachment) (Nina)

Les is using the National Pesticide Information Center (NPIC) site to look up products used on emerald ash borer. NPIC logs calls and public record. If Les finds a compound which does not have a tribal exposure. Thought that this might compel EPA to further evaluate some of the tribal exposures.

Action item: Before next call, Suzanne to take the first pass at sorting the action items into tiers and then get TPPC input. Fred to move the action items to the top of the list for July.

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

10. Next TPPC Conference Call (Wednesday, July 19, 2017, 2-4 p.m. EDT)

ANNOUNCEMENTS

- TPPC Fall 2017 Meeting: October 3-4, 2017, Winnebago Tribe of Nebraska (Sloan, IA)
- Association of American Pesticide Control Officials (AAPCO) Spring 2018 Meeting: March 5-7, 2018, Alexandria, VA
- TPPC Spring 2018 Meeting: March 7-9, 2018, Arlington, VA