

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
12/16/20
Call Notes – Final

Join by Zoom: <https://nau.zoom.us/j/89303644703>
or phone: 312-626-6799 or 888-788-0099 (toll free)
Meeting ID: 893 0364 4703
Password: 186136

Roll call:

Tribes (10)

- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Larry Scrapper, Cherokee Nation
- Nina Hapner, Kashia Band of Pomo Indians
- Eric Gjevre, Coeur d'Alene Indian Tribe
- James Williams, Muscogee Creek Nation
- Gerald Wagner, Blackfoot Tribe
- Daniel Hoyt, Gila River Indian Community
- Ted Puetz, Ak-Chin Indian Community
- Andrea Mitchell, Cocopah Indian Tribe
- James Jackson, Muscogee Creek Nation

EPA (6)

- Rachel Ricciardi, EPA/OPP
- Emily Ryan, EPA/OPP
- Peter Earley, EPA/Region 9
- Helene Ambrosino, EPA/OECA
- Kaitlin Picone, EPA/OSCPP
- Blake Huff, EPA/Region 8

Other (3)

- Mehrdad Khatibi, Institute for Tribal Environmental Professionals
- Mark Daniels, Institute for Tribal Environmental Professionals
- Suzanne Forsyth, University of California Davis Continuing and Professional Education

1. Welcome/Introductions

Jasmine Brown from Confederated Salish and Kootenai Tribes facilitated the roll call. Attendance was logged throughout the call for the 10 tribal representatives.

2. EPA Updates (Emily, Rachel, Peter, Helene, Blake)

Emily mentioned there have been discussions on the EPA side about following up on TPPC priorities now that the Status Report is out. They're thinking they would like to highlight a few (maybe three) actions or priorities that are important and/or easy to accomplish, so they can make some progress on their end. After the holidays they would like to get the Council's input on priorities and what they should work on first. If folks have any initial thoughts on particular sections of the report or items to tackle first, please feel free to contact Emily or the tribal team. A couple of people asked clarifying

questions. Jasmine noted the consultation currently open under the Toxic Substances Control Act (TSCA) regarding several chemicals including carbon tetrachloride. The chemical persists in the environment for a long time and causes kidney and liver issues, and possibly cancer. But the final risk assessment says there are no adverse effects. She would like to throw this one out there as one of these three asks.

Rachel doesn't have any updates herself, but wanted to ask Nina Hapner from the Kashia Band of Pomo Indians about how the pollinator workgroup call went last week. Nina said that Mary Rust from EPA will be a part of the group again. On the call last week were Loren LaPointe, Mary, Emily, Brittany from Confederated Salish and Kootenai Tribes, and Nina. They discussed what they want the group to look like, what products they'd like to see come out of it, and what the EPA and Tribes are doing on pollinator issues. They would like to have Ed Savek come back and talk, as he is very knowledgeable about pollinators, especially bees. They really want to focus on products that people can use, to help build capacity for Tribes. One possible project they discussed would be to produce a digital library, or help Tribes build their own digital libraries, of native pollinators (i.e., not just honeybees, which get most of the national focus). They would also like to update the TPPC website with more information in the pollinator tab to showcase tribal pollinator protection plans, pollinator gardens, and youth projects; and possibly later put together a tribal pollinator symposium. The group will get together again soon (with Emily to help keep pushing things along, since Loren is going on maternity leave soon).

Eric Gjevre of the Coeur d'Alene Indian Tribe thanked Nina and everyone else working on the pollinator workgroup, and gave a local update. He went back through his pollinator-related emails from Mary Rust and others over the past year or more. He found out there's a group called Rez Bees on the reservation there, found out who was leading it, and shared all those pollinator-related emails with them. He will continue to do that going forward, so please share information from the pollinator workgroup with the TPPC as they meet. Jasmine said we can extend an invitation to have them join the pollinator workgroup if they would like. Eric will forward the invitation to them and see what happens. Jasmine also noted that the Salish Kootenai College has a bee identification class, so their students are learning about pollinators. They also have a pollinator protection plan and some pollinator plots. Little things like this are starting to make a difference.

Helene let the group know that she wasn't able to stay for the entire meeting, but asked folks to reach out to her if they have any questions for her. For now she had a few items to share.

- 1.** Her group has been very busy with their work on compliance advisories: documents with reminders of compliance requirements & responsibilities geared at the public and regulated communities. They have issued two in the recent past: one in May titled "What You Need to Know Regarding Products Making Claims to Kill the Coronavirus," and another in October on UV Light Compliance (informing the industry that UV lights are regulated under FIFRA when sold with claims to be effective against viruses and/or bacteria, so they understand the statutory and regulatory requirements). They are currently working on an update to the coronavirus advisory, and hoping to release a final version imminently.
- 2.** They also continue to work on the National Program Guidance (NPGs), and are hoping to release final versions in February.
- 3.** Pesticide Inspector Residential Training (PIRT) updates: lots of trainings went virtual or were cancelled or postponed this year due to the pandemic. They are working on a schedule for 2021, with several trainings tentatively scheduled, including a Tribal PIRT in Tulsa, OK, and currently considering options for a virtual PIRT in early 2021.
- 4.** OECA Had previously shared a 2-page memo draft guidance to FIFRA project officers on tribal circuit riders. The next step is a tribal consultation on the guidance. But given the pandemic,

they're going to hold off for a while since there's no looming deadline, and to be respectful of the issues being faced by everyone right now, but especially Tribes.

Jasmine asked Helene if she could share the UV light guidance with the group. In her area they have people spraying isopropyl alcohol through backpack sprayers for coronavirus. Is there any guidance on that?

Helene responded that there is a lot of information on the OPP & OECA websites, though OPP is probably the better office to get information on a particular type of device or application equipment. Emily said she's happy to follow up with their device folks if Jasmine wants to chat later.

Dan Hoyt of Gila River Indian Community had a question for Helene in regards to compliance assistance. Obviously this past year a great deal of focus has shifted from monitoring to compliance assistance, and the project officers have been super, and awesome & helpful. But has there been talk as to what if any changes will be made with regard to reporting about the work that's been done, since the 5700 form is supposed to be just for inspections?

Helene noted that the OECA assistant administrator issued a letter to all their state, tribal, and territory folks that they're offering flexibility in all their inspection requirements due to the pandemic. Grantees can take alternatives into account and work out the details with their project officer.

Dan asked where to record these alternative activities?

Helene said to put them in the narrative portions in the fields in the Excel sheets, or in a Word attached separately. She wants to be sure all these other activities are included in the reporting somehow or another, so that they can assess the overall adjustments due to the pandemic once it is past. Helene said she's heard from others that they're also fearful of how the decreased inspections will be viewed. She reminded the group that the 5700 form is not a report card. It is used for analysis, and should still reflect inspections, but other information also goes in the reports to fill out the picture. She also noted that the letter from the assistant administrator went to all programs, not just FIFRA, since all programs with inspection commitments have been affected by the pandemic (including the EPA itself). **Helene will send Mark the letter so he can forward it to the TPPC.**

Peter had a few regional updates from yesterday's call.

- Region 5 reported that one of their tribes is still working to hire a new pesticide coordinator.
- Region 8 is working with tribal grantees to get Quality Assurance Project Plans (QAPPs) & Certification & Training (C&T) plans finalized.
- Region 9 is still working on a draft disinfection sheet for coronavirus; they would like to send it out but want to make it a national document that other regions can send it to their grantees as well. He is hopeful they will finish it sometime around or shortly after Christmas.
- Region 10 provided a tribal childcare survey update; IHS is responsible for this, but have been super busy.
- Peter also noted that he will be stepping down as the tribal pesticide sub-lead, with Blake Huff taking his place, so this is likely his last TPPC meeting. Please feel free to reach out if anyone has questions for him.

Several people thanked Peter for all his hard work over the years. Jasmine asked about the coronavirus document; he clarified that it is a disinfection fact sheet with links to government guidance. Jasmine noted that they tend to find the contact time requirement for disinfectants not being met most of the time. Nina mentioned a situation that happened in Region 9, regarding an inquiry from one of the Tribes that had a company saying the product they sold killed coronavirus, but they couldn't find it on the EPA list. She doesn't know if EPA is investigating these kinds of claims; lots of Tribes are hiring these kinds of companies and learning later that the products being

used are not actually effective against coronavirus. Peter said he has not come across this while writing the fact sheet, but he can talk to his manager and see if they can include information about it in the fact sheet before they finalize it.

Blake introduced himself. He's with Region 8 and works out of the Denver office. He worked in the Tribal Affairs branch for about nine years, then did sustainability work with GSA, then came back to EPA to work in pesticides for the last three years or so. He is familiar with tribal issues in Region 8 and how the agency and Tribes interact with each other.

3. TPPC Administrator Updates (Mark, Mehrdad)

Listserv transition: Mark stated that he now has the list of emails to create a new version of the TPPC listserv using ITEP resources, and will do so in early January after the holidays. However, he also noted that unless the old listserv is shut down or set up with an automatic reply pointing to the new one, there will likely be confusion with people continuing to post to the old list, out of habit or because the address is saved in their email. Mark asked if it would be possible to communicate with Fred about this, and Jasmine agreed that they could meet the first week in January to discuss it.

Website transition: Mark let the group know that he got the information from Suzanne that the web designers need to transition the site to the new version, and is hoping it will happen this week.

Newsletter update: Mark showed the draft newsletter he's working on, which highlights the release of the Status of Pesticides in Indian Country Report, for planned distribution in January. He noted that the photo banner on the current draft is a stock image, and that if anyone has a good image from their tribal farm they would like to submit for use in the newsletter instead, they can send it to him. Aside from the cover story, we would like to include a calendar of upcoming events and trainings, a link for Tribes to contact about becoming a new member, and a list of Executive Committee members with their contact information (and possibly bios). He also asked if Jasmine would be interested in contributing a "Message from the (acting) chair" piece. She and Nina agreed to work on something, to be complete around mid-January. Mark also noted that in future editions we would like to spotlight a specific tribal program, or maybe a circuit rider program, or also things that might come out of the pollinator protection workgroup. And of course suggestions for content are always welcome, so feel free to let him know if you have an idea!

4. Update from the Outgoing Administrator (Suzanne)

There was a question for Suzanne about whether they were able to provide Alaska or Amanda Hauff with bed bug kits. Suzanne stated that she had put in a request to Region 10, but they were not going to have any spare kits available. She could put together a list of the components of the kit, but near the end of the cooperative agreement period (and especially in a pandemic) it wasn't feasible to put together the kits to distribute them. It could be possible to take it up with ITEP, as the new grantee. Suzanne said the three items the Executive Committee had discussed to spend carryover money on included the bedbug kits, printing, and shipping of the status report hard copies. She had 1,000 copies printed, and most are ready to go this week, so folks should have them by next week. The copies for ITEP are in the second batch to be printed, and they should have them by end of the year. Folks can also still request digital copies from her if they would like.

Dan from Gila River Indian Community asked if Tony McCandless had touched base with Suzanne regarding their Tribe's printed copies. He said they would like to release their printed copies to other Tribes in need if that would be helpful. Jasmine asked if carryover funds are being transferred over to ITEP or if they need to be returned to EPA. Emily stated that they would need to be returned

to EPA. Jasmine let the group know that she presented to an RTOC meeting the previous week. She and Suzanne provided the Status Report in PDF format to the RTOC chair, along with Mark's contact information for folks who want to join the TPPC or who have questions. Suzanne pointed out that the TPPC support email in the report will still be monitored, with messages forwarded to Mark as appropriate.

5. Discussion on Certification & Training Issues (Jim Mossett)

Jim Mossett of Three Affiliated Tribes was not present at the meeting, so Jasmine relayed his concerns to the group. He is a senior inspector, and the Tribe has a C&T plan. He's curious about what C&T plan the EPA is currently following when they send an inspector to a Tribe that doesn't have a plan or cooperative agreement in place. From what he's seen the 2017 plan is still in draft form, and the 2014 plan doesn't have any information on fumigation or structural applications. The TPPC had provided some comments on the 2014 plan, but he's not sure if they've been incorporated into the current draft. So how do the federal inspectors deal with working under an old plan, with some sections deleted or missing?

Dan noted that Jim's concern appeared to be twofold in that he mentions two separate issues; the C&T Plan which deals with the certification of RUP applicators, and Direct Implementation. Jasmine said that any Tribe, if they don't have a plan themselves, would call in a complaint to the region, and the region sends in someone to do the inspection (could be federal, circuit rider, or a state person – whoever's available). There have been some reports of cases in which EPA didn't respond and send anyone, in some regions. And there have been cases with insurance and structural applicators that the federal plan doesn't address. There is currently nothing in writing to address these issues.

Emily said that the draft plan that the previous consultation was done on will not be finalized until March 2022 (and the 2014 plan will remain in effect until then). She stated that they're always happy to listen to concerns and talk about things that may have been left out of the plan, since it's not finalized yet. Rachel asked if Jasmine got an email from Jim about specific things that had been left out of the 2014 plan, and if she can forward it to Emily & Rachel so they can get with the appropriate people to address the concerns. **Jasmine said she would be happy to do so.** Blake also noted that Kevin Martin of Region 8 had a nice 1.5-2 hour call with Jim yesterday morning. Jim apparently also had some sovereignty concerns with the plan, so maybe Kevin has more information about this.

6. Spring TPPC Virtual Meeting Planning Discussion (All)

Mark reminded the group that the plan for the Spring meeting is to do it virtually over four or five half days. He brought up the three proposed weeks for the meeting (March 22-26, March 29-April 2, and April 5-9), and asked for feedback on which week worked best for those in attendance. After some discussion **it was decided to hold the meeting the week of March 22-26.**

Mark also asked the group to consider topics & speakers they would like to see included in the meeting. He brought up a list of possible agenda items from the survey at the end of last Spring's meeting and asked for feedback or additions. The list below includes both the items from the previous survey, as well as a few more contributed by the group:

- Go through Status Report and narrow down to 3 or so top priorities for the year
- Maybe a refresher on some daily issues faced by tribes such as spray drift and soil fumigants
- Session on how to draft tribal comment letters.
- Museum folks.

- More on direct implementation, risk assessment, and eCommerce.
- Speakers from EPA/OPP and OECA.
- IPM for schools, outreach.
- More hemp topics. Hemp/marijuana and pesticides. Biostimulants.
- Water quality (pesticides) and ground water. Western states will recharge an aquifer with surface water. These are also used in communities in drought conditions.
- Pollinator protection work group
- EPA's Chem Tox dashboard
- Had to recently switch to Fed Talent, would like information on it (training & refresher website database for FIFRA inspectors). People having a hard time accessing it.

Finally, Mark reminded the group that he sent out a survey the previous week asking for agenda items and ideas for the Spring meeting. **He was asked, and agreed, to re-send it to the listserv.** It is also included below for convenience:

http://nau.co1.qualtrics.com/jfe/form/SV_8CWQ1vvAPc0ku3z

7. TPPC Website Update Workgroup Discussion (All)

(Postponed for a future meeting)

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

James Jackson from Muscogee Creek Nation noted that there had been a PIRT scheduled for last April, then the pandemic came in and it was postponed. They're trying to do it that same timeframe in 2021, and have scheduled it for second week of March. Unfortunately, it doesn't look like that will work either, so it will have to be rescheduled again. He will contact the folks at EPA to see what they can do, and will get back to us before the January 20th meeting with (hopefully) a clear message about when it will happen.

Dan made a quick announcement that Tony introduced a new environmental inspector named Tacy Jensen that they brought on board to their program at Gila River Indian Community. She comes to them from the tribal health department and is from Navajo Nation. They also just filled another vacancy with Dwight Carlston (also Navajo), who came on yesterday. Folks should expect to run into them during the PIRTs & virtual trainings that are going on. Jasmine asked them to come to the TPPC meeting next month and introduce themselves. She also asked if they are going to become members of TPPC and participate in future meetings. Dan stated that their office is set up for just one designated individual to participate with TPPC (Typically Tony, and Dan occasionally if he can't make it), who participates and brings information back to the other staff. Jasmine asked about the new people getting credentials; are they experiencing any delays or issues? Dan said that their staff don't generally pursue federal credentials. Tony is the only one who's gotten it, and he's since let it lapse since they have authority under their tribal laws and don't need federal credentials. But they do have a comprehensive program for training new employees, and he thanked Peter Early for sharing some of those resources they use for this.

9. Next TPPC Conference Call: Wednesday, January 20, 2021, 2:00-4:00 p.m. EST

*(Yellow highlighting in the notes above indicates action items)