

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
06/17/2020
Call Notes – Final
Call in number: 202-991-0477, Pass Code 6135015#

Roll call:

Tribes (12)

- Ted Puetz, Ak-Chin Indian Community
- James Jackson, Muscogee Creek Nation
- James Williams, Muscogee Creek Nation
- Andrea Mitchell, Cocopah Indian Tribe
- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Tony McCandless, Gila River Indian Community
- Nina Hapner, Kashia Band of Pomo Indians
- Suzanne Fluharty, Yurok Tribe
- Gerald Wagner, Blackfeet Tribe & National Tribal Caucus
- Eric Gjevre, Coeur d'Alene Indian Tribe
- Ryan Evans, Confederated Salish and Kootenai Tribes
- Julie Simpson, Nez Perce Tribe

Tribal Organizations (1)

- Africa Dorame-Avalos, ITCA

EPA (5)

- Kristen Willis, EPA/OPP
- Emily Ryan, EPA/OPP
- Rachel Ricciardi, EPA/OPP
- Peter Earley, EPA/Region 9
- Helene Ambrosino, EPA/OECA

Other (2)

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

Reported in advance as absent (2)

- Larry Scrapper, Cherokee Nation
- Diania Caudell, California Indian Basketweavers Association

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

Eric Gjevre, the Region 10 Executive Committee member, facilitated the roll call. Attendance was logged throughout the call for the 13 tribes and tribal organization representatives. Jasmine Brown, TPPC Vice Chair facilitated the rest of the call.

2. Disinfectants for Use Against SARS-CoV-2 (the virus that causes COVID-19) and EPA's List-N (Kristen Willis) (00:05 - 00:35)

This is a presentation about EPA's List-N. The List was first published on March 5, 2020 and the initial list contained about 90 products. EPA has other lists (A through N), so the letter is a means to differentiate

those. EPA expanded List-N over the past few months to over 430 products. It contains products that meet EPA's criteria against SARS-CoV-2.

There are two ways a product can appear on the N-list:

1. The product makes an EPA viral pathogen claim and the product has demonstrated efficacy against SARS-CoV-2.
2. If the product demonstrated efficacy against another type of human Coronavirus.

EPA expects to add products with specific claims about SARS-CoV-2 in the next month. EPA has made significant improvements to the list to make it user-friendly. Searchable lists with active ingredients or formulation type (e.g., towelette) then you should be easy to find products. EPA created another tool and it's user friendly on a mobile device.

EPA.gov/coronavirus is another great reference list and has a good FAQ section. The website also has other announcements and press releases posted.

Questions/discussion:

- Do most of the products require a certain contact time? Yes, each product has specific contact time. List-N has the contact times on the List to make it easier to extract the information.
- How long ago was List A published (sterilant use products)? Kristen is unsure but the disinfectant lists are long-standing. Each list is pathogen specific (e.g., MERSA, etc.)
- Does EPA regulate companies that regulate companies who provide cleaning services? No, but if a company claims to be able to disinfect then the consumer would need to verify they are using EPA-approved disinfectant products.

Action items:

- Suzanne to share the 2-slide PPT with the group after the call.
- Suzanne to share again the NPIC 22-minute training video on disinfectant use.

Resources: <http://npic.orst.edu/ingred/ptype/amicrob/covid19.html>

Video: <https://www.youtube.com/watch?v=rfkzHv40Pz0&feature=youtu.be>

3. EPA Updates (Emily, Amanda, Peter, et. al.) (00:35 - 00:45)

Emily Ryan, EPA/OPP –

- OPP Office Director Rick Keigwin announced last week that he has accepted a detail in the immediate office OCSPP. Ed Messina, the Deputy Office Director for Programs will be stepping in for Rick Keigwin while he is on his detail. June 22 is the date of the change.
- Extended consultation into August for the federal certification plan in Indian Country.
- working to get the new grantee processed and onboarded.

Rachel Ricciardi, EPA/OPP –

- follow-up from past conversations. Looking forward to the Report response from the TPPC about comments provided on the current Report draft.

Helene Ambrosino, EPA/OECA – no OECA updates.

Peter Early, EPA/Region 9 – no updates. He had to cancel this month's tribal meeting as he was away.

4. TPPC Tribal Administrator Update (Suzanne) (00:45 – 00:50)

- a) Administrative

- Spending time on the Status Report workgroup. Also working with the EPA tribal team exploring the options for the use of the carryover funds we have been discussing on former calls. Options selected by the TPPC include: 1) hiring a consultant to do a literature search to assist the TPPC in screening level risk assessment collaboration with HED; 2) funding for bed bug training kits for tribal nations; 3) reserving funding for a limited number of printed copies of the Status Report for tribes.
- All monthly meeting agendas and call notes are posted on the website.
- The EC vacancy – still outstanding. One At-large position vacant. The P&P states this is how I need to address this: In the event that an At-Large position becomes vacant, there will be an election among the alternates for this position to fill the vacated primary At-Large position in a timely manner. The process shall include a call for nominations for the position, a ballot issued to TPPC members on which they shall cast their vote for a specific candidate, and any other steps that the full Council shall deem appropriate. There will then be a subsequent election process to fill the vacated alternate position.
- Topics for upcoming monthly: in May the TPPC members expressed interest in hearing about 1) prospective ASCPRO training opportunities with Liza Fleeson Trossbach; and 2) Label improvement project with Liza Fleeson Trossbach. Is this still of interest?

Action item: Suzanne to reach out to Liza to invite her to the July call.

5. Updates from EPA's Hemp Work Group (Emily) (00:50 – 01:20)

A former position has been that, as a federal agency, EPA could not be directly involved with the marijuana issues as it was not federally recognized. The 2018 Farm Bill was passed and legally hemp production. EPA now has a better idea of what their role is in this process. Emily can speak to what the workgroup has been working on with regard to the hemp issue.

[Refer to the PDF of the EPA-approved slides provided for this session.]

Hemp and the 2018 Farm Bill-Enacted

Removes hemp from Schedule I of the controlled Substances Act; no longer a controlled substance.

- Phases out the 2014 Farm Bill industrial hemp pilot
- Amends the Agricultural Marketing Act of 1946 to allow for regulation of hemp
- Contains provisions to ensure the free flow of hemp in interstate commerce

Hemp Definition

Hemp is the plant *Cannabis sativa* L. and any part of that plant, including:

- the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.
- Marijuana has THC >0.3 and remains federally illegal

USDA – Regulatory Authority

October 2019 – USDA Interim Final Rule

- In order to produce hemp, a farmer must first be licensed or authorized under a state or tribal hemp program or through the USDA hemp program.
- If a state or Indian tribe desires to have primary regulatory authority over hemp production in their borders, they may submit a plan for monitoring and regulating hemp production to USDA.
- Approved USDA Hemp Programs
- <https://www.ams.usda.gov/rules-regulations/hemp/state-and-tribal-plan-review>

- The rule determines that a producer does not commit a negligent violation if they produce plants that exceed the acceptable hemp THC level as long as they use reasonable efforts to grow the plant and it does not test at more than 0.5% THC on a dry weight basis.
- Although a farmer testing above 0.3% but below 0.5% may not be negligent, the crop is still considered a controlled substance and must be disposed of accordingly.

FDA – Regulatory Authority

FDA held a public hearing May 2019 to seek information to inform how it should regulate cannabis-derived products. Seeking scientific literature and data on issues such as:

- Appropriate dosing levels
- Drug interactions
- Impacts to special populations
- Risks of long-term exposure
- Comment period closed July 2, 2019, now extended.
- March 5, 2020 Press Announcement, web-sites, and report.
- <https://www.fda.gov/news-events/press-announcements/fdaadvances-work-related-cannabidiol-products-focus-protectingpublic-health-providing-market>
- <https://crnusa.org/sites/default/files/RAC%20attachments/CBD/CBD%20RTC%20Final.pdf>

EPA – Regulatory Authority

EPA has committed to a timely review of any pesticide registration action for use on hemp.

- By July 2019, EPA had received 10 applications under FIFRA and sought comment via Federal Register notice of receipts.
- In December 2019, EPA approved adding hemp to the use sites of 10 pesticides. Nine of the products are biopesticides and one is a conventional pesticide.
- As EPA receives additional applications to amend product labels to add use on hemp, the agency will process those applications on an ongoing basis.
- **Now 26 products listed.**
- <https://www.epa.gov/pesticide-registration/pesticide-productsregistered-use-hemp>

EPA – Regulatory Authority

EPA will use “hemp” on pesticide labels.

- Currently, there are no tolerances established for hemp.
- There are no pesticides federally registered by EPA specifically for use on cannabis or marijuana.

Hemp Data Requirements

EPA is collaborating with industry and USDA’s Interregional Research Project #4 (IR-4) to identify and generate data needed to support pesticide registrations.

- EPA and IR-4 are also in active discussions on data generation to support establishing tolerances, which are required for hemp used for food or human ingestion (therapeutic oils)

Hemp Section 24(c) Request

The Agency is willing to work with states on requests submitted under FIFRA Section 24(c), which permits states to register an additional use of a pesticide that is already registered for another use as a Special Local Need registration if certain conditions are met.

- On July 11, 2019, the Kentucky Department of Agriculture submitted a registration action under FIFRA Section 24(c) for the use of the product Heligen on industrial hemp throughout Kentucky to control corn earworm.
- On September 25, 2019, EPA confirmed review of the submitted materials and determined that the Special Local Needs registration is acceptable.

- New state submission (Indiana).

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Emily then gave an update on the workgroup activities on how they have managed all of the inquiries that are coming in. EPA thought it would be good to merge efforts and have larger monthly meetings with EPA, and states so that as inquiries come in they can be responding efficiently to those. EPA created an FAQ list for hemp and posted it to the website. If EPA sees common questions coming in then they can respond to those.

6. Other Issues/Concerns/Hot Topics (All) (01:20 – 01:30)

Question: is the WPS focused inspection pilot still active? Helene said she is looking to find out which grantees enlisted in this and to gauge their progress. It's a 2-year pilot and activities on are hold since nobody is doing inspections at the time. But if EPA didn't get enough data or participants then they would consider extending this.

Gerald Wagner just had a NTC EC call, aimed at budget an priorities document. They tried to include media-specific programs and partnership groups. TPPC, tribal water council, NTAA, tribal toxics, tribal solid waste and response. He met with those chairs to get input and formulate priorities document and some budget information. They generated a document and presented it to the EPA Administrator.

This year the NTC has fallen off the former input-seeking schedule. AIEO has put forth questions concerning priorities and budget issues. NTC proposes to send questions out to the chair of the partnership groups. Jasmine would receive this for the TPPC. They plan to send out on June 19 with a response by July 2.

7. Next TPPC Conference Call: Wednesday, July 15, 2020, 2:00-4:00 p.m. EST

8. Status of Pesticides in Indian Country Report Workgroup - convenes on another conference line (01:30 – 02:00)

ANNOUNCEMENTS

- Aug 3-5, 2020: Pesticide Applicator Certification and Training (PACT) Biennial Conference (POSTPONED)
- Aug 17-21, 2020: ASPCRO Annual Meeting (CANCELLED)
- Aug 24-27, 2020: PREP: Compliance and Enforcement Management PREP (moved to online)
- Sept 14-17, 2020: PREP: Comprehensive Combo Course (moved to online)
- Sept 21-22, 2020: SFIREG Joint Working Committees Meeting, location TBD
- Sept 28–October 2, 2020: Basic Inspector Training PIRT, Savannah, GA
- Oct 2020 (dates TBD): Region 3 FIFRA Inspectors Workshop
- Oct 20-22, 2020: PREP: Senior Executive Program Management Course, Davis, CA
- Nov 4-5, 2020: Region 5 Pre-SFIREG, Chicago, IL
- Nov 16-19, 2020: PREP: Registration & Re-evaluation Course, Arlington, VA (rescheduled from May 2020)
- Nov 17-18, 2020: Region 10 Pesticide Directors Meeting with SLAs and Tribes, Seattle, WA
- Dec 7-8, 2020: Full SFIREG Meeting, Arlington, VA