



March 11, 2019

Ms. Michele McKeever, Chief, National Planning and Measures Branch  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Mail Code: M2221A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

**Subject:           Comments on Docket ID No. EPA-HQ-OECA-2018-0843  
                      “EPA's National Compliance Initiatives”**

Dear Ms. McKeever:

The Tribal Pesticide Program Council (TPPC) is pleased to submit these comments and recommendations regarding the U.S. Environmental Protection Agency's (EPA's) request for comments concerning Docket ID No. EPA-HQ-OECA-2018-0843 (EPA's National Compliance Initiatives).

The TPPC is an autonomous organization with approximately 45 member Tribes and Tribal organizations. The TPPC is a Tribal technical resource, and program and policy development dialogue group, focused on pesticides issues and concerns. The TPPC assists Indian Tribes in building Tribal pesticide programs, providing pesticide education and training, and researching, developing, and presenting a broad range of Tribal pesticide-related issues and concerns. It is important to note that the views expressed by the TPPC may not be agreed upon by all Tribes since there are 573 federally recognized Tribes whose views and circumstances are unique. Hence, “one size does not fit all.” As such, it is important that EPA understand interactions with the TPPC do not substitute for government-to-government consultation, which can only be achieved through direct communication between the federal government and Tribes.

The TPPC believes that strong and effective pesticide regulatory programs are essential for protecting human health, the environment, and food safety and security. Pesticide compliance inspections are also necessary to help ensure that applicators, and the public and environment, are adequately protected from the risks associated with the use of pesticide products. However, despite the substantial risks posed by the use of pesticides, the proposed national compliance initiatives do not include any Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) related initiatives.

According to EPA, agricultural farm workers and pesticide applicators face a disproportionately high risk of exposure to pesticides (from mixing, loading and applying pesticides; hand labor tasks in pesticide treated crops; and pesticide drift from neighboring fields). Studies show that farm worker families have higher levels of pesticide exposure than non-farm worker families

(take-home exposure transfer of pesticide residues and proximity of housing to treated areas). There are 2 million farm workers in the US, over a million certified applicators, and 2–3 million noncertified applicators applying pesticides under the supervision of certified applicators. It is important to protect farm workers from occupational pesticide hazards to ensure their safety in the workplace and viability as a community.

Responsibility for conducting pesticide compliance inspections rests with states that have primacy, and with Tribes who have cooperative agreements with EPA for conducting these inspections on Tribal lands. As of September 2018, there were 573 federally-recognized Tribes, and 18 EPA/Tribal FIFRA enforcement cooperative agreements covering 23 federally-recognized Tribes. Pesticide compliance activities for the remaining 550 federally-recognized Tribes is a direct implementation responsibility of EPA's regional offices.

In recognition of the mostly unknown status of FIFRA compliance on Tribal lands for the 550 federally-recognized Tribes that are not covered by cooperative agreements, in EPA's 2016-2017 National Program Managers Guidance, EPA prioritized an activity to "monitor compliance and initiate enforcement in states and tribal lands where the EPA has direct implementation authority, placing emphasis on commercial applicators." As communicated by OECA to the TPPC, the purpose of the compliance monitoring was to determine if patterns of non-compliance exist on Tribal lands to enable EPA to appropriately direct its limited enforcement resources. However, despite the value of this initiative for EPA to determine the status of FIFRA compliance on Tribal lands, EPA discontinued this initiative after one year and insufficient data was collected to enable EPA to estimate FIFRA compliance rates on Tribal lands.

Given the disproportionate risks posed by the use of pesticides and the potential harm for farm workers, families, our food supply, and the environment, the TPPC respectfully requests that EPA reinstate the FIFRA Worker Protection Standard (WPS) compliance inspections priority on Tribal lands. If EPA determines that pesticide use on Tribal lands is largely compliant, then EPA can divest its enforcement resources elsewhere. However, if EPA determines that significant non-compliance exists, then it can appropriately direct enforcement resources to reduce FIFRA violations which are among the most serious and high-risk environmental violations that can result in severe injury and death.

In summary, the TPPC is pleased to provide the aforementioned comments regarding EPA's proposed National Compliance Initiatives and we respectfully request that EPA prioritize FIFRA compliance on Tribal lands as a national priority given the disproportionate risks and largely unknown compliance rates on Tribal lands not covered by EPA/Tribal FIFRA cooperative agreements. If you have any questions regarding our comments, please feel free to contact us via e-mail at [fcory@micmac-nsn.gov](mailto:fcory@micmac-nsn.gov) or telephone at (207) 764-7765.

Respectfully Submitted,

A handwritten signature in black ink that reads "Fred Corey". The signature is written in a cursive, flowing style.

Fred Corey, Chair  
Tribal Pesticide Program Council  
Aroostook Band of Micmacs, Natural Resources Department