

## TRIBAL PESTICIDE PROGRAM COUNCIL

Northern Arizona University  
PO Box 15004  
Flagstaff, AZ 86011-5004  
[tppcwebsite.org](http://tppcwebsite.org)

---

May 28, 2021

Michael Watson,  
Acting Administrator, Animal and Plant Health Inspection Service.  
Regulatory Analysis and Development,  
PPD, APHIS, Station 3A-03.8,  
4700 River Road, Unit 118,  
Riverdale, MD 20737-1238

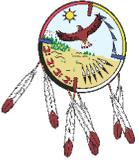
**Subject:       Comments on Docket ID No. APHIS-2020-0021-4115**  
**“Notice of intent to prepare an environmental impact statement”**

Dear Mr. Watson,

The Tribal Pesticide Program Council (TPPC) is pleased to submit these comments on the notice of intent to prepare an environmental impact statement (EIS) for the proposed deregulation of MON 87429, a variety of maize genetically modified for resistance to multiple herbicides including dicamba, glufosinate, quizalofop, and 2,4-dichlorophenoxyacetic acid (2,4-D), along with tissue-specific glyphosate tolerance.

The TPPC is a member-based organization with 35 member Tribes and Tribal organizations, whose activities are funded by a cooperative agreement between the U.S. Environmental Protection Agency (EPA) and the Institute for Tribal Environmental Professionals at Northern Arizona University. The TPPC serves as a Tribal technical resource, and provides a forum for dialogue between Tribes and relevant federal agencies on program and policy development relating to pesticides issues and concerns. Assistance provided to Tribes includes support in building Tribal pesticide programs and conducting pesticide education and training, and the preparation of resources for Tribes interested in specialized issues such as Integrated Pest Management and pollinator protection. Through its interaction with EPA and other federal agencies, the TPPC keeps Tribes informed of developments in the regulation of pesticides and pesticide use, and provides feedback to the agencies on such matters from a Tribal perspective. It is important to note, however, that the views expressed by the TPPC may not be agreed upon by all tribes. There are 574 federally-recognized tribes whose views and circumstances are unique, and communication between federal agencies and the TPPC does not substitute for direct government-to-government consultation.

On May 8, 2020, APHIS announced the availability for public comment of a petition from Bayer seeking nonregulated status for the strain of maize identified as MON 87429, genetically modified for resistance to the five herbicides noted above. Based on comments received on the petition, and new information that APHIS became aware of regarding potential issues with dicamba spray drift and volatilization, along with the cancellation of several dicamba-based products, APHIS determined that an EIS would be necessary to satisfy



## TRIBAL PESTICIDE PROGRAM COUNCIL

---

the requirements of the National Environmental Policy Act (NEPA) for the proposed deregulation, rather than the less-involved environmental assessment (EA) that had originally been planned.

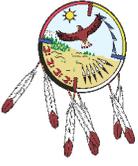
With the understanding that the current comment period is intended primarily to help identify potential alternatives and relevant information, studies, and/or analyses that APHIS should consider in evaluating the potential impacts of the proposed action on the quality of the human environment, the TPPC respectfully offers the following comments.

TPPC members have expressed two primary concerns with the proposed deregulation of MON 87429, both stemming from the particular and long-standing relationship of Tribal peoples with the land and its plant and animal species. The first concern has to do with the effects on native plants and pollinators due to increased herbicide spraying on resistant crops such as MON 87429. The second regards the possibility of incorporation of genes from this genetically modified organism into traditional food species, specifically the traditional corn varieties grown by Tribes across the country. Each of these concerns will be addressed in more detail below.

Native plants and animals have been vitally important to Tribal peoples since time immemorial as sources of food, raw materials, and medicines, and for use in the multitude of ceremonial and cultural events that hold the people of a given Tribe together and connected to their lands. More than just resources to be used by people to meet their needs, many native plants and animals form a core part of the identity of Tribes. Therefore Tribes generally take a cautious approach to adopting technologies that may cause harm to native plants and animals.

The TPPC is not as a whole opposed to the use of pesticides on agricultural crops, and many member Tribes have extensive, modern agricultural operations that include the judicious use of pesticides to control herbivorous insects and weedy plant species. However, the TPPC is concerned that if MON 87429 is granted nonregulated status to allow for widespread planting of the strain, this will result in a significant increase in the use of the herbicides to which the plant has been engineered for resistance. Increased use of herbicides in recent decades has had a negative impact on the abundance of various native plants such as milkweeds, and lead to the overall degradation of habitat for pollinators through the loss of host plant species. Additionally, although herbicides are targeted at weedy plant species rather than insect pollinators, some studies have shown direct impacts of herbicides on pollinators including impaired cognition, food sensitivity, learning impairments, and physiological effects, or even acute toxicity if a pollinator is sprayed during herbicide application. The TPPC is concerned that widespread adoption of MON 87429 will further exacerbate these trends and result in additional impacts to plant and animal species of importance to Tribes.

Corn was developed from its wild ancestors into an agricultural crop thousands of years ago by Native peoples in Central America. Over the following several millennia the crop spread throughout the western hemisphere until by the time of European settlement it formed a significant component of the diet of Tribes across North America, from the Northeast through the Midwest and the Southwest. Tribes in each region developed unique strains of corn that were adapted to thrive in their local environments, and many of these strains are still cultivated today. Due to the primary position of corn in the sustenance of Tribal populations over many generations, it has also been incorporated into the ceremonies and cosmology of many Tribes, and its importance truly cannot be overstated.



## TRIBAL PESTICIDE PROGRAM COUNCIL

---

With this in mind, the TPPC is deeply concerned about the possibility of genetically modified corn strains such as MON 87429 crossing with traditional varieties through pollination, leading to the incorporation of unwanted engineered genes into these traditional varieties and the dilution of their genetic lines. Increased use of MON 87429, without the restrictions currently placed on its cultivation to prevent cross pollination, will make it much more likely for such events to occur, and therefore much more difficult for Tribal farmers to protect their traditional crops from such harm.

In sum, the TPPC has significant concerns about the potential deregulation of MON 87429, given the possible negative effects on both native plants and animals as well as on the traditional corn varieties that are central to many Tribal cultures. The particular lifeways of Tribal peoples are not always taken into account during analyses conducted for NEPA compliance, which instead often focus on impacts to the general population. Given the importance of the issues around corn and pesticides to so many Tribal peoples across the country, the TPPC wants to ensure that the concerns of Tribes are taken into account during the analysis for this EIS.

Respectfully submitted,

Jasmine Courville-Brown, Acting Chair  
Tribal Pesticide Program Council  
Confederated Salish & Kootenai Tribes, Division of Environmental Protection