

Tribal Pesticide Program Council Executive Committee
Monthly Conference Call
07/20/22
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 (14)

- David Anderson, Eastern Band of Cherokee Indians
- Les Benedict, St. Regis Mohawk Tribe
- Jefferson Biakeddy, Navajo Nation
- Jasmine Brown, Confederated Salish and Kootenai Tribes
- Brittani Clairmont, Confederated Salish and Kootenai Tribes
- Nina Hapner, Kashia Band of Pomo Indians
- James Jackson, Muscogee Creek Nation
- Phil Jackson, Saginaw Chippewa Indian Tribe
- Sheldon Jones, Navajo Nation
- Renee Keezer, White Earth Nation
- Breanna Knudsen, Saginaw Chippewa Tribe of Michigan
- Camilo Perez, Quechan Indian Tribe
- Ted Puetz, Ak-Chin Indian Community
- Dorla Tartsah, Kiowa Tribe

Tribal Organizations (1)

- Meyo Marrufo, National Tribal Caucus

EPA (10)

- Helene Ambrosino, EPA/OECA
- Kaitlin Burch, EPA/OCSP
- Vanessa Emerson, EPA/OCSP
- Michael Goodis, EPA/OCSP
- Loren LaPointe, EPA/OCSP
- Ed Messina, EPA/OCSP
- Kaitlin Picone, EPA/OCSP
- Rachel Ricciardi, EPA/OCSP
- Emily Ryan, EPA/OCSP
- Linsey Walsh, EPA/OCSP

Other (2)

- Mark Daniels, Institute for Tribal Environmental Professionals
- Mehrdad Khatibi, Institute for Tribal Environmental Professionals

1. Tribal Caucus

2. Welcome/Introductions

Mark Daniels facilitated roll call and welcomed everyone.

3. EPA Updates

Rachel Ricciardi, EPA mentioned the upcoming training on Aug. 10 and 11:

<https://www.epa.gov/pesticide-applicator-certification-indian-country/training-private-applicators-under-epa-plan#applicator%20training%20dates>

Rachel also noted that the cannabis paper is out and Helene Ambrosino, EPA would like to hear from TPPC members, please email her with any comments.

Rachel announced that she will be taking a year leave of absence to continue her graduate program in Costa Rica at the University for Peace. Linsey Walsh will be filling in for Rachel during this time.

Vanessa Emerson, a new team member from OCSPP was introduced to the group.

Links from Rachel:

<https://docs.house.gov/meetings/AP/AP06/20220621/114914/BILLS-117-SC-AP-FY2023-Interior-AppropsInteriorDraftBillFY2023.pdf>

<https://nativenewsonline.net/currents/effort-to-protect-tribes-impacted-by-federal-cannabis-laws-adv>

4. TPPC Administrator Updates

- a. Website improvements coming soon: new section for Tribes just starting out with pesticide programs. This will include information about how to start a pesticide program, components of a cooperative agreement, how to prepare a QAPP, templates and more.
- b. Mark has also created a map of TPPC Tribes in the U.S. for the website. Comments from the group mention changing the Tribe symbol (use something instead of a star), use a different term than 'native land', make it interactive, and maybe include it in the TPPC brochure.
- c. Upcoming training: Talking about Pesticides and Risk (Wednesday, July 27, 10 AM PST). Part two of this training will be in August or September, Mark will let everyone know when the date is confirmed.

5. Cannabis Issue Paper Discussion

Ed Messina, EPA/OCSPP addressed questions and comments from the group regarding the recent Cannabis issue paper. He mentioned that they can commit to facilitating a meeting with the TPPC and USDA regarding hemp regulation.

Jasmine Brown, Confederated Salish and Kootenai Tribes, is concerned that the USDA is conducting inspections for compliance with their own market-based certification and not checking for FIFRA compliance. Currently many states are not putting crops or locations on

labels and this creates issues with this unregulated crop. She mentioned the presentation from Jefferson Biakeddy about the Navajo Nation Hemp operation and how this was an eye opener.

Helene Ambrosino, EPA/OECA introduced Eric Miederhoff, the new acting branch chief for OECA who will be working again with the TPPC. Regarding the cannabis paper, they are still processing it in their office and need to consult and have discussions with OPP and senior managers before responding to the paper. She would like to get more information about how many hemp/marijuana grow facilities on tribal lands there are in the country.

Nina Hapner, Kashia Band of Pomo Indians, would like to see some assurances that the Tribes are protected when it comes to hemp inspections. She also mentioned the Navajo Nation's experience with crop regulation and how this enlightened members about concerns and how they are addressed. This is a very complicated issue and Tribes rely on EPA to protect their people.

Helene brought up the issue that it is legal to inspect a hemp crop but if it is tested above the 3% THC level then it is considered illegal marijuana (federally). Jasmine mentioned that when it does become illegal, it gets sent to law enforcement.

James Jackson, Muscogee Creek Nation, mentioned that in Oklahoma there are multiple different agencies involved with inspections and compliance of medical marijuana.

Ed Messina contributed that there are no federally approved pesticides for growing marijuana because it is illegal but there are many products approved for hemp. The products are not approved for cannabis because that would contradict the fact that it is illegal.

<https://www.epa.gov/pesticide-registration/pesticide-products-registered-use-hemp>

At the request of Nina, Helene commits to update the TPPC on any progress being made to respond to the paper.

Many members would like to hear a repeat of Jefferson Biakeddy's presentation, and noted that it would be useful for EPA staff as well to help understand what Tribes are dealing with.

<https://tppcwebsite.org/wp-content/uploads/2022/04/2020-NNEPA-SR.Hemp-Investigations.pdf>

Jasmine asked Emily that since some Tribes have legalized hemp/marijuana, could they be responsible for enforcement and regulation similar to states' control over legal marijuana? **Emily will look into it and get back to the group.** Another question from Jasmine has to do with the effect of the recent Oklahoma v. Castro-Huerta supreme court decision and what this means for other states. https://www.supremecourt.gov/opinions/21pdf/21-429_8o6a.pdf

Emily shared a link to comments and letters from Tribes sent in about the EPA's reconsideration of the SAFETEA Act authority granted to the state of Oklahoma:

<https://www.epa.gov/ok/proposed-withdrawal-and-reconsideration-and-supporting-information>

6. Tribal Caucus Report-out

This will be reported at the August meeting

7. NTC Updates

Meyo Marrufo, National Tribal Caucus, said they have met with Administrator Regan about the budget. She also mentioned the upcoming conference on September 13-15 that will have a climate change theme. They will send out an agenda to Mark and he will send out to the group for input on pesticide use responses in relation to climate change. There will be funding in 2023 for Water programs in Indian Country.

8. The next TPPC Conference call is Wednesday, August 17, 2022, 2:00-4:00 p.m. EST

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