

Tribal Pesticide Program Council-Full Council Meeting
Arlington, Virginia and Virtual
DAY ONE, Wednesday, March 8, 2023
Meeting Notes

The meeting was called to order by Jasmine Courville at 9:00 AM Eastern Time Zone.

Attendees (for the overall, three-day meeting):

Tribes (30)

- Eliana Aguilar, Colorado River Indian Tribes
- Brenda Pusher-Begay, White Mountain Apache Tribe
- Jefferson Biakeddy, Navajo Nation
- Dwight Carlston, Gila River Indian Community
- Brittani Clairmont, Confederated Salish and Kootenai Tribes
- Jasmine Courville, Confederated Salish and Kootenai Tribes
- Africa Dorame-Avalos, Inter Tribal Council of Arizona
- Eric Gjevre, Coeur d'Alene Indian Tribe
- Nina Hapner, Kashia Band of Pomo Indians
- Joe Herrera, Yakama Nation
- Anthony Hill, Choctaw Nation
- Tracy Horst, Choctaw Nation of Oklahoma
- Daniel Hoyt, Gila River Indian Community
- James Jackson, Muscogee Creek Nation
- Phil Jackson, Saginaw Chippewa Indian Tribe
- Tacy Jensen, Gila River Indian Community
- Sheldon Jones, Navajo Nation
- Renee Keezer, White Earth Nation
- Tony McCandless, Gila River Indian Community
- Ryan Milazzo, Colorado River Indian Tribes
- Jim Mossett, Mandan, Hidatsa and Arikara Nation
- Sean Parker, White Mountain Apache Tribe
- Camilo Perez, Quechan Indian Tribe
- Ted Puetz, Ak-Chin Indian Community
- Jessica Raspitha, St. Regis Mohawk Tribe
- Larry Scrapper, Cherokee Nation
- Dorlah Tartsah, Kiowa Tribe
- LaShawnia Tso, Tohono O'odham Nation
- Gerald Wagner, Blackfeet Nation
- Ron Workman, Choctaw Nation of Oklahoma

Tribal Organizations (1)

- Diania Caudell, California Indian Basketweavers Association

Federal (25)

- Helene Ambrosino, EPA/OECA
- Steph Bachman, EPA

- Aidan Black, EPA
- Janet Camp, EPA
- Joseph Gonzales, EPA Region 10
- Ben Hassan, EPA
- Blake Huff, EPA Region 8
- Chris Koper, EPA/OPP
- Kelly Lowe, EPA
- Sean Mahoney, EPA/OEC
- Ed Messina, EPA/OCSP
- Mike Metzger, EPA/OPP
- Susan Morales, EPA Region 9
- Thurston Morton, EPA
- Amy Mysz, EPA
- David Nadrchal, EPA
- Victoria Oliver, EPA
- Kaitlin Picone, EPA/OCSP
- Alton Reid, EPA
- Colleen Rossmeisl, EPA
- Emily Ryan, EPA/OCSP
- Carolyn Schroeder, EPA/OPP
- Megan Stallard, EPA
- Michael Wagman, EPA
- Linsey Walsh, EPA/OCSP

Other (4)

- Gary Bahr, State FIFRA Issues Research and Evaluation Group
- Mark Daniels, Institute for Tribal Environmental Professionals
- Eric Descheenie, Strategic Planning Consultant
- Jennifer Glennon, Institute for Tribal Environmental Professionals

Traditional Opening Ceremony, Welcome, Introductions

Larry Scrapper, Cherokee Nation, provided the opening prayer.

TPPC Opening Remarks: Jasmine Courville, TPPC Chair and Nina Hapner, TPPC Co-Chair

Jasmine Courville-Brown, Confederated Salish and Kootenai Tribes and Nina Hapner, Kashia Band of Pomo Indians provided opening remarks and welcome to attendees.

EPA Welcome Remarks: Linsey Walsh, EPA/OCSP and Ed Messina, EPA/OCSP

Following individual introductions from everyone present at the meeting and online participants, Linsey Walsh, EPA/OCSP welcomed everyone to the meeting and expressed appreciation for everyone's attendance.

[Slide Presentation](#)

Ed Messina, EPA/OCSPP Director provided an update on the Office of Pesticide Programs (OPP) beginning with mentioning their new Senior Science Advisor and outlining the office's priorities. These include approving new registrations, Endangered Species Act (ESA) implementation, several documents sent out for comment, environmental justice, climate change, rulemaking and guidance, and IT.

In December the Pesticide Registration Improvement Act of 2022 (PRIA 5) was re-authorized with an increase in funding. The law was enacted to update FIFRA pesticide registration fee tables and provided funding to OPP for registrations. This includes labels made available in Spanish and several more components of PRIA 5 which can be found on the website:

<https://www.epa.gov/pria-fees>

With the increased funding of PRIA 5, there will be a series of grants available which will be sent out as RFP's (requests for proposals). Responding to feedback from PRIA 4, more of these grants will be designed so that money goes to environmental groups and smaller organizations, not just universities.

Mr. Messina discussed the updated ESA workplan and how OPP will comply, along with revising the Application Exclusion Zone rules to improve worker safety. He mentioned that 22 tribes have submitted finalized plans for a certification program, some of which cover nearby areas that don't have their own plans.

A new office has been created, 'Environmental Justice and External Civil Rights' (EJECR) for implementation of safety factors/consumption data/drinking water estimates/spray drift/WPS/outreach to farmworkers/labels/IPM/grants.

From Ed Messina to check on the status of any chemical in question:

<https://www.epa.gov/pesticide-reevaluation/upcoming-registration-review-actions>

Prior to the meeting, the TPPC had prepared a list of questions to discuss with Ed Messina. Many of these were addressed and several members were able to express some of their frustrations and look into possible ways to take action.

National Tribal Caucus Update

Gerald Wagner, Blackfeet Nation and National Tribal Caucus (NTC) Chair gave an overview of the NTC and how they go through an annual process of developing priorities and a budget document that they submit to EPA for the following two years. An offer of non-financial tech assistance from the EPA was raised at the most recent NTC meeting and discussion resulted in a need for assistance with grant development and writing/training for newer employees. The NTC seeks input from Tribes on their priorities in order to request funds from EPA for upcoming projects so that they can effectively express the story of Tribal financial needs within the document.

Hot Topics Discussion with TPPC Members

Diania Caudell, California Basketweavers Association

- white sage in Southern California is experiencing over-collection by non-Tribal people. She has a 20-minute film that will be shown at this TPPC meeting called 'Saging the World'. If anyone would like to show the video in their community, let Diania know.

- would like to visit the Smithsonian Museum Tribal collections at a future meeting and receive guidance regarding the use of pesticides on objects.

Nina Hapner, Kashia Band of Pomo Indians

-they have been meeting with the Office of Environmental Assessment about educating workers in Tribal Health clinics for considering and assessing pesticide exposure in homes and the environment. There may be an issue with the nature and wording of the questions that can be asked to patients and if it violates HPPA.

Renee Keezer, White Earth Nation

-concerned with federal standards and inspectors going on to Tribal land of those that do not have their own inspectors or a C&T plan due to lack of funding and resources. Jasmine added that Jim Mossett has brought up this issue many times.

Ron Workman, Choctaw Nation of Oklahoma

-they are working with new pollinator programs to expand education and outreach and identifying pollinator habitat areas.

Jasmine Courville, Confederated Salish and Kootenai Tribes

-treated seeds are an ongoing problem as they destroy pollinators. Tribes need to evaluate and discontinue use of treated seeds.

Eric Gjevre, Coeur d'Alene Indian Tribe

-one inspection that stands out occurred with an aerial application on a wheat field on the Nez Perce reservation at the time of a Tribal burial ceremony. They took samples and sent to EPA and are waiting for results. This shows need to advocate for Tribes in these situations.

Jeff Biakeddy and Sheldon Jones, Navajo Nation

-recent school inspections have discovered many expired anti-microbial products. They are dealing with how to dispose of old unused products.

Camilo Perez, Quechan Indian Tribe

-provided an update on what is happening with their programs

Dwight Carlston, Gila River Indian Community

-they are building an environmental education center and are looking forward to hosting meetings and classes.

Ted Puetz, Ak-Chin Indian Community

-mentioned the need for proper disposal of empty and full containers of products.

James Jackson, Muscogee Creek Nation

-cost of analyzing PFAS in water

-excess of tube containers that need to be disposed of properly and in a location that won't cause continued release into the environment.

Brenda Pusher-Begay, White Mountain Apache

-provided an update on what is going on with their programs

ESA Consultations and Species Determinations

[Slide Presentation](#)

Lisa Manning, National Listing Coordinator, NOAA Fisheries summarized the process for listing a species and designating critical habitat under the Endangered Species Act (ESA). The requirements for a species listing determination include identifying a species as a 'listable' entity and whether it should be listed as a threatened or endangered species. Decisions must be based solely on the best scientific and commercial data available. A status review of the species must be conducted and consideration given to protective efforts by any State or foreign nation within its jurisdiction or on the high seas.

For newly listed species, a critical habitat designation must be listed at the same time. Ms. Manning covered the definition of critical habitat and the importance of specifying areas within and nearby where the species is found. The effects of a critical habitat designation were mentioned along with an overview of designation requirements and reasons for possible excluded areas. Consideration of Tribal impacts and concerns are outlined in the policy and decisions are made to include Tribal perspectives.

[Slide Presentation](#)

Ryan DeWitt, National Marine Fisheries Service (NMFS) provided a summary of the process for consultations conducted by NMFS (ESA Section 7). He outlined the Tribal Coordination process, and the role Tribal governments play in the consultation when agency actions may affect Tribal trust resources or Tribal rights.

An example was presented using California Coastal Chinook and the impacts on salmon and how the NMFS mitigation framework is followed when necessitated by a pesticide application. Also included was information on how to focus on areas where mitigation is most needed such as in pesticide use limitation areas.

**Association of American Pesticide Control Officials (AAPCO), Association of Structural Pest Control Regulatory Officials (ASPCRO), and State FIFRA Issues Research and Evaluation Group (SFIREG)
Updates: Allison Cuellar, ASPCRO; Liza Fleeson-Trossbach, AAPCO and Gary Bahr, SFIREG**

[Slide Presentation](#)

Liza Fleeson-Trossbach, AAPCO past-president, gave an overview of the mission of AAPCO, which oversees SFIREG and works with states, territories and often Tribes. To accomplish their mission, they have standing committees and workgroups to focus on specific issues such as PFAS, Pollinator Protection, Label improvement, Tech, E-commerce and Endangered Species Act (ESA). They meet monthly with EPA, OPP, OECA, National Association of State Departments of Agriculture and AAPSE (Association of American Pesticide Safety Educators).

<https://aapco.org/>

[Slide Presentation](#)

Allison Cuellar, Vice President of ASPCRO summarized their organization, the focus of which is non-agricultural pest control in structural and residential buildings, parks and any environments around people. The mission of ASPCRO is to be the premier source of information for non-agricultural pesticide use, compliance and regulation. They foster partnerships with industry and regulatory entities as well as

promote education and emerging issues. ASCPRO has several working committees including public health, inspector training, school IPM, ICAP task force, labels, rodenticides, and building codes. Allison covered work they have done with rodenticides becoming RUP's, sulfuryl fluoride, residential mosquito applications and pesticide devices that make public health claims, the University of Florida Structural Fumigation Workshop, and the Rodenticide Survey.

<https://aspcro.org/>

The next meeting will be in Lexington, KY on April 4, 2023.

The ASCPRO annual conference is in Reno, NV on August 21-25, 2023.

[Slide Presentation](#)

Gary Bahr, SFIREG Chair and Washington State Dept. of Agriculture provided a description of how SFIREG is a standing working committee of AAPCO. There are several topics that they meet and coordinate with States, Territories and Tribes including climate change and pesticides, ESA processes, PFAS, tracking EPA proposed decisions regarding pesticides, pet collar products, treated seeds, C&T plans, and aquatic life benchmarks. They also look at managed pollinator issues, track issues with disinfectants and devices, and public comments on Atrazine. The presentation also includes comments on pesticide registrations & reevaluation and a list of recent and future SFIREG comments.

This was a risk assessment guideline produced years ago through an EPA Star Grant, August 2007, if this is helpful as a historical guideline:

https://health.oregonstate.edu/sites/health.oregonstate.edu/files/research/pdf/tribal-grant/exposure_scenario_and_risk_guidance_manual_v2.pdf

For EPA headquarters staff, the R10 EPA Columbia River Basin Toxics Reduction Action Plan and program has been working on Tribal risk related topics especially with salmon. Could reach out to Michelle Wilcox at (360) 753-9469 or wilcox.michelle@epa.gov for an update on the work that is ongoing.

<https://www.epa.gov/columbiariver/columbia-river-basin-toxics-reduction-action-plan>

TPPC Priorities and Goals Work Session (Tribal Members only)

Eric Descheenie, Strategic Planning Consultant, facilitated a goals work session with Tribal members of the TPPC.

Tribal Pesticide Program Council-Full Council Meeting

Arlington, Virginia

DAY TWO, Thursday, March 9, 2023

TPPC Opening Remarks, Jasmine Courville & Nina Hapner

Jasmine Courville, Confederated Salish and Kootenai Tribes and Nina Hapner, Kashia Band of Pomo Indians provided opening remarks and welcome to attendees.

Jasmine provided a summary of discussions from the previous day.

AAPCO Meeting Highlights from TPPC Members in Attendance

Diania Caudell, California Indian Basketweavers Association presented at the AAPCO conference (preceding the TPPC meeting, March 6-8, 2023)

EPA Regions Tribal Pesticide Update

[Slide Presentation](#)

Blake Huff, EPA Region 8, provided region-specific updates and pesticide related activities that Tribes have been engaged in for Regions 1-10. Each Region submitted slides outlining their program highlights relevant to the TPPC.

Q & A with EPA Risk Assessors

Linsey Walsh, EPA, led introductions to the group of Risk Assessors available to answer questions from the TPPC. They are Mike Wagman, Mike Metzger, Chris Koper, Colleen Rossmeisl, Janet Camp, David Nadrchal, Megan Stallard, Victoria Oliver, Steph Bachman, and Thurston Morton.

In advance of the meeting, Linsey had sent a list of prepared questions to the panel. Following is discussion about some of the topics:

In regards to Jasmine's question about differential accumulations of mercury, PFAS and toxic substances in fish: Mike Metzger suggested that they would need to see the data/report on the fish and bring in the Toxics division to look at it.

As far as missing data, what information does the EPA need from Tribes?

In order to do a risk assessment for a particular area they need toxicity data (have already), pesticide usage data for areas that they are interested in looking at, exposure pathways (sources of drinking water, food consumption patterns, sources of exposure) and residue data. They can use creative modeling or put together a targeted monitoring study, though this would need to be funded). Related discussion included specific areas (White Earth Nation, Columbia River) and use and consumption of certain species of plants and animals (moose, bear, bitterroot, elderberry) that sampling and testing could be done on to assess the risk of exposure.

Nina mentioned the importance of looking at the whole story of exposure pathways and impacts on community and not just the number data when putting together a risk assessment. James Jackson brought up the need to look at cumulative effects of multiple and repeated exposures.

Several examples of exposures from various states were mentioned along with their unique circumstances.

Gila River Indian Community's 2022 Pesticide Code Revision

[Slide Presentation](#)

Dan Hoyt, Gila River Indian Community (GRIC) works in the Department of Environmental Quality which primarily deals with enforcement. The first pesticide code was created in 1981 and the last revision was in 2015. During the previous 7 years they have conducted 403 inspections and identified 239 violations 50 of which were federal violations. Over the past several years they have been able to identify challenges with enforcement of the code and determined the need for a revision based on what wasn't working.

The newly revised code is available on the GRIC website, and their team is happy to help if anyone has questions.

[Gila River Indian Community \(gricdeq.org\)](http://gricdeq.org)

A white paper was used as the notification process and feedback and input was collected from public meetings and various committees and councils. Two pieces of federal legislation changed since 2015 and they needed to ensure that Tribal law did not conflict with those changes. They realized the code needed to be clearer and more understandable and revisions were based off of the department code and includes improved language and definitions. A main focus was on pesticide use requirements and they aligned a lot with WPS thus making compliance more logical.

The revised code also regulates fertilizers applied by air and establishes standards for all aerial applications of pesticides and fertilizers including a requirement to notify the public 8 hours before an application and with a 1/4 mile setback from structures. Program income is allowed in the form of fees and fines. Also introduced was a mechanism for waivers and variances for certain situations, requiring director approval.

Ted Puetz, Ak-Chin Indian Community, asked about regulating pesticide devices. These do not require authorization.

Jessica Raspitha, St. Regis Mohawk Tribe asked how they handle enforcement. It is a long process that includes inspection, documenting evidence, and creating a report which goes to Dan's office. If it is determined that there is a case, they identify violations and weight of each one and come up with a civil penalty and issue the violation. The case closes once the violations have been corrected.

Gila River Indian Community's Aerial Application Notification Smartphone App

[Slide Presentation](#)

Dwight Carlston, Gila River Indian Community gave a presentation on a new smartphone app developed by the Tribe. Based on the newly revised pesticide code presented by Dan Hoyt, aerial applicators are now required to provide prior notification to the community. This prompted the development of an app for smartphones to accomplish this. Using carryover funding from the EPA, GRIC contracted with Vilocity to develop the app and maintain the website, all together taking about one year to go live. After you sign up to receive notifications for specific districts, the system sends a message with pertinent information prior to an aerial application of pesticides or fertilizers.

This app has opened communication between the applicator and the community, takes the responsibility off of the pesticide program, and allows the applicator to make changes depending on the weather or other factors.

Mr. Carlston demonstrated how the aerial applicator portal works, how to enter the necessary information and send a notification.

The Department of Environmental Quality is looking into expanding the app to other programs such as air, waste, water, wildlife and education/outreach.

TPPC Coordinator Update

[Slide Presentation](#)

Mark Daniels, ITEP provided a summary of the administrative activities for October 2022 through March, 2023. In the past 6 months, ITEP has facilitated monthly teleconferences, planned the spring meeting, worked with members to finalize the federal C&T plan document, made website improvements, maintain the TPPC listserv adding 6 new members, continued to coordinate with strategic planning consultant, and sent out newsletters. In addition, Mark provided a budget summary with transactions from 10/1/20 to 2/28/23. Funding for the fiscal year 2023 year is expected by this summer.

EPA Consultation Policy

[Slide Presentation](#)

Zoe Ruge, EPA Office of International and Tribal Affairs (OITA)/American Indian Environmental Office (AIEO) provided information on the revision process for the EPA Consultation Policy, which was developed to implement administration of environmental programs on Indian reservations and to consult and coordinate with Tribal governments. The policy revision process was initiated in 2021 by President Biden in a memo intended to strengthen nation-to-nation relationships. Ms. Ruge covered the proposed revisions including clarified definitions of “Consultation,” “Coordination,” and “Tribal Official”; guiding principles; and the consultation process (notification, input, and follow-up). They are also looking at additional changes to the scope and wording within the policy.

The two approaching deadlines for input are:

May 1, 2023, for government-to-government consultation requests.

May 19, 2023, for written comments submissions

EPA Consultation Policy revisions consultation and coordination opportunity information can be found on the Tribal Consultation Opportunities Tracking System (TCOTS) website here:

<https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1644>

Closed Door: TPPC Tribal Caucus

Tribal Pesticide Program Council-Full Council Meeting

Arlington, Virginia

DAY THREE, Friday, March 10, 2023

Welcome and TPPC Opening Remarks: Jasmine Courville and Nina Hapner

Jasmine Courville, Confederated Salish and Kootenai Tribes and Nina Hapner, Kashia Band of Pomo Indians provided opening remarks and welcome to attendees.

Certification and Worker Safety Updates

[Slide Presentation](#)

Thomas Lopiano, EPA/OPP, provided an overview of the Certification Rule updates and the Application Exclusion Zone (AEZ) updates. After background information and definition of the Certification Rule, he went over the key new requirements as of 2017 for Indian Country including an option for a Tribal-EPA MOA and an opt-out option for the EPA plan.

Existing plans will remain in effect until EPA approves or rejects the revised plan or Nov. 4, 2023, whichever is earlier. Mr. Lopiano reviewed the four options for Applicator Certification in Indian Country with a description of each option and the flexibility allowed for Tribes to change options. The current status of the EPA plan for Indian Country is in the review process and will be finalized by Nov. 4 2023 and will include updates to the Private Applicator training.

[Federal Certification to Apply Restricted Use Pesticides in Indian Country | US EPA](#)

[Regulations.gov](#)

Ryne Yarger, EPA/OPP, provided an overview for Reconsideration of the Application Exclusion Zone (AEZ) Requirements in the Worker Protection Standard for 2023. He presented information about the 2015 WPS Protections during applications and the purpose of the AEZ and its' requirements. There are several components of the 2020 AEZ rule that the EPA is proposing to retain along with additional proposals to improve understanding, compliance, and enforcement.

The proposed rule will be available for a 60-day public comment period once published. Comments are due by May 12, 2023

The docket for public comments can be found here: EPA-HQ-OPP-2022- 0133 at www.regulations.gov

Guidance documents and periodic status updates on the AEZ and the associated litigation will be available at:

[Worker Protection Standard Application Exclusion Zone | US EPA](#)

Introduction to the Sustainable Food Lab

[Slide Presentation](#)

Kelly Rincon, Sustainable Food Lab (SFL), began with an introduction to SFL and how they work to create a sustainable food system by helping organizations turn ideas into action. Recently they have

implemented the North Dakota Trusted Advisor Partnership (TAP) which aims to bring a greater number of mainstream farmers into regenerative agriculture with the goal of improving soil health, water, biodiversity, climate, and livelihoods. The scale and impact of previous efforts to engage with farmers to shift to a regenerative approach have been limited. This project addresses 3 key levers in an effort to engage more growers. These are 1. Working with certified crop advisors (CCA's) that growers already know and trust to spread soil health building practices, 2. Financial incentives, and 3. The whole farm approach instead of a single crop focus. Ms. Rincon outlined the steps included in the program design and key program objectives for the end of 2025.

<https://sustainablefoodlab.org/>

Tribal Caucus Report Out/ Open Discussion with EPA

Jasmine provided a summary of discussion from the Tribal Caucus. Items mentioned were 1. Cannabis paper is out, not many comments so far, 2. the group will be wrapping up and finalizing the C&T plan issue paper, and 3. they had a work session with Eric Descheenie who is helping the group move forward on strategies. Everyone worked together to outline priorities, divide them into tiers of importance and held a vote to determine the top priorities. More discussion followed in which various Tribal issues were expressed to the EPA folks.

Africa Dorame-Avalos, Inter Tribal Council of Arizona, gave an update on the ITCA's activities and upcoming trainings for southern Arizona Tribes in preparation for the upcoming agricultural season. She is hoping to get funding for Tribal Inspector training in 2023 or 2024 and for a national IPM training in 2025.

HAZWOPER training provided by ITCA and ITCN, please contact Brian Davidson at ITCA, brian.davidson@itcaonline.com

Nina and Diania continued a discussion with EPA about how to protect people in Tribal communities better from pesticide applications. Many personal stories and experiences were relayed in hopes of enhancing understanding of the types of exposures that happen.

The TPPC is very relevant and it is important for it to remain that way!

Closing Remarks

Thank you to everyone for participating in the Spring Meeting!