

## **Tribal Pesticide Program Council-Full Council Meeting**

Choctaw Nation, Oklahoma and Virtual

**DAY ONE, Tuesday, October 3, 2023**

### **Meeting Notes**

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

Attendees (for the overall three-day meeting)

#### **Tribes (29)**

- Judith Ausmus, Muscogee Creek Nation
- Brenda Pusher-Begay, White Mountain Apache Tribe
- Jefferson Biakeddy, Navajo Nation
- Alexis Bruce, Saginaw Chippewa Indian Tribe of Michigan
- Dwight Carlston, Gila River Indian Community
- Brittani Clairmont, Confederated Salish and Kootenai Tribes
- Ken Clark, Nez Perce Tribe
- Jasmine Courville, Confederated Salish and Kootenai Tribe
- Eric Gjevre, Coeur d'Alene Tribe of Idaho
- Nina Hapner, Kashia Band of Pomo Indians
- Cricket Herrera, Yakama Nation
- Daniel Hoyt, Gila River Indian Community
- James Jackson, Muscogee Creek Nation
- Tacy Jensen, Gila River Indian Community
- Sheldon Jones, Navajo Nation
- Wendal Kane, Spokane Tribe of Indians
- Renee Keezer, White Earth Nation
- Dave Lewis, Yavapai Apache Nation
- Jaclyn Listo, Tohono O'odham Nation
- Jim Mossett, Three Affiliated Tribes
- Camilo Perez, Quechan Indian Tribe
- Jeremy Phillips, Salt River Pima Maricopa Indian Community
- Megan Poffinbarger, Pechanga Band of Indians
- Theodore Puetz, Ak-Chin Indian Community
- Larry Scrapper, Cherokee Nation
- Dorla Tartsah, Kiowa Tribe
- LaShawnia Tso, Tohono O'odham Nation
- James Williams, Muscogee Creek Nation
- Ron Workman, Choctaw Nation of Oklahoma

#### **Tribal Organizations (3)**

- Diania Caudell, California Indian Basketweavers' Association

- Melanie Kirby, Institute of American Indian Arts
- Holly Thompson Duffy, NW Portland Area Indian Health Board

#### **Federal (10)**

- Helene Ambrosino, EPA/OECA
- Michael Bauman, EPA/OECA
- Amy Blankinship, EPA/EFED
- Jeanne Kasai, EPA/OPP/PRD/CWPB
- Amy Mysz, EPA R5
- Gretchen Paluch, AAPCO
- Emily Ryan, EPA/OCSPP
- Carolyn Schroeder, EPA/OPP
- Linsey Walsh, EPA/OCSPP
- Ryne Yarger, EPA/OPP

#### **Other (2)**

- Mark Daniels, Institute for Tribal Environmental Professionals
- McKenna King, Institute for Tribal Environmental Professionals

#### **Traditional Opening Ceremony, Welcome, Introductions**

Mr. Terry Ashby, Choctaw Nation, provided introductory remarks and an opening prayer with special emphasis on the concept and practice of kinship and reciprocity between the Choctaw people, community, plants, animals, and the land.

#### **TPPC Opening Remarks: *Jasmine Courville, TPPC Chair and Nina Hapner, TPPC Vice Chair***

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

#### **EPA Welcome Remarks and Q&A: Ed Messina, EPA/OCSPP and Linsey Walsh, EPA/OCSPP**

#### **[Slide Presentation](#)**

Linsey Walsh, EPA/OCSPP, provided welcoming remarks and thanks to ITEP and TPPC. Ed Messina, EPA/OCSPP, provided updates on Office of Pesticide Programs (OPP) programs and answered questions from TPPC members.

Programs include the antimicrobials division, biopesticides & pollution, registration division, pesticide re-evaluation division, health effects division, environmental fate and effects, biological economic analysis.

Details of the recently updated Pesticide Registration Improvement Act (PRIA 5) were discussed, including implementation, registration, registration review, bilingual labeling, appropriations, systems for reporting incidents, and Endangered Species Act (ESA) guidance.

Jasmine stated that although certain products are banned some dealers are still selling them, and inquired how can she work with EPA to get dealers to stop selling these products. Ed suggested she refer to her EPA region to find information on the region's enforcement program. **Jasmine will email Linsey to follow up with this issue.**

### **Endocrine Disruptor Screening Program (EDSP), Catherine Aubee**

Catherine Aubee, EPA/EDSP, shared a brief history of the EDSP at EPA. The program was developed in 1998 following recommendations from communities and from scientific data. The goal of EDSP is to screen for chemicals that could potentially interfere with the hormonal systems of humans and of other organisms.

The screening program is 2 tiered. Tier 1 consists of a screening battery of 11 assays to assess if a specific chemical has the potential ability to interact with a hormonal system. Tier 2 assesses if these effects could lead to adverse effects for organisms such as influencing survival, growth, and reproduction. An original list for assessment was narrowed down to 52 chemicals. More than 12,000 additional chemicals would fall into this category for potential testing, but updates have not occurred due to legislation.

Science on endocrine disruption continues to evolve with new tests and methods. There are more methods available now to assess many chemicals at once. Goals include transitioning away from focusing on science and data collection to regulation and decision making. Other priorities include integrating endocrine disruption into human health risk assessments as opposed to keeping EDSP a separate process and assessments of conventional pesticide active ingredients. Process oriented changes include utilizing existing data to inform grouping of chemicals for prioritization of review, new pesticide registrations will go through analysis including ED which may result in further data requests from registrants, and the EDSP will issue a federal registered notice to communicate the approach to screening moving forward.

Jasmine shared the importance of considering comments of the TPPC prior to making changes to the EDSP. Catherine stated that comments will be considered during a public comment period in the future. Jasmine inquired if pesticide surfactant and fatty acid pesticides are being considered and Renee asked when complete formulas will be assessed, Catherine stated as of now the program is only focusing on active ingredients. Renee expanded to explain that complete formulas may be of concern due to the synergistic effects of active and inert ingredients on human physiology and other organisms. Renee inquired about species specific impacts; Catherine stated that amphibian testing developments and early lifespan analysis of fish and fish thyroid sensitivity are being prioritized and that there are future goals to be more transparent and communicate findings. The possibility of bioaccumulation is considered in human health risk assessment and is part of EDSP.

**Nina would like documentation of resources that informed the strategy for EDSP and research.** Catherine stated that a 40+ page supplement will be released including 3 supporting documents and that much of the process has been based on an internal work process to reprioritize the process for addressing endocrine disrupting chemicals.

Ted Puetz, Ak-Chin Indian Community asked what categories of products fall into this list of 52. Catherine stated that they are primarily pesticide active ingredients, chemicals found in drinking water, and 2 inert pesticide ingredients. There may be others and she is unsure of what categories they would fit it but that this list was what she could remember at the moment.

Renee asked what could be shared with the TPPC on this issue prior to the federal release of information. Catherine stated that the process for this right now is not ideal, in part due to litigation influencing the timeline. Catherine emphasized that public comments will genuinely be considered. Jasmine asked Catherine to summarize the litigation. Catherine stated the catalysts for this work is the supportive administration, inspector general reports requesting more transparency with testing and how EPA is moving forward with this data, and the overarching goal of comprehensive management. The litigation issue is public and can be described in more detail at a follow up meeting. To summarize EPA hasn't made significant progress with EDSP since it was mandated.

#### **EPA Regions Tribal Pesticide Update**

#### [Slide Presentation](#)

Peter Earley, EPA Region 9, and Bryan Irwin, EPA Region 6, provided region-specific updates and pesticide related activities that Tribes have been engaged in for Regions 1-10.

#### **Hydrology of Wild Rice Ecosystems**

#### [Slide Presentation](#)

Maddy Nyblade, PhD candidate at University of Minnesota, presented her research on wild rice known as Manoomin (Ojibwe) or Psin (Dakota), the process of developing the project, background information on wild rice ecosystems, data collection, and data assessment. The research approach focused on traditional knowledge to inform western science. This included a values-based approach, community practices, and research collaboration to inform methodology.

Analysis shows a decline in total wild rice and density due to human settlement in its range and climate change, specifically shorter ice duration. Caretaking strategies from Tribal groups: reseeded, removal of invasive fish populations, lowered dams to reduce water levels, dredging to lower water levels, respectful harvesting to enhance future harvests.

Renee stated that pesticides are being used in White Earth Nation to remove wild rice and these practices are approved by the state fisheries department, which violates White Earth Nation's pesticide code. Renee and Maddy would like to collaborate on this issue.

**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**

Megan Patterson, AAPCO President, presented on AAPCO initiatives. Priorities for 2023 include building relationships between various agencies (EPA OPP, OECA, NASDA, TPPC, ITEP, and more), communication, and identifying and addressing issues collectively. Ongoing issues include certification and training (C&T) plans, PFAS, preemption, ESA, registration decisions, PRIA 5 & bilingual labeling, and bilingual labeling implementation.

There is an upcoming meeting on March 3-6, 2024, in Alexandria Virginia. TPPC members are invited to attend and to present as speakers. There is space in agenda on the first day of the meeting.

Tribal; laws, codes, banned pesticides, and other regulations should be mentioned in C&T plans when states approve plans. Authority will depend on the state, in Megans state the state retains regulatory authority over Tribal lands. Addressing authorities in Tribal lands are part of the regulation. Approved plans can be found on the [Certification Plan and Reporting Database Website](#) (click on the box that says "View Full Plans (PDF)" from here there are filtering options to view plans by regions, Tribes, plan notes, etc.) TPPC can work together with AAPCO to address issues in language in regulation differences and authority state vs. Tribal government for pesticide regulation and enforcement.

The PFAS work group has not been meeting and has a goal of meeting in October. Renee would like Megan's email address to participate.

## **ASPCRO**

### [Slide Presentation](#)

Allison Cuellar, ASPCRO President, presented on ASPCRO initiatives. ASPCRO focuses on structural and nonagricultural pesticide regulation, use, compliance.

TPPC members who want to become active on an ASPCRO committee are invited to meet on April 23, 2024 (tentative date) in Portland Maine to meet with the committee. ASPCRO annual conference is on August 19-23, 2024. There is a free inspector training on Tuesday August 20, 2024.

ASPCRO works with pesticide devices but states, counties, and Tribes differ on how they regulate licensure for use of devices and on definitions and regulations of devices. ASPCRO focuses on best practices and concerns.

It was advised to refer to statutes to inquire who, where, and when you are able to do an inspection, as this depends on the state or enabling act. It was suggested to write the board to reach out about this topic. Mark will reach out about this.

## SFIREG

### [Slide Presentation](#)

Gary Bahr, SFIREG chair, presented on SFIREG initiatives. He invited TPPC members to reach out to attend regional meetings and suggested that these meetings would be the best opportunities for collaboration.

#### Hot Topics Discussion with TPPC Members

Alexis Bruce, Saginaw Chippewa Indian Tribe of Michigan

- They are having some challenges with a work plan deliverable that mentions identifying pesticides of interest (POIs) to determine pesticides of concern (POC). Renee is working through this as well and is finding that funding the project is challenging. **Renee can meet with Alexis to work on this and provide guidance.**

Camilo Perez, Quechan Indian Tribe

- He is working on their end of year report and is completing inspections.

Jefferson Biakeddy, Navajo Nation

- One of the goals for the coming year is to perform record checks. **He would like to find applicator contact information** to ensure that pesticides are being used for the correct intent. In the summer he may add on additional goals.

Daniel Hoyt, Gila River Indian Community

- FY24 work plan includes revisiting C&T options. GRIC is considering selecting the option for an MOA with EPA. He is interested if other Tribes have pursued this route and would like to use a template of the work others have done. **Renee can send her work to Mark** to help with this. He is putting together end of year reports and facing challenges with the rising cost of doing business. He would like to encourage other Tribes to report challenges with funding compared to costs. He is finding that rising costs for personnel impact their ability to meet projected outputs and support day to day operations.

Dave Lewis, Yavapai Apache Nation

- He feels that they lost capacity for their pesticide program due to the loss of a key staff member. They are now rebuilding the program. He wants to find insight and support from other TPPC members. He is interested in a pesticide training for his staff.

Jasmine Courville, Confederated Salish and Kootenai Tribes

- She wants to focus on a united TPPC comment on C&T to discuss with EPA. They have instituted restrictions and license requirement on neonicotinoid pesticides. The state is also pursuing banning many of these substances. She wants other Tribes to be aware of this to determine if they want to allow these.
- She shared a suggestion that 3<sup>rd</sup> party labs can support testing and reduce burdens to internal staff.
- She mentioned that an app called Safer is a database that could be useful for inspections. She is curious if data from John Deere automated equipment could be used as a supplement for inspections or as a trigger for inspection. It seems that there are liability issues with automated pesticide application between the manufacturer and operators.

- She comes across various pesticide labeling issues: they are vague, and restrictions should be clearer. Including things like droplet size and nozzle type in training for aerial applicators would be beneficial.
- They have had disposal issues and are requesting assistance. Emily Ryan, EPA/OCSP is available as a resource to coordinate with state disposal authorities [Ryan.emily@epa.gov](mailto:Ryan.emily@epa.gov)
- ideas for WPS poster updates include having the farms address, as opposed to or in addition to, the nearest hospital for emergencies since many farmers work on multiple properties.
- She wants to meet to understand how ESA how can be adapted to her location
- C&T presents issues and she feels that states should not have authority or jurisdiction. Tribes have never stated they accept licenses, but EPA's authority does. They opted in as to not limit their ability to use RUPs as this would pose as an economic disadvantage.
- She suggested using EPA regional laboratory testing for POC assessments, flagged POI. She is interested in how Tribes can collaborate on gathering this information and creating a database.

#### James Williams & James Jackson, Muscogee Creek Nation (MCN)

- He shared about how their state is assuming authority, and seeking more authority, in Indian country due to the SAFETEA act. MCN acts as a resource for other Tribes with consultation since as a larger Tribe they have the legal resources to work on this but others do not. C&T documentation does not mention Tribes besides opt in / opt out options. C&T plans should consider cultural practices for RUP trainings and currently doesn't. The Safety Act has minimized the window of time for them to respond to consultation. If responses are late, items are granted to the state. He shared that state plans shouldn't be approved without consultation with Tribal governments it seems that states are not treating Tribal governments as co-legislators.
- Shared that Oklahoma has an unwanted pesticide program disposal system.

#### Larry Scrapper, Cherokee Nation

- They have similar issues to those in MCN. His program also experiences challenges with making deliverables on the same funding established years ago.
- He mentioned there is a Region 6 meeting on November 6 in Dallas at EPA office as well as a hybrid virtual option. He is requesting that other Tribal representatives attend the meeting. C&T plans have not had drastic changes but there is an increased awareness that Tribal communities are not mentioned or considered. The pollinator work group Burtee the Bee translation to Tribal language is an ongoing project.
- Larry also noted that he will be retiring next year.

#### Brenda Pusher-Begay, White Mountain Apache Tribe

- They are seeing issues with the overgrowth of Chinese Elm. Tribe is adamant to not use pesticides, but this is leading to frustrations among home owners because the tree roots attack water lines and sewer lines. She is looking for help on how to remove it and to prevent it from coming back.

#### LaShawnia Tso, Tohono O'odham Nation

- They do not have pesticide program and are looking for funding to support a pesticide program as there are many farms on their land. They are seeking \$67k in salary for pesticide specialist. They used GAP funding for IPM and are working with ITEP for a healthy homes and schools project. They are interested in pesticide applicator training for district workers. It was mentioned that Region 9 may have funding for this. Citing issues related to border control such as abandoned waste could improve their case for need-based funding. Another suggestion of

becoming a circuit rider could make the Tribe more of a resource for others and increase funding.

#### Renee Keezer, White Earth Nation (WEN)

- Renee requested a list of EPA certified applicators with state affiliation, Jasmine emailed about this list.
- She wants PFAS, with considerations to containers, burning of containers, and formulas, to be a priority.
- White Earth has an EPA approved C&T plan now. Shares that states should not have been authorized to certify applicators on Tribal lands. Tribes aren't being notified that states are certifying applicators to apply on Tribal land but these applicators should not be allowed to apply on Tribal lands if they do not have a certification. There were licensed applicators before there was an approved C&T program, this should not have occurred. Felt like there was no other choice but to accept the C&T plan or instead lose their pesticide program or deal with litigation. Compared to federal and state entities, Tribes don't get sufficient resources to establish or manage pesticide programs. WEN relies on budget from 90s. If other Tribes wanted to their own pesticide programs they may not have funding.
- WEN does not have a clean air program and they are concerned about farmers burning pesticide containers, burned containers with PFAS are a major contamination concern. She is wondering how they can prevent farmers from burning their containers and enforce this without a clean air program.

#### Theodore Puetz, Ak-Chin Indian Community

- They are working on updates to improve pesticide control ordinance code; pesticide devices are a focus as are vendor lists. They utilize a permit process of approved vendors, if there are compliance issues the vendors are not invited back.
- He mentioned that pesticide producers have legal/financial resources to avoid obligations to EPA regulation such as submitting data packages that have been requested and do not end up being submitted.
- **Linsey will get formulation sampling from Chris Tokart**; an assessment showed that formulations were different than what was listed on the label.

#### Eric Gjevre, Coeur d'Alene Tribe of Idaho

- He requested that an EPA representative provide information at the upcoming DC spring meeting on Tribal responsibilities as described in FIFRA section 23.
- He shared a video of a pesticide exposure case at the Nez Perce Reservation tribal family burial ceremony. This was a violation of FIFRA. There was an aerial application of general use pesticide to a weed field. The pesticide drift made contact with 41 people attending the ceremony. The LLC agreed to pay ~\$2,200. Jasmine shared that 500 children were exposed to aerial pesticide drift during a river honoring event.

#### Diania Caudell, California Basketweavers' Association

- The California Department of Transportation (CalTrans) is collecting information about people harvesting on roadsides throughout California. CA Basketweavers' Association had requested CalTrans not spray during certain times. Diania does not encourage people to gather on roadsides due to possible pesticide contamination. They took stewardship of 38 acres near a natural lagoon in Oceanside and are dealing with mosquito remediation of the lagoon.



Nina Hapner, Kashia Band of Pomo Indians

- She will forward information for building invasive species programs to Mark.

Ron Workman, Choctaw Nation of Oklahoma

- They are on their 2<sup>nd</sup> year of their cooperative agreement. They created a lot of pollinator habitat and are interested in assessments of pesticides of concerns. He is interested in resources from Renee, including their Quality Assurance Program Plan (QAPP)

Cricket Herrera, Yakama Nation

- They have an ongoing case at a federal facility. An employee reported on himself and coworkers. They collected soil and water samples. Did a lot of collaboration and working with TPPC members. They also had a drift case. Marketplace inspections are presenting obstacles with a business denying him access to sampling. He learned he needed to contact the company's headquarters to facilitate permission for inspections. Eric suggested to give them the document showing your authority and if they want to challenge it you can tell them to take it their management instead of doing the work yourself. They have had a change in funding and are utilizing a GAP grant.

## **Tribal Pesticide Program Council-Full Council Meeting**

Choctaw Nation, Oklahoma and Virtual

**DAY TWO, Wednesday, October 4, 2023**

### **Meeting Notes**

#### **Welcome and 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 and Nina provided a summary of discussions from the previous day emphasizing the federal government responsibility to uphold treaties with Tribes and issues with C&T plans.

Jasmine shared the idea that federal royalties for Tribes could be something to explore for Tribal funding. Each Tribe has a trust account and could benefit from having a representative come and talk about how this works. This may be more efficient and present financial benefits. Tribes that need USGS sampling could utilize this funding.

TPPC members request that consultation occur before press releases and that Tribes are provided sufficient time for comments. There is a desire for collaboration with the goal of protecting communities as opposed to notifications of decisions. C&T consultation that occurred during the Covid-19 pandemic created scenarios where many Tribes were unable to respond due to challenges unique to the pandemic. This process and the outcomes feel like environmental injustice.

Nina mentioned the SAFETEA Act and that EPA stipulation prevents codes from being passed, this affects various Tribes and creates roadblocks to environmental justice. **The TPPC would like help from Linsey to identify the right people and approaches to move forwards with this. Linsey can make a list of items that TPPC may need to accomplish before the end of the continuing resolution in the case of a government shut down.**

#### **EPA Plan for Restricted Use Pesticides in Indian Country**

[Slide Presentation](#)

[Link to the Notice of Approval Status; EPA plan for the Federal Certification of Applicators Within Indian Country](#)

Thomas Lopiano, EPA Certification and Worker Protection Branch, presented on RUPs in Indian Country focusing on recent changes and on current options for Tribal pesticide regulation.

Revisions occurred in 2017. C&T plans are approved on a rolling basis and existing plans remain in effect until replaced with a new approved program or until November 4, 2023.

The TPPC has added comments on how competencies for trainings for applicators in Indian country could be more suitable for applicators on Tribal lands specifically, but this has not been integrated into

trainings. Examples to be included in trainings are consideration to gathering practices and directly stating that applicators need to contact Tribal governments. Training competencies do point out that applicators should refer to local jurisdiction whether that be Tribal, state, or municipal. Eric shared about his experience of having to reach out to applicators and growers to inform them of Tribal regulations of pesticides. Reaching out to applicators presents logistical challenges due to lack of applicator contact lists and addresses. Tribes want EPA to provide materials to address these issues.

Option 4 results in Tribes opting out of the 2023 EPA plan, meaning that there would be no legal RUP use on Tribal lands. Jasmine asked if EPA provides enforcement for this option. **Thomas Lopiano will look into this and get back to the group. Helene will consult with colleagues and report back.** Current advice for FIFRA violations in Indian country was to file a complaint with the Tribe's regional EPA office and the region would manage the issue. Option 4 can be selected even if there is already a plan/agreement in place. The Tribes that switch from an approved plan to Option 4 would have to dissolve the plan with EPA. The Yurok Tribe is the only Tribe that has selected Option 4, **Mark suggested to invite Yurok representatives to a meeting** to see what that experience has been like and how they have dealt with violations.

Renee asked why and how states were able to derive authority to certify RUP applicators on reservations prior to the 2014 agreement. Thomas stated that previous systems left gaps in regulation, updates are meant to be an improvement, and that there are still gaps in RUP regulation compared to general use regulation.

The 2023 plan has details regarding implementation on the last page; refer to this to understand how and when changes will be made. State Lead Agencies' (SLA) plans are not required to consult with Tribes before they are approved. Consultation for many of these plans was during the Covid-19 pandemic, which hindered communications between Tribal governments and EPA. When the time comes to update these plans, EPA would like to consult with Tribes and refer to notes from conversations such as this to make them more suitable for Tribes. **Send ideas for an outreach plan to Linsey.**

## **Tribal Water Resilience, Drought & Pesticide Use**

### [Slide Presentation](#)

Kynser Wahwahsuck, Great Plains Tribal Water Alliance (GPTWA), presented on the GPTWA program which provides technical support for all water issues in the great plain's region. Four of their members created drought adaptation plans in 2020 that highlight vulnerabilities and mitigation strategies. Tribes are invited to develop their own adaptation plan. Kynser provided background information on drought, climate change, and pesticide use. Kynser can connect those interested with climate resilience liaisons that offer resources for Tribal programs responding to climate change issues and can facilitate connections within specific regions.

Nina commented that some pesticides require rainfall to help them enter the soil and voiced concerns around pesticide persistence if rainfall is not supporting soil health and that water quantity effects water quality with drought conditions leading to concentrations of pesticides due to runoff. She is interested in

finding funding to test water during flushes (rains after drought) and creating a list of pesticides that have increased risks with drought.

### **Endangered Species Act and Tribal Rights**

#### [Slide Presentation](#)

John Nystedt, US Fish and Wildlife Service (USFWS), presented about the ESA and considerations regarding Tribes. Secretarial order 3206 informs the presentation which clarifies the federal responsibility of USFWS to Tribes regarding ESA. Part of this is to avoid disproportionate Tribal burden in conservation, explains that impacts to Tribes could occur off reservation lands, and encourages harmony between trust responsibility, Tribal sovereignty, and statutory missions.

USFW has a responsibility to accommodate Tribal needs through consultation. Secretarial order 3206 empowers Tribes to be addressed and accommodated in this regard. Employees may not be familiar with guidance for how to collaborate with Tribal information, although this guidance does exist. John suggested to refer to regional Native American Liaisons to address issues and if this does not meet needs, direct further questions to him ([john.nystedt@fws.gov](mailto:john.nystedt@fws.gov)).

### **Regenerative Agriculture: Marijuana Farms as Habitat for Pollinators and Other Sensitive Species**

#### [Slide Presentation](#)

Jackee Riccio, Cannabis for Conservation (CFC), presented on pesticide use and pollution from black market cannabis grows on public and private lands and the impacts to wildlife. She shared CFC's research and conservation projects such as milkweed habitat development to support monarch butterfly migration; wildlife conscious certification (farmers are engaging in research on pollinators and are provided education on pesticides and pollinator friendly IPM, drought resilience); rain catchment; California Environmental Quality Act (CEQA) mitigation for western bumble bees; and collaboration with Nor El Muk land restoration. Research findings showed restoration of farms increased pollinator quantity and diversity. Jackee can provide suggestions for developing cannabis programs.

### **Pesticides and the Climate Crisis**

#### [Slide Presentation](#)

Sharalyn Peterson, Northwest Center for Alternatives to Pesticides (NCAP), presented on indicators of climate change and how these changes in climate impact pesticide manufacturing, transport, and application and how effects of pesticides are exacerbated by the warming climate.

Jasmine asked about farmers who are contracted to grow conventionally resulting in conventional pesticide use. Sharalyn stated that solutions could include using conventional pesticides more responsibly or in ways that present less risks. NCAP can collaborate with Tribal pesticide programs to provide educational material for farmers and for domestic pesticide users. Jasmine expressed interest in understanding the economics of reductions of pesticide use. NCAP has collected data in NW schools on IPM vs conventional management showing a decrease in spending. Jasmine had the idea of posting resources to the TPPC website. Various educational materials and pesticide factsheets are available on the [NCAP website](#).

**Closed Door Tribal Caucus**

## Tribal Pesticide Program Council-Full Council Meeting

Choctaw Nation, Oklahoma and Virtual

**DAY THREE, Thursday, October 5, 2023**

### Meeting Notes

#### Welcome and 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.

#### EPAs National Program Guidance

##### [Slide Presentation](#)

Cindy Wire, EPA/OCSPP, presented about the EPA National Program Guidance (NPG).

Every 2 years EPA creates NPG and collaborates with regions to determine need. In early phases they collect feedback from regions, states, and Tribes. This will be open for public comment next year, and **Cindy will provide dates for this.**

Next steps are to collect informal comments from states, Tribes, territories. **Comments for this process are due November 3, 2023. TPPC members can send these to Linsey Walsh [walsh.linsey@epa.gov](mailto:walsh.linsey@epa.gov) with a copy to Cindy Wire [wire.cindy@epa.gov](mailto:wire.cindy@epa.gov).**

This timeline presented is potentially subject to drastic change due to the possibility of a government shutdown.

Jasmine comment that water testing is a priority but that funding to regions is not sufficient for water quality monitoring. Cindy stated that testing of community waterways may not make sense as a regional goal. **Cindy and Linsey can talk with regional representatives at the next monthly meeting and encourage them to check in with TPPC members regarding projects such as water quality testing.**

Jasmine stated that there may be 3<sup>rd</sup> party trainings for applicators that could be more relevant to Tribes but that funding for Tribes to attend PREP is exclusive for PREP and can't be spent on other trainings. Revised trainings still do not address issues on Tribal lands or make it clear that it is mandatory for applicators to notify Tribal governments. **Cindy would like to follow up with this conversation as there seems to be an unmet need** and recommends working with Worker Protection Standards (WPS).

## Choctaw Nation Pollinator Plots

### [Slide Presentation](#)

Ron Workman, Choctaw Nation of Oklahoma, presented on cooperative agreement activities highlighting the Pollinator Plot project and [Native Plant Signage](#) that feature cultural significance of species planted.

They worked with the Tribal Alliance for Pollinators (TAP) for the pollinator plots. Recommendations for funding from Western IPM, and contacting Ed Spevak for consultation, planting techniques were species dependent and based on recommendations from TAP. If interested, contact Ron Workman, Environmental Compliance Officer at [rworkman@choctawnation.com](mailto:rworkman@choctawnation.com) to learn more about the project.

## Update on Drone Technology and Regulation

### [Slide Presentation](#)

Andrew Shelby, EPA Office of Pesticide Programs (OPP), presented on the state of current regulatory guidelines for pesticide drone technology, also known as unmanned aerial systems (UAS) technology and unmanned ground technology. Regulations are informed by the Food Quality Protection Act (FQPA), Federal Food Drug and Cosmetic Act (FFDCA), PRIA, FIFRA, and ESA.

Pesticide Program Dialogue Committee (PPDC) can act as a deferral advisement committee. There are some gaps and opportunities for regulating emerging technologies. Some things such as biotechnology may fall outside of this realm. AAPCO has collected surveys on the number of applicators using drone technology and have seen use continue to increase from 2020 to 2022. OPP is working on exposure assessments related occupation, bystanders, and wildlife. Other priorities include assessing drift modeling, crop residues, and overall efficacy. An ESA workplan is being refined to identify mitigation strategies. [Link to the docket](#) (EPA-HQ-OPP-2023-0365) for the herbicide strategy to reduce exposure of federally listed endangered and threatened species and designated critical habitats from the use of conventional agricultural herbicides. This is open for comments until October 22, 2023.

Data shows reductions in amount of pesticide applied across fields with drone use which results in less runoff and therefore less mitigation. This is based on previous studies and frameworks. New mitigation ideas for emergent technology include drift considerations: wind speed, temperature, relative humidity, application equipment, nozzle/droplet size, height of ground cover, use of hooded sprayers and runoff/erosion considerations: soil type, slope, and percent ground cover.

Jasmine brought up issues with battery life of UAS presenting exposure issues such as applicators entering sprayed areas to retrieve the drone. Solutions offered could be having many batteries on hand and exchange batteries part of the way through spraying. EPA is seeking information like this to make more informed risk mitigation decisions. There are currently no regulations banning using specific high-risk pesticides in unmanned technology.

The TPPC requested a speaker on this topic to attend an executive monthly call to expand on this conversation. **Linsey will coordinate this.**

## **PFAS and Pesticides**

### [Slide Presentation](#)

Dr. Nathan Donley, Center for Biological Diversity, presented on Per- and polyfluoroalkyl substances (PFAS) highlighting the difference in definitions of chemical structure between federal regulation and other entities, how PFAS end up in pesticides, and risk assessment issues.

The interpretation of PFAS varies between entities. EPA and the Organization for Economic Co-Operation and Development (OECD) have different chemical structure definitions of PFAS. Nathan stated that the origin of the EPA definition is unclear and may not be informed by data and instead informed by desire for pharmaceutical and pesticide products to reach the market.

Carbon-fluorine bonds do not exist in nature and there is no biological mechanism to break them down, so PFAS are all “forever chemicals”. Risk assessment doesn’t consider issues specific to persistent chemicals such as impacts of their degradants and metabolites. One major source of organic fluorine has half-life of 200 years. Solutions for breaking down PFAS and removing them don’t seem to apply to ecosystems in practice. It’s unclear how much concentration of PFAS in environment is from agriculture. Their presence in pesticides may come from active ingredients, inert ingredients, container leaching, and as-of-yet-unknown sources. There is a very high prevalence of fluorinated compounds in pesticides, especially in those approved in the last 10 years as active ingredients, some instances of container leaching, and some unknown sources possibly from contamination of solvents.

Renee asked about chemical adjuvants and if they could be sources of PFAS. Nathan stated these aren’t regulated federally but are sometimes regulated by states. This results in information not being widely available but that they haven’t found a lot of fluorinated chemicals in these products and that this isn’t conclusive due to lack of data.

## **Tribal Caucus Report-out /Open Discussion with EPA**

Jasmine and Nina provided information for the Tribal Caucus Report out. They spoke about potential dates in November to meet to strategize for updating the Status of Pesticides in Indian Country Report. During the Tribal Caucus time was spent looking over priorities noted from the spring meeting and considered how these could be more reflective of Tribal values. TPPC members would like to include and acknowledge work with agencies outside of EPA. Set the goal of having a draft in spring and a long-term goal of finishing the update before next presidential administration. Nina emphasized that volunteers can independently update a shared google doc to begin working on updates.

Amanda Hauff joined the Tribal Caucus and requested that TPPC members provide her feedback on environmental justice needs, gaps in Indian country funding needs, WPS, and children’s health for an



upcoming environmental justice meeting. Jasmine requested each Tribe list an environmental justice need and send it to her/Mark to be compiled for her and Renee to speak on at the meeting. If you want to join this meeting email Mark to join the meeting on November, 17 2023.

Nina shared discussions in the Tribal Caucus addressing the SAFETEA Act and its impact on preventing Oklahoma Tribes from passing their pesticide codes, C&T plans as an environmental justice issue, farmworkers and youth, WPS inspections, water testing, and funding in general as costs have become inflated making it challenging for Tribes to meet deliverables, and endocrine disruptors.

### Closing Remarks

Nina thanked those in person and on zoom for their presence and participation. She emphasized the goal of working on the Status of Pesticides in Indian Country Report updates and desire for communal participation to make the report more reflective of Tribal values and communities. Look forward to calls and work groups to focus on the report. Nina would like the priority of finishing the update before the next presidential administration to be communicated to those at EPA and asks for their support. Jasmine shared that the TPPC will work on position papers; TPPC's stance on the SAFETEA Act to promote ability to pass codes, C&T position paper. Drafts of these will be sent to TPPC members to request comments. Nina recommended using Google Docs for this.