

**TRIBAL PESTICIDE PROGRAM COUNCIL
MONTHLY EXECUTIVE COMMITTEE CONFERENCE CALL**

Wednesday, December 13, 2023

2:00-4:00 p.m. (Eastern Time)

1:00-3:00 p.m. (Central Time)

12:00-2:00 p.m. (Mountain & Arizona Time)

11:00-1:00 p.m. (Pacific Time)

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 (16)

- Alexis Bruce, Saginaw Chippewa Indian Tribe
- Camilo Perez, Quechan Indian Tribe
- Dorla Tartsah, Kiowa Tribe
- Eric Gjevre, Coeur d'Alene Indian Tribe
- Jaclyn Listo, Tohono O'odham Nation
- James Jackson, Muscogee Creek Nation
- Jasmine Courville, Confederated Salish and Kootenai Tribes
- Jeremy Phillips, Salt River Pima-Maricopa Indian Community
- Jim Mossett, Three Affiliated Tribes
- Judy Stillwell, Choctaw Nation of Oklahoma
- Joe Herrera, Yakama Nation
- Larry Scrapper, Cherokee Nation
- Lavinia Sanchez, Yavapai Apache Nation
- LaShawnia Tso, Tohono O'odham Nation
- Renee Keezer, White Earth Reservation
- Ron Workman, Choctaw Nation of Oklahoma
- Sheldon Jones, Navajo Nation
- Ted Puetz, Ak-Chin Indian Community

Tribal Organizations (3)

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

EPA (3)

- Linsey Walsh, EPA/OCSP
- Emily Ryan, EPA/OCSP
- Katy Wilcoxon EPA Region 9

Reported in advance as absent (2)

- Brittani Clairmont, Confederated Salish and Kootenai Tribes
- Helene Ambrosino, EPA/OECA

1. Tribal Caucus

2. Welcome/Introductions

Mark Daniels, Institute for Tribal Environmental Professionals (ITEP), facilitated roll call.

3. EPA Updates (Linsey, Emily, Vanessa, Helene)

a. New Consultation Policy

The EPA Policy on Consultation with Indian Tribes was recently updated and released. Linsey emailed this document out to the TPPC listserv. Links to these documents are provided here: [EPA Policy on Consultation with Indian Tribes](#) and [Guidance for Discussing Tribal Treaty or Similar Rights](#)

In summary, the updates promote the preference for engaging in consultation earlier in the process with the goal of obtaining more feedback and supporting involvement.

b. Rodenticide Action Updates

Linsey reached out to Dana Friedman from the Pesticide Re-Evaluation Division (PRD) who contacted colleagues from the Environmental Fate and Effects Division (EFED). There is a group of people who are interested in coming to speak about rodenticide action updates. Linsey said they could attend a TPPC meeting in January 2024 prior to the comment period ending so that TPPC members can provide comments, or in February after the comment period closes. Jasmine Courville, Confederated Salish and Kootenai Tribes, would like to meet prior to comment period closing. **Linsey will get back to the rodenticides group to let them know TPPC preference for them joining a meeting is the January meeting.** The State FIFRA Issues Research and Evaluation Group (SFIREG) March 2024 meeting is an opportunity for TPPC representatives to present feedback from the rodenticides survey. **Mark will send the rodenticides survey draft to Jasmine for feedback after which he will send it out to TPPC members. McKenna will compile a report of the rodenticides survey prior to the January 2024 TPPC meeting.**

c. Incident Data Release

Linsey reached out to Susan Jennings who she works with on the incident screening team. Susan is available to come speak at TPPC meeting in February or March to discuss the recent incident data release. Ted Puetz, Ak-Chin Indian Community, inquired about the timeline and scope of the incident data and expressed concern around products with delayed effects to people and the environment. Linsey stated that she thought the incident report data is from the past 10 years but **will double check this.** The data is primarily from registrants and also includes data from NPIC (National Pesticide Information Center) and from States, Tribes, and Territory grantees whom have a cooperative agreement with EPA. The data set shows information such as volume of incidents, active ingredients involved, and severity of exposures. The EPA public incident data webpage link was not functioning for many TPPC members when they attempted to view it during the meeting. **Linsey will reach out to Susan to ensure that the page is functioning. Linsey requested that Ted share his comments and concerns with her in an email so she can forward it to Susan and requested that those with specific questions and concerns share them with her.**

4. TPPC Administrator Updates (Mark, Mehrdad, McKenna)

a. Spring Meeting

Mark shared that he is working to confirm a hotel contract for the Spring meeting. The meeting will be meeting in DC, as opposed to Arlington, to increase EPA attendance. The goal is to meet at the EPA building if we can secure a hotel in walking distance or within one metro stop. If the hotel is further, we will meet at the hotel. Mark will let everyone know when the hotel is secured and after this will begin coordinating meeting registration and subsequent travel arrangements.

b. Training Updates

Tribal Pesticide Code Development Training

TPPC members previously requested a training on this topic. Mark has been trying to find someone to facilitate this training and has recently identified someone to help with this. The goal is to release the training this spring where people will be able to attend live and/or watch the training recording on the TPPC website if they are unable to attend.

New Training Priorities

McKenna is creating a training needs survey that **Mark will send out after the new year for feedback.**

c. Website Updates

McKenna is creating a new page on the website to display upcoming trainings through the TPPC and external agencies and a listing of resources from previous trainings. Mark will share when this is published in the near future.

5. Private Applicators of Restricted Use Pesticides in Indian Country Training Update

a. Summary of Revisions

Katy Wilcoxon (EPA/Region 9) provided a presentation of updates. The training is 6 hours and has 11 units. There were many reasons to revise this training such as new regulations, outdated content and visuals, etc. TPPC member input has helped to inform revisions. Technical quality has been improved such as upgraded graphics. Content has been updated to match new requirements, add time for comments, and to integrate knowledge checks. The training updates also aim to integrate more details as to what it means to operate in Indian Country providing terminology, background information regarding Tribal sovereignty, exposure pathways that are unique to cultural practices such as gathering, and includes education focusing on the existence of culturally sensitive species and locations. New imagery is designed to represent these values and themes. The context presents the diverse nature of Tribal nations. The training states that Federal certification does not supersede Tribal laws, as Tribes are sovereign nations. Applicators must follow tribal and federal laws and should contact the tribal government in the area they intend to operate. This training is for RUPs used for agriculture. They are anticipating having a complete draft of all 11 units in February 2024. In March/April 2024 they will hold expert reviews. Katy requested that TPPC members provide feedback at this time. This feedback will be integrated as edits to the draft followed by another feedback period. The first training using the updated version will be held in December 2024 and will repeat on a quarterly basis.

b. Private Applicator Definition/Clarification

Jasmine inquired to clarify the definition of a private applicator. There is potential that if bartering occurs it would be considered private application, not commercial, but Linsey is working to find a definitive answer to this. Katy said a private applicator applies on land that they own or operate, and that the applicator does not apply pesticides for others. Jasmine asked what category would be on the license after this training. Katy responded that individuals would be categorized as agricultural pest control. If the applicator wants to do an aquatic application (as an example), or another category of application, they would need to complete an additional certification obtained from an underlying state certification. Joe asked if a commercial applicator could transfer their state commercial RUP license to Indian country. Katy responded that they are able to do this. Commercial applicators must have a state certification to apply in Indian country. This state certification is the evidence required to issue a federal certification. This training bypasses the need for state certification for agricultural production.

c. Suggested Edits

Jasmine provided several suggestions that had not yet been considered in the updates: 1. Additions to Chapter 3 concerning labeling as there are some pesticides with specific tribal lands restrictions such as Rozol. 2. Toxicity examples, one of which is gasoline, should be more specific to pesticides. 3. Sensitive areas list could be updated to include gathering areas or historic sites. 4. Backpack sprayer example should be for acres not for square feet since acreage rates would be more relevant and relatable to applicators. **Katy will be in touch with Linsey with the drafts to gather input from the TPPC.**

d. Enforcement Issues

Eric Gjevre, Coeur d'Alene Indian Tribe, inquired about enforcement for potential violations. He asked what would compel a potential violator to come into Tribal court if they were to be charged with a violation. Violation issues become especially complicated with checkerboarding of Tribal lands. Jasmine stated that in the past her tribe has had each county commissioner sign to adopt the pesticide code so that it applies to Tribal and non Tribal land. Katy stated that enforcement is a concern they aim to address and anticipate being prepared to manage.

Jasmine asked to add Eric's question above to the future code development training. **Mark responded he will make sure this is added.** Ted asked about how pesticides that aren't RUPs but have a danger warning could be managed similarly to protect the environment. **Linsey suggested considering this topic as something to bring into the spring meeting as a discussion or speaker.**

6. Tribal Caucus Report-out

No updates noted.

7. Workgroup Report-out

No updates noted.

8. NTC Updates (Meyo Marrufo)

No updates noted.

9. Other Issues/Concerns/Hot Topics (All)

No updates noted.

10. Next TPPC Conference Call: Wednesday, January 17, 2023, 2:00-4:00 p.m. EST

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

ANNOUNCEMENTS

- March 3-6: AAPCO Spring Meeting (Alexandria, VA: <https://aapco.org/2015/07/31/aapco-2/>)
- March 6-8: TPPC Spring Meeting (Washington, DC)
- April 22-25: Certification and Training PREP (Fort Collins, CO: <https://agsci.colostate.edu/agbio/prep/>)
- June 24-27: Compliance and Enforcement Management PREP (Davis, CA: <https://agsci.colostate.edu/agbio/prep/>)