

TRIBAL PESTICIDE PROGRAM COUNCIL

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March 4, 2024

Dana Friedman
Pesticide Re-evaluation Division
Office of Pesticide Programs
Environmental Protection Agency
200 Pennsylvania Ave. NW., Washington, DC 20460-0001

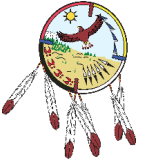
Re: Docket EPA-HQ-OPP-2023-0567; Biological Evaluation for 11 Rodenticide National Level Threatened and Endangered Species Pesticide Registration Review

Dear Ms. Friedman,

We appreciate the opportunity for the Tribal Pesticide Program (TPPC) to comment on the Biological Evaluation for 11 Rodenticide National Level Threatened and Endangered Species Pesticide Registration Review. The TPPC is a member-based organization with 87 members from 49 Tribes and tribal organizations, whose activities are funded by a cooperative agreement with the EPA. The Council serves as a tribal technical resource, and provides a forum for dialogue between Tribes and the EPA 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 pollinators. Through its interaction with the EPA, the TPPC keeps Tribes informed of developments in the regulation of pesticides and pesticide use, and provides feedback to the EPA on such matters from a tribal perspective. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the TPPC may not be agreed upon by all Tribes. Further, it is important to understand interactions with the organization do not substitute for government-to-government consultation, which can only be achieved through direct communication between the federal government and Indian Tribes.

On behalf of the Tribal Pesticide Program Council (TPPC), I am pleased to submit these comments on the Biological Evaluation for 11 Rodenticide National Level Threatened and Endangered Species Pesticide Registration Review HQ-OPP by the U.S. Environmental Protection Agency.

Many Tribal Lands, trust lands, federal lands, public lands and Indian Reservations contain, preserve and protect critical habitat for a multitude of endangered species. The Endangered Species Act has protected culturally critical threatened and endangered (T & E) species. There have been a few Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) cases in Indian Country where Rodenticides have killed or otherwise negatively impacted T & E species. The TPPC conducted a survey in January of 2024 on EPA's proposed mitigations to assess members' attitudes toward and concerns about rodenticides, and presents a summary of the results below:



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Of the tribes who responded three tribes said no change was needed in rodenticide regulations. Two tribes stated that more restrictions on rodenticide use was needed, two others wanted to ban specific rodenticides, and one tribe felt banning all rodenticides was needed on their tribal lands for protection of human health and the environment.

Seven tribes are in support for EPA proposed changes to the above ground applications to rangeland and pastureland, to prohibit spot/scatter and broadcast applications. If this were to occur, applications may only be made in tamper resistant bait stations. One tribe was concerned about the licensing requirements for residential use.

Seven tribes are in support of EPA's proposed revisions to carcass searches of 1-2 days after application for up to two weeks. This would entail collection and disposal of any carcasses 18 inches below the surface. One tribe was not in support of this.

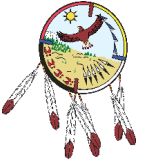
100% of respondents are familiar with EPA's Bulletins Live website as a place to look and to send pesticide applicators for Endangered Species Information.

- The TPPC strongly encourages EPA to put QR codes on the product labels and include more information on this website.

When evaluating findings of impact on proposed projects, there are generally no time frames on pesticide labels for when T & E species might be present. Therefore, we have to consider the impact from pesticides all year round for species reviews. If there is a specified time of year that mitigations need to be made for T & E species it may shorten the impact and review time. The TPPC recommends the use of Environmental DNA to document the presence or absence of threatened and endangered species in a specific place and time, and that broadcast and in-burrow prohibitions be required in areas or at times of the year when listed species are present.

Additionally, TPPC members have voiced support for the following recommendations or modifications to the regulation of rodenticides:

- Promote the use of less harmful chemicals to reduce secondhand poisoning.
- Make all rodenticides Restricted Use.
- Develop educational programs to raise awareness about the environmental and health impacts of rodenticides. Provide resources and information on alternative, more sustainable pest control methods. Engage community members through workshops, seminars, and informational materials.



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- Implement strict permitting processes for the purchase and use of rodenticides. Require training and certification for individuals or entities applying rodenticides. Enforce clear guidelines on the types, quantities, and application methods of rodenticides.
- Encourage the adoption of integrated pest management (IPM) practices that focus on preventive measures and non-chemical control methods. Develop and promote guidelines for sustainable pest management that minimize the need for rodenticides.
- Consider a ban on specific types of rodenticides known to have severe environmental consequences or long-lasting effects. Identify and promote safer alternatives that are less harmful to non-target species.
- Establish a monitoring system to track rodenticide use and its impact on the environment. Encourage community members to report any misuse or overuse of rodenticides.
- Work with local and regional environmental agencies to align tribal rodenticide restrictions with broader conservation efforts. Share information and collaborate on research regarding the impact of rodenticides on ecosystems.
- Provide incentives or grants for tribal members and businesses that adopt sustainable pest control practices. Recognize and reward those who contribute to the reduction of rodenticide use.
- Seek input from tribal pesticide programs through community surveys to ensure that any restrictions align with their needs and concerns. Foster a sense of shared responsibility for environmental stewardship within the community. It's crucial to consult with tribal leaders, environmental experts, and community members to tailor these suggestions to your specific circumstances and cultural context. Developing a comprehensive and inclusive approach will likely be more effective in achieving your goal of reducing rodenticide use on tribal lands.

Once again the TPPC appreciates this opportunity to comment on the EPA's rodenticide regulations. If you have any questions, please contact TPPC coordinator Mark Daniels at mark.daniels@nau.edu or 928-523-8897.

Sincerely,

Jasmine Courville
TPPC Chairperson