

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

EPA Headquarters, Washington DC and Virtual

**DAY ONE, Wednesday March 6, 2024**

### **Meeting Notes**

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

Attendees (for the overall three-day meeting):

#### **Tribes (28)**

- Jefferson Biakeddy, Navajo Nation
- Alexis Bruce, Saginaw Chippewa Indian Tribe
- Brittani Clairmont, Confederated Salish and Kootenai Tribes
- Jasmine Courville, Confederated Salish and Kootenai Tribes
- Eric Gjevre, Coeur d'Alene Tribe of Idaho
- Nina Hapner, Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- Daniel Hoyt, Gila River Indian Community
- James Jackson, Muscogee Creek Nation
- Cricket Joe Herrera, Yakama Nation
- Sheldon Jones, Navajo Nation
- Renee Keezer, White Earth Band of the Minnesota Chippewa Tribe
- Tacy L. Jensen, Gila River Indian Community
- Dave Lewis, Yavapai Apache Nation
- Jaclyn Listo, Tohono O'odham Nation
- Tony McCandless, Gila River Indian Community
- Ryan Milazzo, Colorado River Indian Tribes
- Jim Mossett, Three Affiliated Tribes
- Camilo Perez, Quechan Indian Tribe
- Jeremy Phillips, Salt River Pima Maricopa Indian Community
- Theodore Puetz, Ak-Chin Indian Community
- Brenda Pusher-Begay, White Mountain Apache Tribe
- Jessica Raspitha, St. Regis Mohawk Tribe
- Luis Sanchez, Cocopah Indian Tribe
- Larry Scrapper, Cherokee Nation
- Judy Stilwell, Choctaw Nation of Oklahoma
- LaShawnia Tso, Tohono O'odham Nation
- James Williams, Muscogee Creek Nation
- Ron Workman, Choctaw Nation of Oklahoma

#### **Tribal Organizations (5)**

- Diania Caudell, California Indian Basketweavers Association
- Mark Daniels, Institute for Tribal Environmental Professionals
- Africa Dorame-Avalos, Inter-Tribal Council of Arizona
- McKenna King, Institute for Tribal Environmental Professionals
- Melanie Kirby, Tortugas Pueblo/ Institute of American Indian Arts

## **Federal (28)**

- Helene Ambrosino, EPA/OECA
- Gary Bahr, SFIREG
- Ted Coopwood, EPA
- Kelly Cunningham, EPA
- Charmaine Hanson, EPA
- Charles Hooper, EPA
- Blake Huff, EPA Region 8
- Bryan Irwin, EPA
- Charles Kovatch, EPA
- Thomas Lopiano, EPA/OCSP/OPP/CWPB
- Alex McKee, PRD/OPP/EPA
- Minerva Mercado, EPA
- Chrissy Mogren, EPA R6
- Sierra Moline, EPA
- Naomi Morgan, EPA Region 5
- Amy Mysz, EPA R5
- Victoria Oliver, EPA
- Jessica Post, EPA
- Benjamin Rohr, OECA/EPA
- Emily Ryan, EPA/OCSP
- Megan Scott, EPA
- Vincent Shiao, EPA R5
- Megan Stallard, EPA
- Royan Teter, OECA
- Chris Tokarz, EPA R8
- Linsey Walsh, EPA/OCSP
- Jonathan Williams, EPA/OPP
- Ryne Yarger, EPA/OPP
- Nicole Zinn, EPA

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

James Williams, Muscogee Creek Nation, provided the opening prayer emphasizing stewardship and community.

### **TPPC Opening Remarks**

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

Jasmine emphasized health issues faced by communities and the goal of supporting health for the next 7 generations. Nina noted that this is the first time the TPPC has met in the EPA headquarters building, expressing that this is an interesting feeling but that the gathering promotes positive energy.

## **EPA Welcome Remarks and Q&A with Jennie Romer and Ed Messina**

Linsey Walsh, EPA/OCSP/TPPC Project Officer, provided welcoming remarks and thanks to TPPC members and EPA.

Jennie Romer, Deputy Assistant Administrator for Pollution Prevention, OCSP, provided personal background and shared that she previously worked with Surfrider Foundation writing plastic reduction policy. She stated that the inception of her current position with EPA signifies the value the presidential administration sees in pollution prevention, not just clean up.

Jennie is working on promoting awareness of the pollution prevention (P2) program with a focus on source reduction. There is a webinar series starting next week. She oversees the P2 grants, safer choice, green chemistry challenge, and the environmental purchasing program. She specifically wanted to share about the P2 program that is available to Tribes, Tribal groups, Native Alaskan Villages, and other entities such as universities. A new round of grant funding is being announced soon. Matching funds requirements have been removed. The website provides resources for high quality grant applications. A P2 informational webinar specific to tribes will be provided at a later date. Visit [epa.gov/p2](https://www.epa.gov/p2) for more information.

Jennie spoke on behalf of her colleagues about the Endangered Species Act (ESA) and the ESA work plan. In 2022 EPA announced they will do analysis before approval and availability in the market on new pesticides. Last year EPA released the Draft Herbicide Strategy which provides early protections for more than 900 listed species and critical habitats. Draft vulnerable species pilot project works to identify vulnerability of listed species and identify mitigations to protect them. They are also working to refine and update endangered species maps to depict true ranges so that protections are targeted to where the species are truly found. The first 50 years of ESA did not make much progress in terms of pesticide protections, but they plan to make big strides in this area now.

### **TPPC Member Q & A / Comments**

#### **ESA**

Jasmine emphasized that many listed species reside within tribal lands and shared progress on their protections like the return of eagles due to pesticide restriction. She also shared challenges including that comparatively pesticide misuse penalties are not as harsh on tribal lands. It is unclear how to improve enforcement and she spoke about utilizing FIFRA and ESA to improve this. Making all pesticides RUPs on tribal lands could be one way of enforcing penalties but she feels this is not the course she would like to pursue and would like other options. Renee Keezer,

White Earth Band of the Minnesota Chippewa Tribe, faces similar issues such as an applicator only being required to disclose RUP records with an exposure emergency. Exposures related to general use products are not easily enforced.

Jasmine emphasized that there are many places that used to be habitat for endangered species that would be habitat if restored and asks Fish and Wildlife Service (FWS) to consider these places in mapping endangered species habitat. Current ESA regulations focus on mitigations to avoid drift and run off and wanted to clarify the concept of financial compensation as a form of mitigation. Ed Messina, Director of the Office of Pesticide Programs, responded that this form of mitigation is considered an offset program but is not currently allowed for ESA, although EPA is exploring allowing this. He shared that SO<sub>2</sub> and NO<sub>x</sub> trading programs exists and this concept has been considered for other air pollutants and for other forms of environmental protection. Jennie shared that pollution prevention programs are often pitched to businesses as cost saving programs that encourage those businesses to adopt more sustainable practices. **Renee will ask about similar issues at Regional Tribal Operations Committee (RTOC) as she and her tribe have been working with proposals related to this.**

### **Pollution Prevention**

Eric Gjevre, Coeur d'Alene Tribe of Idaho, asked if there are other tribes with P2 grants. Jennie responded that 5 tribes have them and she is trying to collect these examples to promote them.

James Jackson, Muscogee Creek Nation asked if EPA uses products of focus in the safer choice, green chemistry challenge, and the environmental purchasing program in the EPA building. Jennie said that janitorial contracts are being changed to prevent purchasing products with PFAS and to align with recommendations of safe products. Jennie shares that they are close to announcing these changes. Part of the announcement will allow other entities to mirror these purchasing choices.

Renee asked about the status of fluorinated containers. Jennie shared that there was an enforcement action released recently due to fluorination of the containers resulting in the creation of PFAS. Ed shared that EPA has developed many different techniques for testing different materials and to avoid cross contamination with testing equipment and samples. EPA has discontinued allowing PFAS containing compounds as an inert material. Ed clarified the EPA definition is 2 carbons with fluorine. Renee noted there are newly registered pesticides with fluorinated carbon chains. She shared that her state, Minnesota, is exploring banning products with these chemical compounds present. She encouraged EPA to consider adopting the European PFAS definition, as many states are, due to the risk of toxicity of single carbon PFAS that are excluded from current federal definition. Ed shared that EPA is continuing to look at toxicology of single carbon PFAS and that endocrine effects of pesticides are being explored. He agrees that these are important areas to move forwards with.

To learn more about EPA Endocrine Screening Program visit: <https://www.epa.gov/endocrine-disruption>

Ed emphasized that relationships with states and tribes are very important and that risk assessments are evolving to include scenarios unique to native peoples and agricultural employees. Ed discussed updates on chlorpyrifos and responded to questions and comments.

He signed the memo that revoked all chlorpyrifos tolerances, but this is no longer in effect due to the lawsuit that followed. EPA's new goal is to reduce uses and reduce tolerance levels. Ed said that 11 uses have been identified that could be supported and that this limitation will reduce use but there is no limit to production. The current label has all uses listed and EPA is working to create an updated label. Use must be used in accordance with label present at time of purchase, but some registrants initiated take back programs when the tolerances were canceled in 2021. Ed shared that because nonfood uses were still allowed the pesticides were repackaged and allowed for these uses. **Jasmine requested the TPPC follow up with further information on take back programs for chlorpyrifos.**

Renee brought up the Precautionary Principle and the concept of proving a product is safe before it is approved and used. Ed responded that now a product must pass before being approved. In order for the US to adopt the Precautionary Principle FIFRA would need to be changed by congress. Ed thinks that the corresponding studies for pharmaceuticals compared to pesticides are fit for purpose and exposure for both pesticides and medications. Ed shared that science and data continue to evolve and that scientific reviews have lead to 140 cancelations of chemicals and additions of mitigations. Reviews will continue to be done to review decisions and evaluate safety of pesticides. Melanie Kirby, Institute of American Indian Arts discussed the challenges of the current review process looking at pesticides independently and encouraged a holistic perspective more reflective of the interactions between things in the real world. Ed shares that practices really vary such as using IPM and cover crops. Cricket Herrera, Yakama Nation, shared that growers' associations will have one main grower recommend a product and many other farmers follow this recommendation. Jennie shared that this issue may be an opportunity for a pollution prevention grant to reduce use of pesticides.

Nina shared that she sees value in utilizing a grant to assess the baseline pesticide use and history of use to create a deeper understanding of how to change current practices and address legacy contamination. Jennie encouraged exploring this through the P2 program and other grants. Nina emphasized that western science is not always reliable in understanding issues faced by tribal communities and that it would be helpful to have someone on the board of reviewers who is understanding of tribal communities' perspectives.

**Members are interested in having Ed attend for a longer session at another meeting.**

**Certification and Training Plan Implementation and the Worker Protection Standard  
Jennifer Park and Thomas Lopiano, EPA/OCSP/OPP Certification and Worker  
Protection Branch**

Additional Documents

Thomas Lopiano, EPA Certification and Worker Protection Branch (CWPB), presented the status of certification plan approvals, branch updates, and the status and implementation schedule of EPA's plan for Indian Country.

Thomas shared that CWPB will be in attendance at the April 20-25, 2024 Pesticide Regulatory Education Program (PREP) to discuss modifications to certification plans and a draft guidance in development. This draft guidance will be posted online for public comments.

Eric asked if there are any tribes with their own education/training program. Thomas said there are tribes accepting states certification programs but then issuing their own certification. If a different entity, such as ITEP or a university, wishes to produce a training it could be used by tribes upon EPA approval. Competencies and key points within 40 CFR Part 171 would need to be met. State certification programs could be used as a framework so that tribes can build out their own C & T programs. Jasmine shared that tribe provided trainings could increase authority for enforcement actions such as revocation of licenses. Eric shared that funding a certification and training program requires a 50% match.

A commercial applicator is an applicator who is hired specifically to apply pesticides. Jasmine faces issues with most applicators being considered private applicators. Some states require tests for private applicators. This could be an instance where accepting state certifications can be beneficial. Thomas shared that private applicators are now required to renew their certification annually.

Supervision responsibilities updates include that supervisors must have means of direct communication. If there are no means of communication, such as lack of cell service, a supervisor would need to be on site. Certification cards will state yes or no if they are supervisors and supervisors must maintain records of the non-certified applicators they supervise.

EPA has sent out letters requesting pesticide dealers report to regions which were also intended to be distributed to tribes. **Thomas is interested in following up with those who have pesticide dealers on tribal lands.** Jasmine suggested that letters to dealers clearly state that dealers on reservations require federal certification to sell pesticides to increase awareness of regulations. Alexis Bruce, Saginaw Chippewa Indian Tribe, shared that she received an excel spreadsheet with information on pesticide dealers from her region and she was asked to confirm/add those in the reservation. **Thomas will reach out to regions to confirm that tribes should pursue reaching**

out to dealers and will follow up with Linsey to clarify the definition of Indian country vs. exterior boundaries for RUP dealer reporting purposes.

Private applicator training content is being updated to be more reflective of tribal culture and uses of pesticides. Renee asked if TPPC will be able to provide feedback before the training is released. EPA is interested in this collaboration and Thomas will reach out to the group coordinating the revisions. Jasmine asked if EPA can charge for these licenses to gather more funds for tribal pesticide programs, Thomas will ask about this and see if this is a possibility. Jasmine requested that documents from “EPA plan implementation” slide be sent to Mark to be dispersed to TPPC. These documents can be found in the link above titled “Additional Documents”. Thomas shared the [link to the Pesticide Applicator Certification in Indian Country website](#) for additional information.

<b>ESA Update with EPA Management Amy Blankinship and Brian Anderson, EPA/Environmental Fate and Effects Division</b>
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Amy Blankinship, EPA/Environmental Fate and Effects Division, provided updates on EPA's implementation of Endangered Species Act (ESA) protections in the context of pesticide registrations and labeling.

Amy shared background on other federal entities that work to protect endangered species. A new work plan for ESA was released in November 2022. Part of this includes that new active ingredients will be analyzed before approval for safety related to ESA. Amy talked about grouping pesticides (herbicides, insecticides, rodenticides, fungicides etc.) to make broader more efficient decisions and to consider the holistic ecosystem effects by pesticide type. Some pesticides are still being reviewed individually. Strategies will also take on a regional lens with priority to areas with concentrated listed endangered species. Strategies will be released for public comment. Amy emphasized that these are strategies, not rule making, and do not create requirements but they help to assess risks and promote mitigations. They are planning to expand labels to a website to give applicators more options for mitigations as those options would not fit on a small label. Upcoming mitigation workshops will focus on gathering stakeholder engagement and opinions.

Pesticide Use Limitation Areas (PULAs) and their refinement will inform strategies and their implementation. Eric clarified that PULAs are a spatial geographic area with additional label instructions and mitigation. TPPC members are interest in clarifying what PULAs look like for nonagricultural uses. Some species selected for the vulnerable species pilot were selected due to their ranges, some of which extend into forested areas. As of now the herbicide strategy will be focused on agricultural areas due to the heavy use of pesticides in agriculture and staff capacity logistics. To meet ESA obligations nonagricultural uses will need to be considered. Herbicides were chosen to assess first due to the frequency, quantity, and toxicity and because most endangered species are plants. Avoidance is part of minimization mitigation strategies and

specific species may need more precautions. Jasmine asked if consultation will occur with tribes, **Linsey can follow up with specific consultation inquiries.**

Renee asked about seasonal restrictions and if notices could be provided to producer establishment or RUP dealers so that applicators know they need to apply prior to a specific date. While purchasing RUP they could enter information to receive the notifications. Brian Anderson, EPA/Environmental Fate and Effects Division, is supportive of this idea and shares that there is a team looking in to implementation. Eric asked what will compel applicators to abide by ESA, Amy shared that the label will provide links to additional information that must be observed for ESA compliance. Amy shared that reporting requirements and enforcement are part of the strategy process.

Nina is interested in planning prescribed burns but FWS may allow pesticides instead of burning due to endangered species. She asked if the Bureau of Indian Affairs (BIA) is consulting due to their involvement with tribal funding of invasive species management. Amy shared that species specific experts are being consulted. **Linsey can follow up with ESA questions from TPPC members.**

#### **TPPC Coordinator Update**

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

Due to time constraints the TPPC Coordinator Update was not discussed. View the slide presentation above for the report.

**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; Allison Cuellar, ASPCRO President; Gary Bahr, SFIREG Chair**

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

Megan Patterson, AAPCO past-president provided information about work groups and invited TPPC members to be involved in these work groups. **If you are interested in being part of the ESA work group reach out to Mark or new AAPCO president Gretchen Paluch ([gretchen.paluch@iowaagriculture.gov](mailto:gretchen.paluch@iowaagriculture.gov)).**

**Gary suggests TPPC members to make a list of issues related to C&T to move forwards with implementation strategies.** The TPPC policy work group is working on certification and training



related issues and this group could collaborate to inform on tribal C&T issues. Jasmine discussed challenges with applicators being certified by states resulting in tribes' inability to challenge licenses that are provided different entities. Amy Sullivan consulted with her tribe to include tribal restriction information on a label, she would like to see more of this. Megan suggests reaching out to states and that she can encourage states to reach out to tribes.

Jasmine described an issue she comes across with National Pollutant Discharge Elimination System (NPDES) permits being issued near bodies of water. She asked if aquatic permits are required in addition to an NPDES permit. Megan and Gary shared their experiences with their states, in general this will differ depending on the states. Megan said there is a portion of the AAPCO website that shows state regulators and their contact information.

Megan shared that the Covid pandemic brought up a lot of regulatory questions regarding disinfectants. Again these regulations are state dependent with some states requiring training, but that OSHA would apply to custodial products used in the work place. Megan offered to share the educational resources they created during the pandemic.

TPPC leadership can send issues to SFIREG (as opposed to a specific committee), and SFIREG can channel this to the appropriate working group. Gary said all tribes should be hearing from SFIREG representatives and be invited to regional meetings, if they aren't they should reach out to be connected. Megan shared that Maine has banned distribution of all consumer goods that contain intentionally added PFAS by 2030.

Contact Kelly Friend to get involved in the WPS work group, [kelly.friend@FDACS.gov](mailto:kelly.friend@FDACS.gov).

<https://aapco.org/>

### [Slide Presentation](#)

Allison Cuellar, ASPCRO President, presented on ASPCRO initiatives and updates. ASPCRO focuses on structural and nonagricultural pesticide regulation, use, compliance. ASPCRO partners with government, industry, academia and other entities. Allison provided information on the organization's variety of committees.

The annual meeting will occur August 20-23, 2024, and TPPC members are invited to attend. General sessions at the meeting will include ESA, Rodenticides, Sulfurylfluoride for Residential Fumigation. An inspector training will be included in the meeting. There is a nomination process beginning in May to received funding for meeting and training fees. Travel is not funded. This training does not provide a certification. Beginning in September 2024 monthly online training sessions will be provided that culminate with an exam and mock inspection leading to certification at the 2025 ASPCRO the annual meeting. For mosquito issues Allison suggested resources from American Mosquito Control Association and to consult with public health entities. Contact Allison at [AllisonCuellar@texasagriculture.gov](mailto:AllisonCuellar@texasagriculture.gov).

<https://aspcro.org/>

Gary Bahr, Washington Dept of Agriculture and SFIREG Chair, provided an update on current issues and projects. Their ESA work group is currently a focus. Steve Dwinell of Vermont will be the new SFIREG chair replacing Gary in April. A new position called the Tribal Affairs Liaison is in the process of being approved, Gary requested that the TPPC share the posting with networks once it is released. Renee offered to connect Gary with her contact who is a tribal liaison with her state's agriculture department. Mark suggested TPPC members who would like to bring topics to quarterly meetings with AAPCO, ASPCRO, or SFIREG contact him or Jasmine prior to those meetings to ensure those topics are addressed.

**Hot Topics Discussion with TPPC Members TPPC Meeting Attendees, facilitated by Jasmine Courville**

**Dave Lewis, Yavapai Apache Nation**

Dave shared that they lost a pesticide staff member, and they are now rebuilding the capacity of their staff. Agriculture is expanding in their area, meaning that pesticide use is increasing. One priority is ensuring new staff have been provided WPS training. Dave would like to determine what types and quantities of pesticides are being used and will reach out to TPPC to inquire about assistance.

**Judy Stilwell, Choctaw Nation of Oklahoma**

No updates noted.

**Jaclyn Listo, Tohono O'odham Nation**

No items to mention at this time.

**Jefferson Biakeddy, Navajo Nation**

There are currently two investigations he is working on. The first is on unlabeled pesticides and repackaged pesticides being sold to one of the schools in Navajo nation. He is hoping to have this completed this week and provide the information to Region 9. Another investigation is the possible sale of expired products to another school. He will share the results of this investigation. Jasmine suggested following up with Gary for disposal/returns of expired disinfectants.

**Luis Sanchez, Cocopah Indian Tribe**

He is working on ways of informing workers of recent pesticide applications since he has found many workers seem unaware of recent applications during his WPS inspections.

**Camilo Perez, Quechan Indian Tribe**

They are revising their pesticide ordinance draft. The draft will either be sent to their tribal attorneys, or they will continue to work on it internally.

**Jeremy Phillips, Salt River Pima Maricopa Indian Community**

They are finalizing their pollinator protection plan. They started 2 pollinator gardens, and they are working on their IPM program at private and tribal schools (6 schools total). Additionally, they are finalizing rules and policies for their drone pesticide inspection, monitoring, and enforcement. They are also using drones for routine drivebys; if they notice an issue during one of these this provides them with cause to do a formal inspection. Shares that this is done under tribal authority and policy, not through FIFRA. He is finishing his credentials within the next few weeks.

Jasmine asked if he could he present on their drone project at the fall meeting to provide guidance to TPPC members. **Jeremy agreed to present more information.** They have 6 pilots who are licensed. They have a DGI drone, four Autel drones, one Mavic pro mini, and three Skydio drones. Shares that the Autel is the best for geomapping due to the extended flight time. Many members shared about funding issues for drones that are not American made and American made drones being much more expensive. Nina recommends sharing drones between different programs to combat funding issues.

Drones are not being used for aerial pesticide applications, Jeremy worked to ban aerial applications 20 years ago due to over spraying and aerial sprays contaminating homes and this ban remains in effect. Camilo noted that aerial drone applications have been helpful in his communities to reduce nuisance from helicopters.

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

Shared about his use inspections and a follow up inspection due to a drift to road way issue. He has a large amount WPS materials he is trying to distribute. Distributing these has allowed him to connect with people to provide information on upcoming WPS training and gather inspection targets.

**Brittani Clairmont, Confederated Salish and Kootenai Tribes**

Shared about a 5 year project that is part of the Columbia River Basin Toxics Reduction Grant. They are combining their pesticide work in with resources from their fisheries program to get baseline data next year. They will be taking surface water samples and fish tissue samples to assess for pesticides. The project has a focus on native fish and fish that are traditional food sources. Jasmine shared that Yakama Nation, which is further down the river, and additional coastal tribes found that fish had 6x the health limit. The results will be combined with others results to observe data for about 20 species. Goal is to collect a baseline to see if fish advisories should be made and to clean up some areas.

**Jasmine Courville, Confederated Salish and Kootenai Tribes**

Jasmine shared about an aerial applicator causing exposure at an annual event in 2022 at the river where 500 kids were present. The aerial applicator had asked the grower if they could spray a different day but their request was denied. He was applying across the river but due to

60mph wind gusts pesticide drifted on to attendees and staff. Brittani shared that the applicator returned multiple times and sprayed over them a number of times. They pursued enforcement and the initial settlement would have been \$29,000 but was reduced to \$5000. The tribe was happy with this and the goal was to have some form of enforcement action but also keep the applicator in business with a cautionary lesson. The applicators lawyer found that FIFRA only applied to RUPs and the products that were drifted were general use. Settlement was canceled and he was only issued a notice of warning. The tribe and EPA are not satisfied with this outcome. Feels that the only way to have protections is to make all pesticides RUP or create additional tribal laws for general use which is very challenging. Its also challenging to take action against non-tribal members in tribal court. Feels this outcome doesn't prevent irresponsible applications. They are looking in to options for filling in regulation gaps to supplement FIFRA.

Africa responded that this drift issue may be more easily enforced through a WPS or label violation as opposed to FIFRA. Recommends communicating with an attorney to see if there were label violations. Suggests communicating with states on their enforcement for similar issues. Jasmine shares that their tribe won't allow state enforcement but that they may work with counties on an ordinance. Camilo suggested creating a resolution to be signed by tribal government that an applicator cannot apply aerially if wind is above a certain mph.

#### **James Jackson, Muscogee Creek Nation**

They are starting to incorporate pesticide sampling in water sampling that is already being done to establish a baseline. They are working on issues related to state partnerships and tribal sovereignty. They are seeing this expand with cooperation but still working through issues. Some environmental issues in the area include saltwater intrusion and oil and gas production. Rivers in the state are impaired due to heavy metals, recommendations for fish consumption may change based on pesticide findings. Fresh water mussels are more sensitive to pesticides/pollutants and James thinks that mollusks should be used as indicators as opposed to fish. Sampling will occur upstream and downstream of discharge points from xanthan gum producers. James notes that the public and communities aren't aware of pesticide related issues. Emphasized need for education and equitable collaboration with other coregulators.

#### **Melanie Kirby, Tortugas Pueblo/ Institute of American Indian Arts**

She is working on facilitating pollinator protection plans for the state of New Mexico. Policy went through to support a working group for pollinator protection which will be overseen by the department of agriculture. The group is indigenous lead and supports indigenous voices.

#### **Tacy L. Jensen, Gila River Indian Community**

Completed a C & T plan that has been submitted to EPA. They passed a new code and their office developed fact sheets for the regulated community. Shared that having her own applicator certification and WPS trainer allows them to be more effective teachers and regulators. They are starting a technical bulletin for community members to provide information such as recommendations for companies to apply pesticides and IPM to continue to support education.

**Africa Dorame-Avalos, Inter-Tribal Council of Arizona**

Submitted a proposal for two special projects. With one grant she is putting on national tribal inspector training. She is hoping to reach out to tribes nationwide. She is collaborating with Gila River and Arizona Department of Agriculture, EPA Region 9, and any TPPC members that would like to provide input and be part of planning committee. It will focus on enforcement and pesticide related issues. Inspectors who have a tribal pesticide cooperative agreement are the target audience. The training will be three days and include a mock inspection. It will be held near Phoenix, AZ the first few weeks of September. The other special project is a national IPM training for tribal staff. Still trying to assess needs in communities to focus and inform the training.

Africa is the new tribal co-lead for the pesticide working group under region 9 for the Regional Tribal Operations Committee, feels this post will be a good platform for advocating for tribal funding, training needs, and other resource needs. ITAA is the political arm of ITCA, they are submitting 1-2 issue papers in April, the topics for these papers are appropriations to support tribal environmental enforcement programs, and the use of pesticides to support public health. ITCA can act as a resource for TPPC members to get in contact with congress representatives. Africa is renewing her inspection credentials. She is gearing up for the busy season of providing pesticide safety training to workers. She coauthors a training through U if A extension program that is available to Region 9 tribes, reach out to participate if you are part of this region.

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

They are working with Africa for IPM and pesticide training. They are preparing for the Tribal Earth week in April.

**Diania Caudell, California Indian Basketweavers Association**

They are working with a fire youth program in Northern California. Diania was contacted by a US Fish & Wildlife Service (FWS) unit/ranger regarding traditional gathering. FWS is concerned around destruction of butterfly/moth habitat. Feels that this perspective contradicts the concept of traditional tending to the environment and feels upsetting. Diania shared a report with them detailing gathering practices. Nina shared a similar issue in her area and supports continuing this conversation from around IPM practices.

Hot topics to be continued on Day Two.

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

EPA Headquarters, Washington DC and Virtual

**DAY TWO, Thursday March 7, 2024**

### **Meeting Notes**

**Continued-- Hot Topics Discussion with TPPC Members TPPC Meeting Attendees, facilitated by Jasmine Courville**

#### **Renee Keezer, White Earth Band of the Minnesota Chippewa Tribe**

Renee shared an ongoing inspection issue between the White Earth pesticide program and applicators who feel that the tribe does not have authority to perform inspections on their land. Renee feels that the 2014 C&T plan has caused a lot of confusion, and that White Earths' authority would be made clearer if they had their own C&T. These applicators are trained and certified through the state but are regulated by White Earth which has stricter laws, but they do not have criminal jurisdiction and are unsure of how to deal with criminal charges if they occur. This dynamic has created a lot of confusion, stress, and tension. Renee wanted to bring this to the attention of EPA and SFIREG and shared about this at AAPCO. Eric requested a presentation about FIFRA section 23 to understand what is stated and what is allowed for C&T. Jasmine shares similar challenges and shared her success with utilizing a letter from EPA verifying her federal authority to allow her to inspect along with a brochure. Jasmine will find this letter and share it. She recommends to keep a list of those refusing inspections and invite EPA or State to perform a joint inspection.

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

Their current focus is on WPS enforcement and ESA. He is seeing that challenges may arise with ESA. They want to focus on communication and advanced notice to prevent issues. Another area of focus is their non-agricultural sector made up of 35 stakeholders. Due to lack of state structure for training he wants to ensure that these applicators are properly trained, and that communication is open with them.

#### **Cricket Joe Herrera, Yakama Nation**

Shared similar experience as Renee. He shared that he had been denied entry since 2016 by a grower. He collaborated with the Region 10 team and was successful in having a positive interaction with the grower. Additionally, he inspected 2 growers that had never been inspected. There is a grower who had old pesticides, Cricket reached out to state contact, and they were helpful in sharing times of drop off events. They are also working with translations for the Bertie the Bee coloring book. Working with the Region 6 policy group is another area of focus. He felt that the thumb drives from PREP helped to incentives inspections.

#### **Nina Hapner, Kashia Band of Pomo Indians of the Stewarts Point Rancheria**

No hot topics to note.

### **Alexis Bruce, Saginaw Chippewa Indian Tribe**

Pesticide program is new and was started in October 2022. Their priorities include water resource protection related to spraying for mosquitoes and ticks. Is considering creating a database to understand land use to create a baseline. They are in cooperative agreement with local university for a 2-year water sampling project. Data will be collected on mussels, algae, and water of the Chippewa River. They are still anticipating finalizing data and interpretation and feels that she needs this information before any action is taken.

James suggested looking at historical cultural use of mussels and that making this connection could help with capacity building of her program. Emphasizes that there could be cumulative effects even on seemingly low individual results, impacts could accumulate over time or downstream. **Renee can provide a land use map and requests that Alexis reminds her to do this.**

### **Ryan Milazzo, Colorado River Indian Tribes**

Shared about illegal immigrants wanting pesticide applicator licenses but that they don't have residency documents. They wonder if submitting their information could have consequences later that could result deportation or other issues. Africa shared that the state of Arizona does not require a background check for certification of applicators but requires an ID. Africa suggested that the supervisor could have the supervisor applicator license which would allow them to supervise workers who are not individually certified.

### **Indigenizing Advocacy & Outreach for Pollinator Conservation Melanie M. Kirby, Tortugas Pueblo**

#### [Slide Presentation](#)

Melanie presented about her cultural, educational, and professional background. She shared about principles of value such as consilience. Provided description of student body, mission, and programs at the Institute of American Indian Arts (IAIA). Melanie works with the agriculture program that they have worked to continue to indigenize. Their goals are to connect students with cultural practices of growing and processing foods. They have over 40 recorded presentations from indigenous scholars (scan the QR code on slide 15 to view these); **if you are interested in being a presenter, contact Melanie.** Melanie discussed various projects at IAIA involving soil restoration, seed stores, mapping, and art.

Melanie focuses on bee breeding, queens, and keeps bees on various farms. IAIA is hosting a train the trainer beekeeping pollinator stewardship program. They are also working on a grasslands and pollinators project. Melanie was recently nominated to serve on the Inaugural Pollinator Subcommittee for the National Agriculture Research Extension Education Advisory Board. Her goal is to represent indigenous voices; **reach out to her if there are any topics you would like her to represent.**

**Environmental Justice Discussion with EPA's Office of International and Tribal Affairs  
Amanda Hauff, Senior Advisor, EPA/OITA**

[Slide Presentation](#)

Amanda Hauff, Senior Advisor EPA/OITA, and Ted Coopwood, EPA Office of Children's Health Protection, presented on environmental justice programs and facilitated discussion and feedback on tribal programs. Amanda is working on tribal children's health and tribal colleges and universities programs and is seeking feedback and input on environmental justice priorities. Protection of tribal data is being developed for these projects.

Jasmine shared that in her community many children are hungry and they receive lunches from schools that are not very healthy. Additionally, kids have to take a second language class and Jasmine feels that having native language classes would benefit indigenous children and the general public.

Renee shared about a study in Minnesota about pesticides in children's urine and compared urban and rural samples. **She will share this research.** Renee wants to address the discrepancies between acceptable levels, serving sizes, and the reality of actual pesticide exposure through food. Ted is supportive of understanding what tolerance levels are for children. He thinks that using children as a priority could improve protections for adults/other populations.

Jefferson Biakedy shared that he has noticed that some schools and marketplaces receive antimicrobial products with dates close to expiration. He feels that many of these entities don't care about those working with pesticides and are difficult to work with. **Amanda shared that this has been brought up by other people and would like to follow up with this.**

Nina is interested in addressing food sovereignty and working on understanding how to build this. She is interested in EPA and TPPC working with food sovereignty to support more tribal communities in having access to nutritious foods that support overall health.

Africa shared concern CDC providing funding for public health related pesticides but that they don't provide applicator training.

Jasmine shared about many children in her community with cognitive/behavioral issues due to parental drug use. She wants to ensure that schools and resources being provided to these children does not create more issues. As an example healthy drinking water is of concern, filtered water stations could be an initiative to support this.

**Contact Amanda with ideas related to tribal children's health whenever you have them**

Amanda shared about the tribal colleges and universities (TCU) project. Pilot project aims to increase students in tribal environmental health programs at universities and work with EPA. Looking for people from TPPC to collaborate with TCU. They are working to build a mentoring



program for tribal students through placements at EPA, at the regional level, and through different organizations such as TPPC. Additional funding through GAP programs would cover internship costs. Nina has been asked about hosting older interns due to need. Amanda will continue to discuss programs for older adults internally. Currently students can be graduate or undergraduate. Jasmine asked what information she can provide to her tribe for this program.

**Contact Amanda if you want to participate.**

The Tribal Children's Health program is working to assess what environmental health issues are impacting tribal children and should be prioritized. The goal is to make the program sustainable and empower tribal communities to implement changes. They are seeking information from tribes for strategic implementation. Amanda discussed tribal lifeways and location influencing exposures. They want to consider all of these from the perspective of children's health. Renee shared about respiratory issues during tilling and harvest due to air contamination. Jasmine discussed that the exposure pathways could be updated to overlay western culture and native culture exposures that children concurrently are exposed to. Africa suggested EPA members visit communities or participate in trainings and shared about the ITCA IPM training program in 2024 that has a focus on reducing exposures in children and sensitive populations. Tacy emphasized that homes are multigenerational. She also shared her background with schools and IPM and pesticides. **Amanda is interested in talking with Tacy about her thoughts for alternatives to pesticides.**

**EPA Regions Tribal Pesticide Update Peter Earley, EPA/Region 9, and Bryan Irwin, EPA/Region 6, Tribal Pesticides Sub-leads**

Bryan and Blake provided updates on tribal pesticide activities in each of the ten EPA regions.

**Tribal PFAS Working Group Update Page Hingst, Santee Sioux Nation**

### [Slide Presentation](#)

Page Hingst, Tribal PFAS Working Group, shared about their work and priorities for 2023. In 2023 they identified 10 tribes who were being affected by PFAS. They continue to identify PFAS tools and resources and created a PFAS fact sheet in collaboration with Northwestern University that is designed for tribes and tribal communities. The website was updated including presentations and scholarly article uploads. They hosted a PFAS workshop and a work group open house. She discussed 2024 priorities. Renee asked about getting contact information for work groups, **Mark can share these contacts since they are ITEP employees.**

Paige shared that the PFAS analytical tool will show you reports of testing results from states as they must be reported. Tribes do not have to report this information but it shows state, EPA, and private testing that has to be reported if levels are above a certain threshold.

**Pollinator Protection Workgroup Questions Nina Hapner, Pollinator Workgroup Co-Chair**

Nina shared the 12-question draft assessment that will be used to determine workgroup priorities. **Nina would like to discuss potential revisions to this assessment.**

**Pesticide Border Issues Camilo Perez, Quechan Indian Tribe**

[Slide Presentation](#)

Camilo presented on his work with tribes along the borders of California, Arizona, and Mexico. They collaborate with EPA and facilitate training through weekly and monthly meetings. The Tijuana River has been contaminated with pesticides and human waste Camilo's work group put a proposal together to share this issue with affected tribes. They also work with habitat restoration, water quality, climate change, drought, and algal blooms. He has personally seen a huge improvement from where he started years ago in addressing these issues. He works to build relationships with border issues groups to collaborate with Mexican government and indigenous communities and support them in sharing their concerns. Tribal concerns are local, nationwide, and across borders.

Nina shared about how the border region is technically considered 66 miles in each direction of the border. Previously Mexico was able to apply for funds for drinking water projects, similarly with pesticides. Nina shared that pesticide registration differs on each side of the border. Camilo shared that requests have been made to require searches to be more thorough when crossing borders with pesticides. This issue has made progress but is not entirely resolved. Due to inconsistent participation in the work group, EPA funding is very minimal. Camilo is continuing to try to support this work group to eventually fund projects. Melanie inquired if Camillo works with New Mexico, he does not since New Mexico is part of Region 6.

**Closed Door TPPC Tribal Caucus**

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

EPA Headquarters, Washington DC and Virtual

**DAY THREE, Friday March 8, 2024**

### **Meeting Notes**

#### **Pollinator Restoration: Jane Breckinridge Tribal Alliance for Pollinators**

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

Jane Breckinridge shared about the Tribal Alliance for Pollinators. She is the director of the Euchee Butterfly Farm which consists of 14 acres of never plowed prairie. They are home to various programs including a summer internship program, pollinator demonstration plots, and their flagship program called Natives Raising Natives that provides native children mentorship and hands on experience with pollinator conservation and restoration. They also provide native language enrichment integrated into workshops, translating plant names, and communicating in native languages. Their programs focus on monarch butterfly restoration. They provide applied ecological services and are one of the largest native plant nurseries in the country and the largest native plant production in Oklahoma with all plants going to tribal restoration sites.

Jane shared details of various programs. She discussed an approach called the Habitat Island Concept where they identify small plots, take out nonnative plants, densely plant native plants, and over time these plants will colonize and spread. Due to scarce seed resources, they have determined that the best practices are to propagate them in a nursery and then plant starts once their roots are well established. Nurseries are integral to the project because the plants aren't available elsewhere and if found would be extremely expensive. Once planted they will only need to be watered a few times as they are adapted to the environment. Another practice is using mulch to reduce encroachment from other plants and to conserve water.

They also collect seeds and have a seed collection guide. This is complemented by a refined seed cleaning process using a grant-funded machine that has reduced their processing times by 90%. They facilitate seed exchange between tribes in the same region, and have 232 species of seeds in their seed bank. The organization has worked with 77 different tribes, they can host experts for lectures and then get hands on practice through workshops at restoration sites and at nurseries.

With the milkweed plantings they found that every planting site was being heavily used by monarchs. Milkweed soup is a cultural food, and their work goes beyond ecosystem services and supports restoration of cultural practices. Intertribal collaboration allows for sharing and maximization of resources, enhances funding opportunities, and the coalition provides more political power rather than individuals.

Gary shared that he feels there is a lot to learn from their program and is interested in this to help increase ESA listed species across the country. Jane is happy to share information with whomever.

**Pollinator Strips Dr. Diana Cox-Foster, USDA, Pollinating Insects Research Unit**

[Slide Presentation](#)

Dr. Diana Cox-Foster, USDA, shared about two research projects. She emphasized the importance of pollinators for food crops, native ecosystems, and native peoples. All bees need pollen and nectar, but many are suffering from poor nutrition due to floral loss from development of land. They are interested in looking at impacts of nutrition and climate on bees.

The first was research on drought tolerant plantings for bees and the abundance of species in the surrounding bee communities. They sought to determine if a pollinator seeds mix could be designed to provide nutrition through spring to fall, whether wind and snow breaks increases moisture as a resource for plants increasing their establishment, and do these floral resources benefit pollinators. Some results from this study were observing that invasive species out-compete pollen producing natives, becoming a fire hazard causing large wildfires. Pollinator plantings were failing in large acreages, but they returned a few years later and found many flowers and a diversity of bees. Their goal continues to be to improve pollinator seed mix to improve availability of pollen in spring and fall. Some foreign grasses are used which keep the extremely invasive grasses out. Successes included that some plantings offered benefits for birds and butterflies and additional challenges included a seed shortage resulting in reduction in availability of preferred seeds.

The second study she discussed was on pollinator plantings alongside blueberry fields investigating pesticide hazards. Honeybee pollen and bumble bee pollen had significantly more active ingredients than other sample types. Pesticide practices influenced the number of active ingredients and concentrations in flowers, whole bees, and bee collected pollen with conventional farming practices resulting in higher concentrations. Most pollen samples were above the EFSA LOC for chronic oral exposure, and some were above the acute contact level of concern. Landscape as a whole is source of pesticide exposure; exposures are not limited to a single farm due to foraging behavior. The majority of pesticides used are insecticides. Renee and Jasmine inquired what the name of commonly used pesticide is, the name is Phosmet. Recommendations from research conclusions include using IPM, choosing bee safe pesticides, and reducing drift. Her research team is partnering with Melanie Kirby for plantings and bee ID.

**TPPC Panel Discussion on Inspections Eric Gjevre, Coeur d'Alene Tribe; Jeremy Phillips, Salt River Pima-Maricopa Indian Community; and Theodore Puetz, Ak-Chin Indian Community**

Ted shared about the Ak-Chin Indian Community Pesticide Program. They have a cooperative agreement with EPA. An area of focus is developing a work plan and identifying pesticides of concern in water. They have just under 20,000 acres of farmland creating an intensive agricultural program with a variety of agricultural crops that utilize many pesticides and technologies.

Their priority in their pesticide program is assessing for risks related to products that are used with an emphasis on WPS. He shared their SOPs for routine and for cause inspections. Growers provide notification so he is aware of what products are being used. Eric inquired if the reservation is checker boarded, Ted responded it is not. They are very successful with all applicators providing notification of activity. He faces more challenges with other stakeholders as opposed to applicators. Ted utilizes the 1080 form. He also uses a spreadsheet to review information which informs his perspective of risks involved in application practices. He ensures that mixing sites have a Safety Data Sheet binder with applicable information.

Prior to inspections he provides a notice of inspection (NOI). A checklist is used to build investigations and record information for incidents and referrals. Ted feels it is useful to have the mindset that any inspection can go to court. He utilizes documentation to be able to win in court.

He utilizes a WPS training participation list and checks this and requires that cards are distributed. Employees don't go out to the field unless they've completed WPS training. WPS checklists are available through EPA and PREP. Workers and applicators have access to central posting which is where Ted determines who to inspect. Respirator fit testing required for RUP application. He noted that poultry farms are excluded from WPS although he is unsure why.

Takeaways: Ted wanted to emphasize is that Bulletins live 2 is an extension of the label and is the law, and the importance of interacting with applicators with the right attitude.

Forms mirror state in many ways but are stricter in some ways such as disinfectant application trainings. His forms from a PREP training. **Renee requested a copy of Ted's forms.**

[Slide Presentation](#)

Jeremy oversees a staff of five within the pesticide program and oversees other environmental programs in addition. In their agricultural sector they see a lot of RUP use for crops such as sweet corn, cabbage, and lettuces. Agriculture has expanded in part due to lack of restrictions on water use, he foresees possible restrictions in the future. The tribe developed their pesticide codes in 2000. In addition to agriculture the program monitors commercial and residential structural applications. Initially he had federal credentials and was utilizing FIFRA. They found

that FIFRA was lacking so they borrowed from different codes to create enforcement such as tribal business license code, leasing code, engineering, and environmental codes in addition to pesticide code to respond to issues in the community. They now rely on tribal codes more than FIFRA and WPS. They plan to use FIFRA authority to gather documentation (record reviews etc.) from applicators that work off the reservation with the goal of being able to do off reservation inspections. They have had challenges interacting with the state due to interactions with farmers off of the reservation. The land borders neighboring towns like Scottsdale and presents jurisdiction challenges when people call and complain from Scottsdale. If the person comes to the reservation, it makes it simpler to communicate. In an effort to build partnership they allow USDA inspections on the reservation.

For structural applications an online form must be submitted 24 hours in advance. People are generally compliant with this. They host IPM classes but also use pesticides for outbreak issues in community settings. Schools generally follow IPM methods.

Aerial application is banned in the community. There is increased residential crowding making it more likely for civilian exposure if pesticides were applied aurally. Spraying within one mile of bus stops with pickups is not allowed. Applications are allowed after 9am and but must end after 5pm, RUP applications must be completed by 3pm, due to complaints from the community. These mitigations have reduced complaints. Applications are monitored often. WPS is important as there are often large crews. He looks for WPS documents in central posting locations and for SDS. Enforcement for nonnative members requires that criminal documentation is sent to a neighboring city. In general, their program is solution oriented. He believes that FIFRA could be changed but this presents many risks and tribal pesticide codes could be more empowering. TPPC members are interested in a code development and enforcement workshop. Jeremy suggests that tribes without codes begin with things like pre-notification and documentation. Jeremy can continue sharing about this at another time.

Eric's presentation was minimized due to time. He focused his time on sharing best practices for preparing a sample for shipment. The methods he used can be found in the FIFRA inspector manual in chapter 7 page 8, which is page 100 of the whole document. Renee asked about using amber jars; he uses clear. He utilizes Inspector Wikipedia for forms.

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

Jasmine and Nina shared priority items from the Tribal Caucus:

- Two-page TPPC update as opposed to updating the status of pesticides document
- For the next meeting remove standing agenda items for more flexibility in the schedule
- **Enforcement Collaboration: Gary will contact Minnesota Department of Agriculture to advocate for Renee's tribal enforcement issue. Gary will also work to support Region 5 and Region 9 tribes in collaborating with their regions.** Jeremy recommended partnering with neighboring states as he does with the California when he has faced issues with

Arizona. Contact Linsey if you would like support or assistance with collaboration from EPA.

**Closing Remarks**

Thank you to all who participated in the 2024 Spring Meeting!