

Tribal Pesticide Program Council
In Person Meeting
Office of Pesticide Programs
March 11-13, 2015
Notes-Final

Wednesday, March 11, 2015

1. **Opening Prayer-** Ralph Morris, Gila River Indian Community

2. **Welcome and Introductions**

3. **TPPC Chairman Update/ Fred Corey-** The TPPC is meeting in conjunction with the American Association of Pesticide Control Officials (AAPCO) meeting held earlier in the week. There was a tribal panel held on Tuesday, March 11, 2015 in the afternoon at the AAPCO meeting. The AAPCO Chair is Chuck Moses, Nevada Department of Agriculture, who has worked with tribes in the past. Jim Gray, North Dakota Department of Agriculture, is in attendance at the AAPCO meeting and he is the Chair of State FIFRA Issues Research Evaluations Group (SFIREG). Amy Bamber, Montana Department of Agriculture, is the incoming Secretary for AAPCO. Grier Stayton, Delaware Department of Agriculture, is retiring from the secretary position. Fred discussed the lack of resources of the TPPC, indicating actual outputs have been a challenge to execute or complete due to limited resources.
The EPA Cooperative Agreement with ITCA ends June 30, 2015, so TPPC has to think about what needs to be prioritized in order to determine the issues most important to the organization. Nina urged the Executive Committee to step forward and give input on the work at hand. Al Havinga asked about the status of the grant. Mary said she is waiting for the status from the Office of Grants Management. There will be a 45-day open period for the Request for Application (RFA). Office of Pesticide Program (OPP) management will select and approve the grantee. It will be a five year grant. The posting will not be in the Federal Register. The RFA will have instructions on how to apply.
Pesticides Regulatory Education Program (PREP) is supporting TPPC by allocating \$35K to tribal training and Marty Monnell (Deputy Office Director, OPP) is aware that the tribes need funding.

4. **ITCA Administrator Update-** Elaine Wilson delivered a brief presentation of the TPPC Administrator's responsibilities over the last six quarters. Three meetings have been held, which include the January 2014 meeting, the Seattle Spring meeting (2014), and Crystal City Fall meeting (Oct 2014). TPPC commented on the National Program Managers (NPM) Guidance in the past.

Fred and Nina asked about updating the TPPC website and suggested that TPPC explore other options to update the TPPC website.

Brian informed the members that there was an updated Action Items list available. An updated TPPC Policies and Procedures document was available along with an updated Training Needs Issue Paper.

5. Hot Topics

Kashia Band of Pomo Indians - Nina Hapner

- The Western Region Tribal IPM Work Group received funding from Western Region IPM Center for training based on the issues brought up with meetings with Tribes over 2013-2014. The first will be a Tribal SOD Blitz, other training will be based on information gathered at other meetings. There will also be a field guide developed.
- APHIS is reaching out to tribes that have issues with Imported Fire Ants. Phorid Fly, a bio control, is being released into colonies to control the ants. Anyone interested in more information, contact Sandy Jordan at APHIS.
- A pre-SFRIEG meeting will be held at Region 9 and Region 9 is asking for input from Tribes for the meeting.

Action Item: EPA Region 9 is having a pre-State FIFRA Issues Research and Evaluation Group (SFIREG) meeting in May and is asking for input from tribes. Contact: Pam Cooper

Winnebago Tribe and Omaha Nation- Hilery Spray reported that she's focusing her efforts on the problem of bed bugs. The focus is on education to tribal members. Outreach events are held. Hilery is utilizing the University of Nebraska to assist with the training. The presentations will be tailored for people with little money to deal with bed bugs.

Possible Action Item- Fred mentioned this might be an area where the TPPC might want to put together an issue paper on the problems and challenges faced by tribal communities regarding bed bugs.

Hilery presented a picture of a homemade bed bug indicator. Hilery mentioned that asthma is a concern for her tribe.

Confederated Salish and Kootenai Tribes-Willie Keenan mentioned she has problems on her reservation with bed bugs. She started working with the North Central IPM center, specifically with Susan Ratcliff and trying to merge with the Western IPM center in dealing with bed bugs. She is working on her enforcement plan and hoping to work on developing a pollinator protection plan.

Eric Gjevre (Couer d'Alene Tribe and circuit rider for four other tribes)- Eric conducted a container containment inspection on a retrofit facility trying to comply with current standards. A lady was sprayed in the face by pesticide while someone was spraying a building. She reported the incident, but appeared to have no symptoms.

Eric delivered an update on the activities of the Pesticide Program Dialogue Committee (PPDC). There was a meeting scheduled on Dec 6 which was postponed, and a webinar was held on February 25, 2015 in place of the meeting. Topics on that agenda included the budget, revised

human health risk assessment, chlorpyrifos, and managing herbicide resistance. The next PPDC meeting will be May 14 and 15. He is working with Willie Keenan for the next Tribal PIRT.

Cherokee Nation - Larry Scrapper said most of his efforts involved IPM and outreach. His office is continuously working with pesticide applicators. They have established a surface water monitoring program and are testing for pesticides. There was a fish kill in one of the creeks. The indoor air quality program is working on information on days lost in school due to bad air quality.

Salt River Pima Maricopa Indian Community- Jeremy Phillips said there are six schools working on bed bug issues. Three of the schools are tribal schools. The other three schools are private schools. Jeremy is working on a sustainable solution as opposed to just spraying. The tribe is completing their Household Hazardous Waste (HHW) event next month. Due to the education on the pesticides, over 600 lbs. of pesticides were brought to the office for disposal. Jeremy said he usually has their HHW events in conjunction with the City of Phoenix.

Gila River Indian Community (GRIC)- Ralph Morris reported that the Pesticide Control Office is working on training and certifying personnel who apply pesticides on tribal land. There are three different types of applicators:

1. Community Applicator, which is either an employee of the Community government entity or a Community member that the Office certifies in accordance with the Pesticide Code, to use or supervise the use of any general use pesticides within the Reservation
2. Certified Applicator, an applicator certified by the ADA, US EPA, or other federal, state or tribal government
3. Community Certified Applicator, an applicator, which the Office certifies to use or supervise the use of any Restricted Use Pesticides (RUP). This is the highest of the three; this applicator is usually a certified applicator and certified by the EPA.

The state certified RUP applicators have to get the certification from the tribe. The pesticide program ordinance is available on GRIC Department of Environmental Quality's website as www.gricdeq.org. Fred suggested the American Association of Pesticides Safety Educators' (AAPSE) web site to help as they shape their program.

California Indian Basketweavers Association- Currently there is no Executive Director. Diania Caudell is working on her presentation that she'll be presenting at the IPM Symposium in Salt Lake City, Utah. Diania mentioned that the Department of Defense will sometimes contact a tribe to notify them of pesticide applications, but the tribes don't always respond. Meanwhile, the Department of Defense is not always culturally sensitive to the tribes.

ITCA (Elaine Wilson delivered a report on behalf of Africa Avalos)- ITCA is planning to conduct an IPM in Schools workshop in July. An exact date is not yet determined. ITCA is working with Dr. Dawn Gouge from the University of Arizona to instruct the workshop. They will be

partnering with a school to conduct a walk-through mock inspection. The focus will be on IPM in Schools. A related issue is becoming a great concern for tribes in Arizona, and that is the proper disposal of mattresses that are infested with bed bugs. In addition, the brown dog ticks carrying Rocky Mountain Spotted Fever (RMSF) have become a public health problem and ticks find habitat in old couches or furniture around homes. ITCA is coordinating another Tribal Pesticide Inspector Training sometime between October and December of 2014.

6. **EPA Regions Update.** Presented by Gabriela Carvalho, US EPA, Region 10
Gabriela delivered a PowerPoint presentation about the various tribal pesticide activities throughout the 10 regions.
7. **Worker Protection Standard** by Kevin Keany (US EPA, OPP). Mr. Keany explained the Worker Protection Standard rule. Target publication would start late summer/early fall. New materials would not be produced until the regulation is final. Draft communications strategy has been completed. Various stakeholders input is valued and a great deal of understanding is needed. There will be a staged implementation for about a year. Certified applicators have constraints because of the different standards for private vs. commercial applicators, testing, no required training of RUP. The EPA is trying to create a safer environment with many constraints. The proposal will go to the Office of Management and Budget this week. Some states have gone beyond the federal requirements. Pesticide Applicator Certification and Training Workshop (PACTW) is hosting various workshops. The first one is in August 4-6 at Penn State. Additional information is available at the following website: <http://ctaginfo.org>
If the tribes are interested in having a representative on the Certified Certification and Training Assessment Group (CTAG) or PACTW, the secretary is Michelle Arling. Her contact is arling.michelle@epa.gov
Action Item: See if tribal members would like to take part in the PACTW

8. **Office of Enforcement and Compliance Update** by Al Havinga
The presentation discussed the following:
- The automated form 5700 collection of information
 - Performance measures
 - FIFRA Dashboard: presents FIFRA producer establishment, inspection, violation and penalty information on ECHO (Enforcement and Compliance History Online)
 - Label matching activity and mobile solutions for field inspectors
 - FIFRA GeoPlatform Pilot: Target map data
 - Project completed such as project officer training and 25b Advisory Letter Template (Compliance Assistance that does not need a pesticide label that meets certain requirements)
 - Later in 2015...National Program Managers Guidance (State and tribal guidance oversight).
 - Compliance Monitoring Strategy

Action Item: TPPC is asking OECA to look into log in issues for credentials

Tribal Caucus (No notes on Caucus. Only action items are reported.)

Follow up on the list of regulatory action outlook action items.

Jeff Biakedy- Certification Training Assessment Group (CTAG)- Jeff, Navajo Nation, was nominated to continue representing TPPC on the CTAG. He will need to send his resume and a letter for Fred to sign, which will be forwarded to CTAG. In addition, Ralph Morris, Gila River Indian Community, accepted to serve as Jeff's alternate in case Jeff is unable to attend a CTAG meeting or a conference call.

Needing representatives for the following:

Association of Structural Pesticides Control Regulatory Officials (ASPCRO)- John Scott from the Colorado Department of Agriculture is the President

American Association of Pesticide Safety Educators (APSE)

Fred said we need to discuss the fall meeting very soon.

Thursday, March 12, 2015

1. Introductions

2. **Dialogue with Oscar Morales, Associate Assistant Administrator for Management of the Office of Chemical Safety and Pollution Prevention.** Oscar grew up in El Paso, TX. He has worked in Office of Research and Development (ORD), Office of Environmental Information (OEI), and the Office of Chemical Safety and Pollution Prevention (OSCPP). His goals are to sustain tribal programs and will remain a high priority in the FY 14-16 EPA Strategic Plan. Oscar's preliminary observations regarding tribal work are as follows:

- To continue previous activities including support of the TPPC, use of emergency exemptions for emergency purposes, and to support Tribal Colleges/Universities (TCUs).

Two ideas for consideration:

1. Leveraging what the EPA is and what it stands for and by joining forces with larger institutions.
2. He would like to take a two way learning process/communications. Posing questions to others and looking for results/answers.

Tribal schools would get- educating with EPA's methodologies. The system would get- How to incorporate tribal needs and account for those needs.

Oscar would like to bring offices together, try and get them to talk to each other and collaborate.

Oscar has volunteered to be the advisor on indigenous persons and tribes.

Jackie Mosby- Jackie mentioned the Healthy Homes Initiative and that it could be a source for educating on the problem of bed bugs.

Elaine- University of Arizona, College of Pharmacy, recently received funding from the National Institute of Environmental Health Sciences to put on a one day forum on environmental health

related topics. This is an opportunity for the National Institutes of Environmental Health (NIEH) to hear stories of environmental related problems and challenges facing tribal communities, where it may prompt NIEH to assist tribes in addressing those problems through funding relevant projects as appropriate.

3. **SFIREG Update-** Jim Gray- Jim Gray is the chair of State FIFRA Issues Research Evaluations Group. Jim commented on the relationships with tribes and he invited tribes to represent themselves in SFIREG. Jim's presentation included:

- The differences between SFIREG and AAPCO
- The membership of SFIREG
- Committees include- Pesticide Operations and Management (POM), Environmental Quality Issues (EQI)
- Hot issues include Methomyl Fly Bait, which lead to an issue paper to the EPA (classified as Restricted Use Pesticide)
- Drift Reduction Technology Program (Factor in drift to risk assessments)
- Federal credentials (cooperative agreements)
- Pesticide Inspection Time Allocation (in need of update)
- SMART labels
- Design for Environment (DfE) logos- Communicating with the public about chemicals that are less toxic.
- Project Officer Training- Roles and responsibilities of the project officers
- Water Quality and Aquatic Life Benchmarks
- POINTS data (sharing)
- Rotational Corps Restrictions
- Upcoming meetings include April (WC meetings) and Full SFIREG meeting is June 1-2.

Jim discussed that SFIREG is working on a draft guidance for state managed pollinator protection plan. SFIREG has a committee of stakeholders to see what is working for certain states. They wanted to identify the core elements that affect pollinators in each state. Five states have a plan; they are North Dakota, Florida, Colorado, California, and Mississippi. One of the areas they are looking at is a way to mitigate pesticide exposure. The plan may include two sections:

1. Critical elements
2. Optional/recommended elements

The plan does not include contracted bee services.

Critical elements:

1. Public Stakeholder participation development
2. Method for growers/applicators to know if there are managed pollinators near pesticide treatment sites

3. Method for growers/applicators to identify and contact beekeepers prior to pesticide applications
 - o define recommended minimum time to contact beekeeper prior to pesticide application (some states use 48 hours)
 - o Describe how applicators and/or landowner will be able to obtain beekeeper contact information (website, signage on hives, etc.)
4. Recommendations on how to minimize risk of pesticides to bees including best management practices (BMPs), such as:
 - o Making applications when bees are less active
 - o Utilizing IPM
 - o Reducing drift
 - o Using products with less toxicity to bees
 - o Controlling flowering weeds in crops
5. A clear defined plan for public outreach
6. Mechanism to measure effectiveness of an MP3 and a process to periodically review and update the plan

Optional/recommended elements of state MP3's

1. Strategy to deal with hives without identified owners
 2. Advise states to reach out to the state personnel, crop advisors and ag extension services
 3. Clear information as to the applicability of the MP3 (State specific or crop specific)
 4. Addressing urban beekeeping and pesticide use in non-agricultural settings
 5. Recommendations for more formalized agreements between beekeepers, crop producers, and property owners, especially in situations with a financial agreement
- SFIREG hopes to have guidance document finalized in next few weeks based on comments

4. **Pollinator Protection**

Dan Rosenblatt delivered a Pollinator Protection update. Marietta Echeverria delivered a presentation on Pollinator Protection. The presentation included:

- The Presidential Memorandum
- State Pollinator Protection Plans
- Engaging co-regulators/ States and tribes
- Mitigation Options

Jim Gray commented the need to bring people together on this issue due to the problem of neighbors having a difference of opinion on spraying pesticides or herbicides in certain agricultural land.

Nina wanted to know which direction to go involving a tribal plan. Jim Gray's advice was to start having stakeholder meetings or a stakeholder process to discuss pollinator protection.

Jeff Biakedy suggested reading the plans and determining what applies to the tribes and including relevant areas of the plan into a tribal plan.

Approaches for tribes to develop a plan (Nicole Zinn) - Nicole delivered a presentation including the following:

- Presidential directive
- Localizing the approach to mitigation
- States developing a guidance
- Tribal considerations
- Several approaches to be considered

Possible tribal considerations

- Tribes can develop their own plan
- Tribes can participate in the state plan
- Tribes do not have to develop a plan

Other approaches to consider

- Having a regional plan
- EPA develops a nationwide tribal plan

TPPC held a brainstorming session on Pollinator Protection Plan and tribe's role in the plan.

Tom Moriarty delivered a presentation on Best Management Practices (BMP's).

Hilery Spray suggested the producers of pesticides develop a symbol indicating that certain pesticides will kill bees.

Fred suggested one thing tribes should do is raise awareness amongst the tribal communities.

Jasmine suggested having people from the industry on the TPPC conference calls.

Fred Corey suggested there be outreach materials the TPPC could use. He suggested tribes' partner with the IPM centers. He suggested the TPPC utilizes the Inter Tribal Agricultural Council.

Action Item: Explore ways to develop or compile outreach materials for Pollinator Protection.

Pesticide Applicator Certification Training (PACT) workshop has outreach materials.

Epa.gov/pesticides webpage has information on the pesticides and pollinator protection.

Nina and Fred considered having a questionnaire about Pollinator Protection that could be given to tribes.

Action Item: Fred mentioned in several weeks, several of the TPPC members will be attending the IPM symposium. Several of the tribal representatives could meet with the IPM experts on survey questions, if appropriate.

Hilery Spray delivered a presentation on Pollinator Protection and education garden at the Winnebago Tribe. She planted native plants for pollinators, plants for bees and monarchs using milkweed. The focus is to show children how to grow plants and the importance of pollinators. Hilery had only \$2,500 to work with and the garden spans a half an acre.

National Priority Managers (NPM) Guidance- Dan Helfgott delivered a presentation on the FY16-17 NPM Guidance. The Office of Pesticide Program's national focus areas include:

1. Effective Management of State and Tribal Grants/Cooperative Agreements
2. Assist National, Regional and Local Pollinator Protection Efforts
3. Pesticide Occupational Worker Safety
4. Integrated Pest Management (IPM) in Schools
5. Region-Specific Pesticide Priorities

OPP's program-specific guidance:

1. Promote State-Tribal Coordination and Communication
2. Bed Bug Outreach/Assistance
3. Endangered Species Protection
4. Spray Drift Incident Data
5. Support of Water Quality Risk Assessment and Mitigation

Friday, March 13, 2015

Luke Jones, American Indian Environmental Office (AEIO)

Luke Jones from AEIO provided an overview of GAP funding. Luke Jones discussed capacity building and the allowable activities. Luke Jones mentioned that AEIO is a small office who coordinates with the different HQ program offices. AEIO wants to formalize partnerships with various tribal groups such as the National Water Council, National Tribal Air Association, and others. AEIO helped formalize the policy on Environmental Justice for Indigenous People. Recent significant action includes a concerted effort to include treaty rights into environmental protection including off reservation resources. GAP - \$67 million in GAP funding- 530 total recipients. Information on Building Tribal Chemical Safety and Pollution Prevention Program Capacities is provided under Section G.2 in the GAP Guidebook.

Luke talked about the National Strategic Plan. Fred Corey said he would like to see some specific goals to add detailed measures of increased participation in pesticide measures. Luke suggested we invite Jessica Snyder, Co-Tribal Coordinator from the Office of Chief Financial Officer (OCFO) to discuss measures that can affect tribes. The current strategic plan extends into 2018.

Luke said that AIEO can make sure there is availability on the National Tribal Operations Committee (NTOC) agenda to present on pesticide issues.

There is a requirement that each tribal government negotiate with the USEPA on the EPA Tribal Environmental Plan (ETEP) that outlines the developmental program goals.

Tribes can designate a consortium to receive funds. Currently, AEIO and other divisions of the EPA are looking at what areas constitute enough documentation to support funding for tribal consortia. The office of General Council and the Office of Grants are looking at these definitions.

Moving TPPC forward

Nina Hapner provided a highlight of the discussion during the Tribal Caucus.

Discussion ensued regarding the fall TPPC meeting. Currently TPPC is looking at the first week of October. The casino is in Sioux City, Iowa, but the tribe is located on the other side of the river in Nebraska.

Nina suggested the Training Needs Issue Paper be distributed and provide everyone two weeks to comment. She also suggested allowing Bob Gruenig to start on the Status of Pesticides in Indian Country.

Elaine suggested starting on pollinator protection outreach materials.

Gabriela said TPPC should map out who everyone is reaching out to and to which areas.

Fred also wants to address the bed bugs issue.

Action Item: Brian, invite speakers to the conference call.

Action Item: on the NPM Guidance- Fred wants to include Head Start.