

**Tribal Pesticide Program Council (Full)**  
**Wednesday, October 08, 2014**  
**Office of Pesticide Programs**

**Jim Jones**

Associate Administrator Jim Jones delivered his address to the TPPC.

**Questions**

Fred Corey wanted to discuss how regulation and use of pesticides could be an economic significance to tribes as many of the tribes do have small to large-scale agriculture enterprises.

Miguel Hernandez mentioned pesticide use is a reality and in appropriate circumstances it needs to be used, but needs to be reformed.

Diania Caudell stated the California Basket Weavers Association needs assistance with outreach.

Eric Gjevre brought up budget issues specifically indirect costs that are charged to his program. He explained that due to a high indirect cost rate, his program funds are not sufficient to run his program effectively.

Les Benedict mentioned EPA is strengthening International Programs in the import and export of restricted use of pesticides used in other countries that are finding their way back in the country. Les Benedict mentioned that the US EPA is proactively working with other countries that are using U.S. cancelled pesticide products, which unfortunately are finding their way back in the U.S. through imports of food, wildlife migration, climate, etc.

Jim Jones brought up the topic of Pollinator Protection Plans. He said the plan does not have a "one size fits all" system. He said he would like to get tribal input.

Hilery Spray mentioned the need for grant writing and grant proposal training. She said that her tribe needs funding. Fred mentioned there was a workshop eight years ago on grant writing.

**TPPC Chairman Update**

Fred Corey touched on the main points in his address:

- Strengthening Partnerships with States and Federal Agencies.
- The TPPC should develop comments on rules when appropriate.
- The TPPC should continue to develop issue papers.
- Revitalize risk assessment comments.
- Determine priorities. Advocacy should be a core function.
- Opportunities to tell a story for tribes.
- Jody mentioned there is no training on application/handling of fertilizers in his state. He would like to maybe see that as part of PIRT training.

**ITCA Update-** Elaine delivered a report on the budget and travel.

Dan Helfgott suggested people incorporate their work with the TPPC on their Cooperative Agreement, as far as attending meeting and/or participating in the conference calls and/or executive committee events.

Fred Corey made a comment that everyone is volunteering their own time to work on the TPPC and he appreciates this extra work that everyone is doing.

### **Hot Topics Session**

Fred Corey (Aroostook Band of Micmacs)- Fred's office is working on (pesticide) usage assessments for his tribe and implement more Integrated Pest Management (IPM) programs and training.

Hilery Spray (Winnebago, Omaha Nation) - Hilery's office is implementing (IPM). The tribe is being taxed on resources for finding solutions to the problem of bed bugs. The tribal members are concerned that trees are dying and butterflies are disappearing. Farmers are using more pesticides.

Willie Keenan (Confederated Salish and Kootenai Tribes)- Willie's program is continuing water sampling. Willie is sampling on the Crow Reservation. She is sharing her data with USEPA Region 8. The information they are collecting is valuable data in determining what the problems are and how they are going to resolve them. Certification and training plan is in effect and being enforced. They are having problems with bed bugs at a men's camp and a kid's camp.

Jody LaFiniere (White Earth Band of Ojibwee)-Jody is trying to develop a Certification and Training Plan in conjunction with a MOU between the state of Minnesota and the Tribe. Jody is working on water quality issues and wanted to make sure pesticides are included as part of the testing for water contaminants Jody would like for wells to be monitored and tested. Jody said the tribe has an environmental code and a farm chemical code.

Ralph Morris (Gila River Indian Community)- Ralph announced that Gila River Indian Community's new comprehensive pesticide ordinance has been approved by the tribal council.

Neil Abbott (Ak-Chin Indian Community)- Neil Abbott is in the process of developing an ordinance. Brenda Ball has concerns on the performance measures.

Camillo Perez (Cocopah Tribe)- The Cocopah Environmental Office is testing water for pesticides. Camillo also mentioned he is the new Tribal Pesticide Inspector and he is learning.

Diania Caudell (California Indian Basketweavers Association) – Diania has ongoing issues with the funding. They are working with cultural education with the plants and the environment. They have had some "scares" with water quality.

Miguel Hernandez (Pauma Band of Indians)- Currently his tribe does not have a pesticide program. Miguel wanted to know who to go to in order to purchase pesticide, which is outside the scope of the program.

Martina Wilson- (Fort Peck Tribe) - The Fort Peck Tribe Reservation is 2 million acres. Martina faces adversity whenever she reaches out to the farmers for compliance and inspections.

Eric Gjevre (Coeur d'Alene Tribe) - Eric suggested we take the issues others are discussing and mapping them out and discuss the anecdotal issues.

Lucy Parker (Southern Sierra Miwok Tribe) - Lucy's office is working on many issues at the federal level due to their tribe being in the middle of Yosemite National Park. The tribe is trying to keep the environment in its natural state.

Nina Hapner (Kashia Band of Pomo Indians) - Nina's tribe implements a lot of IPM practices. They work with the US Forest Service on traditional ecological knowledge. Kashia is the facilitator for the western IPM workgroup in Nevada. Most of the information can be found on the western IPM web site. The tribe is declared a stage 2 for drought. This brings up concerns for water quality and pesticides.

Les Benedict (Mohawk Tribe) - Les is trying to work within the framework of the EPA and make sure they preserve their tribal sovereignty, and protection of his people's health, and protection of natural resources. They have pesticides issues and making sure they educate their people. He is trying to develop a pesticide program. Les mentioned his office was trying to preserve the tribes' artifacts.

### **Pollinator Protection Plan**

Marietta Echeverria and Michael Goodis (US EPA) delivered their presentation on the Pollinator Protection Plan.

The President issued a declaration for a federal task force to work on a Pollinator Protection Plan, which involves numerous federal agencies and requires them to develop action plans. The EPA is focused on working with states in implementing the plan. They are looking at the chemicals that are toxic to honeybees. The plan might work well in some parts of the country but not others and they realize that a "one size fits all" approach might not work. The solutions should be worked out at a local level. This entails a process for pesticide applicators and bee keepers to enter into the conversation to formulate the plan.

USEPA has issued a letter to SFIREG, AAPCO, and the TPPC to work on the Pollinator Protection Plan efforts. The EPA is not requiring a state or a tribe to have a plan in place. Entities wishing to participate are encouraged to complete draft plans by the end of the 2014 calendar year. The EPA is looking for input on guidance and implementation. The plans that have been proposed are best management practices and the established relationships between the growers and bee keepers.

Jasmine Brown believes that habitat loss is a main reason for the decreased number of bees including the growing number of bats.

Labels would be amended regarding any applications to crops that attracted bees to a prohibition of application during bloom. Dan Helfgott said if someone did not follow the label, it is considered a misuse and therefore an enforcement action would be warranted.

There could be potential jurisdictional issues. A beekeeper is required to register where the bees are located and pesticide applications are monitored where the bees are registered.

One idea was to have a bee keeper flag to let local growers know where bee keepers are.

Dan Helfgott stated the question to be asked is "Do the tribes have the capacity to do this?"

The trigger used is the toxicity of the chemicals used. But the risk mitigation might not make sense locally. USEPA is looking at 60 active ingredients which are toxic to bees and that would affect roughly 600 products.

Fred wanted to know “what is the most effective way for tribes to develop the criteria?” Nina wanted to know if there is a simplified version of what they are looking for.

Fred reiterated that making sure tribes are covered is essential. Nina asked if tribes had a plan to manage agriculture, and how would that plan work within the Pollinator Protection Plan.

Dan suggested that TPPC have either a subgroup or a process to make sure tribes deliver their input. Eric asked if they are working with OECA.

A: Yes, several members of OECA are involved.

The plan should be six pages, and it will be a broad guidance. Nina asked if the EPA could provide a list they are considering. Currently there is a draft list.

**Action Item: Dan H suggested they have a list of possible ways the TPPC could help with input.**

#### **EPA Lead Region Update**

Allen Demorest of USEPA Region 9 provided his presentation as the EPA Lead Region. He summarized projects that were implemented throughout the fiscal year by tribes in each region (minus Region 3). A copy of his presentation is available upon request.

#### **EPA Office of Pesticide Programs Update**

Mary Powell talked about some of the personnel issues with OPP and Office of Chemical Safety and Pollution Prevention such as employees leaving or moving around the agency.

Ed Messina from the office of Compliance and Enforcement introduced himself.

Jasmine Brown told Ed that the timing of her inspections is dependent on the growing season, which is a very short window. She indicated they have to fulfill their number of inspections in a very short time. Jasmine asked if the EPA could figure in “time frames” they can do inspections within their quota of inspections.

Ed said he is willing to look at the number of inspections and possibly offering alternatives after he looks at the history of the number required.

EPA has 45 days left in a continuing resolution of the budget.

Mary Powell talked about the new TPPC agreement and said they would have a new 5 year grant at the end of June.

Mary strongly encourages the TPPC to participate in the Pollinator Protection Plans.

The American Indian Environmental Office (AIEO) has to publish an outlook of consultations within the next six (6) months. Google “EPA Tribal Consultation” and you will find the list.

EPA is revamping certain web sites including the one that gives information on the TPPC.

Mary Powell talked about various web sites and where to go to find out what is going on at the EPA.

Mary Powell announced there will be changes to the applicator certification rule. This could also mean changes in the curricula.

There is a Project Officer Training being developed to discuss inconsistencies in the way project officers are dealing with tribal representatives across the country.

### **Brian Joffee, OECA and E-Enterprise**

Brian Joffee- Office of Civil Enforcement (within OECA)- Five proposals on options for moving forward to see where OECA want to make sense. Items OECA wanted to consider to make enforcement more electronic-friendly were:

- Streamline models before implementing them
  - Automating access to data for inspectors
- SMART label- Pesticides label matching project.

Jody LaFiniere suggested a bar code for labeling pesticides.

Willie Keenan asked if this could be tied into an investigation form. Brian Joffee said they could look into such a concept.

Ed said the goal is to make this available to states and tribes.

Brian Joffee offered an invitation to participate in the process and discussion.

## **Thursday, October 09, 2014**

### **Day #2**

### **Welcome and introductions**

### **Training needs issue paper**

Nina provided an update and suggested changes that were made by Bob Gruenig. The TPPC discussed some of the issues on the training needs paper. Fred wanted to have the paper complete by the next time he meets with Jack Housenger to be able to present the paper to him. Dan Helfgott suggested the TPPC not worry too much about the format of the paper, but rather to send its perspective quickly.

**Action Item: Bob Gruenig needs the results of the survey and wanted to site some of the results.**

### **National Program Managers Guidance**

Dan said the National Programs Managers Guidance aligns with the Federal Insecticide Fungicide Rodenticide Act (FIFRA). The 16-17 guidance includes:

1. Integrated Pest Management in Schools
2. Effective Management of State and Tribal Grants/Cooperative Agreement
3. Coordination with State/Tribal Pesticide Agencies and Regional Water Programs to Obtain Pesticide Water Quality Monitoring Data

4. Implementation of the EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country
5. Regional-Specific Pesticide Priorities

The Region specific priorities:

1. Pesticide Occupational Worker Safety
2. Promote State-Tribal Coordination and Communication
3. Bed Bug Outreach/Assistance
4. Endangered Species Protection
5. Pollinator Protection Outreach
6. Spray Drift Incident Data

Hilery Spray mentioned that bed bugs are an issue including misuse of pesticides in her community. Liz Vizard from Office of Enforcement and Compliance Assurance (OECA) and Jackie Mosby from Field and External Affairs Division FEAD joined the TPPC.

Willie Keenan wanted to add that head lice are an issue within her community.

With regards to pesticides in general, Neil Abbott stated that applicators are ultimately responsible for not reading labels, which may result in misuse. Discussion ensued about people not reading the label and maybe the campaign needs to come back about making sure people are reading the label before using the product.

Fred suggested that continued state and tribal communication is a priority.

Dan Helfgott asked what the TPPC thought about IPM as a priority. Fred Corey said that the program should at least cover the Head Start programs and not just K-12. Fred said the EPA should cover IPM practices in tribal housing. Cornell University has a "Healthy Housing Handbook" that the IPM program can use. Fred Corey urged the EPA to connect with Housing and Urban Development for the purposes of Healthy Homes projects.

Nina said that Pollinator Protection should be a national priority.

Jackie Mosby introduced herself as the new director of the Field and External Affairs Division (FEAD). Jackie has worked with the Children's Health Division and the Water Quality Division prior to her current position. She has a strong professional history in education and outreach. She has a background in use assessment for lead based paint.

### **Dialogue with Jack Housenger**

Jack Housenger is the Director of the Office of Pesticide Programs (OPP) and addressed the TPPC. He has been working for the EPA for three decades. He has worked with tribes in the past when several tribes detected chemicals in the materials used for basket weaving. He said he realizes money is an issue for all tribes. On the subject of the Pollinator Protection Plan, the number one complaint the Administrator gets is bees and that environmental groups are expressing to the EPA that 40-60% of the bee kills are from pesticides.

Eric Gjevre asked about the budget and if there is anything else EPA can tell us. Jack said he is not familiar with the budget yet but he needs a little more time to figure it out.

Jasmine Brown talked about risk assessment. Even though the assessment is geared to one product, people are exposed to a number of products/chemicals/toxins. She stated that the agency should make sure the knowledge gets out to the rural and tribal areas.

Jack talked about the accumulative effects of several chemicals and what the one toxic affect would be (during an assessment). Many times when they look at two chemicals, the agency finds they are not synergistic. There are risk tradeoffs when they look at two different chemicals.

Risk associations are based off different populations and a range of body weights based on statistics. If it's a food assessment, it is based off body weight of an individual.

Nina also talked about the tribal norms where the people's exposure to the natural environment is a lot higher than the average person. She discussed acorn consumption and fish consumption habits on tribal lands.

Jack mentioned that the agency does not consider tribes when doing assessments because they do not have that information.

Fred talked about the Training Needs Issue Paper and some of the issues TPPC will address. Those issues will be put into a formal paper and present them to Jack's office.

Hilery wanted to mention the pollinator protection plan and wanted to know if the EPA has a risk assessment in geo engineering. She stated that plants are slowly dying and she thinks it has to do with chemicals. Nina Hapner shared the definition of Geo Engineering; discovery, development, and production and use of subsurface earth resources, as well as the design and construction of earth works. Nina also stated that Chemtrails are believed to affect the decline in our pollinators.

Fred summarized some of the priorities the TPPC spoke about earlier in the day including the National Priorities List, State and Tribal Coordination, and Healthy Housing in the IPM guidance.

### **Policies and Procedures**

The top 5 proposed changes were proposed to the TPPC policies and procedures. Four out of the five were voted for modification in the Policies and Procedures:

1. Issue Papers may now be discussed by e mail as well as in meetings and may be voted to be accepted by e mail. (Page 10 under "Issue Papers")
2. With regard to TPPC participation under "Membership", a TPPC member may be appointed by either the Tribal Chairman/Chairwoman, Council, Environmental Director or appropriate authority. (page 4)
3. Under Elections (page 5). It reads, "Elections take place bi-annually during the in-person Fall TPPC meeting although Council members may cast their votes for candidates in advance of the meeting via an e mail sent to the Coordinator." This section is proposed to be changed to Elections take place every two years during the in-person TPPC meeting although Council members may cast their votes..."
4. Under TPPC Coordinator Role add the following bullet point:
  - Only in special circumstances, the TPPC coordinator will assist in advancing travel costs for the TPPC meetings. (page 9)

## **Compliance and Enforcement Performance Measures and EPA OECA Updates**

Carol Galloway provided a report on Performance Measures and EPA updates from her presentation.

During discussion it was identified that the inspections the EPA performs are based off complaints. Fred indicated that TPCC not look at the complaints, but rather what the need is first and later base the strategy off what the needs are and not necessarily what resources the EPA currently has. Fred said this raises some issues with how the credentials are used. Fred said that there are some tribes that have high risk applications and they have the inspectors ready to view everything.

Eric Gjevre believes that the Certification and Training Plan does not make anything safer in reality. But any time you put a plan on paper, it could help.

Fred said he believes things are getting better and we just need to tell our success stories.

Mary Powell offered some handout materials; Healthy Home for Tribes booklets. Although she did not have additional copies, the links to those materials are below:

[www.hud.gov/healthyhomes](http://www.hud.gov/healthyhomes)

[www.csrees.usda.gov](http://www.csrees.usda.gov)

[www.healthyhomespartnership.net](http://www.healthyhomespartnership.net)

## **Strengthen Tribal and State Coordination**

Elaine mentioned the partnerships ITCA has for training purposes. Ralph Morris spoke about his tribe's relationship with the Arizona Department of Agriculture.

Eric Gjevre talked about his program with the State of Idaho and the training coordination.

March 8-11, 2015 is the next American Association of Pesticide Control Officials (AAPCO) meeting and it might be an opportunity to strengthen relationships.

Action Item: Inviting someone from SFIREG to the TPPC Meeting

Action Item: Have a tribal panel at the AAPCO meeting

Action Item: Call Tim Drake from S. Carolina to get on the agenda for AAPCO either a presentation or panel

The Western Regional Partnership representatives are interested in coming to the TPPC meeting.

Dan stated that state representatives at AAPCO are interested in working with the tribes.

Fred said it takes some time to work on relationships but sometimes it helps when the initial meeting is at an EPA meeting where the state realizes it's within their benefit to work with the tribes.

## **Advocacy Session: Moving TPPC Forward**

Four areas of focus:

1. Status of Tribal Pesticides and how that report can be used
2. Strengthening Tribal and State relationships
3. Continuing to comment on proposed rules from OPP and OECA (including Pollinator Protection Plan)
4. Risk Assessment issues

Carol mentioned that the draft compliance monitoring strategy is coming up in a couple of months.

Dan mentioned Jim Gray had a tablet checklist for inspections to help streamline the state's process. It later became a database to identify areas they are missing.

**Action Item: Attend the budget webinar and be able to comment on the budget process.**

If there is another group that is doing the heavy lifting for comments on certain risk assessments, suggest to tag onto their comments on certain risk assessment comments.

Fred suggested with certain Risk Assessments TPCC should invite the risk assessors into the meetings and discuss how risk assessments are made and make sure information from tribal communities are considered while they are making risk assessments. Fred suggested with regard to Risk Assessment the TPPC must figure out which areas the group wants to focus on and how to get to the goal of that particular area.

**Action Item: Get the report from the Tribal Science Council published and see if their recommendations were implemented (Monica Rodia)**

Dan suggested that TPPC write a letter coming from the TPPC to the Tribal Science Council suggesting "these are areas we would recommend when you make risk assessments when you evaluate pesticides."

**Action Item: Look for training on grant writing and training on bee kill guidance**

**Action Item: ITCA post on TPPC's web site the host of trainings for PIRT and PREP**

**Action Item: How does the EPA deal with pesticides that have been banned in the US but sometimes it finds its way back into the US?**

**Action Item: formulate a group to discuss the Pollinator Protection Plan.**

**Action Item: Receive information on pesticide ingredients and see if it is the same as those used in fracking.**

**Action Item: Dan to ask Regions to get information from tribes about water quality pesticides information from tribes (such as the Section 106 programs)**

**Action Item: Rough draft training paper 19<sup>th</sup> of November. And the goal is to incorporate into the next cooperative agreement by December 1.**

**Action Item: Sample letter for TPPC membership to Milo from Nina.**

**Action Item: The EPA is looking for a host for PIRT. A notice should be sent out to tribes.**

**Action Item: Begin planning a webinar for tribes with a cooperative agreement about performance measures.**

**Action Item: Outline for the Status of Pesticides in Indian Country**