



Tribal Pesticide Program Council

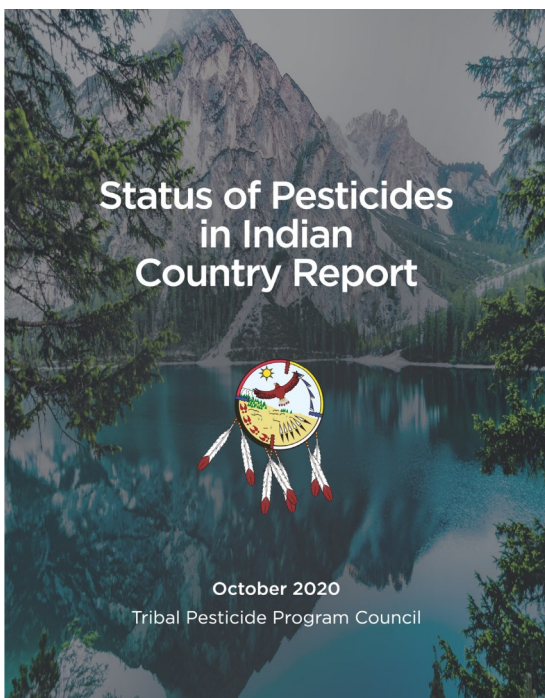
Winter 2020-21

Message from the Acting Chair:

We pray that you and your family are safe. We are excited to share with you the first TPPC Quarterly Newsletter! The newsletter will provide pesticide related issues and accomplishments or products related to Tribes. All Tribes are welcome to participate and join the TPCC, and we appreciate any feedback or story submissions for future editions. Please visit our website or contact Mark Daniels if interested (contact information below).



Jasmine Courville-Brown
Confederated Salish and
Kootenai Tribes



Status of Pesticides in Indian Country Report Now Available!

The Tribal Pesticide Program Council (TPPC) has released its first Status of Pesticides in Indian Country Report. The culmination of a multi-year effort, the report was prepared to provide a resource that will inform Tribes and the federal agencies that work with them about the major pesticide-related issues and concerns that affect Indian Country, and the steps that can be taken to strengthen tribal pesticide programs and ensure that the health and well-being of tribal communities and lands are protected.

Pesticides are an important part of everyday life for many Tribes and the lands on which they depend for economic well-being, common food sources, cultural and subsistence practices, and other purposes. Pesticide use and its impacts vary considerably across Indian country, and these must be properly managed to ensure that tribal communities are not unduly harmed. This necessitates a partnership between Tribes and the U.S. Environmental Protection Agency (EPA), which has direct

implementation responsibilities for federal statutes specific to pesticides. Tribes can also enter into cooperative agreements with EPA to implement a portion of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), allowing them to enact their own pesticide codes and ordinances to manage pesticide use on their lands.

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tppcwebsite.org

Status of Pesticides in Indian Country Report (*continued*)

The Status of Pesticides in Indian Country Report aims to provide a national overview of the pesticide-related issues impacting Tribes and tribal lands today, the challenges facing tribal programs in implementing pesticide regulations on their lands, and ways in which EPA and other federal agencies can assist Tribes in addressing these issues and challenges. The Report is broken down into five sections, each with a detailed description of the issue and a set of recommendations to address the issue:

Section 1 discusses direct implementation for pesticides—the requirement that EPA implement pesticide-related federal environmental statutes in Indian Country in the absence of a federally approved tribal program. EPA’s Direct implementation responsibilities are addressed through EPA programs and grants, as well as various education and outreach, training, and other technical assistance efforts. Unfortunately, however, the Report concludes that EPA’s congressional appropriations for its pesticide program are inadequate to fully meet its direct implementation obligations, and makes various recommendations for addressing this issue including enhancing communication, establishing best management practices for the use of Indian Environmental General Assistance Program (GAP) funds for pesticide-related issues, and providing discretionary funds and technical resources to allow Tribes to engage in direct implementation activities on behalf of EPA.



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Section 2 looks at the risk assessments used by EPA to estimate the risk to a target human population or ecological resource based on exposure to a specific pesticide. Risk assessments are used by the agency to determine the exposure level of a pesticide that can be tolerated by a human being or ecological resource, to set allowable levels for the pesticide if it is approved for registration. The Report describes two significant problems with the way risk assessments are currently prepared, in terms of their applicability to pesticide exposure in Indian Country. First, the current risk assessment models do not consider pesticide exposure pathways that are specific to tribal peoples, such as the gathering and use of natural materials for food, medicine, tools, and cultural activities. Second, current risk assessments cannot adequately determine the risks to tribal populations due to significant data gaps in Indian Country. To address these problems, the Report recommends that EPA models be updated to incorporate pesticide exposure pathways specific to tribal populations, and that federal agencies work with Tribes to fill those data gaps for future risk assessments.



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Section 3 examines the issue of funding for pesticide activities and programs in Indian Country. Adequate funding is necessary for tribal programs to be fully successful. While both state and tribal pesticide programs receive funding from EPA, there is a significant disparity in the amounts allocated for the two types of programs, and EPA funding for tribal programs has largely remained static or even declined for over a decade now. Moreover, most Tribes are unable to access additional sources of revenue states apply to their pesticide programs, such as taxes, fees, and civil penalties for pesticide violations. Recommendations to address the funding shortfall include making more grant funding competitively available to Tribes, reprioritizing required inspections, and assisting Tribes in accessing other funding sources.

Section 4 addresses pesticide education and training. Tribal pesticide staff need a significant amount of education and training to meet the needs of the communities they serve, as well as EPA requirements. The EPA provides training through the Pesticide Regulatory Education Program (PREP) and Pesticide Inspector Residential Program (PIRT). Unfortunately issues with the types, locations, scheduling, notifications, and funding of these courses have sometimes resulted in difficulties for Tribes to attend. The Report also notes specific concerns with PREP, including a lack of tribal representation on the Planning Group and a limited number of course slots reserved for tribal participants.

Recommendations are made to address the difficulties facing tribal pesticide staff in attending EPA training in general, as well as the specific concerns with PREP.

Finally, **Section 5** discusses pesticide enforcement and compliance issues in Indian Country. Pesticide enforcement and compliance covers a wide range of subjects including the manufacture, distribution, use, storage, and container recycling and disposal of pesticides. In general EPA is responsible for enforcement and compliance in Indian Country, but Tribes may also develop their own codes or ordinances to manage pesticides on their lands. Tribes can also enter into cooperative agreements with EPA to help the agency meet its direct implementation responsibilities under FIFRA, and have more control over enforcement and compliance actions taken on their lands. Unfortunately, some Tribes have experienced problematic enforcement and compliance issues including difficulties with enforcement referrals to EPA, required inspections, and jurisdictional issues with inspectors from adjacent states. The Report recommends measures to address these issues by better documenting referrals, working with Tribes to adjust inspection requirements, and better clarifying jurisdictional requirements when it comes to inspections by state pesticide staff.

This brief summary of the Status of Pesticides in Indian Country Report only covers the highlights, so to learn more about the pesticide-related issues and concerns that affect Indian Country, head to tpcwebsite.org and download a copy of the Report today!

Updates and Announcements

Conferences:

TPSA Annual Conference

The Pesticide Stewardship Alliance (TPSA) will hold it's 2021 conference virtually from February 2-4. Topics to be covered include COVID-19, pesticides, and the healthcare workforce, recent updates to hazardous waste rules, how to develop an agricultural waste pesticide collection program, recycling end use developments for containers, and the use of alternate approved respirators for application. For more information or to register visit <https://tpsalliance.org/2021-annual-conference/>.

Meetings:

TPPC Spring Meeting

The first Tribal Pesticide Program Council biannual meeting of the 2021 will be held the week of March 22. Typically an in-person event, the meeting will be held virtually this year due to pandemic concerns. For more information visit tpcwebsite.org.

Region 2 Pre-SFIREG Meeting

A Pre-State FIFRA Issues Research and Evaluation Group (SFIREG) meeting will be held for EPA Region 2 on March 22-26. The meeting will be virtual.

Spring SFIREG JWC Meeting

The first of two SFIREG Joint Working Committee (JWC) meetings will be held April 12-13. Location, or whether it will be held in-person or virtual, are yet to be determined. For more information visit <https://aapco.org/2015/07/29/working-committees/>.

Region 5 Pre-SFIREG Meeting

A Pre-SFIREG meeting will be held for EPA Region 5 on May 5-6. The meeting will either be virtual or held in Chicago, IL.

Updates and Announcements (*continued*)

PPDC Spring Meeting

The Pesticide Program Dialogue Committee (PPDC) will be holding their Spring meeting on May 12-13. For more information visit <https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/pesticide-program-dialogue-committee-ppdc>.

Full SFIREG Meeting

A full SFIREG meeting will be held June 7-8. Location, or whether it will be held in-person or virtual, are yet to be determined. For more information visit <https://aapco.org/2015/07/30/sfireg-3/>.

Trainings & Courses:

Regional PIRT

EPA Region 1 will be hosting a virtual Pesticide Inspector Residential Training (PIRT) from February 23-25. For more information on the PIRT program, contact Kelly Engle (engle.kelly@epa.gov).

Pandemic Registration Issues PREP

The Pesticide Regulatory Education Program (PREP) Network will provide a virtual course on pandemic pesticide registration issues April 19-23. For more information on the PREP Network visit <https://prep.ipm.ucanr.edu/>.

Pandemic Enforcement Issues PREP

The PREP Network will provide a virtual course on pesticide enforcement issues related to the pandemic May 17-21. For more information on the PREP Network visit <https://prep.ipm.ucanr.edu/>.

Tribal Consultation and Public Comment Opportunities:

Comment Period Extended for Glyphosate Draft BE (**ends March 12, 2021**)

EPA is extending the public comment period on the draft biological evaluation (BE) for glyphosate to give stakeholders more time to review and comment. The current comment period was set to close on Jan. 26, 2021, and EPA is extending the comment period an additional 45 days. Comments can be submitted to docket number EPA-HQ-OPP-2020-0585 on www.regulations.gov.

Tribal Consultation Opportunity: Proposed TSCA Rulemaking (**ends March 12, 2021**)

EPA is currently undergoing tribal consultation for proposed actions under section 6(a) of the Toxic Substances Control Act (TSCA) for conditions of use of cyclic aliphatic bromide cluster (HBCD) and carbon tetrachloride that EPA has determined present unreasonable risk. Two tribal consultation sessions were held on January 6 and 12, but the consultation period is open through March 12. To submit comments please contact Irina Myers at myers.irina@epa.gov.



"As you can see, our scientists are busy working on retaliation."

TPPC Executive Committee Members

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(Vacant)

At-Large Representative

The TPPC is a member-based organization with more than 66 members and 44 Tribes and tribal organizations as of September 2020, whose activities are funded by a cooperative agreement with the EPA. The Council serves as a tribal technical resource, and provides a forum for dialogue between Tribes and the EPA on program and policy development relating to pesticides issues and concerns. Assistance provided to Tribes includes support in building tribal pesticide programs and conducting pesticide education and training, and the preparation of resources for Tribes interested in specialized issues such as Integrated Pest Management and pollinators. Through its interaction with the EPA, the TPPC keeps Tribes informed of developments in the regulation of pesticides and pesticide use, and provides feedback to the EPA on such matters from a tribal perspective (though it is important to note that communication between the EPA and the TPPC does not substitute for direct government-to-government consultation).

For information about how to join the TPPC, contact Mark Daniels at mark.daniels@nau.edu or (928) 523-8897.

