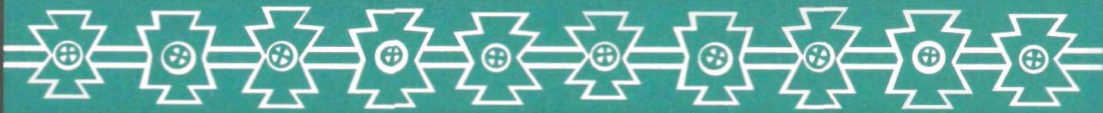




United States
Environmental Protection
Agency

OPPTS Tribal Strategic Plan Fiscal Years 2004-2008

August 2004



Protecting Human Health and
The Environment in Indian Country and
Other Tribal Areas Including in Alaska



Acknowledgements

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Photo Credit. Bottom left photo displayed on front cover. Kristen Kemmerling, Alaska Travel Industry Association. The traditional Eskimo kuspuk is an Eskimo women's parka. Here, Eskimo women of Barrow, Alaska display the traditional garb. Kuspuk can be lined with fur for warmth and are traditionally made of brightly colored or print fabric including velveteen and trimmed with rickrack and fur."

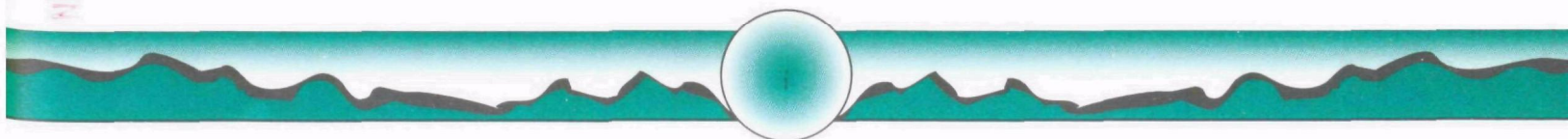
OPPTS Tribal Strategic Plan

Fiscal Years 2004-2008

Protecting Human Health and The Environment in Indian Country and Other Tribal Areas Including in Alaska



Prepared by the United States
Environmental Protection Agency (EPA)
Office of Prevention, Pesticides and Toxic Substances
(OPPTS)
<http://www.epa.gov/oppts/>



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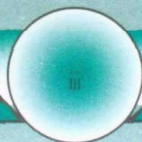
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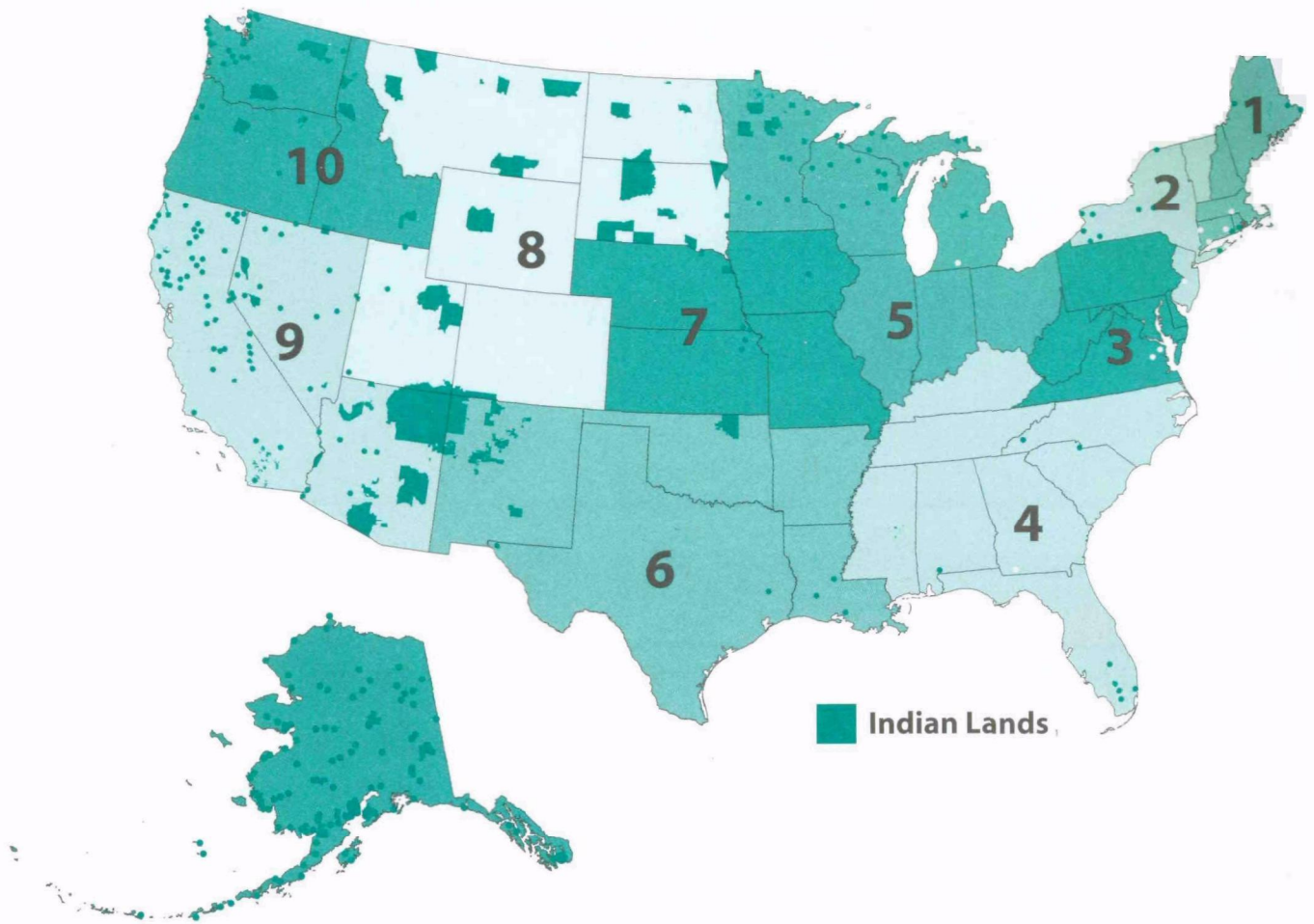
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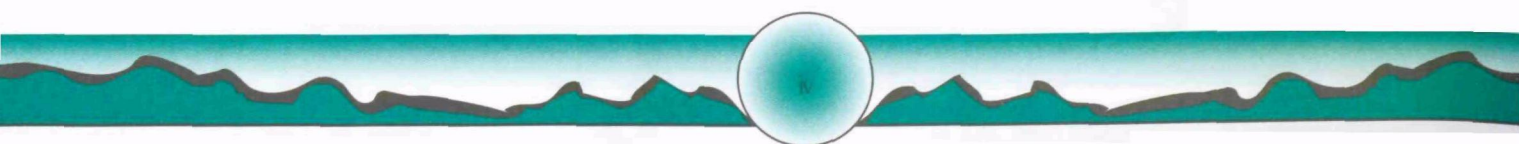
Map of Indian Country within EPA Regions 1 through 10

"Indian country" is defined in 18 U.S.C. Section 1151 which provides:

The term "Indian country," ... means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

This definition is used for civil jurisdiction. *DeCoteau v. District County Court*, 420 U.S. 425, 427 n.2 (1975.) Numerous federal Indian law cases discuss the meaning of this statute and of the concept of "Indian country."

¹This map is intended to provide a general understanding of the location of Indian country, but is not intended as a legal representation.



Introduction from the Acting Assistant Administrator

EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) is pleased to issue our final Tribal Strategic Plan (TSP). The purpose of the TSP is to promote the best use of our resources to foster environmental gains in Indian country and other tribal areas including in Alaska (ICOTA). The OPPTS Tribal Strategic Plan will guide EPA staff and managers as they work with the tribes to further pollution prevention, safe pesticide use, and management of toxic chemicals.

For this to be an effective tool, OPPTS recognizes that there must be strong tribal input and a genuine partnership with tribal leaders and tribal environmental managers. While developing this Strategy, OPPTS held six tribal focus group meetings to obtain tribal perspectives on OPPTS-related issues and recommendations on how to improve our programs. Almost 100 tribal representatives participated in the various meetings across the country. The Tribal Pesticide Program Council (TPPC) and the Forum on State and Tribal Toxics Action (FOSTTA) Tribal Affairs Project (TAP) provided early input into the process. Beyond this, OPPTS made presentations at other tribal meetings, gatherings, and con-

ferences. The final TSP is based largely on the comments and recommendations raised during the stakeholder engagement process.

OPPTS also recognizes that for successful implementation of the TSP, integration with other related Agency processes is critical. Some notable processes where integration is needed include the Agency-wide five-goal Strategic Plan, the National Program Managers Guidance, and the Regional Priorities and Planning effort. We will strive to connect these processes and to ensure that priorities and efforts between them are complementary.

OPPTS is firmly committed to enhancing its partnerships with tribes to mutually address the environmental concerns faced within ICOTA. We look forward to continued collaboration as we seek to address tribal environmental concerns in the future.

— *Susan B. Hazen, Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances*

Executive Summary

EPA has a long-standing policy to work with federally-recognized tribes as sovereign nations on a government-to-government basis. These important concepts, along with others, are articulated in the Agency's 1984 Indian Policy. They establish the foundation through which EPA works with the tribes to protect human health and the environment in Indian country and other tribal areas including in Alaska (ICOTA).

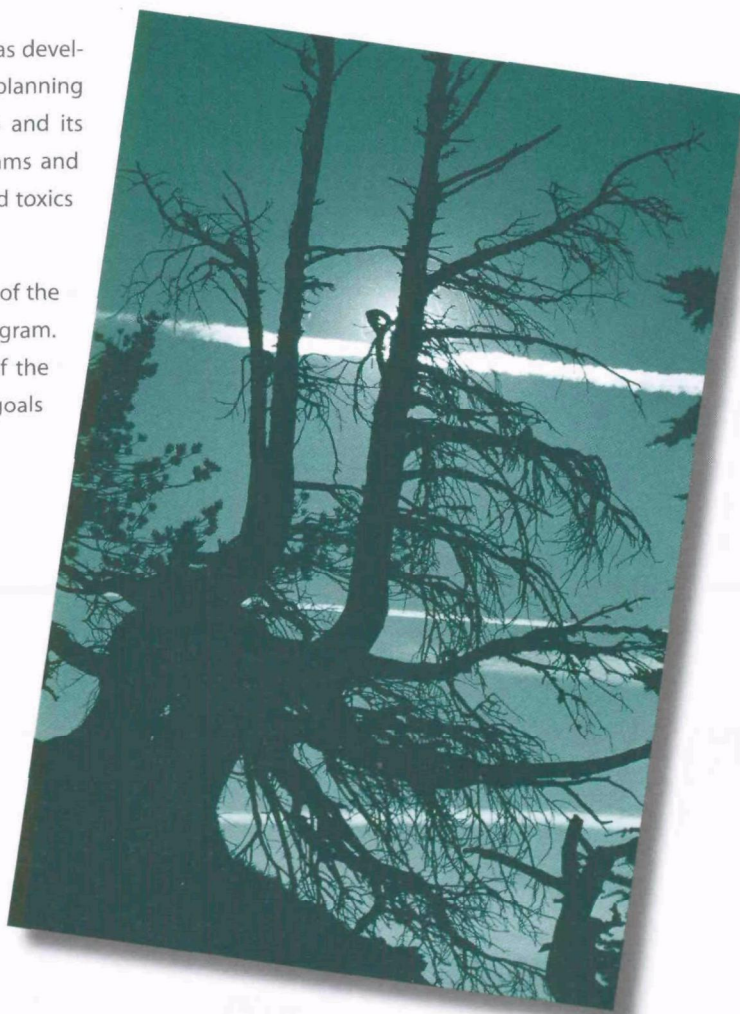
EPA's Indian Policy lays the groundwork for OPPTS as it looks ahead to enhanced implementation of its programs in Indian country. Our tribal partners were vital participants in the development of this Plan and we welcome their continued collaboration during its implementation.

The OPPTS Tribal Strategic Plan (TSP or the Plan) was developed as part of the Agency's larger strategic planning process. The Plan will serve as a guide to OPPTS and its regional partners as we implement current programs and future initiatives to support successful pesticide and toxics management and pollution prevention in ICOTA.

This Plan summarizes the roles and responsibilities of the various offices within OPPTS, including its Tribal Program. This Plan also is intended to guide the activities of the OPPTS Tribal Program by establishing its long-term goals and objectives.

OPPTS intends to develop a yearly action plan to identify specific initiatives needed to achieve the goals and objectives set forth in the long-term TSP.

Further, OPPTS will strive to integrate the various planning and action efforts and to connect the appropriate processes across the Agency for a more targeted and enhanced set of tribal activities.



Overview: The Office of Prevention, Pesticides and Toxic Substances (OPPTS)

OPPTS plays an important role in protecting public health and the environment from potential risks caused by toxic chemicals, including pesticides. The Office promotes pollution prevention and provides the public with critical information on potential and existing chemical risks.

OPPTS safeguards Americans, including children and other particularly vulnerable members of the population, by evaluating the potential adverse impacts of pesticides and chemicals, as well as by regulating their manufacture, use, application, storage, and disposal. Top OPPTS priorities include mitigating pesticide risks to humans, domestic animals, endangered species and the environment; preventing lead poisoning; reducing risks from persistent, bioaccumulative, and toxic chemicals; improving public access to basic hazard information on high-production volume chemicals; and researching emerging issues such as endocrine disruptors.

OPPTS includes several separate program offices, including the Office of Pesticide Programs (OPP), the Office of Pollution Prevention and Toxics (OPPT), the Office of Program Management and Operations (OPMO), and the Office of Science Coordination and Policy (OSCP). OPP and OPPT have

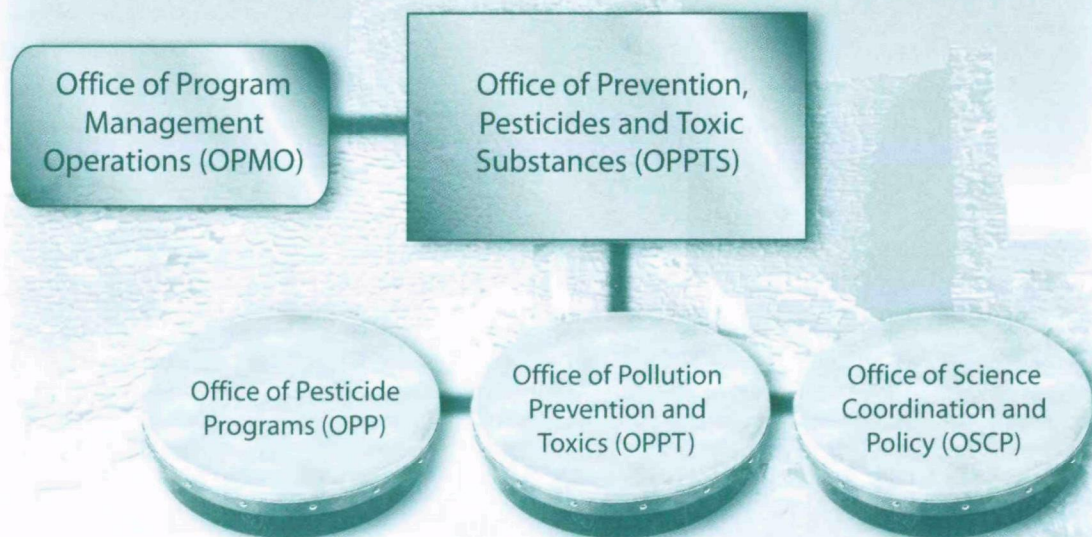
responsibility to implement the major programs mandated by legislation.

OPPTS has primary responsibility within EPA for implementing the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Toxic Substances Control Act (TSCA), the Federal Food, Drug, and Cosmetic Act (FFDCA), the Food Quality Protection Act of 1996 (FQPA), the Asbestos Hazardous Emergency Response Act (AHERA), the Asbestos School Hazard Abatement Act (ASHAA), and the Pollution Prevention Act (PPA).

The following sections discuss OPPTS' Tribal Program and its primary tribal partners.

The OPPTS Tribal Program

The OPPTS Tribal Program is coordinated and managed as a partnership of headquarters staff working closely with regional tribal coordinators for the pesticide and toxics programs. There are Tribal Program managers in each of the OPPTS program offices to ensure that the Agency's responsibilities to the specific, and often unique, needs in ICOTA are being properly addressed. The headquarters team also works with tribal and other program managers across all EPA pro-



OPPTS Strategic Mission (as it relates to ICOTA)

- *To protect and improve human health and the environment in Indian country and other tribal areas including in Alaska; to achieve risk reduction, sustainability, environmental justice, and enhanced quality of life for members of tribal communities throughout the United States.*
- *To promote safer designs, wiser use of materials, products, processes, practices and technologies, and disposal methods using pollution prevention as the principle of first choice in Indian country and other tribal areas including in Alaska.*
- *To provide information, education and technical assistance to empower tribes to make informed decisions on the risks associated with pesticides and toxic substances.*

grams and in other federal agencies to ensure that OPPTS' tribal issues receive appropriate consideration.

OPPTS places a special emphasis on building tribal capacity to administer environmental programs within their own jurisdictions when tribes wish to do so. Examples of capacity building activities include support of tribal infrastructure development, technical training, and community awareness enhancement.

The OPPTS Tribal Program was developed with input from the National Tribal Operations Committee (TOC), the Forum on State and Tribal Toxics Action (FOSTTA), the Tribal Pesticide Program Council (TPPC), and members of federally-recognized tribes.

Input From Tribal Partners

EPA, including OPPTS, participates in several organizations that are designed to improve communication and build

stronger partnerships with tribes. The following sections summarize some of the current programs and organizations in place to ensure two-way communications between the tribes and EPA.

Tribal Operations Committee's Tribal Caucus

To improve communication and to build stronger partnerships with the tribes, EPA established a Tribal Operations Committee (TOC) in February 1994. The TOC is comprised of 19 tribal leaders or their delegates (referred to as the "Tribal Caucus") and EPA's Senior Leadership Team, including the Administrator, the Deputy Administrator, Assistant Administrators, and the Regional Administrators.

The Tribal Caucus (TC) meets on a regular basis to discuss implementation of the environmental protection programs in ICOTA. All tribes are encouraged to communicate with members of the TC. For more information on the TC, visit the following website: <http://www.epa.gov/indian/overtoc.htm>

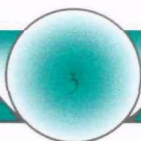
Regional Tribal Operations Committees

The Regional Tribal Operations Committees (RTOCs) facilitate communications regarding tribal environmental matters within their geographical regions. The RTOCs are instrumental in helping the regional offices institutionalize the Agency's Indian Policy. Members of the RTOCs participate on regional and national workgroups, providing unique tribal perspectives on environmental needs. They may be involved during the planning stages of new initiatives.

The RTOCs are an important liaison between Indian tribes, EPA's regional offices, EPA's national program offices and the National TOC on regional and national environmental issues that impact ICOTA. They help to maintain open and consistent communication among tribes, and between tribes and EPA management.

Tribal Pesticide Program Council

The OPP Tribal Program continues to support the Tribal Pesticide Program Council (TPPC). Established in 1999, this council meets nationally twice a year. Through the TPPC, the tribes are able to voice opinions on national pesticide policies and raise tribal pesticide issues to federal attention.



The strong partnership between EPA and the TPPC ensures that tribes will continue to provide a major impetus for the long-term strategic direction taken by the OPPTS Tribal Program as it strives to build tribal capacity and produce an Agency pesticide strategy that is responsive to tribal needs and concerns. The TPPC also serves as a technical resource pool for tribes.

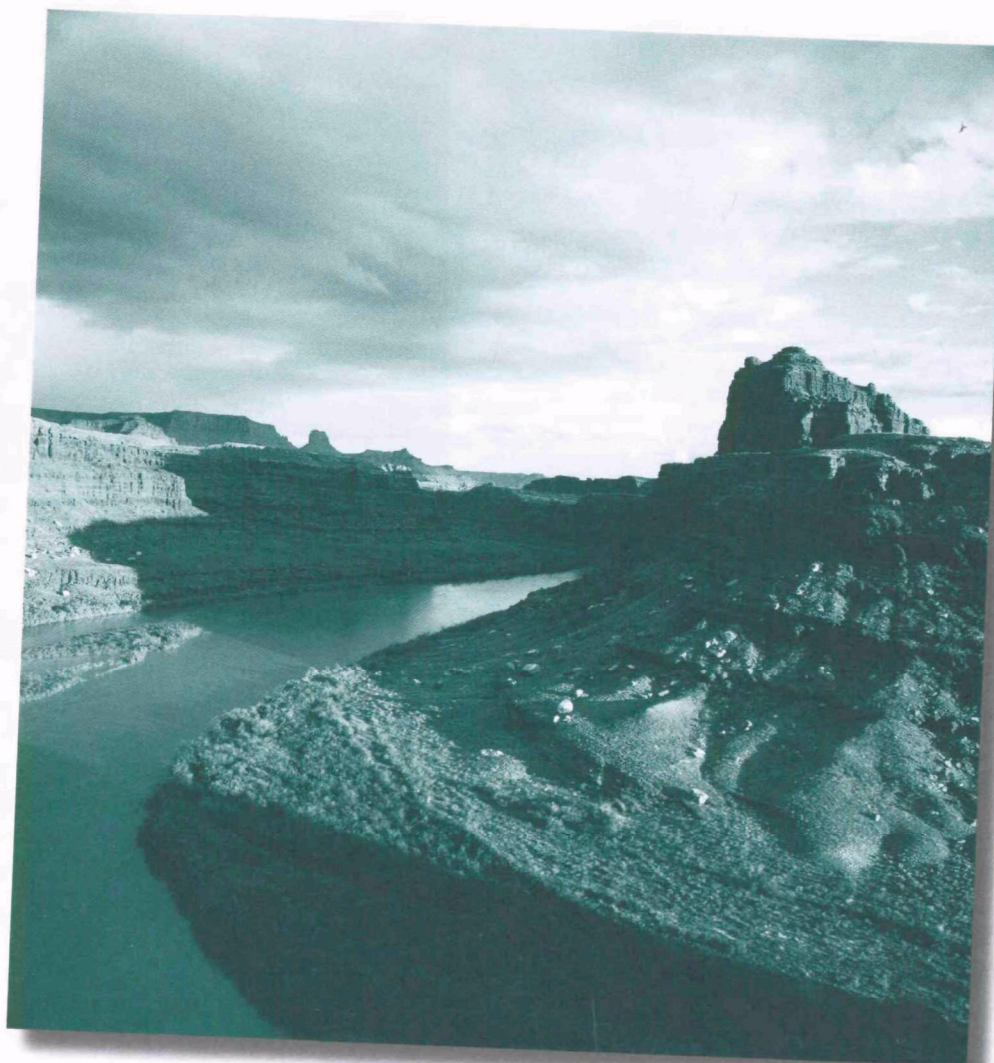
Tribal Affairs Project

The Forum on State and Tribal Toxics Action (FOSTTA) is a partnership between OPPT and state and tribal leaders to increase understanding and improve collaboration on toxics and pollution prevention issues among the states, tribes and EPA. FOSTTA is comprised of members from state and tribal communities who have an interest in pollution prevention programs and toxics issues. The FOSTTA Tribal Affairs Project was established in 1997 and meets three times a year.

National Pollution Prevention and Toxics Advisory Committee

This newly formed advisory group follows certain criteria under the Federal Advisory Committee Act (FACA) in order to provide advice, information, and recommendations to OPPT. The National Pollution Prevention and Toxics Advisory Committee (NPPTAC) members are comprised of a broad range of Agency constituents and possess different areas of expertise. There is at least one tribal representative serving on the committee.

The NPPTAC committee members recently selected, tribal issues as one of its four main foci of this committee and agreed to the establishment of a tribal working group. OPPT is looking forward to receiving input and recommendations on tribal issues from this committee.



The OPPTS Tribal Strategic Plan

This OPPTS Tribal Strategic Plan (TSP) provides a framework to ensure that OPPTS program activities are conducted in a manner that is consistent with the Agency's Indian Policy, which recognizes the federal government's trust responsibilities to federally-recognized tribes, the sovereignty of tribal governments, and the government-to-government relationship between the federal and tribal governments.

The following sections summarize the guiding principles and processes used to develop the TSP and its resulting goals and objectives.

Consistency with the Environmental Protection Agency's Indian Policy

The foundation of the OPPTS Tribal Strategic Plan is EPA's Indian Policy, which was first issued in 1984 and reaffirmed by subsequent EPA Administrators. In it, EPA "recognizes tribal governments as the primary parties for setting standards, making environmental policy decisions, and managing programs on reservations... consistent with Agency standards and regulations."

The Indian Policy provides that EPA will work on a government-to-government basis with tribes and recognizes the federal government's trust responsibility to federally-recognized tribes. OPPTS is committed to recognizing, acknowledging and appreciating tribal concerns and to engaging in adequate and timely consultation and coordination with tribes.

Tribal Participation in Developing the Strategic Plan

OPPTS recognized early that it was critical to maximize tribal input if its new TSP was going to effectively work for ICOTA. To obtain broad, geographically and culturally based input from the contiguous 48 states and Alaska, six tribal focus group meetings were held during the fall and winter of 2001-2002.

These focus group meetings were intended to gather information and recommendations from tribal leaders and environmental managers on their priority environmental issues within the OPPTS program arena. In addition, the

OPPTS Tribal Strategic Plan Goals

- 1. Improve the government-to-government relationship with federally-recognized tribes through effective and meaningful consultation, communication, coordination and outreach.*
- 2. Improve tribal capacity for program development and implementation.*
- 3. Foster toxics, pesticides and pollution prevention program coverage for tribal communities.*
- 4. Help tribes manage risk to meet tribal cultural concerns and protect public health and the environment in Indian country and other tribal areas including in Alaska.*

meetings helped identify actions that the Agency might take to effectively address those identified issue areas and suggested ways that OPPTS might maximize the effectiveness of its partnerships with tribes.

Nearly 100 tribal representatives participated in the OPPTS strategic planning focus meetings. Participants came from various job responsibilities and backgrounds, including tribal government policy and decision makers, technical experts, personnel and environmental program managers, and representatives from grassroots organizations.

Comments ranged widely at the meetings. Suggestions were heard on how OPPTS might improve the way it provides tribes with information, training and outreach materials; how it performs its tribal coordination; and how it develops and implements its programs with the tribes.

The comments received from the focus group meetings suggest that there are several issues common to most tribes throughout ICOTA, while other issues, mostly in Alaska, appear to be more regional in nature. The comments, suggestions and thoughts provided by participants in the OPPTS focus meetings were instrumental in developing the goals and objectives of this TSP. Following is a list of focus group locations and dates. A list of participants noted at each meeting place can be found in Appendix F.

| | |
|----------------|--------------------|
| Seattle, WA | September 23, 2001 |
| Cloquet, MN | October 18, 2001 |
| Anchorage, AK | October 30, 2001 |
| Denver, CO | November 29, 2001 |
| Tucson, AZ | December 10, 2001 |
| Washington, DC | January 30, 2002 |

The Government Performance and Results Act

In 1993, Congress enacted the Government Performance and Results Act (GPRA). Through GPRA, Congress holds all federal agencies accountable for using taxpayer provided resources wisely and maximizing measurable program results. Part of EPA's response to GPRA mandates the development of long range strategic planning that includes performance goals, results measures and reporting out.


The OPPTS Tribal Strategic Plan will complement the Agency's overall Strategic Plan and help to ensure that activities undertaken by various OPPTS programs support EPA's broader, cross media goals and objectives. It is intended to specifically address the programmatic needs and priorities expressed by our partners in ICOTA.

This TSP does not alter or eliminate the broad, cross media goals developed under GPRA. However, the Plan does set forth four additional goals, specifically for Indian country and other tribal areas including in Alaska. Each of these four goals has a series of objectives and work activities that can be used to target tribal program activities within OPPTS.

Strategic Plan Goals and Objectives

OPPTS has identified the following four goals for ICOTA, based on comments received at the six focus group meetings, at other tribal gatherings, and during discussions with OPPTS headquarters and regional staff.

Each goal is described in detail below, along with specific objectives and sub-objectives. Included under the discussion of each goal are examples of projects and activities that are planned or underway.



Goal 1

Improve the Government-to-Government Relationship with Federally-Recognized Tribes through Effective and Meaningful Consultation, Communication, Coordination and Outreach

Objective 1.1

OPPTS intends to apply the principles of Executive Order E.O. 13175, entitled "Consultation and Coordination with Indian Tribal Governments," in its interactions with tribes. E.O. 13175 seeks to strengthen the government-to-government relationship with tribes and to reduce the imposition of unfunded mandates upon them. OPPTS will fulfill its obligations under E.O. 13175, including engaging tribes in meaningful consultation on actions with tribal implications.

Work Activity 1.1.1

OPPTS staff intends to develop training and guidance to implement the requirements of E.O. 13175.

Work Activity 1.1.2

OPPTS intends to develop internal procedures that establish an office-wide approach for implementing the requirements in E.O. 13175.

Objective 1.2

OPPTS intends to utilize two-way communication to ensure timely information flow between EPA and tribal governments, tribal environmental organizations and tribal colleges.

Work Activity 1.2.1

OPPTS intends to continue to produce quarterly issues of the OPPTS Tribal News, post them on-line and mail them to all federally-recognized tribes.

Work Activity 1.2.2

OPPTS intends to complete a guidebook on "Comprehensive Pesticides, Toxics and Pollution Prevention Programs, Resources, and Grant Opportunities for Indian Tribes."

Work Activity 1.2.3

OPPTS intends to continue to maintain and upgrade tribal web pages to ensure that accurate, timely information on its programs and activities is available to tribes.

Objective 1.3

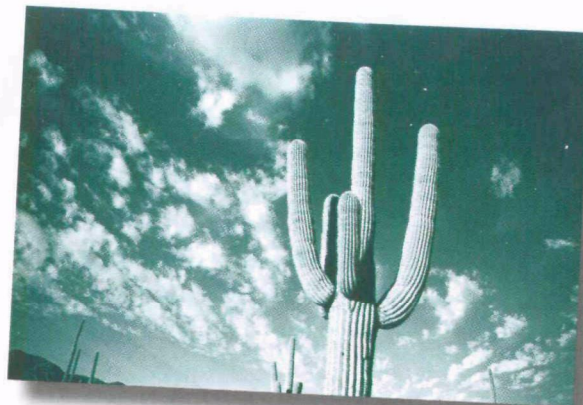
OPPTS intends to work closely with EPA regions and tribes to identify national and regional pesticides, toxics and pollution prevention issues that are of significant concern to tribal populations. The Office intends to ensure that tribes are engaged in policy discussions of such issues as appropriate, and that their concerns are considered as OPPTS develops and implements national policies and regulatory decisions.

Work Activity 1.3.1

OPPTS intends to continue to identify risk reduction and pollution prevention-related opportunities for ICOTA and to develop and implement efforts to address identified issues. In these efforts, EPA will work in close partnership with the Tribal Affairs Project (TAP) of the Forum on State and Tribal Toxics Action (FOSTTA), the Tribal Pesticide Program Council (TPPC), the National Tribal Operations Committee (TOC) and the Regional Tribal Operations Committees (RTOCs).

Work Activity 1.3.2

OPPTS intends to initiate an outreach effort to encourage tribes to participate in national pollution prevention organizations and committees, Pollution Prevention Resource Exchange (P2Rx) information network and regional pollution prevention efforts.



Work Activity 1.3.3

The OPPT National Pollution Prevention Toxics Advisory Committee should designate one tribal representative as a regular member.

Work Activity 1.3.4

OPPTS intends to continue to pursue efforts to promote dialogue and cooperative efforts between state and tribal pesticide, toxics and environmental program managers and encourage broader tribal participation in the TPPC and FOSTTA.

Work Activity 1.3.5

OPPTS intends to lead a cross-Agency team, working with a host tribe, to convene the 7th annual National Tribal Conference on Environmental Management (NTCEM). OPPTS intends to participate with the NTCEM in subsequent years.

Objective 1.4

OPPTS intends to support programs and projects that allow tribes to identify and reduce the human and environmental risks that may accompany exposure to pesticides and toxic chemicals (such as asbestos, persistent organic pollutants, and persistent bioaccumulative chemicals including dioxins, mercury, and polychlorinated biphenyls). These efforts may include outreach, technical training and assistance, specific funding, and implementation of corrective measures.

Work Activity 1.4.1

OPPTS intends to host at least one interagency meeting with tribes and with federal agencies that work with tribal governments to develop recommendations and identify existing governmental resources and programs. The meeting should help OPPTS identify and work toward integrating a comprehensive, cross agency federal effort to address toxics and pesticide issues in ICOTA.

Work Activity 1.4.2

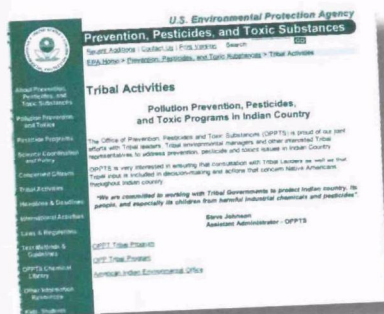
OPPTS headquarters (with assistance from regional offices as appropriate) intends to sponsor or co-sponsor train-the-trainer sessions, and toxics and pesticide management workshops at locations in ICOTA. Sessions and workshops should cover the management of toxic chemicals, pesticides, and other materials including lead and asbestos, and will be offered by and for interested parties in other federal agencies as well as tribal environmental managers.

Work Activity 1.4.3

OPPTS intends to consult with the federally-recognized tribes and work to establish policies and procedures for input on related national and international decision-making leading to agreements and policies.

Ongoing Activities – Goal 1

OPPTS already has several program activities associated with Goal 1. Many of these efforts directly or indirectly serve multiple goals and objectives contained in the Strategic Plan. The following project and program summaries include information on which OPPTS office has primary involvement (OPP, OPPT or OSCP). Additional EPA activities, including notable regional activities that support OPPTS tribal program goals are summarized in Appendix E.



OPPTS Tribal Websites

OPPTS has Internet web pages that focus on toxics and pesticide related topics that are of direct interest to ICOTA. These sites also provide links to other important EPA home pages, and to other governmental and non-governmental sites

that can help tribes protect their environments. Information can be found at: <http://www.epa.gov/oppts/tribal.htm>

OPPTS Tribal News

As part of an overall effort to increase awareness of toxics, pollution prevention and pesticide issues in tribal communities, OPPT and OPP collaborate to produce the quarterly OPPTS Tribal News. This publication is mailed to all federally-recognized tribes and posted on the OPPTS web site. In

addition to disseminating important information to members of the tribal community, the newsletter educates tribal youth with its popular "Kid's Page" feature.

In Winter 2004, OPPTS sponsored a special pilot edition, entitled "EPA Tribal News," Fall 2003-Winter 2004. This pilot included articles from most of EPA's media offices and also reflected tribal perspectives on a variety of environmental concerns, such as tribal traditional life ways.



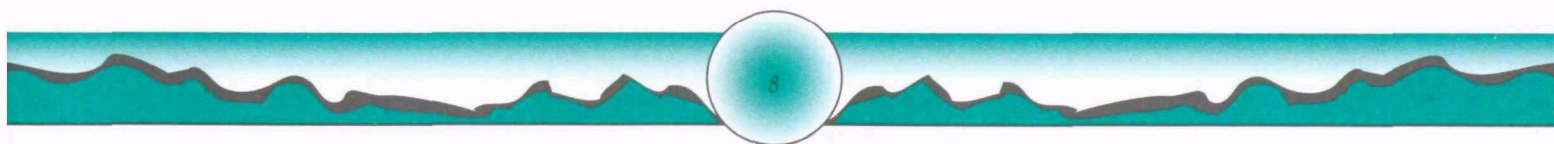
Design for the Environment Program

OPPT's Design for the Environment Program (DfE) provides training and education on environmental issues and seeks to build capacity within minority communities through partnerships between tribal and community colleges, government, industry and minorities.

In 1997, Design for the Environment teamed with the Partnership for Environmental Technology Education (PETE) to recognize community and technical colleges as an important national resource for workforce development, small business outreach and public information. Tribal colleges across the country are important members of the PETE network, which has held several tribal college workshops devoted to fostering communication among participants.

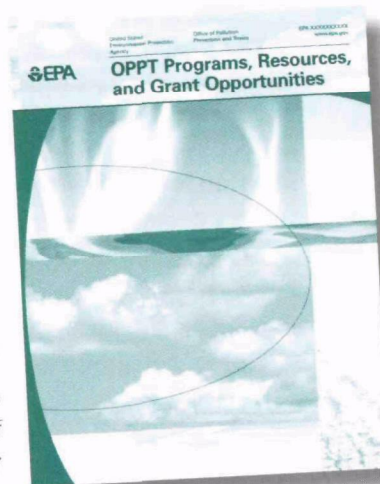
Over 40 faculty and administrators representing 18 tribal colleges attended the first tribal college workshops in Jackson Hole, Wyoming and in Santa Fe, New Mexico. The outcome of these meetings was to add new "tribal perspectives" to environmental curricula.

The "All Nations Tribal College Environmental Program Capacity Building Workshop," was held in Des Moines, Washington State in November 2001 at Highland Community College. Panel members highlighted priority goals for program initiatives and to develop native American environmental professionals. This effort was geared towards developing tribally managed environmental stewardship and sustainability. This workgroup also provided input into development of this TSP.



Programs, Resources, and Grant Opportunities (OPPT)

In 1999, OPPT published its first comprehensive resource guide entitled, "Programs, Resources, and Grant Opportunities." This guide provides information on OPPT's programs, resources, and grant opportunities that support tribal efforts to promote pollution prevention and protect human health and the environment from toxic substances. This guide is intended to be updated periodically, as occurred in FY 2000 when information on the OPPT Blood-Lead Screening and Lead Awareness Activities Grant Program was added. The resource guide is being revised again in 2004 with the updated version to be sent to all federally-recognized tribes.



Tribal Medicine Project (OPP)

OPP coordinated efforts to educate tribal healthcare providers and environmental managers on the identification, treatment, and prevention of acute pesticide poisoning. In FY 2001, three tribes in the north-west and southwest acted as initial hosts. During the FY 02-03 project cycle, three additional tribes hosted the workshops. In addition to addressing potential poisoning caused by pesticide application and drift, storage and disposal, this project looked at potential poisonings or unacceptable exposures associated with pesticide residues remaining on repatriated tribal artifacts.

Partnering with the Tribal Pesticide Program Council (TPPC) and the Tribal Affairs Project (TAP)

OPPTS works closely with the TPPC and the TAP to ensure good communication on important toxics, pollution prevention and pesticide issues. OPPTS engages in dialogue with these groups to obtain tribal perspectives on Agency decisions and actions of concern to tribes in our program areas. The organizations meet on a regular basis and communicate via conference calls to help ensure a constant exchange of thoughts and perspectives on toxic, pollution prevention and pesticide issues in Indian country and other tribal areas including in Alaska.


Providing Tribal Governments with Emergency Pest Control Options

(Sect. 18s)

FIFRA Section 18, which authorizes EPA to provide emergency exemptions from federal requirements when needed to protect against pest infestations, does not specifically reference tribes. In response to discussions initiated by TPPC members, the Navajo Nation, OPP and USDA/APHIS have cooperated in a process by which APHIS may apply for Section 18 exemptions that cover Navajo Indian country. The exemptions allow for pesticide applications that do not meet product label requirements, when emergency conditions exist. The process is now ready to test on Navajo, and similar processes may be available for other interested tribes in 2004.

Facilitation of Cooperative Activities Between National State and Tribal Pesticide Working Groups (OPP)

OPP encourages leadership of the TPPC and a corresponding state organization, the State FIFRA Issues Research and Evaluation Group (SFIREG), to work closely together to develop common solutions for mutual pesticide related concerns. Regular communication between the two groups is facilitated by OPP and each is encouraged to send participants to the others' regular meetings, and to work collaboratively with OPP on pesticide issues that impact both states and tribes.

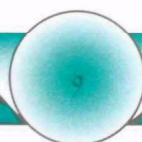


Goal 2

Continue to Build Tribal Capacity for Program Development and Implementation

Objective 2.1

OPPTS intends to help build tribal capacity to assess environmental threats from toxic chemicals and pesticides, including persistent bio-accumulative toxics (PBTs), persistent organic pollutants (POPs) and radionuclides in foods and other materials important to tribal peoples, cultures and traditions.



Work Activity 2.1.1

OPPTS intends to provide innovative training and outreach to improve the ability of tribes to understand risks associated with lead and asbestos educate community members on these risks, and consider options to address these risks.

Work Activity 2.1.2

OPPTS intends to work with interested tribes to help them work toward obtaining TSCA sections 402 and 406 lead program authorization and/or pursue implementation of pesticide management activities, including development of FIFRA compliant pesticide codes.

Work Activity 2.1.3

OPPTS intends to provide grants for targeted pesticide-related “field projects” such as surface and water quality management, endangered species protection, integrated pest management, and pesticide assessment, education and outreach.

Work Activity 2.1.4

OPPTS intends to work to supplement resources for pesticide management related activities in ICOTA.

Work Activity 2.1.5

At the request of tribal environmental groups, OPPTS intends to hold a meeting for tribes to highlight priority issues facing ICOTA. Based on the discussion held at the meeting, OPPTS intends to work with its tribal partners to create a comprehensive guidance document geared towards protecting traditional lifeways resources. The guidance should assist tribes in successfully identifying and evaluating potential toxic chemicals impacting traditional lifeways.

Work Activity 2.1.6

OPPTS intends to enable federally-recognized tribes to utilize and test the tools and guidelines developed for work activity 2.1.5. These tools should enable tribes to better understand and manage contaminant exposure pathways and risks resulting from unique circumstances associated with their subsistence practices and traditional ways of life.

Work Activity 2.1.7

OPPTS intends to complete a pilot effort to upgrade LifeLine, an existing software tool to enable it to evaluate potential,

unique exposure and risk opportunities that may exist for two tribal groups, each of which practices its own traditional cultural lifeways. During 2004, the usefulness of the upgraded tool should be evaluated and a determination should be made as to the feasibility of extending the project to include tribes in other bio-geographical areas of the United States.

Objective 2.2

OPPTS intends to improve the ability of tribes to define, design, implement and sustain well-rounded toxics, pollution prevention and pesticide programs suited to their needs.

Work Activity 2.2.1

OPPTS intends to prepare a comprehensive tribal guidance document that defines and assists in the development of well-rounded pollution prevention programs and activities that meet tribal needs.

Work Activity 2.2.2

OPPTS intends to leverage EPA’s Environmental Preferable Purchasing (EPP), green building, sustainable development, solid waste reduction and other pollution prevention-related programs to promote these practices in ICOTA. The Office intends to support tribal demonstration projects or training on these topics whenever possible.

Work Activity 2.2.3

OPPTS intends to develop specific pollution prevention methods for tribes targeting tribal hotels, casinos, schools, hospitals, clinics, marinas, gas stations, and other structures.

Work Activity 2.2.4

OPPTS intends to work with other partners to review and appropriately update documents that identify and describe the basic elements of an EPA funded tribal pesticide program.

Work Activity 2.2.5

OPPTS intends to support a means to develop and offer intermediate and advanced water quality and pesticide management courses for tribal environmental managers and staff.

Work Activity 2.2.6

OPPTS intends to encourage the sharing of pollution prevention, toxics and pesticide management expertise among tribal professionals through FOSTTA, TPPC, TOC and other tribal organizations, such as the National Tribal Environmental Council (NTEC) and the United South Eastern Tribes (USET). Efforts to gather and share successful tribal and other pollution prevention projects should be made. The Office intends to pilot a program to facilitate the partnering of experienced tribal program managers with those who may be less experienced.

Work Activity 2.2.7

OPPTS intends to work with other EPA offices and federal agencies to identify the location of abandoned PCB transformers and capacitors in ICOTA and to develop appropriate educational materials on PCBs for use in tribal communities.

Objective 2.3

OPPTS intends to develop mechanisms to promote the knowledge and understanding of OPPTS programs, and to facilitate the effective access to and use of relevant programs by tribal personnel.

Work Activity 2.3.1

OPPTS intends to develop an office wide proposal for establishing a pilot EPA/Tribal Intergovernmental Personnel Act (IPA) Program. The pilot should open the possibility of a two-way exchange of staff and technical expertise.

Work Activity 2.3.2

OPPTS intends to initiate annual train-the-trainer workshops for tribes. These ongoing workshops should provide training for tribal environmental staff and invite tribal college faculty members to discuss a variety of toxics, pesticide and pollution prevention program issues. The training sessions should be geared towards producing tribal trainers who can provide further training opportunities within their communities.

Work Activity 2.3.3

OPPT intends to conduct workshops for tribes and tribal colleges on "Managing Asbestos/Lead-In-Place" or provide information on short-term operations and maintenance

(O&M) procedures and templates for asbestos and lead in each region.

Work Activity 2.3.4

OPPTS, in cooperation with USDA/APHIS and the Navajo Nation, has developed a process that makes FIFRA Section 18 exemptions available to farmers in Navajo Indian country. Information on the process, which continues to be evaluated and refined, will be made available to other interested tribes upon request.

Objective 2.4

OPPTS intends to work to improve the ability of tribes to prevent the generation of toxic wastes and chemicals. OPPTS intends to undertake work activity 2.2.1, education and other support to ensure that appropriate pest management techniques are used in ICOTA.

Work Activity 2.4.1

OPPTS procedures should be developed to provide support for conducting pollution prevention planning, pesticide and toxics assessments and program implementation, and community education and outreach efforts.

Work Activity 2.4.2

OPPTS intends to encourage the use of Integrated Pest Management (IPM) practices by providing educational and outreach materials to ICOTA that will help explain how to reduce the use of chemical pesticides and minimize toxic exposure risks to community members and their environments.

Ongoing Activities – Goal 2

OPPTS is currently involved in the following activities that support the objectives and work activities identified for Goal 2.

Pollution Prevention Grant Program

The Pollution Prevention Grant Program provides matching funds to states and tribes to support pollution prevention activities and the development of state and tribal environmental programs. It promotes pollution prevention through technical assistance and training, outreach, and education,

regulatory integration, demonstration (pilot) projects, and public recognition. Funding varies and is subject to availability each fiscal year. Since 1989, more than twenty tribal projects have received over one million dollars collectively from this program.

LifeLine Exposure Assessment Project

In 2002, OPPTS initiated an effort to determine the feasibility and usefulness of modifying state-of-the-art "LifeLine" software to capture unique exposure pathways that may accompany the practice of tribal traditional life ways. OPPTS is already using LifeLine in its pesticide exposure/risk assessment and tolerance setting processes. OPPTS is now working very closely with a consortium of Native villages in Alaska, as well as the Blackfeet Nation in Montana, to develop software modules that accurately will help model their two unique living situations. Site visits have been conducted, information sources have been identified, data is being gathered and new computer code is now being written.

After it receives the approval of the two-modeled groups, the new software should be made generally available. If the new software proves useful to the modeled tribal groups and to EPA, and if other tribes indicate an interest in partnering with us to have similar models built, OPPTS intends to consider the feasibility of modeling additional tribal living scenarios in other biogeographical sections of the country.

Tribal Lands Environmental Scholarships

This program is designed to promote education in the environmental sciences in tribal communities, thereby increasing the number of American Indian students with expertise in environmental science. These students, in turn, should be prepared to work with EPA and in tribal communities to improve environmental protection in ICOTA, and address human health concerns.

Water Quality and Pesticide Management Workshops

These ongoing workshops, which are hosted by tribes throughout the country, bring a wide variety of pesticide related expertise to tribal communities. Speakers may include experts in program organization and legal issues, IPM, hydrology and water management, insect abatement,

and application methodologies. Presenters may also include tribal experts, staff from local agricultural extension services, state and local environmental agencies and others. Tailored agendas emphasize pesticide issues impacting local tribes. To date, more than 75% of federally-recognized tribes in the contiguous 48 states have sent one or more representatives to these workshops.

Tribal Pesticide and Water Quality Grant Program

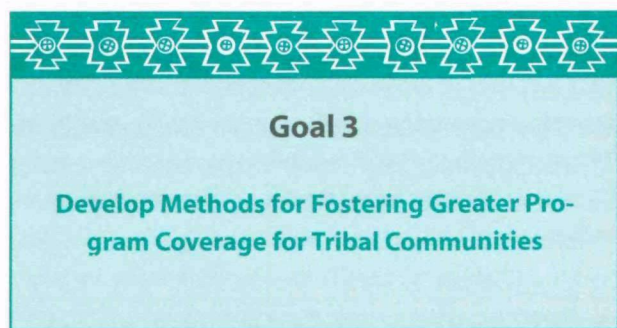
For each of the past eight years, OPP's competitive Tribal Pesticide and Water Quality Grant Program has provided approximately \$450,000 per year in direct funding to tribes. These one year grant awards are limited to \$50,000 per proposal. They may be used to fund projects involving water quality baseline assessment and sampling, IPM, pesticide issues surrounding repatriation of tribal artifacts, evaluation of need and development of pesticide management policies and plans, and other activities related to pesticide management.

Providing Tribes Flexibility under FIFRA

Tribes are not specifically referenced in FIFRA Section 18 and have not directly requested emergency exemptions ("Section 18's") from federal requirements to enable use of pesticides that could prevent severe economic loss caused by pest infestations that do not respond to approved pesticide approaches. OPP, in cooperation with USDA/APHIS and the Navajo Nation, has developed a process to provide opportunities for farmers in Navajo Indian country to obtain access to products available outside of Indian country. Under FIFRA Section 18, OPP intends to continue to refine the process as needed, and intends to work with other tribes, as requested, to provide them with information regarding similar exemption opportunities.

Tribal Discretionary Funding to Regions

Because regional staff work closely with the tribes, EPA regional offices have unique opportunities to develop a clear sense of regionally specific tribal needs. OPP provides a portion of its headquarters tribal program discretionary funding to the regions and allows them to determine how this money best supports the pesticide needs of ICOTA.



Goal 3

Develop Methods for Fostering Greater Program Coverage for Tribal Communities

Objective 3.1

Where tribes choose not to establish their own programs, OPPTS will work toward developing mechanisms for providing programmatic services to tribes, such as in the lead arena.



Work Activity 3.1.1

OPPTS intends to explore options to provide ongoing funding to support tribal circuit rider programs.



Work Activity 3.1.2

OPPTS intends to pilot two Direct Implementation Tribal Cooperative Agreements (DITCAs) with interested tribes to carry out agreed upon pesticides or toxics program services.



Work Activity 3.1.3

OPPTS intends to pilot a "Center of Expertise" where interested tribes can obtain technical assistance with certain aspects of OPPTS programs and information.



Work Activity 3.1.4

OPPTS intends to continue its work with EPA's Office of Enforcement and Compliance Assurance (OECA) and EPA regions on compliance and enforcement activities.

Ongoing Activities – Goal 3

The following sections summarize current OPPTS projects and programs associated with Goal 3 and its stated objectives and work-activities.

Lead-Based Paint Activities Program (OPPT)

EPA implements, administers and enforces the Federal Lead-Based Paint Activities Program in states, areas of Indian country, and territories that do not have EPA-approved lead programs. EPA awards grants to tribes to develop authorized lead programs within their own communities. Tribes are encouraged to establish accreditation, certification and work place standards programs which are as protective as the those required by the federal program. Since its inception in Fiscal Year 1994 and continuing through 2002, 151 grants have been issued to tribes for a total of approximately \$10.6 million.

OPPT's Community Assistance Technical Team

OPPT supports working to build the capacity of communities to understand and improve their local environments. OPPT helps to develop the information, assessment tools, and training that communities need to implement the Community Based Environmental Protection (CBEP) approach.

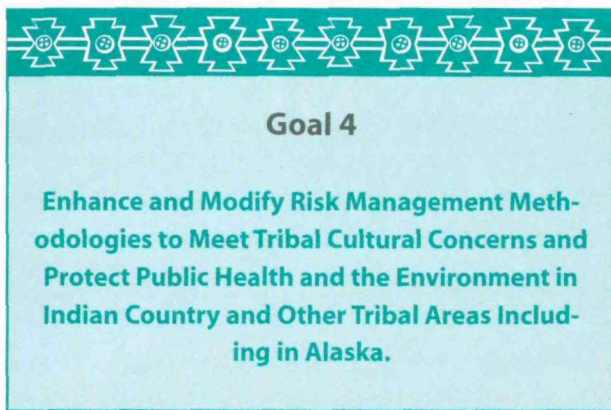
OPPT's Community Assistance Technical Team was established to provide support to communities. The team is currently developing a "how-to" manual to help communities use risk-based screening methods and tools to understand and improve local air quality. In the future, the team plans to develop multi-media assessment guides and training for communities.

Pesticide Circuit Rider Program

EPA provides funding for a highly successful tribal pesticide circuit rider program in Region 10. Under this effort, a single expert, based with the Coeur d'Alene tribe, responds to the pesticide management related needs of six tribes in the region.

Working with OECA

OPPTS continues to work closely with OECA, which funds both tribal pesticide and toxic programs, to promote federal regulation enforcement and compliance in Indian country and other tribal areas including those in Alaska. Where EPA directly implements relevant programs, OPPTS coordinates central review and comment for the FIFRA Project Officer's Manual and the FIFRA Enforcement Guidance document, two major OECA publications with implications for pesticide management in ICOTA.



Objective 4.1

OPPTS intends to work to improve the ability of EPA and tribes to recognize, evaluate and address the extent of chemical and pesticide exposure risks in ICOTA.



Work Activity 4.1.1

OPPTS intends to continue lead awareness efforts and work to improve tribal ability to undertake lead screening for tribal communities.



Work Activity 4.1.2

OPPTS intends to continue gathering baseline assessment information on tribal lead poisoning and pre-1978 tribal housing stock and intends to continue exploring more effective means of addressing lead issues in these areas. This work should be shared with EPA's American Indian Environmental Office (AIEO) and other federal agencies (e.g., Indian Health Service).



Work Activity 4.1.3

OPPTS intends to host at least two interagency meetings that include members from agencies such as EPA, the Bureau of Indian Affairs, the Indian Health Service, the Department of Housing and Urban Development, and the Consumer Product Safety Commission and our tribal partners. The meetings should help to develop recommendations for federal government coordination with tribal governments in their efforts to reduce the risks of lead poisoning and other toxic exposures to tribal communities.

Objective 4.2

OPPTS intends to incorporate modifications to risk exposure models and Agency risk assessment methodologies to reflect tribal cultural and traditional lifeways.



Work Activity 4.2.1

OPPTS intends to develop software modules to model pesticide and chemical risk exposures for practitioners of traditional lifeways in several bio-geographic areas of the country. The Office intends to evaluate the benefits of extending the effort to tribes in other parts of the country.



Work Activity 4.2.2

OPPTS intends to produce a report that reviews opportunities to enhance existing risk management and risk assessment procedures in ICOTA. The review should recognize cultural exposure variables and identify any exposure assessment barriers that prevent OPPTS from incorporating tribal cultural concerns.



Work Activity 4.2.3

OPPTS intends to discuss risk and exposure assessments with tribes to learn how they are adapting risk assessments to incorporate tribal cultural concerns. These discussions may be based on previous recommendations from FOSTTA, TPPC, TOC, NEJAC, or other governmental individuals or organization that have knowledge or expertise in tribal risk assessments.

Objective 4.3

OPPTS intends to support tribal efforts to identify and reduce risks from priority persistent bio-accumulative and toxic (PBT) pollutants including dioxin and mercury (named in the Canada-U.S. Bi-national Toxics Strategy).



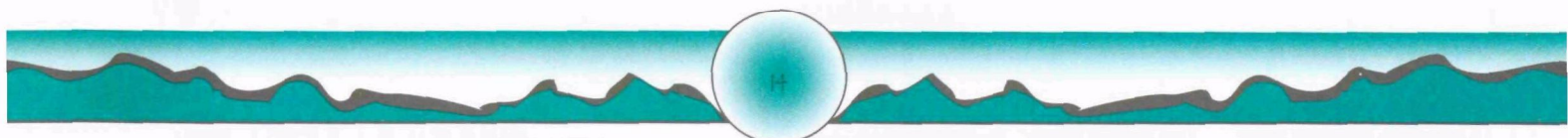
Work Activity 4.3.1

OPPTS intends to provide federally-recognized tribes with relevant materials on EPA's PBT Chemical Program.



Work Activity 4.3.2

OPPTS intends to work with Alaskan Native villages to develop a priority PBTs and Persistent Organic Pollutants (POPs) communication risk strategy especially designed for Alaskan Native hunters and gatherers who practice traditional cultural life ways.



Ongoing Activities – Goal 4

OPPTS is currently involved in several activities that support the objectives and work-activities developed for Goal 4.

Lead Program

OPPT has developed a baseline assessment and lead awareness grant program exclusively for Indian tribes and tribal consortia. This grant program supports an assessment of exposure and risks of exposure to lead poisoning of tribal children by including blood-lead screening of children, inspecting older homes, testing paint, dust, and soil for hazardous lead levels, and training individuals to perform lead inspections and risk assessments. The lead awareness portion of the grant supports educational outreach activities. Since its inception in fiscal year 1999, OPPT has awarded 60 grants totaling nearly \$3 million to tribes.

OPPT has supported the development and presentation of lead awareness workshops by developing a Lead Community Tool Kit. A special version of the training manual was developed for Native American communities and is available from the National Lead Information Center at 1-800-424-LEAD.

A lead poisoning prevention manual for tribal day centers and families was published which explains screening, healthful diet, and basic preventive steps. The manual is also available in CD-ROM and video.

Increasing Tribal Capacity for the Assessment of Traditional Lifeways

This project will help increase tribal capacity to assess environmental health threats from toxic chemicals, including PBTs, in traditional foods. OPPTS intends to work with tribes to enable them to conduct their own exposure/risk assessments based upon the unique circumstances associated with their cultural beliefs, religions and lifestyles.

For this project OPPTS is working with EPA's regional offices, OPP, the Community Based Environmental Protection Workgroup in OPPT, other EPA program offices, and a number of tribal organizations, including the TOC, FOSTTA, and the TPPC.

Geographic Exposure Modeling System (OPPT)

OPPT has recently made available tools such as the new Geographic Exposure Modeling System (GEMS). This system includes models and data for ambient air, surface water, soil, and groundwater, and makes the models much easier to use than their stand-alone counterparts. GEMS has statistical analysis, graphics, and GIS capabilities for analyzing and displaying data and environmental modeling results. GEMS is expected to be available soon on the internet.

OPPT has also developed another technical tool to be used in schools (grades 7-12): the Toxic Release Inventory Package. This package is designed to enable students to use large databases as tools in science and social sciences classes.

Pesticide Management Planning (OPP)

OPP provides support for the development and presentation of ground and surface water management workshops and other technical training. Through July 2003, more than 75% of the tribes in the lower 48 states had sent representatives to receive ground and surface water and pesticide management training through this program. OPP plans to continue its efforts to identify, prioritize and develop tribal training in areas ranging from pesticide and groundwater sampling to inspector training and education on Integrated Pest Management (IPM) methods.

Conclusion

The OPPTS Tribal Strategic Plan (TSP) serves two primary purposes. First, it is a means by which OPPTS can share its vision and intended direction with tribes and other interested parties. The TSP is intended to guide OPPTS and EPA regional offices as we work with tribes to develop and implement successful pesticide, toxic management, and pollution prevention programs. EPA's ultimate goal is to collaborate with tribes to protect human health and the environment in Indian country and other tribal areas including in Alaska. OPPTS hopes to place new emphasis on tribal concerns regarding preservation of their traditional lifeways. The potential environmental effects an issue may present to tribal culture will be considered when developing options for action within our program areas.

Second, the TSP can help optimize resource use by identifying opportunities to integrate and leverage resources. The Plan recognizes that the levels of resources available to OPPTS,

other EPA offices and regions, and tribes may influence EPA's success in reaching its stated goals. OPPTS intends to leverage resources where possible by combining efforts with other EPA offices, collaborating with other federal agencies, and increasing efficiency in delivering training and technical assistance. OPPTS hopes to foster new approaches for ensuring access to our programs through innovative means where tribes do not wish to individually assume program activities.

As described in this Plan, EPA will be providing tribes with assistance, tools and resources to develop and implement comprehensive programs to protect human health and the environment in ICOTA. The Plan is expected to evolve as the needs of our tribal partners grow and change. It is a means by which OPPTS can further its environmental protection efforts consistent with the federal government's trust responsibility to federally-recognized tribes.

Appendices

Appendix A

EPA Policy for the Administration of Environmental Programs on Indian Reservations

Appendix B

The Presidential Executive Order 13175: Consultation and Coordination with Indian Tribal Governments, November 6, 2000

Appendix C

EPA Strategic Plan, Five Goals of the Agency

Appendix D

EPA OPPTS National Program Manager Guidance to Regions, FY 2005-2007

Appendix E

More on OPPTS Programs and Our Partnerships

Appendix F

Tribal Participants at the OPPTS Tribal Strategic Plan Focus Group Meetings

Appendix G

The Forum on States and Tribal Toxics Action (FOSTTA) and Tribal Pesticide Program Council (TPPC) Representatives

Appendix H

OPPTS Indian Program Contacts



Appendix A

EPA Policy for the Administration of Environmental Programs on Indian Reservations

Introduction:

The President published a Federal Indian Policy on January 24, 1983, supporting the primary role of Tribal Governments in matters affecting American Indian reservations. That policy stressed two related themes: (1) that the Federal Government will pursue the principle of Indian "self-government" and (2) that it will work directly with Tribal Governments on a "government-to-government" basis.

The Environmental Protection Agency (EPA) has previously issued general statements of policy, which recognize the importance of Tribal Governments in regulatory activities that impact reservation environments. It is the purpose of this statement to consolidate and expand on existing EPA Indian Policy statements in a manner consistent with the overall Federal position in support of Tribal "self-government" and "government-to-governments" relations between federal and Tribal Governments. This statement sets forth the principles that will guide the Agency in dealing with Tribal Governments and in responding to the problems of environmental management on American Indian reservations in order to protect human health and the environment. The Policy is intended to provide guidance for EPA program managers in the conduct of the Agency's congressionally mandated responsibilities. As such, it applies to EPA only and does not articulate policy for other Agencies in the conduct of their respective responsibilities.

It is important to emphasize that the implementation of regulatory programs, which will realize these principles on Indian Reservations, cannot be accomplished immediately. Effective implementation will take careful and conscientious work by EPA, the tribes and many others. In many cases, it will require changes in applicable statutory authorities and regulations. It will be necessary to proceed in a carefully phased way, to learn from successes and failures, and to gain experience. Nonetheless, by beginning work on the priority problems that exist now and continuing in the direction established under these principles, over time we can significantly enhance environmental quality on reservation lands.

Policy:

In carrying out our responsibilities on Indian reservations, the fundamental objective of the Environmental Protection Agency is to protect human health and the environment. The keynote of this effort will be to give special consideration to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands. To meet this objective, the Agency will pursue the following principles:

1. THE AGENCY STANDS READY TO WORK DIRECTLY WITH INDIAN TRIBAL GOVERNMENTS ON A ONE-TO-ONE BASIS (THE "GOVERNMENT - TO - GOVERNMENT" RELATIONSHIP), RATHER THAN AS SUBDIVISIONS OF OTHER GOVERNMENTS.

EPA recognizes Tribal Governments as sovereign entities with primary authority and responsibility for the reservation populace. Accordingly, EPA will work directly with Tribal Governments as the independent authority for reservation affairs, and not as political subdivisions of States or other governmental units.

2. THE AGENCY WILL RECOGNIZE TRIBAL GOVERNMENTS AS THE PRIMARY PARTIES FOR SETTING STANDARDS, MAKING ENVIRONMENTAL POLICY DECISIONS AND MANAGING PROGRAMS FOR RESERVATIONS, CONSISTENT WITH AGENCY STANDARDS AND REGULATIONS.

In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA will look directly to Tribal Governments to play this lead role for matters affecting reservation environments.

3. THE AGENCY WILL TAKE AFFIRMATIVE STEPS TO ENCOURAGE AND ASSIST TRIBES IN ASSUMING REGULATORY AND PROGRAM MANAGEMENT RESPONSIBILITIES FOR RESERVATION LANDS.

The Agency will assist interested Tribal Governments in developing programs and in preparing to assume regulatory and program management responsibilities for reservation lands. Within the constraints of EPA's authority and resources,

this aid will include providing grants and other assistance to tribes, similar to what we provide State Governments. The Agency will encourage tribes to assume delegable responsibilities, (i.e. responsibilities which the Agency has traditionally delegated to State Governments for non-reservation lands) under terms similar to those governing delegations to States.

Until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs for reservations (unless the State has an expressed grant of jurisdiction from Congress sufficient to support delegation to the State Government). Where EPA retains such responsibility, the Agency will encourage the tribe to participate in policy-making and to assume appropriate lesser or partial roles in the management of reservation programs.

4.THE AGENCY WILL TAKE APPROPRIATE STEPS TO REMOVE EXISTING LEGAL AND PROCEDURAL IMPEDIMENTS TO WORKING DIRECTLY AND EFFECTIVELY WITH TRIBAL GOVERNMENTS ON RESERVATION PROGRAMS.

A number of serious constraints and uncertainties in the language of our statutes and regulations have limited our ability to work directly and effectively with Tribal Governments on

reservation problems. As impediments in our procedures, regulations or statutes are identified which limit our ability to work e effectively with tribes consistent with this Policy, we will seek to remove those impediments.

5.THE AGENCY, IN KEEPING WITH THE FEDERAL TRUST RESPONSIBILITY, WILL ASSURE THAT TRIBAL CONCERNS AND INTERESTS ARE CONSIDERED WHENEVER EPA'S ACTIONS AND/OR DECISIONS MAY AFFECT RESERVATION ENVIRONMENTS.

EPA recognizes that a trust responsibility derives from the historical relationship between the Federal Government and Indian tribes as expressed in certain treaties and Federal Indian Law. In keeping with that trust responsibility, the Agency will endeavor to protect the environmental interests of Indian tribes when carrying out its responsibilities that may affect the reservations.

6.THE AGENCY WILL ENCOURAGE COOPERATION BETWEEN TRIBAL, STATE AND LOCAL GOVERNMENTS TO RESOLVE ENVIRONMENTAL PROBLEMS OF MUTUAL CONCERN.

Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be neighboring



States, tribes, or local units of government. Accordingly, EPA will encourage early communication and cooperation among tribes, States and local Governments. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals and neighbors often serves the best interests of both.

7.THE AGENCY WILL WORK WITH OTHER FEDERAL AGENCIES WHICH HAVE RELATED RESPONSIBILITIES ON INDIAN RESERVATION TO ENLIST THEIR INTEREST AND SUPPORT IN COOPERATIVE EFFORTS TO HELP TRIBES ASSUME ENVIRONMENTAL PROGRAM RESPONSIBILITIES FOR RESERVATIONS.

EPA will seek and promote cooperation between Federal agencies to protect human health and the environment on reservations. We will work with other agencies to clearly identify and delineate the roles, responsibilities and relationships of our respective organizations and to assist tribes in developing and managing environmental programs for reservation lands.

8.THE AGENCY WILL STRIVE TO ASSURE COMPLIANCE WITH ENVIRONMENTAL STATUTES AND REGULATIONS ON INDIAN RESERVATIONS.

In those cases where facilities owned or managed by Tribal Governments are not in compliance with federal environmental statutes, EPA will work cooperatively with Tribal leadership to develop means to achieve compliance, providing technical support and consultation as necessary to enable Tribal facilities to comply. Because of the distinct status of Indian tribes and the complex legal issues involved, direct EPA action through the judicial or administrative

process will be considered where the Agency determines, in its judgment, that: (1) a significant threat to human health or the environment exists, (2) such action would reasonably be expected to achieve effective results in a timely manner, and (3) the Federal Government cannot utilize other alternatives to correct the problem in a timely fashion.

In those cases where reservation facilities are clearly owned or managed by private parties and there is no substantial Tribal interest or control involved, the Agency will endeavor to act in cooperation with the affected Tribal Government, but will otherwise respond to noncompliance by private parties on Indian reservations as the Agency would to non-compliance by the private sector elsewhere in the country. When the tribe has a substantial proprietary interest in, or control over, the privately owned or managed facility, EPA will respond as described in the first paragraph above.

9.THE AGENCY WILL INCORPORATE THESE INDIAN POLICY GOALS INTO ITS PLANNING AND MANAGEMENT ACTIVITIES, INCLUDING ITS BUDGET, OPERATING GUIDANCE, LEGISLATIVE INITIATIVES, MANAGEMENT ACCOUNTABILITY SYSTEM AND ONGOING POLICY AND REGULATION DEVELOPMENT PROCESSES.

It is a central purpose of this effort to ensure that the principles of this Policy are effectively institutionalized by incorporating them into the Agency's ongoing and long-term planning and management processes. Agency managers will include specific programmatic actions designed to resolve problems on Indian reservations in the Agency's existing fiscal year and long-term planning and management processes.

Appendix B

The Presidential Executive Order 13175: Consultation and Coordination with Indian Tribal Governments, November 6, 2000

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; it is hereby ordered as follows:

Section 1. *Definitions.* For purposes of this order:

(a) "Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

(b) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian tribe List Act of 1994, 25 U.S.C. 479a.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(d) "Tribal officials" means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

Sec. 2. *Fundamental Principles.* In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

(a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United

States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.

(b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.

(c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination. Sec. 3. *Policymaking Criteria.* In addition to adhering to the fundamental principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:

(a) Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

(b) With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.

(c) When undertaking to formulate and implement policies that have tribal implications, agencies shall: (1) encourage Indian tribes to develop their own policies to achieve program objectives; (2) where possible, defer to Indian tribes to establish standards; and (3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

Sec. 4. *Special Requirements for Legislative Proposals.* Agencies shall not submit to the Congress legislation that would be inconsistent with the policymaking criteria in Section 3.

Sec. 5. Consultation.

(a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation, (A) consulted with tribal officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and (C) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with tribal officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's

prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(3) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(d) On issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. Increasing Flexibility for Indian Tribal Waivers.

(a) Agencies shall review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribe for a waiver of statutory or regulatory requirements in connection with any program administered by the agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency, or as otherwise provided by law or regulation. If the application for waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 7. Accountability.

(a) In transmitting any draft final regulation that has tribal implications to OMB pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.

(b) In transmitting proposed legislation that has tribal implications to OMB, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.

(c) Within 180 days after the effective date of this order the Director of OMB and the Assistant to the President for Intergovernmental Affairs shall confer with tribal officials to ensure that this order is being properly and effectively implemented.

Sec. 8. *Independent Agencies.* Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 9. *General Provisions.*

(a) This order shall supplement but not supersede the requirements contained in Executive Order 12866 (Regulatory Planning and Review), Executive Order 12988 (Civil Justice Reform), OMB Circular A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

(b) This order shall complement the consultation and waiver provisions in sections 6 and 7 of Executive Order 13132 (Federalism).

(c) Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) is revoked at the time this order takes effect.

(d) This order shall be effective 60 days after the date of this order.

Sec. 10. *Judicial Review.* This order is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.

THE WHITE HOUSE,

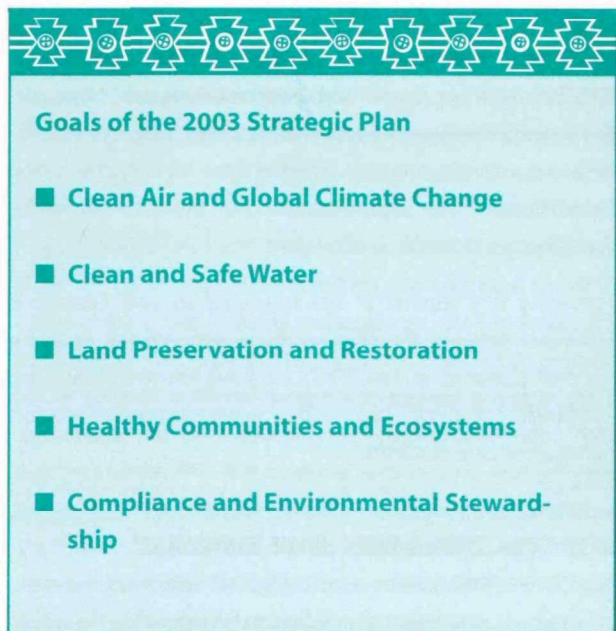
November 6, 2000

Appendix C

EPA 2003 Strategic Plan, Five Goals of the Agency

The Agency's 2003 Strategic Plan, serves as a road map for the next five years. It includes five long-term goals to guide future efforts of the Agency and also assess the current progress towards Agency goals. The five goals are based on the themes of air and global climate change, water, land, communities and ecosystems, and compliance and environmental stewardship. These themes reflect EPA's mission, "to protect human health and the natural environment."

In addition, the Plan discusses strategies the Agency is applying across all five goals, in areas such as science, human capital, innovation, information, homeland security, partnerships, and economic and policy analysis.



Readers can visit www.epa.gov/ocfopage/plan/plan.htm to gain access to the EPA 2003 Strategic Plan document.

Appendix D

EPA OPPTS National Program Manager Guidance to Regions, FY 2005-2007

The Office of Prevention, Pesticides, and Toxic Substances (OPPTS) recently issued the National Program Manager Guidance to Regions in hopes of "...addressing the critical Regional activities that are directed at achieving the goals for environmental and public health protection contained in the Agency's Strategic Architecture."

Following is a reprint of the Introduction and Executive Summary listed in the original document. For the remaining text captured in the OPPTS National Program Manager Guidance, readers can visit www.epa.gov/ocfopage/npmguidance/index.htm.

INTRODUCTION & EXECUTIVE SUMMARY

The OPPTS NPM Guidance for 2005-2007 addresses the critical Regional activities that are directed at achieving the goals for environmental and public health protection contained in the Agency's Strategic Architecture. Included in the Guidance are priority program areas that were identified by the Office of Pesticide Programs (OPP), the Office of Pollution Prevention and Toxics (OPPT) and the Regions.

OPP's Regional Performance Priorities include (1) Pesticides & Endangered Species, (2) Pesticide Worker Safety and (3) FQPA/Strategic Agricultural Initiative (SAI). Acting on a request from the Regions, the Pesticides & Water Resource Protection program was added to the priority program list. OPPT's Regional Performance Priorities include critical activities within Lead, Pollution Prevention, PCB's, Asbestos, HPV/VCCEP and Mercury programs. OPPT asks the Regions to pay particular attention to the critical areas of Lead and Pollution Prevention.

These performance priorities align with the Agency's new five-goal Strategic Plan Architecture and are focused in Goals 2, 4 and 5. The priorities also contribute to the accomplishment of the Administrator's 500 Day Plan.

OPPTS will soon finalize a five-year Tribal Strategic Plan that identifies priority activities for strengthening environmental and health protection in Indian country and other tribal areas including in Alaska. Beginning in FY 2005, the Regions are asked to participate in the development of an annual tribal activities plan called for in the Strategic Plan.

Regions are also asked to continue their efforts to build relationships with the tribes, which serve to strengthen Tribal capacity and infrastructure. Further, Regions are asked to encourage staff and management to participate in the Working Effectively with Tribal Governments training seminar to enhance their ability to work with our tribal partners. In addition to the Tribal program, OPPTS recognizes that cross-cutting considerations such as Environmental Justice (EJ) and Children's Health should be factored into the implementation approaches for program priorities.

In another important arena, OPPTS has constituted and convened two meetings of the National Pollution Prevention and Toxics Advisory Committee (NPPTAC), intended to provide broad advice and guidance concerning the direction and content of a wide variety of OPPTS programs. NPPTAC may recommend actions that will materially affect this Guidance. Any adjustments to the Guidance will be made as part of the overall planning/ budgeting/accountability process. Following are highlights of the key components of the OPPTS Guidance.

PESTICIDES & ENDANGERED SPECIES

OPPTS is collaborating with FWS and the National Marine Fisheries Service (NMFS) to improve our efforts to protect endangered species. We will be working to identify changes to existing policies, regulations, and the regulatory processes that will enhance protection of endangered species with minimal impact on food producers and pesticide users. EPA is also strengthening endangered species risk assessment/ effects determinations processes as well as implementation protection efforts in the field. These efforts will be closely monitored and include a plan to measure outcomes.

PESTICIDE WORKER SAFETY PROGRAMS (Worker Protection, Pesticide Applicator

Certification & Training, and Outreach to Health Care Providers) OPPTS will collaborate with States/tribes, other federal agencies, industry groups, trade organizations, advocacy groups, community-based organizations, the regulated community and other program stakeholders on efforts to improve the health, safety and protection of pesticide workers. This includes agricultural workers, private applicators (farmers) and their family members working around pesticides, pest control operators, pesticide mixers/loaders/handlers, and the full range of other workers that may work with or around pesticides. EPA will strive to assure the protection and safety of pesticide workers by making a number of regulatory program improvements and enhancements, and by working with States/tribes and our other regulatory partners to ensure the regulated community is in full compliance with applicable regulations that are designed to protect pesticide workers. EPA will also work to improve pesticide worker health and safety through: compliance assistance to the regulated community; outreach/education programs; pesticide safety training programs; community-based grant programs; risk-based targeting approaches; outreach to health care providers that treat pesticide-related illnesses; and, a variety of other innovative approaches. Measuring outcomes is critical to gauging program success.

STRATEGIC AGRICULTURAL INITIATIVE

Strategic Agricultural Initiative (SAI) staff will work with U.S. producers to implement 1-3 model agricultural partnership projects a year (per Region) that utilize the SAI Toolbox – to be released in May 2004. These projects will demonstrate and facilitate the adoption of farm management decisions and practices that provide growers with a “reasonable transition” away from the highest risk pesticides, as mandated by FQPA. All SAI grant proposals in the future must include a plan to measure outcomes.

PESTICIDES AND WATER RESOURCE PROTECTION

OPPTS will protect water resources from pesticide contamination. EPA, States and tribes will identify and mitigate adverse effects to water resources from registered pesticides. The Office of Pesticide Programs (OPP), the Office of Water and

Regions will develop guidance on protecting water resources from pesticides. Progress in protecting water resources from pesticides will be closely monitored and outcome measures will be included in all plans developed for this effort.

LEAD

On April 13, OPPT is convening a meeting of Regional Division Directors responsible for the Lead program for a variety of strategic discussions concerning future directions of this major program. The regions have proposed different approaches to deal with the problem of lead-poisoned children and positions EPA to meet its strategic goal for 2010. Headquarters and regional management need to select the combination of approaches that offers the most promise for an effective national program to achieve this goal. Once agreement has been reached on program direction, OPPT will meet with first-line regional supervisors and selected states to discuss implementation strategies. We anticipate that a set of approaches, implementation steps, and plan for any needed redirection of resources will be in place in fiscal year 2005. Shortly thereafter, we will revise this Guidance to include any new strategies, measures, and need for regional commitments that result from this process.

POLLUTION PREVENTION

OPPT is revamping the pollution prevention program from a series of pilot efforts in P2 to selecting from among the pilots that were most successful to expand them into a national effort. As part of this effort to more narrowly focus the program, we are asking the regions to make every effort to incorporate P2 into every agreement with the states and tribes and as a consideration for media program and enforcement actions taken. At the same time, headquarters P2 staff and managers will approach other headquarters programs to ensure that P2 is included in their guidance, their grant guidance, their policies, etc. This two-pronged approach offers the best chance of success for integrating P2 into day-to-day programmatic activities and decision-making across the Agency. We anticipate that an agreed-upon set of approaches, implementation steps, and a plan for any redirection of resources will be in place in FY 2005. Shortly thereafter we will revise the NPM Guidance to include any new strategies, measures and the need for reporting that result from this process.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C., 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: 2005-07 National Program Manager (NPM) Guidance to Regions

FROM: Susan B. Hazen /s/
Principal Deputy Assistant Administrator

TO: OPPTS Regional Division Directors I-X

I am pleased to transmit the final *OPPTS National Program Manager Guidance* (2005-07). This guidance is the result of a participatory dialogue with the Regions, States and Tribes. Thank you for your assistance in the process and I trust that you see that the comments that OPPTS received from the Regions, States and Tribes have had a significant impact upon the final shape of our NPM guidance. The guidance also strengthens our ability to measure for results and supports the Administrator's principle of a "better way." Accomplishing the objectives identified in the NPM guidance also supports the achievement of the many specific programs presented in the Administrator's *500 Day Plan*.

The OPPTS NPM Guidance for 2005-07 addresses the critical Regional activities that are directed at achieving the goals for environmental and public health protection contained in the Agency's Strategic Architecture. Included in the Guidance are priority program areas that were identified by the Office of Pesticide Programs (OPP), the Office of Pollution Prevention and Toxics (OPPT) and the Regions.

OPP's *Regional Performance Priorities* include (1) Pesticides & Endangered Species, (2) Pesticide Worker Safety and (3) FQPA/ Strategic Agricultural Initiative (SAI). Acting on a request from the Regions, the Pesticides & Water Resource Protection program was added to the priority program list. OPPT's *Regional Performance Priorities* include critical activities within Lead, Pollution Prevention, PCB's, Asbestos, HPV/ VCCEP and Mercury programs. OPPT asks the Regions to pay particular attention to the critical areas of Lead and Pollution Prevention. These performance priorities align with the Agency's new five-goal Strategic Plan Architecture and are focused in Goals 2, 4 and five.

In addition, OPPTS recognizes that cross-cutting considerations like the *Tribal, Environmental Justice (EJ)* and *Children's Health* programs should be factored into the implementation strategies for program priorities. OPPTS programs understand that, on a region-by-region basis, the priorities highlighted in the guidance will require some flexibility in order to accommodate Regional, State, Tribal and local concerns. We will continue to foster innovation and to re-engineer the way we work together to establish common directions for our programs. OPPTS remains committed to this partnership process and believes that our mutual efforts will focus and strengthen our activities in the field. I look forward to our continued collaboration on solving the many environmental challenges that we face now and in the future.

Attachments
cc: Deputy Regional Administrators
OPPTS Regional Branch Chiefs
Assistant Administrators

Appendix E

The Office of Program Management and Operations (OPMO)

OPMO is part of the Immediate Office (IO) of the Assistant Administrator for Prevention, Pesticides and Toxic Substances and has overall coordination responsibility for the OPPTS Tribal Program within the Assistant Administrator's Office and across the Agency.

OPMO coordinates and manages administrative, personnel, budget, information technology and multi-media special emphasis programs and related activities for the Assistant Administrator (AA) and other high ranking officials in the AA's Office. Generally, OPMO provides consultation, analysis and program support services to OPPTS IO Senior Management and program staff.

OPMO personnel act and speak for the IO, as directed by senior management, on policy and program issues. OPMO staff also provide an advisory and liaison function across the Agency and with external partners. Further, they work with EPA subject matter experts and specialists, members of other federal agencies, state, tribal, and local governments, industry groups, environmental organizations and private individuals to formulate and implement programs and policies.

The Office of Pesticide Programs (OPP)

OPP implements the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), both of which were revised by the Food Quality Protection Act (FQPA) in 1996. OPP regulates the use of all pesticides in the United States and establishes maximum tolerance levels for pesticide residues in food, in order to safeguard the nation's food supply.

OPP works closely with EPA's Office of Enforcement and Compliance Assurance (OECA), the ten EPA regions, states, tribes, industry, environmental groups, and the concerned public to promote responsible use, management, sale and distribution of pesticides. The sharing of experiences that accompanies close involvement with interested parties helps OPP to conduct sound scientific pesticide risk assessments, make balanced risk management decisions for the use of individual pesticides, and ensure nationally consistent compliance and enforcement of pesticide regulations by EPA, tribes and states.

Key OPP Field Programs

- Protection of agricultural workers and handlers from pesticide exposure risks
- Certification and training of pesticide applicators
- Ground and surface water quality management
- Safe storage and disposal of pesticides
- Endangered species protection
- Other emerging areas of concern.

In addition to its regulatory functions, OPP provides information, coordination, education and outreach on issues ranging from worker protection to preventing misuse of pesticides.

OPP participates in a number of partnerships related to pesticide use. The Pesticide Environmental Stewardship Program is a voluntary private and public network dedicated to reducing pesticide use and risk. The Consumer Labeling Initiative is an effort to ensure that pesticide labels explain safe use, storage and disposal procedures in easily understood language. OPP's efforts in Integrated Pest Management (IPM), which encourages the development and implementation of alternative pest management techniques in all arenas, focus attention on ensuring the safety of our nation's school children.

OPP Tribal Program staff members are currently working with EPA regional tribal pesticides staff and colleagues in other EPA programs, tribal representatives, Tribal Pesticide Program Council (TPPC), members, and other tribal experts to determine the impacts of pesticides on traditional tribal cultural lifeways. The findings of this analysis will be shared across the Agency and with tribes throughout the country. (The larger role of the TPPC and its partnership with OPP is discussed in greater detail elsewhere in this report.)

OPP promotes in-house continuing education and understanding of tribal history and sovereignty, the federal government's trust responsibility to federally-recognized tribes and other uniquely tribal socio-cultural, economic and political issues, through formal trainings such as the Working Effectively with Tribal Governments course and informal

events featuring tribal speakers, informational videos, and other educational media.

The Office of Pollution Prevention and Toxics (OPPT)

OPPT was formed in 1977 with the primary responsibility for administering the Toxic Substances Control Act (TSCA). This law covers the production and distribution of commercial and industrial chemicals in the United States.

OPPT has responsibility for assuring that chemicals made available for sale and use in the United States do not pose adverse risks to human health or to the environment. OPPT's responsibility was expanded with the passing of the Pollution Prevention Act of 1990 (PPA). This Act established pollution prevention as the national policy for controlling industrial pollution at its source.

OPPT also manages the Agency's Chemical Right-To-Know Initiative, the Design for the Environment (DfE), Green Chemistry, and Environmentally Preferable Products (EPP) programs; and the Lead, Mercury, Asbestos, Polychlorinated Biphenyls (PCBs), and Persistent Bioaccumulative Toxics (PBTs) programs.

OPPT has organized training for OPPT employees, including Working Effectively with Tribal Governments, which provides information on tribal cultures and values, and on the legal and historical basis for the unique relationship that exists between federally-recognized tribes and the federal government.

OPPT focuses on the following four primary areas:

- Promoting pollution prevention as the guiding principle for controlling industrial pollution;
- Promoting safer chemicals through a combination of regulatory and voluntary efforts;
- Promoting risk reduction to minimize exposure to existing substances such as lead, asbestos, dioxin, and PCBs; and
- Promoting public understanding of risks by providing understandable, accessible and complete information on chemical risks to the broadest audience possible.

The Office of Science Coordination and Policy (OSCP)

OSCP provides coordination, leadership, and peer review of science and science policy within OPPTS. Program areas under OSCP include biotechnology, endocrine disruptors and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP).

OSCP's main focus is providing advice and leadership on cross-cutting science policy issues and emphasizing quality science and emerging scientific and technical issues. OSCP provides science support and advisory functions within OPPTS by:

- Making available a core group of senior science advisors with a wide range of expertise in risk assessment, providing a means for scientists to work on short term projects as a growth, training or sabbatical opportunity;
- Centralizing some key functions such as peer review implementation including management of the FIFRA Scientific Advisory Panel (SAP); and
- Increasing science outreach activities.

The Role of the Office of Enforcement and Compliance Assurance (OECA)

The Office of Enforcement and Compliance Assurance (OECA), working in partnership with EPA regional offices, state governments, tribal governments and other federal agencies, ensures compliance with the nation's environmental laws. Employing an integrated approach of compliance assistance, compliance incentives and innovative civil and criminal enforcement, OECA and its partners seek to maximize compliance and reduce threats to public health and the environment. To implement this approach OECA sets national compliance assurance and enforcement priorities through strategic planning and targeting; collecting and integrating compliance data; developing effective compliance monitoring programs to support inspections and self-reporting; and building the capacity for more effective compliance assistance to the regulated community; improving the quality of regulations. OECA is also responsible for implementing compliance assistance, compliance monitoring, and enforcement programs under the Federal Insecticide, Fungicide and Rodenticide Act and the Toxic Substance Control Act and for managing state, territorial, and tribal pesticide and toxic enforcement cooperative agreement programs. In partner-

ship with its state, territorial, and tribal counterparts, OECA monitors compliance with the sale, distribution and use of pesticides and pesticidal devices.

As it relates to tribes, OECA supports EPA's broader mission of protecting human health and the environment on tribal lands. The program's overall aim, consistent with the EPA's Tribal Policies and Initiatives, is to improve compliance in Indian Country in a manner that recognizes the sovereignty of Tribal governments. The Enforcement and Compliance Assurance Tribal Program and the EPA Regional Offices work with Indian tribes on a government-to-government basis to identify compliance assistance, monitoring, enforcement and capacity building issues affecting Indian communities. Strategies are developed to address these issues, including the development of compliance monitoring programs in Indian country. OECA is also working with a number of tribes to develop and implement tribal pesticide compliance and cooperative enforcement programs in Indian country. Additionally, OECA works with the Tribal Operations Committee and the National Environmental Justice Advisory Council's Indigenous Peoples Subcommittee and Enforcement Subcommittee on overall compliance and enforcement issues on Indian lands and participates with OPP at the Tribal Pesticide Program Council meetings.

EPA Regional Role

The EPA regional offices provide input in the development of Agency rules, regulations, strategies, and operating policies. They provide technical assistance, guidance and financial support to Indian tribes, states, local governments, and interests groups and associations that develop and provide protective programs for human health and the environment.

The regional offices work in partnership with states and Indian tribes to implement pesticide, toxics, and pollution prevention programs, and are responsible for program oversight.

In some cases, the regions conduct direct implementation and enforcement of non-delegated programs. Tribal governments work cooperatively with EPA to reduce risk associated with lead, PCBs, asbestos, and PBTs. Tribes with EPA-funded pesticide programs work to ensure compliance with pesticide laws in their Indian country. The regional staffs serve as the primary communication link between the Indian tribes, states, local governments, other stakeholder groups and EPA's national program offices.

Appendix F

Tribal Participants at the OPPTS Tribal Strategic Plan Focus Group Meetings

| Seattle, Washington, August 23, 2001 | |
|--------------------------------------|------------------------------------------------------------------------|
| Participant Name | Participant's Affiliated Organization |
| Marie Nelson | Igivig Tribal Village Council |
| Lydia Olympic | Igivig Tribal Village Council |
| Chris Porter | Nez Perce Water Resources |
| Roland Shanks | Alaska Inter-Tribal Council |
| Eric Gjevre | Cour d'Alene Tribe Circuit Rider |
| Diana Boquist | EPA Region 10, Tribal Office |
| Marie McPeak | EPA Region 10, Tribal Office |
| Tiffany Allgood | Cour d'Alene Tribe, Natural Resources Department, Environmental Office |
| Chris M. Gannon | Confederate Tribes of Warm Springs-Oregon |
| Kathleen Feehan | Confederate Tribes of Grand Ronde, Oregon |
| Moses D. Squeochs | Yakima Nation |
| Alan Moomaw | EPA Region 10 |
| Scott Sufficool | EPA Region 10, Tribal Office |
| Carole Holley | Louden Tribal Council, Galena, Alaska |
| Phil Robinson | EPA OPPT |
| Caren Rothstein-Robinson | EPA OPPTS |
| Karen Rudek | EPA OPP |
| Fran Stefan | EPA Region 10, Office of Waste and Chemical Management |
| Jean Gamache | EPA Region 10, Alaska |

| Carlton, Minnesota, October 18, 2001 | |
|--------------------------------------|--------------------------------------------|
| Participant Name | Participant's Affiliated Organization |
| Caren Rothstein-Robinson | EPA OPPTS |
| Karen Rudek | EPA OPP |
| Scott Doig | Mille Lacs Band of Ojibwe |
| Michelle Big John | Lac de Flabeau Tribe, Lead Program |
| Al Baird | Oneida Tribe |
| Gary Schuettpeiz | Menominee Tribe |
| Marilyn Whitens | Lac Vieux Desert |
| Inga Bock | Inter-Tribal Council of Michigan |
| Fred VandeVenter | Fond du Lac Band of Lake Superior Chippewa |
| Bill Smith | Red Lake Band of Chippewa |
| Ken McBride | Red Lake Band of Chippewa |
| Mark O'Harrow | Winnebago Tribe of Nebraska |
| Mark Versch | Winnebago Tribe of Nebraska |
| Christine Berini | Fond du Lac Band of Lake Superior Chippewa |

Denver, Colorado, October 29, 2001

| Participant Name | Participant's Affiliated Organization |
|------------------|------------------------------------------------------|
| Claire Ware | Wind River Environmental Quality Commission |
| Baptiste Weed | Wind River Environmental Quality Commission |
| Kenneth Timbana | Northwestern Band of the Shoshone Nation |
| Cliff Johnson | Yankton Sioux Tribe Environmental Protection Program |
| Deb Madison | Fort Peck Tribes |
| Tom Rice | Ute Mountain Ute Environmental Department |
| Tom Brown | Southern Ute Utility Division |
| Fran King Brown | Southern Ute Indian Tribe Environmental Department |
| Rhonda L. Azure | Turtle Mountain Band of Chippewa |
| Sadie Hoskie | EPA Region 8, Tribal Affairs Program |
| Adolph Cadue | Kickapoo Tribe in Kansas |
| Gerald Wagner | Blackfeet Tribe of Montana |
| James Hickman | Three Affiliated Tribes |
| Larry Ekhoﬀ | Quapaw Tribe of Oklahoma |

Anchorage, Alaska, October 30, 2001

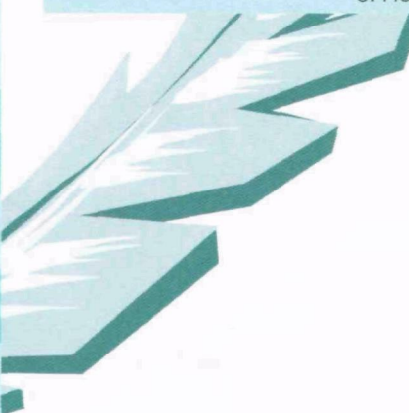
| Participant Name | Participant's Affiliated Organization |
|--------------------------|-------------------------------------------|
| Caren Rothstein-Robinson | EPA OPPTS |
| Karen Rudek | EPA OPP |
| Scott Sufficool | EPA Region 10 |
| Santina Baumeister | EPA Region 10, Alaska |
| Roland Shanks | Alaska Inter-Tribal Council |
| Lorena Skouberg | Alaska Inter-Tribal Council |
| Kate Williams | Native Village of Eyak |
| Angie Walle | Chickaloon Village Traditional Council |
| Elsie Sampson | Noorvik Native Community |
| Jean Gamache | EPA Region 10, Alaska |
| Marty Waters | Native American Fish and Wildlife Society |
| V. Hykes Steere | Advocate |
| Art Ivanoff | Village of Unalakleet |
| Violet Yeaton | Port Graham Village Council |
| Tom Evans | Nanwalek IRA |
| Sabrina Volstad | Seldovia Village Tribe |
| Joe Williams | Organized Village of Saxman |
| Lydia Olympic | Igigig Tribal Village Council |
| Lee Stephan | Eklutna Village |

Tucson, Arizona, December 10, 2001

| Participant Name | Participant's Affiliated Organization |
|------------------------------------|---------------------------------------------------------------------------------|
| Marshall K. Cheung | 29 Palms Tribal EPA |
| Desi Vela | Ewwiaapaayp Band of Kumeyaay Indians |
| Scott Bulgrin | Pueblo of Sandia |
| Erin Dean | Kaibab Piaute |
| David Todd | Chemehuevi Indians of Southern California |
| William Campbell | Tohono O'odham Nation, Water Resources |
| Calvert C. Curley | Navajo Nation EPA |
| Michael Vaughn | Inter Tribal Council of Arizona, Inc. |
| Henry Ghiotto | Quechan Tribe Pesticide Control |
| John Roanhorse | Institute for Tribal Environmental Professionals at Northern Arizona University |
| Margaret Cook | Gila River Indian Community |
| Gayl Shingotewa-Honanie | Hopi Environmental Protection Office |
| Eileen Lopez | Tohono O'odham Nation, Pesticide Program |
| Cathy Garcia | University of Arizona, AISP Master Program |
| Jim Fletcher | EPA SPBO |
| Denise Moreno | Udall Center for Studies in Public Policy, University of Arizona |
| Faith Soto | Tohono O'odham Nation, Pollution Prevention Program |
| Ken Cronin | Tohono O'odham Nation EPA |
| Earl Bautista | Tohono O'odham Nation EPA |
| Cornelius D. Antone | Tohono O'odham Nation EPA |
| George E. Bennett, former Chairman | Grand Traverse Band of Ottawa/Chippewa Indians |
| Harrilene Yazzie | Fort McDowell Yavapai Nation |

USET, Washington, D.C., January 30, 2002

| Participant Name | Participant's Affiliated Organization |
|--------------------|---------------------------------------|
| Laura Lee | Poarch Creek Indians |
| Robert Thrower | Poarch Creek Indians |
| Calvin Murphy | Eastern Band of Cherokee Indians |
| Steve Stilwell | Micosukee Tribe of Indians of Florida |
| Cherise Maples | Eastern Band of Cherokee Indians |
| Bernadette Hudnell | Mississippi Band of Choctaws |
| Dean Canty | Catawba Indian Nation |
| Jim Brown | U.S. Fish and Wildlife Service |
| Phil Robinson | EPA OPPT |
| Fred Corey | Aroostook Band of Micmacs |
| Jeff Day | Wampanoag Tribe Natural Resources |
| Jim Sappier | EPA Region 1 |
| Eva Tasaki | EPA Region 1 |
| Teresa Harris | Catawba Indian Nation |
| Pat Durham | U.S. Fish and Wildlife Service |
| Ken Green | Indian Health Service |
| Es Dempsey | National Native News |
| Gene Duncan | Micosukee Tribe of Indians of Florida |



Appendix G

The Forum on States and Tribal Toxics Action (FOSTTA) and Tribal Pesticide Program Council (TPPC) Representatives

FOSTTA Representatives

EPA Region 1

Fred E. Corey, FOSTTA TAP Co-Chairperson,
Environmental Director, Aroostook Band of Micmacs
Trevor White, FOSTTA TAP Alternate,
Environmental Planner, Passamaquoddy Indian Township
Reservation

EPA Region 2

Ken Jock, Environmental Division Director,
St. Regis Mohawk Tribe

EPA Region 4

Laura Cook, Poarch Band of Creek Indians

EPA Region 5

Jeff Mears, Oneida Tribe of Indians of Wisconsin
Christine Berini, Fond du Lac Reservation

EPA Region 6

Nancy John, Office of Environmental Service Intertribal
Environmental Council, Cherokee Nation
Keith Manwell, Jicarilla Apache Nation

EPA Region 7

Amen Sheridan, Pesticide Administrator Officer, Environmen-
tal Protection Department, Omaha Tribe
Tony Provost, Director, Environmental Protection Depart-
ment, Omaha Tribe

EPA Region 8

Kim Clausen Jensen, Environmental Director, Oglala Sioux
Tribe
Gerald Wagner, Environmental Director, Blackfeet Tribe of
Montana

EPA Region 9

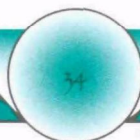
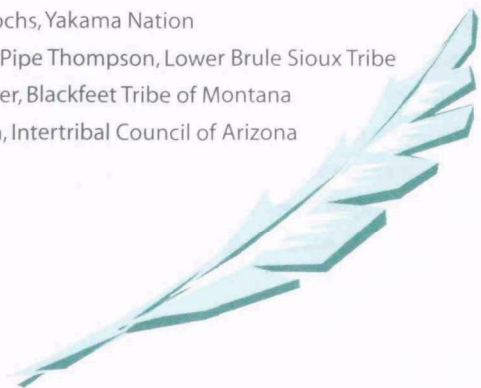
Calvert L. Curley, Department Director, Environmental
Protection Agency, Navajo Nation

EPA Region 10

Art Ivanoff, Native Village of Unalakleet
Shawna Larson, Native Village of Chickaloon
Jerry Pardilla, Deputy Director, Alaska Inter-Tribal Council

TPPC Representatives

Lil Wilmore, TPPC Coordinator, Native Ecology Initiative
Bob Abdo, Yankton Sioux Tribe
Jefferson Biakeddy, Navajo Nation
Michiko Bond, Southern Ute Indian Tribe
Gary Burns, Shoalwater Bay Indian Tribe
Diania Caudell, California Indian Basketweavers Association
William Cleveland, Colville Confederated Tribes
Fred Corey, Aroostook Band of Micmacs
Ken Cronin, Tohono O'Odham Nation
Calvert Curley, Navajo Nation
Chris Devers, Pauma/Yuima Band of Mission Indians
Latane N. Donelin, Prairie Band Potawatomi Nation
Kesner Flores, Cortina Rancheria
Henry Ghiotto, Quechan Indian Tribe
Eric Gjevre, Coeur d'Alene Tribe
Marco Guske, Yakama Nation
Art C. Ivanoff, Native Village of Unalakleet
Katie Larson, Fond du Lac Band of Chippewa
Walter Linton, Pauma/Yuima Band of Mission Indians
Eileen Lopez, Tohono O'Odham Nation
Keith C. Manwell, Jicarilla Apache Nation
Kevin McKernan, Yurok Tribe
Lori McKinnon, Yurok Tribe
Kelly Mills, Fort Mojave Indian Tribe
Ralph Morris, Gila River Indian Community
Sheila B. Nanaeto, Southern Ute Indian Tribe
David Nash, Iowa Tribe of Oklahoma
Scott Palmer, Quapaw Tribe of Oklahoma
Jeremy Phillips, Salt River Pima-Maricopa Indian Community
Marcie Phillips, Shoshone Paiute Tribes of Duck Valley
Tom Pietila, Lac Vieux Desert Band of Lake Superior Chippewa
Robin Powell, Pyramid Lake Paiute Tribe
Irving Provost, Oglala Sioux Tribe
Stuart Red Wing, Santee Sioux Tribe of Nebraska
Elroy Robertson, Colorado River Indian Tribes
Amen Sheridan, Omaha Tribe of Nebraska
Javier Silva, Sherwood Valley Rancheria
Moses Squeochs, Yakama Nation
Elaine White Pipe Thompson, Lower Brule Sioux Tribe
Gerald Wagner, Blackfeet Tribe of Montana
Elaine Wilson, Intertribal Council of Arizona



Appendix H

OPPTS Indian Program Contacts (for questions on the Plan)

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Helpful EPA Web Links

EPA Home Page
<http://www.epa.gov/>

Office of Prevention, Pesticides and Toxic Substances
<http://www.epa.gov/oppts/>

OPPTS Tribal Programs
<http://www.epa.gov/oppts/tribal.htm>

Links to EPA Program Offices
<http://www.epa.gov/epahome/programs.htm>

The American Indian Environmental Office
<http://www.epa.gov/indian/>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance/>

NOTICE

This document is intended to provide internal United States Environmental Protection Agency (EPA) guidance regarding implementation of the national prevention, pesticide and toxic programs. It is designed to implement the April 29, 1994 Presidential Memorandum regarding government-to-government relations with native American tribal governments and the EPA Policy for the Administration of Environmental Programs on Indian Reservations ("Indian Policy"), which address working with federally-recognized tribal governments on a government-to-government basis. This Plan does not, however, substitute for requirements in federal statutes or regulations, nor is it a requirement itself. This Plan is not intended to create any right or trust responsibility enforceable in any cause of action by any party against the United States, its agencies, or offices, or any person. Thus, it cannot impose legally binding requirements on EPA, and may not apply to a particular situation, based upon the circumstances. EPA may change this Plan in the future, as needed, without public notice. Additionally, terms and interpretations used in this Plan are unique to and consistent with the federal trust responsibility to federally-recognized tribes, the obligation to consult with tribal governments on a government-to-government basis, and the Indian Policy. These terms and interpretations do not apply to situations where tribal governments are not involved and, therefore, cannot impose legally binding requirements on EPA. EPA welcomes public comment on this Plan at any time, and will consider those comments in any future revisions of the document.