

National Tribal Toxics Council

Monthly Meeting Agenda – June 18, 2019

8–9:30 AM Alaska / 9–10:30 AM Pacific / 10–11:30 AM Mountain / 11 AM–12:30 PM Central / 12–1:30 PM Eastern

Adobe Connect: <https://zendergroup.adobeconnect.com/june2019/>

Call-in number: 1 (605) 313 4835

Conference code: 168931#

→ Please mute your phones when not speaking. Press *6 to mute, then *6 to unmute.

NTTC Members

Dianne Barton (Chair)	Susan Hanson	Laurie Suter
Fred Corey (Co-Chair)	Russell Hepfer	Kelly Wright
Stephen Wolfe (Acting)	Jolene Keplin	Sharri Venno (Alt. Rep.)
Suzanne Fluharty	Shavonne Smith	

NTTC Ex-Officio Members

Jubin Cheruvel (Michigan State Univ)	Larry Dunn (Lower Elwha Klallam, retired)	BJ Howerton (BIA DECRM Chief)	Doug Stevens (Salish- Kootenai College, retired)	Rick Dubois
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EPA Representatives

Irina Myers	Amanda Hauff	Tyler Lloyd	Stephanie Griffin
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Zender Environmental

Lynn Zender	Simone Sebaló	Lina Shea
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Agenda Items

1. **Roll Call NTTC Members** – Dianne Barton, NTTC Chair, Columbia River Inter-Tribal Fish Commission
2. **OPPT Updates** – Irina Meyers (5 minutes)
3. **Tyler: CDR June 24th Deadline** –

CBI Info changes

- TSCA – import volume are not required substantiation

Streamline for industry - joint reporting , data element/public contact, clarifying definition of parent company , trying to reflect their operations better, and provide additional info for evaluation

Small business definitions

Larry: Fracking chemicals exemption piece –

Tyler – These chemicals are already exempt.

Larry: These should be looked at..

Suzanne: Commenting on existing rule?

Larry: **The way this is stated this is something to comment on.**

Suzanne: Consultation letters to tribes often do not capture significant changes for tribal communities. Have there been consultation letters that speak to tribal issues – disseminated to tribes?

Tyler: Unable to address this

Irina: **Unaware of this as well**

Suzanne: Is this not a standard practice to distribute letters for significant rulemaking?

Amanda: We do tribal consultations when we do substantial rule making, and also request tribal feedback through dockets – not tribal consultation.

Suzanne: What is decisionmaking process to determine tribal consultation?

Amanda – Spend time about 6 months in advance

Irina – Also some things such as SNUR's that we do not do consultations. Something to see whether there is interest to do consultation – try to do consultations on what we think will have most impact on tribes. Nor a PMN

Suzanne – But that is why we have this problem as this is a self-check process.

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Amanda – IF a tribe requests consultation we do honor this and spend significant time on discussing

Suzanne – Understood, but we do rely on this notifications. Thank you for the time spent on this, but this is critical to get this information out to tribes.

Amanda – Have had discussions to present this in laymen's terms as well.

Dianne – We brought this to attention two meetings ago that this is an important issue and last month. Yet it was decided that consultation is not needed, then we will need to go to our tribes to get a letter. Failure on what tribes are saying is important and that EPA is not reaching out sufficiently.

Suzanne: representing Region 9, I need to speak out. Amanda you have been very helpful to us. Going to other tribal workgroups is surprising as this is a TSCA concern and NTTC should be the group for this.

Amanda : Tribes from OLEM and other groups have asked for feedback.

Dianne: What does it take to get consultation – is NTTC concern enough or should we get our tribes to write a letter requesting it?

Amanda – Miscommunication on what was desired.

Dianne: From going forward, perhaps add that we'd like consultation on fracking exclusions

Suzanne: Consultation is the focus but what we are seeking is to have tribal input on determining whether consultation will be decided – how do we better formalize this process?

Amanda – As we meet with the program group, and other part have NTTC put in comments to docket. Even with consultation, we need comments into the docket as it formalizes this input. IT is fluid and when NTTC brings up concerns we will and do bring this up within agency, multiple conversations with leadership etc.

Suzanne: We need language inserted into dockets that give a head's up to tribal staff and leadership that this is one that they need to pay attention to. I heard approved version of changes and how it assists businesses, but nothing about potential impacts to small and rural populations. How do we get this information to docket from the start?

Amanda: NTTC will submit into docket which gets that language officially and we pay attention to what is said here and will work on this internally and also are determining whether we can hold informational sessions versus formal tribal consultations.

Dianne: The EWG put out an interactive map that displays industrial sites throughout the country. That data is pulled from the current CDR. How would this map be changed with the proposed rule? This would be a great example to tribes how the proposed changes may affect tribes. This is what people need to know – clearly/graphically – how close is my reservation to a businesses that puts out PFAS? If this is proposed this way, people start caring.

Amanda: We have tribal boundaries and we may be able to run this type of thing in the future.

Dianne: It is the reporting question of what data will be available? The map is a great way to see information.

Amanda: The analyst can do the analysis of which reservations are near data.

Dianne: Can you subtract those businesses that will be lost if CDR passes? Who will be off?

Suzanne: The rule will assist businesses and has these impacts if these reports are lost. We would like to see this in the docket. Amanda has been great in her position -can we make a change in this process so that tribal language can be inserted – what the impacts might be for tribes.

Tyler: OPPT – not legal analyst- policy and science, regulatory. I am one of many who worked on this rule.

Suzanne: The council felt that we have expressed concerns and did get results but what we would like to get tribal impacts in legal language from the start.

Tyler: Encourage you to comment on what is in the rule and how you think about the process as well.

Amanda: WE can work with you to figure out a way to work this into the process. IF you believe that consultation should be done, I want to know this and determine how and if this is possible. I can work with Susan on this. Moving forward – does NTTC want consultation or see what we finalize moving forward for outreach?

Dianne: IT seems like the map that EWG did is what we asked EPA to do last month and we were told it was not possible. Can this be done now? How the reporting will change? What the map will look like if CDR changes?

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Laurie: What kind of informational sessions are you proposing? Clu-in?

Amdna: Just information sessions where we could get feedback, etc.

Laurie: that would be a great place to show such a graphic.

Amanda: We were thinking a one-pager, can't promise a graphic but will see.

Dianne/Tyler: Thank you Tyler

Tyler: Hear concerns, will share with magnemanent.

Irina: On May 24th we got a request from Exxon to do DIBP-phthalate – plasticizer to do a risk assessment – we must notify the public we received it and must include in federal register, start a docket and then get back to Exxon whether EPA will move forward?

Suzanne: IS this the time that we can say this will be a reconfiguration of the PBT's, etc. – to get in tribal impact language?

Dianne: Will Exxon pay for this?

Irina: I'm not aware they've started a risk assessment, my interpretation is that they wish to use it.

Larry: Is this a new behavior on the part of industry? This will take 3-4 years to do this – what is advantage to them doing this as it will bog the system..

Suanne: Part of amendments – industry can propose to do this..?

Dianne: This is part of new TSCA, and potentially this is done to get it in fast for political purposes.

Susan: When a company asks for a risk assessment, and you need to comply within an expedited manner – what happens?

Action: Irina to follow up on this with what information we have, including name of chemical.

Laurie: Potential exposure – air and dust potential birth defects, other impacts to developing child

Suzanne: We need to discuss what our comment is to EPA – approve or not approve to do the evaluation?

Dianne: Something to discuss.

Larry: Do we want it in the top 20?

Suzanne – this is what PCB did – do we want them to conduct a process? Is it currently being manufactured? How do you determine to do it or not?

Amanda: This is before chemical can go to commerce – is my understanding—will check this.

Susanne/Larry: This falls into a bad family of chemicals

Amanda: This is something that we can build a process for when this happens, as this will likely occur again.

Amanda: two things: Tribal consultation for draft guidance on allocating multi-purpose grant – right now it is for TAS – does include tribes as eligible to apply – impact the multi-purpose grants moving forward – impacts how tribes are eligible. Looking at TAS as only criteria that they will fund. Suggest reviewing this.

GAP guidance: Projecting Tribal consultation in late summer/fall.

July 9/10th we are conducting pilot on lead. Also Region 6 to do a pilot and possibly with Susan in September.

4. Sept 24-26, 2019 DC in-person meeting: Topics brainstorm and meeting outline - NTTC (25 minutes)

PFAS

HBCD case study

TSCA risk evaluation process

New tribal TSCA case study

TSCA Guidance document that Jeff mentioned to have Tribal risk narrative inserted – Amanda will send out.

TSCA lesson learned of process – need to outline some thoughts to keep focused

Potentially a training of risk assessors?

What does OPPT need to help NTTC reach NTTC goals?

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Maybe could get a room and have training in bigger room on tribal risk assessment concerns?

Can they bring questions?

Potentially use outputs from the training to help inform planning of Tribal Risk assessment forum...

Tribal risk assessment forum planning

Lead

5. PFAS – Office of Water PFAS Meeting update – Amanda Hauff and other? (5 min)

Recap of meeting: Did not discuss groundwater guidance, congressional actions, OPPT

Amanda: Discussing with AIEO, EJ programs to see about getting an interagency feedback/higher elevation concern. Series of meetings – Followup with OW? Good conversation at staff level, invited an Administrator – much potential to follow-up but trying to structure this – how would you like this to happen? More meetings? Additional program meetings? Or wait to see higher level meeting?

Dianne: Needs structure – so many issues here – specific OPPT issues, SNUR, Data calls under Sec 8a, OLEM issue, Senate bill 1790...The whole disposal piece – we did discuss with OW a bit. Tribes don't have time to parse this.

Amanda: Does NTTC wish to only scope OPPT items or?

Dianne: Definitely OPPT, but water issues affect risk evaluations, and it is OW that will affect this all so important.

Larry: How fish are affected was not brought up.

AMdna : Should this be scoped in with how risk assessment is affected – what will be used? How to scope this?

Suzanne: Broad , highly mobile class of chemicals - where can we best apply our time and expertise? You have brought up the pieces we want to be involved with. IS it mobile ? I sit bioaccumulative? These are checked and we want to be part of conversation. The Tribal water group – when their discussions include risk assessment can we tap in with this?

Amanda Action: Top three pieces are OPPT and TRI items, Disposal piece (life cycle), risk assessment (OW's)?

Suzanne: yes, and we need to bring the tribal water group up to speed on disposal piece.

Dianne: good start.

Amanda: EJ workgroup – senior leadership and staff. Hoping to start conversations on tribal PFAS.

Do we want to meet with Water Group ?

We will have an OPPT conversation and will scope out this focus and disposal piece.

Irina: Timeframe – would this be good for in-person meeting?

Amanda: Yes, and bring in OW, will be an ongoing.

Suzanne: I think we need to applaud EPA – we feel that EPA is knowledgeable about what chemicals to move forward with.

Dianne/Larry: no need to comment on prioritization or mention PFAS.

6. TLEF Update – Recap of presentations and attendance/presenters – Lynn Zender and Jubin Cheruvel (10 minutes)

Amanda: Lead presentation – mini-pilot, mini-train the trainer modules 1 and 3, how can I use this in my community and what will be my plan to use this (go through an action plan exercise for tribes).

Jubin: nothing to add – will be 4 hours, Tuesday 8 – 12am.

Diannne: Can discuss TLEF presentations next meeting.

7. Status update of HBCD risk evaluation and tribal risk assessment narrative - Amanda Hauff (5 minutes)

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Amanda: EPA team has been working on it – either end of this week or week after next. Hoping to finalize it and then EPA will be reviewing it. Also setting up a meeting for other pieces, like guidance document and want to know what NTTC is thinking related to next chemicals to work on.

Dianne: Lon’s piece on fish consumption is great.

Amanda : Potential for application of this to all chemicals. Framing this. Stand-alone piece.

Suzanne: structurally – this should maybe be brought up as part of trust responsibility, treat rights issues.

Larry: Good credibility.

Amanda: Figuring out a way to plug into the risk assessment forum folks and also want to bring in the disposal piece – potentially pair it with PFAS disposal. Did anyone follow up with Region 10 RTOC? What was discussed at NTOC meeting?

Dianne: Don’t know of a specific product they put out.

Amanda: Possibly good synergy to work with them on traditional foods. Good conversation with risk assessment. Potentially starter for forum.

Susan: RTOC is meeting this week in Fort Hall, so will ask about protection of tribal foods document/followup.

Amanda: Protection of tribal foods – bringing back , protecting from contaminants, tying risk assessment to that.

Suzanne: When speaking of tribal foods and location of PFAS outliers potentially next to rservations – it is always important that it is not proximity that drives the PFAS concern. PFAS travels – it can still move into our rivers even when the manufacture/use is far upstream/not proximate.

8. **Status of comment letters on TSCA 8(a) Chemical Data Reporting (CDR) requirements (Comments due June 24th), CBI (June 24th), Prioritization List (Comments due June 19th), and Methylene Chloride – Lynn Zender and Lina Shea (10 minutes)**

9. **NTTC’s next “HBCD” – Are TBBPA and DIBP chemicals of greatest interest to NTTC on the 20 chemical priority list? (5 minutes)**

10. **NTTC members’ regional reports and outreach opportunities (TBD) (5 minutes)**

- Any Tribal or Other Environmental Meetings for Outreach or Information Sharing?
- *Dianne Barton (5 min)*

TLEF – Shared space table

Travel Scholarships available – full for region 5 July 9, 10th. May be able to send people.

11. **Adjourn**

ACTION ITEMS FROM THIS CALL

ACTION	RESPONSIBLE PARTY	DUE DATE
<i>TLEF – Shared space table with Tribal Pesticides Group</i>	Lynn	<i>asap</i>
Exxon Request information	Irina	<i>asap</i>
Guidance Document, Final HBCD	Amanda	<i>asap</i>

Next Monthly Meeting (3rd Tuesday of each month) – July 16, 2019, 9:00am-10:30am PST