

# GUIDANCE FOR FUNDING DEVELOPMENT AND ADMINISTRATION OF TRIBAL PESTICIDE FIELD PROGRAM AND ENFORCEMENT COOPERATIVE AGREEMENTS



Office of Pesticide Programs  
and  
Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency  
Washington D.C. 20460

January 2011

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## GUIDANCE FOR FUNDING DEVELOPMENT AND ADMINISTRATION OF TRIBAL PESTICIDE FIELD PROGRAM AND ENFORCEMENT COOPERATIVE AGREEMENTS

### Purpose

This guidance document is intended for use by EPA headquarters and regional staff as they work with federally-recognized Indian tribes<sup>1</sup> that are assessing their pesticide programs and their need for a federal pesticide field program grant or pesticide enforcement grant for activities in their areas.<sup>2</sup> It focuses on the cooperative agreements authorized under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 23(a).<sup>3</sup> This guidance is intended to promote consistency in the implementation of tribal pesticide field program and enforcement grants<sup>4</sup> at headquarters and across the

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<sup>1</sup> FIFRA does not define "tribe." For the purposes of this document, "tribe" means an Indian tribe, band, nation, pueblo, community, or Alaska native village that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Tribe List Act of 1994, 25 U.S.C. § 479(a). The Department of the Interior maintains a list of federally-recognized tribes that is updated periodically in the Federal Register. Further, for the purposes of this document, a group of tribes that applies for a FIFRA cooperative agreement (called an "Intertribal Consortium" in 40 CFR Part 35) will be treated in the same manner as a single tribe.

<sup>2</sup> In general, EPA expects to provide funding for federally-recognized tribes to carry out activities in their areas of Indian country, which, as defined at 18 U.S.C. § 1151, 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. In addition, to the extent appropriate activities are identified, EPA also intends to consider applications for funding from federally-recognized tribes in Alaska relating to activities in areas where they retain rights and interests that are adequate to make them eligible for relevant grants.

<sup>3</sup> SEC. 23. STATE COOPERATION, AID, AND TRAINING.

(a) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements with states and Indian tribes—

(1) to delegate to any state or Indian tribe the authority to cooperate in the enforcement of this Act through the use of its personnel or facilities, to train personnel of the state or Indian tribe to cooperate in the enforcement of this Act, and to assist states and Indian tribes in implementing cooperative enforcement programs through grants-in-aid; and

(2) to assist states in developing and administering state programs, and Indian tribes that enter into cooperative agreements, to train and certify applicators consistent with the standards the Administrator prescribes.

<sup>4</sup> Pesticide Program Grants are administered by EPA's Office of Pesticide Programs to enable eligible tribes to support effective pesticide risk management including training, outreach, education, technical assistance, and integrated pest management. Pesticide Enforcement grants are administered by EPA's Office of Compliance to support tribal pesticide inspection programs (and tribal enforcement where agreed).

regions. It does not replace the March 11, 2002 *Guidance on Basic Elements of an EPA-Funded Tribal Pesticide Program*, but provides information on funding development and administration of tribal pesticide field program and enforcement cooperative agreements not detailed in the 2002 Basic Elements guidance.

EPA's Office of Pesticide Programs (OPP) and the Office of Enforcement and Compliance Assurance (OECA) have limited pesticide field program and pesticide enforcement grant funds. This guidance explains the process of how tribes can apply for these funds, how the funds will be distributed to tribes that are eligible, and the performance expectations of all tribes that receive these funds. It will help EPA staff identify and prioritize proposals that are eligible to receive the limited funds, and will allow EPA to distribute the funds in a fairer and more nationally consistent manner.

## **Background**

Section 23(a)(1) of FIFRA, as amended, authorizes EPA to enter into cooperative agreements with states, territories, and Indian tribes (hereafter referred to collectively as "applicants") to establish pesticide enforcement programs, and Section 23(a)(2) provides for pesticide applicator certification and training programs. Pursuant to the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for FY1999 (Pub.L. 105-276, Title III, Oct. 21, 1998, 112 Stat. 2499), pesticide program implementation grants under section 23(a)(1) of FIFRA are available for tribes to develop and implement a pesticide program, including enforcement and compliance activities.

EPA awards continuing cooperative environmental assistance pesticide field program and enforcement grants with the intention of continuing that support over an extended period of time provided that funds remain available, the tribe meets the performance expectations of the cooperative agreement, and the assistance remains consistent with the priorities of EPA's pesticide and enforcement programs.

Under a pesticide field program implemented in conjunction with a tribal/EPA cooperative agreement, tribal activities would include any of the following: education, training, outreach, and technical assistance on the safe use of pesticides and pest control alternatives. Under a pesticide enforcement program, a tribal inspector would inspect the regulated community (e.g., pesticide applicators, marketplaces that sell pesticides, pesticide dealers, etc.) in the area covered by the program to determine compliance with FIFRA or tribal regulations. The cooperative agreement will also address who will do any necessary subsequent enforcement.

There are currently over 500 federally recognized tribes representing about 1.5 million people. Because of their geographic location, work activities, cultural practices, diets, and economic status, tribal members and residents of their communities can face unique challenges concerning pesticide exposure. Jurisdictional issues and resource constraints may present additional complexities in addressing pesticide risk and protecting human health and the environment in tribal communities.

This national guidance provides the basis for determining an equitable distribution of the available federal tribal pesticide program funds. In FY 2009, \$1.3 million (about 7%) of the pesticide enforcement grant funding (\$18.7 million in FY 2009) was used for tribal pesticide enforcement programs. The enforcement grants include 16 cooperative agreements covering 27 tribes. In FY 2009 OPP provided \$933,000 to support continuing tribal pesticide field programs.

EPA's partnership with tribes through pesticide program and compliance/enforcement cooperative agreements plays an important role in maintaining the welfare of tribes and residents in their communities and the quality of their environments. EPA expects cooperative agreement recipients to help residents and pesticide users in their areas understand how to use pesticides according to label directions, and understand and comply with FIFRA and any applicable tribal pesticide code. EPA expects pesticide inspectors to keep up with appropriate training, respond to pesticide-related complaints, conduct routine inspections – for example, of pesticide applications - and complete thorough inspection reports for every inspection conducted. Inspectors with federal credentials will also have to meet requirements for using those credentials (e.g. forwarding reports to EPA within specified timeframes) and keep them current.

### **How are Tribal Programs Funded?**

Funding is a critical concern for tribes that are assessing the need for and implementation of pesticide programs. EPA provides several different funding sources to support tribal pesticide activities. Under EPA's General Assistance Program (GAP), which is managed by the American Indian Environmental Office (AIEO), funds are provided to tribes to build their capacity to administer various environmental programs, including pesticides. EPA regions and tribes should first look to GAP funding to develop basic tribal pesticide program capability.

Pesticide program and enforcement implementation activities are also funded with FIFRA grants. Two different offices in EPA headquarters provide support for tribal pesticide programs. OPP funds tribal pesticide field programs (which include education and outreach programs for worker safety, water quality, endangered species protection, integrated pest management (IPM), and applicator certification) and OECA funds pesticide compliance and enforcement programs. Funding from both of these offices may be integrated for a combined tribal pesticide program in a single cooperative agreement which includes activities funded by each office. While this is the preferred approach, other options are also available including funding by either program individually. Both offices are committed to finding innovative ways to encourage the successful tribal pesticide programs.

Under certain conditions, OECA's pesticide enforcement grant funding may be used to develop and implement a tribal pesticide inspection and enforcement program. Some tribes may wish to develop their own tribal pesticide codes using funding from the

pesticide grant. Pesticide enforcement grant funding may be used for this purpose provided regions first ensure that a tribal pesticide inspection program is operational. Operational means the tribe is conducting the specified inspections and meeting the requirements of the cooperative agreement (conducting minimum number of inspections, keeping their credentials requirements current, submitting required reporting, etc.) If a tribe wishes to develop a tribal pesticide code using enforcement grant funds, the region should discuss the need, the timeframe needed for developing code (1-2 years), and funding required with the Office of Compliance. The regions and the tribe should develop an agreed upon workplan with milestones. The workplan and milestones will be key to ensuring timely development of the tribe's pesticide code.

Funding for specific pesticide related activities typically lies exclusively with one office. For example, certification activities and technical assistance are funded by OPP. Inspections and enforcement activities are funded by OECA. OECA and OPP intend to continue to provide federal support for tribal pesticide programs as EPA resources allow and in accordance with annual Congressional appropriation levels. Both offices are committed to seeking opportunities to leverage funds and finding innovative ways to encourage the successful implementation of tribal pesticide programs.

#### **What do EPA Tribal Pesticide Field Program and Enforcement Grants Cover?**

EPA awards cooperative agreement funding to support both tribal pesticide field programs and tribal pesticide compliance and enforcement programs. The purpose of a pesticide field program grant is to provide education, training, outreach and technical assistance in support of OPP field activities. Among other activities, the pesticide field program:

- Helps protect agricultural workers;
- Promotes protection of endangered and threatened species;
- Collaborates in protecting the nation's water resources from pesticide risk;
- Promotes comprehensive protection programs such as Integrated Pest Management; and
- Provides training in the safe use of pesticides and pest control alternatives.

The purpose of an EPA tribal pesticide enforcement program is to conduct compliance and/or enforcement activities under FIFRA. Under a tribal pesticide enforcement program grant a tribal inspector inspects pesticide applicators, pesticide dealers, marketplaces that sell pesticides, and pesticide producing establishments, and also conducts pesticide use inspections, to determine compliance with FIFRA and any applicable tribal laws. Some tribes with pesticide enforcement grants also enforce pesticide requirements of their tribal pesticide codes and use tribal credentials to conduct inspections. Likewise, some tribal inspectors will use federal credentials issued by the corresponding region when conducting a FIFRA inspection on behalf of EPA. Other tribes may use both tribal and federal credentials depending upon the circumstances and the need. The cooperative agreement between the EPA region and the tribe establishes whether the inspector will use federal or tribal credentials. All inspection reports resulting from an inspection conducted with federal credentials must be referred to the corresponding region for case review and potential enforcement action under FIFRA.

## How are Tribal Interest, Capability, and Workload Determined?

A critical first step in the development of any tribal program is to assess the tribal government's interest, capability and potential need for a pesticide field program and/or enforcement program. The assessment should identify existing pesticide use patterns, pesticide related risk concerns, pesticide production and sale, and specific tribal concerns that would be addressed by a pesticide program. This consideration of existing and projected pesticide use, risk concerns, and workload will help the tribe determine the potential value of including a federal pesticide program as part of its overall environmental management program. It will likewise clearly define those aspects of a pesticide program that will most benefit the relevant community.

EPA has developed a checklist (Appendix A) to assist regions in assessing a tribal government's interest, capability and need for a pesticide field program and/or a pesticide compliance and enforcement program. When a tribe expresses interest in EPA pesticide grant funding, the region should discuss with the interested tribe the items on the attached checklist. A tribe need not provide all of the data on the checklist, but enough information should be gathered to demonstrate a need for a pesticide program and the capability to administer that program.

When evaluating the checklist for a pesticide enforcement program, regions should determine if there are sufficient inspection targets to justify a compliance and enforcement component of a cooperative agreement and grant. The area served should contain a sufficient number of inspection targets, including both agricultural and non-agricultural sites to support at least one half-time inspector.<sup>5</sup> This means that the tribe must have enough targets to ensure a minimum of 25 inspections of a mix and workload commensurate with the financial resources and tribal capacity provided each year. As tribal capacity grows, regions are expected to negotiate inspection numbers that are commensurate with the number of targets and consistent with the expectations set forth in the *Joint OPP/OECA State/Tribal Cooperative Agreement Guidance*. EPA anticipates new pesticide enforcement programs to conduct inspections of targets approximately every 3-4 years.<sup>6</sup> This would mean that the tribe would need to have at least 75-100 viable inspection targets within its area. Viable inspection targets include farms, greenhouses, nurseries, pesticide dealers and distributors, pesticide producing establishments, rights of way, and structures in which pesticides are used, such as schools, day care or nursing home facilities, or hospitals. Identifying a sufficient number of viable inspection targets is the key to balancing the identified needs on tribal lands with ensuring the best and most efficient use of federal resources. If a tribe does not have adequate inspection targets, but still has pesticide risk issues that need to be addressed,

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<sup>5</sup> One half-time inspector is critical for the enforcement grant to ensure program efficiency since inspectors must be trained on how to inspect and many need federal credentials. Funding at least a half-time inspector ensures that the tribal inspector is conducting a sufficient number of inspections to retain their expertise.

<sup>6</sup> In some cases a higher frequency of inspections may be needed and justified. The tribe and the region should document this need when assessing the tribe's interest, capability and workload.

regions should explore whether a circuit rider or other options may be a feasible way to obtain coverage and address the pesticide risk issues.

When evaluating the checklist for a pesticide field program, regions should determine if the tribe has identified the major pesticide problems or concerns it would like to address with a pesticide field program. Examples include: concerns with pesticides affecting surface, ground or drinking water quality; residents living in close proximity to agricultural fields or other areas where pesticide spray drift may be a problem; the presence of any threatened or endangered species that may be harmed by pesticide use; the need to assure protection of agricultural workers who may be exposed to pesticides; assuring the safe storage and containment of pesticides, and assuring safe pest control in structures.

In order to obtain funding for a pesticide field program and/or an enforcement program, a tribe should provide written support and approval from the designated tribal government leaders, not be debarred or suspended (excluded from program activities involving federal financial and non-financial assistance) or have unresolved grant management issues with federal entities, and be capable of completing cooperative agreement reporting requirements. In addition, if an enforcement component of a cooperative agreement is being sought, the tribe should be able to identify its regulated activities and pesticide inspection targets, demonstrate written support from the designated tribal government leaders for a pesticide enforcement program and subsequent enforcement actions (where appropriate), and be willing to have personnel complete all required training and obtain federal credentials as needed.

### **What Are the Types of Tribal Pesticide Cooperative Agreements?**

EPA's goal is to build a comprehensive tribal pesticide program combining the elements of a pesticide field program grant (worker safety, protection of water resources from pesticide exposure, protection of endangered species and habitat, IPM in schools or other facilities) as well as the elements of an enforcement grant. Where feasible, regions should work with tribes to apply for a combined grant for both program and enforcement activities. Whenever possible and appropriate, EPA encourages regions to work with tribes to develop programs that can serve more than one tribe or reservation. Tribes are encouraged to work together to apply for circuit-rider programs in which one tribe – the EPA grant recipient, or host tribe – serves the same function(s) for one or more additional tribes. Regardless of the type of pesticide program a tribe has, support from the tribal leadership is essential to the successful development and implementation of the program. Two options for pesticide cooperative agreements are described below.

#### **Single Tribe Pesticide Program and/or Enforcement Cooperative Agreement**

A single tribe pesticide field program and/or enforcement cooperative agreement will fund tribal staff to serve one tribe. The cooperative agreement may fund a pesticide field program, an enforcement program, or both. Where possible, these agreements should include combined pesticide program and enforcement

components. The pesticide field program component will provide education, training, outreach and technical assistance on the use of pesticides and pest control alternatives for the tribe's area. The pesticide enforcement component will support an inspector to provide inspection coverage, including taking the necessary training and documenting inspection results.

### **Tribal Circuit Rider Program and/or Enforcement Cooperative Agreement**

Under this alternative a host tribe or a qualified tribal organization applies for a grant to support an inspector and/or pesticide program staff for their area as well as for one or more nearby cooperating tribes identified as the circuit, or participating tribes. For an enforcement program, the funding will support staff to provide inspection coverage for the host tribe or tribal organization and the circuit tribe(s), including any necessary training. For a pesticide field program, funding will provide pesticide education, outreach, and technical assistance for the host and circuit tribes. As with single tribe pesticide cooperative agreements, cooperative agreements that fund tribal pesticide circuit riders should include combined pesticide field program and enforcement components where possible, but they may also address only one of those components.

EPA encourages the tribal circuit rider approach whenever feasible because it provides more pesticide program assistance to a broader area than a single tribal program. It also allows those tribes that may not qualify for a single tribe pesticide enforcement program to receive tribal pesticide enforcement and programmatic coverage.

The activities supporting a pesticide field program component of a tribal circuit-rider grant would be the same as those for a single tribe grant, except they will benefit more than one tribe. As with the single tribe grant, regions funding a tribal circuit rider enforcement grant should ensure that there are enough potential inspection targets to support a half-time inspector, as described above.

### **Elements Needed to Ensure a Successful Program**

The significant elements necessary to ensure a successful tribal pesticide program supported by an OECA enforcement and/or OPP program cooperative agreement include:

- **Leadership Support:** Support from the tribal leadership is essential to the successful development and implementation of a FIFRA program. When a tribe submits its initial application for funding to develop a pesticide program, it should also submit a written statement of support by the tribal leadership empowered to speak for the tribe.
- **Regional Support:** Support from the EPA regional office is essential to the successful development and implementation of a FIFRA program. The region provides the necessary guidance, training, technical support and

oversight for the program. The region must commit to providing such support in the future.

- **Tribal Staffing:** An OECA tribal enforcement cooperative agreement program should have a minimum staffing level of 0.5 full time equivalent (FTE). Experience has shown that a lower staffing level diminishes the likelihood of developing and maintaining a successful program. Staffing for a pesticide field program should be addressed on a case-by-case basis with the regional office. Both the tribe and the region should look carefully at the tribe's commitment to staffing the program to make sure that adequate support personnel for the program is built into both the pesticide field program and enforcement program work. Staff turnover may create serious difficulties for the tribal pesticide program. To mitigate the impact of staffing changes on the viability of the tribe's program a tribe should consider:
  - ✓ Cross-training its staff to enlarge the pool of skilled staff members available to implement its pesticide program;
  - ✓ Encouraging "peer matching" where personnel holding similar pesticide program responsibilities in different tribes agree to support each other by sharing experiences and challenges and providing a forum for problem solving; and
  - ✓ Investigating the feasibility of using a circuit rider for pesticide field programs and/or compliance and enforcement programs.

Previous experience in project and grant management is one good indicator of a tribe's ability to successfully develop, implement and sustain a continuing pesticide field program or enforcement program. A region should note in the background information provided with the tribe's cooperative agreement application whether it has successfully managed other environmental protection grants or cooperative agreements from EPA or other federal agencies.

### **What is the Process for Assessing Tribal Interest, Capability and Workload?**

Regions that have identified specific tribes interested in either a single tribe or circuit rider pesticide enforcement cooperative agreement should contact the Chief, Pesticides, Waste and Toxics Branch, Office of Compliance. If the single tribe or circuit rider proposal involves a pesticide field program component, the region should contact the Chief of the Government and International Services Branch in OPP. Both branch chiefs should be contacted for proposals involving both components.

Regional staff may use the attached Tribal Needs and Readiness Checklist to ensure they cover all the necessary information in their discussions with the interested tribe. The checklist should be discussed with tribes whom EPA believes have the need and ability to start a tribal pesticide program. The checklist is not meant to be completed by the tribes. It is meant as a discussion tool to be used by regional staff to help identify

the relative pesticide program needs and capabilities of tribes interested in pesticide cooperative agreement and grant funds.

When regions have obtained sufficient information, they should submit a 1-2 page description of the nominated tribal program to the Chief of the Pesticides, Waste and Toxics Branch, Office of Compliance and/or the Chief of the Government and International Services Branch, OPP as described above. Upon receipt of this description, the receiving offices will convene a regional/headquarters review group consisting of staff from OPP and OECA as well as one EPA staff member from each region that has an existing tribal pesticide program and/or enforcement grant. The review group will recommend to OPP and/or OECA management which proposals, if any, should receive funding.

Requests for funding of new tribal pesticide field and/or enforcement programs may be made at any time throughout the year. New tribal pesticide field program and/or enforcement grant requests approved by March 1 will receive funding that fiscal year.

### **How Much Funding is Available for a Tribal Pesticide Program?**

New tribal pesticide enforcement grants will be funded at approximately \$30,000 to \$60,000 for a one half-time inspector either through a single tribe grant or through a circuit rider. The funded amount must be commensurate with the negotiated inspection numbers and other identified work. For tribal pesticide field programs, up to \$100,000 may be available to support the start-up costs for new tribal pesticide program cooperative agreements depending on needs (e.g., training, equipment, overhead). Continuing support of up to \$50,000 per year will be available in subsequent years, which will need to be combined with initiative funds in order to maintain a full service circuit rider. The region should submit the estimated funding amount with the nomination to the appropriate branch chief(s).

### **What Happens Next?**

After the decision is made to fund a new tribal pesticide program and/or enforcement grant, the tribe must submit a proposal describing its proposed pesticide and/or enforcement program. The proposal should include information on projected budget and staffing needs, a work plan showing proposed program activities, and a time line with goals and milestones. The tribe should work closely with EPA regional staff to develop proposal elements and a timeline that will produce a successful cooperative agreement. Timelines and milestone activities are negotiated between the tribe and the region. The regulations found at 40 CFR Part 31 Subpart B and 40 CFR Sections 35.505 through 35.509 establish the requirements on developing a cooperative agreement proposal.

## **How Should Regions Address Existing Tribal Inspection and Enforcement Programs?**

As newly funded tribal pesticide programs establish nationally consistent goals, beginning in FY 2011 existing tribal enforcement programs will be expected to achieve a similar level of targeted inspections and funding as new tribal enforcement programs.

### **What are the Performance Expectations?**

Tribes receiving pesticide field program and enforcement grant funds must meet the performance requirements (expected outcomes and outputs) negotiated with the EPA region as contained in the work plans. Tribes receiving pesticide enforcement grant funding must report Program Assessment and Results and core enforcement program reporting results.<sup>7</sup> These reporting requirements must be included in the annual cooperative agreement work plan. However, tribes may be exempted from reporting on the measures for 1-2 years while they are developing their programs.

Tribes with enforcement programs in place should report enforcement actions as a result of inspections. Regions should evaluate tribes with no enforcement activity to ensure inspection reports are adequate to document compliance and to evaluate if they are meeting the terms of their cooperative agreements.

Regions will provide support and training to help new tribal pesticide programs become fully operational. This can include, but is not limited to, providing information about upcoming training, helping the tribal inspector obtain federal credentials, and taking the tribal inspector on ride-along inspections for training purposes.

As noted earlier, single tribe and circuit rider pesticide enforcement grant programs should maintain sufficient inspection targets to support at least one half-time FTE and 25 inspections per year and should submit the inspection reports consistent with the Federal Credential Guidance requirements. The inspection reports should provide the necessary evidence and information to determine compliance and to support a potential enforcement action. Regional enforcement staff will work with the tribal inspector to create clear guidelines as to what is considered a thorough inspection report. If the targeting scheme for a particular tribal program continues to focus on the same facilities and those facilities have no violations, the affected region should work with the tribal program to expand the targeting scheme and/or explore circuit rider options.

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<sup>7</sup> See relevant Joint EPA OPP/OECA State/Tribal Cooperative Agreement Guidance

**Appendix A**  
**Checklist for Determining the Interest and Need for Tribal Pesticide  
and/or Compliance/Enforcement Cooperative Agreement Programs**

**1. General Information**

- a. Name of tribe and location
- b. How many acres would be covered by the program?
- c. How many tribal and non-tribal members reside in the area to be covered by the program?
- d. What does the tribe hope to accomplish through a pesticide program and/or compliance/enforcement program?
- e. What pesticides are used in the area that would be covered by the program?
- f. What are the major types of agriculture found in the area that would be covered by the program (for example, irrigated agriculture, range, orchards, dairies, poultry farms, livestock leases, etc.)?
- g. How many acres are under cultivation?
- h. What are the major crops grown?
- i. What are the major pesticide problems or concerns that the tribe would like to address with a pesticide program? For example:
  - i. Are there any concerns with pesticides affecting surface, ground, or drinking water quality? If so, what are they?
  - ii. Are there residents close to agricultural fields or other areas where pesticide spray drift may be a problem?
  - iii. Are there any threatened or endangered species that may be harmed by pesticide use?
  - iv. Are pesticides used near any other culturally or ecologically sensitive locations?
  - v. Are there any worker safety issues related to pesticide use?
  - vi. Are there problems with containment of bulk pesticides or disposal of pesticide containers in the area that would be covered by the program?
  - vii. Other pesticide issues? Please discuss.
- j. Does the tribe track any damage incidents that result from pesticide use? If so, have there been any reported pesticide exposures to people, wildlife, or the environment? Please describe.

- k. Does the tribe work with other tribes or regulatory agencies to address pesticide use? If so, who?

## **2. Status of Tribal Environmental Programs**

- a. Describe the tribe's current environmental programs, including any for solid waste, drinking water, waste water, etc.
- b. How many and what program staff does the tribe employ in these environmental programs?
- c. Does the tribe have an environmental code or ordinance? If so, please provide a copy or supply a link to the code or ordinance.
- d. Does the tribe currently regulate pesticide use, sale or other pesticide-related activities? If so, how and what activities and applicators are regulated?
- e. Does the tribe require business licenses for pesticide applications?
- f. Does the tribe operate any enforcement programs? If so, what kind? Please describe the types of enforcement actions the tribe has taken in the past year.
- g. Does the tribe receive any grants from EPA? If so, please identify the grant and the project officer.

## **3. Inspection Targets**

- a. Number of farms in the area that would be covered by the program?
- b. Are there seasonal or permanent agricultural field workers in the area that would be covered by the program?
- c. Number of greenhouses/nurseries?
- d. Number of acres of rangeland?
- e. Number of acres of forests used for production of timber, pulp or other commercial products like Christmas trees?
- f. Is there a tribal farm, orchard, greenhouse, or nursery which is owned or operated by the tribe? If so:
  - i. How large is it/are they?
  - ii. What crops or commodities are grown there?

- g. Are there markets, stores, smokeshops or other places where pesticides are sold? If so, how many of these places are in the area that would be covered by the program?
- h. Are there any places where pesticides are made, packaged, re-packaged, labeled, or re-labeled in the area that would be covered by the program? If so, please name them.
- i. Are there any pesticide dealers operating in the area that would be covered by the program? If so, how many? Do any dealers conduct commercial mixing or loading of pesticides?
- j. How many certified pesticide applicators operate in the area that would be covered by the program? Who certifies them?
- k. Are restricted-use pesticides applied, sold or distributed?
- l. How many schools, office buildings, casinos, hospitals, clinics, nursing homes, child care facilities, or other public buildings are in the area that would be covered by the program that may use pesticides ( e.g., restaurants, grocery stores, convenience stores, etc.)?
- m. Are there other areas where pesticides may be applied such as wetlands, roadsides, rail or utility rights of way, etc.?
- n. Are pesticides applied before or during construction for termite control?
- o. Who applies pesticides in the area that would be covered by the program (for example, tribal departments, tribal employees, Bureau of Indian Affairs, or Indian Health Service applicators)?
- p. Where do pesticide applicators store pesticides?
- q. How do pesticide users dispose of pesticides, pesticide rinsates, and pesticide containers?