**One-on-One Meeting Notes: Alex Dunn, AA OCSPP**
**December 2019**

## Discussion Topics:

OCSPP

- Thailand Visit – postponed
  - Thailand put a hold on the proposed Glyphosate ban
- Nov 20 court date for the mercury inventory rule

OITA

- Brazil MOU
- Israel Mission
- National Tribal Toxics Committee (NTTC) visit recap, September 2019
- Alaska Native Corporations – Consultation

**-------- INTERNATIONAL --------**

### *New MOU with Brazil*

- OITA is working with the Brazilian Ministry of Environment (MMA) to develop a new MOU between EPA and MMA to support collaboration between the two agencies.
- During their meeting on September 19, the Administrator and Brazil's Minister of Environment determined six key areas for the new MOU:
  - Protection and restoration of oceans from pollution;
  - Solutions and best practices for combating marine litter;
  - Alternative technologies for sewage treatment;
  - Water quality restoration and protection;
  - Methodology and instruments of environmental licensing and impact assessment; and
  - Sound waste management for reducing waste generation, including recycling and food waste.
- AAW and Minister Salles left the door open for other areas of cooperation in the future, including chemical safety (e.g., risk and ecotoxicological monitoring) and sharing best practices to reduce toxics.

### *Mission to Israel*

- Administrator Wheeler will carry out a mission to Israel November 17-19 to advance the goals under the Israeli Ministry of Environmental Protection-EPA MOU, signed in October 2018.



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- Focus areas will be on Water Innovation, including Water Reuse, and on Contaminated Sites Cleanup. A planned speech on EPA priorities will occur at Water Technology and Environment Control or WATEC, the premier water solutions conference in Israel.
- While there is no OITA ask of OCSPP at this time, I want to make sure you're aware of the mission.

**-------- TRIBAL --------**

**National Tribal Toxics Committee (NTTC) visit recap, September 2019**

- Thank you for including Scott Mason, our director of AIEO, in the National Tribal Toxics Committee meeting last week. He relayed to me that it was a great experience to meet with tribal leaders and have informal discussions about the work they are doing with AIEO.
- My staff also wanted me to acknowledge the work OCSPP is doing on the lead tribal curriculum. It's a great model for working with EPA's partnership groups.
- I would ask that you continue to include AIEO – both at the management and staff level – as you continue this important work. Our connections with many of the NPMs are well established, but there is a lot more we can do with OCSPP.
- The other thing I'd like to discuss is consultation. Any time I meet with other AAs I feel it is my duty to highlight the sentiment I hear from tribal leadership across the country: They want us to do a better job providing tribal consultations opportunities on all actions that may have tribal interest.
- I know that you are aware of the role of consultation, so I encourage you to continue looking at your office's actions with the lens of "what opportunities are there for tribes to consult on a government to government basis?"

**Alaska Native Claims Settlement Act (ANCSA) Corporations – Consultation**

- Another facet of our work with consultation relates to Alaska, and the unique legal status of the corporations that exist there, which were established in the 1970s. Alaska Native Villagers are the shareholders of

these corporations.

- EPA is obligated to consult with these corporations, based on two Consolidated Appropriations Acts issued in 2014, which directed agencies to "consult with ANCSA Corporations on the same basis as tribes under Executive Order 13175."

- EPA has used an internal FAQ to address this issue since 2004 and EPA Region 10 has managed an informal process to discuss consultation with corporations on an issue-by-issue basis.

- In March 2019, the Government Accounting Office (GAO) published a recommendation that EPA "develop a document or clarify existing policy to implement the statutory requirement …" by the end of 2019. EPA committed to this action and timeline in a written response to GAO.

- In response, OITA worked with staff from OGC, Region 10 and Office of Policy to draft the Guiding Principles for Consulting with Alaska Native Claims Settlement Act Corporations document. When this document goes out for consultation it will meet the timeline toward completing the recommendation from GAO.

- This document seeks to clarify when EPA should consult with ANCSA Corporations and outlines a consistent, Agency-wide process for completing a consultation with ANCSA corporations.

- The threshold for determining if consultation with an ANCSA corporation is consistent with Department of Interior and several other USG agencies. Specifically, it calls for consultation on any EPA regulation, rulemaking, policy, guidance, legislative proposal or operational activity that may substantially affect ANCSA corporation land, water areas, or resources, or impact their ability to participate in EPA programs for which it qualifies.

- We understand that this action will lead to many questions regarding implementation. The workgroup that drafted the Guiding Principles will be working closely with EPA tribal program staff to address these in 2020.



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- This action may initially increase the number of consultations EPA undertakes with ANCSA corporations, particularly requests from corporations. The EPA office initiating an action will remain the decisionmaker for these determinations.

- Unlike the requirement under EPA's Policy for Consultation and Coordination with Indian Tribes for mailing hard copies of consultation notification letters to each individual tribe, OITA is proposing that notifications for consultations with ANCSA corporations be distributed by sending digital copies to 13 email addresses updated regularly by OITA and Region 10.

- Consultation with Alaska Native Villages and ANCSA Corporations is expected to begin on December 12, with an announcement at the Region 10 Tribal Operations Committee meeting. The consultation period is expected to last for 120 days.