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
- Minamata Convention on Mercury (COP3)
- Global Mercury Partnership

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

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- 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.
- 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.

Minamata Convention on Mercury (COP3)

- EPA (OITA, OCSPP, OLEM, OGC and OAR) participated on the U.S. delegation for negotiations on at the recently concluded meeting in Geneva, Switzerland. There are more than 115 countries that are Parties to Minamata. The primary purpose of the Convention is to reduce or phase out anthropogenic sources of Mercury.
- OCSPP has the lead for the agency in the Convention addresses mercury containing products, and has significant responsibility for ensuring that the reporting on U.S. obligations under the Convention are both feasible and accurate.
- The next phase of work will include reporting on our progress in implementing the provisions of the treaty, and we look forward to your support as we work together on that effort.
- We appreciate OCSPP's continued and active commitment to successfully implementing the Minamata Convention.

Global Mercury Partnership

- OCSPP and OITA participated in 10th meeting of the Partnership Advisory Group for UNEP's Global Mercury Partnership (Partnership). The partnership serves as a forum discussion and work on addressing mercury in a range of different sectors. Partners includes a range of different stakeholders, including governments, NGOs, industry, academia and international agencies such as WHO and UNIDO.
- OCSPP leads the Products partnership area, and has pushed forward an initiative to harmonize custom codes for products containing mercury. This initiative is being considered by parties to the Minamata Convention, and

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will strengthen the ability to identify and manage the trade in mercury containing products.

- We appreciate our shared role in promoting concrete, beneficial actions under the umbrella of the Global Mercury Partnership, especially your recent support for looking at harmonized codes for mercury containing products.

-------- 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 Corporations – Consultation

- Another facet of our work with consultation is our obligation to consult with ANCSA corporations in Alaska.

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- Just like we have an obligation to consult with federally-recognized tribes on actions that have tribal impacts, federal agencies are also required to consult with Alaska Native Village Corporations under Executive Order 13175.
- This obligation is separate from EPA's Consultation Policy, which only applies to federally-recognized tribes, and has a lower threshold for when consultation should take place.
- For our consultation with Alaska Corporations, we are to consult when an action poses "substantial direct effects." EPA has been meeting this obligation since it was signed into law in 2004, but we've never written down our official practice of how we do it.
- Last March, the GAO noticed that, and included a recommendation in one of their reports that we either develop a document or clarify our existing policy for how we implement this statutory requirement.
- My office has been working with OGC, Office of Policy and Region 10 to create this document. While some agencies have created full Policies, we decided to create a Guiding Principles document. It lays out eight principles, all high-level concepts derived from statutory language.
- We plan to schedule a briefing for this document soon at the AA level, and to put it out for consultation by the end of the year.
- Consulting under the Executive Order is rare. The few times it has come up in recent years have related to financial issues like CERCLA 108b and hard rock mining.

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