NATIONAL TRIBAL OPERATIONS COMMITTEE

April 10-11, 2019
EPA Headquarters, Washington, D.C.

EPA United States Environmental Prot Agency

National Tribal Operations Committee Meetings
April 10-11, 2019

EPA Version

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National Tribal Operations Committee (NTOC)

Agenda • April 10, 2019

EPA Rachel Carson Green Room
1200 Pennsylvania Ave. NW, Washington, D.C.

9:00 – 9:30 am **Reception and Seating**

9:30 – 9:45 am **Welcome and Invocation**

- Opening prayer from Lee Juan Tyler, NTC Member and Fort Hall Business Council Member, Shoshone Bannock Tribes
- Introductions by Chad McIntosh, Assistant Administrator, Office of International and Tribal Affairs
- Opening remarks from Andrew Wheeler, EPA Administrator and NTOC Co-Chair
- Opening remarks from Gerald Wagner, Acting NTC Chair and NTOC Co-Chair

9:45 – 10:00 am **Reaffirmation of the EPA Policy for the Administration of Environmental Programs on Indian Reservations**

- Remarks from NTOC Co-Chairs Andrew Wheeler, EPA Administrator and Gerald Wagner, Acting NTC Chair
- Policy signing and photo

10:00 – 10:40 am **Budget**

Goal of Session: *NTC and EPA communicate budget priorities for long-term planning by: (1) Office of Chief Financial Officer shares how tribes are supported in the FY2020 President's Budget; and (2) Discussion of opportunities for NTC engagement with EPA on tribal budget priorities*

- Remarks from Shawn Howard, NTC Member and Senior Policy Analyst, Citizen Potawatomi Nation
- Remarks from Holly Greaves, EPA Chief Financial Officer, Office of the Chief Financial Officer
- Discussion with EPA and NTC

10:40 – 11:20 am **Waters of the United States (WOTUS)**

Goal of Session: *Share information on EPA's role in protecting human health and the environment through implementation of the proposed Waters of the United States rulemaking*

- Remarks from Dave Ross, Assistant Administrator, EPA Office of Water
- Remarks from Alex Cabillo, NTC Member and Water Resources Director, Hualapai Tribe
- Discussion with EPA and NTC

11:20 – 11:30 am **Break**

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11:30 – 12:15 pm **EPA Measures, Lean and Tribal Implications**

Goal of Session: *Share current EPA Lean efforts, plan for tribal involvement in relation to EPA Lean efforts and current efforts to improve environmental program processes*

- Remarks from Henry Darwin, EPA Acting Deputy Administrator and Chief of Operations
- Remarks from Shawn Howard, NTC Member and Senior Policy Analyst, Citizen Potawatomi Nation
- Discussion with EPA and NTC

12:15 – 1:00 pm **Lunch**

[AIEO has coordinated with EPA regional and program staff to provide box lunches for a fee]

1:00 – 1:45 pm **Tribal Considerations for State Delegated Programs**

Goal of Session: *Discuss partnership opportunities available for EPA, tribal governments and states as co-regulators. Identify best practices for addressing tribal concerns in the process and implementation of state delegated programs, including how permitting and tribal consultation are considered for state delegated programs, and EPA oversight of those programs.*

- Remarks from Chad McIntosh, EPA Assistant Administrator, Office of International and Tribal Affairs
- Remarks from Deb Thomas, EPA Acting Regional Administrator, Region 8
- Remarks from Tom Robinson, NTC Member and President of Qawalangin Tribe, Unalaska
- Remarks from Donald Welsh, Executive Director, Environmental Council of the States (ECOS)
- Discussion with EPA, NTC and ECOS

1:45 – 2:15 pm **Lead Management in Indian Country**

Goal of Session: *Discuss recommendations that will streamline and improve federal and tribal lead safety and lead reduction efforts in Indian country, including infrastructure (National Lead Action Plan, WIFIA, WIIN)*

- Remarks from Lee Juan Tyler, NTC Member and Fort Hall Business Council Member, Shoshone Bannock Tribes
- Remarks from Alexandra Dunn, EPA Assistant Administrator, Office of Chemical Safety and Pollution Prevention
- Remarks from Jennifer McLain, Acting Director, EPA Office of Ground Water and Drinking Water
- Discussion with EPA and NTC

2:15 – 2:25 pm **Break**

[The break will include brief remarks from Chad McIntosh, EPA Assistant Administrator, Office of International and Tribal Affairs, on the 25th Anniversary of the NTOC, as well as cake and coffee.]

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2:25 – 3:00 pm **Food Sovereignty**

Goal of Session: *Understand food sovereignty issues and identify EPA's roles in them. Discuss EPA program examples, from the perspective of tribal food resources and subsistence protection, such as chemical safety, air quality and NPDES permitting, pesticide management and contaminated site cleanups.*

- Remarks from Frederick Vigil, NTC Member, Tribal Councilman and Former Governor, Pueblo of Tesuque
- Remarks from Chris Hladick, EPA Regional Administrator, Region 10
- Discussion with EPA and NTC

3:00 – 3:30 pm **Wrap-Up**

[Throughout the meeting, EPA staff will be cataloguing action items for this wrap up section]

- Summarize Action Items and Next Steps
- Closing Remarks – Henry Darwin, EPA Acting Deputy Administrator and Chief Operating Officer and Gerald Wagner, Acting NTC Chair and NTOC Co-Chair

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NTC and EPA National Program Managers 1-on-1s
APRIL 10th - April 11th

APRIL 10TH – Green Room

3:30 pm – 5:00 pm **OITA**
- OITA's Tribal Priorities
- Follow up on NTC Common Issue Paper
- GAP Guidance Evaluation

APRIL 11TH - William Jefferson Clinton East Building B316

8:30 am – 9:30 am **OEJ**
- **Efforts to measure EJ work at EPA**
  - Director Matthew Tejada/OEJ and Danny Gogal Tribal and Indigenous Peoples Program Manager/OEJ

9:30 am – 10:30 am **OCSPP**
- **Overview of OCSPP's Tribal Program Happenings**
  - Amanda Hauff, National Tribal Program Manager, Office of Chemical Safety and Pollution Prevention
- **Early Engagement on the 2017 Final Certification of Pesticide Applicators Rule (40 CFR Part 171)**
  - Richard Pont, Office of Chemical Safety and Pollution Prevention

10:30 am – 10:45 am **Break**

10:45 am – 11:45 am **ORD**
- **Draft EPA Citizen Science Strategy (10:45-11 AM)**
  - Jay Benforado, Chief Innovation Officer, Office of Research and Development
- **Strategic Research Action Plans, 2019-2022 (StRAPs) (11-11:45 AM)**
  - Kacee Deener, Acting Director, Office of Science Policy, Office of Research and Development

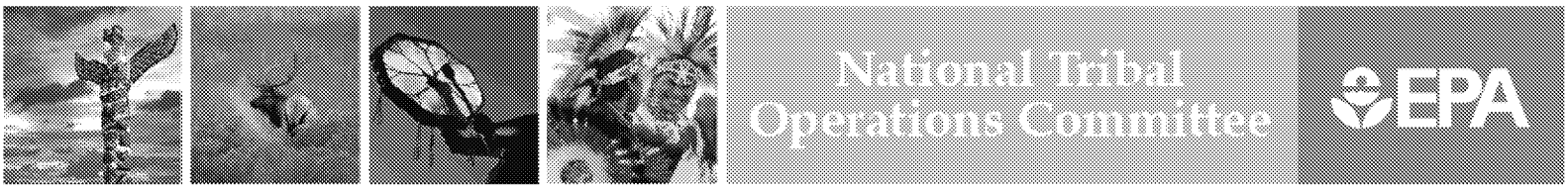
11:45 – 1:00 pm **Lunch**

1:00 pm – 2:00 pm **OAR**
- Tribal Air STAG Process Congress to Regions
  - Pat Childers, Senior Tribal Program Coordinator, Office of Air and Radiation

2:00 pm – 2:45 pm **OW**
- Program office report outs

2:45 pm – 3:00 pm **Break**

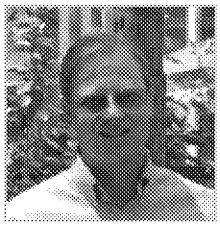
3:00 pm – 4:00 pm **OLEM**
- Program office report outs



National Tribal Caucus

Gerald Wagner

Acting NTC Chair, Region 8
Blackfeet Tribe
Environmental Programs Director



Scott Clow

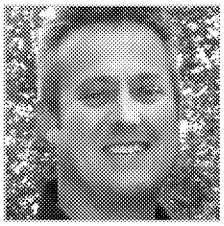
NTC Secretary, Region 8
Ute Mountain Tribe
Environmental Programs Director

Sharri Venno

Region 1
Houlton Band of Maliseet Indians
Environmental Planner

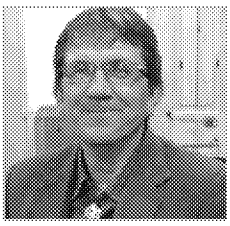
Shavonne Smith

Region 2
Shinnecock Indian Nation
Environmental Director



Darin Steen

Region 4
Catawba Indian Nation
Environmental Services Director



Douglas Cox

Region 5
Menominee Indian Tribe of Wisconsin
Tribal Chairman

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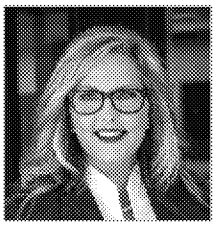
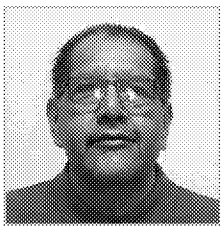


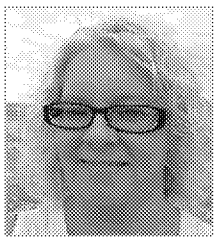
Shawn Howard

Region 6
Citizen Potawatomi Nation
Senior Policy Analyst



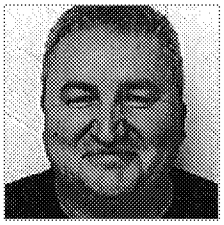
Frederick Vigil

Region 6
Pueblo of Tesuque
Governor (Honorable)



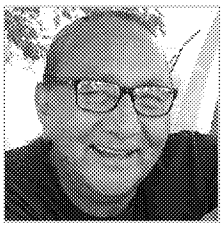
Lisa Montgomery

Region 7
Sac & Fox Nation of Missouri in Kansas and Nebraska
Environmental Director



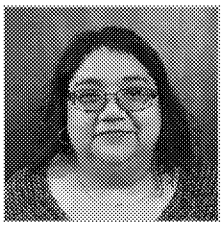
Mark Allen

Region 8
Flandreau Santee Sioux Tribe
GAP/GIS Coordinator



Alex Cabillo

Region 9
Hualapai Tribe
Water Resources Director



Meyo Marrufo

Region 9
Guidiville Rancheria
Environmental Director

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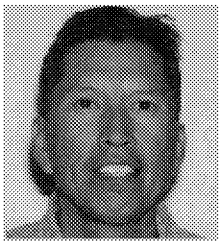
Mervin Wright

Region 9

Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation

Environmental Director

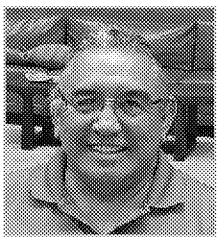


Ronnie Ben

Region 9

Navajo Nation

Environmental Director



Russell Hepfer

Region 10

Lower Elwha Klallam Tribe

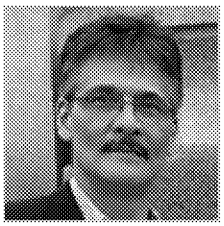
Tribal Vice-Chairman

Lee Juan Tyler

Region 10

Shoshone Bannock Tribes

Tribal Council Member



Thomas Robinson

Alaska Region 10

Qawalangin Tribe of Unalaska

Tribal President

Chris Price

Alaska Region 10

Qawalangin Tribe of Unalaska

Environmental Manager

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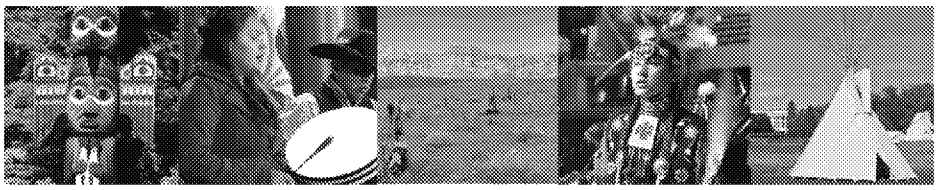


EPA United States Environmental Protection Agency

EPA Attendees

2019 National Tribal Operations Committee Meeting

Administrator's Office
Andrew Wheeler, *EPA Administrator*
Henry Darwin, Acting *EPA Deputy Administrator and Chief Operations Officer*
Mike Ryan, *Senior Advisor to the Administrator*
Doug Benevento, *Senior Counsel for Regional Management and State Affairs*

Region 1
Deb Szaro, *Acting Regional Administrator*
Mike Stover

Region 2
Peter Lopez, *Regional Administrator*
Grant Jonathan

Region 3
Cosmo Servidio, *Regional Administrator*
Cecil Rodrigues, *Deputy Regional Administrator*
Samantha Beers
Matthew T. Lee
Brian Hamilton

Region 4
Mary Walker, *Regional Administrator*
Beverly Banister, *Acting Deputy Regional Administrator*
Pam Swingle

Region 5
Cathy Stepp, *Regional Administrator*
Cheryl Newton, *Deputy Regional Administrator*
Alan Walts

Region 6
David Gray, *Acting Regional Administrator*
Arturo Blanco
Erin Chancellor

Region 7
Jim Gulliford, *Acting Regional Administrator*
Ed Chu, *Deputy Regional Administrator*

Region 8
Deb Thomas, *Acting Regional Administrator*
Kim Varilek

Region 9
Deborah Jordan, *Deputy Regional Administrator*
Jeremy Bauer

Region 10
Christopher Hladick, *Regional Administrator*
Michelle Pirzadeh, *Deputy Regional Administrator*
Wenona Wilson

Office of Mission Support
Vaughn Noga, *Deputy Assistant Administrator for Environmental Information and Chief Information Officer*
Matthew Leopard, *Director, Office of Information Management*
Elizabeth Jackson

Office of Land and Emergency Management
Barry Breen, *Acting Assistant Administrator*
Peter Wright, *Special Counsel to the Administrator*
Erika Wilson

Office of Water
David P. Ross, *Assistant Administrator*
Benita Best-Wong, *Principal Deputy Assistant Administrator*
Jennifer McLain, *Acting Director, Office of Groundwater and Drinking Water*
Karen Gude

Office of Air and Radiation
Bill Wehrum, *Assistant Administrator*
Betsy Shaw, *Deputy Assistant Administrator*
Pat Childers

Office of Enforcement and Compliance Assurance
Susan Bodine, *Assistant Administrator*
John Dombrowski, *Deputy Director, Office of Compliance*
Jonathan Binder

Office of General Counsel
Matthew Leopold, *General Counsel*
David Fotouhi, *Principal Deputy General Counsel*
Justin Schwab, *Deputy General Counsel*
Karin Koslow, *Acting Associate General Counsel*
Tricia Jefferson

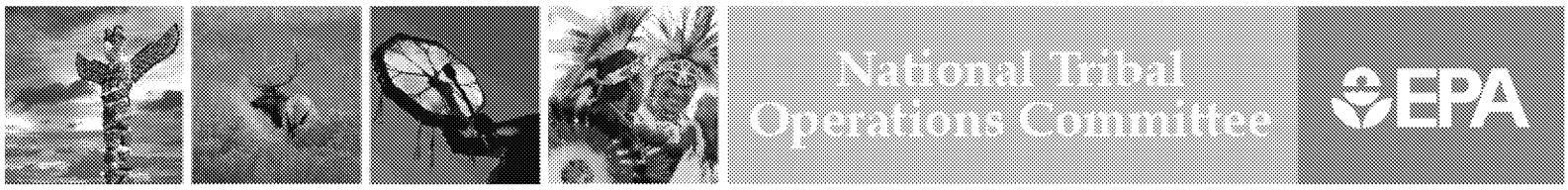
Office of Policy
Brittany Bolen, *Associate Assistant Administrator*
Matthew Tejada, *Director, Office of Environmental Justice*
Danny Gogal

Office of Research and Development
Jennifer Orme-Zavaleta, *Principal Deputy Assistant Administrator and EPA Science Advisor*
José Zambrana, *ORD Senior Science Advisor*
Kacee Deener, *Acting Director, Office of Science Policy*
Monica Rodia

Office of the Chief Financial Officer
Holly Greaves, *Chief Financial Officer*
Emily Heller

Office of Chemical Safety and Pollution Prevention
Alexandra Dapolito-Dunn, *Assistant Administrator*
Amanda Hauff

Office of International and Tribal Affairs
Chad McIntosh, *Assistant Administrator*
Jane Nishida, *Principal Deputy Assistant Administrator*
Nate Zimmer, *Senior Advisor*
Martin Dieu, *Chief of Staff*
Felicia Wright, *Acting Director, American Indian Environmental Office (AIEO)*
Lisa Berrios, *Acting Deputy Director, AIEO*
Rebecca Roose
Andrew Baca
Daniel Vaught
Abby Cruz
Paige Lieberman
Andrew Byrne
Dona Harris
Rose Brooks
Elias Abunassar
Francine St. Denis
William Post
Luke Jones
David Jones
Jeff Besougloff



Tribal Partnership Groups

National Tribal Air Association	Wilfred J. Nabahe **NTAA Chair, Region 9** Colorado River Indian Tribes
National Tribal Toxics Council	Diane Barton **NTCC Council Chair, Region 10** Columbia River Inter-Tribal Fish Commission
Tribal Pesticide Program Council	Fred E. Corey **TPPC Chair, Region 1** Aroostook Band of Micmacs
National Tribal Science Council	Jeffrey M. Mears **Interim Tribal Co-Chair, Region 5** Oneida Nation Rick Dubois **TSC Member, Region 6** Seneca-Cayuga Nation
Exchange Network Tribal Governance Group	Frank Harjo **TGG Member, Region 6** Muscogee Creek Nation
National Tribal Water Council	Ken Norton **NTWC Chair, Region 9** Hoopa Valley Tribe
Tribal Waste and Response Steering Committee	Mark Junker **TWAR SC Chair, Region 7** Sac & Fox Nation of Missouri in Kansas and Nebraska

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Andrew Wheeler, EPA Administrator

On February 28, 2019, the U.S. Senate confirmed Andrew Wheeler as the fifteenth Administrator of the Environmental Protection Agency. President Donald J. Trump had announced his appointment as the Acting EPA Administrator on July 5, 2018. Mr. Wheeler had previously been confirmed by the U.S. Senate as the EPA Deputy Administrator on April 12, 2018.

Mr. Wheeler has dedicated his career to advancing sound environmental policies. He began his career during the George H. W. Bush Administration as a Special Assistant in EPA's Pollution Prevention and Toxics office.

He was a Principal and the team leader of the Energy and Environment Practice Group at FaegreBD Consulting, as well as Counsel at Faegre Baker Daniels law firm, where he practiced since 2009. He also served as the Co-chair of the Energy and Natural Resources Industry team across the entire firm.

Prior to his work with the firm, Mr. Wheeler served for six years as the Majority Staff Director and Chief Counsel, as well as the Minority Staff Director, of the Senate Committee on Environment and Public Works. Before his time at the full Senate EPW Committee, Mr. Wheeler served in a similar capacity for six years for the Subcommittee on Clean Air, Climate Change, Wetlands and Nuclear Safety.

Mr. Wheeler is the past Chairman of the National Energy Resource Organization (NERO) and a Stennis Fellow. Mr. Wheeler is also an Eagle Scout.

Mr. Wheeler was born in Hamilton, Ohio. He completed his law degree at Washington University in St. Louis, his MBA at George Mason University, and his undergraduate work at Case Western Reserve University in English and Biology.

Henry Darwin, Acting Deputy Administrator and Chief of Operations

In his capacity as EPA's Chief of Operations, Henry Darwin is the key advisor to EPA Administrator Andrew Wheeler on day-to-day operations and the leader of the agency's transformation to an organization of continuous improvement. In July 2018, Acting Administrator Wheeler delegated the responsibilities of the EPA Deputy Administrator to Darwin.

By deploying the EPA Lean Management System (ELMS) to reduce waste and maximize value- added work, Darwin is creating more effective ways to better serve EPA's customers while increasing the capacity of EPA employees to do more environmental good. This includes strengthening partnerships with the states in streamlining and modernizing environmental protection. Darwin has committed to deploying ELMS in at least 80 percent of EPA by September 30, 2020.

Prior to joining EPA, Darwin served as the State of Arizona's Chief of Operations, where he oversaw the operations of all 35 state agencies and worked to stand up the first state government intentional management system based upon lean principles. Among the improvements achieved by Arizona state agencies as a result of the management system are the elimination of a backlog of 16,000 uninvestigated child abuse allegations, reduction of customer wait times at Motor Vehicle Division

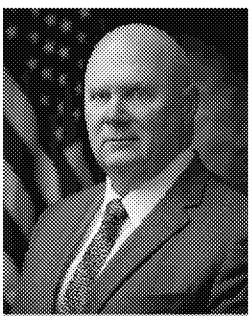
offices by over 50 percent, and reduction of aquifer water quality compliance data review times from up to three months to 24 hours.

An experienced environmental engineer and attorney and a longtime Arizona Department of Environmental Quality (ADEQ) employee, Darwin assumed the position of ADEQ director in 2011. He is the only director in ADEQ's 30-year history to have worked in all three of its media programs. As ADEQ Director, Darwin led the deployment of the state's first lean initiatives and was elected as an officer of the Environmental Council of States.

As an Arizona Assistant Attorney General on special assignment to ADEQ's hazardous waste program, Darwin negotiated the country's largest Resource Conservation and Recovery Act (RCRA) civil settlement at the time. He has testified in front of Congress on a variety of issues critical to Arizona, including innovations in the process of environmental protection. He worked briefly for the Salt River Project as in-house environmental counsel.

Darwin holds a Bachelor of Science degree in engineering hydrology from the University of Arizona and a Juris Doctorate from Lewis & Clark College's Northwestern School of Law, where he also earned a certificate in environmental law. He is a licensed attorney in the state of Arizona.

Chad McIntosh, Assistant Administrator, Office of International and Tribal Affairs



Chad McIntosh is EPA's Assistant Administrator for Office of International and Tribal Affairs. His background as an engineer and attorney in global environmental compliance makes him particularly well-suited for this position. Prior to being nominated, he worked at Ford Motor Company, most recently serving as Manager of Global Environmental Policy, where he led efforts to improve environmental permitting, compliance, and environmental metrics at the company's manufacturing facilities in the United States, Canada, and Europe.

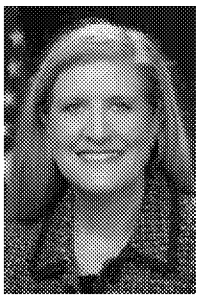
Before joining Ford, Chad served as natural resources and policy advisor to Michigan Governor John Engler, who later appointed him to serve as Deputy Director at the Michigan Department of Environmental Quality (DEQ). At the DEQ, he was responsible for environmental permitting and compliance activities. He also worked closely with state and tribal leaders on comprehensive environmental and regulatory reform in Michigan, including codifying the environmental and natural resources statutes, and improving the state's wastewater infrastructure.

Bill Wehrum, Assistant Administrator, Office of Air and Radiation

Bill Wehrum currently serves as the Assistant Administrator for the Office of Air and Radiation. Bill has a long history of public service, and his career includes more than 31 years of working in the environmental field through engineering, legal practice, and administrative duties. He previously served as EPA's Acting Assistant Administrator for Air and Radiation from 2005 to 2007, as well as Principal Deputy Assistant Administrator and counsel to the Assistant Administrator for Air and Radiation.

Bill most recently worked as a partner and head of the Administrative Law Group at Hunton & Williams LLP, where his practice focused on air quality issues.

Alexandra Dapolito Dunn, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention



Alexandra Dapolito Dunn is the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, effective January 2019. Prior to that she served as the Regional Administrator for EPA Region 1, and her responsibilities included overseeing the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and ten tribal nations.

Before joining EPA Region 1 in January 2018, Ms. Dunn served through that time as executive director and general counsel for the Environmental Council of States (ECOS), a national nonprofit, nonpartisan organization committed to helping state agencies improve environmental outcomes for all Americans. From 2014 to early 2018, Ms. Dunn helped state governments improve water infrastructure, air pollution control, site cleanup, chemical management, and economic development. Prior to joining ECOS, Ms. Dunn was executive director and general counsel for the Association of Clean Water Administrators.

Ms. Dunn has been published in the areas of the ethics of community advocacy, environmental justice, urban sustainability, water quality, cooperative federalism, and the Clean Water Act. She has taught on the subjects of environmental justice, and human rights and the environment as Dean of Environmental Law Programs at the Elisabeth Haub School of Law at Pace University. She has also taught at the Columbus School of Law, and Catholic University of America, where she served as faculty adviser to the student Environmental Law Society. Ms. Dunn most recently taught environmental justice as an Adjunct Associate Professor of Law at the American University's Washington College of Law.

In 2015, Ms. Dunn was elected to the American College of Environmental Lawyers and served in leadership roles through the end of 2017. She also served through the end of 2017 on the executive committee and board of directors of the Environmental Law Institute. She has chaired the American Bar Association's (ABA) section of Environment, Energy, and Resources, its World Justice Task Force, and served on the ABA Presidential Force on Sustainable Development.

Ms. Dunn received a B.A. in Political Science and French from James Madison University, followed by a J.D. from the Columbus School of Law, where she was elected editor-in-chief of the law review. She is a member of the bar in D.C., Maryland, New York, and the U.S. Supreme Court.

Holly Greaves, Chief Financial Officer

Holly Greaves was sworn in as the Environmental Protection Agency's Chief Financial Officer on March 15, 2018. As Chief Financial Officer, Holly leads a team of several hundred professionals to ensure the effective management and financial integrity of EPA's resources and annual budget, which was $8.8 billion in fiscal year 2018. Holly also oversees the preparation of the Agency's annual financial statements, annual budget and performance plan, and strategic plan. In addition, she leads the Agency's enterprise risk management efforts, and serves as a key member of Agency leadership, providing support on a variety of Agency initiatives.

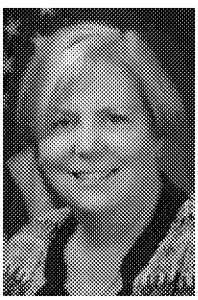
Holly has a strong background in management, accounting and financial systems. Previously, she worked with the public accounting firm KPMG, leading and directing the work of multi-disciplinary and geographically diverse teams that provided auditing and advisory services to large, complex federal

agencies as well as private sector companies. Holly was selected as a lead developer for industry-specific training content at KPMG, and served in other leadership roles for the Washington, D.C. and Northern Virginia offices.

Prior to joining KPMG, Holly worked with the public accounting firm EY, where her client portfolio included public and private companies in the transportation, financial services, commercial real estate, and healthcare industries. She has lectured for undergraduate and graduate level accounting courses at George Washington University.

Holly is a Tennessee native, and earned a B.S. in Accounting and Master of Accountancy from the University of Tennessee. She is a licensed CPA, CGFM, and CISA. She and her husband live in Washington, D.C. with their two children.

Susan Bodine, Assistant Administrator, Office of Enforcement and Compliance Assurance



Susan Bodine is the Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance (OECA). Prior to this position, Susan served as Chief Counsel for the Senate Committee on Environment and Public Works and previously worked for the House Committee on Transportation and Infrastructure.

This is Susan's second position at EPA, having served as Assistant Administrator for the Office of Solid Waste and Emergency Response (now the Office of Land and Emergency Management) from 2006 to 2009.
Susan has also practiced environmental law at Covington and Burling LLP and at Barnes and Thornburg LLP.

Susan is a graduate of Princeton University and the University of Pennsylvania School of Law.

Matthew Z. Leopold, General Counsel

Matthew Z. Leopold was appointed by President Trump on September 1, 2017 and confirmed by the U.S. Senate as EPA's General Counsel on December 14, 2017. He comes to the Agency from private practice in Tallahassee, Florida at the law firm of Carlton Fields. He previously served as the General Counsel of the Florida Department of Environment Protection (DEP) and as an attorney at the U.S. Department of Justice (DOJ), Environment and Natural Resources Division. During his years of federal and state government service, and in private practice, he handled a broad range of environment and natural resource law issues and worked on complex environmental cases. He has advised two Florida Governors, the White House, and multiple state and federal agencies on environmental matters.

While with the Florida DEP, he acted as the primary attorney to the Department Secretary and advised the Office of Governor Rick Scott on regulatory requirements and state policy for air, water, waste, and public lands. He assisted in filing and litigating Florida v. Georgia, an original action in the U.S. Supreme Court to address consumptive uses of water in the 20,000 square mile Apalachicola-Chattahoochee-Flint river basin. He also argued in the 11th Circuit Court of Appeals in the long-running Everglades case brought by the United States against the State of Florida. Mr. Leopold led enforcement actions related to oil and gas development in Southwest Florida, to address the first hydraulically-fractured oil and gas

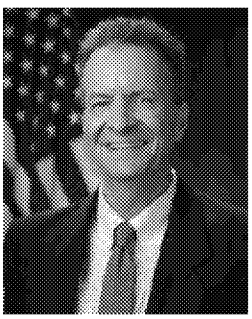
well in that region and worked on the siting of a nuclear reactor in South Florida. In 2015, he was appointed to the Federal Judicial Nominating Commission for the Northern District of Florida by U.S. Senators Marco Rubio and Bill Nelson.

At DOJ, he worked on enforcement and defensive litigation, client counseling, and regulatory and policy initiatives, such as the National Oceans Policy and the U.S. Coral Reef Task Force. He was a member of the BP oil spill civil enforcement trial team formed to address the 2010 Deepwater Horizon oil spill in the Gulf of Mexico and handled cases related to the Border Fence Land Acquisition Project. He twice received the Assistant Attorney General's Award for Excellence for his work in those two matters.

Mr. Leopold worked in the Washington office of Governor Jeb Bush as a federal policy advisor on environmental matters, representing DEP and Florida's five Water Management Districts on issues they faced in Congress and with federal agencies. He represented Florida's interests to Congress during passage of the Gulf of Mexico Energy Security Act, which led to a legislative ban on new oil and gas leasing in the Eastern Gulf of Mexico.

Mr. Leopold hails from the Tampa area and is a graduate of the University of Florida and the Florida State University College of Law. He and his wife Kim have four children and enjoy spending their time doing family activities.

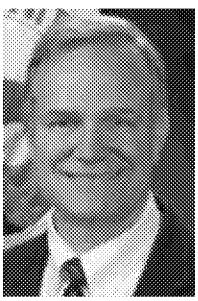
Charles J. Sheehan, Acting Inspector General



Charles J. Sheehan became Deputy Inspector General of the U.S. Environmental Protection Agency (EPA) in April 2012. Before his appointment, Mr. Sheehan served four years as Judge on the EPA's Environmental Appeals Board. Prior to this, he was the Regional Counsel for EPA Region 6, comprising Texas, Louisiana, Arkansas, New Mexico and Oklahoma. Before entering the EPA, Mr. Sheehan was General Counsel of the U.S.-Mexico Border Environment Cooperation Commission. For nearly 15 years, he was a trial attorney in the U.S. Department of Justice, most of that period with the department's Environment and Natural Resources Division, where he represented the EPA and other federal agencies in enforcement and defensive litigation in district and appellate courts under major federal environmental statutes.

Mr. Sheehan earned a bachelor's degree from Boston College and a Juris Doctor from the Georgetown University Law Center. He is a member of the bar of the District of Columbia.

Barry Breen, Acting Assistant Administrator, Office of Land and Emergency Management



Barry Breen is the Acting Assistant Administrator of the EPA's Office of Land and Emergency Management (OLEM). In that capacity, Barry is responsible for managing the EPA's hazardous and solid waste management programs, hazardous waste cleanup programs including corrective action under the Resource Conservation and Recovery Act, Superfund and federal facilities cleanup and redevelopment, Brownfields program, oil spill prevention and response program, chemical accident prevention and response program, underground storage tank program, and emergency response program.

Barry joined OLEM (then known as the Office of Solid Waste and Emergency Response) in 2002. Previously, Barry was the Director of the EPA's Office of Site Remediation Enforcement, and before that led EPA's Federal Facilities Enforcement Office. Prior to joining the EPA, Barry was Editor-In-Chief of the Environmental Law Reporter and Director of Publications at the Environmental Law Institute. He was a trial attorney in the Justice Department's criminal division, and an Assistant to the General Counsel, Department of the Army. In that capacity, Barry served as an active-duty Army Captain.

Barry teaches environmental law as an adjunct professor at American University law school. He has an undergraduate degree from Princeton University, and a law degree from Harvard Law School. He was the Managing Editor of *Sustainable Environmental Law*, which won the Association of American Publishers' Award for Best New Book in the Scholarly Legal category. He has written eight of the annual competition problems for the National Environmental Moot Court.

Barry received the Presidential Rank Award for Meritorious Executive Service, the EPA's Award for Exemplary Leadership in Human Resources Management, the Army's Meritorious Service Medal, and American University's Faculty Award for Outstanding Adjunct Teaching.

Vaughn Noga, Chief Information Officer

Vaughn has served in key executive leadership positions with EPA since 2008 and is currently serving as the Chief Information Officer for EPA, as well as the Deputy Assistant Administrator for Environmental Information within the Office of Mission Support. Prior experience at EPA includes his role as the Director of the Office of Administration and Resources Management, Office of Administration; EPA Chief Technology Officer; and Director of the Office of Technology Operations and Planning. Before joining EPA, Vaughn spent nearly twelve years as a federal contractor in various information technology and information technology management positions.

Vaughn is a seasoned IT professional with more than 20 years' experience in the field. Throughout his career, he has distinguished himself as an innovative thought leader with the unique ability to deliver strategically aligned, technically sound, and cost-effective IT solutions.

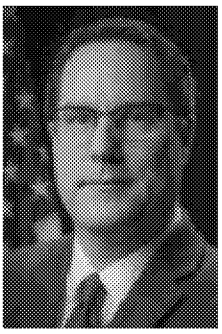
Jennifer Orme-Zavaleta, Principal Deputy Assistant Administrator for Science, Office of Research and Development, and EPA Science Advisor

Jennifer Orme-Zavaleta, Ph.D., is the Principal Deputy Assistant Administrator for Science for the Office of Research and Development and the EPA Science Advisor. Dr. Orme-Zavaleta has been with EPA since 1981, working in the areas of human health and ecological research, risk assessment, policy and regulation development, strategic planning, and program implementation. The focus of her experience includes the evaluation of risks to human and ecosystem health, and the influence of environmental change on human health in response to a variety of stressors including synthetic organic and inorganic chemicals, radionuclides, microorganisms, and vector-borne disease.

Dr. Orme-Zavaleta received her B.A. in Zoology from Ohio Wesleyan University, M.S. in Zoology and Toxicology from Miami University, and Ph.D. in Wildlife Science and Public Health from Oregon State University.

Jennifer has held a number of positions within EPA in the Offices of Toxic Substances, Water and Research and Development. Most recently she served as the Director of EPA's National Exposure Research Laboratory. She also served as the Interim National Program Director for Safe and Sustainable Water Resources, where she led the development of research to achieve safe, resilient and sustainable solutions to the increasingly complex water challenges facing US regions, states, tribes, cities and rural areas.

Dave Ross Assistant Administrator Office of Water



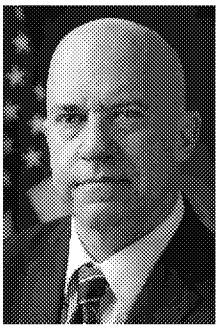
Dave Ross is the Assistant Administrator for the Office of Water at the U.S. Environmental Protection Agency. Dave has more than 20 years of experience working on water issues in state government and private sector.

Prior to joining EPA in January 2018, Mr. Ross worked as the Director of the Environmental Protection Unit at the Wisconsin Department of Justice. During his tenure, he served as the lead environmental prosecutor for the State of Wisconsin and worked closely with the Wisconsin Department of Natural Resources on environmental and natural resources issues.

Mr. Ross has also worked in the Wyoming Attorney General's Office representing the Water Quality Division of the Wyoming Department of Environmental Quality and as a partner in the land use and natural resources practice at an international law firm in Washington, D.C. Earlier in his career, he provided project management and environmental consulting services to the City of San Diego, California with a focus on designing, installing, and testing wastewater reclamation and repurification technologies.

Mr. Ross received his J.D. and Master of Environmental Law from Vermont Law School and graduated with a Bachelor of Arts from the University of Wisconsin-Madison.

Peter Wright, Acting Assistant Administrator, Office of Land and Emergency Management



Peter Wright joined the U.S. Environmental Protection Agency (EPA) in July 2018 as Special Counsel to the Administrator. In March 2018, he was nominated to be the Assistant Administrator of EPA's Office of Land and Emergency Management and had a confirmation hearing before the Senate Environmental and Public Works Committee on June 20, 2018. He was nominated again in January 2019, and his nomination is pending before the Senate.

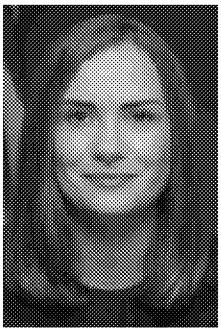
Prior to joining EPA, he worked for the Dow Chemical Company as managing counsel for environmental, health and safety matters, including responsibility for Superfund sites and other federal and state-led remediation matters, as well as a broad array of other environmental regulatory matters. He also provided legal counsel on merger and acquisition and significant real estate transactions. Prior to joining Dow in 1999, he worked for Bryan Cave LLP and

Monsanto in St. Louis, Missouri and started his career as an environmental law associate with Baker & Daniels in Indianapolis, Indiana.

Peter has been a leader of the American Bar Association's Section of Environment, Energy and Resources, the premier forum for environmental, energy and resource lawyers.

He earned his J.D. *summa cum laude* from Indiana University in 1996 and his A.B. *summa cum laude* from Wabash College in 1981.

Brittany Bolen, Associate Assistant Administrator, Office of Policy



Brittany Bolen serves as the Associate Administrator for the Office of Policy (OP). Previously, Brittany has served as Acting Associate Administrator and Deputy Associate Administrator for OP. During her time at EPA, Brittany has played a critical role in leading OP, particularly as the office went through a major reorganization in Spring 2018. Additionally, Brittany serves on EPA's Regulatory Reform Task Force and has testified before Congress on the agency's regulatory reform efforts.

Before joining EPA, Brittany worked for several Congressional committees in the Senate and House of Representatives focusing on environmental and regulatory policy.

Brittany holds a J.D. from the George Mason University School of Law and a B.A. from the University of Florida.

Deborah Szaro, Acting Regional Administrator, Region 1

A career EPA employee since 1987, Deborah Szaro has served as the EPA Region 1 Deputy Regional Administrator since March 2014.

In this capacity, Szaro is responsible for managing both budget and multidisciplinary personnel in EPA's efforts to protect human health and the environment within EPA Region 1, in conjunction with the six New England States (Conn., Mass., Maine, N.H., R.I., Vermont) and 10 tribes.

Prior to her current role, Szaro directed the Division of Environmental Science and Assessment in EPA Region 2's laboratory facility in Edison, N.J. from 2002 - 2014. There, she was responsible for directing and managing a diverse staff of scientists, engineers and technicians engaged in ambient and source monitoring for all environmental media, the generation of data used in enforcement actions, development and implementation of data quality assurance polices and protocols, and the operation of the regional analytical testing laboratory.

Szaro began her EPA career in 1987 in EPA Region 1, where she served as Laboratory Technical Project Officer and Quality System Team Leader. Before her government career, Szaro served on the staff of the Massachusetts Institute of Technology (MIT) Chemistry Lab, and she was a manager with Cambridge Analytical Associates, an environmental consulting company in Brookline, Mass. She holds a B.S. in Biology from Northeastern University in Boston, Mass.

Peter D. Lopez, Regional Administrator, Region 2

Pete Lopez serves as the Regional Administrator for EPA Region 2. His responsibilities include overseeing the states of New York and New Jersey, Commonwealths of Puerto Rico and the US Virgin Islands, and eight tribal nations.

Prior to joining EPA Region 2, Mr. Lopez served as a Member of the New York State (NYS) Assembly, where he served for over 10 years and 6 terms. During this time, Mr. Lopez successfully addressed flood recovery issues; helped create jobs; and both supported and advocated for children, families, teachers, schools, businesses, family farms and more.

Prior to his term as Assemblyman, Mr. Lopez served with the NYS Senate and was elected as a Village Trustee. While pursuing his Master's, Pete continued his full-time work with the NYS Legislature as the Associate Director of the Senate Agriculture Committee, Assistant Director of the Legislative Commission on Rural Resources, District Office Director, and Executive Assistant. Simultaneously, Pete was elected to additional local offices including Town Councilman and Town Supervisor/County Legislator. During this period, Pete was appointed to the New York Statewide Transportation Advisory Committee and the Association of Towns' Statewide Legislative Advisory Committee. After 21 years of service to the State Legislature and 12 years as a local official, Pete was elected as the County Clerk prior to becoming a NYS Assemblyman.

Pete graduated with honors from Schoharie Central School District, State University of New York (SUNY) Cobleskill, and SUNY Albany. He holds a Bachelor of Public Affairs with a concentration in Environmental Studies, and a Master of Public Administration.

Cosmo Servidio, Regional Administrator, Region 3

Cosmo Servidio serves as the Regional Administrator for the Mid-Atlantic Region. His responsibilities include leading the environmental protection efforts for the five Mid-Atlantic states, Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia.

Mr. Servidio brings to his position a wealth of experience from the local, state, and federal levels, as well as from the private sector. Throughout his career, Mr. Servidio has demonstrated his ability for bringing citizens, businesses and policymakers together to find innovative solutions to the environmental challenges facing our citizens.

Mr. Servidio served as the chief of staff for EPA Region 2 from 2005 – 2009, where he was tasked as key advisor to the Regional Administrator, managing daily operations of the Region, and providing guidance to other agency leadership, program managers and staff involved in complex environmental issues.

In addition to his work at EPA, Mr. Servidio also served as the Regional Director for the Pennsylvania Department of Environmental Protection for the Southern Region, where he oversaw the Department's priorities to improve air quality, waste management, radiation protection, remediation, conservation, safe drinking water, dam safety, and clean water programs.

Earlier in his career, Mr. Servidio held senior positions with the New Jersey Meadowlands Commission and the Port Authority of New York and New Jersey, where he worked directly for the Chairman of the Board of Commissioners assisting in the management and oversight of much of the transportation infrastructure critical to the region's trade and transportation network.

Mr. Servidio is a graduate of Wheeling Jesuit University with a Bachelor of Arts in history.

Mary S. Walker, Acting Regional Administrator, Region 4

Mary Walker is the Acting Administrator for EPA's Southeast Region (Region 4). In this capacity, she leads EPA's efforts to protect human health and the environment in the eight southeastern states of Alabama, Florida, Georgia, Kentucky, North Carolina, Mississippi, South Carolina and Tennessee, as well as six federally-recognized tribes. Mary previously served as the Deputy Regional Administrator and Water Division Director in the Region 4 office. In these roles, she worked cooperatively with states to improve coordination and the timeliness of EPA actions, actions she will continue as Acting Regional Administrator.

Prior to her work at EPA, Mary served as the Assistant Director and Chief Operating Officer for the Georgia Environmental Protection Division (EPD), where she oversaw policy development and rulemaking for all media, permitting and compliance programs, and for general agency operations.

Mary earned an undergraduate degree from Tulane University and a Master of Public Administration from the University of Georgia. Mary is an Alabama native and currently lives in the Atlanta area with her husband and two children.

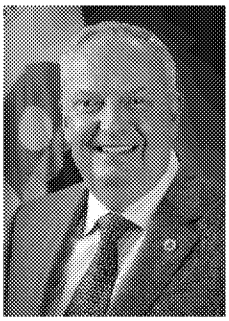
Cathy Stepp, Regional Administrator, Region 5

Cathy Stepp serves as the Regional Administrator for EPA Region 5. Her responsibilities include overseeing environmental protection efforts in the Great Lakes states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, as well as 35 federally recognized tribal governments. One of her roles is manager of EPA Great Lakes National Program, in which she leads restoration and protection of the largest freshwater system in the world. Before joining Region 5, she was Principal Deputy Regional Administrator for EPA Region 7.

Ms. Stepp served as the secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. As state cabinet secretary, she led the third largest state agency with about 4,000 employees and was responsible for state enforcement and protection of wildlife, fisheries, state parks, trails, forests and environmental permitting.

Ms. Stepp also served as a Wisconsin state senator from 2003 to 2007, where she represented nearly 160,000 constituents and authored and advanced legislation on regulatory reform, job creation and other issues. Prior to entering public service, Ms. Stepp owned a small business, a home-building company.

David Gray, Acting Regional Administrator, Region 6



David Gray serves as the Acting Regional Administrator for EPA Region 6 in Dallas, Texas and was appointed by EPA Regional Administrator Anne Idsal in July 2018.

Mr. Gray has more than 30 years of experience in EPA's Region 6 as a leader with oversight for planning and management of the technical and administrative aspects of Region 6 activities. Before becoming Deputy Regional Administrator, Mr. Gray served as Director of External Affairs overseeing the region's government and public affairs programs and focusing on policy implementation in the five states that make up Region 6 (AR, LA, NM, OK, TX) for 20 years. During his career, Mr. Gray has gained extensive experience in overseeing crisis communication programs during nationally significant incidents including EPA's response to Hurricane Katrina, Deep Water Horizon and most recently Hurricane Harvey.

Mr. Gray oversees an annual budget of about $461M and is responsible for advising on national policies involving management, strategic planning, technical and scientific issues, and resource management issues for approximately 700 employees making up Region 6.

Jim Gulliford, Regional Administrator, Region 7

Jim Gulliford is the Regional Administrator for the U.S. EPA's Region 7 in Lenexa, Kan. Gulliford leads the Agency's efforts in Iowa, Kansas, Missouri, Nebraska, and nine tribal nations. He has more than 40 years of experience leading environmental and natural resource protection programs in the Heartland.
Gulliford recently served as Executive Director of the Soil and Water Conservation Society, where he led the organization from 2009 to 2016. SWCS fosters the science and art of natural resource conservation on working land – land used to produce food, fiber, fuel, and other services that improve the quality of life people experience in rural and urban communities. The organization represents 3,000 scientists, researchers, educators, and conservation practitioners.

Gulliford previously served as Assistant Administrator for the EPA Office of Prevention, Pesticides, and Toxic Substances (now the Office of Chemical Safety and Pollution Prevention) from 2006 to 2009, and as Regional Administrator for EPA Region 7 from 2001 to 2006.

At the state level, Gulliford served as Director of the Division of Soil Conservation at the Iowa Department of Agriculture and Land Stewardship from 1986 to 2001, where he was responsible for the development and management of soil conservation, water quality, and mine regulation for Iowa.

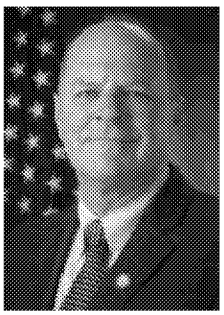
Gulliford holds a Bachelor of Science in forestry management with a minor in agronomy, and a Master of Science in forestry economics and marketing, both from Iowa State University.

Deb Thomas, Acting Regional Administrator, Region 8

Deb Thomas currently serves as the Deputy Regional Administrator for EPA's Region 8 office located in Denver, Colorado. She has served in several positions in Region 8 including Assistant Regional Administrator (ARA) for the Office of Technical and Management Services; Deputy ARA for the Office of Partnerships and Regulatory Assistance; Water Program Director; Permits Unit Chief; Permits Unit Team Leader; and Associate Pretreatment Coordinator. She began her EPA career as an Enforcement Officer. She has extensive programmatic experience in environmental protection, as well as internal operations experience, managing over 500 employees.

Deb received a Bachelor of Environmental Resources Engineering from Humboldt State University (Arcata, California) and a Master of Engineering from the University of Florida in Gainesville.

Mike Stoker, Regional Administrator, Region 9



Mike Stoker serves as the Regional Administrator for the EPA's Region 9, based in San Francisco. He leads the Agency's efforts in Arizona, California, Hawaii, Nevada, the Pacific islands (including Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands), and 148 tribal nations. The Region spans eight time zones and is home to more than 50 million people.

Mr. Stoker has spent his career serving the public and working as an attorney specializing in agriculture, labor, land use and environmental law. He most recently served as director of government affairs for UnitedAg, the second largest agricultural association in California. Mr. Stoker was a member of Santa Barbara County's Board of Supervisors from 1986-1994, chairman of the California Agricultural Labor Relations Board from 1995-2000, and California deputy secretary of state from 2000-2002.

In addition, Mr. Stoker served on the Southern California Hazardous Waste Management Board of Directors from 1990 to 1994, as chairman of the Santa Barbara County Association of Governments from 1991 to 1993, and as chairman of the Santa Barbara County Air Pollution Control District from 1992 to 1994. He has also served on the boards of several community organizations.

Mr. Stoker received his Bachelor of Arts degree magna cum laude from the University of California at Berkeley and his Juris Doctorate degree from Loyola Law School in Los Angeles.

Chris Hladick, Regional Administrator, Region 10

Chris Hladick serves as the Regional Administrator for the Pacific Northwest and Alaska Region. His responsibilities include overseeing the environmental protection efforts for the states of Alaska, Idaho, Oregon and Washington including 271 tribal governments.

Mr. Hladick served as Commissioner of the Alaska Department of Commerce, Community, and Economic Development from 2015 – 2017 where he worked to protect consumers while building a strong economy and healthy communities. During his tenure, he oversaw approximately 500 employees in six divisions and seven agencies. He previously served as City Manager in Unalaska, Alaska for 14 years where he was responsible for the day-to -day operation of city services and programs and long term planning goals for the city. Earlier in his career, Mr. Hladick served as City Manager in Dillingham, Alaska and the City Manager and Public Works Director in Galena, Alaska.

His passion for protecting the environment extends to his involvement in other organizations such as the Alaska Arctic Policy Commission, Northern Waters Task Force, and serving on the working group on the Arctic Marine Protected Areas and the Task Force for Arctic Marine Cooperation.

Mr. Hladick holds a Bachelor of Science in Environmental Biology from Eastern Illinois University. He also studied Geology and Engineering at Ft. Lewis College, University of Colorado.

Working DRAFT April 2, 2019

National Tribal Operations Committee – 25 Years of Partnership

Former Environmental Protection Agency Administrator Carol M. Browner convened a meeting with tribal leaders and representatives in Washington DC on February 17, 1994. The purpose of the meeting was to initiate a team to improve tribal operations throughout the Agency to enhance environmental protection in Indian country. At that meeting, the Administrator reaffirmed the 1984 EPA Indian Policy and announced the establishments of a Tribal Operations Committee (TOC) consisting of EPA senior managers and 19 tribal representatives, now known as the National Tribal Operations Committee.

At the first TOC meeting, Administrator Browner announced the appointment of Martha Prothro, Deputy Assistant Administrator for the Office of Water, as Special Assistant to the Administrator for Tribal Operations. A series of TOC during its first year resulted in the establishment of the EPA American Indian Environmental Office in October 1994.

The goals of the Tribal Operations Committee were:

1. Build environmental capacity and infrastructure
2. Establish environmental presence on Indian reservations of those tribes desiring it
3. Maintain tribal environmental priorities in annual Agency priorities/budget decision-making
4. Increase level of understanding in EPA senior management regarding tribes to institutionalize a co-regulator partnership
5. Increase understanding by tribes of EPA resources to facilitate informed tribal governmental decisions of assuming delegated authority of EPA programs.

Based on historical records, Administrator Browner's intent of establishing the TOC was to implement the 1984 Indian Policy by providing a forum between the EPA and tribal co-regulators to meet on what needed to be done in order to carry out the implementation. The following tribal representatives were invited to serve on the TOC in February 1994:

- R1 - John Banks, Penobscot Nation
- R2 - Chief Norman Tarbell – Ken Jock, St. Region Mohawk Tribe
- R4 - Chief Jonathan Taylor – Calvin Murphy, Eastern Band of Cherokee Indians
- R5 - Don Wedll, Mille Lacs Band of Objibwe
- R5 - Arlyn Ackley, Sakaogon Chippewa Tribal Council
- R6 - Chairman James Hena, All Indian pueblo council, NM
- R6 - Wilma Mankiller – John Ketcher, Cherokee Nation
- R7 – John Blackhawk – Lucille Bigfire, Winnebago Tribe
- R8 – Paula Butler – David Nelson, Cheyenne River Sioux Tribe
- R9 – Harrison Talgo – Lt. Gov Cecil Antone, San Apache Tribe
- R9 – Michael Connoly – James Fletcher – Campo Band of Kumeyaay
- R9 – Elwood Lowery – Davis Gonzales, Nevada Indian Environmental Coalition
- R9 – Sadie Hoskie, Navajo Nation
- R10 – Chad Bowechop, Makah Tribe
- R10 – Herbie Edwin, Tanana Chiefs Confernece
- R10 – Will Mayo – Ron Leighton, Cindy Thomas, Inter Tribal Council of Alaska
- R10 – Terry Williams, Tulalip Tribes

Membership of EPA senior managers consisted of: Administrator, Deputy Administrator, Assistant Administrator of the Office of Water, AIEO Office Director, Regional Administration of Region VIII, Regional Administrator of Lead Region on Indian Affairs

11/8/84

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-government" 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 America 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 AFFIRMATVE 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 that 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 express 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 statues and regulations have limited our ability to work directly and effectively with Tribal Governments on reservation problems. As impediments in our procedures, regulations or statues are identified which limit our ability to work 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 RESERVATIONS 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 statues, 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 judgement, 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 noncompliance by the private sector elsewhere in the country. Where 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.

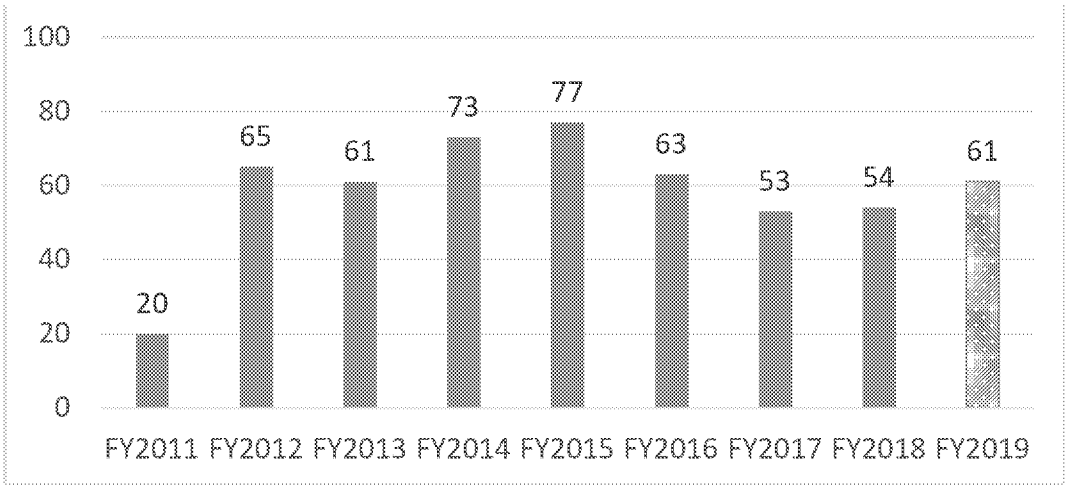
William D. Ruckelshaus

EPA's Tribal Consultation Activity – By the Numbers

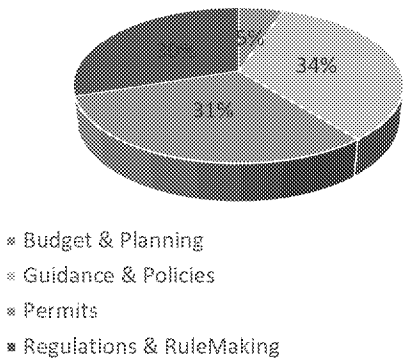
(Source: April 1, 2019 https://tcots.epa.gov)

- Number of Active Consultations: 11 (Regional (10) Headquarters (1))
- Number of Completed Consultations: 499

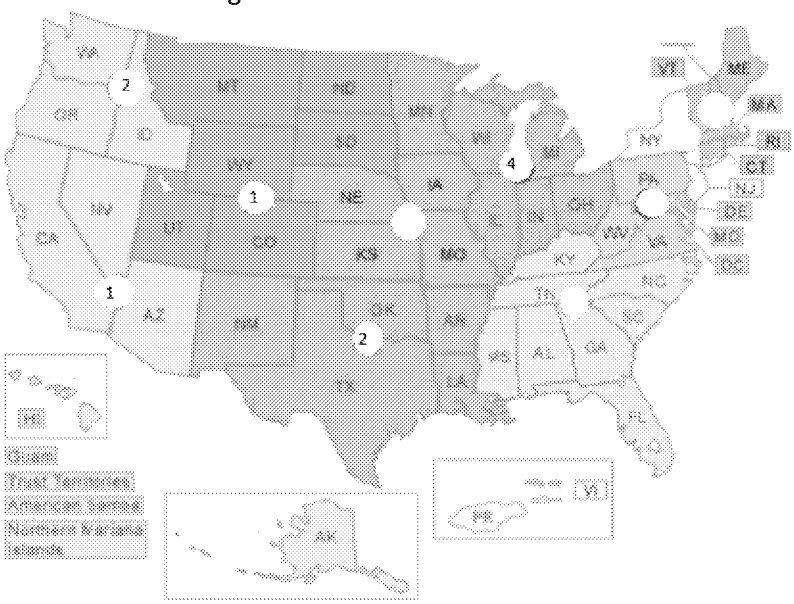
Completed Tribal Consultations FY2011- FY2019 Projected



Agency's Top 4 consultation activity categories (2011-present):



Regions with Active Tribal Consultations



EPA POLICY

ON

CONSULTATION AND COORDINATION

WITH

INDIAN TRIBES

May 4, 2011

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I. Policy Statement

EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests. Consultation is a process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing decisions that may affect tribes. As a process, consultation includes several methods of interaction that may occur at different levels. The appropriate level of interaction is determined by past and current practices, adjustments made through this Policy, the continuing dialogue between EPA and tribal governments, and program and regional office consultation procedures and plans.

This Policy establishes national guidelines and institutional controls for consultation across EPA. EPA program and regional offices have the primary responsibility for consulting with tribes. All program and regional office consultation plans and practices must be in accord with this Policy. This Policy seeks to strike a balance between providing sufficient guidance for purposes of achieving consistency and predictability and allowing for, and encouraging, the tailoring of consultation approaches to reflect the circumstances of each consultation situation and to accommodate the preferences of tribal governments. The consultation process is further detailed in Section V of this document.

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II. Background

To put into effect the policy statement above, EPA has developed this proposed *EPA Policy on Consultation and Coordination with Indian Tribes* (Policy). The Policy complies with the Presidential Memorandum (Memorandum) issued November 5, 2009, directing agencies to develop a plan to implement fully Executive Order 13175 (Executive Order). The Executive Order specifies that each Agency must have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.

This Policy reflects the principles expressed in the *1984 EPA Policy for the Administration of Environmental Programs on Indian Reservations* (1984 Policy) for interacting with tribes. The 1984 Policy remains the cornerstone for EPA's Indian program and "assure[s] that tribal concerns and interests are considered whenever EPA's actions and/or decisions may affect" tribes (1984 Policy, p. 3, principle no. 5).

One of the primary goals of this Policy is to fully implement both the Executive Order and the 1984 Indian Policy, with the ultimate goal of strengthening the consultation, coordination, and partnership between tribal governments and EPA.

The most basic result of this full implementation is that EPA takes an expansive view of the need for consultation in line with the 1984 Policy's directive to consider tribal interests whenever EPA takes an action that "may affect" tribal interests.

The Policy is intended to be implemented using existing EPA structures to the extent possible. The use of current EPA business processes, such as the Action Development Process, National and Regional Tribal Operations Committees, and tribal partnership groups is purposeful so that consultation with tribal governments becomes a standard EPA practice and not an additional requirement.

The issuance of this Policy supports and guides the development and use of program and regional office consultation plans and practices consistent with this Policy.

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III. Definitions

A. "Indian tribe" or "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 1944, 25 U.S.C. 479a.

B. "Tribal official" means an elected, appointed, or designated official or employee of a tribe.

C. "Indian country" means:

1. All land within limits of any Indian reservation[1] under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

2. 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

3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

IV. Guiding Principles

To understand both the purpose and scope of the Policy as well as the integration of the Policy, Memorandum, and Executive Order, it is helpful to list principles found in EPA's January 2010 *Plan to Develop a Tribal Consultation and Coordination Policy Implementing Executive Order 13175*:

> EPA's fundamental objective in carrying out its responsibilities in Indian country is to protect human health and the environment.
>
> EPA recognizes and works directly with federally recognized tribes as sovereign entities with primary authority and responsibility for each tribe's land and membership, and not as political subdivisions of states or other governmental units.
>
> EPA recognizes the federal government's trust responsibility, which derives from the historical relationship between the federal government and Indian tribes as expressed in certain treaties and federal Indian law.

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[1] EPA's definition of "reservation" encompasses both formal reservations and "informal" reservations, i.e., trust lands set aside for Indian tribes. *See for example* Oklahoma Tax Comm'n v. Sac and Fox Nation, 508 U.S. 114, 123 (1993); 56 Fed. Reg. 64876, 64881 (1991); or 63 Fed. Reg. 7254, 7258 (1998).

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EPA ensures the close involvement of tribal governments and gives special consideration to their interests whenever EPA's actions may affect Indian country or other tribal interests.

When EPA issues involve other federal agencies, EPA carries out its consultation responsibilities jointly with those other agencies, where appropriate.

In addition, it is helpful to note the distinction between this Policy, federal environmental laws pertaining to public involvement, and Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Under this Policy, EPA consults with federally recognized tribal governments when Agency actions and decisions may affect tribal interests. EPA also recognizes its obligations to involve the public as required by federal environmental laws. Finally, EPA recognizes the need to be responsive to the environmental justice concerns of non-federally recognized tribes, individual tribal members, tribal community-based/grassroots organizations and other indigenous stakeholders.

V. Consultation

A. ***The Consultation Process.*** To the fullest extent possible, EPA plans to use existing EPA business operations to put this Policy into effect.

Tribal officials may request consultation in addition to EPA's ability to determine what requires consultation. EPA attempts to honor the tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors.

Consultation at EPA consists of four phases: Identification, Notification, Input, and Follow-up:

1. **Identification Phase**: EPA identifies activities that *may be* appropriate for consultation, using the mechanisms described in section B.2, below. The identification phase should include a determination of the complexity of the activity, its potential implications for tribes, and any time and/or resource constraints relevant to the consultation process. This phase should also include an initial identification of the potentially affected tribe(s).

2. **Notification Phase**: EPA notifies the tribes of activities that may be appropriate for consultation.

Notification can occur in a number of ways depending on the nature of the activity and the number of tribes potentially affected. For example, EPA may send out a mass mailing to all tribes, may contact the tribal governments by telephone, or provide notice through other agreed upon means. EPA normally honors tribal preferences regarding the specific mode of contact.

Notification includes sufficient information for tribal officials to make an informed decision about the desire to continue with consultation and sufficient information to understand how to provide informed input.

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Notification should occur sufficiently early in the process to allow for meaningful input by the tribe(s).

3. **Input Phase**: Tribes provide input to EPA on the consultation matter. This phase may include a range of interactions including written and oral communications including exchanges of information, phone calls, meetings, and other appropriate interactions depending upon the specific circumstances involved. EPA coordinates with tribal officials during this phase to be responsive to their needs for information and to provide opportunities to provide, receive, and discuss input. During this phase, EPA considers the input regarding the activity in question. EPA may need to undertake subsequent rounds of consultation if there are significant changes in the originally-proposed activity or as new issues arise.

4. **Follow-up Phase**: EPA provides feedback to the tribes(s) involved in the consultation to explain how their input was considered in the final action. This feedback should be a formal, written communication from a senior EPA official involved to the most senior tribal official involved in the consultation.

B. *What Activities May Involve Consultation*?

1. **General Categories of Activities Appropriate for Consultation:** The broad scope of consultation contemplated by this Policy creates a large number of actions that *may* be appropriate for consultation.

The following list of EPA activity categories provides a general framework from which to begin the determination of whether any particular action or decision is appropriate for consultation. The final decision on consultation is normally made after examining the complexity of the activity, its implications for tribes, time and/or resource constraints, an initial identification of the potentially affected tribe(s), application of the mechanisms for identifying matters for consultation, described below, and interaction with tribal partnership groups and tribal governments.

The following, non-exclusive list of EPA activity categories are normally appropriate for consultation if they may affect a tribe(s):

- Regulations or rules
- Policies, guidance documents, directives
- Budget and priority planning development
- Legislative comments[2]
- Permits

[2] Legislative comments are a special case where, due to short legislative timeframes, consultation in advance of comment submission may not always be possible. Nevertheless, EPA will strive to inform tribes when it submits legislative comments on activities that may affect Indian country or other tribal governmental interests.

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- Civil enforcement and compliance monitoring actions[3]
- Response actions and emergency preparedness[4]
- State or tribal authorizations or delegations
- EPA activities in implementation of U.S. obligations under an international treaty or agreement.

2. **EPA's Mechanisms for Identifying Matters for Consultation:** The mechanisms EPA uses for identifying matters appropriate for consultation are as follows:

a. Tribal Government-Requested Consultation. Tribal officials may request consultation in addition to EPA's ability to determine what requires consultation. EPA attempts to honor the tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors.

b. Action Development Process (ADP). Early in the process, the lead program office assesses whether consultation is appropriate for the subject action. Its determination is available to tribes in the semiannual Regulatory Agenda as well as in the subset of rules on the Regulatory Gateway accessed through the EPA website.

This Policy is not intended to subject additional Agency actions to the ADP process for the sole purpose of a consultation analysis. Non-ADP actions are subject to consultation analysis through other mechanisms identified within the Policy.

c. National Program Offices and Regional Offices. For those actions and decisions not in the ADP process, program and regional offices also determine if consultation is appropriate under this Policy. EPA's Tribal Consultation Advisors, described below, provide assistance with that determination. Such determination includes coordination with national and/or regional tribal partnership groups.

d. National and Regional Tribal Partnership Groups. EPA meets regularly with a number of national and regional tribal partnership groups. These groups assist in the identification of matters that may be appropriate for consultation.

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[3] Primary guidance on civil enforcement matters involving tribes can be found in "Guidance on the Enforcement Priorities Outlined in the 1984 Indian Policy," and "Questions and Answers on the Tribal Enforcement Process." This guidance is intended to work with the Tribal Consultation Policy in a complementary fashion to ensure appropriate consultation with tribes on civil enforcement matters.

[4] The term "response" as defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) includes removals and remedial actions.

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C. ***When Consultation Occurs***. Consultation should occur early enough to allow tribes the opportunity to provide meaningful input that can be considered prior to EPA deciding whether, how, or when to act on the matter under consideration. As proposals and options are developed, consultation and coordination should be continued, to ensure that the overall range of options and decisions is shared and deliberated by all concerned parties, including additions or amendments that occur later in the process.

D. ***How Consultation Occurs***. There is no single formula for what constitutes appropriate consultation, and the analysis, planning, and implementation of consultation should consider all aspects of the action under consideration. In the case of national rulemaking, a series of meetings in geographically diverse areas may be appropriate. For more routine operational matters, a less formal process may be sufficient.

VI. Managing the Consultation Process

A. Roles and Responsibilities

The following roles and responsibilities have been defined to allow EPA to effectively implement this Policy. These roles and responsibilities reflect the fact that, while oversight and coordination of consultation occurs at EPA headquarters, as a practical matter, much of the actual consultation activity occurs in EPA's program and regional offices. The responsibility for initially analyzing the need for consultation and then subsequently carrying it out, resides with these offices.

1. **Designated Consultation Official**: In addition to being the EPA's National Program Manager for the EPA Tribal Program, EPA's Assistant Administrator for the Office of International and Tribal Affairs (OITA) is the EPA-Designated Consultation Official under the Executive Order. These responsibilities include coordination and implementation of tribal consultation in accordance with this Policy and Agency compliance with the 1984 Indian Policy.

The Designated Consultation Official has the authority for: (1) defining EPA actions appropriate for consultation, (2) evaluating the adequacy of that consultation, and (3) ensuring that EPA program and regional office consultation practices are consistent with this Policy.

Per the Memorandum, the Designated Consultation Official reports annually to OMB on the implementation of the Executive Order.[5] Further, the Designated Consultation Official certifies compliance with the Executive Order for applicable EPA activities. The American Indian Environmental Office (AIEO) is located within OITA and coordinates the operational details of the Policy and compiles consultation-related information for the Designated Consultation Official.

2. **Assistant Administrators**: Assistant Administrators oversee the consultation process in their respective offices including analysis for potential

[5] Report is filed annually by August 3rd.

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consultation and the consultation process. Each program office is directed to prepare a semi-annual agenda of matters appropriate for consultation and a brief summary of consultation that has occurred. The program offices provide this information to AIEO for reporting to OMB. Each office is directed to designate a Tribal Consultation Advisor.

3. **Regional Administrators**: Regional Administrators oversee the consultation process in their respective offices including analysis for potential consultation and the consultation process. Each region is directed to prepare a semi-annual agenda of matters appropriate for consultation and a brief summary of consultation that has occurred. The regions provide this information to AIEO for reporting to OMB. Each region is directed to designate a Tribal Consultation Advisor.

4. **Tribal Consultation Advisors**: Tribal Consultation Advisors (TCAs) assist in identifying matters appropriate for consultation and prepare summary information on consultation activities and provide it to AIEO. TCAs receive and provide advice within their respective program offices and regions on what actions may be appropriate for consultation. TCAs also serve as a point-of-contact for EPA staff, tribal governments, and other parties interested in the consultation process. TCAs are the in-office subject matter experts to assist staff and management in the implementation of the Policy.

B. National Consultation Meeting

OITA/AIEO may convene a periodic National Consultation Meeting to be chaired by the Designated Consultation Official to review the consultation process across the Agency.

C. Reporting

Pursuant to the Memorandum, EPA submits annual progress reports to OMB on the status of the consultation process and actions and provides any updates to this Policy.

D. EPA Senior Management Review

The Designated Consultation Official communicates regularly with the Assistant and Regional Administrators to review the consultation system, to consider any matters requiring senior management attention, and to make adjustments necessary to improve the Policy or its implementation.

EPA plans to receive ongoing feedback on the Policy from all parties to assess its effectiveness and implement improvements.

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EPA REGION 6 EXECUTIVE SUMMARY

TOPIC: Region 6 Tribal 3Ts Lead Sampling in Schools Project

DATE: 4/5/19 CONTACT: Loribeth Tanner x8153

PURPOSE/ACTION NEEDED: Informational Update and A3 Project Material Preparation

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BACKGROUND:

The Region 6 Tribal 3Ts Lead Sampling in Schools initiative is a part of Region 6's War on Lead Action Plan to complement and reinforce the Federal Strategy to Reduce Childhood Lead Exposures and Eliminate Associated Health Impacts. Past Regional Administrator Idsal invited Tribal leadership to participate in the voluntary sampling in May 2018. The Region 6 3Ts Team established standard operating procedures, created sampling protocols, and a QAPP prior to initiating the project. The team identified 82 tribal childcare and school facilities for sampling. This voluntary program provides sampling at tribal childcare facilities served by water systems regulated by Region 6 that have not been previously tested for lead in drinking water. This program also provides abatement recommendations and encourages schools to implement a 3Ts (Training, Testing, and Taking Action) program of their own.

CURRENT STATUS:

During the Fall of 2018, nine Tribes responded and partnered with the 3Ts Team to conduct sampling at 24 facilities. Region 6's next wave of sampling includes 23 additional tribes which encompasses 58 tribal school and day care facilities. Additional extended outreach efforts are ongoing to collect the information necessary to initiate sampling at these facilities. The 3Ts Team is also providing technical assistance for mitigation and resampling where appropriate for facilities sampled in 2018.

ENVIRONMENTAL/PUBLIC HEALTH CONCERNS:

Prior to this EPA Region 6 initiative, sampling of lead in drinking water at schools and childcare facilities has not been conducted because these facilities are rarely captured in the existing tier 1, 2, or 3 categories of the Lead and Copper Rule. Older plumbing materials in schools and childcare facilities may contribute to elevated lead in their drinking water. There is no known safe blood lead level for children according to the Centers for Disease Control.

TECHNICAL CONCERNS:

- EPA Region 6 strongly recommends that tribes take action to mitigate lead exposure in drinking water for all sources with detected levels of lead.
- Consistent with scientific literature on lead abatement, resampling after mitigation has shown some mitigation activities may result in temporarily higher lead levels. The 3Ts Team continues to partner with staff from the Office of Research and Development, as well as PWS and school staff, to explore additional resampling protocols to capture the success of mitigation activities.

COMMUNITY CONCERNS:

- Additional schools and day cares have been identified by the tribes and will be incorporated into the sampling plan by EPA Region 6.
- Abatement of lead sources in school drinking water is the responsibility of the tribal facility.
- Tribes may apply for funding through the WIIN Act grants if additional funds for mitigation of lead sources within the school are necessary. GAP may also help cover costs as part of a baseline assessment.

Implementation Status Report for EPA Actions under the December 2018 Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts

APRIL 2019

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

VISION

The United States will become a place where children, especially those in vulnerable communities, live, learn and play protected from the harmful effects of lead exposure.

EPA PUBLICATION NUMBER: 100-R-19-003

INTRODUCTION

Since the 1970s, the U.S. Environmental Protection Agency (EPA) and its federal, state, tribal and local governmental partners have made tremendous progress in reducing children's lead exposures and lead-related health risks. EPA efforts to reduce lead exposures and prevent lead poisoning include a wide range of activities such as funding for community interventions and outreach, education and training, surveillance and regulation and enforcement.

Blood lead levels have fallen dramatically in the United States due to the promulgation, implementation and enforcement of laws and regulations aimed at reducing lead exposure. The largest declines in blood lead levels occurred from the 1970s to the 1990s following the elimination of lead in motor-vehicle gasoline, the ban on lead paint for residential use, removal of lead from solder in food cans and bans on the use of lead pipes and plumbing fixtures. Figure 1 depicts the timeline for major actions to prevent lead poisoning and reductions in mean blood lead levels (micrograms per deciliter (µg/dL)) among children ages 1 to 5 years from 1972 to 2012.

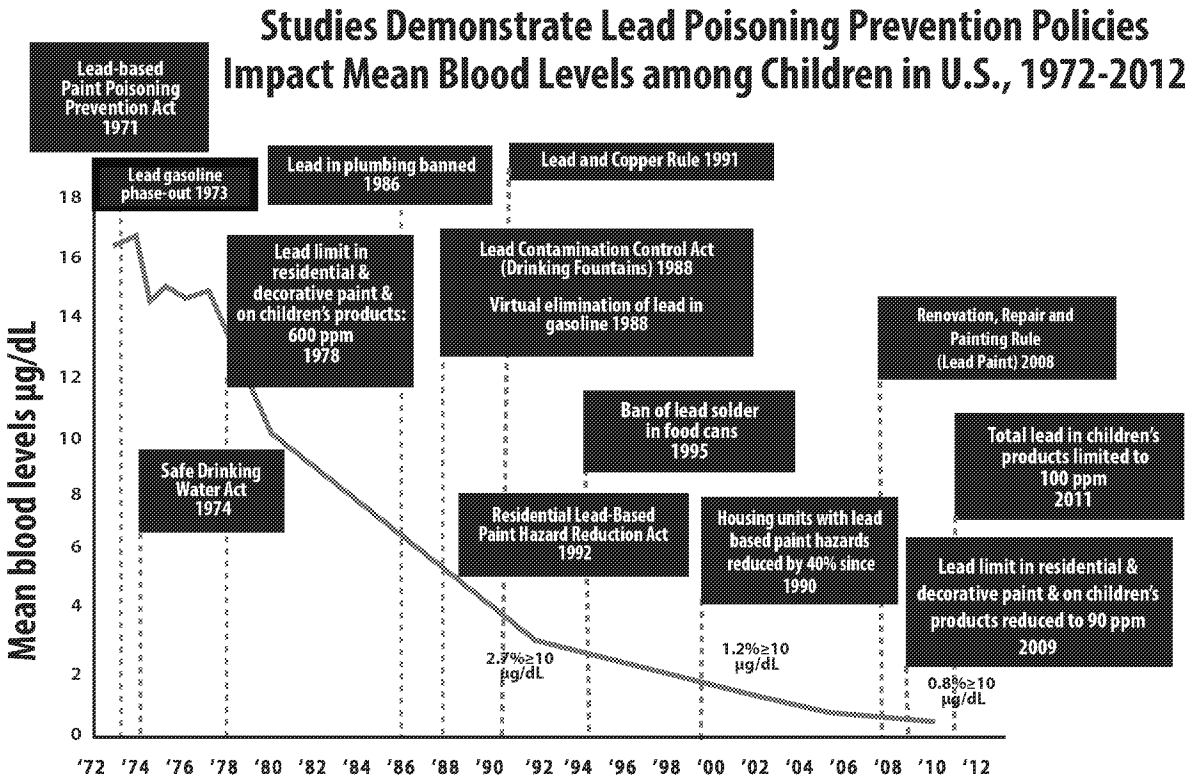

Figure 1: Source - Adapted from https://ptfceh.niehs.nih.gov/features/assets/files/key_federal_programs_to_reduce_childhood_lead_exposures_and_eliminate_associated_health_impactspresidents_508.pdf and Brown MJ and Falk H. Toolkit for establishing laws to control the use of lead paint. Module C.iii. Conducting blood lead prevalence studies. Global Alliance to Eliminate Lead Paint (2017)

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The Centers for Disease Control and Prevention (CDC) has stated that no safe blood lead level in children has been identified and in 2012 set a reference level of 5 µg/dL as an elevated level for children. Despite the overall decline of blood lead levels over time, lead exposure remains a significant public health concern for some children because of persistent lead hazards in their environment. Childhood lead exposure is especially prevalent in many communities that represent the lowest income and most diverse populations with significant cumulative environmental risk from pollution.

EPA, along with the Department of Health and Human Services (HHS), co-chaired the development of the December 2018 Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Effects (Federal Lead Action Plan) through cross-governmental collaboration of the President's Task Force on Environmental Health Risks and Safety Risks to Children, which includes 17 federal departments and offices.

The Federal Lead Action Plan focuses on reducing sources of lead exposures, expanding efforts to identify children in high risk communities for targeting intervention and services, enhancing risk communication efforts and advancing the scientific understanding of multi-media lead exposures and their relationship to blood lead levels.

The Federal Lead Action Plan outlined four interconnected goals with supporting priority actions:

Goal 1: Reduce Children's Exposure to Lead Sources

Goal 2: Identify Lead-Exposed Children and Improve Their Health Outcomes

Goal 3: Communicate More Effectively with Stakeholders

Goal 4: Support and Conduct Critical Research to Inform Efforts to Reduce Lead Exposures and Related Health Risks

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EPA ACTIVITIES UNDER THE FEDERAL LEAD ACTION PLAN

As EPA works with its partners to better coordinate activities and implement the overall federal effort to reduce childhood lead exposures and associated health impacts, the Agency is continuing its efforts to reduce lead exposures as described under the following actions.

The goal of this document is to outline the activities that the Agency is conducting under the Federal Lead Action Plan. Other federal partners are working to implement their actions as articulated in the Federal Lead Action Plan. Appendix 1 is a summary of current accomplishments and next steps under the EPA-led actions. EPA will update Appendix 1 on a regular basis and will post it on its website to inform the public of progress in accomplishing the actions.

This report is not a budget document and does not imply approval for any specific action under Executive Order 12866 or the Paperwork Reduction Act. It will inform future federal budget and regulatory development processes within the context of the goals articulated in the President's Budget. All activities included in the report are subject to budgetary constraints, interagency processes, stakeholder input and other approvals, including the weighing of priorities and available resources by the Administration in formulating its annual budget and by Congress in legislating appropriations. In some cases, activities in the report require a multi-year effort by federal, state, tribal and community partners.

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Goal 1: REDUCE CHILDREN'S EXPOSURE TO LEAD SOURCES

EPA is committed to reducing lead exposures from multiple sources including: paint, water, ambient air and soil and dust contamination, especially among children who are the most vulnerable to the effects of lead. EPA is the principal agency for multiple Goal 1 actions identified below and will continue to coordinate with federal, state, tribal and community partners to amplify the impact of these actions.

Objective 1.1. Reduce Children's Exposure in Homes and Child-Occupied Facilities with Lead-Based Paint Hazards

Reducing exposure to lead paint in old housing continues to offer the potential to significantly decrease blood lead levels in the largest number of children. It is important that a focus on structures include homes and locations outside the home where young children spend significant amounts of time, such as child care settings and schools (EPA, 2008).

EPA Actions:

- Consider revisions, as appropriate, to the dust-lead hazard standards to address childhood exposures to lead-contaminated dust generated from lead-based paint.
    - In June 2018, the Agency proposed to strengthen the dust-lead hazard standards for floors and window sills. These standards apply to most pre-1978 housing and child-occupied facilities, such as daycare centers and kindergarten facilities. Lead dust can be a major source of lead exposure in children and the new proposed standards for lead in dust will be an important step to reduce lead exposure among children. EPA plans to issue a final rule by summer 2019.
- Continue to implement regulations and other relevant authorities that require individuals and firms conducting lead-based paint abatement, risk assessment or inspection to be properly trained and certified, training programs to be accredited and these activities to be conducted according to reliable, effective and safe work practice standards.
    - In 2018, EPA awarded 17 grants nationwide under the Environmental Workforce Development and Job Training Program to train and certify adults in courses related to hazardous and solid waste management, preparing unemployed and underemployed adults for jobs in the environmental field, including lead abatement. By 2020, 108 students from two programs will be trained and state-certified in lead abatement.

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- Increase the number (or percentage) of certified renovation firms capable of providing lead-safe renovation, repair and painting services through targeted outreach campaigns to contractors; continue to provide a nationwide list of certified renovation firms on EPA's website.
    - EPA regularly works with individuals and firms to reduce lead hazards by ensuring they are certified under the Lead Renovation, Repair and Painting (RRP) Rule and trained to use lead-safe work practices. Learn more at: https://www.epa.gov/lead/renovation-repair-and-painting-program.
    - EPA routinely updates the list of certified renovation firms on its website. Find a firm: https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.firmSearch.
    - EPA completed planning for a lean pilot project in six cities to increase the number of RRP Certified firms and trained contractors. The EPA will continue to provide outreach events aimed specifically at reaching contractors by working with building code officials, hardware stores and industry trade associations and hold at least one outreach event at each of the six cities to reach contractors.

Objective 1.2. Reduce Exposure to Lead from Drinking Water

In 1991, the EPA promulgated the Lead and Copper Rule (LCR) under the Safe Drinking Water Act, to minimize lead and copper levels in drinking water. Recognizing that no safe level of lead in drinking water had been identified, the LCR set a non-enforceable health-based maximum contaminant level goal of zero for lead and requires a treatment technique to reduce lead levels to the extent feasible.

Under the LCR, water systems must work with their customers to collect tap samples from locations with lead service lines and/or leaded plumbing materials. The LCR requires water systems that are not able to limit lead levels below EPA's action level for lead in water of 15 µg/liter by optimizing corrosion treatment to replace service lines that are made of lead and conduct public education. Progress in reducing lead exposures has resulted, in part, from improving implementation of and compliance with the current LCR (EPA, 2018c).

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EPA Actions:

- Revise the LCR based on input EPA recently received from state, tribal and local partners as public comments, as well as the best available peer reviewed science, to ensure the rule reflects the best ways to improve public health protection and reduce levels of lead in drinking water.
    - EPA continued analysis to support preparation of a proposal for revisions to the LCR and supporting technical documentation.
    - EPA plans to propose revisions to the LCR by summer 2019.
- Enhance implementation of the LCR by engaging with state, tribal, local and other stakeholders to identify implementation challenges, best practices and tools to address these challenges.
    - EPA conducted approximately 30 in-person trainings across the country in all 10 EPA Regions over the last two years including a full-day training on optimal corrosion control treatment to improve compliance and reduce lead exposure at the tap through successful implementation of corrosion control treatment. The training provided participants including states, technical assistance providers and water utility operators, an opportunity to work through case studies, analyze actual water system data and participate in interactive activities.
    - In August 2018, EPA hosted the National Drinking Water Workshop with 400 participants in attendance. This workshop included multiple sessions on lead testing, lead service line replacement and other LCR topics. It also included a 2-hour discussion between states, EPA, academia experts and workshop participants on key issues and implementation challenges related to the LCR.
    - In March 2019, EPA hosted the first in a series of webinars on Lead Service Line Replacement. This series showcases best practices for states and utilities implementing a voluntary lead service line replacement program. March's webinar included speakers from Washington State Department of Health and D.C. Water.
    - EPA HQ and all 10 EPA regions met regularly to discuss LCR challenges and strengthen implementation nationwide. This effort includes quarterly reviews of lead exceedance data and system violations reported to the Safe Drinking Water Information System (SDWIS).
- Assist schools and child care centers with the 3Ts approach (Training, Testing and Taking Action) to reduce lead in drinking water and increase the number of schools and child care centers that test and provide parents with information on how to minimize children's exposure to lead in drinking water.
    - In October 2018, EPA released an updated 3Ts for Reducing Lead in Drinking Water document, which introduces the new 3Ts — Training, Testing and Taking Action. The revised version is available in an interactive web-format and includes modules, customizable templates and tools that can help schools and child care facilities when

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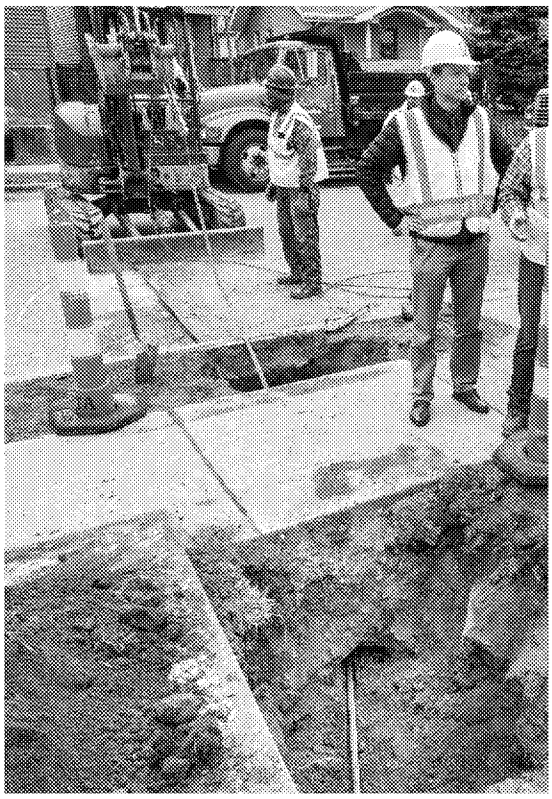
implementing their lead testing programs. To improve communication with community members and parents, EPA has added an additional communication tool in 27 languages (Translations for English Instructions). Learn more at: https://www.epa.gov/safewater/3Ts.



- To continue to encourage reduction programs for lead in drinking water, EPA worked with states, utilities and local organizations to showcase efforts across the country and added additional case studies to the Leaders in Reducing Lead in Drinking Water map. Since 2018, EPA has hosted five webinars to describe the 3Ts toolkit and provide information on the Water Infrastructure Improvement for the Nation (WIIN) Act grants.

- Finalize regulatory changes to the definition of lead-free plumbing products and make other conforming changes to implement the Reduction of Lead in Drinking Water Act and the Community Fire Safety Act enacted by Congress. The final regulation is expected to result in fewer sources of lead in drinking water by implementing new standards for lead content in plumbing materials used in new installations and repairs.
    - EPA published a proposed regulation for Implementing Section 1417 of the Safe Drinking Water Act entitled "Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water," for public review and comment. The proposed regulation would modify the definition of lead-free plumbing products (e.g., pipes, fittings and fixtures) to conform to the statute enacted by Congress that prohibits a lead content level above 0.25 percent of the wetted surfaces. The proposal also includes other requirements that will ensure plumbing fixtures meet the new "lead free" definition.
    - EPA is considering comments on the proposed rule to inform final and conduct additional analysis to support preparation of a final rule by winter 2019-2020.
- Collaborate with states and tribes to provide opportunities for low- interest loans and grants through the Drinking Water State Revolving Fund and the Water Infrastructure Finance and Innovation Act loan program for updating and replacing drinking water infrastructure.
    - In fiscal year 2018, EPA invited 39 projects in 16 states and D.C. to apply for Water Infrastructure Finance and Innovation Act (WIFIA) loans. Together, the selected borrowers will receive WIFIA loans totaling approximately $5 billion to help finance

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over $10 billion in water infrastructure investments and create up to 155,000 jobs. A description of the projects is found at: https://www.epa.gov/newsreleases/epa-invites-39-projects-apply-wifia-loans-finance-10-billion-water-infrastructure.

- EPA's WIFIA loans will allow large and small communities across the country to implement projects to address two national water priorities – providing for clean and safe drinking water including reducing exposure to lead and other contaminants and addressing aging water infrastructure.
- EPA prioritized projects that address lead and emerging contaminants in the 2018 selection round and invited a number of projects that accomplish this purpose to apply for WIFIA financing.

- Implement three newly authorized grant programs under the Water Infrastructure Improvements for the Nation Act, for which Congress appropriated $50 million in FY2018, to fund grants to small and disadvantaged communities for developing and maintaining infrastructure, for lead reduction projects and to support the voluntary testing of drinking water in schools and childcare centers. These programs decrease exposure to lead in drinking water by providing financial incentives to test, educate and replace infrastructure.
  - EPA sent out letters to state governors announcing the Lead Testing in Schools and Child Care Programs Drinking Water grant authorized by the WIIN Act. At the beginning of 2019, EPA received letters from all 50 states and the District of Columbia confirming their commitment to reducing lead in drinking water in schools and to participate in this new grant.

    EPA expects to notify states and the District of Columbia of funding allotments for the Lead Testing in School and Child Care Programs Drinking Water Grant in March 2019. EPA will host webinars for states on the new grant guidance.
  - EPA is conducting the tribal consultation on the Reduction of Lead in Drinking Water Grant authorized by the WIIN Act through the end of March 2019.

Objective 1.3. Reduce Exposure to Lead in Soil

Lead can be a relatively common soil contaminant as a result of past and current human activity or uses (i.e., lead paint deposited in surface soil) and natural occurrence (ATSDR, 2017; EPA, 2017). Young children often have higher rates of soil and dust ingestion because of their unique behaviors such as crawling and hand/object-to-mouth contact (Task Force, 2016). As such, children who play in areas near former mining and smelting sites, manufacturing facilities, processing plants, landfills and buildings with exterior lead-based paint may be exposed through incidental ingestion of small amounts of soil or soil-

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derived indoor dust (ATSDR, 2017). Soil, near roadways (Mielke et al., 2013) and in yards, playgrounds, gardens and elsewhere in the community may also be a source of exposure. Contaminated soil can also be tracked into the home.

EPA Actions:

- Manage lead contamination at Superfund, RCRA Corrective Action and other sites to reduce exposure to community residents.
    - EPA reduced exposure to community members by continual efforts to manage 1,212 Superfund sites with lead as a contaminant of concern to reduce exposures to community residents.
    - EPA has completed eight consultations at Superfund lead sites in fiscal year 2019. Consultations entail review and exchange of information on key response decisions to promote national consistency in decision-making at Superfund lead sites across the country.
- Continue to reduce childhood exposures to lead in soils through removal, remedial and corrective actions at contaminated sites and reduce lead soil exposures to the most sensitive community residents.
    - EPA conducted removal actions at 49 sites with lead as a contaminant of concern.
- Continue to support the evaluation of lead exposure at contaminated sites and identify ways to protect the public's health.
    - EPA controlled human exposure at one additional Superfund site.
    - Research is being conducted to improve the Agency's understanding of the degree to which Superfund cleanups may lower blood lead levels at a wider range of lead contaminated sites. EPA's National Center for Environmental Economics and Office of Land and Emergency Management have compiled a dataset that links two decades of blood lead level measurements from children in six states with EPA data on the location and characteristics of Superfund sites, as well as other determinants of lead exposure. The investigation uses advanced statistical methods to identify the relationship between proximity to Superfund cleanups and rates of elevated blood lead levels.

      The research indicates that Superfund cleanup lowered the risk of elevated blood lead levels by roughly 8 to 18% for children living within 2 kilometers (1.24 miles) of a Superfund National Priorities List (NPL) site where lead is a contaminant of concern. Learn more at https://www.epa.gov/environmental-economics/research-environmental-economics-ncee-working-paper-series.

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- EPA will continue to provide guidance for project managers addressing lead-contaminated residential sites, from initial site investigation to cleanup level selection, prevention of recontamination and community health education programs.
- EPA will continue to offer technical assistance to brownfield communities to identify best management practices and potential funding opportunities.

Objective 1.4. Reduce Exposure to Lead Associated with Emissions to Ambient Air

As a result of several regulatory actions over the past two decades, lead emissions in air have substantially declined (EPA, 2014a; EPA, 2014b; Task Force, 2016; EPA, 2018d). However, lead is still emitted into ambient air from a variety of sources, including metals processing facilities and combustion of leaded aviation fuel (avgas) by aircraft with piston engines (EPA, 2014a; Task Force, 2016). Currently, the source category with the greatest contribution to total U.S. air emissions is piston-engine aircraft operating on leaded fuel (EPA, 2018d; Task Force, 2016). The highest air concentrations in individual locations are currently found near secondary lead smelting operations, such as battery recycling facilities and other metal processing facilities (EPA, 2014a; Task Force, 2016).

EPA Actions:

- Continue to work with state and tribal air agencies to implement the National Ambient Air Quality Standard (NAAQS) for lead and aim to reduce the number of areas violating the lead NAAQS.
    - In 2008, EPA significantly strengthened the air quality standards for lead to provide health protection for at-risk groups, especially children. In 2016, the Agency completed a review of the 2008 standards. With regard to the primary (health-based) standard, the Agency concluded it continues to reflect the current scientific information and provide the requisite protection of public health with an adequate margin of safety, including for at-risk groups. More information is available at: https://www.epa.gov/lead-air-pollution.
    - EPA continues to work with state and local air agencies to monitor lead emissions and develop strategies to address high lead concentrations in areas across the U.S. EPA has designated 22 areas as not meeting the 2008 ambient air lead quality standards. Due to the implementation of effective control measures, EPA expects nearly all of these areas to have lead concentrations below the level of the standards by the early 2020s.
    - EPA generated preliminary design values (2016-2018) for all 2008 NAAQS nonattainment areas and other violating areas.

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- Evaluate the impacts of lead emissions from aircraft using leaded aviation fuel under the Clean Air Act.
    - EPA requires monitoring at airports emitting at least one ton of lead per year. In 2010, EPA required the states to conduct a year-long monitoring study at 15 airports that emit less than one ton per year to determine how these sources impact air quality.
    - EPA is completing two technical reports: Airborne Lead Concentrations at Airports Nationwide and Populations Residing Near or Attending School Near U.S. Airports. These reports will be posted on EPA's website. More information is available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/airport-lead-monitoring-and-modeling.
    - Information about reductions that have occurred in lead concentrations in ambient air and reductions in lead emissions to ambient air is available at: https://gispub.epa.gov/air/trendsreport/2018/#naaqs_trends (select "lead" from drop-down menu).

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Goal 2: IDENTIFY LEAD-EXPOSED CHILDREN AND IMPROVE THEIR HEALTH OUTCOMES

EPA's federal partners lead the actions under Goal 2 which are focused on improving the identification of children exposed to lead through surveillance of blood lead level data and improving access to services and support designed to improve children's physical, developmental and mental health. Please visit https://ptfceh.niehs.nih.gov/ for future updates on Goal 2 of the Federal Lead Action Plan.

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Goal 3: COMMUNICATE MORE EFFECTIVELY WITH STAKEHOLDERS

The Task Force Senior Staff Steering Committee, of which EPA is a member, will coordinate the activities under Goal 3 which are focused on improving public awareness of the dangers associated with lead exposure by consolidating and streamlining federal messaging on reducing exposures to lead. The following are EPA activities in support of the actions under Goal 3.

Objective 3.1. Consolidate and Streamline Federal Lead-Related Communication and Messaging

- Create an online portal to enhance, consolidate and streamline federal-wide communication to the public. Links will direct the public to agency-specific information. (Not everyone affected by lead exposures has access to the internet and therefore, agencies will continue to provide access to printed materials).
    - Ahead of the development of the online portal led by the Steering Committee, EPA refreshed all EPA links to lead resources and will enhance the user's ability to locate critical information.
- Provide periodic updates on the progress of implementing the Federal Lead Action Plan on the online portal.
    - EPA will provide periodic updates on the progress of EPA-led actions on its website. The updates will support the overall Federal Lead Action Plan progress reports.
    - Please see Appendix 1 for the first progress report for EPA-led actions.
- Enhance local partnerships with community organizations, local health agencies, faith-based organizations and private philanthropies to raise awareness of the dangers of exposure to lead-based paint hazards and to promote data sharing.
    - EPA's 10 regional lead coordinators oversee the development of lead-poisoning prevention efforts at the regional level. Learn more at: https://www.epa.gov/lead/coordinators-epa-regional-offices-lead-poisoning-prevention-efforts. Many of the regional success stories were highlighted in EPA's October 2018 Protecting Children from Lead Exposures Report: https://www.epa.gov/sites/production/files/2018-10/documents/leadpreventionbooklet2018-v11_web.pdf.

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- Each year during National Lead Poisoning Prevention Week (the last full week in October), EPA, along with the U.S. Department of Housing and Urban Development (HUD) and the CDC, design and distribute outreach materials about how communities can raise awareness of lead hazards and reduce childhood lead exposure and lead poisoning. Learn more at: https://www.epa.gov/lead/national-lead-poisoning-prevention-week.
- Each year EPA, along with the World Health Organization, the United Nations Environment Program and other organizations around the world join to promote International Lead Poisoning Prevention Week by developing a wide range of materials, including customizable posters, to allow partnering countries and local groups to share the messages with diverse audiences and tools to help countries establish legal limits on lead paint. Learn more at: https://www.epa.gov/international-cooperation/epa-participation-international-lead-poisoning-prevention-week-action.
- EPA developed an infographic that can be used by the public to learn about lead in drinking water. Information on the infographic includes a diagram of the sources of drinking water, clear actions to take if residents are concerned about lead in drinking water and information on who to contact for questions. Learn more at: https://www.epa.gov/ground-water-and-drinking-water/infographic-lead-drinking-water.
- EPA released an interactive website that allows the public to learn more about lead in drinking water. It also highlights drinking water systems that are actively engaging in lead service line replacement activities in their communities. Learn more at: https://www.epa.gov/ground-water-and-drinking-water/leaders-lead-service-line-replacement.
- EPA's Small Business Innovation Research (SBIR) program supports science- and technology-based small businesses to develop and commercialize innovative environmental technologies. SBIR Phase II company NanoSafe, Inc. is developing an accurate and inexpensive lead testing platform for both soluble and insoluble lead compounds. This will allow users to quickly and affordably detect lead in their own drinking water. Learn more at: https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.abstractDetail/abstract/10826/report/0.
- EPA's P3 (People, Prosperity, and the Planet) Program is a unique competition open to teams of college students working to design solutions for a sustainable future. A recent P3-winning team at Old Dominion University is designing a low-cost household water filter that uses biochar to remove lead from drinking water.

  Biochar is renewable and can be a cost-effective substitute to activated carbon in lead adsorption because of its porous structure, irregular surface, high surface to volume ratio and presence of oxygenated functional group. The team is working to design a household water filter that uses biochar as an adsorbent for removing lead from drinking water. The proposed filter integrates the conventional filter and adsorption

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potential of biochar to create a system that can eliminate lead from supplied water. It will significantly decrease the cost for abatement of lead pollution. Learn more at: https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.abstractDetail/abstract/10860.

Objective 3.2. Improve Awareness of Lead Hazards, Prevention and Remediation among Diverse Populations, Especially Those Most at Risk

- Utilize the Children's Centers and Pediatric Environmental Health Specialty Units (PEHSUs) to develop appropriate, evidence-based lead exposure prevention and intervention communication materials and disseminate them through the Centers' established community partnerships.
    - PEHSUs are a twenty-year old network of experts uniquely qualified to train health care providers on the prevention, diagnosis, management and treatment of lead exposure in children. There are 11 Units around the country, several of which were originally lead clinics. EPA provides support to the PEHSU program that ATSDR designs, funds and manages. Learn more at: https://www.pehsu.net/.
    - EPA awarded $224,500 dollars to fund five projects aimed at addressing children's environmental health in communities in Texas, New Mexico and Arizona. These five projects addressed four pediatric environmental health issues related to lead-based paint, indoor air quality, prenatal environmental exposures and integrated pest management. One of the five grant recipients is the Southwest Center for Pediatric Environmental Health (the Region 6 PEHSU). Based at Texas Tech University Health Sciences Center in El Paso, the PEHSU partnered with colleagues from the University of Texas Rio Grande Valley School of Medicine to train health care practitioners in communities from El Paso to Brownsville. The final workshop will take place in Spring of 2019 with anticipated attendance of 50 health providers. In 2018 the PEHSU trained 160 Texas *promotoras* (health care workers) on the four pediatric environmental health issues.
- Enhance partnerships with state, tribal and local governments and key stakeholders (e.g., media, community groups, faith-based groups, advocacy groups, departments of health, departments of environmental quality, medical providers, philanthropies, federal grantees and others) that represent or serve communities at risk for childhood lead exposure.
    - EPA completed draft lesson plans for a tribal lead curriculum – *Lead Awareness in Indian Country: Keeping our Children Healthy!*

      The curriculum was developed in partnership with the National Tribal Toxics Council and the National EPA-Tribal Science Council. The purpose of the curriculum is to increase understanding and awareness of childhood lead exposures, health effects and

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preventative actions. Four modules were created: 1) Understanding Lead; 2) Cleaning Techniques; 3) Personal Hygiene and Nutrition; and 4) Hiring Lead Professionals.

    - EPA conducted a working session on the tribal lead curriculum at the March 2019 National Tribal Toxics Council Meeting.

- Increase outreach events and engagement processes in collaboration with at-risk communities and lead-safe coalitions to provide education on the dangers of lead exposures, strategies for reducing exposures in children and actions to support exposed children and their families.
    - EPA will continue to sponsor lead education events in communities that include offering free testing of soil from residential yards and gardens and free blood lead testing for children.

Goal 4: SUPPORT AND CONDUCT CRITICAL RESEARCH TO INFORM EFFORTS TO REDUCE LEAD EXPOSURES AND RELATED HEALTH RISKS

Key priorities under this goal are prioritizing and addressing the critical research and data needs to inform lead policy and guide decisions. The majority of the research to address the actions identified under Goal 4 is expected to be implemented by EPA, HHS and HUD; other agencies will also conduct lead-focused research, as needed, to support their missions.

Implementing actions under this goal will require effective collaboration among the federal agencies. An interagency workgroup is working to further define, prioritize and address the critical research needs. The outcomes are expected to inform lead policies and guide decisions through the application of tools, data, information and approaches. The outcomes will also allow identification of the most effective public health practices to reduce children's lead exposures and its health impact. Prioritizing, leveraging and coordinating lead research among agencies will identify opportunities to increase the value of individual agency efforts, while remaining cognizant of the different missions, capabilities and resources of the various federal agencies.

EPA is working with its federal partners on the actions under Goal 4. To that end, EPA is co-leading the

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development of a cross agency research workshop with the National Institute of Environmental Health Sciences, CDC and HUD . The following are EPA activities in support of the actions under Goal 4.

- Enhance and apply data and tools (e.g., models or approaches) and determine the key drivers of blood lead levels from multimedia exposures to inform lead regulatory decisions and site assessments.
    - EPA developed the All Ages Lead Model (AALM) to provide a tool for rapidly evaluating the impact of possible sources of lead on blood and other tissue levels in humans from birth to 90 years of age. The AALM is designed to predict lead concentration in body tissues and organs for a hypothetical individual, based on a simulated lifetime of lead exposure. This model is being submitted for peer reviewed by the Science Advisory Board.
    - EPA applied lead multimedia exposure and biokinetic models in support of the forthcoming final dust-lead hazard standards.
- Generate data, maps and mapping tools to identify high exposure communities or locations and disparities for prioritization efforts to reduce children's blood lead levels.
    - EPA provided technical assistance to EPA Region 5 partners in support of their efforts to identify high exposure locations.
- Generate data to address critical gaps for reducing uncertainty in lead modeling and mapping for exposure/risk analyses and for estimating population-wide health benefits of actions to reduce lead exposures.
    - EPA is conducting initial analysis of incoming multimedia samples from the U.S. Department of Housing and Urban Development sponsored American Healthy Homes Survey II. Learn more at: https://www.hud.gov/program_offices/healthy_homes/ahhs_ii.
    - EPA sponsored public webinars on small drinking water systems: "Actual vs. Predicted: Lead Scale Observations from the Field;" "Destabilization of Lead Pipe Scales in a Long-Term Vacant Home in Cincinnati."
- Identify approaches to prevent, mitigate and communicate about lead exposures and risks in exposed communities.
    - EPA created a communications tool to help consumers choose point-of-use filters to reduce lead content in drinking water. Water safety concerns such as those of Flint, MI highlight the role of certified filters in reducing lead in drinking water for children. Point of use, or POU, drinking water filters are used to remove impurities from water at the point that it is actually being used. While there is no mandatory federal requirement for the use of POU drinking water filters or for testing or third-party certification, consumers can increase their level of confidence in their water by purchasing filters

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that have been tested by an accredited third-party certification body. Learn more at: https://www.epa.gov/water-research/consumer-tool-identifying-pou-drinking-water-filters-certified-reduce-lead.

    - EPA provided ongoing technical support to assess effectiveness of corrosion control treatment in multiple cities, applying innovative lead mitigation methods for addressing lead in drinking water.

- Evaluate the effectiveness of actions (e.g., interventions, programs, policies, enforcement) to prevent lead exposure, mitigate health effects and communicate on lead exposures/risks.
    - EPA, with support from the Douglas County Health Department and the City of Omaha, is conducting a study to determine the effectiveness of the actions to address lead contamination in residential soil, dust and paint at the Omaha Lead Superfund Site in reducing elevated blood-lead levels in young children.

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APPENDIX 1

Implementation Status of EPA Actions Under the 2018 Federal Action Plan To Reduce Childhood Lead Exposures and Associated Health Impacts: Fiscal Year 2019, 2nd Quarter

GOAL 1: REDUCE CHILDREN'S EXPOSURE TO LEAD SOURCES					
Objective	**Action**	**Status***	**2Q FY 19 Accomplishments**	**3Q Next Steps**	**More Information**
Objective: 1.1 **Reduce Children's Exposure in Homes and Child-Occupied Facilities with Lead-Based Paint Hazards**	Consider revisions, as appropriate, to the dust-lead hazard standards to address childhood exposures to lead-contaminated dust generated from lead-based paint.	On track	Conducted rulemaking activities.	EPA plans to issue a final rule by summer 2019.	EPA proposed to strengthen the dust-lead hazard standards for floors and window sills. These standards apply to most pre-1978 housing and child-occupied facilities, such as daycare centers and kindergarten facilities. Lead dust can be a major source of lead exposure in children and the new proposed standards for lead in dust will be an important step to reduce lead exposure among children.
	Continue to implement regulations and other relevant authorities that require individuals and firms conducting lead-based paint abatement, risk assessment or inspection to be properly trained and certified, training programs to be accredited and these activities to be conducted according to reliable, effective and safe work practice standards.	On track	Provided support to EPA, states, tribes, federal agencies and the public for implementation of these regulations.	Report the number of compliance assistance and outreach activities that support the abatement, risk assessment and inspection components of the Lead-Based Paint Program.	Examples of activities may include: outreach, education, oversight and processing accreditation applications. EPA provides annual funding to authorized states and tribal programs that administer training and certification programs for lead professionals and renovation contractors.
	Increase the number (or percentage) of certified renovation firms capable of providing lead-safe renovation, repair and painting services through targeted outreach campaigns to contractors; continue to provide a nationwide list of certified renovation firms on EPA's website.	On track	Updated list of certified renovation firms. Conducted compliance assistance to increase the number of RRP certified firms. Completed planning for a pilot project in six cities to increase the number of RRP certified firms and trained contractors. Conducted outreach and education activities to support the RRP Program.	Publish updated list of certified renovation firms on EPA website. Report number of RRP firms certified and trained contractors in 3rd Quarter. Target additional resources in the same six cities to increase the number of RRP certified firms and trained contractors.	In 2016, EPA targeted six cities across the U.S. for outreach, training for contractors and enforcement of the RRP rule during National Lead Poisoning Prevention Week in October 2016. In 2019, the EPA will continue to provide outreach events aimed specifically at reaching contractors by working with building code officials, hardware stores and industry trade associations and hold at least one outreach event per city to reach contractors. EPA provides annual funding to authorized states and tribal programs that administer training and certification programs for lead professionals and renovation contractors.

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GOAL 1: REDUCE CHILDREN'S EXPOSURE TO LEAD SOURCES					
Objective	**Action**	**Status***	**2Q FY 19 Accomplishments**	**3Q Next Steps**	**More Information**
Objective 1.2 **Reduce Exposure to Lead from Drinking Water**	Revise the Lead and Copper Rule (LCR) based on input EPA recently received from state, tribal and local partners, as well as the best available peer reviewed science, to ensure the rule reflects the best ways to improve public health protection and reduce levels of lead in drinking water.	On track	Continued analysis to support preparation of a proposal for revisions to the LCR and supporting technical documentation.	Prepare Federal Register for proposal of LCR revisions, technical support documents (including the Health Risk Reduction Cost Analysis) and administrative record. Propose revisions to the LCR by summer 2019.	
	Enhance implementation of the LCR by engaging with state, tribal, local and other stakeholders to identify implementation challenges, best practices and tools to address these challenges.	On track	Hosted the first in a series of webinars on lead service line replacement. This series showcases best practices for states and utilities implementing a voluntary lead service line replacement program. March's webinar included speakers from Washington State, Department of Health and D.C. Water. EPA HQ and all 10 EPA regions met regularly to discuss LCR challenges and strengthen implementation nationwide. This effort includes quarterly reviews of lead exceedance data and system violations reported to the Safe Drinking Water Information System (SDWIS).	Release an updated version of the Optimal Corrosion Control Treatment (OCCT) manual. This new version will incorporate technical updates and feedback states have provided since the manual's initial release in March 2016. Continue to host webinars on lead service line replacement. This series showcases best practices for states and utilities implementing a voluntary lead service line replacement program. Continue to meet regularly to discuss LCR challenges and strengthen implementation nationwide. The LCR includes requirements for utilities to communicate important lead information about health effects, sources, what consumers can do and what your utility is doing to reduce exposure.	View Lead and Copper Rule (LCR) tools and resources EPA's Leaders in Reducing Lead in Drinking Water

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GOAL 1: REDUCE CHILDREN'S EXPOSURE TO LEAD SOURCES					
Objective	**Action**	**Status***	**2Q FY 19 Accomplishments**	**3Q Next Steps**	**More Information**
Objective 1.2 **Reduce Exposure to Lead from Drinking Water**	Assist schools and child care centers with the 3Ts approach (Training, Testing and Taking Action) to reduce lead in drinking water and increase the number of schools and child care centers that test and provide parents with information on how to minimize children's exposure to lead in drinking water.	On track	Released a revised 3Ts toolkit to assist those implementing lead monitoring in schools and child care facilities in October 2018. The revised version is available in an interactive web-format and includes modules and customizable templates. EPA recognizes that communicating early and often about testing plans, results and next steps will build confidence in a school's ability to provide a safe environment. To improve communication with community members and parents, EPA has added an additional communication tool in 27 languages: Translations for English Instructions. Worked with states, utilities and local organizations to showcase efforts across the country and added additional case studies to the Leaders in Reducing Lead in Drinking Water map.	Continue to work with states, utilities and local organizations to showcase efforts across the country. Continue to add additional case studies to the Leaders in Reducing Lead in Drinking Water map. Update an existing Memorandum of Understanding (MOU), Reducing Lead Levels in Drinking Water in Schools and Child Care Facilities. The updated MOU will include current and new partners aimed to provide a more meaningful coordinated approach to help schools and child care programs. This will be done in conjunction with the recently revised 3Ts toolkit and the newly announced Lead Testing in Schools and Child Care Programs Drinking Water grant authorized by the WIIN Act. Update the 2006 list of 65 funding sources for schools to test for and remediate lead in drinking water. This update will include the previously identified sources, the newly released WIIN grants and additional new sources.	View tools and resources to reduce lead in drinking water in schools and child care facilities.

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GOAL 1: REDUCE CHILDREN'S EXPOSURE TO LEAD SOURCES					
Objective	**Action**	**Status***	**2Q FY 19 Accomplishments**	**3Q Next Steps**	**More Information**
Objective 1.2 **Reduce Exposure to Lead from Drinking Water**	Finalize regulatory changes to the definition of lead-free plumbing products and make other conforming changes to implement the Reduction of Lead in Drinking Water Act and the Community Fire Safety Act enacted by Congress. The final regulation is expected to result in fewer sources of lead in drinking water by implementing new standards for lead content in plumbing materials used in new installations and repairs.	Delayed	Considered comments on the proposed rule to inform final and conduct additional analysis to support preparation of a final rule.	Prepare regulatory and supporting technical documentation for the final rule to be published in winter 2019-2020.	
	Collaborate with state and tribes to provide opportunities for low-interest loans and grants through the Drinking Water State Revolving Fund and the Water Infrastructure Finance and Innovation Act loan program for updating and replacing drinking water infrastructure.	On track	Developed a new factsheet on Addressing Lead in Drinking Water with the Drinking Water State Revolving Fund and case studies. Eligibilities between the Drinking Water State Revolving Fund (DWSRF) and the Water Infrastructure Finance and Innovation Act (WIFIA) overlap.	Release DWSRF factsheet and case studies by the end of March 2019. Continue working with WIFIA's FY18 Selected Projects (12 projects will reduce lead or other drinking water contaminants) to apply for WIFIA financing.	https://www.epa.gov/drinkingwatersrf/reports-and-fact-sheets-about-drinking-water-state-revolving-fund-dwsrf WIFIA FY18 Selected Projects
	Implement three newly authorized grant programs under the Water Infrastructure Improvements for the Nation Act, for which Congress appropriated $50 million in FY 2018, to fund grants to small and disadvantaged communities for developing and maintaining infrastructure, for lead reduction projects and to support the voluntary testing of drinking water in schools and child care centers. These programs decrease exposure to lead in drinking water by providing financial incentives to test, educate and replace infrastructure.	On track	Sent out letters to state governors announcing the Lead Testing in Schools and Child Care Programs Drinking Water Grant authorized by the WIIN Act. At the beginning of this 2019, EPA received letters from all 50 States and the District of Columbia confirming their commitment to reducing lead in drinking water in schools and to participate in this new grant. Expect to notify states and the District of Columbia funding allotments for the Lead Testing in School and Child Care Programs Drinking Water Grant in March 2019. Hosting webinars for states on the new grant guidance. Conducting the tribal consultation for the Lead in Drinking Water Grant authorized by the WIIN Act through March 2019.	Review state workplans for the Lead Testing in Schools and Child Care Programs Drinking Water Grant authorized by the WIIN Act and begin the process to award grants to states. Develop tribal grant guidance. Finalize the request for application for the Reduction of Lead in Drinking Water Grant authorized by the WIIN Act and prepare for release in 4Q.	View more information on the WIIN Grants

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GOAL 1: REDUCE CHILDREN'S EXPOSURE TO LEAD SOURCES					
Objective	**Action**	**Status***	**2Q FY 19 Accomplishments**	**3Q Next Steps**	**More Information**
Objective 1.3 **Reduce Exposure to Lead in Soil**	Manage lead contamination at Superfund, RCRA Corrective Action and other sites to reduce exposure to community residents.	On track	Reduced exposure to community members by continual efforts to manage 1,212 Superfund sites with lead as a contaminant of concern. Completed eight consultations at Superfund lead sites thus far in FY19.	Continue to manage lead contamination at Superfund, RCRA Corrective Action and other sites to reduce exposure to community residents. Efforts expected to include: Updating lead technical information and tools for application of the Integrated Exposure Uptake Biokentic (IEUBK) lead model. Validating IEUBK model for use with updated input parameters. Conducting additional superfund site lead consultations.	
	Continue to reduce childhood exposures to lead in soils through removal, remedial and corrective actions at contaminated sites and reduce lead soil exposures to the most sensitive community residents.	On track	EPA conducted removal actions at 49 sites with lead as a contaminant of concern.	Continue to reduce childhood exposures to lead in soils through removal, remedial and corrective actions at contaminated sites and reduce lead soil exposures to the most sensitive community residents.	

GOAL 1: REDUCE CHILDREN'S EXPOSURE TO LEAD SOURCES					
Objective	**Action**	**Status***	**2Q FY 19 Accomplishments**	**3Q Next Steps**	**More Information**
Objective 1.3 **Reduce Exposure to Lead in Soil**	Continue to support the evaluation of lead exposure at contaminated sites and identify ways to protect the public's health.	On track	Controlled human exposure at one additional Superfund site.	Continue to support the evaluation of lead exposure at contaminated sites and identify ways to protect the public's health. Actions will include distributing outreach materials to regions gathered through the Interagency Task Force.	
Objective 1.4 **Reduce Exposure to Lead Associated with Emissions to Ambient Air**	Continue to work with state and tribal air agencies to implement the National Ambient Air Quality Standard (NAAQS) for lead and aim to reduce the number of areas violating the lead NAAQS.	On track	Generated preliminary Design Values (2016-2018) for all 2008 NAAQS nonattainment areas and other violating areas.	Continue to work with states to monitor lead emissions and work towards taking action on 2008 Lead NAAQS redesignation requests and maintenance plans.	Eleven of the 22 initial areas designated nonattainment for the 2008 Pb NAAQS are attaining. For the majority of the remaining nonattainment areas, lead emissions and monitored concentrations are declining due to implemented control measures and all nonattainment areas have fulfilled air quality implementation plan requirements. https://www.epa.gov/green-book/green-book-lead-2008-area-information
	Evaluate the impacts of lead emissions from aircraft using leaded aviation fuel under the Clean Air Act.	On track	Completing two technical reports: Airborne Lead Concentrations at Airports Nationwide and Populations Residing Near or Attending School Near U.S. Airports.	Post the two completed technical reports to EPA's website.	https://www.epa.gov/regulations-emissions-vehicles-and-engines/airport-lead-monitoring-and-modeling

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GOAL 2: IDENTIFY LEAD-EXPOSED CHILDREN AND IMPROVE THEIR HEALTH OUTCOMES

EPA's federal partners lead the actions under Goal 2 which are focused on improving the identification of children exposed to lead through surveillance of blood lead level data and improving access to services and support designed to improve children's physical, developmental and mental health. Please visit https://ptfceh.niehs.nih.gov/ for future updates on Goal 2 of the Federal Lead Action Plan.

GOAL 3: COMMUNICATE MORE EFFECTIVELY WITH STAKEHOLDERS

Objective	Action	Status*	2Q FY 19 Accomplishments	3Q Next Steps	More Information
Objective 3.1 **Consolidate and Streamline Federal Lead-Related Communication and Messaging**	Create an online portal to enhance, consolidate and streamline federal-wide communication to the public. Links will direct the public to agency-specific information. (Not everyone affected by lead exposures has access to the internet and therefore, agencies will continue to provide access to printed materials).	On Track	Refreshed EPA links to lead resources and made sure that relevant links that were not currently located on https://www.epa.gov/lead are linked to the website.	Continue to refresh links and connect links to web page as applicable.	https://www.epa.gov/lead
	Provide periodic updates on the progress of implementing the Action Plan on the online portal.	On Track	Created Implementation Status for EPA Actions Under the 2018 Federal Action Plan: To Reduce Childhood Lead Exposures and Associated Health Impacts web page.	Will update web page periodically.	https://www.epa.gov/leadaction planimplementation.

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GOAL 3: COMMUNICATE MORE EFFECTIVELY WITH STAKEHOLDERS					
Objective	**Action**	**Status***	**2Q FY 19 Accomplishments**	**3Q Next Steps**	**More Information**
Objective 3.2 **Improve Awareness of Lead Hazards, Prevention and Remediation among Diverse Populations, Especially Those Most at Risk**	Utilize the Children's Centers and PEHSUs to develop appropriate, evidence-based lead exposure prevention and intervention communication materials and disseminate them through the Centers' established community partnerships.	On Track	Provided $1,128,425 for fiscal year 2019 to support the PEHSU network. Continued to play a partnership role in the PEHSU program, making recommendations to ATSDR on program design, management and direction and by annually providing 35 to 40% of the funding support. In addition, the children's environmental health coordinators in EPA regional offices work regularly with their PEHSU counterparts to plan and implement children's environmental health outreach and education efforts in communities across the region.	Continue to support the work of PEHSUs in providing expert consultations to health care providers on prevention, diagnosis and treatment of lead exposure during pregnancy and childhood; addressing childhood lead exposure in grand rounds, medical and nursing educational settings and seminars; providing expertise to lay audiences through briefings, conferences and webinars; and, collaborating with research centers on research translation and messaging on a variety of children's health issues, including lead.	PEHSUs are a twenty-year-old network of experts uniquely qualified to train health care providers on the prevention, diagnosis, management and treatment of lead exposure in children. There are 11 units around the country, several of which were originally lead clinics. EPA provides support to the PEHSU program that ATSDR designs, funds and manages. Learn more at: https://www.pehsu.net/
	Enhance partnerships with state, tribal and local governments and key stakeholders (e.g., media, community groups, faith-based groups, advocacy groups, departments of health, departments of environmental quality, medical providers, philanthropies, federal grantees and others) that represent or serve communities at risk for childhood lead exposure.	On Track	Completed draft lesson plans for tribal lead curriculum – Lead Awareness in Indian Country: Keeping our Children Healthy! Conducted working session on the tribal lead curriculum at the March 2019 National Tribal Toxics Council Meeting.	Plan and conduct pilot(s) with tribal partners.	The curriculum was developed in partnership with the National Tribal Toxics Council and the EPA-Tribal Science Council. The purpose of the curriculum is to increase understanding and awareness of childhood lead exposures, health effects and preventative actions. Four modules were created: 1) Understanding Lead; 2) Cleaning Techniques; 3) Personal Hygiene and Nutrition; and 4) Hiring Lead Professionals.

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GOAL 4: SUPPORT AND CONDUCT CRITICAL RESEARCH TO INFORM EFFORTS TO REDUCE LEAD EXPOSURES AND RELATED HEALTH RISKS

Objective	Action	Status*	2Q FY 19 Accomplishments	3Q Next Steps	More Information
Key Priorities: **Prioritize and Address the Critical Research and Data Needs to Inform Lead Policies and Guide Decisions**	Enhance and apply data and tools (e.g., models or approaches) and determine the key drivers of blood lead levels from multimedia exposures to inform lead regulatory decisions and site assessments.	On Track	Continued to co-lead the development of a cross agency research workshop with NIEHS, CDC and HUD. Applied lead multimedia exposure and biokinetic models in support of the forthcoming final dust- lead hazard standards.	Provide materials for All-Ages Lead Model (AALM) to EPA Science Advisory Board for external peer review.	
	Generate data, maps and mapping tools to identify high exposure communities or locations and disparities for prioritization efforts to reduce children's blood lead levels.	On Track	Continued to co-lead the development of a cross agency research workshop with NIEHS, CDC and HUD. Provided technical assistance to EPA Region 5 partners in support of their efforts to identify high exposure locations.	Explore opportunities to provide technical assistance to other regional partners as they work on identifying high exposure locations.	
	Generate data to address critical gaps for reducing uncertainty in lead modeling and mapping for exposure/ risk analyses and for estimating population-wide health benefits of actions to reduce lead exposures.	On Track	Continued to co-lead the development of a cross agency research workshop with NIEHS, CDC and HUD. Conducting initial analysis of incoming multimedia samples from the U.S. Department of Housing and Urban Development sponsored American Healthy Homes Survey II. Sponsored public webinar on small drinking water systems, "Actual vs. Predicted: Lead Scale Observations from the Field;" "Destabilization of Lead Pipe Scales in a Long-Term Vacant Home in Cincinnati."	Continue receipt and analysis of incoming multimedia samples from the HUD sponsored American Healthy Homes Survey II. Conduct data analyses for children's soil/ dust ingestion rates in support of future modeling.	For more information on the HUD sponsored American Healthy Homes Survey II, visit: https://www.hud.gov/program_offices/healthy_homes/ahhs_ii.
	Identify approaches to prevent, mitigate and communicate about lead exposures and risks in exposed communities.	On Track	Continued to co-lead the development of a cross agency research workshop with NIEHS, CDC and HUD. Created tool for identifying point of use filters certified to reduce lead. Provided ongoing technical support to assess effectiveness of corrosion control treatment in multiple cities, applying innovative lead mitigation methods for addressing lead in drinking water.	Conduct public small drinking water systems workshop at EPA Region 6, May 21-22, 2019. Provide ongoing technical support to assess effectiveness of corrosion control treatment in multiple cities, applying innovative lead mitigation methods for addressing lead in drinking water.	https://www.epa.gov/water-research/consumer-tool-identifying-pou-drinking-water-filters-certified-reduce-lead

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GOAL 4: SUPPORT AND CONDUCT CRITICAL RESEARCH TO INFORM EFFORTS TO REDUCE LEAD EXPOSURES AND RELATED HEALTH RISKS					
Objective	**Action**	**Status***	**2Q FY 19 Accomplishments**	**3Q Next Steps**	**More Information**
Key Priorities: **Prioritize and Address the Critical Research and Data Needs to Inform Lead Policies and Guide Decisions**	Evaluate the effectiveness of actions (e.g., interventions, programs, policies, enforcement) to prevent lead exposure, mitigate health effects and communicate on lead exposures/risks.	On Track	Continued to co-lead the development of a cross agency research workshop with NIEHS, CDC and HUD.	EPA, with support from the Douglas County Health Department and the City of Omaha, is conducting a study to determine the effectiveness of the actions to address lead contamination in residential soil, dust and paint at the Omaha Lead Superfund Site in reducing elevated blood-lead levels in young children.	

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REFERENCES

Agency for Toxic Substances and Disease Registry (ATSDR). (2017). Lead toxicity, Where is it Found? https://www.atsdr.cdc.gov/csem/csem.asp?csem=34&po=5

Mielke H.W., Gonzales C.R., Powell E.T., Mielke P.W. (2013). Environmental and health disparities in residential communities of New Orleans: The need for soil lead intervention to advance primary prevention. Environment International 51:73–81. https://doi.org/10.1016/j.envint.2012.10.013

President's Task Force on Environmental Health Risks and Safety Risks to Children (Task Force). (2016). Key Federal Programs to Reduce Childhood Lead Exposure and Eliminate Associated Health Impacts. https://ptfceh.niehs.nih.gov/features/assets/files/key_federal_programs_to_reduce_childhood_lead_exposures_and_eliminate_associated_health_impactspresidents_508.pdf

U.S. Environmental Protection Agency, National Center for Environmental Assessment (EPA). (2008). Child-Specific Exposure Factors Handbook (Final Report). http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=199243

U.S. Environmental Protection Agency, (EPA). (2014a). Policy Assessment for the Review of the Lead National Ambient Air Quality Standards, Office of Air Quality Planning and Standard, RTP. U.S. – EPA-452/R-14-001. https://www3.epa.gov/ttn/naaqs/standards/pb/data/140501_pa_pb_fin.pdf

U.S. Environmental Protection Agency, (EPA). (2014b). Report on the Environment. https://cfpub.epa.gov/roe/indicator.cfm?i=13

U.S Environmental Protection Agency (EPA). (2017). America's Children and the Environment, 3rd Edition. https://www.epa.gov/ace/ace-biomonitoring-lead

U.S. Environmental Protection Agency (EPA). (2018c). Basic Information about Lead in Drinking Water. https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water

U.S. Environmental Protection Agency (EPA). (2018d). Our Nation's Air. https://gispub.epa.gov/air/trendsreport/2018/

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

April 2019
National Tribal Topics of High-Level Interest

Note: This *shorter version* of the National Tribal Topics of High-Level Interest document contains condensed information on the priority issues most likely to be raised by tribal participants at the 2019 NTOC meeting. More detailed information on these topics and other topics has been provided in an expanded version of this document, which is also in this binder.

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7) Region 8

UIC Issue, Proposed Powertech (USA) Inc. Dewey Burdock Uranium In-Situ Recovery Site

Who May Bring Up the Issue: Oglala Sioux (South Dakota) and other tribes

Background: The Nuclear Regulatory Commission (NRC) and the South Dakota Department of Environment and Natural Resources (DENR) are the lead agencies for the Powertech proposed uranium in-situ recovery (ISR) project site northwest of Edgemont, South Dakota. The NRC license and the DENR large scale mining permit will regulate the whole site including operation, aquifer restoration and site closure.

The EPA's role is to issue permits for injection wells at the site and make a determination on an associated aquifer exemption request. The UIC Class III permit decision will be the first EPA-issued UIC permit for ISR uranium recovery, nationwide. Powertech has proposed fourteen well fields each containing several hundred Class III injection wells (400 to 700 feet deep), and up to eight deep injection wells for the disposal of operation waste fluids at this site. Powertech also submitted an aquifer exemption request to enable injection for uranium recovery from ore deposits within the Inyan Kara Group aquifer system.

At least 38 tribal nations have historic claims to the proposed project area near the Black Hills and/or considered this area to be sacred. Through consultation with a number of tribal nations to date, EPA has heard tribes raise a number of issues including concerns about potential impacts on historic properties, including those of traditional religious and cultural importance. The EPA anticipates issuing its draft UIC permit decisions in the fall of 2016. There will be a 60 day public comment period and public hearings will be held at a number of locations near the site.

EPA's Response: EPA issued its draft UIC permit and is still engaging with the tribes to share more specific information about how the draft UIC permits propose to protect underground sources of drinking water at the site. EPA still encourages all interested tribes to consult with EPA throughout its permitting process and is committed to considering all tribal input to inform its permit and aquifer exemption decisions.

White Mesa Mill, Utah

Who may bring up the issue: Ute Mountain Ute Tribe

Background: The White Mesa Mill, a uranium processing mill located in southeastern Utah and adjacent to the Ute Mountain Ute Tribe's (Tribe) White Mesa community, is operated by Energy Fuels Resources (USA) Inc. (EFR). EFR receives and processes natural uranium-bearing ores including certain specified alternate feed materials, and also possesses byproduct material in the form of uranium waste tailings and other uranium byproduct wastes generated by the licensee's milling operations.

The mill is subject to the National Emission Standards for Radon Emissions from Operating Mill Tailings promulgated as a National Emission Standard for Hazardous Air Pollutants under the Federal Clean Air Act and published in 40 C.F.R. Part 61, subpart W (Subpart W NESHAP).

Tribal concerns: The Tribe is concerned about the future impacts to the drinking water aquifer and UDEQ/EPA's lack of action on Subpart W NESHAP. The Tribe believes the mill is in non-compliance with Subpart W NESHAP and that this may impact the mill's acceptability under the CERCLA Off-site Rule.

EPA's response: EPA is continually evaluating whether The White Mesa Mill is in compliance with applicable permit terms and regulations, including the Subpart W regulations, and the significance of any potential violations. We will continue to engage with tribes on these issues. EPA made a relevant solid material regulatory interpretation and considered additional information that the Tribe brought forth in the late part of 2018 in EPA's evaluation process. EPA considered all information regarding the solids and found EFR remains in compliance with NESHAP Subpart W requirements. EPA issued a letter to EFR on March 11, 2019 and communicated its decision to the Tribe as well. For informational purposes, the EPA Region 8 staff requested EFR conduct additional sampling of the solids in question and EFR has agreed.

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