



NTAA's Talking Points and Priorities

Virtual Meeting with EPA Management

February 28 – March 3, 2022

Thank you again for taking the time to talk to us and share with NTAA the upcoming activities being undertaken by EPA so we can help inform Tribes on these important issues and assist EPA to effectively engage with Tribes.

As a reminder, NTAA is a member organization that as Mr. Bill Thompson, former Chair of NTAA would say, is an information conduit for 154 member Tribes of the 574 Federal Recognized Tribes in all 10 EPA regions. NTAA was founded by a resolution vote of the Annual Meeting of the National Congress of American Indians in 2002. NTAA is proud to be celebrating our 20th anniversary this year.

NTAA seeks to build consensus but does not represent the opinions of all Tribes. Tribes have a wide variety of interests and needs. As a result, it is important for EPA to recognize that this meeting is much appreciated and needed to build a mutual understanding of the issues, but it does not substitute for direct consultation with Tribal Governments.

NTAA has several very important priorities that support Tribal self-governance and self-determination. For example:

1. Consultation:

EPA should be conducting consultation with each rule whether they believe it will affect Tribes or not. Consultation should be held in accordance with each Tribe's consultation policy on a Nation-to-Nation basis and should be coordinated early and often.

2. Environmental Justice Definitions:

EPA should take care when conducting outreach to Tribal Governments on Environmental Justice issues. Using definitions for Environmental Justice communities

does not apply to sovereign nations in all respects and may not represent the definition a Tribe holds for itself as to Environmental Justice. EPA should continue to maintain and expand its relationship with Tribes without lumping Tribes into public community definitions for ease of dealing with issues.

3. **Climate Change:**

- a. Oil and gas rules – particularly in implementing these rules in Indian country and in checkerboarded areas.
- b. Power Plant rules
- c. Atmospheric warming associated with climate change has the potential to increase ground-level ozone in many regions, which may present challenges for compliance with the [ozone standards in the future](#).
- d. The [West and Southwest have seen a decline in unhealthy days over the last 19 years, but a number of cities in these regions are experiencing the highest number of unhealthy ozone days in the country overall](#). The high ozone levels could result from several interacting factors, including but not limited to higher temperatures, topography, increased emissions of ozone-forming chemicals from [more frequent wildfires](#), high levels of automobile emissions, and an [increase in gas and oil extraction operations](#).

4. **Regulations:**

- a. Looking forward to PM NAAQS revisions
- b. Visibility rules and activities and ensuring Tribes are included in Regional Haze SIP development activities
- c. Taconite RTR particularly with regard to mercury and impact on Tribal treaty rights and cultural and spiritual activities
- d. Ensuring EPA rules look at both on reservation and off reservation impacts.
- e. Follow up on the on-going request for monthly or quarterly updates on rules coming out so NTAA can plan and prioritize our review activities.

5. **NAAQS Implementation:**

- a. Permitting – Support for capacity building for tribes to effectively review State issued permits. For example, continue to support ITEP training but continue to provide technical support to Tribes in reviewing permits:
 - i. Guidance for permit reviews
 - ii. Contract support – In the past OAQPS provided access to engineering support for Tribes in review permit requirements. When that ran out staff provided support but that has been limited recently.
 1. For example: the Huber permit in Minnesota
 2. Tracy Power Generating Station in Nevada
 - iii. Support for Tribes in developing TIPs and Permit programs. TIP guidance needs to stay current and new guidance for Tribal permit program development would be helpful.

- b. Tribal Monitoring, Emissions Inventory and Data collection and management
 - i. ARP money will be helpful but is not reoccurring so increased resources and support for tribes to monitor their own air quality is a priority. Including upgrading out of date equipment and providing for Tribes without monitoring to participate.
 - ii. On support for Tribes in having access to the Total systems audits needed for Federal Reference monitoring for participation in the Regulatory process it is important to support not only air quality but Tribal sovereignty.
 - iii. Consistency in the Regional approval of QAPP's and data management guidance.

6. Air Toxics:

- a. Air toxics have long been an issue for many Tribes, for example, many Tribes participated in the school air toxics program that continued at the TAMS center after the national program ended. Also, Region 5 Tribes conducted many studies on the impacts of mercury deposition in fish consumption. However, there hasn't been an equal consistent emphasis from the national level. Providing Tribes with a better understanding of air toxics, risks and impacts will better help to determine the potential needs for their communities.
- b. Wildfires have been developing across various parts of the world at alarming rates and this is no different here in Indian Country. Drought impacts and climate-based wind events are fueling these massive fires which do not stop at tribal borders.
- c. Wood burning across Indian country is vast and complex in what fuels are used, how long it's been stored covered versus un-covered. The amount of wood fuel it takes to heat tribal homes will also vary on tribal demographics inside the home, proximity to other communities and economic factors that range from negative finances to un-installed units that just need install costs covered only.

7. Radon and Indoor Air:

- a. EPA is now pushing for Tribes to go for SIRG funding. It has always been available for states and Tribes have been overlooked on this. I appreciate EPA starting to alert Tribes on this funding. Currently there are 10 Tribes receiving funding. 50 states get SRIG funding.
- b. Indoor air has always been a hard one because you can't tell people what to do in their own home. For businesses it's a little different but still with no policy just recommendations it makes it difficult.
- c. We also need to change IAQ to IEQ because it's not just the air but everything that contributes to the quality of life in the home/office/commercial building.
- d. Changing the way people think of IAQ might be a better way of dealing with Indoor pollutants. As with Radon, stating the values as an action limit might get people to look at the IEQ differently.

8. Mobile Sources:

- a. The NTAA Mobile Sources Work Group has been helpful for Tribes to better engage on mobile sources policy issues, so thanks to Jessie Mroz and the team at OTAQ for their help on this work group.
- b. DERA Match Requirements, successful in generating much interest spread across the regions
- c. Success of VW Settlement program. Looking forward to analysis on how to make similar programs successful. Possibly look at School Bus Program and BIL funds.
- d. NTAA seeks to prioritize equitable mobility for Tribes and underserved communities by reducing emissions through the electrocution in all power sectors including heavy and light duty vehicles. The EV infrastructure wave should not leave Tribes behind.
- e. NTAA supports aggressive emissions standards for all mobile sources should work to help scale the electrification of heavy and light duty vehicles.
- f. NTAA is also pleased to see EPA moving forward with CARB to ensure CA's waiver can move forward and we hope that other states can continue to consult with Tribes to develop strong standards in all states.
- g. NTAA has a new Alaska Work Group and working on finding ways to help Alaskan Tribes and Native Villages better engage on recent aircraft rules.

In closing, thank you again for your time and attention. For additional information on NTAA's air quality and climate change policy work with and for Tribes, check back on [NTAA's STAR website](#) for the upcoming release of the 2022 Status of Tribal Air Report expected during the [2022 National Tribal Forum on Air Quality](#)