



July 14, 2022

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Marc Vincent and Michael Wolfe
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

SUBJECT: Comments on the USEPA Draft National Program Guidance for FY 2023-2024, as revised June 1, 2022

Dear Mr. Vincent and Mr. Wolfe:

On behalf of the National Tribal Air Association (“NTAA”), I am pleased to submit this comment letter on the USEPA Draft National Program Guidance for FY 2023-2024 as revised June 1, 2022 by the U.S. Environmental Protection Agency.

The NTAA is a member-based organization with 155 principal member Tribes. The organization’s mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Indian Tribes. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is important to understand interactions with the organization do not substitute for government-to-government consultation, which can only be achieved through direct communication between the federal government and Indian Tribes.

The NTAA once again is pleased to submit comments on the latest draft of your FY 2023-2024 National Program Guidance (NPG). Most of our comments are focused on the specific NPG related to the Office of Air and Radiation (OAR), *Improving Outdoor Air Quality and Addressing Climate Change in Indian Country and Alaska Native Villages*. We are quite aware of, however, and, largely appreciative of, your agency’s draft NPGs for other program offices including that of the Office of International and Tribal Affairs (OITA). Your enhanced NPG reaffirming EPA’s commitment to carrying out its trust responsibility to Tribal nations and engagement with Tribes is exceedingly important and appreciated.



National Tribal Air Associations' (NTAA's) Previous Comments

As noted above, on October 22, 2021, NTAA submitted comments on an earlier draft of the 2023-2024 NPG of the Office of Air and Radiation and incorporate those comments by reference. NTAA's eight primary Tribal priorities for the coming year are identified in those comments. We are encouraged that some of those recommendations are addressed in the updated draft NPG from your office. In particular, OAR draft NPG Section A.1 at pp. 26-30 is commendable in its scope and detail.

In addition, echoing points we have previously raised with EPA, we encourage EPA and OAR to deepen its commitment to confronting climate change by funding efforts to address critical Tribal needs like mitigation and adaptation. As described below, some Tribes have and will continue to lead in climate adaptation and mitigation efforts, and in clean energy development and distributed generation. We encourage the EPA to continue to support and incorporate traditional ecological knowledge when addressing such issues with Tribes.¹ Tribes are not a major contributor to the greenhouse gas emissions that have caused climate change. Yet, climate change threatens Tribal lifeways by threatening Tribal coastal lands, increasing food insecurity, impacting natural resources/non-human relatives and forcing some toward extinction, increasing the risk of wildfire and extreme weather events, and endangering public health. Tribal-specific interests must be acknowledged in EPA's climate change response. In general, we also support additional Alaska-specific climate adaptation trainings to address the particular challenges faced by Alaska Native Tribes and Villages that are already experiencing dramatic climate change impacts.

For the purposes of this comment letter, NTAA prioritizes the focus on program activities that reflect Tribes' major needs and priorities and are addressed in OAR's draft NPG Section III, "Improving Outdoor and Indoor Air Quality in Indian Country and Alaska Native Villages." Much of this information is contained in the recent NTAA publication *Tribal Air Quality Priorities and the Resources to Address those Priorities: A National Baseline Needs Assessment Among American Indian and Alaska Native Communities, May 2022* (BNA). This robust analysis has been shared with USEPA and others and is available at www.ntaatribalair.org.²

Comments on Specific OAR/NPG Elements in Section III:

¹ We also encourage the EPA to review the recent White Paper on understanding the role of TEK in climate change initiatives. See NTAA, A White Paper Detailing the Science and Connections Between Air Pollution, Tribes, and Public Health, the Guidelines for Considering Traditional Knowledges in Climate Change Initiatives (2020), available at [>> NTAA White Papers - National Tribal Air Association \(ntaatribalair.org\)](http://NTAA White Papers - National Tribal Air Association (ntaatribalair.org))

² The BNA can be found by searching "Baseline Needs Assessment" at ntaatribalair.org.

A.1. Numerous elements throughout this subsection identify needs (and expectations) for EPA resources to enable Tribes to develop and implement air quality management programs. As shown in the BNA, Tribes are committed to protecting their air quality resources and to addressing the threats of climate change. As noted above, the NTAA supports the robust consideration of climate change and mitigation through EPA’s Tribal programs.

The proposed increase in “Tribal Assistance Grants for Air” to \$23,126,000 is woefully inadequate for reasons documented in the BNA. Existing resources are insufficient to sustain Tribal Air Programs. Importantly, 79% of the BNA respondents agreed that “insufficient air quality funding impacts the health and welfare of their people.” And 72% of respondents said that they did not have funding for even one full-time air quality position. Further, the activities that the NPG identifies in “Expected Tribal Activities” (subsections A.1.2 and A.2.2) cannot be adequately performed at the proposed funding level. NTAA’s BNA identifies “\$76.6 million as [t]he amounts necessary to provide minimum baseline funding of \$133,484 to all 574 federally recognized Indian Tribes.” and the NTAA Climate Change Funding document suggests an additional \$19.2-24 million for the opportunity to tackle climate change and sustain existing cc programs. In addition, this funding levels will not allow some Tribes to begin dedicated climate change programs. NTAA recommends that EPA request Tribal Air Program support in FY 2023-2024 in the range of \$55-60 million.

A.1.1.1(4), A.1.2 § 5.1.2.1(9), (10) Air quality threats to public health and the environment in Tribal communities, including those associated with climate change, are severe and growing. As we noted in our October 2021 letter, NTAA supports the Agency’s commitment to grant resources to Tribes and Tribal organizations to enable and facilitate their participation in “regional and national level activities such as policy making, monitoring, rule or program development, and implementation workgroups.”

IA.1.1.1.1 – A.1.1.1.3 Building Tribal capacity to advance air quality management programs is a continuous need and has been a high priority of OAR for many years. These NPG elements and several others in the current draft remain a high priority of Tribes. Among these support needs are technical training, monitoring, education and outreach, grants management, and indoor air quality.

A.1.1.2.5 & A.1.1.4 NTAA has consistently supported EPA’s initiatives to reduce emissions from new and existing diesel engines. We support the enhancement of the Diesel Emissions Reduction Act (DERA) as described in this NPG element. Most recently we encouraged strengthening the initial portion of the Clean Trucks Program. This regulatory program³ will help address important impacts on Tribal air quality. More than three-fourths of BNA respondents reported being “impacted by mobile source emissions from on- and off-road vehicles, including diesel emissions from on- and off-road vehicles.”

5.1.2.3 This broad statement regarding “expected tribal activity” addressing climate change is a critical element in the OAR NPG. Based on conversations with NTAA and consultations with

³ A.1.1.2(5) refers to a “voluntary emission control retrofit program” for existing heavy-duty diesel engines. We note that the Clean Truck Program is a regulatory program that is not voluntary.

Tribal Nations, the EPA should develop this NPG element to more fully acknowledge and support Tribal actions to address climate change. Many Tribes have performed climate change vulnerability assessments, including evaluating air pollution effects, or participated in community-based monitoring, and some have begun comprehensive planning and mitigation efforts to address climate change impacts.⁴ As noted above, Tribal Lands and Alaska Native Villages are impacted by climate change and continuously pursue ways to reduce emissions of greenhouse gases. Further Tribal professional staff, including those in air quality programs, necessarily are increasingly allocating resources to address climate change needs. Tribes must receive additional resources to meet their air quality management needs and expectations. *See* comment A.1, above.

Wildfires

In NTAA's comment letter of October 22, 2021, NTAA urged that the OAR NPG "recognize the deadly immediate and long-term impact of wildfires." More than sixty percent of our BNA respondents reported that "wildfire smoke has become impactful to their community". Wildfires burden Tribes with additional costs like increased air quality monitoring, public outreach, damage assessment, and clean-up operations. Once again, NTAA encourages EPA to appreciate and prioritize this severe public health concern, and to work with Tribes to mitigate wildfire--caused air pollution.

Road Dust

More than eighty percent of the participants in NTAA's BNA report stated that road dust, including the many associated air pollutants, is a major concern. This insidious yet common air pollution source persists in rural Tribal communities, Alaska Native Villages, and many urban Tribes. The OAR NPG should recognize this issue and work with Tribes to develop and implement emissions control strategies. For example, EPA's R10 office implementation through a 2005 FIP⁵ that addressed road dust control strategies for Indian Country that could be used as a template for a national FIP.

PFAS

As we noted in our October 2021 letter, PFAS and other emerging issues such as airborne microplastics will impact air quality in Indian Country and Alaska Native Villages. The updated

⁴ *See* Jantarasami, L.C., R. Novak, R. Delgado, E. Marino, S. McNeeley, C. Narducci, J. Raymond-Yakoubian, L. Singletary, and K. Powys Whyte, 2018: Tribes and Indigenous Peoples. In *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II* [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 572–603. doi: 10.7930/NCA4.2018.CH15; Congress of American Indians, Climate Action: Tribal Approaches, <http://www.ncai.org/ptg/climate-action-Tribal-approaches>; Bureau of Indian Affairs database, <https://biamaps.doi.gov/nca/.National>; and ITEP, Tribes & Climate Change Program Home, available at www7.nau.edu/itep/main/tcc/Tribes/.

⁵ EPA, Federal Implementation Plans Under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington, 70 Fed. Reg. 18074 (Apr. 8, 2005); 40 C.F.R. §§ 49.121-.139.



NPG draft does not address PFAS or airborne microplastics in its section about Tribal priorities, and we reiterate our request that EPA add it to ensure that Tribal air quality issues from air pollutants like PFAS are an EPA priority.

Once again, NTAA appreciates this opportunity to comment on EPA's 2023-2024 National Program Guidance. If you have any questions, please contact Andy Bessler at andy.bessler@nau.edu or 928-523-0526.

Cc: Kathryn (Blair) Budd, EPA OCFO
Beth Burchard, EPA OCFO
Pat Childers, EPA OAR