



# OEI's Tribal Strategy and Tribal Consultation Efforts

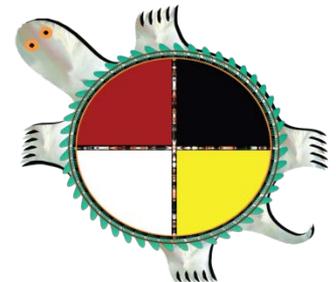
National Congress of American Indians

2011 Annual Tribal Exchange Network Conference

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Beth Jackson, Tribal Program Coordinator

US EPA Office of Environmental Information





# Enhancing Tribal Participation: Overview



- OEI Tribal Strategy Development
- Consultation Efforts: Proposed Rule
  - TRI Metal Mining Proposed Rule
  - Proposed Rule to Enhance Tribal Participation in TRI Program
- Other News
- Questions





# OEI Tribal Strategy



A Partnership to Improve Environmental Information and Decision-Making in Indian Country and Alaska Native Villages



# Tribal Strategy Overview



- Purpose
- Audience
- Vision
- Goals & Objectives



# OEI Tribal Strategy



## PURPOSE:

- To strengthen the Office's interaction with tribes and organizations representing and/or working with tribes on information efforts
- To improve internal communication and coordination within and between OEI's various offices to better identify outreach needs, consultation requirements, and other information or analytical efforts relevant to tribes



# OEI Tribal Strategy



## AUDIENCE:

- Tribal governments, particularly tribal environmental and IT staff
- Tribal organizations, including but not limited to: tribal consortia and other organizations representing tribes or tribal interests (e.g., National Congress of American Indians, Institute for Tribal Environmental Professionals, etc)
- Interested members of the public



# OEI Tribal Strategy



## VISION:

- The *vision* that guides the OEI Tribal Strategy is: a future where Tribes and EPA recognize information as a strategic resource for environmental improvements and a driver for success and where both Tribes and EPA have the information needed to understand how and where environmental challenges affect tribal lands and communities.



# OEI Tribal Strategy



## GOALS:

- Increase/Improve Tribal Capacity to Collect, Analyze, and Share Data and Information
- Facilitate the Collection and Analysis of Quality Tribal Data
- Sharing/Moving Tribal Data and Analytical Tools



# OEI Tribal Strategy: Goal 1



## **Goal 1: Increase/Improve Tribal Capacity to Collect, Analyze, and Share Data and Information**

### Objectives

- Designate and maintain a Tribal Program Coordinator within OEI
- Promote opportunities for raising cultural awareness within OEI, measure results, and adjust strategies, if necessary, to achieve measurable results
- Provide support, through training and technical assistance, to tribal governments or entities that assist Tribes to build tribal capabilities to assume data and information management responsibilities



# OEI Tribal Strategy: Goal 1, continued



## **Goal 1: Increase/Improve Tribal Capacity to Collect, Analyze, and Share Data and Information**

### Objectives

- Explore opportunities available for tribal governments to assist in technology and knowledge transfer...
- Strive to increase awareness of the various online and physical resources available to Tribes and the public at large through the EPA National Library Network
- Work with Regional Exchange Network Coordinators to identify organizations and/or tribal governments to represent tribal issues on the Exchange Network Leadership Council (ENLC), Network Operations Board (NOB), and other governance bodies.



# OEI Tribal Strategy: Goal 2



## Goal 2: Facilitate the Collection and Analysis of Quality Tribal Data

### Objectives

- Promote data stewardship by ensuring appropriate management, control, maintenance, or integrity of tribal data resources
- Facilitate tribal data collection
- Improve accessibility of EPA and tribal data and tools to the federal government, tribal governments, and states by assessing EPA's available tribal data and provide access to these data through existing or new tools



# OEI Tribal Strategy: Goal 3



## Goal 3: Sharing/Moving Tribal Data and Analytical Tools

### Objectives

- Strengthen partnerships with Tribes and other tribal entities
- Increase technical training to facilitate additional technology transfer
- Collaborate across EPA to identify data elements and tools that are vital to sound tribal decision-making based upon priorities identified by tribal governments
- Invest to ensure appropriate consultation and communication with Tribes across OEI offices and initiatives



# Measuring Success



- OEI is committed to measure progress toward achieving the goals and objectives outlined in the Strategy and to continue outreach and consultation with tribal partners
- Annual OEI Tribal Accomplishments Reports will be the vehicle for reporting on these achievements
  - 2010 Report coming soon



# Accomplishments



## Highlights:

- Hosted Toxic Releases on Tribal Lands webinar (September 2010)
  - To increase use and awareness in Indian Country and Alaska Native Villages (AVNs) of the tools tribes may use to identify sources of toxic chemical releases in their geographic areas
- TRI National Analysis: Profile for Indian Country and Alaska Native Villages (December 2010)
  - OEI developed quick facts and graphics depicting toxic releases in Indian country and Alaska Native Villages



# Consultation with Tribal Governments



# Enhancing Tribal Participation in the Toxics Release Inventory (TRI) Program



## OVERVIEW

### Introduction:

- Why is EPA considering a proposal to clarify tribal participation in the TRI program?

### Background:

- What is the TRI Program and why should Tribes be interested?

### Purpose:

- Proposed Rulemaking/Gaining Feedback

### Questions?





# Introduction



Why is EPA considering a proposal to clarify tribal participation in the TRI program?



# Increasing Tribal Engagement in TRI Program



- TRI Program is working to expand outreach & awareness to Tribes in response to:
  - Administrator Lisa Jackson’s emphasis on building strong partnerships with states & tribes
  - Need for more outreach/information identified through discussions with tribal partners



# Increasing Tribal Awareness of Toxics Releases and Reporting



- Engaged in consultation with Tribes on a proposed rule related to TRI reporting requirements for metal mining facilities
  - Convened conference call (July 2010) to obtain tribal input early in the process
  - Additional opportunities for comment when the proposed rule is published in the Federal Register in 2011
- Sponsored webinar: *Toxic Releases on Tribal Lands*
  - Audio and video transcripts are available in two locations:
    - ChemicalRight2Know website:  
<http://www.chemicalright2know.org/content/webinar/tribes2010>
    - TRI website: <http://www.epa.gov/tri>



# Toxics Releases: Why Should Tribes be Interested?



- ~51 TRI facilities operate in Indian country\*
  - 39 industry sectors, including Fossil Fuel Power Generation, Concrete Manufacturing, Coal Mining, Copper Ore & Nickel Ore Mining, Pulp Mills, Hazardous Waste Treatment and Disposal
- ~23 tribes (located within 10 states: AZ, NM, CA, WA, MI, WI, MN, WY, ID, UT)
- Total Reported releases of over 22 million pounds of toxic chemicals



\* Facility results are current as of reporting year 2009



# Why Should Tribes be Interested?



- Within 3 miles...
  - 321 facilities operate within 3 miles of Indian country and Alaska Native Villages (ANVs), releasing ~141 million pounds of toxic chemicals
- Within 10 miles...
  - 1,292 facilities operate within 10 miles of Indian country and ANVs, releasing over 285 million pounds of toxic chemicals
- TRI data: another resource to help assess tribal environmental and health concerns



# Why Should Tribes be Interested?



- What is the proposed rule for TRI Reporting for facilities on Indian Country?
- How would Tribes be affected by this change in reporting?
- What other opportunities do Tribes have for TRI engagement?



# TRI Program: Enhancing Tribal Participation



- Issue: TRI Reporting for facilities in Indian country
  - On July 26, 1990 EPA finalized regulations requiring facilities located in Indian country to annually report TRI release data to the respective Tribe, as well as EPA
  - This final rule was inadvertently left out of the Code of Federal Regulations (CFR)
  - Due to the amount of time that has passed, we have been advised to undertake a proposed rulemaking to address the oversight



# Proposed TRI Rulemaking for Tribes: Addressing the Oversight, Gaining Feedback

## Rulemaking proposed:

- EPA is in the early stages of drafting a proposed rule in which we intend to clarify opportunities for tribal participation in the TRI program

## Consulting with Tribes:

- As part of this process, we initiated consultation with Tribes to relay EPA's intentions to address the oversight and obtain their input
- Two consultation calls held (February 7 and 28, 2011)
- Two informational calls held with the National Tribal Air Association (March 17 and 30, 2011)
- Other opportunities will be available during Notice and Comment Period, once the proposed rule is published in the Federal Register

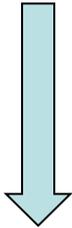


# Proposed TRI Rulemaking for Tribes: Gaining Feedback



- Feedback from tribal consultation is important

Tribal Consultation



FEEDBACK



TRI Reporting Requirements for facilities in Indian country



## Other TRI News for Tribes



- TRI Tools webinar available at:  
<http://www.chemicalright2know.org/content/webinar-tri-web-based-tools-whats-new-and-emerging>
- The 2009 TRI National Analysis (published in December 2010) included a discussion of TRI facilities located in/near Indian country and ANVs
- Changes to the TRI website: Exploring how to make the site a better resource for tribes



## Questions?



- Questions/Comments?
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