



At a Glance

The EPA Adhered to Tribal Consultation Policies for Pesticide Actions but Could Update Guidance to Enhance the Meaningful Involvement of Tribal Governments

Why We Did This Evaluation

To accomplish this objective:

The U.S. Environmental Protection Agency Office of Inspector General conducted this evaluation to determine whether the EPA adhered to its tribal consultation policies during the development of:

- The 2014 *EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country*.
- The 2017 Certification of Pesticide Applicators rule revision.
- The 2020 proposed revisions to the 2014 *EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country*.

To support this EPA mission-related effort:

- *Partnering with states and other stakeholders.*

To address this top EPA [management challenge](#):

- *Providing for safe use of chemicals.*

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What We Found

The EPA has several policies that guide the Agency's communication and coordination with tribal governments. The Office of International and Tribal Affairs and the Office of Chemical Safety and Pollution Prevention adhered to these policies during the development of three actions related to restricted-use pesticides: the 2014 *EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country*, the 2017 Certification of Pesticide Applicators rule revision, and the 2020 proposed revisions to the aforementioned 2014 EPA plan. However, we identified opportunities for the EPA to enhance the meaningful involvement of tribal governments in decision-making processes that affect Indian Country.

Specifically, while the 2011 *EPA Policy on Consultation and Coordination with Indian Tribes* states that the EPA should hold meaningful consultations prior to the EPA taking actions or implementing decisions that may impact tribes, meaningful is not clearly defined or described in the 2011 policy. Additionally, the EPA did not always allow tribes sufficient time to prepare for consultations, and in one instance, there was a significant time lapse between the initial tribal consultation and the Agency action. The EPA can contribute to meaningful interactions with tribes by ensuring timely notification to tribes to prepare for consultations and by having additional consultation opportunities when there is a significant time lapse between the initial consultation and the Agency action.

According to the EPA, the Agency is currently updating its 2011 tribal consultation policy. Because the Office of International and Tribal Affairs and the Office of Chemical Safety and Pollution Prevention adhered to tribal consultation policies in connection with the three restricted-use pesticide actions we reviewed, we do not make recommendations in this report. Instead, we offer suggestions for the EPA to consider as it updates its 2011 tribal consultation policy and subsequent guidance documents to assist program and regional offices with implementing the policy.

Meaningful involvement during tribal consultations may help improve government-to-government relationships by ensuring that the EPA considers tribal interests prior to taking actions or implementing decisions that may affect tribes.