NTTC Transition Priority Recommendations to NTC

Under the section on Tribal Access to Safe Water:

- Include the need to evaluate risks from unregulated water sources.
  For example:
  The risks from unregulated water sources on tribal lands also have to be evaluated. The Toxic Substances Control Act (TSCA) has a mandate to protect vulnerable populations. Under TSCA risk evaluations and risk management options can be implemented for particular chemicals. EPA can use its authority to assess the risks to tribal communities from chemicals that are not regulated under the Safe Drinking Water Act, which it has not done for the first 10 high priority chemicals to undergo risk evaluations under TSCA. It is not possible to reduce or eliminate risks if they are not understood or quantified.
- Address PFAS contamination and exposure risks

Under the section on Protecting Tribal Water:

- The CWA employs methodologies that are intended to protect the general population and not populations with high fish and other aquatic species consumption or exposures during subsistence activity. TSCA has a mandate to specifically protect and evaluate the risks to potentially exposed and susceptible subpopulations and tribes may often meet the criteria by being more highly exposed from multiple exposure pathways. EPA can use its authority under TSCA to evaluate the risks to tribal people from exposure to particular chemicals in water, sediment, and via fish and other aquatic species consumption. Multiple exemptions to the CWA may apply to tribal populations and the CWA cannot be assumed to be protective.
- Over 600 short chained PFAS chemicals have been approved for use under EPA's new chemicals program. These chemicals should be evaluated for their persistent, bioaccumulative and toxic properties.

Under the section on Air Quality:

- Air pollution on tribal lands from unregulated sources (e.g. burn barrels or burn boxes at the landfill with no emission treatment) also have to be considered. The Clean Air Act has many exemptions that disproportionately apply to tribal communities and thus cannot be assumed to be protective. These exposures and the associated risks have to be evaluated by EPA under TSCA before decisions on how to reduce the risks to tribal populations can be made. Contamination of indoor air from legacy uses of older products containing toxic chemicals (e.g. furniture or electronics containing flame retardants) is more common in tribal communities and also has to be evaluated.

Under the section on Waste:

- The first 10 high priority toxic chemicals identified by EPA have already undergone risk evaluations under TSCA and tribal exposures to them from disposal were not evaluated. Disposal circumstances on tribal lands are not the same as for municipal landfills and the risks to tribal populations from the multiple exposures resulting from unregulated and unmanaged landfills (e.g. inhalation of landfill smoke, ingestion from harvesting from surrounding areas or fish drying racks, water contamination and high fish consumption) need to be evaluated, in order to determine how tribal communities can manage those risks. Multiple exemptions to RCRA regulations apply to tribal populations and RCRA cannot be assumed to be protective.

Under the section on Toxic Chemicals (other harmful substances):

- In the first 10 chemicals to be evaluated under TSCA, EPA did not consider tribal lifeways or legacy uses and so the risks to tribal populations were not evaluated.
- EPA can use its authority under TSCA to evaluate and eliminate or reduce the risks tribal communities

face from exposure to toxic chemicals. EPA has a mandate to consider potentially exposed and susceptible subpopulations in its risk assessments under TSCA and tribes may often meet the criteria due to higher exposures and sometimes susceptibility. It is not possible to manage risks from toxins if they are not understood or quantified.

- Aggregate exposures from multiple exposure pathways to toxic chemicals, as they relate to tribes, have to be evaluated to understand tribal risks
- Legacy uses of products containing toxic chemicals in tribal communities have to be included in any TSCA risk assessments
- Restore EPA's Safer Choice Program
- Provide outreach and education on TSCA to tribal leaders, including ways to engage and provide input to EPA on tribal exposures
- Evaluation of chemical toxicity of fracking chemicals on tribal resources
- Tire wear particulate - 6PPD - ozonated reaction product toxicity for tribal resources

Under the section on Environmental Justice:

- Well-documented environmental and human health disparities in tribal populations needs to be addressed