

Incorporating Tribal Lifeways into the Superfund HRS Process

Issue

- A particular concern expressed by tribes is that contaminated sites in Indian Country rarely score 28.5 using the Hazard Ranking System (HRS).
- The HRS may not fairly account for tribal cultural exposure factors and target populations.
- EPA/Tribes have taken steps to address this issue, but solutions have been difficult.

Purpose

- EPA is revitalizing efforts to resolve this issue.
- Presenting our “draft” strategy to tribes and seek their input and cooperation.

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Background

- EPA/Tribes have taken steps to address this issue:
 - OSWER committed in 1998 to study incorporating tribal lifestyles/exposures into HRS guidance.
 - Superfund awarded a pilot to the Pueblo Office of Environmental Protection to identify how tribal lifestyles can be better represented within the HRS.
 - The National Tribal Environmental Council (NTEC) opted to carry on POEP’s project through their OSWER cooperative agreement.
 - NACEPT recommendation.

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Background (cont)

- Everett Chavez raised this issue to Administrator Leavitt at the Tribal Operations Committee meeting in March.
- Timing is right for us to develop a product that will largely resolve the issue, recognizing that tribal concerns have grown from a limited POEP study to a much broader and more widespread need.

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Recommendation

- Review/amend current Superfund guidance for the assessment and HRS processes to better consider specific tribal lifestyles/exposures.
- OSWER supports this recommendation.

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Approach

- Step one: generate a list of possible clarifications/changes to HRS guidance
 1. Review and consolidate tribal suggestions/comments over last five years (including POEP project) on this topic.
 2. Develop list of possible clarifications to HRS guidance through HRS experts. List would identify aspects of tribal lifestyles shared by tribes and try to incorporate these factors into the site scoring.
 3. Request additional tribal suggestions through outreach efforts with tribes.
 4. Consider results from tribal inventory survey (TASWER data).

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Approach (cont)

- Step two: Present List to Tribes and Obtain Input
 - Present list of scoring options to tribes, and ask tribes which they prefer we evaluate more fully. Ask interested tribes to identify additional practices/resources they believe are not captured by the HRS or superfund process.
 - Raise at meetings with tribes across the country.
 - Discuss individually with members of the Superfund Tribal Work Group.

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Approach (cont)

- Step three: Based on tribal comments, EPA HQ will propose options and present to tribes.
 - Options include: change in HRS guidance, more discussion of concerns in the PA and SI reports if sites still don't score, support to investigate additional exposures. We have already committed to more active referrals to other programs (i.e., UST, brownfields, oil)
 - Possibly schedule meeting for late fall, or present at the next TOC meeting.

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Approach (cont)

- Step four: Testing.
 - If necessary, EPA would test options at tribal sites (we could use NFRAP sites or newly identified sites) to determine the impacts of any HRS guidance options we may select.
 - Can do this under current NTEC grant.

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Approach (cont)

- Step five: EPA will incorporate agreed-upon changes in guidance/policy