



NTAA FY2017 Tribal Air Quality Budget Analysis

National Tribal Air Association

The National Tribal Air Association (NTAA) was founded in 2002 through a grant from the US Environmental Protection Agency's Office of Air and Radiation.

Mission

The mission of the NTAA is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaska Natives.

Goals

1. Advocate for and advance tribal environmental, cultural, and economic interests in the development of air policy at all levels of government (tribal, local, state, regional, federal, and international).
2. Promote the development, funding, and capacity building of tribal air management programs.
3. Promote and facilitate air quality policy and technical information that may include research and scientific and medical studies.
4. Advance the recognition and acceptance of tribal sovereign authority by conducting effective communication and outreach to local, state, federal, and international agencies, as well as the general public.
5. Encourage and support appropriate consultation with all tribal governments in accordance with Tribal structures and policies.

The NTAA is a Tribal member organization with 94 principal member Tribes. The organization serves as a resource to all 566¹ federally recognized Tribal Nations. The NTAA's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of 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 NTAA always seeks to represent consensus perspectives on any given issue, it is important to note that all Tribes may not agree upon its expressed views. Further, it is important that EPA understands interactions with the NTAA do not substitute for government-to-government consultation, which can be achieved only through direct communication between the federal government and the Tribes.

¹ Federal Register/Vol. 79, No.19/Wednesday, January 29, 2014/Notices
<http://www.bia.gov/cs/groups/public/documents/text/idc006989.pdf>

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Introduction

The National Tribal Air Association (NTAA), utilizing Tribal input, EPA documents, and Executive Committee member experience, has developed a snapshot of air quality funding gaps in Indian Country. NTAA believes that by increasing funding to close identified gaps in Indian Country, EPA will effectively strengthen its government-to-government relationships and demonstrate a clear commitment to supporting Tribes as they endeavor to meet their respective environmental and human health protection goals.

This report is a snapshot of air quality programmatic and funding issues in Indian Country. The report includes or reflects information contained in the following documents:

1. FY 2011-2015 EPA Strategic Plan *Cross-Cutting Fundamental Strategy: Strengthening State, Tribal and International Partnerships*
2. OAQPS National Tribal List Report 4/20/2014
3. OAQPS Tribal Air Quality Management Report January 2013/2014

The report identifies three major areas for improvement of air quality in Indian Country by (1) identifying Tribal air program capacity gaps and air data gaps within Indian Country; (2) identifying a budget request that will enable federal agencies to begin addressing these gaps; and (3) to address funding for technical and policy programs that support Tribal air quality program development (e.g. NSR, climate change adaptation planning).

Current FY 2014 Funding

Regions have reported that virtually all well written, substantive Tribal air program funding requests are funded on an annual basis². While this may be true, the trend actually obfuscates the underlying issue, which is that having been denied multiple times over in the past, many Tribes have ceased applying for funding. Similarly, some Tribes do not pursue funding at all because they are aware that EPA funding, and consequently STAG funding, have been stagnant if not decreasing over time. Fundamentally, Tribes require equitable and guaranteed funding for new and existing air programs, which is not presently reflected in practice.

As Tribes have stated in the past, “If we have to be recognized as states then fund us as states.” In the National Congress of American Indians FY2016 Indian Country Budget Request this theme also prevailed; “...NCAI requests that EPA tribal programs receive at a minimum, sufficient resources to achieve parity with states through sustainable targeted base funding.”³ It is unclear how many Tribes have given up on applying for air grants because they anticipate that there are insufficient funds to support all interested Tribal air staff/programs. In many instances, Tribes have only one staff person designated to work across all environmental media. The Tribes cannot afford to allocate time toward completing an air quality grant if the process continually renders no results in the way of additional funding for air activities.

² According to a recent query, NTAA learned that most regions fund approximately 100% of Tribal air funding requests.

³ NCAI FY2016 Indian Country Budget Request: Promoting Self-Determination, Modernizing the Trust Relationship - Environmental Protection

http://www.ncai.org/policy-issues/tribal-governance/budget-and-appropriations/12_FY2016_Environ_NCAI_Budget.pdf

Furthermore, some EPA regions do not report funding and grant numbers to the national database leaving organizations like the NTAA with a lack of clarity about unmet needs. Without actually knowing how many Tribes want or request air funding, there is no way to develop an accurate budget request that is truly reflective of Tribal needs. To be able to develop an accurate budget, the NTAA needs to have as much information as possible (e.g. How many Tribes want or have requested air grants? What specific activities do Tribes plan to support using the requested funds? How much total funding are the Tribes requesting?).

At the moment, NTAA does not have access to the aforementioned information. There is, however, summary data from annual STAG allocations (see Table 1 below).

Table 1 Regional STAG Allocation for fiscal years 2012-2015.

Region	2012 STAG	2013 STAG	2014 STAG	2015 STAG
1	\$551,903	\$513,927	\$521,147	\$518,694
2	\$440,175	\$327,840	\$329,646	\$418,623
4	\$329,424	\$308,096	\$314,409	\$301,579
5	\$1,261,468	\$1,154,322	\$1,187,351	\$1,234,260
6	\$1,290,221	\$1,178,038	\$1,171,513	\$1,176,236
7	\$465,216	\$451,078	\$502,756	\$526,581
8	\$1,967,388	\$1,904,267	\$1,998,953	\$1,956,809
9	\$3,259,737	\$2,959,350	\$2,921,915	\$2,868,663
10 (incl. Alaska)	\$2,648,791	\$2,432,197	\$2,483,379	\$2,459,831
Total:	\$12,214,323	\$11,229,115	\$11,431,069	\$11,461,276

From this Table it is clear that funding has changed little over the last few years, yet the demand has not been met and is ever increasing.

Analysis for Future Funding

Currently, EPA funding for Tribal Air Programs does not meet the needs of Tribes who seek to address serious air quality issues within their communities. The EPA’s annual budget for Tribal air quality activities has not increased over the years despite an ever-growing demand for new program capacity development, and advanced monitoring and regulatory development among Tribes with existing programs.

While not all Tribes wish to have an air program or an air-monitoring program, Tribes that do want to manage their air resources should have the opportunity to receive funding so that they can host such programs. Every Tribe has the right to know if their air is healthy. Tribes who receive funding need to know that they will retain their funding and that their programs will be able to grow and mature, without being abruptly cut-off or terminated.

The NTAA encourages the EPA to remember when it decides to implement a new regulation or to change a policy that one of the first considerations needs to be feasibility - how the work will

be accomplished? Also, are Tribes being included in the decision-making process? And is there sufficient funding to support Tribal participation?

The NTAA asks that EPA and other appropriators consider increasing Tribal air program funding in keeping with their trust responsibility. Further NTAA strongly believes that increased funding will begin to fill data gaps and provide valuable information on a regional and national level.

The NTAA strongly suggests to the EPA that it is prudent to increase Tribal Air Program funding by a minimum of \$7 million and regulatory and policy change implementation by a minimum of \$8 million over the next five years. This funding request is made in addition to current funding and is requested to NOT be at the detriment or withdrawn from any other programs fiscal support.

- ❖ ***\$1.5 million to give a few additional Tribes the ability to begin new air programs and build capacity while allowing for current and mature Tribal Air Programs to continue.*** This allocation would begin to fulfill EPA's strategic plan. Funding utilized by Tribes is a sound investment; this statement is based upon the efficiency of each air program that currently operates in Indian Country. Additionally, many Tribes that have established programs are not able to implement more advanced monitoring and/or to develop regulatory programs to address air pollution sources at their current funding levels. New and existing Tribal air programs are in desperate need of additional EPA funding and support in order to monitor and regulate their air shed(s) in order to protect the health and welfare of Tribal Members.
- ❖ ***\$1 million for climate adaptation planning*** to prepare for the impacts of climate change and/or reducing greenhouse gas emissions. Tribes have contributed little to the causes of climate change, but have been disproportionately affected by the risks. The impacts of climate change threaten the life ways, subsistence, land rights, future growth, culture, resources, and sustainability. Only a few Tribes have begun their adaptation planning, but many more will need to start. At this time there is no funding allocated for this purpose and is needed and necessary.
- ❖ ***\$1 million for indoor air and radon programs.*** In the past these programs have been minimally funded or considered unfunded mandates. Recently, the funding made available for the Radon Program was removed. These programs are extremely important for Tribes and their community's health. It is time for these programs to be funded and supported by the EPA in an appropriate manner.
- ❖ ***\$1 million for Tribal participation in Regional Planning Organizations (RPOs).*** RPOs have been activated, however funding for tribal participation has not been allocated. Without funding for travel, technical support, and staff participation the concept of Tribes and states having the opportunity to plan together on equal ground will not be possible. Therefore, it is imperative that Tribes have assistance with funding to be available to participate fully at the table with states.

- ❖ ***\$2.5 million for Renewable Energy Efficiency Plans under the Clean Power Plan Rule*** for travel and staff time to meet with the states, and to develop plans, technical support and develop implementation.
- ❖ ***\$8 million for the NSR Program over the next 5 years.*** The cost of regulatory and policy changes and implementation to Tribes. While in many cases it is not necessary for Tribes to take on the delegated authority of implementing a program through a TIP, Tribes are opting to take a more active role in the implementation and delegative authority process. This assists the EPA with permitting in a timely manner and the burden of enforcement.

If you have any questions or comments about this document or the NTAA please contact us.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Bill Thompson". The signature is fluid and cursive, with a large initial "B" and "T".

Bill Thompson
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