Cover art by Dana Tiger entitled ‘Wind’.

Dana Tiger is an award winning and internationally acclaimed artist. She is a member of the Muscogee (Creek) Nation and is of Seminole and Cherokee descent. Dana was just five years old when her father, legendary artist Jerome Tiger, passed away. She turned to his art as a way to know him and that engagement, coupled with the tutelage of her uncle, renowned painter Johnny Tiger Jr., who exposed Dana both to the richness of her culture and to the bounty of her family’s artistic tradition.

Best known for her watercolors and acrylic paintings depicting the strength and determination of Native American women, Dana’s paintings now hang in galleries, universities, Native American institutions, and state buildings nationwide.

In recognition of her accomplishments Dana was inducted into the Oklahoma Women’s Hall of Fame in 2001. In 2002 Dana and her family founded Legacy Cultural Learning Community, a non-profit with the mission of nurturing creativity within Native youth via the celebration and sharing of tribal languages and culture through the arts.

www.tigerartgallery.com

The National Tribal Air Association is funded through a grant from the United States Environmental Protection Agency's Office of Air & Radiation (OAR)

National Tribal Air Association
PO Box 15004
Flagstaff, AZ 86011
928-523-0526
928-523-1266 (fax)
www.NTAATribeAir.org
1 Executive Summary

1.1 Welcome from the NTAA Chairwoman

On behalf of the National Tribal Air Association’s (NTAA) Executive Committee, I am pleased to present the 2021 Status of Tribal Air Report (STAR). As the newly appointed NTAA Chairwoman and the Primary Representative of EPA’s Region 10 Tribal Caucus on the NTAA’s Executive Committee, I am committed to empowering Tribes to protect and enhance air quality for everyone.

Since the publication of the 2020 STAR, Tribes have experienced many challenges. Most difficult was COVID-19 and its devastating impacts across Tribal nations and BIPOC (Black, Indigenous, People of Color) communities. As more became known about the virus, NTAA partnered with EPA agencies and NGOs to provide three informational webinars on how to safely reopen Tribal offices and how to promote healthy indoor air quality environments.

Other threats to Tribal air programs were also seen. Some of the worst wildfires in history took place in 2020 which created thick, dense smoke that impacted southern California cities and communities as well as other parts of the country. Alaska is also dealing with increased wildfires in their region as well. Support for Alaskan communities is very much needed with over 40% of federally recognized Tribes residing in Alaska, often in remote locations and experiencing significant impacts from both air quality and climate change (see Section 2: Areas of Concern, Emerging Wildfire Threats).

Furthermore, Tribes are and have been dealing with the lack of proper infrastructure that includes inadequate broadband services, poor and aging air monitoring equipment and, in some states, power outages due to extreme weather conditions. These issues are likely to increase with climate change.

Since the Biden/Harris Administration took office, Environmental Justice (EJ) is a top priority for the EPA as they continue to work with Tribal entities. Environmental Justice, as explained by the Office of Environmental Justice, is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. It is not about people of color just having a seat at the table, but rather about making decisions on policies that have direct impacts on the land, air, water, and people. As we continue to move forward as the National Tribal Air Association, our main priority will always be the protection of health for the environment and Tribal peoples. The NTAA encourages the Biden/Harris Administration to consult with Tribes and the best available science.

With incoming staffers, it is imperative that EPA maintain and fill key positions where institutional knowledge and the importance of Tribal air programs are understood to effectively work with Tribes. Funding for Tribal air programs has long been a limiting factor, and despite the modest increase for FY2021, Tribal air programs or Tribes that seek to develop
air programs continue to have unmet needs (see Appendix A: NTAA Tribal Air Quality Budget Analysis, for an in-depth report and recommendations). In February 2021, the NTAA sought Request for Proposals (RFPs) to conduct a national needs assessment of all federally recognized Tribes to ascertain the budgetary and programmatic needs of the Tribes related to the management of air quality programs.

Federally recognized Tribes rely nearly exclusively on federal funds to develop and sustain air quality management programs; however, federal funding for Tribal air programs has been stagnant or declining for nearly 20 years. There are many Tribes that wish to develop air quality programs to improve public health for their communities, but federal grants for new Tribal air programs are difficult to achieve due to the stagnant nature of federal Clean Air Act funding. Once finalized, the Baseline Needs Assessment (BNA) will be shared with the National Tribal Caucus and other Tribal leaders that work with federal agencies like the EPA.

Despite limited funding and the many obstacles, Tribes continue to protect air quality for their people, airsheds, and non-human relatives. Tribes have been practicing resiliency for thousands of years and will continue to persevere. The NTAA is here, in part, to support that perseverance. Membership continues to grow immensely: this year three Tribes have joined the NTAA, bringing the total number of Member Tribes to 153. As the second largest, national Tribal membership-based organization, this significant growth in membership over the past five years demonstrates the important role the NTAA plays in supporting Tribes, Tribal air quality programs, and air quality policy analysis. Thanks to the dedicated service from Member Tribes, the Executive Committee, and staff, in January 2021 the NTAA was awarded EPA’s Clean Air Excellence Award in State/Local/Tribal Policy. The award recognizes and honors the outstanding innovative efforts by Tribes to help make progress in achieving cleaner air.

The NTAA achieves its mission through hosting work groups (currently: Mobile Sources, Indoor Air Quality, and Wood Smoke, see Section 2.8.2 and Section 2.8.3 for updates from those work groups) that serve to inform Tribes of relevant policies and related air quality concerns; maintaining excellent communication and outreach to Tribes so they are aware of resources,
information, and opportunities; and preparing Policy Resource Kits on federal policies that have the potential to impact Tribal air quality and/or Tribes’ ability to maintain healthy air.

Through all the uncertainty and budgetary struggles, the NTAA has remained a consistent and reliable cornerstone on which Tribes know they can place their trust. The 2021 STAR aims to not only demonstrate the excellent work of Tribes across the country, but to advocate for increased investment by the federal government in Tribal air programs.

Sincerely,

Carol A. Kribs
Chairwoman
National Tribal Air Association’s Executive Committee

1.2 Introduction

The Status of Tribal Air Report (STAR) is an annual report by the National Tribal Air Association (NTAA) to provide a national overview of Tribal air quality programs for the current administration. The 2021 STAR presents recommendations for EPA, a budget analysis, the importance of Tribal air quality programs for public health, and the focus areas of Tribal air quality programs across the nation.

The National Tribal Air Association
The NTAA is a Tribal membership organization currently with 153 Member Tribes whose mission is to advance air quality management policies and programs consistent with the needs, interests, and unique legal status of federally recognized Tribes. The NTAA’s membership grows yearly; to learn more about the NTAA and to become a member, please visit www.NTAATribealAir.org.

Additionally, the NTAA serves as a communication liaison and information conduit between Tribes, EPA, and other federal agencies. The NTAA exists to assist Tribes in air quality policy work while respecting and supporting Tribal sovereignty and the Tribes’ rights to a government-to-government relationship with the federal government.

All federally recognized Tribes are eligible to become member Tribes of the NTAA. Tools, such as the policy resource kits, developed by the NTAA are available online for download and are readily accessible by members of the public. These PRK’s include template letters for Tribes to respond to EPA rulemakings and proposals as well as relevant fact sheets to print and distribute.
The NTAA’s Goals:
To advocate for and advance the development of Tribal air policy for the protection of environmental, cultural, and economic interests at all levels of government (Tribal, federal, state, local, and international).
To promote the development, funding, and capacity building of Tribal air management programs.
To promote and facilitate air quality policy and technical information that may include research, scientific and/or medical studies.
To advance the recognition and acceptance of Tribal sovereign authority by conducting effective communication with and outreach to state, local, federal, and international agencies, and to the public; and
To encourage and support appropriate consultation of state, local, federal, and international agencies with all Tribal governments in accordance with Tribal structures and policies.

NTAA Executive Committee

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<thead>
<tr>
<th>Region</th>
<th>Primary Representatives</th>
<th>Alternate Representatives</th>
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<tr>
<td>Region 1</td>
<td>Bill Thompson Penobscot Nation</td>
<td>Marvin Cling Passamaquoddy Tribe</td>
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<td>Region 2</td>
<td>Angela Benedict Saint Regis Mohawk Tribe</td>
<td>Steven Smith Shinnecock Nation</td>
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<td>Region 3</td>
<td>Seat Vacant</td>
<td>Seat Vacant</td>
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<td>Region 4</td>
<td>Scott Hansen, NTAA Treasurer Catawba Indian Nation</td>
<td>Tiffany Lozada Poarch Band of Creek Indians</td>
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<tr>
<td>Region 5</td>
<td>Brandy Toft, NTAA Vice Chair Leech Lake Band of Ojibwe</td>
<td>Joy Wiecks Fond du Lac Band of Lake Superior Chippewa</td>
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<tr>
<td>Region 6</td>
<td>Craig Kreman, NTAA Secretary Quapaw Nation</td>
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<td>Region 7</td>
<td>Billie Toledo Prairie Band Potawatomi Nation</td>
<td>Allison Gienapp Ponca Tribe of Nebraska</td>
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<tr>
<td>Region 8</td>
<td>Randy Ashley Confederated Salish &amp; Kootenai Tribes</td>
<td>Linda Weeks Reddoor Fort Peck Assiniboine-Sioux Tribes</td>
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<td>Region 9</td>
<td>Wilfred J. Nabahe Colorado River Indian Tribes</td>
<td>Seat Vacant</td>
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<td>Region 10</td>
<td>Carol Kriebs, NTAA Chairwoman Kootenai Tribe of Idaho</td>
<td>Lucas Bair Spokane Tribe</td>
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<tr>
<td>Alaska</td>
<td>Ann Wyatt Klawock Cooperative Association</td>
<td>Maranda Hamme Craig Tribal Association</td>
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Table 1 NTAA Executive Committee Members
1.3 Summary of Recommendations

Tribes and Tribal air programs have specific priorities related to each of the programmatic areas in the Office of Air and Radiation, as well as non-programmatic priorities. These priorities are outlined in 3 Regional Descriptions, Program Focus Areas, Successes & Challenges, and illustrated by the stories submitted from Tribes across the country. The following list is intended to serve as a summary of recommendations for decision makers and those working with Tribal air programs.

1. **Uphold Tribal Sovereignty:** Federal and state agencies need to demonstrate their commitment to Tribal sovereignty through:
   - Appropriately allocating funding for Tribal Air Quality Programs.
   - Engaging proactively in government-to-government consultation with Tribal Nations.
   - Upholding Trust Responsibility by developing and implementing air programs that are responsive to the individual needs of Tribes; and
   - Responding to Tribal requests and recommendations in a timely manner.

2. **Increase funding for Tribal air quality programs:** Despite the previous Administration’s stark budget cuts and lack of support for Tribal air priorities and programs, the NTAA is optimistic that the Biden Administration will quickly shift this direction and demonstrate stronger support for Tribal air programs, including support for voluntary programs that address IAQ and climate change. Already, the Biden Administration’s passage of the American Rescue Plan in February 2021 allocated $100 million to EPA to support Clean Air Act funding. While at the time of this printing it is unclear how much of these funds will be directed to Tribes, NTAA requested a specific Tribal set-aside for these funds. No matter what specific actions are taken, the long legacy of stagnant funding for Tribal air programs needs to change and NTAA has provided the recommendations in this document to assist in correcting this problem.

In the NTAA’s FY2021 budget analysis, the NTAA is proposing two alternative budget amounts, both using the FY1996 baseline appropriation of $11 million. The first is $18.3 million, which would keep the appropriation on par with the FY1996 appropriation, but accounts for inflation; the second is an increase to $31.8 million to account for increased health care costs since the baseline year. By way of comparison, the FY2021 appropriation is $12.35 million. Other important, but difficult to quantify, items such as new and expanding programs and monitoring infrastructure, should also be considered when EPA funds Tribal air programs. In depth funding recommendations can be found in Appendix A: NTAA Tribal Air Quality Budget Analysis and the following is a summary of funding priority areas for Tribal air quality programs:
   - Retain qualified staff and pay a competitive wage.
   - Replace and repair aging monitoring infrastructure.
   - Address wildfire air quality impacts (see Recommendation 5, below).
• Restore funding for existing established Tribal Air Quality Programs to a minimum of the highest historical funding levels.
• Provide funding for Tribes seeking to establish an air program of their own.
• Create new funding streams targeted at addressing critical needs such as indoor air quality, climate change mitigation and adaptation, and wildfire smoke management; and
• Provide new funding to Tribes to keep pace with the increased amount of work in permitting new sources and to review permits issued by states and EPA.

3. **Greater support for Alaska:** Alaska Native Tribes and Villages represent over 40% of federally recognized Tribes in the U.S., and due to their geographic location, they bear significant burdens caused by air pollution and climate change. They require increased funding and assistance for air programs and climate change adaptation planning. Specific recommendations include:

   • Identify funding for Tribes to implement “Clean Air Shelters” (clinics, schools, etc.) during wildfires or extreme road dust events. Having funding for this would decrease the evacuation levels and provide a safe place for all residents if needed in the event of unhealthy air quality.
   • Provide Tribal Air Equipment Toolkits and training (handheld PM monitors, gas detectors, carbon dioxide & humidity monitors, wall moisture meters, etc.). Many Alaskan Tribes are concerned about indoor air quality and could obtain loaned equipment from the Tribal Air Monitoring Support (TAMS) Center and the Alaska Native Tribal Health Consortium (ANTHC) as they are available. However, if equipment is owned by the Tribe, these toolkits would assist them in addressing issues year-round and consistently over time.
   • Increase funding for more Alaska-specific climate adaptation trainings. Currently there are trainings on this topic, but not many are designed specifically for Alaskan’s specific needs and conditions.

4. **Facilitate partnerships:** Partnerships between Tribes, states, EPA and other established air quality entities should be encouraged and funded, especially in the areas of ambient air monitoring, analysis, co-regulation of the NAAQS and other regulated pollutants, and IAQ assessments and remediation. So much more can be accomplished by networking and leveraging resources.

5. **Greater support for emerging wildfire threats:** As noted in both the 2019 and 2020 editions of the STAR, wildfires are increasing in frequency and intensity, leading to ambient and indoor air pollution, and emergency management responses such as evacuations. Tribal needs span from air monitoring to health care, and from smoke exposure to assistance with emergency management. Increased funding, staffing, and training are all essential components to maintain human health in the face of this immediate concern.
1.4 Summary of the Budget Analysis

Since the promulgation of the Tribal Authority Rule (TAR) in 1998, which made it possible for Tribes to actively participate in the management of their air resources, Tribes have made great strides in taking on the challenges of managing their air quality. Over the last 23 years, Tribal air programs have expanded the areas in which they participate, while at the same time funding has become stagnant and program costs have increased.

Tribes see a great need to continue to increase the amount of activity taking place in their air programs, commensurate with the increasing need for protecting air quality. For example, wildfire smoke levels have increased substantially over the past several years, leading to a double impact on Tribal spending as Tribes need to be able to purchase air quality monitors in order to have the data available to protect the health of their citizens, and because additional staff time is needed to operate these monitors and to inform Tribal government administrations, Tribal members, and Emergency Management Services and Incident Command personnel about pollutant levels. This issue is so vital to the future of Tribal air programs that a separate section of the 2021 STAR includes a section to address it (see Section Emerging Wildfire Threats).

With a new administration in office, Tribes have been invited to participate in discussions on how the nation should move forward in implementing clean air policies. Many policies and guidance actions from the last administration are under review and new paths forward will be developed. This is an important opportunity for Tribes to contribute to initiatives on the local, state, regional, and national level. However, this type of work takes time and resources, including training and travel funds (when it is safe to travel again) so that Tribal representatives can interact with their counterparts. In the spirit of participation in planning the nation’s path forward, regarding air quality, the NTAA recently submitted letters of recommendation to EPA officials suggesting that funds from the American Rescue Plan of 2021, passed by Congress on March 11, 2021, could benefit Tribal air quality through one-time projects, such as replacing outdated monitors or creating wildfire or emergency release response plans.

Program Development
Over the past several years, Tribal air programs have experienced the following indicators of success and setback:

- The Treatment as a State (TAS) statute authorizes Tribes to manage programs under the CAA, including regulatory development, reviewing authority for Title V permits, the opportunity for PSD Redesignation of Reservation lands, air quality monitoring, etc. Between FY2012 and FY2021, the number of Tribes with non-regulatory TAS status increased from 34 to 61, and the number with regulatory TAS increased from 7 to 11 in FY2020, before declining to 10 in FY2021.

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• The number of Tribes currently operating air monitors, monitoring for criteria pollutants, hazardous air pollutants, and other pollutants under the National Atmospheric Deposition Program (NADP), has grown from 81 in FY2012 to 88 in FY2020, but declined to 85 in 2021.
• The number of Tribes with completed Emissions Inventories (EIs) ranged from 74 in FY2012 to a peak of 86 in 2015 but decreased to 74 in 2021.
• The number of Tribes with §103 grants has increased steadily from 25 in FY2012 to 47 in FY2021.
• The number of Tribes with §105 grants has increased from 25 in FY2012 to 47 in FY2021.
• 29 Tribes applied for, and 26 Tribes were determined eligible for, Volkswagen Settlement funds in the first round, which distributed approximately $6 million in funding. The second round dispersed $15.5 million to 45 Tribes. The third round dispersed $16.5 million to 58 Tribes. A fourth round has been announced, and will disperse $18.1 million, with a due date of August 30, 2021. These funds can be used in limited applications to replace certain old diesel engines with updated technology. However, not all applications may be useful to all Tribes.
• Since the DERA program began in 2009, 43 Tribes have received a total of $13.7 million in funds to replace older diesel engines or vehicles that release high levels of harmful pollutants with cleaner options.

Although many needs exist for increased funding for Tribal air programs (such as programmatic inclusion of indoor air quality and climate change, and the growing impacts from wildfires), the NTAA has developed two funding scenarios for EPA to consider that are limited to addressing the two issues of inflation (Solution 1) and increased health care costs (Solution 2). Both solutions use the FY1996 appropriation as a baseline.

<table>
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<tr>
<th>Baseline FY1996 appropriation</th>
<th>Solution 1: FY2021 (inflationary adjustment)</th>
<th>Solution 2: FY2021 (health care costs adjustment)</th>
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<tr>
<td>$11 million</td>
<td>$18.3 million</td>
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1.5 Summary of Air Quality Impacts on Tribal Health

The primary motivation for Tribal involvement in supporting cleaner air quality initiatives is the protection of the health of our citizens and overall environment. Multiple studies have demonstrated the impacts of pollutants on human respiration, reproduction, endocrine systems, and much more. In 2020, the NTAA published an update to A White Paper Detailing the Science and Connections Between Air Pollution, Tribes, and Public Health to assist Tribes in understanding and utilizing the latest scientific evidence to protect their people. Information from the White Paper shows that pollutants can have even stronger impacts on our health
than was previously understood. For instance, while epidemiologists have long known that pollutants such as ozone, nitrogen oxides, sulfur oxides, and particulate matter can have detrimental impacts on our respiratory and cardiovascular systems, new research links these pollutants to cognitive problems and mental health issues. The links between diabetes and pollution have been strengthened in recent years as well. While the reproductive impacts of some pollutants (such as toxics and diesel particulates) have been studied in the past, emerging links between preterm delivery, low birth weight, and infertility have been shown to exist. Most recently, a connection between increased air pollution levels and morbidity from COVID-19 has been demonstrated.

Moreover, study after study shows that the health of American Indian/Alaska Natives (AI/AN) is disproportionately impacted by air pollution. AI/AN adults and children alike have higher rates of asthma, and AI/AN adults suffer from higher rates of diabetes, heart disease, and chronic obstructive pulmonary disorder than do people of non-AI/AN descent.

Wildfires are an increasing concern to air quality in Indian Country. As the climate changes, hotter temperatures and dryer conditions lead to catastrophic wildfires on and near Tribal lands. In recent years, Tribes have struggled with growing costs to prepare for, defend against, and clean up following catastrophic wildfires that impact public health, cause environmental damage, and strain Tribal budgets. Wildfires burden Tribes with additional and often unplanned costs to monitor air quality, update Tribal leadership regularly, conduct public outreach, assess environmental mitigation, and conduct clean-up operations. These financial impacts are on top of the health impacts suffered due to high levels of smoke inundation into the effected communities.

Indoor air quality, hazardous air pollutants, mobile sources, and climate change all contribute to air quality health concerns for Tribal people. Common indoor pollutants include allergens, radon, particulate matter, second-hand smoke, carbon monoxide, and excessive moisture, which in many cases leads to mold growth. These are linked to a wide variety of health impacts that may cause symptoms immediately or years later. Hazardous air pollutants (including benzene, asbestos, mercury, and lead compounds) can be of particular concern for Tribes who may be more exposed due to subsistence and traditional life ways. Mobile sources of air pollution, particularly from diesel exhaust, are of significant concern to Tribal communities who often rely on old or “legacy” fleets of diesel vehicles and equipment that produce high levels of air pollutants. Climate change and air quality protection are inextricably linked; climate change threatens Tribal lifestyles by decreasing food security, endangering culturally significant flora and fauna, and forcing them towards extinction, increasing the risk of extreme weather events, and endangering public health in general.

### 1.6 Summary of Regional and National Program Focus Areas, Successes, & Challenges

The top priority for all Tribal Air Programs is to protect human health and the environment. The 2021 STAR includes the Program Focus Areas, Successes, & Challenges of Tribal Air Programs
on both a Regional and a National level. While there are many crossovers between Regional and National program focus areas, it is important to note that Regional differences do exist, as do differences among individual Tribes within any given Region.

The Regional Descriptions, Program Focus Areas, Successes & Challenges section includes a brief description of each EPA Region plus Alaska, as well as the specific areas that the NTAA EC Representatives from that Region identified as the top focus areas for Tribes in their respective Regions. The regional program focus areas are then followed by at least one Tribal story, illustrating the successes and/or challenges they have experienced in the last year in addressing these issues in their air programs.

The National Tribal Air Quality Program Focus Areas in the 2021 STAR are divided into the following eight topic areas:

- Ambient Air
- Indoor Air Quality and Healthy Homes
- Hazardous Air Pollutants
- Mobile Sources
- Climate Change
- Emergency Management
- Funding
- Consultation, Sovereignty, Collaboration, and Partnerships

The program focus areas for each topic area have significant overlap, particularly regarding the importance of upholding the 1984 Indian Policy, maintaining strong regulations, improving monitoring capacity, and increasing funding.

This year marked a challenging time in modern history with the onset of the novel coronavirus and its continued, devastating effects on Tribal communities. Many Tribal air programs and Tribal offices were furloughed to protect the wellbeing of staff and Tribal members. However, as offices are reopening the greatest, overarching priority for Tribes’ air quality programs is to protect both human and environmental health. Tribes are excellent regulators and co-regulators of air quality. However, Tribes are faced with many challenges in the implementation of their air quality programs and projects, some of which are unique to Tribes and some of which are like other regulatory entities.

Pursuant to the 1984 Indian Policy, EPA must take Tribal interests into consideration whenever policy or environmental management decisions are proposed that affect Indian Country. To reaffirm that policy, the Biden Administration recognizes that American Indian and Alaska Native Tribal Nations are sovereign governments recognized under the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. It is a priority of their Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy.

The United States has made solemn promises to Tribal Nations for more than two centuries. Honoring those commitments is particularly vital now, as our Nation faces crises
related to health, the economy, racial justice, and climate change—all of which disproportionately harm Native Americans. History demonstrates that we best serve Native American people when Tribal governments are empowered to lead their communities, and when Federal officials speak with and listen to Tribal leaders in formulating Federal policy that affects Tribal Nations.

1.7 Executive Summary Conclusion

The COVID-19 Pandemic brought new challenges to us all this past year. Despite these challenges, Tribes remain strong co-regulators of air quality to protect human health and the environment. The 2021 STAR provides a complete record of this important work done by Tribes to ensure our most basic need is met: To breathe clean air. It is with pleasure that the NTAA presents the 2021 STAR. It is the great hope of all who contributed to the 2021 STAR that the value of Tribal air quality programs is fully recognized, and that Tribal air quality program priorities are elevated within the EPA. As the 2021 STAR demonstrates, recognition of a Tribe’s sovereignty, adequate consultation with Tribes, and adequate funding for air programs will provide all Americans with cleaner air to breathe and a better world for future generations.