

In Another Country

Indian Country Environmental Hazard Assessment Training Project Seeks IH Instructors and Mentors

By Renee Dufault

The Indian Country Environmental Hazard Assessment Training Project (ICEHAP) is seeking industrial hygienists to serve as volunteer instructors and mentors. What is ICEHAP? ICEHAP is a community-based training program that was developed for American Indian and Alaska Native Tribes wanting to learn how to solve or mitigate environmental and occupational safety and health problems in their communities. The Food and Drug Administration, Environmental Protection Agency and Bureau of Indian Affairs provide funding for the program, which is coordinated through three outreach centers: United Tribes Technical College, Southwestern Indian Polytechnic Institute and the Harvard School of Public Health Continuing Education Center. The training program includes 40 hours of interdisciplinary curriculum and post course mentoring. Each course is team taught by two volunteer instructors who cover the following topics:

- Environmental Health
- Hazards and Hazard Control
- Exposure and Organism Response (Toxicology)
- Case Study: The Mercury Cycle
- Home Inspections

- Industrial Hygiene Surveys in the Workplace
- Environmental Site Assessments and the Due Diligence Process
- Biological Hazard Assessment—Mold
- ICEHAP Survey Tool
- Practical Field Survey Exercise
- Contractors and Developing a Scope of Work
- Community-Based Environmental Problem Solving Model
- Work Plan Development
- Grant Writing Tips

A number of environmental health hazards threaten the environment or human health in Indian Country. Typical problems include the following scenarios:

- Open-pit dumps or other uncontrolled dumping sites
- Leaking under- and aboveground storage tanks and/or fuel lines
- Contaminated drinking water supplies
- Improper use of pesticides and unsafe exposures to pesticides

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- Improper storage and disposal of hazardous waste
- Unsafe exposures to indoor air contaminants (e.g., radon, lead, mold, asbestos)
- Abandoned properties that are contaminated
- No funding or guidance for developing worker occupational safety and health programs, and unsafe working conditions
- Contaminated fish supplies (e.g., mercury)

Ideally, volunteer instructors should be knowledgeable in the areas of industrial hygiene, due diligence auditing, hazardous waste management and environmental management systems. The time commitment required is seven days initially, to include travel time. The volunteer should also be willing to serve as a mentor to the tribe's environmental health and/or environmental protection representative and provide advice along the way as problems are resolved, using the work plans developed during the training course as a guide.

PRIMER ON CURRENT U.S. GOVERNMENT INDIAN POLICY

There have been a number of treaties between tribes and the United States. Federal policies have shifted through the years, but a government-to-government relationship between the United States and Indian tribes continues to thrive. In 1970, President Nixon announced what is now and continues to be the current federal Indian policy of self-determination for Indian tribes. This policy was officially signed into law in 1975 when Congress passed the Indian Self-Determination and Education Assistance Act.

The principle of self-determination recognizes that tribes are independent nations, and it is the responsibility of the U.S. government to foster and encourage the development of independent self-governing tribes and healthy tribal communities. The goal of the federal policy is to strengthen tribal governments and lessen federal control over tribal affairs. Achieving this goal has been a challenge. President Reagan issued a very strong American Indian policy statement on Jan. 24, 1983, in an attempt to turn the ideals of the self-determination policy into reality. Federal agency response to Reagan's statement varies between agencies. This variation ranges between a no-response all the way to developing a turnkey agency Indian assistance program.

The EPA's response was to initiate a new policy on November 8, 1984, for the administration of environmental programs on Indian reservations. We believe this new policy can only be described as proactive, completely supportive of Reagan's goal to turn policy into reality and the foundation for developing, what is today, a model American Indian program that provides funding and technical assistance to tribes to support the development of tribal environmental protection programs. Because of EPA's Indian policy and program, many Indian tribes today have their own environmental protection laws and programs.

In contrast to EPA's response, OSHA does not have an official Indian policy or program because Congress passed the Occupational Safety and Health Act in 1970 before President Nixon's policy on self-determination became law in 1975. The OSH Act authorizes OSHA to provide funding to states to develop their own occupational safety and health programs but not to tribes. The OSH Act does not consider the unique needs of tribes nor does it support the stated goal of the federal policy that is to foster and encourage the development of independent self-governing tribes. (*Note:* Because the OSH Act made no provisions for tribes, tribes are treated as private sector employers. OSHA has jurisdictional authority for inspection of tribal businesses' work sites and OSHA standards are required to be followed by the employer; the agency also offers Indian-owned businesses the same consultation and compliance assistance services it would offer to any private sector business.)



Connecting a water supply. Photo Courtesy of the Indian Health Service/U.S. Dept. of Health and Human Services.

The lack of support by OSHA for tribes to develop their own occupational safety and health programs is a real problem in Indian Country. One of the goals of ICEHAP is to shed light on this issue. On the following pages you will find a description of one tribe's struggle to develop an occupational safety and health program and one volunteer's thoughts on her experiences with ICEHAP.

HOW DO I BECOME AN ICEHAP VOLUNTEER?

Anyone interested in becoming a volunteer instructor for ICEHAP can contact Global Village Engineers at volunteer@gvengineers.org. Global Village Engineers is a volunteer corps of professionals supporting the local capacity of rural communities in developing countries, including Indian Country, to influence public infrastructure and environmental protection. To find out more about Global Village Engineers and ICEHAP projects, visit www.gvengineers.org/projects.shtml. 

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Spirit Lake Nation and ICEHAP

By Astel Cavanaugh

The Spirit Lake Nation Reservation was established by treaty between the U.S. government and the Sisseton Wahpeton Sioux Bands in 1867. The tribe learned about the ICEHAP training program from the academic dean at the local tribal college who had received a brochure from the Food and Drug Administration. We felt strongly inclined to participate in this training program because of the educational format and structure of the environmental hazard assessment training course. We felt the open structure and format could be used as a vehicle to encourage local dialogue from within the community in addressing a number of long-term environmental health and safety concerns at the tribally owned Sioux Manufacturing Corporation. More importantly, the objectives of the training program were broadly defined to encourage local interest in finding equitable solutions through a supportive network and mechanism, which included follow-up meetings and telephone calls with volunteers from FDA.

The SMC is 100 percent owned by the Spirit Lake Tribe. This means that every tribal member has a stake in its success or failure. It is an ISO 9002-compliant small business and minority manufacturer with more than 30 years experience in Kevlar and composite molding. It is essential to our welfare as it employs a number of tribal members in our community. We need to support progressive strides and measures to become more competitively based at the national and international levels. However, the occupational safety and health issues at SMC deserve special attention from all affected interests to encourage its future growth and development.

As a former safety officer of the SMC, located on the Spirit Lake Reservation, I was responsible for administering a safety program in a work environment that included a host of health and safety issues. These issues came about because we had not fostered a safety culture at SMC. The specific issues were related to ergonomics, organic solvents, exhaust ventilation, engineering controls, substitution for less toxic materials and PPE. Addressing these concerns required that we develop an employee safety awareness program, which included

safety themes for each month using local community expertise, mini-workshops, community training and a technical resource center. The idea of the technical resource center was to provide employees and tribal programs access to MSDSs and occupational health and safety information in a relaxed environment. A number of improvements were made at SMC and the workplace became safer, but I left and these improvements came to an end because they were not formally institutionalized through policy and/or tribal law. The root problem is that tribes are not authorized by OSHA to develop occupational safety and health laws.

The community continues to struggle with the long-term health and safety occupational issues that are routinely encountered at SMC with limited results. Frank Myrick, ICEHAP participant and another former safety officer of SMC, also agrees on the need for a long-term permanent solution to our health and safety problem. SMC and other small rural companies have been responsible for managing 99 percent of the Department of Defense contracts over the past decade. There is a tremendous need for these companies to be equipped with essential knowledge and tools to mitigate occupational injuries and safety concerns. It is our hope that by sharing our struggle with the public, Indian tribes will be afforded a long overdue opportunity to access funding from OSHA to develop our own tribal occupational safety and health laws and programs that have enforcement authority. OSHA provides good technical assistance to tribes on request, but legislative mandates and policies are needed now to help us meet the many challenges we face. We need federal support and authorization to develop our own occupational safety and health laws and programs. We need the kind of support that OSHA provides to states to successfully develop our program. Tribes are sovereign nations and we must have our own laws. The treaty provides the authorization we need to adopt our own laws for the security of life and property (see p. 47 for excerpts of the treaty).

With funding from OSHA, our tribe would be empowered and equipped with the resources we need to develop our own occupational safety and health program that we could then use to mitigate workplace environmental, safety and health problems. If OSHA were to fund demonstration projects in Indian Country like EPA does with brownfields, we would have the same leverage and tools that many states now have. Twenty-six states currently operate OSHA programs, and they are all funded in part (50 percent) by OSHA. I do not know of a single tribe that has an occupational safety and health program based on tribal law.

The ICEHAP training was a unique opportunity for participants and myself. We benefited from the training because we learned new tools for problem solving, and the format provided a means for community dialogue with tribal officials and business leaders. During the 40-hour training, the participants worked in small groups to identify and address some of the community health, safety and environmental concerns. The next step for us as a tribe is to follow through with recommendations for each of the community concerns. Overall, the ICEHAP training provided the Spirit Lake community with a role and responsibility to implement unifying and integrative strategies that will, hopefully, address social, economic and health improvements simultaneously. 

Cavanaugh, an enrolled member of the Spirit Lake Dakota Tribe, is director of the Spirit Lake Bde Wakan Community Training Program and community organizer for the Spirit Lake Basin Alliance, a grassroots organization. She can be reached at (701) 766-1290 or acavanaughslbtbt@goNDTC.com.

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Volunteering for ICEHAP

By Martha Boss

I co-taught the ICEHAP class at the Little Big Horn College on the Crow Reservation in Montana in June 2003. I am a consultant for a “for profit” corporation. As such, I sell my knowledge to others. This knowledge may take the form of training, assessments, audits, testimony in court or management of remediation projects. On being approached to teach an environmental awareness course for the Crow nation, I was happy to be able to provide my time without charge. URS, the company I work for, was also happy to reach out to the Crow nation under the auspices of ICEHAP. We did not endeavor to market to the Crow nation or use this opportunity to position ourselves for future work activities. I am aware that these corporate goodwill efforts may be seen as a form of marketing; however, that was not our intent. Our intent was to contribute knowledge during a week of volunteer activities for the good of the attendees.

During that week of training, I realized that our knowledge base as consultants, when combined with the ICEHAP participants from FDA and EPA and the course participants from the Crow nation, made us all teachers and, alternately, students. We began to learn from each other. The Crow people were very gracious while instructing us as to the issues they face. I hope we were just as gracious in providing them with information about the challenges faced within the United States at large—and the regulatory compliance requirements.

Since tenant organizations may use Indian land and, for a time through various contracts, change the land and environment surrounding this land, the focus was on understanding how to facilitate grants and contract documents to adequately oversee this land and water use. For sites, either formerly leased to non-Indian concerns or continually under the control of the Indian nations, the focus was on the impact to all these lands and waters, with emphasis on the overall concerns and environmental risks given human use of the soils, air and water.

One of the things that ICEHAP facilitates is an opening up of the dialogue so that all concerned parties can more effectively proceed to address needed actions

to protect or enhance the environment. Through the help of our Crow nation course participants, we became more focused on the overall issues associated with co-location of tenant versus Crow nation land use. As the course continued, discussions evolved centered on efficient and relatively quick methods to interact with government authorities through current Crow nation channels. When needed, the facilitation of this interaction through consultant use and third-party expertise was discussed. In most instances, the consensus was that any person new to the Crow nation would need to spend time understanding the Crow nation’s particular set of issues or concerns.



Taking soil samples for testing. Photo courtesy of the Indian Health Service/U.S. Dept. of Health and Human Services.

I found my experience at the Crow nation and throughout the ICEHAP experience to be a life-changing opportunity. For the first time, I gained an understanding of the spirit of our land—be that Indian land or other lands I walk on each day. The timelessness of the earth and the fact that all of us go back to the earth—these realizations helped me look at my place in this time in which we live. Often I had, as an environmental professional and as a person, looked at rather “quick fixes” to

problems. Prior to my ICEHAP experience, I thought in terms of decades. Now I realize that even hundreds of years constitute a quick moment in time. However, in the life of even one suffering person, time is very different. The slow progression of suffering and disease is always a time that is long with neverending consequences. I now realize that we have to approach environmental decisions differently, that we have to consider both the time we all live in and other definitions of time.

These lessons were not overtly taught or learned. We all learned together. The ICEHAP experience presents fact with real-world meaning, and allows time for more introspective discussions of the ultimate realization of decisions. I now understand more clearly that decisions must be made wisely with intellect and economic considerations given, but these cannot be the only considerations. At some point we have to care less about having the most intellectually sound answer with the least monetary consequence and instead focus on the most humane answer with an acknowledgement that we do not know everything and never will.

I was honored to have the opportunity to learn from the Crow nation’s history and the Crow people we met that week. I hope they also learned from me and my cohorts who were new to their land. I will always remember that time and the kindness shown to all. Whenever I feel lost in bureaucracy, disillusioned by negative environmental actions or pursued by capitalism, I will take a step back and ask, “Who are the people involved and what can be done in their relatively short life span to make this situation better?”

We may always, in the environmental arena, walk with the ghosts of our past mistakes on this earth; however, I now realize we can walk together with the strength of our friends and colleagues—to make a better world. All we need to do is hold out our hands. <>

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Excerpts from the Treaty with the Sioux–Sisseton and Wahpeton Bands *Ratified by Congress April 16, 1867. Proclaimed May 2, 1867.*

Whereas it is understood that a portion of the Sissiton and Warpeton bands of Santee Sioux Indians, numbering from twelve hundred to fifteen hundred persons, not only preserved their obligations to the Government of the United States, during and since the outbreak of the Medewakantons and other bands of Sioux in 1862, but freely perilled their lives during that outbreak to rescue the residents on the Sioux reservation, and to obtain possession of white women and children made captives by the hostile bands; and that another portion of said Sissiton and Warpeton bands, numbering from one thousand to twelve hundred persons, who did not participate in the massacre of the whites in 1862, fearing the indiscriminate vengeance of the whites, fled to the great prairies of the Northwest, where they still remain; and

Whereas Congress, in confiscating the Sioux annuities and reservations, made no provision for the support of these, the friendly portion of the Sissiton and Warpeton bands, and it is believed [that] they have been suffered to remain homeless wanderers, frequently subject to intense sufferings from want of subsistence and clothing to protect them from the rigors of a high northern latitude, although at all times prompt in rendering service when called upon to repel hostile raids and to punish depredations committed by hostile Indians upon the persons and property of the whites; and

Whereas the several subdivisions of the friendly Sissitons and Warpeton bands ask, through their representatives, that their adherence to their former obligations of friendship to the Government and people of the United States be recognized, and that provision be made to enable them to return to an agricultural life and be relieved from a dependence upon the chase for a precarious subsistence: Therefore,

A treaty has been made and entered into, at Washington City, District of Columbia, this nineteenth day of February, A. D. 1867, by and between Lewis V. Bogy, Commissioner of Indian Affairs, and William H. Watson, commissioners, on the part of the United States, and the undersigned chiefs and head-men of the Sissiton and Warpeton bands of Dakota or Sioux Indians, as follows, to wit: ...

ARTICLE 4. It is further agreed that a reservation be set apart for all other members of said bands who were not sent to the Crow Creek reservation, and also for the Cut-Head bands of Yanktonais Sioux, a reservation bounded as follows, viz: Beginning at the most easterly point of Devil's Lake; thence along the waters of said lake to the most westerly point of the same; thence on a direct line to the nearest point on the Cheyenne River; thence down said river to a point opposite the lower end of Aspen Island, and thence on a direct line to the place of beginning.

ARTICLE 10. The chiefs and head-men located upon either of the reservations set apart for said bands are authorized to adopt such rules, regulations, or laws for the security of life and property, the advancement of civilization, and the agricultural prosperity of the members of said bands upon the respective reservations ...

Source: <http://digital.library.okstate.edu/kappler/Vol2/treaties/sio0956.htm#mn9>



Author Renee Dufault (front row, far left) is pictured with the ICEHAP class at the Taos Pueblo, September 2004.