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STRENGTHENING THE NATION-TO-NATION RELATIONSHIP WITH TRIBES TO SECURE A SUSTAINABLE WATER FUTURE

EPA Office of Water Action Plan

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Grand Falls on the Little Colorado River, Navajo Nation land. Source: ©istock.com

EXECUTIVE SUMMARY

Water is essential to public health, environmental protection, cultural activities, and subsistence practices in Indian country. The Biden-Harris Administration is committed to upholding the United States' trust responsibility to the 574 federally recognized American Indian tribes and Alaska Native Villages (tribes). The U.S. Environmental Protection Agency's (EPA) Office of Water will help deliver on this commitment by supporting tribal nations as they protect and steward their waters.

Long-standing water challenges in Indian country are negatively impacting tribes. Tribal communities are more likely than other populations in the United States to lack access to wastewater services and piped drinking water. The COVID-19 pandemic has highlighted the need to address this persistent problem as safe drinking water for hydration, handwashing, and hygiene helps reduce the risk of virus transmission. Due in part to the water equity gap and other systemic challenges facing Indian country, Native Americans contracted COVID-19 at a rate [3.5 times](#) higher than non-Hispanic white persons. Further, Native Americans have died at a rate [2.4 times](#) higher than non-Hispanic white persons.



Navajo Nation water filling station. Source: USEPA

Barriers to addressing these and other water-related challenges in Indian country include:

- A significant shortfall of funding to address water infrastructure needs;
- A lack of water quality standards that enable full implementation of the Clean Water Act on tribal waters; and
- The need for training and professional development of qualified tribal water and wastewater operators.

This Action Plan is the EPA Office of Water's roadmap for partnering with tribes to address these barriers. The plan calls for rooting decisions in sound science, enacting policy with an explicit and intentional focus on supporting tribal water governance, and continually consulting with tribal government partners. In accordance with [EPA's 1984 Indian Policy](#), the Action Plan acknowledges the unique government-to-government relationship between the federal government and federally recognized tribes.

As outlined in this Action Plan, EPA's Office of Water is committing to robust engagement with tribal governments and listening to tribal voices and updating its programs accordingly. The Office of Water will seek out and equitably distribute infrastructure funding, advance core water programs with measurable tribal benefits, and partner with tribes to enhance the capacity of tribal environmental programs. We will look for more opportunities to support climate resiliency in tribal communities and on tribal lands, and we will strive to further integrate principles of equity and environmental justice into our work with tribes. The actions outlined in this document are important steps by this Administration to uphold federal trust responsibilities.

Priority Focus Areas:

1. Promote Robust Coordination and Meaningful Consultation with Tribal Nations

The Office of Water will partner with EPA's Office of International and Tribal Affairs to ensure robust and sustained consultation with tribes. It will also regularly engage tribal representatives via advisory boards and engagement processes across our programs. Further, the Office of Water will deepen its collaboration with the National Tribal Water Council. As part of this work, the Office of Water will:

- Recommit to robust tribal consultation practices.
- Develop EPA's Fiscal Year (FY) 2022–2026 Strategic Plan in consideration of tribal priorities.
- Launch and maintain a web page focused on clean and safe water in Indian country.

2. Strengthen and Expand Water Governance in Indian Country

Fostering tribal self-governance and tribal regulation of environmental resources is essential to fulfilling the federal government's trust responsibility. The Office of Water will seek to implement regulations, policies, and guidance that align with the ability of tribes to implement environmental programs and protect tribal waters and aquatic resources. As part of this work, the Office of Water will:

- Expand "Treatment in a Similar Manner as a State" (TAS) programs.
- Bolster efforts to protect source waters for public water systems in Indian country.

3. Increase Infrastructure Funding and Capacity Development

Investments in water infrastructure, and in a skilled workforce to operate it, is essential to meeting safe drinking water and clean water goals. The Office of Water manages several funding programs that support infrastructure development in Indian country, including the State Revolving Fund program set-asides, Public Water System Supervision Tribal Support Grants, and the Underground Injection Control Tribal Assistance Grants. The Office of Water also provides programmatic funding to support tribal water quality programs through grants such as the water pollution control and nonpoint source programs (Clean Water Act Sections 106 and 319, respectively). The Office of Water will work collaboratively with tribes to maximize the impact of available funding programs. As part of this work, the Office of Water will:

- Ensure funding resources are distributed in a timely and efficient manner.



Drinking water well and storage tank at Cocopah. Source: USEPA

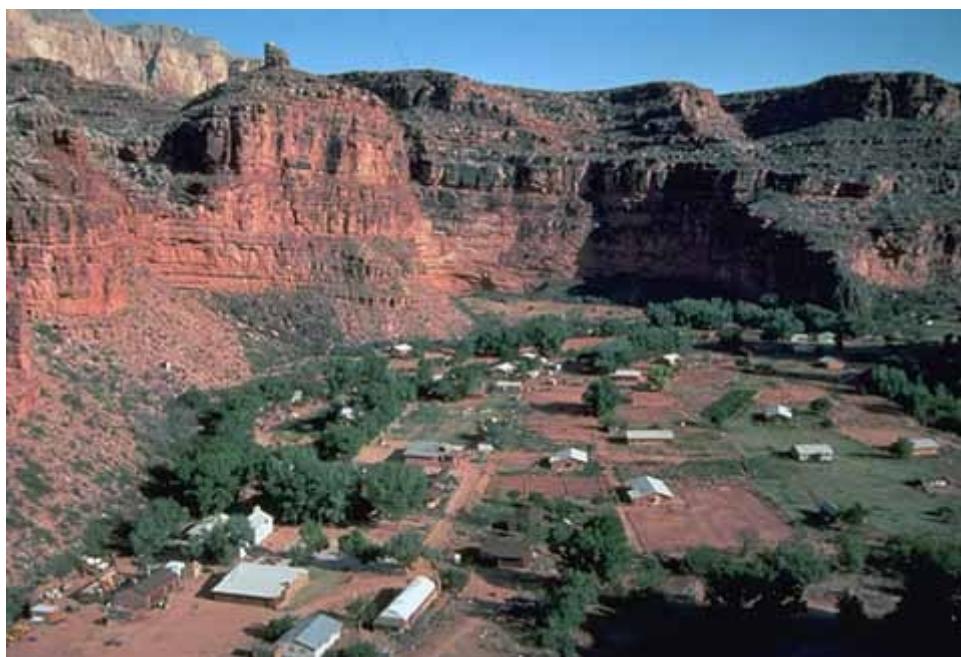
- Reaffirm EPA's commitment to the multi-agency Tribal Infrastructure Task Force through a renewal of a memorandum of understanding.
- Develop and implement data management and training tools for tribal partners.
- Coordinate with tribes on Clean Water Act Section 401 responsibilities.

4. Honor the Federal Trust Responsibility and Protect Tribal Reserved Rights Related to Water Resources

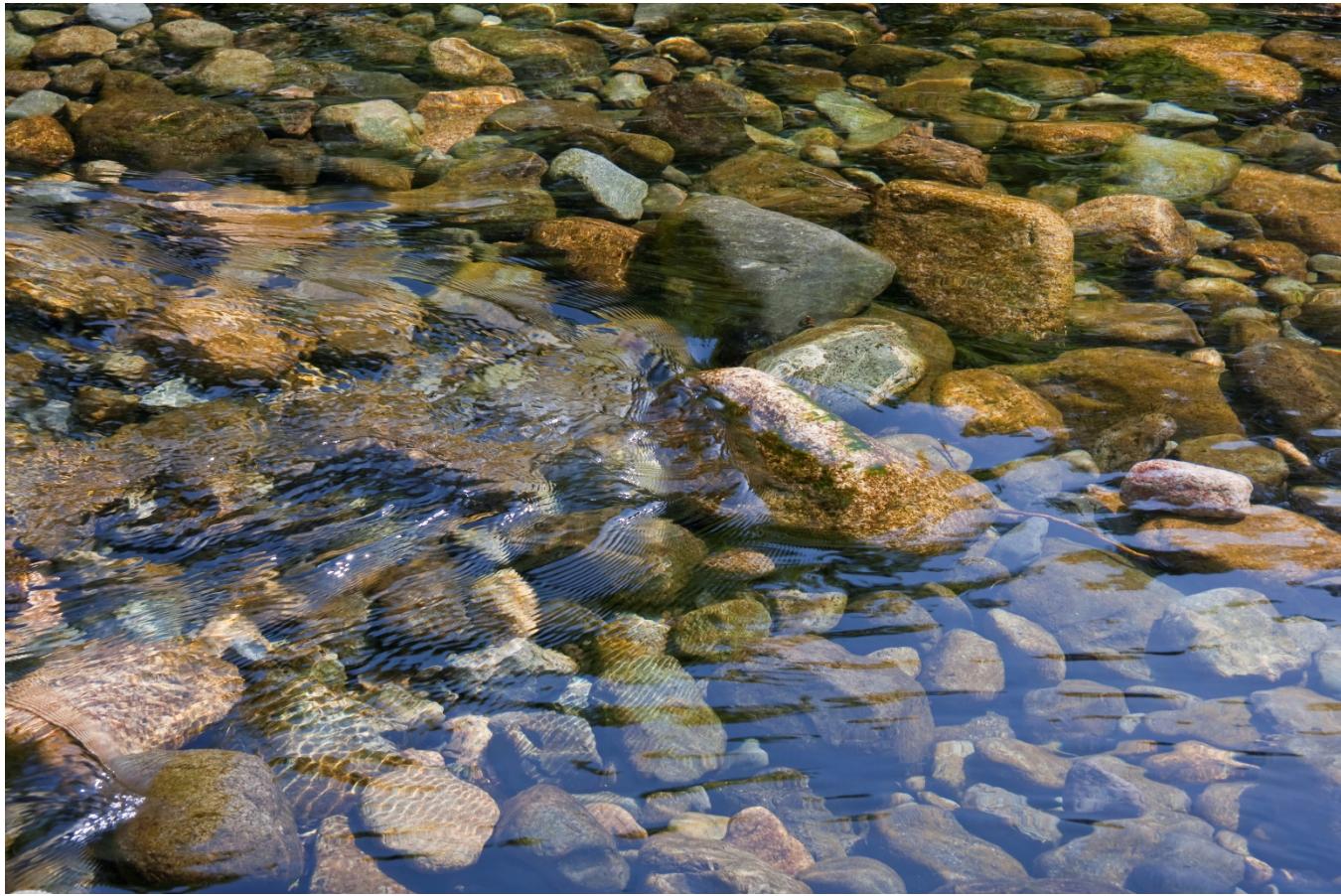
The Office of Water recognizes that in some circumstances, EPA has an obligation to take action to protect tribal waters and aquatic resources. The Office of Water will continue rulemaking efforts and directly implement Clean Water Act and Safe Drinking Water Act programs in Indian country where tribes do not have delegated authority. As part of this work, the Office of Water will:

- Promulgate federal baseline water quality standards for the 80 percent of Indian reservations that currently do not have EPA-approved water quality standards.
- Craft a regulation to recognize and ensure protection of tribal reserved rights in water quality standards.

The Office of Water developed this Action Plan in close collaboration with the Office of International and Tribal Affairs, EPA regional office leadership, and the National Tribal Water Council. The plan does not prevent the Office of Water or EPA regional offices from following established guidance or program implementation practices in their work with tribes. Tribal governments will continue to be partners in these initiatives through the consultation process and through less formal engagements.



Supai Village, Havasupai Tribe. Source: National Park Service, photo by Tom Bean



Clean clear stream. Source: ©istock.com

PRIORITY FOCUS AREAS

This Action Plan is organized around four key priority focus areas, as detailed below. These focus areas outline the Office of Water's actions and commitments to address the many water-related challenges facing Indian country.



Yurok Tribe wraps up a day of commercial fishing. Source: Beau Finley, flickr -CC BY-NC 2.0

1

Promote Robust Coordination and Meaningful Consultation with Tribal Nations

When the Office of Water plans an action that may affect tribal interests, coordination with affected tribes is critical. This coordination occurs through both the tribal consultation process and other communication channels that have been established through years of coordination with tribal governments. This coordination will continue and be strengthened in the following areas.

A. Consultation with Federally Recognized Tribes

The tribal consultation process is a critical component to the Office of Water's engagement with federally recognized tribes. The process is closely observed by the National Tribal Water Council, tribes, and EPA's American Indian Environmental Office (a division of the Office of International and Tribal Affairs). The process is governed by [Executive Order 13175](#) and the [2011 EPA Policy on Consultation and Coordination with Indian Tribes](#). The Office of Water is committed to strengthening the consultation process.

Year One Actions

- Complete tribal consultation on several EPA rulemakings, guidances, and policies including:
 - Notice of intention to reconsider and revise the Clean Water Act Section 401 Certification Rule.
 - Revision of the definition of “Waters of the United States.”
 - Promulgation of federal baseline water quality standards under the Clean Water Act.
 - Revisions to the federal water quality standards regulations to protect tribal reserved rights.
 - Clean Water Act [Section 404\(g\)](#) rulemaking efforts.
 - Draft chapters on designated uses, antidegradation, and water quality standards variances in the *Water Quality Standards Handbook*.
 - The updated and modernized *Volume 4: Risk Communication of the Guidance for Assessing Chemical Contaminant Data for Use in Fish Advisories*.
 - Revision of the *Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act* (Section 106 Tribal Guidance).

Within Three Years

- Respond to changes to the Office of Water's consultation process requested by the American Indian Environmental Office and tribal governments as a result of the [1/26/2021 White House memo](#).
- Initiate consultation on applicable future rulemakings, guidances, and policies.

B. EPA Fiscal Year 2022–2026 Strategic Plan and National Water Program Guidance*

The Office of Water is undertaking two major planning initiatives. It will be contributing to EPA's FY 2022–2026 Strategic Plan, which will describe EPA's mission and long-term goals, actions, challenges, and risks. We will also be preparing the National Water Program Guidance (NWPG), which will reflect the priorities in the President's budget and EPA's Strategic Plan. The NWPG communicates operational planning priorities, strategies, key activities, and metrics. It also guides grant planning. Both initiatives will require robust tribal engagement to be successful.

Year One Actions

- Seek tribal input on the FY 2022–2023 NWPG as the document is drafted and integrate concerns and suggestions.
- Create robust and targeted engagement opportunities for tribes on the FY 2022–2026 EPA Strategic Plan.

Within Three Years

- As the FY 2022–2026 EPA Strategic Plan and FY 2022–2023 NWPG are implemented, the Office of Water will monitor and review progress with tribes.

C. Deploy Office of Water Tribal Water Website

To bolster our tribal outreach, EPA's Office of Water is developing a new website for tribal environmental professionals that will serve as a central clearinghouse for information about Clean Water Act and Safe Drinking Water Act tribal programs, funding opportunities, and Office of Water tribal partnerships.

Year One Actions

- Launch the Office of Water's "Clean and Safe Water in Indian Country" website.

Within Three Years

- Seek tribal feedback on the website and identify opportunities to improve its usefulness.
- Maintain and continually update the website to ensure that it captures the latest content relating to the Office of Water's tribal partnerships and EPA's Clean Water Act and Safe Drinking Water Act tribal programs.

* Identified as a priority by the National Tribal Water Council.



Inuit inukshuk (a manmade stone landmark). Source: ©istock.com

2

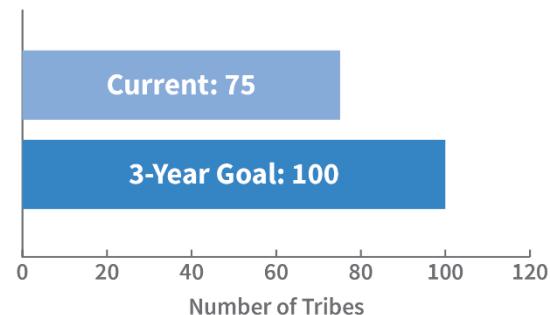
Strengthen and Expand Water Governance in Indian Country

An important aspect of the federal trust responsibility is continually assessing whether our policies and programs align with the interests and needs of tribal leadership. The Office of Water will seek to implement regulations, policies, and practices that support tribes' ability to assume and implement environmental programs and comply with applicable regulations.

A. Treatment in a Similar Manner as a State for Water Quality Standards

EPA directly implements the Clean Water Act in Indian country where eligible, federally recognized tribes have not assumed authority to do so. Certain Clean Water Act programs, like the water quality standards program, can be administered by eligible, federally recognized tribes that obtain "treatment in a similar manner as a state" authority. TAS provides the authority for an Indian tribe to play essentially the same role in Indian country that a state can within the state's own boundaries in implementing a water quality standards program. To support self-governance, the Office of Water will enhance its outreach, resources, and support to tribes who are interested in obtaining authority to administer a water quality standards program. EPA has publicly available tools to help facilitate tribal water governance including a streamlined TAS application template, a model tribal water quality standards template, and a human health criteria calculator upon which many tribes have begun to rely. Over 70 tribes are currently approved with TAS to administer their own water quality standards programs.

Treatment in a Similar Manner as a State Approval



Year One Actions

- Actively support federally recognized Indian tribes obtaining TAS to administer the water quality standards program. The Office of Water will work with EPA regional offices' tribal networks, such as the Regional Tribal Operations Committees, to promote TAS applications. The effort will emphasize reliance on the TAS and water quality standards tools and templates and will include technical assistance to overcome obstacles in the TAS application and approval process.

Within Three Years

- Support at least 25 additional tribes obtaining TAS authority to administer the water quality standards program for their reservation waters.

B. TAS for Clean Water Act Section 303(d) Impaired Waters and Total Maximum Daily Load Program

In 2016, EPA finalized a rulemaking to establish procedures for tribes to apply for TAS authority for the Clean Water Act Section 303(d) (listing of impaired waters) and Total Maximum Daily Load (TMDL) Programs. Thus far, no tribes have applied for TAS for Section 303(d) authority. The Office of Water has distributed a draft template for tribes to use to submit streamlined TAS applications for the Clean Water Act Section 303(d) authority.

Year One Actions

- Provide capacity building, technical and programmatic assistance, and training, including training on using the template to streamline tribal application for Section 303(d) program authority, at the annual Clean Water Act Section 303(d) National Training Workshop.

Within Three Years

- Intensify efforts with tribes and EPA regional offices to identify potential barriers to (or concerns with) assumption of TAS authority for Section 303(d) and develop pathways for interested tribes to obtain such authority.

C. Source Water Protection Program

The Office of Water's Source Water Protection Program strives to protect drinking water sources by developing resources and supporting voluntary partnerships and approaches to prevent contamination. These resources include the [Tribal Source Water Plan Guidance](#), the Drinking Water Mapping Application to Protect Source Waters, and webinars that focus on tribes and their source water.

Year One Actions

- Continue active work with EPA regional offices on approaches to support tribes in source water protection actions through a quarterly Tribal Source Water Protection Workgroup.
- Coordinate across EPA water programs and with other federal partners to highlight resources and technical assistance opportunities for tribal source water protection goals.

Within Three Years

- Continue planning and developing technical resources (i.e., Drinking Water Mapping Application to Protect Source Waters, workshops, etc.) to support tribal members and source water protection program staff.



Hualapai Tribal Nation, Colorado River. Source: USEPA

3

Increase Infrastructure Funding and Capacity Development

To be successful, tribal environmental programs need resources to build technical, managerial, and financial capacity. The Drinking Water and Clean Water State Revolving Fund Tribal Set-Aside Programs, and other capacity-building programs are critical components of the Office of Water's work in Indian country.

A. Implementation of Drinking Water Infrastructure Grants

The Office of Water provides funding and support to help tribes provide safe drinking water. Funding programs to support improvements in water systems serving tribes include the Drinking Water Infrastructure Grants Tribal Set-Aside program, which provides funds "set aside" from the Drinking Water State Revolving Fund pursuant to the Safe Drinking Water Act, and the Water Infrastructure Improvements for the Nation Act (WIIN) Grant Programs.

The Tribal Infrastructure Task Force members (which include the Office of Water, U.S. Department of Agriculture, Indian Health Service, U.S. Department of Housing and Urban Development, and U.S. Department of the Interior) also provide funding for tribal water infrastructure needs.

To forecast future drinking water infrastructure needs, EPA assesses drinking water infrastructure needs through the tribal Drinking Water Infrastructure Needs Survey and Assessment (DWINSAs). The DWINSAs provide Congress with an assessment of tribal needs and drives distribution of EPA Water Infrastructure funding. The 2021 DWINSAs are currently underway.

Year One Actions

- Distribute \$22.5 M in FY 2021 Drinking Water Infrastructure Grant Tribal Set-Aside funding among the EPA regional offices.
- Initiate the tribal DWINSAs and finalize data collection.
- Coordinate and support EPA regional office infrastructure program implementation.

Within Three Years

- Assess tribal infrastructure needs by coordinating with EPA regional offices and other federal partners and ensuring tribal participation in the DWINSAs.
- Publish the tribal DWINSAs Report to Congress in 2023.
- Develop and advance options for increasing EPA program capacity to support infrastructure funding available to tribal water systems.

B. Clean Water Indian Set-Aside and Alaskan Native Villages Programs

The Office of Water's Clean Water Indian Set-Aside Grant Program (CWISA) provides funding to Indian tribes and Alaska Native Villages for wastewater infrastructure. The Alaskan Native Villages Program provides funding for drinking water, wastewater, and technical assistance for native and rural Alaskan communities. The CWISA and Alaska Native Village programs are administered with the EPA regional offices and in cooperation with the Indian Health Service.



Native Village of Tatitlek on Prince William Sound, Alaska. Source: USDA

Year One Actions

- Allocate \$32.8 M of the FY 2021 CWISA funds and \$36.2 M of FY 2021 Alaska Native Village funds to the EPA regional offices to work with the Indian Health Service to implement infrastructure planning, design, and construction of infrastructure projects.

Within Three Years

- Continue efforts to meet tribal needs for technical assistance at wastewater treatment facilities and for decentralized wastewater treatment systems through implementation of interagency agreements with the Indian Health Service.

C. Other Office of Water Grant Programs

The Office of Water manages several grant programs that support water-related tribal programs. These grants cover a range of environmental issues, including water pollution control (Clean Water Act Section 106); nonpoint source management (Clean Water Act Section 319); safe drinking water access, testing, and remediation (WIIN Act Sections 2104, 2105, and 2107); and wetland program development.

Tribes rely on these funding sources to implement their water quality programs or to facilitate improvements in drinking water quality. Each of these programs distributes funds to tribes and has associated requirements and guidance. The Office of Water will continue to find efficiencies, monitor the latest science, and build tribal capacity to improve the implementation of each of these grant programs.

Year One Actions

- Utilize an EPA/tribal work group to improve the Section 106 Tribal Guidance and ensure it serves as a water quality program development roadmap for tribes, clarifies eligible activities, and better integrates current resources and technical recommendations.

- Plan and conduct three biennial Clean Water Act tribal wetland and water quality assessment and management workshops and 24–30 regional tribal wetland program training workshops on wetland regulation, monitoring and assessment, restoration, and/or water quality standards.

Within Three Years

- Coordinate the Section 319 Tribal Nonpoint Source Program with other EPA water programs, and funding programs of other federal agencies (including the U.S. Department of Agriculture), to highlight opportunities for tribes to leverage Section 319 funding to pursue other resources to address water quality problems or threats.
- Continue to implement the WIIN Act Grant Programs to assist small and disadvantaged communities to access safe drinking water, reduce lead exposure through drinking water, and conduct voluntary lead testing in drinking water at schools and childcare facilities.

D. Federal Tribal Water Infrastructure Funding Coordination*

The Office of Water will continue its leadership and support of the Tribal Infrastructure Task Force to develop and coordinate federal activities in providing access to safe and compliant water infrastructure, wastewater infrastructure, and solid waste management services to tribal communities.

Year One Actions

- Renew the Tribal Infrastructure Task Force memorandum of understanding; affirm each member's commitment to coordination; and expand the Task Force membership to include additional federal agencies in support of achieving the common goal to improve water, wastewater, and solid waste services for tribal communities.

Within Three Years

- Improve the impact of federal drinking water and clean water programs through increased local coordination by promoting Tribal Infrastructure Task Force agency interaction at the EPA regional office level.

E. Tribal Water Quality Monitoring, Assessments, and Electronic Reporting

Tribes use Clean Water Act Section 106 grant funds to monitor, collect, and assess water quality data annually on their lands. To support these efforts, the Office of Water works with tribes and EPA regional offices to build capacity for water quality monitoring, data management, assessment, and reporting. EPA also provides technical assistance and training on protocols to monitor the physical, chemical, and biological integrity of wetlands, lakes, rivers, streams, and coastal waters to tribes

* Identified as a priority by the National Tribal Water Council.

participating in the National Aquatic Resource Surveys. These trainings have been offered to other tribes seeking to develop monitoring capacity. The Office of Water will continue to collaborate with tribes and states to conduct the National Aquatic Resource Surveys and work to expand our collective capacity to monitor the health of our waters.

In addition, the Office of Water works with tribes and EPA regional offices to streamline tribal water quality assessment and reporting processes. Historically, tribes have submitted water quality assessment reports to EPA regional offices in a paper format, which created challenges when tracking, analyzing, and sharing data for the tribe over time. Recently, EPA and 13 tribes from EPA regions 5, 6, and 9 successfully piloted an approach to electronically report water quality assessments using the Assessment TMDL Tracking and Implementation System (ATTAINS). Successful use of the ATTAINS system enables tribes and EPA to use public reporting platforms such as How's My Waterway to inform tribal communities of water quality issues that can impact fishing, swimming, and other activities. The Office of Water will continue efforts to streamline and improve water quality monitoring, assessment, and electronic reporting.

Year One Actions

- Partner with 18 additional tribes from EPA regions 1, 2, 5, 6, 7, and 8 to adopt ATTAINS reporting.
- Enhance the EPA regional offices' capacity to support tribes' use of the Water Quality Exchange (WQX), the online portal for EPA's data partners to submit water monitoring data to EPA. EPA will provide a point of contact for tribes in each EPA regional office.

Within Three Years

- Continue to expand ATTAINS adoption by tribes to build the data set needed to understand water quality trends in Indian country.
- Modify ATTAINS, as needed, to meet tribal needs while also working with tribes to incorporate those data into How's My Waterway to provide specific reports for tribes.
- Work with EPA regional offices and tribes to develop region-specific data management approaches, training, and user support for both WQX and ATTAINS submittals for tribes.
- Support tribal participation in surveys of sample sites within tribal waters with each cycle of the National Aquatic Resource Surveys.



Stone Mother at Pyramid Lake, a site considered sacred to the Paiute people. Source: USEPA

4

Honor the Federal Trust Responsibility and Protect Tribal Reserved Rights Related to Water Resources

In previous sections of this Action Plan, we outlined the ways in which EPA will undertake robust consultation on Office of Water rulemakings such as revisions to the definition of “Waters of the United States” and the Clean Water Act Section 401 Certification Rule. In addition, the Office of Water intends to undertake rulemakings to strengthen tribal sovereignty as it relates to protection of essential water resources.

A. Promulgate Federal Baseline Water Quality Standards*

It is clear from EPA’s communications with tribal governments and their representatives, and as highlighted by the National Tribal Water Council, that obtaining “treatment in a similar manner as a state” authority to administer a water quality standards program will not be feasible for all 250 plus tribes that currently lack that authority. Resource constraints and other impediments will continue to be a barrier for a significant number of tribes. When there is no federally approved tribal program, EPA is responsible for implementing federal environmental statutes in Indian country. Without approved Clean Water Act water quality standards, EPA’s ability to protect tribal surface water resources is compromised. To address this issue, EPA intends to promulgate federal baseline water quality standards for Indian reservations that do not currently have EPA-approved water quality standards in place.

Year One Actions

- Initiate a proposed rulemaking to establish federal baseline water quality standards for Indian reservation waters that do not currently have EPA-approved water quality standards.

Within Three Years

- Finalize a rule to establish federal baseline water quality standards for Indian reservation waters.
- Work with EPA regional offices and affected tribes on effective implementation of the federal baseline water quality standards, including guidance memos, training, and other supportive measures.

B. Recognize and Ensure Protection of Tribal Reserved Rights in Water Quality Standards*

Tribes hold many reserved rights to resources on lands and waters under state and federal jurisdiction through treaties, statutes, executive orders, and other agreements with the federal government. EPA has an obligation to honor these reserved rights and ensure that its actions are consistent with reserved rights and their attendant protections. The Office of Water is exploring regulatory options to ensure a sustainable approach to implementing the Clean Water Act to be consistent with tribes’ reserved rights. This process will help EPA ensure the protection of resources reserved to tribes in treaties, statutes, executive orders, and other agreements when it establishes,

* Identified as a priority by the National Tribal Water Council.

revises, and reviews state water quality standards. This effort will build upon a framework that had been in place in 2016.

Year One Actions

- Initiate proposed rulemaking to recognize and ensure protection of tribal reserved rights in the water quality standards context.

Within Three Years

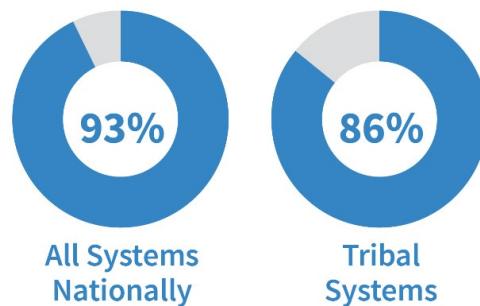
- Finalize rulemaking to protect tribal reserved rights in water quality standards.

C. Direct Implementation of National Primary Drinking Water Regulations

The Office of Water has responsibility for oversight of regional direct implementation of the National Primary Drinking Water Regulations (NPDWR). This oversight includes support for regulatory implementation reviews, interpretations, guidance, technical assistance, and maintaining national forums for sharing of regional best practices.

Approximately 86 percent of tribal water systems currently comply with health-based drinking water standards, in contrast to 93 percent of community water systems nationally. The Office of Water and the Office of Enforcement and Compliance Assurance work with our federal and tribal partners to improve compliance with these standards in Indian country. In addition, EPA regional offices are working with tribal water systems to address emerging threats from contaminants such as per- and polyfluoroalkyl substances (PFAS).

Water Systems in Compliance with Health-based Drinking Water Standards



Year One Actions

- Host regular regulatory direct implementation calls with tribes, as well as an annual learning meeting.
- Support EPA regional office implementation of PFAS sampling programs to assist tribal water programs.

Within Three Years

- Provide focused support on tribal direct implementation of Lead and Copper Rule requirements.
- Host ongoing national forums for conveying information and sharing best practices in EPA tribal direct implementation activities.

- Conduct regular regulatory reviews to confirm accurate implementation of drinking water regulations that help ensure public health protections.

D. Section 106 Tribal Guidance Revision

The Office of Water, in partnership with EPA regional offices, has initiated the review and revision of the 2007 Final Guidance on the Award of Grants to Indian Tribes under Clean Water Act Section 106.

Year One Actions

- Invite and encourage tribal representatives to participate in the Clean Water Act Section 106 Tribal Guidance Revision process.
- Solicit comments from tribes on the draft Clean Water Act Section 106 Tribal Guidance Revision (early 2022).

Within Three Years

- Finalize the Clean Water Act Section 106 Tribal Guidance and conduct outreach to tribes.

E. Methods for Developing Human Health Criteria to Protect Subsistence Fishers

In 2000, EPA published a guidance document (*Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health*) that describes the methodology that EPA uses and recommends that states and tribes follow when developing water quality criteria to protect humans from pollutants in fish and source drinking waters. Such criteria provide a basis for controlling discharges or releases of pollutants. A portion of this guidance document describes recommendations for protection of populations who consume more fish than the general population, including recreational and subsistence fishers. The policy articulated in the current version of the guidance has been interpreted by some to allow subsistence fishers, including those in tribal communities, to be exposed to higher levels of contaminants than the general population. The Office of Water will revise this methodology to ensure the criteria are protective of subsistence fishers.

Year One Actions

- Develop a plan to review and revise this methodology including clarifying that human health criteria should protect higher fish consumers at the same level as the general population.

Within Three Years

- Identify the latest science on exposures from fish consumption and other factors needed to derive human health criteria.
- Publish an updated methodology for establishing human health criteria that indicates criteria must protect higher fish consumers at the same level as the general population.



Historic photo showing members of the Blackfeet Tribe crossing a stream near Two Medicine Lake, MT, ca. 1914.
Source: National Park Service

CONCLUSION

Water plays a vital role in our everyday lives. For tribes, water is essential to public health, environmental protection, cultural activities, and subsistence practices. EPA's Office of Water is committed to honoring the federal government's trust responsibility and improving water quality on tribal lands. As outlined in this Action Plan, under the Biden-Harris Administration, EPA's Office of Water is fully committed to active engagement with tribal governments. We will seek out additional funding for tribal infrastructure, advance core water programs with distinct and measurable tribal benefits, and partner with tribes to enhance capacity of tribal environmental programs. We will look for more opportunities to support climate resiliency in tribal communities and on tribal lands, and we will strive to further integrate principles of equity and environmental justice into our work with tribes. The actions outlined in this document are important first steps. Beyond these actions, we will remain committed to listening to tribal voices and updating this plan and our programs accordingly. The Office of Water looks forward to active and productive collaboration with tribal nations.