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## DTSC Tribal Consultations and Meeting: Summary of Input on Motor Vehicle Tires Containing 6PPD September 15, 2021

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### Background

The Department of Toxic Substances Control (DTSC) conducted outreach to California Native American Tribes on the proposal to list motor vehicle tires containing 6PPD as a Priority Product with the DTSC's Safer Consumer Products Program. A reaction product of 6PPD, 6PPD-quinone, has been found to be acutely toxic to coho salmon prior to spawning. On February 4, 2021, letters were sent to all California Native American Tribes on the NAHC list and on DTSC's Tribal Affairs Contact List. A redacted example letter is attached. Additional outreach was conducted with tribes whose traditional land overlapped or was in trade routes with historic coho salmon populations, as well as various tribal organizations that had potential interest in this project. From this initial outreach, further conversations were initiated with the Yurok Tribal Fisheries Program, Dry Creek Rancheria Department of Environmental Protection, Hopland Tribal Environmental Protection Agency, Scotts Valley Pomo Environmental and Natural Resources Protection, and Karuk Department of Natural Resources. Presentations were provided to US EPA Region 9 Regional Tribal Operations Committee (RTOC) CA Issues Working Group, the Hinthel Environmental Resource Consortium (HERC), and the Mendocino Lake Sonoma Tribal Environmental Program (MLSTEP). Below is a generalized summary of all feedback, input, comments, and concerns that was received throughout these interactions. Any one topic does not represent all above groups or communities, rather represents generalized themes we heard. Any confidential or sensitive information that may have been shared during these meetings has been redacted from this document or presented in a way to protect the information.

### Notes for Consideration

1. Some tribes are landless because a series of policies from the state and federal government that took or sold land without their agreement. They may have concerns on lands that are not identified as tribal land in our current mapping and classification systems.
2. Many tribes throughout the state are very active in water and biota monitoring to protect their resources.
3. Tribes have cultural site specific and time specific uses of water (and land). Utilizing alternatives such as other fish species or other locations are not options to maintain these traditions and culture. Certain ceremonies and certain practices are place, space, and species based.

### Overall Issues and Concerns

1. Overall tribes were very concerned with 6ppd-quinone in waterways and the impacts this could have on coho salmon and other aquatic species, including human consumption, potential of plant uptake, and bioaccumulation.
2. Some tribes expressed this could be a "smoking gun" as it relates to stormwater runoff and impacts to salmon, steelhead, and potentially other species.

3. Concerns were raised around impacts on fish availability, fish consumption, water quality, and impacts to not just coho, but so many aquatic lifeforms. We need to fill knowledge gaps of how 6PPD-Q affects food chains, medicines, mussels, etc.
4. The first flush of stormwater is the migratory cue for coho and the access to the river, according to results of tagging research.
5. Tribal Cultural Use Impact Pathway, i.e., collection of aquatic animals, consumption of aquatic animals, spiritual activities with coho, celebrations with coho, education of youth to learn tribal ways and roles could lead to increased impact to tribal communities.
6. There have been large coho salmon kills on the Klamath River and 3 pre-spawn mortality events since 1977, however the cause of these events remains unknown.
7. Prop 1 Grants heavily contributed to habitat restoration for coho—a lot of money was allocated to this throughout the state and revolved heavily on dam removal and habitat restoration.
8. Tires and cars used for bank stabilization—likely 40's-50's and were added to through the years—but more heavily in 70's. Potential large die-offs happened in 70's but would need to chat with tribal members on that. There really isn't a way to know what caused the die-offs.
9. One tribe recently did substantial stream bank restoration that removed tires and cars from their creek.
10. Consider the timing and duration of detectable amounts of 6ppd in the water column, and how that may interact with drought versus wet conditions in a given year.
11. What kind of sample is required to detect 6PPD-quinone in salmon carcasses identified with pre-spawn mortality?

## Suggested Solutions

### Within DTSC SCP Authority and/or Resources

1. Overall tribes and tribal consortiums we consulted with were in support of DTSC listing 6PPD in motor vehicle tires as a Priority Product.
2. Only hold a listening session for tribes if new information is available and we can answer questions presented such as:
  - Where is monitoring taking place?
  - Is the state mapping monitoring?
  - What is the CA State Water Resources and Control Board's role in this?
  - Is there a monitoring strategy?
3. Continue to communicate with interested tribes as new information is available and SCP's process moves forward.

### Outside DTSC Authority and/or Resources (possibly as a collaboration with other agencies or tribes)

1. DTSC should be partnering with tribes to enhance monitoring. There is a need in tribal communities to monitor for 6PPD-quinone to determine presence/absence. Some have begun this; others are requesting monitoring plans.
2. Water sampling combined with observational sampling could be an effective monitoring approach.
3. Establish a state working group to coordinate all facets of this project including monitoring protocol, research, species status, stormwater treatment, and create an inter-organization shared database.
4. Consider TBU: definitions established by the State Water Board in 2017:

- **Tribal Tradition and Culture (CUL):** Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or lifeways of California Native American Tribes, including, but not limited to navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.
- **Tribal Subsistence Fishing (T-SUB):** Uses of water involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, for consumption by individuals, households, or communities of California Native American Tribes to meet needs for sustenance.
- **Subsistence Fishing (SUB):** Uses of water involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, for consumption by individuals, households, or communities, to meet needs for sustenance.
- Regional basin plans can be used as tools to identify these in waters.

## Summary

The DTSC process to list motor tire vehicles with 6PPD as a Priority Product has been strengthened by the knowledge and contribution from tribes. While DTSC is one piece to the puzzle, we are committed to connecting tribes to other organizations and agencies as opportunities arise for research and planning around 6PPD/6PPD quinone.

DTSC is working to better incorporate tribal perspectives into our Safer Consumer Products work. DTSC staff will continue to communicate with the above listed tribes as our process to pursue regulations on the matter moves forward, including sharing the draft profile before it is released for public review. If at any time a tribe wishes to discuss this project, or another, we encourage you to contact the Tribal Affairs Coordinator on the project, Patricia Moran at [patricia.moran@dtsc.ca.gov](mailto:patricia.moran@dtsc.ca.gov).