



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ANC-14-024

TITLE: Urging the U.S. Environmental Protection Agency to Prohibit the Use of PCBs in New Products

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Polychlorinated Biphenyls (PCBs) are dangerous, toxic chemical compounds that pose serious health risks; and

WHEREAS, American Indians and Alaska Natives since time immemorial have relied on clean water and healthy First Foods to celebrate and sustain our culture, traditions, religion, and way of life throughout the United States, and are obligated to care for and protect these resources now and for the next seven generations; and

WHEREAS, thousands of rivers, lakes and streams throughout the country, and fish that inhabit them, have been found to contain multiple toxic substances—such as PCBs—to the extent that over a thousand advisories have been issued warning against the consumption of contaminated fish; and

WHEREAS, it is firmly established and well-documented that tribal and native people eat significantly more fish and shellfish than the “average” non-Indian population and are thus subject to disproportionately higher cancer and non-cancer health risks simply by exercising our rights and practicing our cultural traditions; and

WHEREAS, PCBs and many other toxic substances bio-accumulate; they do not break down or dissipate; no amount is safe; new products containing PCBs and additional discharges resulting from them only add to and increase the existing burden from already-pervasive PCBs in the environment; and

WHEREAS, the current approach of the U.S. Environmental Protection Agency (EPA) is to maintain its policy allowing up to 50 parts per million (ppm) of PCBs in new products without tribal consultation; and

WHEREAS, EPA states that PCBs have been demonstrated to cause a variety of adverse health effects, including cancer in animals and other effects in animals that harm the immune, reproductive, nervous, endocrine systems; and

WHEREAS, EPA states there are studies in humans that provide supportive evidence for potential carcinogenic and non-carcinogenic effects of PCBs, and that different health effects of PCBs may be interrelated because alterations in one system may have significant implications for the other systems of the body; and

WHEREAS, EPA's current rule is more than thirty years old, not based on current science, and did not take into consideration the risks to tribal people, other fish consumers, or the environment; and

WHEREAS, continuing to authorize the use and generation of PCBs and consequently the further contamination of our water and our fish violates tribal treaty rights, fails to fulfill the federal government's trust responsibility to protect tribal trust assets, and violates EPA's Environmental Justice Policy; and

WHEREAS, certain tribes and states in the country have established, or are in the process of establishing, more protective water quality standards using more accurate tribal fish consumption rates, and meeting these standards will be difficult or impossible if PCBs are still allowed in some products.

NOW THEREFORE BE IT RESOLVED, that NCAI opposes EPA's continuing policy allowing up to 50 ppm of PCBs in new sources and EPA should revise its rule so that the amount of PCBs authorized for commercial use is zero (0), and should seize every opportunity to reduce the use and production of toxics *before* they are released into the environment; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Mid-Year Session of the National Congress of American Indians, held at the Dena'ina Civic & Convention Center, June 8-11, 2014 in Anchorage, Alaska, with a quorum present.

President

ATTEST:

Recording Secretary