



NATIONAL CONGRESS OF AMERICAN INDIANS

**The National Congress of American Indians  
Resolution #ABQ-19-004**

**TITLE: Opposing Environmental Protection Agency Actions that Do Not Protect Human Health or Safeguard Tribal and Treaty Rights**

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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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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**, since time immemorial, indigenous peoples in North America have sought to preserve, protect, and sustain our way of life, our religion, and our culture beginning with the basis of all life—the pure water that we hold sacred and for which we are obligated to take appropriate and necessary actions to care for today and for the next seven generations; and

**WHEREAS**, under the federal Clean Water Act, tribal nations and states must periodically revise their water quality standards to incorporate more current and accurate data and information and ultimately to better protect waterways from toxic and other pollutants; and

**WHEREAS**, NCAI standing resolutions #SD-15-34, Opposing Idaho's Proposed Water Quality Standards and Fish Consumption Rate, and #MOH-17-48, Requesting that the Environmental Protection Agency, only approve State Water Quality Standards that protect the sustenance fishing rights of tribal nations, request that the Environmental Protection Agency (EPA) uphold its commitments to tribal nations and ensure promulgation of water quality standards that will protect human health, safeguard tribal health, and treaty rights to safely consume fish and other aquatic resources, and promote environmental justice for tribal communities in states that fail or refuse to adopt such standards; and

**WHEREAS**, the EPA approved the state of Oregon's Human Health Criteria water quality standards reflecting a Fish Consumption Rate (FCR) of 175 grams/day and a Cancer Risk Level (CRL) of  $10^{-6}$  (one in one million) which tribal nations supported to protect tribal health and treaty rights to safely consume fish and other aquatic resources; and

**WHEREAS**, in 2016, the EPA took action on the state of Washington's Human Health Criteria to reflect a FCR of 175 grams/day and CRL of  $10^{-6}$  ensuring these water quality standards are set at levels that will protect tribal health and treaty rights to safely consume fish and other aquatic resources; and

**WHEREAS**, in April 2019, despite objections from affected tribal nations, the EPA approved Human Health Criteria water quality standards proposed by the state of Idaho reflecting a FCR of 66 grams/day and a CRL of  $10^{-5}$  (one in one hundred thousand) that are inadequate to protect tribal health and treaty rights to safely consume fish and other aquatic resources; and

**WHEREAS**, in May 2019, the EPA unilaterally took action reversing its 2016 partial disapproval of the state of Washington's Human Health Criteria water quality standards that required the state of Washington's to adopt an FCR of 175 grams/day and a CRL of  $10^{-6}$  (one in one million) that tribal nations had determined was adequately protective of tribal populations; and

**WHEREAS**, the EPA's decision reversing the state of Washington's Human Health Criteria was made at the objection of affected tribal nations and the state of Washington; and

**WHEREAS**, the EPA is failing to uphold its commitments to tribal nations by approving, authorizing, or promulgating surface water quality standards that do not protect human health or safeguard tribal and treaty rights to harvest clean consumable fish and other aquatic resources.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) opposes actions by the Environmental Protection Agency (EPA) that weaken Human Health Criteria water quality standards, fail to protect human health, fail to safeguard tribal health and treaty rights to safely consume fish, and fail to uphold its commitment to environmental justice for tribal communities; and

**BE IT FURTHER RESOLVED**, that NCAI requests that the Administrator of the EPA meet with tribal leaders to engage in government-to-government consultation to discuss the impacts of this matter to tribal health, tribal resources, and treaty rights; 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 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



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Fawn Sharp, President

**ATTEST:**



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Juana Majel Dixon, Recording Secretary