



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #TUL-13-051

### TITLE: Calling for US Ratification of the Minamata Convention on Mercury

#### EXECUTIVE COMMITTEE

PRESIDENT  
**Brian Cladoosby**  
*Swinomish Tribe*

FIRST VICE-PRESIDENT  
**Michael Finley**  
*Colville Tribes*

RECORDING SECRETARY  
**Robert Shepherd**  
*Sisseton Wahpeton*

TREASURER  
**Dennis Welsh, Jr.**  
*Colorado River Indian Tribes*

#### REGIONAL VICE-PRESIDENTS

ALASKA  
**Jerry Isaac**  
*Native Village of Tanacross*

EASTERN OKLAHOMA  
**S. Joe Crittenden**  
*Cherokee Nation*

GREAT PLAINS  
**Leander McDonald**  
*Spirit Lake Nation*

MIDWEST  
**Aaron Payment**  
*Sault Ste. Marie Band of Chippewa*

NORTHEAST  
**Randy Noka**  
*Narragansett Tribe*

NORTHWEST  
**Fawn Sharp**  
*Quinault Indian Nation*

PACIFIC  
**Rosemary Morillo**  
*Soboba Band of Luiseno Indians*

ROCKY MOUNTAIN  
**Ivan Posey**  
*Shoshone Tribe*

SOUTHEAST  
**Ron Richardson**  
*Haliwa-Saponi Indian Tribe*

SOUTHERN PLAINS  
**Steven Smith**  
*Kiowa Tribe*

SOUTHWEST  
**Manuel Heart**  
*Ute Mountain Tribe*

WESTERN  
**Arlan Melendez**  
*Reno Sparks Indian Colony*

EXECUTIVE DIRECTOR  
**Jacqueline Johnson Pata**  
*Tlingit*

**NCAI HEADQUARTERS**  
1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

**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**, the conservation of Tribal resources and promotion and preservation of Tribal members' health and welfare is a priority for all Tribes; and

**WHEREAS**, mercury has been identified by the World Health Organization as one of the top ten toxics chemicals or groups of chemicals of major public health concern globally with a number of serious health impacts; and

**WHEREAS**, this is a matter of urgency for American Indian and Alaskan Native Nations because mercury pollution severely impacts the subsistence rights and traditional diets of Indigenous Peoples and consumption of contaminated fish by women of childbearing age, pregnant women and children has serious impacts on the developing brain, kidneys, and nervous systems of unborn and nursing babies and young children; and

**WHEREAS**, abandoned mercury and gold mines in areas such as California, South Dakota, Nevada and Alaska continue to emit mercury with significant health impacts on Indigenous Peoples in those regions; and

**WHEREAS**, Indigenous Peoples from traditional fishing communities in the Great Lakes Area, California, Alaska and other areas disproportionately suffer adverse effects of mercury contamination impacting their health, culture and subsistence rights; and

**WHEREAS**, mercury in dental amalgam, a material inappropriately known as "silver fillings", is 50% mercury, and is a major source of mercury contamination of humans and the environment in the United States; and

**WHEREAS**, a 2011 study published in the Journal of the American Dental Association found that mercury-based dental amalgam, which continues to be used by Public and Indian Health Services on many Reservations, was used for only 51% of restorations in white patients, but for 73% of restorations in patients of “other” race (defined as American Indian/Alaska Native/Asian/Pacific Islander); and

**WHEREAS**, 140 nations, including the United States, agreed to the text of the Minamata Convention on Mercury, a new global legally binding instrument addressing mercury as major global environmental and human health concern on January 19, 2013, and calling for its phase out and eventual elimination.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby respectfully request that the United State Senate ratify the Minamata Convention on Mercury within the next three years; and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby respectfully request the opportunity to fully participate in decisions regarding the implementation of the Minamata Convention on Mercury; and

**BE IT FURTHER RESOLVED**, that the United States though the Environmental Protection Agency and the Department of Health prioritize the identification of sites and waterways in and affecting Indian and Alaska Native reserves, Treaty territories, reservations, communities as well as traditional subsistence resources that are contaminated by mercury, and work with impacted Tribal Nation governments to effectively clean up such areas without delay; and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby request that the Indian Health Service phase down, then phase out on a timetable, all sources of mercury contamination in the US, including the use of dental amalgam in IHS programs; favor the use of non-mercury alternatives to dental amalgam in IHS programs in the interim; and provide information to patients and parents regarding the impacts of mercury from this and other sources, based on the rights to Subsistence, Health and Free Prior and Informed Consent and Articles 20, 24, 29 and other relevant provisions of the UN Declaration on the Rights of Indigenous Peoples; and

**BE IT FURTHER RESOLVED**, that the NCAI respectfully requests all Tribal Nations governments and citizens educate themselves about the potential harmful effects to their Peoples, natural, and cultural resources of mercury contamination from all sources; and

**BE IT FINALLY 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 2013 Annual Session of the National Congress of American Indians, held at the Cox Business Center from October 13 - 18, 2013 in Tulsa, Oklahoma with a quorum present.

  
\_\_\_\_\_  
President

**ATTEST:**

  
\_\_\_\_\_  
Recording Secretary