

Commission on Risk Assessment and Risk Management

Memorandum Regarding Tribal Risk Issues

In meetings with Native American risk assessors, toxicologists, and other involved in tribal risk issues, members and staff of the Commission on Risk Assessment and Risk Management were advised that:

- Federal government agencies have not included tribal governments as partners in the design and conduct of risk assessments impacting tribal lands or in the decisions made about managing risks that impact tribal lands.
- In addition to human health and environmental risk assessments, risks to culture should also be assessed when contamination impacting tribal lands is evaluated, because of the essential interconnectedness of tribal communities, their religions, and their environment.

The Commission provided a forum at its July 1995 public meeting in Seattle for discussion of tribal treaty rights, the holistic approach to environmental protection developed by the Yakama Indian Nation, and the knowledge, vision, and values of tribal nations. In our Framework for Environmental Health Risk Management, we recognize that the term stakeholder does not apply to or capture the sovereign status of tribal nations. Therefore, any issues involving tribes and tribal lands should have tribal involvement from the start.

Because the Commission's tenure is ending and because of the sovereignty, treaty rights, and trust responsibility that exist between the Indian tribes and the United States Government, we make the following recommendation to agencies involved in activities that address contamination impacting tribal lands:

- An arrangement between Indian tribes and relevant United States Federal agencies should be established in order to define how agencies will assist tribes to develop tribal-specific risk assessment and risk management strategies. Such arrangements should be based on respect, equity, and empowerment in order to achieve the shared goals of restoring, protecting, and enhancing all aspects of the environment. Such arrangements are not intended to limit the discretionary powers of the agencies or of the Indian tribes.

The Commission urges agencies and tribes to cooperate to find ways of addressing this recommendation. While we recognize that only each individual tribe can determine what can be perceived as a cultural impact for that tribe, we also encourage tribal risk assessors to present cultural risk assessment methods and applications in appropriate scientific forums.

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