



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-13-057

TITLE: Consultation on Food Safety Modernization Act

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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, tribes have traditionally harvested and processed food products in many product forms for ceremonial, subsistence and economic purposes; and

WHEREAS, tribes have been working on a regional marketing effort which incorporates federal food quality handling techniques into the harvesting and processing of fisheries products that are sold or provided to tribal communities or the public; and

WHEREAS, the Federal Drug Administration (FDA) has begun implementation of the Food Safety Modernization Act which expressly provides that Indian Tribes are subject to traceability, registration and fees and Good Manufacturing Practices which impose stricter records requirements, preventative controls and potentially a higher level of product testing for high risk foods, like fish; and

WHEREAS, the FDA enacted new legislation without consultation with tribes, which is in conflict with Executive Order 13175 that recognizes tribal rights to self-government and supports self-determination in the context of regulatory requirements that may be promulgated by federal agencies.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby request the US Food and Drug Administration to adhere to Executive Order 13175 and consult with tribes during the open comment period for the implementation of the Food Safety Modernization Act, especially as the proposed rule extends across native-owned agricultural/seafood operations that are also regulated by the USDA/FDA; and

BE IT FURTHER RESOLVED, that NCAI does hereby request the US Food and Drug Administration to take action to meet its consultation responsibilities in Indian Country as soon as practicable but before September 16, 2013, the date of final rule comments for the Food Safety Modernization Act and, until such consultation is complete, refrain from enforcing the new requirements against tribes engaged in harvesting and processing of food and fisheries products that are sold or provided to tribal communities or the public; 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 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



President

ATTEST:



Recording Secretary