

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN
RESOLUTIONS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHORS REPORT FILED	NOTES
93-37 (COR)	Sabina Flores Perez	Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.	4/21/23 12:47 p.m.							

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Resolution No. 93-37 (COR)

Introduced by:

Sabina Flores Perez/SFP

Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***
2 ***MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN:***

3 **WHEREAS**, the people of Guam, the Commonwealth of the Northern Mariana
4 Islands, and broader Oceania rely on the Pacific Ocean as a source of food, economic
5 activity, culture, tradition, travel, and recreation and safeguarding of the Pacific Ocean
6 is intrinsically linked to the protection of Pacific livelihood; and

7 **WHEREAS**, the island of Guam has a deep connection with the ocean, as it is
8 central to our lives and connects us to our ancestral roots. Therefore, it is our
9 responsibility to ensure the ocean's health and safety in order to secure it for our
10 livelihood and the livelihood of our future generations; and

11 **WHEREAS**, the Government of Japan plans to dispose of more than 1.2 million
12 tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the

1 Pacific Ocean for a span of at least three decades, which will directly impact Guam and
2 other Pacific neighbors through contamination of the food chain; and

3 **WHEREAS**, in 2021, the House of Representatives’ Twenty Second Northern
4 Mariana Commonwealth Legislature passed Joint Resolution 22-11 stating that, “the
5 peoples of Oceania have throughout history been disproportionately impacted by
6 foreign powers’ nuclear activities within the Pacific region,” and “foreign powers have
7 a lackluster track record for transparency and fully disclosing the dangers and risks of
8 these nuclear activities;” and

9 **WHEREAS**, the Pacific Islands Forum (PIF) appointed an independent panel of
10 five multi-disciplinary scientists to analyze data surrounding the mitigation efforts at
11 lowering the contamination levels of the radioactive waste discharge of the Fukushima
12 disaster and expressed concern about prolonged gaps in data collection and concluded
13 that supporting data is insufficient and inaccurate, with flaws in sampling protocols,
14 statistical design, and sample analyses; and

15 **WHEREAS**, Dr. Robert Richmond of the Kewalo Marine Laboratory at the
16 University of Hawai’i at Manoa stated, “releasing radioactive-contaminated water into
17 the Pacific is an irreversible action with transboundary and transgenerational
18 implications; and

19 **WHEREAS**, Article 207 of the United Nations Convention on the Law of the
20 Sea (UNCLOS) states that, “States, acting especially through competent international
21 organizations or diplomatic conference, shall endeavor to establish global and regional
22 rules, standards and recommended practices and procedures to prevent, reduce, and
23 control pollution of the marine environment from land-based sources, including
24 pipelines and outfall structures;” and

25 **WHEREAS**, the International Atomic Energy Agency’s (IAEA) main objective
26 is to enlarge the contribution of atomic energy to peace, health and prosperity
27 throughout the world, mainly through the early detection of the diversion of nuclear

1 material or technology to the proliferation of nuclear weapons for military purpose or
2 aggression; and

3 **WHEREAS**, the IAEA is authorized under Article III of its statute to “establish
4 or adopt, in consultation and, where appropriate, in collaboration with the competent
5 organs of the United Nations and with the specialized agencies concerned, standards of
6 safety for protection of health and minimization of danger to life and property,” but
7 these standards are not legally binding on Member States and IAEA Safety Reports may
8 describe good practices and give practical examples and detailed methods that can be
9 used to meet safety requirements but they do not establish requirements or make
10 recommendations; and

11 **WHEREAS**, the preamble of the IAEA’s Joint Convention on the Safety of
12 Spent Fuel Management and on the Safety of Radioactive Waste states, “The
13 Contracting Parties, convinced that radioactive waste should, as far as is compatible
14 with the safety of the management of such material, be disposed of in the State in which
15 it was generated.” Article I of the Convention states, “The objectives of this Convention
16 are: to ensure that during all stages of spent fuel and radioactive waste management
17 there are effective defenses against potential hazards so that individuals, society and the
18 environment are protected from harmful effects of ionizing radiation, now and in the
19 future, in such a way that the needs and aspirations of the present generation are met
20 without compromising the ability of future generations to meet their needs and
21 aspirations;” and

22 **WHEREAS**, during the 2021 International Maritime Organization’s (IMO)
23 London Convention and London Protocol (LC/LP) Convention, Greenpeace, an
24 internationally recognized environmental organization, reported that the governments
25 of the Republic of Korea, China, Chile, and the Pacific Island nations of Vanuatu and
26 Palau offered recommendations to establish a working group to review alternatives such

1 as long-term storage and the application of best available technology to process the
2 contaminated water including tritium disposal technology, and

3 **WHEREAS**, three independent experts appointed by the UN Human Rights
4 Council, known as Special Rapporteurs, expressed concern over Japan’s proposal,
5 stating, “the release of one million tons of contaminated water into the marine
6 environment imposes considerable risks to the full enjoyment of human rights of
7 concerned populations in and beyond the borders of Japan,” and “we remind Japan of
8 its international obligations to prevent exposure to hazardous substances, to conduct
9 environmental impact assessments of the risks that the discharge of water may have, to
10 prevent transboundary environmental harms, and to protect the marine environment;”
11 and

12 **WHEREAS**, the Government of Japan has historically been a responsible Pacific
13 partner. For example, in 1980, leaders from Guam, Saipan, Samoa, Nauru, and the US
14 Trust Territory Islands strongly opposed Japan’s plan to dump 10,000 drums of low-
15 level radioactive waste at a site north of the CNMI, to which officials from Japan’s
16 Science and Technology Agency publicly responded that they would not dump into the
17 ocean until the understanding of the Pacific people was obtained; and

18 **WHEREAS**, in 1993, the Government of Japan criticized the Russian
19 Federation’s dumping of 237,000 gallons (900 tons) of low-level nuclear waste into the
20 Sea of Japan, and consequently supported an amendment to the International Maritime
21 Organization’s (IMO) London Convention and London Protocol (LC/LP) that would
22 make ocean-based dumping of low-level nuclear waste a violation of the Convention.
23 Furthermore, the Japanese Government provided approximately 2.5 billion yen
24 (\$19,395,750.00) to Russia to construct a liquid radioactive waste storage and

1 processing facility as a preventative measure against continued dumping into the Sea of
2 Japan; and

3 **WHEREAS**, multiple factors affect the decontamination of the Fukushima
4 wastewater, including (1) the number of radionuclides present are much higher than the
5 numbers generated at other power plants, (2) the presence of saltwater can affect how
6 radionuclides are filtered out, and (3) the amount of water needing treatment is the
7 largest amount in history; and

8 **WHEREAS**, the Kuroshio Current off the coast of the Fukushima Prefecture is
9 the Pacific Ocean’s strongest current, and the temperature and salinity of the Kuroshio
10 water are relatively high for the region. The current flows fast and deep, and feeds into
11 the North Pacific Ocean as it flows towards North America. Therefore, the wastewater
12 dumped off the coast of Fukushima can be impacted by these factors. The ocean is
13 dynamic and does not act similarly to a tank where testing the ALPS treated water
14 occurs; temperature, salinity, and biochemistry must be considered in all matters of
15 wastewater testing; and

16 **WHEREAS**, it was reported that roughly 80%, or 890,000 of 1.1 million tons of
17 the treated water still contained above-limits of Strontium-90, Cobalt-60, and
18 Ruthenium 106 along with other radionuclides. It was further noted that “with the
19 subsequent failure of Advanced Liquid Processing System (ALPS), the Non-Detectable
20 (ND) target was replaced with targets below Regulatory Limits;” and

21 **WHEREAS**, Strontium-90, with a half-life of 29.1 years, causes the most harm
22 when ingested through food or water. It can cause cancer of the bone, bone marrow,
23 and soft tissues around the bone Cobalt-60, with a half-life of about 5.3 years, releases
24 gamma rays, and external exposure to low levels of gamma radiation through touch,
25 ingestion, or even proximity over an extended period of time can cause cancer.

1 Ruthenium-106, with a half-life of 371.5 days, is not found naturally, and high doses
2 are toxic and carcinogenic when ingested and is strongly retained in the bones; and

3 **WHEREAS**, existing ALPS technology is unable to properly remove the
4 radionuclide tritium from the Fukushima wastewater. Tritium is a relatively weak
5 source of beta radiation with a half-life of 12.3 years, but it may be absorbed into the
6 body through the skin or when ingested through water or food, or when inhaled.
7 Additionally, tritium released into the environment can become organically-bound
8 tritium (OBT), and can bio-accumulate into nutrients such as carbohydrates, fats, or
9 proteins. Tritium binds to phytoplankton which can then migrate up the food chain; and
10 when consumed poses a slightly greater health risk as the body retains it longer than
11 tritiated water; and

12 **WHEREAS**, other radionuclides still present in the ALPS treated wastewater
13 have the potential to accumulate in seafloor sediments and organically bind and bio-
14 accumulate through marine organisms, which could move up the food-chain and
15 negatively impact fishing industries and consumers;

16 **WHEREAS**, contaminated water can act as another stressor on marine life, along
17 with climate change, plastic pollution, microplastics, pre-existing radioactive pollution
18 leftover from nuclear testing within the Pacific, all of which have compounding effects;
19 and

20 **WHEREAS**, a 2022 science-based study declares the risks involved with the
21 Government of Japan’s intended method of disposal of nuclear waste could lead to
22 decades-long damage that will have widespread consequences and long-term effects on
23 human health and the global marine environment. This same study asserts the “decision
24 to dispose at sea should be rectified to redistribute the disproportionate burdens to those
25 with a stake in risk-generating activities rather than to the public, the environment, and
26 the future generations that do not benefit from the disposal. Additionally, the
27 Precautionary Principle, as enshrined by Principle 15 of the Rio Declaration, dictates it

1 is better to avoid potential or uncertain threats before it is too late. Furthermore, a long-
2 term comprehensive and cumulative environmental impact study should be publicly
3 released that demonstrates the contaminated water is safe; and

4 **WHEREAS**, Fukushima Prefecture’s fishing industry was highly stigmatized
5 after the 2011 incident contaminated the surrounding marine life, and full recovery of
6 the industry has yet to be seen. Japan’s local fishermen and fishing unions oppose the
7 release, as they fear it will once again ruin the industry’s reputation and harm businesses
8 that have spent over a decade recovering; and

9 **WHEREAS**, the people of the Pacific are expected to bear the cost of foreign
10 powers’ nuclear decisions at the expense of our economies, security, environment, and
11 health; and

12 **WHEREAS**, the precedence set by the Government of Japan for all other
13 producers of nuclear waste is of great concern; now therefore, be it

14 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*
15 *Liheslaturan Guåhan* does hereby, on behalf of the people of Guam urge the
16 Government of Japan to heed the concerns and input of its local stakeholders, its
17 neighbors in the Asia-Pacific Region, and of Pacific Island leaders to indefinitely
18 postpone the discharge nuclear contaminated water into the Pacific until safer
19 alternative solutions can be pursued in order to protect the rights of all humans to a safe
20 and healthy future; and be it further

21 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*
22 *Liheslaturan Guåhan* urges the Government of Japan to conduct a full assessment of
23 the risks or effects of its plan to discharge nuclear wastewater into the Pacific Ocean,
24 and foster an open exchange of information with Asia-Pacific region neighbors,
25 including the Government of Guam, on a regular basis. Further, that the Government of
26 Japan consider the impact that a release of this magnitude could have on both the

1 environment and its immediate relations with neighbors such as China, South Korea,
2 Taiwan, Guam and concerned Pacific Island nations; and be it further

3 **RESOLVED**, that *I Mina'trentai Siette Na Liheslaturan Guåhan* urges President
4 Joseph Biden to take into consideration the environmental justice issues concerning the
5 people of Guam and work towards measures in rectifying it; and be it further

6 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
7 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of
8 the same be thereafter transmitted to Volker Türk, United Nations High Commissioner
9 for Human Rights; Dr. Marcos A. Orellana, UN Special Rapporteur on toxics and
10 human rights; Dr. Michael Fakhri, UN Special Rapporteur on the right to food; Dr.
11 David R. Boyd, UN Special Rapporteur on human rights and the environment; Clément
12 Nyaletsossi Voule, UN Special Rapporteur on the rights to freedom of peaceful
13 assembly and of association; Jose Francisco Cali Tzay, Special Rapporteur on the rights
14 of Indigenous Peoples; Inger Anderson, Executive Director, United Nations
15 Environment Programme; Kobayashi Toshiaki, Consulate-General of Japan in
16 *Hagåtña*; U.S. President Joseph Biden, U.S. Vice President Kamala Harris,
17 Congressman James Moylan, and to the Honorable Lourdes A. Leon Guerrero, *I*
18 *Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN ON THE DAY
OF MONTH YYYY.**

THERESE M. TERLAJE
Speaker

CHRIS BARNETT
Chairperson, Committee on Rules

AMANDA L. SHELTON
Legislative Secretary