

Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 7: Toxic and Hazardous Substance Control
§ 705. Imminent hazards
Cite as: 27 CNCA § 705

A. Actions authorized and required. The CN EPC may commence a civil action in Cherokee Nation District Court or the appropriate district court of the United States:

1. for seizure of an imminently hazardous chemical substance or mixture or any article containing such a substance or mixture;
2. for relief (as authorized by subsection (B) of this section) against any person who manufactures, processes, distributes, or uses, or disposes of, an imminently hazardous chemical substance or mixture or any article containing such a substance or mixture; or
3. for both such seizure and relief.

B. Relief authorized.

1. The Cherokee Nation District Court in which an action under subsection (A) of this section is brought shall have jurisdiction to grant such temporary or permanent relief as may be necessary to protect health or the environment from the unreasonable risk associated with the chemical substance, mixture, or article involved in such action.

2. In the case of an action under subsection (A) of this section against a chemical substance, mixture, or article, such substance, mixture, or article may be proceeded against by process for its seizure and condemnation. Proceedings in such an action shall conform as nearly as possible to proceedings for forfeiture of contraband as provided by the federal drug enforcement policies.

C. Venue and consolidation. An action under subsection (A) of this section may be brought in Cherokee Nation District Court or in any United States district court within the jurisdiction of which the substance, mixture, or article is found and federal law allows.

Historical Data

LA 1–93, eff. June 14, 1993. Renumbered from 63 CNCA § 705.