



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN -9 2011

Office of
International and
Tribal Affairs

Mr. Jeffrey N. Wennberg
Chair, U.S. Governmental Advisory Committee
15 Grandview Terrace
Rutland, Vermont 05701

Dear Mr. Wennberg:

On behalf of Administrator Lisa P. Jackson, I would like to thank you for the Governmental Advisory Committee's (GAC) advice of May 16, 2011 reporting on the April 14-15, 2011 meeting in Washington D.C., which focused on the Commission on Environmental Cooperation's (CEC) draft 2011-2012 Operational Plan.

As always, your advice is thorough and comprehensive, and the valuable recommendations provided to the United States Government on all things related to the Commission on Environmental Cooperation's (CEC) projects are much appreciated. It was a pleasure to join you for part of your discussions, and it was illuminating to participate in at least a portion of your joint meeting with the NAC.

Attached below is our response to the advice and recommendations that you proposed. Thank you once again for your thoughtful input. We appreciate your informed recommendations and concrete knowledge of the business of government, which helps us shape US negotiating positions.

Sincerely,

A handwritten signature in blue ink that reads "Michelle DePass".

Michelle J. DePass

cc: Ms. Karen M. Chapman, Chair, U.S. National Advisory Committee

2011 Draft Operational Plan Format and Presentation: 2011-1

1. Provide a brief (2-3 page) Executive Summary. T

The GAC recommends that the Operational Plan (OP) include an Executive Summary that includes information on how the Plan was developed, identifying the goals, reinforcing the selection criteria and explaining significant differences with prior plans. We agree that such a discussion would help place the new process in a broader context and thereby would provide additional transparency and clarity. The US will propose such change to the final Operational Plan, and has begun the process of getting Canada & Mexico on board with this change.

2. Provide a matrix showing critical information about all the projects on a single page.

We agree that such a matrix would be a good addition to the OP and have provided the slides identified to our Canadian & Mexican counterparts for their support.

3. Provide a life cycle chart for current and proposed projects.

We agree and have tabled the chart for inclusion in the final OP.

2011 Draft Operational Plan General Advice: 2011-2

Thank you for recognizing that the whole approach to the Operational Plan now conforms to the advice that the GAC has offered in previous years. It is, in fact, a process that involves a true coming together of environmental leaders at the highest levels of governments in the three Parties, and is evidence of the strong leadership provided by this Council and the deep interest they have to ensure that CEC delivers the relevant results required by the Parties.

We agree with the recommendation that the OP should include a discussion of the larger context and rationale for the selection of the projects included therein. We agree as well that the graphic slide depicting the process would help us tell the story. The US will approach our counterparts with both proposals and, if agreed to, will provide the additional language for inclusion in the final Plan.

The GAC also encourages the US to address climate adaptation, ensure that travel resources are maximized by the use of electronic technology and limit the number of projects to be undertaken in at any one time. With respect to adaptation, the Parties' agreed to first concentrate on establishing rational comparability in the ways that we collect, analyze, report and disseminate data in order to build the foundation for future development of complementary climate change programs. However, the US recognizes the importance of adaptation and will continue to support identifying projects with such a focus.

Effective and efficient use of resources is a continuing issue in the CEC context and the Parties have already requested additional information to help us determine where savings can be easily obtained. EPA of course, takes very seriously our fiduciary duty to ensure our resources are well spent, and we are taking all appropriate steps to be the best stewards of those limited resources. Using new technologies to conduct Secretariat business is a good plan and one that the Parties encourage at every opportunity

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2011 Draft Operational Plan Project-Specific Recommendations: Advice 2011-3

Project 1: Capacity Building to Improve the Environmental Health of Vulnerable Communities in North America

You propose that the work be conducted within the context of what is already being done or undertaken by others. We agree that this is an important point and have revised the project proposal to include a workshop to develop an outline of the framework document. The purpose of the workshop is to solicit ideas and thoughts from subject matter experts, stakeholders, NGOs, etc. representative of each country as to the specific content, details, and scope of the framework, including discussions on what may constitute vulnerability or a vulnerable community from a trilateral perspective. We will ensure that our experts know the issues you have raised and propose that the workshop addresses those issues to the extent possible.

Project 2: Improving Indoor Air Quality to reduce exposure to airborne contaminants including fine particulates and chemical compounds in Alaskan Native Populations and other Indigenous Communities in North America

We agree with you that this is a well-defined project with measurable outcomes. We have made some changes in response to comments from our JPAC that serve to even better describe the work proposed and better delineates our expectation that, if successful, the work should be undertaken in other, appropriate communities in Mexico and Canada. This in fact, represents the Party's new approach to the consideration of "trilateralness" of projects in general. As you know, since 2009, and in response to the Administrator's stated interest in greater engagement of our state, local and tribal communities in the work of the CEC, it was decided that henceforth we would ensure that CEC activities would better serve the environment and citizens of North America by partnering and engaging extensively with stakeholders and the public and by promoting a sense of shared responsibility and stewardship for the environment. We hope this type of project will help us accomplish that, and that it will help us obtain the clear and tangible environmental results that have previously eluded the work of the CEC.

Project 3: North American Grasslands: Management Initiatives and Partnerships to Enhance Ecosystem and Community Resilience

GAC supports this activity, but believes that some of the work proposed has already been undertaken by others. We agree but also see the potential it as providing us with significant partnership opportunities which can hopefully bring much needed coordination to existing efforts. Council has directed the Party experts to carefully consider other partnership opportunities across North America in order to benefit from the significant amount of work that has been done on this issue by like-minded organizations both within our governments and in the NGO communities.

Project 4: Big Bend-Rio Grande Collaboration for Transboundary Landscape Conservation

Thank you for your support of this important activity. We agree that some of the environmental outcomes could use more measurable goals, and will make the US experts aware of the examples you proposed. We are also well aware of the work begun as a response to discussions between President Calderon and President Obama, and will make every effort to partner with all appropriate entities, including the IBWC and the Department of Interior, the US Fish & Wildlife Service and our state and local agencies.

Projects 5, 6 & 7: Approaches for identifying and tracking chemicals in commerce in North America; Risk reduction strategies to reduce the exposure to chemicals of mutual concern; and Environmental Monitoring and Assessment of Chemicals of Mutual Concern

Thank you for your recognition of the important work that already accomplished by the Parties through the CEC's Sound Management of Chemicals program.

Project 8: Enhancing Environmental Law Enforcement in North America

Although the GAC supports this project the recommendation was that a rewrite was necessary to clarify the objectives and the scope. OITA contacted our US enforcement experts involved in this project for the clarification requested. The experts from the three Parties put a lot of time in trying to come up with good indicators. The statement: "increase the number of non-compliant targets identified" was deemed to be the best statement based on what the Parties will be able to quantify. We agree with the GAC that a more concrete indicator would be desirable, but with the information now at hand and what we expect will be identified through the project activities, this is the best summary of what can realistically be committed to at the trilateral level. It is our hope that in future years, once the intelligence-led enforcement exchange has time to mature, this indicator can be reevaluated along the lines suggested by the GAC and, perhaps with their help, a more numerical one can be identified.

Project 9: Improving Comparability of Emissions Data, Methodologies and Inventories in North America.

We appreciate your support of this project, and your helpful comments. We are pleased to be continuing this work that the GAC had proposed and agree with your suggestions. Your comments reinforce the importance of taking into account the good work that has been conducted outside of government. The U.S. will bring your advice to our counterparts, conveying that the Steering Committee should consider the expertise and guidance of other entities as we move forward with this project. Providing that all concur, we will include language reflecting your advice in the work plan.

Project 10: Ecosystem Carbon Sources and Storage: Information to Quantify and Manage for Greenhouse Gas Emissions Reductions

We agree with the GAC recommendation and will ensure the US experts advocate for a thorough review of the work already done on carbon sources and storage as a first task under this activity.

Project 11: North American On-line, Interactive Informational Platform on Climate Change

Thank you for your support of this project. We agree wholeheartedly with your comments, and have included a review of similar efforts in Task 2 of the project proposal. We appreciate that a great deal of work in this area exists or is in progress, with our aim being to build on those efforts. We believe that a successful project must not duplicate, but rather complement, and coordinate with, the work of others. The assessment will be based on the research to be conducted of all similar platforms and work conducted by others that could: 1) serve as guidance to building such platforms, and/or 2) be included in, or linked to, the platform. In this vein, we will be discussing with the responsible organizations or individuals both this project and their related work and partnering where appropriate. Consequently, the final product will include at the very least, reference and links to a comprehensive set of other products, databases, platforms, studies, peer reviews, associated scientific, technical and policy proposals/decisions, etc., derived through a collaborative process.

Project 12: Improving Conditions for Green Building Construction in North America

The project description basically calls for a workshop where the three parties can decide how to best approach accomplishing the goals of the Parties. There will be additional opportunities to comment once the path forward is decided.

Project 13: Improving the economic and environmental performance of the North American Automotive Industry Supply Chain

The GAC is correct in recognizing that this project is an extension past successful efforts in this area. We will ask the experts to clarify the goals as requested.

Project 14: Tracking Pollutant Releases and Transfers in North America (North American PRTR Project)

We thank you for your continued support of the North American PRTR project.