

December 1, 2012

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The Honorable Lisa P. Jackson
Administrator

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson,

The National Advisory Committee (NAC) to the U.S. Representative to the North American Commission for Environmental Cooperation held its thirty-eighth meeting on October 25-26, 2012 in Washington, D.C. New and returning NAC members wish to thank you for our appointments and communicate our enthusiasm and commitment to work with you in advancing the mission and strategies of the CEC.

The NAC extends special thanks to Michael Stahl, Deputy Assistant Administrator at EPA's Office of International and Tribal Affairs (OITA), for his presentation to us on the July 2012 Council meeting in New Orleans. The NAC commends you and the Council of the CEC for its progress and Ministerial Statement of Nineteenth Regular Session of the Council. We appreciated Mr. Stahl's acknowledgement of the substantive input provided by the NAC and GAC on the recent revisions to the tri-lateral process for Submissions on Environment Matters (SEM). Mr. Stahl described the Council's commitment to greening the North American economy and outlined the Charge Questions to consider specific initiatives in areas such as electronic waste, advancing on trilateral clean energy initiatives, and other specific economic integrated sectors in North America.

Mr. Stahl also provided his perspective on Mexico's upcoming leadership transition and the potential assistance of the Joint Public Advisory Committee (JPAC) during that time. He informed the committee members that an EPA delegation would be traveling to Mexico to meet with their CEC Alternate Representative counterparts on October 29-30 to discuss stream-lining CEC operations and provide guidance in the development of the Operations Plan for 2013-14. We look forward to learning of the outcome of that meeting.

We also appreciate the participation of Jane Nishida, Director of the Office of Regional and Bilateral Affairs in OITA. In particular, her request to the NAC and GAC for input to the delegation traveling to the Alternate Representatives' meeting the following week provided a sense of urgency to our deliberations.

We wish to thank Cynthia Jones-Jackson, Mark Joyce, Oscar Carrillo, Stephanie McCoy in the Office of Federal Advisory Committee Management and Outreach for their consistent and friendly support and advice to the NAC throughout our tenure as NAC members.

We also thank Sylvia Correa, Senior Advisor for North American Programs in the Office of International and Tribal Affairs, for a concise update of the CEC Operations Plan and Communications Strategy. In particular, we appreciate the continuing efforts by Michelle DePass and you to ensure that the U.S. meets its commitment for the annual CEC budget. Due to a limited budget, we support the recommendation to the CEC should undertake fewer, more measureable activities with more significant impacts directed to the priorities of healthy communities and ecosystems, climate change and a low carbon economy, and greening the economy in North America.

It was very useful to have Jonathan Waterhouse of the JPAC present at our meeting and we appreciate his presentation. He summarized the participatory workshop on ‘Community Resiliency’ organized by the JPAC prior to the Council meeting in New Orleans and the voices of many people who feel disenfranchised by their governments at many levels. Specifically, there is a strong concern about the lack of recognition for indigenous populations in the tri-lateral agreement. The JPAC also recognizes the need for greater public awareness about the CEC, its mission and programs. As a result, both the CEC and JPAC have incorporated increased social media opportunities in their communications.

With respect to North American indigenous affairs, we understand that U.N. Special Rapporteur James Anaya was not available to provide a briefing on indigenous issues to the NAC during our meeting. We respectfully request that EPA staff renew the invitation to Mr. Anaya to make a presentation at one of our upcoming meetings.

We thank Evan Lloyd, Executive Director of the CEC Secretariat, for his presentation on the CEC Operational Plan, SEM, Trade and Environment and Article 13 Report on Spent Lead-Acid Batteries (SLABs). Among the key issues he summarized: the NAFTA is nearly 20 years old and although its effects on trade liberalization and deeper economic integration are well-established, the CEC has an on-going mandate ‘to consider the effects of trade on the environment’; CEC issues attract less public interest; and, there are new issues to address with respect to climate change and trade, and how to adapt to a new landscape. The Council’s recognition of these issues will result in a new framework and approach for the CEC Operation Plan for 2013-14 to develop fewer, more strategic projects that will produce significant results. Mr. Lloyd’s update on the Article 13 Report on SLABs was revealing in terms of the quality of data, disparity of environmental and public health standards and inconsistent monitoring and compliance reporting, and also underscores the need to support Mexico on compliance and enforcement efforts. Insofar as Mr. Lloyd was making his last formal presentation to the NAC, we thanked him for his leadership and dedication to the CEC during his tenure.

Finally, we wish to congratulate the Council for the selection of Dr. Irasemena Coronado as the new Executive Director of the CEC. As a past NAC member, she understands the importance of public participation in the on-going affairs of the CEC and we will look forward to working with her.

Thank you for your consideration of the attached NAC responses to the Charge Questions. We hope that our advice is useful to you in your capacity as a Party to the North American Agreement on Environmental Cooperation.

Cordially,



Brian L. Houseal, Chair
National Advisory Committee

cc: Michelle DePass, Assistant Administrator, Office of International and Tribal Affairs
Michael Stahl, Deputy Assistant Administrator, Office of International and Tribal Affairs
Cynthia Jones-Jackson, Office of Federal Advisory Committee Management and Outreach
Oscar Carrillo, Designated Federal Officer
Octaviana Trujillo, Chair, U.S. Governmental Advisory Committee
Irasema Coronado, Executive Director, Commission on Environmental Cooperation
Martin Gutierrez Lacayo, Chair, Joint Public Advisory Committee
Members of the U.S. National Advisory Committee

National Advisory Committee
To the U.S. Representative to the
Commission for Environmental Cooperation

Advice 2012-2 (December 1, 2012): Operational Plan, Strategic Projects

We commend the CEC Council's commitment to greening the North American economy and consideration of specific initiatives in such areas as electronic waste, tri-lateral clean energy initiatives and other specific economic integrated sectors in North America. We offer the following thoughts regarding the Charge Questions presented to the NAC.

Electronic waste:

While the NAC appreciates the environmental concerns regarding electronic waste (e-waste), we recommend that an assessment of e-waste include the entire life-cycle of specific types of electronic devices (e.g., cell phones, lap-top and desk-top computers, batteries, chargers, etc.) For example, easily recycled organic components and lead-free circuitry are becoming available for computer manufacturing, and an awareness of such options at the beginning of the production cycle could greatly alleviate the subsequent waste stream.

As a first step in addressing these issues, it is essential to compile the available data on the manufacturing processes, trade flows and disposal methods. The recent Spent Lead-Acid Battery (SLAB) report is a good example of possible methods and results that can guide future management of e-waste.

As some of the largest procurers of electronic equipment, North American government agencies should be engaged at all levels to incorporate best practices, via executive orders or other means, to implement sustainability plans directed at reducing e-waste. The same government agencies could build partnerships with the private sector manufacturers (e.g., HP, Dell, Apple, etc.) and distributors (e.g., Best Buy, Office Max, Staples, etc.) on current business models and potential improvements in both policy and practices. The recently signed Basil Convention provides some important technical guidelines on e-waste that might assist in developing North American standards.

Tri-lateral clean energy initiatives:

Early in this process, we recommend that the CEC define common terminology, criteria, assessment methods and performance indicators for the tri-lateral 'clean' energy initiatives, including economic, social and environmental effects. A summary of already successful examples of clean energy projects would be useful to illustrate this concept.

Tri-lateral clean energy initiatives should incorporate life-cycle costs of different types of energy production (e.g., nuclear, fossil fuels, renewable, etc.) and the impacts of siting, production, distribution, potential disasters, etc. on the environment, human communities and economy. For example, the increase in natural gas production may reduce the carbon emissions from coal or oil sources, but the potential trade-offs in effects on water resources, human health and wildlife habitats associated with hydro-fracturing techniques need to be better understood and included in consideration of options.

We also recommend that tri-lateral clean energy initiatives incorporate appropriate

considerations of scale, from major utility grids serving urbanized regions to rural and indigenous communities which may be off the grid. Too often, the requirements for large-scale utilities and their service areas overshadow the very real needs of rural and remote communities, especially marginalized indigenous populations, some of which could greatly benefit from decentralized and renewable energy applications. As part of this process, it would be useful for the CEC to map existing areas of energy exploitation, production and distribution (or locate and reference other sources of such information) as a means to assess and monitor medium and long-term impacts on the environment and human communities.

We would like to encourage the US Representative to recommend that the CEC Secretariat produce an Article 13 report on existing and potential distributed energy projects across North America. This report could include best practices from distributed energy systems and co-generation (e.g., methane production from cattle, agricultural wastes, landfills, etc.)

We also urge the CEC to assess the impacts on water resources as part of the energy cycle. Obviously, water can be used to produce energy, but there is also a lot of energy devoted to pumping and transporting water, particularly in the agricultural sector.

There are many other energy initiatives already underway in other regions of the world and we recommend that the CEC incorporate useful concepts, policies and practices from guidance provided from the recent Rio +20 Climate Change Conference, Green Climate Fund, etc. The USEPA might also consider expanding to a tri-national level the Council for Sustainable Biomass Production, of which USEPA is a leader in the public-private partnership.

Specific integrated economic sectors:

North America depends on the sustainability of its natural resource base (e.g., soils, waters, forests, grasslands, etc.) for a sustainable economy. An assessment of trade flows in the agriculture, forestry, farming and fisheries sectors from a production and supply chain perspective may lead to better standards and efficiencies. The automotive industry can provide illustrative examples of how the supply chain has improved since the ratification of the NAFTA, and how the lessons learned might be applied to other economic sectors.

We urge the CEC Parties to continue to upwardly harmonize their standards and measures to alleviate unnecessary obstacles to trade and to better protect the environment. The degree to which the respective North American, national, state and provincial regulations are in accord, the more efficiently trade and environmental considerations can be addressed.

Operational Plan:

The NAC agrees with the Ministers' request to the CEC to develop fewer, but more strategic projects that will produce significant results under the next operational plan. Future projects should demonstrate a clear connection between the CEC's mission, vision, strategic objectives, goals and tactics. For example, we note that the Operational Plan for 2011-2012 does not cover the three areas reflected in the Charge Questions; it contains only one project related to electronic waste, and no projects related to tri-national energy initiatives or integrated economic sectors. We recommend that projects selected within the next Operational Plan correspond more directly with the CEC's vision and strategic objectives.

In the various project descriptions, it is often unclear as to what role the CEC plays. Given limited budgets, the CEC should define its participation as lead agency, collaborator, coordinator, facilitator, monitor, etc. In a similar manner, each project should have well-defined performance indicators with economic, social, cultural and environmental measures, time-lines and desired results.

National Advisory Committee
To the U.S. Representative to the
Commission for Environmental Cooperation

Advice 2012-3 (December 1, 2012): Communication Strategy and Other Issues

Communications Strategy:

The NAC members appreciate the request to provide advice on identifying specific opportunities to implement the new communications strategy. However, we have a concern regarding the need for consistency in any messages that our respective organizations would transmit to the public and seek further guidance in this area. Hopefully, this issue will be resolved when the CEC hires a Communications Director. In the meantime, members of the NAC will direct our respective networks to the CEC website and list serve as a first step.

We commend the CEC and JPAC for their increased use of Face-book, Twitter and other social media, and encourage additional expansion in these areas to attract more people to the CEC's website and to raise awareness regarding tri-national trade and environment issues. We believe this effort can be further strengthened by creating an e-journal and e-news clips service on contemporary priority issues across the North American landscape to build public awareness and engagement.

Other issues:

Although not included in the Ministerial Statement or Charge Questions, we also request your consideration of the following topics:

Indigenous Peoples:

A general sentiment was voiced by indigenous people present at the recent JPAC workshop prior to the Council meeting in New Orleans that they are disenfranchised by their respective governments at many levels. Simply stated, indigenous rights are not given full recognition by their respective governments, especially when their traditional lands have been overlapped by an international boundary. The NAC is cognizant of the United Nations Declaration on the Rights of Indigenous Peoples, and we respectfully request that the CEC and partner nations both ratify and incorporate the guidance from the Declaration into their policies and practices. More specifically, we would like to request an update on the progress since the merger of indigenous affairs within the Office of International and Tribal Affairs (OITA.)

Water resources:

We respectfully request that the CEC to increase its focus on water resources as a basic component of many trade and environment issues. We are aware of the many bi-lateral agreements and relationships regarding watersheds and rivers, but urge the CEC to go beyond a geographic focus to consider the impacts on water quality and from increased manufacturing and trade, effects of climate change, vulnerability of human communities, and effects on natural ecosystems and species.

Appointment of National Advisory Committees from Mexico and Canada:

We commend the work of the Joint Participating Advisory Committee (JPAC) and respectfully request that the members of the Council and JPAC urge Canada and Mexico to appoint National Advisory Committees and Government Advisory Committees to provide advice to their respective environmental agencies and the JPAC. Over past years, the NAC and GAC have provided significant input to the USEPA and believe that counterpart committees would assist in advancing public participation in the CEC mission, strategies and programs.

Summary Recommendations:

- *The NAC recommends that consideration of electronic waste include the life cycle of specific electronic devices to incorporate environmentally friendly advances in their manufacturing, distribution and disposal.*
- *The NAC requests clarity in the terminology, criteria, assessment and performance indicators for ‘tri-lateral clean energy initiatives.’*
- *The NAC recommends that the Secretariat prepare an Article 13 report on Distributed Energy systems.*
- *The NAC recommends an assessment of trade flows in the agriculture, forestry, farming and fisheries sectors from a production and supply chain perspective to better integrate these economic sectors.*
- *The NAC recommends that future projects approved in the CEC Operational Plan demonstrate a clear connection between the CEC’s mission, vision, strategic objectives, goals and tactics.*
- *The NAC recommends additional expansion in the use of Face-book, Twitter and other social media to attract more people to the CEC’s website and to raise awareness regarding tri-national trade and environment issues*
- *The NAC respectfully requests that the CEC and partner nations both ratify and incorporate the guidance from the Declaration United Nations Declaration on the Rights of Indigenous Peoples into their policies and practices.*
- *The NAC urges the CEC to go beyond a geographic focus on water resources to consider the impacts on water quality and quantity from increased manufacturing and trade, effects of climate change, vulnerability of human communities, and effects on natural ecosystems and species.*
- *The NAC respectfully requests that the members of the Council and JPAC urge Canada and Mexico to appoint National Advisory Committees and Government Advisory Committees to provide advice to their respective environmental agencies and the JPAC.*