



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

FEB 27 2013

Brian Houseal
Chair, U.S. National Advisory Committee
Adirondack Council
103 Hand Avenue, Suite 3
Elizabethtown, NY 12932

Office of
International and
Tribal Affairs

Dear Mr. Houseal:

On behalf of Administrator Lisa P. Jackson, I would like to thank you for the National Advisory Committee's (NAC) advice of December 1, 2012 reporting on its October 25-26, 2012 meeting in Washington D.C. Your letter provides valuable recommendations to the United States regarding the Commission on Environmental Cooperation (CEC) and the importance of the new operational plan, communications, water resources and other issues. I was sorry that I could not join you in person, but was very happy that the Acting Assistant Administrator Michael Stahl was able to participate fully in your meeting along with others of my staff.

Thank you for your sound advice regarding a greater emphasis on greening the North American (NA) economy and the consideration of specific initiatives such as electronic waste, tri-lateral clean energy, and other economic integrated sectors in North America. The Administrator and I agree wholeheartedly that preference should be given this year to projects related to the Greening the Economy and Climate Change-Low Carbon Economies. We will be looking to you early in the process to help us identify those projects that you think best fulfill the criteria identified.

We also appreciate your advice and comments on the need to develop fewer, more strategic projects that will lead to concrete environmental results. The Parties are of one mind to make the annual CEC work plan more concrete and results oriented, and more relevant to the needs of our communities. We will work with you to make sure that this transition is done in a thoughtful and effective manner. Our response to the Committee's individual recommendations is attached.

As always, your guidance is highly valued and respected. Finally, I would like to personally congratulate you on your appointment as Chair of the National Advisory Committee. I look forward to discussing these ideas with you in more detail and look forward to seeing you at the next Committee meeting in the Spring.

Sincerely,

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

Michelle DePass
US Alternate Representative

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.

We agree with the recommendation that projects focused on electronic waste should consider the life cycle of electronic devices and incorporate environmentally friendly advances in manufacturing, distribution, and disposal. However, there are a number of organizations in the world more specialized than the CEC which are successfully studying the life cycle of electronics. These include the University of California, Berkeley, the Sustainability Consortium and MIT to name a few. The US believes these organizations are better suited than the CEC to perform life cycle assessments of electronics. Perhaps there is an opportunity to partner with some of these agencies to stay current on advances being made in the manufacturing, distribution and disposal of e-waste products.

With regards to the design of electronic products, an international design for the environment (DfE) effort is attempting to improve the manufacturing of electronics. This work, in part, is aimed at enhancing the recycling/disposal phase in the life cycle through improvements in the design of electronic products. This effort is focused on those countries in which a significant amount of design work on electronics occurs. These countries include the US, Japan, South Korea, etc. Of the North American countries, only the US does a significant amount of design work on electronics. Thus, while the CEC is not really an appropriate forum for work on electronics design/manufacturing, the US remains an active force in design for the environment.

With regards to the export of electronics and electronic waste, the CEC is working with academia to develop a study on the exports of used electronics and e-waste among the North American countries as well as outside of North America. This study is expected to be completed in the second half of 2013.

The CEC is currently implementing a project to increase the environmentally sound recycling of electronics waste. The CEC will provide training in Mexico and Canada on sound electronics recycling which will help our partner countries make significant progress in addressing issues with e-waste.

The NAC requests clarity in the terminology, criteria, assessment and performance indicators for 'tri-lateral clean energy initiatives.'

The idea of a trilateral clean energy initiative has been raised by Mexico at different times and it is our understanding that the program involves assistance in the implementation of large-scale renewable energy replication programs by building the technical and operational capacity in Mexico to allow them to carry out renewable energy-based projects. In looking into this activity further, we learned from our colleagues at the Department of Energy that such a program already exists and is related to and integrated with the US/Mexico Bilateral Agreement for Energy Cooperation. Under that agreement, Mexico's Renewable Energy Program is sponsored by DOE and USAID and is managed by Sandia National Lab. On the Mexican side, the main program sectors include the Natural Resources side of SEMARNAT, that is, the Comisión Nacional de Areas Naturales Protegidas (CONANP). The fact that a bilateral agreement is already in place, that the activities undertaken are within the purview of our Departments of Energy and Interior, and thus outside of EPA expertise, this may preclude the possible involvement of the CEC in this matter.

The NAC recommends that the Secretariat prepare an Article 13 report on Distributed Energy systems.

In 2002, the CEC Secretariat produced two Secretariat Reports to Council under Article 13 of the North American Agreement on Environmental Cooperation (NAAEC) with both reports containing sections assessing distributed energy systems. These reports, entitled **Environmental Challenges and Opportunities of the Evolving North American Electricity Market** and **Environmental Challenges and Assessing Barriers and Opportunities for Renewable Energy in North America** are early assessments of the landscape for investment, research and development, feasibility, and scalability of a variety of energy systems, including distributed energy systems. A thorough review of those two previous reports may be advisable before making a determination that additional information is needed on this issue and we will request that the Secretariat provide these reports to your Committee.

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.

With regard to an assessment of trade flows in the agriculture, forestry, farming and fisheries sectors, we can suggest to our counterparts in Canada and Mexico that attention be given to these trade flows in environmentally sensitive natural resource sectors. We agree that 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 continue to have a constructive relationship with the North American automobile industry through our liaison role with the Suppliers' Partnership for the Environment (SP) organization and will discuss the points you raised with that organization, along with a request to share lessons learned to other sectors. We have brought this to the attention of the EPA project lead on the SP and will work with him to ensure that best practices are shared with other projects.

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 U.S. agrees with your recommendation about the need for the projects included in the annual Operational Plan to clearly reflect the CEC's strategic plan, goals, etc and we will continue to support efforts to strengthen those linkages. Since 2009 the Council has repeatedly called for the establishment of clear performance goals to assess progress in the implementation of the 2010-2015 Strategic Plan. The Parties are of one mind on the need to ensure that the projects reflect the CEC's vision and strategic goals, and making the clear connections that you suggest with well-defined performance indicators is an effective way to achieve that end.

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

We agree with the NAC about the utility and importance of social media in raising awareness on trade and environmental issues. CEC has taken a more aggressive approach to communicating the activities of each project in the current operational cycle. We have encouraging news that the communication efforts made at the 2012 CEC Council Session had a significant impact and greatly improved organizational outreach. At the 2012 Council Session, there were double the number of individuals logged in following the public portions than in 2011, Twitter activity was at an all-time high for CEC, and in-person attendance at both the JPAC and the public council sessions were marked improvements over previous years. Furthermore, separate blasts, posts and tweets are developed and sent out for Secretarial reports, administrative/leadership changes, and mention of other bi-lateral and tri-lateral activity . EPA will continue to work the CEC communications team to broaden the stakeholder lists and outreach, develop targeted messages specific to each project, and seek appropriate means to encourage further use of social media tools.

The NAC respectfully requests that the CEC and partner nations both ratify and incorporate the guidance from the United Nations Declaration on the Rights of Indigenous Peoples into their policies and practices.

On Friday, February 15 Octaviana Trujillo (GAC) and Brian Houseal(NAC) hosted a conference call with U.N. Special Rapporteur on the Rights of Indigenous Peoples James Anaya. Mr. Anaya provided a very thorough and detailed presentation on the UN Declaration on the Rights of Indigenous People and the positions taken by Mexico, Canada and the US vis-à-vis ratification of that important document. We have asked Mr. Anaya for a copy of his power point presentation in the hope that it can be used as reference for further discussions on this topic.

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.

Thank you for your recommendations with respect to water issues in North America. There has been consensus among the Parties since 1994 that the bilateral and binational nature of international water issues makes it unsuitable for an organization with a trilateral mandate. In addition, the plethora of agencies at the private, community, State, provincial and local governments and federal government levels that deal directly with water issues represents a sizeable commitment to water-related issues by the Parties.

Just at the federal level we have over 10 agreements related to water: on our northern border with Canada our bilateral commitments include the Great Lakes Water Quality Agreement (which was just recently updated), the International Joint Commission, the Boundary Waters Treaty, the Columbia River Treaty, and the agreements related to the Red River Water Supply Project and Devil's Lake, to name just a few. On our southern border with Mexico, we have the 1983 La Paz Agreement, the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADBank), (which support the planning, development and financing of projects, including drinking water supply and wastewater treatment), and the International Boundary and Water Commission. Moreover, water is a key element in the U.S.-Mexico Border 2020 program and additional work related to water is undertaken annually by EPA's Office of Water through our offices in Regions 6 and 9.

We understand that your advice proposes a much broader approach: both geographical, that is from a North American perspective, and substantively; from an environmental and trade perspective, which of course goes beyond the boundary waters of each Party. The issues that you raise are an integral part of our bilateral agreements with Canada and Mexico and integrated into our domestic laws.

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.

The NAAEC requires that the Parties convene a Joint Public Advisory Committee, but merely suggests the convening of national and/or governmental committees. In the US, the Executive Order signed by then President Clinton in 1994 (EO 12915 on federal implementation of the North American Agreement on Environmental Cooperation) requires that the Administrator establish a governmental advisory committee under Article 18 and a national advisory committee under Article 17. At different times in the last 20 years both Canada and Mexico have had domestic advisory committees, but they have not reached the level of significance that the US committees enjoy, and consequently have not lasted.

Moreover, the Federal Advisory Committee Act (FACA) governs the operation of federal advisory committees in the U.S. and defines the applicability, restrictions, responsibilities and make-up of such committees. Canada and Mexico do not have a FACA-type legislation and thus, any committees that they may appoint could be very different from the FACA-mandated US model, which in fact is what has happened in the past.

Nevertheless, I can commit to raising the issue with my counterparts, as we agree with your advice that such appointments would only broaden our outreach efforts.