

Operational Guidance for Border 2012 Coordination Bodies and Task Forces April 4, 2003

Introduction

The purpose of this Operational Guidance is to designate minimum standard operating procedures under the U.S.-Mexico border environmental program, Border 2012. This Operational Guidance is consistent with the Border 2012 Guiding Principles and the Coordination Principles¹ that were developed under the former border program (Border XXI).

The mechanisms identified in this Operational Guidance are intended to optimize the use of limited resources, promote and enhance information-sharing, and improve overall coordination and teamwork among the federal governments, the border states, and other border stakeholders. The Operational Guidance may be adjusted along with other aspects of Border 2012 at the mid-program evaluation scheduled for calendar year 2007.

This Operational Guidance is organized into five sections. The first provides background on Border 2012's organization. The next four sections address critical themes of the Border 2012 Guiding Principles and the former Border XXI Coordination Principles as they relate to program implementation. They are as follows:

Section I: Background

Section II: Participation

Section III: Transparency and Open Dialogue

Section IV: Coordination

Section V: Task Forces

¹The Coordination Principles were signed by the National Coordinators and the leading environmental officials of the Ten Border States in Ensenada, Baja California on May 13, 1999. The Coordination Principles established guidelines to optimize participation and coordination on U.S.-Mexico border issues by federal, state, and U.S. tribal organizations.

I. Background

Under Border 2012, three types of binational **coordinating bodies** have been created. Regional Workgroups, Border-wide Workgroups and Policy Forums each have the opportunity to create Task Forces to implement projects at the local level. These binational coordinating bodies include:

Regional Workgroups: California-Baja California; Arizona-Sonora; New Mexico-Texas- Chihuahua; and Texas-Coahuila-Nuevo León-Tamaulipas.

Border-wide Workgroups: Environmental Health, Emergency Preparedness and Response, and Cooperative Enforcement and Compliance.

Policy Forums: Air, Water, and Hazardous and Solid Waste.

Co-Chairs: Each Regional Workgroup has one state and one federal co-chair from each country. Each of the three Border-wide Workgroups has a federal co-chair from the United States and Mexico. Each Policy Forum has a federal co-chair from the United States and Mexico. Policy Forums' co-chairs are located at EPA and SEMARNAT headquarters where they can most effectively influence national policy.

National Coordinators: The National Coordinators are federal representatives of EPA and SEMARNAT, respectively. They manage overall program implementation, and ensure cooperation, coordination and communication among all coordinating bodies. Although the coordinating bodies have autonomy, the National Coordinators ensure overall progress toward program goals, focusing on binational and transboundary environmental issues consistent with the program's Guiding Principles.

Resources: Both federal governments share responsibility for funding the bulk of activities identified in this document, with support from state governments as negotiated under the Regional Workgroups. More specifically, the leadership of the respective coordinating body facilitates distribution of costs associated with the implementation of these guidelines.

II. Participation

All Workgroups and Forums should conform to the following Operational Guidance to maximize public participation, public access to information, and to strengthen the overall program. Workgroups and Policy Forums facilitate participation of all interested border stakeholders. EPA and SEMARNAT work with program partners to extend the use of existing databases with contact information as a primary tool, along with the BECCNET, to facilitate broad participation.

Meetings of coordinating bodies are held as often as necessary to meet their respective objectives, but no less than once per calendar year. Meetings are held in communities within the U.S.-Mexico border region, alternating between the U.S. and Mexico and including simultaneous interpretation services. All meetings are open, providing the

public an opportunity to listen and comment. However, the confidential nature of enforcement issues requires the Border-wide Cooperative Enforcement and Compliance Workgroup to conduct additional sessions that are closed to the public.

Public notice² of these meetings, including agendas in both Spanish and English, will be widely disseminated at least 30 calendar days prior to the meetings. Notification of meetings should be comprehensive and could include, as resources are available, posting on the BECCNET list-serve, written notices (flyers, letters, etc.), radio announcements, newspapers and other publications, public service announcements, community calendars, and press announcements.

III. Transparency and Open Dialogue

Workgroups and Policy Forums pursue **consensus** with input provided by federal agencies, state governments, local governments, tribal governments, non-governmental organizations, the private sector, academia and the public.

Each coordinating body will have **representation** from a variety of border stakeholders. If a group elects to designate members, the rules (or by-laws) on membership should be provided in writing by the co-chairs to interested parties

Meeting agendas include presentations on task force efforts including projects, recommendations from other Border 2012 groups and discussion to identify environmental and environmental health issues that may be considered as a priority.

Draft **minutes** of all meetings will be made available in Spanish and English for review and approval by the co-chairs. Minutes in both languages will be made available on EPA and SEMARNAT Border 2012 websites, and will be finalized after a public review period of 21 calendar days.

Workgroups and Policy Forums will produce **implementation reports** that list Task Forces and their respective projects working under its auspices. Such descriptions will be updated periodically, and posted on the EPA and SEMARNAT Border 2012 websites, following a consistent format.

² Public notice and invitations to the National Coordinators meetings will be made in consultation with the environmental agencies of the Ten Border States and U.S. Tribes

IV. Coordination

Workgroups and Policy Forums are committed to **on-going communication** within and between coordinating bodies. Each body has designated U.S. and Mexican contacts to facilitate communication.

Regional Workgroups identify and document **priority regional issues** that are primarily of federal nature for consideration by Border-wide Workgroups and Policy Forums.

Policy Forums identify **priority border-wide policy issues** that can most effectively be addressed through a federally led effort, relying on the input from Regional Workgroups. The goal of this dialogue is to ensure that federal policy for the U.S.-Mexico border is implemented or administered with opportunity for review and comment by state and tribal governments, in addition to providing an opportunity for input, advice and support from non-governmental organizations and the public.

Border-wide Workgroups also identify and **prioritize programs** based in part on input from the Regional Workgroups. The annual National Coordinators meeting provides an opportunity for the Border-wide Workgroups and other coordinating bodies to present ongoing efforts and identify future projects with program partners. They also encourage participation from other agencies as appropriate and assist in identifying funding sources for regional Task Forces and projects.

Regional Workgroups will determine what additional mechanisms will be necessary to coordinate with U.S. Tribes and indigenous communities in Mexico within their respective regions. Where adopted binationally, these mechanisms should ensure that interested U.S. Tribes and indigenous communities in Mexico are provided information and allowed full participation, including leadership opportunities in Border 2012 efforts within their communities. For more information on U.S. EPA coordination with U.S. Tribes please see the EPA web site <http://www.epa.gov>.

All program partners are obligated to adhere to these minimum standard operating procedures to ensure coordination among the various Workgroups, Policy Forums and Task Forces.

V. Task Forces

Task Forces require maximum flexibility in meeting the unique objectives they pursue. These objectives range from working on legislative proposals to conducting highly technical reviews of project designs for infrastructure work. Ultimately, it is the responsibility of each coordinating body to ensure the Task Forces they authorize adhere to the Guiding Principles of Border 2012. Each coordinating body also may elect to develop more specific task force requirements for project activities, planning and reporting.

Selection of Task Forces and their leaders is made by co-chair consensus. Any party may propose the formation of a Task Force for consideration by the co-chairs.

Task Forces pursue consensus as a model for decision-making.

If the Task Force's objective requires transboundary cooperation for its completion, one leader is identified from each country. If the objective does not require transboundary cooperation, a single leader is identified by the respective country.

Leaders for Task Forces come from many sectors including, but not limited to, government, the private sector, non-governmental organizations, academia, and the public.

Task force leaders are responsible for achieving the intended objective of the Task Force and for logistical and administrative task force issues. Task Forces are supported by their respective binational coordinating body.

Task force and/or project level meetings are task-oriented working sessions. However, they are open to the public unless confidential discussions are deemed necessary for the effective pursuit of the objective. If a meeting is not open to the public, leaders make themselves or a representative of their organization available to answer questions from the public or the media.

For Task Forces that are the main implementation mechanism for Border 2012 activities in a specific region, the announcement of meetings may be shortened to no less than 14 calendar days prior to the meeting date. All other Task Forces will adhere to the 30 day public notice period.

Coordinating bodies support their respective Task Forces with training opportunities, where appropriate, and with the establishment of mechanisms to allow Task Forces equal opportunity to compete for funding. Additionally, they encourage task force participation in non-border grant and other funding opportunities.

Simultaneous interpretation services at task force meetings are made available when deemed necessary by the leaders and when funding permits.

Task force leaders present their respective coordinating body's co-chairs with the following information prior to the Regional Workgroup and/or National Coordinators' meeting:

- A concise statement of the Task Force's objective.
- A brief description of the Task Force's past and planned activities.
- A short statement of the types of support that the group may require to effectively pursue their objective.
- The contact information of an individual in the U.S. and/or in Mexico who serves as a public and media contact for the specific Task Force.

A Task Force may be disbanded by decision of the respective coordinating body co-chairs.