



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 28 2008

OFFICE OF  
INTERNATIONAL AFFAIRS

Mr. Jeffrey N. Wennberg  
Chair, U.S. Governmental Advisory Committee  
Development Review Board  
City of Rutland  
15 Grandview Terrace  
Rutland, Vermont 05701

Dear Mr. Wennberg:

On behalf of Administrator Stephen L. Johnson, I would like to thank you for the Governmental Advisory Committee's (GAC) advice of May 23, 2008 reporting on its April 2008 meeting.

Your spring advice provided valuable recommendations regarding several projects of the Commission on Environmental Cooperation (CEC). Your spring meeting focused on projects in the area of trade and environment, and I understand that upcoming meetings will explore projects related to information and capacity building, in order to prepare you for a more detailed discussion of the upcoming Strategic Plan for 2010-15, beginning in 2009. I look forward to your continuing advice as we move forward in this important work.

We appreciate your thoughtful comments concerning the CEC's Trade and Environment Program, particularly on the issue of improving the North American Symposium on Assessing the Environmental Effects of Trade and on the new program area on economic and environmental sustainability. The next Symposium is currently slated for 2010. Over the coming months, the parties and the Secretariat will begin to discuss the way forward, including whether the symposium structure is the appropriate vehicle for assessing the environmental effects of trade. Your advice will be very helpful as we design the next steps of this program. We will give particular attention to your suggestions about better defining the purpose and target audience for the output from the symposia, and using that information to identify key partners whom we can engage with early in the planning process. You also provided some interesting ideas about how to encourage greater participation in the Symposia. As we begin to plan for the next event we will give careful consideration to these ideas. Finally, you have offered some interesting suggestions about how to improve the dissemination of the information presented in the Symposium. In that regard we note that portions of the 2005 Symposium were published in the journal *International Environmental Agreements: Politics, Law and Economics* (which may be found at:

<http://www.springerlink.com/content/q67703226772/?p=ab933a2a116e494abd4e746e82c71247&pi=4>.)

In addition, the CEC prepared and distributed a pamphlet on the results of the 2005 seminar that includes the author's summary of the papers presented at the Symposium and comments from the rapporteurs and discussants, as well as a compact disk containing the final version of each paper. This material was also posted on the CEC website ([http://www.cec.org/pubs\\_docs/documents/index.cfm?varlan=english&ID=1997](http://www.cec.org/pubs_docs/documents/index.cfm?varlan=english&ID=1997).) Efforts are underway to prepare similar material for the Fourth Symposium which was held in Phoenix, Arizona earlier this year. Those papers are currently being revised by the authors before being submitted for publication. If it is decided to move forward with planning the next Symposium, we will consider other methods of disseminating this information, including those which you have proposed.

We also welcome the discussion that we had during the most recent meeting and your subsequent comments on the question of how the CEC might best play a role in promoting an understanding throughout North America that environmentally sustainable business practices can benefit both the environment and the bottom line. In particular, we appreciate the presentation made by NAC member Dennis Aigner on the state of corporate social and environmental responsibility in business today. Your advice contains a number of interesting ideas about how to focus our work on this issue and we will use them as we further develop this project, initially in connection with the public outreach that the Trade and Environment Working Group will co-host with the Joint Public Advisory Committee at the end of the year. We hope that members of the NAC and GAC will be able to participate in that meeting. Additional information about the meeting will be provided as it is available.

We appreciate the attention and thought given by the GAC to the subject of import safety and the work of the Enforcement Working Group (EWG). We agree that the issue of import safety should continue to be a priority of the CEC, as demonstrated by the presentation at the recent Council Session.

The GAC has identified the need for a North American standard of non-compliance in order to establish a clearinghouse of non-compliant products. We would like to clarify that within the varied, existing domestic regulatory schemes, the challenge will be to identify common limits which, if exceeded in any of the countries, would be unlawful for all. That would be a first step to furnish the legal basis for cooperative enforcement action in North America.

Your letter makes various suggestions concerning the pilot project, including a focus on limited product lines and locations and the development of mutual aid agreements among government levels concerned with ports. The optimal mix of features for the pilot is yet to be decided. The EWG will be considering a whole range of options, including those you suggested, in developing an effective pilot.

Regarding the online training that is being developed for inspectors, you recommend that inspectors spend as much time as possible in the field for hands-on experience and also have classroom training, for which additional staff and funding should be provided. You also suggest that, as a near-term substitute for field experience, "the CEC should facilitate and encourage formal training of new recruits to ensure that they possess minimal competencies before being assigned to the field." We note that the CEC can offer recommendations, of course, but it would

fall to the separate governments of the three North American countries to devise what they consider to be appropriate training for their own employees. Further, the GAC urges the U.S. government to take the lead, and foster a closer working relationship between EPA and Customs in the training of new recruits (such as the model offered by the Good Neighbor Environmental Board). EPA has had preliminary discussions with counterparts at the U.S. Bureau of Customs and Border Protection about the availability of the web-based courses and will continue the discussions to explore how the two agencies can cooperate on training opportunities. Your suggestions will be considered in this process. In addition, GAC recommends the establishment of cross-training between nations, facilitated by the CEC, and this can be a matter for possible consideration in the Enforcement Working Group.

Finally, the GAC proposed the utilization of standard performance measures by all three nations. In this regard, a tally of the number of noncompliant products within a country, which you specifically suggest, would certainly provide a revealing measure, although amassing comprehensive and accurate information to support such a measure would be difficult. This would also be a matter for possible consideration in the Enforcement Working Group.

We appreciate your support of the work of the Hazardous Waste Task Force (HWTF) of the EWG, and in particular your interest in tracking hazardous waste and potentially other substances by Radio Frequency Identification (RFID) technology. The switch from paper-based to electronic transmission of data on movements of hazardous waste between countries, on which the HWTF is principally engaged, will be an exciting breakthrough in compliance monitoring for the CEC community. At the same time, tracking technologies such as RFID deserve close consideration.

The EWG is supportive of projects that green the supply chain, both here in North America and abroad, in order to prevent traffic in non-compliant goods. As you know, there is currently a CEC project related to greening specific supply chains in North America. We feel that it is important to complete the existing projects before adding new ones.

Thank you for your acknowledgement regarding the improved 2008 Operational Plan. We look forward to your continuing advice on the format and content of the plan as we move toward the Operational Plan in 2009. We would like to mention that updates on working group meetings are available on the calendar section of the CEC website. In addition, many of the related documents are available on the CEC website. We hope that expected improvements in the CEC website will make this content easier to find and use.

Thank you for your advice on the Article 13 Report "Green Building in North America." EPA shares your opinion on the quality and importance of the report, and will continue to consider the recommendations that have not yet been incorporated into our efforts. In fact, the federal government has efforts underway related to a number of the recommendations. For example, the report recommends working with a wide variety of partners on green building research. EPA is currently involved in a number of efforts to develop a comprehensive green building research agenda, as part of our emphasis on strengthening the scientific, technical, economic and institutional foundations of green building. These efforts have involved working with our federal partners, such as GSA, Department of Energy, and the National Science and

Technology Council, as well as nonprofit organizations such as the United States Green Building Council. EPA will also be developing its own green building research agenda in the coming months, with the hope that the information resulting from such research can be used by the private and public sectors throughout North America to make more informed decisions. The report also suggests that the North American governments lead by example. EPA has developed a strong partnership with GSA as we continue to make progress in improving the environmental performance of not only EPA buildings, but all buildings in the federal government's inventory per Presidential Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," signed in January 2007.

We look forward to discussing these projects with you in more detail, and continuing to work together to strengthen the CEC as a catalyst for cooperative action, with relevance to United States constituencies and to North America. We look forward to seeing you at your fall meeting in Yuma, Arizona.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Fulton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott Fulton  
Alternate Representative for the  
United States

cc: M. Dolores Wesson, Chair, U.S. National Advisory Committee  
Jane Gardener, Chair, Joint Public Advisory Committee  
Members of the U.S. Governmental Advisory Committee