



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 16 2009

OFFICE OF
INTERNATIONAL AFFAIRS

Jeffrey N. Wennberg, Chair
U.S. Governmental Advisory Committee Commissioner
VT Department of Environmental Conservation
103 South Main Street, Building 1 South
Waterbury, VT 05641-0401

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 December 15, 2008 reporting on its October 23-24, 2008 meeting and providing valuable recommendations to the United States regarding the Commission on Environmental Cooperation (CEC) and activities undertaken related to the State of the Environment Report, Biodiversity and the CEC Operational Plan. I was sorry that I could not join you in person, and am pleased that Sylvia Correa, Senior Advisor for North America of my staff, was able to join you in my stead.

Thank you for the valuable comments you provided regarding Mapping North American Environmental Issues. We agree with you that the information included in the map should serve both professionals and the broader community. Similarly, we agree that increased resolution of the Atlas will increase its value to states and communities; we continue to hear the same suggestions concerning EPA's efforts to report on the state of the US environment. The edge mapping activities need to serve not only the national map agenda but also be provisioned in a way that the content can be consumed by a variety of GIS mapping tools, like Google Earth, to make data sets of various geographical scales available to user communities.

Your recommendations with respect to the State of the North American Environment Report are right on target. We agree that a version of the report should be available on line to include all references needed to give the report the scientific credibility required. We agree as well that data generated by states and ECOS would be an important source of information, but we need to remember that the intent of the effort is a report at the North American scale and not at the scale of individual states. Regarding public input, the U.S. is in complete agreement with the GAC that the CEC should develop a mechanism by which citizens can more actively provide input to this as well as other CEC efforts and we will continue to encourage this idea.

We appreciate your thoughtful comments concerning a project that would pilot the concept of continent-wide regulatory standards for imported products and test increased cross-border coordination at several major crossings. The optimal mix of features for this pilot is yet to

be decided. The Enforcement Working Group (EWG) will be considering a whole range of options, including those you suggested, in developing an effective pilot. To update you on further training efforts, the CEC on-line Ozone Depleting Substances training, presented during a previous meeting, is complete. Module 1, available to the general public, can be accessed through www.cec.org and module 2 for inspectors is available at www.netionline.com, EPA's National Enforcement Training Institute. The CEC Hazardous Waste Training for Border Inspectors is under development and will be completed in 2009.

Parallel activities in support of continent-wide regulatory standards have been undertaken by EPA's Office of Environmental Information, with support from our Office of General Counsel. Representatives from both Offices met with Customs and Border Protection's (CBP) Office of Regulations and Rulings (OR&R) to discuss a "straw" Data MOU (memorandum of understanding) that will be used for exchanging data between EPA and CBP. The MOU covers topics that range from authorities and responsibilities to emergency situations and data elements. CBP conducted an initial review and will follow up with more detailed comments. The meeting was a significant step forward in developing the Data MOU between the two Agencies.

We also appreciate the attention and thought given by the GAC on the subject of biodiversity and will propose alternate approaches in addressing this issue. EPA will also suggest that the CEC add a standing agenda item with sufficient description to satisfy any necessary posting requirements to improve the communication.

Thank you for your advice regarding the development of the 2010-2015 Strategic Plan of the CEC. We agree that the task of articulating a long term vision and direction for the CEC is the appropriate purview of the Council, and we will strive to address the strategic needs and opportunities confronting the CEC and thus the Parties. This time of transition in Washington offers a perfect occasion for such a discussion. To that end, we will continue to look for opportunities to develop a common vision among the Parties that will translate into greater accomplishments to benefit the environment in North America.

Your recommendation to set a dedicated time during each meeting to include a comprehensive review of the status of past advice has been seriously considered, and we have concluded that, given the reality of the conditions under which the CEC operates, such a schedule would not likely be feasible. For example, although the Advisory committee meetings are scheduled regularly and continuously, negotiating sessions among the three NAAEC Parties are not so easily arranged, and guidance to the Secretariat can be given only after consensus is reached among the Parties. Moreover, as your letter recognizes, some of the recommendations given require long implementation schedules, and more importantly, a final decision regarding whether any advice is ultimately taken at the trilateral level is not within the sole purview of the E.P.A. or the US government. A better approach would be to provide the Agency with specific questions regarding the status of a particular past advice prior to the scheduled meetings and include it as part of the agenda items so that the OIA representative participating in the meeting can address the question directly or provide other appropriate feedback.

Thank you for your request to obtain copies of the advice and responses between the other NAAEC Parties and their particular advisory committees. We agree that such interaction

would be a good thing, and we are happy to propose such an exchange to our Partners. Just as a reminder, however, we would point out that Articles 17 (NAC) and 18 (GAC) give the Parties the right, not the duty, to create domestic advisory committees and it is unclear to us the degree to which a fulsome advisory committee process exists in either Mexico or Canada. Finally, we appreciate the concerns raised by the GAC regarding non-Web availability of CEC reports and data, and the possibility that members of the public without internet access will be at an increasing disadvantage. The U.S. would welcome advice on improving outreach to the technologically underserved communities in the United States.

As always, we appreciate and value the guidance you provide to this important program. We look forward to discussing these ideas with you in more detail and continuing to work together over the winter and spring to strengthen the CEC as a catalyst for cooperative action.

Sincerely,

Scott Fulton
Acting Assistant Administrator