



U.S. Governmental Advisory Committee
*Independent Federal Advisors
on the North American
Agreement on Environmental Cooperation*

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New Mexico

Teri Goodmann
Iowa

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Texas

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Texas

Octaviana Trujillo
Pascua Yaqui Tribe

Roger Vintze
California

Gerald Wagner
Blackfeet Tribe

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

The Government Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) held its thirty-fifth meeting on April 14-15 in Washington, DC.

Special thanks are offered to Michelle DePass, Assistant Administrator for the Office of Tribal and International Affairs (OITA). Assistant Administrator DePass brought a welcome and thanks on your behalf and remained with the committees for an extended period during which we had an excellent dialogue on a variety of issues, including your most recent response letters. Assistant Administrator DePass also arranged a special breakfast meeting for the NAC and GAC chairs and tribal representatives to discuss issues that were raised in the last GAC advice letter and hear concerns specific to tribal nations. This outreach was very much appreciated by all in attendance.

We would also like to thank Sylvia Correa, Senior Advisor for North American Programs in OITA for her presentation at the session. Sylvia provided an overview of the draft Operational Plan, which is the heart of the advice that follows. Sylvia's wealth of institutional knowledge is always very helpful, especially to our new committee members. Thanks also to Acting Director Cynthia Jones-Jackson, Associate Director Mark Joyce and NAC/GAC Designated Federal Officer Oscar Carrillo, and all of the Office of Federal Advisory Committee Management and Outreach (OFACMO) staff for their excellent preparatory work.

Dolores Wesson, formerly of EPA and now Program Director for the CEC, made a presentation on the draft Operational Plan, with particular emphasis on the history of Operational Plan development processes and how the 2011-2012 Plan is a departure from past practice. As you will note in the advice letter, the GAC very much appreciated Ms. Wesson's presentation and recommends that the draft Plan is modified to include some of the content she shared with the committees.

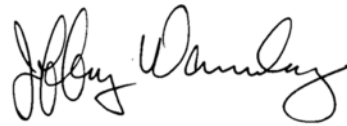
Also in attendance and contributing were Rick Picardi of EPA's Office of Solid Waste and Emergency Response and William Sonntag from EPA's Office of Environmental Information. Both gentlemen provided background on several proposed CEC projects and their importance from the perspective of EPA priorities.

As always, we sincerely appreciate the participation from EPA's Office of International Affairs and the Office of Federal Advisory Committee Management and Outreach. In addition to Sylvia Correa of OITA, Cynthia Jones-Jackson, Mark Joyce, Oscar Carrillo, Stephanie McCoy and Lois Williams from OFACMO staffed and supported our meeting.

Unlike our fall meeting in New Orleans, which was partially held in common with the JPAC, the April meeting in Washington D.C. was narrowly focused on the draft Operational Plan with ample time for joint and separate committee discussion. The GAC hopes our advice reflects the benefit of this focus and meeting structure.

In conclusion, we appreciate EPA's continued support of our role in advising the United States Government on the enhancement of environmental conditions throughout North America, and look forward to supporting your efforts in the future.

Sincerely,



Jeffrey N. Wennberg, Chair
Governmental Advisory Committee

cc: Michelle DePass, Assistant Administrator, EPA, Office of International Affairs
Jane Nishida, Director, Office of Regional and Bilateral Affairs
Cynthia Jones-Jackson, Acting-Director, Office of Federal Advisory Committee Management & Outreach
Oscar Carrillo, Designated Federal Officer
Karen Chapman, Chair, U.S. National Advisory Committee
Irasema Coronado, Chair, Joint Public Advisory Committee
Evan Lloyd, Executive Director, CEC
Members of the U.S. Governmental Advisory Committee

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

April 14-15, 2011 Meeting
Washington, D.C.

General Comments on Advice 2011-1, 2 and 3

The GAC met in joint session with the NAC on April 14 and briefly on April 15, with the balance of the meeting on the 15th devoted to GAC deliberations on this response to the charge questions. The Charge Questions from EPA to the GAC for this meeting were as follows:

The new CEC Operational Plan 2011: This is the first operational plan incorporating the three priorities outlined in the new CEC strategic plan.

- 1) *Comment on the substance and format of the operational plan.*
 - a) *Are the projects aligned with the three Council priorities?*
 - b) *Is the format user-friendly?*
 - c) *Any other observations you have on the new plan?*
- 2) *Follow-up on Meeting Discussion: During the April meeting you will have a dialogue with EPA officials on the advice you provided in your December advice letter.*
 - a) *Is there any advice you would like to provide based on your discussions; any new insights gained that would further your advice?*

The GAC offers this advice organized in three groups: Operational Plan format and presentation, general observations and comments, and project-by-project advice. While these sets of recommendations are offered separately they collectively respond to Charge Question number 1 and should be considered together.

No advice is offered on charge question number two. The GAC appreciates Assistant Administrator DePass' response and has no further recommendations or insight beyond that contained in the December letter.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

**Advice 2011-1:
2011 Draft Operational Plan Format and Presentation**

The GAC appreciates the organizational plan background and history briefing provided in the April 2011 meeting which helped members understand why the plan is structured and formatted in the current fashion. The GAC supports the detail which is contained in each of the project sections and the requirement that each project be explained in the context of the three Priorities. The result of the Parties' and Secretariat's joint effort to provide more detail has resulted in greater transparency. However, an additional result is the plan is now larger and more difficult to navigate and understand. The GAC recommends the following enhancements to the plan document, all of which are intended to better communicate the 'sum of the parts' purposes and expectations.

1. **Provide a brief (2-3 page) Executive Summary.** The Executive Summary should not include project-specific detail. Rather, it should (a) summarize the process by which the plan was developed, (b) state the broad purposes or goals it seeks to serve, (c) reinforce the project selection criteria and (d) briefly describe any significant departures from prior plans. Long-standing projects that are being terminated should be identified with explanation of whether and how the work may continue outside the CEC. New initiatives should be identified with a brief rationale for their elevation to funded status. Also, a discussion of significant budgetary information would be useful.

2. **Provide a matrix showing critical information about all the projects on a single page.** The matrix would have the projects listed in the rows and attributes in the columns. For example, the three priorities of *Healthy Communities & Ecosystems*, *Climate Change - Low Carbon Economy*, and *Greening the Economy in North America* could each have a column. This snapshot would summarize projects and identify the multiple priorities being supported, and not simply categorizing them by a single priority as was done in the draft plan. The GAC noted that project #10 *Ecosystem Carbon Sources and Storage: Information to Quantify and Manage for Greenhouse Gas Emissions Reductions* served both *Climate Change - Low Carbon Economy* and *Healthy Communities & Ecosystems*, even though it was categorized under climate change. Subsets of strategic objectives within a priority could also be identified. Additional attributes could include whether the project is a continuation of past work or a new initiative, the expected life of the project, partners or key resources the project will engage or require, linkages with other proposed or past CEC projects or activities, project budget, etc. A sample matrix is shown below.

Project	Healthy Communities and Ecosystems				Climate Change - Low Carbon Economy		Greening the Economy	Final Work Product	Total Budget	New Initiative or Continuation	Expected Year of Completion	Linkages with Other CEC Projects	Non-CEC Partners or Key Resources
	Vulnerable Communities	Increased Resilience	Chemical Management	Law Enforcement	Comparability of Emissions Data	Experts' Engagement & Information Sharing							
North American Capacity Building Framework Document													
Alaskan Populations and Indoor Air Quality													
Grasslands													
Big Bend - Rio Bravo													
Tracking Chemicals													
Risk Reduction													
Environmental Monitoring													
Environmental Law Enforcement													
Improving Comparability													
Carbon Sources													
Platform on Climate Change													
Green Building													
Greening Auto Supply Chain													
Tracking Pollutants													

3. **Provide a life cycle chart for current and proposed projects.** In her PowerPoint presentation CEC Director of Programs Dolores Wesson provided the graphic shown below. GAC members found this to be very helpful and consistent with past recommendations offered by the committee. The GAC believes such a graphic should be included in this and all future operational plans. The GAC recommends that additional columns beyond 2012 be added indicating the life expectancy of the project. Some graphic indication should be made to clearly indicate which years are covered by the operational plan and budget and which extend into the future and are therefore speculative and subject to future Council approval. If necessary, a disclaimer noting budgetary constraints can be included.

CEC Projects	2005	2006	2007	2008	2009	2010	2011	2012
North American Atlas								
State of the Environment Report								
Environmental Assessment of NAFTA								
Healthy Communities and Ecosystems								
Capacity Building in Vulnerable Communities								
Improving Indoor-air Quality in Alaskan Native Populations								
Big Bend – Rio Grande Transboundary Landscape Conservation								
Invasive Species								
Grasslands								
North American Pollutant Release and Transfer Registers								
Environmental Monitoring and Assessment of Pollutants across NA								
Sound Management of Chemicals								
Air Quality Information and Management								
Strengthening Wildlife Enforcement								
Trade and the Enforcement of Environmental Laws								
Species and Spaces of Commons Concern (marine, terrestrial)								
Monarch Butterfly								
Recovering Vaquita								
Climate Change – Low-Carbon Economy								
Improving Comparability of Emissions Data								
Ecosystem Carbon Sources and Storage								
NA Online, Interactive Informational Platform on Climate Change								
Greening the Economy in North America								
Green Purchasing								
Conserving Biodiversity Through Trade								
Renewable Energy								
Environmental Sustainability and Competitiveness in NA								
Clean Electronics / E-waste								
Greening Supply Chains (SMEs, Auto Sector)								
Green Building								

Governmental Advisory Committee (GAC)
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**Advice 2011-2:
2011 Draft Operational Plan General Advice**

The GAC offers the following general comments on the Operational Plan development process and document. Project-specific advice is offered in Advice 2011-3, below.

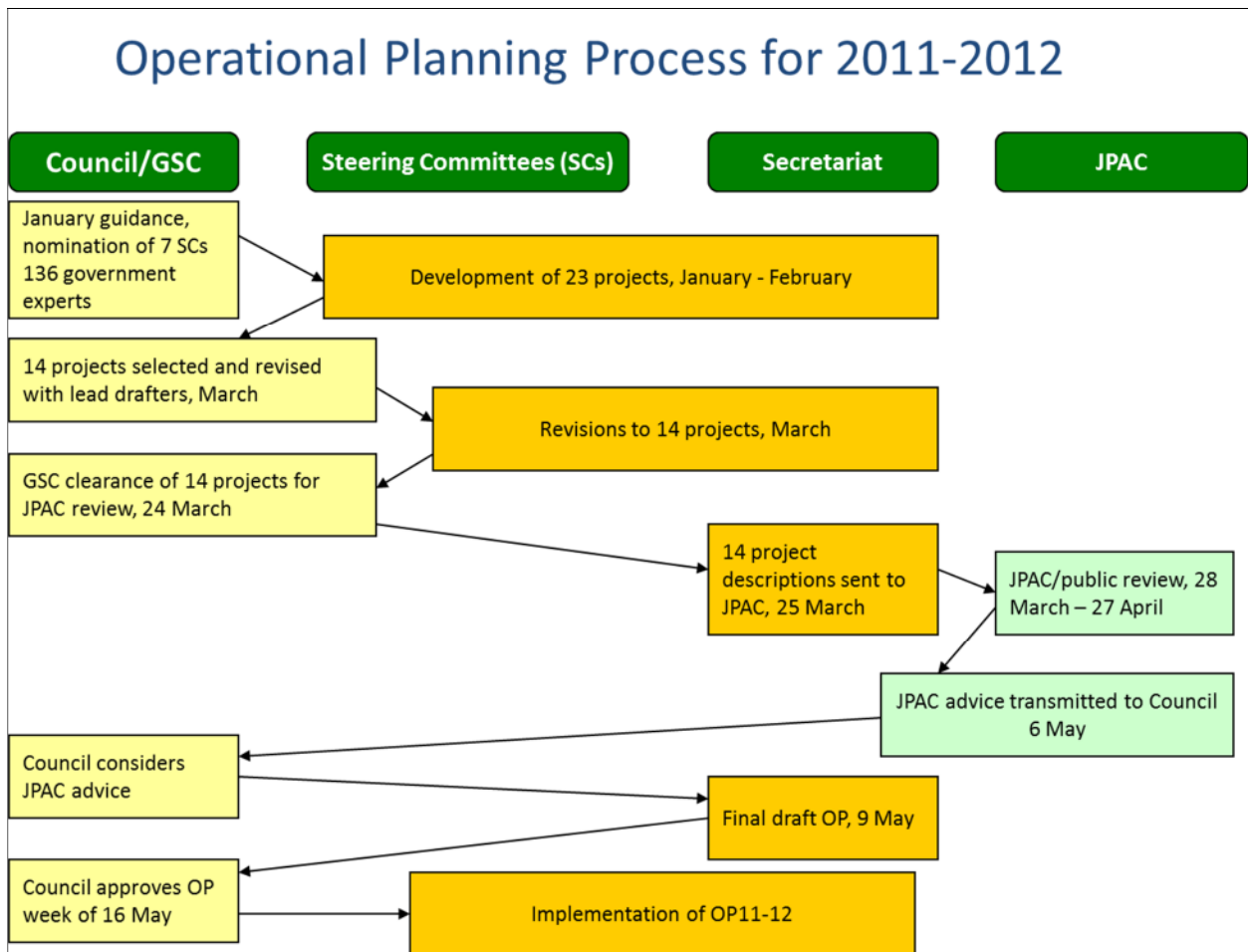
For a number of years the GAC has urged the United States to advocate that the Parties assume greater control over the development of the Operational Plan. In the past the Operational Plans were generated by the working groups and Secretariat staff and worked their approvals up through the organization, ending with Council. The GAC appreciated the value of having front-line knowledge and expertise guide the previous drafts but was troubled by the perception that the end product promoted the continuation of the status-quo rather than embrace the evolving strategic priorities of the Council. For the first time the 2011-2012 Operational Plan fully embraces this advice and the GAC deeply appreciates the substantial effort the Parties undertook to accomplish this.

The draft 2011-2012 Plan is therefore a departure from its predecessors, with projects reflecting the engagement of the Parties and furthering the three strategic priorities. The Plan document, however, provides only budget information and project descriptions and justifications. The larger context and rationale for the selection of these projects is not presented. This leaves the reader to speculate on how and why certain projects are funded and others are not. Prior Operational Plans clearly presented the rationale for project funding but failed to connect all the projects with Council priorities; the 2011-2012 Operational Plan clearly connects projects with Council priorities but does not present the selection criteria, process or rationale.

The GAC recommends that in addition to the document enhancements proposed in GAC Advice 2011-1, the Operational Plan document include a section following the Executive Summary and the budget tables to provide this needed context. This section should contain a description of the process used by the Parties to propose, consider and select projects. It should identify the General Standing Committee as the entity that received, evaluated and proposed the projects. It should list and explain the evaluation criteria used by the GSC:

- 1) Consistency with the Strategic Plan
- 2) North American scope
- 3) Results - clear and tangible
- 4) Agency - CEC most effective
- 5) Timeline - clear & sunset
- 6) Identify:
 - a) Links with other projects
 - a) Target audience and application
 - b) Beneficiaries
 - c) Stakeholder involvement

The overview section should describe the internal CEC process used for the selection, review and approval of projects. This information was contained in the presentation by Dolores Wesson and the slide graphically depicting the process is repeated here:



The GAC also believes that with greater transparency regarding how the selections are made comes the opportunity to offer advice and comment on the process itself. Advisory committee and stakeholder input on the criteria and process should be invited and considered prior to the development of future Operational Plans.

Efforts should also be made to quantify the expected benefits derived from CEC projects where such quantification is possible. Local and state governments are regularly tasked to estimate the health, economic or fiscal benefits of proposed investments so that the results can be measured against those projections. Several of the proposed projects appear to lend themselves to this approach but have not been proposed or presented in this fashion. The GAC recommends that project proposals include this type of analysis wherever possible, and identifies several specific opportunities in Advice 2011-3.

In reviewing the specific projects the GAC repeatedly observed that work similar to that described in the Plan has been or is being undertaken by others. In some project descriptions

there is an early task calling for research to identify such work and incorporate its availability into the detailed design of the project, but this is not found in all. The GAC believes that there is a great deal to be learned from similar work undertaken by federal agencies, states and provinces, NGOs, universities and private entities and recommends that every effort be made to identify and assemble the results of this work before launching a new project. The collection of this information will allow the CEC to identify analytical or programmatic gaps or opportunities to harmonize disconnected projects and as a result maximize the benefit of the CEC's investment.

The GAC noted that the projects under the second priority, *Climate Change - Low Carbon Economy*, are mitigation-focused; scant attention is given to the challenge of climate adaptation here or elsewhere in the Plan. Many local and state jurisdictions throughout North America are rapidly concluding that unavoidable climate change expected to occur over the next several decades will present new challenges to infrastructure, ecosystems, agriculture, human health and economic growth. The GAC recommends that the Parties elevate addressing climate adaptation within the second priority objectives. Toward that end the GAC recommends that all the projects within the Operational Plan be reviewed for opportunities to incorporate these concerns. Specific GAC suggestions can be found in Advice 2011-3.

The GAC notes that a number of the projects call for assembling officials or experts to discuss or develop plans and strategies, and to facilitate better coordination among the three Partners' agencies and departments. The GAC is aware that the CEC has made good use of electronic meetings (webinars and teleconferences) in the past and encourages a review of travel and related budgets in this operational plan to ensure that the CEC makes maximum practical use of this technology.

Finally, given the broad scope and very limited budget available to the CEC, the GAC restates advice offered in prior letters and recommends that the United States support limiting the number of projects undertaken at any one time to avoid diluting efforts and to enhance opportunities for advancing projects.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
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**Advice 2011-3:
2011 Draft Operational Plan Project-Specific Recommendations**

Project 1: Capacity Building to Improve the Environmental Health of Vulnerable Communities in North America

This project is a good example of the principle mentioned in Advice 2011-2 above pertaining to similar work completed or undertaken by others. While the project summary acknowledges and identifies existing tools, data sources and best practices, the five tasks do not include a step designed to research these and other opportunities. The GAC believes that a great deal of related work has been done by NGOs and others and recommends that the framework development process not begin until a complete understanding of the work performed by others is achieved.

The Environmental Outcome statement is a restatement of the project's purpose. This project might lend itself to some quantification of expected benefits, at least as an illustration of the project's potential if not a prediction of global benefits. For example, under existing tools several Canadian programs are mentioned. Have any of these been evaluated to show reduced incidence of disease or mortality? If so, this information could be used in the "outcome" section to illustrate the potential health outcomes or economic savings benefits of the project proposal.

The GAC believes this project is particularly well suited to also address climate adaptation, especially to the degree that a changing climate will present new or amplify existing environmental hazards or susceptibility to them. Most climate models show for many regions an increase in the number and duration of heat waves, increased frequency and intensity of storms, and significantly altered rainfall patterns. These changes in weather patterns are likely to directly (as is the case with heat waves) or indirectly (as is the case with expanded ranges for disease) alter human health environmental stressors. The study of variables that influence the vulnerability of individuals, communities or populations should include these factors as well as the identification of appropriate risk mitigation measures.

Project 2: Improving Indoor Air Quality to reduce exposure to airborne contaminants including fine particulates and chemical compounds in Alaskan Native Populations and other Indigenous Communities in North America

This project is a good example of a well-defined project with measurable outcomes. The GAC had some question about whether the CEC is the best entity to fund the project. After a discussion of the unique circumstances facing these Alaskan Native communities the GAC concluded that the CEC was an appropriate funder for this project, and that the project clearly addressed the first strategic priority. The GAC would like to see a stronger emphasis on how the lessons learned could be applied elsewhere in Canada, the US and Mexico, and where permanent funding might be found for similar projects going forward.

Project 3: North American Grasslands: Management Initiatives and Partnerships to Enhance Ecosystem and Community Resilience

The GAC supports this extension of the CEC's excellent grasslands program, but believes that some of the work proposed in this project has been undertaken by others, notably the NRCS, the Nature Conservancy, DOI, BLM and USGS. Therefore Task 1, which seeks to coordinate, synthesize and disseminate information regarding best practices from ranching and related industries, appears too narrowly defined. The GAC recommends a comprehensive review of all related efforts before undertaking potentially duplicative tasks. Furthermore, the GAC believes the following assertion in the Project Summary is wrong, or at best overstated: "*To date, best management practices and actions have been lightly developed, poorly coordinated and are not explicitly linked to research that demonstrates the biodiversity value and sustainability of these practices.*"

The GAC supports continued work in this area and very much appreciates the value of past CEC grasslands work; however we believe the state of knowledge in this field is better than represented in the project summary and want to make sure scarce CEC funds are used to expand our understanding and improve conservation efforts, and not to duplicate work done by others.

The GAC notes that the development of accepted methods for quantifying carbon sequestration values for managed grasslands would be of value. Accounting for carbon sinks is a critical need if we are to make reliable projections of future atmospheric CO₂ concentrations and whether and when GHG mitigation measures will achieve targets tied to atmospheric concentrations. As such the GAC believes this project should be classified on the proposed matrix as serving both Priority 1 and Priority 2.

Project 4: Big Bend-Rio Grande Collaboration for Transboundary Landscape Conservation

The GAC applauds the inclusion of this project in the Operational Plan. The GAC has been calling for the CEC to become more involved in water-related issues and projects for a number of years and sees the *Big Bend-Rio Grande Collaboration* project as a superb example. The project is presented with specific tasks and objectives well thought out and described. The GAC suggests that the description of environmental outcomes could contain more measurable goals, for example, "recruiting additional landowners for implementing grassland restoration;" could specify a target number or percentage increase, and "improving the status of the Rio Grande silvery minnow;" could specify some metric by which an improvement could be tested.

The project as described represents a monumental undertaking, but the GAC is aware of opportunities for partnerships that should help. In addition to those mentioned in the Operational Plan, the GAC specifically suggests the International Boundary & Water Commission (IBWC), and in particular the Texas Clean Rivers Program, which has collected water quality data throughout the Texas portion of the Rio Grande Basin. The bilateral solutions developed by the IBWC for the U.S./Mexico border region have potential for application to the U.S./Canada border and to tri-lateral water-related issues.

Project 5: Approaches for identifying and tracking chemicals in commerce in North America

Project 6: Risk reduction strategies to reduce the exposure to chemicals of mutual concern

Project 7: Environmental Monitoring and Assessment of Chemicals of Mutual Concern

These projects are a continuation of the Sound Management of Chemicals program within the CEC, which has been one of the most successful efforts the CEC has undertaken. The environmental outcome statements for projects 5 and 7 are specific and measurable. The environmental outcome statement for project 6 could be improved to include a measurable outcome, or at least an illustration from related efforts of the potential benefit. The information developed under project 5 and related chemicals tracking projects needs to be readily available to states, localities and tribal nations. This is already the case in the U.S. and Canada, but is not yet the case in Mexico.¹ Task 1 seeks to complete work on the Mexican National Chemicals Inventory. Once completed, similar information should be publicly available for all three nations. The GAC supports these projects and the overall extension of SMOC program activities.

Project 8: Enhancing Environmental Law Enforcement in North America

The GAC supports this project and notes support for related efforts in earlier advice, however the project description is unclear, the objectives are not measurable and the scope of the effort is fragmented and confusing. GAC members who have been on the committee for a number of years and attended earlier briefings were able to explain the project to new members, but without that supplemental information the new members would not have been able to grasp the purpose or benefit of the project from the Operational Plan.

The GAC recommends that the description of Project 8 be rewritten to resolve this problem. Furthermore, the Environmental Outcome section lacks any measureable metric by which progress can be judged. Of all the projects in the Operational Plan, the interdiction of illegal shipments of environmentally-regulated materials is not only measureable, it is measured. Simply stating that the project will “increase the number of non-compliant targets identified” fails to take advantage of this statistic. By how much will the number increase? When should the benefits of the project become apparent?

Project 9: Improving Comparability of Emissions Data, Methodologies and Inventories in North America

This is a continuation of the project authorized prior to the development of the Operational Plan that was originally proposed by the GAC in earlier advice. The GAC recognizes the continuing value of this effort however the project description does not incorporate or explicitly consider work done by others. The Climate Registry, which has members in Canada, the US and Mexico, has studied these issues and offered guidance. On several key standards the Regional Greenhouse Gas Initiative in the US Northeast, the Western Climate Initiative, which covers most of Canada and the Western US, and the Midwest Governors’ Accord have prepared joint guidance for their programs. The New England Governors/Eastern Canadian Premiers organization has also studied harmonizing data, methodologies and inventories between the US states and Canadian provinces.

¹ U.S.: <http://explore.data.gov/Geography-and-Environment/TSCA-Inventory/pkhi-wvjh>
Canada: <http://www.ec.gc.ca/substances/ese/eng/dsl/dslprog.cfm>

At a minimum a review of this work should be incorporated into the CEC work plan for Project 9, and perhaps the project plan should include bringing these organizations into the discussions.

Project 10: Ecosystem Carbon Sources and Storage: Information to Quantify and Manage for Greenhouse Gas Emissions Reductions

As is the case with Project 9, this effort should incorporate the work already done by the New England states, the West and Midwest and by universities and government agencies. This project is a good illustration of the recommendation made under Advice 2011-2 concerning work done by others. The project should begin with a thorough review of the work already done and an analysis of the issues, focusing on disparities and gaps. Priorities for CEC research and coordination can then be set with some confidence that the CEC investment is adding real value to the larger effort to resolve these questions.

Project 11: North American On-line, Interactive Informational Platform on Climate Change

GAC committee members present agreed that this project (when completed) could be of immense value to the Parties². In fact, one committee member was aware of at least one privately funded endeavor attempting to develop a similar project in scope and end result. Much like the previous comments on other projects, the GAC believes exploration of partnerships with other entities should be explored for leveraging the resources necessary to complete the project in a timely fashion; and ultimately satisfying the demand for this completed work project, a demand that the committee perceived to be present today. The committee took note of several well-known on-line Climate Change platforms of varying types that exist already, and while none match the exact description for this project, the members thought communication with those responsible for them should be a priority very early in the project scheme.

Project 12: Improving Conditions for Green Building Construction in North America

This project description is not clearly written; but, the goal of the project is valuable. This is essentially a project that will assemble key tri-lateral officials to prepare a follow-up project work plan with measurable goals and objectives for future consideration by the Council. The GAC will reserve specific comment until the results of this effort are available, except to note that experience in states and communities has demonstrated that the biggest employment, economic and environmental benefits tend to be found in “green” retrofits of existing buildings rather than new construction.

Project 13: Improving the economic and environmental performance of the North American Automotive Industry Supply Chain

This project is an extension of the CEC’s past successful efforts in this area. The project description identifies multiple metrics by which progress can be measured but does not state a measurable goal or environmental outcome, nor does it use a quantified measure of past success as an illustration of the project’s potential.

² GAC Chair Jeff Wennberg recused himself from this discussion due to a potential conflict.

Project 14: Tracking Pollutant Releases and Transfers in North America (North American PRTR Project)

This is a continuation of the North American PRTR project and is supported by the GAC. The project summary and environmental outcomes do not contain measurable goals or objectives. Given the past success of these CEC efforts it would seem possible to identify measures by which the level of future success could be gauged.