



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

AUG - 3 2009

OFFICE OF  
THE ADMINISTRATOR

Ms. M. Dolores Wesson  
Chair, U.S. National Advisory Committee  
Coastal Observing Research and Development Center  
Marine Physical Laboratory  
Scripps Institution of Oceanography  
La Jolla, CA 92093-0202

Dear Ms. Wesson:

On behalf of Administrator Lisa P. Jackson, I would like to thank you for the National Advisory Committee's (NAC) advice of June 12, 2009 reporting on your April 27-28, 2009 meeting and providing valuable recommendations to the United States on possible projects to increase the relevance of the CEC to our constituents in the United States, as well as your advice on the 2009 Council Session. Administrator Jackson enjoyed the opportunity to meet with you and the members of your committee who attended the recent Council Session in Denver, Colorado.

As you know, the June 2009 CEC Council Session was a great success, thanks in large measure to the helpful advice you have offered in the past. The public portion of the session included presentations about CEC's plans to renew, revitalize and refocus the CEC to conform a new vision of an effective organization that can focus on North American priorities, through a coherent agenda with measurable objectives and interim targets that will provide concrete environmental results, as well as a Secretariat that will support and implement the Parties priorities. In the in-camera session, the Council explored two more issues discussed in your advice: the number and nature of the CEC projects and CEC's future options. In both cases, the decision was made to move forward.

Thank you for your recommendation in support of Greening the Economy efforts. As you also know, Council identified Greening the economy as one of the three strategic priorities for CEC focus for the next five years. As such there will be continuing opportunities to review and revisit these issues as we make decisions on concrete projects to undertake in the coming years.

We appreciate the thoughtful and reflective analysis you provided on restructuring the CEC. There are very weighty suggestions that we will consider in our restructuring process.

In general, however, it is our position that the Parties are presently in a very different place, both individually and as a group, than were in 1994 when the NAAEC first went into effect. Canada, Mexico and the U.S. have 15 years of cooperation and collaboration experience on issues related to the environment in North America. The three countries participate in the G-8, OECD, CSD, UNEP and countless other international fora where global environmental issues are studied and analyzed, which have provided us with continuing opportunities to look for the best strategies to improve environmental protection. The close working relationship among the experts in the three North American environmental agencies are a testament to our commitment to consensus and mutual support. All these are points that we are examining and upon which the decisions on the future organization of the CEC will be based. In



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the final analysis we are not wedded to any one particular organizational configuration, but rather to a continued focus on collaboration, innovation and results in protecting and enhancing human health and the environment in North America.

Thank you for your views on the citizen's submission process. Although it is unclear how the U.S. can "participate more positively" in such a process, we do support the continued efficiency and transparency of this process. I would note that the Council has itself discussed this issue with JPAC in responding to its Advice 08-01. In that letter Council clarified that the submissions process as established under the NAAEC do not contemplate any action by the Secretariat or the Parties after the publication of a factual record; rather, the publication of a factual record is the final step of the submission process as described in Articles 14 and 15 of the NAAEC as well as in the Guidelines for Submission Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation. Therefore, any type of action by the Parties to follow up on factual records is a matter of domestic policy as opposed to a requirement of the NAAEC.

In addition, it appears to us that your view of the SEM process is based on a general mischaracterization of factual records which has evolved since the inception of the NAAEC. In previous communication with the Parties, we continuously see implicit prejudgments that a decision to develop and publish a factual record confirms a failure by a Party to effectively enforce its environmental law. A decision by the Council to support the development of a factual record, or to publish a factual record, should not be interpreted as a determination that a failure to effectively enforce environmental law has occurred. Finally, any type of action by the Parties to follow up on factual records is a matter of domestic policy as opposed to a requirement of the NAAEC, and Articles 14 and 15 should not be called upon to require actions that are beyond the Agreement.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Stahl".

Mike Stahl, Director  
Office of Regional & Bilateral Affairs

cc: Jeffrey N. Wennberg, Chair, U.S. Governmental Advisory Committee  
Members of the U.S. National Advisory Committee