



U.S. National Advisory Committee  
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North American Agreement on Environmental Cooperation

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May 31, 2022

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The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Regan:

The U.S. National Advisory Committee (NAC) to the U.S. Representative to the North American Commission for Environmental Cooperation held its 54th meeting via virtual platform on April 28, 2022. This letter represents our advice resulting from that meeting.

The main objective of our meeting was to provide you with advice on the draft project description called *Air Quality Improvement for Environmental Justice* that was announced by the Council at the 2021 Council Session and will be included in the CEC's Operational Plan. Additionally, our committee is presenting you with advice on how best to integrate climate change and environmental justice into the work of the CEC. Our meeting included presentations on U.S. Priorities on the CEC from Jane Nishida, Assistant Administrator for EPA's Office for International and Tribal Affairs (OITA) in conjunction with Matt Tejada, Director of EPA's Environmental Justice Office and JoAnn Chase, Director of EPA's American Indian Environmental Office. The committee received written presentations from JPAC Chair, Louie Porta on the JPAC's advice to the CEC Council. We also received a written update from Nadtya Hong from the EPA Office of International and Tribal Affairs on climate change and environmental justice activities within the CEC, and a written update on the operational and strategic plans of the CEC from Richard Morgan, Executive Director of the Commission for Environmental Cooperation.

The meeting was opened with a welcome from Federal Advisory Committee Management Division (FACDM) Acting Director Robbie Young-Mackall, who provided an overview of FACMD activities and responsibilities. The NAC appreciates the dedicated support provided by the FACMD and thanks Acting Director Young-Mackall, Oscar Carrillo our NAC Designated Federal Officer, and all the FACMD staff for their support to ensure our meeting was a success. We hope our advice is useful to you in your work with your counterparts in the CEC Council, and wish you continued success in your position.

Sincerely,

Andrew P. Carey,  
Chair, National Advisory Committee

cc:

Jane Nishida, Assistant Administrator, Office of International & Tribal Affairs (OITA), EPA

Rafael DeLeon, Deputy Assistant Administrator, OITA, EPA

Robbie Young-Mackall, Acting Director, FACMD, OMS, EPA

Matthew Tejada, Director, Office of Environmental Justice, EPA

JoAnn Chase, Director, American Indian Environmental Office, EPA

Surabhi Shah, Acting Director, Office of Community Revitalization, EPA

Mark Kasman, Director, Office of Regional & Bilateral Affairs, OITA, EPA

Lisa Almodovar, Deputy Director, Office of Regional & Bilateral Affairs, OITA, EPA

Nadtya Hong, General Standing Committee (OITA), EPA

Oscar Carrillo, Designated Federal Officer, FACMD, EPA

Louie Porta, Chair, Joint Public Advisory Committee

Richard A. Morgan, Executive Director, CEC

Members of the U.S. National and Governmental Advisory Committees

National Advisory Committee  
(NAC) to the U.S. Representative to the  
Commission for Environmental Cooperation (CEC)

**Advice 2022-1 (May 31, 2022)**  
***Air Quality Improvement for Environmental Justice Project***

The April 2022 Charge Question to the EPA National Advisory Committee (NAC) seeks advice on two questions.

1. Review and provide comments on the CEC's Draft project description on *Air Quality Improvement for Environmental Justice*
2. Discuss how to best integrate climate change and environmental justice concepts into the CEC work, while supporting the current strategic plan structure and themes.

**Advice Question #1 – Air Quality Improvement for Environmental Justice Project.**

The April 2022 meeting of the National Advisory Committee (NAC) deliberated and identified ten recommendations for improving and enhancing the effectiveness of the Environmental Justice Project as follows:

1. Improved Federal Agency collaboration to reduce wait times at the U.S.-Mexico Border to reduce truck emissions through expedited border crossings, unified cargo processing, and joint U.S.-Mexico inspections.
2. Refine focus of the Environmental Justice project to benefit the equitable and equal implementation of programs and services that support Canada, the United States, and Mexico.
3. Develop more sophisticated approaches to infrastructure projects and incorporate mitigation efforts at the forefront of the project instead of at the end.
4. Develop a mapping strategy for mitigation efforts across the three countries to better understand where mitigation efforts have succeeded and where improvements are needed.
5. Integrate cultural competency awareness when working in tribal communities to implement strategies that consider local needs, challenges, and issues. You must meet them where they are and not implement a one-size-fits-all strategy.
6. Engage state and local officials when implementing Environmental Justice programs and include civil society organizations whenever and wherever possible.
7. Consider time and space characteristics when implementing studies to ensure impacts on entire community at all times of day.
8. Leverage funding opportunities in philanthropic and nonprofit sectors to grow the funding pipeline to address Environmental Justice programs and services and leverage the grant funding opportunities of the CEC.
9. Engage local communities in environmental infrastructure projects from the beginning to ensure collaboration and reduce mitigation challenges, especially as they impact impoverished communities; and
10. Enact environmental accountability practices to ensure laws are enforced, mitigation efforts are implemented, and on-going monitoring is in place.

Following the specific recommendations to the EPA, we provide additional background information shared by members of the NAC related to projects, programs, issues, and challenges that highlight local and regional events and opportunities to strengthen Environmental Justice Program in support of improved quality of life for families and communities.

**1. Improved Federal Agency collaboration to reduce wait times at the U.S.-Mexico Border to reduce truck emissions through expedited border crossings, unified cargo processing, and joint U.S.-Mexico inspections.**

There are multiple Federal Agencies working in the U.S.-Mexico Border region. The agencies include but are not limited to Environmental Protection Agency, Homeland Security, State Department, and General Services Administration amongst others. Increased collaboration amongst agencies would assist in improving delivery of services and execution of programs and policies. It often appears that the agencies are working in silos and are not collaborating with other departments. This creates competing policies and conflicting programs. As an example of this challenge, NAC members commented on the growing concern of the increase in truck emissions, especially given the regular basis of traffic lines being 4-5 miles long. NAC members suggest that EPA work with other federal agencies to create programs that expedite border crossings, such as unified cargo processing and joint U.S.-Mexico inspections. The NAC calls attention to a program recently started by the Arizona Department of Transportation for truck safety inspections that involves touchless processing. All permits to operate in the United States and on Arizona roads must be secured online, which eliminates trucks from having to park or idle and has dramatically changed traffic congestion and the environment. Lastly, the NAC recommends a collaboration with the North American Development Bank to use more electric vehicles at the ports of entry. However, there is a need for increased and improved infrastructure at the ports of entry to accommodate the growing need for charging stations on both sides of the U.S.-Mexico Border.

**2. Refine focus of the Environmental Justice project to benefit the equitable and equal implementation of programs and services that support Canada, the United States, and Mexico.**

NAC members deliberated on the importance of refining the Environmental Justice Project to be more specific. Greater specificity would allow for more consistent, equitable, and equal implementation of environmental justice programs in each of the three countries supported by the CEC. The NAC made specific mention of the importance of implementation of air quality monitoring programs. In shared ports of entry, air quality monitoring should be completed collaboratively and equally on both sides of the border between both the U.S. and Mexico and the U.S. and Canada.

**3. Develop more sophisticated approaches to infrastructure projects and incorporate mitigation efforts at the forefront of the project instead of at the end.**

NAC members noted on how the infrastructure in places such as ports and border crossings have been developed without accommodating the need to mitigate pollution in the community within the design itself. In Michigan, for example, NAC members shared how they advocated for a program that offers voluntary relocations for people to move away from the impacted areas because the community was not designed to withstand the impacts of pollution from infrastructure development. Although these types of programs are expensive, NAC members noted, they are needed because people should not be left defenseless during these conditions with no opportunity to have a healthy, clean environment. One example of an approach to justly accommodate and mitigate for the communities in Detroit is the implementation, at the local level, of a truck routing ordinance to divert trucks away from residential streets, currently in development.

**4. Develop a mapping strategy for mitigation efforts across the three countries to better understand where mitigation efforts have succeeded and where improvements are needed.**

NAC members deliberated on the importance of mapping strategies to improve targeting areas for environmental development. NAC members agreed with the importance and relevance of electrification to reduce emissions and noted that EPA Diesel Emissions Reduction Act grants are great funding opportunities. However, NAC members went on to share that these grants are not sufficient to cover all the programs that are deemed necessary for complete implementation. The NAC emphasized the need for an all-hands approach and large-scale strategies at the federal, state, and local levels. We suggest that EPA map the existing data and target investments to mitigating the problem. For example, EPA should request information from groups currently performing these types of studies to better understand the trends and projected outcomes. The committee also recommends mapping air monitoring underway or completed to inform investments. From one example, Detroit currently has a comprehensive Black Carbon roadway air monitoring project at our northern border with three years of data completed. It can be beneficial to understand current monitoring efforts and results to best target EPA resources for additional monitoring and mitigation.

**5. Integrate cultural competency awareness when working in tribal communities to implement strategies that consider local needs, challenges, and issues. You must meet them where they are and not implement a one-size-fits-all strategy.**

NAC members discussed challenges facing tribal communities across North America. NAC members shared that almost half of the 574 federally recognized tribes in the United States are in Alaska. This should be considered when developing new initiatives, especially electrification, which would be challenging in rural parts of the country. The NAC urges to continue to seek diverse ways of supporting environmental justice issues and urges EPA to “meet them where they are” regarding their existing infrastructures, rather than mandating a new infrastructure to obtain services. The NAC calls attention to the Tribal Air Monitoring Support Center at Northern Arizona University, a success story that is a resource that has been serving tribes through its equipment loan program and providing training and sensors in the community. The NAC underscores that supporting environmental justice issues related to monitoring is vital, as is providing communities in the environmental justice sectors the training, equipment, and capability to monitor their own air quality.

**6. Engage state and local officials when implementing Environmental Justice programs and include civil society organizations whenever and wherever possible.**

NAC members discussed the importance of engaging community leaders from across the public, private, and philanthropic sector whenever possible. NAC members agreed that this environmental justice project is best addressed at the state and local levels and that both should be engaged. The NAC notes that activities in the State of Idaho highlight the increased role of nongovernmental organizations (NGOs) and industry at becoming part of the wider environmental justice discussion. As an example, the NAC shared how addressing a topic such as air quality improvement—that is tangential, involves other aspects of air pollution (e.g., dust) and extends beyond environmental issues to communities as a whole. Various local and state laws impact environmental justice conditions (buffer distances, zoning, noise levels, truck routing, air permits, etc.) and EPA can share best practices and environmental justice outcomes of policies.

**7. Consider time and space characteristics when implementing studies to ensure impacts on entire community at all times of day.**

The NAC highlights the need to consider temporal and spatial characteristics as the Environmental Justice study progresses. We encourage leaders to study and understand the distribution of the contaminants as an example, and to determine the time of day that exposure surges occur. Communities would be encouraged to keep a diary of the exposures, to allow for data trends to be studied before additional data is collected. Finally, the NAC encourages communities be empowered to act on the environmental findings.

**8. Leverage funding opportunities in philanthropic and nonprofit sectors to grow the funding pipeline to address Environmental Justice programs and services and leverage the grant funding opportunities of the CEC.**

NAC members shared ideas related to collaboration at the community level. EPA and CEC grant funds may be leveraged locally. Along the U.S.–Mexico border, nonprofit organizations have taken the lead in air quality issues and have placed air monitoring alarms on roofs of school buildings and businesses to sound the alert when air quality is below normal. The NAC highlights the need for civic cooperation in EJ issues and the opportune time to seek collaborations and innovative partners to solicit matching funds, leveraging CDC’s funding. In addition, during the public comment section, Ms. Susan Guinn of the San Diego Foundation and the San Diego Regional Center for Policy Innovation spoke on the need for greater collaboration between public, private, and philanthropic sectors, and offered to continue to lead and collaborate on the San Diego-Tijuana River Valley watershed pollution challenge in support of the EPA’s pending investment of US\$300 million in the region.

**9. Engage local communities in environmental infrastructure projects from the beginning to ensure collaboration and reduce mitigation challenges, especially as they impact impoverished communities**

NAC members continued to insist on collaboration and cooperation as a key strategy to bring environmental justice programs to fruition. NAC members called attention to collaborative efforts between the Texas Department of Transportation and Texas A&M University to address improving the infrastructure around toll booths. The NAC pointed out the need to be proactive to perform studies before any infrastructure is allowed in or near impoverished communities and encouraged governmental agencies, universities, and community partnerships to work together to resolve these issues as an example of putting environmental justice at the forefront of any project.

**10. Enact environmental accountability practices to ensure laws are enforced, mitigation efforts are implemented, and on-going monitoring is in place.**

NAC members continued to stress the importance of accountability in our four-hour discussion. Members believe accountability will be the only way to achieve environmental justice program success. NAC members emphasized the importance of strong enforcement implementation practices, as well as knowing that the effective implementation of the process will work, particularly when engaging the community at the local level. Additionally, the NAC encourages maximizing use of the CEC grant dollars totaling approximately \$1 million. This could be leveraged to identify effective mitigation approaches and adaptive management, as well as addressing ongoing monitoring and scalability programs.

National Advisory Committee  
(NAC) to the U.S. Representative to the  
Commission for Environmental Cooperation (CEC)

**Advice 2022-2 (May 31, 2022)**  
***Integrating Climate Change and Environmental Justice***

**Advice Question #2 - Discuss how to best integrate climate change and environmental justice concepts into the CEC work, while supporting the current strategic plan structure and themes**

The NAC members deliberated on Advice Question #2 on and identified several ways to successfully integrate climate change and the Environmental Justice Project concepts, and particularly as highlighted in the Six Strategic Pillars of the CEC's Strategic plan:

- Clean air, water, and land
- Preventing and reducing pollution in the marine environment
- Circular economy and sustainable materials management
- Shared ecosystems and species
- Resilient economies and communities
- Effective enforcement of environmental laws

NAC members emphasized the resilient economies and communities' priority as a point of integration. The NAC believes that water security and resilience for water infrastructure and the communities that use them fit well with climate change, especially in the Arizona environmental justice communities. Climate change also relates to adaptation and building resilient communities. There is a need to engage the private sector along the Arizona/U.S.–Mexico border to address these issues.

The NAC highlighted two strategic priority areas to incorporate climate change and environmental justice concepts. The first is circular economy and sustainable materials management and the second is resilient economies and communities. In terms of circular economy, efforts can focus on approaches to deploy waste management and recycling in environmental justice communities. It was also noted to consider extraction in terms of sustainable materials management. For example, mining in adjacent communities tends to occur in remote locations belonging to Indigenous communities. This strongly intersects climate change because large amounts of extraction will be required to transition and adopt any new technologies, further exacerbating vulnerabilities in these communities.

The NAC recommends that EPA review the Institute for Tribal Environmental Professionals (ITEP) [\*Status of Tribes and Climate Change Report\*](#), soon to be cited in the *Fifth National Climate Assessment*. This report contains narratives on climate change initiatives, solutions, and recommendations of 34 tribes from across Alaska.

Circular economy intersects environmental justice because those communities are often locations of infrastructure changes. The NAC notes opportunity to create guidelines to learn how to succeed, particularly regarding measurement. For example, reviewing current efforts in the environmental justice communities and improving the existing infrastructure to address climate change, sustainable material management and circular economy goals would be beneficial.

The NAC would like to call attention to natural disasters and extreme weather events occurring across the country, noting the opportunities to rebuild in a manner that is sustainable and empowers communities. The NAC members reflected that people value the health, safety and financial security of themselves and their communities. Financial security applies across a broad spectrum of society, beyond just doing good to doing right things that benefit all. The NAC also advises continuing broader educational campaigns and gaining wider support that engages NGOs and industry.

NAC members point out that circular economy (i.e., minimizing waste) issues will continue to grow as the demand for more of the products contributing to the problem continues to increase. The plastics industry, in limited markets, will be seeking to reclaim materials and building recycling facilities where the materials are, likely crossing the border. This highlights the intersectionality with air, water and EJ that touches these cross-border issues.