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

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**Committee
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Vermont

Charles Collette

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Michael Linder

Nebraska

Vincent Nathan

Michigan

Cindy Padilla

New Mexico

Carlos Rubinstein

Texas

Robert R. Scott

New Hampshire

Carola G. Serrato

Texas

Ellen Smyth

Texas

Colin Soto
Cocopah Tribe

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Johnson:

The Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) met on October 23-24, 2008 in Somerton, Arizona, hosted by the Cocopah Indian Nation. It is my pleasure to submit to you the following report from our meeting. The report includes advice on the four topics: 1) Mapping North American Environmental Issues, 2) State of the North American Environment Report, 3) Biodiversity, and 4) the Strategic Plan, Follow-up, and other business.

The meeting began with a welcome and traditional blessing by Sherry Cordova, representing the Cocopah Tribal Council and Colin Soto, GAC member and Cocopah Tribal Elders Advocate. Sylvia Correa, Senior Advisor for North American Programs at EPA's Office of International Affairs, briefed the committee on U.S. Priorities and the schedule of the CEC Strategic Plan development, and Rafael DeLeon, Director of the Office of Cooperative Environmental Management provided welcoming remarks.

We also heard reports from Evan Lloyd, CEC Director of Programs, who participated in our joint discussions on the Operational Plan Overview and the Strategic Plan Update. Our speakers addressing the charge questions included: Sylvia Correa; Guy Tomassoni, with EPA's Office of Environmental Information; Jay Donnelly from the U.S. Geological Survey, and Liz English from the National Oceanic and Atmospheric Administration.

The principle benefit of meeting in places such as Somerton is to allow committee members to become better acquainted with the issues, history and people affected by environmental and trade issues 'on the ground.' The meeting at the Cocopah Reservation served this purpose very well. In addition to seeing first-hand the situation at the U.S./Mexican border along the Limitrophe and the condition of the lower Colorado River, we received a briefing from former GAC Chair Placido Dos Santos on regional water issues and toured the San Luis Port of Entry to learn about border customs procedures and challenges. The presentations about the successful efforts on both sides of the border to reforest area wetlands were particularly inspiring.

The GAC is grateful for the presence and contributions of these people at our meetings and the periodic opportunity to experience the issues first-hand. The information and insight they bring to our deliberations is appreciated by the committee and we believe that the value of the advice we offer is significantly enhanced by these opportunities.

We would also like to thank Scott Fulton for his August 28, 2008 letter responding to our advice letter of May 23, 2008. His thoughtful and detailed response helps us to follow the progress of our recommendations and enhances our ability to provide useful advice in the future.

As always, we sincerely appreciate the participation from EPA's Office of International Affairs and the Office of Cooperative Environmental Management. As mentioned earlier, Sylvia Correa of OIA attended and contributed, as did Rafael de Leon, and Oscar Carrillo from OCEM. And of course, we are grateful for the excellent administrative support we have received from staff at OCEM, particularly Nancy Bradley, Ann-Marie Gantner, and Jannell N. Young-Ancrum.

This is likely to be the last advice letter the GAC will address to you as Administrator. On behalf of the committee I want to thank you for your career of service to the betterment and protection of our nation's environment and for the numerous opportunities you have provided to me and members of the committee to discuss our concerns directly. In my experience, on every occasion you have been generous with your time and ready to engage in a substantive discussion of the issues and, without exception, you have encouraged each of us to raise any concern we felt deserved your attention, not just those on the stated agenda. While the U.S. Government cannot always implement the advice we provide, we know that our advice has been valued and frequently pursued. We wish you the very best in the future.

In conclusion, we thank you for EPA's continued support of our role in advising the United States Government on the enhancement of environmental conditions throughout North America.

Sincerely,

Jeffrey N. Wennberg, Chair
Governmental Advisory Committee

cc: Scott Fulton, Deputy Assistant Administrator for EPA's Office of International Affairs
Rafael DeLeon, Director, Office of Cooperative Environmental Management
Oscar Carrillo, Designated Federal Officer
Dolores Wesson, Chair, U.S. National Advisory Committee
Alejandro Lorea H., Chair, Mexican National Advisory Committee
Jane Gardner, Chair, Joint Public Advisory Committee
Adrián Vazquez, Executive Director, Commission for Environmental Cooperation
Members of the U.S. Governmental Advisory Committee:
Charles "Chip" Collette Carlos Rubinstein
John Duffy Robert Scott
Lisa Gover Carola G. Serrato
Michael Linder Ellen A. Smyth
Vincent R. Nathan, Ph.D., M.P.H. Colin Soto
Cindy Padilla

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

**Advice 2008-5:
Mapping North American Environmental Issues**

Mapping North American Environmental issues is an initial activity of the CEC. The CEC and representatives of the National Atlas agencies of Canada, Mexico and the United States—Natural Resources Canada, the *Instituto Nacional de Estadística, Geografía e Informática* (INEGI), and the United States Geological Survey (USGS)—collaborated to compile a number of base map layers, both in hard copy and as a digital platform. These base layers are now known as the North American Atlas Framework (NAAF), and they provide a consistent, harmonized geographic framework for the display and analysis of thematic data at the North American scale. Over the last two years, this project has developed NAAF-compatible data layers for renewable energy capacity, marine and terrestrial ecoregions, protected areas, priority conservation areas, important species ranges, elevation, land cover, and watersheds.

The first question posed to the GAC concerning the mapping project was, “*Should the Atlas primarily serve geographic information professionals or an informed citizenry?*” The GAC strongly supports the view that the Atlas should serve the broader community described as “informed citizenry.” Its value as a tool for state and community planning and priority setting is significant, but can be enhanced as noted below. A good example of this is the Cocopah reservation, the site of the NAC/GAC fall 2008 meeting. The reservation sits on the Mexican border and is split into three separate parcels. The Cocopah tribe is made up of several thousand people living on either side of the border. The Atlas data layers provide valuable, seamless information supporting the efforts of all three nations (U.S., Mexico and Cocopah) to address local environmental issues. Given the recent, planned and potential enhancements of the Atlas, its value as a resource for audiences immeasurably beyond geographic information professionals cannot be overstated.

The second question was, “*How can we promote use of the Atlas more effectively within this community?*” The GAC believes that two key actions are needed to better promote the use of the Atlas by local governments and the public at large. First, an increase in the resolution of the Atlas would dramatically increase its value to states and communities. And second, the GAC has offered perennial advice regarding the importance and need for the CEC to better promote its programs and products. The Atlas is another example of this need, and we recommend that our prior advice be reviewed. The linkage with Google Earth should, over time, dramatically increase public awareness and use, but additional efforts to find partnerships with public, private or non-profit entities should also be explored.

The third question sought GAC advice on priorities for future thematic layers. The charge memo suggested 13 specific topic areas from which priorities could be drawn. The GAC first and foremost recommended “trade flows” given the origin and mission of the CEC. Other areas mentioned by members included forests (particularly if mapped over time to demonstrate urbanization), wetlands, distribution of invasive species, and renewable energy potential. One additional thematic layer of interest not mentioned on the list was coral reefs. Beyond that, the GAC offers the observation that a number of these enhancements could or would likely be funded by others. The CEC might be best served to focus on those topics for which there is no alternative source of support.

The fourth question seeks comment on the role of communities in determining authoritative data sources. The GAC has no specific advice on this matter but suggests the question be posed to national associations of local governments such as the National League of

Cities, The National Association of Counties and the U.S. Conference of Mayors the National Association of Local Government Environmental Professionals and possibly others.

The final charge question sought advice on how the CEC might better measure the effectiveness of the Atlas in fulfilling its stated purpose. Consistent with our first recommendation to orient the Atlas to the informed public, we note that there is no ‘feedback’ opportunity offered through the Atlas web page. For-profit enterprises frequently offer a quick survey with a comment box following each use of the site to get feedback and improve the product. Online “help” pages invariably seek this feedback on *every page* displayed. A similar tool, assigned to a person whose job it is to read and consider them would, we expect, provide ample opportunities for suggested enhancements as well as metrics of effectiveness. The GAC is not aware of whether the CEC has a meter on key web pages, but one measure of use would be to track the number of hits and ‘new’ hits the Atlas receives over time.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
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**Advice 2008-6:
State of the North American Environment Report**

In June 2008, the CEC released “*The North American Mosaic: An Overview of Key Environmental Issues.*” The report describes environmental trends and conditions across Canada, Mexico and the United States with specific focus on four topics containing 16 issues. The topics were 1) air and atmosphere, (2) biodiversity and ecosystems, (3) pollutants, and, (4) water.

The Charge memo posed seven separate questions regarding the report, however the GAC offers the following in response to the discussion of criticism of the report that took place in the joint session. Many critics and several members of the GAC expressed concern that while the report is well-written and intelligently organized, it offered a great deal of information and analysis, the information is not sourced by footnote, endnote, bibliography, or otherwise. Without these references it is not possible to verify whether the report’s scientific findings are from reliable peer-reviewed studies. The reason for excluding this information was the desire to keep the report of manageable length and in the style of a ‘briefing memo.’ For many audiences, this is the perfect approach, but for others it diminishes the report’s value and opens it to potentially unwarranted criticism. The GAC recommends that the next CEC-SOE be published in hard copy using the same ‘briefing memo’ approach, but it should also be published in electronic format with indexes, references and hyperlinks to all source documents. The hard copy should carry a legend in multiple locations informing the reader that the electronic version available on the web contains all the source references.

To the question of priorities, the GAC sees three: air and atmosphere, waste and waste flows, and water. Water is a huge trilateral issue with quantity and quality challenges spanning the continent and affecting local, state/provincial and national relations along both borders. The control, management and disposal of hazardous waste continue to be priorities, as are the management and tracking of cross-border waste flows. Air quality and climate issues remain perennial priorities, recognizing that air pollutants can have both dramatic localized impacts on human health and potentially dangerous global impacts through pollutant-forcing climate change.

The GAC recommends that the SOEAG reach out to states, most of which produce their own version of a state of the environment report. The CEC’s reporting on priority issues can both inform and be informed by similar work being done at the sub-national level. In the U.S., the Environmental Council of the States (ECOS) would be an efficient point of contact to seek sub-national coordination and cooperation on the development of priorities, assessment tools and reports. The SOEAG should not confine this effort to Border States; as one member of the GAC observed, biodiversity is a continental concern; it is not a border issue.

To the question of seeking input from the public, the GAC continues to encourage greater efforts at outreach and public engagement. We repeat the suggestion to provide a feedback opportunity through the web site, in this case associated with the SOE report and other periodically updated publications. The JPAC could also have a role in gathering public input, but we note that the JPAC itself cannot ‘represent’ the public in the manner and to the degree that is needed here.

The GAC believes that the feedback tools and indicators of effectiveness recommended under Advice 2008-5 pertain to the SOE program as well. More effective, up-to-date and interactive use of the internet would likely be the least expensive and most effective way to

engage the public. Offering the visitor the opportunity to “learn what you can do” or find links to local organizations seeking volunteers or otherwise engaged in the priority topic in addition to sharing their thoughts, reactions and suggestions are the kinds of things the working group and the CEC can promote by using the existing web site more effectively. In short, the CEC should seek ways to enable the public to connect the CEC’s information with action they can take.

On the final question of new products or projects that could be explored, the GAC would like to draw attention to a project we recommended under Advice 2008-3 earlier this year. The project would pilot the concept of continent-wide regulatory standards for imported products and test increased cross-border coordination at several major crossings. All three nations have already standardized import requirements for several products. It is believed that much more effective and efficient enforcement of these regulations will result, and the pilot would test this expectation and if supported, create the documented basis for the expansion of continental standards to other products and commodities.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
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Advice 2008-7
Biodiversity

Implementation of the Biodiversity Strategic Plan is currently being assessed within the CEC, and is the subject of external review, with the final report expected in January, 2009. This project will allow the parties, other key stakeholders and the North American general public to take stock of how the state of biodiversity has changed over the last 10 years, how we are managing the challenges, and inform the development of CEC's 2010 – 2015 strategy.

The first two charge questions, "*Has the species and spaces approach been effective in conserving biodiversity?*" and, "*In 2010 – 2015, what thematic areas should the biodiversity portfolio address?*" will hopefully be informed by the external review report expected in January. Without the opportunity to know what the reviewers find, the GAC believes any specific response to these questions at this point would be of limited value. The GAC notes that the principal product of the Biodiversity program has been a series of very good reports such as those on Grasslands, Baja to Bering and the recently released Vaquita report. The GAC is interested in learning whether the study of these challenges and the subsequent publication of the reports lead to local, national or international conservation programs that effectively address the issues identified in the reports. The measure of effectiveness must be a decline in the rate of biodiversity loss, and ultimately its reversal. If the reports do not reliably catalyze a programmatic response, the CEC may want to consider alternative approaches to addressing biodiversity issues.

The final charge question seeks advice on strengthening relationships across working groups. The GAC notes that this is an excellent question across all working groups within the CEC. While we realize that the workload and specialized nature of these groups might make this easier said than done, the GAC suggests that some members serve on two groups and act as liaison between them. Individual members could serve as liaison and join the calls and meetings of the designated group to listen and report but not to participate. If the working group meeting agenda don't provide for a report of activities in other groups, consideration should be given to adding a standing agenda item for such, with sufficient description to satisfy any necessary posting requirements. Building this type of communication into the structure of the meetings or group membership could enhance these relationships.

Governmental Advisory Committee (GAC)
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Advice 2008-8
Strategic Plan, Follow-up, Other

The GAC offers the following general advice and suggestions beyond the issues raised by the Charge Memo.

Strategic Plan Development: The background memos and briefings from working groups associated with this joint meeting indicated that the working groups have taken a prominent role in the drafting of the forthcoming 2010-2015 strategic plan. The GAC deeply appreciates the dedicated, excellent work of these vital committees and is well aware of the important role they play in the development of the annual operating plans. However, it is the GAC's view that a strategic plan should focus on the long-term direction and role of the CEC. Its foundation needs to be visionary and mission-focused. Unlike operational plans, which by their nature are bottom-up documents, the strategic plan needs to offer a top-down 'big picture' perspective of where the CEC will be in 2015. The GAC is concerned that the Strategic Plan will more closely resemble a five-year operational plan as a result of the apparent bottom-up approach. While this clearly has value, it is not likely to effectively address most of the strategic needs and opportunities confronting the CEC. The Council, Alt Reps and related agency staff of all three nations should be defining this vision, which ideally would begin with the assumption that no current CEC program or activity must still be in place in 2015. It is this 'blank slate' perspective that allows the organization to, if necessary, reinvent itself to seize the opportunities and meet the challenges of the future. It is the GAC's view that those dedicated to the effective implementation of current CEC programs will find it difficult to adopt this perspective, and as a result this twice-a-decade opportunity for a truly strategic new vision for the CEC will be lost.

Advisory Letter Follow-up: The GAC notes that the presentation by EPA's Office of International Affairs did not include a comprehensive review of the status of past advice from the committees. We realize there have been recent staff changes in that office, but wish to emphasize that the committee deeply appreciates this feedback and encourages the inclusion of these updates as a regular agenda item near the beginning of each meeting. For example, in Advice 2008-1, the GAC recommended partnering with international journals to help disseminate the products of CEC symposia. EPA's August 28th, 2008 response letter indicated that this had been done once in the past and was under consideration for the fourth symposium, held shortly after our spring meeting. EPA's letter also indicated that the approach was being considered for the fifth symposium scheduled for 2010. It would be valuable to hear a report on the recent progress of these efforts. The response letters are excellent, but they only offer a perspective from a single moment in time. Some of our recommendations require years to implement, so these periodic briefings are much appreciated.

Mexico and Canada NAC Communications: The GAC understands that Mexico has a very active NAC, Canada is in the process of reconstituting its NAC, and neither country has historically appointed a GAC. The committee believes it would be useful to be provided copies of the advice and responses between these advisory committees and their governments, and assume that these documents are currently made available to the JPAC and others in the same manner as the U.S. NAC and GAC advice.

Non-Web Availability of CEC Reports and Data: The GAC appreciates the continuing improvement of the CEC web site and encourages the continuation of this effort, as documented by multiple recommendations offered elsewhere in this letter. However, as the functionality and effectiveness of this critical tool are expanded and enhanced the GAC has a concern that members of the public without internet access will be at an increasing disadvantage. Of particular concern are low income individuals in all three nations and those living in remote regions, especially in Mexico and Canada. The GAC would like to review how the CEC addresses this shortcoming and may wish to offer future advice on improving outreach to technologically underserved communities.