Border 2012 Summary of Comments

FINAL DRAFT – April 1, 2003

BORDER 2012
U.S.-MEXICO ENVIRONMENTAL PROGRAM

RESPONSE SUMMARY REPORT
2002

Border 2012 Summary of Comments

TABLE OF CONTENTS

Page

1.0 EXECUTIVE SUMMARY 3
1.1 Goals of the Border 2012 Response Summary Report…….....3
1.2 Summary of the Border 2012: U.S.-Mexico Environmental Program .....……3
1.3 Description of Outreach Efforts in the Development of the Border 2012 Program ..…4
1.4 Role of Public Input in Shaping Final Border 2012 Framework Document 4
1.5 Description and Overview of the Summary Report.....6

2.0 SUMMARY OF COMMENTS & RESPONSES 6
2.1 Mission Statement……..6
2.2 Guiding Principles…….....7
2.3 Goals and Objectives……...……15
2.3.1 Goal #1 Reduce Water Contamination……..…….……18
2.3.2 Goal #2 Reduce Air Pollution……24
2.3.3 Goal #3 Reduce Land Contamination……26
2.3.4 Goal #4 Reduce Exposure to Pesticides, Particularly Children's Exposure..30
2.3.5 Goal #5 Reduce Exposure to Chemicals as a Result of Accidental Chemical Releases And/Or Deliberate Acts Of Terrorism……33
2.4 Regional Issues……35
2.5 Tools and Mechanisms……37
2.6 Organization of the Program……44
2.7 Reporting Results……50
2.8 Other……51

APPENDIX……...58

LIST OF ACRONYMS……...……59

1.0 EXECUTIVE SUMMARY

1.1 GOALS OF THE BORDER 2012 RESPONSE SUMMARY REPORT

The purpose of this document, *Border 2012 Response Summary Report* (Summary Report), is to provide a summary of how the final Border 2012 framework document was shaped by the public comment process. This Summary Report consolidates all the major issues raised during the public review of the draft *Border 2012: U.S.-Mexico Environmental Program* and discusses how issues, concerns, and the public's perspectives were addressed in the final *Border 2012: U.S.-Mexico Environmental Program*. As a summary, this document presents the range of comments and concerns raised by the public, but does not discuss each comment individually. All comments are available online at the EPA and SEMARNAT websites, www.epa.gov/usmexicoborder and www.semarnat.gob.mx

1.2 SUMMARY OF THE BORDER 2012: U.S.-MEXICO ENVIRONMENTAL PROGRAM

Border 2012 is a ten-year program lead by the U.S. Environmental Protection Agency (EPA) and Mexico's *Secretaría de Medio Ambiente y Recursos Naturales* (SEMARNAT or Secretariat of Environment and Natural Resources), in partnership with other federal agencies (including U.S. Department of Health and Human Services and its Mexican counterpart, *Secretaría de Salud*) and the ten border states and U.S. tribal governments.

Border 2012 emphasizes a bottom-up, regional approach, anticipating that local decision-making, priority setting, and project implementation will best address environmental issues in the border region. It brings together a wide variety of stakeholders to identify problems and priorities and shared approaches to problem resolution.

Border 2012 aims to achieve concrete, measurable results while maintaining a long-term vision and transparency to the public. Progress will be measured through environmental and public health indicators.

Border 2012 has 6 goals: (1) reduce water contamination, (2) reduce air pollution, (3) reduce land contamination, (4) improve environmental health, (5) reduce exposure to chemicals as a result of accidental chemical releases and/or acts of terrorism, and (6) improve environmental performance through compliance, enforcement, preventing pollution, and promoting environmental stewardship. To achieve these goals, Border 2012 will use a variety of tools, including, but not limited to: pollution prevention techniques, public health interventions, sustainable management of water resources, environmental information, regulation and policy development, cooperative enforcement and compliance assistance, environmental education and training, infrastructure planning and development.

Interested individuals may view the final *Border 2012: U.S.-Mexico Environmental Program* at www.epa.gov/usmexicoborder and www.semarnat.gob.mx or they may request the documents by calling EPA's toll-free line at 1-800-334-0741.

1.3 DESCRIPTION OF OUTREACH EFFORTS IN THE DEVELOPMENT OF THE BORDER 2012 PROGRAM

The draft Border 2012 Program was announced in the Federal Register on September 23, 2002, including the start of the 60-day comment period which ended on November 22, 2002.

EPA, SEMARNAT, the ten Border States and the U.S. tribes held 27 public meetings in border communities in the United States and Mexico during October and November 2002. The table below lists the cities in which public meetings were held.

Cities in which Border 2012 Public Meetings Were Held

- San Diego, CA
- Tecate, BC
- Calexico, CA
- Yuma, AZ
- San Luis Rio Colorado, SON
- Nogales, AZ
- Douglas, AZ
- Deming, NM
- El Paso, TX
- Laredo, TX
- Brownsville, TX
- Ojinaga, CHIH
- Sabinas Hidalgo, NL
- Nuevo Laredo, TAMPS
- El Cajon, CA
- Tijuana, BC
- Mexicali, BC
- San Luis, AZ
- Nogales, SON
- Sells, AZ
- Las Cruces, NM
- Del Rio, TX
- Alpine, TX
- Ciudad Juárez, CHIH
- Ciudad Acuña, COAH
- Monterrey, NL
- Matamoros, TAMPS

After a presentation of the Border 2012 Program and a question and answer period, meeting attendees were given an opportunity to provide oral comments to government officials. A total of 455 sets of comments were received at public meetings.

The draft Border 2012 document was also posted on EPA's border website and the public was encouraged to post comments directly to the website. 57 sets of comments were received on the website. The public was also encouraged to send hard copies of comments to EPA and SEMARNAT. 221 sets of comments were received.

In total, 1035 individual comments were received, given that a set of comments could include more that one individual comment. Individual comments are captured in this Summary Report.

1.4 ROLE OF PUBLIC INPUT IN SHAPING FINAL BORDER 2012 FRAMEWORK DOCUMENT

During the course of the 60-day public comment period, EPA and SEMARNAT received comment on all aspects of the Border 2012 framework document. The input was extremely helpful in ensuring that the new program meets the needs of border communities. This section

summarizes how comments shaped the final framework document.

Border 2012 Guiding Principles

Many commenters requested more specific information on how the public may participate in the activities of the Regional and Border-wide Workgroups, Policy Forums and Task Forces. The Border 2012 Program partners have developed an Operational Guidance that defines how the individual coordinating bodies will involve the public in their efforts.

Goals and Measurable Objectives

Numerous commenters identified gaps in the Border 2012 goals and objectives. Many suggested that in order to evaluate the adequacy of the goals and objectives as well as to measure progress towards achieving them, it is necessary to have baseline information for each of the program areas. The final framework document has provided baseline data as available.

Similarly, a number of commenters believed that the program should include goals and objectives for environmental health, voluntary compliance, enforcement, and pollution prevention. The Border 2012 Program partners responded by developing and including goals and objectives for these areas.

Some commenters recommended that natural resources goals and objectives (e.g., habitat and species protection) also be integrated into the program. Although actions for management and preservation of natural resources are not directly addressed by Border 2012, the program will be supplemented by other bilateral instruments and mechanisms. As natural resources priorities are identified by Regional Workgroups, potential actions to address these issues will be coordinated and developed in parallel to the Border 2012 Program by authorities responsible for managing and protecting natural resources.

Border 2012 Tools

Numerous commenters advised that environmental education was the most important tool to build technical capacity in border communities and raise general awareness of environmental challenges confronting the border region. The program partners considered this input and the final framework document now integrates environmental education and training into Task Forces in all the Border 2012 coordinating bodies.

Regional Issues

A significant portion of the input received during the public comment period related to environmental problems occurring in specific border communities. Because the Border 2012 framework document outlines the broad scope of the border program and not the distinctive aspects of environmental issues in individual communities, these specific environmental concerns will be referred to the appropriate regional workgroup. Interested individuals are encouraged to participate in regional workgroup efforts to address priority environmental problems.

Organizing for Success

Many commenters had questions regarding the details of how the various Border 2012 coordinating bodies would conduct business. The program partners have developed the Border

2012 Operational Guidance to assist partners, stakeholders and the general public in understanding the ongoing operations of the coordinating bodies under the new program.

Many commenters expressed concern that the draft framework document did not address Border 2012 funding issues. The final framework document provides more detail on how a joint process will be used for problem identification and prioritization and the manner in which resources can be pooled to address such priorities.

Reporting Results

A number of commenters suggested that the program provide progress reports more frequently than every two years. In order to balance the resources needed for program implementation and program reporting, the partners have determined that a formal implementation report should be prepared every two years. However, information on program progress will be made available on an ongoing basis through the meetings of the various coordinating bodies.

1.5 DESCRIPTION AND OVERVIEW OF THE SUMMARY REPORT

This Report is divided into two sections. The first section is this executive summary. Section 2.0 is the summary of comments received and the responses.

We received 1035 individual comments throughout the entire public comment period from a variety of sources. The following is a breakdown of the numbers of comments by topic:

Topic	Number of Comments
Mission Statement	35
Guiding Principles	207
Goals and Objectives	292
Regional Issues	157
Tools and Mechanisms	139
Organization of the Program	155
Reporting Mechanisms	27
Other	23

2.0 SUMMARY OF COMMENTS & RESPONSES

The public comments received were grouped into the following categories: Mission Statement, Guiding Principles, Goals and Objectives, Key Regional Issues, Tools and Mechanisms, Organization of the Program, Reporting Mechanisms and Other. Summaries of the comments relative to these issues are presented in the following subsections. In the Appendix at the end of this document, reference codes are listed to identify the source of the comments.

2.1 MISSION STATEMENT

1. Comment: The document should include a clear definition of the term "sustainable

development" (2, US-E, 3, US-P, US-F, US-7, MX-E, 5 WRT). Such a definition should include:

- The Sustainable Development Principles resulting from the Johannesburg Summit (US-E, MX-E).
- The Sustainable Development Criteria developed by BECC (MX-3, MX-E, US-E, WRT).
- Public participation (MX-2, BN-2).
- The links between economic, social, and environmental challenges (MX-2, BN-2).
- Environmental Justice (US-E).
- The principle of common but differentiated responsibilities (BN-11).
- Risk assessment (US-W).
- the geological and hydro meteorological conditions of the border region (US-W).

Response: Although the term has many different interpretations, the Border 2012 Program will use the same definition of "sustainable development" cited in the BECC sustainability criteria and that was previously used for the Border XXI Program:

"Conservation-oriented social and economic development that emphasizes the protection and sustainable use of resources, while addressing both current and future needs, and present and future impacts of human actions".

2. Comment: The Mission statement should indicate that it is consistent with the Constitutions of the United States of America, Mexico and States involved (WRT).

Response: The Border 2012 Program, which was developed under the La Paz Agreement, is consistent with constitutions of the state and federal governments participating in the program. There is no need to highlight this in the document itself.

3. Comment: Improve the environment (4, MX-6, MX-2) and public health (MX-6), in that order (US-E).

Response: The main purpose of the program is to improve the environmental conditions of the border region and therefore its activities will bear a positive impact to reduce those elements that adversely affect the public health of the border residents. In this regard, the program's partners will be in permanent coordination with the health authorities at both the federal and state levels.

2.2 GUIDING PRINCIPLES

General

4. Comment: The guiding principles should not only focus on the environment and health. They should also include education and mention productive sustainable practices (MX-E).

Response: The Mission of the program refers to the principles of sustainable development, hence these principles do not only envision the environmental dimension but also encompass economic and productive aspects as well.

5. Comment: How these principles will be ensured during the implementation of the program remains unresolved (WRT).

Response: The co-chairs of each of the coordinating bodies are committed to following these principles.

6. Comment: Habitat protection should be included as a guiding principle (US-E).

Response: Although actions for management and preservation of natural resources are not directly addressed in the Border 2012 Program, the program will be supplemented by other bilateral instruments and mechanisms. Actions will be coordinated and developed in parallel to the Border 2012 Program by authorities responsible for managing and protecting natural resources.

Principle: Adopt a bottom-up approach for setting priorities and making decisions through partnerships with state, local, and U.S. tribal governments.

7. Comment: In order for the bottom-approach to be effective, the program must involve officials that are accountable to the border communities (US-4, US-8, BN-5, BN-6, 2, US-E, US-W, BN-P, MX-4, MX-6, WRT).

Response: The Border 2012 Program is structured so to empower regional players through their participation in the Regional Workgroups. The regional co-chairs, representatives of the federal and state authorities, in that sense are the program officials who stand accountable to the community in which they live and work.

8. Comment: The bottom-up approach requires the decentralization of many governmental functions in Mexico (MX-3, BN-7).

Response: SEMARNAT is in the process of decentralizing and delegating permitting and enforcement authority to State governments in those States demonstrating capacity and capability. Capacity building assistance is being provided by the Institutional Environmental Development Program (*Programa de Desarrollo Institutional Ambiental* or PDIA).

9. Comment: Consistent with this principle, funds must come directly to local groups instead of receiving them through a Federal and State filtering process (WRT).

Response: The sources of most, if not all, of the funding are the federal and state governments, (excluding funding from the BECC and NADB). Local groups could receive funding through

the coordinating bodies depending on the project; however, it will be the decision of the coordinating bodies and those agencies providing funding for the final disposition of funds.

10. Comment: Clarify the role of local groups in the bottom-up approach (2 WRT) since in other areas the Border 2012 organizers appear to have already established the priority problems and even set goals (WRT). More specifics on local capacity building is important (WRT).

Response: There will be representation of some local groups on the coordinating bodies and all local groups will have an opportunity to participate in the workgroup and policy forum process. Local groups can also be members of the Task Forces that will be created by the coordinating bodies. In the setting of the goals and objectives, the Border 2012 partners relied on feedback received from border stakeholders over the course of Border XXI, and also asked for review and comment during the comment period of Border 2012.

Principle: Address disproportionate environmental impacts in border communities.

11. Comment: Include broader notions of environmental justice in the program (US-E, US-W, BN-P, US-F, 2 WRT), provide strict enforcement (MX-6), and establish an environmental justice community-based commission (US-E).

Response: This comment has been considered in revising the program text. However, it is important to note that the guiding principle as stated addresses the broadest notion of environmental justice. The program has been designed around increasing stakeholder participation in the decision-making process so it is critical that Environmental Justice groups participate in the dialogue regarding the formation of Task Forces and the development of project proposals. Based on the desire to have all stakeholders participate at the Policy Forum and Workgroup level, a separate commission is not warranted.

12. Comment: Take care of the strong impacts that affect border communities (MX-6, MX-E).

Response: The Border 2012 Program goals and objectives have been developed taking into consideration the most significant environmental impacts. It is important to note that many decisions which have a significant impact on the environment are made at the state and local level.

Principle: Improve stakeholder participation, and ensure broad-based representation from the environmental, public health, and other relevant sectors.

13. Comment: An active participation of the private sector will be crucial for the success of the program (MX-3, 2, BN-2, 2, BN-7, BN-11, 3, US-E, 2, US-W, US-F, MX-4, US-10).

Response: We agree that it is crucial for the private sector to participate in Border 2012, especially in the Regional Workgroups and Task Forces. We have added "private sector" to the list of border stakeholder groups.

14. Comment: It is unclear how Border 2012 institutions will work together with other institutions responsible for industrial development in a region with limited resources (US-10).

Response: The Regional Workgroups are the most appropriate Border 2012 institution for coordination with local development agencies. Local development agencies are invited to participate in the Regional workgroup process.

15. Comment: The program should include migrants as stakeholders (BN-2, US-W).

Response: Migrants, as all border residents, are considered stakeholders. The program addresses migration intrinsically, as it is tailored to respond to the environmental effects of the demographic explosion in the region. Other notable problems associated with migration, such as cultural hybridization, human rights abuse and others, are beyond the scope of this program.

Principle: Foster transparency, public participation, and open dialogue through provision of accessible, accurate, and timely information.

16. Comment: There are no indicators or concrete goals that guarantee or assure real participation of those directly involved nor the access to timely and precise information. We hope that the final program includes specific commitments, especially of the Mexican part with respect to social participation, transparency and information access (MX-E).

Response: Border 2012 makes several commitments (i.e., timely notice of meetings, simultaneous interpretation, community representation) to assure participation of border stakeholders in the workgroups, forums, and Task Forces. We believe that these commitments are adequate to guarantee the participation of border stakeholders in the decision-making process.

17. Comment: The document should include a clear description of the program's mechanisms for public participation, and particularly:
    - Explain how the communities may get involved with the coordinating bodies, how their issues can be addressed by the program and what kind of follow-up procedures will be in place to make sure that their recommendations are followed (2, US-5, US-6, US-8, 2, MX-3, BN-5, 3, BN-6, 3,US-E, 2, US-W, US-P, 2, US-F, MX-L, US-10).
    - Provide information about where program publications, including operational guidelines, will be available (US-4, BN-9, BN-11). Such publications should be written in an understandable non-technical language (BN-11), and should be available through radio stations, public libraries, and social organizations such as the municipal councils (US-E,

BN-2, 3, BN-P). Also, some additional efforts are required to make sure the English - Spanish translations are accurate (2, BN-6, US-E).

Response: The Border 2012 Program has developed detailed information on the ways in which the public and other stakeholders can participate in program activities. The Operational Guidance outlines how the various coordinating bodies will interact and share information with each other.

Operational Guidance, Implementation Reports and other program information will be available in hard copy and electronically on various websites managed by EPA, SEMARNAT, and the border states. In addition to participation in Workgroup and Task Force meetings, this information will allow the public to determine the extent to which their recommendations have been included in program activities.

Provision of accurate translation and interpretation of program discussions, information, and materials is critical to the success of any binational program. Therefore, every effort will be made to ensure that translations and interpretation services are of the highest quality.

Interested individuals may view the Border 2012 Operational Guidance at www.epa.gov/usmexicoborder and www.semarnat.gob.mx.

18. Comment: Capacity, honesty, solidarity, and coordinated work to benefit society (MX-6).

Response: EPA and SEMARNAT in partnership with other federal agencies (including the U.S. Department of Health and Human Services and its Mexican counterpart Secretaría de Salud), the ten border-state governments, and U.S. tribal governments are coordinating their work efforts in the production of the Border 2012 Program.

Comment: Public participation mechanisms should encourage constructive dialogue (BN-6, BN-10).

Response: Meeting notices will be provided at least 30 calendar days in advance and meeting locations will alternate between the United States and Mexico. Discussions will be simultaneously translated into English and Spanish. Meeting agendas will be made available in English and Spanish and will be disseminated through the border offices, at border websites, and through list services.

Principle: The United States recognizes that U.S. tribes are separate sovereign governments, and that equity issues impacting tribal governments must be addressed in the United States on a government-to-government basis.

20. Comment: Tribal representatives would like to participate as co-chairs of some of the Regional Workgroups (US-1, 3,US-2, 2, BN-P). Also, the document should include further

detail on tribal involvement (2,US-2, US-8), such as a description of the mechanisms through which the tribes will be able to raise their main concerns (US-1, US-2, US-9, WRT). Change the term bi-national to tri-national to include sovereign tribes along the border (WRT).

Response: Many of these comments have been addressed through the US EPA letter to US Tribes in the border region. Some of the assurances outlined in the letter have been incorporated into the Operational Guidance. Tribal representatives have not been identified as co-chairs in the Border 2012 Program. It is not clear on which workgroup and how a US Tribal representative would serve as co-chair. Nonetheless it is possible that EPA and SEMARNAT may receive specific proposals outlining co-chairmanship at the Regional Workgroup level during the program 10-year operation. There would be a number of complex issues to consider in the event that such a proposal is made. In the meantime, EPA has provided assurances to the US Tribes that they will continue to have the same resources and access to decision-making as was previously provided under the Border XXI Program. In addition, a Border Tribal Caucus of U.S. Tribes will meet to discuss issues which affect tribal communities in the border region and this group will provide direct input to the US National Coordinator. For more information on the US EPA assurances to US Tribes please see the EPA website.

Principle: Mexico recognizes the historical debt it has with its indigenous communities; therefore, appropriate measures will be considered to address their specific concerns, as well as to protect and preserve their cultural integrity within the broader environmental purposes of this program.

21. Comment: The document should be more specific about how Mexico will involve the Mexican Indigenous Communities (US-1,3,US-2, MX-2, 2, MX-3, 4, BN-6, BN-1, MX-4, MX-E). Specific comments are:
    - Use the term "indigenous peoples" instead of "indigenous communities" (US-E, MX-E, WRT).
    - Provide a list of Mexican Indigenous Peoples similar to that of the US Tribes (US-E, MX-5, MX-E, WRT).
    - Include goals and activities on this regard (BN-2).
    - Consider migrant indigenous communities (MX-E).

Response: The term Mexican indigenous peoples will be used, according to the Political Constitution on the Mexican United States. A list of Mexican Indigenous Peoples with presence in the border region, as defined in the La Paz Agreement, will be provided based on the information from the Instituto Nacional Indigenista. Specific activities, goals and objectives concerning Mexican Indigenous peoples and their relationship with the environment can be found in SEMARNAT's Programa Especial de Pueblos Indígenas.

22. Comment: Participation of U.S. tribes and Mexican indigenous communities should be consistent with the American Declaration on the Rights of Indigenous People (OAS) and the United Nations Convention on Biological Diversity (US-9, 2, MX-5).

Response: Participation of Mexican indigenous communities in this program is based on articles

1 and 2 of the Political Constitution of the Mexican United States and in accordance with international law.

23. Comment: This principle is not elaborated in the body of the plan. The specific needs of Mexican indigenous peoples are very different than the urban needs and as such they must be articulated clearly (WRT).

Response: The different Mexican indigenous communities that reside in the border region are most welcome to express and define their particular needs through their representatives in the Regional Work Groups. They can also recommend specific projects or initiatives to be developed by Task Forces to address such issues.

Principle: Achieve concrete, measurable results while maintaining a long-term vision.

24. Comment: The long-term vision must include planning the future development of the region: Local governments, communities, tribes, and state legislators will need to be part of this planning process (US-1, US-2, 3, US-5, US-8, MX-1, BN-5, 2, BN-6, BN-7, BN-11, 7, US-E, 3, US-W, 3, BN-P, US-F). BECC and NADB can contribute significantly to this process (BN-2, BN-6, US-W). The development of the border region should foster economic activities that generate employment for local people (US-4) and contribute to environmental protection, such as eco-tourism (BN-7).

Response: It is expected that each workgroup will identify the state, regional, and municipal plans relevant to achieving each workgroup's objectives. However, Border 2012 is not a regional planning program. Border 2012 does emphasize a bottom-up approach upholding the principles of sustainable planning practices but does not replace local land use decision-making.

25. Comment: Explain rationale for a 10-year program in terms of short, medium, and long-term goals (BN-6, US-P, US-W).

Response: Many of the objectives for the Border 2012 Program are for the first five years. In these instances, revised objectives will be proposed at the five-year evaluation of program progress. These objectives will guide the plans of the coordinating bodies.

26. Comment: Provide detailed guidelines on how to deal with and prioritize federal, state, regional and municipal plans that necessarily affect both sides of the border (WRT).

Response: To provide guidelines in the Border 2012 planning document would be difficult, if not impossible, due the large number of different federal, state, and local governments involved on the border. It is expected that each workgroup will identify the state, regional, and municipal plans relevant to achieving each workgroup's objectives.

Principle: Measure program progress through development of environmental and public

health-based indicators.

27. Comment: Indicators should also measure transparency, public participation, and access to information (BN-2, BN-7, US-E, MX-E), as well as institutional performance (2, BN-5, BN-6, US-E, US-W, BN-10, WRT, US-W).

Response: In general, the indicators are intended to measure improvement of the border environment in the areas of air quality, water quality, hazardous waste management, and related environmental concerns. Although it might be useful to measure transparency, public participation, access to information, and institutional performance, we believe that the indicators should focus on the environmental improvements.

Public participation is an important aspect of Border 2012; however, the main objectives of the Border 2012 indicators are to measure environmental improvement on the border to see if the goals of Border 2012 are being met.

28. Comment: Indicators should help to establish baselines and identify information gaps at the regional, state and local level (2, MX-2, MX-3, 3,BN-2, BN-6, US-E). Baselines should include the state of the natural resources in the region (BN-2, US-E).

Response: Indicators will establish baselines where they do not already exist. Some natural resource baseline information will also be included**.**

29. Comment: Indicators should help to shape long-term perspectives for the region (BN-6) with particular attention given to the demographic trends (MX-3, BN-7, US-E). These indicators should also focus on the quality of life in the border region. Some indicators on the quality of life include: accidents at work, employment rotation rates, environmental health, and environmental education (WRT, US-E, BN-P, US-F).

Response: Through work done by the Southwest Center for Environmental Research and Policy on demographic trends, the Border 2012 partners are aware of the relationship of demographics and the environment, and it is likely that the environmental indicators being developed will reflect the demographic trends in the border region. The indicators will focus on the environment and environmental health, both of which are factors in quality of life; however, it is beyond the programs goals to also look at other factors such as accidents at work.

30. Comments: Indicators must identify the sources of information used for their development (US-W, BN-P) and explain how the same indicators may be useful on both sides of the border, particularly in those cases where the indicator relates to the compliance of standards or regulations (US-W).

Response: When the work on indicators is completed, sources of information for indicators and how they can be used on both sides of the border will be included.

31. Comment: The indicators should be made available to the public and updated regularly (BN-9, US-F).

Response: Indicators will be made available to the public and will be updated periodically.

32. Comment: Environmental education activities should be included as measurable indicator of attitudes toward the importance of environment (US-E).

Response: Environmental education is an important aspect of Border 2012; however, the main objectives of the Border 2012 indicators are to measure environmental improvement on the border to see if the goals of Border 2012 are being met.

33. Comment: There are no indicators that detail implementation (MX-E).

Response: Implementation Reports, not indicators will detail specific program activities under Border 2012.

34. Comment: Add to the English version the part that refers to environmental performance as well as sustainability (MX-E).

Response: The translation has been corrected to be consistent with the English version.

35. Comment: Environmental health indicators must be included (MX-E).

Response: This comment will be addressed in the development of indicators for the Border 2012 Program.

2.3 GOALS AND OBJECTIVES

Comments received relative to the Border 2012 Goals and Objectives included the following:

General Comments

36. Comment: Goals should be supported with baseline conditions and an explanation of what standards will be used to measure progress (US-3, US-4, US-8, MX-3, BN-2, BN-5, BN-6, BN-12, 2, US-E, 2, US-W, 4, BN-P, 6, US-F, WRT). They should be built on the achievements of previous programs, such as Border XXI and be clearly related to the La Paz Agreement (US-5, 2, US-8, MX-3, BN-7, BN-11, US-E, US-W, 2, BN-P). The document should also include strategies, activities, and timelines for the achievement of these goals (2, MX-3, BN-7, 4,US-E, 2, US-P, 2, US-F, WRT). The word “reduce” does not seem suitable or realistic before the actual environmental state in the border region is identified. Include a

descriptive summary of environmental state in the border region. Identify the possibility of, at a minimum, committing to stop environmental damage in the border region. Assess the possibility of modifying the word "reduce" versus "slow or stop contamination" (MX-E). The goals are simple and repetitive (MX-E).

Response: Goals and objectives have been complemented with additional background and baseline information. Achievement of goals will be the responsibility of all stakeholders involved. Activities and timelines will be developed and implemented by Regional Work Groups, their respective Task Forces, Policy Forums and Border-wide Work Groups. Identifying specific timelines, strategies, and activities in the Border 2012 framework document would be cumbersome; however, it is anticipated that this information will be shared via the Internet and in Implementation and Progress Reports. Baseline conditions for different media will be provided on a regional basis. Activities will be directly related to those conditions.

It is anticipated that the BECC and NADB participate in planning processes through their forecasts, studies and strategic planning.

37. Comment: Promote cultural activities for the community to prevent and address the problems of the communities (MX-6).

Response: Environmental education is an important component of the program and will be incorporated in the activities of the coordinating bodies.

38. Comment: Explain the relationship between the goals, objectives, and the indicators (US-E, 2 WRT).

Response: Goals provide overarching direction to the program; objectives provide measurable guideposts of progress; and indicators assess progress.

39. Comment: The document should explain how the bottom-up approach relates to the goals and objectives, specifically whether the communities will be able to suggest new goals and objectives (US-6, BN-5), and what new goals will be established once these are met (US-E).

Response: The bottom-up approach allows communities to provide input in developing strategies and by proposing projects through Task Forces to achieve objectives. At the five year evaluation the National Coordinators may consider new or revised goals and objectives. At the regional level, with input from local stakeholders, decision makers will be free to develop regional objectives or sub-objectives for their respective region, consistent with the program goals.

40. Comment: Ten years from now the border should show a tangible improvement in the quality of life and the environment (MX-6).

Response: The goals, objectives, and indicators for the program are all geared towards tangible improvement of the environment and thus, quality of life in the border region.

41. Comment: Goals and objectives on enforcement and compliance are needed (BN-5, BN-6, 5, US-E).

Response: Compliance and enforcement efforts are tools that will help reach the other goals outlined in Border 2012. We agree with the comments, and a new goal specific to Compliance and Enforcement has been added to increase compliance rates that will lead to improvements in environmental conditions.

42. Comment: The program should make sure that these goals are met throughout the border region and not only in some of the sister cities (US-8, BN-2).

Response: The goals and objectives are, by definition, border-wide and not city-specific. However, the guiding principles compel the program implementers to ensure that no border communities are affected disproportionately regardless of their size.

43. Comment: Objectives are too vague, should be more specific and focus on more than assessments of current conditions (US-E, US-2, WRT).

Response: There is no comprehensive assessment of current conditions in the border region, and this baseline information will be required to assess future progress. Local communities will play a key role in defining more specific objectives for each region through Task Forces.

44. Comment: Clarify what incentives and motivation the stakeholders will have to address and meet the goals of the program (MX-F).

Response: Border stakeholders will want to live in a cleaner environment, which is the goal of the program.

45. Comment: The goals need to be set taking into consideration the equality of both sides of the border (MX-F).

Response: The goals and objectives are set for the entire US-Mexico border extending 100 km north and south of each side of the international border.

46. Comment: Consider urban problems in the goals and objectives (MX-F).

Response: The goals and objectives of the program address environmental problems including but not limited to problems impacting urban areas.

47. Comment: To what extent are goals dependent on financing by BECC/NADB? (US-10).

Response: Financing by the BECC and NADB will be important as the institutions begin to implement their expanded mandates.

48. Comment: The time specified to meet certain objectives is too long (MX-E).

Response: A majority of the goals and objectives under the Border 2012 Program are for the first five years of the program. Revised objectives will be proposed at the five-year program evaluation. Ten years is a feasible timeframe to coordinate efforts and achieve the remaining goals and objectives of this program.

49. Comment: As noted in the draft document, "the border region supports a remarkable biological diversity, including rare and endangered species." Yet, a sixth goal to protect biological diversity and the health of border ecosystems does not exist in the program. (4 WRT, MX-6, US-10, BN-9, US-E).

Response: The mission of the Border 2012 Program is to protect public health and the environment along the US-Mexico border region. Natural ecosystems are considered part of the environment. Although protection of biological diversity and the health of border ecosystems are not specifically mentioned under this program, SEMARNAT and the US Department of Interior (DOI) have bilateral programs addressing these issues.

50. Comment: A number of objectives are for 2003, 2004, and 2005. Since it may be difficult at first to get bottom-up input for these actions, the goals may need to be adjusted so that they are reasonable (WRT).

Response: Although it is important to meet the objectives in the timeframes listed in Border 2012, the program has enough flexibility to revise timeframes if warranted.

51. Comment: There is no reference to evaluation as a tool for questioning assumptions and reviewing the validity of the objectives (WRT).

Response: Environmental indicators for this program are currently being developed.

2.3.1 Goal #1 Reduce Water Contamination

52. Comment: Groundwater and surface water conservation and management should be included as a measurable objective with timetables for municipal, industrial and agricultural sector (US-E).

Response: The goal is to improve water quality both directly and indirectly. However, water conservation and management has both quality and quantity components and water quantity issues are under the jurisdiction of the U.S. states, the U.S. and Mexican Sections of the International Boundary and Water Commission (IBWC), the U.S. Bureau of Reclamation, and SEMARNAT through its National Water Commission (CNA).

53. Comment: Supporters of wildlife should be included as stakeholders for water issues and wildlife populations as water users (US-E).

Response: The comment is noted. The Water Policy Forum is expected to encourage and support broad-based stakeholder input.

54. Comment: Protection of key aquatic habitats should be included as specific objective under Goal #1 (reduce water contamination) (US-E).

Response: The assessment of significant shared and trans-boundary surface waters would include these habitats.

55. Comment: An objective is missing regarding "Assure the Adequate Supply of Water" (MX-E).

Response: Water quantity issues are under the jurisdiction of the U.S. states, the U.S. and Mexican Sections of the International Boundary and Water Commission (IBWC), the U.S. Bureau of Reclamation, and SEMARNAT through its National Water Commission (CNA). Border 2012 includes the concerns of the different agencies responsible for water quantity issues.

Objective 1. By 2005 increase by 1.5 million the number of people connected to potable water and wastewater collection systems.

56. Comment: This objective should be more ambitious and use percentage as an indicator instead of absolute numbers (US-E). There is an inconsistency regarding the number mentioned of 1.5 million households in relation to the foreseen increase of the population for the year 2005 (MX-E, WRT).

Response: This objective has been changed to a percentage in improvement for the Border 2012 planning period.

57. Comment: Need to establish a mechanism in the sister cities to promote the re-use of recycled water (MX-F).

Response: Various initiatives have been under consideration. In fact, EPA encourages re-use and currently provides public information on technologies and benefits. This would be available to the Water Policy Forum.

58. Comment: Relocate irregular existing settlements actually on rivers and creeks edges, as well to avoid any more of this invasions (MX-F).

Response: This has happened occasionally in northern Mexico as a municipal responsibility. In the US, any such project would probably need to be considered at the municipal level and conform to State law.

59. Comment: Include an objective that seeks to eliminate discharges of urban residual waters without treatment in the border region and improve the quality of plant effluents and the construction of secondary treatment facilities (MX-E).

Response: The objectives provide for seeking compliance with water quality standards and provision of municipal infrastructure, both of which speak to this comment.

60. Comment: It is necessary to specify the current number of households with potable water and wastewater systems to establish a reference point (WRT).

Response: Objective 1 has been modified. For the modified objective 1, the baseline is the annually cumulative number of full public water services, including potable water supply, distribution capacity, common sewers, and wastewater treatment capacity available to residents.

Objective 2. By 2012, assess significant shared and transboundary surface waters and achieve a majority of water quality standards currently being exceeded in those waters.

61. Comment: Compliance should be achieved in:
- All water quality standards (US-8, BN-P).
- 70% of water quality standards (BN-P).
- 25% of water quality standards (US-F).
- The water uses according to the norms (MX-E).

Response: There is a need to assess all surface waters and start with the most critical to seek compliance with water quality standards. Setting 2012 as a goal for the majority is an interim goal.

62. Comment: Prioritize water quality standards to be achieved first according to their importance for public health (US-W).

Response: Water quality standards are established in the US by the States and Tribes under Clean Water Act authorities to ensure that the most sensitive designated use is protected in all waters. In instances where water quality standards are exceeded, it is generally the state's discretion to establish criteria for priority ranking and targeting decisions. The Clean Water Act

requires that states establish priority ranking for exceeded standards, taking into account the severity of the pollution and the uses to be made of such waters. EPA works closely with the States and Tribes to ensure that exceeded standards that present the highest health risk are addressed on a priority basis.

63. Comment: Set priorities and explain the criteria used for defining which aquifers will be assessed (US-W).

Response: This objective concerns surface waters. Water quality criteria for aquifers is managed at the state level in the US and that would be from a public health perspective.

64. Comment: The program should consider whether this goal is realistic, because of the difficulties of achieving water quality standards once they have been polluted (MX-E, BN-2).

Response: Use attainability is a consideration in setting US water quality standards.

65. Comment: Objective 2 should be accomplished in the mid-term so it can be used as a resource for the implementation of the remainder of the program (US-E, 2 WRT).

Response: The pace of water quality attainment is driven by resource levels. The commitment in this objective is on that basis.

66. Comment: The goal of 20% for shared water seems to be too low (MX-E).

Response: Objective 2 has been modified and a baseline has been established.

67. Comment: Add "ground water" so that it reads, "By 2012, assess significant shared and transboundary surface waters and ground water and achieve a majority…" (2 US-WRT).

Response: Groundwater is outside the explicit jurisdiction of the federal agencies so it has not been identified under goal #1. In addition, there are no uniform standards for groundwater quality making the inclusion of groundwater in the objective unfeasible. However, program partners may agree to pursue specific projects aimed at investigating or monitoring groundwater quality through Regional Workgroups. Investigations or monitoring of groundwater quality may also occur as a result of efforts to address abandoned sites contaminated with hazardous waste or material under goal #3, objective 4. Although there have been successful models for binational groundwater investigation under Border XXI, no specific studies are identified here.

Objective 3. By 2005, reduce by 10% the number of days per year of public health advisories in coastal border waters.

68. Comment: The border region, as defined in the La Paz Agreement, includes two

coastal areas in the Gulf of Mexico and in the Pacific Ocean. However, they are not included in the goals with specific programs for the coastal region, like the conservation of coastal ecosystems, estuaries and coastal infrastructure needs (MX-E).

Response: Objective 3 of goal #1 addresses issues related to coastal water pollution. Given the geographical location of coastal areas and the regional focus of Border 2012, the California-Baja California and Texas-Coahuila-Nuevo León-Tamaulipas Regional Workgroups are best suited to address these issues in coordination with the Water Policy Forum.

69. Comment: In order to meet this objective, the program will need to address the pollution generated along the coast by gas tanker ships (BN-6).

Response: The comment is noted and will need to be reviewed by the Water Policy Forum.

70. Comment: Substitute objective 3 with "increase by 100% the number of firms that have water pre-treatment systems and by 60% the municipal treatment before wastewater discharges to bodies of water" (BN-P).

Response: The comment appears to apply to other objectives. Making the substitution appears to render those objectives less encompassing.

71. Comment: Public notices of contaminated coastal water are nonexistent in Mexico. First assure the creation of public mechanisms of information of coastal waters (MX-E).

Response: Objective 3 has been modified so that a monitoring system for evaluating coastal water quality at the international border beaches be implemented by 2006 and used as a basis for establishing a year 2012 objective.

Objective 4. By 2005, assess the water system conditions in 10% of the existing water systems in the border cities to identify opportunities for improvement in overall water system efficiencies.

72. Comment: Objective 4 should be more ambitious than 10% (BN-P, MX-E, 2 WRT).

Response: The objective is for year 2005 and a higher level of assessment would be expected by 2012 if resource support is available.

73. Comment: Pilot project to purchase water rights between counties in Texas should be replicated (BN-10).

Response: Water rights management in the US is a State responsibility and bound by State law.

Other

74. Comment: The Water Policy Forum should be more transparent and provide more information about water quality and quantity (BN-2).

Response: Many border water-related agencies are currently working on improvements to their water quality monitoring and data-gathering. The Water Policy Forum will take this transparency concern under advisement.

75. Comment: The Water Policy Forum will need to address the links of water issues with:
    - Pollution prevention and capacity building (BN-P).
    - Health (US-8).
    - Natural resources (BN-1).

Response: The Water Policy Forum will take this concern about linkages under advisement.

76. Comment: Objective 4 needs to consider problems related to the lack of and upgrade of storm water systems (BN-9).

Response: The impact of storm water systems would be addressed under the water quality improvement objective.

77. Comment: Use of new technologies for agricultural irrigation (MX-L).

Response: This is potentially an issue for the Water Policy Forum.

78. Comment: Clarify if provision systems refers to supply systems (MX-E).

Response: There are limited resources among the participating federal and state agencies to assess dams, reservoirs and groundwater basins. It is expected that the water system condition improvements objective will deal with treatment works and associated intakes as well as distribution systems, but obvious deficiencies in the supply systems could be referenced in the assessments.

79. Comment: A watershed approach towards addressing water issues should be taken (US-W).

Response: The decision to develop watershed based approaches to improve water quality will be based on the Regional Workgroups' scope with the advice of the Water Policy Forum.

80. Comment: The evaluation needs to be made in an integrated fashion from the water supply to the treatment of wastewater (MX-E).

Response: The evaluation of water systems is direct in one objective and performance of wastewater systems is indirect through water quality protection in another because of the nature of regulatory systems.

2.3.2 Goal #2 Reduce Air Pollution

81. Comment: The program needs to take into account the links between energy and the environment. The Air Policy Forum should work with the corresponding agencies to develop an energy policy for the entire border region, that takes into account the environmental impacts of the power plants (US-8, MX-1, MX-3, BN-5, BN-6, BN-7, US-E, 2, US-W, 2, BN-P, 3, US-F, MX-4, MX-3), fosters the adoption of new technologies (2, US-8, BN-5) with a particular emphasis on sustainable power (US-7) and renewable energy sources (US-W), establishes tradable emission permits for the whole region and regulates the industrial growth in the main air basins (US-8, US-F, MX-4, WRT). This policy will also require the development of common air quality standards and regulations on both sides of the border to address air quality (2, US-8, WRT).

Response: Energy trade is a reality in the border region and the Air Policy Forum will continue to work with federal, state, and local governments in both countries as well as non-governmental organizations, businesses, and citizens to address energy / environment linkages. Several border jurisdictions have expressed interest in establishing cross-border air basins and emissions trading systems.

82. Comment: The goal and objectives should build on existing programs, instead of inventing new ones (US-8), take into account all sources of pollution (US-8) such as elevated exposure to toxic air contaminants (WRT, US-F), including open air defecation and old vehicles (BN-2), and brush management (BN-4).

Response: The Border 2012 Program builds on the Border XXI Program. The information and data developed under Border XXI will be used to develop emission reducing projects. All sources of pollution will be taken into account when developing next steps under the Border 2012 Program.

83. Comment: The goal and objectives should be linked with Mexico's Pollutant Release and Transfer Register (known as RETC in Mexico) (2, BN-2).

Response: The main goal of reduction of air pollution states that both countries shall define scenarios for reduction of emissions contamination. In Mexico's case, these scenarios will be based on information generated from the Pollutant Release and Transfer Register, the inventory of local emissions, and the data generated by the National Emissions Inventory.

84. Comment: Refuse burning, especially in winter, is of great concern (MX-5).

Response: Through the elaboration of strategies noted in interim objective 2, options will be considered to prevent and control events related with trash and toxic substances. This problem is considered one of the items to address through the strategies to reduce air pollution, especially in agriculture areas along the border such as Mexicali and Imperial Valley.

85. Comment: Need to establish community-based air pollution prevention education program (MX-5, WRT).

Response: The three levels of government in Mexico acknowledge the importance of environmental education, which is included as one of the important strategies in order to obtain interim objective 2. Currently, environmental education is an important part of the programs designed to improve air quality (PROAIRES). For example, in the Ciudad Juárez-El Paso-Doña Ana binational air shed, environmental education and public participation programs are being implemented by local authorities through the Joint Public Advisory Committee.

86. Comment: Some concrete actions that would help to improve the air quality are:

- Reduce the time for border crossings. (MX-3, BN-2, 2, BN-12, BN-P, MX-E).
- Supply gasoline with same quality on both sides of the border (BN-11).
- Improve railroad infrastructure and promote its use in the transport of merchandise through the border (MX-E).
- Establish re-vegetation programs in urban areas with native species (MX-E, MX-F).

Response: SEMARNAT acknowledges that because of old vehicular equipment and long waits at border crossings, the pollution generated from mobile sources has turned out to be one of the most important environmental problems in the binational basins, especially in the Tijuana-San Diego and Ciudad Juárez-El Paso areas. Under Border XXI a sub-workgroup was created on vehicular traffic congestion at the border crossings. This sub-workgroup set actions and proposed possible solutions to this problem. Lately, both federal governments have taken actions to improve border crossings on international bridges (e.g., implementation of express lanes).

With goal #2 and its interim objectives, both federal governments commit to assess options and adopt strategies to reduce air pollution from transport, among other sources. Both governments will work on the definition of a comprehensive strategy based on a vehicle emissions diagnosis, trends, the quality of fuel to be used, the use of railroad infrastructure, as well as border crossings waits.

SEMARNAT promotes the revision of environmental norm number 086, where the fuel characteristics for vehicles were established. Oxygenated and low pressure gasoline is being distributed in Ciudad Juárez, as an example of actions taken to improve fuel quality. I

In addition, local and state governments are implementing urban and rural reforestation programs

with native species, reducing areas with no vegetation and thus improving air quality. This is a strategy to help fulfill interim objective 2.

87. Comment: Need to increase capacity to analyze Air Quality data in Mexico (BN-10).

Response: The Mexican government is developing projects, methodology and tools to heighten the capacity to collect and manage air quality information, as well as its causes and effects. Interim objective 2 will include the definition of strategies for the reduction of specific emissions, based on existing and on going scientific research.

88. Comment: There needs to be a plan to develop emissions inventories for various cities and sub-regions or border air basins (MX-E).

Response: Under Border XXI a project was initiated to develop emission inventories for the border cities, and will be continued and/or included under the Border 2012 Program.

89. Comment: Promote the investigation and the problem of air quality in an integrated approach; in other words, investigations should support the decision making (MX-E). Strengthen capacity of those involved in emissions research and of the decision makers (MX-E).

Response: The newly added background text to goal #2 clarifies the importance of promoting investigations which support decision making, and of strengthening the capacity of those involved in emissions research.

90. Comment: The Mexican government has already adopted programs to improve air quality in Tijuana, Rosarito, and Mexicali (2000-2005) and Ciudad Juárez (1998-2002). All these programs include a list of specific control measures for each area (WRT).

Response: As the comment indicates, specific programs to improve air quality are well established in a number of basins. The newly added background text to goal #2 stresses the importance of air quality coordinated planning, management and innovation.

2.3.3 Goal #3 Reduce Land Contamination

General

91. Comment: The goal and objectives would be improved if the plan:
    - Identifies the waste tire sites that will be cleaned-up (BN-5).
    - Sets the objectives as percentages instead of absolute number of sites (US-E, WRT).
    - Establishes baseline conditions for hazardous waste in the border region (BN-11).
    - Includes hospital/bio-medical wastes (MX-E).

Response:

- The tire sites have not yet been selected because there's not enough information to make the selections. Also, there may end up being very good reasons for changing which sites are cleaned-up but that would be difficult if the U.S.-Mexico border program is locked into cleaning-up the sites listed in the ten year Border 2012 Program.
- Using percentages would be a useful target and is a preferable approach however, at this time, the total number of tire piles is not known.
- It would be ideal to establish baseline conditions for hazardous waste in the border region however such an effort is well beyond the resources of the U.S.-Mexico border program.
- The Border 2012 Program does not rule out work on hospital/bio-medical wastes. Individual types of waste are not listed in the Border 2012 Program because that would make the program overly long.

92. Comment: In order to reduce land contamination, the program should strive to

- Develop and strengthen waste recycling and reduction programs (MX-1, 2, MX-3, BN-2, BN-3, 4, BN-7, BN-P, MX-5) particularly through the use of incentives (BN-4).
- Develop infrastructure for solid and hazardous waste and toxic substances (US-4, MX-1, BN-7, US-E, BN-9).
- Take into account other pollutants such as lead and battery acid, used oil and bio-medical wastes (MX-3, BN-9, WRT).
- Consider illegal tire disposal, tire burning, and burning sugar cane (MX-F).
- Consider alternatives for the disposal of used tires (MX-F).

Response: The initiatives that will be taken to implement objective 1 will promote waste recycling, reduction and building infrastructure. The Border 2012 Program intends to promote the recycling of used tires to avoid future tire piles.

93. Comment: The program should mention explicitly the links between solid and hazardous waste and toxic substances with environmental health (BN-7, US-E, US-W, WRT).

Response: Although these links are not specifically mentioned, both governments recognize the importance of environmental health. Therefore, these will be considered under the Hazardous and Solid Waste Policy Forum.

94. Comment: The plan should provide information on how the regulations on hazardous waste will change with the implementation of NAFTA, namely whether they will continue to be returned to the US (BN-5).

Response: In relation to the return of hazardous waste from the maquiladora industry, this is specified under Mexico's General Law of Ecological Equilibrium and the Protection of the Environment. This is a very complex regulatory issue that will be considered a key issue under the Hazardous and Solid Waste Policy Forum.

95. Comment: Resources to reduce land contamination could be obtained by taxing every toxic waste site (BN-6).

Response: Environmental tax and other economic incentives are important tools. However, it has been difficult to obtain all the approvals necessary to implement them.

96. Comment: The program should address the issues of solid waste left behind by undocumented aliens (2,US-1, US-3, US-4).

Response: The importance of this issue is recognized and it will be included under the agenda for discussion for the Border 2012 Regional Workgroup meetings.

97. Comment: What is being done to test the subsoil? (BN-8).

Response: There have been a number of instances where testing of subsurface soil has been conducted under Border XXI, principally by the former Hazardous and Solid Waste Workgroup. The Border XXI Progress Report (www.epa.gov/usmexicoborder/background.htm) provides description of these projects. Ongoing as well as future efforts will be identified in the Regional Workgroup Implementation Reports and will be conducted in consultation with the Hazardous and Solid Waste Policy Forum. This will most likely occur as a part of objective 4.

Objective 1. By 2006, increase by 50% the number of industries along the U.S.-Mexico border implementing voluntary compliance and/or self-audits (such the development of an EMS or participation in voluntary assessment programs), using 2003 as a baseline year.

98. Comment: Objective number one shows a very low increase given the number of industries integrated to the voluntary audit program located along the border is very low (MX-E). It might be more useful to set a separate target increase for each side of the border (WRT).

Response: Voluntary audit programs are only one of several tools used to increase compliance rates. The new compliance and enforcement goal includes objectives to increase compliance rates that will lead to improvements in environmental conditions and will likely increase the number of industries participating in voluntary audit programs above the stated goal.

99. Comment: The 50% increase in voluntary compliance must include efforts from authorities to ensure that laws are complied with. Include in the goals the commitment of the proper authorities in charge of ensuring compliance with the law (MX-E, 3 WRT).

Response: New objectives have been created that will determine the compliance baseline and increase compliance rates through compliance assistance, compliance incentives, compliance monitoring and enforcement. This is a commitment from the US and Mexican governments to

use all available tools to increase compliance with the law.

Objective 3. By 2012, clean up three of the largest sites that contain abandoned waste tires in the U.S.-Mexico border region, based on policies and programs developed in partnership with local governments.

100. Comment: Objective number three, related to the cleaning of three tire piles to be cleaned by the year 2010 is very low (MX-E).

Response: The three tire piles to be cleaned will be very large sites. Therefore the outcomes after clean-up will be of great impact.

101. Comment: The program should support local governments to develop environmental regulations (2, BN-7, 2, BN-9, BN-11) particularly in relation to solid waste management (BN-2, MX-5). One specific instance is used oil disposal (MX-E).

Response: The implementation of the Border 2012 Program will include actions directed to solve these issues. The Hazardous and Solid Waste Policy Forum will consider these comments in its agenda during discussions with the Regional Workgroups.

102. Comment: Development of legislation regarding extraction of stone-like products (MX-E).

Response: There already exist laws in Mexico and in the U.S regarding this issue.

103. Comment: It is necessary to develop binational regulations for the management of abandoned tires (MX-F).

Response: Under the activities of the Hazardous and Solid Waste Policy Forum there are no plans to develop binational regulations, since each country established its own regulations according to its needs. However, we will be looking into strategies for the management of used tires.

Objective 4. By 2004, develop a binational cleanup, reuse, and revitalization policy to address abandoned waste sites along the border. By 2007, this policy will be applied at least once in each Workgroup region.

104. Comment: The policy for cleaning, reutilization and revitalization should not be applied only to abandoned sites (MX-E).

Response: Given the complexity related to the abandoned waste sites along the border, the Hazardous and Solid Waste Policy Forum will consider the development of a site-cleaning policy between both countries.

105. Comment: Create public awareness about the risks of dangerous wastes like used oil. Create a municipal program to collect used oil to be sent to a recycle facility (MX-E).

Response: The Hazardous and Solid Waste Policy Forum plans to support efforts in the area of environmental education and include the issue of used oils. SEMARNAT has a program for the handling of automotive used oil in the Mexico City metropolitan area. This program is being implemented as a pilot project for small generators and for the industry that carries out this service, and includes this suggestion. On the other hand, there is a project under the Official Mexican Regulations that will consider used lubricants.

2.3.4 Goal #4 Reduce Exposure To Pesticides, Particularly Children's Exposure

106. Comment: The program should adopt "train the trainer" methodologies (US-F, WRT).

Response: Building on the U.S. experience in training farm owners/operators, pesticide handlers/applicators, and farmworkers and their families, the "train the trainer" approach has been adopted along the border. This is a valuable technique that increases the number of people that are trained and who become aware of pesticide management practices that reduce pesticide exposure

107. Comment: The objective should not be limited to training workers (US-10), but should also include:

- Reduction in the use of pesticides (MX-3, BN-5, 2, US-E, 2, BN-P, WRT).
- Labor and health regulation enforcement (BN-2, US-E, US-W, MX-E, WRT).
- Adequate disposal and control of pesticides and its packaging (MX-1, MX-3, BN-P, MX-E).
- Define types of chemicals used (BN-8).
- Identify and have public information about alternatives in the management of pesticides available in the market (MX-E).
- Interest in developing a curriculum for training on pesticides at the national level (BN-8).

Response: A number of activities to strengthen pesticide regulation in North America are supported by the U.S., Mexico, and Canada. Most of these activities are managed through the NAFTA Technical Working Group (TWG) on Pesticides composed of pesticide regulatory officials from each country (see http://www.epa.gov/oppfead1/international/naftatwg/). In addition, regional and U.S.-Mexico pesticide related activities are addressed through the U.S.-Mexico Pesticide Information Exchange (USMPIE) program and the North American Commission for Environmental Cooperation (CEC).

The "sustainable pesticide" assurance is an important issue for the TWG as is a comprehensive approach to regulating pesticides. Key areas for the TWG include:

- Lifecycle management of pesticides.
- Public participation in the regulatory process.
- Worker protection and training of health professionals.
- Promotion of reduced risk pesticides and biopesticides.
- Promotion of integrated pest management.
- Minor use coordination (growers).
- Joint reviews.

In addition, the USMPIE program is facilitating collaboration on pesticide issues among the U.S.-Mexico border states. Specifically, it has focused on compliance and enforcement, training of inspectors, regulatory coordination, and import/export trade issues.

The CEC, through its program on Pollutants and Health, supports the development of North American Regional Action Plans to reduce and/or eliminate risks from chemicals and pesticides and is promoting trilateral collaboration for the protection of children's health from the adverse effects of pesticides and other toxic chemicals.

While the Border 2012 Program provides another avenue for addressing pesticide risks, a significant effort is being made to strengthen the overall regulation of pesticides on a regional and bilateral basis through the TWG, CEC, and USMPIE.

The farmworker training activity has resulted in a national training curriculum in Mexico. This can lead to more extensive training in the future

108. Comment: Training should also consider training for the household use of pesticides and be directed to teachers, students, and employers (US-E, BN-P).

Response: While the initial focus of the training is on farmworkers, it is intended to raise the awareness of pesticide risks in households. Farmworkers are encouraged to share information about pesticide risks with family members.

109. Comment: Goal and objectives should also include exposure to other sources of pollution, such as traditional brick manufacturers (US-E, US-W) and other substances such as lead (MX-3, MX-F).

Response: It is important to prioritize activities and to assure that public health and the environment are protected. In light of available resources, areas of mutual concern and high priority are being addressed. Unfortunately, it is not possible to address all sources of pollution directly through the border program.

110. Comment: Increase the number of farm workers to be trained (US-E, WRT).

Response: The number of farmworkers targeted for training takes into account available

resources and expertise. However, the purpose of the "train the trainer" approach is to increase the number of people qualified to train, and thus, increase the number of people trained.

111. Comment: Add specific objectives on home and yard pesticides management (US-E, WRT).

Response: As agricultural use of pesticides along the border is of greatest concern and priority, efforts are initially addressing this area.

112. Comment: You should correlate the goals related to exposure and risk communication (MX-E).

Response: The objectives of the farmworker training activity are to reduce pesticide exposure to both workers and their family members and to assure that pesticide application practices minimize risks to the extent possible. An important component of the training is risk communication. The lessons learned through this experience will be applied to other border activities as appropriate.

113. Comment: Concerned about the use of pesticides on the Mexican side of the border – not on the U.S. side. (US-10)

Response: Both countries are working to assure that pesticides are used in accordance with safe practices and do not pose unacceptable risks to human health and the environment. Through various fora (i.e., NAFTA TWG, CEC, USMPIE), the U.S. supports training and capacity building to strengthen the regulation of pesticides in Mexico. We also work with U.S. national pesticide program partners, including state and tribal lead agencies to ensure good pesticide use compliance within the U.S., including along the border. USMPIE specifically involves border States in both the U.S. and Mexico. The Mexican government has created a mechanism of coordination for the various federal agencies that bear responsibility over pesticides issues, the Inter-Secretary Commission for Management Control and Use of Fertilizers, Pesticides and Toxic Substances (Comisión Intersecretarial para el Control del Proceso y Uso de Fertilizantes, Plaguicidas y Sustancias Tóxicas). The Commission is in charge of analyzing, monitoring and developing coordinated measures for the control and correct use of such materials.

114. Comment: You should add "and reduce the use of pesticides through education on safe, available alternatives" (WRT).

Response: Mechanisms are in place to reduce risks from pesticides and to promote alternatives, such as biopesticides and integrated pest management on a tri-national level through the NAFTA TWG and CEC programs.

115. Comment: There is no mention of training physicians in the recognition of pesticide illness and treatment. This is of sufficient importance to merit mention as a separate objective

(WRT).

Response: The training of physicians and medical professionals in the recognition and management of pesticide illnesses and treatment is important. The U.S. is implementing a program that will train medical professionals in this area and has been sharing expertise with medical organizations in Mexico. A description of this pesticide initiative follows, and further information can be found at: http://www.epa.gov/oppfead1/safety/healthcare/healthcare.htm

National Strategies for Health Care Providers: Pesticide Initiative is an initiative created by the EPA and the National Environmental Education & Training Foundation in collaboration with the U.S. Departments of Health and Human Services, Agriculture and Labor. It is aimed at incorporating pesticide information into the education and practice of health care providers. The goal is to improve the recognition, diagnosis, management, and prevention of adverse health effects from pesticide exposures. This initiative also serves as a model for broader efforts to educate health care providers about the spectrum of environmental health issues.

116. Comment: Training alone does not guarantee compliance. An enforcement component is needed to this goal (WRT, US-E).

Response: In response to public comments, we have created a new goal 6 that included objectives for enforcement and compliance. This goal is not program specific (air, water, waste, pesticides), but seeks to improve compliance in all areas, including proper pesticide use and distribution.

Compliance and enforcement issues are being addressed through the USMPIE program.

2.3.5 Goal #5 Reduce Exposure To Chemicals As A Result Of Accidental Chemical Releases And/Or Deliberate Acts Of Terrorism

117. Comment: Deliberate acts of terrorism are not an environmental issue and will divert scarce resources (2, US-E, WRT). The additional inclusion in this goal of concern over terrorism in an environmental program between to nations with a friendly relationship seems inadequate (MX-E). To allocate attention to counter-terrorism seems like a grave misallocation of human and financial resources (2 WRT).

Response: While deliberate acts of terrorism are not in themselves environmental issues, those deliberate acts which could or do result in a chemical release affecting human health and the environment are environmental issues.

118. Comment: In order to reduce risks from accidents and deliberate acts of terrorism, the program should:

- Obtain resources for training and equipment on both sides of the border (US-2, US-3).
- Formalize Binational Mutual Aid Agreement to share resources and expertise at a time of

crisis (US-F).

- Establish Cross Border Bio-terrorism Committee for educational and readiness preparation (US-F).
- Develop cross border capabilities for information sharing (US-F).
- Create a federal Public Health Facility at the border (US-F).

Response: Training, equipment, resources and expertise sharing, and information exchange are all key components of developing and keeping up-to-date sister city plans. These are the primary aspects of contingency planning and emergency response which the Joint Response Team focuses it efforts on throughout the planning process. Bio-terrorism is a concept which the Joint Response Team has recently including in its contingency planning efforts, in fact, a major bioterrorism exercise was held in Eagle Pass/Piedras Negras in September 2002 to begin the planning efforts for these types of incidents. The public health community was a major player and participant in this effort.

119. Comment: Inter-agency coordination with the Federal Emergency Management Agency (FEMA) (US-3, US-4) and the Department of Homeland Security (US-W) is of utmost importance.

Response: The Joint Response Team has always included FEMA as a member and most recently has involved the Department of Homeland Security in its Joint Response Team meeting.

120. Comment: Border 2012 should support local governments to redesign hazardous materials ports of entry (US-6). The Plan should clarify EPA standards on hazardous materials and use of "sniffer" technology (US-6, BN-2).

Response: The Joint Response Team supports local communities in their development of sister city plans including procedures to safe guard the ports of entry from hazmat incidents. However, any redesign of ports of entry would need to be coordinated with the appropriate authorities, which can be accomplished through the Joint Response Team. It is unclear what EPA standards on hazmat is being referred to in this comment. These could be training standards, contingency planning standards (which are defined by the National Contingency Plan) or other hazardous materials standards.

121. Comment: The goal of year 2008 is too far off for the operation and planning for contingencies for the sister cities (MX-E).

Response: To date, 10 sister city plans have been completed and most of those have been exercised. It is most probably that the sister city plans will be completed prior to 2008 and the Joint Response Team is working hard for the completion of those plans.

2.4 REGIONAL ISSUES

The following table summarizes the comments related to Border 2012 key Regional Issues:

WATER	
California / Baja California	• Water quality in: Salton Sea, New River, Colorado River, Mexicali (2, US-8, US-9, US-P, BN-P) • Water pollution generated by power plants located in the region (US-E). • Urgent need for wastewater treatment plant in the Palmas Valley and Tecate. • Need sewage drain system in Palmas Valley. • Need of treatment and potable water plants in the field. • Oil in water drains (MX-5). • Restore Colorado River Delta (MX-5). • Tribal infrastructure needs repair (WRT).
Arizona / Sonora	• Need to build reservoirs in Nogales (BN-2). • Wastewater infrastructure. • Water quality in Upper San Pedro Basin, also in public schools and Tribes (2, US-1). • Water contamination from Phelps Dodge smelter (5, US-W). • Lack of water in the Colorado River delta (WRT).
Nuevo México - Texas / Chihuahua	• Water quality (2, BN-11) and quantity (BN-11) in Ciudad Juárez/El Paso. • Watershed approach for Big Bend/Maderas del Carmen/Cañón de Santa Elena (US-E). • Elevate the Peguis dam (MX-6). • Dredge the Conchos and Rio Grande Rivers (MX-6). • Contamination and waste of water (MX-6). • Waste water contamination in the Conchos and Grande Rivers (MX-6). • Rapid draining of the Hueco Bolsón aquifer. • Enforcement of water treaties (US-7). • Eradication of Salt Cedar from Rio Grande (BN-4). • Increase NADB funding for wastewater treatment in Ojinaga (US-7).
Texas / Coahuila - Nuevo León -Tamaulipas	• Water quality in the stream of Las Vacas and effluents of the Rio Grande (BN-3, 2, BN-7, BN-10). • Toxic run-off from mines near Nuevo Laredo (BN-10). • No alternative water supply for Nuevo Laredo (BN-10). • Develop water and sewage infrastructure (2, BN-3, BN-7). • Upgrade and construction of new storm and wastewater systems in Nuevo Laredo (BN-9). • Water conservation (BN-P). • Water loss form Amistad Dam (BN-10). • Need to eradicate non-native plants that consume water (BN-10). • Improve agriculture water quantity by utilizing treated wastewater (BN-10). • Contamination from auto repair shops (BN-7, BN-9, BN-10). • Development of infrastructure for potable water and treatment of water. • Water Quality Monitoring (BN-4).

AIR	
California / Baja California	• Pollution from power plants (2, BN-6, BN-P). • Particulate Matter from Salton Sea (US-9). • Brick maker contamination in Tecate (2). • Pollution from vehicle emissions (buses overall) in Tecate (MX-5). • Dust contamination (2, MX-6), toxic gases, and air contamination. • Refuse burning (MX-5).
Arizona / Sonora	• Air pollution from dust roads, mobile sources (BN-2), Border Patrol tire dragging (2, US-1, 2,

	US-W, US-F), solid waste burning (7, US-W), wood burning (US-W), industry (MX-1), and absence of latrines.
New Mexico - Texas / Chihuahua	• Air pollution from Ciudad Juarez wastewater treatment plant (4, BN-12, BN-P). • Creation of the Paso del Norte Air Quality Management District (US-E). • Air basin approach for Big Bend/Maderas del Carmen/Cañón de Santa Elena (US-E). • Dust from trucks in Marfa/Presidio (2,US-7). • Make grants available to NGO's working on Air issues in Ojinaga (2,US-7). • Effect of "urban heat island" (US-W).
Texas / Coahuila - Nuevo León -Tamaulipas	• Air pollution in Rio Bravo from sugar cane burning (2, BN-8). • Air Quality Monitoring in Eagle Pass/Carbon2 (BN-4).

SOIL	
California / Baja California	• Clean up and restoration of Metales y Derivados (BN-P). • Implement urban development plan to stop land overuse. • Indiscriminate excavation in Tecate (3). • Tire dumping in Tecate. • Used oil dumping in Tecate. • Regulate landfills and household waste. • Develop recycling program for oil (MX-5). • Tire management in Tijuana and Mexicali.
Arizona / Sonora	• Used tires (MX-1). • Lack of appropriate solid waste disposal (MX-2, BN-2) and waste left by illegal aliens (4,US-W, BN-P).
Nuevo México - Texas / Chihuahua	• Used tires illegal dumping (BN-11, BN-12). • Lack of culture regarding collection of garbage and garbage illegal dumping (2, MX-6). • Illegal dumping of waste. • Solid waste from illegal immigrants (US-7). • Lack of truck inspectors at Presidio (2,US-7).
Texas / Coahuila - Nuevo León -Tamaulipas	• Create sites for the disposal of toxic wastes and tires (BN-P, BN-7, BN-9). • Develop recycling programs (BN-3, BN-P), including used oils from cars and bio-solids from wastewater treatment plants. • Municipal solid waste in Ciudad Acuña and Matamoros (2, BN-3, BN-7). • Industry compliance related to toxic waste generation (BN-8). • Management of tires. • Reduce use of trucks for trains (US-7).

EXPOSURE TO PESTICIDES	
California / Baja California	• Regulation enforcement and pesticide use reduction (US-F). • Management and improper use of pesticides and their containers in agricultural areas. • Isolated farm workers in San Diego County may benefit from training on pesticide risks and proper management of pesticides (WRT).
Arizona / Sonora	• Exposure to other toxics such as lead in paint.
Nuevo México - Texas / Chihuahua	
Texas / Coahuila - Nuevo León -Tamaulipas	

ACCIDENTS AND ACTS OF TERRORISM	
California / Baja California	
Arizona / Sonora	• Opening of a new rail port of entry east of Naco (US-4). • Train tracks running through the city. • Removal of propane tanks in Agua Prieta.
Nuevo México - Texas / Chihuahua	• Concerns regarding increased truck traffic at port of entry of Presidio/Ojinaga (US-7). • Emergency response (WRT).
Texas / Coahuila - Nuevo León -Tamaulipas	• Need to improve emergency response network (BN-10).

OTHERS	
California / Baja California	• Include integrated coastal management (US-E). • Explain interactions with: San Diego Association of Governments Comprehensive Region 2020, The Potable Water and Wastewater Master Plan for Tijuana and Playas de Rosarito, San Diego Regional Energy Infrastructure Plan, the Immigration and Naturalization Service's Border Infrastructure System, and Escalera Náutica (US-F). • Lack of trees and green areas in Tecate. • Stop exporting of pinelogs, manzanita, and chamizo. Not to cut trees (3). • Protect holmdak tree in Tecate.
Arizona / Sonora	• Border Patrol trampling on Sacred Sites (US-1) and harming ecosystems (US-4). • Turbine that will be moved from Arizona to Puerto Peñasco (2, BN-2). • Breached fences allow diseases-carrying wildlife through (3, US-1, US-2, US-4).
Nuevo Mexico / Texas / Chihuahua	• Heat urban island effects for New Mexico, Texas, and Chihuahua (US-W). • Problem of stray dogs (MX-6).
Texas / Coahuila / Nuevo Leon / Tamaulipas	• Noise pollution in downtown Nuevo Laredo (BN-9). • Need to improve risk communication (BN-10).

2.5 TOOLS AND MECHANISMS

Comments received relative to the Border 2012 Tools and Mechanisms included the following:

Tool: Pollution Prevention Techniques

122. Comment: Capacity building should be directed mainly to train local workers and communities (BN-5, US-E).

Response: Currently, pollution-prevention capacity-building efforts are directed toward border communities, training local workers, and local government employees. We expect this approach to continue under the new program.

123. Comment: Voluntary programs should be strengthened (2, MX-2, 2, BN-2) but should not be understood as a substitute for environmental regulation compliance (MX-3, BN-5,

2,US-E, BN-P, US-F, BN-3).

Response: We are adding a new goal specific to compliance and enforcement that includes objectives to increase compliance rates that will lead to improvements in environmental conditions.

124. Comment: "Cost-effective" should be a desirable but not necessary a condition for pollution prevention (US-E). Too much emphasis on cost-effectiveness may result on very little getting done (WRT).

Response: Cost-effectiveness does not necessarily mean low cost. A high-priced solution still should be evaluated on the basis of cost-effectiveness, i.e., to ensure the greatest return on investment and to achieve maximum efficiency. The greater the incentive, economic or otherwise, to reduce pollution, the greater the environmental benefit.

125. Comment: Explain how "environmental stewardship" will not mean that the resources of the program will be used to benefit the private sector (US-E).

Response: All sectors must be committed to environmental stewardship in order to protect and conserve the resources we share. Environmental media should not be viewed as a commodity to be owned but as a resource to be protected and shared by all.

126. Comment: The Environmental Management Systems for environmental audits include everything related to the environment, and not only should include Federal government but also state and municipal governments (BN-9).

Response: Currently, the U.S. government provides grants to state governments to develop Environmental Management System programs that will lead to audits. A similar program is underway in Mexico through the decentralization and delegation of environmental authority to the states.

127. Comment: Techniques can be included for the promotion and outreach of environmental culture, implementation of environmental management systems, implementation of permanent pollution prevention programs, establishment of regional round tables, implementation of fiscal incentives (economic tools) and award programs (MX-E).

Response: The program will consider this recommendation. Currently there are regional roundtables in place, as well as economic incentives and award programs with border maquiladoras and other industries under the pollution prevention program.

128. Comment: Need to find innovative ways to get clean technologies to companies in Mexico (US-10).

Response: It is expected that clean technologies will be part of the pollution prevention activities of the Regional Workgroups. They will be exploring ways to get this information to border companies.

Tool: Public Health Interventions

129. Comment: Will these programs reach a broad enough spectrum of people (poor and/or marginalized communities) to be truly effective? Since existing programs do not reach these people , will this change under Border 2012? (WRT).

Response: The benefits of achieving the goals of Border 2012 will accrue to all those that live on the border, especially to those who are currently experiencing the greatest environmental burden. For example, significantly improving air quality in regions such as El Paso/Ciudad Juarez or Imperial Valley/Mexicali should decrease childhood asthmas rates for everyone. The same is true for each of the other goals.

130. Comment: Since public health is an important component of the program, it is suggested that more details regarding the work to be developed be included (MX-E, MX-6).

Response: More information regarding the goals and objectives for public health will be included.

Tool: Sustainable Management of Water Resources

131. Comment: The program should promote the sustainable management of shared aquifers/watersheds and address the issue of water quantity (2, US-1, US-8, MX-1, MX-3, 3, BN-3, BN-5, 3,BN-6, 3, US-E, 2, US-W, 3, BN-P, US-F, BN-10, WRT) and responses to droughts (2, US-1, BN-2, BN-11). The authorities should consider specialization for the management of shared basins (BN-6, BN-10). Should establish a program for the recycling of wastewater (MX-4).

Response: The program will attempt to promote sustainable management of water resources. However, water quantity issues are under the jurisdiction of the U.S. states, the International Boundary and Water Commission (IBWC) (with binational responsibility on certain transboundary rivers), the U.S. Bureau of Reclamation, and the National Water Commission (CNA).

132. Comment: Groundwater should be included in the sustainable management of water resources (US-2, US-E, US-W, US-F).

Response: Although there is no specific objective that addresses groundwater management, Regional Workgroups may decide to support projects to study groundwater availability, use, or contamination in their respective regions.

133. Comment: The connection between water quality, health and water quantity is important. Regional Workgroups emphasize water supply, but borderwide emphasis does not (2 US-10). There will be a shortage of high quality water. There will need to be an increase in water treatment and water now used for agriculture to potable standards (2 US-10). The summary needs to include deficient water quality as a problem that affects the border (MX-E, MX-F, WRT).

Response: The text of this section has been expanded to deal with most of these comments. The specific mechanisms to focus on the relationship between water quality and water supply will need to be addressed on a community by community basis. There have been recent reductions in U.S. funding for water treatment indicating that there will not be an increase in investment in this area unless resources are allocated.

134. Comment: Where does IBWC fit into the plan and IBWC's management of bilateral relations in terms of water? This needs to be clarified (US-10).

Response: Based on specific needs and opportunities, Border 2012 partners will forge collaborative relations with a variety of institutions that are currently carrying out efforts to address the most significant environmental problems of the border region, such as IBWC.

135. Comment: Congress should hold hearings to bring the water issue to national attention. Without help from Congress, agencies cannot do their job. (US-10)

Response: Congressional hearings are beyond the scope of this program.

Tool: Environmental Information

136. Comment: The document should be more specific about what kind of information will be shared (US-6) at a binational level (BN-8), the methodologies that will be used to monitor contamination on both sides of the border (US-1), and how reporting and tracking requirements will be improved (US-4). Specific comments were made on the need to measure data in actual time (US-8, BN-P), the need to make more information available through community environmental information centers (BN-8, WRT) and the use of data to encourage legislative action (BN-10). Concern was expressed on the accuracy of data provided to public via media and proposed action to ensure quality (BN-10).

Response: As noted in the framework document, the National Coordinators will address the issue of environmental information-sharing in cooperation with the Regional Workgroups to determine whether a border-wide Task Force on Environmental Information should be created to facilitate information-sharing and data collection/management.

Tool: Environmental Education and Training.

137. Comment: Environmental education should be bilingual and provided to: elementary schools, higher education institutions (BN-2, 2, BN-7, BN-9/3, MX-F, BN-4), and community-based organizations (US-1, BN-1, BN-6, 2, BN-7, BN-9, BN-11, US-E, 2, US-W, US-P, US-F, MX-F). It should focus on helping the community to get involved in decision-making process as well as on risk reduction and health protection (BN-5, BN-11, MX-4, 2, MX-6). Carry out education campaign for the entire population to obtain better results and not to contaminate (MX-6).

Response: Environmental education is an important tool for executing Border 2012. Through the promotion and implementation of environmental education programs at the regional and/or border-wide level, we hope to foster greater community awareness and engage stakeholder participation in environmental issues.

138. Comment: Include all levels of society from children up to decision makers (MX-E, 3 WRT).

Response: Through the development of formal and non-formal environmental education programs and activities in the Border 2012 Program, we hope to reach the majority of residents living in the border region.

139. Comment: Should implement community-based public education projects (WRT).

Response: Education is an important part of the Border 2012 Program. Building on environmental education programs already in place in the border region, the EPA Border Offices and the Regional Workgroups will be working closely to develop environmental education in each of the border regions.

140. Comment: Define the capacity of educational institutions in the area of environment and public health to understand and implement the proposed Border 2012 Program.

Response: The role of environmental institutions in the Border 2012 Program can be an important one as we move forward with implementation of the program. Such institutions as Southwest Center for Environmental Research and Policy (SCERP) have provided their expertise and knowledge in the fields of environment and public health which have led to important sustainable practices in border projects and programs.

141. Comment: Environmental education is the most important tool of the program (US-E) and the program should:

- Include specific goals, objectives and budget for environmental education (US-W, 2,US-F, BN-3, BN-9, US-E, 2, US-10, WRT).
- Create a specific environmental education workgroup (BN-9, BN-10, US-E, US-10,

WRT).

Response: Yes, we agree. Although the demand for environmental education is border-wide, the response is most appropriate at the local level based on specific needs. Therefore, the Regional Workgroups will have the opportunity to create Task Forces to guide environmental education efforts in their respective regions and to develop regional objectives for environmental education. In addition, there is no budget line item designated specifically for environmental education efforts under this program; however, opportunities for funding will become available as the workgroups identify priority projects to be funded.

142. Comment: You could merge the environmental education work with risk communication (MX-E).

Response: The Border 2012 Program recognizes the importance of reaching all stakeholders through the promotion of environmental education programs. One program can be development of curriculum and training that targets audiences that are most at risk of environmental factors.

143. Comment: The border plan mentions environmental education numerous times. However, goals, mechanisms, and timelines need to be established (WRT).

Response: The Border 2012 Program makes the commitment to promote and support environmental education opportunities in the border region by adopting environmental education as one of its main tools for the implementation of the program. We also foresee environmental education issues as an important issue in all Taskforces.

Tool: Regulation and Policy Development

144. Comment: Need to regulate small business and industry, services and households. Cumulative environmental impacts are great (MX-E).

Response: Comment noted.

145. Comment: Develop regulations on both sides of the border to encourage the use of the most appropriate technologies (2, US-8, BN-5, BN-6, BN-7, 2, BN-P, MX-4), such as dry-cooling in water-scarce regions (US-8, 2, BN-5).

Response: The Border 2012 Program is not intended to develop regulations that are the responsibility of governments at all levels in each country. However, this would not preclude development of guidelines or recommendations on appropriate environmental technologies.

Tool: Cooperative Enforcement and Compliance Assistance

146. Comment: The term "suspect shipments" may lead to racial discrimination (US-E).

Response: This term refers to the suspicious nature of waste shipments, and does not refer to people or individuals.

147. Comment: Other tools that should be included in the document are: Agenda 21, Earth Charter, BECC's Indicators of Sustainable Development, and the Plan of Implementation of the Summit of Sustainable Development (US-E) and a clearinghouse or center for environmental information (MX-E).

Response: While these are useful documents which describe global efforts to protect the environment, they are not directly related to the geographically-based Border 2012 Program.

148. Comment: Form a commission that will grant the municipal government legal authority to intervene in the event of an environmental code violation regarding hazardous waste or potentially dangerous/hazardous waste (MX-E).

Response: For municipal governments to have legal authority to intervene in these instances would require new delegation of statutory authority from U.S. states or the e federal government in Mexico. The Border 2012 Program is not able to create such a commission.

149. Comment: Permits for hazardous waste disposal facilities are lengthy to obtain (BN-8).

Response: The Border 2012 Program is not designed to revise permit requirements and governing regulations that are the responsibility of governments at all levels in each country.

150. Comment: A strategy needs to be developed with all sectors, and involving the media in case of an emergency response (MX-E).

Response: Comment noted.

Tool: Infrastructure Planning and Development

151. Comment: This tool is vague. Who will ensure this as a priority? How is an “important” environmental infrastructure project defined? (WRT).

Response: Each Workgroup will develop more specific goals and objectives. Each Workgroup will also develop mechanisms to prioritize projects that meet these goals and objectives.

2.6 ORGANIZATION OF THE PROGRAM

General

152. Comment: You should identify who are the stakeholders of the program (MX-L). We need to have access to the needs evaluation that will potentially create new coordinating bodies (MX-L). An important part of the program will be relationships with other federal, state, and local agencies. The roles and responsibilities of all participants in the program should be clearly stated (WRT).

Response: Please, see Operational Guidance

153. Comment: Develop meaningful avenues for participation by the part of local governments (2, WRT, US-W).

Response: Local governments will have an important role in the Workgroups and especially in the Task Forces.

154. Comment: Consensus training should be implemented at all levels including community meetings (WRT).

Response: Where applicable, this could be implemented.

National Coordinators

155. Comment: Explain how National Coordinators will support bottom-up approaches and how will they be accountable to border communities (BN-1, 2, US-E, US-F).

Response: Although the National Coordinators have general oversight responsibilities as required under the La Paz Agreement, the primary focus of the Border 2012 Program is the decentralization of priority-setting and decision-making to the Regional Workgroups. In addition, the annual National Coordinators meeting and periodic implementation reports will provide information to the public on how well the program is meeting local needs.

156. Comment: These bodies ought to meet more than once per year to remain effective and ensure community participation (WRT).

Response: The coordinating bodies will be able to meet as often as necessary; however, each coordinating body must meet at least once per year. Community participation will be part of each meeting. In addition, there will be a 30 day notice, including agendas, and other information available on public websites.

Regional and Border-wide Workgroups, and Policy Forums

157. Comment: The document should address specific procedures that the Workgroups and Policy Forums will follow to guarantee all the relevant stakeholders are represented in the organization, how they will support the bottom-up approach, and how they will be accountable to border communities (MX-1, BN-11, 3, US-E, US-W, 2, US-F, MX-5, 3, WRT).

Response: A separate document (Operational Guidance) describing specific procedures for stakeholder involvement has been developed by program partners.

158. Comment: Regional Workgroups should meet twice a year (4, US-E, MX-E) or quarterly (US-E).

Response: Regional Workgroups will meet as often as necessary to pursue their objectives, but no less than once per calendar year. An Operational Guidance describing minimum standard operating procedures for Border 2012 coordinating bodies has been developed by program partners.

159. Comment: The Plan should explain the criteria used to define the geographical scope of the Regional Workgroups and of the regions themselves (US-2, 2, US-E, US-F, WRT).

Response: Definition of the geographical scope of the Regional Workgroups was based in part on the geographic and political boundaries of border states. However, the common needs shared within a region was the main criterion followed.

160. Comment: Explain why some issues, such as Environmental Health, were designated Border-wide when the issue is not uniform across the border (WRT).

Response: Section VI, subsection C, of the Border 2012 framework document describes the rational behind Border-wide Workgroups. While environmental health issues are not uniform throughout the region, the scientific basis for assessing risks and conducting public health interventions require technical support, leadership and funding which a border-wide body can provide.

161. Comment: The plan should explain who will be part of the Border-wide Workgroups (BN-9).

Response: As noted above, the Operational Guidance now being developed will outline procedural issues including how stakeholders can be involved in the work of all coordinating bodies.

162. Comment: Reorganization of workgroups to support bottom-up planning is an improvement and could enable more sustainable environmental solutions (US-E).

Response: Comment noted.

163. Comment: Need more information on selection process for workgroup membership (US-E), including:

- Who will be responsible for selecting participants and ensuring balance?
- How will possible participation in workgroups be advertised?
- How long will the term of membership be for workgroup members?
- What provisions will be made for balance among replacements as workgroup members leave?
- Terms for members should be staggered to ensure continuity of work and information sharing.

Response: As noted above, the Operational Guidance now being developed will outline procedural issues including how stakeholders can be involved in the work of all coordinating bodies.

164. Comment: Clarify the participation of the regional delegations of SEMARNAT in the Workgroups and Taskforces (MX-L).

Response: SEMARNAT Delegations are an integral part of the Regional Workgroups, and serve as messengers to convey local concerns to the officials in Mexico City that are part of the Policy Forums. It is important to note that the SEMARNAT Delegations work within the Regional Workgroup structure, as provided by the Border 2012 Program, and are therefore fully committed to the local purview.

165. Comment: The coordinating bodies should meet more than once a year (MX-F).

Response: It is mandatory for the coordinating bodies to meet a minimum of once per calendar year, however, if it is deemed necessary, they may have additional meetings.

166. Comment: An additional policy forum on energy to address the effects of power plants along the border (3 WRT).

Response: We do not foresee the creation of additional Policy Forums; however, the Air Policy Forum can consider energy issues under its scope.

167. How will workgroups prioritize environmental issues? (US-W).

Response: Each Workgroup will determine how they will prioritize issues according to their own needs and addressing the goals and objectives of the Border 2012 Program.

Task Forces

168. Comment: Specify how community members and stakeholders can be part of a task force, how will technical experts support Task Forces, the scope of the work that Task Forces will be expected to perform, and how will they consolidate an integrated approach to environmental problems (2, US-5, 3, BN-11, 2, US-E, 2, US-W, US-F, WRT).

Response: As noted above, the Operational Guidance now being developed will outline procedural issues including how stakeholders can be involved in the work of all coordinating bodies.

169. Comment: The Joint Advisory Committee for Air Quality Improvement of Paso del Norte is an example of a task force that should be replicated in other regions (US-E).

Response: Comment noted.

170. Comment: Task Forces should adopt an integrated approach, which includes natural resources conservation, to create "Environmental and Economic Development Zones" (US-E).

Response: Task Forces are intended to implement specific projects, but we agree that adopting an integrated approach to problem-solving is desirable.

171. Comment: These will need specific guidance on organization, meeting format, membership and outcome expected to ensure productivity and consistency across the program. A structured reporting format would help keep things on track and allow for comparability of results across regions and issues (WRT).

Response: Please, see Operational Guidance. In addition, each Regional Workgroup may develop specific guidance to meet their needs.

Providing Information to the Public

172. Comment: Additional efforts should be undertaken to guarantee that all stakeholders are invited to the meetings (US-6), that the notifications are made 45 day in advance (US-4, US-8, BN-2, BN-P), and that obstacles such as the difficulties that some people may have to cross the border are taken into account (US-E).

Response: As noted above, the Operational Guidance now being developed will outline procedural issues including how stakeholders can be involved in the work of all coordinating bodies.

173. Comment: It is important to create a list serve such as the one for ”BECCnet.” Develop a more clearly defined and detailed plan for providing information to the public. (WRT)

Response: These proposals are under consideration

Inter-agency coordination

174. Comment: The document should provide a clear explanation of the role that the Health Agencies (HHS and Salud) and the border states health centers (MX-F) will have in the program, as well as their coordination with the Center for Disease Control (CDC), the Border Health Commission (MX-F), and the toxicology centers (BN-6, BN-9, 2, US-E, US-W, BN-P, 3, US-F).

Response: The Federal health agencies in the U.S. and Mexico are co-chairs of the Border-wide Environmental Health Workgroup, and we will ensure that the text reflects this.

175. Comment: The following agencies, organizations, and consulting bodies should be included with further detail in the organization of the program:

- The Good Neighbor Environmental Board (GNEB) and the Consejos Consultivos para el Desarrollo Sustentable (CCDS) (MX-3, 2, US-E, BN-P, US-F, 2 WRT, MX-E).
- BECC/NADB. These international organizations should be given a wider role, particularly in the light of their expanded mandate and their expertise in sustainable development, public participation, inter-agency coordination, and needs assessment. (US-2, US-5, US-4, 2, US-9, MX-3, US-W, 2, BN-P, US-F, 2, WRT, US-W).
- Other agencies that are closely related to the environmental concerns of the border region: International Border and Water Commission (IBWC) (US-8, BN-1, US-F, BN-4, WRT), Commission for Environmental Cooperation (CEC) (BN-5, US-E, 2, US-F, WRT), Pan-American Health Organization (PAHO) (US-F), Department of Transportation (DOT) (US-1, US-E), Federal Emergency Management Agency (FEMA) (US-2, US-3, US-4, US-W), Department of Interior (DOI) (US-2, US-6, BN-1, 2, US-F), Comisión Nacional Forestal (CONAFOR) (BN-2), Department of Energy (DOE)/Secretaría de Energía (SENER) (US-8, BN-2, 2, US-E, US-F), Secretaría de Desarrollo Social (SEDESOL) (BN-11), Department of Agriculture (USDA) (3, US-E), Housing and Urban Development (2, US-E, US-F), Department of Homeland Security (US-E, US-F), USAID (US-F, US-10), Department of State (DOS)/Secretaría de Relaciones Exteriores (SRE) (BN-9), US Customs Office, Presidential Commission for the Northern Border of Mexico (BN-11), U.S-Mexico Border Health Commission (WRT), all agencies needed for coastal issues (2, US-6), Secretary for Education (MX-E),

Public Safety Agencies (MX-F, MX-E). Bureau of Indian Affairs (WRT), Indian Health Council (WRT), Indian Health Services (WRT).

Response: EPA, SEMARNAT and the rest of Border 2012 partners maintain close bonds and working relations with most of the agencies and international organizations listed above, in a series of interagency commissions, programs, binational agreements and cooperation activities. In some cases, Border 2012 will help to understand the reasoning behind some of the efforts and activities that are carried out in conjunction with these entities, avoiding overlap and duplicities, and enhancing communication, coordination and acquaintance of common issues, responses and policies. In other cases, Border 2012 will provide a framework for the development of new initiatives and to nurture new partnerships by bringing together the capacities and resources of these institutions. However, taking into account the scope of their respective jurisdictions and in view of the scope and purposes of Border 2012, program partners will seek to establish continuous dialogue with these institutions in pursuit of improving the border environment and in support of achieving the mission of Border 2012.

176. Comment: There are a lot of agencies working on the border and there is a lot of duplication on the part of federal agencies (US-10).

Response: The purpose of the Border 2012 Program is to assist in the coordination of all federal, state, local and tribal agencies working on environmental issues along the border. One goal of the program is to avoid duplication efforts and leverage resources in the area of environmental protection.

177. Comment: Provide an accurate description of the inter-agency coordination will work and include a list of all the participating agencies (MX-3, US-E, BN-8).

Response: We are aware that there are many organizations working on environmental and public health issues in the border region, and we will make every effort to continue coordinating with them as we implement the Border 2012 Program. We have added a section on interagency coordination under the chapter "Organizing for Success" in the framework document.

178. Comment: State departments of agriculture should be included in all workgroups and in directory of contacts (US-E).

Response: Where appropriate, we will invite their participation in workgroup and task force activities.

179. Comment: It is recommended that local congress people for the ten states participate in the Regional Workgroups, Policy Forums and Border-wide Workgroups (MX-F).

Response: All border stakeholders such as those mentioned in this comment can participate in all workgroups.

180. Comment: Define with clarity and recognize the important role that local agencies play in making this program a success (MX-E, US-W).

Response: The Border 2012 Program recognizes that in order for this program to be successful, the participation and important role of local agencies is imperative.

2.7 REPORTING RESULTS

181. Comment: Specific mechanisms are not identified in order to assure suitability and continuance of previous programs. Identify these mechanisms and make reference to evaluations by CCDS-Region 1 and the Good Neighbor Environmental Board (MX-E, WRT).

Response: The following mechanisms have been utilized. First, the structure of the Border 2012 Program is based on stakeholder assessment of those aspects of previous programs which merited continuation. Second, as the Border 2012 Program is implemented, co-chairs of coordinating bodies will evaluate activities on an ongoing basis as they create and revise their respective implementation reports.

182. Comment: Implementation Reports and Progress Reports (MX-F) should be prepared and disseminated.

- Every 18 months (US-E, MX-E, WRT).
- Yearly (BN-2, BN-6, 2, BN-11, US-E, BN-P, 2 WRT, MX-F) .
- Every 3 to 4 months (US-E).
- Monthly (US-5, US-E).
- More than every two years (3 WRT).

Response: In order to balance the resources needed for program implementation and program reporting, the partners have determined that a formal implementation report should be prepared every two years. However, information on program progress will be made available on an ongoing basis through the meetings of the various coordinating bodies.

183. Comment: Create a document that includes federal agency agreements as well as state agreements, projects, results and health impacts; meeting summaries from coordinator and workgroups, results, achievements and indicators (MX-5).

Response: A web page for the Border 2012 Program will contain some of this information. In addition, all meeting minutes, summaries, results, achievement and indicators will also be recorded and available for the public in both English and Spanish.

184. Comment: In addition to the Implementation Reports, independent evaluators should also provide feedback on the Program (US-E, 2, US-W).

Response: We welcome feedback from all stakeholders and participants on the effectiveness of the Border 2012 Program.

185. Comment: Evaluate projects after implementation so that they will be operated and maintained properly after construction. The principles of sustainable development should be included in such evaluations (2 WRT).

Response: Indicators are being developed and each project will contain and evaluation component.

2.8 OTHER

Funding

186. Comment: The document should include a section that describes what financial, human, and material resources will be available for the program, and how they will be made available to the Task Forces and other stakeholders (3, US-4, 2, US-5, BN-2, 5, BN-5, BN-6, 2, BN-7, 3, US-E, 2, US-W, 3, 6, BN-P, 2, US-F, BN-10, MX-E, BN-4, 5 WRT). Some of the particular concerns that should be addressed are:

- How will the costs be shared between the United States and Mexico, and between Federal, State, Tribal and Local Governments (US-1, 2, BN-5, BN-6, US-E, BN-P, WRT).
- Whether the available resources will be allocated as grants or loans (US-1, US-2, US-8, BN-P, US-F).
- If the resources will only be for infrastructure development or if specific activities would receive funding (US-1, US-W).
- Whether the vast majority of the resources will continue to be allocated for water infrastructure (US-8, US-E).
- What criteria will be used to guarantee that smaller cities and rural areas will also benefit from these resources (US-1, US-8, MX-3, 2, US-E).
- What resources will be available for infrastructure in Mexico, particularly road paving (US-1, 2, BN-2, 2, US-E), wastewater treatment plants, and solid waste disposal sites (2, MX-3, 2, BN-7).
- How the U.S. tribes may overcome their lack of funds to have access to fund matching programs (US-1).
- Whether specific resources will be available for training and equipment to prepare for accidents and against terrorist acts (US-2, BN-11, BN-12), and for pesticide training (BN-8).
- Whether there will be specific funding mechanisms for indigenous people in Mexico

(US-2, BN-P).

- What funds will be available for outreach and public participation (US-3, US-6, US-W).
- If additional funds will be used to help cities meet environmental standards (US-2, US-4, US-8).
- How will officials who decide how the resource will be allocated be accountable to the communities and will follow transparent procedures (US-4, 2, BN-5, 2, US-E)
- Whether there will be funds earmarked for goals and objectives (US-5, 2, US-6, US-E, US-F).
- How will the communities be informed of available resources and if there will be criteria requiring a certain percentage of local labor (US-2).
- What bureaucratic procedures will be simplified (US-3, BN-P).
- Resources can be available through private sector and higher education institutions (BN-8).
- Should be consistent with the political vision of partnerships of the World Summit on Sustainable Development (US-10).
- We need to engage the private sector through market incentives in areas of education, and agriculture extension (US-10, WRT).

Response: The Border 2012 Program is a partnership among U.S. and Mexican federal, state, local, and U.S. tribal governments that emphasizes a shared approach and prioritizing the problems within and across regions, and then pursues approaches to pooling resources in the most efficient and fair manner to address and resolve such problems. The program emphasizes a bottom-up approach, anticipating that local decision-making, priority setting, and project implementation will best address environmental issues in the border region. The Border 2012 Program did not create any new legislation, nor has the program been allocated any line-item resources. In both the United States and Mexico, funding at the federal level for implementation of border initiatives is provided through annual appropriations. For the United States, funding for the EPA is an important component of the overall budget for border activities, although many agencies, including the U.S. Departments of Interior, Health, and State, also have border–related appropriations. The states also budget for border-related activities, as do many tribes and municipalities, although, in many cases, the origin of resources is a federal agency (as in the case for EPA grants for infrastructure revolving funds operated by the stated for water-related projects).

Although the bulk of funding for the border is for water infrastructure grants, EPA and SEMARNAT carry out activities in other areas. After water activities, air and waste related activities receive the most funding. For the United States, much of the non-water related funding also is in the form of state and tribal assistance grants; typically, the administration of funding is carried out by governments (or organizations, in the case of the BECC and NADB) other than the federal government.

The program will strive, where possible, to share the costs between the United States and Mexico, and among federal, state, tribal and local governments. The program will also ensure that all interested border stakeholders, including small cities and rural areas, if resources are available, will have access to funds, whether as grant or contract opportunities. These opportunities will be widely announced.

Water infrastructure funding and the process for this funding will remain the same as before the implementation of the Border 2012 Program. Part of the process for the allocation of resources will also be determined by each Workgroup. At this point in the implementation of the program, no specific resources have been allocated for any specific program or subject matter, including training and/or equipment. However, priority areas that are part of the goals of the program, such as emergency response and contingency planning and pesticides, will be considered for priority funding.

187. Comment: Will regional grants be available to bid on? Will they include research opportunities? (WRT)

Response: The program will consider many funding options, as funds are available, to meet the goals and objectives outlined in the document. These opportunities may include grant and contract options, which include research. These options can be used by each Workgroup as necessary. However, there is no budget line item that specifically includes funding for this Program.

Natural Resources

188. Comment: The program should also address natural resource use and conservation (2, US-2, US-8, MX-3, 3, BN-5, 6,BN-7, BN-11, 7, US-E, 3, US-W, 2, BN-P, 4, US-F, US-2, MX-4, MX-F), and the coordination between the three government levels for surveillance on ecosystem protection (MX-4) and deadwood exploitation (MX-4). Some of the main natural resource problems in the border region are deforestation (2, MX-2, 3, BN-2), desertification (MX-3), wildlife extinction (US-4, BN-8) and the use of dead brush (MX-4). Also, the program should take into account the links between water and natural resources (BN-1, BN-5, MX-4), and health and natural resources (US-F).

Response: Although Border 2012 will not create a Workgroup on natural resource issues, Regional Workgroups may elect to set up special Task Forces to identify and address problems of natural resource conservation and wildlife protection. These activities can resort and build upon the various binational cooperative efforts that SEMARNAT and other US institutions, such as the Department of Interior and the Department of Agriculture, are carrying out regarding natural resources in the border region.

189. Comment: Regarding the statement about natural resources that, “actions will be coordinated and developed in parallel to the Border 2012 Program by authorities responsible for managing and protecting natural resources,” who are these authorities? The issue of natural resources management is very important and must be addressed (2 WRT). Stop the destruction of natural resources and address the process of deterioration in the environment (MX-6).

Response: SEMARNAT and the Department of Interior have several bilateral programs and

agreements, outside the scope of Border 2012, which will address issues of natural resources. Although Border 2012 will not create a Workgroup on natural resource issues, Regional Workgroups may elect to create special Task Forces to identify and address problems of natural resource conservation and wildlife protection.

General

190. Comment: More detail should be provided to explain the implications for the program of the different geographical scopes of La Paz Agreement and other institutions such as BECC/NADB. The plan should include a list of the municipalities and communities located within the geographical scope of Border 2012 (US-5, 2, BN-2, BN-6, BN-7, US-P).

Response: The La Paz Agreement defines the border region as extending 100 km on either side of the border, and this definition is the basis for the scope of the Border 2012 Program. A list of municipalities and communities in each region will be compiled by the Regional Workgroups.

191. Comment: Make reference to the sources used for the elaboration of the document (BN-6, US-E).

Response: Comment noted.

192. Comment: The document should include a portfolio with current and future projects in the region (MX-3, BN-11). A quality control mechanism (e.g. six sigma) should be established (MX-5).

Response: Projects will be selected and documented in the implementation reports prepared by each workgroup and policy forum. Border 2012 will not develop a quality control mechanism specific to the program but instead will trust in the ongoing assessments and comments from border stakeholders and the mid-program review, which includes the evaluation of environmental data.

193. Comment: Request for information about calcium sulfate as a carcinogen, and on compensation of farmers or others who have used calcium sulfate (BN-8).

Response: Calcium sulfate, also known as gypsum dust, has not been classified by EPA as a human carcinogen.

194. Comment: Availability of follow-up information for public meetings in the newspaper (2, BN-8) and on Border 2012 Program website (BN-8).

Response: Yes, they will be available.

195. Comment: Encourage community participation in different stakeholder groups such as schools, business, and industry, given the importance of planning and applying control measures in order to preserve and attain the goal of ecological balance (MX-6).

Response: Participation of all border stakeholders is a very important component for the success of the program.

196. Comment: How tightly is the Border 2012 Program tied into the existing regulatory structure (BN-8)?

Response: All Border 2012 activities will be implemented consistent with existing laws and regulations of each country, and the program is not intended to develop regulations that are the responsibility of governments at all levels in each country. The program will provide a framework for effective coordination among all entities responsible for regulatory development and implementation.

197. Comment: To develop an inventory of work accomplished to date by all institutions and non-government organizations along the region and incorporate all the accomplishments of previous programs (MX-6).

Response: While this is a good idea, it is beyond the scope and resources of this program.

198. Comment: It is necessary to develop a diagnosis for the current situation along the border, specifying clearly the current lag in quantifiable terms (MX-F).

Response: There are many studies that focus on the environmental status of the border region. These studies have been developed by different institutions, including government and academic institutions, but they seldom provide an integrated diagnosis of the border as a whole. Therefore, SEMARNAT is developing a joint study with the Presidential Commission for Northern Border Affairs and Mexican academic institutions, such as Colegio de México and Colegio de la Frontera Norte, which will include a sustainability diagnosis, detailing social, environmental and economic conditions with a view towards year 2025 for the Mexican side of the border region.

199. Comment: Establish a mechanism for feedback and updating of bi-annual goals based on new findings and obstacles encountered during the implementation of the program (MX-E).

Response: Evaluation of program progress will be conducted every two years. In addition, there will be a mid-term evaluation of the program, which will allow to adjust goals and objectives according to the results and outcomes of the first half of the program's operation.

200. Comment: Population projections for 2012 have not been included. The document

shows projections for 2020 (MX-E).

Response: Specific projections for 2012 were not available.

201. Comment: Credit the achievements of previous programs, bi-national organizations and border communities (MX-E, MX-L, WRT).

Response: The Border XXI Progress Report is an example of a publication which shows the accomplishments and deficiencies of the previous program. However, it would be a massive undertaking to complete the suggestion made and it is beyond this program's scope.

202. Comment: This program is centered on the problems and situations prevailing in sister cities directly along the border, leaving out communities that do not live directly on the border. (MX-E).

Response: The program covers 100 kilometres from each side of the border as defined by the La Paz Agreement.

203. Comment: Without specific reference to the enforcement sub workgroup in the plan, it may be difficult to continue to have support from participating organizations. In addition, the description of Task Forces is not appropriate for the work of this group (WRT).

Response: Specific text has been added in Section VI, subsections C and E, to address this concern.

204. Comment: Why is environmental justice not included in the program? (2 WRT).

Response: Environmental justice is an important component of the program and is included as all stakeholders along the border.

205. Comment: The draft document characterizes the border region on Mexico's side as having "very low unemployment rate and high wages." It is also true that the cost of living is substantially higher in the region such that the higher wages do not necessarily create a higher standard of living (WRT).

Response: We agree that wages are only one factor in measuring standard of living. The document did not mean to imply that the cost of living was lower in the border region of Mexico simply because the region had higher wages.

206. Comment: Despite the fact that Border XXI was deficient in reaching out to industry, providing an industry liaison, and specifying an active role to include private industry, Border 2012 seems to be taking the same approach (WRT).

Response: Border 2012 considers industry as one of the stakeholder groups in the border region and envisions that industry will play an important role in all of the coordination bodies. Industry representatives are invited to participate in all aspects of the program.

207. Comment: Have pesticides been linked to health problems such as hepatitis and asthma? If not, then delete pesticides from page 12 and clarify what causes the various health problems (WRT).

Response: The text is not intended to link specific environmental health problems and specific causes. It is not appropriate to provide detailed information regarding the known and suspected links between specific environmental problems or contaminants and specific health problems in this type of framework document. The program objectives which relate to pesticides are focused on improving the safety of pesticide application.

208. Comment: The Governments of U.S. and Mexico should agree on a transboundary environmental impact assessment (BN-2, MX-E).

Response: Comment noted.

209. Comment: Other names for the Program that should be considered are:
- Border XXI+10 (US-W).
- U.S. and Mexico Border Environmental Cleaning Program (US-W)

Response: Comment noted.

APPENDIX

The following reference codes reflect the source of comments received:

US Domestic Meetings

Date	City	Reference
10-15	Tohono O'odham Nation Sells, AZ	US-1
10-16	Cocopah Reservation Sommerton, AZ	US-2
10-21	San Luis, AZ	US-3
10-22	Douglas, AZ	US-4
11-06	Deming, NM	US-5
11-07	Las Cruces, NM	US-6
11-07	Alpine, TX	US-7
11-13	Calexico, CA	US-8
11-14	Sycuan Reservation El Cajón, CA	US-9
11-17	Washington, DC (*invitation only)*	US-10

Binational Meetings

Date	City	Reference
10-29	Nogales, AZ	BN-1
10-30	Nogales, SON	BN-2
11-05	Ciudad Acuña, COAH	BN-3
11-06	Del Río, TX	BN-4
11-07	National City, CA	BN-5
11-08	Tijuana, BC	BN-6
11-11	Matamoros, TAMPS	BN-7
11-12	Brownsville, TX	BN-8
11-13	Nuevo Laredo, COAH	BN-9
11-14	Laredo, TX	BN-10
11-18	Ciudad Juarez, CHIH	BN-11
11-19	El Paso, TX	BN-12

Mexico Domestic Meetings

Date	City	Reference
11-01	San Luis Rio Colorado, SON	MX-1
11-15	Sabinas Hidalgo, NL	MX-2
11-22	Monterrey, NL	MX-3
11-07	Tecate, BC	MX-4
11-08	Mexicali, BC	MX-5
11-21	Ojinaga, CHIH	MX-6

Category	Reference
Comments submitted to EPA via e-mail	US-E
Comments submitted to SEMARNAT via e-mail	MX-E
Comments submitted to EPA via website	US-W
Comments submitted to SEMARNAT via website	MX-W
Comments submitted to EPA via fax	US-F
Comments submitted to SEMARNAT via fax	MX-F
Comments submitted to EPA via forms in public meetings	US-P
Comments submitted to SEMARNAT via forms in public meetings	MX-P
Comments submitted to EPA via written comment form	WRT

LIST OF ACRONYMS

BDAN *Banco de Desarrollo de América del Norte* (see NADB)

BECC Border Environment Cooperation Commission

CAFN *Comisión para Asuntos de la Frontera Norte* (Mexico's Commission for Northern Border Affairs)

CCDS *Consejo Consultivo para el Desarrollo Sustentable* (Mexico's Consultative Council for Sustainable Develoment)

CCA *Comisión para la Cooperación Ambiental de América del Norte* (see CEC)

CDC Center for Disease Control

CILA *Comisión Internacional de Límites y Aguas* (see IBWC)

CIPAS *Centro de Investigación y Política Ambiental del Suroeste* (see SCERP)

CNA *Comisión Nacional del Agua* (Mexico's National Water Commission)

COCEF *Comisión de Cooperación Ecológica Fronteriza* (see BECC)

CONAFOR *Comisión Nacional Forestal* (Mexico's National Forest Commission)

DHS U.S. Department of Homeland Security

DOE U.S. Department of Energy

DOI U.S. Department of Interior

DOS U.S. Department of State

DOT U.S. Department of Transportation

EPA U.S. Environmental Protection Agency

ERC *Equipo de Respuesta Conjunta* (see JRT)

FEMA Federal Emergency Management Agency

GNEB Good Neighbor Environmental Board

HHS U.S. Department of Health and Human Services

HUD U.S. Department of Housing and Urban Development

IBWC International Boundary and Water Commission

JRT Joint Response Team

NADB North American Development Bank

NAFTA North American Free Trade Agreement

OPS *Organización Panamericana de la Salud* (see PAHO)

PAHO Pan-American Health Organization

SCERP Southwest Center for Environmental Research and Policy

SEDESOL *Secretaría de Desarrollo Social* (Mexico's Secretariat of Social Development)

SEMARNAT *Secretaría de Medio Ambiente y Recursos Naturales* (Mexico's Secretariat of Environment and Natural Resources)

SENER *Secretaría de Energía* (Mexico's Secretariat of Energy)

SEP *Secretaría de Educación Pública* (Mexico's Secretary for Education)

SER *Secretaría de Relaciones Exteriores* (Mexico's Secretariat for Foreign Affairs)

SS *Secretaría de Salud* (Mexico's Secretariat of Health)

TLCAN *Tratado de Libre Comercio de América del Norte* (see NAFTA)

USDA U.S. Department of Agriculture

USAID U.S. Agency for International Development