

## **Good Neighbor Environmental Board (GNEB) Teleconference**

**February 4, 2010**

**1:00-3:00 p.m. EST**

### **Teleconference Summary Final**

#### ***Introduction***

Dolores Wesson, GNEB Designated Federal Officer, U.S. Environmental Protection Agency (EPA), read through a list of callers to confirm who was participating in the teleconference. She then asked the representative from the Mexican Embassy to introduce himself. Gerardo Tamayo introduced himself as a political and border affairs officer at the Mexican embassy and then stated that his role was to do adequate follow-up on the document GNEB is working on.

Ms. Wesson stated that a quorum for the teleconference was not necessary because the Board would not be voting on any issues.

#### ***Identification of Callers***

Jerry Agan, Dr. Diane Austin, Alheli Banos (EPA), Marissa Stone-Bardino (NMED), Dr. Chris Brown, Natalia Capel (State), Rafael DeLeon (EPA), Mike Dorsey, Edward Elbrock, Luis Florez (DOI), Dr. Paul Ganster, Ann Marie Gantner (EPA), Jose Garcia (EPA), Eugene Green (EPA), Mark Joyce (EPA), Stephanie McCoy (EPA), Steve Niemeyer (TCEQ), Theresa Pullman (DHS), Rachel Poynter (State), Allyson Siwik, Sally Spener (IBWC), Mary Spock (SCG), Gerardo Tamayo (Mexican Embassy), Dolores Wesson (EPA), Annmarie Wolf

#### ***Purpose of the Teleconference***

Dr. Ganster discussed the recent meeting with CEQ and how it was determined that the priorities of the Board should be coming up with the best advice on border related environmental issues and focusing on specific actionable items. The focus should be both addressing the back log of environmental issues and anticipating problems in the future. During the teleconference, specific concerns and omissions in the report would be discussed. The tasks of addressing these corrections and gaps would be delegated to smaller work groups.

#### ***Timing for the 13th Report***

Mr. Joyce noted that the Board has generally met in Washington D.C. in March or so to produce the annual report. He then explained that because of additional time spent on issues related to the border fence, the report was bit delayed. An alternative plan was proposed: to meet in Rio Rico on March 11<sup>th</sup> and 12<sup>th</sup>, which is prior to March 14<sup>th</sup>, the day which many of the Board members' terms expire. This meeting date is advantageous because several Board members will already be in Rio Rico for another meeting. Furthermore, it ensures that the members who have worked on it all year will be present. By the March meeting, the Board would like to have a complete report and to only have to deal with small issues. The report will then be printed for a June release in Del Rio. Mr. Joyce suggested having the release in Del Rio, which is in the border region, rather than in Washington D.C. like in the past.

#### ***Release Location of Report***

Ms. Spener commented that she likes the idea of releasing the report in the border region. However, she is concerned that Del Rio is a very small town and very few news outlets would be

able to attend. Mr. Niemeyer agreed and said that if Lisa Jackson did not attend there would be no media coverage in Del Rio. Mr. Joyce suggested that this issue be revisited at the meeting in Nogales. He explained that Del Rio was not set in stone and could be changed to garner more press coverage. Mr. Niemeyer pointed out that there are no flights into Del Rio and subsequently suggested San Antonio as an alternative. No conclusion was reached.

### ***Discussion of Chapter 8***

Mr. Dorsey stated that he had combed previous reports, pulling out the relevant information for the new one. He said that there are multiple recommendations, roughly ten, that were made recently that have not yet been implemented. Although he is satisfied with the number of recommendations, he is open to the idea of attempting to reduce the number to four or five.

### **HAZMAT Inspections**

Ms. Pullman asked for clarification with regard to recommendation number one. She wanted to clarify if it was asking for federal funding for more state and local inspection staff. She also wanted to know if this was related to HAZMAT inspections. Mr. Dorsey explained that it was related to providing necessary emergency response equipment, adequate training for first responders and practice exercises along the border. Ms. Pullman wanted a line in the report about equipment. Mr. Dorsey said that such a statement was already present. Ms. Pullman suggested it be reworded to be more direct, suggesting the line “for use with first responders and emergency vehicles.” Mr. Dorsey agreed to make and send out the revisions. As per Ms. Pullman’s suggestion, Mr. Dorsey agreed to add HAZMAT inspections as well.

### **Insurance Liability**

With regard to suggestion number two, Ms. Pullman wanted to know if anyone had communicated with the insurance industry about the liability issue for cross-border emergency responders and reciprocity. Mr. Dorsey responded that the USEPA has been discussing this issue with both American and Mexican insurance companies.

### **Emergency Responders**

With regard to suggestion number three, Ms. Pullman stated that we have processes in place to expedite emergency responders. She suggested that the Board add a statement acknowledging the existence of these processes and also acknowledging the fact that they need to be improved. Mr. Dorsey explained that these procedures are largely regional and not standardized across the border. Ms. Pullman pointed out that there needs to be recognition of the legal agreements in place and agreed with Mr. Dorsey’s suggestion to add the phrase “in certain areas along the border if this occurs.” Dr. Ganster cited the federal role as facilitating the coordination with the Mexican side. Ms. Poynter suggested the phrase “developing uniform procedures and encourage coordination with the Mexican government.” Ms. Pullman agreed and Mr. Dorsey made note of it.

Mr. Agan emphasized the importance of the Texas county judges and said that without their involvement the governor will not be involved. In Texas, the county judge serves as the emergency management director. He then clarified that the country judge has to initialize the request for assistance from the state and that the state has to request assistance from the feds.

### **Communication Security**

With regard to suggestion number four, Ms. Pullman wanted to add a line about “maintaining secure operations” because of potential hacking into open lines of communications. She was concerned about the possible security risks associated with open lines of communication and suggested something more secure. Ms. Poynter commented that there is a section of the State Department that has been working with the Mexican government on telecom issues. She said that there is often a discrepancy between decisions made on the federal level in Mexico and what is implemented locally. She offered to send Mr. Dorsey language about this issue. Ms. Pullman was satisfied.

### **Phrase “Fully Implement”**

With regard to number five, Ms. Pullman asked to clarify the meaning of “fully implement” and wanted to know how this agreement was falling short. Ms. Poynter clarified that the federal agreement signed in 2008 has not yet been approved by the Mexican Congress. She also said that the agreement should not be viewed as a binding contract but rather a promise of cooperation enabling the federal government to facilitate state and local compliance. It is important to remember that the Mexican government is more centralized than ours. The State Department was satisfied with the language used in the report. The phrase “fully implement” was discussed in more detail. Ms. Poynter said that it means to start forming working groups on both sides of the border that meet continuously. Ms. Pullman suggested editing the report to make it more active by saying “upon passage of the agreement by Mexico we will form working groups” rather than “fully implement.” Ms. Poynter disagreed with this suggestion saying that the purpose of the report was to encourage innovations rather than to mandate them. Ms. Wesson concurred that the original language was satisfactory.

### **National Response Framework**

With regard to recommendation six, Ms. Pullman called into question the following statement: “clarify the chain of command and specially define what is being coordinated and when in order to facilitate quick and efficient response and clearly establish financial responsibility.” She pointed out that the national response framework is pretty clear about the chain of command and that the national response framework is fairly dynamic. She noted that in the wake of the Haitian earthquake the framework would likely be revisited. Mr. Dorsey suggested that the sentence in the overarching recommendation be changed. Mr. Niemeyer clarified that the issue at hand is who is in charge when American responders go to Mexico, or vice versa. Ms. Pullman said that she would attempt to rewrite it and that they should move on. Dr. Ganster pointed out that from a federal perspective the language looks good but it is often ineffective when applied to a tight timeframe or emergency situation on a local level.

### **Additional Discussion**

Mr. Garcia said that he had sent the report to his team members and their deadline for response was coming up. He said that he would send any comments directly to the author; Ms. Wesson approved this idea and reminded everyone to always copy her on emails. Dr. Ganster added that increased federal response on the border is necessary so that border communities receive the same amount of attention as other communities in the US. He said this emphasizes the theme that

“things are different on the border and that the border brings different and unique challenges.” Ms. Wesson liked the sentence he used.

Ms. Pullman called attention to the statement on page 45 that “ports of entry lack staff to inspect all shipments of hazardous materials” because of concerns regarding its validity. Mr. Dorsey countered that not every port of entry is like San Diego or El Paso and that many do lack sufficient staff. Ms. Pullman argued that every single vehicle is inspected properly. Dr. Brown suggested that this conversation be moved offline because the teleconference needed to move on.

### ***Discussion of Water***

Mr. Niemeyer stated that he had been told the water recommendations are too long but he is having trouble deciding what to cut. He noted the addition of the case study of Nogales and said it was important because it is a confluence of a lot of different issues. Dr. Ganster suggested the emphasis the importance of bi-national cooperation on water management in order to bolster water security, citing the vulnerability of resources on both sides. Ms. Poynter brought up the fact that the State Department might have a few tweaks for number four but suggested it be discussed at another time. Mr. Garcia had some comments from EPA that he said he would forward to the group.

Ms. Pullman commended Ms. Koerner for her efforts on this chapter and called everyone’s attention to page 42. She asked for comments. Ms. Spener pointed out that there may be some overlap between the discussion about ports of entry and the discussion of HAZMAT materials. She suggested that some of the duplications be removed to reduce redundancy.

### ***Border Fence Letter***

Ms. Wolf stated that because the border fence letter was included in the report, the discussion of the border fence in this section was unnecessary. She also commented that the two documents are not necessarily consistent with each other. Mr. Dorsey agreed that whatever is included in this section about the border fence should be consistent with the letter. Ms. Wolf argued that this section sounded more like a Department of Homeland Security rebuttal to the letter rather than the Boards’ thoughts. It was clarified that the DHS was assigned to write this section because they volunteered to do so in a teleconference. Mr. Dorsey pointed out that many of the recommendations are not actually recommendations; Ms. Pullman agreed. Dr. Brown agreed with Mr. Niemeyer and Mr. Dorsey, along with Ms. Wolf. He also suggested merging Theresa’s recommendations with those of Elaine’s. Dr. Ganster then suggested that each Board member add their suggestions to it and send it to Dolores, Elaine and him. The three of them would then come up with a modified text that incorporated everybody’s suggestions. Ms. Pullman emphasized the importance of including a chapter about border security, but ensured the recommendation would be edited to actually be a recommendation. Dr. Ganster then suggested that people send him comments and he would combine them into one draft to send to Dolores and the DHS. He also added that DHS did a good job and there are only a few tweaks to be made. Ms. Wolf agreed with Dr. Ganster’s idea. Dr. Austin brought up that the tone of the report should not be that of a federal agency report and that having Dr. Ganster look through it would alleviate this problem; Mr. Dorsey agreed. He emphasized the fact that the report should read like it came from an advisory board, although he did not want to discount the extensive federal participation. Ms. Pullman stated that she would like her agency to have the final say on their

chapter, but Dr. Austin pointed out that the entire report is authored by the Board as a whole, and credit is not given to individuals.

### ***Discussion of Air Quality***

Ms. Siwik introduced herself and then identified the following holes in this section of the report: background information on recommendation four, a border crossing table, the accuracy of the recommendations of diesel emission standards in Mexico, and cross referencing between the Air Quality, Climate and Alternative Energy chapters. Dr. Ganster wanted to modify the section about recommendations related to air basins. He cited a permanent need for monitoring ports of entry and how such ports should be dealt with as specific areas within the air basins. The levels of contamination are particularly high in ports of entry. Ms. Siwik agreed to add this information.

Dr. Austin recalled last year's discussion of cross border trading and emission. She said that it was a tricky subject because each state had different policies. She wanted to call everyone's attention to the addition of this language because it had been hotly debated last year. Ms. Siwik stated that there was language in the report recognizing that much would need to be worked out if cross border trading was pursued. Mr. Niemeyer said that in the past EPA had problems with including specific recommendations and then pointed out that it requires state authorization. Ms. Poynter also cited cross border emissions standards between Mexico and the U.S. being a problem and noted the issue of capacity building to ensure that both systems are similar.

Dr. Austin brought up the brick kiln project and its success with regard to emission trading. She said that there was an entire paragraph about it and questioned its necessity. Mr. Niemeyer commented that the paragraph makes the brick kiln project appear wildly successful when this was not actually the case, citing the fact that only eight of the twenty-four kilns were operational. Dr. Austin said that the example demonstrates that although the idea is promising, it did not actually work that well in practice. Ms. Wolf volunteered to look at that paragraph and to possibly add language about a similar project implemented in Yuma.

With regard to recommendation number one, Ms. Poynter said that it should be edited to recognize that EPA colleagues would have more knowledge on bi-national air shed management than state officials would. Ms. Siwik agreed and offered the fact that JAG was set up as an appendix to the La Paz agreement as an example.

With regard to number seven, Ms. Poynter sought clarification about the purpose of the statement. She said that unless there's a desire to reflect that the Board wanted more funding for air quality projects it might be unnecessary. She said that if the Board wants more funding from BECC it needs to concretely demonstrate the documented environmental benefits. Dr. Austin compared this to the situation in Nogales, where as they are expanding their port of entry it is likely that more people will start to use it, thus increasing pollution. She cautioned that accountability in air quality needs to be viewed in the big picture. Ms. Poynter agreed and asked whether or not recommendation number seven should be removed or altered. She stated that it did not necessarily make sense to create a new fund because NAD Bank's capital is already sufficient to fund air quality projects. She clarified that these projects are being funded through loans, not grants. Ms. Siwik suggested grant funding from the Treasury, EPA and State for some project on the Mexican side that could have some of the most cost effective emission reductions.

Ms. Poynter emphasized the importance of a reference to NADBank but said that it needs to be targeted to make sense. She explained that most air quality projects are quite expensive and thus require loans, rather than grants. She went on to say that grant funding from NADBank could be effective for small scale projects on the Mexican side.

### ***Border Crossing Vehicles***

Dr. Ganster brought up a concern regarding the unrestricted flow of polluting vehicles from the U.S. to Mexico and that are responsible for a vast proportion of air pollution. He questioned whose domain this issue was. Ms. Poynter cited the recent clean energy climate meeting between the U.S. and Mexico as another forum in which this issue was raised. In that case, the Department of Energy said that it's a state, not a federal issue.

Ms. Pullman raised a concern with recommendation number five, which implements measures to reduce vehicle idling at ports of entry. She worries that attempts to get people across the border faster with less time idling will compromise border security. When she first read the recommendation, she thought it meant people turning off their vehicles during the process of crossing the border. She also cited executive order 13514 which requires them to explore alternative fuel vehicles. Ms. Siwik said that creative ideas should be explored to balance border security concerns with environmental issues. Ms. Pullman concurred.

### **Discussion on Habitat**

Mr. Florez emphasized the fact that his section should be considered a preliminary draft and apologized for it not being more final. He is meeting with the Biological Resources Management Division in Fort Collins and the National Park Service soon to garner more information. He is also meeting with Congressman Guilford of Arizona to establish border monitoring protocol for the agency. The additional information that will be added to the report will be regarding how federal agencies will monitor these impacts and what the actual protocol will be.

### ***Park Ranger Border Crossing***

Dr. Ganster recalled a past visit to Big Ben National Park and how park rangers were no longer able to informally communicate with their Mexican counterparts because of heightened security post September 11<sup>th</sup>. He noted that Washington makes no distinction between the formalities of a trip to Tijuana and a trip to Paris. Dr. Austin cited a similar problem in collaboration on re-vegetation habitat development projects on the Arizona border. Mr. Agan pointed out that state officials in Texas can no longer enter Mexico easily. Mr. Florez said he hopes to coordinate with the Park Service and the State Department to make short trips like this more accessible. Speaking from the State Department's perspective, Ms. Poynter said that such a mechanism is in place and she would be willing to write a recommendation helping to facilitate its implementation for DOI employees. She described it as a blanket clearance that addresses the paperwork issue, but not the issue of travel time. Mr. Garcia stated that some people on the border program have the Century pass which does facilitate the process but noted that the application for it is a cumbersome process. He thought there might be a way to simplify the application to make it more accessible.

Dr. Ganster's final comment was that it would be appropriate for the DOI to get involved in the next generation of Border 2012. Mr. Florez agreed. Mr. Niemeyer thought that including such a

recommendation would be advantageous. Dr. Brown stated that it would easily be worked into the institutional chapter and that it's certainly an important issue. Mr. Florez invited people to send him those comments and volunteered to run them by Dolores and Paul. Ms. Pullman said DHS would send in their comments.

### ***Discussion on Institutional Mechanisms***

Dr. Ganster asked Dr. Brown to move the Institutional Mechanisms Chapter forward by taking comments and incorporating them. Dr. Brown obliged.

Ms. Wesson suggested that smaller working groups be set up for individual chapters so that people could hash out these issues over the phone. Thus, people could participate where they have expertise and interest. Dr. Brown agreed with this suggestion. Ms. Wesson reminded the group that the February 19<sup>th</sup> deadline is very important to ensure that the February 25<sup>th</sup> conference call is productive.

### ***Discussion on Climate Change***

Ms. Wesson acknowledged that because Ricardo Martinez is not here so she would speak for climate change. She thought that there needs to be input from the State Department. She recognized that the draft was still in the development stage and asked for volunteers for the working group. Ms. Poynter said that she has input with regard to the meeting that happened last week and would be happy to provide some language. The two agreed to work together as they had both been in touch with Sue Stendebach. Ms. Bardino from the state of New Mexico said she would like to help with the climate change section.

### ***Discussion of Solid Waste***

Dr. Ganster remarked that he needed to add a section to Solid Waste regarding the tire issue, which he recognizes is quite important. Mr. Garcia said that he is still waiting to hear from Emily Pimentel, who is their waste person for the border. Ms. Pullman added that DHS will be sending in their comments shortly. Mr. Niemeyer discussed a meeting of the CEC about waste he attended in November. He said that people are still trying to come up with hazardous waste tracking mechanisms that they wrote in a report ten years ago. He remarked that people on the border do not seem to care about hazardous waste anymore, but rather focus their attention on solid waste and tires. Dr. Ganster volunteered to add to the solid waste chapter and said he would send his comments to Mr. Niemeyer.

### ***Discussion of Alternative Energy***

Ms. Wesson asked for more volunteers to work on this chapter. Mr. Niemeyer volunteered his colleague in border affairs, Ross Pumfrey, and identified him as an energy guru. Ms. Siwik offered to help to ensure that this chapter is integrated with the Air Quality chapter. Ms. Wesson remarked that the chapters regarding Air and Climate also needed to be integrated. Dr. Ganster said he would send that chapter to Ms. Siwik and a few Mexicans he had been working with. He requested that Mr. Niemeyer forward it to Ross Pumfrey and Soll Sussman to get additional input.

### ***Acknowledgement of Public Participant***

Ms. Wesson wanted to remind everybody that there was a public participant on the link, Mr. Tamayo, who is a border political officer at the Mexican Embassy in Washington D.C. He had no comments regarding the report but looks forward to seeing the final copy. Mr. Niemeyer requested that Mr. Tamayo's contact information be sent out the Board and Ms. Wesson agreed to do so.

### ***Closing of Call***

Ms. Wesson announced the conclusion of the call and reminded everybody that the report's title is "*Blueprint for Action on the US Mexico Border.*" She urged people to bring up any concerns as soon as possible because text needed to be finished by February 19<sup>th</sup>. She also encouraged board members to start thinking about pictures.

Mr. Florez thanked members of the Board who had forwarded him relevant articles and encouraged other members to do so.

Ms. Wesson reminded the Board that the next teleconference was on February 25<sup>th</sup> and therefore, all information needed to be submitted by the 19<sup>th</sup> allowing everyone ample time to read it. Rio Rico will be held on March 11<sup>th</sup> and 12<sup>th</sup>. There will be a panel on border issues although they are still looking for speakers from the DOI and DHS. Ms. Pullman and Mr. Florez are looking for these speakers. The report needs to be finalized in Rio Rico. Any and all questions should be directed to either Ms. Wesson or Dr. Ganster.

Mr. Garcia interjected that he is going to ask people in his office to look over the alternative energy chapter and would let Ms. Wesson and Dr. Ganster know by tomorrow.

Dr. Ganster thanked everyone, especially DHS, for their hard work and time. He reminded everybody that a bit more work was needed to make the report excellent. Mr. Niemeyer emphasized the importance of a representative from DHS coming to Rio Rico. Ms. Pullman said they were working on ensuring that a representative would be able to attend and that they would finalize that in the near future.

The call was ended.