



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

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

Dear Administrator McCarthy:

The Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) held its forty-third meeting by teleconference on October 23rd, 2014. This letter represents our full advice resulting from that meeting. We have previously transmitted our preliminary advice pertaining to the U.S. proposals for projects under the 2015-2016 draft Operational Plan to Acting Assistant Administrator Nishida in order to accommodate the October Alternate Representatives discussion, and have included that advice here.

During our meeting Jane Nishida, Acting Assistant Administrator for the Office of International and Tribal Affairs (OITA), and JoAnn Chase, Director of EPA's Indian Environmental Office, briefed the committee on U.S. priorities including Traditional Ecological Knowledge (TEK) and the Operational Plan. We also thank Sylvia Correa, Senior Advisor for North American Affairs in OITA for attending the meeting and providing context for the presentations and answering our questions. Their attendance and contribution are much appreciated.

The GAC also wishes to thank Office of Diversity, Advisory Committee Management & Outreach (ODACMO) Director Denise Sirmons, Associate Director Mark Joyce and NAC/GAC Designated Federal Officer Oscar Carrillo and all of the ODACMO staff for their excellent support work, before, during and after the meeting.

Dr. Irasema Coronado, Executive Director of the CEC Secretariat, provided an update on progress at the Secretariat toward the implementation of Council priorities approved at Yellowknife, in addition to the Performance Framework and the Operational and Strategic plans.

We also thank Bob Varney, Chair of the Joint Public Advisory Committee (JPAC), for sharing plans for JPAC's November Regular Session meeting in Arlington, Virginia with a focus on Blue Carbon and the impacts of climate change on North America's coastal regions.

The GAC deeply appreciates EPA's continued support of our role in advising the United States Government on the enhancement of environmental conditions throughout North America. The committee also wishes to express appreciation for the personal interest you have taken in our work. Your attendance at our spring meetings has provided an invaluable opportunity to directly discuss your priority concerns and, we trust, enable us to provide more helpful advice than would otherwise be possible.

We look forward to your response.

Sincerely,



Jeffrey Wennberg, Chair
U.S. Governmental Advisory Committee

cc: Jane Nishida, Assistant Administrator for the Office of International and Tribal Affairs
Denise Sirmons, Director, Office of Diversity, Advisory Committee Management & Outreach
Oscar Carrillo, Designated Federal Officer
Sylvia Correa, Senior Advisor for North American Affairs
Bob Varney, Chair, Joint Public Advisory Committee
Irasema Coronado, Executive Director, CEC
Members of the U.S. National and Governmental Advisory Committees

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

Advice 2014-4 (November 24, 2014):
Charge Question: CEC Operational Plan

The first Charge Question states:

“Provide advice on how to integrate the three 2014 Council priorities and the three cross cutting themes into the new projects of the CEC Operational Plan. EPA is leading an interagency process to develop project ideas for the new Operational Plan. You may recommend specific projects that support the goals of the 2014 Council priorities or provide feedback on the current projects being developed [by] the U.S. interagency group.”

If we view the priority areas as subjects or topics the Council seeks to sponsor, and the themes as organizational goals the Council wishes to achieve, the question of how to best integrate themes and priorities is, in our view, a misstatement of the challenge. Projects and activities by their nature either serve or support multiple priorities and themes, or fail to do so. The challenge is to evaluate and select projects and activities that best address the priority subject areas while serving the organizational goals.

GAC members also noted that the three Council priorities are not separate from one another. Mitigation and adaptation to address the challenges of climate change are critical if we are to support sustainable communities and ecosystems; likewise, sustainable communities must rely upon green growth to be truly sustainable. Green growth in the transportation and energy sectors must address these sectors’ contributions to climate forcing GHGs. Our review of the list of U.S. potential projects for the 2015-2016 Operational Plan (below) illustrates this point by identifying the multiple benefits some projects offer.

The GAC members noted the same is true about the cross-cutting themes. An examination of the proposed projects shows that many projects serve at least two of the themes. The GAC members therefore recommend that the best way to ‘integrate’ priorities and themes is to identify those projects and work products that best further the organizational goals and advance the priorities as expressed by the themes.

The GAC’s review of potential priority U.S. projects was transmitted previously but is repeated here.

Members of the GAC have reviewed summaries of the 28 U.S. Government project proposals and submit the following advice regarding those projects the GAC believes should be given priority consideration. GAC members’ understanding of the projects is in most cases limited to the brief summaries provided. It is possible that, with more detailed information and more time to investigate and deliberate, the following advice might be amended.

GAC members:

1. evaluated the projects against the three priorities adopted by the Council last July; and
2. considered whether entities other than the CEC are engaged in similar projects; and

3. considered whether the CEC would be the most appropriate organization to undertake the work given its unique focus and tri-lateral scope.

Finally, GAC members noted that many of the projects listed below support more than one of the Council's three priorities and often more than one cross-cutting theme.

The projects that the GAC recommends deserve priority consideration are:

Priority - Climate Change

1. ***North America's Blue Carbon: Assessing the Role of Coastal Habitats in the Continent's Carbon Budget*** (Ariana Sutton-Grier and Lauren Wenzel, NOAA; Phil Colarusso and Clay Miller, EPA) Building on the Blue Carbon project conducted under the 2013-2014 Operational Plan, this project will refine the methodologies and protocols for measuring and mapping Blue Carbon habitats in North America.

Blue Carbon is specifically listed in the first Council priority; it is continental in scope and particularly suited to the capabilities and resources of the CEC. The GAC also notes that the project may also support the third priority, Sustainable Ecosystems.

3. ***Interoperability and Maintenance of Information Systems*** (Bill Sonntag, US EPA) The purpose of this project is to develop a long-term maintenance and development strategy for the information systems that have been developed by the CEC Secretariat, including the Environmental Atlas, Taking Stock On-Line, and the On-line Information Platform on Climate Change, as well as other databases developed through CEC projects.

This project was discussed at some length. Several GAC members expressed concern that its technical and internal focus might result in its treatment as a lower priority. However the GAC believes that this project directly addresses the third cross-cutting theme identified by the Council, enhancing information, transparency, capacity building and communication. Furthermore, this is the single clearest example of a project that can only be undertaken by the CEC.

4. ***Air Quality Monitoring and Public Information*** (Phil Dickerson, US EPA) The purpose of this project is to continue to increase public access to information about air quality in their communities. There are two main elements: 1) "AirNow in the Cloud" which involves implementing the AirNow real-time air quality data management system in a cloud computing environment to lower the cost of bringing AirNow to more communities, particularly in Mexico. 2) "Kids Making Sense" which is an exploration of the use of small, low cost sensors to understand air pollution sources and exposures through an education program working with secondary school students.

GAC members noted the transboundary nature of this issue and believe it supports the third priority area, Sustainable Communities and Ecosystems, and the first and third cross-cutting themes, learning from and assisting vulnerable groups and indigenous communities, and, Enhancing information, transparency, capacity building and communication.

8. ***Opportunities for North American Greenhouse Gas Trading*** (Marc Lemmond, EPA) The goal of this project is to detail existing GHG trading systems in North America; outline options for a cohesive system involving Mexico, U.S., and Canada; examine

measures necessary to align/create necessary complementary regulatory schemes across North America.

GAC members noted that similar project proposals have been made by the GAC in the past, and that through the Western Climate Initiative, on November 19th, California and Quebec will undertake their first joint cap-and-trade auction. This project addresses directly the first priority, Climate Change, and may lead to support of the second cross-cutting theme, enhancing the alignment of environmental regulatory standards, enforcement and compliance.

Priority – Green Growth

11. ***Promoting North American Markets, Innovation, and Policy Alignment for Greener Products and Supply Chains*** (Ted MacDonald, EPA) *Use the CEC to promote a North American platform to promote regional markets, innovation and policy alignment to encourage development of greener products and supply chains. Particular focus will be directed to enhancing application of sustainable public procurement and life cycle assessment, with associated tools and data networking, as instruments to promote green growth.*

GAC members note the successful earlier work of the CEC on private sector supply chains, and see this as a logical expansion of those efforts. The project supports the Green Growth priority and the third cross-cutting theme, enhancing information, transparency, capacity building and communication.

12. ***Reducing Emissions from shipping in North America*** (Angela Bandemehr, EPA) *Utilizing data models from 2013-2014 CEC project work to emphasize the air quality, public health, environmental and ecosystem benefits of reducing maritime shipping emissions, this project will showcase technologies and policies to promote clean and efficient maritime shipping. Ultimately, this projects seeks the establishment of an Emissions Control Area in Mexico, adjacent to the existing US-Canada ECA and thus establishing a true North American ECA, and to monitor the emissions reductions achieved.*

GAC members identified this as a project very well suited to the CEC's mission and resources. It builds upon prior CEC work and potentially interconnects all three priorities and the second and third cross-cutting themes.

13. ***Technical guidelines on environmentally sound management of spent lead acid batteries (SLABs)*** (Rick Picardi, EPA) *Building on the cooperative work conducted under the 2013-2014 CEC Op Plan, this project will seek to close efforts to develop SLAB ESM technical guidelines.*

The CEC's prior work in this area recommends continued support through achievement of environmentally sound management guidelines. The project also supports the second cross-cutting theme of enhancing the alignment of environmental standards and compliance.

18. ***Improve North American Trade Statistics on Elemental Mercury and Mercury-added Products*** (Laura Nazef, US EPA) *The Minamata Convention will require parties to restrict or reduce exports and imports of elemental mercury as well as mercury-containing products. To measure the effectiveness of the actions taken by Canada, Mexico, and the US, it will be necessary to have a reliable baseline of imports and*

exports for mercury and mercury products. The project would enable the CEC to characterize the problem.

The GAC believes this is another example of a project with a scope well suited to the CEC. The CEC has addressed mercury through several efforts in the past. The project addresses the second and third priorities and supports the second and third cross-cutting themes.

Priority – Sustainable Communities and Ecosystems

24. ***North American Wildfire Smoke Exposure Risk and Human Health Impacts Tool*** (Brooke Hemming, US EPA) *This project will build on an already well-developed fire and air quality analysis tool set developed by the Western Regional Air Partnership (WRAP), expanding its scope to include more information about the current composition of North American forest ecosystems and their emissions potential, how they will change with ongoing climate and land-use change, and their susceptibility to fire with projected meteorological change in order to create policy-relevant assessments of the impact of their emissions on human health.*

The GAC supports this project as a priority but notes that a great deal of work in this area has been done by a variety of entities. The CEC's role in this work should be to integrate the work done by others and identify any gaps that need to be addressed. The project supports the third priority and the third cross-cutting theme.

25. ***Improving Indoor Air Quality to Improve Children's Health in North America*** (Martha Berger, EPA) *This project will continue work begun in 2011 to provide further low cost interventions and education to improve air quality and children's health, building on the activities and continuing and building partnerships with environmental health professionals and tribal groups. Possibility of collaboration with Mexico and Canada would be an added bonus.*

The GAC recognizes the documented benefits of the existing project referenced in the summary and supports an expansion of the effort, but the next focus should be on different populations facing similar challenges, preferably in climates that would include Mexico. The project has already demonstrated support of the third priority and the first cross-cutting theme.

27. ***Enhancing Environmental Law Enforcement in North America*** (Debbie Kopsick and Susan Bromm, EPA) *This project will continue to promote intelligence-led enforcement and pursue existing project, refining and enhancing our ability to share information and intelligence to support enforcement actions. Intelligence led enforcement can support projects in all three strategic priorities that wish to include an enforcement component. The EWG will strive to aid other projects that wish to include an enforcement component. One example would be providing consultation to help develop a compliance monitoring and enforcement plan to support the low-sulfur fuel requirements for maritime traffic in the North American Emission Control Area.*

The GAC notes this project's linkage with number 12, Reducing Emissions from shipping in North America, and encourages consideration of coordinating efforts. The project is another good fit with the CEC's past work and mission, supports priorities two and three and the second cross-cutting theme.

Recommendations:

- 1. The GAC recommends that the U.S. government supports Council and Secretariat use the 2014 Council priorities and cross-cutting themes as the basis for prioritizing project and other budget priorities under the 2015-2016 Operational Plan. Special emphasis should be given to those activities that serve multiple priorities and themes. By undertaking these activities the Council will effectively integrate priorities and themes and accomplish the combination of subject matter and organizational goals established in Yellowknife.**

- 2. The GAC recommends that the U.S. Alternative Representative seek support for the following U.S. project priorities for inclusion in the 2015-2016 Operational Plan:**
 - a. North America's Blue Carbon: Assessing the Role of Coastal Habitats in the Continent's Carbon Budget**
 - b. Interoperability and Maintenance of Information Systems**
 - c. Air Quality Monitoring and Public Information**
 - d. Opportunities for North American Greenhouse Gas Trading**
 - e. Promoting North American Markets, Innovation, and Policy Alignment for Greener Products and Supply Chains**
 - f. Reducing Emissions from shipping in North America**
 - g. Technical guidelines on environmentally sound management of spent lead acid batteries**
 - h. Improve North American Trade Statistics on Elemental Mercury and Mercury-added Products**
 - i. North American Wildfire Smoke Exposure Risk and Human Health Impacts Tool**
 - j. Improving Indoor Air Quality to Improve Children's Health in North America**
 - k. Enhancing Environmental Law Enforcement in North America**

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

Advice 2014-5 (November 24, 2014):
Charge Question: Traditional Ecological Knowledge

The second Charge Question states:

“Traditional Ecological Knowledge (TEK): Provide advice on how to comprehensively integrate traditional ecological knowledge into all CEC projects addressing climate change, green growth, and sustainable communities and ecosystems.”

Only recently has there emerged a growing recognition that indigenous, or “traditional,” knowledge systems can enrich our understanding of natural systems and provide a “new” perspective on the challenges we all face. The bias of conventional Western science is deeply ingrained into the language, institutions and methods of the CEC and its government, academic and private sector partners. Indeed, as Paul Nadasdy argued, “The simple act of framing the problem as one of ‘integration’ automatically imposes a culturally specific set of ideas on the life experiences of aboriginal people.” Therefore the answer to the question of integrating TEK into CEC activities requires more thought and a broader engagement than can be provided by the GAC. As a result, our response to this charge question should be focused on process rather than programs or results.

There are groups that have been working on the challenge of ‘integrating’ TEK for some time. There are a few U.S. tribal nation work groups already formed to address this area and there will be an international meeting in Geneva sponsored by the United Nations in January to address this topic as well. The Institute for Tribal Environmental Professionals (ITEP) at Northern Arizona University has done some excellent work and no doubt could contribute to the efforts of the CEC in this effort.

The GAC’s first recommendation is to reach out to and engage with these groups. The opportunity to learn from their experiences should accelerate the achievement of this Council priority. The GAC also believes that this effort will expand and diversify the groups and institutions that can utilize and appreciate the CEC’s resources and work products.

The GAC’s second process recommendation is to form a trilateral working group to establish an institutional interface between indigenous peoples, traditional knowledge (TK) holders, and governments for clear, transparent and culturally appropriate terms of reference, particularly through the development of formal research agreements, policies, and initiatives. The preferred structure is a trilateral working group with representation from tribes or their equivalents from all three CEC partners. If this is not immediately possible, then the U.S. should unilaterally create a working group to advise EPA while the U.S. seeks to persuade our partners to adopt the tri-lateral approach.

Recommendations:

- 1. The GAC recommends that the U.S. government support CEC engagement with groups like the Institute for Environmental Professionals (ITEP) at Northern Arizona University and tribal working groups that have been working on this issue.***
- 2. The GAC recommends that the U.S. government recommend formation of a trilateral working group whose functions would be***
 - a. The establishment of an institutional interface between indigenous peoples, traditional knowledge holders, and governments;***
 - b. To recommend changes to CEC policies and structures to facilitate the incorporation of TEK consistent with the Council priority;***
 - c. To review and comment on potential CEC projects and grants as they relate to TEK.***

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

Advice 2014-6 (November 24, 2014):
Charge Question: CEC Performance Framework

The third Charge Question states:

“CEC Performance Framework: The Council has proposed a framework for performance measurement and strategic planning for the CEC. The framework proposes measures to address internal efficiencies and project performance as well as the effectiveness of public engagement and outreach. Please provide us with feedback on the draft performance framework.”

The GAC has long encouraged the development of performance measurement metrics to help the Council set priorities for projects and grants. The Draft Framework for a Performance Measurement System is a promising first step in this direction.

In regard to the draft itself, nearly all of the measures are in the process of developing baselines this year. Little information is available at this point to determine if the targets are measurable or appropriate, but the following observations are offered based upon the descriptions provided in Draft Framework.

Organizational Measure #2 (from Attachment 1): Increased capacity of government officials in enhancing, conserving or protecting the North American environment

Definition: The number of government officials at all levels of government in Canada, Mexico and the US who have increased their capacity to enhance, conserve or protect the North American environment through the CEC collaborative work projects (e.g., through project participation, collaboration or training).

A target will be set based on the collaborative work programs.

Measuring the number of government officials may be misleading given the size range of environmental organizations at all levels of government. The GAC recommends tracking the number of government *organizations* at the local, state, and federal level that have increased their capacity to enhance, conserve or protect the North American environment through the CEC collaborative work projects.

The GAC also recommends that some metric should be used to assess how government officials are trained by the CEC, and the range of topics covered. Absent these measures maximizing the number of individuals or organizations benefitting from CEC training might encourage a limited range of training methods and too narrow an agenda.

Organizational Measure #6: *Use of CEC work in enhancing environmental knowledge*

Definition: Number of citations of the CEC work in published documents, including reports, books, journals, and peer-reviewed documents.

The first year of implementation of the performance measurement system will be used to collect baseline information and a target will be set for subsequent years.

The number of citations of CEC work should be conditioned with citations of “relevant knowledge to conserve, protect, and enhance the North American environment.” Simply referring to the CEC without confirming that the citation addresses current environmental conditions is not an adequate measure of enhanced knowledge.

Meaningful Public Engagement Measure #8: *Increase public awareness of, and engagement in, CEC activities*

Definition: This measure will have two components:

1. Number of members of the public who have participated in CEC-sponsored meetings (including via webcast), other meetings where CEC staff present the CEC work, and CEC social media (i.e., twitter, Facebook). 2. Number of news articles covering CEC work.

The first year of implementation of the performance measurement system will be used to collect baseline information members of the public participating in CEC related meeting and a target will be set in subsequent years. A target for the number of news articles will be set for year 1 of implementation based on historical data.

The GAC believes this is a critical measure but notes the lack of a specific reference to the JPAC and its outreach activities. The JPAC has been very successful in its efforts to engage and educate the public, and while application of this metric to their activities is implied, the GAC believes specific mention of this is needed, perhaps including a separate class of metrics so that the progress of the JPAC and the CEC can be reported independently.

Recommendations:

The GAC recommends that the Performance Framework:

- 1. Track the number of government organizations in lieu of government officials at the local, state, and federal level that have increased their capacity to enhance, conserve or protect the North American environment through the CEC collaborative work projects.***
- 2. Condition the number of citations of CEC work with citations of “relevant knowledge to conserve, protect, and enhance the North American environment.”***
- 3. Make specific mention of the JPAC’s public engagement efforts, perhaps including a separate class of metrics so that the progress of the JPAC and the CEC can be reported independently.***

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

Additional Advice (November 22, 2014):

The GAC has no additional advice to offer at this time.