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

December 9, 2011

Committee Members

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John Bernal
Arizona

James Brooks
Maine

Salud Carbajal
California

Kirk Cook
Washington

Karen Gallegos
New Mexico

Teri Goodmann
Iowa

Carlos Rubinstein
Texas

Carola Serrato
Texas

Octaviana Trujillo
Pascua Yaqui Tribe

Roger Vintze
California

Gerald Wagner
Blackfeet Tribe

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

The Government Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) held its thirty-sixth meeting on October 20-21 in Austin, Texas.

We would like to thank Sylvia Correa, Senior Advisor for North American Programs in OITA for her presentations at the session. Sylvia provided background on the draft CEC Communications Plan, which is the heart of the advice that follows. She also briefed us on the status of NAPECA Grants and provided context during our discussion on the history of Transboundary Environmental Impact Assessments. Thanks also to Acting Director Cynthia Jones-Jackson, Associate Director Mark Joyce and NAC/GAC Designated Federal Officer Oscar Carrillo, and all of the Office of Federal Advisory Committee Management and Outreach (OFACMO) staff for their excellent preparatory work and the support they provided during the meeting.

Evan Lloyd, Executive Director of the CEC Secretariat, gave a report by telephone on the status of the CEC's 2011 programs and other work in progress. We also had the pleasure of receiving a report on the history and current operations of the Border Environment Cooperation Commission from General Manager Maria Elena Giner. The BECC plays a critical role in addressing US-Mexico border region concerns for healthy communities and the opportunity to learn more about their origins, activities and plans was very helpful to the committee.

Iresema Coronado, the chair of the Joint Public Advisory Committee, gave a report on JPAC activities including their continuing investigation into the challenges of electronic waste and the JPAC's survey of SEM process participants.

Meeting in Texas provided the GAC with an opportunity to hear from state and U.S. officials responsible for projects 'on the ground'. During the joint session with the NAC we were briefed by Stephen Niemeyer of TCEQ and Cindy Loeffler of the Texas Parks and Wildlife Department on a series of environmental and wildlife challenges and programs to address them, including the devastating drought of 2011. GAC member and meeting host, TCEQ Commissioner Carlos Rubinstein, presented a report on his department's efforts to protect and restore the quality of surface waters along the Mexican border. Joining him to provide the U.S. Fish and Wildlife perspective was Aimee Roberson, who briefed the

committees on the bi-national conservation cooperative in the Big Bend-Rio Bravo region. Finally, to provide a Northern Border perspective, NAC member Ray Lozano, provided background on the bi-national water quality challenges in the Great Lakes region and the national, state and international efforts to address them.

In response to the committees' continuing interest in the SEM process and the review of that process currently underway, Jocelyn Adkins of the U.S. EPA Office of General Council provided a summary of the review's progress by telephone.

And in response to a request from NAC Chair Karen Chapman, our agenda also included a discussion of Transboundary Environmental Impact Assessment (TEIA) and the reasons for the CEC's inability to make progress toward an agreement. John Knox, of Wake Forest University and former NAC Chair, and Sylvia Correa offered excellent historical perspectives on the issue, and prompted the GAC to offer the advice which follows.

In conclusion, we appreciate EPA's continued support of our role in advising the United States Government on the enhancement of environmental conditions throughout North America, and look forward to supporting your efforts in the future.

Sincerely,



Jeffrey N. Wennberg, Chair
Governmental Advisory Committee

cc: Michelle DePass, Assistant Administrator, EPA, Office of International Affairs
Jane Nishida, Director, Office of Regional and Bilateral Affairs
Cynthia Jones-Jackson, Acting-Director, Office of Federal Advisory Committee Management & Outreach
Oscar Carrillo, Designated Federal Officer
Karen Chapman, Chair, U.S. National Advisory Committee
Irasema Coronado, Chair, Joint Public Advisory Committee
Evan Lloyd, Executive Director, CEC
Members of the U.S. Governmental Advisory Committee

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

**Advice 2011-4:
CEC Communication Strategy**

The charge question posed to the committee was as follows:

CEC Communication Strategy

1. *Based on strong advice from the NAC/GAC and JPAC, this year the Council directed the Secretariat to develop a CEC Communication strategy. The draft strategy addresses corporate communications messages and tactics as well as specific messages and actions in support of the projects in the 2011-12 Operational Plan. It also proposes roles and opportunities for Council and JPAC members, as well as other partners, to engage in CEC communications. The U.S. would like the NAC and GAC to provide feedback on this important tool.*
 - a. *General comments on framework, measurable outcomes and strategies*
 - b. *Identify strengths and weakness in the strategy*
 - c. *Ways to improve the outreach and messaging*
 - d. *Other*

Readers of past GAC advice letters are likely to recall that this committee has regularly called for improved communications, greater target-audience awareness and planned, coordinated outreach at the CEC, and in particular the Secretariat. Most current and past GAC members were unaware of the CEC or its programs before their appointment to the committee. Once introduced to the CEC's mission and work products GAC members invariably see their great value to states, localities and tribal nations, and as a result encourage improved communications. The GAC therefore applauds the development of the Draft Communication Strategy and notes with appreciation several of the Strategy's components which echo our past advice.

The GAC understands that the Strategy was developed in-house by the staff at the Secretariat. This is impressive as we see the Strategy as comprehensive and containing a significant amount of detail. We note in particular the definition of roles and opportunities for the four critical groups; the Council, JPAC, Secretariat and Partners. The Strategy recognizes the different challenges and opportunities of these groups and recognizes the need for separate but coordinated communications plans for each.

During our deliberative breakout session GAC members spent a good deal of time discussing the Communication Goals and the general scope of the draft Strategy. The Strategy states the twin goals as "increase awareness" and "enhance reputation." On the first goal, we wrestled with the notion of using media and communications to create awareness of the Commission's "brand" and concluded that general "branding" communications across North America would require funding in excess of the total CEC budget, and even that would not guarantee achievement of awareness at desired levels. The GAC concluded that creating general public awareness was both beyond the ability of the CEC and unnecessary.

"Awareness" needs to be established among specific audiences for whom the CEC's programs and products would be a benefit. It is the recommendation of the GAC that this can be best achieved by communicating the CEC's programs, activities and success stories to these

audiences. If this is done effectively, the CEC's "brand" and reputation will be enhanced without the need of any additional effort.

The draft Strategy recognizes the need for project communications, given the emphasis on program and project messaging. But the Strategy lacks focus and may be ambitious beyond the ability of the CEC to achieve with expected resources. For example, the goals are very broadly stated and do not speak to the relevance of the CEC to target audiences.

The Strategy should therefore look first at its projects and develop project-specific communications. What communities are affected? Who might benefit from knowledge about the project? What special advantages or disadvantages do these groups have and how can CEC communications methods exploit or overcome them? Which communications tools or methods would be most effective? Who are the CEC's Partners and allies in the project and what can they do to assist the CEC with effective communications?

This approach goes significantly beyond program messaging as addressed in the Strategy. The GAC recognizes that the number and diversity of CEC programs and projects would make this an undertaking of comparable ambition to that of the current draft. We therefore recommend that the Secretariat evaluate its projects and programs and focus its communications efforts toward those projects for which the opportunity is the greatest. It is critical that the effort be 'right-sized' to the audiences affected and the resources available. Selection of projects for communications priority might also consider the target audiences and attempt to find at least one project that will connect with each audience every year.

The *Communication Messages and Communication Tactics* sections are actually elements of an implementation plan, describing in detail how the Strategy will be implemented. While this is critical, the Strategy would benefit from separating strategic communications goals, objectives and methods from the implementation details, which could be presented in a companion document. For example, the overall document is called the "Communication Strategy", which begins with "Roles and Opportunities", then moves to broadly stated "Goals", and then defines "Audiences". Next we have "Measureable Outcomes for 2011-2012", and then "Strategies", "Messages" and "Tactics", within which we once again find "Strategies". While the content of the Strategy is comprehensive, its organization is confused or at the very least confusing. If the Strategy is confusing and lacks focus we fear that so, too, will the communications that flow from it.

Another general concern is the *lack of an organizational chart and clear statement of who is responsible for getting this done*. For example, the Communications and Publications Manager is mentioned only once on page 12. The Media and Outreach Officer gets three mentions, all on page 13. The Strategy and companion Implementation Plan should clearly set out the roles and responsibilities of these individuals and to a lesser degree any others within the CEC structure – the Council Members and staff, the Secretariat staff, Executive Director, JPAC members and Chair, and Partners in all three nations.

On the question of *measurability of outcomes*, the GAC observes that several measureable targets are listed under "Measureable Outcomes for 2011-2012". Others are planned but first require the development of baselines against which to measure future progress. But in general it appears the metrics are too few and somewhat superficial. In our breakout session the GAC discussed the report from BECC General Manager Maria Elena Giner, presented during the joint NAC-GAC session on October 20th. The BECC's report was replete with metrics that not only

permitted measurement of progress but allowed General Manager Giner to communicate very effectively the accomplishments of her organization. While the CEC has a different mission the benefits of focusing on measurement and reporting are the same. We note here that the current CEC Operational Plan has made strides in this direction. But just as program measurements are key to effective communications, establishing, measuring and reporting communications metrics are key to knowing whether real progress is being made toward “Increased Awareness”.

GAC members also noted *inattention within the Strategy to the challenges of communications with disadvantaged communities and indigenous peoples*. Tribes are listed as a “Target Audience” but they are not mentioned anywhere else in the document. Given the special challenges associated with communications with these and disadvantaged communities, some discussion of how the CEC will effectively reach these people is needed. The Strategy could state the need and a commitment to address this, and the Implementation Plan could identify specific actions to be undertaken toward that end.

In summary, the GAC recommends the following:

The draft Strategy should be divided into two documents; a Strategy and Implementation Plan to distinguish between general communications goals, priorities and methods and the Operational Plan-level actions to carry it out.

- 1. The draft Strategy should focus on a limited number of project or program specific communications efforts that collectively serve the purposes of the overall Strategy.*
- 2. The responsibility for carrying out elements of the Strategy and Implementation Plan needs to be clearly stated by position title and group to ensure accountability.*
- 3. To a larger degree than currently proposed the Strategy and Implementation Plan need to identify and use carefully thought out metrics against which progress can be measured and reported.*
- 4. Attention needs to be paid to the methods used to communicate with indigenous and disadvantaged communities. The Strategy should acknowledge this as a priority and indicate that project-specific communications involving these communities must successfully address this need.*

In addition to the formal charge question, we were asked in the meeting to **offer advice on what the members of the NAC, GAC and others might be able to do to help improve awareness of the CEC and its programs among key audiences.** The following items are offered in response to this request.

- 1. The EPA should provide guidance for NAC and GAC meetings regarding press and public notice. The host of this meeting was not sure whether it was appropriate for his office to notify local media about the meeting and potentially provide coverage. If EPA provided clear pre-meeting guidance to both hosts and attendees it would avoid future confusion.*
- 2. The EPA Press Office should provide NAC and GAC attendees with 'fill in the blanks' press notices for use by attendees in their home media markets. GAC members are public officials and can attract local media attention to the CEC and its work simply by informing the media of their membership. These notices should include information hyperlinks and should be provided for use on web pages and as press releases. This would simplify and encourage members to let the folks at home know that the member is associated with the committee, and by extension, the CEC.*
- 3. The Secretariat should prepare short PowerPoint presentations and hand out materials for use by members of GAC, NAC, JPAC and other affiliated groups to present to their peers at meetings of associations and organizations of which they are members. GAC, NAC and JPAC members should be encouraged to seek opportunities at regional or national meetings to get this information before the membership. Presentations could be designed to include interchangeable program-specific detail for audiences with a particular interest. For example, one GAC member currently chairs the National Association of Counties. Other examples of GAC-related groups include the National League of Cities, U.S. Conference of Mayors, the Environmental Council of the States and dozens of other national, regional and state-level groups. Committee members should be encouraged to seek these opportunities and the availability of presentation materials minimizes the demands placed on the committee member.*

Governmental Advisory Committee (GAC)
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**Advice 2011-5:
Transboundary Environmental Impact Assessments**

The GAC shares the frustration of the U.S. Government over the long-standing impasse on this issue. The GAC also notes that the BECC has approved 100 projects in Mexico and 95 in the United States, all of which were required to perform an EIA under BECC rules.

The problem stems from a difference in legal definitions of projects that must undertake an EIA in Mexico and in the United States, resulting in the perception that there is a quantitative or qualitative difference in the projects that would be subject to this requirement on either side of the border. Based upon the presentations by the BECC and John Knox, the GAC is unconvinced that such a difference materially exists.

The GAC therefore recommends that the CEC undertake a study of past-approved projects on both sides of the border over some extended period of time to ascertain the number and nature of projects that were exempt from the requirement in one country, but would have been subject to it in the other. Such an analysis should include a study of BECC-funded projects and should help clarify to what degree the difference in national legal standards has actually affected required project reviews.

Governmental Advisory Committee (GAC)
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**Advice 2011-6:
Briefing Request on Tribal Status**

The GAC discussed the long-standing challenges confronted by tribal nations on both sides of the border resulting from the difference in their legal status between the U.S. and Mexico, and to a lesser degree, Canada. This issue was highlighted for members during the GAC's meeting on October 23-24, 2008, at the Cocopah Reservation in Somerton, AZ. The last few years have seen an increase in tension between the two nations over US and border state actions associated with illegal immigration. The GAC requests that a future meeting agenda include briefings on this issue as it relates to both borders to help members better understand the legal, historical, political and social dimensions of the difference in legal status of indigenous tribes in the U.S., Canada and Mexico.

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**Advice 2011-7:
Panel of Experts Review**

The GAC learned about the appointment and charge of the Panel of Experts and their review of the CEC through the presentation by Executive Director Evan Lloyd. The GAC requests that we be kept informed of the POE's progress and, when appropriate, their findings. EPA may also want to seek the GAC's advice on the POE's findings and recommendations in a future GAC meeting.