



OFFICIAL MEETING OF THE NATIONAL AND GOVERNMENTAL ADVISORY COMMITTEES (NAC/GAC)

SUMMARY FINAL

October 25 – 26, 2012

EPA Ariel Rios North Building
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

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THURSDAY, OCTOBER 25, 2012

Call to Order and Introductions

Oscar Carrillo, Designated Federal Officer (DFO), Office of Federal Advisory Committee Management and Outreach (OFACMO), U.S. Environmental Protection Agency (EPA)

Mr. Oscar Carrillo provided an official welcome to the National Advisory Committee (NAC) and Governmental Advisory Committee (GAC) members and other participants. He introduced himself as the DFO for the NAC and GAC, both of which arose from the North American Free Trade Agreement (NAFTA) in 1994. He expressed his appreciation for the work of the committee members and chairs, Mr. Brian Houseal (Adirondack Council), Chair of the NAC, and Dr. Octaviana Trujillo (Pascua Yaqui Tribe), Chair of the GAC. Mr. Carrillo then invited participants to introduce themselves (a list of the participants is provided in Appendix A: Meeting Participants).

Welcome and Overview of the Agenda

Brian Houseal, Chair of the NAC

Octaviana Trujillo, Chair of the GAC

Mr. Houseal added his greetings to the committee members and thanked them for participating in the meeting. He expressed that it was an honor to serve as Chair of the NAC and described his role as that of a facilitator, helping the committee reach a consensus on the advice to offer the EPA Administrator. Dr. Trujillo also welcomed members and said that she looked forward to facilitating the committees' discussion. She noted that members shared a responsibility to fulfill the mission of the committees and welcomed the feedback and assistance of all members.

Opening Remarks

Cynthia Jones-Jackson, Director, OFACMO, EPA

Ms. Cynthia Jones-Jackson welcomed members, especially those who were newly appointed. She explained that the committee meetings are designed to provide an opportunity for members to share their views openly, as intended under the Federal Advisory Committee Act. She also thanked Mr. Houseal and Dr. Trujillo for their service as chairs.

Ms. Jones-Jackson introduced Mr. Michael Stahl, Deputy Assistant Administrator for EPA's Office of International and Tribal Affairs (OITA), who was representing OITA Assistant Administrator Michelle J. DePass, who currently is on maternity leave. In her role as Assistant Administrator, Ms. DePass serves as an Alternate Representative to the Commission for Environmental Cooperation (CEC) and is entrusted with the authority to lead the day-to-day operations of the CEC.

Update on U.S. Priorities and Guidance

Michael Stahl, Deputy Assistant Administrator, OITA, EPA

Mr. Stahl welcomed the NAC/GAC members and thanked them for their participation on behalf of EPA Administrator Lisa Jackson and the OITA Assistant Administrator, Ms. DePass. He also expressed his appreciation to Ms. Jones-Jackson and members of her staff for their efforts in organizing the NAC/GAC meeting. Mr. Stahl stressed that EPA takes the input of the committees seriously and encourages members to provide candid advice. EPA's leadership places a high priority on the work done by the CEC. The July 2012 CEC Council Session in New Orleans, Louisiana, chaired by Administrator Jackson, resulted in successful reforms to the Submissions on Enforcement Matters (SEM) process so that it will be more useful to the three parties. The ideas developed by the NAC/GAC were considered in these reforms, and the Administrator was grateful for the assistance provided by the committees on this issue. As a result of the Session, the Ministers asked the CEC to develop fewer, more strategic projects and consider specific initiatives in certain high-priority areas. The significant investment of the three parties in CEC operations

promotes expectations of tangible results from its operations. The upcoming Council Session will be held in Mexico and chaired by the Canadian Minister. The CEC process may be delayed while Mexico's President-Elect Enrique Peña Nieto forms his government. Mr. Stahl informed the members that the CEC Alternate Representatives are scheduled to meet October 29–30, 2012, in Mexico to discuss the Operational Plan and future of the CEC. Mr. Stahl introduced Ms. Jane Nishida (Director of the Office of Regional and Bilateral Affairs, OITA) and Ms. Sylvia Correa (Senior Advisor for North American Affairs, OITA). Mr. Stahl (representing Ms. DePass), Ms. Nishida and Ms. Correa serve as the U.S. Alternate Representatives to the CEC Council.

The main CEC strategic priorities for the new Operational Plan are promoting healthy communities and ecosystems, addressing climate change through low-carbon economies, and greening the economy in North America. The charge to the NAC/GAC is to help influence the CEC Operational Plan to promote specific initiatives to address the issue of electronic waste (e-waste), advance trilateral clean energy initiatives and prioritize integration of economic sectors in North America. The Administrator also seeks advice from the NAC/GAC on opportunities to implement the new communication strategy of the CEC. The CEC will continue to hold stakeholder information meetings and seeks guidance on broadening participation. Mr. Stahl emphasized that EPA is committed to working closely with the NAC/GAC members, who can provide EPA with insight into the state of the environment and challenges arising from integrating protection of the environment in the three countries. Mr. Stahl again expressed his thanks to the contribution of the committee members.

Member Comments and Discussion

Members asked Mr. Stahl for clarification on the charge to the committees. Ms. Therese H. Goodman (City of Dubuque, Iowa), GAC member, asked for more detail on the type of advice EPA would like from the NAC/GAC. Dr. Ivonne Santiago (University of Texas at El Paso), NAC member, asked what type of advice was needed on the CEC's communication strategy. Mr. Stahl replied that EPA would like suggestions about projects related to e-waste, including managing its global flow and disposal; short-lived climate forcing agents; trilateral clean energy initiatives, especially along the U.S.-Mexican border; and economic integrated sectors.

More broadly, EPA would like suggestions on how best to inform the public about the CEC's activities. This would include determining what approaches have been successful and identifying opportunities that may have been missed. Mr. Stahl added that it would be helpful to identify important stakeholders and groups that should be included in the CEC's outreach efforts. Ms. Correa indicated that Ms. DePass had suggested that the NAC/GAC members could play a direct role in the CEC's communication strategy by spreading the CEC's messages to the groups that they represent. Ms. Nishida said that the Alternate Representatives from the United States, Canada and Mexico recently met with stakeholders from business, academia and the nonprofit sector to discuss emerging issues. Ms. Correa noted that at the previous NAC/GAC meeting, members requested that the CEC Secretariat provide "talking points" about CEC activities. These still are being developed; it is a slow process because they must be approved by all three countries. Ms. Nishida urged the committee members to use the Joint Public Advisory Committee (JPAC) as a resource to provide information on important activities occurring at the CEC. Mr. Jonathan Waterhouse (JPAC member) recommended that the members follow JPAC on Facebook and Twitter to speed communication between the Council and the committees. Because of the large amount of information, however, face-to-face communication might be more efficient. Ms. Correa reminded the members that although communication between the NAC/GAC and JPAC is helpful, the members should keep in mind that their role is to advise the EPA Administrator and JPAC's is to advise the Ministers.

Mr. Stahl provided more detail about the upcoming Alternate Representatives' meeting in Mexico. The Mexican Government currently is in transition following the recent election. The meeting will include representatives of the out-going and newly elected governments. The transition in the Mexican

Government will be more extensive than what typically occurs in the United States. Both political appointees and career civil servants are likely to be replaced.

Ms. Gail Small (Native Action), NAC member, stated that she would like more information on how tribal priorities are being incorporated in the CEC's activities. Mr. Stahl replied that there is no formal analysis of such efforts at EPA or the CEC. Ms. Small asked whether such a summary of EPA's activities could be prepared for the NAC/GAC in advance of the next meeting, and Mr. Stahl agreed to do so. Mr. Stahl noted that tribal concerns have been a priority under President Barack Obama's administration. Including tribal interests within the jurisdiction of OITA was intended to bring more prominence to those concerns. Ms. Nishida explained that Mr. James Anaya, United Nations (U.N.) Special Rapporteur on the rights of indigenous peoples, had been invited to this meeting to speak about the U.N. Declaration on the Rights of Indigenous Peoples but was unable to attend because of scheduling conflicts. Dr. Trujillo proposed that EPA issue another invitation for the next NAC/GAC meeting. Ms. Jones-Jackson said that Mr. Carrillo had tried to arrange for Mr. Anaya to attend the next NAC/GAC meeting as well but scheduling was difficult. He will continue to try, however.

Mr. Stahl noted that, to date, trilateral clean energy efforts have been sporadic. Many projects have been sponsored by the North American Development Bank (NADB). Perhaps the CEC could help those efforts be more targeted and better organized. He indicated that models are needed. Even state-to-state arrangements, such as cap-and-trade agreements, might prove to be helpful examples. A goal of the CEC is to better integrate its efforts with those of the NADB. Mr. David L. Markell (Florida State University), NAC member, noted that the committees would be able to provide better advice if they received concrete information on what trilateral clean energy efforts are being considered significantly in advance of future meetings at which this issue will be discussed. For example, was the CEC considering carbon sequestration? Ms. Goodmann agreed that this information would be best if received well before the next meeting, perhaps even as a monthly update. Mr. Stahl mentioned that the clean energy initiatives funded by the NADB, though bilateral, might provide some good examples. Ms. Edna A. Mendoza (Arizona Department of Environmental Quality), GAC member, said that clean energy issues were considered at the 2012 Border Governors' Conference, and delegates are about to release a compendium of projects related to the topic.

Mr. Markell recommended investigating how different governments are working to achieve their clean energy goals. Canada has a Commissioner of the Environment and Sustainable Development, and it would be interesting to know how effective he has been. Mr. Stahl responded that EPA can provide that type of technical information to the NAC/GAC. Because of the interest in trilateral clean energy initiatives, Mr. Houseal proposed that the committees form a working group to explore them further. Mr. Salud Carbajal (County of Santa Barbara), GAC member, noted that forming a working group might demand more commitment from the committee members, especially if they serve as chairs, but such groups also might help the committees to be more focused in their deliberations by providing more background on issues. Ms. Small remarked that some issues that might be of interest to the committees on which EPA could brief members are the Keystone Pipeline, carbon sequestration, cap-and-trade agreements, coal mining and coal-fired power plants. Ms. Nishida replied that the CEC has working groups, such as chemicals and air, each of which has a U.S. representative. These officials might be able to brief the committees on the focus of their work.

Ms. Small asked about the priority issues of the three countries. For example, because the Blackfeet Nation is affected strongly by glacial melting, climate issues are a high priority. Mr. Houseal suggested that members send him news on the priority issues in their geographic areas, and he could distribute the information. Ms. Jones-Jackson proposed that this information could be published on a website developed for the NAC/GAC by EPA.

Mr. Stahl commented that the committees had engaged in a good discussion about establishing a model for how the NAC/GAC might operate in the future. As requested by the NAC/GAC, he will distribute

background materials in advance of meetings and invite experts to present on topics relevant to the issues being considered by the committees. He asked members to review the CEC Operational Plan priorities to determine whether there were any about which they would like more information. Mr. Carrillo noted that JPAC workgroups were presented in webinar format and as such were accessible to committee members online as a resource.

Mr. Stahl thanked all of the committee members for their participation and indicated that he will update Ms. DePass on the good progress that had been made at the meeting. Ms. Jones-Jackson thanked Mr. Stahl, Ms. Nishida and Ms. Correa for joining the committees at the meeting.

Update on Operational Plan and Communication Strategy

Sylvia Correa, Senior Advisor for North American Affairs, OITA, EPA

Dr. Trujillo introduced Ms. Correa, who updated the NAC/GAC on the CEC's Operational Plan and communication strategy.

Ms. Correa explained that during the July 2012 CEC Session, the vision of the CEC was articulated in terms of its broad and long-term priorities. In the Session, the Ministers presented a broad plan to achieve that vision, identifying the following three strategic priorities for the CEC's activities through 2015: (1) healthy communities and ecosystems, (2) climate change and a low-carbon economy, and (3) greening the economy in North America. The CEC devised strategic objectives to meet these priorities. The goals and objectives of the CEC are implemented through its project activities and initiatives. At the CEC Session, however, the Commission identified the need to meet these priorities by focusing its efforts on fewer projects. This realignment is particularly pressing because in contrast with past funding levels, economic conditions have limited the resources that the three parties are able to commit to funding CEC projects. The United States, through EPA, maintains a deep commitment to the vision of the CEC.

Administrator Jackson places a high priority on projects that are concrete, results-oriented and amenable to quantifiable metrics of success. EPA appreciates the assistance of the NAC/GAC in prioritizing projects but prefers those that meet those three criteria. Of the 17 projects funded by the CEC for 2011–2012, 11 address the first priority, healthy communities and ecosystems, whereas the remaining 6 are evenly divided between the second and third priorities. Projects that address the health of communities and ecosystems are more likely to suit such an assessment because of their scale, but the Ministers stressed that funding for future projects should be distributed more evenly among the three priorities.

Ms. Correa highlighted two examples of particularly effective projects. The first addressed improved environmental health of vulnerable communities in North America, an objective of the priority to ensure healthy human communities and ecosystems. The project was designed to improve indoor air quality for Alaska Native populations by reducing exposure to fine particulate matter. Approval of this project by the CEC required a cognitive shift in the meaning of trilateral projects from those that can be implemented simultaneously to pilot studies that in the future could be replicated in other parts of North America. A focus of the Alternate Representatives' meeting will be to ensure that future projects meet the requirement of being truly trilateral. A successful, effective project related to the CEC's third priority, greening the economy, focused on improving the economic and environmental performance of the North American automotive industry supply chain.

Member Comments and Discussion

The NAC/GAC members discussed the automotive industry supply chain project. Mr. Michael J. Robinson (General Motors Company), NAC member, expressed his surprise that he had not been aware of the project. Ms. Correa replied that General Motors and Ford have manufacturing facilities in Mexico, and both companies have been very helpful since they were approached about the project. Mr. Robinson remarked that the project was a good model of an "idea incubator." Efforts were made to decrease water

use and waste generated. This is not only good for the environment, but it saves money and creates jobs, providing measurable results. Ms. Correa agreed that the project had the type of impact that the ministers desired.

The project to improve indoor air quality for Alaska Natives, implemented through the Alaska Native Tribal Health Consortium (ANTHC), also had measurable results, although it was on a smaller scale relative to the automotive industry supply chain initiative. Mr. Waterhouse, a member of the ANTHC, provided more details about the initiative. The program replaced wood-burning stoves and made other improvements to reduce exposure to airborne contaminants. Many rural homes are heated by 55 gallon drums, and asthma rates in Alaska Native communities are very high. There would be significant health benefits to expanding the project to all remote communities. The project is important to improving indoor air quality but also reduces black soot, which affects climate change. Mr. Waterhouse urged the NAC/GAC to support the continuation of the project. Mr. Gerald Wagner (Blackfeet Tribe), GAC member, added that a video had been produced about the project. The video makes clear the strong positive impact of the project on native communities. It is an example of how a small investment can have a large effect in low-income, minority populations.

Mr. Timothy A. Bent (Bridgestone America), NAC member, thanked Mr. Waterhouse for clarifying the connections between the project and CEC's purpose. He stressed the need to emphasize such connections when describing CEC projects. Mr. Bent asked whether when a CEC project meets with success, other entities, such as nongovernmental organizations, generally assume the responsibility to disseminate information about it and/or continue its financial support. Mr. Markell asked about the current status of the automobile industry supply chain project. The CEC 2011–2012 Project Summaries document indicates that CEC funding was suspended in 2009; he asked whether it is now a private initiative. Ms. Correa indicated that the project was halted because the Secretariat determined that it could not be expanded to Canada and thus was not truly trilateral. Resources were available for only 1 year. In general, the CEC considers its projects to be pilots that will continue with support by the private sector or governments when they demonstrate economic or environmental success. Mr. Carbajal commented that he had found the project management diagram helpful, but it was difficult to understand the total budget for the projects.

Mr. Markell asked about the charge to reduce the number of projects. Currently, 17 are funded, but what is the ideal number of projects? Ms. Nishida answered that the CEC has no preconceived idea of a particular target number. Instead, EPA is asking the NAC/GAC to prioritize projects. CEC projects will be discussed during the upcoming meeting of the Alternate Representatives, and the input of the NAC/GAC will be helpful. Mr. Carbajal asked whether the NAC/GAC members were meant to prioritize funding for existing projects or suggest new ones. Ms. Correa replied that the committees have provided advice during a previous meeting on choosing the current projects. The priorities of the CEC apply through 2015, and the Administrator would like the NAC/GAC to advise EPA about changing the focus of project funding within those priorities. Dr. Cecilia R. Martinez (Center for Earth, Energy and Democracy), NAC member, asked what criteria should be used to prioritize projects; for some, CEC funding has a large impact on success, whereas for others, like the automotive industry supply chain initiative, it does not. Mr. Houseal suggested that projects should be required to have a determination of best practices as one of their results. Ms. Correa replied that the criteria used to select projects are provided in Appendix 4 of the CEC's 2010–2015 Strategic Plan. If the NAC/GAC would like to revise these criteria for the next strategic plan, it is time to begin considering how they might be changed.

Mr. Robinson was of the opinion that the automotive industry supply chain initiative could continue without CEC funding, and funds would be better directed to other projects. Ms. Goodmann agreed, and Mr. Robinson indicated that he would like to communicate with EPA staff members who work on transborder automotive issues. Ms. Correa responded that she will put him in contact with someone in the

Office of Chemical Safety and Pollution Prevention who works on such problems. In general, EPA experts should be considered the first resource for information to help identify potential projects.

In regard to e-waste, Ms. Mendoza noted that in the Southwestern United States, it is a transborder problem because airborne waste crosses the border from Mexico. She mentioned that EPA Region 9 plans to present a webinar on the problem. Mr. Carbajal proposed that the CEC consider solid waste management in general rather than just e-waste.

Public Comment Period

Dr. Trujillo asked whether any members of the public would like to make a comment or ask a question. No public comments or questions were offered.

JPAC Report-Out

Jonathan Waterhouse, JPAC

Mr. Houseal reviewed the agenda for the afternoon. He introduced Ms. Jocelyn Adkins, Attorney-Advisor for the International Environmental Law Practice Group of EPA's Office of General Council (OGC), and recognized her efforts in reforming the CEC's SEM process.

Mr. Waterhouse, member of the CEC's JPAC, introduced himself. The new JPAC Chair, Mr. Martín Gutiérrez Lacayo, has called for increased involvement of the North American public in environmental issues. JPAC conducted a successful media campaign to maximize attendance at the JPAC workshop on the topic "Resilient Communities in North America," held prior to the 2012 CEC Council Session in New Orleans, Louisiana. The campaign included social media outlets such as Facebook and Twitter. Approximately 80 people participated in the workshop. In addition to media campaigns, other strategies, such as scheduling weekend workshops, are being considered.

The workshop employed a new format that included a few presentations by speakers followed by discussion of the topic among participants, who were divided into working groups led by facilitators. The format allowed the public to speak to JPAC rather than be spoken to by experts. The objective of the workshop was to establish a dialogue with citizens and organizations, including those most affected by climate change's impacts on food, water and levels of environmental stress. JPAC sought a direct knowledge exchange with the public. The Committee sought recommendations, policies and strategies for all levels of government. The input from the public focused on issues important to the Southern United States and Gulf Region, influenced by the workshop's location. Mr. Waterhouse observed that the conversation at the workshop had become very contentious at times, raising issues of cultural annihilation, racism and discrimination.

Workshop participants had discussed the differential impacts of increased exposure to environmental shocks from climate change on large, urban areas as compared to agricultural and remote areas. Effects were likely to be felt on different levels. For example, increased temperature might overburden air conditioning systems in an urban area while causing drought in an agricultural one. Among challenges to the resiliency of communities, water emerged as the primary concern. Also identified were threats to the food supply, which is related to water and can be made more resilient through decentralization (e.g., vertical farming); energy, particularly from reliance on fossil fuels; the economy; and buildings and infrastructure, about which participants offered some simple but effective suggestions, such as installing lights triggered by motion detectors, LED lights, insulation and energy-efficient windows.

At the workshop, participants had proposed actions to address these challenges. Governments were encouraged to promote an equitable distribution of information and education, strive for a sustainable economy and improve buildings. Participants also suggested actions on the community level and outlined what they themselves could do on an individual level.

It was recognized by workshop participants that the most vulnerable communities were those that were poor, of color and/or indigenous because they were more likely to be affected by environmental stresses and had limited resources to adapt to them. Existing environmental justice issues were noted as well as their role in limiting access to political power.

JPAC is planning two additional meetings on the same topic. The next one is scheduled for December 13–15, 2012, in Mérida, which is in the Mexican state of Yucatán. The Committee is extending a special invitation to members of the Mexican indigenous community, although Mr. Waterhouse noted that the Mexican Government objects to the term “indigenous.” Mr. Waterhouse urged members of the NAC/GAC to attend if possible.

Member Comments and Discussion

The NAC/GAC members discussed differences in the political status of indigenous people in the three nations. Mr. Raymond Lozano (New Detroit—The Coalition), NAC member, asked Mr. Waterhouse why the Mexican Government objects to the term “indigenous.” He replied that the U.S. Federal Government recognizes more than 500 tribes. In Mexico, however, the government does not recognize the sovereignty of the native population. The relations between the First Nations and the Canadian Government also are strained at all levels. Mr. Wagner concurred, emphasizing that a goal of the advice provided by the NAC/GAC should be to represent the interests of indigenous peoples in all three nations.

Mr. Markell raised the issue of how representative the participants in the JPAC workshop were of the population as a whole. Mr. Waterhouse agreed that the results from the workshop might be skewed by who chose to participate, but the Committee had made a great effort to achieve broad participation through outreach, including email networks, Facebook and Twitter. An attempt was made to be inclusive of many interests, including business and nongovernmental organizations. More than 100 people attended. Those who could not attend in person were able to ask questions online. Dr. Martinez, who had participated in the workshop, agreed that the workshop attendees had been diverse. She remarked that the workshop was very interactive and productive. Her general impression was very favorable, however, the framing of the issues always needs to be considered in a dialogue, the results were filtered by the facilitators, and it was not clear how generalizable they were. It was a good first step, although she regretted that there were indigenous groups who were unable to attend. Dr. Jorge Chapa (University of Illinois at Urbana-Champaign), NAC member, contended that diversity of input was valuable even if it was unlikely that attendees were representative of the larger population in a strict statistical sense. Mr. Houseal recommended that members refer to the report¹ developed from the workshop that is posted on the CEC website, which shows the importance that was placed on giving the public a voice.

Dr. Chapa suggested that the CEC could achieve broader participation through educational outreach at universities, high schools, middle schools, elementary schools and online. It would be important to reach the academic community in departments outside of the science, technology, engineering and mathematics disciplines.

CEC Operational Plan Status and Updates on Article 13, Trade and Environment Panel Report *Evan Lloyd, Executive Director, CEC Secretariat*

Mr. Evan Lloyd, Executive Director of the CEC Secretariat, joined the meeting by telephone and apologized for not being able to attend in person. He updated the members on the current state of the 2011–2012 Operational Plan of the CEC and development of the 2013–2014 Operational Plan, revisions to the guidelines for SEM under Articles 14 and 15 of the North American Agreement on Environmental

¹ *Resilient Future: Voices of North Americans on Policy and Action.*
http://www.cec.org/Storage/140/16631_TheMoment_JPAC_WorkshopReport_Aug14e5-web_en.pdf.

Cooperation (NAAEC), the CEC Council's trade and environment agenda, and the CEC Independent Secretariat's report pursuant to NAAEC Article 13 titled "The Environmental Hazards of Transboundary Movement and Recycling of Spent Lead-Acid Batteries" (SLABs).

Mr. Lloyd stated that the development of the 2013–2014 Operational Plan is proceeding apace and is expected to be complete in June 2013. The Alternate Representatives will provide guidance and direction for its development during their upcoming October 2012 meeting as well as discuss streamlining CEC operations. Mr. Lloyd indicated that EPA would welcome recommendations from the NAC/GAC to the Alternate Representatives in regard to development of the Operational Plan.

Mr. Lloyd provided statistics on SEM submissions and progress made by the CEC Council in expediting the SEM process. As of October 22, 2012, 79 submissions were filed with the CEC, of which 29 concerned Canada, 40 concerned Mexico, 9 concerned the United States, and 1 concerned both the United States and Canada. Since the previous NAC/GAC meeting, there have been 4 determinations (two Article 14(1) dismissals and two Article 14(1)(2) determinations), 2 draft and 2 final factual records sent to the Council, 12 submissions pending, and 3 new submissions received.

In 2010, a project was initiated to establish a panel of experts to advise the CEC on how to improve assessment of the environmental effects of NAFTA as mandated by NAAEC Article 10(6)(d). The project was to proceed in the following three phases:

- Phase I: Report on the environmental effects of NAFTA, and evaluate the current approach to this assessment.
- Phase II: Propose a framework and new approach to fulfill the Article 10(6)(d) mandate.
- Phase III: Support collaboration among trade and environment officials.

The following key issues are relevant to this endeavor: NAFTA's effects are well known after nearly 20 years of implementation; trade and deeper economic integration continue to be issues; and alignment with the CEC's mandate to consider the effects of trade on the environment remains important. Trade and environmental issues, however, no longer are in the public eye to the same degree as they were 20 years ago as new issues have emerged, including climate change and trade as well as adapting to the new landscape.

In the Phase I report, benefits from the CEC's approach to assessing NAFTA's environmental effects were identified to be establishing a useful framework for environmental assessment and raising the public profile for trade-environment issues. Lessons learned include the need to improve the quality of assessments. The new framework and approach proposed ensuring CEC ownership of assessment reports, engaging the public strategically and focusing on economic integration. In July 2012, the Council acknowledged the value of the Phase II report and the need to address its recommendations in the CEC 2013–2014 Operational Plan.

The CEC Council established its trade-environment agenda in the July 2012 Council Session, agreeing to strengthen efforts to green the economy. Trade-environment initiatives are being carried out within the current Operational Plan under the rubric of greening the economy and include improving conditions for green building in North America and integrating the industrial supply chain in the automotive sector. The Alternate Representatives will explore options for furthering this agenda in the CEC 2013–2014 Operational Plan during their October 2012 meeting.

To understand the management of SLABs in North America, the CEC Secretariat began a report on the environmental hazards of transboundary movement and recycling of SLABs. In October 2012, the CEC sponsored a well-attended workshop on SLAB recycling in North America to which many stakeholder

groups, both regulators and those regulated, were invited. U.S. exports of SLABs increased by a factor of five from 2004 to 2011, and 2011 data indicated that Mexico was the recipient of approximately two-thirds of those exports. Net U.S. exports of SLABs to Mexico in 2011 were 342 million kilograms, according to U.S. Customs data, although EPA figures are 41 million kilograms higher. As a result, between 25 and 50 percent of all SLABs recycled in Mexico came from the United States. Relatively few Mexican facilities receive U.S. SLABs, with Enertec México facilities the overwhelming recipients. Most of these facilities do not meet U.S. environmental standards. The United States also is a net exporter of SLABs to Canada, with U.S. exports accounting for 31 percent of Canada's secondary lead production in 2011. The CEC has identified key issues for SLAB management: the quality of trade and human health data, environmental and public health standards disparities, and inconsistent reporting of emissions. The Council's preliminary recommendations are to improve the quality of trade information; implement environmental and human health standards that are equivalent to those in the United States; publish information on lead emissions, including site-specific emissions; and support best practices. A SLAB recycler certification initiative is being considered in the United States.

Member Comments and Discussion

Mr. Markell expressed concern about the environmental implications of SLAB recycling. He wanted to know why more U.S. SLABs were not being processed in Mexican facilities with good environmental controls. He also asked why U.S. SLAB exports to Canada had increased. Mr. Lloyd replied that it was a very complex issue. The choice of facility is dictated by several factors, including proximity to markets and corporate strategies. He acknowledged that most of the disposal activities in Mexico would not meet the high standards of the United States. Some Canadian plants, in contrast, have better environmental controls than those in the United States. Mr. Bent asked about the next steps in addressing the SLAB issue. Mr. Lloyd agreed that it was a difficult trade and environmental problem and said that the CEC has a range of recommendations to make. U.S. industries and nongovernmental organizations are engaged in the process. Future consolidation of the industry is likely because of the low profit margin. The CEC will encourage Mexico to deal with legacy issues.

Mr. Houseal asked for more details about the Phase II framework and continued support of collaboration among trade and environment officials that was recommended by the panel of experts. Mr. Lloyd advised the NAC/GAC to follow these processes closely as they provide excellent opportunities for the committees to influence future developments.

Dr. Michael K. Dorsey (Wesleyan University), NAC member, asked Mr. Lloyd to post the Phase I report on the CEC website. Mr. Lloyd agreed to determine whether it was available online.

There was discussion of gaps in emissions data. Mr. Houseal expressed his support for the CEC's work to improve the comparability of emissions data. Mr. Lloyd indicated that there was endorsement for drafting a guidance document on this issue. There are gaps in Canadian and Mexican monitoring and reporting. For example, Canadian oil and gas industries are not required to report benzene emissions.

Mr. Markell asked about revisions to the SEM guidelines. He questioned whether revisions to the timelines were realistic and whether revisions will have substantive effects on the process. Mr. Lloyd observed that there was a high degree of support and enthusiasm at the CEC for reforming the process. He said that he is hopeful for better quality submissions in the future and quicker response.

Mr. Houseal thanked Mr. Lloyd for taking the time to speak with the NAC and GAC as well as for his 10 years of service at the CEC and successful tenure as CEC Executive Director. Mr. Lloyd congratulated the NAC/GAC on the high quality of their work.

Summary and Next Steps Discussion

NAC/GAC Chairs

Mr. Carrillo discussed the logistics for committee members to meet for dinner and travel on the following day. He introduced Ms. Stephanie McCoy (OFACMO), who provided instructions about expense reimbursement procedures for the NAC/GAC members. Ms. McCoy recognized Ms. Gloria Allen (OFACMO), who also would assist members with their reimbursement requests. Mr. Houseal reminded members to provide EPA with feedback on the meeting by completing the meeting evaluation form found in their meeting materials.

Mr. Houseal asked the members to read the minutes from the April 2012 meeting, included in their meeting materials, and make comments/corrections in the margins. Mr. Carrillo will edit the minutes accordingly, and the NAC/GAC members will vote to approve the minutes during the morning of the second day of the meeting.

Dr. Trujillo proposed amending the agenda for the second day to include a working lunch. This would shorten the meeting to accommodate members who need to depart early.

Because of time constraints, Mr. Houseal indicated that the NAC/GAC chairs will provide the committees' perspectives and opinions on the charge question in outline form to the Alternate Representatives by Sunday, October, 28, 2012. Subsequently, he and Dr. Trujillo, as committee chairs, will draft formal advice letters for approval by the members of their respective committees. Based on the interest shown by members, Mr. Houseal proposed the formation of working groups on trilateral clean energy initiatives and tribal issues. Dr. Chapa suggested a working group on communicating the results of the CEC's activities to the academic community, particularly those academicians involved in sustainability research. Mr. Houseal asked committee members for suggestions on how to best educate themselves further on issues related to the CEC.

The members discussed the automotive industry supply chain initiative. Ms. Mendoza commented that the purpose of the automotive industry supply chain summary was to illustrate the savings that could be realized by such efforts. Mr. Robinson countered that the report gave few details. Mr. Houseal replied that it was a summary and meant to be brief.

Committee members discussed creating an electronic journal on environmental issues. Dr. Chapa suggested using an automatic clipping service for general environmental news on topics of interest.

Ms. Goodmann reminded members that although focusing on communication was important, they should not ignore the pressing nature of the environmental issues themselves. Mr. Houseal agreed that government concerns seem to be focused on economic recovery, energy and climate change, whereas environmental issues receive short shift. Ms. Goodmann noted that a green economy and economic development are not mutually exclusive. Mr. Robinson offered an example of General Motors manufacturing plants that seek to optimize waste reduction as well as quality and timeliness. He noted that waste reduction makes good business sense. Mr. Lozano remarked that he had attended a presentation at the New Orleans JPAC meeting at which the speaker advocated for incorporating environmental impacts into economic indicators. For example, this would capture the benefits of using alternative materials to plastics and metals. Mr. Houseal said that government agencies are the largest procurers of goods and services in the U.S. economy. If these agencies adopted best practices, it would set an example for others.

Dr. Martinez emphasized that it was important to consider water resources. Greening the economy and clean energy provide an ideal context to consider water issues. She gave as an example the high water needs of nuclear power generation. Mr. Houseal commented that in North America, water generally is considered a geographic issue rather than a commodity. Mr. Carrillo cited a 2001 Québec, Canada,

meeting attended by the heads of the International Boundary and Water Commission (U.S./Mexico) and International Joint Commission (U.S./Canada) that resulted in a memorandum of understanding to share best practices.

Mr. Waterhouse repeated his invitation to NAC/GAC members to attend the upcoming JPAC workshop in Mexico. It would provide members with an opportunity to hear concerns from individuals at the grassroots level. He said that solid waste is an important issue, particularly in native communities, where disposal practices have led to contamination of the air, water and soil. He noted that solid waste is amenable to grassroots actions. Mr. Waterhouse indicated that he would send details about the JPAC meeting's location and agenda to committee members.

Several communication strategies were proposed to facilitate communication among committee members. Mr. Houseal suggested that EPA establish a chat room for committee members, which Ms. Jones-Jackson indicated was possible. Mr. Houseal offered to distribute a list of the email addresses of NAC/GAC members. Dr. Martinez asked whether the NAC/GAC members could be provided access to EPA's Environmental Science Connector. Ms. Jones-Jackson responded that she would explore that option.

With respect to the CEC 2011–2012 Operational Plan, Mr. Markell expressed concern about the accuracy of the information provided to the committees on the projects given errors in Ms. Correa's description of the automotive industry supply chain project. According to the CEC 2011–2012 Project Summaries document, the project was suspended in 2009, but it was included in the 2010–2011 budget. He also remained unclear regarding the CEC's role. Mr. Markell urged greater transparency. He noted that the committees had not considered how the SLAB report aligns with the CEC's three priorities and its Operational Plan. Finally, he expressed concern that water challenges did not appear to be part of the CEC's agenda, particularly when it was singled out as the primary challenge at the JPAC workshop in New Orleans. Issues related to water include harmonizing regulations in Canada and Mexico with those of the United States and improving wastewater treatment. Mr. Houseal advocated for considering water challenges as they relate to climate change. Mr. Mark Joyce, (Associate Director, OFACMO), asked what was being proposed for the CEC's role in water issues. He observed that many water issues appear to be bilateral rather than trilateral. EPA has advisory boards in addition to the NAC/GAC to advise the Agency on water issues that apply to small- and medium-sized communities. Further, other agencies, such as the U.S. Department of the Interior, are involved with water issues in the United States. Mr. Bent observed that CEC projects act at the "micro" rather than the "macro" level. Dr. Santiago suggested that Ms. Correa had explained that water issues were not the focus of CEC projects because their results can be difficult to assess on a trilateral scale. Instead of trying to address environmental problems affecting a body of water common to the three nations, however, addressing a problem common to the parties could be attempted, as was done in the Alaska Native indoor air initiative.

Mr. Houseal asked all of the NAC/GAC members to make brief final comments before recessing the meeting for the day. Dr. Trujillo thanked everyone for their comments and remarks and the committee members for their service. She also thanked Ms. Correa, Mr. Carrillo, Mr. Joyce and OFACMO staff for their efforts in getting the new members appointed. Mr. Joyce welcomed the new and returning NAC/GAC members and expressed his appreciation to Mr. Houseal and Dr. Trujillo for serving as chairs. He looked forward to lively discussions among the members at the meeting and between sessions. Mr. Carbajal remarked that he was glad to continue his service. He stated that although the government may act slowly, universities can be even slower. He observed that the meeting had produced valuable results so far. He welcomed the opportunity to build on the committees' previous efforts. He and Dr. Chapa agreed that the meeting had been very educational. Ms. Mendoza commented that she was accustomed to addressing issues on a bilateral level and looked forward to taking a trilateral perspective. Mr. Kirk V. Cook (Washington State Department of Agriculture), GAC member, expressed his gratitude for being able to return to serve on the GAC and looked forward to the next day's discussions. Ms. Cristina Viesca-Santos (El Paso County Attorney's Office), GAC member, indicated that much of

what was being considered was new to her and somewhat overwhelming. Ms. Small welcomed new members and acknowledged that the learning curve could be steep for those who were new to the committees. Mr. Bent commented that the CEC's work on SLABs was critical. Mr. Markell offered his thanks but had no further remarks. Dr. Martinez indicated that at first she had been unclear about how her expertise would meet the needs of the NAC but now had a clearer picture of how she would be able to contribute. Dr. Dorsey said that he was grateful for being able to continue his service to the NAC. He stressed that it was important to offer in-depth advice on the problems arising from climate change. Dr. Santiago thanked EPA for providing her with the opportunity to serve on the NAC. Mr. Robinson noted that he plans to follow up with other executives at General Motors about the automotive industry supply chain initiative in Mexico. He had been struck by the limited amount of resources available to the CEC to fund projects. Therefore, it was important for the committees to provide good advice to the CEC on how they could be used most effectively. Mr. Lozano thanked EPA for the opportunity to continue as a member of the NAC and meet in Washington, D.C., to consider issues of trade and the environment.

Mr. Carrillo again welcomed the members of the NAC/GAC, thanking the returning members for agreeing to serve a second 2-year term and the new members for agreeing to serve. The discussions during the first day of the meeting had been productive. He and Mr. Joyce now have a clearer idea of what additional information they could provide the NAC/GAC that would be helpful. He expressed his gratitude to Mr. Houseal and Dr. Trujillo for chairing the committees. Mr. Waterhouse also thanked the members for their service and stated that he looked forward to collaboration between JPAC and the committees. Mr. Houseal said that it was an honor to serve as chair of the NAC. Members of the NAC/GAC are very diverse, representing indigenous peoples, the corporate sector, government, nongovernmental organizations and academia from across the United States. The NAC/GAC meeting is a unique opportunity to discuss issues that apply across the North American continent. He reassured new members that everyone who served had experienced a need to learn a great deal to understand these issues, and he reminded them that they should feel free to ask questions.

Mr. Houseal recessed the meeting for the day at 5:01 p.m.

FRIDAY OCTOBER 26, 2012

Call to Order

Oscar Carrillo, DFO, OFACMO, EPA

Mr. Carrillo wished a good morning to committee members and EPA staff, and welcomed them to the second day of the NAC/GAC meeting. Mr. Joyce offered regrets for Ms. Jones-Jackson, who would be unable to attend today's meeting because of a family emergency.

Mr. Houseal reviewed the agenda for the day. The members agreed to work through lunch so as to adjourn the meeting an hour earlier than scheduled. Accordingly, the NAC/GAC would meet separately from 9:45 a.m. to 12:00 p.m. They would reconvene for the plenary session at 12:30 p.m. Mr. Carrillo reminded members to inform their committee chair if they needed to leave early because of travel plans.

BUSINESS MEETING

Committees Meet Jointly

Mr. Carrillo indicated that the minutes from the April 2012 meeting could be found in the meeting materials. He asked for any comments, questions or corrections to the minutes. Ms. Goodmann requested that the spelling of her name on page 12 be corrected. Mr. Cabajal clarified that on page 14 he had offered the use of county facilities to defray some of the costs of holding a NAC/GAC meeting in Santa Barbara, California, but did not want to imply that he could cover all of the expenses. Mr. Carrillo asked members to provide him with any additional corrections to the minutes. Dr. Dorsey made a motion to approve the

minutes with the noted corrections. Mr. Cabajal seconded the motion. The members of the committees voted to approve the minutes.

Mr. Carrillo proposed meeting dates for April and October 2013. After a poll of the members, the meetings were scheduled for April 25–26, 2013, and October 17–18, 2013.

Public Comment Period

Dr. Trujillo asked whether any members of the public would like to make a comment or ask a question. No public comments or questions were offered.

Committees Meet in Separate Sessions

GAC Session

Dr. Trujillo referred members to the CEC 2011–2012 Operational Plan and 2011–2015 Communication Strategy, included in their meeting materials. She read the first charge, which asked the GAC to consider initiatives in the fields of e-waste, trilateral clean energy, and integrated economic sectors. Mr. Carrillo clarified that the projects summarized in the meeting materials were for 2011–2012, although some were scheduled to continue through 2015. When considering their charge, the GAC can recommend which projects should continue and suggest additional new projects.

The GAC discussed difficulties in evaluating the effectiveness of projects. Mr. Wagner stated that it should be clear from the outset what a project is trying to achieve and that these measures should indicate progress toward achieving those goals. Mr. Cook added that these measures would help communicate the successes of CEC projects. Mr. Carbajal gave examples from the project on improving indoor air quality for Alaska Natives: How many communities were served? How many stoves were replaced? How many individuals lived in these homes? How many asthma attacks were averted? The GAC members agreed that all projects should have metrics for performance and outcomes.

In addition, the members discussed whether the CEC would be more effective if it funded fewer projects. Mr. Wagner noted that in the past, funding was not as limited, allowing more leeway to fund a large number of projects. The need to fund a large number of projects arises in part from political considerations. Mr. Carbajal emphasized that priority should be given to those projects that truly are trilateral in scope. Mr. Cook proposed that preference be given to projects that are designed to bring one or more partners up to the same baseline as the other nations. The GAC members agreed that the CEC should focus its funding resources on fewer, more effective projects.

As a new project, Mr. Carbajal suggested that solid waste management is a problem that affects all three priorities of the CEC. Ms. Goodmann noted that solid waste also affects the environmental quality of water, land and air. Her primary concern is the protection of water resources from environmental degradation. She noted that the project on green building construction was scheduled to end in 2013, and its funds could be redirected to a solid waste project. Related to greening the economy, waste converted to fertilizer can be marketed to farmers. Sound waste management practices also could lead to job creation.

The GAC discussed the solid waste project as it related to the CEC initiatives in clean energy and economic integrated sectors. Mr. Carbajal said that in addition to considering solar-, wind- and wave-generated energy sources, conversion technology could be included under the rubric of clean energy. This approach reduces the mass of the waste that cannot be recycled and must be disposed of in landfills, reducing costs. It also is an alternative energy source and reduces methane gas emissions from solid waste disposal.

Mr. Carbajal proposed that consideration should be given to how best to incentivize improvements to solid waste management. California has legislation that mandates a timeline by which goals for percent waste recycled must be met. In Santa Barbara, California, more than 70 percent of the solid waste stream is recycled. Ms. Mendoza stressed that there would be a need to encourage the development of markets for recycled materials, particularly if e-waste and SLABs were considered in the definition of solid waste management. Mr. Cook remarked that if moderate risk waste were considered as part of the solid waste stream, it would increase the economic attractiveness of reforming solid waste management because it would minimize the toxicity of the solid waste that ultimately would be disposed of in landfills. Wastes from forestry and other industries also could be included in the definition of a community's waste stream. He warned that implementation of new solid waste plans would have to be done carefully, however, to avoid bad environmental consequences.

It was proposed that the first step should be to develop an inventory of the state of solid waste management in the three nations. Mr. Carbajal suggested that the inventory should list the most pressing problems, such as unlined landfills. Ms. Viesca-Santos pointed out that illegal dump sites also were a good indicator of lack of access to legal solid waste management facilities. Mr. Cook added that this lack of access can be caused by physical and financial factors and is a greater problem in rural areas. The inventory also should identify current practices; challenges and barriers to improving solid waste management, such as hauling costs and the lack of commodities markets for recycled materials; and incentives and supports to assist populations most in need, such as subsidies and tools for the design of solid waste management plans. Mr. Wagner noted that EPA Region 8 has developed a tool to help communities explore their strengths and weaknesses related to sustainability. Many small communities lack the resources, however, to learn to use such tools. Ms. Mendoza concurred, noting that in her experience, many rural communities need professional assistance when using such tools to weigh the pros and cons of different technologies because of the scientific complexity involved in such decisions.

The committee considered how a solid waste project should be targeted. Mr. Wagner stated that solid waste issues affect smaller, rural communities and indigenous populations disproportionately. As an example, he cited a feasibility study for developing a recycling program in the Far Western United States. To make it viable, its scope would have to include all of Montana, North and South Dakota, Wyoming, and Idaho to reach a critical mass of 2 to 3 million people. In contrast, large cities such as Spokane, Washington, have populations of 2 to 3 million concentrated within a 10-mile square area. Mr. Cook agreed, adding that most of the larger communities in the United States already meet EPA standards, but this is largely not true in rural and indigenous communities. He pointed out that the discrepancy in solid waste disposal practices is an environmental justice issue. The rural and poor of all three nations suffer the most severe damage to human health and the environment. Solid waste management is a very large issue, but addressing it will require starting with small-scale projects. These discrepancies are related directly to the environmental impacts of NAFTA because substandard waste disposal practices are less expensive. Discrepancies in standards confer an economic advantage on nations, industries and communities with lower standards. The GAC proposed that the CEC fund a new project on solid waste management that focused on rural and indigenous communities.

The GAC discussed existing projects under the 2011–2012 Operational Plan. Ms. Goodmann contended that the automotive industry supply chain initiative in Mexico should be concluded because it had achieved its goals. Its funding could be diverted to support the new project on solid waste. Mr. Cook and others agreed that the project should be terminated. Mr. Cook suggested that the North American grasslands project be reclassified under the climate change priority because carbon is sequestered through rangeland management. Grasslands even have the potential to be included in a cap-and-trade carbon market.

Another funding mechanism that the CEC uses for projects is North American Partnership for Environmental Community Action (NAPECA) grants. Mr. Carrillo indicated that NAPECA grant

applications also will be a topic of discussion at the upcoming Alternate Representatives' meeting. Mr. Carbajal and Dr. Trujillo expressed an interest in knowing more about the timeline and decision criteria for these grants.

In regard to the CEC Communication Strategy, the GAC recommended that the CEC significantly improve its visibility. Dr. Trujillo indicated that a recurring concern of the GAC was that although the CEC was doing good work, it was difficult to educate the general public about it. Mr. Wagner noted that for the most part, the publicity received by the CEC surrounds JPAC meetings. He said that he does not hear about CEC activities even from his EPA regional office.

The GAC members discussed whether publishing a newsletter would be a good first step in improving the CEC's communication efforts. It would require very limited resources to implement it in electronic form. Mr. Carbajal stated that a newsletter could be effective even if issued only annually or quarterly and kept very simple, listing upcoming meetings and events for JPAC, the Secretariat, the Council and the NAC/GAC committees with hyperlinks to the relevant websites. Ms. Goodmann suggested leveraging existing communication mechanisms of nongovernmental organizations and county, state and tribal institutions. She proposed that these institutions could be targeted with communication efforts, such as the newsletter, from the CEC. The organizations she cited included the National Association of Counties, National Association of Cities, United States Conference of Mayors and National Congress of American Indians. Other relevant organizations cited were the Environmental Council of the States by Ms. Mendoza, who noted that it might not have any international activities and the Institute for Tribal Environmental Professionals by Mr. Wagner. Dr. Trujillo agreed that many organizations had little knowledge of the CEC. Mr. Cook noted that the newsletter would be a valuable communication tool for the GAC members to help explain what the CEC does and has accomplished. Ms. Mendoza proposed using services of the online company GovDelivery.com to design the newsletter and provide metrics to identify and enumerate its subscribers. Ms. Viesca-Santos agreed that she would find the newsletter helpful as well because prior to serving on the GAC, she did not know about the CEC's activities, although the documents and project summaries provided by Mr. Carrillo had been helpful. Ms. Mendoza added that she was familiar with the CEC from her work on issues related to the U.S.-Mexico border, but she would appreciate knowing more about the different parts of the CEC and how they interact. Mr. Carrillo noted that the CEC published something similar in the 1990s, but it was discontinued; currently, there is a listserv that provides notices of upcoming JPAC meetings and Council sessions. The GAC recommended that the CEC publish an electronic newsletter.

There was debate among the members about whether the GAC should recommend anything more resource-intensive than the newsletter to the CEC. Previously, the GAC suggested that the CEC should fill the position of communications director. Although the committee made the same recommendation in its previous advice letter, Mr. Carrillo mentioned that it would be valuable to repeat it because the CEC will soon have a new Executive Director. Mr. Carbajal contended that the GAC should advocate that the CEC make the allocation of resources to fill that position a priority, and GAC members agreed that the CEC should fill the position of communications director.

The members briefly discussed the nature of the GAC's role with respect to the CEC. Dr. Trujillo reminded the members that the NAC and GAC advise the EPA Administrator rather than all three partner nations. Mr. Cook pointed out that the United States is the only one of the three nations that has advisory committees. Mr. Carrillo provided some history about the issue. Mexico has the Consejo Consultivo para el Desarrollo Sustentable (CCDS), whose role is to advise the Secretaría de Medio Ambiente y Recursos Naturales (commonly known as SEMARNAT). Canada had a national advisory committee, but it was disbanded 5 years ago.

Dr. Trujillo stated that she would write a draft advice letter from the GAC to the EPA Administrator. She may ask for assistance on specific language from members with expertise in a particular area. The GAC

drafted an outline to provide advice on the charge questions for the Alternate Representatives in an informal format, which is necessary because of the short time frame. Dr. Trujillo concluded the session.

NAC Session

Before beginning discussion of the charge questions, Mr. Houseal reminded the NAC members that it is their role to be as forthright and straightforward as possible in the advice that they provide to the EPA Administrator. This is particularly pressing because of the imminent meeting of the Alternate Representatives. The NAC requested information from EPA on several areas at the previous NAC/GAC meeting, and some of these requests still are pending.

The members discussed ways by which new members could learn more about the issues addressed by the NAC. Mr. Bent noted that it was important to review past advice offered by the committees; a summary of the advice provided and the Agency's response to and results of the advice would be helpful to new members. It also would be useful to know what advice offered by the committees was valuable to the Agency. Mr. Joyce pointed out that the advice letters from past meetings are available on EPA's website. Mr. Houseal remarked that in regard to the SEM process, it is notable that the advice given by the NAC was heard even if the outcome might not have been completely satisfactory. Ms. Mary L. Klein (NatureServe), NAC member, said that she would like to be better informed about the major trade flows between the three nations. Mr. Houseal recommended *The North American Idea: A Vision of a Continental Future*, by former NAC member Dr. Robert Paster. Mr. Markell reminded the committee that the CEC's jurisdiction is broader than trade, however.

In regard to future meetings, the NAC discussed possible agenda items. Mr. Wagner reiterated the request by the NAC/GAC that hydraulic fracturing be included as an agenda item, requesting a briefing on the topic. Mr. Houseal added that at past meetings, the committees had requested a summary of the trilateral energy infrastructure that includes cogeneration and hydraulic fracturing, and this request could be repeated. Mr. Wagner also suggested that representatives from the Canadian and Mexican embassies brief the NAC/GAC on how the CEC is viewed in their countries. Ms. Small asked whether the U.N. Special Rapporteur on the rights of indigenous peoples might address the NAC/GAC about the U.N. Declaration on the Rights of Indigenous Peoples at a future NAC/GAC meeting. She asked whether EPA could inform the committees about how the United States has integrated tribal concerns in its environmental protection activities before such a presentation. She said that certain concerns, such as water, are similar for tribal communities in all three nations. Mr. Houseal asked Ms. Small to send him specific language on this issue to include in the advice letter. Mr. Markell requested that Internet access be available during future meetings.

The NAC discussed the issue raised by Mr. Lloyd regarding how the CEC could best fit into the new landscape. Mr. Houseal advocated encouraging Canada and Mexico to establish advisory committees similar to the NAC/GAC. Mr. Houseal noted that an important issue is that the dominion of U.S. environmental regulations, such as the Endangered Species Act, stop at the U.S. borders, although the problems that they address extend beyond those borders.

Mr. Houseal pointed out that the NAC was given two charges by EPA: to provide advice on strategic projects as they relate to the CEC's Operational Plan and identify specific opportunities for the NAC/GAC to implement the CEC's new communication strategy. Mr. Stahl agreed that Mr. Houseal had summarized well the contributions that EPA needs from the NAC.

The NAC began by evaluating current CEC projects. Dr. Martinez commented that for the NAC to assess the CEC's current projects, it was important that the CEC define its role in projects more clearly to indicate whether it is a lead, collaborator or monitor. Otherwise, it is difficult to determine whether an activity would continue on its own if CEC support were phased out. Dr. Martinez suggested that the criteria for evaluating projects should be whether they had clear indicators of success, were replicable and

intersected with multiple priorities. Mr. Markell pointed out in particular the automotive industry supply chain initiative. The project summary is unclear about what has been accomplished. In regard to whether current projects reflect the CEC's priorities, Mr. Markell said that the Administrator asked for the NAC's advice on projects related to greening the economy, and only 3 of the 17 funded projects fall under this priority. There are no current projects that focus specifically on economic integrated sectors in North America or on trilateral clean energy initiatives. The NAC agreed that the CEC should seek opportunities to leverage existing efforts of academic, indigenous and business groups while reducing the number of projects in which it is involved.

The NAC discussed potential new projects that would be allied with the topics of e-waste, trilateral clean energy initiatives and specific economic integrated sectors. Ms. Small recommended projects that could serve as models that could be replicated. Related to e-waste, Mr. Lozano remarked that technology is being developed to substitute organic products for metals and plastics in packaging. Biodegradable electronic circuits even are a possibility in the future. Dr. Santiago stressed that the CEC needs to include an outreach component in its activities related to reducing e-waste. For example, many people currently discard their cell phones in the regular trash. Ms. Carolyn L. Green (EnerGreen Capital Management, LLC), NAC member, noted that it would be helpful to identify specific e-waste streams because they are treated differently. Mr. Robinson said that many large retailers, such as Best Buy, already have programs to handle e-waste. Because the CEC's resources are limited, leveraging these existing programs would be an efficient approach. As Mr. Houseal pointed out earlier, government agencies are the primary purchasers and disposers of e-waste, and if they developed an environmental management plan for these wastes, they would establish a good model for the private sector.

Mr. Bent observed how helpful the data provided on transboundary trade and current recycling efforts for SLABs had been to understanding the scope of the problem, and the same data would be very valuable for illuminating the issue of e-waste. Mr. Robinson agreed that this would be helpful. He suggested that the Corporate Eco Forum might be a source of such information. Ms. Klein contended that it was important for the CEC to take a lifecycle approach in its e-waste initiatives and focus not just on disposal. For example, replacing lead-based solder with a product that was lead-free would be very beneficial to the environment. Dr. Dorsey stressed that the committee's advice should be consistent with the findings of the Rio+20 U.N. Conference on Sustainable Development, signed by Mexico and Canada but not by the United States. The NAC agreed that the CEC should use a lifecycle approach when addressing e-waste problems and tailor projects to waste type using existing programs as models.

The NAC discussed strategic projects related to advancing trilateral clean energy initiatives. Mr. Bent noted that although hydraulic fracturing has unresolved environmental issues, natural gas is a cleaner energy source compared to burning oil or coal. Ms. Klein suggested that the committee consider the extensive research that has been done on the environmental impacts of hydraulic fracturing. Ms. Green expressed interest in more information about EPA's biofuel activities, although it has its broadest application to commercial and residential use rather than the transportation and land-use issues that concern the CEC more directly. Ms. Green noted that regulatory standards play a role in adopting clean energy technologies. For example, the United States lacks a regulatory structure for methane production from manure. Ms. Green indicated that Canada's regulatory standards are similar to those of the United States, but its regulatory process is very different. Mr. Houseal recognized that there are lifecycle costs and impacts with every energy source, and the committee lacked the data to make a comparison between sources. Ms. Green noted that the viability of different sources can depend on incentives and regulations. Dr. Martinez offered to send committee members a lifecycle summary analysis of clean energy sources. The definition of "clean energy" itself is contentious. Some analyses only focus on greenhouse gas generation even though an energy source may produce co-pollutants, such as black soot, that are just as detrimental to human health. In addition, some clean energy generation is very water-intensive. Dr. Chapa noted that hydraulic fracturing waste has a significant potential to contaminate groundwater because of

failed seals. The NAC recommended that the CEC clarify the criteria it uses to define an energy source as “clean.”

The committee then considered issues of scale. Dr. Martinez suggested that when approaching energy issues, this is important. Dispersed generation is more appropriate in rural areas, whereas centralized sources are more appropriate in developed areas of the United States. Ms. Klein seconded the need to consider the scale issue. Mr. Houseal gave an example that in New York, some municipalities are pooling their resources to use landfills to generate power. He noted that many such small clean energy projects already exist, funded by nongovernmental organizations and local governments. The CEC could collaborate with existing projects. Dr. Dorsey said that it was important that the CEC delink its clean energy initiatives from carbon markets. Mr. Houseal countered that Europe has had success with cap-and-trade techniques, and a market-based mechanism was needed. The NAC concluded that the CEC clean energy projects should take a lifecycle approach that considers water use and greenhouse gas emissions and is scaled appropriately and independent of carbon markets.

The NAC discussed how economic integrated sectors can result in greening the industrial supply chain. Mr. Houseal remarked that as Mr. Robinson had indicated, the automotive sector is perhaps the best-integrated sector. Mr. Bent mentioned tire reuse as a sector that is integrated poorly, however, because of a lack of standards defining which tires are reusable. Mr. Houseal stressed that because of differences in regulations, the environmental sector is not integrated at all. Agriculture also is integrated poorly. Mr. Bent noted that agriculture was an important sector. Dr. Martinez added that it provides ecosystem services as well as food production, particularly for the indigenous community. Mr. Houseal noted that incentives and supports vary significantly among nations. Ms. Green stated that oil and gas production are well integrated. Mr. Markell said that transportation was an important sector. As an example of the deficient integration of this sector, Dr. Santiago cited the lack of emission standards for Mexican cars. Mr. Robinson agreed, adding that fuel efficiency standards also differ. Ms. Green suggested that, in addition to vehicular transportation, rail and shipping be considered as part of the transportation sector. Ms. Klein concurred, citing the energy and transportation needs of large ports, which provide global services. The NAC identified agriculture, forestry, fisheries, energy and transportation as target economic sectors for trilateral integration.

The NAC emphasized that the CEC needs to improve its visibility through its communication efforts. Ms. Klein recommended that the CEC attend professional conferences related to its mission. Expanded and publicized online mapping capabilities were suggested by Mr. Houseal and Ms. Klein, who offered that NatureServe could collaborate with the CEC. Mr. Houseal proposed that the CEC create an electronic journal. Dr. Dorsey mentioned software that could provide a “clipping service” to identify relevant content on the Web. Mr. Bent suggested that publicizing the CEC’s study of the SLAB problem could result in greater exposure for the organization, although some members thought this might be too political. In regard to the CEC’s use of social media, he noted that the New Orleans JPAC workshop had wide exposure on YouTube, but the CEC’s Facebook page had few followers. Mr. Bent noted that the communications director position at the CEC has not been filled, and the NAC members agreed that the CEC should fill this position.

The NAC discussed the goals of the CEC’s communication strategy. Dr. Martinez and Mr. Bent were of the opinion that they were not well-defined. Ms. Klein thought that the CEC’s core message would be more compelling if it indicated how the public could benefit from engagement with the CEC. Mr. Houseal concurred that the message was too bureaucratic. The NAC recommended that the CEC’s communication strategy stipulate the goals of its communication efforts more clearly and present the CEC’s core message in a way that is more compelling.

At the end of the session, each NAC member was given the opportunity to provide three key points of advice to the Alternate Representatives. Ms. Green and Mr. Houseal encouraged Canada and Mexico to establish advisory committees similar to the NAC/GAC. Ms. Klein stated that the CEC should develop a

clean energy strategy on multiple scales and make educational material on CEC issues available to the committees and the public. She also suggested trilateral representation on the Council on Sustainable Biomass Production, and proposed that the three nations coordinate pollution controls. Dr. Martinez maintained that it was important to harmonize data collections and methods; she also suggested establishing environmental and social indicators for clean energy initiatives. Dr. Dorsey advocated switching from fossil fuels to renewable energy sources and re-emphasizing the commitments made at the Rio+20 Conference. Dr. Santiago contended that the three countries should set future goals in implementing NAFTA. Dr. Martinez stated that the CEC should ensure that the three nations uphold the U.N. Declaration on the Rights of Indigenous Peoples.

Mr. Houseal noted that because the time frame was short, the NAC would have to offer its advice to the Alternate Representatives in oral form. He said that this would be followed by an official advice letter to the EPA Administrator on which all NAC members would have an opportunity to comment. Mr. Houseal concluded the session.

Committees Reconvene in Plenary Session

Report-Outs From the NAC/GAC Chairs

Mr. Houseal thanked the EPA staff who organized the meeting and recognized the efforts of the members of the two committees, especially because scheduling difficulties limited the time that had been available for them prepare for the meeting. He notified members of the NAC that he will send them a copy of the NAC's advice letter to the Administrator for their feedback. Mr. Houseal recognized that there is reduced public interest in the issues of trade and the environment with the emerging issues of climate change and the new landscape.

Dr. Trujillo thanked the new and continuing members of the GAC. During the GAC session, the committee prepared an outline of advice to provide to the Alternate Representatives before their meeting in Mexico.

Mr. Houseal listed the following major NAC discussion points:

- ✧ The NAC would like the CEC to define its role in projects more clearly to indicate whether it is a lead, collaborator or monitor.
- ✧ The NAC advised the CEC to seek opportunities to leverage existing efforts of academic, indigenous and business groups while reducing the number of projects in which it is involved.
- ✧ For its e-waste initiatives, the NAC suggested that the CEC take a lifecycle approach and tailor projects to waste type using existing programs as models.
- ✧ The NAC members requested that EPA provide them with data on transboundary trade and current recycling efforts for e-waste.
- ✧ The NAC asked the CEC to provide a definition of clean energy.
- ✧ The NAC recommended that CEC clean energy projects take a lifecycle approach that considers water use and greenhouse gas emissions and is scaled appropriately and independent of carbon markets.
- ✧ The NAC repeated its past request for a summary of the trilateral energy infrastructure that includes cogeneration and hydraulic fracturing.
- ✧ The NAC identified agriculture, forestry, fisheries, energy and transportation as target economic sectors for trilateral integration.

- ✧ The NAC agreed that the CEC needs to improve its visibility through its communication efforts. Online mapping capabilities and an electronic journal were two outlets identified.
- ✧ The NAC would like the CEC to fill the position of communications director.
- ✧ The NAC recommended that the CEC's communication strategy stipulate the goals of its communication efforts more clearly and present the CEC's core message in a manner that is more compelling.
- ✧ During the NAC session, each NAC member had the opportunity to provide three key points of advice to the U.S. Alternate Representatives. Members advised them to urge the CEC to encourage Canada and Mexico to establish advisory committees similar to the NAC/GAC; develop a clean energy strategy on multiple scales; expand representation on the Council on Sustainable Biomass Production to be trilateral; make educational material on CEC issues available to the committees and the public; coordinate pollution controls; harmonize data collections and methods; establish environmental, social and community indicators for clean energy initiatives; advocate for switching from fossil fuels to renewable energy sources; encourage the new Mexican Government to continue its commitment to NAFTA; set future goals for the three countries in implementing NAFTA; and ensure that the three nations uphold the U.N. Declaration on the Rights of Indigenous Peoples.

Dr. Trujillo listed the following major GAC discussion points:

- ✧ In the GAC's discussion of the CEC Operational Plan, it proposed requiring performance measures and outcome metrics for projects.
- ✧ The GAC recommended reducing the number of projects funded.
- ✧ Considering current projects under the 2011–2012 Operational Plan, the GAC suggested recategorizing the project on North American grasslands under the climate change priority and sunseting the automotive industry supply chain project.
- ✧ As a result of a wide-ranging discussion of solid waste management, the GAC proposed a new project on solid waste, which would include creating an inventory of current practices, identifying gaps and barriers, and establishing best practices. The focus should be on rural and indigenous communities in recognition of current inequities in solid waste management practices within and among the three nations. Improved practices could convey substantial benefits, particularly to rural and indigenous communities, but the initial approach should favor small-scale projects.
- ✧ The GAC would like the CEC to fill the position of communications director.
- ✧ The GAC suggested that the CEC publish an electronic newsletter. The newsletter would provide a mechanism by which the GAC could disseminate information about CEC events, activities and accomplishments to the local, state and tribal governments that they represent. In addition, the CEC could reach other local, state and tribal officials via the newsletter through the professional organizations to which those officials belong. The online company GovDelivery.com could provide assistance with the newsletter design.

Mr. Houseal indicated that a valuable message that NAC/GAC can convey to the U.S. Alternate Representatives is that there is a need for more comparisons of systems and outcomes across the three countries as a way to shed light on issues related to the CEC's mission. Ms. Klein offered to host the next meeting of the NAC/GAC at her organization's office in Arlington, Virginia. Mr. Carbajal repeated the

committee's recommendation to the CEC to reduce the number of its projects and ensure that those that are funded truly are trilateral.

Mr. Joyce expressed his appreciation to all of the members for not hesitating to address the complex issues raised by the charge questions that were posed by the Administrator. Mr. Carrillo then added his thanks to the members of the NAC/GAC.

Mr. Houseal adjourned the meeting at 1:05 p.m.

Action Items

- ✧ Mr. Stahl will prepare a summary in advance of the upcoming NAC/GAC meeting about how tribal priorities are being incorporated into EPA's activities.
- ✧ Mr. Carrillo will continue his efforts to arrange for Special Rapporteur Anaya to attend the next NAC/GAC meeting
- ✧ Ms. Correa will put Mr. Robinson in contact with someone in the Office of Chemical Safety and Pollution Prevention who works on transborder automotive issues.
- ✧ Mr. Waterhouse will send details about the December 2012 JPAC workshop's location and agenda to committee members.
- ✧ Ms. Jones-Jackson will explore the possibility of establishing a chat room and/or private website for NAC/GAC members.
- ✧ Ms. Jones-Jackson will investigate whether NAC/GAC members can be provided access to EPA's Environmental Science Connector.
- ✧ EPA will provide NAC/GAC members with data on transboundary trade and current recycling efforts for e-waste.
- ✧ The trilateral energy infrastructure, including cogeneration and hydraulic fracturing, will be added as a future agenda item for NAC/GAC to consider.

Summary Certification

I, Octaviana V. Trujillo, Chair of the Governmental Advisory Committee, and I, Brian Houseal, Chair of the National Advisory Committee, certify that the meeting minutes for the dates of October 25–26, 2012, are hereby detailed, contain a record of the persons present, and give an accurate description of matters discussed and conclusions reached and copies of all reports received, issued or approved by the advisory committees. My signature date complies with the 90-day due date after each meeting required by GSA Final Rule.



Octaviana V. Trujillo
Chair, GAC

1/20/2013

Date



Brian Houseal
Chair, NAC

1/20/2013

Date

Appendix A: Meeting Participants

NAC Members

Brian Houseal, Chair

Executive Director
Adirondack Council

Timothy A. Bent

Director
Environmental Affairs
Bridgestone America

Jorge Chapa, Ph.D.

Professor
Institute of Government and Public Affairs
University of Illinois at Urbana-Champaign

Michael K. Dorsey, Ph.D.

Visiting Professor
College of the Environment
Wesleyan University

Carolyn L. Green

Manager Partner
EnerGreen Capital Management, LLC

Mary L. Klein

President and CEO
NatureServe

Raymond Lozano

Director
Race Relations and Cultural Collaboration
New Detroit—The Coalition

David L. Markell, J.D.

Steven M. Goldstein Professor
College of Law
Florida State University

Cecilia R. Martinez, Ph.D.

Director of Research Programs
Center for Earth, Energy and Democracy

Michael J. Robinson

Vice President
Sustainability and Global Regulatory Affairs
General Motors Company

Ivonne Santiago, Ph.D.

Professor
College of Engineering
University of Texas at El Paso

Gail Small, J.D.

Executive Director
Native Action

GAC Members

Octaviana V. Trujillo, Ph.D., Chair

Tribal Council Member
Pascua Yaqui Tribe

Salud Carbajal

First District Supervisor
County of Santa Barbara

Kirk V. Cook

Supervisor
Washington State Department of Agriculture

Therese H. Goodmann

Assistant City Manager
City of Dubuque, Iowa

Edna A. Mendoza

Director
Southern Regional Office
Office of Border Environmental Protection
Arizona Department of Environmental Quality

Gerald Wagner

Director
Environmental Program
Blackfeet Tribe

Cristina Viesca-Santos, J.D.

Assistant County Attorney
Environmental Crimes Unit
El Paso County Attorney's Office

Designated Federal Officer

Oscar Carrillo

Office of Federal Advisory Committee
Management and Outreach
U.S. Environmental Protection Agency

EPA Participants

Jocelyn Adkins

Attorney-Advisor
International Environmental Law Practice Group
Office of General Council
U.S. Environmental Protection Agency

Gloria Allen

Office of Federal Advisory Committee
Management and Outreach
U.S. Environmental Protection Agency

Geraldine Brown

Office of Federal Advisory Committee
Management and Outreach
U.S. Environmental Protection Agency

Sylvia Correa

Senior Advisor for North American Affairs
Office of International and Tribal Affairs
U.S. Environmental Protection Agency

Cynthia Jones-Jackson

Director
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Mark Joyce

Associate Director
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Stephanie McCoy

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Jane Nishida

Director
Office of Regional and Bilateral Affairs
Office of International and Tribal Affairs
U.S. Environmental Protection Agency

Michael Stahl

Deputy Assistant Administrator
Office of International and Tribal Affairs
U.S. Environmental Protection Agency

Other

Evan Lloyd

Executive Director
Commission for Environmental Cooperation
University of Vermont

Jonathan Waterhouse

Member
Joint Public Advisory Committee of the
Commission for Environmental Cooperation
Yukon River Inter-Tribal Watershed Council

Contractor Staff

Jennifer G. Lee, Ph.D.

The Scientific Consulting Group, Inc.

Appendix B: Meeting Agenda



Official Meeting of the National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

EPA Ariel Rios North Building
EPA Conference Room B-305
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

October 25 – 26, 2012

AGENDA

Thursday, October 25, 2012

- 9:00 a.m. **Registration**
- 9:30 a.m. **Call to Order and Introductions**
Oscar Carrillo, Designated Federal Officer, Office of Federal Advisory Committee Management and Outreach (OFACMO), EPA
- 9:35 a.m. **Welcome and Overview of Agenda**
Brian Houseal, Chair of the National Advisory Committee (NAC)
Octaviana Trujillo, Chair of the Governmental Advisory Committee (GAC)
- 9:45 a.m. **Opening Remarks**
Cynthia Jones-Jackson, Director, OFACMO, EPA
- 10:00 a.m. **Update on U.S. Priorities and Guidance (*OP Plan, Tribal issues, Com Strategy*)**
Michael Stahl, Deputy Assistant Administrator, Office of International and Tribal Affairs (OITA), EPA
- 10:30 a.m. Question and Answer Period
- 11:00 a.m. **BREAK**

- 11:15 a.m. **Update on Operational Plan and Communication Strategy**
Sylvia Correa, Senior Advisor for North American Affairs, OITA, EPA
- 11:45 a.m. Question and Answer Period
- 12:00 p.m. **Public Comments Period**
- 12:30 p.m. **LUNCH**
- 1:30 p.m. **JPAC Report-Out**
Jonathan Waterhouse, Joint Public Advisory Committee (JPAC)
- 2:00 p.m. Question and Answer Period
- 2:30 p.m. **CEC Operational Plan Status and Updates on Article 13, Trade and Environment Panel Report**
Evan Lloyd, Executive Director, Commission for Environmental Cooperation (CEC) Secretariat
- 3:00 p.m. Question and Answer Period
- 3:30 p.m. **BREAK**
- 3:45p.m. **Summary and Next Steps Discussion**
NAC/GAC Chairs
- 4:30 p.m. **ADJOURN**

Friday October 26, 2012

BUSINESS MEETING:

- 8:30 a.m. **Registration**
- 9:00 a.m. **Call to Order**
Oscar Carrillo, Designated Federal Officer, EPA
- 9:05 a.m. **Plenary: Joint Committee Meeting**
Brian Houseal, NAC Chair
Octaviana Trujillo, GAC Chair
Approval and signing of April 2012 meeting minutes Discussion of
Spring 2013 and Fall 2013 meetings dates
- 9:30 a.m. **Public Comment Period**
- 9:45a.m. **Committees Meet Separately**
NAC stays in "B-305" Conference Room
GAC meets in "EPA East 1132" Conference Room
- 12:30 p.m. **LUNCH**
- 1:30 p.m. **Committees Reconvene in Plenary Session**
Report-outs from NAC/GAC Chairs
- 2:00 p.m. **ADJOURN**

Appendix C: Charge Question for October 2012 NAC/GAC Meeting

CHARGE QUESTIONS: NAC/GAC MEETING OCTOBER 25–26, 2012 WASHINGTON, D.C. 10/18/12

Dear NAC and GAC Members,

During the 2012 annual CEC Council Session in New Orleans, Louisiana, the Ministers announced a set of actions to foster greener economies in North America.

- They specifically instructed the CEC to consider specific initiatives in the areas of *electronic waste, advancing on trilateral clean energy initiatives and other specific economic integrated sectors in North America.*
- The Ministers also thanked the Panel of experts for its final report and for their recommendations on a new framework.
- They also asked the CEC to develop fewer, more strategic projects that will produce significant results under the next operational plan.

The EPA Administrator would like advice from the NAC and GAC on the following topics:

Operational Plan

- Provide advice on strategic projects for the new operational plan that would address issues related to greening the economy on the topics of:
 - a. Electronic waste,
 - b. Advancing on trilateral clean energy initiatives, and
 - c. Other specific economic integrated sectors in North America.

Communication Strategy

- Provide advice on identifying specific opportunities for the NAC and GAC to implement the new communication strategy, in other words, via outreach in venues within their represented sectors (academia; NGOs; industry; and state, local and tribal governments).