



JUN 17 2011

Dr. Irasema Coronado
JPAC Chair
Commission for Environmental Cooperation
393, rue St-Jacques ouest, bureau 200
Montreal, Quebec
H2Y 1N9

Dear Dr. Coronado:

On behalf of Council, I would like to thank the members of the Joint Public Advisory Committee for their review of the proposed 2011-2012 Operational Plan of the Commission for Environmental Cooperation. Council is appreciative of the JPAC's hard work and time commitment to this activity. The thoughtful comments and advice contained in JPAC Advice to Council 11-02 have been thoroughly considered.

First, I want to express gratitude for the JPAC's resounding support for a large number of initiatives included in the draft Operational Plan, including Project 4 on transboundary landscape conservation, Project 5 on indentifying and tracking chemicals, Project 9 on emissions data and inventories, and Project 13 on environmental performance of the automotive supply chain. The support shown for these projects speaks to the positive impression among our citizens of the work that can be accomplished trilaterally under the Commission.

With regard to the specific advice of the JPAC, the Parties have incorporated revisions into the project descriptions to bring them, and the full 2011-2012 Operational Plan, into greater alignment with the expectations of the public and the views of your esteemed committee. Herewith, I provide responses to those specific recommendations.

Project 1: Capacity Building to Improve the Environmental Health of Vulnerable Communities in North America

It is important to note that the description for this project is purposely written at a high level to reflect both the trilateral interest in moving forward on this work but also the different perspectives among the three countries as to what constitutes a "community" and the definition of "vulnerability".

To address the above mentioned different points of view, note that the revised project proposal includes a workshop to develop an outline of the framework document. The purpose of the workshop is to solicit ideas from subject matter experts, stakeholders, NGOs, and others, representative of each country as to the specific content, details,

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and scope of the framework, including discussions on what may constitute vulnerability or a vulnerable community from a trilateral perspective. Council is confident that the workshop will address the JPAC's concern.

Council agrees with the comment by a member of the public that the development of the subject framework should involve the identification of other more specific but related frameworks that exist. We do note, as does JPAC, that, in general, existing frameworks do not represent the cumulative impacts of pollution, poverty and other social determinants of health, and therefore may be of limited value in serving as a basis for developing the subject framework. Nevertheless, as the Parties review existing frameworks, the goal will be to use them as a basis for building the subject framework document.

Council very much appreciates another comment offered by a member of the public regarding marginalization. Council recognizes, as does the JPAC, that the extent of the challenges in vulnerable communities and the particular characteristics of community marginalization are quite different in each of the three countries. As such, Council agrees with JPAC's position that the development of online methods may not be useful to communities that are so disadvantaged that they do not have the resources to access them. In this case, the Party experts will seek to develop tools both on- and off-line.

In order to create synergies and capitalize on experience, project proponents will also consider, to the extent practicable, the incorporation of new and emerging technologies, as advised by the JPAC.

With respect to capacity building, Council will support future work under the healthy communities and ecosystems priority that finds ways to follow-up on JPAC's recommendation that resources be provided to stakeholders working to empower, educate and train community members, governmental representatives and others to address these issues in a comprehensive manner.

Project 2: Improving Indoor Air Quality to Reduce Exposure to Airborne Contaminants Including Fine Particulates and Chemical Compounds in Alaskan Native Populations and Other Indigenous Communities in North America

Council agrees with the JPAC's advice that this project should be redefined to incorporate specific, clear and tangible intentions, detailed timelines, and results to be achieved. The Parties have therefore revised the project along the lines suggested by JPAC and Council is confident that the new project description will yield the type of concrete results that we are after through the development of this new type of community-based activity.

Council also agrees with the JPAC's assertion that the significant extent of the challenge addressed by this pilot project requires that, if successful, the project be undertaken in other appropriate communities in Mexico and Canada.

Council is confident that the goal articulated in this pilot project of attaining reductions of indoor airborne contaminants in the identified communities by 30 percent by 2015, although challenging, is reachable. Rather than lower the expectations, the Parties will work closely with the stakeholders and the Alaska Native Tribal Health Consortium to ensure that this goal becomes a reality, and lives on to be replicated in other communities in Mexico and Canada.

Finally, for your awareness, note that U.S. federally-acknowledged Indian Tribes, including those proposed for this project, engage directly with the U.S. government through a government-to-government relationship. The results of this project will be brought forward trilaterally by the U.S. at a meeting of appropriate national-level officials from the three countries, to ensure relevance to North America. This is in line with Council's 2009 commitment to better serve the environment and citizens of North America by partnering and engaging extensively with stakeholders and the public and by promoting a sense of shared responsibility and stewardship for the environment. This has become our challenge, and one that we can address by concentrating on those activities that have successfully provided concrete environmental results elsewhere in North America.

Project 3: North American Grasslands: Management Initiatives and Partnerships to Enhance Ecosystem and Community Resilience

Council is excited by the prospect of making a difference in the restoration of the health of North America's native grasslands and is inspired by the JPAC's similar vision. Council agrees that there are significant partnership opportunities that can bring much needed coordination of existing efforts. To this end, Party experts have been directed to carefully consider and explore opportunities for significant partnerships across North America in order to benefit from the extensive amount of work that has been done on this issue by like-minded organizations, both within our governments and in the NGO communities.

Project 6: Risk Reduction Strategies to Reduce the Exposure to Chemicals of Mutual Concern

We agree on the need to ensure trilateral results in this project. In particular, with respect to dioxins and furans in foods, Council has directed officials to strengthen information collection and capacity in Mexico in order to more efficiently and effectively collaborate with Canada and the United States. As now clarified in the revised project description, Canada and the U.S. already have programs in place to monitor levels of such chemicals of concern in food.

Project 8: Enhancing Environmental Law Enforcement

Council agrees with the JPAC's advice regarding the high level of public interest on environmental law enforcement. As such, specific emphasis on coordination mechanisms was added to the project description. Further, pursuant to the advice of

the JPAC on the specific issue of e-waste, Party experts have been asked to consider expanding the current focus on environmentally-sound management practices in small and medium size enterprises (SMEs) to include a focus on the consumer as appropriate in the coming years. Council looks forward to hearing from the JPAC in Montreal, on the results of your public forum to discuss e-waste in North America.

Project 10: Ecosystem Carbon Sources and Storage

Council agrees with the JPAC regarding the need to undertake this activity as a necessary first step in identifying priority ecosystems for conservation efforts throughout North America. However, although there are links from this work to the healthy communities and ecosystems priority, the environmental outcome for this project remains to aid in the reduction of greenhouse gas emissions associated with forest degradation and land cover change.

Project 12: Improving Conditions for Green Building Construction in North America

Council looks to initial meetings of the government experts to define a clear path forward and Party experts will give due consideration to including appropriate stakeholders such as representative groups of the construction sector, as a next step in defining this activity.

In conclusion, Council would also like to address two general comments regarding the draft 2011-2012 Operation Plan that were included in Advice 11-02, one on communication and one on comprehensiveness.

With regard to communication, Council agrees with the need to ensure effective public communications, and to develop an updated and expanded communications strategy to promote public awareness of the work of CEC and the role the public plays. In fact, as Council recently indicated to the JPAC in the response to Advice 10-04, "Council has directed the Secretariat to work with the General Standing Committee to update and expand a communications strategy that will promote public awareness of the work of the CEC. Council further directed that in the development of the communications strategy, the Secretariat identify innovative and cost-effective means of building public awareness that could be considered by Council."

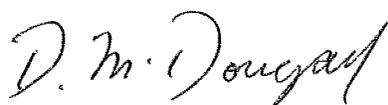
Concerning comprehensiveness, Council has provided direction to the Parties to develop a cooperative work program made up of a smaller number of larger projects with more impact. Given this direction, and the limited resources available under the CEC, there are necessarily hard decisions that must be made on the topics and activities that are included in the 2011-2012 Operational Plan. With regard to the Plan's comprehensiveness, Council understands that there are environmental subjects that, although important, are not currently reflected in the list of projects agreed to. However, as a result of the invaluable efforts of the JPAC, and revisions made subsequent to your advice, Council is convinced that the 2011-2012 Operational Plan will generate the

kinds of results needed for us to deliver on the vision for the CEC contained in the 2010-2015 Strategic Plan.

On a related note, given limited resources, the Parties decided not to undertake a specific project on sustainable transportation in setting its new Operational Plan. In addition, as the JPAC is aware, Article 13 Reports are independent studies conducted and published by the CEC Secretariat on topics they consider of environmental importance. Historically, these studies are offered to provide relevant information of a technical or scientific nature to the general public, as well as to Council, and are not always related to the annual work program developed by the Parties. Although Council agrees that the Article 13 Report "*Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America*" provides interesting and well-supported comments and conclusions, there are no requirements under the Agreement for follow-up activity on this report or any other well-researched reports provided by the Secretariat under Article 13. Council welcomes Article 13 reports as useful contributions to policy debates, and not as a guide to Operational Plan project development.

Once again, I wish to express Council's gratitude and appreciation for the continued efforts of the Joint Public Advisory Committee in ensuring the Commission for Environmental Cooperation better serve the citizens and the shared environment of our three countries.

Sincerely,



Dan McDougall
Alternate Representative for Canada

c.c.: Ms. Michelle DePass, Alternate Representative for the United States
Mr. Enrique Lendo Fuentes, Alternate Representative for Mexico
Mr. Evan Lloyd, CEC Executive Director
Ms. Marcela Orozco, JPAC Liaison Officer

