



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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Office of
International and
Tribal Affairs

Mr. Martín Gutiérrez, JPAC Chair
Commission for Environmental Cooperation
393, rue St-Jacques ouest, bureau 200
Montreal, Quebec, Canada
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Dear Mr. Gutiérrez:

On behalf of the Council of the Commission for Environmental Cooperation (CEC) and the Alternate Representatives, I would like to thank you and the Joint Public Advisory Committee (JPAC) for your recent Advice 11-04 on Submissions on Enforcement Matters (SEM) and Cross Border Movements of Chemicals in North America. I will address each issue separately.

Submissions on Enforcement Matters

The Council agrees with the JPAC that the public submission process of Articles 14 and 15 is one of great importance, and we appreciate JPAC's ongoing interest in this unique feature of the NAAEC. In particular, the Council is grateful for your recent efforts to conduct a survey of all past submitters. As you are aware, Council established a trilateral SEM Task Force to explore avenues for modernizing the SEM process and to position the Council to take definitive action to strengthen it at the 2012 Council Session. To this end, the information collected through the questionnaire has been carefully reviewed by the taskforce.

We also share the JPAC's view that timeliness and accessibility are critical issues related to the SEM process. As a result, the SEM Modernization Task Force has dedicated a substantial amount of time considering how to enhance the process in both of these respects. Additionally, the Task Force has also identified submission follow-up as an issue warranting attention.

The JPAC Advice has been extremely valuable and has had direct impacts on the work of the Task Force. The Council looks forward to future engagement by the JPAC on SEM-related matters and to our meeting at the July 2012 Council Session when the results of the collaborative efforts between the Task Force and the JPAC will be presented.

Cross Border Movements of Chemicals in North America:

Thank you for providing the public with an opportunity to comment on the cross border movements of hazardous materials in North America. Council agrees that the inclusion of the Pollutant Release and Transfer Register (PRTR) program in the 2010-2015 CEC Strategic Plan

was important addition to building an infrastructure that keeps the information fresh and helps promote compliance with environmentally sound management practices.

It is also imperative, however, that we remain focused for the time being on the path set forth in the existing Operational Plan and look for ways to support infrastructure development related to waste management systems across North America given the multiple government agencies at the federal, state and local levels that are responsible for managing these materials. Further opportunities could be explored during the development of the next Operational Plan.

With respect to the concern raised by the public related to hazardous consequences resulting from the cross-border movement of spent lead-acid batteries, it is important to note that Council shares your concern about this serious health and environmental issue. Canada, Mexico and the United States are committed to improving the management and recycling of lead, and have worked across borders in support of the establishment and implementation of safe practices for handling lead waste at the international level. We understand that the Secretariat is in the process of preparing an Article 13 report on this very issue and will take into account the recommendations from the JPAC. It is also important to work within existing structures, including through the trilateral Hazardous Waste Task Force and Sound Management of Chemicals work group, to determine appropriate responses and next steps.

On behalf of Council and my Alternate Representative colleagues, I would like to thank the JPAC for its considerable effort and coordination in conducting public consultations on the important issues of SEM and the movement of chemicals in North America.

Sincerely,



Michelle DePass
Alternate Representative for the
United States

c.c.: Mr. Dan McDougall, Alternate Representative for Canada
Mr. Enrique Lendo Fuentes, Alternate Representative for Mexico
Mr. Evan Lloyd, CEC Executive Director
Ms. Marcela Orozco, JPAC Liaison Officer