



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

JUN - 9 2009

OFFICE OF  
INTERNATIONAL AFFAIRS

Ms. Nelly Correa Sandoval  
Chair of the Joint Public Advisory Committee  
Commission for Environmental Cooperation  
393 St. Jacques Street West, Suite 200  
Montréal QC H2Y 1N9

Dear Ms. Correa:

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 08-03 related to the "Proposed Operational Plan for the Commission for Environmental Cooperation (CEC) of North America for 2009." The Council would like to offer the following response, as well as some clarifications and comments, on the points raised in your letter of advice.

**Impact of CEC Projects:**

The Council would like to assure the JPAC that we strongly share your views that the work of the CEC should produce substantive and measurable results that help the organization meet its mission to protect North America's shared environment. Moreover, the kinds of analyses and questions put forward in the JPAC's advice letter regarding Project 8: (Trade and Enforcement of Environmental Laws) and Project 18 (Strengthening Wildlife Enforcement) is precisely the kinds of questions that we want to see answered. Namely, enquiries that help the Council and the North American community determine the real outputs and tangible outcomes that are resulting from the CEC's activities.

To this end, the Council continues to work closely with the CEC Secretariat staff and country experts to ensure that projects approved in the CEC Operational Plan have a clear plan to deliver substantive results. As you may know, party members have worked closely with the CEC Secretariat to develop Project Descriptions that clearly lay out the intended objectives and rationale for proposed projects, as well as the specific anticipated outputs and end outcomes. All of these criteria are considered carefully in determining which projects are ultimately approved and included in the Operational Plan. The Council fully expects that the CEC Secretariat will continue to work with all relevant stakeholders to ensure that approved projects demonstrate meaningful results, and where appropriate, contribute to long-term environmental sustainability.

**Environmental Information:**

The Mapping North American Environmental Issues project fulfills a key mandate of the CEC. Ready access to reliable and pertinent information and models are critical to decision makers and the general public so we can all better understand and act to protect human health and the environment in North America.

**Article 13 Report:**

Your suggestion for a new Article 13 report is an interesting one, although a life-cycle analysis of the entire transportation sector in North America may be of too great a scale for the resources or the expertise of the Secretariat. However, if the Secretariat proposes such a report, the Council will be happy to review and comment pursuant to Article 13 requirements.

**Environment Trade and Sustainability:**

The Council appreciates your suggestions on environment, trade and sustainability matters regarding among other things the need to renovate the focus to evaluate the trade/environment nexus with an accent put on analyzing forthcoming issues foreseen; to widen the analysis undertaken until now in order to include apart from the environmental impacts of trade the impacts of environmental transformation on trade; the need to be cautious when it comes to the link between biodiversity and trade in sensitive topics as water protection and conservation, etc.

All the stated topics are important and will in any case be discussed by the Council if they are proposed as part of subsequent work programs either by the Secretariat or any of the Parties. It is important however, to be aware that it is the Council who ultimately decides the focus and specific projects to be undertaken, after reaching consensus based on the priorities of the three Council members.

We take note of JPAC's support of the Green Building project and note that Council approved a new activity related to green buildings for the 2009 Operational Plan. We will consider further the CEC's priorities as we move forward on the new Strategic Plan.

**Pollutants and Health:**

We take note of the JPACs concerns regarding use of the 'NARAP' approach to addressing chemicals in North America. You may recall however, that in Resolution 06-09 and 08-06 (attached), the CEC Council mandated a new direction for the SMOC initiative, calling on the SMOC to move from actions to reduce risks from individuals and specific chemicals (as with NARAPs) to a more comprehensive, integrated and flexible approach through strategies for catalyzing cooperation. SMOC's commitment to improve chemicals management has not changed with this new approach. As stated in its Strategy to 2020 under the Puebla Priority Areas (attached), which proposed this new

approach, SMOC continues to consider the following as key elements of a strategy for sound management of chemicals in the North American Region:

- Problem identification and priority setting;
- Risk assessment;
- Risk management; and
- Monitoring and evaluation.

The move away from a single substance approach through NARAPs was developed over a number of years in close consultation with the public, was carefully vetted at SMOC public meetings and has been approved by the Council (see Resolution 08-06).

The SMOC WG recognizes that the language included in the Operational Plan does not fully characterize its Renewed Agenda for Chemicals Management. Proposed amendments to SMOC's 2009 OP to address JPAC's concerns and better explain the new approach can be found in the revised version of the approved Operational Plan

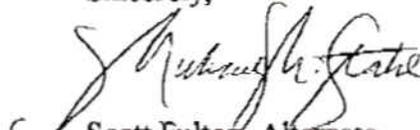
On the JPAC's additional concerns regarding environmental management and assessment, we trust that the revised language approved in the 2009 Op Plan adequately reinforces the link between ongoing CEC EM&A activities and domestic governmental decision-making.

#### Communications:

The Council shares the JPAC's view that effective communication is an essential component of organizational success, and appreciates the good faith offers of continued collaboration and renewed efforts to improve the dissemination and use of CEC products. However, the Council will very much appreciate caution against expanding the role envisioned for the JPAC under the NAAEC as advisors to the Council on any matter within its scope.

Once again, the Council would like to thank the JPAC for its valuable advice regarding the 2009 Operational Plan of the CEC. We look forward to working with JPAC and the Secretariat in finding ways to continue to improve the operational planning process and implement it in ways that best achieve environmental and human health outcomes for the citizens across North America.

Sincerely,



Scott Fulton, Alternate  
Representative for U.S.A.

c.c.: Mr. David McGovern, Alternate Representative for Canada  
Mr. Enrique Lendo Fuentes, Alternate Representative for Mexico  
Ms. Jane Gardner, Chair of the Joint Public Advisory Committee for 2008

Mr. Felipe Adrián Vázquez-Gálvez, CEC Executive Director  
Ms. Marcela Orozco, JPAC Liaison officer