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Mr. Gustavo Alanis Ortega
JPAC Chair for 2015
Commission for Environmental Cooperation
393, rue St-Jacques ouest, bureau 200
Montreal QC H2Y IN9

Dear Mr. Alanis,

On behalf of the Council, I would like to thank the Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) for their Advice to Council Number 15-01: JPAC-led Public Consultation on the 2015–2016 Operational Plan.

General Comments: First, we would like to commend the Parties for their efforts in the development of such comprehensive and far-reaching project descriptions. We believe that the cooperative work proposed under the CEC's 2015–2016 Operational Plan will continue to add value as well as continue to enhance trilateral cooperation, by leading the way in areas that are cutting-edge and innovative on the policy and scientific fronts. Moving forward, JPAC strongly believes that in order to advance the implementation of goals and objectives set forth by the Council, strengthening stakeholder engagement and participation will prove highly beneficial. It is through effective communication and outreach amongst these interest groups that the CEC can substantially improve its desired outcomes and build greater community cohesion. During our meeting in January with the Canadian Alternate Representative, we raised concerns on the lack of funding for the Sustainable Communities and Urban Initiatives category and were assured that NAPECA funding would provide necessary resources. However, due to time constraints, we were not able to get into details of the NAPECA funding for the upcoming fiscal year or the Operational Plan years and, as a result, JPAC would like to be provided with further information before any final decisions have been reached. We recommend that the CEC continue its efforts to select NAPECA grants that include environmental education components that will benefit future generations.

In terms of allocating resources, JPAC agrees with public comments on the lack of clarity on whether the CEC's 2015–2016 Operational Plan analyzes economic factors (opportunities, threats, local and regional market dynamics, dependencies, employment, etc.) in relation to its Strategic Priorities. We recommend that the project descriptions include an analysis of economic factors for the proposed projects, as this will provide an opportunity for a more successful and sustainable outcome.

COUNCIL RESPONSE:

In the development of the OP, the Parties took into account several factors, including previous direction from Council to aim for a more streamlined cooperative work program with fewer, more

strategic projects that produce significant results. It is this direction that endures and guides us still today. Our aim is to ensure that our shared resources are invested in areas where we can realize the most significant impacts in environmental solutions for the region.

Recommendation/Observation 1

North American Initiative on Food Waste Reduction and Recovery

We strongly endorse this project; however, we concur with public opinion that in order to reduce food waste, actions by private sector suppliers will be required at every stage of the food chain. We believe that public sector needs to support those interventions, both through public policies to create incentives that reflect the economic costs of the waste reduction/recovery initiatives, and also through public-private initiatives. The public considers, through their feedback, that the CEC's distinctive role will be to compare and contrast strategies and options among the three member countries and to improve data, learn from successes of alternate policy approaches, and bring together stakeholders to engage in problem solving. Some of the comments we received from the public stated that it would prove most beneficial to gather information on food type and sector of origin (particularly within the industrial, commercial and institutional segments), as this would help to innovate on policy and programs that will influence behavior. We also agree with public sentiment that this project and also project number 4, "North American Initiative on Organic Waste Diversion and Processing," should be closely coordinated for maximum effectiveness, as interactions and feedback effects across the supply chain are important. Another factor that should be factored into the project is the role that post-harvest losses play in all three countries, as we believe this represents an understudied and not insignificant portion of food waste.

COUNCIL RESPONSE:

We appreciate JPAC's support for efforts to increase methane utilization from municipal solid waste (MSW) and agree that more can and should be done in this area. However, all three CEC countries are already engaged in the multilateral Global Methane Initiative's (GMI) MSW Subcommittee, a program whose entire focus is on increasing methane recovery and utilization from landfills. The Organic Waste Diversion and Processing proposal is designed to be complementary to the work of GMI by focusing on the management of organic wastes (including but not limited to food wastes) before they reach a landfill. This project also complements the proposal on Food Waste Recovery, which focuses on the recovery and diversion of food before it becomes a waste product. These complementary projects represent an effort to identify key gaps in existing international cooperative efforts where the CEC can make a valuable, targeted contribution.

Recommendation/Observation 2

North American Initiative on Organic Waste Diversion and Processing

We are very pleased to see that this project has been included. However, as we mentioned during our meeting in January, we feel that a project solely focused on "methane utilization from municipal solid waste" be perused, perhaps classified under "Clean Energy." We understand that there is lack of data on renewable sources of natural gas and note that there is a potential to contribute to such sources through municipal waste. Hence, we believe the CEC should advance efforts to gather scientific

information and data on how to create more and better uses of renewable energy from methane. Furthermore, JPAC is pleased that all three countries are showing some clear advances in their use of clean energy—especially the initiatives from a number of municipalities throughout the continent that are producing energy from organic waste. However, we believe the CEC should continue to encourage the sharing of best practices and the collaboration between the Parties in order to improve in this area. Finally, the public expressed support for the report proposed in Task 2.1 (which is to identify barriers, opportunities, and potential solutions related to increasing organic waste diversion and processing in North America), as they believe it can make a valuable contribution to future data development.

COUNCIL RESPONSE:

The issue of emphasizing “methane utilization” is partially addressed in our previous response, underscoring specific work already being pursued by our three countries under the Global Methane Initiative. Avoiding duplication is something the Council considers an important premise of the NAAEC and one that we adhere to consistently. Avoiding duplication is also reflected in the significant aspect of this project that addresses use of food waste and other organic waste in anaerobic digestion—capturing and using this waste to produce energy before it gets deposited in landfills. This project’s objectives, and concerns addressed in this activity, however, are not just about clean energy production, but also, importantly, about diverting organics from landfill disposal as an effective means to reduce methane emissions—as well as other environmental and economic benefits. To do this effectively, the project also includes organic waste diversion to compost operations that are able to use a significant share of these organic wastes (beyond what can be used in anaerobic digestion). Looking at these options more broadly also provides a good opportunity for sharing best practices, that JPAC comments also identified and which we also consider important.

Recommendation/Observation 3

North American Blue Carbon: Next Steps in Science for Policy

JPAC strongly endorses this project and agrees with the public comments that the development of the conservation methodology will have immense global application and incentivize the widespread conservation of coastal habitats. The conservation methodology is a critical tool for decreasing the rates of coastal wetland losses, including that of mangroves and salt marshes in all three countries. We also concur with public sentiment that the CEC should consider advancing efforts to better understand the policy opportunities for blue carbon to benefit restoration and conservation efforts in the three countries, as this would be a vital step forward in advancing blue carbon initiatives. Additionally, although JPAC recognizes that there has been strong collaboration among CEC projects on forest carbon, land mapping, and blue carbon to enable a more complete understanding of the influences on coastal wetlands, we would encourage a broader focus in this project to include watersheds and upland influences, which amount to 70% of the Earth’s surface. The feedback on this project that we received from the public included the concern that closer attention should be given to seagrasses, as they are the least understood coastal habitats and mapping them will enable a better understanding of the role they play in mitigating climate change and addressing issues of ocean acidification. Moreover, the comments also suggested that particular consideration should be given to characterizing carbon stores and seagrasses. For instance, the southern Mexican coastline stores an enormous amount of carbon in

mangroves as well as in seagrass. The mangroves in the Yucatan Peninsula store as much carbon as Mexico has emitted since 2009, which is why we believe it would be beneficial to have collaborative monitoring between Florida and the Yucatan, since that they have very similar ecosystems.

COUNCIL RESPONSE:

Thank you very much for your comment, and for your support of CEC's efforts to better understand and advance the science and policy of blue carbon. We recognize the importance of blue-carbon related ecosystems and agree regarding the value of a common conservation methodology as a critical tool for decreasing the rates of coastal wetlands losses, and look forward to supporting new work on this key tool. We also acknowledge the importance of watershed influences, but recognize that it will not be possible to address that particular point within the scope and funding of the existing project. However, planned work under the project with the CEC forest carbon work will help us take steps toward broader watershed collaboration. We also appreciate the comments regarding the need to improve data and understanding of seagrasses' role in storing carbon, which will be a major focus of the project in recognition of the important environmental services seagrasses provide and where the Yucatan Peninsula certainly has a prominent role.

Recommendation/Observation 4

Reducing Emissions from Goods Movement via Maritime Transportation in North America – Phase II

We suggest that this project consider broadening its engagement with private sector stakeholders, particularly the shipbuilding and refining industries. We also suggest including port authorities, as they are the key decision-makers who work to enforce the Emission Control Areas (ECA), and are often the ones who can contribute with insightful information about their communities. Additionally, JPAC suggests that the CEC consider looking at the collaborative work that has already taken place between the refining industries in Canada and the US, in order to share best practices with Mexico as that country establishes and implements an ECA. Moreover, although we understand that this project represents incremental funding initiated under OP 2013–2014, JPAC strongly feels that, given its objectives, this project would greatly benefit from additional funding.

COUNCIL RESPONSE:

The project seeks to engage as many stakeholders as possible and as resources allow. The stakeholders suggested by the JPAC are very important and we recognize that the Parties should make every effort towards that end. For instance, a diverse group of stakeholders including private sector ones related to the shipbuilding industry have been involved since the first phase of the project, as have diverse range of federal authorities. Of course, we are open to exploring the possibility of inviting the participation of additional stakeholders in any subsequent phase of this important activity.

Recommendation/Observation 5

Enhancing North American Enforcement of IMO Maritime Fuel Sulfur Limits

JPAC feels that this project, in particular, is crucial as we move forward and understands that the CEC has played an enormous role over the years to support and enhance great collaboration among enforcement officials in our three countries. Nonetheless, JPAC believes that projects on enforcement

matters continue to be an area that Mexico could improve upon by joint collaboration efforts. We strongly believe that it is fundamental that Mexico gain insight on best practices shared by Canadian and US agencies, and feel that CEC efforts should be aimed at achieving more intergovernmental exchange and a broader engagement from the Parties. JPAC suggests that additional funding for this project can be achieved by drawing from regional resources. We believe the CEC should aim its efforts at ensuring ties with the Caribbean nations, given that the United States is also part of the Caribbean region and could use Global Environment Facility and World Bank Funding.

COUNCIL RESPONSE:

This project is vital to support the effective implementation and enforcement of the IMO fuel sulfur standards. The three Parties support the need for exchanges, and enhancement, of relevant best practices between all North American governments, and will do our best to pursue this objective within the resources available to us.

We welcome ideas the JPAC may propose to facilitate comparable collaboration with relevant countries in the Caribbean, possibly using funding from the GEF, World Bank or other sources.

Recommendation/Observation 6

Accelerating Adoption of ISO 50001 and Superior Energy Performance (SEP) Program Certifications in North America

JPAC strongly believes that water savings and water efficiency should also be included in this project, and that the CEC could benefit from forging connections with key industry stakeholders, and offer leveraging with our own networks in order to attain this objective.

COUNCIL RESPONSE:

We agree that the saving and efficient use of water could be important in the implementation of energy management systems. However, this project has been designed to leverage the investment made by nearly 40 countries to develop a globally recognized standard for energy management systems. Our goal is to empower commercial and industrial facility owners across North America to optimize their energy use through conforming to the ISO 50001 standard. Conformity to the ISO 50001 standard provides proof that a facility has implemented sustainable energy management systems, completed a baseline of its energy use, and committed to continual improvement in energy performance.

Given our limited resources and the robustness of the ISO 50001 standard, we believe the project will be most successful if we focus on the core components of the ISO 50001 Standard. Since water management is not a component of the ISO 50001 standard this area is not considered within the scope of this project during this phase.

Recommendation/Observation 7

Strengthening Conservation and Sustainable Production of Selected CITES' Appendix II Species in North America

JPAC believes that laws alone cannot stem the tide of “bioinvaders,” particularly given the globalization of the world’s economy and the resulting ease with which species move. For this reason, we strongly believe that this project’s future success depends largely on the participation of specialized agencies and NGOs that are qualified in protection, conservation and management of wild fauna and flora, and the contribution of farmers, as their regions are the original sources of many species of flora and fauna. We also believe that the CEC should aim its efforts at involving and training young students in related programs, as this would help raise awareness and enhance cooperative efforts to monitor and control legal wildlife trade and to stem illegal trade.

COUNCIL RESPONSE:

The project will focus on native species of North America, thus the action plan that are developed and launched are not expected to include “bioinvaders” to the region, but will seek to be complementary to CITES by including among other things, precautionary considerations regarding trade of invasive exotic species.

Regarding the suggestion to involve participation of specialized agencies and NGOs as well as other experts, the Parties agree in general with JPAC’s view, and assure all that we take every available opportunity to include participation of our NGO community, and our general stakeholders, including farmers. For example the Project contemplates that representatives of relevant sectors (authorities, experts, civil society, academia, etc.) participate in the validation processes, of the two main objectives: a) the list of species of regional interests, and b) the action plans for those species.

With respect to the suggestion of involving and training young students, given the trilateral nature of the work and the resources available to us at this time it makes sense to start at the point as described in our project description. Additional activities could be included in the future as the project moves forward.

Recommendation/Observation 8

Greening of Chemicals Management in North America

At our meeting in January with the Canadian Alternate Representative, we came to the understanding that the “Safer Chemical Alternatives” project had been removed due to concerns of duplicating prior by CEC projects. Notwithstanding, JPAC feels that it could benefit from learning more about the project proposal, and would equally be pleased to learn what remedial actions have been suggested as a replacement. JPAC believes that although Mexico has shown substantial advances in chemical management in recent years, there is a strong need to collaborate jointly in further development. Mexican efforts to safely monitor and manage environmental health risks have led the initiatives in recent years to complete a chemicals inventory, a great tool that has enabled the public to access important safety information. This work was achieved through much collaborative work between Canadian and American agencies to share best practices and the CEC’s constant efforts to provide Mexico with the necessary stability to move forward. However, public feedback points to the continuing challenges Mexico faces, particularly as hazardous waste still enters landfills. We agree with public comments which stated that in order to advance on the correct implementation of chemical

management, the CEC should continue to enhance collaboration between agencies. Moreover, JPAC acknowledges public feedback and suggests the Parties consider broadening the scope of this project to include other chemical substances besides mercury, such as benzene and hexavalent chromium, both known to be human carcinogens and in current use. As discussed at our meeting in January, we feel that JPAC should be included in the further review process for this project, as it would enhance our understanding of what is to be expected in the final project proposal, including budget amounts and stakeholder involvement.

COUNCIL RESPONSE:

Thank you for your comments on the project, Greening of Chemicals Management in North America. Council believes this project will further advance chemicals management in the three countries. The trilateral benefits of this project were important in its consideration.

- The goal of Task 1 is to provide the countries with useful information about mercury trade statistics, in order to assist the three countries in their efforts to implement the Minamata Convention on Mercury.
- The goal of Task 2 is to further the understanding of the migration of chemicals from manufactured items and subsequent human exposure and/or releases to the environment. As explained in the project description, specific chemicals and manufactured items of focus will be determined based on the highest priorities of the three countries.

In our view, the proposal for a project focused on alternatives had the potential to be duplicative of other efforts in this area, and perhaps more complex than the resources of the CEC could accommodate. However, we understand the interest in focusing on more than one chemical and to reduce the amount of hazardous wastes into landfills. Mexico counts on robust legislation that prohibits hazardous waste to enter landfills and in the future, and we can ensure that the three Parties share information regarding safer choice and safer chemical ingredients programs as a way to reduce the generation of hazardous wastes.

Recommendation/Observation 9

Arctic Migratory Birds Initiative—Americas Flyway Action Plan

JPAC is in strong agreement with the public comments that suggested devoting special attention to the preservation of moist ecosystems in Mexico. It is widely believed that their destruction and contamination subsequently leads to a despoiled environment not suitable to sustain the migratory birds that visit during the winter. For this reason, the CEC should extend its action plan to include regions that merit preservation for Arctic Migratory Birds.

COUNCIL RESPONSE:

As this project was designed to implement North American aspects of the Americas Flyway component of the Arctic Migratory Bird Initiative (AMBI), we are constrained to actions at sites that support our two target species: Red Knot (*rufa* and *roselaari* subspecies) who rely on coastal habitats during the winter. The AMBI focuses almost entirely on either shorebirds, seabirds and a few waterfowl species -- but all breed in the Arctic tundra. However, the Initiative for the Birds of the Arctic with the Regional

Alliances of NABCI for the conservation of birds and their existing habitats in Mexico could be explored by our experts to address the Mexican component of the project sites chosen under this project.

Recommendation/Observation 10

Engaging Farmers and Other Landowners to Support Monarch Butterfly and Pollinator Conservation

Northern Mexico is known as an important region for the migrating monarch butterfly to fuel on nectar as they fly north and south during their spring and fall migrations. However, we agree with public opinion that further study should be aimed at discovering possible ties between Mexico's implementation of insecticide use for the mosquitoes carrying dengue, and the negative effects that this might have on the monarch butterfly migration. The CEC should aim its efforts at scientific research to discover the reasonable balances between insect control and management with conservation efforts.

COUNCIL RESPONSE:

We know that over the past few years there have been anecdotal accounts of monarchs being killed by the use of insecticides to combat dengue fever outbreaks in Northern Mexico. Mexico has indicated that the campaigns to control the "dengue" focus on urban and periphery zones which are primarily in populated areas. Although we agree that the possible negative impact on the migratory phenomenon of the Monarch butterfly of the campaigns to control "dengue" through massive insecticide use is a subject that needs attention, the present project is focused on the restoration and preservation of the habitats of the Monarch in agricultural and grassland zones. Moreover, as a domestic health issue the "dengue" control measures do not necessarily lend themselves to trilateral environmental fixes. Additionally, the impact of insecticide use during the migration season requires experts on that subject, not the named collaborators of this project identified as specialists of plant and flower restoration on agricultural lands.

Nevertheless, it would be valuable to inform federal and state authorities in charge of the Dengue campaigns about the possible negative effects that their insecticide use may have on the health of the monarch butterflies. As such the Communication, Participatory conservation and Educations programs component of this activity could contribute to lower the threat through dissemination of information and communication materials.

Recommendation/Observation 11

Monarch Butterfly Flyway: Communication, Participatory Conservation, and Education Programs Throughout the Migratory Route

We strongly endorse this project, as we feel that this subject matter has already reached continental approval at the North American Leaders Summit. A trilateral group and an Action Plan have been set in motion, and the CEC should continue efforts to conserve the monarch butterfly.

COUNCIL RESPONSE:

This project is designed to address the problems that relate more to the improper use of insecticides and the lack of knowledge or of public awareness related to best management practices required to protect monarchs and other beneficial insects.

Recommendation/Observation 12

Local Environmental Observer Network

JPAC suggests involving other agents, such as Naturalista, which is linked to a global observation network and could provide essential information. We also highly recommend that young students partake in this initiative, understanding that they are the future generation and play a vital role in addressing areas of concern.

COUNCIL RESPONSE:

Thank you for the suggestion to collaborate with other partners across the region, such as Naturalista, in order to strengthen our network of citizen observatories that help build on the existing observational data. Our experts will further explore this possibility to increase our information on how the cross-border observational network could work effectively with the Local Environmental Observer (LEO) Network. We would welcome, for example, the potential opportunity to create synergies such as:

- training Naturalista members to become a LEO hub in Mexico;
- conducting observational sessions with local community members;
- incorporating a “Youth LEO” training module based on the Train-the-Trainer concept;
- into LEO Networks curricula, and
- working with local communities to recruit youth interested in making observations.

We look forward to learning more about Naturalista and other networks/organized culture groups that could support our efforts in connecting with indigenous environmental knowledge through this initiative.

Recommendation/Observation 13

Marine Protected Areas: Strengthening Management Effectiveness and Supporting Coastal Community Resilience

JPAC and the public comments strongly endorse this project, as we believe it complements previous and ongoing CEC work to address sustainable marine ecosystems and the emerging science on blue carbon. We believe that including carbon measurement and monitoring may allow for increased sustainable funding opportunities, which is a challenge for long-term management of marine protected areas. JPAC is confident that the recommendations contained herein are highly relevant in terms of the CEC Council’s strategic priorities and is unanimous in supporting this Advice to Council.

COUNCIL RESPONSE:

Thank you very much for your comment, and for your support of CEC’s efforts to advance trilateral North America collaboration on marine protected area management. While this project does not include a blue carbon measurement and monitoring component, our plan is to collaborate with CEC’s blue carbon project to identify near- and longer-term opportunities for MPA managers to protect, understand, and communicate about blue carbon habitats.

Thank you very much for all your insights. As always, we appreciate the value JPAC brings to the CEC Operational planning process as a collaborative effort. We remain committed to transparency, public engagement and information-sharing between the public and their governments and we recognize the importance of adapting projects to reflect the priorities of all stakeholders. We will continue to work towards greater engagement of our local and underserved communities to help us deliver sustainable results.

Sincerely,



Enrique Lendo
Head of the International Affairs Coordination Unit, and
Alternative Representative for Mexico

cc: Ms. Louise Métivier, Alternative Representative for Canada
Ms. Jane Nishida, Alternative Representative for the United States
Ms. Irasema Coronado, CEC Executive Director
Ms. Marcela Orozco, JPAC Liaison Officer