

Statement by the United States of America Explaining Its Position on the Notification by the Secretariat of the Commission on Environmental Cooperation (CEC) Concerning a Factual Record with Regard to Submission on Enforcement Matters (SEM) 11-003 (*Protection of Polar Bears*)

The Government of the United States of America wishes to explain its position on the CEC Secretariat's Notification that a factual record be prepared concerning submission SEM-11-003. In particular, the United States wishes to make clear that its decision to vote in support of the preparation of a factual record in this instance is based on a long-standing U.S. policy that favors the preparation of factual records by the CEC Secretariat as an important means of promoting public participation, transparency and openness on issues related to enforcement of environmental law in the United States, Canada and Mexico. This long-standing U.S. policy is reflected in Executive Order 12915 of May 13, 1994, which requires the United States, to the greatest extent practicable, to vote in favor of a factual record being prepared whenever such preparation is recommended by the CEC Secretariat.

The United States wishes to stress that its vote in this instance does not reflect any judgment on the part of the United States as to whether Canada is failing to effectively enforce its environmental law, nor does it constitute or reflect a decision on the part of the United States concerning whether, or under what circumstances, potential climate change impacts on species or habitat in the United States must be assessed under U.S. law.