Message

From: Muehling, Brian [Muehling.Brian@epa.gov]
Sent: 3/30/2020 6:37:29 PM
To: Kovner, Karissa [Kovner.Karissa@epa.gov]
CC: Nelsen, Ashley [Nelsen.Ashley@epa.gov]; Almodovar, Lisa [Almodovar.Lisa@epa.gov]; Finman, Hodayah [Finman.Hodayah@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]
Subject: RE: Update on request for input for USMCA assessment report to Congress - due 3 pm Monday

Thanks very much, Karissa. Look forward to seeing this.

Take care, everyone!
Brian

From: Kovner, Karissa <Kovner.Karissa@epa.gov>
Sent: Monday, March 30, 2020 2:33 PM
To: Muehling, Brian <Muehling.Brian@epa.gov>
Cc: Nelsen, Ashley <Nelsen.Ashley@epa.gov>; Almodovar, Lisa <Almodovar.Lisa@epa.gov>; Finman, Hodayah <Finman.Hodayah@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>
Subject: Re: Update on request for input for USMCA assessment report to Congress - due 3 pm Monday

Hi friends,
We're on track to get it to you by 3pm today.
Hope everyone is healthy at home!
Thanks,
Karissa

Sent from my iPhone

On Mar 27, 2020, at 11:46 AM, Muehling, Brian <Muehling.Brian@epa.gov> wrote:

Hi Karissa, Ashley and Lisa,

Here is the latest on our request for your input, based on several calls between Walker and Jane this morning.

First, timeline: Chad wants to send our writeups to USTR by COB Monday, so we ask that you send us your text NLT 3 pm Monday.

Second, what we need:

- no more than ½ page from OCSPP on the chems front and ½ page from Lisa on the Tijuana River water quality front;
- write this for lay readers, not experts on TBT/SPS or water quality;
- write this to persuade USTR the issue should be included in the assessment: focus on the problem from the perspective of EPA and don't bother with anything on legal analysis or the like

Please send your write-ups to me, copying Walker and Hodayah, by 3 pm Monday. Standing by should you wish to discuss this further.

Thank you very much!
Brian

From: Kovner, Karissa <Kovner.Karissa@epa.gov>
Sent: Friday, March 27, 2020 9:11 AM
To: Muehling, Brian <Muehling.Brian@epa.gov>
Cc: Nelsen, Ashley <Nelsen.Ashley@epa.gov>; Almodovar, Lisa <Almodovar.Lisa@epa.gov>; Finman, Hodayah <Finman.Hodayah@epa.gov>
Subject: Re: OCSPP input for USMCA assessment report to Congress

We'll touch base this morning and get back to you. It's probably a mix of both #1 and #2. They are closely related.

On timing, we'll do our best. Alex has an issue front and center with the Administrator on Monday morning that she has asked us to work on today and both Ashley and I have several hours of medical appts. today from the mid-morning to mid-afternoon.

On the template, you are likely going to need to engage your own CEC or Mexico experts to assist with your middle item as we are not going to be familiar enough with the nitty-gritty details of Mexican law and infrastructure. We can tell you where the problems are and what the trade impacts are, but presumably USTR will need to use its own expertise and review writing team, building on what we provide and what your office might need to expand on for us, to flesh out.

Will do our best, of course.
Thanks,
Karissa

Sent from my iPhone

On Mar 27, 2020, at 8:47 AM, Muehling, Brian <Muehling.Brian@epa.gov> wrote:

Ashley and Karissa,

I presume you will work from item #1 below in your one pager on MX chems/pesticides issues for the assessment/gap report due to Congress. Correct?

Thanks,
Brian

From: Nelsen, Ashley <Nelsen.Ashley@epa.gov>
Sent: Wednesday, March 18, 2020 8:06 AM
To: Muehling, Brian <Muehling.Brian@epa.gov>; Ferland, Henry <Ferland.Henry@epa.gov>
Subject: OCSPP USMCA Implementation
Importance: High

Good morning Brian,

Below are the issues OCSPP has flagged that may hinder the effective implementation of USMCA. USTR should be aware of these issues as well, but always important to put them in writing. If USTR needs additional information I am happy to provide more detail.

1. **World Trade Organization (WTO) Sanitary Phytosanitary (SPS) & WTO Technical Barriers to Trade (TBT) Agreements**

We request that Mexico adhere to the mandated timely reporting and response to comments via the WTO SPS and/or WTO TBT Agreements. Affirmation that the WTO SPS science-based risk assessment process shall be used in the setting of pesticide maximum residue levels (MRLs). U.S. industry is experiencing repeated rejections of import permit applications (i.e. glyphosate, and active ingredients), resulting in shipment stoppages at the border with no reporting in change of domestic policy from Mexico. There is little to no communication ongoing between SEMARNAT (Ministry of Environment) with the other Mexican ministries responsible for the safe, reliable flow of trade such as SARGARPA (Agriculture Ministry), COFEPRIS (Ministry of Health), and their Secretary of Economy (Economia).

2. **Reminder to adhere to International Environmental Agreements**

It appears there are a number of international environmental agreements (IEAs) for which Mexico has not yet implemented its obligations domestically, despite having ratified, accepted, acceded, or agreed to those obligations internationally. This seems to be a particular problem for amendments to IEAs. We need to ensure that the underlying domestic regulations have been put in place.

Thank you,

Ashley Nelsen
International Trade Specialist SPS/TBT
Office of Science Coordination and Policy
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency

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