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"Hope, Brian" <Hope.Brian@epa.gov>
FW: Spring 2020 EPA NAC Advice Letter
To: "CMS.OEX" <cms.oex@epa.gov>

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From: Pardo, Theresa A <tpardo@ctg.albany.edu>
Sent: Monday, April 27, 2020 5:37 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
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Subject: Spring 2020 EPA NAC Advice Letter

Dear Administrator Wheeler:

I hope you are well at this unprecedented time.

Attached is the Spring 2020 Advice Letter submitted to you on behalf of the Environmental Protection Agency's National Advisory Committee (EPA NAC). Our Advice Letter was generated in response to the Spring 2020 Charge Letter to NAC.

Sincerely,

Theresa A. Pardo

Chair, EPA National Advisory Committee

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Environment and Trade Working Together

U.S. National Advisory Committee
Independent Federal Advisors on the
North American Agreement on Environmental Cooperation

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April 27, 2020

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The Honorable Andrew R.
Wheeler Administrator
U.S. Environmental Protection
Agency 1200 Pennsylvania
Avenue, N.W. Washington, D.C.
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Dear Administrator Wheeler:

The U.S. National Advisory Committee (NAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) held its 53rd meeting via virtual video platform on April 10, 2020. This letter represents our advice resulting from that meeting.

The main objective of our meeting was to provide you with advice on the Draft 2021-2025 Strategic Plan of the Commission for Environmental Cooperation. Our meeting included presentations on U.S Priorities on the CEC, from Jane T. Nishida, Principal Deputy Assistant Administrator for EPA's Office of International and Tribal Affairs r(OITA) in conjunction with Mark Kasman, Director of the Office of Regional and Bilateral Affairs, EPA, OITA. The committee also received an overview of the Draft CEC Strategic Plan from CEC Executive Director Richard A. Morgan, with support from Nadtya Hong, Acting CEC Coordinator, EPA, OITA. We also received a report on activities of the CEC's Joint Public Advisory Committee, from its Chair, Robert Varney.

The meeting was opened by a welcome from Federal Advisory Committee Management Division (FACMD) Director Monisha Harris, who provided an update on FACMD activities. The GAC deeply appreciates the excellent support provided by the FACMD and thanks Director Harris, NAC/GAC Designated Federal Officer, Oscar Carrillo and all the FACMD staff for their support, before, during and after the meeting. We hope this letter will be useful in your deliberations with your counterparts in the CEC Council.

Sincerely,

Theresa A. Pardo

Theresa A. Pardo,
Chair, National Advisory Committee

cc: William Charles "Chad" McIntosh, Assistant Administrator, Office of International and Tribal Affairs (OITA), EPA
Jane T. Nishida, Principal Deputy Assistant Administrator, OITA, EPA
Monisha Harris, Director, Federal Advisory Committee Management Division FACMD, OMS, EPA
Oscar Carrillo, Designated Federal Officer, FACMD, OMS, EPA
Mark Kasman, Director, Office of Regional & Bilateral Affairs, OITA, EPA
Nadtya Hong, Acting CEC Coordinator, North American Affairs, OITA, EPA
Robert Varney, Chair, Joint Public Advisory Committee
Richard A. Morgan, Executive Director, CEC
Members of the U.S. National and Governmental Advisory Committees

Administrative support for the NAC is provided by the U.S. Environmental Protection Agency,
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National Advisory Committee (NAC) To
the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

Advice 2020-1: On CEC Draft Strategic Plan, 2021-2015
(April 10, 2020)

The April 2020 Charge Question to the EPA National Advisory Committee (NAC) seeks-advice on four questions.

1. Under each strategic priority of the draft CEC 2021-2025 CEC Strategic Plan,
   - What are the environmental issues and challenges facing North America over the next five years?
   - What are the opportunities for the CEC, considering the organization's mission and mandate, to address these issues/challenges over the next five years?
2. How can the CEC amplify its work through partnerships in North America?
3. Where in this Strategic Plan do you see opportunities for enhanced roles for stakeholders and citizens?
4. General Comments and Recommendations.

Note: In preparation for the NAC discussions, which were held online over a four-hour period rather than a two-day meeting, NAC members completed an online survey to select the top related issues for each of the five strategic priorities of the CEC Strategic Plan. A compilation of results was used to guide the discussion related to the prioritized issues for each strategic priority.

ADVICE QUESTION # 1. ENVIRONMENTAL ISSUES AND CHALLENGES AND OPPORTUNITIES FOR THE CEC

Advice Question # 1 seeks advice on the development of the new draft CEC 2021-2025Strategic Plan. The plan includes five new strategic priorities and two cross cutting approaches:

Strategic Priority 1 – Circular Economy and Resource Efficiency
Strategic Priority 2 – Clean Air, Land and Water
Strategic Priority 3 – Shared Ecosystems and Species
Strategic Priority 4 – Resilient Communities
Strategic Priority 5 – Effective Enforcement of Environmental Laws
Cross-cutting Approach 1 – Modernized and Effective Solutions
Cross-cutting Approach 2 – Diverse & Inclusive Stakeholder Engagement & Public Participation

Strategic Priority # 1. Circular Economy and Resource Efficiency

Related Issues as Prioritized for Discussion by NAC Members Prior to the April 10th meeting:

1. *Recycling and waste management in North America*
2. *Sustainable production, resource and energy efficiency practices*
3. *Plastics and micro plastics*

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The NAC recommends:

- a focus on issues that have a broad reach to downstream effectors, such as (1) recycling, especially plastics, and (2) sustainable production in terms of a redesign of materials, new processes and sharing of research. Further, they recommend a focus on cooperation (e.g., mechanisms on which the three countries can collaborate), best practices, data and scientific information.
- that the CEC emphasize thinking about sustainability broadly as feeding the world and making sure people have access to food, rather than solely focusing on some of the assumptions of sustainable production as cleaner chemistry.
- focusing on transboundary benefits, being action oriented and providing advice on efforts that ensure a more sustainable future around the circular economy.
- ranking the draft CEC 2021-2025 Strategic Plan priority areas by the impact of the related issues trilaterally and not endorsing the numerical order in the draft CEC Strategic Plan as indicating the level of importance.
- highlighting issues excluded in the Strategic Priority areas, such as climate change, which should be included in circular economy and resource efficiency priorities. This recommendation is made with recognition that although the term climate change is not specifically stated, it is indirectly addressed in the broad Strategic Priority 2 and related issues focusing on alternatives to ozone-depleting substances and HFCs.

Strategic Priority 2—Clean Air, Land and Water

Related Issues as Prioritized for discussion by NAC Members Prior to the April 2020 meeting:

1. *Air quality*
2. *Fresh water science, data and management*
3. *Pollutant release data and information*

The NAC recommends:

- continued use of health-based standards to make decisions on regulations and NOT use economic-based standards solely for decisions on de-regulations regarding clean air, land and water.
- revisiting previous advice letters addressing issues related to deregulating health-based standards (given the health-based default values) in terms of the impact on the most vulnerable populations.

Strategic Priority 3—Shared Ecosystems and Species

Related Issues as Prioritized for discussion by NAC Members Prior to the April 2020 meeting:

1. *Priority migratory species*
2. *Connected and priority habitats*
3. *Sustainable management of coastal and marine ecosystems*

NAC members call attention to:

- the fact that preservation and recovery of a species (e.g., monarch butterfly) requires understanding its decline, and recommend attention to opportunities for the three countries to collaborate on one species that requires healthy habitats, for example, in each of the three countries, regardless of the burden to one particular country. NAC Members

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recommend a focus on prompting high-impact change by adopting a common understanding of what needs to be accomplished and then aiming to achieve it.

- the borderland issues involving the Tijuana River Valley pollution affecting the United States and Mexico, in which significant financial investments have been proposed. Impacts to the border regions, as well as the other environmental issues raised by members, particularly in the May 2019 NAC advice letter, should remain at the forefront of the NAC recommendations to EPA.

Strategic Priority 4—Resilient Communities

Related Issues as Prioritized by NAC Members Prior to the April 2020 meeting:

1. *Sustainable cities*
2. *Remote, coastal and indigenous communities*
3. *Resilience of food production sectors*

NAC Members recommend that the CEC consider including extreme weather events in the priorities on resilience and that extreme weather events could be included in the issues related to remote, coastal and indigenous communities.

Strategic Priority 5—Effective Enforcement of Environmental Laws

Related Issues as Prioritized by NAC Members Prior to the April 2020 meeting:

1. *Illegal trafficking and traceability of CITES (Convention on International Trade in Endangered Species) species*
2. *Illegal trafficking of HFCs*
3. *Transboundary movements of hazardous wastes*

NAC Members recommend that the issue of the safety of environmental defenders be prioritized because of the long-term implications.

ADVICE QUESTION # 2. HOW CAN THE CEC AMPLIFY ITS WORK THROUGH PARTNERSHIPS IN NORTH AMERICA?

NAC Members remarked on how increasing awareness in the environmental community of the substantial number of CEC grant opportunities would be one way to strengthen partnerships and build participation in the CEC initiatives and projects. Providing co-investment opportunities to interested parties, including philanthropic groups, could increase the CEC collection of resources and help resolve some of the environmental issues discussed in this meeting.

NAC Members noted that the provisions in the new ECA allow the CEC, for the first time, to accept resources and donations from other organizations to supplement the CEC budget. Partnerships with nonprofits or nongovernmental organizations are, in the view of the NAC, now possible.

NAC members recommend reviewing the ECA identify new structures that the CEC could advocate for concerning new partners and additional resources for the CEC.

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ADVICE QUESTION # 3. WHERE IN THIS STRATEGIC PLAN DO YOU SEE OPPORTUNITIES FOR ENHANCED ROLES FOR STAKEHOLDERS AND CITIZENS?

NAC members suggest a review of recommendations regarding youth engagement provided in prior NAC Advice Letters.

NAC Members recommend exploring collaborative partnerships between the three countries that could address environmental issues in border-states. Such partnerships have been established between the United States and Mexico for California/Baja, Arizona/Sonora and Texas/Chihuahua.

A potential list of partners were suggested: Border Trade Alliance, Arizona-Mexico Commission, Smart Border Coalition, Flex Ltd., Border Legislators Conference, Borderplex Alliance, US-Mexico Border Philanthropy Partnership, US-Mexico Border Mayors Conference, Council of State Governments and Border Legislatures across the three countries, as well as two tribal consortia: the Inter-Tribal Council of Arizona and California Tribal Leaders Council. Both Councils work with tribes in the border-states and would be ones to engage in partnerships.

NAC Members suggested establishing stakeholder groups in Canada and Mexico similar to the United States NAC and GAC and engaging watershed commissions.

ADVICE QUESTION # 4. GENERAL COMMENTS

NAC Members pointed out the likely change in governments and leadership in the three countries over the span of the 5-year Strategic Plan and recommend that attention to how these leadership changes are likely to affect the Strategic Priorities of the CEC.

Given the COVID-19 pandemic and the restrictions on travel and gatherings, NAC Members asked how opportunities were being created and policies implemented to further environmental goals at the state and local levels. NAC Members called attention to the efforts in Flint and Detroit, Michigan, where various cooperative entities are forming to connect people to resources and are using advanced technologies. The obvious positive environmental impact is a decrease in air pollution because of the reduction in travel and the increase in virtual meetings.

NAC members suggest that the CEC and EPA seek opportunities to incentivize innovative initiatives in response to emergency situations, such as COVID-19, including innovative working from home and telecommuting efforts that could be linked to the Strategic Plan.

NAC Members underscored the use of science-based decision-making and ways to reduce political polarization around issues of science and facts as they relate to the environment.

NAC Members called attention to funding issues in Indian country for tribes depending on federal funds to support their environmental programs. Because of COVID-19, most of the work orders/deliverables are not being met. In a support letter to EPA, the tribes have asked for flexibility on work plan deliverables and the extension of grants. This is an issue likely affecting all three countries.

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