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

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August 28, 2019

Committee Members

Sally Ann Gonzales
Chair
Arizona

The Honorable Andrew R. Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Patty Acomb
Minnesota

Cornelius Antone
Arizona

Dear Administrator Wheeler:

Elisa Arias
California

The U.S. Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) held its 52nd meeting in Washington, D.C. on May 15-16, 2019. This letter represents our advice resulting from that meeting.

Marina M. Brock
Massachusetts

Leonard Drago
Arizona

Our meeting included presentations on EPA's organizational structure, the Federal Advisory Committee Act, and on understanding the collaboration between the Office of International and Tribal Affairs and the Federal Advisory Committee Management Division in the operation of our committee. We also received a briefing on U.S. priorities for the upcoming CEC Council Session from Luis Troche, Senior Advisor for North American Affairs, EPA's Office of International and Tribal Affairs.

Hector F. Gonzalez
Texas

Suzanne E. Hanson
Minnesota

The committee also received updates on key activities at the CEC Secretariat from Executive Director Cesar Rafael Chavez who updated members on the active 2017–2018 Operational Plan cooperative projects and grants. We also received a report on JPAC activities from Sabaa Khan, JPAC Chair.

Debra L. Kring
Kansas

Julia S. Moore
Vermont

This was the first meeting for many newly appointed members, therefore members became acquainted with each other by each presenting short presentations on hot topics from the sectors and regions they represent. This activity became an excellent way to understand the various trade and environment issues impacting business, academia and NGO's. Our advice letter will include data from these presentations.

Erich A. Morales
Texas

C. Nazaret Sandoval
Michigan

Kelly C. Wright
*Shoshone-
Bannock Tribes*

The meeting was opened by a welcome from Federal Advisory Committee Management Division (FACMD) Director Monisha Harris, who provided an update on FACMD activities, including the role of EPA's advisory committees. 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,



Sally Ann Gonzales, Chair
Governmental 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, EPA

Oscar Carrillo, Designated Federal Officer, FACMD, EPA

Mark Kasman, Director, Office of Regional & Bilateral Affairs, OITA, EPA

Luis Troche, Senior Advisor, North American Affairs, OITA, EPA

Louie Porta, Chair, Joint Public Advisory Committee

Richard A. Morgan, Executive Director, CEC

Members of the U.S. National and Governmental Advisory Committees

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Governmental Advisory Committee
(GAC) to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

Advice 2019 – 1
(Meeting – May 15-16, 2019)

The May 2019 meeting of the Governmental Advisory Committee (GAC) resulted in advice that responds in several ways to the priorities of the EPA via the Commission for Environmental Cooperation (CEC).

- Building disaster resilient communities
- The circular economy
- Interconnectedness among the sectors to become more resource efficient
- Extreme events and
- Disaster risk resilience (DRR)

The GAC’s advice is organized according to three recommendations as follows:

1. Making “Health” a priority in all policies relating to health and environmental issues
2. Strategies for mitigating Extreme Events
3. Traditional Ecological Knowledge (TEK) and the Environment

Following the specific recommendations to EPA, we provide a set of vignettes shared by members of the GAC related to projects that highlight local and regional events relevant to trade and environment in North America. In addition, this letter contains a section on “Other Advice.”

1. Implementing a change in policy by making Health a Priority in all policies relating to Health and Environmental Issues

This advice directly aligns with The EPA's mission as an agency of the United States federal government whose mission is to protect human and environmental health.

There is precedence at the state level for this type of policy as in the State of Vermont. The State of Vermont has adopted a “Health in All Policies” collaborative approach to improve the health of all people. A “Health in All Policies” approach identifies the ways in which decisions in any sector influences health and ensures that population health considerations are incorporated across the breadth of the State’s policy decision making. A similar approach could be utilized in considering opportunities to improve our resilience in the face of a changing climate which can be extreme at the local, state, federal and trilateral level.

2. Strategies for mitigating Extreme Events include the following:

Extreme events as defined by the CEC include wildfires, droughts, floods and extreme temperatures.

When extreme events occur, response and or mitigation are best addressed at the local rather than state or federal level. However, resources should be provided by state and federal sources to support local underserved areas such as the US/Mexico Border with its immense trade, commerce and international migration. A needs assessment should be conducted as a tiered, community-based, targeted approach by local entities. There are resources available to communities to conduct needs assessments through mitigation grants available from organizations such as the Department of Health and Human Services. Cities, Towns and Tribal Communities need to be made aware of the availability of these grants. When conducting needs assessments and emergency plans, vulnerable populations such as young children,

elderly, homeless, tribal communities and persons with limited mobility must be included.

a) State Emergency Plans:

These plans serve as frameworks for local jurisdictions when they develop their own location-specific plans. While the field of emergency management has evolved in terms of incorporating the needs of individuals with access and functional needs, flaws in the way emergency plans are written generally continue to consider the needs of these individuals as special accommodations rather than as integral parts of each step of planning. California, for example, has had success in restructuring its plan entirely. Rather than having one designated section to address these needs, every section now features need-specific recommendations. This simple but effective restructuring has resulted in such improvements as accessible transportation for evacuations and interpreters at press conferences. California's leadership on this issue serves as an excellent example of the appropriate integration of all community members from mitigation to recovery.

b) Sector Connectedness across regional groups is another key component to Extreme Events mitigation.

Local Emergency Planning Committees (LEPCs) if not existing should be created in order to implement communication mechanisms among neighboring jurisdictions in case of Extreme Events. All neighboring regions local and international can prepare by having a unified emergency plan in place to establish: a lead point of contact and command station, evacuation plans and designated evacuation sites, emergency communication applications and channels, comprehensive information and delivery methods to the public, ensure that all types of emergency communication, tools and equipment are cross compatible among all participating jurisdictions. This is best accomplished by bringing together "local and regional" government representation around the table to best identify gaps and impediments to more effective local prevention and mitigation strategies.

c) Cultural Sensitivity

Cultural and linguistic sensitivity should be utilized when communicating information with the public during Extreme Events. Cultural and language barriers need to be recognized and addressed to communicate effectively and simply among different populations and communities. Again, special attention to vulnerable populations such as young children, elderly, homeless, tribal communities and persons with limited mobility must be included as a priority. When distributing and communicating information, a conscious effort needs to be made to understand communities' different languages and cultures to promote trust and confidence in the information being provided. Multilingual and visual (fish in circle and line across to signify don't eat the fish) information needs to be prepared in advance, a method to deliver information i.e., door to door, radio and public service announcements, be prepared to find modes of communication in rural areas void of cell service capabilities, lack of internet connectivity, etc. Information must be clear, concise, simple illustrations and easy to read to avoid confusion.

d) Emphasize Community Education and Awareness

Arizona experiences public health risks from extreme heat to freezing temperatures, monsoons, and prolonged drought conditions. During the summer, Arizona is exposed to extreme heat, above 100°F, frequently on sequential days, and, in some cases, the temperature can rise above 120°F. In addition, severe storms during monsoon season can lead to instances of flash flooding; prolonged drought conditions promote wildfires and poor air quality; and winter months can lead to freezing temperatures and snow storms.

Arizona's Department of Health Services' Extreme Weather and Public Health Program provides

resources for individuals, families, and organizations to plan before, during, and after events such as a heat wave, wildfire, flood, extreme cold, or poor air quality days. To help Arizona residents and visitors make informed decisions about their daily activities during poor air quality days, ADEQ issues air quality forecasts, like weather forecasts, for areas of the state where monitors observe levels of pollution that are harmful to public health and the environment.

When the forecast indicates poor air quality, a press release is distributed containing public health messaging and either a:

- Health Watch (HW), when air pollution levels are expected to approach the federal health standard, or
- High Pollution Advisory (HPA), when air pollution levels are expected to exceed the federal health standard.
- The public can also sign up to receive the Air Quality Forecast notifications by email or text | [Subscribe](#).

When disasters occur, and extreme events reach emergency conditions, the Arizona Department of Emergency and Military Affairs (AZDEMA) provides emergency updates and preparedness resources via the Arizona Emergency Information Network website (AZEIN), ein.az.gov, which is "relied upon throughout the Whole Community to provide timely and accurate public information (e.g., protective actions) before, during and after emergencies." AZDEMA emphasizes the importance for preparedness in helping the community design their own plan using four simple steps:

- Plan for family evacuation and communication
- Check on neighbors
- Prepare by gathering information i.e. www.ein.az.gov.
- Inquire to understand the hazards in your community, monitor the media for new coverage and request evacuation plans and preparedness procedures beforehand from companies and schools around you.
- Urge those around you to be prepared with emergency and evacuation plans.

For the local county level, the Local Emergency Planning Committees (LEPCs) develop an emergency response plan that is reviewed annually and provides information about chemicals in the community to citizens. The plans are developed by LEPCs with stakeholder participation. Each LEPC has a membership from relevant government agencies, industry, and the community.

EPA along with other Federal agencies who understand the US framework and can be involved in incentivizing local, tribal, regional, and state actions (examples may include DHS, FEMA, CDC, USPHS, etc.) to fill the gaps and develop or provide useful resources to move local, tribal, regional levels forward to take necessary actions on their own behalf.

e) Family Emergency Plans

Families are encouraged to be pro-active by having their own family emergency plan and should be encouraged to practice their plans. A meeting place in case of an emergency, have essential contact numbers, medication lists readily accessible (family members, family physicians, school, work and other organizations). Families should consider acquiring emergency and evacuation plans for all family members' schools and workplaces. For example, if your family member works at a nuclear power plant, how and where are employees evacuated to?

A survival kit that includes water, non-perishable food, first aid kit, back up batteries (for radios, cell phones) and flashlights should be prepared.

3. Traditional Ecological Knowledge (TEK) and the Environment

The GAC members value the intersection and interactions between TEK members and the CEC. TEK complements and expands upon Western scientific methods and the importance of raising awareness about culturally appropriate approaches among environmental partners working collaboratively with Tribal nations. Though underutilized in general, GAC members are pleased of CEC's commitment to acknowledging the benefits of Traditional Ecological Knowledge. Members of the TEK are a valuable resource, bringing perspectives and examples on how TEK is being applied or could be applied in context to address pressing environmental concerns. Therefore, the GAC members advise EPA and CEC to continue working with TEK members as they continue working on the priorities of the EPA through the North American Agreement on Environmental Cooperation (NAAEC)

LOCAL AND REGIONAL LIGHTNING TALKS ON Trade and Environment Issues in North America

Vignettes are based on five-minute lightning talks from GAC/NAC Members on local and regional events and capabilities with respect to trade and environment in North America.

Impacts of Border Delays for People and Trade at all ports on entry along the US/Mexico Border well-presented through the California-Baja California Ports of Entry by GAC Member, Ms. Elisa Arias, San Diego Association of Governments (SANDAG)

Per the 2007 Economic Impacts from Border Wait Times Delay Study conducted by SANDAG, the increase in vehicle crossings at the California Baja California (U.S.-Mexico) Ports of Entry (POE) (i.e. border crossing) has resulted in congestion, delays and reduced air quality. The SANDAG study was expanded in 2017 to include survey data on air quality variables (e.g., vehicle fleet and fuel) and showed that heavy-duty vehicles crossing the border are newer than passenger vehicles and those crossing into California are subjected to regulations related to model-year engines. Pollutant emission rates vary by fuel purchase location and border crossers tend to purchase fuel in the United States. The Mexican government is aligning fuel regulations with standards set in the Paris Accord agreement. Ms. Arias highlighted the efforts underway to improve air quality in the California-Baja California region, including infrastructure changes at POEs and air quality and border wait time monitoring.

Inadequate infrastructure capacity at the border crossings between California and Baja California create traffic congestion and delays for cross-border personal trips and freight movements that result in substantial economic impacts. Thousands of vehicles idling daily at the border crossings also have impacts on air quality. The proposed SAFE Vehicles Rule would roll back national fuel-efficiency standards and would repeal California's higher fuel efficiency standards that were allowed to address the state's unique air quality challenges. It would also revoke California's authority to implement clean vehicle and zero-emissions vehicle (ZEV) mandates. Several other states have adopted California's stricter emissions standards and ZEV mandates. If finalized, the rule would negatively impact California's ability to meet its greenhouse gas emissions and pollutant emissions reduction goals as well as public health and equity goals. In addition, it would limit the ability of transportation agencies to deliver transportation projects that support the economy, provide for congestion relief, improved goods movement, and reliability.

Cape Cod, Massachusetts Public Health/Works Pilot Project by GAC Member, Marina Brock, Senior Environmental Specialist Environmental Health Division, Barnstable County, Massachusetts.

Ms. Brock described the Cape Cod pilot project with the local Departments of Public Utilities and Public Works involving 15 neighboring towns, which is innovatively engaging non-traditional environmental partners. The issue is that Massachusetts state and local governments are exempt from occupational health and safety and environmental regulations. There is no environmental safety structure in place at public utilities and staff members are exposed to unsafe conditions in the work environment without the benefit of standards or regulations. Some efforts are focused on implementing the minimum Occupational Safety and Health Administration standards locally. The pilot project is working with Northeastern University scientists, Massachusetts Worker's Compensation, state enforcement agencies and state insurers to develop an environmental structure for public utilities and public works programs, seemingly starting from a blank slate. The pilot also will identify barriers and resource gaps as well as positive practices. Ms. Brock emphasized that connectivity across agencies and groups is crucial. Information technology issues also are significant.

Arizona Department of Environmental Quality (ADEQ) Projects by GAC Member Leonardo Drago, Arizona Department of Environmental Quality, Arizona.

Mr. Drago described some of the ADEQ's ongoing projects focused on air quality, surface water, wastewater and transmission. Air quality monitoring in San Luis Obispo, California, indicates ozone transfer, but it is unclear if the source is Mexico or California. In Arizona, surface water monitoring is connected to the Tribal engagement efforts. Dr. Drago noted that the ADEQ is considering the Clean Water Act 404 assumption for the state of Arizona, which has a proven record of improving permitting times. Meetings were conducted with the 22 Tribes in Arizona for their input. In partnership with the North American Development Group, the aging wastewater infrastructure and system upgrades are being addressed in short-term mitigations. In 2018, the Arizona Corporation Commission began transmission work in Canada, Mexico and the United States to help build capacity.

In northern Minnesota on Great Lake Restoration Initiative etc. by GAC Member, Suzanne Hansen, Minnesota/U.S.-Canada Border.

Ms. Suzanne E. Hanson (Minnesota Pollution Control Agency), pointed out that Duluth, Minnesota, is home to the largest Great Lakes port and sits on Lake Superior. The area is known for its mining and logging industries. Copper mining activities pose recent threats and air quality is the primary environmental impact. Ms. Hanson credits Great Lakes/Duluth successes in pollutant control to the Tribal partnerships established over the past 25 years, cooperation of Canada and the United States via the IJC, and the Great Lakes Restoration Initiative (GLRI). Phosphorus is a major pollutant in the Rainy-Lake of the Woods and originates in the lake. The Minnesota Pollution Control Agency and the GLRI provide funding support for pollution control projects.

Humanitarian Crisis on US-Mexican Border/Ozone Air Quality El Paso, Texas POEs by GAC Member Erich Morales, El Paso County Attorney's Office, Texas.

Mr. Erich A. Morales explained that the current immigrant issues are having a dramatic effect on the El Paso POEs. The traffic is heavy on major interstates ordinarily because of the POEs and trade. Currently, resources are being redirected and trade and truck crossing is at a standstill at the international POE, which is negatively impacting air quality. The low social and economic status neighborhoods are most affected. The quality of food, including produce, is reduced due to spoilage from sitting for long periods of time. Local health care systems, in terms of unknown status of infectious diseases, and housing also are being affected.

Vermont U.S.-Canada Border Lakes by GAC Member, Ms. Julia S. Moore, Secretary Agency of Natural Resources, Vermont.

Ms. Moore said that Vermont's border issues involve standing water and the U.S.-Canada Lake Champlain and Lake Memphremagog Watersheds. The Vermont Agency for Natural Resources coordinates cross-border activities and interstate responses to reduce lake phosphorus levels and works with the Lake Champlain geographical area program, but responses vary by region. The Vermont dairy industry has been in decline economically, which impacts their participation in any water conservation efforts. Ms. Moore mentioned that water quality remains at the forefront of Vermont's environmental issues.

The Plastics Industry and The Circular Economy by NAC Member, Ms. Jennifer J. Ronk, Dow Chemical.

From the plastics industry perspective, the aim is on preventing marine debris and producing materials that are circular. The plastics industry is seeing challenges with the onset of China's import ban, as well as with opportunities for industries to grow and infrastructure investments. Resolving these challenges will positively affect marine litter and debris.

Mission, Kansas Clean Energy and Repurposing Efforts by GAC Member, Debra Kring, City of Mission, Kansas.

Ms. Kring informed participants that Kansas is the number one state in wind power generation. The city of Mission is the only one in Kansas that returns 8 percent of revenue to residents for recycling their trash and other products. Plastic bags are recycled and converted into reusable goods, such as banners or purses. Mission makes use of Form-based Codes, which provide instructions on building materials.

Plastics Recycling Options by GAC Member, Debra Kring, City of Mission, Kansas.

In the past, EPA's Superfund program, coordinated with potentially responsible parties (PRPs) that held some responsibility for contaminating land (as an owner, operator, generator, or disposer). EPA had fee schedules established as repayment to the Government for cleaning up these properties OR the PRP could clean the property, with EPA oversight. One company (a manufacturing plant) determined that they would provide a solution for the contaminated land that would be sustainable over time and meet new standards for environmental restoration. One of their key products was "tires", so they created a large-scale rubber shredder, which broke down the tires into rubber pieces. The pieces were then heat-pressed and made into rubber mats. This process led the plant to not only becoming a key provider of rubber mats throughout the U.S. but produced a secondary success in alleviating the "tires going into a landfill". The plant eventually recycled other items into enhanced restored products that contributed to the circular economy and was recognized for their 'environmental stewardship'.

Waters of the United States: Impact to Tribes by NAC Member, Dr. Ann Marie Chischilly, Northern Arizona University.

NAC member explained that new decisions on the waters of the United States will be detrimental in the Tribal communities. Tribes living in Alaska rely on the lakes and rivers for their water supply and sustenance. The National Tribal Council developed a comment letter detailing their concerns. Dr. Chischilly also pointed out that the issues between states and Tribes are ongoing. In terms of emergency response, Tribes often engage the state and local governments in times of emergency, and at times those relations are not friendly. She emphasized how it was fundamental to understanding how treaties impact Tribes.

OTHER ADVICE

GAC members appreciate the opportunity to participate and provide advice to EPA and hope the collaboration will continue well into the future. The members wish to convey that in order for the GAC advice to be a viable source of information and solutions on health and environmental issues, the members urge the EPA to acknowledge that the increased frequency, intensity and wide spread devastation of extreme events are due to climate change. Also, GAC would recommend that the CEC encourage Mexico and Canada to establish NAC/GAC counterparts in their respective countries in order to promote a wider range of perspectives and solutions for public and environmental health on a larger scale.

GAC strongly feels that its' advice along with other federal advisory committees are essential to EPA's mission. These advisory groups provide expertise from all regional sections of the U.S., at the grassroots levels. We hope that the NAC and GAC continue to be a valued service to the EPA and the American People.