

U.S.-Chile Joint Commission for Environmental Cooperation, Environmental Cooperation Agreement, 2005-2006 Work Program

Bureau of Oceans and International Environmental and Scientific Affairs
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Introduction

The objective of the Agreement on Environmental Cooperation between the Government of the United States of America and the Government of the Republic of Chile (U.S.-Chile Environmental Cooperation Agreement, or ECA) is to establish a framework for cooperation between the United States and Chile to promote the conservation and protection of the environment, the prevention of pollution and degradation of natural resources and ecosystems, and the rational use of natural resources, in support of sustainable development.

The Joint Commission for Environmental Cooperation, set up under the ECA, is responsible for establishing and developing programs of work in accordance with the provisions of Article III. This work program reflects national priorities for cooperative activities, as agreed upon by the Parties.

The Parties will begin their cooperative work under this work program in the following priority areas identified for the period 2005-2006:

1. Capacity building and exchange of information on strategies and experiences in order to improve the effectiveness of enforcement and compliance with environmental laws, norms and regulations;
2. Encouraging development and adoption of sound environmental practices and technologies, particularly in business enterprises;
3. Promoting sustainable development and management of environmental resources, including wild fauna and flora, and protected wild areas;
4. Civil society participation in the environmental decision-making process;
5. Environmental education; and
6. Other areas as the Parties may agree.

The Parties note the cooperative work being conducted in accordance with Annex 19.3 of the U.S.-Chile FTA, which includes the following activities: *Developing a Pollutant Release and Transfer Register (PRTR) in Chile; Reducing Mining Pollution; Improving Environmental Enforcement and Compliance Assurance; Sharing Private Sector Expertise: Improving Agricultural Practices; Reducing Methyl Bromide Emissions; Improving Wildlife Protection and Management; and Increasing the use of cleaner fuels.*

The Parties also note ongoing bilateral cooperative work in other fora, and will seek through this work program to build upon and complement this existing bilateral work.

The Commission may agree to augment this work program with additional projects at any time. The Parties recognize that the activities described in this work program are subject to revision by the organizations implementing the projects.

The project activities described in this work program are subject to the availability of funds.

Priority Area One

Capacity building and exchange of information on strategies and experiences in order to improve the effectiveness of enforcement and compliance with environmental laws, norms and regulations

Background

Both the ECA and the FTA emphasize the importance of effective environmental laws and enforcement of those laws. For example, Article III.2 of the ECA says, "The program of work shall, *inter alia*, include activities related to: (a) the collection and publication of comparable information on the Parties' environmental legislation, indicators and enforcement activities; and (b) the exchange of information on environmental policies, laws and practices in both countries." Furthermore, Article 19.2.1(a) of the FTA states, "A Party shall not fail to effectively enforce its environmental laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the Parties."

General Objectives

Exchange information and experiences on environmental legal and regulatory regimes; enforcement and compliance policies, tools and practices; and approaches to environmental monitoring, that contribute to strengthening the effectiveness of implementation of environmental laws and regulations in the United States and Chile.

Priority Area Two

Encouraging development and adoption of sound environmental practices and technologies, particularly in business enterprises

Background

Article III.2 (d) of the ECA states, "the program of work shall, *inter alia*, include activities related to the promotion of good domestic practices leading to sustainable management of the environment, while Article V (d) notes, "the cooperation contemplated in this Agreement may include facilitation of linkages among representatives from academia, industry, and government to promote the exchange of best practices and environmental information and data of interest to the Parties." Article 19.10 of the U.S.-Chile FTA, Principles of Corporate Stewardship, states, "Recognizing the substantial benefits brought by international trade and investment as well as the opportunity for enterprises to implement policies for sustainable development that seek to ensure coherence between social, economic and environmental objectives, each Party should encourage enterprises operating within its territory or jurisdiction to voluntarily incorporate sound principles of corporate stewardship in their internal policies, such as those principles or agreements that have been endorsed by both Parties."

General Objectives

Encourage enterprises to develop and adopt sound environmental practices and technologies, and to show that doing so not only benefits the environment, but can be done in a manner consistent with maintaining international competitiveness.

Priority Area Three

Promoting sustainable development and management of environmental resources, including wild fauna and flora, and protected wild areas

Background

The preamble to the ECA reaffirms that "economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable

development." Article III.2 (d) of the ECA states, "the program of work shall, *inter alia*, include activities related to the promotion of good domestic practices leading to sustainable management of the environment." One of the objectives listed at the beginning of the FTA environment chapter is "to contribute to the Parties' efforts to ensure that trade and environmental policies are mutually supportive and to collaboratively promote the optimal use of resources in accordance with the objective of sustainable development."

General Objectives

Promote the conservation and protection of the environment, the prevention of pollution and degradation of natural resources and ecosystems, and the rational use of natural resources, in support of sustainable development.

Priority Area Four

Civil Society participation in the environmental decision-making process

Background

The participation of civil society is a key component to both the ECA and the FTA environment chapter. Article IV of the ECA promotes the development of opportunities for public participation in cooperative projects, and mandates that each Party should solicit, and take into account as appropriate, the views of its public with the respect to this work plan. Article III.1 of the ECA states that the Joint Commission for Environmental Cooperation must take into account the views and recommendations of the Environment Affairs Council of the FTA on cooperation activities in this work program. Moreover, FTA Articles 19.3 and 19.4 outline opportunities for public participation.

General Objectives

Share experiences on involving the public in decision-making regarding environmental matters, and enhance openness and transparency in regulatory and program implementation.

Priority Area Five

Environmental Education

Background

The preamble to the ECA reaffirms the mutual acknowledgement of the "the need for greater promotion of environmental education and awareness". Moreover, ECA Article V (b), as well as Article 4 of FTA Annex 19.3 regarding Environmental Cooperation, include educational and outreach programs in the cooperative activities.

General Objectives

Exchange knowledge and experiences regarding environmental education strategies and programs, with a principal focus on basic and community-level education.

Priority Area Six

Other areas as the Parties may agree

Background

Because priorities may change over the two-year period of this work program, and with the desire to accommodate new project priorities as they may arise, this area allows flexibility for incorporating additional cooperative activities that may not fit into the previous five categories. Additional areas may include, for example, technical consultations on:

- a) Methodologies for assessing vulnerability to climate change
- b) Natural disasters
- c) Environmental health
- d) Development of public-private partnerships for achievement of environmental objectives.

Work Program 2005-2006

Areas	Activities	Sub-activities/details	Possible Participants¹
<p>1. <i>Capacity building and exchange of information on strategies and experiences in order to improve the effectiveness of enforcement and compliance with environmental laws, norms and regulations</i></p>	<p>1.1. Sharing best practices for promoting and ensuring compliance with environmental laws, norms and regulations</p>	<p>1.1.1. Visit of Chilean officials to gain understanding of aspects of environmental law and compliance in the United States:</p> <ul style="list-style-type: none"> • Study tour for 15 Chilean professionals to learn about mechanisms and procedures used in the United States and to establish a direct relationship with their U.S. counterparts. • Topics of mutual interest may, for example, include: <ul style="list-style-type: none"> • administrative, civil and criminal options for enforcement; • penalty policies, calculating economic benefit of non-compliance; • enforcement data management and targeting methodologies; • sector-based approaches to compliance promotion; • enforcement program performance measurement. • Explore the possibility of conducting a 4 to 6 month exchange program in the United States by a Chilean official. 	<p>United States</p> <ul style="list-style-type: none"> • Environmental Protection Agency (EPA) • Department of Justice (DOJ) • Department of State (DOS) • Environmental Law Institute (ELI) <p>Chile</p> <ul style="list-style-type: none"> • Environment Directorate, Ministry of Foreign Affairs (DIMA) • National Commission for the Environment (CONAMA) • State Defense Council (CDE) • Agricultural and Livestock Service (SAG) • National Forest Corporation (CONAF) • Ministry of Planning and Cooperation (MIDEPLAN) • Ministry of Public Works, Transport and Telecommunications (MOPTT) • Ministry of Defense (MINDEF)

		<p>1.1.2. Strategies for enforcing environmental regulations</p> <p>In follow-up to the activities and relationships established under 1.1.1, conduct technical consultations to:</p> <ul style="list-style-type: none"> • Contribute to the design of strategies to enforce compliance with norms or regulations and environmental conditions committed to in voluntary agreements entered into between the public and private sector; and • Contribute to the generation and refinement of technical capacity for professionals and technical personnel in the public sector that participate in environmental regulation and agreement enforcement and compliance verification functions. 	<p>U.S.</p> <ul style="list-style-type: none"> • EPA • Department of Interior (DOI) • DOJ • DOS • NGOs <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • SAG • CONAF • Ministry of Health (MINSAL) • MOPTT, General Water and Water Works Directorates, (DGA and DOH) • National Geologic and Mining Service (SERNAGEOMIN) • National Customs Service
		<p>1.1.3 Technical consultations between agencies on approaches to effective environmental regulation in order to:</p> <ul style="list-style-type: none"> • Exchange knowledge and experiences; • Explore workshops and seminars. <p>Possible areas of consultation:</p> <ul style="list-style-type: none"> • Air pollution; • Water pollution; • Hazardous and solid waste management; 	<p>U.S.</p> <ul style="list-style-type: none"> • EPA • DOI • DOJ • DOS • NGO's <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • SAG • CONAF • Ministry of Mining (MINMINERIA), • Ministry of Economy (MINECONOMIA) • MOPTT • Ministry of Housing (MINVU) • NGOs.

	<ul style="list-style-type: none"> • Pesticides and toxic substances; • Protection of biodiversity, including endangered species and protected areas; • Monitoring and recordkeeping, certification and validation of industry records and reports; • Strategic environmental assessment (incorporating the environmental variable in public policies, plans and programs), including such evaluation in land-use planning and urban design; • Elaboration of environmental regulations and their economic evaluation; • Development and implementation of an environmental measurement network (“Red de Metrología”). 	
	<p>1.1.4 Technical consultations between agencies on strategies and methodologies for environmental impact assessments (EIA), to:</p> <ul style="list-style-type: none"> • Exchange knowledge and experiences; • Explore workshops and seminars. <p>Possible themes for consultation:</p> <ul style="list-style-type: none"> • Practices for managing public participation in EIA processes; • The role of EIA in 	<p>U.S.</p> <ul style="list-style-type: none"> • EPA • NGOs <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • MINDEPLAN • MINMINERIA • MOPTT • NGOs

		<p>environmental decision-making;</p> <ul style="list-style-type: none"> • The consideration of alternatives and mitigation options in EIA processes; • The consideration of environmental as well as social and economic impacts; • Legal issues; • Approaches to EIA in specific sectors. 	
<p>2. Encouraging development and adoption of sound environmental practices and technologies, particularly in business enterprises</p>	<p>2.1 Technical consultations to exchange information on approaches to promote compliance, pollution prevention, and improved environmental performance, particularly in small and medium-sized enterprises (industrial and agricultural).</p>		<p>U.S.</p> <ul style="list-style-type: none"> • DOS • EPA • Department of Commerce (DOC) • State environmental agencies • NGOs <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • MINMINERIA • SAG • Other related ministries and services • NGOs
	<p>2.2 Clean Energy: Promoting its development, implementation and use in economic sectors (e.g., forestry, agriculture, aquaculture, wine, transportation and manufacturing).</p>	<p>2.2.1 BenMAP Analysis Complementing the U.S.-Chile Diesel Retrofit Pilot Project under the FTA, explore adaptation of EPA BenMAP software for application in Chile, and related capacity building, to analyze the costs-benefits of retrofit technologies, including public health benefits, by matching changes in particulate matter emitted by diesel engines with health impacts and corresponding economic data.</p>	<p>U.S.</p> <ul style="list-style-type: none"> • EPA <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • MINSAL

		<p>2.2.2 Clean Energy Initiative</p> <ul style="list-style-type: none"> • Conduct technical consultations to exchange information regarding approaches to clean energy; • Explore possible development of a U.S./Chile component of the U.S.-led Clean Energy Initiative. <p>Could include:</p> <ul style="list-style-type: none"> • Collaboration on promoting renewable energy opportunities (e.g., geothermal, wind, biogas, hydroelectric power); • Exchange of information on approaches to improving energy efficiency in selected industry sectors; • Exchange of information regarding eco-efficient construction to conserve and save energy, especially in low-income and rural housing, and the use of alternative energy. 	<p>U.S.</p> <ul style="list-style-type: none"> • DOS • Department of Energy (DOE) • U.S. National Renewable Energy Laboratory (NREL) • NGOs <p>Chile</p> <ul style="list-style-type: none"> • DIMA • National Energy Commission (CNE) • MINMINERIA • MINVU • MINECONOMIA • SAG • Other related services • NGOs
	<p>2.3. Exchange of experiences and capacity building on environmental aspects of mining</p>	<p>Transfer of U.S. experiences on:</p> <ul style="list-style-type: none"> • Superfund (background, legal fundamentals, regulations, case studies and capacity building of professionals from Chilean public mining sector); • Environmental assessment of mining projects and land-use planning; • Generation and treatment of acid discharge, mine closure, 	<p>U.S.</p> <ul style="list-style-type: none"> • EPA • DOI <p>Chile</p> <ul style="list-style-type: none"> • DIMA • MINMINERIA • CONAMA

		management and disposal of wastes, and efficient energy use.	
3. Promoting sustainable development and management of environmental resources, including wild fauna and flora, and protected wild areas	3.1 Capacity Building and Exchange of Information Regarding Eco-tourism (promotion and management of activities and concessions, evaluation of impacts of visitors in protected areas, etc.)	3.1.1. Technical consultations to	U.S.
		<ul style="list-style-type: none"> • Exchange information and experiences; • Explore workshops, seminars and exchanges on specific issues pertaining to the promotion of eco-tourism, for example: <ul style="list-style-type: none"> - mechanisms, criteria and procedures for certifying these activities, and how they have been implemented in both countries; - management of eco-tourism activities and concessions; - studies on visitors' impacts on protected areas. 	<ul style="list-style-type: none"> • DOI • Department of Agriculture (USDA) • EPA • DOC • Tourism industry associations Chile <ul style="list-style-type: none"> • DIMA • CONAMA • MINDEPLAN • MINECONOMIA • CONAF • Various related national services • Tourism industry associations
		3.1.2. Patagonia Volunteer Expeditions Project:	U.S.
		Develop a cadre of volunteers from Chile and the United States to accomplish work projects (e.g. trail repair and habitat restoration) and provide services within Chilean protected areas. Promote responsible eco-tourism, capacity building and sustainable conservation by creating partnerships between volunteers, government agencies, park managers, NGOs, communities and businesses. A pilot project will take place in Torres del Paine National Park.	<ul style="list-style-type: none"> • USDA/ U.S. Forest Service, Southwest Pacific Region • DOS Chile <ul style="list-style-type: none"> • DIMA • CONAF

		<p>3.1.3. Bilateral cooperative program in inland recreational fisheries.</p> <p>Exchange experiences and best practices to promote capacity to train and certify fishing guides, assess stocks, and implement management approaches in inland fisheries, with the goal of promoting Chile as a good recreational fisheries destination and providing fishing-related eco-tourism opportunities for the private sector in both countries.</p>	<p>U.S.</p> <ul style="list-style-type: none"> • DOS • DOI– U.S. Fish and Wildlife Service (USFWS) • DOC- National Oceanic and Atmospheric Administration (NOAA) <p>Chile</p> <ul style="list-style-type: none"> • DIMA • MINECONOMIA • Subsecretariat of Fisheries (SUBPESCA) • CONAMA
	<p>3.2. Preventing the transmission of invasive species.</p>	<p>Explore joint conferences and research opportunities to:</p> <ul style="list-style-type: none"> • Develop practical decision making tools for invasive species management; • Evaluate trade impacts of invasive species; • Exchange experiences and approaches to border controls to prevent the entry of invasive species. 	<p>U.S.</p> <ul style="list-style-type: none"> • USDA • EPA • DOI • DOS • Invasive Species Council • Department of Homeland Security / Customs and Border Protection (DHS/CBP) <p>Chile</p> <ul style="list-style-type: none"> • DIMA • National Customs Service • SAG • MINSAL • Direction General of Maritime Territory and Merchant Marine (DIRECTEMAR) • SUBPESCA • CONAMA
	<p>3.3 Forest management and illegal timber harvesting</p>	<ul style="list-style-type: none"> • Exchange information on mechanisms for the management of protected forests, illegal timber harvesting and related activities • Share approaches to remote sensing. 	<p>U.S.</p> <ul style="list-style-type: none"> • USDA - Forest Service • DOJ • DOS <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAF

			<ul style="list-style-type: none"> • CONAMA • CDE
	3.4. Additional activities being carried out under other bilateral or international agreements	3.4.1. Mitigating the impact of longline fishing on non-target species: Carried out under Agreements 2004-2006 NMFS-SERNAPESCA.	U.S. <ul style="list-style-type: none"> • National Marine Fisheries Service (NMFS) Chile <ul style="list-style-type: none"> • National Fisheries Service (SERNAPESCA)
		3.4.2. Wildlife Without Borders Activities pursuant to the Western Hemisphere Convention (WHC) will complement the existing Wildlife Without Borders program carried out under the FTA. These activities would include workshops on wildlife management in Santiago.	U.S. <ul style="list-style-type: none"> • DOI/USFWS Chile <ul style="list-style-type: none"> • CONAMA, • Universidad Católica del Norte (UCN)
4. <i>Civil Society participation in the environmental decision-making process</i>	4.1 Technical consultations to <ul style="list-style-type: none"> • Share experiences of both countries; • Explore workshops, seminars and videoconferences on procedures, means and techniques for civil society participation, as well as to enhance the effectiveness of their access to information and to promote knowledge of available legal mechanisms. 	Activities would include: <ul style="list-style-type: none"> • Exchange information on laws, procedures and approaches pertaining to public participation • Explore the possibility of developing a training module on public participation. • Exchange of techniques to facilitate civil society participation in collaborative approaches to resolving environmental problems that affect communities. 	U.S. <ul style="list-style-type: none"> • EPA • DOJ • DOS • NGOs Chile <ul style="list-style-type: none"> • DIMA • CONAMA • NGOs
5. <i>Environmental Education</i>	5.1 Technical consultations, exploration of joint workshops and seminars, as well as establishment of contacts among agencies in order to exchange knowledge and experiences on environmental education.	<ul style="list-style-type: none"> • Consultations to identify potential areas of collaboration on environmental education, with a primary focus on basic education; as well as community education. • Explore extension of the GLOBE program 	U.S. <ul style="list-style-type: none"> • EPA • DOS • National Aeronautic and Space Administration (NASA) • Educational associations

			<p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • Ministry of Education (MINEDUC) • Educational associations
6. <i>Other areas</i>	6.1 Methodologies for assessing vulnerability to climate change.		<p>U.S.</p> <ul style="list-style-type: none"> • DOS • EPA • DOI • USDA • NOAA • NASA <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • Office of Agrarian Study and Policy (ODEPA), • Meteorology Direction (DMC)
	6.2 Natural disasters (flooding due to rain water or river overflow).		<p>U.S.</p> <ul style="list-style-type: none"> • DOC - NOAA <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • MINVU • MOPTT
	6.3 Environmental health,	<p>Consultations on:</p> <ul style="list-style-type: none"> • Methodologies for evaluation of health and environmental impacts from industrial emissions and emergencies. • Risk assessment in decision-making and rule-making. 	<p>U.S.</p> <ul style="list-style-type: none"> • Department of Health and Human Services (HHS) • EPA • DOS <p>Chile</p> <ul style="list-style-type: none"> • DIMA • CONAMA • MINSAL
	6.4 Development of public-private partnerships to achieve environmental objectives		<p>U.S.</p> <ul style="list-style-type: none"> • DOS

			<ul style="list-style-type: none">• EPA Chile <ul style="list-style-type: none">• DIMA• CONAMA• MINDEPLAN
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¹ Lists of possible participants for each project are not exclusive.

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