



Joint Declaration of the 2nd Meeting of the US-Chile Free Trade Agreement

**Bureau of Oceans and International and Scientific Affairs
Environmental Affairs Council
October 24, 2005
Washington DC**

- 1) On October 24, 2005, in Washington DC, in accordance with Article 19.3 of the Environment Chapter of the United States-Chile Free Trade Agreement ("FTA"), the second meeting of the Environment Affairs Council ("Council") was held. The Parties held a Public Information session on the same day. The public announcement of the meeting was published by the United States in the Federal Register on September 20, 2005 (70 Fed. Reg. 55203), and by Chile in El Mercurio and its network of regional newspapers on September 22, 2005, at p. C5, and can be found in Annex 1.
- 2) Deputy Assistant Secretary for Environment Claudia McMurray of the Department of State led the United States delegation and Under Secretary of the Ministry of the General Secretariat of the Presidency Rodrigo Egaña led the Chilean delegation. Representatives of the following government agencies were in attendance: Chile's Ministry of Foreign Affairs (General Economic Directorate and Embassy in the U.S.) and National Commission for the Environment; the United States Trade Representative, Environmental Protection Agency, Department of Interior, Department of Justice, Department of Agriculture, and the U.S. Trade and Development Agency.
- 3) During the Council session in the morning, the Parties reviewed progress on the implementation of Chapter 19 of the FTA, the Environment Chapter. In particular the Parties reviewed the status of eight cooperation projects that were developed pursuant to Article 19.5 and Annex 19.3.
- 4) The following projects have been undertaken and completed to date:
 - 4.1) *Developing a Pollutant Release and Transfer Registry*: Under this project, the U.S. Environmental Protection Agency provided financial and technical support to Chile for the design of a Pollutant Release and Transfer Register (PRTR), a catalogue or register of releases and transfers of potentially harmful chemicals. The project resulted in a National PRTR Proposal for Chile developed through and endorsed by a multi-stakeholder process, that will serve as the core document for government decision-makers in Chile responsible for formally institutionalizing a PRTR system.
 - 4.2) *Improving Environmental Enforcement and Compliance Assurance*: A joint U.S./Chilean faculty held an intensive, multi-day workshop involving a wide range of environmental enforcement officials from the two countries in September 2004, in Santiago, Chile. Approximately 100 Chilean officials participated in the workshop, which examined U.S. and Chilean approaches to environmental enforcement with a special emphasis on natural resource damages, as well as other prominent themes, such as damages valuation and alternative dispute resolution. The workshop concluded with a meeting providing Chilean civil society an opportunity to learn of the results of the workshop and voice its views on environmental enforcement. A volume containing the proceedings of the workshop will be published shortly and will be publicly available. The workshop initiated a cooperative relationship between Chilean and U.S. environmental enforcement officials that has already produced a number of follow-up activities in the framework of the Environmental Cooperation Agreement signed by both countries.
 - 4.3) *Improving Agricultural Practices*: EPA and Chilean experts conducted two workshops in July 2005 at the agricultural schools in the localities of Talagante and Los Angeles, to exchange information, approaches and policies on best practices in agriculture in the US and in Chile. In addition, a senior manager seminar was held in Santiago to allow technical experts and managers from diverse sectors to discuss best practices, with broad participation of civil society. Collaborative opportunities were outlined and a joint country report is being prepared. Approximately 100 individuals participated in these three sessions. Presentations and manuals from the workshops are available and accessible to the public at www.codesser.cl/codesser_inicio/fomen_cursos.cfm.
 - 4.4) *Reducing Methyl Bromide Emissions*: The U.S. hosted 8 Chilean government, industry and academic

representatives on a Methyl Bromide Alternatives Study Tour, Sept. 12-16, 2005. The Study Tour allowed Chilean experts to observe agricultural sites in the U.S. that have transitioned to alternatives to the agricultural fumigant methyl bromide, which both countries must phase out under the *Montreal Protocol on Substances that Deplete the Ozone Layer*. The tour focused on the evaluation of alternatives to methyl bromide for nursery, strawberry fruit, tomato, and pepper crops, at sites in California and Florida. Agricultural producer associations were involved in selection of study tour participants.

5) The following projects have been initiated:

5.1) *Reducing Mining Pollution*: The U.S. Trade and Development Agency (USTDA) will provide technical assistance to Chile's National Commission for the Environment (CONAMA) on the development of the regulatory framework for remediation of contaminated mining sites. In addition, the Environmental Protection Agency (EPA) and the Environmental Law Institute (ELI) will collaborate in the development of a study tour of Chilean government, mining industry and academic representatives, and a workshop in Chile, focusing on approaches to establish financial mechanisms for environmental remediation of mines.

5.2) *Sharing Private Sector Expertise*: The U.S. Forest Service, EPA, ELI and U.S. industry experts will work with Chilean environmental and forest authorities and industry to conduct a workshop in Chile and a study tour to the United States to share experiences in working with private companies on voluntary efforts to improve their environmental performance, and influencing other companies to do the same. The project will target the forestry and pulp and paper industry. These companies will share their experiences developing programs to improve environmental performance.

5.3) *Increasing the Use of Cleaner Fuels*: EPA has teamed with CONAMA and other partners, such as the United Nations Environment Program (UNEP) and Development Program (UNDP), and National Petroleum Company (ENAP) to implement a retrofit pilot project in Santiago. The project is designed to demonstrate the applicability and effectiveness of verified technologies, when used with lower sulfur diesel fuel (50ppm), in reducing emissions from existing heavy duty diesel vehicles in Santiago. Retrofitting older diesel vehicles with available, innovative emission control technologies and low sulfur diesel fuel can significantly reduce emissions.

5.4) *Improving Wildlife Protection and Management*: In 2004 and 2005, the U.S. Fish and Wildlife Service's Wildlife Without Borders-Latin America and the Caribbean program awarded two grants for capacity building and training activities in Chile. In 2004, a grant was awarded to the Universidad Catolica del Norte to support the project "Graduate Program in Environmental Management", carried out at the Universidad Catolica del Norte in Coquimbo, Chile. In 2005, a grant was awarded to the Universidad Mayor, in Santiago Chile, to support graduate students. In 2006, this university will provide two scholarships for graduate studies of public officials. This interdisciplinary program in conservation is the first of its kind in Chile.

6) Detailed descriptions of the completed and pending projects are found in Annex II.

7) The Council reviewed the status of the implementation of other provisions of the FTA's Environment Chapter.

7.1) In particular, the Council discussed activities to promote public participation in its work pursuant to Articles 19.3 and 19.4 of the FTA. The Council reviewed the status of public participation both in Council sessions and in individual projects, as well as the efforts of Council members to consult with members of the public through their respective consultative or advisory bodies: on the part of the U.S., through the Trade and Environment Policy Advisory Committee; and on the part of Chile through the National Consultative Council of CONAMA. Council members also reported on efforts to provide public access to information on the Council's activities through their respective websites.

7.2) The Council exchanged information about the roster of individuals who are willing and able to serve as panelists in disputes alleging ineffective enforcement of environmental laws as required pursuant to Article 19.7 of the FTA.

8) The Council took note of the elaboration and initiation of the Program of Work 2005-2006, agreed by the U.S.-Chile Joint Commission for Environmental Cooperation, implementing the U.S.-Chile Environmental Cooperation Agreement developed pursuant to Article 19.5(1)(b) of the FTA. A number of activities have already been initiated or are planned that complement and follow up the work undertaken pursuant to the Environment Chapter of the FTA, including in the areas of environmental enforcement and compliance, and the management of parks and protected areas to support sustainable ecotourism.

9) The Council opened its discussions to the public and the press in the afternoon, of October 24, as stipulated under

Article 19.3 of the FTA's Environment chapter, sharing information with the public and press and providing them an opportunity to comment regarding the cooperative projects and other steps undertaken to implement the FTA Environment Chapter.

10) The Council highlighted the importance of the cooperation undertaken pursuant to the Environment Chapter of the FTA, which reinforces the mutual obligation of each country undertaken under the FTA to protect the environment and promote sustainable development, and contributes to ensuring that trade and environmental protection policies are mutually supportive. This work also reinforces the democratic traditions of both countries by encouraging public participation in the deliberations of the Environmental Affairs Council, and rule of law in the environmental sector.