

## DRAFT MEETING MINUTES

### California-Mexico Border Relations Council Meeting

November 19, 2019 | 1:00 p.m. – 3:00 p.m.  
Calexico City Hall – Council Chambers  
608 Heber Ave  
Calexico, CA 92231

The meeting was called to order at 1:05 p.m. by Chair Jared Blumenfeld.

#### 1. Roll call

The following Councilmembers were present:

- Secretary Jared Blumenfeld, California Environmental Protection Agency (CalEPA), Chair
- Secretary Karen Ross, California Department of Food and Agriculture (CDFA)
- Undersecretary Melinda Grant, representing Secretary Alexis Podesta, Business Consumer Services and Housing Agency (BCSH)
- Deputy Secretary Thomas Gibson, representing Secretary Wade Crowfoot, California Natural Resources Agency (CNRA)
- Assistant Director Helen Lopez, representing Director Mark Ghilarducci, California Governor's Office of Emergency Services (CalOES)
- Special Advisor Bud Colligan, representing Director Lenny Mendonsa, California Governor's Office of Business and Economic Development (GO-Biz)
- Chief April Fernandez, representing Secretary Mark Ghaly, California Health and Human Services Agency (CHHS)
- Chief Jose Marquez, representing Secretary David S. Kim, California State Transportation Agency (CalSTA)
- Director Hector Aguirre, representing Regional Administrator Mike Stoker, Region 9, United States Environmental Protection Agency (U.S. EPA) – *ex-officio member*

A quorum of the Councilmembers was established. Chair Blumenfeld thanked the Councilmembers for traveling from far and wide to ensure interagency coordination.

#### 2. Welcome and Introductions

Chair Blumenfeld provided opening remarks, noted water and translation services, and welcomed the public, Mexico government officials, particularly the States of Sonora and Baja California, and distinguished guests. Chair Blumenfeld provided an overview of the agenda, and noted that action items include voting on approval of the March 27, 2019 Council meeting minutes.

### 3. Minutes

**Action Item:** Draft minutes from the March 27, 2019 Council meeting were reviewed by the Council.

**Action Taken:** A motion to approve the minutes from the March 27, 2019 Council meeting was made by Chair Blumenfeld, moved by Secretary Ross, and seconded by Deputy Secretary Gibson. All members in attendance were in favor with no nays and no abstentions. Minutes were therefore unanimously approved.

Chair Blumenfeld called for a motion made to amend the order of the agenda. The requested amended order was to begin with presentations from Baja California and Sonora, followed by the Border Health agenda item (beginning with the City of Calexico, followed by Comité Civico del Valle, and ending with the Office of Binational Border Health), and followed by Council updates. With no objections, a motion was made by Secretary Ross and seconded by Special Advisor Colligan. The amended order of the agenda was unanimously approved.

### 4. Report from Representatives of Mexican Border States

**Informational Item:** Chair Blumenfeld mentioned he and CalEPA Deputy Secretary Yana Garcia went to the Governor of Baja California Jaime Bonilla's inauguration. Chair Blumenfeld welcomed Sonora state legislators Jesus Alonso Montes Piña, Lazaro Espinoza Mendivil, Miroslava Lujan Lopez, María Alicia Gaytán Sánchez, Luis Mario Rivera Aguilar, and Yumiko Yerania Palomarez Herrera.

#### **Sonora presentation by Dr. Galindo on the issues facing the upper Gulf of Baja California:**

- The Gulf of California faces ecological, economic and sociological problems related to the Colorado River. Dr. Galindo stated that this is a topic that is often overlooked, and that it has been noted that the issues of the gulf are solely caused by fishing activities and not due to the damming of the Colorado River. In the upper gulf, there are species that are threatened with extinction, such as the Vaquita Marina (vaquita) and the totoaba. Many researchers have determined that these species are going extinct due to fishing activities.
- Dr. Galindo has been a researcher for 27 years on the upper gulf and believes there are many additional factors. Dr. Galindo stated that the damming of the Colorado River has changed the gulf away from its original and natural state. The natural state includes prehistoric Cahuila Lake, which was located in Calexico and Mexicali and was made of fresh water. The upper gulf was an estuary until the Colorado River was dammed. Now, the upper gulf has changed from being an estuary to being full of ocean water.
- Species such as the vaquita, shrimp and totoaba are dependent on estuarine conditions, which require fresh water from the Colorado River, and now, no water flows from the Colorado River into the gulf. Dr. Galindo stated that 90% of the

Colorado River is now dammed in the United States, for example, by the Hoover Dam and Glenn Canyon dam, and 1,850 cubic meters of the Colorado River are used by Mexico for other purposes before it reaches the gulf - thus, the US and Mexico are using 100% of the Colorado River before it reaches the gulf and are not considering the environment as a user of the water. The lack of fresh water has eliminated wetlands, which were an important habitat and a breeding ground for many species. The fresh water was creating a safety barrier from the salt water, but now it is gone.

- Now, sharks, which are predators of mammals like the vaquita, live in the upper gulf. Scientists say there are less than 30 vaquita left, and Dr. Galindo stated that there are great white sharks in the gulf threatening the few remaining.
- Dr. Galindo stated that additional effects of damming the Colorado River include changes in species diversity, and a reduction in all species because only the strong will survive, causing a higher mortality rate. These are environmental aspects that have not been researched. Dr. Galindo showed an image of a non-profit, Sea Shepherd, pulling illegal fishing nets out of the gulf. This image shows a shark caught in the nets. Dr. Galindo stated that sharks should not be in the upper gulf and this image shows the effects of damming the Colorado River.
- Dr. Galindo stated that the damming of the Colorado River has impacted the entire northern section of the Gulf of California. For example, he stated:
  - Without the fresh water flows, the shrimp industry captures about 2,500 tons of shrimp. With freshwater, it would be 5,550 tons of shrimp. This difference has a social and economic effect. 600 million pesos are lost for the families of the fishermen of the upper gulf. Shrimp is just one example of the loss of species because the upper gulf is their breeding ground.
  - He stated there are millions of dead clams near San Felipe.
  - Everyone talks about totoaba being a problem of overfishing. However, Dr. Galindo stated that there are only 20 boats fishing for totoaba. Therefore, he stated, this cannot be the cause of the decline of the species. The totoaba can live up to 25 years.
  - Dr. Galindo stated there was a higher number of fish before the Hoover Dam was built.
  - In 2015, commercial fishing was limited to protect the vaquita, but the vaquita population continued to drop. Thus, Dr. Galindo believes this is not a fishing problem.
- Dr. Galindo's conclusions include:
  - the ecological functioning of the upper Gulf of California has been drastically impacted by the damming of the Colorado River;
  - the vaquita and totoaba are estuarine dependent species, so the change of their habitat by damming the Colorado River affects the size of their populations; and
  - he would like both the US and Mexico to seek academic solutions.

*Councilmember Comments:*

Chair Blumenfeld shared that he learned a lot and was involved in helping with the vaquita in the 1990s, and there were 600 then, and it's sad to hear there are now less than 30. The Chair noted that in the International Union for the Conservation of Nature (IUCN) red book, this is one of the most endangered species on the planet.

*Public Comment:*

Gonzalo Moreno, of the Mexicali Cocapah (*Cucapá*) El Mayor Tribal Nation: the indigenous nations are expressing a strong request to allow the Colorado River to flow in its natural way (without dams). He said they are pleading on behalf of the ecosystems. For thousands of years, they have lived along the Colorado River. Fishing has massively declined. The indigenous communities and the non-indigenous communities have been blamed for their fishing practices leading to the decline of the vaquita and totoaba. Their practices have been demonized but they should be considered a part of the river's ecosystem. The indigenous community is also endangered and fishing is a part of their culture and life. Fishing is a basic right. He said, "If we can't fish, we can't exist." He then thanked the Chair and Council.

Chair Blumenfeld thanked him for coming and for his important addition, and asked for the Sonoran Delegation to provide any comments.

Lazaro Espinoza Mendivil, State Senator, Sonora: he agreed that this is a binational ecological problem, not a fishing problem. He believes it is a problem that there is no longer fresh water coming from the Colorado River, which is needed to create the estuary - it is not the fault of the fishermen. He stated that they need the Colorado River to flow naturally in order to benefit both countries. He thanked the Council and said he hopes it is not the last time he gets to visit.

Luis Mario Rivera Aguilar, State Senator, Sonora: in Sonora, the state legislature has included the environment as a user of water. This reinforces the need for a natural flow of water in order to have healthier ecosystems. He thanked the Council for the invitation and asked to please open the flow of the Colorado River for the benefit of both countries. He added, additional environmental issues include climate change and human impacts on the environment.

Brian MacNees: He is from the IBWC Citizen's Forum. In 2017, he said there was more water released from the Colorado River into the estuary, and there was still water from the Hardy River. He asked Dr. Galindo to please talk about the impact of that flow.

Dr. Galindo stated that he has done studies on the Hardy River. He said that Las Arenitas Wastewater Treatment Plant sends treated water into the Hardy River, but this is a mistake, because it causes the water to lose its oxygen, and it is killing the species. Therefore, there are not nutrients in the flow that arrive in the upper gulf from the Hardy River. He has a published article regarding Las Arenitas and the need to encase the treated wastewater so the nutrients don't get lost and will arrive to the upper gulf. He stated that the nutrients would benefit a thousand tons of shrimp, and that he is happy

to share further information. He believes, if there was a restoration program, shrimp production would increase by 1,000-1,500 tons, increasing fishermen's profit by 200 million pesos. Dr. Galindo believes that although the Colorado River is dammed and allocated to various entities, it is important to think about a restoration program, and that it is important to address the issues of nutrients and wastewater contamination. He stated that they need a binational restoration program, and that the most important nutrient-rich solution is the natural flow of the river.

Chair Blumenfeld agreed this issue demands urgent binational attention, and requires follow-up to address the rapid collapse of the Gulf of California. Chair Blumenfeld thanked Dr. Galindo for bringing this issue to the Council's attention, and added that Director Ghilarducci also thanks them for bringing the Council's attention to this.

Tarcisio Navarrete, Consulate General of Mexico for Calexico: he came into office a few days ago with his Assistant, Tonatiuh Romero, who has been working on this issue. He is grateful for their participation in the Border Relations Council. He stated that the Mexican Government will continue to work on this important issue, and thanked Dr. Galindo for his work on this and his expertise.

Tonatiuh Romero, Assistant to the Consulate General of Mexico for Calexico: he shared that he believes the problem is more political than academic. Dr. Galindo suggests academic solutions – he would like to know what they are.

Chair Blumenfeld thanked the Consulate General and the Assistant for being here, and the Governor's Office is very appreciative of them and their counterparts in Sacramento. For the questions on academic solutions, due to a full agenda, he recommends putting those for after the meeting to answer in more depth. He also invited Dr. Galindo to respond in writing and the Council can post the answer on the website for everyone to read and access. *See his answer below as an addendum to the Minutes.*

Chair Blumenfeld thanked Dr. Galindo again and acknowledged additional colleagues from Baja California, including Deputy Secretary Jose Carmello of Governor's Bonilla's administration.

**Baja California Presentation by Manuel Francisco Rodriguez, Director of Environmental Policy for the Baja California State Environmental Protection Agency:**

- The Director started by sharing information about new appointees. Under the new Governor Jaime Bonilla, Mario Escobedo was appointed to oversee the department for economic development, tourism and the environment. Jose Carmelo was appointed to be the Deputy Secretary for Environmental Protection. The Baja California State Environmental Protection Agency's headquarters are in Tijuana and the Director of Environmental Management will be Saul Guzman. Felipe Hidezma was appointed as Director for Natural Resources and Protected Areas. His office for Environmental Policy and Planning is located in Ensenada.

- President of Mexico Andrés Manuel López Obrador wanted to establish the first Baja California Botanical Garden with 110 endemic species. As a peninsula, there are 80 endemic cactus species. In Baja California, Governor Bonilla watched the Sea of Shadows premier about the vaquita, and he said international organized crime threatens the vaquita. He is committed to helping the remaining 20 vaquitas.
- Governor Bonilla is an expert in water issues and worked for the Otay Water District a few years ago. Baja California lacks water supply. Coastal cities are facing water shortages. Governor Bonilla is focused on fixing Punta Bandera wastewater treatment plant and improving the broken pump systems. He also wants to improve the technology. He promised to fix this problem in the first 6 months of office.
- Governor Bonilla wants to build a close relationship with SEMPRA energy and solar panel farms to provide energy to California and Baja California. Solar continues to grow in Mexico.
- Baja California would like to continue to work with California to achieve positive results, as they have in the past. For example, both states worked together on conservation for the California condor species. Baja California needs California and San Diego Zoo's continued help on the California Condor issue. Recently the help has stopped.
- Another conservation challenge Baja California would like to address is having more capacity for wildlife protection. For example, Jeffrey Pines were cut down even though it is against the law. They need more park rangers to protect San Pedro Martin.
- Baja California would also like to address the waste and waste tire issue. With 4Walls International, they are building homes from trash to help reuse materials.
- Thursday, November 21, Baja California will have breakfast with 10 nonprofits to address conservation, hosted by WildCoast.

Chair Blumenfeld thanked the speaker.

*Councilmember Comments:*

Special Advisor Colligan, GO-Biz: thanked the delegation led by Mario Escobedo to Sacramento, where Deputy Secretary for CalEPA Yana Garcia and GO-Biz were pleased to receive the Tijuana presentation.

Secretary Ross, CDFA: thanked him, and was interested that natural resources and tourism were combined and commended them for doing that.

Deputy Secretary Gibson, CNRA: thanked him and said he looks forward to working together.

Chair Blumenfeld said resolving the Tijuana River wastewater flows is a high priority for the Governor of California, the legislature, and the Lieutenant Governor, and the

administration as a whole. He also stated they would like to leave this meeting going into full collaboration mode on this issue and this is the number one goal for him.

*Public Comment:*

Miroslava Lujan Lopez, State Senator, Sonora: as part of the legislature, environmental protection is very important. She has been observing on the news that the ecosystem in Sonora is being devastated. Furthermore, they have seen images of the Saguaro cactus being devastated, and they need to know how extensive this problem is, so they can address it in the legislature.

Chair Blumenfeld said this is an important question.

Ray MacNeas: he asked about single-use plastics that pollute the environment. He has two air quality systems above his home, and he wants to know what Baja California's commitment is to expanding the air monitors and repairing them, particularly at COBACH and UABC in Mexicali. He said the UABC monitor is offline.

Response by Deputy Secretary Jose Carmello of Baja California: Baja California has a problem with their air monitoring network. They are supporting low-cost monitors – they are not regulatory monitors but they provide important information about PM 2.5. They believe they will expand to Tijuana. Baja California wants to install regulatory stations in Mexicali and Tijuana next year. The other regulatory monitors are down, some slightly, some a lot. They don't have anyone to operate and maintain these stations. They worked well when they were under the responsibility of California. They hope that next year, they will make progress towards clean fuel and natural gas for their public transportation. Regarding plastics, there are initiatives to limit the use of plastic in Tijuana and Ensenada. They banned single-use plastic bags in these cities. However, they need more recycling programs to separate plastics, particularly in the urban areas. They would like to increase their recycling.

John Hernandez, resident of Brawley: he is happy to hear Governor Jaime Bonilla understands the quality of water. The quality of water in Mexicali should be the same as in the US. The reduction of the quantity of water flowing north is negatively affecting the Salton Sea. The idea of bringing water from the Gulf of California is not realistic and should not be explored. It's not just about the vaquita or the Cahuila, it also affects the Cocopah and the Mexican residents who have been living there for 100 years.

Deputy Secretary Jose Carmello: California and Mexico have a shared ecosystem. The need to work together. Three quarters of the Tijuana River watershed is in Mexico and ends in the Imperial Beach estuary, naturally. These issues of the New River, Colorado River, and Tijuana River require California and Baja California to work together, and they require community and government support. They are headed in that direction. He stated that California sends millions of tires every year to Baja California to be sold as used tires. He stated that California collects money from the California tire fee and

he believes Mexico needs money to collect these tires and dispose of them. Baja California is hoping to get a process going for an end-use product for tires and plastic.

Member, ObservBC: he would like to thank Margarito Quintero for working with ObservBC on air quality in Mexicali. They are grateful to be a part of the cross-border air quality work group and they are thankful to the Mexican government for allowing them to have a voice. This speaks well of the new administration of the City of Mexicali.

Chair Blumenfeld thanked him and wants everyone to hold government accountable.

Dr. Astrid Calderas: she stated that, upon reviewing the agenda, air quality and the air quality work plan should have been included. She believes there should have been a presentation on the air quality work group achievements, as it would have been easier to explain some of the questions that the community had, for example about the 50 air monitors and community outreach. With the 50 monitors plus additional citizen monitors, they have identified air pollution hot spots, which is a good starting point to address particulate matter (PM), which is very dangerous for human health. It is a good idea to promote and utilize this air monitoring network. This adds to the information collected by the regulatory monitors, providing a panoramic view of air quality. She is happy to hear the network will expand to Tijuana. She is happy to be here representing the citizens of Mexicali and would have liked to have Elizabeth Melgoza of the California Air Resources Board (CARB) attend and present, as she can provide detailed information on this project. She stated that Ms. Melgoza has been working on this since May of 2018.

Chair Blumenfeld thanked her and said he would like to put that topic on future agendas with the right people speaking.

## **5. Border Region Health**

**Informational Item:** Chair Blumenfeld opened this item by sharing that Governor Newsom and the new Surgeon General of California are very focused on human health issues, as is the Border Relations Council. This agenda item covers wide-ranging health topics.

### **Update on Cross-Border/Transboundary Flows and the New River Improvement Project by Assistant Manager of the City of Calexico Miguel Figueroa:**

- The New River presents health challenges to the community of Calexico. Mr. Figueroa thanked all of the partners in the New River Improvement Project, including the Air Pollution Control District and the County of Imperial, but most importantly, members of the community, who have worked hard to remediate a long-standing issue over two decades.
- Mr. Figueroa began with a history of the New River Improvement Project. The community spent many years developing a shovel-ready project, which the council has ready today. The New River has been an issue since the early 20<sup>th</sup>

century. The New River flows to the Salton Sea. Community leaders have been advocating for an improvement to this issue for years. Because Imperial County is smaller in size and more rural, it required even stronger efforts to advocate.

- Assemblymember Manuel Perez, author of Assembly Bill 1079, worked to get resources to address the New River challenges. AB 1079 helped bring the community to partner with government agencies to develop a community-driven solution through the formation of a Technical Advisory Committee. This Committee presented their Strategic Plan to the Border Relations Council, who approved it.
- In parallel, funding was secured from the Department of Transportation for the New River Parkway Project. Although Calexico is “ground zero” for the contamination, efforts have been underway by the Regional Water Board, working hand in hand with the Imperial County Farm Bureau, to mitigate and address New River pollution downstream, in the northern parts of Imperial County.
- Four work groups were established with 19 members total for the Technical Advisory Committee. In summer 2010, the committee began work to develop the Strategic Plan with community input and participation.
- The New River Improvement Project now has design and implementation plans ready that include three infrastructure components, including a trash screen, bypass encasement, and pump back station, per a revision to the Strategic Plan that was approved by the Council. This revision allowed for cost reductions.
- Public safety agencies have been collaborative partners in these projects.
- The City of Calexico will be the lead agency and is preparing CEQA.
- North of the Second Street Bridge is where the Parkway will be installed. A complete Environmental Impact Report has been completed. \$2M were spent on engineering plans and \$2M are for construction. The City is advertising for management of construction. The contract should be awarded in Spring 2020, with construction of Phase 1 set to be complete by the end of 2020. There are 400 homes north of the river in town and lagoons and a wastewater treatment plant on the south side of the river. An additional \$8M is needed to complete the Parkway project, which envisions pedestrian and bike paths along the river.
- Imperial County and the City of Calexico have been asking the federal government to complement local and state efforts.

*Councilmember Comments:*

Chair Blumenfeld noted that on November 5, Imperial County proclaimed a county-wide emergency for pollutants and pathogens in the New River. As of October 24, there was no action by the International Boundary and Water Commission (IBWC) to address this contamination. The Chair and Executive Officer of the Regional Water Board were present for the meeting. CalEPA continues to work with and through them on these issues. In fact, CalEPA will be meeting with colleagues in Mexicali to continue to address New River issues. Chair Blumenfeld thanked Mr. Figueroa for his continued commitment.

Chief Marquez of CalSTA: he asked for clarification on infrastructure near the border, as related to the Ports of Entry. Mr. Figueroa responded that the pedestrian and bike paths would connect to the Calexico West Port of Entry.

Special Advisor Colligan of GO-Biz: he asked where the \$8M in funding might come from. Mr. Figueroa shared that the Parkway and New River Project funding come from two separate pots of money. The total cost for the New River Project is \$27M, with \$10M secured through Prop 68. A few weeks ago Assemblymember Eduardo Garcia announced he will work with CNRA to identify additional funding. Mr. Figueroa also met with Mr. Molina of the North American Development Bank (NADB) about potential funding opportunities. US EPA also has some sources that could be considered.

*Public Comment:*

County of Imperial, Intergovernmental Relations Director Rebecca Terrazas Baxter, speaking on behalf of the Imperial County Board of Supervisors: Ms. Baxter restated that the Board of Supervisors declared a State of Emergency to bring attention to this issue of extreme pollution in the New River. The State of California has helped through the New River Project and the Regional Water Board, but additional assistance is needed from the federal government. The Board hopes the state agrees with the declaration. In addition to Mexico investments made by US EPA and NADB, which the Board supports, the Board would like to see federal investments on the California side of the border.

Vanessa Ramirez, Division of Environmental Health for County of Imperial: there were four specific requests made to Commission Harkins of the IBWC regarding Treaty Minute 264 on October 24, 2019, by the Board of Supervisors. The Board asked for the Minute to be updated or for a new Minute to be developed to reflect the Clean Water Act and to be reflective of current standards. They also asked for development of a standardized protocol; financing to support Imperial County's water testing program that is under development, with a cost estimate of \$150,000/year to test the New River water quality; a new wastewater treatment facility that meets secondary standards of treatment in Imperial County – the Board is seeking the support of the Border Council to fund this facility; and development of a communication protocol to alert community residents as they are afraid of the health impacts of the New River.

Brian MacNees, Community Member of IBWC Colorado River Citizens Forum: he stated that the Citizens Forum serves as the eyes and ears of the community, who then reports to the IBWC. He and Dave Zolinski wrote an investigative report on the New River in 1993. The New River measured fecal coliform colonies per 100 milliliters of water in 1993, and the clean water standards are 400 for non-contact use of the water. In 1993, it was 500,000 to 1 million. By Treaty, now the water is being treated to get the numbers down to about 60,000, indicating high levels of pollution. With 75 years of pollution in the New River, he is happy to see the community caring so much about this issue – he stated, “enough’s enough and they need some help.” He said there are three wastewater treatment plants in Mexico but Calexico needs one. He believes this

area has been abandoned as a wasteland. Calexico wants the water for beneficial, non-agricultural use. He thinks Mexicali will want the water too and plans to reuse it in the next 20 years. He believes they share one ecosystem. He shared that they are pushing wastewater into the ocean, and that the City of Los Angeles has passed an ordinance that by 2025 they will not put wastewater into the ocean. The South Bay International Wastewater Treatment Plant (SBIWTP) has treated wastewater that flows into the U.S. He said they can use the water from Mexicali, treated by a wastewater treatment plant, for beneficial non-agricultural use. He also said they could return SBIWTP treated water to Tijuana to help address the water shortages, and in Valle de Guadalupe. That would relieve Mexicali of the pressure to send their water to Tijuana. He proposed a combined regional approach utilizing both border-region water boards because he says they are both using Colorado River water. He ended by saying, "solutions will require thinking outside of the box."

Chair Blumenfeld asked US EPA if there's anything the federal government can do to push the IBWC. US EPA responded that he is here on behalf of Laura Ebbert, and US EPA is listening that there is growing interest in projects on the US side of the border. US EPA works closely with the NADB. The Binational Technical Committee is very effective for addressing these issues. Two projects in Mexico that would support lift stations are being considered by US EPA, but they do continue to look at solutions in the US as well.

Chair Blumenfeld offered folks to speak with US EPA after the meeting as well.

### **Environmental Justice Leadership Summit Report by Executive Director Luis Olmedo from Comite Civico del Valle:**

Chair Blumenfeld introduced the topic by sharing that it is important not only to have government partners but also non-profit and community partners to address these issues. Comite Civico del Valle held an annual summit that Chair Blumenfeld attended, and he stated that it was incredible how many people were there. He congratulated Luis Olmedo on a great conference, and looks forward to hearing what he learned from those conversations.

- Executive Director Olmedo thanked the Council, and stated that he is glad the Council is in Calexico. He said they celebrated their 10<sup>th</sup> annual summit and fourth annual summit with over 250 participants. Attendance was free in order to share information that is useful to the community. He said they need larger conference space and investment to create conference centers that can host 1,000 people. Their summit had participants from Mexicali, Imperial County, LA, San Joaquin Valley, the Bay Area, San Francisco, and Sacramento, among others.
- AB 617 was a topic of discussion. He stated that six air districts and environmental justice and community advocates from throughout the state attended. These groups work to reduce emissions and toxics through AB 617, in communities that had been left behind.

- Regarding AB 617, there were 10 communities selected throughout California, including Imperial County, through the CARB Office for Community Air Protection. He stated that Dr. Paul English, Dr. Paul Jared, have said Imperial County has the most extensive air monitoring network for PM 10 and PM 2.5. This made their nomination competitive. Much of AB 617 was built on lessons learned in Imperial County.
- They have been allocated \$10M to get the program off the ground to add air monitors and get community advice from the industrial corridor.
- Mr. Olmedo thanked CARB for having helped people travel to the summit.
- Additional topics included environmental justice, public health, high-level officials dialoguing, and binational cooperation.
- Lessons learned were shared throughout the day at the summit. He believes they are innovators in doing work by consensus.
- They also agreed to a charter to put the power in the hands of the community. Mr. Olmedo thanked the air district for this charter.
- There were further discussions on environmental justice and commonalities in burdened communities, such as shared socioeconomic conditions, communities of color, lack of political power, and lack of access to resources.
- The Salton Sea was also an important topic. Mr. Olmedo stated that it is important to create a mechanism in government that is responsive. Mr. Olmedo said the Salton Sea issue was understaffed. He is pleased that more staff are allocated in the new administration to the 10 Year Plan. The new Secretary of the Natural Resources Agency is willing to integrate environmental justice into their plan and core mission, and he would like to thank them for doing so.
- The New River is a historic issue, the community has mobilized. Mr. Olmedo stated that he believes that every time the Tijuana River is discussed as a priority, the New River needs to be discussed as a priority. Partners such as Casa Familiar are working on the Tijuana River. They need to ensure that both rivers get elevated by high level officials.
- Regarding cross-border emissions, public health and high levels of asthma, Hefferman Institute is working on this issue. They are working with Pioneers from the health district.
- Mr. Olmedo thanked Secretary Blumenfeld and government leaders, Deputy Secretary Yana Garcia, Assemblymember Eduardo Garcia, for making this event a success. He also thanked those from Mexicali who participated. UABC and Instituto Tecnológico de Mexicali want to be part of the binational solutions as a neutral convener. They have plans to install an air monitor.
- He stated that in 2014, Imperial County put up their State Implementation Plan (SIP) – he asked at the time to stop using the argument that “they would be in attainment but for Mexico.” He believes the plan is outdated and needs to be updated. In 2018 the CARB approved a border unit, and he wants it implemented.
- He thanked CalEPA, CARB, Natural Resources Agency, Department of Water Resources, and others, for helping facilitate and support community priorities.

Chair Blumenfeld thanked him for working on the summit as well as running his organization. He noted that they are running over time, but he thinks these discussions have been important.

### **Update on Cross-Border Health Data and Outcomes by Chief April Fernandez and Lead Epidemiologist Dr. Olivia Arasmende of the Office of Binational Border Health:**

Chief April Fernandez of the Office of Binational Border Health thanked Chair Blumenfeld for the opportunity to speak. She shared that they have a border health report on their website. Dr. Olivia Arasmende will be presenting on the report, and will include data that was requested by CalEPA and Mexico about asthma. In the future, she could bring more staff who can speak about asthma.

Dr. Olivia Arasmende, lead epidemiologist, talked about their mandated annual report that is shared with the legislature and the public. This report is available to the public online and as an ADA compliant PDF. This report shows a snapshot of border health using indicators and to better understand health challenges. The report includes many topics, a few of which she shared:

- Demographics: in Imperial County, 85% of the population identifies as Latino or Hispanic and 36% in San Diego County.
- Education level in comparison the rest of CA: one of four have achieved less than a high school degree in Imperial County. ¼ in San Diego County have achieved college or higher.
- Chronic disease, obesity and diabetes: the goal is 30% of people at a healthy weight, but in Imperial County, most of the population is overweight or obese.
- Infectious disease and tuberculosis: the percentage in border counties rose from 12% to 14%. Imperial County has the highest rate in the state. For HIV and sexually transmitted diseases, they saw an increase in three STDs similar to the rest of the country. HIV rates are higher in both border counties compared to the rest of California.
- Their environmental health investigations branch uses CalEnviroScreen. This includes looking at asthma occurrences. Five million Californians have been diagnosed with asthma at some point in their lives. People with asthma can be especially susceptible to pneumonia, flu and other illnesses. Outdoor air pollution can trigger asthma attacks. Asthma in CalEnviroScreen is calculated by the age-adjusted rate of emergency department visits for asthma per 10,000. The prevalence of active asthma (those currently affected) for all ages is higher in Imperial County at 12.1% than in CA at 8.7%.
- Pollution can impact asthma rates. Particulate matter or PM2.5 is very small airborne particle pollution (less than 2.5 micrometers), which is less than the thickness of a human hair. PM2.5 is a mixture of particles that can include organic chemicals, dust, soot and metals. These particles can come from cars and trucks, factories, wood burning, and other activities. They can travel deep into the lungs and cause various health problems including heart and lung

disease because they are so small. Children, the elderly, and people suffering from heart or lung disease, asthma, or chronic illness are most sensitive to the effects of PM2.5 exposure. Census Tract 6025011900 in the border/Calexico area has 10,966 people. The indicator represents the average concentration of fine particulate matter, or PM2.5, in the air. The data is from 2012 to 2014. This census tract has a concentration of 11.630 micrograms per meter cubed (11.630  $\mu\text{g}/\text{m}^3$ ). The PM2.5 percentile for this census tract is 69, meaning it is higher than 69% of the census tracts in California. Ozone is the main ingredient of smog. At ground level, ozone is formed when pollutants chemically react in the presence of sunlight. The main sources of ozone are trucks, cars, planes, trains, factories, farms, construction, and dry cleaners. Ozone can irritate the lungs, cause inflammation, and make chronic illnesses worse, even at low levels of exposure. Children and the elderly are sensitive to the effects of ozone. Ozone levels are highest in the afternoon and on hot days. People who spend a lot of time outdoors may also be affected by ozone. Census Tract 6025011300 has 10,460 people. The indicator is the mean of summer months (May - October) of the daily maximum 8-hour ozone concentration (ppm). This measurement is used to represent short-term ozone health impacts. The data is from 2012 to 2014. This census tract has a summed concentration of 0.055 parts per million (ppm). The ozone percentile for this census tract is 78, meaning the summed concentration is higher than 78% of the census tracts in California.

Chair Blumenfeld thanked her and asked for comments.

*Councilmember comments:*

Chief Marquez of CalSTA: he asked if the report breaks down San Diego County into smaller, more specific, regions. CHHS answered that they only use data at the County level, due to difficulties getting data at the neighborhood level.

Special Advisor Colligan of GO-Biz: he asked why there has been such a big increase in infectious diseases. CHHS responded that STDs have experienced a country-wide increase due to fewer screenings, with HIV being considered a chronic disease, and due to a decreasing use of condoms.

*Public Comment:*

Resident comment: Is it agreed that air quality can cause respiratory illnesses such as asthma? CHHS said they can look into that. Chair Blumenfeld said yes, there is a lot of epidemiological evidence linking PM 2.5 to respiratory issues.

## **6. Councilmember Updates**

**CalSTA:** On January 21, 2020, there was a kick-off meeting for the Border Master Plan update on the transportation system at the border with over 30 agencies participating

from both sides of the border. Chair Blumenfeld offered to provide information about these events in the future to those who sign in with their emails or who request it.

**CalOES:** Director Ghilarducci was at the Border Legislative Conference in Mexico City where he met with the Sonoran Delegation. CalOES thanked the Council for having Sonora on the agenda. In August 2019 they met with IBWC to speak about sewage spills for the New River to ensure timely notification. Chair Blumenfeld asked CalEPA staff to further engage with CalOES on this issue.

**GO-Biz:** The Lieutenant Governor led a delegation to Mexico City from October 1-4, 2019. Mexico has been the focus of the International Affairs and Trade Development Interagency Committee meetings for the past two meetings in Sacramento. GO-Biz held a conference at Casa de California on building environmental resiliency together, signing three MOUs. It was a good kickoff to the Newsom Administration's relationship with Mexico.

**BCSH:** There are new homeless housing assistance program funds coming out by the end of December for regions such as Imperial, and more grants are available through the community development block grants, with a set-aside for Imperial County. BCSH is available to provide any further information.

**CDFA:** CDFA has an excellent working relationship with Mexico's federal department of agriculture. CDFA also worked with Baja California's former administration through a climate-smart MOU. CDFA works with Mexico on animal health disease, avian influenza, and virulent Newcastle disease, which is shared across the border. In LA there were two recent cases of this disease. CDFA has been able to exchange important information across the border to control and prevent disease. CDFA continues work on asian citrus which kills citrus, and shares information, surveillance and pest information with Mexico. When CDFA starts an eradication project, they look for biological solutions, such as a beneficial pest to share with border regions. There are binational committees that CDFA serves on, and when CDFA's undersecretary was in Mexico City last week, they met about fruit flies that cause damage, and will continue to work on this in 2020.

**CNRA:** CNRA thanked Mexican officials and Imperial County officials for coming to speak. CNRA is very involved in many of the issues discussed. Secretary Crowfoot joined CFEE to discuss Tijuana River issues and CNRA wants to be sure they talk about the New River in combination with the Tijuana River as both transboundary rivers are important. Chair Blumenfeld added that they now need to add the Gulf of California as part of the cross-border water priorities.

**CHHS:** The Office of Binational Border Health is working closely with Baja California to discuss antibiotic use and misuse. The following day there is a summit in Tijuana for hospital providers to discuss this issue.

**US EPA:** On December 5, the Imperial Mexicali Air Quality Task Force will be meeting. Border 2020 recently selected Redspira to receive funding for air monitors, and the University of California received funding to utilize CalEnviroScreen methodology in Mexicali. US EPA will participate in the Annual Farmworkers Breakfast with the Department of Pesticide Regulation and the Imperial County Agriculture Commissioner on December 6. On November 5-6, US EPA met with SEMARNAT, Mexico's federal environmental agency, and agreed to sign a new border program by September 2020. The new program will have a five-year duration, building on the success of the former Border 2020 program, with similar objectives. US EPA is available for more information.

## 7. Public Comment

Chair Blumenfeld asked for a three-minute time commitment for each public comment:

- Stella Jimenez, Assemblymember Eduardo Garcia's office: Ms. Jimenez thanked everyone for being at the meeting. She recognized the City of Calexico and the County of Imperial for their dedication to the New River Improvement Project and to the Parkway Project. The New River has been an issue for 75 years, and the federal government needs to take action and hold Mexico accountable for their dilapidated sewage infrastructure, and needs to provide more funding. Assemblymember Garcia convened a meeting to find an immediate solution and to find funding for this problem. Although Assemblymember Garcia is pleased that \$10M was included in Prop 68, it is not enough for the New River Improvement Project. In January 2020, Assemblymember Garcia will introduce another piece of legislation that would allocate \$15-20M to the New River Improvement Project and \$300M to the Salton Sea to fully fund the 10 Year Plan. If approved by voters, these monies would become available in 2021. Furthermore, Assemblymember Garcia and Secretary Blumenfeld are collaborating to identify funding outside of proposition monies. Assemblymember Garcia is reaffirming his commitment to this region. He would like to thank the dignitaries of Baja California and Sonora for coming. Cross border issues such as the Colorado River, air quality, and more, require cross-border collaboration.
- Feliz Nunez, Salton Sea Coalition: he stated that the US and Mexico need to take responsibility for environmental problems, from the local to state to federal level. They also need to realize they are sons and daughters of the earth. The earth has been exploited, abused, slashed, and discarded. They need to have more respect for nature. The balance of nature is important for health. Society needs the youth to know more about math and science, so they can live healthier if society cleans the environment. High ranking government officials need to realize they serve the public. Mr. Nunez hopes they understand this in order to make a better future for their sons and daughters.
- Dr. Astrid Calderas: the residents on both sides of the border have experienced issues for decades. It has taken over seven decades to get this attention on the New River. Residents have been ready for action for a long time. There are high cancer incidents near the New River and in the Niland community. Due to her observations from her research study at UCLA, she requested air filtration

systems from the air districts in October 2018. Furthermore, 200 residents and 10 institutions in Mexicali added air purification systems and she is looking forward to implementing this in Imperial County. These are actions that Imperial County residents require. While the projects and research are taking years and decades, residents have had enough. The air filtration systems are providing data on what can be found in the air, and she would be happy to provide that data.

- Sonoran State Senator Lazaro Espinoza Mendivil: He would like to thank everyone for the opportunity to have this discussion about the Colorado River. They are available to respond to any follow-up questions. He does not want to wait until the next meeting to follow-up about the Colorado River, and would like to set a date to discuss this issue. State Senator Espinoza asked to please send an email to set a date. He thanked the council very much. Chair Blumenfeld agreed to get back to him with a date.
- Lillian Garcia, National Border Patrol Council, local 2554: she shared that this local chapter consists of Border Patrol agents from Riverside and Imperial County. Border Patrol agents in this area have been exposed to pollution in the New River and have been sprayed with pesticides. They have a cancer cluster among Border Patrol agents and customs officers. She has noticed discrepancies among the agencies and the IVAN network that is contradicting the regulatory monitors. She is requesting of the Secretary that the misuse of public funds should be avoided. They also know the CNRA has done a few contracts and they would appreciate if CNRA was more aware of what is going on in Imperial County and Riverside County because it is affecting their agents. She also wants the Secretary to be aware that she heard employees say negative things about Mexico. She stated that she understands the agriculture burning occurring in Imperial County and she would appreciate if the Secretary told his employees to stop blaming Mexico for the pollution and air quality and water quality. She would like to quote from Jose Angel, the former Executive Officer of the Regional Water Board, from a MOU, that the water quality of the New River near the border is not the same as the water quality near the Salton Sea. Agricultural runoff changes and eventually dominates the water quality. Ms. Garcia asked the council to open their eyes. According to Jose Angel, the environmental nuisance needs to stop. She believes it is their agents, affecting their community, and the union is present to advocate for their agents and citizens. Chair Blumenfeld responded that she should please follow up with his staff regarding the troubling comments, he would like to apologize for anything staff might have said, particularly about Mexico, and thanked her for her leadership.
- Edie Harmon, resident: she shared that she lives in Ocotillo because she was sprayed by a pesticide and an herbicide within a week of moving to El Centro. She was diagnosed with pesticide poisoning, so she had to move to Ocotillo to move away from irrigated agriculture. Ever since that time, she has been passionate about air quality concerns for those who live in rural areas. She was told that it was her fault she got poisoning because she wasn't running the air conditioning 24/7, 365 days a year. She didn't know that she needed to be doing

that. There are a lot of people there who can't afford to do that. She did declarations for Sierra Club lawsuits related to US EPA ozone regulation. She has been concerned for a long time about the effort to say that precursors for ozone were related to Mexicali. Ever since the North American Trade Agreement (NAFTA), there have been American companies that establish operations in Mexico and they are not required to comply with US air and water regulations once they are on the Mexico side of the border. What can US agencies do to work with Mexico to require American companies operating in Mexico to comply with US standards? She thinks that would do a lot to improve the health situation for people in Mexicali and Imperial County. Everyone deserves to be treated to the same regulations. People in Mexico deserve no less. She is concerned when she sees text that says Imperial County would be in attainment for meeting air quality standards "but for pollution in Mexicali." When there is agricultural burning in Imperial County, she can see the clouds heading south towards Mexicali. It is not appropriate to blame the pollution on Mexicali. There are times when Mexicali can blame California. Today when she came in, there was brown air on the California side and clean air on the Mexico side. Chair Blumenfeld responded that it must have been very traumatic to find out she experienced pesticide poisoning and he will have the Department of Pesticide Regulation respond to her.

- Paul Verke, Department of Pesticide Regulation (DPR): DPR is trying to promote an app for pesticide reporting, urban, suburban, and agricultural, on pesticide incidents, misuse, injury or illness. The app is free and can be used by google, Android and iPhones- DPR can send information cards. Every complaint registered with their department is investigated. This will allow reporting in real-time. The app allows for video and audio to be uploaded in real-time and allows better response after-hours so all the data is available for the investigators. He would also like to share the 2018 Pesticide Residue Report, which shows illegal pesticide on produce that is grown in California or shipped to California. DPR does a random sampling of produce statewide. Some of the produce has specific interest to border communities, the report is downloadable. Chair Blumenfeld thanked Paul and said it would be helpful to have a workshop on this in Calexico and that they can schedule that.
- Mark Baza, Imperial County Transportation Agency: he explained they are the regional transportation and planning agency, and manage the transit system in Imperial Valley from Calexico to Niland, from Ocotillo to Winterhaven. They fund and manage transit and highway projects. He is there to give an update on the cross-border transit projects. Most recently, the federal government has completed Phase 1 of the Calexico Port of Entry, which includes 10 new northbound lanes, and six new southbound lanes, and Mexico created eight southbound lanes. The State of Baja California is working on an interchange to help the flow of traffic coming north into the US, as well as facilitating traffic leading to the Port of Entry. That project is set to be complete later this year. He is also excited that the federal government has opened all of their lanes on a regular basis. That did not occur in years past, causing serious southbound delays in Calexico and the East Port of Entry. Phase 2 has part A and part B

with \$75M to add six more northbound lanes, and a canopy for northbound cars. They need authorization for over \$100M for the pedestrian crossing. At the Calexico East Port of Entry, they have taken the lead, with GSA and Customs and Border Protection, to expand the bridge over the All American Canal. The California Transportation Commission, authorized \$3M for PAD. Construction begins sometime later next summer. Chair Blumenfeld thanked him for his update.

- María Alicia Gaytán Sánchez, State Senator, Sonora: she shared that she would like to make a comment that is important to her - both countries need to address contamination in agricultural products, such as fruit and vegetables. There are studies that show these chemicals caused illness, diabetes, and respiratory illness. In Sonora, the young and elderly are especially affected by the burning of asparagus. This affects the entire valley of Caborca, especially the south of Sonora and Obregon. There are two months of burning. This affects the air pollution in both countries. The legislators on both sides of the border need to take action. She would also like to speak with someone about housing.
- Chair Blumenfeld thanked her for attending and thanked everyone for their important comments.

#### **Adjournment at 4 p.m.**

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**Addendum: On January 6, 2020, as a follow-up to Agenda Item 4, Dr. Galindo submitted a written response to the staff of the Council Chair, to be shared:**

*Spanish:*

**PREGUNTA:**

*“Si la actividad política y la actividad académica son actividades diferentes, por qué la actividad académica se tiene que considerar para realiza las actividades políticas”?*

**RESPUESTA:**

*El tema expuesto en la reunión binacional fue: “IMPACTO AMBIENTAL EN EL ALTO GOLFO DE CALIFORNIA DEBIDO AL REPRESAMIENTO DEL RIO COLORADO: PROBLEMA BILATERAL MEXICO-ESTADOS UNIDOS”, por lo que el problema del Alto Golfo es más que el tema de Vaquita Marina, pues en realidad se refiere al drástico impacto en toda la ecología estuarina del Alto Golfo, que fue drásticamente impactada por el represamiento del Río Colorado.*

*Considero que aunque las actividades política y académicas son diferentes, las autoridades responsables de implementar acciones de protección y cuidado de los ecosistemas o de las especies en riesgo, tienen que estar sustentadas con información académica que generamos los científicos especialistas en el área, de lo contrario, la implementación de regulaciones de control, estarían basadas en especulaciones, sin poder obtener resultados positivos. El caso de Vaquita Marina no es la excepción*

*El Alto Golfo de California, es la región más noroeste del Golfo de California, donde existen graves problemas de impacto ambiental, social, económicos y políticos, que deben ser atendidos urgentemente por las autoridades mexicanas. En esta región, existen especies en peligro de extinción como la Vaquita Marina y la Totoaba, que para protegerlas, el gobierno mexicano ha implementado una serie de regulaciones pesqueras, que no han dado resultados positivos, debido a que la información científica disponible ha sido mal manejada, para sustentar lo que los artículos científicos no sustentan y los esfuerzos para protegerlas han sido dirigidos exclusivamente al control de las actividades pesqueras, negando que el problema es multifactorial y que el impacto ambiental en el hábitat de estas especies debido al represamiento del Río Colorado debe ser reconocido por EUA y México, por lo que también debe ser atendido por la Secretaría de Relaciones Exteriores del gobierno mexicano.*

*En Estados Unidos de Norteamérica tres ONGs norteamericanas demandaron en la corte de New York, para que los EUA ejercite acciones contra la pesca mexicana en el Alto Golfo de California el cual inicio en agosto de 2018 y continua actualmente, pero en menos de 6 meses, el gobierno de México tendrá su segundo embargo pesquero por la CITIES. Además de este golpe terrible, México fue requerido por otras acciones legales específicas que tuvieron que ser presentadas ante la Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres (CITES) y en el año de 2019, y en agosto, el gobierno de México tuvo que someterse a un interrogatorio internacional en el seno de CITES y comprometerse con esta organización internacional a la entrega de informes específicos y resultados favorables específicos sobre la recuperación de la marsopa mexicana vaquita a finales de 2019 y durante 2020.*

*En la medida que los políticos mexicanos se acerquen a los científicos que tenemos el conocimiento académico y conocemos el funcionamiento ecológico de ese ecosistema, ya que hemos realizado investigaciones en el Alto Golfo por 25 años, podrán llegar fortalecidos a las negociaciones bilaterales y acciones de defensa ante las demandas impuestas. Ante cualquier acto de demanda, la mejor defensa son las pruebas y esas las tenemos los académicos.*

*English:*

**QUESTION:**

*"If the political activity and the academic activity are different activities, why does the academic activity have to be considered to carry out the political activities"?*

**RESPONSE:**

*The theme presented at the binational meeting was: "ENVIRONMENTAL IMPACT ON THE HIGH GULF OF CALIFORNIA DUE TO THE DAMMING OF THE COLORADO RIVER: MEXICO-UNITED STATES BILATERAL PROBLEM", so that the problem of the Upper Gulf is more than the issue of the marine Vaquita, it actually refers to the drastic impact on the entire estuarine ecology of the Upper Gulf, which was drastically impacted by the damming of the Colorado River.*

*I believe that although the political and academic activities are different, the authorities responsible for implementing actions to protect and care for ecosystems or at-risk species have to be supported by academic information generated by scientists specializing in these areas, otherwise the implementation of control regulations would be based on speculation without being able to obtain positive results. The case of the marine Vaquita is no exception.*

*The Upper Gulf of California is the northernmost region of the Gulf of California where there are serious problems of environmental, social, economic, and political impact, which must be urgently addressed by the Mexican authorities. In this region, there are endangered species such as the marine Vaquita and Totoaba, which the Mexican government has implemented a series of fishing regulations in order to protect them, but that have not produced positive results due to the available scientific information being mismanaged to support what the scientific articles do not support. Also, efforts to protect them have been directed exclusively through control of fishing activities, not acknowledging that the problem is multifaceted and that the environmental impact on the habitat of these species due to the damming of the Colorado River must be recognized by the US and Mexico, as it must also be addressed by the Ministry of Foreign Affairs of the Mexican government.*

*In the United States of America, three North American NGOs sued in a New York court for the US to take action to stop Mexican fishing in the Upper Gulf of California beginning in August 2018 and which continues today. But in less than 6 months, the Mexican government will have its second fishing embargo imposed by the CITES. In addition to this terrible blow, Mexico was required to abide by other specific legal actions that had to be submitted to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 2019, and in August, the Mexican government had to undergo an international inquiry within CITES and commit to this international organization to deliver specific reports and specific favorable results on the recovery of the Mexican Vaquita porpoise at the end of 2019 and through 2020.*

*To the extent that Mexican politicians approach [and enlist help from] scientists who have academic knowledge and know the ecological workings of that ecosystem,*

*(since we have conducted research in the Upper Gulf for 25 years), they could arrive at the bilateral negotiations bolstered to argue defensive actions before the demands are imposed. In the face of any act of demand, the best defense is the data, which the academics have.*