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August 8, 2013

David Angus  
Chair, Joint Public Advisory Commission  
Commission for Environmental Cooperation  
c/o The Winnipeg Chamber of Commerce  
259 Portage Avenue  
Winnipeg, Manitoba

Dear Mr. Angus:

RSR Corporation (RSR) appreciates the opportunity to comment on the Joint Public Advisory Committee's (JPAC) call for information and comments on the first 20 years of NAFTA. I would also like to take this opportunity to seek JPAC's involvement in the Commission for Environmental Cooperation's (CEC) project, *Environmentally Sound Management of Selected End-of-Life Vehicle Batteries, Including Spent Lead Acid Batteries (SLABs), in North America*.

As the operator of the most environmentally advanced secondary lead smelters in the U.S., RSR supports CEC's efforts to strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices in North America. To that end, I urge JPAC to include an agenda item on spent lead-acid battery exports during its forum in Washington, DC, on October 17-18, 2013. As the CEC and other organizations have reported, weak regulatory standards in Mexico covering the emissions of lead from and the protection of workers at secondary lead smelters have resulted in a surge in spent battery exports to Mexico. These reports indicate that batteries are being exported to Mexico primarily to avoid strict environmental and worker safety laws in the U.S. This trend of increasing exports is making it increasingly difficult for U.S. and Canadian recyclers to obtain used batteries. This undermines U.S. and Canadian economic productivity and endangers workers, communities and the environment in Mexico. Moreover, it is precisely the "race to the bottom" situation that NAFTA was crafted to avoid.

Inclusion of this battery export issue on the agenda logically builds on the CEC's recent decision to fund a multi-year project to promote the environmentally sound management of spent lead-acid batteries in North America. According to the CEC, "the guidelines to be developed under this project will identify best management practices at the operational level concerning the environmentally sound management of batteries and the recovery of materials, which will enhance the occupational health and safety conditions of workers in this industry and support the creation of green jobs."

In addition to including this issue on the agenda of the October forum, I request that JPAC remain involved in the CEC's spent battery project. For example, it would be useful for JPAC to hold a public workshop that focuses on air emission issues common in the recycling industries in North America. Topics could include the known dangers of lead, arsenic and other heavy metals in air emissions from recycling batteries, electronics and other products; air quality monitoring programs that detect and quantify these emissions; the public's access to health and exposure data from these emissions; innovative control technologies, processes and management practices to control air emissions; and the

laws and regulations that cover air emissions in the three countries. We believe that such a workshop would help support public involvement in the CEC's project, as well as a number of other CEC programs, and that it would help inform the development of the CEC's best management practices guidelines.

Thank you for your attention to my comments. Please do not hesitate to call me if you would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Whitehouse". The signature is fluid and cursive, with a long horizontal stroke at the end.

Timothy Whitehouse, Consultant  
RSR Corporation

cc: Marcela Orozco, JPAC Liaison Officer