

Tijuana, B.C., a 2 de agosto de 2019

MR. JAIME BONILLA VALDEZ
BAJA CALIFORNIA GOVERNOR-ELECT

SUBJECT: Disapproval of proposed restructuring of current Secretariat of Environmental Protection to become an office under the purview of the Secretariat of the Economy.

We, the undersigned individuals and non-government organizations involved in environmental issues in Baja California, **applaud the willingness shown to change the institutional paradigm so as to efficiently align economic, social, and environmental interests. We feel this can only be achieved by building the capacity of the Secretariat of Environmental Protection**, providing it with better environmental management tools, equipment, and qualified staff, which would better enable it to respond to and address all the existing challenges and opportunities in our state and the border region.

We, therefore:

Express our firm and sensible opposition to your Administration's proposed organizational structure which, as the media has reported throughout the state, would restructure the current Secretariat of Environmental Protection and fold it under the Secretariat of Sustainable Economy.

We believe the proposal would be an abhorrent setback to the progress previously achieved under the Baja California State Environmental Protection Law that has been in effect since November of 2001, and which elevated the Office of Ecology to state agency level, turning it into the current Secretariat of Environmental Protection thanks to a legislative process through which the State Congress passed a statewide reform pursuant to the proposals and direct involvement of citizens and non-government organizations concerned about the environment through a Special Worktable on Environmental Management (MEGA, for its initials in Spanish).

The more than ten years of experience having the Office of Ecology (1992-2005) made it clear that a third-tier environmental government entity, even when directly attached to the Office of the Governor, had neither the budgetary strength nor the administrative authority or capacity needed to enforce compliance by other government agencies or the private sector with the laws then in effect, nor to perform the procedures required for environmental policy follow-up, analysis, and accountability with the necessary efficiency and professionalism, although we must acknowledge they made the right decision in creating the State Ecology Board, whose broad membership includes ample participation by the public, as the top environmental authority in the state., as well as the publication of the first Environmental Land Use Plan for the state in October, 1995, as a tool to regulate land use in Baja California.

Although budget constraints did not go away once it was elevated to the Secretariat of Environmental Protection, it did position protecting the environment as a key to development in the state's political culture, with greater presence and independence to address Baja California's environmental issues. Having the status of a Secretariat gave the agency the capacity needed to give continuity to significant environmental planning documents, regional programs to prevent irreversible damages to the environment and, and advance pollution prevention and natural resource conservation measures. In spite of this, it is still evident that the agency lacks enough budget and capacity to fully execute, inspect and oversee these programs and ensure compliance by the different sectors.

We emphatically disapprove of having the current Secretariat reduced to a second-tier agency under the same entity that oversees the agencies that promote commerce, over which it would often need to independently exert political authority, particularly when private interests are in opposition to environmental legislation provisions or refuse to comply with them. Being subordinated the same head of this sector, the environmental authority would lack the political weight needed to act in the best interest of the environment it is supposed to protect whenever economic interests challenge environmental compliance, as it has actually happened throughout history.

We believe it is an irresponsible waste of political and administrative energy to proceed with the huge effort it would require to transform the current administrative structure of the Baja California State Secretariat of Environmental Protection, given that amendments would have to be made to the Baja California State Public Administration Organic Law, as well as to the rest of the environmental laws and regulations currently in effect, which are the Baja California State Environmental Protection Law; Baja California State Integrated Waste Management and Prevention Law; Baja California State Climate Change Prevention, Mitigation, and Adaptation Law; Baja California State Sustainable Forest Development Law; and the Baja California Environmental Enforcement Law. This in addition to having to amend the Secretariat's internal regulations.

It is an affront in our eyes to take authority away from the agency in charge of protecting the environment in our state, as it goes against both the progress made with great effort over two decades and the pressing need to further strengthen the scope and independence of this agency to act at a state and cross-border level, towards a continually more sustainable development in harmony with the environment, which is the lifeblood of long-term economic and social growth for our state.

The undersigned have constantly worked together with the environmental authority and, in many cases, have contributed in the drafting of environmental public policies that have since been set in motion, always ensuring that they benefit the people, and will continue to do so moving forward. We therefore **invite you to create a space for an inclusive and open dialogue**, so we can explore opportunities and alternative for strengthening the Secretariat, together with non-government organizations and other stakeholders with expertise on the matter, who are fortunately plentiful in our state.

Sincerely,

Name of Representative or Organization
Individual



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