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# Toward an Integrated North American Emergency Response System\*

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## Executive Summary

Disasters and emergencies have never respected borders, and current climate and development trends are only generating greater challenges for emergency management across North America. Natural disasters are evolving: wildfires are growing in frequency and intensity, advancing across borders, destroying forests, homes, and croplands; hurricanes increase in strength and travel trajectory, reaching farther north and leaving greater destruction in their wake; lengthy droughts persist, which fuel greater fire danger and present an urgent water problem for municipalities and agriculture; and environmental migration is a growing reality. Simultaneously, population growth increases demand for housing, services, food, mobility, and more. Additionally, the next pandemic and human-made disasters, whether terrorist in origin or stemming from the cross-border movement of dangerous substances, must remain a planning and response priority.

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The rapidly intensifying effects of climate change, the increased globalization and potential spread of infectious disease outbreaks, and the rise in both the threat and impact of disruption to technology or infrastructure pose an expanded risk across North America. As the risk profile evolves, so does the need for improved coordination among the United States, Mexico, and Canada. Although the need for collaboration is clear, the distinct federal systems that operate in each country and their politics complicate intergovernmental collaboration, as do the different roles that national, regional, and private corporations can and should play across all of these separate jurisdictions. Each lever of power, governmental or private sector, provides a unique set of capabilities, yet none can address these urgent issues alone.

To meet these challenges, North America must progress beyond the historic approach to cross-border emergency management, which has consisted primarily of sharing information, to a more systemic and operational cooperation. Establishing a North American approach is a key component to more comprehensive and effective emergency management structured to meet current and emerging threats. This paper briefly examines the history of emergency response coordination among the United States, Mexico, and Canada, highlighting some of the major bilateral, regional and non-governmental agreements. It analyzes the challenges in emergency response and the resulting shortfalls of existing agreements, as well as considering lessons from COVID-19 pandemic. These historic and current deficiencies support the creation of a more robust tri-lateral agreement to deal with the pressing nature of evolving emergency response threats in the future. The paper concludes with recommendations on how to adapt the current emergency response systems to function as a North American Emergency Response Compact.

# Background

The United States, Mexico, and Canada have each implemented legislative frameworks to manage emergencies domestically. In the United States, the prevailing framework for disaster management is the 1988 Stafford Act, which recognizes the importance of cross-border emergency preparedness between states and neighboring countries.<sup>1</sup> The U.S. Foreign Assistance Act also authorizes the Federal Emergency Management Agency (FEMA), which is part of the Department of Homeland Security (DHS), to provide emergency management services and supplies to friendly countries in the event of a disaster. In Mexico, the prevailing legislation for disaster management stems from the 1986 National System for Civil Protection (SINAPROC), established after the devastating earthquake that struck Mexico City in 1985. SINAPROC focuses on Mexico's planning, response, and recovery capacity, in addition to a comprehensive disaster risk management system that spans risk identification, prevention, reduction, financing, and post-disaster reconstruction.<sup>2</sup> Canada's current disaster management framework was established by the 2007 Emergency Management Framework for Canada, which outlines prevention and mitigation, preparedness, response, and recovery components, as well as the principles, governance, and instruments of emergency management. It provides a common approach for federal, provincial, and territorial (FPT) stakeholders regarding emergency management.<sup>3</sup>

Each of these domestic frameworks are relatively robust. The agreements among and between the countries, however, are comparatively undeveloped. As opposed to a systematic framework for collaboration, there are a number of understandings between the North American governments regarding emergency management. The number of understandings and agreements has grown during the past two decades.

**Bilateral Agreements:** The three countries have several bilateral agreements in place to share resources and provide aid in response to emergencies or disasters, several of which are good models of collaboration, in particular agreements between the United States and Canada. The following three bilateral U.S.-Canada frameworks are instrumental to cross-border disaster assistance, and they allow frequent movements of emergency personnel and equipment (regular firefighting crews, forest fire fighting personnel and equipment, ambulances, medical personnel etc.) between border communities and beyond.

- The 1982 Canada-U.S. Reciprocal Forest Fighting Arrangement and Operational Plan (updated in 2017) is crucial in supporting the well-regarded history of cooperation in firefighting between the Canadian Interagency Forest Fire Centre (CIFCC) and the U.S. National Interagency Coordination Center (NICC).<sup>4</sup>

- The 2008 Agreement between the Government of Canada and the Government of the United States of America on Emergency Management Cooperation is a milestone agreement between the two countries that structures nearly daily, on-going cooperation between the respective governments related to mutual interests in emergency management.<sup>5</sup>
- The 2009 Canada-United States Framework for the Movement of Goods and People is a bilateral federal mutual aid accord designed to support pre-existing arrangements between states and local communities on each side of the U.S.-Canadian border.<sup>6</sup>

While not as extensive in number or as deep in legal obligation as the bilateral arrangements between Canada and the United States, there are several emergency management-related frameworks in place between Mexico and the United States. These exist primarily within the environmental, industrial, and public health sectors. Most are limited to information exchanges focusing on preparedness, information sharing during events having a simultaneous impact upon both countries and technical/scientific cooperation. Notable examples are:

- The 1983 Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area (La Paz Agreement)<sup>7</sup> expands beyond environmental provisions and contains joint contingency planning and emergency response protocols as well, including the Border 2020 implementation mechanism emphasizing local border community cooperation.<sup>8</sup>
- The 1999 Wildfire Protection Agreement Between the Department of Agriculture and the Department of the Interior of the United States of America and the Secretariat of Environment, Natural Resources and Fisheries of the United Mexican State for the Common Border established explicit commitments regarding cross-border wildfire events, a major emergency management concern along the border.<sup>9</sup>
- The 2011 Agreement between the Government of the United States of America and the Government of the United States of Mexico on Emergency Management Cooperation in Cases of Natural Disasters and Accidents established channels of communication through a binational, high-level working group to address issues set out in matters of analysis, prevention, attention and risk mitigation.<sup>10</sup>

While geographical proximity makes “Canada and the U.S.” and “Mexico and the U.S.” more natural partners in immediate emergency responses, the growing bilateral political relationship between Mexico and Canada has accompanied further economic integration following passage of the North American Free Trade Agreement (NAFTA) and now its successor the United States-Mexico-Canada Agreement (USMCA). This growing relationship was instrumental in the support that Canada brought to Mexico during the pandemic H1N1/09 virus. In mid-April 2009,

health authorities worldwide realized that an H1N1 influenza virus had the potential to become a pandemic. This new virus spread quickly around the world, including to Mexico. The Public Health Agency of Canada and its renowned National Microbiology Laboratory in Winnipeg extended capacity to test specimens in Mexico. In addition to providing testing capacity, this cooperation allowed Canada to be the first country to map the entire genomic sequence of the H1N1 influenza virus. This was a significant contribution to the scientific understanding of this novel strain and helped speed development of a vaccine.<sup>11</sup>

In terms of broader emergency cooperation, Canada and Mexico signed a Memorandum of Understanding MOU for a dialogue on public safety as part of the renewal of the Canada-Mexico Joint Action Plan in 2014.<sup>12</sup> This MOU is relatively recent and broad in scope. Given geographical reality, the areas where the two countries might wish to focus their dialogue under this MOU may be forest firefighting, public health/communicable diseases, and seismic risks. Recent history has already shown the benefits regarding fighting forest fires.

**Regional Agreements and Non-Governmental Agreements:** Emergency and disaster response typically is led and implemented at state and local levels, which necessitates regional agreements for cooperation to enable more effective emergency management overall. Regional cooperation provides a rapid and streamlined avenue among states, provinces, and other non-federal levels of government. There are three sub-national memorandum of mutual understanding agreements between U.S. states and Canadian provinces that provide mutual assistance in emergency and disaster management: the 1996 Pacific Northwest Emergency Management Arrangement, the 2000 International Emergency Management Assistance Compact, and the 2013 Northern Emergency Assistance Compact. In addition, Mexico and the United States have local agreements and Memorandums of Understanding within their jurisdictions. Regarding regional crisis management collaboration, California and Mexico unveiled the California Mexico Memorandum of Understanding (MOU) in 2014. This MOU serves to enhance cooperation on a variety of subjects such as public health and climate change. Working together with Mexican and U.S. federal partners, California's Office of Emergency Services (Cal OES) created the Wildfire Workgroup to further the goals of preparing and coordinating efforts for wildfire emergencies in the California-Baja California border region.<sup>13</sup>

Non-governmental coordination among private entities has proven to be successful in response to the changing nature of emergencies and is an important element of efficient emergency management. The importance of Canada as an electricity supplier to the United States and the degree of integration of their power grid has led to what is probably the most mature and systemic mutual aid cooperation placed between private entities and regularly allows Canadian utility company crews to restore power after storms in the United States and vice versa. The North

Atlantic Mutual Assistance Group (NAMAG), a group of New England and Canadian electric utilities, combines their efforts during emergencies to facilitate the sharing of crews among their members.<sup>14</sup> NAMAG now serves as the regional coordinator for resource allocation among electric utilities in the northeast region during power restoration following storms. Systemic efforts in prevention to protect the grid are also well served by organizations like the North American Electric Reliability Corporation (NERC), a non-profit international regulatory authority whose mission is to assure the effective and efficient reduction of risks to the reliability and security of the grid. NERC is the electric reliability organization (ERO) for North America (Canada, USA and the northern portion of Baja California, Mexico), a jurisdiction serving over 334 million people.<sup>15</sup>

# Analysis

**Challenges to Current Bilateral and Regional Agreements:** Despite successful bilateral, regional, non-governmental and trilateral agreements, existing efforts and structures are not commensurate with the evolving threats to North America. While bilateral agreements for emergency planning and response may have sufficed in the past, the United States, Canada, and Mexico must recognize that the changing paradigm of emergencies necessitates trilateral cooperation. A critical element of any prospective trilateral North American Emergency Management Compact is to build on the existing bilateral approaches by strengthening existing accords that work and expanding in areas where additional coordination on emergency/disaster response is needed and feasible.

In developing a North American Emergency Management Compact, the U.S. and Canada should continue regular reviews of existing bilateral agreements to determine whether to update them in response to changing trends and needs around emergencies and disasters. Simultaneously, they should identify opportunities to integrate agreements whenever possible to reduce redundancies and enhance the capability for multi-faceted response. This is especially critical as evolving emergencies and disasters now have more widespread effects. The majority of the bilateral agreements focus on exchanging knowledge during an emergency and lessons learned after emergencies. However, they incorporate less of the concrete plans and protocols necessary for comprehensive coordination during an emergency. The primary area for growth in bilateral cooperation toward trilateral cooperation is moving beyond predominantly sharing information to more systemic operational cooperation. Ideally, the U.S., Mexico, and Canada would have strategic aims translated into practical mechanisms such as common tools and assets, and shared plans and response protocols that can address several key common risk areas. Additionally, it is essential to define and establish trilaterally approved measures and guidelines for risk analysis.

One of the main challenges for bilateral cooperation across the region is advancing collaboration with and among institutions at the local level. In general, disaster risk factors have local and specific characteristics that must be understood in order to determine the required actions to reduce disaster risk. Some of the systemic barriers that exist between various levels of domestic government can hinder national cooperation, further exacerbated in a bilateral—or trilateral—context. Conversely, states and provinces/territories value the practical benefits that have emerged from regional agreements. They are concerned that broadening governance from regional to federal levels could affect the action-oriented nature of the regional agreements. This highlights some of the inherent tensions and relative values among federal, regional, and non-governmental emergency management approaches. Each provides certain benefits and challenges,

and a successful North American Emergency Management Compact therefore will capitalize on strengthening and integrating each, rather than emphasizing agreement at only one level of government or exclusively within one sector. In this context, it is crucial to continue incorporating major participation from local institutions in disaster risk management and emergency response across the three nations when developing a trilateral approach.

**Bi-lateral Approach Challenges—A Case Study:** The COVID-19 pandemic has emphasized the need for trilateral collaboration in response to emerging disasters. Since March of 2020, the global spread of COVID-19 continues to have a profound impact on health systems and millions of people across the world. The response has been varied in North America with a lack of adequate testing and contact tracing for the virus in both the United States and Mexico. Canada has managed to contain the spread more effectively but has also been hit hard by the pandemic. Despite U.S. agreements with its North American partners to limit all non-essential travel across borders, Canada seems to be the only one of the three nations that has enforced strict border regulations.

According to research conducted by the Wilson Center, there has been a lack of coordination regarding the supply chain of crucial Personal Protection Equipment (PPE). In *Pandemics and Beyond: The Potential for U.S.-Mexico Cooperation in Public Health*, Duncan Wood and Andrew Rudman argue that “a critical problem thus far has been the lack of key medical supplies such as masks and testing kits for medical services, as well as hand sanitizer, disinfectant wipes, and thermometers for the general public. A coordinated manufacturing response among the North American neighbors would greatly facilitate the supply chain across the region.”<sup>16</sup> Pandemics historically occur every 30-35 years on average, but “on average” does not mean the next pandemic may not come sooner, especially given factors like increased international air travel and accelerating encroachments by people into previously wild areas. The mixed response to COVID-19 makes the case that urgent action is needed to prepare for the next global health emergency, which could be significantly more severe than COVID-19.

On the non-governmental front, the Canadian, U.S., and Mexican entities of the Red Cross are concerned about the increased occurrence, duration, and severity of disasters, and they have entered into a trilateral agreement. The agreement is very practical and includes protocols to guide responses during emergencies and yearly exchanges of personnel with the aim to facilitate cooperation when disasters strike.<sup>17</sup> Collaboration on humanitarian aid, particularly with Canada, has been strengthened in the last six years. The United States, Mexico, Canada, and the Red Cross have held a greater number of meetings on this matter, especially strengthening the aid for wildfire emergencies. In this context, Mexico is willing to continue advancing cooperation with the United States and Canada in disaster risk management to ensure better practices that benefit all North Americans.



Although there are essential conditions for efficient emergency cooperation, it is important to consolidate a trilateral cooperation agreement that builds on the existing areas of cooperation between U.S.-Mexico, U.S.-Canada, and Canada-Mexico. The coordination of the Red Cross across all three countries and the North American Plan for Animal and Pandemic Influenza, which will likely require significant review and revision with lessons learned from COVID-19, set the stage for a more comprehensive trilateral agreement.<sup>18</sup> Such an agreement requires not only information-sharing, but also systemic cooperation including certifications for quick personnel support across borders. Additionally, it should include plans and protocols for streamlined collaboration to tackle the increasingly widespread and intense emergencies of today and tomorrow. A stronger trilateral agreement is a necessary component of a well-rounded and effective North American Emergency Management Compact.

# Recommendations

This is not to say, of course, that there are not significant trilateral agreements that at least touch on issues related to emergency response and crises. But they do not reach the level of integration and planning that exist in other areas such as trade. NAFTA and the USMCA are an essential means for economic and commercial connectivity throughout the North American continent. In addition, they can serve as a real model for a new approach to a North American Emergency Management Compact.

**Recommendation 1:** Establishing a North American disaster response framework will require sustained engagement from the leaders of the three countries.

As we have learned in other contexts, in the absence of presidential-level attention and commitment, sustained work in developing trilateral capabilities is difficult. Consider, for instance, efforts toward improved cross-border management. During the Obama administration, President Obama entered into bilateral agreements with each of Mexico and Canada to improve border management. With presidential backing behind the agreements, unprecedented collaboration followed to implement many of the initiatives. Presidential attention to these agreements and their implementation faded during the Trump administration and, along with it, further progress. This is not to criticize the Trump administration, which had its own policy bent and focus, but instead to highlight the necessity of presidential-level commitment to drive meaningful change.

The North American countries have a forum to address these issues: the now reconstituted North American Leaders Summit. The Summit drove meaningful engagement during the George W. Bush and Obama administrations, and the Summit reemerged under the Biden administration in 2021. The list of topics the leaders must address is long, and there are urgent priorities in that list, from migration management to asylum reform to on- and near-shoring manufacturing to countering transnational crime to joint security. Given though the changing disaster landscape, and the increasing threat of cross-border disasters, there should be room on the agenda for strengthening emergency management collaboration.

**Recommendation 2:** The countries should agree on concrete deliverables with clearly designated lanes of responsibility and implementation roles, with DHS and FEMA leading the way for the U.S. government.

It is not enough that the countries' leaders agree to improve emergency management coordination and collaboration. Rather the countries need a concrete agenda and set of deliverables for action. Without clearly identified outcomes, and the accountability that follows when they are not achieved, it is all too likely that the implementing agencies will waste time and energy on meetings and negotiations over what to do. The leaders need to cut off that staff-level tussle and move the countries aggressively forward.

Attendant to identifying what needs to happen, the leaders should identify for each of their governments who is in charge. For the U.S. government, there is a longstanding tension over whether the Department of State should lead foreign engagement or whether other departments should lead when their expertise and authorities are at issue. Here, it is clear that DHS has the relevant expertise and authorities. Further, DHS has made substantial progress in working with its Mexican and Canada counterparts in other areas such as border management. It is time, in cases like this, that the State Department step to the side and let DHS lead the way.

The recommendations for concrete action items and implementation structures are not novel. In the border management agreements noted in Recommendation 1, the North American leaders did not simply agree to cooperate, they identified aggressive agendas supported by clear implementation structures and responsibility. Clarity of purpose and clear lines of responsibility moved those processes forward and were central to the progress that was made.

**Recommendation 3:** In advance of the North American Leaders Summit, DHS and FEMA should lead a trilateral working group to review and prioritize current capabilities and gaps in emergency response planning.

Setting the stage for presidential-level agreement requires intense preparation guided by subject matter experts. The Secretary of DHS and the Administrator of FEMA should oversee a rigorous planning process to identify current capabilities and gaps, and then prioritize those for review and decision at the next North American Leaders Summit in 2022. Most of the relevant expertise relies in DHS and FEMA, with some additional capabilities at other Departments. FEMA should lead the interagency work, with any issues of dispute resolved quickly through the National Security Staff-led interagency policy process. While the NSS staff should be monitoring this work, they should not

lead it, lest it become bogged down in Washington, DC policy committee meetings as opposed to focus work among U.S., Canadian, and Mexican experts.

#### **Recommendation 4:** Establishment of operational leads in emergency management on a regional and local level to manage implementation.

DHS and FEMA will clearly be the leads at the federal level, and thought should be given to experimenting with new structures to improve trilateral coordination. For instance, FEMA could host a North American Emergency Response Operations Center, bringing together a small group of experienced planners and response personnel from each country to coordinate joint planning and response. Another area for consideration is establishing regular, coordinated training of emergency management operators from the three countries. This is not only fertile ground for sharing best practices and developing meaningful networks and relationships, it is the first step toward creating specialized, multinational units to respond jointly to disaster situations.

There likely will be a bias toward national-level coordination and work. Of course, national-level engagement is critical, but it should not come at the cost of regional and local engagement. As emergency response community knows, the tip of the spear in a disaster is not the federal government—it is state and local first responders. In a disaster scenario, you can't wait for the federal cavalry to arrive; saving lives and property means acting now. Thus, the countries need to prioritize work that allows for meaningful regional and local collaboration. This could involve funding to support semi-annual meetings between state and municipal emergency management offices and their cross-border counterparts. It could involve collaboration with the border management agencies such as Customs and Border Protection to further streamline the processing of emergency personnel responding to a disaster. It could involve funding and supporting joint exercises and training sessions, and regular table-top exercises that bring together federal and state/provincial entities from the three countries. The list goes on, but that critical point is that regional and local governments are critical players, not second thoughts.

#### **Recommendation 5:** Federal Top-to-Bottom Resource Allocation Plan that supports local and state needs.

Little of consequence will happen in the absence of meaningful resource allocation. Disaster response is already straining state and local budgets, and it is likely to get worse in the coming years as disasters become more severe. The federal governments need to provide meaningful support for not only federal efforts, but also state and local efforts. This support needs to extend beyond

funding after disasters happen to encompass planning and resilience. A dollar spent on preventing or mitigating a disaster before it happens goes much farther than a dollar spent responding to a disaster after it occurs.

The executive branches cannot, and should not, do this on their own. The legislative branches in each country have an important role to play, and it should extend beyond simply having hearings. Leadership from Congress' homeland security committees should engage with the Canadian and Mexican counterparts. They should learn about each countries' priorities and challenges, and they should develop understandings about how to approach them collaboratively. Developing these relationships and knowledge will improve policy and budget development in Congress, and it will improve oversight of what the executive branch is doing. Presidents and Prime Ministers, along with the Secretaries of State and Ministers of Foreign Affairs, may be the leads for international engagements, but that should not come at the total exclusion of legislative branches, which have their own independent authorities and interests.

As the countries approach this, there should be sensitivity toward the relative resource and expertise differences between the United States and Canada on the one hand and Mexico on the other. A North American approach will likely require that the United States and Canada help Mexico with some issues as occurred during the H1N1 pandemic. This could come in the form of foreign monetary assistance targeted at key areas (e.g. developing disease testing capabilities), provision of specialized equipment (e.g. advanced aerial forest fire fighting capabilities), and training and technical exchanges. Leaders in the United States and Canada must realize that these are not "handouts" but instead critical investments in continental public safety.

**Recommendation 6:** The North American partners should conduct a thorough systematic review of the North American response to the COVID-19 pandemic.

Across the globe, the COVID pandemic presented a significant challenge for governments—and North America was no exception. On balance, it is fair to say that the North American response was not dynamic as it should have been. Coordination among the three partner countries was conspicuous by its absence. And where they engaged perhaps most visibly—on border controls—the response was less thoughtful coordination than weariness. Viewed as a test for continental emergency management, the grade is subpar at best. It is critical that the countries examine thoroughly and honestly what happened; what went wrong, what went right, and why. There are valuable lessons to be learned and improvements that must be made before the next cross-continental disaster strikes.

Bottom line: This effort is more than a “framework” or mere promises to cooperate. As is always true once the disaster strikes it can be challenging to work across any borders, especially international ones. A sophisticated planning focus that does not require significant resource allocations at this stage will prove prescient without causing any political controversy. In the wake of COVID-19, this is an ideal time to take those lessons learned and apply them more generally to the disasters of the future.

# About the Author

**Juliette Kayyem**, a former assistant secretary for homeland security under President Barack Obama and the homeland security advisor to Massachusetts Governor Patrick Deval, is the faculty chair of the homeland security and global health projects at Harvard's Kennedy School of Government. She is the author or editor of six books, including *The Devil Never Sleeps: Learning to Live in an Age of Disasters* and *Security Mom: My Life Protecting the Home and Homeland*.

# Endnotes

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