

Pittsburgh, June 12, 1997

COUNCIL RESOLUTION #97-05

Future Cooperation regarding Environmental Management Systems and Compliance

THE COUNCIL:

ACKNOWLEDGING the accomplishments of the North American Working Group on Environmental Enforcement and Compliance Cooperation (“Working Group”), created pursuant to Council Resolution No. 96-06 (August 2, 1996), in implementing a program of cooperation to enhance effective environmental enforcement and compliance;

REAFFIRMING the objective of Article 1(f) of the North American Agreement on Environmental Cooperation (NAAEC) to strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices;

RECOGNIZING the right of each Party under Article 3 of the NAAEC to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws and regulations, as well as the obligations of each Party under that Article to ensure that its laws and regulations provide for high levels of environmental protection and to strive to continue to improve those laws and regulations;

TAKING INTO ACCOUNT the obligation of each Party under Article 5 of the NAAEC to effectively enforce its environmental laws and regulations through appropriate governmental action, with the aim of achieving high levels of environmental protection and compliance with its environmental laws and regulations;

CONSIDERING the function of the Council under Article 10(2)(p) of the NAAEC to consider, and develop recommendations regarding, approaches to environmental compliance and enforcement;

CARRYING OUT the obligation of the Council under Article 10(4) of the NAAEC to encourage effective enforcement by each Party of its environmental laws and regulations, compliance with those laws and regulations, and technical cooperation among the Parties;

DECLARES THAT:

Governments must retain the primary role in establishing environmental standards and verifying and enforcing compliance with laws and regulations. Strong and effective governmental programs to enforce environmental laws and regulations are essential to ensure the protection of public health and the environment. Voluntary compliance programs and initiatives developed by governments can supplement strong and effective enforcement of environmental laws and regulations, can encourage mutual trust between regulated entities and government, and can facilitate the achievement of common environmental protection goals;

Private voluntary efforts, such as adoption of Environmental Management Systems (EMSs) such as those based on the International Organization on Standardization's Specification Standard 14001 (ISO 14001), may also foster improved environmental compliance and sound environmental management and performance. ISO 14001 is not, however, a performance standard. Adoption of an EMS pursuant to ISO 14001 does not constitute or guarantee compliance with legal requirements and will not in any way prevent the governments from taking enforcement action where appropriate;

HEREBY DIRECTS:

The Working Group to explore 1) the relationship between the ISO 14000 series and other voluntary EMSs to government programs to enforce, verify and promote compliance with environmental laws and regulations, and 2) opportunities to exchange information and develop cooperative positions regarding the role and effect of EMSs on compliance and other environmental performance. The Working Group shall, no later than the 1998 Council Session, report its results to the Council and provide recommendations for future cooperative action in this area. The review and recommendations shall recognize and respect each Party's domestic requirements and sovereignty.

APPROVED BY THE COUNCIL:

(S) Fred Hansen

Fred Hansen
Government of the United States of America

(S) Antonio Azuela de la Cueva

Antonio Azuela de la Cueva
Government of the United Mexican States

(S) John A. Fraser

John A. Fraser
Government of Canada