

## **2002 REGULAR SESSION OF THE COUNCIL**

**18–19 June 2002  
Ottawa, Canada**

### **SUMMARY RECORD**

The Council held its Ninth Regular Session on Tuesday and Wednesday, 18–19 June 2002, in Ottawa, Canada. The Honorable David Anderson, Canada's Minister of the Environment, chaired the meeting. Governor Christine Todd Whitman, US Environmental Protection Agency Administrator, and Secretary Victor Lichtinger, Mexican Secretary for the Environment and Natural Resources, represented the United States and Mexico, respectively. Janine Ferretti, Executive Director, represented the Secretariat. Julie-Anne Bellefleur, Council Secretary acted as Secretary for the session. Other delegates and special presenters were also in attendance (see Annex A).

#### **Item 1 Opening of the 9th Regular Session of the Council and Report by the Executive Director**

The session was formally opened by Minister Anderson, who described the CEC as a model of regional cooperation for countries to achieve tangible results in protecting the environment and preserving biodiversity. He illustrated the linkages between health and environment as key factors for sustainable development and underlined the need for continuing to build strategic alliances between environmental and health departments through the CEC. He emphasized the importance of public participation in CEC projects and the need to draw on the energy, enthusiasm and innovative potential found in communities and the private sector. In closing, Minister Anderson took the opportunity to address a special thank you to the outgoing executive director, Ms. Janine Ferretti, for her very special contribution to the CEC and to her staff for their excellent work and dedication to the CEC over the last few years. He also thanked Mr. Victor Shantora for having agreed to serve as acting executive director as the search proceeds for a new executive director.

Governor Whitman underlined the importance of the CEC as the only body established to address regional environmental concerns, noting that NAFTA continues to prove that strong economic prosperity and a healthy environment can go hand in hand. Drawing on the various program areas of the CEC, she touched on the work accomplished in regional cooperation in the sound management of chemicals, pollutant release and transfer registers, conservation of biodiversity, and trade and environment.

Secretary Lichtinger highlighted the value of the CEC and of the NAAEC as examples, at the international level, of successful regional environmental cooperation. He underlined the relevancy of issues being addressed through the CEC, such as the Secretariat's Article 13 report on electricity restructuring and children's health and the environment. He further highlighted the importance of public participation through the JPAC and nongovernmental organizations for expressing regional environmental concerns and providing a regional vision to the CEC. In

closing, he reported on new legislation recently adopted in Mexico, relating to access to information and pollutant release and transfer registers.

The opening of the session was followed by remarks from the executive director on the developments and activities of the CEC. A copy of the executive director's remarks can be found as Annex B.

## **Item 2 Opening of the In-camera Session and Adoption of the Agenda**

The chair opened the in-camera session and the Council approved the provisional agenda (Annex C).

## **Item 3 Energy and Environment**

Mr. Phil Sharp, Chair of the Expert Advisory Board to the Secretariat's Article 13 report on the Environmental Challenges and Opportunities of the Evolving North American Electricity Market, presented the recommendation of the Advisory Board. Mr. Sharp's report was followed by a presentation by Mr. Vincent De Vito of the US Department of Energy, on behalf of the North American Energy Working Group, on the activities of the North American Energy Working Group in promoting communication and cooperation among the energy and governmental sectors in North America on energy and trade-related issues.

The Council thanked the Secretariat and the Electricity and Environment Advisory Board for their timely and useful study of the opportunities and challenges associated with North America's evolving electricity market. Noting the ongoing bilateral and trilateral cooperation among the three countries in the area of transboundary airshed management, the Council agreed to pursue its efforts in a complementary fashion to those of the North American Energy Working Group. To this end, the Council adopted Resolution 02-04 (Annex D) establishing the North American Air Working Group to provide guidance to the Council and facilitate future cooperative work on air related issues.

The Council discussed further baseline activities for the CEC and expressed support for continued work in the area of innovative economic instruments, energy efficiency and renewable energy, including public awareness and education, and shared emissions inventories.

## **Item 4 Environment and Health**

### **Item 4.1 Children's Health and the Environment**

Dr. Irena Buka, Chair of the CEC's Expert Advisory Board on Children's Health and the Environment in North America, briefed the Council on the work of the Board in shaping the Cooperative Agenda on Children's Environmental Health. She outlined current and emerging issues as well as priorities for future directions.

The Council commended the work of the Expert Advisory Board and adopted the Cooperative Agenda on Children's Environmental Health (Annex E). The Council also adopted Council Resolution 02-06 (Annex F), which outlines new initiatives to be undertaken in the

implementation of the Cooperative Agenda. The Council further agreed to continue the integration of children's environmental health considerations into the CEC work program. Finally, the Council agreed to include water-borne diseases as a priority health endpoint, in addition to asthma and respiratory diseases and the effects of lead and other toxic substances.

#### **Item 4.2 Sound Management of Chemicals (SMOC)**

The Secretariat made a presentation on the current status and future direction of the Sound Management of Chemicals initiative and took the opportunity to thank the Council, in the name of the children of Chiapas, for the reduction of DDT in Mexico carried out under the SMOC program. In closing, the Secretariat provided a progress update on partnerships with international organizations and the private sector, outlining initiatives underway to leverage resources for the CEC's work from international organizations and the private sector.

The Council adopted Council Resolution 02-07 directing the SMOC Working Group to develop a NARAP on lindane. The Council also approved Council Resolution 02-08 adopting the NARAP on environmental monitoring and assessment. In accordance with this Resolution, the Council established the North American Standing Committee on Monitoring and directed the Secretariat to seek additional funds from national and international agencies.

#### **Item 4.3 Hazardous Waste**

The Secretariat introduced this item with a presentation on the management and tracking of hazardous waste in North America, including an update on preliminary findings of a comparative analysis of standards for hazardous wastes in North America developed by the Hazardous Waste Task Force.

The Council agreed to continue the development of a common North American approach for environmentally sound management of hazardous waste. The Council further agreed to proceed with a pilot project to track hazardous waste movement between Canada and the United States by means of an electronic notification system; and to conduct a feasibility study for a pilot project on electronic tracking of hazardous waste movements between Mexico and the United States, with particular attention to capacity building in Mexico and starting with a prioritized list of substances. In support of the CEC's work in this area, Mexico offered to share information on exports to other North American countries, PCBs in particular.

#### **Item 4.4 North American Pollutant Release and Transfer Registers (PRTRs)**

The Secretariat introduced the Action Plan to Enhance the Comparability of North American PRTRs, bringing to the attention of the Council two particular areas: the adoption of a North American Industrial Classification System (NAICS) in the national PRTRs of the United States and Mexico, and the adoption by Mexico, where appropriate, of activity-based reporting thresholds as an important step towards enhancing the comparability of how data are reported in the three countries. The Secretariat also identified as a third opportunity the possibility of exploring the development of an industry challenge program in North America, building on the

successful examples of the US 33/50 program, Canada's Accelerated Reduction/Elimination of Toxics (ARET) program, and other similar initiatives.

The Council approved the Action Plan to Enhance the Comparability of North American PRTRs through the adoption of Council Resolution 02-05 (Annex G). The Mexican Council member provided an update on progress made in Mexico in the implementation of a mandatory and publicly accessible PRTR. The Canadian and US Council members congratulated Mexico for this enormous undertaking, indicating that they looked forward to working with Mexico through the CEC as the Mexican system develops and in order to address barriers to comparability among the three national PRTRs.

## **Item 5 Partnerships for Sustainable Development**

### **Item 5.1 North American Bird Conservation Initiative (NABCI)**

As requested by the Council during its last session, held in Guadalajara in June 2001, the Secretariat presented a progress report on NABCI's accomplishments. The Council expressed support for this initiative and acknowledged the importance of regionally-based partnerships for project delivery and the use of networks and databases that promote conservation delivery and projects that demonstrate NABCI principles. The Council further indicated that it looked forward to working closely with the Biodiversity Conservation Working Group to strengthen the CEC's Conservation of Biodiversity program.

### **Item 5.2 Progress Report on Proposed Trade and Environment Ministerial**

As chair of the Article 10(6) Working Group for 2001–2002, Canada provided a progress report on the proposed Trade and Environment Ministerial. The chair further reported on the objectives agreed upon at the working level for the proposed meeting, as follows: i) demonstrate that trade and environment are mutually supportive; ii) further develop a North American "voice" on trade and environment, iii) help increase cooperation on the issue of trade and environment within the region; and iv) further promote transparency and public participation in addressing trade and environment issues. In closing, the Canadian Council member expressed confidence that under the chairmanship of the United States in 2002–2003, informal discussions will continue with a view to exploring potential agenda items and confirming the meeting with trade counterparts.

Recalling that 2004 will mark the tenth anniversary of NAFTA and the NAAEC, the Council agreed to undertake, by 2004, a retrospective of the CEC's achievements over the past ten years, including the environmental effects of NAFTA. The Council further agreed that this retrospective should be built in the 2003–2005 work program of the CEC. The possibility of referring this issue to the Article 10(6) Working Group for their consideration in the development of the ministerial agenda with trade representatives was also raised.

Recalling that in 2003 most agricultural products will no longer be subject to tariffs under NAFTA, the Mexican Council member presented a proposal that the CEC conduct a study in the field of agriculture to look at major policy changes that have taken place in each country and the effects of agriculture on the environment. The Canadian and US members expressed the need to

discuss this with their respective counterparts of the agriculture departments before pursuing further discussion on this issue.

### **Item 5.3 Financing and the Environment**

A general overview of the broad-ranging interrelation between finance and environment and the opportunity for integrating the environment into financial risk decisions was presented to Council by Mr. John Ganzi, president of Environment and Finance Enterprise and adjunct professor at University of North Carolina.

The Council exchanged views on the CEC's work in this area and agreed on the need to develop, in cooperation with the private sector and other institutions, methodologies and information links to provide environmental information in a form more useful to financial institutions and to encourage the use of environmental information in credit, investment and asset risk management decisions. The Council further agreed to consider how to advance work on existing requirements regarding disclosure of environmental information pertaining to financial reporting, encourage further development of the concept of a North American Green Procurement Initiative; and support small and medium-size sustainable agricultural enterprises through a sustainable agriculture fund.

### **Item 5.4 Corporate Environmental Stewardship**

The Secretariat presented a video on initiatives undertaken by the CEC through the Fund for Pollution Prevention in small and medium-size enterprises.

The Council commended the Secretariat for the video presentation, noting that this tool could be used to showcase the CEC as an example of regional cooperation at the World Summit on Sustainable Development. The Council reaffirmed its continued support for this initiative and agreed to identify further work in this area, focusing on where the CEC can add value to activities proposed by the pollution prevention roundtables. The Council further agreed to explore collaboration with the pollution prevention roundtables as well as other relevant organizations on the implementation of the information network for pollution prevention in North America.

The Council also reviewed a report submitted by the Enforcement Working Group on Environmental Management Systems, outlining the different approaches used in the three countries to implement the CEC Guidance Document on "Improving Environmental Performance and Compliance." The Council exchanged views on the role of corporate environmental stewardship programs in recognizing and rewarding environmental leaders in business and government. In closing, the Council expressed support for the proposed workshop on the implementation of environmental management systems in small and medium-size enterprises to be held in 2003.

### **Item 5.5 World Summit on Sustainable Development (WSSD)**

The Council exchanged views on the Parties' deliverables for the World Summit on Sustainable Development, to be held in Johannesburg in August 2002, and agreed on the need to focus attention on a more targeted set of deliverables. The Council identified the following areas as potential topics, to be grouped under the overarching theme of children's health and environment: water, energy, air quality, fuel quality and agriculture. Other issues such as governance, mega-biodiversity and the New Partnership for African Development (NPAD) were also mentioned as potential items.

The Council members recognized the need to keep each other apprised of their mutual interests in partnership initiatives at the WSSD. To this end they agreed to meet regularly, in advance of WSSD as well as throughout the Summit. To this end, they agreed to meet, or have staff converse regularly, in advance of WSSD as well as throughout the Summit.

In closing, the Council agreed to explore whether the CEC's experience in regional environmental cooperation should be showcased through virtual means. The presentation of videos, such as the ones presented during the session on the eradication of the use of DDT and pollution prevention measures in Mexico, was referenced as a possible tool.

#### **Item 6 Preparation for the Public Portion of the Session**

In preparation for the public portion of the session, the Council reviewed the format for the public session.

#### **Item 7 Joint Meeting with JPAC (Part I)—JPAC Advice to Council and Update on Other Issues**

Minister Anderson welcomed JPAC members to the first part of their joint meeting with Council and invited the JPAC chair to provide an update on JPAC activities.

In his introductory remarks, the JPAC chair voiced the sense of concern and frustration felt by JPAC members—citing instances when no response has been provided to JPAC letters or when JPAC advice has been ignored—adding that these may create an impression of disregard for public input. The JPAC chair then invited JPAC spokespersons to present an overview of the input received from the public during the SMOC plenary sessions and the public session on NAFTA's Chapter 11, as well as to present JPAC's views on the following issues: private sector cooperation and financing; NAAEC Articles 14 and 15; the CEC budget; the Article 13 report on Environmental Challenges and Opportunities of the Evolving North American Electricity Market; and pollutant release and transfer registers.

The JPAC chair also informed Council that public input for the 2003–2005 Program Plan would be provided following the JPAC session to be held in Santa Fe in October 2002. He took the opportunity to extend JPAC's best wishes of success to the outgoing executive director, Janine Ferretti, and reminded Council that JPAC can play a useful advisory role in the selection of the next executive director.

The Council members exchanged views on the various issues raised by JPAC and expressed their full support for public participation and for JPAC's role and commitment. In closing, the Council assured JPAC that it would look very seriously at the concerns raised by JPAC.

A detailed summary of the discussion can be found under Annex H.

### **Item 8 Public Session**

The public session was opened by Minister David Anderson, who extended welcoming remarks to the public and introduced his Council colleagues. Jon Plaut, JPAC chair, presided over the session and provided details on the format of the discussions.

Laura Silvan Durazo of JPAC presented a summary of the plenary sessions held earlier on capacity building and education opportunities for SMOC. The Council then heard presentations from the public on issues relating to Environment, Economy and Trade; Conservation of Biodiversity; Pollutants and Health; NAAEC Articles 13, 14 and 15; and public participation. The floor was then opened to selected rapporteurs who presented the views shared by participants in the networking session held the previous day among members of the public.

In closing, the Council responded to the statements made by the public and thanked the public and JPAC for their valuable contributions.

A summary of all interventions made during the public portion of the session is found in Annex I.

### **Item 9 Joint Meeting with JPAC (Part II) —Summary of the JPAC Sessions**

In the second portion of its joint meeting with JPAC, the Council provided guidance to JPAC for future activities. The Council identified three main areas for JPAC work in the coming year: i) the Council invited JPAC to take part in the 10-year retrospective—once the parameters around the scope of the review have been established—noting that JPAC could play a key role in making a meaningful assessment of the CEC by taking into account the public's perception; ii) the Council asked for JPAC's input in the area of Children's Health and the Environment, including water-borne diseases; and, iii) the Council asked JPAC to consider how sustainable development might be aided through the Financing and the Environment project. The Council then invited JPAC to highlight new trends, issues and/or concerns raised by the public.

The JPAC chair thanked the Council for its guidance and noted that JPAC would pursue freshwater and financing issues during its next two sessions in 2002. He also thanked the Council for the opportunity to discuss issues and concerns in an open and responsible manner. Along with other JPAC members, the JPAC chair elaborated on the views conveyed during the first part of the joint meeting on the following issues: the Council's response to JPAC Advice 01-09 relating to the matter of limiting the scope of factual records and the request to conduct a public review on the requirement that the Secretariat provide the Parties with its work plans for the development of factual records; the Council's response to JPAC's revised recommendation from the JPAC Lessons Learned report relating to follow-up of factual records; the inclusion of

Chapter 11 in the Article 10(6) discussions; comments from the JPAC plenary session on SMOC; the importance of showcasing the CEC model at WSSD; and the need for transboundary environmental impact assessments, as highlighted in the Secretariat's Article 13 report on electricity. JPAC also indicated that an advice on SMOC and on Chapter 11 were forthcoming, and that a potential advice on the Article 13 report on electricity would be discussed during the JPAC public session to be held later the same day.

In response to a question from JPAC concerning the status of lead under the SMOC program, the Council assured JPAC that lead was at the forefront of attention for the three countries.

The Council agreed on the importance of bringing the CEC model to the WSSD and noted that the CEC is the only environmental commission whose organizational structure provides for links with free trade and a strong public participation component. The United States shared information on a collaborative effort it has undertaken in setting up an institute with a multinational curriculum on sustainable development at WSSD. The Institute for Sustainable Development was portrayed as an opportunity to communicate the CEC experience as one of the curriculum items and as a way to involve the private sector and educate the public.

Referring to the views expressed earlier by the Mexican Council member, who described factual records as valuable tools for assessing lessons learned and identifying shortcomings, JPAC welcomed the sense of open-mindedness conveyed by these views and expressed the hope Council would build on them.

In closing, the Council thanked JPAC members for their thoughtful comments and expressed appreciation in seeing more private sector representation at the meeting with the public. Concerning the issue of limiting the scope of factual records, Minister Anderson, on behalf of the Council, reiterated the view expressed by the Council in its response to JPAC Advice 01-09—that it would be more appropriate to wait until the factual records in question are completed and have the benefit of experience before undertaking a public review of this issue. The Council reiterated the importance of JPAC and the value of these annual discussions and again thanked the members for their impressive work.

A detailed summary of the discussion can be found in Annex J.

#### **Item 10 Finalization of Council Resolutions and Communiqué**

The Council made final adjustments to the draft session communiqué and draft Council Resolutions, taking into account the input received during its joint meeting with JPAC.

In response to a question submitted by the Council concerning the estimated budget required for activities related to the ten-year review, the Secretariat indicated that, based on similar initiatives undertaken in the past, an estimated amount of US\$800,000 would be required for this initiative.

#### **Item 11 Joint Meeting with the International Joint Commission (IJC) and International Boundary and Water Commission (IBWC)**



The Council met with representatives of the (US-Canada) International Joint Commission (IJC) and (US-Mexico) International Boundary and Water Commission (IBWC) in order to discuss areas of potential collaboration.

Ms. Janine Ferretti, CEC executive director, presented the mandate of the CEC and outlined a number of past, current and other promising areas of cooperation with the IJC and IBWC, such as children's health and the environment, long-range transport of air pollutants, mercury pollution, and alien invasive species.

The Honourable Herb Gray, Canadian co-chair of the IJC, highlighted areas of common interest, including the Sound Management of Chemicals, with a focus on the elimination and/or reduction of persistent toxic substances and/or persistent organic pollutants to the environment, the modeling of long-range airborne transport of toxic substances and their deposition, and the development of indicators of community health relating to the impacts of persistent toxic substances, on children, in particular. He stressed the importance of cooperation on scientific and technical activities of mutual concern and the sharing of information, and referenced a proposed letter of intent to cooperate between the IJC and the CEC.

Mr. Dennis Schornack, US co-chair of the IJC, touched on four areas of potential cooperation, as follows: i) alien invasive species, stressing the need for common standards to guide actions and noting that the IJC would be proposing a series of concrete actions to governments in the fall aimed at reducing the threat of aquatic alien invasive species; ii) security of structures in, and adjacent to, shared waters; iii) groundwater, noting the need for basic aquifer maps that include estimates of groundwater quality and quantity needs; and, iv) indicators aimed at developing valid and reliable indicators of the organizations' progress in protecting and restoring resource integrity. In closing, Mr. Schornack indicated that he looked forward, together with Chairman Gray and Commissioners Herrera and Ramírez, to meeting with Minister Anderson and Governor Whitman in the fall at their Transboundary Watershed Conference, to be held in Traverse City, Michigan. He took this opportunity to invite CEC staff to join the IJC and IBWC and perhaps take a significant step towards cooperation.

Mr. Carlos Ramírez, Commissioner of the United States section of the IBWC, provided details of a study on transboundary or groundwater aquifers begun by the IBWC. He stressed the importance of security measures initiated by the IBWC on the Mexican and United States' borders. In closing, he stressed the importance of addressing alien invasive species, and highlighted the particular threat of weeds in the Río Grande and Colorado rivers, welcoming any cooperation with other agencies in that regard.

Mr. Arturo Herrera, Commissioner of the Mexican section of the IBWC, spoke of the challenge posed by population dynamics, urban growth, as well as global and regional environmental changes on the availability of water and the international watersheds. He referred to initiatives proposed by the IBWC for compliance with the treaty for water distribution that will strengthen cooperation for the sustainable management of the Río Grande basin. He identified areas of coordination with other institutions, such as the development with EPA of a database of surface water quality, and expressed IBWC's interest in the control of alien invasive species. In closing, he expressed the appreciation of the Mexican section of the IBWC for the CEC's interest and the

hope that future meetings can be organized to strengthen coordination of environmental protection in the region.

The Council members exchanged views on their respective areas of interest, including the timely sharing of information and scientific data, mechanisms for public participation, alien invasive species, health and the environment and the possibility of exploring areas where the commissions can help the three countries advise other regions that share the same challenges. The Council also noted the possibility of involving other North American institutions in order to have a holistic look at the various institutions that are linked and the importance of ensuring that duplication is avoided and cooperation is maximized.

In closing, the Council instructed the Secretariat to strengthen its working relationships with the IJC and IBWC at the staff level and explore possibilities for collaborative activities. In his closing remarks, Minister Anderson indicated that the proposed letter of intent would be answered in due course and that, as a first priority, he looked forward to seeing officials of the three Secretariats working together—strengthening collaboration and dealing with some of the issues that were raised during this meeting.

#### **Item 12 Preparation for the Press Conference**

The Council briefly discussed arrangements for the press conference.

#### **Item 13 Concluding Remarks and Signing of Resolutions**

The Council commended the staff responsible for finalizing the session communiqué. As host of the 2003 Regular Session of the Council, the United States representative announced that the session would be held in Washington, DC, in June 2003. Following the closure of the session, Council members were invited to sign the Resolutions adopted during the session.

**Liste des participants – Lista de participantes - List of Participants**

**Neuvième session ordinaire du Conseil, 17, 18 et 19 juin 2002, Ottawa, Canada  
 Novena sesión ordinaria del Consejo, 17, 18 y 19 de junio de 2002, Ottawa, Canadá  
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 (As of June 14, 2002)**

**Mexican Delegation**

**Víctor Lichtinger**

Secretario de Medio Ambiente y Recursos Naturales  
 SEMARNAT  
 Periférico Sur No. 4209, 6° piso  
 Col. Jardines en la Montaña  
 México, D.F. 14210  
 Tel: 011 52 5 628 0606  
 Fax: 011 52 5 628 0644

**Rocío Alatorre Eden-Wynter**

Directora de Investigación en Sustancias Químicas y Riesgo Ecotoxicológico  
 SEMARNAT  
 Instituto Nacional de Ecología  
 Periférico Sur 5000, Piso 4  
 Col. Insurgentes Cuicuilco  
 México, D.F. 04530  
 Tel: 011 52 555 424 6425  
 Fax: 011 52 555 624 6404  
 E-mail: alatorre@ine.gob.mx

**María Teresa García Segovia de Madero**

Embajadora de México en Canada  
 Embajada de México en Canada  
 45 O'Connor Street, Suite 1500  
 Ottawa, Ontario K1P 1A4  
 Tel: 613 233 8999 ext 238  
 Fax: 613 235 9123  
 E-mail:  
 tmadero@embamexcan.com

**Mauricio García Velasco**

Director general Adjunto de Asuntos Jurídicos y Multilaterales  
 SEMARNAT  
 Av. San Jerónimo 458, Piso 3  
 Col. Jardines del Pedregal  
 México, D.F. 01900  
 Tel: 011 52 555 490 2157  
 Fax: 011 52 555 490 2194  
 E-mail:  
 mgarciav@semarnat.gob.mx

**Cecilia Jaber**

Jefa de Cancillería  
 Embajada de México en Canadá  
 45 O'Connor Street, Suite 1500  
 Ottawa, Ontario K1P 1A4  
 Tel: 613 233 8999 ext 226  
 Fax: 613 235 9123  
 E-mail: cjaber@embamexcan.com

**Arnaldo Francisco Martínez Osegueda**

Coordinador General de Comunicación Social  
 SEMARNAT  
 Boulevard Adolfo Ruiz Cortinez  
 N° 4209  
 Col. Jardines en la Montaña  
 Tlalpan  
 México, D.F. 14210  
 Tel: 011 52 555 631 8383  
 Fax: 011 52 555 628 0778  
 E-mail:  
 aosegueda@semarnat.gob.mx

**José Israel Núñez Birrueta**

Director General Adjunto de Asuntos Regionales, Biodiversidad y Cambio Climático  
 SEMARNAT  
 Avenida San Jerónimo 458, piso 3  
 Col. Jardines del Pedregal  
 México, D.F. 01900  
 Tel: 011 525 490 2118  
 Fax: 011 525 490 2194  
 E-mail: inunez@semarnat.gob.mx

**Olga Ojeda Cárdenas**

Titular de la Unidad Coordinadora de Asuntos Internacionales  
 SEMARNAT  
 Avenida San Jerónimo 458, piso 3  
 Col. Jardines del Pedregal  
 México, D.F. 01900  
 Tel: 011 525 490 2115/ 2116  
 Fax: 011 525 490 2194  
 E-mail: olojeda@semarnat.gob.mx

**Guillermo Julio Román Moguel**

Director General de Manejo Integral de Contaminantes  
 SEMARNAT  
 Av. Revolución N° 1425 Nivel 34  
 México, D.F. 01040  
 Tel: 011 52 555 624 3389 - 3390  
 Fax: 011 52 555 624 3595  
 E-mail:  
 groman@semarnat.gob.mx

**Sergio Sánchez Martínez**

Director General de Gestión de la Calidad del Aire y Registros de Contaminantes  
 SEMARNAT  
 Av. Revolución 1425, Nivel 36  
 Col. Tlacopac  
 México, D.F. 01040  
 Tel: 011 52 555 624 3404  
 E-mail:  
 sesanchez@semarnat.gob.mx

## United States Delegation

### Christine Todd Whitman

Administrator  
U.S. EPA  
401 M Street, SW  
Mail Code 2660R  
Washington, DC 20004  
Tel: 202 564 6601  
Fax: 202 565 2407

### Jocelyn Adkins

Attorney  
U.S. EPA  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
Tel: 202 564 5424  
Fax: 202 564 5412  
E-mail: adkind.jocelyn@epa.gov

### Catherine Allen

Children's Environment Health  
International Program Manager  
U.S. EPA  
1200 Pennsylvania Avenue NW  
R2660  
Washington, DC  
Tel: 202 564 6115  
Fax: 202 565 2412  
E-mail: allen.catherine@epa.gov

### Judith E. Ayres

Assistant Administrator  
U.S. EPA - Office of International  
Affairs  
1300 Pennsylvania Avenue  
MC 2610R  
Washington, DC 20004  
Tel: 202 564 6600  
Fax: 202 565 2407  
E-mail: ayres.judith@epa.gov

### Oscar Carrillo

International Affairs Specialist  
U.S. EPA  
1300 Pennsylvania Ave. NW  
Washington, DC 20004  
Tel: 202 564 6423  
Fax: 202 565 2411  
E-mail: carrillo.oscar@epa.gov

### Paul Cough

Director, International  
Environmental Policy  
U.S. EPA  
1300 Pennsylvania Ave. NW  
Washington, DC 20004  
Tel: 202 564 6459  
Fax: 202 565 2411  
E-mail: cough.paul@epa.gov

### Wayne D'Angelo

Advance Staff  
U.S. EPA  
1200 Pennsylvania Ave. NW  
Washington, DC 20004  
Tel: 202 564 6343  
E-mail: dangelo.wayne@epa.gov

### Vincent DeVito

Senior Policy Advisor for North  
American Affairs  
U.S. Department of Energy  
Washington, DC 20585  
E-mail:  
vincent.devito@hg.doe.gov

### Danielle Fidler

Attorney Advisor  
U.S. EPA - Office of General  
Counsel, International  
Environmental Law Office  
1200 Pennsylvania Ave. NW MC-  
2313A  
Washington, DC 20460  
Tel: 202 564 0660  
E-mail: fidler.danielle@epa.gov

### Lorry Frigerio

International Affairs Specialist  
U.S. EPA  
1300 Pennsylvania Ave. NW  
Washington, DC 20004  
Tel: 202 564 6407  
Fax: 202 565 2411  
E-mail: frigerio.lorry@epa.gov

### Terry Keating

Air Quality Scientist  
U.S. EPA Office of Air and  
Radiation  
1200 Pennsylvania Avenue NW  
MC 6103A  
Washington, DC 20460  
Tel: 202 564 1174  
Fax: 202 564 1554  
E-mail: keating.terry@epa.gov

### John Martin

Special Agent  
U.S. EPA  
1200 Pennsylvania Ave. NW  
Washington, DC 20004  
Tel: 202 564 2529  
Fax: 202 301 0540  
E-mail: martin.john@epa.gov

### Barbara McLeod

Trade Policy Coordinator  
U.S. EPA  
1300 Pennsylvania Ave. NW  
Washington, DC 20460  
Tel: 202 564 6474  
Fax: 202 565 2918

### Tucker McNeil

Personal Assistant  
U.S. EPA  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Tel: 202 564 7096  
E-mail: mcneil.tucker@epa.gov

### David Redlin

Senior Advisor  
U.S. EPA  
1300 Pennsylvania Ave. NW  
Washington, DC 20004  
Tel: 202 564 6437  
Fax: 202 565 2411  
E-mail: redlin.david@epa.gov

### William Sanders

Office Director, Office of  
Pollution Prevention and Toxics  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004-0001  
Tel: 202 564 3810  
Fax: 202 564 0575  
E-mail: sanders.william@epa.gov

### Kent Shigetomi

Director for Mexico and NAFTA  
Office of the U.S. Trade  
Representative  
600 17th Street, NW  
Washington, DC 20508  
Tel: 202 395 9459  
Fax: 202 395 9517  
E-mail: kshigetomi@ustr.gov

**Tamara Solari**

U.S. EPA

Ariel Rios Building 1200

Pennsylvania Avenue, NW

Washington, DC

E-mail: [solari.tamara@epa.gov](mailto:solari.tamara@epa.gov)

**Melinda Tajbakhsh**

International Affairs Specialist

U.S. DOI

4401 N. Fairfax Drive Suite 730

Arlington, Virginia 22203

Tel: 703 358 1766

Fax: 703 358 2849

E-mail:

[melida\\_tajbakhsh@fws.gov](mailto:melida_tajbakhsh@fws.gov)

## **Canadian Delegation**

### **The Honourable David Anderson**

Minister of the Environment  
Environment Canada  
28th Floor Terrasses de la  
Chaudière  
10 Wellington Street  
Hull, Québec K1A 0H3  
Tel: 819 997 1441  
Fax: 819 953 0279  
E-mail: david.anderson@ec.gc.ca

### **Dick Ballhorn**

Department of Foreign Affairs  
and International Trade  
Lester B. Pearson Building  
125 Sussex Drive  
Ottawa, Ontario K1A 0G2

### **Sara Bjorkquist**

Policy Advisor to the Minister  
Environment Canada  
28th Floor Terrasses de la  
Chaudière  
10 Wellington Street  
Hull, Québec K1A 0H3  
Tel: 819 953 0739  
Fax: 819 953 0279  
E-mail: sara.bjorkquist@ec.gc.ca

### **Rita Cerutti**

Manager, CEC Issues  
Environment Canada  
23rd Floor Terrasses de la  
Chaudière  
10 Wellington Street  
Hull, Québec K1A 0H3  
Tel: 819 994 0148  
Fax: 819 997 0199  
E-mail: rita.cerutti@ec.gc.ca

### **Jean-François Dionne**

Policy Advisor, Americas Branch  
Environment Canada  
23th Floor, Terrasses de la  
Chaudière  
10 Wellington Street  
Hull, Québec K1A 0H3  
Tel: 819 994 6051  
Fax: 819 997 0199  
E-mail:  
jeanfrancois.dionne@ec.gc.ca

### **Christine Guay**

Director General - International  
Relations Directorate  
Environment Canada  
23th Floor Terrasses de la  
Chaudière  
10 rue Wellington  
Hull, Québec K1A 0H3  
Tel: 819 994 4404  
Fax: 819 994 6227  
E-mail: christine.guay@ec.gc.ca

### **Daryl Hanak**

International Trade Counsel  
Ministry of International and  
Intergovernmental Relations,  
Government of Alberta  
12th Floor, Commerce Place,  
10155 -102nd St. NW  
Edmonton, Alberta T5J 1G8  
Tel: 780 422 1339  
Fax: 780 427 0699  
E-mail: daryl.hanak@gov.ab.ca

### **Tudor Hera**

Environmental Law Section, JLOC  
Department of Foreign Affairs and  
International Trade  
Lester B. Pearson Building  
125 Sussex Drive Tower C-7  
Ottawa, Ontario K1A 0G2  
Tel: 613 992 1990  
Fax: 613 992 6483  
E-mail: tudor.hera@dfait-  
maeci.gc.ca

### **Marie-Josée Langlois**

Environment Canada  
Terrasses de la Chaudière  
10 Wellington Street  
Hull, Québec K1A 0H3  
Tel: 819 997 3640  
Fax: 819 953 5053

### **Louise Lapierre**

Conseillère  
Ministère de l'environnement,  
Direction des affaires  
intergouvernementales  
675 Boul. René-Levesque E. 6  
étage  
Québec, Québec G1R 5V7  
Tel: 418 521 3828 ext 4105  
Fax: 418 644 4598  
E-mail:  
louise.lapierre@menv.gouv.qc.ca

### **Jenna Mackay-Alie**

Director, Americas Branch  
Environment Canada  
23th Floor Terrasses de la  
Chaudière  
10 rue Wellington  
Hull, Québec K1A 0H3  
Tel: 819 994 1670  
Fax: 819 997 0199  
E-mail: jenna.mackay-  
alie@ec.gc.ca

### **Alan Nymark**

Deputy Minister  
Environment Canada  
Terrasses de la Chaudière  
10 Wellington Street 10  
Wellington Street  
Hull, Québec K1A 0H3  
Tel: 819 994 5020  
Fax: 819 953 6897

### **Luc Pamerleau**

Health Canada  
Tunney's Pasture  
Ottawa, Ontario K1A 0K9  
Tel: 819 941 3136  
Fax: 819 941 9675

### **Rod Raphael**

Director General, Safe  
Environments Program  
Health Canada  
E.H.C. Building 8, Tunney's  
Pasture 0801B1  
Ottawa, Ontario K1A 0L2  
Tel: 613 954 0291  
Fax: 613 952 2206  
E-mail: rod\_raphael@hc-sc.gc.ca

### **Martin Roy**

Coordinator, Environmental  
Cooperation Agreements  
Department of Foreign Affairs and  
International Trade  
Lester B. Pearson Building  
125 Sussex Drive Tower C-4  
Ottawa, Ontario K1A 0G2  
Tel: 613 996 5451  
Fax: 613 995 9525  
E-mail: martin.roy@dfait-  
maeci.gc.ca

**Cathryn Sauvé**

International Communications  
Environment Canada  
25th Floor, Terrasses de la  
Chaudière  
10 Wellington Street  
Hull, Québec K1A 0H3  
Tel: 819 994 1032  
Fax: 819 953 6831  
E-mail: katherin.sauve@ec.gc.ca

**Norine Smith**

Alternate Representative  
Environment Canada  
23rd Floor Terrasses de la  
Chaudière  
10 Wellington Street  
Hull, Québec K1A 0H3  
Tel: 819 997 4882  
Fax: 819 953 5981  
E-mail: norine.smith@ec.gc.ca

**Barry Stemshorn**

Environment Canada -  
Environmental Protection Service  
/ Service de la protection de  
l'environnement  
351 St-Joseph Blvd  
Hull, Québec  
Tel: 819 997 1575 / 953 2969  
Fax: 819 953 9452  
E-mail: barry.stemshorn@ec.gc.ca

## JPAC

### CANADA

#### Cam Avery

Director of Public Affairs  
B.C. Gas  
24th Floor, 1111 West Georgia  
Vancouver, British Columbia  
V6E 4M4  
Tel: 604 443 6603  
Fax: 604 443 6614  
E-mail: [cavery@bcgas.com](mailto:cavery@bcgas.com)

#### Ann Bourget

432, St-Olivier #4  
Québec, Québec G1R 1G7  
Tel: 418 691 7140  
Fax: 418 691 2321  
E-mail:  
[ann.bourget@vivreenville.org](mailto:ann.bourget@vivreenville.org)

#### Merrell-Ann Phare

Executive Director-Legal Counsel  
Centre for Indigenous  
Environmental Resources  
3rd Floor, 245 McDermot Ave  
Winnipeg, Manitoba R3B 0S6  
Tel: 204 956-0660  
Fax: 204 956-1895  
E-mail: [maphare@cier.ca](mailto:maphare@cier.ca)

#### Donna Tingley

Executive Director  
Clean Air Strategic Alliance  
9th Floor, 106th Street  
Suite 9940  
Edmonton, Alberta T5K 2N2  
Tel: 780 427-9793  
Fax: 780 422-3127  
E-mail: [dtingley@casahome.org](mailto:dtingley@casahome.org)

#### Liette Vasseur

Professor  
University of Moncton  
K.C. Irving Chair in Sustainable  
Development  
Pierre Armand Landry Pavilion  
Moncton Campus  
Moncton, New Brunswick E1A  
3E9  
Tel: 506 858-4152  
Fax: 506 863-2000  
E-mail: [vasseurl@umoncton.ca](mailto:vasseurl@umoncton.ca)

## MÉXICO

#### Gustavo Alanís-Ortega

Presidente  
Centro Mexicano de Derecho  
Ambiental  
Atlixco No. 138  
Colonia Condesa  
México, D.F. 06140  
Tel: 011 52 555 286 3323  
Fax: 011 52 555 211 2593  
E-mail: [galanis@cemda.org.mx](mailto:galanis@cemda.org.mx)

#### Mindahi Crescencio Bastida- Muñoz

Presidente  
Consejo Mexicano para el  
Desarrollo Sustentable  
Coordinator  
Consejo Regional Otomi del Alto  
Lerma  
Lázaro Cárdenas Norte No. 125  
San Pedro Tultepec  
Lerma, Estado de México 52030  
Tel: 011 52 728 282 0469  
Fax: 011 52 728 282 0469  
E-mail: [mindahi@prodigy.net.mx](mailto:mindahi@prodigy.net.mx)

#### Adriana Nelly Correa Sandoval

Profesor Investigador  
Centro de Calidad Ambiental  
ITESM Campus Monterrey  
Av. Eugenio Garza Sada No. 2501  
Sur  
Monterrey, Nuevo León 64849  
Tel: 011 52 818 328 4032 /  
83581400 ext 5266, 5268  
Fax: 011 52 818 359 6280  
E-mail:  
[ancorrea@campus.mty.itesm.mx](mailto:ancorrea@campus.mty.itesm.mx)

#### Carlos Sandoval

President  
Consejo Nacional de Industriales  
Ecologistas  
Gabriel Mancera No. 1141  
Col. Del Valle  
México, D.F. 03100  
Tel: 011 52 5 559 1915  
Fax: 011 52 5 575 2337  
E-mail: [ecologia@conieco.com.mx](mailto:ecologia@conieco.com.mx)

#### Laura Silvan de Durazo

Directora  
Proyecto Fronterizo de Educación  
Ambiental  
Paseo Estrella del Mar No. 1025 –  
2A  
Sección Coronado  
Playas de Tijuana, Baja California  
22200  
Tel: 011 52 664 630 0590 o 664  
630 9281  
Fax: 011 52 664 630 0590  
E-mail:  
[laurie@proyectorfronterizo.org.mx](mailto:laurie@proyectorfronterizo.org.mx)

## USA

#### Peter Berle

Mail address:  
P.O. Box 881  
Stockbridge, Massachusetts 01262  
For FedEx only:  
230 Monument Valley Road  
Great Barrington, Massachusetts 01230  
Tel: 413 298 0061  
Fax: 413 298 0069  
E-mail: [pberle@audubon.org](mailto:pberle@audubon.org)

#### Steve Owens

Senior Counsel  
Beshears Muchmore Wallwork,  
Chartered  
2700 North Central Avenue Suite 1225  
Phoenix, Arizona 5004  
Tel: 602 240 6652  
Fax: 602 240 6697  
E-mail: [owens@bmwlawyers.com](mailto:owens@bmwlawyers.com)

#### Jonathan Plaut

JPAC Chair for 2002  
3 Ashland Road  
Summit, New Jersey 07901  
Tel: 908 273 4127  
Fax: 908 273 6836  
E-mail: [jplaut@aol.com](mailto:jplaut@aol.com)

#### Serena Wilson

9100 Mill Creek Landing  
Great Falls, Virginia 22066  
Tel: 703 759 4642  
Fax: 703 759 7897  
E-mail: [wilsonserena@juno.com](mailto:wilsonserena@juno.com)



**John Wirth**  
President  
North American Institute  
708 Paseo de Peralta  
Santa Fe, New Mexico 87501  
Tel: 505 982 3657  
Fax: 505 983 5840  
E-mail: [jdwirth@stanford.edu](mailto:jdwirth@stanford.edu)

## CEC

**Julie-Anne Bellefleur**  
Council Secretary  
Commission for Environmental  
Cooperation  
Tel: 514 350 4310  
Fax: 514 350 4314  
E-mail: [jabellef@ccecm.org](mailto:jabellef@ccecm.org)

**Daniel Brevé**  
Public Participation Coordinator  
Commission for Environmental  
Cooperation  
Tel: 514 350 4368  
Fax: 514 350 4345  
E-mail: [dbreve@ccecm.org](mailto:dbreve@ccecm.org)

**Chantal Line Carpentier**  
Program Manager, Environment,  
Economy and Trade Program  
Commission for Environmental  
Cooperation  
Tel: 514 350 4336  
Fax: 514 350 4314  
E-mail: [carpentier@ccecm.org](mailto:carpentier@ccecm.org)

**Nathalie Daoust**  
Executive Assistant  
Commission for Environmental  
Cooperation  
Tel: 514 350 4318  
Fax: 514 350 4306  
E-mail: [ndaoust@ccecm.org](mailto:ndaoust@ccecm.org)

**Eduardo Delgadillo**  
Director of Administration and  
Finances  
Commission for Environmental  
Cooperation  
Tel: 514 350 4354  
Fax: 514 350 4314  
E-mail:

**Malika Elhadj**  
Communications Assistant  
Commission for Environmental  
Cooperation  
Tel: 514 350 4347  
Fax: 514 350 4314  
E-mail: [melhadj@ccecm.org](mailto:melhadj@ccecm.org)

**Riccardo Embriacco**  
Controller  
Commission for Environmental  
Cooperation  
Tel: 514 350 4356  
Fax: 514 350 4314  
E-mail: [rembriaco@ccecm.org](mailto:rembriaco@ccecm.org)

**Janine Ferretti**  
Executive Director  
Commission for Environmental  
Cooperation  
Tel: 514 350 4318  
Fax: 514 350 4314  
E-mail: [ndaoust@ccecm.org](mailto:ndaoust@ccecm.org)

**Geoffrey Garver**  
Director, Submissions on  
Enforcement Matters Unit  
Commission for Environmental  
Cooperation  
Tel: 514 350 4304  
Fax: 514 350 4314  
E-mail: [dmillan@ccecm.org](mailto:dmillan@ccecm.org)

**Yamirka Gómez**  
Council Secretary Assistant  
Commission for Environmental  
Cooperation  
Tel: 514 350 4349  
Fax: 514 350 4314  
E-mail: [yamirkag@ccecm.org](mailto:yamirkag@ccecm.org)

**Ignacio González**  
Program Manager, Law and Policy  
Program  
Commission for Environmental  
Cooperation  
Tel: 514 350 4324  
Fax: 514 350 4314  
E-mail: [gonzalez@ccecm.org](mailto:gonzalez@ccecm.org)

**Hernando Guerrero**  
Director, Mexico Liaison Office  
Commission for Environmental  
Cooperation  
Tel: 011 52 5 659 5021  
E-mail: [guerrero@cec.org](mailto:guerrero@cec.org)

**Hans Herrmann**  
Head of Conservation of  
Biodiversity Program  
Commission for Environmental  
Cooperation  
Tel: 514 350 4340  
Fax: 514 350 4314  
E-mail: [hherrman@ccecm.org](mailto:hherrman@ccecm.org)

**Jürgen Hoth**  
Program Manager, Conservation  
of Biodiversity Program  
Commission for Environmental  
Cooperation  
Tel: 514 350 4307  
Fax: 514 350 4314  
E-mail: [jhoth@ccecm.org](mailto:jhoth@ccecm.org)

**Douglas Kirk**  
Managing Editor, English  
Commission for Environmental  
Cooperation  
Tel: 514 350 4352  
Fax: 514 350 4314  
E-mail: [dkirk@ccecm.org](mailto:dkirk@ccecm.org)

**Raymonde Lanthier**  
Managing Editor, French  
Commission for Environmental  
Cooperation  
Tel: 514 350 4322  
Fax: 514 350 4314  
E-mail: [rlanthier@ccecm.org](mailto:rlanthier@ccecm.org)

**Evan Lloyd**  
Director, Communications  
Commission for Environmental  
Cooperation  
Tel: 514 350 4308  
Fax: 514 350 4314  
E-mail: [elloyd@ccecm.org](mailto:elloyd@ccecm.org)

**Miguel López**  
Managing Editor, Spanish  
Commission for Environmental  
Cooperation  
Tel: 514 350 4358  
Fax: 514 350 4314  
E-mail: [mlopez@ccecm.org](mailto:mlopez@ccecm.org)

**Paul Miller**  
Program Manager, Air Quality  
Commission for Environmental  
Cooperation  
Tel: 514 350 4326  
Fax: 514 350 4314  
E-mail: pmiller@ccemtl.org

**Jocelyne Morin**  
Assistant to the JPAC Liaison  
Officer  
Commission for Environmental  
Cooperation  
Tel: 514 350 4366  
Fax: 514 350 4313  
E-mail: jmorin@ccemtl.org

**Katia Opalka**  
Legal Officer, Submissions on  
Enforcement Matters Unit  
Commission for Environmental  
Cooperation  
Tel: 514 350 4337  
Fax: 514 350 4313  
E-mail: kopalka@ccemtl.org

**Liliana Paz-Miller**  
Meeting Services Coordinator  
Commission for Environmental  
Cooperation  
Tel: 514 350 4313  
Fax: 514 350 4345

**Manon Pepin**  
JPAC Liaison Officer  
Commission for Environmental  
Cooperation  
Tel: 514 350 4300  
Fax: 514 350 4314  
E-mail: mpepin@ccemtl.org

**Erica Phipps**  
Program Manager, Technical  
Cooperation  
Commission for Environmental  
Cooperation  
Tel: 514 350 4323  
Fax: 514 350 4314  
E-mail: ephipps@ccemtl.org

**Carla Sbert**  
Legal Officer, Submissions on  
Enforcement Matters Unit  
Commission for Environmental  
Cooperation  
Tel: 514 350 4321  
Fax: 514 350 4314  
E-mail: csbert@ccemtl.org

**Victor Shantora**  
Interim Director of Programs  
Head Pollutants and Health  
Commission for Environmental  
Cooperation  
Tel: 514 350 4355  
Fax: 514 350 4314  
E-mail: vshantora@ccemtl.org

**José Carlos Tenorio Marañón**  
Program Manager  
Sound Management of Chemicals  
Commission for Environmental  
Cooperation  
Tel: 514 350 4372  
Fax: 514 350 4314  
E-mail: jctenorio@ccemtl.org

**Carlos Valdés Casillas**  
Program Manager, Environmental  
Informatics and Bioinformatics  
Commission for Environmental  
Cooperation  
Tel: 514 350 4348  
Fax: 514 350 4314  
E-mail: cvaldes@ccemtl.org

**Scott Vaughan**  
Head of Environmet, Economy and  
Trade Program  
Commission for Environmental  
Cooperation  
Tel: 514 350 4302  
Fax: 514 350 4314  
E-mail: svaughan@ccemtl.org

**Tim Whitehouse**  
Head, Law and Policy Program  
Commission for Environmental  
Cooperation  
Tel: 514 350 4300  
Fax: 514 350 4314

**Doug Wright**  
Commission for Environmental  
Cooperation

## Liste des participants – Lista de participantes - List of Participants

### **Andrea Abel**

NAFTA Program Specialist  
National Wildlife Federation  
44 East Avenue Suite 200  
Austin, Texas 78701  
USA  
Tel: 512 476 9805  
Fax: 512 476 9810  
E-mail: abel@nwf.org

### **Gerardo Jorge Aguilar Jacome**

Jefe de Departamento  
Oficina de Medio Ambiente de  
Gobierno del Estado de Veracruz  
Juárez Esq. Francisco I. Madero,  
Altos  
Xalapa, Veracruz 91000  
México  
Tel: 011 52 228 812 3107  
Fax: 011 52 228 817 2295  
E-mail:  
gerardo\_aj@sdmaver.gob.mx

### **Aurelio Armando Ahumada Rivera**

Presidente  
Fundación Eco Red para el  
Desarrollo Sustentable, A.C.  
Calle Petén 477  
México, D.F. 03020  
México  
Tel: 011 52 555 601 0249 / 555  
605 9485  
Fax: 011 52 555 605 4157 / 555  
602 0249  
E-mail: ecored1@prodigy.net.mx /  
ecored@ecored.com.mx

### **Vasant Akala**

Professor  
Tec de Monterrey, Campus Estado  
de México  
Carretera Lago de Guadalupe Km.  
3.5, Col. Margarita Maza de Juarez  
Atizapan de Zaragoza, Estado de  
México 52926  
México  
Tel: 011 52 5 864 5555 ext 3190  
Fax: 011 52 5 864 5651  
E-mail:  
aakala@campus.cem.itesm.mx

### **Linda Allen**

Doctoral Student  
Indiana University  
3209 E. Tenth St. C5  
Bloomington, Indiana 47408  
USA  
Tel: 812 323 1364  
Fax: 812 330 0879  
E-mail: linallen@indiana.edu

### **Leonor Alvarado-Splinter**

Environmental Projects Coordinator  
Canadian Institute of Child Health  
384 Bank Street, Suite 300  
Ottawa, Ontario K2P 1Y4  
Canada  
Tel: 613 230 8838 ext 243  
Fax: 613 230 6654  
E-mail: lalvarado@cich.ca

### **Gary J. Anka**

Senior Program Adviser, Environment  
Affairs, Canadian Forestry Services  
Natural Resources Canada  
Sir Williams Logan Building, 580  
Booth Street 8th Floor  
Ottawa, Ontario K1A 0E4  
Canada  
Tel: 613 947 9095  
Fax: 613 947 9038  
E-mail: ganka@nrcan.gc.ca

### **Carolina Armijo**

Investigadora  
Instituto de Ingeniería, UABC  
Blvd. Benito Juárez y Calle de la  
Normal  
Mexicali, Baja California  
México  
Tel: 011 52 686 566 4150  
Fax: 011 52 686 566 4150  
E-mail: carmijo@uabc.mx

### **Siobhan Baker**

Consultant  
RR #2  
Lanark, Ontario K0G 1K0  
Canada  
Tel: 613 259 3297  
Fax: 613 259 5711  
E-mail: siobhan@superaj.com

### **Jennifer Ballantine**

Canadian Co-Chair  
NAFTA Industry Working Group on  
Pesticides  
Monsanto Canada Inc. 130 Albert St.  
Suite 1902  
Ottawa, Ontario K1P 5G4  
Canada  
Tel: 613 234 5121  
Fax: 613 234 2063  
E-mail:  
jennifer.l.ballantine@monsanto.com

### **Kevin Banks**

Director  
Human Resources Development  
Canada  
Hull, Québec  
Canada  
Tel: 819 997 4621  
Fax: 819 953 8494  
E-mail: kevin.banks@hrdc-drhc.gc.ca

### **Olga Barrat**

Research Scientist  
Barrat and Associates Inc.  
Environmental Research and  
Consulting  
5646 Honeysuckle Place  
North Vancouver, British Columbia  
V7R 4S4  
Canada  
Tel: 604 987 2948  
Fax: 604 987 3394  
E-mail: obarrat@telus.net

### **Madeleine Bélanger**

Senior Advisor, Market Place  
Industry Canada  
235 Queen St.  
Ottawa, Ontario K1A 0H5  
Canada  
Tel: 613 941 3852  
E-mail: belanger.madeleine@ic.gc.ca

### **Astredd Bernstorff**

Vice President  
Santa Elena Coffeeco, Inc.  
P.O. Box 12061  
Austin, Texas  
USA  
Tel: 512 846 2908  
Fax: 512 846 2710  
E-mail:

**Djibril Bokoum**  
Educateur  
LEAD - Afrique Francophone  
Hochschulstr 50 - 1006 A  
Dresden, Saxon 01069  
Allemagne  
Tel: 0049 351 479 3666  
E-mail: djibkoum@yahoo.com

**Timothy H. Brown**  
Co-Director  
Delta Institute  
53 W. Jackson Blvd. Suite 1604  
Chicago, Illinois 60604  
USA  
Tel: 312 554 0900  
Fax: 312 554 0193  
E-mail: thbrown@delta-  
institute.org

**Charles Caccia**  
M.P.  
Parliament of Canada  
Centre Block, House of Commons  
353-S  
Ottawa, Ontario K1A 0A6  
Canada  
Tel: 613 992 2632  
Fax: 613 995 8202  
E-mail: caccic0@parl.gc.ca

**Alejandro Callejas**  
Director Adjunto  
Centro de Estudios para la  
Sustentabilidad, Universidad  
Anáhuac de Xalapa  
Obreros Textiles 57-6  
Xalapa, Veracruz 91060  
México  
Tel: 011 52 228 818 4843  
Fax: 011 52 228 818 4843  
E-mail: alecallejas@infosel.net.mx

**Diane Campeau**  
Vice Presidente  
Fondation les Oiseleurs du Québec  
244 Pine Beach  
Dorval, Québec H9S 2V5  
Canada  
Tel: 514 636 7057  
Fax: 514 633 4013  
E-mail: gire@globetrotter.net

**Areli Carréon García**  
Coordinadora  
Red de Comunicación de Morelos

Jalisco No 1, Col. Las Palmas  
Cuernavaca, Morelos 62050  
México  
Tel: 011 52 777 310 0017  
E-mail: areli@cuer.laneta.apc.org

**Marcelo Carreón Mundo**  
Comision Ejecutiva  
Unión Nacional de Organizaciones  
Regionales Campesinas Autónomas  
Juan de Dios Arias No 48  
México , D.F. 55260  
México  
Tel: 011 52 55 741 5065  
Fax: 011 52 55 740 0486  
E-mail: cejecutiva@unorca.org.mx

**Gustavo Carvajal**  
Partner  
Solorzano, Carvajal, Gonzalez &  
Perez Correa, SC  
San Bernabé 389  
México, DF 10200  
México  
Tel: 011 52 555 595 2424  
Fax: 011 52 555 595 4789  
E-mail:  
gustavo.carvajal@solcargos.com.mx

**Susana Castro**  
Directora  
Luna Nueva, A.C.  
Prolongación Zaragoza #409 Casa 6  
Tepoztlan, Morelos 62500  
México  
Tel: 011 52 739 395 2023  
Fax: 011 52 739 395 2318  
E-mail: lunanueva@intertepoz.com

**Bak Chauhan**  
Manage, Technology Development  
Aurora Research Institute  
PO Box 1450, 191 Mackenzie Road  
Inuvik, Nunavut X0E 0T0  
Canada  
Tel: 867 777 4628  
Fax: 867 777 4264  
E-mail: bak\_chauhan@gov.nt.ca

**Alfonso Cipres Villarreal**  
Presidente  
Movimiento Ecologista Mexicano,  
A.C.  
Calzada Guadalupe 120 Edif. 5 Depto.  
004 Ex. Hda. Coapa  
México, D.F. 14300  
México  
Tel: 011 525 678 0487  
Fax: 011 525 684 3241  
E-mail: memac@prodigy.net.mx

**John Clare**  
Policy Analyst  
National Liberal Caucus Research  
Bureau  
120 Wellington Suite 320  
Ottawa, Ontario K1A 0A6  
Canada  
Tel: 613 996 6498  
Fax: 613 996 2551  
E-mail: clarej@parl.gc.ca

**Anthony Clarke**  
President  
H. Anthony Clarke Consulting  
24 Goulding Cres  
Kanata, Ontario K2K 2N9  
Canada  
Tel: 613 599 7607  
Fax: 613 599 9397  
E-mail: clarket@cyberus.ca

**Michael Cloghesy**  
President  
CPEQ  
640 St. Paul St. # 206  
Montréal, Québec H3C 1L9  
Canada  
Tel: 514 393 1122  
Fax: 514 393 1146  
E-mail: cpeq@generation.net

**Joe Comartin**  
Member of Parliament  
House of Commons  
853 Windermere Rd.  
Windsor, Ontario N8Y 3E3  
Canada  
Tel: 519 253 1606  
Fax: 519 988 0152  
E-mail: comarj@parl.ca

**Philippe Crabbé**  
Professeur Émérite  
Université d'Ottawa  
B.P. 450, Succ. A  
Ottawa, Ontario K1N 6N5  
Canada  
Tel: 613 562 5800 ext 1430  
Fax: 613 562 5999  
E-mail: crabbe@uottawa.ca

**Aline Cusson**  
629 Cherrier  
Ile Bizard, Québec H9E 1J8  
Canada  
Tel: 514 626 2197  
Fax: 514 626 2197

**Celine Cusson**  
Conseillère - Conformité,  
Politiques, Législation  
Hydro Québec  
75 boul. René Levesque ouest,  
Etage 02  
Montréal, Québec H2Z 1A4  
Canada  
Tel: 514 289 2211 ext 5067  
Fax: 514 289 4977  
E-mail: cusson.celine@hydro.qc.ca

**Eric Darier**  
Responsable de campagne  
Greenpeace  
2444 Notre-Dame ouest  
Montréal, H3J 1N5  
Canada  
Tel: 514 933 0021 ext 15  
Fax: 514 933 1017  
E-mail:  
eric.darier@dialb.greenpeace.org

**Elizabeth De la Rosa**  
Fuerza Forestal, A.C.  
Calle Mar #38 Col. Santa Monica  
Santiago de Queretaro, Queretaro  
76138  
México  
Fax: 011 52 442 195 7113  
E-mail: fuerzaforestal@aol.com

**Joe de Leon**  
Sociedad de Amigos del Lago  
APDO 908  
Chapala, Jalisco 45900  
México  
Tel: 011 52 376 766 2560  
Fax: 011 52 376 766 2560  
E-mail: jdeleon@laguna.com.mx

**Donald Dean**  
Senior Researcher  
Senate of Canada  
Rm. 229 East Block  
Ottawa, Ontario K1A 0A4  
Canada  
Tel: 613 947 1921  
Fax: 613 943 1995  
E-mail: amesbd@sen.parl.gc.ca

**Eve Dufresne**  
Cercle Québécois des affaires  
internationales  
14 Saint-Denis Suite 10  
Québec, Québec G1R 4B5  
Canada  
Tel: 418 641 3000 ext 6490  
Fax: 418 641 3059  
E-mail:  
eve\_dufresne@enap.quebec.ca

**Dennis A. Durrant**  
Principal  
The AMD Consultancy  
572 Westminster Avenue  
Ottawa, Ontario K2A 2V3  
Canada  
Tel: 613 294 5114  
Fax:  
E-mail: ddurrant@sympatico.ca

**T. Duncan Ellison**  
Executive Director  
Canadian Water and Wastewater  
Association  
2nd Floor, Unit 20, 5330 Canotek  
Road  
Ottawa, Ontario K1J 9C3  
Canada  
Tel: 613 747 0524 ext 223  
Fax: 613 747 0523  
E-mail: tdellison@cwwa.ca

**Wendy Enright**  
Policy Analyst  
Environment Canada  
10 Wellington Street 22nd Floor  
Hull, Québec K1A 0H3  
Canada  
Tel: 819 994 1657  
Fax: 819 953 7632  
E-mail: wendy.enright@ec.gc.ca

**Jorge Escobar**  
Director de Ecología del Estado de  
Baja California  
Gobierno del Estado de Baja  
California  
Via Oriente No. 10252 Int. 106,  
Centro de Gobierno  
Tijuana, Baja California 22320  
México  
Tel: 011 52 664 624 2095  
Fax: 011 52 664 624 2096  
E-mail: jescobar@baja.gob.mx

**Fernando Espinosa**  
First Secretary for Economics Affairs  
Embassy of Mexico  
45 O'Connor Street  
Ottawa, Ontario K1P 1A4  
Canada  
Tel: 613 233 8988  
Fax: 613 235 9123  
E-mail: espinosa@embamexcan.com

**Araceli Espinoza Márquez**  
Docente  
Benemérita Universidad Autónoma de  
Puebla  
Av. San Claudio y Bulevar de la 22  
sur Col. San Manuel, Ciudad  
Universitaria  
Puebla, Puebla 72560  
México  
Tel: 011 52 222 235 5410  
Fax: 011 52 222 243 8575  
E-mail:  
araceli\_espinosa\_mx@yahoo.com /  
aryesm@yahoo.com

**Jimena Eyzaguirre**  
Researcher  
Global Change Strategies International  
150 Isabella St. Suite 305  
Ottawa, Ontario K1S 1V7  
Canada  
Tel: 613 232 7979  
Fax: 613 232 3993  
E-mail: jimena@gcsi.ca

**Susan Farquharson**  
Executive Director  
Eastern Charlotte Waterways  
Incorporated  
102 Main Street  
St-George, New Brunswick E5C  
3J7  
Canada  
Tel: 506 755 6001  
Fax: 506 755 6187  
E-mail: ecwinc@nbnet.nb.ca

**John Faust**  
3327 Eagle Ridge Drive  
Sierra Vista, Arizona 85650-6631  
USA  
Tel: 520 378 4937  
E-mail: wjfaust@mindspring.com

**José María Fernández-Busto R.**  
Vice Presidente  
Consejo Nacional de Industriales  
Ecologistas A.C. de México  
CONIECO  
Medanos 192, Las Aguilas 192  
México, D.F. 01710  
México  
Tel: 011 525 55 593 1675  
Fax: 011 525 55 593 9978  
E-mail:  
jfb@pumas.iingen.unam.mx

**Stephen Forbes**  
Environmental Engineer  
Forbes Environmental Engineering  
14310 Northbrook Dr. #220  
San Antonio, Texas 78232  
USA  
Tel: 210 495 0475 / 915 585 8699  
Fax: 210 495 8708  
E-mail:  
sforbes@forbesenvironmental.com

**Peter Forristal**  
Senior Policy Analyst  
Environmental Affairs - Industry  
Canada  
235 Queen Street  
Ottawa, Ontario K1A 0H5  
Canada  
Tel: 613 941 6219  
Fax: 613 952 9564  
E-mail: forristal.peter@ic.gc.ca

**Guy Gagné**  
Engineer  
Environment Canada  
351 St-Joseph  
Hull, Quebec K1A 0H3  
Canada  
Tel: 819 994 5787  
Fax: 819 994 0007  
E-mail: guy.gagne@ec.gc.ca

**Alfonso García Gutiérrez**  
Director de Investigación sobre  
Contaminación del Aire  
Instituto Nacional de Ecología,  
SEMARNAT  
Anillo Periférico 5000, 4o piso,  
Colonia Insurgentes Cuicuilco,  
Delegación Coyoacán  
México, D.F. 04530  
México  
Tel: 011 52 554 628 0600 ext 13275  
Fax: 011 52 555 424 5404  
E-mail: alfgarci@ine.gob.mx

**Tricia Gerrodette**  
3327 Eagle Ridge Drive  
Sierra Vista, Arizona 85650  
USA  
Tel: 520 378 4937  
Fax:  
E-mail: triciag@mindspring.com

**Ana Karina González  
Lützenkirchen**  
Trade and Environment Program  
Coordinator  
Centro Mexicano de Derecho  
Ambiental, A.C.  
Atlixco 138, Col. Condesa  
México, D.F. 06140  
México  
Tel: 011 525 55 53 9975  
Fax: 011 525 5 211 2593  
E-mail: akgl@cemda.org.mx

**María Teresa Guerrero**  
Responsable del area de derechos  
comunitarios y ambientales  
Comisión de Solidaridad y Defensa de  
los Derechos Humanos A.C.  
COSYDDHAC  
Calle Terrazas No 2408  
Chihuahua, 31030  
México  
Tel: 011 52 614 410 3053  
Fax: 011 52 614 410 7755  
E-mail: kwira@infosel.net.mx

**Jennifer Harwood**  
Director of International Development  
The Delph Group  
428 Gilmour St.  
Ottawa, Ontario K2P 0R8  
Canada  
Tel: 613 562 2005  
Fax: 613 562 2008  
E-mail: jharwood@delphi.ca

**Bill Herne**  
Director of Coffee  
Timothy's World Coffee  
400 Steeprock Drive  
Toronto, Ontario M3J 3B1  
Canada  
Tel: 416 638 3333 ext 298  
Fax: 416 638 7670  
E-mail: billh@timothys.com

**Glen Hodgson**  
Vice President and Deputy Economist  
Export Development Canada  
151 O'Connor Street  
Ottawa, Ontario K1A 1K3  
Canada  
Tel: 613 598 6813  
Fax: 613 598 3098  
E-mail: ghodgson@edc.ca

**Monir Hossain**  
Post Graduate Student  
The University of Hull - International  
Fisheries Institute  
Hull, England  
United Kingdom  
Tel: 00 44 01482 44 88 28  
Fax: 00 44 01482 47 01 29 / 4066205  
E-mail: m.h.monir@biosci.hull.ac.uk

**Sylvie Houde**  
Environmental Affairs - Industry  
Canada  
235 Queen Street  
Ottawa, Ontario K1A 0H5  
Canada  
Tel: 613 954 3200  
Fax: 613 952 9564  
E-mail: houde.sylvie@ic.gc.ca

**Don Houston**  
Director Environmental Programs  
Canadian Institute of Child Health  
384 Bank Street, Suite 300  
Ottawa, Ontario K2P 1Y4  
Canada  
Tel: 613 230 8838  
Fax: 613 230 6654  
E-mail: dhouston@cich.ca

**Mark Hubert**  
Director, Sustainable Forest  
Management  
Forest Products Association of  
Canada  
55 Metcalfe St. Suite 1380  
Ottawa, Ontario K1P 6L5  
Canada  
Tel: 613 563 3854  
Fax: 613 563 4720  
E-mail: mhubert@fpac.ca

**Bernadette Hudnell**  
Environmental Resource Specialist  
Mississippi Band of Choctaw  
Indians  
PO Box 6026  
Choctaw, Mississippi 39350  
USA  
Tel: 601 650 7447  
Fax: 601 650 9402  
E-mail: bhudnell@choctaw.org

**John Jackson**  
Coordinator  
Citizens' Network on Waste  
Management  
17 Major St.  
Kitchener, Ontario N2H 4R1  
Canada  
Tel: 519 744 7503  
Fax: 519 744 1546  
E-mail: jjackson@web.ca

**Daniel Jacobs**  
Visiting Profesor  
The George Washington University -  
Dept. of Political Science  
2201 G Street, NW  
Washington, DC 20052  
USA  
Tel: 202 994 7626  
Fax: 202 994 7743  
E-mail: djacobs@gwu.edu

**Robert Jaros**  
Radio Canada International  
P.O. Box 3220 Station C  
Ottawa, Ontario K1Y 1E4  
Canada  
Tel: 613 562 8650  
Fax: 613 562 8667  
E-mail: robert\_jaros@radio-canada.ca

**Carlos Karam**  
Profesor e investigador  
Universidad Autónoma de Sinaloa  
Josefa Ortiz de Dominguez  
Culiacán, Sinaloa 80010  
México  
Tel: 011 52 667 712 7937  
Fax: 011 52 667 713 8686  
E-mail: c.karam@cln.megared.net.mx

**Elaine Kennedy**  
Chair  
Cornwall & District Environment  
Committee  
147471 Stormont Rd. 7  
RR #1 St. Andrews W.,  
Ontario K0C 2A0  
Canada  
Tel: 613 936 2240  
Fax: 613 936 6062  
E-mail: ekennedy@glen-net.ca

**Robert Keyes**  
President  
Canadian Council for International  
Business  
350 Sparks St. Suite 501  
Ottawa, Ontario K1R 7S8  
Canada  
Tel: 613 238 4000  
Fax: 613 238 7643  
E-mail: bkeyes@chamber.ca

**Jean-Etienne Klimpt**  
Directeur - Direction Environnement  
Hydro-Québec  
75 René-Lévesque O. 2e Etage  
Montréal, Québec H2Z 1A4  
Canada  
Tel: 514 289 5386  
Fax: 514 289 4977  
E-mail: klimpt.jean-  
etienne@hydro.qc.ca

**Douglas Kristen**  
Research Analyst  
Library of Parliament  
Parliamentary Research Branch  
Ottawa, Ontario K2G 3X4  
Canada  
Tel: 613 995 3476  
E-mail: dougk@parl.gc.ca

**Mario Labonté**  
Président directeur général  
Fondation Les oiseleurs du Québec  
inc.  
625 - C route Lagueux C.P. 5029  
St-Nicholas, Québec G7A 1A7  
Canada  
Tel: 418 836 1066  
Fax: 418 836 1279  
E-mail: gire@globetrotter.qc.ca

**Andrew Lam**  
National Manager, National Strategies,  
Politics & Coordination  
Canadian Food Inspection Agency  
56 Camelot Dr. Suite 2010W  
Ottawa, Ontario K1A 0Y9  
Canada  
Tel: 613 225 2342  
Fax: 613 228 6606  
E-mail: ablam@inspection.gc.ca

**Alejandra León**  
Directora de Ecología  
Dirección de Ecología Municipal  
Local B-12 Plaza Fiesta  
Mexicali, Baja California  
México  
Tel: 011 52 686 557 5303  
Fax: 011 52 686 557 5303 ext 16  
E-mail: aleon@mexicali.gob.mx

**Alex Long**  
Legislative Assistant  
Office of Charles Caccia, MP  
Centre Block, House of Commons  
448-N  
Ottawa, Ontario K1A 0A6  
Canada  
Tel: 613 992 2632  
Fax: 613 995 8202  
E-mail: caccic0@parl.gc.ca

**Ron Lyen**  
Senior Policy Analyst  
Natural Resources Canada  
580 Booth Street, 20th Floor 20-A7  
Ottawa, Ontario K1A 0E4  
Canada  
Tel: 613 992 8105  
Fax: 613 996 0478  
E-mail: rlyen@nrca.gc.ca

**Ned Lynch**  
Consultant  
NL Consulting  
105 des Ormes Avenue  
Aylmer, Québec J9J 1Y2  
Canada  
Tel: 819 685 1032  
E-mail: nlynch@magma.ca

**Celeste Mackenzie**  
Mackenzie  
Freelance Journalist  
132 Flora St. N°2  
Ottawa, Ontario K1R 5R5  
Canada  
Tel: 613 262 3361  
Fax: 613 787 2011  
E-mail: mackceleste@aol.com

**Allison MacNeil-Sparkes**  
Executive Assistant to the Minister  
of the Environment  
Environment Canada  
10 Wellington St.  
Hull, Quebec K1A 0H3  
Canada

**Nedelka Marin Martínez**  
Translator  
North American Plant Protection  
Organization  
Observatory Crese Bldg. #3 Central  
Experimental Farm  
Ottawa, Ontario K1A 0C6  
Canada  
Tel: 613 759 6142  
Fax: 613 759 6141  
E-mail: nmarin@inspection.gc.ca

**Reynaldo Márquez**  
Subgerente de Evaluación de  
Emisiones  
Comisión Federal de Electricidad  
Colonia Jardines del Pedregal 4155  
Piso 4  
México, D.F. 09100  
México  
Tel: 011 52 555 481 3513  
Fax: 011 52 555 481 7510  
E-mail: rmarqueza@cfe.gob.mx

**Jaime Marulanda**  
Editor  
Eco Latino  
P.O. Box 53028  
Ottawa, Ontario K1J 8V6  
Canada  
Tel: 613 565 1345  
Fax: 613 565 1349  
E-mail: ecolatino@magi.com

**Vicky Matson**  
Operations Manager  
MediaQ  
500-165 Sparks St.  
Ottawa, Ontario K1P 5B9  
Canada  
Tel: 613 237 3123  
Fax: 613 237 9234  
E-mail: vmatson@mediaquin.on.ca

**Karel Mayrand**  
Directeur de recherche  
Centre international Unisfera  
10624 Saint-Urbain  
Montréal, Québec H3L 2V1  
Canada  
Tel: 514 856 0117  
Fax: 514 856 0117  
E-mail: karel.mayrand@sympatico.ca

**Steve McCauley**  
Director  
Environment Canada - Oil, Gas and  
Energy Branch  
351 St-Joseph Blvd.  
Hull, Québec K1A 0H3  
Canada  
Tel: 819 997 1221  
Fax: 819 953 8903  
E-mail: steve.mccauley@ec.gc.ca

**John F. McDonald**  
Secretary, International Air Quality  
Advisory Board  
International Joint Commission  
100 Ouellette Ave. 8th Floor  
Windsor, Ontario N9A 6T3  
Canada  
Tel: 519 257 6712  
Fax: 519 257 6740  
E-mail: mcdonaldj@windsor.ijc.org

**Adam McLeod**  
Environmental Policy Analyst  
Agriculture & Agri-Food Canada  
Sir John Carling Bldg. 930 Carling  
Ave.  
Ottawa, Ontario K1A 0C5  
Canada  
Tel: 613 759 7301  
Fax: 613 759 7238  
E-mail: mcleoda@em.agr.ca

**Martha Guadalupe Medrano Ibarra**  
Presidenta  
Asociación Pro-Derechos del Animal  
y Protección del Medio Ambiente  
Río Apozolco, Colonia Las Aguilas  
No 1316  
Zapopan, Jalisco 45070  
México  
Tel: 011 52 333 587 9557  
Fax: 011 52 333 631 1009  
E-mail:  
martha\_medrano\_aproda@hotmail.co  
m

**Peter G. Menyasz**  
Ottawa Correspondent  
The Bureau of National Affairs  
Washington, DC 20037  
USA  
Tel: 613 692 0336  
Fax:  
E-mail: pmenyasz@sympatico.ca



**Robert Mercier**  
Conseiller Syndical  
Confédération des syndicats  
nationaux  
2100 de Maisonneuve  
Montréal, Québec H2K 4S1  
Canada  
Tel: 514 529 4955  
Fax: 514 598 2052  
E-mail: robert.mercier@csn.qc.ca

**María Guadalupe Miranda**  
Jefa del Area de Ecosistemas  
Acuáticos del Dpto. de Hidrología  
Universidad Autónoma  
Metropolitana - Iztapalapa  
Avenida San Rafael Atlico N° 186  
México, D.F. 09340  
México  
Tel: 011 52 555 804 6478  
Fax: 011 52 555 804 4738  
E-mail: wendy@xanum.uam.mx

**Karl Miville-de-Chène**  
Caravan Trade  
BP 552 Stock Exchange Tower  
Montreal, Quebec H4Z 1J8  
Canada  
Tel: 514 919 0834  
Fax: 514 858 5260  
E-mail: kmd@caravantrade.biz

**María Delia Montoya y  
Rodriguez**  
Calle Norte 50-A N° 5129, Col. La  
Joyita  
México, D.F. 07860  
México  
Tel: 011 52 5 751 8674  
Fax: 011 52 5 751 8674  
E-mail:  
montoyayrodriguez@yahoo.com.m  
x

**Andrea Morrison**  
Mediator  
Resolution Alliance Inc.  
4838 Avenue de l'Esplanade  
Montréal, Québec H2T 2Y7  
Canada  
Tel: 514 270 2951  
Fax:  
E-mail: apm@total.net

**Adam Moser**  
Policy Analyst  
Environmental Affairs - Industry  
Canada  
235 Queen Street  
Ottawa, Ontario K1A 0H5  
Canada  
Tel: 613 954 3014  
Fax: 613 952 9564  
E-mail: moser.adam@ic.gc.ca

**Aziz Mulay-Shah**  
Public Affairs Coordinator  
Canadian Hydropower Association  
155 Queen Street Suite 200  
Ottawa, Ontario K1P 6L1  
Canada  
Tel: 613 751 6655 ext 2349  
Fax: 613 751 4465  
E-mail: aziz@canhydropower.org /  
a\_mulas4@hotmail.com

**Kathleen Nadeau**  
Senior Policy Analyst  
Environment Canada  
351 St-Joseph Blvd, 10th Floor  
Hull, Québec K1A 0H3  
Canada  
Tel: 819 997 3809  
Fax: 819 953 7815  
E-mail: kathleen.nadeau@ec.gc.ca

**Catherine Nagy**  
Senior Trade Policy Analyst  
Department of Foreign Affairs &  
International Trade  
125 Sussex Drive  
Ottawa, Ontario K1A 0G2  
Canada  
Tel: 613 996 3152  
Fax: 613 944 0679  
E-mail: catherine.nagy@dfait-  
maeci.gc.ca

**Alfonso Nieto**  
Consejero de Prensa  
Embajada de México en Canadá  
45 O'Connor Street, Suite 1500  
Ottawa, Ontario K1P 1A4  
Canada  
Tel: 613 233 8999

**Peter Nikic**  
Public Affairs  
Canadian Chemical Producers'  
Association  
350 Sparks St. Suite 805  
Ottawa, Ontario K1R 7S8  
Canada  
Tel: 613 237 6215  
Fax: 613 237 4061  
E-mail: pnikic@ccpa.ca

**Juan Palma**  
Profesor  
Universidad Nacional Autónoma de  
México UNAM  
El portillo, Col. Residencial +-Villa  
Coapa No 14  
México, D.F. 14390  
México  
Tel: 011 52 5 622 9413  
Fax: 011 52 5 622 9412  
E-mail: palma\_v@yahoo.com

**Marc Paquin**  
Executive Director  
Centre international UNISFERA  
International Centre  
165, avenue Beverley  
Mont-Royal, Québec H3P 1K6  
Canada  
Tel: 514 734 0225  
Fax: 514 734 0264  
E-mail: marc.paquin@unisfera.org

**Alain Pélissier**  
Secrétaire-Trésorier  
Centrale des Syndicats du Québec  
9405 rue Sherbrook Est  
Montréal, Québec H1L 6P3  
Canada  
Tel: 514 356 8888  
Fax: 514 356 9999  
E-mail: pelissier.alain@csq.qc.net

**Julie Pelletier**  
Senior Policy Analyst  
Environment Canada  
10 Wellington 23 Floor  
Hull, Québec  
Canada

**Alan Penn**  
Advisor  
Cree Regional Authority  
277 Duke St. Suite 100  
Montreal, Quebec H3Z 2M2  
Canada  
Tel: 514 861 5837  
Fax: 514 861 0760  
E-mail: apenn@gcc.ca

**Simona Perry**  
Biologist  
NOAA Fisheries  
1315 East-West Highway  
Silver Spring, Maryland 13156  
USA  
Tel: 301 713 2322  
Fax: 301 713 0376  
E-mail: simona.roberts@noaa.gov

**Ken Pole**  
Editor  
Environment Policy + Law  
1950 Highridge Ave.  
Ottawa, Ontario K1H 5H3  
Canada  
Tel: 613 523 5195  
Fax: 613 523 5208  
E-mail: ken.pole@sympatico.ca

**Mary Power Giacoletti**  
Writer / Environmentalist  
Individual  
9373 Jasper Way  
San Simeon, California 93452  
USA  
Tel: 805 924 0332  
E-mail:  
mpowergiacoletti@prodigy.net

**Denise Proulx**  
Journaliste  
Magazine Recto Verso  
2217 Chemin Principal  
Saint-Joseph-du-lac, Québec J0N  
1M0  
Canada  
Tel: 450 623 0565  
Fax: 450 623 2956  
E-mail: proulxd@sympatico.ca

**Jan Rabantek**  
Civil Affairs Officer  
United Nations  
E-mail: rabantek@un.org

**Alberto Rabilotta Alvarez**  
Corresponsal  
NOTIMEX  
753 A Bloomfield Street  
Outremont, Québec H2V 3S4  
Canada  
Tel: 514 272 4921  
Fax: 514 272 2866

**Laura Esthela Ramírez**  
Profesora  
Universidad Autónoma de México -  
UNAM  
Edif. Pito Perez 404, Col. Villa  
Panamericana  
México, D.F. 04700  
México  
Tel: 011 525 666 6299  
Fax: 011 525 549 5498  
E-mail: lerapaez@yahoo.com

**Phillip Raphals**  
Director  
Centre Hélios  
326 St-Joseph Blvd. East, Suite 100  
Montréal, Québec H2T 1J2  
Canada  
Tel: 514 849 7091  
Fax: 514 849 6357  
E-mail: raphals@centrehelios.org

**François Raynauld**  
Secretary  
NAFTA Secretariat - Canadian  
Section  
90 Sparks Street, Suite 705  
Ottawa, Ontario K1P 5B4  
Canada  
Tel: 613 992 9380  
Fax: 613 992 9392  
E-mail: raynauldf@nafta-sec-alena.org

**Robert Redhead**  
President  
Robert J. Redhead Limited  
616 Holly Hall Crescent  
Burlington, Ontario L7L 3Z7  
Canada  
Tel: 905 631 7573  
Fax: 905 631 6708  
E-mail: redheadr@worldchat.com

**Lynne Ree**  
Senior Advisor, Environment Affairs  
Canadian Steel Producers Association  
50 O'Connor St. N ° 1425  
Ottawa, Ontario K1P 6L2  
Canada  
Tel: 613 238 6049  
Fax: 613 238 1832  
E-mail: l.ree@canadiansteel.ca

**Roberto Salvador Reynoso Quesada**  
Jefe del departamento de  
potabilización  
Sistema Intermunicipal de los  
Servicios de Agua Potable y  
Alcantarillado  
Paseo Royal Country #5505-28 Cond.  
La Campiña  
Guadalajara, Jalisco 46100  
México  
Tel: 011 52 333 642 8289  
Fax: 011 52 333 670 7212

**Elizabeth Rohr**  
Senior Policy Advisor  
Environment Canada  
Hull, Québec  
Canada  
Tel: 819 994 4747  
Fax: 819 997 0199  
E-mail: beth.rohr@ec.gc.ca

**Manuel Sánchez**  
Vice President  
Synergy Group  
2211 Norfolk #460  
Houston, Texas 77098  
USA  
Tel: 713 533 4310  
Fax: 713 533 4301  
E-mail: msanchez@syn-g.com

**Issa Sangare**  
Chargé de Communication  
Convergence d'Appuis au  
Développement Intégré à la Base  
Rue 33 N° 214  
Bamako,  
Mali  
Tel: 00 223 71 8696  
Fax: 00 223 23 0177  
E-mail:  
amadou.sago.sidibe@caramail.com /  
cadibaafrrique@yahoo.fr

**Sandra Schwartz**  
Manager, Child Health Programme  
Pollution Probe  
63 Sparks St.  
Ottawa, Ontario K1P 5A6  
Canada  
Tel: 613 237 3485  
Fax: 613 237 6111  
E-mail:  
sschwartz@pollutionprobe.org

**María Fernanda Serea**  
GIS Officer  
Kivallik Inuit Association  
P.O.Box 340  
Rankir Inlant, Nunavut  
Canada

**Rebeca Serrano**  
Geografa  
Secretaría de Ecología, Gobierno  
del Estado de México  
Av. Villada N°212  
Toluca, Estado de México 50000  
México  
Tel: 011 52 722 215 9364  
Fax: 011 52 722 215 6653  
E-mail: rcsb@coatepec.uaemex.mx

**Rocio Serrano**  
Maestra en Planeación Urbana y  
Regional  
Universidad Autónoma del Estado  
de México  
Instituto Literario N°100  
Toluca, 50000  
México  
Tel: 011 52 722 215 1333  
Fax: 011 52 722 214 0220  
E-mail: rcsb@coatepec.uaemex.mx

**William J. Snape**  
Vice President  
Defenders of Wildlife  
1101 14th St. NW Suite 1400  
Washington, DC 20005  
USA  
Tel: 202 682 9400  
Fax: 202 682 1331  
E-mail: bsnap@defenders.org

**Barry Stemshorn**  
Environment Canada - Environmental  
Protection Service / Service de la  
protection de l'environnement  
351 St-Joseph Blvd  
Hull, Québec  
Canada  
Tel: 819 997 1575 / 953 2969  
Fax: 819 953 9452  
E-mail: barry.stemshorn@ec.gc.ca

**Nana Tandia**  
Superviseur volet environnement  
Convergence d'Appuis au  
Developpement Integré à la Base  
Rue 33 N° 214  
Bamako,  
Mali  
Tel: 00 223 71 8696  
Fax: 00 223 23 0177  
E-mail:  
amadou.sago.sidibe@caramail.com /  
cadibaafrique@yahoo.fr

**Richard Tobe**  
Vice President  
Government Advisory Committee  
USA  
56 Chapin Parkway  
Buffalo, New York 14209  
USA  
Tel: 716 852 2859  
Fax: 716 852 2861  
E-mail: richt@cfgb.org

**Jeffrey Tracey**  
Trade Commissioner - Environment  
Foreign Affairs & Internatioanl Trade  
125 Sussex Drive  
Ottawa, Ontario K1A 0G2  
Canada  
Tel: 613 996 1758  
Fax: 613 943 8820  
E-mail: jeffrey.tracey@dfait-  
maeci.gc.ca

**Stefania Trombetti**  
Senior Manager  
Environment Canada  
Hull, Québec  
Canada  
Tel: 819 994 7834  
Fax: 819 997 0199  
E-mail: stefania.trombetti@ec.gc.ca

**Roger Valois**  
Vice President  
Confédération des syndicats nationaux  
1601 de Lorimier  
Montréal, Québec H2K 4M5  
Canada  
Tel: 514 598 2266  
Fax: 514 598 2052  
E-mail: roger.valois@csn.qc.ca

**Bertrand Von Arx**  
Scientific Authority & International  
Coordinator  
Environment Canada / CITES  
4-351 nSt-Jojsoph Blvd.  
Hull, Québec K1A 0H3  
Canada  
Tel: 819 953 1429  
Fax: 819 994 3684  
E-mail: bertrand.vonarx@ec.gc.ca

**Alan Waffle**  
Environment Canada  
4905 Dufferin Street  
Downsview, Ontario M3H 5T4  
Canada  
Tel: 416 739 5854  
Fax: 416 739 4797  
E-mail: alan.waffle@ec.gc.ca

**Robert Walsh**  
Live Production Director  
CPAC  
1750-45 O'Connor St.  
Ottawa, Ontario K1P 1A4  
Canada  
Tel: 613 364 1123  
Fax: 613 567 2749  
E-mail: rwalsh@cpac.ca

**Don Wedge**  
Vice-President  
Stop Environment Group  
288 Grosvenor # 5  
Westmount, Québec H3Z 2L9  
Canada  
Tel: 514 934 1662  
E-mail: dwedge@sympatico.ca

**Carolyn Wild**  
President  
Wild International  
24 Kempster Avenue  
Ottawa, Ontario K2B 8B2  
Canada  
Tel: 613 820 6702  
E-mail: wild@travel-net.com

**Tim Williams**  
Researcher  
Library of Parliament  
151 Sparks St.  
Ottawa, Ontario  
Canada  
Tel: 613 995 7711  
E-mail: willit@parl.gc.ca

**Chris Wolnik**  
Executive Director  
Canadian Centre for Pollution  
Prevention  
100 Charlotte St.  
Sarnia, Ontario N7T 4R2  
Canada  
Tel: 519 337 3429  
Fax: 519 337 3486  
E-mail: chris@czpzonline.com

**Alexander Wood**  
Policy Advisor  
Ecological Fiscal Reform Program  
- National Round Table on the  
Environment and the Economy  
344 Slater Street, Suite 200  
Ottawa, Ontario K2R 7Y3  
Canada  
Tel: 613 943 0394  
Fax:  
E-mail: wooda@nrtee-trnee.ca

**Stephen Wright**  
Communications Policy Manager  
Environment Canada  
10 Wellington  
Hull, Quebec  
Canada  
Tel: 819 953 0721  
Fax:  
E-mail: stephen.wright@ec.gc.ca

**Ken Zarker**  
Chair  
U.S. National Pollution Prevention  
Roundtable  
1906 Kenwood Avenue  
Austin, Texas 78704  
USA  
Tel: 512 239 3145  
Fax: 512 239 3165  
E-mail: kzarker@tnrcc.state.tx.us

**José Zavala**  
Director Ambiental  
Informa, A.C.  
Alivio Norte No 28-C  
Tijuana, Baja California 22500  
México  
Tel: 011 52 664 623 3368  
Fax: 011 52 664 623 3339  
E-mail: jczavala@telnor.net

**Lorena Zurita**  
Emajada de México en Canadá  
45 O'Connor Street, Suite 1500  
Ottawa, Ontario K1P 1A4  
Canada  
Tel: 613 233 8999

**Remarks from the Executive Director**  
**Commission for Environmental Cooperation**  
*Opening of the Ninth Regular Session*  
*of the CEC Council*

*Ottawa, 18 June 2002*

C'est avec grand plaisir que je vous présente les principaux secteurs d'activités dans lesquels la CCE a réalisé des progrès considérables et auxquels elle a apporté une importante contribution.

Grâce au Conseil et à votre grand dévouement, la CCE est devenue une organisation respectée et efficace pour ce qui est de réunir des gens qui ont un même objectif, à savoir protéger l'environnement de l'Amérique du Nord. La CCE a également démontré que, si tous les intervenants travaillent ensemble, nous pouvons régler les problèmes environnementaux associés à la libéralisation des échanges et aux liens économiques plus étroits qui unissent les trois pays.

The CEC continues to work on improving ways to assess the environmental effects of trade on the North American environment. The Secretariat is organizing the second North American Symposium on Assessing the Environmental Effects of Trade, and is this week releasing the call for papers. The proceedings from our first symposium, held in fall 2000, were released this past February.

Es un placer reportarles resultados en áreas donde la Comisión ha hecho progresos relevantes, antes que nada me referiré a metas adicionales a las prioridades definidas por el Consejo en participación pública, calidad de la información ambiental y visibilidad institucional.

Los procesos de participación pública se han intensificado en todos nuestros proyectos y vemos con agrado los enormes avances del JPAC en sus procesos consultivos, el nivel de la capacidad participativa de organizaciones no gubernamentales en favor del medio ambiente se ha incrementado de manera considerable, especialmente de México, mi mayor reconocimiento por la relevante labor de la sociedad civil.

La calidad de la información que distribuye la Comisión se hace evidente, no solo en el Informe del Estado del Medio Ambiente y la séptima publicación de "En Balance" sino en los múltiples reportes relacionados con Comercio y Medio Ambiente en donde las metodologías incorporadas han permitido analizar de manera concreta los vínculos existentes en la temática. Hacia el exterior se colabora con el Sector Empresarial, promoviendo la competitividad y el desempeño ambiental al tiempo que se valora la importancia de la información ambiental en la toma de decisiones del sector financiero.

Para hacer más visible a la Comisión hemos vinculado nuestros proyectos con las capacidades de otras agencias internacionales, creando sinergias que nos permitan avanzar en las prioridades definidas por nuestro Consejo. Nuestra asociación con La Organización Panamericana de la Salud, El Programa de Medio Ambiente de las Naciones Unidas y El Fondo Mundial para el Medio Ambiente (GEF), nos ha permitido usar nuevos enfoques para el control del paludismo al tiempo que se elimina el uso del DDT en México y los siete países de Centroamérica, en esta acción se involucran recursos adicionales por 11 millones de dólares, Adicionalmente el Banco Mundial nos pide colaborar en un programa de transporte sustentable en la Ciudad de México que cuenta con recursos del GEF por 7 millones de dólares.

We are making good progress in other areas:

- The CEC will shortly be releasing for public comment a draft North American Regional Action Plan to reduce the presence of dioxins, furans, and hexachlorobenzene in the North American environment.
- The CEC is completing a comparative analysis of hazardous waste management standards in North America and examining the potential for a North American electronic tracking system of hazardous waste movements across borders.
- The CEC Advisory Committee on Children's Health and the Environment has drafted an agenda for North American collaboration in this vital area.

The CEC is exploring how market-based instruments can best accomplish environmental protection in the context of an increasingly integrated North American economy. Following Council's direction last year, the CEC has begun to explore key issues related to market mechanisms for promoting energy efficiency, renewable energy and carbon sequestration.

Learning from our successful experience in establishing a pollution prevention fund for small businesses in Mexico, we are exploring the potential of microfinancing mechanisms to encourage sustainable agricultural practices in forest ecosystems that at the same time encourage the conservation of biodiversity, based on the success of the pollution prevention fund for Mexican small and medium-size enterprises:

We are exploring how North American cooperation can contribute to the conservation of water resources, including pricing, technology, and watershed management.

Partnerships have become crucial in generating synergy, encouraging efficiency and realizing successes. Collaborating with the private sector, government agencies, NGOs, and other international organizations have resulted in these and other important accomplishments. I would like to thank those who have partnered with us, making it possible to achieve environmental objectives effectively and efficiently.

Of course challenges remain. We have improved the time it takes the Secretariat to respond and manage citizen submissions related to failures to effectively enforce environmental laws. The CEC's third factual record has been released by Council. The Secretariat is now working on seven factual records, and is committed to completing them in a reasonable time frame and in a way that that fulfills the purpose that the negotiators had in mind when they developed this unique

“sunshine tool” for the public to use.

In my travels in North America, in meeting with citizen groups, local governments, business groups, universities and research organizations, and government agencies, I have been impressed and inspired by the growth in understanding of our shared North American environmental heritage, and our shared responsibilities to that heritage. And I am inspired by the willingness and commitment to reach out over barriers in language, in culture and politics, and in geography, to work together as North Americans to protect this environment and conserve our natural resources—to make North America a place where prosperity does not come at the cost of the environment, but where environmental protection makes prosperity possible and sustainable.

I would like to give my heartfelt thanks to all of you who have worked with the Commission and helped it to begin to realize its promise and its goals. I thank the members of Council for their leadership and vision, the Alternate Representatives, the members of the Joint Public Advisory Committee, the National Advisory Committees and the members of civil society who have brought together energies and expertise to promote sustainable development, improve the lives of our citizens, and preserve our environmental heritage for future generations.

Gracias a todos ustedes por su entusiasmo y dedicado trabajo, ha sido para mi un verdadero privilegio el haber trabajado con todos ustedes en esta gran institución.

**NINTH REGULAR SESSION OF THE COUNCIL  
OF THE COMMISSION FOR ENVIRONMENTAL COOPERATION (CEC)**

**18–19 June 2002**

Ottawa, Canada

**AGENDA**

Chair: David Anderson, Canada

**TUESDAY, 18 JUNE 2002**

**9:40 – 10:20      Opening of the 9<sup>th</sup> Regular Session of the Council (public) (1 hr)**

Item 1      Opening of the Session by the Chair, and report by the Executive Director

**10:20 – 10:30      Break**

**10:30 – 14:00      In-camera session (with working lunch) (3 h 30 min.)**

Item 2      Opening of the in-camera session and adoption of the agenda (5 min.)

Item 3      Energy and Environment (40 min.)

Item 4      Environment and Health

Item 4.1      Children's Health and the Environment (35 min.)

Item 4.2      Sound Management of Chemicals (20 min.)

Item 4.3      Hazardous Waste (15 min.)

Item 4.4      North American Pollutant Release and Transfer Registers (PRTRs) (10 min.)

Item 5      Partnerships for Sustainable Development

Item 5.1      North American Bird Conservation Initiative (NABCI) (15 min.)

Item 5.2      Progress report on proposed Trade and Environment Ministerial (15 min.)

Item 5.3      Financing for Environmental Protection (20 min.)

Item 5.4      Corporate Environmental Stewardship (15 min.)



- Item 5.5 World Summit on Sustainable Development (15 min.)
- Item 6 Preparation for the public portion of the Session (5 min.)

**14:00—15:00 Joint meeting with JPAC (Part I) (1 hr)**

- Item 7 Joint meeting with JPAC (Part I)
  - Item 7.1 JPAC Advice to Council and update on other issues
  - Item 7.2 Summary of the JPAC Sessions

**15:00—17:00 Public Portion of the Council Session (2 hrs)**

- Item 8 Public Session with Council

**WEDNESDAY, 19 JUNE 2002**

**8:00—9:00 Joint meeting with JPAC (working breakfast) (1 hr)**

- Item 9 Joint meeting with JPAC

**9:00 – 9:30 Break**

**9:30 – 12:30 In-camera session (working lunch) (3 hrs)**

- Item 10 Resumption of agenda and finalization of Council Resolutions and Communiqué (1 hr 15 min.)
- Item 11 Joint meeting with the International Joint Commission (IJC) and International Boundary Waters Commission (IBWC) (11:30 — 12:00)
- Item 12 Preparation for press conference (15 min.)
- Item 13 Concluding remarks and signature of Resolutions (15 min.)

**12:30 – 13:15 Press conference (45 min.)**

**13:15 End of official program**

**2002 REGULAR SESSION OF THE COUNCIL  
Annotations to the agenda**

**TUESDAY, 18 JUNE 2002**

**Item 1      Opening of the 9<sup>th</sup> Regular Session of the Council and report by the Executive Director**

The Chair will make opening remarks and invite his Mexican and United States counterparts to address the public.

Under this item, the Executive Director will brief the Council and present them with a written report on significant initiatives undertaken by the Commission (*Council Rules of Procedure (R. 5.3)*).

Session Document(s):

- a)    Program of public events C/02-00/PROG/02/Rev.6
- b)    Executive Director's report to Council and annexes

**Item 2      Opening of in-camera session and adoption of the agenda**

The Council shall adopt the agenda based on the provisional annotated agenda (*Rule 9.6 of Council Rules of Procedure*). The Chair may wish to set out the objectives for the meeting and indicate how he intends to handle the discussions.

Session Document(s):

- a)    Provisional annotated agenda C/02-00/AGEN/01/Rev.6
- b)    General program for the Session and side events C/02-00/PROG/01/Rev.8

**Item 3      Energy and Environment**

The CEC Secretariat has submitted to the Parties its report on the Environmental Challenges and Opportunities of the "North American Evolving Electricity Market" under Article 13 of the North American Agreement for Environmental Cooperation (NAAEC). The report is before the Parties at a time when the three countries-through the North American Energy Working Group- are examining issues related to enhancing North American energy trade and interconnections, including electricity regulatory issues. The Article 13 report was drafted to assist the Parties in identifying ways that meeting the growing demand in energy, including electricity, can be achieved while at the same time meeting each country's environmental and health objectives related to reducing air pollution, reducing GHG emissions and other goals.

The Chair of the Expert Advisory Board will be attending this part of the session in order to discuss the recommendations with Council. In addition, a representative from the North American Energy Working Group (NAEWG) will offer a short presentation on NAEWG activities.

POINTS FOR DISCUSSION AND/OR DECISION:

- Discussion on the Secretariat Report.
- Decision on pursuing selected recommendations and potential areas for CEC follow-up work.
- Decision on the establishment of a North American Air Working Group.

Session Document(s):

- a) Article 13 Report: Environmental Challenges and Opportunities of the Evolving North American Electricity Market
- b) Draft Council Resolution and Terms of Reference for the North American Air Working Group

Other Background Document(s):

- a) Letter from the JPAC Chair to Council related the Symposium on the Environmental Challenges and Opportunities of the Evolving North American Electricity Market, dated on 13 December 2001
- b) Letter from the JPAC Chair to Council relating to the Article 13 report on Environmental Challenges and Opportunities of the Evolving North American Electricity Market, dated 15 February 2002

**Item 4.0 Environment and Health**

**Item 4.1 Children's Health and the Environment**

In accordance with Council Resolution 00-10 on Children's Health and the Environment, the Council committed to the development of a cooperative agenda to protect children from environmental threats.

During its last session, the Council established terms of reference for the Expert Advisory Board on Children's Health and the Environment in North America, and asked the Secretariat to explore the possibility of addressing other vulnerable segments of the population and how to assist the PAHO and UNEP initiative on this issue. Collaboration with PAHO on indicators of children environmental health is underway. The CEC is exploring opportunities to build on the outcomes of the Health and Environment Ministerial of the Americas meeting held in Ottawa in March 2002.

Building on the priority issues identified by Council (asthma and respiratory disease, the effects of lead and other toxics), as well as ideas generated during a trilateral workshop held in November 2001, a draft Cooperative Agenda for Children's Health and the Environment in North America was developed. A draft for public consultation was discussed at a public meeting, held jointly by the Expert Advisory Board and JPAC, on 7 March 2002, in Mexico City. Taking into account public and stakeholder input, a revised version has been prepared for potential adoption by Council in June.

Members of the Expert Advisory Board actively participated in shaping the draft Cooperative Agenda through their participation in the trilateral workshop in November 2001, and by jointly hosting the public meeting with JPAC in March 2002. On 2 April 2002, the Expert Advisory Board issued an Advice to Council on the development of the Cooperative Agenda on Children's Health and the Environment in North America.

POINTS FOR DISCUSSION AND/OR DECISION:

- Consider adopting the Cooperative Agenda on Children’s Environmental Health.
- Discussion with the Chair of the Expert Advisory Board on future direction and priorities.

Session Document(s):

- a) Cooperative Agenda for Children’s Health and the Environment in North America
- b) Expert Advisory Board Advice to Council 02-01: Development of the Cooperative Agenda for Children’s Health and the Environment in North America
- c) Draft Council Resolution re: Children’s Health and the Environment

Other Background Document(s):

- a) JPAC Advice 02-01: Children’s Health and the Environment in North America

**Item 4.2      Sound Management of Chemicals**

At its meeting last year, Council directed that the Sound Management of Chemicals program continue work in support of regional cooperation towards the implementation by the Parties of the recently signed Convention on Persistent Organic Pollutants. The JPAC will be holding, in parallel to the Council’s current session, a public session on Capacity Building and Education Opportunities for SMOC.

The SMOC program has been underway since 1995. As directed by Council, the focus has been on persistent toxic substances and, to date, four NARAPs have been launched (PCBs, mercury, chlordane and DDT). The chlordane NARAP is now completed. Two new NARAPs are being developed – that on environmental monitoring and assessment will be brought to Council for approval and the one on dioxins, furans and hexachlorobenzenes will be released for public comment. Finally, a recommendation will be brought to Council to approve the preparation of a NARAP for lindane.

In response to the Council’s direction in 2001, the SMOC Working Group anticipates completing the current NARAPs while ensuring that they are consistent with the obligations of the Stockholm Treaty. In addition, SMOC will identify what new POPs might be of concern to the North American Environment. SMOC is also preparing a discussion paper outlining possible new approaches to dealing with the broader range of chemicals of concern in North America.

POINTS FOR DISCUSSION AND/OR DECISION:

- Decision on the development of lindane NARAP.
- Decision on adoption of environmental monitoring and assessment NARAP.
- Discussion on future directions and priorities.

Session Document(s):

- a) North American Regional Action Plan on Environmental Monitoring and Assessment
- b) Draft Council Resolution re: Developing a North American Regional Action Plan on Lindane, Rev. 1
- c) Draft Council Resolution re: North American Regional Action Plan (NARAP) on Environmental Monitoring and Assessment
- d) SMOC Presentation to Council

Other Background Document(s):

- a) North American Working Group on the Sound Management of Chemicals—Summary from the retreat of the North American Working Group on the Sound Management of Chemicals, held on 31 January and 1 February 2002
- b) Program of public events (*Refer to session document a) under item 1.0*)
- c) JPAC Background Paper on Capacity Building Opportunities and Education for SMOC
- d) JPAC Advice to Council 02-01: Children’s Health and the Environment in North America (*Refer to background document a) under item 4.1*)
- e) JPAC Advice to Council 01-08: Sound Management of Chemicals Program of the CEC
- f) JPAC Advice to Council 00-06: A North American Regional Action Plan (NARAP) on Lead

**Item 4.3 Hazardous Waste**

At its meeting last year, the Council also directed that a North American approach to the environmentally sound management of hazardous wastes be developed. The CEC work on hazardous wastes this year has two elements:

- I) Comparative analysis of standards for environmentally sound management (ESM) of hazardous wastes in North America

Evidence indicates that in cases where Canadian standards are less stringent than in the US, this has resulted in increased in imports of hazardous wastes. This is not an issue unique to North America, however, and there is now a concerted international effort (OECD, UNEP) underway to develop internationally consistent approaches for the treatment, destruction, disposal or recycling of hazardous wastes. This is to avoid countries with less stringent standards, or no requirements at all, becoming a dumping ground for hazardous wastes. The comparative analysis provides the first comprehensive look at how hazardous wastes are managed in North America and is a necessary prerequisite to ensuring that hazardous wastes are managed in an environmentally sound manner across the region. The study is under review by the Hazardous Waste Task Force and their preliminary findings will be presented to Council.

- II) Opportunities for improvements in the tracking of transborder movements of hazardous wastes

In 1999, the Enforcement Working Group undertook an examination of the standards governing the transborder movement of hazardous wastes. They concluded that there were significant differences in the way that hazardous wastes transport is regulated in the three countries with the result that it is difficult to enforce those standards. One approach that shows promise is the development of electronic systems for notification, manifesting and tracking of hazardous waste movements. This would have the benefit of reducing paper burden, allowing “real time” tracking of the documentation and improve environmental security in the border region. Canada and the United States have completed a feasibility study on electronic tracking of hazardous waste notifications. A pilot study will be launched this year. A similar feasibility study is being planned for hazardous waste movements between Mexico and the United States.

POINTS FOR DISCUSSION AND/OR DECISION:

- Update and discussion on preliminary findings of a comparative analysis of standards for hazardous wastes in North America and preliminary recommendations.

- Recommendation to proceed with a pilot project to institute an electronic notification system for hazardous waste movements from Canada to the United States.
- Update on a feasibility study for introducing electronic notification for hazardous wastes between Mexico and the United States.

Session Document(s):

- a) Preliminary Findings: CEC draft report on Environmentally Sound Management of Transboundary Movements of Hazardous Wastes, Hazardous Recyclables, and Other Wastes in the NAFTA Region

**Item 4.4 North American Pollutant Release and Transfer Registers (PRTRs)**

In its June 2001 communiqué, Council underscored the importance of timely and accurate environmental information, and the need to continue efforts to improve the quality and public accessibility of such information. PRTRs represent an important vehicle for compiling and providing public access to information on toxic pollutants. Improving the comparability of the data collected through the national PRTRs will provide the public and stakeholders throughout North America with a better understanding of the sources and management of pollutants, and opportunities for reductions.

Council Resolution 97-04 (Promoting Comparability of PRTRs) called for the development of an implementation plan to enhance comparability of PRTRs, including short- and long-term goals. An Action Plan to Enhance the Comparability of North American Pollutant Release and Transfer Registers (PRTRs) has been prepared, for consideration and potential adoption by Council. Given the new opportunities presented by the recent passage of legislation in Mexico establishing a mandatory PRTR, it is a particularly opportune time for the Parties to address issues of comparability, with a view to improving the quality and accessibility of PRTR information across the continent.

POINTS FOR DISCUSSION AND/OR DECISION:

- Consider and approve the Action Plan to Enhance the Comparability of North American Pollutant Release and Transfer Registers (PRTRs).

Session Document(s):

- a) Action Plan to Enhance the Comparability of North American Pollutant Release and Transfer Registers (PRTRs)
- b) Status of comparability among the PRTRs in North America
- c) Draft Council Resolution re: Action Plan to Enhance Comparability of PRTRs in North America

**Item 5 Partnerships for Sustainable Development**

**Item 5.1 North American Bird Conservation Initiative (NABCI)**

Birds are the most visible component of the biological diversity of North America. More than a thousand species of birds are found in Canada, Mexico and the United States, and many species use habitats in several countries during their annual migratory cycle. Due to their visibility,

ubiquitous distribution and responsiveness, birds can serve both as a flagship for the conservation of all biodiversity, and as a health indicator of the continent's ecosystems. Over the past century, however, the populations of many birds have declined significantly, to the point that regional extirpation or overall extinction looms as a potential likelihood for a number of species.

In response, in 1999 Council created the North American Bird Conservation Initiative as an innovative approach for the conservation all birds in all habitats. NABCI is today the only forum in North America that brings together governments, nongovernmental organizations, and the citizens of Canada, Mexico, and the United States.

Since NABCI's early stages, the CEC has helped to build trilateral Institutional mechanisms to ensure support for this initiative, and assisted in establishing a platform for the delivery of integrated bird conservation. During 2002 the first trilateral projects that demonstrate NABCI's holistic approach are being developed based on natural linkages and common interests shared by partners of the three North American countries.

During its last session held in Guadalajara, Mexico, in June 2001, the Council recognized NABCI's importance and expressed its support for the initiative, requesting a progress report be produced by 2002.

POINTS FOR DISCUSSION AND/OR DECISION:

- Review of the North American Biodiversity Conservation Initiative (NABCI)
- Discussion on future direction, particularly with regard to the promotion of NABCI as a base for the delivery of integrative efforts for the conservation of North America's biodiversity.

Session Document(s):

- a) Review of Progress on the North American Bird Conservation Initiative

Other Background Document(s):

- a) Council Resolution 99-03: North American Bird Conservation Initiative
- b) Council Resolution 96-02: Cooperation for the Conservation of the Birds of North America
- c) NABCI Brochure

**Item 5.2 Progress report on proposed Trade and Environment Ministerial (15 min.)**

As agreed to by the Council during its last session, the Parties are exploring with their trade counterparts the possibility of convening a joint meeting between the CEC and the North American Free Trade Commission, aiming for 2003.

POINTS FOR DISCUSSION AND/OR DECISION:

- Update on potential objectives.

Session Document(s):

- a) Progress report on proposed Trade and Environment Ministerial

Other Background Document(s):

- a) JPAC Advice 02-04: The Commission for Environmental Cooperation (CEC) of North America and the North American Free Trade Agreement (NAFTA) Chapter 11

### **Item 5.3      Financing and the Environment**

As discussion in many recent conferences have shown, the relationship of financing and environment is multifaceted. The Monterrey Conference, the WSSD preparatory process, the GEF roundtables, the OECD Global Forum on Finance and Environment have all addressed aspects of this issue, in which the CEC has taken an early role with its work program in this area.

The work program currently has four components. The four components involve: improving the usefulness of environmental risk information to investors; comparing country practice with respect to mandated disclosure of environmental information; and building markets for greener production and market institutions for greener, primarily small and medium scale, agricultural production. “Next steps” for these components are identified for decision below.

Given current discussion on how to finance basic environmental and environmental health needs, and considering the general recognition of the key role that local private and public capital markets will play, it is timely to consider whether and how the CEC work program in this area might be enhanced. In the water sector, for instance, the three countries are facing large costs to provide new, or replace aging, infrastructure. To provide a context for this discussion, a brief expert presentation will be presented. The presentation will identify inventory needs, survey public and private sources of finance and the array of available financial instruments, identify gaps in capital markets and how to address them. Council may then consider what role the CEC might play in facilitating the creation of wider, deeper capital markets and the mobilization of needed capital.

An expert on financing will be attending this part of the session in order to present the CEC’s work on financing and the environment

#### POINTS FOR DISCUSSION AND/OR DECISION

- Discuss whether and how the work program might be enhanced or what additional information or discussion is needed to frame options for enhancement.
- Decision to support further efforts, in cooperation with the private sector, UNEP and other institutions, to develop methodologies and information links to provide environmental information useful to financial institutions and to encourage the use of environmental information in credit, investment and asset management decisions.
- Decision to encourage further development of the North American Green Procurement Initiative and to request a report on progress at the next meeting of the Council.
- Decision relating to the coordination with appropriate officials regarding a meeting to discuss the scope and form of mandatory disclosure to securities exchanges in financial reporting of environmental exposures and risks.
- Decision to commend work so far on implementing the Council’s decision on a sustainable agriculture fund and to request that the Secretariat further develop and implement the concept.

#### Session Documents

- a) Financing and the Environment: Overview of recent work by the CEC (including Annex 1: The North American Sustainable Agriculture Fund; Annex 2: Financing and the Environment:



Highlights of New York Meeting and Follow-up Steps; Annex 3: Financing Green Goods and Services: Highlights of Philadelphia Meeting and Follow-up Steps

- b) Environmental Disclosure Requirements in the Securities Regulations and Financial Accounting Standards of Canada, Mexico and the United States

Other background Documents

- a) JPAC Advice 02-06: Private Sector Cooperation and Financing

**Item 5.4 Corporate Environmental Stewardship**

Corporate environmental stewardship can be defined broadly as a company's commitment to take responsibility for the environmental consequences of its actions inside and beyond its "fencelines" and to serve as a good neighbor. Corporate environmental stewardship by the private, for-profit sector and business related activities of government plays a crucial role in providing resources and leadership. These stewardship activities provide a positive role model, for moving the industrial sector forward and "beyond compliance" through promoting continual environmental improvement. Public support for trade liberalization is bolstered by companies that employ a deep sense of environmental stewardship wherever they operate. How well nations pursue trade liberalization, environmental protection, and corporate stewardship will undoubtedly touch the lives of all people everywhere for many years to come.

An effective corporate stewardship program that subscribes to the principles of pollution prevention and the use of an environmental management system will not only reduce industrial pollutant loading, but at the same time improve productivity and competitiveness. In turn, an effective public-private partnership, which includes governments at the national, State and local levels, is the best way to promote the widespread adoption of pollution prevention and the use of environmental management systems.

POINTS FOR DISCUSSION AND/OR DECISION:

- Council will share their views about environmental stewardship programs to recognize and reward environmental leaders in government and the business world who make public, verifiable commitments to a high level of environmental stewardship.
- Council will discuss the benefits and role of governments in additional collaboration with the pollution prevention roundtables as well as other relevant organizations.
- Council will explore promoting EMSs with small and medium-size businesses.

Session Document(s):

- a) Joint proposal for North American Pollution Prevention Partnership for 2003–2005
- b) North American Pollution Prevention Partnership (NAP<sup>3</sup>)—Executive Summary (Appendix A: Roundtables of the North American Pollution Prevention Partnership and Appendix B: Review of Pollution Prevention Policy in North America, prepared by the North American Pollution Prevention Partnership)
- c) North American Pollution Prevention Declaration—Actions for our Common Future
- d) Letter to Council, dated 9 May, from the Chair of the North American Working Group on Environmental Enforcement and Compliance Cooperation

- e) Report to Council on Implementation of the CEC Guidance document: "Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems"

### **Item 5.5 World Summit on Sustainable Development (WSSD)**

Given the innovative nature of the CEC, Council has expressed desire to share some of the results and experiences gained from this example of regional cooperation in the context of economic integration during the World Summit on Sustainable Development. The NAAEC, as a parallel environmental agreement to the North American Free Trade Agreement, has spearheaded a number of very successful initiatives, such as SMOC, children's health, capacity building, shade coffee, NABCI, and PRTR.

#### POINTS FOR DISCUSSION AND/OR DECISION:

- Exchange of views on each country's deliverables for the World Summit on Sustainable Development, to be held in Johannesburg in August 2002, and discussion of any relevant examples from North America.

No document(s):

### **Item 6 Preparation for the public portion of the Session**

In preparation for the public portion of the session to be held in the afternoon of 18 June, the Chair may review the format for the public session and provide a brief summary of key decisions reached by the Council thus far during their in-camera session.

Session Document(s): (Refer to item 8)

### **Item 7 Joint meeting with JPAC (Part I)**

In accordance with the Council's decision, made at its 1998 Regular Session, the Council will meet in private with JPAC members. The Council will meet again with JPAC before its regular session is adjourned (see item 9).

#### **Item 7.1 JPAC Advice to Council and update on other issues**

The JPAC Chair will report on the JPAC Advice to Council relating to Children's Health and the Environment as well as the North American Fund for Environmental Cooperation (NAFEC). He will also make reference to the North American Pollutant Release and Transfer Register project.

In addition, selected JPAC members will brief the Council on specific issues, including the Secretariat's Article 13 Report on Environmental Challenges and Opportunities of the Evolving North American Electricity Market; the Private Sector Cooperation and Financing; and Articles 14 and 15 of NAAEC, including the Council's recent decisions in response to JPAC Advice 02-07—relating to the requirement for the Secretariat to provide the Parties with its work plans, and the opportunity to comment on them—and to recommendations from the JPAC Lessons Learned Report relating to the monitoring and confidential information issues. JPAC will also raise the

issue relating to the review of the operation of Council Resolution 00-09, adopted in Dallas in June 2000, relating to the implementation and further elaboration of Articles 14 and 15.

Session Document(s):

- a) JPAC Advice 02-01: Children's Health and the Environment in North America (*Refer to background document a) under item 4.1)*
- b) JPAC Advice 02-02: The North American Fund for Environmental Cooperation (NAFEC)
- c) Letter from the JPAC Chair to Council related the Symposium on the Environmental Challenges and Opportunities of the Evolving North American Electricity Market dated on 13 December 2001 (*Refer to background document a) under item 3.0)*
- d) Letter from the JPAC Chair dated 15 February 2002 relating to the Article 13 report on Environmental Challenges and Opportunities of the Evolving North American Electricity Market (*Refer to background document b) under item 3.0)*
- e) JPAC Advice 02-06: The Private Sector Cooperation and Financing (*Refer to background document a) under item 5.3)*
- f) JPAC Advice 02-07: Work plan issue related to submissions under Articles 14 and 15 of the North American Agreement on Environmental
- g) Letter (dated 14/06/2002) from Council in response to JPAC Advice 02-07 relating to the requirement for the Secretariat to provide the Parties with its work plans
- h) Letter, dated 22 April 2002, to Council from the JPAC Chair regarding the recommendation on monitoring and follow-up
- i) Letter (dated 14/06/2002) from Council to JPAC relating to the recommendations from the JPAC Lessons Learned Report relating to the monitoring and confidential information issues
- j) Council Resolution 00-09 on Matters related to Articles 14 and 15 of the Agreement

Other Background Document(s):

- a) JPAC Advice 01-07: Citizen Submissions on Enforcement Matters under Articles 14 & 15 of NAAEC
- b) JPAC Advice 01-09: Request to conduct a public review of two issues concerning the implementation and further elaboration of Articles 14 and 15 of the NAAEC
- c) JPAC Advice 02-03: Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15
- d) JPAC Advice 01-10: Public Portion of the Council Session
- e) JPAC Advice: 02-05: Executive Director of the Commission for Environmental Cooperation
- f) JPAC work plan and working groups for 2002
- g) JPAC members' resumes
- h) JPAC report attendance

**Item 7.2 Summary of the JPAC Sessions**

Selected JPAC members will report on the conclusions from the JPAC sessions on Capacity Building and Education Opportunities for SMOC and on NAFTA Chapter 11 held in parallel to the Council session.

Session Document(s):

- a) JPAC Advice to Council 00-06: A North American Regional Action Plan (NARAP) for Lead (*Refer to background document f) under item 4.2)*

- b) JPAC Advice 01-08: Sound Management of Chemicals, Rev. 1 (*Refer to background document e) under item 4.2)*
- c) JPAC Advice 02-04: The CEC of North America and the North American Free Trade Agreement (NAFTA) Chapter 11 (*Refer to background document a) under item 5.2)*

Other Background Document(s):

- a) Background paper on capacity building opportunities and education for SMOC (*Refer to background document c) under item 4.2)*
- b) NAFTA's Chapter 11 and the Environment: A Briefing Paper for the CEC's Joint Public Advisory Committee

**Item 8            Public Session with Council [2 hrs]**

In accordance with its Rules of Procedure (R. 4.1), the Council will hold a meeting with the public. The session will be chaired by the Canadian Council member. The JPAC Chair will make an introduction on the conduct of the session.

The session will be divided into three parts. In the first part of the session, selected JPAC members from the JPAC session on Capacity Building and Education Opportunities for the Sound Management of Chemicals will summarize the results of the session. This will be followed by presentations of oral statements by pre-selected participants on issues related to areas of the CEC program and specific obligations under the NAAEC. In the last part of the session, selected rapporteurs will have an opportunity to present the results of the networking session held the previous day among members of the public.

Session Document(s):

- a) Format of the public session C/02-00/PLAN/03
- b) Program of public events (*Refer to session document a) under item 1.0)* C/02-00/PROG/02/Rev.6
- c) List of registered participants C/02-00/LIST
- d) List of registered speakers and summaries of interventions C/02-00/LIST-ORAL
- e) List of recipients of financial assistance C/02-00/LIST-FINANCE

Other Background Document(s):

- a) JPAC Advice 01-10: Public Portion of the Council Session (*Refer to background document d) under item 7.1)*

**WEDNESDAY, 19 JUNE 2002**

**Item 9            Joint meeting with JPAC (Part II)**

In the second portion of its joint meeting with JPAC, the Council may wish to provide guidance to JPAC for future activities.

Session Document(s): (to be determined)

**Item 10      Resumption of agenda and finalization of Council Resolutions and Communiqué**

Under this item, the Council will discuss any outstanding issues from the previous day. Council will also review and approve, as appropriate, the Council resolutions adopted during the session as well as the session communiqué to be released during the press conference.

Session Document(s):

- a) Draft Council Resolution on the establishment of the North American Air Officials Working Group
- b) Draft Council Resolution re: Children's Health and the Environment
- c) Draft Council Resolutions re: Developing a North American Regional Action Plan on Lindane
- d) Draft Council Resolution re: North American Regional Action Plan (NARAP) on Environmental Monitoring and Assessment
- e) Draft Council Resolution re: Establishment of PRTR Action Plan
- f) Draft Council Resolution on 2003 Funding of the Commission
- g) Draft Session communiqué

**Item 11      Joint meeting with the International Joint Commission (IJC) and International Boundary Waters Commission (IBWC) (11:30 — 12:00)**

Under this item, the Council will meet with representatives of the International Joint Commission (IJC) and International Boundary Waters Commission (IBWC) in order to explore items of mutual interest. IJC was set up by Canada and the United States to advise on environmental issues along the Canada - United States boundary. The International Boundary Waters Commission (IBWC) is an agency set up by the governments of Mexico and the United States to advise on water related issues along the Mexico - United States border.

Session Document(s):

- a) Agenda for joint meeting with IJC/IBWC

**Item 12      Preparation for the press conference**

Under this item, the Council may wish to review the arrangements for the press conference, as appropriate. The basic agenda for the press conference includes: a report by the Chair on proceedings, statements by the Canadian and United States Council members, and exchanges with media representatives.

Session Document(s):

- a) Final draft of Session Communiqué

**Item 13      Concluding remarks and signature of Resolutions**

Under this item, the Chair of the Session may wish to make final announcements, acknowledge the contribution of participants and observe on the general conduct of the Session. The Chair is also expected to invite his counterparts to make final statements. As host of the next Regular Session of

the Council, the United States may wish to announce the proposed date and venue for the next session to be held in June 2003.

Prior to the official closure of the session, Council members will be invited to sign the Resolutions adopted by the Parties.

Ottawa, 19 June 2002

COUNCIL RESOLUTION: 02-04

**North American Air Working Group**

THE COUNCIL:

REAFFIRMING the importance of the objectives of the *North American Agreement on Environmental Cooperation* (NAAEC);

RECOGNIZING the clear and widespread harm that air pollution such as ground-level ozone, acid rain, and particulate aerosols pose over large regions of North America;

TAKING INTO ACCOUNT and BUILDING UPON current Commission for Environmental Cooperation (CEC) activities, existing bilateral and multilateral agreements and activities, as well as the work of relevant international organizations to enhance cooperation on air issues;

CONSIDERING the opportunity for North America to serve as a global leader in developing cooperative approaches to address air issues of shared concern;

MINDFUL that there are significant opportunities to share experiences and information through regular exchanges among senior air quality officials in North America; and

ACTING pursuant to Article 9(5)(a) of the NAAEC which provides the CEC Council with the authority to establish and assign responsibilities to working groups;

HEREBY:

AGREES to establish a North American Air Working Group (Working Group) to operate pursuant to the attached Terms of Reference; and

WELCOMES the advice of the Working Group in contributing to the annual development of the CEC work plan and the promotion of increased cooperation among the Parties to the NAAEC regarding air issues.

APPROVED BY THE COUNCIL:

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David Anderson  
Government of Canada

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Víctor Lichtinger  
Government of the United Mexican States

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Christine Todd Whitman  
Government of the United States of America



# North American Air Working Group

## Terms of Reference

### 1. Official Designation (Title)

North American Air Working Group

### 2. Mandate

Pursuant to Council Resolution 02-04, the North American Air Working Group (Working Group) is to provide the Commission for Environmental Cooperation (CEC) with advice and commentary related to the development of the annual CEC work plan for the Air Quality Program and for other related activities. The Working Group will be a forum for active exchange of experiences among Working Group members, regarding air programs in each member's country and to inform members on a continuing basis of CEC activities that involve air issues.

### 3. Description of Working Group Tasks

- 3.1 Provide advice and commentary to the Council on the development and implementation of the annual work plan for the Air Quality Program and for other CEC activities involving air issues.
- 3.2 Participate in an annual one-day intergovernmental meeting of the senior federal air quality officials in North America, with an agenda to be determined by the members.

### 4. Reporting Structure

The Working Group will communicate (either directly or through members' designated alternates) with the CEC Air Quality Program Manager through scheduled conference calls as needed, through written comments on draft work plans, and through a one-day meeting.

### 5. Membership

#### a. Composition

The Working Group will have three members, consisting of one member from each country that is a Party to the North American Agreement on Environmental Cooperation (NAAEC). The members are to be senior federal officials with responsibility for national air quality policy.

#### b. Chair

The Chair will be rotated on an annual basis among the Parties.

#### c. Designated Alternates

For purposes of routine communication with the CEC, each Working Group member may designate an alternate at their discretion to facilitate commentary on CEC air activities.

#### **d. Compensation**

Members of the Working Group and their designated alternates will serve on a voluntary basis.

### **6. Operating Principles**

- 6.1 The CEC Secretariat shall develop and circulate drafts of proposed air activities in the annual work plan to the Working Group for comment.
- 6.2 The Working Group members, or their designated alternates, shall provide comments to the CEC Air Quality Program Manager either in writing or through scheduled conference calls. Comments shall be provided to the CEC and the other Working Group members on a timely basis.
- 6.3 The Working Group shall coordinate as necessary with other working groups and advisory panels under the CEC.
- 6.4 The Working Group shall take steps to involve stakeholders and provide opportunities for public participation in the formation of its advice to the Secretariat and the Council.
- 6.5 The Working Group members will assist in the implementation of the work plan by facilitating the participation of relevant experts from their countries in CEC activities.
- 6.6 The CEC shall consider all comments provided by the Working Group in drafting the final work plan. Approval of the final work plan shall remain at the discretion of the Council.

### **7. Meetings**

- 7.1 The Chair, assisted by the CEC Secretariat, will convene Working Group meetings.
- 7.2 The Working Group shall meet once a year with an agenda determined by the members in consultation with the CEC Secretariat.
- 7.3 The country of the member serving as Chair will be the presumptive location of the annual meeting.
- 7.4 Teleconference calls by the members or their designated alternates and assisted by the CEC Air Program Manager shall occur on an as-needed basis.

### **8. Languages**

The three official languages of the CEC are English, French, and Spanish. Interpretation and translation will be provided in accordance with CEC policies.

### **9. Travel**

The CEC Secretariat will arrange for official travel of Working Group members upon request, taking into account budgetary constraints and in accordance with the CEC Travel Policy, the domestic laws of the Parties, and to the extent authorized by each Party.

### **10. Standards of Conduct**

- 10.1 Working Group members and their designated alternates shall not directly or indirectly solicit or accept gifts from any source that would compromise their independence and integrity as

Working Group members.

- 10.2 Working Group members and their designated alternates shall safeguard from public disclosure any information received in their capacity as Working Group members, where the information is designated by its source as confidential or proprietary.
- 10.3 Working Group members and their designated alternates shall not use, for personal gain, information acquired in their role as Working Group members or designated alternates, unless such information is in the public domain or unless authorized by the Council.

Commission for Environmental Cooperation (CEC) of North America



## Cooperative Agenda for Children's Health and the Environment in North America

June 2002



Ottawa, 19 June 2002

COUNCIL RESOLUTION: 02-06

Cooperative Agenda for Children's Health and the Environment in North America

THE COUNCIL:

HAVING ADOPTED Council Resolution 00-10, whereby the Parties recognized the particular vulnerabilities of children to environmental risks and agreed to collaborate on the development of a cooperative agenda that promotes the protection of children's health from environmental risks;

IN ACCORDANCE with Council Resolution 00-10, whereby the Parties decided to focus, as a starting point, on specific health outcomes such as asthma and other respiratory diseases, the effects of lead including lead poisoning, and the effects of exposure to other toxic substances;

TAKING into consideration, with appreciation, Advice to Council 02-01 from the Expert Advisory Board on Children's Health and the Environment, Advice to Council 02-01 from the Joint Public Advisory Committee of the Commission for Environmental Cooperation (CEC), and comments received from the public;

NOTING the productive and informative meeting held with the Expert Advisory Board members during the Council's Ninth Regular Session on 18 June 2002 in Ottawa;

ACKNOWLEDGING the progress of the CEC in integrating children's environmental health into its ongoing activities;

RECOGNIZING that effective domestic and trilateral solutions to address children's health and the environment require a solid knowledge base, education and outreach, and partnerships; and

RECOGNIZING that protecting children's health from environmental risks is an ongoing task and a long-term investment, and understanding that increased knowledge will continue to inform and shape planned activities and projects to maximize their effectiveness and relevance;

HEREBY:

ADOPTS the Cooperative Agenda for Children's Health and the Environment in North America (Cooperative Agenda);

CALLS UPON the Parties to work together with the CEC Secretariat to implement the Cooperative Agenda by undertaking the following new initiatives over the next two years:

- select and publish a core set of children's environmental health indicators for

North America, working in partnership with the Pan American Health Organization, the International Joint Commission Health Professionals Task Force and others, and in coordination with parallel commitments made by the G-8 Environment Ministers and the Health and Environment Ministerial of the Americas;

- form strategic partnerships with health organizations, including the trilateral network of Pediatric Environmental Health Specialty Units, to strengthen professional training on children's environmental health, with a view toward enabling health professionals to serve as effective conduits of information and advice to parents, care givers, children, and communities;
- strengthen decision-making capacity by enhancing the understanding of the economic impacts of environment-related illnesses and effects on children, including the implications of action versus inaction;
- advance understanding of risk assessment approaches with a view to increasing collaboration on toxic substances and increasing the cadre of risk assessors trained in children's environmental health risk assessment; and
- work together trilaterally, in the context of increasing cross-border trade, to reduce the risks posed by lead in consumer products, in particular those intended for use by children.

AGREES to continue the integration of children's environmental health considerations into the CEC work program. This includes continuing work on the following projects:

- facilitating collaboration on longitudinal cohort studies with a view to improving our common understanding of children's exposures, body burdens, and health outcomes during the course of their growth and development, building on the National Children's Study in the United States;
- assessing the impact of diesel exhaust at congested border crossings as part of the CEC's Air Quality project, and exploring the use of the developed methodology to address other regions and contaminants of concern;
- working to prevent and reduce children's exposure to lead by promoting increased public awareness and improved practices within selected cottage industries, such as the ceramics industry in Mexico;
- continuing to ensure the integration of a children's environmental health perspective into the work of the CEC's Sound Management of Chemicals program;
- analyzing and publishing data on toxic chemicals that are of particular concern to children's health within the *Taking Stock* report series; and
- continuing efforts to build public awareness and facilitate access to information on issues of children's environmental health and preventive measures, through existing CEC projects and publications and in partnership with other groups;

AGREES, in addition to the focus on asthma and respiratory diseases and the effects of lead and other toxic substances, to include water-borne diseases as a priority health endpoint, and DIRECTS the CEC Secretariat, in coordination with the Parties, to develop options for

collaborative action in this area;

CALLS FOR the North American Regional Action Plan on environmental monitoring and assessment to include bio-monitoring of persistent bioaccumulative toxics - in particular, mercury and lead - in infants, children, pregnant women, and women of child-bearing age; and

AGREES to bi-annually review progress achieved, assess relevance of planned activities in light of new knowledge acquired, and further advance the implementation of the Cooperative Agenda with the input and involvement of interested parties and members of the public.

APPROVED BY THE COUNCIL:

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David Anderson  
Government of Canada

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Víctor Lichtinger  
Government of the United Mexican States

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Christine Todd Whitman  
Government of the United States of America



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## **Introduction**

Children hold a special place in our families, our communities and in our societies. Children's bodies undergo rapid development, which increases their vulnerability to many environmental risks. Compared to adults, they take in more food, air and water per kilogram of body weight, which can increase their risk, relative to an adult, of adverse impacts of contaminants that may be present. Because children spend their time in different "microenvironments" than adults — on or near the floor, for example, or playing in the soil — they have different exposure patterns than an adult living in the same home or neighborhood. All of these factors underscore the fact that "children are not little adults."

In the past, environmental regulations, tolerance levels for contaminants in food, and other public health protection measures were primarily designed based on information about the average adult male with the assumption that this would also be protective of children. Gradually this situation is changing as scientists learn more about children's particular vulnerabilities to environmental contaminants and as governments and other responsible actors shift their approaches to start taking the specific characteristics of children into account.

## **The CEC Council Resolutions on Children's Health and the Environment**

In North America, the impact of environmental hazards on children's health is receiving increasing attention among scientists, policymakers and the public alike. Recognizing the need for greater coordination and cooperation to protect children from environmental threats in North America, the CEC Council, comprised of the top environmental officials in the three countries, announced a special initiative to explore opportunities for the CEC involvement in this area in June 1999. In its Resolution 00-10 on Children's Health and the Environment (see [Annex 1](#)), adopted in June 2000, the Council recognized that there is a growing body of scientific evidence that children are particularly vulnerable to many environmental contaminants. The parties committed to "working together as partners to develop a cooperative agenda to protect children from environmental threats with the overall objective of reducing human-made pressures on children's health."

As a starting point, Council called for a focus on specific health outcomes such as asthma and other respiratory diseases, the effects of lead including lead poisoning, and the effects of exposure to other toxic substances. Council also called for activities to increase parents' and the public's awareness about environmental risks to children's health and methods of preventing exposures, and affirmed that parents have a right to know about the presence of potentially harmful substances that may affect the health of their children. Council also called for scientific exchange among the three countries.

In June 2001, the Council reiterated its commitment to working together to address environmental threats to children's health and indicated its interest in building on the children's environmental health initiative in order to address environmental risks to the health of other vulnerable groups.

In June 2002, the Council signed Resolution 02-06, in which it adopted the present Cooperative Agenda. The Council also identified water-borne diseases as a priority health endpoint for the CEC's children's environmental health initiative, in addition to the priorities it had set in Council Resolution 00-10.

### **The Expert Advisory Board and the CEH Team**

The Council Resolution 00-10 also called for the formation of an Expert Advisory Board comprised of three highly qualified individuals from each of the countries to provide advice to Council on matters of children's health and the environment. The Expert Advisory Board on Children's Health and the Environment in North America (the Board) was convened in October 2001 following the issuance of terms of reference in Council Resolution 01-04. The Board held its first meeting in November 2001 in Montreal. In March 2002, the Board and the CEC's Joint Public Advisory Committee (JPAC) held a public meeting to discuss and obtain public input on proposed directions for the CEC's children's environmental health initiative. After the public meeting, the Expert Advisory Board issued its *Advice to Council 02-01* (attached as Annex 2). The JPAC also issued an Advice to Council (02-01, available on the CEC website at <[www.cec.org](http://www.cec.org)>).

In addition, a working level Trilateral Children's Environmental Health (CEH) Team, comprised of governmental officials from health and environment ministries, has been formed to advance implementation of Council Resolution 00-10.

### **Development of the Cooperative Agenda**

The development of a Trilateral Cooperative Agenda on Children's Environmental Health is a culmination of many activities. The Symposium on Children's Health and the Environment in North America, held on 10 May 2000 in Toronto, and the government meeting on 11 May 2000 were important first steps in the process of identifying a common agenda for action among the three countries. The outcomes of the symposium and government meeting provided important groundwork for Council Resolution 00-10 on Children's Health and the Environment, which was adopted by the CEC Council during its session in Dallas, Texas, in June 2000.

In 2000-2001 the CEH Team coordinated the compilation of inventories of national, bilateral and trilateral activities related to children's environmental health as a basis for identifying gaps and opportunities for collaboration. The CEH project also provided support for the organization of a successful national workshop on children's health and the environment held in Mexico in June 2001. The workshop, which was jointly convened by SEMARNAT and the Ministry of Health, set the groundwork for a national children's environmental health agenda in Mexico. Proceedings from this workshop can be found at the website of the Mexican Ministry of Health (<http://www.ssa.gob.mx>).

In keeping with the Council resolution, the CEH Team organized a trilateral workshop for scientific experts and other officials from the three governments in November 2001 in Montreal. The workshop objective was to identify the opportunities for collaboration among the three countries to address CEH issues with a view to developing a longer-term strategy to guide the CEC's trilateral work. The ideas generated during the Montreal

workshop form the basis of this Cooperative Agenda for Children's Health and the Environment in North America.

A first draft of the Cooperative Agenda was circulated for public comment in February 2002, and was the focus of discussion during a public meeting on 7 March 2002 in Mexico City, jointly organized by the Expert Advisory Board on Children's Health and the Environment and the Joint Public Advisory Committee (JPAC). More than 100 people participated in the public meeting, and written comments were received from 13 organizations and individuals. Based on input and comments received, a revised version of the Cooperative Agenda was prepared, for consideration by the CEC Council during its Ninth Regular Session in June 2002.

Both the Montreal workshop and the subsequent public consultation generated a wide range of ideas and proposed activities, far more than could be accommodated in the Cooperative Agenda. The CEH Team selected projects for inclusion in the Cooperative Agenda based on: relevance to the ongoing work of the CEC; availability of resources from the existing CEC budget or other identified sources; the potential for trilateral work to provide added value, and the commitments made by the Council in their Resolutions 00-10 and 01-04. The report of the trilateral workshop, which summarizes the full range of topics and ideas discussed, the summary of the March 2002 Expert Advisory Board-JPAC meeting, and copies of the written comments received, are available on request from the CEC Secretariat or on the CEC website at <[www.cec.org](http://www.cec.org)>.

During its Ninth Regular Session in Ottawa, the CEC Council agreed to adopt the Cooperative Agenda, and called upon the Parties and the Secretariat to undertake a number of priority initiatives in the next two years towards the implementation of the Cooperative Agenda (see Council Resolution 02-06, pp. i-iii). Council also agreed to bi-annually review progress achieved, assess relevance of planned activities in light of new knowledge acquired, and further advance implementation of the Cooperative Agenda with the input and involvement of interested parties and members of the public.

### **Knowledge, Partnerships and Outreach for Children's Environmental Health**

Throughout the development of the Cooperative Agenda, several cross cutting issues have emerged. The first is the need to strengthen the knowledge base in order to devise effective long-term risk reduction strategies. In addressing asthma, lead poisoning and the effects of other toxic substances, it has become evident that it would be beneficial to enhance the understanding of environmental effects on children's health, to strengthen our understanding of the economic impacts of children's mortality and morbidity, and to share expertise on risk assessment approaches. For example, addressing the health risks caused by chemicals requires that we develop a common understanding of approaches between health and environment risk assessors as well as between regulatory managers and health researchers. A second cross-cutting issue that has emerged is the need for increased education and outreach on children's environmental health. Information is needed to empower stakeholders and the public to effectively participate in decision making processes and in the design and implementation of effective solutions.

Finally, a third cross cutting issue that emerged is the need for partnerships. Because pollutants know no boundaries, ensuring a safe environment for children requires action at all levels (locally, nationally, regionally, and globally) by various sectors and disciplines (environmental protection, health care and promotion, education, family support, etc.). Collaboration among sectors and disciplines allows for a better use of resources, particularly during times of resource constraints. New partnerships must be formed to enhance our capacity to address CEH issues while preventing duplication of effort. Given its unique position as a regional body focused on environmental issues, the CEC can play an important role in facilitating partnerships to effectively address children's health and the environment on a North American scale. The notion of partnership permeates most of the activities under the CEC CEH Collaborative Agenda by proposing activities that promote intersectoral collaboration and build on the work of others.

### **The Purpose of the Cooperative Agenda**

The Cooperative Agenda is intended to serve as the blueprint for trilateral action to advance the protection of North American children from environmental risks to their health. Some of the activities have already been started or will be implemented within the next 2-3 years, while others will be implemented over the long term. The Cooperative Agenda is a living document that will be periodically revised and updated to reflect the progress achieved, emerging issues and priorities, and the contributions and involvement of interested organizations and partners throughout North America.

To provide a full picture of CEC activities related to children's environmental health, the CEH Cooperative Agenda presents three types of projects. Those identified as **ongoing** are projects that are already underway. Those denoted as **planned** have been integrated into the 2002-2004 Work-Program and will be initiated in the course of that period. Those listed as **proposed future activities** are new initiatives identified as relevant for the three countries and that will be initiated/conducted within a longer time-frame.

For each of the projects, the document provides a rationale, objective, actions, schedule, budget and results. The Agenda is structured around three health outcomes (Asthma and Respiratory Diseases; Lead Poisoning; and the Effects of Toxic Substances) and two cross-cutting themes (Knowledge Development; and Partnerships and Outreach). This reflects both the charge given by the Council in its Resolution 00-10 and the emergence of cross cutting issues that are of relevance to more than one health outcome.

### **Elements and Activities of the Cooperative Agenda**

#### **1. Asthma and Respiratory Disease**

Asthma and respiratory disease affect millions of children in North America and in some regions have reached epidemic proportion. Council Resolution 00-10 called for collaborative action among the three countries to address asthma and other respiratory diseases.

#### **Ongoing and Planned Activities**

## 1.1 Assessing the Impact of Diesel Exhaust at Congested Border Crossings

**Rationale:** In the context of increasing social and economic ties among the NAFTA partners, one of the challenges that arises is the impact of increased vehicle traffic along trade and transportation corridors, particularly at congested border crossings. There is a need for a better understanding of the health effects resulting from exposure to air pollution attributed to border traffic and vehicle diesel emissions along these corridors. The positive association between exposures to ambient particulate matter and ozone concentrations with emergency room visits due to exacerbation of childhood asthma, even at concentrations below US and Mexican health standards, supports the need for further research of susceptible populations.

**Objective:** Assess the impact of diesel exhaust—including diesel exhaust related particles and particles emitted by other sources—on the severity of asthma, allergies, and respiratory health among susceptible and healthy children or other sensitive subpopulations residing along congested NAFTA trade corridors.

**What:** Develop a methodology to assess population exposures to the diesel exhaust component of the ambient air pollution along congested NAFTA trade corridors and apply it to test three hypotheses:

- Exposure to diesel exhaust at environmental concentrations is associated with increased respiratory events and inflammatory and allergic reactions in asthmatic children or other sensitive subpopulations.
- The association of diesel exposures with health outcomes is stronger in asthmatic children than in healthy children.
- Diesel exhaust particles are more strongly associated with respiratory health outcomes than with particles emitted by gasoline vehicles.

The project will entail the following steps:

- 1) Develop a standard methodology to assess diesel exhaust exposures of children in Mexico living along a congested trade route crossing the Mexico/US border
- 2) Determine the content of diesel exhaust in particulates in the corridors
- 3) Investigate the effects of particulate composition on child health outcomes
- 4) Conduct a diesel exhaust exposure study along a major trade artery associated with a Canada/US border crossing using a comparable methodology.

**Who:** Coordinated by CEC Air Quality Project. Potential participants include officials from the General Directorate of Environmental Health in the Mexico Ministry of Health, the *Instituto Nacional de Salud Publica*, and Health Canada. Also involved will be members of the public health research community.

**When:** 2002-2004

**Funding:** From the CEC : US\$90,000 for 2002

**Expected Results:** A methodology that is transferable to future studies not only along major trade corridors across North America, but to other cities and industrial areas with diesel exhaust-related air quality problems.

### **Proposed Future Activities**

#### **1.2 Developing a Framework for Asthma Surveillance**

**Rationale:** A sound understanding of the prevalence of asthma and its impacts on various socio-economic groups and geographic regions is key to sound policy making to prevent and reduce asthma among North America's children. Currently, the surveillance data for asthma are piecemeal and not collected in comparable ways between and within the three countries. Over the long term, information on asthma and respiratory diseases could be juxtaposed with information on environmental factors (e.g. air pollution data) to convey messages to the public on how best to protect children's health.

**Objective:** Foster collaboration among the three countries to improve asthma surveillance systems to enhance the understanding of asthma in North America

**What:** Convene a small group of experts from the three countries to explore the development of a common methodology for conducting periodic surveys taking into account risk factors specific to each country.

**Who:** CEH Team and partners

**When** Experts workshop in 2003

**Funding:** To be determined

**Expected Results:** Common methodology and framework for conducting asthma surveillance; identification of key issues of data comparability among the three countries

#### **1.3 Working with Pilot Communities on Asthma Prevention**

**Rationale:** Asthma is a growing environmental health concern that many communities across North America are facing. However, each community struggles with different issues and needs depending on geographic location, economic and social resources, and infrastructure. Many resources for asthma education exist, however, no coordinated effort has been made to organize these resources into a menu or kit, from which communities could select those items which best suit their needs.

**Objective:** Empower communities in Mexico, Canada and the United States to reduce the incidences of asthma by adapting existing educational materials and services to meet specific, regional/local needs.



**What:** Identify 3-4 communities to work with as pilot communities using existing asthma programs and services, with a focus on environmental factors including indoor and outdoor air quality. This would entail the following steps:

- 1) Conduct a needs assessment in all 3-4 border communities to identify the specific needs of each of those communities for reducing incidences of asthma. For example, to what extent is there a problem with outdoor pollution resulting from diesel powered vehicles and factories, deteriorated school buildings, poor air quality in the home environment including environmental tobacco smoke, lack of access to health care, etc.
- 2) Provide support to these communities to establish a coordinated approach to managing asthma through infrastructure development and implementation of programs. A list of programs and services to address specific needs identified by each community will be provided. (e.g. Indoor Air Quality (*IAQ*) *Tools for Schools*, Smoke-Free Home Pledge, Open Airways for Schools Education Program, Ozone Action Days Information and Index, etc. In addition, each community will launch a multi-pronged asthma education campaign (TV, print media).
- 3) Launch the pilot communities with media events featuring high-ranking government officials and/or other public figures to leverage additional media coverage.
- 4) Track outcomes and results in each of the pilot communities and develop a report that other communities can use to replicate this initiative.

**Who:** The program would be organized jointly by the CEC and a steering group of representatives from the three countries. At the community level, project implementers and participants would include government officials, interested groups and members of the public.

**When:** Preparatory work to commence in 2003; implementation of pilot community work dependent on availability of funding

**Funding:** To be determined in planning process

**Expected Results:** Improved knowledge of asthma prevention in the pilot communities. Development of an approach that could be replicated by other interested communities.

## **2. Effects of Lead**

Lead is a heavy metal that is toxic to many body systems, particularly the nervous system. For some of these effects no safe level of lead exposure has been found. The developing fetus and young children are at particular risk due to high lead absorption coupled with rapidly developing systems. Sources can include leaded paint in older homes, emissions from smelters and other industrial processes, pottery with leaded glaze, and various other consumer products that have been found to contain lead such as inexpensive jewelry, imported crayons and mini-blinds. Council Resolution 00-10 identified the effects of lead including lead poisoning as one of the priorities for collaborative action among the three parties.

## **Ongoing Activity**

### **2.1 Assisting Cottage Industries to Reduce/Eliminate the Use of Lead**

**Rationale:** The use of lead in certain micro- cottage industries in Mexico has been identified as a priority issue due to concerns about local environmental contamination as well as potential exposures via goods traded in commerce. Population exposures via consumption of food and liquids prepared, cooked or stored in lead glazed pottery is of concern. Not only is lead exposure particularly harmful to children, but recent evidence suggests no reversibility of related nervous system effects. There is a need to build awareness of the risks that these practices and products can pose to children, and to take actions to prevent and reduce the use of lead and thereby reduce exposures. There is an opportunity to build on ongoing work of the OECD as well as other agencies.

**Objective:** To accelerate the adoption of technologies and practices within cottage industries that will reduce or eliminate the use of lead.

**What:** A program to assist selected cottage industries (e.g., pottery/ceramics, battery recycling, lead shot and sinkers) to reduce/avoid the use of lead through implementation of pollution prevention measures, as a means of reducing potential lead exposures among children via the local environment and/or products. It will entail the following steps:

- 1) Prepare an inventory of cottage industries that work with lead
- 2) Work with 2-3 affected industries to develop and implement incentives and solutions to reduce/avoid the use of lead
- 3) Evaluate the pilots and disseminate results to other industries and the public
- 4) Develop risk communication programs for the public, making use of existing resources in the three countries, to foster awareness of risks and avoid using leaded glazed pottery for preparing, cooking or storing liquids and food, as well as usage of other contaminated goods traded in commerce
- 5) Create program based on the project outcomes

**Who:** Coordinated by CEC with guidance and technical support from an informal steering committee of government officials from the three countries and other partners. The implementation of the pilot projects is to be carried out in collaboration with local partners.

**When:** 2002-2004

**Funding:** Startup funding from CEC budget: US\$21,810 for 2002, further funding to be determined.

**Expected Results:** Reduced lead exposures, improved technologies/processes and potential cost savings for participating industries, and improved product stewardship initiatives. A pilot-tested approach that can be replicated with other industries and/or with other environmental health threats (e.g. dioxins, mercury). The creation of partnerships with key organizations and identification of vulnerable population groups.

## **Proposed Future Activities**

### **2.2 Gather and Exchange Data on Blood Lead Levels**

**Rationale:** Information on blood lead levels provides the ability to track the effectiveness of control measures. There is currently a lack of up-to-date blood lead monitoring data for parts of North America.

**Objective:** Gather and share national surveillance data for blood lead levels in children to evaluate progress in decreasing lead exposure.

**What:** The Sound Management of Chemicals (SMOC) Task Force on Environmental Monitoring and Assessment is elaborating a project on monitoring human blood for selected persistent organic and inorganic contaminants, potentially including lead, that proposes a focus in particular on women of child bearing age and children. This would provide insights into fetus and infant exposure to these same contaminants. The CEH Team will seek to provide input into the development of the project.

**Who:** To be implemented under the auspices of SMOC, with input from the CEH Team

**When:** Commencing in 2003

**Funding:** To be determined

**Expected Results:** Improved information on blood lead levels (and levels of other persistent toxics), enabling better decision-making.

### **2.3 Workshop on Lead in Consumer Products**

**Rationale:** There have been occurrences of lead exposure arising from consumer products. Of particular concern are those products intended for use by children, such as crayons, toys and costume jewelry, as well as the use of lead glazed potter for cooking and storing of food. In the context of increasing trade among countries in North America and globally, there is a need to enhance understanding of the risks of exposure to lead in consumer products and explore ways of reducing these risks.

**Objective:** To identify areas of concern and potential collaborative actions to reduce the risks to children posed by consumer products containing lead.

**What:** A trilateral workshop

**Who:** Relevant government officials from the three countries (e.g., from departments of health, environment, consumer product safety, customs), the California Department of Health Services, and other interested groups and organizations.

**When:** Commencing in 2003

**Funding:** To be determined

**Expected Results:** Improved information on lead in consumer products including leaded glazed pottery, and collaborative actions to reduce risks.

### **3. Effects of Exposure to Toxic Substances including Pesticides**

Exposures to toxic substances, including pesticides, have been linked to causes of childhood death, illness and hospitalization. Council Resolution 00-10 directed the CEC and its member countries to focus on the effects of exposure to toxic substances as a priority for cooperative action to protect children from environmental threats.

#### **Ongoing and Planned Activities**

##### **3.1 Integrating CEH considerations into the Sound Management of Chemicals (SMOC) Program**

**Rationale:** The CEC's SMOC program addresses chemicals of common concern, many of which are of particular concern to children's health. The North American Regional Action Plans (NARAPs) developed through SMOC provide an important vehicle for preventing, reducing or eliminating the sources and potential exposures to these priority substances. Further effort is needed to capitalize on the important work of SMOC, including NARAP development as well as SMOC's environmental and bio-monitoring activities, as a means of better addressing children's environmental health concerns associated with toxic chemicals.

**Objective:** Ensure that SMOC activities, including the substance selection process and the North American Regional Action Plans on priority substances as well as the NARAP on monitoring and assessment, take exposures and risks to children into consideration.

**What:** The CEH Team will follow and provide input into SMOC plans and activities as they develop, with a view to ensuring that children's environmental health concerns are taken into account. Establish means for periodic communication between the SMOC Working Group and its task forces and the CEH Team.

**Who:** CEH Team and SMOC Working Group

**When:** 2002, ongoing

**Funding:** No additional resources required

**Expected Results:** Trilateral actions that reduce exposures/risks to children associated with priority substances; improved monitoring and surveillance data of relevance to children's environmental health.

### **3.2 Special *Taking Stock* Report on Toxics and Children's Environmental Health**

**Rationale:** The *Taking Stock* report on pollutant releases and transfers from industrial sources is a well established CEC publication that gets wide distribution. The special report on toxics and CEH will provide information on CEH issues to an audience concerned about environmental policy in general and toxics in particular.

**Objective:** To increase the awareness of CEH issues among the interested public and stakeholder groups such as industry, community groups, environmental organizations, government officials, academics and others.

**What:** Publication of a special feature report on toxics and children's environmental health, as part of the *Taking Stock* series.

**Who:** CEC Secretariat

**When:** 2002

**Funding:** US\$21,810 (CEC budget 2001-2002)

**Expected Results:** Greater profile of CEH with an audience interested in environmental policy.

### **4. Strengthening the Knowledge Base for Long-Term Solutions**

Decision making aimed at protecting children's environmental health is an evolving area that incorporates a range of science-based methodologies for analyzing environmental and health risks as well as economic and social factors. It also requires stakeholder involvement and communication with the public.

Protecting children's health from environmental hazards also entails knowing what children are exposed to and the associated health outcomes. As risk management strategies are being implemented, knowledge is needed to ensure that these strategies are effective in protecting children's health.

#### **Ongoing and Planned Activities**

##### **4.1 Facilitate Collaboration on the National Children's Study (longitudinal cohort studies)**

**Rationale:** Relatively little is known about the chemicals children are exposed to, in what combinations, at what times in their lives, and ultimately what effects, acute or chronic, immediate or in the long term, of such exposures. As a result, there is increasing interest in North America to undertake longitudinal cohort studies to track exposures, body burdens and health outcomes over time, from conception to adulthood.

The United States is planning the National Children's Study, a major longitudinal cohort study. Canada is attending the planning meetings and is considering a Canadian study. There is interest in extending the collaboration to include Mexico in order to have comparable/coordinated studies across North America, avoiding duplication of effort and achieving cost savings, and expanding the range of exposures covered.

**Objective:** To facilitate collaboration among the three countries on the longitudinal cohort studies, including facilitating the participation of governmental officials/researchers from all three countries in planning meetings and other events related to the development of the studies.

**What:** Support participation of Mexico and Canada in the U.S. National Children's Study planning work.

**Who:** Relevant governmental representatives and researchers, including the General Directorate of Environmental Health from the Ministry of Health in Mexico, with coordination provided by CEC.

**When:** Commencing 2002

**Funding:** US\$8,100 available in CEC budget for 2002

**Expected Results:** Trilateral collaboration on the development and implementation of such studies, with the potential for North America-wide study/studies. The long term expected result is a better understanding of children's environmental exposures and associated health impacts

#### **4.2 Development of North American Indicators of Children's Environmental Health**

**Rationale:** Indicators can play a valuable role in demonstrating the current status of an issue, raising its profile and encouraging action, and tracking progress towards stated goals. While there is some work ongoing at the national level in North America on environmental and health indicators, currently there are relatively few environmental health indicators, and even fewer that focus in particular on the health and well being of children. There is an opportunity for North America to build upon and apply the work on CEH indicators being spearheaded by the World Health Organization (WHO), as well as the work of other institutions such as the Pan America Health Organization (PAHO), the Organization for Economic Cooperation and Development (OECD), the United Nations Children's Fund (UNICEF) and the United Nations Environment Program (UNEP). Such an initiative is consistent with commitments made at the Health and Environment Ministerial of the Americas (HEMA) meeting in March 2002, as well as the G-8 Meeting of Environment Ministers.

**Objective:** To provide decision-makers and the public with periodic, understandable information on the status of key parameters related to children's health and the environment in North America as a means of measuring and promoting change.

**What:** The development and periodic publication of a core set of indicators on children's environmental health in North America. The project will entail the following steps:

- 1) Based on work done by other international organizations on children's environmental health indicators, select a core set of CEH indicators for North America through the work of a trilateral technical committee and with involvement of potential users of the indicators. The core set of indicators will take into account the priority issues identified by Council in Resolution 00-10, and be informed by a feasibility study to assess the comparability of existing indicators, including examples of regional, state, provincial, and municipal indicators, and the availability of relevant data in the three countries to populate the selected core set of CEH indicators (to be initiated in 2002, completed in 2003);
- 2) Compile and publish first set of indicators by (early 2004)
- 3) Periodic updating and publication of the indicators (e.g. every 2-3 years), with additional indicators added on an ongoing basis taking into account emerging priorities and availability of information and other resources.

**Who:** Trilateral technical working group comprised of national leads from each country, CEC, International Joint Commission Health Professionals Task Force (IJC HPTF), PAHO, WHO, and other partners to be confirmed

**When:** Commencing 2002, publication of first set of indicators in early 2004.

**Funding:** CEC: US\$30,000 available at CEC for 2002

**Expected Results:** Periodic publication of a North American set of indicators of CEH that focus attention on and motivate action to improve CEH. Gradual improvement in the comparability of data among the three countries as a result of increased trilateral data sharing and collaboration.

### **Proposed Future Activities**

#### **4.3 Trilateral Workshop on Risk Assessment**

**Rationale:** A common understanding of risk assessment terms and approaches —among the three countries, between environment and health departments, between those dealing with toxic chemicals, including pesticides, and among the public and interested groups — is a prerequisite for effective collaboration and sharing of information and results to ensure that children's vulnerabilities are taken into consideration. Enhanced information exchange between the health and environment sectors can also foster mutually beneficial improvements in risk assessment approaches, particularly with respect to methods for incorporating children's health concerns and vulnerabilities into risk assessment. The roles played by precaution and transparency are important parts of the overall picture. A common understanding of risk assessment and its application in decision-making will also facilitate the sharing of work, expertise, information and ideas, while maintaining

the capacity and flexibility of governments to take their own decisions based on the analyses and in light of national/local circumstances.

**Objectives:** (1) To facilitate a common understanding of risk assessment methodologies, principles, terms and concepts. (2) To help identify mechanisms for incorporating existing data often gathered in health research studies (e.g. epidemiological surveillance and biomonitoring data) that may not currently be used in regulatory risk assessment processes. (3) To identify areas where governments can benefit from the sharing of work, expertise, information and ideas. (4) To discuss the context within which risk assessments are used, including the role of precaution and the need for transparency.

**What:** A trilateral workshop to share principles and methodologies for conducting risk assessments for toxic chemicals and pesticides, and specifically addressing how they address children's health, and to discuss the role of risk assessment within the broader decision-making framework.

**Who:** Organized jointly by CEC and the NAFTA Technical Working Group on Pesticides (TWG), with participants from governments and stakeholder groups

**When:** Fall 2002 or early 2003

**Funding:** US\$3,120 available in CEC budget for initial work in 2002. Workshop funding to be determined

**Expected Results:** Common understanding of risk assessment methodologies and concepts that address potential chemical/pesticide risks to children's health and the identification of areas for collaboration

#### **4.4 Increasing the Supply of Trained CEH Risk Assessors**

**Rationale:** There is currently a shortage of people with training in children's environmental health risk assessment, limiting the capacity of governments to assess potential risks to children posed by chemicals, including pesticides. Mexico, in particular, has identified this as a priority need and has initiated a program of risk assessment training. Trilateral collaboration will support the inclusion of a CEH focus within this ongoing training

**Objective:** Explore means to increase the number of people trained in CEH risk assessment

**What:** Phase 1: Organize a working session, as part of the above-mentioned Risk Assessment Workshop (item 5.3), to identify a profile of skills needed for children's health risk assessment and assess means by which more people can be trained, taking into account ongoing efforts at the national level as well as the work of international entities such as the International Program on Chemical Safety (IPCS). Phase 2: Develop actions to increase the number of trained people, for example through staff exchanges, training



programs at universities and the development of appropriate courses by universities and other training institutions.

**Who:** A trilateral working group

**When:** Phase 1: 2002/2003 (in conjunction with Risk Assessment); Phase 2: to be determined

**Funding:** To be determined

**Expected Results:** A training profile for CEH risk assessment (phase 1); Additional experts trained in risk assessment methods that take children's health risks into account (Phase 2)

#### **4.5 Integration of Risk Assessment and Economic Valuation**

**Rationale:** Decision-makers are faced with the need to take into account a wide range of factors when making decisions aimed at protecting public health, including children's health estimates of risk, analyses of economic benefits and costs, and a host of social factors. However, assessments of risk, economics and social factors are generally conducted independently of each other. The OECD has done some groundbreaking work in this area, which could be used as a starting point to demonstrate the feasibility of an integrated approach, particularly with respect to children's environmental health.

**Objective:** (1) To improve the understanding of the specific valuation of children's health by combining assessments of risk, economics and social impacts (including poverty etc). (2) To disseminate the findings of the study and share experiences, knowledge and methods.

**What:** Phase 1 would be a demonstration project in each of the three countries to determine how risk assessment and economic valuation could be integrated to better protect children's health. The valuation of children's health would be examined with regard to selected parameters, for example lead, pesticides, asthma and other respiratory diseases. Best available valuation methods would be used. Cross-border comparisons and lessons would also be possible.

Phase 2 would be a trilateral workshop to share the information generated by the pilot projects as well as other information and experiences on the valuation of children's health by combining assessments of risk, economics and social impacts.

**Who:** One government representative from each of the three countries and the CEC Secretariat would plan and coordinate the projects, possibly in partnership with the OECD. Each government would implement their respective project.

**When:** To be determined

**Funding:** To be determined (estimated budget needed for project design, planning and coordinating: US\$75,000). In-country activities to be funded by each respective government.

**Expected Results:** A simple risk/valuation tool that could help risk managers in each of the three countries to make better decision about children's health policies.

#### **4.6 Report on the Economic Impacts of Children's Environment Related Illnesses**

**Rationale:** While actions to better protect children's health often require commitment of resources, lack of action can also carry real economic costs. Providing quantitative estimates of the costs of no action can assist decision-makers and the public to better understand the implications for children associated with action vs. no action.

**Objective:** To provide decision-makers and the public with information on the economic costs associated with not addressing children's environmental health problems, including the costs associated with child mortality and morbidity as well as other factors such as loss of parental work time, school absenteeism, etc.

**What:** Publish a report on the economic impact of children's environmental health illnesses in North America. The first report could focus on a subset of 3-4 children's illnesses that are associated with exposures to environmental contaminants, and/or the costs associated with childhood asthma, other respiratory diseases, developmental disorders, and childhood cancer. Development of the report would rely on cost of illness estimates from each of the three governments and peer-reviewed journals as a starting point. However, some studies would need to be conducted to fill gaps where they exist.

**Who:** One government representative from each of the three countries, with CEC providing coordination and overseeing the development and publication of the report.

**When:** 2002-2004

**Funding:** To be determined. US\$12,460 available in CEC budget for preparatory work in 2002.

**Expected Results:** Report on the Economic Impacts of Children's Environmental Health Illnesses in North America, greater understanding among decision-makers and the public about the tradeoffs between policy options.

#### **5. Public Information, Outreach and Education**

There is a need to share information on risks to children's health with the public in a timely and meaningful manner, so that the public (parents, community leaders, educators, etc.) are able to make informed decisions and to take informed action. The public, health care professionals, and others have key roles to play in furthering children's environmental health. Through their actions, they can reduce the use of, and the potential

for exposure to, hazardous substances, thereby better protecting children's health. An informed public can also play a critical role by contributing to sound decision-making by governments, the private sector and others whose actions and decisions can affect the quality of the environment in which children live, learn and play.

## **Ongoing and Planned Activities**

### **5.1 Partner in the Production of a Global Video on Children's Environmental Health**

**Rationale:** Worldwide, millions of children die every year because of risks in their environment that are largely preventable. Yet awareness of the scale of the problem is low and information on potential solutions is not widely disseminated. Public awareness needs to be raised at the global, regional, national, community and family levels. Collaboration among organizations that are working to promote awareness and education on environmental health issues will help to ensure broader dissemination of information and avoid duplication of effort.

**Objective:** To increase awareness of environmental threats affecting children worldwide and in the North American region, including strategies for prevention.

**What:** Contribute to the development of video documentaries and video news releases on CEH, to be broadcast through various international news agencies.

**Type of activity:** partnership, outreach

**Who:** Project coordinator: World Health Organization (WHO); video producer: Television Trust for the Environment (TVE); contributing partners: CEC and others.

**When:** 2001-2002

**Funding:** Total budget: US \$169,950; CEC contribution (2001): US\$20,000

**Expected Results:** Video documentaries and news clips that will be available for use at the regional, national and local levels.

### **5.2 Communicating Children's Environmental Health Issues and Concerns**

**Rationale:** The CEC has a number of publications and communication initiatives that could be used to disseminate information on CEH issues to members of the interested public and stakeholder groups.

**Objective:** To inform the interested public and stakeholder groups in North America about issues of children's environmental health, with a priority focus on topics that relate to existing work areas of the CEC

**What:** Incorporation of CEH issues and information into CEC publications and communication initiatives. Inclusion of CEH articles in the *Trio* newsletter.

**Who:** CEC Secretariat

**When:** Ongoing. Articles on CEH to appear periodically in *Trio*, which is published quarterly.

**Funding:** No additional resources required

**Expected Results:** Greater profile of CEH with the audiences for CEC communications.

### **Proposed Future Activity**

#### **5.3 Working with Health Professionals**

**Rationale:** Health professionals (e.g. pediatricians, family doctors, nurses, public health workers) are often the first people that concerned parents or community members will turn to with questions and concerns about children's environmental health. While some local/national activities are ongoing, there are limited communication mechanisms to allow health professionals across North America to exchange information and concerns, and to access the information they need to be effective conduits of information and advice to parents, caregivers, children and others.

**Objective:** To use existing channels to improve the flow of information on CEH between and among health professionals in the three countries. To improve the public's access to information/advice on CEH by better equipping health professionals, a key intermediary with the public, with information and knowledge of CEH issues and preventive measures.

**What:** Work with existing groups and networks, such as the International Joint Commission (IJC) Health Professionals Task Force (HPTF) and the Pediatric Environmental Health Specialty Units (PEHSUs) in Canada, Mexico, and the US, to identify and fill information needs and to share expertise among health professionals and professions in the three countries, with an initial emphasis on asthma and other respiratory diseases, lead, and toxic substances including pesticides. Possible activities include:

- 1) Translate existing training materials (e.g. Environmental Health in Family Medicine module produced by the IJF HPTF) and organize a conference and training session for medical professionals along the Mexico-US border, similar to an event organized by the HPTF in April 2002 in Chicago for US and Canadian professionals.
- 2) Translate and broaden dissemination of the IJC HPTF newsletter "Health Effects Review", a brief (2-page) periodic news release on current environmental health issues, or other similar resources.
- 3) Foster the development of tri-lateral networks of health professional networks/associations in the three countries, e.g. pediatricians, nurses, public health

officials, building on the network of Pediatric Environmental Health Specialty Units that now spans all three countries and which facilitates collaboration and information sharing.  
4) Share experiences on risk communication through case studies and other strategies.

**Who:** CEC, in coordination with the PEHSUs, the IJC HPTF and other relevant partners

**When:** To be determined

**Funding:** To be determined

**Expected Results:** Improved flow of information and sharing of expertise among health professionals in the three countries, with expected benefits for the public in the form of more informed advice and better access to information on CEH issues through the health care system.

## **Annex 1: COUNCIL RESOLUTION 00-10**

Dallas, 13 June 2000

### **COUNCIL RESOLUTION 00-10**

#### **Children's Health and the Environment**

##### **THE COUNCIL:**

RECOGNIZING that children are not little adults and that there is abundant scientific evidence that children are particularly vulnerable to many environmental hazards in the air they breathe, the water they drink, the food they eat and the environment in which they live, learn, and play;

ACKNOWLEDGING that prevention of exposure is the most effective means of protecting children from environmental threats;

AFFIRMING that parents have a right to know about the presence of potentially harmful substances that may affect the health of their children, and that they play an important role in protecting the health of their children;

NOTING that governments, individuals, communities, industry, and non-governmental environmental and health groups have roles to play in addressing children's health issues;

ENDORSING the ideals affirmed in the 1997 Declaration of the Environmental Leaders of the Eight on Children's Environmental Health, as well as Chapter 25 of Agenda 21 of the United Nations Conference on Environment and Development;

ALSO NOTING the 1989 United Nations Convention on the Rights of the Child;

ENCOURAGED by the record of achievement of the Commission for Environmental Cooperation (CEC) in health-related issues, including the elimination or reduction of harmful substances such as DDT, chlordane, and PCBs, and by enhancing the public's awareness and understanding of releases of pollutants to the environment;

FURTHER NOTING that Phase II of the North American Regional Action Plan (NARAP) on mercury specifically addresses the concern for women of child bearing age and children's exposure to increasing levels of mercury;

##### **HEREBY:**

COMMITTS to working together as partners to develop a cooperative agenda to protect children from environmental threats with the overall objective of reducing human-made pressures on children's health;

DECIDES to focus, as a starting point, on specific health outcomes such as asthma and other respiratory diseases, the effects of lead including lead poisoning, and the effects of exposure to other toxic substances;

AGREES to establish for a period of two years an Expert Advisory Board composed of environment and health experts selected by the Parties to advise the Council on issues concerning children's health and the environment;

DIRECTS the Secretariat of the CEC to work with the Parties to develop a CEC agenda on children's health and the environment in North America by:

- 1) Developing inventories of national, bilateral, and trilateral activities related to children's environmental health. The purpose of this activity would be to take stock of what is currently being done, assess gaps and identify opportunities for further collaboration on children's environmental health under the CEC;
- 2) Convening a government workshop in the fall of 2000 in Mexico, with representation from ministries with responsibilities for environment, health, industry, finance, natural resources and others, as appropriate, in order to share information and expertise on national programs, and in order to develop a CEC agenda for children's health and the environment. As a starting point, this agenda will address asthma (including triggers such as environmental tobacco smoke, indoor pollutants and outdoor air pollutants) and other respiratory diseases, the effects of lead including lead poisoning, and the effects of exposure to other toxic substances;
- 3) Ensuring public and stakeholder consideration and feedback on the CEC agenda;
- 4) Applying the perspective of children's health and the environment to key work areas of CEC to find opportunities to advance the protection of children's health from environmental threats. In particular, opportunities in the following areas will be explored:

Sound Management of Chemicals: ensure inclusion of a strong children's health focus in the development of the draft NARAP on environmental monitoring and assessment and, where appropriate, identify initiatives that will decrease the impacts on children's health from bioaccumulative, persistent and toxic substances addressed in other NARAPs;

North American Free Trade Agreement (NAFTA) Trade and Transportation Corridors Project: ensure that this project, while addressing air quality issues associated with increased transboundary transportation, takes into account the effects on children's respiratory health; and

Exploring, with the advice of relevant experts (such as the Expert Advisory Board), the feasibility of developing a special feature on children's health and the environment, possibly as part of the North American Pollutant Release and Transfer Register;

- 5) Initiating activities to increase parents' and the public's awareness and education about environmental threats to children's health and ways of preventing exposure to these threats. As a first step, the CEC Secretariat will work with the Parties, engaging other relevant experts to:

Develop a web page that would provide relevant information and links to other sources on children's health and the environment; and

Facilitate the exchange of information, scientific techniques, and experiences of jurisdictions in providing smog forecasts/alerts to the public so that they can take action to protect themselves, noting that Environment Canada is hosting a tripartite workshop in November on air quality forecasting; and

6) Providing, through the CEC web page, a repository of research initiatives and other relevant scientific information related to children's health and the environment to build synergy between the health and environment research communities in the three countries.

APPROVED BY THE COUNCIL:

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David Anderson  
Government of Canada

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Carol M. Browner  
Government of the United States of America

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Julia Carabias Lillo  
Government of the United Mexican States



## **Annex 2: ADVICE TO COUNCIL 02-01**

Comité consultatif d'experts sur la santé des enfants et l'environnement en Amérique du Nord  
Consejo Consultivo de Expertos sobre Salud Infantil y Medio Ambiente en América del Norte  
Expert Advisory Board on Children's Health and the Environment in North America

27 March 2002

ADVICE TO COUNCIL: 02-01

### **Development of the Cooperative Agenda for Children's Health and the Environment in North America**

The Expert Advisory Board on Children's Health and the Environment in North America (hereinafter referred to as the 'Expert Advisory Board' or the 'Board') of the Commission for Environmental Cooperation (CEC)

IN ACCORDANCE with its mandate to advise Council on matters pertaining to children's environmental health,

COGNIZANT of the importance of advancing the protection of children from environmental threats to their health, and the benefits of collaboration among the three countries,

HAVING held a joint public meeting with the CEC's Joint Public Advisory Committee on 7 March 2002 in Mexico City, in which members of the public and representatives of various sectors of civil society actively participated,

RECALLING the discussions during the Trilateral Workshop held in Montreal in November 2001, in which environment and health officials from the three governments, the Expert Advisory Board and representatives of the Canadian and US National Advisory Committees participated,

HAVING reviewed in detail the draft Cooperative Agenda for Children's Health and the Environment in North America, which has been prepared by the trilateral Children's Environmental Health (CEH) Team based on the ideas and proposed actions generated during the Trilateral Workshop, and having benefited from the public's comments, ideas and discussions during the 7 March meeting,

HEREBY makes the following observations and recommendations for consideration by the Council:

A high priority must be placed on the development of policies and measures that will prevent exposures and risks to children's health in the environments in which they live, learn and play, and via food, water and products.

Research is vital for gaining a better understanding of how environmental factors, e.g. substances found in our air, water, food and products, are affecting or could potentially affect the health of children and fetuses.

However, additional research is not always warranted. Immediate action is needed to promulgate or strengthen regulations to prevent children's exposures to pollutants and toxic substances for which adequate scientific knowledge already exists.

The application of the precautionary principle in policy and regulatory decision-making is vital to the protection of our children and future generations from environmental threats to health. In cases where there exists a potential for harm, protective action must be taken even in the absence of full scientific understanding.

A high priority must be placed on capacity building and training at all levels. This includes building up a cadre of professionals, particularly in Mexico, who have the expertise needed for conducting exposure and risk assessment including, *inter alia*, toxicologists and epidemiologists. Training and capacity building is also needed for medical professionals, community organizations, educators and other relevant actors, and should build on existing successful models such as the U.S. National Institutes of Health (NIH) training program. Efforts should also be directed to increasing interactions among the various disciplines and among the three countries.

Education and advocacy are critical for prevention and informed action to reduce exposures and risks. A high priority should be placed on educating and empowering people at the grassroots level, including parents and community groups, and providing the resources (e.g. small grants) for grassroots groups. However, such efforts are not a substitute for the development and improvement of regulations to protect children from environmental threats. Among the areas in which improved regulation is needed include air pollution, elimination of lead in housing and consumer products, and the banning of smoking in public places.

Having reviewed and discussed the draft Cooperative Agenda, the Expert Advisory Board also offers the following specific advice and recommendations with respect to the items outlined therein:

In the area of **public information, education and outreach**, the Board supports the proposed work with health professionals, and encourages similar partnerships with community-based organizations. There is a need to build core competencies on children's environmental health among community health workers. The Board urges the CEC to pursue opportunities to work with the trilateral network of Pediatric Environmental Health Specialty Units (PEHSUs) and the U.S. network of Pediatric Environmental Health Research Centers. Education and involvement of children themselves is also of high importance. In addition, there is a need for training programs and the development of relevant curricula and continuing education programs in order to ensure a future supply of clinical specialists in pediatric environmental health. This is an area in which the Board stands ready to play a leadership role. With respect to specific topics, there should be increased education and awareness raising aimed at limiting the cosmetic use of pesticides.

With respect to **asthma and respiratory disease**, the Board supports the ongoing research project on the health effects of diesel on children and other vulnerable groups, which is a substance for which improved scientific understanding would be beneficial. However, the Board recommends that the CEC also address other air pollutants that are affecting children's health, such as fine particulates, and to broaden the focus beyond the borders to address regions of high exposure.

With respect to **lead**, there is a need for improved data on blood lead levels and monitoring of the effects of lead. The Board encourages the SMOC to include biomonitoring for lead in its work within the NARAP on Environmental Monitoring and Assessment. The project to reduce children's exposure to lead by targeting lead in ceramics and in other micro-industries is a good example of practical work to identify and target an specific problem, which can then serve as a model for tackling other similar issues.

With regard to **toxic substances, including pesticides**, there is need for improved data on exposures and biomonitoring, better health surveillance, and a commitment to trilateral cooperation to enhance data comparability. As a starting point for these efforts, the priority focus should be on mercury and other metals, DDT and other pesticides, PCBs and other persistent organic pollutants (POPs), and high production volume chemicals for which more research is needed, in particular those thought to have neuro-developmental effects. Opportunities to build on ongoing work, including national surveys such as National Health and Nutrition Examination Survey (NHANES), should be pursued. This will not only aid in avoiding duplication and unnecessary effort, but will also strengthen linkages among researchers in the three countries and foster common approaches.

With respect to **risk assessment and economic valuation**, it is vital that the use of these tools be done in a transparent way. It is also important to ensure that the appropriate science is used to contribute to sound decisions, for example not relying on adult studies or the wrong types of studies. When there is not adequate scientific knowledge, conservative and protective measures should be taken.

**Strengthening the knowledge base for long-term solutions** should be among the core aims of the cooperative efforts of the three nations. The Board strongly supports the need for the U.S. National Children's Study and its expansion to include Mexico and Canada. As noted above, further work is needed to improve biomonitoring and health surveillance. Concerted efforts need to be made to obtain the resources needed to implement the Cooperative Agenda. Such efforts such include building elements of the Cooperative Agenda into ongoing programs of the national governments and into the existing work program of the CEC, seeking partnerships with groups and organizations outside of government, and pursuing extra-budgetary resources.

The Board stands ready to support the Council in advancing work on children's environmental health and to participate in, and contribute to, other program areas of CEC, such as the Sound Management of Chemicals initiative, including the development of the NARAP on Environmental Monitoring Assessment.



**Ottawa, 19 June 2002**

**COUNCIL RESOLUTION: 02-06**

**Cooperative Agenda for Children's Health and the Environment in North America**

THE COUNCIL:

HAVING ADOPTED Council Resolution 00-10, whereby the Parties recognized the particular vulnerabilities of children to environmental risks and agreed to collaborate on the development of a cooperative agenda that promotes the protection of children's health from environmental risks;

IN ACCORDANCE with Council Resolution 00-10, whereby the Parties decided to focus, as a starting point, on specific health outcomes such as asthma and other respiratory diseases, the effects of lead including lead poisoning, and the effects of exposure to other toxic substances;

TAKING into consideration, with appreciation, Advice to Council 02-01 from the Expert Advisory Board on Children's Health and the Environment, Advice to Council 02-01 from the Joint Public Advisory Committee of the Commission for Environmental Cooperation (CEC), and comments received from the public;

NOTING the productive and informative meeting held with the Expert Advisory Board members during the Council's Ninth Regular Session on 18 June 2002 in Ottawa;

ACKNOWLEDGING the progress of the CEC in integrating children's environmental health into its ongoing activities;

RECOGNIZING that effective domestic and trilateral solutions to address children's health and the environment require a solid knowledge base, education and outreach, and partnerships; and

RECOGNIZING that protecting children's health from environmental risks is an ongoing task and a long-term investment, and understanding that increased knowledge will continue to inform and shape planned activities and projects to maximize their effectiveness and relevance;

HEREBY:

ADOPTS the Cooperative Agenda for Children's Health and the Environment in North America (Cooperative Agenda);

CALLS UPON the Parties to work together with the CEC Secretariat to implement the Cooperative Agenda by undertaking the following new initiatives over the next two years:

- select and publish a core set of children's environmental health indicators for North America, working in partnership with the Pan American Health Organization, the International Joint Commission Health Professionals Task Force and others, and in coordination with parallel commitments made by the G-8 Environment Ministers and the Health and Environment Ministerial of the Americas;
- form strategic partnerships with health organizations, including the trilateral network of Pediatric Environmental Health Specialty Units, to strengthen professional training on children's environmental health, with a view toward enabling health professionals to serve as effective conduits of information and advice to parents, care givers, children, and communities;
- strengthen decision-making capacity by enhancing the understanding of the economic impacts of environment-related illnesses and effects on children, including the implications of action versus inaction;
- advance understanding of risk assessment approaches with a view to increasing collaboration on toxic substances and increasing the cadre of risk assessors trained in children's environmental health risk assessment; and
- work together trilaterally, in the context of increasing cross-border trade, to reduce the risks posed by lead in consumer products, in particular those intended for use by children.

AGREES to continue the integration of children's environmental health considerations into the CEC work program. This includes continuing work on the following projects:

- facilitating collaboration on longitudinal cohort studies with a view to improving our common understanding of children's exposures, body burdens, and health outcomes during the course of their growth and development, building on the National Children's Study in the United States;
- assessing the impact of diesel exhaust at congested border crossings as part of the CEC's Air Quality project, and exploring the use of the developed methodology to address other regions and contaminants of concern;
- working to prevent and reduce children's exposure to lead by promoting increased public

awareness and improved practices within selected cottage industries, such as the ceramics industry in Mexico;

- continuing to ensure the integration of a children's environmental health perspective into the work of the CEC's Sound Management of Chemicals program;
- analyzing and publishing data on toxic chemicals that are of particular concern to children's health within the *Taking Stock* report series; and
- continuing efforts to build public awareness and facilitate access to information on issues of children's environmental health and preventive measures, through existing CEC projects and publications and in partnership with other groups;

AGREES, in addition to the focus on asthma and respiratory diseases and the effects of lead and other toxic substances, to include water-borne diseases as a priority health endpoint, and DIRECTS the CEC Secretariat, in coordination with the Parties, to develop options for collaborative action in this area;

CALLS FOR the North American Regional Action Plan on environmental monitoring and assessment to include bio-monitoring of persistent bioaccumulative toxics - in particular, mercury and lead - in infants, children, pregnant women, and women of child-bearing age; and

AGREES to bi-annually review progress achieved, assess relevance of planned activities in light of new knowledge acquired, and further advance the implementation of the Cooperative Agenda with the input and involvement of interested parties and members of the public.

APPROVED BY THE COUNCIL:

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David Anderson  
Government of Canada

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Victor Lichtinger  
Government of the United Mexican States

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Christine Todd Whitman  
Government of the United States of America

Ottawa, 19 June 2002

**COUNCIL RESOLUTION 02-05**

Action Plan to Enhance Comparability Among Pollutant Release and Transfer Registers (PRTRs) in North America

THE COUNCIL:

REAFFIRMING the goals and principles outlined in Council Resolutions 97-04 and 00-07;

NOTING the progress achieved on the objectives set forth in Council Resolution 97-04 on enhancing comparability of PRTRs, including the annual publication of the *Taking Stock* report; and the successful development of the “*Taking Stock Online*” web site, which provides users with flexible access to the matched North American data sets;

ENCOURAGED by the progress achieved since the adoption of Council Resolution 97-04 in increasing the comparability among the PRTR systems in North America, in particular, the important step taken by Mexico with its passage of enabling legislation for a mandatory and publicly accessible PRTR, and the developments in the Canadian and United States PRTRs that have led to a 50 percent increase in the amount of data that are now comparable on a cross-border basis;

REAFFIRMING the importance of continued cooperation among the national PRTRs as a means of promoting enhanced comparability and improvements, and the role of the Commission for Environmental Cooperation (CEC) in facilitating this process;



NOTING WITH INTEREST recent activities of the CEC to promote and explore uses of PRTR data, including the outcomes of the workshop of 23 March 2002, among academics in North America on the diverse uses of PRTR data in academic and policy-relevant research; the work of the Ad Hoc PRTR group to promote PRTR development, access and use;

FURTHER NOTING WITH INTEREST the recommendations of the PRTR Coordinating Group to strengthen linkages with the Sound Management of Chemicals project (SMOC) on chemicals of common concern, including mercury, dioxins, furans and hexachlorobenzene, as a means of promoting and tracking reductions; and the value of PRTR data for improving our understanding of the movement of specific chemicals in hazardous waste that are shipped off-site from facilities and, in some cases, across borders;

CONSIDERING the increasing focus on PRTRs worldwide, and the increasing interest of other countries and regions in the experiences gained in North America with compiling and tracking PRTR data on a regional basis;

NOTING the involvement of the CEC and the Parties in relevant international fora including the Inter-Organisation Programme for the Sound Management of Chemicals PRTR Coordinating Group and the Intergovernmental Forum on Chemical Safety;

HEREBY:

ADOPTS the *Action Plan to Enhance the Comparability of North American PRTRs* and commits to pursuing, individually and collectively, the progressive implementation of the strategies outlined therein, according to each nation's capacities and the state of development of the PRTR system in each country;

AGREES to focus, as a matter of priority, on:

- adopting the use of the North American Industrial Classification System codes in the national PRTR reporting systems of Mexico and the United States;
- pursuing comparability in the manner in which PRTR data on persistent bioaccumulative toxic substances—mercury, dioxins and furans, and lead, in particular—are reported under the three national PRTR programs, while taking into account technical, economical, and regulatory capacities of each country;
- exploring the adoption, where appropriate and in light of national priority substances, of activity-based reporting thresholds under the Mexican *Registro de Emisiones y Transferencia de Contaminantes* (RETC) as an important step towards enhancing trilateral comparability of the national PRTRs; and
- supporting Mexico in its efforts to achieve a mandatory PRTR reporting system (including but not limited to the following areas: a) data collection and processing; b) data quality; c) use of the PRTR data to facilitate environmental improvements) and provide public access to data from the RETC on a chemical-specific and facility-specific basis;

DIRECTS the CEC Secretariat to expeditiously undertake or facilitate, as appropriate, the specific actions described in the Action Plan; and

DIRECTS the CEC Secretariat and CALLS UPON the three Parties, through their national PRTR programs, to explore ways of fostering reductions by industries across North America in the release and transfer of substances of common concern, possibly including a trilateral challenge program that would build on the experiences of the successful United States 33/50 program, the Canadian Accelerated Reduction/Elimination of Toxics, and other similar programs.

APPROVED BY THE COUNCIL:

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David Anderson  
Government of Canada

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Víctor Lichtinger  
Government of the United Mexican States

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Christine Todd Whitman  
Government of the United States of America

**Joint Council and JPAC private session**  
**18 June 2002**  
**Ottawa, Canada**

DISCLAIMER: Although this summary was prepared with care, readers are advised that it has not been reviewed nor approved by the interveners and therefore may not accurately reflect their statements.

**Minister David Anderson** chaired the session. He welcomed the JPAC members and explained the format of the session.

**Jon Plaut**, JPAC chair, voiced the sense of concern and frustration of JPAC members who are volunteers, giving their time willingly and enthusiastically, but feel they are not accorded the level of respect they deserve. He cited instances when no response has been provided to JPAC letters or when JPAC advice has been ignored. He added that even when replies are received, these are often handled at the staff level and do not acknowledge JPAC advice.

**Merrell-Ann Phare** reported on the input received from the public on the previous day, during the JPAC plenary session on capacity building and education opportunities within the Sound Management of Chemicals (SMOC) program. The first observation was on the importance of public involvement in SMOC. The process for the nomination and selection of stakeholders requires clarification, and a transparent process needs to be established for identifying responsibilities and ensuring accountability. Second, the public made a strong call for expanding capacity building efforts to include local governments and communities. The public cautioned against the philosophy of “managing” chemicals, emphasizing that elimination should be the objective, along with creating responsible technologies to deal with chemicals. Finally, considering the challenges for finding additional resources to expand capacity building and education, the public identified partnerships and networking as important avenues to explore. Intervenors also noted that entities such as professional organizations, local governments and indigenous groups can all contribute. In this regard, the DDT program in Mexico was cited as a very good example of how community groups can participate and contribute to monitoring programs. In closing, Ms. Phare indicated that an advice on this issue would be presented to Council following this meeting.

**Gustavo Alanís-Ortega** reported on the JPAC session held on NAFTA’s Chapter 11. He emphasized that this complex issue continues to generate a very high level of interest and passion with the public and JPAC and reminded Council that JPAC advice 02-04—which had been presented to Council in March 2002—highlighted the growing concern among the public that the ability of governments to legislate in the public interest was being eroded. Noting that a reply from Council had yet to be provided and that the draft communiqué did not reflect any of JPAC’s concerns, Mr. Alanis summarized the recommendations aimed at improving transparency and openness. He elaborated on the main issues that emerged from JPAC’s public session, and highlighted the importance of striking a balance between the needs of foreign investors and the ability of governments to develop and enforce legislation and regulations to protect the environment and their citizens. Public participation, transparency, public information

and accountability were also raised as important themes, with the recognition that, in certain circumstances, confidentiality may be necessary. Considering the wide range of opinions on the effects of Chapter 11, and the fact that there is no consensus on whether amendments are required, there is a sense overall that problems of interpretation do exist and that ways of resolving these should be explored in a transparent manner. The public expressed strong views about Chapter 11 type provisions in the FTAA, both for and against. Also, the public feels that there is a lot of misunderstanding about Chapter 11, due to the lack of public information on pending cases and the tribunal process. The public feels strongly that NAAEC Article 10(6) carries an obligation for Council to be involved in Chapter 11 issues. Mr. Alanis expressed JPAC's view that the recent press release from the three trade ministers calling for the review of the operation of Chapter 11 by an experts group opens the door to a CEC contribution to this group. In closing, he informed Council that JPAC would be developing an advice on this issue.

**Cam Avery** reported on JPAC's efforts in the area of private sector cooperation and financing. Referring to comments made earlier in the day by the Canadian and Mexican Council members that governments alone cannot meet the sustainability agenda and that the work of the CEC means finding solutions to complex problems, he suggested that one such solution may be to look at ways to encourage the private sector to incorporate environmental considerations in financing decisions. Noting that risk management, capital costs and impacts on earnings are the major considerations for corporate executives, he stressed that we need to get to the point where fund managers ask CEOs and CFOs to explain their sustainability index ratings. For that to happen, though, better metrics, assessment techniques and motivation are needed. Despite progress in that area (i.e.; the Dow Jones Sustainability Index and the Global Reporting Initiatives), further work is required.

**Donna Tingley** reported on issues related to Articles 14 and 15. She reiterated JPAC's view that the submissions process plays an essential role in achieving the goals of NAAEC—and that the two are not divorced from each other. She stressed the importance of the process in setting the boundaries for the Parties to engage in voluntary and cooperative programs. Referring to the Council's recent response to the JPAC advice on matters related to Articles 14 and 15, she expressed JPAC's frustration that its revised recommendation on follow-up to factual records—which had been reformulated at the Council's own request—had again been rejected. Regarding JPAC's advice on the results of the public review of the work plan issue, she deplored that once again Council had chosen not to take up the recommendations. She echoed the JPAC chair's earlier comments about the frustration and concern of JPAC members and the sense that their efforts are perhaps not fully appreciated. She invited Council to provide further clarification as to why these decisions were taken.

**Serena Wilson** reiterated JPAC and the public's demand for an increased budget for the CEC. She reminded Council that in 1995 the United States had managed to get Cabinet approval for a US \$5million contribution to the CEC budget, with a view to seeing the CEC with a US\$15 million budget. To illustrate the positive investment that can be made through the CEC's leveraging ability, she noted that the CEC had recently been awarded a US\$11 million grant by the Global Environment Facility (GEF) for the expansion of the DDT project on a regional basis. In closing, she emphasized that one of the strengths of the CEC is its ability to create a forum for people of all disciplines to exchange ideas, but cautioned that creating an increasing number of government-only working groups may jeopardize this ability.

**Jon Plaut** commended the Secretariat's Article 13 report on "Environmental Challenges and Opportunities of the Evolving North American Electricity Market" and indicated that JPAC would consider further advice. He noted that many of the recommendations of the report coincide with concerns raised by JPAC over the years, such as the need to conclude an agreement on transboundary environmental impact assessment. He expressed JPAC's concern relating to the establishment of a government-only expert group on air issues, as reflected in the draft communiqué. Referring to Ms. Wilson's earlier comments on the value of the CEC's ability to bring in other stakeholders, he indicated that the composition of the newly established committee did not demonstrate support for public participation. He also expressed concern that the draft communiqué leaves JPAC with the impression that all decisions have been made by Council before hearing from JPAC.

On other issues, he expressed satisfaction that JPAC's recommendations relating to the North American Fund for Environmental Cooperation (NAFEC) had been adopted. He commended the positive evolution of the pollutant release and transfer register (PRTR) and expressed pride for the role JPAC has played over the years. He underscored the need for ensuring that, as the mandatory PRTR process gets underway in Mexico, steps be taken to ensure that compatible data is provided. He informed Council that JPAC would be reviewing the CEC program plan for 2003–2005 during its next session, to be held in October 2002, in Santa Fe. He further indicated that this session would also include a public session on freshwater issues, with a view to developing an advice on this matter. He expressed JPAC's view that the CEC should be represented at the World Summit on Sustainable Development (WSSD) and noted that, regrettably, based on the draft communiqué, this possibility was not contemplated. He further noted that the draft communiqué did not make any reference to the model for public participation that the CEC provides through JPAC. In closing, he wished Janine Ferretti every success, adding that JPAC could play a useful role in the selection of the next executive director.

**Minister Anderson** thanked JPAC for its comments and assured JPAC members that their role within the CEC was a vital one and that Council would take these concerns seriously. He reminded JPAC that, as politicians, Council members are well aware of the difficulties of maintaining a level of public satisfaction and emphasized that the Council's objective and intent was transparency and access.

With respect to Chapter 11, he recognized that this issue is a major subject of public concern and interest. He indicated that the matter was being discussed with trade ministers. With respect to the SMOC program, Minister Anderson expressed interest in developing a broader approach to stakeholder selection. Regarding Articles 14 and 15, he supported the idea that governments could report on actions taken. However, noting that this is a domestic responsibility, which cannot be imposed by a trinational organization, he expressed doubt that this could be put forward in a formal manner.

**Governor Whitman** expressed her full support for public participation and the role of JPAC. She acknowledged that the involvement of highly trained professionals who contribute time on a voluntary basis clearly demonstrates JPAC's commitment. She expressed the view that JPAC's concern of not being fully utilized was something Council should take a look at. Regarding SMOC, she expressed support for looking at ways of involving a wider range of stakeholders.

She agreed that the definition of capacity building should be expanded beyond building the capacity of governments. On Chapter 11, she expressed the Council's belief that it should not threaten any nation's ability to safeguard its environment and its citizens, and she recognized that more work is required to ensure that this is interpreted in a way that allows individual nations to protect their citizens. She noted that the US EPA was involved with its trade counterparts to encourage open dialogue and establish an agenda for a ministerial session, and assured JPAC of the United States' commitment to moving this forward with public input. She expressed support for JPAC's decision to look more closely at freshwater issues, noting that water would be the major environmental issue of the century. Recognizing that the potential financial impacts and scope of issues are enormous, she stressed the importance of involving all stakeholders. She also expressed support for JPAC's decision to take up private sector involvement, investment and cooperation. Convinced that a thriving economy and a healthy environment can go hand in hand, she underscored the need for the CEC to develop new ways of getting this message across to the private sector and welcomed any advice JPAC can provide to assist Council.

**Secretary Lichtinger** acknowledged the importance of JPAC and offered to take the matter up further with his colleagues in order to ensure that JPAC has more influence at the appropriate moment. He noted that it would have been useful to receive JPAC's input prior to the Council's earlier private session where certain decisions were made, and suggested that the order of meetings could perhaps be organized differently in the future. He underscored the importance of regular links with JPAC and suggested that it might be useful to have the JPAC chair participate in Council's private sessions, as he recalled was done in the past. He further indicated that the draft communiqué would be changed to incorporate some of the comments made during this session, particularly as they relate to public concerns.

Before adjourning the session **Minister Anderson** thanked JPAC and provided assurance that Council would look very seriously at the matters raised by JPAC.

**Ninth Regular Session of the Council  
of the Commission for Environmental Cooperation of North American**

**Summary of interventions made during the public portion**

**18 June 2002  
Ottawa, Canada**

DISCLAIMER: Although this summary was prepared with care, readers are advised that it has not been reviewed nor approved by the intervenors and may therefore not accurately reflect their statements.

**Minister Anderson** welcomed everyone to Ottawa and introduced his Council colleagues, Secretary Lichtinger of Mexico and Governor Whitman of the United States.

**Jon Plaut**, JPAC Chair, presided over the session and explained that the format of the session was divided into three parts: i) a report on the plenary sessions on the Sound Management of Chemicals (SMOC) initiative; ii) three-minute oral presentations by pre-registered participants, and iii) a report by selected rapporteurs on the results of the Networking Session.

**PART I REPORT ON THE PLENARY SESSIONS ON SMOC**

**Laura Silvan Durazo** presented a summary of the input received from the public during the plenary sessions on capacity building and education opportunities in SMOC. First was a call to open up more space for stakeholder participation in SMOC working groups and activities and to develop transparent procedures for this participation. Second was the need to better involve a wider array of stakeholders, in particular: communities, local governments and indigenous peoples. The DDT elimination program in Mexico was portrayed as a good example of how beneficial this can be. Next was the need to develop plain language and culturally appropriate information materials. While there was a good understanding of the limited financial resources available to SMOC, strong support was expressed in favor of working with existing networks and associations to reach a wider audience. Finally, it was noted that communities and local populations could actively participate in and contribute to the work of the SMOC program through monitoring initiatives developed within the North American Regional Action Plans (NARAPs) and by bringing local conditions to the attention of SMOC.

**PART II ORAL PRESENTATIONS BY PRE-REGISTERED PARTICIPANTS**

**Environment, Economy and Trade**

**Yves Guérard** from Hydro Québec addressed the Secretariat's Article 13 report on electricity restructuring. He drew attention to the fact that, while the initial working paper on electricity included a strong bias in favor of small-scale options, this issue was dropped in the Secretariat's Article 13 report recently released. Noting that most schemes still disqualify the large hydro option, he explained Hydro Québec's rationale for promoting the environmental benefits and economies of scale from large-scale developments versus small-scale, and the geometric laws governing large hydro electric plants and reservoirs—where the outside surface grows at a square rate while the volume inside grows at a cubic rate. He observed that while individual

small-scale projects may have less impact than a large project, small-scale projects when added together can have much greater impact than one large project as a result of local impacts, such as access roads and obstacles to fish. Recognizing that in certain circumstances, small-scale may be the best option, he cautioned that it should not be promoted as a general rule within the energy industry, nor should the states disqualify the large-scale option from their Renewable Portfolio Standards. Alluding to the “small is beautiful” myth, he pointed out that the same rationale can also be applied to fossil fuel options.

**Rob Kelter**, Illinois Citizens Utility Board, member of the Electricity and Environment Advisory Board, pointed out that, from his perspective, the most important topic in the Secretariat’s Article 13 report is the carbon emissions issue. The report is urging Council to define and implement compatible carbon reduction strategies in 2002. He also noted that in light of the US contribution to CO<sub>2</sub> levels globally, the Board had recommended that the US adopt an aggressive, long-term program to stimulate cleaner, renewable energy production. He referred to a recent article in The New York Times that described some of the problems in Alaska and the need to take immediate action. Secondly, he indicated that his experience with restructuring in Illinois suggests that industry and trade associations should be brought together with consumer and environmental groups in order to come up with solutions. He called for a similar effort on a North American basis and made a plea that actions be undertaken now.

**Jake Caldwell**, National Wildlife Federation (NWF), portrayed his organization as the largest conservation and education advocacy organization in the United States. He began by thanking Council and Janine Ferretti, the outgoing executive director, underlining NWF’s strong support for NAFTA and a healthy environment. Noting that the CEC is now at a crossroads, he underlined the opportunity for Council to move forward constructively to promote NAAEC and further trade liberalization initiatives. He listed first the opportunity for new leadership at the CEC to select people with strategic vision, management expertise, and the ability to energize Council and operate as an independent Secretariat. He indicated that the second issue for the NWF was couched in an open question as to whether NAAEC gave Council the authority to interpret a factual record any differently than the submitter, stressing that any future limitations on the Article 14 and 15 process will erode public confidence in trade liberalization. Referring to Chapter 11, he commented that it was irrational to have the Chapter 11 dilemma be the defining feature of NAFTA in the minds of the North American public, adding that this is bad for the environment, investment and trade. He urged Council to pressure the Free Trade Commission to allow public participation into the process. He added that Article 10(6) is a vastly underutilized provision of the NAAEC and that he looked forward to the 2003 trade and environment ministerial.

**Pedro Medellín-Milán**, Centro de Investigación y Estudios de Postgrado CIEP, Universidad Autónoma de San Luis Potosí, listed ten areas where NAFTA provisions create contradictions with Mexico’s Constitution or the objectives found in other international conventions dealing with, for example, biodiversity, human health, land use, etc. He also expressed serious concern that NAFTA’s Chapter 11 may create a situation where foreign investors are privileged.

**Cliff Wallis**, Alberta Wilderness Association, thanked Janine Ferretti and congratulated Minister Anderson for Canada’s new species at risk legislation. He spoke about environment and the FTAA discussions and expressed his conviction that, despite its many shortcomings, the



NAAEC is still a useful tool. Noting that governments currently negotiating the FTAA are not putting similar effort into environmental issues, he suggested that parallel negotiations are required to establish something similar to the CEC, stressing that this is critical to create citizen access, central reporting systems and agenda setting—all of which are important roles for a new body. He cautioned that any such negotiations should not serve to weaken what is already in place. He asked Council whether it supported a parallel negotiation on environmental protection under the FTAA and, if so, what role would be there for the CEC.

**Stephen Porter**, Center for International Environmental Law (CIEL), began by stating an assumption that NAAEC, the CEC and the citizen submission process were all part of an innovative experiment in getting NAFTA through, and creating public confidence in the United States. He emphasized that the success of this ongoing experiment will be critical for several purposes: (a) to the design of analogous institutions, such as within the FTAA negotiations; (b) more generically, in designing trade agreements that promote sustainable development; and (c) ensuring that we get public support for such agreements. He also highlighted the Council's critical role in ensuring leadership and robust budgets. He went on to speak in more detail about the citizen submission process, reminding Council of his organization's role in the migratory bird submission. He commented that when Council decided to limit the scope of the factual record, it effectively rewrote the submission, and as such, CEIL gave serious thought to withdrawing the submission. Illustrating the process as a spotlight on government, whether for better or worse, he questioned the validity of such a process if governments narrow the focus and if the public cannot direct where that spotlight should shine. CEIL was also concerned that the interest of the logging industry in the United States was at play, that it threatened the independence of the Secretariat and that the public and JPAC were being bypassed. He indicated that, in the end, his organization decided not to withdraw the submission in an effort to build the Article 14 and 15 process, and that they remain optimistic that governments will ultimately accept the process, despite any setbacks. In the interest of transparency, he encouraged the Council to explain its reasons for limiting the scope and asked it to direct JPAC to conduct a public review on this issue without any further delays. In closing, he asked Council to ensure that the CEC continues to grow and flourish.

### **Conservation of Biodiversity**

**Jennifer Smith**, student at the University of Aberdeen, discussed her Ph.D. research on the biological influences and ecological significance of exploration and production structures in the North Sea and the Gulf of Mexico, and the effects of structure removal, which she hoped could be useful for the CEC, the NAFTA governments and the industry. She elaborated on the substance of her research (i.e., estimating and cataloguing the communities of species that frequent oil and gas platforms; identifying and quantifying the values and types of species attraction and production; and investigating the effects on commercial fisheries of area closure around decommissioned platforms). In closing, she welcomed any contact information relating to potential funding sources in support of her search for partial funding or in-kind support for her research.

**Josefina Maróa Cendejas**, Ecomorelia, A.C, spoke about the impact of citizen participation and informal education in conservation and environmental protection. She expressed her view that citizen education runs in parallel with some of the theoretical approaches used in informal

education, often linked with other social approaches, such as economic development, gender issues, etc. She added that informal education has the advantage of being creative, flexible and capable of meeting the needs of specific situations, as it operates outside of the formal school system. Change at the grass roots level is fostered. She recalled a recent communiqué issued by the World Bank affirming the necessity of letting people influence decisions that affect their lives, in order to achieve transparency and establish a counterbalance to corruption and bureaucratic abuses and state policies. She presented, as specific example, a case in Michoacán, México, where citizen participation workshops were organized prior to a reforestation project, and indicated that the rate of success (a 75-percent survival rate for new trees) was greater than anywhere else in the country and was a direct result of having involved local communities.

### **Pollutants and Health**

**Patricia Ross**, Fraser Valley Regional District, discussed cross-border pollution issues and the inadequacy of the present system to assess proposals with the potential to pollute airsheds on both sides of the border. She explained that over the past two and a half years, at a cost of C\$500,000, her organization had been fighting a proposed power plant on the US side of the border that threatens to pollute a heavily populated area in British Columbia. She indicated that this project was likely go ahead despite the massive opposition on both sides of the border and the health issues identified, thereby demonstrating the lack of accountability as proposals are approved, because loopholes in NAFTA set up pollution offset programs to fail. She asked for changes in order for all border regions to be better represented in decision-making, adding that locations are often chosen for cost effectiveness for the applicant, rather than least harm to human health and the environment. She urged Council to help close the gaps and loopholes so that health and environment concerns are given greater attention and offset programs are more realistic. She further asked that the transboundary environmental impact assessment (TEIA) process be revived and that serious consideration be given to reciprocal access to the courts.

**Geb Marett**, Chemical Strategies Partnership, explained that, in conjunction with government and bodies such as the CEC, industry is a necessary but often neglected partner in achieving sustainability. One challenge is the reduction in the use of chemicals necessary for environmental health and safety. Five-year trends show a three percent decline in toxic substances generated in North America. Noting that reductions in one sector are being offset by increases in others, he cautioned against shifting impacts between media, indicating that one of the main obstacles to decreasing chemical use in waste is that the relationship between chemical producers and customers creates supply-side incentives. He elaborated on chemical management services (CMS) as an emerging market-based strategy to simultaneously reduce chemical use and reduce costs, adding that the results where the model has been implemented have been eye popping. He suggested that, while the focus of SMOC to date has been on a chemical-to-chemical approach, other approaches are expected to receive greater attention in the future, including innovative technologies for pollution prevention rather than control. He urged Council to support market-based, life-cycle approaches such as CMS, and informed those present that a workshop on this subject would be held in Chicago on 24 October 2002.

**María Ramón Silva**, Colectivo Ecologista, discussed problems in Oaxaca concerning the loss of species, which led to the signature of a seven-point petition by 86 organizations asking that a fact-finding mission be conducted. She reviewed the main points of the petition, which was

based on a request to conduct an Article 13 scientific investigation on the contamination of maize. All direct and indirect impacts of transgenic corn need to be studied, and the sources and pathways of contamination better understood. She expressed hope that the report will recommend that the Mexican government support the well-being of its citizens. She left a copy of the petition with the Council members, inviting them to state their position. She also asked JPAC to create a working group on biosafety in relation to free trade, including biopiracy and intellectual property. She thanked the Secretariat for its hard work on pesticides and indicated that she looked forward to future work on biosafety and food safety.

**Dawn Walker**, Canadian Institute of Child Health, spoke about two issues regarding children's health and the environment. The first was the need for a new paradigm for risk assessment and the second, children's environmental health indicators. She stressed the need to take into consideration the special vulnerabilities of children when designing legal frameworks to control exposure, and welcomed the increased focus of the CEC on these important topics. She explained that the current process for developing environmental policies and standards is deeply challenged by the need to take the unique vulnerability of children into account. More work is needed to predict chronic effects for long-term multiple-effect exposures. She commended the efforts undertaken in the United States to expand safety margins, but noted some difficulties in their implementation. She expressed dismay that the US EPA was considering accepting data obtained from animal testing, despite grave moral, ethical and scientific questions, and she restated her organization's opposition. She deplored that a form of human testing already exists, referring to the fact that a majority of high-volume chemicals in commercial use were never evaluated for safety in pregnant woman and children. Recalling the lessons learned from lead—where regulatory action was not taken until millions of children were poisoned—she called for the establishment of a new paradigm for risk assessment, focusing on a child-specific angle on monitoring and assessment, and integrating the vulnerabilities of children into policy making. She also called for a risk assessment process that includes precaution as an overarching consideration. She asked that, in the meantime, authorities from the three governments seek a mandatory application of the Food Quality Protection Act (FQPA) 10-fold factor. Regarding indicators, she conveyed her organization's belief that sufficient information already exists to be used as a basis for taking immediate preventive action.

**Mark Winfield**, Pembina Institute, added his voice to the expression of recognition conveyed to Janine Ferretti. He then addressed three matters: PRTR, hazardous waste and continental energy markets. Regarding the PRTR, he began by congratulating Secretary Lichtinger on Mexico's new mandatory and public reporting system (RETC). He also emphasized the importance of the CEC's continuing support for Mexico in the implementation of its RETC and facilitating upward harmonization of PRTRs throughout North America. In this context, he congratulated Minister Anderson on the addition of Criteria Air Pollutants to the National Pollutant Release Inventory (NPRI). In addition, regarding the CEC's report on emerging electricity markets and its emphasis on the need to address greenhouse gas emissions, he urged that Canada commit to adding greenhouse gases to the NPRI. On the matter of hazardous waste, he noted that public concern has grown significantly, particularly over the dramatic growth in hazardous waste exports sent from the US for disposal in Canada, and to Mexico for recycling. Recalling the commitment made at the 2001 Council Session for a North American response on transboundary hazardous waste, he inquired on the status of this initiative, and more specifically, he asked when Canada would be enforcing federal regulations for the disposal of hazardous waste imports, as

per its obligations under the Basel and Stockholm Conventions. With respect to a continental energy strategy, he noted that the emerging energy policies in all three countries focus overwhelmingly on increasing supplies from conventional sources, adding that little attention is paid to reducing demand, efficiency measures, or low impact renewable technologies. He expressed concern that the gap between energy policy and environmental sustainability may increase, as evidenced in the Secretariat's Article 13 report on electricity. In closing, he called for strong intervention by all three governments to prevent the creation of pollution havens and increase energy efficiency.

**Ken Zarker**, US National Pollution Prevention Roundtable, described the cooperative efforts underway between the US, Canadian and Mexican roundtables on pollution prevention. He explained that the common vision of the North American Pollution Prevention Partnership (NAP<sup>3</sup>), as an international partnership, is to advance environmental protection through pollution prevention. He reviewed a declaration signed on 26 April 2002, at the Canadian Pollution Prevention Roundtable, committing to: i) advancing pollution prevention policy in each country and throughout the continent; ii) sharing information, educational resources and members' resources; and iii) enhancing financial and technical resources to implement pollution prevention program throughout North America. He described a recent project where a survey of pollution prevention policies in all three countries has proved helpful in understanding what is, and is not, going on in North America. He thanked the CEC for its support in facilitating the work of NAP<sup>3</sup>, adding that he looked forward to continued collaboration. He indicated that NAP<sup>3</sup>'s future plans include the development of a pollution prevention network for North America, as part of larger global network and that it is looking at conducting pilot projects to promote environmental management systems and environmental leadership.

### **Other Initiatives**

**Quentin Dodd**, Campbell River Environmental Council, explained that he had been following the Article 14 and 15 process as part of his work focusing on environmental issues related to mining, forestry and commercial fisheries. While it was not until he arrived at this meeting that he appreciated the depth of frustration experienced by many NGOs, he indicated that he understood that this was a sensitive area for government officials. He added that, as custodians of this important process, sometimes criticism must be accepted so that corrective action can be taken. He asked Council not to stand in the way of future recommendations from the Secretariat regarding factual records and to make every effort to ensure that there is a clear policy on non-interference for the sake of the CEC's public credibility. Referring to the Council's recent decisions, he cautioned that these may be seen as obstructive and questioned the value of a watchdog with no teeth and little bark. He expressed the view that there is growing anxiety that civil servants employed by the CEC may, out of concern for their jobs, be unwilling to speak out. In closing, he noted that Council's decisions to attach conditions to the preparation of factual records will not alter the facts, but will limit the scope of investigation and will be seen as an attempt to skim over and hide unfavorable facts.

**Aurora Michel Calinda**, Sociedad Amigos del Lago de Chapala, explained the situation in Lake Chapala, Mexico. The lake is located in central Mexico, 50 km from Guadalajara. The surface area is 112,000 sq. km and present-day volume is less than 15 percent of its total potential capacity. She underlined that, as part of the Lerma-Chapala basin, which covers six Mexican

states, this resource is very important for agriculture. She outlined a number of problems in the basin area caused by industrial activities, lack of conservation and exploitation of natural resources. She indicated that action is urgently required if the extensive damage that already exists is to be reversed. Reflecting on the fact that toxic substances now banned in the United States and Canada can still be found in the agricultural industry in Mexico, she noted the irony that products grown with the use of such chemicals are sold in Canada and the United States. She also referred to the challenge of integrating the recycling of plastic, glass and wastewater into regular practice in Mexico, and noted the absence of a systematic program for the sustainable use of water. She illustrated a parallel between exports of agricultural products and freshwater, using the example that each strawberry that is consumed in the United States and Canada represents the use-equivalent of 40 liters of water. She concluded her presentation with a plea for the protection of water, the most precious natural resource for future generations.

**Margot Venton**, Sierra Legal Defense Fund, spoke about the citizen submission process and the conservation of biodiversity in Canada. She indicated that the Sierra Legal Defense Fund has been actively involved in the citizen submission process, including two complaints that have been affected by Council decisions taken on 16 November 2001. She emphasized the fact that, despite the November decisions, her organization has continued to use the process, but is becoming increasingly concerned that their clients are losing faith. She indicated that the 16 November decisions effectively changed the rules halfway through the submissions, creating an apprehension of bias and interference in the development of the work plans, and added that no explanation was ever provided for any of these decisions. She suggested that, from a lawyer's perspective, had this situation occurred in a normal government process, arguments would be made that the process was, by law, unfair. She stressed that the apprehension of bias absolutely affects the integrity of the process and will undermine the confidence that was integral in the widespread support for NAFTA. Absent that support, she indicated that there would be significant difficulties in finding support for future trade agreements. She recommended that Council authorize a JPAC review of the issue of limiting the scope of factual records now, indicating that narrowing the complaint misses the point of the process, which is to look at widespread nonenforcement, as opposed to specific instances. Secondly, she thanked minister Anderson for his efforts to achieve species at risk legislation. However, she drew attention to a problem created by provincial attacks on federal environmental regulations aimed at lowering standards for the purpose of attracting foreign investment. To reinforce her point, she cited an extract of a recent press release issued by the Government of British Columbia in soliciting such investment, which stated that: "no one will be looking over your shoulder." She suggested that the CEC should look more closely at provincial regulatory processes and enforcement practices.

**Christine Elwell**, CIELAP, congratulated Janine Ferretti on her stellar leadership. She covered the issue of follow-up and its application to various areas of the CEC, such as Article 13 reports and Articles 14 and 15 factual records. On the issue of electricity restructuring, she expressed her disagreement with the analysis presented earlier by the representative of Hydro Québec, noting that the final page of the Secretariat report states that there are not enough studies on some of the critical issues, which means that follow-up work is needed. She suggested that these matters be dealt within the context of the next work plan. She expressed strong support for the comments made by representatives from CEIL and Sierra Legal Defense Fund and their concerns regarding the limitations to the scope of factual records. Referring to a letter from the Alternate Representatives dated 14 June 2002, in response to JPAC's recommendation for factual record

follow-up, she cited the following extract: “We have reviewed your requested recommendation on the issue of factual record follow-up. As we indicated we are of the view that the Article 14 and 15 process terminates with the development and release of the final factual record and that any follow-up which a Party may choose to undertake is a domestic policy matter alone.” She argued that this interpretation would be inconsistent with Part 5 of NAAEC, because the CEC could not build a record of persistent patterns of nonenforcement. [She recommended that the CEC approach the International Court of Justice or the Environment Chamber for an independent interpretation of the relevant articles and then come back and follow-up.

**Dianne Pruneau**, Université de Moncton, set out the story of Cap-Pelé, a coastal community in New Brunswick, Canada. She explained that in this community 24 fish smoking plants release their industrial waste directly into the sea. She alleged that one-fifth of the town’s students suffer from asthma and the area has the highest per capita rate of cancer in the province. The general population is not made aware of these problems. She further explained that a NAFEC grant gave them the opportunity to develop, with a high school and three of the fish plant operators, a project on environmental education. Plants were visited and inventoried and research was conducted on various health hazards and issues. In the end, all the information was put on a GIS system and the students and industry representatives presented the results to the municipality. Following that, with the assistance of health specialists, the students worked on the development of plans to improve their environment and health. As a result of this project, students are now much more aware of environmental hazards and of how they can become involved in solutions. She recommended that NAFEC and the CEC continue to support community-based education programs.

**Alexander Lofthouse**, Canadian Council for International Business, explained the structure of CCIB. In concert with its mission to promote an open system of world trade, investment and finance, the CCIB supports NAFTA, the NAAEC and the CEC. However, he expressed CCIB’s concerns about the scope of the CEC’s work plan. For example, during these meetings a wide array of subjects have been addressed, such as children’s health, air quality, electricity generation, Chapter 11, biodiversity, etc. Observing that the entire CEC budget was already fully allocated, he expressed his astonishment over the risk for overload, adding that this risk should give pause to discussions to open up new areas and that any new activity would have to be offset. He expressed the view that this broad work plan also made it very difficult for organizations to maintain effective dialogue with the CEC and therefore urged the Commission to resist the temptation to further expand its scope. He suggested that, instead, the CEC should choose priority areas and focus on them. He also suggested that partnering with governments, the business community and other interested stakeholders to identify a clear set of priorities could facilitate this. In closing, he suggested that, after nearly a decade of the CEC being in operation, it may be time to step back and review the parameters of its overall mandate.

**Luis Manzo**, Kivalliq Inuit Association, explained that the Inuit of Nunavut signed a comprehensive land claims agreement with Canada in April 1993. He expressed the concerns of the Inuit of Nunavut about trade issues being discussed, and as to how these issues would be communicated to the Inuit, who speak a different language. He thanked Minister Anderson for Canada's participation in negotiating Impact and Benefit agreements for national parks and developing other environmental legislation. He described the three levels of government in Nunavut—federal, territorial, Inuit—adding that the Inuit government was unfortunately being left out of this process. Recognizing that Inuit depend on natural resources for their sustenance,

he underlined the importance for governments to control the activities of other nations in order to preserve their food resources and protect their children. He added that, while the land claim agreement focuses on the protection of the land and resources, it is well known that industrial projects located beyond the Nunavut territory affect the region. He referred to Article 12 of the agreement, which provides Inuit with rights to compensation for direct and indirect damages. He indicated that Inuit are prepared to cooperate with the CEC to help develop and communicate information to Inuit communities. In closing, he suggested that Inuit national and international organizations such as Inuit Tapiriit Kanatami (ITK) and Inuit Circumpolar Conference (ICC) be part of the CEC's committees and working groups, adding that this would help ensure appropriate follow up.

### PART III REPORT BY SELECTED RAPORTEURS ON THE RESULTS OF THE NETWORKING SESSION.

**Alejandro Callejas** presented the views of his group on academic issues, whose task consisted of putting in context research within the three countries and the policy support that is required. Environmental education was identified as very important, along with new ways of promoting communication of information. This is tied to developing a culture for environmental accountability within the framework of mechanisms such as JPAC and the CEC. Inclusion of indigenous groups was also identified as essential. More comprehensive research is required in areas such as carbon sequestration and freshwater. More research is also required to better understand the environmental impacts of trade liberalization. Research should focus on prevention rather than control. Modernization of the technology and equipment that is transferred to Mexico is needed to move beyond simply sending outdated technologies from the US and Canada. Standardization of technologies and methodologies was also discussed and a reverse approach to technology and information transfer was strongly recommended (i.e., transfer of traditional knowledge from indigenous communities). Legal research and a better understanding of the dispute resolution process under NAFTA are also important. A new paradigm is required to change the methodologies for development: promoting a new culture of sustainable development working in concert with NGOs. Research aimed at strengthening regional markets and micro-markets was also underscored. Green tax policies should also be developed for the three countries. The CEC should support work to harmonize standards for developing green industries. A transboundary tribunal should be created that builds on legal research supported by the CEC for dealing with transboundary pollution issues. The CEC can facilitate legislative harmonization and trilateral information exchange. The definition of national security should be expanded to include, for example, food and water security.

**Stephen Porter** emphasized that the rapporteurs were presenting consensus views from the group. He thanked JPAC for having created the time and space for the networking session. He underlined the consensus that the CEC is an innovative and creative institution, although some wish it had greater powers to address environmental problems, with a human dimension at a local level, in order to intervene proactively, for example, with respect to indigenous communities. The CEC is entering a period of uncertainty and Council is urged to exercise leadership on several fronts: first to move quickly to install a strong and independent executive director and, second, to protect the independence of the Secretariat. On a broader level, there is hope that the ministers, in the lead up to WSSD, will show dynamic leadership on climate change and take effective domestic action to reduce greenhouse gases. In closing, he quoted the movie "Jerry McGuire": "Show me the money," to illustrate the need for an increased budget for

the CEC. He also urged that a greater emphasis be given to on-the-ground projects and for the promotion of projects in support of national priorities.

**Christine Elwell** expressed the group's consensus to put an end to "NAFTA beating up on" environmental law. JPAC has been asked to intervene as a friend of the court in the lindane dispute. Despite the substance being banned and listed as a candidate for elimination under the POPs Convention, we find ourselves in a legal dispute with an investor. There is understanding of the difficulties facing Council in exercising its functions under Article 10(6); however, the obligation still exists. An intervention by JPAC would be a first step in raising sensitivity. Special budgetary provisions should be made to allow JPAC to make this intervention and for all documents to be made available to the public. The problems need to be exposed and trade officials need to be made aware of the environmental risks associated with these disputed industrial activities.

**A participant** who did not identify herself spoke on behalf of the group, asking the ministers to clarify how environmental laws are applied and enforced. She stressed the deterioration of environmental protection as budgets are cut and standards are lowered in all three countries. More and more powers are being transferred to local authorities who do not have adequate capacity and resources. Effective ways to involve local communities and grassroots organizations are needed. Another paradox in all three countries is the reduction of staff in the environment ministries and the practice of contracting out. Much of the existing legislation is very good, but it is not enforced. Deaths in Oaxaca resulting from land and water disputes are intolerable. The government must intervene to put an end to such violence. Action in enforcement is urged in order to develop a long-term environmental agenda.

**Minister Anderson** thanked all the participants and indicated that Council would have a full record of the interventions and would respond individually. He expressed his appreciation for the scope and depth of the interventions. He underlined the importance of challenging conventional environmental wisdom and commended the maturation of the debate he had observed during this session. He then invited his Council colleagues to provide their views.

**Secretary Lichtinger** thanked everyone for their comments, noting how much more focused these discussions have become with the emergence of a regional perspective. Regarding Articles 14 and 15, he reiterated the Council's commitment to the process. Having listened very carefully to the concerns relating to the erosion of credibility, he assured the attendees that Council would make certain that no decisions with the potential of undermining that credibility would be taken. He recalled that, as former executive director of the CEC, he had made the decision to go forward with the development of the first factual record on Cozumel and expressed his conviction, as minister, that this is a very positive process for governments. He guaranteed the audience that every effort would be made to ensure that this process continues to be an important instrument for the public. Next, he expressed his interest in community involvement with education and a conviction that local people and organizations must be involved. He asked specifically for more information from Josefina Cendejas in order to determine how his government could work with her organization in re-forestation projects. Regarding transgenic corn, he expressed the Council's full support for the Secretariat's decision to go forward with the development of an Article 13 report, and offered his government's cooperation in providing all available information. However, he cautioned against losing sight of the positive sides of



biotechnology. Concerning Lake Chapala, he recognized that this is indeed a major challenge for Mexico, not just a local problem. On the matter of follow-up in general, he agreed on the need for a strategic assessment of this issue and took the opportunity to inform the attendees that Council had mandated the Secretariat to conduct a 10-year retrospective of the CEC. Regarding the need for increased research, he spoke of the establishment in Mexico of a new research fund amounting to approximately \$16 million for work with research institutes throughout the country and suggested that it may be interesting to have a clearinghouse within the CEC to provide a better understanding of the research being conducted in the three countries.

**Governor Whitman** also recognized the broad diversity and quality of the presentations. First she touched on human testing in the United States indicating that after having become sufficiently concerned about the scientific and ethical ramifications last year, she had referred the matter to the National Academy of Sciences. She assured attendees that upon receipt of the recommendations, EPA would develop a policy, in a fully transparent manner, adding that, until that time, there would be no human testing for determining dose responses and levels for toxins. She indicated that EPA was also investing in computational toxicology, which could potentially lead to allowing rapid determinations about the impacts of various pesticides and toxins, without having to rely even on animal testing. On the issue of trade and investment, she agreed with the concern that claims under Chapter 11 should not pose a threat to a government's role in protecting the welfare and health of its citizens and the environment. She expressed the United States' view, which she hoped would be shared by Canada and Mexico, that the most efficient way of addressing the environmental concerns regarding Chapter 11 would be to have the key stakeholders who expressed such concerns present their views to the Chapter 11 expert groups. She expressed the United States' view that environmental protection is an integral part of the free trade "arena"—adding that the US had already proposed language for the investment chapter of the FTAA in order to ensure that standards for environmental protection are not lowered for the benefit of attracting investment. She stated the commitment of the 34 governments negotiating the FTAA to the principle of transparency, noting the United States' understanding of the value of cultural diversity and the importance of integrating this into decision-making. She further agreed with the recognition of the unique concerns of tribal and native peoples and the affirmative obligation for outreach, translation and consultation. She expressed her interest in the marine research project described by Jennifer Smith, and encouraged her to approach the EPA and NOAA for funding. Concerning the transport of hazardous waste, she acknowledged that no one wants to see the creation of pollution havens. She expressed her commitment to "leveling the playing field" related to transboundary movements, adding that this is a goal shared by all three countries. Finally, she commented on the challenge of protecting environmental quality while promoting energy needs, noting that this is not a "zero sum game"; a thriving economy and a healthy environment are both goals. She expressed confidence that with comprehensive plans for conservation, renewable resources and reduction of emissions from current energy sources, energy demands in North America can be met, while being sensible about the impacts on the environment. She acknowledged that the increasing cross-border trade in electricity presents significant challenges for air quality management, but expressed confidence that the CEC is the appropriate institution to work on those issues and that all three governments are committed to addressing these cross-border issues.

**Minister Anderson** commented that the presentation by Luis Manzo on the Inuit clearly demonstrates why the CEC is so important. He recognized that there are substantial impacts from

POPs and global warming in the Arctic and he appreciated the comment made on the challenges posed by language differences. He assured that Canada would continue to work with aboriginal organizations such as the ITK in order to find better ways of developing and communicating information. Regarding the presentation on research, he raised the dilemma that environmental ministers face every day as to how much money should be put on research, programs and process. On Chapter 11, he, too, expressed concern that there may be a regulatory chill, but noted that after having asked his officials to look into this, their analysis revealed that this was not the case in Canada. That said, he indicated that he looked forward to seeing the results from the JPAC session on Chapter 11, adding that Council would continue to discuss this issue with its trade counterparts. Regarding the citizens' submission process, he commented that there is no blanket approach to reviewing recommendations from the Secretariat on factual records, but that rather these are examined on an individual basis. Regarding environmental concerns with the development of the FTAA, he acknowledged that governments are perhaps more concerned with ensuring that there are robust environmental management systems in place throughout the Americas, so that good environmental decisions can be taken. Reflecting on the importance of children's health, he alluded to the success of the meeting with health and environment ministers of the Americas earlier in the year in Ottawa. Referring to Canada's 10-year program for the improvement of air quality, which is closely allied with the United States, he commented on the successful reduction of sulfur emissions, adding that CO<sub>2</sub> was still under discussion for listing. Finally, he reminded the audience that a detailed summary of the public session would be prepared and that Council would be responding to ensure the effectiveness of this portion of the Council Session. He expressed hope that this would help achieve a wider impact and reduce some of the frustrations among the public at having so little time during the meeting itself.

Before adjourning the session, he thanked the JPAC chair, the participants, and his Council colleagues.

**Joint Council and JPAC Private Session**  
**19 June 2002**  
**Ottawa, Canada**

DISCLAIMER: Although this summary was prepared with care, readers are advised that it has not been reviewed nor approved by the interveners and therefore may not accurately reflect their statements.

**Minister Anderson** invited JPAC to highlight new trends, issues and/or concerns raised by the public. He also outlined three areas identified by Council for JPAC input in the coming year: i) 10-year retrospective; ii) Children's Health and the Environment, including water-borne diseases; and, iii) Financing and the Environment (i.e., consider how sustainable development might be supported through this project).

**Governor Whitman** expressed strong support for further work on water issues and children's health. Regarding the 10-year retrospective, she underlined the importance of establishing the parameters around the scope of the review and indicated that, once that is done, JPAC would have an important role to play. Regarding financing, she encouraged JPAC's assistance to Council in identifying where the CEC can contribute and advance the discussion.

**Secretary Lichtinger** placed particular importance on the 10-year retrospective and described JPAC as a key player in making the evaluation meaningful by taking into account the expectations and perceptions of the public. He cautioned that the review should not be simply bureaucratic and should lead to important changes and improvements.

**Jon Plaut** thanked Council for its guidance and indicated that JPAC had already taken the decision to pursue financing and freshwater during its next two sessions in 2002. Regarding the 10-year retrospective, he indicated that JPAC would be pleased to play an important role.

He conveyed the concerns raised by the public during the JPAC public sessions held the previous days. First, there is a sense of frustration that Council seems not to be taking JPAC and the public seriously and is giving the impression that public input is being "handled" rather than receiving reasoned and detailed explanations to support the Council's responses. He noted that one intervention went so far as to request that JPAC file an amicus brief on a Chapter 11 case. Other individuals brought up the matter of Council's refusal to authorize a public review of the scope of factual records at this time despite JPAC's serious and balanced advice. Another area of concern was NAFTA's Chapter 11, an issue that JPAC has been hearing about for some time, and which explains the rationale for JPAC holding a session on this subject. Before turning the floor over to his colleagues, he thanked the Council for the opportunity to discuss issues and concerns in an open and responsible manner.

**Donna Tingley** elaborated on her remarks of the previous day on the Article 14 and 15 submission process in order to ensure that the reasons for JPAC's frustrations are fully understood. She reviewed the history and content of Council Resolution 00-09. She indicated that under this process, two issues that JPAC and the public considered to be very important

were sent for authorization to public review: i) the requirement that the Secretariat submit its work plans and provide the Parties an opportunity to comment on them and; ii) the issue of limiting the scope of factual records. She noted that Council had heard of the public's concerns about the Council's decision not to accept JPAC's advice—which was developed after the public review of the work plan issue—and very importantly, not to authorize a public review of the scoping issue until the factual records have been completed. She reiterated JPAC's view that a public review at this time is crucial, because not doing so would reflect on the integrity of the whole process.

**Gustavo Alanís-Ortega** reminded Council that JPAC also received a negative reply to its recommendation concerning follow-up to factual records. Acknowledging that the formal process terminates with the completion of a factual record, he indicated that JPAC and the public feel it critical that follow-up be made. He referred to the Cozumel experience as an example that supports this view. He also noted that follow up work had been supported by the CEC through NAFEC, with very positive results, as in the case of the development of protected areas, etc.

**Jon Plaut** raised several questions posed during the previous day's session for which JPAC was hoping to receive answers in the near future. Regarding Chapter 11, he reminded Council of JPAC's request that there be a pursuit by Council under Article 10(6) and that Chapter 11 be included in the trade and environment ministerial meeting to be held 2003. JPAC also expressed the need to open up government-only committees in keeping with the spirit of the CEC. He stated that the absence of JPAC or the public on the newly established committee on the Article 13 report on electricity was particularly worrisome. He stressed that having this committee hold meetings with the public was not good enough and that the committee should include public representation.

**Merrell-Ann Phare** characterized the presentation by the Hydro-Quebec representative during the public portion of the Council session as illustrative of the need to challenge ourselves on many of our basic assumptions and for innovation in technological advances. She noted that this was particularly relevant in the work of the SMOC program, where the substitution of one chemical for another can create new problems. In closing, she indicated that more attention should be given to implementing the precautionary principle.

**Carlos Sandoval** spoke about the general public perception that industry is still the "enemy" of NGOs in environmental matters. He stressed the importance of using the World Summit on Sustainable Development (WSSD) to show how the CEC has helped change this perception over the last eight years.

**Jon Plaut** thanked Council for its support on JPAC's plan to take up freshwater and financing issues. He also asked for clarification of a comment by Governor Whitman during the first part of the session on opening up a route to the trade ministers where information could be transmitted.

**Governor Whitman** replied that in light of the ongoing discussions and concerns, key stakeholders should have an opportunity to present their views directly to the Chapter 11 expert groups. Recognizing that although such a process would still need to be fleshed out, she felt it was key for a connection to be made between the experts' group and stakeholders.

**Jon Wirth** brought up the issue of transboundary environmental impact assessment (TEIA) noting that the Article 13 report on electricity highlighted the need for such an agreement. He expressed hope that this issue could be wrapped up soon and commended Secretary Lichtinger for his support on TEIA over the years.

**Peter Berle** pursued the subject of electricity and emphasized on the main message of the Article 13 report to the effect that under any scenario there will be large increases in CO<sub>2</sub> emissions. He said that this situation cries out for the establishment of a North American trading system to deal with emissions and reductions, and noted that the CEC was uniquely placed to bring this about. Noting that trading was our best hope for change, he stressed the need for an institutional mechanism on a North American basis.

**Cam Avery** commented on the increasing number of representatives from the private sector and trade organizations at public meetings, which contributes to broadening the dialogue and the exchange of views. Noting that this was probably attributable to the introduction of the trade agreement into the JPAC discussions, he expressed support for the pursuit of this issue.

**Liette Vasseur** commented on the willingness of the academic community and NGOs to work with the CEC and underscored the huge potential of such alliances. She also noted that despite legitimate frustrations expressed by JPAC and the public, there was still much support and enthusiasm for the CEC. She then inquired about the status of lead under the SMOC program, reminding Council that JPAC had recommended on several occasions that it be approved for the development of a NARAP.

**Governor Whitman** replied that lead was very much at the forefront for the three countries and that it would be part of the United States' discussions on children's health at the WSSD. She indicated that EPA was intent on making the United States entirely lead-free and eliminating all pathways of exposure for children. Noting that Canada and Mexico were also working towards the same objective, she acknowledged the need to broaden efforts to assist other countries in removing lead from gasoline, paint, etc., and added that WSSD would provide an opportunity for these discussions.

**Secretary Lichtinger** addressed three issues raised by JPAC. First, he expressed support for the suggestion to bring the CEC model to the WSSD, adding that, in his view, the CEC is the only environmental organization whose structure provides links with free trade and has such a strong public participation component. Second, regarding TEIA, he reiterated the importance of having such a trinational system in place. Noting the growing need for a TEIA as economic integration is expanding, he proposed to his colleagues that a greater effort be made in that respect. Third, concerning follow-up of JPAC advice on Articles 14 and 15, he expressed his view that perhaps Council should again review the lessons learned from factual records. Using the Cozumel case, as an example of why this could be productive, he indicated that one clear lesson learned was the danger in segmenting and compartmentalizing environmental impacts, thereby ignoring cumulative effects. He added that the end-result will be an improved environmental impact assessment process in Mexico. He acknowledged that factual records should be viewed as valuable tools for identifying shortcomings, either in processes or legislation leading to improvements, and suggested that perhaps JPAC could give thought to this and provide Council

with positive suggestions as to how to improve the process and do the follow up.

**Governor Whitman** followed-up on earlier comments from JPAC relating to WSSD and informed JPAC of an initiative undertaken by the United States at the WSSD to establish a “college for sustainable development” as a way to involve the private sector and educate the public. She invited her Alternate Representative to provide more information.

**Judith Ayres** provided details relating to this collaborative effort between EPA, the Smithsonian Institute and the UN Foundation in setting up an institute with a multinational curriculum at WSSD, including EPA courses. She expressed confidence that the institute would provide an opportunity to communicate the CEC story as one of the curriculum items.

**Jon Plaut** suggested that the DDT video be taken to WSSD as a way of drawing attention to the CEC through the institute’s program.

Referring to Secretary Lichtinger’s comments on lessons learned and follow-up to factual records, **Steve Owens** expressed an impression of having experienced this situation in the past. He explained that JPAC had looked at this issue on a number of occasions and that the JPAC lessons learned report—which was developed after a year-long review of the submission process—contained a recommendation on follow-up. The preliminary response from Council on this recommendation was that the wording suggesting that governments had not been enforcing their environmental laws seemed negative. JPAC’s perspective was completely the opposite (i.e., a lot of positive things would come out of a factual record and there was a lot to be learned by the public, the CEC and governments by looking at what actually happens after a factual record is developed). JPAC was then requested by the Alternate Representatives in Mexico City to reword the recommendation in a more positive light, which JPAC did using its best political and legal skills. The revised advice contained two recommendations: i) acknowledging that a factual record is the end of the submission process, Parties should be encouraged to do follow-up where the factual record raises issues that warrant further attention and; ii) follow-up documents should be provided to JPAC and the public. The reply JPAC received was a diplomatically worded “thanks but no thanks” and that if a follow-up was to occur it would be between the Party and the submitter with no role for JPAC or the Secretariat. In closing, Mr. Owens indicated that JPAC would welcome the idea that the door may still be open to discussion on factual record follow-up.

**Jon Plaut** added that this was a very good example of what was irritating JPAC and explained that after a year of work and the rewording of the recommendation at the specific request of the Alternate Representatives, JPAC received yet another negative response, emerging this time at the staff level. That being said, he too welcomed the overture expressed by Secretary Lichtinger.

**Minister Anderson** thanked the JPAC members for their thoughtful comments. He expressed his satisfaction at seeing more private sector representation at this meeting and underscored the need to have broad private sector involvement at the WSSD. He indicated that Canada was very supportive of including private sector representation on the Canadian delegation. He noted, however, that in some cases this was being resisted by what he described as a somewhat reactionary attitude by some environmental organizations who see this as a loss of position for themselves. Concerning the issue of scope of factual records, he reiterated the Council’s view

that it would be more appropriate to wait until the factual records in question are completed and have the benefit of experience. He suggested that experience may demonstrate that the problems are not quite as critical as now portrayed. In closing, he referred to WSSD as a very helpful vehicle to convey the CEC message.

Before adjourning the session, he reiterated the importance of JPAC and the value of these annual discussions and again thanked the members for their impressive work.