

**TENTH REGULAR SESSION OF THE COUNCIL  
Commission for Environmental Cooperation (CEC)**

**24–25 June 2003  
Washington, DC, United States**

**SUMMARY RECORD**

The Council held its Tenth Regular Session on 24–25 June 2003, in Washington, DC, United States. Governor Christine Todd Whitman, administrator of the US Environmental Protection Agency and Linda Fisher, deputy administrator, chaired the meeting. The Honorable David Anderson, Canada’s minister of the environment and Secretary Víctor Lichtinger, Mexican secretary for the environment and natural resources, represented Canada and Mexico, respectively. Victor Shantora, acting 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 Official opening of the Session and launching of itinerant exhibit: “Janos and the Grasslands of North America”**

As host of the session, Governor Whitman officially opened the session and invited Minister Anderson and Secretary Lichtinger to address the public. On behalf of Council, Governor Whitman announced the appointment of William Kennedy as the next CEC executive director, effective September 2003, and took the opportunity to acknowledge the exceptional work of Victor Shantora as acting executive director. The Council also thanked JPAC and the public for their advice and the Secretariat staff for their work. Council members reiterated their support for the North American Agreement on Environmental Cooperation (NAAEC) and for the CEC as a relevant trilateral environmental organization for implementing sustainable development activities, including advancing regional implementation of various key items addressed at the World Summit on Sustainable Development (WSSD). They cited several CEC projects as examples of the sort of cooperation necessary to achieve tangible results in protecting the environment and conserving biodiversity. Minister Anderson and Secretary Lichtinger took the opportunity to thank Governor Whitman for her hospitality and to wish her every success in her future activities.

Gustavo Alanís Ortega, JPAC chair, thanked Governor Whitman for her commitment and contribution to the protection of the North American environment. He also took the opportunity to congratulate William Kennedy on his appointment and to call attention to Victor Shantora’s outstanding contribution over the past year.

Victor Shantora, CEC acting executive director, underscored the importance of using the CEC as the North American forum for cooperative solutions to global and regional environmental problems. Noting that his report to Council—available on the CEC’s homepage—contained a detailed account of the CEC’s progress since the last Council session, he touched upon three specific initiatives to be carried out by the CEC in the coming year: i) the Strategic Plan for North American Cooperation in the Conservation of Biodiversity, to be adopted by Council during the

current session; ii) the North American Air Working Group Strategic Plan, to be developed with input from JPAC and the public; iii) the draft strategy for future direction of the Sound Management of Chemicals (SMOC) program, to be developed in the course of the coming year in consultation with JPAC and the public and presented to Council at the session next year. He also underlined the Secretariat's successful efforts in expediting the Articles 14–15 citizen submission process.

The opening of the session was followed by a ribbon-cutting ceremony marking the launching of the itinerant exhibit, entitled "Janos and the Grasslands of North America." Mark Van Putten, President and Chief Executive Officer of the National Wildlife Federation, participated in this ribbon cutting.

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

Following the opening of the in-camera session by the Chair, Council approved the provisional agenda (Annex B). The acting executive director briefed Council on significant initiatives undertaken by the CEC over the last year. A copy of the acting executive director's report to Council can be found as Annex C.

### **Item 2A Strategic Plan for North American Cooperation in the Conservation of Biodiversity**

Marshall Jones, chair of the Biodiversity Conservation Working Group (BCWG) and deputy director, US Fish and Wildlife Service, presented an overview of the Strategic Plan for North American Cooperation in the Conservation of Biodiversity.

Hans Hermann, head of the CEC Biodiversity Program, presented two videos outlining the achievements of demonstration projects from the North American Bird Conservation Initiative and the Baja to Bering Priority Conservation Area.

In response to the presentation made by the chair of the Biodiversity Conservation Working Group, the acting executive director noted that the CEC budget was fixed and that in keeping with previous direction from Council, the BCWG should seek outside partners and funding sources in order to help implement this strategy.

By Resolution 03-07 (Annex D), the Council adopted the Strategic Plan for North American Cooperation in the Conservation of Biodiversity and directed the CEC Secretariat to coordinate and seek partners, additional funds, and diverse input regarding the implementation of the Strategic Plan, keeping the BCWG informed of developments.

### **Item 2B Management of Freshwater in North America**

Tim Whitehouse, head of the CEC Law and Policy program, provided an overview of the process that led to the development of the Secretariat's options paper regarding CEC work in the area of watershed management and water-related technologies, which was developed in response to the 2001 ministerial statement, in consultation with the governments, the International Joint Commission (IJC), the International Boundary and Water Commission, JPAC and the public.

The Council members exchanged views on the CEC's work in the area of freshwater management and asked the Secretariat to collect and facilitate the sharing of case studies that demonstrate national and local experiences and best practices on water quality, more specifically as they relate to: i) affordable conservation technologies and techniques, water management practices, and approaches to public participation, to improve water-use efficiency and protect aquatic ecosystems; and ii) sustainable watershed practices in North America that promote improved water quality.

## **Item 2C Transboundary Enforcement and Hazardous Waste Cooperation**

### **Sound Management and Tracking of Hazardous Waste**

Guillermo Román Moguel, *director general de Manejo Integral de Contaminantes* at the *Secretaría de Medio Ambiente y Recursos Naturales* (Semarnat), briefed the Council on actions considered by the Hazardous Waste Task Force relating to the project on tracking and environmentally sound management (ESM) of hazardous wastes.

The Council members exchanged views on the CEC's work in this area and adopted Resolution 03-08 (Annex E) relating to the development of compatible approaches among the Parties to the ESM of hazardous wastes destined for final disposal and hazardous recyclable materials and wastes destined for recovery/recycling operations. As a starting point, Council decided to focus on specific hazardous wastes and hazardous recyclable materials and wastes that are of mutual concern to all three Parties. The Council also noted the need for collaboration and capacity building with the Parties' customs agencies.

### **Environmental Enforcement and Compliance Cooperation**

José Campillo García, *procurador* at *Procuraduría Federal de Protección al Ambiente* (PROFEPA), presented the draft long-term strategic vision for the North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG).

The Council commended the EWG for its work in developing the draft strategic plan to promote enforcement and compliance cooperation in North America as well as JPAC for its input. The Council agreed to submit the draft strategic plan for a 60-day public review period and to finalize and implement the plan following that review.

## **Item 2D Children's Health and the Environment**

Luiz Augusto Galvao, program director, Environmental Quality Program Health and Environment Division at the Pan American Health Organization (PAHO), provided an update on the work of the CEC in developing a North American Framework for Children's Environmental Health Indicators in collaboration with several other international organizations, such as PAHO, IJC and WHO.

The Council members reiterated their support for this initiative and adopted Resolution 03-10, directing the Secretariat to prepare a first report on indicators of children's health and the environment in North America, to be published in 2004, and committing the Parties to provide data for this report. The Council further resolved to undertake a subsequent publication of indicators of children's health and the

environment within five years of the publication of the first report, and periodically thereafter. At the invitation of Mexico, the Council agreed to invite senior representatives of their respective health ministries to join them in a meeting, to be held in Mexico, for the presentation of the first report on indicators.

In addition, considering that the mandate of the Expert Advisory Board on Children's Health and the Environment in North America will be terminating in October 2003, the Council agreed—through the adoption of Resolution 03-09 (Annex F)—to extend the mandate of the Expert Advisory Board to September 2004, and to seek its advice on the development of North American indicators of children's health and the environment and on the Sound Management of Chemicals program, particularly the North American Regional Action Plan on environmental monitoring and assessment. The Council also asked the Expert Advisory Board to work with the Parties regarding the preparation of the report to the Council on the review of progress on the implementation of the *Cooperative Agenda on Children's Health and the Environment*, planned for 2004.

### **Item 2E Sound Management of Chemicals (SMOC)**

The acting executive director provided a brief update on recent developments in the SMOC Program. He informed Council of the recent decision of the SMOC Working Group to release for public comments the Decision Document on lead as well as the draft Phase I NARAP on dioxins, furans and hexachlorobenzene. He also briefed Council about options being considered by the SMOC Working Group aimed at broadening their mandate, such as: i) continuing the implementation of existing NARAPs to their successful conclusion; ii) pursuing ongoing capacity building activities supported by additional leveraged funds; iii) implementing mechanisms to cooperatively foster pollution prevention; and iv) giving thoughts to the future direction of the working group.

The Council members reiterated their support for the SMOC program and, in order to minimize further delays in the implementation of the Phase I NARAP on dioxins, furans and hexachlorobenzene, they authorized their Alternate Representatives to take the necessary decisions on their behalf prior to the next Council Session, if possible. The Council also requested the SMOC Working Group to submit, for consideration at their next session, a path forward in order to determine how the SMOC program should evolve in the future. Finally, the Council instructed the SMOC Working Group to strengthen its linkages with other relevant areas and working groups of the CEC.

### **Item 2F Renewable Energy**

Jan Hamrin, executive director of the Center for Resource Solutions (CRS), presented the findings of a project—funded by the CEC's North American Fund for Environmental Cooperation (NAFEC)—related to the feasibility of using green certificates to increase the development of renewable energy in Mexico.

Chantal Line Carpentier, head of the Environment, Economy and Trade program, provided an update on the status of the Secretariat's draft background paper on Market-based Mechanisms for Carbon Sequestration, Energy Efficiency and Renewable Energy in North America.

In response to issues raised relating to renewable energy, the Council directed the Secretariat to develop a background paper on existing green certificate policies and programs within each country and to engage the Parties in a dialogue on possible next steps in this area. They also authorized the Secretariat to propose a future course of work to promote other mechanisms to increase renewable energy development in North America, such as harmonizing methods for calculating the environmental benefits of renewable energy and developing additional information about potential and available renewable energy resources in North America.

### **Item 2G Corporate Environmental Stewardship**

Under this item, the Council heard from representatives of the industry, banking and environment sectors, who provided examples of good corporate environmental stewardship. Kaj Jensen, director of business risk, Corporate Environmental Affairs, Fleet Boston Financial and a member of the North American Taskforce of UNEP's Financial Initiatives Unit, spoke about private-public partnerships that could help to better incorporate environmental risks in financial decisions, such as the CEC and UNEP's Finance Initiatives. Ken Ogilvie, executive director of Pollution Probe, provided an outline of his organization's work in developing a comprehensive framework of principles and tools for corporate environmental stewardship and the development of leadership case studies, as good environmental stewardship promotion tools. Finally, Stephen Raab, global vice president, Health, Safety and Environment for InterGen, presented an overview of the work of the World Environment Center (WEC)—a group of over 40 multinational companies—to advance sustainability goals and various public/private partnership initiatives.

The Council directed the Secretariat to review best practices on voluntary corporate environmental stewardship and how these can be advanced within the CEC work program, engaging the views of industry, the financial sector, and environmental advocacy groups in the continuing analysis. The Council also encouraged the Secretariat to provide information on best practices in the business community and related work of other organizations, and to identify activities that could increase environmental leadership.

### **Item 2H Disclosure of Financially Relevant Environmental Information**

Robert Repetto, of the Yale School of Forestry and Environmental Studies, provided a report on the disclosure of environmental information in financial reporting.

The Council exchanged views on the importance of enhancing the availability of financially relevant environmental information and encouraged the Secretariat to continue to explore voluntary mechanisms through which environmental information can be made easily available to, and useful for, financial analysts and investors.

The Council also took note of a proposal from the Mexican Council member to host a meeting of high-level representatives of the environment ministries and financial regulatory authorities of the three countries.

### **Item 2I North American Green Purchasing Initiative (NAGPI)**

Scot Case, of the Center for a New American Dream, provided an overview of the CEC's North American Green Purchasing Initiative (NAGPI) and of proposed activities.

The Council directed the Secretariat to work with the Parties and the NAGPI towards the development of a green purchasing action plan, consistent with national and international obligations of the Parties and including stakeholder input. As part of that plan, they invited the Secretariat to work with the Parties and the NAGPI to identify tools, priorities, and best practices to facilitate green purchasing, and to explore the willingness of the Parties to identify specific product categories for possible priority attention in the 2004 work program.

### **Item 2J Environment and Trade Issues**

As chair of the Article 10(6) Working Group for 2002–2003, the United States provided a progress report on the potential trade and environment ministerial meeting, which Council members agreed to explore with their trade counterparts during their 2001 Regular Session. The United States' representative indicated that during its 2002 session, the Council was presented with potential objectives for such a meeting and that the Article 10(6) Working Group had met in Mexico City in March 2003 in order to explore these issues, but that no consensus had been reached.

The Council requested the Article 10(6) Working Group, at the senior level, to report back to them on a proposed agenda for a possible trade and environment ministerial meeting and their work on crosscutting trade and environment issues of concern before the next Council Session. The Mexican Council member indicated that his trade colleague was agreeable to the proposed trade and environment ministerial, subject to the confirmation of a date and an agenda. He provided information on a meeting of environment and trade ministers of various countries to be hosted by Mexico one day prior to the World Trade Organization meeting in Cancún, Mexico, and he invited his Canadian and United States colleagues to attend this meeting for informal discussions.

### **Item 2K Ten-year Retrospective of NAFTA/NAAEC**

Under this item, the Council heard from experts about their preliminary assessments of the lessons learned from the CEC's efforts towards North American environmental cooperation. Scott Vaughan and John Audley of the Carnegie Endowment for International Peace reported on the views and opinions related to the effectiveness of the CEC, drawn in part from Carnegie's workshop, held in late May 2003. Jeffrey Schott of the Institute for International Economics (IIE) shared the findings of IIE's study on the North American Environment under NAFTA. Finally, Isabel Studer of the *Facultad Latinoamericana de Ciencias Sociales* offered her views on the effectiveness of the CEC.

These presentations were followed by an exchange of views between Council members on the scope of the ten-year retrospective. The Canadian Council member announced that Pierre-Marc Johnson and Robert Page had been selected as the two Canadian members on the Ten-year Review and Assessment Committee (TRAC). The Mexican Council member noted the names of its members (Martha Delgado Peralta and Gabriel Quadri de la Torre) were confirmed in April 2003. The United States representative expressed hope that their candidates to the TRAC would be announced shortly.

**Item 2L Update on Submissions on Enforcement Matters under Articles 14 and 15**

Geoff Garver, director of the Submissions on Enforcement Matter Unit, provided an update on the status of submissions on enforcement matters received since 1994. He noted that the Secretariat had successfully endeavored to expedite the processing of submissions, as per its commitment to Council. The Secretariat welcomed the opportunity to initiate discussions with the Parties in the fall in order to examine how the Article 14 and 15 internal process might be enhanced.

The Council commended the Secretariat staff for their efforts to expedite the processing of submissions. They underscored the value of the submission process as a key component of the NAAEC and a good indicator of the public's level of confidence in the CEC. In closing, they indicated that they looked forward to receiving the Secretariat's suggestions aimed at improving the internal process.

**Item 2M Preparation for the Public Portion of the Session and Joint Meeting with JPAC**

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

**Public portion of the Council Session**

The session was opened by Governor Whitman, who extended welcoming remarks to the public and provided an overview of the Council's deliberations held earlier in the day. The JPAC chair, as facilitator for the session, provided details on the format of the session.

Following the presentation of oral statements by members of the public on issues related to environment and trade, conservation of biodiversity, pollutants and health and other CEC initiatives, such as Articles 14 and 15, NAFTA Chapter 11 and the ten-year retrospective of the CEC and NAAEC, Council members shared comments in response to these presentations. A summary of all interventions made during the public portion of the session will be found in Annex G.

**Item 3 Joint Meeting with JPAC****Item 3.1 Update on JPAC Activities and Advice to Council**

As chair of this part of the meeting, Linda Fisher welcomed all JPAC members to this meeting and took the opportunity to acknowledge the presence of the five new JPAC members from the United States.

The JPAC chair reported on activities carried out by JPAC over the last year on issues related to the Management of Freshwater in North America, the proposed 2003–2005 Program Plan, Financing and the Environment, NAFTA Chapter 11, Environmental and Compliance Cooperation and Transboundary Environmental Impact Assessment (TEIA). He also indicated that JPAC had met earlier in the day with representatives of the national and governmental advisory committees to explore how the effectiveness of their respective advice could be improved.

Recognizing that good progress had been achieved in several areas, he conveyed JPAC's desire to engage in an open dialogue with Council members about issues that require their attention, such as tardiness in the release of the draft Phase I NARAP on dioxins, furans and hexachlorobenzene and of the summary of the January 2002 meeting of the Article 10(6) Environment and Trade Working Group and the lack of progress relating to the proposed Environment and Trade ministerial. He expressed concern that the report of the Ten-year Review and Assessment Committee (TRAC) may not be ready by the June 2004 Council Session in light of the delays incurred in appointing TRAC members by the Council. Should this turn out to be the case, he invited Council members to consider the possibility of holding a special session in the latter part of 2004 in order to provide guidance on future direction of the CEC. He also invited Council to provide a progress update on the negotiations of the Transboundary Environmental Impact Assessment (TEIA) agreement. He expressed JPAC's concerns about the apparent tendency to limit representation on CEC working groups to government officials. He invited Council members to offer their views as a follow-up to the CEC's second North American Symposium on Assessing the Environmental Effects of Trade, held in Mexico City in March 2003. Referring to the first meeting of the North American Air Working Group, held earlier in the day, he expressed disappointment that this meeting did not take place earlier. Concerning Articles 14 and 15, he noted that the review of Council Resolution 00-09 adopted in 2000 had yet to be initiated despite the fact that the resolution calls for a review after two years.

He commended the Council for the appointment of the new executive director, albeit the slow pace of the recruitment process.

In closing, once again, he voiced JPAC's concern about the lack of progress in terms of timeliness for the Council's responses to JPAC advice, even though a process aimed at improving responsiveness had been established.

### **Item 3.2 Specific issues of interest to JPAC**

Arturo Duran summarized comments received from the public during the plenary session on the Environmental Enforcement and Compliance Cooperation Program, as follows: i) indicators need to be developed to measure environmental and health benefits resulting from enforcement actions; ii) it is important to engage local and state governments in the environmental compliance process; iii) the fourteen objectives outlined in the draft Strategic Plan should be prioritized; iv) adjustments will be needed to legislation and regulations required for the effective implementation of the strategic plan; and v) cooperation with other international agencies and environmental law institutions is essential to provide a North American perspective.

Laura Silvan conveyed the following suggestions received from the public during the JPAC workshop on the CEC's Assessment of Transboundary Air Issues in North America relating to the strategic plan to be developed by the North American Air Working Group (NAAWG): i) the working group needs to focus on sources of emissions; ii) we need compatibility in methods for monitoring air quality; iii) the objectives of pollution prevention should be more explicit; iv) a public awareness campaign should be conducted that aims at providing the general population with up-to-date information on air quality and; v) build on existing bilateral agreements.

Noting that JPAC had yet to receive a response from Council to its Advice 03-01 (Seeking Balance between the Interests of the Public and Investors in the Application of Chapter 11 of the North American Free Trade Agreement), Merrell-Ann Phare summarized the main recommendations, such as requesting the Secretariat to commission a series of balanced, objective research reports on Chapter 11, including the following considerations: i) the impacts of concentrating investment in specific geographic areas; ii) the potential existence of a “chilling effect” on national laws and policies; iii) the analysis of institutional and other capacity building needs to allow all three countries to properly and equitably implement the Chapter 11 provisions; and iv) the pros and cons of interpretive statements for addressing transparency issues in the Chapter 11 dispute resolution process. A second recommendation was the need for Council to seek improvement in transparency, accountability and legitimacy. Lastly, she conveyed JPAC’s support for the proposed CEC-FTC (Free Trade Commission) meeting and inquired about when such a meeting might take place. She also commended the Free Trade Commission for the organization of the multi-stakeholder consultation session organized by the NAFTA (Chapter 11) Investment Expert Group in May 2003 in Montreal, to which representatives from JPAC and the public, private and legal sectors had been invited to take part.

Noting that JPAC had yet to receive a response from Council to its Advice 03-02 (Second North American Symposium on Assessing the Environmental Effects of Trade), Carlos Sandoval summarized the main recommendations. He emphasized the need to identify market-based mechanisms that support the development of new technologies and facilitate the transfer of technology for the efficient and environmentally sound use of energy and natural resources; the suggestion that, in order to profit from the momentum of the CEC's work on trade and the environment, Council should work with its trade counterparts through NAAEC Article 10(6) to build an environmentally-friendly trade regime into the Free Trade of the Americas Agreement negotiations and promote its benefits; and to achieve a better understanding of the how trade agreements and trade decisions can impact indigenous peoples (i.e., shade coffee, etc.).

Patricia Clarey addressed the issue of TEIA. Noting that the initial timeframe for the establishment of such an agreement had been set to three years after the signing of the NAAEC, she invited Council members to share their future plans on that issue with JPAC.

Donna Tingley informed Council of JPAC’s plan to initiate a public review of the two specific issues related Articles 14 and 15: a) the matter of limiting the scope of factual records, including what constitutes “sufficient” information to support an allegation of failure to enforce; and b) the review of Council Resolution 00-09 relating to the implementation and further elaboration of Articles 14 and 15. She indicated that a call for written comments would be released in July 2003, followed by a JPAC public meeting on 2 October 2003, in Montreal.

Linda Fisher, on behalf of the United States, thanked JPAC members for their comments and acknowledged the need for Council to be mindful of providing timely feedback to their advice. She informed JPAC of the recent decision to release the draft Phase I NARAP on dioxins, furans and hexachlorobenzene for a 60-day public comment period. She welcomed JPAC’s input and comments on the draft long-term strategic vision for the Enforcement Working Group. Referring to TEIA, she noted that progress had been hampered by a lack of consensus on how to approach projects that are subject to state/local as opposed to federal authority. She indicated that Mexico

had recently provided a proposal addressing this issue, which the United States was currently reviewing.

Minister Anderson took the opportunity to acknowledge the presence of Dan Christmas, a new JPAC member from Canada. He noted that NAAWG's activities would serve to provide advice for the CEC's work on air-related issues and invited JPAC to maintain a close link with NAAWG. Referring to the Article 10(6) Working Group and the NAFTA Chapter 11 Investors, he conveyed the willingness of his trade counterpart to support a trade and environment ministerial meeting aimed at taking stock of the last ten years and looking to the next decade. On the second North American Symposium on Assessing the Environmental Effects of Trade, he recognized the importance of having a set of 1994 baseline economic and environmental indicators in order to allow for a ten-year comparison of NAFTA's environmental impacts. He expressed Canada's full support for the suggestion to integrate indigenous issues in the trade and environment work. In response to JPAC's inquiry about the status of the TEIA, he expressed confidence that Mexico's paper would provide an opportunity to pursue the development of a TEIA agreement. On Articles 14–15, he recognized that the review of Council Resolution 00-09 did not take place as quickly as anticipated, but he reiterated the importance of having completed the four factual records before undertaking this review.

Secretary Lichtinger thanked JPAC for the opportunity to have an open discussion. Noting that the ten-year retrospective would provide an opportunity to discuss the value of the CEC during the 2004 Council Session, he underscored JPAC's fundamental role in this review. He echoed the view expressed by his Canadian colleague to the effect that—in the context of the ten-year review—the year 2004 would be an opportune time for a trade and environment ministerial meeting. He welcomed JPAC's advice on Chapter 11 and invited his colleagues to consider asking the Secretariat to conduct studies on this topic based on the CEC's work. He acknowledged that Mexico would be proposing new text for consideration by Canada and the United States and offered to share a copy of the draft text with JPAC. He stressed the importance of having such an instrument in place in order to address transboundary issues of concern such as energy, water and natural resources.

In response to a question from the JPAC chair as to the status of the United States' pending nomination on the TRAC, Linda Fisher indicated that the United States had identified one candidate for the TRAC and that it was actively looking for a second one. She expressed hope that the name of the two nominees would be confirmed soon.

Responding to a second question from the JPAC chair about the likelihood of not limiting representation on CEC working groups to government officials, the Council members indicated that they were open to the idea and noted that JPAC's input on behalf of the public was very helpful.

Referring to Canada and Mexico's support for an environment and trade ministerial, Ann Bourget invited the Chair to share the United States' views in that regard. The Chair observed that the Article 10(6) working group had been tasked with the responsibility of identifying potential agenda items and considering whether a meeting is warranted.

**Item 3.3 Guidance from Council to JPAC**

The Council members provided guidance to JPAC for future activities. They welcomed JPAC's continued involvement with the North American Air Working Group as it develops its strategic plan, in engaging the public in discussions on the scope of the CEC's future course of work and also in providing advice on renewable energy development in North America.

The Council also invited JPAC to provide advice on the management and tracking of hazardous wastes and hazardous recyclable materials in North America.

Finally, they indicated that they looked forward to JPAC's active involvement in the Ten-year Retrospective of the Environmental Effects of NAFTA and the NAAEC, which will lead to a new strategic vision for the CEC.

The JPAC chair thanked the Council members for their guidance as well as their staff for their work. He also took the opportunity to congratulate Victor Shantora for his excellent contribution to the CEC as acting executive director over the past year.

**Item 4 Resumption of Agenda and Finalization of Council Resolutions and Ministerial Statement**

After having made final adjustments to the ministerial statement, the Council concurred with the release of this document during the press conference (Annex H). Before the closure of the session, they were invited to sign the Resolutions adopted during their session.

**Item 5 Preparation for Press Conference**

The Secretariat briefed the Council on arrangements for the press conference.

**Item 6 Concluding Remarks**

Governor Whitman expressed her appreciation for the wonderful relationship she had with her Canadian and Mexican colleagues during her tenure and invited them to convey to their staff and colleagues her thanks for their professionalism and contributions in enhancing the environment of the three countries.

In closing, she commended Victor Shantora, on behalf of the Council, for his exemplary service over the past year in his capacity as acting executive director.

**X<sup>e</sup> session ordinaire du Conseil, 23, 24 et 25 juin 2003, Washington DC, USA**  
**Décima sesión ordinaria del Consejo, 23, 24 y 25 de junio de 2003, Washington DC, USA**  
**Tenth Regular Session of the Council, June 23, 24 and 25, 2003, Washington DC, USA**

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**TENTH REGULAR SESSION OF THE COUNCIL  
OF THE COMMISSION FOR ENVIRONMENTAL COOPERATION (CEC)  
23-25 June 2003**

The Mayflower Hotel (East Room)  
1127 Connecticut Avenue NW  
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**AGENDA**

Chair: Christine Todd Whitman, United States

**MONDAY, 23 JUNE 2003**

**18:00 – 19:30 Welcoming Reception: Official Opening of the Tenth Regular Session of the Council and launching of Itinerant Exhibit: Janos and the Grasslands of North America (1 h 30 min.)**

Item 1 Official opening of the Session and launching of itinerant exhibit: "*Janos and the Grasslands of North America*"

**TUESDAY, 24 JUNE 2003**

**9:15—14:00 In-camera session (4 h 45 min.)**

9:15 Item 2 Opening of the in-camera session: Adoption of the agenda and report by the Acting Executive Director (15 min.)

9:30 Item 2A Strategic Plan for North American Cooperation in the Conservation of Biodiversity (25 min.)

9:55 Item 2B Management of Freshwater in North America (15 min.)

10:10 Item 2C Transboundary Enforcement and Hazardous Waste Cooperation (20 min.)

10:30 Item 2D Children's Health and the Environment (15 min.)

10:45 Item 2E Sound Management of Chemicals (SMOC) (25 min.)

**11:10—11:25 Break (15 min.)**

11:25 Item 2F Renewable Energy (20 min.)

11:45 Item 2G Corporate Environmental Stewardship (25 min.)

12:10 Item 2H Disclosure of Financially-Relevant Environmental Information (15 min.)

12:25 Item 2I North American Green Purchasing Initiative (NAGPI) (15 min.)

12:40 Item 2J Environment and Trade Issues (15 min.)

12:55 Item 2K Ten-year retrospective of NAFTA/NAAEC (20 min.)

**13:15—13:45 Working lunch break (30 min.)**

13:45 Item 2L Update on Submissions on Enforcement Matter under Articles 14 and 15 (5 min.)

**13:50 Item 2M Preparation for the public portion of the Session and joint meeting with JPAC (10 min.)**

**14:00—14:15 Break (15 min.)**

**14:15—16:15 Public portion of the Council Session (2 hr)**

**16:15—16:30 Break (15 min.)**

**16:30—18:00 Joint meeting with JPAC (1 hr 30 min.)**

**Item 3 Joint meeting with the Joint Public Advisory Committee (JPAC)**

**WEDNESDAY, 25 JUNE 2003**

**8:30—10:30 In-camera session (2 hrs)**

Item 4 Resumption of agenda and finalization of Council Resolutions and ministerial statement

**10:30—10:45 Break (15 min.)**

**10:45—12:00 In-camera session (cont'd) (1 hr 15 min.)**

Item 5 Preparation for press conference (45 min.)

Item 6 Concluding remarks and signature of Resolutions (30 min.)

**12:00—12:45 Working lunch break (45 min.)**

**12:45—13:00 Break (15 min.)**

**13:00—13:45 Press conference (45 min.)**

**13:45 End of official program**

**2003 Regular Session of the Council  
Annotations to the agenda**

**MONDAY, 23 JUNE 2003**

**Item 1 Welcoming Reception: Opening of the 10<sup>th</sup> Regular Session of the Council and launching of Itinerant Exhibit: Janos and the Grasslands of North America public**

The United States Council member, as Chair, will officially open the session. In her opening remarks, the Chair may wish to make reference to the importance of cooperation for grasslands conservation and take the opportunity to introduce the next Executive Director. She will then invite her Mexican and Canadian counterparts to address the public, followed by the JPAC Chair and the Acting Executive Director.

Following remarks by Mark Van Putten, President of the National Wildlife Federation (NWF) on the work of NGOs in grasslands conservation in the United States, the launching of the itinerant exhibit, entitled “*Janos and the Grasslands of North America*,” will be marked by a ribbon cutting ceremony.”

Session Document(s):

- a) Program of public events (as of 12 June 2003)
- b) Itinerant Exhibit: Janos and the Grasslands of North America

**TUESDAY, 24 JUNE 2003**

**Item 2 Opening of in-camera session: Adoption of the agenda and report by the Acting Executive Director**

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.

The Acting 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):

- c) Provisional annotated agenda C/03-00/AGEN/01/Rev.9
- d) General program for the Session and side events C/03-00/PROG/01/Rev.8
- e) Acting Executive Director’s report to Council

Other Background Document(s):

- a) JPAC Chair letter to the Alternate Representatives on the CEC Council Session of June 2003, dated 25 April 2003 (Refer to background documents c) under item 2B)
- b) JPAC Chair letter to the Alternate Representatives on the follow-up to the Alternate Representatives Conference Call, held on 20 May 2003, edited version of 22 May 2003

**Item 2A Strategic Plan for North American Cooperation in the Conservation of Biodiversity**

In 1997, the Council initiated a review of the NAAEC and the effectiveness of the Secretariat in the implementation of this Agreement. Following the review’s recommendations, the Council requested that a strategic approach be developed for the work of the Secretariat. Hence, the Secretariat engaged in developing a Draft Strategic Plan for North American Cooperation in the Conservation

of Biodiversity aimed at enhancing collaboration among Canada, Mexico and the United States with particular emphasis on migratory and transboundary species as well as shared and critical habitats and corridors. Terms of Reference, agreed to at the Biodiversity Conservation Working Group's first meeting in July 2002, are included in Appendix 3 of the Strategic Plan. During a meeting of the Biodiversity Conservation Working Group (BCWG) held on 28 April 2003, in Albuquerque, the final draft of the strategy was approved. The implementation of the Strategic Plan, which is intended to operate within a five-year period, is set to begin in January 2004

Discussion:

- Presentation of the Strategic Plan for North American Cooperation in the Conservation of Biodiversity by Marshall Jones, BCWG Chair and Deputy Director, US Fish and Wildlife Service, and of examples of its implementation: Achievements of demonstration projects from the North American Bird Conservation Initiative and the Baja to Bering Priority Conservation Areas by Hans Hermann, Head of the CEC Biodiversity Program
- Approval of the Strategic Plan for North American Cooperation in the Conservation of Biodiversity Including the Terms of Reference for the Biodiversity Conservation Working Group

Session Document(s):

- a) Strategic Plan for North American Cooperation in the Conservation of Biodiversity
- b) Draft Council Resolution re: adoption of the Strategic Plan for North American Cooperation in the Conservation of Biodiversity

Other Background Document(s):

- a) Minutes from the first meeting of the BCWG, Montreal, Quebec, July 2002
- b) Minutes from the second meeting of the BCWG, Albuquerque, New Mexico, April 2003

**Item 2B Management of Freshwater in North America**

During its Regular Session, held in Guadalajara in June 2001, the Council agreed to initiate work in the area of sustainable watershed management in the region, including consideration of affordable water-related technologies and water pricing. In 2002, the Secretariat worked with interested stakeholders in developing options for the Council to consider in implementing work in this area. At a Joint Public Advisory Committee meeting held in October 2002 in Albuquerque, New Mexico, the Secretariat presented seven options for the CEC to pursue. The Council will consider two projects to collect case studies that illustrate best practices and obstacles for further review by the governments and stakeholders: (1) affordable techniques to improve water use efficiency and protect aquatic ecosystems in regards to water quality; and, (2) sustainable watershed management practices in North America that relate to promoting water quality. In order that these projects move forward productively and with agreement from all Parties, a trilateral, informal steering group consisting of government representatives will be established to provide guidance to the Secretariat throughout the process. Final recommendations will be presented to Council.

Discussion:

- Presentation by the Secretariat on the development of the final recommendations regarding CEC work in the area of watershed management and water-related technologies
- Council decision on options presented by the Secretariat

Session Document(s):

- a) Summary Options Paper for a CEC role in the Sustainable Use and Conservation of Freshwater in North America

Other Background Document(s):

- a) Options for a CEC role in the Sustainable Use and Conservation of Freshwater in North America
- b) JPAC Advice to Council 02-10: The CEC and the Management of Freshwater in North America
- c) Council's response to JPAC Advice 02-10 on the CEC and the Management of Freshwater in North America, dated 6 December 2002

## **Item 2C Transboundary Enforcement and Hazardous Waste Cooperation**

### **Sound Management and Tracking of Hazardous Waste**

At its Eighth Regular Session, held in Guadalajara in June 2001, the Council agreed to initiate work in the area of Environmentally Sound Management and Tracking of Hazardous Waste (ESM). Based on recommendations from the North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG) and Hazardous Waste Task Force, the Council agreed, during its June 2002 Session in Ottawa, to continue development of: (1) a compatible North American approach for environmentally sound management of hazardous waste; (2) a pilot project to track hazardous waste movement between Canada and the United States by means of an electronic notification system; and (3) to conduct a feasibility study for a pilot project on electronic tracking of hazardous waste movements between Mexico and the United States.

#### Discussion:

- Presentation by Guillermo Román Moguel, *Director General de Manejo Integral de Contaminantes*, on the hazardous waste tracking and environmentally sound management of hazardous waste projects
- Discussion of a draft Resolution directing the CEC to identify a few priority wastestreams within North America in order to strengthen the environmentally sound management practices for these wastes

#### Session Document(s):

- a) Draft Council Resolution: Promoting the Environmentally Sound Management of Hazardous Wastes and Hazardous Recyclable Materials
- b) Executive summary of CEC report, "Environmentally Sound Management of Hazardous Wastes and Recyclables in North America, 2003"
- c) Executive summary of CEC draft report, "Crossing the Border: Opportunities to Improve the Tracking of Hazardous Waste Shipments in North America"

### **Environmental Enforcement and Compliance Cooperation**

On 23 June 2003, JPAC and the North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG) held a public session on the EWG's draft strategic plan for North American enforcement and compliance cooperation.

#### Discussion:

- Presentation of the draft Long-term Strategic Vision for the North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG] by José Campillo García, *Procurador Federal de Protección al Ambiente*
- Direction from Council to release, for public comments, the draft Long-term Strategic Vision for EWG

#### Session Document(s):

- a) Plenary Session Agenda on the CEC North American Environmental Enforcement and Compliance Cooperation Program of 23 June 2003

- b) Draft Long-term Strategic Vision of the CEC North American Environmental Enforcement and Compliance Cooperation Program

### **Item 2D Children's Health and the Environment**

As called for in the *Cooperative Agenda for Children's Health and the Environment in North America*, adopted by Council in 2002 through Resolution 02-06, the CEC is developing a set of indicators of children's health and the environment in North America, in partnership with PAHO, IJC and WHO. Developing indicators is in accordance with the CEC Cooperative Agenda on Children's Health and the Environment and is the focus of an ongoing WHO global initiative. In 2002, a feasibility study was produced that led to recommendations by the project's Steering Group for an initial set of indicators to be considered. Council may wish to commit to populating this set of recommended indicators (or a subset thereof) with a view to launching the first report on North American indicators of Children's Health and the Environment in 2004.

In addition, considering that the mandate of the Expert Advisory Board on Children's Health and the Environment in North America will be terminating in October 2003, the Council may wish to extend it until September 2004 to enable the Board to contribute to the first biannual review of the Cooperative Agenda. The Council may also wish to explore the role of the Expert Advisory Board and discuss topics within the *Cooperative Agenda for Children's Health and the Environment in North America*, for which the board's advice could be most useful to Council.

#### Discussion:

- Presentation by Luiz Augusto C. Galvao, Program Director, Environmental Quality Program Health and Environment Division, PAHO, on the development of indicators of children's health and the environment in North America
- Adoption of a Council resolution committing the Parties to populate selected indicators of children's health and the environment for inclusion in the proposed North American indicators report
- Extension of the mandate of the Expert Advisory Board through the adoption of a Council resolution

#### Session Document(s):

- a) Final draft Council Resolution re: indicators of children's health and the environment
- b) Final draft Council Resolution relating to the extension of the mandate of the Expert Advisory Board
- c) Recommendations for the Development of Children's Health and the Environment Indicators in North America

#### Other Background Document(s):

- a) Council Resolution 00-10: Children's Health and the Environment
- b) Council Resolution 01-04: Terms of Reference for the Expert Advisory Board on Children's Health and the Environment in North America
- c) JPAC Advice 02-01: The Children's Health and the Environment in North America

### **Item 2E Sound Management of Chemicals (SMOC)**

The SMOC program has been underway since 1995. As directed by Council, the focus has been on persistent toxic substances and, to date, five NARAPs have been launched (PCBs, mercury, chlordane, DDT and environmental monitoring and assessment). The chlordane NARAP is now completed. The PCB and DDT NARAPs are nearing completion. The development of a NARAP on lindane has been initiated. The first lindane task force meeting was held in April 2003 in order to establish the work plan, process and timeframe for the NARAP development. Finally, a

draft Decision Document on Lead was recently posted on the CEC web site for a public consultation period.

A draft Phase I NARAP for dioxins and furans and hexachlorobenzene that emphasizes building a common North American foundation of expertise and knowledge on these substances was completed in May 2002. The Phase II NARAP, to be developed in twelve months following the approval of the Phase 1 NARAP, will emphasize source reduction strategies that build on the knowledge and experiences of the Phase I NARAP.

Discussion:

- Council will be briefed on the importance of getting the draft Phase I NARAP for dioxins and furans and hexachlorobenzene released for public comment, finalized and approved for implementation; as well as on the public concerns that have been expressed about the delays in getting this NARAP approved
- Discuss timing for the adoption of the Phase I NARAP on dioxins and furans and hexachlorobenzene and direction on preparation of Phase II NARAP
- Council discussion on future direction under the SMOC initiative

Session Document(s):

- a) Draft Phase I NARAP on dioxins and furans and hexachlorobenzene
- b) Statement of Mutual Concern from Substance Selection Task Force and Decision Document relating to Lead
- c) SMOC Progress Report to Council

Other Background Document(s):

- a) Council Resolution 99-01: re: Phase I NARAP on Dioxins and Furans and Hexachlorobenzene
- b) JPAC Advice 02-08: Capacity Building and Education Opportunities within the Sound Management of Chemicals (SMOC) Program
- c) Council's response on the JPAC Advice 02-08 on Capacity Building and Education Opportunities within the Sound Management of Chemicals (SMOC) Program dated on 6 December 2002
- d) Letter to Council, dated 11 April 2003, from *Red de Acción sobre Plaguicidas y Alternativas en México*

**Item 2F Renewable Energy**

The Council has, over the last several years, expressed a strong interest in pursuing increased development of renewable energy throughout North America. The Secretariat has responded by promoting a variety of efforts to foster markets and financing for renewable energy. The CEC has provided a NAFEC grant to the Center for Resource Solutions (CRS) to investigate the feasibility of increasing renewable energy development in Mexico. The CEC has also updated its database on renewable portfolio standards (RPS). In addition, the Secretariat will host a technical meeting of experts on comparable approaches in estimating the displaced emissions from renewable energy developments. Furthermore, the CEC has compiled information for an online database of existing and planned renewable electricity capacity in North America, and has hosted a renewable energy meeting in Mexico, in collaboration with Cespedes and Conae, and one in Canada with Natural Resources and Environment Canada.

Discussion:

- Presentation by Jan Hamrin, Executive Director, Center for Resource Solutions (CRS) on results from the NAFEC work
- Status update on the Secretariat's draft report: "Background Paper: Market-based Mechanisms for Carbon Sequestration, Energy Efficiency, and Renewable Energy in North

America—What are the Options?"

- Council authorization for the Secretariat to develop a final background paper—in cooperation with the CEC North American Air Working Group, the CEC Environment, Economy and Trade program, and the North American Energy Working Group—that identifies, within each country, existing green certificate policies and programs. The background paper would include information on existing infrastructure, the relationship between emissions reductions and green certificates trading within each country, terminology, and key players
- Council authorization for the Secretariat to develop a proposal for the 2004 CEC work plan and budget—again in cooperation with the CEC North American Air Working Group, the CEC Environment, Economy and Trade program, and the North American Energy Working Group—to consider, exclusive of green certificates policies and programs, CEC’s future course of work to promote increased renewable energy development in North America

Session Document(s):

- a) Presentation by Jan Hamrin, Executive Director of the Center for Resource Solutions, on the Renewable Energy Certificate Market in North America
- b) Draft report: “Background Paper: Market-based Mechanisms for Carbon Sequestration, Energy Efficiency and Renewable Energy in North America—What are the Options?”

Other Background Document(s):

- a) CRS NAFEC paper (CRS NAFEC project proposal and first and second progress reports on related NAFEC project)
- b) Proceedings of the February 2003 Mexico City meeting

**Item 2G Corporate Environmental Stewardship**

The Council has called upon the Parties and the Secretariat to explore ways of reducing releases and transfers of substances of common concern, across North America, through promotion of good corporate environmental stewardship.<sup>1</sup>

This initiative is focused on recognizing the importance of public-private partnerships in promoting voluntary initiatives to attain higher levels of environmental protection throughout North America.

Some of the CEC work in this area has included: the initiation of the North American Green Purchasing Initiative, support for the North American Pollution Prevention Partnership, and the publication of the guidance document, “Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems.” The CEC will continue to review best practices on voluntary corporate environmental stewardship, and how such stewardship can be advanced. In moving forward, the CEC should review related work being done by other organizations. It is also important to build upon the increasing understanding of environmental stewardship opportunities being derived from other CEC project work, including that of SMOC, PRTR, trade in environmentally preferable goods and services, financing and the environment, and EMS. Thirdly, the CEC will continue to engage the views of industry, the financial sector, and environmental advocacy groups in the continuing analysis. This agenda item is intended to provide an overview for the Ministers of this rapidly evolving area, to identify further work for the CEC, including how best to share information about successful voluntary initiatives, publishing best practices for corporate environmental stewardship activities by the private sector and identifying activities that could increase voluntary environmental leadership.

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<sup>1</sup> Council Resolution 02-05 adopted in June 2002 in Ottawa.

**Discussion:**

- Presentations by industry, banking and environmental representatives on what, in their opinion, constitutes good corporate environmental stewardship, what motivates many corporations to proactively improve environmental stewardship, and what opportunities exist for the CEC to contribute progress in further improving voluntary corporate environmental performance:
  - Industry perspective: Steven Raab, Vice President, Environmental Health & Safety, Intergen Energy, to provide an overview of the work of the World Environment Center, a group of over 40 multinational companies, to introduce and advance sustainability goals and to advance various private/public partnership initiatives"
  - ENGO perspective: Ken Ogilvie of Pollution Probe to offer a brief overview of their current work on developing a comprehensive framework of principles and tools for corporate environmental stewardship, and development of "leadership case studies"
  - Financial sector perspective: Kaj Jensen, Director of Business Risk, Corporate Environmental Affairs, Fleet Boston Financial and member, North American Taskforce of UNEP Financial Initiative to provide an overview of the financial sector initiatives for ensuring lawful, transparent and efficient disclosure of environmental information in North America
- Discussion and guidance from Council on how the CEC might pursue work in this area, including providing information on best practices in the business community, sharing information about successful voluntary initiatives, publishing best practices for corporate environmental stewardship activities by the private sector and identifying activities that could increase environmental leadership.

**Session Documents:**

- a) Speakers' presentations

**Item 2H Disclosure of Financially-Relevant Environmental Information**

To address Council decisions made at the Ninth Regular Session, held in Ottawa in June 2002, the CEC conducted a meeting on environmental information contained in financial statements in New York City in February 2003. Held in cooperation with the United Nations Environmental Program's Finance Initiative, the meeting considered "Disclosure of Environmental Information: How to Provide Environmental Information in a Form Useful to Financial Institutions" and explored those types of environmental information that are useful for financial institutions as well as methods for making that information available to investors and analysts. The meeting was supported by the American Bar Association Section of Environment, Energy and Resources, Price Waterhouse Coopers LLP, and HSBC Bank. About 70 financial institutions, auditing rating and accounting firms were represented, as well as academics, nongovernmental and government officials. It focused on four sectors: electric utilities, oil and gas, mining, and pulp and paper. In addition, in December 2002, a workshop on Innovative Financing for Sustainable Development, organized by JPAC, was held in Monterrey, Nuevo León.

A report of the meeting is available as a background document. A summary of the status of environmental information disclosure and of areas of possible CEC work identified by a group of experts at the request of the Secretariat is also available as a background document. Recommendations for areas of possible CEC work include various mechanisms for enhancing information flow and cooperation between environmental regulatory agencies and securities regulatory agencies.

Discussion:

- Presentation by Robert Repetto, Professor, Yale School of Forestry & Environmental Studies on the results of the New York meeting and recommendations to Council
- Council may wish to convey its appreciation for the successful outcome of the February meeting and urge continued work, under guidance of Alternate Representatives, to explore voluntary mechanisms through which environmental information can be made easily available to and useful for financial analysts and investors

Session Document(s):

- a) Environmental Disclosures in Financial Statements: New Developments and Emerging Issues: The Second Finance and the Environment Meeting, held by the CEC with the Financial Sector in New York, 26 February 2003
- b) Environmental Disclosure in Financial Reporting: Update and recommendations

Other Background Document(s):

- a) JPAC Advice 02-06: Private Sector Cooperation and Financing
- b) JPAC Advice 02-13: Continuing Innovations on Work in Financing for Sustainable Development
- c) Council's response to JPAC Advice 02-13 on Continuing Innovations on Work in Financing for Sustainable Development dated on 24 March 2003

**Item 2I North American Green Purchasing Initiative (NAGPI)**

Green purchasing by the three governments accounts for a relatively important portion of the goods and services produced annually in North America. The CEC has created the North America Green Purchasing Initiative (NAGPI), and has taken initial steps to bring together key green purchasing programs across North America, documenting the level of green procurement in North America, and identify some success stories. For example, the CEC has conducted a study on the demand for shade-grown coffee, compiled a database allowing comparisons of renewable energy portfolio standards, and issued a report exploring barriers that may exist to green purchasing. One current effort of the CEC work focuses on developing guidelines and best practices for green purchasing (to be tested through two pilot projects (one within the offices of Semarnat and a second at the CEC offices in Montreal), a common means to calculate displaced environmental impacts from green procurement policies, and on a web site that will provide "one-stop shopping" for information and resources on green procurement in North America.

Discussion

- Presentation by Scot Case, Director of Procurement Strategies, Centre for a New American Dream
- Discussion by the Council on the need for a green procurement action plan, based on the work of the CEC to date and consistent with any international/domestic obligations Parties may have regarding green purchasing

Session Document(s):

- a) Green Procurement: Good environmental stories for North Americans
- b) Summary brochure on the North American Green Purchasing Initiative brochure

**Item 2J Environment and Trade Issues**

In its 2001 Regular Session, the CEC Council directed the Parties to explore with their trade counterparts the possibility of convening a joint meeting between the CEC and the North

American Free Trade Commission. At its 2002 session, the CEC Council was presented with potential objectives for such a meeting. The [Article] 10(6) Working Group has been investigating the development of a substantive agenda for a potential environmental and trade ministerial or deputy ministerial. There are some trade and environment matters that merit additional discussion.

Parties will undertake a critical examination of the operations and activities of the 10(6) working group. The Environment ministers will consider ways to further enhance the 10(6) Working Group's programs and activities, including identifying potential topics for future work.

Discussion:

- Update on the proposed NAFTA/NAAEC Trade and Environment Ministers meeting
- Guidance on ways to further enhance the 10(6) Working Group programs and activities, and direct the development, in consultation with JPAC, of a robust and substantive work plan for the Article 10(6) Working Group that will address crosscutting issues of concern to trade and environment officials

Session Document(s):

- a) Progress report on proposed Trade and Environment ministerial, presented in June 2002
- b) Progress report on proposed Trade and Environment ministerial, June 2003

Other Background Document(s):

- a) JPAC Advice 03-01: Seeking Balance between the Interests of the Public and Investors in the Application of Chapter 11 of the North American Free Trade Agreement (NAFTA)
- b) Council's response on the JPAC Advice 03-01 on Seeking Balance between the Interests of the Public and Investors in the Application of Chapter 11 of the North American Free Trade Agreement (NAFTA) (to be distributed)
- c) JPAC Advice 03-02: Second North American Symposium on Assessing the Environmental Effects of Trade
- d) Council's response on the JPAC Advice 03-02: Second North American Symposium on Assessing the Environmental Effects of Trade (to be distributed)
- e) Possible Agenda and Outcomes: CEC-FTC NAFTA and Environmental Ministerial Meeting, drafted by the Secretariat in 2002

**Item 2K Ten-year retrospective of NAFTA/NAAEC**

During its Ninth Regular Session, held in June 2003 in Ottawa, the Council decided to undertake, by 2004, in collaboration with JPAC and a wide selection of organizations and institutions, a retrospective evaluation of its achievements over the past ten years, including the environmental effects of NAFTA, with a view to charting our path for the next decade. In response to the Council's direction in March 2003, the Council authorized the establishment of an independent Ten-year Review and Assessment Committee (TRAC) for the purpose of conducting an objective and independent review of NAAEC, including the environmental effects of NAFTA. The Parties are currently in the process of selecting the TRAC members. An important function of the TRAC will be to examine existing views and opinions on the implementation of the NAAEC and the effectiveness of the CEC.

Discussion:

- Scott Vaughan, Visiting Scholar and John Audley, Senior Associate at the Carnegie Endowment for International Peace will report on some of the views and opinions on the implementation of the NAAEC and the effectiveness of the CEC issues. The presentation builds on the Carnegie's workshop of 30 May 2003, "*Lessons from North American Environmental Cooperation: A Model for International Cooperation, or Trade-Environment*

*Hinterland?*

- Jeffrey Schott, Institute for International Economics will brief Council on results of IIE’s research on the North American Environment 10-years after NAFTA.
- Isabel Struder, professor, Facultad Latinoamericana de Ciencias Sociales will make a presentation on Lessons from North American Environmental Cooperation: A Model for International Cooperation, or Trade-Environment Hinterland.

Session Document(s):

- a) Summary of speakers’ presentations
- b) Council Resolution 03-02 and Terms of Reference: Ten-year Review of the NAAEC

Other Background document(s):

- a) Report from the CEC’s first North American Symposium on “Assessing the Environmental Effects of Trade: The Picture Becomes Clearer”
- b) JPAC Advice 03-02: Second North American Symposium on Assessing the Environmental Effects of Trade
- c) Council’s response on the JPAC Advice 03-02 on JPAC Advice 03-02: Second North American Symposium on Assessing the Environmental Effects of Trade

**Item 2L Update on Submissions on Enforcement Matters under Articles 14 and 15**

Since 1994, the CEC has received a total of 39 written submissions on enforcement matters. As of June 23, nineteen were dismissed by the Secretariat, two were dismissed by the Council, one was withdrawn, and five factual records have been made public. Six more factual records are in process and six submissions are in process prior to the factual record stage. Three factual records are ready and will be forwarded to Council for a vote relating to their public release, following the Council Session.

Session Document(s):

- a) Article 14 Submissions on Enforcement Matters—Process Status as of 28 May 2003

**Item 2M Preparation for the public portion of the Session and joint meeting with JPAC**

In preparation for the public portion of the session, to be held in the afternoon of 24 June, the Chair may wish to review the format for the public session and identify key decisions/issues the Council may wish to report on.

The session, to be chaired by the United States Council member—and facilitated by the JPAC Chair, will consist of a maximum of 15 oral statements by pre-selected participants on areas related to the CEC programs and initiatives, grouped in blocks according to area.

The presentations will be followed by comments by the three Council members and closing remarks by the Chair.

Session Document(s):

- b) Format of public session
- c) List of registered speakers and summaries of interventions
- d) List of registered participants
- e) List of recipients of financial assistance

**Item 3 Joint meeting with JPAC**

In accordance with the Council’s decision, made at the 1998 Regular Session, the Council will

meet in private with JPAC members. Following welcoming remarks by the United States Council member, JPAC will be invited to present an update on JPAC activities and raise some issues of interest to JPAC.

### **Item 3.1 Update on JPAC activities and Advice to Council**

The JPAC Chair will report on activities carried out by JPAC up to June 2003. Selected JPAC members will then provide brief reports on the results of the JPAC meetings held in parallel with the Council Session, on the following issues in particular:

- Potential long-term strategic vision for the CEC North American Environmental Enforcement and Compliance Cooperation Program
- Results of the JPAC plenary session on CEC Assessment of Transboundary Air Issues in North America

#### Session Document(s)

- a) Agenda for JPAC Regular Session 03-02 (as of 12 June 2003)
- b) JPAC members' resumes
- c) JPAC report attendance
- d) JPAC Chair letter to Alternate Representatives on the follow-up to the Alternate Representatives conference call, held on 20 May 2003, edited version of 22 May 2003

### **Item 3.2 Specific issues of interest to JPAC**

Under this item, selected JPAC members will address Council on issues of interest to JPAC. It is expected that Council and JPAC members will engage in a dialogue on these issues:

**NAAEC Article 10(6) and, more precisely, the Environment and Trade ministerial meeting, seeking balance between the interests of the public and investors in the application of NAFTA's Chapter 11, and the Second North American Symposium on Assessing the Environment Effects of Trade**

#### Background Document(s)

- a) JPAC Advice to Council 03-01: Seeking Balance between the Interests of the Public and Investors in the Application of Chapter 11 of the North American Free Trade Agreement (NAFTA)
- b) Council's Response to JPAC Advice 03-01: Seeking Balance between the Interests of the Public and Investors in the Application of Chapter 11 of the North American Free Trade Agreement (NAFTA)
- c) JPAC Advice 03-02: Second North American Symposium on Assessing the Environmental Effects of Trade
- d) Council's response on the JPAC Advice 03-02 on JPAC Advice 03-02: Second North American Symposium on Assessing the Environmental Effects of Trade
- e) Letter from Council to JPAC, dated 6 December 2002, re: response to recent JPAC Advice to Council (letters dated April 22, July 4, September 10, and November 12, and advice 01-09, 02-03, 02-04, 02-05, 02-08, and 02-09)

### **Re-energizing the transboundary environmental impact assessment negotiations**

In light of the difficulties facing negotiators in concluding an agreement on transboundary environmental impact assessment—because of the differences in the environmental management systems of the three countries—the Council members agreed, at their Regular Session, held in June 1999 in Banff, to work with their respective negotiators and individual

border states and provinces to build "good neighbor" agreements based on reciprocity. The Parties have since pursued bilateral discussions in order to build "good neighbor" agreements based on reciprocity.

Background Document(s)

- a) JPAC Advice to Council 02-12: Re-energizing the Transboundary Environmental Impact Assessment negotiations
- b) Council's Response to JPAC Advice 02-12: Re-energizing the Transboundary Environmental Impact Assessment negotiations, dated 24 March 2003
- c) Council Resolution 95-07: Transboundary Impact Assessment Overarching Principles
- d) Council Resolution 97-03: Transboundary Environmental Impact Assessment

**Implementation and further elaboration of Articles 14 and 15: Scoping issue and review of the operation of Council Resolution 00-09**

In accordance with Council Resolution 00-09, the Council agreed in June 2000 in Dallas that issues concerning the implementation and further elaboration of Articles 14 and 15 of NAAEC could be referred to JPAC for the conduct of a public review with a view to providing advice to Council. The Council also resolved to review the operation of this resolution after two years.

Session Document(s):

- a) Draft proposal by the United States regarding the implementation of Council Resolution 00-09
- b) Council Resolution 00-09: Matters related to Articles 14 and 15 of the agreement, 13 June 2000

Background Document(s):

- a) Letter, dated 6 December 2002, from Council to JPAC Re: response to recent JPAC Advice to Council (letters dated April 22, July 4, September 10, and November 12, and advice 01-09, 02-03, 02-04, 02-05, 02-08, and 02-09)
- b) JPAC letter to Council, dated 4 July 2002, Re: Follow-up of JPAC Advice to Council on Articles 14 and 15 of the NAAEC and the Tenth Anniversary of NAFTA and the NAAEC
- c) Letter, dated 22 April 2002, from JPAC to Alternate Representatives Re: Revised recommendation regarding monitoring issue in the JPAC Lessons Learned Report on Articles 14 and 15 of the NAAEC
- d) JPAC Advice 02-03, dated 8 March 2002, Re: Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15
- e) Letter, dated 11 February 2002, from Council in response to JPAC Advice 01-09 (30 Nov. 2001) Re: Request to conduct a public review of two issues concerning the implementation and further elaboration of Articles 14 and 15 of the North American Agreement on Environmental Cooperation
- f) JPAC Advice 01-09, dated 30 November 2001, Re: Request to conduct a public review of two issues concerning the implementation and further elaboration of Articles 14 and 15 of the North American Agreement on Environmental Cooperation

Item 3.3 Guidance from Council to JPAC

Following their discussion on the above topics, Council may wish to provide guidance for future JPAC activities.

**Item 4 Resumption of agenda and finalization of the draft Council Resolutions and ministerial statement**

Under this item, the Council will discuss any outstanding issues from the previous day and review

and approve, as appropriate, the Council resolutions adopted during the session as well as the ministerial statement to be released during the press conference.

Session Document(s):

- a) Draft Council Resolution re: adoption of the Strategic Plan for North American Cooperation in the Conservation of Biodiversity
- b) Draft Council Resolution: Promoting the Environmentally Sound Management and Tracking of Hazardous Waste
- c) Draft Council Resolution re: indicators of children's health and the environment
- d) Draft Council Resolution re: extension of the mandate of the Expert Advisory Board
- e) Draft Council Resolution: Funding of the CEC for the Financial Year 2004
- f) Draft Ministerial Statement

**Item 5 Preparation for the press conference**

Under this item, the Council may wish to review 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 Mexican Council members, and exchanges with media representatives.

Session Document(s):

- a) Final draft of ministerial statement

**Item 6 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 Council member from Mexico may wish to announce the proposed date and venue for the next session, to be held in June 2004.

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



**Report of the Acting Executive Director  
Commission for Environmental Cooperation  
Tenth Regular Session of the CEC Council**

Washington, DC, United States  
24–25 June 2003

# Table of Contents

<b>1</b>	<b>PROGRAM UPDATE</b>	<b>3</b>
1.1	Environment, Economy and Trade	3
1.1.1	Assessing the Environmental Effects of Trade	3
1.1.2	Trade in Environmentally-Preferable Goods and Services	3
1.1.3	Financing in Support of Environmental Protection and Conservation	5
1.1.4	Article 10(6) Environment and Trade Officials Group	5
1.2	Conservation of Biodiversity	6
1.2.1	Strategic and Cooperative Action for the Conservation of Biodiversity in North America	6
1.2.2	North American Bird Conservation Initiative	6
1.2.3	Terrestrial Species of Common Conservation Concern	7
1.2.4	Marine Species of Common Conservation Concern (MSCCC)	7
1.2.5	North American Marine Protected Areas Network	8
1.2.6	Closing the Pathways of Aquatic Invasive Species across North America	8
1.2.7	North American Biodiversity Information Network	8
1.3	Pollutants and Health	9
1.3.1	Cooperation on North American Air Quality Issues	9
1.3.2	Sound Management of Chemicals	10
1.3.3	North American Pollutant Release and Transfer Register (PRTR)	11
1.3.4	Capacity Building for Pollution Prevention	12
1.3.5	Children's Health and the Environment in North America	13
1.4	Law and Policy	14
1.4.1	Comparative Report on Environmental Standards	14
1.4.2	Environmentally Sound Management and Tracking of Hazardous Waste	14
1.4.3	Enforcement and Compliance Cooperation	15
1.4.4	Sustainable Use and Conservation of Freshwater in North America	15
1.4.5	Environmental Management Systems to Promote Compliance and Environmental Performance	15
<b>2</b>	<b>NORTH AMERICAN FUND FOR ENVIRONMENTAL COOPERATION</b>	<b>15</b>
<b>3</b>	<b>PROGRAM PLANNING, MONITORING AND EVALUATION</b>	<b>16</b>
<b>4</b>	<b>ARTICLE 13</b>	<b>17</b>
<b>5</b>	<b>TEN-YEAR REVIEW OF NAAEC</b>	<b>17</b>
<b>6</b>	<b>STATE OF THE ENVIRONMENT REPORT</b>	<b>17</b>
<b>7</b>	<b>COOPERATION WITH IJC/IBWC</b>	<b>18</b>
<b>8</b>	<b>ARTICLE 14 SUBMISSIONS</b>	<b>18</b>
<b>9</b>	<b>ACCESS TO ENVIRONMENTAL INFORMATION REPORT</b>	<b>21</b>
<b>10</b>	<b>PARTNERSHIPS</b>	<b>21</b>
10.1	Regional Program of Action and Demonstration of Sustainable Alternatives for Malaria Control in Mexico and Central America Without the Use of DDT	21

10.2	Capacity Building Project for a POPs/Metals Biomonitoring Study to Identify Population Risk and Environmental Hotspots in North America	22
10.3	Support to Mexico to develop its National Implementation Plan for POPs under the Stockholm Convention	22
10.4	MOU with UNEP on Regionally-based Assessment of Priorities for Persistent Toxic Substances	22
<b>11</b>	<b>ADMINISTRATION AND FINANCE</b>	<b>23</b>
11.1	Financial Resources	23
11.2	Human Resources	23
11.3	Office Lease	23
<b>12</b>	<b>COMMUNICATIONS AND OUTREACH</b>	<b>23</b>
12.1	Publications and Distribution	24
12.2	News Releases and public outreach	24
12.3	Article 12(1) Annual Reports	26

## 1 PROGRAM UPDATE

### 1.1 *Environment, Economy and Trade*

A more integrated North American economy calls for a greater degree of coordination and cooperation to facilitate environmental protection, while also supporting our growing economies and trade, in order to achieve the goal of sustainable development, as spelled out in the Preamble of the NAFTA text.

A more integrated economy also provides opportunities to complement environmental regulation and use creative, market-based instruments, such as economic incentives and financial instruments. It underscores the need to engage the principal economic actors in environmental protection and conservation in new public-private partnerships. Farmers, businesses, consumers, landowners, investors and others hold the key to bringing about environmentally sustainable economic development.

To promote and participate in this process, the CEC's Environment, Economy and Trade program has three goals:

1. To continue improving our understanding of the environmental effects of free trade and related economic integration in North America, as well as to identify opportunities for policy integration between environmental and trade policies in a manner that actively promotes transparency and public participation;
2. To identify opportunities among the NAFTA partners for cooperation and trade in environmental goods and services, including renewable energy and energy efficiency; and
3. To strengthen partnerships with the private financial services sector in the area of finance and the environment.

#### 1.1.1 *Assessing the Environmental Effects of Trade*

The CEC published a paper sponsored by the Ford Foundation, highlighting lessons and findings from the first North American Symposium on Understanding the Linkages between Trade and Environment. The paper, called "Trade and Environment: The Picture Becomes Clearer," is available as a small report, on the Web, and extracts have been used to advertise the second North American Symposium. The CEC also published the proceedings and papers of the first North American Symposium on Understanding the Linkages between Trade and Environment.

To conclude our previous work on emerging environmental trends, the final report, entitled "Understanding and Anticipating Environmental Change in North America: Building Blocks for Better Public Policy," has been distributed to our stakeholders.

The second North American Symposium on trade and the environment was held in Mexico City in March (2003), in collaboration with the United Nations Environment Program (UNEP) and in conjunction with the UNEP workshop on capacity building for trade and environment in Latin America, as well as with the JPAC public workshop on Chapter 11. The symposium attracted more than 200 people.

The suite of events, marketed as the week of "Trade and Environment in the Americas," was attended by international organizations such as OECD, UNCTAD, the WTO, and UNEP, as well as 16 representatives from nine Latin American ministries of the environment and/or trade (financing for these representatives came from IDRC).

Thirteen papers selected by the Symposium Advisory Group were presented, covering topics ranging from the relationship between climate change and international trade to the effects on production of agricultural trade liberalization. The keynote speaker was Ricardo Melendez-Ortiz, executive director of the International Centre for Trade and Sustainable Development.

#### 1.1.2 *Trade in Environmentally-Preferable Goods and Services*

A study that documents the growth in the Mexican environmental sector generated by NAAEC and other international environmental agreements, produced in collaboration with OECD's Joint Working Group on Trade and the Environment, and Semarnat, has been presented at the June 2003 OECD Joint Working Group on Trade and the Environment (to which the CEC was an observer).

### **Sustainable Palm**

A market survey was conducted on 400 church organizations to determine their interest in and willingness to pay for sustainable *chamaedorea* palm fronds for use in church services.

### **Sustainable Coffee**

In February 2003, we co-sponsored with IDRC, an UNCTAD/ISSD meeting to brainstorm about the coffee crisis. Three of the four largest coffee buyers (Nestle, Proctor and Gamble, and Kraft), together with coffee associations from producing and consuming countries, were represented.

Conservation International, with our financial support, produced a manual to train coffee producers organized in cooperatives to develop their own credit applications.

### **Conservation Easements**

In January 2003, the CEC cosponsored a session at the Pronatura/TNC IV Congress on land conservation and easement in Cancún to explore similarities and differences in land easements across North America. Potential financial and fiscal mechanisms to protect our shared environment through coordinated land easements are being explored with these partners, in collaboration with the Conservation of Biodiversity program.

### **Renewable Energy**

The background paper, *Market-based Mechanisms for Carbon Sequestration, Energy Efficiency and Renewable Energy in North America: What are the Options* was distributed to the Parties. Comments have been received and will be incorporated before the final version is presented to Council in June.

The CEC produced two papers on the electricity sector in Mexico. The first describes recent changes in foreign and domestic private investment in Mexico's electricity sector, and explores whether there is any relationship, between foreign direct investment and planned export (or importation) of electricity. The second report describes changes underway, or being proposed, to promote renewable energy in Mexico. It provides information on proposed policy changes affecting renewable energy, and gives examples of innovative renewable energy projects.

Proceedings of the renewable energy meeting, held in collaboration with Cespedes and Conae, have been posted on the CEC and Conae web sites, and distributed on CD ROMs to participants of the meeting and other interested parties.

### **Green Procurement**

An exploratory meeting was hosted by the CEC, in Montreal in September 2002, on the need for collaboration on green procurement at the North American level. Participants represented the Center for the New American Dream (CNAD), TerraChoice Inc. (TCI), EPA, Environment Canada, Semarnat, Inform, Green Seal, industry, purchaser groups, ICLEI, Consumers' Choice Council, and the CEC. A presentation by each NAFTA government's environmental agency/ministry on their purchasing behavior was followed by the compilation of a list of constraints to fostering green purchasing facing these agencies in their governments. The goal was to move from the problems to the tasks, and then to a structure to accomplish those tasks that are better addressed at a trilateral level. Impediments to green purchasing include lack of good environmental information, a lack of environmental standards, misplaced concerns about the NAFTA/WTO trade rules, and a lack of incentive to change purchasing behavior.

It was agreed that the CEC would serve as a secretariat to the North American Green Purchasing Initiative (NAGPI, a North American network of networks). It was agreed that work will be undertaken to quantify environmental benefits of green purchasing, develop a web-based information network for green products and develop a business case to support enhancement of programs in this area.

A report has been prepared on "Green Procurement: Good Environmental Stories from North America" that documents the level of green procurement in North America and other locations in the world, and provides specific examples of the environmental impacts of these programs. A pamphlet summarizing the findings serves as an

information tool for green purchasing Given the obvious link between procurement policies and trade agreements, an additional piece, entitled “Green Procurement in Trade Policy,” has been completed that concludes that fears of green procurement policies running afoul of international trade agreements are not founded.

### **Green Consumption**

In collaboration with the North American Alliance for Sustainable Consumption and UNEP, a survey of sustainable production and consumption activities and projects in North America has been initiated.

#### *1.1.3 Financing in Support of Environmental Protection and Conservation*

Following the March 2002 meeting on financing and the environment, the CEC developed working relationships with Financial Initiatives-North American Task Force, OECD, and Environment Canada to further the work on financing and the environment. Proceedings of the second CEC meeting, organized this time in collaboration with UNEP-Financial Initiatives-North American Task Force, HSBC, PricewaterhouseCoopers and the American Bar Association’s Section of Environment, Energy and Resources, have been published. The meeting took place on 26 February 2003, and addressed issues relating to financial information disclosure regulations, as well as to further our understanding of the materiality of environmental information in financial statements. Information from the environmentally sensitive sectors of oil and gas, electric utilities, pulp and paper, and mining was considered and the perspective of auditors (KPMG), financing/managing consultants (PricewaterhouseCoopers) and rating agencies (Standard and Poor’s) was given. A summary report of lessons learned has been prepared and will serve as a background document to the June Council Session.

Similar work is being pursued in Canada in partnership within a network composed of Environment Canada, the National Roundtable on the Environment and the Economy (NRTEE), the Canadian Institute of Chartered Accountants, the Conference Board of Canada, CEC, WRI and others, to better document and disseminate the business case for environmental disclosure. Another study is documenting what environmental information mainstream financial analysts are using, as well as why it might be useful to identify opportunities for reconciliation between investor-useful environmental information and that traditionally used by analysts and rating agencies.

The Environment, Economy and Trade program sponsored the development of a background paper to provide information on the recent trends, current status and immediate prospects for environment-related investment, including Foreign Direct Investment (FDI), as well as debt, equity and venture capital investments, and environment-related investments in developing countries, using Mexico as an example. The results of this work were presented at a joint program meeting between JPAC and the Environment, Economy, and Trade program area on “Investing in North America’s Future: Innovative Financing for Sustainable Development,” in December 2002, in Monterrey, Nuevo León, Mexico.

### **North American Sustainable Agriculture Fund project**

The CEC has been working for four years with the chain of producers and businesses handling sustainable coffee. Efforts over this period have confirmed the environmental and social benefits of sustainable coffee, its marketing potential, and have noted that there is a lack of access to credit for certain coffee businesses along the supply chain.

The CEC has identified this credit “crunch” as an unrealized “win-win” opportunity for investors and the environment alike, and has prepared a proposal to create a funding vehicle that would look at just how this win-win opportunity might be realized. Instead of creating a completely new management structure to operate this fund, the CEC has presented the proposal to various entities already in place that could operate the fund on behalf of their investors.

A preliminary agreement has been reached with *Fomento Ecológico Banamex* to develop a joint pilot fund for sustainable coffee with approximately three cooperatives in three Mexican states.

#### *1.1.4 Article 10(6) Environment and Trade Officials Group*

Regarding the trade and environment ministerial meeting, the Parties agreed to consult with their respective deputy

ministers about the possibility of convening a meeting at that level.

The Parties committed themselves to further examining potential themes for the development of an agenda for a deputies or ministerial meeting, based on the discussion paper submitted by Canada. The United States, as chair, agreed to collect the Parties' comments and propose a possible date and venue for such a meeting.

## **1.2 Conservation of Biodiversity**

### *1.2.1 Strategic and Cooperative Action for the Conservation of Biodiversity in North America*

A fifth draft of the Biodiversity Strategy has been agreed upon by the country chairs of the Biodiversity Conservation Working Group (BCWG). The Parties had finished a process of public review and inter-agency feedback. During the second trilateral meeting of the Biodiversity Conservation Working Group, a final document will be produced to be presented for Council approval.

### *1.2.2 North American Bird Conservation Initiative*

The implementation of North American Bird Conservation Initiative (NABCI) projects and the assessment of the conservation status of birds are the two main activities that respond to the support expressed by Council in 2002, in particular, concerning "the importance of regionally-based partnerships for project delivery and the use of networks and databases that promote conservation delivery" (2002 Council Session Communiqué) of NABCI projects.

#### **Implementation of NABCI**

The trilateral implementation of NABCI projects is being addressed by supporting two complementary activities: regional workshops and on-the-ground projects.

The first four workshops were carried out in priority areas in Mexico that have strong linkages to Canada and the United States: the Yucatán Peninsula (eastern flyway), the Chiapas' mountainous cloud forest (western flyway), the Chihuahuan desert (prairie grasslands) and the Jalisco coast (wetlands). These workshops were designed to help build regional alliances in Mexico and promote the development of Trilateral NABCI Projects. In the course of 2003, the national coordinators and the CEC will use the outcomes of these workshops to raise human and financial support for the emerging trilateral cooperation agenda related to each region.

Along with the workshops, the first NABCI on-the-ground projects carried out with CEC support were completed. The conservation work was habitat-focused so that it would benefit both local and migratory birds as well as overall biodiversity. All projects were linked to ongoing conservation initiatives, including to projects funded by the Neotropical Migratory Bird Conservation Act. The work in Canada and the United States focused on on-the-ground delivery of conservation action (habitat enhancement, management and acquisition) while the work in Mexico focused more on building capacity (inventory, monitoring, education and outreach).

#### **Status of bird populations of North America**

Species' assessment criteria were developed at a national scale for all bird species in Mexico, compatible for the first time with those used in Canada and the United States. This information will be further refined at a regional scale, through several workshops scheduled for 2003. This work is being carried out in collaboration with leading conservation organizations (e.g., Conabio, Conservation International, Cornell University Ornithology Lab, Pronatura).

#### **Other highlights include:**

- A video on NABCI is currently being made to highlight the "human face" of bird conservation and it is scheduled to be ready for presentation at the 2003 Council Session.
- *Bird Calls*, the newsletter of American Bird Conservancy [Vol. 7(1): 5] recently published an article on the grassland NABCI on-the-ground project supported by the CEC.

### *1.2.3 Terrestrial Species of Common Conservation Concern*

Activities under this initiative pertain to ongoing efforts to build a trinational strategy for the Central Grasslands of North America, together with projects concerning the recovery of several of the grassland species of common conservation concern. Recent highlights include the presentation of the CEC's trinational framework for grassland conservation and related activities in various regional and trinational fora. Notably, in February 2003, the CEC was invited to give the keynote presentation at the black-tailed prairie dog technical meeting in Colorado, as a forum to present the main activities supported by this initiative. Preparations are being made together with partner organizations for establishing a network of significant grassland areas throughout North America.

Additionally, ongoing work aimed at facilitating trinational conservation efforts for the shared grassland species of common conservation concern include the following:

#### **Recovery of the black-tailed prairie dog**

The CEC supported the first trinational map showing the size and location of all known prairie dog 'towns' in North America. This map is a basic step to for discussions on the allocation of efforts to cooperate for the conservation of this species. The map will be made available through CEC's web site. Moreover, CEC-supported research is underway to assess the impact of prairie dogs as competitors with cattle for grass, as this is a main reason for their elimination.

#### **Recovery of the ferruginous hawk**

Assisted by satellite telemetry the migration of the ferruginous hawk is being monitored through Canada, Mexico, and the United States. The information generated by the two adult hawks captured and released in Mexico in January 2003 with CEC support is being used to understand the habitat needs of this species and identify key areas in need of protection. Moreover, the CEC supported the development of a web site that will publish their movements and significance. The web site will be on the air on 1 May 2003.

#### **Importance of the grasslands ecosystem: Itinerant exhibit**

A traveling exhibit is currently being built to promote awareness throughout North America of the importance of grasslands and, in particular, of trinational linkages manifested in the Janos region. This exhibit will feature the work of professional photographers who have donated their work. The host of the 2003 Council Session, the US EPA, has agreed to include this exhibit at the opening of the session and the ministers will provide the official "blessing" to the exhibit before it starts traveling through the three North American countries.

### *1.2.4 Marine Species of Common Conservation Concern (MSCCC)*

Work is continuing on the SCCC (marine and terrestrial) book. The MSCCC profiles and maps of species' ranges and key habitats were peer reviewed and feedback incorporated. This work is also being incorporated into the NABIN marine pilot and is being used by the North American MPA Network (NAMPAN).

MSCCC country chairs will be at the Marine Advisors Meeting, being held in conjunction with the Fifth International Conference of the Science and Management of Protected Areas Association (SAMPAA), to review progress to date, discuss the next steps for the MSCCC project, as well as review the white paper on integrated management for the NAMPAN, in which MSCCC key habitats are being proposed as one level in the four-scale system of ecologically important conservation areas. The MSCCC key habitat was also used as one of the various criteria to identify priority conservation areas in the Baja California to Bering Sea region during the April 22–24 workshop.

The CEC and its partners have begun planning for a late summer/early fall workshop to develop North American Cooperative Action Plans for the first set of MSCCC species. During this workshop, participants from government agencies, NGOs, academics and other related stakeholders will build upon the species profiles and define detailed cooperative activities for the species. The CEC and its MSCCC partners have also begun discussing the specifics to be included in the background report on the impact to MSCCC from commercial and non-commercial fishing activities, and have begun the fine-tuning for the monitoring project as well.

### *1.2.5 North American Marine Protected Areas Network*

#### **Increasing capacity of and interaction among MPA conservation stakeholders**

For the Fifth International Conference of the Science and Management of Protected Areas Association (SAMPAA) (11–16 May, Victoria, BC) a CEC ad hoc committee organized sessions around the work of the North American MPA Network to build regional, national and international capacity to conserve critical marine and coastal habitats. Work from the North American Marine and Estuarine Ecological Regions, MSCCC, B2B/Pacific Coast Priority Conservation Areas, the Integrated Management for NAMPAN, and Management Effectiveness Initiatives were presented. The Marine Advisors Meeting was also held during SAMPAA. In this meeting, advisors from government agencies, NGOs, academia and other stakeholders met to review progress to date of the NAMPAN initiatives, discuss the next steps, as well as review the white paper on integrated management for the NAMPAN and the steps needed to land the theory regionally.

#### **Strategic development of a network of MPAs in North America**

On 22–24 April 2003 (Burnaby, BC), about 50 experts from various sectors, including government, NGO, academia, fisheries, indigenous groups, worked together to identify priority areas for conservation on the west coast/Baja California to Bering Sea region. Over these three days, data analyses on collected data were shown and reviewed, expert opinion was shared, individual areas were chosen based on ecological importance, threat, opportunity (which also took into account connectivity and representation), and finally, priority conservation areas were identified—a milestone for the CEC, MCBI and their partners. These areas will be reviewed to identify where the NAMPAN integrated management initiative will be piloted.

#### **Better monitoring and understanding of our shared marine environment**

Within the global WCPA-Marine/WWF-led MPA management effectiveness initiative, the CEC has been supporting Canada's participation in the piloting of the indicators at the Saguenay St. Lawrence Marine Park. Preliminary results from the pilot are being presented at the Fifth International Conference on the Science and Management of Protected Areas Association (SAMPAA).

### *1.2.6 Closing the Pathways of Aquatic Invasive Species across North America*

In partnership with NOAA, the Second Workshop on Aquatic Invasive Species (AIS) was held in San Diego, CA. Aquaculture, pet-aquaria, live food fish and live bait, were the trade-related pathways selected as a primary focus, along with a set of invasive species considered by each country as being of common continental concern. A multistakeholder group identified 20 potential areas for bi- or trilateral collaboration and two priority actions for immediate implementation: 1) the development a North American-distributed database on AIS; and 2) the prevention and control of spread of invasive algae/sea weed on the Pacific Coast of North America.

### *1.2.7 North American Biodiversity Information Network*

NABIN continues to focus on promoting open access to North American biodiversity information. In winter 2002, NABIN funded independent strategic assessments of CEC information management, GIS, and NABIN definition and niche. These reports resulted in recommendations to improve CEC capacity, including GIS processes to support programs. The reports were distributed to Advisory Committee members for comment. One aspect of defining NABIN's niche involves clearly differentiating NABIN from its products.

To promote the implementation of standards for biodiversity information sharing in North America, NABIN has been working with a number of agencies including the Canadian Information System for the Environment (CISE), the Canadian Biodiversity Information Network (CBIN), The National Biological Information Infrastructure (NBII), NatureServe, the North American Integrated Taxonomic Information System (ITIS-NA), the Mexican National Commission for the Knowledge and Use of Biodiversity (Conabio), the Trilateral Committee for Wildlife and Ecosystem Conservation and Management, NatureServe, the Inter-American Biodiversity Information Network (IABIN), the Clearinghouse Mechanism (CHM-CBD), and the Global Biodiversity Information Facility (GBIF).

#### **Web site**

Progress on a NABIN web site and discussion forum is moving ahead, pending input and collaboration from CEC's

internal Information Technology development and the ongoing redesign of the CEC web site. NABIN databases integrate content from the CEC marine conservation initiatives, namely marine protected areas data, marine ecoregions, and marine species of common conservation concern. This will demonstrate and test the concept of connecting databases on species within regional ecosystem maps and apply results in support of CEC initiatives.

#### ***Intellectual Property Rights***

Copyright issues related to biodiversity information are summarized in the paper, “The State of Copyright Law and Its Impact on Distributed Environments in the NAFTA countries.” The document was reviewed by the three governments and is available through the CEC and the Canadian Heritage Information Network (CHIN). Further, intellectual property rights issues surrounding the free exchange of biodiversity information in North America were assessed in collaboration with the American Museum of Natural History in New York, as part of the Biodiversity Commons initiative.

#### ***Expert Advisory Committee***

NABIN has scheduled by country member meetings to assess membership representation and roles. The NABIN advisory general meeting will be scheduled for fall 2003. The focus of the discussion will be on assessment of roadblocks to share biodiversity information as well as the emphasis areas to further NABIN partnerships, update on NABIN’s web presence, ITIS-NA, the Biodiversity Commons, critical habitat, protected areas, and regional nodes.

#### ***North American Clearinghouse Mechanism***

Informal discussions have begun to assess the institutional requirements and feasibility for NABIN to become the NA-CHM regional focal point. Formal discussions are planned between the CHM-CBD and the respective CHM focal points in the three countries.

### **1.3 Pollutants and Health**

#### ***1.3.1 Cooperation on North American Air Quality Issues***

##### ***Facilitating Trilateral Coordination in Air Quality Management***

In collaboration with the North American Pollutant Release and Transfer program (PRTR), the CEC Air Quality program co-sponsored a PRTR exchange between Semarnat personnel and officials of the US EPA in Washington and Environment Canada in Ottawa during September and October 2002. The purposes of the visits were to learn the experiences, difficulties in implementation, legislation and validation and control mechanisms in each country in creating and developing their national pollutant reporting registries.

During January and February 2003, the CEC co-sponsored two meetings on air emissions inventory development in Mexico City. The meetings were organized as part of the Integrated Program on Urban, Regional and Global Air Pollution, headed by Luisa Molina and Nobel Laureate Mario Molina. Participants with air emission inventory expertise from all three North American countries participated. The meetings also brought together investigators in the Integrated Program with participants in another CEC-supported activity to develop a national air emissions inventory in Mexico (discussed in the following section).

##### ***Developing Technical and Strategic Tools for Improved Air Quality in North America***

During 2002, the CEC supported the completion of Phase 2 of the three-phase Mexico National Emissions Inventory project. This project is to develop a national air emissions inventory for Mexico, and is in collaboration with the *Instituto Nacional de Ecología*, Semarnat, the Western Governors’ Association, and the US EPA. A number of participants from states and universities in Mexico also contribute to the inventory development. As a result of Phase 2, the project participants plan to release in July 2003 an air emissions inventory for the six northern border states of Mexico. During Phase 3 of this project in 2003, also being supported by the CEC, the methods and information developed for the six northern states’ inventory will be extended to the rest of Mexico.

The CEC held a meeting in Montreal, in October 2002 on “Best Available Technology” (BAT) for the control of air pollution from new sources. The meeting brought together government experts at the national, state/provincial, and local levels to discuss information resources and evaluation criteria for determining what are the best available air

pollution control technologies that can be applied to proposed new sources in North America. One goal of the meeting was to provide advice on the scope and function of an information clearinghouse that can be used by government air quality managers in making these types of determinations. The CEC is currently working on developing a second workshop on BAT during 2003 based on this advice. The workshop will involve training on finding and using information on BAT to add air quality managers responsible for BAT determinations.

*Trinational Air Quality Improvement Initiative: North American Trade and Transportation Corridors*

In January 2003, the CEC held a workshop in Montreal on Methodologies to Assess Vehicle Exhaust Exposure. About 15 participants from government, academia, and private research institutions in all three North American countries attended the one-day workshop. The main topic of discussion was to seek out common elements for researchers to incorporate into studies of population exposure to vehicle exhaust along major transportation corridors and congested border crossings. The participants proposed a list of elements deserving further investigation, and the CEC is currently discussing a follow-up meeting to expand upon the identified elements.

During the November 2002–February 2003 period, the CEC provided funding support to a team of researchers from Harvard University and the Massachusetts Institute of Technology, as well as researchers in Mexico, to perform an occupational exposure study of truck drivers and terminal workers in Mexico routinely exposed to diesel exhaust.

In February 2003, the CEC has received a final report from Professor Michael Brauer at the University of British Columbia evaluating the current availability of data to assess community exposures related to air emissions at congested border crossings in North America. Dr. Brauer found that routinely collected air monitoring data were not in close enough proximity to most major border crossings to be useful in evaluating these crossings as major sources of air pollution. In addition, sufficient vehicle count data are also lacking to support exposure analyses at most sites. Despite these limitations, Dr. Brauer could make several broad conclusions. Large numbers of people are potentially affected by air pollution associated with transportation at major border crossings. At several of the border crossings, as many as 35,000 people live within one kilometer of the crossing itself or major roads leading to the crossing.

In March 2003, the CEC received a draft progress report from researchers at the *Instituto Nacional de Salud Pública* on their preliminary findings of children's health impacts from air pollution in Ciudad Juárez, Mexico. The researchers' initial findings indicate that ground-level ozone in the border city of Ciudad Juárez has a clear effect on children's respiratory health, with children of less than five years in age having additional sensitivity to respiratory distress. The researchers identified adverse health effects in children occurring even on days when ambient ozone concentrations were lower than the Mexico 1-hour ozone health standard of 110 parts per billion. Based on these initial results, the researchers plan to review street address information of the children involved in the study to further investigate whether the adverse health effects are strongly associated with the proximity of the children's homes to congested highway corridors.

### *1.3.2 Sound Management of Chemicals*

The Sound Management of Chemicals (SMOC) initiative continues to provide a forum to facilitate cooperation and trinational agreements and action on reducing chemical pollution in North America. In the past year, the SMOC program has had a number of key accomplishments. The chlordane NARAP has been completed, one new NARAP has been developed (on environmental monitoring and assessment) and another is nearing completion (on dioxins, furans and hexachlorobenzene, which is under agency review). And a NARAP on lindane has just started to be developed. Special attention will be given to facilitating stakeholder participation in this task force.

In collaboration with UNEP, the CEC coordinated the production of a global assessment of PTS (persistent toxic substances) for Region II - North America. The SMOC Working Group held its 15<sup>th</sup> regular meeting jointly with the Great Lakes Binational Toxics Strategy in May 2003, in Windsor, Ontario, Canada. Following Council's indications, a strong participation from the Aboriginal Groups of the North American was arranged.

A number of other SMOC actions have been launched and advanced:

- The results achieved under the DDT NARAP have begun to be shared among the seven Central American

countries to reinforce the implementation of the World Health Organization's Global Malaria Control Strategy.

- A new document on the SMOC and the substance selection processes and a second video on more educational efforts on Mexico's DDT phase-out are in preparation.
- A series of fact sheets on all the NARAPs were updated, translated and printed for use as communication tools to the public.
- Implementation of Phase II of the mercury NARAP continued in 2002, with projects such as the installation of two wet deposition mercury-monitoring sites in Mexico, and linkage of these sites with the National Atmospheric Deposition Program-Mercury Deposition Network. Success of this program is crucial to the NARAP task forces on mercury and monitoring and assessment.
- The Mercury Implementation Task Force has continued to focus priority on building capacity in Mexico by supporting education and awareness-raising initiatives for health professionals and educators. A CEC-supported pilot project to provide substitutes for mercury thermometers in a hospital in Mexico has restarted.
- Health Canada offered Mexico a capacity building initiative for a biomonitoring study in the area of Zacatecas. The objective of the study is to measure the intake levels of the population and to assess a future course of action, if required. This project will start with the provision of laboratory time and expertise
- Canada loaned Mexico a mercury air-monitoring instrument (Tekran), and the CEC Secretariat will continue to support the second round of characterization studies on mercury releases and impacts on soil and vegetation in the Zacatecas area.
- Considerable progress has been made in the implementation of the PCBs NARAP, as evidenced by the draft status report now being finalized. A meeting, scheduled for June 2003, will hold the final PCB task force meeting jointly with an EMS workshop for this substance.
- The NARAP on chlordane has now been accomplished. A final report describing all actions taken has been completed and will soon be published. The SMOC Working Group will ask the Enforcement Working Group for its assistance in examining whether illegal transboundary shipments of chlordane are occurring.
- The dioxins, furans and hexachlorobenzene task force has developed the phase I draft NARAP, which has been undergoing internal US government review, for nearly a year.
- Given Council's concern about lead, a Statement of Mutual Concern was prepared by the Substance Selection Task Force and posted for public comment.
- Actions for establishing the implementation task force for the environmental monitoring and assessment NARAP, forming its Steering Committee and developing the implementation plan are on their way. The composition of this task force will be of six sub-groups that will decide on the necessary monitoring activities for different NARAPs.
- The first lindane task force meeting took place in April 2003 to establish the work plan, process and time-frame for the NARAP development. Observer members' participation as ENGO, aboriginal, industry and academia representatives is encouraged to participate further in this task force.
- The SMOC Working Group proposed a policy and procedures for phasing-out NARAP task forces.

The Secretariat has prepared terms of reference to examine strategies for dealing with a broader suite of chemicals in a more timely manner, and SMOC will consider how to advance on this initiative.

### 1.3.3 North American Pollutant Release and Transfer Register (PRTR)

Supporting the implementation of a mandatory, publicly accessible PRTR program in Mexico, promoting increased comparability among the three national PRTR systems, releasing *Taking Stock 2000*; developing a framework for production of *Taking Stock 2001*, strengthening linkages with the SMOC program, and fostering innovative uses of PRTR data were the areas of focus over this past year.

*Taking Stock 2000* was released on 17 April 2003. The key findings of the report were:

- Large amounts of chemicals continue to release and transferred.
- Overall releases and transfers have declined by five percent since 1995.
- Many of these chemicals are of concern for the environment and human health, such as carcinogens and developmental toxins.
- Air is the main “dumping ground” for chemicals released on-site.
- Utilities are the number one air polluter in North America, accounting for 43 percent of all North American air emissions.
- In addition to large amounts of chemicals being emitted to the air, facilities are sending an ever increasing number of chemicals “out the back door” to landfill, sewage and treatment.
- Many facilities reporting smaller amounts of chemicals (less than 100 tonnes) increased in the amount of chemicals they released and transferred from 1998 to 2000 for a total increase of 32 percent by this group (15,257 facilities).
- By comparison, the facilities reporting larger amounts (more than 100 tonnes) recorded a seven percent reduction.

For the first time, *Taking Stock 2000* provides information on persistent bioaccumulative, toxic chemicals such as dioxins and furans and mercury. Countries are working together through the CEC on a North American Regional Action Plan to reduce use/release of some of these chemicals, specifically the NARAPs on mercury and dioxins and furans.

This year a special feature on toxic chemicals and children’s health was prepared demonstrating the usefulness of PRTR data in assisting the three governments in implementing the children’s health and the environment program.

Council Resolution 02-05 called for the CEC to provide technical assistance to Mexico to support the achievement of a mandatory and publicly accessible RETC. The CEC has been providing technical assistance to the RETC program as Mexico works on revising the PRTR-reporting format and developing the implementing regulations. Support was also provided for a meeting of the states, organized by Semarnat, on the development of state-level PRTRs. The CEC has also facilitated the involvement of a staff member from the US EPA in an industry organized training event for reporting facilities on release estimation techniques.

On the international front, the CEC Secretariat has prepared a draft report on development of PRTRs worldwide which will be submitted to the Fourth Session of the Intergovernmental Forum on Chemical Safety (IFCS) in Bangkok in fall 2003. In addition, the CEC participated in an OECD meeting in Japan in March 2003 to share out experiences with compiling PRTR data on a regional (multi-country) basis.

With respect to implementation of the Action Plan to Enhance the Comparability of PRTRs in North America, Canada has reported a number of upcoming steps that will be taken, including proposing changes to the reporting thresholds and data elements for dioxins/furans, hexachlorobenzene and PAHs, among other changes/improvements. In Mexico, a number of steps were also taken in the context of the development of the revised reporting format and regulations that will contribute to improved trilateral data comparability.

#### *1.3.4 Capacity Building for Pollution Prevention*

As of April 2003, Fiprev has granted 49 loans totaling approximately US\$1,180,000. Thus far there has been almost 100 percent repayment of the financing granted, amounting to around US\$630,000 in capital plus US\$194,000 in interest, as per the schedules of payments. It is estimated that the environmental benefits generated by these projects to date have included a saving of nearly 2,500 tons of chemicals per year—and 4,800 since the first project was implemented—not dumped into runoff waters, and of more than 140,000 cubic meters of water annually (251,000 cubic meters since the first project was implemented). This has generated a collective economic savings for the companies of around US\$1,140,000 each year—more than 1.8 million since the beginning of the initiative.

In January 2003, Fiprev had a work meeting with the North American Development Bank (NADBank) in San Antonio, Texas, in order to explore the possibility of directing funds from NADBank for pollution prevention projects in the US-Mexico border area. In April 2003, during the spring event of the Mexican Pollution Prevention Roundtable, this project and possibilities for conducting some of its stages in a joint initiative with the US-Mexican

Foundation for Science were explored. With the help of the US Pollution Prevention Roundtable and the Texas Commission for Environmental Quality, the CEC, NADBank and the World Bank met in San Antonio to discuss the initiative on 2–3 June.

The Mexican Pollution Prevention Roundtable held its third working group event on 1 April in Naucalpan, State of Mexico. The event was organized into five themes (pollution prevention (P2) policy; P2 implementation; education, training and outreach; P2 tools and; P2 financing.) and 140 people participated in it. A P2WIN workshop was organized in which the Mexican Pollution Prevention Roundtable members agreed on the ways the roundtable will participate in the P2 information network. A meeting to agree how to proceed on the EMS project was also held in a parallel session with participation of the leaders of the North American Pollution Prevention Partnership and the Enforcement Working Group of the CEC's Law and Policy program.

After the CEC Ottawa Council session, several meetings and conference calls of a trinational group consisting of representatives of the three roundtables and governments were convened to advance initiatives of common interest and to take advantage of the capacities of the three organizations. The most recent meeting took place on April 9 in Louisville, KY, during the spring event of the US National Pollution Prevention Roundtable.

The Partnership is at this moment working on three main initiatives: i) workshops are being conducted in the three countries in order to make operational a pollution prevention information network for North America, the last one took place during the US Pollution Prevention Roundtable in Louisville, Kentucky, in April 2003; ii) a first workshop to promote environmental management systems in small and medium sized enterprises was held in Reynosa, Mexico in February, in which 120 people participated; and NAP3 will participate in the US Multi-State Working Group (MSWG) Conference on Environmental Management Systems on 2–3 June 2003, in San Antonio, Texas, to search for synergies with other organizations; iii) pollution prevention capacities are being strengthened in Mexico through the creation of regional pollution prevention roundtables and centers. Right now, there are two regional P2 roundtables in Mexico and three regional P2 centers are in the process of being created through the Mexican P2 Roundtable and the Interamerican Development Bank.

### *1.3.5 Children's Health and the Environment in North America*

This has been a very active and productive year for the children's health and the environment initiative. Recent highlights have been the completion of the first phase of the project to develop indicators of children's health and the environment in North America; a meeting of the Expert Advisory Board in which they focused on potential actions to promote training and education for health care professionals on children's environmental health issues; and the North American Workshop on Risk Assessment and Children's Environmental Health.

**Children's Health and the Environment Indicators in North America:** The CEC is developing a North American set of indicators of children's health and the environment. A feasibility study was completed in late 2002, and a meeting of the steering group was held in Montreal to develop recommendations on which indicators to select as well as the implementation strategy. The results of the feasibility study and the steering group recommendations, released in March 2003, will provide a basis for the implementation phase, which will include the compiling (population) of selected indicators by the governments and the preparation of the first North American indicators report, due to be released in 2004. Council will consider today the recommendation that countries provide data on children's health and the environment indicators.

The project partners [IJC Health Professionals Task Force, Pan American Health Organization (PAHO), and the World Health Organization (WHO)] have indicated their interest in continuing to work with the CEC during the implementation phase, and PAHO has expressed an interest in sharing the framework that has been developed with other countries/sub-regions of the Americas. In addition to fulfilling an action called for in the Cooperative Agenda, this project represents an important contribution to commitments made at WSSD.

**Expert Advisory Board:** The Expert Advisory Board held a successful meeting in Alexandria, Virginia to promote education and training for health care professionals on children's environmental health issues. The board submitted Advice to Council 03-01 and 03-02, on opportunities for advancing education and training of health care professionals and environmental researchers, and on progress in the implementation of the Cooperative Agenda,

respectively. A highlight of the meeting was the chance to welcome the two new board members from Mexico, Dr. Alvaro Roman Osornio Vargas and Dr. Mariano Enrique Cebrian Garcia.

**Risk Assessment:** A North American workshop on children's environmental health risk assessment was held from 19–21 February 2003, in Oaxaca, Mexico. It was organized by the CEC Secretariat in collaboration with the Parties, the SMOC Working Group and the NAFTA Technical Working Group on Pesticides. More than 100 people from government, NGOs, industry and academia participated in the event. Outcomes of the workshop include recommendations on the need to 'standardize' on a North American basis the risk assessment terminology and to promote a common vocabulary for this highly specialized area of activity. A follow-up workshop to examine in greater depth risk assessment processes on two or three specific chemicals was suggested, as was establishing a mechanism to share information among the three countries to promote the consideration of children's special vulnerabilities into risk assessment, enhance efficiencies and reduce reporting burdens by industry. Finally, workshop participants agreed that it is important to cooperate more closely on risk assessment and to build capacity in the public and private sector on risk assessment processes and new developments to incorporate children's special vulnerabilities.

**Other activities included:**

- Preparation of a market study on leaded and lead-free pottery in Mexico, in which a sample of 54 micro-industry potters and other relevant actors were interviewed to identify obstacles, challenges and opportunities for advancing the shift to lead-free pottery production, along with recommendations for further action;
- Preparation of a report on the economic impacts of asthma and respiratory disease in children in North America with a view to providing decision-makers and the public with information on the economic costs associated with not addressing children's environmental health problems;
- Participation in an international consultation on longitudinal cohort studies, held in conjunction with a meeting of the US National Children's Study in Baltimore, Maryland, in December 2002 resulting in the formation of an International Workgroup for the NCS.

**Upcoming Activities:** The Parties and the Secretariat have begun planning for a trilateral workshop on asthma surveillance to be held in the fall of 2003. The objective is to foster collaboration among the three countries to improve asthma surveillance systems to enhance the understanding of asthma in North America. They are also actively planning the next stages of work on lead in consumer products.

## **1.4 Law and Policy**

### *1.4.1 Comparative Report on Environmental Standards*

The Secretariat delivered a draft report on federal, state and local environmental requirements for Intensive Livestock Operations (ILOs) in Canada, Mexico and the United States to the following conferences: "Responding to the Increasing Global Demand for Animal Products" in Merida; the USDA Outlook Forum in Washington, DC; and the CEC's North American Symposium on Assessing the Environmental Effects of Trade. The report draws some basic conclusions about the environmental requirements imposed on ILOs and makes recommendations on state of the art requirements. It is currently posted for review on CEC's web page.

### *1.4.2 Environmentally Sound Management and Tracking of Hazardous Waste*

The Hazardous Waste Task Force has continued working closely with the Secretariat following the CEC Council's mandate to develop a common North American approach for environmental sound management (ESM) of hazardous waste and to conduct of a feasibility study for a pilot project on electronic tracking of hazardous waste movements among the NAFTA countries.

Specifically, the Secretariat and the Task Force have:

- Held a series of meetings with government experts to develop next steps in the development of these

projects.

- Developed a final comparative study of the current state of management of hazardous waste and recyclables in North America. This document has been made accessible to the public on the CEC web site.
- Developed a draft scoping paper that will assist the Task Force in defining the principles, goals and criteria for the development of the next phases of the ESM initiative.
- Developed a draft report that explores the opportunities for improving tracking and enforcement of hazardous waste shipments in North America. This document will be finalized after further meetings with government experts and interested stakeholders.

### *1.4.3 Enforcement and Compliance Cooperation*

The CEC sponsored a workshop on Transboundary Law Enforcement in Washington, DC. The workshop addressed legal and policy issues associated with environment law enforcement that requires the participation of one or more countries. Numerous governmental agencies as well as private law firms and NGOs attended the workshop.

In addition, as part of the CEC capacity building agenda for enforcement in 2002, the CEC Secretariat organized and sponsored training workshops on the illegal trafficking of ozone-depleting substances (ODS) and on enforcement issues dealing with trade and the illegal harvest of protected plant species.

The ODS training workshop brought together participants from different enforcement agencies in Mexico, as well as government officials of the US Department of Justice and the US Environmental Protection Agency, and representatives of the United Nations Environment Program and the private sector. Topics broached in this event were: a) awareness of the environmental and health implications of the depletion of the ozone layer, b) the Montreal Protocol and the implementation in developed and developing countries, c) enforcement experiences in the United States, d) routes and methods of the illegal ODS traffic, e) identification of ODS containers, and f) an analysis of practical cases.

The second of the training workshops was a four-day event which had the participation of over 50 wildlife enforcement officers from the three countries, and provided relevant information on: a) law enforcement opportunities to tighten the illegal traffic of plants, b) technical information and characteristics on the major taxonomic groups of commercial plant species, c) trends in international trade, and d) the role of networks in monitoring illegal trade.

### *1.4.4 Sustainable Use and Conservation of Freshwater in North America*

Two options of possible areas for CEC work on freshwater issues in North America have been posted for public comment on the CEC web site. These options are based on the Council's 2001 Communiqué directing the Parties to work on issues related to watershed management and affordable technologies. Thus far, the CEC has received comments from Canada, Mexico and the IJC.

### *1.4.5 Environmental Management Systems to Promote Compliance and Environmental Performance*

The Secretariat hosted several conference calls to begin planning for a conference on Environmental Management Systems for the fall in Mexico. The conference will be the result of collaboration between the Enforcement Working Group and the North American Pollution Prevention Partnership.

## **2 NORTH AMERICAN FUND FOR ENVIRONMENTAL COOPERATION**

In early January, the North American Fund for Environmental Cooperation (NAFEC) released its 2003 Call for Proposals which focuses on environmental monitoring and assessment related to human health. This year's projects should strengthen the capacity of citizens to monitor aspects of their environment that affect their health, and lead to increased community participation in resolving environmental problems. Monitoring approaches should incorporate

local, traditional and scientific knowledge, and link human and ecosystem health. More than 300 grant proposals were received by NAFEC prior to 31 March 2003. The NAFEC Selection Committee will meet on 26 June 2003 in Washington, DC, and grants will be announced shortly after the meeting.

Following the Joint Public Advisory Committee (JPAC) Advice provided to Council on 8 March 2002, the Council approved the *Revised NAFEC Administration and Funding Guidelines* during its meeting on 11 December 2002, to reflect the current realities of NAFEC and the CEC. Based on these revised guidelines, the NAFEC Selection Committee consists of six members, with two representatives from each country. One representative from each country is selected by the CEC Joint Public Advisory Committee (JPAC) from among its members, and one representative is selected by each Party, from among the membership of their National Advisory Committee (NAC) or Governmental Advisory Committee (GAC), or from amongst their respective citizens.

NAFEC-funded projects were profiled during the Second North American Symposium on Assessing the Environmental Effects of Trade which took place on 25–26 March 2003, in Mexico City. A group of grantees from the Mexico City area were invited to present their projects and environmentally-friendly products during the opening reception of the symposium on 25 March. The experience was quite positive and well received by the public and the grantees. NAFEC staff will try to replicate it during future CEC events.

The NAFEC section of the CEC web site has been updated to include executive summaries of proposals and final reports in their original language as well as information about project products.

In an effort to estimate NAFEC's contribution to grantees' capacity for fundraising, and given the fact that the information gathered so far has been well received by the Parties, NAFEC staff will continue to keep track of additional support leveraged by NAFEC grantees.

NAFEC-funded projects will also continue to be profiled in *Trio*, CEC's quarterly bulletin, offering concrete examples of how the Commission's efforts play out in local community-based projects. Note that NAFEC projects are also publicized in the local press of the grantees.

### **3 PROGRAM PLANNING, MONITORING AND EVALUATION**

The Secretariat continues to strengthen the CEC's system for program planning, monitoring, and evaluation. Work has progressed on developing the system's five main elements:

- A draft program activity structure that lays out a more comprehensive and coherent presentation of the links between CEC's corporate goals, program goals and results, and project activities.
- A new format for the 2004 "operational plan" to replace the current "program plan."
- A description of CEC's management approach, outlining how the CEC organizes its work.
- Development of the ongoing evaluation, monitoring, and reporting procedures for periodic review and appraisal of program and project performance. This includes the completion of initial "pilot evaluations" for NABIN, SMOC, and the Mexico Office, assessment of CEC's information management approaches, assessment of the involvement of indigenous peoples in CEC programming, and the development of a performance-measurement system.
- An approach for facilitating development a long-term/five-year plan for mid-2004.

It is anticipated that the "ten-year review" will provide important direction to the goals that the CEC will pursue over the next several years, and that this direction will be incorporated into the CEC's planning. The work described above will facilitate the CEC's response to the ten-year review.

The Secretariat will continue to keep the Parties apprised of progress being made in this area through regular conference calls and periodic in-person briefings.

## 4 ARTICLE 13

### Transgenic Maize and Biodiversity in Mexico

The Advisory Group finalized the terms of reference and the outline of the report, taking into account the 13 comments received. It also prepared a response to these comments that was published on the CEC web site. Consultants have been hired to write each of the chapters for the report. The new timeline for the report is:

Terms of reference for the report	15/04/03
Preparation of background papers	30/09/03
Peer reviews	30/10/03
Posting and circulation for public comments	30/11/03
Draft report	30/12/03
Public symposium	20/01/04
Draft final recommendation by AG	20/02/04
Submission of draft to parties	20/03/04
Submission of final report	10/05/04

## 5 TEN-YEAR REVIEW OF NAAEC

A proposal was submitted to the Parties and JPAC in January 2003 for conducting a ten-year review of the North American Agreement on Environmental Cooperation (NAAEC) and the environmental effects of the North American Free Trade Agreement (NAFTA), as mandated in June 2002 by Council.

Comments on the proposal have been received to date from Canada and JPAC. A list of proposed candidates for the Ten-year Review and Assessment Committee (TRAC) was also submitted at that time for appointment by Council. In addition, a draft resolution defining the terms of reference for the Ten-year Review has been circulated and reviewed by the Parties for signature. A request has been officially made to the Parties to provide baseline information on the economic situation in each country in 1993 and 2002, and on the changes, according to the Parties, that are due to NAFTA. This will serve as background information for the TRAC.

## 6 STATE OF THE ENVIRONMENT REPORT

At this juncture, the Secretariat intends to move forward with a new SOE report that:

- builds on the priorities of CEC programming;
- becomes an integral element of CEC Strategic Plan;
- incorporates lessons learned from the Secretariat's past SOE experience;
- considers recommendations from outside experts;
- acknowledges the Council's support in gathering and sharing high-quality environmental information;
- reflects the CEC's mandate, goals, and achievements, while considering financial constraints; and
- incorporates the ongoing achievements of the work being done on the CEC's Ten-year Review.

The Secretariat is proposing the development of an SOE report that will highlight regional indicators that strongly reflect the objectives of CEC's program areas, while considering OECD indicators as they relate to North America. A special feature section will be developed to accentuate a topic relevant to the CEC and the North American environment.

A design plan is currently being developed. The plan will establish a logical approach for preparation of the next report, including definition of the scope of technical data content and spatial frameworks for presenting the information. It will address the pragmatic considerations of project management, organization, timing, stakeholder participation, and how best to use current and future CEC-generated data in the report. Further, the plan will consider how best to design an SOE report at the CEC in such a way that it integrates ongoing CEC programs and reflects CEC priorities. This will be a framework for producing future SOE reports on a meaningful and consistent basis.

## 7 COOPERATION WITH IJC/IBWC

Following the 2002 Council Session and the joint meeting with IJC and IBWC, the Secretariat has undertaken discussions with the two organizations, including one face-to-face meeting and three conference calls. All three organizations have shared their work programs, with the aim of identifying areas for cooperation. The areas of common interest were:

- approaches to watershed management (in particular, IJC efforts in this regard to structure new watershed boards);
- alien invasive species;
- NAFEC as a funding mechanism for community groups; and
- NARAPs, particularly the environmental monitoring NARAP.

In addition, the IBWC has asked the CEC and IJC to consider whether there might be interest in cooperation related to aquifers in border regions.

Cooperation in common areas of interest continues. To date, IJC and IBWC representatives have participated in the JPAC workshop on water and attended the Alien Species workshop. IJC staff also participated in the mercury NARAP workshop in Zacatecas and in the Children's Health and the Environment meeting in Alexandria, Virginia, and the risk assessment workshop in Oaxaca. A progress report has been prepared for presentation at the 2003 Council Session.

IJC representatives continue to raise questions about the possibility of a meeting with Commissioners at the next CEC Council Session.

Various drafts of a proposed Letter of Intent (LOI) that would formalize cooperation between the CEC and IJC have been exchanged between the CEC and IJC. The penultimate draft has been sent to the Parties for their final comments.

## 8 ARTICLE 14 SUBMISSIONS

Thirteen citizen submissions are currently active.

The Secretariat is on schedule to meet its public commitment to submit final factual records prior to the June 2003 Council Session for all five factual records initiated by Council vote on 16 November 2001. On 24 April 2003, the Secretariat released to the public in accordance with Council Resolution #03-03, the SEM-99-002 (Migratory Birds) factual record, which is the fourth factual record released by the CEC and the first involving environmental enforcement by the United States. The Secretariat is currently awaiting Council's decision on the release of the SEM-98-006/Aquanova factual record. The Secretariat submitted three draft factual records to Council for SEM-98-004/BC Mining (on 28 March 2003), SEM-00-004/BC Logging (on 15 April 2003) and SEM-97-006/Oldman River II (on 17 April 2003). The Secretariat is in the process of developing three other factual records.

The Secretariat is considering whether to recommend a factual record for two submissions.

The Secretariat received the fifth submission for the year 2002, on 25 November 2002. In the month of May 2003, the Secretariat received three new submissions, which are currently being reviewed under Article 14.

**The status of the thirteen submissions under review as of 30 May 2003, is as follows:**

### **Final factual record submitted to Council:**

- 1) **Aquanova.** SEM-98-006 / Grupo Ecológico Manglar A.C. (concerning Mexico's enforcement in regard to the shrimp aquaculture activities carried on by the company Granjas Aquanova, S.A. de C.V. in Isla del Conde, San Blas, Nayarit).

The Secretariat provided the Council with the final factual record on 5 May 2003. Council's vote on

publication of this factual record is pending.

**Draft factual records submitted for Council's comments:**

- 1) **BC Mining.** SEM-98-004 / Sierra Club of British Columbia, et al. (concerning Canada's enforcement of the Fisheries Act against mining operations in British Columbia).
- 2) **BC Logging.** SEM-00-004 / David Suzuki Foundation, et al. (concerning Canada's enforcement of the Fisheries Act against logging operations in British Columbia).
- 3) **Oldman River II.** SEM-97-006 / The Friends of the Oldman River (concerning Canada's enforcement of the Canadian Environmental Assessment Act and the Fisheries Act)

The Secretariat will incorporate, as appropriate, Council's comments on the accuracy of these three drafts, and then submit final factual records to Council.

**Draft factual records in development:**

The following three draft factual records are being developed as instructed by Council:

- 1) **Río Magdalena.** SEM-97-002 / *Comité Pro Limpieza del Río Magdalena* (concerning Mexico's enforcement in relation to wastewater discharges).
- 2) **Molymex II.** SEM-00-005 / *Academia Sonorense de Derechos Humanos and Domingo Gutiérrez Mendivil* (concerning Mexico's enforcement in relation to air quality and environmental impacts of a molybdenum processing plant).
- 3) **Tarahumara.** SEM-00-006 / *Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C* (concerning Mexico's enforcement in relation to access to environmental justice to indigenous communities).

**Council defers decision on the development of a factual record:**

**Ontario Logging.** On 12 November 2002, the Secretariat informed the Council that the Secretariat considers that submission SEM-02-001 / *Canadian Nature Federation et al.* (concerning Canada's enforcement of section 6(a) of the Migratory Bird Regulations against the logging industry in Ontario) warrants developing a factual record.

On 22 April 2003, Council unanimously adopted Council Resolution 03-05, deferring its vote on the Secretariat's recommendation and giving the Submitters 120 days to provide additional information.

**Determinations pending whether factual records are warranted under Article 15(1):**

- 1) **Pulp and Paper.** SEM-02-003 / *Sierra Legal Defence Fund et al.* (concerning Canada's enforcement of the *Fisheries Act* and *Pulp and Paper Effluent Regulations* in connection with pulp and paper mills in Ontario, Quebec and the Atlantic Provinces).
- 2) **El Boludo Project.** SEM-02-004 / *Arcadio Pesqueira Senday et al.* (concerning Mexico's enforcement of its environmental laws with respect to the "El Boludo" mining project).

These submissions are being reviewed by the Secretariat in light of the Party's responses to determine whether they warrant development of a factual record.

Reviewing new submissions under Article 14:

- 1) **Ontario Power Generation.** On 1 May 2003, the Secretariat received submission SEM-03-001 filed by *Attorneys General of the States of New York, Connecticut, Rhode Island, et al.* (concerning Canada's enforcement of its environmental laws with respect to Ontario Power Generation's coal-fired power plants).
- 2) **Home Port Xcaret.** On 14 May 2003, the Secretariat received submission SEM-03-002 filed by *Alfonso Ciprés Villareal, et al.* (concerning Mexico's enforcement of environmental law in connection with a port development on the Riviera Maya).
- 3) **Lake Chapala II.** On 23 May 2003, the Secretariat received submission SEM-03-003 filed by *Dr. Raquel Gutiérrez Nájera, et al.* (concerning Mexico's enforcement of its environmental law with respect to the Lerma-Chapala-Santiago-Pacifico basin).

The Secretariat is reviewing these submissions to determine whether they meet the criteria of Article 14(1), and if so, whether they merit requesting a response from the concerned Party under Article 14(2).

### ***Historical Background of Submissions***

The **twenty-six** submissions that are no longer pending were addressed as follows:

Twelve submissions have been dismissed on the grounds that they did not warrant further consideration based on Article 14(1) or (2):

- Spotted Owl – SEM-95-001 / Biodiversity Legal Foundation et al.
- Logging Rider – SEM-95-002 / Sierra Club et al.
- Tottrup – SEM-96-002 / Aage Tottrup
- CEDF – SEM-97-004 / Canadian Environmental Defence Fund
- Biodiversity – SEM-97-005 / Animal Alliance of Canada et al.
- Guadalajara – SEM-98-001 / Instituto de Derecho Ambiental, A.C., et al.
- Ortiz Martínez – SEM-98-002 / Ortiz Martínez
- Molymex I – SEM-00-001 / Rosa María Escalante de Fernández
- Jamaica Bay – SEM-00-003 / Hudson River Audubon Society of Westchester Inc. et al.
- AAA Packaging – SEM-01-002
- Dermet – SEM-01-003/Mercerizados y Teñidos de Guadalajara, S.A.
- ALCA-Iztapalapa – SEM-02-005 / Angel Lara García

Two submissions have been terminated under Article 14(3)(a):

- Methanex – SEM-99-001 / Methanex Corporation
- Neste Canada – SEM- 00-002 / Neste Canada Inc.

Five submissions have been terminated under Article 15(1):

- Oldman River I – SEM-96-003 / The Friends of the Oldman River
- Lake Chapala – SEM-97-007 / Instituto de Derecho Ambiental
- Cytrar – SEM- 98-005 / Academia Sonorense de Derechos Humanos
- Great Lakes – 98-003 / Department of the Planet Earth et al.
- Mexico City Airport – SEM-02-002 / Jorge Rafael Martínez Azuela et al.

One submission has been withdrawn by the Submitters:

- Fort Huachuca – SEM-96-004 / The Southwest Center for Biological Diversity et al.

Four factual records have been prepared and made public:

- Cozumel–SEM-96-001 / Comité para la Protección de los Recursos Naturales AC et al.
- BC Hydro – SEM-97-001 / B.C. Aboriginal Fisheries Commission et al.
- Metales y Derivados – SEM-98-007 / Environmental Health Coalition et al.
- Migratory Birds– SEM-99-002 / Alliance for the Wild Rockies et al.

**The Council has dismissed two submissions under Article 15(2), following notification from the Secretariat that preparation of a factual record was warranted:**

- Quebec Hog Farms–SEM-97-003 / Centre québécois du droit de l'environnement et al.
- Cytrar II – SEM-01-001 / Academia Sonorense de Derechos Humanos A.C. et al.

## 9 ACCESS TO ENVIRONMENTAL INFORMATION REPORT

This report was originally commissioned by the Secretariat in support of undertakings made by the Council in October 1995, in a joint policy statement issued through Council Resolution 95-08, entitled "Public Access to Environmental Information." The Report on Public Access to Government-held Environmental Information (2<sup>nd</sup> ed.), released in February 2003, fulfills a request to the Secretariat, made by Council at its June 2001 Regular Session, for a summary of confidentiality regulations in Canada, the US and other countries, with a view to providing Mexico with examples in this area. The summary of confidentiality regulations, or "exceptions to disclosure," is found in the final section of each country report.

## 10 PARTNERSHIPS

### *10.1 Regional Program of Action and Demonstration of Sustainable Alternatives for Malaria Control in Mexico and Central America Without the Use of DDT*

The results achieved under the DDT NARAP in Mexico, are being shared with the seven Central American countries. These activities are being funded jointly by the CEC and the Global Environment Facility (GEF). PAHO is the executing agency and UNEP the implementation agency. It is expected that an additional US\$6.6 million will soon be contributed by GEF, mainly to support nine demonstrating projects in the eight countries.

In order to initiate the project, UNEP has asked for official commitment letters from all participating countries and the CEC regarding the amount of financial resources set aside for this project. The CEC has fulfilled this requirement by informing UNEP that a contribution of at least US\$200,000 will be made for the operational life of the project. It is expected that the project will begin in mid-2003.

A draft status report on the DDT NARAP was finished at the end of February and being reviewed by the SMOC Working Group prior to its approval at the group's next meeting in May. After the success of this NARAP, the approval of the status report could be the last action of this NARAP under the DDT Task Force because the ultimate objective of the NARAP, to reduce exposure to humans and environment to DDT, could be carried out under the GEF Project. It is expected that the work and experience of the DDT Task Force now can assist during the operational phase of the GEF project.

The video on Mexico's DDT phase-out program, which was prepared and presented during the Health and Environment Ministers of the Americas (HEMA) meeting in March 2002, has been presented in different meetings in Mexico as well as in other parts of the region (e.g., in Jamaica, Costa Rica, at the UN), and has been requested by people in India and Africa. Recently, Mexico received a letter of intention from the World Health Organization, Africa Regional Office, to share experiences in the framework of the GEF project, since the African countries have started a project development fund (PDF) phase for a project similar to that supported by GEF in Mexico and Central America. This interchange can provide a way to disseminate the experience gained in Mexico to eliminate DDT in controlling malaria.

### ***10.2 Capacity Building Project for a POPs/Metals Biomonitoring Study to Identify Population Risk and Environmental Hotspots in North America***

The SMOC program has approved a project proposal to undertake a human-blood monitoring project for POPs pollutants that would span North and Central America. The project would be undertaken in three parts, over a two-year period:

- Part one, bio-monitoring methodology development
- Part two, capacity building (for quality control and assurance of sampling and analysis procedures)
- Part three, field implementation (including sampling, data analysis, data interpretation and reporting out)

The World Bank has agreed to support this initiative by earmarking US\$100,000 from the Canada POPs Fund to complete Parts one and two, and will commit a further US\$100,000 to support Part three. All of the World Bank money would be directed at supporting the Mexican component of this work. In addition, the CEC work program has identified up to US\$40,000 for 2003 to support implementation. A further, as yet undetermined amount will also be proposed for allocation in the 2004 CEC work program.

The parties have approved this project and the Secretariat will now proceed to sign an MOU with the Bank and will work with the Environmental Monitoring and Assessment Task Force to set up the detailed implementation schedule.

### ***10.3 Support to Mexico to develop its National Implementation Plan for POPs under the Stockholm Convention***

As part of the Stockholm POPs Convention, countries are encouraged to work together on a regional basis to implement the Convention. Mexico has selected the World Bank as the implementing agency for the preparation of Mexico's National Implementation Plan. Subsequent discussions among Mexico, the World Bank and the CEC indicate strong support for the CEC to serve as executing agency. This decision recognizes the integrative role that the CEC has played on persistent toxic substance (PTS) action plans via the SMOC initiative, and the process and institutional infrastructure that have been created to support implementation of this initiative since 1995. The World Bank is also impressed with the quality and comprehensive nature of the work completed to date under the SMOC initiative and would like to see the North American approach to regional cooperation extended as a model to other regions of the globe.

Initially, the Bank will provide up to US\$750,000 to support this effort. It is anticipated that ultimately the Bank may contribute up to US\$2 million in additional funds for this project.

The Parties have approved this project and preliminary meetings are being held between the Bank, Government of Mexico and CEC Secretariat to work out the details of project development and implementation. The Secretariat will negotiate an MOU with the Bank to set out roles and responsibilities related to cooperation between our respective organizations. Successful project implementation offers great potential to tap World Bank resources for other CEC projects.

### ***10.4 MOU with UNEP on Regionally-based Assessment of Priorities for Persistent Toxic Substances***

In 2001, the CEC signed an MOU with the United Nations Environment Programme (UNEP) that identifies North America as one region in a global effort to conduct a regionally based assessment of priorities for persistent toxic substances. A report was prepared in 2002 on the current state of knowledge of persistent toxic substances in North America as well as identifying new chemicals of potential concern and setting priorities for action. A meeting of experts was held in October 2002 to evaluate the report and contribute information on priorities for the list of 27 chemicals being reviewed. The report was finalized and sent to UNEP Chemicals in December 2002. UNEP Chemicals will integrate this report into a larger, global assessment that is intended to provide the Global Environment Facility with a science-based rationale for assigning priorities for action among chemical-related environmental issues, and determine the extent to which differences in priorities exist between regions. The CEC participated in the global priority-setting meeting for this project in March 2003, and outlined the state of

knowledge on persistent toxic substances in North America while contributing to the development of global priorities for action regarding these chemicals. Under the CEC's Sound Management of Chemicals Initiative, it is expected that the Substance Selection Task Force will use information from the North American report to identify possible substances of mutual concern for future trilateral actions, while the Environmental Monitoring and Assessment Task Force can use this report to look at ways to fill gaps in monitoring in North America. The CEC's commitments to this project have been completed and the partnership with UNEP has been a great success with regards to the production of a high quality report on the state of knowledge of persistent toxic substances in North America. It is evident that North America is in a leadership position in dealing with a range of persistent toxic substances. As well, the international relationships formed during this project will continue, providing new approaches to regional cooperation in chemicals management.

## **11 ADMINISTRATION AND FINANCE**

### ***11.1 Financial Resources***

The Secretariat has received the first and second installments of the 2003 contribution from the United States and Canada. We are expecting the 2002 remaining contribution and the first part of the 2003 contribution from Mexico.

The financial audit for 2002 has been completed and the results will be sent to the Parties in June. For the second consecutive year, no recommendation was issued by the auditors concerning the internal control of the Secretariat.

The first quarterly report for 2003 was sent to the Parties in May 2003.

### ***11.2 Human Resources***

The recruitment for the Media Outreach Officer has been completed and Mr. Spencer Ferron-Tripp has been hired.

The recruitment process for the Program Head, Environment, Economy and Trade has been completed with the promotion of Ms. Chantal Line Carpentier to that position.

The recruitment process for the position of Program Manager, Environment Economy and Trade is expected to be concluded in early June.

Two other recruitment processes have been initiated in order to fill the positions of Managing Editor, French publications and Program Manager, SMOC, which are currently occupied by Raymonde Lanthier and José Carlos Tenorio, respectively. Both will leave the Secretariat in July.

### ***11.3 Office Lease***

The current lease for the CEC will expire in November 2004. Several analyses regarding different aspects (financial, security, proximity to amenities, etc.) of our office accommodation needs are being carried out in order to determine which of the proposals being considered by the Secretariat could be the most suitable. On this basis, a new long-term lease will be negotiated.

## **12 COMMUNICATIONS AND OUTREACH**

The communications strategy of the Secretariat gives emphasis to the use of multiple techniques to inform target audiences of the Commission's work. A recent example of this approach is the release of *Taking Stock 2000*, the CEC's seventh annual report on North American pollutant releases and transfers. *Taking Stock 2000* is not only a detailed report—assessing comparable North American PRTR data—it is a web site that allows users to build their own report showing total releases and transfers by state or province, and it's a significant media event. News of *Taking Stock 2000* was reported this year in more than 180 newspapers throughout Canada, Mexico and the US. Key findings were broadcast on more than 90 television and radio stations across the continent. Moreover, 3,400 copies of the summary report and sourcebook were printed for distribution to individuals and organizations

throughout the continent.

### **12.1 Publications and Distribution**

Production, promotion and distribution of CEC reports and publications continue to grow. Since June 2002, the Secretariat has completed 18 significant publications, as well as numerous working papers and other documents. More than 25,000 copies of these publications were produced across the three languages.

Distribution of Commission publications has been greatly amplified by growing use of the CEC web site. During the past year the web hosted over 1.5 million user sessions, and visitors downloaded more than 170,000 documents. The targeted e-mail distribution list approached 7,000 members. Identifiable visitors were primarily North American, however as many as 20 percent of the CEC site visits were from outside the region—demonstrating both the value of information housed on the site, and the organization’s far-reaching appeal. To ensure the web site provides the most efficient access to information, a number of significant improvements are in development, including a new search capacity and better presentation of the Secretariat’s activities and output.

The importance of the web site as both a marketing and distribution tool was demonstrated in relation to the second North American Symposium on Assessing the Environmental Effects of Trade (24–28 March). In the weeks preceding this event, the special pages developed in support of the symposium received close to 1,000 user sessions per day. This elevated number followed specific marketing efforts to promote the symposium, including its listing with online environmental and trade calendars, and the production and targeted distribution of an invitational program to 3,332 contacts. The design of the invitation was replicated on the CEC web site ([www.cec.org/symposium](http://www.cec.org/symposium)), in listserv messages and event signage, for a consistently branded treatment.

### **12.2 News Releases and public outreach**

Throughout the year, the Communications Department coordinated a series of announcements about the Secretariat’s publications, programs and meetings, while continuing to disseminate general information about the Commission and JPAC activities. To better inform both stakeholders and the public, the Secretariat has revised and enhanced its general presentation materials, including a new corporate brochure and folder, together with a number of program and project specific fact sheets. Recent communication highlights include the most widespread media treatment of the Secretariat’s *Taking Stock* report in the history of this annual publication. Recent news releases include:

#### **2 June 2003**

##### **CEC receives submission on Lerma-Chapala-Santiago-Pacífico basin**

On 23 May 2003, the Commission for Environmental Cooperation (CEC) received a submission from the Fundación Lerma-Chapala-Santiago-Pacífico and several other nongovernmental organizations asserting that Mexico is failing to effectively enforce its environmental law with respect to the Lerma-Chapala-Santiago-Pacífico basin.

#### **16 May 2003**

##### **CEC receives submission on Cancun port project**

On 14 May 2003 the Commission for Environmental Cooperation (CEC) received a submission from Alfonso Ciprés Villareal, president of Movimiento Ecologista Mexicano AC, on behalf of several ecological groups, two academic groups and one individual citizen (the Submitters), asserting that Mexico is failing to effectively enforce its environmental law with respect to the environmental impact authorization (EIA) for a port project on the Mayan Riviera in Quintana Roo.

#### **16 May 2003**

##### **The CEC Secretariat provides overall plan to develop a factual record for the Tarahumara submission (SEM-00-006)**

Today the Secretariat of the North American Commission for Environmental Cooperation (CEC) provided to the Parties of the North American Agreement on Environmental Cooperation (NAAEC) the overall work plan for gathering the relevant facts for the factual record on the Tarahumara submission ([SEM-00-006](#)).

**2 May 2003**

**Recommendations for the Development of Children's Health and the Environment Indicators in North America released for public comment**

The Secretariat of the Commission for Environmental Cooperation (CEC) today released a document prepared by the CEC Steering Group on Indicators of Children's Health and Environment. The document is entitled "[Recommendations for the Development of Children's Health and the Environment Indicators in North America.](#)" This document is now open for public comment.

**24 April 2003**

**CEC releases factual record on enforcement of US migratory bird law**

The Commission for Environmental Cooperation (CEC) released today a factual record on allegations the United States did not effectively enforce the Migratory Bird Treaty Act (MBTA) when logging killed great blue herons and destroyed osprey nests in 1995 and 1996.

**17 April 2003**

**Class of 15,000 industrial facilities report 32% more pollution**

The CEC today released its annual *Taking Stock* report today, which revealed that a group of 15,000 industrial facilities across North America released and transferred 32 percent more toxic chemicals from 1998 to 2000. These facilities, with chemical releases and transfers up to 100 tonnes, represent the majority of polluters in Canada and the United States.

**7 February 2003**

**Renewable energy focus of meetings with multinational corporations and government leaders**

Corporate business leaders from DuPont to Volkswagen were among the dozen multinational companies talking renewable energy in Mexico today at a meeting organized by the Commission for Environmental Cooperation (CEC) of North America.

**23 January 2003**

**Maize study terms of reference released for public comment**

The Secretariat of the Commission for Environmental Cooperation (CEC) today released the terms of reference that will guide the preparation of a report on the effects of transgenic maize in Mexico. These terms are now open for public comment.

**8 January 2003**

**CEC's environment fund issues continent-wide call for proposals**

The Commission for Environmental Cooperation (CEC) of North America today issued a call for grant proposals for community-based projects that focus on environmental monitoring and assessment related to human health.

**15 December 2002**

**New report charts NAFTA environmental record**

In anticipation of the 10<sup>th</sup> anniversary of the signing of the North American Free Trade Agreement (NAFTA) on 17 December 1992, the Commission for Environmental Cooperation (CEC) released today a report detailing some of the effects of NAFTA on the environment – *Free Trade and the Environment: The Picture Becomes Clearer*.

**19 September 2002**

**Preliminary findings from environmental contamination study call for continued investigation on mercury concerns in Zacatecas, Mexico**

Preliminary findings of a soil and vegetation sampling program in the Zacatecas area of Mexico confirm the presence of heavy metals, and substantiate the need for a continuing investigation to determine the impact on human health and the environment in the region.

**24 July 2002**

**Community-based energy grants announced by North American environmental commission**

Sixteen community-based environmental grants were awarded today by the North American Fund for Environmental Cooperation (NAFEC) to nongovernmental organizations in Canada, Mexico and the United States.

***12.3 Article 12(1) Annual Reports***

In December 2002, the General Standing Committee (GSC) approved a revised timeline-including considerations relating to production of the Parties' country reports-aimed at improving timeliness in the production and release of annual reports and eliminating the backlog for the 2000, 2001 and 2002 annual reports.

In accordance with the agreed timeline, the 2000 annual report was released in February 2003. The draft 2001 annual report was submitted to the Parties for approval, on 5 March 2003, and the 2002 annual report will be published when country reports are received and translated.

Washington, D.C., 25 June 2003

COUNCIL RESOLUTION: 03-07

**Adoption of the Commission for Environmental Cooperation Strategic Plan for North American Cooperation in the Conservation of Biodiversity**

THE COUNCIL:

RECOGNIZING that through shared migratory and transboundary species and ecosystems the environments of Canada, Mexico, and the United States are intricately linked and interdependent;

AWARE that biodiversity loss generally has a cascading or rippling effect on species, ecosystems, and economies, first felt locally, then nationally and regionally;

REAFFIRMING the objectives of Article 1(c) and (f) of the *North American Agreement on Environmental Cooperation* (NAAEC) to “increase cooperation between the Parties to better conserve, protect, and enhance the environment, including wild flora and fauna” and “strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices”;

ACKNOWLEDGING the need for a long-term, comprehensive North American strategy of cooperation to conserve and sustainably use biodiversity;

FURTHER RECOGNIZING that the Commission for Environmental Cooperation (CEC) Strategic Plan for North American Cooperation in the Conservation of Biodiversity (“CEC Biodiversity Strategic Plan”) will serve to guide the Council and the CEC Conservation of Biodiversity Program;

NOTING the existing efforts of the Parties in participating in cooperative biodiversity conservation initiatives and the desirability of achieving effective actions at the continental level;

TAKING INTO ACCOUNT past and current activities of the CEC, existing bilateral agreements between the Parties and multilateral agreements to which Canada, Mexico, and the United States are parties, as well as the work of relevant international and domestic organizations, to enhance cooperation on biodiversity conservation;

RECOGNIZING the guidance of the Biodiversity Conservation Working Group (BCWG) in the development of the CEC Biodiversity Strategic Plan and the input from governmental and nongovernmental organizations, indigenous and local communities, academia, and the private sector; and

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

HEREBY:

ADOPTS the CEC Biodiversity Strategic Plan, which includes Terms of Reference for the BCWG, in order to foster an integrated continental perspective for cooperative conservation and sustainable use of biological resources; contribute to the maintenance of the ecological integrity of North American ecoregions; and promote biodiversity conservation capacity and cooperative cross-sectoral activities in the three countries that contribute to the reduction and mitigation of threats to North American shared species and ecosystems;-

SUPPORTS cooperation efforts identified in the CEC Biodiversity Strategic Plan, as defined by the following six goals:

1. Promote cooperation for the conservation and maintenance of North American regions of ecological significance;
2. Promote the conservation of North American migratory and transboundary species, and other species identified by the Parties;
3. Facilitate data and information sharing across North America and promote integrated monitoring and assessment to increase understanding of the state of North American biodiversity;
4. Facilitate communication and networking, and the identification and sharing of best practices, priorities, and opportunities for education and training;
5. Promote collaborative responses to threats facing North American ecosystems, habitats, and species; and
6. Identify and evaluate potential collaborative opportunities for biodiversity conservation and sustainable use of biological resources that arise from regional trade; and

DIRECTS the CEC Secretariat to coordinate and seek partners, additional funds, and diverse input regarding the implementation of the CEC Biodiversity Strategic Plan, keeping the BCWG informed of developments.

RECOGNIZES the importance of the knowledge and role of indigenous and local communities regarding the implementation of the CEC Biodiversity Strategic Plan, and encourages the CEC Secretariat and the BCWG to explore innovative mechanisms to consider the compatibility of biodiversity conservation with traditional lifestyles and needs.

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

Washington D.C., 25 June 2003

COUNCIL RESOLUTION: 03-08

**Promoting the Environmentally Sound Management and Tracking of Hazardous Wastes Destined for Final Disposal and Hazardous Recyclable Materials and Wastes Destined for Recovery/Recycling Operations**

THE COUNCIL:

RECOGNIZING that the improper or unsafe management and movement of hazardous wastes destined for final disposal and hazardous recyclable materials and wastes destined for recovery/recycling operations can lead to significant threats to human health and the environment;

AWARE of the significant international and North American trade in such hazardous wastes and hazardous recyclable materials and wastes;

FURTHER RECOGNIZING the important work being undertaken by the Organization for Economic Cooperation and Development and the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal in developing principles for environmentally sound management;

NOTING the ongoing efforts of the Commission for Environmental Cooperation's (CEC) Hazardous Waste Task Force to identify ways to improve the management and tracking of hazardous wastes destined for final disposal and hazardous recyclable materials and wastes destined for recovery/recycling operations in North America; and

FURTHER NOTING that we expect to receive input on ESM environmentally sound management and transboundary tracking efforts from government agencies, the private sector, nongovernmental organizations and academia;

HEREBY:

DECIDES to continue to develop compatible approaches among the parties to the ESM of hazardous wastes destined for final disposal and hazardous recyclable materials and wastes destined for recovery/recycling operations, in order to improve the transboundary tracking of such wastes and recyclable materials and wastes within North America;

FURTHER DECIDES to focus on, as a starting point, specific hazardous wastes and hazardous recyclable materials and wastes that are of mutual concern to all three Parties;

DIRECTS the Secretariat to work with the Parties to:

1. Identify priority hazardous waste streams of mutual concern within North America, on which the Parties can work to strengthen ESM practices regarding their transboundary movement and disposal, and consider the relevant legislative differences among the Parties when developing ESM practices;
2. Identify priority hazardous recyclable materials and wastes of mutual concern within North America, on which the Parties can work to strengthen ESM practices regarding their transboundary movement and recovery/recycling, and consider the relevant legislative differences among the Parties when developing ESM practices;
3. Continue to examine the technologies and systems currently being considered for hazardous waste and hazardous recyclable materials and wastes tracking in North America, with a view toward identifying obstacles to the interoperability of these systems, developing activities for the exchange of information, and implementing automated systems for tracking transboundary movements in North America;
4. Identify specific capacity building needs in Mexico for both ESM and tracking of hazardous wastes destined for final disposal and hazardous recyclable materials and wastes destined for recovery/recycling operations;
5. Hold a public workshop with the CEC Joint Public Advisory Committee on the management and tracking of such hazardous wastes and hazardous recyclable materials and wastes in North America in order to provide an opportunity for participation by the regulated community of the three countries and input from other interested stakeholders; and
6. Identify and evaluate additional collaborative opportunities to improve and enhance the ESM and tracking of transboundary movement of hazardous wastes destined for final disposal and hazardous recyclable materials and wastes destined for recovery/recycling operations in North America.

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

Washington D.C., 25 June 2003

COUNCIL RESOLUTION: 03-09

**Extending the Mandate of the Expert Advisory Board on Children's Health and the Environment in North America**

THE COUNCIL:

REAFFIRMING its plan to work together to better protect children's health from environmental threats;

NOTING with appreciation the advice provided by the Expert Advisory Board on Children's Health and the Environment in North America ("Expert Advisory Board") since its inception in 2001; and

FURTHER NOTING that the Council decided in Resolution 02-06 to review every two years the progress achieved on the implementation of the *Cooperative Agenda for Children's Health and the Environment in North America* and to assess the relevance of planned activities in light of new knowledge acquired;

HEREBY:

EXTENDS the mandate for the Expert Advisory Board's period of service to September 2004;

ENCOURAGES the Expert Advisory Board to continue its active involvement in the implementation of all projects in the *Cooperative Agenda for Children's Health and the Environment in North America* and other relevant work of the Commission for Environmental Cooperation;

CALLS UPON the Expert Advisory Board, in providing advice to the Council, to particularly focus their efforts on:

- the development of North American indicators of children's health and the environment; and
- the Sound Management of Chemicals program, particularly the North American Regional Action Plan on environmental monitoring and assessment; and

FURTHER CALLS UPON the Expert Advisory Board to work with the Parties regarding the preparation of the report to the Council on the review of progress on the implementation of the *Cooperative Agenda on Children's Health and the Environment*, planned for 2004.

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

**Tenth Regular Session of the Council  
of the Commission for Environmental Cooperation of North America**

**Summary of interventions made at the public session**

**24 June 2003  
Washington, DC**

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

Governor Christine Todd Whitman welcomed everyone to Washington, DC, and to the public portion of the Council Session. She provided an overview of some of the items discussed by Council earlier in the day, such as the Strategic Plan for North American Cooperation in the Conservation of Biodiversity; the Sound Management and Tracking of Hazardous Waste, including the identification of hazardous waste streams of mutual concern and an enhanced tracking system; the compilation of an initial set of Children's Health Indicators; and the draft North American Regional Action Plan (NARAP) for dioxins, furans and hexachlorobenzene, which was recently approved for a 60-day public comment period.

**Gustavo Alanís Ortega**, chair of the Joint Public Advisory Committee (JPAC), presided over the session. He underscored the importance of this opportunity for the public to speak directly to the Council and then explained the organization of the program for the five-minute presentations.

**Environment, Economy and Trade**

**Rawle W. Cameron**, from the Environmental Performance Foundation (EPF) of Canada—a non-profit foundation that designs environmental solutions for businesses and communities, spoke of EPF Mobility's sustainable approach for addressing questions such as "*how to continue to prosper, improve our lives and preserve natural resources and ecosystems?*" He explained that EPF was doing this through a design philosophy that redefines the relationship with the environment—implementing sustaining solutions that become part of the everyday living experience—and shapes the vision of tomorrow's consumers and decision-makers. Society is faced today with major health risks associated with environmental problems that must be taken into account when addressing environmental impacts. As an example, he indicated that Ontario is experiencing an average annual warming of 3 to 8 degrees Celsius [sic] as well as uncharacteristic weather patterns that affect the ecosystems. According to the Ontario Medical Association, in the year 2000, Ontario experienced 1900 premature deaths that could be directly linked to air pollution, 9800 hospital admissions, 13,000 emergency room visits and 46 million illnesses resulting in \$10 billion in annual economic damages and annual health care costs of \$600 million. Increased mobility between the countries over the last decade has translated into a significant increase of vehicle emissions and greenhouse gases, and a higher rate of respiratory disease and related health problems. Canada has the second-highest per capita CO<sub>2</sub> emissions, behind the United States. To remedy this, he suggested that we redefine our relationship with the environment and set a new course of action for change and continuous improvement. As part of

its actions, EPF Mobility will conduct a survey to determine present and future consumer trends as it relates to human health, the natural environment and the alternative fuel vehicle market with an emphasis on education in order to provide consumers with information that will allow them to make informed market shifts in the automotive sector. The message used to target and change peoples' perceptions towards these alternative products will be clear: *“by purchasing clean energy vehicles, we can help reduce global warming and at the same time contribute to improving our health, economy and the natural environment.”*

**César Treviño**, from the Green Building Challenge—an international NGO located in 21 countries, described the initiative as a way to promote sustainability in building and construction. Noting that building and construction consume 40 percent of the world's primary energy—with impacts on energy, water, health, air quality, flora and quality of life—he indicated that the industry in general in the three countries has demonstrated little environmental awareness in its practices. Sustainable building and construction is linked to three aspects of sustainable development—ecological, economic and social. They want to address efficiency in the consumption of water and the appropriate use of materials. These changes need to be implemented through political, economic and social systems where values, religion and science have a role. The effective instruments in place for sustainable building and construction policies reside in legislation, building codes and regulations, incentive taxation and levies. The implementation of policies can be done at the national, regional, urban and building-site level, the latter one being the most advanced. The proposal is to start with a common framework for the development of standards and codes for environment and energy efficiency assessments in the three countries with a focus on energy, water and building materials. The first recommendation is to develop a report on environmental standards and regulations for the building and construction sector in the three countries in order to identify priorities, focusing on trilateral issues and identifying barriers to the successful implementation of these priorities. The second recommendation is to create a common information database for green goods and services for this sector, linked to the existing CEC program. The third recommendation is to integrate sustainable building and construction variables in the environmental management systems created to promote compliance with environmental performance. The expected results would be a unified vision to promote policy development and enforcement of legislation, increased quality of life and productivity, education and social outreach. The CEC could act as a catalyst for internal and external efforts and initiatives aimed at promoting new financial opportunities and raising industry competency.

**Arthur Manuel** from the Indigenous Network on Economies and Trade, representing the elders and indigenous peoples in British Columbia, outlined several confrontational issues such as their attempt to stop the expansion of the Sun Peaks Ski Resort near Kamloops owned by Japanese interests. They are also involved in the reallocation of forest tenure, including the softwood lumber dispute between Canada and the United States. He indicated that, despite severe opposition, *amicus* briefs filed by his organization on this issue had been accepted by the World Trade Organization and the North American Free Trade Commission. The primary purpose of these submissions was to raise the issue of indigenous priority interests, or aboriginal title as legally known in Canada. They feel that it is very important for society to pay more attention to aboriginal title and the position of indigenous elders regarding lands and resources. Indigenous peoples can be treated like relics of the past—pushed aside by the mainstream economy, but if

that happens the whole society will become a relic. He expressed belief that the knowledge of indigenous peoples, who still use the land, should be a litmus test for society, whether or not society is protecting biodiversity. In Canada, aboriginal peoples are among the country's poorest people and still depend on hunting and fishing for food. When they are compelled to ask for social assistance, this should be interpreted as a sign that the environment is collapsing, often because of industry. There is a need to better understand the knowledge of indigenous peoples and integrate their traditional knowledge and ways of life with commercial values, activities and uses and try to reconcile these interests to find a balance that will protect the North American environment. He cautioned that if this not done, we will destroy the essence of our existence—the abundance of resources. Noting that British Columbia's forest industry is now operating on second growth forests, he cautioned that tree plantations are not the solution, as this destroys the natural environment that nurtures the plants indigenous peoples require for traditional purposes. Sensitive plants are disappearing and there is a need to understand that clear cutting and plantations are not viable. Large forestry interests have to be controlled with local people involved, including indigenous peoples. The international community needs to help in the readjustment. Indigenous peoples from all three countries need to be more meaningfully involved to create balance. As pristine areas in Northern Ontario are being opened up to forestry, roads will be built and the indigenous lands destroyed. This has to stop, he said.

### **Conservation of Biodiversity**

**Rurik List**, from *Agrupación Doda* in Chihuahua, Mexico, presented some ideas and concerns about the importance of grasslands in the conservation of terrestrial species. Grasslands have contributed much to the economies of each of the three countries because of fertility. Agriculture expanded into creating the world's largest producing zone—the world's breadbasket. Grasslands are also ideal for cattle raising and provide environmental services such as erosion control, water seepage to water tables, biodiversity and capture of carbon dioxide. The economic benefits that derive from grasslands, however, come at a large environmental cost. It is the most threatened ecosystem in North America. This ecosystem has lost between 20 to 99 percent of its natural vegetation coverage. Its floral diversity has been substituted by mono crops and overgrazing, the expansion of woody and exotic plants and urban development. In the last century grasslands saw a dramatic reduction in animals such as bison, wolves, bear and predatory birds. While there has been some recovery, wildlife continues to dwindle. The most alarming case is that of the prairie dog—on which many other species depend because of its digging habits—and which has suffered a reduction of 98 percent of the area that it once inhabited. This led to the extinction of the black-footed ferret—North America's first extirpated mammal (in modern times). Grasslands offer a unique opportunity for trilateral cooperation to conserve terrestrial species. The importance of grasslands and of the fauna they support should be given much greater attention by the three governments. There is an urgent need, for example, for conserving grasslands where the prairie dogs and wild bison still remain. In closing, he reported that organizations and individuals from the three countries have joined to coordinate efforts at maintaining the integrity and viability of grasslands through environmental, social and economic actions.

### **Pollutants and Health**

**Terry Fenge**, from the Inuit Circumpolar Conference (ICC), explained that above and beyond

other issues climate change and transboundary contaminants are essentially the two major international issues that concern the 100,000 Inuit living in Northern Canada and Alaska. As time would not allow a full discussion of the two, he confined his remarks to the second. He explained that as a result of long-range transport of persistent organic pollutants and mercury to the north and the subsequent bioaccumulation and biomagnification in the food web, Inuit (particularly the women) are ingesting very high levels of contaminants with worrying public health results. To the Inuit, the question of contamination is not just an environmental or public health issue, it is a question of cultural survival. It is therefore very important that the international instruments, specifically the 2001 Stockholm Convention and the 1998 Aarhus Protocol to the UNECE Convention on Long-range Transboundary Air Pollution (LRTAP), be ratified. He asked Governor Whitman to provide information on the potential timing for ratification of the Stockholm Convention by the United States. He also asked for a sense of the criteria that will be applied for the addition of new substances to the “dirty dozen,” adding that—from an Inuit perspective—criteria must be grounded firmly in public health principles. He also invited Governor Whitman to make some remarks about US federal involvement in Alaska, in terms of funding for the traditional food monitoring program. Noting that for many years the government of Canada has provided funds for the establishment of the scientific basis through the Northern Contaminants Program—which has underpinned many of the international negotiations—he asked Minister Anderson to explain why his ministry (Environment Canada) had effectively withdrawn from the Northern Contaminants Program and was no longer providing funds. He then moved on to lindane and took the opportunity to inform Council that ICC had accepted the CEC’s recent invitation to sit on the lindane task force. He commented that while lindane is not used in the north, between 15 and 20 percent of Inuit women living on Baffin Island (eastern Canadian Arctic) exceed the total daily intake, as this substance is transported from the south. He expressed disappointment about the refusal of Canada’s health minister, during the Aarhus POPs negotiations, to provide ICC with a copy of the public health assessment of lindane on the grounds that the information was proprietary to industry. He indicated that the federal departments of Environment, of Indian Affairs and Northern Development had also tried to get this assessment, to no avail. He suggested that one of the first items on the agenda of the first meeting of the lindane task force should be a request for the government of Canada to provide that assessment. Finally, he referred to the CEC-sponsored research by Dr. Barry Commoner on dioxin transfer from the industrial south to the north, which connected receptor locations in the north with named emitters in the south, as the sort of work that has built ICC’s capacity to enter into the policy debate by contacting offending emitters. He described this model as a very useful one, particularly if the CEC wishes to continue partnering with Inuit. He concluded by thanking Governor Whitman for her work.

### **Specific Obligations under NAAEC/Other CEC Initiatives**

**Jake Caldwell**, from the National Wildlife Federation, described his organization as the United States’ largest environmental advocacy group and a strong supporter of the CEC. He thanked Governor Whitman for her service and firm support to the organization, Minister Anderson for his ongoing support and Minister Lichtinger for building a strong foundation for the institution. He also thanked JPAC and the Secretariat staff. Referring to the NAFTA Chapter 11 reform, such as NAFTA Party interpretive notes, JPAC’s involvement, fast-track trade promotion authority in the United States and the NAFTA-FTC (Free Trade Commission) involvement in

Chapter 11, he urged Council to become forcefully involved and engaged on this issue. Noting the poor level of communication between the FTC and CEC, he expressed concern that Chapter 11 matters will end up swallowing the CEC's cooperative efforts. Noting that the potential trade and environment ministers' meeting was long overdue, he offered the following suggestions as possible subject areas: the Chapter 11 reform; capacity building and the expansion of environmental cooperation throughout the hemisphere; an analysis and understanding of recent environmental efforts under trade liberalization, such as the Canada-Chile, US-Chile/Singapore free trade agreements and the Mexico-EU FTA. Regarding the 10-year review and Articles 14 and 15 he urged Council to get the review underway with the establishment of the Ten-Year Review Committee. He observed that the two-year review of the operation of Council Resolution 00-09 was also overdue. He expressed hope that the ten-year review will look at the issue of factual records that just sit on a shelf and the need for a mechanism to improve their implementation. Referring to the recent US-Chile/Singapore free trade agreements, in which the Articles 14 and 15 sunshine process has been dropped and the acrimonious Part Five adopted, he cautioned that this was sending the wrong message to trading partners. He urged Council to promote the Article 14 and 15 process by ensuring the independence of the Secretariat. At this important point in NAFTA's history, the litmus test will be on what has happened to the environment.

**María Teresa Guerrero**, from the *Comisión de Solidaridad y Defensa de los Derechos Humanos*, presented the lessons learned from their experience with the Articles 14 and 15 submission process. She indicated that on 9 June 2000, their committee had submitted a petition—on behalf of 20 indigenous groups from the Tarahumara Mountains—requesting examination of environmental crimes and implementation of environmental laws by Profepa. On 29 August 2000, the Secretariat recommended that a factual record be developed, and in April 2003 began its development. By way of background, she explained that during the period 1996–99, 411 complaints were lodged concerning illegal logging. This demonstrates that the indigenous people have tried to use the regulatory system to combat environmental crimes. However, only 43 of these complaints were followed up and, as of March 2000, none had been resolved. She indicated that a campaign aimed at achieving environmental justice in the Tarahumara mountains and requesting that Profepa resolve the complaints was initiated. She underlined that one significant aspect of this campaign was the Article 14 and 15 submission filed with the CEC, and emphasized the importance of having access to an international process that can address matters of noncompliance by a government, which in their case has been a very important and empowering experience. It compelled Profepa to enter into a dialogue with the affected populations between June and October 2000, allowing public discussion on the complaints, which, in some cases, were concluded positively. Articles 14 and 15 allow citizens to raise issues aimed at promoting environmental justice. However, it is a very long process and the results are not enforceable. It does, though, provide an alternative means to get laws enforced and punish those who break them. It has also shown the importance of developing a legal system at the national level that truly protects environment and social justice.

**Amelia Simpson** of the United States, representing the Environmental Health Coalition, thanked the CEC for the opportunity to speak on behalf of the Coalition—made up of residents from San Diego and Tijuana. She expressed concern about lead contamination from the abandoned *Metales y Derivados* lead smelter and advocated follow up to the CEC's February 2002 factual

record regarding this site. She claimed that the nearby community continues to be exposed to 23,940 tons of mixed toxic contaminants, including lead and arsenic, as it lies out in the open less than 150 meters from homes in Colonia Chilpancingo. The community presented its petition to the CEC in 1998 and the factual record was published in 2002. Despite the conclusion reached by the CEC that the site represents a “grave risk to human health,” the site has not been cleaned up. In effect, nothing was achieved through the development of the factual record except to document what the community already knew: that the abandoned site threatens the health of the 10,000 residents of the community. Blood tests for lead taken by the Coalition and the Colectivo Chilpancingo from children living near the site revealed that they are suffering from lead poisoning. The *Washington Post*, on 16 February 2003, reported that the rates of anencephaly and hydrocephaly in Tijuana were abnormally high. In a two-block area of the community, eight babies have been born with those birth defects since the smelter was closed in 1994. There is evidence that lead is one cause of neural tube defects, especially anencephaly. The lack of an enforcement mechanism within the NAAEC to compel cleanup exposes a fundamental flaw in NAFTA. *Metales y Derivados* is a test case that shows the urgent need to integrate mechanisms into international trade agreements to guarantee enforcement and to invest funds for remediation and compensation for those affected. The United Nations Commission on Human Rights mission to Mexico in 2002 included a visit to Colonia Chilpancingo. The results of the March 2003 report called upon Mexico to “examine carefully existing and emerging agreements such as NAFTA, the FTAA and the GATTs in order to ensure their consistency with the right of every woman, man and child to gain and sustain a secure home and community in which to live in peace and dignity.” The presence of *Metales y Derivados* violates that right. On behalf of the Colectivo, Ms. Simpson issued a call for the immediate remediation of the site according to the comprehensive plan approved by residents of the community, which stipulates the return of all toxic waste to the country of origin—the United States—in compliance with NAFTA and Mexican law, at an estimated cost of US\$7.2 million, based on disposal at a facility in the United States. The plan was presented and sent to Secretary Lichtinger and President Fox and officials of Profepa. On behalf of the Colectivo and the Coalition, she proposed a deadline of 1 August 2003, for Secretary Lichtinger to authorize funding to implement the remediation plan and demonstrate the significance of the CEC’s factual record process and the importance of follow up.

**Randy Christensen**, from the Sierra Legal Defence Fund (SLDF)—which has represented citizens groups on four submissions to the Article 14 and 15 process (BC Hydro, BC Mining, BC Logging and Ontario Logging), commented on the experience of his organization in each of these submissions. He thanked JPAC for its continued support of the process and for its recent decision to proceed with a public review of the citizen submission process. He emphasized that the most important aspects of the NAAEC—from an NGO’s perspective—is the recognition of the need for openness and transparency in government decision-making and of the value of citizen participation in monitoring and enforcement of environmental law. He expressed the view that, despite Council’s expressions of support for the citizen submissions process over the years, its actions have told a somewhat different story. In each of the submissions in which SLDF has been involved, actions taken have undermined both the purpose and the intent of the NAAEC and were contrary to the terms of Articles 14 and 15. He claimed that, during the development of the BC Hydro factual record, the government of Canada attempted to limit the investigation performed by the Secretariat and refused to provide information requested by the Secretariat. In

both the BC Mining and BC Logging cases, the scope of the factual records was narrowed in such a way that the concerns that prompted the filing of submissions were not addressed in the factual record investigation. In the case of Ontario Logging, the Council recently decided that the information was not sufficient to prepare a factual record, despite the fact that the Secretariat had determined that a factual record was warranted based on the issues framed by the submitters. Noting that the information was based on the government's own data, he respectfully added that the decision not well founded—in fact, the information was sufficient for the approval of the logging permit and more importantly, it clearly demonstrated that logging permits were issued in knowing violation of Canada's commitments under the Migratory Birds Convention Act. He indicated that this was seen as an attempt to avoid looking at the broader pattern of non-enforcement and expressed concern about the Council's interference in the citizens submission process and its diminishing respect for the independence of the Secretariat. He called upon Council to support the public review conducted by JPAC and to take specific steps to ensure the independence of the Secretariat and allow citizen submissions to address broader patterns of non-enforcement.

**Alfonso Ciprés Villarreal**, from the *Movimiento Ecologista Mexicano*, spoke about the issues raised in the Article 14 submission filed by his organization (Home Port Xcaret) relating to the overwhelming contamination and pollution caused by cruise ships. He described the Island of Cozumel in Mexico—which receives more than 4,800,000 tourist visits each year—as the area on the planet with the greatest cruise ship activity. Considering that 50 percent of the world's cruise ships visit the Caribbean each year, he expressed concern that coral reefs will have disappeared within the next 10 years if no action is taken to protect this area. He indicated that, in addition to reefs being damaged, beaches, mangroves, coastline and marine species were also at risk. Alluding to the projected construction of new piers in Cancún, he alleged that Carnival Cruise Lines was the pirate of the 21<sup>st</sup> century and blamed the company for shredding Mexico's coastlines and reefs. Acknowledging that Mexico alone could not remedy the situation, he called upon the cooperation and assistance of the United States and Canada. Referring to the company's proposal to invest billions of dollars along the coast, he cautioned that Cancún could not stand up to 48,000 new hotel rooms, and noted that some of Carnival's ships alone house over 1,400 rooms. He denounced the terrible condition of water treatment plants on some of these ships that deliberately dump wastewater into the sea—noting that this was in direct violation of international laws. He reminded Council that no ecosystem on this planet was more fragile than coral reefs and—as an illustration of the huge amount of sand displaced by the ships' engines—he indicated that sands from Playa del Carmen were carried up to 40 kilometers away, causing great damage to the coast of Cozumel and the death of corals. On behalf of *Movimiento Ecologista Mexicano* he requested a meeting with each of the ministers' offices.

**Cliff Wallis**, from the Alberta Wilderness Association, first congratulated Minister Anderson on the recent designation of a new national wildlife area. He then spoke about the Friends of the Oldman River submission filed under Articles 14 and 15, noting that the Council's initial rejection of the Secretariat's recommendation to develop a factual record was a first in the CEC's history. He indicated that, following the Council's decision to proceed with a factual record back in 2001, all ENGOS in Canada were anxiously awaiting the outcome. However, noting that six years had passed since the filing of the original submission, he expressed concern that Canada's environment had suffered as a result of this inaction. Frustration at yet another

delay in what seems to be an interminable process only reinforces ENGO's view that Canada has not been complying with the Fisheries Act or its environmental laws. He conveyed the support of Friends of the Oldman River for the JPAC recommendations in terms of process and with their concern about governments' real or perceived disrespect for JPAC and the public by ignoring, not responding and delaying Advice and recommendations. He reinforced the view that the CEC's public process was one of its most important features and called upon Council not to make it irrelevant by disrespecting it. In closing, he inquired whether the Secretariat had forwarded to Council the final factual record related to their submission and whether Council could provide assurance that the factual record would be made public well in advance of the 60-day limit.

**Aida Aguilar**, from *Sociedad Amigos del Lago Chapala, A.C.*, recounted that she was born and had been reared in the Lake Chapala region and that her ancestors were fishermen. Lake Chapala—the largest lake in Mexico and part of a large river basin originating near Mexico City—is drying up due to man-made problems, lack of political will and non-enforcement of existing laws. Noting that the lake was no longer fed by the Lerma River—as the river has been diverted and dammed—she illustrated the dramatic changes that have occurred in the lake level between 1976 and 2003. She explained that, in addition to legal and illegal pumping stations that send water to Guadalajara, pollution and untreated industrial waste have also become major problems. Unsustainable agricultural practices, water mismanagement, and the use of pesticides and insecticides are endangering the ecosystem. Noting that the lake was already in a critical situation six years ago when the government committed itself to act, she deplored that nothing has been done and stated that the lake is now beyond recovery. She also observed that much of the water drawn from the lake is used for irrigation of crops, although about 50 percent of that actually evaporates. She also referred to government statistics indicating that 78 percent of municipal wastewater and 75 percent of industrial wastewater are returned to the lake untreated, leading to deformities in fish and loss of migratory birds. She claimed that treatment plants do not function properly and that DDT and HCH are still used and exceed permissible levels. Recalling that Mexico is home to a large part of the world's biodiversity, she emphasized the urgency of the ecological and resulting socio-economic crisis, as people will have to leave the region and migrate to other locations like the United States. In closing, she made a plea to save the lake for future generations and handed Council drawings made by children in the region.

**Jacob Scherr**, of the Natural Resources Defense Council, described his organization as a public interest environmental organization in the United States with 500,000 active members involved in continental-wide environmental matters, in close cooperation with counterpart organizations in Canada and Mexico. He harkened back to the debate about NAFTA and the CEC 10 years ago at a time when the force of technology and commerce compelled people to think in terms of a North American region and begin the work of economic and environmental integration. He expressed satisfaction to see that the CEC had succeeded in the creation of a forum where environmental issues can be discussed. He indicated that his key message to Council was the importance of taking stock of where we are after ten years and determine whether or not environmental integration has moved forward in a positive way. Recognizing the many accomplishments of the CEC such as the Pollution Release and Transfer Registry work and the elimination of the use of DDT, he expressed the need to draw attention on issues of concern, such as Articles 14 and 15. He underlined the importance of providing credibility to this regime

and expressed concern that Council appears to be diminishing the integrity and legitimacy of the process. He alluded to repeated attempts to narrow the scope of factual records to the point where they sometimes no longer come close to the issues originally submitted and the appearance that any submission that attempts to address broad patterns of non-enforcement will be halted, even though the mechanism was created to address such claims. He cautioned that forcing submitters to focus on a single failure to enforce will “choke the life out of the mechanism” by forcing the Secretariat to look at discrete events that most of the public might regard as trivial. He expressed concern that if the present trend continues, the process will be abandoned, and he welcomed the announcement of the upcoming JPAC public review on this matter. Referring to Chapter 11, he cited the emerging imbalance where investors can obtain monetary awards through the tribunal process, whereas citizens groups and communities have no recourse. He also referred to the issue of the CEC’s stagnant budget, which translates to approximately a 30 percent real reduction over ten years. He questioned whether the CEC’s budget was now adequate to allow the conduct of robust analyses and the implementation of its programs. In closing, he stressed the importance of not only learning from the CEC’s own experience over the past ten years, but of sharing lessons learned with other negotiations and trade regimes.

**Gustavo Alanís Ortega** thanked all the speakers and turned the session over to the Ministers.

**Governor Whitman** thanked the presenters and participants for caring so much about this institution and for having given legitimacy to what she described as an extraordinary approach to trilateral governance. She admitted that the process was not perfect and had not achieved all its goals, but noted that in the absence of some difficult issues there would be no need for the CEC and public engagement. She described the presentations on promoting alternative-fueled vehicles and green buildings as sensible approaches to sustainable development and illustrated some initiatives used in the United States to enhance the understanding of options in vehicles and construction methods such as Energy Star, which benchmarks energy efficiency of buildings by allowing people to use a web site to make early decisions for purchasing. She indicated that in 2002 alone, people in the United States have saved \$7 billion in energy costs, but more importantly, saved enough energy to fuel 15 million homes and reduce greenhouse gas emissions equivalent to taking 14 million cars off the road. Regarding grasslands and biodiversity, she indicated that the United States was very focused on these issues and took the opportunity to thank the organizers of the “Janos and the Grasslands of North America” exhibit displayed at this meeting. She conveyed the Council’s commitment to the importance of biodiversity and the protection of grasslands. Concerning trade and environment and the Article 10(6) working group, she informed the public that—while there may not always be full agreement among the three governments—the Parties had renewed their commitment to pursue discussions through the Article 10(6) working group process, whereby trade and environment officials will identify issues of mutual concern that merit the attention of the ministers. She pledged to continue to move forward and promote the principle that some of the cases should be open to public scrutiny. She also expressed support for making the Chapter 11 documents public and opening the Chapter 11 hearing to the public. Referring to the presentations on Articles 14 and 15 she asked the acting executive director to respond to the specific cases and provide an update. Before doing so, she underscored that the process was evolving and that Council was continuing to monitor and evaluate it, and conveyed the appreciation of Council for the input of the public and

JPAC in informing Council. Noting that the issue regarding the scope of factual records would be the subject of a public review by JPAC, she indicated that Council looked forward to receiving their advice. She also highlighted the work of the CEC's Enforcement Working Group aimed at building the capacity of the Parties to enhance enforcement and compliance activities, and expressed hope that these efforts would help address the kind of issues raised during this meeting. She reiterated the United States' view that transparency is a priority in the context of the CEC, particularly with Articles 14 and 15. She informed the public that a draft proposal regarding the implementation of Council Resolution 00-09, prepared by the United States, was currently the subject of trilateral discussions and that the Parties would await the results of the JPAC review before concluding their discussions.

**Victor Shantora** reported that out of the 40 submissions received by the Secretariat to date, thirteen were active at various stages of the process, including three final factual records to be submitted to Council later in the week—BC Mining, BC Logging and Oldman River II—and three draft factual records were in the process of development—Rio Magdalena, Molimex II and Tarahumara. He emphasized that the work of the Secretariat, which from time to time engages special legal advisors for advice, was thorough and well documented.

**Governor Whitman**, referring to the presentation from Alfonso Ciprés Villarreal regarding pollution from cruise ships, indicated that this was an issue of enormous concern in the United States and that the government was moving forward on a number of fronts, including ballast water discharge, discharge of brown water, as well as pollution from engines. She noted that impacts in Alaska and along the coast of the United States were very worrisome and acknowledged that recourse against ships sailing under foreign flags were limited and that the development of international protocols to enhance oversight and ensure that ships coming in under foreign flags observe national and state laws was challenging.

**Minister Anderson** thanked the presenters for coming to this meeting, many at their own expense. He underscored the value of public participation, as it gives the CEC value that it would not otherwise have. In response to Arthur Manuel's presentation, he noted that improvements were being made regarding the involvement of indigenous people. He pointed to Canada's Species at Risk Act and the creation of the Aboriginal Council as well as the use of traditional knowledge in reaching scientific conclusions as good steps in the right direction. Concerning forest tenure, the Minister commented that he had traveled and met with other indigenous groups in British Columbia on these matters and that this was a very difficult issue with constitutional implications. Referring to the presentation of Rurik List on grasslands, he indicated that Canada had recently established another national wildlife area—home to fourteen red-listed species. He acknowledged that reducing the footprint of agriculture may offer some possibility for recovery, given changing economic conditions, and that climate change might soon make it impossible to practice agriculture in parts of the Great Plains in the three countries. With respect to Mr. Fenge's comment on northern contaminants, the Minister explained that he did not know why there had been a change in funding, but that he would be happy to look into it. He referred to the Stockholm Convention—which Canada ratified within minutes of its signature—as a centerpiece of the country's environmental policy and outlined some of the successes of the POPs work that led to the reduction of their use and to capacity building. He added that the pulp and paper industry had spent C\$6 billion over the past twelve years to establish an improved system for

furans and dioxins, resulting in a 99 percent reduction. Regarding Articles 14 and 15, he acknowledged that this was a particularly contentious issue. Considering that these decisions affect other government agencies (i.e., Fisheries and Oceans, Natural Resources, Industry, etc.), he stressed the need to ensure that they are “bullet proof.” He cautioned that, in the event that the Secretariat would take liberty with the language or editorialize it, the document essentially becomes “dead in the water” when it comes to being used with other constituencies who are quick to point out errors and suggest that we are not arguing a factual or reliable case. He also cautioned that misinterpretation of Canadian law will make the document worthless in terms of its legal credibility. This being said, he reinforced the importance of accuracy and precision, not just for the integrity of the document, but also for its usefulness further on in our political system. As factual records are not enforcement mechanisms, they have to be accurate if they are to be persuasive. He reiterated the Council’s belief that Articles 14 and 15 are extremely important and expressed hope that JPAC, in the context its upcoming review, would come up with a report that will assist Council in making this process more useable and effective.

In response to a question from Mr. Fenge on the POPs treaty, **Governor Whitman** informed him that President Bush had submitted the treaty to the Senate and that US EPA was working actively to get ratification. In the meantime, the United States has already taken action to eliminate the “dirty dozen” and will support other nations in their efforts to achieve elimination.

**Secretary Lichtinger** thanked all the participants and underscored the importance that Mexico and the CEC attach to public involvement. As an illustration of progress made in Mexico relating to transparency, he referred to Mexico’s new law on access to information and transparency and encouraged the public to make use of its requirements for public disclosure. Regarding the presentation by César Treviño, he agreed that the topic of the construction industry is very important and indicated that Mexico was on the verge of announcing a series of measures requiring all public construction to have an ecological component for saving water and energy and using adequate equipment. He alluded to pilot projects being launched, such as in Michoacán, where economic incentives are offered to build or buy homes that are certified as environmental. Noting that Mexico could learn from experiences in Canada and the United States, he introduced the idea of looking at the possibility of doing some trilateral work in this area. Responding to Arthur Manuel, he commented that headway was being made in Mexico regarding the involvement of indigenous peoples and noted that these people were now represented on Mexico’s various boards and councils, such as the National Advisory Committee. Mexico is also looking at how regulatory and law enforcement practices can be adapted to respect the customs and traditions of indigenous peoples. Concerning Articles 14 and 15, he echoed the comments of his colleagues to the effect that this is an extremely important process. He expressed the Council’s hope to see continued improvements in terms of timeliness and transparency of the process and the independence of the Secretariat and whether an evaluation could demonstrate the impacts this process has had on public policy and law enforcement. He expressed hope that sufficient information and analysis would be available by next year’s Council Session in order for Council to consider improvements to the process. He thanked María Teresa Guerrero for her remarks. Recognizing that much work remains to be done and that more human resources are required, he expressed confidence that Profepa would be attentive to the Sierra Tarahumara case and the need to enforce laws, particularly in the forestry and natural resources area. Concerning *Metales y Derivados*, he picked up the glove that Amelia Simpson

threw down and indicated that an announcement would be made before August 2003 to the effect that resources will be set aside for remediation. However, noting that Mexico was faced with the following problems, he expressed hope that the United States government would also contribute to complete what needs to be done: i) the Mexican government does not have sufficient resources and; ii) Mexico has not been able to obtain the cooperation of the United States Department of Justice and other agencies to ensure that the person responsible for this situation—who is now living in the United States—pays for what was done and for remediation. In response to the presentation from Alfonso Villarreal, he recognized that issues related to cruise ship operations were not well understood in Mexico and he expressed support for the development of an international protocol for North America. To that effect, he invited Governor Whitman to send him a copy of any reports or regulations the United States may have on this subject. He undertook to give Mr. Villarreal an appointment to meet in Mexico on this issue once further information is available. In response to the question raised by Cliff Wallis relating to the status of the Oldman River factual record, he reiterated Mexico's position to always vote in favor of making factual records public. Finally, noting that the Lake Chapala issue had been the subject of discussions for the last 15 years, he expressed compassion for the anger and frustration of the residents and supporters. He referred to a technical study, which was recently accepted by the five state governments involved, as an important first step, and underscored the importance of being able to count on the support of the state governments to manage the Lerma River. Recognizing that factors such as population growth and the economic importance of the agricultural sector in the region could not be discounted, he indicated that congress had approved the investment of close to 600 million pesos (US\$50 million) in new agricultural technologies, including water efficiency and treatment. In closing, he expressed gratefulness for the higher than normal rainfall in the area over the past year, which has helped increase the lake's water level.

**Governor Whitman** added that in the case of *Metales y Derivados*, the United States was looking into feasible technology for remediation of this particular site and whether funds from the United States' Brownfields Cleanup and Redevelopment Program and the International Development Bank might be used to help support a binational project. She also indicated that the United States would be pleased to provide Mexico with information related to cruise ships. In closing the session, she thanked her colleagues as well as Gustavo Alanís Ortega for having chaired the session. She also thanked the members of the public for their participation and encouraged them to continue their interaction with the CEC through the Secretariat and JPAC.



Commission for Environmental Cooperation of North America

Comisión para la Cooperación Ambiental de América del Norte

Commission de coopération environnementale de l'Amérique du Nord

# CEC Ministerial Statement

## Tenth Regular Session of the CEC Council

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**Washington, DC, 25 June 2003**—We, the environment ministers of Canada, Mexico and the United States, members of the Council of the Commission for Environmental Cooperation (the “CEC” or “Commission”), met for our annual regular session on 24 and 25 June 2003. We reviewed activities of the Commission over the past year and received input and advice from the Joint Public Advisory Committee (“JPAC”) and the public.

Our discussions encompassed a number of important topics within the context of North American regional environmental cooperation.

### Protecting Our Common Environment

#### Conservation of Biodiversity

North America hosts a wealth of economically important, ecologically essential and highly cherished terrestrial and aquatic ecosystems.

Following extensive collaboration among governments, nongovernmental organizations, and indigenous people, and recognizing the contribution of the public and the Biodiversity Conservation Working Group, we are pleased to adopt the Strategic Plan for North American Cooperation in the Conservation of Biodiversity by Resolution. The Parties support the goals and vision statement of the Strategic Plan. This accomplishment marks a landmark of cooperation among our countries to protect our shared environment. We recognize the importance of the knowledge and role of indigenous and local communities in the implementation of this Strategic Plan. We also note the importance of measuring progress in the Plan’s implementation.

With the adoption of this long-term strategy and the identification of priorities for action, North America will be a global leader in developing cooperative approaches to address shared biodiversity issues.

#### Management of Freshwater

The management of freshwater is an issue of global concern. In 2001, we asked the Secretariat to examine possible areas of collaboration among the three countries where the CEC could add value. We have now asked the Secretariat to collect and facilitate the sharing of case studies that demonstrate national and local experiences and best practices on water quality, specifically:

1. Affordable conservation technologies and techniques, water management practices, and approaches to public participation, to improve water-use efficiency and protect aquatic ecosystems; and
2. Sustainable watershed practices in North America that relate to promoting water quality.

#### Sound Management and Tracking of Hazardous Waste

The proper management and movement of hazardous waste is important to human health and the environment. In North America there is a significant trade in hazardous waste destined for recycling and disposal operations. We are continuing development of a compatible, North American approach for environmentally sound management of hazardous waste,

including pilot projects to track hazardous waste movement. We directed the Secretariat to execute the work identified in a Resolution adopted today concerning the environmentally sound management and tracking of hazardous wastes and hazardous recyclable materials and wastes of mutual concern. We also note the need for collaboration and capacity building with our customs agencies.

#### **Articles 14 and 15 Submissions on Enforcement Matters**

The submission process established under Articles 14 and 15 is a key component of the North American Agreement on Environmental Cooperation (the "NAAEC"). Since the entry into force of the NAAEC, the CEC Secretariat has received a total of 40 submissions on enforcement matters. We commend the Secretariat for its considerable progress in expediting the processing of submissions.

In Resolution 00-09, we resolved, among other things, that issues concerning the implementation and further elaboration of Articles 14 and 15 may be referred to JPAC so that it may conduct a public review. Consistent with that resolution, last year we authorized the public review of two issues, one of which involves the manner in which the scope of a factual record is defined. We expect this review to be initiated following the completion of four specific factual records, which we anticipate will occur shortly. Thereafter, our review of the operation of Resolution 00-09 will commence. With this in mind, the Parties have begun examining the appropriate review process to be applied.

#### **Environmental Enforcement and Compliance Cooperation**

Enhancing compliance with, and enforcement of, environmental laws and regulations at the national level is critical to promoting a clean and safe environment in North America, along with recognizing and supporting the use of incentives and other flexible and voluntary mechanisms that complement enforcement and compliance activities. We welcome the leadership role of the North American Working Group on Environmental Enforcement and Compliance Cooperation and JPAC in developing a draft strategic plan to promote enforcement and compliance cooperation in North America and in organizing this week's public meeting to receive feedback on this draft plan. This plan will strengthen our efforts to improve environmental border security and enhance overall cooperation. Based on our discussions we are submitting the draft strategic plan for a 60-day public review and intend to finalize and implement this plan following that review.

#### **Healthy People and Communities**

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

Over the past year, progress has been made towards developing and selecting indicators of children's health and the environment. We note this progress is a result of collaboration among the CEC and several other international organizations.

Based on the Cooperative Agenda for Children's Health and the Environment in North America we decided to prepare a first report on such indicators, to be published in 2004. Specifically, we intend to compile an initial set of twelve indicators. Other relevant indicators may be added as decided by the Parties and based on data availability. We resolved to improve continuously the quality and comparability of indicators and data across North America, and to publish a second set of indicators of children's health and the environment within five years, and periodically thereafter.

We welcome the emerging role for North America, through the CEC and its partners, to serve as a global leader in this area, and we expect the development of such indicators will contribute to the implementation of commitments made at the World Summit on Sustainable Development in 2002.

We also decided to extend the mandate of the Expert Advisory Board on Children's Health and the Environment in North America (the "Expert Advisory Board") to September 2004, and to seek its advice to ensure that issues related to children's health and the environment are addressed in an integrated fashion throughout the CEC work plan. Additionally, we welcome its advice on next steps regarding the cooperative agenda. To monitor our progress in this important area we called upon the Expert Advisory Board to work with each of our countries in preparing a report for next year regarding our progress in implementing the Cooperative Agenda on Children's Health and the Environment.

Consistent with our cooperation under the Health and Environment Ministerial of the Americas, we are inviting senior representatives of our health ministries to join us in considering the first report on indicators.

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

The CEC has shown leadership in reducing or eliminating persistent toxic substances in our environment through a series of North American regional action plans (NARAPs). To date, five NARAPs have been launched concerning PCBs, mercury, chlordane, DDT and environmental monitoring and assessment. The chlordane NARAP has now been completed and the production and use of this toxic chemical in North America has ended. The PCB and DDT NARAPs are nearing completion. The development of a NARAP on lindane has been initiated and a draft decision document on lead has been produced for public consultation.

We are pleased that a draft Phase I NARAP for dioxins and furans, and hexachlorobenzene, which emphasizes building capacity and a common North American foundation of expertise and knowledge on these substances, will be released for a 60-day public review period.

There remains, however, much work to be done. We request the SMOC Working Group to consider the path forward and to report at our next session on how the SMOC program should evolve in future years in order to reduce and eliminate, wherever possible, the threats to our environment and health from the most toxic and persistent chemicals. We also instructed it to strengthen its linkages with other relevant areas and working groups. In addition, we are pleased that the particular vulnerability of children to toxic substances continues to be taken into account by the SMOC Working Group. Finally, we note the CEC's efforts to assist Mexico in meeting its obligation under the Stockholm Convention on Persistent Organic Pollutants to develop and endeavor to implement a national implementation plan.

### **Cooperation on North American Pollutant Release and Transfer Registers (PRTRs)**

Since Mexico passed legislation establishing a mandatory PRTR program in December 2001, it has made significant progress in developing implementing regulations to put in place key components of a mandatory PRTR program. The CEC continues to support the Mexican PRTR program and to foster cooperation among the three PRTR programs for the US, Canada, and Mexico. The cooperative relationship between the Parties and the CEC helps promote compatibility among the three PRTR programs and helps provide a more complete continental picture of overall pollution and the use, management, and disposal of chemicals in North America.

### **Cooperation on North American Air Quality Issues**

We appreciate the opportunity for high-level cooperation offered through the North American Air Working Group (the "NAAWG"). This working group will play an integral role in providing advice to us on the CEC's air quality program and other air-related activities. We expect that the NAAWG will contribute to CEC air-related efforts across program areas. We support the development of a strategic plan with advice from JPAC to address air-related issues relevant to North America. We encourage the NAAWG to work with other relevant bodies, including the North American Energy Working Group, to share information and work cooperatively on air quality issues. Additionally, we note the impressive progress achieved by Mexico and the Secretariat in developing the first national air emissions inventory in Mexico.

### **Linking the Environment and Economy**

#### **Renewable Energy**

In previous sessions, we considered the environmental challenges and opportunities associated with the generation and distribution of, and trade in, energy among our three countries. We have also expressed a strong interest in pursuing increased development of renewable energy throughout North America. In response, the Secretariat has promoted a variety of efforts to foster markets and financing for renewable energy. In this session we discussed the findings of some of this work, including a CEC-sponsored investigation of the feasibility of green certificates for increasing the development of renewable energy in Mexico.

Encouraged by the potential for such domestic mechanisms, we directed the Secretariat to develop a background paper on existing green certificate policies and programs within each country and to engage the Parties in a dialogue on possible next steps in this area. Moreover, we authorized the Secretariat to propose a future course of work to promote other mechanisms to increase renewable energy development in North America. This might include further work to harmonize methods for calculating the environmental benefits of renewable energy and to develop additional information about

available and potential renewable energy resources in North America.

### **Corporate Environmental Stewardship**

We recognize the importance of public-private partnerships in promoting voluntary initiatives to attain higher levels of environmental protection throughout North America. We acknowledge the CEC's work in this area, including: the initiation of the North American Green Purchasing Initiative; support for the North American Pollution Prevention Partnership; and the publication of the guidance document *Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems*.

We direct the Secretariat to review, along with the Parties, best practices on voluntary corporate environmental stewardship, and how it can be advanced within the CEC work program, and also to engage the views of industry, the financial sector, and environmental advocacy groups in the continuing analysis. We encourage the Secretariat to provide information on best practices in the business community and related work of other organizations, and to identify activities that could increase environmental leadership.

### **Disclosure of Financially Relevant Environmental Information**

We believe it is essential to enlist private sector financial markets in support of the sustainable development of our countries and recognize the work of the Secretariat and the advice provided by JPAC on this issue. To that end, it is desirable to improve information linkages among the banking, securities, and investment communities, the environmental community and the full range of suppliers of goods and services.

A key step is to enhance the availability of financially relevant environmental information. We encourage the Secretariat to continue to explore voluntary mechanisms through which environmental information can be made easily available to, and useful for, financial analysts and investors.

We note that Mexico has proposed to host a meeting between environmental ministries and representatives of relevant financial regulatory authorities.

### **North American Green Purchasing Initiative**

Green purchasing by the Parties accounts for a relatively important portion of the goods and services produced annually in North America. The CEC has created the North America Green Purchasing Initiative (the "NAGPI"), and has taken initial steps to bring together representatives of key green purchasing programs across North America, document the level of green purchasing, and identify some success stories.

We directed the Secretariat to work with the Parties and the NAGPI towards the development of a green purchasing action plan, consistent with national and international obligations of the Parties.

As part of that plan, the Secretariat should work with the Parties and the NAGPI to identify tools, priorities, and best practices to facilitate green purchasing, and to explore the willingness of the Parties to identify specific product categories for possible priority attention in the 2004 work program. In keeping with CEC practice, discussion of the plan will include stakeholder input.

### **Trade and Environment**

In our 2001 Regular Session, we decided to explore with our trade counterparts the possibility of convening a joint meeting between the CEC and the North American Free Trade Commission.

We believe there are trade and environment matters that merit discussion. We thank our officials for their continuing efforts in developing a detailed agenda for a possible trade and environment ministerial meeting. We have requested the NAAEC Article 10(6) working group, at a senior level, to report back to us on a proposed agenda and their work on crosscutting trade and environment issues of concern before the next Council Session.

### **Ten-year Retrospective of NAFTA/NAAEC**

The year 2004 marks the tenth anniversary of the entry into force of the North American Free Trade Agreement ("NAFTA") and the NAAEC. We have announced our intention to undertake a retrospective of the implementation of the NAAEC, as well as an assessment of the environmental effects of NAFTA, and we are nearing completion of the selection of members who will comprise the independent ten-year review and assessment committee. We look forward to the results of their review to guide our work over the next decade.

In light of the tenth anniversary of the NAFTA, other such retrospectives are occurring. We were pleased to receive preliminary assessments from expert observers on the lessons learned from our efforts at North American environmental cooperation.

#### **CEC Budget and Next Meeting of Council**

The Parties will continue to support the CEC in the amount of US\$9 million for the year 2004. We will meet in June 2004, in Mexico, for the next Regular Session of Council.

*The CEC was established by Canada, Mexico and the United States to build cooperation among the NAFTA partners in implementing the North American Agreement on Environmental Cooperation (NAAEC), the environmental side accord to the NAFTA. The CEC addresses environmental issues of continental concern, with particular attention to the environmental challenges and opportunities presented by continent-wide free trade. The Council, the CEC's governing body, is composed of the federal environment ministers (or equivalent) of the three countries, and meets at least once a year. Attending this tenth session of Council was Canadian Environment Minister David Anderson, Mexican Secretary for Environment and Natural Resources Victor Lichtinger, and US Environmental Protection Agency Administrator Christine Todd Whitman. The Joint Public Advisory Committee (JPAC) is a 15-member, independent, volunteer body that provides advice and public input to Council on any matter within the scope of NAAEC.*

For more information on any of the topics reviewed by Council, visit <[www.cec.org](http://www.cec.org)>.