

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

**21–23 June 2004
Puebla, Mexico**

SUMMARY RECORD

The Council held its Eleventh Regular Session on 21–23 June 2004, in Puebla, Mexico. Alberto Cárdenas Jiménez, Mexico's secretary for environment and natural resources chaired the meeting. Michael Leavitt, administrator of the US Environmental Protection Agency and Norine Smith, assistant deputy minister for Environment Canada, represented the United States and Canada, respectively. William Kennedy, executive director, represented the Secretariat. Julie-Anne Bellefleur, Council secretary, acted as secretary for the session. Other delegates and special invitees were also in attendance (see Annex A).

Welcoming Reception and Official opening of the 11th Regular Session of the Council

During the welcoming reception on 21 June, Secretary Cardenas officially opened the session. He extended welcoming remarks to his counterparts and members of the public and thanked the Governor of the State of Puebla for his hospitality. He also extended a special thank you to members of the Joint Public Advisory Committee (JPAC) and the national and governmental advisory Committees (NACs and GACs) for their valuable and unbiased work in promoting the participation of civil society in strengthening cooperation through the CEC. He conveyed the Council's recognition to the Ten-year Review and Assessment Committee (TRAC) for their excellent work in the development of their report to be used as a fundamental element of the Council's deliberation on the future of the CEC. He stressed the need to set a new course for the CEC's work over the next ten years drawing from the positive effects of economic growth on sustainable development. He also underscored the need to move quickly toward the development of consensus and public policies for sustainable development, taking into account the economic, social and environmental nexus. To this end, he noted the importance of developing an integral and transversal program to strengthen participation of various levels of government, companies and society in order to strengthen the North American region, such as educational programs, financing of environmental infrastructures, capacity building, sharing and development of information technologies, fostering green markets and the use of renewable energy. In closing he reported on the recent adoption of a new regulation in Mexico for a mandatory pollutant release and transfer registry and on a grant from the World Bank in the amount US\$500,000 in support of Mexico's National Implementation Plan.

Michael Leavitt, administrator of the United States Environmental Protection Agency, indicated that he was delighted to attend his first meeting of the CEC in such a beautiful setting. He expressed his eagerness to engage with his counterparts on setting a new direction for the work of the CEC and identify opportunities and challenges for protecting and enhancing the North American environment. He announced the launching of the *Mexico City Diesel Retrofit Project*—EPA's first

international retrofit project aimed at reducing emissions of particulates and other pollutants by as much as 90 percent or more in a fleet of twenty diesel buses. Noting that the fine particulate matter and other emissions from older diesel-powered trucks and buses are known to pose serious public health concerns and are a major cause of air pollution in Mexico City, he expressed confidence that this pilot project will help improve air quality for Mexico City's residents.

Norine Smith—representing Minister David Anderson, who was unable to attend this session as it coincided with the final stage of Canada's federal election campaign—announced Canada's intention, as host of the Council's next regular session, to hold the meeting in Quebec City during the week of 20 June 2005. She underlined the contribution of civil society, academics and others who have made the CEC a meeting place for citizens of North America. Recognizing that many environmental issues cannot be solved by one nation acting alone, she reiterated Canada's confidence in the CEC as forum to facilitate regional action, which has helped broaden and deepen Canada's environmental relationship with their NAFTA partners. In closing, she expressed hope that ten years from now, Council would look back at this session as an important milestone in shaping a strong future for regional environmental cooperation.

Thomas Mulcair, minister of the environment for the Province of Québec, underscored the importance of this session as an opportunity to take stock of the CEC's successes and consider areas where improvements are required. Among the many success stories of the CEC, he touched upon some of the CEC's initiatives as key elements of the role played by this institution over the years in the development of a North American environmental approach (i.e., the Sound Management of Chemicals program, Indicators of Children's Health and the Environment, the Article 13 report on electricity restructuring and reports on North American Releases and Transfers).

Donna Tingley, JPAC chair, thanked the governments of Mexico and of Puebla for their wonderful hospitality and the beautiful setting. She extended a warm welcome to all participants and to former JPAC members in attendance. On behalf of the Joint Public Advisory Committee she thanked the public for their engagement in the JPAC workshop on the future of the CEC held earlier in the day and indicated that JPAC was very much looking forward to presenting the results of the workshop to Council. Noting that these annual Council meetings provide a wonderful networking opportunity, she encouraged the participants to seek out JPAC members for discussion and exchanges in the course of the session.

William Kennedy, CEC executive director, welcomed everyone to the eleventh regular session of the Council and expressed his enthusiasm at taking part in the celebration of the 10th anniversary of the CEC. He indicated that he would be presenting a thorough report of the CEC's accomplishments over the past ten years during the public meeting the following day and then turned to the Governor of the state of Puebla, thanking him for his hospitality.

Melquíades Morales Flores, governor of the state of Puebla, expressed great pride in welcoming everyone to the historic city of Puebla, Cultural patrimony of Humanity. He wished all participants every success throughout their meetings in strengthening environmental cooperation between Canada, Mexico and the United States.

Public meeting

The public meeting was opened by Secretary Cardenas, who extended welcoming remarks to the public and his Canadian and US counterparts. The executive director presented highlights of significant initiatives undertaken by the CEC over the past ten years, a copy of which can be found as Annex B. Following an introduction by the JPAC chair on the conduct of the session, JPAC members reported on the results of the public workshop on Future Directions for the NAAEC, held the previous day. Jane Gardner presented the results of the plenary session on the North American Environmental Agenda. Gustavo Alanis-Ortega summarized the outcome of the plenary session on Environmental Goals and Objectives of the North American Free Trade Agreement (NAFTA). Donna Tingley presented the results of the plenary session on NAAEC Institutions and Public Involvement. These reports were followed by statements by pre-selected presenters on the future of the NAAEC and a report by a representative of the public on the results of the Networking Session. A summary of all interventions made during the public portion of the session can be found in Annex C.

Private meeting with TRAC

At the onset of their in-camera session, Council members met privately with members of the independent Ten-year Review and Assessment Committee (TRAC) for a discussion on the findings and recommendations of the TRAC report. The Council thanked the members of the TRAC for their valuable work and presented each member with a token of their appreciation.

Item 1 Opening of the Council's in-camera session: Adoption of the agenda

The Council adopted the agenda for their in-camera session based on the provisional annotated agenda (Annex D)

Item 2 The NAAEC after 10 years

Council members exchanged views on the future direction for the CEC, taking into account the findings and recommendations of the TRAC report. Recognizing the invaluable contribution of the Secretariat, the JPAC and CEC working groups, they agreed on the need to streamline and focus the CEC's work toward generating concrete, measurable results. To this end, they committed to grounding the CEC's work, starting in 2005, in results-oriented strategic plans in three priority areas: information for decision-making, capacity building, and trade and environment.

Acknowledging that capacity building needs are especially important for Mexico, the Council members agreed on the need to focus on institutional capacity building and on a strong role for the CEC in assisting governments, the private sector, environmental organizations, academia, indigenous and local communities in strengthening the capacity for sound environmental management. They also agreed that the CEC should play a strong role in promoting partnerships with other levels of government, including local governments, environmental groups, academics, the private sector, indigenous and local communities, and civil society.

The executive director assured Council of the Secretariat's full support in implementing the Puebla

Declaration and the TRAC recommendations, as the Parties may direct. Bearing in mind the TRAC's recommendation relating to partnership and leveraging of additional resources, he referred to the importance of enlarging the CEC's constituencies and expanding partnership and ownership of the continental agenda as key elements for the realization of the Council's goals. He presented some ideas for the expansion of partnership opportunities with organizations from the multilateral development agencies and institutions and the business sector, and offered to present the Parties with a partnership strategy directed to the three priorities, for consideration by the Alternate Representatives as they develop the CEC's strategic plans in the Fall. A copy of the executive director's presentation can be found as Annex E. The Council thanked the executive director for his presentation and agreed on the importance of defining the CEC's strategic and operational plans based on the new priority areas before considering a partnership strategy.

Item 3 Other issues

No other issues were discussed under this item.

Item 4 Joint meeting with JPAC

Following welcoming remarks by the Mexican Council member and an introduction by JPAC members in attendance, each member was invited to present their preliminary views on future directions for the NAAEC.

Donna Tingley addressed the TRAC's recommendation relating to governance, and more specifically the relationship between the Council and JPAC. Alluding to the link between JPAC's openness and accountability and public participation as a mechanism of the NAAEC that allows citizens to provide their advice to decision-makers, she recognized that such input may at times create some discomfort for Council. She underscored the importance of the public educational function vis-à-vis democratic processes and working in a consensus-style, and of this legitimate forum for public discussion of key issues affecting the environment in the three countries. In terms of effectively engaging the ministers and the Alternate Representatives, she underlined the importance of regular and open communications, and suggested that one way to communicate more effectively would consist of giving JPAC an opportunity to provide input in the development of the Operational Plan at the conceptual stage. She welcomed the Alternate Representatives' plan to hold four meetings in the fall, including a joint session with JPAC.

Jane Gardner briefed Council on JPAC's preliminary views vis-à-vis the new direction for the CEC in the context of the TRAC report, noting that an advice on this issue would soon follow. She expressed JPAC's full support for the renewed vision and assured Council of their cooperation. She indicated that JPAC was in agreement on a set of priority recommendations and that they would explore ways to improve public involvement. Referring to the mediation step in the citizen submission process to facilitate the resolution of enforcement matters recommended by the TRAC she indicated that further discussion was required on this issue among JPAC members before an advice could be provided.

Merrell Ann Phare presented JPAC's views on the development of a five-year Strategic Agenda as per TRAC's recommendation 8. Referring to the controversial roles of the ministers when acting

both, as Council members and Party, she suggested that Council members—in their capacity as heads of the institution—are in a unique position to look at continental needs. She expressed the view that the development of a continental cooperative agenda had been overlooked in the past because of domestic processes and pointed to the Articles 14/15 process and the Council's decision to narrow the scope of the review as an evidence of domestic influence and an apparent conflict of interest (i.e., as Council members act as both judges and jury). She questioned whether these factors could also have played in the lack of progress in the development of model rules for dispute resolution (Part V) and the negotiations pertaining to transboundary environmental impact assessment. In closing, she emphasized the importance of water issues and of building capacity at a continental level to deal with environmental issues, in addition to domestic institutional capacity.

Gustavo Alanis-Ortega echoed his colleagues' comments relating to Articles 14 and 15 and suggested that the Parties, the Secretariat and JPAC work jointly and constructively in furthering the process for submissions on enforcement matters, and more specifically in relation to the perceived conflict of interest and limiting the scope of factual records. He referred to the *Metales y Derivados* and *Cozumel* submissions as positive examples of how the process can make a difference and lead to corrective measures. He then turned to the budget issue outlining two of the TRAC's recommendations: (1) *A Renewed Commitment to the CEC as an Innovative Institution*, which in his view not only implies the renewal of political will, but also a financial commitment, and (9) *Ensuring and Leveraging Sustainable Funding*. Based on these recommendations, he invited the Council to provide their views as to how the TRAC's recommendations can be implemented. He also urged Council not to leave Puebla without achieving compromise on the level of funding for the CEC in 2005, in order to avoid bad perception. Referring to budgetary constraints on the part of the Mexican government and the possible reduction of their contribution to 2004 budget, he asked how these restrictions would impact the CEC's work. Finally, referring to the \$40,000 decrease in the JPAC's budget for 2004 and the abolition of NAFEC, he expressed JPAC's concern about the impact these cuts will have on public participation.

Nelly Correa addressed recommendation 3 of the TRAC report—*Advancing Our Knowledge of Trade and Environment Linkages*. Considering that this issue is at the core of the CEC's mandate, she expressed JPAC and the public's misunderstanding vis-à-vis the lack of meaningful progress by the Parties in strengthening their relationship with the Free Trade Commission. Referring to the May 2004 meeting of the Article 10(6) Environment and Trade Officials in Akumal, Mexico—during which the Parties considered a list of priorities for the development of a strategic plan for Trade and Environment—she underscored the relevance of environmental and ecosystem services, renewable energy and conservation of biodiversity. While JPAC was appreciative of the subsequent briefing provided by the United States' Alternate Representative, she expressed concern that JPAC had not been invited to the meeting, despite the willingness expressed by Council in December 2002 to invite a JPAC representative for a portion of these meetings. Finally, she inquired about the status of the Trade and Environment ministerial meeting—to which Council had initially committed itself in June 2001—and drew attention to JPAC's numerous advice relating to potential topics for consideration in the development of an agenda for this meeting. She suggested that it may be useful for the Parties to consider the involvement of other departments/agencies in CEC meeting, as opposed to limiting participation to trade counterparts.

Dinkerrai Desai spoke on Transboundary Environmental Impact Assessment (TEIA). He cited an

extract of the winter 1999 issue of the CEC's North American Environmental Law and Policy Series—which provides a comparative overview of the federal environmental impact assessment processes of the three countries—about a requirement of the Canadian Environmental Assessment Act that “every environmental assessment should consider measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project”. He underscored the importance of building the Parties' efforts on good inventories in order to produce high-quality environmental impact assessments. However, considering the high costs associated with data gathering, he suggested that readily available data be used, such as the air emissions inventory.

Carlos Sandoval spoke about recommendation 13 of the TRAC report—*Building the CEC Constituency*. He stressed the importance of involving the private sector at the trinational level and fostering their participation in CEC activities so as to improve means of communications between the business sector and the public. He suggested that a greater number of representatives from the industrial sector should be invited to participate in CEC meetings. To that end, he proposed the creation of an information center of environmental events in North America and suggested that, to the extent possible, CEC activities be planned in parallel to other events attended by representatives of the business sector so as to foster their participation and strengthen their interaction with the public. He noted that the experience of small and medium-size enterprises in Canada and the United States could be helpful as Mexican business as strive to comply with the new regulation that is being implemented in Mexico. Finally, he encouraged the CEC to work jointly toward securing access to outside sources of funding, such as the World Bank, the Inter-American Development Bank, the Global Environment Fund, etc.

Dan Christmas indicated that JPAC was in the process of developing an advice to Council on the involvement of indigenous peoples. He mentioned that one of the suggestions being contemplated would consist of encouraging the Parties to consistently nominate indigenous representatives to the JPAC and the National and Governmental Advisory Committees (NACs and GACs) so as to create a permanent indigenous presence in the CEC. Another suggestion relates to the creation of a new permanent position within the Secretariat—to be staffed by an indigenous person—whose main responsibilities would consist of exploring capacity building initiatives, guiding policy relevant work and developing an agenda for indigenous peoples within the institution.

Mindhahi Bastida-Muñoz provided an overview of the process that led to the development of the Article 13 report on Maize and Biodiversity. He underlined the sensitive aspects of this topic given its cultural, spiritual, environmental, economic, social and health implications. For the sake of transparency and avoiding friction between governments and the society, he called upon Council to release the report as soon as possible. Upon release of the report JPAC will be in a position to provide its advice to Council. He conveyed JPAC's conviction that Article 13 is a fundamental mechanism for public participation, and underscored the importance of building on lessons learned throughout the evolution of the CEC.

Judith Ayres, on behalf of Administrator Leavitt, thanked the JPAC members for their thoughtful comments. She acknowledged the extraordinary work of the TRAC and reiterated the Council's commitment to streamlining the process and expressed confidence in the Executive Director's ability to help Council define a process that will take the conclusions of the report into action. She expressed her view of JPAC's role as being broader than the “conscience” of the CEC, but also as the voice of the

public vis-à-vis the governments, an aspect of the JPAC's mandate that is achieved effectively. She underscored the importance of aligning the CEC's budget with the mandatory provisions of the agreement and the priorities established by Council before determining the appropriate level of funding. As a final comment on the Article 13 report, she underscored the importance of acknowledging what the steps of the process are and that the Parties be provided with all the facts surrounding the process.

Referring to Donna Tingley's suggestion that JPAC input be provided at the conceptual stage, **Norine Smith** noted the importance of distinguishing between the notion of "depth" and "breadth." She agreed with the TRAC's recommendation that "depth" should be favored in order to allow the production of well researched, well documented and objective analytical pieces that the Parties need in order to take the work of the CEC back to their domestic policy framework and implement it. Recognizing that "water" is a critical issue, both domestically, continentally and globally, she conveyed Canada's diverging view with the TRAC's recommendation on this topic. Bearing in mind the importance of getting maximum value from the CEC, she expressed doubt as to whether the CEC—as a trilateral institution—is the most appropriate body to address these questions. Referring to the public's plea for an increased budget she exposed the difficult choices governments need to make as they are constantly faced with important budget cuts and invited JPAC to consider other avenues. She reiterated that Canada highly values JPAC's advice and indicated that she looked forward to the formalization of their next advice.

Reflecting on the close relationship between the Secretariat and JPAC, **William Kennedy** assured JPAC of the Secretariat's continued support in ensuring an efficient liaison between the two bodies. Recalling that one of JPAC's main functions—in addition to providing advice to Council—includes the provision of information to the Secretariat, he indicated that he looked forward to a stronger information flow from JPAC to the Secretariat.

Secretary Cardenas underscored the invaluable contribution of past and present JPAC members over the past ten years in enlightening the CEC's course. Noting that few international organizations allow an opportunity for direct contact between the public and governments, he expressed his appreciation of this communication tool within the CEC as a means of strengthening democratic practices and fostering an open dialogue and transparency of information. Concerning the budget, he underscored the need for establishing the priorities and long-term vision before setting the budget level. He expressed confidence that an outside funding strategy—such as the one proposed earlier by the executive director—could provide additional room to maneuver. Concerning Mexico's contribution to the CEC for 2004, he informed JPAC that further to the recent release of additional moneys, Semarnat was now in a position to pay its total contribution, leaving an outstanding balance from last year. He also expressed confidence in JPAC's creativity to suggest other safe sources of financing in line with the Council's objectives. Concerning the possible Environment and Trade ministerial meeting, he welcomed JPAC's suggestions of potential topics for the development of an agenda, and expressed hope that the Parties will be in a position to agree on a date for a meeting. Concerning TEIA he indicated that Mexico was in the process of endorsing a number of information systems projects on the US-Mexico border. He also welcomed Carlos Sandoval's suggestion to make CEC meetings coincide with other events so as to increase the presence of the private sector. Finally, concerning the Article 13 report on Maize and Biodiversity, he alluded to some gaps in the Mexican legislation and expressed hope that a law on biosafety would soon be passed by Congress.

Item 5 Adoption of Puebla Declaration

The Council adopted the Puebla Declaration, and it would be signed in the presence of the media at the onset of the press conference (Annex F)

Item 6 Transgenic maize in Mexico

This item was not discussed.

Item 7 Preparation for the press conference

The Council briefly reviewed arrangements for the press conference.

Item 8 Concluding remarks

In closing the session, the Council agreed that the immediate next step would be to develop a strategic plan for each of the three priorities by the end of December 2004. The chair also took the opportunity to assure the executive director of the Council's support as he sets up an efficient structure for the Secretariat and assists Council in making the new vision a reality. Administrator Leavitt and Norine Smith, on behalf of Minister Anderson, expressed their appreciation for Mexico's gracious hospitality and thanked Secretary Cárdenas for his efficient chairing of the meeting. Noting that Canada would assume the chairmanship for the next twelve months leading the twelfth regular session of Council, to be held in June 2005 in Quebec City, Secretary Cárdenas reiterated his pride for having been given the opportunity to welcome everyone to his homeland and thanked all participants for having contributed to the success of this session.

Liste des délégations – Lista de delegaciones - List of Delegations

XI^e session ordinaire du Conseil, 21, 22 et 23 juin 2004, Puebla, Mexique
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**Report of the Executive Director
Commission for Environmental Cooperation**

**Report as of 27 May 2004, for presentation at the
Eleventh Regular Session of the CEC Council**

Puebla, Mexico
22–23 June 2004

1 Introduction

The year 2004 truly marks a watershed for the Commission for Environmental Cooperation. It is the tenth anniversary of the North American Agreement for Environmental Cooperation and the CEC Council, equipped with the report and recommendations of the independent *Ten-year Review Advisory Committee*, and the advice of the public, and the National and Governmental Advisory Committees, is set to chart a new path for the CEC as we enter the next ten years.

The Secretariat, with a new executive director and a new way of looking at the program of work, is ready to meet the challenge of change and looks forward to working with the Parties, our many partners in each of our three countries, and the North American public to accomplish the continuing mission of the CEC.

New focus for 2004–2006

As profiled in the recently concluded Operational Plan for 2004–2006, the strategic approach initiated this year brings a new focus to the CEC. The Operational Plan is structured around four mutually-supporting Program Goals:

1. To foster understanding of the state of our environment and its relation to the economy and trade in North America.
2. To act as a catalyst to improve domestic law and policy and enhance environmental enforcement and compliance across North America.
3. To mobilize international cooperation to resolve critical North American environmental issues.
4. That all CEC activities strive to provide a forum for public dialogue and participation concerning environmental issues in North America.

Highlights since June 2003 Council Session

Among the highlights of this year's accomplishments are:

Making progress on hazardous waste management

- The Secretariat report on opportunities to improve the tracking of transboundary hazardous waste shipments in North America will be finalized this summer after comments received from the US government have been incorporated.
- The Parties have been working with the Secretariat on a follow-up report that will identify the potential points of operational compatibility in the countries' hazardous waste databases and tracking systems.
- A priority wastestream of common concern has been identified, and an outline of steps to address the environmentally sound management of spent lead acid batteries has been developed for review by the Parties.

- A draft report on hazardous waste capacity building needs in Mexico was finished and is being reviewed by Semarnat.

Conserving biodiversity

- The Biodiversity Conservation Working Group has identified 12 priority areas in which to start immediate implementation of the Biodiversity Conservation Strategy. The grasslands and Bering to Baja priority regions—two of 14 priority regions overall—are providing a common framework for the integration of the numerous CEC biodiversity projects.
- At the ecoregional scale, the CEC's map of B2B Priority Conservation Areas has served as the foundation for implementing the first regional network of marine protected areas.
- Three marine migratory species were selected by a trilateral team of experts for cooperative North American Conservation Action Plans to deal with continental threats to the species and ensure their long-term protection. The three species are: the leatherback sea turtle, the humpback whale, and the pink-footed shearwater.
- An analysis of the potential economic and ecological impacts of invasive algae and seaweeds has been developed, offering technical and policy recommendations for early detection, control and eradication.

Addressing the impacts of pollution on the environment and human health

The first three of these items are intended to help focus and direct priority and budget setting over the next five years:

- The North American Air Working Group has finalized a strategic framework as a basis for setting future priorities related to CEC air quality work.
- At the request of Council in June 2003, the SMOC Working Group is finalizing a 'future directions' paper for Council's consideration.
- A biennial review of the Children's Health and the Environment initiative is being completed.
- The *Taking Stock 2001* report, released in early June, compares data submitted to the Canadian and United States federal governments by 21,254 facilities in the two countries, which monitor their releases of 204 toxic chemicals, including carcinogens and neurotoxicants to the air, land and water, that are reported to both national PRTR programs. According to the data, 46 of the top 50 air polluters in North America were power plants. The sector generated 45 percent of the 755,502 tonnes of toxic air releases in 2001, with hydrochloric and sulfuric acids being the chemicals most commonly released from the burning of coal and oil. Power plants also accounted for 64 percent (43,384 kg) of all mercury air emissions, mainly from coal combustion.

Strengthening partnerships

The past year has seen continued work with partners in pursuit of CEC and North American environmental objectives:

- The Secretariat is collaborating with the North American Pollution Prevention Partnership to exchange information and expertise in clean production. One initiative under discussion is to seek the compliance of the electronic manufacturing and importing industry with the highest standards for use of hazardous substances.
- The CEC has been identified as the ‘executing agency’ for a GEF project to assist Mexico in developing a National Implementation Plan to meet the country’s obligations under the Stockholm Convention on Persistent Organic Pollutants.
- The capacity building stage for a trinational POPs biomonitoring project under the environmental monitoring and assessment NARAP is being launched with financial support from the World Bank.
- The CEC is partnering with the World Health Organization (WHO), the International Joint Commission (IJC) and the Pan American Health Organization (PAHO) in the development of the first North American report on indicators of children’s health and the environment, a project that contributes to the global initiative in this area launched at the World Summit on Sustainable Development (WSSD).
- The Secretariat has also been active in its discussions with other multilateral financial institutions and the private sector to explore opportunities for partnership.

Maize and biodiversity

- The CEC hosted three meetings of the Article 13 Advisory Group on Maize and Biodiversity. One meeting was to prepare the symposium that was held in Oaxaca on 11 March 2004. The Advisory Group then met on the following day to start the process of writing key findings and recommendations. Another meeting was held in April in conjunction with the Pew Trust and Fumec (United States-Mexico Foundation for Science) initiatives on gene flow and transgenic maize in Mexico, to assist cooperation between the two projects.
- The public symposium held in Oaxaca was considered successful by many in helping the public understand the major issues and in providing a forum for their comments on the issues. A draft of the Secretariat report was sent to the Parties on 13 May and the final English version of the 10-chapter background document, after comments from the Parties are addressed (these comments can be found on the CEC web site), will be made available prior to the Council meeting. The process took longer than expected because of the controversy surrounding transgenics in general, and more particularly, on transgenic maize in Mexico. The Advisory Group did much to resolve the atmosphere of controversy surrounding the topic and promote a constructive debate.

2 Achieving CEC goals

Goal 1: Foster understanding of the state of our environment, and its relation to the North American economy

Objective A: The public and the Parties have improved understanding of the state of and outlook for the North American environment and its relation to human and ecosystem health

Facilitating data harmonization and information sharing and promoting integrated monitoring across North America to foster a better understanding of the current status of the North American environment

North American partnerships for environmental information

Opportunities for collaboration with major environmental information initiatives in North America have strengthened the common use of standards and protocols. The North America Atlas Frameworks resulted from the shared common interests in using maps to characterize and portray the North American environment, places, and people; enhancing data harmonization and information sharing. As a first step, a new map of North America was developed through cooperation between the CEC and the federal mapping programs in Canada, Mexico, and the United States. The new North America map is an essential reference, carefully constructed and integrated to provide a reliable framework for future mapping efforts, designed to enhance access to environmental information.

PRTR

The *Taking Stock 2001* report is completed and will be released on 2 June 2004. A special feature report, *Taking Stock: Toxic Chemicals and Children's Health in North America*, has been prepared in draft and put on the CEC web site for public comment. An expert panel will be convened to review the draft, which will then be revised and updated with a view to publication in late 2004. Work is continuing to improve the comparability of PRTRs in North America. Specific attention is being given to the mining sector at this time.

Air

Exchanges among air quality managers within North America. The CEC supported the participation of Mexican government air quality professionals in attending two North American meetings on air emissions inventory development in 2004.

Enhance air monitoring capacity in Mexico. The CEC co-sponsored with Semarnat a November 2003 meeting in Mexico on a national air monitoring network and supported the participation of air monitoring experts from Environment Canada and Mexico.

Mexico National Air Emissions Inventory. The final 1999 air emissions inventory for the six northern Mexico states was completed in May 2004 based upon revisions after a public comment period on the draft inventory. Further work is now underway to extend the inventory to the rest of the country, with completion targeted for the end of 2004.

Report on air emissions from electric generating stations. The CEC compiled publicly available 2002 air emissions information from electric generating stations in Canada and the United States and is in the process of collecting similar information from Mexico. A draft report based on this information will be developed by mid-2004 and provided to the governments for review.

Electronic linkages among air inventories. In March 2004, the CEC received the final report assessing the

potential for electronically linking and accessing remote databases containing North American air emissions information. Initial results had been presented at a North American workshop on Innovative Methods for Emission Inventory Development and Evaluation in October 2003.

Methodologies to assess exposure to vehicle exhaust. In September 2003, the CEC air project organized and facilitated the second Workshop on Methodologies to Assess Vehicle Exhaust Exposure. The two-day workshop, held in Montreal, brought together experts from all three countries to discuss and draft a review paper on best practices in evaluating population exposure to air pollution along major traffic corridors and at congested border crossings. A review paper on the “state of the science” in exposure assessments based on the workshop discussions is currently in preparation and will be submitted to a peer-reviewed journal.

Best available technologies for air pollution control. The CEC held a November 2003 workshop in Montreal on best available technologies for air pollution control. A project team developed a series of case studies for training air quality permit engineers to evaluate control options for new and existing sources, with an emphasis on how to access available information and experiences from North America and elsewhere.

Overview of air quality management systems in North America. The CEC circulated a draft report on air quality management systems in North America to the governments through the North American Air Working Group for review and comments. Final comments were received in April 2004, and the report is now undergoing revision.

Assessing the impacts of environmental degradation on human and ecosystem health in North America and disseminating assessment results to decision makers and the public

Children’s Health and the Environment

Significant progress has been made toward completing the first report on indicators of Children’s Health and the Environment in North America, as directed by Council Resolution 03-10. A successful experts’ meeting was held in March 2004 to obtain input on a first draft, and a revised draft will be circulated for public comment in mid-2004. The report is slated for publication in fall 2004. As a collaborative regional effort, it will be the first of its kind worldwide and represents a contribution to the global children’s environmental health (CHE) indicators partnership that was endorsed during the World Summit on Sustainable Development. The indicators report will help establish a baseline for CHE work among the three countries, will identify specific opportunities for improvement in data collection and surveillance systems, and has clear policy applications.

In mid-2003, an Asthma Surveillance Steering Group was formed and a background paper prepared as the basis for an experts’ workshop on developing a framework for asthma surveillance. This workshop was held in November 2003, involving governmental officials, researchers and members of the Expert Advisory Board. The workshop had several important results: information exchange among the three countries; agreement on the value of collaboration on childhood asthma surveillance and research, including the notion of a sentinel population; a call for the creation of a dedicated group of experts to help guide the work of the CEC in this area; and a recommended role for the CEC to act as a clearinghouse to share information and expertise and support the network of experts.

The CHE Expert Advisory Board has played an important role in ensuring that children’s health issues are incorporated into the SMOC program, largely through direct participation in SMOC meetings and events; in particular: planning for the blood sampling of women of childbearing age to monitor for selected toxic substances under the environmental monitoring and assessment NARAP and involvement in the preparation of the NARAP for lindane.

A draft special feature report in the *Taking Stock* series, which looks particularly at carcinogens and developmental and neurotoxicants of concern to children, has been prepared and released for public comment and will be finalized in late 2004.

Finally, as called for in Council Resolution 02-06, *The Cooperative Agenda for Children's Health and the Environment in North America*, our blueprint for collaborative action to address environmental risks to children's health, has undergone a biennial review. The results of this review are expected to be presented to the June 2004 Council Session to establish a renewed and more focused direction.

Mexico has put in place a new management team that is reassessing CEC-related priorities, including ongoing participation in this work.

Objective B: The environmental effects of liberalized trade are understood, communicated to trade officials and the public, and help inform new Agreements

Developing a strategic plan for the Environment, Economy and Trade Program

A meeting of the [Article] 10(6) Environment and Trade Officials Working Group was held on 10 March 2004, in Oaxaca, Mexico. Government officials from Canada, Mexico and the United States attended the meeting and discussed a list of priority areas proposed by the United States for a CEC strategic plan on trade, economy and the environment. They met on 3 May 2004, in Akumal, on the margins of the Alternate Representatives' retreat, to further articulate the goals and develop a list of common trilateral priority areas of the Strategic Plan, based on the proposed list of areas put forward by the United States, including any additional ideas the Parties may have. The Secretariat prepared a history of the 10(6) group, as well as an annotated bibliography to help support the Parties' deliberations. The US will circulate a revised list of priorities, this time within the format of a strategic plan that reflects the discussions in Akumal to the Parties and Secretariat soon after the meeting. The goal is to get agreement from Council on a subset of priority issues, and then have a statement from Council charging the Alternate Representatives and the 10(6) working group with developing a strategic plan.

Assessing and disseminating findings on environment/trade relationship in a transparent manner

Highlights of the second North American Symposium on Assessing the Environmental Effects of Trade were forwarded to the symposium advisory group and will be available shortly.

Many outreach efforts were conducted, including publication of a special edition of *Trio* detailing the CEC's work in agriculture for the American Agricultural Economics Association annual meeting; a presentation of CEC's assessment work at the International Seminar on Trade and Environment in Mexico City; a presentation at the Day on Trade and Environment in Cancún; participation in the High-level Round Table on Trade and Environment in Cozumel; a presentation at the Workshop on Environment and Trade-related Capacity Building Needs in Latin America; and a presentation at the Cancún Trade and Development Symposium in September.

A report on environmental impacts of the food-processing sector has been drafted and is being reviewed.

An annotated bibliography of the existing trade and environment literature is available on the web.

Agricultural experts throughout North America have been contacted to solicit their interest in being on the advisory group for the next CEC symposium, and to help the CEC develop a list of existing environmental assessments of trade liberalization in various agricultural sub-sectors in North America to help the Parties

and the Secretariat choose what other sectors, in addition to maize, beef cattle, and tomatoes, should be studied as per the 2004–2006 Operational Plan.

Communicating NAFTA lessons learned to trade negotiators and world experts

Two “environment first” meetings were conducted: one was on hazardous waste (with the law and policy program); the other was a joint meeting with SMOC on mercury in the Great Lakes.

The CEC hosted a meeting in Ottawa with Environment Canada and the Department of Foreign Affairs and International Trade to exchange our respective results and to start identifying areas of improvement.

Following a request from the Mexican government, information was provided on the coffee and palm projects leading to green trade in North America.

Goal 2: The CEC serves as a catalyst for improving domestic law and policy, and for enhancing environmental enforcement and compliance in North America

Objective A: The Parties strengthen their cooperation in the development, improvement and dissemination of information about environmental laws, policies, standards and technical requirements

Improving the understanding of regulatory and technical requirements, experiences and management techniques in selected sectors

The CEC has finished an outline of its freshwater project. The project will highlight a range of successful water quality practices in Canada, Mexico and the United States and bring together interested stakeholders and governmental agencies in each country in order to learn from one another’s experiences. It was finalized after extensive input from the three governments.

Ensuring that online information about North American environmental laws and policies is up-to-date and easily accessible

The Secretariat is working with the National Center for Manufacturing Sciences in the United States and private sector partners in Canada and Mexico on a prototype web-based border center that will supply trinational compliance assistance information on the import and export of substances and wildlife regulated because of environmental concerns. The prototype system will be reviewed by the governments to determine whether it should be part of a “Green Customs” initiative (see below).

Improving the coordination of environmentally sound management and tracking of transboundary hazardous waste in North America

The Secretariat is making steady progress in the execution of Council’s directive regarding management of hazardous waste. The draft report on opportunities to improve the tracking of transboundary hazardous waste shipments in North America was completed in January. Comments were received from the governments, an industry broker, the State of Texas, and two members of the public. The report will be finalized in June. The Parties have been working with the Secretariat on a follow-up report that will identify the interoperability potentials of the countries’ hazardous waste databases and tracking systems under consideration.

Additionally, a priority wastestream of common concern has been identified, and an outline of steps for the environmentally sound management of spent lead acid batteries has been developed for the review of the Parties.

Third, a draft report on hazardous waste capacity building needs in Mexico was completed and is being reviewed by Semarnat.

Objective B: The Parties enhance compliance with, and enforcement of, their environmental laws and regulations

Providing a forum for Parties and stakeholders to confer on issues of common concern

The North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG) has finalized its strategic plan and is scoping out initiatives on vessel pollution: training for judges in collaboration with the IUCN, the Judicial Institute, Pace University, and the three bar associations and is developing a possible effort in the area of “Green Customs.” EWG will review and determine whether to continue with the Secretariat’s work with the National Center for Manufacturing Sciences in the US and private sector partners in Canada and Mexico on the prototype web-based border center (cited above) that will give trilateral import and export compliance assistance information on regulated substances and wildlife.

The Secretariat also worked with Environment Canada to bring together intelligence officers, analysts, seasoned investigators with limited intelligence awareness, and high-level managers with enforcement supervisory duties, of the three countries in order to discuss the value and accomplishments of an integrated intelligence unit within an enforcement service. Attending were intelligence research specialists from the Office of Law Enforcement of the US Fish and Wildlife Service, wildlife officers and special investigators from the intelligence unit of Environment Canada’s Wildlife Enforcement Division, law enforcement specialists from environmental agencies of different provinces in Canada, inspectors and directors from the Wildlife Branch of Profepa and an analyst from the Mexican Federal Police.

The Secretariat also finalized a publication on strategies to combat the illegal trade of ozone depleting substances in North America and has completed a draft report on illegal wildlife trade in North America.

Goal 3: Mobilize international cooperation to resolve critical North American environmental issues

Objective A: North America’s biodiversity is conserved and used sustainably

Implementing the Biodiversity Strategic Plan through collaboration and cooperation

In June 2003, the CEC Council adopted the Strategic Plan for North American Cooperation in the Conservation of Biodiversity. This represents a landmark of cooperation among the three countries to protect our shared natural heritage. Under this plan, the Biodiversity Conservation Working Group (BCWG) identified 12 priority areas for action (Mexico City, September 2003) and the targets to implement the first five-year action plan.

During 2003–2004, work has moved from the North American scoping stage to continental- and regional-scale¹ planning, implementation and evaluation of various projects. Existing and past initiatives, such as the North American Bird Conservation Initiative (NABCI), Species of Common Conservation Concern (SCCC, marine and terrestrial), the North American Marine Protected Areas Network, and other program-related work, were considered by the BCWG as core elements for the first five-year action plan.

A mechanism to monitor the implementation and evaluate the effectiveness of the Strategic Plan is currently being developed.

Promoting cooperation for the conservation and maintenance of North American regions of ecological significance

North American Marine Protected Areas Network (NAMPAN)

Publications on marine ecoregions of North America and the Bering Sea to Baja California (B2B) Priority Conservation Region are nearing completion. The B2B information has been integrated into the CEC Geographical Information System (GIS), linking the Marine Priority Conservation Areas to the 2004 IUCN's World Database of Protected Areas and Marine Ecoregions.

Based on the B2B Priority Conservation Areas (PCA), the Marine Ecoregions classification system, and the Marine Protected Areas (MPA) management effectiveness project, stakeholders from the three countries agreed on a common framework and criteria to select “sister sites” to implement a pilot network of marine protected areas (NAMPAN) in the B2B region (Ensenada, 23 January 2004). Subsequently, stakeholders developed an action plan (San Francisco, 24–26 March 2004) for each project, which will start this year.

Grasslands Ecosystem Network (Grassnet)

In collaboration with The Nature Conservancy, a trilateral advisory group has been established to build the grasslands framework and jointly agreed to the terms of reference for guiding collaborative work. Moreover, in collaboration with **CEC's Environment Economy and Trade program**, a survey was carried out to assess whether ecolabeled, grass-fed cattle or bison have sufficient market potential to be used as part of a framework to conserve the grasslands, which are considered among the most threatened terrestrial ecosystems of North America.

Supporting decision makers

The above-mentioned grasslands information produced through the CEC, and in particular the issues and needs assessment developed in CEC's grasslands conservation framework <www.cec.org/pubs_docs/documents/index.cfm?varlan=english&ID=1246> has provided the basis for the three North American wildlife and parks agencies to create a common cooperation agenda for grasslands conservation in their trilateral meeting (Calgary, May 20).

Promoting the conservation of North American migratory and transboundary species, and other species identified by the Parties

¹ CEC Priority Conservation Regions: 1. Arctic Tundra/Archipelago; 2. Arctic Coastal Tundra/North Slope; 3. Bering Sea to Baja California/Gulf of California Coastal/Marine Systems; 4. Yukon/Yellowstone/Sierra Madre Corridor; 5. Prairies/Chihuahuan Desert Corridor; 6. Northern Forests/Softwood Shield; 7. Great Lakes/St. Lawrence Lowlands; 8. Greater Gulf of Maine/Coastal/Marine System (Nova Scotia to New England), Gulf of St. Lawrence/Grand Banks; 9. Chesapeake Bay; 10. Southern Appalachians; 11. Rio Bravo/Laguna Madre Corridor; 12. Transverse Neovolcanic Belt; 13. Maya Reef and Southern Florida Coastal/Marine Systems; and 14. “Selva Maya,” Tropical Dry and Humid Forests.

Marine and Terrestrial Species of Common Conservation Concern

At the beginning of 2004, key stakeholders from the three countries developed a common North American Conservation Action Plan (NACAP) framework and criteria for species' selection (Ensenada, 21–22 January 2004). Subsequently, marine species experts from North America developed NACAPs (San Francisco, 24–26 March 2004) for the first three species selected: leatherback sea turtle, the humpback whale, and the pink-footed shearwater. These documents are presently undergoing broad peer review. Furthermore, a species book is in its final stages of editing and translation, and the distribution maps for all the Species of Common Conservation Concern (SCCC) have been linked to the terrestrial and marine ecoregions maps.

Assessment of the conservation status of birds

The second of four workshops took place to assess the conservation status of birds of Central Mexico. The assessment for all birds in Mexico will be completed in 2004 and the information pooled with that existing for Canada and the United States. The overall result will be the first assessment of the conservation status of all birds in North America. The CEC provides the core support together with partners, including Mexico's NABCI, Conabio, *Instituto Nacional de Ecología* (INE), *Dirección General de Vida Silvestre* (DGVS), as well as the Cornell University Laboratory of Ornithology (CLO), Rocky Mountain Bird Observatory (RMBO), Partners in Flight (PIF) and Conservation International (CI). This is a necessary foundation to develop a continental-scale bird monitoring undertaking, e.g., for CEC's mandated state of the environment reporting.

Monitoring of birds

To further enhance the ability to monitor birds in North America the CEC, in coordination with the USGS and NABCI, carried out a compilation of bird monitoring initiatives in all three countries. The resulting information shall be of use in developing Mexico's first intersectoral national bird monitoring initiative. Moreover, the report on Mexico's state of knowledge on the effects of toxics on Mexican birds identified links between pesticides, persistent organic pollutants (POPs) and heavy metals, correlated with bird populations and habitats in Mexico. This report was developed in close collaboration with **CEC's Pollutants and Health program** and the resulting information was tabled at the meeting of the Trilateral Committee for Wildlife and Ecosystem Conservation and Management (Calgary, 17 May 2004), to define needs and possible solutions based on trilateral collaboration between Canada, Mexico and the United States.

Importance of Pacific and Grassland regions to birds

In support of the North American Marine Protected Areas Network (NAMPAN) initiative, the CEC and Bird Studies Canada developed a study that identified areas critical to birds for their breeding, wintering, migration or year-round range along the Pacific coast of North America. This study is being reviewed and will be posted in BSC's web site and linked to the CEC's site. It follows a similar CEC-supported study on the importance of grasslands to North America's avifauna, currently used for building CEC grasslands initiatives and accessible at www.bsc-eoc.org/grassbirds rpt.html.

Facilitating data and information sharing across North America and promoting integrated monitoring and assessment to increase understanding of the state of North American biodiversity

To directly support the CEC marine and grassland initiatives that work with species and priority conservation areas, a searchable and interoperable database was created. This database provides cross-linked information on: marine ecoregions, organizations, species information, including range maps, Priority Conservation Areas, Important Bird Areas, countries, states and major cities. The database is expandable and comprises information that will be linked to the North American biodiversity tool, the *Who's Who Directory*, in support to the NAMPAN implementation.

The partnership to monitor the ferruginous hawk, a species of common conservation concern, was increased to 15 organizations. The results were posted at <http://www.ferruginoushawk.org/>. Due to the close association of this species to the grasslands, the results from this mid-term project will provide guidance to

identify priority conservation areas. Moreover, the Ferruginous hawk is also considered an indicator species of the well-being of the ecosystem, hence its eventual expected contribution toward CEC's SOE. Since 2003, sixteen individual ferruginous hawks have been captured and satellite-telemetered: eight in Mexico, four in Canada, and four in the United States. The map, found at www.ferruginoushawk.org/research/flash_map_all.html, publicly displays the current location, or last known location of the study birds. Identifying wintering and breeding areas of these populations throughout its range limited to Canadian, Mexican and US grasslands is assisting, among other initiatives, coordination and cooperative efforts for the recovery and conservation of the species and its ecosystem.

Facilitating communication, networking, and identification and sharing of best practices, priorities, and opportunities for education and training

In view of the importance of sharing ongoing work and the results with the citizenry of North America, four information and education efforts have taken place:

- Traveling exhibit. After its opening by Council (Washington, June 2003) the CEC-led traveling exhibit, "Janos and the Grasslands of North America," was presented in the Desert Museum, Chihuahua, Mexico (September 2003), in Mexico City (January 2004), and is now scheduled to be presented in Calgary, Canada, in summer 2004.
- The printed media reported on the first three species selected to focus trinational attention.
- A web site has been created with various partners, to inform and educate a larger public about ongoing ferruginous hawk monitoring at: <http://www.ferruginoushawk.org/>.
- In support of NAMPAN and Marine NACAP, more than 700 marine scientists throughout North America are collaborating through CEC's *Marinet*, a web-based working environment.

Promoting collaborative responses to threats facing North American ecosystems, habitats and species

Threat analysis for Marine Species of Common Conservation Concern

A threat analysis report for the 16 Marine Species of Common Conservation Concern is under development. The initial CEC report has been submitted and used to develop the first three NACAPs. It includes recommendations for trilateral collaboration, like the identification of possible impacts of contaminants (pesticides, POPs and heavy metals) on bird populations.

Aquatic invasive species

An analysis of the potential ecological and economic impacts of invasive algae in the B2B region is underway. As part of CEC's commitment to public participation, the Conservation of Biodiversity program, in coordination with the **Joint Public Advisory Committee (JPAC)**, held a round table on invasive species to identify best practices in legislation, policies and management options to prevent and control alien invasive species (AIS) across North America (San Diego, December 2003). As a result of this round table, JPAC issued an Advice to Council on 9 January 2004, which included the following recommendations: 1) make this issue a very high priority for the CEC and champion action on this urgent issue; 2) direct the Secretariat to focus trilateral efforts on developing the appropriate tools to determine acceptable levels of risk and scientific uncertainty and develop policies to support and promote an understanding within the North American constituency of the "cost of doing nothing"; and 3) promote the importance of harmonizing national, regional and local inventories and databases within North America.

Based on the I3N format,² the CEC has developed a directory of projects, institutions and experts working on aquatic invasive species in Canada, Mexico and the United States. This tool was among the two priority actions identified, for immediate implementation. The “Who’s Who” directory is a web-based tool aimed at supporting decision making, planning and management, as stated on CEC’s Strategic Plan for North American Cooperation in the Conservation of Biodiversity. This electronic tool provides up-to-date, accurate information and will facilitate communication, networking, identification and sharing of best practices. The Who’s Who directory can be found temporarily at: <<http://63.246.6.17>> and will be available to the public through CEC’s web site.

Objective B: North American environmental, economic and trade policies are mutually supportive

Promoting renewable energy and energy efficiency in North America

The Secretariat responded to the Parties’ comments on the second version of the paper, *Market-based Mechanisms for Carbon Sequestration, Energy Efficiency and Renewable Energy in North America: What are the Options?* The CEC published this paper in NAFTA’s three official languages.

Proceedings of the July Technical Meeting on Approaches to Estimating Environmental Benefits of Renewable Energy and Energy Efficiency, hosted by EPA, were transmitted to the Parties for approval. The CEC has pursued ongoing work with the technical working group on the estimation of environmental benefits from renewable energy and energy efficiency. The CEC was invited to participate in a dialogue organized by the WRI on Communicating Environmental Value: a Dialogue about RECs in the Marketplace, in New York (22–23 January).

A database has been set up with an interactive map showing the capacity of each province or state for producing renewable energy, or that already installed or in the planning stages.

A presentation on the CEC’s work on renewable energy, energy efficiency, and financing and the environment was presented at the conference on Corporate Social Responsibility for the Energy Industry during July, in Houston, Texas, and at the Energy Border Meeting in Austin, Texas (23–24 October).

The CEC sponsored a Canadian stakeholder meeting related to the formation of the North American Association of Issuing Bodies (NAAIB) in Toronto, Ontario (1 October), and a conference on Forging North American Energy Security in Monterrey (1–2 April 2004).

The CEC was invited to participate in the WGA North American Energy Summit for a Secure Energy Future, in Albuquerque, New Mexico (14–16 April 2004).

Fostering understanding of environmental labeling

A draft report describing available Mexican eco-labels, lists, and other means that could be used to support procurement policies is ready, as are the draft reports on the best examples of green procurement policies supportive of development of NAGPI recommendations to the Parties. The background paper comparing the economic and environmental impacts of different definitions of environmental goods and services in the current WTO negotiation has been released.

² The I3N Cataloguer has been developed by IABIN, to assist in the inventory of invasive species data and information. See <<http://www.iabin-us.org/>>.

Encouraging disclosure of relevant environmental information

Following earlier collaboration with the UNEP-sponsored Financial Initiatives—North American Task Force (NATF), the CEC participated in the NATF meeting in New York, on 25 September 2003. It was decided to formalize the relationships between UNEP and the CEC on this initiative through a MOU.

Three papers were commissioned by the CEC, in collaboration with Environment Canada, on documenting the business case for disclosure of environmental information, on how financial analysts view and use environmental information, and on best practices for environmental disclosure in the mining sector.

The CEC released the joint CEC and Environment Canada report, *Linking Environmental Performance to Business Value: a North American Perspective*. The memorandum of understanding with Environment Canada that leads the network of financial practitioners in North America, and the MOU with UNEP on the North American Task Force of the UNEP financial initiative have been signed. One of the products of the memorandum signed with Environment Canada is a draft report on disclosure of environmental information in the mining sector.

Fostering green procurement in North America

The second annual meeting of NAGPI was hosted in Montreal on 19 September. Proceedings have been translated and posted on the web. Based upon the philosophy expressed in the Council's 2003 Communiqué, NAGPI has developed a list of three products the Parties could focus on to maximize their environmental impacts using existing tools.

Promoting increased trade in environmentally preferable goods and services (update on work undertaken in 2003)

A newspaper-like publication on the CEC's work on trade in environmentally preferable goods and services, titled "Greening Trade in North America," was distributed to stakeholders and won a design prize.

Results of the CEC's work were presented at the Green Industry Network in San Francisco in October, and at two panels sponsored by the CEC on green procurement and environmental goods and services at the Sustainable Trade Symposium in Cancún.

The CEC released a study of the trade in environmental goods and services among North American countries and with the rest of the world. A report has been drafted on the economic and environmental impacts of various definitions of environmental goods and services, with a focus on Mexico.

The CEC hosted a meeting in Cancún on 8 September on Chamaedorea Palms in the Floral Trade: Promoting Environmental Sustainability and Social Equity through Strategic Alliances between Producers and Christian Congregations—A Workshop. Participants included producers, certifiers and exporters of palm fronds, and representatives of church groups. The workshop participants decided that a pilot purchase project between church groups and producer groups had merit. The proceedings of the workshop were subsequently published and the pilot project was initiated.

The CEC and *Fomento Ecológico Banamex* hosted a meeting on 4 August in Oaxaca to assess interest on the part of industry, producers and certifiers, in a Pilot Fund for the Sustainable Management of Biodiversity in coffee production areas. The participants supported the need for the fund. Civil society groups involved with coffee, the industry, and *Fomento Ecológico* are developing granting criteria jointly to operate the fund. In a follow-up meeting, an executive director was hired for the *Consejo Mexicano del Café Sustentable* to develop criteria, in a participatory, bottom to top, transparent way for the allocation of the fund.

Under review is the North American Market Study (NAMS) for grassland-fed and organic bison and cattle, highlighting awareness of the link between these animals and prairie biodiversity, and studying the public's willingness to pay for meat from these animals. If there is suitable willingness to pay, a program similar to shade coffee could be developed and grass-fed animal market could become a means to help protect the prairies.

Objective C: The Parties and stakeholders work together to prevent, reduce or eliminate the adverse effects of selected forms of pollution on human and ecosystem health in North America

Facilitating the development and implementation of North American strategies and actions to protect human health and the environment

Sound Management of Chemicals (SMOC)

In keeping with the CEC's Ten-year Review, and in attempting to maximize utilization of limited resources, a document describing possible "future directions" of the SMOC program was posted for public review. Comments have been incorporated and recommendations developed. The document has been submitted to Council for their consideration.

The SMOC program continues to promote and foster linkages with other CEC and national initiatives of an interdisciplinary nature. The chairperson of the Expert Advisory Board to the **CEC's Children's Health and Environment initiative** participated in the lindane public meeting in Alaska. The CEC Enforcement Working Group is engaged in actions regarding the transborder shipment and trade of illegal pesticides such as lindane and chlordane. A report submitted by the **North American Bird Conservation Initiative** includes collaboration with SMOC program toxics initiatives.

The SMOC program is a forum of significant interest to the public and other stakeholders in North America due to its emphasis on recognized toxic substances combined with its open and transparent participatory dialogue. Enhanced participation of indigenous peoples and children's health experts has been successfully implemented.

In fulfilling the mandate of Council Resolution 95-05, SMOC promotes the development, implementation, and effectiveness monitoring of eight North American Regional Action Plans (NARAPs) or alternative actions to address toxic substances priorities.

The chlordane NARAP is completed with the successful elimination of further uses and deregistration of chlordane as a licensed pesticide. The Enforcement Working Group and SMOC will cooperate in validating reports of illegal importation. The Environmental Monitoring and Assessment Standing Committee will consider future environmental monitoring and NARAP compliance auditing requirements.

The PCB NARAP actions have been addressed. Close out of the PCB Task Force has encountered some minor setbacks and is currently scheduled for completion by fall 2004, pending a final review of the close out report by PCB Task Force members and the SMOC Working Group.

The mercury NARAP is currently being implemented through prioritization of the approximately 85 actions approved by Council in 2000. Installation of two mercury deposition sampling sites in Mexico now extends the Mercury Deposition Network to all three countries. North American atmospheric mercury modeling initiatives are being significantly enhanced with the new data. Linkages to the UNEP Global Mercury Initiative have been forged by the invited participation of the SMOC program manager to UNEP's first Subregional Awareness Raising Workshop in southeast Asia, a significant source of mercury emissions to North America.

The environmental monitoring and assessment (EM&A) NARAP was developed to ensure that appropriate scientific monitoring and assessments are incorporated into the implementation of approved NARAPs. The EM&A Standing Committee performs an auditing and compliance verification role and provides advice to other NARAP initiatives concerning uniform, quality assured, quality controlled data collection and reporting. Currently the Standing Committee is providing guidance and advice on a human blood biomonitoring study in Mexico, co-funded by the World Bank, which will form part of a North American baseline database of human blood contaminant levels.

The draft Phase I of the NARAP on dioxins, furans and hexachlorobenzene has been revised by the Task Force based on comments received from the six-week public comment period. Phase 1 emphasizes information gathering and capacity building prior to the development of Phase 2 that seeks to advance specific risk reduction initiatives. Phase 2 work will begin in 2004, in parallel with implementation of Phase 1, and conclude in 2007. These actions include: developing a dioxin source inventory for Mexico; completion of a study design for a dioxin ambient air monitoring network in Mexico similar to monitoring efforts in the US and Canada; and the establishment of a dioxin analysis training project between Mexico and Canada. Working through the monitoring and assessment task force, a project is currently underway looking at dioxin blood serum levels in Mexico, Canada, and the United States. A pilot project in Mexico looking at historic trends of present pollutants in lake cores has been completed. This project will be expanded to look at dioxin-like compounds, with the US providing the analytical chemistry support.

The lindane NARAP is currently under development. The Lindane Task Force has successfully completed two public consultation meetings, in Mexico and Alaska. Preliminary discussions suggest that residues from production of lindane, undertaken outside of North America, may be impacting the North American environment. The Task Force has also noted the need for improved record keeping for transborder trade of pesticides in Canada, Mexico and the United States. The Lindane Task Force has been fortified by the addition of representatives from indigenous peoples groups from each the three countries as well as experts on children's health and the environment. The final draft of the lindane NARAP is scheduled for completion in June of 2005.

The Lead Decision Document has been completed and Council is asked to consider the recommendations therein. The Substance Selection Task Force has recommended that the trinational concerns for lead be addressed through incorporation of targeted actions into already existing CEC programs. Development of a full NARAP was not recommended, as many actions would fall under previously established abatement programs of the Parties in domestic legislation or other multilateral programs.

Activities under the Regional Program of Action and Demonstration of Sustainable Alternatives for Malaria Control in Mexico and Central America Without the Use of DDT (PAEDDT) are being funded jointly by the Global Environment Facility (GEF), the Pan American Health Organization (PAHO) as the executing agency, the United Nations Environment Programme as the implementation agency and the CEC. The total amount for the PAEDDT is US\$13.9 million. The US\$7.5 million GEF contribution is under PAHO's administration. CEC has participated in the second meeting of the Program's Steering Committee held in November 25 last year, at PAHO headquarters in Washington, DC. It is planned to hold a meeting with the Technical Committee of the project in Oaxaca, Mexico, on 24–28 May of this year in order to start activities in the eight participating countries.

Some preliminary data show the benefits of stopping the use of DDT to control malaria since 2000. DDT in blood of children living in malaria zones in Oaxaca and Chiapas is now 55 percent lower than in 2000. Surveys have been done on the impact of DDT in wildlife and the environment. They show that the changes in level of accumulation and magnification in different coastal trophic levels (including crabs, fish and birds), soil and sediment impacts are still poorly understood.

The advances on the DDT NARAP were presented to the SMOC Working Group at its February meeting in Mexico City. It is anticipated that further work will continue under the GEF project. The work and experience of the DDT Task Force may serve during the operational phase of the GEF project.

A meeting is proposed with World Health Organization, Africa Regional Office, to share experiences in the framework of the GEF project. This interchange can provide a way to disseminate the experience gained in Mexico.

EMS

In June, the Secretariat submitted to the Parties a proposed outline of the review of successful practices by small and medium size business in environmental management systems. In addition, the Secretariat led panel discussions on the CEC EMS project with Environmental Health and Safety Managers in January and May.

Air strategy

The North American Air Working Group (NAAWG) met with the Joint Public Advisory Committee (JPAC) on 10 March 2004, in Oaxaca to review and discuss the NAAWG draft strategic framework. The public comment period on the draft strategic framework ended 12 April 2004 and the CEC posted all public comments (8 total) on its web site. NAAWG is now finalizing the framework prior to the June 2004 Council Session.

Children's Health and the Environment

As called for in Council Resolution 00-10, a biennial review of the *Cooperative Agenda on Children's Health and the Environment in North America*, is being prepared. It will include potential five-year goals for the initiative as well as opportunities for improvement. Please refer to Goal 1 for information concerning the indicators project.

Fostering private sector actions to adopt sound approaches to environmental protection and conservation

As of April 2004, the *Fondo para proyectos de prevención de la contaminación* (Fiprev) had granted 71 loans totaling approximately US\$1,821,000 since the beginning of the pollution prevention initiative. It is estimated that these loans have prevented nearly 2,800 tonnes of chemicals per year from entering the environment, for a total of 7,450 tonnes since the first Fiprev-funded project was implemented. Approximately 155,700 cubic meters of water are being conserved annually, for a total of 409,000 cubic meters since the inception of the program. Savings for the participating companies will henceforth amount to around US\$1,393,000 each year—a total of more than \$2.96 million to date. Although CEC no longer contributes financially to Fiprev, the *Fundación Mexicana para la Innovación y Transferencia de Tecnología en la Pequeña y Mediana Empresa* (Funtec) has asked the CEC's Mexico Liaison Office to continue sitting on the fund's management and technical committees.

On April 20th, a meeting was held between the North American Pollution Prevention Partnership (NAP3), representatives of the electronics industry in the region, NGOs and federal officials from the three NAP3 countries, to discuss the Electronics Toxics Reduction Challenge document that was circulated by NAP3 to the participants in advance to the meeting, and to explore opportunities for partnership, further development of the challenge, and to discuss next steps. Agreement was reached to move forward with the project concentrating on: upstream issues and not downstream/recycling issues; companies that do not sell their products outside North America and supply chain companies; benefits to participating companies; and operation of the challenge, including such issues as the means for companies to self declare. The industry agreed also in designating a delegate to work with NAP3 on this project.

The document, *Moving Forward with Pollution Prevention in North America: A Progress Update*, prepared by the North American Pollution Prevention Partnership, is finished and the consultation process with the Parties has started in order to define the following steps to be taken to be eventually published. The document consists of an update of the report, entitled *Status of Pollution Prevention in North America*, published by the CEC back in 1996.

Goal 4: *The CEC will provide a forum for public dialogue and participation concerning environmental issues of common concern in North America*

Objective A: The North American public and NAAEC Parties view the citizen submission process as a useful and valuable mechanism for enhancing enforcement of and compliance with environmental law in North America

Since June 2003, the Secretariat has received three new submissions, issued eight determinations under Articles 14(1) and (2), recommended three factual records, initiated two new factual records upon instructions from Council and published four factual records. With six factual records published in 2003, out of a total of nine factual records in the first ten years of the NAAEC, and an average number of new submissions, the Secretariat's workload in 2003 was relatively high. Nonetheless, the Secretariat and Council continue to make progress on the timeliness of the process. In 2003, the Secretariat also made several presentations regarding the process in response to invitations from the academic community, bar associations and other groups from all three countries. The Secretariat met with its Special Legal Advisors in conjunction with the 2003 Council Session and again in January 2004. The SEM Unit also participated in the JPAC session in October 2003 on the scope of factual records and review of Council Resolution 00-09, making clear that its role was not to advocate a particular position before JPAC but to provide information regarding the process relevant to JPAC's reviews. These efforts have all contributed to promoting knowledge and awareness of the SEM process; maintaining a commitment to timeliness; ensuring rigor and objectivity in the SEM process; and, through factual records and processing of submissions, making information available to submitters, governments and other stakeholders for use as they deem appropriate. A more detailed status update is provided below.

Article 14 Submissions Status

Pursuant to Council Resolution 04-03, the Secretariat began development of a factual record for the **Ontario Logging/SEM-02-001**. In addition, the Secretariat is in the process of developing three other factual records, and awaiting Council's vote on whether a factual record is warranted for the **Montreal Technoparc/SEM-03-005** submission.

The status of the eleven submissions under review as of 20 May 2004 is as follows:

Awaiting Council's comments on a draft factual record:

- 1) **Molymex II/SEM-00-005** (concerning Mexico's enforcement in relation to air quality and environmental impacts of a molybdenum processing plant). On 17 May 2004, the Secretariat submitted a draft factual record to Council, for a 45-day comment period on the accuracy of the draft.

Draft factual records in development

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

- 1) **Tarahumara/SEM-00-006** (concerning Mexico's enforcement in relation to access to environmental justice by indigenous communities).
- 2) **Pulp and Paper/SEM-02-003** (concerning Canada's enforcement of s. 36(3) of the Fisheries Act and provisions of the Pulp and Paper Effluent Regulations in regard to ten mills in Ontario, Quebec, New Brunswick, Nova Scotia and Newfoundland).
- 3) **Ontario Logging/SEM-02-001** (concerning Canada's enforcement of section 6(a) of the Migratory Bird Regulations against the logging industry in Ontario).

Council vote pending, following notification that a factual record is warranted:

- 1) **Montreal Technoparc/SEM-03-005** (concerning Canada's enforcement of its federal Fisheries Act against the City of Montreal in regard to the discharge into the St. Lawrence River of toxic pollutants from the city's Technoparc site). On 19 April 2004, the Secretariat informed the Council that the Secretariat considers that the submission warrants the development of a factual record. The Council, by a two-thirds vote, may instruct the Secretariat to proceed with the preparation of a factual record.
- 2) **El Boludo Project/SEM-02-004** (concerning Mexico's enforcement of its environmental laws with respect to the El Boludo mining project). On 17 May 2004, the Secretariat informed the Council that the Secretariat considers that the submission warrants the development of a factual record. The Council, by a two-thirds vote, may instruct the Secretariat to proceed with the preparation of a factual record.

Determination pending whether a factual record is warranted under Article 15(1):

- 1) **Ontario Power Generation/SEM-03-001** (concerning Canada's enforcement of its environmental laws with respect to Ontario Power Generation's coal-fired power plants).
- 2) **ALCA-Iztapalapa II/SEM-03-004** (concerning Mexico's enforcement of its environmental laws with respect to a citizen complaint filed with the Office of the Federal Attorney General for Environmental Protection—Profepa).
- 3) **Cytrar III/SEM-03-006** (concerning Mexico's enforcement of its environmental laws with respect to a hazardous waste landfill owned by Cytrar, S.A. de C.V. in Sonora, Mexico).
- 4) **Lake Chapala II/SEM-03-003** (concerning Mexico's enforcement of its environmental law with respect to the Lerma-Chapala-Santiago-Pacífico basin).

Awaiting receipt of a revised submission that meets the criteria of Article 14(1):

- 1) **Hazardous Waste in Arteaga/SEM-04-001** (concerning Mexico's enforcement of the LGEEPA and hazardous waste regulations in connection with three companies in Arteaga). On 20 April 2004, the Secretariat once more dismissed the submission which was submitted for a second time on 16 March. Because the reason for disallowing the submission is different from the reason for the first dismissal, the Secretariat again granted the Submitters a 30-day period to file a Submission meeting the criteria of Article 14(1).

Historical Background of Submissions

The 32 submissions no longer pending were addressed as follows:

Thirteen 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
Logging Rider/SEM-95-002
Aage Tottrup/SEM-96-002
CEDF/SEM-97-004
Biodiversity/SEM-97-005
Guadalajara/SEM-98-001
Ortiz Martínez/SEM-98-002
Molymex I/SEM-00-001
Jamaica Bay/SEM-00-003
AAA Packaging/SEM-01-002
Dermet/SEM-01-003
Alca-Iztapalapa/SEM-02-005
Home Port Xcaret/SEM-03-002

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

Methanex/SEM-99-001
Neste Canada/SEM- 00-002

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

Oldman River I/SEM-96-003
Lake Chapala/SEM-97-007
Cytrar/SEM-98-005
Great Lakes/SEM-98-003
Mexico City Airport/SEM-02-002

One submission has been withdrawn by the Submitters:

Fort Huachuca/SEM-96-004

Nine factual records have been prepared and made public:

Cozumel/SEM-96-001
BC Hydro/SEM-97-001
Metales y Derivados/SEM-98-007
Migratory Birds/SEM-99-002
Aquanova/SEM-98-006
Oldman River II/SEM-97-006
BC Mining/SEM-98-004
BC Logging/SEM-00-004
Rio Magdalena/SEM-97-002

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
Cytrar II/SEM-01-001

The CEC will engage and inform the North American public in its programming and operations

The information and analysis produced by the Secretariat equips citizens, industry and government with tools to tackle environmental challenges—whether managing hazardous chemicals, conserving biodiversity or supporting the cooperative development of environmental policy.

To that end, effective communication to target audiences is integral to achievement of the CEC's mission. The Secretariat's communication strategy employs multiple techniques to equip audiences with information products and inform them of the Commission's work, in general.

The preceding 11 months provide several examples.

Publications and Distribution

Production, promotion and distribution of CEC reports and publications continue to grow. To contain costs and extend reach, distribution of Commission publications has been greatly amplified by growing use of the CEC web site. The Secretariat published 268 documents, for a total of 804 in all languages on the CEC web site since the beginning of June 2003. Of those, 19 were major publications or outreach pieces, including volume 16 of our *North American Environmental Law and Policy* series, a study of comparative standards for intensive livestock operations in Canada, Mexico and the United States, and four factual records, as well as *Trio* issues 10–13. Major publications accounted for 54,550 printed copies, the majority of which have been distributed through individual mailings, at conferences and workshops. Additionally, these publications are available for download from <www.cec.org>.

The number of visitors to the CEC web site continues to climb. The total estimated number of discrete visitors in April 2004 climbed to 137,315 from 109,945 in June 2003. This marks a significant increase compared to the 90,342 visitors in June 2002. In addition to growing web site utilization, a large number of persons subscribe to one or more general e-mail distribution lists.

Continuing efforts have been made to enhance the CEC's web presence and utility. CEC events have been promoted on the web sites of other organizations, driving record numbers of Internet users directly to the relevant page(s) on the CEC web site. Users can also navigate the web site with greater ease now, with the addition of a powerful search engine capable of delivering fast results despite the high volume of documents.

Media Relations

Media tracking indicates a similar year-over-year increase in *earned media*—print and electronic news stories concerning the CEC that have been generated as a result of direct contact and work with journalists in each of our three countries. Notwithstanding the small number of major publications in the preceding year it is instructive to note that strategic media relations efforts contributed to very significant news coverage over the same period. Results include widespread media reports concerning the study, *Health Impacts of Air Pollution on Morbidity and Mortality among Children of Ciudad Juárez*, the ongoing Maize and Biodiversity Article 13 report, and the initiative to use market instruments to support sustainable harvest of

the chamaedorea palm. Each of these initiatives, for example, has received widespread coverage in some of the leading newspapers in Canada, Mexico and the United States, including the New York Times, Washington Post, Chicago Tribune, Houston Chronicle, El Financiero, El Independiente, and the Globe and Mail.

Public Outreach

The Communications Department has substantially increased the CEC's public profile at trade shows and conferences. The CEC has exhibited and distributed materials at five conferences since June 2003: EnviroPro (México City), Fair Trade Fair (Cancún), the Society of Environmental Journalists (New Orleans), the World Forestry Congress (Québec City), and the Society of Environmental Journalists (SEJ) annual conference—an important opportunity to meet with environmental journalists and develop relationships as Communications positions the CEC as the source for environmental information on North America.

These efforts help identify the CEC and its work and several thousand copies of CEC publications were circulated at these events.

News Releases and Listserv Announcements

Throughout the past twelve months, the Communications Department has 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. Selected items include:

27/04/2004, Montreal – Secretariat recommends factual record for Montreal Technoparc submission – On 19 April, the Secretariat of the Commission for Environmental Cooperation (CEC) recommended to the CEC Council that a factual record be developed for the Montreal Technoparc submission filed with the Secretariat on 14 August 2003, by five environmental nongovernmental organizations from Canada and the United States.

21/04/2004, Montreal – Online database of sustainable consumption initiatives in North America launched – The Commission for Environmental Cooperation (CEC) today announced with its partners the launch of a new online database cataloguing information about sustainable consumption and production initiatives in North America.

2/04/2004 Montreal – CEC and Rainforest Alliance working to prevent unsustainable harvest of Palm Sunday plants – As Christians prepare to celebrate Palm Sunday this weekend, the Commission for Environmental Cooperation (CEC) and Rainforest Alliance are reminding parishioners about the unsustainable practices often used to harvest the 30 million chamaedorea palm fronds delivered to Canadian and United States churches.

24/03/2004, San Francisco – Three wildlife species chosen for trilateral protection – The Commission for Environmental Cooperation (CEC)—an organization created by the NAFTA environmental side accord—today announced the first three wildlife species to be safeguarded under a new trilateral effort to protect species of common conservation concern in North America.

11/03/2004, Oaxaca – Draft report on transgenic maize ready for public comment – The Secretariat of the Commission for Environmental Cooperation (CEC) released for public comment today a draft of *Maize and Biodiversity: The Effects of Transgenic Maize in Mexico*, an independent report written by many of the

world's leading experts. The report was presented before almost 400 people at a symposium here, attended by maize growers, industry groups, academics, environmental and governmental officials.

12/02/2004, **Anchorage – Alaskans consulted on lindane action plan** – Participants at the Alaska Forum on the Environment in Anchorage, Alaska, heard from international experts today about a toxic chemical—lindane—that may adversely affect the development of children and is being found in increasing quantities in the Arctic.

14/01/2004, **Montreal – JPAC provides its advice to the environment ministers on Articles 14 and 15 of the NAAEC and on invasive species in North America** – The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held its last regular session for 2003 on 4 December, in Miami, Florida, and also participated in the CEC round table on "An Unwelcome Dimension of Trade: The Impact of Alien Invasive Species in North America." The content of this bulletin draws from discussions at those meetings and other sources, as cited.

10/11/2003, **Mexico City – Study supports improvements to Mexican air quality standards** – A new study released today by the Commission for Environmental Cooperation (CEC) suggests that children in the border town of Ciudad Juárez, Chihuahua, are being hospitalized and dying at air pollution levels that are below Mexico's current health standards.

19/08/2003, **Montreal – CEC invites public comment on draft document for lead action plan** – A draft decision document to help determine whether lead should be the subject of a North American Regional Action Plan is now available for public comment.

12/08/2003, **Montreal – CEC releases factual record on Fisheries Act enforcement at Britannia Mine** – The Commission for Environmental Cooperation (CEC) today released a factual record on allegations that Canada is failing to effectively enforce the federal Fisheries Act in regard to acid rock drainage (ARD) from the abandoned Britannia copper mine in British Columbia. The Britannia Mine, which rises above Howe Sound on the road from Vancouver to Whistler, has been called the worst point source of metals pollution in North America.

11/08/2003, **Montreal – CEC releases factual record on enforcement of Fisheries Act regarding logging in British Columbia** – The Commission for Environmental Cooperation (CEC) released today a factual record on allegations Canada did not effectively enforce sections 35(1) and 36(3) of the Fisheries Act in connection with two TimberWest logging operations on its private land in British Columbia.

6/08/2003, **Montreal – International monitoring effort to help save ferruginous hawk and grasslands** – Educators, birding enthusiasts and the public alike can follow the migration of ten ferruginous hawks tagged with satellite transmitters through a new web site launched today at www.ferruginoushawk.org.

22/07/2003, **Montreal – Grants will help communities monitor environment and human health** – The Commission for Environmental Cooperation (CEC) today awarded C\$664,200 in grants to 17 community-based projects in Canada, Mexico and the United States.

3 Administration and Financial Resources

Financial Resources

The financial audit for 2003 has been completed and the results will be sent to the Parties in June. For the third year, no recommendation was issued by the auditors concerning the internal controls.

We have received the first and second installments of the 2004 contributions from the United States and the first from Canada.

Rationalizing and Streamlining of Reporting

Since 2002, the Secretariat has been laying the foundations of a planning system that would include strategic planning, monitoring, evaluation and reporting. Through the development of the 2004–2006 Operational Plan, the CEC has been able to clarify its goals, objectives, targets and actions. This in turn makes it possible to begin to develop the simple approaches and information collection methods for tracking and reporting on results. This year, in consultation with the Parties, the Secretariat will undertake to review the various reporting mechanisms that are currently in place to ensure they are streamlined and address Parties' requirements. As part of the analysis, the Secretariat will take into account such elements as objectives, users, content, frequency and timeliness. The purpose is to communicate the “right” information at the “right” time. The Secretariat will also seek to integrate in the same report progress on work program against utilization of financial resources.

Human Resources

The recruitment for the French editor replacing Diane Colucci has been completed and Ms Johanne David was selected.

The recruitment process for the position of program manager for Pollutants and Health has been completed and Luke Trip was selected.

The recruitment for the position of Information Manager is in process.

4 The North American Fund for Environmental Cooperation (NAFEC)

The Selection Committee of the North American Fund for Environmental Cooperation (NAFEC) met in June 2003 in Washington, DC, to approve grants for projects focusing on environmental monitoring and assessment related to human health. Projects approved in 2003 are dedicated to 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 incorporate local, traditional and scientific knowledge, and link human and ecosystem health. From more than 300 grant proposals received by NAFEC, the Selection Committee approved 18 projects, which have received a total of C\$674,700. In addition, the Selection Committee provided its annual report to Council on the NAFEC process and recommendations.

NAFEC-funded projects participated in various CEC events, including the workshop on the *Chamaedorea* Palm in the Floral Trade, the Green Purchasing Strategy Workshop, the meeting of the Mexican Pollution

Prevention Round Table, the workshop Mercury in the Great Lakes Region, and the Maize and Biodiversity Symposium: The Effects of Transgenic Maize in Mexico.

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

Over its years of operation as a very successful part of CEC's outreach in the three countries, NAFEC has created numerous success stories and a good evaluation. From 1995 until 2003, NAFEC awarded 196 grants related to CEC activities for a total of C\$9.36 million. NAFEC funded projects have leveraged a total of C\$4,987,800, including C\$543,400 in in-kind contributions. NAFEC-funded projects have been profiled in *Trio*, CEC's quarterly newsletter, offering concrete examples of how the Commission's efforts play out in local community-based projects. In addition, NAFEC projects have also received extensive coverage in the local media of the grantees.

Now, however, the funds available for this initiative have declined to well below the threshold amount deemed necessary for maintaining the efficiency of the fund. Thus NAFEC is concluding its activities in 2004. Projects approved in 2002 and 2003 will continue to receive CEC administrative support until the completion of their activities.

5. Capacity Building Initiative

The CEC is allocating C\$98,800 in 2004 to promote capacity development within the context of the CEC work program. Over the years, indigenous peoples have petitioned the CEC for more recognition and involvement in the CEC's work. Following JPAC's advice on this issue, the Council asked JPAC and the Secretariat to explore additional measures for engaging indigenous peoples more directly and consistently in the CEC's program. The above-noted funds shall, therefore, be applied to develop the capacity of indigenous peoples and the CEC to better collaborate in addressing environmental issues.

At the JPAC meeting on 12 March 2004, in Oaxaca, Mexico, it was agreed that JPAC would develop a proposal for utilizing the available funds. On 27 April 2004, the JPAC working group on indigenous peoples held a conference call, during which it was decided that two steps were to be followed:

- 1) The Secretariat will identify three or four existing program activities in which the involvement of indigenous peoples can be enhanced with augmentation from the above-noted funds.
- 2) Lessons learned in the short term will inform the preparation of a medium- and longer-term strategy for indigenous involvement in CEC work. These strategies will be developed by the JPAC task group on indigenous peoples (consisting of JPAC indigenous members Dan Christmas and Mindahi Bastida). This task group will also take a report prepared for the Secretariat on this issue in September 2003 into consideration.

**Public Portion of the Eleventh Regular Session of the CEC Council
Puebla, Mexico
22 June 2004**

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

Secretary Cárdenas welcomed the participants to the session. He introduced his Council colleagues, the JPAC chair and then invited William Kennedy, CEC executive director, to make his report on behalf of the CEC Secretariat.

William Kennedy presented an overview of some specific accomplishments of the CEC illustrating a decade of progress for the institution. First, he touched upon the CEC's role as a forum for public dialogue and participation—a conclusion supported by the report of the Ten-year Review and Assessment Committee (TRAC)—and alluded to the Articles 14 and 15 citizen submissions process as a vital element of the NAAEC. He then drew attention to the Secretariat's Article 13 reports and analyses of the environmental effects of liberalized trade as examples of the CEC's emerging role over the past ten years as a center for information and analysis. He also underscored the important role of the CEC as a catalyst for regional cooperation and drew attention to the following initiatives of the CEC: the tracking of hazardous waste, the elimination of toxic chemicals such as DDT through the implementation of *North American Regional Action Plans*, pollution prevention through the *Fondo para proyectos de prevención de la contaminación*, conservation of biodiversity through the adoption and implementation of the CEC's *Strategic Plan for North American Cooperation in the Conservation of Biodiversity*, the protection of birds and their habitats through the North American Bird Conservation Initiative, the promotion of green markets through consumer awareness of the benefits of environmentally preferred goods and services, and reporting on pollution from industrial sources through the annual *Taking Stock* reports. On this latter issue, he congratulated Secretary Cárdenas on the recent adoption of new legislation for mandatory reporting of pollution releases and transfers in Mexico. He then announced the release of a new map of North America, developed jointly by the cartographic services of the three governments. In conclusion, he indicated that the Secretariat—under new leadership—was ready to meet the challenge of change and that it looked forward to working with the Parties, its many partners and the North American public to accomplish the continuing mission of the CEC.

Donna Tingley, JPAC chair for 2004 and moderator for this public meeting, invited the rapporteurs from the public workshop held the previous day on future directions for the NAAEC to make their presentations.

Jane Gardner stressed the importance for the CEC to develop a long-term vision and for Council to commit to this vision in order to allow for the development of common goals, the identification of priorities and to clarify how, as an institution, “we can actually get there.” A strong commitment accompanied by a strategic 10-year plan would help insulate the institution from changes in national administrations. There were several calls for this long-term vision to embrace a broad definition of sustainable development—one that includes trade and

environment—and also the social and cultural dimensions of our shared North American region. The CEC is considered as an important model for direct public participation in the activities of the institution—one that should be nurtured and continually improved. There was also strong support for a focus on capacity building to assist the three countries to integrate environmental protection laws into practice. Examples of where efforts should be placed ranged from reinstating the North American Fund for Environmental Cooperation (NAFEC), reinvigorating efforts in building a broad North American constituency, improving quality and dissemination of information—recognizing the different needs in each of the three countries. Finally, there was a general consensus that funding will continue to be a considerable challenge to the CEC in fulfilling its mandate. Unless additional funding can be allocated to the CEC by the Parties—minimally to maintain pace with inflation and exchange rates—some difficult decisions will need to be made for the best use of the CEC’s resources. It was also noted that many of the TRAC’s recommendations involve the allocation of resources. The question of how realistic these recommendations can be if the budget is not increased was put forward. One suggestion aimed at relieving the resource burden was that an appropriate role for the CEC could consist of developing strategic action plans and find partners or turn over to others for actual implementation.

Gustavo Alanís Ortega expressed the public’s general consensus that the integration of environment and trade matters is at the core of the CEC’s mandate. While the relationship between the CEC and the Free Trade Commission (FTC) has attracted much attention—and without diminishing the importance of finally achieving a meeting of trade and environment officials—the CEC was urged not to forget that many other agencies of the governments should be involved. Concerns about the chilling effect of Chapter 11 were raised as well as the hope that matters related to public participation and transparency in trade disputes would be a topic for discussion with the Parties’ trade counterparts. Some discomfort was expressed regarding TRAC recommendation No. 11 concerning a commitment to refrain from invoking Part Five of the NAAEC for 10 years. Some participants felt that this might have the opposite effect to what TRAC is suggesting. The fact that labor has been somewhat ignored in the work of the CEC—when in fact the impact of trade decisions on labor can have very direct environmental consequences, not to mention social and health consequences—was also brought to JPAC’s attention. Water issues were raised—both from the perspective of quantity and quality. Examples were provided to illustrate instances where environmental laws are not being enforced to the detriment of our shared or domestic water resources. Several participants commented on the need to assist the CEC in achieving the environmental goals and objectives of NAFTA and in developing a long-term vision for a sustainable North America—noting that current production and consumption patterns are not sustainable. The obligation to conclude an agreement on transboundary environmental impact assessment (TEIA) was raised as a very important element in the trade and environment debate. Budget limitations were again raised as a limiting factor of the CEC’s ability to do its work and meet its objectives and obligations. Finally, several participants in the workshop expressed frustration and disappointment that the Article 13 report on maize was not available at this meeting as expected, as they had hoped to have a discussion with Council on this very important trade and environment issue. If reports are not published, the public cannot participate.

Donna Tingley reported that throughout the three sessions the participants acknowledged that public participation is a unique feature of the CEC. Having said that, she indicated that several examples suggest that the potential for such participation is sometimes constrained by actions of Council—such as the earlier reference to the Council’s decision not to publish the Article 13 maize report in time for this meeting. Some frustration was expressed about the lack of follow-up to the input provided by the public or JPAC and the length of time it takes for responses to be developed. In other words, the mechanism for public involvement exists, but improvements are required in reporting back and engaging the public on follow-up. As one participant put it: public participation is where voice is transformed into action, it’s not just listening, it’s also acting. Concerning TRAC recommendation 10 relating to the development of a mediation step in the Articles 14 and 15 citizen submission process, it was suggested that public participation might not be consistent with closed-door mediation. She volunteered that JPAC would be happy to discuss this further with Council at a later time. Finally, it was also suggested that the CEC may have become somewhat disconnected with its constituencies over the years. Analysis is done in the absence of direct “on the ground” involvement of communities and local groups and results of many CEC reports do not get back to the public. NAFEC was again raised as a very important vehicle for community participation and feedback into the CEC.

The JPAC chair then invited the seven pre-registered speakers to make their presentations, reminding them to maintain the five-minute rule.

Edit Antal, *Investigadora, Centro de Investigaciones Sobre América del Norte*, spoke about the important role of the CEC in addressing the link between trade and environment. Recalling that the work of the CEC in its first 10 years has produced many successful products, she proposed a focus on specific aspects of environment and trade work for the next 10 years, in particular, on NAAEC Article 10(6). The CEC is still not yet a major actor on the continent and this can only be achieved by focusing its agenda on creating cooperative conditions in North America. Several relationships require special attention, such as creating forums for information and science exchange, education campaigns, new technology transfer, biotechnology for the conservation of biodiversity and the control of climate change. For example, in the case of transgenic maize, the CEC can play an important role by creating a forum for dialogue among our governments and civil society, based not just on science, but also incorporating the social, cultural and economic dimensions of the issue. This way, the CEC can help empower the appropriate actors to properly represent the interests of the environment in policy development. In conclusion, she noted that asymmetries among the three countries are not just at the level of resources, but also of knowledge. It is therefore important to consider mutual understanding as a goal.

Jon Plaut, *President, Global Learning*, explained that he had been a JPAC member for eight years, during which time he was elected to act as chair on three occasions. He congratulated members of the TRAC for their outstanding report and for getting it so right, particularly in relation to the roles of the three branches of the CEC and two of the unique features of the Agreement, namely Articles 14/15 and public participation. He paid a tribute to his former JPAC colleague, Dr. John Wirth—a mentor for the CEC who challenged all of us to think as North Americans and the CEC to continue to develop the North American constituency. He congratulated Secretary Cárdenas for the development of the pollutant release and transfer register in Mexico. He then emphasized “strategic thinking” for North America as a prime role

for the CEC. In view of the different priorities in the three countries and the budgetary constraints, he urged Council to focus on the cooperative implementation of environmental policy within the three countries to benefit the region. JPAC should be challenged by Council to make strategic policy level recommendations and to involve the public in its deliberations. The Secretariat, and particularly its executive director, should be focused on staffing and fleshing out the policy advocacy role and program. Specifically, Council should not undervalue the potential for its leadership role in environmental affairs for the region. The Parties should initiate and encourage cooperation on strategic policy initiatives, such as 1) renewable energy development with incentives for the private sector; or (2) a focus on policies to assure the compatibility of trade and investment with the environment (investment in shade-grown coffee is an example, and perhaps NAFTA Chapter 11 which should also be included in the NAAEC Article 10(6) agenda); or (3) carbon reduction initiatives across borders stimulated by governments such as nation to nation or more locally, for example at the El Paso—Juarez, Seattle—Vancouver, or Detroit—Windsor borders; or (4) local level grass roots projects under a revived NAFEC, perhaps funded off-line. The excitement these seed projects can generate for the North American community cannot be overestimated. He concluded by noting that the TRAC report highlights this North American agreement as a potential model for international trade and environment. Success in doing so greatly depends on the three governments, specifically the Council, by demonstrating commitment to sustainability and the North American community.

Luis Felipe Ayala Sota, *Secretario, Comité Pro Limpieza del Río Magdalena*, spoke about climate change and its effects on water in Mexico, specifically the intrusion of seawater into freshwater systems along the coast. In his view, this is a matter of great magnitude—one that will require concerted efforts by all levels of government to find solutions. Treatment plants for industrial needs are required, as well as new ways of ensuring secure sources of potable water. Sonora and California are already suffering from scarcity and its inability to meet the primary needs of their citizens. The CEC could be the promoter of an agreement between Mexico and the United States to treat salt water from the sea in order to meet both countries' needs. Recalling that the seas are a patrimony of humanity and a source of food, he urged that it not be treated as a garbage dump and underscored the importance of considering the levels of bacterial and chemicals concentrations in the food chain. Referring to many sad situations in history such as Minimata, Japan, he expressed hope to see—within the next ten years—the introduction of measures to promote maritime protection, national and international certification of food taken from the sea to ensure that it is free of heavy metals, and controls for the transportation of hazardous materials and waste disposal. The CEC could also promote an international agreement to identify certain marine areas for protection and clean up. As far as land products are concerned, the CEC should do more to promote organic production through technology and regulation. He concluded by reiterating a call for a forum to promote more efficient technology for water management both from the perspective of quantity and quality.

Eddie Oldfield, *Director, New Brunswick Lung Association*, spoke on the topic of public education, communication and citizen's engagement toward the CEC's 2010 objectives and explained how the Lung Association has been working in these areas over the years. Issues such as worsening air quality and global warming are contributing to an increase in respiratory illnesses and the spread of infectious diseases. There are many domestic actions that can be taken in each of our countries to address these issues, but there is a requirement for an

international effort to curb air pollution and greenhouse gas emissions. Broad public support is required in order to introduce effective pollution reduction policies and to strengthen enforcement of regulations. In this context, he suggested that the CEC make a commitment to organize a workshop—similar to one held a number of years ago with community experts—on the margins of the next Council session in 2005. The underlying theme for this workshop could be built around “building capacity through public education and outreach as a model for the Americas and the next phase of CEC development.” The workshop should address underlying issues such as climate change, air quality and human health; the rationale and requirements for behavior change; communicating scientific data with advanced technology for improved decision making; the role of social, health and environmental NGOs; increasing public participation in policy development; and engaging youth in policy decisions. In conclusion, he reiterated the importance of a knowledgeable and informed general public to make significant advances in meaningful policy and enforcement over the next decade and challenged the ministers to make a commitment toward cleaner air.

Jorge, Núñez Alba, *Coordinador General, RED ECO-PAZ*, spoke about Mexico’s mandatory reporting of release and transfer of pollutants. He congratulated Secretary Cárdenas for expediting the adoption of this long-awaited legislation, which now provides a legal framework to support requests for information and assist in designing appropriate legislation for setting standards and increasing access to information. However, he expressed some doubts about Semarnat’s ability to fully implement this new system given the insufficient number of enforcement officers. He also noted an important deficit in the companies’ ability to understand the core format for reporting and expressed concerns about insufficient resources in Semarnat to coordinate training workshops for these companies. He described the system as not just a bureaucratic process, but a powerful tool for pollution prevention and the development of appropriate environmental laws. This in turn also promotes compliance by informing society on the levels of emissions on an annual basis at the local, state and national level. In closing, he spoke about the decline in the grizzly bear population in the Mexican and United States border area due to over harvesting. He alluded to the irony of widespread denunciations about seal hunting in Newfoundland, Canada—a species whose large population continues to grow—while no action is taken to protect the grizzly bear.

José Carmelo Zavala, *Director General, Centro Industrial de Gestion Ambiental A.C.*, began by expressing concerns about the likelihood that implementation of the TRAC’s recommendations may not be feasible unless the issue of funding is resolved. Noting that the CEC plays an extremely important role in providing environment and trade information on a trilateral basis, he recognized that progress has been made in this area over the past ten years. He then shared his views about challenges in the border region. Noting that the exchange rates between the peso, the US dollar and the cost of oil are cyclical, he described the border region as a laboratory for assessing the expansion of activities in times of economic growth. He exposed some of the consequences of economic shifts in the border region: adjustments to the price of gasoline in relation to prices in the United States; Mexicans traveling to Tijuana to buy electronics; 35 percent losses in Mexico’s tuna industry as a result of the embargo; emissions of sulfur oxides from the Rosarito thermoelectric power plant for the past 40 years; and 50 percent of the gasoline consumed in the state of Baja California originating at the Chevron refinery in Long Beach, California. He also questioned the logic of Mexico producing electricity for the

export market and then re-importing it. In closing, he stressed the importance of strengthening the CEC and of reinstating the North American Fund for Environmental Cooperation.

Carla Sbert, *Lead Researcher, Unisféra International Centre*, explained that she worked on Mexican submissions with the Secretariat's unit on Submissions on Enforcement Matter on Articles 14 and 15 until August of last year. The lack of support from governments, who initially took the courageous step of setting up this process, has resulted in the process being only a shadow of what it could be. The first reason for this is the fact that the Council—who decides on the submissions—represents the same governments that are the object of public scrutiny. This has an influence on the Council's decision-making and is a clear and evident conflict of interest and a fundamental structural problem in the NAAEC. The second flaw in the process is that it ends with the publication of a factual record with no mechanism for any follow-up. Nevertheless, in spite of these obstacles and deficiencies, the North American public demonstrates a great deal of interest. Public petitions are important because they allow problems to be identified and constitute an important accounting system for Mexico, in particular. By drawing public attention to problems and galvanizing interest in them, the process facilitates the resolution of problems. It is a process that empowers citizens. It also teaches us about the challenges governments face when trying to apply environmental legislation, which can then help inspire processes of cooperation. She suggested that the CEC should study the impacts of each of the factual records and work on lessons learned in order to improve policy development and environmental legislation. She cited the case of the *Metales y Derivados* factual record, which led to the signature by Semarnat on an agreement with the community to clean up the site, as an example of how factual records can help improve environmental outcomes. She expressed her conviction that such an agreement would not have emerged without the citizen submission process. She concluded with a call to the ministers to make this Council Session in Puebla a turning point and to take steps to strengthen the process, making it more transparent and accountable.

Following these presentations, a spokesperson appointed by the public that participated in the networking session organized by JPAC the previous day presented the results of those deliberations.

Jose Pablo Uribe Malagamba, on behalf of the participants, acknowledged that the CEC has opened a window to address environmental problems and has helped promote the link between civil society and governments. He noted, however, that much more is required. The most relevant points raised by civil society at this meeting were transgenic corn, water basin management and institutional reforms. In Mexico, a center for the cultivation of maize and for preserving its genetic legacy, the plant is considered central to the country's way of life. Referring to the CEC study on the impacts of transgenic corn on Mexican maize production, he deplored the Council's decision to postpone the publication of the report without explanation to citizens, and to reserve the right to decide whether the public will be allowed access to the results of the CEC's investigations. Noting that the development of the report was financed by tax dollars paid by citizens, he questioned the Council's right to withhold this information and stressed that the CEC cannot justify its existence or its mission if it allows this work to be silenced. The public will have no confidence in government if there is no explanation. Civil society in North America demands the publication of this report at the latest by 30 June 2004. Concerning water quality and the loss of soil and forests, he stressed the need to conduct proper

watershed management and pointed to the Lerma/Chapala basin as a prime example of what can go wrong. Concerned citizens have been trying since 1996—backed by science and documentation—to demand the basin’s remediation, without success to this acute problem. The CEC is requested to intervene to achieve remediation of the damages. The CEC has become excessively bureaucratic. This is evidenced by the diminishing interest of key organizations in attending meetings and participating in its work. The CEC requires reform, and there should be a public workshop to consider the most appropriate ways of accomplishing this. He then submitted a document to support this request with a focus on increased transparency and public participation and conveyed the public’s perception that the CEC is no longer effective. The NAAEC needs to be changed so that the three governments commit themselves to effectively protect the environment and human health in each country. In closing, he conveyed the public’s aspirations and belief in the potential of the CEC and invited the Ministers to be equally ambitious in their responses.

Norine Smith, representing Canada, thanked the public and JPAC for their constructive presentations. Referring to the CEC's new priority areas—namely environment and trade, capacity building and information—she agreed that the CEC’s role in providing information to the public cannot be overemphasized. She expressed confidence that the new mandatory pollutant release and transfer register system in Mexico will provide the public with a comprehensive North American PRTR. She also noted with considerable interest the emphasis on sustainable development, an area the Council will indeed be taking into consideration as it builds the cooperative agenda for the CEC. Referring to the TRAC’s recommendation encouraging the need for broader representation in the work of the CEC with emphasis on the involvement of indigenous peoples and the private sector, she underlined the need for the CEC to work more closely with local governments towards sustainable development. In Canada, where sustainable development is not a theoretical concept but one built into the day-to-day way of doing business, this notion resides at the level of local governments. Finally, she turned to the maize report, noting that Canada looked forward to its release. She indicated that Council may not be able to meet the timeline that the public was looking for, but assured the participants that the Parties were working toward providing their comments to the Secretariat within a few weeks following this meeting and that Council was anticipating that the final report could indeed be made public sometime thereafter. She thanked the public for bringing the importance of the maize issue so directly to the attention of Council at this meeting.

Administrator Leavitt joined his colleagues in expressing his appreciation for the thoughtful comments and in seeing so many dedicated people as partners in the CEC’s work. He expressed his vision of the CEC as one of a catalyst for action to ensure that air does become cleaner, water purer, land better cared for, wildlife species better conserved, while at the same time maintaining the countries' economic relationship. He reaffirmed the Council’s commitment to the public participation aspects of the CEC—transparency in decision-making and including the public in the Council’s decisions and discussions. He recognized that the involvement of the public in policy development can make a difference and assured the public of the Council’s commitment to increase capacity building and professionalism. He acknowledged the remarks of one of the presenters about preventing toxic substances from entering the food chain and indicated that Mexico had chaired a very successful meeting of the Biodiversity Conservation Working Group with public involvement the previous day. Reflecting on the past ten years of the CEC as a

platform to build on, he expressed confidence that during the course of their meeting, Council members would find an agenda that will move the CEC forward in a positive and consistent way. He thanked Secretary Cárdenas for hosting the meeting.

Secretary Cárdenas acknowledged the need for a long-term vision, strategic planning, and a better understanding of the relationship between trade, environment and cultural variables. Referring to comments on the need to better engage society and place more emphasis on academia, he noted that in 2006 Mexico would be hosting a world forum on water. He agreed on the need to place greater attention to border issues and announced that several projects focusing on border problems would soon be initiated in cooperation with the United States. He also confirmed that an agreement would be signed to clean up the *Metales y Derivados* site and agreed that improvements to the citizen submission process were desirable and feasible. Concerning institutional reforms, he noted that Council had spent some time discussing this issue from the perspective of improving governance. He recognized the need for follow-up by Council on this subject in order to enrich the agenda and to be more attentive to public concerns. Concerning the Lerma/Chapala basin, he explained that the Mexican government had undertaken some actions with the anticipation of a complete turnaround. Regarding maize, he indicated that as per the process set out in the NAAEC, the Secretariat's draft report had been submitted to Council for their comments before being finalized. Once the Secretariat has finalized its work to ensure the report is accurate, the Council will review the result. He agreed on the need to conserve traditional species and production and to implement strategies to preserve Mexican maize and he referred to two relevant laws currently before Congress. A further possibility may be to create special zones where transgenic corn cannot be grown, to ensure that it does not crossbreed with traditional species. Recalling that Mexico must also satisfy the demands of its consumers and markets, he underlined the need for strategies to conserve traditional species, to supply the market and to preserve human health, ecosystems and culture. To illustrate the challenges facing the country, he noted that while Mexico's demands add up to 26 million tons of grain, its production is in the range of 18 million tons. Of the eight million hectares intended for maize production, only 20 percent have returns above four tons, the balance is less than one ton. In closing, he acknowledged that Mexico should not have to continue importing maize and reiterated that Council would look at the report and make it public when it is ready.

Following a peaceful demonstration by members of the public opposed to the importation and production of transgenic corn in Mexico, the chair adjourned the session.

The NAAEC - A Decade of Environmental Cooperation
ELEVENTH REGULAR SESSION OF THE CEC COUNCIL
Held on 21—23 June 2004 in Puebla, Mexico

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AGENDA

Monday, 21 June

18:00 – 19:30 Welcoming Reception and Official opening of the 11th Regular Session of the Council (1 h 30 min.)

Tuesday, 22 June

9:15—11:15 Public meeting (2 hours)

11:15—11:30 Break (15 min.)

11:30—13:00 Private meeting with TRAC (1 h 30 min.)

13:00—14:00 In-camera session (1 h)

Item 1 Opening of the in-camera session: Adoption of the agenda

Item 2 The NAAEC after ten years

14:00—15:15 In-camera session (cont'd with working lunch) (1 h 15 min.)

Item 3 Other issues

15:15—15:30 Break (15 min.)

15:30—17:30 Joint meeting with the Joint Public Advisory Committee (JPAC (2 hours)

Item 4 Joint meeting with JPAC

Wednesday, 23 June

9:00—10:00 Resumption of Council Session (1 hour)

Item 5 Adoption of Puebla declaration

Item 6 Transgenic Maize in Mexico

Item 7 Preparation for the press conference

Item 8 Concluding remarks

10:00—11:00 Press conference

11:00 End of official program

OBJECTIVE OF MEETING:

Review findings of the ten-year review of NAAEC undertaken by the Ten-year Review and Assessment Committee (TRAC) and chart a path forward for the CEC over the next decade.

MONDAY, 21 JUNE**Welcoming Reception and Official opening of the 11th Regular Session of the Council**

The Mexican Council member, as Chair, will officially open the session. He will then invite his American and Canadian counterparts to address the public, followed by Quebec's Environment Minister, the JPAC Chair, the Executive Director and the Governor of the State of Puebla.

TUESDAY, 22 JUNE**Public meeting**

In accordance with Rule 4.1 of the Council Rules of Procedure, the Council shall hold a public meeting in the course of all annual regular sessions. The Mexican Council member, as Chair, will open the session and extend welcoming remarks. He will then invite the Executive Director to present his report on significant initiatives undertaken by the Commission over the past ten years. He will then ask the JPAC Chair to provide an introduction on the conduct of the Session, which she is expected to facilitate. The meeting will include the following presentations: i) a report on the JPAC public workshop held the previous day on the future of NAAEC; ii) oral statements by pre-selected participants on the future of the NAAEC; and a report on the results of the networking session held the previous day by a representative of the public.

The above presentations will be followed by comments and concluding remarks from the Council members.

Session Document(s):

- a) Format of public session
- b) List of registered speakers and summaries of interventions, as of 10 June 2004
- c) List of registered participants
- d) Executive Director's report to Council

Private meeting with TRAC (See item 2)

The Council and Alternate Representatives will meet privately with TRAC members for one hour and a half.

Item 1 Opening of the Council's in-camera session: Adoption of the agenda

The Council shall adopt the agenda based on the provisional annotated agenda (*Rule 9.6 of Council Rules of Procedure*). The Chair may wish to set out the objectives for the meeting and indicate how he intends to handle the discussions. The Executive Director will briefly address the Council on issues of interest (*Rule 5.3 of Council Rules of Procedure*).

Session Document(s):

- | | |
|--|-----------------------|
| a) Provisional annotated agenda | C/04-00/AGEN/01/Rev.6 |
| b) General program for the Session and side events | C/04-00/PROG/01/Rev.8 |

Item 2 The NAAEC after 10 years

During its Tenth Regular Session in June 2002 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 a path for the next decade. To this end, 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 as a means of informing future implementation of the NAAEC. In mid-April, 2004 the TRAC submitted its draft report followed by their final report to Council in June.

Discussion:

- Presentation by TRAC on findings of the ten-year review of NAAEC.
- Discussion on the future direction of the CEC in light of findings/recommendations from the TRAC report and strategic directions developed recently on specific areas of the CEC.

Session Document(s):

- a) TRAC report
- b) Draft Puebla Declaration

Item 3 Other issues

Opportunity for Council members to discuss topics of particular interest to each of them in the North American context.

Council members may also wish to prepare for their joint meeting with JPAC.

Item 4 Joint meeting with JPAC

Under this item, the Council will meet with JPAC. Following welcoming remarks by the Mexican Council member, JPAC will be invited to exchange views with Council members on the future direction of the NAAEC and the CEC.

Discussion

Discussion on the future direction of the NAAEC and the CEC.

Session Document(s):

- a) TRAC report
- b) JPAC Activity Report (since June 2003)

WEDNESDAY, 23 JUNE**Item 5 Adoption of Puebla declaration**

Under this item, the Council is expected to adopt the Puebla declaration to be released during the press conference.

Session Document(s):

- a) Puebla declaration

Item 6 Transgenic Maize in Mexico

Under this item, the Council may wish to exchange views on the topic of Transgenic Maize in Mexico.

Session Document(s):

- a) Memo dated 8 June 2004 from the Executive Director

b) Draft Article 13 report on the Effects of Transgenic Maize in Mexico

Item 7 Preparation for the press conference

Council members may wish to review arrangements for the press conference to be held, in the presence of the public, following their in-camera session. The press conference, to be facilitated by the CEC's communication director, includes: a report by the Chair on proceedings, statements by the Canadian and United States Council members, and exchanges with media representatives.

Item 8 Concluding remarks

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. He is also expected to invite his counterparts to make final statements. As host of the next Regular Session of the Council, the Canadian Council member may wish to announce the proposed date and venue for the next regular session of the Council to be held in June 2005.

Council members will be invited to sign the Puebla declaration adopted during their session.

2004 REGULAR SESSION OF THE COUNCIL

PUEBLA

22-23 June 2004

Presentation by the Executive Director on Opportunities for Partnerships



TRAC Findings/Recommendations:

"To realize its full potential to act on the North American environmental agenda, the CEC needs to establish an adequate funding base for the future. In order to continue delivering on its mandate, the CEC will need to leverage additional resources through voluntary contributions and partnerships".

"This could involve partnerships with other organizations, including multilateral development agencies and institutions and the business sector, in funding specific aspects of programs, co-financing activities and secondments."

"The Executive Director should seek secondments of relevant experts from the business community and academic institutions".

"The CEC should facilitate direct partnerships involving Canadian or US business and private foundations with Mexican organizations, which then can carry out capacity building activities in the country".



POTENTIAL PARTNERS

1. NGOs/ Foundations
2. Business and Industry
3. Provinces/States
4. Banking and Finance
5. Academia

1. NGOs/Foundations

- Since the inception of the CEC, NGOs have been present and have always made a fruitful contribution
- continued need and commitment to work with NGOs/Foundations in advancing the work of the CEC



2. Business and Industry

- MOU with CCIB, USCIB and CONCAMIN
- Recent meetings (CCIB, Friday Group, Globe, etc)

Type of cooperation:

- Secondments
- Greater participation in JPAC and working groups
- Cooperative activities (ie. preparation of « Environmental Regulations Guide for Exporters in the NAFTA Region » in cooperation with environment ministries and business associations
- Capacity building programs SAICM (Strategic Approach to International Chemicals Management)

3. Provinces/States

- Specific relationship of Quebec, Alberta and Manitoba
- US/Mexico border states

Type of Cooperation:

- Secondments
- Capacity Building
- Information Exchange



4. Banking and Finance

- World Bank
 - GEF projects (DDT, Mexican NIP)
- IADB, NADBANK, Commercial Banks

Type of cooperation:

- Continuing as Executing Agency under GEF
- Help with « environmental management plans » associated with loans from international financial institutions and commercial banks to Mexican clients
- Expansion of FIPREV
- Capacity Building

5. Academia

- McGill/ World Bank/ Quebec Hydro partnership
- Internship program

Type of cooperation:

- Sabbaticals
- Joint Research Projects



Next Steps

« Partnership Strategy Paper » to be developed by Secretariat and presented to Parties at the next Alt Reps session





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

Puebla Declaration

Eleventh Regular Session of the CEC Council

Puebla, Mexico, 23 June 2004—We, the environment ministers of Canada, Mexico and the United States, members of the Council of the Commission for Environmental Cooperation (CEC or “the Commission”), met for our annual regular session on 22 and 23 June 2004.

The year 2004 marks the tenth anniversary of the North American Agreement on Environmental Cooperation (NAAEC) and the North American Free Trade Agreement and is an occasion to assess our work. We see this as an opportunity to review our progress, re-affirm our commitment to the CEC, and set directions for the future. The report of the independent Ten-year Review and Assessment Committee has provided an important basis for our deliberations.

Looking forward, our vision of the CEC is of an organization that is a catalyst for action by the Parties and others to ensure our air is cleaner, our water purer, and our plant and animal species better conserved and protected, as our countries’ economic relationship grows. We also see the organization as a forum through which we can discuss and facilitate regional action on our common global commitments. Over the next ten years we want the CEC to be known for concrete results and for quality information and analysis, which have policy relevance to the three countries.

We recognize the value of the CEC’s work on environment, economy and trade; biodiversity conservation; pollutants and health; and law and policy. Looking forward, we commit to grounding the CEC’s work program, starting in 2005, in results-oriented strategic plans for three priorities: information for decision-making, capacity building, and trade and environment. These are priorities that the CEC is uniquely positioned to help the three countries address together—and separately—for the benefit of North America.

We want the CEC to be an organization recognized for its credible, balanced and timely information on the North American environment, and want to ensure that this information is available and accessible to all interested parties in order to provide governments, the private sector, and citizens alike with information to address the key environmental challenges and opportunities facing the region. We support strengthening the CEC’s information-gathering activities, databases, and communications, and making linkages with other information systems, such as the Global Earth Observation System of Systems.

In developing the strategic plan for information, we will build a knowledge base related to contaminants, the integrity of our ecosystems, and our ability to ensure environmental security at our borders. We will focus on information that is key to providing answers regarding the state of our North American environment, and will develop and use information technologies that will help us access and share this information.

We recognize the different capacities of the Parties and the continuing, urgent need to focus on institutional capacity building in order to sustain targeted results. We acknowledge that this is especially important for Mexico, and want the CEC to assist those concerned in the three countries—governments, the private sector, environmental organizations, academia, indigenous and local communities, and others—in gradually strengthening the capacity for sound environmental management across North America.

In developing a capacity-building strategic plan, we will focus on priorities such as our abilities to assess and manage chemicals of concern, undertake pollution prevention, participate in biodiversity conservation, and

improve our enforcement efforts.

We want to build on the CEC's recognized expertise on trade and environmental linkages, and to address specific trade and environmental issues more effectively. We will enhance the positive working relationship that has been developed with our trade counterparts to ensure trade and environment policies are mutually supportive. We will continue our work with the NAFTA Free Trade Commission, under the Article 10(6) Working Group, to develop a strategic plan on trade and environment.

As we work to develop the plan, we will consider, among other priorities, areas which could include: establishing key elements to enhance markets for renewable energy; addressing issues related to trade pathways for invasive species; trade and enforcement of environmental laws, including enforcement of domestic laws that address transboundary trade in environmentally sensitive goods and materials; environmental procurement practices; market-based approaches to connect North American ecoregions; and sharing, as appropriate, information on methodologies for conducting environmental reviews of trade agreements with a view to better assessing the environmental effects of NAFTA.

The NAAEC and the CEC have been a bold ten-year initiative in building a continental framework for trilateral environmental cooperation within the context of increasing trade and economic ties amongst our three countries. We recognize the significant progress accomplished and the invaluable contribution of the Secretariat and the Joint Public Advisory Committee (JPAC), as well as the efforts of the CEC's working groups. We know it is critical to streamline the work of the CEC and to focus our work on generating concrete, measurable results that will make a difference to the environment in North America. We recognize that there will be a transition period as we adjust the work program and apply new approaches to achieve our goals.

While we are focusing on the CEC's work around three main themes, it is also important to identify and keep abreast of emerging issues, particularly those which have special relevance for North America. We continue to support the CEC's Article 13 work to identify emerging issues, and to provide recommendations to the Parties for addressing these issues.

We continue to be supportive of the process for submissions on enforcement matters, and commit to exploring ways for each Party to communicate how matters raised in factual records may be addressed over time.

As we move to the next ten years in the life of the CEC, we look to a skilled Secretariat to help us achieve our vision for the organization. We are committed to strengthening the relationship amongst all parts of the CEC—the Council, the Secretariat and JPAC. We seek to grow the constituencies engaged in the work of the CEC by including a broad and balanced spectrum of other levels of government, including local governments, environmental groups, academics, the private sector, indigenous and local communities, civil society, and others. We envision a strong role for the CEC in promoting partnerships across this spectrum. We will continue to place great value on advice from JPAC, which reflects the diversity and innovative views of its members.

We have important work ahead, and we are confident that our strong commitment to the CEC will contribute to a cleaner, healthier, and more sustainable North American environment for future generations.

Alberto Cárdenas Jiménez
Government of the
United Mexican States

Michael O. Leavitt
Government of the
United States of America

Norine Smith
Government of Canada