DISTRIBUTION: General
J/11-02/ADV/Final
ORIGINAL: English

Advice to Council No: 11-02

Re: JPAC-led Public Consultation on the 2011–2012 CEC Operational Plan

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America;

IN ACCORDANCE with Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC), which states that JPAC "may provide advice to Council on any matter within the scope of this agreement (...) and on the implementation and further elaboration of this agreement, and may perform such functions as the Council may direct;"

HAVING reviewed the proposed CEC 2011–2012 Operational Plan sent on 25 March during the JPAC Regular Session 11-01, which took place in Mexico City on 4–5 April, and having subsequently conducted a public consultation on the proposed Plan;

SUBMITS the following observations and comments for Council's consideration:

Review Participation: Professional and well thought-out feedback was received from both the public and from the members of JPAC on the CEC 2011–2012 Operational Plan. Several of the submissions remarked positively on the work done to date on the Operational Plan and the public appreciated the opportunity to provide constructive comments. JPAC members emphasized the importance of open dialogue with the public as it contributes to the collective goals of the Parties, the CEC and the public-at-large. The Advice contained herein underscores the importance of transparency in improving the effectiveness of the programs of the CEC.

General Comments on the Draft 2011–2012 Operational Plan

Communications: The issue of effective communication once again surfaced as a concern. While JPAC understands that a great deal of information is accessible by the public through the CEC's website, the website itself and the CEC are not well-known. Without effective public communications, many of the necessary participants (especially within the public-at-large) will not be able lend their contributions to the overall improvement of CEC initiatives—in this case the Operational Plan. JPAC understands that the Parties will develop an updated and expanded communications strategy to promote public awareness of the work of CEC and the role of the public plays. JPAC looks forward to contributing to such an initiative.

With respect to the draft 2011–2012 Operational Plan, many of the project descriptions are vague to the point of generating unnecessary questions and misconceptions that could have been avoided with the release of more detail around each project.

Plan Comprehensiveness: Throughout JPAC's review of the Operational Plan, several comments surfaced concerning environmental subjects that were not included in the project list. JPAC appreciates that the list of projects is not all-inclusive and reflects a two-year timeframe. JPAC also understands that there are many initiatives underway within the three governments (external to the CEC) that are not showcased within the Plan narrative. However, it is JPAC's advice that a CEC project encompassing follow-up activity to the release of the *CEC Article 13 Report*: *Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America* be considered. JPAC fully supports the report and recommends that this important area of concern for the North American environment be reflected in the current list of projects to capitalize on the momentum generated by its recent launch and the level of public support it has been receiving. It is a glaring omission to not continue this work after such a well-researched and well-written report.

Specific Comments on the Draft 2011–2012 Operational Plan

Project 1: Capacity Building to Improve the Environmental Health of Vulnerable Communities in North America

This project is particularly vaguely written and therefore hard to understand. It is implicit that the project seeks to come up with some uniform definitions of risks, emissions sources, etc., that can be put into a framework that will facilitate similar action, or similar protective measures, in the three countries. It should be clarified.

Through feedback from the public consultation process and from the attendees at the JPAC Regular Session 11-01, it was suggested that, while the main project outcome of the development of a useful 'framework' to be used by all stakeholders (including governments) is a sound objective, it would be very useful to review the frameworks already existing in the three countries. It is JPAC's opinion that, in general, existing frameworks do not represent the cumulative impacts of pollution, poverty and other social determinants of health. It is JPAC's advice that the project incorporate new and emerging methodologies (such as the Environmental Justice Screening Method presented by Manuel Pastor in Guanajuato) in order to provide assistance to the various stakeholders seeking to address environmental health impacts in vulnerable communities. In regard to building capacity, it is JPAC's advice that resources be directed to stakeholders working to empower, educate and train community members, governmental representatives and others to address these issues in a comprehensive manner.

JPAC supports the public advice that the extent of the challenges in vulnerable communities and the particular characteristics of community marginalization are quite different in each of the three countries. It is JPAC's advice that the development of online methods may not be useful to communities that are so disadvantaged that they do not have the resources to access them so that the project should develop tools both on- and off-line.

Project 2: Improving Indoor Air Quality to Reduce Exposure to Airborne Contaminants Including Fine Particulates and Chemical Compounds in Alaskan Native Populations and Other Indigenous Communities in North America

It is JPAC's advice that this project should be redefined to incorporate specific, clear and tangible intentions, detailed timelines and results to be achieved by the project. JPAC considers that the project as currently described contains questionable statements, descriptions, methodologies and timeframes that need be taken up with the organization seeking this funding and, if not answered in a satisfactory manner, this project should be disqualified from receiving the funding.

Within the project, it appears that more definition around items such as target communities, established baselines, specific regions, future replication, funding, appropriate communities, standards and project oversight need significant clarification. Further, the extent of the challenge is so significant that JPAC advises that the project description clearly reflect that this project is a pilot project and that, if successful, it will be considered for applicability in indigenous communities in Mexico and Canada. JPAC considers that the project's proposed reduction of indoor airborne contaminants by 30 percent by 2015 is unrealistic.

Public feedback indicates that, while it is understood that Alaskan and indigenous communities experience hazardous exposure to airborne contaminants such as wood smoke, many other North American communities suffer the harmful effects of this and other airborne particulates. While the project is an attempt towards mitigating the risk somewhat, JPAC agrees with the public perspective that, in addition to the above-mentioned concerns, the problem is severe to the point that regulatory action is needed to support the reduction of this environmental hazard on a meaningful scale.

Project 3: North American Grasslands: Management Initiatives and Partnerships to Enhance Ecosystem and Community Resilience

JPAC joins the public in applauding the CEC's continued focus on restoring the health of North America's native grasslands. Strong support exists for the prescribed focus on stewardship and sustainable management. This project will bring a much needed coordination of existing efforts as well as the opportunity for establishing high standards of practice for activities in native and recovering grasslands (including the use of pesticides, the protection of habitat and the improvement of a compliance/legal framework protecting grasslands). JPAC advises that there are significant partnership opportunities with several like-minded organizations within this project. Many such organizations look forward to the opportunity to collaborate with the CEC in the implementation of its work for the conservation of North America's native grasslands.

Project 4: Big Bend-Río Bravo Collaboration for Transboundary Landscape Conservation

JPAC joins members of the public in congratulating the Parties for their renewed and energized effort to coordinate conservation in the Big Bend-Río Bravo region. It also notes that the project is fundamental to Council's priority regarding the relationship between healthy communities and ecosystems. JPAC considers this project a significant opportunity for collaboration in shared ecoregions that could lead to environmental progress regarding plant and animal invasive species and the protection of vegetation that is beneficial to both the environment and the economic reliance of the community on the ecosystem.

Project 5: Approaches for Identifying and Tracking Chemicals in Commerce in North America

JPAC advises that the importance of the Parties' continued involvement with the SMOC initiative cannot be overstated. Public feedback strongly endorsed the focus around the compatibility of inventories throughout the three countries within the project's definition.

Project 6: Risk Reduction Strategies to Reduce the Exposure to Chemicals of Mutual Concern

Public feedback on the Operational Plan suggested that this project not only examine foods in Mexico but also foods in the United States and Canada.

Project 8: Enhancing Environmental Law Enforcement

JPAC advises that there is a high level of public interest in this project, as environmental law enforcement is seen as pivotal to changing the behaviors that impact the North American environment. While there were public comments suggesting a wide range of topics for inclusion (such as illegal trafficking of species, computers, motorcycles, monitors, wildlife, etc.) the overall theme is that all initiatives to strengthen environmental law enforcement are praiseworthy. While JPAC fully supports the project, it is JPAC's considered advice that the project description should ascribe a high priority to the reference of coordination mechanisms.

JPAC supports the public observation that while the project description focuses on improving the management practices of SMEs (suggesting the provision of training courses), it should also focus on the role of the consumer. JPAC advises that the issue of e-waste, in addition to focusing on companies that recycle or refurbish e-waste, should also endorse action aimed to increase consumers' awareness about the urgent need to address the issue of e-waste disposal. JPAC advises that the inclusion of the consumer is a necessary complement to the promotion of the adoption of environmentally-sound management practices by SMEs. JPAC realizes that environmentally-sound management practices in small and medium enterprises (SMEs) compliments international efforts to address the issue of e-waste recycling and refurbishing but advises that without a similar focus on the consumer, it will be difficult if not impossible to achieve the desired outcome.

Project 9: Improving Comparability of Emissions Data, Methodologies and Inventories in North America

Public commentary supported this project, suggesting that the results of greenhouse gas emissions inventories would be very useful as a tool to develop mitigation projects focused on the most polluting sources of GHG emissions.

Project 10: Ecosystem Carbon Sources and Storage

JPAC advises that this project draft is a necessary first step in the identification of priority ecosystems for conservation efforts by ecological services throughout North America. JPAC

suggests that this project emphasize that the outcome should be the preservation of the health of North American ecosystems and their resident communities, as opposed to the more limiting perspectives of conservation within the context of ecological services. JPAC considers it important to include tangible, measurable goals for this work.

Project 12: Improving Conditions for Green Building Construction in North America

JPAC supports the public observation that the working group should be composed of more than solely public officials, but instead be representative of all construction stakeholders, from homeowners to building professionals and university researchers.

Project 13: Improving the Economic and Environmental Performance of the North American Automotive Industry Supply Chain

JPAC advises that strong support exists for this project and fully endorses it. This project can promote the development of systems, tools and networks between various stakeholders where all parties can benefit in sustainable economic and environmental performance. JPAC supports the continued funding of this project to completion because it is a win-win initiative—good for the environment and good for business.

In closing, JPAC is confident that this Advice to Council is highly relevant in terms of the Council's new Operational Plan. JPAC notes that the process to complete this Advice involved significant collaboration between JPAC members and the public from each of our three counties. We are also pleased to note that the JPAC is unanimous in supporting this Advice to Council document's substance and recommendations.

Approved by the JPAC members
13 May 2011