

COMMISSION FOR ENVIRONMENTAL COOPERATION

Joint Public Advisory Committee Report

1996 Public Meetings

1 October 1996

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The Honorable Carol Browner
Administrator of the United States Environmental Protection Agency (United States)

The Honorable Julia Carabias
Secretary of the Environment, Natural Resources and Fisheries (Mexico)

The Honorable Sergio Marchi
Minister of the Environment (Canada)

Dear Council:

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation is pleased to submit its report of the 1996 Public Meetings on the environment held June 21 in Montreal, July 19 in San Diego and Aug. 1 in Toronto. The report summarizes the oral and written presentations made during the three public meetings.

It was clear from the meetings that a substantial number of North Americans are interested in ensuring the success of the North American Agreement on Environmental Cooperation.

Based on the public meetings, the JPAC is preparing recommendations that it will discuss with the Council as the basis for sustained and increased action in 1997 and thereafter.

The JPAC thanks the Council for this opportunity to relay the concerns of the public pertaining to the environment in North America.

Sincerely,

Jon Plaut,
Chairman of the JPAC

1 October 1996

Participants in the 1996 JPAC Public Meetings
Members of the Public

Dear Participant/Members of the Public:

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) is pleased to make available to participants and other members of the public copies of its report to the Council of the CEC on the 1996 public meetings on the environment. The report summarizes the oral and written presentations made at the three public meetings held June 21 in Montreal, July 19 in San Diego and Aug. 1 in Toronto.

In addition to submitting the report to the CEC Council for their consideration, the JPAC is using the report in development of its own recommendations to the Council pertaining to the framework of the CEC's 1997 program.

Members of the public may obtain copies of the report by contacting Manon Pepin, JPAC Coordinator, 393 St. Jacques West, Suite 200, Montreal, Quebec, Canada H2Y 1N9, Phone: (514) 350-4300, Fax: (514) 350-4314, Email: <mpepin@ccemtl.org>. The report, available in English, French and Spanish, will also be placed on the Commission's home page on the World Wide Web: <<http://www.cec.org>>.

The JPAC is gratified to see the emergence of a North American community actively working to better the environment. We welcome your participation and interest in the Commission for Environmental Cooperation.

Sincerely,

The JPAC

TABLE OF CONTENTS

THE JPAC MANDATE	v
EXECUTIVE SUMMARY	vi
1.0 INTRODUCTION	1
2.0 PUBLIC COMMENT: JUNE 21, 1996, MONTREAL, QUEBEC	2
2.1 Reducing health risks of environmental contaminants	2
2.1.1 Sustainability	2
2.1.2 Volunteerism vs. regulation	2
2.1.3 Harmonization of regulations	3
2.1.4 Procedures for identifying/targeting chemicals for priority action	4
2.1.5 Socio-economic considerations: community empowerment	4
2.1.6 Regional cooperation: Information sharing/technology transfer/capacity building	6
2.1.7 Public participation	6
2.2 Conserving North American biodiversity	6
2.3 Strengthening environment and economy linkages in North America	7
2.3.1 Harmonization of legislation	7
2.3.2 Dispute avoidance	8
2.3.3 Full-cost pricing	8
2.3.4 Technology transfer: cross-border trade	9
2.3.5 Green labeling	9
2.4 Defining public participation in the activities of the CEC	9
2.4.1 Equity	9
2.4.2 Using networks to ensure equity	10
3.0 PUBLIC COMMENT: JULY 19, 1996, SAN DIEGO, CALIFORNIA	11
3.1 Reducing health risks of environmental contaminants	11
3.1.1 Hazardous waste management and reporting	11
3.1.2 Pollution prevention	12
3.2 Conserving North American biodiversity	13
3.2.1 Alternative models for biodiversity preservation	13
3.2.2 Baseline data information and management systems	14
3.2.3 Illegal trade in endangered species	14
3.2.4 Indigenous peoples	15
3.3 Strengthening environment and economy linkages in North America	15
3.3.1 Mechanisms for environmental standards enforcement	15
3.3.2 Laboratory accreditation and comparability of data	16
3.3.3 Managing hazardous wastes generated by increased trade	16
3.3.4 Electricity markets and air emissions	16
3.3.5 Alternative fuel vehicles	17
3.3.6 Joint efforts to solve boundary issues	17
3.3.7 Public participation	17
3.4 Defining public participation in the activities of the CEC	18
3.4.1 NAAEC Articles 13, 14, 15	18
3.4.2 Funding for public participation	18
3.4.2.1 Mexico: equitable participation	19

3.4.3 Equitable participation-Mexico	19
3.4.4 Equitable participation-Indigenous peoples	19
3.4.5 Equitable participation-Communities affected by hazardous wastes	20
3.4.6 Fair trade practice: Chile	20
3.4.7 Volunteers	20
4.0 PUBLIC COMMENT: AUG. 1, 1996, TORONTO, ONTARIO	20
4.1 Reducing health risks of environmental contaminants	20
4.1.1 Volunteerism and regulation	21
4.1.2 Harmonization of regulations	21
4.1.3 CEC mission/funding	22
4.2 Conserving North American biodiversity	22
4.2.1 Upward harmonization	22
4.2.2 Natural protected areas	22
4.2.3 Forest conservation	22
4.2.4 Critical bird habitat	22
4.2.5 Genetically viable grizzly bear population	23
4.3 Strengthening environment and economy linkages in North America	23
4.3.1 NAFTA environmental effects/trade dispute prevention	23
4.3.2 NAFTA effects: Information systems	24
4.4 Defining public participation in the activities of the CEC	24
4.4.1 Broaden access	24
4.4.2 Secretariat programs	24
4.4.3 Regulatory cutbacks	24
4.4.4 Articles 14 and 15	25
5.0 PUBLIC COMMENT: WRITTEN SUBMISSIONS	25
5.1 Reducing health risks of environmental contaminants	25
5.1.1 Mercury monitoring network	25
5.1.2 U.S.-Mexico border communities	25
5.2 Conserving North American biodiversity	25
5.2.1 Intellectual property rights	25
5.2.2 Monarch butterfly: conservation	26
5.2.3 Prairie environments	26
5.3 Strengthening environment and economy linkages in North America	26
5.3.1 Electricity markets and air emissions	26
5.4 Defining public participation in the activities of the CEC	27
5.4.1 State autonomy/participation	27
5.4.2 Grassroots decision-making	27
APPENDIX A–List of Presenters	28
APPENDIX B–List of Written Submissions	32
APPENDIX C–Acronyms	38
APPENDIX D–Joint Public Advisory Committee Members	39
APPENDIX E–CEC Secretariat Program Managers	42

The JPAC mandate

The Commission for Environmental Cooperation (CEC) was established in 1994 under the North American Agreement on Environmental Cooperation (NAAEC). The CEC is composed of a Council that is the governing body of the CEC, the Joint Public Advisory Committee (JPAC), and a Secretariat that has its headquarters in Montreal.

The JPAC advises the Council (composed of cabinet-level or equivalent representatives of the three countries) on matters within the scope of the NAAEC, including resolution of disputes submitted to the CEC for resolution under the Agreement, and the annual program and budget of the CEC.

Programs of the CEC are typically trilateral, policy oriented or information-generating issues that if not coordinated cannot be dealt with as effectively by any one Party, such as transboundary issues pertaining to air and water.

The JPAC has a responsibility to foster public participation throughout North America. As well, the JPAC is empowered to provide relevant technical, scientific or other information to the Council. The members of the JPAC, up to five from each country, are government-appointed volunteers from the public with expertise in a variety of fields.

JPAC members

Mike Apsey
Francisco José Barnés
Guillermo Barroso
Peter Berle
Jorge Bustamante
María Cristina Castro
Michael Cloghesy

Louise Comeau
Jacques Gérin
Dan Morales
Jon Plaut, Chair
Iván Restrepo
Jean Richardson
John Wirth

EXECUTIVE SUMMARY

The Council of the Commission for Environmental Cooperation requested in the spring of 1996 that the Commission's Joint Public Advisory Committee (JPAC) assist it in soliciting public comment on Commission activities in preparation for its Third Regular Session held Aug. 1-2 in Toronto, Canada.

In response to this request, the JPAC held three public meetings (June 21 in Montreal; July 19 in San Diego, and Aug. 1 in Toronto). The purpose of the meetings was to facilitate public input from North Americans and to spark strategic discussion on four environmental topics that pertain to priority programs of the Commission for Environmental Cooperation (CEC).

The four topics are noted here, followed by the names of the JPAC members responsible for reporting concerns expressed at the meetings to Council members and the public at the Council's Third Regular Session. The names of the CEC program managers with responsibility for these areas are also noted:

- 1) Reducing human health risks of environmental contaminants in North America
María Cristina Castro / CEC: Lisa Nichols; Andrew Hamilton
- 2) Conserving North American biodiversity
John Wirth / CEC: Irene Pisanty/Martha Rosas
- 3) Strengthening environment and economy linkages in North America
Jacques Gérin / CEC: Sarah Richardson
- 4) Defining public participation in the activities of the CEC
Jon Plaut / CEC: Rachel Vincent

Members of the North American community making presentations at the meetings brought to the discussion the different perspectives of non-governmental organisations, industry, science and academia, community activists and public administrators.

The diverse views expressed at the public meetings are summarized in detail in the body of this report. The Executive Summary features these views as they were summarised in general terms by the JPAC members in their informal reports to Council members (Carol Browner; United States; Julia Carabias, Mexico; and Sergio Marchi, Canada) and to the public at the Council's Third Regular Session.

JPAC reports presented at the Third Regular Session of the Council

Reduction of risks to human health from environmental contaminants (María Cristina Castro)

Comments pertaining to reduction of risks posed by environmental contaminants addressed both *principles* that are not at issue, such as protection of human health, to *shared strategies*, such as sustainable development, regional cooperation, and empowerment of citizens and local communities through increased access to information and inclusion in decisions affecting their health and natural resources.

The following seemingly opposing views were expressed:

1. North Americans cannot halt progress; to remain competitive, there is a price to be paid.

2. Productivity cannot be pursued at the expense of public health.

Nevertheless, there was general consensus that while North Americans seek economic progress and competitiveness, it is necessary to prevent toxic substances above all persistent substances from damaging human health. Specific concerns were raised about the risks toxic substances pose to human endocrine, immune and reproductive systems.

Predominant concerns included the methodology used to evaluate toxic substances; the viability of mechanisms used to ensure compliance with the North American Agreement on Environmental Cooperation (NAAEC), and other resolutions and agreements pertaining to environmental commitments; and the means by which the costs of eliminating risks are balanced with the desire to remain globally competitive, while still ensuring that human health and the environment will not be put at risk.

Differences in the degree of development between the three nations were reflected in the contrasting concerns expressed by participants, including the need to:

- Acquire more in depth scientific knowledge about the risks posed by chemicals and encourage the development of new ways to eliminate toxic waste;
- Pursue environmental objectives in a manner that is supportive of, and sensitive to, a globally competitive economy; and
- Recognise that extreme poverty, is linked to environmental degradation.

Recurring propositions included the following:

1. Develop a transition plan to eliminate toxic substances;
2. Strive for clean production, which is less costly than correcting damage caused by pollution;
3. Emphasize preventive measures;
4. Give consideration to voluntary risk-reduction initiatives;
5. Promote alternative technologies that result in reduced use of chemical substances;
6. Include methodologies introduced during the meetings to eliminate toxic waste;
7. Study and regulate new products;
8. Take advantage of experience, identifying case studies and successful actions;
9. Increase scientific understanding of environmental contaminants through interdisciplinary research, and use of compatible data and coordinated information systems;
10. Insist on full public access to information on possible damage to human health, and on the means to prevent and confront disasters, particularly in border areas;
11. Evaluate chemicals based not only on average standards but also on synergistic effects;
12. Recognize that while voluntary actions are important, progress in reducing the use of toxic substances should not be based on voluntary actions alone. It is also necessary to regulate toxic substances proactively. Where possible, prefer elimination and interdiction of toxic chemicals—over policies that control and monitor their limitation;
13. Identify criteria for listing or control of hazardous toxic substances, taking into consideration particularly fragile groups, such as children and the poor;
14. Back regional cooperative commitments with budgets that provide for equipment, training and technology transfer;
15. Strategies to strengthen the power of citizens and of local communities must include:

- Current information and the participation of local groups;
- The decentralisation of decision-making;
- Projects on a local level; and
- Support for enforcement of existing regulations.

Transportation of toxic and hazardous substances from one country to another in North America, especially in border regions, must be addressed.

Some participants objected to laws, regulations and policies that permit export to one country of toxic substances that are prohibited or restricted in the exporting country. Concerns were also expressed that enter countries as contraband. In a related concern, participants noted that pesticides may have a serious effect on the health of rural populations and laborers who apply them or work in fields treated with them without adequate protection for their health. Participants asked that laws and law enforcement as they pertain to exports and imports of hazardous substances and protections for those exposed to pesticides through application or occupation be strengthened. As well, they asked that environmental regulations be improved to make them more effective.

On the whole, the participants perceive that the CEC can offer a regional framework that seeks to coordinate global agreements for the elimination of toxic chemical substances. To this end, they support the efforts and the commitments undertaken by the governments of Canada, the United States and Mexico.

Conserving North American biodiversity (John Wirth)

Three over-riding concerns emerged in regard to biodiversity:

- Information gathering;
- Training and monitoring; and
- Community-based initiatives.

Information gathering: Participants asked that up-to-date basic environmental information be made available to the public. Particularly noteworthy were the commitments by the CEC, governments, academia and local organizations to make the data systems they are developing, including mapping, available to the general public so that they might be actively involved in decision making.

While participants requested information about all of North America, they stressed the importance of receiving information on the border areas. Considerable interest was expressed in the development of Geographic Information Systems (GISs), especially with respect to the United States-Mexican border region for use in systematic mapping of natural resources and human conditions in areas where the existing infrastructures, resources and the environment have been stressed by rapid industrialization and swelling.

Training and monitoring: Participants noted a need to enhance the capacity of federal, state/provincial and local officials to share techniques on enforcement. There was particular interest in training and monitoring with respect to enforcing legislation on trade in endangered species, particularly animals and birds from Mexico brought illegally into the United States and Canada. It was clear through presentations on both CEC efforts and those underway through other government and NGO initiatives that there is unprecedented cooperation in this area. The sharing of techniques highlights the emergence of a trinational North American focus on biodiversity. For example, Mexican fish and game officials have joined the

Joint Public Advisory Committee

International Game Fish Association, an organization started 35 years ago by U.S. and Canadian fish and game officials. This is an excellent example of a bilateral association becoming trilateral as a result of NAFTA.

Community-based initiatives: Participants noted the necessity for local communities to be informed about issues or decisions affecting them and supported in grassroots initiatives that promote community “buy-in” with respect to biodiversity. One example of community-based initiatives that need support to flourish and which can contribute to efforts to preserve biodiversity was that of Native Americans. It was noted that tribal governments are often split by political jurisdictions that bifurcate cultures. Governments and the CEC were encouraged to support information sharing with respect to native techniques for managing local environmental conditions. The example and others underlined the importance of outreach efforts that cultivate a broader sense of constituency. The realization that we belong to a shared North American region will shape how we define and address initiatives.

Other concerns noted included:

- Urban biodiversity; and
- Whole ecosystem preservation.

Urban biodiversity: Participants asked the JPAC and the Council to cultivate the urban aspect of biodiversity, particularly through education of children.

Whole ecosystem preservation: Participants noted that North America must move beyond conservation and preservation of national parks to development of large, core wilderness areas in which human beings and the natural world can live in comfortable proximity and viable association. The notable example of Florida’s Preservation 2000 program was cited, in which the state has consecrated roughly half its land area to a reserve system comprised of connective wilderness areas. It was noted that to protect biodiversity in North America, similar core regions will need to be identified and protected in areas that cross borders. Before populations will be receptive to such proposals, issues involving property rights, political jurisdictions and, above all, social will must be addressed.

Strengthening environment and economy linkages in North America (Jacques Gérin)

Linkages between the environment and economy proved to be a central issue and one that is difficult because it is new and controversial for each of the governments. Examining and strengthening such linkages is also at the core of the CEC’s work.

Among the concerns raised by participants, these six dominated the discussions:

1. The trend in harmonization of environmental standards could be downward toward a lowest common denominator. In the context of deregulation, this trend deeply concerns the public. Presenters from both industry and environment groups asked the CEC to make NAFTA effects and dispute avoidance its priorities and to examine the consequences of deregulation;
2. Development pressures on natural resources are resulting in unsustainable commercialization practices. For example, the viability of forests throughout the continent is threatened by irresponsible logging

practices and excessive recreational use. To counter over commercialization that results from global pressures participants proposed that sustainable management of natural resources include full cost pricing;

3. Restructuring of the North American energy sector now underway could lead to increases in energy use and consumption and promote fossil fuels that pollute, thereby undoing the gains made to date in energy efficiency, conservation and use of alternative fuels. Energy policies must be developed and implemented that promote rational and sustainable development of electrical markets;
4. Policies and legislation that govern technology transfer with respect to treatment of hazardous materials in the context of opening markets raised two concerns: that safe disposal of such wastes be paramount but that treatment policies not discourage countries from developing their own treatment infrastructure that stimulates trade and helps to reduce chemical production;
5. North America should work toward equivalency of testing criteria, inclusive of laboratory standards and common certification that is recognized in all three countries. Such equivalency would facilitate better quality and more reliable tests with attendant economic benefits, and contribute to knowledge about the state of environment and governments' ability to assess environmental progress; and
6. Participants noted the need to use and increase information for consciousness raising, outreach and as an interactive assessment tool. The CEC was encouraged to expand upon its outreach services provided through the Commission's Information Center. Participants also emphasized the importance of programs for the public and schools and eco labeling as consciousness raising tools.

Proposals by the public to address concerns included

- Making full use of the Commission's Information Center and informing the broader public of the Commission's mandate, activities and accessibility;
- Calling on the Commission to examine and make recommendations on the effects of deregulation;
- Asking the Commission and governments to promote upward harmonization and enhancement in spirit of the North American Agreement on Environmental Cooperation (NAAEC); and
- Developing a North American policy to improve the management of energy and natural resources, including moving toward full cost pricing.

Defining public participation in the activities of the CEC (Jon Plaut)

Different points of view were most notable in discussions pertaining to the public's right to know and protection of confidentiality. However, consensus existed that appropriate procedures are those that respect all stakeholders.

Commission/JPAC communications: The Commission and JPAC received encouragement from the public to continue with their efforts to inform, engage, network and consult with the public, including communities and organizations such as the Border Environment Cooperation Commission.

Public access: The issue of access was raised from different perspectives: what degree of access is proper? How early in the process should access be provided to Commission programs and projects? What resources are required to ensure equitable access to diverse North American groups? Is access provided to and by governments sufficient? What measures can be taken to provide more direct access to data and to policy making?

Communication pathways: Participants asked the Commission to enhance and develop communication pathways appropriate to its diverse North American constituency. For example, the JPAC and Commission

Joint Public Advisory Committee

as a whole were asked to consider how they might maximize communications with organizations and people living in rural areas that do not have computers or resources to hook up to the Information Highway. Considerable emphasis was placed on utilization and expansion of existing networks as conduits for information on Commission initiatives and procedures. For example, it was noted that the Commission could approach existing North American Indian tribal networks and Mexican Environmental NGOs to encourage their participation. As well, it was noted that satellite technology offers opportunities for long-distance outreach efforts (i.e., teleconferencing; educational).

Proactive communications: Participants suggested the Commission not only inform but also involve the public in formative stages of projects, whether they be Commission programs, government policy/legislation or proposed development in a community. A variety of means were proposed for fostering such involvement, including use of institutional mechanisms (input to governments through the use of the National Advisory Committees, etc.); programs that utilize expert/non-expert input; and direct input to governments. A participant proposed that the Commission consider acceptance of friend of the court submissions under the NAAEC's Article 14 (Submissions on Enforcement Matters).

Public consultations and roundtable: The JPAC's use of public consultations and roundtable discussions in 1977 and thereafter to assist the Council and its Secretariat with planning was supported by participants. Participants from Mexico and western Canada and the United States asked to be included as a focus for the next round of public consultations.

Governmental exchanges: Council members were asked to share concerns raised at the public meetings with their ministerial and agency counterparts whose portfolios touch on issues with linkages to the environment (trade, justice, etc.).

NAFTA ratification and full participation: An over-riding concern regarding full participation of stakeholders was that several Canadian provinces have yet to ratify the NAFTA. Their ratification is required to permit full public participation on matters such as submission of Article 14 petitions for enforcement of environmental laws.

COMMISSION FOR ENVIRONMENTAL COOPERATION

Joint Public Advisory Committee Report

1996 Public Meetings

Building a North American community: Summary of public presentations

1.0 Introduction

The Council of the Commission for Environmental Cooperation (CEC) requested this spring that the Commission's Joint Public Advisory Committee (JPAC) assist it in soliciting public comment on Commission activities in preparation for its Third Regular Session held Aug. 1-2, in Toronto, Canada.

In response to this request, the JPAC scheduled three regional meetings to facilitate public input from North Americans and to spark strategic discussion on environmental topics that pertain to priority programs of the Commission. The meetings were held June 21 in Montreal, Canada; July 19 in San Diego, a United States border community located just north of Tijuana, Mexico; and Aug. 1 in Toronto, Canada.

Prior to announcing the regional public meetings, the JPAC prepared and distributed informal discussion papers that briefly noted the status of program efforts, opportunities for North American cooperation, and questions and considerations pertaining to the Commission's role. Members of the public were invited to respond to the papers or raise concerns of their own pertaining to these topics. Representatives of the governments and Commission staff were also present at the JPAC meetings to hear presentations as they were made. Presenters speaking at the Toronto meeting, held in conjunction with the Council's session, had the opportunity to voice their concerns directly to the Council members.

The summary of the presentations is organized according to the date of the meeting and the four discussion paper topics. Where comments pertain to a sub-topic or "theme," such as community empowerment that was referred to by a number of presenters, the comments are presented under these subheadings. Responses are also noted according to the "sector" or category that the speakers represented. Categories created to reflect the presenters' constituencies or interests represented include the following: industry (representative of a company or umbrella group); environmental groups/coalitions; academia; and community presenters (with emphasis on the speaker's linkages to a community, whether as a citizen activist, local government representative or person discussing a community case study).

Where opinions/advice offered by a presenter from a particular sector differed markedly from their colleagues in the same sector, these differences are also noted.

The JPAC wishes to emphasize that this report is not a transcript, nor does it constitute formal minutes. Rather, it summarizes the key points made during the public meetings or through written statements. If common concerns were evident and central to the critiques or proposals offered on a topic, these are

noted. The diverse views expressed by the public were summarized in general terms by the JPAC members in their informal reports delivered Aug. 1 during the Third Regular Session of the Council to the public and to Council members (Carol Browner, United States; Julia Carabias, Mexico; and Sergio Marchi, Canada). These JPAC reports are featured in the Executive Summary. The JPAC is also using the report in development of its own recommendations to the Council pertaining to the framework of the CEC's 1997 program.

2.0 Public comment: June 21, 1996, Montreal, Quebec

Maison des Régions du Québec, World Trade Center
380, St-Antoine West, Room W-2060, Montréal (Québec)

2.1 Reducing health risks of environmental contaminants

2.1.1 Sustainability

Presenters from both industry and environmental non-governmental organizations (ENGOS) concurred that "sustainability" should be the fundamental principle underlying identification and management of chemicals that pose risks to human health. However, presenters from these two groups appeared to hold contrasting connotations of sustainability. Industry presenters emphasized *balance*, noting that environmental viability or "benefits" must be weighed against economic (trade) viability and possibilities for continued development. As well, they find there is a positive reciprocal relationship among these elements, in that a more vigorous economy provides greater resources that can be used to address environmental concerns. In the view of one person from industry, sustainability includes acceptance of some environmental degradation as a trade-off or acceptable price that is off-set by quality of life made possible through a vigorous growth economy. Presenters from environmental NGOs placed greater weight on long-term ecological viability, which they view as the key factor in "sustainability." By this latter definition, persistent chemicals such as endocrine disrupters, though they may provide economic advantages to a community in the short term, are not sustainable over the long-term.

2.1.2 Volunteerism vs. regulation

Presenters from industry were unanimous in favoring voluntary compliance as a chief mechanism of the 1990s and beyond for achieving reductions in chemicals. They said voluntary initiatives undertaken in the context of a sustainable environment enable industry to remain globally competitive while improving quality of life. They noted that in recent years voluntary actions on the part of chemical producers have resulted in significant reductions in toxic chemicals.

The Commission was urged both by representatives from industry and a presenter from academia to support/encourage/develop multi-stakeholder policy processes to "go beyond the regulation/deregulation" debate. Several processes were cited as "templates that were working well," in terms of an equitable stakeholder access, emphasis on practical and cost-effective strategies, and development of clear criteria. Processes noted include the Accelerated Risk Reduction/Elimination of Toxics (ARET) voluntary program; the State of the Lakes Ecosystem Conference (SOLEC); the US/Canada Binational Policy

Process that establishes targets and goals for reduction of persistent, toxic and bioaccumulative substances; and the President's Council for Sustainable Development (PCSD) in the United States.

A person from industry noted that the voluntary concept of "Responsible Care®" is easier for large industries to apply than for medium and small-sized enterprises, which may lack resources and expertise required for self-regulation. A presenter representing a coalition of industries noted that the coalition is considering a cooperative program to promote volunteerism. Under the program, larger industries would make resources available to smaller industries and enterprises.

In contrast, presenters representing environmental organizations stated that the most significant gains in reduction of toxic pollutants have been forced through regulatory, top-down mandates rather than voluntary actions by industry. (A reference was made to a consultant survey of industries in which, it was reported, industry executives noted they pay closest heed to regulations and the least to voluntary initiatives.)

The presenters from environmental NGOs said regulations function best when their emphasis is pro-active (elimination/prohibition of toxic chemicals as opposed to controls that the presenters characterized as costly, difficult to apply and enforce, and which have had limited results to date). They urged that regulations be developed in a socio-economic context that has sustainability as an objective, e.g., self recycling and production of biodegradable products for a service economy versus production of "throw-away" goods.

Several presenters speaking on behalf of environmental NGOs advocated a North American legislative/regulatory regime that focuses on clean production processes and reduction and, where appropriate, elimination of toxic materials that pose risks to human health and which are energy/water intensive to produce. The Montreal Protocol on CFCs (chlorofluorocarbons) was cited as an example in which regulatory change has been effective.

2.1.3 Harmonization of regulations

Presenters speaking for environmental NGOs perceived a trend of downward harmonization among the NAFTA countries that some said NAFTA is unable to reverse. One presenter said this trend is led by the United States and Canada (citing, as one example, negotiations on Persistent Organic Pollutants standards affecting pesticides currently underway through the UN/Economic Commission for Europe's 1979 Convention on Long Range Transboundary Air Pollution or LRTAP). The presenters attribute this trend to pressure from industrial lobby groups that have more extensive resources than other stakeholders and to a lack of rigor on the part of the government for transparency in the rule-making process.

One presenter from an environmental organization discussed cement kiln burning of hazardous wastes as a case study illustrating this concern. The presenter, discussing the history of U. S. EPA decisions pertaining to incineration of hazardous wastes by cement kilns, said operators of cement kilns burning or proposing to burn hazardous wastes have been exempted by the federal environmental agency from the scrutiny of the public hearing process and from the licensing required of operators of competing commercial incinerators. Noting that hazardous wastes flow downhill to the least regulated solution, which is the cheapest and

causes the most problems, the presenter urged the Commission to advise that any transborder waste be disposed of in the safest manner.

2.1.4 Procedures for identifying/targeting chemicals for priority action

As regards the process used to determine which chemicals should be targeted for priority action, such as phase-out and reduction, industry representatives uniformly advocated the use of risk assessment models that incorporate a transparent, science-based process, while noting that decisions pertaining to sustainability should take into account technical, economic and social realities. Several presenters from industry noted emphatically that historical problems must be differentiated from current practices when setting priorities and developing policies for management of chemicals. One presenter noted that the determination of priorities should be based on an equation that includes need, availability of limited resources and the return to society on investment of effort. Presenters cautioned against applying a blanket or “cookie-cutter” solution to all chemicals, while noting that the CEC’s work on chemicals should be limited to addressing reduction of risks.

Presenters representing environmental NGOs countered that industry insistence on application of the scientific method in identifying, setting priorities and determining management policies for chemicals is unwarranted in light of the weight of scientific evidence already available on chemicals. Rather than making scientific method a requirement for assessment of all chemicals which some noted leads to calls for more studies at the expense of action they argued for application of the precautionary approach noted in Principle 15 of the 1992 Rio Declaration as the criteria for management decisions involving toxic chemicals that are known to pose significant health risks to humans. (One presenter suggested that even the principle is inadequate in that it is a formula for response to chemical pollution as opposed to a pro-active process that emphasizes prevention and reduction of impacts.) Several presenters representing environmental NGOs and academia advocated full-cost pricing (factoring environmental and economic costs into monetary value assigned to chemical products) as a concept that should be incorporated into cost-benefit/risk assessment equations and strategic planning.

As regards the transparency of risk-assessment procedures, one presenter for an environmental NGO questioned the sincerity and inherent equability of the term “risk-assessment,” noting that chemical companies because of priority trade interests refuse to divulge the contents of chemicals that may be potential endocrine disrupters.

A representative of academia argued that current cost-benefit analysis and risk assessment tools are developed by scientists in response to requests from government and offer politicized, rather than scientific solutions. The presenter said that risk assessment models favored by governments and the private sector fail to take into account sub-populations such as children and indigenous groups, although these groups bear a disproportionate burden of the risks associated with toxic chemicals.

2.1.5 Socio-economic considerations: community empowerment

Joint Public Advisory Committee

Community empowerment through institutionalized recognition of community constituencies and decentralization of decision-making was introduced by presenters representing academia, NGOs and other local community actors. One presenter from a Mexican community made a strong case for both environmental safeguards and economic well-being to alleviate the poverty in her community.

Because of social and monetary inequalities, presenters from academia, local communities and NGOs said these groups are denied or lack an equitable opportunity to voice their concerns in a forum where they carry equitable weight. In effect, they often find themselves left out of the decision-making “loop.” Many of the suggestions offered to rectify this situation were aimed at endowing communities with greater decision-making powers over their resources and issues that directly affect the environment within their communities.

Suggestions for greater empowerment included the following:

- Transference of knowledge not only regionally but from federal and state/provincial governments to communities so that officials can modify and adjust models to the regional/local socio-economic context and needs;
- Incorporation of criteria important to communities in risk-assessment models and tailoring criteria to take into account regional priorities;
- Integration of local residents and work forces into decision-making processes that apply to industrial production in the community;
- Restructuring economic policies to make citizens first-line managers of their environments;
- Creation of agreements, strategies and guidelines to protect border communities, such that increased economic opportunities are not undertaken at the expense of the environment and health of these communities;
- Vigorous enforcement of existing regulations to ensure that compliance occurs at the community level;
- Consideration of socio-economic solutions such as land titles in border areas where extreme poverty and rapid demographic change has resulted in environmental stresses and degradation that are further exacerbated by economic expansion that is insensitive to community sustainability;
- Promotion of resource re-use and small-scale community-based projects;
- Insistence that the benefits of waste management and pollution prevention are visible and remain within the community;
- Use of appropriate technology or solutions that take into account the scale and resources suitable to a community or region, including transborder communities;
- Use of designated development centers or industrial parks in which industries are required to provide their own water treatment plants;
- Revision of standards and criteria for air, soil and water quality in terms of United Nations recommendations for decentralization of cities and services and transference of power directly to citizens;
- Use of economic incentives as a means of promoting sustainable waste-management policies;
- Modification of legal systems to establish rights and obligations of citizens pertaining to the environment with the intent of increasing the ability of citizens to act as first-line managers of sustainable policies;
- Respect for community-right-to-know expressed through information sharing, and transparent and inclusive decision-making processes;

Joint Public Advisory Committee

- Encouragement of community control of resources through programs such as the Commission's new North American Fund for Environmental Cooperation broadened to include grants for the three NAFTA countries;
- Development of clear definitions for ecologically sound industries;
- Use of environment outreach programs as a means of introducing citizens to conceptual and practical measures associated with sustainability.

2.1.6 Regional cooperation: Information sharing/technology transfer/capacity building

All presenters making reference to regional cooperation supported the Commission's facilitation of information dissemination, with emphasis on sharing information on successful projects. Intergovernmental sharing of research was also supported. A presenter from the Mexican border community of Tijuana shared with JPAC the success of a water project serving Tijuana as an example.

While one presenter representing a sector of chemical producers found regional cooperation an appropriate vehicle for improving the process of identifying, analyzing and managing health risks of chemicals associated with human health risks, another presenter from industry noted discomfort with regional processes that might minimize competitiveness. The presenter was concerned that if NAFTA countries adopt progressive legislation (upward harmonization in advance of other trading blocks), North American industry could be put at a competitive disadvantage. The presenter vigorously opposed facilitation of regional perspectives that do not derive from national positions and suggested that determination of areas for regional cooperation should be restricted to looking at impacts of trade on the environment as opposed to facilitating trade.

2.1.7 Public participation

All presenters stressed equitable access to all stakeholders. The definition of access provided by presenters representing industry includes involvement of stakeholders in the decision-making process from its onset and at all levels, including "the top," such that the stakeholders perform as active partners. This means stakeholders would not only be asked to react to developments and programs but that they would be invited to play a role in deliberations aimed at setting work priorities, establishing agendas and developing frameworks. Though no explicit comments were made regarding development of policies and frameworks by community representatives, the advocates of greater community involvement appear to be in accord that public involvement, to be equitable, should include a more active role for community's in the formative stages of decision-making.

2.2 Conserving North American biodiversity

A number of concrete suggestions were offered for enhancing North American biodiversity efforts.

A presenter representing a coalition of groups promoting species survival through voluntary actions recommended that the Commission build endorsement of sustainable use and human needs into its programs addressing biodiversity.

A presenter from industry proposed use of adaptive management techniques and support for biodiversity research. The presenter encouraged a bottom-up participatory approach, or “local solutions to local problems.” Caveats noted include recognizing that spatial and temporal scale must be factored into the ecosystem approach, i.e., actions to protect diversity should be pragmatic. Local land management is preferable to top-down and often distant and inflexible regulation.

A presenter from academia urged the Commission to find creative means of disseminating information on biodiversity in urban regions as a means to educate urban dwellers that biodiversity includes urban green spaces (parks, etc.).

2.3 Strengthening environment and economy linkages in North America

2.3.1 Harmonization of legislation

A presenter representing a Latin American NGO said the Commission has an opportunity to be a leader throughout the Americas by working for clear definition of North American standards. The presenter noted that such standards must be linked with efforts to improve environmental protection if they are to promote sustainability. In this context, the presenter noted that the Commission has the opportunity to define the nature of analysis and monitoring needed to ensure that standards promote sustainability and that compliance with standards is occurring. The presenter was critical of loan policies that require developing nations to make their resources available for development but which do not provide commensurate support enabling these nations to mesh trade liberalization with domestic environmental conservation objectives.

A presenter representing an environmental NGO made a plea for upward harmonization via Canadian compliance with the Convention on Biological Diversity (both Canada and the United States are signatories.) The presenter was critical of what he characterized as Canada’s partial compliance with Article 8 of the convention, which requires signatory nations to create laws protecting biodiversity. The presenter called on the Canadian government to meet its full commitment by enacting endangered species legislation that applies to all species and protects habitat. The presenter further asserted that uneven cross-border protection of species affords industries in the country with the weaker legislation an unfair trade advantage in the form of “hidden subsidies.” The spotted owl was cited as an example. The presenter said that the British Columbia timber industry enjoys a trade advantage not afforded to loggers operating in the western United States where the owl is protected.

A presenter from industry argued for reciprocity in laboratory accreditation systems used in the NAFTA countries to ensure comparability of environmental data and to avoid future trade disputes. Specifically, the presenter asked that the Commission play a more active coordinating role on this issue.

2.3.2 Dispute avoidance

Two presenters from environmental NGOs suggested that the Commission's role in dispute avoidance requires it be more assertive and pro-active in promoting and monitoring sustainable trade practices.

One of these presenters urged the Commission to play a leadership role in holding the parties to their commitments made under the North American Agreement on Environmental Cooperation (NAAEC) by conducting consultations that would facilitate review of deregulation. The presenter specifically requested that the governments invoke Article 1114 of the NAFTA to determine whether any of the countries has waived or derogated from its environmental law in order to attract or maintain investment in its territory. The presenter suggested that the Commission is the appropriate body to conduct the consultations and could ensure equal participation by each NAFTA country, as well as solicit views of interested parties. The presenter recommended that the Commission hold hearings on the issue and produce a final report no later than October 1996 to enable incorporation of any recommendations into the Commission's 1997 work plan.

The presenter noted the recommendation arose in response to specific concerns with the Alberta legislature's recent passage of its Environmental Protection and Enhancement Amendment Act of 1996. The presenter said the act includes provisions under Section 95.2 that eliminate any form of judicial review of decisions. The presenter said, the public of this province is excluded from review. (A related concern pertaining to public exclusion from the Commission is raised in the section on public participation.)

The other presenter from an environmental NGO addressing trade dispute avoidance recommended that the Commission take specific action to focus NAFTA attention on the pesticide methyl bromide, noting it is currently the number one destroyer of the ozone layer and is an example of a North American problem.

A representative of a broad coalition of business interests noted the coalition opposes the incorporation of any form of trade sanction to enforce environmental standards. Rather, the Commission should focus on facilitating cooperative programs that promote regional integration and enhanced cooperation in environmental areas. The presenter added that the Commission's JPAC should continue to provide a forum for discussion on potential trade disputes. The presenter further recommended that trade disputes in environment be resolved or prevented through multilateral approaches rather than relying, without discrimination, on unilateral measures.

2.3.3 Full-cost pricing

A federal government researcher urged the Commission to consider water management in its consideration of sustainability issues affecting the economies and environmental quality of the three NAFTA nations. He noted that the historical and currently predominant practice of treating water as a public good rather than a commodity has resulted in public subsidies as the fundamental basis for funding water infrastructure, a practice that wastes the natural resources and contributes to pollution. The presenter recommended that instead, the Commission urge the three nations to consider water management that treats this resources as a commodity, which would result in a more efficient marketplace for water use and a cleaner environment.

The presenter cited a 1989 study he co-authored with another Environment Canada researcher, in which the authors calculated that a \$1 per cubic metre increase in the price of water/wastewater services to the Canadian community of Hamilton Harbor would result in a 21% decline in water use, raise annual revenue of almost \$70 million a year—sufficient to pay for remediation of the polluted harbor—and result in a 20%-40% reduction in pollution. The cost to the average homeowner in this community of half a million was calculated at not more than \$400 per year.

A presenter from an environmental NGO expanded on this suggestion, recommending full-cost pricing as a cooperative-based tool that could be employed in developing energy and food, as well as water policies. The presenter noted that trade flow should not be supported when it involves unsustainable practices that result in unnecessary waste, pollution or poses risks to human health. An example cited was the trade flow in strawberries in which seedlings are shipped from California to Canadian greenhouses, which then send the young plants to Florida growers who ship the ripened produce back to Canada. The presenter said the practice results in unnecessary use of cheap (subsidized) diesel fuel, and increased emissions of an endocrine disrupter. Thus trade liberalization requires close scrutiny to support the principle of sustainability. In response to a question, the presenter conceded that such a policy could restrict access to some products to the upper economic strata.

2.3.4 Technology transfer: cross-border trade

A presenter representing a coalition of Latin American environmental NGOs opposed export of Mexico's hazardous wastes. The presenter argued that the inequity in technology impels Mexico "the poor cousin in infrastructure" to send its wastes, such as PCBs, to the United States for disposal. The presenter said that permitting export of hazardous wastes will impede internal solutions to waste management because investors will be discouraged from promoting technology development. Other environmental presenters said that safe disposal of hazardous wastes should be paramount.

2.3.5 Green labeling

A presenter from industry noted that participation in green labeling, a potentially useful tool, should be voluntary, based on good science, recognize different ownership patterns and be applied to all competing materials.

2.4 Defining public participation in the activities of the CEC

2.4.1 Equity

A presenter representing a coalition of environmental organizations asked that the Commission "not forget there is a West" as regards its inclusion of the public in its programs. The presenter specifically requested that the Commission request that the Canadian environment minister press the nine Canadian provinces who have not ratified participation the NAAEC to do so, thereby enabling citizens from these provinces to more fully participate in the NAFTA side agreement. A presenter representing a national coalition of

Joint Public Advisory Committee

merchants also urged the provinces to sign onto the NAAEC as a means of enhancing citizen and stakeholder participation.

A presenter from an environmental group criticized the funding mechanism for the Commission, noting that the United States has considerable financial resources compared to Mexico at its disposal, yet contributes the same amount to fund the Commission and its programs.

A presenter representing an environmental NGO, who found the JPAC hearing process used at the meetings unrepresentative and the format inefficient, criticized the Commission for relying on government representatives in the selection and funding of invitees. A presenter representing a citizens' group addressing environmental remediation within a community, said stakeholder committees created through appointments by government agencies are not serving the public. Rather, the presenter suggested that community control over membership would result in a more representative public process.

A representative of an industry coalition preferred a public workshop model used by the JPAC to solicit input on the NAAEC's Articles 14 and 15 hearing process and suggested the Commission develop public participation guidelines using the workshop model.

2.4.2 Using networks to ensure equity

A presenter representing a community NGO asked the Commission to become a channel of communications within communities by ensuring that information on its activities is broadly disseminated. The Commission was referred to the Agenda 21 guide for participation.

A presenter from an environmental NGO stressed that the Commission be vigilant in informing transboundary populations in particular of potential impacts of new projects on trade and environmental issues.

A presenter focusing on community concerns suggested that the Mexican environmental NGO offices and universities can serve as conduits for information on Commission activities, including upcoming events. The presenter suggested that such linkages be formalized between the Commission and these groups. As well, the Commission should ensure it uses newsletters, guides and documents, seminars, etc., as well as the Internet to inform the public of its activities.

A presenter representing a Canadian business association suggested that the Canadian government work with the provinces, business, environmental groups and other stakeholders to establish a Canadian National Advisory Committee that could provide input and advice to the CEC.

Representatives of educational groups asked that the Commission endorse and promote efforts to incorporate sustainable development into school curriculums (social studies, business, etc.) and teacher training programs, as a means of consciousness raising and a bridge to the broader public.

3.0 Public comment: July 19, 1996, San Diego, California

Marriott Hotel, Ovations Room, 701 A Street, San Diego, CA

The majority of presenters at the July 19 meeting held in this United States community that shares a border with Tijuana, Mexico, focused on the United States-Mexican transborder dimensions of the consultation topics.

Hazardous waste management, creation of Geographical Information Systems and public participation were raised as concerns under different topic headings.

3.1 Reducing health risks of environmental contaminants

3.1.1 Hazardous waste management and reporting

Presenters proposed mechanisms for improving hazardous waste management that has transborder implications, including:

- Improved coordination of existing emergency response entities located along the Mexican-United States border, both domestically and binationally;
- Augmentation of equipment and training that presenters said is required to ensure an adequate response to a hazardous waste emergency;
- Continued coordination and expansion of Geographical Information System or GIS databases used to track hazardous waste inventories along the Mexico-United States border (See 3.2.2 for other suggestions regarding GIS development); and
- Expanded collection and sharing of data on hazardous waste shipping and other management information in the binational border area, together with increased public access to hazardous waste information and decision-making.

Coordination/Expansion of hazardous waste information: A presenter representing an environmental NGO noted that progress has been made in harmonizing databases used to inventory toxic wastes. However, the presenter said more needs to be done to increase transparency or right-to-know, one of the facets of risk reduction, itself a key element in sustainable development. The presenter offered six recommendations:

- Disclosure of toxics information needed for emergency planning and response, inclusive of hazardous waste storage, use and movement data, and release and transfer information. (The United States-Mexican border was cited as an example where such information is needed);
- Expansion into border cities of release and transfer data, inclusive of Mexico's Registry of Emissions and Contaminants Transference (RETC) initiative developed as part of a pilot project in Mexico's Queretaro State and the United States EPA's Key Identifiers Project;
- Creation of linkages between border health data and hazardous waste storage, use and release and transfer data;
- Provision by the CEC of joint pollution prevention training for border industries and communities;
- Provision of computers for NGOs and local governments in the border region to enhance their access to data; and

- Initiation of a Persistent Organic Pollutants (POPs) and metal study in the Tijuana Watershed area as part of a global program.

Presenters from academia proposed that investigations of cross-border hazardous waste shipments determine degree of toxicity, types of carriers and frequency of shipments; destination, identification of companies using products and the types of uses; state of municipal emergency response plans and the consequences to the area of an event. The presenter suggested such investigations could be carried out by customs, NGOs or other institutions.

A presenter whose NGO project focuses on hazardous waste management issues along the U.S.-Mexico border said area counties lack the capability to respond to emergencies. Equipment needs were discussed in terms of the physical distances involved and significant population increases within communities. The presenter recommended increasing the equipment capabilities of existing emergency response units as a first step in addressing a “gaping hole in management policy.” As regards tracking shipments of hazardous wastes, the presenter said a survey is needed to assess response capabilities but added that even where detection processes are adequate on both sides of the border, deficiencies in equipment may prevent a timely response, which should come within the first hour of an event.

3.1.2 Pollution prevention

A presenter from academia noted that in working to reduce overall chemical loads governments must ensure availability of funds commensurate with priorities. Priority actions should be hierarchical starting with pollution prevention, followed by reduction, re-utilization of recyclable substances and elimination.

The presenter proposed regrouping regions with similar problems citing successes achieved through regional cooperative agreements in Europe (see 2.3.3 for a similar proposal). Such regrouping would enable an exchange of practical experience and foster solutions that pertain to common situations. In tackling contaminants based on common concerns, the presenter said risk reduction, technology transfer and the long-term objective of uniform criteria can more readily be achieved. As regards risk reduction, the presenter noted that models should take into account synergistic and antagonistic effects.

The presenter noted a need for technical tools that will enable reduction goals to be met more quickly and for technical critics who can assess proposed alternatives.

Another presenter from academia noted that communities and individuals may have different criteria for risk than do scientists, such as fairness and voluntary assumption of risk. The presenter urged that community control over resources and decision-making be increased (See also 3.4.5).

A presenter from an environmental consulting firm urged that the CEC, in its work on chemical management, consider the inadequacy of regulations for pesticides, fungicides and herbicides. The presenter noted that pests and weeds are increasingly resistant to chemicals, necessitating more frequent applications of chemicals at higher concentrations. As well, recent studies indicate that the potency of some pesticides when combined with other chemicals is greatly magnified. The presenter recommended that the JPAC urge the governments to:

- Revise, re-introduce and enforce regulations relating to chemicals;
- Ensure that criteria for chemicals protects children;
- Introduce mechanisms to ensure that imported and exported food products do not present health hazards;
- Implement such measures immediately in the interests of preventing further contamination of the water, air and land.

A presenter from an NGO urged that sustainable development be a criteria for technology transfer to ensure growth does not result in adverse impacts to communities.

A presenter from a private company said that conceptual changes are needed to treat waste, noting that composting toilets that use heat are an effective way to destroy pathogens while conserving water, in contrast to sewage treatment plants that are water-intensive and which have had only partial success in removing biological contaminants.

An individual urged that a concerted effort be made to reduce reliance on automobiles, including increased education through media channels of alternative forms of transportation.

3.2 Conserving North American biodiversity

3.2.1 Alternative models for biodiversity preservation

A presenter representing an NGO noted that most national parks in the United States are located at high elevations which sustain only a limited range of plant and animal species. The presenter urged the CEC to consider alternative models for preservation of biodiversity in North America. Such models should emphasize long-term planning and have as their objective creation of large core wilderness reserve systems that are based on ecological integrity and native American biodiversity. Under this model, some areas might cross political boundaries.

The presenter said that, to succeed, reserve areas must be able to sustain a viable population of native species, maintain ecological and evolutionary processes, and allow for change, which is conducive to species resiliency. Scientists have learned that large areas are preferable to small areas, connected areas offer greater security and carnivores are necessary to maintain the integrity of large systems.

The model discussed is based on large core areas surrounded by multi-use buffers that allow for human use and which are linked by landscape usage or corridors. The presenter cited the State of Florida's Preservation 2000 program as an example of a successful biodiversity project based on the large core-area concept. The project exceeded expectations when the state legislature voted in 1992 to create a system incorporating 48% of the state's land area in a reserve system, inclusive of buffers areas and private lands. While Florida has committed \$3 billion over 10 years to the project, the presenter observed that implementation of similar projects proposed in other areas has been impeded by limited resources. People also need to be educated to convince them they can live with managed resources.

Another presenter noted that a proposed project for salt extraction within Latin America's largest biosphere reserve has potential for trilateral cooperation and falls within the CEC's mandate.

3.2.2 Baseline data information and management systems

Several presenters urged the CEC to support ongoing efforts aimed at development of geographic information management systems (GISs) that integrate transboundary natural resource and ecosystem data with geographic data. Such systems would assist users to make informed decisions. Most comments pertained to GIS systems that apply to the 200-mile wide corridor along the U.S.-Mexico border. One presenter, representing a consortium of border state and local agencies, border region universities and NGOs, recommended that the CEC, through the JPAC, build on existing data and expertise to develop systematic characterization and modeling of the North American airshed, beginning with a pilot project in the United States-Mexico border.

A presenter from academia noted that financial, technical and political obstacles remain to the development of a binational GIS. Continued support is important to ensure the fruition of the cooperative projects now underway. Such projects are proceeding under the auspices of bilateral agreements and through cooperative regional initiatives. The projects seek to incorporate aerial photography, digitized maps and existing GIS data into a comprehensive binational GIS that can be used to track and mitigate adverse impacts on North American resources (marine, watershed, migratory bird routes, etc.).

A presenter representing a state conservation agency noted that GIS-based projects assist planners in identifying key areas of biodiversity. The systems are therefore important to managing resources in a fashion consistent with sustainable development.

A presenter from a citizen advisory group noted that the binational GIS has potential to be both a monitoring and an enforcement tool. Its development should be complemented with a master plan for transportation of hazardous waste materials. As well, the amount of water available to regions for development should be clearly established.

A presenter representing a company noted it is important to promote development of the binational GIS in a manner that enables all users along the border to adopt it. The presenter cited, as a model, the GIS system addressing the Tijuana border area. The World Conservation Union distributes mapmaker software of the system free of charge to interested users (see also 3.1.1 regarding development of coordinated databases).

3.2.3 Illegal trade in endangered species

A presenter representing an association of governmental fish and wildlife agencies noted that illegal cross border trade in endangered species tends to flow northward across North American borders. The presenter offered the following suggestions for building monitoring and enforcement capacity to address cross-border trade and to enlist public support for these efforts. They include the following:

- Increase training to inform enforcement officers and agencies along the U.S.-Mexico border of state as well as federal laws in a manner that responds to local needs;
- Assist Mexico with capacity building by familiarizing enforcement agencies of new detection technologies available throughout North America. Information exchanges can take place through workshops that bring enforcement officers together, by bringing Mexico into the existing United States and Canadian communications network; and
- Inform United States and Canadian citizens traveling to Mexico of illegal products made from endangered species as a means of reducing illegal markets.

3.2.4 Indigenous peoples

A presenter representing an NGO that works with native groups in Baja California, Mexico, noted that indigenous peoples have much knowledge to contribute regarding conservation of biodiversity. As an example he cited an initiative in which members of the Kumeyaay tribe living on both sides of the border met to exchange information on techniques for water testing and traditional uses of natural resources.

The presenter said that political boundaries which resulted in artificial divisions of tribes living in the border area present a challenge to the preservation of traditional ways of life that promote biodiversity. The land base must be documented so that resources that support traditional lifestyles, such as materials used in traditional basket making, can be preserved and the land base itself maintained.

3.3 Strengthening environment and economy linkages in North America

3.3.1 Mechanisms for environmental standards enforcement

A presenter from an environmental NGO said without strong environmental protection laws linked to economic integration downward harmonization will occur. The presenter suggested that NAFTA mechanisms in place to prevent downward harmonization have failed as each of the member countries has passed, or is considering, legislation that would weaken key environmental laws. The presenter also criticized the CEC's ruling that it cannot accept citizen submissions for non-enforcement arising from legislative acts, but only from administrative acts.

To stem downward harmonization, the presenter recommended that the JPAC urge the CEC Council to invoke Article 1114 of the NAFTA by initiating consultations with the CEC on legislated weakening of laws in the member countries. The presenter urged that the consultations include:

- Balanced consultation rather than consultation focused on an individual country, state or province;
- Involvement of the public through open hearings in each of the NAFTA countries; and
- Production of a report analyzing the nature and causes of downward harmonization. The draft report should be circulated to the public in draft form and provide opportunity for comment. The final report should include recommendations to solve identified problems.

3.3.2 Laboratory accreditation and comparability of data

A presenter from an association of United States laboratories said comparability among laboratories in the NAFTA countries is critical to ensure that environmental data is legally defensible and provides a useful basis for environmental decisions associated with chemical management. The presenter urged that the CEC support continued investment in national and cooperative efforts that will permit use of lab data from all three countries. The presenter said that if progress now underway to achieve comparable lab data is sustained, the objective of comparable data could be achieved within five years.

A presenter from a business organization in Mexico noted that Mexico, in particular, is in need of funding assistance as regards lab accreditation. The presenter asked that the CEC assist Mexico with locating funding sources. Without such assistance, the presenter said Mexican laboratories will become eternal clients of the more sophisticated United States laboratories that can afford to upgrade equipment. As well, Mexican labs have further to go to meet new ISO regulations pertaining to laboratory standards.

3.3.3 Managing hazardous wastes generated by increased trade

A presenter for a business NGO that has studied hazardous wastes in Mexico suggested creation of a mechanisms for minimizing waste generated by the increased trade generated under the NAFTA. The presenter urged the CEC to consider management of hazardous wastes in a joint fashion and to support incentives that would assist Mexico to develop its own waste minimization system and infrastructure, without sacrificing the goal of minimization of hazardous wastes in North America.

3.3.4 Electricity markets and air emissions

Presenters representing a western Canadian NGO in British Columbia that specializes in sustainable energy policy said deregulation and an attendant restructuring of electricity markets in North America will likely result in increased consumption and the prolonged life of older fossil fuel plants. Taken together, these trends could result in increased emissions of acid gases (nitrogen oxides and sulfur oxides) to the atmosphere, and in production of carbon dioxide emissions that contribute to global warming. The presenters said that utilities commissions, when functioning as regulated monopolies, were required to address air emission issues in terms of integrated, long-term planning, inclusive of alternative resources. As well, they were subject to local regulations. Under restructuring, presenters said market forces rather than integrated planning will drive decisions with the result that resource choices will be minimized by external market forces and energy efficiency suffer.

Presenters recommended that the CEC implement the following recommendations for mitigating the effects of deregulation of North American electricity markets, noting that NAAEC protocol must take air emissions into account:

- Fund feasibility studies on joint implementation that incorporate the views of environmental NGOs;
- Focus on energy efficiency and renewable fuels (defined as non-fossil fuels) rather than carbon sequestering, and take into account the full life-cycle analysis of fuels;

Joint Public Advisory Committee

- Ensure energy generation in all countries is in compliance with international agreements, such as the 1992 Framework Convention on Climate Change and the acid rain agreements between Canada and the United States;
- Sponsor a workshop in the spring for government and industries, open to environmental NGOs that will encourage networking. This will help NGOs and industries to inform one another of energy projects sponsored by one country in another country's territory and to communicate with one another if they believe such projects will have adverse affects to the local ecology.

The presenters added that mechanisms that can be used to inject sustainable development goals into the market include emissions trading, subsidies or incentives for renewable energy and a surcharge on energy use.

3.3.5 Alternative fuel vehicles

A presenter from government noted the need to examine fuel choices comprehensively and asked that the CEC endorse continental cooperation on alternative fuel vehicles, specifically those fueled by natural gas.

3.3.6 Joint efforts to solve boundary issues

A presenter from a Canadian municipality proposed bringing together local jurisdictions and people from regions of North America such as Cascapedia (British Columbia, Washington and Oregon states) that share similar problems to solve boundary issues that pertain to use and preservation of resources (See 2.1.2 for a similar proposal).

3.3.7 Public participation

A presenter from an NGO suggested that the CEC Information Center consider alternative models for gauging public concerns and identifying environmental and social impacts of development in different sectors. By way of example, the presenter proposed that the CEC sponsor a small team of top investigative reporters from the three countries who, as a neutral body in the field, could act as arbiters of public concerns and information in a general sense. The presenter suggested the team focus on obtaining information related to development in different sectors pertaining to the environment.

A presenter working in the education and training field asked that the CEC support efforts to increase funding for distance education (satellite broadcasts, etc.) as a way of reaching more people and bringing environmental education to people where they live. Such funding would include support for translation of materials.

A similar plea was made by a presenter from an organization that works with indigenous cultural communities in Mexico. The presenter asked that the JPAC and CEC make special efforts to communicate with rural and cultural communities who, for reasons of language and location, do not have the same access to discussions as their urban counterparts.

3.4 Defining public participation in the activities of the CEC

3.4.1 NAAEC Articles 13, 14, 15

A presenter from a federal Mexican agency asked the CEC to remedy the lack of precision in the NAAEC's directives pertaining to petitions that merit a fact file (Articles 14 and 15).

The presenter particularly objected to release of information to the media prior to the Council's decision to establish a fact file. The presenter recommended that the NAAEC's rules of confidentiality under Articles 14 and 15 be clarified. Specifically, the presenter recommended that the CEC:

- Expand the period of confidentiality following submission of a petition under the NAAEC until a fact file is established; and
- Where the CEC determines a petition merits action, redirect instruments for immediate resolution.

A presenter from a Mexican NGO asked that the CEC broaden procedures for citizen and public input pertaining to application of environmental laws in the three NAFTA countries. Recognizing that under Article 14 the CEC can only make recommendations to countries about their laws, the presenter said the public needs to be more broadly informed of the procedures afforded under Articles 13, 14 and 15 of the NAAEC and that procedures for direct public input need to be broadened. As well, the presenter urged that the Council resolve controversy pertaining to the Cozumel petition, noting it is important that the Council demonstrate political will.

A presenter from academia proposed that the CEC accept *amicus curiae*, or "friend of the court," briefs (letters or contributions) as part of its Article 13 and 14 petition or submission processes. The presenter noted that acceptance of such briefs will enable groups to intervene without waiting for an invitation, provided they are made aware of the amicus provision. The presenter acknowledged that some form of procedure of acceptance of briefs would be necessary.

3.4.2 Funding for public participation

The majority of presenters noted that without financial assistance they could not have made their presentations.

One presenter representing a coalition of environmental NGOs noted that more people than the JPAC has anticipated had asked to make presentations, noting that the greater response necessitated a corresponding increase to assure accessibility.

A presenter from academia proposed that the CEC promote expanded access to information. Specific recommendations included:

- Promoting information on products, substances and actions that have or may have an impact on the environment;

Joint Public Advisory Committee

- Expansion of participatory electronic communication, inclusive of a list serve that encourages dialogue and can help create a constituency; and
- Inclusion of verbatim transcripts of public hearings, petitions, factual records and other products on the CEC's Internet Web site.

A presenter from a community environmental NGO asked that the CEC continue to use more traditional means of information dissemination, noting that many North American organizations still do not have the resources to hook up with the Internet. The presenter suggested that media announcements in legal pages was not sufficient notification.

3.4.2.1 Mexico: equitable participation

Presenters from both government and environmental NGOs noted the need for additional levels and forms of funding to enable Mexico and its citizens to participate equitably in the NAAEC, CEC and JPAC processes. A presenter from a Mexican environmental NGO noted that limited resources for NGOs within Mexico who wish to participate in groups such as the Border Environment Cooperation Commission (BECC) has forced a number of groups to channel their comments through other organizations, limiting direct participation.

3.4.3 Equitable participation-Mexico

A presenter from the Mexican Chamber of Members Parliament said the members would like to see the CEC and other environmental organizations appoint representatives to deal in a direct and permanent fashion with the Congress to ensure follow-up.

A presenter representing Mexican City government apprised the JPAC of a new law that enables local authorities to evaluate large-scale projects that could have adverse effects. The public will be notified of such projects through mass media publication. Members of the community can then respond in writing with a document that must include factual support for the comments.

The presenter from the Environmental NGO recommended that the CEC consider incorporating in its procedures the following:

- Qualified technical or consultant advice;
- Incorporation of analysis or diagnostics;
- Analysis of activities authorities have already undertaken;
- A public complaint process for legislation in effect; and
- Action programs that incorporate follow up.

3.4.4 Equitable participation-Indigenous peoples

A presenter representing the Tohono O'odham Nation Legislative Council noted that while indigenous peoples can bring a unique perspective to discussions and should be included because of their sovereign

status, they lack resources. Specific recommendations for including indigenous peoples in the CEC process were as follows:

- CEC sponsorship of conferences of indigenous peoples, preferably by region so that geographic and cultural diversity is accommodated;
- Use of existing intertribal networks as organizers of such conferences;
- Funding to permit meaningful participation; and
- A mechanism for feedback to enable the respective Nations to inform and consult with their people and to enable them to meet again as a group and pass information along to the CEC.

3.4.5 Equitable participation-Communities affected by hazardous wastes

Two presenters from academia noted that communities affected by hazardous wastes are often the poorest communities in a society. While industry is important to these communities, their dependency should not result in exposure to risk. These communities require a remedy for lack of equal access to government officials and inadequate education and technical expertise required for meaningful participation. One of the presenters recommended that the CEC, as part of its obligation to link the environment to everyday well-being, establish a task force to develop a process for public participation. The process should increase channels of communication between communities and industries, as well as including representatives of governments, labor and environmental organizations. The U.S. EPA's Common Sense Initiative (CSI) was cited as a model for this process.

3.4.6 Fair trade practice: Chile

A presenter from an environmental NGO asked that the JPAC and the CEC explore the consequences of Chilean membership in the NAFTA by considering mechanisms for preventing environmental abuses associated with increased trade. A particular concern was the effects on U.S. logging practices when logging companies relocate to take advantage of cheaper labor and laws that are less stringent than those in the United States.

3.4.7 Volunteers

A presenter working for a national NGO program urged the CEC to consider and support the efforts of trained volunteers, noting their participation has proven critical to programs such as the Marine Debris Surveillance Program launched in 1990 in the United States.

4.0 Public comment: Aug. 1, 1996, Toronto, Ontario

Crown Plaza Hotel, Toronto Center, Ballroom B
225 Front Street West, Toronto, ON

4.1 Reducing health risks of environmental contaminants

4.1.1 Volunteerism and regulation

Two presenters representing industry coalitions urged that the CEC promote voluntary initiatives and self regulation at the regional level, while ensuring that such support does not stifle competitiveness.

Presenters representing coalitions of environmental groups, labor organizations and citizens, while not opposed to voluntary initiatives, urged the CEC to support regulatory initiatives as well. In particular, presenters asked that the CEC's Sound Management of Chemicals initiative utilize a definition of virtual elimination in its action plans that focuses on production and use rather than measurable releases. One of the presenters suggested that DDT and mercury be banned in light of recent studies that indicate toxic substances carried by air tend to concentrate in northern latitudes, including Lake Superior and the Arctic. The presenter added that regulations governing regional PCB imports and exports for disposal [addressed under the CEC initiative] must rule out landfilling and incineration that "scatter the problem" as opposed to providing for permanent destruction.

A presenter from an environmental organization urged that the CEC support voluntary "access to information" initiatives that empower citizens. The presenter noted that new chemical processes, such as the ELISA assay, provide quick results and sampling costs are now available at prices that individuals can afford. Such innovative technologies make it possible for citizens to monitor their environment. The presenter said involving citizens in decontamination efforts (of oil spills, for example) through training initiatives could increase the pool of people capable of responding to accidents and lower rehabilitation costs in the aftermath of an event.

A presenter from an organization that works with Mexico's small and medium-size enterprises noted the support it has received from the CEC in establishing a fund to assist the enterprises in implementing pollution prevention measures. The fund emphasizes technology transfer and cooperative pollution prevention projects. The presenter noted that in Mexico these businesses comprise the majority of industries to which pollution prevention practices apply.

A presenter from academia asked that the CEC promote alternative solutions, including use of appropriate technologies, as regards improvements to the shared infrastructure along the U.S.-Mexico border. The rapid growth of maquiladoras or in bond industries in Mexican border towns (more than 1,500 industries since 1965) has resulted in new pressures on these infrastructures.

4.1.2 Harmonization of regulations

Two presenters from industries encouraged the CEC to work for standardized approaches and training pertaining to environmental assessment techniques, regulatory enforcement and environmental effects monitoring within North America by facilitating both government-to-government and private sector exchanges.

A presenter representing a federation of environmental groups, in a written submission, urges the Council and CEC to trinationalize the virtual elimination strategy developed under the auspices of the International Joint Commission (a Canadian-United States commission) with respect to persistent organic pollutants, and to develop aggressive targets and deadlines for the CEC's Sound Management of Chemicals initiative.

4.1.3 CEC mission/funding

Several presenters from industry and environmental organizations urged that the CEC make dispute avoidance a priority, followed by facilitation of cooperative efforts. A presenter from industry said it was inappropriate for the CEC to represent the region internationally. Rather, its cooperative efforts vis-à-vis the international community should focus on consultation among the NAFTA Parties to achieve regional consensus on global issues such as biodiversity and global warming. A presenter from an environmental coalition said the CEC, should make expanded funding of its 1997 budget a priority, noting that \$15 million was envisioned for the CEC when the NAFTA side agreement was negotiated.

4.2 Conserving North American biodiversity

4.2.1 Upward harmonization

A presenter from an environmental group said that NAFTA has resulted in deregulation and failure on the part of governments to enforce their environmental laws. The presenter asked the CEC to support upwards harmonization, adding that it requires independence from governments to perform its watchdog role effectively.

4.2.2 Natural protected areas

A presenter from a Mexican environmental group urged the CEC to continue its support for creation of protected natural areas in North America, adding that training and support for management of such areas must emphasize involvement of local communities. The presenter noted that while Environmental Impact Studies are important to the process of determining which areas are to be protected within Mexico, they are based predominantly on bibliographies or lists of resources. The presenter said inclusion of local populations injects a moral and ethical viewpoint into the sustainable development process.

4.2.3 Forest conservation

A presenter from a Mexican group representing environmental educators asked that the CEC support educational and research programs that operate at the local level. The presenter noted that the programs provide information to service providers for use in planning, environmental training. Their central mission is to define sustainable forest management in the interests of preserving biodiversity.

4.2.4 Critical bird habitat

A presenter representing the North American component of the international Important Bird Areas Program said trilateral cooperation must guide habitat protection with the ultimate goal of preserving biological diversity. The presenter said the CEC should urge federal governments to support critical bird habitat by passing endangered species legislation that emphasizes habitat protection. As well, the presenter

urged the governments to work cooperatively through efforts such as joint conservation initiatives to protect biological ranges for the 1,400 bird species that occur within North America's shared borders.

4.2.5 Genetically viable grizzly bear population

A presenter from a Canadian organization asked that the CEC support legislative efforts to sustain the remaining North American grizzly bear population. The Yellowstone to Yukon Biodiversity Strategy, to be presented in 1997, was noted as a model the CEC might support. The presenter, noting that grizzly's can cross four jurisdictions within a day (interstate, inter-provincial and/or national), said habitat must be preserved on a transboundary basis to accommodate the 120,000 square miles of territory that scientists estimate are required over the long term to sustain a genetically robust grizzly population.

4.3 Strengthening environment and economy linkages in North America

4.3.1 NAFTA environmental effects/trade dispute prevention

Presenters from a Canadian environmental organization, a U.S. environmental federation and an international environmental organization each asked in their turn that the CEC examine and report on the effects of NAFTA on the environmental structures in Canada, Mexico and the United States. Points stressed by presenters included "maximum public participation" during the proposed investigation; and collection and analysis of data from NAFTA members concerning trends in deregulation, regulatory reforms and "legislated non-enforcement" of environmental laws. Presenters asked that trends in downward pressure on environmental laws be integrated into the CEC's NAFTA Effects Report. The presenter representing the Canadian organization was concerned that the Canadian Environmental Protection Act (CEPA), undergoing review, could be weakened given a trend toward deregulation. The presenter said laws offer the best strategy to date for setting standards with accountability and "enforceability," while ensuring the integration of business, the economy and the environment.

Presenters from industry and business organizations noted that international cooperation is the most effective means of addressing transboundary environmental problems. One of the presenters asked the CEC, in cooperation with the NAFTA Free Trade Commission, to clarify mutually agreed upon circumstances where unilateral measures are allowed without compensation or retaliation, especially where such effort at the NAFTA level can lead to support internationally.

Presenters from both industry and environment groups asked the CEC to make NAFTA effects and dispute avoidance priorities.

A presenter from one of three security laboratories in the United States noted that the emerging field of industrial ecology provides a means for gauging how regional economic activities affect the global environment and for determining how environmental and economic objectives of NAFTA can be balanced within the context of sustainability.

4.3.2 NAFTA effects: Information systems

A presenter from the Mexican chapter of an environmental organization asked that the CEC develop or promote development of a customs monitoring information system that can be used to determine flows and trends of North American products. The presenter said such a system is required to determine the effect of NAFTA on production, particularly in the forest, fisheries and agricultural sectors, which have a significant impact on biodiversity.

With respect to the lumber industry, the presenter noted that in the last five years the United States has doubled the forest products it ships to Mexico, while indirect forest products from Mexico's primary forest are also increasing. A monitoring system would provide precise information on the nature and extent of timber industry trade in North America that could be used to ensure sustainable use of resources.

4.4 Defining public participation in the activities of the CEC

4.4.1 Broaden access

Presenters agreed that stakeholders should be involved in formative stages of decision making. A presenter from an NGO asked that Council members share concerns raised at the meetings with their counterparts in trade, finance and justice, noting that environmental issues touch on other sectors. Another presenter, also from an NGO, asked that the CEC's definition of the "public" be multi-sectorial, multi-cultural and take into consideration the territory involved when promoting transparency. A presenter said that a third party may be required to facilitate discussions with stakeholders as a means of ensuring a fair and equitable process.

4.4.2 Secretariat programs

Presenters representing both industry and environmental associations in the three NAFTA countries asked that the CEC formally clarify public participation as it applies to the Secretariat, its programs and the JPAC. One presenter referred the CEC/JPAC to the model developed by President Clinton's Council on Sustainable Development. Another said resources must be made available to the public to enable input not only at meetings but also to support networking and preparation of reports. The presenter suggested that the CEC consider hiring a private, non-profit organization when seeking outside consultants. Another presenter said the CEC Secretariat should define routes of access in the terms of reference for its programs. The presenter said the terms of reference should include environmental communicators from the three countries. The presenter reiterated the concern of speakers at the two previous meetings that the Internet is just one mechanism for reaching the public.

4.4.3 Regulatory cutbacks

A presenter from an NGO asked the CEC whether and how it will involve the public in examining a perceived trend in regulatory cutbacks in North America.

4.4.4 Articles 14 and 15

A presenter from a Mexican environmental NGO, one of the groups that made a submission on Article 14 pertaining to construction of a pier on Cozumel Island, said the CEC's acceptance of the submission will provide a useful test of the articles. The presenter noted that the project provided an example of an intervention on a large project based on concerns pertaining to its social, economic and political merits and, as such, was typical of interventions taking place in the United States and Canada as well.

5.0 Public comment: Written submissions

The following summary of comments pertains to submissions made in writing only.

5.1 Reducing health risks of environmental contaminants

5.1.1 Mercury monitoring network

A submission made on behalf of a cooperative network representing NGOs, university, industry, governments and First Nation peoples asks the CEC and its Council to support establishment of a cooperative monitoring network between Canada, Mexico and the United States for use in assessing environmental issues on hemispheric or global scale. The proposed Americas network would initially monitor mercury. The author notes that the mechanism it proposes for providing baseline data on mercury would help fulfill the trilateral mandate outlined in the CEC's resolution on the sound management of chemicals.

5.1.2 U.S.-Mexico border communities

Noting the linkages between health and the environment, the author of a submission from a community health center located in the border area calls for the creation of a multi-national border health authority. The author writes that the authority should be composed of public health, environmental, provider and consumer representatives from Mexico and the United States, as well as the CEC. The author says the authority should function as an umbrella agency to stabilize public health and the health care environment; act as a clearinghouse for transborder health initiatives, contain an epidemiological center, set transborder protocols for standards of care and infectious diseases and provide grants and stipends for transborder health care projects. The author writes that environmental justice requires that the three countries approve public investment in sewage and water treatment, environmental enforcement and health infrastructure along the border.

5.2 Conserving North American biodiversity

5.2.1 Intellectual property rights

A submission from a representative of an NGO asks the CEC to request that its member governments consider placing intellectual property law on the agenda of the 1997 Summit on Sustainable Development in Bolivia. As well, the author asks the CEC to monitor the progress of governmental action in complying with the International Convention of Biological Diversity, particularly with respect to intellectual property rights. The author notes that provisions relating to patents and intellectual property rights developed under the new General Agreement on Tariffs and Trade (GATT) will permit patents for plants and microorganisms. The author says these provisions conflict with the less binding Biodiversity Convention, which promotes the fair and equitable sharing of benefits from genetic resources. The author's concern is that biodiversity, local control of resources and sustainability will be threatened by national laws that permit large seed companies to make minor changes to genetic structures of plants and patent them. The author says that farmers in developing nations could be forced to pay patent fees for seeds developed from their original and more diverse stocks, resulting in a loss of community seed banks and knowledge of locally adapted seed.

5.2.2 Monarch butterfly: conservation

A representative of a Mexican environmental NGO asks the CEC to support a plan for creation of a monarch butterfly sanctuary at Los Azufres, less than 2 1/2 hours from Mexico City and Guadalajara. In addition to providing protection to the monarch at one of its migratory stops, the author writes that the project will enable owners of private lands to resist the accelerated deforestation occurring in the area surrounding the site by providing them with alternative income generated through eco-tourism projects compatible with the sanctuary.

5.2.3 Prairie environments

A submission from a member of an NGO asks the CEC to support investigations that identify the type and extent of subsidies that degrade prairie environments and to define measures that would reduce environmental degrading agricultural subsidies. The presenter cites price supports, payment of capital and operating costs for irrigation infrastructure and low rental rates for grazing lands as examples of subsidies.

5.3 Strengthening environment and economy linkages in North America

5.3.1 Electricity markets and air emissions

A submission from an employee of a Canadian provincial electrical utility, noting the trend in North America and globally toward wholesale or retail competition in the electric industry, and a concern that open competition could lead to erosion of environmental protection and national or regional levels, asks the CEC to support establishment of a framework for environmental protection. Specifically, the author notes that the CEC could coordinate or work to achieve mutual recognition of environmental standards with respect to air quality in a manner that does not result in diminution of environmental quality yet supports a level playing field across borders. The author notes that key issues include harmonization of environmental regulations or standards and supporting market mechanisms and voluntary approaches. The author advocates a framework that adopts an ecosystem approach to managing resources, applies the precautionary principle where irreversible effects are anticipated but is otherwise driven by risk-assessment;

and promotes renewable technologies, energy efficiency and conservation measures (see also 3.3.4 for proposals pertaining to restructuring of the electricity market).

5.4 Defining public participation in the activities of the CEC

5.4.1 State autonomy/participation

A representative of the National Conference of State Legislatures, a U.S. organization, notes that states are the principal developers and enforcers of environmental policy and, as such, should be informed of CEC activities and included in CEC discussions. Yet the states are “almost completely ignorant of the CEC...” The author writes, “Outreach by the CEC to state legislatures is critical for coordination of programs and effective implementation of environmental policies.”

5.4.2 Grassroots decision-making

A submission by a member of an NGO asks that decision-making be inclusive of municipalities and environmental groups within municipalities. The author writes that environmental and economic linkages should be effected locally and achieve a balance between industry and environmental objectives, while respecting the interests of the population. The author asks that pollution laws be based on prevention.

APPENDIX A–List of Presenters

June 21, 1996-Montreal

Reducing health risks of environmental contaminants

Julie Archuleta	Chemical Manufacturers Association
Dennis Baker	Bakair Inc.
Cheryl Beillard	Inco Limited
Werner Braun	Dow Chemical Company
Reynalda Duran de Aguilar	<i>Patronato del Monumento Natural Cerro de la Silla</i>
Rosa Galvez-Cloutier	<i>Université Laval</i>
Stéphane Gingras	Great Lakes United
Gaston Hervieux	Individual
Saleh Kaoser	Individual
Cynthia Lopez	Harvard School of Public Health
John Pruden	Huron Environmental Activist League
Oscar Romo	<i>El Colegio de la Frontera Norte</i>
Dana Silk	Friends of the Earth

Conserving North American biodiversity

Cam Carte	American Forest & Paper Association
Jerry DeMarco	Sierra Legal Defense Fund
Martin Lechwicz	McGill University
James Teer	North American Sustainable Use Specialists Network

Strengthening environment and economy linkages in North America

Jeffrey Brown	Global Learning Inc.
Éric Darier	Queen's University
Adam Greene	U.S. Environmental Business
George Kuper	Council Great Lakes Industries
Ray Rivers	Great Lakes & Corporate
Dana Silk	Friends of the Earth
Brian Staszewski	Nexus Environment International
Dermod Trevis	PIRA Communications

Defining public participation in the activities of the CEC

Eduardo Garay	Latin American Working Group
Bill Jeffries	B.C. Wetlands Network
Claude-André Lachance	Dow Chemical Canada Inc.
Patricia Martinez Rios del Rio	<i>Grupo PRO-ESTEROS</i>
Jean Perras	<i>L'éducation au service de la Terre</i>
Dana Silk	Friends of the Earth
Michael Walls	Chemical Manufacturers Association
Don Wedge	STOP Environment Group

Open to Floor

Jean Arnold

Denis Cauchon

Claude Chomski

Johanne Gélinas

Elaine Kennedy

Franciscana Krauss Velarde

Patrice Laquerre

Eduardo Quiroga

Rodrigo Robledo Silva

Urs Thomas

Rick Wilson

Falls Brook Center

Université de Montréal

Consultant en environnement

Bureau des audiences publiques sur l'environnement

St. Lawrence Renewal Action Plan

Cámara de Diputados del México

Centre québécois du droit de l'environnement

Sylvargro Inc.

Cámara de Diputados del México

Université du Québec à Montréal

Canadian Association of Environment Analytical Laboratories

July 19, 1996–San Diego

Reducing health risks of environmental contaminants

Maria Duran-de-Bazua	<i>Universidad Nacional Autónoma de México</i>
Rosa Galvez-Cloutier	<i>Université Laval</i>
Michael Gregory	Arizona Toxics Information
Arturo Limón Dominguez	<i>Movimiento Ecologista Mexicano</i>
Amy Mignella	National Law Center for Inter-American Free Trade

Conserving North American biodiversity

James DeVos	Arizona Game & Fish Department/International Association of Fish & Wildlife
Steve Gatewood	The Wildlands Project
Andrea Guerrero	Texas General Land Office (Transboundary Resource Inventory Project)
Susan Philipps	State of California

Strengthening environment and economy linkages in North America

David Eaton	<i>Centro Juridico para el Comercio Interamericano</i>
Dermot Foley	Association for the Advancement of Sustainable Energy Policy
Dick Kamp	Border Ecology Project
Hugo Kottler	Trans Action Communications
John Newcomb	Greater Victoria Chamber of Commerce
Carol Reardon	Heenan Blaikie
Lori Saldaña	Sierra Club
Kenneth Stoub	American Association for Laboratory Accreditation
Soll Sussman	Texas General Land Office

Defining public participation in the activities of the CEC

Richard Baldwin	Air & Waste Association
Korina Esquinca-Gonzalez	<i>Centro Mexicano de Devedro Ambiental</i>
Patricia Martinez Rios del Rio	<i>Grupo PRO-ESTEROS</i>
Rodrigo Robledo Silva	<i>Cámara de Diputados de México</i>
Teresa Saavedra Vazdez	<i>Secretaría del Medio Ambiente, D.D.F.</i>
Mark Spalding	Graduate School of International Relations and Pacific Studies
Allard van Veen	Pitch-In Canada
Cynthia Warrick	Urban Environment Institute, Howard University

Open to Floor

Mateo Castillo	<i>Consejo Consultivo Nacional para el Desarrollo Sustentable</i>
John Flattery	Super Toilets USA
Sergio Gomez Lora	Secretaria de Comercio
Mary Giacoletti	Writer/Environmentalist
Enrique Macias	<i>Centro de Investigacions y Estudios Ambientales</i>
Elida Rizzo	Border Environment Cooperation Commission
Lori Saldaña	<i>Planeco S.C.</i>
Mark Spalding	School of International Relations and Pacific Studies
Don Wedge	STOP Environment Group
Michael Wilken	<i>Instituto de Culturas Nativas de Baja California</i>
Kenneth Williams	Tohono O'odham Nation Legislative

August 1, 1996–Toronto

Reducing health risks of environmental contaminants

Tom Burnett	Inco Limited
Miguel Benedetto Alexanderson	<i>Asociación Nacional de la Industria Química</i>
Juan Careaga	<i>FUNTEC</i>
Edouard De Fabo	George Washington University
Daniel Green	<i>Société pour Vaincre la Pollution</i>
John Jackson	Great Lakes United
Oscar Romo	<i>El Colegio de la Frontera Norte</i>

Conserving North American biodiversity

Michael Bradstreet	Important Bird Areas Program
Mary Granskou	Canadian Parks and Wilderness Society
Martha Kostuch	Friends of the Old River
Timothy Lash	The World Conservation Union
Jorge López Paniagua	<i>Grupo Mesofilo</i>
Armando Mojica Toledo	<i>Taller Espacio Verde</i>
Gina Uribe	<i>Red de Educadores Ambientales de Chihuahua</i>

Strengthening environment and economy linkages in North America

Guillermo Castilleja	<i>Fondo Mundial para la Naturaleza</i>
Adam Greene	U.S. Council for International Business
Michelle Swenarchuk	Canadian Environmental Law Association

Defining public participation in the activities of the CEC

Gustavo Alanís Ortega	<i>Centro Mexicano de Derecho Ambiental</i>
Werner Braun	Council of Great Lakes Industries
André Deslisle	<i>Transfert Environnement</i>
Luis Manuel Guerra Garduño	<i>Instituto de Investigaciones Ecológicas</i>
Ann Mitchell	Canadian Institute for Environmental Law and Policy

APPENDIX B–List of Written Submissions

Written Submissions / Exposés écrits / Ponencias	
1	Anderson, Lori M. The Society of the Plastics Industry, Inc.
2	Ayoub, Leonard Lebanese Syrian Canadian Association of Quebec - (<i>AD HOC Advisory Committee on Environmental Awareness</i>)
3	Baker, Dennis Bakair Inc. <i>DEEP ROCK DISPOSAL OF NUCLEAR WASTE</i>
4	Baldwin, Richard H. Air & Waste Management Association <i>AIR & WASTE MANAGEMENT ASSOCIATION MODEL: SUSTAINING COMMUNITIES ACROSS MULTI-SECTORAL AND MULTI-CULTURAL PUBLICS</i>
5	Barker, Larry Environmental Attorney <i>OVERPOPULATION</i>
6	Barkin, David Centro de Ecología y Desarrollo <i>CAMPESINOS Y MARIPOSAS: DESARROLLO REGIONAL SUSTENTABLE EN LOS AZUFRES, MICHOACÁN</i>
7	Barrat, Olga A. Barrat and Associates, Inc. <i>UNDERSTANDING CHEMICAL EXPOSURE</i>
8	Benedetto Alexanderson, Miguel Asociación Nacional de la Industria Química (México) <i>BASES PARA EL ESTABLECIMIENTO DE LAS FUTURAS PRIORIDADES PARA LAS INICIATIVAS DE COOPERACIÓN DE AMÉRICA DEL NORTE PARA REDUCIR LOS RIESGOS DE LA CONTAMINACIÓN SOBRE LA SALUD HUMANA</i>
9	Blades, Karen Lawrence Livermore National Laboratory <i>INDUSTRIAL ECOLOGY: A BASIS FOR SUSTAINABLE RELATIONS AND COOPERATION</i>
10	Bradstreet, Michael Canadian Nature Federation/Bird Studies Canada <i>IMPORTANT BIRD AREAS</i>
11	Braun, Werner Council Great Lakes Industries <i>FAIR AND EQUITABLE PUBLIC POLICY PROCESS</i>
12	Brown, Jeffrey Global Learning, Inc. <i>SUSTAINABLE DEVELOPMENT WITHIN FORMAL EDUCATION SYSTEMS</i>
13	Burgueño Aburto, Juan Carlos/Armijo de Vega, Carolina/Zizumbo Villarreal, Rogelio/León Diez, Cuauhtemoc CIRIO, Ambiente y Desarrollo Comunitario, A.C. <i>LA CONTAMINACIÓN EN BAJA CALIFORNIA, MÉXICO</i>
14	Burnett, T.C. Inco Limited <i>RISK REDUCTION</i>

15	Carte, Cam American Forest & Paper Association <i>CONSERVING NORTH AMERICAN BIODIVERSITY</i>
16	Chisholm, Jim CUPE Loc. 79 Environment Committee <i>GREAT LAKES WATER QUALITY</i>
17	Delisle, André Transfert Environnement <i>LA PARTICIPATION DU PUBLIC: UNE CONTRIBUTION À L'IDENTITÉ COMMUNAUTAIRE NORD-AMÉRICAINE</i>
18	De Fabo, Edward C. The George Washington University <i>EFFECTS OF INCREASED ULTRAVIOLET RADIATION IN THE ARCTIC DUE TO STRATOSPHERIC OZONE DEPLETION</i>
19	DeMarco, Jerry Sierra Legal Defence Fund <i>THE NEED FOR FEDERAL ENDANGERED SPECIES LEGISLATION IN CANADA</i>
20	Durán de Aguilar, Ma. Reynalda Patronato del Monumento Natural Cerro de la Silla, A.C. <i>PREVENIR, SIEMPRE HA SIDO MEJOR</i>
21	Durán-de-Bazúa, María del Carmen Universidad Nacional Autónoma de México <i>INSTALACIÓN DE UN LABORATORIO PARA ESTUDIAR EL TRATAMIENTO, ESTABILIZACIÓN Y DISPOSICIÓN DE RESIDUOS PELIGROSOS</i>
22	Fain, Tyrus G. Texas General Land Office <i>TRANSBOUNDARY AIRSHEDS</i>
23	Farquhar, Doug National Conference of State Legislatures <i>EFFECTS OF STATE/FEDERAL RELATIONS REGARDING ENVIRONMENTAL REGULATION</i>
24	Foley, Dermot Association for the Advancement of Sustainable Energy Policy <i>PRESERVING ENVIRONMENTAL QUALITY IN A RESTRUCTURED ELECTRICITY MARKET ASSOCIATION FOR THE ADVANCEMENT OF SUSTAINABLE ENERGY POLICY</i>
25	Galvez-Cloutier, Rosa Université Laval (Faculté de génie civil) <i>RÉDUCTION DES RISQUES QUE LES CONTAMINANTES DE L'ENVIRONNEMENT FONT COURIR À LA SANTÉ HUMAINE</i>
26	Gaudreau, Léopold Ministère de l'Environnement et de la Faune <i>LA MISE EN OEUVRE DE LA CONVENTION SUR LA BIODIVERSITÉ AU QUÉBEC</i>
27	Gélinas, Johanne National Round Table on the Environment and the Economy <i>LA PARTICIPATION DU PUBLIC AUX ACTIVITÉS DE LA CCE ET RENFORCEMENT DES LIENS ENVIRONNEMENTAUX</i>

28	Giacoletti, Power Individual <i>A STRATEGY TO PROMOTE PHYSICAL ACTIVITY</i>
29	Gingras, Stéphane Great Lakes United <i>LA PRODUCTION PROPRE LA VOIE DE L'AVENIR</i>
30	Gómez S., Paula Brownsville Community Health Center <i>ENVIRONMENTAL JUSTICE AND BORDER HEALTH AUTHORITY</i>
31	González Robles, Miguel Angel Enlace Ecológico, A.C <i>LOS INVENTARIOS DE SUSTANCIAS PELIGROSAS Y EL DERECHO A LA INFORMACIÓN</i>
32	Granskou, Mary Canadian Parks and Wilderness Society <i>YELLOWSTONE TO YUKON, BIODIVERSITY STRATEGY</i>
33	Green, Daniel Société pour Vaincre la Pollution <i>REDUCING HUMAN HEALTH RISKS OF ENVIRONMENTAL CONTAMINANTS</i>
34	Guerra, Luis Manuel Instituto Autónomo de Investigaciones Ecológicas, INAINÉ-México <i>PROGRAMA INTEGRAL DE COMUNICACIÓN</i>
35	Hayes, Randall Rainforest Action Network <i>FIVE HUNDRED YEAR PLAN: A SIX POINT APPROACH TO GLOBAL FOREST PROTECTION, CERTIFIED LOGGING, FIBER SUPPLY, & DEMAND-SIDE MANAGEMENT</i>
36	Hervieux, Gaston Individual <i>GESTION DE DÉCHETS</i>
37	Hussain, Munhawer Individual <i>INVENTION: "GAS FUME FILTRATION SYSTEM"</i>
38	Kaoser, Saleh Ph.D Student McGill University <i>SEGREGATION OF MUNICIPAL SOLID WASTE</i>
39	Karna, John El Colegio de la Frontera Norte <i>NON-ARBITRARY JUDGMENTS BY THE COMMISSION FOR ENVIRONMENTAL COOPERATION</i>
40	Kostuch, Martha The Friends of the Oldman River <i>DEREGULATION AND THE FEDERAL ACT AND ENVIRONMENTAL ASSESSMENT</i>
41	Lash, Tim Union mondiale pour la nature <i>CONSERVING NATURE'S DIVERSITY AND INTEGRITY AND MAKING NATURAL RESOURCE USES EQUITABLE AND SUSTAINABLE</i>
42	Lechowicz, Martin J. McGill University Environmental Studies Programs <i>ENHANCING PUBLIC PERCEPTION OF BIODIVERSITY RESERVES IN METROPOLITAN REGIONS</i>

43	López, Cynthia Harvard School of Public Health <i>ENVIRONMENTAL JUSTICE</i>
44	Martel, Jean-Pierre/Nadeau, Simon Canadian Pulp and Paper Association <i>CPA RESPONSE TO THE DOCUMENT ON CONSERVATION OF BIODIVERSITY IN NORTH AMERICA PRODUCED BY THE NAFTA COMMISSION FOR ENVIRONMENTAL COOPERATION</i>
45	Martínez Ríos del Río, Norma Patricia Pro Esteros Lagunas y Marismas de las Californias, S.C. <i>PARTICIPACIÓN SOCIAL, PRIVILEGIO Y RESPONSABILIDAD</i>
46	Mauro, Garry Texas General Land Office <i>NATURAL GAS VEHICLES AND NORTH AMERICA</i>
47	Mignella, Amy T. National Law Center for Inter-American Free Trade <i>HAZ-MAT CAPABILITIES ALONG THE U.S.- MEXICO BORDER</i>
48	Mitchell, Anne Canadian Institute for Environmental Law and Policy <i>PUBLIC PARTICIPATION</i>
49	Mojica T., Armando Espacio Verde <i>CONTRIBUCIÓN AL CONOCIMIENTO, USO Y MANEJO DE LA BIODIVERSIDAD EN TEPOZTLÁN, MORELOS</i>
50	Moses, Bill Greenland Corporation <i>PETROLEUM LUBRICANTS ENTERING THE ENVIRONMENT</i>
51	Newcomb, John Greater Victoria Chamber of Commerce <i>ENVIRONMENT AND ECONOMICS: VICTORIA CHAMBER PROMOTES SUSTAINABLE DEVELOPMENT</i>
52	Obaid, J.M. Individuals <i>INTERNATIONAL TRADE AND THE ENVIRONMENT</i>
53	Page, Timothy/McDermott, Chris Canadian Council for International Business <i>THE APPROPRIATE FRAMEWORK FOR ENVIRONMENTAL REGULATION IN NORTH AMERICA; TRADE AND ENVIRONMENT LINKAGES AND APPROPRIATE ROLE FOR THE CEC</i>
54	Perras, Jean L'éducation au service de la Terre <i>PARTICIPATION DU PUBLIC AUX TRAVAUX DE LA CCE</i>
55	Pilgrim, Wilfred Ecological Monitoring and Assessment Network <i>REDUCING RISKS FOR ENVIRONMENTAL CONTAMINANTS: ASSESSING THE MERCURY ISSUE</i>
56	Prince, Alan J. Recycle Reduction Technologies <i>CHANGES THAT WILL REDUCE AND ELIMINATE POLLUTION AND HEALTH ISSUES STEMMING FROM POLLUTION PERTAINING TO AIR, WATER AND SOIL CONTAMINATOR</i>

57	Pruden, John National Citizens Alliance (NCA) <i>THE CEMENT KILN CONNECTION</i>
58	Prudencio, Rodrigo National Wildlife Federation <i>ELIMINATING PERSISTENT ORGANIC POLLUTANTS/REVITALIZING FOREST PROTECTION/THE CEC AND NAFTA</i>
59	Quiroga, Eduardo R. Sylvagro, Inc. <i>THE PARTICIPATION OF INDIGENOUS PEOPLE IN REGIONAL BIODIVERSITY</i>
60	Redhead, Robert Canadian Chamber of Commerce (Environment Committee) <i>POSITIONS ON SELECTED NATIONAL AND INTERNATIONAL ISSUES 1993, 1994 & 1995</i>
61	Reuber, Barbara Ontario Hydro (Environment & Sustainable Development Division; and Fossil Business Unit) <i>ENVIRONMENT ECONOMY LINKAGES IN ELECTRIC INDUSTRY RE-STRUCTURING</i>
62	Rivers, Ray/Tate, Don Environment Canada <i>FULL COST WATER PRICING AND THE ENVIRONMENT</i>
63	Robledo Silva, Rodrigo Cámara de Diputados (Mexico) <i>SUGERENCIAS DEL CONGRESO MEXICANO</i>
64	Saavedra Vázquez, Teresa E. Secretaría del Medio Ambiente (Departamento Del Distrito Federal) <i>IMPACTO DE LA PARTICIPACIÓN CIUDADANA EN LA GESTIÓN AMBIENTAL</i>
65	Saldana, Lori Sierra Club, San Diego Chapter <i>UPWARD HARMONIZATION FOR A RESPONSIBLE TRADE POLICY</i>
66	Schorr, David/Castilleja, Guillermo World Wildlife Fund <i>THE LINKS BETWEEN TRADE AND ENVIRONMENT / THE COOPERATIVE AGENDA</i>
67	Spalding, Mark United States - Mexico Border Progress Foundation <i>PARTICIPATORY ELECTRONIC COMMUNICATION</i>
68	Staszenski, Brian Environmental Resource Centre <i>DEREGULATION OF ENVIRONMENTAL LEGISLATION</i>
69	Stempel, Robert C. Great Lakes Industries <i>LINKAGES OF THE ECONOMY TO THE ENVIRONMENT</i>
70	Stoub, Kenneth P. American Association for Laboratory Accreditation <i>ASSURING ENVIRONMENTAL DATA QUALITY</i>
71	Teer, James G. The World Conservation Union <i>IUCN'S NORTH AMERICAN SUSTAINABLE USE SPECIALISTS NETWORK</i>

72	Valdivia Alzaga, A. Salomon CBM de México, S.A. de C.V. <i>LOS PLANES DE CONTINGENCIA EN LAS COMUNIDADES URBANO-INDUSTRIALES</i>
73	van Veen, Allard W. Pith-in Canada / Passons à l'action Canada <i>A NORTH AMERICAN MARINE DEBRIS SURVEILLANCE PROGRAM</i>
74	Wagner, Gary Wagner & Associates <i>USING COOPERATIVE ENVIRONMENTAL IMPACT ASSESSMENT METHODS</i>
75	Warrick, Cynthia Howard University (School of Continuing Education/The Urban Environment Institute) <i>DEFINING A COLLABORATIVE APPROACH IN PUBLIC PARTICIPATION TO ACHIEVE ENVIRONMENTAL JUSTICE IN NORTH AMERICA</i>
76	Watt, Fergus World Federalists of Canada <i>PROTECTION OF BIODIVERSITY AND EMERGING INTELLECTUAL PROPERTY LAW</i>
77	Wedge, Don STOP <i>DEFINING PUBLIC PARTICIPATION IN THE COMMISSION FOR ENVIRONMENTAL COOPERATION</i>
78	Williams, Kenneth Tohono O'odham Nation <i>PARTICIPATION OF INDIGENOUS PEOPLES IN THE ACTIVITIES OF THE CEC</i>
79	Wilson, Rick Canadian Association for Environmental Analytical Laboratories (CAEAL) <i>SCIENTIFIC AND TRADE ISSUES FOR ENVIRONMENTAL LABORATORIES</i>
80	Wright, Richard Transboundary Resource Inventory Program <i>INTEGRATING GEOSPATIAL DATA ACROSS THE UNITED STATES - MEXICO BORDE: TRIP</i>
81	Yang, Bunli Policy Consultant <i>ENVIRONMENTAL REGULATORY REFORM AND NON-REGULATORY ALTERNATIVES</i>
82	Zizumbo Villarreal, Rogelio CIRIO, Ambiente y Desarrollo Comunitario, A.C. <i>LAS COSTAS EN BAJA CALIFORNIA: USOS, MANEJO Y PROBLEMÁTICA</i>
83	Autor desconocido <i>ARTÍCULO 10, PÁRRAFO 6 (ACAAN); DISPOSICIONES RELEVANTES DEL TLC</i>

Requests for copies of written submissions:

For the full text of a written submissions, note the number of the listing in Appendix B of this report when contacting Manon Pepin, JPAC Coordinator, Commission for Environmental Cooperation, 393 St. Jacques West, Suite 200, Montreal, Quebec, Canada H2Y 1N9, Phone: (514) 350-4300, Fax: (514) 350-4314, Email: <mpepin@ccemtl.org>.

APPENDIX C—Acronyms

ARET -	Accelerated Reduction/Elimination of Toxics
CEC -	Commission for Environmental Cooperation
CEPA -	Canadian Environmental Protection Act
CFC -	Chlorofluorocarbons
CSI -	Common Sense Initiative (U.S.)
ELISA -	Enzyme-linked Immunosorbent Assay
ENGO -	Environmental non-governmental organization
EPA -	Environmental Protection Agency (U.S.)
GATT -	General Agreement on Tariffs and Trade
GIS -	Geographic Information System
ISO -	International Standards Organization
JPAC -	Joint Public Advisory Committee
LRTAP -	Convention on Long Range Transboundary Air Pollution (a United Nations Economic Commission on Europe initiative)
MEA -	Multilateral environmental agreement
NAAEC -	North American Agreement on Environmental Cooperation
NAFTA -	North American Free Trade Agreement
NGO -	Non-governmental organization
PCBs -	Polychlorinated biphenyls
PCSD -	Presidents Council for Sustainable Development (United States)
POPs -	Persistent organic pollutants
PTB -	Persistence/toxicity/tendency to bioaccumulate (term for persistent chemicals developed by the Chemical Manufacturers Association, Washington, D.C.)
RETC -	Registry of Emissions and Contaminants Transference (<i>Registro de Emisiones y Transferencia de Contaminantes</i>)
SOLEC -	State of the Lakes Ecosystem Conference

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Reducing human health risks of environmental contaminants in North America:

Lisa Nichols/Andrew Hamilton

Conserving North American biodiversity:

Irene Pisanty/Martha Rosas

Strengthening environment and economy linkages in North America:

Sarah Richardson

Defining public participation in the activities of the CEC:

Rachel Vincent

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