

**Review of the Process for Identifying
Candidate Substances for Regional Action
under the
Sound Management of Chemicals Initiative**

**Prepared for the
Commission for Environmental Cooperation**

by

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Executive Summary

Introduction

This report contains the findings of a review of the process for identifying candidate substances for regional action under the Sound Management of Chemicals (SMOC) Initiative of the Commission for Environmental Cooperation (CEC). The objectives of the review were:

- to review the application of the substance selection process; and
- to recommend amendments to the process.

The review is based on comments provided by current and former members of the CEC, the SMOC Working Group and the Substance Selection Task Force (SSTF).

Summary of Comments

The respondents generally agreed that the substance selection process has worked well in recommending certain persistent bioaccumulative and toxic substances for possible trilateral action by the Parties (Canada, the United States and Mexico) to the North American Free Trade Agreement (in all instances, the recommended action has been the development of a North American Regional Action Plan, or NARAP).

Comments about the Nomination stage of the substance selection process raised several different issues, including:

1. the need for consensus about nominations;
2. the scope and nature of the guidelines for nominations, and the need to adhere to the guidelines;
3. increasing public participation in nominations;
4. uncertainty about the status of nomination dossiers; and
5. future nominations.

Comments about the Screening Evaluation focused on:

1. the need for a proponent for substances throughout the process;
2. the availability of scientific information in the three countries;
3. the screening criteria themselves; and
4. the need to prepare a summary of the screening evaluation and to make it publicly available.

Comments about the Evaluation of Mutual Concern addressed:

1. the role of socioeconomic factors at this stage;

2. the need to clarify the mutual benefits of trilateral action;
3. the need for a consistent level of mutual concern for different substances;
4. the participation of observers at this stage; and
5. the need to prepare a summary of the Evaluation of Mutual Concern and to make it publicly available.

The few comments about the Discussion and Decision stage mainly concerned:

1. the broad scope of the “considerations” required in a decision document;
2. the need to consider outcomes other than a recommendation to prepare a NARAP;
and
3. the high quality of decision documents.

Other comments on the process included those on stakeholder participation, the “cumbersome” nature of the process, and the proposed substance tracking system.

Key Issues

Six key issues emerged during the review:

1. *The future of the substance selection process.* Possible options include continuing the present process, revising it to focus on other types of chemicals, revising it to assist with the North American implementation of the new Stockholm Convention on Persistent Organic Pollutants (POPs) negotiated under the auspices of the United Nations Environmental Programme (UNEP), and phasing out the process entirely.
2. *The role of socioeconomic factors.* About half of the respondents commented that the substance selection process should contain more formal socioeconomic criteria, and about half favored making the process more scientific and removing socioeconomic considerations.
3. *Strengthening considerations of national capacity.* Respondents from Mexico called for the substance selection process to pay greater attention to national capacities to implement management measures for a substance, and for this step be incorporated early in the process.
4. *Consensus among the Parties.* Respondents noted the need for a voluntary consensus among all Parties at all stages of the process.
5. *Transparency, accountability and stakeholder participation.* Many respondents pointed out the need to enhance the transparency and accountability of the process. Some called for more participation by those persons or groups with a stake in the process.

6. *The Parties' engagement in the process.* The review findings suggest that the Parties should increase the priority given to the Substance Selection Task Force.

Consultant's Recommendations

Several of these recommendations, if implemented, could have cost implications for the Parties, the CEC, or both (see, for example, recommendations 3 and 8). Unless noted otherwise, all recommendations are directed to the CEC and the Parties.

Recommendation 1: Retain the substance selection process but in a revised form. In addition, consider reviewing the entire SMOC project prior to revising the substance selection process.

Recommendation 2: Focus on substances that are likely to pose the greatest risks to health and the environment in Canada, the United States and Mexico. Such substances could include groups or classes of substances, where appropriate, and substances that may not be subject to transboundary environmental transport (as currently defined), but that could be of mutual concern to the three Parties making them candidates for trilateral action.

Recommendation 3: Incorporate consideration of national capacity and socioeconomic factors earlier in the substance selection process and conduct assessments of environmental/health risk, national capacity and other socioeconomic factors more or less concurrently. The SSTF should include members with expertise in these areas.

Recommendation 4: Develop a better-defined mechanism for the withdrawal of a nominated substance. (Withdrawal is possible under the current process, but there is no clear process. It is noted that the Discussion and Decision stage allows alternate courses of action other than a NARAP.) A rationale for withdrawal should address any concerns from external groups.

Recommendation 5: Consider ways in which to enhance the transparency and accountability of the substance selection process and stakeholder participation. They might include:

- a) requesting the Parties (Canada, the United States and Mexico) to inform the appropriate groups in their respective countries that they can suggest substances for nomination;
- b) ensuring that nomination dossiers are publicly available;
- c) posting summaries of the Screening Evaluation and the Evaluation of Mutual Concern, as well as the substance tracking system, on the CEC web site;
- d) minimizing "closed" CEC meetings; and

- e) obtaining written permission from industry and nongovernmental organizations (NGOs) for their staff to participate in the SSTF.

Recommendation 6: Request that the Joint Public Advisory Committee (JPAC) suggests possible options for increasing stakeholder participation in the substance selection process.

Recommendation 7: Request that the CEC secretariat develops a log of when documents are posted and taken off the web site, as well as a policy on how long documents remain on the web site.

Recommendation 8: Request that the Parties develop and implement internal consultation processes so that the respective government departments and agencies are consulted broadly about individual substances.

Recommendation 9: Request that the Parties ensure that the participation of representatives on the SSTF is a formal job responsibility.

Recommendation 10: Request that the nominating Parties act as proponents or “champions” for nominated substances throughout the entire substance selection process.

Recommendation 11: Encourage the Parties to work together as much as possible, especially during the Evaluation of Mutual Concern stage, to identify, for the nominated substances, the common hazards and risks, the nature and extent of transboundary environmental transport, and the need for and the benefits of coordinated trilateral action (rather than action at a national level).

1. Introduction

1.1 Background

The Resolution on the Sound Management of Chemicals (#95-5) approved by the Council of the Commission on Environmental Cooperation (CEC) under the North American Agreement on Environmental Cooperation recognized the need for cooperative action in North America on substances of mutual concern to the governments of Canada, the United States and Mexico. These substances included persistent bioaccumulative and toxic substances (see Appendix A for a brief chronology of the Sound Management of Chemicals Initiative). The resolution referred to the 12 persistent organic pollutants (“the dirty dozen”) identified in the United Nations Environment Programme Governing Council Decision 18/32 of May 1995 and stated that the Sound Management of Chemicals (SMOC) project would give priority to these substances.

To facilitate action under the resolution, the CEC formed the North American Working Group on the Sound Management of Chemicals. Of the four task forces established under the working group, three were responsible for developing North American Regional Action Plans (NARAPs) for the original four substances identified for regional action: DDT (dichlorodiphenyltrichloroethane) and chlordane, mercury and PCBs (polychlorinatedbiphenyls).¹ A fourth task force (on criteria) was charged with proposing evaluating a process for identifying additional substances to be targeted for future joint action by the three countries (the substance selection process). The Task Force on Criteria was made up of two members from each country; it received secretariat support from the CEC.

The Task Force on Criteria reviewed several national and international initiatives that identify chemicals for integrated action, including initiatives under the Organization for Economic Cooperation and Development (OECD), the UN Economic Commission for Europe’s Convention on Transboundary Air Pollution, the Canadian Toxic Substances Management Policy, and the Chemical Manufacturers’ Association Guidance Document on Persistent, Toxic and Bioaccumulative Substances. After its review, the task force identified the principles appropriate for selecting substances for regional action in North America and developed a substance selection process that had the following stages:²

- Stage I: Nomination of a Substance;
- Stage II (1): Screening Evaluation;
- Stage II (2): Evaluation of Mutual Concern; and
- Stage III: Discussion and Decision.

¹ Task forces were established in 1999 to develop NARAPs for environmental monitoring and assessment and for dioxins, furans and hexachlorobenzene.

² The process is described in “Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative. Report to the North American Working Group on the Sound Management of Chemicals” by the Task Force on Criteria (online at http://www.cec.org/programs_projects/pollutants_health/smoc/criter.cfm?varlan=english#5) and excerpted in Appendix B of this report.

The requirements developed for each stage include quantitative criteria for persistence and bioaccumulation (at the Screening Evaluation stage) and for public participation. Substances may be nominated by any of the three Parties through the SMOC Working Group. The Substance Selection Task Force (SSTF) is responsible for conducting most of the substance selection process and for recommending substances to the SMOC Working Group for trilateral action. Current members of the SSTF are listed in Appendix C.

In its report outlining the substance selection process, the Task Force on Criteria recommended that the effectiveness of the process should be reviewed within two years, or after five substance reviews using the process. More than two years have now passed since the substance selection process was developed and the Task Force on Criteria was replaced by the Substance Selection Task Force. Since 1998, four substances have been nominated and have been through, or are now undergoing, the substance selection process (the original four substances—DDT and chlordane, mercury and PCBs—did not go through the process). These four substances are: dioxins and furans (considered as one substance), hexachlorobenzene, lead and lindane.³ A final decision has not been made on lead.

This report summarizes the results of the review of the substance selection process. It was by Kate Davies, D. Phil., of Ecosystems Consulting for the CEC. The views expressed in this report are those of the consultant and do not necessarily represent the views of the CEC, the SMOC Working Group or the SSTF. They are based, however, on information provided by the members and former members of these groups, and the CEC secretariat.

1.2 Objectives of the Review

This review was undertaken:

- to review the application of the substance selection process; and
- to make recommendations on amendments to the process.

1.3 Methodology

A three-phase approach was used:

1. *Information-gathering.* In the first phase, the consultant collected and reviewed relevant documents and invited comments from current and former members of the SSTF, the Task Force on Criteria and the SMOC Working Group, as well as government contacts and CEC secretariat staff and their consultants. In all, 27 persons were contacted and invited to comment on a "List of Review Issues"

³ The nomination dossiers on dioxins and furans and hexachlorobenzene and the decision documents on dioxins and furans, hexachlorobenzene, and lindane are online at http://www.cec.org/programs_projects/pollutants_health/smoc/subselect.cfm?varlan=english.

(Appendix D) developed by the consultant and reviewed by current and key former members of the SSTF, the Task Force on Criteria and the SMOC Working Group. Of those invited, 16 persons (listed in Appendix E) provided comments were. The consultant held five face-to-face meetings with respondents, conducted nine telephone interviews and received comments via e-mail from two persons.

2. *Analysis.* In analyzing the results of the comments received, the consultant focused on identifying key issues, including the strengths and weaknesses of the substance selection process and suggestions for amending it.
3. *Preparation of the report.* Two drafts of the consultant's report were prepared and reviewers' comments incorporated. This version constitutes the final report.

2. Summary of Comments

2.1 General Comments

The respondents generally agreed that the substance selection process has worked well in recommending persistent bioaccumulative and toxic substances for possible trilateral action by the Parties (in all instances, the recommended action has been the development of a NARAP). At least five respondents noted that the process (and the SMOC project as a whole) has produced significant benefits, including information sharing and capacity building among the Parties. Indeed, some noted that the need for such progress was ongoing, especially to facilitate Mexico's participation in the SMOC project but also to benefit the entire North American environment.

Other general comments included:

1. *Review of the SMOC project.* Three respondents commented that it is difficult to review the substance selection process in isolation from the processes for developing and implementing NARAPs. A review of the entire SMOC project would be helpful, they noted. Reviews of individual NARAPs have been conducted, but they have focused on the specific commitments made in each NARAP rather than on the processes used to prepare and implement them.
2. *The SSTF.* The respondents generally agreed that it is important to keep all the positions on the SSTF filled and to ensure the active participation of members in SSTF work and meetings. One person commented that the quality and commitment of the SSTF members are as important as the quantitative criteria and guidelines. Respondents agreed that the "right people" are on the SSTF, in general, and supported the participation of observers from academia, industry and nongovernmental organizations (NGOs). They noted, however, the difficulty encountered in attracting and retaining industry representation in particular (see section 2.6).

Three respondents questioned the extent to which SSTF members actually represent the Parties' policy positions. It was noted that members of the SSTF should ensure that adequate consultation on individual substances is undertaken within their own governments, so that they can state their government's policy clearly at SSTF meetings. A related observation was that sometimes a Party does not articulate a single, unified position, or that the Parties' positions seem to change over time. These points are particularly important during the Evaluation of Mutual Concern and were an issue for lead.

3. *Communications.* There was a consensus among respondents that communications among the SSTF, the SMOC Working Group and the CEC secretariat are good, but that more face-to-face meetings are needed. One respondent said that the high-level collaboration among scientists in the three countries is "a tremendous achievement" of the substance selection process.
4. *Length of time.* The majority of respondents noted the long time required for substances to go through the substance selection process, especially the Evaluation of Mutual Concern. This comment applies particularly to lead, which was nominated in April 1998 and which is still awaiting a final decision. Two respondents suggested limiting the process to one year for each substance.
5. *Resources.* At least six respondents said more resources should be allocated to the substance selection process. Respondents affiliated with the CEC said that the Parties should give the process higher priority and provide more staff time. In contrast, respondents affiliated with the Parties said the CEC should commit more resources.

Representatives of the Parties were generally satisfied with the quality of the secretariat support provided by the CEC, although the retirement of the CEC's head of science and the length of time taken to fill his position were noted. Two persons commented on the use of consultants to prepare decision documents. One said that the consultants had helped to move the process forward, but the other said that he did not favor the use of consultants and did favor more commitment from SSTF members.

2.2 Stage I: Nomination

Respondents raised several issues about the nomination stage:

1. *The need for a consensus about nominations.* Two respondents noted the need for a clear consensus among all three Parties about nominations. Any Party may nominate any substance, but difficulties can arise later in the process if a nomination is accepted without the full and unequivocal support of all the Parties. Because this situation arose for lead, it may be helpful to have a mechanism for withdrawing nominations that do not have sufficient support from all three

countries. It was pointed out that the SSTF itself has no control over the nomination stage, because nominations are considered and accepted by the SMOC Working Group.

2. *Guidelines for nominations.* Three respondents said that the guidelines for nominating a substance have not always been followed (the nomination dossier for lead was mentioned specifically—its length, among other things). The result has been considerable variability in the style and quality of dossiers. Another person commented that the nomination requirements are quite “onerous” compared with other substance selection processes (for example, the process in the new Stockholm Convention on Persistent Organic Pollutants). Such a situation may discourage countries from nominating substances (it is noted that to date Mexico has nominated only one substance—hexachlorobenzene). A final comment was that the nomination requirements do not require any evidence of transboundary movement; this issue is addressed only later in the process. Therefore, nontransboundary substances can be nominated, accepted and entered into the screening evaluation stage.
3. *Stakeholder participation in nominations.* Three respondents suggested the SSTF increase the participation of stakeholders in nominations. The existing process allows groups other than the Parties to suggest substances to the Parties for nomination. If the Party agrees with the suggestion, it prepares a nomination dossier for the substance and submits it to the SMOC Working Group. Although this mechanism was intended to facilitate stakeholder participation in nominations, to date no groups other than Parties have submitted suggestions. It was suggested that the Parties ensure that the stakeholders in their respective countries are aware that they can suggest substances for nomination.

Presently, the Parties are not required to respond to suggestions from groups or to release suggestions to the public. In theory, then, the Parties can simply ignore suggestions. This situation could be improved by requiring the Parties to respond to any suggestions received and to notify the CEC of suggestions so that they can be posted on the CEC web site.

It was also suggested that the SSTF request public comments on nomination dossiers (most nomination dossiers are available on the CEC web site). Respondents recognized, however, that such a process would slow down the nomination stage.

4. *The status of nomination dossiers.* The status of the various nomination dossiers is uncertain. Those for hexachlorobenzene and dioxins and furans are available on the CEC web site, but the dossiers for lindane and lead are not currently posted. This situation raises the question of whether these dossiers are public documents. Moreover, when the consultant obtained a copy of the nomination dossier for lead, it was carried the statement “This nomination dossier is a working document and is not an official governmental or CEC document.” This

disclaimer may imply that the nominating Party is not officially committed to the nomination.

5. *Future nominations.* Six respondents noted out that most of the “dirty dozen” persistent organic pollutants (POPs) have now been addressed by the SMOC project, so many new nominations are unlikely. This point raises the issue of whether the substance selection process should be broadened to include other types of substances (see section 3.1). Other respondents contended that there are other POPs to be considered. Four persons pointed out that there is still a lot of work to be done on the NARAPs and that resources are limited. As a result, the Parties may be unwilling to nominate new substances for a while.

2.3 Stage II (1): Screening Evaluation

Respondents raised several issues about the Screening Evaluation stage:

1. *The need for a proponent.* Respondents generally agreed that after the nomination stage the nominating Party should continue to act as a proponent or a “champion” for the substance nominated to ensure that it moves through the substance selection process as quickly as possible. Proponents could provide scientific information, take the lead in identifying mutual concerns, and draft the decision document. In the absence of an active proponent, the process can slow down.
2. *Availability of information.* One respondent commented that the quality and quantity of scientific information available on a substance are often very different in Canada, the United States and Mexico, making it difficult to draw general conclusions and to compare information across the three countries. A Mexican respondent said that the lack of scientific data on the human and environmental exposures in Mexico is a major obstacle to assessment and that expert judgment is important. The lack of scientific data also can have implications for the priorities addressed in the NARAPs.

Two respondents noted that Screening Evaluations rely on existing information and that there are gaps in the scientific information for all of the substances considered by the SSTF. What should the SSTF do then if there are critical information gaps? (It is noted that Resolution #95-5 reaffirms the precautionary approach which states that the lack of full scientific evidence shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.) A fourth respondent stated that it is important to ensure that the SSTF has access to experts on the substances being considered. These points are all related to the need for national capacity building, especially in Mexico (see section 3.3).

3. *Screening criteria.* Respondents generally agreed that the scientific screening criteria have worked well in the substance selection process, but some pointed

out that both the Screening Evaluation and the Evaluation of Mutual Concern stages contain criteria for transboundary movement. The Screening Evaluation stage requires “monitoring evidence of transboundary environment transport for metals or POPs . . . or indirect evidence of transport potential” and the Evaluation of Mutual Concern requires information on the “nature and extent of evidence of transboundary environmental transport in North America.” These requirements could be combined. One respondent suggested that the definition of transboundary be broadened from just “transboundary environmental transport” to include trade in the substance in question or trade in products or commodities containing the substance.

4. *Reporting on the Screening Evaluation.* It was suggested that the SSTF prepare a brief summary of the Screening Evaluation stage and post it on the CEC web site in order to enhance public accountability and transparency.

2.4 Stage II (2): Evaluation of Mutual Concern

Respondents raised several issues about this stage:

1. *The role of socioeconomic factors.* Eight respondents commented on the role of socioeconomic factors in the Evaluation of Mutual Concern. These factors are not mentioned specifically in the criteria for this stage, but they are being discussed at this point in the process. Three persons said that socioeconomic factors should not be included in this stage. It should focus instead on the nature of the health/environmental issues, the transboundary issues, and the scientific areas of mutual concern that could be addressed in a NARAP. In other words, the Evaluation of Mutual Concern should focus only on scientific concerns. In contrast, four respondents said that the role of socioeconomic factors should be formalized by including specific criteria in the Evaluation of Mutual Concern (or earlier in the process). A respondent from Mexico commented that it is important for any action to consider its economic feasibility and social implications, as well as its scientific benefits. One respondent noted that the benefits of information sharing, technology transfer and capacity building are an important consideration at this stage.
2. *The need to clarify the mutual benefits of trilateral action.* Several respondents raised the need to clarify the mutual benefits of trilateral action. Two respondents noted that the evaluation of mutual benefits has focused on the benefits of action to individual countries, but that it should emphasize the benefits to North America as a whole. Moreover, this stage could consider why trilateral action on a substance is needed rather than action by the individual countries and, in doing so, could point out the common issues, common sources, and the need for common management approaches. Another respondent asserted that common regulatory approaches should be considered at this stage of the process. And yet another suggested that the description of this stage should be revised to read the

“anticipated benefits of trilateral action” rather than the current
“mutual/demonstrable benefits of action.”

3. *The need for a consistent level of mutual concern.* One respondent commented that there is a need to identify a consistent level of mutual concern for the SSTF to recommend the development of a NARAP. It was noted that the levels of mutual concern for lead and for dioxins and furans are likely to be quite different (the Evaluation of Mutual Concern for lead is not completed).
4. *Participation of observers.* One respondent pointed out that industry and NGO observers should not participate in the Evaluation of Mutual Concern because there could be a perception of bias. At this stage, it is important that the Parties to do the necessary work.
5. *Reporting on the Evaluation of Mutual Concern.* It was suggested that the SSTF prepare a brief summary of the Evaluation of Mutual Concern stage of the substance selection process and post it on the CEC web site in order to enhance public accountability and transparency.

2.5 Stage III: Discussion and Decision

Only a few issues were raised about the Discussion and Decision stage:

1. *The “considerations” required in a decision document.* One person commented that the “considerations” required in a decision document are much too broad and questioned the ability of the SSTF to provide informed advice on all the issues listed (such as the societal capacity for change, the implications/opportunities for the economy and trade). Indeed, the SSTF is primarily a scientific committee, but the Decision Document includes many socioeconomic issues beyond its expertise. It was suggested that the SSTF limit its considerations to scientific issues and that the SMOC Working Group and other higher-level CEC committees address socioeconomic considerations. In contrast, another respondent commented that it is very important to identify the barriers to action, to discuss means of overcoming them, and to identify areas that require further work at this stage of the process. This issue is similar to the one raised about the role of socioeconomic factors in the Evaluation of Mutual Concern (see section 2.4).
2. *The outcomes of a decision document.* Two respondents suggested that consideration be given to broadening the possible outcomes of a decision document. At present, decision documents are used primarily to determine whether a NARAP should be developed, but it may be appropriate to consider other outcomes, such as developing a trilateral research agenda or capacity building on the substance in question. It also may be appropriate to consider national action, providing guidance for countries outside the region or

establishing benchmark information on the substance. The NARAP focus on control measures may not always be appropriate, especially if there are key information gaps, or if a country does not have sufficient capacity to implement controls. These comments address the fundamental objectives of the SMOC project.

3. *Quality of Decision Documents.* In general, the respondents found the decision documents to be of high quality. Members of the SMOC Working Group said that the decision documents contained sufficient information to allow them to make a decision about whether or not trilateral action was appropriate (that is, preparation of a NARAP).

2.6 Stakeholder Participation

Respondents made contrasting comments about the level of stakeholder participation in the substance selection process:

1. *The need to increase the level of stakeholder participation.* Seven respondents called for greater stakeholder participation in the substance selection process. One respondent commented that the CEC should consider providing sustaining resources to NGOs to participate in the SMOC project as a whole. Another person said that sessions of the SMOC Working Group not open to the public (usually held on the second day) should be kept to a minimum. Others commented that it is difficult to engage industry and NGOs in the substance selection process at all. Industry representatives may not be interested unless they use or produce the substance in question, and NGO representatives tend to be more interested in the NARAPs than in the substance selection process, because that is where risk management decisions are made.

One suggestion called for the CEC to obtain written permission from industry and NGOs for their staff to participate in the SSTF.

Three respondents said that the current level of stakeholder participation is satisfactory and that the mechanisms do not need to be strengthened or revised.

2. *The need to focus stakeholder participation.* One respondent called for focusing stakeholder participation at one or two key stages of the substance selection process because it is too diffuse at the moment.

2.7 Other Comments

Other comments concerned:

1. *The nature of the process.* One respondent commented that the substance selection process is too cumbersome and should be shortened to assessments of transboundary movement and mutual concern only. A scientific risk assessment should be conducted as part of the development of a NARAP, not as part of the substance selection process.
2. *The proposed substance tracking system.* One respondent asked whether the proposed system for tracking nominated substances through the substance selection process (see Table 2 at http://www.cec.org/programs_projects/pollutants_health/smoc/criter.cfm?varlan=english#5) has ever been implemented, because it is not on the CEC web site. Any steps take to ensure that the proposed substance tracking system is implemented and publicly available on the web site would enhance the transparency and accountability of the substance selection process.

3. Key Issues

3.1 Future of the Substance Selection Process

The key issue facing the SMOC Working Group and the SSTF is the future of the substance selection process (see also section 2.2). Council Resolution #95-5 on the Sound Management of Chemicals gave priority to substances on United Nations Environment Programme's "dirty dozen" list (the best-known persistent, bioaccumulative toxic substances), but, as already noted, the SMOC Working Group has now addressed most of the substances that are of trilateral concern, and it should decide the future of the substance selection process.

In this context, a review of the entire SMOC project would be helpful, because it would be better to revise the substance selection process after a broader discussion of the future of the SMOC project rather than in isolation.

Many options are available for the future of the substance selection process:

1. Continue the process as it is at present (or with relatively minor changes) and maintain the focus on persistent, bioaccumulative toxic substances that are not on the "dirty dozen" list.
2. Substantially revise the process so that it focuses on other types of chemicals. The possibilities include:
 - a. Substances that are likely to pose the greatest risks to the health and environment of the three countries, including those that have a high acute or subchronic toxicity. These substances could be transboundary ones (as currently defined) or not. This option could be linked to other CEC programs

and projects such as children's environmental health (by focusing, for example, on air pollutants known to affect children).

- b. Groups or classes of chemicals, such as heavy metals, pesticides and polycyclic aromatic hydrocarbons (PAHs).⁴ It is noted that the CEC is already using this approach in its consolidation of dioxins and furans as a single substance.
- c. Sectors common to all three countries⁵ such as waste incineration and thermal power generation.
- d. Commodities or products that are traded by the Parties and that contain persistent, bioaccumulative toxic substances (such as children's products).
- e. Substances that are the subject of trade disputes between the Parties. An example is the dispute between Canada and the United States over the gasoline additive methylcyclopentadienyl manganese tricarbonyl (MMT) a few years ago.

Efforts to substantially revise the process and implement any of these options would probably require revising the current criteria and guidelines, although under some circumstances the basic stages (that is, Nomination, Screening Evaluation, Evaluation of Mutual Concern, and Discussion and Decision) could be retained.

3. Revise the substance selection process and the entire SMOC project to assist with the North American regional implementation of the new Stockholm Convention on POPs. This option would involve concentrating on capacity building, exchanging information, and reporting and monitoring, consistent with the requirements of the Stockholm agreement. This possibility is already being considered by the CEC, as part of the SMOC Working Group's strategic priorities.
4. Phase out the substance selection process entirely (and possibly the SMOC project) and reallocate the resources to other CEC programs.

There was no consensus among the respondents about which option should be pursued, although no one supported phasing out the process.

By maintaining its focus on persistent bioaccumulative toxic substances, the SMOC project may not consider nonpersistent and nonbioaccumulative substances that are likely to pose significant risks to health and the environment. Similarly, by addressing groups or

⁴ This option is noted in several CEC documents, including the SMOC Working Group's work plan for 2001–2003 (see <http://www.cec.org/files/english/PP01-03e.pdf>).

⁵ This option is noted in several CEC documents, including the SMOC Working Group's work plan for 2001–2003 (see <http://www.cec.org/files/english/PP01-03e.pdf>).

classes of chemicals or sectors, the project may not address individual substances that are likely to pose the greatest risks. Moreover, developing NARAPs for entire groups, classes or sectors could be a huge task. By considering substances that are involved in trade disputes, the SMOC project would find its role changed entirely and it would become much more vulnerable to political influence. Revising the SMOC project so that it becomes a North American regional implementation mechanism for the Stockholm Convention on POPs is feasible, but such a step would mean no significant role for the substance selection process and limiting the focus of the SMOC project to the “dirty dozen” POPs addressed in the 1995 UNEP decision (and any new substances added to it).

Several respondents supported revising the substance selection process to focus on substances that are likely to pose the greatest risks to health and the environment in Canada, the United States and Mexico, including groups or classes of substances where appropriate. The process also could consider substances that may not be subject to transboundary environmental transport but that could be of mutual concern to the three Parties. Such revisions would require amending the scientific screening criteria by removing the criteria for persistence and bioaccumulation and perhaps considering criteria for an “available and acceptable risk assessment”

Several respondents also recommended that the CEC and the Parties consider reviewing the entire SMOC project prior to revising the substance selection process.

In the short term (that is, if and when the process is revised and if and when a SMOC review is conducted), these suggestions may require additional resources from the CEC secretariat and the Parties, but additional resources may not be as necessary over the long term (it is noted that the CEC staff resources allocated to SMOC will be increased by 1 person year in the near future).

3.2 Role of Socioeconomic Factors

About half of the respondents commented that the substance selection process should contain more formal socioeconomic criteria, and about half favored making the process more scientific and removing any socioeconomic issues from it (see sections 2.4 and 2.5). Respondents from Mexico, in particular, said that the substance selection process should consider socioeconomic issues, including the availability and cost of alternatives, throughout the process—from the Nominations stage through the Discussion and Decision stage and not just at the Discussion and Decision stage, after the risk assessment has been completed. One respondent from Mexico went even further and stated that the entire process should be revised into a framework process for linking risk assessments and socioeconomic analyses to support risk management decision making on chemicals.

If socioeconomic issues are removed from the process, the considerations at the Discussion and Decision stage would have to be revised and the socioeconomic issues would have to be considered elsewhere (for example, by the SMOC Working Group or

the Alternate Representatives). On the other hand, if the role of socioeconomic factors is strengthened, then the role and composition of the SSTF should be reconsidered by the CEC and the Parties.

The fundamental issue is that it is unclear whether the SSTF is purely a scientific body, or whether it has a broader mandate to consider the feasibility and capacity to control a substance (that is, the socioeconomic factors), as well as scientific issues. At present, the composition of the SSTF suggests that it is a scientific body. However, the considerations required in the decision documents include many socioeconomic issues. Therefore, socioeconomic factors are being addressed by a scientific body that is probably not sufficiently qualified to do so. In other words, the SSTF is probably unable to address (in the decision documents) socioeconomic issues in an authoritative and comprehensive manner, and it may be undermining its credibility in attempting to do so.

Given the interrelated nature of socioeconomic and scientific issues in the real world, it may be unwise to attempt to separate them further in the substance selection process. Indeed, perhaps the CEC and the Parties should consider conducting concurrent scientific and socioeconomic assessments in the substance selection process.

3.3 Strengthening Considerations of National Capacity

Respondents from Mexico emphasized the need for the substance selection process to undertake a more in depth analysis of a country's capacity to implement management measures for a substance. They also suggested that this should be done earlier in the substance selection review process. At present, the "national capacity to take action" is one of the socioeconomic considerations at the Discussion and Decision stage—that is, at the end of the process.

In the early years of the SMOC project, it focused on developing NARAPs for the "management and control" of persistent, bioaccumulative toxic substances, including "pollution prevention, source reduction and pollution control."⁶ More recently, however, it has been recognized that the SMOC project should strengthen national capacity building, including information sharing, technology and financing, especially in Mexico. The existing NARAPs do contain some capacity-building initiatives, and at its meeting held 21–22 May 2000 the SMOC Working Group directed that all future NARAPs should identify capacity-building measures that are likely to be required for implementation.

Because national capacity and other socioeconomic factors are not considered until after completion of the risk assessment, SSTF may find that the time and resources spent on the risk assessment are wasted if one or more of the countries do not have sufficient

⁶ See the "Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative. Report to the North American Working Group on the Sound Management of Chemicals" by the Task Force on Criteria (online at http://www.cec.org/programs_projects/pollutants_health/smoc/criter.cfm?varlan=english#5).

capacity to implement management measures effectively, or if there are other socioeconomic reasons for not recommending the development of a NARAP to the SMOC Working Group. In light of these points, the CEC and the Parties could examine the feasibility of considering national capacity earlier in the substance selection process, so that assessments of environmental/health risk, national capacity and other socioeconomic factors are conducted more or less concurrently.

3.4 Consensus among the Parties about Individual Substances

One of the key issues raised by respondents was the need for a voluntary and unequivocal consensus among the Parties at all stages of the substance selection process. Unless there is a full and willing consensus throughout the process, individual Parties may believe they are being “railroaded” into making decisions they do not agree with.

There are no clear provisions for withdrawing a substance after it has been nominated for the substance selection process. At present, a substance nomination is “accepted” by the Parties via their representatives on the SMOC Working Group. The substance is then referred to the SSTF for the Screening Evaluation, the Evaluation of Mutual Concern and the eventual preparation of a decision document. The SSTF has no clear authority to decide to “drop” a substance, even if there is no consensus among the Parties. This may put pressure on those Parties that do not fully support recommending the preparation of a NARAP. This was an issue for lead.

One option that may resolve this situation and facilitate a full and voluntary consensus is to allow a Party or Parties to withdraw a nomination if there is opposition to it from other Parties at any stage of the process. It is recognized that a decision to withdraw a nomination would require a full rationale in order to address any concerns from external groups (such as NGOs) about a Party’s or Parties’ unwillingness to deal with a nominated substance.

3.5 Transparency, Accountability and Stakeholder Participation

Many respondents commented on the need to enhance the transparency and accountability of the substance selection process. This issue was raised in several ways:

1. The need for all of the Parties to inform other groups in their respective countries that they can suggest substances for nomination (section 2.2).
2. The need to ensure that nomination dossiers are available publicly (section 2.2).
3. The need to post summaries of the Screening Evaluation and the Evaluation of Mutual Concern, as well as the need to implement the proposed substance tracking system and to post it on the CEC web site (sections 2.3, 2.4 and 2.7). It also was suggested that the CEC secretariat develop a log of when documents are

posted on the web site and when they are removed and that the CEC develop a policy on how long documents on individual substances remain on the web site.

4. The need to minimize the number of SMOC Working Group sessions that are not open to the public (section 2.6).

The need to enhance transparency and accountability is related to the role of stakeholders in the process. If transparency and accountability are lacking or unclear, it is more difficult for stakeholders to contribute to the process effectively. Furthermore, they are more likely to feel marginalized or excluded from the process.

Some respondents pointed out the need to increase stakeholder participation in the substance selection process (see section 2.6). Several mechanisms are already in place for this participation, such as including industry, NGO and academic observers in the SSTF and inviting comments on SSTF documents posted on the CEC web site. Yet other opportunities could be explored, including obtaining written permission from industry and NGOs for their staff's participation in the SSTF.

As a way of exploring the possible options for increasing stakeholder participation in the substance selection process, the Joint Public Advisory Committee (JPAC) could be requested to provide its advice on this matter to the CEC and the Parties.

3.6 Parties' Engagement in the Process

If the substance selection process continues in the present form, or in a revised form, it will be critical to ensure that the Parties (and other stakeholders) are fully engaged in it. If the Parties agree to a process that they are not fully committed to, it will not be an efficient or effective use of scarce CEC resources. Furthermore, unless the Parties are willing to commit their own staff and resources, very little can be accomplished and the process will drag out for individual substances. Imposing a time limit on the process for each substance may help, but unless there is an adequate level of engagement from the Parties, it is unlikely that such preset times limit will be met.

One indication of the Parties' level of engagement in the substance selection process is whether they have established internal processes aimed at broad consultation within their own departments and agencies about individual substances that are going through the process. At present, only one of the Parties has established an internal consultation process, although there are plans for another to strengthen interdepartmental communications.

A second indication is whether the Parties dedicate adequate time and resources so that their staff can represent them on the SSTF and whether participation on the SSTF is seen as a formal job responsibility that is taken into account in setting priorities, work plans and performance appraisals. When asked how their managers view staff participation in

the SSTF, many government representatives said that managers see such participation as an “add-on” activity that is not part of formal job responsibilities.

4. Consultant’s Recommendations

Several of these recommendations, if implemented, could have cost implications for the Parties, the CEC, or both (for example, recommendations 3 and 8). Unless noted otherwise, all recommendations are directed to the CEC and the Parties.

Recommendation 1: Retain the substance selection process but in a revised form. In addition, consider reviewing the entire SMOC project, prior to revising the substance selection process.

Recommendation 2: Focus on substances that are likely to pose the greatest risks to health and the environment in Canada, the United States and Mexico. Such substances could include groups or classes of substances, where appropriate, and substances that may not be subject to transboundary environmental transport (as currently defined), but that could be of mutual concern to all three Parties and candidates for trilateral action.

Recommendation 3: Incorporate consideration of national capacity and socioeconomic factors earlier in the substance selection process and conduct assessments of environmental/health risk, national capacity and other socioeconomic factors more or less concurrently. The SSTF should include members with expertise in these areas.

Recommendation 4: Develop a better-defined mechanism for the withdrawal of a nominated substance. (Withdrawal is possible under the current process, but there is no clear process. It is noted that the Discussion and Decision stage allows alternate courses of action other than a NARAP.) A rationale for withdrawal to address any concerns from external groups.

Recommendation 5: Consider ways in which to enhance the transparency and accountability of the substance selection process and stakeholder participation. They might include:

- a) requesting the Parties to inform the appropriate groups in their respective countries that they can suggest substances for nomination;
- b) ensuring that nomination dossiers are publicly available;
- c) posting summaries of the Screening Evaluation and the Evaluation of Mutual Concern, as well as the substance tracking system, on the CEC web site;
- d) minimizing “closed” CEC meetings; and

- e) obtaining written permission from industry and NGOs for their staff to participate in the SSTF.

Recommendation 6: Request that the Joint Public Advisory Committee suggests possible options for increasing stakeholder participation in the substance selection process.

Recommendation 7: Request that the CEC secretariat develops a log of when documents are posted and taken off the web site, as well as a policy on how long documents remain on the web site.

Recommendation 8: Request that the Parties develop and implement internal consultation processes so that the respective government departments and agencies are consulted about individual substances.

Recommendation 9: Request that the Parties ensure that participation of representatives on the SSTF is a formal job responsibility.

Recommendation 10: Request that the nominating Parties act as proponents or “champions” for nominated substances throughout the entire substance selection process.

Recommendation 11: Request that the Parties work together as much as possible, especially during the Evaluation of Mutual Concern stage, to identify for the nominated substance, the common hazards and risks, the nature and extent of transboundary environmental transport, and the need for and the benefits of coordinated trilateral action (rather than action at a national level).

Appendix A: Brief Chronology

1 January 1994	North American Agreement on Environmental Cooperation comes into force.
13 October 1995	Council of the Commission for Environmental Cooperation approves Council Resolution #95-5 to establish a Working Group on the Sound Management of Chemicals (SMOC).
25–26 January 1996	SMOC Working Group decides to establish four task forces, including the Task Force on Criteria.
8 May 1996	First meeting of the Task Force on Criteria.
October 1996	Stakeholder consultation is held in Mexico City on the proposed substance selection process.
June 1997	Expert Group on Criteria is convened to ensure the currency and adequacy of the proposed criteria.
October 1997	Substance selection process is finalized, and the Substance Selection Task Force (SSTF) replaces the Task Force on Criteria.
21–22 May 1998	SMOC Working Group refers four nomination dossiers to the SSTF (dioxins/furans, hexachlorobenzene, lindane and lead).
31 March 1999	Decision document on dioxins and furans is released for public comment, recommending the development of a North American Regional Action Plan (NARAP).
16 April 1999	Decision document on hexachlorobenzene is released for public comment, recommending the development of a NARAP.
19 April 2000	Decision document on lindane is released for public comment, recommending the development of a NARAP.
December 2000	Review of the substance selection process begins.

Appendix B: Summary of the Process

(Taken from the Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative Report to the North American Working Group on the Sound Management of Chemicals. Draft. Full document available online at http://www.cec.org/programs_projects/pollutants_health/smoc/criter.cfm?varlan=english#5).

Stage I: Nomination of a substance for possible tripartite action

Substances would be nominated by any of the "Parties" (USA, Mexico, Canada) through the North American Working Group for the Sound Management of Chemicals (Working Group). To promote openness and consistency in the review of all nominated substances, the nominating Party should provide information in a complete and concise "Nomination Dossier" comprising 5-10 pages of text with key references, following the format indicated in Appendix II.

Substance: Throughout this report, the term 'substance' should be interpreted in its broadest sense. The Task Force recommends that nominations should be clear about the identity of the substance and the forms it can take in the environment that are important in understanding the risks posed.

Groups other than the Parties may also wish to suggest substances be considered by the Working Group. These suggestions would need to be incorporated into a Nomination Dossier submitted by any of the Parties to the Working Group.

The three Parties, through their representatives on the Working Group, would need to accept a substance nomination. Once a Nomination Dossier is accepted by the Working Group, the name of the substance would be identified as a "Nominated Substance for the North American Agreement for Environmental Cooperation Sound Management of Chemicals Review Process." It would be included on Table 3 (Tracking Substance Nominations through the Selection Process), together with the name of the nominating Party and date of submission. The Working Group would then refer the nomination to the Substance Selection Task Force (SSTF) for action. At this stage, the SSTF will assess the Nomination Dossier to determine whether or not it contains adequate basic information for the evaluation process. Additional information would be requested for an incomplete Dossier. For a complete Dossier, the SSTF would inform the Working Group that they were proceeding to Stage II of the process.

Stage II (1) Screening Evaluation Step

The intent of this screening is to initiate the evaluation process for substances that have been accepted as Nominated Substances. It investigates whether the substance addresses four basic requirements that need to be met before the initiation of a detailed assessment

in Stage II (2). The screening focuses on confirming that the substance has entered (or could enter) the North American ecosystem, that there is agreement by the Parties that the substance has been sufficiently assessed for its environmental or human health risk, that if present in the environment it is in a form that is judged to be sufficiently persistent, bioavailable and bioaccumulative, and that there are data that the substance is transported (or transportable) environmentally within North America. Although there may be uncertainty related to available data in any of these areas, the decision of the SSTF to proceed to a Stage II (2) evaluation will be influenced by the precautionary principle where the nature of the threat is serious and irreversible.

The Screening Evaluation involves 4 elements:

- i. availability of valid monitoring or predictive data pertaining to emissions, effluents or levels in environmental media or biota confirming that the substance may enter, is entering or has entered the North American ecosystem as a result of human activity; AND
- ii. availability of a comprehensive, scientifically-sound risk assessment document that characterizes risks to the environment or human health and that has national or international acceptance; AND
- iii. adequate measured or predictive data relating to the persistence, bioavailability and bioaccumulation tendencies of the substance; AND
- iv. adequate indirect evidence of transboundary environmental transport such as persistence in biota/media and volatility, or the availability of direct monitoring evidence of transboundary environmental transport.

Screening elements iii and iv include quantitative criteria intended to identify those substances that are persistent and bioaccumulative, and that can undergo transboundary environmental transport. Prior to the deliberations of the Task Force, a number of initiatives referenced in Section 3.0 had already studied and chosen quantitative criteria for purposes similar to the mandate of the Task Force (i.e., identifying substances for management action or for determining the most appropriate management objective).

The quantitative criteria adopted by the Task Force are to be used for guidance in evaluating whether the information available on a toxic substance warrants its continuation to the next phase of Stage II. Expert judgement must take precedence when determining whether screening elements iii and iv are satisfied. Where such expert judgement differs from the direct application of the quantitative criteria, then an explanation should be provided. For naturally occurring substances such as metals and minerals, the Task Force understands that the direct application of the persistence and bioaccumulation criteria proves very difficult. Metal classification and the application of criteria setting for metals is provided in Table A of Appendix I. Organo-metals can behave like other persistent organic pollutants in their metallic form and as certain

compounds, metals tend to be infinitely persistent though not necessarily in a form that is bioavailable, and in some cases, they naturally bioaccumulate for beneficial purposes in organisms (i.e., essential elements). Expert judgement is essential for a meaningful evaluation of these substances.

If all of the preceding screening elements are met then the SSTF would recommend to the Working Group that the nominated substance proceeds to Stage II (2) : Mutual Concern Evaluation. This implies a commitment from the Parties to provide available information needed for the next stage including summaries of data characterizing entry of the substance into the environment (e.g., sources, environmental levels).

If not all of the four screening elements are met then the SSTF would recommend to the Working Group that the substance is not a suitable candidate for regional action at this time. A consequence of this recommendation may be that the Parties agree to acquire additional information so the substance can be reconsidered when there is a more complete database. Alternatively, the parties may consider taking action under other fora or national programs more appropriate for control of the nominated substance.

Stage II (2) Evaluation of Mutual Concern Step

The intent of the evaluation of 'mutual concern' is to develop the rationale for supporting the selection of a substance as a candidate for regional action. The rationale focuses on the nature and extent or the degree of the problem posed by the nominated substances, and on confirming that there is value-added by addressing the substance on a regional basis.

The Stage II Mutual Concern Evaluation involves consideration of the following 3 elements and the degree to which all the Parties share concern:

- i) nature and extent of risk to human health or the environment in North America; AND
- ii) nature and extent of the evidence of transboundary environmental transport in North America.; AND
- iii) degree to which human health or environmental benefits in North America can be demonstrated as a result of collective action.

The SSTF would document the outcome of the screening and evaluation of the nominated substances and describe the weight of the evidence of shared concern and mutual benefit to the region of action. It would recommend to the Working Group that either:

- the substance is identified as a candidate for regional action. This implies a commitment from the Parties to contribute to the preparation of a Draft Decision Document by the SSTF for consideration by the Working Group; OR

- the substance is not a suitable candidate for regional action at this time. A consequence may be that the Parties agree to develop additional information so the substance can be reconsidered or that the substance be considered for action in other fora, or national programs more appropriate for its control.

Stage III: Discussion and Decision

A substance which emerges as a candidate for regional action during the Evaluation Stage would, at the decision of the Working Group, become the subject of a Draft Decision Document. This stage is intended to explore a range of considerations that influence the priority and timing for developing and implementing a regional action plan. Additional expertise may be required by the SSTF to address the range of considerations listed below.

The Draft Decision Document would include the following components: the original 'Nomination Dossier' from the Nomination Stage; a review of the results of the Screening and Mutual Concern Evaluation process; an analysis of major implementation considerations; and a summary evaluation (see Table 3) reviewing and concisely presenting the findings of the analysis of the evaluation stage and implementation considerations.

The Stage III Draft Decision Document would also address the following implementation considerations:

- public health or environmental measures available to reduce risk;
- benefits to human health or the environment of the reduced availability or elimination of a substance (e.g. for vector control agents);
- sustainability of food production;
- availability of alternatives;
- societal capacity for change;
- implications for the economy and trade;
- costs and benefits of control measures;
- national capacity to take action; (e.g. expertise, technology, financing);
- jurisdictional and regulatory opportunities for change; and
- international commitments and obligations.

The Draft Decision Document would assess the significance of the implementation considerations according to (1) whether they present barriers or opportunities for a regional action plan and (2) the extent to which any barriers are likely to limit prospects for a regional action plan (e.g. greater costs than benefits or incomplete information on an alternative substance). The Draft Decision Document would include recommendations to the Working Group that either:

- a North American Regional Action Plan (NARAP) be developed for the substance. This implies that the Parties establish a NARAP Task Force for the preparation of an action plan; OR
- the candidate substance should not be the subject of a North American Regional Action Plan (NARAP) at this time. The Parties may agree to reconsider this decision when more information, e.g. relating to costs or benefits or alternatives, is available. As indicated in Table 1, 'other action' may also be recommended, for example, in relation to rectifying gaps in information.

It is foreseen that the Draft Decision Document could be useful for other purposes in addition to decision making by the Working Group, including: developing national action plans; providing guidance for countries outside the region; and establishing benchmark information on the substance for various purposes.

Public Participation

Public participation is an important component of the selection process for candidate substances for regional action and for the development and implementation of North American Regional Action Plans.

This process creates several opportunities for such participation:

- through the CEC web site;
- through open Working Group sessions;
- through the public release of Council documents;
- through formal consultations at certain points in the selection/evaluation process (see below).

The Nomination Dossier should be available for public comment at the time of nomination. Comments received from stakeholders on the adequacy of the Nomination Dossier should be considered by the SSTF in their recommendations to the Working Group.

The conclusions of the SSTF at the end of the evaluation Stage II should also be made available for public comment.

The Draft Decision Document should be released to the public at least 6 weeks prior to its being considered by the Working Group, and the public should be formally requested (e.g. by Secretariat notice or posting on the CEC web site) to comment on the document and the recommended course of action. Written and oral comments should be considered by the Working Group, along with the analysis appearing in the document, when determining whether to recommend to the Council of the CEC that development of a NARAP be initiated.

The decisions on approval or rejection of all nominated substances at different stages of the selection process should be publicly reported. This reporting could take the form of an updated Table 3 which might be communicated in conjunction with regular meetings of the Council of the Commission for Environmental Cooperation and/or through issues of Trio, the newsletter prepared by the Secretariat of the Commission, and on the World-Wide-Web.

Appendix C: Current Members of the Substance Selection Task Force

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Appendix D: List of Review Issues

1. THE CURRENT PROCESS

- Overall, what worked well about the substance selection process? What did not work well? Please explain your response.
- Has the Substance Selection Task Force followed the process? If not, please explain.
- Has the Nomination stage I worked well or not? Have appropriate substances been nominated or not? Please explain your response.
- Has the evaluation stage II (1)–Screening Evaluation step worked well or not? Are the scientific criteria for bioaccumulation and persistence adequate or not? Are the criteria for "entry" into North America and risk assessment appropriate or not? Please explain your response.
- Has the evaluation stage II (2)–Evaluation of Mutual Concern step worked well or not? Are areas of mutual concern adequately identified or not? Is the process of identifying areas of mutual concern adequate or not? Please explain your response.
- Has the Discussion and Decision stage III worked well or not? Do the decision documents provide appropriate information to the NARAP task forces? Please explain your response.
- Have the provisions for public participation worked well or not? Has there been adequate public participation or not? Please explain your response.
- Is there adequate scientific information available for the process? Is there sufficient input from scientific experts? Please explain your response.

2. SUGGESTIONS FOR AMENDING THE PROCESS

- Should the overall substance selection process be amended? Should time frames be added or amended? Please explain your response.
- Should the Nomination stage I be amended? If so, how? Should Parties be able to withdraw nominations?
- Should the evaluation stage II (1)–Screening Evaluation step be amended? If so, how?

- ❑ Should the evaluation stage II (2)–Evaluation of Mutual Concern step be amended? If so, how?
- ❑ Should the Discussion and Decision stage III be amended? If so, how?
- ❑ Should the provisions for public participation be amended? If so, how? At which stage of the substance selection process?
- ❑ Should there be any amendments respecting scientific input to the process. If so, please explain.
- ❑ If you have suggested any amendments to the substance selection process, what processes should be used to discuss and review the amendments? Formal consultation with the Parties? The public? Others?

3. OTHER ISSUES

- ❑ Are the principles and other guidance items for selecting substances under the NAAEC appropriate? Is the current substance selection process consistent with these principles and other guidance items? If not, please explain.
- ❑ Is there a need to define the types “substances” that could be addressed by the substance selection process? Should the process address groups of substances (e.g., PAHs) and/or substances where co-management might be helpful (e.g., a sectoral approach)? Please explain your response.
- ❑ Are the governments and the CEC dedicating adequate resources to the substance selection process? If not, please explain. What are the resource implications of any suggested changes in the process?
- ❑ Are communications about the substance selection process adequate? Between the members of the task force? Between the task force and the SMOC Working Group? Between the task force and the NARAP task forces? Between the task force and the CEC?
- ❑ Is the substance selection process sufficiently accountable? Is it easy to track the process for a substance or not?
- ❑ Does the process address “subjective” criteria, such as socioeconomic and political considerations appropriately? Please explain.
- ❑ Do have any other comments or suggestions? Major lessons learned?

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² Comments received via e-mail.

³ Face-to-face meeting.

Review of the Process for Identifying Candidate Substances for Regional Action under
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Review of the Process for Identifying Candidate Substances for Regional Action under
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