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Commission for Environmental Cooperation of North America

Regular Session of the Joint Public Advisory Committee 10-02 “Public Forum on Healthy Communities and Ecosystems”

16–17 August 2010
Guanajuato, Guanajuato, Mexico

Summary Record¹

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a public meeting on 16–17 August 2010, in Guanajuato, Guanajuato, Mexico. The purpose of the meeting was to examine the linkages between healthy ecosystems and human health and to provide an overview of the North American Pollutant Release and Transfer Registry (PRTR) as a tool for public use in the assessment and identification of potential health issues.

This Summary Record reports on each item on the agenda, entering all decisions made by the Committee and identifying actions and responsibilities. (Appendices A and B present the meeting agenda and list of participants, respectively.)

Prior summary records, JPAC’s recommendations to the CEC’s Council, and other documents relating to JPAC may be requested from the JPAC liaison officer or at the CEC website, <www.cec.org>.

Welcome and Opening Remarks, by the JPAC Chair, Glen Wright

The JPAC Chair welcomed participants to the public meeting and provided an overview of the Commission for Environmental Cooperation (CEC), noting that the CEC was established as an adjunct to the North American Free Trade Agreement (NAFTA). Mr. Wright outlined the role of the Joint Public Advisory Committee (JPAC) in seeking public input on key environmental issues and in preparing Advice to Council (senior Ministers of the Environment from Canada and Mexico, and the Administrator of the United States Environmental Protection Agency). He remarked on behalf of all the JPAC members what a wonderful opportunity it was to be visiting such an historical location. Mr. Wright reviewed the agenda for the public meeting, noting that there would be opportunities for questions and answers and discussions. Mr. Wright thanked everyone for organizing this public meeting and for the gracious welcome by Mexico accorded to all of JPAC upon their arrival. The Chair asked that each member of JPAC introduce himself to the audience in turn. Biographies of the members are on the CEC website.

The Chair then called upon Adriana Nelly Correa to introduce the keynote speaker.

¹ Disclaimer: Although this Summary was prepared with care, readers should be advised that it has not been reviewed nor approved by the interveners and therefore may not accurately reflect their statements.

Keynote Address, by Dr. Aaron Bernstein, MD, MPH, from Harvard Medical School
Moderator: Adriana Nelly Correa, JPAC Member for Mexico

Adriana Nelly Correa introduced Dr. Bernstein, observing that his work examines the human health dimensions of global environmental changes such as climate change and biodiversity loss, with the aim of promoting a deeper understanding among policymakers, educators and the public.

Dr. Bernstein said how delighted he was to present the keynote address and that his remarks would focus on healthy ecosystems as related to healthy communities. His presentation would cover three things: an understanding of what we mean by ecosystems, the state of ecosystems on the planet and, lastly, some things we have to do to change the way we do business with the biosphere.

Dr. Bernstein then gave a definition for ecosystems, noting that fundamentally, ecosystems are about the life that is within them. Our human health depends on the health of nature. The food we eat requires ecosystems to produce it. Crops need water—most of it filtered by our ecosystems. Similarly, air quality is largely determined by ecosystems. In fact, forests can reduce mortality. Ecosystems like those in forests and oceans determine our planet's climate.

He went on to say that infectious diseases are significantly affected by ecosystems. Emerging diseases such as SARS and H1N1 are increasing and almost three-quarters of them have the ability to affect species other than humans. Describing the linkages in detail, he stated that there are many examples of where disruptions within ecosystems have brought out infections that affect humans. He remarked that he could speak for hours on the ways our health depends on the health of ecosystems. Almost everything you can think of that makes you healthy comes from the natural world.

Dr. Bernstein suggested that most of us are here today because we realize that the state of the living world is not good, often resulting in public health crisis—be it the floods in China, mudslides from deforestation, fires in the Pacific Northwest and Canada, or other crises on a long list. Some of the end results manifest themselves in species extinction. Species extinctions today are 100 to 1000 times greater than what would be expected from the fossil record to occur. There have been five massive extinction events in our history, the most recent one sixty-five million years ago, and we are living in the sixth extinction event.

The biggest causes of this are habitat loss (mostly related to agriculture) and climate change, a close second behind habitat loss and likely to overtake it as a cause by mid-century. By our most conservative estimates, about fifteen percent of all species alive today will be at extinction's doorstep by 2050, due to climate change alone.

Dr. Bernstein said that it is important to understand that all changes to the environment—whether through pollution, habitat loss, climate change, or any other change to our planet—have a final common pathway in that they ultimately exert themselves on the living world. They ultimately affect life on Earth. Once we lose a piece of biodiversity, once we lose a species, it is gone forever. Once gone, there is nothing we can do about it.

However, Dr. Bernstein said, we have the alternative of doing something about climate change and about pollution, even if we cannot recreate life. We need to ask some tough questions about what we know and what we don't know about life on Earth. It is obvious that our health depends on nature, yet we're losing this essential component of our health at an alarming rate. We have become so specialized in everything we do that we are not focusing on the bigger picture. And because the bulk of the population lives in cities where our goods are shipped in and our waste is shipped out, we have become out of touch with biodiversity issues. He observed that the human mind just isn't wired to take the long view yet that is exactly where the problem and the solution to this problem lie.

Dr. Bernstein then began to address what can be done to mitigate the risks. He focused on the issue of adopting green enterprise within society, recommending that we buy differently to reduce carbon footprints. He suggested that the problem is an issue that cannot be solved by individuals doing the right thing because our goods are too soaked in the planet's blood already for the difference to be made solely by the consumers who use the goods.

What is needed are incentives from our policymakers. We need to have sustainable goods and services provided to consumers. More specifically, carbon must be more expensive. There is a huge need to make ourselves more efficient. We must do something about habitat loss and the things that drive it. He suggested that one way the North American PRTR (pollution release and transfer register) and the US TRI (Toxics Release Inventory) are useful is that the public dissemination of their lists of releases has resulted in emerging positions of "not in my backyard" on the part of many communities—which is a huge motivator for companies to reduce or eliminate release of pollutants.

To conclude his talk, Dr. Bernstein spoke as a doctor and a pediatrician. He remarked that the audience may wonder why a pediatrician would talk of ecosystems, and that the answer to this was pretty easy: he can only do so much writing with a pen on prescription pads to keep children healthy. We must do more—do what is necessary to protect the natural world if we are to protect ourselves. He ended by saying that no physician can compensate for the loss of vital services that nature contributes to our health.

Adriana Nelly Correa thanked Dr. Bernstein for his very profound and educational presentation. She then opened the floor and the webcast facility for questions and began by posing the first question.

Question: We see that human health really depends on having a healthy ecosystem. All the functions that Dr. Bernstein mentioned are ecosystem benefits that we call ecological services. These contribute to our well-being, which we lose when we lose the health of an ecosystem. The Doctor mentioned that the interruption of these services has resulted in the emergence of several diseases. Doctor, could you explain a little bit more about these diseases that are related to the interruption of ecological processes?

Response: Dr. Bernstein used the example of the transmission of viruses from primates to people. We know that HIV came from primates, as do several other viruses. These viruses,

similar to HIV, are continuing to enter into humans. In the instance of HIV, many would think it would be crazy to relate fisheries to a new pandemic of HIV but that is what occurred: beginning in 1950 we saw a significant decline—90 percent—in fish. Because of this, people turned more and more to the jungle for their protein. There are other examples, such as SARS. Before it became a human problem this virus existed in bats in China, which suffered a habitat loss. We need to be more careful about the linkage between habitat loss, species disease and the latter's migration to humans.

Adriana Nelly Correa added that if we apply pesticides through the use of agrichemicals in a way that exceeds how the natural ecosystem would control for pests, we will have a health cost. The use of chemicals in agricultural practices appears to have an effect on the ecosystem and may be similar to some of the health examples Dr. Bernstein gave in his speech.

Question: My question is whether academia and scientists are ready to respond to the health challenges of the world community and the humanity of more than 650 million [sic: 6.5 billion] people? Specifically, genetically modified agricultural products and agrichemicals transfer contaminants to the ecosystem. PRTR is important in understanding how to deal with this. We need support mechanisms if we are to determine whether there are answers for everything that is affecting us. Can science and academia keep up in monitoring foods and contamination, including contamination of the seas?

Response: One of the challenges that we all face is finding where to focus our energies. It's important to try to focus on the big deals. By the big deals, I mean habitat loss and climate change. Because, as much as pollution is an issue and as much as concern exists, for example, for genetically modified crops, or the spread of agrichemicals, if we do not act to deal with climate change and change the economic motivators for the destruction of habitat, it's not, frankly, really going to matter much how much pollution there is. We know what the problems are and we can do something about them. We need to remember the relative share of these problems compared to the issues of biodiversity as a whole.

Question: If there is an intrinsic relationship between nature and human health, why have the decision-makers not taken different actions? How can we, as members of community North America, react so that the decision-makers can take a more positive action before we experience the loss of habitat, the loss of species and the loss of ecosystems? If we put these discussions on the table, we know that financial and commercial interests and other tougher issues are the ones that have the most influence in developing economies. How can we influence this? Is there an economic cost analysis? How can we give the most adequate information at the most adequate moment to our Ministers? How can we change what should be logical but that we don't see happening in practice?

Response: The issue you raise is quite real in that people in policy-making are not valuing their decisions in terms of ecosystems. The short answer is that there are two things going on. One is that the decision-makers or the policymakers in the three countries represented here are driven by short-term economic interests and the short-term economic interests are driven by economic models that do not necessarily value the living world. The power of education in this regard is enormous. I will tell you that curricula all over the country are starting to include climate change.

People, particularly scientists, want to make sure that our children understand what is going on because they recognize the problem that you cite, which is that our policymakers are not scientists. We must teach our children and we must also inspire them to understand that these problems are solvable and that we can do something about them. In fact, if anyone's going to do it, if anyone is to keep working at it, it is going to be the people who get on board the earliest, which is going to be the kids.

Question: Would you comment on the relationship between the development of diseases with regard to climate change and meteorological conditions. Could we predict some of these diseases, because often meteorological conditions repeat themselves from time to time? In this way they could be prevented and by preventing them we could save lives and costs like the recent costs that we have experienced with H1N1. I don't know if Harvard or any other institution would have a file that describes the conditions under which these types of the diseases are developed, but it could be a preventive health measure for the global population.

Response: I would like to caution everyone in the room against predictions about infectious diseases related to climate change. While we can make models that can predict that certain diseases, especially vector-borne diseases and water-borne diseases, will become more common as the planet warms, I think it is very difficult to know. Predicting infectious disease outcomes from climate variables alone is a very difficult thing to do. But your point is well taken. In fact, I would argue that we already know a lot about how to prevent infectious diseases, particularly things like H1N1. Flu pandemics happen all the time. It's a natural part of the virus's cycle and it is going to happen again in the future. We don't live on a planet that is sparsely populated and the risks of pandemic are much higher because we traverse the planet so much and because we are so densely populated. The risks of disease emergence are magnified by this. So I think there's a lot to be done with public policy to prevent the emergence of certain diseases even without really understanding what is going on with climate change.

Question: I was particularly pleased to hear the comment that you made that we can't expect this to just happen by individual actions and isolated individual changes and that the challenges are much more systemic. I would like to hear about how we can change industry decision-making. Industry is very much at the core of making decisions that have dramatic impacts on the environment and upon the ecosystem and they're very much at the core in terms of influencing government decision-making. So how do we affect industry decision-making so that we can get to where we need to go?

Response: When you talk to people who are involved with big business, my experience has been that they oftentimes tell you that they don't really have much influence in politics. For many of them, I actually think that's quite true. There are very few people on this planet who are actively and knowingly trying to wreck it for their children. I think one of the problems that face industry is that they have perverse incentives that are not created by them. With the issue of carbon emissions, it is abundantly clear that the current regulatory framework is upsetting to the business community. What are the policymakers doing in enacting legislation to level the playing field? The truth is we are having a very hard time agreeing on what is fair. The major stalemate in climate negotiations is not that people think we need to do something; it's what "my fair share" is. We have been stuck in the mud because of fairness and we are unable to act even

though pretty much everyone wants to. I think that businesses understand that climate change is bad for business. In fact, as much as climate change is a health issue, I think it's an even bigger issue for business.

Question: Nothing is more troubling than what is going on in the Arctic, with its very fragile ecosystem, as you well realize. Equally troubling is the disparity of how the people are affected by current practices. I just want to commend you for doing the kind of work that you are doing and I wish that we could make those fundamental changes regarding the thinking of policymakers.

Response: Dr. Bernstein thanked the public member for the comment.

The JPAC Chair, Mr. Wright, thanked Adriana Nelly Correa for hosting the session and thanked Dr. Bernstein for his fascinating and profound presentation.

Overview of the North American Pollutant Release and Transfer Register (PRTR), by Orlando Cabrera Rivera, Program Manager, Air Quality and PRTR
Moderator: Gustavo Alanis-Ortega, JPAC Member for Mexico

Gustavo Alanis-Ortega provided introductory remarks to put this presentation on the North American Pollutant Release and Transfer Register (PRTR) in the context of the theme of the meeting on Healthy Communities and Ecosystems. Then he explained that, following an overview of the PRTR program (also referred to as *Taking Stock*) by the CEC Program Manager, there would be three presentations by three North American experts—one from each country. Gustavo Alanis-Ortega then introduced Orlando Cabrera Rivera, CEC Program Manager, Air Quality and PRTR, and asked him to provide an overview of the program.

Orlando Cabrera Rivera described the CEC's North American PRTR project as an effort of the CEC that compiles data on pollutant releases to air, water, and land, and transfers of toxic substances for disposal, treatment, energy recovery and to recycling facilities.

He summarized the benefits of a PRTR as follows:

- Promoting community right-to-know
- Increasing awareness of pollution
- Addressing children's health and vulnerable populations
- Promoting improved corporate decision-making and pollution prevention
- Promoting improved government planning and regulation
- Enabling planning for emergency response

He then outlined the CEC's North American PRTR project objectives as follows:

- To promote the comparability of PRTR data in North America (Council Resolution 97-04)
- To improve our understanding of the industrial sources and management of pollutants of common concern in North America
- To promote public access to information

- To promote the use of PRTR data for priority-setting and decision-making in order to protect shared ecosystems, improve pollution and chemicals management and reduce pollution

Mr. Cabrera Rivera went on to describe the North American PRTR Project activities that support the program he described above. With the use of graphics and Google Earth, he showed the facilities reporting pollutant releases and transfers in 2006 (approximately 35,000 facilities) and provided snapshots of the *Taking Stock* report and website.

He described examples of the uses of PRTR data for priority-setting, as in special CEC reports. One such report was *Children's Environmental Health Indicators*. Another example was the report *Toxic Chemicals and Children's Health in North America*, which used PRTR data extensively. Mr. Cabrera Rivera followed the two examples above with descriptions of some of the Taking Stock Online Summary Charts. He then explained how PRTR showcases pollutant transfers within North America and elaborated on how PRTR is useful in assessing US cross-border transfers of metals to Mexico. He gave examples of pollutant transfers and stated that these are only some of the tools available to assist in the environmental management of North America and that more information was available at <www.cec.org/takingstock>.

Gustavo Alanis-Ortega thanked Mr. Cabrera Rivera for his informative presentation and congratulated him for his work, noting that this tool is valuable for planning, awareness and taking action to reduce environmental hazards. He then introduced the next segment of the program, which comprised specific examples from each of the three countries in the use of PRTR for the assessment and identification of potential health issues in communities.

Example of Using PRTR in Canada

The first presenter was Dr. Irena Buka, Clinical Professor, Pediatrics, and Director of the Pediatric Environmental Health Specialty Unit, at the University of Alberta, in Canada. Dr. Buka provided excellent insight into the use of PRTR data at the community level. Her project emphasizes the value of PRTR data in health-environment studies and she outlined the work that she was involved with both at her clinic and as part of the project. The purpose of her project is to explore opportunities to further the knowledge of potential and modifiable risk factors and to geo-locate the sources of emissions in relation to the residence of children with cancer. The project will also explore whether the study methods could be applied to other health outcomes, according to data availability.

Dr. Buka then described the study variables and the sources of data used for the project. She went into detail on how the data were collected and described some of the results that contributed to the outcomes, and the limitations of the project analysis. The conclusion was that the highest cancer rates and carcinogen emissions occur in urban areas and that most children with cancer live within 11 kilometers of a facility. Dr. Buka concluded that we are not living in a safe world and that we truly need to consider prevention strategies. She thanked the audience for their attention and reiterated the important role that PRTR data play in her project and how much potential PRTR has for furthering the relationship between healthy children and the environment.

Gustavo Alanis-Ortega thanked Dr. Buka for her extraordinary presentation. He then gave the floor to Manuel Pastor from the United States, to describe the use of the PRTR data in the US.

Example of Using PRTR in the US

Manuel Pastor from the University of Southern California provided an excellent example of the use of PRTR data in the United States in the pursuit of environmental justice. His presentation showcased the utility of using the US TRI data to document environmentally related disparities, to take a precautionary approach and to engage communities. Note: TRI is the version of PRTR that has been developed for use in the United States.

Mr. Pastor elaborated on why the TRI data is important for environmental justice research, stating that the attributes are nationwide consistency, a broad coverage of stationary sources and a wide range of industries, and a long list of pollutants. The strength of the system is the high geographic resolution that is updated annually. Also, TRI data can easily be connected with community-level demographics in order to investigate patterns.

Mr. Pastor then presented examples of how TRI (also known as Taking Stock/NPRI/ PRTR) was used in the San Francisco Bay Area and Richmond, California. The program can be used to drill in and examine TRI facilities relative to neighborhood demographics. PRTR/TRI can also be part of a precautionary strategy, as shown by work conducted for the California Air Resources Board (ARB). Mr. Pastor displayed a screen shot of a map showing where people are exposed and outlining residential land use and sensitive land-use categories such as schools, hospitals and urban parks.

The North American PRTR represents a major advance in terms of unified coverage and the ability to consider several international environmental justice issues. Information is critical to raising issues, and the TRI data have been a fundamental tool for environmental justice research and raising policy concerns. We need to make similar progress at producing uniform and timely data for mobile and other larger sources.

Mr. Pastor went on to say that we need to get communities engaged in research checking and research generation. TRI data is extremely useful and in fact we need to make use of more databases. While knowledge is power, it is the people who are powerful. Bringing together knowledge and the community voice is the broader goal of environmental protection in democratic societies—it's about community health, civic empowerment, and fundamental accountability.

Gustavo Alanis-Ortega thanked Mr. Pastor for his excellent presentation. It was especially enlightening to consider the environment in the context of our obligations and the power contained within a democracy.

Example of Using PRTR in Mexico

Gustavo Alanis-Ortega introduced Maite Cortés, who delivered the third example of the use of PRTR. Ms Cortés is from Colectivo Ecologista Jalisco and described the progress that Mexico is making through the use of the PRTR program.

She supports the program and she doesn't only believe that information is power but also believes that collaboration is power. She spoke about one of the most contaminated areas in Mexico, the suburban industrial district of Guadalajara, El Salto, Jalisco, describing the work that was done by Mexico in using PRTR data.

They are going to have a PRTR museum which will showcase the material generated by the group, to help explain what the context is for concerns in these and other areas of Mexico. Ms Cortes went on to explain the current situation with industry located in this area, in regard to PRTR. The level of reporting is very low and there is a lot of work to be done. She then provided a description of each of the companies and what work was conducted.

According to the database that PRTR has on industries located in the area, some good information was known about the companies that did report. However, the companies were concerned with what would be done with that information. There were many reactions from industry. Some of the companies with corporate headquarters external to Mexico scolded their managers and refused to provide further information. Ms Cortes said she continues to face these types of situations and hopes that the Commission can help to make this topic more formal. She wants these companies to see that her team is looking to help them become companies that work in an environmental friendly manner. She wants them to realize that if they stopped discharging contaminants, they would improve the quality of water, the quality of air and the quality of life in a part of Mexico that is very important.

Ms Cortes hopes that the CEC will see PRTR as a central program and continue updating it. She hopes that it will make known important information that will lead to improved environmental quality of life and helping everyone to live well in this environment. She thanked the audience for their attention and turned the podium over to Gustavo Alanis-Ortega.

Mr. Alanis-Ortega thanked Ms Cortes for an excellent presentation. He observed that all the presentations were very illustrative in outlining the benefits and uses of the PRTR program throughout North America. He then opened the microphones to the public, to have an exchange with the panelists.

Question: I'm wondering what kind of third-party accountability we are adding when taking a look at the different types of data and the decision-making processes that we have? How can we as a group trust information or at least get better information and have accountability for that information being accurate and truthful?

Question: I want to emphasize the importance, from a public perspective, of the PRTR program that the CEC is running. It is vital that the program be continued and strengthened because you can see where access to this information is an important vehicle. At the same time, we recognize

that only a small portion of pollutants is being covered. We know that the coverage needs to be changed and updated. Each country's inventories need to better reflect what is happening, in terms of the pollutants to be reported and the mechanisms used. I also would appreciate having the presentations made available to the public. Pollution information is vital to driving down the amount of pollutants that are released to the environment.

Response: The comment about improving the quality of the information reporting is crucial. This is especially true for medium-sized and small-sized facilities, which may not have the knowledge to generate the reports or to make estimates. So, yes, it is very important to improve the data quality and that starts with the guidance documents for industry. The intention of industry is to try and do the best job that they can.

Response: What I would add to that is that if we get communities engaged in helping to do the assessment, it would be a very powerful tool and it also engages people in the process.

Question: My question is how to build sustainability indicators and evaluation criteria for the industrial district of Guadalajara, El Salto, Jalisco. The issue is very severe. We don't have very much information available. We don't know what the industries are that are installed in this area. We need this information in order to establish a relationship between children dying and the reasons for their deaths.

Question: Many of the people who are affected and especially those who are most vulnerable, while they may not have cancer, are affected such that they cannot reach their ultimate potential. We need to make it known that besides relating the effects of toxicity to people's circumstances, it is important to note where people are in proximity to the contaminants.

Response: To identify cause and effect and prove cause in individual cases is actually remarkably difficult. I think that you have an idea of what some of the relevant contaminants might be from TRI. Identifying a group that could do some bio-monitoring to see whether there are biomarkers for those substances in the population would be useful. It's probably your next step. Linking that with disease, though, is actually extremely difficult. What we've heard from other communities is that by just drawing attention to the issues and instituting studies that raise awareness, it is enough for the people responsible to put in some remedial measures.

Response: We have been focusing on the issue of water. Others have mentioned the risk from airborne contaminants. It is quite difficult to really point out the actual cause of health effects because you have multiple routes of exposure. That's why it is very important to keep not only quality information so that it can be used in addressing health issues but also to have a comprehensive view of all sources of pollutants, not only those included in the PRTR systems but also in other inventories.

Response: We need to look at what the research needs are and how to get the research out there. We need more-encompassing views that not only take into account the PRTR but also take into account air modeling and other data sources. However, it hasn't been uniform over the years, which makes it very difficult to use and it is often not current. But that's the next generation of analysis that we need to get to.

Question: The problem of contamination in the river has been known for many years. Besides documenting the environmental damage and the health effects, what else do we need to do to reverse the damage?

Question: With the studies that show multifactorial causes, where has PRTR contributed to decision-making in the Canadian government to reverse damage?

Response: What we need is for the corresponding authorities to take their accountabilities seriously. The authorities at the state level and federal level are unclear. We need to have greater efficiency in the reports that are being submitted by the companies. The number of facilities that are complying is very small. We need to have better quality in the data that we receive and we need to have more involvement from civil society. We need more people to get involved. An important role for industry is that, while many of them are willing to establish a baseline, they need to develop indicators from which we can establish a two- or three-year program to combat the discharges into the river in a systematic manner.

Response: As the data collected in PRTR are slowly being distributed, people become more and more aware of them. And I think that changes have been made in legislation. I was not aware of this until quite recently, that in other countries there is a process where this sort of information is on public record. So governments can become aware of issues and can step in and ensure that various appropriate things happen. In Canada up until now, we have relied on industry to do the right thing and apparently sometimes the right thing is being done. Sometimes the right thing is not being done. So legislation is very important. However sometimes legislation is blocked because of concerns from various lobby groups. I'm glad I live in a democratic society but I'm also glad that at various times I can be informed of my democratic rights and also of my democratic responsibilities as an informed stakeholder.

Question: Non-reporting is not just a problem in Mexico. What I think is really exciting is the importance of PRTR. I want to thank CEC for the work that it has done to elevate PRTR in all three countries and especially to get it developed and implemented in Mexico. I think what we have to do—and I hope that the CEC will look at doing this—is to find ways to keep on improving PRTR. One of the ways in which we as citizen groups find it useful to use PRTR is to be able to look at data on a cross-border basis. The Great Lakes basin is obviously one place where Canada tried to do it. And when we pulled together the data, we had to do what the CEC does in determining how to integrate the data. I really want to urge the CEC to make sure that they keep pointing to those differences. I hope the CEC can push to make sure that we're always elevating up instead of saying that the integrated data is the lowest common denominator. We want the three Ministers to commit to keep getting their data up to the highest level instead of accepting the lowest common level.

The other issue that I want to raise is that most of the mid- and small-sized companies, which could have very dramatic impacts on health in our communities and the environment surrounding our communities, are left out of PRTR. And therefore I hope that the CEC will ask the three Ministers to push to lower the thresholds so that more toxins have to be reported to the public.

Question: Businesses that do not comply could be closed down, as was threatened in Egypt. This certainly helps motivate businesses to comply. It seems to me that this is an opportunity that might be explored with JPAC and Council. In Mexico, we generated certain information and data. We included the community that has been affected. We took it to the different ministries, and nothing has happened yet. When we talk from an academic viewpoint, we ask ourselves why there is not a positive effect. This is another area of opportunity that perhaps the CEC and JPAC might take from here. What we need in Mexico is to create a very positive reform, in regard to the health and environmental acts. Acts concerning health and acts concerning the environment are not integrated. In the United States and in Canada these instruments are a little more developed. My question is, how can we do the same thing with the CEC and have an influence on public policy to reform the health and environment acts in Mexico?

Question: One comment I would like to make is that I think we know a lot, but the question is, are we going to act a lot? My question is, do you think we can utilize this data to change our policy-making structure so that it starts with children? Secondly, how can we use the data for cumulative environmental impacts?

Question: I have two questions. One concerns the Strategic Plan. The PRTR isn't mentioned in the Strategic Plan. The *Taking Stock* report is not mentioned in the Strategic Plan. Perhaps we can get some clarification but I wonder if Orlando could just tell us what is going on so the members of the public can be informed. The second question is, I just wonder if there have been any experiences of protests or other community engagements leading to reductions in exposures. Are the data sets sufficient to start generating that kind of information?

Question: Dr. Buka, I want to ask you whether you have been doing any surveys and studies specifically in terms of the type of cancers as they relate to the type of pollutants. Also, I want to share the concerns that I have, not only regarding pollutants coming from industrial sources, but also those pollutants that we find in food stuffs. Are there any studies or surveys that you can share with us?

Question: Industries that are not reporting should be singled out. It is very clear what we have to comply with. It would be interesting to listen to the associations of industrialists who are doing a good job at Jalisco and other places. We need to listen to good examples. We need to know who are complying and who are not complying.

Question: My specific comment to Dr. Manuel Pastor is that it worried me a little bit that you call for social protests when institutions like the CEC and others can serve as mediators between citizens, industry and government. This would avoid the social confrontation and generate more participation and compromises by the industries instead of confrontation.

Question: The question is for Orlando Cabrera. The CEC was created after NAFTA entered into force and its main objective was to observe the environmental impacts from trade. My question is whether this online tool provides information where other variables from NAFTA may be excluded. Does it provide information on pollutant releases due to production, consumption,

imports and exports of goods and services in the North American region in the frame of NAFTA?

Response: Orlando Cabrera Rivera, Program Manager Air Quality and PRTR, provided a summary of the PRTR Program. He understood that many want to know why some companies are not reporting. He emphasized that PRTR reporting should not be considered as a damaging liability to a business enterprise but should be considered as an avenue to open dialogue in search of solutions that will better the environment and associated ecosystems.

Regarding the comparability of information, some industries that have offices in Canada and the United States and Mexico may find that they report certain substances in one country and not the other country. Reporting consistency is part of the mission of the project. Comparability of information is important. We need to have consistency between the three countries to avoid having companies move from one country to another country based on their obligations to report.

With respect to the absence of the PRTR project in the Strategic Plan, Mr. Cabrera Rivera said that he was not in a position to elaborate because he was not part of the drafting of the plan. He understands that Council is waiting for input from JPAC. However, the project is under the umbrella of Healthy Communities and Ecosystems because it provides fundamental information to move forward with certain projects. The Strategic Plan seems to be general in some places. The absence of mention of specific projects may not mean that the project will not go forward.

Response: There may be a possibility for scholarships, for civil society members or NGOs to come to these meetings and be part of the public audience. I can imagine how that would change many of the questions, if those voices were able to be here. To the question about utilizing data to address children and cumulative impacts, I think that it is very important. I think one of the things that has been unexplored is connecting all of this to what happens at schools, which is where a lot of children spend much of their day. In regard to the cumulative impact analysis, I think that this is a huge shift in our paradigm. There are so many things like that where we were not taking the opportunity to aggregate the data up and consider what cumulative impacts look like. I think this is really essential.

Someone asked whether these data can lead to action. The data helped communities and community-based organizations cause the rethinking of a situation that precipitated community-based cancers in communities surrounding a facility. They helped point out where some facilities might be in civil rights violations. The rules actually changed and became much more restrictive. This information does not just get used as information for protests. Allowing community-based organizations to get their voices heard is important. I think of collaboration as principled conflict where there are shared goals but they are very complex. But you always have the principle that you're always going to make the environment a better place. Those principled conflicts are where real collaboration results—as well as real change.

Response: I would like to respond that we do have data on specific cancers as they are related to specific pollutants. In mapping work we can only put into the computer data that are mapable. So we rely on databases to show the locations of various risk factors. It's an interesting preliminary study that helps us to diagnose the problem.

Response: We seem to know what needs to be put right; however, because we don't have government at the table we don't know what the details of its involvement are. We are not going to be able to tell policymakers what to do. The Ministers tend to set the tone for what kind of work will be carried out within their ministries. But the policymakers, the people who write the policy, won't be looking for votes in a few years' time. They are the people who stay there and do the bulk of the work. I think we need the relevant government people here. We need the environment people, we need the health people and we may need the other ministries as well. This involves more than the environment, it involves transport, and it also involves the people who have the money—treasury and others. This involves the planning of cities and roads. We need to get together in a room with the right people to brainstorm what we do next with pieces of information that we're learning from the public, from academia and from other groups that are collecting data.

Response: Whenever we showed this type of information, the viewers found out things that they did not know before. In Mexico, I would like to show you all of the information that we have in the organization that I represent. It is being broken down by substance and by agency. We have been discovering some areas of opportunity. The CEC has been making this data available for a long time through the efforts of many people. From that information we need to find out what is important and how we can create some maps and tools. Sometimes information is not enough. We need to find out what makes sense at community level and social level and find out how we can move ahead to make a change.

Gustavo Alanis-Ortega thanked everyone for all their questions and responses. He thanked the people who were part of the webcast, the members of JPAC and our speakers who gave such excellent presentations. He then announced the conclusion of this part of the session.

Facilitated Discussion of the CEC's Next Five Years, with Evan Lloyd, CEC Executive Director

Moderator: Carlos Sandoval, JPAC Member for Mexico

Carlos Sandoval welcomed everyone. He introduced the Executive Director of the Commission for Environmental Cooperation, Evan Lloyd, as the next speaker. He said that Mr. Lloyd would make a presentation in preparation for a facilitated discussion on the direction the CEC would be taking for the next five years. He added that the opinions of JPAC regarding the Strategic Plan would be enriched by any feedback from the public, experts, NGOs, academia and business.

Mr. Lloyd explained the objective of his talk as being to outline, in very general terms, the contents of the draft Strategic Plan. The Plan is under consideration by the Council at this time. The CEC's strategic priorities for the years 2010–2015 are in response to Council's vision for the future, which was proposed at the Denver Session in 2009. The new priorities to be addressed by the CEC over the next five years will be as follows:

- Healthy Communities and Ecosystems (the subject of this morning's session)
- Climate Change—Low-carbon Economy
- Greening the Economy in North America

Mr. Lloyd stated that this Plan was the result of an enormous amount of work by the Parties themselves—that is to say, the governments and the officials and all of the experts affiliated with Canada, the United States and Mexico. He then took each of the priorities in turn and outlined in detail the objectives that would be pursued under it.

Mr. Lloyd then noted that the Draft Strategic Plan 2010–2015 had been made available for public comment on the CEC’s website on 3 August 2010, and that the Joint Public Advisory Committee (JPAC) wants to hear the opinions, comments and suggestions of the citizens. He added that the Plan would benefit from such oversight and public review and that JPAC intends to consider the comments from the public in formulating its Advice to Council on the proposed 2010–2015 Strategic Plan. He encouraged those interested to discuss the Plan with others and to join the conversation in the CEC forums. Mr. Lloyd then concluded his presentation and passed the floor to the moderator.

The Chair, Glenn Wright, commented on JPAC’s public process, stating that in the next three or four weeks JPAC would review the material offered by the public and prepare a formal, public Advice that will be submitted to the Council. Carlos Sandoval thanked Mr. Lloyd for his presentation. He opened the floor and the Web for a moderated question-and-answer session, as follows:

Question: Can you explain the status of the current CEC projects?

Response: It’s important to recognize the clarity of the Council’s vision, which indicated that it wanted to do things differently. They want to revitalize the CEC and they want to refocus the work. They want to define clear objectives within their three priorities and to focus the CEC’s work toward them. I don’t believe that all of the current projects will continue. There is work to be done amongst the Parties and with the Secretariat and with all of the experts involved, to define in very real operational terms the work that will carry these priorities forward. This year will see the conclusion of a number of projects. This means that there is a fair bit of space for new work. I cannot tell you precisely which ones will go forward and which will not. This is a matter for a considerable amount of discussion and rational assessment relative to the work and the priorities that are ahead of us.

Question: Can we define what a vulnerable community is and what the follow-up is or how you will treat this problem?

Response: Each country and culture has a slightly different way of describing terms and communicating, on the subject of vulnerable communities in particular. There is still some work to be done in terms of defining it at the tri-national level and determining how we are going to move ahead.

Question: Civil organizations or civil societies should participate more in the work that the CEC is carrying out, because of the financial crisis that is affecting every country. Even though we want more action, we have fewer resources.

Response: This has been a theme that has run through this discussion. I would say that we must recognize the interconnectedness of the issues. The social crisis and the environmental crisis are somewhat integrated. We can make significant accomplishments by addressing things in a coordinated way.

Question: In the context of a community at risk, we can generate a mechanism that we could call upon as an emergency environmental response, in the form of a center to deal with vulnerable communities, to help them maintain healthy communities and ecosystems. This should be generated not only for remote communities but for large cities that need assistance as well. I wonder if environmental support centers could be feasible.

Response: Without disputing the importance of your point, we are examining various proposals such as this and other good ideas. I'm not disputing that this has good trilateral value but its beginnings may best be through trilateral agreements. I must point out that the CEC cannot do everything and if we tried, we would lose focus. With respect to the specific point that you made, I want to underline that one of the challenges that we will have going forward is the ability to focus our work.

Question: While you say that we can send in our submission comments, there is nothing like a face-to-face discussion and comments with people in the room to understand the sentiments out there. I think that the advice that I would give JPAC members is to use this opportunity to hear from people directly from the different countries. Perhaps the one thing that is missing in these discussions is the impact of trade in terms of NAFTA. But secondly, a great concern that I have is for the projects. I've been involved with the CEC for 14 years. Some of the projects that I've seen have really been excellent and I do have to say once again that the PRTR has an enormous potential to help community groups work and understand their environment. I worry about sun-setting of programs that have evolved. The other issue that links with this is the strategic management of chemicals. So I would give advice to the JPAC members to consider the things that have a rapport with communities. Consider what has worked well before canceling things and before sun-setting programs. This is a time when we do need a North American cooperative program moving ahead. We have so many stress factors. Money may be hard to come by, but I think that the work of the Commission could be improved by additional funds.

Response: First of all, I cannot comment on what's in or out of the Plan because this is a draft that has been prepared by the Parties and is currently under their consideration, and work remains to be done, in terms of operationalizing it.

With respect to one particular point that you made on chemicals management, some of these answers are in the Plan and I would encourage everyone to read it. Let me assure you that under the objectives that I outlined at the beginning of my presentation about the enhanced regional approach to sound management of chemicals, this has a number of points underneath that. The point is that there is a very coherent package there in terms of chemicals management. It does remain to be defined somewhat in terms of the new direction but it is intact.

With respect to the financial resources, what you say is true. The party's contributions have not changed since 1994. However, to be completely contrary or to be counterintuitive here, I have to

be totally frank with you that the way that we have done our business in the last six or seven years, we haven't spent all the money that we have. We are not very efficient in terms of the execution of our budget. So, it's very difficult for me to go begging poverty when I'm sitting on a surplus of several million dollars. This is an issue that I think the Parties want to address. And that is, making better use of the resources that we have. So in complete candor, that is the circumstance that we face. It's a priority for me.

The JPAC Chair, Glenn Wright, added that the CEC budget is not the sum total of the activity. There are other resources brought to bear on actually executing the projects in partnership with other organizations.

Evan Lloyd mentioned that this was an excellent point. However, putting aside all of the inefficiencies, even if we spent every penny, this is a trivial amount of money relative to the challenges that we face. To the extent that we can direct our energies towards the alignment of policy, alignment of standards, integration of information and coherent international programs, there is an enormous added value that goes well beyond the small amount of money that we might be able to dedicate. It may not be that pure project dollars out of the Secretariat is necessarily the most important way of affecting change at an environmental level. It's certainly important in terms of the North American-wide perspective or from an international perspective, but aligning the work of the Parties in terms of the tremendous resources that they have is ultimately where I think that we should really be aimed.

Question: One of the points regarding healthy communities is whether the database will have the right information for environmental management. There are difficult issues concerning the relationship between the environment and health. Taking into account all the previous speakers, it would seem wise to learn what indigenous communities need and what they think. They do have wisdom and knowledge that go back many years and it's worth including them in the Strategic Plan. Another aspect that is very relevant is to create some partnerships with the universities of the three countries, to increase the possibilities of enriching the knowledge and education of their students and researchers. This is an area of opportunity to help others find out how to tackle environmental problems. Are we going to coordinate these issues with COP 16 in Cancun? Our positions here appear to be different from the positions that countries are taking within the Kyoto Agreement and the Copenhagen Protocol. How are we going to resolve this?

Response: With respect to traditional knowledge, the item has been discussed at the level of the CEC previously. JPAC, for example, had a couple of specific sessions dedicated to programs of specific support and value to indigenous communities that had a particular focus on how we might engage traditional knowledge in some of the local resource planning initiatives.

In terms of partnerships with universities, this is an area that the Council has talked about and has encouraged us to explore. There is a sense that we need to lever the pools of expertise or capacity in our countries not only at the level of governments but also amongst academic and research centers. We've been encouraged to pursue at a programmatic level, work with a consortium of universities and learned societies.

With respect to the last point you made, I can't really speak for any of the three countries, or the CEC for that matter, regarding the relationship to the UN process or the upcoming meeting in Cancun. There is fundamental work that needs to be done, in terms of raising all of us to the same level, in measurement and verification of greenhouse gases in particular. Even though each of the Parties is quite actively engaged in this, there is not necessarily flow comparability or harmony on a North American scale. We've been asked to take a look at that to see if we could assist in pulling that together. I think that's a very encouraging first step, biting off a chunk that the CEC can actually manage.

Question: What is JPAC's viewpoint with respect to the Strategic Plan and what we will accomplish over the next five years? Is there any chance that North America might aspire to have a commitment in environmental management? The Strategic Plan should contain some quantitative goals and perhaps programs aspiring to have trilateral cooperation similar to the European Union's. As for the Secretariat, I would ask how you are going to structure the schedule for all of these activities and allocate budget resources. This morning we were listening to the social demand for PRTR information. Nonetheless, this topic is not included in the Strategic Plan. So I question whether it is deliberately left out of the Plan because it will be canceled?

Response: The Chair replied that JPAC has been discussing many aspects of the Strategic Plan. It has come up in discussions that the European Union approach has some value. We are still in the process of collecting our thoughts and getting ready to submit.

Evan Lloyd commented that quantitative goals and targets similar to those which are being pursued in Europe he doesn't see occurring at the level of the CEC. There are some different approaches. There's a tremendous amount of work occurring, but it is not by any means clear where we're going to end up in terms of a specific policy prescription. There are many people who see the utility of the NAFTA region and the integrated economy and trade who want to address the issue of collaboration on climate change. It is taken seriously in many quarters, including amongst our Parties.

There is still some additional work needed on the scheduled program activities, in terms of articulating action in the strategic initiatives within the Plan. It would be necessary to translate the priorities into operational plans and budgets on a multiyear basis. The operational plans of the CEC are also subject to public comment and review and are done in a highly transparent way. My promise to you is that through JPAC, I expect there will be a similar opportunity to look in much more detail at the operational aspects of this Plan, expressed over the operational and budget years of 2011 and 2012.

Question: Anything that damages the ecosystem will be reflected in the health of humans. The fish are being depleted in freshwater. Those species have a financial benefit for fishing communities that feed on species that are being extinguished. My first proposal would be, within the work plan, to establish bio-monitoring programs. The effects on species are not lethal but they are subtle and we can measure them. There are even species that can be used as indicators of the health of the ecosystem. The other proposal is to establish networks in regard to

collaboration in academic institutions and within governments. This is required to establish adequate programs in regard to decision-making and which projects are feasible.

Question: I would like to focus on invasive species in the water and on the conservation of the grasslands. These are shared ecosystems between the three countries. It is one of the most threatened systems at the North American level. I believe that the CEC has the opportunity to contribute a lot in the area of integration and helping the governments to cooperate in trans-boundary wildlife areas. Another area that I think the Commission can contribute to is the chemical management program to eliminate the use of pesticides that still kill millions and millions of birds every year, with very severe effects on human health.

Response: The issue of invasive species is probably one of the most important issues, particularly in the context of climate change and climate disruption. It has enormous economic and biodiversity implications. We have done a considerable amount of work over the last five years. We're now at the point of concluding that. We are trying to find a place where it can be taken up by other tri-national groups of experts within the countries.

I would like to say with respect to grasslands that it is the one terrestrial ecosystem that our three countries have in common. It is probably the most threatened ecosystem. It's the one with the least degree of protection. There are less than 2% of protected areas in common within our three countries. It is also an area in which the CEC is currently doing some work. If you go back and look at the plan in more detail there is specific reference to grasslands and the notion of developing a continental approach that supports biodiversity and local communities by sharing best management practices.

Question: My concern and my question is whether the Secretariat was part of that engagement with the Parties and were members of the Secretariat available to provide advice? Was there a record of those proceedings so that we can see the progression of ideas? The second issue is the very important role of the Executive Director in the agreement on Article 11-5. Evan is the Executive Director but it is the Secretariat that has the responsibility of taking the Strategic Plan and turning it into an annual plan and budget each year. I have a concern about that is not how things have operated. I hope we can have some information about how that is working.

Question: The Commission is not in charge of protecting the ecosystems per se. That is why we have local authorities and federal authorities. The Commission stimulates processes and harmonizes environmental management in the three governments. Our environment is healthier and the health of the population is better because of that. I mention this because the word harmonization seems to have disappeared from the language of the CEC. So I would like to ask what happened with the harmonization of environmental norms. The other question I have is in regard to climate change. A large challenge to the problem of climate change is the issue of carbon. We cannot make progress if we don't measure the greenhouse gases. This is why we have to strengthen PRTR, not only because of toxics, but also because of all the data around greenhouse gases and their components.

The JPAC Chair, Glen Wright, thanked Evan Lloyd for his presentation and Carlos Sandoval for moderating the session. He also thanked everyone for their advice and questions, stating that they

would all be taken into consideration. He then introduced the next session, which was a discussion by JPAC members on the potential advice that should be presented to Council as a result of the proceedings of the day.

JPAC Discussion on Potential Advice to Council

Moderator: Glen Wright, JPAC Chair

The JPAC Chair opened the floor for discussion on whether or not an Advice based on this Session's discussion should be presented to Council and if so, what that advice should be.

Nancy Southern stated that she felt that, based on the discussions, there was sound advice that could be given, especially regarding the Strategic Plan but also regarding the presentations from the morning session. She asked if Evan Lloyd might provide his thoughts on the best role that CEC should be playing.

Mr. Lloyd replied that clearly there are different models that could be pursued. The amount of money that is available at all levels is nowhere near the challenge that we face and there are other models for organizing our work. One would be to really work at the level of integrating the Parties in a common objective that would see them dedicate their significant domestic resources and efforts in a way that was coherent and consistent with a larger plan for North America. In that context, the CEC would be a coordinating body, a planning body, and a forum for high-level agreement on policy that would be executed through individual agencies within each country. He stated that it was very difficult for him to be prescriptive at this stage without further discussion around the Plan itself, both at a strategic level and at a tactical level. That aside, there is a lot that can be done with the budget available when you start to lever other agencies, be they government-level, or research centers or in academia.

Adriana Nelly Correa said that, in terms of strategy, it was very clear that it would have been beneficial to invite the government authorities of the health departments and other departments. This is because this is not just about the environment, it is also about health and the health department and it is also about transportation. She felt that we have failed in terms of involving the authorities and experts and decision-makers and important other players. We spoke of the importance of agriculture but we don't have people here who represent the agriculture area. In terms of strategy, one important part that we should bear in mind is that linking other sectors with their peers is very important.

Jonathon Waterhouse stated that with President Obama's reaffirmation of native sovereignty last November in the United States and owing to the fact that in all three countries there are very large indigenous populations that have been directly affected by environmental degradation, there's an environmental justice issue. The CEC should consider a more direct engagement with these native communities to begin to address some of the environmental justice issues across the continent. It would be wise, going into the future, for the CEC to consider the traditional knowledge that exists in native communities. He made a strong suggestion that the CEC consider convening a working group of native people to advise them.

Felicia Marcus said that the PRTR and all of the work that the three countries have been doing is an incredible success story from the CEC but there is a long way to go. It would be good advice to Council that we continue to get useful information out to the public to deal with things like cumulative impacts and children's health and to find ways to really take that success to the next level. The second advice should be on the importance of the linkage between healthy ecosystems and healthy communities. She thought that consciousness was vital and needs to be reflected more vividly in the Strategic Plan and also in the workings of the CEC. It is obvious that the food chain will be affected for years to come as a result of the Gulf of Mexico oil spill. Similar things could easily happen along the northern borders as well. There would be value in looking at similar issues as a team.

Diane Takvorian remarked that it was important to consider where the advice of all of us collectively is going and to what end. It might be worth considering whether or not the basic agreement needed to be revisited in order to make the outcomes more effective. She thought there was plenty of advice on healthy communities and ecosystems but she wanted to make sure that it didn't go into a deep well and that instead it found a place to live and go forward.

The Chair responded that he didn't think that we should make our advice contingent on whether it would be taken or not. One of our challenges is to take the information and reduce it to advice that is meaningful and can actually be used.

Linda Angove voiced the opinion that it was very important that JPAC put forth an Advice and not be reluctant to do so. She said that one of the comments she heard that might be useful in the form of advice was on the issue of coordination of the development of health and environmental policy and legislation. Because the two are interrelated it might be good advice that they be considered together.

Nancy Southern thought it might be helpful for the public to know that JPAC has come up with some common themes of concern. One was the integration of health, justice and the environment and achieving better performance on healthy communities and ecosystems. She noted that Adriana Nelly Correa would be speaking with Council about that tomorrow. The other theme is the area of definitions. Within the Strategic Plan we need better definitions, not just for vulnerable communities but for all of the terms that will be used trilaterally. We had also discussed that we need better partnerships and partner participation, and if we want to see enhanced industry performance, we need to have industry participate in the dialogue and be engaged in understanding the problem and being part of the solution. A hole in the Strategic Plan is the absence of some key participants, resulting in a lack of industry expertise and, for that matter, the experience of indigenous peoples.

Closing Remarks by Glen Wright, JPAC Chair

Mr. Wright provided closing remarks and noted that it was a substantive day, with good input. This input will be used to frame a Letter of Advice to Council. All presentations will be available on the CEC website and further questions can be posted on the website for follow-up. The Chair then announced that the Networking Session for the Public would follow this meeting. The meeting was adjourned.

**JPAC Regular Session 10-02 (with the public as observers)
17 August 2010**

Overview by Glen Wright, JPAC Chair, and Approval of the Provisional Agenda

The Chair welcomed everyone and outlined the agenda for the session. He explained that a provision of the North American Agreement on Environmental Cooperation (NAAEC) was for each country to have a national and a governmental advisory committee. It is customary to have presentations by those groups as part of the agenda for the day. He then asked each of the committees to come forward in turn and make its presentation.

Report from the Representatives of the National and Governmental Advisory Committees

Karen Chapman, from the US National Advisory Committee (NAC), was first to present. She briefly outlined her background and said that she found the session to have been very valuable so far and that she believed we should meet as often as possible. She then went on to explain the background of the NAC and the US Governmental Advisory Committee (GAC) and outlined their functions. She acknowledged several former members and proceeded to introduce the new members of her committee.

She noted that there were two Letters of Advice—one from each of the committees—that have been submitted to Administrator Jackson. Both letters covered similar issues. She then turned the floor over to her colleague Carlos Rubinstein, from the US GAC.

Mr. Rubinstein briefly outlined his background and then stated that the NAC and the GAC work very closely together. While they provide Administrator Jackson with separate advice, for the CEC the advice from both the NAC and the GAC is very similar. He quoted from the Letter of Advice that was submitted to Administrator Jackson and stated the specific recommendations that were contained in the document, which is available to the public on the website and has been widely circulated.

Having reviewed the Letter of Advice in detail, Carlos Rubinstein turned the floor back to Karen Chapman for any further comments. Ms Chapman remarked that many of the comments just heard were reflected in the NAC letter also. The NAC had provided advice on the citizen's submission process, which she felt was an important area for discussion. She read from the letter, which is also available to the public and has been widely circulated.

The Chair thanked the two presenters and declared that their documents, which were available to JPAC prior to this session, have played an important part in JPAC's deliberations. He added that he particularly appreciated the presenters' attention to detail and found that reading their material was most helpful. The Chair then introduced José Carmelo Zavala, the representative from the Mexican NAC, to give his presentation.

Mr. Zavala briefly outlined the Mexican NAC, its background and its structure and then described his position within that structure. He has noticed that the CEC has become increasingly impoverished over the years and that the public audience has grown smaller. His main message was to voice the Mexican NAC's support for the important work that the CEC is doing with the PRTR program. He would like the CEC to play a role in elevating the PRTR program for use throughout Mexico. He then focused on the borders between our three countries, stating that there was much work to be done along them. There was significant support for trans-boundary environmental assessment programs. The way of life along the Mexican border is significantly different from the way of life throughout the rest of Mexico and the issues surrounding the border require special attention. In closing, he mentioned that there were small beginnings in Mexico, at the community level, of using PRTR and he encouraged the CEC to facilitate the expansion of the use of PRTR throughout Mexico.

The Chair thanked Mr. Zavala and emphasized that the presentations throughout the session yesterday and today all voiced strong support for the continuation of the PRTR program within the CEC. He then opened the floor for questions.

Question: I would like to ask who is responsible for evaluating the work of the Executive Director and the staff of the Secretariat. I would like to know how that is done, what the goals are and what the outcomes are. I would also like to understand the issue of accountability within the CEC. Having listened to the presentations here, especially the presentation concerning Jalisco and Lake Chapala, I would like to point out that this is not the first time this presentation has been made. In fact this presentation was made at least two years ago. I think it is unacceptable that nothing has been done to resolve it and that the people of Mexico must still live in this horrific situation. How can someone be held accountable for moving issues such as this ahead?

Response: The Chair replied that in the interests of time we would have to respond to questions later as the JPAC had a deadline to meet with Council later on this morning and there were still some presentations to be made. He asked everyone to hold their thoughts for a later discussion.

Update on Submissions on Enforcement Matters, by Dane Ratliff, Director, Submissions on Enforcement Matters Unit, CEC

The Chair introduced Dane Ratliff, who would give a talk on the Submissions on Enforcement Matters (SEM), and turned the podium over to him.

Dane Ratliff said that he would speak on the process of making submissions and update the audience on the status of the submissions that have been made. He began by outlining the NAAEC Articles 14 & 15, which describe the characteristics of the process. To date, there have been 74 submissions: 38 from Mexico, 26 from Canada, 9 from the US and one from both Canada and the US. Of these, 8 new submissions had been processed since 2009. The inherited backlog of 11 pending cases has been nearly eliminated and 3 recent determinations on complex long-standing submissions (La Ciudadela, Humedales, Minera San Xavier) have been rendered.

Mr. Ratliff then elaborated on the submissions, describing each submitter, the key assumptions for each submission, and the submission's status. On completion, he stated that each submission is unique—no one size fits all solutions. While timeliness is desirable, it is also important to ensure that all submitter assertions are given due consideration and that confidence in process and efficiency may also be measured in quality of reasoning, fairness and predictability. He stated that there is a need for better outreach and understanding of the process and described those modernization efforts and internal process improvements that are underway. He understood that there were frustrations with the time taken for the process and said that the actual times range from 225 to 1806 days, depending on complexity and how litigious the issue is. Then he thanked the audience for their attention and concluded his presentation.

The Chair thanked the speaker for the presentation and opened the floor to questions.

Question: This is a very important process. The issue of time is also very important. Many of the people who turn to this process do so because they cannot find justice within their own country. If we take merit away from the instrument, we will not use it anymore. We need to do more than streamline the process and carry out questionnaires. Because this process is so important, we need to redesign it. Another issue is that when you send the factual record to the Parties, there often is no reply or it takes a long time to receive a reply. This also undermines your work. What can we do to improve the resources, both the financial resources and human resources, in order to make this important process a useful tool? Specifically, why does it take so much time and what can be done to improve upon it?

Question: The feeling that there is no sound environmental justice process available makes citizens turn to other avenues to get their environmental needs met. It seems that in your presentation everything was aimed at explaining why it takes so long for people to get justice. Can we be more proactive and find solutions to this? Can we create a commission to strengthen this process?

Question: My question is, should we be concerned about issues where governments have evoked a position of confidentiality and should we as JPAC consider bringing this before Council as an issue?

Question: The SEM process seems to be a very process-oriented activity. I would like to understand whether this process has actually affected or produced environmental outcomes. Is it possible to get information on the number of submissions that have been made and the number of problems that have been resolved as a result of this process?

Question: Do you have the metrics on the cost per submission? Would you comment on whether there is a grants process where submitters who are particularly challenged with the process can access resources to address the process challenges?

Question: Is it possible to create a pre-submission process? In this way we could triage some of the issues early in the process as opposed to expending precious process time unnecessarily. Also, if we find successful stories, can we have them available to others who are considering the submission process?

Response: Most of the questions concern the timeliness issue. I would like to re-emphasize that many of the time issues are related to the complexity of the submission. I think we have made inroads in reducing the amount of time it takes but I do need to say that complex issues will take more time than the simpler issues. It is important not to send factual records to Council without making sure the quality and thoroughness have been addressed properly. With respect to the procedures not being understandable by the submitters, I think that is definitely a problem. The process does not deliver the kind of results in many instances that the citizens submitting them are looking for. We do not have the authority to deliver justice. The results that we produce are not really conducive to delivering the type of outcome that the submitters are looking for. It is up to the policymakers to act in whatever way they see fit.

The Chair thanked Dane Ratliff, stating that he'd done a very good job of explaining the process. He said that there was merit in looking at whether the process contributed to the overall quality of the North American environment and that JPAC intends to look at this at some future date.

Observer Comments

There was an additional comment concerning trans-boundary environmental assessments. The comment was that, while this was not mentioned in great detail, it was a very important process and it was important that we figure out how to move this process forward.

A comment concerning the SEM process, with respect to timeliness, quality and effectiveness, suggested that we challenge the CEC to put together a process that embodies these three qualities and to bring back a proposal to the November JPAC meeting. It was suggested that perhaps JPAC itself could look at the issues. We need a revitalized process that gives us a sense of how well we were performing.

Another comment emphasized the need to evaluate the CEC and the Executive Director. It was also suggested that we continue to have meetings with the NAC and the GAC and make a deliberate attempt to develop the CEC so that it is more relevant to the people. This may require increasing the outreach of meetings such as this. It was also considered important to put the surplus to effective use.

The Chair mentioned that as part of writing the JPAC Efficiency Report it was learned that the agreement specifies that the Executive Director report directly to Council. In this context the Council is responsible for setting direction and accountability. While JPAC will be addressing the issue of governance with Council, any changes in the current reporting relationships will need to wait until the governance issue has been duly considered.

It was further stated that it was important to build on what JPAC has done in the past. Perhaps a future session could be devoted to the submissions process. Perhaps JPAC could conduct a survey and bring folks in to tell about their experiences and speak about their outcomes from the submissions process.

There being no further observations, the Chair announced that JPAC would now proceed to an in-camera session with Council and, with sincere thanks to everyone for a very positive meeting, formally adjourned the JPAC Regular Session.



Commission for Environmental Cooperation (CEC) of North America

**XVIIth Regular Session of the CEC Council
and meetings of the Joint Public Advisory Committee (JPAC)**

16-17 August 2010

Hotel Camino Real
Alhóndiga No. 100
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Program of Public Events

Sunday, 15 August 2010

19:00–20:00 **Registration of Participants** – *Salón La Terraza*

Monday, 16 August 2010

8:00–9:00 **Registration of Participants** – *Salón La Terraza*

9:00–16:30 **"Healthy Communities and Ecosystems"** – *Salón Camino Real*

9:00–9:05 Welcoming remarks by Glen Wright, JPAC Chair

9:05–9:25 Keynote address by:
Aaron Bernstein, Harvard Medical School

9:25–9:45 Question and Answer Period

9:45–10:00 Break

The North American Pollutant Release and Transfer Register (PRTR)
Moderator: Gustavo Alanis, JPAC Member for Mexico

10:00–10:15 Overview of the North American Pollutant Release and Transfer Register (PRTR), by Orlando Cabrera Rivera, Program Manager Air Quality and PRTR

10:15–11:15 Specific examples of using the PRTR to help assess and identify potential health issues

- Example of PRTR use in the US: Manuel Pastor, University of Southern California

- Example of PRTR use in Canada: Irena Buka, University of Alberta
- Example of PRTR use in Mexico: Maite Cortés, Colectivo Ecologista Jalisco

11:15–13:00 Moderated Question and Answer Period

13:00–14:00 Networking lunch – *Jardín del Salón La Terraza*

14:00 – 15:00 Facilitated discussion on the CEC’s next five years, with Evan Lloyd, CEC Executive Director
Facilitator: Carlos Sandoval, JPAC Member for Mexico

15:00 – 16:00 JPAC discussion on a potential advice to Council

16:00 – 16:30 Wrap-up by Glen Wright, JPAC Chair

16:30–18:00 Networking Session for the Public – *Salón Camino Real*

The public is invited to meet and exchange views on North American environmental issues. JPAC members will attend as observers. Participants should appoint the chair for this session, who will present the results at the public portion of the Council Session on 17th August.

19:30–21:00 Welcoming Reception and Official Opening of the XVIIth Regular Session of Council – *Expo Guanajuato Bicentenario*

- Welcoming remarks by Nicéforo Guerrero Reynoso, Mayor of Guanajuato
- Remarks by Evan Lloyd, CEC Executive Director
- Remarks by Glen Wright, Chair of the CEC Joint Public Advisory Committee
- Remarks by Jim Prentice, Canadian Environment Minister
- Remarks by Lisa P. Jackson, Administrator, US Environmental Protection Agency
- Welcoming remarks and official opening of the XVIIth Regular Session of the Council by Juan Elvira Quesada, Mexican Secretary for Environment and Natural Resources
- Closing remarks by Juan Manuel Oliva Ramírez, Governor of the State of Guanajuato

Tuesday, 17 August 2010

8:15–9:15 Registration of Participants – *Salón La Terraza*

9:15–11:20 JPAC Regular Session 10-02 (with the public as observers) - *Salón Camino Real*

9:15–9:20 Overview by Glen Wright, JPAC Chair, and approval of the provisional agenda

9:20–9:40 Report from the National and Governmental Advisory Committee representatives

9:40–10:00 Update on Submissions on Enforcement Matters by Dane Ratliff,
Director, Submissions on Enforcement Matters Unit, CEC
10:00–10:50 Discussion on JPAC priorities
10:50– 11:20 Observer' comments

11:20–11:35 Break

11:35–12:35 Presentation: CEC's enforcement and compliance cooperation activities- by
Marco Antonio Heredia Fragoso, Program Manager, Environmental Law - *Salón
Camino Real Salón Camino Real*

12:35–14:00 Lunch – Jardín del Salón La Terraza

14:00–15:10 Council Session open to the public – *Salón Camino Real*
(Items to be discussed as part of this session are provisional and subject to
approval by Council)

14:00–14:25 Progress report from the Executive Director, Evan Lloyd
14:25–14:55 The 2010–2015 Strategic Plan and report on the kick-off projects
Healthy communities and ecosystems
Climate change – Low-carbon economy
Greening the economy in North America

14:55–15:00 Report on the North American Partnership for Environmental
and Community Action (NAPECA)

15:00–15:10 Signing of Council Resolutions and Ministerial Statement

15:10–15:30 Break

15:30–17:00 Council public meeting – *Salón Camino Real*

- Introduction on the conduct of the session by Glen Wright, JPAC Chair
- Reports on the JPAC Public Forum and on the results of the Networking Session
- Statements by pre-selected presenters
- Comments by Council members

17:00 End of Session

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