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Commission for Environmental Cooperation of North America

**Joint Public Advisory Committee Regular Session 11-01 and
Round Table Discussion on Sustainable Freight Transportation in North America**

4-5 April 2011

Hotel Royal del Pedregal
Jardines en la Montaña
Tlalpan, Distrito Federal, México

Summary Record¹

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a public meeting on April 4-5, 2011 in Mexico City, Mexico. The purpose of the meeting was to examine the draft CEC 2011-2012 Operational Plan, update the status of the Submissions on Enforcement Matters (SEM), present the JPAC SEM questionnaire and to participate in the roll-out and publically discuss the CEC Article 13 Report: Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America.

This Summary Record reports on each agenda item, records all decisions made by the Committee and identifies action items and responsibilities. (Please refer to Annex A for the agenda and Annex B for the list of participants).

Previous summary records, advice from JPAC to Council and other JPAC-related documents may be obtained from the JPAC liaison officer or through the CEC's web site at <http://www.cec.org>.

Day 1: Monday, 4 April 2011

Welcome and Opening Remarks by the JPAC Chair, Irasema Coronado and Approval of the Provisional Agenda

The JPAC Chair welcomed participants to the public meeting. She 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. Its mission is to facilitate collaboration and public participation and to foster the conservation, protection and enhancement of the North American environment for the benefit of present and future generations in the context of

¹ Disclaimer: Although this summary was prepared with care, readers should be advised that while JPAC members have approved it, it has not been reviewed nor approved by the interveners and therefore may not accurately reflect their statements. Please also note that there were some difficulties with the translation equipment and some portions of the interventions may have been omitted.

increasing economic trade and social links among Canada, Mexico and the United States. Ms. Coronado outlined the role of the Joint Public Advisory Committee (JPAC) in seeking balanced public input on key environmental issues and in preparing Advice(s) for the Council (senior Ministers of the Environment from Canada and Mexico and the Administrator of the Environmental Protection Agency of the United States).

Ms. Coronado mentioned that JPAC has three to four meetings per year. She stated that this meeting in Mexico City was the first meeting of the year and that the next meeting would be in Montreal, Canada in June of this year adding that the Council Members would be in attendance. She stated that all meetings are open to the public. She announced that the first day of the Session would be broadcast and viewed by many other participants who would be watching the proceedings on the web. She added that JPAC was making extensive use of technology such as Facebook and Twitter to ensure balanced discussions and wide access for public participation. She stated that the Session would be simultaneously broadcast in Spanish, French and English. She also described the translation services that are available to those who are in the audience.

The Chair, Irasema Coronado reviewed and approved the agenda for the public meeting on behalf of JPAC noting that there would be opportunities for questions and answers and discussions. The morning was to examine the draft CEC 2011-2012 Operational Plan and would be followed by a question and answer period. The afternoon would be an update the status of the Submissions on Enforcement Matters (SEM) and a presentation and discussion of the JPAC SEM questionnaire. The second day of the Session would be devoted to the roll-out and a round table discussion of the CEC Article 13 Report: Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America.

Ms. Coronado thanked everyone for organizing this public meeting. She then asked that each member of JPAC introduce themselves to the audience. Each of the attending members of JPAC then introduced themselves in turn. Their biographies are on the CEC website.

The Chair then called upon Evan Lloyd, CEC Executive Director to make his presentation on developments since the last JPAC Meeting.

Report by Evan Lloyd, CEC Executive Director, on CEC Developments since the Last JPAC Meeting

References:

- a) CEC Presentation by the Executive Director
- b) CEC Calendar of Activities
- c) CEC Governance Proposal
- d) JPAC Advice 10-04 Re: Draft Proposal to Examine the Governance of the CEC and the Implementation of the NAAEC

Evan Lloyd introduced his presentation stating that it would be a partial list of the activities that had taken place since he last reported to JPAC in November 2010. He added that the follow-on presentation on the 2011-2012 CEC Operational Plan would amplify many of his statements. He

outlined that he was pleased with the progress since the last meeting and provided commentary on some of the CEC's recent activities.

He stated that the CEC was pleased to announce the formation of a Regional Alliance for Chihuahuan Desert Grasslands Conservation which seeks to improve collaboration between environmentalists, livestock ranchers, specialists and governments. He added that the Chihuahuan desert grasslands were identified as one of the priority regions for the North American Bird Conservation Initiative and the Chihuahuan Desert Grasslands Conservation Strategy. He said that the Alliance is part of the CEC's grasslands project which will also deliver grassland bird monitoring results and updated priority conservation area maps for the grasslands region this year.

Evan Lloyd continued saying that the CEC launched the first tri-national web-based directory of training for green jobs in North America, listing over 100 renewable energy training courses. The CEC's new web directory presents a comprehensive list of courses offered in Canada, Mexico and the United States for training in solar, wind, hydropower, geothermal, bioenergy, and hydrogen and fuel cell industries. The report found that a tri-national collaborative system could help build and share best practices between Canada, Mexico and the United States.

With particular emphasis on the North American Forecast to 2030 Evan Lloyd described the future environmental challenges in some detail. He stressed that the choices we make now about the things we purchase, the energy we use and the emissions we generate can have a significant impact on environmental quality over the next decades. He stated that the issues having the greatest potential for action now were energy use and associated emissions and water use and wastewater treatment. He added that the most significant upcoming changes were continued and accelerated warming (especially in the Arctic), continued loss of terrestrial biodiversity and persistent ground-level ozone in urban areas. He stated that the environmental issues deserving greatest attention were growth in urban and built-up land areas, freshwater quality and groundwater availability/quality, the economic and health effects of environmental change and the impact of consumption in North America on the environment.

Mr. Lloyd continued saying that last month the Commission published the results of some long-standing marine conservation work. The CEC's marine ecological scorecard was developed in close collaboration with protected area agencies in the three countries. He said that the '*Guide to Ecological Scorecards for Marine Protected Areas in North America*' aims to provide a standard method for managers to report on the status and trends in North America's 2,000 MPAs, all of which have been mapped as part of the CEC's North American Environmental Atlas. He added that this represent an important effort by Canada, Mexico and the United States to safeguard the continent's fragile marine environments.

Evan Lloyd then described the recently released report on Freight Transportation, the goal of which was to examine the opportunity for the mitigation of greenhouse gas emissions from key sectors of the North American economy. He stated that in North America today the transportation sector is second only to the electrical power sector as a key source of greenhouse gas. He added that it is expected that transportation will emerge to be the dominant sector in terms of energy end-use in the next 20 years stating that by 2030, the NAFTA-zone population will grow from 460 to 540 million and the North American Economy will grow 70-130 per cent while total

freight tonnage is expected to nearly double from 2002 levels. With this comes increasing fuel use, emissions, congestion and impact on transportation infrastructure. The report concludes that the policies, regulations, incentives, investments and technologies necessary to accomplish sustainable freight transportation across North America are needed now and will also make our economies more efficient, competitive, and energy-secure.

Evan Lloyd then described the release of the 13th edition of Taking Stock which is the publication of the CEC's North American Pollutant Release and Transfer Reporting project. He emphasized that not only is the PRTR program firmly identified in the Council's new Strategic Plan, but the CEC's proposed new Operational Plan for 2011-12 has two PRTR-related projects that will continue this important work. More importantly, this year will see the development of tools whereby communities that may be disproportionately impacted by pollution can take advantage of this essential information to equip themselves to understand and confront industrial-related pollution that may be affecting their environmental health and well-being. Mr. Lloyd ended his presentation with a brief summary on the SEM activity within the CEC adding that SEM would be discussed later on in the Session. He then opened the floor for questions.

Question/Comment: Gustavo Alanis-Ortega commented that while the publications and reports of the CEC were very good and contained useful information, they are not reaching the audiences that could make the best use of them. He stated that he would like to discuss outreach as a concern for making a relevant contribution to environmental enrichment and to the strategic impact that we desire.

Response: Evan Lloyd replied that the production of a report represents a certain stage in the evolution of a project adding that what is important is to continue the initiative and integrate the results into specific populations and audiences who will find the information useful and hopefully act upon it. He stated that this year there is a specific communications initiative that will be developed as part of the Operational Plan that will support the ongoing work of the CEC and its projects to ensure the outcomes are communicated appropriately.

Question/Comment: Rodolfo Lacy commented that the reports that Evan Lloyd has described are all very valuable. He stated that the most important recipients should be our governments if action is to be taken based on the reports. He requested specifics regarding the Taking Stock Report asking if the governments had received these reports and how the reports will be further used.

Response: Evan Lloyd stated that all of the products and initiatives he has described have been the result of extensive collaboration with government officials. In this regard the process is very important in engaging the expertise and the very government officials who can best use the information when it is made available. He added that governments are very complex and that it was important to market the material with the various government agencies so that it can be discussed in different forums. Because of their very engagement with the CEC, government agencies are receptive to the results of the CEC's initiatives and that they find the CEC a useful platform for them to advance their interests and promote their positions. He added that while governments may not react in the way that we would like, they usually marshal a great deal of

support and focus on the issues that are addressed in the work of the CEC and its partners and often direct follow-on work.

Question/Comment: Carlos Sandoval stated that he would like to explore the role of the CEC Liaison Office in Mexico and explore how it could help more with outreach and training. He asked if it could do more in advancing the outcomes of the CEC and the training offered.

Response: The Parties have supported increasing the effectiveness of the Mexican CEC office and once that is done, it will be a useful tool in contributing to liaison with SEMNARAT and the outreach effectiveness of the CEC.

Question/Comment: Martin Gutierrez asked if the CEC could comment on how to make use of the web component of training courses to advance the knowledge gained from the reports and the knowledge of the CEC in general. He asked if the energy sector was engaged with the CEC for training purposes.

Question/Comment: Irasema Coronado asked how many people have participated in the training courses offered by the CEC and whether they were available in all three languages.

Response: Evan Lloyd replied that the information contained on the website is a web based directory directing people to various web based environmental domains where training might be found. It is not web based training but more of a catalogue of courses and where to find them. Clean technology and green initiatives are resulting in green jobs and the training for these jobs is supported throughout all three countries. Evan Lloyd added that the site will help people find the training that they need. He added that the information is available in all three languages and is a comprehensive list of training facilities and the services they provide. He stated that the information was available to everyone who might want to access it.

Question/Comment: Irasema Coronado asked that with respect to communications whether there was a better mechanism for publishing information and reports. She asked if the CEC had a link on each of the government web pages.

Response: Evan Lloyd replied that while he was not intimate with the websites of the various departments of the three governments, his experience was that they contained vast amounts of information. He stated that it was a good point and that the CEC needs to collaborate with the enormous resources that exist to ensure that access to important environmental information is readily available through all three parties.

Question/Comment: Jonathan Waterhouse asked whether the training courses were accessible to universities, vocational schools and high school level audiences throughout the education system. Is there a way for students within the education system to know that they could access this type of training which is their future?

Response: Evan Lloyd stated that at this point the CEC is in a maintenance mode in terms of information available. He said that the CEC had contacted each of the 235 institutions to make sure that the contact information was correct.

Question/Comment: Rodolfo Lacey commented that there is a lot of valuable information available and that the challenge for the CEC was to make the information available to the people who can use it. He suggested that we need to look at our target public audiences and find out if they are using it or not. He described the example of Google Art suggesting that we have a comparable situation with the Atlas. He stated that the information may not be reaching those who could change environmental policies and behavior.

Response: Evan Lloyd replied that with respect to the Atlas, a very concerted effort was made to define the audience and research the extent to which we are satisfying their needs. We have researched the audience thoroughly and run the analytics and made the appropriate adjustments and will continue to improve initiatives such as this as we gain more and more experience. This is why we first develop frameworks and platforms and then use these to further develop very exciting opportunities for use by those who need the information.

Question/Comment: Irasema Coronado stated that an on-line question asked whether there were mechanisms for JPAC to have contact with members of civil society within each country.

Response: Irasema Coronado replied that indeed there are ways for members of civil society to engage JPAC. She stated that one way was through the web exactly as the questioner is engaging now. Other ways are direct e-mail or reaching out to JPAC members individually. She emphasized that any JPAC Member would be happy to answer questions.

Question/Comment: Linda Angove asked whether the renewable energy training programs throughout the universities of across North America were aware of the webcasts of the JPAC meetings and the training and the excellent reports available through the CEC.

Response: Evan Lloyd stated that with respect to the training programs catalogue, there was direct liaison with the universities and encouragement to post the information and use it to their benefit. Beyond that, he said that the CEC's outreach to the universities is more general and is often focused on specific events or initiatives. Often the CEC is involved in a collaborative manner with specific universities and the CEC ensures that the results of the collaborations are made available to the universities when it becomes final. Universities that are subscribers to the CEC website would have been notified of this JPAC meeting.

Question/Comment: An on line comment was made suggesting that the tri-national Atlas needs to be improved in the exchange of data adding that the intervener, who resides near New Brunswick, had done research on this.

Response: Evan Lloyd thanked the intervener for the suggestion encouraging him to drop the CEC a line adding that the CEC would be happy to look into any specific suggestions that might be forthcoming.

Question/Comment: Martin Gutierrez commented that the topic of communications and outreach effectiveness has been repeated often at many JPAC Sessions in the past. He asked how we could involve more from the environmental sector and other important sectors who have no

visibility of the CEC. He suggested that we all needed to be looking for solutions for this important communications challenge.

Response: Evan Lloyd stated that contained in the draft Operational Plan and budget for next year is the identification by the Parties to make a concerted effort to develop a comprehensive communications plan for the CEC. This is to be done in very close engagement with the Parties and JPAC was encouraged to be involved with this important initiative.

Question/Comment: Irasema Coronado asked if there were workshops associated with the various reports so that people can learn more about how best to use the knowledge.

Response: Evan Lloyd replied that in many cases the products actually stem from workshops and are the result of collaborative exercises. Often hundreds of people in various organizations have come together which is a natural constituency to whom the CEC would report back. He added that in other cases, the CEC specifically engages in the promotion and dissemination of information through roll-outs similar to the roll-out of the transportation initiative the will be held as part of this JPAC Session. The engagements are specific to the initiative and will vary accordingly.

Question/Comment: Irasema Coronado asked how budget allocations were determined in support of each of the projects in the Operational Plan and who ultimately makes the allocations.

Response: Evan Lloyd replied that the budgets are built up from the projects as they have been defined, negotiated and developed by the Parties.

Question/Comment: An attendee asked if a strategy could be developed regarding the transportation sector. It was suggested that with the roll-out of the Transportation Report, our top priority should be to invite the Minister of Transportation from each of the three countries. It was suggested that if the Ministers did not know of the CEC, it would be very difficult to solve the problems in the public sector adding that government expertise would be necessary to achieve the goals. She stated that targeted audiences and how to reach them are very important and queried whether the experts listed on the CEC's web site would be available to provide their expertise to the transportation sector

Response: Evan Lloyd replied that the directory of experts on the CEC web site is with respect training courses that are offered throughout the many institutions dealing with the environment. He added that the transportation initiative was a very collaborative exercise in all three countries which included government expertise as well as expertise from the private sector. He stated that he is very confident that a high level of understanding has been achieved with all of the officials. The next stage is to communicate this more precisely with the three Ministers.

The Chair Irasema Coronado adjourned this segment of the Session suggesting to the audience that JPAC would be grateful for any communications suggestions that might be useful in increasing the effectiveness of the good and valuable work carried out by the CEC.

Presentation of the CEC 2011-2012 Operation Plan by Dolores Wesson, Director of Programs

References:

- a) CEC 2011-2012 Operation Plan
- b) NAPECA Call for Proposals (22 March 2011 – rev1)
- c) NAPECA Guidelines (Draft 22 March 2011)
- d) Revised Timeline (18 March 2011) JPAC Input
- e) The CEC 2010-2015 Strategic Plan (10 November 2010)
- f) JPAC Advice 10-03 Re: The Strategic Plan of the Commission for Environmental Cooperation 2010–2015
- g) Response from Council to JPAC Advice 10-03

Delores Wesson introduced herself and with the assistance of a PowerPoint presentation (available on the CEC's website) she provided an overview of the processes and the criteria used by the Parties in selecting the Projects for incorporation in the CEC 2011-2012 Operational Plan. She began by briefly describing the preliminary project work that was approved by Council in August 2010 (Guanajuato) and which started September 2010 as follows:

- Improving Comparability of Emissions Data, Methodologies and Inventories in North America which is project 9 in the Operational Plan
- Intelligence-led Enforcement for North American E-Waste Activities which is project 8 in the Operational Plan
- Environmental Management of Electronic Wastes which is project 8 in the Operational Plan

She went on to say that as part of the pilot grant program that was initiated April 2010 there were three grants awarded which were as follows:

- Red Lake Band Monitoring Program in support of the Lake of the Woods Multi-agency International Arrangement
- Implementation of programs to reduce/eliminate mercury in hospitals in the State of Sonora, Mexico
- Lake Chapala's Pediatrics Environmental Health Specialty Unit (PEHSU)

Delores Wesson added that Council had directed establishment of a NAPECA grants program for 2011 and that the NAPECA RFP was to be launched in near future. After a brief review of the Strategic Plan, she stated that in keeping with the selection criteria and the Council directed priorities outlined in the Strategic Plan, the following projects had been selected for inclusion in the 2011-2012 Operation Plan.

- Project 1: Capacity Building to Improve the Environmental Health of Vulnerable Communities in North America
- Project 2: Improving Indoor Air Quality to Reduce Exposure to Airborne Contaminants Including Fine Particulates and Chemical Compounds in Alaskan Native Populations and Other Indigenous Communities in North America

- Project 3: North American Grasslands: Management Initiatives and Partnerships to Enhance Ecosystem and Community Resilience
- Project 4: Big Bend-Rio Grande Collaboration for Trans-boundary Landscape Conservation
- Project 5: Approaches for Identifying and Tracking Chemicals in Commerce in North America
- Project 6: Risk Reduction Strategies to Reduce the Exposure to Chemicals of Mutual Concern
- Project 7: Environmental Monitoring and Assessment of Chemicals of Mutual Concern
- Project 8: Enhancing Environmental Law Enforcement in North America
- Project 9: Improving Comparability of Emissions Data, Methodologies and Inventories in North America
- Project 10: Ecosystem Carbon Sources and Storage: Information to Quantify and Manage for Greenhouse Gas Emissions Reductions
- Project 11: North American On-line, Interactive Informational Platform on Climate Change
- Project 12: Improving Conditions for Green Building Construction in North America
- Project 13: Improving the Economic and Environmental Performance of the North American Automotive Supply Chain
- Project 14: Tracking Pollutant Releases and Transfers in North America (North American PRTR Project)

Delores Wesson described each of the project's framework, purpose, approach and outcome(s) and underscored the importance of the JPAC Public Review and the Advice to Council that would follow. She emphasized that Council wished to entertain JPAC's Advice and hoped to approve the Operational Plan by the week of 16 May 2011.

Question/Comment: Gustavo Alanis-Ortega commented that, especially with respect to Project 1, the most important aspect is how to make the e-tools that have been developed available to the people in the communities who are suffering and may not have electronic access to e-tools. He stated that many of the projects are valuable but will not be effective unless the tools are made available.

Response: The CEC realizes that vulnerable communities may not have the tools but the NAPECA grants program may provide the solutions on how to bridge that gap.

Question/Comment: Felecia Marcus asked if the speaker could be clearer on the substance of each Project and what will flow from it.

Question/Comment: Referring to Project 8, Gustavo Alanis-Ortega asked whether there will be an opportunity to offer public perspectives and JPAC perspectives on enforcement issues as opposed to the subject being a closed discussion between government officials.

Response: Delores Wesson replied that the sensitivity of some of the enforcement issues keeps them closed when being discussed. She added that the CEC is able to provide perspectives and will take into account the comment.

The Chair Irasema Coronado thanked Delores Wesson for her presentation. She stated that the Operational Plan is available on-line for public viewing and comment and encouraged all members of the public to send in their comments so that JPAC could consider them when submitting the Advice to Council. She added that the deadline for comments was April 27, 2011. She then opened the floor for questions and comments.

Question/Comment: Jonathan Waterhouse commented that with respect to the projects, were there Project Officers assigned to each of the projects who would follow up on the progress throughout the life of the project. He asked specifically if the Project officers go to the site to ensure that the project work is actually accomplished. He went on to suggest that the project in Alaska for \$200,000.00 to reduce indoor air contaminants by 30% could not even begin to address the problem and that the resources assigned would not likely achieve the outcome.

Response: Delores Wesson replied that most of the projects are managed in-house and that site visits are not normally carried out. She added that the project would fall under NAPECA and that staff would indeed follow-up to make sure that the actions were implemented. She stated that she shared the concerns for oversight and that the Parties who developed the projects are concerned about that as well. She added that as JPAC develops their Advice, suggestions regarding oversight be included. Evan Lloyd added that there are tools available to ensure accountability and that everyone is focused on that. He added that the point was well taken and that some of the projects this year will be managed differently than those of the past.

Question/Comment: Martin Gutierrez asked if the Secretariat was expecting any commentary from JPAC on the Operational Plan. He pointed out that the deadline of April 27, 2011 is impractical in expecting JPAC feedback inclusive of a public consultation process adding that more information will be needed to add to the project summaries that have been presented. He asked if the Plan had any intention of involving the North American public suggesting that the Parties may wish to review the scope and objectives with JPAC Members.

Response: Delores Wesson replied that the Parties put together the list of Projects and that the CEC's role is to implement them. She added that she recognized that Project Number 9 is out of the timeframe for public consultation and JPAC Advice but the others are not stating that any advice is always welcome. She stated that the project summary documents given to the JPAC are the only ones available at this time.

Question/Comment: Rodolfo Lacy stated that some important topics had been emphasized in past conversation but they did not make it into the Operational Plan. He added that the CEC has solutions for many environmental challenges but that they are not being used especially with respect to the lack of project work in support of the Article 13 Report. He stated that it was important for the CEC to become involved with the recommendations contained in the Report. He added that with respect to trade, carbon trading was important and that this should be a clear priority in the Operational Plan.

Response: Evan Lloyd replied that some of the projects that were chosen by the Parties were foundational. He said that carbon trading and carbon storage were foundational to other issues

with significant political concerns that are subject to the national and international priorities of the Parties. Delores Wesson added that the issue of climate change is a new priority and emphasized that the foundation must be put in place first adding that the phasing of the projects by the Parties is very relevant when all things are considered within each of the countries.

Question/Comment: Rodolfo Lacy suggested that for Project 10, there should be some explanation of the purpose adding that it was important to incorporate measures into the work.

Question/Comment: Felecia Marcus suggested that, while there was a lot of important work described, the issue is about prioritization. She understood that some of the Projects were a continuation of work that had been started in the past. She suggested that there was a clarity issue around why the work is being done – especially with respect to some priority subjects that are not on the list such as sustainable freight issues. She stated that she would like to see a grid of past Projects and their outcomes. She added that in addition to the Strategic Plan, there are a few things that the CEC is supposed to be doing. Specifically, she didn't see the State of the Environment Report, the Environmental Impact of Trade Report or the Annual Report in the operational priorities of the CEC.

Question/Comment: Gustavo Alanis-Ortega stated that with respect to Project 14, the problems of water discharges are probably most challenging in Mexico. He suggested that there was a need to help local and municipal governments to solve this issue adding that the CEC could be helpful at the local and state levels. He went on to ask how the CEC would be positioned at larger environmental events where it was important to showcase where a difference has been made. He suggested that it was important to have been at the COP 16 meetings in Cancun. He further stated that with respect to sequestering and carbon storage, it would be important to analyze whether or not this is an initiative that could be pursued.

Response: Delores Wesson replied that, while water treatment was a huge challenge, the CEC has limited resources. She added that while this issue is not in the Strategic Plan, it may become an issue of sustainable management of environmental resources and can be put on the agenda. She stated that water treatment is not in the CEC's area of focus at present. Specific timing in the future will be more opportune. With respect to COP 16, she stated that there is no legal framework for the CEC's participation and therefore it is out of the scope of the Strategic Plan.

Question/Comment: Rodolfo Lacy noted that black carbon is not one of the 14 operational projects yet it is a component of GHG emissions and is a real problem which is relevant to PRTR inventories. Martin Gutierrez added that the problem of black carbon was contained in a JPAC Advice to Council.

Response: Evan Lloyd replied that both elements such as black carbon are included in the Operational Plan. Similarly with respect to the carbon market, the Parties have taken the approach they have to ensure that inventories are properly developed. He stated that some of the projects are included to augment work already being done by the Parties either individually or collaterally. He stated that we need to be careful and understand that a lot of the work outlined in the Operational Plan is incremental to other work that is going on within each of the countries that may not have visibility within the Plan. He added that we also must recognize that this is a

two year plan and the work for year two has not been determined. The Parties recognize that we don't have to address every topic every year.

Question/Comment: Irasema Coronado queried, that with respect to Projects 1 and 2 and the health components of vulnerable communities, were they challenged by their lack of access to the internet. She suggested that it was important to help them in this regard. She also asked that with respect to Project 4, if Homeland Security was an issue.

Question/Comment: Felecia Marcus asked if there would be a Project as follow-on to the sustainable freight initiative as she did not see it on the project list in the operational Plan.

In the interests of time, the Chair, Irasema Coronado thanked everyone for their input and valuable perspectives stating that there was an obvious opportunity to submit an Advice to Council once the public consultations are completed on April 27th. She suggested that some of the unanswered questions would be dealt with throughout the rest of the day and tomorrow. She then described the upcoming events for the remainder of the day and adjourned the meeting for a networking lunch.

Update on Submissions on Enforcement Matters by Paolo Solano, SEM Legal Officer

References:

- a) Status report on Articles 14 and 15
- b) JPAC Advice 10-04 Re: Draft Proposal to Examine the Governance of the CEC and the Implementation of the NAAEC

The Chair, Irasema Coronado welcomed everyone back to the Session and introduced Paolo Solano, the CEC Legal Officer for Submissions on Enforcement Matters to provide an update.

Paolo Solano, the SEM Legal Officer, provided an update (presentation available on CEC website) on the status and background of the 76 submissions filed with the Commission for Environmental Cooperation. These submissions include 27 concerning Canada, 39 concerning Mexico, 9 concerning the United States, and one concerning both Canada and the United States.

Before reviewing the submissions, he emphasized that there may be a misunderstanding of the process by some submitters. He went on to say that it was important to understand that the CEC is not a legal entity and that the submissions process is not a courthouse for such matters. He stated that it was evident from the submissions that some submitters wanted to use the process to resolve legal problems but that the SEM process could not achieve that.

Paolo Solano outlined the process and the criteria for making a submission. He described how to do it and how to make sure the submission is complete. He outlined what should be included as facts, what is and is not acceptable and how to ensure clarity. He then described the process that would take place once an initial submission has been properly completed. He described the steps in the process that were required to turn a submission into a factual record and how factual records are handled by the Parties and by Council. He then reviewed the submissions from each country describing the status of the submissions currently under review.

He began by describing the submissions that the Secretariat is reviewing to determine whether they meet the criteria of Article 14(1), and if so, whether they merit requesting a response from the concerned Party under Article 14(2). He then went on to describe the submissions where the Secretariat had notified the submitter(s) that under Article 14(2), the submitters had thirty days to file new or supplemental information.

Paolo Solano then outlined the submissions that were in the process of determining whether factual records are warranted stating that the Secretariat was reviewing these submissions to determine whether they warrant the development of factual records in accordance with Article 14(1). He added that there were some submissions that were awaiting Council's decisions on the development of factual records stating that the Council may, upon a two-thirds vote, instruct the Secretariat to prepare factual records for these submissions. He ended his presentation by describing several submissions for which the Secretariat is currently developing factual records as instructed by Council.

The Chair, Irasema Coronado thanked Paolo Solano for his presentation and opened the floor for questions and comments.

Question/Comment: Rodolfo Lacy asked if there were technical criteria established in order to accept a submission such as the criteria to be able to prove environmental damage.

Response: Paolo Solano replied that in the case of damage, there is a need to prove that it does exist and that the damage was caused by omission or lack of enforcement. He added that common sense was important in assessing such submissions.

Question/Comment: Gustavo Alanis-Ortega commented that cases should not be required to have environmental impacts or damage but could also be due to a lack of enforcement. He asked how the CEC has handled issues that are pending within a specific country and what were the guidelines for handling dual country submissions.

Response: Paolo Solano stated that there are specific guidelines in Article 14(2) adding that there is not a requirement for proof of real damage. He stated that it was sufficient to know that there would be damage to the environment adding that lack of enforcement is an issue of concern. He stated that if submitters had gone before a Party for proceedings, the CEC would not proceed with the SEM process. He stated that since the CEC is not a forum for legal resolution, the CEC represents only factual information and has no intention of interfering with legal proceedings elsewhere.

Question/Comment: Mr. Malcolm Roberts from Alaska asked if there could be clarification on the Alberta tar sands submission.

Response: Paolo Solano stated that the CEC had received a citizen's submission for failure to assert environmental law in particular reference to the Fisheries Act. The CEC is now considering whether the submission merits a response from the Government of Canada.

Question/Comment: Rodolfo Lacy commented that a recurring issue is the slowness of factual records and the complexity of the process. He asked that, since the CEC is not a legal entity, would it be possible to shorten the process and strive to state the issues clearly. He added that if there is environmental damage, it should be stated because saying nothing about such damage merely slows the process down.

Response: Paolo Solano stated that the CEC has internal timings for all submissions. He stated that in some of the more complex cases, the CEC resources are not enough to meet the timelines. He stated that not all of the delays however were CEC delays adding that this year, the CEC will engage the other players in the process to try to resolve the timing issues. He stated that the Parties have responded well to the timing concerns and that there should be improvement. He then went on to explain systemically why some of the submissions take longer than others.

Question/Comment: Gustavo Alanis-Ortega commented that it is very important to make clear to the players that Article 14(2) sets the criteria for the CEC to make representation to the petitioner. He asked what occurs when a petitioner submits but doesn't do what is required of the process.

Response: Articles 14(1) and 14(2) outline the requirements according to the regulations that we need to know. The issue may be one of resources that are available to meet the criteria.

Question/Comment: Martin Gutierrez commented that the topics that are submitted are relevant adding that the CEC is a tool to create a justifiable perspective. He stated that a SEM meeting to improve the system was to have taken place and asked if it had been held and whether JPAC could have attended. He queried whether the system will be changed or will it remain as a tool with all of its current challenges.

Response: Paolo Solano replied that he wasn't sure if the meeting had taken place or not adding that it wasn't his decision to determine if JPAC should attend. He stated that he believes the system works in submitting relevant facts.

Presentation of the JPAC SEM Questionnaire, by the JPAC Working Group

References:

- a) JPAC Questionnaire (original draft and version posted on-line for public feedback)
- b) Email sent by M. Orozco regarding SEM portion of the meeting (15 March 2011)
- c) Summary Record for the JPAC-SEM-WG conference call (10 March 2011)

The JPAC Chair, Irasema Coronado thanked Paolo Solano for his presentation. She stated that there would be a review of the SEM questionnaire (which was made available) and whether it should be sent to all of the submitters to create data regarding the process and how to improve it. She then opened the floor for comments regarding the questionnaire.

Question/Comment: Felecia Marcus commented that the SEM process had become more and more complex over time. She suggested that the questionnaire should have a preamble added to it that explained the reason for the questionnaire was to make the best recommendations to the

Parties and Council on how to improve the process. She added that in the interests of continuous improvement, we might also want to ask how to improve the questionnaire itself.

Question/Comment: Gustavo Alanis-Ortega requested that as part of the Working Group, he would like to have some time to comment on the questionnaire and that the goal of the initiative should be to get some answers by the June JPAC Session. He added that since there are 76 submissions, there should be a lot of interest.

Question/Comment: The Chair, Irasema Coronado, stated that anyone could comment on the questionnaire and that they could do so by email, going to the microphones on the floor or any other way they wish. She asked if the CEC offers technical assistance to submitters commenting that the SEM process is very bureaucratic and submitters required help to complete the process. She then noted that Diane Takvorian was on the phone line and asked her, as the Working Group leader, to make her comments and to suggest the best way to administer the questionnaire.

Response: Diane Takvorian explained the goals of the Working Group and the background to the questionnaire stating that the goal for today was to improve the questionnaire with the public's input and to decide if and when it should be sent out and to whom.

Question/Comment: Gustavo Alanis-Ortega suggested that JPAC first needs to define the questions and send out the questionnaire within a week with a three week turnaround.

Question/Comment: Rodolfo Lacy added the suggestion that JPAC should split the follow-up to the questionnaire between the various JPAC members so that there can be personal contact with each submitter. He added that the questionnaire in its current format is very useful but suggested that JPAC should include 5 or 6 closed questions at the front of the questionnaire.

Question/Comment: Martin Gutierrez suggested that JPAC should send the questionnaire out to more than just the submitters but that the working staff within the system should also be included adding that not only would we get valuable feedback but this would let the staff know that we respect their efforts and opinions.

Question/Comment: Felecia Marcus suggested that JPAC should talk with the representatives of each of the Parties as well

Question/Comment: The Chair, Irasema Coronado summarized the discussion suggesting that the action items might be to finalize the questionnaire by the 18th of April and send it out while having JPAC groups divide up the responses to analyze the results.

Question/Comment: Martin Gutierrez added that once the results have been analyzed, JPAC should send a formal Advice to Council.

The Chair, Irasema Coronado, thanked everyone for their inputs and closed the segment pertaining to the SEM questionnaire. She then introduced Jorge Guzmán, Coordinador General, Secretaría de Asuntos Ambientales del CAFTA-DR to make a presentation on CAFTA's experiences with the equivalent of the SEM process.

Presentation by Jorge Guzmán, Coordinador General, Secretaría de Asuntos Ambientales del CAFTA-DR

Jorge Guzman began his presentation (available on the CEC website) by introducing himself and describing the background of the CAFTA. He stated that the program began when five Central American countries, the Dominican Republic and the United States entered into an Agreement on Environmental Cooperation and the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR). He said that under the Agreement they contracted to cooperate to protect, conserve and improve the environment to advance the collective goal of sustainable development for the benefit of present and future generations.

He elaborated stating that environmental protection involves the joint efforts of government and civil society. He stated that it included non-governmental organizations, the private sector and the general public. He stated that all of these sectors are actively involved in the program. He emphasized that the Agreement concentrates on four themes as follows:

- Building institutional strength to improve and enforce environmental laws and to engage the public in decision-making,
- Preserving biodiversity and habitat,
- Promoting market-based conservation and
- Encouraging private business to adopt environmentally sound practices.

He went on to describe their experience with developing a Central American version of a process similar to the CEC's SEM process adding that this was contained in their Central American Free Trade Agreement. He stated that the process was administered from the Dominican Republic. He said that one of the major differences was that they have the means of enforcing environmental law and had mechanisms to enforce the rules. He also stated that compared to the CEC's SEM experience which was 17 years in the making, the Central American experience was relatively new. After his presentation, the Chair, Irasema Coronado, opened the floor to questions and comments.

Question/Comment: Gustavo Alanis-Ortega asked if cases involving the United States were presented in CAFTA or were they referred to NAFTA. He went on to query how long it takes to generate the first factual record. He also asked how submissions that were based on media reports were handled by CAFTA.

Response: Jorge Guzman replied that the process is only for CAFTA Parties and that for cases involving the USA, the CAFTA citizens go to CAFTA and US citizens involve the government of the United States which will refer the issues to the applicable agencies.

Question/Comment: Martin Gutierrez referred to the presentation where Jorge Guzman stated that violations need to be sustained and recurrent. He asked how this was defined and by whom. He also asked what communications strategies were used to communicate the process to submitters and if any of the submissions had generated a reaction by the CEC.

Response: Jorge Guzman replied that videos were extensively used for communicating to the various countries in the Agreement.

Question/Comment: Gustavo Alanis-Ortega referenced the presentation where it was said that any NGO or citizen can present a case where a government fails to enforce the environmental laws. He asked if the speaker would describe the process and the implementation of it.

Response: Jorge Guzman replied that the process is only for putting violations into context. He went on to say that in 2010, the CAFTA Parties had decided that more outreach was required especially to address the cultural differences between the participating countries. He stated that the main mechanism of communications was through videos targeted to the media adding that they augmented the media with workshops.

Question/Comment: Irasema Coronado asked whether the representative from the United States came from the State Department or the Environmental Protection Agency.

Response: The US representative reports to the State Department.

The Chair, Irasema Coronado thanked the speaker and stated that this was the last event of the day. She added that the next event would take place at the university tomorrow. She then announced instructions for everyone who would be going to the reception at the university this evening. Irasema Coronado thanked her JPAC colleagues, the public and everyone attending for their participation and concluded day one of the Session.

Day 2: Tuesday, 5 April 2011

CEC Article 13 Report: Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America

Day two of the Joint Public Advisory Committee (JPAC) Regular Session 11-01 was devoted to the rollout of the CEC Article 13 Report: Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America. The activity took place at the Tecnologico de Monterrey Campus in Mexico City and consisted of an overview by Evan Lloyd, the CEC Executive Director, a panel discussion with members of the Advisory Group and a round table discussion on sustainable freight transportation in North America.

Overview by Evan Lloyd, CEC Executive Director

References:

- a) CEC Article 13 Report: Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America
- b) Summary Record for the JPAC Mexico City WG conference call (11 March 2011)
- c) Summary Record for the JPAC Mexico City WG conference call (18 February 2011)

Evan Lloyd began his presentation by describing the CEC, its history and its functions. He then introduced the Report adding that it was the latest independent report of the CEC Secretariat. He then described the previous reports that had been generated by the CEC and related them to the theme of this freight transportation report.

He stated that, while there are other reports that tackle the subject, this report is unique in that it addresses the subject from a North American perspective. He then described the international, multi-stakeholder Advisory Group that guided the development of the Report. He mentioned that some of the members of the Advisory Group were in the audience and went on to introduce them by name. He added that there was input to the Report from hundreds of other stakeholders including government officials from each of the three countries.

Having previously distributed the report, Mr. Lloyd focused on the conclusions. He stated that the solutions to the continuing challenges of freight related greenhouse gas emission is not simply cleaner fuels and technologies but the vision and willingness at a continental scale to foster an integrated, intelligent freight transportation system throughout North America. He added that such a system would play an important part in greening the economies of the three countries.

He stated that the Report makes a strong case for immediate action. He went on to say that the Report identifies several key challenges that need to be addressed to reach the vision. The Report looks out over twenty years and addresses each of the challenges that will occur over that timeframe. With the population expected to grow significantly during that time frame, the Report predicts economic growth of between seventy and one hundred and thirty percent. Interstate travel demand will increase from 690 billion miles to 1.3 trillion miles which equates to an increase of 1.3 million more trucks on the road by 2030 in the US alone. With all this come increasing fuel use, emissions, congestion and impact on related infrastructure.

The Report's findings indicate that the transportation sector in North America is second only to the electricity sector in terms of CO₂ emissions. Controlling for CO₂ will also bring significant environmental health benefits to the North American population. He added that the emissions in Mexico have grown the most rapidly of the three countries.

He stated that the good news is that the freight truck sector is particularly amenable to efficiency solutions. He added that the newly implemented standards in Canada and the US will not be enough to solve the emissions problem. He stated that the Report identified seven key challenges to sustaining freight transportation in North America. He described the challenges adding that, in addition to the challenges, the transportation infrastructure is simply not being supported in an adequate manner adding that other trading blocks are outpacing North America in modernizing this essential element of competitiveness.

Evan Lloyd then focused on the key recommendations adding that the Report is available in hard copy and on-line for those who wish more detail. He emphasized that the primary recommendation is that the NAFTA partners should work more closely to foster an integrated, intelligent freight transportation system with a more seamless and efficient set of linkages that bring our three countries functionally, if not literally, closer together.

He stated that current inefficiencies are adding costs, increasing pollution and fostering reduced competitiveness in all jurisdictions. The Reports suggests the formation of a Ministerial level, North American transportation forum that will work in cooperation with industry and stakeholder groups to foster a North American transportation system. He went on to say that the second recommendation proposes a transparent price on carbon to give everyone clear indications on where to invest their efforts. It is further recommended that an appropriate share of revenues be dedicated to the freight transportation system to ensure modernization and sustainability. This would include examining the potential for carbon pricing to contribute to a North American infrastructure fund to minimize congestion along the corridors and at the borders.

He went on to say that one of the more significant recommendations addresses supply chain management to reduce costs by managing the system more efficiently and greening the supply chain. Training of drivers was another recommendation that was considered essential to optimizing their environmental and economic performance by driving in ways that conserve energy. Prioritizing the gathering and sharing of data was also considered an important recommendation of the Report stating that the lack of comparable quality data is a roadblock towards achieving the efficiencies that are so essential to both the economy and the environment.

Evan Lloyd then introduced the panel members and asked them to take their places on the stage for an open dialogue with the audience.

Panel Discussion with Members of the Advisory Group

References:

- a) Promotional flyer Article 13 Report: Destination Sustainability
- b) CEC Article 13 Report: Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America
- c) Bios: Advisory Group Members

The CEC Executive Director, Evan Lloyd, introduced the members of the panel stating that he would like to begin by hearing some initial comments from each of the panel members and would then open the floor for a dialogue with the attendees. He also invited everyone to the Round Table Discussion on Sustainable Freight Transportation in North America to be hosted by JPAC in the university library which would follow the current panel discussion and a luncheon.

The Panel Members (bios are on CEC website) were **Rodolfo Lacy**, JPAC Member for Mexico; **Juan Carlos Camargo Fernández**, Environment Manager, Wal-Mart Mexico; **Robert McKinstry**, Manager, Policy and Economic Research, The Railway Association of Canada and **Mark Stehly**, Assistant Vice-President Environmental and Research & Development, Burlington Northern and Santa Fe Railway Company (ret.)

Rodolfo Lacy commented that the Report illustrates the combined vision of three countries adding that GHG and pollution from the transportation sector are the second worst in the North American economy. He stated that this Report is a snapshot of our ecological footprint that has great economic importance. He used the example of France that will not import Chilean apples because of its ecological footprint. He stated that the Report gives us some metrics to begin the

focus on this important contribution to climate change and human health. He congratulated the CEC for a well written Report incorporating excellent metrics stating that it sets the pathway for the development of standards in addition to diagnosis of what to track and what to trace. He stated that he was encouraged by the Report which sets an agenda for the management of the transportation sector which includes increasing rail use to better the impact on the environment.

Robert McKinstry commented that the Report is the beginning of a blueprint to further the potential of the transportation system with its findings and recommendations which are all interrelated. He emphasized that many of the approaches are market based adding that greening the supply chain is a win-win initiative with Wal-Mart recognized as a leader. He said that the document was a sound policy document that touches all the right issues and emphasized that it needs formal mechanisms to drive the implementation of the Report.

Juan Carlos Camargo Fernández commented that he thought the Report was a relevant core document. He stated that the findings and recommendations create just as much a competitive advantage through freight efficiencies as do inventory purchasing and sales of goods strategies. He added that we will need to engage the supply chain and if we do, we will be able to influence the future both economically and environmentally. He spoke of growth and provided some examples of greening the supply chain at Wal-Mart. He stated that supply chain efficiencies also played a role in the human factors related to the environment. He stated that training will be important in achieving supply chain effectiveness.

Mark Stehly commented that the Report is a reflection of the diversity within North America. He suggested that allot needs to be done to implement the recommendations adding that some have immediate economic payback whereas others are more challenging. He stated that some of the challenges may be difficult such as convincing operators to accept the need to make an investment. He emphasized that there is a pathway described in this Report that we can all use to improve our companies and our environment.

Evan Lloyd thanked the panelists for their opening remarks and then opened the floor to questions and comments.

Question/Comment: Wal-Mart has made significant strides in reducing the environmental footprint of its transportation activities. Are there other lessons for business from Wal-Mart's experience?

Response: On the packaging side, we can reduce GHG emissions by a focus on package design. For example, smaller packages can result in a virtuous cycle and scheme that can affect the entire supply chain. Smaller packaging results in less transportation requirements but also results in small shelving requirements and a smaller challenge with packaging disposal. Less shelving results in smaller warehousing, less storage space, less energy use per unit and frees up space for other items.

Question/Comment: The intervener requested information on vehicle fleet age asking how old the vehicle fleet was in the NAFTA countries and how the vehicles are being renewed.

Response: The order of magnitude is different between Mexico and the US. In Mexico, fifty percent of the fleet is 18 years old or greater and twenty percent of the fleet is 30 years old. Certainly Mexico needs to renew its fleet but this increases operational costs. About half of the vehicle fleet in Mexico consists of old vehicles that have been recycled from the US. They are actually vehicles that are no longer in compliance in the United States but are sold legally in Mexico. Americans typically run their vehicles for ten years and then get rid of them in secondary markets. Railroad engines are much larger and more expensive and can be as old as 30 years. The average is 15 years. Newer engines are used more frequently and older engines are put into light service. Cost is a factor and cost recovery and payback are important considerations. In Canada, the federal government has increased the capital cost allowance which resulted in newer engines being reduced?

Question/Comment: In the case of Wal-Mart, where you do not have your own fleet, can you add clauses into your shipping contracts to demand more efficiency in transportation methods.

Response: There are a host of options but the answer is 'yes' this is one of Wal-Mart's strategies.

Question/Comment: With respect to urban areas, are there programs that can be used? Does the report refer to land use and zoning requirements for planning transportation requirements?

Response: Evan Lloyd replied that the issue is not directly addressed by the Report but there are observations in the Report about the necessity of taking an integrated approach with respect to planning particularly land use planning and transportation planning.

Question/Comment: Can we go into the carbon trade market in the transportation sector – especially when switching from land transport to rail transport? Is there an estimation methodology or a process?

Response: The panel and Evan Lloyd replied that there was considerable focus on the opportunities to switch from one mode to another which is a complex matter. The experience elsewhere has not delivered quite the results that people had expected. Ultimately this is a market based issue where the decisions are made based on a number of factors. One must recognize that the train and trucking industries are good customers of each other and so there is already a very tight relationship. Trucks and trains are natural intermodal partners of each other but lack of full cost accounting and infrastructure locations are general problems that prevent the externalities from being reflected in the full cost pricing. With full cost accounting, the choices and modalities used would be quite different than the current situation.

Question/Comment: What are the opportunities for improvement in the shipment of hazardous materials across borders by rail or by truck?

Response: Between the United States and Canada there are harmonized procedures that incorporate safety standards. There is an opportunity to increase efficiencies by streamlining the supply chain for hazardous materials so that the routes travelled were not unnecessarily long. Material miles travelled could be reduced by bartering materials such as chlorine gas. There may be similar opportunities between Mexico and the US. The CEC is working with border agencies

to automate and make information exchange available on-line. A totally on-line system may be available as early as this year.

Question/Comment: Has there been much contact with governments regarding the issue of calculating GHG's? Ultra low sulfur diesel is not as available as it should be and it should be guaranteed. How are the GHG's calculated?

Response: For the rail system, there are reporting requirements to the Surface Transportation Board in the US. In Canada emissions are reported on a voluntary basis for the rail sector. Border delays and idling could be reduced more in the future.

Question/Comment: With respect to the recent US/Mexican border agreement, will the borders be opened to allow the passage of trucks more freely?

Response: When the announcement was made, there was a very positive response especially in the United States. This has been 20 years overdue. Given the different nature of the Mexican trucking fleet, we may not see a vast difference in the short term as there are problems with vehicle age that need to be solved. However, there is tremendous opportunity for environmental progress as long as we can overcome some of the political challenges. We need to look at this from a North American perspective and manage it as a system. We need to consider not only the environmental benefits but our economic performance and our competitiveness as a trading block as well.

There being no further questions, Evan Lloyd thanked everyone for their attendance and their interest in this important subject. He thanked the panelists for their contributions to the Report and for their participation in this event.

Round Table Discussion on Sustainable Freight Transportation in North America

References:

- a) Bios: Invited Experts
- b) Provisional Agenda
- c) CEC Article 13 Report: Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America

The Chair, Irasema Coronado welcomed everyone to the Round Table Discussion. She stated that for this session, JPAC members would engage the invited experts and members of the public in a discussion on the recommendations contained in the Sustainable Freight Transportation in North America Report. She added that this session would be moderated by Felicia Marcus, JPAC Member for the United States and turned the floor over to her for her opening remarks.

Felicia Marcus began by thanking everyone for their attendance and by introducing the panelists. She stated that with respect to the Report, the theme of the Round Table discussion was "what's next". The panelists then gave the audience a few words of introduction and briefly described their backgrounds. The panelists were as follows (bios on the CEC website).

Juan Carlos Camargo Fernández, Environment Manager, Wal-Mart Mexico

Blanca Durán, Vice President, Coalición de Transportistas de Carga Internacional, AC

Robert McKinstry, Manager, Policy and Economic Research, The Railway Association of Canada

Malcolm Roberts, Senior Fellow at the Institute of the North

Ben Sharpe, Researcher, International Council on Clean Transportation, San Francisco, CA, USA

Mark Stehly, Assistant Vice-President Environmental and Research & Development, Burlington Northern and Santa Fe Railway Company

Felecia Marcus began the session by asking each of the panelists what they liked best about the Report and more importantly what was missing. In their opening remarks the panelists suggested that there were some items requiring focus to move the Report forward.

It was considered that the action items associated with the recommendations in the Report needed to be associated with performance indicators and metrics especially surrounding the challenge of “sustainable”. It was stated that sustainability is a process not a destination and that GHG’s are about allot of things but a significant part of it is fuel economy. Trains can compete with the trucking industry even with a price on carbon. It was considered important that investments be made but that there needed to be a return on the investments because while cost savings are important, there are uncertainties related to the long term asset base (rolling stock) which cannot be changed out quickly. Further, it was pointed out that to move the Report forward, there would be cost increases before a return on the investment was enjoyed and that lower income families would be most vulnerable to the cost increases.

It was also suggested that a practical follow to the Report needed to be developed. Significant work is required with the Ministries of the Environment and the other Ministries that play associated roles. The area of border crossings was a case in point and it was suggested that in order to put the Report into practice, moving from strategy to task would require the allocation of resources which are scarce and vigorously competed for.

Finally, it was suggested that the focus to move the Report forward needs to be market based. While there is significant concern that the three economies are bogged down in regulations at each country’s federal, provincial and municipal levels, there needs to be systemic approaches that result in how the supply chain can work together.

The general audience commented that the Report was well designed and reduced a huge topic into a manageable size while distilling the important points that needed to be made. They stated that the visuals were exceptional and that the ideas were well displayed. They congratulated the CEC for the completeness of the Report and stated that the complexities of the issues were portrayed well with clear and logical conclusions.

It was pointed out that there was no mention of LNG as a solution. It was suggested that LNG may be the bridge fuel of the future and that with shale gas there are now 100 years plus of unexpected fuel supplies in the United States. It was suggested that with corridors of shale gas across the plains, this could fuel the freight system and should be considered a possibility.

It was also surmised that there are both short and long term actions that need to follow in the wake of the Report and that early action steps need to be identified to take advantage of the Report's momentum.

Question/Comment: What would make the biggest impact in this area?

Response: Perhaps the best strategy would be self-regulation through market incentives. It was suggested that the governments should set the framework that would include the rules and the guidelines and that the market would make it happen. Essential to this would be the setting of a price on carbon that should be associated with tax incentives.

Martin Gutierrez stated that the Report has created excitement because it will move the environment in the right direction. He stated that we must move the Report into the implementation phase suggesting the need for spin-off projects. He added that with respect to politics, somehow the right decisions need to be made and that carbon pricing was one of the more important issues to be addressed.

Malcolm Roberts stated that standards need to be set at the outset and that we must describe what will be done as opposed to asking what others will do.

Linda Angove suggested the implementation of standards and supporting them with accreditation such as those around Eco-Smart. She stated that businesses need to be certified environmentally.

Ben Sharpe stated that incentive programs are essential to give companies a boost to raise their standards similar to the Smart Way experience. He also suggested that a carbon tax would only be useful if the money went to useful and related purposes.

Jonathan Waterhouse stated that it was all very well to focus on new trucks and better engines and hybrids and natural gas as a fuel but one must also consider that even with these options, the infrastructure is not in existence for refueling. He suggested that in addition to this study, someone needs to look into incentives with industry to find out what it would take to create supporting infrastructure. He added that there were significant cost differentials to overcome and cited the example that the cost difference between a hybrid and a regular truck was 100 thousand dollars – a significant factor to be considered.

Martin Gutierrez suggested that the work needed to be done was so significant that everyone involved will need to support each other. Goals to reduce emissions need to be accompanied by incentives adding that we must also be considerate of the political costs. He stated that JPAC needs to provide clear recommendations and be very precise in doing so.

Felicia Marcus then asked for a general discussion to generate recommendations for next steps and opened the floor for open dialogue. The robust and fertile discussions generated the following ideas.

- Generate a model for border crossings for each of the three countries
- Try to influence the life cycle of goods flowing along the transportation corridors

- Create a formal body to coordinate the efforts
- Commission a further study involving all stakeholders to follow this report to table implementation initiatives
- Carry out a multi-modal system analysis involving ports, trains and trucking
- Carry out a financial analysis of the issues involved with implementing the recommendation of the Report
- For each of the recommendations, develop vision statements for what 2030 would look like in each of the areas and portray what to work towards
- Reduce the focus on CO₂ and look at other areas such as black carbon and other reduction strategies
- Develop a formal implementation plan that identified activities and who is responsible for delivering the outcomes complete with costs, milestones and implementation dates
- Add natural gas as an option to table 2 in the Report
- Vigorously promote more trade within NAFTA and carry out less trade with China
- Improve the border crossing issues and time involved
- Prioritize page 43 of the Report
- Develop a pre-clearance system for trucks in Mexico
- Involve the Departments of Transportation of the three countries
- Reduce the waiting times for border crossings which will require the involvement of customs.
- Make customs aware of the problems of both waiting times and security issues
- Train the truckers and their owners to generate increased environmental awareness
- Study the massive expansion of rail across the continent and determine what needs to be done to make it happen
- Develop an operational plan to study the use of expanding the natural gas system in the USA and what is necessary for car conversion
- Study pre-clearing of trucks at all border crossings in all three countries
- Turn each of the strategies in the Report into a series of tasks
- Extensively communicate the Report and expand current outreach significantly
- JPAC should inform the Ministers of the difficulty that is encountered in getting the Report into the right hands
- Translate the Report into an Advice to Council to ensure it reaches the highest level of all three governments
- For all of the legal aspects pertaining to the Report there should be an attempt to standardize the legal framework in all three countries
- Mandate a norm for fuel efficiency and have cleaner, low sulfur fuels available
- Involve the finance departments of the three countries to assess incentives and their relationship to compliance
- Generate a compendium of necessary alliances and partnerships required complete with the essentials of agreements for deliverables
- Create a list of required linkages for engaging other related authorities such as finance, health, transportation, trade, environment etc.
- Establish criteria for freight companies and reward them for meeting the goals such as reducing GHG's

- Lean the supply chain to encourage more efficient use of transportation such as utilizing empty trucks

Blanca Duran commented that the changes need to be done gradually and that the first step needs to be the creation of awareness. Only once awareness is achieved will there be an opportunity to move more quickly.

It was commented that the Report was a good document but that it was short and doesn't elaborate or articulate the themes. It was suggested that in its current form, it is a wish list and fails to distinguish the differences between the three countries. The intervention suggested that more detail is needed from the more advanced countries so that those that are behind could use the best practices. Specifically, it was stated that Mexico could follow other countries that are further ahead and added that the flow of sub-standard vehicles into Mexico needs to be stopped and ultra-low sulfur fuel needs to be made available.

A representative from Semarnat stated that the Report was well integrated adding that how it is translated into concrete actions was very important. He suggested that the work should go beyond CO2 and should include other pollutants adding that it was important to have the right fuels available that meet the standards. He suggested that programs needed to be established in Mexico based on the Smart Way program in the US. Border programs need to be developed and that training would be required for border operators to learn of the savings involved. He added that the initial costs could be covered through low cost loans and further suggested that strategies needed to be developed for urban areas.

Response: Evan Lloyd strongly suggested that, when responding to the Report, the main question that should be asked of governments is what they will do in response to the findings and recommendations. He further suggested that a significant question for JPAC is what JPAC will do given that each member enjoys access to the Ministerial level and has the opportunity for influence that few others enjoy. He added that this issue needs to become recognized in the political arena and that the response to the Report needs to become a political imperative. He stated that the system needs to work together to make it a political win for each of the three governments. He encouraged JPAC to go beyond their advisory role to Council and recommend the path that entire governments could take to make a difference for the North American environment with respect to sustainable freight transportation.

Felicia Marcus asked the Round Table for remarks prior to closing the session.

Several of the participants congratulated the CEC for the work and the Report and thanked JPAC for hosting this Round Table event.

Rodolfo Lacy stated that there was an issue of roles that was very important. He stated that everyone in the room was in the business of influencing and/or employing those who have roles to play in moving the initiative forward.

Mark Stehly suggested that environmental sustainability should be added to the goals of everyone in the transportation business suggesting that forums such as this help everyone

recharge their batteries. He added that it was important to make the Report a hot potato and get it to those who can act on it. He added that decisions need to be made on how to move this document into the future.

Linda Angove suggested that we need to explore how best to convince Council to endorse the Report and its recommendations adding that we need to explore what other organizations could help to influence the appropriate government officials.

Jonathan Waterhouse stated the CEC and JPAC have a responsibility stating that JPAC is the voice of the public. He suggested that JPAC should set aside some time in June to get Council's answers regarding how they are going to respond to the Report and what they are going to do about it.

Gustavo Alanis-Ortega stated that the Report is one of the best publications to come out of the CEC and that outreach needed to be increased – especially through the use of the media. He suggested that we include mass media as a vehicle and invite them to a workshop to get them engaged as a powerful partner. He added that it was important to include chambers of commerce, trade associations, unions and other stakeholders and suggested that they should be invited as partners.

There being no further commentary, Felecia Marcus thanked the panel members for their presence and for their wisdom and advice. She thanked everyone in the audience for their attendance and participation in what was a fertile discussion and turned the floor over to the JPAC Chair, Irasema Coronado.

Closing Remarks by Irasema Coronado, JPAC Chair

Irasema Coronado provided closing remarks noting it was a substantive Session with good input. She thanked Felecia Marcus for moderating the Round Table discussion and thanked the staff of CEC for their excellent work in organizing all of the events. She also expressed her appreciation for the work of the audio visual and translation staff. She added that there was allot of work to do as a result of this JPAC Session. Ms. Coronado stated that the input received will be used to frame an Advice Letter to Council and announced that all presentations will be available on the CEC website adding that further questions can be posted on the website for follow up.

Irasema Coronado closed by stating that we were all part of the North American community and as such we were all in this together – suggesting that everyone should think big and think continental.

The meeting and the JPAC Regular Session 11-01 was adjourned.



Commission for Environmental Cooperation (CEC) of North America

Joint Public Advisory Committee (JPAC)

Regular Session 11-01

4-5 April 2011

Mexico City, Mexico

Draft Provisional Agenda

Monday, 4 April 2011

Location: **Hotel Royal del Pedregal**
Jardines en la Montaña
Tlalpan, Distrito Federal, Mexico
Tel. 5449 4000

8:00–9:00 **Registration of Participants** – *Foyer Salón Obsidiana 1, 2 y 3*

9:00–15:45 **JPAC Regular Session 11-01** – *Salón Obsidiana 1, 2 y 3*

9:00–9:10 Welcome and opening remarks by **Irasema Coronado**,
JPAC Chair

a) Approval of the provisional agenda

9:10–9:30 Report by **Evan Lloyd**, CEC Executive Director, on CEC
developments since the last JPAC meeting

9:30–10:15 Question and Answer Period

10:15–10:30 Break

10:30–10:50 Presentation of the CEC 2011–2012 Operational Plan by **Dolores Wesson**, Director of Programs

10:50–12:00 Question and Answer Period

12:00–13:00 **Networking Lunch** (Provided)

- 13:00–13:30 Update on Submissions on Enforcement Matters by **Paolo Solano**, SEM Legal Officer
- 13:30–14:00 Question and answer period
- 14:00–14:20 Presentation of the JPAC SEM Questionnaire, by the JPAC Working Group
- 14:20–15:00 Public discussion
- 15:00–15:15 Presentation by **Jorge Guzmán**, Coordinador General, Secretaría de Asuntos Ambientales del CAFTA-DR
- 15:15–15:30 Question and answer period
- 15:30–15:45 Wrap up by **Irasema Coronado**, JPAC Chair
- 15:45 End of session

Tuesday, 5 April 2011

Location: **Tecnológico de Monterrey Campus**
Calle del Puente 222
Col. Ejidos de Huipulco Tlalpan, 14380, México, D.F.
Tel. 54 83 20 20

AUDITORIO
Planta Baja

11:30–13:00 CEC Article 13 Report: *Destination Sustainability: Reducing Greenhouse Gas Emissions from Freight Transportation in North America*

11:30–11:45 Overview by **Evan Lloyd**, CEC Executive Director

11:45–13:00 Panel discussion with members of the Advisory Group

Moderator: **Evan Lloyd**, CEC Executive Director
Rodolfo Lacy, Research Coordinator, Mario Molina Center
Glen Wright, Chairman, PrinterOn Corporation
Juan Carlos Camargo Fernández, Environment Manager, Wal-Mart México
Robert McKinstry, Manager, Policy and Economic Research, The Railway Association of Canada

Location: **Tecnológico de Monterrey Campus**
 SALA DE CONSEJO
 Edificio Biblioteca - 4th Floor

14:30–17:45 Round Table Discussion on Sustainable Freight Transportation in North America

Moderator: **Felicia Marcus**, JPAC member for the United States

Ben Sharpe, Researcher, International Council for Clean Transportation (ICCT)

Mark Stehly, Former Assistant Vice President, Environmental and Research & Development, BNSF

Malcolm Roberts, Senior Fellow, Institute of the North

Juan Carlos Camargo Fernández, Environment Manager, Wal-Mart México

Blanca Durán, Vice President, Coalición de Transportistas de Carga Internacional, AC.

Robert McKinstry, Manager, Policy and Economic Research, The Railway Association of Canada

17:30–17:45 Wrap-up by Irasema Coronado, JPAC Chair

17:45 Adjournment

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