



COMMISSION FOR ENVIRONMENTAL COOPERATION

Joint Public Advisory Committee Session No. 01-01

**16 March 2001
Winnipeg, Manitoba, Canada**

Summary Record

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session on 16 March 2001, in Winnipeg, Manitoba, Canada, in conjunction with a CEC workshop the previous day on trade and transportation corridors.

This Summary Record reports on each agenda item, records all decisions made by the Committee and identifies action items and responsibilities. (See Annex A for the agenda, and Annex B for the list of participants, Annex C for Advice to Council 01-01 on North American Trade and Transportation Corridors, Annex D for Advice to Council 01-02 on Free Trade Area of the Americas Agreement (FTAA), and Annex E for Advice to Council 01-03 on Protection from the Spread of Communicable Diseases.)

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

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

Welcome and Overview by the Chair

The Chair, Liette Vasseur, welcomed everyone to Winnipeg. Before opening the meeting, she invited a short presentation by Walter Vergara of the World Bank. He encountered travel delays the previous day and was not able to make his scheduled presentation during the workshop on trade and transportation corridors.

Following his presentation, a JPAC member requested a list be provided of all Global Environment Facility (GEF) projects and levels of support—the GEF having been identified during the Rio Conference as the vehicle to finance sustainable development projects. Paul Miller of the CEC Secretariat agreed to follow up on this.

Action: Secretariat

Ms. Vasseur then opened the session. She reminded participants that at the last JPAC regular session in 2000, a decision was taken to focus on one issue only at each meeting. During this session, the focus will be on trade and transportation corridors.

She noted the absence of Steve Owens, with apologies. She also drew attention to the four existing vacancies on JPAC—two each from Canada and Mexico.

Finally, she extended a special welcome to students from the Grant Park High School and explained that efforts would be made from now on to have students involved in JPAC's regular sessions.

Approval of the Provisional Agenda

The agenda was approved with the addition of a discussion item on foot and mouth disease.

Report from the CEC Representative and Question Period

The Chair invited Greg Block, Director of Programs, to make a brief report. First he provided a review and update of the CEC Program. He reported that since program approval in December 2000, the Secretariat has worked very diligently over the winter on implementation. He noted, in particular, meetings concerning:

- the Pollutant Release and Transfer Register,
- the North American Bird Conservation Initiative to coordinate bird conservation throughout North America,
- the advisory board to the Secretariat's (NAAEC) Article 13 initiative on opportunities and challenges in the electricity market, and
- private financing for the further development of shade coffee;

and planning of meetings to:

- build an action plan for migratory prairie birds, and
- revise the Biodiversity Conservation Strategy.

He also explained a draft document, prepared on the initiative of the Executive Director, entitled "In Support of a Strengthened North American Economic Partnership," suggesting possible themes for the upcoming Council Session, in the context of a renewed North American partnership.

Mr. Block, replying to a suggestion from a JPAC member, indicated that the Executive Director would welcome input from JPAC in this larger agenda-building exercise. The Chair requested that JPAC members send comments as soon as possible.

Action: JPAC members

A discussion then took place on the role of the CEC Council in the upcoming Summit of the Americas. It was agreed that an Advice to Council be prepared on the importance of continuing to link trade and environment. Greg Block replied that the Executive Director's approach was that the CEC should stand as an example of the benefits from environmental cooperation. (See Annex D for Advice to Council 01-02 on the Free Trade Area of the Americas Agreement)

Action: Council

A JPAC member noted the absence of any specific mention of the enforcement program in policy opportunities identified in the draft document. Mr. Block explained that it was embedded within the Program agenda, in support of specific projects and initiatives.

Plenary Discussion on North American Trade and Transportation Corridors

The following summarizes comments made during this discussion

- JPAC should request that the task force bring the El Paso/Juárez region back into the project.
- The report should contain more detail on standards in each country, e.g., load size, vehicle size, tire specifications.
- Tire type has an important impact on fuel consumption.
- New problems are arising around airports and ports with the increased volume of trans-shipment from warehouses (beyond the corridors).
- Move focus from short haul/mid-continent routes to long haul routes in future planning.
- Multi-modal transport centers need to be studied.
- Make it clear on the CEC web site that the ICF report is a draft report, and add a disclaimer.
- This work is a mix of policy and hardware (need planning and policy direction and need hardware, e.g., clean fuel).
- Define trade and transportation corridors more broadly to include energy corridors, which are raising very important public policy issues.
- Transborder impacts of energy corridors are a perfect platform for encouraging the development of a transboundary environmental impact agreement (TEIA).
- The CEC could play a role in developing common principles for sustainable transportation by bringing together government, industry and NGOs.
- Need for cooperation on regional solutions and broadening our view to include energy needs, investment and new technology.
- Encourage states to work together and pool funding.
- Invest to assist Mexico in meeting continental standards (for low sulfur fuel).
- Identify the health effects associated with increased pollution (particulate matter)—this will accelerate action. We have the data to make the health argument. Link this with the children's health initiative.
- Include the risk of introducing exotic/invasive species via trade corridors.
- More information should be gathered on alternative fuels and fuel cells.

A member asked how best to coordinate objectives and timing. Another member noted that, in Canada, governments have agreed to new standards for particulate matter and are now looking

into ways of achieving these. A representative from Environment Canada informed the meeting of a Canadian program with C\$700M available over three years.

The Director of Programs suggested that, given all these good ideas and even with financial limitations, perhaps cross-border senior government officials could be convened to consider how to leverage funds and partners into meaningful pilot projects. He noted that JPAC's input would be appreciated.

Discussion on potential advice to Council on North American Trade and Transportation Corridors

See Annex C for Advice to Council 01-01 on this issue.

Action: Council and Secretariat

Articles 14 and 15

a) JPAC comments on the draft Report on the Public History of Submissions under Articles 14 and 15 before the call for public comments

The Chair introduced Mr. Stephen Kass, consultant to JPAC, who provided an overview of the draft report and the comments received from JPAC members.

It was agreed that a new version would be prepared by 21 March, with final comments from JPAC members accepted until 23 March. Translation would then be completed with a target date for release in a call for public comments on 3 April 2001—the timing required to ensure that the report is ready to deliver to Council in June.

Action: JPAC members, Consultant and Secretariat

b) Suggestions from the JPAC working group for the next steps related to the draft Public Review Process

Some clarifications were made to the text and it was then approved by JPAC. The Chair thanked the working group members (Daniel Basurto, Peter Berle and Donna Tingley). The document is now available on the CEC web site.

A discussion ensued as to how JPAC would proceed when it received Council referrals. The Chair commented that resources were available, depending on the issue at hand, to engage consultants to assist JPAC. It was agreed that the Working Group (Donna Tingley, Daniel Basurto and Peter Berle) would prepare options for how JPAC could proceed. These would be reviewed at the June meeting.

c) JPAC letter to Council about issues raised by Martha Kostuch related to Council Resolution 00-09

There has been no reply from Council.

Follow-up

a) Next steps related to a potential advice to Council on genetically modified organisms (GMOs)

It was agreed that this complex issue was being dealt with by many agencies and that there was no obvious role for the CEC at this point in time. JPAC will continue to follow the issue.

The Chair will send a letter thanking individuals who provided papers to JPAC on the subject.

Action: JPAC Chair

b) JPAC letter to Council on the North American Symposium on Understanding the Linkages between Trade and Environment, of October 2000

The JPAC Liaison Officer informed the meeting that the report would be available in April 2001. It was again agreed to wait for the report before considering an Advice to Council.

Action: Secretariat

c) JPAC letter to the Intergovernmental Advisory Group on Emerging Environmental Trends

No reply has been received. The JPAC Liaison Officer informed the meeting that the working group has not reconvened since the joint session in December. It was agreed that the Chair would pursue the matter with a follow-up letter expressing concern about the lack of progress.

Action: JPAC Chair and Secretariat

Administrative Matters

a) JPAC member appointments and rotation and JPAC working groups

The Chair reported that she has still not received a reply from Minister Anderson concerning the two Canadian vacancies. She has been verbally informed that Mexico's two appointments will be made shortly.

Peter Berle has been nominated to represent JPAC on the CEC Advisory Group on Electricity and the Environment.

Jon Plaut, Donna Tingley and Blanca Torres will be part of the JPAC working group that will decide who from the public will receive a financial assistance to attend the June Council Session.

It was noted that Peter Berle would represent JPAC at the 27 March meeting on the Conservation of Biodiversity Strategy.

b) Council Session for 2001

Plans and organization for the Council Session were reviewed. Attempts have been made to maximize public participation and round tables will be organized around the five subjects identified in the Secretariat's draft paper—"In Support of a Strengthened North American Economic Partnership." A JPAC Workshop on Green Goods and Services will also take place. JPAC members will be selected (by the JPAC Chair and JPAC Liaison Officer) to chair the round tables.

Action: JPAC Chair and JPAC Liaison Officer

It was agreed that the Chair would send a letter to the Ministers, asking that the dates be confirmed as soon as possible and suggesting that they consider setting dates for the 2002 Council Session as part of this year's agenda.

Action: JPAC Chair and Council

As a final item, an Advice to Council on the need for trinational cooperation to prevent the introduction and spread of foot and mouth disease and 'mad cow' disease was approved. (See Annex E)

Action: Council

Observers' Comments

No comments were made.

The Chair thanked the members, the public, interpreters and the staff, and then adjourned the session.

Prepared by Lorraine Brooke

APPROVED BY JPAC MEMBERS ON 11 APRIL 2001



North American Commission for Environmental Cooperation

Joint Public Advisory Committee Regular Session 01-01

Friday, 16 March 2001
Fort Garry Hotel
222 Broadway Avenue
Winnipeg, Manitoba
Phone: (204) 942-8251 • Fax: (204) 956-2351

Provisional Agenda

Chair: Liette Vasseur

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|---------------|---|
| 9:00 – 9:30 | Welcome and overview by the JPAC chair
a) Approval of the provisional agenda
b) Report from the NACEC representative and question period
c) Report from the National and Governmental Advisory Committee representatives |
| 9:30 – 11:00 | Plenary discussion on North American Trade and Transportation Corridors |
| 11:00 – 11:15 | Break |
| 11:15 – 12:00 | Discussion on a potential advice to Council on the North American Trade and Transportation Corridors * |
| 12:00 – 13:30 | Lunch |
| 13:30 – 15:30 | Articles 14 and 15 *
a) JPAC comments on the draft Report on the Public History of Submissions under Articles 14 and 15 before the call for public comments |
| 15:30 – 16:00 | Articles 14 and 15 * (cont'd)
b) Suggestions from the JPAC working group for the next steps related to the draft Public Review Process
c) JPAC letter to Council about issues raised by Martha Kostuch related to Council Resolution 00-09 |
| 16:00 – 16:15 | Break |
| 16:15 – 17:15 | Follow-up *
a) Next steps related a potential advice to Council on genetically modified organisms (GMOs)
b) JPAC letter to Council on the North American Symposium on Understanding the Linkages between Trade and Environment, held in October 2000
c) JPAC letter to the Intergovernmental Advisory Group on Emerging Environmental Trends |
| 17:15 – 17:30 | Administrative matters *
a) JPAC member appointments and rotation and JPAC working groups
b) Council Session for 2001
c) Next JPAC meeting in June 2001 |
| 17:30 – 18:00 | Observers' comments |
| 18:00 | End of the Session |

* Session open to the public as observers



Joint Public Advisory Committee Session (JPAC) N° 01-01

Annex B

16 March 2001

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ADVICE TO COUNCIL: NO. 01-01

Re: North American Trade and Transportation Corridors

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

IN ACCORDANCE with its mandate to provide advice to Council under Article 16.4 of the North American Agreement on Environmental Cooperation (NAAEC);

HAVING participated in the very successful CEC workshop on Trade and Transportation Corridors on 15 March 2001 in Winnipeg, Canada and further discussed the subject in a public plenary during JPAC's Regular Session 01-01 the following day; and

IN LIGHT of the notable increases in trade within the North American transportation corridors since the implementation of the North American Free Trade Agreement (NAFTA) and the consequent air emissions problems in the corridors across North America, including impacts on children's health and biodiversity, the JPAC respectfully advises the Council to continue this cooperative work in conjunction with our recommendation below:

1. A group of stakeholders (including all levels of government, private sector, communities including indigenous, academia and representatives from successful growth management projects), should select a pilot transportation transborder corridor through a criteria process to:
 - Develop and coordinate an integrated process that is open and accountable with a commitment to continuous improvement (continuous data collection), and extend data gathering beyond borders; and
 - Encourage the CEC Secretariat to devise an outreach program targeted to these stakeholders.
2. The objective will be to create an optimal transportation plan in that pilot sector for a clean corridor program involving cross border cooperation as a template for new policy initiatives.

- The group should first review the experience of existing programs (i.e., the International Clean Transportation Corridor 3, the Northeast States for Coordinated Air Use Management) in order to assess compatibility of different initiatives in the various corridors and expand current programs where appropriate, through policy initiatives;
 - Consider the mitigation options contained in the ICF Report, in particular harmonization of fuel and retrofit standards; and
 - As a next step, the group should consider the following based on resources and priorities:
 - a) Integrate land-use considerations in the transportation process (defining growth and non-growth areas);
 - b) Obtain input from effected communities on the future direction of planned transportation initiatives;
 - c) Develop ways to create and maintain comparable data sets in the NAFTA countries in order to ensure continued success of the plan;
 - d) Conduct risk assessment and develop a risk management plan for emissions and their impacts on human health; and
 - e) Promote financial incentives, such as tax credits, for encouraging green corridor activities.
3. In the long term, any planning and implementation of multi-modal centers including the interaction and possible competition between cross-border transportation modes should include consideration of the environmental benefits taking into account the different legal systems of the three countries.

APPROVED BY THE JPAC MEMBERS 3 April 2001



ADVICE TO COUNCIL: NO. 01-02

Re: Free Trade Area of the Americas Agreement (FTAA)

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC):

IN ACCORDANCE with its mandate to provide advice to Council;

HAVING discussed, during its regular session 01-01, held on 16 March 2001, the absence of environmental issues in the discourse leading to the upcoming Summit of the Americas in Quebec City, Canada, on a Free Trade Area of the Americas agreement;

NOTING plans for a meeting of Environment Ministers of the Americas to be held on 29-30 March 2001, in Montreal, Quebec;

URGES the Council, through its members, to ensure that a FTAA agreement include mechanisms to deal with the linkages between environment and trade. An example of such a mechanism is the CEC, established in the environmental side agreement to NAFTA, which, among other objectives, has been able to implement programs related to:

- a) the sound management of chemicals;
- b) the collection and dissemination of data related to the emission of toxic chemicals;
- c) identification of strategies to reduce the environmental impact of increased activity in trade corridors;
- d) protection of shared wildlife species such as migratory birds and the Monarch butterfly;
- e) environmental protection and environmental enforcement; and
- f) trade in green goods and shade coffee.

JPAC further recommends that any provisions in a FTAA agreement that permits investors to claim damages for regulatory, or policy actions, must not interfere with the ability of any Party to protect the environment or natural resources.

APPROVED BY THE JPAC MEMBERS

28 March 2001



ADVICE TO COUNCIL: NO. 01-03

Re: Protection from the Spread of Communicable Diseases

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC):

IN ACCORDANCE with its mandate to provide advice to Council;

URGES the Council to assure that our three governments, on a trilateral basis, take all steps possible to prevent the introduction and spread of either foot and mouth or “mad cow” disease (bovine spongiform encephalopathy) to the North American continent.

JPAC also urges the Council to assure that there be a coordinated effort involving all concerned agencies of the Parties to protect against the invasion and spread of such communicable diseases.

APPROVED BY JPAC MEMBERS

3 April 2001