



**COMMISSION FOR ENVIRONMENTAL COOPERATION**  
**Joint Public Advisory Committee Session No. 00-01**

**23–24 March, 2000**  
**Guadalajara, Jalisco, Mexico**

**Summary Record**

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session in Guadalajara, Jalisco, Mexico, on 23–24 March 2000, in conjunction with a Stakeholder Consultation Meeting for the CEC Biodiversity Conservation Strategic Plan held on 22 March organized to receive the input of Indigenous peoples. A plenary discussion on Future CEC Initiatives and Emerging Environmental Trends in North America organized with the Mexican National Advisory Committee (NAC) was included in the agenda. The Session also provided a venue for JPAC and the public to be consulted on the draft *Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems*.

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, Annex B for the list of participants, Annex C for a summary of the plenary discussions, Annex D for Advice to Council 00-01, Annex E for Advice to Council 00-02, and Annex F for a letter addressed to Council concerning the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC).

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

**Thursday, 23 March**

**Welcome and Report by the Chair**

The Chair of JPAC, Regina Barba, opened the meeting and welcomed everyone to Guadalajara. She introduced two new members, Ernesto Enkerlin representing Mexico and Steve Owens from the United States and noted the absence, with reasons, of Ambassador Mary Simon and Jonathan Scarth. This being her first meeting as Chair for 2000, she offered her view that JPAC had an important role representing and encouraging civil society in efforts to protect the environment and improve the living conditions of the citizens of North America. She extended a welcome to

National and Governmental Advisory Committee representatives and to the JPAC Chair for the Canada-Chile Agreement on Environmental Cooperation.

She then introduced the Secretariat staff in attendance and encouraged the public to meet with them over the next two days for more information about the program areas and the specific projects.

### **Approval of the Provisional Agenda**

The agenda was approved with the addition of an item on Canadian provinces signing on to NAAEC

### **Report by the Executive Director**

The Chair introduced Hernando Guerrero, Director of the Mexican Office, replacing the Executive Director, Janine Ferretti who could not attend due to a scheduling conflict. He provided a detailed explanation of how the CEC is structured, being that this was a first experience with the CEC for many of the participants at this CEC meeting. He then explained the current CEC Three-Year Program Plan for 2000–2002.

### **Report by National and Governmental Advisory Committee Representatives**

Robin Rosenberg, representing the United States National Advisory Committee, stated that he was on an urgent diplomatic mission and expressed his Committee's profound concern that the amendments to the Guidelines for Submissions on Enforcement Matters under Articles 14 & 15 of the NAAEC brought by Council at their last Session in Banff were undermining the credibility of the CEC by limiting the Secretariat, delaying the process and shielding it from public scrutiny. He urged JPAC to take up this issue and, consistent with previous Advice to Council, alert Council that the already fragile support for the NAAEC is threatened.

William Andrews, Chair of the Canadian National Advisory Committee informed JPAC of that they were continuing efforts to have more Canadian provinces sign on to the NAAEC. Concerning Articles 14 & 15, he reiterated that the importance of transparency and public participation could not be overstated, supporting the view that governments cannot be left to alone amend or adjust a process which is designed to bring complaints against them. Public participation is necessary to avoid conflict of interest, as governments will intrinsically act to protect themselves. Finally, he noted the benefits of continued interaction with JPAC citing the June as the next opportunity since the Canadian NAC is planning to hold a full meeting on the margins of the Council Session.

Mateo Castillo, Coordinator of the Mexican National Advisory Committee, advised JPAC that they had approved their work plan for 2000 with four meetings planned over the year. Their priorities will be Articles 14 & 15, contaminants and human health, environment and trade, and the role of small and medium-sized industry in environmental management and regulated land use planning as it relates to sustainable development.

Melvin Moon, representative on the United States Governmental Advisory Committee noted the role of Indigenous peoples in the United States in organising conferences aimed at informing tribes about NAFTA, the NAAEC and the CEC. He described meetings held in San Diego and Seattle where tribal members were able to exchange directly with CEC staff.

JPAC members responded by thanking the representatives for articulating the need for continuing cooperation, particularly for monitoring of Guidelines for Submissions on Enforcement Matters under Articles 14 & 15 of the NAAEC.

### **Plenary Discussion on Future CEC Program Initiatives**

The Chair opened the plenary discussion. (See Annex C for the Report to Council summarising the plenary discussion.)

### **Discussion on the North American Pollutant Release and Transfer Register Project**

The Chair opened the topic stating that while very controversial, the Pollutant Release and Transfer Register (PRTR) Project was a very important part of the CEC's program and progress had been made since work began five years ago.

Erica Phipps, Program Manager on the CEC Pollutants and Health Program, then provided an overview of the project, progress to date and future challenges. She had prepared, and was complimented on, an *Information Note* distributed in advance of the meeting and used as the basis for her presentation.

The Chair then opened the floor for discussion.

While acknowledging the need for Mexico to further develop its participation, two JPAC members from Mexico discussed some of the complexities in arriving at the common elements required for improved reporting from Mexico. For example, legislative and regulatory amendments are needed before threshold standards and reporting requirements can be applied; and differences in the industrial base, economic systems and cultural context in Mexico make creating a matched North American data set very difficult.

Comments from the public included the following:

- Voluntary systems have their limitations. There should be more pressure for industry-wide mandatory reporting in Mexico.
- NGOs should be more involved in standard setting.
- The CEC Council should pass a resolution pursuing mandatory reporting.
- Full information is not provided to the public. All industrial sectors should be equally involved in reporting and SEMARNAP should provide reports to the public.

A JPAC member raised the procedural matter of the Alternate Representatives' unilateral decision to create another consultative group, despite JPAC already having given its approval to

the overall budget allocations following public consultation, and over the strong objection of the existing consultative group. JPAC will seek clarification.

**Action: JPAC / Alternative Representatives**

**Follow-up of the Workshop on the Strategic Directions for the Conservation of Biodiversity Project**

Hans Herrmann, Head of the CEC Conservation of Biodiversity Program, presented a detailed overview of the program and the methodology being employed to develop the strategic plan.

Joe Tetlich, an indigenous representative from northern Canada, spoke on the value of the workshop held with indigenous peoples the previous day. He noted the important role the CEC can play in working to protect transboundary species and the habitat upon which they depend, using the Porcupine Caribou, which migrate between Canada and Alaska as an example. Drawing from his personal history, he provided practical examples of the benefits derived by working closely with Indigenous peoples in pursuit of sustainable development, but made it clear that Indigenous peoples have to be included when their territory and resources are involved.

Melvin Moon, an Indigenous representative from the United States, reiterated the previous speaker's comments adding that Indigenous peoples are willing to participate, not simply as stakeholders or non-governmental organizations, but as North America's original peoples. He stated "we will share if you are willing to listen, but it is up to you to provide an appropriate forum".

Ernesto Enkerlin, a JPAC member who attended the workshop, noted that the workshop had been an important indication that previous JPAC Advice to Council was taken in to account. However, he cautioned that this workshop be viewed as the beginning of a process of engagement with Indigenous peoples. He also noted the importance of not imposing a methodology on their participation and that all work with Indigenous peoples should be based on respect for their traditions and perspectives, which often differ from ours but can only enrich our work.

Comments from the public included the following:

- A complete list of species at risk is required along with a definition of action needed.
- Restoration of habitat, for example migratory bird habitat, should be a priority.
- In varying degrees, there is a lack of enforcement legislation and/or enforcement capacity in our three countries, undermining any incentive to implement the actions that will be defined by the CEC's work.

See Annex D for Advice to Council 00-01.

**ACTION: Secretariat / Council**

**Friday, 24 March****Plenary Discussion on Emerging Environmental Trends in North America organised by the JPAC and the Mexican National Advisory Committee**

The Chair introduced this new feature for JPAC sessions during the year 2000 – a plenary discussion organised with the NACs and US GAC on the common theme of Emerging Environmental Trends in North America. She noted that the issue is a priority for JPAC in 2000 and of great interest to the public. These exchanges will provide invaluable information to assist JPAC in preparing its Advice to Council later this year.

Mateo Castillo, Coordinator of the Mexican NAC introduced the session by elaborating their four main priorities areas: Shifting uses of soil and soil management; land use regulations as a tool for sustainable development; a holistic vision for water management; and introducing environmental ethics into educational programs.

Comments from the public and JPAC included the following:

- The vulnerability of rural Mexico and local people to expanding urban development.
- Ecological and social consequences of turning lands over to large scale animal grazing or environmentally unsound agricultural practices.
- The need for integrated policy development and research programs within and between the NAFTA countries.
- The need to involve local/rural people in policy development and elaboration of systems for regulating land use.
- Profound inequality in distribution of land and wealth as well as negative environmental impacts which will increase as demographics respond to economic forces.
- The importance of protecting coastal areas.
- Planning as a tool for addressing competing land use demands.
- The increased risks associated with climate change, acid rain, natural disasters and industrial pollution.
- The need to shift from a consumptive model to an integrated restorative model.
- The value of diversification in land use as a way to protect environment and people.
- Developing methodologies for identifying appropriate indicators for integrated evaluation.
- A holistic approach to responsible water use.
- Viewing water as a common resource, not a commodity.
- Recognition that the ecosystem has a need for water and assigning a value to that need.

**Plenary Discussion on the draft *Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems***

The Chair introduced members of the CEC Enforcement Working Group (EWG) and Darlene Pearson, Head of the CEC Law and Policy Program, who provided an overview of the draft Guide. It is designed to improve environmental management systems and support existing regulatory and legislative regimes. It is intended as a tool to assist businesses to achieve and go beyond compliance. It has been distributed to the public in each country and comments are

required by 24 April 2000. A new text, for submission to Council will be prepared by 12 May 2000.

Comments from JPAC and can be summarized as follows:

- The draft appears to contradict the international trend towards unification of the International Standard Organization (ISO) system.
- It creates a potential for interfering with progress towards a common system thus causing confusion within the business sector.
- The using the word 'should' throughout the document creates ambiguity.
- It appears to create a duplicate system, therefore, diminishing the clarity and precision required by industry when seeking to meet compliance and receive certification.
- The text is silent on the critical subject of certification under the ISO system.
- It should be made clear that this Guide is a tertiary document following behind national laws and regulations and then the evolving ISO system in order to be very clear that ISO is the lead.
- The intended audience or user of this Guide is not made clear.
- Many small and medium sized businesses are not even aware that ISO 14000 exists. This Guide could be useful as a tool to promote the use of EMS.

Mateo Castillo, on behalf of the Mexican NAC, informed the meeting that they had an initial strong objection to the document and their intention was to meet in May to further review the document and take a position.

The EWG thanked the members for their comments and assured JPAC that it was not their intention to create a new system, rather an attempt to match up with existing systems.

The Chair requested that the document be revised taking into account JPAC's comments and that it be returned to JPAC for further review. Darlene Pearson responded that these and other comments will be considered in a new document, but that time would not permit it being returned to JPAC for another review. Doing so would cause the text not being ready for the June Council Session. The Chair cautioned it would be wise for the document to have JPAC support before bringing it forward to Council. See Annex E for Advice to Council 00-02.

**Action: Council / Secretariat / JPAC**

### **Discussion of the Advice to Council on Strategic Directions for the Conservation of Biodiversity**

It was agreed that JPAC is generally very supportive of this initiative. A general discussion followed and it was agreed to send an Advice to Council. See Annex D for Advice to Council 00-01.

**Action: Council / Secretariat**

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**Discussion on the Guidelines for Submissions on Enforcement Matters under 14 and 15 of the NAAEC**

Carla Sbert, CEC legal officer in the Submissions on Enforcement Matters Unit, presented an overview of the citizen submission process and a status report of pending submissions. This was followed by a discussion on the process itself. A JPAC member noted that in the name of procedural reform, secrecy has been introduced – a situation JPAC warned against when it advised Council not to go forward with Revision 1 at Council Regular Session on June 1999 in Banff. Transparency, accountability and the flexibility of the Secretariat are all being compromised. A 'black hole' has been created where information is kept confidential and the Secretariat cannot readily disclose whether it has informed Council that in its opinion a factual record is warranted, leaving the public and the submitter in the position of not knowing the source of delays. He further remarked that the current Revision 2 discussions indicate that it will be even more difficult to interface with the public.

The Chair summarized the discussion and indicated that JPAC is extremely concerned with the delays the process is experiencing, the secrecy that is being introduced and the general uneasiness developing among members of the public and submitters. She informed the meeting JPAC had delivered a letter to Council the previous day on this matter. See Annex F for a copy of the letter.

She further undertook that JPAC would continue to monitor and gather information on the impacts of Revision 1 and bring the results forward to the Council Regular Session in June 2000.

**Action: Council / JPAC**

**Update on Future JPAC Advice to Council**Methods for Project Evaluation

The Chair informed the members a text has not yet been produced for review. An earlier draft, commented on by the JPAC Working Group, is undergoing considerable revision. A conceptual outline and proposed evaluation plan will be available for review by the Working Group in April. She reiterated JPAC's continuing interest in this matter noting that clear methods for project evaluation are an essential element of transparency.

**Action: Secretariat / JPAC**

Article 28 of the NAAEC: Rule of Procedure

There is still no draft available for JPAC to review. JPAC was informed a meeting was scheduled for 4–7 April, in Washington, DC.

**Action: Council/JPAC**

Negotiations Toward a North American Agreement on Transboundary Environmental Impact

There is still no draft available for JPAC to review. Lorry Frigerio, CEC Coordinator for the U.S. Environmental Protection Agency informed the session that a meeting of western governors was scheduled in April to discuss state and municipal efforts along the US/Mexican border. The three federal governments have also been invited to attend.

**Action: Council / JPAC**

### **Update on Various Issues** Council Regular Session of 2000

The Chair informed the meeting that the Council Regular Session 2000 is confirmed for 11–13 June. There is no location yet announced. JPAC's suggestion that Children's Health be adopted as the theme was accepted and part of the program will include a Forum on Children's Health and the Environment.

She further informed the meeting that the public portion of the Council Session would allow five minutes per presenter. They will be asked to pre-register and if there are more registrants than space, a lottery will be conducted in a manner assuring national and sector balance.

### Article 10(6) of the NAAEC: NAFTA Chapter 11

There is nothing new to report other than another meeting is scheduled in May or June.

**Action: Council/JPAC**

### State of the Environment Report

The report is scheduled for release in June.

**Action: Secretariat**

### JPAC Program for 2000 including appointments to JPAC Working Groups

Dates and locations of meetings were confirmed. Four new “standing” working groups were created, one for each of the CEC's program areas in order to facilitate JPAC's input into the CEC Program Plan. Membership on other working groups was adjusted to take into account changes in JPAC.

### JPAC Member appointments and Rotation

The Chair informed the session that she had recently communicated with Canada and the United States encouraging that they complete their appointments to JPAC before the June Council Session. A JPAC member also raised the matter of Mary Simon's recent move to Copenhagen as Canada's Ambassador to the Kingdom of Denmark. JPAC has created an administrative rule that only travel from the location of appointment, or its equivalent, could be accommodated by



the JPAC budget. Given Canada's clarification that Ambassador Simon's appointment runs until 31 December 2000, she will not be able to attend any meetings in 2000. The member suggested that Canada make up the difference in the travel costs.

**Action: Canada**

#### Canadian Provinces Engagement in the NAAEC

It was agreed that JPAC would send a letter to Minister Anderson encouraging him to place the matter of provincial engagement in the NAAEC on the agenda of the upcoming Federal/Provincial meeting of environment ministers.

**Action: JPAC Chair**

#### **Observers' Comments**

Stephen Scott thanked JPAC for its on-going attention to Articles 14 & 15 and assured that conservation communities would continue to work alongside JPAC on this very important issue. He reiterated an earlier concern that while it is very interesting and important to work and identify biodiversity "hot spots", there are virtually no mechanisms to implement action. Regulatory regimes are required. He cited Canada as an example, where endangered species legislation is seriously lacking, especially regarding transboundary species. He urged JPAC to take up the call for improved legislation to protect transboundary species in North America.

César Luna focused his comments on the submission process under Articles 14 & 15. He was very pleased to hear JPAC's strong views on how the process is being further frustrated by the 'Banff' amendments. He stated that it is not worth becoming involved in the process if it is being politically manipulated by governments to protect them. Public confidence is quickly disappearing. He urged JPAC to continue providing Advice to Council on this, noting that the public has no other access now, other than through JPAC.

José Bravo spoke on behalf of local communities that continue to suffer contamination from industrial sources, particularly in water. He voiced their disagreement with NAFTA and their view that the three governments are not showing any interest in improving the environment and living conditions of local people.

The Chair thanked the members, the staff, the interpreters and the participants for their comments, then adjourned the session.

Prepared by Lorraine Brooke

APPROVED BY JPAC MEMBERS ON 29 APRIL 2000



**Commission for Environmental Cooperation  
Joint Public Advisory Committee Session 00-01**

**23 and 24 March 2000**

**Hotel Camino Real Guadalajara  
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**Provisional Agenda**

**Chair: Ms. Regina Barba**

**Thursday, 23 March 2000**

- |             |   |
|-------------|---|
| 9:00–9:30   | Welcome and Overview by the JPAC Chair <ul style="list-style-type: none"><li>a) Approval of the Provisional Agenda</li><li>b) Report from the CEC Secretariat and Questions Period</li><li>c) Report by National and Governmental Advisory Committee Representatives</li></ul>  |
| 9:30–11:00  | Plenary Discussion with the Public on Future CEC Program Initiatives <ul style="list-style-type: none"><li>a) Environment, Trade and Economy Program Area</li><li>b) Conservation of Biodiversity Program Area</li></ul>  |
| 11:00–11:30 | Break   |
| 11:30–13:00 | Plenary Discussion with the Public on Future CEC Program Initiatives (cont'd) <ul style="list-style-type: none"><li>c) Pollutants and Health Program Area</li><li>d) Law and Policy Program Area</li><li>e) Other Initiatives</li></ul>   |
| 13:00–13:30 | Discussion on the North American Pollutant Release and Transfer Register Program  |
| 13:30–14:30 | Lunch   |
| 14:30–15:30 | Follow-up of the Workshop on the Strategic Directions for the Conservation of Biodiversity Project <ul style="list-style-type: none"><li>a) Presentation of the Strategic Directions for the Conservation of Biodiversity Project by the CEC Head of Division, Conservation and Biodiversity, Hans Herrmann</li><li>b) Comments from Indigenous Representatives</li><li>c) Comments from the JPAC Working Group</li></ul> |
| 15:30–16:00 | Break   |
| 16:00–17:00 | Comments from the public  |
| 17:00       | Adjournment   |



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**Joint Public Advisory Committee Session 00-01**  
**23 and 24 March 2000**

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**Friday, 24 March 2000**

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|-------------|---|
| 8:00–9:15   | JPAC In-Camera Session  |
| 9:15–9:30   | Break   |
| 9:30–11:30  | Plenary Discussion on Critical and Emerging Environmental Trends in North America organized by the JPAC and the Mexican National Advisory Committee   |
| 11:30–11:45 | Break   |
| 11:45–13:30 | Plenary Discussion on the draft <i>Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems</i>  |
| 13:30–14:30 | Lunch   |
| 14:30–15:30 | Discussion of the Advice to Council on Strategic Directions for the Conservation of Biodiversity *  |
| 15:30–16:00 | Discussion on the Guidelines for Submissions on Enforcement Matters under 14 and 15 of the NAAEC *  |
| 16:00–16:15 | Break   |
| 16:15–16:30 | Update on Future JPAC Advice to Council *<br>a) Methods for Project Evaluation<br>b) Article 28 of the NAAEC: Rules of Procedure<br>c) Negotiations Toward a North American Agreement on Transboundary Environmental Impact   |
| 16:30–17:00 | Update on Various Issues *<br>a) Council Session of 2000<br>b) Article 10(6) of the NAAEC: NAFTA Chapter 11<br>c) State of the Environment Report<br>d) JPAC Program for 2000 including appointments to JPAC Working Groups<br>e) JPAC Member Appointments and Rotation |
| 17:00–17:30 | Observers' Comments   |
| 17:30       | End of the Session  |

\* Session opened to the public as observers.



**Joint Public Advisory Committee Session no. 00-01**

**23-24 March 2000  
Guadalajara, Jalisco**

**List of Participants**

**JPAC Members**

**Canada**

Donna Tingley  
Liette Vasseur

**México**

Regina Barba (Chair)  
Daniel Basurto  
Ernesto Enkerlin  
Raúl Tornel  
Blanca Torres

**United States**

Peter Berle  
Steve Owens  
Jonathan Plaut  
John Wirth

**Participants/Observers**

Mario Aguilar	<i>Secretaría de Medio Ambiente, Recursos Naturales y Pesca (SEMARNAP)</i>
Rebecca Aguirre Reynoso	<i>Instituto de Ecología , Guanajuato</i>
Alejandro Almaguer González	Mexican NAC Member
Ricardo Alvarez Sánchez	<i>Instituto de Ecología , Guanajuato</i>
William Andrews	Canadian NAC Chair
Brenda Armstrong	Moresby Consulting Ltd.
Guillermo Barba Calvillo	<i>Universidad de Guadalajara</i>
José Bravo	Southwest Network for Environmental and Economic Justice
Lorraine Brooke	JPAC Consultant
Susana Buenrostro	<i>Instituto Tecnológico y de Estudios Superiores de Occidente (ITESO)</i>
Miguel Cárdenas Reyes	<i>Sociedad Cooperativa de Producción Pesquera "Miguel Sandoval"</i>
María Casparios	<i>Pro-Habitat</i>
Mateo Castillo Ceja	Mexican NAC Coordinator
Estela Cavazos Martínez	<i>Universidad de Guadalajara</i>
Rita Cerutti	Environment Canada
Alejandro Cruz Hernández	Mexican NAC Member

Arturo Curiel Ballesteros	<i>Universidad de Guadalajara</i>
Elizabeth de la Rosa Romero	Mexican NAC Member
Marie Claire Dionne	<i>Comisión Mexicana de Defensa y Promoción de los Derechos Humanos</i>
Jean-François Dionne	Environment Canada
Sergio Domínguez Ruíz	<i>Instituto de Ecología, Guanajuato</i>
María Eugenia Espinosa García	<i>Partido Verde Ecologista de México</i>
Mónica Flores	<i>Ecotienda Chapala</i>
Efraín Flores Hernández	<i>Tlaxcallan A.C.</i>
Alejandro Flores Tom	Mexican NAC Member
Azucena Franco	<i>Programa LaNeta, S.C.</i>
Lorry Frigerio	U.S. Environmental Protection Agency (US EPA)
José Luis Funes Izaguirre	<i>Secretaría de Medio Ambiente, Recursos Naturales y Pesca (SEMARNAP)</i>
Olivia García Hernández	Defenders of Wildlife
Carlos González Guzmán	<i>Procuraduría Federal de Protección al Ambiente (PROFEPA)</i>
Ignacio González Hernández	<i>Instituto de Derecho Ambiental A.C. (IDEA)</i>
Hugo Granados	<i>Coordinación Ciudadana Ambiental</i>
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Miguel Angel Gutiérrez	<i>Ecología y Desarrollo de Tlaxcala y Puebla A.C.</i>
Raquel Gutiérrez Nájera	<i>Instituto de Derecho Ambiental A.C. (IDEA)</i>
Jürgen Hoth Von Der Meden	<i>Embajada de México en Canada</i>
David Hunter	Osler, Hoskin & Harcourt
Marisa Jacott	<i>Programa LaNeta, S.C.</i>
Alejandro Juárez Aguilar	<i>Biología, Ecología y su Conservación, A.C.</i>
Nayeli León Lizarraga	<i>Procuraduría Federal de Protección al Ambiente (PROFEPA)</i>
Rosa Alicia Limón Jaramillo	<i>Grupo Ecológico Iguana</i>
Guillermo Llamas González	<i>Manzanillo SCDRL</i>
Francisco Lozano García	<i>Instituto Tecnológico y de Estudios Superiores de Monterrey, A.C.</i>
Ezequiel Macías	<i>Círculo de Producción y Comercio Responsable</i>
Mauricio Maldonado Sánchez	<i>Asociación Jaliscience de Apoyo a Grupos Indígenas A. C.</i>
Catherine Malinin Dunn	U.S. Environmental Protection Agency (US EPA)
Héctor Marcelli Esquivel	<i>Ecosolar, A.C.</i>
Olinca Marino	<i>Programa LaNeta, S.C.</i>
Clara Marquez	<i>Red Juvenil de Promotores Ambientales</i>
Hilda Martínez Salgado	<i>Instituto Nacional de Ecología (INE)</i>
Cindy McCulligh	<i>Colectivo Ecologista de Jalisco, A.C.</i>
María Enriqueta Medellín	<i>Conciencia Ecológica de Aguas Calientes, A.C.</i>
Eduardo Montaña	<i>Consejo Consultivo Nacional para el Desarrollo Sustentable (CCNDS)</i>
Melvin Moon	Quileute Indian Tribe and Natural Resources
Jaime Morales Hernández	<i>Instituto Tecnológico y de Estudios Superiores de Occidente (ITESO)</i>
Manuel Moreno Turrent	CONDUMEX
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Javier Ochoa Covarrubias	SIAFASE
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Carlos Ortíz Capetillo	Lucent Technologies
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Yei Rentería	<i>Red Juvenil de Promotores Ambientales</i>

Francisco Javier Resendiz  
Luis Eugenio Rivera Cervantes  
Jorge Enrique Rocha Quintero  
Sagiano Rodríguez Juárez  
Julio César Rodríguez Pérez  
Jorge Alberto Rojas Tome  
Iván Romero Rojas  
Xavier Romo  
Juan Manuel Rosales Aguirre  
Robin Rosenberg  
Candelario Ruíz Marquez  
José Luis Ruvalcaba Preciado  
Mauro Sanchez Meneses  
Eduardo Sánchez Valencia  
Kevin Scott  
Aida Segovia  
Leopoldo Servín  
Mario Silva  
María del Carmen Siurob  
René Solinis Noyola  
Alejandro Soto Pano  
Joe Tetlichí  
Herminia Valdes Chavez  
Enrique Valdez  
Rafael Varela Cruz  
Emilio Vasconcelos  
Mireya Vega López  
Xicoténcatl Vega Picos  
María del Carmen Velasco

Nélida Villa Rodríguez  
Florencia Villantes Flores  
Gloria Villarreal  
Alejandro Yañez Arancibia  
José Carmelo Zavala Álvarez  
Jesús Zúñiga Teniente

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*Agroforestería Tasai, S.A. de C.V.*  
*US NAC Representative*  
*Sociedad Cooperativa de Producción Pesquera "La Jaiba Manzanillera"*  
*Círculo de Producción y Comercio Responsable*  
*Tlaxcallan A.C.*  
*Secretaría de Medio Ambiente, Recursos Naturales y Pesca (SEMARNAP)*  
*Defenders of Wildlife*  
*Universidad de Guadalajara*  
*Asociación Nacional de Controladores de Plagas Urbanas*  
*Colectivo Ecologista de Jalisco, A.C.*  
*Consejo Consultivo para el Desarrollo Sustentable*  
*Mexican NAC Member*  
*Sociedad Cooperativa de Producción Pesquera "Miguel Sandoval"*  
*Porcupine Caribou Management Board*  
*Sociedad Cooperativa "Griselda Alvarez Ponce de León"*  
*Consejo Consultivo Nacional para el Desarrollo Sustentable (CCNDS)*  
*Consejo Consultivo Nacional para el Desarrollo Sustentable (CCNDS)*  
*Secretaría de Medio Ambiente, Recursos Naturales y Pesca (SEMARNAP)*  
*Secretaría de Medio Ambiente, Recursos Naturales y Pesca (SEMARNAP)*  
*Fundación Sinaloense para la conservación de la Biodiversidad, A.C.*  
*Sociedad Cooperativa de Producción Pesquera "Pescadores de la laguna de Cuyutlán" "Alameda"*  
*Organización Ser Más A.C.*  
*Tlaxcallan A.C.*  
*Red Juvenil de Promotores Ambientales*  
*Mexican NAC Member*  
*Informa, A.C.*  
*Compañeros de la Naturaleza A.C.*



**REPORT TO COUNCIL: NO: 00-01**

**RE: Summary of Plenary Discussion on Future Commission for Environmental Cooperation's (CEC's) Program Initiatives**

**Introduction**

JPAC is pleased to present this report to the Council members of the Commission for Environmental Cooperation (CEC). It has been prepared following presentations and discussions among the JPAC members, program managers and the public during a plenary discussion on future initiatives for the CEC's Program Initiatives. It was held on 23 March 2000, attended by approximately 100 members of the public, representatives from the Parties and the National Advisory Committees and the United States Governmental Advisory Committee.

The public also participated in three additional plenary discussions during the JPAC Regular Session. The first was on the North American Pollutant Release and Transfer Register. The second was on Emerging Environmental Trends in North America organized in conjunction with the Mexican National Advisory Committee. The third was organized to receive comments on the draft Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems. A resume of these discussions can be found in the Summary Record for JPAC Regular Session 00-01.

The following comments and recommendations were presented during the plenary discussion.

- Efforts should be made to engage municipalities in the development and delivery of programs. In this way, issues such as water management could be addressed in a way that would ensure more local participation.
- The CEC should consider ways to improve follow up and reporting on projects. The public is becoming discouraged by the lack of clear, measurable results.
- Humid areas should receive more attention in the Conservation of Biodiversity Program.
- Adequate enforcement requires a standard or compatible regulatory system. Legal instruments are necessary to ensure that Mexico participates in the North American Pollutant Release and Transfer Register. This is a very important tool for environmental protection. Without full reporting and comparable data, there can be no continental assessment and protection. New methodologies for measuring and estimating pollutants should be included in the Annual Certificate of Operation (COA).

- Public participation has no borders. The CEC should increase its efforts to mobilize and inform civil society. Involvement of local communities is critical to the success of the CEC. This is lacking at present. Improvement should become a priority. Without the involvement of a dedicated NGO network, the CEC will fail.
- The lack of legal instruments to implement or enforce a CEC biodiversity strategy is an issue.
- There is an alarming lack of transparency developing in the Article 14 & 15 submission process. Canadian NGOs are concerned that trade is again taking over the environmental agenda. Citizens are not being well served. We saw that in Seattle and will soon see it again in Washington DC. Canadian NGOs will mount a campaign against the move to further amend the guidelines. JPAC should make this message very clear to Council.
- Citizens need to be better integrated into the program. Communities and local peoples are not being taken into account.
- More information is needed on the use, regulation and impacts of pesticides. These substances are still being used despite the dangers involved. A better regulatory and enforcement system is required.
- The CEC should direct efforts towards evaluating the impacts and benefits of developing green goods and services. It is not as simple as it is sometimes portrayed. Also, the process of certification is very confusing for farmers and other producers. Support is needed to develop an information network to assist producers.
- The Environment, Trade and Economy Program, should consider the following proposals: (a) include a study of trends and patterns in North America; (b) conduct pilot projects on selected products and services; (c) results of the trends work should be shared with the NACs and others; and (d) promote adequate regulation and enforcement.
- The Mexican NAC presented a list of priorities for the Pollutants and Health Program:
  1. Listing of pesticides currently in use
  2. Grouping of chemicals
  3. Release of information to the public
  4. Seek alternatives for mercury
  5. Standards for data collection
  6. Mexican involvement in the PRTR
  7. Methodology for monitoring, control and reduction of pollution
  8. Evaluate financial alternatives for the Fondo de Prevención de la Contaminación (Fiprev)
  9. A strategic plan, for the next 10 years on the sustainable development of the Atlantic Ocean/Caribbean Gulf coastal region.
- Government agencies are not supporting organic farmers in Mexico. The environmental cost of using chemicals in agriculture is not being considered. A new methodology for comparing and evaluating the full costs and benefits is needed.



- Certification is very expensive. Support is required if ever Mexican producers are expected to compete.
- A national inventory of PCB sites in Mexico is required. Incineration and production of these substances should be banned.
- The effects of contaminants on human health should be a cross cutting theme of the CEC's work. The epidemiological effects are of major concern to local people. The Indigenous representatives at the Stakeholder meeting yesterday raised this again.
- Current trade rules and environmental policy are stricter on organic producers than non-organic producers. Organic producers are required to show that their product does not contain toxic substances. Conventional producers are not required to declare the contents.
- Genetically modified organisms (GMOs) should continue to be on the Council's agenda. A trilateral workshop should be organized by the CEC. The CEC could act as a lead in identifying how the precautionary principle can be applied to regulating the development and use of GMOs.
- World War III will be over water. This is a very important global issue. So are issues related to fossil fuels. These are not being adequately dealt with in the CEC Program.
- Methodologies for analyzing the impacts of trade on the environment must include social costs. For example, many producers in Mexico cannot afford to be certified. It is less expensive to produce food using chemicals. Also, in many communities water is previously contaminated from sources outside community control, making it impossible for producers to achieve certification. Social justice and equity must be factored into analysis.
- There is too much emphasis in the Program on the use of so-called 'experts' and not enough participation of local communities, who have their own expertise.
- The full social and environmental impact of the border industries that have emerged since NAFTA was signed should be evaluated.
- Local farmers are the last to be taken into account, but are the first to suffer from the lack of respect for the environment and its resources. Our waters are contaminated and our health threatened. We are trying to re-establish organic production practices, but receive very little support. Decisions are taken in offices, not in the fields. Everything is being driven by globalization at the expense of family level production. Local communities and Indigenous peoples are not being involved. If they really were, then things would change. Instead, we grow more and more miserable.

Prepared by Lorraine Brooke

APPROVED BY THE JPAC MEMBERS 29 APRIL 2000



**ADVICE TO COUNCIL: NO. 00-01**

**Re: Strategic Directions for the Conservation of Biodiversity**

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

IN ACCORDANCE with its mandate to provide advice to Council;

HAVING had an opportunity to receive public input on CEC's Conservation of Biodiversity Program at various plenary sessions in 1999 and 2000, and to participate in a Stakeholder Consultation Meeting organized to receive the input of Indigenous peoples from Mexico, the United States and Canada on the CEC Biodiversity Conservation Strategic Plan;

RECALLING JPAC Advice to Council 99-10 which, among other matters, noted that "working with Indigenous peoples of the North American region and their communities is an important step in building local capacity for the conservation and protection of biodiversity;"

NOTING very strong public support for the CEC's role in gathering and coordinating information about biodiversity and developing a strategic plan for influencing policy development and implementation mechanisms in our three countries to protect the environment and promote the sustainable development of the North American region;

HAVING reviewed and discussed *A Strategic Plan for the Conservation of Biodiversity for the Commission for Environmental Cooperation: Questionnaire for Stakeholder Feedback* prepared for the Secretariat;

BEARING IN MIND, with regard to the conservation, protection and restoration of biodiversity, that the legislative and regulatory regimes of our three countries differ;

**JPAC RECOMMENDS THAT:**

- Council confirm the role of the CEC as catalyst, public entry point and information hub in fostering biodiversity conservation within the North American region as recommended in the *Strategic Directions for the Conservation of Biodiversity: Integrated Baseline Summary Report*;

- Council encourage the Secretariat to ensure that its efforts within the Conservation of Biodiversity Program are properly aligned with those in the Law and Policy Program, which are designed to improve public access to information and enforcement capabilities within and between our three countries;
- Council members review their national legislative and regulatory regimes with a view toward enhancing capacity and implementation mechanisms for protecting biodiversity;
- Council direct the Secretariat to revise the *Questionnaire for Stakeholder Feedback* and other consultation documents to accommodate the views, perspectives and knowledge of Indigenous peoples and other land-based populations—thus actively engaging them in the Program;
- Council direct the Secretariat to continue its efforts to involve the public in planning and implementing this important Program; and
- Council further direct the Secretariat that the most recent and successful consultation with Indigenous peoples be seen as a first step in a long-term process of engaging them in the ongoing work of the CEC.

APPROVED BY THE JPAC MEMBERS

21 April 2000



**ADVICE TO COUNCIL: NO. 00-02**

Re: DRAFT Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems

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

IN ACCORDANCE with its mandate to provide advice to Council;

RECALLING its past Advice 99-02 on the matter of Environmental Management Systems (EMS), where concern was expressed that EMSs should not be construed as replacing regulation and enforcement;

HAVING received an initial opportunity to review the draft *Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems* and discuss it with representatives of the CEC Enforcement Working Group (EWG) at our recent Regular Session of 24 March 2000;

REMEMBERING the following fundamental concerns we expressed during this initial exchange, to wit:

- the purpose of the Guide and its intended audience are not clear.
- [it introduces] confusion [...] by appearing to create a duplicate system;
- the terminology used in describing the ten elements proposed in the draft Guide for improving environmental performance and compliance requires clarification to ensure that these elements are understood as a comprehensive package of criteria to assist in achieving and maintaining compliance;
- the text is silent on the subject of certification under the ISO system; and
- it should be made clear that this Guide[is to] be promoted as a tertiary document, following (1) national laws and regulations and (2) evolving environmental management systems, including ISO 14000.

FURTHER NOTING that while efforts were made to canvass the views of selected groups, the public at large was not consulted.

JPAC, THEREFORE, has reached the consensus that this document must be substantially revised in its present form, taking into account the detailed concerns we have expressed to the EWG, and then that it be returned to us for further review.

As there is a desire on the part of the EWG to present the Guide to Council for consideration at the June Council Session, JPAC further recommends that the EWG complete their redrafting on an urgent basis and return it to JPAC so that Council may have the benefit of JPAC's review.

APPROVED BY THE JPAC MEMBERS

2 May 2000



24 March 2000

Honourable David Anderson  
Minister of the Environment (Canada)

Mtra. Julia Carabias  
Secretary of the Environment, Natural Resources and Fisheries (Mexico)

Ms. Carol M. Browner  
Environmental Protection Agency Administrator (United States)

Dear Council Members:

I am writing to you on an urgent basis requesting your cooperation in bringing to a close the matter of the so-called "Revision 2" of the Guidelines for Submissions on Enforcement Matters under Articles 14 & 15 of the North American Agreement for Environmental Cooperation (NAAEC)

As we all recall, the subject of "Revision 1" preoccupied the Joint Public Advisory Committee (JPAC), the three National Advisory Committees (NACs) and the public at the June 1999 Council Session. Having taken the decision to proceed with revisions despite our advice and the public view to the contrary, you further announced a "Revision 2" process which, I respectfully remind you, was characterized as a matter of refining some minor procedural matters and not substantive.

At this time, JPAC members are highly concerned that any further discussion of "Revision 2" is impeding the submission process and eroding the credibility of the CEC. Accordingly, on behalf of the JPAC, I urge you to either set the discussion aside, a decision JPAC would support, or provide text to JPAC that can be used as a basis for public consultation.

Sincerely,

Regina Barba  
JPAC Chair for 2000

cc. JPAC Members  
CEC Alternate Representatives  
CEC Executive Director