



COMMISSION FOR ENVIRONMENTAL COOPERATION

Joint Public Advisory Committee Session No. 98-05

3 and 4 December 1998

Summary Record

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session in Washington, DC, on 3 and 4 December 1998. This session featured a round table with the attending public, representatives from the National Advisory Committees, the United States Governmental Advisory Committee, the CEC Interim Executive Director and Secretariat staff.

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 round table discussions, Annex D for Advice to Council 98-07, Annex E for Advice to Council 98-08, Annex F for Advice to Council 98-09 and Annex G for Advice to Council 98-10.

The full past summary records, advice from JPAC to Council and other documents pertaining to the Committee may be obtained from the JPAC Coordinator's office or through the CEC's Internet homepage at <<http://www.cec.org>> under the JPAC header.

Messrs. Guillermo Barroso, Ivan Restrepo and John Wirth were absent from the session, having notified the Secretariat in writing as to the reasons for their absence. Mr. Jorge Bustamante advised the Committee at its 98-04 Regular Session that would be his last meeting. No formal confirmation of his status, however, has been received.

Welcome and Overview by the Chair

Mary Simon welcomed the members and the public to the last JPAC regular session for 1998. She expressed her hope that the new, half-day round table format would be productive and well received by the public as a means of creating a productive dialogue between the public, JPAC members, National and Governmental Advisory Committees and attending Secretariat staff on the CEC's Three-Year Program Plan. She made it clear that this opportunity was in addition to, and did not replace, public involvement in the regular sessions.

Approval of the Provisional Agenda

The following items were added to the agenda:

- The State of the Environment Report
- Recognition of past members

Report on the JPAC Chair Election for 1999

Mary Simon announced that Mr. Jonathan Plaut had been elected JPAC Chair for 1999 and extended her congratulations on behalf of all the members.

Mr. Plaut thanked the members and added that he was looking forward to the challenge of continuing to build on the improved working relationship with the Council, Alternate Representatives and the CEC Staff that JPAC had developed during 1998.

Report by the Interim Executive Director

Janine Ferretti introduced the attending Secretariat staff: Mr. Greg Block, Ms. Sarah Richardson, Mr. Hans Herrmann and Ms. Manon Pepin. She then reviewed the highlights of the current work program.

Efforts within the Sound Management of Chemicals Program are focused on implementation of phase 2 of the North American Regional Action Plans (NARAP) on mercury; implementation of the NARAP on DDT, led by Mexico; and finalization of selection dossiers on lindane, hexachlorobenzene, dioxins, furans and lead for recommendations to Council. She reported on the work of catching up on the production of North American pollutants release and transfer register information (*Taking Stock* reports) with a target for producing the report on 1996 data in May and that on 1997 data in December. The final draft of the *State of the Environment Report* has been submitted to governments for the 6-week review period. JPAC has also received the draft and comments are welcomed. The target is to release the report on Earth Day (22 April 1999).

Within the Conservation and Biodiversity Program, a main activity is the strategy and action plan for the conservation of North American Birds, which is scheduled for presentation to Council in June 1999. She noted the high level of public participation in this project.

Concerning the Environment, Economy and Trade Program, Ms. Ferretti reported on the substantive progress made during the peer review of the Analytic Framework for Assessing Environmental Effects of NAFTA and noted that JPAC had participated in the 2 December meeting in Washington, DC. It is expected that advice will soon be received to assist Council in deciding how best to move this important program forward next year. She also reported that trade and environment officials would be holding a meeting on 4 December 1998.

Regarding the Transboundary Environmental Impact Assessment (TEIA) negotiations, she informed the meeting that the Parties are working hard to resolve one final issue—how to engage provinces and states while protecting the constitutional autonomy of each country. She noted that the Article 13 report on the Upper San Pedro River, with recommendations, is forthcoming.

Finally, Ms. Ferretti reported that the Secretariat was developing a communication plan that would address both the internal needs of the Secretariat and wider ones of the CEC. The public participation guidelines will be an important part of this communication plan, providing consistency in how the CEC handles public participation within and between projects. She placed strong emphasis on transparency and regular opportunities for public input.

Reports from the National and Governmental Advisory Committees

Mateo Castillo, Coordinator for the Mexican National Advisory Committee (NAC), provided background information on how the Mexican NAC was formed and thanked JPAC for the open invitation to participate in the new round tables and observe the regular sessions. He went on to report that a workshop had been held to prepare comments on the revised guidelines for Articles 14 and 15 and that a text would be sent to JPAC prior to the 9 December deadline. He also suggested that the CEC focus attention on the matter of waste storage.

Sanford Gaines, Chair of the United States National Advisory Committee thanked JPAC for establishing this new process, which affords an important opportunity for everyone be better informed of overall CEC work. He reported that the United States NAC has discouraged at the lack of progress on the public participation guidelines, and urged JPAC and the Secretariat to proceed as quickly as possible. He further urged prompt conclusion of the TEIA negotiations with inclusion of effective obligations at the state and provincial levels. He reported that the United States NAC has submitted, today, comments on the revised guidelines for Articles 14 & 15, expressing strong disapproval and its concerns that the revisions undermine the process established by the North American Agreement on Environmental Cooperation (NAAEC).

Anne Mitchell, representing the Canadian NAC, provided background on her committee and indicated that the number of members could increase as other provinces signed on to the NAAEC. She reported that advice had been provided on the CEC workplan and budget, the Three-Year Program Plan, the Independent Review Committee (IRC) Report and the proposed amendments to the Article 14 and 15 guidelines. She recommended that the CEC focus on its efforts on activities that are not being undertaken by other organizations, especially on a regional basis. She also indicated that the Canadian NAC intended to become more proactive.

Robert Varney, Chair of the United States Governmental Advisory Committee (GAC), thanked the JPAC for this opportunity, stating that the United States GAC considered this new format a milestone for the CEC and appreciated the spirit of inclusiveness and information sharing. He also complimented JPAC on their forceful and candid exchanges with Council at the Mérida meetings. He provided the following detailed recommendations and comments:

- The TEIA negotiations must respect the existing relationships of border states and provinces.
- The North American Fund for Environmental Cooperation (NAFEC) should be reconstituted as a foundation, separate from the CEC but maintaining a CEC focus. This would allow it to raise the additional funds needed to better meet requests.
- There should be a longer-term strategic plan (5-10 years) to provide broad goals which reflect the different objectives of the three Parties.

- There should be an historical context for each project within the Three-Year Program Plan.
- Tribal (indigenous) peoples need more attention and increased involvement.
- There is a lack of provincial and state involvement in the Sound Management of Chemicals Selection Task Force.
- The work on the Upper San Pedro River can provide a model for such work in the future.
- The development of public participation guidelines is very important, but should be tailored to the differences within the three countries.

Round Table on the CEC Three-Year Program Plan

Mary Simon made some introductory remarks then invited the participants to introduce themselves, followed by a presentation from the Interim Executive Director, Janine Ferretti. Mr. Plaut encouraged the participants to be frank and open, stating that “this is your session so we can be informed by your views in our interactions with the Alternate Representatives and Council.” A very useful exchange between the participants, JPAC members and the Secretariat followed. A summary of this discussion is found in Annex C.

Draft CEC Program and Budget for 1999

It was noted that JPAC had previously provided detailed comments on this matter. JPAC agreed that an Advice to Council should be prepared, urging that the program be approved as quickly as possible. (See Annex D)

Action: JPAC Chair

Approval of the JPAC Program, Workplan and Budget for 1999

Concerning JPAC’s budget for 1999, a member asked if the travel budget was adequate to cover the planned May 1999 session in Canada’s North. The meeting was informed that surplus funds from 1998 were to be used for assisting indigenous peoples to attend and for covering additional costs. While on this subject, the Chair proposed that the meeting location be changed from Yellowknife to Iqaluit and outlined a series of reasons for this proposal. JPAC agreed. The Chair will communicate this decision to the Chair of the SMOC Working Group.

Action: JPAC Chair

The 1999 JPAC Program and Workplan was approved. It was suggested that in the future each round table session focus on specific program elements at strategic points in the CEC planning cycle or project implementation. The members agreed.

Action: JPAC/Secretariat

Discussion on the Lindane Nomination Dossier

Janine Ferretti reported on the scheduling for preparing a recommendation on the selection dossier for lindane. If JPAC is to provide timely advice on this matter and involve the public, particularly northern peoples, its 6-7 May scheduled meeting would have to be advanced.

It was decided not to change the JPAC schedule. JPAC's advice on these matters is directed to the Council, not the SMOC Working Group. JPAC will be informed by the SMOC Working Group and the public at the May regular session then prepare its advice to Council.

Action: JPAC members

Presentation and Discussion on Article 10(6) of the NAAEC: NAFTA Chapter 11

Sarah Richardson made a presentation on this subject. It was decided that JPAC immediately prepare an Advice to Council to be transmitted to the 4 December meeting of trade and environment officials taking place in Washington, DC. JPAC was particularly concerned that environmental considerations not be compromised when resolving trade disputes. (See Annex E)

Action: JPAC Working Group

NAAEC Article 28: Rules for Procedure

Andy Bowcott made a presentation on the status of the negotiations with environment, labor and foreign ministers. The Chair reminded the members that Council had asked JPAC to provide advice on this matter. It was agreed to wait until there was a draft text to review, which Mr. Bowcott indicated would be available in February, then prepare advice.

Action: JPAC members/Secretariat

Update on Canada/Chile Bilateral Free Trade Agreement Meeting

Andy Bowcott made a presentation on the first meeting in Chile. He noted that Minister Stewart emphasized the central advisory role of the new six-member Canada/Chile JPAC which also held a meeting attended by John Wirth. Mr. Wirth had prepared a written report on this meeting where he stressed the importance of sharing experience between the two committees. The Canada/Chile JPAC will be meeting again in Montreal in March. Mr. Bowcott undertook to advise the Secretariat of the exact dates.

Action: Canada

Discussion on Methods for Project Evaluation

The Chair reminded members that Council had asked JPAC to provide advice on appropriate evaluation methods for CEC projects. Greg Block informed the session of efforts the Secretariat was undertaking. Methods used to date have not been satisfactory. The three-year strategic plan provides an opportunity for the Secretariat to develop a management system which will facilitate improved evaluation. What is missing at this point is the communication plan that will provide guidance on what happens to projects after reports are completed. A report is not a final result and interaction with an "audience" is required. He reported that this should be in place by early 1999.

This was followed by a lengthy discussion. Ms. Richardson undertook to provide the Secretariat with a copy of an evaluation handbook published by the Kellogg Foundation. The point was made that there are levels of evaluation, ranging from administrative review, to achievement of direct project objectives, to the broader objectives of improving the North American environment and benefits to society. It was also noted that project personnel should be involved, from the beginning, in any evaluation.

It was agreed that it was premature to produce specific advice to Council at this time. JPAC will work with the Secretariat and Mr. Plaut, in his capacity as Chair for 1999, undertook the responsibility to ensure that JPAC keep this item on its agenda at the March regular session.

Action: JPAC Chair/Secretariat

Implementation of the Independent Review Committee (IRC) Report

It was agreed that Recommendation No. 14 should be interpreted to reinforce the role that JPAC established with Council during the Mérida Council Session. It should be clear that JPAC's role is to advise Council on any matter and improving interaction with the public is a way of reinvigorating its link with society. The IRC report was prepared before the Council meeting so it is important that any implementation of IRC recommendations reflects the decisions taken at Mérida that JPAC continue provide advice as technical experts and policy advisors. It was agreed that it was premature to produce specific advice to Council at this time. The preparation of continued advice on this issue beyond the Mérida Council Session recommendations and interaction is planned at the May regular session

Action: JPAC members/Secretariat

State of the Environment Report

The JPAC members brought to the attention of the Secretariat some very serious problems with the draft text, ranging from social and historical errors to out-of-date technical data. It was strongly recommended that the report be made more concise and that a very thorough editing take place for factual errors. Mr. Tornel cautioned that if these inaccuracies are not corrected and are published, as years go by they will become facts.

Greg Block informed the members that an executive summary was in preparation and should be available within 2-3 weeks. He asked that the members review particularly chapters 1 and 7 and to provide input as soon as possible.

Action: JPAC members/Secretariat

Update on the Public Review of the Revised Guidelines for Citizen Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC

It was decided to keep on schedule for the Workshop on January 29 in Montreal despite the low level of response. Members felt that more responses would be received prior to the 9 December deadline. It was also agreed that the National Advisory Committees be invited to attend, as well

as the Secretariat staff responsible for processing submissions. The Workshop would produce a paper identifying areas of concern, then JPAC would prepare a separate Advice to Council informed by the Workshop. Finally, it was decided that the Parties could attend as observers.

Action: Secretariat

Discussion on Enforcement Issues

JPAC members who attended the 2 December meeting with the Working Group on Environmental Enforcement and Compliance Cooperation made a report. A discussion then took place on the contents for the Advice to Council concerning compliance indicators. (See Annex F)

Action: JPAC Chair

Regarding environmental management systems, it was agreed that the members needed more time to review the report and it would be discussed at the March regular session.

Action: JPAC members/Secretariat

Discussion on the Draft CEC Public Participation Guidelines

Jonathan Plaut reported on the discussion that took place at the 2-3 November meeting of the Alternate Representatives which he attended on behalf of the JPAC Chair. JPAC approved the process and time frame proposed at that time and modified its Working Group to include Donna Tingley, Jesús Druk and John Wirth. It was also noted that comments had not yet been received from Mexico.

Action: Secretariat/JPAC Working Group/Mexico

Update on JPAC Member Appointments and Rotation

The Chair announced that Canada has named a new member, Mr. Jonathan Scarth. The Chair also reported on Canada's decision to institute three-year terms for its members. This has led to a conclusion of Mr. Cloghesy's term on December 31, 1998. As he is one of the Committee's original members, it was agreed by all that his participation would be greatly missed. Mr. Cloghesy, in turn, thanked his colleagues and the Secretariat for its support.

Mexico reported that the replacement process has begun and several candidates were now being considered. The United States reported that Mr. Morales would be replaced as soon as possible.

Action: Mexico/The United States

Recognition of Past Members

As proposed by Jacques Gérin, it was agreed that plaques, with the JPAC vision statement, be prepared for each member. In addition, it was agreed that a plaque with an on-going list should be installed at the Secretariat. Mr. Plaut undertook to follow this up.

Action: JPAC Chair/Secretariat

Nomination of JPAC Members on the Fondo de Prevención de la Contaminación (Fiprev)

It was agreed that Jonathan Scarth replace Mr. Cloghesy as a JPAC representative to Fiprev and the members confirmed the appointments of Mr. Tornel and Mr. Plaut. Mr. Cloghesy and Mr. Tornel agreed to brief Mr. Scarth.

Action: JPAC member

Update on the Recruitment of the Executive Director

Jonathan Plaut reported on the 2-3 November meeting with the Alternate Representatives. It was agreed to prepare an Advice to Council concerning JPAC's continuing participation in the selection process. (See Annex G)

Action: JPAC Chair

Update of Canadian Provinces Engagement to the NAAEC

The Chair reported that she had communicated with Minister Stewart on this matter but as yet had received no reply.

Update on Council Session of June 1999

It was reported by Rita Cerutti that the dates of 28-29 June had been confirmed by the three Parties and the location was Banff, Alberta.

Observers' Comments

Sanford Gaines, Chair of the United States NAC, commended JPAC for providing this opportunity for the NACs to participate in JPAC regular sessions and the round tables. He finds the exchange very useful and encouraged the continuation of this format. Mateo Castillo, Coordinator of the Mexican NAC agreed and suggested that the National Advisory Committees should meet together to develop a common vision.

Adam Greene, representing the United States Council for International Business indicated they will submit comments on the Guidelines for Articles 14 & 15. He also stated that he was pleased at the decision to postpone advice on environmental management systems, indicating that the report was falling behind what is going on in the International Organization for Standardization (ISO) negotiations. He added his appreciation to that of the JPAC members for the efforts of Mr. Clohesy.

Closing Remarks from the Chair

Mary Simon thanked the members for their support during her term as Chair, the Secretariat and Manon Pepin for their support, and Lorraine Brooke. She also sent heartfelt thanks to the public for continuing to challenge JPAC and hoped the public agreed that much progress was made this past year.

The members expressed their appreciation for the Chair's efforts, highlighting the contribution that her patience and diplomacy had made to the successful work of the Committee in 1998.

The meeting was adjourned.

Prepared by Lorraine Brooke

**Commission for Environmental Cooperation
Joint Public Advisory Committee Session no. 98-05
3 and 4 December 1998**

**Radisson Barcelo Hotel, 2121 P Street Northwest, Washington, DC
Phone: (202) 293-3100 • Fax: (202) 857-0134**

Provisional Agenda

Chair: Mary Simon

Thursday, 3 December 1998

9:00 am – 9:30 am	Welcome and Overview by the Chair Approval of the Provisional Agenda Report on the JPAC Chair Election for 1999 Report by the Interim Executive Director Report by National and Governmental Committee Representatives
9:30 am – 12:00 am	Round Table on the CEC Program Plan for 1999-2001 Identification of Participants Presentation by the Interim Executive Director Exchange between the Participants Summary made by the Rapporteur
12:00 am – 1:00 pm	Lunch
1:00 pm – 1:30 pm	Draft CEC Program and Budget for 1999 Approval of the JPAC Program and Workplan for 1999 Preparation of the Advice to Council
1:30 pm – 2:30 pm	Discussion on the Lindane Nomination Dossier under the Sound Management of Chemicals
2:30 pm – 4:00 pm	Presentation and Discussion on the Article 10(6) of the NAAEC: NAFTA Chapter 11
4:00 pm – 5:00 pm	Discussion on Methods for Project Evaluation Preparation of the Advice to Council
5:00 pm – 5:30 pm	Implementation of the Independent Review Committee Report on the Four-Year of the NAAEC Preparation of the Advice to Council
5:30 pm – 6:00 pm	Observers' Comments
6:00 pm	Adjournment

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Provisional Agenda

Chair: Mary Simon

Friday, 4 December 1998

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|---------------------|--|
| 8:30 am – 9:00 am | Update on the Public Review of the Revised Guidelines for Citizen Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC |
| 9:00 am – 10:30 am | Discussion on Enforcement Issues
Preparation of the Advice to Council on the Enforcement Issues
Preparation of the Advice to Council on the Environmental Management Systems and Compliance Report |
| 10:30 am– 11:00 am | Coffee Break / Hotel Check-out |
| 11:00 am – 12:00 pm | NAAEC Article 28: Rules for Procedure
Preparation of the Advice to Council |
| 12:00 pm – 1:00 pm | Discussion on the Draft CEC Public Participation Guidelines |
| 1:00 pm – 1:30 pm | Other Issues
Update on JPAC Member Appointments and Rotation
Nomination of JPAC Members on the <i>Fondo de Prevención de la Contaminación</i> (Fiprev)
Update on the Recruitment of the Executive Director
Update on the Canada/Chile Bilateral Free Trade Agreement Meeting
Update of Canadian Provinces Engagement to the NAAEC
Update on the Council Session of June 1999 |
| 1:30 pm – 2:00 pm | Observers' Comments |
| 2:00 pm | End of the Session |

Joint Public Advisory Committee Session N° 98-05

3 and 4 December 1998

List of Participants

JPAC Members:

Canada

Michael Cloghesy
Jacques Gérin
Mary Simon (Chair)
Donna Tingley

Mexico

Jesús Druk
Raúl Tornel

United States

Peter Berle
Jonathan Plaut
Jean Richardson

Participants/Observers:

Mario Aguilar	<i>Secretaria del Medio Ambiente, Recursos Naturales y Pesca</i>
Sonia Altieri	U.S. Environmental Protection Agency
Michael Alushin	U.S. Environmental Protection Agency
Edwin Berk	ICF Kaiser International Inc.
Andy Bowcott	Environment Canada
Peter Bowman	U.S. Department of Commerce
Lorraine Brooke	JPAC Consultant
Carl Bruch	Environmental Law Institute
Mateo Castillo	National Advisory Committee - Mexico
Rita Cerutti	Environment Canada
Rachel Demotts	U.S. Environmental Protection Agency
Ann Ewasechko	Embassy of Canada in Washington
Tyrus Fain	University of Texas
Alejandro Fernandez	ICF Kaiser International Inc.
Patricia Fisher	U.S. Fish and Wildlife Service
Sanford Gaines	National Advisory Committee – The United States
Adam Greene	United States Council for International Business
Robert Hardaker	U.S. Environmental Protection Agency

Paul Hirsh	Chemical Manufacturers Association
Marc Joyce	U.S. Environmental Protection Agency
John Liang	Americas Trade
Anne Mitchell	National Advisory Committee – Canada
Israel Nuñez	<i>Secretaría de Medio Ambiente, Recursos Naturales y Pesca</i>
Takis Plagiannakos	Ontario Hydro
Robin Rosenberg	University of Miami
Natalie Roy	National Pollution Prevention Roundtable
David Schorr	World Wildlife Fund
Antonio Soto	Consultant
Jeff Trask	American Petroleum Institute
Beverly Updike	U.S. Environmental Protection Agency
Robert Varney	Governmental Advisory Committee – The United States
John Weiner	Beveridge & Diamond
Patricia Williams	National Advisory Committee – The United States

CEC Staff:

Leonor Alvarado
Greg Block
Janine Ferretti
Hans Herrmann
Manon Pepin
Sarah Richardson

REPORT TO COUNCIL: NO. 98-02

Re: Summary of Round Table Discussion on the Commission for Environmental Cooperation's (CEC) Three-Year Program Plan 1999-2001

Introduction

JPAC is pleased to present this report to the Council members of the Commission for Environmental Cooperation (CEC). It has been prepared taking into account the decisions between of the Joint Public Advisory Committee (JPAC) members and the public during a round table on the CEC's Three-Year Program Plan 1999-2001 on 3 December 1998 in Washington, DC. It is recognized that the Three-Year Program Plan will undergo changes and further iterations in the months and years ahead, and these comments should help inform those changes.

Overview

The Interim Executive Director of the CEC, Janine Ferretti, provided an overview of the Three-Year Program Plan.

- The Program Plan is driven by the *Shared Agenda for Action*, which contains the priority areas identified by Council. It provides the vision and thrust for the CEC's activities. The Secretariat has taken this framework and translated it into programs and projects.
- It is not yet a strategic plan. It attempts to provide a logical flow from concept to project.
- It is by no means perfect. There is a need to better define the relationship between projects; project results need to flow from the objectives, and we need to achieve measurable results in relation to those objectives.
- It begins to elaborate the role of the CEC in relationship to other institutions: that of catalyst, convener, information hub.
- It lays out our intentions and does not substitute for the annual program which is "our license to operate". However, the 1999 annual program looks much like the Program Plan. In 1999 we are trying to force a context between the valid, on-going work of the CEC and the new priorities set out in the *Shared Agenda for Action*.
- We are hoping for approval of the Program Plan in December so that the 1999 Annual Program and Budget can be approved.

- The Program Plan is a “living document” and will be continually modified and improved. We will make revisions in February and submit a new draft to Council in May for approval by Council in June. This schedule anticipates input from JPAC and the public.
- For example, comments received today which cannot be taken into account for the December approval date will be brought forward for review during the next revision.

The following is a summary of the points raised by the participants to inform a review of the Three-Year Program Plan

General Comments

- Continue the emphasis on public participation. Clarify how this will be achieved in the 1999 projects.
- Indicate where revisions are made in future drafts to facilitate review.
- There is concern about the speed at which this was put together. It should be made explicit that this is a “work in progress.”
- There is confusion about the difference between the Program Plan details and the 1999 Program. It does not look like a strategic plan. It is difficult to separate old initiatives from new ones. More explanatory material is required.
- There is a need for more focus. The number of projects has in fact increased from 18 to 21.
- How will this document be made public?
- More detail is required on how capacity building will be achieved in each project.
- The preparation of comparisons (key elements) to previous years would assist in measuring progress.
- JPAC is impressed with the progress made since Council Session of Mérida, so any criticisms should be set against this progress and the strong leadership shown by the Interim Executive Director.
- There is a need to have as a clear objective the more effective enforcement of environmental laws in each country.
- It appears that organization of the projects is built around the organization of the CEC staff. Is this the case? This could steer us away from strategic thinking.

- The Program Plan should more clearly capture linkages between priorities established by the *Shared Agenda for Action*. Projects should be tied together by this shared vision. Where is the strategy? The CEC should put the *Shared Agenda for Action* up front and build from there.
- Identify funds allocated and actions taken in previous years to show how projects are evolving, i.e., growing or phasing out. This would help give a sense of strategic context.
- Should also include the JPAC Vision Statement.
- Long-term strategic planning and attention to value added work is needed.
- There is a need to facilitate public comments. How can NGOs and special interests groups submit further comments? We require a contact.
- JPAC should continually consider ways to improve public involvement in this process.
- Environmental education is lacking as a permanent objective. This should be included.
- The program elements should try to articulate the interrelation of elements within the projects.

Environment, Economy and Trade Program

- Emerging Trends in North America is the linchpin of the CEC. We need a broader look toward the future, versus identifying what is happening now in order to improve our ability to act quickly before the impact occurs or is irreversible. Broad thinking is required to inform environmental decision-making.
- Should clarify why there is a need to better understand the relationship between trade and environment. For example, is this to influence public policy decisions or decisions about social impacts and implications?
- We urge continuation of the NAFTA Environmental Effects project. JPAC should have a structured conversation about the purposes of Article 10(6) and advise accordingly.
- Who decides, and according to what criteria, and how is it decided that there is a trend versus a short-term incident? These can be value judgments. This whole area requires some very hard thinking and has to be carried out in a responsible manner.

- Investment as part of the trade issue should be clearly stated in the NAFTA Environmental Effects Project.
- There is a need to deal with the trade and environment “head on.” This is the heart of the CEC’s mandate. The NAFTA Free Trade Commission and the CEC could act as a model by reinforcing the positive effects and mitigating the negative.

Conservation of Biodiversity

- What is sustainable and organic? There is a need to go beyond coffee as a project. This recommendation has been made in previous meetings. There is also a need to make a link with poverty issues.
- Standards are required for certification of sustainable tourism agencies.
- Research should be expanded to include trilateral work on gray and humpback whales.
- The Strategic Directions for Conservation of Biodiversity work should include a wider group of stakeholders in the identification of priorities.
- It is very important to identify the commercial value of wildlife, but with caution by proceeding on a case-by-case basis. One criterion should be how actions benefit people on the ground and the wildlife species concerned, versus middlemen. Social and environmental sustainability both require evaluation before moving to stimulate or promote markets.
- Also, with sustainable tourism, economic and social value on the ground should be criteria, taking into account grass roots needs and realities.

Pollutants and Health

- The Improved Air Quality in North America project should continue and be part of the CEC’s strategic planning effort for the next three to five years.
- More detail is required on the Clean Development Mechanism.
- Attention should be paid to endocrine disrupters.
- There should be a focus on energy efficiency, credits for voluntary reduction and energy conservation.
- Infuse prevention throughout the document as integral to the promotion of sustainability.

- Coordinate with the National Round Tables on Pollution Prevention.
- Regarding the Clean Development Mechanism, use the North American trading block as a model for international efforts, i.e., joint implementation on emissions.
- If the CEC wants to be relevant, the main environmental issue on the public mind is climate change. This should be a source of work and the CEC should be very aggressive.
- The CEC has a political as well as a technical responsibility to keep the issue of climate change on the political agenda.

Law and Policy Program

- Law enforcement should move beyond industry to other sectors.
- A diagnosis of the capability of Mexican laboratories is required to quickly assess needs for technical assistance.
- Indicators are very important. What is the rationale for reducing the budget?

APPROVED BY JPAC MEMBERS

3 December 1998

ADVICE TO COUNCIL: NO. 98-07

Re: The CEC Proposed Annual Program and Budget for 1999 (Version 2)

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

IN ACCORDANCE with its mandate to provide advice to Council;

NOTING the efforts of the Secretariat to develop a work plan for the CEC that reflects the objectives established by the North American Agenda for Action 1999-2001 as well as extensive comments previously provided by JPAC and the public; and

COGNIZANT of the need to implement the work plan on a schedule that respects the CEC's Program Development Cycle:

- Recommends that the CEC Annual Program and Budget for 1999 be approved at the 11 December 1998 meeting of the Alternate Representatives.

APPROVED BY THE JPAC MEMBERS

4 December 1998

ADVICE TO COUNCIL: NO. 98-08

Re: Article 10(6) of the North American Agreement on Environmental Cooperation

Article 10(6) of the North American Agreement on Environmental Cooperation (NAAEC) establishes a process for cooperation between the Council of the Commission for Environmental Cooperation (CEC) and the North American Free Trade Agreement (NAFTA) Free Trade Commission (FTC);

The Joint Public Advisory Committee (JPAC) has, in the past, recommended to Council that it engage this process as a means of creating the mechanism for institutional cooperation contemplated in the NAAEC designed to ensure that environmental considerations are taken into account when resolving trade disputes;

The 17 September 1998 letter from the Sierra Club, et al concerning the Notice of Intent to Submit a Claim to Arbitration by S.D Myers, has created a further opportunity for the CEC and the FTC to develop a constructive dialogue where the objectives of both the NAAEC and NAFTA can be strengthened and mutually reinforced;

The 4 December 1998 meeting between trade and environment officials representing the Parties to NAFTA and the NAAEC is an important first step in building an on-going mechanism for institutional cooperation between the CEC and the FTC. JPAC encourages Council to follow up this important initiative with an early meeting of trade and environment ministers; and

JPAC urges that Council actively promote the implementation of Article 10(6) in a manner which supports and reinforces the objectives and spirit of the NAAEC to protect the environment, natural resources and the health of human populations.

APPROVED BY JPAC MEMBERS

4 December 1998

ADVICE TO COUNCIL: NO. 98-09

Re: Enforcement Issues — Compliance Indicators

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

IN ACCORDANCE with its mandate to provide advice to Council;

RESPONDING to a specific request from Council to provide advice on this matter;

DRAWING on the results of productive exchanges between the North American Working Group on Environmental Enforcement and Compliance Cooperation, the JPAC Working Group on Enforcement Issues and JPAC members;

TAKING INTO ACCOUNT the impressive report entitled *Indicators of Effective Environmental Enforcement* produced under the Law and Policy Program:

JPAC recommends, at this time, that further attention be paid to the following matters:

1. Work should focus beyond the traditional industrial sector. For example, state agencies, the municipal sector and the agriculture sector all contribute to environmental pollution at levels which warrant inclusion in any discussion on enforcement, monitoring or compliance indicators.
2. More effort is required to involve provincial and state level governments who all have important legislative and regulatory responsibilities in this area.
3. There is a need to develop a framework of indicators that are compatible within and between our countries.
4. Within the United States, the practice of states to adopt environmental audit privilege laws which can insulate violators from penalties should be regarded as a trend that warrants attention.
5. Given the importance of this Program Area within the CEC, a strong replacement for the Law and Policy Program division head position is required as soon as possible.

APPROVED BY THE JPAC MEMBERS

4 December 1998

ADVICE TO COUNCIL: NO. 98-10

Re: Executive Director of the Commission for Environmental Cooperation

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

IN ACCORDANCE with its mandate to provide advice to Council:

- Reiterates its interest to continue to participate in the selection process for the Executive Director; and
- To this end, mandates Mr. Jonathan Plaut, the newly elected JPAC Chair for 1999 as its representative.

APPROVED BY THE JPAC MEMBERS

4 December 1998