



COMMISSION FOR ENVIRONMENTAL COOPERATION

Joint Public Advisory Committee Session 97-03

13 June 1997

Summary Record

Members of the Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session on 13 June 1997 in Pittsburgh, Pennsylvania, USA.

This Summary Record summarizes the content of the discussions and reports and the unanimous decisions made by the Committee members. The Records of Discussion, JPAC's Advices to Council, and other documents relating to the Committee are available from the JPAC Coordinator or by consulting JPAC's entry on the Commission's Web site at <http://www.cec.org>.

APPROVAL OF THE AGENDA

The agenda was approved as presented (See Annex A for the agenda and Annex B for the list of participants), with the exception of Item 4, Analysis of the Mandate Received from the Council of the CEC, which was deferred, pending completion of the report on the annual session of the Council held 12 June. The meeting broke midway through so that JPAC members could attend a press conference held in conjunction with the Council meeting.

APPROVAL OF THE RECORD OF THE 97-02 JPAC MEETING

The summary record was approved as presented.

COMPOSITION OF JPAC

JPAC members were informed that:

- The CEC Council member from Mexico has appointed Dr. Exequiel Ezcurra Real de Azua to JPAC, and the JPAC chair will meet with him shortly to brief him on the Pittsburgh meeting.
- Canadian JPAC member Louise Comeau is going to resign. JPAC requested the Chair to write Ms. Comeau expressing the appreciation of the committee for her participation.
- The US national and governmental advisory committees had been reformed. A representative of the US Environmental Protection Agency introduced to JPAC the chairs of both committees as well as a new member of the national advisory committee. The committees are likely to meet the last week in July, and it is hoped that members of JPAC, the directors of CEC, and the chair of the Canadian national advisory committee will attend that meeting. He also noted that the United States has concurred with the governments of Mexico and Canada to extend the terms of current US JPAC members one year, through the end of 1998. He

added that the issue of the less-than-full participation by one US JPAC members has been noted and will be addressed.

- The Mexican members of JPAC met with the Council member from Mexico to request that a Mexican national advisory committee be appointed as well as a Mexican governmental advisory committee, and she approved.

Finally, JPAC expressed its hope that the Canadian government will quickly appoint a new JPAC member. Furthermore, it was suggested that, because the Border Environment Cooperation Commission (BECC) has been reorganized, perhaps next year JPAC could meet on the US-Mexico border with the members of BECC and all three national advisory committees.

Action: JPAC / Secretariat Party

JPAC EXECUTIVE REPORT ON THE 1997 PUBLIC MEETINGS

The Chair noted that she had received contributions from two JPAC members—Jacques Gérin and Jon Plaut—on this subject and the public consultations.

Before discussing the Executive Report, JPAC members made a number of suggestions about the conduct of future consultations and the Council meeting.

- Have JPAC work group collaborate with Secretariat to make Council meeting more effective.
- Increase CEC outreach before meeting.
- Increase the role of environmental NGOs in Council meeting.
- Involve local groups (such as labor groups in Pittsburgh).
- Ask the national advisory committees to attend and outline a role for them.
- Give trade and environment more emphasis in meeting; will increase media interest.
- Open up parts of Council meeting to public.
- Ask host countries to play a larger role in the meetings.
- Spread out public consultations over a year, not holding them so close together.
- Reconsider use of consultants in public consultations.
- Consider having future reports on the public consultations lengthier, more detailed.
- Appoint a CEC Staff member with “permanent” responsibility for the Council meeting.

After a discussion of the form to be taken by Executive Report on the public consultations—which will be presented to the Council and distributed to participants in the consultations as well as to other people requesting it—the JPAC decided that the document would simply report the public’s presentations at the consultations, without a conclusion. It would be accompanied by a document presenting the JPAC’s perspective on the public consultations, to be drafted by the JPAC members who participated in the four workshops. These members were asked to have their comments (1-2 pages) to the Chair by 23 June, who would then forward them to the Secretariat by 30 June. Parenthetically, the Chair noted that because the JPAC would be meeting with the Council in the fall, no definite date had been set for a fall meeting of JPAC, although the winter meeting would have a firm date.

Action: JPAC / Secretariat

MANDATE RECEIVED FROM CEC COUNCIL

The Director of the Secretariat made the following observations on the Council session held 12 June:

- The Council is no longer dealing with start-up-related issues, but is focusing instead on implementation.
- Because the number of Council resolutions is growing, the need was recognized to review each of the resolutions made over last three years and provide a status report on activities pursuant to the resolutions. This is perhaps an area in which JPAC will take an active role.
- The Council agreed to initiate the review process of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC. The Council will exchange proposed modifications no later than September 1. The JPAC, the advisory group of the CEC, will have an opportunity to comment on the mutually agreed-upon modifications during a 60-day period. Final modifications reflecting this public input will be ready by December 15.

Some JPAC members expressed concern about the review process given the earlier extensive public review of the Article 14 and 15 guidelines and further noted that the submissions process should be given more time before modifications. Following a discussion of JPAC's experience with the Article 14 and 15 guidelines in which JPAC recognized that extensive hearings were held only two years ago to create guidelines and that the concept of due process is inherent to the Article 14 and 15 guidelines process, JPAC agreed to wait until receipt of the Council document before proceeding to initiate public input on the process and to request the working group on Articles 14 and 15—Michael Cloghesy, Peter Berle, and María Cristina Castro—to shed light on any possible modifications.

Action: Council / JPAC

The JPAC proceeded to review the Advice to Council 97-01, prepared by working groups of JPAC, which will be presented to the Council in the fall. The Chair noted that the present version had not yet been delivered to the Alternate Representatives. Some minor changes and additions were suggested, and the Chair asked JPAC members to submit their revisions to her by June 30. The Chair also noted that two documents on environment and trade had been received by JPAC from JPAC members Michael Cloghesy and Guillermo Barroso. It was recommended that these documents be submitted privately and individually by the members to the JPAC working group on environment and trade.

Action: JPAC

DEFINITION OF JPAC COMMITMENTS, WORKING PROGRAM, AND AGENDA FOR SECOND SEMESTER

After reviewing the document "Definition of Commitments, Working Program and Timetable of the JPAC for the Second Semester of 1997," the JPAC made the following observations on specific sections of the document:

NAFEC: The third item in this section has been accomplished. Peter Berle will contact NAFEC Coordinator Janice Astbury to seek her recommendations on evaluation of NAFEC for subsequent analysis.

Articles 14 and 15: JPAC will await Council document on possible modifications to guidelines for Articles 14 and 15.

Linkages between environment and trade: JPAC will refer to recommendation on environment and trade in Advice to Council 97-01, and the Chair will monitor the Council working group on environment and trade.

1998 public consultations: JPAC will make recommendations on this item (Advice 97-02) to the Council in the fall based on a draft produced by Jacques Gérin. The Chair requested JPAC members to send their comments and suggestions to Jacques Gérin by 15 July. The suggestions on page 2 of this summary record were referred.

Evaluation of NAAEC: By 31 August 1997 John Wirth will prepare a document for the Council reflecting JPAC's views for incorporation in the final evaluation document being prepared by the Maurice Strong committee. The Chair asked that JPAC members forward their views relevant to the NAAEC evaluation to John Wirth by 31 July. Support of the letter from Mr. Maurice Strong to the Council members was referred.

CEC Working program and priorities for 1998: Jean Richardson will revise the priorities for the 1998 program based on the Executive Report of the 1997 public consultations. The CEC Secretariat will send to JPAC members a draft document entitled "Working Program and Budget for the 1998-1999 Biennium."

Action: JPAC / Secretariat

DEFINITION OF TASKS ENTRUSTED TO WORKING GROUPS

All the subjects under this item were addressed earlier in the meeting except for an update on the 1997 budget. A representative of the CEC Secretariat noted that as of 31 May C\$11,000 from the JPAC operations budget and C\$139,000 from the public consultations budget has been spent, although many expenses from the earlier JPAC meetings and consultations are outstanding. The JPAC Chair will send a letter to the CEC Executive Director in order to obtain a detailed accounting of expenses incurred in these two budgets.

Action: JPAC / Secretariat

RULES OF PROCEDURE OF THE JPAC

As noted earlier, pursuant to JPAC Advice to Council 96-07, the Council agreed to extend the terms of US JPAC members one year, but this issue should be taken up with the Council in the fall.

Action: Parties

COMMENTS OF THE OBSERVERS

Observers attending the JPAC session made a number of general comments:

- The representatives of two Mexican organizations announced that they will send JPAC their comments on the public consultations and recommendations on Articles 14 and 15.

- The CEC mission statement should be amended to give more power to citizens to protect the environment, and the CEC should increase the public's access to information and data.

Finally, the new chair of the US national advisory committee thanked JPAC for its support and invited JPAC to the next meeting of the committee.

ADJOURNMENT

The session adjourned at 1:00 p.m., 13 June 1997.

Commission for Environmental Cooperation

Meeting of the Joint Public Advisory Committee 97-03

**DoubleTree Hotel / David Lawrence Convention Center
1001 Penn Avenue – South Room 4
Pittsburgh, Pennsylvania**

Telephone: (412) 281-3700 • Fax: (412) 227-4500

Agenda

Friday, 13 June 1997

09:00 - 13:00 JPAC Public Meeting

1. Agenda approval
2. Approval of Summary Record for Meeting 97-02
3. Information about the composition of the JPAC
4. Mandate received by the CEC Council
5. Discussion on the conclusions to be integrated into the JPAC Executive Report on the 1997 Public Consultations
6. Comments on commitments, Work Program and JPAC Calendar for the latter half of 1997
7. Definition of working group tasks concerning:
 - a) Articles 14 and 15 of the NAAEC
 - b) North American Fund For Environmental Cooperation (NAFEC)
 - c) Information access
 - d) NAAEC Evaluation
 - e) JPAC Budget
8. JPAC Rules of Procedure
9. Participation of observers
10. Final observations and closing

Joint Public Advisory Committee Session N° 97-03

13 June 1997

Pittsburgh, Pennsylvania

List of Participants

JPAC Members:

Canada

Michael Cloghesy
Jacques Gérin

Mexico

Guillermo Barroso
María Cristina Castro (Chair)
Ivan Restrepo

United States

Peter Berle
Jon Plaut
Jean Richardson
John Wirth

CEC Secretariat Staff Members:

Greg Block
Janine Ferretti
Manon Pepin
María de la Luz García
Nada Zogheib

Observers:

William J. Andrews	Barrister and Solicitor
Jesús Arias Chávez	<i>Fundación Ecodesarrollo Xochicalli</i>
Norman Bray	Genesis Land Conservancy Inc.
José A. Canela-Cacho	University of California, at Berkeley
Mateo Castillo	<i>Consejo Consultivo para el Desarrollo Sustentable</i>
James M. Corven	Manomet Observatory for Conservation Sciences
Joseph DiMento	University of California, Irvine
Stewart Elgie	Sierra Legal Defence Fund
Douglas Farquhar	National Conference of State Legislatures
José Luis Funes	<i>Consultor</i>
Ann Glumac	State of Minnesota
Adam B. Greene	U.S. Council for International Business
Heidi Hall	U.S. Environmental Protection Agency
Robert Hardaker	U.S. Environmental Protection Agency
Gaston Hervieux	<i>Comité de recherche et d'intervention environnementale (CRIE)</i>
James Hoyte	Harvard University
James Jones	Individual
Nina Lynn Koodrin	Union of Spiritual Communities of Christ
Sabra Ledent	Consultant
Cristina Martín Arrieta	<i>Acción y Desarrollo Ecológico / Consejo Consultivo para el Desarrollo</i>
<i>Sustentable</i>	
Deborah Ross	U.S. Environmental Protection Agency
David Schorr	World Wildlife Fund - United States
Thomas Schorr	Human Ecosystems Resources
Hollie Shaner	Fletcher Allen Health Care
Lowell Smith	National Research Council