



## **COMMISSION FOR ENVIRONMENTAL COOPERATION**

### **Joint Public Advisory Committee Session No. 96-03 July 18, 1996**

#### **Summary Record of Discussion**

A Regular Session of the Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) was held in San Diego, California, on July 18, 1996. The Agenda, List of participants, Advices to Council No. 96-1, No. 96-2 and No. 96-3, Mr. Dan Torrez's written presentation, and the Agenda and List of Participants for the joint meeting with the Border Environment Cooperation Commission (BECC) appear as Annexes A, B, C, D, E, F and G, respectively.

#### **REPORT BY THE JPAC CHAIR**

The Chair presented an update on planning activities for the present session, the July 19 preparatory public meeting in San Diego, and the Public Session of the Council to be held on August 1 in Toronto.

#### **APPROVAL OF THE AGENDA FOR SESSION No. 96-03 (July 18, 1996)**

The Agenda was modified to allow the Committee to discuss the Cozumel case in camera.

Regarding this item on the Agenda, it was noted that the 1995 CEC Annual Report will be available shortly.

#### **APPROVAL OF THE RECORD OF DISCUSSION FOR SESSION No. 96-02**

The Record of Discussion for Regular Session No. 96-02 which was held on June 20, 1996, in Montréal was adopted as presented.

#### **JPAC PREPARATORY PUBLIC MEETINGS**

The Chair gave a brief report on the preparatory public meeting held on June 21 in Montréal and on the planning for the July 19 preparatory public meeting in San Diego.

The Committee approved the draft summary of the preparatory public meeting held in Montréal. JPAC will present a final report to the Council following the Session on August 1-2, 1996. This report will summarize the oral presentations and the written documents presented to JPAC and will include two appendices, namely a) a list of the oral presentations and b) a list of the written documents. The final report will be public and should be available sometime in September.

During a working lunch on August 1 in Toronto, the JPAC Members will inform the Council of the comments made by the public during the public meetings in Montréal and San Diego.

Finally, a discussion took place regarding a working document proposing guidelines for JPAC public consultations. Based on the experience at the previous public meetings organized by the Committee, the main objective of this document is to clarify the process whereby citizens may participate in the various activities of the CEC. Certain items will be added to the new version of this document, namely:

- Emphasize that the financial assistance awarded to non-governmental organizations must be substantial;
- Clearly describe the organizations designated by each Party which are responsible for recommending the organizations or individuals who will receive financial assistance;
- Use the definition of a non-governmental organization that appears in the North American Agreement on Environmental Cooperation (NAAEC) as the basis for establishing general criteria regarding financial assistance;
- Identify the format for public consultations, i.e., workshop versus other format concepts will be established depending on the context of the meeting and the subjects to be discussed. However, the best concept may be a choice between or a combination of the plenary and workshop format.

Once this document has been approved, JPAC will send a copy to Council.

**Action: JPAC**

## **1996 REGULAR SESSION OF THE COUNCIL**

Based on the annotated provisional Agenda for the upcoming Regular Session of the Council on August 1-2 in Toronto, the Chair listed the resolutions that the Ministers plan to announce during this Session.

It was emphasized that the Committee would like the final press release issued after this Session to include information on the actions taken by JPAC over the last few months.

After reviewing the program for this Session, the Committee recommended sending the Council an Advice regarding the selection process for the public presentations to the Ministers on the afternoon of August 1. See Advice No. 96-3 in Appendix E of the present document.

**Action: Council**

## **“COZUMEL” CASE**

JPAC and the Secretariat held an in camera discussion of the “Cozumel” case. An opinion letter was sent by the Secretariat to the Ministers which suggests that a “factual record” should be prepared in response to a citizens’ petition alleging that there was a failure to ensure that the environmental law was effectively enforced during the approval process for a port facilities project in Cozumel, Mexico.

Since certain JPAC Members expressed various views or concerns particular aspects of the process under the application of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC), it was recommended that an Advice to Council be sent on this subject. See Advice No. 96-1 in Appendix C of the present document.

## **PLANNING FOR THE MEETING WITH THE BORDER ENVIRONMENT COOPERATION COMMISSION**

In order to identify the questions for discussion during the meeting with the members of the Border Environment Cooperation Commission, Mr. Dan Torrez, Mr. Don Morales’ assistant, presented a brief outline on the main environmental issues at the United States and Mexican borders. A copy of this presentation appears as Appendix F of the present document.

## **1997 PROGRAM BUDGET**

The Secretariat presented the document it had sent to Council concerning the preliminary overview of the proposed Program and Budget for 1997.

In the absence of details regarding the allocation of funds by budget item, the Committee is not at present in a position to send an Advice to Council on this subject. When the Secretariat sends Council a new, detailed version of this document, the Committee members would like to see the following elements included: a) a breakdown of the budget by project and by department; b) a list of the projects by priority; and c) the objectives and schedules for each of the proposed projects.

In the meantime, JPAC issued an Advice to Council regarding the JPAC budget. See Advice No. 96-2 in Appendix D of the present document.

**Action: JPAC/Secretariat**

## **MEETING OF JPAC WITH THE BORDER ENVIRONMENT COOPERATION COMMISSION (BECC)**

JPAC met with the BECC Board of Directors and Advisory Council to exchange information, including details regarding the structure, mandate, current activities and long-term objectives of their respective organizations.

It is clear that the two organizations have a number of points in common, including their desire to encourage public participation in their program of activities and promote the implementation of joint projects between the countries.

In conclusion, it was agreed that the two organizations will exchange information with the objective of maintaining contact and continuing the dialogue between the two groups. In addition, it was noted that CEC and BECC are currently linked via their respective Internet sites.

The Agenda and List of Participants for this joint meeting appear as Appendix G of the present document.

### **OTHER MATTERS**

Mr. Peter Berle, a member of JPAC and of the Selection Committee for the North American Fund for Environmental Cooperation (NAFEC), informed JPAC that the selection of groups who will receive grants following the first annual grant cycle will be announced at the end of July. He reported that at their first meeting, the members of the NAFEC Selection Committee agreed that the definition of “community-based” activities in the Fund guidelines should be interpreted in the North American rather than the strictly local context.

JPAC members agreed to discuss the others matters under this agenda at their next meeting.

### **UPCOMING SESSION**

The JPAC Members will participate in the August 1 Council Session in Toronto and will take part in the public activities during this Session. The next JPAC Regular Session will be held on August 2 in Toronto and will, as are all other meetings of the Committee, be open to the public.

### **ADJOURNMENT**

The Session adjourned at 5:15 p.m., July 18, 1996.

Written by Manon Pepin, July 19, 1996



**JOINT PUBLIC ADVISORY COMMITTEE SESSION No 96-03**

**Thursday, July 18, 1996**

Marriott Hotel, Ovations Room, 701 A Street, San Diego, California

Phone: (619) 696-9800 Fax: (619) 696-1555

**Agenda**

- 8:00 a.m. Welcome and Overview by the Chair
- 8:05 a.m. Approval of the Agenda  
Approval of the Summary Record of Session No 96-02 (June 20, 1996)
- 8:15 a.m. JPAC Public Preparatory Meetings
- Montreal Meeting (June 21) Follow-up and San Diego (July 19)
  - Draft Summary Report
  - JPAC Public Consultations Guidelines: Jacques Gérin
- 9:00 a.m. 1996 Regular Session of Council
- Substantive Agenda
  - Overall Program: Working Lunch with the Ministers
- 10:00 a.m. 1997 CEC Program and Budget
- Secretariat Presentation: Greg Block
- 10:30 a.m. In-camera Session: Factual Record on the Cozumel Case
- 11:30 a.m. Planning of the Border Environment Cooperation Commission Meeting
- Agenda / Contents
  - US-Mexico Border Issues Presentation: Dan Torrez
- 11:30 p.m. Border Environmental Cooperation Commission Public Meeting  
*San Diego Bar Association Building (Adjacent to the Marriott Hotel)*
- 1:00 p.m. Luncheon – *Marriott Hotel (The Rendition Restaurant)*
- 2:00 p.m. Other Matters
- North American Fund for Environmental Cooperation Presentation: Peter Berle
  - Deregulation Issue Presentation: Greg Block
  - Distribution of CEC Documents to JPAC
  - Next JPAC Sessions
- 3:00 p.m. Joint Meeting JPAC-BECC – *Marriott Hotel (Ovations Room)*
- 5:00 p.m. End of the JPAC Regular Session
- 5:15 p.m. Joint JPAC-BECC Reception – *Marriott Hotel (Rhapsody Room)*



**JOINT PUBLIC ADVISORY COMMITTEE SESSION N° 96-03  
Thursday, July 18, 1996 in San Diego**

**List of Participants**

**Members:**

**Canada**

Mike Apsey  
Michael Cloghesy  
Jacques Gérin

**Mexico**

Francisco Barnes  
Guillermo Barroso  
Jorge Bustamante  
Maria Cristina Castro  
Ivan Restrepo

**United States**

Peter Berle  
Jon Plaut (Chair)  
John Wirth

**Observers:**

David Berman	<i>U.S. EPA</i>
Rita Cerutti	Environment Canada
Greg Cook	Hayes and Boone
Abby Curkeet	Consultant for JPAC
Robert Hardaker	<i>U.S. EPA</i>
John Newcomb	<i>Greater Victoria Chamber of Commerce</i>
Elza Saxod	<i>U.S./Mexico Border Progress Foundation</i>
Dan Torrez	Office of Dan Morales
Don Wedge	STOP

**CEC Staff Members:**

Greg Block  
Tatiana Aparicio  
Maria Garcia  
Manon Pepin



**ADVICE TO COUNCIL: No. 96-1**

**Review of Guidelines on Enforcement Matters under NAAEC Articles 14 and 15**

At the meeting of July 18, 1996, JPAC discussed in-camera, the status of “Cozumel”, and the Secretariat’s notification in respect of this issue.

The JPAC suggested that it may want to formulate recommendations regarding aspects of the Guidelines on Enforcement Matters under NAAEC Articles 14 and 15 at the appropriate time, after evaluating the resolution of the submission process.

July 18, 1996



**ADVICE TO COUNCIL: No. 96-2**

**JPAC Budget**

At the meeting of July 18, 1996, JPAC recommends that its budget should include for 1997 and future years support for (1) operational matters (JPAC regular sessions, translation, consultant, temporary help, etc.) and (2) the implementation of the public meetings (operational items, financial assistance to NGOs, newspaper announcements, consultant, etc.)

July 18, 1996





**ADVICE TO COUNCIL: No. 96-3**

**Public Presentations to the Council Session**

At the meeting of July 18, 1996, and in light of the fact that the number of those who wish to address the Council exceeds the number of maximum speakers considering the time available, JPAC suggests to Council that the speakers from the public during the afternoon of the Council Session on August 1st in Toronto should be chosen by the participants of this meeting according to a fair and equitable process which includes, for example, a balanced number of speakers from each Party. The roundtable format is recommended for this process selection.

July 18, 1996

Notes: July 18, 1996  
Presentation to JPAC on  
Texas-Mexico Border Environmental Issues  
Daniel T. Torrez

## I. OVERVIEW

The border between México and the United States runs approximately 2000 miles from the Pacific Ocean to the Gulf of México. Despite the political boundary that separates the U.S. and México, from an environmental standpoint the border area is seamless. Natural resources are shared by both countries. The sister cities that straddle the border share common air sheds and groundwater aquifers. The topography of the border is diverse, however most of the border passes through three desert regions- the Sonora, Mohave and Chihuahua. The border population of approximately 10 million is not evenly distributed. Of the 10 million people who live along the border, approximately 9.2 million people live in the greater metropolitan areas of the 28 sister cities.

Although the interdependence of the residents on both sides of the border should be obvious, policymakers often overlook how sociological and economic events on one of the border impact the other. Nowhere is this interdependence better illustrated than the maquiladoras. In the past three decades, hundreds of thousands of people have populated the sister cities because of the maquiladora industries on the Mexican side of the border. This growing population and expanding industrial base along the U.S.-Mexico border has taxed an already dated infrastructure on both sides of the border. Since 1965, 2200 maquiladora plants with 670,000 employees have been established in México. Seventy percent of these plants are located in the border area.

## II. BORDER WATER PROBLEMS

Among environmental concerns in the Texas-Mexico border area is the contamination of surface water and groundwater. The absence of sewage treatment facilities in many border communities threatens water supplies. Pollution of border rivers has all but destroyed these natural resources. For example, the quality of the water in the Rio Grande is very poor. It is fed by untreated residential and industrial sewage and by pesticides from agricultural runoff.

## III. SOLID WASTE

There are many problems along the border relating to the management and disposal of solid waste. A number of communities do not have adequate facilities for the pickup, transportation and disposal of solid waste from residential and industrial areas. Some of the older solid waste disposal sites are in very poor condition. In many of the Texas colonias, there is no provision for the proper collection and disposal of garbage. Consequently, there is often open dumping of garbage at or near the colonias, with the resulting exposure to pathogens.

#### IV. AIR QUALITY

Air quality in several Texas-Mexico border communities falls below U.S. Environmental Protection Agency (“EPA”) standards. For example, El Paso has a serious air quality problem. It is caused by the large combined population of El Paso and Juarez, heavy industry, and the mountain setting. For years, El Paso has failed to comply with EPA National Ambient Air Quality Standards for ozone and particulate matter. El Paso met carbon monoxide air quality standards for the first time in 1994. The air quality problem in the lower Rio Grande Valley is not as serious, but there is concern about air pollution from cropduster insecticide drift and sugarcane burning.

#### V. COLONIAS

Infrastructure has not kept pace with the rapid development of the border area. Many residents of small rural communities along the Texas-Mexico border lack adequate housing, potable water, wastewater treatment, and solid waste disposal systems. Substandard living conditions result in much higher than normal illness rates. These conditions characterize the areas known in Texas as colonias. The term “colonia” refers to a substandard residential development without basic physical infrastructure and is derived from the Spanish word for neighborhood. As of April 1996, the Texas Water Development board estimates approximately 351,620 people populate 1,449 colonias. Because they are developed in unincorporated rural areas, Texas colonias are generally not subject to zoning regulations. Since building codes generally do not apply to the construction of new housing, unsafe electrical wiring, plumbing and construction practices result. Inadequate wastewater treatment and unsanitary sewage disposal causes the contamination of the water table, and therefore, the water supply. As a consequence, illness such as dysentery, shigella, hepatitis A, B and C, and tuberculosis reach epidemic proportions. Thus, the colonias serve as a dramatic example of the connection between the environment and public health.



## JPAC-BECC JOINT MEETING

**Thursday, July 18th, 1996**  
Marriott Hotel, Ovations Room  
701 A Street San Diego, California  
3:00 pm to 5:00

### Agenda

- 3:00 pm** Welcome and Overview by the JPAC Chair: Jon Plaut
- Comments by BECC Chair: Jorge Bustamante
- Comments by BECC Advisory Council Co-Chairs: Sandra Ferniza and Oscar Romo
- Briefing on BECC current issues: Roger Frauenfelder, BECC's General Manager
- Briefing on CEC current issues: Greg Block, CEC's Director
- Interchange
- 5:00 pm** End of the Meeting
- 5:15 pm** Joint JPAC-BECC Reception  
*Rhapsody Room*

## **JPAC-BECC Joint Meeting**

### **List of Participants**

#### **JPAC Members:**

##### **Canada**

Mike Apsey  
Michael Cloghesy  
Jacques Gérin

##### **Mexico**

Francisco Barnes  
Guillermo Barroso  
Jorge Bustamante  
Maria Cristina Castro  
Ivan Restrepo

##### **The United States**

Jon Plaut (Chair)  
Peter Berle  
John Wirth

#### **CEC Secretariat Staff:**

Greg Block  
Tatiana Aparicio  
Maria Garcia  
Manon Pepin

#### **BECC Board of Directors Members:**

##### **Mexico**

Jorge Bustamante (Chair)  
Antonio Azuela de la Cueva  
Arturo Herrera Solis  
Rogelio Ramos Oranday

##### **United States**

John Bernal  
Peter Silva  
Lynch Taylor

**BECC Advisory Council Members:**

**Mexico**

Oscar Romo (Co-Chair)  
Alfredo Alvarez Cardenas  
Manuel Flores  
Maria de los Angeles Pozas  
Elida Rizzo  
Maria Josefina Guerrero  
Arturo Sepulveda

**United States:**

Sandra Ferniza (Co-Chair)

**BECC Staff:**

Roger Frauenfelder  
Luis Raul Dominguez  
April Lander  
Chuch Sheehan  
Tracy Williams

**Observers:**

Steve Allbee	U.S. EPA, Washington, D.C.
David Berman	U.S. EPA
Javier Cabrera	<i>PROFEPA, Mexico, D.F.</i>
Rita Cerutti	Environment Canada
Robert Hardaker	U.S. EPA
Jesus Luevano	<i>CILA, Cd. Juarez</i>
Maria Trejo	U.S. Department of State, Washington, D.C.
Bobby Ybarra	U.S. IBWC, El Paso
Dan Torrez	Office of Dan Morales
Patrick Whelan	U.S. EPA, Washington, D.C.