The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session on 27–29 June 2001 in Guadalajara, Jalisco, Mexico, in conjunction with the 2001 Regular Session of Council.

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 JPAC’s report on the Round Tables on Opportunities for Enhancing North American Cooperation, Annex D for Advice to Council 01-04 on Climate Change, Annex E for a letter to the Secretariat on Lake Chapala, and Annex F for Advice to Council 01-05 on the 2002–2004 Work Program Outline of the Commission for Environmental Cooperation.)

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

DISCLAIMER: Although this summary was prepared with care, readers should be advised that it has not been reviewed nor approved by the intervenors and therefore may not accurately reflect their statements. Neither do these recorded statements necessarily reflect JPAC’s view on a subject.

Welcome and Overview by the Chair

The Chair, Liette Vasseur, welcomed everyone to Guadalajara. Each member introduced themself. The Chair welcomed the new Mexican and Canadian members. She noted the absence of Laura Silvan de Durazo, with reasons, and that Cam Avery and Blanca Torres would be arriving later in the day. She went on to note the importance of this meeting which is being held in conjunction with the Regular Session of Council, and the many opportunities for public input. She encouraged the public to take up those opportunities.

Report from the National and Governmental Advisory Committee Representatives

The Chair then invited the National and Governmental Advisory Committees representatives to make their presentations.

Mateo Castillo, Chair of the Mexican National Advisory Committee (NAC), welcomed the participants to Mexico and went on to explain that the region surrounding Guadalajara was experiencing critical
water shortages, an issue that would surely be raised during the meetings.
Given the transition period in Mexico, the Mexican NAC has not been fully organized and has not provided advice yet to the new government. Lack of resources for public consultation is an issue for the NAC, and they remain committed to providing advice on the basis of transparency and public input.

Jean Perras, on behalf of the Canadian NAC, made a brief presentation and explained that the new NAC had recently been appointed ten members, four more than the previous Committee, representing many sectors of Canadian society. Mr. Steward Elgie is the only remaining member. They have begun their mandate by reviewing the past work of the NAC, setting out a schedule to build a work plan and will meet later this summer to review the CEC Program Plan. They will continue to coordinate with the other NACs, encourage the remaining Canadian provinces and territories to engage in the North American Agreement on Environmental Cooperation (NAAEC), and carefully consider the impacts on the NAAEC of an eventual Free Trade Area of the Americas Agreement (FTAA). They are particularly concerned with the projects on biodiversity conservation, electricity deregulation, children’s health and the Sound Management of Chemicals (SMOC).

Adam Greene, representing the US NAC, explained that their committee was comprised of 5 academics, four nongovernmental organization representatives and three from the business sector. He then provided an overview of their recent advice that:

- stressed the importance of Pollutant Release and Transfer Register (PRTR) in Mexico;
- supported JPAC's report on the lessons learned in the Articles 14 and 15 submissions process with respect to removing blackout periods, developing a method for follow-up and the independence of the Secretariat. He further explained the need for the US government to take a position in support of the development of factual records when recommended by the Secretariat;
- encouraged multi-stakeholder representation on CEC working groups;
- recommended enhanced transparency and the role of the public related to the NAAEC Article 10(6) discussions and investment disputes;
- supported further cooperation between trade and environment officials, and
- highlighted the importance of developing an energy policy for North America consistent with environmental protection.

Denise Ferguson-Southard, Chair of the US Governmental Advisory Committee (GAC), praised the CEC for its pivotal role in the persistent organic pollutants (POPs) treaty by creating a regional model through the SMOC program. The US GAC wholeheartedly endorsed JPAC's lessons learned report and urged its rapid implementation. She noted, regarding follow-up, the need for Secretariat involvement. She went on to comment on the CEC Program Plan and how it has achieved a level of maturity. Regarding PRTR she stressed the importance of comparable data from the three countries for tracking emissions, the need for facility-specific data suggesting a phased approach for acquiring aggregated data on a progressively smaller scale. Within biodiversity work, the US GAC considers it very important to continue building linkages and working towards greater integration, using the North American Bird Conservation Initiative (NABCI) as an example. She went on to suggest that the Secretariat develop a protocol for a
peer review of the State of the Environment (SOE) Report. Finally, she urged continuing efforts for productive discussions between trade and environment officials, suggested a review of Chapter 11 cases of the North American Free Trade Agreement (NAFTA) for lessons learned and the development of criteria to identify cases where impacts may warrant intervention.

**Presentation of the CEC Program Outline for 2002-2004 by Greg Block, Director of Programs**

Greg Block, Director of Programs provided an overview of the 2002-2004 Program Outline as a context for the round table discussions. He stressed the interest of the Secretariat in receiving public input at this time so it can be taken into account when the program managers develop the detailed proposed program in July. He encouraged the public to interact directly with the program managers during the next two days. He explained that based on past work and JPAC advice, the program seeks synergies between programs and actions; encourages the development of linkages with the private sector; leaves space for Council to identify new directions and priorities; and targets energy, climate change and transportation as important areas of focus.

**Explanation of the round table process**

The Chair and JPAC staff then provided an explanation of the round table process.

**Joint Public Advisory Committee Round Tables on Opportunities for Enhancing North American Cooperation**

See Annex C for a summary of each round table.

**Action:** Council, JPAC, Secretariat

As a result of discussions during the round tables, JPAC prepared Advice to Council 01-04 on Climate Change (Annex D) and a letter to the Secretariat regarding Lake Chapala (Annex E).

**Action:** Council, Secretariat

**Joint Public Advisory Committee Workshop on Green Goods and Services and Electricity Market Issues**

The workshop resulted in a very fertile discussion among CEC staff and consultants, JPAC and the public. Many issues were raised, questions posed and answers offered. JPAC incorporated the results of the workshop into Advice to Council 01-05 on the 2002–2004 Work Program Outline of the Commission for Environmental Cooperation (Annex F).

The following points emerged regarding green goods and services:
The CEC could lead an effort in developing government procurement strategies, which in turn would help create a wider demand for green goods and services, keeping in mind the need for incentives.

Financial and policy assistance is required to help shift consumer demand and penetrate markets. Producers themselves need financing. Green goods and services are often considered “luxury” products making them vulnerable to the state of the economy. Need to build long-term, large, stable markets. There should be more focus on building domestic markets in Mexico. Green goods should not merely be for export. The CEC can assist in building an environmentally aware community and support what is already in place. Some of these projects had their origins in NAFEC. In any planning, the CEC should keep in mind that Mexico’s competitive advantage depends on cheap labour creating a systemic imbalance in North America. Standards for green products should be harmonized to ensure they do not present health hazards. Protection of biodiversity should not be the only goal. Examples were given of using lead paint and children of small producers being exposed to pesticides. Work with certification bodies on a sector basis, i.e. forest products, to expand the scope of green goods and services. The protection of biodiversity cannot be separated from respect and protection for cultural diversity. It is not just a commercial challenge, but also a social and cultural challenge. When working with indigenous peoples, there must be respect for traditional knowledge, equity in benefits and protection of intellectual property rights. Accreditation and certification are two different processes and should not be confused. The CEC can contribute to clarity by building networks and alliances. Large, market-driven sustainable tourism is not always sustainable. Establishing associations of local tour suppliers has worked in other parts of the world to protect biodiversity.

The second part of the Workshop addressed electricity market issues and the following points were made:

There is a lack of public involvement in Canadian policy development regarding deregulation or management of demand and supply. Coal-fired production plants are being fast tracked in Alberta with no regard for cumulative impacts or access criteria for intervention. The CEC should also consider assessing the decision and approval process when evaluating deregulation and its potential environmental impacts with a view to developing best practices. There is a need to refine assessment mechanisms, standards and criteria for evaluating impacts of deregulation on the environment. Information needs to be presented in non-technical terms to allow the public to participate both in evaluation and monitoring of new facilities. Reinforce the importance of emissions reduction. Rural areas and local communities benefit from small-scale renewable energy production. Create independence and economic viability. The CEC should broaden its scope beyond the current paradigm to consider economic viability for people, not just for large companies.
The CEC should conduct a study on the types of coal used in electricity production facilities. This information is imprecise in Mexico and is directly related to air emissions standards.

Efficiencies, renewable and alternatives (solar, wind, etc.) all need careful consideration in determining their utility as options.

Life-cycle analysis should be part of any evaluation, as should subsidization figures in order to 'level the playing field' when studying options.

The US energy policy seeks to increase production to meet increasing demand. National policies that have direct effects on other countries (Canada and Mexico in this case) should be an issue for the CEC.

The Plan Puebla-Panama is seriously degrading the environment by affecting hydrological basins. This is another form of trade corridor. People working on energy issues should coordinate with those working on trade corridors.

Please note that these comments were not incorporated into Advice to Council 01-05. JPAC will be developing a separate Advice to Council on this subject during a Regular Session to be held in conjunction with the Symposium on the Evolving North American Electricity Market and the Environment, 29-30 November 2001.

**Discussion of Potential Advice to Council on the 2002–2004 Work Program Outline of the CEC**

JPAC went through the Program Outline section by section and had a discussion on elements for inclusion in an Advice to Council to be drafted and presented for approval the next day.

Observers’ comments included:

The need to develop an Arctic focus. It is well known that contaminants find their way to the Arctic via air and water. Climate change is further contributing to environmental concerns. Northern aboriginal peoples are ready to work with the CEC.

There is a freshwater crisis. The speaker urged JPAC to recommend that Council establish a permanent body to discuss freshwater policy issues in North America. The same speaker supported the North American Fund for Environmental Cooperation (NAFEC) as a vehicle for incubating important CEC projects and would very much regret this fund lapsing. He also urged Council to consider the impacts of mega projects on biodiversity and local peoples. He gave the Plan Puebla-Panama as an example.

Another speaker reiterated support for NAFEC, particularly as it provides funding for indigenous peoples and local communities.

The next speaker presented several points on behalf of NGOs present at the meeting. First was a caution to the CEC to make every effort to continue to improve public participation and avoid the appearance of representing government and industrial interests. Transgenics continue to impact on the three NAFTA countries and the CEC should be addressing issues of biotechnology, bioprospecting, intellectual property rights and other rights of indigenous peoples. The speaker went on to make a call for supporting the rights of indigenous peoples to land and natural resources.
as stewards of biodiversity. Finally there was a call for the CEC to work to encourage and assist governments to strengthen and enforce laws for the protection of the environment.

A final speaker pressed for immediate action to save Lake Chapala, not just more words and good intentions.

Approval of Draft Advice to Council on the CEC Program Outline for 2002–2004

It was agreed that the Chair and JPAC staff would further develop the Draft advice and it would be circulated by e-mail for final approval.

Action: JPAC

8th Regular Session of Council

The Chair reported that Council had given JPAC a new mandate to work with the public to develop advice on how to improve public access to environmental information and to operationalize the public’s “right to know”. She explained that JPAC would be developing a terms of reference for its work and it would be on the agenda for discussion at the next JPAC Regular Session in September.

Letter from JPAC Chair to Council on the North American Symposium on Understanding the Linkages between Trade and Environment

Not discussed.

CEC Project on Emerging Environmental Trends

Not discussed.

NAAEC Articles 14 and 15

a) Lessons Learned Report

Not discussed.

b) Process of the JPAC Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15

Not discussed.

c) Discussion on the Vote of Council

Not discussed.

JPAC Member Appointments and Rotation, and JPAC Working Groups

Not discussed.

Next JPAC Meetings
It was agreed to add a discussion on the progress towards a Transboundary Environmental Assessment Agreement to the agenda of the next Regular Session

**Action:** JPAC

**Other Issues**

The Chair reported that JPAC has expressed its disappointment to Council, during the in-camera session, on Council's decision to postpone the vote on pending Article 14 and 15 submissions. It was agreed that the CEC staff would provide JPAC with an update at the next meeting and JPAC would discuss if further action was necessary.

**Action:** Secretariat, JPAC

**Observers’ Comments**

Representatives of the Friends of Lake Chapala thanked JPAC for its support.

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

Prepared by Lorraine Brooke

APPROVED BY JPAC MEMBERS ON 8 AUGUST 2001
8th CEC Regular Session of the Council and JPAC Meetings

27–29 June 2001
Guadalajara, Jalisco, México

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<tr>
<td>Expo Guadalajara</td>
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<tr>
<td>Avenida Mariano Otero 1499</td>
<td>Avenida de las Rosas 2933</td>
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<tr>
<td>Colonia Verde Valle</td>
<td>Col. Rinconada del Bosque</td>
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<tr>
<td>Phone: 011 523 343 3000</td>
<td>Phone: 011 523 678 0505 • Fax: 011 523 678 0521</td>
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Program of Public Events
(As of 20 June 2001. Please note that although no major changes are expected, there may be minor time related adjustments.)

Tuesday, 26 June 2001

18:00–20:00 Accreditation of participants

Wednesday, 27 June 2001

8:00–20:00 Accreditation of participants

9:00–9:45 Joint Public Advisory Committee Regular Session 01-02

Welcome and overview by Liette Vasseur, JPAC chair

a) Report from the National and Governmental Advisory Committee representatives
b) Presentation of the CEC 2002–2004 Program Outline by Greg Block, Director of Programs
c) Explanation of the round table process

9:45–10:00 Break

10:00–18:00 Joint Public Advisory Committee Round Tables on Opportunities for Enhancing North American Cooperation

10:00–11:15 I) Managing pollutants in North America

?? Introduction by Victor Shantora, Program Head
?? Audience participation

AND

II) Conservation of Biodiversity

?? Introduction by Hans Hermann, Program Head
?? Audience participation

11:15–11:30 Break

11:30–13:00 Round tables I) and II) (cont’d)

13:00–14:00 Lunch (not provided)

14:00–17:00 III) North American Trade and Transportation Corridors

?? Introduction by Greg Block, Director of Programs

7 Session open to the public as observers
AND

IV) Management of Renewable Resources

?? Introduction by Jose Carlos Tenorio, Program Manager

?? Audience participation

17:00–17:30 Break
17:30–18:00 Presentation of conclusions from the round tables
18:00 End of the round tables

Thursday, 28 June 2001

8:00–19:00 Accreditation of participants

9:30–10:15 Official opening of the 8th Regular Session of the Council of the CEC

9:30–10:00 Opening Remarks by Council members

?? Welcoming remarks by Lic. Francisco Javier Ramírez Acuña, Governor of the State of Jalisco

?? Opening remarks by Victor Lichtinger, Mexican Secretary for Environment and Natural Resources

?? Remarks by Christine Todd Whitman, Administrator US Environmental Protection Agency

?? Remarks by David Anderson, Canadian Environment Minister

10:00–10:15 Report by Janine Ferretti, Executive Director

10:15–10:30 Break

10:30–16:30 Joint Public Advisory Committee Workshop on Green Goods and Services

10:30–10:35 Workshop opening by Liette Vasseur, JPAC Chair

10:35–10:45 Overview

?? Introduction by Scott Vaughan, Program Head

10:45–11:45 Lessons Learned

?? Introduction by Chantal Line Carpentier and Jürgen Hoth, Program Managers

?? Presentations:
- Erik Brown, Center for a New American Dream
- Fulvio Eccardi, Consultant
- Eduardo Esteve, Industrias Unidas Agropecuarias
- Carolyn Wild, WILD International, Tourism Consulting Services

11:45–12:00 Break

12:00–13:00 Lessons Learned (cont’d)

?? Audience participation
13:00–14:00 Lunch (not provided)

14:00–16:00 Electricity Market

?? Introduction by Scott Vaughan, Program Head

?? Audience participation

16:00–16:15 Break

16:15–16:30 Workshop wrap-up by Liette Vasseur, JPAC Chair

16:30 End of the workshop

16:30–17:00 Break

17:00–18:30 Joint Public Advisory Committee Regular Session 01-02

17:00–18:15 Discuss the potential Advice to Council on the CEC Program Outline for 2002–2004

18:15–18:30 Observers’ comments

18:30 Adjournment of the Session

18:30–19:30 Free Time

19:30–20:30 Welcoming Reception hosted by the Governments of the Municipalities of Tonalá, Guadalajara, Zapopan and Tlaquepaque

(Location to be confirmed)

Friday, 29 June 2001

8:00–12:00 Accreditation of participants

8:45–11:00 Public Portion of the Council Session

?? Opening of the Public Session
- Opening remarks by Victor Lichtinger, Mexican Secretary for Environment and Natural Resources
- Introduction by Liette Vasseur, JPAC Chair

?? Oral statements by pre-selected presenters on the following themes, followed by comments from the Council members:
- Environment and Trade
- Conservation of Biodiversity
- Pollutants and Health
- NAAEC Articles 13, 14 and 15: public awareness and education

?? Closing of the Public Session
- Closing remarks by Victor Lichtinger, Mexican Secretary for Environment and Natural Resources; Christine Todd Whitman, Administrator US Environmental Protection Agency and David Anderson, Canadian Environment Minister

*Session open to the public as observers
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<tr>
<th>Time</th>
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<tr>
<td>11:00–11:45</td>
<td>Presentation of a North American Integrated Taxonomic Information System On-Line</td>
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<td>11:45–12:00</td>
<td>Break</td>
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<td>12:00–12:45</td>
<td>Press Conference*</td>
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<td>12:45–13:30</td>
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<td>13:30–15:00</td>
<td>Joint Public Advisory Committee Regular Session 01-02*</td>
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<td>13:00–13:15</td>
<td>Approve the draft Advice to Council on the CEC Program Outline for 2002–2004</td>
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<td>13:15–13:45</td>
<td>Follow-up</td>
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<td>a) 8th Regular Session of Council</td>
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<td>b) JPAC letter to Council on the North American Symposium on Understanding the Linkages between Trade and Environment, held in October 2000</td>
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<td>c) CEC Project on Emerging Environmental Trends</td>
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<td>13:45–14:15</td>
<td>Articles 14 and 15 of the NAAEC</td>
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<td>14:15–14:25</td>
<td>Administrative matters</td>
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<td>a) JPAC member appointments and rotation, and JPAC working groups</td>
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<td>b) Next JPAC meetings</td>
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<td>14:25–14:30</td>
<td>Other issues</td>
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<td>14:30–15:00</td>
<td>Observers’ comments</td>
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<td>15:00</td>
<td>End of the session</td>
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<td>15:00–16:00</td>
<td>Free time</td>
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<td>16:00–22:00</td>
<td>Site visits and concert (note: dinner is not provided)</td>
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<td>16:00–19:00</td>
<td>Visit and shopping at Tlaquepaque (handicrafts of Jalisco State)</td>
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<td>(Transportation provided by the State Government of Jalisco)</td>
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<td>19:00–20:00</td>
<td>Visit to the historic center of Guadalajara</td>
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<td>20:00–22:00</td>
<td>Special concert featuring the <em>Orquesta Filarmónica del Estado de Jalisco</em> to be held at Teatro Degollado (event to be confirmed)</td>
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<td>(Return transportation to Hilton Hotel provided by the State Government of Jalisco)</td>
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Commission for Environmental Cooperation
Comisión para la Cooperación Ambiental
Commission de Coopération Environnemental

Eight Regular Session of the Council  27, 28 and 29 June, 2001, Guadalajara, Jalisco, Mexico
Octava sesión ordinaria del Consejo 27, 28 y 29 de junio de 2001, Guadalajara, Jalisco, México
Huitième session ordinaire du Conseil 27, 28 et 29 juin 2001, Guadalajara, Jalisco, Mexico

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Joint Public Advisory Committee Regular Session Meetings 01-02
Reuniones 01-02 del Comité Consultivo Público Conjunto
Réunions du Comité consultatif public mixte n° 01-02

Final List of Participants / Lista de participantes final / Liste de participants finale

Please inform the Secretariat of any mistake or missing name
Favor de informar al Secretariado de cualquier error u omisión
SVP veuillez informer le Secrétariat de toute erreur ou omission

August 7, 2001

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<tr>
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<td>Rio Grande/Rio Bravo Basin Coalition</td>
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<th><strong>Sra. Elisabeth Arroyo</strong></th>
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<th><strong>Sr. David Atisha Castillo</strong></th>
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<td>Directora General de Financiamiento Estratégico</td>
<td>Secretario</td>
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<td>Indiana University</td>
<td>Secretaría de Medio Ambiente y Recursos Naturales</td>
<td>Secretaría de Ecología y Gestión Ambiental</td>
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Joint Public Advisory Committee Round Tables on Opportunities for Enhancing North American Cooperation

Executive Summary

Introduction

In conjunction with the Joint Public Advisory Committee (JPAC) Regular Session 01-02 and the Regular Session of Council of the Commission for Environmental Cooperation (CEC), JPAC organized four round table discussions with the public on 27 June 2001 in Guadalajara, Jalisco.

Themes for the round tables are based on comments that various stakeholders have repeatedly brought up with JPAC since the implementation of the CEC.

The topics were:

- Managing Pollutants in North America;
- Conservation of Biodiversity;
- North American Trade and Transportation Corridors; and
- Management of Renewable Resources

To facilitate the discussions during the round tables, concept papers have been prepared by the CEC Secretariat on each of the topics.

The purpose of these discussions was to take a bold view of each topic, identify priority areas of concern and provide concrete ideas on how the CEC can contribute to developing solutions in a North American context. The results were also used to inform and assist JPAC in developing its advice to Council on the 2002–2004 Program Outline (see this document, attached) and, in September 2001, to provide its advice to Council on the proposed 2002–2004 Program Plan and Budget.

The discussions were also a great opportunity for the CEC Secretariat’s program managers to look at the long-term vision of the CEC program plan and its strategies.

A JPAC member facilitated each round table discussion. Other JPAC members attended the session and participated in the discussions. The round tables were very well attended, interactive, and provided JPAC with very useful information and ideas for future work. The results of the discussion were reported to Council and to the public in a plenary session.
The following summarize the main points discussed in each of the round tables.
Management of Pollutants in North America

Facilitator: Raúl Tornel

Under the auspices of the Joint Public Advisory Committee, a round table was held on Management of Pollutants in North America.

The session began by a presentation of Victor Shantora, Head of the Pollutants and Health Program. After introducing his colleagues, Erica Phipps and José Carlos Tenorio, he gave an indepth explanation of the program’s objectives and achievements.

Results of the Discussion

The numerous comments from the attendees, some in the form of questions that were answered immediately, can be summarized as follows:

- The manner in which the CEC interacts with society for decision making purposes was questioned. It was explained that it is in fact the goal of such round tables and workshops to establish contact with civil society, NGOs and business and academic organizations.

- The non-existent tracking of substances and wastes once they cross borders was mentioned.

- It was remarked that Mexico is bearing most of the burden of eliminating substances covered by the program.

- It was requested that the impacts of substances be identified before their producers place them on the market.

- The need for Mexico to complete its pollutant release and transfer register was stressed. (The Mexican government committed to establishing a mandatory approach during the Council session)

- It was mentioned that the voluntary Mexican standard on the Pollutant Release and Transfer Register includes emissions of the main greenhouse gases.

- It was proposed that the work of the CEC include carbon-related emissions.

- It was also proposed to develop a carbon emissions-trading program.

- It was mentioned that some auto parts contain mercury, which is released into the environment when the vehicles are salvaged and their components recycled.

- It was remarked that in Mexico, some legal obstacles stand in the way of establishing a compulsory Pollutant Release and Transfer Registry (PRTR). It was suggested that since the elimination of these
legal obstacles will take a long time, work should continue on soliciting the voluntary commitment of industry to provide emissions information.

It was requested that the North American Regional Action Plan on Monitoring and Assessment be completed before continuing to include substances in the program.

Conservation of Biodiversity

Facilitator: Peter Berle

Under the auspices of the Joint Public Advisory Committee, a round table was held on Conservation of Biodiversity.

Peter Berle identified the challenge as developing appropriate means for the public to participate in implementing the Strategic Plan for the Conservation of Biodiversity.

Hans Herrmann, Head of the Conservation of Biodiversity Program, then presented the program outline.

The discussion with the public focused on the following questions.

1. How to secure the effective participation of society-at-large in the implementation and evaluation of the Strategic Plan.
2. How to ensure continuity of work and, at the same time, be able to adapt to changing priorities.
3. How could the public assist the CEC in assessing the effectiveness of the Strategic Plan.
4. How could the public assist the CEC in influencing policies related to the biodiversity of North America.

Results of the Discussion

There is a need for greater public involvement in the management of wildlife in Mexico. Citizen access to environmental information is essential. The public should not have to litigate to acquire information.

The CEC should develop a system for promoting better implementation of public participation laws that are already in place.

The CEC could play a role in developing a reward or incentive system for public involvement in biodiversity conservation. One suggestion might be to promote “microlending,” including reasonable repayment rates.

The CEC should encourage the development of performance indicators and citizen-monitored audit systems. There are existing models to draw from.
Promoting green goods and services is an effective means to promote biodiversity.

Local and state governments in our three countries play a very important role and have legal and regulatory authority for land use and management. The CEC should pursue their greater involvement in habitat protection strategies. It was also noted that, for the most part, local and state governments may not be well informed about the CEC and efforts should be made to improve communication and information dissemination.

The Strategic Plan must be connected to enforcement if it is to be credible and effective.

The rights of peasants and indigenous peoples as stewards of biodiversity should be promoted by the CEC. This includes matters related to bioprospecting, intellectual property and benefits to holders of biodiversity information. The food production and drug industries now receive most of the benefits, and new monetary arrangements are required.

Within each of our countries, it is important to strive for national coherence among all levels of government before the CEC can effectively move into regional action.

The biodiversity program should connect better with NAFEC to benefit from lessons learned from these community-based projects.

The CEC has an important role to play in convening agencies with financial resources to participate in, and support implementation of the Strategic Plan. One important area is to develop financing arrangements to support sustainable agriculture as is now being done for shade coffee.

Preserving biodiversity must be approached ecosystemically. A very important part of this is incorporating a better understanding human behavior and its associated impacts on the environment in conservation work. Water management, for example, which is considered to be of critical importance, has to be approached by understanding and integrating habitat management, human impact, resource development, wildlife management and production issues. We cannot protect species and habitats without addressing broader issues such as water management and energy production. Another example is that in Mexico habitat degradation is directly related to poverty.

Management of freshwater is an area of common concern. It is considered a growing crisis and in some areas, for example Lake Chapala, it is urgent. The CEC should consider developing strategies mobilizing emergency collective attention. The San Pedro and Silva reservoir experiences provide useful lessons where the CEC convened and stimulated citizen and local government participation to develop an intervention and management strategy. (JPAC communicated in writing with the CEC Secretariat and the governments on this issue. See the letter to the Secretariat attached)

One way of ensuring that the information and databases now being developed by the CEC are used would be to develop links with other institutions, such as academia and professional associations.
The Strategic Plan needs to consider other ways of communicating with the North American public beyond electronic means. Many, many people do not have access to the Internet.

The Strategic Plan should address climate change, genetic modified organisms, invasive species, impacts of “megaprojects” and developing trilateral agreements for marine protected areas regarding, for example, fishing and ocean dumping.

Green goods and services work should be expanded to include green technologies.

**North American Trade and Transportation Corridors**

Facilitator: Daniel Basurto

Under the auspices of the Joint Public Advisory Committee, a round table was held on North American Trade and Transportation Corridors.

The session began by a presentation of Greg Block, Director of Programs of the Commission for Environmental Cooperation, substituting for Paul Miller, in which he stressed two main objectives:

1. Identify possible corridors for trinational cooperation.
2. Resolve disputes over air quality impacts.

In addition, some of the main points covered by the final report of the Winnipeg workshop (15 March 2001) held under the auspices of the CEC were reviewed:

- Trade and gas emissions will increase by a factor of 2.4-4.0 by 2020.
- Despite increased trade, a reduction in truck emissions is projected suggesting that rail will account for a larger portion of emissions.

**Results of the Discussion**

A period for public comments followed the presentation of the CEC Director of Programs.

During the round table, various points of views and observations were expressed on the work program, including the following:

- The use of rail and maritime transportation as alternatives should not be underestimated, nor should the effect of these modes of transportation on trade corridors be ignored.

- Harmonizing relative risk reduction among modes of transportation in the three countries was discussed. However, given the limitations imposed by the US federal government that prevent Mexican units from entering its territory, it was concluded that it is not possible to change the physical characteristics of the transportation units.
It was resolved that it is necessary to link the corridors project with the other programs—especially Conservation of Biodiversity—in order to arrive at an integrated perspective on transboundary transportation issues.

The desirability of relating emissions controls on transportation units with climate change aspects was mentioned.

It was indicated that since transportation is an essential element of regional integration, border communities must not be left aside. They must play an active role in the integration process.

The relevance of building ties among various organizations, in particular the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB), was mentioned. The mandates of these organizations have been enlarged since they were created. Given the financial limitations of the CEC, this could open up additional funding opportunities to facilitate the implementation of this project.

Finally, it was recommended that the CEC assess the environmental impact of transportation units on endangered species in transboundary areas.

Management of Renewable Resources

Facilitator: John Wirth

Under the auspices of the Joint Public Advisory Committee, a round table was held on Management of Renewable Resources.

John Wirth introduced the context by explaining that integration through NAFTA creates a growing impetus for regional management of renewable resources. Ecosystems are interconnected and our ecological footprints extend considerably beyond the North American region. Our consumption patterns are not sustainable. We are draining our ecological capital. Examples include the growing freshwater crisis; disappearing wetlands; and deforestation. Renewable energy production poses possibilities but market inroads are slow for various reasons. There is no sign that carbon-based production and consumption will diminish.

José Carlos Tenorio, the program manager on Sound Management of Chemicals, then presented the program outline.

Results of the Discussion

Water
There is an opportunity in this era of water conflicts worldwide to advance cooperation and develop a framework for regional solutions that may indeed be a model for other areas. Pressure is increasing in the North American region to address imbalances of access and supply by water sales and transport. This issue is emerging within Chapter 11 disputes. Clearly, water is now a trade resource and a public policy matter.

In absolute terms, we do not have less water, we have less useable water. There should be a concentration, therefore, on treatment and purification, along with desalination.

We need better inventories before proper planning can take place. Consideration of behavior, lifestyles, political priorities and public policy has to enter into the discussions. It is a very complex undertaking, but necessary.

Water should be properly valued in order to create incentives for conservation and treatment. This must be approached with caution, however, to ensure equity i.e., not resulting in a situation where those least able to pay are deprived access.

The CEC can assist local authorities to access funds to finance water treatment facilities and also to focus limited local resources on water treatment. One way would be to approach international lending authorities.

Mexico needs urgent attention. There is an imbalance in supply, access and quality.

Any management approach must factor in the economic impact of lost production. For example, for the Colorado River system, the 1944 treaty makes provision to share losses in drought conditions, but not surpluses. The CEC could advocate changes in this treaty so that Mexican producers are not inequitably affected.

Basin management and sharing across borders should be featured in any discussion undertaken by the CEC.

The CEC could inventory experiences, develop best practices and support a pilot project in a transborder basin.

Capture, control, and treatment of water should be considered as an approach to water management for protecting human health, maximizing resource potential and creating opportunities for economic development.

Freshwater problems are of sufficient permanence to require that we think more broadly. The CEC could establish a permanent working group to respond to policy challenges as they arise.
Invest in ongoing environmental education at all levels of society. It is the only way to influence lifestyle changes. Means of communicating information, literacy levels and respect for indigenous learning systems should be considered when developing programs.

The CEC could inventory water consumption by user groups, i.e., agriculture, industry, etc. This could provide the basis for developing an action plan.

There are low technology solutions using water to treat waste. Composting and engineered wetlands are also techniques. However, this requires a significant coupling with environmental education and citizen mobilization.

Given the limited financial resources, the CEC should concentrate on convening and helping to access resources and create networks.

**Soil and Forestry**

As with water, look for low technology solutions when working with rural communities. The CEC could compile information on processes used around the world and provide these to rural communities. Solicit best practices and create a clearinghouse for information on funding sources. The CEC web site could be used. This would be a very useful tool for the public.

When discussing reforestation, work should focus on reintroducing indigenous species. The fast growing species do not necessarily produce the desired result and can cause other environmental problems. We have to maintain the total biomass, otherwise it is not real replacement [of lost timber resources].

Create incentives and recognition for initiatives taken by local communities. In this regard, the CEC could be a clearinghouse for putting industry who are looking for ways to pursue due process in contact with local communities.

**Climate Change**

Is there a North American solution and what is the CEC’s role?

The CEC should investigate ways to facilitate exchanges to implement Clean Development Mechanisms side-by-side with advocating emissions reduction in the US and Canada. (Please find attached the CEC JPAC advice to Council on climate change.)
ADVICE TO COUNCIL 01–04

Re: Climate Change

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

IN ACCORDANCE with its mandate to provide advice to Council under Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC);

CONSCIOUS that climate change is an urgent environmental issue facing North America requiring multiple strategies including market and conservation measures;

NOTING that the CEC can play a significant role in efforts to reduce greenhouse gas emissions;

UNDERSTANDING that, because of its links to trade through NAFTA, the CEC is uniquely positioned to facilitate the development of market mechanisms to reduce greenhouse gas emissions in North America; and

ACKNOWLEDGING that certain North American nongovernmental organizations and members of the business community are already working on the development of carbon-trading mechanisms;

RECOMMENDS that Council instruct the Secretariat to facilitate, within the 2002–2004 Program Plan, the development of market mechanisms within the North American context to reduce greenhouse gas emissions.

APPROVED BY JPAC MEMBERS

28 June 2001
9 July 2001

Ms Janine Ferretti
Executive Director
Commission for Environmental Cooperation

Dear Ms. Ferretti:

Following the Joint Public Advisory Committee Regular Session 01–02, held on 27–29 June in Guadalajara, Jalisco, and in accordance with Article 16(5) of the North America Agreement on Environmental Cooperation (NAAEC), please find attached information provided by the Colectivo Ecologisca Jalisco, the Instituto de Derecho Ambiental and the Sociedad Amigos del Lago de Chapala regarding environmental problems in Lake Chapala.

During its meeting, JPAC also received a variety of concerns from the public about the urgent situation at Lake Chapala, including:

- the drastic and continuing decline in the water levels of the lake; and
- the threat this poses to biodiversity, including to migratory birds, and the resulting negative impacts on the livelihoods and economies of the region’s residents who depend on Lake Chapala.

JPAC believes that immediate action should be taken as Lake Chapala and the ecosystems it supports are under extreme stress.

JPAC therefore recommends that the Secretariat prepare a report under NAAEC Article 13, or another appropriate vehicle, on Lake Chapala to assist in its recovery.

Sincerely,

Liette Vasseur
JPAC Chair for 2001

c.c. CEC Council members
Colectivo Ecologista Jalisco
Instituto de Derecho Ambiental
Sociedad Amigos del Lago de Chapala
JPAC members
ADVICE TO COUNCIL: NO. 01-05


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

IN ACCORDANCE with its mandate to provide advice to Council under Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC);

HAVING participated in the very successful CEC round tables and workshop, held 27 and 28 June 2001, in Guadalajara, Mexico, and further discussed the subject in a public plenary session during JPAC’s regular session 01-02 on 28 June; and

UNDERSTANDING that our common challenge is to better develop the role of the CEC in an integrated North American economy;

JPAC makes the following general and specific recommendations for consideration by the CEC in developing the proposed Program Plan for 2002–2004 over the next several months.

General recommendations

Public access to information about the CEC—An effort should be made to improve awareness and public access to information about the CEC, its mandates, structure, and projects/activities. One way to do this would be to broaden information networks through other media, to share success stories and lessons learned—understanding that not everyone in North America has access to the CEC web site.

In order to improve awareness about the CEC and encourage the participation of local, provincial and state authorities that have legal and regulatory responsibilities for environmental management and land-use planning, cooperative links to those authorities should be developed within some of the activities of the CEC.

Public participation—There remains a continuing need to strengthen public participation and expand the space available for the public within the operation of the CEC. As a matter of practice, there should be a stronger commitment for public representation in all CEC working groups and advisory bodies.
Environmental education is another crosscutting issue where the CEC can greatly contribute in North America. While work in this area can be pursued as part of capacity building strategies, it should mainly target local communities. One way to strengthen this capacity could be by having the Secretariat play the role of catalyst and clearinghouse for existing environmental education programs, to increase sharing and cooperation in a regional context.

**Timelines**—Exit strategies for projects and strict timelines should be clearly established, particularly in light of the CEC’s budgetary limitations.

**Specific recommendations**

**Environmental, Economy and Trade Program**

Future activities regarding green goods and services should consider social and cultural diversity as well as local involvement and local market incentives.

A Secretariat initiative to facilitate the development of market mechanisms (including conservation measures and energy efficiency technologies) to reduce greenhouse gas emissions within the North American context should be built into the program, as recommended in JPAC advice to Council 01-04.

CEC should lead an initiative to develop effective government procurement strategies in support of a shift in demand toward green goods and services, keeping in mind the need to establish targets and create incentives for all other stakeholders.

**Conservation of Biodiversity Program**

**Biodiversity**—Following the example of the North American Biodiversity Information Network (NABIN), the CEC could act as a clearinghouse for information and a network on a wide array of biodiversity issues (including education and linking to green goods and services initiatives).

Conservation of biodiversity cannot be separated from the respect for and promotion of the cultural diversity of people in affected areas. Conservation strategies should integrate social and cultural criteria, particularly regarding the rights, knowledge and traditions of indigenous peoples (as recommended in JPAC advice to Council 99-05 and 99-10). For example, local people are stewards of their lands and resources and are often already engaged in the conservation of biodiversity through their daily activities. Therefore, land-use planning and community development should figure more prominently in the biodiversity conservation network, especially in issues related to biotechnology and bioprospecting.

**Water**—The Secretariat should consider the establishment of a permanent multi-stakeholder body to advise the Secretariat on how to build water conservation initiatives into the Program Plan. It should also develop a capacity-building initiative linked to low technology solutions for water and wastewater treatment. As watershed management and the sharing of water between countries are both becoming urgent issues, the CEC could inventory experiences, develop a survey of best practices and support a pilot project in a transborder watershed.
**Urgent issues**—The CEC should consider developing strategies for mobilizing emergency public attention around urgent biodiversity issues. The San Pedro and Silva Reservoir experiences could serve as useful examples of situations where the CEC convened and stimulated citizen and local government participation to develop intervention and management strategies.

**Pollutants and Health Program**

Carbon-containing gaseous emissions cause changes to air quality that result in climatic change and public health issues. As previously indicated, this issue should be integrated into the work of the CEC, in terms of gas emissions standards and monitoring.

The Pollution Prevention Fund (Fondo de Prevención de la Contaminación—Fiprev) should be completed under this program as soon as self-sufficiency is obtained.

**Law and Policy Program**

The program should now begin shifting its focus to the effective enforcement of existing environmental legislation and develop its priorities in function of the other program areas of the CEC. This is particularly important as the CEC matures and develops a more integrated program plan. For example, it could coordinate the development of government procurement strategies to promote green goods and services recommended by JPAC under the Environment, Economy and Trade program.

Regarding environmental management systems, JPAC recommends that the proposed pilot project to test the CEC Guidance Document be concluded and no further resources be put toward this effort. Other funding could support such an initiative if it proves attractive to industry or others.

**Specific Obligations under the Agreement**

Related to NAAEC Article 10(6), JPAC has requested that progress be made toward organizing a public meeting with the environment and trade officials to inform the public on the progress made on this issue over the last eight years.

NAAEC Article 28 requires the development of Model Rules. JPAC would like to see progress on this issue.

Once again, JPAC recommends engaging the remaining Canadian provinces in NAAEC. Council should review the provisions of NAAEC Annex 41, item 8, in this regard.

Over the years, little progress has been accomplished in the development of the issue of the Transboundary Environmental Impact Assessment (TEIA) (see JPAC advice to Council 99-07). JPAC encourages the CEC to initiate discussion and advance on the issue as soon as possible.

**North American Fund for Environmental Cooperation**

NAFEC has been invaluable as a means of engaging local communities and to incubate projects that have later been fully integrated into the CEC program. Understanding that funding limits present serious
constraints to restoring NAFEC, JPAC will continue to discuss the matter and provide further advice in September 2001.

APPROVED ON 30 JULY 2001