

REPORT TO COUNCIL: NO: 99-04

RE: Summary of Plenary Discussion on Future Initiatives for the Commission for Environmental Cooperation's (CEC's) Program for 2000-2002

Introduction

JPAC is pleased to present this report to the Council members of the Commission for Environmental Cooperation (CEC). It has been prepared following presentations and discussions among the JPAC members, CEC program managers and the public during a plenary discussion on future initiatives for the CEC's program plan. The session was held on 16 September 1999, immediately following a public meeting on the Draft Final Analytical Framework for Assessing the Environmental Effects of NAFTA, and was attended by approximately 60 members of the public and representatives from the three governments.

The JPAC Chair for 1999, Jon Plaut, welcomed all the participants to Montréal. He acknowledged that the participants, as well as the JPAC members, had just received the document entitled *North American Agenda for Action: 2000-2002, Proposed Program Plan for the North American Commission for Environmental Cooperation*. He reminded the participants, however, that the timing of release was in response to calls from the public and JPAC for involvement early in the review process and, indeed, the Parties themselves had not yet conducted even a preliminary review of the document.

Greg Block, Director of the CEC, provided a brief overview of the proposed program plan. He explained how the individual projects have been designed to respond to the CEC's role, as convenor, catalyst, research and policy analyst, and information hub. He went on to describe the design criteria for the projects: they must fall within the scope of NAAEC, have regional environmental importance, add value; maintain regional balance, and provide concrete results. Finally he noted that development of the program for the coming year had been challenged by budget constraints.

The appropriate CEC program managers made brief introductions in advance of each designated discussion period. The Chair encouraged the JPAC members and the program managers to interact with the public. Program managers are being given a copy of this summary to assure communication.

Issues which received considerable emphasis included:

- Genetically modified organisms (GMOs)
- Protecting transboundary species
- Trilateral attention to the pollutant release and transfer [register](#)
- Increased attention to water conservation
- Institution of a rapid response mechanism
- Budget reductions
- Progress on cooperation under NAAEC Article 10(6)

Environment, Economy and Trade Program Area

CEC Program Manager: Sarah Richardson

The following comments and recommendations emerged during the presentations and discussions on the Environment, Economy and Trade program area:

- A participant recommended that within the Green Goods and Services program initiative a project on green power might be developed to assist in elaborating standards for certification. At present, consumers are confused by differing standards, such as Environment Canada's *EcoLogo* and *Green Seal* in the [United States](#). Convening a meeting of stakeholders to discuss these issues could be a starting point.

Greg Block replied that inconsistent criteria on what is 'green' is an important issue and is the subject of a recent Article 13 initiative.

- A JPAC member commented, within the Assessing Environment and Trade Relationships project, on the importance of moving beyond testing to affecting policy. She also acknowledged the enormity of the task and the costs associated with analyzing each of the priority areas. Given limited financial resources, she recommended that assistance be allocated to those who most need it. She also urged that the framework for public participation, now before Council, should be approved.
- Another JPAC member noted the importance, within this same project, of creating partnerships with NGOs in order to avoid duplication. She recommended that the Secretariat link people from the three countries who are proposing similar analyses.
- Another JPAC member reminded the session that the issue of genetically modified organisms (GMOs) had been repeatedly raised in past sessions within this program area and that the program plan should include work directed to achieving a better understanding of this complex issue. He suggested that as an initial step a workshop could be convened to assist in identifying an appropriate niche for the CEC.
- Data and information generated for CEC's reports, such as *Taking Stock*, would provide an interesting source for analysis within the *Assessing Environment and Trade Relationships* project. This could produce integration and synergy within CEC projects.

- A JPAC member suggested that a mechanism for immediate evaluation of projects in relation to meeting their stated goals and objectives be developed. She went on to support an earlier suggestion concerning the need for the CEC to focus efforts on GMOs, noting the importance of labeling and certainty for both consumers and producers. She used as an example the uncertainties surrounding the effects of genetically modified corn from the United States on Mexican produce.

Conservation of Biodiversity Program Area

CEC Program Managers: Martha Rosas and Marcos Silva

The following comments and recommendations emerged during the presentations and discussions on the Conservation of Biodiversity program area:

- It was noted that in the universities of the NAFTA countries there are many students working on biodiversity issues. It was suggested that the Secretariat link into this network. This may be one way to reduce costs.
- Martha Rosas and Marcos Silva replied that within their respective programs links already exist with academia and special efforts are made to work with people in the regions or fields of inquiry to avoid duplication. Examples given were the work on Gulf of Maine, the Bight of the Californias and the North American Biodiversity Information Network.
- Another participant commented on the affects of poverty on biodiversity and expressed concern that not enough attention was being paid to this area. He strongly endorsed the need to work on GMOs not only within the Environment, Economy and Trade program area, but also from the perspective of conservation of biodiversity. Finally, noting the importance of protecting transboundary species, he asked for information on what, if any, progress had been made to slow the destruction of the habitat for monarch butterflies.
- Martha Rosas responded by explaining that measures proposed at a 1997 trilateral meeting, are now being implemented and that Mexico is working hard to protect and improve this critical habitat.
- Greg Block commented that this was a very good example of the CEC acting as both a convenor and catalyst. He also noted that the North American Bird Conservation Initiative was another important example.
- A JPAC member expressed the wish that all transboundary species might one day be as well protected and scrutinized as the monarch butterfly. She went on to add that while this single species has attracted wide media attention, Mexico has the fifth largest concentration of biodiversity in the world. She expressed the view that the protection of biodiversity must go hand-in-hand with social issues, such as the impacts of poverty. If ecosystem protection is the objective, this can only be achieved by promoting sustainable development, including human development.
- There is a need to decimate information to the grass roots level in all three countries. Environmental education will enable people to become more aware and involved in protecting and conserving biodiversity. There should be efforts to work with the schools and other local organizations.
- The next speaker supported the importance of environmental education as the basis for informed action. A caution was raised concerning the difficulties in conducting marine and coastal projects in Mexico as no controls are currently being applied. The need for the CEC to involve itself in the issue GMOs was also strongly supported, citing impacts on trade, biodiversity and intellectual property rights.
- A JPAC member noted the importance of extending the 'lessons learned' during the important work in the Gulf of Maine and Bight of the Californias to other regions such as the Gulf of Mexico and Puget Sound.

Pollutants and Health Program Area

CEC Program Managers: Andrew Hamilton and Nick Nikkila

The following comments and recommendations emerged during the presentations and discussions on pollutants and health. Andrew Hamilton made a special point of noting the importance of the joint JPAC/SMOC meeting with Indigenous peoples in Anchorage in May 1999 in the development of this program area.

- A question was raised whether there was coordination between the CEC and intergovernmental negotiations, such as those currently underway with United Nations Economic Commission for Europe to conclude a POP's protocol to the *1979 Convention on Long-range Transboundary Air Pollution*.

Andrew Hamilton explained that the CEC is represented in various ways. For example the past chair of the SMOC working group was one of Canada's representatives at these negotiations. Whenever possible, appropriate Secretariat staff members also attend these sessions.

- It was noted that within the Pollutant Release and Transfer Register project, important data from small businesses is missing, i.e., dry cleaning operations and construction sites. It was also noted that there is an inherent limitation in voluntary reporting systems. Compliance mechanisms and incentives for companies to provide data also need to be developed.
- JPAC member commented that Mexico still does not have a registry and that many companies do not track chemical use and emissions unless they are very large or foreign-owned. He expressed a concern that until Mexico participates in the registry, it will be deficient. He noted the importance of supporting the development, implementation and outreach of the *Mexican Registro de Emisiones y Transferencia de Contaminantes* (RETC).

- Nick Nikkila noted that three cities had just undergone an emission mapping exercise. One of the cities is in Mexico. That data will be used to educate Mexican citizens about the value and power of the information that a facility-based emissions reporting system can provide. The purpose of using the emission mapping project as an educational tool is to help to build grass roots support for development and implementation of the Mexican RETC.
- Another JPAC member supported this view and raised the air issues related to carbon flow and power plants along the Texas/Mexican border as an example of the need for Mexican involvement.
- A JPAC member explained that Mexico is making efforts to motivate industry to provide the relevant information. Given the different legal contexts in the NAFTA countries, developing integrated and voluntary reporting systems that may ultimately lead to voluntary compliance, takes place at a differing pace.
- The next speaker asked for information on plans to address the issue of mobile sources (other than the initiative on trade and transportation corridors), health impacts and indicators for air quality that are amenable to measurement.

On the first point, Nick Nikkila replied that mobile source emissions would most likely be a subject of discussion at the upcoming meeting of North American air pollution management officials. However, he did not envision that mobile source emissions would be specifically addressed within the other initiatives. Concerning health impacts, Andrew Hamilton explained that, in fact, health is a criterion for selection of NARAP candidate substances. Furthermore, at the June Council session, the Ministers specified that CEC projects should respond to pre- and post-natal children's health.

- It was suggested that the mercury NARAP be 'fast-tracked' in order to inform other processes also underway in North America.
- It was noted that issues related to water conservation should receive a high priority in the program plan.

Greg Block replied that this issue has attracted consistent attention. The CEC has yet to identify a niche for itself in this area a niche in which it could add value to an issue not being dealt with by other fora in North America. He noted though that, as a beginning, water was targeted in the emerging trends project.

- There was a recommendation for work on identification of health risks associated with farm workers' exposure to pesticides. It was explained, for example, that NAFTA has caused realignment in the tobacco industry. Labor standards, however, have not improved and workers continue to be exposed to pesticides. Currently, efforts to promote capacity building are too limited and monitoring is inadequate.

Law and Policy Program Area

CEC Program Manager: Darlene Pearson

The following comments and recommendations emerged during the presentations and discussions on law and policy.

- A speaker asked if the database on comparative law would be continued.

Greg Block informed the session that this database, plus a compendium of binational and trilateral agreements, is in the process of being transferred to a partner organization. It was necessary to do this as the database is very expensive to maintain. Among the conditions for the transfer are that the database remain free to the public and be regularly updated.

- Another speaker asked if the CEC model will be expanded to include other countries of the western hemisphere. This point elicited support from other speakers.

Darlene Pearson replied that the CEC is already part of the worldwide International Network on Environmental Compliance and Enforcement (INECE) and is exploring cooperation with a new enforcement group being set up by the Organization of American States (OAS). JPAC members further explained the efforts thus far to create a JPAC and Secretariat structure with Chile, noting a current lack of political will in the United States to conclude further trade and environment agreements. The JPAC chair reminded participants that JPAC sent Advice 95-01 to Council on this matter in 1995, making specific reference to Chile.

- It was recommended that the CEC consider ways and means to institute explicit, consistent standards and processes for dispute resolution that could apply to all its activities.
- The program plan should include promotion for minimum standards for environmental audits.

Darlene Pearson agreed and replied that the Environmental Management Working Group has been struggling with exactly this challenge. A JPAC member expressed the view that work on cooperation between environmental laboratories will contribute to this task by identifying appropriate standards for certification. He further suggested that one such "standard" could be the basic need for information without which monitoring cannot take place.

- A JPAC member recommended that the CEC develop a rapid-response mechanism to handle emergencies arising from trade-related activities that are not necessarily the result of a failure to enforce environmental laws.

- Another JPAC member recommended that a process be developed, perhaps built in the existing CEC project, by which small and medium-size industries and business can gain access to the environmental management systems (EMS) accreditation process. The ISO 14000 process is not readily accessible to them and other options are required.
- A JPAC member noted, with satisfaction, progress toward integrating the Law and Policy program area with the other CEC programs and encouraged this be continued.

Other Initiatives of the CEC

Greg Block provided an overview of this section of the proposed Program Plan. He highlighted with regret the proposed reduction of US\$500,000 to the North American Fund for Environmental Cooperation (NAFEC).

- Concern was expressed, in general, about budget reductions and restrictions. It was recommended that budgets be restored to the US\$15 million contemplated at the first Council session in 1994.
- It was recommended that JPAC encourage governments to keep their web sites current.
- A JPAC member expressed concern over the proposed reduction to NAFEC. He felt that the applications are getting stronger and more directly related to the CEC Program, providing leverage for citizen participation. Another JPAC member commented that if NAFEC falters, it will be very disappointing.
- Another member noted the importance of communication and need to expand the 'family' so that more people can become active in the work of the CEC. In Mexico, for example, a very small percentage of the population has access to the CEC. Alternatives to electronic information are required in order to reach remote communities. Newsletters and other written materials, prepared in plain language, are required.
- It was suggested that JPAC members use their personal contacts to try and develop a more robust funding base for NAFEC.
- It was recommended that JPAC members be remunerated.
- Regarding cooperation with the NAFTA Free Trade Commission as specified by Article 10(6), JPAC and the Secretariat were reminded of a letter concerning Methanex, signed by 15 NGOs, that was transmitted to Council at the Banff meeting. The CEC was asked to develop a process for public access to these cases. No reply has yet been received. JPAC was asked to continue pursuing cooperation on Article 10(6).

Jon Plaut, JPAC Chair replied that JPAC had pressed very hard both publicly and privately at Banff on the matter of Article 10(6) and the need to develop this institutional cooperation. Greg Block informed the speaker that there is agreement on a mechanism for responding and the letter is on the agenda for the next meeting of the Alternate Representatives in October.

- A question was raised on methods for active, public participation and how these will be achieved. The speaker noted the importance of providing the public with timely and unrestricted access to information.

Prepared by Lorraine Brooke
 APPROVED BY THE JPAC MEMBERS
 11 October 1999