



**JPAC Public Forum on Strengthening Environmental Justice
through Community Empowerment
24 June 2024 Wilmington, North Carolina, United States**

Summary Record

ITEM 1: Welcoming Ceremony

Amelia Reyna Monteros Guijón, Indigenous representative of the Nahuas Nation, headed a welcoming ceremony. To kick off the event, she acknowledged the traditional territories of Wilmington and its surroundings, ancestral lands to the Waccamaw, Catawba and Cape Fear peoples. She then proceeded to greet the seven cardinal points with copal: the East, where knowledge, wisdom and intelligence are born, enabling the rebirth of our peoples and of us as human beings, and which is the source of the awareness we should have of our planet; the North, where darkness provides a place to look inward and tell right from wrong; the South, the source of life and eternity to balance darkness with the knowledge and guidance of our ancestors; the West, reminding us of our responsibility to raise the voiceless who deserve to be heard; the center, representing the heart and a source of love and connection to the Earth; the sky, for its infiniteness that lets us see how small we are; and finally the land, for its protection and knowledge at the right time. To finalize the ceremony, she symbolically lit the copal so that it could rise, be purified, and come back to every participant and connect them to the Earth, their ancestors and their roots.

ITEM 2: Welcoming Remarks by Jorge Daniel Taillant, CEC Executive Director

The CEC Executive Director, Jorge Daniel Taillant, began by recounting the origins of Environmental Justice (EJ), a term born in the mid-20th century, with Wilmington, North Carolina, being its cradle. Specifically, he pointed out the work of Alexander Manly, the first EJ activist who fought for health, quality of life, and environmental standards in the 19th century. Taillant then focused on the actors present at the Wilmington Council Session and their contributions to the understanding of EJ, with an emphasis on the importance of building on the legacy of previous leaders.

He then defined EJ: emphasizing that it is more than just identifying environmental issues, but rather an acknowledgment that we don't all suffer from the effects of climate change nor adapt our lifestyles to avoid it to the same extent. Environmental Justice is both equity and inequity, of benefitting from environmental resources and suffering the impacts of environmental pollution because of one's gender, religion, ethnicity, ability, or migratory status.

In addition, EJ is about intentionality, or the dangerous oversight made consciously, and sometimes unconsciously, to support policies that have sent pollution to certain sectors of society. Taillant referred to this as the four P's: Pollution, People, Place and Policy. Correcting this oversight would require us to ensure that we are all able to exercise the right to a healthy environment, especially those who have done the least to harm it, but also have the least resources to live better and healthier lives.

Finally, Taillant emphasized the commitments to the EJ Pathway made by each country. The Communities for Environmental Justice Network, launched by the CEC, is a signal event, along with the establishment of EJ as a crosscutting element of its work, to which contributing discussion papers on EJ and LGBTQIA+ issues were prepared. To conclude, he pointed to the importance, not only of institutions themselves, but

also the collective people who make them up: leaders and staff who choose to correct systems of historic wrongs and lead the way for change.

ITEM 3: Opening Remarks by Esteban Escamilla, JPAC Chair

Esteban Escamilla, JPAC Chair, pointed to the three main highlights of the forum: a keynote address by Diandra Marizet Esparza, Co-founder and Executive Director of the Intersectional Environmentalist, followed by a first panel on legal and policy instruments, and a second one on community mobilization and EJ challenges. Finally, he emphasized how the report from US National and governmental advisory committees and the open dialogue on opportunities for trilateral environmental cooperation would help to answer the following question: “How can we think about Environmental Justice from a North American Regional Perspective?”

This was followed by a brief introduction to JPAC and its activities and its mandate to advise the Council. Escamilla’s introduction also highlighted this year’s focus on strengthening collaboration with the efforts to incorporate Traditional Ecological Knowledge and Indigenous Perspectives, as well Gender Equity, Diversity and Inclusion perspectives as cross cutting themes. He then proceeded to invite colleagues from the JPAC to introduce themselves.

Introductions were followed by a video titled, “The Voices of our Collaborators,” which featured the recipients of the Youth Challenge for Innovation, as well as TEK experts, JPAC members, students, researchers and NAPECA and EJ4Climate grant recipients from each country. It also highlighted diverse voices across North America collaborating for ecosystem conservation and community resilience. Lastly, the JPAC chair presented the result of a survey intended to reveal the number of participants from each country (Canada, Mexico, and the United States) and then proceeded to introduce the keynote speaker: Diandra Marizet Esparza.

ITEM 4: Keynote Presentation by Diandra Marizet Esparza

The keynote presentation was delivered by Diandra Marizet Esparza, Co-founder and Executive Director of Intersectional Environmentalist, a climate justice collective to raise awareness and educate others on the diverse ways people are fighting the climate crisis. She began by defining Intersectional Environmentalism, as an inclusive version of environmentalism that advocates for the protection of both people and the planet, and is a lens for understanding how injustices affecting the earth and people are interconnected. She then invited the audience to reflect on what a just future could look like and who could participate in realizing it.

Marizet Esparza argued that solutions to the climate crisis already exist at the local level and she urged larger institutions to support community-led solutions with the necessary resources. She emphasized the importance of protecting people's relationship to land from corporate interests and the need to establish guidelines that respect the cultural, spiritual, and historical significance of land for the communities that have stewarded it for generations. She pointed out that Indigenous communities currently protect 80% of the world’s biodiversity, despite making up only 5% of the global population. She also stressed the need for intersectional approaches to research and data collection that provide communities with the tools to revive traditional ecological practices.

Finally, Marizet Esparza highlighted other issues relevant to intersectional environmentalism, starting with race as the number one indicator of a community's proximity to toxic waste sites in the United States, and marginalized communities being disproportionately affected. She discussed wealth disparities and their impact on people's ability to adapt to the climate crisis, as well as the need for a just energy transition that does not destabilize the relationship of communities to the land. She also referenced climate migration, noting its rise is a result of not respecting people's connection to the land. She concluded her speech by saying that joy, rather than being a gift, is a discipline, a practice for creating new ways to protect people and the planet with the skills and resources available. This includes community based participatory research, collaborative governance, stronger corporate accountability, and the protection of Indigenous rights. Finally, she invited the audience to recognize intersectional environmentalism wherever they go.

ITEM 5: Session 1: Legal and Policy Instruments to Access and Implement Environmental Justice in North America

Moderator:

- **Robert Varney, JPAC member**

Invited Speakers:

- Canada: **Aliénor Rougeout**, climate justice activist and Climate and Energy Program Manager, Environmental Defense Canada
- United States: **Amanda M. Hauff**, Senior Advisor on Environmental Justice, Office of International and Tribal Affairs, US Environmental Protection Agency
- Mexico: **Paolo Solano**, Director of Legal Affairs and Submissions on Enforcement Matters (SEM), Commission for Environmental Cooperation (CEC)
- Mexico: **Erika Hernández Mariaca**, Co-founder, Collective Cuentepec Tosepan

Robert Varney, moderator, opened the session by introducing the panelists from each country. This was followed by a brief description of the topic that would be discussed: environmental burdens resulting from the use and misuse of land and its resources, and the need for environmental law and policy to prevent this from occurring, specially to marginalized communities. Finally, he highlighted the significant differences among the three countries regarding the definition of environmental justice and how this guides policy.

During the first presentation, Paolo Solano discussed how the Submission on Enforcement Matters Process Works (SEM). The process allows anyone in North America to file a submission with respect to any of the Parties of the CUSMA treaty. The process starts with the submission, asserting that a Party is failing to enforce environmental law and needs to meet admissibility criteria. Then it is sent to the government which has 60 days to provide an official response. The second decision to be made is whether production of a factual record is recommended. Some examples of past submissions include the Loggerhead Turtle submission: this species has suffered a high mortality rate in the Pacific Ocean due to fishing activities. Another is the Vaquita Porpoise submission brought forth by US environmental advocacy groups with respect to Mexico and in which the Secretariat recommended a factual record. Paolo Solano concluded by stating that there have been 114 submissions in the history of the SEM process, of which 28 factual records have been published—the most recent being a hydraulic fracturing case.

Next, Aliénor Rougeout described a previous SEM process that led to a factual record about the Tar Sands in Alberta, Northern Canada. Environmental Defense Canada advocated for a just energy transition for workers and communities impacted by fossil fuel phase-out, seeking justice and calling on companies to clean up. She explained how the Tar Sands are locally destructive, as they lie under the land of Treaty 8, the traditional territory of the Cree, Denesuline, and Métis Nations. Key impacts include clearing the boreal forest and dumping trillions of liters of contaminated water, industrial wastewater, and buried sludge in tailings ponds. Downstream communities report serious health concerns, such as rare cancers and respiratory diseases, while their relationships with the land are harmed. This is an example of environmental racism, as Indigenous communities bear the burden of the pollution.

The SEM process demonstrated that toxic waste from the tailing's ponds have violated Canada's Fisheries Act, which protects freshwater where fish live or could live. The Natural Resources Defense Council submitted evidence that the Fisheries Act was not being enforced, as companies weren't charged. The decision moved to a factual record, with strong scientific evidence confirming that the tailings ponds were leaking beyond their boundaries. Rougeout also noted that media coverage, backed by the factual record, was essential in validating the communities' arguments.

The third presentation was given by Amanda M. Hauff, who provided policy and legal perspectives from the United States. She described the core aspect of environmental justice as the courage to facilitate public participation and foster open dialogue between government and citizens. She mentioned the creation of the White House Environmental Justice Advisory Council and the use of an Environmental Justice Scorecard to ensure accountability, along with environmental justice strategic plans that identify priorities, activities, and partnerships.

M. Hauff then discussed some of the EPA's legal tools to advance environmental justice, including principles and statutes that guide the inclusion of environmental justice perspectives. For example, agency standards for water quality, human health and consumption, and tribal treaty rights. She also highlighted the Technical Guidance for Assessing Environmental Justice in Regulatory Analysis, which helps EPA analysts evaluate potential EJ concerns associated with regulatory actions, supporting the decision-making process and encouraging key questions. Other tools, such as mapping and screening, can provide data for different scenarios, but should not be used as decision-making tools on their own, as they may exclude tribal populations' perspectives. Finally, she mentioned how combining climate and economic justice screening tools can provide indices that compare demographic and social perspectives.

The final presentation was given by Erika Hernández Mariaca, who focused on environmental justice for Indigenous Peoples, emphasizing that they protect 80% of the world's biodiversity. She defined environmental justice for Indigenous peoples as addressing the impacts on their territories and lands. Key principles include the right to self-determination over their land and the ability to discuss and decide what happens on their land, based on community statutes and ejido laws.

Hernández Mariaca then highlighted the vulnerability of Indigenous communities to mega-projects, such as the Cuentepec community, which faces threats from a foreign open-pit mining project. This project involves the removal of soil, which affects Indigenous and other communities and threatens sacred sites like Xochicalco, an archaeological site. The communities have organized to demand accountability, with responsibility linked to impacts like water and soil pollution, and the destruction of Nahua traditions. They seek to make collective decisions, oppose mining, and highlight that the project began without community consultation. She concluded by stating that Indigenous Peoples are autonomous, have the right to self-determination, and can create their own rules, which should be respected and acknowledged by the government.

The presentation was followed by questions and comments from the public. Participants and panelists identified tools that countries could use to guide each other's actions, such as an internal handbook to ensure greater transparency. They also emphasized the importance of sharing data between countries and building on existing practices. Another question addressed how principles of sovereignty and self-determination influence the approaches taken in environmental justice (EJ) strategies. In response, participants discussed the development of principles and approaches to be prioritized, as well as the need to protect tribal sovereignty, clarifying that not everything related to tribes should be viewed solely through an environmental justice lens.

ITEM 6: Report From the US National and Governmental Advisory Committee Representatives

Vincent Nathan, Chair of the US National Advisory Committee (NAC), Austin Nunez, Chair of the Governmental Advisory Committee (GAC), and Oscar Carrillo, the NAC/GAC designated federal officer to the EPA, briefly described the missions of the NAC and GAC, which involve advising the US government on trade and environmental issues. Consequently, they focus on issues related to the CEC, as well as reviewing the CEC's Operational Plan, Budget, and Draft Strategic Plan.

ITEM 7: Session 2: Community Mobilization and Environmental Justice Challenges

Moderator:

- **Cessia Esther Chuc Uc**, TEKEG member

Invited Speakers:

- Canada: **Naolo Charles**, Founder, Black Environmental Initiative, and Co-founder, Canadian Coalition for Environmental and Climate Justice
- Mexico: **Josefa Sánchez Contreras**, from the Zoque Indigenous community of Chimalapa, Oaxaca, and a researcher at the University of Granada.
- United States: **Don Hardy**, Mayor of Kinston, North Carolina, Chairman of North Carolina Mayors Association Board of Directors, Vice Chairman, National League of Cities, and member of the African American Mayors Association
- United States: **Chris Hawn**, Co-Director of Research and Education, North Carolina Environmental Justice Network

Cessia Esther Chuc Uc, the moderator, welcomed the participants and the panelists, and introduced the session by highlighting the importance of territory in enabling peoples around the world to exercise their collective rights.

Naolo Charles opened the panel by discussing the challenges and environmental racism faced by some communities in Canada. He emphasized the need for a holistic perspective, like ecology, which considers the interactions between organisms, their environment, and ecosystems. He highlighted various pollutants impacting racialized communities, such as NO₂, mercury, lead, VOCs, pesticides, and toxics, which contribute to premature deaths, mental health issues, and diseases like cancer and dementia.

Charles also pointed out that the devaluation of communities and land leads to a loss of cultural diversity, citing the disappearance of Black settlements in Canada. He identified racism as a major obstacle to

addressing climate change and capitalism, while also emphasizing the opportunity for cultural change brought by Black communities, even when they lack political or economic power. He concluded by comparing the destruction of land and mental pollution, arguing that both need to be cleaned for true progress.

Dr. Josefa Sánchez Contreras' presentation focused on three major challenges to environmental justice in Mexico: the global demand for extractivism, agrarian conflicts over Indigenous land, and violence against environmental defenders. She highlighted the pressure for mineral extraction to support the energy transition, exemplified by the Istmo de Tehuantepec region. In places like Chimalapas, mining concessions for gold and copper were granted without community consultation, causing protests over environmental contamination. This raises questions about how to integrate the protection of ecosystems into legal frameworks within extractivist contexts.

Agrarian conflicts on Indigenous land, including around 500 such disputes in Mexico, were another key issue. In Chimalapas, conflicts have led to violence and fires being set. Additionally, Mexico has seen a surge in violence against environmental defenders. In 2022, it was ranked the third-deadliest country for activists, with 123 recorded acts of aggression in 2023. Dr. Sánchez Contreras proposed several actions to advance environmental justice, such as supporting indigenous communities' proposals for sustainable land use, respecting their internal norms, and upholding their rights. She stressed the need to move away from colonial-era patterns of extractivism in favor of more equitable solutions. According to her, key resources for supporting environmental justice include legal mechanisms for agrarian conflicts, honoring Indigenous demands for closures of mining concessions, justice for murdered defenders, and the recognition of rights for nature, such as rivers and mountains.

The third presentation was given by Chris Hawn, co-director of the North Carolina Environmental Justice Network, who has been active for 26 years, focusing on education and advocacy for environmental justice. A key part of their presentation highlighted a community science project using spider webs to monitor air quality. Spider webs collect dust, which can be analyzed to measure contaminants. This method allows for monitoring closer to the source of pollution, with local community members trained to identify and collect the webs. Hawn emphasized the importance of an intergenerational approach, bringing together elders and youth. Elders share their experiences with children in schools, fostering connections and motivating the community. This exchange of perspectives enhances education and strengthens the movement for environmental justice.

Hawn also discussed building a network of teachers and educators to expand the community science project and improve local educational infrastructure. For success, they stressed the need for community and academic partnerships. By combining local knowledge with scientific research, these collaborations can drive lasting change and empower communities to address environmental challenges.

The last panelist, Don Hardy, the Mayor of Kingston, North Carolina, discussed the power of grassroots efforts in driving change for marginalized communities. He emphasized the importance of empowering these communities to advocate for their rights, as it can significantly improve public health, quality of life, and environmental conditions. Hardy stressed that building strong coalitions with other organizations is vital for sustained change. He highlighted initiatives like peaceful protests and community clean-ups while acknowledging the challenges these communities face, including environmental hazards, political marginalization, limited resources, and economic pressures. Marginalized populations often live near pollutants, exposing them to health risks, and are limited in legal support. Economic constraints push

them to accept harmful industries, despite long-term costs. Extreme weather, worsened by climate change, further exacerbates these vulnerabilities.

To address these challenges, Hardy proposed empowering community leaders, using environmental laws to hold polluters accountable, and promoting green jobs that prioritize health. He also emphasized the importance of healthcare, strategic partnerships, and including marginalized voices in decision-making. Hardy called for regional collaboration, urging local governments to support grassroots efforts and address the disproportionate burdens these communities face. As he put it, “We must do whatever we can, however we can, wherever we can to help impact the lives of others for the better.” He believes that working together regionally is key to making the greatest impact.

After the presentations, the session shifted to questions and comments from the public, which focused on integrating Indigenous knowledge into legislation, developing a North American regional agenda, and that existing agricultural laws should be adhered to and updated where necessary to include Indigenous knowledge. Proposals recognizing nature as a subject of rights were discussed, along with the need to reflect the relationship between indigenous communities and their territories, particularly in terms of biodiversity and traditional practices.

Recommendations from the public to the CEC included involving Indigenous and local communities in law development and supporting them in creating their own data systems. The importance of addressing power imbalances was also highlighted, with a focus on redistributing power. Additionally, regional alliances between Mexico, Canada, and the United States should prioritize environmental justice in energy transition strategies, despite the challenges posed by unequal power relations. Lastly, trilateral strategies must consider energy access, consumption, and reduction to ensure fair collaboration across the three countries.

ITEM 8: Open Dialogue on Opportunities for Environmental Trilateral Cooperation: Can We Think about Environmental Justice from a Regional North American Perspective?

Facilitated by Felicia Marcus, a JPAC member, and incorporating both JPAC and TEKEG perspectives, this dialogue focuses on identifying environmental justice issues common to the three countries. In particular, the audience highlights the need to establish clear standards for exposure to chemicals and conditions related to climate change across North America, especially in the agricultural sector, where workers face risks from pesticides, polluted water, and heat. The lack of protections for these workers, compounded by slow emergency response times, was a key concern.

Participants emphasize that environmental justice cannot be separated from labor justice, as workers are often the first victims of companies responsible for pollution. The discussion also centers on the importance of municipal legislation to protect vulnerable populations, including workers, and the urgency of mobilizing the private sector in support of environmental and social justice.

The public and panelists further stress the need to raise awareness among the populations of all three countries about the impacts of national companies' activities on local communities. For instance, they propose raising awareness in Canada about Canadian mining operations in Mexico.

At the conclusion of the segment, participants agree on the importance of adapting collaborative efforts across countries to their respective legal systems, while ensuring that all voices are heard, and leveraging and leveraging accessible data to strengthen connections between communities.

ITEM 9: Closing Remarks by Esteban Escamilla, JPAC Chair

Esteban Escamilla, chair of the Joint Public Advisory Committee (JPAC), concluded the forum by expressing his gratitude to the guest panelists, JPAC members, attendees, CEC secretariat staff, and interpreters for their valuable contributions. He emphasized that feedback from the forum was crucial for the JPAC, as it would play a vital role in preparing recommendations for the council. Escamilla also invited all participants to attend the upcoming Council Session, which would focus on strengthening environmental justice through community empowerment, underscoring the importance of continued engagement in shaping impactful solutions.

ITEM 10: Adjournment

The meeting was adjourned at 5 pm.