

2000 REGULAR SESSION OF THE COUNCIL

12–13 June 2000
Dallas, Texas, United States of America

SUMMARY RECORD

The Council held its Seventh Regular Session on Monday and Tuesday, 12–13 June 2000, in Dallas, Texas. Administrator Carol M. Browner (United States) chaired the meeting. Secretary Julia Carabias and Minister David Anderson represented Mexico and Canada, respectively. Janine Ferretti, Executive Director, represented the Secretariat and Cristóbal Vignal acted as Council Secretary. The list of delegates is included as Annex A.

Item 1 Joint Meeting with the JPAC

JPAC outlined four issues that emerged from earlier discussions, namely Articles 14 and 15, NAFEC, the CEC budget and lead. Concerning Articles 14 and 15, JPAC defined its role as providing advice based on what it hears from the public, and suggested that more experience is needed before changes to the guidelines can be contemplated, adding that if and when a process for interpretative matters is established, the public should be involved in the process.

JPAC reiterated the importance of NAFEC, noting that the fund has created a real constituency for the CEC and that it further implements the goals and priorities of the CEC work program, at a grass roots level. JPAC urged Council to maintain NAFEC and presented two options. The first option, should the only other one be to end the fund, would be to maintain funding at the current level of US\$500,000, with the understanding that someday more money may be available. The second option would be to increase funding to US\$1 million by finding money within the work program; for example through the application of phase-out schedules as a possible approach. Funding from external sources or the possibility for any given Party to provide additional funding should also be explored.

With respect to the CEC budget, JPAC indicated that there clearly is not enough money to support the program and activities, especially when new initiatives are being contemplated, such as children's health and the environment. Considering that governments benefit from increased trade, funding for the CEC should be made commensurate with the returns from increased trade and cooperation, and financing should be incumbent upon the governments as a whole, not just the environment ministries.

In closing, JPAC asked the Council on the status of the implementation of the NARAP for PCBs and the status of lead as a candidate for a NARAP, particularly as it relates to children's health. Noting the hard work the SMOC working group has invested in developing the priority list of substances, JPAC urged the Council to consider the development of NARAPs as soon as possible.

Before outlining the proposed framework for Articles 14 and 15, the Council described the three cornerstones of the submission process and explained how these must be protected if the process is to be secured and balanced. The first is meaningful public participation; the second is the independence of the Secretariat; and the third is the role of the Council. The Council cautioned that its members can not be constrained in their ability to talk to each other as this could become a barrier to their full participation.

In summary, the Council explained that as per Council Resolution 00-09, “Any Party, the Secretariat, members of the public through the JPAC or, the JPAC itself, may raise issues concerning the implementation and further elaboration of Articles 14 and 15 of the Agreement to the Council, who shall refer any such issues as it proposes to address to the JPAC so that the JPAC may conduct a public review with a view to provide advice to the Council as to how those issues might be addressed”. Further to that, “the Parties, acting through the Council, shall consider the JPAC’s advice in making decisions concerning the issues in question relating to Articles 14 and 15 of the Agreement and shall make public its reasons for such decisions, bringing the process to conclusion”.

Responding to the question raised by JPAC on lead, the Mexican Council member specified that Mexico does not have at present human and financial capacity to take on more NARAP. Noting that not all substances that go through the selection and review process necessarily move forward with the development of a NARAP, the Mexican Council member added that lead should certainly be incorporated into the topic of children's health and the environment.

The Canadian member of Council states how much JPAC's advice has been valued in Canada, particularly regarding involvement of indigenous peoples, management of chemicals, biodiversity and children's health.

Item 2 Opening of the Session, report by the Executive Director, and special presentations and Council discussion on CEC achievements

The session was formally opened by Administrator Carol M. Browner, who was followed by welcoming remarks by Secretary Julia Carabias and Minister David Anderson. Gregg Cooke, EPA Regional Administrator of Region VI, and Ralph Marquéz, Commissioner, Texas Natural Resources Conservation Commission, also extended welcoming remarks to the public and the CEC in Dallas.

The opening of the session was followed by a report from Janine Ferretti, CEC Executive Director, on the developments and activities of the CEC (Annex B) and by special presentations on initiatives related to the CEC work program.

Pierre-Marc Johnson, in his capacity as Chair of the *North American Symposium on Understanding the Linkages between Trade and Environment*, reported on progress made by the CEC in its work related to NAFTA environmental effects and the upcoming Symposium to be held on 11–12 October 2000, in Washington, DC.

Rosa-Maria Vidal, General Director of *Pronatura Chiapas*, and Laure Waridel, holder of the Eco-Research Chair at University of Victoria, spoke on the emerging success of shade-grown, organic and fair trade coffee as an example illustrating the potential of sustainable trade through NAFTA.

Barry Commoner, Director of the Center for the Biology of Natural Systems, Queen's College (CUNY), presented results from a soon-to-be released study commissioned by the CEC on transboundary movement of dioxin from sources throughout North America to receptors in the Canadian territory of Nunavut.

Townsend Peterson, Assistant Professor and Curator, Natural History Museum, University of Kansas laid out the progress of the North American Biodiversity Information Network in developing a distributed biodiversity information network that integrates information on biodiversity.

Bonnie C. Yates, Senior Forensic Specialist, US Fish and Wildlife Service, spoke on the role of forensic science in the effective enforcement of wildlife protection laws, and the role the CEC has played in promoting sharing of information and expertise and in building a North American network of wildlife forensic experts.

Item 3 Opening of the in-camera session and adoption of the agenda

The Chair opened the in-camera session; and the Council approved the provisional agenda (Annex C).

Item 4 CEC work program achievements and directions

Greg Block, CEC Director of Programs, summarized the progress achieved in each program area.

Item 4.1.1 Assessing Environmental and Trade Relationships

The Council reviewed progress on the North American Symposium on Understanding the Linkages between Trade and Environment, to be held in October 2000 in Washington, DC. The US Council member committed herself to making every effort to attend at least part of the symposium and to encourage her trade counterpart to do the same. The Canadian Council member undertook to do the same.

Item 4.1.2 Facilitating Trade in Green Goods and Services

The Council reviewed key areas of progress related to the CEC's shade coffee initiative and agreed to consider further work advancing private sector efforts to expand markets for sustainable coffee, recognizing the value of gaining experience in the field of voluntary eco-labeling and certification.

Item 4.1.3 Improving policy coordination between trade and environment agencies

The Council reviewed progress made by the Article 10(6) Environment and Trade Officials Group in its discussions on possible collaboration between the CEC and NAFTA's Free Trade Commission to work toward mutually supportive trade and environment policies. The Council welcomed as an important step the joint meeting of the CEC Article 10(6) Environment and Trade Officials Group and NAFTA Working Group on Standards-Related Measures, held on 23 June 2000, in Ottawa.

Item 4.2.1 Identifying priority species of common concern

The Council released the list of the seventeen species of common conservation concern on which the Parties agreed to focus their efforts in cooperation with the Canada/Mexico/US Trilateral Committee for Wildlife and Ecosystem Conservation and Management. They also agreed to carry out concerted actions for developing habitat conservation initiatives and establishing international species conservation teams, and to seek public comment on the proposed action plans.

Item 4.2.2 Building a North American Biodiversity Information Network (NABIN)

The Council discussed opportunities for increasing information exchange to support conservation and expand the use of NABIN as a key mechanism for sharing information and modeling the potential ecosystem effects of climate change and the continental range of invasive species.

Item 4.3.1 Sound Management of Chemicals

The Council adopted Council Resolution 00-06 (Annex D), thereby approving Phase II of the North American Regional Action Plan on Mercury recommending that the Parties undertake, as soon as possible, the actions set out therein to reduce mercury releases from human activities.

Item 4.3.2 Pollutant Release and Transfer Registry (PRTR)

The Council adopted Council Resolution 00-07 (Annex E) reaffirming the Parties' commitment to continue individual and collective efforts to promote PRTRs, their development and enhanced comparability, and public access to them—domestically, regionally and internationally.

Item 4.4.1 Environmental Management Systems (EMS)

The Council adopted Council Resolution 00-05, "Encouraging the Use of the Commission for Environmental Cooperation's *Guidance Document: Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems*" (Annex F), thereby approving the public release of this document.

Item 5 Children's Health and the Environment

The Council adopted Resolution 00-10 (Annex G) directing the Secretariat to work with the Parties to develop a CEC agenda on children's health and the environment in North America focusing, as a

starting point, on such specific health outcomes as asthma (including triggers such as environmental tobacco smoke, indoor pollutants and outdoor air pollutants) and other respiratory diseases, the effects of lead including lead poisoning, and the effects of exposure to other toxic substances.

Item 6 North American Fund for Environmental Cooperation (NAFEC)

The Council recognized NAFEC's valuable role in helping to promote sustainable development at the local level and in supporting specific projects in the CEC's work plan, and agreed that funding for NAFEC shall be maintained at its current level. The Council further reaffirmed its commitment to the Fund and agreed to explore alternatives for additional funding.

Item 7 Transboundary Environmental Impact Assessment (TEIA)

The Council was briefed on the status of the *Statement of Intent of the Ten US-Mexico Border States on Transboundary Environmental Notification* concluded in March 2000, respecting notification of projects with potential transboundary environmental impacts.

Item 8 Articles 14 and 15—Procedural Issues

The Council adopted Council Resolution 00-09 (Annex H), thereby agreeing that issues concerning the implementation and further elaboration of Articles 14 and 15 of the Agreement may be referred to JPAC for public review, with a view to providing advice to the Council as to how these issues might be addressed. The operation of the resolution will be reviewed after two years.

Item 9 Preparation for the public portion of the session

The Council discussed the format of the public portion of the session.

Item 10 Public portion of the session

Council members informed the public of the early results of their in-camera session. More specifically, they explained the agreement reached by the Parties with respect to Articles 14 and 15 procedural issues, a process that includes the active participation of JPAC (refer to Annex H "Council Resolution 00-09").

The Council was in turn briefed by three representatives of the public on the results of the public workshops conducted by JPAC in parallel. The reports focused on issues related to indigenous communities, transportation corridors and their impact on environment and trade, conservation of biodiversity, pollutants and health, law and policy, and other initiatives. The workshop report will be provided to the Council by JPAC and will include detailed results and recommendations.

The Council then heard presentations from the public on a number of issues, including biodiversity conservation, pollutants and health, indigenous peoples; NAAEC Articles 14 and 15; and

transboundary issues. The Council responded to a number of the statements made by the public and thanked the public and JPAC for their valuable contribution.

A summary of all interventions made during the public portion of the session is available on the CEC homepage or upon request to the Secretariat.

Item 11 Review of draft session communiqué

The Council reviewed the session communiqué.

Item 12 Joint meeting with JPAC

The Council reported on the various resolutions newly adopted. Regarding children's health and the environment, the Council asked the Secretariat to work with the Alternate Representatives and JPAC in the coming months to ensure that appropriate budget decisions are made, and invited JPAC to provide the Secretariat with ideas on how this new focus could be introduced and financed within the existing work plan.

JPAC welcomed the confidence shown by the Council and the challenges that lie ahead. JPAC informed the Council that it is starting to map out a plan of action to carry out this new responsibility, noting, however, that more resources may be required. While this may have budgetary implications, JPAC understood that it will not be easy, given the budgetary constraints the CEC is already facing, but expressed concern that the lack of funds at any given time may create a situation where JPAC simply cannot fulfill its responsibilities.

On other issues, JPAC announced that it has endorsed the *Guidance Document: Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems*. JPAC emphasized on the urgency of moving ahead with the process on lead and approving the development of a NARAP, flexible enough to adapt to the capacities of each country. JPAC informed the Council that a JPAC advice on Children's Health and the Environment would be issued in the context of the 2001-2002 program plan of the CEC. On this same issue, JPAC considered that there is a need to encourage greater collaboration between health and environment ministries in each country and perhaps, at some point, contemplate a trilateral meeting to share information and develop complementary efforts. JPAC also felt there is a way to accomplish what needs to be done for children's health within the CEC without creating new projects or programs, by simply incorporating the children's health and environment element into ongoing project areas. Lead is one such area. In closing, JPAC indicated it would like to see more emphasis on reaching out to indigenous peoples and other vulnerable groups and encouraged the Secretariat to continue developing mechanisms aimed at involving these groups in CEC activities.

In closing, the Council thanked JPAC for accepting its new responsibility and assured JPAC that it would do its best to ensure that resources are available, within budget limitations, as JPAC develops its work plan. The Council noted that the advice to be provided by JPAC falls within the parameters of Article 16(4) of NAAEC.

Item 13 Model Rules for Dispute Resolution under Part V

The Council was briefed on the status of the Parties' efforts in developing a single negotiating text of Model Rules. The Council encouraged the Alternate Representatives to attempt, as much as possible, to bring this issue to a close before the end of the year.

Item 14 Parties' contributions to the 2001 CEC Budget

The Council approved Council Resolution 00-08, "2001 Funding of the Commission for Environmental Cooperation," which maintains funding for 2001 at a level equal to US\$9 million (Annex I).

Item 15 Approval of session communiqué and preparation for press conference

The Council approved the final communiqué (Annex J).

Item 16 Concluding remarks and closure of the session

In their concluding remarks, members of the Council commended the Secretariat for its efforts in ensuring the success of this session. The Council agreed to meet in Mexico for the next regular Session of the Council in June 2001. The Chair closed the session.

List of Canadian Delegation

The Honourable David Anderson

Minister
Environment Canada
Les Terrasses de la Chaudière
10 Wellington Street 28th Floor
Hull, Que K1A 0H3
Canada
(1 819) 997-1441
(1 819) 953-3457

Ms. Rita Cerutti

Senior Advisor, Americas Branch
Environment Canada
10 Wellington St.
Les Terrasses de la Chaudière 25th Floor
Hull, Que K1A 0H3
Canada
(819) 994-0148
(819) 997-0199
rita.cerutti@ec.gc.ca

Ms. Christine Guay

Executive Director
International Relations Directorate
Les Terrasses de la Chaudière, 22th Floor
10 Wellington Street
Hull, Que K1A 0H3
Canada
(819) 994-4404
(819) 994-6227
christine.guay@ec.gc.ca

Ms. Josée Lamothe

A/Director
Environment Canada
Terrasses de la Chaudière
10, rue Wellington 25th floor
Hull, Québec K1A 0H3
Canada
(819) 953-4016
(819) 994-6484

Mr. Roy Brooke

Senior Policy Advisor
Office of the Minister of the Environment
Les Terrasses de la Chaudière
10 Wellington Street 28th Floor
Hull, Québec K1A 0H3
Canada
(819) 997-1441
(1 819) 953-0279
roy.brooke@ec.gc.ca

Ms. Sandra Duxbury

Environmental Intergovernmental Officer
Ministry of Environment Alberta
11th Floor, South Petroleum Plaza
9915-108 Street
Edmonton, Alberta T5K 2G8
Canada
(1 780) 427-1833
(1 780) 422-5136
Sandra.Duxbury@gov.ab.ca

Mr. Daryl Hanak

International Trade Counsel
Alberta Federal and Intergovernmental Affairs
12th Floor, Commerce Place
10155 -102nd St. NW
Edmonton, Alberta T5J 1G8
Canada
(1 780) 427-6543
(1 780) 427-0699
dah@inter.gov.ab.ca

Me Denis Langlois

Lawyer, International Environmental Law
Department of Foreign Affairs and International Trade
Lester B. Pearson Building
125 Sussex Drive
Ottawa, Ontario K1A 0G2
Canada
(1 613) 995-1135
(1 613) 966-6483
denis.langlois@extott07.x400.gc.ca

Ms. Jenna Mackay-Alie
Director, Americas Branch
Environment Canada
Terrasses de la Chaudière, 25th Floor
10, rue Wellington
Hull, Que K1A 0H3
Canada
(819) 994-1670
(819) 997-0199
jenna.mackay-alie@ec.gc.ca

Ms. Sue Milburn-Hopwood
Environment Canada
351 St. Joseph Blvd., 11th Floor
Hull, Que K1A 0H3
Canada
(1 819) 953-8441

Ms. Norine Smith
Assistant Deputy Minister Policy and Communications
Environment Canada
10 Wellington
23rd Floor
Hull, Que K1A 0H3
Canada
1 819 997-4882
1 819 953-5981
norine.smith@ec.gc.ca

Mr. Luke Trip
Manager, Heavy Metals Issues
Environment Canada
351 St Joseph Blvd.
Hull, Que K1A 0H3
Canada
(1 819) 997-1967
(1 819) 994-3479
luke.trip@ec.gc.ca

Ms. Velma McColl
Director of Communications
Environment Canada
Terrasses de la Chaudière
10, rue Wellington
Hull, Québec K1A 0H3
Canada
(819) 953-2101/ 953-0735
(819) 997-2742
velma.mccoll@ec.gc.ca

Ms. Kathryn Sauve
Director, International Communications
Environment Canada
Place Vincent Massey
351 St. Joseph Blvd., 7th Floor
Hull, Québec K1A 0H3
Canada
(819) 994-1032
(819) 953-6950
kathryn.sauve@ec.gc.ca

Ms. Carol Smith Wright
Senior Policy Adviser
Department of Foreign Affairs and International Trade
Lester B. Pearson Building
125 Sussex Drive, Tower B 4th Floor
Ottawa, Ontario K1A 0G2
Canada
(1 613) 944-1025
(1 613) 995-9525
carol.smith-wright@dfait-maeci.gc.ca

List of Mexico Delegation

Señor Mario Aguilar

Representante General / Embajada de México
Secretaría de Medio Ambiente, Recursos Naturales y Pesca
(SEMARNAP)
1911 Pennsylvania Avenue N.W.
7th Floor
Washington, D.C. 20006
USA
(1 202) 728-1770
(1 202) 728-1781
ofrep@hotmail.com

Mtra. Julia Carabias Lillo

Secretaria
Secretaría de Medio Ambiente, Recursos Naturales y Pesca
(SEMARNAP)
Periférico Sur N° 4209, 6° piso
Fracc. Jardines de la Montaña Delegación Tlalpan
México, D.F. 14210
México
(011 52 5) 628-0605, 628-0602, 628-0604, 628-0605
(011 52 5) 628-0644
jcarabias@semarnap.gob.mx

Señorita Veronique Deli

Directora para América del Norte
Secretaría de Medio Ambiente, Recursos Naturales y Pesca
(SEMARNAP)
Periférico Sur No.4209, 6° piso
Fracc. Jardines en la Montaña Delegación Tlalpan
México, D.F. 14210
México
(011 52 5) 628-0600 Ext. 2042
(011 52 5) 628-0653
vdeli@semarnap.gob.mx

Dr. Héctor Márquez Solís

Director General de Análisis y Seguimiento a Tratados
Comerciales Internacionales
Secretaría de Comercio y Fomento Industrial (SECOFI)
Alfonso Reyes 30, piso 16
Col. Hipódromo Condesa
México, D.F. 06179
México
(011 52 5) 729-9119/20, 729-9100 Ext. 6638
(011 52 5) 729-9308
hmarquez@secofi.gob.mx

Dr. Juan Carlos Belausteguigoitia Rius

Subsecretario de Planeación
Secretaría de Medio Ambiente, Recursos Naturales y
(SEMARNAP)
Periférico Sur N° 4209, 4° piso
Fracc. Jardines en la Montaña Delegación Tlalpan
México, D.F. 14210
México
(011 525) 628-0892,
Tel/Fax (011 52 5) 628-0649
jbelaste@semarnap.gob.mx

Dra. Cristina Cortinas de Nava

Diirectora general de residuos materiales y riesgo
Instituto Nacional de Ecología (INE)
Avenida Revolución 1425, Nivel 35
Colonia Tlacopac San Angel Del. Alvaro Obregón
México, D.F. 01150
México
(011 525) 624-3389
/3393
(011 525) 624-3595
mcortina@ine.gob.mx

Señor Mario Guillermo Huacuja Rountree

Director General de Comunicación Social
Secretaría de Medio Ambiente, Recursos Naturales y
(SEMARNAP)
Periférico Sur No.4209, 6° piso
Fracc. Jardines en la Montaña Delegación Tlalpan
México, D.F. 14210
México
(011 52 5) 628-0891
(011 52 5) 628-0891
grios@semarnap.gob.mx

Lic. Norma Munguía Aldaraca

Coordinadora de Asuntos Internacionales
Procuraduría Federal de Protección al Ambiente (PR
Periférico Sur 5000, 5° Piso
Col. Insurgentes Cuicuilco Del. Coyoacán
México, D.F. 04530
México
(011 52 5) 528-5515
(011 52 5) 666-9334
nmunguia@correo.profepa.gob.mx

Señor Israel Núñez Birrueta

Director para América del Norte
Secretaría de Medio Ambiente, Recursos Naturales y Pesca
(SEMARNAP)
Anillo Periférico Sur No.4209, 6° piso
Fracc. Jardines en la Montaña Delegación Tlalpán
México, D.F. 14210
México
(011 525) 628-0600 Ext. 2039, 2042 y 2065
(011 52 5) 628-0653
inunez@semarnap.gob.mx

Lic. José Luis Samaniego

Coordinador de Asuntos Internacionales
Secretaría de Medio Ambiente, Recursos Naturales y Pesca
(SEMARNAP)
Periférico Sur N° 4209, 6° piso
Fracc. Jardines en la Montaña Delegación Tlalpan
México, D.F. 14210
México
(011 52 5) 628-0650/51
(011 52 5) 628-0653
jsamaniego@semarnap.gob.mx

Lic. Mireya Vega López

Subdirectora para la CCA y Canadá
Secretaría de Medio Ambiente, Recursos Naturales y Pesca
(SEMARNAP)
Periférico Sur No.4209, 6° piso
Fracc. Jardines en la Montaña Delegación Tlalpán
México, D.F. 14200
México
(011 52 5) 628-0600 Ext. 2039
(011 52 5) 628-0653
mvega@semarnap.gob.mx

Lic. Enrique Provencio Durazo

Presidente
Instituto Nacional de Ecología (INE)
Avenida Revolución 1425, Piso 38
Col.Tlacopac, Del. Álvaro Obregón
México, D.F. 01040
México
(011 52 5) 624-3300 general
(011 525) 624-3598
eproven@ine.gob.mx

Sr. Sergio Tirado Ramos

Director de Tratados Comerciales Internacionales co
Norte
Secretaría de Comercio y Fomento Industrial (SECO
Alfonso Reyes 30, piso 17
Col. Hipódromo Condesa
México, D.F. 06179
México
(525) 729-9100
(525) 729-9308
stirado@secofi.gob.mx

List of USA Delegation

Mr. John Audley

Environment & Trade Policy Coordinator
U.S. Environmental Protection Agency (US EPA)
401 M Street S.W./7101
Washington, DC 20460
USA
(1 202) 564-6467
audley.john@epa.gov

Mr. David Berman

U.S. Environmental Protection Agency (US EPA)
75 Hawthorne Street
WTR-4, Cube #11123
San Francisco, California 94105
USA
(1 415) 744-2006, 744-1001
(1 415) 744-1078
berman.davidm@epamail.epa.gov

Mr. Michael Boynton

U.S. Department of State
OES/EGC-Room 4333
Washington, DC 20520
USA
(1 202) 647-4069
(1 202) 647-0191

Mr. Lionel Brown

U.S. Environmental Protection Agency (US EPA)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
USA
(1 202) 260-2090

Mr. Corey Brown

U.S. Environmental Protection Agency (US EPA)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
USA
(1 202) 260-2090

Ms. Carol Browner

Administrator
U.S. Environmental Protection Agency (US EPA)
401 M Street South West
Room W 1200
Washington, D.C. 20460
USA
(1 202) 260-4700
(1 202) 260-0279

Mr. Gregg Cooke

Regional Administrator
U.S. Environmental Protection Agency (US EPA)
Fountain Place, 12Th Floor
1445 Ross Avenue
Dallas, Texas 75202
USA
(1 214) 665-2150
(1 214) 665-6648
cooke.gregg@epa.gov

Ms. Ana Corado

CEC Deputy Coordinator
U.S. Environmental Protection Agency (US EPA)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
USA
(1 202) 564-0140
(1 202)
corado.ana@epamail.epa.gov

Ms. Corina Cortez

U.S. Environmental Protection Agency (US EPA)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
USA
(1 202) 260-2090

Mr. Paul Cough

Director
U.S. Environmental Protection Agency (US EPA)
401 M Street South West
Mail code 2660R
Washington, DC 20460
USA
(1 202) 564 6459
(1 202) 565 2409
cough.paul@epamail.epa.gov

Mr. David Downs

U.S. Department of the Interior
1849 C Street North West
Washington, DC 20240
USA
(1 202) 208-3862
(1 202) 371-2815

Ms. Diana Gearhart

U.S. Environmental Protection Agency (US EPA)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
USA
(1 202) 260-2090

Mr. Alan D. Hecht

U.S. Environmental Protection Agency (US EPA)
401 M Street South West
Code 2610
Washington, D.C. 20460
USA
(1 202) 260-4870
(1 202) 260-9653

Mr. Mark Joyce

Designated Federal Officer for NAC and GAC
U.S. Environmental Protection Agency (US EPA)
401 M Street S.W. (1601A)
Washington, DC 20460
USA
(202) 564-9802
(202) 501-0661
joyce.mark@epa.gov

Ms. Mary Latimer

Office of the United States Trade Representatives
600 17th Street N.W.
Washington, DC 20506
USA
(1 202) 395-5190
(1 202) 395-9675

Ms. Laura Lochman

Deputy Director
Department of State
Washington, DC 20520
USA
(1 202) 647-4750
(1 202) 647-5947
Lochmanla@state.gov

Mr. Thomas Maslany

Director of International Enforcement and Compliance Division
U.S. Environmental Protection Agency (US EPA)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
USA
(1 202) 564-3142
(1 202) 564-0073
maslany.thomas@epa.gov

Mr. William Nitze

Assistant Administrator
U.S. Environmental Protection Agency (US EPA)
401 M Street South West
Mailcode 2610R
Washington, DC 20460
USA
(1 202) 564-6600
(1 202) 565-2407
hicks.carolyn@epamail.epa.gov

Ms. Kathryn L. Ries

Deputy Director, International Programs Office
National Oceanic and Atmospheric Administration (NOAA)
1305 Gast-West Highway
Suite 13332
Silver Spring, MD 20910
USA
(1 301) 713-3078 Ext. 171
(1 301) 713-4263
kathryn.ries@noaa.gov

Ms. Nelly Rocha

U.S. Environmental Protection Agency (US EPA)
1445 Ross Ave.
6E-EP
Dallas, TX 75202
USA

Ms. Anne Rowley

Senior Attorney
U.S. Environmental Protection Agency (US EPA)
1200 Pennsylvania Avenue N.W.
Room 7536 Mail Code 2313A
Washington, DC 20004
USA
(1 202) 564-1762
(1 202) 564-5412
rowley.anne@epamail.epa.gov

Mr. Russell Smith

Attorney
U.S. Department of Justice
601 D Street N.W.
Suite 8024 Box 4390 Ben Franklin Station
Washington, DC 20044-4390
USA
(1 202) 514-0279
(1 202) 514-4231
russell.smith@usdoj.gov

Ms. Melinda Tajbakshs

U.S. Fish and Wildlife Service
4401 North Fairfax Drive
Room 634
Arlington, VA 22203
USA
(1 703) 358-1766

Ms. Ramona Trovato

U.S. Environmental Protection Agency (US EPA)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
USA
(1 202) 260-2090



**Report of the Executive Director
Commission for Environmental Cooperation
Regular Session of the CEC Council**

Dallas, Texas
12–13 June 2000

This is a report on the developments and the activities of the Commission for Environmental Cooperation (CEC) to the period ending 31 May 2000. The Commission was created to carry out the mandate of the North American Agreement on Environmental Cooperation (NAAEC) signed as a part of the North American Free Trade Agreement (NAFTA) between Canada, the United States, and Mexico. The twin strategic goals—pursuing environmental sustainability in open markets and promoting stewardship of the North American environment—were articulated by Council in its vision statement, *A Shared Agenda for Action*, in 1998. These goals have guided the work of the CEC since that time. We also take into account the comments made by the Joint Public Advisory Committee, the National and Governmental Advisory Committees and the citizens of North America.

The report provides an overview of the work of the Commission related to its various objectives in promoting environmental cooperation in North America since the last Council Session, held in Banff in June 1999.

Environment Trade and Economy

Under our mandate from the North American Agreement on Environmental Cooperation, the work in this area serves to advance the understanding of the relationship between the environment, the economy and trade, and to encourage cooperation to support environmental protection in the context of liberalized trade. These objectives are encompassed in two program initiatives.

Understanding Linkages between Environment, Economy and Trade

An important contribution of the CEC has been the development of a methodology for analyzing the effects of NAFTA on the environment. The resulting *Final Analytic Framework for Assessing the Environmental Effects of NAFTA* can be used as a model by others as they consider approaches to examining the environmental linkages to other trade agreements in the WTO or FTAA context. On 11–12 October 2000, in Washington, DC, the CEC is convening a symposium on *Understanding the Links between Trade and Environment* in Washington, DC. Over 50 proposals for research papers to be presented at the symposium were received in response to the call for papers issued by the CEC. A review committee headed by symposium chairperson, Pierre Marc Johnson, selected 14 proposals for papers that will provide analysis across a range of sectors and reflect a variety of methodological approaches. The results of the symposium will help improve the development and application of methodology, and suggest promising future areas of study.

Green Goods and Services

Another main area of concentration is developing opportunities for “win-win” linkages between the areas of environmental protection and commerce. In 1999, the CEC undertook a market study to evaluate the potential market demand for shade-grown coffee. The analysis shows that consumers in Canada and the United States are willing to pay a price premium for coffee grown under a forest canopy, which ensures important habitats for birds and other kinds of wildlife. It suggests that Mexico—the world’s largest producer of organic coffee and among the largest producers of the expanding, billion-dollar shade-grown coffee market worldwide—is well positioned to strengthen its already impressive market share and profit from the clear links between shade-coffee and environmental protection. In addition to looking at market demand, the CEC has been working with the Smithsonian Migratory Bird Center to develop with farmers and others common understanding of the environmental and other related criteria for defining “shade-coffee.” In March this year, coffee-growers, distributors, roasters and retailers met to identify ways to increase the market share of shade coffee. They identified labeling as an important area for the CEC to examine.

Conservation of Biodiversity

The CEC is helping the three nations cooperate in their efforts to conserve biodiversity and to provide seamless border protection and habitat maintenance for transboundary species. The work of the CEC has centered around four important areas of action:

Wildlife conservation

The CEC's North American Bird Conservation Initiative (NABCI) is continuing its work building partnerships for the conservation of birds and other species of concern in North America. One result has been the establishment of a coalition of over 250 government agencies and non-governmental organizations, all united by a common goal and set of objectives for the conservation of birds. NABCI provides a crucial continental framework for North American cooperation and at the same time for local, "on the ground" efforts. After one year of operation:

- A North American Action Plan and a set of Guiding Principles and have been developed.
- A Map of Bird Conservation Regions of North America—based on the CEC nested levels of ecoregions—has been completed. The Bird Conservation Regions, which have similar natural characteristics and human land uses, enables efficient conservation planning, implementation and evaluation. Moreover, these ecologically based conservation units facilitate partnerships among groups of stakeholders who share landscapes but differ in their conservation and socioeconomic values.
- The Trilateral Committee on Wildlife and Ecosystems and the wildlife agencies of the three countries have embraced the CEC's North American Bird Conservation Initiative (NABCI) as an umbrella for bird conservation.
- Coordinated national strategies and action plans from Canada, Mexico and the US are moving forward and financial mechanisms are being developed.
- A second meeting of North American bird conservationists is being planned for the end of this year.

The *North American Important Bird Areas Directory of 150 Key Conservation Sites* was produced by the CEC in partnership with key conservation groups. The *Directory* is an information tool for government agencies and conservation groups that aids in the protection of key habitats for all birds species of the region.

As well, the CEC has worked with the wildlife experts of the three countries to develop a portfolio North American Species of Common Concern. This list of species—now adopted by the Trilateral Committee of Wildlife and Ecosystems—is the first step for the three countries to collaborate on protecting threatened and endangered species. These initiatives will lay the groundwork for a more focused and strategic approach for the CEC in the area of biodiversity conservation.

Ecoregional initiatives: Global Programme of Action—Gulf of Maine and the Bight of the Californias

Over the past three years, nearly a thousand stakeholders from various sectors of two shared, transboundary watersheds—the Bight of the Californias and the Gulf of Maine—have partnered with the CEC in developing coordinated actions to implement the UN Global Program of Action for the Protection of the Marine Environment from Land-based Activities (GPA). The binational groups in both regions have achieved significant progress. They have reached a broad-based, multi-sectoral consensus on priority land-

based activities that are contributing to the deterioration of marine ecosystems, compiled a set of response strategies, and initiated specific implementation projects. In addition, they are galvanizing action across jurisdictional authorities, affected sectors and organizations. All of this has been accomplished largely through the voluntary efforts of all members and the coordination, support, and seed funding provided from the CEC.

Enhancing Information on North American Biodiversity

The CEC has focused on helping to develop information and making it more accessible to assist decision-makers, wildlife managers and conservation organizations in their biodiversity conservation efforts. The North American Biodiversity Information Network (NABIN) constitutes a major breakthrough in establishing a network of collectors and users of biodiversity data in North America. Working with more than 50 of North America's most important centers of biodiversity information, the CEC has helped make 75 data sets and 45 million data points accessible via the Internet. NABIN is considered by many institutions as a successful model for bringing together biodiversity information. These organizations include the Global Biodiversity Information Facility, which was initiated by the OECD and is recommending NABIN as the model of choice for a worldwide biodiversity science network. Other biodiversity information products that the CEC has produced in partnership with other conservation organizations and agencies include ecoregional maps for North America at different levels of aggregation, as well as a gap analysis of conservation needs in North America.

Development of a strategic approach to conservation

The CEC has dedicated efforts to help establish a strategic approach to its work on biodiversity. The first phase has been to work with interested institutions and organizations, including the indigenous peoples and JPAC, to identify priority issues, ecoregions and species of common concern. The Baseline Report on Biodiversity in North America includes recommendations for future action by the CEC. The report takes stock of the situation regarding biodiversity at all levels—genetic diversity, species diversity, and habitat diversity—and in all biomes: marine, freshwater and terrestrial. It assesses potential opportunities for the CEC to catalyze action, forge new partnerships, and help to stem biodiversity loss.

The CEC is also in the process of helping to develop a North American Action Plan for Marine Protected Areas. By joining forces with marine conservationists of North America, including the North American Marine section of the World Commission on Protected Areas (WCPA of IUCN), this team effort is creating a network of Marine Protected Areas throughout North America to enhance the conservation of marine biodiversity in critical marine habitats. Linked electronically via the web, the network of Marine Protected Areas is developing crosscutting conservation initiatives involving Marine Protected Area sites with shared ecological links across Canada, Mexico and the United States.

Pollutants and Health

The protection of ecosystem and human health is a critical component of environmental stewardship. The CEC in this program area focuses on promoting cooperation for reducing or eliminating specific pollutants, enhancing compatibility and comparability of information, supporting improved knowledge of pathways and fate of pollutants of common concern, and promoting pollution prevention.

Sound Management of Chemicals

The Sound Management of Chemicals (SMOC) program has made important progress in recommending limits to specific pollutants as a key objective in its work. SMOC has demonstrated success in identifying chemicals of common concern and developing coordinated actions to eliminate or reduce them.

North America has shown leadership in reducing and phasing out persistent organic pollutants. North American Regional Action Plans (NARAPs) have been developed for chlordane, DDT, mercury, and PCBs. Chlordane is no longer used or produced in North America. In 1999, Mexico phased out its use entirely, and the last remaining chlordane production facility in North America voluntarily agreed to cease producing the chemical. As well, Mexico has surpassed its target of an 80 percent reduction in DDT use by 2001 and its complete phase-out by 2006. This year, Mexico is no longer using DDT in controlling malaria, its only remaining use there. The CEC is committed to assisting Mexico in its efforts to finding alternatives to DDT for controlling malaria, including improving mechanisms for public participation in malaria control. The experience gained by Mexico is being shared with Central American countries, which will further reduce DDT presence in the North American environment.

As well, phase II of the North American NARAP on mercury has been completed and includes cooperative actions to reduce mercury emissions from a range of sources, including power plants and chlor-alkaline facilities, among others. It has been submitted for Council's approval. The SMOC Working Group is reviewing the NARAP on PCBs to identify in North America whether revisions are necessary to make additional progress on addressing PCBs in North America. As you recall, lindane and lead are two substances being evaluated by the Substance Selection Task Force in accordance with the Council-approved "Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative." The Task Force has released for public comment its decision recommending the development of a NARAP on lindane. It is still evaluating lead in accordance with the process.

Pollutant Release and Transfer Register

Each of the Parties has developed, or is developing, a pollutant release and transfer register (PRTR) reporting on specified chemicals released and transferred into the environment by certain industrial facilities. Canada has its National Pollutant Release Inventory (NPRI), the United States, the Toxics Release Inventory (TRI), and Mexico is developing the *Registro de Emisiones y Transferencia de Contaminantes (RETC)*. The Commission takes the data reported by industrial facilities to these national inventories and

produces a North American pollutant releases and transfers report. The Commission's aggregate report is entitled *Taking Stock* and is produced annually. The fourth *Taking Stock*, for 1997 data, was released this May. Like its national counterparts, *Taking Stock* promotes transparency and provides valuable information for public use as information and in the development of plans and strategies to protect health and the environment. Unique because of its comparative analysis, *Taking Stock* is an important tool that helps the three countries to measure trends and progress in achieving pollution prevention.

Air Quality

The CEC has helped establish a foundation for North American cooperation on air pollution. Domestic efforts to improve air quality can be more successful if the three countries share a coordinated approach on a tackling both long-range transport of air pollution and the increasing pressures of transportation associated with a dramatic increase in trade in goods among the NAFTA countries. The CEC has worked on several fronts to help three countries increase cooperation on a North American level.

One area has been in improving a shared understanding of the nature of long range transport of air pollution. Reports developed by the CEC, such as *Continental Pollutant Pathways*, and the *Long-range Transport of Ground-level Ozone and its Precursors*, has been followed by work on tracking the atmospheric transport of dioxin. The results of this study will be released before September 2000. Similar work for mercury will be undertaken later this year.

Another focus has been to develop opportunities to enhance collaboration between air quality officials in the three countries. In March this year in North Carolina, the CEC held the first North American air quality meeting. It was a general introduction to the air quality management systems of the three countries and over 200 air officials attended it from the three countries. Next year's meeting will be held in Canada. An overview of each country's air pollution management system has been completed and will be published by the CEC later this fall. As well, in cooperation with STAPPA/ALAPCO, the CEC is helping to establish the North American component of an international air quality web site that is designed to assist professionals in air pollution management by making air-quality-related information more readily available.

The CEC is currently assessing some of the potential air quality and other environmental issues related to the expansion of North American trade and transport corridors. The CEC is facilitating a network of interested stakeholders to examine potential corridor scenarios and to promote and highlight "best practices" in the region.

Pollution Prevention

The NAAEC Parties are pursuing pollution prevention in varying degrees. The Commission has promoted cooperation in pollution prevention, assisting first with the small and medium-size enterprises in Mexico, as it is widely recognized that small and medium-size enterprises in general have a more difficult time making progress in pollution prevention. The *Taking Stock* report on 1997 data indicates that companies reporting

smaller volumes of emissions and releases (less than 100,00 kg per year) are not keeping up with improvements being made by the larger facilities and, in fact, are going in the opposite direction, with both emissions and transfers increasing. A challenge for many small and medium-size enterprises is access to resources to incorporate pollution prevention strategies and technologies. To demonstrate whether alternative financial mechanisms could provide small and medium-size enterprises with greater access to techniques for pollution prevention, the CEC established a pilot fund in 1996. Working with the *Confederacion de Camaras Industriales* (Concamin) through its *Fundacion Mexicana para la Innovación y Transferencia de Tecnología en la Pequeña y Mediana Empresa* (Funtec) the CEC helped set up the *Fondo para Proyectos de Prevención de la Contaminación* (Fiprev) to demonstrate the feasibility of a revolving fund to help Mexican small and medium-size enterprises make investments in pollution prevention. The CEC contributed US\$350,000 to this effort and Funtec US\$480,000. Since it became operational in 1998, Fiprev has made 11 low-interest loans to small companies in the tannery, smelting and food processing sectors. The environmental benefits realized through these investments in pollution prevention to date include:

- reducing the amount of water contaminated with approximately 34 tons of chemicals each month by 1,800 cubic meters
- substituting natural gas for diesel fuel and oil,
- providing energy conservation gains of 10 cubic meters of natural gas each month, and
- reducing the amount of organic effluent discharged into sewers monthly by 210 cubic meters.

There are 34 more loan requests pending from small and medium-size enterprises. At this point, the feasibility of such a mechanism has been demonstrated. The goal, now, is to extend and expand the operation of Fiprev by inviting other institutions to provide support so that it can help make a difference on a more significant scale with small and medium-size enterprises.

Law and Policy

The CEC has fostered cooperation between the parties on strengthening enforcement of their various environmental laws and policies. With the active support of the parties, the Commission has assisted with a number of cooperative enforcement.

North American Wildlife Enforcement Working Group

The focus of this effort has been to help coordinate efforts to improve the capacity of enforcement agencies related to wildlife forensics. Over the past year, the CEC's North American Wildlife Enforcement Group (NAWEG) has assisted in the formation of a network of wildlife forensic experts—resulting in initial agreement to standardize procedures for DNA databases on wildlife species. NAWEG has also developed information to assist enforcement officers, including a *Directory of North American Forensic Laboratories*, as well as two information bulletins on forensic investigative techniques applied to wildlife crime and the use of DNA analysis in wildlife forensics.

The Enforcement Working Group

Following a Call for Public Comments and a JPAC Advice to Council, the Enforcement Working Group has worked hard over the past year to produce a guidance document entitled *Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems*. This document builds on the 1998 report to Council on environmental management systems. It represents the first time the North American federal governments have jointly expressed their views on how voluntary environmental management systems designed for internal management purposes can also serve two broader public policy goals: 1) compliance assurance and ii) improved environmental performance in regulated and non-regulated areas. The document is intended to help users of environmental management system make responsible decisions and take actions to achieve better environmental performance through maintaining compliance with environmental laws and moving beyond compliance.

Use of the guidance document does not alter or diminish the rights and responsibilities of organizations under the domestic laws of their respective countries. It reaffirms CEC Council Resolution 97-05 recognizing that government must retain the primary role in establishing environmental standards and verifying and enforcing compliance with laws and regulations.

The guidance document is proof that the three countries are working cooperatively to help organizations improve their ability to achieve and maintain compliance, improve their environmental performance, and move “beyond compliance.”

Transboundary Environmental Impact Assessment

The North American NAFTA countries continue to work toward notification, consultation and assessment for projects which may adversely affect the environment of a neighboring territory. Recently the US and Mexican border states declared their intention to provide transboundary notification for such activities once the federal government acts on projects within federal jurisdiction. The Parties are continuing to discuss how to implement TEIA across North America in the near future.

Children’s Health and Environment

Last June, the CEC Council requested that the Secretariat prepare a report outlining considerations for children’s health from continental-scale environmental concerns and explore opportunities to strengthen the work of the CEC in this important area. The Secretariat, in May 2000, held a symposium on children’s health and the environment in North America as a first step in identifying a common agenda for action among the three countries. Attended by over 100 professionals in the health sciences and the environmental sciences field, the symposium identified challenges and opportunities for improving the quality of the environment and reducing environmental threats to the health of children. As well, the Secretariat drafted a report on children’s health and the environment in North

America. The results of the symposium, together with the report, will be presented to Council.

There are a number of opportunities and important areas where North American collaboration can help reduce environmental threats to children's health, in particular, in areas such as air pollution, lead contamination, and pesticides. Furthermore, a number of ongoing initiatives—especially in the Pollutants and Health program area, such as the Sound Management of Chemicals and initiatives on air quality and the North American pollutant release and transfer register—can incorporate a special focus on children's health; thereby strengthening national efforts to address children's health and environment.

Article 13

Article 13 of the NAAEC prescribes that **“The Secretariat may prepare a report for the Council on any matter within the scope of the annual program.”** The Commission has carried out the provisions set forth by Article 13 in certain work initiatives.

San Pedro River

As you know, in Banff last year, the CEC Council released *Ribbon of Life: An Agenda for Preserving Transboundary Migratory Bird Habitat on the Upper San Pedro River*. The initiative included an experts' report and recommendations for action by a very capable group of local and regional stakeholders. I am pleased to report that since that time, many of the recommendations have been, or are being implemented, including very concrete and far-reaching steps to protect the watershed. On the US side of the basin, a number of public/private initiatives have been launched to coordinate and guide conservation initiatives, including the San Pedro Partnership, a public/private coalition dedicated to preserving this key migratory bird corridor. In Mexico, efforts are underway to bring critical stretches of the basin within Mexico's protected area regime, and a trust fund is being established to ensure that resources are available to promote conservation efforts in the future.

While much is left to do, there is no doubt that the chances of saving the San Pedro River and its migratory bird corridor are much better today than they were a few years ago.

Electricity Restructuring and the Environment

The Secretariat continues to make good progress on our current Article 13 initiative relating to the environmental implications of electricity restructuring in North America. An analytical report is being prepared to examine the possible magnitude of environmental change arising from electricity restructuring under different assumptions and scenarios; to develop a compilation of jurisdictional initiatives related to electricity restructuring and environmental outcomes, including the creation of an online database describing green electricity criteria and marketing initiatives; and to compile a preliminary analysis of possible market access issues that may arise from green electricity criteria.

The Secretariat will work closely with a high-level advisory board formed to guide the initiative. We are pleased to announce that professor Philip Sharp of Harvard, a former congressman and chairman of many energy-related bodies, has agreed to serve as Advisory Board Chair. Other board members will include distinguished individuals from industry, academia and the nongovernmental community and will be announced soon.

Article 14 and 15

Articles 14 and 15 of the NAAEC provides “*The Secretariat may consider a submission from any nongovernmental organization or person asserting that a Party is failing to effectively enforce its environmental law.*” The Commission has carried out its mandate under Articles 14 and 15 as follows:

Since June 1999, the Secretariat has completed 21 actions relating to 14 submissions on enforcement matters. Of the 14, three were dismissed by the Secretariat on the basis that the submissions did not meet the criteria set out under Article 14(1). Recommendations for the development of a factual record were made for three submissions relating to an abandoned lead smelter in Tijuana, Mexico, logging operations in Alberta, Canada, and hog farms in Quebec, Canada. Of the three recommendations, Council directed the Secretariat to prepare a factual record on the submission related to the abandoned lead smelter, it deferred action on the submission involving the Oldman River, and it dismissed the submission related to hog farms in Quebec. The Secretariat prepared a draft factual record for the BC Hydro submission and, after receiving comments from the Parties, the Secretariat submitted the final factual record to Council for its consideration for public release.

A more detailed report on the Article 14/15 process is attached.

State of the Environment Report

The Secretariat has revised its Draft State of the Environment Report following the receipt of comments from the Parties. We anticipate publishing the final report in early fall. Copies of the final draft will be provided to the Parties six weeks in advance of its publication.

North American Fund for Environmental Cooperation

The North American Fund for Environmental Cooperation (NAFEC) was established in 1995 and was made operational as of May 1996.

To date, NAFEC has received 2,014 proposals and awarded 143 grants, totaling US\$5.4 million. At present, 86 projects are completed and 57 remain active. In 1999, NAFEC awarded 25 grants totaling US\$850,000. Grants ranged from US\$6,500 to US\$65,000 and were linked to the four CEC program areas.

In 2000, an effort was made to further focus NAFEC. The Call for Proposals outlined two categories: (1) Linking biodiversity conservation with trade in green goods and services and (2) Pollutants and Health—improving public access to information, decision-making and environmental justice. Within each category, specific criteria were outlined in order to link the grants closely to current CEC projects. Despite the effort to narrow the field, 400 proposals were received. On June 2, the Selection Committee approved 16 grants (for maximum of US\$25,000) totaling US\$400,000.

In addition to receiving funding for their community-based projects, 2000 grantees will be invited to participate in a collective effort to identify common problems and solutions, best practices, supportive policies, etc. At the outset of their projects, grantees will meet with representatives from similar community-based projects and from the CEC in order to define issues that they will examine during the course of their projects.

During 2000, the Secretariat also undertook to evaluate NAFEC. The evaluation was completed just prior to the Council Meeting. It concluded that there was strong support among stakeholders for maintaining NAFEC within the CEC. It also underlined the importance of returning NAFEC funding to a level that will ensure open access for North American communities.

Links with International and Other Organizations

An international agency working on behalf of the interests of three countries, the Commission has developed working relations with other agencies. This is in part to ensure there is no duplication of effort and that, in effect, the Commission does not re-invent the wheel. This has also allowed the Commission to gain some leverage with its limited resources and be a partner in larger-scale cooperative efforts with benefits for the parties. Since 1999, the CEC has made efforts to establish working relationships with several international organizations, as well as to develop funding links with donor agencies. These efforts have resulted in the following partnerships and links:

- The CEC, together with the Pan American Health Organization (PAHO), won approval for a US\$330,000 grant from the Global Environment Facility (GEF) to strengthen Mexico's capacity to expand its efforts to eliminate DDT use and to help transfer its experience into Central America. The first phase of this effort is focused on designing a project proposal for \$4.5 million for GEF's consideration to implement a reduction and elimination strategy throughout Mexico and Central America. The design phase of this project is expected to be complete within one year.
- Collaboration with UNEP on its GEO report—the North American portion of this report was produced in collaboration with the CEC.
- Workshops on North America's experience in reducing POPs to be presented at global negotiations for an international agreement on POPs.
- Collaboration with the Inter-American Biodiversity Information Network and the National Science Foundation for developing a biodiversity information network.

As well, the CEC is exploring opportunities for collaboration with:

- UNEP on collecting data on POPs throughout North America, as part of the GEF project on Regionally Based Assessment of Persistent Toxic Substances, as well as establishing a formal partnership with UNEP to support its GEO report as a collaborating center;
- the World Bank on transportation corridors and air quality, and PRTR development; and
- NADBank on expanding Fiprev to address pretreatment and other pollution prevention actions along the US/Mexico border.

Administration and Finance

2001–2002 Work Program Outline

Attached, you will find the 2001–2002 work program outline which describes major lines of action and highlights important changes to the CEC work program. This document is intended to receive feedback from the public on the CEC program early in the program development cycle. The Secretariat will present to Council the proposed 2001–2002 Program Plan and Budget for their approval in fall 2000.

Budget

The CEC has historically had a lag in its expenditure of the funds allocated to it each year, enabling resources to be set aside from program work and placed into the North American Fund for Environmental Cooperation (NAFEC). However, since the work program of the organization has matured, it has become more difficult to find the resources to allocate to NAFEC.

As you will see from the attached program outline and proposed annual budget, the Secretariat is formally requesting a funding readjustment of nine percent and I would like to highlight a number of important aspects which have led to this proposed budget for 2001.

- Over the past six years, the CEC has been funded at US\$9 million, yet its real spending power has decreased a cumulative nine percent, or roughly US\$800,000.
- The reserve for currency fluctuations, set up to facilitate management of this risk for the organization, as well as the line for outstanding accounts receivable related to provincial tax reimbursements, was approved in 2000 at a level of US\$300,000 and is projected at the same level for 2001.
- As the Parties have agreed to reduce NAFEC funding for 2000 only, an additional US\$500,000 will have to be allocated to this initiative in 2001 in order to bring back its funding to US\$1,000,000.
- In addition, proposed actions under a new children's health initiative would have financial implications.

Strategic Plan

The Secretariat has developed a strategic plan to help realize the strategic vision set out by Council in its A Shared Agenda for Action. The professional staff of the CEC gathered for two retreats in November 1999 and January 2000 to develop strategic objectives and actions, guided by the mandate of the CEC as set out in the NAAEC and articulated by the Parties in A Shared Agenda for Action. A basic premise of this plan is greater collaboration and synergy among the CEC's program areas and projects as they are set forth in the North American Agenda for Action 2000–2002: A Three-year Program Plan for the Commission for Environmental Cooperation. A copy of the draft plan is attached. I would appreciate any comments that interested parties might have to contribute.

Monitoring and Evaluation of Projects

To ensure that the Commission is effective in the delivery of its programs, it has undertaken a project monitoring and evaluation program. This comes as part of the recommendation from the Independent Review Committee made in 1998 and from Deloitte and Touche. The Secretariat is looking forward to comments from JPAC on the proposed process. The goal is to have each program and operational unit of the CEC evaluated in rotation over a three-year period. The first two to be evaluated this year are the Law and Policy program area and the Mexico City Liaison Office.

Secretariat Organizational Structure

In accordance with the recommendations made by the Independent Review Committee in 1998 established by Council and the review by Deloitte and Touche, the Secretariat organizational structure was modified to provide focus and leadership in principle areas of operation. The organizational chart is attached. As part of this exercise, all staff positions were reviewed and post descriptions were drafted for each position. In an effort to find cost savings, two positions have been consolidated into one: that of Council Secretary and Program, Monitoring and Evaluation Officer.

Framework for Public Participation in CEC Activities

The decision by Council in 1998 to develop a more strategic and long-term approach to the work of the CEC recognizes the need to maximize public involvement to ensure open and effective dialogue and engagement among all sectors of the public. Part of this approach is to establish a trinational network of diverse stakeholders who are interested or affected by issues addressed by the CEC.

This framework focuses on the goals, principles and basic mechanisms for optimizing public involvement in the work of the CEC as well as for increasing the public's understanding of the CEC's role, mandate, and program and budget.

Progress Report on Implementing Recommendations of the Independent Review Committee

Attached please find a report on progress made in implementing the recommendations from the Independent Review Committee.

**SEVENTH REGULAR SESSION OF THE COUNCIL
OF THE COMMISSION FOR ENVIRONMENTAL COOPERATION (CEC)**

12-13 June 2000

Sheraton Grand Hotel, Dallas/Ft. Worth Airport
4440 W. John Carpenter Freeway.
Irving, Texas 75063,
Tel: (972) 929-8400 or 1-800-345-5251 Fax: (972) 929-4885

AGENDA

Chair: Carol M. Browner, EPA Administrator

MONDAY, 12 JUNE 2000

8:00 – 9:00 Joint meeting with JPAC (in-camera)

Item 1 Joint meeting with JPAC (1 hr.)

9:00 – 11:00 Opening of the 7th Regular Session of the Council (public)

Item 2 Opening of the Session, report by the Executive Director and special presentations and Council discussion on CEC achievements (2 hrs)

11:00 – 11:15 Break

11:15 – 14:15 In-camera session (with working lunch)

Item 3 Opening of the in-camera session and adoption of the agenda (15 min.)

Item 4 CEC work program achievements and directions (1 hr)

Item 5 Children's Health and the Environment (1 hr)

Item 6 North American Fund for Environmental Cooperation (NAFEC) (15 min.)

Item 7 Transboundary Environmental Impact Assessment (TEIA) (15 min.)

14:15 – 14:30 Break

14:30 – 16:45 In-camera session

Item 8 Articles 14 and 15 of NAAEC (1:30 hrs)

Item 9 Preparation for the public portion of the session (15 min.)

16:45 – 17:00 Break

17:00 – 19:00 Public session

Item 10 Public portion of the session (2 hr)

TUESDAY, 13 JUNE 2000

9:00– 10:00 In-camera session

Item 11 Review of draft session communiqué (1 hr)

10:00 – 11:00 Joint meeting with JPAC

Item 12 Joint meeting with JPAC (1 hr)

11:00 – 11:15 Break

11:15 – 13:45 In-camera session (working lunch)

Item 13 Model Rules for Dispute Resolution under Part V (15 min.)

Item 14 Parties' contributions to the 2001 CEC Budget (30 min.)

Item 15 Approval of session communiqué and preparation for press conference (1:15 hr)

Item 16 Concluding remarks and closure of the session (15 min.)

13:45 – 14:00 Break

14:00 – 14:45 Press conference (45 min.)

14:45 End of official program

**2000 REGULAR SESSION OF THE COUNCIL
Annotations to the agenda**

Item 1 Joint meeting with JPAC

The Council will hold the first portion of its joint meeting with the JPAC to discuss issues of common interest. JPAC is expected to summarize its 1999–2000 activities and the JPAC advice submitted to the Council since the 1999 session in Banff, including Articles 14 and 15 matters. JPAC will also brief the Council on the input received from the public during its session held the previous day.

DOCUMENT(S):

- a) Agenda for Regular Session of JPAC 00-02 J/00-02/AGEN/Rev.1
- b) JPAC Advice 99-10: Promoting the Involvement of Indigenous Peoples in the work of the CEC J/99-10/ADV/Rev. 5
- c) JPAC Advice 99-11: North American Agenda for Action 2000–2002 Proposed Program Plan for the CEC J/99-11/ADV
- d) Follow-up from JPAC Plenary Session with the Public in 1999 J/00-00/RPT/02
- e) JPAC Advice 00-01: Strategic Directions for the Conservation of Biodiversity J/00-01/ADV
- f) JPAC Advice 00-02: Draft Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems J/00-02/ADV/Rev. 2
- g) JPAC Advice 99-01: Revised Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of NAAEC J/99-01/ADV/Rev.1
- h) Letter to Council from JPAC Chair dated 24 March 2000 re: Revision 2 of the Guidelines for Submissions on Enforcement Matters
- i) Memorandum to the Alternate Representatives from the JPAC Chair dated 12 April 2000 re: Articles 14 & 15
- j) Letter to Council from JPAC Chair dated 2 May 2000 re: Articles 14 & 15
- k) JPAC Attendance Report (to be distributed) J/RPT/Rev.19

Item 2 Opening of the session, report by the Executive Director and special presentations and Council discussion on CEC achievements

The Chair is expected to make opening remarks and invite her Canadian and Mexican counterparts to address the public.

In accordance with the Council Rules of Procedure (R.5.3), the Executive Director may make oral and written statements to the Council. The Executive Director will report on significant initiatives undertaken by the CEC and highlight major achievements since the creation of the CEC. She will conclude her remarks by identifying emerging issues of possible interest for the CEC.

Special presentations on specific achievements in the context of the CEC work program will be given by outside experts and will be followed by a discussion of the Council.

DOCUMENT(S):

- a) Program of events opened to the public C/00-00/PROG/02/Rev.6
- b) Executive Director's report to Council and annexes
- c) List of special presenters

Item 3 Opening of in-camera session and adoption of the agenda

In accordance with Council Rules of Procedure (R. 9.6) the Council shall adopt the agenda for the session at the beginning of the session based on the provisional agenda.

DOCUMENTS:

- a) Provisional annotated agenda C/00-00/AGEN/01/Rev.9
- b) General program for the session C/00-00/PROG/01/Rev.11

Item 4 CEC work program achievements and directions

Within the six years the CEC has been operational it is possible to identify and review some of the important accomplishments brought about by the CEC's program of work. The Council will review accomplishments in the four program areas and identify new directions.

DOCUMENT(S):

- a) 2001–2002 Work Program Outline
- b) (Refer to JPAC Item 1c) for the JPAC Advice 99-11: North American Agenda for Action 2000–2002 Proposed Program Plan for the CEC) J/99-11/ADV
- c) (Refer to JPAC Item 1d) for the Follow-up from JPAC public discussion in 1999) J/00-00/RPT/02

Item 4.1 Environment, Economy and Trade

As the debate around the relationship between trade liberalization and environmental protection intensifies, the work of the CEC in addressing specific aspects of this debate from an environmental perspective assumes greater policy relevance. The CEC remains unique among intergovernmental organizations, since it was conceived for the purpose of identifying and responding to trade-related environmental issues.

The Secretariat will present the results of key initiatives under the Environment, Economy and Trade program, providing the Council with an opportunity to review North American leadership in addressing substantive trade and environment issues, particularly concrete initiatives which will show environment and trade practices in action.

Item 4.1.1 Assessing Environment and Trade Relationships

Although the NAFTA remains the main focus of the CEC's work in understanding the environmental impacts of trade liberalization, the methodological lessons gained from the Final Analytical Framework and its implementation are of direct relevance to environmental assessment

work underway elsewhere. Following the completion of the analytical framework in mid-1999, the Council issued a public call for papers. In October 2000, the CEC will host the first North American Symposium on Understanding the Linkages between Trade and Environment.

ACTION: The Council will review progress made towards the holding of the Symposium.

DOCUMENT(S):

- a) Abstract of proposed papers for the first North American Symposium on Understanding the Linkages between Trade and Environment C/00-00/11OCTA
- b) (Refer to JPAC Item 1c) for the JPAC Advice 99-11: North American Agenda for Action 2000–2002 Proposed Program Plan for the CEC J/99-11/ADV

Item 4.1.2 Facilitating trade in green goods and services

A second area of the CEC's Environment, Economy and Trade program is to improve the tools available to help support "win-win" trade and environment links. The CEC's ongoing work in supporting sustainably produced coffee is an example of this kind of initiative which includes market facilitating tools like environmental labeling and certification, supporting public policies, and ways to strengthen bridges with the private sector, including the financial services sector.

ACTION: The Council will review key areas of progress related to the CEC's shade coffee initiative and decide on priorities for future work in this area.

DOCUMENT(S):

- a) Executive Summary Report of the Oaxaca meeting on Shade Coffee
- b) Front page of environmental databases: Shade Coffee; Environmental Goods, Tourism

Item 4.1.3 Improving policy coordination between trade and environment agencies

Trade and Environment officials have met twice, under the Article 10(6) Environment and Trade Officials Working Group, since the 1999 Council session. The purpose of the group is to develop ways in which the CEC and NAFTA's Free Trade Commission (FTC) can collaborate to ensure that trade and environment policies are mutually supportive. Work in this area continues to focus on two important areas: the role of precaution in environmental policies; and the role of labeling and certification.

ACTION: The Chair of the Working Group will present to Council the results of those discussions and seek Council's direction on future priorities for the working group.

DOCUMENT(S):

- a) Progress Report to the CEC Council on Article 10(6) meeting of Environment and Trade Officials
- b) Secretariat background note for the December 1999 workshop of Environment and Trade
- c) Report of the December 1999 meeting of Trade and Environment Officials
- d) JPAC Advice 98-08: Article 10(6) of the NAAEC J/98-08/ADV
- e) JPAC Advice 99-08: Process for cooperation between the Council of the CEC and the NAFTA Free Trade Commission J/99-08/ADV

Item 4.2 Conservation of Biodiversity

North America has one of the broadest ranges of marine and land biological diversities in the world. It has a tremendous stewardship challenge confronting complex threats to species and ecosystems. The CEC has launched a three pronged strategy to help North Americans meet that challenge including: a diagnosis of the current state of biodiversity conservation in North America; building a consensus among government agencies, conservation organizations and other stakeholders on priority ecoregions and conservation actions; and working with interested agencies and organizations to develop strategies, mechanisms, information and action plans to support conservation priorities.

The Secretariat will present Council with an update on the following key initiatives related to this strategy.

Item 4.2.1 Identifying Priority Species of Common Concern

This CEC initiative is creating opportunities to marshal conservation efforts for migratory and transboundary species of common concerns, as well as important endemic species.

ACTION: The Council is expected to endorse and publicly release the list of “most wanted” species. The Council will also ask the public for its input on options for cooperative action for the conservation of these species.

DOCUMENTS:

- a) Secretariat Note on Species of Common Conservation Concern C/00-00/BACK/01

Item 4.2.2 Building a North American biodiversity Information Network (NABIN)

Since 1996, the CEC has worked with custodians of information related to biodiversity to collaborate on providing broader access to information and developing useful applications of information technology. The results of this work has been the creation of an innovative network of institutions across North America that collect, manage and use biodiversity data, and the development of a search engine and information management technology that allows users to access data on distribution, migration and conservation status of North American species. NABIN has become an initiative enabling North America to provide leadership in global efforts to make biodiversity information better organized and more accessible.

ACTION: The Council will discuss opportunities and identify next steps for tackling invasive species as well as climate change related information through NABIN and encouraging museums and holders of biodiversity data, in particular government agencies, to work with NABIN to provide broader access to biodiversity information.

DOCUMENTS:

- a) 2000–2002 project description for NABIN C/00-00/NABIN-E

Item 4.3 Pollutants and Health

North Americans share the common goal of reducing or preventing pollution that adversely affects human health and the health of ecosystems. The CEC has undertaken a number of initiatives to support efforts to achieve that goal, including developing action plans to reduce specific pollutants, encouraging comparability of data gathering and analysis, promoting public access to information, promoting pollution prevention, and developing common tools to support the elimination or reduction of environmental pollutants.

The Secretariat and Dr. Cristina Cortinas de Nava of INE will present Council with an update on the following key initiatives.

Item 4.3.1 Sound Management of Chemicals (SMOC)

The increasing levels of mercury in the environment are a significant concern. The NARAP on mercury was developed to reduce mercury emissions from human activities in North America. The problem is particularly acute for North Americans who frequently consume fish, especially women of childbearing age, who may be exposed to dangerous levels of toxic methylmercury compounds. Mercury is the main reason for fish consumption advisories issued within North America. There is also evidence that fetuses and children are more susceptible to the harmful effects on humans and that the viability of some predator species in some regions of North America, such as loons and the Florida panther, is compromised by consumption of mercury-contaminated fish.

ACTION: The Council is expected to approve and release the North American Regional Action Plan on Mercury. The Council may also wish to identify important elements of the Mercury NARAP and provide direction on their implementation. The Council will also explore the growing opportunities to link environmental emissions and exposure information with health databases.

In addition, the Council will call attention to the successful implementation of the DDT and Chlordane NARAPs.

DOCUMENT(S):

- a) Draft Council Resolution: Adoption of the Phase II NARAP on Mercury
C/00-00/RES/01/Rev.02
- b) North American Regional Action Plan on Mercury: Phase II C/00-00/HGNARAPE
- c) Briefing Paper: North American Regional Action Plan on Mercury: Phase II C/00-00/MER-BR
- d) Council Resolution 99-02: Developing a NARAP on Environmental
Monitoring and Assessments C/99-00/RES/02/Rev.5
- e) Council Resolution 99-01: Developing a NARAP for Dioxins and Furans, and
Hexachlorobenzene C/99-00/RES/01/Rev.8
- f) JPAC Advice 99-04: The Sound Management of Chemicals Program of the CEC J/99-04/ADV

Item 4.3.2 Pollutant Release and Transfer Registry (PRTR)

At the 1997 Regular Session of the CEC in Pittsburgh, Pennsylvania, the Council adopted Council Resolution 97-04 “*Promoting Comparability of Pollutant Release and Transfer Registers (PRTRs)*”. This resolution commits the three governments to produce annually a report on North American pollutant releases and transfers, to work toward adopting more comparable PRTRs and developing and implementation plan to do so, to collaborate on the development of an Internet site to present a matched subset of data from the three North American PRTRs and to promote regional cooperation to enhance North American PRTRs and improve the usefulness of the information by allowing better comparison and use of the data.

ACTION: The Council may wish to adopt a resolution identifying the core elements of PRTRs, recognizing PRTRs as valuable tools in support of the Sound Management of Chemicals, encouraging improvements in environmental performance and reaffirming its commitment to promoting enhanced comparability among the national PRTR systems.

DOCUMENT:

a) Draft Council Resolution on PRTR

C/00-00/RES/02/Rev.2

Item 4.3.3 Pollution Prevention Fund – FIPREV

In 1996, the CEC worked with la Confederación de Cámaras Industriales (Concamin) through its Fundación Mexicana para la Innovación y Transferencia de Tecnología en la Pequeña y Mediana Empresa (FUNTEC) to establish a pollution prevention fund aimed at providing financing for small and medium-size enterprises (SMEs). The objective of the fund, el Fondo para proyectos de Prevención de la Contaminación (Fiprev), is to demonstrate the feasibility of a revolving fund to help Mexican SMEs make investments in pollution prevention. To this end, the CEC has contributed US \$350,000 and FUNTEC has contributed US \$480,000. Since 1998, FIPREV has provided 11 loans, nine to small tanneries and the other two to companies in the smelting and food processing sectors. Two more loans are in the process of being reviewed.

The environmental benefits realized through these investments in pollution prevention to date include: reduction of 1,800m³ of water contaminated with approximately 34 tons of chemicals each month; substitution of diesel and oil with natural gas (additional energy efficiencies measures resulting in conservation of approximately 10m³ of gas each month); reduction of 210 m³ per month of organic effluent discharges into sewers.

There are 34 more requests from SMEs pending, primarily in the tannery and electroplating sectors.

ACTION: The Council will receive a report on the success of the FIPREV initiative and plan for its transferal to a new institutional framework. The Council may wish to instruct the Secretariat to pursue its efforts in seeking additional external funding resources with national and international financial agencies in order to strengthen FIPREV.

DOCUMENTS:

- a) FIPREV Report, May 2000

Item 4.4 Law and Policy

The CEC's Law and Policy program addresses regional priorities regarding obligations and commitments in NAAEC related to environmental laws and their implementation. The program has also focussed on strengthening the enforcement capacity of the Parties, particularly in wildlife enforcement. The Secretariat will present to Council an update on program initiatives, including the following:

Item 4.4.1 Enforcement Reporting

Program initiatives include monitoring and reporting on regional trends in implementing and enforcing environmental laws and standards. These initiatives are linked to the Parties' desire to see improved environmental performance by industry, and to have accurate enforcement reporting in the three countries.

ACTION: The Council may wish to provide direction to the Secretariat on developing comprehensive biennial enforcement reports, presenting an overview of selected aspects of North American enforcement efforts for the Parties and the public.

DOCUMENT(S):

- a) Secretariat Note C/00-00/BACK/03

Item 4.4.2 Environmental Management Systems (EMS)

The Enforcement Working Group (EWG) has produced a *Guide on Elements for Improving Management Systems*. It is intended as a guidance for those entities in the public and private sectors who seek an EMS applied in a way that will work effectively and build credibility with customers, suppliers, lenders, investors or the local community as well as with governments. The draft Guide has been substantially revised following a targeted public consultation process.

ACTION: The Council may wish to release the guidance document on elements for improving environmental performance and compliance, through effective environmental management systems.

DOCUMENT(S):

- a) Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems
- b) Draft Council Resolution on Guidance document C/00-00/RES/05/Rev.1
- c) JPAC Advice 00-02: Draft Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems

Item 5 Children’s Health and the Environment

At the last meeting of the Council in Banff, the Council decided to undertake a special initiative to address the environmental related aspects of children’s health. On 10 May 2000, the CEC organized a symposium on Children’s health and the environment. Fifty experts in health science and policy met to identify opportunities for North American collaboration to better protect children in North America from harmful environmental exposures. The Chair of the symposium will present to Council the results of the symposium.

ACTION REQUIRED: The Council is expected to discuss opportunities for North American collaboration in this area and identify initiatives to be undertaken in the context of the CEC’s Pollutants and Health program.

DOCUMENT(S):

- a) Background paper on Children’s Environmental Health in North America C/00-00/CHILD-1E
- b) Draft Council Resolution on Children’s Environmental Health C/00-00/RES/03/Rev.3

Item 6 North American Fund for Environmental Cooperation (NAFEC)

NAFEC was established in 1996 (by a 1995 Council Resolution) to help community groups participate in North American efforts to protect the environment. CDN\$2 million was carried over from unspent funds in 1995. Since its operation began, it has helped more than 127 community-based projects get off the ground. In 1999, the funding of NAFEC was reduced to 50% because of constraints on the CEC budget. The CEC has undertaken an evaluation of NAFEC in order to assess the results of the program to date and make recommendations regarding NAFEC’s future.

ACTION: Discussion

DOCUMENT(S):

- a) Executive Summary of NAFEC Internal Review
- b) Report of the Internal Review of NAFEC Evaluation
- c) (Refer to JPAC Item 1c) for the JPAC Advice 99-11: North American Agenda for Action 2000–2002 Proposed Program Plan for the CEC) J/99-11/ADV

Item 7 Transboundary Environmental Impact Assessment (TEIA)

Since 1997, the Parties have engaged in an effort to “complete a legally-binding agreement [on TEIA] consistent with their obligations under Article 10(7) of the North American Agreement on Environmental Cooperation. Last June, the Council agreed to “work with their respective negotiators and individual border states and provinces to build “good neighbor” agreements based on reciprocity, [with the goal of ensuring] transparency and participation in the processes for proposed projects with environmental consequences in border regions”.

ACTION: Council will review the progress of negotiators and discuss efforts made at the subnational level.

DOCUMENT(S):

- a) Secretariat Note C/00-00/BACK/04
- b) US/Mexico common briefing note
- c) Commonly found components in transboundary environmental impact assessment arrangements C/00-00/TI
- d) Communiqué of 1999 Regular Session of the Council C/00-00/COMBANFE
- e) Council resolution 97-03: TEIA C/97-00/RES/01/Rev.3
- f) JPAC Advice 99-07: Negotiations of the North American Agreement on TEIA J/99-07/ADV

Item 8 Articles 14 and 15 of NAAEC

Since 1994, the CEC has received a total of 27 written submission on enforcement matters. Ten have been dismissed by the Secretariat, one was dismissed by the Council, one was withdrawn, one resulted in a factual record, and 14 are under consideration. The Council is expected to make decisions on a final factual record prepared by the Secretariat. The Council is also expected to discuss outstanding procedural issues related to Articles 14 and 15.

Item 8.1 Submission no. 97-001: B.C. Aboriginal Fisheries Commission et al.

Pursuant to Article 15(5), the Secretariat submitted to the Council on 28 March 2000 the draft factual record pertaining to Submission no. 97-001: B.C. Aboriginal Fisheries Commission et al. According to the same Article, the Parties had 45 days to provide comments on the accuracy of the draft. [Pursuant to Article 15(6), the Secretariat incorporated, as appropriate, any such comments in the final factual record and submitted it to the Council on **/**/2000.]

ACTION: In accordance with Article 15(7), the Council may decide, by a two-thirds vote, to make the final factual record publicly available, normally within 60 days following its submission by the Secretariat.

DOCUMENT(S):

- a) Draft Council Resolution
- b) Secretariat's Article 15 determination dated 27 April 1998 C/00-00/15-ADV
- c) Council Resolution 98-08 dated 24 June 1998 C/00-00/RES/04/Rev.2
- d) Final factual record

Item 8.2 Articles 14 and 15 Working Group

The Council may wish to discuss options related to the creation of a forum where issues arising in the context of the Articles 14 and 15 can be addressed.

ACTION: Discussion

DOCUMENT(S)

- a) Refer to JPAC Items 1h), 1i), and 1j) for Letters to Council from JPAC Chair and Memorandum to

the Alternate Representatives from JPAC Chair re: Articles 14 & 15

Item 9 Preparation for the public portion of the session

Under this item, the Council is expected to prepare for the public portion of the session that will follow.

ACTION: Discussion

DOCUMENT(S):

- | | | |
|----|---|-----------------------|
| a) | List of registered Participants | C/00-00/TOTAL |
| b) | List of registered speakers | C/00-00/ORALSTA3 |
| c) | Provisional program of events opened to participants | C/00-00/PROG/02/Rev.5 |
| d) | Agenda for Regular Session of JPAC | J/00-02/AGEN/Rev.1 |
| e) | (Refer to JPAC Item 1d) for the Follow-up from JPAC public discussions in 1999) | J/00-00/RPT/02 |

Item 10 Public Session

In accordance with its Rules of Procedure (R. 4.1), the Council will meet with the public. The public meeting is divided in three parts. During the first part, the Council will present the results of its first day of meeting and reiterate the importance of public participation (10 min.). The second part will be devoted to a summary of discussions that took place earlier in the day on the CEC Program (20 min.). In the last part of the meeting, previously registered participants will have an opportunity to present their views to the Council (90 min.).

ACTION: Discussion with the public

DOCUMENTS: (same as for previous item)

Item 11 Review of draft session communiqué

The Council is expected to review and propose final changes to the session communiqué.

ACTION: Decision

DOCUMENT(S):

- a) Draft session communiqué

Item 12 Joint meeting with JPAC

Under this item, the Council will hold the second portion of its joint meeting with the JPAC to discuss issues of common interest. JPAC is expected to share with the Council what it has heard throughout the public meetings held at that point in the course of this 2000 regular session of the Council.

ACTION: The Council is expected to summarize for JPAC the discussions it has had during its session and may wish to provide guidance to the JPAC for its work in 2000-2001.

DOCUMENT(S):

- a) (Refer to CEC Work Program Achievements and Directions Item 4 a) for the 2001–2002 Work Program Outline)

Item 13 Model Rules for Dispute Resolution under Part V

Council will review progress of the negotiations on the model rules of procedures under for Part V of NAAEC.

In the event that the negotiations are completed, the Council is expected to adopt the model rules of procedures under for Part V of NAAEC.

ACTION: Discussion and potential adoption of model rules

DOCUMENT(S):

- a) Report of the negotiating working group on Model Rules of procedure for resolution of disputes under part v of the NAAEC, 7 April 2000 C/00-00/REPORT
 b) Single Negotiating Text of Model Rules of Procedures for Consultation and Resolution of Disputes, [Revised 7 April 2000] C/00-00/MDLRL14

Item 14 Parties' contributions to the 2001 CEC Budget

In light of the considerations referred to in the Memorandum dated 15 May 2000 from the Executive Director to the Council, the Secretariat is requesting a funding adjustment of 9%.

ACTION: The Council is expected to review, discuss and agree on the Parties' contributions for the 2001 budget of the CEC.

DOCUMENT(S):

- a) Draft Council Resolution: 2001 funding of the CEC C/00-00/RES/06
 b) Draft Council Resolution: Use of CEC Outstanding Balance from Financial Year 1998 C/00-00/RES/07
 c) Memorandum dated 15 May 2000 from the Executive Director to the Council
 d) 2001–2002 Work Program Outline
 e) Memorandum dated 2 June 2000 from the Executive Director to the Council re: Adjustments to 2001 Budget C/00-00/FINAN-2R
 f) (Refer to JPAC item 1c) for JPAC Advice 99-11: North American Agenda for Action 2000–2002 Proposed Program Plan for the CEC) J/99-11/ADV

Item 15 Approval of session communiqué

Under this item, the Council will review and approve final changes to the session communiqué to be released during the press conference.

It is also proposed that the Council review the arrangements for the press conference, as appropriate. The basic agenda for the press conference includes: a report by the Chair on proceedings; statements by the Canadian and Mexican Council members; exchanges with media representatives, individual interviews.

ACTION: Approval of session communiqué

DOCUMENTS:

- a) Draft session communiqué

Item 16 Concluding remarks and closure of the session

Under this item, the Chair of the session is expected to make any final announcements, acknowledge the contribution of participants and observe on the general conduct of the session. Before bringing the meeting to a close, the chair is expected to invite her counterparts to make final a statement.

Dallas, 13 June 2000

COUNCIL RESOLUTION: 00-06

Adoption of the Phase II North American Regional Action Plan on Mercury

THE COUNCIL:

ACKNOWLEDGING the direction provided by Resolution 95-05 on the Sound Management of Chemicals;

RECOGNIZING that atmospheric emissions of mercury can be transported by air currents across national boundaries;

AWARE that mercury is a neurotoxin which can and has adversely impacted human populations and ecosystems within North America and elsewhere;

CONCERNED that North Americans who frequently consume fish, especially women of childbearing age, may be exposed to dangerous levels of toxic methyl mercury compounds;

FURTHER CONCERNED that fetuses and children are more susceptible to harmful effects of mercury and its compounds at lower concentrations than adults;

NOTING that there is recent scientific evidence indicating that the viability of some predator species is compromised by consumption of mercury-contaminated fish;

FURTHER RECOGNIZING that the most effective and efficient means of reducing mercury releases may include pollution prevention and control initiatives for emissions of other pollutants;

ALSO ACKNOWLEDGING that while mercury is a natural constituent of the earth's crust, atmospheric emissions of mercury from human activity have increased globally two- to five-fold over the last century;

AWARE that deposition of mercury in North America originating elsewhere is not under the control of the countries of North America;

ALSO AWARE of the need to set an example in the sound management of mercury globally—given that anthropogenic sources of mercury from other nations contribute to the global pool and to deposition of mercury within North America, and that emissions of mercury within North America also contribute to the global circulation and deposition of mercury; and

BUILDING on significant reductions of mercury releases resulting from initiatives already underway in North America, and on the exchange of regional and global perspectives related to international activities on mercury;

HEREBY:

1. ADOPTS the Phase II North American Regional Action Plan on mercury and recommends that the Parties undertake, as soon as possible, the actions set out therein aimed at reducing mercury releases from human activities, with the goal of approaching naturally occurring levels of mercury in North America; and
2. DIRECTS the Sound Management of Chemicals Working Group to work with the Council, the Secretariat and the Joint Public Advisory Committee in undertaking, as soon as possible, the actions assigned to it in the action plan, placing initial priority on the following, in recognition of their importance for the protection of human health and the environment:
 - Action 4e, v) pertaining to development of a North American inventory, including sites where elevated levels of mercury may occur;
 - Action 1a, iii) pertaining to collaboration with other regional jurisdictions in North America, regarding evaluation of and recommendations for efficient/effective atmospheric reduction protocols and ensuring that recommended control technologies promote significant reduction of a range of other pollutants;
 - Action 3a, iv) pertaining to a review of national reporting mechanisms used to track the ultimate fate of mercury-containing wastes within North America, particularly waste transported across national boundaries for storage, handling, processing, disposal or long-term containment and recommendations for improving these mechanisms;
 - Action 6a, iii) pertaining to public reporting to the Council on progress in implementing commitments;
 - Action 5, pertaining to communication activities, in terms of their advancement of Action 3 of the Phase I North American Regional Action Plan on mercury, the development of an Information and Communications Clearinghouse and, specifically, their implementation of the Phase II plan; Action 5a) development of a trilateral communications strategy for informing the public of how to reduce risks of and exposure to mercury and building capacity to develop outreach programs and communicating the regional action plan to the public in North America; Action 5b, i) establishment of mechanisms for sharing success

- stories; and Action 5c) generating a recycling directory database of enterprises (for near- and mid-term handling of mercury recovered from products); and
- Action 4b, coordinating implementation of this Phase II North American Regional Action Plan on mercury with the development and implementation of the action plan on environmental monitoring and assessment that was mandated in June 1999 (Council Resolution 99-02) and is now being developed;
3. FURTHER DIRECTS the Sound Management of Chemicals Working Group, as part of the North American Agenda on Children's Health and the Environment, to identify and accelerate actions that could support the elimination of harmful exposures of children to mercury.

APPROVED BY THE COUNCIL:

David Anderson
Government of Canada

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States

Dallas, 13 June 2000

COUNCIL RESOLUTION: 00-07

Pollutant Release and Transfer Registers

THE COUNCIL:

RECALLING the importance of the objectives of the North American Agreement on Environmental Cooperation (NAAEC) and the commitments set forth in Council Resolution 97-04 on Promoting Comparability of Pollutant Release and Transfer Registers;

RECOGNIZING the importance of preventing and reducing pollution from industrial and other sources in protecting the environment and the health of present and future generations;

CONVINCED of the value of pollutant release and transfer registers (PRTRs) as tools for the sound management of chemicals, for encouraging improvements in environmental performance, for providing the public with access to information on pollutants released and transferred into and through their communities, and for use by governments in tracking trends, demonstrating progress in pollution reduction, setting priorities and evaluating progress achieved through environmental policies and programs;

NOTING the opportunities for using PRTR data, when combined with health, environmental, demographic, economic and/or other types of relevant information, for gaining a better understanding of potential problems, identifying 'hotspots,' and setting environmental management priorities;

ALSO RECALLING the principles and commitments agreed to by the Parties in adopting Agenda 21 at the 1992 United Nations Conference on Environment and Development, in particular, the provisions calling for the development of emissions inventories and the development of programs to promote the public's and workers' right-to-know;

TAKING INTO ACCOUNT the principles outlined in a document of the Organization for Economic Cooperation and Development (OECD) entitled “Guidance Manual for Governments,” and recalling the 1996 OECD Council Recommendation which calls upon member countries to establish, implement and make public national PRTRs and promote comparability among national PRTRs and sharing of PRTR data between neighboring countries;

ALSO NOTING the growing international interest in PRTRs, access to information and public participation in environmental decision-making; and

CONSIDERING the opportunities for North America to serve as a global leader in the development and use of PRTRs nationally and regionally;

HEREBY:

RECOGNIZES that there is a set of basic elements central to the effectiveness of PRTR systems, which includes reporting on individual substances that is also facility-specific, multimedia (i.e., releases to air, water, land and underground injection, and transfers from one location to another for further management), mandatory, periodic (e.g., annually), and which allows for public disclosure of reported data on a facility- and chemical-specific basis;

FURTHER RECOGNIZES that the basic elements of national PRTRs also include: standardized database structures to facilitate electronic reporting, collection, analysis and dissemination; limiting data confidentiality and indicating what is held confidential; a comprehensive scope; and a mechanism for public feedback for continual improvement of the system;

RECOGNIZES AND ACCEPTS that the responsibility for designing and implementing national PRTRs rests with each individual country of North America and that the establishment of such basic elements depends on the environmental policies and capacities of each country;

AGREES to continue their individual and collective efforts to promote PRTRs, including public access to and use of PRTR data, domestically, regionally and internationally;

REAFFIRMS its commitment to publish an annual report on pollutant releases and transfers in North America (the *Taking Stock* report) based on information collected through the national PRTR programs; and

COMMITTS to a continued exchange of information and expertise of relevance to the effective implementation and further development of the respective national PRTR programs including, *inter alia*, guidance on estimation techniques and lists of substances and reporting thresholds, with a view toward promoting cooperation and enhancing comparability among the North America PRTR systems.

APPROVED BY THE COUNCIL:

David Anderson
Government of Canada

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States

Dallas, 13 June 2000

COUNCIL RESOLUTION: 00-05

Encouraging the Use of the Commission for Environmental Cooperation's Guidance Document: *Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems*

THE COUNCIL:

TAKING INTO ACCOUNT Council Resolution No. 97-05, adopted on 12 June 1997, concerning future cooperation regarding environmental management systems and compliance;

NOTING that environmental management systems do not replace the regulatory system, nor does adoption of an environmental management system constitute or guarantee compliance with legal requirements;

FURTHER NOTING that, as directed in the aforementioned resolution, the North American Working Group on Environmental Enforcement and Compliance Cooperation (“Working Group”) has explored: 1) the relationship between the ISO 14000 series and other voluntary environmental management systems to government programs for enforcing, verifying and promoting compliance with environmental laws and regulations, and 2) opportunities to exchange information and develop cooperative positions regarding the role and effect of environmental management systems on compliance and other environmental performance;

ALSO NOTING that the Working Group has reported back to the Council on the results of these efforts and made recommendations as to further tasks to be undertaken by the Working Group with respect to this issue;

AWARE that those tasks included the identification of core elements for environmental management systems;

RECOGNIZING that the Working Group convened a public workshop in Washington, D.C., on 13 April 1999, at which it received comments from experts on environmental management systems and interested members of the public on the use of such systems to improve environmental performance and compliance with environmental laws; and

ACKNOWLEDGING that, in preparing the guidance document entitled *Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems*, the Working Group took into account those comments and other information available to it;

HEREBY:

RECOGNIZES the guidance document as a tool to help improve environmental performance and compliance with environmental laws when used with an effective environmental management system;

APPROVES the public release of the guidance document;

ENCOURAGES the use of the guidance document by industry, government agencies and others involved in activities that may have significant environmental impacts; and

FURTHER ENCOURAGES appropriate governmental agencies to promote the use of the guidance document by persons or entities involved in activities that may have significant environmental impacts.

APPROVED BY THE COUNCIL:

David Anderson
Government of Canada

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States

Dallas, 13 June 2000

COUNCIL RESOLUTION 00-10

Children's Health and the Environment

THE COUNCIL:

RECOGNIZING that children are not little adults and that there is abundant scientific evidence that children are particularly vulnerable to many environmental hazards in the air they breathe, the water they drink, the food they eat and the environment in which they live, learn, and play;

ACKNOWLEDGING that prevention of exposure is the most effective means of protecting children from environmental threats;

AFFIRMING that parents have a right to know about the presence of potentially harmful substances that may affect the health of their children, and that they play an important role in protecting the health of their children;

NOTING that governments, individuals, communities, industry, and non-governmental environmental and health groups have roles to play in addressing children's health issues;

ENDORISING the ideals affirmed in the 1997 Declaration of the Environmental Leaders of the Eight on Children's Environmental Health, as well as Chapter 25 of Agenda 21 of the United Nations Conference on Environment and Development;

ALSO NOTING the 1989 United Nations Convention on the Rights of the Child;

ENCOURAGED by the record of achievement of the Commission for Environmental Cooperation (CEC) in health-related issues, including the elimination or reduction of harmful substances such as DDT, chlordane, and PCBs, and by enhancing the public's awareness and understanding of releases of pollutants to the environment;

FURTHER NOTING that Phase II of the North American Regional Action Plan (NARAP) on mercury specifically addresses the concern for women of child bearing age and children's exposure to increasing levels of mercury;

HEREBY:

COMMITTS to working together as partners to develop a cooperative agenda to protect children from environmental threats with the overall objective of reducing human-made pressures on children's health;

DECIDES to focus, as a starting point, on specific health outcomes such as asthma and other respiratory diseases, the effects of lead including lead poisoning, and the effects of exposure to other toxic substances;

AGREES to establish for a period of two years an Expert Advisory Board composed of environment and health experts selected by the Parties to advise the Council on issues concerning children's health and the environment;

DIRECTS the Secretariat of the CEC to work with the Parties to develop a CEC agenda on children's health and the environment in North America by:

- 1) Developing inventories of national, bilateral, and trilateral activities related to children's environmental health. The purpose of this activity would be to take stock of what is currently being done, assess gaps and identify opportunities for further collaboration on children's environmental health under the CEC;
- 2) Convening a government workshop in the fall of 2000 in Mexico, with representation from ministries with responsibilities for environment, health, industry, finance, natural resources and others, as appropriate, in order to share information and expertise on national programs, and in order to develop a CEC agenda for children's health and the environment. As a starting point, this agenda will address asthma (including triggers such as environmental tobacco smoke, indoor pollutants and outdoor air pollutants) and other respiratory diseases, the effects of lead including lead poisoning, and the effects of exposure to other toxic substances;
- 3) Ensuring public and stakeholder consideration and feedback on the CEC agenda;
- 4) Applying the perspective of children's health and the environment to key work areas of CEC to find opportunities to advance the protection of children's health from environmental threats. In particular, opportunities in the following areas will be explored:
 - a) Sound Management of Chemicals: ensure inclusion of a strong children's health focus in the development of the draft NARAP on environmental monitoring and assessment and, where appropriate, identify initiatives that will decrease the impacts on children's health from bioaccumulative, persistent and toxic substances addressed in other NARAPs;
 - b) North American Free Trade Agreement (NAFTA) Trade and Transportation Corridors Project: ensure that this project, while addressing air quality issues

associated with increased transboundary transportation, takes into account the effects on children's respiratory health; and

- c) Exploring, with the advice of relevant experts (such as the Expert Advisory Board), the feasibility of developing a special feature on children's health and the environment, possibly as part of the North American Pollutant Release and Transfer Register;
- 5) Initiating activities to increase parents' and the public's awareness and education about environmental threats to children's health and ways of preventing exposure to these threats. As a first step, the CEC Secretariat will work with the Parties, engaging other relevant experts to:
- a) Develop a web page that would provide relevant information and links to other sources on children's health and the environment; and
 - b) Facilitate the exchange of information, scientific techniques, and experiences of jurisdictions in providing smog forecasts/alerts to the public so that they can take action to protect themselves, noting that Environment Canada is hosting a tripartite workshop in November on air quality forecasting; and
- 6) Providing, through the CEC web page, a repository of research initiatives and other relevant scientific information related to children's health and the environment to build synergy between the health and environment research communities in the three countries.

APPROVED BY THE COUNCIL:

David Anderson
Government of Canada

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States

Dallas, 13 June 2000

COUNCIL RESOLUTION 00-09

MATTERS RELATED TO ARTICLES 14 AND 15 OF THE AGREEMENT

THE COUNCIL:

RECOGNIZING that the strength of the Commission for Environmental Cooperation is premised on the ongoing and active involvement of the Council;

AFFIRMING the central role of the Joint Public Advisory Committee (JPAC) in providing the Council with advice on any matter within the scope of the *North American Agreement on Environmental Cooperation* (“NAAEC” or “Agreement”);

FURTHER AFFIRMING the importance of the unique role of the Secretariat regarding its responsibilities under Articles 14 and 15 of the NAAEC;

RECOGNIZING the need for transparency and public participation before decisions are made concerning implementation of the public submission process under Articles 14 and 15 of the NAAEC;

FURTHER RECOGNIZING that countries that are parties to international agreements are solely competent to interpret such instruments and that under Article 10(1) (d) of the NAAEC, the Council has the authority to address questions and differences that may arise between the Parties regarding the interpretation or application of the Agreement;

NOTING that, under Article 20(1) of the NAAEC, the Parties shall at all times endeavor to agree on the interpretation and application of the Agreement and shall make every attempt through cooperation and consultations to resolve any matter that might affect its operation;

AWARE that individual Parties have raised issues about the interpretation and application of Articles 14 and 15 under the NAAEC; and

REAFFIRMING that Articles 14 and 15 of the NAAEC provide the framework for the public submission process;

HEREBY RESOLVES that:

1. The Council may refer issues concerning the implementation and further elaboration of Articles 14 and 15 of the Agreement to the JPAC so that it may conduct a public review with a view to providing advice to the Council as to how those issues might be addressed;
2. Any Party, the Secretariat, members of the public through the JPAC or, the JPAC itself, may also raise issues concerning the implementation and further elaboration of Articles 14 and 15 of the Agreement to the Council, who shall refer any such issues as it proposes to address to the JPAC so that the JPAC may conduct a public review with a view to provide advice to the Council as to how those issues might be addressed;
3. Any advice provided by the JPAC shall be supported by reasoned argumentation;
4. The Parties, acting through the Council, shall consider the JPAC's advice in making decisions concerning the issues in question relating to Articles 14 and 15 of the Agreement and shall make public its reasons for such decisions, bringing the process to conclusion;
5. (a) The JPAC shall review the public history of submissions made under Articles 14 and 15 of the Agreement, including all actions taken to implement those articles, and shall provide a report identifying the lessons learned;

(b) To guide the JPAC in the performance of such review, the Council shall provide the JPAC with a referral memorandum or other information identifying issues raised by the Parties relating to specific submissions;
6. Pending any final decision by the Council, the Secretariat shall continue to process expeditiously any submissions on enforcement matters in accordance with the Agreement and existing Guidelines;
7. Any decision taken by the Council following advice received by the JPAC shall be explained in writing by the Parties and such explanations shall be made public;
8. The Council shall review the operation of this resolution after two years.

APPROVED BY THE COUNCIL:

David Anderson
Government of Canada

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States

Dallas, 13 June 2000

COUNCIL RESOLUTION: 00-08

2001 Funding of the Commission for Environmental Cooperation

THE COUNCIL:

RECOGNIZING the importance of the *North American Agreement on Environmental Cooperation* in conserving, protecting and enhancing the environment;

ACKNOWLEDGING the importance of sustaining key cooperative activities through an adequate level of funding;

HEREBY AGREES that the budget of the Commission for Environmental Cooperation (CEC) for the financial year 2001 shall be established in Canadian dollars at a level equal to US\$9 million at the Bank of Canada exchange rate in effect on an established date, which shall be no later than 31 December 2000.

FURTHER AGREES that the budget shall be equally divided among the three Parties and that each Party shall contribute an equal share of the annual budget of the Commission, subject to the availability of appropriated funds in accordance with the Party's legal procedure. Each Party shall make its contribution in its national currency. The annual amount of a Party's contribution in its national currency for the year 2001 shall be fixed at the Bank of Canada exchange rate in effect on an established date, which shall be no later than 31 December 2000.

APPROVED BY THE COUNCIL:

David Anderson
Government of Canada

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States



Commission de coopération environnementale

Comisión para la Cooperación Ambiental

Commission for Environmental Cooperation

Final Communiqué

CEC Council Session in Dallas, 12–13 June 2000

We, the environment ministers of Canada, Mexico and the United States, members of the Council of the Commission for Environmental Cooperation, have met for our annual regular session on 12 and 13 June 2000 in Dallas to review and direct the program activities of the Commission and receive input and advice from the Joint Public Advisory Committee (JPAC), and also from members of our national advisory bodies and the public. Discussions centered on: 1) Children's Health and the Environment; 2) the Sound Management of Chemicals (SMOC); 3) the Pollutant Release and Transfer Register (PRTR); 4) Citizen Submissions on Enforcement Matters, including release of the BC Hydro factual record; 5) Law and Policy; 6) Trade and Environment; 7) Conservation of Biodiversity; and 8) the North American Fund for Environmental Cooperation (NAFEC).

1. Children's Health and the Environment

- 1.1 One of the main priorities of our societies, and the most compelling inducement to environmental progress, is to provide conditions in which our children may grow up healthy and able to realize their full potential. We recognize that the health and well-being of North America's children depends upon clean environments.
- 1.2 We are grateful for the contributions and advice of the many distinguished participants in the CEC's recent symposium on *Children's Health and the Environment in North America*.
- 1.3 We take particular account of these fundamental messages emerging from the symposium: children may be more vulnerable to environmental hazards than adults because they eat and drink more for their size, they play and act differently from adults, and their bodies are still developing. Trilateral cooperation and coordinated action can further enhance national efforts to improve the health of North American children.
- 1.4 We endorse the ideals affirmed in the 1997 Declaration of the Environmental Leaders of the Eight on Children's Environmental Health, as well as Chapter 25 of Agenda 21 of the United Nations Conference on Environment and Development. We note the 1989 United Nations Convention on the Rights of the Child.
- 1.5 We commit to working together as partners to develop a cooperative agenda to protect children from environmental threats with the overall objective of reducing human-made pressures on children's health.
- 1.6 We decide to focus, as a starting point, on specific health outcomes such as asthma and other respiratory diseases, and the effects of lead including lead poisoning, and the

effects of exposure to other toxic substances.

2. Sound Management of Chemicals

- 2.1 The CEC's Sound Management of Chemicals (SMOC) program is an effective tool for reducing the presence of toxic chemicals in the North American environment, and presents important opportunities in the implementation of an agenda for children's health and the environment.
- 2.2 Already, North America is well-advanced, through the SMOC initiative, in reducing the presence of a number of toxic chemicals across the region and has demonstrated North America's desire to rid itself of persistent organic pollutants (POPs). The three countries have developed North American Regional Action Plans (NARAPs) for chlordane, PCBs, and DDT. North America is now free of chlordane production and use. Mexico is very close to achieving its goal of phasing out DDT, virtually eliminating its release in North America. Two other NARAPs, one on dioxins and furans and hexachlorobenzene and the other on environmental monitoring and assessment, are under development.
- 2.3 We approve the proposed NARAP on mercury. Mercury is a bio-accumulative toxin that causes birth defects and developmental impairment in children. Fish consumption is considered to be the primary route of exposure.
- 2.4 Lindane is a persistent organic pollutant that is registered for use as a pesticide and insecticide in all three of the North American countries. It bio-accumulates in wildlife and humans and a wide variety of toxicological effects have been recorded, such as reproductive and endocrine impairments, and it can be neurotoxic, immunotoxic, mutagenic, genotoxic and carcinogenic. We look forward to receiving comments on the proposal of the Substance Selection Task Force for the development of a lindane NARAP, which is currently under public consultation.

3. Pollutant Release and Transfer Register (PRTR)

- 3.1 The CEC's annual PRTR report, *Taking Stock*, provides a regional overview of on-site releases of industrial pollutants directly into the air, land and water, as well as off-site transfers for treatment or disposal. Since their inception in the United States and Canada, PRTRs have become a valuable 'right to know' tool for the public, providing a useful indicator of society's progress in addressing pollution.
- 3.2 Recognizing the growing interest in PRTRs worldwide and North America's role as a leader in the field, we reaffirm our commitment to continue our individual and collective efforts to promote PRTRs and their development as well as public access domestically, regionally and internationally, and to promoting enhanced comparability among the national PRTR systems.
- 3.3 We recognize that there is a set of basic elements central to the effectiveness of PRTR systems, which includes reporting on individual substances that is also facility-specific, multi-media (i.e., releases to air, water, land and underground injection, and transfers for further management), mandatory, periodic (e.g., annually), and which allows for public disclosure of reported data on a facility- and chemical-specific basis. We also recognize that the basic elements of national PRTRs also include: standardized database structures to facilitate electronic reporting, collection, analysis and

dissemination; limiting data confidentiality and indicating what is held confidential; a comprehensive scope; and a mechanism for public feedback for continual improvement of the system.

4. Citizen Submissions on Enforcement Matters

- 4.1 We agreed by consensus to release to the public the BC Hydro factual record (relating to citizen submission SEM-97-001). We reaffirm our commitment to the citizen submission process and to a transparent process for engaging the public on issues related to the implementation of this mechanism.
- 4.2 We agree that issues concerning the implementation and further elaboration of Articles 14 and 15 of the Agreement may be referred to the JPAC so that it may conduct a public review with a view to providing advice to the Council as to how these issues might be addressed. These issues can also be brought to the attention of the Council by any Party, the Secretariat, members of the public through the JPAC or the JPAC itself.
- 4.3 Any decision taken by the Council following advice received by the JPAC will be explained in writing by the Parties and such explanations will be made public.

5. Law and Policy

- 5.1 We endorse the guidance document “Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems,” thereby demonstrating that our three countries are working cooperatively to help organizations improve their ability to achieve and maintain compliance, and improve their environmental performance and move “beyond compliance.” This document represents the first time the Parties have jointly stated how voluntary EMSs designed for internal management purposes can also serve the broader public policy goals of compliance assurance and improved environmental performance in regulated and non-regulated areas.
- 5.2 We believe this guidance document complements existing EMS models. EMSs do not replace the regulatory system, nor does the adoption of an EMS, alone, constitute compliance.

6. Trade and Environment

- 6.1 We continue to place importance on our environment and trade work, and are committed to building on the progress achieved. We note that CEC discussions are already under way about the use of precaution as an important element of domestic environment and health policies, and its context-specific nature. We encourage continued exchanges among respective trade and environment officials on the use of precaution in the Parties’ environmental policies. We also encourage continued discussions of the contribution that environmental labeling, certification and mutual recognition might play in supporting environmental, economic and social objectives.
- 6.2 We look forward to the North American Symposium on Understanding the Linkages between Trade and Environment, to be held 11–12 October 2000, in Washington, DC. We welcome the update on preparations provided by the symposium chair, former Quebec premier Pierre Marc Johnson, and we are grateful for Dr. Johnson’s leadership on this important work.

- 6.3 We congratulate the participants in the successful workshop in Oaxaca where opportunities were explored to employ eco-labeling of shade grown coffee as a means of harnessing consumer power to the task of protecting important forests, biodiversity, and a way of life in Mexico. We welcome the expression of interest by workshop participants, in particular the suppliers of shade-grown, fairly-traded and organic coffees, in working together towards a North American market niche for sustainable coffee. We will consider further work to advance private sector efforts to expand markets for sustainable coffee, recognizing the value of the opportunity to gain experience in the field of voluntary eco-labeling and certification. We welcome as an important step forward the joint meeting of the CEC Article 10(6) Environmental and Trade Officials Group and the NAFTA Working Group on Standards-Related Measures to be held on 23 June 2000, in Ottawa. We find useful the CEC's online database on labeling and certification, covering coffee, office products, tourism and green electricity schemes.

7. Conservation of Biodiversity

- 7.1 Canada, Mexico and the United States are not only increasingly linked through economic, social and cultural exchanges, but also share many ecosystems and migratory species. Existing strategies for biodiversity conservation in the region are not coping with the impacts caused by ever-increasing levels of development. Nor are they likely to address adequately the relatively new problems of climate change and increased numbers of invasive species. Both problems threaten ecosystem health, biodiversity and their benefits to society.
- 7.2 Therefore, the Parties agreed in 1999 to initiate trilateral cooperation aimed at conserving species of common concern. In close cooperation with the Canada/Mexico/US Trilateral Committee for Wildlife and Ecosystem Conservation and Management, and reflecting both the need and opportunity for working on a regional scale, the Parties will focus initially on 17 species of common concern. These species are:

Species of Common Conservation Concern (SCCC)	
Mammals	Birds
<ul style="list-style-type: none"> • Black-tailed prairie dog • Sonoran pronghorn • Lesser long-nosed bat • Mexican long-nosed bat • Mexican black bear • Gray wolf 	<ul style="list-style-type: none"> • Ferruginous Hawk • Peregrine Falcon • Loggerhead Shrike • Piping Plover • Mountain Plover • Northern Spotted Owl • Mexican Spotted Owl • Golden-cheeked Warbler • Whooping Crane • California Condor • Burrowing Owl

- 7.3 We agree to carry out concerted action for developing habitat conservation initiatives

- and establishing international species conservation teams, and are seeking public comment on the proposed action plans.
- 7.4 We recognize that marine and coastal resources are essential for the social and economic well-being of our three countries, providing food, raw materials for industry, new medicines to improve health, unparalleled recreational experiences and much more. These resources are experiencing greatly increased pressures as the result of rapid population growth and accompanying development. Moreover, these critical marine and coastal resources are threatened by the potential sea level rise that would accompany unchecked climate change.
- 7.5 We are committed to the protection of marine biodiversity, through the establishment of a marine protected areas network, mapping marine ecosystems, addressing the threats of invasive species, and reducing the impact of land-based activities on the marine environment.
- 7.6 We are committed to increase information exchange to support conservation and expand use of the North American Biodiversity Information Network (NABIN) as a key mechanism for sharing information, and for modeling the potential ecosystem effects of climate change and the continental range of invasive species.

8. North American Fund for Environmental Cooperation

We agreed that funding for NAFEC shall be continued at its current level. NAFEC plays a valuable role in helping to promote sustainable development at the local level and in supporting specific projects in the CEC's work plan. Council reaffirms its commitment to the Fund and will explore alternatives for additional funding.

9. Joint Public Advisory Committee (JPAC)

We thank the JPAC members for the important contribution they continue to make in engaging the public and a variety of stakeholders in the work of the CEC. In particular, we welcome the advice provided by the JPAC on matters relating to the citizen's submission process (Articles 14 and 15). We thank the JPAC for taking on its important new responsibility with respect to this process.

10. CEC Budget and Next Meeting of Council

We agree to continue to support the CEC at the level of US\$9 million for the year 2001. We agree to meet in Mexico for the next regular session of Council in June 2001.

The CEC was established by Canada, Mexico and the United States to build cooperation among the NAFTA partners in implementing the North American Agreement on Environmental Cooperation (NAAEC), the environmental side accord to NAFTA. The CEC addresses environmental issues of continental concern, with particular attention to the environmental challenges and opportunities presented by continent-wide free trade. The Council, the CEC's governing body, is composed of the federal environment ministers (or the equivalent) of the three countries, and meets once a year. Attending this seventh session of Council were Canadian Environment Minister David Anderson, Mexican Secretary for the Environment, Natural Resources and Fisheries Julia Carabias Lillo, and US Environmental Protection Agency Administrator Carol M. Browner (USA). The Joint Public Advisory Committee (JPAC) is a 15-

member, independent, volunteer body that provides advice and public input to Council on any matter within the scope of NAAEC.