



ADVICE TO COUNCIL: NO. 00-02

Re: *Draft Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems*

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

IN ACCORDANCE with its mandate to provide advice to Council;

RECALLING its past Advice 99-02 on the matter of Environmental Management Systems (EMS), where concern was expressed that EMSs should not be construed as replacing regulation and enforcement;

HAVING received an initial opportunity to review the draft *Guide: Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems* and discuss it with representatives of the CEC Enforcement Working Group (EWG) at our recent Regular Session of 24 March 2000;

REMEMBERING the following fundamental concerns we expressed during this initial exchange, to wit:

- the purpose of the Guide and its intended audience are not clear.
- [it introduces] confusion [...] by appearing to create a duplicate system;
- the terminology used in describing the ten elements proposed in the draft Guide for improving environmental performance and compliance requires clarification to ensure that these elements are understood as a comprehensive package of criteria to assist in achieving and maintaining compliance;
- the text is silent on the subject of certification under the ISO system; and
- it should be made clear that this Guide[is to] be promoted as a tertiary document, following (1) national laws and regulations and (2) evolving environmental management systems, including ISO 14000.

FURTHER NOTING that while efforts were made to canvass the views of selected groups, the public at large was not consulted.

JPAC, THEREFORE, has reached the consensus that this document must be substantially revised in its present form, taking into account the detailed concerns we have expressed to the EWG, and then that it be returned to us for further review.

As there is a desire on the part of the EWG to present the Guide to Council for consideration at the June Council Session, JPAC further recommends that the EWG complete their redrafting on an urgent basis and return it to JPAC so that Council may have the benefit of JPAC's review.

APPROVED BY THE JPAC MEMBERS

2 May 2000