



ADVICE TO COUNCIL: NO. 01-08

Re: Sound Management of Chemicals Program of the CEC

The Joint Public Advisory Committee (JPAC) of the North American Commission for Environmental Cooperation (CEC):

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

GUIDED by its prior Advice to Council 99-04 on the Sound Management of Chemicals (SMOC) program of the CEC;

HAVING heard from the JPAC working group on the results of the SMOC public workshop, held 2 November 2001, in Tucson, Arizona;

MAKES the following observations and recommendations for consideration by the Council:

Public Participation

- The credibility of SMOC will be strengthened if the development and implementation process for North American Regional Action Plans (NARAPs) is made more visible and accessible to the public;
- The SMOC process would be better served if opportunities for involvement were created for the general and selected public in the task forces and on the SMOC working group itself;
- Recommendation 6 of the "Review of the Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative" (June 2001) requests that JPAC suggest possible options for increasing stakeholder participation in the substance selection process. JPAC strongly encourages that public participation be built into all stages of the process—particularly those dealing with identifying and nominating candidate substances;
- An NGO representative who attended the *Stakeholder Consultation Workshop: North American Regional Action Plan on Dioxin, Furans and Hexachlorobenzene Task Force* (23-24 October, Mexico City) presented a document to the SMOC working group entitled "Recommendations of Civil Society Organizations to the North American Regional Task Force on Dioxins and Furans and HCB of the Commission for Environmental Cooperation." The JPAC Working Group will review the contents of this document for further comment.

Monitoring and Assessment

- JPAC is very concerned by the apparent delays in establishing the environmental monitoring and assessment NARAP and recommends that the SMOC working group be instructed to complete the development of this cross-cutting NARAP as soon as possible. Other NARAPs have been or are being completed where hot spots, priorities and critical issues have been identified. Absence of this NARAP seriously impedes the diffusion of information to governments and the public, hampering their ability to monitor and evaluate results and act proactively.

Capacity Building and Public Education

- Capacity building should not be limited to assisting governments to implement the NARAPs. Capacity building efforts should also focus on how information is provided to agencies and members of the public, enabling their informed involvement in monitoring local phenomena, conducting risk assessment and constructively participating in the implementation of the NARAPs. Strategies aimed at improving the CEC's activities for making information both accessible and understandable to the general public and effected local populations are an important part of capacity building and should be built into each of the NARAPs.

Persistent Organic Pollutants

- The recent conclusion of the Stockholm Convention on persistent organic pollutants (POPs) has created an international framework for working toward the elimination of these dangers to society, and is setting new standards in the process. Canada, Mexico and the United States are participants in this Convention. The SMOC program must now make any adjustments necessary to conform to these new standards. For example, strict implementation would require that PCBs no longer be incinerated, as their elimination is not total when treated this way and dioxins are produced in the process. The best technologies should be identified and promoted within the SMOC program. The CEC should in turn encourage the development and use of these technologies.
- Mexico has made very impressive progress in eliminating DDT use in the health sector. However, it is not clear how progress is verified in the elimination of DDT use in agriculture. In order to ensure more effective enforcement of laws and compliance with the ban on DDT, there is a need to better understand the extent to which DDT use continues or not in agriculture, and the means of monitoring used to verify this.
- The United Nations Environment Program has launched a program to make regional assessments of the threats that POPs pose to human health and the environment. The CEC/SMOC has been delegated to develop the assessment report for North America. One of the responsibilities will be to prioritize the chemicals that need attention and the remedial work that is needed to prevent and correct environmental damages. JPAC recommends that Council clarify that the scope of the regional assessment report not be restricted to the 12 substances targeted by the Stockholm Convention and heavy metals, as is currently the mandate of the SMOC program.

Data Quality and Accessibility

- JPAC is concerned about the delay in establishing a pollutant release and transfer register (PRTR) for Mexico, to allow for data acquisition for the three countries required by the NARAPs. Legislative requirements for reporting to PRTRs are very important, but equally so is the generation of sufficient, reliable, comparable, compatible and high-quality information to report to the registry. Without mandatory, site specific, publicly accessible and understandable data, NARAPs cannot be properly implemented. Thus the CEC should continue to place emphasis on organizing and promoting partnerships between industry, governments and the public to identify and set standards for the appropriate development of the PRTRs, particularly in Mexico where the existing rules do not guarantee these standards in the reported information.
- An ongoing challenge for the Pollutants and Health program generally, including the SMOC program, is how data and information are made available to the public, particularly where there is no legislative basis for assuring public access. Even where there is such legislation, a two-fold challenge remains: the public must be informed what is available, and the information must be made available in a way that is understandable and useful. The SMOC working group must consider these challenges as they continue to implement and refine the program.

Substance Selection

- JPAC strongly encourages the Substance Selection Task Force to consider selection by class effect, for example, treating endocrine-disrupting substances as a group. This could make the process more sensitive and focused on human health impacts while making the selection and NARAP development process more efficient and effective.
- JPAC is very concerned at the length of time it is taking for lead to be brought to the decision stage of the process. These delays are totally inconsistent with the concern that Council has expressed about the effects of toxic substances on children's health in North America. JPAC strongly urges that priority attention be placed on moving lead through the selection process.
- JPAC recommends that the SMOC working group be directed to develop a NARAP for lindane.

Finally,

The SMOC working group has requested that JPAC provide further information on its suggestion to use the meetings of the SMOC working group and task forces as educational and capacity building opportunities for both the Working Group and the public. JPAC will take up this question during its public session in conjunction with the 2002 June Council Session.

APPROVED ON 23 NOVEMBER 2001