

Regular Session of Council
In Camera Session

Thursday August 1 to Friday August 2, 1996
Ontario Room, Crown Plaza Hotel, Toronto Centre, Toronto, Canada

SUMMARY RECORD

Council held its Third Regular Session in Toronto, Canada on August 1 and 2, 1996. Minister Sergio Marchi of Canada chaired the meeting. Secretary Julia Carabias and Administrator Carol Browner represented the United Mexican States and the United States respectively. The list of delegates is found in Annex A.

1. OPENING REMARKS

The Chairman, in his opening remarks, addressed the following issues which were supported in general by the Council:

- The need to maximize the credibility of the CEC within governments, the public and media.
- The opportunity for promoting inter-departmental integration and reinforcing the institutional capacity in the three countries.
- The need to strengthen the “CEC voice” at the global level, to provide contributions to international environmental efforts.
- The need to address standards and deregulation issues as a response to the public’s perception of deregulation efforts in the three countries.
- The desire to enhance the Commission’s public participation mechanisms.
- The need to consolidate the Annual Program based on defined priorities and to establish performance measures for the CEC to better focus and maximize its resources.

2. APPROVAL OF AGENDA

The agenda was modified to allow Council to discuss Item 5 —Article 14 Submissions— prior to other items. The final agenda is found in Annex B.

3. STATEMENT BY THE EXECUTIVE DIRECTOR

The Executive Director informed Council of the progress made in the Secretariat and in the work of the Commission. He observed that the CEC, initially a “fashionable pilot experiment”, is now being measured with the same yard stick as other intergovernmental organizations and is in the eye of the public.

He expressed the view that the Parties need to address the issue of standards and perceived deregulation tendencies and their commitment to report to the public and better define the role of the CEC in this matter. He observed that NAAEC, under Part Two - Obligations - Article 3, states that the Parties must ensure that its laws and regulations provide for high levels of environmental protection.

He supported the view that there is an opportunity for Council members to take the lead on the subject of trade and environment, which represents a good opportunity to show how economic decisions, including direct or indirect subsidies, impact on environmental protection policies.

He reported on the implementation of Article 14 and commented that the Secretariat had only recently begun to apply this mechanism. He observed that the implementation of Articles 14 and 15 naturally would result in a creative tension between the Party concerned and the Secretariat. He emphasized that this situation should strengthen the cooperative work of the CEC, its transparency and public participation functions.

4. ARTICLE 14 SUBMISSION

Council discussed the Secretariat’s notification submitted to Council on June 7, 1996 for the development of a factual record regarding the construction and operation of a public harbor terminal for tourist cruises on the Island of Cozumel.

Council unanimously adopted resolution 96-08 (Annex C) instructing the Secretariat to develop a factual record with respect to the submission and decided to make public, in the Public File through the Public Registry, its advice to the Council provided on June 7, 1996. Council also expressed its satisfaction with the constructive manner in which the decision was made to prepare a factual record.

Secretariat updated Council on other submissions under Article 14 summarizing the actions taken and rationale regarding those submissions.

Council confirmed that the Parties will review the operation of Article 14 and the Guidelines as agreed. The JPAC was requested to input its comments into the review process.

5. COUNCIL DISCUSSION ITEMS

Council reviewed a series of initiatives and took the actions identified under each topic.

- 5.1. **Cooperation in the Conservation of North American Birds:** Council approved resolution 96-02 (refer to Annex D).
- 5.2. **Silva Reservoir Report:** Council approved resolution 96-03 (refer to Annex E).
- 5.3. **North American Cooperation on Monarch Butterflies:** Council approved Resolution 96-04 (refer to Annex F).
- 5.4. **North American Air Monitoring and Modeling:** Council approved Resolution 96-05 (refer to Annex G).
- 5.5. **Pollution Prevention Cooperation:** Council approved Resolution 96-11 (Annex H) and Resolution 96-12 (Annex I).
- 5.6. **Enforcement Cooperation:** Council approved resolution 96-06 (Annex J).
- 5.7. **North American Environmental Technology Clearinghouse:** Council approved resolution 96-07 (Annex K).

6. GUIDANCE TO JPAC

A brief discussion was held on three areas on which the JPAC was proposing to conduct public meetings in 1997. All three received the unanimous support of the Council:

- North American Community Information Networks;
- Voluntary and Cooperative Compliance, including working with the Enforcement Working Group of the CEC;
- Long-Range Transport of Atmospheric Pollutants in consultation with the Secretariat's project under Article 13.

7. UPDATE ON PUBLIC MEETING

Council discussed the afternoon's program and agreed to invite the Chair of the JPAC to the discussion of Public Participation during the next day's In-camera Session.

8. ENVIRONMENT AND TRADE

Council exchanged views on the potential cooperative initiatives on environment and trade. Members confirmed their desire to see the CEC continue its efforts on trade and environment program items. They expressed the need for clear environmental indicators to understand the effects of free trade. They also agreed to seek to convene a meeting of senior officials followed by a trade and environment ministerial meeting in advance of the World Trade Organization meeting in December.

9. PROGRESS REPORT ON OTHER PROGRAM INITIATIVES

Council reviewed the progress made in implementing the CEC program and Council decisions taken at the last regular session.

9.1. **Sound Management of Chemicals**

Council discussed progress made by the North American Working Group (NAWG) and agreed to wait for recommendations from the NAWG before identifying two new substances for the development of regional action plans in 1997. The US suggested that at least one new substance be identified.

9.2. **North American Pollutants Release Inventory (NAPRI)**

The Secretariat updated Council on the progress made in the NAPRI initiative.

The Council was informed that a report presenting the status of the PRTR's in North America, including the evaluation of the comparability and compatibility of the different systems, is scheduled to be printed by the end of the year. Council was also informed that the first annual NAPRI report analyzing the 1994 publicly available data will be released in 1997.

9.3. **Transboundary Environmental Impact Assessment (TEIA)**

The Secretariat briefed Council on progress made by the Intergovernmental Group on North American Transboundary Environmental Impact Assessment. Recommendations will be submitted to Council in accordance with Article 10(7) of the NAAEC. Members expressed their desire to see this ready by the end of 1996 in accordance with the NAAEC.

9.4. **NAFTA Effects**

The Secretariat informed Council of progress made under this item. Council was briefed on a workshop held in San Diego on April 29-30, to consider a preliminary framework aimed at assessing the effects of NAFTA. Council was informed that Phase II of the project will include an overview of the institutional framework of NAFTA, detailed reports on selected issues and the continued development of a general framework. The Secretariat expects to feature the considerable body of work developed in this project at the time of the next Council Session.

9.5. **North American Fund for Environmental Cooperation (NAFEC)**

Council was informed of the outcome of the first grant cycle. The Secretariat presented the calendar for the second grant cycle which is scheduled to start with a call for pre-proposals in mid-August.

Council discussed the response for the first grant cycle's call for pre-proposals as well as the possibility of identifying priorities for pre-proposals. Council requested the Secretariat and JPAC to initiate a process to streamline selection criteria in the NAFEC Guidelines.

9.6. North American Cooperation on Climate Change

Council was briefed on progress undertaken under this project including a workshop that took place on April 17 in Mexico City on the assessment of opportunities for Joint Implementation (JI) in North America; pre-feasibility studies for four greenhouse gas (GHG) mitigation projects in Mexico; and an analysis of the potential of GHG emissions permit trading system in North America.

9.7. North American Agreement on Environmental Cooperation (NAAEC) Obligations

The Secretariat informed Council that a request for preparation of an Article 13 Report on the discharge of toxic substances to the Detroit River had been declined. Council was also informed of the progress in developing a State of the Environment report. This report is scheduled to be released in 1997.

9.8. CEC Database Development

The Secretariat informed Council of on-going maintenance and up-date activity on this item.

9.9. Maps of Ecoregions

Council reviewed progress on the preparation of the three levels of ecoregion maps. The first two, Levels I and II, have been completed and will be available in late September. The third and most detailed one, Level III, will be ready for distribution by the end of 1996. Each of these maps will be accompanied by a report.

10. PUBLIC PARTICIPATION: INITIAL CONCLUSIONS AND FOLLOW-UP

The Chair of the JPAC was invited to attend this part of the In-camera Session. Council took the opportunity to congratulate the JPAC on its work and briefly summed up some of the issues that had been discussed earlier. Council requested JPAC to develop recommendations on how to improve the public portion of the Council Session in order to increase the time available for constructive discussions with participants. Council also expressed the desire to see the time allotted for the meetings with the JPAC increased to allow for discussions on policy issues.

Council also discussed with JPAC ways in which Council could address trade and environment issues and the role of voluntary initiatives by the private sector. Discussion was held on a CEC program which would recognize industrial efforts that exceed current regulations in their environmental performance.

The Chair of JPAC stated that JPAC would prepare its recommendation to Council, which would be grouped under the following categories:

- On-going activities such as a review of the NAFEC Guidelines or Articles 14 and 15 of the NAAEC;
- Emerging issues including long-range transport of air pollutants, voluntary compliance (including deregulation and Best Practices) and community information networks;

- Strategic issues including linkages between trade and environment to promote economic ties.

Council encouraged the JPAC to go forward with public meetings in 1997, coordinate meetings with the NACs and requested that an effort be made to reach out to the youth.

Council also discussed the duration of the JPAC Chair's mandate as well as that of the members. In 1997, a Mexican member will be elected as the Chair and the mandate of the US appointed members expires. JPAC was urged to ensure continuation of its operations as smoothly as possible during the transition. To that effect, the Secretariat was requested to develop recommendations on a possible "staggered approach" of JPAC membership tenure. The Chair of JPAC concluded by announcing a strategic planning meeting in the fall.

Council members requested that an effort be made to make the best possible use of telecommunications in order to maximize limited resources.

11. REVIEW AND FINALIZATION OF SESSION COMMUNIQUÉ

Council members discussed and made changes to the Communiqué to be distributed at the end of the meeting. The approved version of the final Communiqué is found as Annex L.

12. PROGRAM AND BUDGET

The Secretariat was asked to prepare a program and budget based on current levels of funding.

Council adopted Resolution 96-09 approving a contribution level of US\$ 9 million for financial year 1997, shared equally by the three Parties, including CAN\$ 2 million budget for the NAFEC. The Executive Director underlined that this level of funding meant a cut in budget of US\$ 1.6 million since the NAFEC funding and operation would come from the US\$ 9 million allocated. He informed Council that this situation would translate into cuts in program activities and would require further cuts in other areas of the 1997 budget.

Council members directed the Executive Director to examine whether the overhead budget could be reduced by \$500,000 and to explore with the Alternate Representatives how the program funding could be adjusted.

13. NEXT REGULAR SESSION OF COUNCIL

Council adopted Resolution 96-10 to hold Council Regular Sessions during the month of June each year.

Session adjourned at 12:30

Prepared by Cristóbal Vignal, August, 1996

1996 Regular Session of Council

Thursday August 1 to Friday August 2, 1996
Ontario Room, Crowne Plaza Hotel, Toronto Centre, Toronto, Canada

CANADIAN DELEGATION

COUNCIL

The Honourable Sergio MARCHI, Minister of Environment
Mr. H. Anthony CLARKE, Assistant Deputy Minister, Environmental Protection Service

DELEGATION

BOWCOTT, Andy (Environment Canada)
CALDER, Bill (Alberta Environmental Protection)
CERUTTI, Rita (Environment Canada)
CÔTÉ, Louise (Foreign Affairs and International Trade Canada)
HODGSON, Derik (Environment Canada)
KNILL, Tony (Environment Canada)
LANGLOIS, Denis (Foreign Affairs and International Trade Canada)
MILLS, John (Environment Canada)
MOORE, Jennifer (Environment Canada)
MORPAW, May (Office of the NAALC, Human Resources Development Canada)
MURDOCH, Bruce (Environment Canada)
WATERS, Sue (Environment Canada)

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UNITED STATES DELEGATION

COUNCIL

Mrs. Carol BROWNER, Administrator, Environmental Protection Agency

Mr. William NITZE, Assistant Administrator, Environmental Protection Agency

DELEGATION

ANDERSON, Laura (Office of the U.S. Trade Representative)

BERMAN, David (Environmental Protection Agency)

BONNEY, Melissa (Environmental Protection Agency)

COHEN, Lawrence (Department of State)

HARDAKER, Robert (U.S. Environmental Protection Agency)

LIEBERMAN, Susan (Western Hemisphere Officer)

MORENO, Ignacia (US Department of Justice)

ROWLEY, Anne (Environmental Protection Agency)

STEWART, John (US Embassy - Ottawa)

STOWELL, Deborah (U.S. Department of Energy)

TREJO, Maria (U.S. Department of State)

WESTON, Tom (US Embassy in Ottawa)

WILSON, Serena (Environmental Protection Agency)

YEAGER, Brooks (U.S. Fish & Wildlife)

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MEXICAN DELEGATION

COUNCIL

Mtra. Julia CARABIAS LILLO, Secretaria de Medio Ambiente, Recursos Naturales y Pesca
Lic. José Luis SAMANIEGO LEYVA, Coordinador de Asuntos Internacionales, SEMARNAP

DELEGATION

ALVAREZ-ICAZA, Pedro (Instituto Nacional de Ecología)
AMEZCUA GARCÍA, Beatriz (SEMARNAP)
AZUELA DE LA CUEVA, Antonio (Procuraduría Federal de Protección Al Ambiente)
BERMÚDEZ GÓMEZ, Alfonso (SEMARNAP)
CABRERA BRAVO, Javier (Procuraduría Federal de Protección al Ambiente)
CALZADA, José (SEMARNAP, Washington)
DE LA MAZA ELVIRA, Javier (Instituto Nacional de Ecología)
FERNÁNDEZ BREMAUNTZ, Adrián (Instituto Nacional de Ecología)
HOTH VON DER MEDEN, Jürgen (Mexican Embassy, Ottawa)
MACÍAS CUE, Fernando (SEMARNAP)
MUNGUÍA ALDARACA, Norma (SEMARNAP)
PALAFOX GRANADOS, Jaime (SEMARNAP en Estados Unidos)
PEREZ FIGUEROA, Patricia (Secretaría Relaciones Exteriores)
POBLANO, José F.(Mexican Embassy in Ottawa)
QUADRI DE LA TORRE, Gabriel (INE / SEMARNAP)
RAMÍREZ LÓPEZ, Alejandro (Secretaría de Comercio y Fomento Industrial (SECOFI))
RUEDA GUTIERREZ, Leonora (Secretaría de Relaciones Exteriores)
TORRES BARON, Desiderio (SEMARNAP)

1996 Regular Session of Council

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In Camera Session

Annotated Agenda

CHAIR: Minister S. Marchi (Canada)

- Item 1 Opening Remarks
- Item 2 Approval of Agenda
- Item 3 Statement by the Executive Director
- Item 4 Article 14 Submission
- Item 5 Council Discussion Items:
 - Item 5.1 Cooperation in the Conservation of North American Birds
 - Item 5.2 Silva Reservoir Report
 - Item 5.3 North American Cooperation on Monarch Butterflies
 - Item 5.4 North American Air Monitoring and Modeling
 - Item 5.5 Pollution Prevention Cooperation
 - Item 5.6 Enforcement Cooperation
 - Item 5.7 North American Environmental Technology Clearinghouse
- Item 6 Guidance to JPAC
- Item 7 Update on Public Meeting
- Item 8 Environment and Trade
- Item 9 Progress Report on Other Program Initiatives
- Item 10 Public Participation: Initial Conclusions and Follow-up
- Item 11 Review and Finalization of Session Communiqué
- Item 12 1997 Program and Budget
- Item 13 Next Regular Session
- Item 14 Concluding Remarks

1996 REGULAR SESSION OF COUNCIL

ANNOTATIONS

Item 1. Opening Remarks

The Chair of the session, Minister S. Marchi, will call the meeting to order, make any special announcements, acknowledge the presence of special participants and comment on the general conduct of the session. Minister Marchi will invite the American and Mexican Council members to make opening statements and he will conclude with his own statement as Canadian member.

ACTION: Information

DOCUMENTS: No document

Item 2. Approval of Agenda

Considering that the in camera session is divided into two different meetings, this item aims at reaching agreement on the opportunity to add or delete items from the agenda, on the order of discussion and on the time allocation for each of the two in camera meetings.

ACTION: Decision

DOCUMENTS:

a) Provisional Annotated Agenda

C/C.01/96-00/AGEN/01/Rev.9

Item 3. Statement by the Executive Director

The Executive Director will inform Council of significant activities and achievements since Council last met in October 1995 and will highlight major developments in the Secretariat. He will conclude his remarks by identifying emerging issues of possible interest for the Commission.

ACTION: Information

DOCUMENTS: No Documents

Item 4. Article 14 Submission

This item is to allow for a discussion on a potential resolution relating to the Secretariat's advice to Council to develop a Factual Record further to the Submission under Article 14 regarding the "Construction and Operation of a Public Harbor Terminal for Tourist Cruises on the Island of Cozumel, State of Quintana Roo, Mexico"

ACTION: Discussion

DOCUMENTS: No documents

Item 5. Council Discussion Items

Council is invited to review a series of nine (9) proposals which in most cases result from previous decisions while in other cases they are new initiatives resulting from program activities. Council will be asked to affirm support for such proposals either through the adoption of a resolution, the approval of a statement, the signing of a Memorandum of Understanding or by making reference to the initiative in the final communiqué. Each proposal is presented as an agenda sub item.

Item 5.1 Cooperation for the Conservation of North American Birds

This agenda item is to allow the Secretariat to present to Council the three Important Bird Areas (IBA) which have been identified as the first to be included in the North American IBA Network and a draft Resolution to facilitate the development of a North American strategy for enhanced cooperation in the conservation of migratory song birds. The Council could publicly announce the launch of the North American IBA Network and the three initial identified sites. Council could discuss and approve the Draft Resolution.

ACTION: Discussion

DOCUMENTS:

- a) Secretariat note C/96-00/BACK/01/Rev.4
- b) Draft Resolution on Cooperation for the Conservation of North American Birds C/96-00/RES/01/Rev.4
- c) Terms of Reference for Working Group on Cooperation for the Conservation of North American Birds C/96-00/BACK/10/Rev.1
- d) 1995 Council Regular Session Summary Record, p.2 C/95-00/SR/01/fin

Item 5.2 Silva Reservoir Report

During the Council Session of April 22, the Alternates requested that the GSC finalize the Draft Resolution so that it could be ratified during the Council Session of 6 June. Pending this, the Council will be asked to discuss and sign the Resolution and to discuss the implementation of Council's response to the Secretariat Report and of Council's report for the public which could be the subject of announcements.

ACTION: Discussion

DOCUMENTS:

- a) Draft Resolution: Council recommendation concerning regional follow up actions and commitments (*frmlly: C/C.01/96-06/RES/03/Rev.4*) C/96-00/RES/10
- b) SEMARNAP's Preliminary Technical Report C/96-00/RPT/04
- c) 1995 Council Regular Session Summary Record, p.3 C/95-00/SR/01/FIN

Item 5.3 North American Cooperation on Monarch Butterflies

This item is to allow Council to consider and approve a Resolution establishing a North American network of reserves for the Monarch butterfly. This could be the subject of a visible announcement given that the Monarchs are recognized by the public as a species that links all three North American countries.

ACTION: Discussion

DOCUMENTS:

- a) Secretariat note C/96-00/BACK/03/Rev.1
- b) Draft Resolution: Cooperation in the Conservation of the Monarch Butterfly C/96-00/RES/03/Rev.4

Item 5.4 North American Air Monitoring and Modeling

This item is to allow discussion by Council on the development of a cooperative long-term air quality monitoring, modeling and assessment program in North America. This Resolution was initiated by the Advisory Group working with the Secretariat. Council is asked to discuss and approve the draft Resolution on Ensuring Data Compatibility for Air Quality and Emissions.

ACTION: Discussion

DOCUMENTS:

- a) Secretariat note C/96-00/BACK/04
- b) Draft Resolution: Ensuring Data Compatibility for Air Quality and Emissions C/96-00/RES/04/Rev.4

Item 5.5 Pollution Prevention Cooperation

This is to allow for a discussion on the creation of a pilot project for the establishment of a revolving fund for small and medium sized industries to support their adoption of pollution prevention technologies and systems. The Council is asked to discuss and sign a Resolution on Pollution Prevention. Council will also be asked to discuss and sign a resolution enabling the Executive Director to sign a Memorandum of Understanding between the CEC and FUNTEC.

ACTION: Discussion

DOCUMENTS:

- a) Secretariat note C/96-00/BACK/05/Rev.2
- b) Draft Resolution: To Promote Pollution Prevention in North America C/96-00/RES/05/Rev. 5
- c) Resolution authorizing Executive Director to sign MOU C/96-00/RES/02/Rev.2
- d) MOU for the establishment of a Fund for Pollution Prevention C/96-00/DISC/02/Rev.2
- e) Concept Paper: Fund for Pollution Prevention Projects in Small and Medium-Sized Mexican Enterprises C/96-00/DISC/01/Rev.3

Item 5.6 Enforcement Cooperation

The Enforcement Cooperation project has resulted in many noteworthy activities leading to an announcement on the efforts of the Parties have taken this far on this important area. Council will be asked to adopt a resolution on formalizing the creation of the Working Group on Enforcement Cooperation and Compliance.

ACTION: Discussion

DOCUMENTS:

- a) Secretariat note C/96-00/BACK/06/Rev.1
- b) Draft Resolution: to establish the North American Working Group on Environmental Enforcement and Compliance Coop. C/96-00/RES/09/Rev.3

Item 5.7 North American Environmental Technology Clearinghouse

This item is to allow discussions on the establishment of a virtual North American Environmental Technology Centre in Canada, the US and Mexico. There are already significant domestic efforts towards the provision of information and the Secretariat has identified potential partners to work with the CEC in joint venture to establish a North American information service. Council will be asked to discuss and sign an MOU with OCETA, EnviroTech and ITESM which confirms the interest of the CEC to work with these partners.

ACTION: Discussion

DOCUMENTS:

- a) Secretariat note C/96-00/BACK/07/Rev.1
- b) Draft Memorandum of Understanding C/96-00/DISC/03/Rev.4
- c) Annex 1: Environmental Technology Information Services C/96-00/DISC/04/Rev.1
- d) Draft Resolution authorizing Executive Director to sign MOU C/96-00/RES/11/Rev.1

Item 6. Guidance to JPAC

This item is to allow a discussion in preparation of the working lunch with members of JPAC which immediately follows this meeting. The Council-JPAC working lunch approach was first used successfully in Oaxaca in October 1995. It served to raise the profile of JPAC and has shaped its program of activities. Since Council last met, JPAC has provided advice, at the request of Council, on the design of the North American Fund for Environmental Cooperation, the follow-up to the Secretariat report on the Silva Reservoir and on the development of the 1996 Program and Budget. Also at the request of Council, JPAC has organized two regional public meetings in preparation for the current session of Council. There are no pending matters between Council and JPAC. JPAC members are likely to seek a confirmation by Council of the mandate and budget to organize the 1997 public meetings. Council could seek feedback from JPAC on the three preparatory public meetings. Council could also identify issues to be raised with JPAC members during the working lunch, consider specific assignments and agree on priorities.

ACTION: Discussion

DOCUMENTS: No document

Item 7. Update on Public Meeting

This item is to allow a review of the arrangements for the Council public meeting in the afternoon (2:30 -5:30) and to provide guidance for any last minute adjustment. Council will be updated on accreditation. The basic agenda for the public meeting includes:

- Welcoming Statements by Council members
- Interventions by participants on four sub-themes
- Presentations by participants on other subjects
- Concluding remarks by Council members

The Chair of JPAC will act as master of ceremony for the public meeting.

ACTION: Discussion

DOCUMENTS:

- | | | |
|----|---|-----------------------|
| a) | List of Participants to Council Public Meeting (Toronto)
(updated list to be tabled) | C/96-00/LIST/02/Rev.4 |
| b) | List of Participants to Regional Public Meeting (Montreal) | C/96-00/RPT/01/Rev.2 |
| c) | List of Participants to Regional Public Meeting (San Diego) | C/96-00/LIST/01/Rev.1 |
| d) | List of Presenters | C/96-00/LIST/03/Rev.1 |

Item 8. Environment and Trade

Council will have the opportunity to exchange views and identify areas of future cooperation in this area.

ACTION: Discussion

DOCUMENTS: No document

Item 9. Progress Report on Other Program Initiatives

The Secretariat will inform Council of progress made in six (6) specific program areas which in most cases result from previous decisions of Council. Council could consider highlighting some of those achievements in the final communiqué. The five program areas include:

1. Sound Management of Chemicals
2. North American Pollutant Release Inventory
3. Transboundary Environmental Impact Assessment
4. NAFTA Effects
5. North American Fund for Environmental Cooperation - NAFEC
6. North American Cooperation on Climate Change
7. NAAEC Obligations
8. CEC Database Development

ACTION: Information

DOCUMENTS: Progress Report on:

- | | | |
|----|--|----------------|
| a) | Sound Management of Chemicals (to follow) | C/96-00/RPT/06 |
| b) | North American Pollutant Release Inventory | C/96-00/RPT/07 |
| c) | Transboundary Environmental Impact Assessment (and Annexes I and II) | C/96-00/RPT/08 |

- | | | |
|----|---|----------------|
| d) | NAFTA's Environmental Effects (and Annexes I and II) | C/96-00/RPT/09 |
| e) | NAFEC Projects Approved by the NAFEC Selection Committee,
July 25, 1996 | C/96-00/RPT/14 |
| f) | Climate Change | C/96-00/RPT/10 |
| g) | Specific Obligations under NAAEC (Registry of Submissions available
on the CEC HomePage: http://www.cec.org) | C/96-00/RPT/11 |
| h) | Maps of Ecoregions of North America | C/96-00/RPT/12 |
| i) | CEC Database Development | C/96-00/RPT/13 |

Item 10. Public Participation: Initial Conclusions and Follow-up

This agenda item is to allow Council to draw initial conclusions from the interventions made by the public and to share initial impressions on the conduct of the public meeting. Council could identify possible implications for the 1997 Program (next agenda item). Council could consider acknowledging some of the interventions by the public in the final communiqué and during the afternoon press conference.

ACTION: Discussion

DOCUMENTS: No document

Item 11. Review and Finalization of Session Communiqué

This is the last opportunity for Council to review and make adjustments to the Session Final Communiqué to be released in the afternoon at the time of the press conference. Council could also review arrangements for the meeting with media representatives.

The basic agenda for the press conference includes:

- Report by the Chair on proceedings
- Statement by other Council members
- Exchange with media representatives (including Chair of JPAC/Exec Dir)
- Individual interviews

ACTION: Discussion

DOCUMENTS:

- | | | |
|----|--|-----------------|
| a) | Draft Session Final Communiqué (to follow) | C/96-00/COMM/01 |
|----|--|-----------------|

Item 12. 1997 Program and Budget

The Executive Director will present the general scope of the 1997 program as well as an estimate on the required level of funding. Council will be asked to give final instructions for the preparation of the 1997 Program and to approve the contribution level through the adoption of a resolution. Council could identify those aspects to feature in the final communiqué and in the meeting with the press later in the afternoon.

ACTION: Discussion

DOCUMENTS:

- | | | |
|----|---|-----------------|
| a) | Preliminary Outline of the Proposed 1997 Program and Budget | C/96-00/DISC/05 |
| b) | Draft Resolution: 1997 contribution level | C/96-00/RES/08 |
| c) | Executive Director's Memorandum to Council dated April 26, 1996 | |

Item 13. Next Regular Session

This agenda item is to allow a discussion on the timing and location of the next annual regular session of Council. In keeping with Rule 3:2 of the Council Rules of Procedure which specifies that the annual regular session shall be chaired successively by each part and held in the country of the chairing Party, the United States should normally chair and host the 1997 session. In considering timing, Council could

refer to their discussion in Oaxaca on the need to establish a regular time frame for the annual ministerial session. (April 22 time frame, Earth day, had been considered then). The adoption of a regular time frame would serve to firmly establish this annual event on the international agenda. A regular time frame would also facilitate the work of the JPAC in planning the public participation component.

ACTION: Discussion

DOCUMENTS:

- | | | |
|----|--------------------------------------|----------------------|
| a) | Summary Record Session 95-00; page 4 | C/95-00/SR/01/FIN |
| b) | Draft Resolution | C/96-00/RES/07/Rev.2 |

Item 14. Concluding Remarks

This item ends off the in-camera meeting. The Chair of the session, Minister S. Marchi, will make any final announcements, acknowledge the contribution of participants and observe on the general conduct of the session. Minister Marchi will invite the American and Mexican Council members to make any final statements and he will bring the meeting to a close.

ACTION: Information

DOCUMENTS: No document

Toronto, August 2nd, 1996

COUNCIL RESOLUTION: #96-08

Instruction to the Secretariat of the Commission for Environmental Cooperation on the Preparation of a Factual Record Regarding the “Construction and Operation of a Public Harbor Terminal for Tourist Cruises on the Island of Cozumel, State of Quintana Roo, Mexico”

THE COUNCIL:

SUPPORTIVE of the process provided for in Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC) regarding submissions on enforcement matters and the preparation of factual records;

CONSIDERING the submission filed on the above-mentioned matter by *Centro Mexicano de Derecho Ambiental A.C., Comité para la Protección de los Recursos Naturales A.C., and Grupo de los Cien Internacional A.C.*;

HAVING REVIEWED the advice from the Secretariat of June 7, 1996, to proceed with the development of a factual record;

TAKING INTO ACCOUNT that on June 5, 1996, the Government of Mexico, as part of a long process which began in 1980, declared the area of the Cozumel Reef a National Marine Park; as well as Mexico’s declared intention to implement a Management Plan for that Park, and to complete an ecological Management Study of the Island, with the full support of the local community;

HEREBY UNANIMOUSLY RESOLVES:

TO INSTRUCT the Secretariat to develop a factual record in accordance with Article 15 of the NAAEC and the Guidelines for Submissions on Enforcement matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (“Guidelines”) with respect to the submission referred to in the title of this resolution;

TO DIRECT the Secretariat to make public, in the Public File and accessible through the Public Registry, its advice to the Council provided on June 7, 1996;

TO DIRECT the Secretariat, in developing the factual record, to consider whether the Party concerned “is failing to effectively enforce its environmental law” since the NAAEC’s entry into force on January 1, 1994. In considering such an alleged failure to effectively enforce, relevant facts that existed prior to January 1, 1994, may be included in the factual record;

THAT in accordance with Paragraph 16.1(d) of the Guidelines, the factual record and the information considered by the Secretariat in the preparation of a Factual Record under Article 15 of the NAAEC shall be made available to the public by the Secretariat pursuant to a Council decision.

APPROVED BY THE COUNCIL:

(S) Carol M. Browner

Carol M. Browner
Government of the United States of America

(S) Julia Carabias

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(S) Sergio Marchi

Sergio Marchi
Government of Canada

Toronto, August 2nd, 1996

COUNCIL RESOLUTION: #96-02

Cooperation for the Conservation of the Birds of North America

THE COUNCIL:

CONSIDERING that more than a thousand species of birds are found in North America and that more than 250 species of migratory birds depend upon the different ecosystems in Canada, the United States and Mexico;

AWARE that many of these species and their habitats require action for their conservation;

RECOGNIZING the growing economic importance of activities related to birds such as, bird watching, bird feeding and eco-tourism;

CONSCIOUS that some groups of birds are the subject of bilateral treaties entered into by the Parties to the North American Agreement on Environmental Cooperation (NAAEC), yet increased efforts are necessary to ensure their conservation;

RECOGNIZING the existence of arrangements among the Parties to protect birds, such as the North American Waterfowl Management Plan and the Western Hemisphere Shorebird Reserve Network Program;

ACKNOWLEDGING and building on the work of various public and private organizations, such as the Trilateral Committee for Conservation and Management of Ecosystems, and Partners in Flight, who have identified, documented and expressed the importance of the conservation of birds and are engaged in initiatives to conserve them;

BUILDING on the Program “Cooperation for the Conservation of the Birds of North America”, developed by the Commission for Environmental Cooperation (CEC), and on the efforts of the CEC to facilitate the establishment of a North American Network of Important Bird Areas;

STRESSING the need to develop common strategies for the conservation of the birds of North America, in accordance with the laws, programs and economic and social needs of each Party;

HEREBY:

REITERATES its commitment to the conservation of the birds of North America;

RECOGNIZES that Long Point (Ontario, Canada), el Carricito del Huichol (Jalisco, Mexico) and the San Pedro Riparian Conservation Area (Arizona, United States of America) have been identified by experts, according to criteria recognized by the CEC, as sites important to the conservation of North American birds;

ENCOURAGES the Parties to the NAAEC to consider these three areas as pilot sites for the development of cooperative efforts to conserve these and other areas critical to conservation of birds in North America;

ESTABLISHES the working group, which will operate according to the terms of reference attached to this resolution and be comprised of two representatives from each Party and one representative of a non-governmental organization from each country, to develop, within a period of 12 months and in collaboration with the Secretariat of the CEC, a recommended strategy and an action plan based on a set of goals, objectives and approaches for the conservation of the birds of North America.

APPROVED BY THE COUNCIL:

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Toronto, August 2, 1996

COUNCIL RESOLUTION No. 96-03

Council recommendations concerning regional follow-up actions and commitments regarding waterfowl mortality at the Silva Reservoir during 1994-1995

THE COUNCIL:

WHEREAS a report was prepared in August 1995, by the National Technical Scientific Committee, which was established by the *Secretaría de Medio Ambiente, Recursos Naturales y Pesca* of Mexico (Mexican Secretariat for Environment, Natural Resources and Fisheries) to inquire into the causes of waterfowl mortality at the Silva Reservoir, and that this report was submitted to the Council at its Second Regular Session, held on October 13, 1995, in Oaxaca, Mexico;

WHEREAS in accordance with Article 13 of the North American Agreement for Environmental Cooperation, the Secretariat of the Commission for Environmental Cooperation (CEC) submitted to the Council at its Second Regular Session another report entitled *CEC Secretariat Report on the Death of Migratory Birds at the Silva Reservoir (1994-1995)* (Secretariat Report) based on contributions from the International Silva Reservoir Scientific Panel;

WHEREAS the Joint Public Advisory Committee (JPAC) provided its advice to the Council regarding the above-mentioned Secretariat Report;

RECOGNIZING that both of the above-mentioned reports state that the waterfowl mortality in the Silva Reservoir was primarily caused by an epizootic disease brought about by environmental conditions, the physio-chemical quality of the water, and the presence of heavy metals in the water, as well as botulin bacteria;

RECOGNIZING that the occurrence of waterfowl mortality due to avian botulism has been relatively frequent in North America since 1970, the last such occurrence having taken place during the Summer of 1995 in the province of Alberta, Canada;

REASSERTING that one of the objectives of the CEC is to increase cooperation among the Parties for the conservation, protection, and improvement of the environment and the conservation and protection of regional wildlife;

CONVINCED that the Silva Reservoir incident provides a powerful incentive for strengthening the efforts of Mexico, the United States and Canada to prevent this kind of waterfowl mortality;

ALSO CONVINCED of the importance of community participation with respect to the recommendations of the Council addressed by this Resolution;

RECOGNIZING, as well, the efforts that the Mexican government is making for the protection of wildlife within the framework of its 1995-2000 National Program for the Environment and also through the implementation of measures to deal with the contingency that occurred at the Silva Reservoir on the Turbio River, including:

The establishment of a Response Plan designed to prevent waterfowl mortality in the Turbio River Basin through such activities as:

- a) controlling discharges of wastewater;
- b) controlling the use of agro-chemicals;
- c) establishing an ongoing monitoring program for assessing health risks;
- d) promoting compliance by industries in the region with Mexican environmental regulations;
- e) continuing physical, chemical and biological tests of water, soil and organic matter in the Silva Reservoir area; and
- f) promoting community participation through the Natural Resources State Emergency Response Committee.

HEREBY RECOMMENDS that:

1. The Parties create, within the framework of the Trilateral Committee (Canada-Mexico-United States) for Conservation and Management of Wildlife and Ecosystems, a group of experts on migratory waterfowl and aquatic habitats in order to:
 - a) collaborate with Mexico in research, the design of responses, and information sharing on epidemic symptoms in wildlife species;
 - b) develop a monitoring research-and-response system based on the existing programs, if appropriate, to address epidemic outbreaks among North American wildlife; and
 - c) strengthen international scientific cooperation in emergency situations related to natural resources.

2. The Government of Canada and the Government of the United States provide active support to the Government of Mexico in seeking funding through various international organizations and foundations for the following purposes, in Mexico:
- a) to complete the Turbio River Basin Initiative begun by the Government of Mexico on February 9, 1995;
 - b) to develop a national network of laboratories to protect wildlife, in particular waterfowl, and to build the capacity necessary to address the regulatory aspects of sanitation, and respond to contingencies that affect natural resources;
 - c) to continue building the infrastructure to treat industrial and municipal wastewater;
 - d) to carry out programs for the ecological management and administration of regional natural resources;
 - e) to improve the production processes of existing industry in the region in order to enhance its environmental practices; and
 - f) to promote and support the development of new testing technology to solve environmental problems.

APPROVED BY THE COUNCIL:

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Toronto, August 2nd, 1996

COUNCIL RESOLUTION: #96-04

Cooperation in the Conservation of the Monarch Butterfly

THE COUNCIL:

ACKNOWLEDGING that the migration of the Monarch butterfly (*Danaus plexippus*) is a regional ecological phenomenon which merits the common attention of the three Parties;

NOTING that it takes several generations for the Monarch butterfly to return to its Northern habitats and that the overwintering sites are all concentrated along the mountains in the central part of Mexico for the Eastern populations of the Monarch butterfly, and in California for the Western ones;

RECOGNIZING that both the overwintering sites and the migratory sites, as well as a variety of plant species known as milkweed (*Asclepias spp.*) upon which the Monarch butterfly depends during its migration and development, are necessary for its survival;

ACKNOWLEDGING the need for additional information on the population dynamics of the Monarch butterfly and on the health of the ecosystems of the important migratory sites;

TAKING INTO ACCOUNT the Agreement on Environmental Cooperation between the Government of Canada and the Government of the United Mexican States, which recognizes the uniqueness of the Monarch butterfly and its migratory cycle, and under which Canada and Mexico have created an international network of reserves for the Monarch butterfly through the designation of one reserve in Mexico with five sanctuaries, and three reserves in Canada;

ACKNOWLEDGING the interest of the Trilateral Committee for Wildlife and Ecosystem Conservation and Management in having the Commission for Environmental Cooperation collaborate, as appropriate, in some of its activities;

HEREBY agrees to:

EXPAND North American cooperative efforts to enhance the conservation of the Monarch butterfly through the development of a North American Monarch Butterfly Conservation Program, with a view to ensuring the viability of the Monarch butterfly populations in North America;

SUPPORT the study of the Monarch butterfly, to increase knowledge of its populations and of the ecosystems upon which they depend during their migratory cycle, through the exchange of scientific information on matters such as: the development of comparable monitoring methodologies, the identification of key monitoring sites, and the mapping and description of key Monarch butterfly sites used during their migratory cycle; and

RECOMMEND that the Parties consider, in the development of a North American Monarch Butterfly Conservation Program, activities which could include the following: establishment of additional protected areas, public education, site management to improve the Monarch butterfly habitat, eco-tourism relating to the Monarch butterfly, development of demonstration projects involving the participation of local communities in their design and implementation, and formation of partnerships and networks of supporting institutions.

APPROVED BY THE COUNCIL:

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COUNCIL RESOLUTION: #96-05

Ensuring Data Compatibility on Air Quality and Emissions

THE COUNCIL:

REAFFIRMING the importance of the objectives of the North American Agreement on Environmental Cooperation (NAAEC);

DETERMINED to take action pursuant to Article 10(2)(a) of the NAAEC which provides that the Council may consider and develop recommendations regarding: “comparability of techniques and methodologies for data gathering and analysis, data management and electronic data communications on matters covered by this Agreement”;

TAKING INTO ACCOUNT Article 7 of the *Agreement Between the Government of Canada and the Government of the United States of America on Air Quality*, which provides that the Parties agree to exchange information on monitoring, emissions, technologies, measures and mechanisms for controlling emissions, atmospheric processes and effects of air pollutants;

ALSO TAKING INTO ACCOUNT the *Agreement Between the Government of the United States of America and the Government of the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area*, and other subsequent bilateral activities pursuant to this Agreement;

BUILDING UPON activities under existing agreements by focusing on the compatibility of methodologies for data collection and analysis;

CONVINCED of the importance of reliable and relevant environmental data to assist the Parties and others in taking informed and responsible actions pursuant to the NAAEC and other bilateral or multilateral agreements;

AFFIRMING that compatible methodologies and data are necessary for an accurate representation of North American air quality and emissions;

ACKNOWLEDGING that equivalent air quality data provide a consistent basis for determination of compliance with applicable standards and objectives;

CONSCIOUS that different air quality standards and objectives lead to different public perceptions of air quality;

ACKNOWLEDGING that compatible methodologies and data assist in more accurate modeling and transboundary impact assessment;

STRESSING the importance that Parties retain equivalent reference programs and/or laboratories for standards and measurements, which are necessary to assure data comparability;

RECOGNIZING that consistent environmental monitoring site specifications and documentation are essential to ensure compatibility;

CONSCIOUS that relative data biases between sampling networks are readily identified by implementing a joint comprehensive quality assurance and quality control program;

SUPPORTING the commitment of the Parties in their bilateral agreements to assure comparable and compatible methodologies and data quality control for air emissions and meteorological information;

HEREBY:

AGREES to promote regional cooperation among the Parties for the development of air quality monitoring, modeling and assessment programs in North America through the promotion, collection, and exchange of appropriate data, and the development and application of appropriate models for the range of chemical substances of mutual concern as defined by the Commission for Environmental Cooperation; and

RECOMMENDS that the Parties work toward adopting compatible methodologies for compiling and reporting emissions inventories;

ENCOURAGES the Parties to maintain programs and/or laboratories that provide reference materials and develop reference methods to ensure compatible data;

RECOMMENDS the joint placement and joint calibration, when each are appropriate, of monitoring equipment at mutually-agreed upon sites, as resources become available, with mutually-agreed upon protocols and schedules, in order to ascertain data compatibility with respect to monitoring and modeling of mutually-agreed upon substances.

APPROVED BY THE COUNCIL:

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Toronto, August 2nd, 1996

COUNCIL RESOLUTION: 96-11

Promotion of Pollution Prevention in North America

THE COUNCIL:

CONSIDERING that under Article 10(2)(b) of the North American Agreement on Environmental Cooperation, the Council may consider and develop recommendations regarding pollution prevention techniques and strategies;

RECOGNIZING that governments, industrial organizations and non-governmental organizations throughout North America are engaged in promoting strategies, techniques and technologies for pollution prevention;

CONVINCED that the use of techniques for pollution prevention may represent an effective alternative to control measures, from both environmental and economic perspectives; and

CONSIDERING the recommendations of the North American experts group convened in December 1995 by the Secretariat of the Commission for Environmental Cooperation to discuss the necessity of and opportunities for cooperation in pollution prevention;

HEREBY RESOLVES to promote the use of pollution prevention measures in North America through:

- I. Information dissemination about existing techniques and technologies used in North America for pollution prevention, and successful pollution prevention programs in the region.
- II. Technical assistance for environmental assessments in small- and medium-sized enterprises to identify opportunities for pollution prevention as well as necessary technical support for the establishment of pollution prevention programs in selected enterprises;
- III. Sponsorship and promotion of projects in regions and sectors where pollution prevention has yet to be fully realized;

- IV. Promotion of existing funding mechanisms for pollution prevention programs;
- V. Recommendation of the establishment of a revolving pilot fund for pollution prevention in North American small- and medium-sized enterprises, the first phase of which will be undertaken in Mexico during 1996, and for which the launch of a second phase in Canada and the United States is planned for 1997.

APPROVED BY THE COUNCIL:

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Toronto, August 2nd, 1996

COUNCIL RESOLUTION: #96-12

Memorandum of Understanding for the Establishment of a Fund for Pollution Prevention Projects in Small and Medium-sized Mexican Enterprises

THE COUNCIL:

AUTHORIZES the Executive Director of the Secretariat of the Commission for Environmental Cooperation (CEC), to sign on behalf of the CEC, the Memorandum of Understanding to be executed between the CEC, *La Confederación de Cámaras Industriales de los Estados Unidos Mexicanos* (Confederation of Industrial Associations of the United Mexican States) (*CONCAMIN*), and *La Fundación Mexicana para la Innovación y Transferencia de Tecnología en la Pequeña y Mediana Empresa A.C.* (The Mexican Foundation for Innovation and Technology Transfer in Small and Medium Business) (*FUNTEC*), with a view to establishing a fund for small and medium-sized Mexican enterprises.

APPROVED BY THE COUNCIL:

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Toronto, August 2, 1996

COUNCIL RESOLUTION No. 96-06

Resolution to Establish the North American Working Group on Environmental Enforcement and Compliance Cooperation

THE COUNCIL:

REAFFIRMING the following objectives of Article 1 of the North American Agreement on Environmental Cooperation (NAAEC): to strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices; and to enhance compliance with, and enforcement of, environmental laws and regulations;

ACKNOWLEDGING the obligation of the Parties under Article 5 of the NAAEC to effectively enforce their respective environmental laws and regulations with the common aim of achieving high levels of environmental protection and compliance;

TAKING INTO ACCOUNT the Council obligation under Article 10(4) of the NAAEC to encourage effective enforcement by each Party of its environmental laws and regulations; compliance with those laws and regulations; and technical cooperation between the Parties;

ACKNOWLEDGING the existing efforts by the enforcement officials of the Parties to participate in cooperative environmental enforcement and compliance initiatives;

PURSUANT to the obligation under Article 12 of the NAAEC to prepare and release to the public an annual report of the Commission for Environmental Cooperation (CEC), including actions taken by each Party in connection with its obligations under the NAAEC and data on each Party's environmental enforcement activities;

TAKING INTO ACCOUNT the objectives and purposes of the Memorandum of Understanding establishing the Trilateral Committee for Conservation and Management of Wildlife and Ecosystems between the Canadian Wildlife Service, the *Secretaría de Medio Ambiente, Recursos Naturales y Pesca de los Estados Unidos Mexicanos* (SEMARNAP)(Secretary of the

Environment, Natural Resources and Fisheries of the United Mexican States) and the U.S. Fish and Wildlife Service signed in Oaxaca on April 10, 1996, and noting the recognition of wildlife enforcement officials in that Committee;

CONSISTENT WITH article 9(5)(a) of the NAAEC which allows the Council to establish and assign responsibilities to working groups or expert groups;

HEREBY AGREES TO:

ESTABLISH the North American Working Group on Environmental Enforcement and Compliance Cooperation (EECC) whose membership shall include those senior level environmental enforcement officials designated by the Parties to operate under the following agreed terms of reference by:

1. taking action to strengthen cooperation among the Parties in environmental enforcement and compliance;
1. enhancing cooperation among the environmental enforcement agencies in recognition of shared enforcement and compliance challenges;
2. facilitating and support cooperative enforcement and compliance initiatives;
3. exchanging information and experiences with alternative approaches to enforcement and compliance;
4. facilitating training opportunities among the three Parties;
5. preparing on behalf of the Parties the report on environmental enforcement obligations and activities for the CEC annual report;
6. recommending to the CEC program priorities relating to environmental enforcement and compliance;
7. establishing or recognizing any subgroups, task forces or expert groups necessary to implement this mandate, consistent with the annual program and budget, as approved by the Council;

UNDERTAKE to provide direct support to those initiatives and activities of the EECC approved in the CEC annual program and budget, inclusive of travel and related expenses for their respective members in accordance with the availability of resources.

APPROVED BY THE COUNCIL:

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Toronto, August 2nd, 1996

COUNCIL RESOLUTION: #96-07

Memorandum of Understanding for the creation of electronic environmental technology information services to assist North American companies

THE COUNCIL:

AUTHORIZES the Executive Director of the Secretariat of the Commission for Environmental Cooperation (CEC), to sign on behalf of the CEC, the Memorandum of Understanding to be entered into by the *CEC*, the Ontario Centre for Environmental Technology Advancement (OCETA), the International Environmental Business and Technology Institute Inc. and the *Centro de Calidad Ambiental del Instituto Tecnológico y de Estudios Superiores de Monterrey (ITESM)* (Environmental Quality Center of the Technological and Higher Studies Institute of Monterrey), with a view to creating electronic environmental technology information services to assist North American companies.

APPROVED BY THE COUNCIL:

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North American Environment Ministers Accelerate Environmental Protection Efforts

Toronto, August 2, 1996 —

The Council of the Commission for Environment Cooperation (CEC) — made up of Canadian Environment Minister Sergio Marchi, Mexican Secretary of Environment, Natural Resources and Fisheries Julia Carabias and U.S. Environmental Protection Agency Administrator Carol Browner — today reported to the public on progress made this past year in meeting the goals set under the North American Agreement on Environmental Cooperation (NAAEC).

The Toronto Council session targeted-in on cooperation among the three countries to maintain and strengthen environmental standards and regulations to better protect the health of the population. The three environment leaders reaffirmed their commitment to working together, noting that the CEC is a unique forum for taking substantive action on critical environmental challenges including improving the quality of air in North America and eliminating dangerous chemicals.

At the meeting, the Council took action on the following:

Enhancing environmental and public health protections

In recognition of the need for continuous improvement of environmental protection and public health, the Council agreed to explore the development of a program to promote environmental performance based on best practices in the public and private sectors that exceeds mere compliance with domestic environmental and public health requirements.

The Council further agreed to develop principles to help guide the development of a new generation of environmental regulatory and other management systems, in accordance with each country's laws in order to avoid a reduction of effective environmental protection and public health standards.

Environment and Trade

The Council recognized the unique perspective on the relation between trade and environment policies provided by the North American experience. The Council agreed to seek a joint meeting with trade ministers of the three countries to review the North American experience towards integrating trade and environment policies. The Council also agreed that senior trade and environment officials from the three countries should meet shortly to explore the possibilities for common ground in advance of the World Trade Organization (WTO) ministerial meeting in Singapore in December.



Air Monitoring and Modeling

Responding to public concern in the three countries over worsening air quality, the Council agreed to work together to take a critical step in jointly battling air pollution. The CEC will work towards data compatibility methodologies and technologies for monitoring air toxics. The CEC will also establish cooperation in air quality monitoring and modeling through pilot projects in North America. These efforts include the joint placement and calibration of specialized monitoring equipment at mutually agreed upon locations in North America. This work will contribute to a joint action plan for reducing air pollutants.

Reducing Dangerous Chemicals

The Council announced that the draft regional action plans for four toxic substances — PCBs, chlordane, DDT and mercury — are being released for public comment by October and are scheduled for completion in December. The Council will proceed with the development of action plans for at least two additional substances, to be announced in early 1997. Last year, the Council created a Sound Management of Chemicals Working Group charged with the development of regional action plans to reduce or phase-out selected persistent, toxic and bioaccumulative substances.

Next Steps on Cozumel

The Council unanimously decided that a factual record will be prepared regarding a submission on enforcement matters concerning the construction and operation of a public harbor terminal in Cozumel, Mexico. The submission was filed in January 1996 by Mexican environmental nongovernmental organizations. The CEC's Secretariat advised the Council that a factual record should be developed. In developing the factual record, the Secretariat is directed by the Council to consider whether the Party concerned is failing to effectively enforce its environmental law since the NAAEC's entry into force on January 1, 1994. Relevant facts that existed prior to that date may also be included.

Public Participation in Decision-Making

This year, the Council had instructed the Joint Public Advisory Committee (JPAC) to hold direct consultations with the public. The JPAC held consultations in Montreal, San Diego and Toronto. The JPAC is compiling a report on those public consultations and the Council pledged to use this report to assist it in establishing priorities for 1997. So far, priorities arrived at include air, voluntary compliance and networking between communities. The Council recognized that JPAC's work complements the work of the National Advisory Committees in each of the three countries.



North American Pollutants Release Inventory

The Council announced that the first annual North American Pollutant Release Inventory (NAPRI) will be published in February 1997, as part of an effort to provide the public with information on pollutant sources and risks. This inventory will bring together existing national public information from the three countries about emissions. In the long-run, the NAPRI will help improve the quality of the environment by providing the public with information to assess North American pollutant sources and risks. It also serves as a model for similar efforts in other parts of the world because North America represents the largest land mass ever to be subjected to compatible methods of reporting on pollutant emissions of mutual concern.

Enforcement Cooperation

To advance its commitment to more effective enforcement, the Council created a North American Working Group on Environmental Enforcement and Compliance. This group, composed of senior level environmental enforcement officials from the three countries, will be a forum for developing regional strategies on enforcement and sharing information. Concrete initiatives include joint action on improved systems for tracking illegal transborder movement of hazardous substances and wastes, improving training for the enforcement of chlorofluorocarbon (CFC) anti-smuggling laws and cooperating on enforcement of the Convention on the International Trade in Endangered Species of Wildlife Flora and Fauna (CITES) and the development of compliance indicators.

Environmental Technologies: “Green Jobs”

The Council today signed a Memorandum of Understanding (MOU) with three organizations in North America which together will develop a North American Environment Technology Information Service. This service, which will disseminate information on environmental technologies and services, will help both the public and private sectors to make environmentally and economically sound choices when investing in new technology. This service will also help environmental technology suppliers in Canada, Mexico and the United States increase sales — not just throughout North America, but also to Central and South America.

Funding Communities

The Council released the names of the first group of recipients of the recently-created North American Fund for Environmental Cooperation (NAFEC). This fund targets grants to community-based projects that help in implementing the work of the CEC. The Council awarded 14 groups a total of one million dollars (CAN) for work being done at the local level. Another round of grants will be awarded in December.



Protecting Migratory Species

The Council today committed itself to several key actions aimed at the protection of migratory species. The first action focuses on migratory birds, whose breeding, resting and feeding grounds are threatened. The CEC is working to establish a North American Network of Important Bird Areas (IBAs) by the end of 1996. Today, the Council announced the first three North American IBAs: El Carricito del Huichol pine forest in Jalisco, Mexico; Long Point, Ontario, Canada; and the San Pedro Conservation Area in Arizona. Also, the Council called for the development of a North American strategy for the conservation of birds. Such a strategy, which will include clear goals and objectives, will enable countries to coordinate their domestic bird conservation efforts.

In response to the CEC Secretariat's *Report on the Death of Migratory Birds at the Silva Reservoir (1994-1995)*, the Council agreed to develop a North American rapid response system for addressing epidemic disease outbreaks of migratory birds.

This year, the Council also took measures to protect the Monarch butterfly, a species which has become a symbol of the ecological interdependency between the three countries. The Council announced the development of a Monarch Butterfly Conservation Program, which will include actions such as the exchange of important information to better map and monitor migratory Monarch habitats, the establishment of additional protected areas and the development of eco-tourism projects which promote private-sector involvement in the protection of migratory Monarchs.

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**For more information, please contact Rachel Vincent at the CEC Secretariat in Montreal, Canada:
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