



Joint Public Advisory Committee (JPAC)

Comité Consultivo Público Conjunto (CCPC)

Comité consultatif public mixte (CCPM)

22 April 2002

Ms. Judith E. Ayres
Assistant Administrator
Office of International Affairs
US Environmental Protection Agency

Ms. Olga Ojeda Cárdenas
Titular de la Unidad Coordinadora de Asuntos Internacionales
Secretaría de Medio Ambiente y Recursos Naturales

Ms. Norine Smith
Assistant Deputy Minister
Policy and Communications
Environment Canada

RE: Revised recommendation regarding monitoring issue in the JPAC Lessons Learned Report on Articles 14 and 15 of the NAAEC

Following the informal joint Alternate Representatives/Joint Public Advisory Committee (JPAC) meeting held on 8 March 2002, please find below for your consideration the revised recommendation regarding monitoring issue in the JPAC Lessons Learned Report on Citizen Submissions under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC).

Revised recommendation:

"While it is understood that the Articles 14 and 15 process formally ends with the release of a factual record, public confidence in the usefulness of citizen submissions would be greatly enhanced by some form of follow-up, where appropriate, on the matters set forth in the factual record. Although a factual record does not contain a conclusion regarding whether a Party has failed to effectively enforce its environmental laws, in some cases a factual record may set forth facts warranting attention by the Party. In such cases, the Party should be encouraged to provide a written briefing to the CEC within a reasonable period of time (for example, within 12 months) after the release of a factual record, discussing any developments that may have occurred affecting the matters set forth in the factual record and any actions the Party itself may have taken. The written briefing should be made public in the next CEC annual report, after an opportunity for JPAC members to review and provide comments through the draft CEC annual report in accordance with Article 16(6) of the NAAEC."

Original recommendation:

"To respond to the concern regarding monitoring, one option would be for the Party involved to report to the CEC within a reasonable period of time (for example, not exceeding 12 months) after the release of a factual record pursuant to Council authorization on the actions, if any, that it has taken to address the matters set forth in that factual record. Such a report should be made public in the next CEC annual



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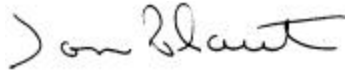
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report, after an opportunity for JPAC members to review and provide comments, through the draft CEC annual report in accordance with the Article 16(6) of the NAAEC."

I look forward to your response to this revised recommendation before the June Council Session.

Sincerely,

A handwritten signature in black ink that reads "Jon Plaut". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Jon Plaut
JPAC Chair for 2002

cc: Executive Director
Submissions on Enforcement Matters Unit
NAC/GAC Chairs
JPAC Members