



September 19, 2003

Joint Public Advisory Committee
North American Commission for Environmental Cooperation
393, rue St-Jacques Ouest, Bureau 200
Montréal, Québec H2Y 1N9

Attention: mpepin@ccemtl.org

Dear Members of the Joint Public Advisory Committee:
Re: JPAC Review of Citizen Submission Process

I am writing on behalf of the Sierra Club of Canada about the Article 14 and 15 Citizen Submission process. The Sierra Club's mission is to develop a diverse, well-trained grassroots network working to protect the integrity of our global ecosystems.

We have been involved in an Article 14 citizen submission in the Ontario Logging case. We believe that Article 14 is an essential tool to facilitate vital public input into the enforcement, or lack thereof, of North American environmental laws. The effectiveness of this process may, however, be in jeopardy given the narrow scope which the council has attached to investigations and the high threshold that has been set for establishing "sufficient information". In addition, the process will only gain acceptance if it is free from perceived political manipulation.

Our understanding is that both narrow and broad issues of non-enforcement are properly investigated by the CEC. We believe this view must be reiterated. We note that in the US migratory birds case the evidence was that of widespread non-enforcement. The Council nonetheless ordered a factual record of two limited cases, despite the recommendation of the Secretariat and the extensive work of the Submitters in detailing a broad policy of non-enforcement by the USA. We suspect that the result was therefore not at all what the submitters had hoped to achieve.

We are concerned that the same type of restrictive factual record in a case such as ours in Ontario Logging will result in the same rather futile result. In fact, not only would the factual record be of limited value but groups that might see the CEC as a useful tool in environmental protection will be discouraged from expending the time and resources necessary to make a submission. In other words, the process as a whole will lose the support of the citizens and groups for whom it was designed to provide access.

Thank you in advance for your attention to our concerns.

Respectfully submitted,

Rachel Plotkin
Forest campaigner
The Sierra Club Canada