



Joint Public Advisory Committee (JPAC)

Comité Consultivo Público Conjunto (CCPC)

Comité consultatif public mixte (CCPM)

28 April 2004

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

Mr. Jose Manuel Bulàs
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: Reply to CEC Alternate Representatives Letter on the review of the operation of Council Resolution 00-09

Dear Alternate Representatives:

Thank you very much for your letter of 12 April 2004, inviting the Joint Public Advisory Committee (JPAC) to provide input into the review of Council Resolution 00-09.

On 17 December 2003, JPAC forwarded its Advice to Council 03-05: *Limiting the scope of factual records and review of the operation of CEC Council Resolution 00-09 related to Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC)*. This advice was the product of a public review conducted pursuant to Council Resolution 00-09, involving extensive public consultation and internal JPAC deliberations and contains, among other important matters, some very specific references on to the operation of Council Resolution 00-09. We continue to await your response to this advice.

Concerning the operation of Council Resolution 00-09, Advice to Council 03-05 stated the following:

It is JPAC's considered opinion that Council's resolutions limiting the scope of factual records and rulings on the sufficiency of information provided in submissions, in conjunction with the Council's decision to delay public review of its decision to define the scope of factual records and subsequent delays in conducting a review of this resolution appear to:

- Jeopardize the commitment, expressed in Council Resolution 00-09, to increase transparency and public participation in the citizen submissions process; and
- Violate the object and purpose, or “spirit,” of Council Resolution 00-09, which as we all recall was a hard-fought compromise designed to allow the process to move forward and re-establish public confidence.

JPAC also went on record that under its own authority it can choose to conduct a public review on any matter related to the implementation of Articles 14 and 15, and by agreeing to operate under the rules established by Council Resolution 00-09, JPAC had not ceded this authority.

In addition, this matter was discussed during the 12 March 2004 JPAC Regular Session. It was concluded that the operation of Council Resolution 00-09 is tied to effectiveness. One way to demonstrate effectiveness would be for Council to provide a timely response and written, publicly available explanation to our Advice following the conclusion of a public review under the terms of Council Resolution 00-09.

We look forward to receiving your draft report in the next few weeks.

Sincerely,



Donna Tingley
JPAC Chair for 2004

c.c. CEC Executive Director
CEC Director, Submissions on Enforcement Matters Unit
NAC/GAC members
JPAC members