

SESSION 04-06 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met in Washington, D.C. on 23-24 September 2004. Ms. Norine Smith (Canada) chaired the meeting. Mr. José Manuel Medina and Mr. Jerry Clifford represented Mexico and the United States respectively. Ms. Donna Tingley, JPAC Chair, represented the Joint Public Advisory Committee (JPAC) and Mr. William Kennedy, CEC Executive Director, represented the Secretariat. Mr. François Bregha acted as facilitator for the meeting and Ms. Julie-Anne Bellefleur, Council Secretary, as secretary for the session. Other officials of the Parties and the Secretariat were also in attendance (Annex A).

Introductions and review of agenda and objectives

Following welcoming remarks by the United States representative, the Chair opened the session and introduced the objectives for the meeting aimed at reaching agreement on goals, objectives, and activities and identifying potential results for each priority. The facilitator provided guidelines on the conduct of the session.

Report by the Executive Director

The Executive Director reported on his recent trip to Calgary where he met with a senior official from Trans Alta to discuss ways of increasing industry participation in future PRTR Taking Stock Consultative meetings. He indicated that he had also met with the Chief Executive Officer of the Canadian Council for Human Resources in the Environment Industry to explore the possibility of fostering the CEC's relationship with indigenous people. He also reported on his recent trip to Denver where he attended the Monitoring, Science and Technology Symposium. In closing, he commended the Parties for their progress in the development of the strategic plans for the three priority areas. He pointed out that, unlike previous years when at this point in time the Secretariat was submitting a draft work programme and budget for the Parties' consideration, the Secretariat had yet to initiate the development of the 2005-07 Operational Plan, pending finalization of the strategic plans by the Parties. He invited the Parties to provide their views as to how delays may be avoided in the adoption and implementation of next year's operational plan.

Report by the JPAC Chair

The JPAC Chair indicated that JPAC had recently submitted its advice relating to the review of the operation of Council Resolution 00-09 on Matters related to Articles 14 and 15 of the NAAEC (04-03) as well as advice on Securing the Long-term Involvement of Indigenous Peoples in the Activities of the CEC (04-01). Recalling that JPAC will be holding a public

meeting on the development of the CEC's draft strategic and operational plan on 27 October—on the margins of the CEC workshop on renewable energy—she reminded the Parties of the need to identify relevant documents that could be shared with the public in advance of the public meeting. Noting the public nature of the workshop on renewable energy, she underscored the need to release the agenda as soon as possible. In closing, she asked the Canadian representative about developments in the replacement of Canadian JPAC members and indicated that JPAC would soon initiate the selection process for the election of a new chair for 2005.

The Canadian representative indicated that a letter confirming the appointment of Mr. Gordon Lambert was forthcoming.

Development of an outline for the Strategic Plan on “Information for Decision-Making”

Mr. William Jarvis of Canada presented the results of the Parties' information experts meeting held on 13-14 September in Mexico City for the development of the CEC's strategic plan on information for decision-making and more specifically on the development of a goal statement, potential objectives, criteria, priority areas and candidate action areas. This was followed by a presentation by Mr. Jacques Kapchinsky of the United States on the Global Earth Observation Systems of Systems (GEOSS).

The Alternate Representatives agreed with the general framework design and with the goal and objectives, subject to a few changes to be reflected in the next iteration of the working document. They also agreed that the information agenda should focus on identifying, integrating, communicating and supporting the development of usable information on environmental management, trends and progress in the following areas: i) contaminants; ii) ecosystem integrity; iii) environmental security at borders; iv) state of the North American environment.

In preparation for their October meeting, the Alternate Representatives tasked the expert group with the development of supporting activities, including timely and measurable results. The acronym “SMART” (Specific, Measurable, Actionable, Realistic, Timebound) was used to describe desirable attributes for activity proposals. The expert group was also asked to provide guidance on the following: i) who, from the Secretariat or the Parties, is best placed to undertake each activity; ii) sequencing (priorities) amongst the activities (or within the activities); iii) articulate what the CEC "niche" (or special needs or capacities) is for each area.

Article 10(6) Environment and Trade Officials Meeting—Development of an outline for the Strategic Plan on “Trade and Environment”

Under this item the Alternate Representatives met with their Trade counterparts as part of an Article 10(6) Environment and Trade Officials meeting. Nancy Harris of Canada provided an update on progress made by the Parties' working level group on the development of the strategic plan, including the draft goal statement, objectives and criteria to help decision making and guide the eventual selection of specific activities.

The Alternate Representatives reached general agreement on the proposed goals statement, objectives and criteria and sought refinements to be reflected in the next iteration of the working

documents. They also exchanged views and agreed with the following priority areas for the development of the strategic plan: i) renewable energy, ii) invasive species; iii) trade and enforcement of environmental laws; iv) on-going environmental assessment of data; v) environmental reviews of free trade agreements. They provided guidance to the working level group to select priorities among activities proposed under each major initiative, taking into account the following questions:

- How should the projects or activities within each priority area be sequenced?
- What is the particular niche of the 10(6) working group?
- Who is best placed to undertake the projects or activities within each priority area (e.g. Secretariat, Parties)?

The working level group was also asked to further refine the proposed activities, applying “SMART” criteria, and to consider how they relate to the current CEC Operational Plan.

The JPAC Chair noted that advice from JPAC on renewable energy would be submitted to Council following the October workshop.

Development of an outline for the Strategic Plan on “Capacity Building”

José Manuel Medina presented an outline of the issues addressed by the Parties’ capacity building experts at their meeting held on 13-14 September in Mexico City. The Alternate Representatives agreed in principle with the proposed goal/mission statement. In preparation for their October meeting, they asked the expert group to refine the goal and objectives according to the feedback provided and to develop measurable results for potential projects taking into account SMART attributes and sustainability of initiatives. They also sought identification of linkages between the capacity building strategic plan with those for the information for decision-making and trade and environment priorities. Finally, they asked the experts group to consider adding to the CEC’s Capacity Building strategy an initiative for developing a comprehensive framework for capacity building in Mexico.

The Mexican representative indicated that Semarnat was in the process of developing an inventory of donor capacity building efforts, which should be available in October.

Management, Evaluation and Reporting System (MER)

The Secretariat presented a progress update on the development of the CEC’s planning, monitoring, evaluation and reporting framework and presented a timeline for the implementation of monitoring and reporting tools which could be implemented in 2005, once the CEC’s Operational Plan for 2005-07 has been finalized.

The Alternate Representatives invited the Secretariat to inform them at their next meeting of any direction it may require for the development of the framework.

Consolidation and next steps

In preparation for the next meeting of Alternate Representatives to be held on 27-28 October, the Parties' experts will review the goals and objectives for the three priorities and initiate the development of—or further refine—specific activities taking into account SMART considerations for measuring progress. They will conduct their inter-agency reviews, including country leads on various working groups, as appropriate. The experts were also asked to provide advice on: i) how should the projects or activities within each priority area be sequenced; ii) what the particular CEC niche is for each priority; iii) who is best placed to undertake the projects or activities within each priority area (i.e.; Secretariat, Parties). The experts group will report on proposed goals, objectives and activities at the next Alternate Representatives' meeting to be held in Montreal on 27-28 October.

The Secretariat will prepare a list of all current work program activities outlining the nature of their relationship with the three new priorities. The Secretariat was also tasked with the preparation of an analysis of implications and potential transition needs for the current work program. The Secretariat and the Parties will explore linkages and synergies among the three priorities, such as Capacity Building elements in the Information and Trade and Environment priorities of the Puebla Declaration, and Information elements in the Trade and Environment priority.

The Alternate Representatives exchanged views on documents that could be shared with the public in advance of the JPAC meeting on the CEC's draft strategic and operational plans to be held on 27 October. They agreed to make a presentation to the public—at the onset of the meeting—on the background/context for the development of the draft strategic plans, including the current state of the Parties' discussion and to invite the public to provide input. In this regard, the Secretariat was asked to assist the Parties with the development of a presentation for the public. It was also suggested that the Parties could share the latest version of draft goals and objectives for the three priorities. The JPAC Chair welcomed the Alternate Representatives' proposal and noted that the deadline for providing the public with the relevant supporting documents was 18 October.

Other regular business for Alt. Reps' discussion

Item 1 Submissions on Enforcement Matters under Articles 14 and 15 (Council decision on whether to make the final factual record publicly available for SEM-00-005—Molymex II)

The Alternate Representatives adopted Council Resolution 04-07 in favor of the release of the final factual record for SEM-00-005 (Molymex II) (annex B).

Item 2 CEC workshop on Building the Renewable Energy Market in North America

A Secretariat representative provided an update on the CEC workshop on Building the Renewable Energy Market in North America to be held in Montreal on 28-29 October 2004. She indicated that final revisions to the agenda for addressing concerns expressed earlier by the

United States had been forwarded to the United States for their consideration. The JPAC Chair underscored the importance of releasing the agenda for the workshop by the end of September.

Item 3 Mexico's National Implementation Plan for POPs under the Stockholm Convention

The United States representative asked the Secretariat to provide an English translation of the agreement between Semarnat and the CEC in order to facilitate their inter-agency review, before being in a position to adopt a Council resolution authorizing the Secretariat to sign, in the name of the CEC, the Funding and Cooperation Agreements with the World Bank and Semarnat relating to the Development of Mexico's National Implementation Plan of the Stockholm Convention on Persistent Organic Pollutants. He conveyed the United States' commitment to complete their review within a week of receipt of the translation.

SESSION 04-06 OF ALTERNATE REPRESENTATIVES**Washington, D.C., 23—24 September 2004****Delegations List**

(as of 22/09/2004)

CANADA**Alternate Representative**

Norine Smith, Environment Canada
 Jenna MacKay-Alie, Environment Canada
 Julie Pelletier, Environment Canada
 Bill Jarvis, Environment Canada
 Nancy Harris, Environment Canada
 Tim Gallagher, Environment Canada
 Steve McCauley, Environment Canada
 Dick Ballhorn, Foreign Affairs
 Martin Roy, Foreign Affairs
 Daryl Hanak, Governmentt of Alberta

MEXICO**Alternate Representative**

José Manuel Bulás, UCAI, Semarnat
 José Manuel Medina Aguilar, UCAI, Semarnat
 Alejandro Monteagudo, Economía
 Juan Elvira Quesada, Semarnat
 Francisco Vasquez, Profepa
 Elena Porrás, UCAI, Semarnat

UNITED STATES**Alternate Representative**

Jerry Clifford, USEPA
 Jerry Clifford, EPA, Office of International Affairs
 Mark Linscott, USTR, Environment and Natural Resources
 Paul Cough, EPA, Office of International Affairs
 Sylvia Correa, EPA, Office of International Affairs
 Darci Vetter, USTR
 Evonne Marzouk, EPA, Office of International Affairs
 Heidi Bell, EPA, Office of International Affairs
 Nadtya Ruiz, EPA, Office of International Affairs
 Daniel Flores, EPA, Office of General Counsel
 Jocelyn Adkins, EPA, Office of General Counsel
 Rick Martin, EPA, Office of Environmental Information
 Susan Hazen, EPA, Office of Prevention, Pesticides and Toxic
 Substances
 Erwin Rose, DOS
 Linda Allen, DOS
 John Shoaff, EPA, Office of Prevention, Pesticides and Toxic
 Substances

Ana Corado, EPA, Office of Prevention, Pesticides and Toxic Substances
Rebecca Lent, NOAA
Marshall Jones, FWS
Bob Heiss, EPA, Office of Enforcement and Compliance Assurance

**UNITED STATES
Observers**

Jan Gilbreath, EPA, Office of International Affairs
Patrick Cotter, EPA, Office of International Affairs
Robert Wing, EPA, Office of General Counsel
David Gravalles, EPA, Office of General Counsel
Kenneth Labbe, EPA, Office of International Affairs
Jacques Kapuscinski, EPA, Office of International Affairs
Breck Milroy, EPA, Office of Prevention, Pesticides and Toxic Substances
Keith Chanon, EPA, Office of Prevention, Pesticides and Toxic Substances
Dana Roth, DOS
Oscar Carrillo, EPA
Daphne Pee, NOAA
Madelyn Martinez, NOAA
Lynn Mersfelder-Lewis, NOAA
Karen Wardzinski, USDOJ
Ken Shigetomi, USTR

**JPAC
JPAC Chair**

Donna Tingley
Lorraine Brooke, JPAC consultant

**SECRETARIAT
Executive Director**

William Kennedy
Doug Wright, Director of Programs
Julie-Anne Bellefleur, Council Secretary
Hernando Guerrero, Director of Mexico Liaison Office
Geoffrey Garver, Director, Submissions on Enforcement Matters Unit
Evan Lloyd, Director of Communications
Chantal Line Carpentier, Head, Environment, Economy and Trade
Yamirka Gómez, Assistant

Washington, D.C., 24 September 2004

COUNCIL RESOLUTION 04-07

Instruction to the Secretariat of the Commission for Environmental Cooperation to make public the Factual Record for Submission SEM -00-005 (Molymex II)

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;

HAVING RECEIVED the final factual record for Submission SEM-00-005;

NOTING that pursuant to Article 15(7) of the NAAEC, the Council is called upon to decide whether to make the factual record publicly available; and

AFFIRMING its commitment to a timely and transparent process;

HEREBY DECIDES:

TO MAKE PUBLIC and post on the registry the final factual record for Submission SEM-00-005 and;

TO ATTACH to the final factual record comments provided by the Parties to the Secretariat on the draft factual record.

APPROVED BY THE COUNCIL:

Judith E. Ayres
Government of the United States of America

José Manuel Bulás Montoro
Government of the United Mexican States

Norine Smith
Government of Canada