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Commission for Environmental Cooperation of North America

Joint Public Advisory Committee Session No. 05-01

**14 April 2005
San Diego, California**

Summary Record¹

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a regular session on 14 April 2005, in San Diego, California.

This Summary Record reports on each agenda item, records all decisions made by the Committee and identifies action items and responsibilities. (See Annex A for the agenda and Annex B for the list of participants.)

Previous summary records, advice from JPAC to Council and other JPAC-related documents may be obtained from the JPAC liaison officer or through the CEC's web site at <http://www.cec.org>.

Welcome and Opening Remarks by the JPAC Chair

The JPAC chair welcomed everyone to San Diego and provided background information on JPAC for those who may not be familiar with the committee. He then asked the JPAC members to introduce themselves and provide some background information.

He then introduced the new JPAC liaison officer and complimented her on how rapidly she has moved effectively into the position.

He noted that Jane Gardner was not able to attend the meeting and that Patricia Clarey would be arriving later in the morning.

He then explained that the primary purpose of this session was to receive input from the public and JPAC members on the new CEC strategic plan, to assist JPAC in providing ongoing advice to Council on this matter.

¹ Disclaimer: Although this summary was prepared with care, readers should be advised that while JPAC members have approved it, it has not been reviewed nor approved by the interveners and therefore may not accurately reflect their statements.

Presentations by the National Advisory Committees (NACs)

A representative of the US NAC explained that the committee had not met since the last presentation to JPAC in October 2004. She explained, however, that the members have been thinking about the future of the CEC and focusing on the role of the private sector in positive environmental change. She noted that the US NAC is organizing a meeting on 27 April – a “Business Round Table on Environmental Capacity” in Washington, DC. Copies of the agenda are available at this meeting. The next US NAC meeting is scheduled for 28–29 April in Washington, DC, and JPAC has been invited to attend. Following that, there is a meeting scheduled for 20–21 October in San Diego to focus on border issues.

A representative of the Canadian NAC noted that, from a process point of view, the NAC was pleased to see Council rethinking its role and adopting a higher level of engagement, leaving the day-to-day business of implementation in the capable hands of the Secretariat. He noted disappointment, however, in the lack of opportunity for the NAC to be involved in the development of the new plan. The committee members only received documentation with a few days to comment. He expressed concern for the decision to remove children’s health and the environment from the program. Children’s health is a barometer of environmental health. He urged the CEC not to abandon this important work. He also expressed concern for the reduction of focus on biodiversity, noting that air and biodiversity are the things that link our countries together. He looked forward to seeing everyone at the June meeting in Quebec City, Canada.

The Chair invited the Canadian NAC representative to share any written comments on the CEC program with the JPAC liaison officer.

A member of the public suggested it was very important that the activities of the CEC be translated into action so that people can know more about the issues. He used the maize report as an example. He requested that for the next 10 years JPAC make efforts for more communication with the public.

Presentation by the Executive Director of the CEC

The chair introduced the executive director. He thanked him for his efforts to involve JPAC in the development of the new plan and acknowledged his role in facilitating the transition.

The executive director highlighted activities since the last JPAC meeting. A more detailed written report will be available next week.

He explained that most of the time has been spent on the 2005 work program and budget. This has been more time consuming than in previous years, given the transition required by the Puebla Declaration. The approval of the program and budget were delayed as a consequence. The 2005 budget was not approved until April.

Other points raised by the executive director included the following:

- In January, the CEC released a comparability report on air emissions for fossil fuels plants that was very well received. This year's *Taking Stock* report will begin to be more truly trilateral with the incorporation of some data from Mexico.
- In February, the CEC published the first North American map and report on marine conservation areas from Baja California to the Bering Sea.
- The CEC held a meeting in Montreal with the three international business councils of our countries. These three associations had signed an MOU in 1995 to begin a cooperative program on how to involve the private sector and the business community in the work of the CEC. This was the impetus for the creation of Fiprev. Everyone has agreed to make the MOU more relevant to the Puebla Declaration and we are proposing to include a session during the Council meeting to sign the revised MOU.
- Finally, he noted that during a recent meeting in Waco, Texas, President Bush, President Fox and Prime Minister Martin announced a new "Security and Prosperity Partnership" for North America that emphasizes cooperative work on areas of air quality, aquatic invasive species, management of chemicals, partnerships for conservation of habitat for migratory species. He explained that the CEC agenda contains numerous points of convergence: air quality, invasive species, management of chemicals, support for marine protected areas and partnerships to manage migratory species. The upcoming Council session falls in the 90-day period in which ministerial-led working groups have been asked to report back on steps taken on the Prosperity Agenda. The June Council session provides a platform for consulting with stakeholders and marking progress.

(Patricia Clarey joined the meeting)

Presentation by the CEC Director of Programs

The Chair invited the CEC director of programs to make a presentation. The director of programs indicated he would be providing an overview of how the program had developed since the last meeting in October. He focused on the trilateral cooperative program as prescribed by the NAAEC. The 10-year review provided the opportunity to take a retrospective look and reflect on how improvements can be achieved with a focus on coherent results and the value we add to work other organizations are doing.

He explained that Council reconfirmed the mission of the CEC. Further, the Council instructed that the CEC should be a catalyst and strive to have its work program known for concrete results and analysis on a North American scale.

To do this, the Alternate Representatives convened expert groups to assist in elaborating plans for acting on the three new priorities for the CEC: information for decision making, capacity building for environmental management, and a continuing focus on environment and trade.

He then reviewed the goals and initiatives for each of these new priorities as approved by the Alternate Representatives at their last meeting:

Priority 1: Information for Decision Making**Goal**

To identify, integrate, communicate and support the development of authoritative and effective information on issues of common concern regarding environmental management trends and progress in North America in order to facilitate local, national and regional action.

Initiatives

- Information Systems Strategy
- North American Environmental Atlas
- North American Air Emissions and Monitoring Information
- North American Pollutant Release and Transfer Register
- North American Monitoring and Assessment (SMOC NARAP)
- North American State of the Environment Information and Indicators
- Quality Assurance Review
- North American Environmental Law Information System

Priority 2: Capacity Building**Goal**

To assist governments, the private sector and civil society in the three countries in gradually strengthening their institutional capacity for sound environmental management across North America, with a special emphasis on Mexico.

Initiatives

- Partnerships for Integrated Environmental Management (greening supply chains, pollution prevention at the local and municipal levels)
- Local Capacity Building for Integrated Ecosystem Management
- Institutional Cooperation and Strengthening for Wildlife Enforcement

Priority 3: Trade and the Environment**Goal**

Promote policies and actions that provide mutual benefits for the environment, trade and the economy.

Initiatives

- Ongoing Environmental Assessments of NAFTA
- Promotion of a North American Market for Renewable Energy
- Green Purchasing
- Cross-border Enforcement for Environmentally Sensitive Materials
- Invasive Species Prevention and Management Approach

The director of programs explained that all of this will result in a more consolidated and coherent program. The Council has recently approved this framework. Now the hard work has to be done, building in some cases on previous work—other initiatives are new.

He then provided an overview of the projects in transition from the old work program:

- SMOC will continue to 2010 to conclude all NARAPs
- Biodiversity strategy implementation: some elements of the program will be supported under the information priority, others under capacity building. Several activities will be concluded in 2005.
- Children's health indicators work will be concluded. The remainder of the agenda for children's health and the environment has been terminated.
- Regional Program of Action for DDT will be concluded this year.
- Disclosure of environmental information: this is the last year of work in that area.
- Environmentally sound management of hazardous waste: this is the last year of work.

He explained that these projects take up about 25 percent of the CEC's budget and concluding them will release funding for reallocation in the work program in 2006.

He concluded by saying that the Secretariat is now beginning in earnest to build up each initiative and the projects that will support them.

The JPAC chair noted that the committee's role is to interact with the public to help define and refine the work program as the work evolves over the next years. In June, JPAC will be hosting a workshop on capacity building for the private and non-profit sectors. He also noted that JPAC hopes to create synergies and activities that can be encouraged or supported by the CEC, and mentioned that JPAC was also considering a workshop with the private sector later this year.

The JPAC chair then opened the floor to comments:

- A JPAC member acknowledged the evolution to a more mature and focused program. She noted, however, lack of clarity on how biodiversity will be adequately reflected. She will be interested to see the experience with the 'relocation' of the activities in the new work program; however, she congratulated the Secretariat on the hard work.

- Another JPAC member commended the executive director on reinvigorating the MOU with the private sector. She also noted the upcoming round table being organized by the US NAC, reflecting increased synergies.
- Another JPAC member noted that a challenge will be how to communicate this work to civil society and observed that it was good to see that the media was involved in the day's meeting.
- Another JPAC member enquired about the thinking behind the elimination of the Children's Health and Environment Program. The CEC director of programs noted the importance of the continuation of the indicators work. The other elements were the decision of Council. The JPAC member expressed his hope that the Council would keep children's health as an element in other projects. The director indicated that this was not clearly articulated, however, there remains a possibility.
- A member of the public asked when the CEC would be discussing genetic engineering and biosafety, observing that this was a very important topic for Mexico. He also asked about the involvement of indigenous peoples and decision making in the CEC as recommended by the JPAC. Where is their involvement?
- The CEC director of programs confirmed that there are no plans at this time to do further work on biosafety of genetically modified organisms. Regarding indigenous peoples, there is still opportunity to consider how best to involve indigenous peoples in projects where it is a good idea to do so and he maintained that this was still the CEC's intent over time. A JPAC member indicated he had the same concerns and was going to raise the issue of indigenous peoples later in the agenda. He referred to JPAC's past advice on this matter.
- The JPAC chair indicated that the capacity building priority provides an opportunity to involve indigenous peoples and also to set up processes to permit more access to information.
- A member of the public raised the issue of children's health on the Mexico/US border. There is a particular concern with *maquiladoras*. He suggested that community organizations be invited to attend meetings and present their views.
- Another member of the public expressed disillusionment with the decision to remove children's health from the work program. This is a huge problem in the border area. Respiratory disease among children is a major issue. He also noted the lack of emphasis on alternative energy sources.
- Another member of the public discussed the incorporation of environmental services in the trade and environment work. This is very important.

- Another member of the public discussed the importance of access to information. She noted the absence of capacity in community organizations to use the sophisticated databases being developed.

Presentation by the Director of the Submission on Enforcement Matters Unit

The JPAC chair invited the director of the Submissions on Enforcement Unit to make a presentation, noting the importance of this process and JPAC's interest in it over the years.

The director noted that a benchmark had been reached, with the 50th submission being received in January. He then set out the status of current submissions:

- The Secretariat is awaiting a response from the concerned party on two submissions: SEM-05-001 (Crushed Gravel in Puerto Peñasco) and SEM-04-005 (Coal-fired Power Plants).
- The Secretariat is determining whether a factual record is warranted for SEM-03-003 (Lake Chapala II) and SEM-04-007 (Quebec Automobiles).
- The Secretariat is awaiting Council's decision on the development of a factual record for SEM-03-004 (ALCA-Iztapalapa II).
- The Secretariat is currently developing factual records as instructed by Council for SEM-00-006 (Tarahumara); SEM-02-003 (Pulp and Paper); SEM-02-001 (Ontario Logging); SEM-04-006 (Ontario Logging II); and SEM-03-005 (Montreal Technoparc).

He noted that this process has been a source of friction over the years. He commended JPAC for its persistence and useful advice, resulting in governments clarifying their positions on important matters, for example Council's June 2004 response to JPAC on the issue of the scope of factual records.

JPAC members requested several clarifications on some of the submissions.

A member of the public noted that gravel extraction is a very severe problem in the border area in that aquifers are affected and asked whether a submission could be brought regarding this matter. The director explained that there is an expectation that a submitter seek domestic remedies before filing a submission and offered to meet with the speaker privately to provide more information on the submission process.

Presentation by Professor David Wirth on the Article 13 Process

The JPAC chair explained that Professor Wirth would present the results to date of his work examining the CEC's implementation of Article 13. The CEC Secretariat asked

Professor Wirth to analyze past practice and evaluate the criteria for choosing Article 13 reports. His work will assist the Secretariat in determining the process and methodology to be used for future Article 13 reports. His report will be provided to the Council and the JPAC.

Professor Wirth explained that his work is well underway and he is taking this opportunity to solicit further input from JPAC and the public. He went on to explain the Article 13 process, using the provisions in the NAAEC as background and provided an overview of past Article 13 reports.

He then discussed the criteria for topic selection established by the Secretariat as the initiator of Article 13 reports. He explained that there is no ‘one size fits all’ for procedures and practices for reports of this nature. The US National Academy of Sciences sets the gold standard, in his view, on how to obtain input from independent experts for how science questions are approached in policy settings. It employs a two-tier review process as was done in the last two Secretariat Article 13 reports.

He then discussed the increasing role and interest of Council and the Parties in the development of these reports, as evidenced by the disclaimers in the most recent Article 13 report. Consultations with the public have tended to be rather formal, but other options for obtaining public input could be used as well. As well, the executive director could choose topics that rely more on internal Secretariat staff than some Article 13 reports have in the past. Thus, demands on Secretariat staff time tend to be subject matter-specific. He emphasized the importance of maintaining institutional history.

Finally, he noted the possibility of ‘streamlining’ the process so that it is less resource-intensive. He noted a concern that the trajectory over time has been toward a more formal, complex process and a loss of flexibility. He is trying to draw conclusions from the entire trajectory of reports, to outline a range of options that would include more streamlined approaches. He is also trying to solicit input on topic selection. He has been asked to make topic suggestions informally.

He encouraged individuals to provide further input to him by e-mail via the JPAC liaison officer.

Action: JPAC Liaison Officer

Discussion and Question Period

The chair then opened the floor for comments and questions.

- A JPAC member thanked Professor Wirth and noted a contradiction in praising the Secretariat’s use of the two-tier expert review process while at the same time trying to streamline the process and make it less complex. Professor Wirth responded that he does not see a contradiction—it really depends on the complexity of the subject. Topics are not identical in terms of appropriate

- format—procedures should be designed according to each situation. He continued that the five reports prepared so far are on a wide variety of topics but Article 13 is appropriate for either a very specific subject or a topic with broad policy implications.
- Another JPAC member noted that much of the input by experts is on a voluntary basis and there is broad public input. This is a very effective process. She asked about the possibility of an initiative from the Secretariat that can be blocked within the first 30 days. Professor Wirth confirmed that all of the people he has interviewed have agreed that public participation is a highly valued component of this process. It adds legitimacy to the report and to its policy impact. Concerning the 30-day period, he explained that this applies if the topic is outside of the work program. So far, all of the topics have fallen within the work plan so we have had no experience with how Council would respond in such a case.
 - A JPAC member reinforced the importance of public participation, the role of JPAC and the organization of public workshops and disseminating the results back to the public.
 - A member of the public referred to the complex issue of the different cultures, policies and interests in the three NAFTA countries. We are seeing this in Tijuana and the border area with the development of electricity generation facilities in Mexico to supply the US. Also, he noted skepticism about what will happen with the maize report. Are there follow-up steps for the reports? How is the Secretariat organized? The JPAC chair explained how the CEC is organized and the role of Council, JPAC and the Secretariat.
 - A member of the public referred to the “gold standard” and supported the idea of incorporating the academic community in the development of the Article 13 reports. She recommended that thought be given to establishing a committee as a subset of the national science councils to develop a trilateral “gold standard.” That could be very helpful with controversial issues such as maize. She also supported the idea of different kinds of reports for different issues, thereby assuring flexibility. Professor Wirth noted that he had not intended to imply that the US academy was the only “gold standard” and while he thought that a trilateral standard was a good idea, he would be concerned to avoid redundancy.
 - Another member of the public mentioned that the implications of genetic contamination of maize in Mexico have impacts at many levels, including human health and financial aspects. Since JPAC representatives are selected by the governments, the Committee is seen by the public as quasi-governmental. This can affect the credibility of the Article 13 process. It is very important for JPAC to continue to interact with the public, he remarked. This helps counteract doubts and create credibility. Many have felt frustrated about the lack of follow up and lose interest, and are concerned that \$500,000 in public funds could be spent to produce a report that will never have an impact and where governments have

- interfered with its production. The public is faced with government rules against labeling GMOs. We would ask that JPAC continue to reinforce transparency and follow up to Article 13 reports, rather than just producing 'neutral' reports.
- The JPAC chair noted that the credibility of JPAC is very important. As a body intended to engage in the very challenging work of assaying the public's views and bringing them to the Secretariat and the Council, JPAC is always trying to increase transparency and provide the high level of input and advice that is expected. JPAC does not receive instruction from the governments. Relationships with the Council and Secretariat are sometimes strained precisely because of our role. JPAC has a very difficult task and appreciates feedback on how to improve.
 - A member of the public confirmed that the Article 13 reports are very important tools for the public to use to pursue action on important topics.
 - Another member of the public referred to the new environmental priorities of the CEC. He noted that consideration of how information is made available to the public by governments at the domestic level is lacking. He noted that it is increasingly difficult to get information under the guise of regulatory streamlining.
 - Another member of the public noted the lack of work on the effect of plastics on the environment. With free trade, the use of plastics has dramatically increased. In Mexico, there is no recycling as there is in the United States and Canada to help deal with this problem. These plastics are very hazardous to the environment. Professor Wirth suggested that the speaker provide additional information on this topic. A JPAC member clarified that there are some new initiatives being considered in Mexico.
 - Another member of the public expressed puzzlement that emissions from geothermal electrical plants are not taken into account.
 - A member of the public made a general comment concerning the credibility of the JPAC. He was a past member of JPAC and noted that as a group of people, JPAC members have to spend a lot of time and effort in their work. He gave JPAC his vote of confidence. He then discussed the importance of developing partnerships with other networks, such as industrial associations. The private sector is not the 'dark side' of our work. Industry has resources that can be used to assist in important areas such as risk assessment and risk analysis. He supports the move to reinvigorate the MOU between the CEC and the business sector. We have to deal with creating legal certainty for environmental matters. Sometimes our lawmakers are making laws based on ignorance. The border areas provide a key area to focus these efforts.
 - The JPAC chair stated that he would like to follow up on ways to better engage the private sector. He asked the speaker to provide some specific suggestions.

- A member of the public spoke on the differences between [various forms of] renewable energy—green power, green fuel and green heat. He asked JPAC to make sure to differentiate between the three. The EU is now considering a green heat standard. This is an opportunity for the CEC to mimic what is going on in Europe. He suggested changing the term to “renewable energies.” He would also like to see an Article 13 report in support of green heat technologies (thermal applications). The potential for green heat is being ignored by our governments.
- Another member of the public commented on the need for developing a culture of communications. It is important to articulate a model for communication in the context of Article 13 reports, for example.
- Another member of the public commented on the participation of various groups. While focusing on the private sector, do not lose sight of progress you [CEC/JPAC] have made with NGOs and community groups. In the US, for example, industry already has a lot of access and influence on policy. This should not replace efforts to maintain and increase outreach with indigenous peoples and other vulnerable groups. While the meeting format is useful, if you want to reach out to marginalized communities, you need to be open to and flexible in adopting other forms of communication. She recommended other kinds of meetings to assure the flow of communication outside the mainstream.
- A JPAC member agreed that it is extremely important to create mechanisms for improved dialogue and communication to create an effective North American environmental community.
- A member of the public wanted to hammer home the point on green heat and green transport tools and the valuable role they play. He also noted that energy efficiency is the most cost-effective way to achieve [emission] reductions. He also spoke about small-scale electrical generation and its ancillary benefit of empowering communities.
- Another member of the public noted the lack of participation of the academic community in the work of the CEC. He also noted that community participation is increasing generally; however, at this meeting the participation is very limited. He wondered about the lack of participation, especially from Canada and the US.
- A member of the public noted that California’s Energy Action Plan says “start with efficiency and continue with renewables.” This is a good model. He also spoke about Mexican programs on efficiency that should be looked at. This would be a good subject for an Article 13 report.

Discussion and Final Approval of JPAC Program for 2005

The JPAC chair explained that, during a JPAC conference call held on 9 March 2005, the JPAC program for 2005 was discussed. Not all members were able to participate, however, so it was necessary to confirm the JPAC work program during this meeting.

The JPAC chair shared his views that communication can be fostered by more informal contact rather than by formal, written advice. To date, this latter approach has not been very satisfactory. We need to foster improved relationships in light of the new program. We would like to start this at the June Council meeting. The chair asked for comments on how the workshop could be organized to best involve the public.

- A JPAC member noted that JPAC has to do more to ensure that the topics attract public attention and that JPAC members should find better ways to interact during the sessions—rather than sitting up at a head table. He also suggested that care should be taken to ensure that the right people are invited to attend meetings.
- Another member encouraged consideration of use of breakout groups where industry, NGOs and representatives of government get together and then bring back results to a plenary group.
- A member of the public asked for a definition of capacity building in this context [i.e., that of the new CEC work program]. The JPAC chair agreed that this is a huge topic and that is precisely why a group would be set up to try and focus the topic to best serve the interests of the CEC work program.
- Another member of the public described a project on education that might be a useful model to review. The JPAC chair asked that this be sent the JPAC liaison officer who will forward those to the working group.

Decisions for the JPAC program:

1. It was agreed that the topic for the 21 June workshop during the Council session would be “Needs and Opportunities for Capacity Building among Private and Non profit Sectors.” JPAC would facilitate and organize the workshop around engaging the public. A working group was formed to help with the organization: Carlos Sandoval, Nelly Correa, Gord Lambert, Dan Christmas, Dinker Desai and Patricia Clarey. The mandate of this group will also be to refine topics to focus on capacity building.
2. After a presentation by Carlos Sandoval, it was agreed that a meeting would be held on 11 October in Mexico City, in connection with the Enviro-Pro Congress on 12–14 October.
3. Finally, it was also agreed that JPAC would hold its fourth and final session for 2005 in conjunction with the third CEC Symposium on Trade and Environment in Montreal on 30 November and 1 December. The chair suggested that ideas be

submitted to the JPAC liaison officer and a final decision on a topic be made during the June meeting.

Suggestions for a topic for the November meeting are:

- The environmental effects of *maquiladoras*
- Role of the United States in developing carbon markets
- Promoting environmental services
- Environmental problems associated with power plants in border regions
- Impacts of tourism on the environment

Action: JPAC Working Group, JPAC Chair, JPAC Liaison Officer

Discussion on a Potential Advice to Council on the CEC “Strategic Plan for 2005–2009

After discussion it was agreed rather than prepare a formal advice at this time, the points raised at this meeting and others that follow will be reported to the Alternate Representatives and shared with the Secretariat by the JPAC chair. It was also decided to form a working group to develop an Advice to Council in preparation for the June meeting. The members are Hector Sepulveda, Jane Gardner and Gordon Lambert.

Action: JPAC Chair, JPAC Working Group

JPAC Follow up

a) Review of responses to JPAC Advice and letters

Advice to Council 04-01: Securing the Long-term Involvement of Indigenous Peoples in the Activities of the CEC

The chair explained that a reply had been received from Council informing JPAC that they are pleased with the level of participation of indigenous peoples in specific CEC projects in 2004; that as the capacity building priority gets further developed, efforts will be made to build the capacity of indigenous peoples and integrate traditional knowledge into decision-making; that Council will consider JPAC’s recommendation for having more systemic representation of indigenous peoples as it develops the CEC future work program; and that Council will carefully consider the recommendation of creating a permanent position at the Secretariat.

No further comments

Advice to Council 04-02: Future Directions for the NAAEC

No discussion

JPAC's 13 April 2004 letter to Council on Maize and Biodiversity

No discussion

The JPAC chair noted that lack of reply to Advice 04-04 on New Directions for the CEC now provided an opportunity for JPAC to further reflect and expand its views for the June Council meeting and JPAC's further advice on the subject.

b) Status of Canadian appointments

The JPAC chair reported that he received a reply to his correspondence indicating that Canada is working on the three appointments. The Chair will remind Canada of the importance of this during the next meeting of the Alternate Representatives

A Canadian JPAC member also expressed concern about the lack of timely response to these appointments, noting that it would be most unfortunate to face a Council meeting without new members. It is within Canada's discretion, but places JPAC in an awkward position. He suggested the possibility of looking at alternatives if this happens again in the future. Is there a way ensure there is no gap between terms?

A letter will be sent to the Council: (1) to consider instituting requirements ensuring there is no gap between new appointments and end of terms, and (2) in the interim, that the Rules and Procedures of JPAC may require amendment to ensure that JPAC can continue its business.

Action: JPAC Chair

c) Inherent conflict of interest – next steps?

The JPAC chair provided background for this issue. It is now time for JPAC to decide, based on public comments, if further action is required. He also provided his view that an advice may not be appropriate at this time and that more informal discussion with Council should be undertaken. It was decided that no further action be taken.

d) JPAC at Ten report – next steps

It was agreed that the CEC would publish the report.

Action: JPAC Liaison Officer

JPAC Administrative Matters

a) JPAC working groups: member appointments and rotation

Working groups and their membership are as follows:

Indigenous Peoples and Capacity Building: Carlos Rincón, Dan Christmas, Patricia McDonald

Maize: Dan Christmas, Nelly Correa, Dinker Desai

Renewable Energy: Eduardo Rincón, Gord Lambert, Dinker Desai

Air Issues: Gord Lambert, Eduardo Rincón, Dinker Desai

New Directions: Hector Sepulveda, Jane Gardner, Gord Lambert

Information for Decision-making: Nelly Correa, Gord Lambert, Patricia Clarey

Rules and Procedures (ethics): Patricia McDonald, Gord Lambert, Hector Sepulveda

TEIA: Carlos Rincón, Dan Christmas, Dinker Desai

Articles 14 and 15: Eduardo Rincón, Jane Gardner, Gord Lambert

b) Next JPAC meetings

Session 05-02	Quebec City, 21–23 June
Session 05-03	Mexico City, 11–14 October
Session 05-04	Montreal, 30 November–1 December

Observers' Comments

- A member of the public emphasized the importance of capacity building and communication in generating a dialogue to reach a consensus. He said he would love to sit at a table with Monsanto and Greenpeace and look for a consensus and thought organizing this kind of opportunity would be a great idea. He continued that issues should be those that affect all three countries. Air and water should also be priorities. For Mexico, these are national security issues. He also expressed concern that biodiversity may be dropping off the CEC agenda, especially for migratory species. We are using the jaguar as a mascot and at the same time it is threatened by extinction. Also, to generate more interest in the CEC, it is necessary to reach out to all sectors of society. Finally, within the next five-year plan, he would like to see how Article 13 reports are followed up. The Secretariat's work may have been completed [on them]; however, JPAC can continue to pursue the subject.
- A JPAC member discussed the boards for sustainable development and how they operate. All the JPAC Mexican members are members of these boards. They take the CEC's work and communicate with the national board members and in this way it filters down to the regional boards. The minister encourages the Mexican members to communicate the CEC's work when they accept these appointments. She also agreed that ecosystem services need to be part of the new strategic plan.
- A member of the public noted the importance of including comprehensive management of hydrological basins in the strategic plan. This is a big issue for Mexico, especially in the border areas. Also, establishing renewable energy markets, as instructed by the Puebla Declaration should be better emphasized. Finally, during the Quebec City meeting on capacity building, small and medium-size businesses in Mexico should be specifically identified to attend. It might even

- be a good idea to have a live connection with these groups. Universities could help with hosting such a link or video conference.
- Another member of the public also supported the idea of a video conference. She also endorsed a focus on ecosystem services in the strategic plan. This is a way of supporting both ecosystems and the quality of life of people in communities. She also suggested that work should be done on the tannery industry in Mexico.
 - Another member of the public supported a previous comment for an emphasis on water issues, especially on the border area. He provided several examples of pending water shortages and the need for preventative action and strategic planning.
 - A JPAC member acknowledged an earlier comment concerning benchmarking. The trade and environment priority area in the Puebla Declaration provides a good entry point. Competitiveness in the future will require efficiencies that will result in lower environmental impacts.
 - A JPAC member noted that the CEC cannot do everything. The CEC has to be strategic. Projects and priorities should be trilateral. The CEC cannot spend its budget on purely bilateral or national issues. JPAC can also help identify other organizations that can take up bilateral or national issues.
 - Another JPAC member raised the maize report since it was mentioned several times today. There was a suggestion that JPAC should do something more. He asked the earlier intervener—what more could JPAC do? The member of the public replied that JPAC could give some thought to what appropriate follow up could be. What happens after the CEC publishes its opinion? Does it just stop there?
 - The same member of the public also asked if the CEC should contemplate work on tourism in the context of trade and environment. Tourism has huge environmental impacts. Is there a role for the CEC? The JPAC chair suggested that this could be a good topic for a workshop. It is an issue that affects all our countries.

Presentation on the Mesa de Andrade Wetlands by Dr. Francisco Zamora of the Sonoran Institute

The seepage from the All-American Canal has created a series of wetlands totaling over 6,200 hectares along the US-Mexico border. Over half of these are in Mexico, east of the portion of the canal that is proposed for lining, and will be impacted by lack of further seepage. The Andrade Mesa Wetlands are extensive and provide high-quality bird habitat in an isolated part of the northern Colorado River delta where replacement habitat is non-existent.

Dr. Zamora explained why the loss of this critical habitat should be considered in assessing the potential environmental impacts of the canal lining project. He concluded that, given the scale of the wetlands complex, there is no question that the existence of the wetlands and the potential for a hydrological connection with the AAC constitutes “new circumstances or information” within the meaning of the Council on Environmental Quality regulations pursuant to NEPA.

Another presentation was made by José Luis Morales on a natural gas storage project in the Islas Coronado being promoted by a consortium of companies. This is the area where the grey whale migrates. The islands are also very important for biodiversity more generally. He suggested that the CEC should investigate the impacts of the project and the implications for migratory species.

The JPAC chair thanked the public, the Secretariat staff, the JPAC members and the interpreters and adjourned the session.

Prepared by Lorraine Brooke

Approved by JPAC

26 April 2005



Commission for Environmental Cooperation of North America

Joint Public Advisory Committee Regular Session 05-01

April 14, 2005

Hotel Hilton Airport / Harbor Island (Marina ballroom)

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San Diego, California

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The purpose of this session will be to provide the public with an overview of the CEC Strategic Plan for 2005-2009 that has been developed to implement the 2004 Puebla Declaration. Key members of the CEC Secretariat Staff will be present to assist in the presentation, and to engage in a discussion on priorities for the Program as it evolves to fully implement the Puebla Declaration next year and beyond.

Provisional Agenda

Thursday April 14, 2005

JPAC Regular Session

- | | |
|-------------|--|
| 8:00-9:00 | Registration of participants |
| 9:00-9:10 | Welcome and opening remarks by JPAC Chair, Arturo Duran.
a) Approval of the provisional agenda |
| 9:10-9:30 | Report from the National and Governmental Advisory Committee representatives. |
| 9:30-9:40 | Report by William V. Kennedy, CEC Executive Director, on CEC Developments since the last JPAC Meeting |
| 9:40-10:30 | Presentation of the CEC Strategic Plan for 2005 – 2009 by Doug Wright, Director of Programs. <ul style="list-style-type: none">• Information for decision-making• Capacity Building• Trade and the Environment |
| 10:30-10:45 | Update on Submissions and Enforcement Matters by Geoffrey Garver, Director, Submissions and Enforcement Matters Unit |
| 10:45-11:15 | Review of the experience to date of the Article 13 Process, by Prof. David Wirth, Author of the Article 13 Report |

- 11:15–12:30 Discussion and Question Period
- 12:30–13:30 Lunch (provided)
- 13:30–14:00 Discussion and final approval of JPAC program for 2005.
- 14:00–14:45 Discussion on a potential advice to Council on the CEC Strategic Plan for 2005-2009
- 14:45–15:00 Break
- 15:00–16:00 JPAC follow-up
- a) Review responses to JPAC advice and letters
 - b) Status of Canadian Appointments
 - c) Inherent conflict of interest – next steps?
 - d) JPAC at Ten Report – next steps?
- JPAC Administrative Matters
- a) JPAC Working groups: member appointments and rotation
 - b) Next JPAC Meetings
- 16:00–16:30 Observers' comments
- 16:30-16:45 Presentation on the Mesa de Andrade Wetlands by Francisco Zamora, from The Sonoran Institute
- 16:45-17:00 Question Period
- 17:00 End of the session

**Regular Session of the Joint Public Advisory Committee 05-01
14 April 2005
San Diego, California**

List of participants as of 14 April

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