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Commission for Environmental Cooperation of North America

Joint Public Advisory Committee Session No. 05-02

**22–23 June 2005
Québec City, Canada**

Summary Record¹

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a regular session on 22–23 June 2005, in conjunction with the Twelfth Regular Session of the Council of the CEC.

This session followed a JPAC public workshop on “Needs and Opportunities for Capacity Building among Private and Non Profit Sectors,” held on 21 June 2005. The workshop report is available separately on the CEC’s web site at <http://www.cec.org>.

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>.

Overview by the JPAC Chair

The JPAC chair welcomed two new Canadian members, Irene Henriques, from the Schulich School of Business at York University, and Jean Guy Dépôt, who serves as president of the *Conseil régional de l'environnement de l'Estrie*. Canada’s third JPAC representative, Merrell-Ann Phare, was reappointed for a second term. Patricia Clarey, a US member, was unable to attend the session.

The members then introduced themselves.

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.

The JPAC chair discussed the transition that is taking place in the CEC and the opportunity this provides for JPAC to reinvigorate itself. He informed the meeting that JPAC has decided to develop its own strategic plan for the next five years. A draft will be developed by a JPAC working group and shared with the public in preparation for a public workshop in Mexico City, during the next regular session in October 2005.

He explained that JPAC would be meeting in-camera with Council later in the day and would report out on this meeting at tomorrow's JPAC session.

Approval of the Provisional Agenda

The agenda was amended to add an item on the JPAC chair [see next item].

The JPAC Chair

The JPAC chair advised the public that he is stepping down. Due to his full schedule in his new position as Commissioner of the International Boundary and Water Commission, he is no longer able to act as JPAC chair. He will continue as a member. He announced that Jane Gardner had been selected by JPAC as the chair for the remainder of 2005 and would chair the present session.

Jane Gardner expressed her mixed feelings—regret for Arturo Duran's departure and appreciation for the new challenge.

Report from the National and Government Advisory Committee Representatives

The **Canadian NAC** representative discussed the committee's activities during this Council meeting, including its comments on the new CEC Strategic Plan and the impact on the CEC of the Security and Prosperity Partnership (agreed to by the head of state of the three countries last March in Waco, Texas). The Canadian NAC will be issuing advice to the CEC on these two subjects in the near future. The following summarizes the NAC's views in these areas:

The Strategic Plan was well received by the Canadian NAC. It is focused and streamlined. NAC members are also encouraged that Council remains fully committed to the Citizen Submission Process. However, they cautioned that it is important not to lose track of all the information that the CEC has gathered over the last 10 years: a huge amount of knowledge that has been accumulated. The NAC suggests that the Secretariat take stock of all this information. NAC members are concerned that the work in biodiversity is being diminished and that on children's health and the environment has been terminated. These are key areas for information and capacity building. The past work in these areas has been seminal. Regarding the Citizen Submission Process, the NAC recommends that the impact of previous factual records be examined—have we changed practices, or has the environment been improved as a result? Concerning public participation, there is a need for a clearer communication strategy and for greater efforts

to target local authorities (“where the rubber hits the road”) and the business community. The NAC also stressed the importance of implementing the recommendations on the TRAC report and would like to see progress by 2006. Regarding the Security and Prosperity Partnership, care should be taken to ensure that the five priorities do not overlap with the work of the CEC.

A JPAC member asked for more precision concerning the Canadian NAC’s intentions for biodiversity and children’s health and the environment. The representative replied that the NAC’s advice will recommend that these areas of work not be diminished and be brought back into the program under the three new work program pillars in the Strategic Plan.

The US NAC representative reviewed the results of the April meeting of the NAC. First, the members strongly feel that the TRAC report recommendations should be implemented and a progress report on this made at the June 2006 Council session. Second, concerning factual records, the NAC feels strongly that there needs to be follow up to maximize effectiveness of the Article 14 and 15 process. JPAC is encouraged to consider ways this could be achieved. Third, NAC members spent an entire day hosting a business council meeting on capacity building and came away from it with the impression that an enormous amount of capacity building is already going on in Mexico, much of which is being led by US multinationals. This raises the question whether there is anything the CEC can usefully do in the ‘race for the top.’ They think that the CEC has a unique ability to act as a forum, bringing together entities from all sectors in North America. The CEC could convene a series of high-level round tables where groups get together and learn of experiences, and then disseminate the information in a ‘best practices’ approach. One possibility would be to focus on supply chains—a kind of certificate of high performance that could be issued to Mexican businesses acting as suppliers to US multinationals—to raise their level of environmental performance. But the CEC is enormously limited in its resources. Its budget of nine million dollars [of which only a certain fraction is devoted to capacity building] can hardly make a dent. The CEC has to enlist the private sector in any such effort.

Finally, the NAC discussed the CEC reporting process generally. This is the lifeblood of the institution—to provide objective and useful reports. The group feels that this reporting process is close to being dysfunctional at the moment. The Secretariat and the Parties seem to be working at cross-purposes. There is a lack of clarity about the purpose of CEC reports and the differences between their various types, as well as how they are developed and reviewed. The CEC should label its reports to identify which are prepared independently. Governments should also be very clear in how they examine them. The US has made inappropriate interventions driven by domestic concerns on some of these independent reports. The Secretariat and the Parties need to set out the rules. The US NAC has made specific recommendations on these matters in its recent advice.

A JPAC member asked with whom the NAC interacts. The representative explained that the body meets twice a year and typically has representation with US agency officials.

They meet the [EPA] Administrator once a year during the Council sessions. He also clarified that the [capacity building] certificate example is not necessarily the best approach, merely a suggestion. The point is that the CEC is well placed to convene the players and generate ideas.

Another JPAC member thanked the US NAC for the suggestion concerning follow up to factual records and indicated this would be an important topic for JPAC to consider in its new strategic plan. She also asked about government oversight of reports and the distinction between knowing ahead of time, and the role of government and the actual review after the fact. Is there an appropriate role for governments to review a Council-sponsored report prepared by the Secretariat? The representative replied that it depends on the type of report and on the kind of comments. Generally, when the report is prepared independently, the comments should be of a peer review nature, not second-guessing or editing from a domestic agenda perspective. When Council requests a report it is reasonable to assume that the government would have a greater oversight. Fixing this process should be comprehensive. The US NAC made that point clear during their meeting with Council. There could be an important role for JPAC in establishing guidelines.

Another JPAC member asked about the US NAC's feeling of how advice is received and acted upon by the US. The representative replied that there is neither a 'brick wall' nor is advice always accepted. The situation lies somewhere in between. The extent that policies are already set influences the response. The EPA has consistently taken the NAC's advice seriously even if it's not always taken up. The agency always responds in writing within a few months and this creates a record. A written response also encourages EPA officials to think about their responses.

The JPAC member further asked if the NAC had recommendations regarding the Security and Prosperity Partnership. The representative replied that the NAC has learned that there was no explicit intent to exclude the CEC; rather there is lack of knowledge about the CEC. The Security and Prosperity Partnership reports will be coming out in the next few weeks. There is a further opportunity to bring in agencies that do not typically work continentally.

A discussion took place on the nature of peer review. The representative explained that it is important to work from a common base of understanding.

The **US GAC Chair** representative explained that the GAC has made recommendations that mirror those of the other committees. He highlighted several. Regarding report development, the committee is looking for a uniform process for developing and disseminating reports. It is also very supportive of moving the TRAC report forward within the new Strategic Plan and Operational Plan. The transparency issue, following up on factual records, and ensuring that the public has a full understanding of the contents of these reports is very important. Regarding capacity building, the US GAC participated in the business round table and reiterates that a focus of the CEC could be an annual round

table bringing together people outside government who have the stability and control to work outside political influence. The GAC is very pleased with the work of the [NAAEC Article] 10(6) working group. The committee has also recommended when projects are ‘handed off’ that there be follow up and action reports.

The representative explained that the GAC meets twice a year, together with frequent informal discussions and maintains an informal network of contacts with government officials. It also meets once a year with the EPA Administrator and feels that generally, its views and advice are taken seriously. The EPA responds to its advice in writing.

Report from the Networking Session

The JPAC chair asked the representative from the Networking Session if a summary of the session’s conclusions could be shared with JPAC, in advance of the presentation before Council later in the day. In this way, JPAC might build on some of the results of the session.

The representative explained that there had been an excellent discussion. The group focused its work on the recommendations of the TRAC report as a framework for moving forward. Specific issues were also raised: contamination, the work plan for implementing the Strategic Plan, children’s health and the environment.

Another participant expressed his appreciation for the opportunity to share the results of the workshop in advance with JPAC, in its role as interlocutor for the public. Conclusions from the session were as follows:

- Do not make risk management the main focus
- Strengthen the CEC with budget [increase] and enhanced commitment
- Re-implement the biodiversity program
- Emphasize capacity building and training for rural communities
- Stop dioxins from open burning of garbage
- Continue to back RETC implementation
- Reinstate the program on children’s health and the environment
- Emphasize comparative studies of health and environment, toxics, farm workers
- CEC focus should not shift with government changes
- Work in coordinated fashion with the [NAFTA] Free Trade Commission
- Create a mechanism for follow up on Articles 14 and 15
- Incorporate tourism in the Trade and Environment pillar—there is a trend towards weakening the regulatory systems in our countries, especially in Mexico, for example, developing hotels and infrastructure with no environmental impact statements.

JPAC Discussion on a Potential Advice to Council on Implementing the CEC Strategic Plan 2006–2010

The JPAC chair informed the meeting that JPAC had not yet seen a final version of the Strategic Plan. She then reviewed the comments that JPAC had contributed. One was clearly to link trade with environment, a second was to support a proposal to minimize the influence of government working groups, and the third was to produce a more comprehensive statement of JPAC's role in the institution. The latter two appeared to have been incorporated.

She asked if JPAC members or public had other comments to share at this time.

A JPAC member said that while JPAC had had some input into the development of the Strategic Plan, the committee is particularly concerned with capacity building during the plan's implementation and would want to be an active participant.

Another member emphasized the need for developing criteria to identify priorities for projects to implement the Strategic Plan. Such criteria are needed if projects are to be monitored and evaluated. This could be a way of allowing JPAC to participate effectively.

Another member observed that the pillar on capacity building would be a challenge to define tactically. One choice evident from the public workshop is whether the CEC will take a process role—facilitating capacity building efforts—rather than the CEC itself delivering the program. This is clearly an important choice that must be made.

A member of the public proposed that JPAC should be more proactive and create an open forum for each of the significant topics. Who is the target for capacity building? Bring together all the stakeholders. Then bring the results to the political representatives.

Another member of the public made three comments. First, indigenous people's issues seem to be falling off the agenda. This should stand as a recommendation on its own. What has happened to JPAC's advice on this matter? How are indigenous people's issues being concretely incorporated into the three pillars? Second, concerning budgets, these need to be increased at least in terms of inflation. There is also a need to reinstate NAFEC or something similar. Third, she congratulated Mexico on taking the lead to phase out lindane and hoped that the United States will follow this example.

A member of the public proposed that the items from the networking session should be compiled into a list that could assist members of the public in making a verbal presentation of the items to Council.

Another member of the public emphasized the importance of the Citizen Submission Process and strongly encouraged a continuing JPAC oversight. He also noted that the issue of inherent conflict of interest in the submission process has been brought to an early close, which is unfortunate. The problem still remains. He asked JPAC to continue to be vigilant in ensuring that the process is effective.

A JPAC member replied that JPAC is still discussing the conflict of interest issue and is still trying to develop a strategy for how best to deal with it.

Action: JPAC

Another member of the public provided information on a current movement underway in Mexico against poverty. Important meetings are being planned. There is a great need to increase support for impoverished countries and fair trade has an important role to play. How can fair trade be harmonized with trade and environment work at the CEC?

Another member of the public thanked the outgoing JPAC chair and congratulated the newly appointed one. She expressed pleasure at JPAC's decision to establish a strategic plan and allow JPAC to set its own agenda. She suggested that regarding TRAC and Article 14 and 15 process, follow up is an appropriate role for JPAC and that the group should approach the work from the perspective of accountability—this is more constructive. It creates a feedback loop and focuses the attention of decision-makers. Regarding the TRAC report, it is not clear if Council ever endorsed the recommendations and was lukewarm about the follow up recommendation. This could be a good role for JPAC.

A JPAC member commented on the indigenous issue. JPAC prepared an Advice to Council based on a policy paper that JPAC had developed. He commented that the CEC is a foreign organization to indigenous peoples. In order for this to change, the CEC needs an indigenous person in the management structure. He reported that the executive director had assured him in San Diego that this was being considered but he had no further news to share at this time. He went on to say that indigenous peoples need a forum and he hoped that this would be part of JPAC's strategic plan.

Action: JPAC, Executive Director

Another member of the public reiterated the point made at the last JPAC meeting that the definition of trade in the CEC does not include tourism. Tourists in Mexico are in large number from Canada and the United States. This is a continental trade issue. Infrastructure for tourism in Mexico has huge environmental impacts.

Another member of the public asked where water would fit into the agenda? Will the CEC take part in the World Forum on Water in March 2006, together as NAFTA countries, or separately? Are any members from the CEC taking part in the preparatory meetings for the World Forum?

A JPAC member noted the lack of participation of local Quebecois at this meeting, indicating that perhaps there is not enough information and publicity about meetings of the CEC. He also informed the session that he is working on behalf of the government of Quebec in preparation for the World Forum on Water.

Another JPAC member agreed on the importance of water and has tried to keep it on the agenda of the CEC. The CEC convened a meeting in Quebec City last year under the Law and Policy program. This is a subject that generates intense domestic politics and water issues are now not evident in the new Strategic Plan. She reiterated a commitment to try and keep it on the table. The CEC is not, to JPAC's knowledge, working to participate directly in this World Forum. Several JPAC members, on their own, are participating. Another JPAC member said he would take it up and try to generate interest within the CEC.

Action: JPAC

A member of the public explained that the World Bank is organizing this forum. NGOs in Mexico are preparing themselves to deal with the focus of the forum, which is the privatization of water. It is not a summit—it is a forum to discuss tendencies in water management, privatization, etc., and not necessarily from an environmental perspective.

Finally, the Secretariat's goals for implementing the Strategic Plan were outlined as:

- Implementing activities for concrete results
- Expanding partnerships
- Mobilizing resources to make the Strategic Plan operational

JPAC Follow-up**Follow up on the Twelfth Regular Session of Council**

No comments

Note: During the scheduled in-camera session with Council, JPAC did not meet with Council members directly, rather with their Alternate Representatives.

Briefing by the CEC Program Manager for Pollutants and Health on the Children's Health Indicators and Toxic Chemicals and Children's Health Reports

The program manager for Pollutants and Health provided information on Council Resolution 00-10, the Cooperative Agenda on Children's Health, including the activities of the Expert Advisory Board as background for these two reports. He explained that there was no further funding for work on children's health and the environment beyond the 2005 budget and these two reports would close out the program. However, it is expected that the children's health and environmental indicators would be used as a measurement tool by the Parties, with periodic updating, and would be integrated into a future state of the environment report.

The Special Report on Toxic Chemicals and Children's Health and the Environment in North America (item 3.2 of the Cooperative Agenda) spotlights children's exposure to toxic chemicals; analyzes data on industrial releases from the national PRTRs; emphasizes reported chemical carcinogens, developmental toxicants and neurotoxicants; describes the limits of knowledge about the impacts on children's health and does not report on risks; and provides recommendations to foster increased trilateral action to reduce exposure. The report is scheduled to be released in late fall, 2005.

The First Report on Available Indicators and Measures (item 4.2 of the Cooperative Agenda) reports on a set of indicators endorsed by Council Resolution 03-10. The report raises awareness of the interaction between children's health and environmental exposures; defines key indicators for measuring and promoting change within three priority areas defined by Council (asthma and respiratory disease, effects of lead and other toxics including pesticides, and waterborne disease); and recommends actions for promoting data comparability and for improving reporting through trilateral collaboration. The report will be incorporated into the information pillar to support decision-making and the development of the CEC's state of the environment report.

The indicators report will also be North America's contribution to the global initiative on children's environmental health indicators launched at the World Summit on Sustainable Development. The CEC coordinated this project in partnership with the World Health Organization, the Pan American Health Organization, and the International Joint Commission. The report is scheduled to be released in the fall, 2005.

A JPAC member enquired about exposure data. The program manager replied that the PRTR databases do not provide specific exposure data that can be linked explicitly to health risks. The descriptions are more qualitative.

Another JPAC member asked how information would be stored and made accessible to other groups working on indicators. Does the report consolidate information from other sources? There are many other organizations presently working on indicators. The program manager replied that the first step is to make sure that the three governments and stakeholders are aware of the importance of indicators. The project involves several partner organizations that are engaged in indicators work. The report will identify information gaps and compatibility issues and the hope would be that the Parties would take up the challenge and address these in their own information gathering processes.

A JPAC member asked if the EPA indicators information has been used in this work. The program manager replied that there are EPA representatives on the Steering Committee and that they have been working with their colleagues, sharing and reviewing information.

Another JPAC member asked if more information could be shared about the recommendations that will emerge from the toxics report. The program manager replied that they are under development. The member continued, asking if they will be directed

towards recommending further action—which would speak to the purpose of the report. The program manager replied that there would be recommendations concerning exposure reductions. The member asked about the longevity of the indicators work. Will this be formalized? The program manager replied that he hoped that the indicators would assist state of the environment reporting. He hoped that with the engagement of governments in the development of the reports, they would integrate the results into their national work. The member continued, remembering that the Canadian NAC had said it would recommend that as projects wind down, care be taken so that the information compiled over the years would not be lost. How could this apply to the children’s health work and the information developed in that project? The program manager acknowledged the importance of this and said he would be working to ensure that the collected data are not lost.

Another JPAC member advocated the development of a comprehensive risk management report for children’s health to provide information and guidance on minimizing exposure. The program manager replied that under the SMOC program, risk management practices are being discussed at the government level. What is needed now is to bring these down to the household level.

Another JPAC member asked about the impacts of gasoline additives and if this information was being collected. The program manager said he would get back on this question.

Action: Program Manager

A JPAC member emphasized the importance of CEC reports ‘calling for action’ and providing specific direction. For example, it is very important that all government agencies interact and provide information. Policy recommendations on health will affect several government agencies. They need to be operating in concert. The program manager replied that this is indeed the challenge: to ensure that collaboration among government agencies and between countries is further developed.

The program manager noted that this year’s *Taking Stock* report highlights lead as a significant toxic substance being released in North America, requiring action from various sectors.

Another JPAC member continued the discussion on future use. Could a future user look at these data in terms of impacts on indigenous populations? Are the data organized to allow this? The program manager said that they have been thinking about using PRTR data as a way to engage indigenous peoples and using the database to draw attention to a variety of issues concerning communities at risk. He welcomed any ideas that JPAC may have in making the data more relevant to indigenous communities.

Action: JPAC

Another JPAC member said she is very familiar with PRTR data. Her view is that there are ways to highlight potential high-risk areas and high-risk populations. It is not useful to wait until the data is refutable.

A member of the public expressed some concerns about collaboration between health and environment agencies at the government and even NGO level. What is the follow up by CEC after these reports are issued? How can they be related to capacity building—not just information? He advocated for workshops on children and vulnerable populations. He expressed concern about the lack exposure assessment. In the *Taking Stock* report, for example, there is no guidance on risk. There are many agencies and NGOs working on these issues who should be convened by the CEC to address them.

Another member of the public noted that in Mexico, there are many, many child health issues related to water pollution from agriculture, industry, sewage, etc. Is there any institution we could collaborate with to see how the information collected by the CEC can be used to help educate people about health risks in Mexico?

Another member of the public also spoke about follow up. He expressed confusion about why this program has been removed from the CEC program. He had attended the first CEC children's health symposium in Toronto. Children are not young adults—their systems react very differently. In Mexico, children are exposed daily to health risks that would not be tolerated in Canada and the United States. There is no enforcement or education. The companies responsible for the releases are manipulating information. Pollution prevention and risk management are lacking. What can be done? Food security issues must also be addressed according to the precautionary principle (referring specifically to genetically modified organisms). Children must not be placed at risk. The speaker also inquired why allergies are not being addressed.

Another member of the public felt that using asthma as an indicator is very problematic. Emphasis should be on prevention regarding children's health.

Another member of the public, who works for EPA, reassured the meeting that the agency is taking the indicators work very seriously and will be using the materials in its future work. This work will not end and the objective is to incorporate it into the information pillar.

Another member of the public highlighted the importance of using emissions as an indicator in developing risk thresholds. This is missing from the work.

Another member of the public asked about follow-up. This is critical. What are the sources of emissions and how to implement reduction programs to reduce risk for children? He also recommended that plastics and nylon be included in the work, as they release toxics during degradation.

Another member of the public highlighted the shelf life of the studies. Will they be repeated and will there be any monitoring to know if environmental policies have evolved in consequence. As well, policies for emissions trading could take advantage of the results provided in these studies, which could be included in the final reports as recommendations.

Another member spoke about the public's right to know as a driving feature of PRTRs. He felt that the children's health program should not be retained as is or absorbed into other programs. It should be considered as a stand-alone program. In the US, Mexican farm workers are exposed to conditions similar to those in developing world.

The JPAC chair informed the meeting that one of reasons that children's health is being wound down in the CEC is that the Mexican government will no longer engage. Everyone should consider this and think of a new strategy. JPAC will be discussing this.

Action: JPAC

A JPAC member raised the issue of water. This has been removed from the work program under the new Strategic Plan. She reported that she had asked the Law and Policy program head to come to this session to explain the rationale. Regarding Mexico's lack of engagement in the children's health program, are there negotiations going on? What are the reasons? Is this the same situation for water, where one government is opposing? We need to continue promoting the things we believe in. What is the niche for the CEC?

Another JPAC member from Mexico spoke about efforts and progress with the RETC. It is now obligatory and not voluntary. He noted that there is a need to be cautious with these registers. Reporting does not translate into exposure reduction. That is an entirely different matter.

Another JPAC member asked if allergies are incorporated in the work on indicators. The program manager replied that he was not involved in the selection of the indicators, but that a group of experts were convened that developed the indicators based on the advice from Council. The program manager indicated that he assumed that information on allergies in the three countries was not sufficient or compatible. He will inquire with the Steering Group that selected the indicators.

Action: Program Manager

Review Responses to JPAC Advice and Letters

Advice to Council 04-04: New Directions for the Commission for Environmental Cooperation of North America.

The JPAC chair noted that a response from Council was received in June 2005. In summary, the points noted in Council's response about the three pillars in the new Strategic Plan were:

Information for decision-making

- We agree that traditional knowledge needs to be integrated as the work program is developed under information for decision-making.
- Filling information gaps will continue to be an objective.
- We will consider the involvement of [experts from] academia.
- We will continue to produce reports (using *Taking Stock* as an example of reports responsive to the role of the CEC) that provide public access to important environmental information.
- Given that Mexico is currently re-evaluating its participation in the Cooperative Agenda for Children's Health, we are not in a position to continue any work at this time beyond completing the Children's Health Indicators report by the end of the year.

Capacity Building

- As we continue to discuss potential projects, we are considering the engagement of a wide variety of participants.
- Beyond [capacity building in] Mexico, we are also carefully considering the strengths and needs of our three countries in order to maximize the benefits of the work done by the CEC.
- We agree there is a need to consider partnering with other and/or leveraging resources from other sources.
- We agree to continue supporting local-level capacity building and to continue broadening the CEC's constituency base—this is the approach we are taking.

Trade and Environment

- We are pleased to report that the [NAAEC Article] 10(6) working group has been making significant progress in its work in 2005.
- We have forwarded JPAC's suggestion to support clean energy and clean fuel production and the role of ecological services to the 10(6) working group.
- The 10(6) working group has formulated a focused goal and objectives which are broad enough to cover the topics suggested in JPAC's advice.
- Using the term "economy" helps to keep the goal broad enough to maintain the flexibility to incorporate a wide range of topics.

- Regarding transparency and public participation, Council will continue consultations with JPAC and domestic stakeholders as the 10(6) group further elaborates the Strategic Plan.

Evaluation and Measurement

- We have noted JPAC’s concerns in this area and appropriate tools will be built into the Strategic and Operational Plans.

Specific Obligations under the NAAEC

- The new direction will not alter the general obligations and our commitments continue.

Advice to Council 04-05: Building the Renewable Energy Market in North America

No response from Council has been received.

JPAC Working Groups: Member Appointments and Rotation

A new working group for the JPAC strategic plan was created. Members are Merrell Ann Phare, Irene Henriques, Carlos Sandoval, Carlos Ricon, Patti McDonald and Jane Gardner. This group will lead the development of a draft strategic plan that will be distributed to the public for comment and be the focus of a public workshop at the next JPAC Regular Session in October. **This is considered a priority.**

Action: JPAC Strategic Plan Working Group, JPAC

The Article 10(6) Working Group, composed of Merrell Ann Phare, Carlos Rincon and Jane Gardner, will lead work on commenting on the Trade and Environment Strategic Plan. There is a 30-day comment period. **This is considered a priority.**

Action: 10(6) Working Group. JPAC

Regarding the Article 10(7) working group (transboundary environmental impact assessment), a decision on the standing of this group was deferred until the next meeting and will be discussed in the context of the JPAC strategic planning process.

At this point in the discussion it was also agreed that the mandate and overall role, terms of reference, and functions of working groups in the work of JPAC would be a feature of the new JPAC strategic plan. A JPAC member reminded the committee that it is the role of JPAC to be effective in the institution vis-à-vis the public. This should be the focus of the JPAC strategic plan and the working groups are a way to get there.

The existing Rules and Procedures Working Group will follow up on Council's agreement to look at the ethics issues and legal liability.

Action: Rules and Procedures Working Group, JPAC

Regarding the issue of conflict of interest and Articles 14 and 15, it was agreed that JPAC is moving away from this terminology and moving toward providing advice on improving the integrity of the CEC. A member noted that it had been made very clear at the in-camera session with Council that JPAC will be reviewing ways to maintain the integrity of the CEC and outlined three areas JPAC would explore. The working group is Arturo Duran, Gord Lambert and Eduardo Rincon. **This is considered a priority.**

Action: Working Group, JPAC

Regarding Conservation of Biodiversity, it was agreed that the existing working group (Dan Christmas, Nelly Correa and Patti McDonald) would contact the program head, to determine exactly the status of the work: is it being diminished within the new program or not? JPAC has always advocated a strong program in this area.

Action: Biodiversity Working Group

Next JPAC Meetings

Session 05-03: Mexico City, 11–12 October, in conjunction with Enviro-Pro event. The draft JPAC strategic plan will be the subject of a workshop with the public.

Session 05-04: Montreal, 30 November–1 December, in conjunction with the third North American Symposium on Trade and Environment.

A discussion ensued on a topic for the public workshop. Various suggestions were made:

- A round table discussion based on the existing topics, with the public and the policy makers who will be attending.
- Link trade and environment with children's health and use the two children's health and environment reports as a basis. This could be a way of generating new interest in continuing work on children's health by creating a link with the trade and environment pillar. There was support for this topic voiced by several members. It was agreed that the JPAC chair would speak with the program manager for Pollutants and Health to see if this would be productive.

Action: JPAC Chair

- Climate change and emissions trading mechanisms and renewable energy as a follow up to the workshop of October 2004 and JPAC’s Advice to Council 04-05.

A member of the public intervened and suggested that JPAC consider holding some of its meetings outside of main urban centers in order to attract participants from rural areas. Otherwise the same people are always attending meetings. Imagination and creativity are required to attract new participants.

Proposal for the 1st JPAC Meeting in 2006

Session 06-01 Mexico City, attached to the World Water Forum in mid March.

A newly appointed JPAC member informed the meeting that his expertise and interest is on water and he will be continuing to promote appropriate attention to water issue. Other members expressed their support and will hold preliminary meetings in their countries to prepare for the Forum.

Another member reminded the meeting that not everyone sees the World Water Forum as a suitable opportunity. JPAC will determine if holding a meeting in conjunction with this Forum is pertinent, and discussion on this topic was deferred to the next meeting.

The JPAC chair then opened the floor to comments from observers.

Observers’ Comments

A member of the public noted the importance of JPAC working groups and expressed his interest in reading their reports.

Another member of the public also expressed his enthusiasm for holding events in rural areas—outside urban centers. He offered to host a meeting and to organize a field trip to see the impacts of infrastructure development in his region. He expressed disappointment that the press conference was cancelled. This removed an opportunity for the participants have their views known. He noted that people traveled a long way and their effective ability to communicate their views to Council and to the general public had been reduced. He also supported the decision to revise rules to reduce biases. He said, “We rely on JPAC to carry our message and we continue to support you. We need to regain trust in our governments and industry, while emphasizing that quality of life of the citizens is a priority.” He informed the meeting that in Mexico, this is the first year where an environmental service is being paid to protect biodiversity. He also expressed grave concern about the new law on biosecurity—it is sometimes called the “Monsanto Law.”

Another member of the public reminded the meeting that there has been a workshop on children’s health in the past. It was very general. If there is another, it should be more focused. It could be linked to the World Water Forum next year in Mexico City. Also, presenting case studies are very effective, as was done here this week. There is a great

need to figure out a way to address the issues and propose solutions, specifically a replacement for NAFEC. This was a perfect tool for capacity building to obtain concrete results.

Another member of the public commented that JPAC is much livelier and he is enjoying the debates. For the working groups, he suggested thinking about how to collaborate with local governments. That is where the real issues are found. This is where people are affected. The NAFEC program was a very successful example of how to work locally.

A member of JPAC supported the views on NAFEC and its role in capacity building. She also regretted that the head of the Law and Policy program had not been available to provide further information on water issues. She noted she had also just learned that he would be leaving the CEC.

The JPAC chair then thanked all the members of the public, JPAC, the staff and interpreters and adjourned the meeting.

Prepared by Lorraine Brooke
Approved by JPAC Members

1 August 2005



Commission for Environmental Cooperation (CEC) of North America

**Twelfth Regular Session of the Council of the CEC
and meetings of the Joint Public Advisory Committee (JPAC)**

21–23 June 2005

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Program of Public Events

Monday, 20 June 2005

18:00–20:00 **Accreditation of participants –Foyer Salle Suzor-Coté et Krieghoff²**

Tuesday, 21 June 2005

8:00–9:00 **Accreditation of participants – Foyer Salle Suzor-Coté et Krieghoff 2**

9:00–16:45 **JPAC Public Workshop: “Needs and Opportunities for Capacity Building among Private and Non Profit Sectors” – Salle Suzor-Coté et Krieghoff 2**

9:00–9:15 Welcoming remarks by Arturo Duran, JPAC Chair for 2005
9:15–11:15 Presentations by keynote speakers from Canada, Mexico and United States on “Needs and Opportunities for Capacity Building among Private and Non-Profit Sectors”

PART I – PRIVATE SECTOR REPRESENTATIVES

CANADA: Mr. Michael Cloghesy – President of the Business Council on the Environment (CPEQ) (20 min.)

MEXICO: Alejandro Lorea – CESPEDES (20 min.)

US: Mrs. Elyse Allan – CEO General Electric (20 min.)

PART II – NON-PROFIT SECTOR REPRESENTATIVES

CANADA: Mrs. Donna Tingley – Clean Air Strategic Alliance (20 min.)

MEXICO: Mr. Roberto Zambrano – Former Chairman of PRONATURA (20 min.)

US: Mrs. Teresa Niedda – Director of the Farm Worker, Health and Safety Institute (20 min.)

11:15-11:45 Question and Answer Period

11:45–12:45 Break

12:45–14:15 **CASE STUDY PRESENTATION: “The case of the Pittsfield / Housatonic River in Massachusetts”:** **Mr. Robert Varney** – EPA Regional Administrator, USEPA New England Region, **Mr. Robert Golledge** – State of Massachusetts, Commissioner of Massachusetts Department of Environment, **Mr. Peter Larkin** – Former Massachusetts State Representative for Pittsfield Region and **Mr. Robert Risch** – General Electric State Government Relations Coordinator (New England) (1:30 min.)

14:15–14:30 Break

14:30–16:30 JPAC Working session on the CEC Projects under the Institutional Capacity Building Pillar:

- Partnership for Integrated Environmental Management and Local Capacity Building for Integrated Ecosystem Management with Hernando Guerrero CEC, Director of the Mexico Liaison Office and Hans Herrmann CEC, Head of Conservation of Biodiversity Program

16:30–16:45 Conclusion Remarks by JPAC members

16:45–17:00 Break

17:00–18:30 Networking session for the public – *Salle Suzor-Coté et Krieghoff 2*

The public is invited to meet and exchange views on North American environmental issues. JPAC members will attend as observers. Participants should appoint the chair of this session who will present the results at the public portion of the Council Session on 22 June.

18:30-20:00 Welcoming Reception

- Welcoming remarks by Stéphane Dion, Canadian Environment Minister
- Welcoming remarks by Thomas J. Mulcair, Quebec Sustainable Development Minister

Wednesday, 22 June 2005

9:00-10:00 Official Opening of the Twelfth Regular Session of the Council *Salle Suzor-Coté et Krieghoff 2*

- Opening remarks by Stéphane Dion, Canadian Environment Minister
- Remarks by Stephen L. Johnson, Administrator, US Environmental Protection Agency
- Remarks by Alberto Cárdenas Jiménez, Mexican Secretary for Environment and Natural Resources
- Remarks by Thomas J. Mulcair, Quebec Sustainable Development Minister Environment and Parks
- Remarks by Arturo Duran, JPAC Chair
- Report by William Kennedy, CEC Executive Director, on accomplishments of the CEC

10:00-12:30 JPAC Regular Session 05-02 “The CEC Strategic Plan for 2005-2010” Part I (with the public as observer) – Salle Suzor-Coté et Krieghoff 2

- 10:00–10:15 Overview by Arturo Duran, JPAC Chair and approval of the provisional agenda
- 10:15–10:30 Report from the National and Governmental Advisory Committee representatives
- 10:30-11:00 Follow up on the Workshop and Working Session
- 11:00–12:00 JPAC discussion on a potential advice to Council on the CEC Strategic Plan 2005-2010
- 12:00–12:30 Observers’ comments

12:30 End of Session

12:30-14:00 Break

14:00-15:30 CEC Presentation: Integrating Environmental Stewardship and Community Action for Sustainability in North America – with Chantal Line Carpentier, Head, Environment, Economy and Trade Program, Keith Chanon, Program Manager, Pollutants and Health and Hans Herrmann, Head of Conservation of Biodiversity Program - Salle Suzor-Coté et Krieghoff 2

15:30-16:00 Break

16:00-17:30 Public Meeting - Salle Suzor-Coté et Krieghoff 2

- Introduction on the conduct of the session by Arturo Duran, JPAC Chair (5 min.)
- Reports on the JPAC Public Workshop/Working Session and on the results of the Networking Session (2 presentations 5 min. = 10 min.)
- Statements by pre-selected presenters (9 presentations 5 min. = 45 min.)
- Comments by Council members (30 min.)

17:30-17:45 Break

17:45-18:30 News Conference (with the public as observer) - Salle Jean-Paul Lemieux

18:30 End of Session

Thursday, 23 June 2005

9:00 – 12:00 JPAC Regular Session 05-02 Part II (with the public as observer) – *Salle Suzor-Coté et Krieghoff*

- 9:00–10:45 JPAC follow-up
- a) Follow up on the Twelfth Regular Session of the Council of the CEC
 - b) Briefing by Keith Chanon of the CEC, on the Children's Health Indicators and Toxic Chemicals and Children's Health Reports
 - c) Review of responses to JPAC advice and letters
 - d) Observer's comments

10:45–11:00 Break

- 11: 00–12:00 JPAC follow-up (cont'd)
- e) JPAC working groups: member appointments and rotation
 - f) Next JPAC Meetings: Mexico City: October 11 and Montreal: 29 November -1 December
 - g) Observers' comments

12:00 End of session

Liste des participants – List of Participants - Lista de participantes

**XII^e session ordinaire du Conseil, 21, 22 et 23 juin 2005, Québec, Canada
Duodécima sesión ordinaria del Consejo, 21 al 23 de junio de 2005, Québec, Canada
Twelfth Regular Session of the Council, June 21, 22 and 23, 2005, Quebec, Canada**

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