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Commission for Environmental Cooperation of North America

Joint Public Advisory Committee Session No. 05-04

**29 November 2005
Montreal, Canada**

Summary Record¹

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a regular session on 29 November 2005, in conjunction with the Third North American Symposium on Assessing the Environmental Effects of Trade.

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

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>>.

Welcoming remarks by the JPAC Chair

The JPAC chair welcomed everyone to Montreal for JPAC's fourth and final Regular Session for 2005. She provided background on JPAC. JPAC is composed of fifteen volunteer citizens, five appointed by each Party. The mandate of JPAC is to provide advice to Council on any matter within the scope of the North American Agreement on Environmental Cooperation and perform any other functions that Council may direct. JPAC may provide policy, technical, scientific or other information to the Secretariat including for the purposes of developing a factual record under Articles 14 and 15.

JPAC's vision is to promote continental cooperation in ecosystem protection and sustainable economic development and to ensure active public participation and transparency in the actions of the Commission. The members share a commitment to preserve and enhance the North American environment and to achieve a sustainable society. JPAC works by consensus and recognizes its functions in one response as a

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.

microcosm of the public—private individuals who contribute diverse institutional experience and cultural perspectives.

JPAC has a certain number of working groups comprising one person per country from among its members. Their mandate is to prepare a draft advice to Council on a specific issue for JPAC approval and to attend selected CEC meetings on behalf of the JPAC.

JPAC meets three to four times a year rotating among the countries. One of these meetings is always held in conjunction with the regular session of Council in June. The JPAC chair also participates in meetings of the Alternate Representatives and meets with Council once a year during the Council session. JPAC also meets twice a year directly with the Alternate Representatives. JPAC members also attend various meetings related to the CEC.

She informed the meeting that Dan Christmas and Gord Lambert from Canada, Patricia Clarey from the US and Gaston Luken from Mexico were unable to attend the meeting. She announced that Carlos Sandoval had been elected as chair for 2006.

She then explained the logistics of the day's session, in which three round tables were organized. The first session is on environmental stewardship towards procurement policies with a focus on renewable energy. A second session deals with submissions on enforcement matters and follow up to factual records. The third will focus on market-based drivers for sustainable development. Each session will be moderated by a JPAC member who will report key findings later in the day.

Approval of the Provisional Agenda

The agenda was approved.

Reports from the National and Governmental Advisory Committee Representatives

Each Party appoints a National Advisory Committee, commonly referred to as NAC, made up of members of its public, including representatives of nongovernmental organizations. The role of each NAC is to advise their Council member on the implementation of the NAAEC.

Also each Party is to convene a Governmental Advisory Committee, referred to as GAC, including representatives of various levels of government. Both Canada and the US have created their committees. Their role is to advise their governments on the implementation of the NAAEC.

The Mexican NAC was confirmed just last week. It comprises 17 members. The JPAC chair invited Patricia Muñoz to make a presentation.

Ms. Muñoz explained how the NAC is organized and who the members represent. There are 32 states who are represented, plus 42 stakeholders, including women, youth and

indigenous groups. One of the most important areas of focus is the national program on marine and coastal issues.

The JPAC chair then invited Richard Guimond to make a presentation on behalf of the US NAC. He reported that the NAC's last meeting was in October in San Diego, California focusing on border issues. There was a change in leadership in both the US NAC and US GAC with Dolores Wesson and Placido Dos Santos, respectively, named as chairpersons. Most of the time was spent on four areas: the CEC budget situation, the future role of CEC working groups, reporting reform, and the role of the private sector in capacity building. They plan to have follow-up discussions on the last area with the CEC staff to see how to better engage the private sector.

Report by the CEC Executive Director

The JPAC chair invited the CEC executive director to provide a report on activities of the Secretariat since the last JPAC meeting in June.

The executive director thanked the JPAC chair for her work over the past year and congratulated Mr. Carlos Sandoval on his election as JPAC chair for 2006. He then commended JPAC for its work on developing a Strategic Plan and seeking to provide a good balance with the CEC Strategic Plan. He noted particularly the focus on transparency, outreach and engagement.

The CEC executive director then provided a status report on the submissions on enforcement matters. He noted the record delay on voting to release the Tarahumara factual record.

He then mentioned the uncertainty regarding Mexico's contribution to the CEC budget for 2005 and 2006. Notwithstanding a number of verbal indications, the Secretariat had yet to receive any written notification from Semarnat regarding the shortfall to its 2005 contribution or the amount of its planned financial contribution for 2006.

Report by the Director of Programs

The JPAC chair then invited the director of programs to make a presentation on the CEC's Operational Plan for 2006–2008.

The director of programs reminded those in attendance that the new strategic direction was discussed with the public here in Montreal a year ago, and that Council approved the resulting Strategic Plan in June 2005. Notwithstanding budget uncertainties, the new program is starting to take shape. Under the three new priorities, 16 projects have been developed. They are profiled over a three-year period to represent how each project develops over time. The draft Operational Plan has been submitted to the Parties for discussion and approval. The total funding is approximately \$3.6 million and involves using surplus funds from the previous year.

The year 2005 has been one of transition. This means beginning new projects and also closing out the previous ones, such as children's health, DDT in Mexico and some work under the former biodiversity program.

The director of programs encouraged JPAC and the NACs and GACs to examine carefully the draft set of 'results' statements prepared by the Secretariat. He then reviewed some accomplishments over the past year of which there have been over 100. For example, under the SMOC program of work, two Mexican sites for mercury deposition monitoring have been certified in Mexico, along with six sites for dioxin monitoring. As well, *Taking Stock* was published this year and the CEC is looking at ways to include its information in the Atlas.

Under the CEC's capacity building priority Mexico, work is well underway on a project to promote improvements in environmental performance amongst small and medium-size suppliers to larger multinational companies. This represents a good example of CEC's ability to engage the private sector in its work.

He continued with a report on results from the Trade and Environment program, focusing on the renewable resources. He expressed his confidence that the symposium over the next two days would be extremely productive. He also reported on progress in the CEC's work on invasive species and on the CEC's intent to conclude the NARAPs under the SMOC program by 2010. Finally, he noted that two reports due early in 2006 would conclude the CEC's work on children's health and the environment.

The JPAC chair then opened the floor to questions.

- A JPAC member enquired about the biodiversity program. The director of programs replied that work on the conservation strategy would come to an end, however, it will continue at the local level in Mexico within a project under the capacity building priority. This project was initially scheduled to have started in 2005; however, the Parties decided that the resources should instead be used for a workshop geared towards training government enforcement officials. It is now anticipated that work begin will begin in January, pending approval of the CEC Operational Plan.
- Another JPAC member shared the news that the Mexican JPAC members and representatives from other NGOs had met with the Mexico's Secretary of the Environment, José Luis Luege, who confirmed that Mexico would make its payments for 2005 and 2006.
- A member of the public asked if the biodiversity conservation work focuses on species, processes or regions? What are the plans? The director of programs replied that the program is designed for five years and that the first task is to decide, through consultation, whether it should be focused on target species and/or regions.
- Another JPAC member enquired about consistent and meaningful involvement of indigenous peoples in the activities of the CEC, particularly the Secretariat. JPAC has provided Advice to Council on the subject. She asked if there had been

progress, beyond involving indigenous peoples in specific projects. The director of programs explained that there were plans in the PRTR project that have been delayed because of budget issues. Other initiatives have been incorporated into the program as well. As new staff is hired, a criterion for employment will be capability and experience in working with indigenous communities. The JPAC member followed up, noting that JPAC will be providing comments on the Operational Plan. An interesting area to explore would be designing a set of criteria around indigenous involvement as a means for measuring results and effectiveness for programs.

- A member of the public asked about harmonization and definitions of hazardous wastes, for example. Is the CEC lobbying for this? The director of programs replied that there are aspects of this in some of the projects. The CEC is not working on harmonizing regulations, but on improving mechanisms of enforcement. The CEC is also seeking to harmonize information.

Presentation on the CEC Strategic Plan – Environment, Economy and Trade by the Head of the Trade and Environment Program.

The JPAC chair then invited the head of the Trade and Environment program to make a presentation.

She began by informing the meeting that a representative of a First Nation in Canada is on the experts group for renewable energy.

She then reported on the organization of symposium, which will focus on the impacts of investment and economic growth on the environment. Eleven papers have been selected for presentation, on topics ranging from the *maquiladora* industry in Mexico to Chapter 11 arbitrations in NAFTA. Researchers from academia, governmental and nongovernmental organizations, as well as members of the public, will participate in the discussions and contribute to our understanding of the effects of liberalized trade on the North American environment.

She reported that the work over the past years has demonstrated that the creation of pollution havens and a feared ‘race to the bottom’ have not occurred. This led to the decision to move on and focus on economic growth and investment in this third symposium. She reviewed the agenda and provided the objectives for each session.

She then provided an overview of the Trade and Environment Strategic Plan, the work of the Article 10(6) Working Group and associated projects. Details can be accessed on the CEC web site at <www.cec.org>.

JPAC Round Table Sessions

The first session was entitled “Environmental Stewardship towards Procurement Policies – Renewable Energy,” moderated by Dinkerrai Desai. The objective was to look at how procurement policies favoring green purchasing have become increasingly important in

creating markets for environmentally friendly products and services. In the specific case of renewable energy, consumers currently have access to a broad range of alternatives to conventional power sources. During this session, the panellists provided the audience with specific examples of how environmental stewardship of such policies are contributing and promoting to increase the use of renewable energy in North America.

The panellists were Scott McDougall of Terra Choice, Eduardo Rincón from the *Universidad Autónoma de la Ciudad de México*, Shaunna Morgan of CIER, Ron Alward of RETScreen International, Lars Kvale from the Center for Resource Solutions, and Carlos Gottfried of the *Asociación Mexicana de Energía Ecológica*. Their presentations are attached in Annex C.

Key messages from the presentations and the discussions that followed were:

- When communicating environmental values to those who have not yet embraced more environmentally friendly practices and purchasing, we need to speak to them in their own language and in terms of what they care about, such as the health of their children and of their communities. We need to exercise creativity based on sound science.
- Six million people in Mexico do not have access to electricity and the current production system is not sustainable. New renewable sources of production must be found. Wind and solar energy have great potential for residential and commercial purposes and can respond to growing demand. Some 28 million Mexicans use wood for cooking, resulting in forest depletion, worsened air pollution and health problems. Surveys in Mexico indicate that people are generally willing to pay more for energy from renewable sources. Production of renewable energy will create jobs and contribute to sustainable development for everyone.
- Of the approximately 900 indigenous communities in Canada, 130 are not connected to the electricity grid. They rely on diesel energy. This produces thousands of tons of greenhouse gases every year. Canada is producing an action plan to build capacity in indigenous communities for energy efficiency, renewable energy and climate change. This could be an interesting model for other regions as well. There is a need for increased research and development to improve small and medium-size technologies and provide additional financial incentives. Investing in this sector will have spin-off benefits for indigenous communities—improving health and increasing economic development options.
- Communities in northern Canada have much to gain by using renewable energy. Global warming and climate change are a high priority in the permafrost region of Canada. RETScreen software is available free on the Natural Resources Canada web site. It is a generic tool to assess and compare renewable energy to conventional technologies. The program has demonstrated that investment can be returned through energy efficiency.
- Research shows that government procurement and large companies that are shifting to renewable energy are doing so because they want to reduce their greenhouse gas emissions footprint. This disagrees with a conclusion propounded

by an earlier speaker, who suggested that the general public does not respond to greenhouse gas concerns when making consumer choices.

- Mexico lags far behind other countries in its use of wind and solar as energy sources. Yet Mexico has the largest wind potential in the world. Oaxaca is a prime example. Approximately 3,800 MW of generation could be developed in the short and medium term. This would create jobs. The Mexican congress is not interested in wind despite the fact that Mexico has become a net importer of hydrocarbons. Politics are working against us. Power companies are also limiting access to their grids. Mexico is well positioned to take advantage of the emissions market created by the Kyoto Agreement.

The moderator opened the floor to questions and comments.

- A JPAC member extended an invitation to those interested in renewable energy to attend a couple of events sponsored by the *Tecnológico of Monterrey* which will take place in late February and mid March 2006.
- Another JPAC member asked how one measures if you are actually displacing fossil fuels. A second question was whether the Netscreen tool has been used by indigenous communities in other countries, and a third question asked if companies are choosing to reduce their greenhouse gas production just for public relations or will it actually save them money? The answer to the first question was, no we do not have clear measures. We use time of new construction as a surrogate. The answer to the second question was yes; indigenous groups in Argentina, Mongolia, and India are using it widely. The answer to the last question was that, yes, in some instances the motive is simply for public relations. In other instances, however, companies have developed targets and goals to reduce dependence on fossil fuel for both conservation and financial reasons.
- A member of the public noted that the main obstacle in Mexico are the laws that protect existing oil and gas producers. He was pleased that there are people questioning this and that lobby groups are forming in support of pursuing renewable energy production. He noted that there are also laws prohibiting the export of renewable energy. The response from the representative of the *Asociación Mexicana de Energía Ecológica* is that they are a group of wind energy developers in Mexico. He further explained that the main obstacle to shifting to wind production is the influence of Mexican utility companies.
- A member of the public asked about land costs for installing wind generators. The reply was that not much land is required. In Oaxaca, they would be placed in a line about 200 meters apart. Other land uses would not be affected since the infrastructure is all placed underground. Today's turbines are very quiet and the technology has been dramatically improved. We have done our environmental impact studies to World Bank standards. Income will be derived from rent to landowners.
- Another panellist mentioned the visual aspect of the turbines. Examples were given from other parts of the world where aesthetics. Citizens are reluctant to have turbines in their communities.

- A member of the public asked if the price is competitive with natural gas. The answer was yes, especially at the current prices. It is more expensive than coal. Some utilities are using wind because it is less expensive.
- In most instances indigenous communities are too remote from power grids, making it impossible to design wind or other systems that could become economically viable. This can only occur where they are close to the grid or to other users in the communities, such as health centers.
- A member of the public asked about immediate impacts of wind energy. The reply was that we might be surprised to see the many positive impacts. We are 25 years behind Europe. In the United States, the greatest potential is on the Great Plains, where there is low population density. Even the visual impact would thus be low. Semarnat is about to publish the standards for electric wind facilities.
- A member of the public noted that access to the grids is the challenge. In British Columbia, the same challenge is faced. Can JPAC or the CEC find ways to get governments to address access to existing grids? This is the greatest stumbling block to developing and delivering green energy. The JPAC chair replied, saying that it would be important to look at this issue.
- Another member of the public asked what factors are considered in site selection. The reply was that wind speed is the main factor. Then the energy can be transported to where it is needed.
- A JPAC member noted that in Quebec there is a movement away from natural gas towards wind energy and energy efficiency. There has been some success in convincing the former and current governments. He asked whether in Mexico or the US there is competition with natural gas projects. One reply was yes, and that Mexico has targeted natural gas as the preferred energy source. It is being stockpiled in LNG plants. In the US, wind is competing with natural gas—this is actually good news.
- A member of JPAC added that the committee organized a renewable energy workshop last year and prepared an Advice to Council. Many of these matters were discussed. Unfortunately, there has been no reply from the Council that would allow us to move forward.

The JPAC chair thanked the panellists and the public for their input.

The second session was entitled “Submissions on Enforcement Matters—Follow up to Factual Records,” moderated by Irene Henriques. The objective was better understanding of the opportunities provided by the submissions process. This process with its international character and its granting of authority to nongovernmental actors is the first of its kind in the world. Participants in the session were party to experiences of individuals who have gone through the process (including the publication of a factual record) and learned about other mechanisms that nongovernmental actors employed to gain access to information about follow-up to factual records and other environmental information.

Panellists were Gustavo Alanís Ortega of the *Centro Mexicano de Derecho Ambiental*, Randy Cristensen of the Sierra Legal Defense Fund, Kimberley Leach from the Office of

the Auditor General of Canada, and John Knox of the Dickinson School of Law. Their presentations are attached in Annex C.

The director of the SEM Unit provided an overview of the submissions process and how the important issue of follow up to factual records is evolving. He expressed his support for JPAC taking up this issue. He noted that Council has committed itself to exploring ways for following matters in factual records over time. Council has also gone on record that any follow-up that any Party wishes to pursue is a domestic matter. Therefore, some Parties have the view that follow-up on factual records may not generally be well-suited to the cooperative program. Some attention has been paid within the academic community to this issue. Submitters themselves have also contributed to this emerging body of knowledge.

Key messages from the presentations and discussions were:

- The reef off Cozumel was declared a protected area and an agreement was reached with the Mexican government to administer this area and work cooperatively. The law was reformed. That was a huge success. The goal reached in the Cozumel case was to protect the area and improve the situation of local people. A trust fund was created to support the management work, train people and create employment. There was no loss in commercial benefits. The Cozumel case also set a standard for future submissions, particularly that legal recourses did not have to be 'exhausted' before filing a petition to the CEC process.
- Lessons learned from Cozumel include the conclusion that there is a conflict of interest inherent in the process, because the Parties are both judge and party to the process. This extends to the decisions involved in voting on the publication of a factual record. Transparency and equity are limited. The Parties, whose performance is reviewed in the process, can comment on draft factual records, but not the submitter. There is also the possibility that a record will not be made public: this is at the discretion of Council. The factual records do not reach conclusions or recommendations and there no penalties are assessed. If the Secretariat recommends the development of a factual record, there is no time limit for Council to take a decision. The submitters just have to wait. Finally, the process is not something that the governments like. This has been obvious to those who follow the Article 14 and 15 process. The process needs amendments.
- JPAC has shown strong leadership and support for the process over the years and should continue to do so. The Article 14/15 process is a valuable tool that is worthwhile to protect and promote. What are its benefits? It sheds light on a government's actions, or lack thereof. Submissions in Canada have been cited by governments for reasons to cancel or modify activities. The submissions also bring people together who otherwise do not speak to each other. It also opens a dialogue with government. Finally, we can get information that we would not easily otherwise have. The primary shortcoming is lack of follow up. We don't see governments taking the information in these records to shift policy or require changes in action by governments of industry. The purpose is to improve

- environmental law enforcement and this is not happening in any apparent way. JPAC might want to consider doing work on follow up.
- In Canada, there is a domestic environmental petitions process managed by the Auditor General of Canada's office under the Commissioner of the Environment and Sustainable Development. This process has a follow-up component. Petition responses can be audited. The process allows the audit of issues that otherwise may not have come to the fore. It also allows Canadians to highlight issues and get information. There is a public record created. The CEC's work on factual records has informed this process.
 - What are the benefits for following up on factual records? How can this be done? There are three advantages: 1) it would increase our knowledge of the effects of factual records; 2) it would have the potential to increase involvement and engagement by the people implicated in the issue arising in the record; and 3) it could give rise to recommendations for concrete improvements either for the problem behind the record or the process itself. There are various approaches: 1) leave it up to the individual governments; 2) leave follow up to environmental groups; or 3) leave it to academics. It is within JPAC's mandate to work on follow up. JPAC, however, is limited by time, money and expertise. Those things can be assisted by the input from other people. This would be consistent with the new JPAC Strategic Plan.

The moderator then opened the floor to comments and questions.

- A member of the public noted that we should learn from the experience of Cozumel and encourage local participation. Submissions have to be made by people with knowledge. We should encourage broader information with the help of the media. This is a good role for JPAC.
- Another member of the public reminded us that the NAAEC is a treaty. It has gaps and needs reform. Governments need to be shamed into responding to the factual records. The director of the SEM Unit suggested that rather than focusing only on shame, the process should be viewed as a tool to assist governments. Another panellist noted that the problem is not with the law; it is with the lack of enforcement. Changes in the NAAEC are not required. The challenge is to raise the level of attention that is given by governments to the problems that gave rise to the factual record. Follow up would be one way to do this.
- A JPAC member supported the notion of JPAC taking on the role of pursuing follow up to factual records.
- In Canada, the domestic petition process could be used to follow up questions from factual records against Canada.
- A member of the public asked about jurisdiction. In Canada, most of the jurisdiction for environmental matters is provincial, not federal. Can a factual record be effective regarding a province? Are there similar difficulties in other countries? The director of the SEM Unit replied that, in Canada, if a province has signed on to the NAAEC then the CEC can accept a submission seeking review of its enforcement. Otherwise, submissions regarding those provinces must relate to

the performance of the federal government. In the United States and Mexico, cases have involved both federal and state governments.

The JPAC chair thanked the panellists and the public for their input.

The third session was entitled “Market-based Drivers for Sustainable Development,” and was moderated by Nelly Correa. Market-based drivers, along with national and regional policies can provide both the incentives and disincentives required for achieving sustainable development in North America. Panellists for this session provided different perspectives for discussions aimed at gaining a better understanding of the contributions and limitations of economic instruments in the context of the North American Agreement on Environmental Cooperation.

Panellists were Jane Gardner, manager and counsel, Remediation Programs, Corporate Environmental Programs for General Electric Company; Howard Mann, Institute for Sustainable Development; and Carlos Muñoz Piña of the *Instituto Nacional de Ecología*. Their presentations are attached in Annex C.

Key messages from the presentations and discussions were:

- Economic drivers include a variety of incentives and disincentives, ranging from tax breaks and credits, building cooperative relationships between industry and communities, to the consequences of not doing the right thing.
- Paying for environmental services can produce very positive environmental results. The cost of deforestation, for example, and paying the opportunity costs to local farmers would be very important. In other cases, subsidies can increase environmental degradation—for example, subsidies for electricity use in irrigation, which give an incentive to use more water and overdraw aquifers.
- Using pricing to achieve environmental goals, for example, by organizing taxes on vehicles could target less efficient vehicles and provide tax breaks for efficient cars.
- As the GDP grows so will the demand for energy. In Mexico City, for example, the only way to manage increase demand is to augment the price and put the burden on the consumer.
- There are individual success stories, but looking at the broader use of market instruments, they are the exception rather than the rule. Emissions trading for managing climate change, for example, has been a colossal failure. Hard caps were missing. Without the regulatory infrastructure, the economic instrument cannot work.
- If you regulate a phase-out of pesticides, for example, you can get rid of 100 percent. Why try to manage a lesser target with economic instruments? Economic instruments only work when there are limited to leading actors with a common objective. The threat of regulatory action must also be present. Economic instruments need to be related to a regulatory framework. They are not alternatives to regulation.

- Investment is the only way to achieve sustainable development. We are not going to reduce consumption and we cannot tell developing countries that they cannot achieve the same standard of living as ourselves. The only way we will convert unsustainable practices in any sector is with new investment in jobs and technologies that are sustainable. Chapter 11 of NAFTA does nothing to direct investment towards sustainable development. It simply provides for investor rights and government obligations. There are no environmental or human rights standards applied. These are the basic ingredients for sustainable development.

The moderator then invited comments from the public on all three sessions.

- Sometimes a combination of regulation and incentives is the best direction. A grey area approach.
- A member of the public noted that the panel presentations were in an intellectual hothouse. The real-world reality for our three countries is that they are democracies. The will of the people is the single most important thing. The needs of businessmen are important, but the public right to live on land that is not contaminated is more important. It might be interesting to reopen NAFTA but at the risk of environmental protections being dropped.
- We need to hold governments responsible for their decisions. We need to expand how parliaments work with agreements such as NAFTA.
- An economic instrument is a means to an end. It is not a goal. That is part of our ideological baggage. The real question is to describe, define and understand our tool kit of responses.
- It would be folly to reopen NAFTA with the current US administration. However in the natural life of NAFTA, amendments should be contemplated.
- Free market systems are powerful and efficient for doing what we ask them to do. Our challenge is to ask them to work towards sustainable development and environmental protection.
- It is very important to ensure that increasing costs as an incentive to reduce consumption is done equitably. Often it is the poor who suffer in these scenarios. The rich can just continue to pay.
- The market does not take into account the real value of natural resources. If the decisions for development are based only on the market, they will be focused at the short term. Subsidies create distortions.

The JPAC chair thanked the panellists and the public for their input.

JPAC Follow-up and Administrative Matters

a) Results of the election of the JPAC chair for 2006

As reported earlier in the meeting, Mr. Carlos Sandoval was elected as JPAC chair for 2006. Mr. Sandoval thanked the members for selecting him and is looking forward to a productive year. He emphasised his interest in increasing the level of public participation.

b) JPAC Strategic Plan 2006–2010

The JPAC chair reminded the meeting that if they had comments on the strategic plan to provide them by 9 December 2005.

c) Next JPAC Meeting in Vancouver

The next JPAC meeting will be held in Vancouver, Canada in conjunction with the GLOBE conference on 29–31 March 2006. JPAC will be organizing the session around the issue of how small and medium-size businesses can meet the challenge of producing or providing environmentally friendly goods and services.

d) Review of Responses to JPAC Letters and Advice to Council

Concerning Advice to Council 04-05, dated 12 December 2004: Building the Renewable Energy Market in North America, the JPAC chair reported that to date no response had been received.

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

Prepared by Lorraine Brooke

Approved by JPAC members
26 January 2006



Commission for Environmental Cooperation of North America

**Regular Session of the Joint Public Advisory Committee 05-04
Roundtables on Assessing the Environmental Effects of Trade in North America**

November 29, 2005

**Hotel Delta Centre-Ville
777 rue University
Montréal, Quebec**

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The JPAC Public Meeting is organized in conjunction with the Third North American Symposium on Assessing the Environmental Effects of Trade: Investment, Growth and the Environment to be held on November 30 – December 1, in the same location. The purpose of the JPAC Meeting will be to engage in a discussion with different stakeholders, on the effects that liberalized trade has had on the environment in North America.

Draft Provisional Agenda

Meeting room: Regence A

Tuesday November 29, 2005

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| 8:00 – 9:00 | Registration of Participants |
| 9:00 – 9:10 | Welcome and opening remarks by the JPAC Chair, Jane Gardner
a) Approval of the Provisional Agenda |
| 9:10 – 9:30 | Report from the National and Governmental Advisory Committee Representatives |
| 9:30 – 9:50 | Report from the CEC Secretariat by the Executive Director, William V. Kennedy |
| 9:50 – 10:10 | Presentation on the CEC Strategic Plan - Environment, Economy and Trade, by the Head of the Program, Chantal Line Carpentier, and brief introduction of the Symposium |
| 10:10 -11:10 | Session # 1: Environmental Stewardship of Procurement Policies – <u>Renewable Energy</u> – Moderated by Dinker Desai, JPAC Member for the US |

Objective: *Procurement policies towards green purchasing have become increasingly important in creating markets for environmental products and services. In the specific case of renewable energy; consumers currently have access to a broad range of alternatives to conventional power sources. During this session the panelists will provide the audience with specific examples of how environmental stewardship of such policies is contributing and promoting to increase the use of renewable energy in North America.*

Panelists:

- **Scott McDougall** – Terra Choice
- **Eduardo Rincón** – Universidad Autónoma de la Ciudad de México
- **Shaunna Morgan** – CIER
- **Ron Alward** – RETScreen International
- **Lars Kvale** – Center for Resource Solutions
- **Carlos Gottfried** – Asociación Mexicana de Energía Ecológica

11:10 – 11:30

Question and Answer Period

11:30 – 12:30

Session # 2: Submissions on Enforcement Matters – Follow up to factual records – Moderated by Irene Henriques, JPAC Member for Canada

Objective: *The submission process of North America's Commission for Environmental Cooperation, with its international character and its granting of authority to non-governmental actors to initiate the process, is the first of its kind in the world. In this session, you will be party to experiences of individuals who have gone through the process (including the publication of a factual record) and learn about other mechanisms that non-government actors can employ to gain access to information about follow-up to factual records and other environmental information*

- Brief introduction to the discussion by the CEC SEM Unit Director, **Geoff Garver**

Panelists:

- **Gustavo Alanis Ortega** – Centro Mexicano de Derecho Ambiental

- **Randy Christensen** – Sierra Legal
- **Kimberly Leach** – Office of the Auditor General of Canada
- **John Knox** - Dickinson School of Law

12:30 – 12:50 Question and Answer Period

12:50 – 13:50 Lunch [provided - will be served in room Regence B]

13:50 – 14:50 **Session # 3: Market-based Drivers for Sustainable Development** – Moderated by Nelly Correa, JPAC Member for Mexico

Objective: *Market based drivers, along with national and regional policies can provide both the incentives and disincentives required for achieving sustainable development in North America. Panelists for this session will provide different perspectives to assist us in our discussions towards gaining a better understanding of the contributions and limitations of economic instruments in the context of the North American Agreement on Environmental Cooperation.*

Panelists:

- **Howard Mann** – Institute for Sustainable Development
- **Carlos Muñoz Piña** – Instituto Nacional de Ecología
- **Helen Sahi** – Bank of America

14:50 – 15:10 Question and Answer Period

15:10 – 16:00 Summary and discussion on each of the roundtables on behalf of JPAC Members

16:00 – 17:00 JPAC Follow-up and Administrative Matters

- a) Results of the election of the new Chair for 2006
- b) The JPAC Strategic Plan 2006-2010 – Review of comments received to date on the Draft for Public Comment
- c) CEC Budget Situation
- d) Next JPAC Meeting in Vancouver
- e) Discussion of 2006 JPAC Priorities and other Meetings
- f) JPAC Working Groups: Member appointment and rotation
- g) Review responses to JPAC letters and Advice to Council

17:00 – 17:30 Observer’s comments

17:30 End of the Session



Commission for Environmental Cooperation of North America

Regular Session of the Joint Public Advisory Committee 05-04: Roundtables on Assessing the Environmental Effects of Trade in North America

November 29, 2005

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**Joint Public Advisory Committee Meetings 05-04
Roundtables on Assessing the Environmental Effects of Trade in North America**

November 29, 2005

Links to access the panel presentations

Case Study of a Program to Promote the Use of Renewable Energy in Indigenous and Northern Canada

http://www.ccc.org/pubs_docs/documents/index.cfm?varlan=english&ID=1926

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http://www.ccc.org/files/pdf/JPAC/Pres-29Nov05-McDougall_en.pdf

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http://www.ccc.org/files/pdf/JPAC/Pres-29Nov05-Leach_en.pdf

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Wind Energy in Mexico. Private Sector Participation

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