



**COMMISSION FOR ENVIRONMENTAL COOPERATION OF NORTH  
AMERICA**

**Joint Public Advisory Committee Session No. 04-03**

**27 and 29 October 2004  
Montreal, Canada**

**Summary Record<sup>1</sup>**

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a regular session on 27 and 29 October in Montreal, Canada in conjunction with the CEC Meeting on Building the Renewable Energy Market.

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's office or through CEC's web site at <<http://www.cec.org>>.

**Welcome and Opening Remarks by the JPAC Chair**

The JPAC Chair welcomed all participants. She provided some background information on JPAC for those members of the public who might not be familiar with the committee.

She noted that several JPAC members advised they would be unable to attend: Jane Gardner and Gordon Lambert. Ann Bourget would be arriving later in the day.

She then welcomed the three new Mexican members: Carlos Rincón Valdéz, Héctor Javier Sepúlveda and Eduardo Rincón Mejía. These members were recently appointed to replace Laura Silvan, Mindahi Bastida-Muñoz and Gustavo Alanís Ortega. She noted that Mindahi Bastida-Muñoz was attending the meeting as a member of the public. Though he was unable to attend this meeting, the JPAC Chair formally welcomed Gordon Lambert, a new member from Canada.

She then informed the meeting that Manon Pepin the JPAC Liaison Officer for the past 10 years had left the CEC and that, as the 'backbone' of JPAC, she would be greatly

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<sup>1</sup> **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. Please also note that there were some difficulties with the translation equipment and some portions of the interventions may have been missed.

missed. The position has been posted and, in the interim, would be filled, on a part time basis, by Carla Sbert.

Plaques to the outgoing Mexican members were then presented (Mindahi Bastida was actually attending the meeting and received his plaque at this time), and to those Canadian members whose term would end on December 31st: Merrell-Ann Phare, Donna Tingley and Ann Bourget.

### **Approval of the Provisional Agenda**

The agenda was approved without changes.

### **Presentation on setting new directions for the CEC by the Alternate Representatives**

The JPAC Chair introduced the Alternate Representatives and explained their role in the CEC, noting that this was only the second time in the past 10 years that they have come to meet with JPAC in public. She also explained that the JPAC Chair, however, attends all meetings of the Alternate Representatives.

The Canadian Alternate Representative, as chair for 2004-2005, made the presentation. She joined in thanking the departing JPAC members. It is a big demand on an individual's time and the Parties appreciate their dedication. Regarding the Canadian members, she reassured JPAC that replacements are being considered.

She then continued to provide a status report on the thinking and work towards fulfilling the new directions contained in the Puebla Declaration: information for decision-making, capacity building, trade and environment including Article 10(6). She also noted that the specific obligations of the NAAEC, such as the citizen's submission process, will remain central to the mandate of the CEC.

She explained that each of the new themes was very broad, so the Alternate Representatives have been focusing over the past few months on developing a clear understanding of what is to be achieved over the long term in these three areas; what can be done in the next 3-5 years; and what projects need to be undertaken to get to that endpoint. This exercise has allowed the Alternative Representatives to develop goals, objectives and activities. The time was now opportune to get feedback from JPAC and the public.

Using a power point presentation (available to the public) she proceeded to make a presentation of each of the three new themes. She then explained that the purpose is not to "turn the page on everything the CEC is doing" but rather to focus in on the cooperative aspect of the program. As new activities are phased in, the existing activities will be phased out as appropriate. Actually, she pointed out, many of the existing projects are consistent with the three new priority areas. The objective is to reinforce the strategic objectives.

The Mexican Alternate Representative added that part of the work in the days to follow will be to develop a communication strategy for the CEC's work being an important component of the new Strategic Plan to increase awareness of the CEC at the local, regional and national level.

The US Alternate Representative emphasized the importance of public involvement and transparency, noting their attempts to launch this new program in a transparent manner; working hand and hand with stakeholders towards a common vision.

The JPAC Chair then asked the Alternate Representatives for their view on what would be most helpful from JPAC and the public at this stage.

The Alternate Representatives replied that it would be particularly useful to hear from the public and JPAC on the following:

- Are there areas linked to trade that might fall outside the three pillars?
- Within the limited budget, how best to move from the existing work program to the new? What fits and what does not?
- Input for the communication strategy – what are the important issues for society?
- What are your priorities – what absolutely needs to be done?

The JPAC Chair then opened the floor to comments from JPAC and the public. These included:

- It is not just the Operational Plan that needs reforming – the relationship between the Council, JPAC and the Secretariat needs strengthening and improvement. This was clearly highlighted in the TRAC report.
- It is not the job of the CEC to increase the capacity of governments. You already have capacity. The CEC should be an instrument to reach out and build capacity with small business, NGOs, academia and civil society. The governments' role is to add value to the work of the CEC – not the other way around.
- It is inappropriate to focus capacity building in Mexico only. In the US we are not there either. Look at capacity of indigenous peoples for environmental decision-making and border issues.
- Today, you will only receive preliminary input. You need more significant outreach. Use 2005 as a pilot test. Need leadership from the Executive Director.
- Focus work on shared resources like water and air. This is our *raison d'être*.
- Where are indigenous peoples in these three pillars?
- We need improved relations between Semarnat and the Mexican NGOs. For example, there are many difficult issues surfacing around the development of natural gas in Baja. We need to communicate.
- What has happened to the Article 13 report on maize? We all worked hard on it. The public believes that governments are not respecting their commitments. We have the report, but via a so-called leak. It should not be this way.

- Taking Stock is a key program and it should be maintained. It is a good example of the power of communicating information among our three countries.
- Indigenous peoples' issues and rights are glaringly absent. This is truly a North American issue. These are the people who have suffered much of the effects of the so-called development of North America.
- What is going on with Article 10(6)? We don't get any information.
- The TRAC report contained clear recommendations to reduce tensions in the Articles 14 and processes15 process – will these be acted on as part of the strategic planning process?

The Alternate Representatives provided further information:

- It is agreed that communicating with the public is a key priority and that there be a focus on indigenous peoples, small business and the private sector.
- Mexico has specific needs while at the same time Canada and the US have their own challenges.
- We are all natural gas producing countries. We need to work together to ensure that environmental benefits are maximized.
- This week Mexico will release an environmental impact report on fishing in the Gulf of Mexico and I think you will find good news in it.
- The capacity building theme is an opportunity through the CEC to develop a comprehensive plan linked to trade and environment and pollutants and health and to encourage other institutions to contribute.
- Yes, the borders are important – and there is a lot of work going on there - much more than say for the region of Chiapas. We need to take the framework and apply it elsewhere.
- Regarding indigenous peoples - there is a capacity building component and we need to make sure they are included.
- As we flesh out specific areas that we think are most important in the trade and environment program, to the extent that there are indigenous peoples issues involved, we will look to JPAC to help us make those connections.
- Regarding information management technology – the goal is to develop a framework for local, state and national and other sectors, so that information is available and compatible.
- I agree with the concept that this is a pilot year within an evolving process.
- We continue to look to the advice of JPAC regarding indigenous peoples. What is the niche for the CEC? How can we support existing processes (e.g. self government in Canada) through capacity building?
- Through Article 10(6) we are trying to build a relationship with the Free Trade Commission.
- We have not lost sight of the TRAC recommendations regarding Article 14 and 15 – we are not 'taking our eye off the ball' – this is an important obligation in the NAAEC.

### **Report from the National and Governmental Advisory Committee representatives**

The US NAC representative briefly reviewed some of the issues from their last meeting. They are particularly encouraged by the change of direction – the coming together of the trade and environment agendas. In the past, the CEC acted as a conveyor belt. Now it is a triangle with trade and environment at the apex with information for decision-making and capacity building feeding the top. Planning should be done in this context. The apex has a different character than the other two pillars. Without actual documents to review, it is premature and difficult for the US NAC to contribute. An important consideration will be to make end points clear. One mechanism is to build partnerships where work can be handed off. The US NAC will also be advising on how to bring industry and academia into the CEC. Until we have a more fully developed Strategic Plan, we cannot comment on evaluation - though this is very important. Finally, she noted the importance of releasing the Article 13 report on maize.

The Chair of the US GAC commended the commitment to improve the process - do the things we have been talking about for a long time. He acknowledged how difficult it is to make transitions and keep the programs going at the same time. At their last meeting, the US GAC focused on how to increase private and public sector participation in the work of the CEC. Our advice is to spend more time developing the 5-year strategy and then make sure that objectives and activities fit. He noted with appreciation the participation of the Director of Programs at their last meeting. With regard to the three pillars, the committee supports them. The Strategic Plan should also address issues at the core of the trade and environment nexus such as: promotion of clean fuels, assessing the environmental effects of power plants, water management, and hazardous waste management, treatment, storage and disposal. Under capacity building, the committee recommends that the CEC's Operational Plan for 2005 include a comprehensive review of available information for achieving the capacity building strategy. They further recommended that the US support creating a capacity building model project on the US-Mexican border. Regarding information for decision-making, the standardization of environmental data throughout North America is a worthwhile goal. The CEC should build on its Annual Reports and State of the Environment reporting.

The US GAC supports including the private sector, NGOs, academia and other institutions and entities into the development of the three pillars. Furthermore, at the request of EPA, the Committee would be interested in hosting a meeting with representatives from the public and private sectors to develop a framework and identify partners for developing a capacity building strategy for the CEC. We realize this requires prior funding approval and considerable planning.

The Chair of the Canadian NAC reiterated the committee's appreciation for the work JPAC has done over the past 10 years to engage the public. He noted his enthusiasm for the upcoming workshop on renewable energy markets as a subject of great interest. He reported that following the Puebla meeting, the committee developed an advice supporting the TRAC report and urging implementation of most of the recommendations. The advice also urges the Canadian government to more actively pursue the involvement of other provinces and territories. Regarding future directions, the committee will produce an advice in November. In their meeting (at the same time as this meeting), the

committee identified a focus on trade, finance and the environment, and to prepare for the Council session in June in Quebec City. Finally, as a father and politician, he commented on the work of Dr. Buka and the Expert Advisory Board on Children's Health and the Environment stating that "if there was only one program of the CEC it should be the Children's Health and Environment Program. I strongly believe that if we could tackle this - we would get the other things right."

### **Discussion on new directions for the CEC**

The JPAC Chair reminded the public that ultimately this information will lead to a JPAC Advice to Council on the three pillars. She informed the public that JPAC would be meeting in-camera with the Alternate Representatives later in the day and would be making a preliminary report on this discussion. She then opened the floor for comments.

#### **1. Information for decision-making**

Comments from the public and JPAC members:

- We need real time data and information. Often environmental information is outdated.
- Information should be made available to the non-specialized public in an understandable format.
- For the record, I feel it necessary to express my concern that the traditional knowledge of indigenous peoples is not included. I fear that the way the Goal is written it may expressly exclude this vast knowledge base. The same emphasis on gathering and using scientific knowledge should be given to traditional knowledge.
- I struggle with understanding the broader framework of the strategic plan. I look at each goal and I can't tell at the end of the 5 years how we would know what we have achieved. We have no evaluation method or tools. The criteria for analysis should have been done at the beginning.
- The level of detail seems excellent to me, because it takes into account both the design of information systems and their maintenance, and the means of communication to those that may use it for decision-making.
- It is important to recognize the double role of academia, which is at the same time producer and user of information. Questions arise such as will the CEC become an information centre? Will it collect or integrate existing information? Will information gaps be identified? Will the CEC act as integrator and administrator of the information to make it available to the users that need it for decision-making?
- Information has to be fact-based and scientifically sound. We see decisions being made on suppositions. Other information is important, but in the end we need to rely on hard facts.
- Information is required from all sectors. All sectors should be clearly invited to participate and contribute.

- Our organization is devoted to environmental information. Good to hear that capacity building is being considered. Environmental information is part of this. I would recommend that we create an interdisciplinary group for capacity building from within our three countries. That way we would be on the same wavelength. There may be differing needs in each country, however, our overall objectives are similar. We should begin to work with electronic media. Use information that already exists and create data banks accessible to everyone.
- It is absolutely essential to bring in the knowledge of indigenous people and also include community-based knowledge. Our experience is that when research is done with community groups, people come in and leave without ever sharing the information. Communities need to become partners in providing and using information.
- I have serious concerns with Priority 1. I don't understand it. I don't know what 'effective' means - what does 'facilitate' mean - is it for people - is it for governments only? It is often communities that have the knowledge of what is going on. Science is only one form of knowledge. Information is only one piece of the decision making puzzle. Where is the precautionary principle, for example?
- Capacity building in the CEC is being eroded - NAFEC was eliminated. So what does all this mean?
- Of course we need information for decision-making. But the question is what kind? Has to be to and from all levels of society and governments. My concern is that what gets to the public is not always understandable and they do not have opportunities to influence decision-making.
- In this dark time for the environment in the US, an important role for JPAC is to keep the Alternate Representatives' 'feet to the fire'. The work of the CEC must lead to results – not just talking points. It is the role of JPAC to continuously ask – what is being accomplished? Need to create a test – how does process result in forward movement towards environmental good?
- JPAC is acting as a 'conscience' - What are the sources of information. Need to be confident about reliability of information. How can that be achieved? Using the maize report as an example - what happens to the information and the results of our hard work. Is it being manipulated? Will we ever see the product? There is no transparency and disclosure. Hard to feel confident when this is going on at the same time we are looking at providing advice on appropriate information for decision-making.

## **2. Capacity building**

Comments from the public and JPAC members:

- Use what we have learned on the US/Mexican border and apply to other borders – such as with Guatemala. Mexico should not be just a recipient of capacity building. Mexico has much to offer, for example in the area of protecting biodiversity.
- This should not be just about capacity building for governments.

- The terminology in the goals and objectives is troublesome. What does ‘gradually strengthen’ mean? What is the ultimate goal of strengthening? How will we know when we get there if it is not defined in advance?
- What is meant by ‘specific geographic area’? Is this a code word? We are supposed to be dealing with issues of common concern across North America.
- The focus on civil society in the Goal is not carried over into the Objectives.
- One point is the focus on Mexico. Each of the countries has strengths and challenges. In the US, we have problems with enforcement of environmental regulations. We all need capacity building and we can all learn from each other.
- There should be a link between the information priority and capacity building in the area of including indigenous and community groups. Indigenous communities can identify target areas to help define priorities for capacity building.
- Since NAFEC has been disbanded, I would like to propose a core network of community groups in our three countries to stimulate capacity building that could then branch out and partner with other stakeholders.
- I don’t understand what the 2nd proposed objective means. Just words. Does it mean to enhance training capacity? We just don't know what the words mean. Too blurry to comment on.
- A gap in our work is that engineers working today never learned about climate change and don’t take into account storm surge or sea level rise. Work with educational institutions currently training engineers to consider the climate change component. We still have consultants in New Brunswick telling us that these issues are not relevant in our area.
- Suggest that the CEC use past experiences of universities working with communities. We have successes in the border regions. Also - include the wider community, including academia, private sector, indigenous peoples, local NGOs, etc. Then the CEC needs to look at how to measure effectiveness of community participation. How do you know when you are doing it right and well?
- The CEC should reach out to organizations doing related research. An example was given of a collaborative group of university scientists and academics in the northeastern US doing research on climate change and land use (Consortium for Atlantic Regional Assessment). This has to do with capacity building. CEC should reach out to organizations like this one. We have reached out to the CEC with little success. JPAC should push for this.
- Has to be practical - how will you know when you have reached your objectives? Without NAFEC, how will community groups be engaged? NAFEC was a terrific tool for capacity building. Now having to recreate a new structure.

### **3. Trade and Environment including Article 10(6) of the NAAEC**

Comments from the public and JPAC members:

- What does trade and environment capture (development, growth and conservation)? In the border regions infrastructure is required in the area, for example, of renewable energy. We need to define specific actions for competitive clean energy and fuel production.



- Energy is crucial for our three countries. We should also stress the fact that environmental aspects not be used to impede free trade. We have to protect the environment but not use as an obstacle to free trade.
- Environmental impact studies need to be included. Tourism development, for example, is not necessarily 'green' development.
- Include environmental goods and services / ecological services such as carbon trading. In the area of eco-tourism, this will help to better understand local benefits and impacts.
- Biodiversity is not something to be 'used' - we should be trying to maintain and sustain it.
- Labour is missing from the Goal. People from the communities suffer a double impact: First in their work environment and then in the communities where they live. Environmental health and social impacts should also be considered here.
- Promote carbon trading systems.
- Tourism development should be promoted as sustainable development. This can build capacity when done appropriately. Include communities so they are not crushed by tourism development.
- Proposed Goal - how can you get mutual benefits with these objectives? Should be emphasising effected communities. Otherwise, how can you measure benefits? Also agree that labour should be involved. Proposed Objective 1 should be broken down. Investigate the use of market-based approaches. Give examples of what this means. Analyze the impact of removing trade barriers. Intention is there but the words demonstrate a biased direction.
- How to involve public discussion and dialogue. There is no public dialogue in the FTC.
- What is meant by 'the economy'? There are many economies. Valuing different economies. You will get different results depending on your focus.

### **Presentation from the CEC Expert Advisory Board on Children's Health and the Environment**

The JPAC Chair invited Dr. Irena Buka, Chair of the Expert Advisory Board on Children's Health and the Environment to make a presentation. She informed the meeting that the mandate of the Board had terminated in September and that since JPAC was so supportive of the children's health and the environment work in the CEC, it was important to be briefed on the status of this work. She also noted that the Board had provided a detailed advice to the Council which is available on the CEC website at [www.cec.org](http://www.cec.org).

Dr. Buka reported on the activities conducted under the CEC's Cooperative Agenda for Children's Health and the Environment, including those of the Expert Advisory Board. The Board has been directly involved in several of the projects, particularly child health and environment indicators, asthma surveillance, asthma economic valuation, risk assessment methodologies to take into account children's vulnerabilities and lead in consumer products. Further activities included work on improving health care professionals training in children's health and the environment, work on the Special

Report on Toxics and Children's Health as part of the Taking Stock series, involvement in the Sound Management of Chemicals program and input into the work being done by the Air Quality Working Group and the Biennial Review of the Cooperative Agenda.

She noted that it has been the vision of the Board to highlight children's health as an endpoint in decisions and this vision has been addressed by bringing more attention and focus to children's health and by offering constructive advice to Council.

She went on to present a very thorough overview of emerging challenges in the area of children's health and the environment in North America and made compelling arguments for a continuing role for the CEC and an expert advisory board to oversee the work. She then reviewed the contents of the Board's Advice to Council 04-02: Continuing the work on children's health and the environment within the Commission for Environmental Cooperation, dated 29 September 2004 and letter dated 30 September 2004.

She concluded by stating: "The future of our planet and our world rests in the health of our children. We need the courage to carry out the actions that are necessary to protect them."

Comments/questions from JPAC members and the public:

- What is the most important risk for children today? Response - it depends on where you live. Have to look beyond individual toxins from a North American perspective. Air quality is a good example.
- The bottom line question is - what are we improving and are we improving the health of the population? The speaker was referring to the CEC's study on air quality in Juarez/El Paso. Response - threshold limits are deceiving. Essentially the higher the pollution the more individuals are affected, but even at lower limits people are affected.
- Under two of the CEC's new priorities - capacity building and trade and environment - what would be the key needs for children's environmental health? Response - a major capacity issue is healthcare professionals training and research. There is the most significant area where change can be effected. Training front line workers to educate parents and children can have huge results. Regarding trade and environment, we need to develop a policy platform to support continuous monitoring. Without systematically monitoring body burdens and following them in a cohort fashion, we will not advance our knowledge.
- Is there a significant difference among countries in how they collect data - coherence? Response - yes and this is another area where the new CEC's priorities fit with a children's health program by promoting the compatibility of data and information.
- I am a mother and environmental lawyer. I do the one because of the other so I very much appreciate your presentation.

**Discussion on a potential advice to Council on the new directions for the CEC**

The JPAC Chair suggested that since there had been so many points raised during the discussion with the public that this item be postponed to later in the meeting, giving the members time to digest the material. The members agreed. (see below)

### **Discussion on inherent conflict of interest built into the NAAEC.**

The JPAC Chair asked an Article 14 and 15 JPAC working group member to present this issue for JPAC and the public. The member explained that as agreed by JPAC a consultant was engaged to explore the issue. This issue has been arising in connection with NAAEC Articles 14 and 15 and has been brought up repeatedly by the public and JPAC as a potential source of tension. Various CEC sponsored reports, particularly the recent report from the Ten-year Review and Assessment Committee and the JPAC Lessons Learned report on Articles 14 and 15 have raised this issue. JPAC felt it was important to look forward and perform an analysis of the NAAEC itself and identify where conflict of interest may exist and at an administrative level, identify what might be done to minimize the effect of this conflict within the existing CEC structures. For the benefit of the other JAPC members, she then reviewed the main findings of the report.

JPAC agreed on the following steps:

- Discuss the issue later today in the in-camera sessions with the Alternate Representatives and provide them with a courtesy copy.
- Launch a 30-day public review period through the CEC's call for public comments process.
- If considered necessary, develop an Advice to Council with recommendations.

It was also agreed that these steps be overseen by the JPAC Working Group on Articles 14 and 15 and there would be an attempt to conclude by the end of December 2004, prior to the departure of the Canadian JPAC members who are most familiar with this issue (Merrell-Ann Phare and Donna Tingley).

### **Discussion on 2005 JPAC priorities and meetings**

As this is the last JPAC meeting for 2004, the JPAC Chair reminded the meeting that it is necessary to set priorities for 2005 so they can be built into the next CEC Operational Plan. During JPAC's last session in Puebla, some suggestions were discussed.

1. Involving the private sector in CEC activities including environmental technologies
2. Options to increase funding for the CEC
3. Third North American Symposium on Assessing the Environmental Effects of Trade (scheduled for the fall of 2005)
4. Indigenous peoples' participation in the work of the CEC.

She also noted that JPAC had alerted Council that further thought would be given to the matter of reforms to the NAAEC and that JPAC would discuss the pros and cons of holding a workshop on this subject.

JPAC currently has a budget for three meetings a year. The 2005 Council session is scheduled for Quebec City, Canada, during the week of June 20th. Typically, JPAC has a meeting in the spring, one in June and one in the fall. Given the requirement to rotate meetings among the three countries, the spring 2005 meeting should be in Mexico or the United States. JPAC may also choose to schedule a JPAC meeting around the Third Trade and Environment Symposium in the fall. The location of this symposium is not known at this time, but it too may be in Canada.

It was agreed that the new JPAC Chair for 2005 and the Secretariat would develop the program around these four priorities.

Note: may need to consider the recommendations contained in the Maize report and discuss potential advice.

The Canadian JPAC member from Quebec City expressed her hope that past JPAC members would be able to attend the June 2005 Council meeting in her city.

**Action: JPAC Chair, Secretariat**

### **JPAC follow up**

#### **a) Review responses to JPAC Advice and letters**

The JPAC Chair informed the meeting that there has been no response from Council on outstanding advice and letters, namely:

- Advice 03-04: The environmentally sound management and tracking of hazardous wastes and hazardous recyclable materials, dated 18 November 2003
- Letter on the maize and biodiversity symposium of the CEC, dated 13 April 2004
- Advice 04-01: Securing the long term involvement of indigenous peoples, dated 10 September 2004
- Advice 04-02: Future directions for the NAAEC, dated 11 August 2004
- Advice 04-03: Review and operation of Council resolution 00-09, dated 22 August 2004

A JPAC member noted her disappointment, that despite Advice 04-01 regarding indigenous peoples, the Mexican government recently chose to remove an indigenous JPAC member. The JPAC Chair agreed to raise this with the Alternate Representatives during the in-camera session later in the day.

**Action: JPAC Chair**

**b) Review of the JPAC communication plan**

The JPAC Chair reported that JPAC is on track with the implementation of its communication plan. She reminded two members of outstanding articles to be prepared and noted that the Communications Department of the Secretariat had offered to provide assistance in making these articles topical.

She encouraged the new JPAC members to participate in contributing to the communication plan for 2005 with the objective of increasing the profile of the CEC and the visibility of JPAC.

A member further suggested that journalists be invited to attend JPAC sessions. This is an inexpensive way of increasing the exposure of JPAC.

**Action: JPAC members, Secretariat**

For the record, the JPAC Chair reports that the meeting has lost quorum. Quorum is three members from each country to make decisions and two members from the US, of four that were present, left the session earlier than expected.

**Report from the CEC Secretariat by the Executive Director of the CEC**

The JPAC Chair introduced the Executive Director of the CEC who presented a report on activities since the June 2004 Council meeting. Highlights are:

- Program development to prepare the 2005-2007 Operational Plan around the three new priority areas of work as well as mapping current program activities.
- Publishing of the CEC's tenth factual record – Molymex II.
- Work on the development of a NARAP for lindane. Mexico has announced its intention to develop and implement a program leading to the phase out of all uses of lindane.
- Call for papers examining trade and environment issues related to investment and growth in North America for the third North American Symposium on Assessing the Environmental Effects of Trade to be held in the fall of 2005.
- Reviving an MOU signed between the CEC and the Canadian Council for International Business, CONCAMIN and the US Council for International Business to seek their support for closer work with their Mexican colleagues to support projects that would support the priorities identified in the Puebla Declaration.
- Community based conservation initiative for sea turtles in the resort town of Ixtapa-Zihuatanejo and a resulting video.

He then explained the changes stimulated by the Puebla Declaration and the planning process. The Secretariat is working intensively to prepare materials for the monthly meetings of the Alternate Representatives. Draft plans for each priority area now exist, setting out objectives in each area. The next meeting of the Alternate Representatives is

on 6-7 December in Mexico City to review the full draft strategic plan and templates for project descriptions as well as a first effort to identify costs.

The video on the sea turtle project was shown.

The JPAC Chair then opened the floor to comments from JPAC:

- We have diminishing capacity to engage the public. The JPAC budget was reduced allowing for only three meetings this year. Our budget should be re-established to allow for at least an additional meeting. One of our jobs is to help the ministers communicate with the public.
- We are looking at ways to engage the private sector as requested by Council, however, we need to work closely with you to ensure we are not duplicating efforts.
- With NAFEC we had the opportunity to make things like the sea turtle project happen with local communities – I regret that this opportunity no longer exists.

The JPAC Chair then provided an overview of discussions at the meeting of the Alternate Representatives that she was attending during the workshop on renewable resources:

- Working towards a release of the maize report as soon as possible. (released on 8 November)
- There probably will be two special symposiums next year and JPAC has been asked to participate. The first will be in June during the Council session on information for decision-making. The second is on capacity building and needs assessment in Mexico. JPAC may be asked to be involved in both symposia. The JPAC Chair noted that this could fit with JPAC's priority to work on issues related to indigenous peoples and capacity building.

A JPAC member noted that the JPAC Advice to Council 04-01 on indigenous peoples is still outstanding. One of the elements of the advice was the establishment of a full time staff member in the secretariat. "If the response is positive and is staffed in 2005 - I personally thought one of the next important activities would be to have a unique symposium in 2006 with indigenous peoples to elaborate their role in the CEC." He further suggested that it be held in an indigenous community.

### **Discussion on a potential Advice to Council on furthering renewable energy in North America**

The JPAC Chair asked the Renewable Energy Working Group members to begin the discussion and reminded the meeting that comments should focus on a role for the CEC in this important area of work.

The Working Group members offered the following comments:

- Build up a database for the different forms of energy; identify gaps and fill the gaps. Basis for an operational plan.
- Accelerate work on the question of life cycle costs of each energy source.
- Work on the development of financing mechanisms for small projects - local communities. There was a proposal from the Monterrey meeting to create a North American fund resourced by large energy producers from a percentage of their projects.
- Need to develop markets for renewable energy. This is a policy issue. Need targets and timeframes. Governments (consumption by government) could take the lead. Need political will.
- Avoid duplication of work with other institutions and between countries.
- Research on technology for specific Mexican conditions, e.g., equipment developed in Germany cannot stand up to winds in Mexico).
- Our recommendations should be punctual. Recognize the real costs of each of the renewable energy sources and internalize cost of fossil fuel.
- Before promoting an increase in renewables, we should be focusing on conservation. An overall reduction in consumption is required – not just a transfer.
- Explore transforming hazardous waste that can be used as fuel.
- Standardize information tools. A good example is the Wind Atlas
- Identify barriers to capacity building.
- Mandatory targets are required if we wish to have an efficient and effective program in a timely manner. This will motivate governments and consumers. Mandatory targets can then promote marketing incentives.
- Establish partnerships with industry. (The presentation from IBM Corporation in Mexico was used as an example)

It was suggested that the Advice be structured around the three pillars. It was agreed that the working group would have a conference call in the near future to provide content for the Advice which would then be circulated by e-mail.

For the record the JPAC Chair abstained from the discussion and preparation of the Advice as her organization is in the process of working on recommendations for renewable resources.

**Action: JPAC Working Group, Secretariat, Council**

**Discussion on a potential Advice to Council on new directions for the CEC  
(continued)**

It was agreed that that the JPAC consultant would prepare a first draft based on the discussions from the previous day and include support for continuing the Children's Health and Environment Program. The draft would be sent to the Working Groups on information, capacity building and trade and environment then to JPAC for approval. It was also agreed that this be done quickly in order to have Advice on record for the planning process.

**Action: JPAC Working Groups, Secretariat, Council**

At this point, a member raised a concern about the decision taken and reported to the Alternate Representatives on issuing a call for public comments on the matter of conflict of interest. The member was reminded that this item was thoroughly discussed prior to the meeting with the Alternate Representatives and the process agreed to, including the decision to provide a courtesy copy of the paper that will form the basis for the call for comments.

**JPAC follow up, continued**

**c) JPAC working groups: member appointments and rotation**

The JPAC Chair informed the meeting that a letter had been sent to Canada reminding the Minister that the terms of three Canadian members (Merrell-Ann Phare, Ann Bourget and Donna Tingley) are complete on 31 December 2004. She noted that the Canadian Alternate Representative has advised that they are working to fill those vacancies in early 2005.

New working group members are:

Articles 14 and 15	Carlos Rincón Valdéz
Renewable Energy	Eduardo Rincón Mejía
New Directions	Héctor Javier Sepúlveda
Article 10(6)	Carlos Sandoval
Indigenous Peoples/Capacity Building	Carlos Rincón Valdéz
Information for Decision Making	Nelly Correa Sandoval
Transboundary Environmental Impact Assessment	Carlos Rincón Valdéz

It was agreed that Ann Bourget would attend a CEC meeting organized by the Law and Policy Program in Quebec City on November 30-December 1. If budget permits, a Mexican member will also attend and Merrell-Ann Phare.

**d) Information on the election of the JPAC Chair for 2005**

The JPAC Chair explained that JPAC elects its Chair on a rotating basis among the three countries at the end of each calendar year. This year the Chair will be elected from among the US members with all members voting. Voting, by secret ballot, will take place during November. At the end of the voting period, JPAC members and the Council will be informed via a letter from the current JPAC Chair of the person who has been elected. The new Chair will take office on 1 January 2005.

Being her last public meeting for her term, the JPAC Chair said her farewells as a member from Canada after 6 years of service on JPAC.



**Action: JPAC Members****Observers' comments**

- Regarding the consultant's report on conflict of interest. I think you need to get rid of the idea of 'conflict of interest' - you mean effectiveness of Council when representing the CEC. In the US, conflict of interest for a member of the government can be criminal.
- The MOU that the Executive Director mentioned concerning the private sector was actually negotiated by JPAC. Past members of JPAC were on the Board of Directors. Was very useful. Could be used in the area of renewable energy.
- I value JPAC enormously. Members should be remunerated. I fear for the whole process. Last week there was a meeting in Toronto to revamp NAFTA - and you can bet they were not trying to improve the environmental aspects. Need to be forever vigilant. Endorse the comments on children's health. Unthinkable that it would be allowed to flounder. Also ask JPAC to think about additional ways for communicating. 100 people registered for the renewable energy conference. Maintain a permanent link. There used to be a brief one-pager about each JPAC meeting. Renew this. North America needs a constituency. Sorry to see so many of you leave all at once. Evolution, not revolution is what is needed.
- Suggest to JPAC that capacity building for juridical authorities in Mexico is important. Also, the conflict of interest document is important. If Greenpeace put the maize report in the papers it is because it was hidden once it got into the hands of the ministers. This provokes the public. Ministers created the situation. Also a crisis in Articles 14 and 15. Need clarity and flow of information. So anxious to see the document.
- Suggest that JPAC looks to ensure the continuation of the children's health program. Indicators work is very important. I urge you to support this work.
- Very interesting and commend your efforts. The US has publicly available wind information. Canada now has the wind atlas. Could be good for Mexico to have it, too. The US has solar information, as well. Funding for community projects in renewables is important, too. Caution on standardization on renewable portfolio standards; very difficult. Encouraging high targets has to be done in ways that are not too specific in terms of technology.
- What vehicles exist to further communicate with you?
- Industrial hazardous waste as potential energy: very concerned. Have to use the precautionary principle.
- Children's health is very, very important.
- Disappointment with phase out of NAFEC. The process for appointing JPAC members is not transparent nor does it involve the public. More representation of community groups. More indigenous representation from Mexico and US is required.
- Renewable energy - model in Taking Stock. Look at this model - gives information and looks at common elements.
- Assist community groups to attain funding - now that NAFEC has ended.

- Financial constraints of the CEC - constant financing. Something is really wrong. No wonder things get cancelled. Have to resource it if you want it to survive.
- Pillars - I am a bit worried. How to transmit what is dear to us in the communities. Buzz words: 'results-oriented'. Whose results and who measures? I've been around. Don't be fooled.
- When studies are controversial - creates a problem. Maize and Kids and Toxins. Creates more controversy when made private.
- The CEC should create a central publicly available registry where the three countries would agree to report production of renewable energy in a standardized manner; create a coordinating body to ensure that renewable energy certification markets in different jurisdictions are compatible; create a forum where governments and stakeholders can begin negotiating North American renewable portfolio standards.
- An agency like the CEC could foster useful research on models of direct public, especially indigenous, participation in local renewable energy projects, especially models accounting for 'sweat equity' participation by the local indigenous peoples. The value of traditional knowledge, as contemplated in Article 8(j) of the Biodiversity Convention, would be interesting to quantify as a local "investment" in such models. Equally challenging, and important, would be defining how, in such models, the reality of uncertain (or unproveable) land ownership could be accommodated.
- The CEC could act as a kind of broker for connecting parties in the 'developed north' wanting a relationship with parties in the 'developing south' that need mentorship, technology transfer and financial support. Connecting projects to sources of financial support (e.g. ethical funds - environmentally friendly investment pools). There are financial institutions and agencies with the capital and the inclination to do smaller renewables projects in resource-rich locations, but they don't have the means for identifying partners and building the necessary social and business relationship.
- The CEC could work with local communities to help them define the character of investment they want by establishing their own criteria for ethical environmental investments. These criteria, could over time, become prescriptions for formal certification of projects or investments.

The JPAC Chair then thanked everyone for their collaboration over the past six years. This was not good-bye, as she counted all the new and past members as friends. The strength and passion of the public kept her going over this challenging year.

She then thanked all the members, the staff and interpreters and adjourned the session.

Prepared by Lorraine Brooke  
Approved by JPAC  
10 December 2004

**Commission for Environmental Cooperation of North America****Joint Public Advisory Committee Regular Session 04-03****27 and 29 October 2004****Delta Montreal Hotel (Opus II Room)****475, avenue President Kennedy****Montreal, Québec****Phone: (514) 286-1986 • Fax: (514) 284-4342****[www.deltamontreal.com](http://www.deltamontreal.com)**

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*The JPAC Regular Session is organized in conjunction with the Alternate Representatives meeting on 27–28 October and the CEC meeting on Building the Renewable Energy Market in North America on 28–29 October in the same location.*

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**Provisional Agenda****Wednesday, 27 October 2004****JPAC Regular Session (Part I)**

- 9:00–9:10 Welcome and opening remarks by JPAC Chair, Donna Tingley  
a) Approval of the provisional agenda
- 9:10–10:10 Presentation on setting new directions for the CEC by the Alternate Representatives, José Manuel Bulás from Mexico, Jerry Clifford from the United States and Norine Smith from Canada, and question period
- 10:10–10:30 Report from the National and Governmental Advisory Committee representatives
- 10:30–11:00 Break
- 11:00–12:30 Discussion on the new directions for the CEC  
  1. Information for decision-making
  2. Capacity Building
  3. Trade and the Environment including the Article 10(6) of the NAAEC
- 12:30–13:30 Private Lunch
- 13:30–14:30 Discussion on the new directions for the CEC – cont'd
- 14:30–15:15 Presentation from the CEC Expert Advisory Board on Children's Health and the Environment by EAB Chair, Irena Buka, and question period
- 15:15–16:00 Discussion on a potential advice to Council on the new directions for the CEC\*
- 16:00–16:20 Discussion on “inherent conflict of interest built into the North American Agreement of Environmental Cooperation”\*
- 16:20–17:00 Adjourn
- 17:00–19:00 In-camera Alternate Representatives/JPAC Session

\* Session open to the public as observers.

## **Friday, 29 October 2004**

### **JPAC Regular Session (Part II)**

- 13:30–14:00 Report from the CEC Secretariat by the Executive Director, William Kennedy, and question period
- 14:00–14:45 Discussion on a potential Advice to Council on furthering renewable energy in North America\*
- 14:45–15:30 Discussion of 2005 JPAC priorities and meetings\*
- 15:30–16:15 JPAC follow-up\*  
a) Review responses to JPAC advice and letters  
b) Review of the JPAC communications plan  
c) JPAC working groups: member appointments and rotation  
d) Information on the election of the JPAC Chair for 2005
- 16:15–16:30 Observers' comments
- 16:30 End of the session

\* Session open to the public as observers.

**Building the Renewable Energy Market in North America and Regular Session of the Joint  
Public Advisory Committee 04-03  
27 - 29 October 2004. Montreal, Québec, Canada.**

*Provisional list of participants as of 18 October*

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