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Commission for Environmental Cooperation of North America

Joint Public Advisory Committee Session No. 05-03

**11 October 2005
Mexico City**

Summary Record¹

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a regular session on 11 October 2005, in conjunction with Enviro-Pro, an international trade conference.

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

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

Welcoming remarks by Jane Gardner

The JPAC Chair welcomed everyone to Mexico City for JPAC's third 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 (NAAEC) 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 NAAEC 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 CEC. The members share a commitment to preserve and enhance the North American environment and to achieve a sustainable society.

JPAC has a certain number of working groups, each of which includes at least one person from each member country. The mandate of these working groups is to prepare draft

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.

advice to Council on specific issues for full JPAC approval and to attend selected CEC meetings on behalf of 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.

The Chair then provided information on recent changes in JPAC. Arturo Duran and Carlos Rincon are no longer members and replacements are being sought. Several other members were unable to attend this meeting: Merrell Ann Phare, Dan Christmas and Gord Lambert from Canada; Dinker Desai and Patricia Clarey from the United States; and Hector Sepulveda from Mexico.

The Chair explained that there was thus no quorum for decision and that any matter that would require a formal decision would be resolved via conference call immediately following this meeting.

The members introduced themselves and provided some background.

The Chair then explained the logistics of the day's session, which will focus on the development of a new strategic plan for JPAC. To help set the stage, the first step will be to hear a review of the recommendations contained in the *JPAC at Ten* report, by the author, Eric Dannenmaier.

Next, the JPAC Chair will present an overview of the draft strategic plan as prepared by JPAC, followed by a question and answer period. Our intention here is to ensure that everyone has a clear understanding of what JPAC is hoping to achieve through this initiative so we can maximize public input during the breakout sessions.

Then three JPAC members will provide an analysis of the draft strategic plan from different perspectives—academia, private sector, and NGO, followed by a question-and-answer period. Breakout sessions will be organized around the new CEC pillars: information for decision-making, capacity building, and trade and environment. Following this meeting, public comments will be used to help JPAC prepare another draft of the Strategic Plan, which will then be posted on the CEC web site for a 30-day public comment period. It is JPAC's plan to have the strategic plan finalized by the end of this year.

Finally, the Chair commented on the reports that the Mexican government was intending to reduce its contribution to the CEC budget. She explained that meetings were currently taking place and it was hoped to have more concrete information later in the day.

a) 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 a NAC, made up of members of its public, including representatives of nongovernmental organizations. Its role is to advise its Council member on the implementation of NAAEC.

Also each Party is to convene a Governmental Advisory Committee, referred to as a GAC, including representatives of various levels of government. Its role is to advise its government on the implementation of NAAEC. Both Canada and the US have created their committees. The Mexican GAC is not yet active.

Unusually, there were no representatives present at this meeting.

Review of the recommendations on the JPAC at Ten Report by Eric Dannenmaier

The JPAC Chair invited Eric Dannenmaier to make his presentation, explaining that he had prepared a report on JPAC's first ten years as part of the CEC's ten-year review process. At the request of JPAC the report was later expanded and published. It is an excellent resource and good place to start the analysis as JPAC moves forward to develop its new strategic direction to guide its future work. The report is available on the CEC web site at <<http://www.cec.org>>.

Mr. Dannenmaier focused on the terms of reference, findings and recommendations of this report in his presentation.

The terms of reference identified effectiveness, in terms of engaging with the public and with the Council, as a priority. The report was organized around a basic structure and function, public outreach and engagement, six impact and efficacy case studies, and perception and criticism. The report also added an independent look at the citizen submission process under Articles 14 and 15.

Key findings are the following:

- JPAC has been an innovative debate facilitator and point of entry for the public. It is unique among international organizations.
- JPAC has a dual role as public watchdog of the Parties and as a strategic partner for the Council. This is the most difficult aspect of JPAC's duties.
- Earlier concerns have been addressed.
- JPAC has had limited indigenous participation in its work, but is making progress.
- The business sector has not been consistently active.
- JPAC and Council have reached a stalemate on certain priority issues, leading to frustration.

- Tolerance of discord is a critical dimension of success.
- JPAC's communications with Council and the Alternate Representatives have tended to be highly formalized, with little opportunity for more organic interaction.
- JPAC's relations with the Alternate Representatives have become increasingly important, but cumbersome.
- The public perception of JPAC is that it is a quasi-governmental body.
- The commitment of JPAC members has been a key to JPAC's success.
- Coordination and support from Secretariat has historically been strong.
- New budget limitations will begin to constrain JPAC's core work and limit its public diplomacy role.

Six recommendations were put forward in the report:

- Continue to address difficult and even controversial issues.
- Continue to focus the JPAC work plan in areas identified as priority by Council but not abandon its own priorities.
- Expand efforts to reach out to indigenous communities and the business sector.
- Consider a broader outreach and public diplomacy role.
- Develop more informal relations with Council and the Alternate Representatives.
- Consider restoring and increasing the budget.

He concluded with three observations: First, JPAC is a model for public participation in international organizations. It deserves support. Second, having reviewed the draft strategic plan, JPAC has taken very seriously the recommendations of TRAC and the ten-year review—JPAC listens and responds. Finally, one of the most important aspects of success in international work when it involves public input is the institution itself. Here, he stated, we have an institution. It is the Secretariat, the volunteer JPAC members and Council. This is worth preserving and enhancing. The EU and CAFTA are considering this model.

The JPAC Chair then opened the floor for questions.

- A member of the public asked if FTA is considering this model. Mr. Dannenmaier replied that this model is being contemplated for environment, social, gender and labour issues. He noted that <www.ftaa-alca.org> is a link to the civil society input.
- Another member of the public asked if there has really been any success on transboundary issues in the Articles 14 and 15 context. Mr. Dannenmaier replied that they did not focus on the submissions process. He meant this more generically in terms of working on issues that are transboundary in nature. One was the Lago Chapala issue and the efforts made by the public to have JPAC and the CEC take it on.
- Another member of the public noted that while there have been some successes, real success can only be measured by output. There are many other examples,

such as the forest certification process. She asked that the work be taken further and the question be asked “what have been the successes on the ground that can be attributed to the process.” With respect to maize, for example, where did it go? Is transgenic corn still moving into Mexico? Processes are only as good as results on the ground. Mr. Dannenmaier replied that separately looking at process was important. The fact of discourse and dialogue advances issues. Methodologically, it is a separate set of questions from looking at results. Process itself is an indicator.

- Another member of the public, and former member of JPAC, commented that the role of JPAC as an interface with the public is its most important role. The second role, that of watchdog and advocate, is important but JPAC needs to find a path for constructive and positive dialogue, with three governments dealing with their own political realities. JPAC needs to find ways to mesh with diverse political agendas to get results. He also spoke about the lack of involvement with the business community. Very early on, there was a perception that the CEC was set up to serve the interests of NGOs and staffed largely by people with environmental backgrounds. It took some time for business to play a more active role. Things are on the mend.
- Another member voiced a great concern about desertification and water issues. This should become a priority in the CEC’s and JPAC’s work. There is also the question of possible relationships of climate change in recent natural disasters. Mr. Dannenmaier commented that this is a good example of how an individual with knowledge and passion has a forum through JPAC to bring issues forward.
- Another member asked if JPAC felt it had a role to follow up on the projects and reports of the CEC. For example, after much work on maize, Mexico has not taken any of the recommendations into consideration. We need more than just expensive documents. We need concrete results. Does JPAC have a role in making the products of the CEC more useful? A JPAC member replied that, for example, during the November 2005 meeting, there will be a session specifically on follow-up to factual records. The JPAC Chair noted that JPAC is well aware of the issue of expensive reports sitting on a shelf and will be taking this matter into consideration.

Overview of the JPAC Strategic Plan by Jane Gardner, JPAC Chair

By way of background, the JPAC Chair explained that during the June session, in conjunction with the Council meeting, it was brought up that JPAC could be well served by having its own strategic plan focused on improving public engagement and promoting policy changes.

JPAC has learned much over the past ten years, much of which has been documented in Mr. Dannenmaier’s report. JPAC also has several new members who bring new thinking and energy to its work. The time is opportune for JPAC to take a good look at itself.

The Chair thanked Irene Henriques and the JPAC Working Group, who developed the framework to help focus the analysis of past experience and thinking towards a new path

forward. This framework consisted of four elements: strengths, weaknesses, opportunities and threats—each from both an internal and external perspective. A worksheet was prepared and each JPAC member provided his or her own responses. This information was used by the JPAC Working Group as the basis for identifying JPAC’s strategic direction and for the draft that is now presented for discussion.

The JPAC Chair then provided an overview of the draft document, which had been sent to all of the participants prior to the meeting

The JPAC Chair encouraged participants to be creative, critical and forthright in the discussions. Is JPAC on the right track? Are we missing anything? Are we too ambitious? Are we not ambitious enough? We are also particularly interested in your views on action items: where we can place our limited resources for the most benefit.

The JPAC Chair then opened the floor to comments and questions in the context of clarifying the purpose of the joint working effort to take place later in the day.

- A member of the public noted that, while listening to the usual description of the CEC and its trade and environment goals, she asked herself how the CEC can work to develop local production and local markets in Mexico, versus exporting in the service of the United States. This may be heretical within the NAFTA context, but developing local production capacity and markets will promote sustainable development. We need to create an awareness of our national patrimonies. Trade should be local first and grounded in its people and ecosystems, not grounded in greed elsewhere.
- Another member of the public noted that the strategic plan should take into account the local forest and wetlands owners. These farmers and indigenous peoples have a lot to say about their land and resources. We need to promote them and allow them to make a living from their land so they don’t abandon their property, which in turn leads to illegal lumbering and deforestation. We need programs to allow these owners to protect their lands. JPAC and the CEC could support workshops where people can be heard and their own ideas be brought into the discussions.
- Another member of the public asked that regional cells be created to promote information exchange and transparency. This would be particularly useful in border regions.
- Another member of the public mentioned that in San Diego it had been noted with great sadness that the CEC does not have to accept the advice and recommendations provided by JPAC. The CEC has made several studies related to climate change and we are suggesting that perhaps these studies could be used by Canada and Mexico, to encourage the United States to endorse the Kyoto Protocol. Recent natural catastrophes could provide a platform to try again to open discussions. We will begin to use Greek letters to name hurricanes this year in Mexico, for the first time in history. He noted that JPAC is a barometer for public priorities.

- Another member of the public was pleased to see more emphasis on outreach. He recommended taking advantage of existing cells and networks. He also suggested that JPAC work more closely with the media.
- Another member of the public reiterated the need to use existing organizations to increase outreach and information exchange, and expressed the desire to help and participate.

Analysis of the JPAC Strategic Plan by JPAC Members

The JPAC Chair then asked Irene Henriques to provide an academic perspective, Jean-Guy Dépôt an NGO perspective, and Carlos Sandoval a private sector perspective.

Irene Henriques began her presentation with an exercise in communications. She asked that during the first five minutes the public participants speak to someone they didn't already know, to gain a perspective on networking. JPAC cannot do its work without help from the public. What is a strategic plan? It determines where your organization is going, how it will get there, and how it will know when it gets there. The benefit is not the paper or the document, it is the process, it is communication and understanding. That is the secret of strategic planning, where feedback and participation are critical. There is no such thing as a perfect strategic plan.

She explained that JPAC had conducted an environmental scan using a SWOT analysis (strengths, weaknesses, opportunities and threats). Where does JPAC fit in the institution called the CEC? How can it increase its influence? Each JPAC member filled out this SWOT analysis and everyone listed budget reduction as a primary threat, and the public as our strength. The opportunity is the new CEC strategic plan. We are acutely aware that our credibility and legitimacy must constantly be earned. We are "caught in the middle." JPAC on its own cannot represent all constituencies. We need to create a safe environment, where diversity and dialogue are encouraged, to foster relationships and drive positive change.

Jean-Guy Dépôt presented an NGO perspective. He provided an analysis of the draft on the basis of his expertise. He has been working on environmental issues for 40 years. Each country has different approaches. He spoke about his work in the Canadian context. He referred to an earlier comment about the need to create local products and local markets as a very important perspective. Concerning our proposed pillars—transparency, outreach and engagement—we need a communication plan; otherwise our work will remain static. He noted that before his appointment six months ago, he had never heard of the CEC or JPAC. With this communication plan, he can work within his region in Canada, as can the other members of JPAC in their own regions and sectors. We can use local media to explain the work of the CEC and JPAC.

In Quebec there needs to be more information about the CEC and he offered his assistance in disseminating it. In Quebec we deal with local issues; however, we are also aware of international processes. The Conference of the Parties will be holding a meeting on climate change in November in Montreal. This is a good opportunity for JPAC to get

involved.

Mr. Dépôt agreed that the climate change meeting is a good opportunity. He also mentioned that his personal goal is to protect potable water. If we don't have good water, good air and good soil, there is no quality of life. In Canada, we are blessed with 9 percent of the globe's potable water. In North America, if we work together, we can protect our water resources.

A member of the public provided some general comments on the draft plan. The mission and goals for each of the JPAC pillars need to be better attached to the vision. Where are we headed in five years? Next, the goal of JPAC concerning transparency needs to have a target and be quantified. We need to be encouraged to make reasonable choices, for example, to choose a Volkswagen over a Mercedes Benz.

Mr. Dépôt explained an example at the University of Sherbrooke, where, rather than enlarging their parking lot to accommodate a growing student population, the municipality and the university agreed to pay the costs of public transportation for students, to encourage them to use bus services.

Another member of the public, a former employee of Semarnat, recommended adding an aggressive communication plan, including how to use the media to advantage. He also recommended that the business sector be more aggressively solicited to be involved in the work. Finally, he recommended a process of recognition or incentives for applying environmental improvements.

Another member of the public noted that it is not the best idea to focus on just the Internet in Mexico. Do not neglect radio, television and printed media.

Another member of the public who works on water issues explained that the people in his work take the approach that water protection lies at the grass roots, local level. We don't put a lot of faith in industry or government, though they have a role, particularly where there are transboundary elements. Working cooperatively and sharing information are key elements. With limited resources, we should not duplicate efforts. He would like to see an effort by JPAC to recognize the importance of linking NGOs among the three countries to foster communication and dialogue.

Another member of the public noted that information is empowering. He used as an example the publication of factual records. These are excellent tools. These should be more widely distributed and accessible. Communication should be continuously improved. This leads to capacity building. He asked JPAC members how free they feel to bring their views forward. We felt that Mindahi Bastida had to leave his position as a member because of his views on maize. Do you have limits on what you can say? What about children's health? Why was this program removed? There were connections being made with industrial pollutants. Is this why?

Mr. Carlos Sandoval presented a business sector perspective. He thanked the public for

the large turnout here in Mexico. This allows us to form information networks, which are very important. The private sector has two faces to the public—the executives of large companies, who are often not well viewed by the public, and the small and medium-sized businesses that are perceived very differently. The CEC has helped bring NGOs and small and medium-sized business together. We are changing the perspective that business has hidden agendas. We are making progress in getting NGOs to understand that business also cares about the environment. In Mexico, the business sector has good relations with government, for example, and we are also working with academia and NGOs on issues such as climate change.

There are some 350,000 industries in Mexico, with only 10 percent under federal jurisdiction. We have a lot of work to improve environmental compliance. We have a challenge and an opportunity to communicate the need for change—how to blend the need for profits with environmental improvements and community benefits. Who from the audience does not have a businessperson in your family? Large industries are now seeing the economic benefits of environmental protection. We need to get the message to small and medium-sized business that environmental protection is an investment, not an expense.

More participation from the private sector is one of JPAC's objectives. This is not in order to take control, as has been suggested in the past. It is from the perspective of accountability and responsibility and to encourage large business to support improvement within the small and medium-size business sector. We can help to develop best practices, for example, for each business sector. We need to work with the professional associations and chambers of commerce. We have to drill down to the working level with associations who are working successfully with compliance methods. We have a lot to learn from NGOs and associations.

A member of the public added that the CEC was created along with NAFTA and that one of the objectives was to introduce trinational best practices to protect the environment. The first question we should ask ourselves is whether an idea or suggestion is trinational. There are other venues for local or binational issues. Another point is the issue of products imported from Asia that are produced from non-environmentally friendly materials. The CEC is a forum to discuss these issues.

Another member of the public commented on holding industrial education fairs in Mexico. These fairs allow everyone, from the family to industrialists, to explain what they are doing for the environment. They have proven very, very successful. All sectors of society need to be involved and communication is the key to success. For example, church groups can be a very good venue for sending environmental messages.

Another member of the public addressed the three pillars. Transparency goes beyond just providing information. The terms of reference of JPAC and the CEC need to be made publicly available. Also, JPAC can provide deeper, theoretical understandings of what is going on in trade and environment. JPAC can provide alternative perspectives. Regarding engagement, this meeting is very different from the one the participant attended several

years ago. JPAC needs to establish less formal forums for discussion. Can the discussion be moved out to communities, universities, etc? You will get a different crowd and this links to outreach. The mandate of the CEC is not to invite large business—it is a response to large business. Outreach should be focused on smaller, more marginalized groups. How can the CEC facilitate its ability to create change?

Another member of the public did not totally agree. Business does need to be involved but he saw slippage in that engagement. He feels that confrontation is sometimes necessary. Enforcement is by definition sometimes aggressive. JPAC also has to defend the tools available for communities to pursue “bad actors”.

Another member of the public agreed that most small and medium-size businesses want to do the right thing but felt that large businesses like Monsanto and GE, who spend money and time fighting off environmental regulations and management practices, are the problem. Business needs to be part of the dialogue. “The only dialogue I have with GE is in court. They spend hundreds of millions of dollars electing George Bush so they can put their friends in high places and fighting the clean up of the Hudson River. Show me an environmental catastrophe in the United States and I will show you a major industry that is fighting environmental compliance,” he said.

The JPAC Chair (in her personal capacity) disagreed with this statement. The more issues are polarized, the less progress is made. “I do my job with integrity. GE is part of the US economy. Your facts are wrong on what was spent on the Hudson River but we can’t move forward if we are all polarized,” she responded. There is a role for big business. For one thing, that is where the money is to develop and promote environmental improvements. It is not a sin to make money. The challenge is to spend it wisely. There is a role for JPAC to work with large business, NGOs and governments to find common ground.

Another member of the public discussed a large electrical generation project proposed in Mexico. The population at the grass roots, the local farmers, etc., are all opposed to the project. State governments are using arguments about employment and providing potable water. Those who live there and realize what is happening are presenting an alternative project where the investment would not leave the area. Instead of a mega-project, they are proposing that smaller, locally based projects be developed. We understand that, in Canada, you are fighting to maintain clean water. In Mexico, we are fighting to get back clean water.

Another member of the public noted, regarding renewable energy, that large industries are recognizing that investments are profitable. Big business can be an ally.

Another member of the public noted that clean industries have the best profits. Dupont is saving money every year because they are now reusing waste. GE will be spending 1.5 billion to make products greener. This is the movement of the future. JPAC can help promote this trend.

Another member of the public proposed that existing networks could be used as a way to transfer technology and share best practices. He added that it is up to business to take more initiative to build trust in the communities. Industry has to take the initiative to get the dialogue going. He also added the importance of market forces. Irresponsible action has consequences and the word gets back. The world is small place; if you do the right thing, it pays off.

The JPAC Chair thanked the public for their very constructive comments. She thanked the government representatives for attending this meeting.

She also informed the meeting that JPAC received a letter during the course of the meeting, in which Mexico had named a new JPAC member, Gaston Luken.

The meeting then broke into three working sessions.

Recap on the Breakout Sessions by JPAC Members

The JPAC Chair asked the facilitators to provide a summary for each breakout group.

Carlos Sandoval reported on trade and environment. His group recommended the following priorities for JPAC and the CEC to pursue:

- Work to standardize laws and regulate hazardous waste, pesticides, landfills and waste disposal sites. Conduct inventories. Review work already done by the CEC through the Law and Policy and Pollutants and Health programs.
- Support development of local production for local markets. Build on the shade coffee work.
- Conduct work on recycling plastics in Mexico. This is a subject that involves trade, environment and human health. Begin with a study on the scope of the problem and then develop a strategy.
- Improve links between JPAC and business sector. Develop networks (cells) and establish training courses. Work with universities, chambers of commerce and industry associations in each country.
- Work on fisheries and aquaculture; there is a serious depletion in quantity and quality. Work to better understand the problem.
- Work on environmental education. One initiative could be organizing environmental fairs.

Eduardo Rincon reported on capacity building.

- Several points were raised about expectations and levels of transparency. Information is an important part of capacity building and efforts need to be made to reach a wider audience.
- Follow-up on Article 14 and 15 factual records is also important.
- Try to influence and reach youth and students through environmental information.

- JPAC needs more independence to communicate directly to make it clear that it is independent from governments. JPAC brings the voice of the public to our environmental ministers.
- The group also discussed conservation of wildlife and sanctuaries, such as those of the monarch butterfly. Its habitat in the Mexican forests is deteriorating and local ecotourism is a way to build capacity and protect the environment. People take ownership of the projects.
- Water was also raised as an important issue and an opportunity to build capacity.
- Biodiversity conservation in Chiapas was raised as a priority. Species are disappearing because of lack of capacity of concerned people and authorities to protect them.

Nelly Correa reported on information for decision-making. Some suggestions and recommendations were made to improve dissemination.

- Use Internet technology but do not rely only on this technology. Work with universities.
- Another suggestion was to work with local networks and associations.
- JPAC should also be careful to maximize transparency and develop positive relationships with the Council and to recognize the political realities of each country.
- Need to be careful with the word “watchdog.” Need to be cordial.
- Currently, access to the meetings of the CEC is limited. Access is sometimes completely restricted to governments. Meetings should be more open. Press should be invited.
- The JPAC Bulletin and other publications on the web site are good. There is a vast area of opportunity presented in getting information more widely distributed. Local landowners are the managers of natural resources. They could be great allies in our work.
- It was also suggested that more interactive workshops be held and that cost sharing with other agencies might be useful.
- Make better use of the media. Get a media list and base of contacts using existing organizations, such as NGO networks.

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. He highlighted the following:

Despite the transitional nature of this year’s operations, good progress has been made implementing the suite of projects approved by Council in Los Cabos. Under Information for Decision Making, there has been extensive consultation with the trilateral Information Experts team. This has led to an integrated concept for the Information Systems Strategy.

Work in the SMOC program focuses on two major initiatives: the completion of the lindane NARAP in time for the 2006 Council Session and the implementation of

the environmental monitoring and assessment NARAP. The CEC is organizing a workshop on lindane alternatives in support of the lindane NARAP and to assist further in the elimination of lindane use in Mexico.

The Executive Director reported that concentrated efforts have been made to involve business and the private sector in the PRTR Consultative Group meeting this year. The Secretariat has worked closely with Semarnat in organizing the upcoming consultative meeting in Monterrey, Mexico, 17–19 October.

A planning meeting for a training seminar was held in West Virginia on 27–28 September regarding wildlife enforcement. The meeting, attended by training experts from the ‘Parties’ wildlife enforcement agencies, has enabled the CEC to define the best format, topics and trainees for the seminar and to lay out steps for completing the preparatory work and delivering the event in February 2006.

Regarding the greening of supply chains, component of partnerships for integrated environmental management, the CEC and the World Environment Center participated in a meeting on 7 September 2005, in which thirty-five suppliers to Bristol-Myers Squibb and Colgate Palmolive attended. Concerning environmental management capacity development for Querétaro, initial meetings were held in July with the Querétaro municipal government and the municipality of El Marques in that Mexican state. A number of priority areas were identified for possible cooperation with the CEC, including developing a multi-year financial plan for environmental infrastructure. The Executive Director reported that he would be attending a scoping meeting on 13 October.

The CEC has also made substantial progress in developing an e-learning tool for border inspectors, to support trade and enforcement of environmental laws. A task force of government experts has been established and the services of an educational expert have been retained.

Regarding the Article 14 Submissions Status, the Executive Director reported that the Secretariat is awaiting Council’s decision on whether to make the Tarahumara factual record publicly available. In addition, the Secretariat is currently developing four other factual records, and awaiting Council’s votes on whether factual records are warranted for two submissions.

He concluded by reporting on some communications issues, particularly that the CEC website continues to attract a large number of users and to serve as one effective means for the distribution of CEC products. For example, the CEC’s latest report, *Children’s Health and the Environment in North America: A First Report on Available Indicators and Measures*, released for public comment on 20 September, was the most downloaded document of the month, with over 900 visits to its download page.

JPAC Follow-up and Administrative Matters

a) Review responses to JPAC letters and Advice to Council

Letter dated 22 August 2005, supporting the request by the Secretariat to prepare an Article 13 report on transboundary environmental impact assessment case studies.

The JPAC Chair reported that no response has been received. However, the Parties, during a meeting of the Alternate Representatives on 31 August, unanimously decided not to go forward with this Article 13 report.

Advice to Council 04-05 dated 12 December 2004: Building the Renewable Energy Market in North America.

The JPAC Chair reported that no response has been received.

b) JPAC Working Groups: Member appointments and rotation

The JPAC Chair reported that with today's confirmation of a new member from Mexico, there is now only one JPAC vacancy—from the United States.

c) Next JPAC meeting

Montreal, 30 November–1 December, in conjunction with the third North American Symposium on Assessing the Environmental Effects of Trade: JPAC will be organizing three public sessions: Environmental Stewardship towards Procurement Policies—Renewable Energy; Submissions on Enforcement Matters—Follow-up to Factual Records; Market-based Drivers for Sustainable Growth—Investment Agreements for Sustainable Development.

d) JPAC Chair election

For the information of the public, the JPAC Chair explained that the Chair rotates on an annual basis among the three countries. The term ends on 31 December. The Chair this year will be from among the Mexican members.

During the month of November, all of the members will vote, by secret ballot, for the new Chair. The result will be announced in early December.

e) Budget Situation

The JPAC Chair said she is hopeful that there will be a positive decision soon from Mexico and that it would be premature to discuss reductions at this time. As soon as there is a decision we will communicate with the public.

A JPAC member from Mexico mentioned that the Secretary of the Environment and Natural Resources said he would make every effort to meet international commitments and is now working with the Treasury Department.

A JPAC member thanked the public for their energy and effort today. She expressed her appreciation of the day's results.

Observers' Comments

The JPAC Chair invited observers to make comments.

A member of the public who is the author of a news article on the budget asked that JPAC issue an Advice to Council supporting what the Mexican JPAC member just said. She is also calling for an increased budget, not just the status quo. In the case of Tarahumara, JPAC should urge that all factual records be made public. This should not be a matter for decision.

Another member of the public made three points. First, this was an excellent agenda and the different format of the breakouts made the discussions much more interactive and substantive. Secondly, this is a time of transition. She sees that public attendance is decreasing and within JPAC there is also a recent decline in participation. Lastly, she noted that JPAC is very important for all those present, especially the Mexican NGOs. It is important to increase participation of marginalized communities. We have to be careful about the issue of power. JPAC is not the forum for big business. They have their forums and they know how to use them. They have closed door meetings with EPA. This is our forum and we want to keep it. Don't take it away from us.

Another member of the public brought with him messages from people who could not attend the meeting. They are requesting follow-up to factual records and that JPAC recommend to the governments that products made with transgenic produce be labelled as such. This is not transparent. One country cannot control the whole issue. He congratulated JPAC on a successful meeting. Article 14 and 15 submissions are extremely important and all factual records should be available to the public. They are excellent tools. Maybe [all sectors of the population can't be present at the meetings], but they need to have access to the information and get their views into the process. This can be achieved by creating networks. We are not in another reality—corporations are in another reality. We are still far away from having good environmental laws that are complied with by business and enforced by governments. Chinese products are not coming in by magic.

Another member of the public noted that we need to combine our efforts. Everyone should participate. Women, children and indigenous peoples should be with us. The voices of the peasants and indigenous peoples need to be heard. People who don't even know they are speaking on their behalf. We need to get out and meet with them. JPAC needs to get into the regions.

An indigenous member of the public from Oaxaca brought along a declaration that dealt specifically with the opposition of indigenous groups to transgenic corn in Mexico. He asked that this declaration be included in the public record of the meeting. (The Declaration has been provided to the JPAC liaison officer and will be shared with the

members.)

Another member of the public congratulated JPAC for paying attention to its own advice and listening to the public. He also mentioned that it is important that JPAC receive sufficient funding to accomplish its mission. He is a strong believer in inclusive participation. JPAC should look at the business sector as a responsible partner, especially in capacity building, since they can create win-win situations. This message has to go out and the best people to communicate this message are business people.

Another member of the public asked JPAC to contemplate a workshop to review the methodology of the *Registro de Emisiones y Transferencia de Contaminantes* (RETC) and how local people can participate. Look at ways that communities can follow up and monitor.

Another member of the public reminded the meeting of the *North American Fund for Environmental Cooperation* (NAFEC). We would like to see that program or a similar concept revived. Let's talk about the good things that we would like to see come back into the CEC.

End of the session

The JPAC Chair reminded the meeting that the strategic plan would now be revised and posted for a 30-day review period.

The JPAC Chair thanked the attending public, the JPAC members, the CEC staff and the interpreters, wished everyone a safe trip home, and adjourned the session.

Prepared by Lorraine Brooke

Approved by JPAC members
25 November 2005



ANNEX A
DISTRIBUTION: General
J/05-03/AGEN
ORIGINAL: English

Commission for Environmental Cooperation of North America

Regular Session of the Joint Public Advisory Committee 05-03: The JPAC Strategic Plan 2006-2010

October 11, 2005

**Hotel Crowne Plaza Hotel de México
Dakota # 95, Esq. Altadena
Colonia Nápoles
Mexico City, Mexico 03810
Phone: (525) 533004000 • Fax: (525) 533004000**

The purpose of this meeting will be to provide the public with an overview of the JPAC Strategic Plan for 2006-2010, that has been drafted by the JPAC Members based on the TRAC Report and JPAC at Ten recommendations. The presentation of the document will be followed by a series of afternoon breakout sessions, with the objective of seeking public input.

Draft Provisional Agenda

Tuesday, October 11

- | | |
|---------------|---|
| 8:00 – 9:00 | Registration of participants – Breakfast [included] <i>Salón México I</i> |
| 9:00 – 9:10 | Welcome and opening remarks by the JPAC Chair, Jane Gardner a) Approval of the Provisional Agenda |
| 9:10 – 9:30 | Review of the recommendations on the JPAC at Ten Report, by the author, Eric Dannenmaier |
| 9:30 – 9:50 | Question and Answer Period |
| 9:50 – 10:10 | Overview of the JPAC Strategic Plan by Jane Gardner, JPAC Chair |
| 10:10 – 10:30 | Question and Answer Period |
| 10:30 – 10:45 | Break |
| 10:45 – 12:00 | Analysis of the JPAC Strategic Plan, by JPAC Members: <ul style="list-style-type: none">▪ Academia Perspective: Irene Henriques▪ Private Sector Perspective: Carlos Sandoval▪ NGO Perspective: Jean-Guy Dépôt |

| | |
|---------------|---|
| 12:00 - 12:30 | Question and Answer Period |
| 12:30 – 13:30 | Lunch [included] |
| 13:30 – 15:30 | Break-out Sessions - The JPAC Draft Strategic Plan and its contribution to the CEC Pillars [Moderated by the JPAC Members] <ul style="list-style-type: none"> ▪ Information for Decision Making – <i>Salón Crowne I</i> ▪ Capacity Building – <i>Salón Crowne II</i> ▪ Trade & Environment – <i>Salón México I</i> |
| 15:30 – 16:00 | Recap on the Break-out Sessions by JPAC Members |
| 16:00 – 16:10 | Break |
| 16:10 – 16:20 | Report by William V. Kennedy, CEC Executive Director, on CEC developments since the last JPAC Meeting |
| 16:20 – 17:20 | JPAC follow-up and Administrative Matters <ul style="list-style-type: none"> a) Review responses to JPAC advice and letters b) JPAC Working Groups: member appointments and rotation c) Next JPAC Meetings d) CEC Budget Situation |
| 17:20 – 18:00 | Observers Comments |
| 18:00 | End of Session |



ANNEX B
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Commission for Environmental Cooperation of North America

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2006-2010**

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**Hotel Crowne Plaza Hotel de México
Dakota # 95, Esq. Altadena
Colonia Nápoles
Mexico City, Mexico 03810
Phone: (525) 533004000 • Fax: (525) 533004000**

Participants list

Angulo, César
Editor
Revista Teorema Ambiental
Miguel de Mendoza 35, Col. Merced
Gómez
México, D.F. 1600
México
Tel: 011 52 55 566 01251
Fax: 011 52 55 566 01655
E-mail: ambiental@3wmexico.com

Álvarez-Castillo, Alberto
Research Profesor
Instituto tecnológico de Zacatepec
Calzada Tecnológico 27
Zacatepec, Morelos
Morelos 62780
Tel: 011 52 734 343 1394
Fax: 011 52 734 343 4141
E-mail: nuabli@yahoo.com.mx /
nuabli@lycos.com

Arias Rodríguez, José Manuel
Coordinador de Proyectos
Asociación Ecológica Santo Tomas A. C.
27 de febrero 1017, Col. Centro
Villahermosa, Tabasco 86000
México
Tel: 011 52 993 312 6743
Fax: 011 52 993 312 6743
E-mail: stomasproyectos@yahoo.mx

Armendáriz, Rosa María
Bch. Political Science Confed.
Nacional Campesina Indígena y Producto
Rurales
Dinamarca 67-104, Col. Juárez
México, D.F. 6600
México
Tel: 011 52 555 525 8618
E-mail: cncinpro_ac@yahoo.com.mx

Arnold Allan, Jean
Executive Director
Falls Brook Center
125 South Knowlesville Road
Knowlesville, New Brunswick E7L 1B1
Canada
Tel: 506 375 8143
Fax: 506 375 4221
E-mail: ja@fallsbrookcentre.ca

Brooke, Lorraine
Consultant
3745, St-Jacques West, Suite 220
Montréal, Québec H4C 1H3
Canada
Tel: 514 934 1218
Fax: 514 937 5114
E-mail: lbrooke@strata360.com

Chautla, Brígida
Asociación Mexicana de Mujeres
Organizadoras en Red A.C.
Juan de Dios Arias 48, Col. Vista Alegre
México, D.F. 6860
México
Tel: 011 52 555 740 0447
E-mail:ammor@unorca.org.mx

Clague, Juan
Post-Doctoral Associate
The University of Texas at El Paso
500 West University Ave. PMB No 458
El Paso, Texas 79968
USA
Tel: 915 747 5267
Fax: 915 747 5073
E-mail: jclague@utep.edu

Cloghesy, Michael
Presidente
Conseil patronal de l'environnement du
Québec
640 St-Paul. O. Bureau 206
Montréal, Québec H3C 1L9
Canada
Tel: 514 393 1122
Fax: 514 393 1146
E-mail:cpeq@generation.net

Correa, Sylvia
CEC Team Leader
US EPA
1200 Pennsylvania Ave. NW (2760R)
Washington, D.C. 20480
USA
Tel: 202 564 6443
Fax: 202 565 2411
E-mail: correa.sylvia@epa.gov

Corte Gonzalez, Bertha Carmen
Coordinadora Ejecutiva
Proyecto PNUD
Avenida San Jerónimo #458-PH
Delegación Alvaro Obregón, México, D.F.
01900
Tel: 5255 5653 0580
Fax: 5255 5595 2461

Cruz Salinas, Rosa Laura
Egresada de la Facultad de Ciencias
Políticas y Sociales
UNAM
Angel Charbel No. 12 A, Condominio 1
Col. Claustro de San Miguel
México, D.F. 54715
México
Tel: 011 52 555 889 8311
Fax: 011 52 555 889 8311
E-mail:lalatos82@hotmail.com

Dannenmaier, Eric
Senior Fellow
Tulane Law School
6329 Freret Street
New Orleans, Louisiana 70118
USA
Tel: 504 862 8829
Fax: 504 862 8857
E-mail: erd2111@columbia.edu

Domínguez Cortés, Adriana
Reportera Investigadora
Planeta Azul
Basilio Badillo No. 40
3e Piso, Col. Tabacalera
México, DF 06030
México
Tel: 5255 5228 8909
Fax: 5255 5228 8908
E-mail:investigacionazul@yahoo.com

Edwards, Scott
Legal Director
Waterkeeper Alliance
828 South Broadway, Suite 100
Tarrytown, New York 10591
USA
Tel: 914 674 0622 x 203
Fax: 914 674 45670
E-mail: sedwards@waterkeeper.org

Friedmann, Rafael
Consultant
2620 Stuart
St Berkley, California 94705
USA
Tel: 415 972 5799
Fax: 415 972 5333
E-mail: rfriedmann@aol.com

Gim, Juan Francisco
Industrial Engineer
New Tech Machinery de Mexico
Boulevard García Morales No. 222
Hermosillo, Sonora 83210
México
Tel: 011 52 662 218 4100
Fax: 011 52 662 218 4100
E-mail:juan@newtechmachinery.com

Gomez Delgadillo, Leopoldo
Representante
Fundación Mexicana para un México
Mejor
Orizaba ISQ. 28
Col. San Antonio
San Miguel Allende, Guanajuato 37750
México
Tel: 5525 4152 4346
E-mail: leopoldogd@yahoo.mx

González, Arturo
Profesor
Universidad Iberoamericana
Campus Santa Fe
Calzada Las Águilas 1843
México, D.F. 1820
México
Tel: 011 52 55 635 0853
Fax: 011 52 55 635 0853
E-mail: argos@tairel.com

Grimaldi, Federico
Gerente de Ecología
Cámara Nacional de la Industria de Aceites
Grasas, Jabones y Detergentes
Cordoba No. 10, Col. Roma
México, D.F. 6700
México
Tel: 011 52 555 511 5263
Fax: 011 52 555 511 9218
E-mail: cniagj@prodigy.net.mx

Guevara, Pablo
Programa de comercio y medio ambiente
Centro Mexicano de Derecho Ambiental
(CEMDA)
Atlixco No. 138
Colonia Condesa
México, D.F. 06140
Tel: (011 525) 55 286 3323 ex.13
Fax: (011 525) 55 211 2593
E-mail: pguevara@cemda.org.mx

Gutiérrez Barba, Blanca Estela
Master in Science
Instituto Politécnico Nacional
Volcán Sn Martín 49, Col. Pradera
México, D.F. 7500
México
Tel: 011 52 555 729 6000
E-mail: bgutierrezb@ipn.mx /
blandadepcmb@yahoo.com

L'Hérisson, Hugues
Coordonnateur
Association Québécoise pour la promotion
de l'éducation relative à l'environnement
6400, 16e Avenue
Montréal, Québec H1X 2S9
Canada
Tel : 514 376 1065
Fax : 514 376 1905
E-mail: aqpere@crosemont.qc.ca

Iannone, Leonardo
Policy Advisor
Environment Canada
351 St-Joseph Blvd - 11th Floor
Gatineau, Québec K1A 0H3
Canada
Tel: 819 994 3406
E-mail: Leonardo.iannone@ec.gc.ca

Longiaru, Minsu
Fulbright-Garcia Robles Research Fellow
Facultad de Derecho
Universidad Nacional Autónoma de
México
Calle Higuera, 57
Coyoacan, México, D.F. 4000
México
Tel: 011 52 5555 554 8097
Fax: 011 52 5555 554 8097
E-mail: minsulongiaru@hotmail.com

López Moreno, Lourdes Adriana
Coordinadora de Asesores
Red para la Sustentabilidad Social A. C.
10a Poniente Norte No. 427
Centro Tuxtla Gutierrez, Chiapas 29000
México
Tel: 011 52 961 612 5511 x 280
Fax: 011 52 961 612 9705
E-mail: luluchiapas@yahoo.com.mx

Marceleño, Susana
M.C.
Universidad Autónoma de Nayarit
Cd. De la Cultura Amado Nervo S/N
Tepic, Nayarit 63190
México
Tel: 011 52 311 211 8800 x 8907
Fax: 011 52 477 717 3103
E-mail: smarcel@nayar.uan.mx

Marois, Tom
PhD Candidate
York University
No. 172A Delaware Ave
Toronto, Ontario M6H 2T3
Canada
Tel: 416 538 2637
Fax: 416 538 2637
E-mail: tmarois@yorku.ca

Martínez Ochoa, Jaime Alfonso
Responsable de la Carrera Ing. Ambiental
Instituto Tecnológico Superior de Cajeme
Carretera Internacional a Nogales
Km. 2 S/N
Obregón, Sonora 85010
México
Tel: 011 52 644 115 1914
Fax: 011 52 644 115 1915
E-mail: jmartinez@itesca.edu.mx

Maynes, Marcelo
M.C.
ITESM CL
Paseo del Tecnológico 751
Col. Amp. La Rosita
Torreón, Coahuila 27250
México
Tel: 011 52 871 729 6329
Fax: 011 52 871 729 63
E-mail: mmaynez@itesm.mx

Mendoza, Angel
Coordinador General
Asociación Nacional de Productores
Organicos
Hidalgo Norte 205-A
Juxtlahuaca, Oaxaca 9700
México
Tel: 011 52 553 115 6123
Fax: 011 52 953 554 1472
E-mail: nicanmx@yahoo.com

Mendoza, Martín
Ejecutivo
Cámara de la Industria de Transformación
de Nuevo León
Ave. Fundidora No. 501
Edificio CINTERMEX local 95
Col. Obrera
Monterrey, Nuevo León 64010
México
Tel: 011 52 818 369 0152
Fax: 011 52 818 369 0254
E-mail: mmenloz@ipanl.com.mx

Montes Vargas, José Antonio
Consejero Titular
Sector social
Coop. Produc. Pesquera
Coral Brisa Mar
Abasolo No. 83-C, Col. Centro
Chilpancingo, Guerrero 39000
México
Tel: 011 52 747 471 1997
Fax: 011 52 747 471 1997
E-mail: montesvargas@latinmail.com

Muñoz, Norma Patricia
Consejero CCNDS
Semarnat / PNUD
Vasco de Quiroga No. 93
Cd. Stelite (Misioneros)
Naucatlan, Estado de México 53100
México
Tel: 011 52 555 729 6022
Fax: 011 52 555 562 9582
E-mail: nmunoz@ipn.mx

Nauman, Talli
Americas Program Associate
International Relations Center
11853 Acorn Ridge Road
Spearfish, SD 57783
USA
Tel: 605 269 2206
Fax: 605 269 2206
E-mail: talli@direcway.com
talli@irc-online.org

Niedda, Teresa
Director
Farmworker Health and Safety Institute
4 South Delsea Drive
P.O. Box 510
Glassboro, New Jersey 8028
USA
Tel: 856 881 2507
Fax: 856 8981 2027
E-mail: fhsinj@aol.com

Núñez Monreal, Jorge Enrique
Ing. Químico, Maestro en Ciencias
Consejo consultivo de desarrollo
sustentable
Privada la Encantada No. 311
Zacatecas, Zacatecas 90086
México
Tel: 011 52 492 922 5779
Fax: 011 52 492 922 5779
E-mail: jenunez@cantera.reduaz.mx

Olivieri, Flavio
Ingeniero
Centro Empresarial de Tijuana
Av. Netzahualcoyotl No. 1650
Zona Río, Tijuana
Baja California 22320
México
Tel: 011 664 682 9950
E-mail: olivierif@saic.com

Patton, Anne
Senior Policy Analyst
Environment Canada
351 St-Joseph Blvd - 11th Floor
Gatineau, Québec K1A 0H3
Canada
Tel: 819 997 3284
Fax: 819 953 8963
E-mail: anne.patton@ec.gc.ca

Rivas Blancas, Natalia Maria del Carmen
Representante
Grupo Etnico del Sur
Pan. Anahuac no. 1
Casa 37, col. Ix. Hda
San Nicolas, Tolexotino
Guerrero 09850
México
Tel: 5255 5608 7842
E-mail: Natalia_rivas@consultant.com

Rodríguez Durán, Victor Manuel
Juridico
Universidad Marista Partido
de la Revolución Democrática
Canton No. 7, Col. Romero Rubio
México, D.F. 15400
México
Tel: 011 52 55 286 9028 / 286 9047
Fax: 011 52 55 795 4324
E-mail: fiegreamarilla1@yahoo.com.mx

Romero Cuevas, Beatriz Eugenia
Profesora – Investigadora
Universidad Autónoma de la Ciudad de
México
San Lorenzo 290, Col. Del Valle
México, D.F. 3100
México
Tel: 011 52 555 658 9946
Fax: 011 52 555 659 1480
E-mail: informada@email.com

Saracho, Eric
Director
Hojanay A. C.
Asia No. 27 San Francisco
San Francisco, Nayarit 63732
México
Tel: 011 52 311 258 4031
Fax: 011 52 311 258 4031
E-mail: info@hojanay.org

Sasso-Yada, Leonardo
Presidente
Colegio de Biólogos de México A. C.
Dr. Vértiz 1305
México, D.F. 6536
México
Tel: 011 52 55 568 6536
Fax: 011 55 605 7901
E-mail:
colegiobiologosmexico@yahoo.com.mx

Torres Miguel
Codirector
Periodismo para elevar la Conciencia
Ecológica
Rancho Viejo 137, Fracc. Ojocaliente
Aguascalientes, Aguascalientes 20190
México
Tel: 011 52 449 974 5761
Fax: 011 52 449 974 5761
E-mail: balam56@yahoo.com

Viadas, Eduardo
Director
Planeta Azul
Basilio Badillo No. 40
3e Piso, Col. Tabacalera
México, DF 06030
México
Tel: 5255 5228 8909
Fax: 5255 5228 8908
E-mail: investigacionazul@yahoo.com

Villalobos Maldonado, Juan José
Ingeniero Bioquimico Instituto Tecnológico
1a, Sur Ote. No. 720
Centro Tuxtla Gutierrez
Chiapas 29000
México
Tel: 011 52 961 615 0380
Fax: 011 52 961 615 168
E-mail: jjvillalobm@yahoo.com

Wallis, Cliff
Past-President Alberta Wilderness
Association
615 Deercroft Way SE
Calgary, Alberta T2J 5V4
Canada
Tel: 403 271 1408
Fax: 403 271 1708
E-mail:deercroft@shaw.ca

Yazareth, Guzmán
Asesora
Apoyo Ciudadano
Calle Benito Juárez No. 306 Pte
Juxtlahuaca, Oaxaca 69700
México
Tel: 011 52 953 100 0820
Fax: 011 52 554 0085
E-mail:angelgnin138@hotmail.com

Zeromski, Andrej
Profesor Investigador
Departamento de Geografía
Universidad de Guadalajara
Av. De los Maestros y Mariano Bárcena
Guadalajara, Jalisco 44260
México
Tel: 011 52 333 819 3381
Fax: 011 52 333 819 3387
E-mail: zeromski@fuentescsn.udg.mx /
azeromski@hotmail.com

Joint Public Advisory Committee

Correa, Adriana Nelly

Profesor Investigador
Centro de Calidad Ambiental - ITESM
Campus Monterrey
Av. Eugenio Garza Sada No. 2501 Sur
Monterrey, Nuevo León 64849
México
Tel: 011 52 818 328 4032
Fax: 011 52 818 359 6280
E-mail: ancs@itesm.mx

Dépôt, Jean-Guy

Président
Association des propriétaires riverains
du Lac Bowker
20, chemin du Lynx, Lac Bowker
Orford, Québec J1X 6V7
Canada
Tel: 450 532 4684
Fax: 450 532 4684
E-mail: lacbowker@cooptel.qc.ca

Gardner, Jane

Manager and Counsel
Remediation Programs - Corporate
Environmental Programs
General Electric Company
3135 Easton Turnpike
Fairfield, Connecticut 06431
United States
Tel: 203 373 2932
Fax: 203 373 2683
E-mail: Jane.gardner@corporate.ge.com
JPAC Chair for 2005

Henriques, Irene

Schulich School of Business
York University
4700 Keele Street
Toronto, Ontario M3J 1P3
Canada
Tel: 416 736 5068
E-mail: ihenriqu@schulich.yorku.ca

McDonald, Patricia

Consultant
4420 Berry Drive #3822
Wilson, Wyoming 83014
USA
Tel: 307 734 2758
Fax: 307 734 2758
E-mail: pattyamcdonald@earthlink.net

Rincón Mejía, Eduardo

Profesor Investigador
Facultad de Ingeniería. Departamento
de Postgrado. Universidad Autónoma
del Estado de México
Cerro de Coatepec s/n
Ciudad Universitaria
Toluca, Estado de México 51130
México
Tel: 011 52 722 214 0855 x 222 y 722
272 6574
E-mail: rinconsolar@hotmail.com

Sandoval, Carlos

Presidente
Consejo Nacional de Industriales
Ecologistas
Gabriel Mancera No. 1141
Col. del Valle
México, DF 03100
México
Tel: 011 52 555 559 1915
Fax: 011 52 555 575 2337
E-mail: ecologia@conieco.com.mx

Sepúlveda, Héctor Javier

Director Técnico
Fábrica de Jabón "La Corona"
Carlos B. Zetina, No. 80
Fraccionamiento Industrial Xalostoc
Ecatepec, Estado de México 55340
México
Tel: 011 52 555 747 6406 x 1900 y 747
4545 x 1901
Fax: 011 525 55 714 3798
E-mail: hsepúlveda@fjcorona.com.mx

**Commission for Environmental
Cooperation**

Kennedy, William

Executive Director
Commission for Environmental
Cooperation
393, St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4300
Fax: 514 350 4314
E-mail: ndaoust@ccemtl.org

Sotelo, Olga

Logistics - Meeting Services
Commission for Environmental
Cooperation
393, St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4300
Fax: 514 350 4345
E-mail: osotelo@ccemtl.org

Lloyd, Evan

Director of Communications
Commission de coopération
environnementale
393, rue St-Jacques Ouest
Montréal, Québec H2Y 1N9
Canada
Tel: 514 350 4300
Fax: 514 350 4314
E-mail: elloyd@cec.org

Morin, Jocelyne

JPAC Assistant
Commission for Environmental
Cooperation
393, St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4300
Fax: 514 350 4314
E-mail: jmorin@ccemtl.org

Orozco, Marcela

JPAC Liaison Officer
Commission for Environmental
Cooperation
393, St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4300
Fax: 514 350 4314
E-mail: morozco@ccemtl.org