

Montreal, 4 September 2003

Manon Pepin
JPAC Liaison Officer
North American Commission for Environmental Cooperation
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Re: Comment concerning public consultations on issues related to Articles 14 and 15 of the North American Agreement on Environmental Cooperation

Dear Ms. Pepin,

Since the Commission for Environmental Cooperation first came into existence, we have followed its work and the various developments related to citizen submissions to the CEC Secretariat with interest. This past summer, we learned that the Joint Public Advisory Committee is soliciting comments from the public related to, notably, limiting the scope of factual records.

In a context in which the objective of your organization consists in promoting and ensuring the effective enforcement of environmental laws by the Parties to the NAAEC, we would like to take this opportunity to point out a facet of the complaints procedure that puzzles us. It seems strange that the records are generally titled after the businesses concerned by the enforcement of Canadian, US, or Mexican laws—indeed, the “abridged title,” the one most often employed, is limited to the name of the business itself. Yet the issue is not whether these businesses have contravened environmental laws; rather it is about assessing whether they have been effectively enforced by the public administration. We feel that associating a business’s name with the complaint when that business is in no way involved with the procedure negatively effects the business’s reputation.

To remedy this situation, and given that the Parties involved are the signatories to NAAEC, we believe that the records should be named after the Parties themselves or the laws involved rather than after third parties who are involved only indirectly. If you cannot find your way to implementing this suggestion, then we feel that the businesses involved should at least have a chance to set right certain details raised by the Parties involved that they deem to be false. Our comment does not arise from a wish to become a party to a dispute but rather from the standpoint of basic rights. At the very least, providing a right of reply would let businesses identified as having contravened certain environmental laws re-establish the facts.

We applaud all efforts to ensure the effective enforcement of environmental laws in North America, and we thank you in advance for your attention to this matter.

Sincerely,

Original letter signed

Myriam Truchon
Directrice Environnement

c.c.: Pierre-Luc Desgagné