



COMMISSION FOR ENVIRONMENTAL COOPERATION
Joint Public Advisory Committee Session No. 01-02

27–29 June 2001
Guadalajara, Jalisco, Mexico

Summary Record

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session on 27–29 June 2001 in Guadalajara, Jalisco, Mexico, in conjunction with the 2001 Regular Session of Council.

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, Annex B for the list of participants, Annex C for JPAC's report on the Round Tables on Opportunities for Enhancing North American Cooperation, Annex D for Advice to Council 01-04 on Climate Change, Annex E for a letter to the Secretariat on Lake Chapala, and Annex F for Advice to Council 01-05 on the 2002–2004 Work Program Outline of the Commission for Environmental Cooperation.)

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/jpac>>.

DISCLAIMER: Although this summary was prepared with care, readers should be advised that it has not been reviewed nor approved by the intervenors and therefore may not accurately reflect their statements. Neither do these recorded statements necessarily reflect JPAC's view on a subject.

Welcome and Overview by the Chair

The Chair, Liette Vasseur, welcomed everyone to Guadalajara. Each member introduced themselves. The Chair welcomed the new Mexican and Canadian members. She noted the absence of Laura Silvan de Durazo, with reasons, and that Cam Avery and Blanca Torres would be arriving later in the day. She went on to note the importance of this meeting which is being held in conjunction with the Regular Session of Council, and the many opportunities for public input. She encouraged the public to take up those opportunities.

Report from the National and Governmental Advisory Committee Representatives

The Chair then invited the National and Governmental Advisory Committees representatives to make their presentations.

Mateo Castillo, Chair of the Mexican National Advisory Committee (NAC), welcomed the participants to Mexico and went on to explain that the region surrounding Guadalajara was experiencing critical

water shortages, an issue that would surely be raised during the meetings.

Given the transition period in Mexico, the Mexican NAC has not been fully organized and has not provided advice yet to the new government. Lack of resources for public consultation is an issue for the NAC, and they remain committed to providing advice on the basis of transparency and public input.

Jean Perras, on behalf of the Canadian NAC, made a brief presentation and explained that the new NAC had recently been appointed ten members, four more than the previous Committee, representing many sectors of Canadian society. Mr. Steward Elgie is the only remaining member. They have begun their mandate by reviewing the past work of the NAC, setting out a schedule to build a work plan and will meet later this summer to review the CEC Program Plan. They will continue to coordinate with the other NACs, encourage the remaining Canadian provinces and territories to engage in the North American Agreement on Environmental Cooperation (NAAEC), and carefully consider the impacts on the NAAEC of an eventual a Free Trade Area of the Americas Agreement (FTAA). They are particularly concerned with the projects on biodiversity conservation, electricity deregulation, children's health and the Sound Management of Chemicals (SMOC).

Adam Greene, representing the US NAC, explained that their committee was comprised of 5 academics, four nongovernmental organization representatives and three from the business sector. He then provided an overview of their recent advice that:

- ?? stressed the importance of Pollutant Release and Transfer Register (PRTR) in Mexico;
- ?? supported JPAC's report on the lessons learned in the Articles 14 and 15 submissions process with respect to removing blackout periods, developing a method for follow-up and the independence of the Secretariat. He further explained the need for the US government to take a position in support of the development of factual records when recommended by the Secretariat;
- ?? encouraged multi-stakeholder representation on CEC working groups;
- ?? recommended enhanced transparency and the role of the public related the NAAEC Article 10(6) discussions and investment disputes;
- ?? supported further cooperation between trade and environment officials, and
- ?? highlighted the importance of developing an energy policy for North America consistent with environmental protection.

Denise Ferguson-Southard, Chair of the US Governmental Advisory Committee (GAC), praised the CEC for its pivotal role in the persistent organic pollutants (POPs) treaty by creating a regional model through the SMOC program. The US GAC wholeheartedly endorsed JPAC's lessons learned report and urged its rapid implementation. She noted, regarding follow-up, the need for Secretariat involvement. She went on to comment on the CEC Program Plan and how it has achieved a level of maturity. Regarding PRTR she stressed the importance of comparable data from the three countries for tracking emissions, the need for facility-specific data suggesting a phased approach for acquiring aggregated data on a progressively smaller scale. Within biodiversity work, the US GAC considers it very important to continue building linkages and working towards greater integration, using the North American Bird Conservation Initiative (NABCI) as an example. She went on to suggest that the Secretariat develop a protocol for a

peer review of the State of the Environment (SOE) Report. Finally, she urged continuing efforts for productive discussions between trade and environment officials, suggested a review of Chapter 11 cases of the North American Free Trade Agreement (NAFTA) for lessons learned and the development of criteria to identify cases where impacts may warrant intervention.

Presentation of the CEC Program Outline for 2002-2004 by Greg Block, Director of Programs

Greg Block, Director of Programs provided an overview of the 2002-2004 Program Outline as a context for the round table discussions. He stressed the interest of the Secretariat in receiving public input at this time so it can be taken into account when the program managers develop the detailed proposed program in July. He encouraged the public to interact directly with the program managers during the next two days. He explained that based on past work and JPAC advice, the program seeks synergies between programs and actions; encourages the development of linkages with the private sector; leaves space for Council to identify new directions and priorities; and targets energy, climate change and transportation as important areas of focus.

Explanation of the round table process

The Chair and JPAC staff then provided an explanation of the round table process.

Joint Public Advisory Committee Round Tables on Opportunities for Enhancing North American Cooperation

See Annex C for a summary of each round table.

Action: Council, JPAC, Secretariat

As a result of discussions during the round tables, JPAC prepared Advice to Council 01-04 on Climate Change (Annex D) and a letter to the Secretariat regarding Lake Chapala (Annex E).

Action: Council, Secretariat

Joint Public Advisory Committee Workshop on Green Goods and Services and Electricity Market Issues

The workshop resulted in a very fertile discussion among CEC staff and consultants, JPAC and the public. Many issues were raised, questions posed and answers offered. JPAC incorporated the results of the workshop into Advice to Council 01-05 on the 2002–2004 Work Program Outline of the Commission for Environmental Cooperation (Annex F).

The following points emerged regarding green goods and services:

- ?? The CEC could lead an effort in developing government procurement strategies, which in turn would help create a wider demand for green goods and services, keeping in mind the need for incentives.
- ?? Financial and policy assistance is required to help shift consumer demand and penetrate markets.
- ?? Producers themselves need financing.
- ?? Green goods and services are often considered “luxury” products making them vulnerable to the state of the economy. Need to build long-term, large, stable markets.
- ?? There should be more focus on building domestic markets in Mexico. Green goods should not merely be for export. The CEC can assist in building an environmentally aware community and support what is already in place. Some of these projects had their origins in NAFEC.
- ?? In any planning, the CEC should keep in mind that Mexico’s competitive advantage depends on cheap labour creating a systemic imbalance in North America.
- ?? Standards for green products should be harmonized to ensure they do not present health hazards. Protection of biodiversity should not be the only goal. Examples were given of using lead paint and children of small producers being exposed to pesticides.
- ?? Work with certification bodies on a sector basis, i.e. forest products, to expand the scope of green goods and services.
- ?? The protection of biodiversity cannot be separated from respect and protection for cultural diversity. It is not just a commercial challenge, but also a social and cultural challenge. When working with indigenous peoples, there must be respect for traditional knowledge, equity in benefits and protection of intellectual property rights.
- ?? Accreditation and certification are two different processes and should not be confused. The CEC can contribute to clarity by building networks and alliances.
- ?? Large, market-driven sustainable tourism is not always sustainable.
- ?? Establishing associations of local tour suppliers has worked in other parts of the world to protect biodiversity.

The second part of the Workshop addressed electricity market issues and the following points were made:

- ?? There is a lack of public involvement in Canadian policy development regarding deregulation or management of demand and supply. Coal-fired production plants are being fast tracked in Alberta with no regard for cumulative impacts or access criteria for intervention. The CEC should also consider assessing the decision and approval process when evaluating deregulation and its potential environmental impacts with a view to developing best practices.
- ?? There is a need to refine assessment mechanisms, standards and criteria for evaluating impacts of deregulation on the environment. Information needs to be presented in non-technical terms to allow the public to participate both in evaluation and monitoring of new facilities.
- ?? Reinforce the importance of emissions reduction. Rural areas and local communities benefit from small-scale renewable energy production. Create independence and economic viability. The CEC should broaden its scope beyond the current paradigm to consider economic viability for people, not just for large companies.

- ?? The CEC should conduct a study on the types of coal used in electricity production facilities. This information is imprecise in Mexico and is directly related to air emissions standards.
- ?? Efficiencies, renewable and alternatives (solar, wind, etc.) all need careful consideration in determining their utility as options.
- ?? Life-cycle analysis should be part of any evaluation, as should subsidization figures in order to 'level the playing field' when studying options.
- ?? The US energy policy seeks to increase production to meet increasing demand. National policies that have direct effects on other countries (Canada and Mexico in this case) should be an issue for the CEC.
- ?? The Plan Puebla-Panama is seriously degrading the environment by affecting hydrological basins. This is another form of trade corridor. People working on energy issues should coordinate with those working on trade corridors.

Please note that these comments were not incorporated into Advice to Council 01-05. JPAC will be developing a separate Advice to Council on this subject during a Regular Session to be held in conjunction with the Symposium on the Evolving North American Electricity Market and the Environment, 29-30 November 2001.

Discussion of Potential Advice to Council on the 2002–2004 Work Program Outline of the CEC

JPAC went through the Program Outline section by section and had a discussion on elements for inclusion in an Advice to Council to be drafted and presented for approval the next day.

Observers' comments included:

- ?? The need to develop an Arctic focus. It is well known that contaminants find their way to the Arctic via air and water. Climate change is further contributing to environmental concerns. Northern aboriginal peoples are ready to work with the CEC.
- ?? There is a freshwater crisis. The speaker urged JPAC to recommend that Council establish a permanent body to discuss freshwater policy issues in North America. The same speaker supported the North American Fund for Environmental Cooperation (NAFEC) as a vehicle for incubating important CEC projects and would very much regret this fund lapsing. He also urged Council to consider the impacts of mega projects on biodiversity and local peoples. He gave the Plan Puebla-Panama as an example.
- ?? Another speaker reiterated support for NAFEC, particularly as it provides funding for indigenous peoples and local communities.
- ?? The next speaker presented several points on behalf of NGOs present at the meeting. First was a caution to the CEC to make every effort to continue to improve public participation and avoid the appearance of representing government and industrial interests. Transgenics continue to impact on the three NAFTA countries and the CEC should be addressing issues of biotechnology, bioprospecting, intellectual property rights and other rights of indigenous peoples. The speaker went on to make a call for supporting the rights of indigenous peoples to land and natural resources

as stewards of biodiversity. Finally there was a call for the CEC to work to encourage and assist governments to strengthen and enforce laws for the protection of the environment.

?? A final speaker pressed for immediate action to save Lake Chapala, not just more words and good intentions.

Approval of Draft Advice to Council on the CEC Program Outline for 2002–2004

It was agreed that the Chair and JPAC staff would further develop the Draft advice and it would be circulated by e-mail for final approval.

Action: JPAC

8th Regular Session of Council

The Chair reported that Council had given JPAC a new mandate to work with the public to develop advice on how to improve public access to environmental information and to operationalize the public's "right to know". She explained that JPAC would be developing a terms of reference for its work and it would be on the agenda for discussion at the next JPAC Regular Session in September.

Letter from JPAC Chair to Council on the North American Symposium on Understanding the Linkages between Trade and Environment

Not discussed.

CEC Project on Emerging Environmental Trends

Not discussed.

NAAEC Articles 14 and 15

a) Lessons Learned Report

Not discussed.

b) Process of the JPAC Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15

Not discussed.

c) Discussion on the Vote of Council

Not discussed.

JPAC Member Appointments and Rotation, and JPAC Working Groups

Not discussed.

Next JPAC Meetings

It was agreed to add a discussion on the progress towards a Transboundary Environmental Assessment Agreement to the agenda of the next Regular Session

Action: JPAC

Other Issues

The Chair reported that JPAC has expressed its disappointment to Council, during the in-camera session, on Council's decision to postpone the vote on pending Article 14 and 15 submissions. It was agreed that the CEC staff would provide JPAC with an update at the next meeting and JPAC would discuss if further action was necessary.

Action: Secretariat, JPAC

Observers' Comments

Representatives of the Friends of Lake Chapala thanked JPAC for its support.

The Chair thanked the public, the staff, fellow members and the interpreters then adjourned the meeting.

Prepared by Lorraine Brooke

APPROVED BY JPAC MEMBERS ON 8 AUGUST 2001



8th CEC Regular Session of the Council and JPAC Meetings

27–29 June 2001

Guadalajara, Jalisco, México

<p>All meetings will be held at: Expo Guadalajara Avenida Mariano Otero 1499 Colonia Verde Valle Phone: 011 523 343 3000</p>	<p>Lodging for participants : Hilton Guadalajara Hotel Avenida de las Rosas 2933 Col. Rinconada del Bosque Phone: 011 523 678 0505 • Fax: 011 523 678 0521</p>
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Program of Public Events

(As of 20 June 2001. Please note that although no major changes are expected, there may be minor time related adjustments.)

Tuesday, 26 June 2001

18:00–20:00 Accreditation of participants

Wednesday, 27 June 2001

8:00–20:00 Accreditation of participants

9:00–9:45 Joint Public Advisory Committee Regular Session 01-02[?]

Welcome and overview by Liette Vasseur, JPAC chair

- a) Report from the National and Governmental Advisory Committee representatives
- b) Presentation of the CEC 2002–2004 Program Outline by Greg Block, Director of Programs
- c) Explanation of the round table process

9:45–10:00 Break

10:00–18:00 Joint Public Advisory Committee Round Tables on Opportunities for Enhancing North American Cooperation

10:00–11:15 I) Managing pollutants in North America
?? Introduction by Victor Shantora, Program Head
?? Audience participation

AND

II) Conservation of Biodiversity
?? Introduction by Hans Hermann, Program Head
?? Audience participation

11:15–11:30 Break

11:30–13:00 Round tables I) and II) (cont'd)

13:00–14:00 Lunch (not provided)

14:00–17:00 III) North American Trade and Transportation Corridors
?? Introduction by Greg Block, Director of Programs

[?] Session open to the public as observers

?? Audience participation

AND

IV) Management of Renewable Resources

?? Introduction by Jose Carlos Tenorio, Program Manager

?? Audience participation

17:00–17:30 Break

17:30–18:00 Presentation of conclusions from the round tables

18:00 End of the round tables

Thursday, 28 June 2001

8:00–19:00 Accreditation of participants

9:30–10:15 Official opening of the 8th Regular Session of the Council of the CEC

9:30–10:00 Opening Remarks by Council members

- ?? Welcoming remarks by Lic. Francisco Javier Ramírez Acuña, Governor of the State of Jalisco
- ?? Opening remarks by Victor Lichtinger, Mexican Secretary for Environment and Natural Resources
- ?? Remarks by Christine Todd Whitman, Administrator US Environmental Protection Agency
- ?? Remarks by David Anderson, Canadian Environment Minister

10:00–10:15 Report by Janine Ferretti, Executive Director

10:15–10:30 Break

10:30–16:30 Joint Public Advisory Committee Workshop on Green Goods and Services

10:30–10:35 Workshop opening by Liette Vasseur, JPAC Chair

10:35–10:45 Overview

- ?? Introduction by Scott Vaughan, Program Head

10:45–11:45 Lessons Learned

- ?? Introduction by Chantal Line Carpentier and Jürgen Hoth, Program Managers
- ?? Presentations:
 - Erik Brown, Center for a New American Dream
 - Fulvio Eccardi, Consultant
 - Eduardo Esteve, *Industrias Unidas Agropecuarias*
 - Carolyn Wild, WILD International, Tourism Consulting Services

11:45–12:00 Break

12:00–13:00 Lessons Learned (cont'd)

- ?? Audience participation

13:00–14:00	Lunch (not provided)
14:00–16:00	Electricity Market
	?? Introduction by Scott Vaughan, Program Head
	?? Audience participation
16:00–16:15	Break
16:15–16:30	Workshop wrap-up by Liette Vasseur, JPAC Chair
16:30	End of the workshop
16:30–17:00	Break
17:00–18:30	Joint Public Advisory Committee Regular Session 01-02[?]
17:00–18:15	Discuss the potential Advice to Council on the CEC Program Outline for 2002–2004
18:15–18:30	Observers' comments
18:30	Adjournment of the Session
18:30–19:30	Free Time
19:30–20:30	Welcoming Reception hosted by the Governments of the Municipalities of Tonalá, Guadalajara, Zapopan and Tlaquepaque (Location to be confirmed)

Friday, 29 June 2001

8:00–12:00	Accreditation of participants
8:45–11:00	Public Portion of the Council Session
	?? Opening of the Public Session
	- Opening remarks by Victor Lichtinger, Mexican Secretary for Environment and Natural Resources
	- Introduction by Liette Vasseur, JPAC Chair
	?? Oral statements by pre-selected presenters on the following themes, followed by comments from the Council members:
	- Environment and Trade
	- Conservation of Biodiversity
	- Pollutants and Health
	- NAAEC Articles 13, 14 and 15; public awareness and education
	?? Closing of the Public Session
	- Closing remarks by Victor Lichtinger, Mexican Secretary for Environment and Natural Resources; Christine Todd Whitman, Administrator US Environmental Protection Agency and David Anderson, Canadian Environment Minister

*Session open to the public as observes

11:00–11:45	Presentation of a North American Integrated Taxonomic Information System On-Line
11:45–12:00	Break
12:00–12:45	Press Conference*
12:45–13:30	Lunch (not provided)
13:30–15:00	Joint Public Advisory Committee Regular Session 01-02*
13:00–13:15	Approve the draft Advice to Council on the CEC Program Outline for 2002–2004
13:15–13:45	Follow-up <ul style="list-style-type: none"> a) 8th Regular Session of Council b) JPAC letter to Council on the North American Symposium on Understanding the Linkages between Trade and Environment, held in October 2000 c) CEC Project on Emerging Environmental Trends
13:45–14:15	Articles 14 and 15 of the NAAEC
14:15–14:25	Administrative matters <ul style="list-style-type: none"> a) JPAC member appointments and rotation, and JPAC working groups b) Next JPAC meetings
14:25–14:30	Other issues
14:30–15:00	Observers' comments
15:00	End of the session
15:00–16:00	Free time
16:00–22:00	Site visits and concert (note: dinner is not provided)
16:00–19:00	Visit and shopping at Tlaquepaque (handicrafts of Jalisco State) (Transportation provided by the State Government of Jalisco)
19:00–20:00	Visit to the historic center of Guadalajara (Transportation provided by the State Government of Jalisco)
20:00–22:00	Special concert featuring the <i>Orquesta Filarmónica del Estado de Jalisco</i> to be held at Teatro Degollado (event to be confirmed) (Return transportation to Hilton Hotel provided by the State Government of Jalisco)



**Commission for Environmental Cooperation
Comisión para la Cooperación Ambiental
Commission de Coopération Environnemental**

**Eight Regular Session of the Council 27, 28 and 29 June, 2001, Guadalajara, Jalisco, Mexico
Octava sesión ordinaria del Consejo 27, 28 y 29 de junio de 2001, Guadalajara, Jalisco, México
Huitième session ordinaire du Conseil 27, 28 et 29 juin 2001, Guadalajara, Jalisco, Mexico**

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**Joint Public Advisory Committee Regular Session Meetings 01-02
Reuniones 01-02 del Comité Consultivo Público Conjunto
Réunions du Comité consultatif public mixte n° 01-02**

Final List of Participants / Lista de participantes final / Liste de participants finale

Please inform the Secretariat of any mistake or missing name
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SVP veuillez informer le Secrétariat de toute erreur ou omission

August 7, 2001

Ms. Andrea Abel

NAFTA Program Specialist
National Wildlife Federation
44 East Avenue, Suite 200
Austin, Texas 78701
USA
Tel: 512 476 9805
Fax: 512 476 9810
Email: abel@nwf.org

Sra. Alicia Abdis Gutiérrez

Colectivo Ecologista de Jalisco
Guadalajara, Jalisco 45100
México
Tel: 52 3 660 66 04
Fax:
Email: gem0t-@hotmail.com

Sra. Yadira Abreu

Gerente Ecología
Coparmex, Jalisco
López Cotilla 1465-1
Guadalajara, Jalisco 44140
México
Tel: 52 3 825 0328 ext. 130
Fax: 52 3 825 8181 / 615 7164
Email: ecologia@coparmexjal.org.mx

Sra. Patricia Acero

Jefe de Comunicación Social
Delegación Jalisco
Calle Alcalde N. 500
Guadalajara, Jalisco 44100
México
Tel: 52 3 668 5304
Fax: 52 3 668 5331
Email:
Jal-comunica@semalnat.com.mx

Ms. Jocelyn Adkins

Attorney
Environmental Protection Agency
1200 Pennsylvania Av. NW
Washington, DC 20460
USA
Tel: 202 564 5424
Fax: 202 564 5412
Email: adkins.jocelyn@epa.gov

Sr. Alfredo Agraz

Director de Proyectos
Múñoz Villa
Hidalgo N. 3157
Guadalajara, Jalisco 44690
México
Tel: 52 3 647 4314
Fax: 52 3 647 8076
Email: ctlajomulco@megated.net

Sr. Gustavo Alanís-Ortega

Presidente
Centro Mexicano de Derecho Ambiental
Atlixco N. 138 Colonia Condesa
México, DF 06140
México
Tel: 52 5 286 3323
Fax: 52 5 211 2593
Email: galanis@cemba.org.mx

Sr. Jaime Alejo Castillo

Director de Información
Secretaría de Medio Ambiente
y Recursos Naturales
Periférico Sur N. 4209
México, DF 14210
México
Tel: 52 5 628 0650
Fax: 52 5 628 0653
Email:

Sr. Oscar Alfonso
Reportero
Tu Azteca
López Mateos 5001
Col. Las Águilas
México, DF 45080
México
Tel: 52 3 632 3231
Fax: 52 3 632 3231
Email:
noticias_tvazteca@todito.com

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

Ms. Linda Allen
Doctoral Student
Indiana University
3209 Est Tenth St., Suite C5
Bloomington, Indiana 47408
USA
Tel: 812 323 1364
Fax: 812 330 0879
Email: linallen@indiana.edu

Sra. Gael Almeida
García Noriega
Secretaría de Medio Ambiente y
Recursos Naturales
Periférico Sur N. 4209, piso 6
México, DF 14210
México
Tel: 52 5 628 0600
Fax: 52 5 628 0653
Email: galmeida@semarnat.gob.mx

Mr. Dudley Althaus
Corresponsal
Houston Chronicle
Gómez Farias N. 21
Colonia San Ángel
México, DF 01060
México
Tel: 52 5 550 9337
Fax: 52 5 550 9077
Email:
dudleyalthaus@compuserve.com

Sr. Carlos Alvarez
Presidente
México, Comunicación y Ambiente
México-Xochimilco N. 75-301
Toriello Guerra
México DF 14050
México
Tel: 52 5 513 5490
Fax: 52 5 513 1733
Email: caralvez16@hotmail.com

Sr. Luis Alejandro Alvelais Gonzalez
Colectivo Ecologista Jalisco
Emilio Rabaza N. 3372
Guadalajara, Jalisco 45050
México
Tel: 52 3 121 4481
Fax:
Email: alvelais@hotmail.com

Sra. Rayo Angulo Sánchez
Directora General de Financiamiento
Estratégico
Secretaría de Medio Ambiente y
Recursos Naturales
Avenida Revolución N. 1425, Nivel 3
México, DF 01040
México
Tel: 52 5 624 3512
Fax: 52 5 624 3582
Email: rangulos@yahoo.com

Sr. Francisco Javier Apellaniz Rourke
Director de Asuntos Bilaterales
Secretaría de Medio Ambiente y
Recursos Naturales
Periférico Sur N. 14210
México, DF 14210
México
Tel: 52 5 628 0600
Fax: 52 5 628 0653
Email: japellaniz@semarnat.gob.mx

Sra. Gabriela Arballo
Coordinación de publicidad
Ventana Comunicación
Cosmos N. 2664
Guadalajara, Jalisco 44520
México
Tel: 52 3 647 1836
Fax: 52 3 647 1836
Email: informes@ventana.com.mx

Ms. Anna Arroyo
U.S. Assistant Director
Program Development
Rio Grande/Rio Bravo Basin Coalition
109 North Oregon, Suite 617
El Paso, Texas 79901
USA
Tel: 915 532 0474
Fax: 915 532 0474
Email: rgrbbc@netcorp.net

Sra. Elisabeth Arroyo
Activista
Conservación de Mamíferos Marinos
Pedro Simón Laplace # 5663
Fracc. Arboledas
Zapopán, Jalisco 45070
México
Tel: 52 3 610 0834
Fax:
Email: earroyo89@hotmail.com

Sr. David Atisha Castillo
Secretario
Secretaría de Ecología y Gestión Ambiental
Cauhtemoc N. 1205
Fraccionamiento Capitán Caldera
San Luis Potosí, San Luis Potosí
México
Tel: 52 4 811 3080
Fax: 52 4 811 3050
Email: segam@slp.telmx.gob.net.mx

Mr. John Audley
Senior Associate
Carnegie Endowment for International
Peace
1779 Massachusetts Ave. NW
Washington, DC 20036
USA
Tel: 202 939 2340
Fax: 202 483 1840
Email: srupani@ceip.org

Mr. Cam Avery
Director of Public Affairs
B.C. Gas
24th Floor, 1111 West Georgia
Vancouver, British Columbia
V6E 4M4
Canada
Tel: 604 443 6603
Fax: 604 443 6614
Email: cavery@bcgas.com

Sr. Luis Felipe Ayala Soto
Secretario
Comité Pro Limpieza del Río
Magdalena
Giotto N. 132, Int. 202
Col. Alfonso XII
Delg. Alvaro Obregón
México, DF 01460
México
Tel: 52 5 611 5072
Fax: 52 5 622 5072
Email: lfayalas@hotmail.com

Mr. Joseph Babb
Science and Technology Officer
U.S. Embassy - Mexico City
P.O. Box 3087
Laredo, Texas 78044
USA
Tel: 52 5 209 9100 ext. 3798
Fax: 52 5 525 2211
Email: babbur2@state.guv

Sr. Santiago Baeza Sánchez
Coordinador de Vinculación Exterior
Dirección General de Planeación y
Vinculación Ambiental
Secretaría de Medio Ambiente
para el Desarrollo Sustentable de
Jalisco
Colegio Militar #1111
Col. Chapultepec Country
Guadalajara, Jalisco 44610
México
Tel: 52 3 817-1603
Fax: 52 3 817-1603
Email: santiagobaeza@hotmail.com

Sra. Dalia Bali Cohen
Directora para Proyectos Especiales
Secretaría de Medio Ambiente y
Recursos Naturales
Periférico Sur N. 4209, piso 6
México, DF 14210
México
Tel: 52 5 628 0600
Fax: 52 5 628 0653
Email: dbali@semarnat.gob.mx

Sra. Karin Balzaretto
Coordinadora del Program de Educación
Ambiental
Universidad de Guadalajara
Km. 15.5
Carretera a Nogales-Zapopán
Guadalajara, Jalisco 45130
México
Tel: 52 3 682 0630
Fax: 52 3 682 0630
Email: balzahk@yahoo.com.mx

Sr. Manuel Bañuelos
Public Affairs Specialist
U.S. Embassy
Progreso N. 175
Guadalajara, Jalisco 44100
México
Tel: 52 3 826 7588
Fax: 52 3 826 7563
Email: mbrmex@pd.state.gov

Sr. Oscar Guillermo Barba González
Gerente
Hidro Plata
Pedro Loza N. 783
Guadalajara, Jalisco 44200
México
Tel: 52 3 614 1460
Fax: 52 3 614 1460
Email: ogbg@correoweb.com

Sra. Regina Barba Pirez
Titular de la Unidad de Coordinación
Secretaría de Medio Ambiente y
Recursos Naturales
Lateral Periférico sur 4209
piso 6, ala B
México, DF 14210
México
Tel: 52 5 490 0908
Fax: 52 5 628 0713
Email: rbarba@semarnat.gob.mx

Sr. Mindahi Bastida Muñoz
Presidente
Consejo Mexicano para el Desarrollo
Sustentable
Lázaro Cárdenas N. 125
Tultepec, Lerma
Estado de México 52030
México
Tel: 52 7 282 0469
Fax: 52 7 282 0469
Email: mindahi@prodigy.net.mx

Sr. Daniel Basurto
Abogado
Lexcorp Abogados
Homero N. 1804, despacho 602
Col. Polanco
México, DF 11570
México
Tel: 52 5 395 1085
Fax: 52 5 395 1095
Email: dbasurto@lexcorp.com.mx

Ms. Steffanie Bell
Communications Coordinator
Environment Protection Agency
1200 Pennsylvania Ave.
Washington, DC 20460
USA
Tel: 202 564 6976
Fax: 202 564 6976
Email: bell.steffanie@epa.gov

Mme Julie Anne Bellefleur
Secrétaire adjointe du Conseil
Commission de coopération
environnementale
393 rue St-Jacques Ouest
Bureau 200
Montréal, Québec H2Y 1N9
Canada
Tel: 514 350 4310
Fax: 514 350 4314
Email: jabellef@cceintl.org

Sr. Julián Bennett Domínguez
Encargado de Proyectos
Subsecretaria de Servicios Educativos
para el DF
Parroquia N. 1130, Col. Sta. Cruz Atoyac
Del. Benito Juárez
México, DF 03100
México
Tel: 52 5 328 1097 ext. 21435
Fax: 52 5 328 1097 ext. 21513
Email: onzajb@hotmail.com

Mr. Peter Berle
P.O. Box 881
Stockbridge
Massachusetts 01262
USA
Tel: 413 298 0061
Fax: 413 298 0069
Email: pberle@audubon.org

Ms. Sara Bjorkquist
Policy Advisor
Environment Canada
Terrasses de la Chaudière
10 Wellington St., 23rd floor
Hull, Quebec K1A 0H3
Canada
Tel: 819 953 0739
Fax: 819 953 0279
Email: sara.bjorkquist@ec.gc.ca

Mr. Greg Block
Director of Programs
Commission for Environmental
Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4320
Fax: 514 350 4314
Email: gblock@cceintl.org

Sr. Javier Bocanegra
Subgerente de Desarrollo
Sustentable
Petróleos Mexicanos
Avenida Marina Nacional N. 329
México, DF 11311
México
Tel: 52 5 722 2500
Fax: 52 5 203 6279
Email:
jbocanegra@desipa.pemex.com

Sr. Jorge Bolaños-Cacho Ruíz
Director General
Dirección General de Manejo
Integral de Contaminantes
Avenida Revolución N. 1425
México, DF 01040
México
Tel: 52 5 624 3389
Fax: 52 5 624 3595
Email: jbolanos@ine.gob.mx

Sr. Miguel Bortolini Castillo
Diputado Federal
Cámara de Diputados
E. Zapota N. 30
San Pablo Tepetldpa
México, DF 04620
México
Tel: 52 5 617 5377
Fax:
Email:

Mme Ann Bourget
Presidente et directrice générale
Vivre en ville
1085, Avenue de Salaberry
Bureau 313
Québec, Québec G1R 2V7
Canada
Tel: 418 522 0011 poste 223
Fax: 418 522 7555
Email: vivenvil@mediom.qc.ca

Mr. Michael Boynton
International Economist
U.S. Department of State Western
Hemisphere Affairs
Regional Economic Policy
Washington, DC 20520
USA
Tel: 202 647 3903
Fax: 202 647 3903
Email: boyntonmr@state.gov

Mr. Clait Braun
Doctor
Groupe Inc.
University of Arizona
5572 Ventana Vista Rd.
Tucson, Arizona 85750
USA
Tel: 520 529 4614
Fax: 520 529 0365
Email: sg-wtg@juno.com

Mr. José Bravo
Co-Chair Border Justice Campaign
Southwest Network for Environmental
and Ecological Justice
1066 Larwood Rd.
San Diego, California 92114
USA
Tel: 619 461 5011
Fax: 619 461 5011
Email: tonali@pacbell.net

Mr. Miguel Breceda
Energy Matters
Jalapa N. 263, Colonia Roma
México, DF 06760
México
Tel: 52 5 264 7181
Fax: 52 5 264 7181
Email: mibreceda@prodigy.net.mx

Ms. Lorraine Brooke
Consultant
3745, St. Jacques West, Suite 220
Montreal, Quebec H4C 1H3
Canada
Tel: 514 934 1218
Fax: 514 937 5114
Email: toportia@mlink.net

Mr. Eric Brown
Communications Director
Center for a New American Dream
6930 Carroll Avenue, Suite 900
Tokoma Park, MD 20912
USA
Tel: 301 891 36 83
Fax: 301 891 3684
Email: eric@newdream.org

Sr. Marcos Bucio Pacheco
Hidrobiólogo
Universidad Autónoma de Sinaloa
Avenida Universitarios
Culiacán, Sinaloa 80030
México
Tel: 52 6 716 1139
Fax: 52 6 716 1139
Email: ocelotl@uas.uasnet.mx

Mr. Ronald Burnett
Legal Advisor
Environment Canada
351 St. Joseph Blvd.
Hull, Quebec K1A 0H3
Canada
Tel: 819 997 2799
Fax: 819 953 9110
Email: ron.burnett@ ec.gc.ca

Sr. Francisco Calderón
Director de Planeación Ambiental
Secretaría de Medio Ambiente para el
Desarrollo Sustentable
Colegio Militar N. 1111
Guadalajara, Jalisco 44610
México
Tel: 52 3 817 1603
Fax: 52 3 817 1603
Email: fcaldero@jalisco.gob.mx

Sr. Silvano Camberos

Asesor
CIDNAT
Calle La Calma N. 60
Guadalajara, Jalisco 45070
México
Tel: 52 3 615 2383
Fax: 52 3 615 2383
Email:

Sr. Victor Antonio Canto Ramírez

Director
Radiodifusora Cultural Indigenista
XEPET " La Voz de los Mayas"
Ex Hacienda Aranjuez Km 2
Carretera Peto-Tzucacab S/N
Peto, Yucatán 73560
México
Tel: 52 9 976 0140
Fax: 52 9 976 0140
Email: xepet@sureste.com

Mme Chantal Line Carpentier

Gestionnaire de programme
Environnement, économie et
commerce
Commission de coopération
environnementale
393 rue St-Jacques Ouest
Bureau 200
Montréal, Québec H2Y 1N9
Canada
Tel: 514 350 4336
Fax: 514 350 4314
Email: carpentie@ccemtl.org

Sra. Victoria Carrillo

Asesor
Congreso del Estado de Jalisco
Avenida Hidalgo 222
Zona Centro
Guadalajara, Jalisco 44100
México
Tel: 52 3 679 1529
Fax: 52 3 679 1529
Email: popovcc@hotmail.com

Sr. Gustavo Carvajal

Socio
Solorzano, Carvajal, González y Pérez
Correa
San Bernabé N. 389
México, DF 10200
México
Tel: 52 5 595 2424
Fax: 52 5 595 4789
Email: carvajal@solcarga.com.mx

Sra. María Casparius

Coordinadora General
Pro Habitat, A.C.
Miguel A.G.De Quevedo N. 624
Guadalajara, Jalisco 44680
México
Tel: 52 3 616 9785
Fax: 52 3 630 18 04
Email: phabitatamail@udg.mx

Sr. Ignacio Castillo

Gerente de Saneamiento y Calidad del
Agua
Comisión Nacional del Agua
Avenida San Bernabé S49
México, D.F. 10200
México
Tel: 52 5 595 2988
Fax: 52 5 595 3950
Email: icastilloe@sgt.cna.gob.mx

Sr. Mateo Castillo Ceja

Coordinador Nacional del Comité
Consultivo Nacional
Coordinación de Cámaras y
Asociaciones Empresariales del Estado
de Michoacán
Coordinador de Asuntos Ambientales
Reforma Agraria N° 400-31
"El Pueblito" San José del Cerrito
Morelia, Michoacán 58089
México
Tel: 52 4 320 1039
Fax: 52 4 315 7784
Email: mateo@giga.com

Sra. Rosana Castellón Pérez

Abogada
Asesoría Jurídica Ambiental
Av. Chapultepec Sur N. 464-1
Guadalajara, Jalisco 44190
México
Tel: 52 3 616 4449
Fax: 52 3 616 4449
Email: romambiental@megared.net.mx

Sra. Susana Castro

Luna Nueva A.C.
Lara Goza N. 409
Tepoztlan, Morelos 62520
México
Tel: 52 7 395 2023
Fax: 52 7 395 2318
Email: lunanueva@interlepoz.com

Ms. Khary Cauthen

Administrator's Advance Contact
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460
USA
Tel: 202 564 7211
Fax:
Email: cauthen.khary@epa.gov

Ms. Rita Cerutti

Manager
Environment Canada
Terrasses de la Chaudière
10 Wellington Street, 23rd Floor
Hull, Québec K1A 0H3
Canada
Tel: 819 994 0148
Fax: 819 997 0199
Email: rita.cerutti@ec.gc.ca

Sra. Adriana Chávez Paredes

Educación y Cultura Ambiental
Fuerza Forestal
Playa Cuyutlán N. 123
Querétaro, Querétaro 76130
México
Tel: 52 4 220 5493
Fax: 52 4 220 5493
Email:

Sr. Diego Cobo
Presidente
Comisión de Medio Ambiente y
Recursos Naturales
Cámara de Diputados del
Congreso
de la Unión
Congreso de la Unión N. 66
México, DF 15969
México
Tel: 52 5 420 1759
Fax: 52 5 420 1759
Email: diegocobo@mexis.com

Sra. Ana Compéan Reyes Spíndola
Secretaria
Secretaría de Turismo del Estado
de Michoacán
Palacio Clavijero Calle Nigromante
N. 79
Morelia, Michoacán 58000
México
Tel: 52 4 312 0415
Fax: 52 4 312 9816
Email:
acompean@michoacan.gob.mx

Ms. Ana Corado
CEC Program Coordinator
Pollutants and Health / Law and
Policy
Environmental Protection Agency
1200 Pennsylvania Ave.
Washington, DC 20960
USA
Tel: 202 564 0140
Fax: 202 565 2409
Email: corado.ana@epa.gov

**Sr. Oscar Miguel Cordero
Viramontes**
Director General
Medio Ambiente y Ecología
Ayuntamiento de Guadalajara
Marsella N. 49
Guadalajara, Jalisco 44100
México
Tel: 52 3 818 36 50
Fax: 52 3 818 36 52
Email:
ocordero@guadalajara.gob.mx

Sr. Francisco Corral Alcántara
Subdirector México
Coalición de la Cuenca del Rio
Bravo/Rio Grande
Ave. del Charro N. 610 Norte
Edificio e-110, despacho 206
Juarez, Chihuahua 32310
México
Tel: 52 16 234 303
Fax: 52 16 189 891
Email: franciscocorral@hotmail.com

Sra. Areli Correón
Red de Comunicación de Morelos
Jalisco 7
Cuernavaca, Morelos 62050
México
Tel: 52 7 310 0017
Fax: 52 7 318 3916
Email: areli@cuer.laneta.apc.org

Sra. María Esther Cortés
Colectivo Ecologista Jalisco
A.C.
Ley 2985 Interior 1
Fracc. Juan Manuel
Guadalajara, Jalisco 44680
México
Tel: 52 33 42 32 70
Fax: 52 33 42 32 71
Email: cej@avantel.net

Mr. Paul Cough
Director
Office of International Environmental
Policy
Environmental Protection Agency
1300 Pennsylvania Ave. NW
Washington, DC 20004
USA
Tel: 202 564 6458
Fax: 202 565 2409
Email: cough.paul@epa.gov

Sr. Arturo Curiel Ballesteros
Jefe de la Unidad de Vinculación y
Difusión Científica
Universidad de Guadalajara
Avenida Hidalgo N. 919
Guadalajara, Jalisco 44100
México
Tel: 52 3 826 7945
Fax: 52 3 825 9292
Email:
arturo_curiel_ballesteros@hotmail.com

Mr. Wayne D'Angelo
Program Advisor Advance
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460
USA
Tel: 202 547 3417
Fax: 202 564 6353
Email:

Mme Nathalie Daoust
Adjointe exécutive
Commission de coopération
environnementale
393 rue St-Jacques Ouest
Bureau 200
Montréal, Québec H2Y 1N9
Canada
Tel: 514 350 4318
Fax: 514 350 4306
Email: ndaoust@ccemtl.org

Sr. Edmundo de Alba
Consultor Ambiental
Presa N. 12, San Jerónimo Lidice
México, DF 10200
México
Tel: 52 5 595 3873
Fax: 52 5 668 0124
Email: edeaa@prodigy.net.mx

Sr. Agustín B. del Carillo Sandoval
Reportero - Redactor
Periódico Públizo Milenio
Calzada del Aguila 951
Guadalajara, Jalisco
México
Tel: 52 3 668 3100
Fax: 52 3 668 3119x18
Email: ciudad@publico.commx

Sra. Patricia Díaz Romo
Coordinadora
Proyecto Huicholes y Plaguidas
Edif. Condesa, Calle Pachuca D-8 Colonia
Condesa
México, DF 06140
México
Tel: 52 5 553 4045
Fax: 52 5 553 4045
Email: huicholesyplaguicidas@hotmail.com

Mr. Jeff Dickson

Policy Analyst
Squaxin Island Tribe
2952 SE Old Olympic Highway
Shelton, Washington 98584
USA
Tel: 360 432 3815
Fax: 360 426 3971
Email: jdickison@squaxin.nsn.us

Mr. Charles Dickson

Director of Communications
Commission for Environmental
Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4308
Fax: 514 350 4314
Email: cdickson@ccemtl.org

Sr. Angel Díez Mendoza

Director
Radiodifusora Cultural Indigeniste
XECTZ
"La Voz de la Sierra Norte"
Cerrada Miguel Alvarado S/N
Cuetzalán, Puebla 73560
México
Tel: 52 2 331 0382
Fax: 52 2 331 0382
Email: radioxectz@laneta.apc.org

Mr. Jean François Dionne

Policy Analyst
Environment Canada
Terrasses de la Chaudière
10 Wellington Street, 23rd Floor
Hull, Québec K1A 0H3
Canada
Tel: 819 994 6051
Fax: 819 997 0199
Email: jeanfrancois.dionne@ec.gc.ca

Sr. Jesús Duarte

Secretario Asuntos Indígenas
Partido Verde Ecologista
J. GPE Zuno N. 2266
Guadalajara, Jalisco 44152
México
Tel: 52 3 616 6521
Fax: 52 3 616 6493
Email: ebemjalisco@yahoo.com

Sra. Adriana Durán

Directora General
Consejo Estatal de Ecología
José María Iglesias N. 100
Pachuca, Hidalgo 42000
México
Tel: 52 771 45401
Fax: 52 771 41056
Email: consej01@prodigy.net.mx

Sr. Fulvio Eccardi

Consultor
Primero de Mayo N. 249
San Pedro de los Pinos
México, DF 03800
México
Tel: 52 5 598 6121
Fax: 52 5 611 4345
Email: redactamex@compuserve.com.mx

Mme Malika Elhadj

Adjointe administrative
Commission de coopération
environnementale
393 rue St-Jacques Ouest
Bureau 200
Montréal, Québec H2Y 1N9
Canada
Tel: 514 350 4347
Fax: 514 350 4314
Email: melhadj@ccemtl.org

Sra. Anamaria Escofet

Investigador Titular "A"
Centro de Investigación Científica y de
Educación Superior de Ensenada
Km 107 Carretera Tijuana- Ensenada
Ensenada, Baja California 22800
México
Tel: 52 6 174 5050/53
Fax: 52 6 175 0545
Email: aescofet@cicese.mx

Sr. Eduardo Esteve

Industrias Unidas Agropecuarias
Bosques de Alisos 45-A, 2 piso
Bosques de la Lomas
México, DF 05120
México
Tel: 52 5 257 6502
Fax: 52 5 259 7785
Email: testeve@ecomtrading.com

Mr. Brad Etlin

Trade and Finance Program Officer
International Institute for Sustainable
Development
161 Portage Avenue East, 6th Floor
Winnipeg, Manitoba R3B 0Y4
Canada
Tel: 204 958 7716
Fax: 204 958 7710
Email: betlin@iisd.ca

Sr. Exequiel Ezcurra Real de Azua

Presidente del Instituto Nacional de
Ecología
Instituto Nacional de Ecología
Avenida Revolución N. 1425
Nivel 38
México, DF 01040
México
Tel: 52 5 624 3400
Fax: 52 5 624 3598
Email: ezcurra@ine.gob.mx

Sr. Juan Ramón Fabregat

Director
Facultad de Medicina
Universidad Panamericana
Augusto Rodin N° 498
Plaza Mixcoac
México, DF 03920
Tel: 52 5 482 1725
Fax:
Email: jfabrega@mixcoac.upmx.mx

Ms. Denise Ferguson-Southard

Assistant Secretary
Maryland Department of the Environment
2500 Broening Highway
Baltimore, MD 21224
USA
Tel: 410 631 4187
Fax: 410 631 3936
Email:
dferguson-southard@mde.state.md.us

Sr. José María Fernández Busto

Vicepresidente
Consejo Nacional de Industriales
Ecologistas, A.C.
Medanos 192 Las Aguilas
México, DF 01710
México
Tel: 52 5 593 1675
Fax: 52 5 593 9978
Email: josemariafernandez@email.com

Sr. José Carlos Fernández Ugulde
Director de Economía Ambiental
Instituto Nacional de Ecología
Avenida Revolución N. 1425
México, DF 01040
México
Tel: 52 5 624 3481
Fax:
Email: jcfernan@ine.gob.mx

Ms. Janine Ferretti
Executive Director
Commission for Environmental
Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4303
Fax: 514 350 4306
Email: ndaoust@ccemtl.org

Sr. Arturo Figueroa
Profesor Investigador
Universidad de Guadalajara
6 de Diciembre N. 11
Guadalajara, Jalisco 44260
México
Tel: 52 3 854 1761
Fax: 52 3 619 8292
Email: figueroa@ccip.udg.mx

Sr. Efrain Franco
Presidente
GEA
Península N. 2749
Guadalajara, Jalisco 44570
México
Tel: 52 3 180 2697
Fax: 52 3 180 4905
Email: efrainfranco@terra.net.mx

Ms. Lorry Frigerio
US CEC Coordinator
Environment Protection Agency
1200 Pennsylvania Av. NW
Washington, DC 20460
USA
Tel: 202 564 6407
Fax: 202 565 2412
Email:
frigerio.lorry@epamail.epa.gov

Sr. José Luis Pedro Funes Izaguirre
Consultor en Derecho Ambiental
Rembrand N. 5161
Zopopán, Jalisco 45120
México
Tel: 52 3 629 3589
Fax:
Email: ppfunes@yahoo.com

Sr. José Guillermo Galindo
Profesor Investigador
Facultad de Ciencias del Mar
Universidad Autónoma de Sinaloa
Paseo Claussen S/N
Mazatlan, Sinaloa 82000
México
Tel: 52 69 828656
Fax: 52 69 845325
Email: facimar.maz@uasnet.mx

Mr. Luiz Augusto Galvao
Regional Advisor
Pan American Health Organization
525, 23th Street
Washington, DC 20037
USA
Tel: 202 974 3156
Fax: 202 974 3645
Email: galvaolu@paho.org

Sra. Martha Leticia García Castro
Gerente General
Ingeniería en Ecosistemas S.A. de C.V.
Revolución N. 708
Guadalajara, Jalisco 44450
México
Tel: 52 3 617 5400
Fax: 52 3 618 5711
Email: letygar29@hotmail.com

Sr. Ricardo García González
Tu Azteca
López Mateos 5001
Col. Las Águilas
México, DF 45080
México
Tel: 52 3 632 3231
Fax: 52 3 632 3231
Email: noticias_tvazteca@todito.com

Sra. Magdalena García Loaeza
Miembro Fundador
Comunidad Indígena de San Pablo
Oztotepec
Nicolás Bravo S/N San Pablo Oztotepec
Del. Milpa Alta
México, DF 12400
Tel: 52 5 862 0567
Fax: 52 5 862 0567
Email: tepetlehualco@yahoo.com.mx

Sr. Jesús García Ramírez
Director
Prevención y Control Ambiental
Ayuntamiento de Guadalajara
Marsella N. 49
Guadalajara, Jalisco 44160
México
Tel: 52 3 818 3654
Fax:
Email: jgarcia@guadalajara.gob.mx

Sr. Fernando García Robles
Consejero para Asuntos Especiales
Secretaría de Medio Ambiente y Recursos
Naturales
Periférico Sur N. 4209
México, DF 14210
México
Tel: 52 5 628 0650
Fax: 52 5 628 0653
Email: fgarciar@semarnat.gob.mx

Sr. Luis Alejandro García Rojas
Asesor y Secretario Técnico Comisión
Ambiente
H. Congreso del Estado de Jalisco
Ave. Hidalgo 222, Zona Centro
Guadalajara, Jalisco 44100
México
Tel: 52 3 679 1587
Fax: 52 3 679 1529
Email: luisalex48@hotmail.com

Sra. Veronica Garibay
Gerente de Medio Ambiente
Asociación Nacional de la Industria
Química
Providencia N. 1118
México, DF 03100
México
Tel: 52 5 230 5133
Fax: 52 5 559 2208
Email: vgaribay@aniq.org.mx

Mr. Geoffrey Garver
Head, Submissions on
Enforcement Matters Unit
Commission for Environmental
Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4332
Fax: 514 350 4314
Email: ggarver@cceemtl.org

Sr. Manuel Gil
Asesor
Comisión de Medio Ambiente y
Recursos
Av. Congreso de la Unión N. 66
Col. El Parque
Del. Tanrenca, Ed. F, Nivel 3
México, DF 15960
México
Tel: 52 5 628 1300
Fax: 52 5 628 1300
Email: jmanolo@yahoo.com

Sr. Francisco Javier Godínez Galicia
Tu Azteca
López Mateos 5001
Col. Las Águilas
México, DF 45080
México
Tel: 52 3 632 3231
Fax: 52 3 632 3231
Email:
noticias_tvazteca@todito.com

Ms. Fabiola Gómez
Secretary
Commission for Environmental
Cooperation
393 St. Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4303
Fax: 514 350 4306
Email: fgomez@cceemtl.org

Sra. María Gómez
Director
Acuerdos Comerciales Internacionales y
Laborales
Secretaría de Economía
Alfonso Reyes N. 30
México, DF 06140
México
Tel: 52 5 729 9100 ext. 6638
Fax: 52 5 729 9308
Email: socorro@economie.gob.mx

Sr. Gregorio Gómez Gómez
Director
Instituto Científico de Investigación y
Desarrollo de la Frontera Sur, A.C.
Calle Central Poniente 24-B
Frontera Comalapa
Chiapas 30140
México
Tel: 52 01 9 63 10471
Fax: 52 01 9 63 10471
Email: gregorio09@hotmail.com

Sr. Ignacio González
Gerente de programa
Legislación y Políticas Ambientales
Comisión para la Cooperación
Ambiental
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4324
Fax: 514 350 4314
Email: igonzalez@cceemtl.org

Sra. Gabriela González González
Estudiante
Instituto Tecnológico y de Estudios
Superiores de Occidente
Periférico Sur
Manuel Gómez Morán N. 8585
Tlaquepaque, Jalisco 45090
México
Tel: 52 3 832 1232
Fax: 52 3 616 2821
Email: ab37433@iteso.mx

Sr. Ricardo Gonzalez Llera
Ingeniería Ambiental
IBM de México, S.A.
Camino Al Castillo # 2200
El Salto, Jalisco 45680
México
Tel: 52 3 669 7441
Fax: 52 3 669 7521
Email: mafer@mx1.ibm.com

Mr. Adam Greene
Director of Environmental Affairs
U.S. Council for International Business
1212 Avenue of the Americas
New York, New York 10036-1689
USA
Tel: 212 703 5056
Fax: 212 575 0327
Email: agreene@uscib.or

Sr. Federico Grimaldi
Gerente de Ecología
Cámara Nacional de la Industria de Aceites
Córdoba N. 10
México, DF 06701
México
Tel: 52 5 511 5263
Fax: 52 5 511 9218
Email: cniagj@supernet.com.mx

Ms. Christine Guay
Director General
International Relations
Environment Canada
Terrasses de la Chaudière
10 Wellington Street, 23rd Floor
Hull, Québec K1A 0H3
Canada
Tel: 819 994 4404
Fax: 819 994 6227
Email: christine.guay@ec.gc.ca

Sr. Hernando Guerrero
Director
Oficina de Enlace de México
Comisión para la Cooperación Ambiental
Viveros de coyoacán
Progreso N. 3
México, DF 04110
México
Tel: 52 5 659 5021
Fax: 52 5 659 5023
Email: guerrero@cceemtl.org

Sra. Monserrat Guevara
Directora Comunicación Social
Secretaría de Desarrollo Rural
Hidalgo N. 1435
Guadalajara, Jalisco 44100
México
Tel: 52 3 825 4230
Fax: 52 3 825 5394
Email: mguevara@jalisco.gob.mx

Sra. Guillermina Guillén
Reportera
El Universal
Bucarel 8, Col. Centro
México, DF 09000
México
Tel: 52 5 237 08 46
Fax: 52 5 237 0860
Email: guilgui2001@yahoo.com

Sr. Alejandro Gutiérrez
Presidente
Sociedad Mexicana de Aguas
de Occidente
Naranjos N. 555
Zapopan, Jalisco 45169
México
Tel: 52 3 833 1353
Fax:
Email: ingagm@yahoo.com.mx

Sr. José Angel Gutiérrez Aldana
Productor
Canal 7
Constituyentes #21
Guadalajara, Jalisco
México
Tel: 52 3 619 1758
Fax: 52 3 619 1758
Email:
impulsomatutino7@starmedia.com

Sra. Norma Gutiérrez Almazán
Colectivo Ecologista de Jalisco
4030 Sn. Rafael Arcangel
Jalisco
México
Tel:
Fax:
Email: noalmazan@hotmail.com

Sra. Raquel Gutiérrez Nájera
Presidenta del Consejo Directivo
Instituto de Derecho Ambiental
Misión de San Felipe N. 13, despacho 10
Zapopan, Jalisco 45040
México
Tel: 52 3 620 5726
Fax:
Email: idea@cybercable.net.mx

Sr. Jorge Gastón Gutiérrez Rosete
Colectivo Ecologista Jalisco
José María Vigel N. 1336
Sector Hidalgo
Guadalajara, Jalisco 44260
México
Tel: 52 3 617 6709
Fax: 52 3 617 3594
Email: jorgegu7@hotmail.com

Ms. Daryl Hanak
International Trade Council
International and Intergovernmental
Affairs
Government of Alberta
Commerce Place, 12 Floor
Edmonton, Alberta T5J 4G8
Canada
Tel: 780 473 4910
Fax: 780 427 0699
Email: daryl.hanak@gov.ab.ca

Ms. Melinda Hanson
Coordinator
Eastern Charlotte Waterways Inc.
17 Main Street
St. George, New Brunswick E5C 3H9
Canada
Tel: 506 755 6001
Fax: 506 755 6187
Email: ecwine@nbnet.nb.ca

M. Robert Hausler
Professeur
Université du Québec à Montréal
Case Postale 8888, Succ. cv
Montréal, Québec H3C 3P8
Canada
Tel: 514 987 0261
Fax: 514 987 8484
Email: hausler.robert@uqam.ca

Mr. Alan Hecht
Principal Deputy Assistant Administrator
Environment Protection Agency
1300 Pennsylvania Ave.
Washington, DC 20004
USA
Tel: 202 564 6600
Fax: 202 565 2407
Email: hecht.alan@epamail.epa.gov

Mr. David Hecnar
Research and Corporate
Relations Officer
Alcan Inc.
50 O'Connor, Suite 1418
Ottawa, Ontario K1P 6L2
Canada
Tel: 613 233 8475
Fax: 613 233 6779
Email: david.hecnar@alcan.com

Mr. Bill Henwood
Senior Planner
Parks Canada/IUCN-WCPA
300 West Georgia St., Suite 350
Vancouver, British Columbia V6B 6B4
Canada
Tel: 604 666 02 46
Fax: 604 666 0446
Email: bill_henwood@pch.qc.ca

Sr. David Hernández
Reportero
El Informador
Independencia N.300
Guadalajara, Jalisco 44200
México
Tel: 52 3 614 6340
Fax:
Email: quetzal@informador.com.mx

Sra. Cinthya Hernández Cedillo
Encargada
Manejos Recursos Naturales
Bosque Tropical
López Cotilla N. 495-3
Guadalajara, Jalisco 45042
México
Tel: 52 3 121 5311
Fax: 52 3 647 9247
Email: cinthyac@hotmail.com

Sr. Hector Manuel Hernández Macias

Director del Instituto de Biología
Universidad Nacional Autónoma de México
Circuito exterior S/N
Ciudad Universitaria
Copilco, Coyoacán
México, DF 04510
México
Tel: 56 22 90 65/ 90 66/90 75
Fax: 56 16 23 26
Email:
dibunam@ibiologia.unam.mx

Sr. Victor Hugo Hernández Obregón

Director del Parque Nacional Montebello
Av. de las Palmas N. 602
Col. Las Palmas
Tuxtla Gutiérrez, Chiapas 29040
México
Tel: 52 9 632 10 17
Fax: 52 9 632 1017
Email: lacantun@yahoo.com

Sr. Hans Herrmann

Jefe de programa
Conservación de la Biodiversidad
Comisión para la Cooperación Ambiental
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4340
Fax: 514 350 4314
Email: hherrmann@cemtl.org

Sra. Wendy Hill

Director
Asociación Comunitaria de Autosuficiencia A.C.
Juárez Ote N. 316
Jocotepec, Jalisco 45800
México
Tel: 52 3 763 1568
Fax:
Email: aca@earthcorp.com

Sr. Jurgen Hoth

Gerente de programa
Conservación de la Biodiversidad
Comisión para la Cooperación Ambiental
393 St. Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4307
Fax: 514 350 4314
Email: jhoth@cemtl.org

Mr. Brian Houseal

Mexico Director
The Nature Conservancy
4245 N. Fairfax Dr.
Arlington, Virginia 22203
USA
Tel: 703 841 4881
Fax: 703 841 4880
Email: bhouseal@tnc.org

Mr. Don Houston

Director Environmental Programs
Canadian Institute of Child Health
384 Bank Street, Suite 300
Ottawa, Ontario K2P 1Y4
Canada
Tel: 613 230 8838
Fax: 613 230 6654
Email: dhouston@cich.ca

Ms. Bernadette Hudnell

Environmental Resource Specialist
Mississippi Band of Choctaw Indians
P.O. Box 6013, Choctaw Branch
Philadelphia, Mississippi 39350
USA
Tel: 601 650 7447
Fax: 601 650 9402
Email: bhudnell@choctaw.org

Sra. Sara Huerta Ortega

Jefe
Ecología y Biología de la Conservación
Bosque Tropical A.C.
López Cotilla N. 495-3
Guadalajara, Jalisco 44100
México
Tel: 52 3 614 5495
Fax: 52 3 613 4927
Email: smhuerta@prodigy.net.mx

Sr. Roberto Hurtado

Investigador
El Colegio de la Frontera Norte
Calle Fresno N. 171
Juárez, Chihuahua 32460
México
Tel: 52 16 17 6593
Fax: 52 16 18 4055
Email: rhurtado@utep.edu

Mr. Massud Husain

Deputy Director
Environmental Law
Department of Foreign Affairs and International Trade
125 Sussex Drive, Room C7-266
Ottawa, Ontario K1A 0G2
Canada
Tel: 613 996 4615
Fax: 613 992 6483
Email:
masus.husain@ofait-maeci.gc.ca

Mr. Daniel Jacobs

Visiting Professor
The Georges Washington University
Department of Political Science
Washington, DC 20052
USA
Tel: 202 994 7626
Fax: 202 994 7743
Email: djacobs@gwu.edu

Mr. Mark Joyce

Designate Federal Officer for NAC and GAC
Environmental Protection Agency
401 M Street SW (1601A)
Washington, DC 20460
USA
Tel: 202 564 9802
Fax: 202 501 0661
Email: joyce.mark@epa.org

Sra. Angelika Koniacki

Licenciada en Ciencia Política
Red de Permacultura México
Avenida Universidad N. 1900
México, DF 04350
México
Tel: 52 5 658 2786
Fax:
Email: koniacki@prodigy.net.mx

Sr. Federico Kunz

Director Jurídico
Servicios Industriales Peñoles S.A. de C.V.
Molière N. 222
México, DF 11540
México
Tel: 52 5 279 3003
Fax: 52 5 279 3567
Email:
federico_kunz@penoles.com.mx

Mme Louise Lapierre

Conseillère
Ministère de l'Environnement du
Québec
Direction des affaires
internationales
675, boul. René-Lévesque Est
Québec, Québec G1R 5V7
Canada
Tel: 418 521 3828
Fax: 418 644 4598
Email:
louise.lapierre@menv.gouv.qc.ca

Sr. Pedro León Corrales

Asesor en Litigios de Interés
Público
Instituto de Derecho Ambiental
Misión de San Felipe N. 13
Zapopán, Jalisco 45040
México
Tel: 52 3 620 5726
Fax: 52 3 620 5726
Email:

Sr. Victor Lichtinger

Secretario
Medio Ambiente y Recursos
Naturales
Secretaría de Medio Ambiente y
Recursos Naturales
Periférico Sur N. 4209
México, DF 14210
México
Tel: 52 5 628 0606
Fax: 52 5 628 0644
Email:
vlchtinger@semarnap.gob.mx

Sra. Lisel Lifshitz

Asesora en materia de medio ambiente
Secretaría de Turismo Michoacán
Palacio Clavijero
Nigromante N. 79
Morelia, Michoacán 58000
México
Tel: 52 4 312 0415
Fax: 52 4 312 9816
Email: liselita@purpleturtle.com

Sr. Jorge Agustín Lizárraga Rocha

Profesor Adjunto
Universidad Panamericana
468 Velázquez
Zapopan, Jalisco 45030
México
Tel: 52 3 629 93 73
Fax: 52 3 629 5604
Email: jalizarraga@infosel.net.mx

Sr. Alejandro Lorea

Director de Medio Ambiente
Asociación Nacional de la Industria
Química
Providencia N. 1118
México, DF 03100
México
Tel: 52 5 230 5130
Fax: 52 5 559 2208
Email: alorea@aniq.org.mx

Sr. Carlos Alberto Lozoya Sánchez

Supervisor del área ambiental
Hilasal Mexicana S.A. de C.V.
carretera El Salto via El Verde, Km. 9.2
Guadalajara, Jalisco
México
Tel: 52 3 668 1978
Fax: 52 3 668 1916
Email:

Sra. Diana Irasema Luevanos Rosales

Estudiante
Instituto Tecnológico y de Estudios
Superiores de Occidente
Periférico Sur N. 8585
Tlaquepaque, Jalisco 45090
México
Tel: 52 3 587 4735
Fax:
Email: irasema38@hotmail.com

Mr. Ken Macartney

Director
Environmental Relations Division
Department of Foreign Affairs and
International Trade
125 Sussex Drive
Ottawa, Ontario K1A 0G2
Canada
Tel: 613 995 2168
Fax: 613 995 9525
Email:
kenneth.macartney@dfait-maeci.gc.ca

Sr. Roberto Maciel Flores

Profesor Investigador
Universidad de Guadalajara
Cruz Verde N. 594
Guadalajara, Jalisco 44200
México
Tel: 52 3 826 4296
Fax: 52 3 682 0384
Email: romaciel@cueba.udg.mx

Ms. Jenna Mackay-Alie

Director
Americas Branch
Environment Canada
Terrasses de la Chaudière
10 Wellington Street, 23rd Floor
Hull, Québec K1A 0H3
Tel: 819 994 1670
Fax: 819 997 0199
Email: jenna.mackay-elie@ec.gc.ca

Sr. Mauricio Rafael Maldonado

Asociación Jalisciense de Apoyo
Calle Jesús N. 700
Guadalajara, Jalisco 44200
México
Tel: 52 3 825 6826
Fax: 52 3 825 6826
Email:

Sr. Luis Gerardo Manzo-Salazar

Land Management Officer
Kivalliq Inuit Association
P.O. Box 340
Rankin Inlet, Nunavut X0C 0G0
Canada
Tel: 867 645 2810
Fax: 867 645 3855
Email: lmanzo@artic.ca

Sr. José María de la Vega

Asociado
Rescate Ecológico de Tamuín
Misión de San Felipe N. 13
despacho 10
Zapopan, Jalisco 45040
México
Tel: 52 3 620 5726
Fax:
Email: idea@cyberable.net.mx

Sra. Karla Martens Basurto

Estudiante
Instituto Tecnológico y de
Estudios Superiores de Occidente
Periférico Sur
Manuel Gómez Morín N. 8585
Tlaquepaque, Jalisco 45090
México
Tel: 52 3 832 0562
Fax:
Email: ab36474@iteso.mx

Sra. Josefina Martín López

Presidenta
Consejo Mexicano de
Investigación y Desarrollo de
Productos Naturistas
La Colma N. 60
Guadalajara, Jalisco 45070
México
Tel: 52 3 632 9040
Fax: 52 3 631 2286
Email: conciencia@attnet.mx

Mr. Ricardo Martínez

Assistant Secretary
Borders Affairs
California Environmental Protection Agency
1001 I Street
Sacramento, California 95818
USA
Tel: 916 324 7316
Fax: 916 324 0908
Email: rmartinez@calepa.ca.gov

Sr. Gabriel Martínez González

Subdelegado de Pesca
Subdelegación de Pesca SAGARPA
Agustín Yañez N. 2175
Guadalajara, Jalisco
México
Tel: 52 3 616 1023
Fax: 52 3 616 1105
Email:

Sr. Alejandro Martínez Guevara

Secretario
Botadero San Pastor
Km 29 Carretera Chetumal Bacalar Ejido
Juan Sarabia
Othon P. Blanco, Quintana Roo
México
Tel: 52 483 13494
Fax:
Email: botadero@yahoo.com

Sr. Sean Mattson

Reportero
Nuevas publicaciones en inglés de
México
Duque de Rivas N. 254
Guadalajara, Jalisco 44040
México
Tel: 52 3 615 2177
Fax: 52 3 616 9432
Email: editor@guadalajarareporter.com

M. Karel Mayrand

Consultant
10624 Saint-Urbain
Montréal, Québec H3L 2V1
Canada
Tel: 514 856 0117
Fax: 514 856 0117
Email: karel.mayrand@sympatico.ca

Ms. Jennifer McKay

Researcher
Canadian Institute for Environmental Law
and Policy
517 College Street, Suite 400
Toronto, Ontario M6G 4A2
Canada
Tel: 416 923 3529
Fax: 416 923 5949
Email: jmcKay@cielap.org

Sra. Martha Medrano

Presidenta
Asociación pro Derechos del Animal
Rio Apozolco N. 1316
Guadalajara, Jalisco
México
Tel: 52 3 631 1009
Fax: 52 3 613 0186
Email: martha_medrano@hotmail.com

Sra. Aurora Michel de Martínez

Presidenta
Organización Sociedad Amigos del Lago de
Chapala
Carretera Chapala
Jocotepec N. 40
Ajijic, Jalisco 45920
México
Tel: 52 3 766 3109
Fax: 52 3 766 4139
Email: auroramichel@hotmail.com

Mr. Paul Miller

Program Manager, Air Quality
Commission for Environmental Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4326
Fax: 514 350 4314
Email: pmiller@cceintl.org

Sra. Paola Moldes

Consultora
Franz Listz CP 45030
La Estancia, Jalisco 5669
México
Tel: 52 3 629 1161
Fax: 52 3 629 1161
Email: tracruz@hotmail.com

Ms. Brenda Morehouse
Senior Researcher
Pembina Institute
124 O'Connor St., Suite 500
Ottawa, Ontario K1P 5M9
Canada
Tel: 613 235 6288 ext.23
Fax: 613 235 8118
Email: brendam@pembina.org

Sr. Arturo Moreno
Director General
Productos Organicos Mexicanos
PROMESA
Constelación N. 3030
Guadalajara, Jalisco 44520
México
Tel: 52 3 122 6870
Fax: 52 3 121 5203
Email: prodomec@infosel.net.mx

Sr. Pablo Mario Moretto
Secretario General
Fundación Simmai para una Nueva
Humanidad
Santa Cruz 11A
San Miguel de Allende Guanajuato
37700
México
Tel: 52 4 152 8017
Fax: 52 4 152 7213
Email: psf@unisono.net.mx

Ms. Kelly Morgan
Communications Adviser
Environment Canada
Terrasses de la Chaudière
10 Wellington Street, 23rd Floor
Hull, Québec K1A 0H3
Canada
Tel: 819 953 8239
Fax: 819 994 6689
Email: kelly.morgan@ec.gc.ca

Mme Jocelyne Morin
Assistante de la chargée de liaison du
CCPM
Commission de coopération
environnementale
393, rue St-Jacques Ouest
Bureau 200
Montréal, Québec H2Y 1N9
Canada
Tel: 514 350 4366
Fax: 514 350 4314
Email: jmorin@cceintl.org

Mr. William Muffett
Director
International Programs
Defenders of Wildlife
1101 14th St., NW, Suite 1400
Washington, DC 20005
USA
Tel: 202 682 9400
Fax: 202 682 1331
Email: cmuffett@defenders.org

Sra. Norma Munguía Aldaraca
Directora General
Coordinación de Asuntos
Internacionales
Procuraduría Federal de Protección al
Ambiente
Periferico Sur 5000, 5o. piso
Col. Insurgentes Cuicuilco
México DF 04530
México
Tel: 52 5 528 5515
Fax: 52 5 666 9334
Email: munguia@correo.profepa.gob.mx

Ms. Talli Nauman
Co-Director
Journalism to Raise
Environmental Awareness
San Francisco de los Viveros N. 701
Despacho E2-104
Aguas Calientes, Aguas Calientes 40190
México
Tel: 52 49 701593
Fax: 52 49 701593
Email: jaguar@infosel.net.mx

Sr. René Naur Alvarez
Presidente
Comunicación Social
Secretaría de Medio Ambiente y Recursos
Naturales
Lateral Periferic Sur No. 4209
Col. Jardines de la Montaña
Del.Tlalpan C.P.
México, D.F. 14210
México
Tel: 52 5 628 07 87
Fax:
Email: rndud@Semarnat.gob

Sr. Israel Núñez Birrueta
Director para la CCA y Canadá y
Unidad Coordinadora de asuntos
Internacionales
Secretaría de Medio Ambiente y Recursos
Naturales
Periférico Sur N. 4209
México, DF 14210
México
Tel: 52 5 628 0600 ext. 12039
Fax: 52 5 628 0653
Email: inuñez@semarnat.gob.mx

Sra. Olga Ojeda Cárdenas
Titular de la Unidad Coordinadora de
Asuntos Internacionales
Secretaría de Medio Ambiente y Recursos
Naturales
Periférico sur N. 4209
México, DF 14210
México
Tel: 52 5 628 0650
Fax: 52 5 628 0653
Email: olojeda@semarnat.gob.mx

Sra. Yolanda Olaníz
Secretaria Técnica
Comisión de Medio Ambiente y Recursos
Naturales
Av.Congreso de la Unión N. 66
Edificio "F", Tercer Piso
Col. El Parque
México, DF 15960
México
Tel: 52 5 628 1300
Fax: 52 5 628 1399
Email: alanizy@yahoo.com

Ms. Silvia Olivares Guevara

Senior Coordinator WSSD
External Relations Safe
Environmental Program
Bldg. N. 8, Tunney's Pasture
Suite RM143
Ottawa, Ontario K1A 0L2
Canada
Tel: 613 941 4377
Fax: 613 952 2206
Email:
Silvia_Olivares-Guevara@hc-
sc.gc.ca

Sra. Martha Georgina Orozco Medina

Secretaria División CS Biológicos
Universidad de Guadalajara
Km. 15.5 Carretera a Nogales
Zapopán, Jalisco 45130
México
Tel: 52 3 682 0230
Fax: 52 3 682 0230
Email: morozco@cueba.udg.mx

Sr. Hector Gregorio Ortíz Martínez

Avenida de Chapultepec Sur
N. 464-1
Guadalajara, Jalisco 44190
México
Tel: 52 3 616 4449
Fax: 52 3 616 4449
Email:
romanbiental@megared.net.mx

Mr. Steve Owens

Senior Counsel
Beshears Mucmore Wallwork
Chartered
2700 North Central Avenue
Suite 1225
Phoenix, Arizona 5004
USA
Tel: 602 240 6652
Fax: 602 240 6697
Email: owens@bmvlawyers.com

Sra. Silvia Pacheco Ordaz

Presidenta
COSIPAS
Av. Manuel Sabino Crespo N.34
Oaxaca, Ejutla de Crespo 71500
México
Tel: 52 9 573 0328
Fax:
Email: silviapacheco@latinmail.com

Sr. José Parra

CIDNAT
Calle La Calma N. 60
Guadalajara, Jalisco 45070
México
Tel: 52 3 615 2383
Fax: 52 3 615 2383
Email: etnoeco@prodigy.net

Ms. Darlene Pearson

Head, Law and Policy Program
Commission for Environmental
Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4334
Fax: 514 350 4314
Email: dpearson@cceintl.org

Sr. León Pelayo Beltrán

Director de Mejoramiento Urbano
Ayuntamiento de Guadalajara
Marsella N. 49
Guadalajara, Jalisco 44100
México
Tel: 52 3 818 3600
Fax: 52 3 818 3600
Email:

Mme Gabrielle Pelletier

Directrice
Réseau Québécois des Groupes
Ecologistes
4200 Adam
Montréal, Québec H1V 1S9
Canada
Tel: 514 392 0096
Fax: 514 396 7896
Email: rqge@cam.org

Mme Manon Pepin

Chargée de liaison du CCPM
Commission de coopération
environnementale
393, rue St-Jacques Ouest
Bureau 200
Montréal, Québec H2Y 1N9
Canada
Tel: 514 350 4305
Fax: 514 350 4314
Email: mpepin@cceintl.org

Sr. Jaime Rubén Pérez Leño

Jefe del Laboratorio de Química
Universidad de Guadalajara
Sierra Morena N. 235
Guadalajara, Jalisco 44340
México
Tel: 52 3 637 2199
Fax: 52 3 637 2199
Email:

Sra. Patricia Pérez Ulloa

Abogada
Solcarga S.C.
Av. San Bernabé 389
México, DF 10200
México
Tel: 52 5 595 2424
Fax: 52 5 595 4789
Email:

Sr. Rubén Perezpaña

Presidente Regional
Red Permacultura México
Paseo de los Paropes N. 4380
Guadalajara, Jalisco 45110
México
Tel: 52 3 616 6521
Fax: 52 3 616 7465
Email: imixkandaban@hotmail.com

M. Jean Perras

Membre
Comité Consultatif National (Canada)
3, Chemin des Castors
Chelsea, Québec J9B 1B8
Canada
Tel: 819 827 4701
Fax: 819 827 4701
Email:
leblanc-perras@videotron.ca

Ms. Merrell-Ann Phare
Executive Director
Centre for Indigenous
Environmental Resources
3rd Floor, 245 McDermot Ave.
Winnipeg, Manitoba R3B 0S6
Canada
Tel: 204 956 0660
Fax: 204 956 1895
Email: maphare@cier.mb.ca

Ms. Erica Phipps
Program Manager
Technical Cooperation
Commission for Environmental
Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4323
Fax: 514 350 4314
Email: ephipps@cceintl.org

Sr. Alberto Pineda
Director de Manejo de Residuos
Ayuntamiento de Guadalajara
Marsella N. 49
Guadalajara, Jalisco 44100
México
Tel: 52 3 818 3600
Fax: 52 3 818 3600
Email:

Mr. Jonathan Plaut
3 Ashland Road
Summit, New Jersey 0790
USA
Tel: 908 273 4127
Fax: 908 273 6836
Email: jplaut@aol.com

Sr. Paulino Ponce Campos
Director
Bosque Tropical, AC
López Cotilla 495-3, Centro
Guadalajara, Jalisco 45042
México
Tel: 52 3 614 5495
Fax: 52 3 613 4927
Email: bosquetropical@email.com

Sra. Elena Porras
Subdirectora de Acuerdos Comerciales
Internacionales
Secretaría de Economía
Alfonso Reyes N. 30
México, DF 06140
México
Tel: 52 5 729 9100 ext. 6091
Fax: 52 5 729 9308
Email: eporras@economia.gob.mx

Mr. Stephen Porter
Senior Attorney
Center for Intl. Environmental Law
(CIEL)
1367 Connecticut Av., NW
Suite 300
Washington, DC 20036
USA
Tel: 202 785 8700
Fax: 202 785 8701
Email: sporter@ciel.org

Mme Denise Proulx
Journaliste
Magazine Recto-Verso
2217, Chemin Principal
St-Joseph du Lac, Québec
J0N 1M0
Canada
Tel: 450 623 0565
Fax: 450 623 2956
Email: proulxd@sympatico.ca

Sr. Gilberto Quintero Dávila
Jefe de Sección
SIAPA
Dr. R. Michel N. 461
Guadalajara, Jalisco 44990
México
Tel: 52 3 642 5637
Fax: 52 3 642 5637
Email: gilberto_quintero@latinmail.com

Mr. Herb Raffaele
Chief
Division of International Conservation
Fish and Wildlife Services
4401 N. Fairfax Drive
Room 730
Arlington, VA 22203
USA
Tel: 703 358 1754
Fax: 703 358 2849
Email: herb_raffaele@fws.gov

Sr. Saúl Ramírez Elizalde
Jefe de Departamento de Fomento y Obras
Pesqueras
Subdelegación de pesca
SAGARPA
Agustín Yañez N. 2175
Guadalajara, Jalisco
México
Tel: 52 3 616 1023
Fax: 52 3 616 1105
Email: checalt@megared.net.mx

Sr. Manuel Ramírez Lozano
Jefe de Departamento
Dirección General de Medio Ambiente
Marsella N. 49
Guadalajara, Jalisco 44100
México
Tel: 52 3 818 3600
Fax: 52 3 818 3652
Email:

Mr. Kal Raustila
Professor
UCLA Law School
405 Hilgard Avenue
Los Angeles, California 90095
USA
Tel: 310 794 4856
Fax: 310 825 6023
Email: raustiala@law.ucla.edu

Ms. Karen Redman
Parliamentary Secretary for Environmental
Affairs
House of Commons
301 Justice Bldg.
Ottawa, Ontario K1A 086
Canada
Tel: 613 995 8913
Fax: 613 996 7329
Email: redmak@parl.gc.ca

Sr. Victor Renteria
Director Administrativo
Dirección General de Medio Ambiente y
Ecología
Marsella N. 49
Guadalajara, Jalisco 44100
México
Tel: 52 3 818 3654
Fax: 52 3 818 3600
Email:

Sr. Carlos Reyes

Coordinador del Area de
Protección Ambiental
Ingeniería, Proyectos y Protección
Ambiental
Calle Pedro Moreno N. 1720-4
Guadalajara, Jalisco 44160
México
Tel: 52 3 615 0334
Fax: 52 3 615 0334
Email: ippa40@hotmail.com

Sr. Carlos Rincón

Environmental Defense Project
Director
US - Mexico's Border Region
El Paso del Norte, Chihuahua
México
Tel: 52 915 543 9292
Fax: 52 915 543 9115
Email:
crincon@environmentaldefense.org

**Sra. Ofelia Patricia Rivera
Aguirre**

Jefe de División de Tecnologías
Químicas
Centro de Enseñanza Técnica
Industrial
Nueva Escocia N. 1885
Guadalajara, Jalisco
México
Tel: 52 3 641 3250
Fax:
Email: ofeliap@ceti.mx

Ms. Sharon Rodenbush

Coordinator
International Programs
Saskatchewan Wetland
Conservation Corporation
2022 Cornwall St., Suite 101
Regina, Saskatchewan S4P 2K5
Canada
Tel: 306 787 0913
Fax: 306 787 0780
Email: srodenbush@wetland.sk.ca

Sr. Luis Alejandro Rodríguez

Secretario de Organización
Partido Verde Ecologista de México
General Zuno N. 2266
Guadalajara, Jalisco 44160
México
Tel: 52 3 616 6493
Fax: 52 3 616 6521
Email: pvemjalisco@yahoo.com

Sr. Yosú Rodríguez Aldabe

Director General de Estadísticas
Secretaría de Medio Ambiente y
Recursos Naturales
Periférico Sur N. 14210
México, DF 14210
México
Tel: 52 5 628 0853
Fax: 52 5 628 0934
Email: yosu@semarnat.gob.mx

Sra. Beatriz Román

Subdirectora de Concertación
Secretaría de Medio Ambiente y
Recursos Naturales
Progreso N. 3, 1er piso
México, D.F. 04110
México
Tel: 52 5 658 3409
Fax: 52 5 658 3411
Email: broman@semarnat.gob.mx

Sr. Hector Romero Barraza

Director General para America del Norte
Secretaría de Relaciones Exteriores
Eje Central Lázaro Cárdenas 257
Ala B, primer piso, Col. Guerrero
México, DF 06995
Tel: 52 5 327 3081
Fax: 52 5 327 3045
Email: dgan@sre.gob.mx

Sr. Francisco Xavier Romero Sierra

Presidente
Dedicación al ambiente y Mejoramiento
Ecológico
Avenida Hidalgo N. 1705
Salamanca, Guanajuato 36770
México
Tel: 52 3 620 5726
Fax:
Email: idea@cyberable.net.mx

Mme Louise Roy

Membre
Comité Consultatif National
(Canada)
3855, Avenue Northcliffe
Montréal, Québec H4A 3K9
Canada
Tel: 514 481 2576
Fax: 514 481 5376
Email: irs@sympatico.ca

Sra. Selene Ruíz Padilla

Colectivo Ecologista Jalisco
Emilio Rabaza N. 3372
Guadalajara, Jalisco
México
Tel:
Fax:
Email: ziggy-yo@hotmail.com

Sr. Mario Ruíz Ramírez

Abogado
Asesoría Jurídica Ambiental
Av. Chapultepec Sur N. 464-1
Guadalajara, Jalisco 44190
México
Tel: 52 36 164449
Fax: 52 36 164449
Email: romambiental@megared.net.mx

Sr. Armando Salazar

Estudiante
CUCEJ
Guadalajara, Jalisco
México
Tel: 52 3 617 5400
Fax: 52 3 618 5711
Email:

Sra. Hilda Salazar Ramírez

Coordinadora
Red Mexicana de Acción Frente al
Comercio
Godart N. 20, Col. Guadalupe Victoria
México, DF 07790
México
Tel: 52 5 355 1177
Fax: 52 5 355 1177
Email: rmalc@laneta.apc.org

Sr. Victor Salcedo

Reportero Gráfico
Ocho Columnas
Patria N. 1201
Zapopán, Jalisco
México
Tel: 52 3 610 1010
Fax: 52 3610 1610
Email: uag@uag.edu

Sra. Erendira Saldaña

Reportera
Sistema Jalisciense de Radio y
Televisión
Av. Constituyentes No. 21
Guadalajara, Jalisco 45170
México
Tel: 52 3 619 1758
Fax: 52 3 650 0101
Email: eresal@starmedia.com

Sr. Alvaro Salgado Ramírez

Asesor
Coalición Rural
23 Poniente N 4101-4
Puebla, Puebla 72180
México
Tel: 52 2 249 8483
Fax: 52 2 244 3775
Email: alsalra@tutopia.com

Sr. Abelardo Salinas

Reportero
OEM
Carretera Sur 324
Guadalajara, Jalisco 44100
México
Tel: 52 3 613 0690
Fax: 52 3 614 6118
Email:
occident@eloccidental.com.mx

Sr. Francisco Javier Salinas

García
Subdelegado
Secretaría de Medio Ambiente y
Recursos Naturales
Alcalde N. 500
Guadalajara, Jalisco 44280
México
Tel: 52 3 668 5312
Fax:
Email: jsalinas@semarnat.gob.mx

Sra. Elvira Sánchez

Reportera
Notimex
Juan Ojeda N. 24
Col. Americana
Guadalajara, Jalisco 44150
México
Tel: 52 3 825 9380
Fax: 52 3 825 9354
Email: notimex_occidente@hotmail.com

Sr. José Luis Sánchez

Director de Enlace Legislativo
Secretaría de Medio Ambiente y
Recursos Naturales
Blvd. Adolfo Ruíz Contreras N. 4209
México, DF 14210
México
Tel: 52 5 628 0883
Fax: 52 5 628 0706
Email: jlsanchez@semarnat.gob.mx

Ms. Maria Sanchez-Carlo

Foreign Service Officer
U.S. Department of State
2201 C Street, NW
Washington, DC 22520
USA
Tel: 202 647 4750
Fax: 202 647 5947
Email: sanchez-carlom@state.gov

Sr. Rodrigo Sandoval

Director de Coordinación Regional
Secretaría de Medio Ambiente
Colegio Militar N. 1111
Colonia Chapultepec
Guadalajara, Jalisco 44610
México
Tel: 52 3 817 1603
Fax: 52 3 817 1603
Email: rsandove@jalisco.gob.mx

Sra. Carla Sbert

Oficial jurídica
Unidad sobre Peticiones Ciudadanas
Comisión para la Cooperación
Ambiental
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4321
Fax: 514 350 4314
Email: csbert@cceemtl.org

Mr. Victor Shantora

Head, Pollutants and Health Program
Commission for Environmental Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4355
Fax: 514 350 4314
Email: vshantora@cceemtl.org

Mr. Kent Shigetomi

Director for Mexico and NAFTA
Environmental Protection Agency
600 17 Street, NW
Washington, DC 20508
USA
Tel: 202 395 3412
Fax: 202 395 9517
Email: kshigetomi@ustr.gov

Ms. Josie Shumake

Press Attaché
U.S. Embassy
Reforma N. 305
México, DF 06500
México
Tel: 52 5 209 9100
Fax: 52 5 209 7643
Email: jssbera@pd.state.gov

Sr. Ernesto Silva

400 So. Ohio
Mercedes, Texas 78550
USA
Tel: 956 565 3261
Fax: 956 565 8592
Email: esilva@ci.mercedes.tx.us

Ms. Norine Smith

Assistant Deputy Minister
Environment Canada
Terrasses de la Chaudière
10 Wellington Street, 23rd Floor
Hull, Québec K1A 0H3
Canada
Tel: 819 997 4882
Fax: 819 953 5981
Email: norine.smith@ec.gc.ca

Sr. Jorge Soberón

Secretario Ejecutivo
Comisión Nacional para el Conocimiento y
Uso de la Biodiversidad
Fernández Leal N° 43
Col. Concepción Coyoacán
México, DF 04020

México
Tel: 52 5 528 9101
Fax: 52 5 528 9131
Email:
jsoberon@xolo.conabio.gob.mx

Sr. René Solinís
Coordinador Operativo
Pro Habitat, A.C.
Miguel A.G. De Quevedo N. 624
Guadalajara, Jalisco 44680
México
Tel: 52 3 616 9785
Fax: 52 3 615 7797
Email: phabitatamail.ugd.mx

Sra. Silvia Solís López
Asesora Técnica
Unión de Ejidos el Paraiso de la
Selva Laconda
3 avenida Norte Pte. N. 50
Ocosingo, Chiapas 29000
México
Cellular: 934 8 93 68
Fax: 934 5 09 99
Email: silvia154mx@yahoo.com.mx

Mr. Larry Sperling
EPA Attache in Mexico
Environmental Protection Agency
Paseo de la Reforma N. 305
Col. Cuauhtemoc
México, DF 06500
México
Tel: 52 5 209 9100 ext. 3595
Fax: 52 5 208 6541
Email: sperlingli@state.gob

Mr. Brian Staszewski
Executive Director
Destination Conservation
10511 Saskatchewan Drive
Edmonton, Alberta T6E 4S1
Canada
Tel: 780 433 8711
Fax: 780 439 5081
Email: brian@dcplanet.org

Ms. Janet Stephenson
Senior Policy Analyst
Natural Resources Canada
580 Booth St.
Ottawa, Ontario K1A 0E4
Canada
Tel: 613 992 3395
Fax: 613 996 0478
Email:
janet.stephenson@rcan-mcan.gc.ca

Mr. Cleveland Steward
Co-Director
Sustainable Fisheries Foundation
120 Avenue A
Snohomish, Washington 98290
USA
Tel: 360 862-1255
Fax: 360 563 0393
Email: csteward@stewardandassociates

Ms. Nicole Stoduto
Legal Associate
Defenders of Wildlife
1101 14th Street, NW, Suite 1400
Washington, DC 20005
USA
Tel: 202 682 9400
Fax: 202 682 1331
Email: nstoduto@defenders.org

Ms. Melida Tajbakhsh
International Affairs Specialist
Fish and Wildlife Service
Department of Interior
4401 North Fairfax Drive
suite 730
Arlington, Virginia 20240
USA
Tel: 703 358 1766
Fax: 703 358 2849
Email: melida_tajbakhsh@fws.gov

Sr. José Carlos Tenorio
Gerente de programa
Manejo Adecuado de las Sustancias
Químicas
Comisión para la Cooperación
Ambiental
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4372
Fax: 514 350 4314
Email: jctenorio@ccemtl.org

M. Denis Thibodeau
Ingénieur
Génivar
1600, boul. Curé Lavalle
Laval, Québec H7V 2W2
Canada
Tel: 450 686 0980
Fax: 450 686 0987
Email: dthibodeau@genivar.com

Ms. Donna Tingley
Executive Director
Clean Air Strategic Alliance
106th Street, 9th Floor
Suite 9940
Edmonton, Alberta T5K 2N2
Canada
Tel: 780 427 9793
Fax: 780 422 3127
Email: dtingley@casahome.org

Ms. Christine Todd Whitman
Administrator
Environment Protection Agency
1200 Pennsylvania Ave.
Washington, DC 20460
USA
Tel: 202 564 6601
Fax: 202 565 2407
Email: whitman.christine@epa.gov

Sra. Leticia Toriz
Coordinadora Intersecretarial
Secretaria de Medio Ambiente para el
Desarrollo Sustentable
Colegio Militar N. 1111
Guadalajara, Jalisco 44610
México
Tel: 52 3 817-1603
Fax: 52 3 817-1603
Email: ltoriz@megared.net.mx

Sr. Raúl Tornel

Presidente
Comisión Nacional de Cámaras
Industriales
Camino a Santa Lucía N. 198 Fracc.
Industrial San Antonio
Azcapotzalco
México, DF 02760
México
Tel: 52 5 353 3194
Fax: 52 5 561 0097
Email: rtornel@tornel.com.mx

Sr. Miguel Angel Torres

Co-Director
Periodismo para elevar la
Conciencia Ecológica
S. Francisco Viveros N. 701
Aguas Calientes
Aguas Calientes 20190
México
Tel: 52 4 970 1593
Fax: 52 4 970 1593
Email: balam56@yahoo.com

Sra. Blanca Torres

Profesora
Centro de Estudios
Internacionales
El Colegio de México, A.C.
Camino al Ajusco 20
Col. Pedregal de Santa Teresa
México, DF 01900
México
Tel: 52 5 449 3000 ext. 4037
Fax: 52 5 645 0464
Email: btorres@colmex.mx

Sr. Luis Gabriel Torres

Profesor Investigador
Ciesas Occidente
Avenida de España N. 1359
Guadalajara, Jalisco 44190
México
Tel: 52 3 812 0001
Fax: 52 3 810 8396
Email:
ltorres@udgserv.cencar.udg.mx

Sr. Federico Torres

Gobierno de Jalisco
Ramón Cerros N. 31
Guadalajara, Jalisco
México
Tel: 52 3 668 1808
Fax: 52 3 668 1878
Email: semades@jalisco.gob.mx

Sr. Claudio Torres Nachón

Director
Centro Derecho Ambiental del Sur
Primo Verdad N. 23-4
Xalapa, Veracruz 91000
México
Tel: 52 2 818 2388
Fax: 52 2 818 2028
Email: dassurct@prodigy.net.mx

Mme Anne-Renée Touchette

Coordinatrice de projets internationaux
Centre québécois du droit de
l'environnement
1435, rue de Bleury, Bureau 511
Montréal, Québec H3A 2H7
Canada
Tel: 514 861 7022
Fax: 514 861 8949
Email: pageot@cqde.org

Sr. Carlos Tovar Cisneros

Estudiante
CUCEI
Calle Nuevu México
Col. San Isidro #878
Guadalajara, Jalisco
México
Tel: 52 3 126 1059
Fax:
Email: zizzou81@starmedia.com

Mr. Luke Trip

Manager Mercury Issues
Environment Canada
351 St. Joseph blvd.
Hull, Quebec K1A 0H3
Canada
Tel: 819 997 1967
Fax: 819 994 5030
Email: luke.trip@ec.gc.ca

Sr. Saul Ugalde

Jefe de Producción
Bufette de Ingeniería y Control
Ambiental

Francisco Mujica N. 889
Guadalajara, Jalisco 44290
México
Tel: 52 3 823 4804
Fax: 52 3 823 4804
Email: bica@megared.net.mx

Sra. Edna Urquidi

Jefe
Programación seguimiento y control
Dirección General de Medio Ambiente y
Ecología
Marsella N. 49
Guadalajara, Jalisco 44100
México
Tel:
Fax:
Email: ecologia@guadalajara.gob.mx

Sra. Cecilia Valencia

Prácticas Profesionales
Dirección Ejecutiva Bosque la Primavera
Concentro Local E-38
Guadalajara, Jalisco
México
Tel: 52 3 110 0149
Fax: 52 3 110 0917
Email: adlblp@hotmail.com

Sr. Elias Vanegas Velazquez

Director Ejecutivo
Instituto Nacional de Recicladores
Retorno 8 de Fray Servando Teresa de Mier
N. 4- int. 3
México, DF 15900
México
Tel: 52 5 785 9160
Fax: 52 5 784 1279
Email: inare@att.net.mx

Ms. Liette Vasseur

Professor
K.C. Irving Chair in Sustainable
Development
University of Moncton
Moncton, New Brunswick E1A 3E9
Canada
Tel: 506 858 4152
Fax: 506 863 2000
Email: vasseurl@moncton.ca

Mr. Scott Vaughan
Head of Environment
Economy and Trade Program
Commission for Environmental
Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4302
Fax: 514 350 4314
Email: svaughan@ccemtl.org

Sra. María Teresa Vázquez Contreras
Jefa
Educación Ambiental
SEP Dirección de Educación
Extraescolar
Parroquia N. 1130
México, DF 01133
México
Tel: 52 5 328 1097
Fax: 52 5 328 1097
Email: teresav@sep.gob.mx

Sr. José Martín Velazquez
Subsecretario
Partido de la Revolución
Democrática CEN
Huatusco N. 37
México, DF 06760
México
Tel: 52 5 574 1431
Fax: 52 5 574 1431
Email: jmartin1903@latinmail.com

Mr. Cristobal Vignal
Council Secretary
Commission for Environmental
Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Tel: 514 350 4333
Fax: 514 350 4314
Email: cvignal@ccemtl.org

Sr. Arturo Villaseñor
Asistente Dirección General
Dirección General de Medio Ambiente y
Ecología
Marsella N. 49
Guadalajara, Jalisco 44160
México
Tel: 52 3 818 3650
Fax:
Email: vmreneria@guadalajara.gob.mx

Mme Leticia Villeneuve
Coordonnatrice
Services de réunion
Commission de coopération
environnementale
393 rue St-Jacques Ouest
Bureau 200
Montréal, Québec H3Y 1N9
Canada
Tel: 514 350 4313
Fax: 514 350 4314
Email: lvilleneuve@ccemtl.org

Mr. Cliff Wallis
President
Alberta Wilderness Association
615 Deercroft Way, SE
Calgary, Alberta T2J 5V4
Canada
Tel: 403 283 2025
Fax: 403 271 1408
Email: deercroft@home.com

Ms. Carolyn Wild
President
Wild International
Tourism Consulting Services
24 Kempster Ave.
Ottawa, Ontario K2B 8B2
Canada
Tel: 613 820 6702
Fax: 613 820 4452
Email: wild@travel-net.com

Ms. Serena Wilson
9100 Mill Creek Landing
Great Falls, Virginia 22066
USA
Tel: 703 759 4642
Fax: 703 759 7897
Email: wilsonserena@juno.com

Mr. John Wirth
President
North American Institute
708 Paseo de Peralta
Santa Fe, New Mexico 87501
USA
Tel: 505 982 3657
Fax: 505 983 5840
Email: jdworth@stanford.edu

Sra. Xochitl Yin
Directora de Vinculación Ambiental
Secretaría de Medio Ambiente para el
Desarrollo Sustentable
Colegio Militar N. 1111
Guadalajara, Jalisco 44610
México
Tel: 52 3 817 1603
Fax: 52 3 817 1603
Email: xochitlyin@hotmail.com

Sr. Carlos Yruretagoyena
Centro regional de
estudios ambientales y socioeconomicos
AC
calle d # 234
zona centro
Mexicali, Baja California 92232
Tel: 52 6 5 61 8341 ext 1226
Fax 52 6 561 8341
Email carlosy@fapsa.com.mx

Sr. José Zavala
Director Ambiental
Informa A.C.
Alivio Norte 28C
Tijuana, Baja California 22500
México
Tel: 52 6 623 3368
Fax: 52 6 623 3339
Email: jczavala@telnor.net

Sr. Andrzej Zeromski
Profesor
Universidad de Guadalajara
Departamento de Geografía
Av. de los Maestros y Mariano Bárcena
S/N
Guadalajara, Jalisco 44260
México
Tel: 52 523 640 0975
Fax: 52 523 640 0975
Email: zeromski@fuentes.csh.udg.mx



Joint Public Advisory Committee Round Tables on Opportunities for Enhancing North American Cooperation

Executive Summary

Introduction

In conjunction with the Joint Public Advisory Committee (JPAC) Regular Session 01-02 and the Regular Session of Council of the Commission for Environmental Cooperation (CEC), JPAC organized four round table discussions with the public on 27 June 2001 in Guadalajara, Jalisco.

Themes for the round tables are based on comments that various stakeholders have repeatedly brought up with JPAC since the implementation of the CEC.

The topics were:

- ?? Managing Pollutants in North America;
- ?? Conservation of Biodiversity;
- ?? North American Trade and Transportation Corridors; and
- ?? Management of Renewable Resources

To facilitate the discussions during the round tables, concept papers have been prepared by the CEC Secretariat on the each of the topics.

The purpose of these discussions was to take a bold view of each topic, identify priority areas of concern and provide concrete ideas on how the CEC can contribute to developing solutions in a North American context. The results were also used to inform and assist JPAC in developing its advice to Council on the 2002–2004 Program Outline (see this document, attached) and, in September 2001, to provide its advice to Council on the proposed 2002–2004 Program Plan and Budget.

The discussions were also a great opportunity for the CEC Secretariat's program managers to look at the long-term vision of the CEC program plan and its strategies.

A JPAC member facilitated each round table discussion. Other JPAC members attended the session and participated in the discussions. The round tables were very well attended, interactive, and provided JPAC with very useful information and ideas for future work. The results of the discussion were reported to Council and to the public in a plenary session.

The following summarize the main points discussed in each of the round tables.

Management of Pollutants in North America

Facilitator: Raúl Tornel

Under the auspices of the Joint Public Advisory Committee, a round table was held on Management of Pollutants in North America.

The session began by a presentation of Victor Shantora, Head of the Pollutants and Health Program. After introducing his colleagues, Erica Phipps and José Carlos Tenorio, he gave an indepth explanation of the program's objectives and achievements.

Results of the Discussion

- ?? The numerous comments from the attendees, some in the form of questions that were answered immediately, can be summarized as follows:
- ?? The manner in which the CEC interacts with society for decision making purposes was questioned. It was explained that it is in fact the goal of such round tables and workshops to establish contact with civil society, NGOs and business and academic organizations.
- ?? The non-existent tracking of substances and wastes once they cross borders was mentioned.
- ?? It was remarked that Mexico is bearing most of the burden of eliminating substances covered by the program.
- ?? It was requested that the impacts of substances be identified before their producers place them on the market.
- ?? The need for Mexico to complete its pollutant release and transfer register was stressed. (The Mexican government committed to establishing a mandatory approach during the Council session)
- ?? It was mentioned that the voluntary Mexican standard on the Pollutant Release and Transfer Register includes emissions of the main greenhouse gases.
- ?? It was proposed that the work of the CEC include carbon-related emissions.
- ?? It was also proposed to develop a carbon emissions-trading program.
- ?? It was mentioned that some auto parts contain mercury, which is released into the environment when the vehicles are salvaged and their components recycled.
- ?? It was remarked that in Mexico, some legal obstacles stand in the way of establishing a compulsory Pollutant Release and Transfer Registry (PRTR). It was suggested that since the elimination of these

legal obstacles will take a long time, work should continue on soliciting the voluntary commitment of industry to provide emissions information.

- ?? It was requested that the North American Regional Action Plan on Monitoring and Assessment be completed before continuing to include substances in the program.

Conservation of Biodiversity

Facilitator: Peter Berle

Under the auspices of the Joint Public Advisory Committee, a round table was held on Conservation of Biodiversity.

Peter Berle identified the challenge as developing appropriate means for the public to participate in implementing the Strategic Plan for the Conservation of Biodiversity.

Hans Herrmann, Head of the Conservation of Biodiversity Program, then presented the program outline.

The discussion with the public focused on the following questions.

1. How to secure the effective participation of society-at-large in the implementation and evaluation of the Strategic Plan.
2. How to ensure continuity of work and, at the same time, be able to adapt to changing priorities.
3. How could the public assist the CEC in assessing the effectiveness of the Strategic Plan.
4. How could the public assist the CEC in influencing policies related to the biodiversity of North America.

Results of the Discussion

- ?? There is a need for greater public involvement in the management of wildlife in Mexico. Citizen access to environmental information is essential. The public should not have to litigate to acquire information.
- ?? The CEC should develop a system for promoting better implementation of public participation laws that are already in place.
- ?? The CEC could play a role in developing a reward or incentive system for public involvement in biodiversity conservation. One suggestion might be to promote “microlending,” including reasonable repayment rates.
- ?? The CEC should encourage the development of performance indicators and citizen-monitored audit systems. There are existing models to draw from.

- ?? Promoting green goods and services is an effective means to promote biodiversity.
- ?? Local and state governments in our three countries play a very important role and have legal and regulatory authority for land use and management. The CEC should pursue their greater involvement in habitat protection strategies. It was also noted that, for the most part, local and state governments may not be well informed about the CEC and efforts should be made to improve communication and information dissemination.
- ?? The Strategic Plan must be connected to enforcement if it is to be credible and effective.
- ?? The rights of peasants and indigenous peoples as stewards of biodiversity should be promoted by the CEC. This includes matters related to bioprospecting, intellectual property and benefits to holders of biodiversity information. The food production and drug industries now receive most of the benefits, and new monetary arrangements are required.
- ?? Within each of our countries, it is important to strive for national coherence among all levels of government before the CEC can effectively move into regional action.
- ?? The biodiversity program should connect better with NAFEC to benefit from lessons learned from these community-based projects.
- ?? The CEC has an important role to play in convening agencies with financial resources to participate in, and support implementation of the Strategic Plan. One important area is to develop financing arrangements to support sustainable agriculture as is now being done for shade coffee.
- ?? Preserving biodiversity must be approached ecosystemically. A very important part of this is incorporating a better understanding human behavior and its associated impacts on the environment in conservation work. Water management, for example, which is considered to be of critical importance, has to be approached by understanding and integrating habitat management, human impact, resource development, wildlife management and production issues. We cannot protect species and habitats without addressing broader issues such as water management and energy production. Another example is that in Mexico habitat degradation is directly related to poverty.
- ?? Management of freshwater is an area of common concern. It is considered a growing crisis and in some areas, for example Lake Chapala, it is urgent. The CEC should consider developing strategies mobilizing emergency collective attention. The San Pedro and Silva reservoir experiences provide useful lessons where the CEC convened and stimulated citizen and local government participation to develop an intervention and management strategy. (JPAC communicated in writing with the CEC Secretariat and the governments on this issue. See the letter to the Secretariat attached)
- ?? One way of ensuring that the information and databases now being developed by the CEC are used would be to develop links with other institutions, such as academia and professional associations.

- ?? The Strategic Plan needs to consider other ways of communicating with the North American public beyond electronic means. Many, many people do not have access to the Internet.
- ?? The Strategic Plan should address climate change, genetic modified organisms, invasive species, impacts of “megaprojects” and developing trilateral agreements for marine protected areas regarding, for example, fishing and ocean dumping.
- ?? Green goods and services work should be expanded to include green technologies.

North American Trade and Transportation Corridors

Facilitator: Daniel Basurto

Under the auspices of the Joint Public Advisory Committee, a round table was held on North American Trade and Transportation Corridors.

The session began by a presentation of Greg Block, Director of Programs of the Commission for Environmental Cooperation, substituting for Paul Miller, in which he stressed two main objectives:

1. Identify possible corridors for trilateral cooperation.
2. Resolve disputes over air quality impacts.

In addition, some of the main points covered by the final report of the Winnipeg workshop (15 March 2001) held under the auspices of the CEC were reviewed;

- ?? Trade and gas emissions will increase by a factor of 2.4-4.0 by 2020.
- ?? Despite increased trade, a reduction in truck emissions is projected suggesting that rail will account for a larger portion of emissions.

Results of the Discussion

A period for public comments followed the presentation of the CEC Director of Programs.

During the round table, various points of views and observations were expressed on the work program, including the following:

- ?? The use of rail and maritime transportation as alternatives should not be underestimated, nor should the effect of these modes of transportation on trade corridors be ignored.
- ?? Harmonizing relative risk reduction among modes of transportation in the three countries was discussed. However, given the limitations imposed by the US federal government that prevent Mexican units from entering its territory, it was concluded that it is not possible to change the physical characteristics of the transportation units.

- ?? It was resolved that it is necessary to link the corridors project with the other programs—especially Conservation of Biodiversity—in order to arrive at an integrated perspective on transboundary transportation issues.
- ?? The desirability of relating emissions controls on transportation units with climate change aspects was mentioned.
- ?? It was indicated that since transportation is an essential element of regional integration, border communities must not be left aside. They must play an active role in the integration process.
- ?? The relevance of building ties among various organizations, in particular the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB), was mentioned. The mandates of these organizations have been enlarged since they were created. Given the financial limitations of the CEC, this could open up additional funding opportunities to facilitate the implementation of this project.
- ?? Finally, it was recommended that the CEC assess the environmental impact of transportation units on endangered species in transboundary areas.

Management of Renewable Resources

Facilitator: John Wirth

Under the auspices of the Joint Public Advisory Committee, a round table was held on Management of Renewable Resources.

John Wirth introduced the context by explaining that integration through NAFTA creates a growing impetus for regional management of renewable resources. Ecosystems are interconnected and our ecological footprints extend considerably beyond the North American region. Our consumption patterns are not sustainable. We are draining our ecological capital. Examples include the growing freshwater crisis; disappearing wetlands; and deforestation. Renewable energy production poses possibilities but market inroads are slow for various reasons. There is no sign that carbon-based production and consumption will diminish.

José Carlos Tenorio, the program manager on Sound Management of Chemicals, then presented the program outline.

Results of the Discussion

Water

- ?? There is an opportunity in this era of water conflicts worldwide to advance cooperation and develop a framework for regional solutions that may indeed be a model for other areas. Pressure is increasing in the North American region to address imbalances of access and supply by water sales and transport. This issue is emerging within Chapter 11 disputes. Clearly, water is now a trade resource and a public policy matter.
- ?? In absolute terms, we do not have less water, we have less useable water. There should be a concentration, therefore, on treatment and purification, along with desalination.
- ?? We need better inventories before proper planning can take place. Consideration of behavior, lifestyles, political priorities and public policy has to enter into the discussions. It is a very complex undertaking, but necessary.
- ?? Water should be properly valued in order to create incentives for conservation and treatment. This must be approached with caution, however, to ensure equity i.e., not resulting in a situation where those least able to pay are deprived access.
- ?? The CEC can assist local authorities to access funds to finance water treatment facilities and also to focus limited local resources on water treatment. One way would be to approach international lending authorities.
- ?? Mexico needs urgent attention. There is an imbalance in supply, access and quality.
- ?? Any management approach must factor in the economic impact of lost production. For example, for the Colorado River system, the 1944 treaty makes provision to share losses in drought conditions, but not surpluses. The CEC could advocate changes in this treaty so that Mexican producers are not inequitably affected.
- ?? Basin management and sharing across borders should be featured in any discussion undertaken by the CEC.
- ?? The CEC could inventory experiences, develop best practices and support a pilot project in a transborder basin.
- ?? Capture, control, and treatment of water should be considered as an approach to water management for protecting human health, maximizing resource potential and creating opportunities for economic development.
- ?? Freshwater problems are of sufficient permanence to require that we think more broadly. The CEC could establish a permanent working group to respond to policy challenges as they arise.

- ?? Invest in ongoing environmental education at all levels of society. It is the only way to influence lifestyle changes. Means of communicating information, literacy levels and respect for indigenous learning systems should be considered when developing programs.
- ?? The CEC could inventory water consumption by user groups, i.e., agriculture, industry, etc. This could provide the basis for developing an action plan.
- ?? There are low technology solutions using water to treat waste. Composting and engineered wetlands are also techniques. However, this requires a significant coupling with environmental education and citizen mobilization.
- ?? Given the limited financial resources, the CEC should concentrate on convening and helping to access resources and create networks.

Soil and Forestry

- ?? As with water, look for low technology solutions when working with rural communities. The CEC could compile information on processes used around the world and provide these to rural communities. Solicit best practices and create a clearinghouse for information on funding sources. The CEC web site could be used. This would be a very useful tool for the public.
- ?? When discussing reforestation, work should focus on reintroducing indigenous species. The fast growing species do not necessarily produce the desired result and can cause other environmental problems. We have to maintain the total biomass, otherwise it is not real replacement [of lost timber resources].
- ?? Create incentives and recognition for initiatives taken by local communities. In this regard, the CEC could be a clearinghouse for putting industry who are looking for ways to pursue due process in contact with local communities.

Climate Change

Is there a North American solution and what is the CEC's role?

The CEC should investigate ways to facilitate exchanges to implement Clean Development Mechanisms side-by-side with advocating emissions reduction in the US and Canada. (Please find attached the CEC JPAC advice to Council on climate change.)



ADVICE TO COUNCIL 01-04

Re: Climate Change

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC);

IN ACCORDANCE with its mandate to provide advice to Council under Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC);

CONSCIOUS that climate change is an urgent environmental issue facing North America requiring multiple strategies including market and conservation measures;

NOTING that the CEC can play a significant role in efforts to reduce greenhouse gas emissions;

UNDERSTANDING that, because of its links to trade through NAFTA, the CEC is uniquely positioned to facilitate the development of market mechanisms to reduce greenhouse gas emissions in North America; and

ACKNOWLEDGING that certain North American nongovernmental organizations and members of the business community are already working on the development of carbon-trading mechanisms;

RECOMMENDS that Council instruct the Secretariat to facilitate, within the 2002–2004 Program Plan, the development of market mechanisms within the North American context to reduce greenhouse gas emissions.

APPROVED BY JPAC MEMBERS

28 June 2001



Joint Public Advisory Committee
Comité Consultivo Público Conjunto
Comité consultatif public mixte

9 July 2001

Ms Janine Ferretti
Executive Director
Commission for Environmental Cooperation

Dear Ms. Ferretti:

Following the Joint Public Advisory Committee Regular Session 01–02, held on 27–29 June in Guadalajara, Jalisco, and in accordance with Article 16(5) of the North America Agreement on Environmental Cooperation (NAAEC), please find attached information provided by the *Colectivo Ecologisca Jalisco*, the *Instituto de Derecho Ambiental* and the *Sociedad Amigos del Lago de Chapala* regarding environmental problems in Lake Chapala.

During its meeting, JPAC also received a variety of concerns from the public about the urgent situation at Lake Chapala, including:

- ?? the drastic and continuing decline in the water levels of the lake; and
- ?? the threat this poses to biodiversity, including to migratory birds, and the resulting negative impacts on the livelihoods and economies of the region's residents who depend on Lake Chapala.

JPAC believes that immediate action should be taken as Lake Chapala and the ecosystems it supports are under extreme stress.

JPAC therefore recommends that the Secretariat prepare a report under NAAEC Article 13, or another appropriate vehicle, on Lake Chapala to assist in its recovery.

Sincerely,

Liette Vasseur
JPAC Chair for 2001

c.c. CEC Council members

Colectivo Ecologista Jalisco
Insituto de Derecho Ambiental
Sociedad Amigos del Lago de Chapala
JPAC members



ADVICE TO COUNCIL: NO. 01-05

Re: 2002–2004 Work Program Outline of the Commission for Environmental Cooperation

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC);

IN ACCORDANCE with its mandate to provide advice to Council under Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC);

HAVING participated in the very successful CEC round tables and workshop, held 27 and 28 June 2001, in Guadalajara, Mexico, and further discussed the subject in a public plenary session during JPAC's regular session 01-02 on 28 June; and

UNDERSTANDING that our common challenge is to better develop the role of the CEC in an integrated North American economy;

JPAC makes the following general and specific recommendations for consideration by the CEC in developing the proposed Program Plan for 2002–2004 over the next several months.

General recommendations

Public access to information about the CEC—An effort should be made to improve awareness and public access to information about the CEC, its mandates, structure, and projects/activities. One way to do this would be to broaden information networks through other media, to share success stories and lessons learned—understanding that not everyone in North America has access to the CEC web site.

In order to improve awareness about the CEC and encourage the participation of local, provincial and state authorities that have legal and regulatory responsibilities for environmental management and land-use planning, cooperative links to those authorities should be developed within some of the activities of the CEC.

Public participation—There remains a continuing need to strengthen public participation and expand the space available for the public within the operation of the CEC. As a matter of practice, there should be a stronger commitment for public representation in all CEC working groups and advisory bodies.



Annex F

DISTRIBUTION: General
J/01-02/ADV/01-05/Rev.6
ORIGINAL: English

Environmental education is another crosscutting issue where the CEC can greatly contribute in North America. While work in this area can be pursued as part of capacity building strategies, it should mainly target local communities. One way to strengthen this capacity could be by having the Secretariat play the role of catalyst and clearinghouse for existing environmental education programs, to increase sharing and cooperation in a regional context.

Timelines—Exit strategies for projects and strict timelines should be clearly established, particularly in light of the CEC’s budgetary limitations.

Specific recommendations

Environmental, Economy and Trade Program

Future activities regarding green goods and services should consider social and cultural diversity as well as local involvement and local market incentives.

A Secretariat initiative to facilitate the development of market mechanisms (including conservation measures and energy efficiency technologies) to reduce greenhouse gas emissions within the North American context should be built into the program, as recommended in JPAC advice to Council 01-04.

CEC should lead an initiative to develop effective government procurement strategies in support of a shift in demand toward green goods and services, keeping in mind the need to establish targets and create incentives for all other stakeholders.

Conservation of Biodiversity Program

Biodiversity—Following the example of the North American Biodiversity Information Network (NABIN), the CEC could act as a clearinghouse for information and a network on a wide array of biodiversity issues (including education and linking to green goods and services initiatives).

Conservation of biodiversity cannot be separated from the respect for and promotion of the cultural diversity of people in affected areas. Conservation strategies should integrate social and cultural criteria, particularly regarding the rights, knowledge and traditions of indigenous peoples (as recommended in JPAC advice to Council 99-05 and 99-10). For example, local people are stewards of their lands and resources and are often already engaged in the conservation of biodiversity through their daily activities. Therefore, land-use planning and community development should figure more prominently in the biodiversity conservation network, especially in issues related to biotechnology and bioprospecting.

Water—The Secretariat should consider the establishment of a permanent multi-stakeholder body to advise the Secretariat on how to build water conservation initiatives into the Program Plan. It should also develop a capacity-building initiative linked to low technology solutions for water and wastewater treatment. As watershed management and the sharing of water between countries are both becoming urgent issues, the CEC could inventory experiences, develop a survey of best practices and support a pilot project in a transborder watershed.

Urgent issues—The CEC should consider developing strategies for mobilizing emergency public attention around urgent biodiversity issues. The San Pedro and Silva Reservoir experiences could serve as useful examples of situations where the CEC convened and stimulated citizen and local government participation to develop intervention and management strategies.

Pollutants and Health Program

Carbon-containing gaseous emissions cause changes to air quality that result in climatic change and public health issues. As previously indicated, this issue should be integrated into the work of the CEC, in terms of gas emissions standards and monitoring.

The Pollution Prevention Fund (*Fondo de Prevención de la Contaminación*—Fiprev) should be completed under this program as soon as self-sufficiency is obtained.

Law and Policy Program

The program should now begin shifting its focus to the effective enforcement of existing environmental legislation and develop its priorities in function of the other program areas of the CEC. This is particularly important as the CEC matures and develops a more integrated program plan. For example, it could coordinate the development of government procurement strategies to promote green goods and services recommended by JPAC under the Environment, Economy and Trade program.

Regarding environmental management systems, JPAC recommends that the proposed pilot project to test the CEC Guidance Document be concluded and no further resources be put toward this effort. Other funding could support such an initiative if it proves attractive to industry or others.

Specific Obligations under the Agreement

Related to NAAEC Article 10(6), JPAC has requested that progress be made toward organizing a public meeting with the environment and trade officials to inform the public on the progress made on this issue over the last eight years.

NAAEC Article 28 requires the development of Model Rules. JPAC would like to see progress on this issue.

Once again, JPAC recommends engaging the remaining Canadian provinces in NAAEC. Council should review the provisions of NAAEC Annex 41, item 8, in this regard.

Over the years, little progress has been accomplished in the development of the issue of the Transboundary Environmental Impact Assessment (TEIA) (see JPAC advice to Council 99-07). JPAC encourages the CEC to initiate discussion and advance on the issue as soon as possible.

North American Fund for Environmental Cooperation

NAFEC has been invaluable as a means of engaging local communities and to incubate projects that have later been fully integrated into the CEC program. Understanding that funding limits present serious

constraints to restoring NAFEC, JPAC will continue to discuss the matter and provide further advice in September 2001.

APPROVED ON 30 JULY 2001