

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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September 16, 2003

Doug Wright, Director of Programs
Commission for Environmental Cooperation
393 St-Jaques West, Suite 200
Montreal, Quebec
Canada H2Y 1N9
Facsimile (514) 350-4314

**Re: Phase One North American Regional Action Plan Dioxins and Furans, and
Hexachlorobenzene, Public Review Draft 18 July 2003 (NARAP)**

Dear Mr. Wright:

On behalf of the Board of Directors of the Blue Ridge Environmental Defense League, I write to provide comments on the Phase One Plan. I have read the public review draft dated 18 July 2003.

As you know, the international negotiations which established the North American Free Trade Agreement (NAFTA) also created the North American Agreement on Environmental Cooperation (NAAEC). In our view, the agreement for environmental cooperation must be one which advances the highest standards for environmental protection in all three nations party to NAFTA. The Commission for Environmental Cooperation must find ways to bring all three nations together at the pinnacle of public health protection for all people from Yukon to Yucatan. We cannot and must not allow environmental standards under NAAEC to be a race to the bottom. In the matter at hand, we request that the CEC utilize all means at its disposal to bring about the elimination of anthropogenic sources of persistent, bioaccumulative toxins including dioxin, furan, and hexachlorobenzene at the earliest possible date.

According to the public review draft dated July 18th, the NAAEC commits the governments of Canada, Mexico and the United States to environmental cooperation; the Commission for Environmental Cooperation (CEC) was founded to "facilitate cooperation on the conservation, protection and enhancement of the environment in their territories." Further, in 1995 CEC adopted Resolution 95-05 on the Sound Management of Chemicals which directs the development of Regional Action Plans for persistent and toxic substances. The goal of the North American Regional Action Plan Dioxins and Furans, and Hexachlorobenzene is:

[T]o improve the capacities of the Parties to reduce exposure to dioxins and furans, and hexachlorobenzene of North American ecosystems, fish and wildlife, and especially humans, and to prevent and reduce anthropogenic releases to the environment of dioxins and furans, and hexachlorobenzene and to promote continuous reduction of releases where feasible. [*Draft Phase 1 Dioxins and Furans, and HCB NARAP, Section 2.1*]

As a practical matter, the approach of the CEC ought to extend the tightest standards for dioxin, furan, and HCB which already apply to one of the three members of NAFTA to the other two. For example, in Canada the virtual elimination of dioxin from pulp and paper mill effluent was achieved in 1997.

The regulatory initiatives which bring about the reduction of dioxin below detection levels- virtual elimination- should be applied to all industrial facilities in North America. Virtual elimination of persistent, bioaccumulative toxins including dioxin, furans, and HCB was the standard set in 1995 by the Toxic Substances Management Policy of the Canadian federal government. CEC should apply this workable and effective standard to the NARAP for the protection of public health in the United States and Mexico.

The draft plan cites the following elements and obligations as central to its strategy:

Agenda 21: A Global Action Plan for the 21st Century, adopted at the 1992 United Nations Conference on Environment and Development, in particular, Chapter 19 on the sound management of chemicals and the precautionary approach as stated in Principle 15 of Agenda 21 and adopted at the Rio Declaration;

The Great Lakes Binational Toxics Strategy: Canada-United States Strategy for the Virtual Elimination of Substances in the Great Lakes;

The North American Agreement on Environmental Cooperation (NAAEC);

CEC Council Resolution 95-05 for the Sound Management of Chemicals; and

The Stockholm Convention on Persistent Organic Pollutants.

The precautionary approach is outlined in the Rio Declaration and cited in the draft dioxin NARAP. BREDL joins with the many who advocate the precautionary principle:

"When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof." [Wingspread statement, January 1998] .

We find this to be a reasonable and prudent course of action which should guide the commission in all matters regarding the manufacture, use, and disposition of toxic substances. We owe it to our children to do nothing less.

At the People's Summit in Okinawa 2000, John Papworth, an Episcopalian minister and editor of the Fourth World Review, warned of a world-wide environmental crisis and sounded a call for change, saying "It is a crisis not only of militarism and greed-dominated economics, it is a crisis of massive environmental hooliganism, of a prodigious waste of finite resources, of the inequality of human social structure, and of human culture and morality. In short, it is a crisis of human existence."

Respectfully submitted,

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