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Comisión para la Cooperación Ambiental de América del Norte

Commission de Coopération Environnementale de l'Amérique du Nord

The Sound Management of Chemicals (SMOC) Initiative of the Commission for Environmental Cooperation of North America

Overview and Update

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Introduction

The North American Agreement on Environmental Cooperation (NAAEC), signed on the first of January 1994, has provided the overall framework for Canada, Mexico and the United States to cooperate on a wide range of environmental issues in the North American Region. The Agreement was negotiated as a parallel side agreement to the North American Agreement on Free Trade (NAFTA) (Figure 1). The Agreement has ten objectives, the first three being to:

- (a) foster the protection and improvement of the environment in the territories of the Parties for the well-being of present and future generations;
- (b) promote sustainable development based on cooperation and mutually supportive environmental and economic policies; and
- (c) increase cooperation between the Parties to better conserve, protect and enhance the environment, including wild flora and fauna.”

In negotiating the Agreement, the governments of the three countries, “convinced of the benefits to be derived from a framework, including a Commission, to facilitate effective cooperation in the conservation, protection and enhancement of the environment in their territories” established the North American Commission for Environmental Cooperation (CEC).

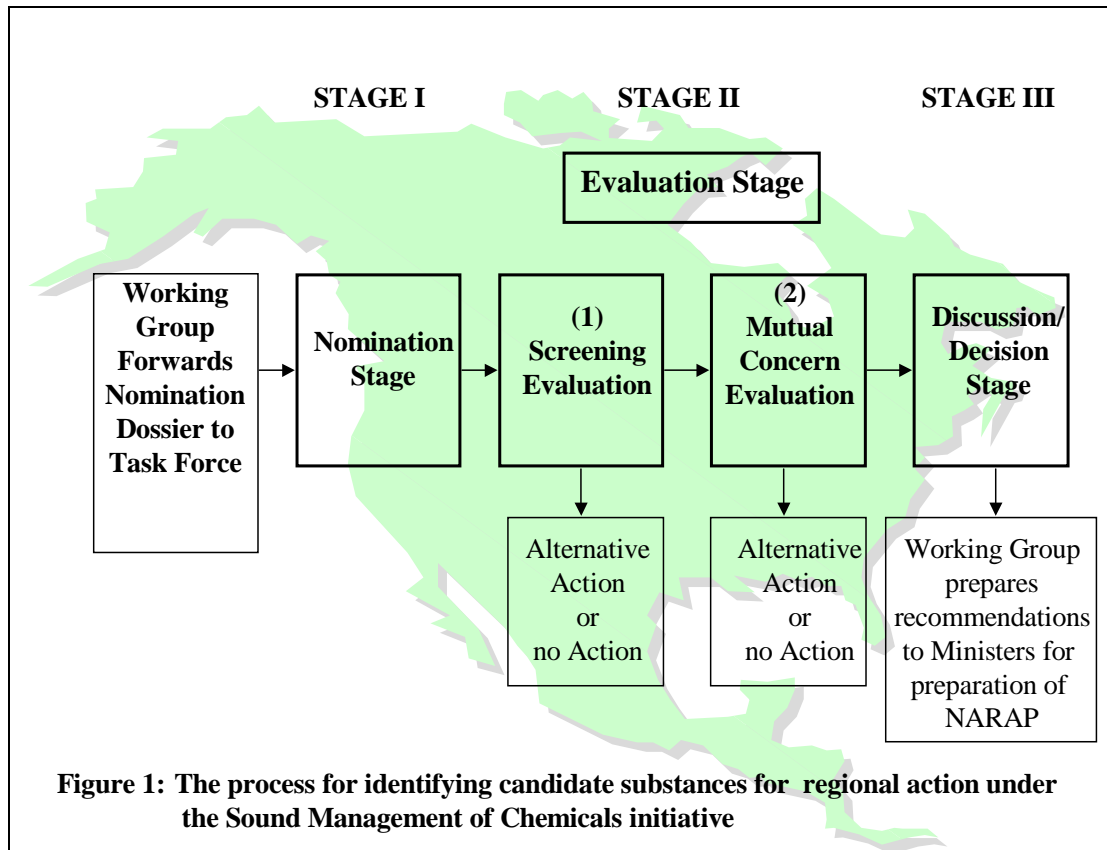
The CEC is composed of a Council (the CEC’s governing body, which is made up of *cabinet-level or equivalent representatives of the Parties, or their designees*), a Joint Public Advisory Committee, which “*may provide advice to the Council on any matter within the scope of this Agreement*” and a Secretariat, which “*shall provide technical, administrative and operational support to the Council and to committees and groups established by the Council and such support as the Council may direct.*”

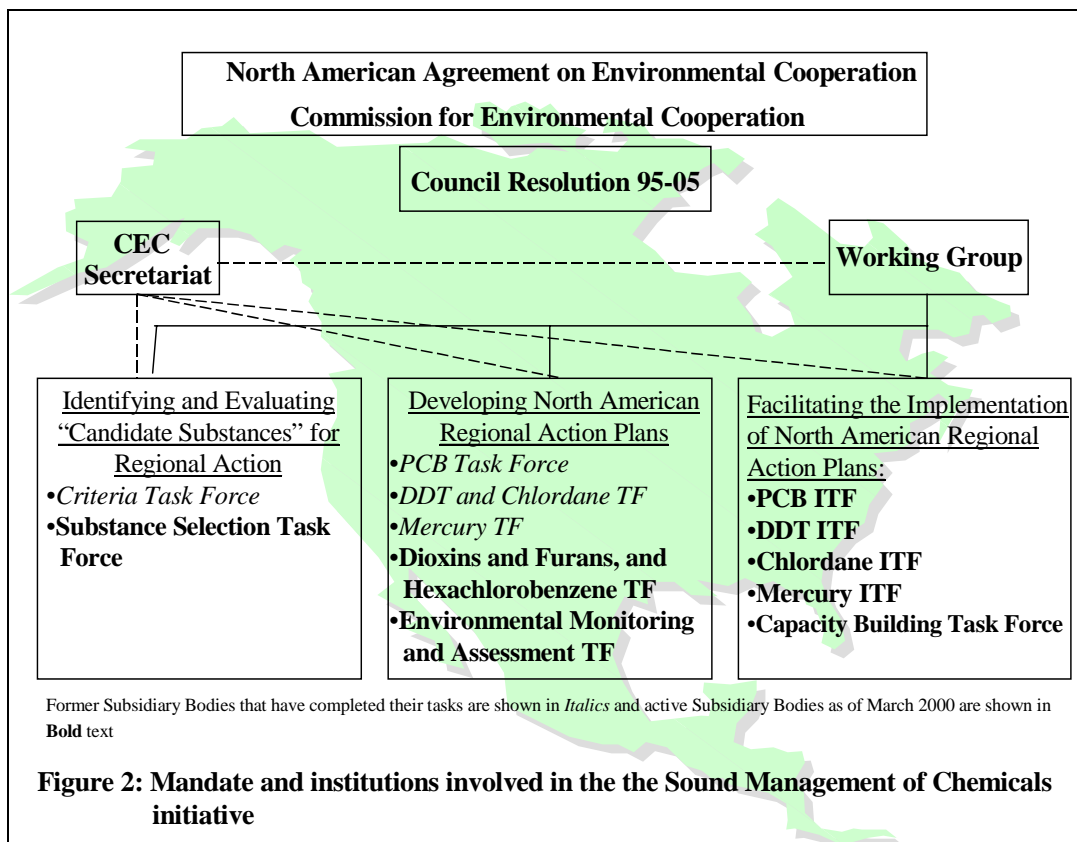
The Commission provided the mechanism for the three countries to negotiate an agreement (Council Resolution 95-05) on the Sound Management of Chemicals, which was agreed to on 13 October 1995, in Oaxaca, Mexico. Council Resolution 95-05 is attached as Annex A. The Resolution sets out a framework, together with specific commitments, for working collaboratively in addressing the sound management of chemicals in the region (i.e., North America). The Council, through the Resolution, established “*a North American Working Group comprised of two senior officials selected by each Party whose duties pertain to the regulation or management of toxic substances, and who shall work with the Commission for Environmental Cooperation (CEC) to implement the decisions and commitments set out in this Resolution.*” The relationships among the Working Group and the subsidiary bodies that it has established to implement the Resolution are summarized in Figure 1.

The initial focus of work under the Resolution has been on chemicals that are persistent and toxic. The Working Group that was established to work with the CEC to implement the decisions and commitments made in the Resolution was instructed to first address the list of persistent organic pollutants (POPs) included in United Nations Environment Programme (UNEP) Governing Council decision 18/32 of May 1995, together with “*certain heavy metals.*”

Five North American Regional Action Plans (DDT, chlordane, PCBs; mercury; and environmental monitoring and assessment) have been developed and are now at various stages of implementation. Two more regional or North American action plans are now under development, one for a cluster of substances—dioxins and furans, and hexachlorobenzene— and a second for lindane. A draft Decision

Document on Lead developed under the Council-approved *Process for identifying candidate substance for regional action under the Sound Management of Chemicals initiative* was circulated for public consultation 19 August–3 October 2003. Once the SMOC Working Group has received the final Decision Document on Lead from its Substance Selection Task force, it will formulate its recommendations to the CEC Council regarding the nature of potential trinational action on lead. The processes used to put substances forward for nomination of substances by governments and for development and implementation of action plans is illustrated in Figures 1 and 2. These processes include opportunities for public input at several junctures.





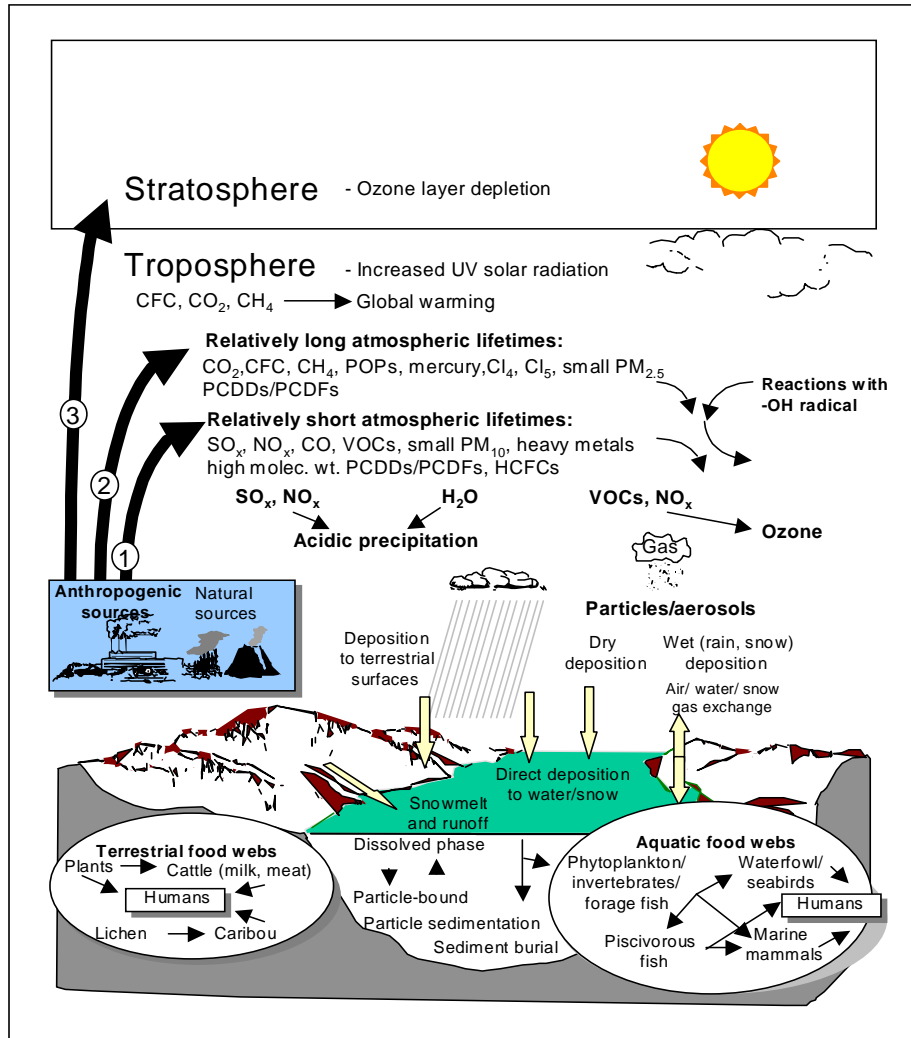


Figure 3: Pathways of transport and accumulation of continental pollutants

Questions and Answers

What is Council Resolution 95-05?

Council Resolution 95-05, Sound Management of Chemicals (see Annex A), states how the Governments of Canada, Mexico and the United States will cooperate to improve the sound management of chemicals in North America. The Resolution gives priority to the management and control of substances of mutual concern that are persistent and toxic, but also allows for cooperation on a broader scale for the sound management of chemicals in the three countries.

Council Resolution 95-05 was developed under the authority of the North American Agreement on Environmental Cooperation (NAAEC) and advances many of the commitments and obligations set out in the NAAEC. The Council (comprised of cabinet-level or equivalent representatives of the Parties, or their designees) is the governing body of the Commission for Environmental Cooperation (CEC), which was established as part of the North American Agreement on Environmental Cooperation. The Council of the CEC approved Council Resolution 95-05 on 13 October 1995, at its second regular meeting, held in Oaxaca, Mexico.

Why was the Resolution Developed?

Council Resolution 95-05 was developed because the three countries recognize that cooperative actions for the sound management of chemicals are needed to protect and improve the environment and to achieve sustainable development. In particular, chemical pollutants transported across national boundaries through air and watersheds and traded products are widely recognized to be a major and shared concern. Persistent, bioaccumulative and toxic chemicals merit special attention under Council Resolution 95-05 because of the threat they pose to human health and ecosystem integrity. Many of these substances bioaccumulate to unacceptable levels in living organisms and certain of these substances have been associated with immune system dysfunction, reproductive deficits, developmental abnormalities, neurobehavioural impairment, and cancerous tumors. In addition, other short-lived, non-persistent chemicals, such as some pesticides, can be acutely toxic and cause extensive damage to human health and ecosystem integrity when used in inappropriate ways.

Pollution of the North American environment resulting from the unsound management of chemicals use debilitates not only the physical and ecological, but also the social and financial fabric of communities. The costs of undertaking remedial measures to improve degraded environments can place considerable strain on local, regional and national economies. The environment, once degraded, can rarely, if ever, be entirely rehabilitated within a time frame that meets human needs. Further, countries failing to lead the way in the sound management of chemicals miss out on the economic and foreign policy opportunities that arise from being a front-runner, including through export of leading technologies and services.

Given the problems and lost opportunities that can arise from the unsound use of chemicals, the three countries agreed that an effective means for advancing the sound management of chemicals was through a Council Resolution indicating the desire of the governments to work cooperatively for improving the sound management of chemicals while building upon their respective national, bilateral and international commitments.

What is the North American Working Group on the Sound Management of Chemicals?

Council Resolution 95-05 established “a Working Group comprised of two senior officials selected by each Party, whose duties involve the regulation and management of toxic substances, and who shall work with the Commission for Environmental Cooperation (CEC) to implement the decisions and commitments set out in the Resolution.” At the first regular meeting of the Working Group held in Mexico City on 6–7 December 1995, it was agreed that the full title of the group would be the North American Working Group on the Sound Management of Chemicals (see Annex B).

What are the Working Group’s Responsibilities and How is it Completing its Tasks?

The Working Group’s overall responsibility is to work with the Commission for Environmental Cooperation to implement the decisions and commitments contained in Resolution 95-05 on the Sound Management of Chemicals. In practice this means overseeing and guiding the work carried out under this initiative including work conducted by any subgroups that it establishes to complete specific tasks. Council Resolution 95-05 requires that the Working Group give priority to the management and control of substances of mutual concern that are persistent and toxic.

The Resolution allows the Working Group to advance other initiatives for the sound management of chemicals that go beyond a substance-by-substance approach. In particular, the Parties committed in Resolution 95-05 to: “*regional cooperation for the sound management, throughout their life cycles, of the full range of chemical substances of mutual concern including by pollution prevention, source reduction and pollution control.*” The Resolution assigned the Working Group with a number of specific tasks including to develop a regional action plan for the management and control of polychlorinated biphenyls (PCBs) and to develop regional action plans for three other priority persistent and toxic substances. It also tasked the Working Group with developing refined criteria for identifying persistent and toxic substances for regional action.

Decisions of the six members of the Working Group are taken by consensus in the spirit of cooperation that is reflected in Council Resolution 95-05.

What are North American Regional Action Plans and How are they Developed?

Resolution 95-05 specifically calls for the development of North American Regional Action Plans for selected persistent and toxic substance as a first priority in the Parties’ common desire to address national and regional concerns associated with the sound management of chemicals. The Action Plans reflect a long-term, shared commitment to regional action in this regard. Furthermore, the Parties work cooperatively by building upon international environmental agreements and existing policies and laws by bringing a regional perspective to international initiatives. At the same time, each Action Plan is unique and reflects the differentiated responsibilities of each of the countries, consistent with their respective production, use, and disposal practices for the particular substance.

The Working Group typically delegates a temporary task force that it establishes with development of a North American Regional Action Plan. The governments delegate experts from their respective agencies to the Task Force. In addition to the government members, the Task Forces will include multi-stakeholder observer members who contribute expertise and represent in a general way the interests of their constituencies. Typically, observer members represent industry, environment, and academia (with an emphasis on science-based knowledge). As the SMOC process has evolved, the Working Group has decided to broaden observer representation on task forces to include representatives from the healthcare

sector and indigenous groups. The Secretariat provides a facilitation role by assisting with and coordinating conference calls, meetings and workshops, translation of products, etc.).

During the NARAP development process, observer members on the Task Force are invited to be fully engaged in conversation. However, decisions are made by government delegates only on a consensus basis. Observer members are at liberty and encouraged to consult with their constituencies generally so as to convey advice to the Task Force regarding NARAP principles, goals, objectives, and desired actions, etc. that these constituencies would like to see reflected in the document. Consultation on NARAPs during the development stage also includes broad consultation at multi-stakeholder workshops hosted by the Task Force in conjunction with the Secretariat. Summaries of stakeholder presentations and comments are posted on the CEC web site.

Once the NARAP is approved by the Task Force, it is forwarded to the SMOC Working Group for its approval. Upon approval by the SMOC Working Group of the TF draft, this draft is then forwarded to government federal agencies that will have a role in administering the NARAP actions. The Task Force takes the intra-agency comments it receives into account in preparing the formal Public Consultation draft that is released with SMOC Working Group approval for broad North American public consultation (a six-week process). Once the draft is submitted for public consultation, all comments, directed to a focal point within the CEC Secretariat, are public comments and will be posted on the CEC web site. At the conclusion of the public consultation process, the Task Force determines whether changes to the draft are warranted in light of comments received. Its response at this juncture is as a trilateral body, as distinguished from individual governments offering proposals based on their domestic agendas. The Task Force forwards the post-consultation draft to the SMOC Working Group. This draft, once approved by the SMOC Working Group, may then undergo a final legal review by the respective ministries of State of the three countries, and those federal agencies that will be administering actions with the NARAP to ensure that the draft is legally in accordance with the respective federal laws of the three countries. The SMOC Working Group then forwards the Final Draft to the CEC Council for approval.

How are NARAPs Implemented?

Once a NARAP is adopted by the CEC Council, the SMOC Working Group typically forms an Implementation Task Force. This Task Force will likely include some members of the previous Task Force (based on their expertise and to ensure institutional follow-through), and potentially other nominees of the Parties who have expertise pertinent to the NARAP. The governments appoint their respective delegates to the ITF. The ITF may decide to consult on an *ad hoc* basis with experts from the private sector and civil society, and jurisdictions within their respective governments, on various aspects of implementation, at its discretion.

Once the ITF is formed, as a first step, it will develop an Implementation Work Plan, in which it will set priorities for implementation of actions, estimate costs of implementing the actions, develop a schedule for implementation and determine roles and responsibilities. Responsibility for implementation of the specific actions that have been agreed upon rests with the Parties. Delegates of the Parties to the TF are responsible for conveying the Implementation Plan and tracking implementation of actions domestically.

The CEC supports implementation activities through provision of direct support for those actions involving SMOC Working Group oversight, and by seeking to leverage additional funding for specific trilateral activities that have a capacity building dimension.

What Substances are the North American Regional Action Plans (NARAPs) Addressing?

Council Resolution 95-05 required that three substances, in addition to PCBs, be selected from among 12 persistent organic pollutants identified in the United Nations Environment Programme (UNEP) Governing Council Decision 18/32 of May 1995, and certain heavy metals, such as cadmium, mercury and lead.

At its second meeting held in Washington on 25–26 January 1996, the Working Group decided that mercury, DDT and chlordane would be the subjects of North American Regional Action Plans (NARAPs), in addition to PCBs. These selections were made following consultation with colleagues, officials and interests from each of the respective countries. The selected substances are also the subject of other international forums, primarily because they are persistent, bioaccumulative and toxic and are transported across national boundaries through air and watersheds and traded products.

Subsequent to these decisions, substances have been nominated by a Party for trilateral action via the *Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative*. (The process is described on page 13.) As a result of recommendations resulting from this process, the CEC Council instructed the SMOC Working Group on 28 June 1999, to develop a NARAP for dioxins and furans, and hexachlorobenzene and a NARAP for environmental monitoring and assessment (Resolutions 99-01 and 99-02, respectively). On 19 June 2002, the CEC Council approved Resolution 02-07 instructing the SMOC Working Group to develop a NARAP on lindane.

Resolution 95-05 also applies to “*certain heavy metals*” which is the provision that enabled the development of the Action Plan on mercury and the consideration of lead as a candidate substance for regional action. The task force of the SMOC Working Group that implements the review process for candidate substances has determined that mutual concern exists among the three countries to act cooperatively on lead and are now in the final stage of that process, which involves preparation of decision document, inclusive of recommendations for actions. Subsequent to public consultation, a final draft decision document will be prepared and forwarded to the SMOC Working Group.

The CEC Council Communiqué issued in June 2000 also suggests that child health is an important component for consideration in all SMOC initiatives. While this aspect of health effects have always been taken into account in the process, the SMOC Working Group is careful to ensure that child health issues are fully considered within each Action Plan and in its deliberations on substances for trilateral action.

What are the Objectives of the North American Regional Action Plan on PCBs?

The main objectives of the PCBs NARAP are to: a) work toward the virtual elimination of PCBs in the environment, which the task force is interpreting as no measurable release to the environment, and the phase-out of uses for which release cannot be contained; and b) propose environmentally sound management and control of existing PCBs, throughout their life cycles, with special emphasis given to transboundary shipment of PCBs for disposal/destruction purposes. As noted above a recent judicial decision in the United States prohibiting the import of PCBs for disposal/destruction will influence the implementation of some aspects of this NARAP, but other actions are continuing.

What is the Objective of the NARAP on DDT?

The main objective of the DDT NARAP is to reduce the exposure of humans and the environment to DDT and its metabolites through the phased reduction, and eventual elimination of DDT use for malaria control and the elimination of illegal uses of DDT.

The DDT NARAP promotes an integrated pest-management approach to malaria control to achieve plan objectives and actions. The plan includes objectives and actions for (a) elimination of illegal uses of DDT; (b) gradual reduction of DDT use for malaria control with a target of 80% (by volume) reduction in five years; (c) additional reductions based on cooperative action and experience; and (d) community involvement.

Mexico reduced its use of DDT by 80 percent in 1999 (from 525 tons in 1997 to just 15 tons in 1999), and stopped the use of DDT entirely by 2000, exceeding by two years the North American Regional Action Plan's interim goal of an 80 percent reduction target for DDT use in Mexico by 2002. Mexico is now working with the seven Central American countries in a GEF funded DDT project that will bring the opportunity to share the Mexican experience in controlling malaria without DDT use.

While the objectives of the DDT NARAP have now been achieved, work related to capacity building, outreach and monitoring will continue. For example, recently, a Global Environment Facility (GEF) project has been approved for US\$7.5 million to extend the work completed in Mexico to countries in Central America. In addition, the Environmental Monitoring and Assessment Task Force (EM&A TF) will develop an air monitoring program for DDT and other substances to track trends over time. The Human Health sub-group of the EM&A TF is developing a human blood monitoring program in the three countries that will determine levels of DDT and other contaminants in selected human populations.

What is the Objective of the NARAP on Chlordane?

The objective of the Chlordane NARAP is to reduce the exposure of humans and the environment to chlordane through the phase-out of existing registered uses of chlordane.

Chlordane had limited use in the control of termites. The NARAP reflects an integrated pest management approach and called for the management of existing stocks and the phase-out of chlordane use in North America. This NARAP is essentially implemented. Chlordane is no longer made in North America, existing stocks have been depleted and the sale of the active ingredient is no longer authorized.

What are the Objectives of the NARAP on Mercury?

The Mercury NARAP, developed in two phases, has three main objectives:

Phase I

1. General Ambient Mercury Objective – Reduce mercury levels in, and fluxes among, selected indicative environmental media in order to approach natural levels and fluxes, thereby preventing or minimizing exposure of North American ecosystems, fish and wildlife, and humans to levels in excess of those that can be attributed to naturally occurring levels and fluxes of mercury in environmental media.
2. General Mercury Release Objective - Recognizing that mercury is a naturally occurring element that can never be eliminated from the environment, reduce the sources of anthropogenic mercury pollution that, when warranted, will be targeted for reduction through a life-cycle management approach so as to achieve naturally-occurring levels.

Phase II

3. Phasing out or banning specific mercury uses where there is an unreasonable or otherwise unmanageable risk of release to the environment of risk to human health

Major strategies for meeting these objectives are to:

- a) reduce mercury releases from specific human activities. This includes, but is not limited to, reductions of mercury releases from combustion sources, commercial processes, operations, products and waste streams;
- b) develop an enhanced capacity to measure and manage mercury, assess its impacts and communicate concerns and successes;
- c) establish an equitable implementation and compliance protocol; and
- d) promote continued appropriate and responsible mercury management initiatives on behalf of the governments, the industries and the citizens of North America.

The CEC, through the SMOC initiative, is advancing knowledge of mercury emissions via an inventory in Mexico and through support of a collaborative North American project that identifies areas within North America where concentrations are significantly higher than background levels. The project utilizes a compatible database that can be used to map and track such sites within North America.

How is the Work on NARAPs Progressing?

Task Force members have committed significant time and effort to their work. The Action Plans on PCBs, DDT, chlordane, Phase 1 of the Action Plan on mercury, and the substance selection process were all approved in 1997.

The second phase of the mercury Action Plan was approved by Council in June 2000 and implementation activities are underway with some priority actions, such as identification of mercury “hot spots” in North America, completed in 2001 and 2002. The implementation task force in 2003 completed an assessment of mechanisms for tracking mercury imports and exports throughout North America. Mexico has established two operational wet deposition sites that extend mercury deposition monitoring via the Mercury Deposition Network (NDM) to a continental basis. Capacity building work continues with the exchange of scientific expertise between the three countries. The mercury task force maintains a liaison with the UNEP Global Mercury Assessment and has demonstrated continental cooperation to other countries.

The implementation of the Action Plan for chlordane is complete. Chlordane is now no longer registered for use in Canada, the United States and Mexico and is no longer manufactured in North America.

The implementation of the DDT NARAP has involved several capacity building initiatives including proposals involving co-sponsors. The first such initiative, a joint Mexico/CEC/International Development Research Centre (Canada) project, focused on regions in the state of Oaxaca where malaria is particularly prevalent, and is providing information that is leading to a better understand the environmental and societal factors that lead to malaria outbreaks in incidence in hyper-endemic in these locations. This initiative is also aimed at developing environmentally safe, targeted malaria control measures and promoting the development of a community-based network for the diagnosis, treatment, surveillance and prevention of malaria. A second larger initiative involving the Global Environment Facility, the Pan American Health Organization, and the CEC was approved for funding in 2002 and is now being implemented. This initiative promotes collaboration between Mexico and its Central American neighbors (each of which is conducting a pilot project tailored to its specific geographic, climatic and social considerations). The project is aimed at development of effective means of malaria control (taking into account that both mosquito vectors and infected persons can migrate across borders within the region) without reliance on DDT.

Implementation of the Action Plan for PCBs has been influenced by a USA judicial decision to close the border to the import of PCBs for destruction in the United States although other aspects of the PCB Action Plan have continued. A March 2001 CEC experts workshop in Mexico examined destruction and disposal alternatives for PCBs in light of the border closure. The Task Force in June 2003 proposed goals for the environmentally sound management of PCBs as a substitute for the development of a code of practice on treatment/disposal of PCB wastes that is now moot given the US judicial decision. The final evaluation report on PCB NARAP implementation activities will be presented to the SMOC Working Group at its 16th Regular Meeting, at which the SMOC WG will determine whether additional actions are required in light of these developments. The Task Force has also prepared a phase-out notification letter for consideration of the SMOC Working Group.

A North American Task Force on Dioxins and Furans, and Hexachlorobenzene is developing a North American Regional Action Plan on dioxins and furans, and hexachlorobenzene. The NARAP is being developed in two phases. Phase one emphasizes capacity building activities. The phase 2 NARAP will include both actions that are long-term in nature and actions that emphasize risk reduction. An initial stakeholder consultation meeting on potential substance of the Phase 1 NARAP was held 23 and 24 October 2001, in Mexico City. A draft of the Phase 1 NARAP developed was subsequently circulated for public comment by the CEC Secretariat during a 60-day consultation period (17 July–16 September 2003). The SMOC Working Group anticipates that it will have a final draft ready to forward to the CEC Council for its approval by June 2004. Task Force development of the Phase 2 NARAP is expected to commence in spring 2004, with completion in fall 2005.

The CEC Council in 1999 approved Resolution 92-02 for development of a North American Regional Action Plan on Environmental Monitoring and Assessment. The NARAP subsequently developed was approved on 19 June 2002. The NARAP is a cross-cutting plan that addresses all of the substance-specific plans, as well as health concerns. In 2002, a North American Steering Committee was appointed (one of the plan's actions) to oversee plan implementation and the work of six task groups. These groups will develop strategies for implementation of actions related to atmospheric deposition; terrestrial and aquatic ecosystems; human health; laboratory and sampling practices; data management and information sharing; and planning, synthesis and assessment. The work of these task groups will occur in some cases concurrently, and in others, incrementally, based on identified priorities in the Steering Committee's work plan and budgetary considerations. The membership of the Steering Committee includes the chairs of the NARAP task forces to ensure close coordination of effort.

Three of the environmental and monitoring task groups have developed work plans that they are now involved in implementing. These include the human health, atmospheric deposition and terrestrial and aquatic ecosystems groups. The work of the human health task group is the most advanced. Its members, which include senior level health officials from the three countries, is primarily focused in its first year on providing input and oversight for a CEC biomonitoring project that will provide a baseline of exposure for NARAP substances in North America and (based on 750 samples to be collected), while also building capacity for biomonitoring. The sites selected for sampling will include, in addition to those representative of the general population, some "hot spots" where exposure is suspected to be elevated. The project is funded by the CEC (for capacity-building work in Mexico related to mercury, lead and other metals), the World Bank (capacity building work in Mexico pertaining to persistent organic pollutants) and in-kind support from the three countries.

The North American Task Force on Lindane held its first meeting in July 2003 and its first public consultation with stakeholders 29 September 2003 in Guadalajara, Mexico. The task force plans to hold a stakeholder consultation on a subsequent draft of the NARAP in February 2004 in Alaska in conjunction

with Alaskan Tribal Council. As with all NARAPs, the final task force draft will also be broadly circulated for North American consultation during a 60-day review period (summer 2004). The task force NARAP is expected to be ready for CEC Council approval by May 2005.

The status of substances being addressed under the Sound Management of Chemical initiative is listed in Table 1.

Table 1: Summary of the status of the chemical substances being addressed under the Sound Management of Chemicals initiative

SUBSTANCE	NOMINATION	EVALUATION	DECISION	DEVELOP ACTION PLAN	IMPLEMENTATION OF ACTION PLANS
DDT	*	*	✓	✓	✓
Chlordane	*	*	✓	✓	✓
PCB	*	*	✓	✓	✓
Mercury (Phase I and II)	*	*	✓	✓	Under way
Lead	✓	✓	Under way		
Lindane	✓	✓	✓	Under way	
Dioxins, Furans, and hexachloro-benzene	✓	✓	✓	Under way (two phases)	
Environmental Monitoring and Assessment	✓		✓	✓	Under way

✓ Indicates that this part of the process has been completed

* These substances were chosen directly as instructed in Resolution 95-05

How are Additional Candidates for North American Regional Action Plans Selected?

Once the Parties submit a nomination dossier to the Sound Management of Chemicals Working Group, it is then referred to the Substance Selection Task Force where it passes through the Council-approved evaluation process known as the *Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative*. The Task Force is responsible for administering this process and once completed its recommendations are then forwarded to the Working Group. The nomination dossiers are working documents and are not official governmental or CEC documents. The process provides a number of opportunities for public review and comment. Following all public review stages, the decision document is submitted to the SMOC Working Group for its approval and decision as to whether to recommend trilateral action on the substance via a mechanism, such as development of a North American Regional Action Plan. As noted previously, the process for identifying candidate substances is itself currently being reviewed by the SMOC Working Group to determine how well it has worked thus far, and its adequacy as regards future direction under the SMOC initiative.

What is the Objective of the Report on Selection Criteria?

The main objective of the report on a *Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative* is to provide refined criteria and a process for identifying persistent and toxic substances as potential candidates for future regional action, including the development and implementation of North American Regional Action Plans.

How is the Process on Selection Criteria Applied?

The Working Group has established a Substance Selection Task Force (SSTF) to guide nominated substances through the *Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative*. The Task Force is composed of six governmental experts, two each for Canada, Mexico and the United States and typically includes three non-governmental experts (one from each country) from academia, industry and an environmental group.

Substances Under Evaluation

The Substance Selection Task Force will be recommending regional action on lead to the SMOC Working Group as part of the Decision Document it is finalizing subsequent to public comment. The document comprises the third and final stage of the process as applied to lead.

What other activities are being carried out by the Sound Management of Chemicals Program?

At the sixth regular meeting in Montreal on 21–22 May 1998, the Working Group agreed that there was a need for a capacity building framework that would serve as the context for guidance and regularized incorporation of capacity building measures within NARAPs and as regards support for their implementation. Subsequently, at its 14–15 October meeting in the same year, the Working Group established a Capacity Building Task Force to develop an overall framework to provide a context for the activities of the Implementation Task Forces. The *Strategic Framework for Capacity Building* developed by the Task Force was approved by the SMOC in fall 2000. The SMOC Working Group uses this framework as the basis for its application of capacity building both horizontally across its programs and as regards specific actions.

What is the Focus of Future SMOC Work?

The SMOC Working Group in the fall of 2003 began developing a public consultation document on its renewal and new directions. The document will take into consideration comments the SMOC Working Group has received during past meetings on activities that the SMOC Working Group might undertake as part of its mandate under Resolution 95-05. The SMOC Working Group will circulate a draft Renewal and New Directions document for public comment prior to finalizing its recommendations to the CEC Council. The SMOC Working Group will report on progress with regard to its New Directions assessment to the CEC Council in June 2004.

How is the Public Involved?

The Working Group encourages active stakeholder participation at Working Group meetings. Meetings of the Working Group are generally held over three days. Stakeholders are asked to participate actively in the second day of the meeting. Working Group members brief stakeholders on the progress of their work and invite stakeholders to share their views on the meeting agenda and documents produced by the

Working Group. Official representatives of the Working Group meet in private on the third day to conduct their business, taking into account the views of stakeholders.

Working Group task forces also include observer members who bring environmental non-profit, industry, academic and indigenous perspectives to development of Action Plans.

As well, when Action Plans are developed, they are distributed broadly by the CEC to stakeholders within North American and through domestic consultation mechanisms within each country. In addition, task forces may hold consultation meetings on draft Action Plans. For example, the Mercury Task Force held consultation meetings with industry, environmental and academic groups and the North American science communities as well as North American managers of mercury.

Drafts of CEC Sound Management of Chemical Action Plans are also placed on the CEC's web site.

The Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative provides for considerable public involvement. Forwarded nomination dossiers, as well as draft evaluation and decision documents developed under the process, are available for public review and comment and will be posted on the CEC home page: <http://www.cec.org>

How is the CEC Secretariat Involved?

Council Resolution 95-05 states that the CEC shall work with the Working Group to implement the decisions and commitments set out in the Resolution. The CEC is comprised of the Council (of cabinet-level or equivalent representatives), the Joint Public Advisory Committee (JPAC), and the Secretariat, which is located in Montreal. The CEC Secretariat is providing support for the Working Group and its Task Forces within the limits of its resources, including administrative, coordination, technical and translation services.

How does this Initiative Relate to Other Initiatives Involving the CEC?

This initiative is part of the CEC's program on "Protecting Human Health and the Environment" and is aimed at reducing risk. As such, it is closely related and interacts with the CEC's North American Pollutant Release and Transfer Register Project) the CEC's initiative on Children's Health and the Environment in North America, the CEC's program on Cooperation on North American Air Quality Issues, and the Capacity Building for Pollution Prevention initiative. The SMOC initiative is also linked to the CEC's Enforcement Cooperation Program. The North American Working Group on Environmental Enforcement and Compliance Cooperation, constituted by Council in August 1996, will be an ongoing point of contact.

In addition, the Secretariat of the CEC report under Article 13 of the North American Agreement on Environmental Cooperation entitled "Continental Pollutant Pathways" addresses many aspects of the Sound Management of Chemicals.

How does this Initiative Relate to Other International Initiatives?

Throughout its work, the SMOC Working Group considers this North American initiative to be a means of contributing to the development of the global environmental agenda, in addition to providing a vehicle for implementing other international commitments related to the Sound Management of Chemicals.

Decision 18/32 of the Governing Council of the United Nations Environment Program, which was taken in May of 1995, produced the list of 12 persistent organic pollutants that have subsequently been listed within the annexes to the Stockholm Convention on Persistent Organic Pollutants.

All of the “Dirty Dozen” substances listed in the UNEP Governing Council Decision and subsequently, in the Stockholm Convention that was signed 23 May 2001, were considered by the Working Group when developing the initial list of substances to be addressed by North American Regional Action Plans. Most of the substances that were not chosen are no longer used or manufactured in Canada, Mexico and the United States. The Parties agreed, however, to work together to promote action on these substances in other international forums.

The North American Regional Action Plans on DDT, chlordane and PCBs can be viewed as specific regional responses to the UNEP Decision. Similarly, the Action Plan on dioxins and furans, and hexachlorobenzene now under development will address three other substances that are on the UNEP list. The CEC POPs substances chlordane, DDT, dioxins, furans, hexachlorobenzene, and PCBs are also listed substances in the Stockholm Convention on Persistent Organic Pollutants. The CEC work on mercury has also helped to inform the UNEP Global Mercury Assessment.

All the Action Plans and the process for evaluation of nominated candidate substances are also relevant to the United Nations Economic Commission for Europe (UN ECE) protocols on persistent organic pollutants and metals negotiated under the Convention on Long Range Transboundary Air Pollution.

Another likely example of how this initiative could have considerable relevance to other international work is the Action Plan for DDT, which has been expanded to include Central America under the GEF proposal. The transboundary nature of malaria makes it particularly important that these countries be kept informed of activities under this Action Plan and that they be approached to work cooperatively to reduce the incidence of the disease. This Plan developed through the efforts of the three NAFTA countries, could serve as a model for other nations, not only for collaborative work on DDT, but also on other POPs.

The experience gained in negotiating the Action Plans on PCBs, mercury, DDT and chlordane, and with the evaluation of nominated persistent organic substances (POPs) and certain heavy metals will, it is anticipated, also be relevant to other regions.

What are the linkages between the SMOC initiative and the Stockholm Convention on Persistent Organic Pollutants?

While each Party to the Stockholm Convention is obligated to prepare its own National Implementation Plan, the CEC NARAPs can be considered as a framework for action by the CEC member states, all of whom are signatories to the Stockholm Convention.

The SMOC Working Group is currently reviewing the NARAPs to determine where they address provisions of the Stockholm Convention and whether opportunities exist for additional trilateral collaboration via the NARAPs or additional efforts is warranted in light of obligations under the convention. The Sound Management of Chemicals initiative is directly relevant to the Stockholm Convention that was signed in May 2001. It is anticipated that actions taken under the Sound Management of Chemicals initiative will enable Canada, Mexico and the United States to be among the first countries to ratify this new international convention. All three countries have already signed the convention.

Through discussions with the World Bank, a US\$750,000 project has been identified to support the development of Mexico's National Implementation Plan. The CEC has been identified as the executing agency for this project. The details of this project are currently being developed.

Annex A: Council Resolution 95-05, Oaxaca, Mexico, 13 October 1995

COUNCIL RESOLUTION 95-05

Sound Management of Chemicals

THE COUNCIL:

RECOGNIZING that the territories of the Parties comprise shared regional ecosystems in which the land, air, water, flora and fauna are linked and interdependent;

RECOGNIZING that transport of toxic substances across national boundaries is a major and shared concern;

NOTING WITH CONCERN that certain persistent toxic substances bioaccumulate in living organisms and have been associated with immune system dysfunction, reproductive deficits, developmental abnormalities, neurobehavioral impairment and cancer, as well as acutely toxic and other harmful effects on human, plant, and animal health and the environment;

NOTING FURTHER that some of these harmful effects are irreversible and that remedial measures to improve degraded environments and treat pollution-associated diseases even when feasible can often place considerable strain on local, regional and national economies;

RECOGNIZING the need to assess and develop strategies for addressing new and existing chemicals in North America, throughout their life cycles, to reduce and prevent adverse effects to human health and the environment;

RECOGNIZING the important contributions that producers and/or users can make to the sound management of chemicals;

REAFFIRMING the Parties' commitment to the sound management of chemicals, as stated in *Agenda 21* and adopted at the *1992 United Nations Conference on Environment and Development*;

REAFFIRMING the Principles of the *1992 Rio Declaration*, noting in particular those Principles that have special importance for the promotion of chemical safety, including:

Principle 14, *States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe degradation or are found to be harmful to human health*; and

Principle 15, *In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific evidence shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation*;

RECOGNIZING that the Intergovernmental Forum on Chemical Safety has recommended that regional cooperation and information exchange networks should be established in all regions as soon as possible;

FURTHER RECOGNIZING that this resolution should build upon existing bilateral and multilateral commitments related to the sound management of chemicals, to which at least two of the *North American Agreement on Environmental Cooperation* (NAAEC) countries are Party, including, for example, the commitments made in Article II (a) of the *Great Lakes Water Quality Agreement of 1978* (Canada-United States of America) that, “*The discharge of toxic substances in toxic amounts be prohibited and the discharge of any or all persistent toxic substances be virtually eliminated*”;

ACKNOWLEDGING the responsibility of the Council, under Article 10(5)(b) of the NAAEC to promote and, as appropriate, develop recommendations regarding appropriate limits for specific pollutants, taking into account differences in ecosystems and other responsibilities for the sound management of chemicals included under other relevant provisions of the NAAEC;

FURTHER ACKNOWLEDGING Article 10(3) of the NAAEC, which calls upon the Council to strengthen cooperation on the development and continuing improvement of environmental laws and regulations, including by: “*(a) promoting the exchange of information on criteria and methodologies used in establishing domestic environmental standards; and (b) without reducing levels of environmental protection, establishing a process for developing recommendations on greater compatibility of environmental technical regulations, standards and conformity assessment procedures in a manner consistent with the NAFTA*”;

COGNIZANT of the need to consider the unique circumstances of NAFTA Partner economies and ecosystems and to develop regional approaches for the sound management of chemicals, particularly to reduce the risks posed by persistent, toxic substances of mutual concern;

CONCLUDING that prevention of pollution and reduction of risk through cooperative actions for the sound management of chemicals, particularly of persistent, toxic substances, is both desirable and imperative in order to protect and improve the environment of North America;

COMMITTS to regional cooperation for the sound management, throughout their life cycles, of the full range of chemical substances of mutual concern including by pollution prevention, source reduction and pollution control;

DECIDES to give priority to the management and control of substances of mutual concern that are persistent and toxic beginning with the development of a regional action plan for the management and control of polychlorinated biphenyls (PCBs). Regional action plans will also be developed for a short list of three additional substances selected from among a group of substances, including the 12 persistent bioaccumulative organic chemicals identified in the recent United Nations Environment Programme Governing Council Decision 18/32 of May 1995 (see Annex I to this resolution) and certain heavy metals;

FURTHER DECIDES that regional action plans for such substances of mutual concern be developed as specified below, taking into consideration different national approaches and timetables for the sound management of chemicals in a manner that respects the different economic, political and regulatory circumstances of the Parties.

HEREBY ESTABLISHES a Working Group comprised of two senior officials selected by each Party whose duties pertain to the regulation or management of toxic substances, and who shall work with the Commission for Environmental Cooperation (CEC) to implement the decisions and commitments set out in this Resolution, including development of:

1. a regional action plan for the management and control of PCBs;
2. criteria for identifying additional persistent and toxic substances for regional action by 15 November

1995;

3. a regional seminar to be held in December 1995 in Mexico for discussion of ongoing actions and experiences on the matter;
4. a short list of three priority persistent and toxic substances in addition to PCBs to be developed by 15 January 1996 for which regional action plans will be prepared;
5. regional action plans covering each of the persistent and toxic substances on this short list to be submitted to the Council for approval by 15 December 1996; and
6. refined criteria for identifying persistent and toxic substances for regional action, an updated short list, and recommendations on other persistent and toxic substances to be the subject of action plans on an annual basis, beginning in 1996.

DIRECTS the Working Group, in addressing the above-mentioned decisions and commitments, to:

- a) develop recommendations for improving the capacity for monitoring, research and information sharing with respect to the sound management of chemicals;
- b) identify and recommend measures for improving capacity and capabilities for the sound management of chemicals, including measures relating to technical cooperation, information sharing and joint approaches;
- c) consider ways and, if practicable, develop recommendations for promoting the exchange of information on criteria and methodologies used in establishing domestic standards for the sound management of chemicals;
- d) incorporate, as appropriate, pollution prevention principles and precautionary approaches in making recommendations to reduce risk associated with toxic substances;
- e) recommend, as set out in Chapter 19 of *Agenda 21*:

1) concerted activities to reduce risks presented by toxic chemicals, taking into account the entire life cycle of the chemicals. These activities could encompass both regulatory and non-regulatory measures, such as promotion of the use of cleaner products and technologies; emission inventories; product labeling; use limitations; economic incentives; and phasing out or banning of toxic chemicals that pose an unreasonable and otherwise unmanageable risk to the environment or human health and those that are toxic, persistent and bio-accumulative and whose use cannot be adequately controlled; and

2) policies and regulatory and non-regulatory measures to identify, and minimize exposure to, toxic chemicals by replacing them with less toxic substitutes and ultimately phasing out the chemicals that pose unreasonable and otherwise unmanageable risks to human health and the environment and those that are toxic, persistent and bio-accumulative and whose use cannot be adequately controlled;

- f) coordinate activities with, avoid duplicating the efforts of, and where possible utilize the expertise of existing workgroups and other organizations whose efforts are pertinent, e. g., the *Technical Working Group on Pesticides* established under the *U.S.-Canada Free Trade Agreement*, the *Ad Hoc Working Group on Persistent Organic Pollutants (POPs)* of the *Inter Organizational Program for the Sound Management of Chemicals (IOMC)*, the *Intergovernmental Forum on Chemical Safety*, the *United Nations Economic Commission for Europe/Long Range Transport of Air Pollutants (UNECE/LRTAP) Ad Hoc Workgroups on POPs and Heavy Metals* and the *Organization for Economic Cooperation and Development (OECD) Chemicals Programme*;

- g) build upon existing bilateral and multilateral commitments related to the sound management of chemicals;
- h) encourage and provide for meaningful participation of the public, including non-governmental organizations; business and industry; provincial, state, and municipal governments; academia; and technical and policy experts in developing its recommendations;
- i) recommend measures for assessing progress with respect to action programs undertaken through this resolution;
- j) encourage complementary national approaches and timetables for the sound management of chemicals in a manner that respects the different economic, political and regulatory circumstances of the Parties.

APPROVED BY THE COUNCIL:

Carol M. Browner
Government of the United States of America

Julia Carabias
Government of the United Mexican States

Sheila Copps
Government of Canada

Annex 1 to the Council Resolution 95-05 on Sound Management of Chemicals

List of 12 persistent organic pollutants identified in the United Nations Environment Programme Governing Council Decision 18/32 of May 1995:

1. PCBs
2. dioxins
3. furans
4. aldrin
5. dieldrin
6. DDT
7. endrin
8. chlordane
9. hexachlorobenzene
10. mirex
11. toxaphene
12. heptachlor

Annex B: CEC Council Resolutions for Creation of NARAPs

Dallas, 13 June 2000

COUNCIL RESOLUTION: 00-06

Adoption of the Phase II North American Regional Action Plan on Mercury

THE COUNCIL:

ACKNOWLEDGING the direction provided by Resolution 95-05 on the Sound Management of Chemicals;

RECOGNIZING that atmospheric emissions of mercury can be transported by air currents across national boundaries;

AWARE that mercury is a neurotoxin which can and has adversely impacted human populations and ecosystems within North America and elsewhere;

CONCERNED that North Americans who frequently consume fish, especially women of childbearing age, may be exposed to dangerous levels of toxic methyl mercury compounds;

CONCERNED that fetuses and children are more susceptible to harmful effects of mercury and its compounds at lower concentrations than adults;

NOTING that there is recent scientific evidence indicating that the viability of some predator species is compromised by consumption of mercury-contaminated fish;

RECOGNIZING that the most effective and efficient means of reducing mercury releases may include pollution prevention and control initiatives for emissions of other pollutants;

ACKNOWLEDGING that while mercury is a natural constituent of the earth's crust, atmospheric emissions of mercury from human activity have increased globally two- to five-fold over the last century;

AWARE that deposition of mercury in North America originating elsewhere is not under North American control;

AWARE of the need to set an example in the sound management of mercury globally given that anthropogenic sources of mercury from other nations contribute to the global pool and to deposition of mercury within North America; and

BUILDING on significant reductions of mercury releases resulting from initiatives already underway in North America;

NOW, THEREFORE RESOLVES TO:

- 1) adopt the attached North American Regional Action Plan on mercury and recommend to the Parties to undertake, as soon as possible, actions set out in the Action Plan aimed at reducing mercury releases from human activities with the goal of approaching naturally occurring levels in North America; and
- 2) direct the Sound Management of Chemicals Working Group to work with the Commission for Environmental Cooperation in undertaking, as soon as possible, the actions assigned to it in the action plan, placing initial priority on the following actions in recognition of their importance as regards protection of human health and the environment:
 - *Actions 4a and 4e, v) pertaining to development of a North American inventory, including sites where elevated levels of mercury may occur due to either human activities or natural geological influences;*
 - *Action 1a, iii) pertaining to collaboration with other regional jurisdictions in North America regarding evaluation of and recommendations for efficient/effective atmospheric reduction protocols and ensuring that recommended control technologies promote significant reduction of a range of other pollutants;*
 - *Action 3a, iv) pertaining to a review of national reporting mechanisms used to track the ultimate fate of mercury-containing wastes within North America, particularly waste transported across national boundaries for storage, handling, processing, disposal or long-term containment and recommendations for improving these mechanisms;*
 - *Action 6a,iii, pertaining to public reporting to the CEC Council on progress in implementing commitments;*
 - *Action 5, pertaining to communication activities, both in terms of their advancement of Action 3 of the Phase I North American Regional Action Plan on Mercury as regards development of an Information and Communications Clearinghouse ~~action~~ and, as regards implementation of the Phase II plan actions 5a) development of a trinational communications strategy for informing the public of how to reduce risks of and exposure to mercury and building capacity to develop outreach programs and communicating the regional action plan to the North American public; 5b, i) establishment of mechanisms for sharing success stories; and 5c) generating a recycling directory database of enterprises (for near- and mid-term handling of mercury recovered from products); and*
 - *4b, coordinating implementation of this North American Regional Action Plan on Mercury with the development and implementation of the Commission's regional action plan on Environmental Monitoring and Assessment that was mandated in June 1999 (Council Resolution 99-02) and is now being developed.*

APPROVED BY THE COUNCIL:

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States

David Anderson
Government of Canada

Banff, 28 June 1999

COUNCIL RESOLUTION: 99-01

Developing a North American Regional Action Plan for Dioxins and Furans, and Hexachlorobenzene

THE COUNCIL:

REAFFIRMING the Parties' commitment to the sound management of chemicals, as guided by Agenda 21, which was adopted on the occasion of the 1992 United Nations Conference on Environment and Development;

REAFFIRMING Council Resolution 95-05 on the Sound Management of Chemicals, adopted on 13 October 1995, in Oaxaca, Mexico, and, in particular, the decisions and commitments to develop regional action plans for priority persistent and toxic substances of concern to Canada, Mexico and the United States;

RECALLING that a Working Group, composed of two senior officials selected by each Party, whose duties pertain to the regulation or management of toxic substances, was established under Council Resolution 95-05 to work with the Commission for Environmental Cooperation (CEC) to implement the decisions and commitments set out in that resolution;

NOTING that, under the guidance of the Working Group, a Criteria Task Force has developed a *Process for Evaluating Candidate Substances for Regional Action Under the Sound Management of Chemicals Initiative* in response to Council instructions to develop refined criteria for identifying persistent and toxic substances for regional action;

FURTHER NOTING that, under this process, the Working Group has forwarded, for review and revision, nomination dossiers for dioxins and furans, and for hexachlorobenzene to the Substance Selection Task Force established by the Working Group to oversee the application of this process;

TAKING INTO ACCOUNT that the Working Group has approved, for public review and comment, the Stage III decision documents for dioxins and furans, and for hexachlorobenzene that were prepared by the Substance Selection Task Force, and that the period for public review and comment is scheduled to continue until 31 August 1999;

NOTING that the Substance Selection Task Force has recommended, in these Stage III decision documents, the preparation of a North American Regional Action Plan (the "NARAP") for these candidate substances;

RECALLING that dioxins and furans, and hexachlorobenzene are included in the list of persistent organic pollutants identified in the Governing Council Decision 18/32 of May 1995 of the *United Nations Environment Programme*, in the *Protocol on Persistent Organic Pollutants* of the United Nations

Economic Commission for Europe developed under the 1979 *Convention on Long-Range Transboundary Air Pollution*, and in Annex I to the Council Resolution 95-05 on the Sound Management of Chemicals;

RECOGNIZING that significant national and international initiatives with respect to dioxins and furans, and hexachlorobenzene are under way;

FURTHER RECOGNIZING that dioxins and furans, and hexachlorobenzene are organic pollutants which are toxic, persistent and bioaccumulative and which can be transported long distances through atmospheric and aquatic pathways; and

CONVINCED that continued releases of these substances pose unreasonable and otherwise unmanageable risks to the environment and human health in Canada, Mexico and the United States and that practical measures are available to reduce these risks;

HEREBY DIRECTS the Working Group to develop one NARAP for dioxins and furans, and hexachlorobenzene, taking into account:

- a) the Parties' resource considerations, capacity building requirements and ability to enhance capacity through various funding sources;
- b) practical opportunities to cooperate in the development and timing of effective regional approaches and opportunities to encourage complementary national approaches for assessing and addressing these substances in a manner that respects the different environmental, economic, political and regulatory circumstances of the Parties;
- c) opportunities to share expertise, experience and technology for assessing and addressing the exposure to and risks of these substances to humans and the environment;
- d) the potential to utilize other Sound Management of Chemicals initiatives, such as the NARAP on Environmental Monitoring and Assessment, to improve the capacity to assess the exposure to, and risks of, these substances to humans and the environment;
- e) comments received from the public during the course of the period for public review and comment on the Stage III decision document;
- f) the timing of, and information emanating from, the national and international reviews of these substances now under way;
- g) other opportunities to encourage and provide for meaningful participation of the public, and technical and policy experts, in developing this NARAP.

APPROVED BY THE COUNCIL:

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States

Christine Stewart
Government of Canada

Banff, 28 June 1999

COUNCIL RESOLUTION: 99-02

Developing a North American Regional Action Plan on Environmental Monitoring and Assessment

THE COUNCIL:

RECOGNIZING that certain persistent, toxic, and bioaccumulative chemicals released to the environment as a result of human activity pose high risks to the environment, to ecosystems, to human health and to sustainable development in North America, and that some of these substances are being or are likely to be addressed under the Sound Management of Chemicals (SMOC) initiative, in accordance with Council Resolution 95-05;

FURTHER RECOGNIZING that convenient and dependable access to and dissemination of relevant, reliable and comparable monitoring information, along with sound interpretive assessments based on that information, are crucial to the effective management of such substances as well as to the confirmation and quantification of progress in respect to such management;

ALSO RECOGNIZING that the operational integration of modeling and research components with monitoring and assessment functions is necessary for the sound management of such substances;

CONSCIOUS of a need for ongoing assurance that scientifically-based data and interpretations derived by the NAFTA countries with respect to such substances are accessible, comparable, continuing, and of known quality, as well as of a need for ongoing assurance that this information is adequate and appropriate for its intended purposes;

NOTING Council Resolution 95-05 which creates the North American Working Group for the Sound Management of Chemicals (the "Working Group");

TAKING INTO ACCOUNT the advice of the Working Group on the need to develop a North American Regional Action Plan (NARAP) promoting collaboration and cooperation between and among the Parties for the purpose of upgrading monitoring and assessment functions and related activities to support the SMOC initiative;

HEREBY DIRECTS the Working Group to develop a NARAP on Environmental Monitoring and Assessment in support of the SMOC initiative which, among other things, promotes collaboration with regard to the acquisition of environmental data and information for purposes of assessing the exposure to such substances and the risks they pose to human health and the environment;

FURTHER DIRECTS that the Working Group should focus on substances currently covered by the SMOC initiative, although it should also look to identify other substances to be possibly considered under the SMOC initiative; and

ENCOURAGES the Working Group to build upon existing infrastructure and institutional arrangements in developing the NARAP.

APPROVED BY THE COUNCIL:

Carol M. Browner
Government of the United States of America

Julia Carabias Lillo
Government of the United Mexican States

Christine Stewart
Government of Canada

Ottawa, 19 June 2002

COUNCIL RESOLUTION: 02-07

Developing a North American Regional Action Plan (NARAP) on Lindane

THE COUNCIL:

RECALLING the Parties' commitment to the sound management of chemicals, as guided by *Agenda 21*, which was adopted during the 1992 United Nations' Conference on Environment and Development;

REAFFIRMING Council Resolution 95-05 on the Sound Management of Chemicals (SMOC), adopted on 13 October 1995, in Oaxaca, Mexico, and the decisions and commitments to develop regional action plans for priority persistent and toxic substances of concern to Canada, Mexico, and the United States;

RECALLING that a North American Working Group for the Sound Management of Chemicals (SMOC Working Group), composed of two senior officials selected by each Party, whose duties pertain to the regulation or management of toxic substances, was established under Council Resolution 95-05 to work with the Commission for Environmental Cooperation (CEC) to implement the decisions and commitments set out in that resolution;

NOTING that, under the guidance of the SMOC Working Group, a Criteria Task Force has developed a *Process for Evaluating Candidate Substances for Regional Action Under the Sound Management of Chemicals Initiative* in response to Council instructions to develop refined criteria for identifying persistent and toxic substances for regional action;

TAKING INTO ACCOUNT that the SMOC Working Group has approved the *Final Decision Document on Lindane Under the Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative* that was developed by the Substance Selection Task Force and finalized following public consultation;

NOTING that the Substance Selection Task Force has recommended to the SMOC Working Group that a NARAP for lindane be prepared;

NOTING that the US Environmental Protection Agency and the Pest Management Regulatory Agency (PMRA) of Health Canada have recently cooperated on a review of the available scientific data regarding lindane under the North American Free Trade Agreement Technical Working Group on Pesticides;

OBSERVING that lindane is one of the most abundant and pervasive organochlorine insecticide contaminants in the environment and has been shown to be transported from temperate zones to colder northern environments, including the Arctic;

FURTHER OBSERVING that lindane can bioaccumulate to moderately to highly toxic levels in biota, wildlife, and humans and that under conditions of long-term exposure, the bioaccumulation of lindane can be greater than its metabolism in animals;

NOTING that children are placed at increased risk through the direct application of lindane-containing products utilized for head lice and scabies control when less toxic alternatives exist;

FURTHER NOTING that drinking water quality and aquatic organisms are placed at increased risk from the direct disposal of lice and scabies treatment into sewer systems that cannot cost effectively remove lindane before discharging to receiving streams;

NOTING that efforts to reduce or eliminate uses of lindane in North America will reduce risks of exposure to specific sub-populations (i.e., workers who use lindane, northern aboriginal populations, pregnant women, and children), contribute to lower levels of lindane in the ambient environment, and ideally, reduce costs associated with human health care;

FURTHER NOTING that coordinated North American stewardship of lindane will assist the three countries in promoting reductions from sources outside of North America that contribute to levels of lindane in the North American environment;

CONVINCED that continued use of lindane may pose unreasonable risks to the environment and human health in Canada, Mexico, and the United States;

RECALLING that lindane is a Level II substance scheduled for virtual elimination in the *Canada-United States Strategy for the Virtual Elimination of Persistent Toxic Substances in the Great Lakes*;

RECALLING that lindane is included in the Annex II list of persistent organic pollutants identified in the 1998 *Aarhus Protocol on Persistent Organic Pollutants* of the United Nations Economic Commission for Europe developed under the 1979 *Convention on Long-range Transboundary Air Pollution*;

HEREBY:

DIRECTS the SMOC Working Group to develop a NARAP on lindane, taking into account:

- a) the Parties' resource considerations, capacity-building requirements, and ability to enhance capacity through various funding sources;
- b) opportunities to share expertise, experience, and technologies for assessing and addressing the exposure to and risks of lindane to humans and the environment;
- c) the potential to utilize other SMOC initiatives, such as the NARAP on environmental monitoring and assessment, to monitor levels in the environment and humans, to improve the capacity to assess the exposure to, and risks of, these substances to humans and the environment;
- d) comments received from the public during the course of the period for public review and comment on the decision document;
- e) comments of the Substance Selection Task Force letter of transmittal of 5 July 2001, to the SMOC Working Group, with respect to the need to improve inventories (for both the alpha- and gamma-isomers of hexachlorocyclohexane (HCCH), and as regards the nature of products and the extent to which they remain available, for example, via public health, veterinary, agricultural, and residential uses), and taking into account releases to all environmental media;
- f) approaches to meaningful participation from the public, technical, and policy experts in developing the NARAP and, in particular, giving consideration to the public health sector, children's health professionals, and aboriginal peoples; and
- g) any relevant information emanating from North American and international reviews of these substances that are currently underway, while recognizing that such reviews should not delay action within North America.

APPROVED BY THE COUNCIL:

David Anderson
Government of Canada

Víctor Lichtinger
Government of the United Mexican States

Christine Todd Whitman
Government of the United States of America

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Annex C: Regular Meetings of the North American Working Group on the Sound Management of Chemicals

The North American Working Group on the Sound Management of Chemicals has held 13 regular meetings since its formation. In addition, the Working Group has held numerous conference calls and side-meetings in conjunction with other meetings to advance its work.

First regular meeting held in Mexico City on 6-7 December 1995 - the Working Group set procedures for how it would conduct its business as the North American Working Group on the Sound Management of Chemicals.

Second regular meeting held in Washington on 25-26 January 1996 - the Working Group decided that mercury, DDT and chlordane, in addition to PCBs, would be the subjects of action plans in 1996. The Working Group decided to establish four Task Forces to develop the NARAPs on PCBs, mercury, DDT and chlordane and a report on substance selection criteria. The Working Group also established terms of reference for the Task Forces.

Third regular meeting held in Hull, Quebec on 9-10 May 1996 - the Working Group heard presentations from each of the Task Forces on their understanding of their terms of reference and on their proposed approach to their work. Stakeholders, present during Task Force presentations, provided comments that were considered by the Working Group and Task Forces. Task Forces were given instruction on proceeding with their tasks.

Fourth regular meeting held in Mexico City on 29-31 October 1996 - the Working Group held its meeting the day after a two day stakeholder consultation session convened to allow comment on the draft NARAPs and criteria report prepared by the Task Forces. The Working Group meeting allowed the Working Group and Task Forces to review and discuss comments received from stakeholders. The Working Group and Task Forces agreed on an approach to incorporating the comments and to completing the work of the Task Forces.

Fifth regular meeting held in Chicago, Illinois on 9-10 December 1997 - Session 1 on the first day provided an opportunity for a broad cross-section of stakeholders to comment on final versions of the NARAPs on PCB, mercury, DDT and chlordane, and on the *Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative*. Participants were also encouraged to comment on all aspects of the Sound Management of Chemicals initiative and to make suggestions as to the future work under this initiative.

Sixth regular meeting held in Montreal, Quebec on 21-22 May 1998 – The Working Group received nomination dossiers on hexachlorobenzene, dioxins and furans, lindane and lead and forwarded them to the Substance Selection Task Force for consideration and evaluation in accordance with the approved “*Process for identifying candidate substances for regional action under the sound management of chemicals initiative*”. The Working Group agreed on the need to investigate opportunities to broaden the SMOC initiative from the chemical-by-chemical approach and discussed the need for regional action plans on issues such as capacity building and monitoring with respect to this initiative. In this regard the Working Group directed that a concept paper on the development of a North American Regional Action Plan for building chemical management capacity be developed..

Seventh regular meeting in Mexico City, Mexico on 14-15 October 1998- The Working Group considers capacity building to be central to the implementation of the NARAPs as well as other aspects of the SMOC initiative, and as a result they established a Capacity Building Task Force. In addition, the Working Group directed that a concept paper on Monitoring and Assessment be prepared in preparation for a proposed NARAP.

Eighth regular meeting in Detroit and Anchorage on 5 - 8 May 1999- This meeting was a special joint session of SMOC and the Joint Public Advisory Committee (JPAC). The decision documents for dioxins and furans and hexachlorobenzene were approved by the Working Group and approval from the Council to develop an inclusive NARAP for these substances in anticipated in June 1999. The Working Group enthusiastically supported the recommendation to develop a NARAP on Environmental Monitoring and Assessment and Council approval is anticipated in June 1999.

Ninth regular meeting in Montreal on 11-12 January 2000- This session was primarily a reflective session and enabled Working Group members, some of the members of its subsidiary bodies and CEC staff to reflect on lessons learned during the four and a half years that this program had been underway. It also provided participants with an opportunity to think about and discuss alternate futures for the initiative. In addition a special joint session with the International Air Quality Advisory Board of the Canada-United States International Joint Commission was held to consider opportunities for cooperation on current and planned activities related to the Sound Management of Chemicals initiative.

10th regular Meeting in Querétero, Mexico, 6 April 2000-This session was primarily a tracking session to ensure work on action plans proceeds and to provide stakeholders with an opportunity to voice concerns. Emphasis was also placed on building partnerships.

11th regular Meeting in Montreal, 21-22 September 2000- A government session, the Working Group used the two days to review administrative timetables and review progress on its task force activities.

12th regular Meeting in Mexico City, 21-23 March 2001 in Mexico City.

13th regular Meeting in Tucson, Arizona, 1-3 November 2001. The public session was held 2 November. The session was originally scheduled for September 19-21, in conjunction with the CEC's Joint Public Advisory Committee but was deferred owing to the events of September 11. Members of the JPAC attended and presented at the November meeting and reported back to the JPAC.

14th regular Meeting in Cuernavaca, Mexico, 16-18 October. The public session was a joint meeting with the CEC PRTR project group.

15th regular Meeting in Windsor, Ontario, 12-13 May. The public session was held in conjunction with the Great Lakes Binational Toxics Strategy meeting.

16th regular Meeting in Guadalajara, Mexico, 1-3 October. The public session was a joint meeting with the Mexican Pollution Prevention Roundtable.

2001 Meetings of SMOC Task Forces

26-28 February	Monitoring and Assessment, Mexico domestic consultation workshop (capacity building), Mexico City. By invitation.
19-20 March	PCB Waste Treatment and Disposal Alternatives, Mexico City. By invitation.
19-20 March	North American Task Force on Dioxins and Furans, and Hexachlorobenzene. Mexico City.
26-28 March	North American Task Force on Monitoring and Assessment—Experts Workshop, Meteorology Canada’s Centre of Excellence, Downsview, Ontario, Canada. By invitation.
29 March	North American Task Force on Monitoring and Assessment, Task Force meeting. Centre of Excellence, Downsview, Ontario.
2-3 April	North American Implementation Task Force on Mercury, Washington, D.C.
17 May	North American Implementation Task Force on Mercury, Toronto.
19-20 June	Government-to-Government Experts Workshop: Common Ground, A North American Overview of Dioxins and Furans, and Hexachlorobenzene, Washington, D.C.
25-26 October	North American Task Force on Dioxins and Furans, and Hexachlorobenzene, Mexico City.

2002 Meetings of the Working Group and its Task Forces

31 Jan-1 Feb	North American Working Group on the Sound Management of Chemicals, Retreat to consider future directions, Montreal.
17 June	Joint session of the Joint Public Advisory Committee (JPAC) and the Sound Management of Chemicals Working Group, Ottawa
28 April	North American Task Force on Dioxins, Furans and Hexachlorobenzene, Mexico City
17-20 September	North American Task Force on Mercury, Zacatecas, Zacatecas (19-20 public workshop)
3 October	Substance Selection Task Force, Montreal.
16-18 October	Joint Meeting of the SMOC Working Group and PRTR, Cuenavaca, Mexico.

2003 Meetings of the Working Group and its Task Forces

24-25 February	North American Task Force on Lindane (in conjunction with the International
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	Air Quality Advisory Board of the International Joint Commission), Windsor, Ontario.
15-16 April	North American Task Force on Lindane, Montreal.
12-13 May	SMOC Working Group Meeting (public session in conjunction with the Great Lakes Binational Toxics Strategy meeting), Windsor, Ontario, Canada.
10-11 June	North American Task Force on PCB (public meeting 10 th), Montreal.
July 23-24	North American Task Force on Lindane, Arlington, Virginia, United States.
11-12 August	North American Implementation Task Force on Mercury, Montreal.
29-30 September	North American Task Force on Lindane, Guadalajara, Mexico (including stakeholder meeting on 29 th).
1-3 October 2003	SMOC Working Meeting (public session in conjunction with the Mexican Pollution Prevention Roundtable).
October (TBD)	North American Task Force on Dioxins and Furans, and Hexachlorobenzene.
October (TBD)	Substance Selection Task Force