

**Strategy to 2020 under the Puebla
Priority Areas**

**The Commission for Environmental
Cooperation Sound Management of
Chemicals Working Group**

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Introduction

The Sound Management of Chemicals (SMOC) Working Group (WG) is a trilateral initiative under the auspices of the Commission for Environmental Cooperation (CEC) to reduce the risks to human health and the environment of chemicals of mutual concern in Canada, Mexico and the United States. Upon its establishment in 1995 by the CEC Council of Ministers, the initial focus of the SMOC working group was for the three Parties, working with stakeholders, to develop action plans for substances of mutual concern that are persistent and toxic.

In 2003, as the CEC approached its ten-year anniversary, Council mandated a review of programs and operations. As a result of the Ten-year Review and Assessment Committee (TRAC) report, Council issued the [Puebla Declaration](#)¹ (June 2004), which includes a call for results-oriented strategic plans in three priority areas: *Information for Decision-making*, *Capacity Building*, and *Trade and Environment*. This was a new vision for the work of the CEC, and for the SMOC WG. Just as the TRAC review was being conducted, public input was received on a SMOC Future Directions paper. The SMOC working group considered the Future Directions paper, the input received from stakeholders over the last two years, and the new CEC priorities to develop the present document. At the June 2006 Council meeting, the Ministers signed Council Resolution 06-09, *Advancing the Work of Resolution 95-05, Sound Management of Chemicals*, directing the SMOC WG to “move towards the realization of a strategy for the sound management of chemicals in North America that addresses issues of mutual concern, supports the CEC’s priorities and advances the Parties’ shared international objectives.”

The purpose of this document is to describe a strategy for how the SMOC WG will implement the Puebla priority areas until 2020, and to describe the specific activities that the SMOC WG plans to pursue. This paper:

- proposes a framework for realizing sound management of chemicals in North America;
- describes the role of the CEC Secretariat and stakeholders in SMOC activities;
- identifies SMOC WG results and milestones through 2020, describes its work under the three Puebla priority areas and opportunities for horizontal integration with other work within the CEC;
- expresses the need for performance indicators in the SMOC work program; and
- outlines how strategies for catalyzing cooperation might assist in accomplishing SMOC goals for 2020 and the future operations of the SMOC WG.

¹ Hyperlink for French version: http://cec.org/files/PDF/COUNCIL/Puebla-Declaration-2004_fr.pdf,
Hyperlink for Spanish version: http://cec.org/files/PDF/COUNCIL/Puebla-Declaration-2004_es.pdf

Acronyms

CEC	Commission for Environmental Cooperation of North America
CEPA	Canadian Environmental Protection Act
HPV	high production volume
JPAC	Joint Public Advisory Committee
LRTAP	Convention on Long-range Transboundary Air Pollution
MDN	Mercury Deposition Network
MEA	Multilateral Environmental Agreement
NAAEC	North American Agreement on Environmental Cooperation
NAFTA	North American Free Trade Agreement
NARAPs	North American Regional Action Plans
NGO	Nongovernmental organization
NHANES	National Health and Nutrition Examination Survey
OECD	Organization for Economic Co-operation and Development
PBDEs	polybrominated diphenyl ethers
PFA	perfluoro alkoxyalkanes
PRTR	pollutant release and transfer registry
SAICM	Strategic Approach to International Chemicals Management (under the UN)
SMOC	Sound Management of Chemicals
TRAC	Ten-year Review and Assessment Committee
UNEP (GC)	United Nations Environment Programme (Governing Council)
WSSD	World Summit on Sustainable Development

Realizing Sound Management of Chemicals

The SMOC WG will continue to operate according to the direction provided in Council Resolution 06-09 to realize a strategy for the sound management of chemicals in North America. The SMOC WG will work in an open, inclusive, participatory and transparent manner, which will include making linkages to other relevant activities, leveraging resources with other funding institutions, and actively involving industry, business, trade unions, environmental nongovernmental organizations, Aboriginal organizations, academic institutions and other members of civil society in chemicals management initiatives, including a transparent process for selection and prioritization of the initiatives of the Sound Management of Chemicals program. Council Resolution 06-09 also reaffirms the Council Resolution 95-05 commitment 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 (see Annex 2 for full Council Resolutions).

Given changes brought about through the Puebla Declaration and through evolving approaches in the three member countries, the SMOC WG will support the Puebla priority areas and contribute, where appropriate, to the objectives of the Strategic Approach to International Chemicals Management ([SAICM](#)); particularly its approach to stakeholder involvement. SAICM and SMOC activities both share the goal agreed to at the 2002 Johannesburg World Summit on Sustainable Development (WSSD): “aiming to achieve, by 2020, that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, using transparent science-based risk assessment procedures and science-based risk management procedures, taking into account the precautionary approach, as set out in principle 15 of the Rio Declaration on Environment and development, and support developing countries in strengthening their capacity for the sound management of chemicals and hazardous wastes by providing technical and financial assistance.”² Additionally, like SAICM, SMOC also embraces the important contributions to sound chemicals management by industry, nongovernmental public health and environmental organizations, trade unions and other members of civil society.

SMOC considers the following as key elements of a strategy for sound management of chemicals in the North American Region. These elements are meant to take place in a feedback loop, with monitoring and evaluation informing the problem identification and priority setting phase:

- Problem identification and priority setting,
- Risk assessment,
- Risk management, and
- Monitoring and evaluation.³

The *problem identification and priority setting stage* involves scientific activities carried out with information and data provided by a wide range of sources. New issues may be identified at this stage of the cycle, as well as different aspects of previously considered issues. This

² from paragraph 23 of the WSSD Plan of Implementation

³ The four stages and their descriptions are cited, with revisions, from: Buccini, J. 2004. *The Global Pursuit of the Sound Management of Chemicals*. Washington, DC: World Bank.

identification of an emerging issue or priority for further action can lead to the next stage, risk assessment, to determine the extent of a problem.

The second stage is *risk assessment*, wherein a critical review of available data on properties of the chemical/class of chemicals⁴/sector is performed: presence, levels and trends in environmental media and organisms; exposure of and effects on humans and environmental organisms and sources of releases to the environment. Evolving risk assessment processes create demands for new scientific methods, data and information. This stage of the cycle is predominantly a scientific activity to determine whether a substance poses a risk to human health or the environment.

Substances that are found to pose an unacceptable risk to human health or the environment may then be subjected to *risk management*, wherein consideration is given to the need to impose measures to prevent, control or manage the risk and, the development and enforcement of legislative measures. While science remains an important factor at this third stage in the cycle, other factors must also be considered such as socio-economic aspects, availability of technology and alternative products and processes, international comparisons and economic impacts, and communication and consultation with the public and stakeholders that will be affected by proposed changes.

The final stage involves *monitoring and evaluation* of the effectiveness of implemented risk management measures. By 2008, the SMOC WG will further develop a set of performance indicators to assist in the monitoring and evaluation stage. These scientific activities may be performed by government, academia, industry, etc., and can occur at the national or international level. These activities are of a similar nature to those involved in problem identification and priority setting. Monitoring and evaluation can also help to determine if risk management measures are appropriate or adequate to address the risk identified. This stage can lead to the identification of new aspects of an issue to address.

The four elements listed above make up a framework for a system of sound management of chemicals. The SMOC WG recognizes that the CEC is a forum through which the three Parties can collaborate on chemical issues of mutual concern, while at the same time being cognizant that it is not designed, nor does it have the resources to encompass work on all chemical issues in North America. The SMOC WG recognizes that chemicals management is often best done directly by the national government in partnership with its own stakeholders, or bilaterally with neighboring countries. The SMOC WG also recognizes that the three Parties also collaborate in other international efforts, such as SAICM and OECD. Therefore, the SMOC WG understands that Parties have to be strategic in the choice of issues on which they work together through the CEC. The Parties will ensure close consultation and coordination in their implementation of bilateral and multilateral agreements to prevent duplication with any CEC-SMOC initiative.

⁴ Chemicals would be grouped based on data and risk assessment, supported similarities with respect to persistence, bioaccumulative tendencies, propensity for long-range transport, or other key properties related to their toxicity.

To date, SMOC has realized sound management of chemicals predominantly through a chemical-by-chemical approach using NARAPs. Now, the SMOC WG will broaden the model to address classes of substances or target-specific sectors.

Therefore, the SMOC WG will focus efforts on programs and projects to which they are best suited, in particular, Institutional Capacity Building and Information for Decision-making. In the context of the SMOC WG, Canada, Mexico and the US will, by 2020, achieve the following goals, thus contributing to the sound management of chemicals in North America:

Information for Decision-making Priority Area	Institutional Capacity Building Priority Area	Trade and Environment Priority Area
Identify and prioritize chemicals, groups of chemicals, or sectors of mutual concern		
Harmonize assessment methods for the purpose of data comparability, and develop performance indicators in order to monitor the success of risk reduction actions and the state of chemicals in humans and in the environment continent-wide	All chemicals of mutual concern are managed using a variety of instruments and voluntary initiatives, such as corporate social responsibility	
All existing and new chemicals in commerce and of mutual concern are assessed for their environmental and human health risks throughout their life cycle	Promote pollution prevention programs and policies in North America.	
	Identify and keep abreast of emerging issues of mutual concern	
Draw linkages with other work being done within the CEC and elsewhere, where there are opportunities for shared benefits		

Role of CEC Secretariat in SMOC work

The SMOC Working Group has reflected on the Puebla Declaration and the Council's vision of making the CEC Secretariat an organization that:

- facilitates action by the Parties along with its collaborating stakeholders and others,
- is a forum through which Parties and their stakeholders can discuss and facilitate regional action in line with their common global commitments, and
- is recognized for delivering concrete results and for quality information and analysis.

Specifically, the Secretariat assists the SMOC Working Group to implement Council Resolution 06-09 on the Sound Management of Chemicals through the following actions:

- supports SMOC activities based on guidance provided by the Parties;
- acts as a facilitator for trilateral collaboration on chemical issues of mutual concern;
- acts as a forum to discuss and facilitate regional action on our common global commitments in a way that is aligned with the Parties' work with international agencies;
- works closely with the SMOC WG to plan and implement government-to-government and public SMOC WG meetings, and develop work plans and budgets for Alternate Representatives and Council approval; and
- assists the Parties in their efforts to ensure transparency of action and to involve interested stakeholders in the process.

Role of Stakeholders

Stakeholders in the SMOC initiative include industry, environmental, health and labor NGOs, academia, indigenous and local communities, and subnational levels of government. Historically, stakeholders have been key players in SMOC activities, including participation in Task Forces and at public sessions hosted by the SMOC WG. In the future, the SMOC WG will work with stakeholders as active partners in realizing the sound management of chemicals, including responsibility for action. In addition, stakeholders are still encouraged to participate in the CEC through the Joint Public Advisory Committee (JPAC)⁵ and other advisory groups, such as the National and Governmental Advisory Committees. Parties will retain their decision-making responsibilities.

SMOC's Contribution to the Puebla Priority Areas

The SMOC WG supports the CEC's Strategic Plan by providing informed and authoritative guidance to the CEC work on chemicals management. The following section describes the ways in which the SMOC WG proposes to contribute to the Puebla priority areas. In addition to work within the SMOC WG, linkages will be made to other work across the CEC that is related to chemicals management.

Priority Area 1: Information for Decision Making

In the Puebla Declaration, the Ministers committed the CEC to become an organization recognized for its credible, balanced and timely information on the North American environment and ensuring the accessibility of this information. The SMOC WG will support this priority area by focusing on building upon the existing knowledge base related to chemicals management and providing informed and authoritative guidance for work on chemicals management. The SMOC WG will contribute to having, by 2020, domestic programs that monitor the chemicals of mutual

⁵ The Joint Public Advisory Committee (JPAC) is the CEC body created to represent the public voice in government-to-government meetings and lead public consultations on enforcement matters. The 15 members of the JPAC, appointed by the governments, all have strong environmental experience and come to the table with a range of backgrounds, including industry, NGOs and academia.

concern in each country, and have harmonized protocols to be able to generate information on these chemicals at a North American scale. It is proposing a strategy for catalyzing cooperation to develop a road map that outlines how the SMOC WG will accomplish these information goals over the next ten years. The road map will support priority identification, establishment of baselines, coordinated actions, and measurement of success.

The goal is to contribute to better decision-making by providing information on persistent, bioaccumulative, and inherently toxic substances in the North American environment.

Results by 2020	Milestones
<ul style="list-style-type: none"> • Understanding of the levels and impacts of contaminants of mutual concern in North America • Available, reliable, comparable, and relevant data on contaminants of mutual concern in the North American environment • Improved bio- and environmental monitoring capacity in Mexico 	<ul style="list-style-type: none"> • Identification of North American sound management of chemicals performance indicators by 2008 • Development of 'road map' for identification and priority setting of existing and emerging chemical issues of mutual concern • Monitoring of the presence of selected chemicals in humans and the environment to support decision making and policy development by Parties • Assessment of information needs and priorities for Mexico

Development of 'road map' for identification and priority setting of existing and emerging chemical issues of mutual concern

The SMOC WG will identify performance indicators by 2008 that will guide the work of SMOC. In addition, the SMOC WG will develop a road map to strengthen the CEC's information for decision-making regarding chemicals and contaminants on air, land and water, and bioaccumulation in humans and ecosystems in North America. The road map will identify work to be done by the SMOC WG and the CEC, as well as relevant existing initiatives (e.g., Global High Production Volume (HPV) Portal⁶ being developed by the United States, the European Commission, Canada and Japan under OECD auspices), and work to be realized with other sources of funding.

The initial focus of the road map would be human biomonitoring and environmental (bio)monitoring.⁷ The program would recognize and incorporate ongoing (bio)monitoring efforts in the countries and use these as starting points for developing a core (bio)monitoring program that would be consistently implemented (sampling and analysis procedures) to provide a common "knowledge base related to contaminants" in the North American region.

Periodic monitoring of the presence of selected chemicals to support decision making and policy development by Parties

SMOC will continue the work of the environmental monitoring and assessment NARAP, and will use its outputs in the decision-making process.

⁶ This OECD initiative is aimed at developing a globally accessible data repository for HPV chemicals.

⁷ Biomonitoring is measurement of chemicals or their metabolites in human specimens, such as blood and urine.

Assessment of information needs and priorities for Mexico

The implementation of an integrated monitoring program in the three countries depends on identifying priorities in Mexico and suggesting mechanisms for funding implementation of a national monitoring program for Mexico (PRONAME). SMOC will support the development of a proposal for meeting Mexican monitoring needs to present to an outside funding source.

Linkages with other CEC work under this priority area

SMOC aims to link its efforts to the information systems strategy, the North American environmental atlas,⁸ and pollutant release and transfer registries.

Priority Area 2: Institutional Capacity-Building

The Puebla Declaration recognized the realities surrounding the differing capacities of the Parties and the continuing, pressing need to focus on institutional capacity building. SMOC will support the CEC's Strategic Plan by focusing its capacity building efforts on Mexico.

In the Puebla Declaration, the CEC Ministers noted the importance of identifying and keeping abreast of emerging issues, particularly those with special relevance to North America. The SMOC WG will identify and address emerging issues related to chemicals, including issues related to specific chemicals, categories of chemicals (e.g., PBDEs, PFAs), waste streams (e.g., waste-to-energy, chemicals in products), or industry sectors and technologies (e.g., nanotechnology).

The goal of this work is to strengthen the capacities of the three countries, in particular that of Mexico, to reduce and manage the risks of chemicals of mutual concern in the North American environment. This work, in conjunction with efforts to strengthen domestic capacity, is intended to provide a regional framework for cooperation among Canada, the US and Mexico. Where appropriate, SMOC's work will show how it contributes to SAICM objectives, including capacity building and better coordination of international efforts to improve chemicals management.

Results by 2020	Milestones
The Parties are managing chemicals, waste streams, industry sectors, or classes of chemicals, of mutual concern	NARAPs: Regional action plans in place and being implemented to reduce exposures to toxic chemicals (currently includes NARAPs on mercury, lindane, and a NARAP on dioxins/furans/HCBs is under development. NARAPs have been completed for DDT, chlordane, and PCBs.). <ul style="list-style-type: none">• Measurable reduction in releases of these

⁸ The Atlas framework is a key component of the CEC information management strategy to develop an integrated and cohesive approach to the management and communication of information resources critical to achieving the priority of "Information for Decision-making" in the area of chemicals of common concern. The Atlas will enhance Parties' ability to look at issues from a North American perspective, address issues at a continental scale, and connect the policy legislative framework to the environmental reality.

	<p>chemicals</p> <ul style="list-style-type: none"> • Assessment of NARAP Implementation
<p>Trilateral and domestic capacity to:</p> <ul style="list-style-type: none"> • prioritize, assess, manage and communicate chemical risks on chemical issues of mutual concern • identify and keep abreast of emerging chemical issues of mutual concern 	<p>Trilateral and domestic capacity to:</p> <ul style="list-style-type: none"> • access and prioritize assessment information on chemicals, groups of chemicals or sectors of mutual concern • Manage, through regulatory or voluntary measures, chemicals, groups of chemicals or sectors of mutual concern • Communicate risks pertaining to chemicals, groups of chemicals or sectors of mutual concern • Periodic monitoring of the success of trilateral risk reduction actions

NARAPs

The SMOC WG will aim to measure use and release reductions of selected chemicals, and periodically report on current NARAP activities, as per requirements described in respective NARAPs. The SMOC WG will continue NARAP activities until NARAPs that are in development or are under way are completed. In addition to this, for NARAPs and for emerging issues, SMOC will look to the involvement of other fora, where available, to provide the venue and funding needed to address issues of concern. This could include the Stockholm Convention for PCBs, chlordane, dioxins, furans, and HCB; LRTAP for lindane (in Canada and the United States); and UNEP for mercury.

Capacity to prioritize and assess chemicals, groups of chemicals or sectors of mutual concern

In order to better prioritize and assess chemicals or sectors of mutual concern, SMOC proposes to do the following:

- Based on existing practices, develop training programs and tools for chemicals risk assessment. The possibility of this resource being in an electronic format will be explored;
- Based on existing practices and information (e.g., HPV data, CEPA categorization, pollutant release and transfer register (PRTR) data, etc.), support domestic capacity to develop prioritization schemes with a view to prioritizing chemicals of mutual concern in North America.

Capacity to manage, through regulatory or voluntary measures, chemicals, groups of chemicals or sectors of mutual concern⁹

In order to better manage chemicals or sectors of mutual concern, SMOC proposes to do the following:

- Support the development of systems for the coordinated management of chemicals by federal and state/provincial/territorial and aboriginal governments by sharing of

⁹ Groupings can be made based on similarities with respect to persistence, bioaccumulative tendencies, propensity for long-range transport, toxicity, naturally occurring versus synthetic organic and inorganic substances or other key properties of chemicals. Approaches include “categorization” efforts in Canada <<http://www.ec.gc.ca/substances/ese/eng/esehome.cfm>> and “High Production Volume Categories” in the United States <<http://www.epa.gov/oppt/chemrtk/categuid.htm>>.

information, experiences and best practices

- Seek trilateral opportunities to collaborate with stakeholders, particularly in the private sector, in order to improve chemicals management in North America
- Share information about existing domestic chemicals management programs and regulatory initiatives (e.g., Environmental Performance Agreements in Canada)
- Develop a strategy for catalyzing cooperation to create an inventory of industrial chemicals in use (produced or imported) in North America.
- Explore possibilities for further development and implementation of pollution prevention programs and policies in North America; for example, greening the supply chain, promoting sustainable “green” chemistry design and engineering processes, life cycle management polices and practices, and the adoption of the highest possible environmental standards of operation, while seeking harmonization and cooperation across the continent.

Capacity to communicate risk pertaining to chemicals, groups of chemicals or sectors of mutual concern

The SMOC WG recognizes the importance of effective risk communication for all stakeholders. Strategies for Catalyzing Cooperation (see below) will incorporate risk communication components on an issue-by-issue basis.

Periodic monitoring of the success of trilateral risk reduction actions

The SMOC WG will provide periodic reports to Council on the progress of projects under way to reduce risks.

Linkages with other CEC work under this priority area

SMOC aims to link its efforts to the Clean Electronics Pollution Prevention Partnership and the Greening Supply Chains in the *Estado de México* activities.

Priority Area 3: Trade and Environment

The Puebla Declaration made a commitment to build on the CEC’s recognized expertise on trade and environmental linkages, and to address specific priority trade and environmental issues more effectively. The SMOC WG aims to promote the sound management of chemicals while facilitating the movement of chemicals and their products across borders without compromising human health or the environment. Under this priority area the SMOC WG could identify opportunities for shared benefits and draw explicit linkages with the following initiatives:

- Promotion of green products and services, including renewable energy.
- Promotion and facilitation of compliance assistance and enforcement, including addressing illegal traffic of chemicals.
- Promotion of market-based approaches to support environmental protection.

Strategies for Catalyzing Cooperation

As domestic and continental priorities evolve, NARAPs already under way are scheduled to be completed as early as possible. Future SMOC projects on chemicals of mutual concern will encompass sectors or classes of chemicals, and will take the form of Strategies for Catalyzing Cooperation (SCCs). Developing such strategies among the three Parties would mean determining the actions required to address issues of continental concern. Actions that fall within the scope of the SMOC WG's mandate will be carried out under the CEC, and actions outside the scope of the CEC will be implemented by the Parties via other mechanisms that they consider more appropriate. Also, as appropriate, Parties will seek the involvement of stakeholders to undertake specific activities to support the SCCs. SCCs are meant to encourage the use of a diversity of activities domestically, bilaterally, continent-wide, and internationally, to soundly manage chemicals. They would establish a long-term vision for the Parties' efforts on a specific issue, as well as identifying a shorter-term action plan. The various components of Strategies for Catalyzing Cooperation are explained below:

Issue Identification and Priority Setting

Future selection of chemicals of mutual concern for SCCs will be done through trilateral discussions, including input from monitoring and assessment activities and stakeholder consultations, as applicable.

Developing and Overseeing Regional Approaches

Actions supporting sound chemicals management may include work to be carried out in the CEC context, and/or through bilateral, trilateral, or multilateral initiatives of the three countries outside of the CEC (including through UNEP and OECD), and through domestic actions. The relationships between the various elements of SCCs, including the important role that domestic work represents for each of the three countries, are depicted graphically in Figure 1. The division in the center of the diagram where all three circles overlap is meant to represent the recognition that while the CEC is an ideal forum through which the three Parties can collaborate on chemical issues of mutual concern, it is not designed, nor does it have the resources to encompass work on all chemical issues in North America. Some work on chemicals of mutual concern is best performed through trilateral cooperation outside of CEC.

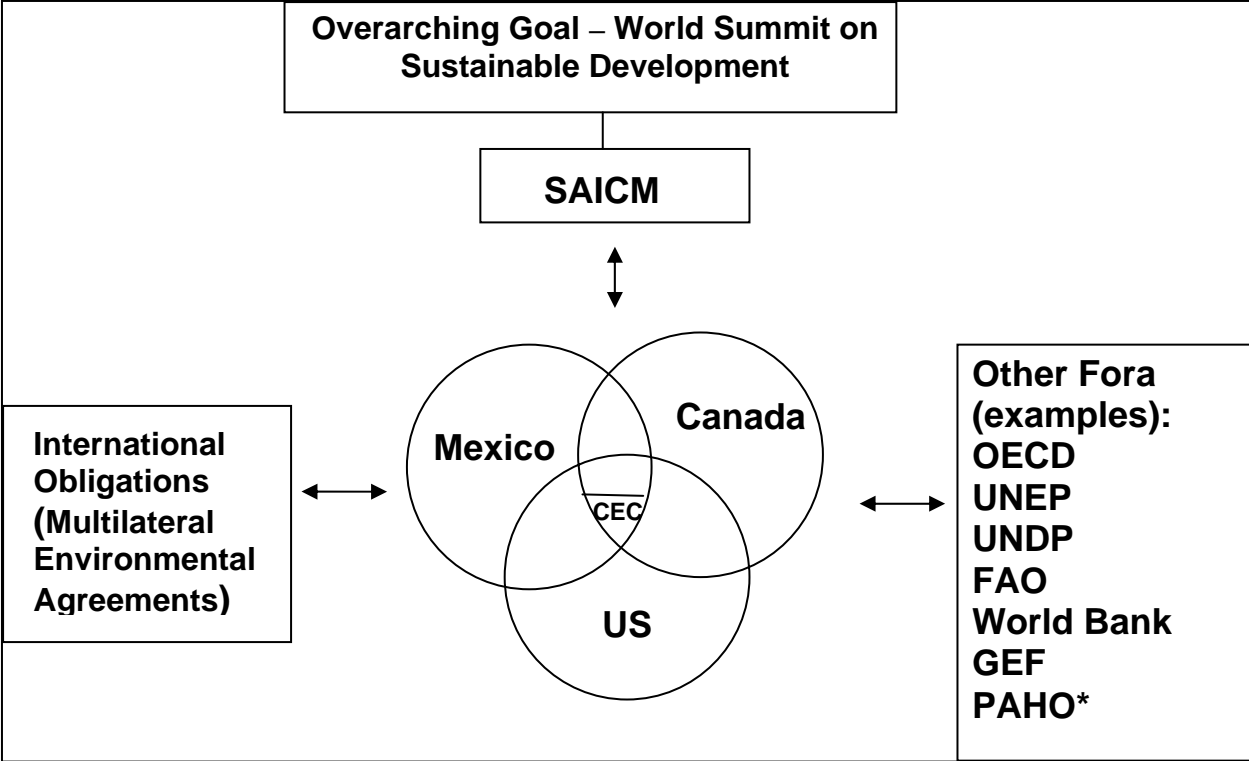


Figure 1 – Graphic depicting components of and relationships within the proposed Strategies for Catalyzing Cooperation (*Acronyms: Organization for Economic Cooperation and Development, United Nations Environment Programme, United Nations Development Programme, Food and Agriculture Organization of the United Nations, Global Environment Facility, Pan-American Health Organization)

A key component of SCCs is the implementation of leveraging strategies to secure outside partners and resources. The SMOC WG will encourage Mexico (with CEC Secretariat assistance where appropriate) to maintain its efforts on behalf of the SMOC initiatives through meetings with appropriate agencies (GEF, WB, PAHO, UNEP¹⁰ and others) who might be in a position to support aspects of the programme's work. The SMOC WG notes that the World Bank is currently supporting Mexico's National Implementation Plan under the Stockholm Convention, as well as a pilot blood biomonitoring exercise with Mexican participation. Among strategic considerations discussed by SMOC in the past (and considered still relevant) are those related to the possible sources of POPs from Central America and transported into North America. In such cases, Mexico may consider that it is in a good position to support or assist various actions in its neighbours to the south, with the expectation of benefit to its northern neighbours and the Arctic region.

¹⁰ GEF: The Global Environment Facility, WB: World Bank, PAHO: Pan-American Health Organization, UNEP: United Nations Environment Programme.

Measuring Progress

Each SCC will have built-in mechanisms for reporting, assuring transparency and accountability, and including performance measures. As appropriate, the chemicals or groups of chemicals of mutual concern will be monitored under the Environmental Monitoring and Assessment NARAP, as well as the biomonitoring road map. Information acquired through these mechanisms will be used to measure success of the strategies, as well as to determine when the project should be concluded or its focus realigned.

Communicating outcomes

Furthermore, the SMOC WG recognizes the importance of effective risk communication for all stakeholders. Therefore, each SCC will incorporate a risk communication approach, including continued sharing between the Parties of best practices on risk communication.

Future Operations of SMOC

The overall purpose of the SMOC Working Group is to provide a framework for “regional cooperation for the sound management, throughout their life cycles, of the full range of chemicals of mutual concern including by pollution prevention, source reduction and pollution control.” The working group is committed to implementing the vision of the Puebla Declaration through the new Strategies for Catalyzing Cooperation, and to taking action that is coordinated by the Parties with a transparent and effective stakeholder consultation process.

To foster the relationships that are required to achieve success in the goals described in this paper, the SMOC WG is proposing to schedule two annual face-to-face meetings of the Parties, including an annual one-day public meeting, as well as regular conference calls. In addition to these meetings, to continue to be arranged through the CEC Secretariat, the working group supports ongoing maintenance of bi- and trilateral relationships among the Parties through ad hoc conference calls and meetings. As such, SMOC will continue to be a venue for sharing information on our domestic priorities for chemicals management.

To further facilitate the organization and communication of the SMOC WG activities, the WG will continue to work with the Secretariat to revise the three-year project descriptions for SMOC, to be incorporated in the CEC Operational Plan.

This regular, open communication is essential for selecting issues of mutual concern to be targeted by SMOC. Given the successes of NARAPs on selected chemicals management issues and the shift from a chemical-by-chemical to groups-of-chemicals or sectoral approach, NARAPs will be phased out. Therefore, the work previously done by the Substance Selection Task Force will evolve in a way that supports the identification of priorities for the SMOC WG.

Through Strategies for Catalyzing Cooperation, the SMOC WG proposes to continue to work toward the reduction by 2020 of the risks posed by chemicals, industrial sectors (e.g., mining, forestry, etc.), or groups of chemicals of mutual concern to human health and the environment in North America. Proposed elements of the future operations of SMOC are listed below. The CEC

Parties may individualize their approaches to each of the SCC elements below, and collaborate where appropriate:

- a) identifying priority chemicals management issues of mutual concern, including rationale for their inclusion;
- b) developing regional approaches to address these priority issues, including drawing linkages with other related programs and projects;
- c) overseeing the implementation of approved regional and/or domestic approaches;
- d) evaluating success of its work programs; and
- e) communicating outcomes of work programs and evaluations.

Finally, as the SMOC WG will seek to create links and improve coordination with other CEC projects, including the NAFTA Technical Working Group on Pesticides (TWG). The SMOC is proposing to conduct periodic joint meetings with other CEC-related groups, such as the Joint Public Advisory Committee of the CEC, the Pollutant Release and Transfer Register Consultative Group, etc., as well as relevant working groups under the North American Free Trade Agreement.

Annex 1. Through the Puebla Lens: NARAPs

NARAPs Under Development and Other Work on Chemicals of Mutual Concern

The sharing and transfer of information and best practices under NARAPs and Strategies for Catalyzing Cooperation are seen as an important means for enhancing national capacity for the sound management of chemicals. The Strategies for Catalyzing Cooperation will be applied to the following chemicals under consideration for action by the Parties:

Dioxins and Furans

Several of the activities listed in Phase I of that NARAP are also within the scope of the environmental monitoring and assessment NARAP and will be implemented under the Information for Decision-making priority area. The SMOC Working Group will strive to complete the capacity building activities of the Phase I NARAP by 2010. The WG will strive for any pending activity or activity that was planned for the Phase II NARAP to be performed under the individual Stockholm Convention National Implementation Plans of the countries. If in the future there are dioxin exposure issues, those can be re-examined based on the work on the Strategies for Catalyzing Cooperation approach that will be used for all emerging issues.

Lindane

The Task Force has drafted a lindane NARAP that is currently under country review. The proposal would continue to rely upon the NARAP for implementation of trilateral actions regarding this chemical. Implementation entails use of CEC resources while identifying priority areas that need to continue under SMOC or through bilateral or trilateral work, and identify other fora, such as the LRTAP for Canada and the United States, to provide the venue for longer-term implementation and accountability.

Lead

The Lead initiative was not nominated for NARAP designation. As a result of the May 2004 decision document on lead by the Substance Selection Task Force, the SMOC Working Group has recommended developing a strategy for catalyzing cooperation on lead, in which those activities that support the Puebla priority areas will be identified and proposed for future work under SMOC.

NARAPs Under Implementation

Mercury

Over the short term, the SMOC Working Group will consider and identify its key priorities for mercury, and work that should continue with CEC resources. This will be complemented by efforts to obtain progress through other fora, in particular, the UNEP Global Mercury Program and the partnerships that are being developed, as well as other bilateral and trilateral work, and LRTAP.

NARAPs being transitioned into EM&A phase

Chlordane

Development and implementation of this NARAP has been completed. The only remaining issues are related to monitoring and assessment, which will be addressed by the environmental monitoring and assessment NARAP under the Information for Decision-making priority area, as well as, separately, efforts under the Stockholm Convention.

DDT

Development and implementation of this NARAP has been completed. The Task Force will finalize a report for presentation to Council. Any remaining issues related to monitoring and assessment will be addressed by the monitoring and assessment NARAP under the information for decision making priority area, as well as, separately, efforts under the Stockholm Convention.

PCBs

Development of this NARAP has been completed. The remaining issues related to monitoring and assessment will be addressed by the environmental monitoring and assessment NARAP under the Information for Decision-making priority area. Implementation of work related to management of phase-out and disposal will be done domestically and under the Stockholm Convention.

Annex 2. CEC Council Resolutions: 95-06 and 06-09

Oaxaca, October 13, 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 November 15, 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 January 15, 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 December 15, 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 nonregulatory 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 bioaccumulative 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 Browner
Government of the United States of America

Julia Carabias
Government of the United Mexican States

Sheila Copps
Government of Canada

Addendum 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

28 June 2006

COUNCIL RESOLUTION: 06-09

Advancing the Work of Resolution 95-05, Sound Management of Chemicals

THE COUNCIL:

REAFFIRMING the CEC's priorities of information for decision-making, capacity building, and trade and environment, as described in the CEC 2005–2010 Strategic Plan, and the strategic objective of strengthening the Parties' abilities to assess and manage chemicals and sectors of concern;

REAFFIRMING the commitment to regional cooperation for the Sound Management of Chemicals, as stated in Council Resolution No. 95-05;

ACKNOWLEDGING the significant advances achieved through the development and implementation of Resolution 95-05, Sound Management of Chemicals, and noting, in particular, the successful completion of the North American Regional Action Plans (NARAPs) on polychlorinated biphenyls (PCBs), chlordane, and DDT, and the associated reductions in risk to human health and the environment;

ANTICIPATING similar successes with the implementation of the North American Regional Action Plans on lindane, mercury, and dioxins, furans and hexachlorobenzene;

NOTING that the North American Sound Management of Chemicals initiative has benefited from and contributed to other regional, multilateral and global chemicals' instruments;

NOTING the Parties' support for the goal of the World Summit on Sustainable Development: "aiming to achieve, by 2020, that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment";

FURTHER NOTING that the Parties participated in the International Conference on Chemicals Management in February 2006, which adopted the Dubai Declaration of the Strategic Approach to International Chemicals Management;

RECOGNIZING the need to further advance the sound management of chemicals in the North American region in order to meet existing and emerging global objectives; and

REAFFIRMING its commitment to active public involvement in the development of a North American sound management of chemicals initiative;

HEREBY DIRECTS the SMOC Working Group

TO move towards the realization of a strategy for the sound management of chemicals in North America that addresses issues of mutual concern, supports the CEC's priorities and advances the Parties' shared international objectives, including developing Strategies for Catalyzing Cooperation that will lay out the actions required to address issues of mutual concern;

ALSO DIRECTS the SMOC Working Group, as they further develop the strategy for the sound management of chemicals in North America, to do so in an open, inclusive, participatory and transparent manner, including linkages to other relevant activities, leveraging resources with other funding institutions, and actively involving industry, business, trade unions, environmental nongovernmental organizations, academic institutions and other members of civil society in chemicals management initiatives, including a transparent process for selection and prioritization of the initiatives of the Sound Management of Chemicals program;

ENCOURAGES the SMOC Working Group to identify further opportunities to promote synergies with other CEC activities; and

DIRECTS the SMOC Working Group to report to Council on its renewed direction, no later than the 2008 Council session.

APPROVED BY THE COUNCIL:

Rona Ambrose
Government of Canada

Stephen L. Johnson
Government of the United States of America

José Luis Luege Tamargo
Government of the United Mexican States