

In brief

North American Cooperation for the Sound Management of Chemicals

1 The Framework for North American Cooperation on Chemicals

The North American Agreement on Environmental Cooperation

The *North American Agreement on Environmental Cooperation* (NAAEC) is the overarching framework for environmental cooperation between the governments of Canada, the United Mexican States, and the United States of America. The NAAEC resulted in the creation of the *North American Commission for Environmental Cooperation*. The Commission is made up of 1) the Council, composed of cabinet-level or equivalent representatives, 2) the Joint Public Advisory Committee, the nongovernmental representatives advising the Council, and 3) a trinational Secretariat.

Council Resolution #95-05 for the Sound Management of Chemicals

Cooperation for the sound management of chemicals has been an important area of activity under the North American Agreement on Environmental Cooperation for over three years. The Council of the North American Commission for Environmental Cooperation approved *Council Resolution #95-05 for the Sound Management of Chemicals* on 13 October 1995, at its second regular meeting, held in Oaxaca, Mexico. The Resolution gives priority to the management and control of substances of mutual concern that are persistent and toxic, and allows for cooperation on a broader scale for the sound management of chemicals in the three countries.

The North American Working Group for the Sound Management of Chemicals

Council Resolution #95-05 created the *North American Working Group for the Sound Management of Chemicals* (SMOC Working Group) to work with the North American Commission for Environmental Cooperation to implement the decisions and commitments set out in the Resolution. The SMOC Working Group is composed of two senior officials selected by each Party whose duties pertain to the regulation and management of toxic substances. It reports to the Council and their designated Alternate Representatives. The SMOC Working Group has established Task Forces to develop and implement the regional action plans on persistent and toxic substances of mutual concern.

Canada, Mexico and the United States are actively involved in global processes for the sound management of chemicals. The three countries have developed a regional initiative on the sound management of chemicals and believe that this experience may provide a useful contribution to global processes, including the United Nations Environment Programme (UNEP) meetings to negotiate a global instrument on persistent organic pollutants.



The Commission for Environmental Cooperation (CEC) was established by Canada, Mexico and the United States in 1994 to address transboundary environmental concerns in North America. The CEC facilitates cooperation and public participation to foster conservation, protection and enhancement of the North American environment for the benefit of present and future generations, in the context of increasing economic, trade and social links between Canada, Mexico and the United States.

2 Implementing Global Initiatives in the North American Region

The SMOC Working Group interprets *Council Resolution #95-05* as a unique opportunity to implement global initiatives for the sound management of chemicals in the North American region.

The link to global initiatives is an important feature of *Council Resolution #95-05*. Annex 1 of the Resolution lists the persistent organic pollutants (POPs) identified in the *United Nations Environment Programme Governing Council Decision 18/32* of May 1995. The Resolution is also consistent with *chapter 19 of Agenda 21 (Summit of Rio, 1992)* and with the recommendations of the *Intergovernmental Forum on Chemical Safety* by allowing for other forms of cooperation for the sound management of chemicals, for instance, capacity building.

3 Significant Progress on POPs in North America

At its second regular meeting, held in Washington in January 1996, the SMOC Working Group decided that three of the 12 POPs on the UNEP list—*PCBs*, *DDT* and *chlordane*—would be the subject of *North American Regional Action Plans (NARAPs)*. By October 1997, the Council had approved North American Regional Action Plans for these three POPs and for a metal, mercury. All of the plans are currently being implemented. Of the nine remaining substances on the UNEP list, *hexachlorobenzene (HCB)*¹, *dioxins* and *furans* are currently under investigation as possible candidates for trilateral action; *aldrin*, *dieldrin*, *endrin*, *mirex* and *toxaphene* are no longer registered for use in North America; and it is anticipated that in the near future, *heptachlor* will no longer be registered or used in North America.

4 Objectives of the Current North American Regional Action Plans

Action on Persistent Organic Pollutants

The North American Regional Action Plan on PCBs

The main objectives of this plan are to: 1) work toward the virtual elimination of PCBs in the environment, which is interpreted as no measurable release to the environment, and the phase-out of uses for which release cannot be contained; and 2) 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.

The North American Regional Action Plan on DDT

DDT is currently permitted for limited governmental use in malaria control in Mexico. The DDT NARAP is building on Mexico's very successful malaria control program and, through an integrated pest-management approach, is bringing about reductions in the use of DDT. Important elements in this approach include: 1) elimination

of illegal uses of DDT; 2) gradual reduction of DDT use for malaria control with a target of 80% reduction in five years; 3) additional reductions based on cooperative action and experience; and 4) community involvement.

The North American Regional Action Plan on Chlordane

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

Chlordane currently sees limited use in the control of termites and is no longer manufactured in North America. The NARAP reflects an integrated pest management approach, including the management of existing stocks in North America and the phase-out of chlordane use in Mexico.

¹ Hexachlorobenzene is no longer registered as a pesticide in North America but is treated here as an industrial contaminant.

An Example of Action on Heavy Metals

The North American Regional Action Plan on Mercury

The objective of this action plan is to reduce sources of mercury generated by human activity. The longer-term goal of the plan is to reduce the presence of mercury in the environment to naturally-occurring background levels. Through a series of workshops, the countries are promoting capacity building, pollution prevention, and the development of a cooperative scientific agenda for the sound management of mercury.

Phase 1 of the NARAP also includes the expansion, to a North American scale, of some of the Canadian and US use and emission release reduction challenges contained in the *Great Lakes Binational Toxics Strategy*. Phase 2 of the NARAP, which is scheduled to be completed by June 1999, is to include additional specific actions and timetables.

5 How New Substances are Chosen for North American Cooperative Action

In October 1997, the Council approved a *Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative* (Substance Selection Process). The current Substance Selection Process is composed of three stages. The *Substance Selection Task Force* administers the process on behalf of the SMOC Working Group.

The **Nomination Stage** (Stage I) is triggered by a nomination dossier prepared by one or more of the Parties. The nomination dossiers are not official positions of either the North American Commission for Environmental Cooperation or the governments of Canada, Mexico or the United States. Rather they are background information gathered by one or more Parties to trigger the process for assessing a substance for regional action.

In May 1998, the countries forwarded nomination dossiers on hexachlorobenzene, lindane, dioxins/furans and lead to the SMOC Working Group.

The **Evaluation Stage** (Stage II) involves two parts. Part 1, the *Screening Evaluation*, essentially applies scientific criteria to determine if the substance is persistent, bioaccumulative, toxic and can travel long distances. Part 2, the *Mutual Concern Evaluation*, applies criteria to determine if the requisite mutual concern exists among the Parties to justify cooperative regional action to control and/or gather additional information on the substance.

The **Decision Stage** (Stage III) involves preparation of a draft decision document, that brings forward the analyses of Stages I and II and links them with the socio-economic and cost-benefit factors that need to be considered before the SMOC Working Group can make the recommendation to the Council, or their Alternate Representatives, to proceed with a North American Regional Action Plan or some other form of action to address the substance.

6 Active Involvement of the North American Public

The SMOC Working Group and its Task Forces have actively encouraged public participation in their work. Nongovernmental participants have brought important experience and support to the development of the North American Regional Action Plans and to the Substance Selection Process. They have participated at key points throughout the process, including commenting on draft plans at every stage.

The regular meetings of the SMOC Working Group are generally held over two days, with public participants being asked to attend the first day of the meeting. SMOC Working Group members brief all participants on the progress of their work and invite them to share their views on the meeting agenda and documents produced by the SMOC Working Group

and Task Forces. Official representatives of the SMOC Working Group meet on the second day to conduct their business, taking into account the views of the public.

Implementation Task Forces have recently been established to implement the North American Regional Action Plans. These Task Forces will continue to encourage public participation. In addition to six governmental representatives, three nongovernmental observers may be included on each of the Implementation Task Forces.

The Task Force established to administer the Substance Selection Process (Substance Selection Task Force) will also include three nongovernmental observers, from academia, industry and an environmental nongovernmental organization. The public will be encouraged to comment on:

- 1) the nomination dossiers after they have been referred to the Substance Selection Task Force,
- 2) the conclusions at the end of Stage II of the process, and
- 3) the draft decision document of Stage III at least 6 weeks prior to it being considered by the SMOC Working Group.

7 Information on the Sound Management of Chemicals Initiative

The following documents are available directly from the Secretariat of the North American Commission for Environmental Cooperation:

- *North American Agreement on Environmental Cooperation*
- *Council Resolution #95-05 for the Sound Management of Chemicals*
- approved North American Regional Action Plans
- current *Overview and Update* of the Sound Management of Chemicals initiative
- *Process for Identifying Candidate Substances for Regional Action under the Sound Management of Chemicals Initiative*

They can also be downloaded from the Commission's Internet homepage

<http://www.cec.org>

If you are interested in additional information...

on the Sound Management of Chemicals initiative or in

participating in the initiative,

please contact

Dr. Andrew Hamilton

(Tel.: 514-350-4300, Fax : 514-350-4314,

E-mail: dcantim@ccemtl.org).



COMMISSION FOR ENVIRONMENTAL COOPERATION
393, rue St-Jacques Ouest, bureau 200
Montréal (Québec) Canada H2Y 1N9
Tel: (514) 350-4300 • Fax: (514) 350-4314

<http://www.cec.org>

