



ADVICE TO COUNCIL NO: 08-03

Re: Proposed Operational Plan for the Commission for Environmental Cooperation (CEC) of North America for 2009

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

IN ACCORDANCE with Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC) which states that JPAC "may provide advice to Council on any matter within the scope of this agreement [...] and on the implementation and further elaboration of this agreement, and may perform such other functions as the Council may direct";

HAVING received the proposed CEC Operational Plan for 2009, and discussed the first draft with the Secretariat staff in a private session held on 30 September 2008, in Montreal, Canada;

HAVING received the second and third drafts of the proposed CEC Operational Plan for 2009, the third draft of which is currently posted on the CEC website for a 45-day JPAC-led public consultation period;

SUBMITS the following observations and comments for Council's consideration:

Impact of CEC Projects

JPAC urges the CEC to provide a clear indication of the impact of work done in past, focusing upon how 'on-the-ground' progress has been made in the relevant field, environmental issue, etc. JPAC is of the view that it is very important that the CEC communicate not only how the projects met their stated objectives, but also that the projects have resulted in actual change on the ground, in some fashion. JPAC notes, for example, that analysis could be done for **project 8: Trade and Enforcement of Environmental Laws** and **project 18: Strengthening Wildlife Enforcement** to determine their impacts, for example, through analyses aimed at answering the following questions:

- Has the training in Hazardous Waste Importation resulted in a decrease in waste imports?
- Has the Judicial Training resulted in improved and informed decision-making by the judicial system in Mexico?
- Has the training of Wildlife Enforcement Officers resulted in increased protection of wildlife?

- Has there been a decrease in the importation of Ozone-Depleting Substances and wildlife materials?

JPAC suggests that one of the ways to demonstrate this impact would be through maintaining contact, formally or informally, with local project partners. In this way, examples of actual impact could be discovered and shared. For example:

- Engaging with scientists and others who use the North American Environmental Atlas and highlighting the work that is being done utilizing CEC-generated tools, is a wonderful way to highlight the work of CEC.

JPAC feels that the public would benefit from greater understanding of how projects build upon one another, year-by-year, in terms of outcomes.

Environmental Information

JPAC is very supportive of the mapping project under Environmental Information, and suggests that the Secretariat expand its partnerships to include other organizations involved in mapping. This area would seem to be a natural fit for partnerships with indigenous organizations, which often rely heavily on mapping to engage in the protection of their territories.

Under Reporting CEC Results and Performance, 2005–2010, JPAC fully supports the Secretariat's intent to review and measure the performance of CEC projects in meeting the specific goals and objectives of the 2005–2010 Strategic Plan.

Article 13 Report

JPAC would like to suggest that the Secretariat develop an Article 13 report looking at life-cycle analyses of impacts of transportation, including land-, water- and air-based transportation of goods and people, in a North American context. In particular, focusing upon the ecosystemic, environmental, social and economic impacts and benefits from a carbon perspective would be very important analyses upon which to build cooperative efforts.

Environment Trade and Sustainability

Regarding the Trade, Environment and Sustainability work program, JPAC recommends that the CEC take the opportunity to revisit assumptions about the most effective mechanism to evaluate the trade/environment nexus. JPAC is of the view that the excellent academic analysis that has been conducted to-date can be built upon by shifting from a forensic analysis of the environmental impacts on trade, to an approach that is forward-looking—trying to analyze issues that are pressing or upcoming. For example, this work program could focus on assessing the environmental impacts of trade in the context of predicted climate change, looking at industry efforts to maintain

competitiveness in this context. Also, analysis of the environmental impacts of trade in energy in North America is an area that JPAC feels would be productive.

JPAC is also of the view that greater attention should be paid to understanding not only the environmental impacts of trade, but also the impacts of environmental changes on trade. Given the impacts of climate change, for example, the impacts on trade of a changing environment are critical to understand and cooperatively manage.

While JPAC supports analysis in projects related to conservation, in particular regarding the identification of ecosystem-based values, JPAC wishes to urge caution regarding the element of the Biodiversity and Trade work plan related to harnessing market forces to achieve water protection and conservation. JPAC is of the view that due to the non-substitutability of water, focus should be put on how to achieve cooperation regarding water conservation and ecosystem protection among the Parties, rather than assessing market participation in this matter. Analysis should be undertaken regarding cooperative water management approaches and the enforcement of domestic responsibilities of each of the Parties. JPAC is pleased to inform Council that its first meeting of 2009 will be focused upon cooperative watershed management.

JPAC feels that the CEC should pursue the proposed initiative looking at the use of brick kilns. This is a critical issue that has grave human health and environmental implications, and affects some of the poorest people. JPAC is strongly of the view that this issue requires immediate attention and can benefit from Secretariat analysis.

JPAC also strongly supports the Green Building project and feels that it should be a priority for the CEC. We would like to express concern regarding the elimination of support for the Advisory Committee as well as the lack of activities beyond 2009. JPAC recommends reinstatement of Advisory Committee support, given their very important role in understanding, for example, the definition and measurement of Green Building indicators.

Pollutants and Health

JPAC expresses concern about the shift away from the 'NARAP' approach to addressing chemicals in North America, to a risk management approach. While we understand that the CEC has adopted the Strategic Approach to International Chemical Management (SAICM), we believe some of the most noteworthy and innovative work the CEC has done has been through its focus on the elimination and reduction of chemicals in North America through NARAPs. We feel strongly that this approach should be maintained, and should be reflected in the work program of the SMOC, in addition to the risk management focus currently adopted. Further, within the environmental management and assessment (EM&A) activities currently outlined in the work program, JPAC recommends that much greater attention be paid to identifying and articulating the link between these EM&A activities and domestic governmental decision-making.

JPAC supports the proposed forum aimed at information exchange to support and improve air quality public policy.

Communications

Communications are a key component in ensuring the visibility of the CEC and its cooperative work program. JPAC strongly supports the communication actions outlined in the 2009 Operational Plan, aimed at raising awareness and reaching out to specialized audiences with project-related information. JPAC is of the view that CEC work products and results should be more broadly disseminated, and JPAC will consider how it may, through its networks, play a role in achieving this. We are pleased to hear that work is currently underway to improve the CEC website.

Finally, JPAC wishes to participate more fully in the implementation of the Operational Plan, where relevant and helpful. To that end, we are willing to review the Plan in greater detail to determine areas, projects, initiatives where we may be able to contribute more fully or actively support, should the Council so wish. Further, JPAC is willing and interested in participating more fully in the consultative mechanisms planned in various initiatives under the work program (for example, the PRTR Consultative group, SMOC, etc.) and would like to work cooperatively and engage more fully and regularly with those groups.

**Approved by the JPAC members
3 December 2008**