



CEC
CCA
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Access to Environmental Justice and the SEM process



Submissions on Enforcement Matters Process

- A submission is a written document filed by the public with the Secretariat asserting that a Party is failing to effectively enforce its environmental law
- Originally established in 1994 under the NAFTA regime
- SEM Process continues under USMCA/CUSMA Chapter 24

Submission on Enforcement Matters Process



**A SUBMISSION
IS FILED**



The Secretariat may determine that the submission needs to be revised to go forward. The submitter would have 60 days to make changes and submit a revised version.

**SECRETARIAT REVIEWS
SUBMISSION & ISSUES
DETERMINATION**

 30 DAYS MAXIMUM



**SECRETARIAT MAY
RECOMMEND A
FACTUAL RECORD**

 60 DAYS MAXIMUM



**GOVERNMENT
RESPONDS**

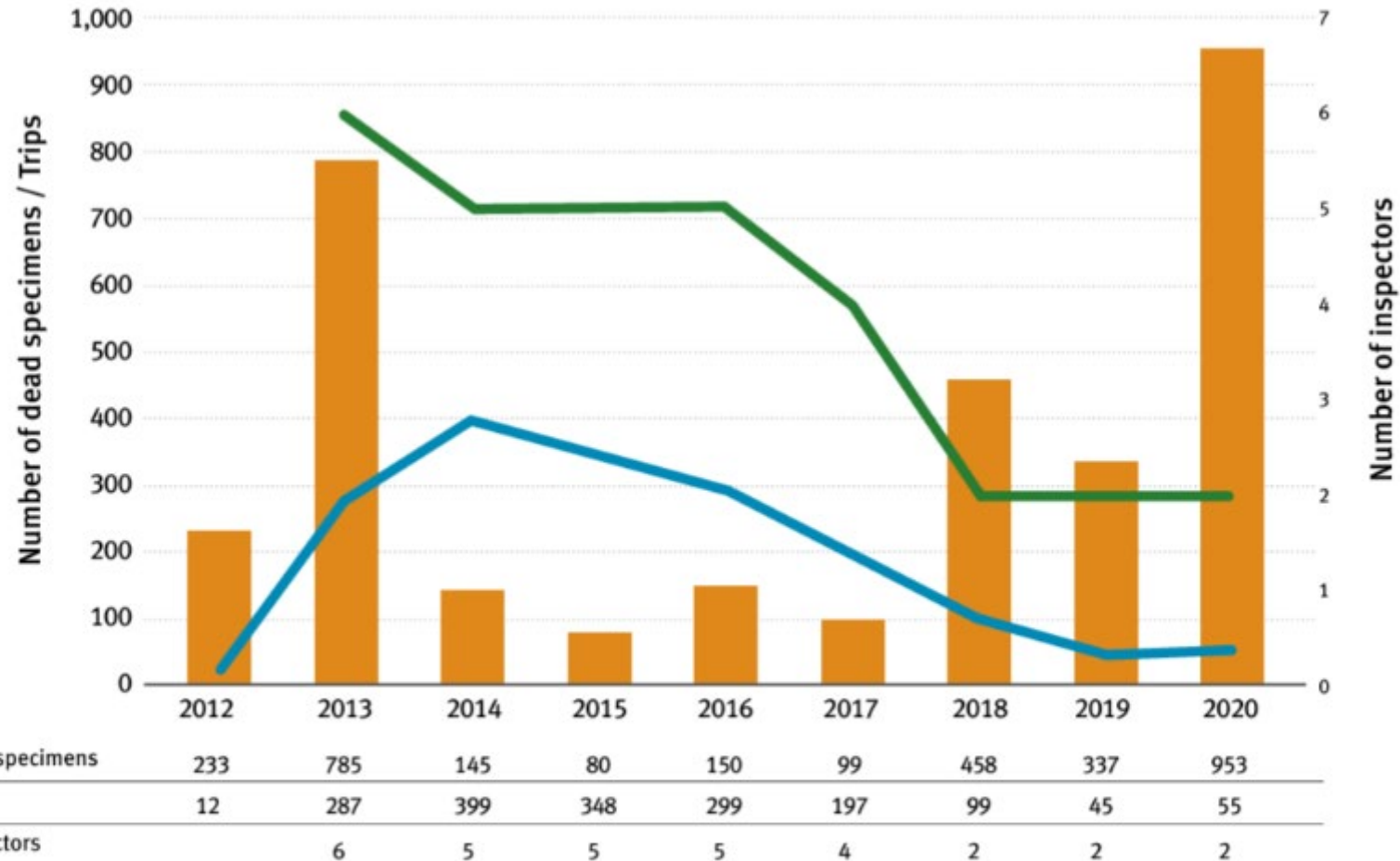
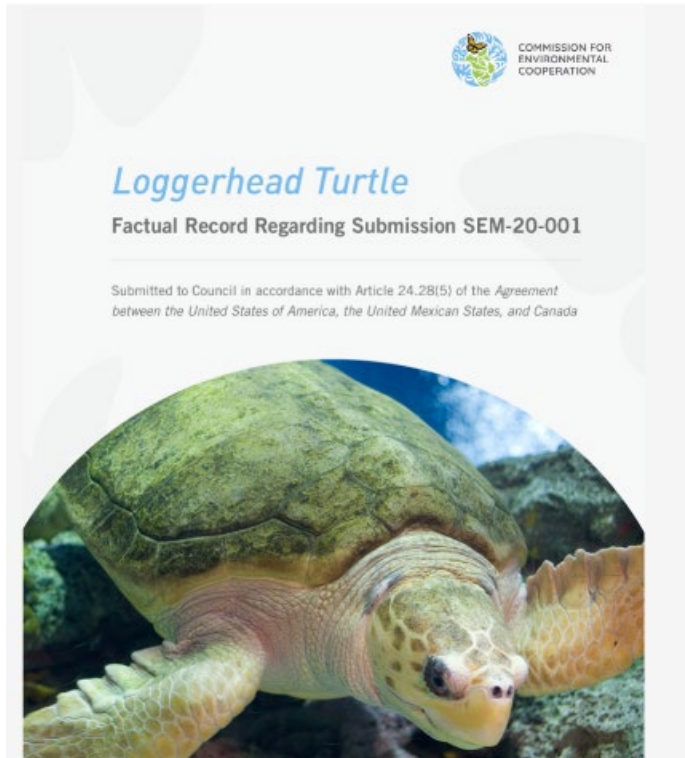
 60 DAYS MAXIMUM

If the issues in the submission are part of an ongoing proceeding, the submission process may end here.



• Loggerhead Turtle

Figure 16. *C. caretta* strandings; trips and number of Profepa-BCS inspectors on Gulf of Ulloa (2012–2020)



Source: Produced by the Secretariat from data contained in Profepa reports:

- Number of dead specimens, Profepa, file no. PFPA/1.7/12C.6/2508/2023 (11 September 2023), *op. cit.*, online at <<http://cec.org/files/sem/20231123/aaj005.pdf>>.
- Number of trips, Profepa, file no. PFPA/1.7/12C.6/2476/2023 (5 September 2023), *op. cit.*, online at <<http://cec.org/files/sem/20231103/aad001.pdf>>.

North Atlantic right whale

- Filed by Oceana, an organization based in the US
- Asserts US is failing to effectively enforce several US laws and regulations related to vessel speed limits and commercial fishing to protect the NARW from vessel strikes and entanglement in fishing gear.
- One of the world's most endangered large whale species
- Fishing gear entanglement and vessel strikes are the principal human-caused sources of NARW mortality and serious injury.
- The latest estimate suggests there are fewer than 350 of these right whales left, with fewer than 70 breeding females.



Vaquita Porpoise

- Filed by four environmental advocacy groups based in the US
- Assert MX is failing to effectively enforce several environmental laws to protect the vaquita porpoise from decline caused by its bycatch in gillnets and illegal fishing of totoaba
- The world's smallest cetacean and the most endangered marine mammal. The vaquita has the smallest range of any whale, dolphin, or porpoise, living only in a 1,500 square-mile area in Mexico's Upper Gulf of California.
- The totoaba (*Totoaba macdonaldi*) is a large, endangered fish whose habitat partially overlaps with the vaquita.
- In April 2022, the Secretariat recommended preparation of a Factual Record



Avocado Production in Michoacán

- Filed by an individual in MX
- Asserts that Mexico is failing effectively enforce environmental laws to protect forests and water resources in Michoacán from deforestation caused by continued expansion of avocado plantations
- About 90,000 ha in Michoacán were deforested between 2001-2017. This has increased to reach an estimated annual rate of 30,000 hectares or more in 2022
- Avocado production is estimated to drive 30-40% of deforestation in the state
- In September 2023, the Secretariat recommended preparation of a Factual Record



Active Submissions & Factual Records

NAAEC

1. Hydraulic Fracturing

Preparing Factual Record (DFR by June 2024)

USMCA/CUSMA

2. Vaquita Porpoise

Council members' instruction pending (April 2022)

3. N. Atlantic right whale

Council members' instruction pending (June 2022)

4. Tren Maya

Council members' instruction pending (April 2023)

5. Avocado Production

Council members' instruction pending (September 2023)

6. Agave Production

Council members' instruction pending (November 2023)

7. Valle de Bravo Sub-Basin

Council members' instruction pending (October 2023)

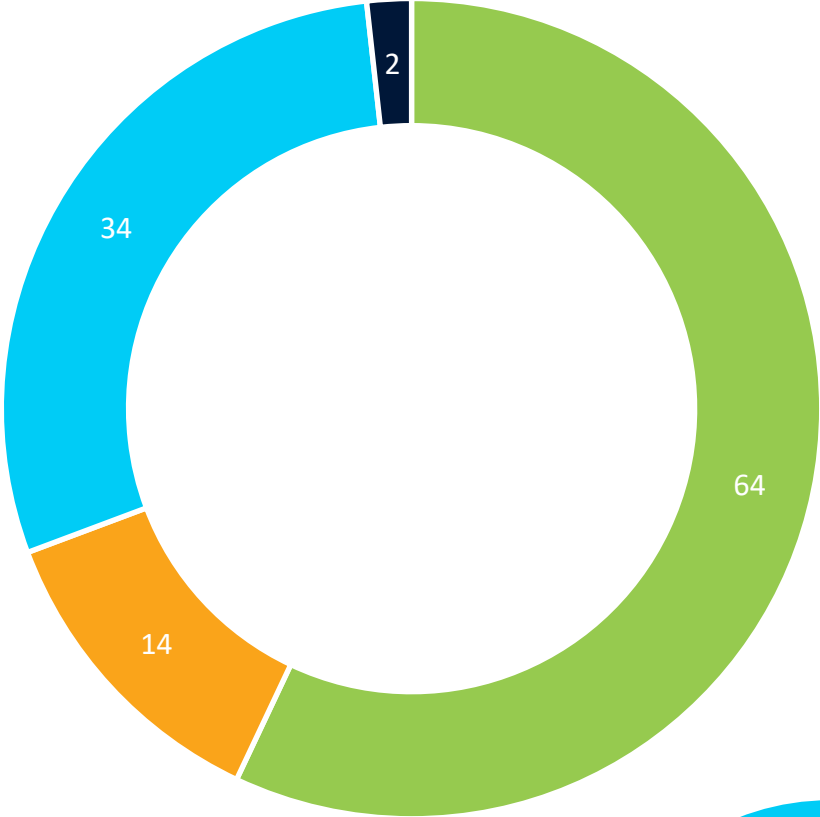
8. Illegal Logging in Jalisco

Council members' instruction pending (October 2023)

9. Vessel Pollution in P. Canada

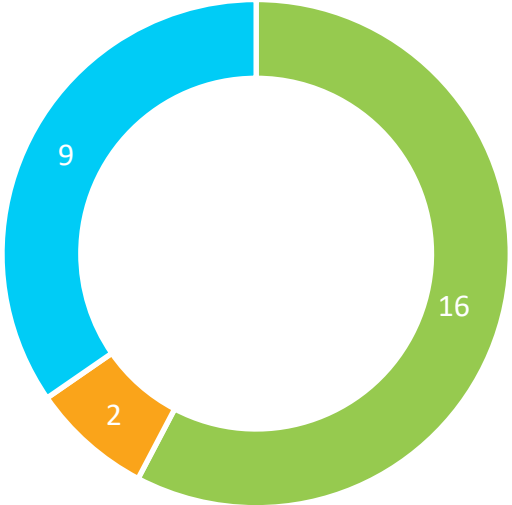
Council members' instruction pending (June 2024)

Submissions & Factual Records



- Mexico
- United States
- Canada
- US/Canada

Total: 114



- Mexico
- United States
- Canada

Total: 27

Three countries. One environment.
Tres países. Un medio ambiente.
Trois pays. Un environnement.



COMMISSION FOR
ENVIRONMENTAL
COOPERATION

COMISIÓN PARA
LA COOPERACIÓN
AMBIENTAL

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ENVIRONNEMENTALE

