

Secretariat of the Commission for Environmental Cooperation

REQUEST FOR INFORMATION for preparation of a factual record concerning submission SEM-16-001 (*Agricultural Burning in Sonora*)

I. The factual record process

The Commission for Environmental Cooperation of North America (CEC) is an international organization created under the North American Agreement on Environmental Cooperation (NAAEC), signed by Canada, Mexico and the United States in 1994. The CEC operates through three organs: a Council, made up of the highest-level environmental official in each member country; a Joint Public Advisory Committee (JPAC), composed of five citizens from each country, and a Secretariat located in Montreal, Canada.¹

Articles 14 and 15 of the North American Agreement on Environmental Cooperation (the “NAAEC” or the “Agreement”) provide for a process allowing any person or nongovernmental organization to file a submission asserting that a Party to the NAAEC is failing to effectively enforce its environmental law. The Secretariat of the CEC (the “Secretariat”) initially considers submissions to determine whether they meet the criteria contained in NAAEC Article 14(1). When the Secretariat finds that a submission meets these criteria, it then determines, pursuant to the provisions of NAAEC Article 14(2), whether the submission merits a response from the concerned Party. In light of any response from the concerned Party, and in accordance with the NAAEC, the Secretariat may notify the Council of the CEC (the “Council”) that the matter warrants the development of a factual record, providing its reasons for such recommendation in accordance with NAAEC Article 15(1). Where the Secretariat decides to the contrary, or where certain circumstances obtain, it then proceeds no further with the submission.

The introduction to the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation* (the “Guidelines”) gives guidance as to the contents of a factual record:

The purpose of a factual record is to provide an objective presentation of the facts relevant to the assertion set forth in a submission and to allow the readers to draw their own conclusions regarding a Party’s environmental law enforcement. Although a factual record is not to contain conclusions or recommendations, it is expected to generally outline the history of the environmental enforcement issue raised in the submission, the relevant legal obligations of the Party, and the actions of the Party in fulfilling those obligations; as such, it is another valuable outcome of this information sharing-process...²

¹ For detailed information on the various stages of the submission process, as well as on the Secretariat’s determinations and factual records, visit the submissions on enforcement matters page of the CEC website at <www.cec.org/submissions>.

² *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation*, p. 1.

Pursuant to NAAEC Article 15(4) and section 11.1 of the Guidelines, in preparing factual records, the Secretariat will consider any relevant technical, scientific or other information that is publicly available; submitted by the Joint Public Advisory Committee (JPAC) or by interested non-governmental organizations or persons, or developed by the Secretariat or independent experts.³

On 9 June 2017, in Council Resolution 17-03, the CEC Council instructed the Secretariat to prepare a factual record for submission SEM-16-001 (*Agricultural Waste Burning in Sonora*) as per the Secretariat's recommendation in its notification of 27 February 2017. The Secretariat is therefore requesting relevant information relating to the matters to be addressed in the factual record.

II. Examples of relevant factual information

Examples of information of a technical, scientific or other nature that are necessary for the preparation of the factual record are given below. You are kindly requested to send this information in electronic format to facilitate its management and integration. Information sent to the CEC Secretariat is understood to be subject to no limitations as regards confidentiality.

1. Regional maps showing the location of agricultural operations in the region.
2. Conditions under which asparagus or other crop residue burning takes place, such as:
 - a. season when burning takes place;
 - b. total area subject to burning;
 - c. estimated volume of crop residues burned.
3. Information on air quality of the region in question, including air quality measurement and/or monitoring activities.
4. Information on practices to carry out controlled burning of crop residues and measures taken to counteract public health effects, including measures to prevent and control air pollution-related contingencies.
5. Cases of enforcement measures taken in cases of illegal agricultural burning.
6. Any other technical, scientific, or other information that may be considered relevant for inclusion in the factual record.

III. Additional background information

The submission, Mexico's response, the Secretariat's determinations, Council Resolution 17-03, and other information corresponding to submission SEM-16-001 (*Agricultural Waste Burning in Sonora*) is available in the Registry of Submissions on the CEC website at <<http://www.cec.org/SEMregistry>>. These documents may also be requested from the Secretariat at <sem@cec.org>.

³ Guideline 11.1.

IV. Where to send the information

Relevant information for the preparation of the factual record should preferably be sent by e-mail to <sem@cec.org>. It may also be sent via cloud storage platforms such as SkyDrive, Google Drive, or Dropbox.

Where the information is not available in electronic format, please send it to either of the following addresses:

CEC Secretariat
SEM Unit
393, rue Saint-Jacques ouest, bureau
200
Montreal QC H2Y 1N9
Canada
Tel.: (514) 350-4300

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