

Dear Secretariat of the
Commission for
Environmental Cooperation,

December 28, 2017

I am writing you from a small village on the Tohono O'odham Nation in regards to an ongoing issue that has been reoccurring for the past few decades. My village is located on the southwest corner of Arizona in the U.S.A and is along the United States and Mexico border. The coordinates are latitude- 31°48'41.87"N \$ longitude 112°33'29.63"W.

Every few months we have unannounced episodes of smoke drift from Mexico (agricultural burns) that causes community members to have itchy throats, headaches, nausea, irritated eyes, itchy skin, etc.. We know that symptoms such as these are a result of pesticides and or unknown agrichemicals that are being over used in the production of these crops that are being burned. These symptoms continue for days after these episodes. It is a human violation not to inform the surrounding communities that such burns will take place, as well as to what chemicals are being used by these farmers in the production of their crops.

We've addressed this issue with several agencies including the US EPA and have yet to come to any resolution in resolving this ongoing issue. We have not filed for any legal recourse in Mexico because we lack the resouces. Thus we are reaching out to you in hopes that we can find some resolve and an end to these unfit practices.

The legal provisions that we consider to be the subject of ongoing violations are We've addressed this issue with several agencies including the US EPA and have yet to come to any resolution in resolving this ongoing issue. Thus we are reaching out to you under article 14 of the North American Agreement on Environmental Cooperation.

The legal provisions that we consider to be the subject of ongoing violations are:

The General Law of Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecologico yla Proteccional ambient article 5 paragraph IV

ARTICLE 5.- The powers of the Federation are:

IV.- The attention of the matters that originated in the national territory or the areas subject to the sovereignty or jurisdiction of the nation affect the ecological balance of the territory or areas subject to the sovereignty or jurisdiction of other States (in this case, pollution originated in Mexico and causing an impact in the US);

AND

The Law of Ecological Equilibrium and Environmental Protection of the State of Sonora (Ley del Equilibrio Ecológico y Protección al Ambiente del Estado de Sonora) establishes the following prohibition:

Article 126 bis. It is strictly prohibited the burning of plant material and growth in agricultural land, unless the permit for controlled burning issued by the corresponding municipality has been obtained.

Articles 144, 146, 150, 151, 167, 168, 169, 170, 172 of the Environmental Protection Bylaw of the municipality of Caborca, Sonora.

We make this assertion because it is an obligation of the municipality and the growers to measure air quality yet they are failing to do so (Arts. 144, 146, and 172). It is therefore impossible to ascertain the degree to which the maximum permissible limits for air quality established by the applicable laws are being exceeded (Art. 150). The remaining articles mentioned above apply to this matter as follows:

- Open-air burning: Art. 151 establishes a prohibition on open-air burning, which may cause environmental instability or have an impact on air quality.
- The measures necessary to prevent and control air pollution are lacking (Art. 167). As this article provides, the Branch (referring to the Urban Development and Environment Branch), in coordination with Civil Protection, must take the measures necessary to prevent and control environmental contingencies affecting the population where the air quality parameters set out in the applicable standards are exceeded.
- Unauthorized open-air combustion (Arts. 168–169). Burning permits are only to be issued when applied for at least 15 days before burning commences, and only when the burning in question meets the applicable environmental standards. It is for this reason that I ask you to make the same request in regard to these requirements.
- This burning should be prohibited (Art. 170) for the reasons we have stated, in support please find attached photos of these events. Again it is important to mention that many community members complain of burning eyes and throat, headaches, and so forth, lasting for many days even after these burning episodes. Since information about the product or products applied has never been forthcoming the ongoing danger of agrichemicals used on these crops remain. Lastly, the effects of these burnings on my community has been the result of careless practices, not the regulations in force.

